


**SEPTEMBER 9, 2015 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated September 9, 2015. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

8.28.15
Date



Jeanne Chipperfield
Chief Financial Officer

8/28/2015
Date

RECEIVED

2015 AUG 28 PM 4: 27

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

September 9, 2015

Date

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

General Information

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

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

The Council agenda is available in alternative formats upon request.

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

Rules of Courtesy

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

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

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

Información General

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

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

Reglas de Cortesía

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

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

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

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 9, 2015
ORDER OF BUSINESS**

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

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 22

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 23 - 29

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 30 - 46

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

AGENDA
CITY COUNCIL MEETING
SEPTEMBER 9, 2015
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the August 26, 2015 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a three-year service contract for ambulance power stretchers service and repair - San Antonio Equipment Repair, Inc. dba EMSAR of Texas, only bidder - Not to exceed \$182,850 - Financing: Current Funds (subject to annual appropriations)
3. Authorize a three-year service contract for chemical root control - Municipal Sales, Inc., lowest responsible bidder of two - Not to exceed \$900,500 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)
4. Authorize a five-year service contract for pest control services at City facilities - Shamrock Pest Control, Inc. in the amount of \$734,924 and Pest Management of Texas, Inc. in the amount of \$75,000, lowest responsible bidders of six - Total not to exceed \$809,924 - Financing: Current Funds (\$704,810), Department of State Health Services Grant Funds (\$31,260), Aviation Current Funds (\$27,010), Water Utilities Current Funds (\$18,418), Sanitation Current Funds (\$14,440), Convention and Event Services Current Funds (\$9,620) and Stormwater Drainage Management Current Funds (\$4,366) (subject to annual appropriations)

CONSENT AGENDA (Continued)**Business Development & Procurement Services (Continued)**

5. Authorize **(1)** a three-year software subscription agreement, with two one-year renewal options, for a specialized electronic patient care reporting and data collection system, to include software service, maintenance and on-site support for Fire-Rescue, in the amount of \$1,279,036 - ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc.; and **(2)** a three-year master agreement, with two one-year renewal options, for hardware and accessories for an electronic patient care reporting data system for Fire-Rescue in the amount of \$1,499,959 - VetSource Mobility, LLC, most advantageous proposers of nine - Total not to exceed \$2,778,995 - Financing: Current Funds (\$1,984,580) (subject to annual appropriations) and Municipal Lease Agreement Funds (\$794,415)
6. Authorize a five-year acquisition contract for the purchase of software, maintenance and support services for a report distribution and repository application - SHI Government Solutions, Inc. through the Buyboard, Texas Purchasing Cooperative - Not to exceed \$336,856 - Financing: Current Funds (subject to annual appropriations)
7. Authorize the purchase of a bio-solids distribution vehicle - Texarkana Tractor Company dba Nor-Tex Tractor, lowest responsible bidder of two - Not to exceed \$474,954 - Financing: Water Utilities Current Funds
8. Authorize **(1)** a fifteen-year contract with conditional extension options from one to ten years, not to exceed ten years, with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. ("Contractor" and "Tenant") for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at McCommas Bluff Landfill; and **(2)** a concurrent ground lease agreement for a fifteen year lease term with conditional extension options of from one to ten years with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for approximately 15 acres of land located at 5100 Youngblood Road within the McCommas Bluff Municipal Solid Waste Landfill (estimated term period January 1, 2017 - December 31, 2031) - Estimated Revenue: \$22,793,487 (over the fifteen year lease term)
9. Authorize a three-year master agreement for the purchase of veterinary drugs and supplies - Butler Animal Health Holding Company, LLC in the amount of \$2,101,318 and A-S Medication Solutions, LLC in the amount of \$295,200, lowest responsible bidders of three - Total not to exceed \$2,396,518 - Financing: Current Funds
10. Authorize supplemental agreement no. 1 to decrease the contract with DQS, Inc. (previously referred to as UL DQS, Inc.) for accredited registrar services for the International Organization for Standardization 9001:2008, International Organization for Standardization 14001:2004 and the Occupational Health and Safety Assessment Series 18001:2007 - Not to exceed (\$241,466), from \$1,202,364 to \$960,898 - Financing: Current Funds

CONSENT AGENDA (Continued)

City Attorney's Office

11. Authorize settlement of the lawsuit styled Joy Wallace v. City of Dallas, Cause No. DC-14-05603-D - Not to exceed \$35,000 - Financing: Current Funds

Economic Development

12. Authorize an amendment of the loan agreement with Bruton Apartments, Ltd. for the construction of residential/retail/commercial space at 9514 Bruton Road, Dallas, Texas 75217 to extend the completion date from January 31, 2016 to September 30, 2016 - Financing: No cost consideration to the City

Park & Recreation

13. Authorize a contract for Elmwood Parkway trail improvements located along Rugged Drive - RoeschCo Construction, Inc., lowest responsible bidder of six - Not to exceed \$619,781 - Financing: General Obligation Commercial Paper Funds
14. Authorize a thirty-six-month Interlocal Agreement with Dallas County Schools to transport participants to various programs and activities for the period October 1, 2015 through September 30, 2018 - Not to exceed \$875,000 - Financing: Current Funds (subject to annual appropriations)

Planning and Neighborhood Vitality

15. A resolution to endorse the B4 Jackson alternative in concept as the locally preferred alternative for the Dallas Area Rapid Transit (DART) second light rail alignment in Downtown Dallas (D2), and to articulate certain City priorities to be addressed during subsequent planning of this project - Financing: No cost consideration to the City

Public Works Department

16. Authorize Supplemental Agreement No. 2 to the professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for landscaping and site drainage improvements at the Dallas Animal Shelter, located at 1818 North Westmoreland Road - Not to exceed \$51,000, from \$82,008 to \$133,008 - Financing: Current Funds (subject to appropriations)

Sanitation Services

17. Authorize a professional services contract with Burns & McDonnell Engineering Company, Inc. for construction and technical consulting related services pertaining to the construction of a Materials Recovery Facility (MRF) at the McCommas Bluff landfill, including preconstruction plan review, design consultation, key construction component oversight of equipment installation and initial operation and testing of the equipment for the City of Dallas' Single Stream Recycling Materials Facility - Not to exceed \$180,000 - Financing: Current Funds (\$11,250) and Sanitation Current Funds (\$168,750) (subject to appropriations)

CONSENT AGENDA (Continued)

Sustainable Development and Construction

18. An ordinance abandoning a portion of a utility easement to Intercity Investments, Inc., the abutting owner, containing approximately 13,467 square feet of land, located near the intersection of Edgemere Road and Bandera Avenue - Revenue: \$5,400, plus the \$20 ordinance publication fee

Trinity Watershed Management

19. Authorize settlement in lieu of proceeding further with condemnation of a subsurface easement under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, located on Ross Avenue at its intersection with Hall Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$6,118 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds
20. Authorize an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and to authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M.I. Gaston Partners, Ltd. and MSC-I, Ltd., of a subsurface easement located under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: This action has no cost consideration to the City

Water Utilities

21. Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Core Adventures Sports, for stand up paddleboard lessons, retail and rental services within the take line area at The Harbor of Rockwall, Texas, on Lake Ray Hubbard - Estimated Annual Revenue: \$1,500
22. Authorize Interlocal Agreements with the City of Duncanville and the City of Hutchins to allow the City of Dallas to construct, own, and operate a 96-inch and 120-inch water transmission main within the corporate limits of Duncanville and Hutchins - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

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

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)**Convention and Event Services**

24. Authorize **(1)** a contract with the Dallas Convention & Visitors Bureau (DCVB) for convention facility promotion, advertising and tourism development for the period October 1, 2015 through September 30, 2020, with one five-year renewal option and one three-year renewal option, for an amount not to exceed 30% of the City's Hotel Occupancy Tax Receipts received annually; **(2)** the receipt and deposit of funds from the DCVB in the amount of \$500,000 annually in the Convention & Event Services Capital Construction Fund; **(3)** the receipt and deposit of funds from the DCVB in the amount of \$100,000 annually; and **(4)** an amendment to Resolution No. 09-2672, previously approved on October 28, 2009, to reflect transfers are to be made annually - Not to exceed 30% of the City's 7% Hotel Occupancy Tax Receipts - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

Trinity Watershed Management

25. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PATRONMARCHE, LLC, of a subsurface easement under approximately 519 square feet of land located on Flora Street near its intersection with Interstate Highway 345 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: General Obligation Commercial Paper Funds
26. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Post Apartment Homes, L.P., of a subsurface easement under approximately 3,811 square feet of land located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds
27. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from San Jacinto Urban Lofts, L.P., of three subsurface easements under a total of approximately 2,304 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000) - Financing: General Obligation Commercial Paper Funds
28. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from SHF I ICON, LLC, of a subsurface easement under approximately 62,688 square feet of land located on Hall Street at its intersection with Ross Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000) - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

29. Authorize **(1)** a housing development loan in an amount not to exceed \$900,000; and **(2)** a conditional grant agreement in an amount not to exceed \$405,040 for a mixed-income housing development project with East Dallas Community Organization, a certified Community Housing Development Organization, for the construction of eight single family homes located in the 2400 block of Hooper Street - Total not to exceed \$1,305,040 - Financing: 2012-13 HOME Investment Partnerships Program Grant Funds (\$506,002), 2013-14 HOME Investment Partnerships Program Grant Funds (\$393,998) and General Obligation Commercial Paper Funds (\$405,040)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

30. A public hearing to receive comments regarding an application for and an ordinance granting an expansion of and modifications to Historic Overlay 36, Adolphus Hotel, on property zoned Planned Development District No. 619 on the northwest corner of South Akard Street and Commerce Street
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z134-322(MD)
31. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1376 for a community service center on property zoned an MF-2 Multiple-Family Subdistrict and Planned Development Subdistrict No. 30, both within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/landscape plan and conditions
Z134-325(DL)
32. A public hearing to receive comments regarding an application for and an ordinance granting an Historic Overlay for the Allen Building on property zoned Planned Development District No. 619 on the southeast corner of South Ervay Street and Commerce Street
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z134-348(MD)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

33. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District and an R-7.5(A) Single Family District on the northeast side of Old Gate Lane, northwest of Diceman Drive
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z145-219(AF)

34. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an IM Industrial Manufacturing District on the southwest side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z145-261(WE)

35. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619 on the north side of Main Street and the east side of Four Way Place
Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions
Z145-276(CG)

36. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the northeast corner of Commerce Street and South Field Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions
Z145-277(CG)

37. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the south side of Elm Street and the east side of North Akard Street
Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions
Z145-278(CG)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - INDIVIDUAL

38. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to portions of Subareas 10, 11, 12, and 12A of Planned Development District No. 298, the Bryan Area Special Purpose District, various parcels generally bounded by Live Oak Street, Gordon Street, Gaston Avenue, and Skiles Street
Recommendation of Staff and CPC: Approval, subject to revised conditions
Z145-123(RB)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

39. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 810 for a Private Utility Service Center and Microwave Tower on property zoned an A(A) Agricultural District on the north line of Frankford Road, east of Meandering Way
Recommendation of Staff and CPC: Approval for a permanent period, subject to a revised site plan and revised conditions
Z145-143(RB)
Note: This item was considered by the City Council at public hearings on August 12, 2015, and August 26, 2015, and was deferred until September 9, 2015
40. A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District, a resolution accepting deed restrictions volunteered by the applicant, and an ordinance granting a Specific Use Permit for a metal salvage facility on property zoned an IR Industrial Research District west of the terminus of Bekay Street, west of Plano Road
Recommendation of Staff and CPC: Approval of an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant; and approval of a Specific Use Permit for a metal salvage facility for a three-year period, subject to a site/landscape plan and conditions
Z145-232(DJ)
Note: This item was considered by the City Council at a public hearing on August 12, 2015, and was deferred until September 9, 2015

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (Continued)

41. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of South Walton Walker Boulevard and Duncanville Road
Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z145-256(CG)
Note: This item was considered by the City Council at public hearings on August 12, 2015, and August 26, 2015, and was deferred until September 9, 2015
42. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of West Ledbetter Drive and South Hampton Road
Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z145-257(CG)
Note: This item was considered by the City Council at public hearings on August 12, 2015, and August 26, 2015, and was deferred until September 9, 2015

DESIGNATED ZONING CASES - INDIVIDUAL

43. A public hearing to receive comments regarding an application for and an ordinance granting an amendment and an expansion of Specific Use Permit No. 1007 for a public school on property zoned a TH-3(A) Townhouse District on the north side of Wheatland Road and west of Clark Road
Recommendation of Staff and CPC: Approval for a permanent period, subject to a revised site plan, revised landscape plan, traffic management plan and conditions
Z145-234(AF)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

44. An ordinance granting a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions; and approval of the termination of deed restrictions
Z134-319(RB)
Note: This item was considered by City Council at a public hearing on June 10, 2015, and was denied without prejudice, with the public hearing closed. This item was reconsidered on June 17, 2015, to be heard on August 12, 2015, with the public hearing closed. This item was considered by the City Council on August 12, 2015, and was held under advisement until September 9, 2015, with the public hearing closed.

THOROUGHFARE PLAN AMENDMENTS

Planning and Neighborhood Vitality

45. A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four-lane undivided roadway (S-4-U) within 60-feet of right-of-way to a special three-lane undivided roadway (SPCL 3U) with bicycle facilities in 60-feet of right-of-way and 44-feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

Housing/Community Services

46. A public hearing to receive comments on the proposed sale of six unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** convey by Deed without Warranty six unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc. under the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: \$6,000

Tax Foreclosure and Seizure Property Resale
Agenda Item # 46

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Non-Tax Liens</u>	<u>Council District</u>
1.	1966 Nomas	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$9,380	\$1,000.00	V	\$1,933.03	6
2.	4010 Ivanhoe	Dallas Neighborhood Alliance for Habitat, Inc.	43H	\$7,360	\$1,000.00	V	\$2,445.10	6
3.	1716 Shaw	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$8,000	\$1,000.00	V	\$679.30	6
4.	3503 Navaro	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$7,730	\$1,000.00	V	\$512.37	6
5.	2043 Leath	Dallas Neighborhood Alliance for Habitat, Inc.	43H	\$10,730	\$1,000.00	V	\$2,010.75	6
6.	2323 Scotland	Dallas Neighborhood Alliance for Habitat, Inc.	65D	\$6,900	\$1,000.00	V	\$5,974.08	4

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

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

AGENDA DATE September 9, 2015

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			All	V	NA	NA	NA	NA	Approval of Minutes of the August 26, 2015 City Council Meeting
2			All	C	PBD, FIR	\$182,850.00	0.00%	0.00%	Authorize a three-year service contract for ambulance power stretchers service and repair - San Antonio Equipment Repair, Inc. dba EMSAR of Texas, only bidder - Not to exceed \$182,850 - Financing: Current Funds (subject to annual appropriations)
3			All	C	PBD, WTR	\$900,500.00	0.00%	0.00%	Authorize a three-year service contract for chemical root control - Municipal Sales, Inc., lowest responsible bidder of two - Not to exceed \$900,500 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)
4			All	C	PBD, AVI, CES, HOU, SAN, TWM, WTR	\$778,664.00	100.00%	0.00%	Authorize a five-year service contract for pest control services at City facilities - Shamrock Pest Control, Inc. in the amount of \$734,924 and Pest Management of Texas, Inc. in the amount of \$75,000, lowest responsible bidders of six - Total not to exceed \$809,924 - Financing: Current Funds (\$704,810), Department of State Health Services Grant Funds (\$31,260), Aviation Current Funds (\$27,010), Water Utilities Current Funds (\$18,418), Sanitation Current Funds (\$14,440), Convention and Event Services Current Funds (\$9,620) and Stormwater Drainage Management Current Funds (\$4,366) (subject to annual appropriations)
5			All	C	PBD, FIR	\$2,778,994.45	0.00%	0.00%	Authorize (1) a three-year software subscription agreement, with two one-year renewal options, for a specialized electronic patient care reporting and data collection system, to include software service, maintenance and on-site support for Fire-Rescue, in the amount of \$1,279,036 - ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc.; and (2) a three-year master agreement, with two one-year renewal options, for hardware and accessories for an electronic patient care reporting data system for Fire-Rescue in the amount of \$1,499,959 - VetSource Mobility, LLC, most advantageous proposers of nine - Total not to exceed \$2,778,995 - Financing: Current Funds (\$1,984,580) (subject to annual appropriations) and Municipal Lease Agreement Funds (\$794,415)
6			All	C	PBD, CIS	\$336,856.00	NA	NA	Authorize a five-year acquisition contract for the purchase of software, maintenance and support services for a report distribution and repository application - SHI Government Solutions, Inc. through the Buyboard, Texas Purchasing Cooperative - Not to exceed \$336,856 - Financing: Current Funds (subject to annual appropriations)
7			8	C	PBD, WTR	\$474,953.58	0.00%	0.00%	Authorize the purchase of a bio-solids distribution vehicle - Texarkana Tractor Company dba Nor-Tex Tractor, lowest responsible bidder of two - Not to exceed \$474,954 - Financing: Water Utilities Current Funds
8			8	C	PBD, SAN	REV \$22,793,487	1.58%	44.56%	Authorize (1) a fifteen-year contract with conditional extension options from one to ten years, not to exceed ten years, with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. ("Contractor" and "Tenant") for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at McCommas Bluff Landfill; and (2) a concurrent ground lease agreement for a fifteen year lease term with conditional extension options of from one to ten years with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for approximately 15 acres of land located at 5100 Youngblood Road within the McCommas Bluff Municipal Solid Waste Landfill (estimated term period January 1, 2017 - December 31, 2031) - Estimated Revenue: \$22,793,487 (over the fifteen year lease term)
9			All	C	PBD, CCS	\$2,396,517.40	0.00%	0.00%	Authorize a three-year master agreement for the purchase of veterinary drugs and supplies - Butler Animal Health Holding Company, LLC in the amount of \$2,101,318 and A-S Medication Solutions, LLC in the amount of \$295,200, lowest responsible bidders of three - Total not to exceed \$2,396,518 - Financing: Current Funds
10			All	C	PBD, MGT	(\$241,466.00)	0.00%	0.00%	Authorize supplemental agreement no. 1 to decrease the contract with DQS, Inc. (previously referred to as UL DQS, Inc.) for accredited registrar services for the International Organization for Standardization 9001:2008, International Organization for Standardization 14001:2004 and the Occupational Health and Safety Assessment Series 18001:2007 - Not to exceed (\$241,466), from \$1,202,364 to \$960,898 - Financing: Current Funds
11			N/A	C	ATT	\$35,000.00	NA	NA	Authorize settlement of the lawsuit styled Joy Wallace v. City of Dallas, Cause No. DC-14-05603-D - Not to exceed \$35,000 - Financing: Current Funds
12			7	C	ECO	NC	NA	NA	Authorize an amendment of the loan agreement with Bruton Apartments, Ltd. for the construction of residential/retail/commercial space at 9514 Bruton Road, Dallas, Texas 75217 to extend the completion date from January 31, 2016 to September 30, 2016 - Financing: No cost consideration to the City
13			1, 4	C	PKR, PBW	\$619,781.00	34.69%	79.83%	Authorize a contract for Elmwood Parkway trail improvements located along Rugged Drive - RoeschCo Construction, Inc., lowest responsible bidder of six - Not to exceed \$619,781 - Financing: General Obligation Commercial Paper Funds

AGENDA DATE September 9, 2015

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
14			All	C	PKR	\$875,000.00	NA	NA	Authorize a thirty-six-month Interlocal Agreement with Dallas County Schools to transport participants to various programs and activities for the period October 1, 2015 through September 30, 2018 - Not to exceed \$875,000 - Financing: Current Funds (subject to annual appropriations)
15			All	C	PNV	NC	NA	NA	A resolution to endorse the B4 Jackson alternative in concept as the locally preferred alternative for the Dallas Area Rapid Transit (DART) second light rail alignment in Downtown Dallas (D2), and to articulate certain City priorities to be addressed during subsequent planning of this project - Financing: No cost consideration to the City
16			6	C	PBW, CCS	\$51,000.00	100.00%	75.26%	Authorize Supplemental Agreement No. 2 to the professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for landscaping and site drainage improvements at the Dallas Animal Shelter, located at 1818 North Westmoreland Road - Not to exceed \$51,000, from \$82,008 to \$133,008 - Financing: Current Funds (subject to appropriations)
17			8	C	SAN	\$180,000.00	100.00%	0.00%	Authorize a professional services contract with Burns & McDonnell Engineering Company, Inc. for construction and technical consulting related services pertaining to the construction of a Materials Recovery Facility (MRF) at the McCommas Bluff landfill, including preconstruction plan review, design consultation, key construction component oversight of equipment installation and initial operation and testing of the equipment for the City of Dallas' Single Stream Recycling Materials Facility - Not to exceed \$180,000 - Financing: Current Funds (\$11,250) and Sanitation Current Funds (\$168,750) (subject to appropriations)
18			13	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of a utility easement to Intercity Investments, Inc., the abutting owner, containing approximately 13,467 square feet of land, located near the intersection of Edgemere Road and Bandera Avenue - Revenue: \$5,400, plus the \$20 ordinance publication fee
19			14	C	TWM	\$30,500.00	NA	NA	Authorize settlement in lieu of proceeding further with condemnation of a subsurface easement under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, located on Ross Avenue at its intersection with Hall Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$6,118 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds
20			2	C	TWM	NC	NA	NA	Authorize an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and to authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M.I. Gaston Partners, Ltd. and MSC-I, Ltd., of a subsurface easement located under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: This action has no cost consideration to the City
21			All	C	WTR	REV \$1,500	NA	NA	Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Core Adventures Sports, for stand up paddleboard lessons, retail and rental services within the take line area at The Harbor of Rockwall, Texas, on Lake Ray Hubbard - Estimated Annual Revenue: \$1,500
22			3, 8	C	WTR	NC	NA	NA	Authorize Interlocal Agreements with the City of Duncanville and the City of Hutchins to allow the City of Dallas to construct, own, and operate a 96-inch and 120-inch water transmission main within the corporate limits of Duncanville and Hutchins - Financing: No cost consideration to the City
23			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
24			2	I	CES	\$91,421,477.00	NA	NA	Authorize (1) a contract with the Dallas Convention & Visitors Bureau (DCVB) for convention facility promotion, advertising and tourism development for the period October 1, 2015 through September 30, 2020, with one five-year renewal option and one three-year renewal option, for an amount not to exceed 30% of the City's Hotel Occupancy Tax Receipts received annually; (2) the receipt and deposit of funds from the DCVB in the amount of \$500,000 annually in the Convention & Event Services Capital Construction Fund; (3) the receipt and deposit of funds from the DCVB in the amount of \$100,000 annually; and (4) an amendment to Resolution No. 09-2672, previously approved on October 28, 2009, to reflect transfers are to be made annually - Not to exceed 30% of the City's 7% Hotel Occupancy Tax Receipts - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

AGENDA DATE September 9, 2015

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
25			14	I	TWM	\$3,517.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PATRONMARCHE, LLC, of a subsurface easement under approximately 519 square feet of land located on Flora Street near its intersection with Interstate Highway 345 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: General Obligation Commercial Paper Funds
26			14	I	TWM	\$72,598.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Post Apartment Homes, L.P., of a subsurface easement under approximately 3,811 square feet of land located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds
27			14	I	TWM	\$10,525.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from San Jacinto Urban Lofts, L.P., of three subsurface easements under a total of approximately 2,304 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000) - Financing: General Obligation Commercial Paper Funds
28			14	I	TWM	\$257,752.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from SHF I ICON, LLC, of a subsurface easement under approximately 62,688 square feet of land located on Hall Street at its intersection with Ross Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000) - Financing: 2006 Bond Funds
29			7	I	HOU	\$405,040.00	NA	NA	Authorize (1) a housing development loan in an amount not to exceed \$900,000; and (2) a conditional grant agreement in an amount not to exceed \$405,040 for a mixed-income housing development project with East Dallas Community Organization, a certified Community Housing Development Organization, for the construction of eight single family homes located in the 2400 block of Hooper Street - Total not to exceed \$1,305,040 - Financing: 2012-13 HOME Investment Partnerships Program Grant Funds (\$506,002), 2013-14 HOME Investment Partnerships Program Grant Funds (\$393,998) and General Obligation Commercial Paper Funds (\$405,040)
30			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an expansion of and modifications to Historic Overlay 36, Adolphus Hotel, on property zoned Planned Development District No. 619 on the northwest corner of South Akard Street and Commerce Street
31			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1376 for a community service center on property zoned an MF-2 Multiple-Family Subdistrict and Planned Development Subdistrict No. 30, both within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street
32			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an Historic Overlay for the Allen Building on property zoned Planned Development District No. 619 on the southeast corner of South Ervay Street and Commerce Street
33			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District and an R-7.5(A) Single Family District on the northeast side of Old Gate Lane, northwest of Diceman Drive
34			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an IM Industrial Manufacturing District on the southwest side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard
35			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619 on the north side of Main Street and the east side of Four Way Place

AGENDA DATE September 9, 2015

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
36			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the northeast corner of Commerce Street and South Field Street
37			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the south side of Elm Street and the east side of North Akard Street
38			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to portions of Subareas 10, 11, 12, and 12A of Planned Development District No. 298, the Bryan Area Special Purpose District, various parcels generally bounded by Live Oak Street, Gordon Street, Gaston Avenue, and Skiles Street
39			12	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 810 for a Private Utility Service Center and Microwave Tower on property zoned an A(A) Agricultural District on the north line of Frankford Road, east of Meandering Way
40			10	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District, a resolution accepting deed restrictions volunteered by the applicant, and an ordinance granting a Specific Use Permit for a metal salvage facility on property zoned an IR Industrial Research District west of the terminus of Bekay Street, west of Plano Road
41			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of South Walton Walker Boulevard and Duncanville Road
42			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of West Ledbetter Drive and South Hampton Road
43			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment and an expansion of Specific Use Permit No. 1007 for a public school on property zoned a TH-3(A) Townhouse District on the north side of Wheatland Road and west of Clark Road
44			14	PH	DEV	NC	NA	NA	An ordinance granting a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway
45			2, 6	PH	PNV	NC	NA	NA	A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four-lane undivided roadway (S-4-U) within 60-feet of right-of-way to a special three-lane undivided roadway (SPCL 3U) with bicycle facilities in 60-feet of right-of-way and 44-feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City
46			4, 6	PH	HOU	REV \$6,000	NA	NA	A public hearing to receive comments on the proposed sale of six unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) convey by Deed without Warranty six unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc. under the HB110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Revenue: \$6,000

TOTAL \$101,570,059.43

AGENDA ITEM # 2

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for ambulance power stretchers service and repair - San Antonio Equipment Repair, Inc. dba EMSAR of Texas, only bidder - Not to exceed \$182,850 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

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

This service contract will provide for ambulance power stretchers service and repair. Fire-Rescue operates a fleet of 40 front-line ambulances, 12 ambulances for Special Events, and 3 peak demand units. Ambulance power stretchers require annual maintenance to ensure proper operation and enhance patient safety. As power stretchers age, it becomes even more critical to patient and paramedic safety that existing power stretchers are well-maintained and repaired as necessary.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 401 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLink Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on September 8, 2015.

FISCAL INFORMATION

\$182,850.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

San Antonio Equipment Repair, Inc. dba EMSAR of Texas

White Male	14	White Female	1
Black Male	3	Black Female	0
Hispanic Male	3	Hispanic Female	1
Other Male	0	Other Female	0

BID INFORMATION

The following bid was received from solicitation number BV1508 and was opened on May 7, 2015. This service contract is being awarded in its entirety to the only responsive and responsible bidder.

*Denotes successful bidder

<u>Bidder</u>	<u>Address</u>	<u>Amount of Bid</u>
*San Antonio Equipment Repair, Inc. dba EMSAR of Texas	14035 Dublin Square San Antonio, TX 78217	\$182,850.00

BID INFORMATION (Continued)

Note: Pursuant to Business Development and Procurement Services' (BDPS) request, the Auditor's office has reviewed the single bid item and submitted related documentation and has determined BDPS followed Administrative Directive 4-05 provisions for processing this single bid item and made reasonable efforts to increase bid participation. This proposed procurement meets the requirements for a single bid.

OWNER

San Antonio Equipment Repair, Inc. dba EMSAR of Texas

John M. Huber, President

John L. Huber, Vice President

Chris Ables, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for ambulance power stretchers service and repair - San Antonio Equipment Repair, Inc. dba EMSAR of Texas, only bidder - Not to exceed \$182,850 - Financing: Current Funds (subject to annual appropriations)

San Antonio Equipment Repair, Inc. dba EMSAR of Texas is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$182,850.00	100.00%
TOTAL CONTRACT	\$182,850.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

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

Section 1. That the City Manager is authorized to execute a service contract with San Antonio Equipment Repair, Inc. dba EMSAR of Texas (VS0000026727) for ambulance power stretchers service and repair for a term of three years in an amount not to exceed \$182,850.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to San Antonio Equipment Repair, Inc. dba EMSAR of Texas shall be based only on the amount of the services directed to be performed by the City and properly performed by San Antonio Equipment Repair, Inc. dba EMSAR of Texas under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$182,850.00 (subject to annual appropriations).

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

AGENDA ITEM # 3

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for chemical root control – Municipal Sales, Inc., lowest responsible bidder of two - Not to exceed \$900,500 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)

BACKGROUND

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

This service contract will enable the City to obtain a licensed contractor to apply chemical root control to inhibit root intrusion into the City's wastewater system. Chemical root control is vital to the wastewater operation because root intrusion in pipelines obstruct the flow of wastewater which can cause overflows, back-ups and flooding.

The wastewater collection system consists of approximately 4,100 miles of pipelines throughout the City. The application of chemical root control is an effective method of controlling root growth within the wastewater system. It minimizes the need for excavation activities for the purpose of manual root control. Chemical root control is an efficient and effective method of keeping the City's wastewater system clear of plant growth; this method has also proven beneficial in reducing maintenance cost, disruption of water services, and traffic interruptions due to excavation activities.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 2.09% decrease over comparable unit prices for the bid awarded in 2011.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 492 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 7, 2011, City Council authorized a three-year service contract for chemical root control by Resolution No. 11-2948.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 8, 2015.

FISCAL INFORMATION

\$900,500.00 - Water Utilities Capital Construction Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Municipal Sales, Inc.

White Male	6	White Female	1
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1504 and were opened on March 12, 2015. This service contract is being awarded in its entirety to the most responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Municipal Sales, Inc.	7 Leonard St. Gansevoort, NY 12831	\$ 900,500.00
Ace Pipe Cleaning, Inc.	4000 Truman Rd. Kansas City, MO 64127	\$1,015,800.00

OWNER

Municipal Sales, Inc.

Mark A. Reynolds, President
Norman B. Higginson, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for chemical root control – Municipal Sales, Inc., lowest responsible bidder of two - Not to exceed \$900,500 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$900,500.00	100.00%
TOTAL CONTRACT	\$900,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

WHEREAS, on November 7, 2011, City Council authorized a three-year service contract for chemical root control by Resolution No. 11-2948; and,

WHEREAS, on September 18, 2014, Administrative Action No. 14-6651 authorized change order no. 1 to extend the master agreement for two years;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Municipal Sales, Inc. (VS0000029667) for chemical root control for a term of three years in an amount not to exceed \$900,500.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Municipal Sales, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Municipal Sales, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$900,500.00 (subject to annual appropriations).

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

AGENDA ITEM # 4

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Convention and Event Services
Housing/Community Services
Sanitation Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
A. C. Gonzalez, 670-3297
Joey Zapata, 670-3009
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a five-year service contract for pest control services at City facilities - Shamrock Pest Control, Inc. in the amount of \$734,924 and Pest Management of Texas, Inc. in the amount of \$75,000, lowest responsible bidders of six - Total not to exceed \$809,924 - Financing: Current Funds (\$704,810), Department of State Health Services Grant Funds (\$31,260), Aviation Current Funds (\$27,010), Water Utilities Current Funds (\$18,418), Sanitation Current Funds (\$14,440), Convention and Event Services Current Funds (\$9,620) and Stormwater Drainage Management Current Funds (\$4,366) (subject to annual appropriations)

BACKGROUND

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

This service contract will provide pest control services, which will control pest population necessary to promote safe and sanitary working conditions for employees and the general public. Additionally, this service will reduce pest infestation and damage to facilities.

BACKGROUND (Continued)

This service contract provides pest control services for over 10,300,000 square feet of space in over 350 City facilities, including fire stations, police stations, libraries, recreation centers and other office and service facilities. This service contract will allow for scheduled and as-needed treatments to prevent the infestation of rodents, insects, bees and wasps.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 445 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, City Council authorized a five-year service contract for pest control services at City facilities by Resolution No. 12-1608.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 8, 2015.

FISCAL INFORMATION

\$704,810.00 - Current Funds (subject to annual appropriations)
\$ 31,260.00 - Department of State Health Services Grant Funds
\$ 27,010.00 - Aviation Current Funds (subject to annual appropriations)
\$ 18,418.00 - Water Utilities Current Funds (subject to annual appropriations)
\$ 14,440.00 - Sanitation Current Funds (subject to annual appropriations)
\$ 9,620.00 - Convention and Event Services Current Funds (subject to annual appropriations)
\$ 4,366.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

M/WBE INFORMATION

83 - Vendors contacted
81 - No response
2 - Response (Bid)
0 - Response (No bid)
0 - Successful

M/WBE INFORMATION (Continued)

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

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

ETHNIC COMPOSITION

Shamrock Pest Control, Inc.

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

Pest Management of Texas, Inc.

White Male	6	White Female	5
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BA1502 and were opened on March 19, 2015. This service contract is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Shamrock Pest Control, Inc.	1515 U.S. Highway 80 E. Mesquite, TX 75150	Multiple Groups
*Pest Management of Texas, Inc.	6316 Industrial Drive Sachse, TX 75048	Multiple Groups
Terminix International Company LP dba Schendel Pest Services	4318 Sunbelt Drive Addison, TX 75001	Multiple Groups

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
ORKIN, LLC dba Prime Pest Management	3333 Earhart Drive Suite 150 Carrollton, TX 75006	Multiple Groups
Cantu Enterprises (Dallas) LLC dba Cantu Pest Control	4950 Keller Springs Road Suite 340 Addison, TX 75001	Multiple Groups
Kortney Enterprises Chai Corp. dba Pestmaster Services	5115 Rockpoint Wichita Falls, TX 76310	Multiple Groups

OWNERS**Shamrock Pest Control, Inc.**

Robert David Taylor, President

Pest Management of Texas, Inc.

Cheryl Crittenden, President
Carl Crittenden, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for pest control services at City facilities - Shamrock Pest Control, Inc. in the amount of \$734,924 and Pest Management of Texas, Inc. in the amount of \$75,000, lowest responsible bidders of six - Total not to exceed \$809,924 - Financing: Current Funds (\$704,810), Department of State Health Services Grant Funds (\$31,260), Aviation Current Funds (\$27,010), Water Utilities Current Funds (\$18,418), Sanitation Current Funds (\$14,440), Convention and Event Services Current Funds (\$9,620) and Stormwater Drainage Management Current Funds (\$4,366) (subject to annual appropriations)

Shamrock Pest Control, Inc. and Pest Management of Texas, Inc. are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$809,924.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$809,924.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

WHEREAS, on June 27, 2012, City Council authorized a five-year service contract for pest control services at City facilities by Resolution No. 12-1608; and,

WHEREAS, on February 20, 2015, Administrative Action No. 15-5499 authorized an increase of the funds to the service contract in an amount not to exceed \$3,909.00, increasing the service contract amount from \$393,901.00 to \$397,810.00; and,

WHEREAS, on May 4, 2015, Administrative Action No. 15-5994 authorized an increase of the funds to the service contract in an amount not to exceed \$40,619.64, increasing the service contract amount from \$397,810.00 to \$438,429.64;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Shamrock Pest Control, Inc. (VC14244) in the amount of \$734,924.00 and Pest Management of Texas, Inc. (VS87473) in the amount of \$75,000.00 for pest control services at City facilities for a term of five years in a total amount not to exceed \$809,924.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Shamrock Pest Control, Inc. and Pest Management of Texas, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Shamrock Pest Control, Inc. and Pest Management of Texas, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$809,924.00 (subject to annual appropriations).

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

AGENDA ITEM # 5

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** a three-year software subscription agreement, with two one-year renewal options, for a specialized electronic patient care reporting and data collection system, to include software service, maintenance and on-site support for Fire-Rescue, in the amount of \$1,279,036 - ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc.; and **(2)** a three-year master agreement, with two one-year renewal options, for hardware and accessories for an electronic patient care reporting data system for Fire-Rescue in the amount of \$1,499,959 - VetSource Mobility, LLC, most advantageous proposers of nine - Total not to exceed \$2,778,995 - Financing: Current Funds (\$1,984,580) (subject to annual appropriations) and Municipal Lease Agreement Funds (\$794,415)

BACKGROUND

This action will provide for the purchase, implementation, on-site support, hardware and accessories for an electronic patient care reporting and data collection system for Fire-Rescue. An electronic patient care reporting system captures and transmits important data to be used for documenting patient care, and transferring patient information to receiving hospitals. This information is also used for quality management processes as well as the billing process for emergency medical services provided by Fire-Rescue. Fire-Rescue has 43 front-line rescues, 58 engines and 21 ladder trucks, Special Events and Mobile Community Healthcare Program units that will use this software and hardware to capture and transmit patient care data. Fiscal Year 2014/15 revenue from emergency medical services is approximately \$20 million.

BACKGROUND (Continued)

A six member evaluation committee was selected from the following departments:

- Communication and Information Services (2)
- Fire-Rescue (2)
- Business Development and Procurement Services (2)*

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

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

- Cost 30%
- Experience and capability 30%
- Functional/Technical match 25%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 752 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2015, this item was included as part of a briefing to the Public Safety Committee.

FISCAL INFORMATION

\$1,984,579.48 - Current Funds (subject to annual appropriations)

\$ 794,414.97 - Municipal Lease Agreement Funds

M/WBE INFORMATION

91 - Vendors contacted
91 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

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

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

ETHNIC COMPOSITION

ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc.

White Male	45	White Female	20
Black Male	1	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	1	Other Female	0

VetSource Mobility, LLC

White Male	9	White Female	3
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1503 and were opened on October 30, 2014. These contracts are being awarded to the most advantageous proposers by group.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*ScanHealth, Inc.	11 E. Superior St.	85.7%	Group 1 - \$1,279,036.00
dba Sansio, a	Suite 310	72.7%	Group 2 - \$1,752,858.00
wholly-owned	Duluth, MN 55802		
subsidiary of			
Physio-Control, Inc.			

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*VetSource Mobility, LLC	1960 J Madison St. PMB 315 Clarksville, TN 37043	N/A 87.8%	Group 1 - No Bid Group 2 - \$1,499,958.45
Image Trend, Inc.	20855 Kensington Blvd. Lakeville, MN 55044	81.0% 74.2%	Group 1 - \$1,191,779.99 Group 2 - \$1,517,365.00

Note – the above vendor scores and pricing are based on fully negotiated systems and pricing.

Vendor scores and pricing listed below are based on initial proposals and were not negotiated.

Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, a Delaware Company	6451 N. Federal Hwy. Suite 1000 Fort Lauderdale, FL 33308	65.7%	Group 1 - \$1,887,969.99 Group 2
oPen Incorporated dba SafetyPAD	7760 France Ave. South 11th Floor Minneapolis, MN 55434	62.6%	Group 1 \$1,412,625.00

OWNERS

ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc.

Brian Webster, President
Dale Pearson, Vice-President
Traci Umberger, Secretary
Dave Stafford, Treasurer

VetSource Mobility, LLC

Richard Holdaway, Majority Owner
Bill Presler, Managing Partner
Scott Giles, Chief Financial Officer
Matthew Hinton, Account Manager

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a three-year software subscription agreement, with two one-year renewal options, for a specialized electronic patient care reporting and data collection system, to include software service, maintenance and on-site support for Fire-Rescue, in the amount of \$1,279,036 - ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc.; and **(2)** a three-year master agreement, with two one-year renewal options, for hardware and accessories for an electronic patient care reporting data system for Fire-Rescue in the amount of \$1,499,959 - VetSource Mobility, LLC, most advantageous proposers of nine - Total not to exceed \$2,778,995 - Financing: Current Funds (\$1,984,580) (subject to annual appropriations) and Municipal Lease Agreement Funds (\$794,415)

ScanHealth, Inc. dba as Sansio, a wholly-owned subsidiary of Physio-Control, Inc. and VetSource Mobility, LLC are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$2,326,606.17	100.00%
TOTAL CONTRACT	\$2,326,606.17	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

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

Section 1. That the City Manager is authorized to execute a software subscription agreement with ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc. (VS89117) for specialized electronic patient care reporting and data collection system, to include software service, maintenance and on-site support for Fire-Rescue for a term of three years, with two one-year renewal options, in an amount not to exceed \$1,279,036.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc. shall be based only on the amount of services directed to be performed by the City and properly performed by ScanHealth, Inc. dba Sansio, a wholly-owned subsidiary of Physio-Control, Inc. under the contract.

Section 2. That a master agreement for the purchase of hardware and accessories for an electronic patient care reporting data system for Fire-Rescue is authorized with VetSource Mobility, LLC (VS0000083822) for a term of three years, with two one-year renewal options, in an amount not to exceed \$1,499,958.45.

Section 3. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for hardware and accessories for an electronic patient care reporting data system for Fire-Rescue. If a written contract is required or requested for any or all purchases of hardware and accessories for an electronic patient care reporting data system for Fire-Rescue under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$2,778,994.45 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
ML15	DSV	E348	2731	\$794,414.97	2015	DSV15EPCRDFR
0001	DFD	ER90	2731	\$705,543.48	2015	CDRDFDER90806
0001	DFD	ER90	3072	\$426,345.34	2016	CDRDFDER90805
0001	DFD	ER90	3072	\$426,345.33	2017	CDRDFDER90805-2
0001	DFD	ER90	3072	\$426,345.33	2018	CDRDFDER90805-3

September 9, 2015

Section 5. That in order to reimburse and finance the lease/purchase acquisition of the equipment described herein over a period not to exceed the estimated useful life (10 years) thereof, any Authorized Officer of the City designated in the Master Equipment Lease/Purchase Agreement (the "Master Lease") between Banc of America Public Capital Corp and the City is hereby authorized and directed to execute, acknowledge and deliver a Schedule A (as defined in the Master Lease) pertaining to such equipment including all attachments, financing statements and schedules thereto, in substantially the form attached to the Master Lease, with such changes as the signing officer shall determine to be advisable. Each Authorized Officer of the City is also authorized to execute, acknowledge and deliver any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Schedule A. The financing terms for such equipment, to be determined pursuant to the provisions of the Master Lease and reflected in such Schedule A, and the granting of a security interest in the financed equipment pursuant to the Master Lease, are hereby approved.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a five-year acquisition contract for the purchase of software, maintenance and support services for a report distribution and repository application – SHI Government Solutions, Inc. through the Buyboard, Texas Purchasing Cooperative - Not to exceed \$336,856 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This contract will allow for the purchase of the report distribution and repository software, Report2Web, support services to convert existing reports and maintenance and support. This software will be used to distribute and store current reports and retain historical reports from multiple computer systems, especially for the Advantage Financial and Lawson Human Resources Information Systems. The Report2Web software includes features which automate report distribution, monitor retention requirements, provide for easy navigation to retrieve and view reports, and manage user security.

The current report distribution software is on the City's mainframe computer environment. Communication and Information Services (CIS) is in the process of decommissioning the mainframe, therefore, a replacement solution is required.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Budget, Finance and Audit Committee on August 17, 2015.

FISCAL INFORMATION

\$336,856.00 – Current Funds (subject to annual appropriation)

ETHNIC COMPOSITION

SHI Government Solutions, Inc.

White Male	51	White Female	9
Black Male	3	Black Female	0
Hispanic Male	3	Hispanic Female	0
Other Male	3	Other Female	2

OWNER

SHI Government Solutions, Inc.

Tijl Vuyk, Chief Executive Officer
Dennis Walsh, President

September 9, 2015

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

Section 1. That the City Manager is authorized to execute a acquisition contract with SHI Government Solutions, Inc. (502145) through the Texas Association of School Boards (Buyboard) for the purchase of software, maintenance and support services for a report distribution and repository application in an amount not to exceed \$336,856.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SHI Government Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SHI Government Solutions Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$336,856.00 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0198	DSV	1665	3070	\$134,946.00	2015	DSV15REPORT
0198	DSV	1665	3099	\$ 40,222.00	2015	DSV15REPORT
0198	DSV	1665	3099	\$ 40,422.00	2016	DSV16REPORT
0198	DSV	1665	3099	\$ 40,422.00	2017	DSV17REPORT
0198	DSV	1665	3099	\$ 40,422.00	2018	DSV18REPORT
0198	DSV	1665	3099	\$ 40,422.00	2019	DSV19REPORT

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

AGENDA ITEM # 7

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 8

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: 69 A-X

SUBJECT

Authorize the purchase of a bio-solids distribution vehicle – Texarkana Tractor Company dba Nor-Tex Tractor, lowest responsible bidder of two – Not to exceed \$474,954 - Financing: Water Utilities Current Funds

BACKGROUND

This purchase will provide a bio-solids distribution vehicle for Southside Wastewater Treatment Plant (SSWWTP). SSWWTP operates approximately 7 distribution vehicles for the disposal of sludge that is removed from wastewater. The distribution vehicles spread and till sludge in designated disposal fields at the SSWWTP. Proper disposal of the sludge prevents odor problems and adverse effect to public health and quality of life. Sludge disposal operations must meet stringent regulations required by Texas Commission on Environmental Quality and Environmental Protection Agency.

This vehicle will replace an existing vehicle that is past its life cycle of approximately 10 years. These vehicles operate 24 hours 7 days a week under heavy workloads, often in muddy and hazardous environment. The bio-solids distribution vehicle being replaced has gone through an evaluation process using an established criterion to ensure that only vehicles that have exceeded their useful life are replaced. The equipment evaluation includes life-to-date maintenance costs, recommended replacement mileage and recommended replacement life.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 235 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

BACKGROUND (Continued)

Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 11, 2014, City Council authorized the purchase of eight pieces of heavy equipment, nineteen pieces of heavy equipment and one wheel loader by Resolution No. 14-0914.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 8, 2015.

FISCAL INFORMATION

\$474,953.58 - Water Utilities Current Funds

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Texarkana Tractor Company dba Nor-Tex Tractor

White Male	16	White Female	2
Black Male	0	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BM1534 and were opened on July 9, 2015. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Texarkana Tractor Company dba Nor-Tex Tractor	1400 W. Shannon Rd. Sulphur Springs, TX 75482	\$474,953.58
Kelly Tractor & Equipment Computer	5039 W. Loop 281 S Longview, TX 75603	\$490,000.00

OWNER

Texarkana Tractor Company dba Nor-Tex Tractor

James Carlow, President
David Meadows, Vice President
Brad Carlow, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize the purchase of a bio-solids distribution vehicle – Texarkana Tractor Company dba Nor-Tex Tractor, lowest responsible bidder of two – Not to exceed \$474,954 - Financing: Water Utilities Current Funds

Texarkana Tractor Company dba Nor-Tex Tractor is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$474,953.58	100.00%
TOTAL CONTRACT	\$474,953.58	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

WHEREAS, on June 11, 2014, City Council authorized the purchase of eight pieces of heavy equipment, nineteen pieces of heavy equipment and one wheel loader by Resolution No. 14-0914;

NOW, THEREFORE,

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

Section 1. That the purchase of a bio-solids distribution vehicle is authorized with Texarkana Tractor Company dba Nor-Tex Tractor (VS0000065753) in an amount not to exceed \$474,953.58.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for a bio-solids distribution vehicle. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation, in an amount not to exceed \$474,953.58:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>
0100	DWU	7450	4740	PODWU00000120553	\$474,953.58

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

AGENDA ITEM # 8

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 8

DEPARTMENT: Business Development & Procurement Services
Sanitation Services

CMO: Jeanne Chipperfield, 670-7804
Joey Zapata, 670-3009

MAPSCO: 67 K

SUBJECT

Authorize **(1)** a fifteen-year contract with conditional extension options from one to ten years, not to exceed ten years, with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. ("Contractor" and "Tenant") for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at McCommas Bluff Landfill; and **(2)** a concurrent ground lease agreement for a fifteen year lease term with conditional extension options of from one to ten years with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for approximately 15 acres of land located at 5100 Youngblood Road within the McCommas Bluff Municipal Solid Waste Landfill (estimated term period January 1, 2017 – December 31, 2031) - Estimated Revenue: \$22,793,487 (over the fifteen year lease term)

BACKGROUND

This contract will enable Contractor to develop, construct, operate and manage a materials recovery facility for recycling at the McCommas Bluff landfill. This facility will facilitate efforts to meet the City's Local Solid Waste Management plan that includes, in part, to increase diversion of waste to 40 percent by 2020, 60 percent by 2030 and 80 percent (zero waste) by 2040.

The ground lease will provide Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. with a leasehold interest in approximately 15 acres of land located at 5100 Youngblood Road for its use and as the site where contractor will construct the facilities required under the contract. The lease will run concurrent with the contract and terminate upon termination of the contract and any Tenant default under the lease shall be deemed a default under the contract. All facility improvements constructed on the site during the lease term shall be owned by Tenant and shall vest in the City at the expiration or termination of the Lease, subject to an earlier transfer of ownership at Tenant's election.

BACKGROUND (Continued)

The proposed materials recovery facility will be approximately 58,600 square feet with a separate administration building which encompasses an education center to support public education and outreach.

The City implemented weekly collection of single-stream recyclable materials for curbside residential households in 2008 utilizing 32 to 96 gallon carts. Since that time, the City has made a substantial investment in the program via trucks, carts, staffing and public education. Since implementing the program, the City has significantly increased the quantity of material recycled. Based on data included in the 2011 "Regional Recycling Rate Update," residents in the City recycled 285 pounds of annual material per single-family household in 2010.

In 2011, the amount increased by 40 percent to 400 annual pounds per household. In 2013 that amount was 444 annual pounds per household based on approximately 240,000 households serviced by the City's residential collection program. Based on the results of the waste characterization analysis completed for the City (as a part of the RRP&IS), the City believes that there is still substantial opportunity to continue increasing the amount of material collected via the curbside single-stream recycling program to 500 to 800 pounds per household annually. This program accepted over 50,000 tons of material last fiscal year, and has the potential to increase to 75,000 to 100,000 tons annually based on the results of the waste characterization study.

This contract will provide the City with a unique opportunity to develop a meaningful public-private partnership that will assist the City in meeting its recycling goals by increasing community recycling education to help reduce waste diversion to the landfill, encourage businesses and other agencies to utilize Dallas' contractor to increase recyclables that could lead to recycle markets closer to the Dallas area. Dallas realizes having a comprehensive and growing single-stream recycling program is a corner stone in realizing sustainability goals. In order to have a successful single-stream recycling program, access to an affordable and stable materials recovery facility is key. Many city's single-stream recycling programs may suffer economically due to the increasing cost of recyclable processing and that is why Dallas began planning to address this issue by pursuing options to protect our recycling future with a facility at McCommas.

The City contracted with Leidos Engineering, LLC (formerly doing business as SAIC) to perform a Resource Recovery Planning Study to evaluate future recovery opportunities in Dallas. This study recommended that since Dallas' current recycling process contract ends in December 2016, that Dallas should begin a procurement process that allows a direct comparison between a processing services agreement and a recycling facility located at McCommas Bluff Landfill and consider options for a public-private partnership for a single-stream facility. The results and next steps related to this procurement were briefed to the Transportation and Trinity River Project Committee in June 2014.

BACKGROUND (Continued)

The consulting contract was assigned to The Louis Berger Group, and professionals from Burns & McDonnell Engineering Company assisted the City in preparing a Request for Competitive Sealed Proposals (RFCSP). In this request for proposal, there were two options for which the vendors could propose to the City. One option was a Processing Service Agreement (PSA), which would utilize an existing facility for processing the recycled waste for resale and share the city recyclable revenue with the City. The second option was to have a contract to develop and build a materials recovery facility (MRF) at the McCommas Bluff Landfill and operate and manage the facility, subject to a ground lease, through the contract term. Upon termination of the contract, or the exercise of an earlier option by Contractor/Tenant, the facility will vest in the City.

The City's evaluation team reviewed the submitted proposals for both of the options with the assistance of Burns & McDonnell reviewing the financial benefits to the City. Upon completion of the reviews, the City reached out to all of the vendors to make a presentation to the City's evaluation team. After all of the proposals were presented, the evaluation team re-evaluated the vendors based on the evaluation criteria and on the financial analysis done by Burns & McDonnell. After a review of all of the proposals and scoring by the City's evaluation team, Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. was deemed the most advantageous proposal.

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

- Business Development & Procurement Services (2)*
- Sanitation Services (1)
- Equipment and Building Services (1)
- Water Utilities (1)
- Communication and Information Services (1)

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

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

- Financial Value 40%
- Company Background and Experience 15%
- Business Inclusion and Development Plan 15%
- Proposed Approach 30%

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 542 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction upon receipt of Permit from TCEQ	Fall 2015
Complete Construction	Winter 2016
End Contract with Greenstar Mid-America, LLC	December 2016
Begin Management and Operation phase of Contract with FCC, S.A.	January 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 27, 2013, City Council authorized a service contract to conduct a waste composition analysis and technology review of the Department of Sanitation by Resolution No. 13-0510.

On June 25, 2014, City Council authorized Supplemental Agreement No. 3 for additional professional services for resource recovery planning and implementation services by Resolution No. 14-1031.

On August 10, 2015, the Transportation and Trinity River Project Committee was briefed.

Information about this item was provided to the City Council on August 19, 2015.

FISCAL INFORMATION

\$22,793,487.00 - Estimated Revenue (over the fifteen year term)

M/WBE INFORMATION

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

M/WBE INFORMATION (Continued)

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

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

ETHNIC COMPOSITION

Fomento de Construcciones y Contratas, S.A. dba FCC, S.A.

White Male	5,998	White Female	2,029
Black Male	1,915	Black Female	594
Hispanic Male	40,999	Hispanic Female	11,067
Other Male	228	Other Female	170

PROPOSAL INFORMATION

The following proposals were received from solicitation number BDZ1501A and were opened on March 19, 2015. This contract is being awarded to the most advantageous proposer. Proposers were asked to propose two types of solutions, Processing Service Agreement (PSA) and Develop, Build and Operate (DBO).

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Type</u>	<u>Score</u>
*Fomento de Construcciones y Contratas, S.A. dba FCC, S.A.	1610 Woodstead Court Suite 360 The Woodlands, TX 77380	DBO	94.4
Community Waste Disposal	2010 California Crossing Dallas, TX 75220	PSA	80.9
Balcones Resources, Incorporated	9301 Johnny Morris Road Austin, TX 78724	PSA	70.9
River Recycling, LLC	809 West Hill Street Houston, TX 77002	DBO	66.5
Greenstar Mid-America, LLC	1001 Fannin Street Houston, TX 77002	PSA	65.0

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Type</u>	<u>Score</u>
Community Waste Disposal	2010 California Crossing Dallas, TX 75220	DBO	64.7
Balcones Resources, Incorporated	9301 Johnny Morris Road Austin, TX 78724	DBO	46.4

OWNER**Fomento de Construcciones y Contratas, S.A. dba FCC, S.A.**

Esther Alcocer Koplowitz, President
Juan Béjar Ochoa, Vice President
Francisco Vincent Chulia, Secretary
Miguel Martínez Parra, Director for Administration and Finance

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a fifteen-year contract with conditional extension options from one to ten years, not to exceed ten years, with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. ("Contractor" and "Tenant") for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at McCommas Bluff Landfill; and **(2)** a concurrent ground lease agreement for a fifteen year lease term with conditional extension options of from one to ten years with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. for approximately 15 acres of land located at 5100 Youngblood Road within the McCommas Bluff Municipal Solid Waste Landfill (estimated term period January 1, 2017 – December 31, 2031) - Estimated Revenue: \$22,793,487 (over the fifteen year lease term)

Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$289,000.00	1.58%
Total non-local contracts	\$17,994,207.00	98.42%
TOTAL CONTRACT	\$18,283,207.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Pacheco Koch Consulting Engineers, Inc	HMDB63705Y1015	\$159,000.00	55.02%
GSR Andrade Architects	HMSCT304530317	\$130,000.00	44.98%
Total Minority - Local		\$289,000.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
FA Peinado, LLC	HMMB64113N0217	\$7,857,995.00	43.67%
Total Minority - Non-local		\$7,857,995.00	43.67%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$289,000.00	100.00%	\$8,146,995.00	44.56%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$289,000.00	100.00%	\$8,146,995.00	44.56%

September 9, 2015

WHEREAS, on March 27, 2013, City Council authorized a service contract to conduct a waste composition analysis and technology review of the Department of Sanitation by Resolution No. 13-0510; and,

WHEREAS, on June 25, 2014, City Council authorized Supplemental Agreement No. 3 for additional professional services for resource recovery planning and implementation services by Resolution No. 14-1031; and,

WHEREAS, the City of Dallas seeks to obtain a materials recovery facility at McCommas Bluff Landfill to process the City's Single-Stream Recyclable Materials; and,

WHEREAS, Fomento de Construcciones y Contratas, S.A. dba FCC, S.A. was the most advantageous proposer for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at McCommas Bluff Landfill;

NOW, THEREFORE,

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

Section 1. That upon approval as to form by the City Attorney, the City Manager is hereby authorized to enter into a contract to develop, construct, operate and manage a materials recovery facility at McCommas Bluff Landfill with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A., total estimated revenue amount of \$22,793,487.00. The term of the contract will be 15 years with conditional renewal options from one to ten years, not to exceed a total of ten years.

Section 2. That upon approval as to form by the City Attorney, the City Manager is hereby authorized to execute a Lease Agreement to ground lease approximately 15 acres of land located at the McCommas Bluff Landfill to Fomento de Construcciones y Contratas, S.A. dba FCC, S.A., for the construction of the materials recovery facility subject of the contract referenced in Section 1 hereinabove.

Section 3. The salient terms of the Lease are:

- The Lease is for a term ("Primary Term") commencing on the Effective Date (the "Commencement Date"), as said term is defined in the Contract, and ending fifteen (15) Lease Years after the Date of Beneficial Occupancy (as defined below), unless terminated at an earlier date in accordance with the terms of the Lease or the Contract. In no event shall the term of the Lease extend beyond the term of the Contract in the event the Contract is terminated.

September 9, 2015**Section 3. (Continued)**

For purposes of the Lease, the "Date of Beneficial Occupancy" shall be defined as the date a certificate of occupancy and all required regulatory permits enabling the Tenant to occupy and operate at the Leased Premises are issued after the construction of the Improvements, as said term is defined in the Lease, are completed. A Lease Year shall be the 12 month period commencing on the first day of the first full calendar month of the Term and ending on the last day of the twelfth full calendar month thereafter. The first Lease Year shall include the partial month (if any) preceding the first full calendar month of the Term.

- The fixed annual rent for the primary term shall be \$10 per year.
- The fixed annual rent for the option term shall be \$10 per year.
- The City of Dallas reserves full ingress and egress rights, subject to the terms of the Contract.
- The Ground Lease shall be subject to termination in accordance with the terms of the Contract.
- Tenant shall be responsible, at its sole cost and expense, for the maintenance and operation of all constructed improvements on the Leased Premises including but not limited to obtaining all necessary permits, complying with all applicable laws, obtaining and paying for all utilities, maintaining insurance, maintaining the common facilities including the common drives and parking areas, and complying with all performance and operational requirements set forth in the contract during the primary term and the option term of the lease.
- Tenant shall pay all taxes levied or assessed against the leased premises, during the primary term and the option term of the lease.
- Ownership of all the constructed improvements shall remain in Tenant during the term of the lease and shall vest in the City upon the expiration or termination of the lease. Tenant may, at its election and subject to delivery of closing documents approved as to form by the City Attorney, vest ownership in the City prior to the expiration of the lease term; provided however Tenant shall continue to be responsible for taxes if said transfer of ownership shall result in tax exemption of the improvements.

September 9, 2015

Section 4. That the Chief Financial Officer is hereby authorized to deposit all revenues received from the contractor as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Revenue Code</u>
0440	SAN	3581	7438

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

AGENDA ITEM # 9

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Code Compliance

CMO: Jeanne Chipperfield, 670-7804
Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of veterinary drugs and supplies – Butler Animal Health Holding Company, LLC in the amount of \$2,101,318 and A-S Medication Solutions, LLC in the amount of \$295,200, lowest responsible bidders of three - Total not to exceed \$2,396,518 - Financing: Current Funds

BACKGROUND

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

This master agreement will provide for the purchase of additional veterinary drugs and supplies that were not included in the item authorized by Council Resolution No. 13-1819 on October 23, 2013 as well as previously awarded parasite treatment drug which was rebid due to change in manufacturer ownership.

This master agreement will allow Dallas Animal Services (shelter) to purchase veterinary medicines necessary for the care of animals housed at the shelter. These medicines will be administered by the shelter's in-house veterinarians. Medicines to be purchased under this agreement include:

- Parasite treatment drugs
- Heartworm prevention drugs
- Antibiotics
- Flea treatments

BACKGROUND (Continued)

The shelter houses and cares for approximately 600 animals daily and takes in an average of 75 cats and dogs per day. Other animals received at the shelter include livestock, exotic animals and wildlife. Each animal is examined upon arrival and treated based on the animal's needs; treatment is provided until it is no longer necessary or until the animal leaves the shelter. Each animal is required to be spayed/neutered prior to leaving the facility.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 454 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 28, 2013, City Council executed the casting of lots to identify the recommended vendor resulting from tie bids on lines 13, 14, 15 and 22, for bid BL1333, for a three-year master agreement for the purchase of veterinary drugs and supplies by Resolution No. 13-1472.

On October 23, 2013, City Council authorized a three-year master agreement for the purchase of veterinary drugs and supplies by Resolution No. 13-1819.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 8, 2015.

FISCAL INFORMATION

\$2,396,517.40 - Current Funds

M/WBE INFORMATION

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

454 - M/WBE and Non-M/WBE vendors were contacted.

M/WBE INFORMATION (Continued)

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

ETHNIC COMPOSITION

Butler Animal Health Holding Company, LLC

White Male	67	White Female	112
Black Male	2	Black Female	1
Hispanic Male	2	Hispanic Female	1
Other Male	1	Other Female	4

A-S Medication Solutions, LLC

White Male	30	White Female	29
Black Male	2	Black Female	1
Hispanic Male	11	Hispanic Female	15
Other Male	4	Other Female	6

BID INFORMATION

The following bids were received from solicitation number BA1527 and were opened on July 9, 2015. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Butler Animal Health Holding Company, LLC	400 Metro Place North Dublin, OH 43017	Multiple Lines
*A-S Medication Solutions, LLC	2401 Commerce Drive Libertyville, IL 60048	Multiple Lines
Midwest Veterinary Supply, Inc.	21467 Holyoke Avenue Lakeville, MN 55044	Non-responsive**

**Midwest Veterinary Supply, Inc. was deemed non-responsive due to not meeting specifications.

OWNERS

Butler Animal Health Holding Company, LLC

Francis Dirksmeier, President

Kimberly Allen, President

A-S Medication Solutions, LLC

Greg Cull, President

Chris Martin, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of veterinary drugs and supplies – Butler Animal Health Holding Company, LLC in the amount of \$2,101,318 and A-S Medication Solutions, LLC in the amount of \$295,200, lowest responsible bidders of three - Total not to exceed \$2,396,518 - Financing: Current Funds

Butler Animal Health Holding Company, LLC and A-S Medication Solutions, LLC are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$2,396,517.40	100.00%
TOTAL CONTRACT	\$2,396,517.40	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

WHEREAS, on August 28, 2013, City Council executed the casting of lots to identify the recommended vendor resulting from tie bids on lines 13, 14, 15 and 22, for bid BL1333, for a three-year master agreement for the purchase of veterinary drugs and supplies by Resolution No. 13-1472; and,

WHEREAS, on October 23, 2013, City Council authorized a three-year master agreement for the purchase of veterinary drugs and supplies by Resolution No. 13-1819;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of veterinary drugs and supplies is authorized with Butler Animal Health Holding Company, LLC (VS0000048821) in the amount of \$2,101,317.40 and A-S Medication Solutions, LLC (VC14521) in the amount of \$295,200.00 for a term of three years in a total amount not to exceed \$2,396,517.40.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,396,517.40.

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

AGENDA ITEM # 10

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Office of Management Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize supplemental agreement no. 1 to decrease the contract with DQS, Inc. (previously referred to as UL DQS, Inc.) for accredited registrar services for the International Organization for Standardization 9001:2008, International Organization for Standardization 14001:2004 and the Occupational Health and Safety Assessment Series 18001:2007 - Not to exceed (\$241,466), from \$1,202,364 to \$960,898 - Financing: Current Funds

BACKGROUND

This action will amend the six-year service contract which provides for an accredited registrar to plan, conduct and report on single or integrated audits associated with the International Organization for Standardization (ISO) 9001:2008, ISO 14001:2004 and Occupational Health and Safety Assessment Series (OHSAS) 18001:2007 certifications. ISO and OHSAS establish international standards for management in multiple business operations. ISO and OHSAS certification, which must be validated by a third-party registrar, ensures compliance with the ISO and OHSAS standards, thus assuring a high level of quality and performance.

The Office of Management Services has conducted a review of the current accredited registrar services contract and has re-evaluated the external audit approach. In an effort to seek continuous improvements and cost savings, the Office of Management Services has determined as being in its best interest to restructure the approach in which external audits are conducted. Currently the external audits are conducted with each department on a yearly basis; the new audit approach will emulate the corporate audit approach which utilizes a modified audit sampling plan. The new approach will require departments certified under 9001, 14001 and 18001 to be audited every two years before a recertification year is required. Under this approach, four City departments (Street Services, Code Compliance, Equipment and Building Services and Dallas Water Utilities) will be required to be audited yearly under the OHSAS 18001 series. This revised approach shall provide the City with greater future efficiencies and cost savings.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2010, City Council authorized renewal of the professional service contract for initial registration and re-registration of City departments to International Organization for Standardization 9001:2008, 14001:2004 and OHSAS 18001:2007 standards for the period November 2010 through November 12, 2013, by Resolution No. 10-3002.

On December 9, 2013, this item was briefed to the Quality of Life Committee.

On December 11, 2013, City Council authorized a six-year service contract for accredited registrar services for International Organization for Standardization 9001:2008, International Organization for Standardization 14001:2004 and the Occupational Health and Safety Standard 18001:2007, by Resolution No. 13-2052.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 8, 2015.

FISCAL INFORMATION

(\$241,466.00) - Current Funds

Original Contract Amount	\$1,202,364.00
Supplemental Agreement No. 1 (this action)	
	<u>(\$241,466.00)</u>
Total	\$ 960,898.00

ETHNIC COMPOSITION

DQS, Inc.

White Male	30	White Female	30
Black Male	2	Black Female	2
Hispanic Male	2	Hispanic Female	6
Other Male	4	Other Female	3

OWNER

DQS, Inc.

Ganesh Rao, President
Lisa McCall, Vice President
Brad McGuire, Secretary

BUSINESS INCLUSION & DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize supplemental agreement no. 1 to decrease the contract with DQS, Inc. (previously referred to as UL DQS, Inc.) for accredited registrar services for the International Organization for Standardization 9001:2008, International Organization for Standardization 14001:2004 and the Occupational Health and Safety Assessment Series 18001:2007 - Not to exceed (\$241,466), from \$1,202,364 to \$960,898 - Financing: Current Funds

DQS, Inc. (previously referred to as UL DQS, Inc.) is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>This Action Amount</u>	<u>Revised Amount</u>	<u>Percent</u>
Local contracts	\$0.00	\$0.00	0.00%
Non-local contracts	(\$241,466.00)	\$960,898.00	100.00%
TOTAL CONTRACT	(\$241,466.00)	\$960,898.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>Original Amount</u>	<u>Percent</u>	<u>This Amount</u>	<u>Action Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

WHEREAS, on December 8, 2010, City Council authorized renewal of the professional service contract for initial registration and re-registration of City departments to International Organization for Standardization 9001:2008, 14001:2004 and OHSAS 18001:2007 standards for the period November 2010 through November 12, 2013, by Resolution No. 10-3002; and,

WHEREAS, on December 11, 2013, City Council authorized the execution of a professional services contract with UL DQS, Inc. for the initial registration and re-registration of City departments to the International Organization for Standardization 9001 (Quality Management System), 14001 (Environmental Management System) and 18001 (Occupational Health and Safety Management System) for a term of six years by Resolution No. 13-2052;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute supplemental agreement no. 1 to decrease the contract for accredited registrar services for the International Organization for Standardization 9001:2008, International Organization for Standardization 14001:2004 and the Occupational Health and Safety Assessment Series 18001:2007 with DQS, Inc. (VS0000081642) in the amount of (\$241,466.00), from \$1,202,364.00 to \$960,898.00.

Section 2. That the Chief Financial Officer is hereby authorized to reduce encumbrances in the amount not to exceed (\$241,466.00) to DQS, Inc. (previously referred to as UL DQS, Inc.) as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>FY</u>	<u>Encumbrance</u>
0001	MGT	4248	3070	\$207,396.00	2016	MGT1248BV007
		1970		\$160,103.00		MGT1970BV008
0001	MGT	4248	3070	\$207,397.00	2017	MGT1248BV008
		1970		\$101,037.00		MGT1970BV009
0001	MGT	4248	3070	\$207,398.00	2018	MGT1248BV009
		1970		\$134,393.00		MGT1970BV010
0001	MGT	4248	3070	\$207,398.00	2019	MGT1248BV010
		1970		\$192,590.00		MGT1970BV011

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

AGENDA ITEM # 11

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Joy Wallace v. City of Dallas, Cause No. DC-14-05603-D - Not to exceed \$35,000 - Financing: Current Funds

BACKGROUND

Plaintiff filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained while Mrs. Wallace was at Singing Hills Recreation Center, on July 27, 2013. The City and Mrs. Wallace reached a proposed settlement following court-ordered mediation. Plaintiff is represented by Modjarrad and Associates, P.C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

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

\$35,000.00 - Current Funds

September 9, 2015

WHEREAS, a lawsuit styled Joy Wallace v. City of Dallas, Cause No. DC-14-05603-D, was filed by the plaintiff seeking compensation from the City of Dallas for alleged bodily injuries sustained while Mrs. Wallace was at Singing Hills Recreation Center, on July 27, 2013; and,

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Mrs. Wallace, and her attorney, and all other parties having an interest in the settlement proceeds the total amount of \$35,000.00; and,

WHEREAS, it is in the best interest of the City to settle the claims of Joy Wallace in this case; **Now, Therefore,**

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

Section 1. That the settlement in the lawsuit, styled Joy Wallace v. City of Dallas, Cause No. DC-14-05603-D, in an amount not to exceed \$35,000.00 is hereby approved.

Section 2. That the Chief Financial Officer is authorized to pay Joy Wallace, Modjarrad and Associates, P.C., and all other persons having an interest in the settlement, the amount of \$35,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize an amendment of the loan agreement with Bruton Apartments, Ltd. for the construction of residential/retail/commercial space at 9514 Bruton Road, Dallas, Texas 75217 to extend the completion date from January 31, 2016 to September 30, 2016 – Financing: No cost consideration to the City

BACKGROUND

In June 2014, Bruton Apartments, Ltd and the City of Dallas entered into an unsecured loan agreement in the amount of \$500,000 to help address a \$1,000,000 funding gap created by the inclusion of 10,000 square feet of retail/commercial space within the Bruton Road Mixed Use Development.

Developed by NRP Group, LLC (NRP), Bruton Road Mixed Use Development will be comprised of 264 multifamily units and 10,000 square feet of commercial space. All residential units will be leased to households earning at or below 60% of area median income. Development amenities will include a swimming pool, club house and fitness center, as well as space for after school and summer school programs. The commercial space will provide needed retail for the area.

The project is financed by Private Activity Bonds issued by Dallas Housing Finance Corporation (DHFC) in an approximate amount of \$18.2 Million as approved by the City Council on December 11, 2013 by Resolution No. 13-2140. Texas Department of Housing and Community Affairs (TDHCA) has also committed 4% Low-Income Housing Tax Credits (LIHTCs) in the approximate amount of \$13.4 Million. The project owner will be Bruton Apartments, Ltd., a limited partnership formed for the sole purpose of developing, owning and operating the project. Bruton Apartments GP LLC, an entity created and controlled by the DHFC, is the general partner with a .01% ownership interest in the limited partnership. NRP Bruton Apartments SLP, LLC, a Texas limited liability company, the Class B Limited Partner, will have a .01% ownership interest. The remaining 99.98% of the improvements will be owned by the investor limited partner.

BACKGROUND (Continued)

Pursuant to Council Resolution No. 14-0965, the City of Dallas was authorized to approve development funding through a loan agreement for \$500,000. The resulting loan agreement identified a completion deadline date of January 31, 2016. Due to weather-related construction delays, Bruton Apartments, Ltd. requests for an extension of the completion deadline to September 30, 2016, with an additional extension of up to 6 months if needed to be approved by the Director of the Economic Development Department. The additional extension will not require further council action or approval.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On July 22, 2013, NRP submitted a pre-application for tax-exempt bond financing, support of their 4% tax credit application which included a proposal for the DHFC, and/or its newly created entity wholly-owned and controlled by the DHFC, to become the general partner and to share in the developer fee and cash flow profits to be used for mixed income developments as part of DHFC's public purposes from the project without providing any guaranties.

On October 8, 2013, the DHFC authorized the NRP proposal to be considered by City Council to grant the waiver to allow NRP to submit its formal application to the DHFC for the proposal described herein and to authorize a public hearing to be held on December 11, 2013 to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013.

On October 21, 2013, the Housing Committee was briefed on the Bruton Road Apartment proposal; and subject to certain conditions being met, recommended the City Council take all actions necessary to carry out the transaction and hold the public hearing pursuant to State of Texas H.B. 3361.

On November 12, 2013, the approval for a requested public hearing was granted to be held on December 11, 2013.

On December 11, 2013, Council City authorized a resolution to support DHCA's award of a 4% LIHTC tax credit to NRP, granted approval for the DHFC to issue tax-exempt bonds in an approximate amount of \$18.2 Million and authorized a DHFC entity to become the general partner, own the land and allow the property to be exempt from Ad Valorem taxes in exchange for fee income and cash flow participation which significantly exceeds the current Ad Valorem tax assessment.

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

On December 16, 2013, the DHFC met and approved the changes to the social service program paragraph to provide the following: (1) delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section 3.

On January 8, 2014, City Council authorized amendments to the application with TDHCA on the proposal for the new construction of the Bruton Apartments. The amendments provide for the following: (1) delete reference to the TDHCA's tenants services requirement; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) delete the last sentence "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section Number 3 by Resolution No. 13-2140.

On June 11, 2014, City Council authorized an unsecured loan in the amount of \$500,000 to Bruton Apartments, Ltd. for the construction of residential/retail/commercial space at 9514 Bruton Road, Dallas, Texas 75217 by Resolution No. 14-0965.

Information about this item was provided to the Economic Development Committee on August 17, 2015.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Bruton Apartments, Ltd.

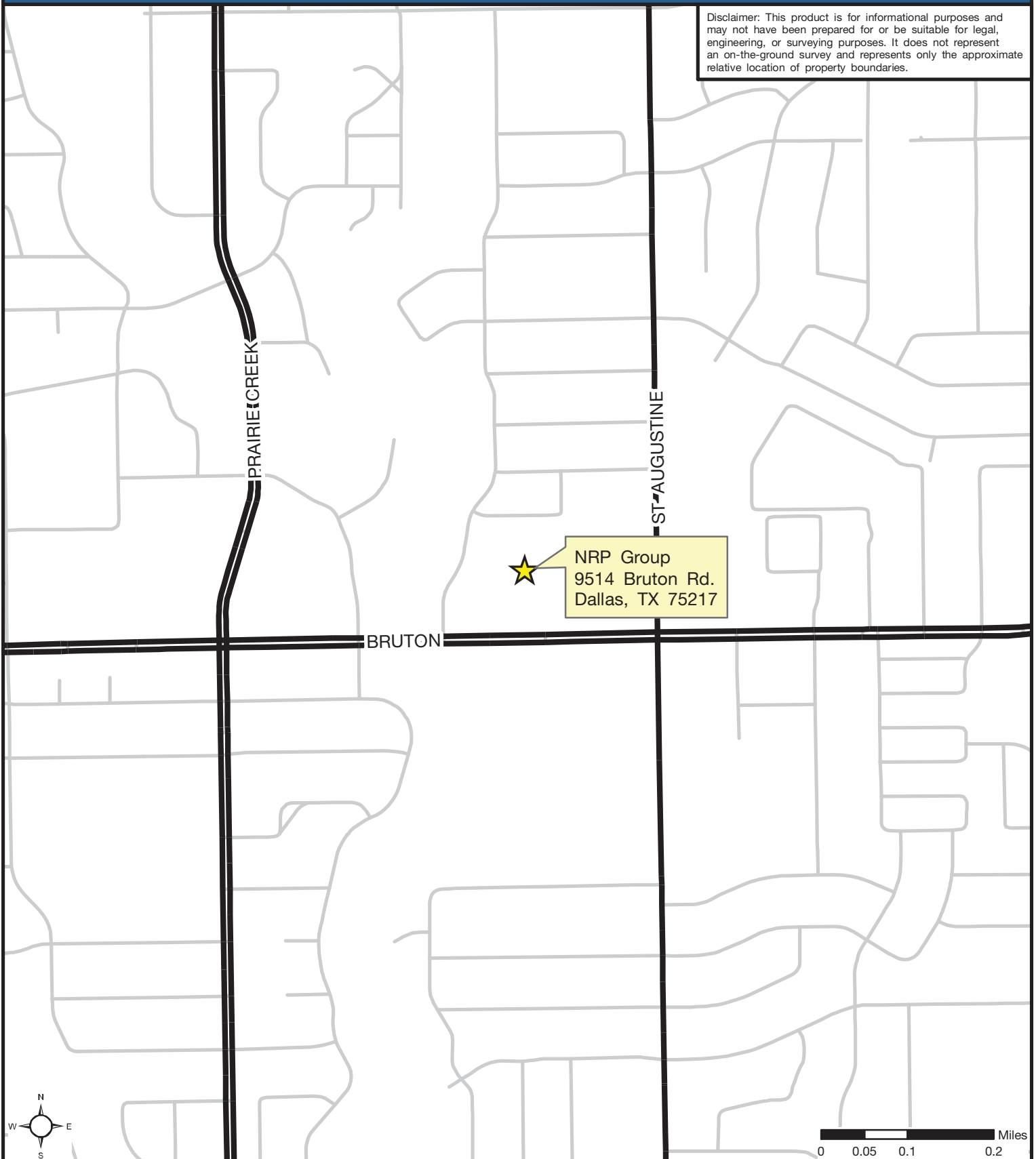
Michael W. Harling - President

MAP

Attached.

Bruton Road Mixed-Use Development

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 5.29.2014 - 14-05-29 David Schleg.TCG

Legend

- Arterial
- Local Road

Source: City of Dallas, 2014

September 9, 2015

WHEREAS, on June 11, 2014, City Council authorized an unsecured loan in the amount of \$500,000 to Bruton Apartments, Ltd. for the construction of residential/retail/commercial space, by Resolution No. 14-0965; and

WHEREAS, Bruton Apartments, Ltd., has requested an extension of the completion deadline from January 31, 2016 to September 30, 2016, with an additional extension of up to 6 months on the approval of the Economic Development director.

NOW, THEREFORE,

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

Section 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to amend the development loan agreement with Bruton Apartments, Ltd. to extend the completion deadline to September 30, 2016 with an additional extension of up to 6 months on the approval of the Economic Development director.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a loan amendment between the City of Dallas and Bruton Apartments, Ltd.

Section 3. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time that the loan documents are duly approved, by all parties and executed.

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

AGENDA ITEM # 13

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 1, 4

DEPARTMENT: Park & Recreation
Public Works Department

CMO: Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 54N S

SUBJECT

Authorize a contract for Elmwood Parkway trail improvements located along Rugged Drive - RoeschCo Construction, Inc., lowest responsible bidder of six - Not to exceed \$619,781 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

On June 3, 2015, six bids were received for Elmwood Parkway trail improvements located along Rugged Drive between Elmwood Parkway and Perryton Drive. This item authorizes award of the construction contract to RoeschCo Construction, Inc. for the Base Bid and Alternate No. 1 with a total bid amount of \$619,781.

The scope of work includes replacement of the existing sidewalk with an 8-foot wide concrete trail, new ADA ramps, and alley approaches. The trail is adjacent to the property line of residences along the west side of Rugged Drive and includes a 50-foot long pedestrian bridge and a traffic signal at Rugged Drive and Illinois Avenue.

The following chart illustrates RoeschCo Construction, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	2
Change Orders	0	0	9
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2014
Completed Design	December 2014
Begin Construction	September 2015
Complete Construction	February 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized proceeding with advertisement for construction procurement on January 22, 2015.

The Park and Recreation Board authorized award of the contract on August 20, 2015.

Information about this item was provided to the Quality of Life Committee on August 24, 2015.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$619,781

<u>Council District</u>	<u>Amount</u>
1	\$495,824.80
4	<u>\$123,956.20</u>
Total	\$619,781.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

RoeschCo Construction, Inc.

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

BID INFORMATION

The following six bids were received and opened on June 3, 2015:

*Denotes successful bidder

<u>Bidders</u>	<u>Base Bid</u>	<u>Alternate No. 1**</u>	<u>Total</u>
*RoeschCo Construction, Inc. 9801 Camfield Avenue, Suite 200 Frisco, Texas 75033	\$526,816.00	\$92,965.00	\$619,781.00
HQS Construction, LLC	\$552,410.00	\$95,000.00	\$647,410.00
A S Con, Inc.	\$547,300.00	\$106,200.00	\$653,500.00
Denco CS Corporation	\$600,981.15	\$110,000.00	\$710,981.15
Forward Concept, LLC	\$702,606.75	\$109,791.36	\$812,398.11
Pavecon Public Works L.P.	\$788,944.20	\$222,000.00	\$1,010,944.20

**Alternate No. 1 - provides for installation of a 70-foot pedestrian bridge.

OWNER

RoeschCo Construction, Inc.

Marcie L. Roeschley, President
Keith R. Roeschley, Secretary/Treasurer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for Elmwood Parkway trail improvements located along Rugged Drive - RoeschCo Construction, Inc., lowest responsible bidder of six - Not to exceed \$619,781 - Financing: General Obligation Commercial Paper Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$215,000.00	34.69%
Total non-local contracts	\$404,781.00	65.31%
TOTAL CONTRACT	\$619,781.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

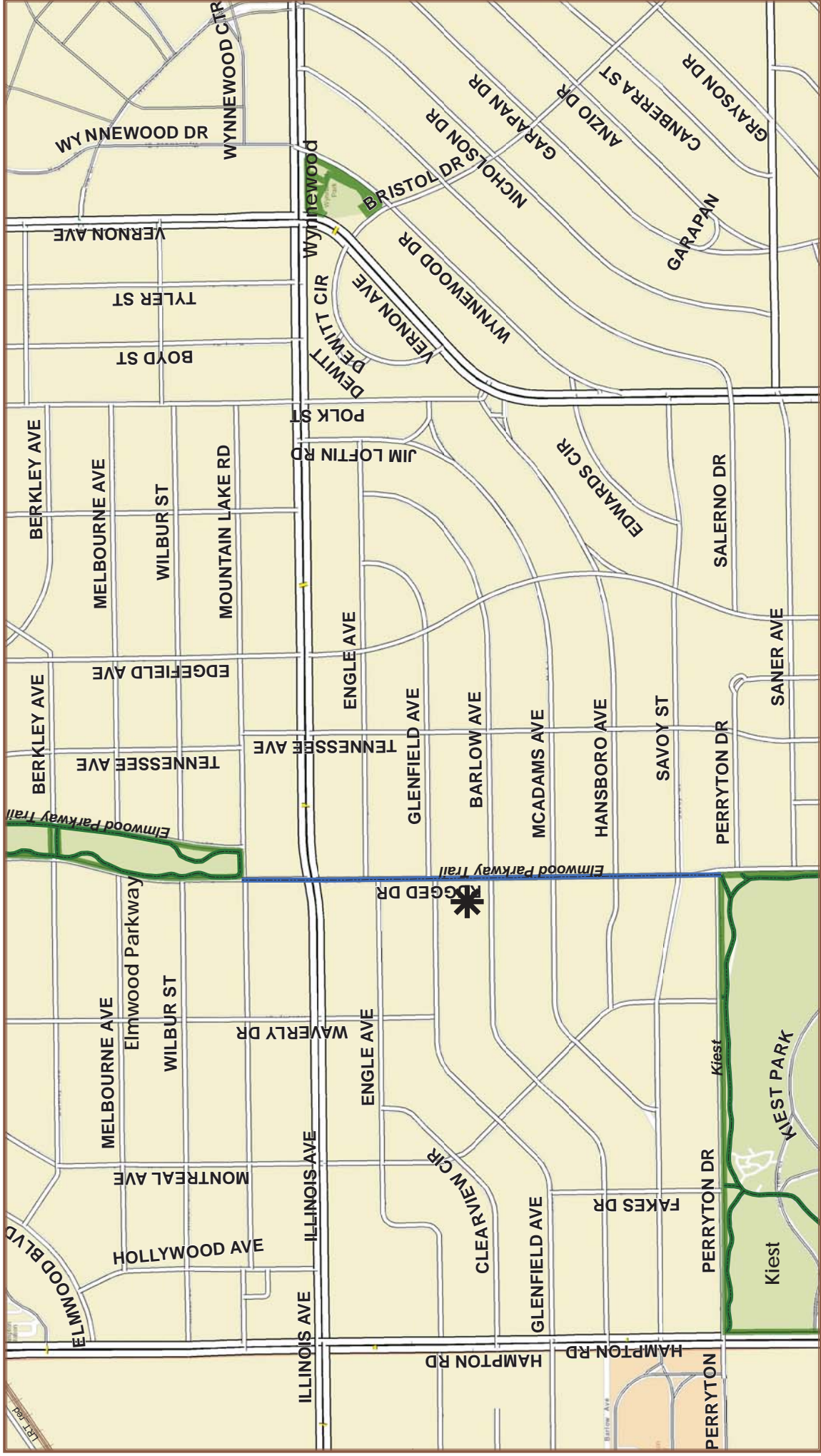
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Miko Trucking	HMDB27103Y0716	\$25,000.00	11.63%
Big D Concrete	WFDB19745Y0516	\$75,000.00	34.88%
Total Minority - Local		\$100,000.00	46.51%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Dynamic Vision	HFDB64560Y0316	\$55,000.00	13.59%
RoeschCo Construction, Inc.	WFWB61300N0416	\$339,781.00	83.94%
Total Minority - Non-local		\$394,781.00	97.53%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$25,000.00	11.63%	\$80,000.00	12.91%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$75,000.00	34.88%	\$414,781.00	66.92%
Total	\$100,000.00	46.51%	\$494,781.00	79.83%



0 245 490 980 1,470 Feet



Elmwood Parkway (Elmwood Parkway along Rugged Dr)

Mapscot
54 N S

District
1 & 4

August 20, 2015

September 9, 2015

WHEREAS, on June 3, 2015, six bids were received for Elmwood Parkway trail improvements located along Rugged Drive.

<u>Bidders</u>	<u>Base Bid</u>	<u>Alternate No. 1**</u>	<u>Total</u>
RoeschCo Construction, Inc.	\$526,816.00	\$92,965.00	\$619,781.00
HQS Construction, LLC	\$552,410.00	\$95,000.00	\$647,410.00
A S Con, Inc.	\$547,300.00	\$106,200.00	\$653,500.00
Denco CS Corporation	\$600,981.15	\$110,000.00	\$710,981.15
Forward Concept, LLC	\$702,606.75	\$109,791.36	\$812,398.11
Pavecon Public Works L.P.	\$788,944.20	\$222,000.00	\$1,010,944.20

**Alternate No. 1 - provides for installation of a 70-foot pedestrian bridge.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into a contract with RoeschCo Construction, Inc. for Elmwood Parkway trail improvements located along Rugged Drive, in an amount not to exceed \$619,781.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with RoeschCo Construction, Inc., after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$619,781 to RoeschCo Construction, Inc. from (2012) Street and Transportation Improvement Funds, Fund 3U22, Department PBW, Unit S615, Object 4599, Activity HIBT, Program PB12S615, CT-PKR15019521, Commodity 91200, Vendor VS0000057213.

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

AGENDA ITEM # 14

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month Interlocal Agreement with Dallas County Schools to transport participants to various programs and activities for the period October 1, 2015 through September 30, 2018 - Not to exceed \$875,000 – Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The City of Dallas has contracted with Dallas County Schools since 1988 to provide economical transportation for the participants in the summer programs and activities of the Dallas Park and Recreation Department.

From October 2015 through September 2018 the following divisions of the Park Department will utilize the bus services: Recreation Services, Special Services, Community Development Block Grant, Youth Services, After-School Program, and Send-A-Kid-to-Camp sites.

State law authorizes the procurement of services provided by another subdivision of the State without submitting the contract for competitive bidding. This may be accomplished by means of an Interlocal Agreement approved by the City Council and Dallas County.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On May 22, 2013, City Council authorized a twenty-eight-month Interlocal Agreement with Dallas County Schools to transport participants to various programs and activities for the period May 23, 2013 through September 30, 2015, by Resolution No. 13-0823.

The Park and Recreation Board approved this item on August 20, 2015.

Information about this item was provided to the Quality of Life Committee on August 24, 2015.

FISCAL INFORMATION

\$875,000 - Current Funds (subject to annual appropriations)

September 9, 2015

WHEREAS, Dallas County Schools has provided bus services to various participants for Park and Recreation Department programs and activities since 1988; and

WHEREAS, the Park and Recreation Department of the City of Dallas desires to transport children and adults to various programs and activities to include senior citizen, after-school, golf and tennis, Send-A-Kid-To-Camp, and summer camp programs; and

WHEREAS, both Dallas County Schools and the City of Dallas are political subdivisions of the State of Texas and are authorized to enter into an agreement pursuant to the provisions of the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a thirty-six-month Interlocal Agreement be authorized with Dallas County Schools to transport participants to various programs and activities for the period October 1, 2015 through September 30, 2018, subject to the terms and conditions of the agreement.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are authorized to execute the agreement after approval as to form by the City Attorney's Office.

SECTION 3. That the Chief Financial Officer be and is hereby authorized to disburse funds to Dallas County Schools (Vendor #349114) from the following appropriations in an amount not to exceed \$875,000 (subject to annual appropriations).

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>ENCUMBRANCE</u>
0001	PKR	5071	3060	\$292,000	PKR16A005
0001	PKR	5071	3060	\$292,000	PKR17A003
0001	PKR	5071	3060	\$291,000	PKR18A002

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

AGENDA ITEM # 15

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Planning and Neighborhood Vitality

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

A resolution to endorse the B4 Jackson alternative in concept as the locally preferred alternative for the Dallas Area Rapid Transit (DART) second light rail alignment in Downtown Dallas (D2), and to articulate certain City priorities to be addressed during subsequent planning of this project - Financing: No cost consideration to the City

BACKGROUND

On August 13, 1983, Dallas Area Rapid Transit Authority (DART) was created as a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, for the purpose of providing public transportation and general transportation services within the DART service area, which includes the City of Dallas, a Texas home rule municipal corporation, and surrounding regions. On February 28, 1990, Dallas City Council Resolution No. 90-0810 approved a Master Interlocal Agreement ("Master ILA") between DART and the City regarding DART's system and establishing a cooperative and supportive relationship between DART and the City.

The CBD Transit Mall along the Bryan/Pacific corridor currently serves as the alignment through Downtown Dallas on which DART operates their Red, Blue, Green and Orange Line light rail service. Due to capacity constraints on the existing Bryan/Pacific CBD Transit Mall, DART has proposed the Downtown Second Light Rail Alignment (D2) as a reliever route with a view towards ensuring long term light rail transit service reliability, operational flexibility, and system capacity.

On May 2, 2007, DART initiated an Alternatives Analysis (AA) and Draft Environmental Impact Statement (DEIS) process for D2. This process included identification and evaluation of alternative alignments, and extensive stakeholder and community engagement. This process was conducted in accordance with federal guidelines to ensure eligibility for federal funding. On March 10, 2010, the AA/DEIS was published by the Federal Transit Administration (FTA) and was circulated for a 45-day public comment period. Comments received during this period included recommendations that additional alternatives be examined due to changing conditions in Downtown.

BACKGROUND (Continued)

In 2012, DART applied for and received a \$700,000 Federal Transit Administration (FTA) grant to resume the D2 Alternatives Analysis based on changed conditions. This enabled DART to reinitiate the AA process focusing on new and refined alternatives based on the AA/DEIS comments, the Downtown 360 Plan, modern streetcar planning and development, and potential high speed rail service from Houston to Dallas. This process included additional community stakeholder and public engagement.

On August 10, 2015, the Council Transportation and Trinity River Project Committee was briefed on this item by DART staff, to provide an overview of the analysis of alternatives. DART staff recommended the B4 alignment as the locally preferred alignment, while also identifying a B4 Modified Jackson Alignment intended to address concerns about impacts to adjacent property. DART staff also identified a window of opportunity for a Federal Transit Administration (FTA) Capital Investment Grant to enable D2 implementation, emphasizing that a grant application would be significantly strengthened by City Council endorsement of a locally preferred alternative.

On August 24, 2015, the Transportation and Trinity River Project Committee took action to approve a draft Council resolution endorsing the B4 Jackson alternative in concept as the locally preferred alternative for D2.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Transportation and Trinity River Project Committee was briefed on this item and approved the resolution on August 24, 2015.

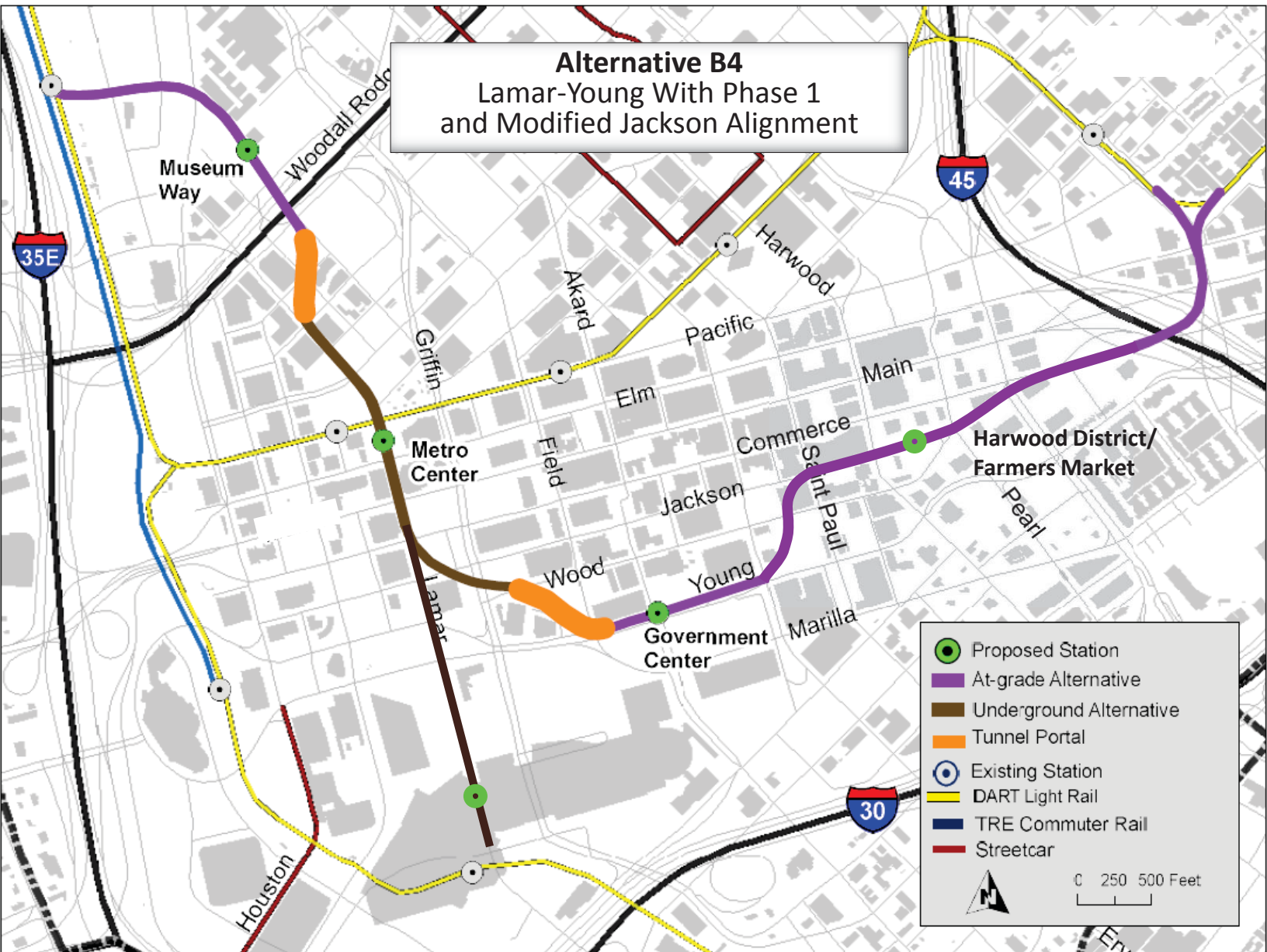
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached

Alternative B4
Lamar-Young With Phase 1
and Modified Jackson Alignment



September 9, 2015

WHEREAS, on February 28, 1990, a Master Interlocal Agreement was executed between Dallas Area Rapid Transit (DART) and the City of Dallas including language stating that a subway remains the City's preferred solution for light rail transit passing through the Dallas Central Business District (CBD) and requiring DART to begin planning for a subway within the CBD when certain stated capacity triggers are met; and

WHEREAS, DART has subsequently proposed the Downtown Second Light Rail Alignment (D2) as a reliever route to Bryan/Pacific CBD Transit Mall to ensure long term light rail transit service reliability, operational flexibility, and system capacity, as well as enhanced Downtown circulation and economic development; and

WHEREAS, in May 2007, in anticipation of pursuing federal funding, DART initiated an Alternatives Analysis (AA) and Draft Environmental Impact Statement (DEIS) process in accordance with federal guidelines, to identify and evaluate alternative D2 alignments, and has conducted extensive stakeholder and community engagement through this process; and

WHEREAS, the AA/DEIS was published by the Federal Transit Administration (FTA) in March 2010 and was circulated for a 45-day public comment period, wherein comments included examination of additional alternatives; and

WHEREAS, the AA process was reinitiated in 2013 to evaluate and advance alternative alignments to the two percent design stage and is concluded by selection of a Locally Preferred Alternative, leaving more detailed design and alignment refinement to subsequent phases of the design process; and

WHEREAS, Texas Central Railway, a private Texas based company, is proposing inter-city high speed rail service between Dallas-Fort Worth and Houston, with a potential Downtown high speed rail station in the vicinity of the Dallas Convention Center; and

WHEREAS, providing convenient linkage between a Downtown high speed rail station and local and regional DART light rail service will be critical to take advantage of transit-oriented development opportunities associated with a well-connected inter-city high speed rail station; and

WHEREAS, on August 10, 2015, DART staff briefed the Dallas City Council Transportation and Trinity River Committee on D2, providing an update on the evaluation of alternative alignments, and identifying a window of opportunity for a Federal Transit Administration Capital Investment Grant for implementation of D2 as a Core Capacity project; and

September 9, 2015

WHEREAS, based on DART's evaluation, the B4 Jackson alternative with potential alignment modifications that may further reduce impacts provides the best balance between serving existing Downtown population centers, generating new ridership, creating opportunities for future transit-oriented development, limiting cost, and meeting the Federal Transit Administration grant criteria for Core Capacity; and

WHEREAS, a Dallas City Council resolution endorsing a preferred D2 alignment would significantly strengthen DART's application for a Federal Capital Investment Grant;

Now, Therefore,

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

SECTION 1. In consideration of taking timely advantage of the FTA Capital Investment Grant opportunity within the 2017 federal funding cycle, the Dallas City Council only endorses the B4 Jackson alternative in concept with additional consideration of potential alignment modifications as shown in EXHIBIT 1 as the preferred D2 alternative with the understanding that DART will address the following City priorities during future detailed design of the alignment:

- (a) Integration of the at-grade light rail line within street rights-of-way will be designed and constructed in a manner that enhances the quality of the street environment through balanced consideration of multimodal accessibility to adjacent buildings and development sites.
- (b) Sufficient engineering analysis will be undertaken during the design process to study and take into consideration the impact of train operations on street-level traffic operations.
- (c) Alternative locations of the transition from at grade to below grade rail will be examined to optimize development potential on adjacent property, and to minimize street closures.
- (d) The alignment will be refined to minimize to the extent feasible negative impacts on adjacent properties.
- (e) A minimum of five new stations will be added in order to maximize transit oriented development potential.
- (f) Necessary planning and design will be undertaken to maximize the flexibility of D2 to accommodate to the extent possible operation of all lines through Downtown, and to preserve the option for future extension of the D2 alignment or other appropriate linkages to connect to the Red and Blue line alignment south of Downtown.

September 9, 2015

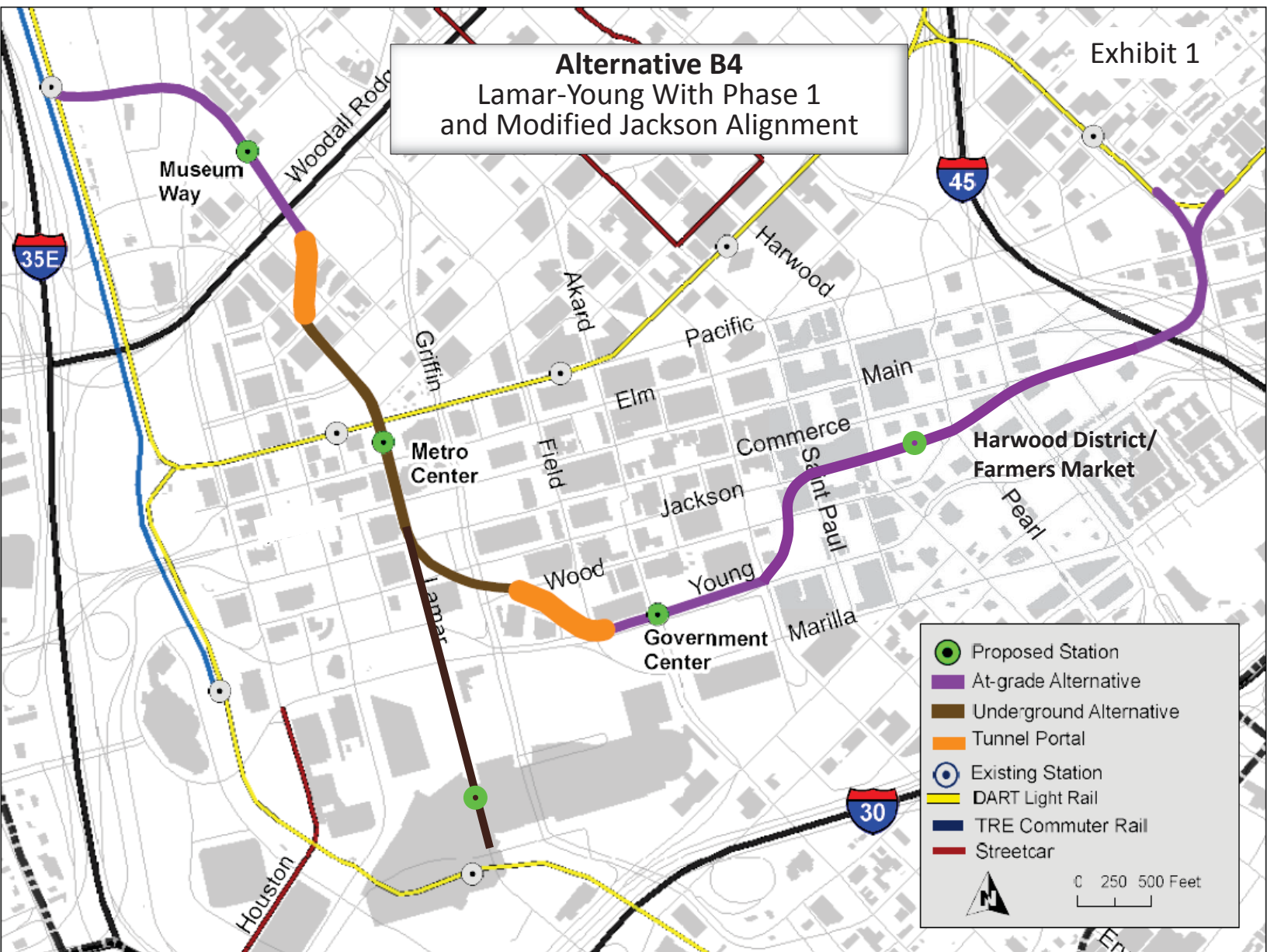
SECTION 2. That the D2 alignment will be brought back for Council approval, once the FTA Project Development phase (ten percent design stage) is complete and prior to incorporation of the alignment into the DART Service Plan under section 452.304 of the Texas Transportation Code, with regard to integration of the at-grade light rail line within street rights-of-way and the analysis of impacts on adjacent properties.

SECTION 3. That the Dallas City Council recommends that funding be set aside in DART's financial plan in a timely manner to enable construction of an extension of the D2 alignment to serve future high speed rail and the Convention Center station.

SECTION 4. That the Dallas City Council endorsement of the B4 Jackson alternative with potential alignment modifications does not in any way alter DART's commitment per the Master Interlocal Agreement to build a subway within the CBD.

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

Alternative B4
Lamar-Young With Phase 1
and Modified Jackson Alignment



August 27, 2015

To: Dallas City Council and DART Board Members:

We the undersigned stakeholders represent Lone Star Gas Lofts, the Continental Building, the Statler Hilton, and the Jackson Street Garage. We were surprised this week to learn that the City Council Transportation Committee recommended to the City Council a D2 alignment that is called B4 Young Street Alternate with a jog in the line to Jackson Street as the "only" alternative for the City Council to consider. This is not what DART recommended to the downtown stakeholders, it is not what they were prepared to recommend to their Board and it is not what Downtown Dallas, Inc. recommended to the City Council. We all would be directly affected by the proposed D2 alignment along Jackson Street and we oppose this alignment as this has not been studied or vetted with the downtown stakeholders. We are willing to work with the City and DART to study the Jackson Street Alignment alternative but we believe it is extremely premature to make Jackson Street the "only" alignment to further evaluate at this time.

The B4 family of D2 alignments, specifically the B4 alignment along Young Street has been in the mix for consideration for almost 10 years. The property owners along that alignment have had the opportunity to confer with the City and DART to express their concerns and make suggestions for improvements. The Jackson Street alignment has only been proposed over the last 3-4 weeks and that simply is not enough time to study the feasibility and impact of the alignment. For this reason we vigorously oppose narrowing the choices to the Jackson Street "only" alignment.

Some of the initial concerns we have about a Jackson Street Alternative are listed below:

1. One of the objectives a new D2 alignment was to encourage new development. The B4 Young Alignment with the Jackson Alternative bisects two of the most valuable development sites in the core.
2. The City, or DART, will have to acquire or condemn at least 2-3 land tracts and acquire the Jackson Street Garage that is fully leased.
3. Another objective of a D2 alignment was not to create a traffic and pedestrian barrier. We believed a Young Street alignment accomplished this due to the generous width of the public right of way. Jogging the line to Jackson and then putting it into a 3 lane street will in our opinion be more dangerous and will create a barrier for traffic and pedestrians. We further believe this alignment will create logistical challenges that have not been identified yet.
4. In the stakeholders meeting on August 19, 2015 DART could not affirmatively say that vehicular traffic would be allowed on Jackson Street. Most all of these buildings have either customer parking, loading and move-in/out or trash removal off Jackson Street. If access

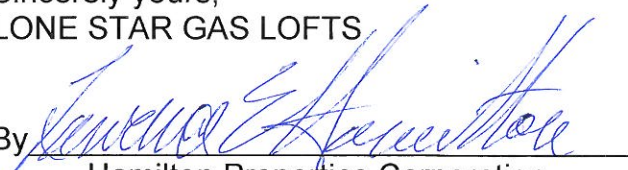
is denied, or negatively impacted, this will have a material impact on the viability of these buildings resulting in millions of dollars of damages.

We do not want to delay DART's submission of a funding request for D2. We want it to proceed in September, and we request that the submission include both the Young Street alignment with the potential Jackson Street alternative alignment, along with some other alignment ideas that have surfaced as a result of these discussions, one of which is a Wood Street Alternative. We do not believe that it is appropriate for the City to recommend that the Jackson Street alternative is the "only" alternative that can be supported at this time because it has not been properly studied and vetted.

We thank you for considering our request and we sincerely hope that you will further study the different alignments for the eastern portion of the B4 Young Alternative and not narrow it down to one alternative that has not been studied or vetted with the stakeholders. We look forward to working with the City and with DART to design a final B4 alignment that is a "100 year solution" that will be the best route for our City with the least impact to the fewest number of stakeholders.

Sincerely yours,
LONE STAR GAS LOFTS

By


Hamilton Properties Corporation
STATLER HILTON

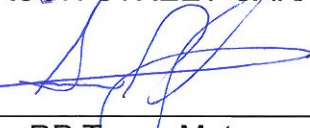
By


Centurion American
CONTINENTAL BUILDING

By


Forest City Enterprises *Residential*
JACKSON STREET GARAGE

By


RP Texas Mgt

Cc: A.C. Gonzalez
Gary Thomas

AGENDA ITEM # 16

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Public Works Department
Code Compliance

CMO: Jill A. Jordan, P.E., 670-5299
Joey Zapata, 670-3009

MAPSCO: 43T

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for landscaping and site drainage improvements at the Dallas Animal Shelter, located at 1818 North Westmoreland Road - Not to exceed \$51,000, from \$82,008 to \$133,008 - Financing: Current Funds (subject to appropriations)

BACKGROUND

This action will authorize SGDesign, Inc. to provide design services for new landscaping at the entrance and to address sloped areas that are experiencing sliding of soils due to over saturated conditions from heavy rains in an amount not to exceed \$51,000. For the landscaping, SGDesign will assess site conditions, provide design and cost estimate that will include drought-tolerant landscaping to the parking lot and entrance areas. The existing drainage areas include the Eastern and Northern hillsides surrounding the detention pond. SGDesign will also address the silting and overgrowth of the detention pond. Services will include schematic design, design development, preparation of construction documents, bid evaluation, and construction administration.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	November 2015
Complete Design	March 2016
Begin Construction	July 2016
Complete Construction	October 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter on September 24, 2014, by Resolution No. 14-1602.

Information about this item was provided to the Quality of Life and Environment Committee on August 24, 2015.

FISCAL INFORMATION

Current Funds - \$51,000 (subject to appropriations)

Design	\$ 75,518.00
Supplemental Agreement No. 1	\$ 6,490.00
Supplemental Agreement No. 2 (this action)	\$ <u>51,000.00</u>
Total	\$133,008.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

SGDesign, Inc.

Hispanic Female	1	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	2
White Female	3	White Male	3

OWNERS

SGDesign, Inc.

Tom Chapman, Principal Architect, Chief Operating Officer
Deborah Bridge, Principal Interior, Chief Executive Officer
John Schlueter, Principal Project Manager, Chief Financial Officer

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for landscaping and site drainage improvements at the Dallas Animal Shelter, located at 1818 North Westmoreland Road - Not to exceed \$51,000, from \$82,008 to \$133,008 - Financing: Current Funds (subject to appropriations)

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$51,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$51,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

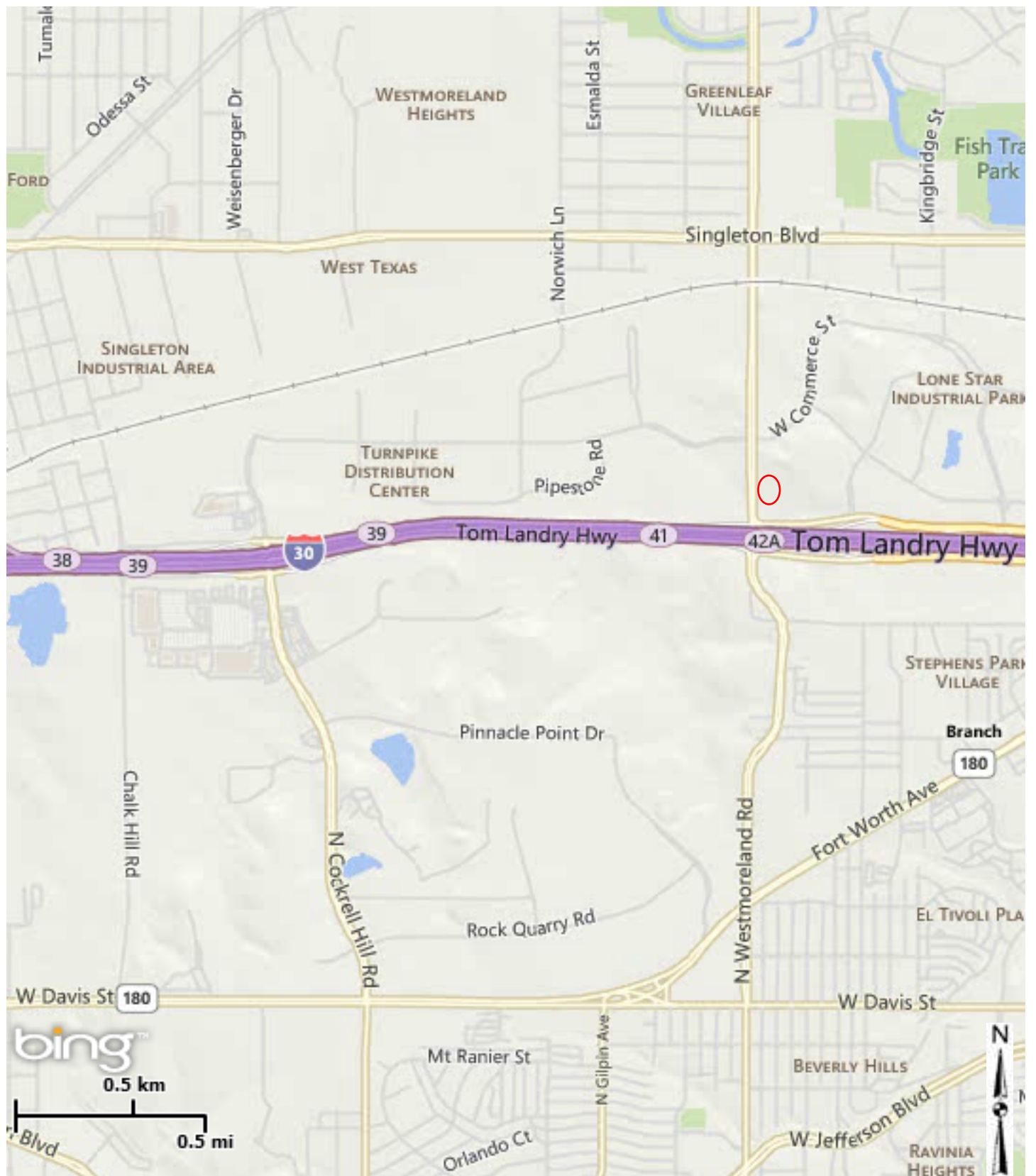
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
SGDesign, Inc.	IMDB62598Y0715	\$16,000.00	31.37%
2M Associates	IMDB36537Y0716	\$8,000.00	15.69%
Total Minority - Local		\$24,000.00	47.06%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$48,859.00	36.73%
Asian American	\$24,000.00	47.06%	\$51,249.00	38.53%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$24,000.00	47.06%	\$100,108.00	75.26%



Animal Shelter

1818 N Westmoreland Rd

September 9, 2015

WHEREAS, on September 24, 2014, Resolution No. 14-1602 authorized a professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter located at 1818 N. Westmoreland Road in an amount not to exceed \$75,518; and,

WHEREAS, on April 22, 2015, Administrative Action No. 15-0616 authorized Supplemental Agreement No. 1 to the professional services contract with SGDesign, Inc. for surveying services at the Animal Shelter located at 1818 N. Westmoreland Road in an amount not to exceed \$6,490, from \$75,518 to \$82,008; and,

WHEREAS, it is desirable to authorize Supplemental Agreement No. 2 to the professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for landscaping and additional site drainage improvements at the Animal Shelter located at 1818 N. Westmoreland Road, in an amount not to exceed \$51,000, from \$82,008 to \$133,008.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for landscaping and additional site drainage improvements at the Animal Shelter located at 1818 N. Westmoreland Road in an amount not to exceed \$51,000, from \$82,008 to \$133,008, after it has been approved as to form by the City Attorney.

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

Current Funds
Fund 0001, Dept. CCS, Unit 3476, Act. CC03
Obj. 4111, Program #PBCUR016, CT 14CCS3476K104
Vendor #VS0000028887, in the amount of \$ 51,000

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

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sanitation Services

CMO: Joey Zapata, 670-3009

MAPSCO: 67K

SUBJECT

Authorize a professional services contract with Burns & McDonnell Engineering Company, Inc. for construction and technical consulting related services pertaining to the construction of a Materials Recovery Facility (MRF) at the McCommas Bluff landfill, including preconstruction plan review, design consultation, key construction component oversight of equipment installation and initial operation and testing of the equipment for the City of Dallas' Single Stream Recycling Materials Facility - Not to exceed \$180,000 - Financing: Current Funds (\$11,250) and Sanitation Current Funds (\$168,750) (subject to appropriations)

BACKGROUND

The Dallas Local Solid Waste Management Plan (LSWMP) was created to develop a long term systematic approach to meet the goals of economic growth, environmental stewardship and fiscal responsibility. The City of Dallas recognized the advantages of a planning process to manage its municipal solid waste and re-usable materials for an extended period to extend the life of the City's McCommas Bluff Landfill by diverting recyclable trash. A vast majority of solid waste has the potential for re-use and recycling benefits for community in multiple ways, and the City's Sanitation Department is moving forward to have a Materials Recycling Facility constructed and operating at McCommas Bluff Landfill to handle the City's residential recycling.

In 2013, the City contracted with Leidos Engineering, LLC (formerly doing business as SAIC) to perform a Resource Recovery Planning Study to evaluate future recovery opportunities in Dallas by conducting a waste composition analysis and technology review of the Department of Sanitation.

BACKGROUND (Continued)

In 2014, Leidos presented the results of its findings to the City and recommended that the City proceed with a procurement for either a Processing Services Agreement for single stream recycling or to build a material recovery facility at McCommas Bluff Landfill. The findings were briefed to the Trinity River and Transportation Committee on June 9, 2014, and the Committee recommended that the City proceed with a Request for Competitive Sealed Proposals with the two options.

Leidos assisted the City in preparing a Request for Competitive Sealed Proposals (RFCSP).

On February 20, 2015, Administrative Action No. 15-5421 authorized assignment of Leidos Engineering Contract for the professional services for the solid waste resource recovery facility to The Louis Berger Group, Inc. The Louis Berger Group contracted with Burns & McDonnell Engineering Company, Inc. to complete the consulting work for the City.

In 2015, the City's evaluation team reviewed all of the submitted proposals with the assistance of the Leidos' consultants, who were now associated with Burns & McDonnell Engineering Company, Inc. reviewing the proposals and analyzing the plans and designs and the financial benefits to the City of each proposal.

On June 11, 2015, Administrative Action No. 15-6083 authorized a professional service contract, procured through an Interlocal Agreement for Cooperative Purchasing with the City of El Paso using its On-Call Agreement for Professional Services dated November 18, 2014, directly with Burns & McDonnell Engineering Company, Inc. for preparing permit modifications or amendments to municipal solid waste permit documents related to a potential MRF being built at the McCommas Bluff Landfill and obtaining Texas Commission on Environmental Quality (TCEQ) approval for the Department of Sanitation.

On August 26, 2015, in a companion agenda item, management is recommending that the City Council authorize a fifteen year contract with conditional extension options of from one to ten years with Fomento de Construcciones y Contratas, S.A. dba FCC, S.A for the development, construction, operation and management of a materials recovery facility to process single-stream recycling material at McCommas Bluff Landfill.

Since the City does not have in-house engineering expertise to review the plans and oversee the technical construction components of the materials recovery facility, management is recommending that the City Council authorize a professional services contract with Burns & McDonnell Engineering Company, Inc. to perform the professional over-sight necessary for the design, construction and technical consulting phase of the facility.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	Winter 2015
Complete Construction	Winter 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 27, 2013, City Council authorized a service contract with SAIC Energy, Environment and Infrastructure, LLC to conduct a waste composition analysis and technology review of the Department of Sanitation, by Resolution No. 13-0510.

On June 25, 2014, City Council authorized Supplemental Agreement No. 3 to the service contract with Leidos Engineering, LLC (formerly doing business as SAIC) for preparation of the RFCSP and evaluation of the proposals for a Processing Service Agreement (PSA) and Develop, Construct, Operate option in processing Single-Stream Recycled Materials, by Resolution No. 14-1031.

Information about this item was provided to the Quality of Life & Environment Committee on August 10, 2015.

FISCAL INFORMATION

\$ 11,250.00 - Current Funds (subject to appropriations)
\$168,750.00 - Sanitation Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Burns & McDonnell Engineering Company, Inc.

White Male	3315	White Female	963
Black Male	135	Black Female	67
Hispanic Male	170	Hispanic Female	57
Other Male	288	Other Female	83

OWNER

Burns & McDonnell Engineering Company, Inc.

Stephen M. Linnemann, Sr. Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Burns & McDonnell Engineering Company, Inc. for construction and technical consulting related services pertaining to the construction of a Materials Recovery Facility (MRF) at the McCommas Bluff landfill, including preconstruction plan review, design consultation, key construction component oversight of equipment installation and initial operation and testing of the equipment for the City of Dallas' Single Stream Recycling Materials Facility - Not to exceed \$180,000 - Financing: Current Funds (\$11,250) and Sanitation Current Funds (\$168,750) (subject to appropriations)

Burns & McDonnell Engineering Company, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$180,000.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$180,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

September 9, 2015

WHEREAS, the City has entered into an Interlocal Agreement for a Cooperative Purchasing Program with the City of El Paso, pursuant to Administrative Action No. 08-0518 dated January 18, 2008, adding additional local government participants to those previously authorized by Council Resolution No. 06-1805; and,

WHEREAS, the City of El Paso procured the services of Burns & McDonnell Engineering Company, Inc. through an On-Call Agreement for Professional Services dated November 18, 2014; and,

WHEREAS, on February 20, 2015, Administrative Action No. 15-5421 authorized assignment of Leidos Engineering Contract for the professional services for the solid waste resource recovery facility to The Louis Berger Group, Inc. The Louis Berger Group contracted with Burns & McDonnell Engineering Company, Inc. to complete the consulting work for the City; and,

WHEREAS, on June 11, 2015, Administrative Action No. 15-6083 authorized a professional service contract, procured through an Interlocal Agreement for Cooperative Purchasing with the City of El Paso using its On-Call Agreement for Professional Services dated November 18, 2014, directly with Burns & McDonnell Engineering Company, Inc. for preparing permit modifications or amendments to municipal solid waste permit documents related to a potential MRF being built at the McCommas Bluff Landfill and obtaining Texas Commission on Environmental Quality (TCEQ) approval for the Department of Sanitation; and,

WHEREAS, the professional engineering consultants with Burns & McDonnell Engineering Company, Inc., have a two-year history related to a potential Materials Recycling Facility (MRF) being built at the McCommas Bluff Landfill;

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to enter into a professional services contract with Burns & McDonnell Engineering Company, Inc. (VS0000057931), for professional construction related services pertaining to the MRF at the McCommas Bluff Landfill, for preconstruction plan review, design consultation, key construction component oversight of equipment installation and initial operation and testing of the equipment for the City of Dallas' Single – Stream Recycling Materials Facility, after it has been approved as to form by the City Attorney.

September 9, 2015

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds (subject to appropriations) in accordance with the terms and conditions of the agreement from:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>ENCUMBRANCE</u>
0001	SAN	3592	3070	\$11,250.00	Burns & McDonnell Engineering FY15
0440	SAN	3592	3070	\$168,750.00	Burns & McDonnell Engineering FY16

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

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 25U

SUBJECT

An ordinance abandoning a portion of a utility easement to Intercity Investments, Inc., the abutting owner, containing approximately 13,467 square feet of land, located near the intersection of Edgemere Road and Bandera Avenue - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a utility easement to Intercity Investments, Inc., the abutting owner. The area will be included with the property of the abutting owner for the expansion of the existing retirement facility and construction of underground parking. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

Revenue: \$5,400, plus the \$20 ordinance publication fee

OWNER

Intercity Investments, Inc.

Christopher G. Jordan, President

MAP

Attached

VICINITY MAP

N.T.S.

NORTH

ELDON

FALLS

WINSTON

PARK

HOLLOW

DENTWOOD

NORTHBROOK

BERKSHIRE

GLEN FALLS

REDWOOD

EENBRIER

SOUTHWESTERN

BRYN MAWR

DEVONSHIRE

EASTERN

HATHAWAY

DALLAS NORTH TOLLWAY

LOMA ALTO

WESTCHESTER

JOYCE

LUPTON

FALLS

WATSON

PRESTON

STEFANI

LUPTON

TULANE

PRESTONSHIRE

DESCO

PARK

WOODLAND

DELOACHE

NORTHWOOD

DEL NORTE

BANDERA

AVERILL

NORTHWEST

BALTIMORE

EDGEMERE

THACKERY

CREEK

CHASE

HILLCREST

CHIPPERTON

LUPTON

DARTWOOD

CLEARWOOD

Hillcrest Memorial Park Cemetery

HIGHWAY 2.0

VILLANOVA

WENTWOOD

CENTENARY

MARQUETTE

DURHAM

COLGATE

CARUTH

THACKERY

CARUTH PARK

SOUTHWESTERN

HANOVER

BALTIMORE

PICKWICK

TULANE

SMITH PARK

SHERRY

LUTHER

MCCRAW

REDWOOD

GLEN FALLS

BERKSHIRE

NORTHBROOK

DENTWOOD

HOLLOW

PARK

WINSTON

FALLS

ELDON

HATHAWAY

DALLAS NORTH TOLLWAY

LOMA ALTO

WESTCHESTER

JOYCE

LUPTON

FALLS

WATSON

PRESTON

STEFANI

LUPTON

TULANE

PRESTONSHIRE

DESCO

PARK

WOODLAND

DELOACHE

NORTHWOOD

DEL NORTE

BANDERA

AVERILL

NORTHWEST

BALTIMORE

EDGEMERE

THACKERY

CREEK

CHASE

HILLCREST

CHIPPERTON

LUPTON

DARTWOOD

CLEARWOOD

Hillcrest Memorial Park Cemetery

HIGHWAY 2.0

VILLANOVA

WENTWOOD

CENTENARY

MARQUETTE

DURHAM

COLGATE

CARUTH

THACKERY

CARUTH PARK

SOUTHWESTERN

HANOVER

BALTIMORE

PICKWICK

TULANE

SMITH PARK

SHERRY

LUTHER

MCCRAW

REDWOOD

GLEN FALLS

BERKSHIRE

NORTHBROOK

DENTWOOD

HOLLOW

PARK

WINSTON

FALLS

ELDON

HATHAWAY

DALLAS NORTH TOLLWAY

LOMA ALTO

WESTCHESTER

JOYCE

LUPTON

FALLS

WATSON

PRESTON

STEFANI

LUPTON

TULANE

PRESTONSHIRE

DESCO

PARK

WOODLAND

DELOACHE

NORTHWOOD

DEL NORTE

BANDERA

AVERILL

NORTHWEST

BALTIMORE

EDGEMERE

THACKERY

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CHASE

HILLCREST

CHIPPERTON

LUPTON

DARTWOOD

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LUPTON

DARTWOOD

CLEARWOOD

Hill

N.T.S.

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement located in City Block 8/5464 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Intercity Investments, Inc.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Intercity Investments, Inc., a Texas corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth. **Now, Therefore,**

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST

City Attorney

DAVID COSSUM

**Director of Department of Sustainable
Development and Construction**

BY


Assistant City Attorney

BY


Assistant Director

Passed _____.

LEGAL DESCRIPTION

BEING a 13,467 square foot tract of land situated in the John McDowell Survey, Abstract No. 922, City of Dallas, Dallas County, Texas; part of Lot 1A, Block 8/5464, Edgemere, an addition to the City of Dallas according to the plat recorded in Volume 2000225, Page 197 of the Deed Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to Corrigan Properties, Inc. (doing business as "InterCity Investments, Inc.", by document recorded in Instrument No. 201400173817 of the Official Public Records of Dallas County, Texas) recorded in Volume 69194, Page 65 of said Deed Records as affected by document recorded in Instrument No. 201400173817 of the Official Public Records of Dallas County, Texas; and being part of a Private Drive & Utility Easement dedicated and created by said plat of Edgemere addition; and and being more particularly described as follows:

BEGINNING at a northwest corner of said Private Drive & Utility Easement and being in the east right-of-way line of Edgemere Road (a 110-foot wide right-of-way); from said point a 5/8-inch iron rod with "HUITT ZOLLARS" cap found at the south end of a right-of-way corner clip at the intersection of said east right-of-way line of Edgemere Road and the south right-of-way line of Bandera Avenue (a variable width right-of-way) bears North 0°38'27" West, a distance of 30.10 feet ;

THENCE with the north line of said Private Drive & Utility Easement, the following courses and distances:

North 75°06'00" East, a distance of 23.08 feet to a point for corner;

North 89°09'00" East, a distance of 201.93 feet to a point at the beginning of a tangent curve to the left having a central angle of 90°00'00", a radius of 40.00 feet, a chord bearing and distance of North 44°09'00" East, 56.57 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 62.83 feet to an "X" cut in concrete set for corner;

THENCE departing said north line of the Private Drive & Utility Easement, South 0°51'14" East, a distance of 65.00 feet to an "X" cut in concrete set for corner in a south line of said Private Drive & Utility Easement;

THENCE with said south line of said Private Drive & Utility Easement, the following courses and distances:

South 89°09'00" West, a distance of 178.69 feet to a point at the beginning of a tangent curve to the left having a central angle of 90°00'00", a radius of 40.00 feet, a chord bearing and distance of South 44°09'00" West, 56.57 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 62.83 feet to a point for corner;

South 0°51'00" East, a distance of 189.15 feet to an "X" cut in concrete set for corner;

South 89°09'00" West, a distance of 25.00 feet to an "X" cut in concrete set for corner;

North 0°51'00" West, a distance of 179.49 feet to a point at the beginning of a tangent curve to the left having a central angle of 45°00'00", a radius of 40.00 feet, a chord bearing and distance of North 23°21'00" West, 30.61 feet;

In a northwesterly direction with said curve to the left, an arc distance of 31.42 feet to a point for corner;

North 45°51'00" West, a distance of 12.78 feet to a point for corner in said east right-of-way line of Edgemere Road; from said point a 5/8-inch iron rod with "HUITT ZOLLARS" cap found at the north end of a right-of-way corner clip at the intersection of said east right-of-way line of Edgemere Road and the north right-of-way line of Northwest Parkway (a 50-foot wide right-of-way) bears South 0°38'27" East, a distance of 532.57 feet ;

THENCE with said east right-of-way line of Edgemere Road, North 0°38'27" West, a distance of 31.74 feet to the **POINT OF BEGINNING** and containing 13,467 square feet or 0.309 acres of land.

Bearing system based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

(For SPRG use only)

Reviewed By: JD
Date: 8/11/2015
SPRG NO: 3273

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com



**PARTIAL ABANDONMENT OF
UTILITY EASEMENT
PART OF LOT 1A, BLOCK 8/5464
EDGEMERE**

**JOHN McDOWELL SURVEY,
ABSTRACT NO. 922
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

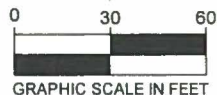
Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	FEB. 2015	067783402	1 OF 2



5/8-INCH IRON ROD
W/"HUITT ZOLLARS"
CAP FOUND (C.M.)

P.O.B.

N0°38'27"W
31.74'

N45°51'00"W
12.78'

Δ=45°00'00"
R=40.00'
L=31.42'

CB=N23°21'00"W
C=30.61'

EDGEMERE ROAD
(A 110-FOOT WIDE RIGHT-OF-WAY)

25' PRIVATE DRIVE &
UTILITY EASEMENT
(VOL. 2000225, PG. 197)
D.R.D.C.T.

S0°38'27"E 532.57'

N0°51'00"W 179.49'

S0°51'00"E 189.15'

PARTIAL ABANDONMENT OF UTILITY EASEMENT

0.309 ACRES
13,467 SQ. FT.

LOT 1A, BLOCK 8/5464
EDGEMERE
(VOL. 2000225, PG. 197) D.R.D.C.T.

25' PRIVATE DRIVE &
UTILITY EASEMENT
(VOL. 2000225, PG. 197)
D.R.D.C.T.

S89°09'00"W
25.00'

5/8-INCH IRON ROD
W/"HUITT ZOLLARS"
CAP FOUND (C.M.)

NORTHWEST PARKWAY

(A 50-FOOT WIDE RIGHT-OF-WAY)



(For SPRG use only)

Reviewed By: JD

Date: 8/11/2015

SPRG NO: 3273

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com

BANDERA AVENUE (A VARIABLE WIDTH RIGHT-OF-WAY)

5/8-INCH IRON ROD
W/"HUITT ZOLLARS"
CAP FOUND (C.M.)

N75°06'00"E
23.08'

N89°09'00"E 201.93'

5/8-INCH IRON ROD
W/"HUITT ZOLLARS"
CAP FOUND (C.M.)

Δ=90°00'00"
R=40.00'
L=62.83'
CB=N44°09'00"E
C=56.57'

WATER EASEMENT
(VOL. 2000225, PG. 197)
D.R.D.C.T.

XS

S0°51'14"E
65.00'

S89°09'00"W 178.69'
25' PRIVATE DRIVE &
UTILITY EASEMENT
(VOL. 2000225, PG. 197)
D.R.D.C.T.

25' PRIVATE DRIVE &
UTILITY EASEMENT
(VOL. 2000225, PG. 197)
D.R.D.C.T.

25' WASTEWATER &
DRAINAGE EASEMENT
(VOL. 2000225, PG. 197)
D.R.D.C.T.

INTERCITY INVESTMENT
PROPERTIES, INC.
FKA: CORRIGAN
PROPERTIES, INC.
(VOL. 69194, PG. 65)
D.R.D.C.T.
O.P.R.D.C.T.

LEGEND
P.O.B. = POINT OF BEGINNING
C.M. = CONTROLLING MONUMENT
D.R.D.C.T. = DEED RECORDS OF
DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC
RECORDS OF DALLAS COUNTY, TEXAS
INST. NO. = INSTRUMENT NUMBER
SQ. FT. = SQUARE FEET
VOL. = VOLUME
PG. = PAGE
FKA = FORMALLY KNOWN AS

NOTE

Bearing system based on the State Plane
Coordinate System, Texas North Central Zone
4202, North American Datum of 1983 (2011).

PARTIAL ABANDONMENT OF UTILITY EASEMENT PART OF LOT 1A, BLOCK 8/5464 EDGEMERE

JOHN McDOWELL SURVEY,
ABSTRACT NO. 922
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251 FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	JAD	DAB	FEB. 2015	067783402	2 OF 2

AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45H

SUBJECT

Authorize settlement in lieu of proceeding further with condemnation of a subsurface easement under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, located on Ross Avenue at its intersection with Hall Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$6,118 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes a settlement for the acquisition of a subsurface easement located under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The original authorizing resolution authorized an offer amount of \$21,882 plus closing costs and title expenses not to exceed \$2,500. That amount is being increased to \$28,000 plus closing costs and title expenses not to exceed \$2,500.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On May 13, 2015, City Council approved Resolution No. 15-0890.

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500)

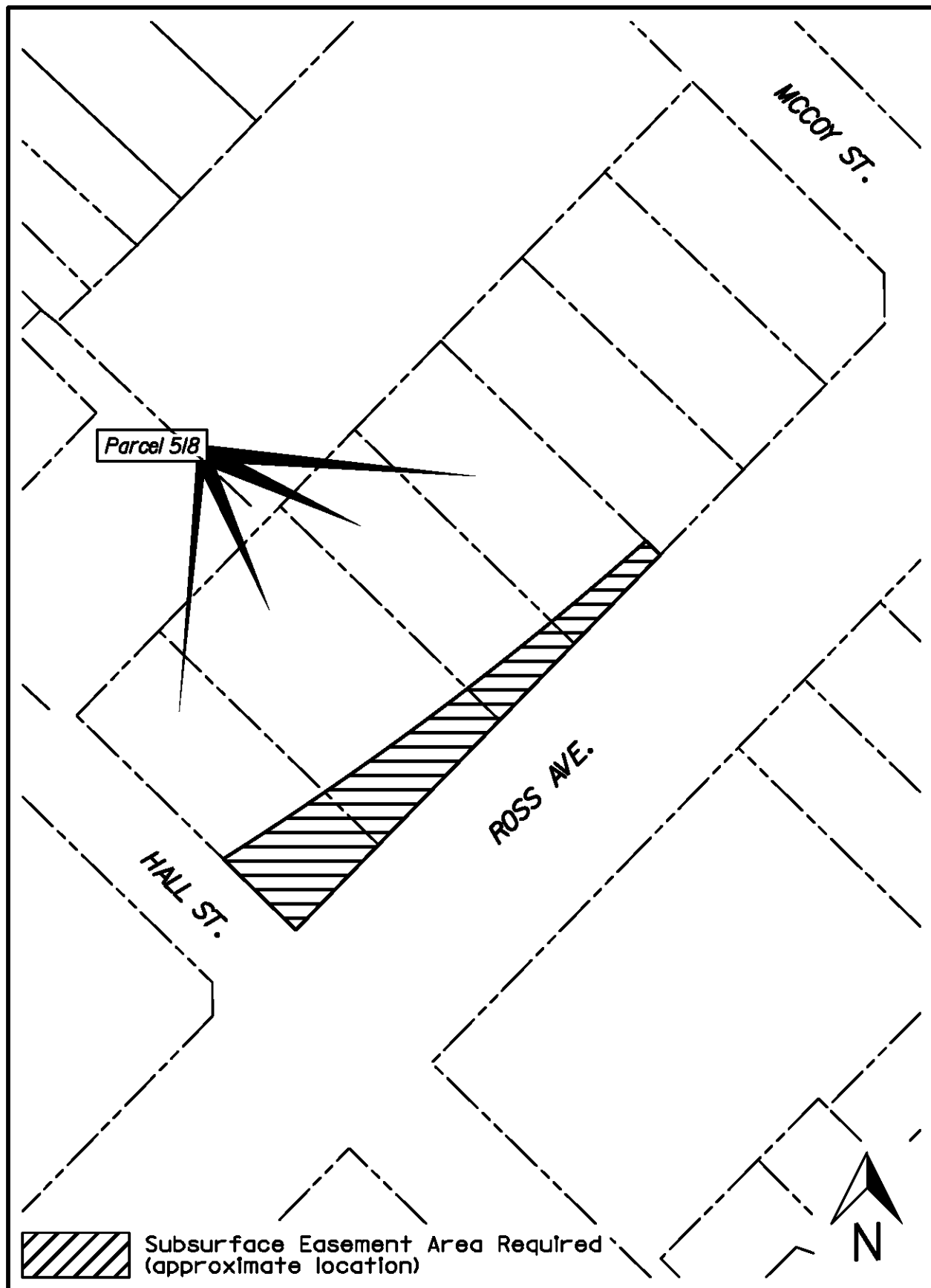
OWNER

1507 Dragon Street DDD, LLC

Desmond Donohoe, President

MAP

Attached



September 9, 2015

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR AN AMOUNT HIGHER THAN THE FIRST RESOLUTION OFFER AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION OFFER AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the SETTLEMENT AMOUNT stated herein; **Now, Therefore,**

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,500.00.

“FIRST RESOLUTION”: Resolution No. 15-0890 approved by the Dallas City Council on May 13, 2015.

“FIRST RESOLUTION OFFER AMOUNT”: \$21,882.00.

“OWNER”: 1507 Dragon Street DDD, LLC, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest in the PROPERTY, regardless of whether those persons are actually named herein.

“PROJECT”: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

“PROPERTY”: Located under approximately 4,944 square feet in area, lying between the subsurface elevations of 237 feet and 412 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes.

September 9, 2015

“PROPERTY INTEREST”: Flood Control Tunnel Easement.

“REVISED AUTHORIZED AMOUNT”: \$30,500.00.

“SETTLEMENT AMOUNT”: \$28,000.00.

“USE”: The below ground construction, installation, use and maintenance of a deep tunnel for the storage and transmission of stormwater drainage.

SECTION 2. That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

SECTION 3. That the Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-PBW06T525G60, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525G61.

SECTION 4. That the payment referenced in Section 3 shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney.

SECTION 5. The SETTLEMENT AMOUNT - \$28,000.00 and the CLOSING COSTS AND TITLE EXPENSES - \$2,500.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$30,500.00.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing.

SECTION 7. That the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

September 9, 2015

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY**

BY: 
Assistant City Attorney

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM TOMAINO PROPERTIES, L.P.

EXHIBIT A

BEING a 4,944 square foot (0.1135 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in Block 596 (Official City of Dallas Block number) of the City of Dallas, Dallas County, Texas, and being part of Burton's Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 70, Page 260 of the Deed Records of Dallas County, Texas, and being parts of those tracts of land described as Tract 9A, Tract 13, Tract 28 and Tract 29 (all unplatted) in Special Warranty Deed to Tomaino Properties, L.P. recorded in Instrument Number 200600227192 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the east corner of said Tract 29 having coordinates of N=6976795.2627, E=2494328.9653 (not monumented) and south corner of that tract of land (unplatted) described in Executor's Special Warranty Deed to Charles Macon Warlick recorded in Instrument Number 20080150920 of said Official Public Records, from whence a PK nail found for the east corner of said Charles Macon Warlick tract and the south corner of Ross-McCoy Addition, an addition to the City of Dallas recorded in Instrument Number 201200060574 of the Official Public Records of Dallas County, Texas, bears North 44 degrees 12 minutes 50 seconds East, 51.51 feet (deed called 50.00 feet);

THENCE South 44 degrees 12 minutes 50 seconds West, with said northwest right-of-way line of Ross Avenue and the southeasterly line of said Tracts 29, 28, 13 and 9A, at 52.00 feet passing a 1/2 inch iron rod found for the south corner of Tract 29 and east corner of Tract 28 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A, at a cumulative distance of 97.00 feet passing a 1 inch pipe found for the south corner of Tract 28 and north corner of Tract 13 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A for a total of 218.80 feet to the south corner of said Tract 9A having coordinates of N=6976638.4615, E=2494176.4088 (not monumented), same being the intersection of said northwest right-of-way line of Ross Avenue with the northeast right-of-way line of Hall Street (a 40 foot wide right-of-way);

THENCE North 45 degrees 38 minutes 50 seconds West, departing said northwest right-of-way line of Ross Avenue with said northeast right-of-way line of Hall Street and southwest line of said Tract 9A, 42.78 feet to the point of curvature having coordinates of N=6976668.3666, E=2494145.8203 (not monumented) of a non-tangent circular curve to the left having a central angle of 09 degrees 22 minutes 05 seconds, a radius of 1,355.00 feet, a tangent of 111.02 feet and a chord which bears North 53 degrees 07 minutes 03 seconds East, 221.30 feet;



FIELD NOTES APPROVED:

7-ER 4/20/13

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM TOMAINO PROPERTIES, L.P.

EXHIBIT A

THENCE Northeasterly, departing said northwest right-of-way line of Ross Avenue and said northeast right-of-way line of Hall Street, and across said Tracts 9A, 13, 28 and 29 with said curve to the left for an arc distance of 221.55 feet to the end of said curve having coordinates of N=6976801.1675, E=2494322.8073 (not monumented), said end of curve being on the northeast line of said Tract 29;

THENCE South 45 degrees 00 minutes 50 seconds East, with said northeasterly line of Tract 29, 8.53 feet to the POINT OF BEGINNING and containing 4,944 square feet (0.1135 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

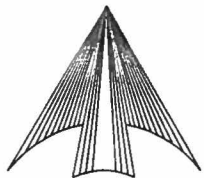


Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9.12.2013



FIELD NOTES APPROVED:

DER 11/20/13



NORTH
SCALE: 1"=50'

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495

ASKE GIRMA
VOL. 99098, PG. 5623
D.R.D.C.T.

ROSS-MCCOY ADDITION
EXTRACTED 20060574
O.P.R.D.C.T.

R&F INVESTMENTS II, LTD.
CALLED 6,450 SQ. FT.
INST. NO. 201100133586
O.P.R.D.C.T.

CHARLES MACON WARLICK
INST. NO. 20080150920
O.P.R.D.C.T.

TRACT 9B
TOMAINO PROPERTIES, L.P.
INST. NO. 200600227192
O.P.R.D.C.T.

TRACT 13

TRACT 28

BURTON'S ADDITION
VOL. 70, PG. 260
D.R.D.C.T.

TOMAINO PROPERTIES, L.P.
INST. NO. 200600227192
O.P.R.D.C.T.

$\Delta=09^{\circ}22'05''$
 $R=1,355.00'$
 $T=111.02'$
 $L=221.55'$
 $CB=N 53^{\circ}07'03'' E$
 $CL=221.30'$

BLOCK 596

POINT OF
BEGINNING
N=6976795.2627
E=2494328.9653

PARCEL 518
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
4,944 SQ. FT.
(0.1135 ACRE)

(UNPLATTED)
JULIO HERNANDEZ
VOL. 98207, PG. 4719
D.R.D.C.T.

(UNPLATTED)
ROSE BARSHOP RESIDUARY TRUST
VOL. 88150, PG. 4397
D.R.D.C.T.

RHOFJ PARTNERS ADDITION
INST. NO. 201100309310
O.P.R.D.C.T.

ROSS AVENUE
(80' RIGHT-OF-WAY)



"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T. DEED RECORDS OF DALLAS
COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS
COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF
DALLAS COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER
VOL., PG. VOLUME, PAGE
ESMT. EASEMENT
SQ. FT. SQUARE FEET

--- RIGHT-OF-WAY LINE
--- EASEMENT LINE
--- SUBDIVISION LINE
--- PROPERTY LINE
--- IRF IRON ROD FOUND
--- IPF IRON PIPE FOUND
--- CM CONTROLLING MONUMENT
--- FPK FOUND PK NAIL
--- FX FOUND "X"

PAGE 3 OF 3

4,944 SQ. FT. (0.1135 ACRE) SUB-SURFACE DRAINAGE
TUNNEL EASEMENT CITY OF DALLAS DRAWING
NO. 423R-54 (PARCEL 518) TO BE ACQUIRED IN CITY OF
DALLAS BLOCK 596, JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495 CITY OF DALLAS,
DALLAS COUNTY, TEXAS. FROM TOMAINO PROPERTIES, L.P.

NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

09/12/2013

PARCEL-518.DWG

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 46E

SUBJECT

Authorize an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and to authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M.I. Gaston Partners, Ltd. and MSC-I, Ltd., of a subsurface easement located under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: This action has no cost consideration to the City

BACKGROUND

This item authorizes an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement located under approximately 10,702 square feet of land, from lying between the subsurface elevations of 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988 for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project.

All other provisions authorized by Resolution No. 15-0857 remain in full force and effect.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition by appropriation and/or condemnation on May 13, 2015, by Resolution No. 15-0857.

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

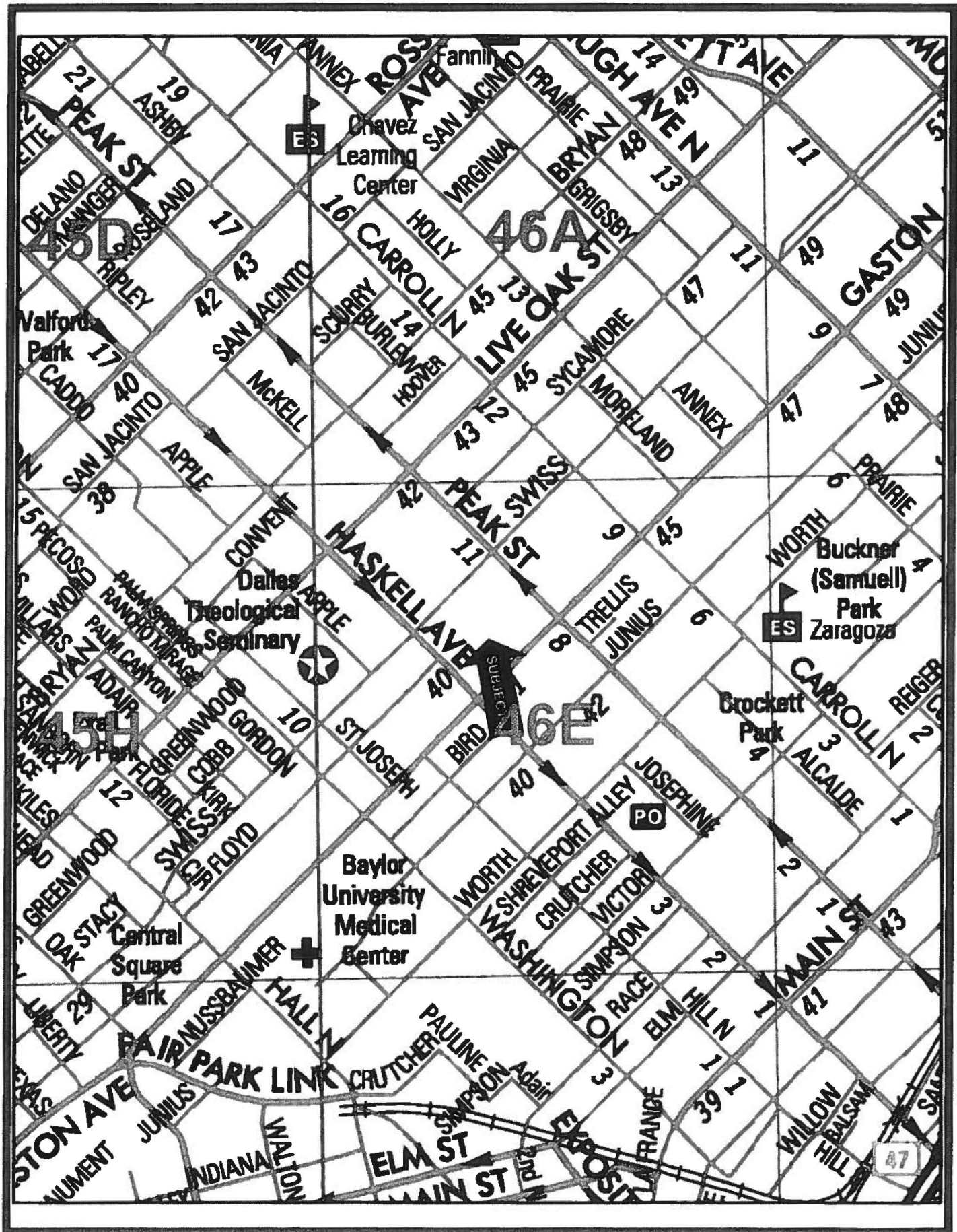
This action has no cost consideration to the City.

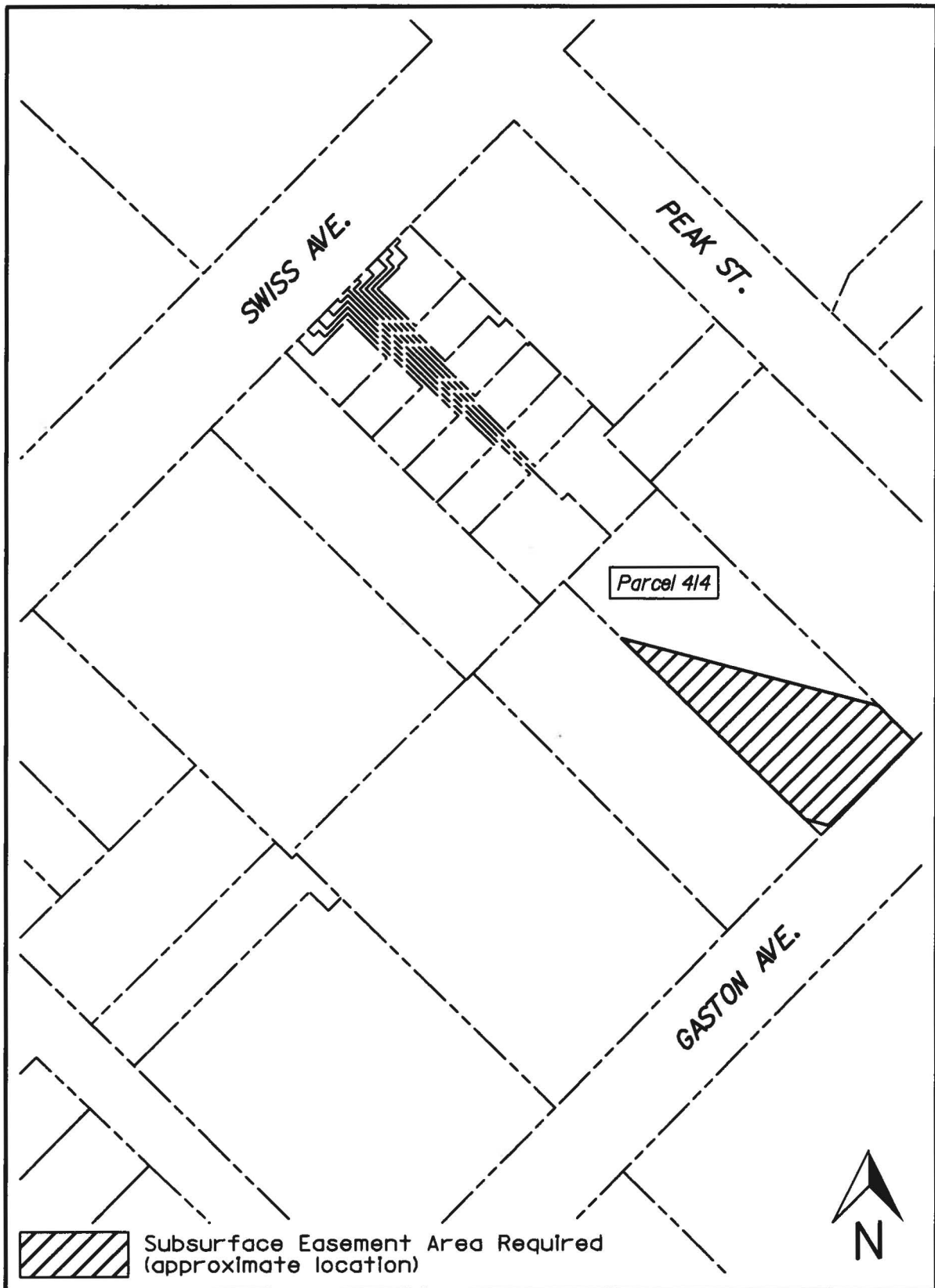
OWNER

M.I. Gaston Partners, Ltd.
MSC-I, Ltd.

MAPS

Attached





September 9, 2015

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

WHEREAS, on May 13, 2015, the Dallas City Council determined the necessity of acquiring a subsurface easement and authorized its appropriation and/or condemnation for public use by Resolution No. 15-0857; and

WHEREAS, on May 13, 2015, Resolution No. 15-0857 authorized acquisition of a subsurface easement of the PROPERTY located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 391 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and

WHEREAS, the City of Dallas desires to authorize the City Manager to modify the elevation reference for a subsurface easement from 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988;
NOW THEREFORE,

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

SECTION 1. That Resolution No. 15-0857, previously approved on May 13, 2015, is hereby amended by altering the definition of "PROPERTY", as follows:

"PROPERTY": Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

SECTION 2. That the definitions, terms and conditions of Resolution No. 15-0857 shall remain in full force and effect except as amended hereby.

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

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

BY


Assistant City Attorney

**FIELD NOTES DESCRIBING A 0.2457-ACRE (10,702-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM MSC-I, LTD.**

EXHIBIT A

BEING a 0.2457-acre (10,702-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of Block 7 (Official City of Dallas Block Number 7/767) of Peak's Suburban Addition, an addition to the City of Dallas recorded in Volume 45, Page 56 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to MSC-I, Ltd. as evidenced by Special Warranty Deed recorded in Volume 2001229, Page 3303 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING in the northwest line of Gaston Avenue, a 70-foot right-of-way, and the southeast line of City Block 7/767 at the common east corner of said MSC-I tract and the south corner of that certain tract of land conveyed to North Peak Center, LLC as evidenced by Special Warranty Deed recorded in Instrument Number 200900037207 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976551.0466, E=2498339.3488 (not monumented), from which an "X" cut in concrete found bears North 45 degrees 24 minutes 31 seconds West a distance of 0.63 feet;

THENCE South 44 degrees 24 minutes 29 seconds West along the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 a distance of 83.47 feet, having coordinates of N=6976491.4229, E=2498280.9445 (not monumented);

THENCE North 75 degrees 10 minutes 00 seconds West departing the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 over and across said MSC-I tract a distance of 18.27 feet to the southwest line of said MSC-I tract and the northeast line of that certain tract of land conveyed to East West Gaston Partners, LP as evidenced by Special Warranty Deed with Vendor's Lien recorded in Instrument Number 201200355919 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976496.0987, E=2498263.2887 (not monumented), from which an "X" cut in concrete found bears South 45 degrees 30 minutes 20 seconds East a distance of 15.23 feet;

THENCE North 45 degrees 30 minutes 20 seconds West along the common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract a distance of 181.87 feet, having coordinates N=6976623.5404, E=2498133.5785 (not monumented);

THENCE South 75 degrees 10 minutes 00 seconds East departing said common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract, over and across, said MSC-I tract a distance of 186.94 feet to the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract, having coordinates N=6976575.6883, E=2498314.2657 (not monumented);

THENCE South 45 degrees 30 minutes 31 seconds East along the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract a distance of 35.17 feet to the **POINT OF BEGINNING**;

FIELD NOTES DESCRIBING A 0.2457-ACRE (10,702-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM NSC-I, LTD.

EXHIBIT A

CONTAINING within the metes recited 0.2457 acre (10,702 square feet) of land, more or less.

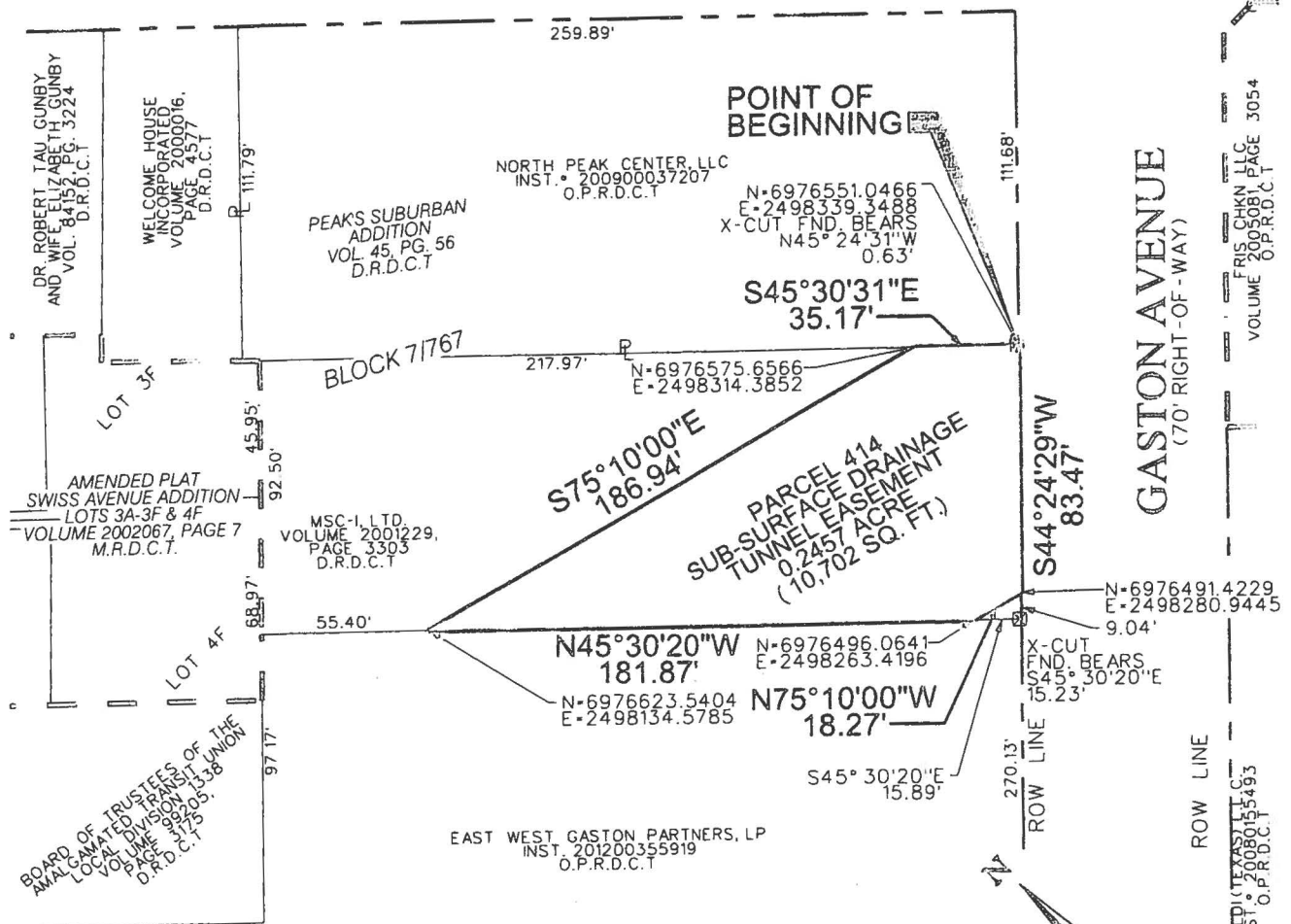
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



Ronald W. Walcott 10/15/13

PEAK STREET
(60' RIGHT-OF-WAY)

PK FND

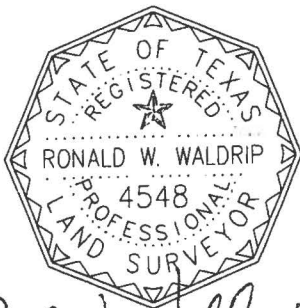


AMENDED PLAT
SWISS AVENUE ADDITION
LOTS 3A-3F & 4F
VOLUME 2002067, PAGE 7
M.R.D.C.T.

MSC-I, LTD.
VOLUME 2001229,
PAGE 3303
D.R.D.C.T.

BOARD OF TRUSTEES OF THE
AMALGAMATED DIVISION UNION
VOLUME 137405,
PAGE 3775
D.R.D.C.T.

EAST WEST GASTON PARTNERS, LP
INST. 201200355919
O.P.R.D.C.T.



JOHN GRIGSBY SURVEY
ABSTRACT NO. 495



SCALE: 1"=60'

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

- ROW LINE
- P- PROPERTY LINE
- LOT LINE
- SUBDIVISION LINE
- PROP. EASEMENT LINE
- IRON ROD
- X-CUT
- △ MONUMENT

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

(C.M.) CONTROLLING MONUMENT
FIR FOUND IRON ROD
FIP FOUND IRON PIPE
D.R.D.C.T. DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)
PART CITY BLOCK 71767 OF
PEAK'S SUBURBAN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

ARS Engineers, Inc.
12801 N. Central Expressway, Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 30 C

SUBJECT

Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Core Adventures Sports, for stand up paddleboard lessons, retail and rental services within the take line area at The Harbor of Rockwall, Texas, on Lake Ray Hubbard - Estimated Annual Revenue: \$1,500

BACKGROUND

Lake Ray Hubbard is owned and operated by the City of Dallas. The lake was constructed in the 1960's and currently serves as a major raw water resource for about 2.1 million retail and wholesale customers served by the City of Dallas. Dallas owns the lake area and authorizes concessions and other forms of recreational development such as marinas, boat ramps, parks, and golf courses to be developed on the take line area and the lake surface. Dallas, under the terms of an Interlocal Agreement with the City of Rockwall dated January 22, 2001, has leased to the City of Rockwall, the lake take line area of Lake Ray Hubbard within the City limits of Rockwall, and authorized Rockwall to sublease the property and permit commercial activities on the property conditioned on Dallas receiving a share in the revenues from the new commercial activities. Dallas and Rockwall have negotiated and agreed to the following annual gross revenue rate structure for commercial activities at The Harbor:

<u>Annual Gross Revenue of Business</u>	<u>Dallas' Share of Franchise Fee</u>
Zero to \$100,000	0%
Above \$100,000 to under \$200,000	1.5%
\$200,000 and above	2.5%

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

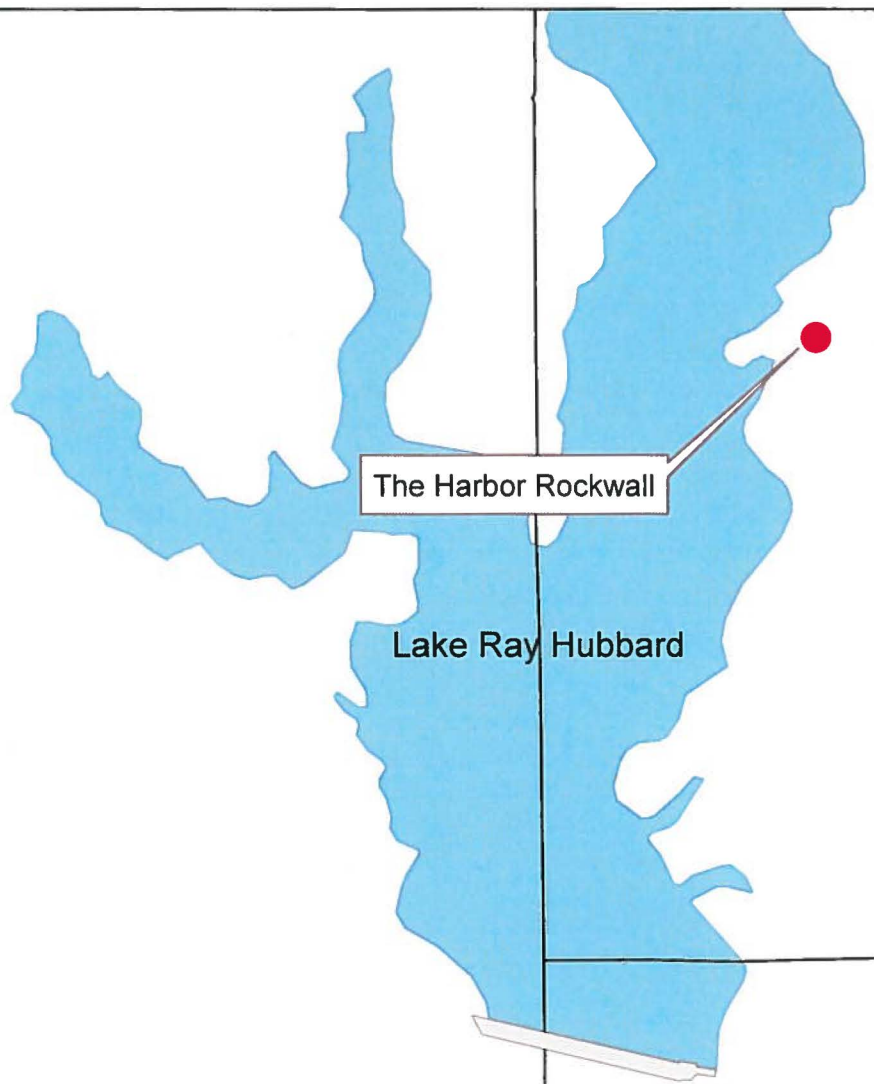
Information about this item will be provided to the Transportation & Trinity River Project Committee on August 24, 2015.

FISCAL INFORMATION

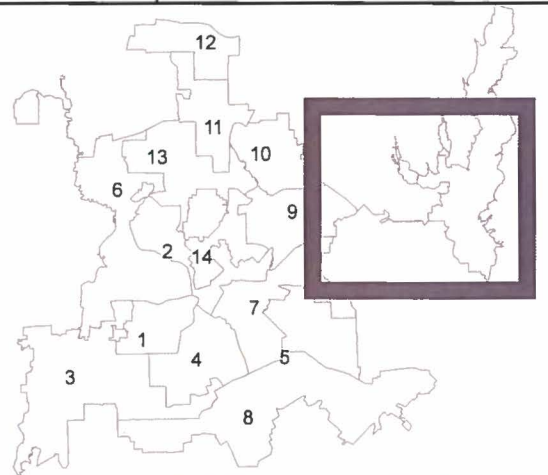
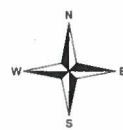
Estimated Annual Revenue - \$1,500

MAP

Attached



Mapsco: 30 C



**Dallas Water Utilities
Authorization of Franchise Agreement Between City of
Rockwall and Core Adventures Sports**

September 9, 2015

WHEREAS, the City of Dallas entered into an Interlocal Agreement with the City of Rockwall on January 22, 2001 ("Agreement"), in which the take line of Lake Ray Hubbard within the City of Rockwall is leased to Rockwall; and,

WHEREAS, pursuant to the Agreement, the City of Rockwall is authorized to enter into subleases and franchise agreements to permit commercial activities within the leased area, subject to the Dallas City Council providing final approval of negotiated sublease terms; and,

WHEREAS, the City of Rockwall, requests approval to begin a concession with Core Adventures Sports, under the terms of a franchise agreement; and,

WHEREAS, the City of Rockwall has agreed to monitor and enforce all obligations of the service provider under the franchise agreement, and agrees to remit to the City of Dallas its share of the franchise fees collected from the Service Provider;

Now, Therefore,

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

Section 1. That the terms of the franchise agreement between the City of Rockwall and Core Adventures Sports, be approved.

Section 2. That the City Manager is hereby authorized to amend the revenue terms, as necessary, during term of the franchise agreement.

Section 3. That the Chief Financial Officer is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>REVENUE RESOURCE CODE</u>
0100	DWU	7005	7REV	7849

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

AGENDA ITEM # 22

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 3, 8
DEPARTMENT: Water Utilities
CMO: Mark McDaniel, 670-3256
MAPSCO: Various

SUBJECT

Authorize Interlocal Agreements with the City of Duncanville and the City of Hutchins to allow the City of Dallas to construct, own, and operate a 96-inch and 120-inch water transmission main within the corporate limits of Duncanville and Hutchins - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas is currently undertaking the design and property acquisition for approximately 32 miles of 96-inch and 120-inch transmission pipeline starting from the Eastside Water Treatment Plant in Sunnyvale to the Summit Ground Storage Tanks in Cedar Hill. The pipeline will be located in Dallas and several neighboring cities, including Sunnyvale, Mesquite, Balch Springs, Hutchins, Lancaster, DeSoto, Duncanville, and Cedar Hill.

The water transmission main is required to facilitate conveyance of treated water to the south and southwestern portions of Dallas and its customer cities. Installation of the water transmission main is needed to meet near and long-term demands associated with population growth as determined through master planning efforts. The overall main is sized to meet year 2050 water demands and will provide flexibility, redundancy, reliability, increased capacity, and improved operation to the City of Dallas' existing system.

This action will authorize the City of Dallas to enter into Interlocal Agreements for the construction, operation, and maintenance of a 96-inch and 120-inch water transmission main within the corporate limits of Duncanville and Hutchins. The Interlocal Agreements have been approved by the City Councils of Duncanville and Hutchins. The agreements include provisions for review of construction plans, separation requirements for crossing and parallel utilities, design and construction administration by the City of Dallas, as well as notification and coordination for the construction, operation, and maintenance of the main.

BACKGROUND (Continued)

Interlocal Agreements with the City of Lancaster, the City of DeSoto, and the City of Cedar Hill were approved by the Dallas City Council on October 22, 2014. Agreements with the remaining cities within the pipeline route are being negotiated and will be presented to the City Council for approval at a future date.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	October 2020
Complete Construction	December 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Interlocal Agreements with the City of Lancaster, the City of DeSoto, and the City of Cedar Hill to allow the City of Dallas to construct, own, and operate a 96-inch water transmission main within the corporate limits of Lancaster, DeSoto, and Cedar Hill on October 22, 2014, by Resolution No. 14-1821.

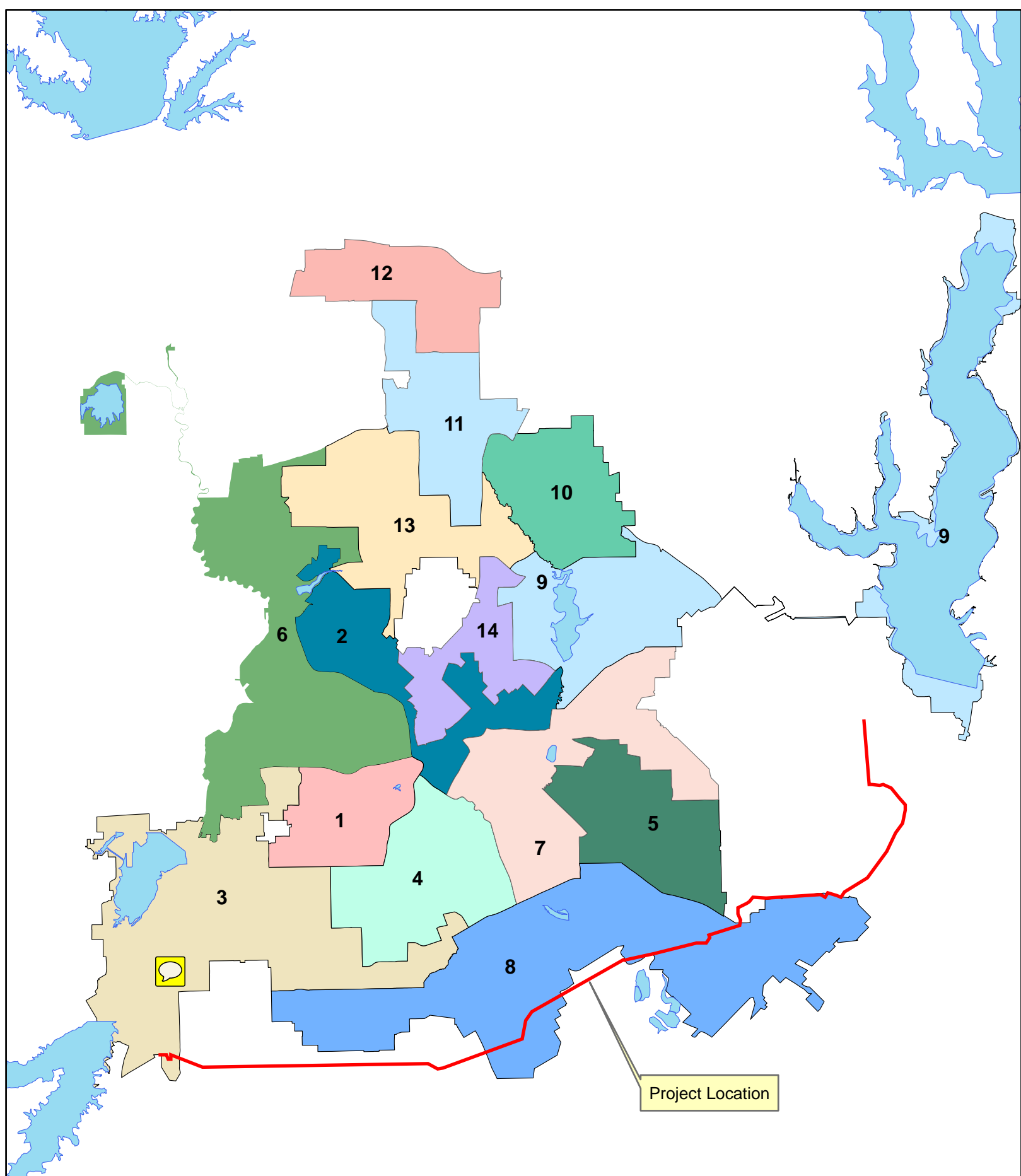
Information about this item will be provided to the Transportation & Trinity River Project Committee on August 24, 2015.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached



**Dallas Water Utilities
Interlocal Agreements with Duncanville and Hutchins
96"/120" Water Transmission Main**

September 9, 2015

WHEREAS, Dallas Water Utilities plans to design and construct a 96-inch and 120-inch water transmission main from the Eastside Water Treatment Plant in Sunnyvale to the Summit Ground Storage Tanks in Cedar Hill; and,

WHEREAS, the 96-inch and 120-inch water transmission main is necessary for the City of Dallas to transfer treated potable water from the Eastside Water Treatment Plant in Sunnyvale to the Summit Ground Storage Tanks in Cedar Hill to Dallas' southern service area, in order to provide redundancy within the City of Dallas water distribution system and increase service capacity to meet the growth of current and future customer cities; and,

WHEREAS, the City of Dallas desires to enter into Interlocal Agreements with the City of Duncanville and the City of Hutchins to allow the City of Dallas to construct, own, and operate a 96-inch and 120-inch water transmission main within the corporate limits of Duncanville and Hutchins; and,

WHEREAS, there is no cost consideration to the City of Dallas associated with these agreements.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into Interlocal Agreements with the City of Duncanville and the City of Hutchins to construct, own, and operate a 96-inch and 120-inch water transmission main within the corporate limits of Duncanville and Hutchins, after they have been approved as to form by the City Attorney.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Convention and Event Services

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize **(1)** a contract with the Dallas Convention & Visitors Bureau (DCVB) for convention facility promotion, advertising and tourism development for the period October 1, 2015 through September 30, 2020, with one five-year renewal option and one three-year renewal option, for an amount not to exceed 30% of the City's Hotel Occupancy Tax Receipts received annually; **(2)** the receipt and deposit of funds from the DCVB in the amount of \$500,000 annually in the Convention & Event Services Capital Construction Fund; **(3)** the receipt and deposit of funds from the DCVB in the amount of \$100,000 annually; and **(4)** an amendment to Resolution No. 09-2672, previously approved on October 28, 2009, to reflect transfers are to be made annually - Not to exceed 30% of the City's 7% Hotel Occupancy Tax Receipts - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

BACKGROUND

Section 44-35 of the Dallas City Code, as amended, provides for a Hotel Occupancy Tax and for the allocation of a portion of the City Hotel Occupancy Tax revenues to be used for advertising and conducting solicitations and promotional programs to acquaint potential users with public meeting and convention facilities. On September 25, 1996, the City Council approved Resolution No. 96-3120, authorizing a contract with the Dallas Convention and Visitors Bureau (DCVB), a nonprofit Texas corporation, for convention facility promotion, advertising and tourism development services. The contract with the DCVB was for a ten year period, beginning October 1, 1996, and ending September 30, 2006, with two five-year extension options. The City of Dallas paid the DCVB monthly an amount equal to 32.60% (33.57% prior to May 12, 1999) of the City's 7% Hotel Occupancy Tax received by the City.

BACKGROUND (Continued)

On October 28, 2009, the City Council approved Resolution No. 09-2672, authorizing Supplemental Agreement No. 9 to the contract with the DCVB for the City to assume the function of marketing and promoting the City as a desirable location for the entertainment industry. On September 14, 2011, the City Council approved Resolution No. 11-2452, authorizing an amendment to the second and final renewal period of October 1, 2011 through September 30, 2013, and replaced it with a two year contract with three one-year automatic renewal periods, and secured the DCVB's commitment to the City to provide \$500,000 in funding annually for capital improvements to the Kay Bailey Hutchison Convention Center Dallas.

This item will allow for a new contract with the DCVB for a 5-year period with one five-year renewal option and one three-year renewal option, subject to annual appropriations. This item reduces the amount paid to the DCVB to an amount equal to 30% of the City's 7% Hotel Occupancy Tax received by the City. The DCVB will continue its annual commitment of \$500,000 for capital improvements to the Kay Bailey Hutchison Convention Center. In addition, the DCVB will continue its commitment to provide \$200,000 annually in funding for the Dallas Film Commission operations through a \$100,000 transfer to the Office of Economic Development and \$100,000 in direct pay for Film Commission activities. The new contract will include new performance goals and reporting requirements, including a 2% retainage to be paid out to the DCVB based on the DCVB meeting or exceeding performance goals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 1996, the City Council authorized a ten year contract, with two five year renewal option terms with the Dallas Convention and Visitors Bureau for the promotion of tourism and convention sales/marketing promotion by Resolution No. 96-3120.

On May 12, 1999, the City Council authorized Supplemental Agreement No. 1 to the contract to remove the cap on the amount of compensation and decrease the percentage of compensation the DCVB receives from 33.57% to 32.6% of the 7% Hotel Occupancy Tax the City collects by Resolution No. 99-1652.

On June 26, 2002, the City Council authorized Supplemental Agreement No. 2 to the contract to provide \$950,000 supplemental funding for additional marketing and promotion of the Dallas Convention Center expansion, and required DCVB to establish a reserve fund of not less than \$1,000,000 to address future revenue shortfalls, and require DCVB to provide for future capital improvements at WRR Municipal Radio by Resolution No. 02-1986.

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

On December 11, 2002, the City Council authorized Supplemental Agreement No. 3 to the contract to provide \$30,000 in funding for the promotion of the City of Dallas and the Dallas area as a location for the production of motion picture and television films by Resolution No. 02-3527.

On January 8, 2003, the City Council authorized Supplemental Agreement No. 4 to the contract to reduce the supplemental funding for additional marketing services from the DCVB from \$950,000 to \$715,000, and to reduce DCVB's required reserve fund from \$1,000,000 to \$800,000 to address future budget deficiencies, and to reduce DCVB's requirement to pay for capital improvements at WRR Municipal Radio from \$1,050,000 to \$790,280 by Resolution No. 03-0213.

On October 22, 2003, the City council authorized Supplemental Agreement No. 5 to the contract to defer DCVB's January 1, 2004, repayment in the amount of \$197,570 until January 1, 2007, allowing DCVB to offer economic incentives to the clients to facilitate future convention center bookings by Resolution No. 03-2860.

On April 28, 2004, the City Council authorized Supplemental Agreement No. 6 to the contract to defer DCVB's requirement to establish a reserve account of \$800,000 from September 30, 2006 to September 30, 2007, to enable DCVB to support or create special events to attract visitors downtown by Resolution No. 04-1442.

On October 12, 2005, the City Council authorized Supplemental Agreement No. 7 to the contract to provide \$200,000 supplemental funding for DCVB to promote the City of Dallas and the North Texas area as a location for production of motion pictures and television films by Resolution No. 05-2924.

On September 13, 2006, the City Council approved authorizing Supplemental Agreement No. 8 to the contract with the Dallas Convention and Visitors Bureau, exercising the first of 2 five-year renewal options to extend the contract by Resolution No. 06-2490.

On October 28, 2009, the City Council authorized Supplemental Agreement No. 9 to the contract with the Dallas Convention and Visitors Bureau for the City to assume the function of marketing and promoting the City as a desirable location for the entertainment industry (i.e. film, digital image and other) and other actions by Resolution No. 09-2672.

On September 14, 2011, the City Council authorized an Amended and Restated Contract with the Dallas Convention and Visitors Bureau for convention facility promotion, advertising and tourism development services by Resolution No. 11-2452.

This item was briefed to the Economic Development Committee on August 17, 2015.

FISCAL INFORMATION

\$91,421,477 - Convention and Event Services Current Funds (payment based on the estimated 30% of City's 7% hotel occupancy tax receipts)

September 9, 2015

WHEREAS, on September 25, 1996, the City Council authorized a contract with the Dallas Convention and Visitors Bureau for ten years with two five-year renewal options by Resolution No. 96-3120; and

WHEREAS, on May 12, 1999, the City Council authorized Supplemental Agreement No. 1 to the contract to remove the cap on the amount of compensation and decrease the percentage the Dallas Convention & Visitors Bureau receives from 33.57% to 32.6% and to require DCVB to meet performance measures that place priority on the Convention Center by providing a minimum of 95 percent utilization of leasable space and dates by Resolution No. 99-1652; and

WHEREAS, on June 26, 2002, the City Council authorized Supplemental Agreement No. 2 to the contract to provide supplemental funding for additional marketing and promotion of the Dallas Convention Center expansion, require DCVB to establish a reserve account for future revenue shortfalls, and require DCVB provide for future capital improvements at WRR Municipal Radio by Resolution No. 02-1986; and

WHEREAS, on December 11, 2002, the City Council authorized Supplemental Agreement No. 3 to the contract to provide \$30,000 in funding for the promotion of the City of Dallas and the Dallas area as a location for the production of motion pictures and television films by Resolution No. 02-3527; and

WHEREAS, on January 8, 2003, the City Council authorized Supplemental Agreement No. 4 to reduce supplemental funding for additional marketing services from the Dallas Convention and Visitors Bureau from \$950,000 to \$715,000 and to reduce DCVB's required reserve account from \$1,000,000 to \$800,000 to address future budget deficiencies, and to reduce DCVB's requirement to pay for capital improvements at WRR Municipal Radio from \$1,050,000 to \$790,280 by Resolution No. 03-0213; and

WHEREAS, on October 22, 2003, the City Council authorized Supplemental Agreement No. 5 to the contract to defer DCVB's January 1, 2004, repayment in the amount of \$197,570 until January 1, 2007, allowing DCVB to offer economic incentives to the clients to facilitate future convention center bookings by Resolution No. 03-2860; and

WHEREAS, on April 28, 2004, the City Council authorized Supplemental Agreement No. 6 to the contract to defer DCVB's requirement to establish a reserve account of \$800,000 from September 30, 2006 to September 30, 2007, to enable DCVB to support or create special events to attract visitors downtown by Resolution No. 04-1442; and

September 9, 2015

WHEREAS, on October 12, 2005, the City Council authorized Supplemental Agreement No. 7 to the contract to provide \$200,000 supplemental funding for DCVB to promote the City of Dallas and the North Texas area as a location for production of motion pictures and television films by Resolution No. 05-2924; and

WHEREAS, on September 13, 2006, the City Council authorized Supplemental Agreement No. 8 to the contract with the Dallas Convention and Visitors Bureau exercising the first of two five year renewal options to extend the contract for convention facility promotion, advertising and tourism development services for the period of October 1, 2006, to September 30, 2011, by Resolution No. 06-2490; and

WHEREAS, on October 28, 2009, the City Council authorized Supplemental Agreement No. 9 to the contract with the Dallas Convention and Visitors Bureau for the City to assume the function of marketing and promoting the City as a desirable location for the entertainment industry (i.e. film, digital image and other) and other actions by Resolution No. 09-2672; and

WHEREAS, on September 14, 2011, the City Council authorized an Amended and Restated Contract with the Dallas Convention and Visitors Bureau for convention facility promotion, advertising and tourism development services by Resolution No. 11-2452.

Now, Therefore,

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

Section 1. That upon approval as to form by the City Attorney, the City Manager is hereby authorized to execute a Contract with the Dallas Convention & Visitors Bureau for convention facility promotion, advertising and tourism development services from October 1, 2015 through September 30, 2020, for a total not to exceed 30% of the City's 7% hotel occupancy tax receipts, with one five-year renewal option and one three-year renewal option, subject to annual appropriation.

Section 2. That such contract shall include new performance goals and reporting requirements, including a 2% retainage to be paid out to the DCVB based on the DCVB meeting or exceeding performance goals.

Section 3. That such Contract shall also secure DCVB's commitment to the City to provide \$500,000 in funding annually for capital improvements to the Kay Bailey Hutchison Convention Center Dallas.

September 9, 2015

Section 4. That such Contract shall also secure DCVB's commitment to provide \$200,000 in funding annually for marketing and the promotion of the City of Dallas as a location for the production of motion pictures, television and other related creative media, through \$100,000 in direct pay for film commission related activities and \$100,000 in a transfer to the Office of Economic Development.

Section 5. That the Chief Financial Officer is hereby authorized to disburse funds to the Dallas Convention and Visitors Bureau in an amount not to exceed 30% of the 7% Hotel Occupancy Tax collected by the City, in accordance with the terms of the contract, as supplemented, from Fund 0080, Department CCT, Unit 7840, Object Code 3320, Vendor No. 519741.

Section 6. That the Chief Financial Officer is hereby authorized to receive and deposit funds from the DCVB in an amount not to exceed \$500,000 to Fund 0082, Department CCT, Unit 8063, Revenue Code (RSRC) 9000.

Section 7. That the Chief Financial Officer is hereby authorized to receive and deposit \$100,000 annually into Fund 0001, Department ECO, Unit 1217, Revenue Code Source 8428; and that the Chief Financial Officer is hereby authorized to receive and deposit any additional funds received from the DCVB or other sources from proceeds derived through the Dallas Film Commission/creative industries activities into Fund 0029, Department ECO, Unit 1476, Revenue Source 8428.

Section 8. That the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$70,000 annually from Fund 0080, Department CCT, Unit 7840, Object 3321, to Fund 0001, Department ECO, Unit 1217, Activity EC13, Object 5011.

Section 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 G

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PATRONMARCHE, LLC, of a subsurface easement under approximately 519 square feet of land located on Flora Street near its intersection with Interstate Highway 345 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 519 square feet of land from PATRONMARCHE, LLC. This property is located on Flora Street near its intersection with Interstate Highway 345 and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700)

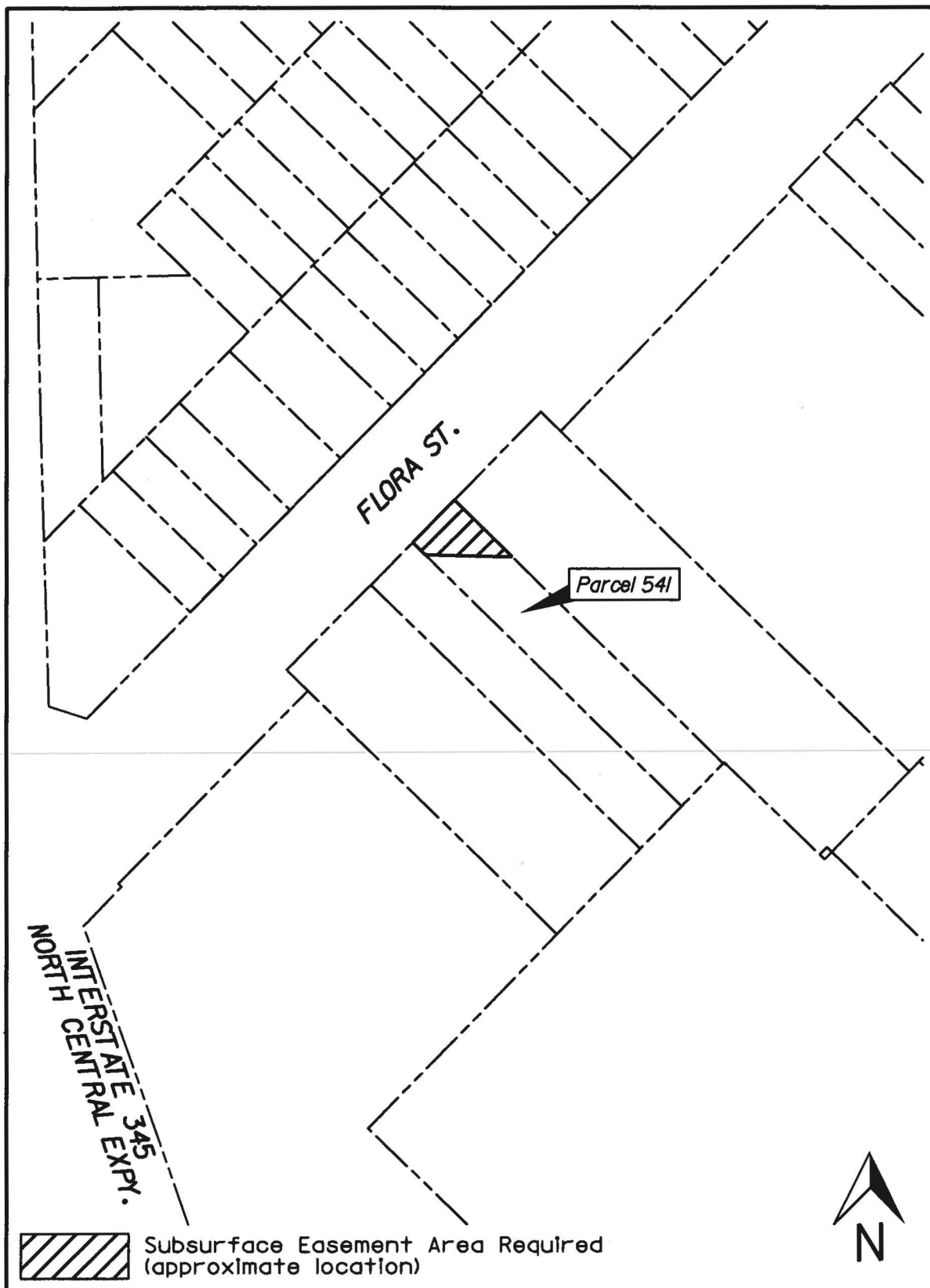
OWNER

PATRONMARCHE, LLC

Richard Andrew Ornsby, Manager

MAP

Attached



September 9, 2015

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

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

"CITY": The City of Dallas

"PROPERTY": Located under approximately 519 square feet in area, lying between the subsurface elevations of 242 feet and 416 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": PATRONMARCHE, LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$1,817.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700.00

"AUTHORIZED AMOUNT": \$3,517.00

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

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

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

September 9, 2015

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525H11, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds (General Obligation Commercial Paper Funds): Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525H12. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

BY

A handwritten signature in blue ink, appearing to read "Christopher C. Ernst", is written over a horizontal line.

Assistant City Attorney

FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM PATRONMARCHE, L.L.C.

EXHIBIT A

BEING a 519 square foot (0.0119 acre) unplatted tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 595 of the City of Dallas, Dallas County, Texas, and being part of that called 3,958 square foot tract of land described as Tract 3 in Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING on the southeast right-of-way line of Flora Street (a variable width right-of-way, 46.3 feet wide at this point) at the north corner of said Tract 3 having coordinates of N=6976393.8745 E=2493384.7535 (not monumented) and west corner of that called 0.2544 acre unplatted tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;

THENCE South 45 degrees 28 minutes 07 seconds East, with the northeasterly line of said Tract 3 and the southwesterly line of said called 0.2544 acre tract, 34.00 feet to the point of curvature having coordinates of N=6976370.1019, E=2493408.4144 (not monumented) of a non-tangent circular curve to the right having a central angle of 01 degree 26 minutes 54 seconds, a radius of 1,445.00 feet, a tangent of 18.26 feet and a chord which bears North 88 degrees 39 minutes 42 seconds West 36.53 feet;

THENCE Westerly, departing said northeasterly line of said Tract 3 and said southwesterly line of said called 0.2544 acre tract and across said Tract 3 with said curve to the right, an arc distance of 36.53 feet to the end of said curve having coordinates of N=6976370.9549, E=2493371.9043 (not monumented), said end of curve being on the southwesterly line of said Tract 3 and northeasterly line of that called 3,960 square foot tract of land described as Tract 1 in said Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of said Official Public Records;

THENCE North 45 degrees 28 minutes 08 seconds West, with said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, 7.29 feet to the west corner having coordinates of N=6976376.0651, E=2493366.7098 (not monumented) of said Tract 3 and north corner of said Tract 1, said corner being on said southeast right-of-way line of Flora Street;



FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM PATRONMARCHE, L.L.C.

EXHIBIT A

THENCE North 44 degrees 21 minutes 01 second East, departing said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, and with said southeast right-of-way line of Flora Street and the northwesterly line of said Tract 3, 25.00 feet to the POINT OF BEGINNING and containing 519 square feet (0.0119 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9.13.2013



FIELD NOTES APPROVED:

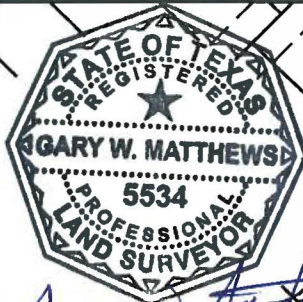
DER 11/20/13



NORTH

SCALE: 1"=50'

I.H. SPUR 345
NORTH CENTRAL EXPRESSWAY
(U.S. HWY 75)
(VARIABLE WIDTH RIGHT-OF-WAY)



9-13-2013

FLORA STREET
TOWNHOMES NO.1
INST. NO. 200900306242
O.P.R.D.C.T.

FLORA STREET
TOWNHOMES NO.2
INST. NO. 200900306236
O.P.R.D.C.T.

EXHIBIT A

BLOCK 2/594

RIGHT-OF-WAY DEDICATION
INST. NO. 20000121750
O.P.R.D.C.T.

RHDFJ PARTNERS ADDITION
INST. NO. 201100309310
O.P.R.D.C.T.

RHDFJ PARTNERS L.P.
INST. NO. 20070432763
O.P.R.D.C.T.

LOT 2
BLOCK A/595

PARCEL 541
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
519 SQ. FT.
(0.0119 ACRE)

POINT OF
BEGINNING
N=6976393.8745
E=2493384.7535

N 44°21'01" E
25.00'

N=6976376.0851
E=2493366.7088

S 44°21'01" W
75.00'

N 45°28'07" E
34.00'

S 45°28'07" E
34.00'

N 44°21'01" E
25.00'

S 44°21'01" W
75.00'

N 45°28'07" E
34.00'

S 45°28'07" E
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N 44°21'01" E
25.00'

S 44°21'01" W
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N 44°21'01" E
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S 44°21'01" W
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N 45°28'07" E
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S 45°28'07" E
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N 44°21'01" E
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S 44°21'01" W
75.00'

N 45°28'07" E
34.00'

S 45°28'07" E
34.00'

N 44°21'01" E
25.00'

S 44°21'01" W
75.00'

N 45°28'07" E
34.00'

S 45°28'07" E
34.00'

FLORA STREET
(VARIABLE WIDTH RIGHT-OF-WAY)

BLOCK 595

(UNPLATTED)

DUCKINS LIMITED
VOL. 2005128, PG. 14959
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T. DEED RECORDS OF DALLAS
COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS
COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF
DALLAS COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER
VOL., PG. VOLUME, PAGE
ESMT. EASEMENT
SQ. FT. SQUARE FEET

--- RIGHT-OF-WAY LINE
--- EASEMENT LINE
--- SUBDIVISION LINE
--- PROPERTY LINE
--- IRF IRON ROD FOUND
--- IPF IRON PIPE FOUND
--- CM CONTROLLING MONUMENT
--- FPK FOUND PK NAIL
--- FX FOUND "X"

PAGE 3 OF 3

519 SQ. FT. (0.0119 ACRE) SUB-SURFACE DRAINAGE
TUNNEL EASEMENT CITY OF DALLAS DRAWING
NO. 423R-54 (PARCEL 541) TO BE ACQUIRED IN CITY OF
DALLAS BLOCK 595, JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495 CITY OF DALLAS,
DALLAS COUNTY, TEXAS. FROM PATRONMARCHÉ, L.L.C.

NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

PARCEL-541.DWG

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 45 G

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Post Apartment Homes, L.P., of a subsurface easement under approximately 3,811 square feet of land located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 3,811 square feet of land from Post Apartment Homes, L.P. This property is located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Funds - \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000)

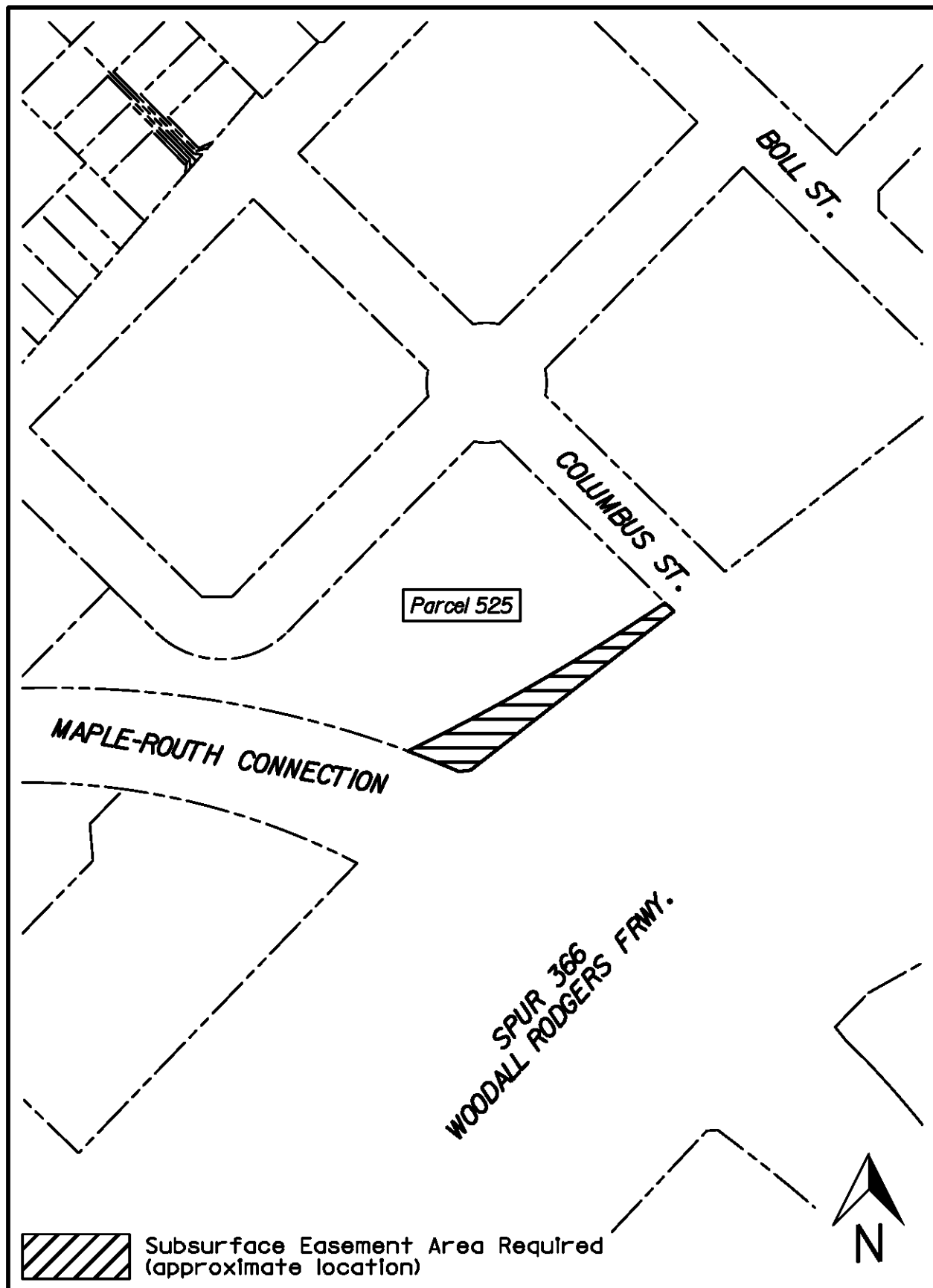
OWNER

Post Apartment Homes, L.P.

Post GP Holdings, Inc., Sole General Partner
David P. Stockert, President

MAP

Attached



September 9, 2015

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

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

"CITY": The City of Dallas

"PROPERTY": Located under approximately 3,811 square feet in area, lying between the subsurface elevations of 252 feet and 426 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Post Apartment Homes, L.P., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$68,598.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$72,598.00

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

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

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

September 9, 2015

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G58, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G59. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

BY


Assistant City Attorney

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558
PART OF LOT 1, UPTOWN VILLAGE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM POST APARTMENT HOMES, L.P.

EXHIBIT A

BEING a 3,811 square foot (0.0875 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block G/558 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described as Tract 1 in Release of Lien to Post Apartment Homes, L.P. recorded in Instrument Number 200900131878 of the Official Public Records of Dallas County, Texas, and being part of Lot 1 of said Block G/558, Uptown Village, an addition to the City of Dallas recorded in Volume 93246, Page 5500 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the most easterly corner of said Lot 1, Block G/558 having coordinates of N=6975856.7496, E=2491674.2075 (not monumented), same being the intersection of the northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway (a variable width right-of-way) with the northeasterly line of a 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement as shown on the plat of said Uptown Village, same being the southwesterly line of a 45 foot wide right-of-way dedication for Columbus Street as shown on said plat of Uptown Village, together with an additional 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement adjoining the northeasterly line of said 45 foot wide right-of-way dedication for a total effective width of 54.00 feet;

THENCE South 52 degrees 00 minutes 07 seconds West, departing said northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, at a distance of 14.63 feet passing the intersection of the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement with said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway for a total of 180.44 feet to the most easterly corner of a dedication for street purposes by the plat of Chandler/Commodore, an addition to the City of Dallas recorded in Volume 85189, Page 5363 of the Deed Records of Dallas County, Texas, said easterly corner being the intersection of said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway with the northerly right-of-way line of Maple-Routh Connection (a variable width right-of-way) having coordinates of N=6975745.6767, E=2491532.0309 (not monumented);

THENCE South 82 degrees 53 minutes 10 seconds West, departing said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway and continuing with the southeasterly line of said Lot 1, Block G/558 and said northerly right-of-way line of Maple-Routh Connection, same being the northerly line of said dedication for street purposes, 8.44 feet to the point of curvature having coordinates of N=6975744.6317, E=2491523.6571 (not monumented) of a non-tangent circular curve to the left having a central angle of 03 degrees 06 minutes 20 seconds, a radius of 711.03 feet, a tangent of 19.27 feet and a chord which bears North 68 degrees 07 minutes 13 seconds West 38.53 feet;



FIELD NOTES APPROVED:

20R 1/14/15

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558
PART OF LOT 1, UPTOWN VILLAGE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM POST APARTMENT HOMES, L.P.

EXHIBIT A

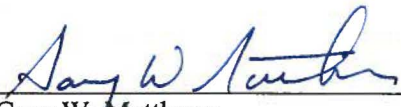
THENCE Northwesterly, departing said southeasterly line of Lot 1, Block G/558 and with the southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection, said northerly line of said dedication for street purposes and said curve to the left for an arc distance of 38.54 feet to the end of said curve having coordinates of N=6975758.9897, E=2491487.9040 (not monumented), same being the beginning of a non-tangent circular curve to the left having a central angle of 08 degrees 11 minutes 46 seconds, a radius of 1,455.00 feet, a tangent of 104.24 feet and a chord which bears North 60 degrees 04 minutes 03 seconds East 207.96 feet;

THENCE Northeasterly, departing said southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection and said northerly line of said dedication for street purposes and over and across said Lot 1, Block G/558 with said curve to the left, at an arc distance of 202.41 feet passing the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said effective southwesterly right-of-way line of Columbus Street, and continuing over and across said Lot 1, Block G/558 with said curve to the left for a total arc distance of 208.13 feet to the end of said curve having coordinates of N=6975862.7414, E=2491668.0964 (not monumented), said end of curve being on the northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication;

THENCE South 45 degrees 33 minutes 53 seconds East, with said northeasterly line of said Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication, 8.56 feet to the POINT OF BEGINNING and containing 3,811 square feet (0.0875 acre) of land, more or less, of which 89 square feet is in a Drainage, Utility, Sidewalk and Street Easement, leaving a net area of 3,722 square feet (0.0854 acre), more or less.

Basis of Bearings is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.


Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534
1-8-2015

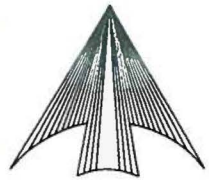


1 - Revised metes and bounds, coordinates and area 1-8-2015



FIELD NOTES APPROVED:

DER 1/14/15



NORTH
SCALE: 1"=50'

$\Delta=25^{\circ}12'55''$
 $R=42.00'$
 $T=9.39'$
 $L=18.48'$
 $CB=N 89^{\circ}26'07'' E$
 $CL=18.34'$

DRAINAGE, UTILITY, SIDEWALK
AND STREET EASEMENT

LOT 1, BLOCK F/558
UPTOWN VILLAGE
VOL. 93246, PG. 5500
D.R.D.C.T.

HARTMAN STREET

COLUMBUS STREET

POST APARTMENT HOMES, L.P.
INST. NO. 200900131878
O.P.R.D.C.T.

LOT 1, BLOCK G/558
UPTOWN VILLAGE
VOL. 93246, PG. 5500
D.R.D.C.T.

PARCEL 525
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
3,811 SQ. FT.
(0.0875 ACRE)

$\Delta=08^{\circ}11'46''$
 $R=1,455.00'$
 $T=104.24'$
 $L=208.13'$
 $CB=N 60^{\circ}04'03'' E$
 $CL=207.96'$

POINT OF BEGINNING
 $N=6975862.7414$
 $E=2491668.0964$
 $N=6975865.7496$
 $E=2491674.2075$

STATE HWY. SPUR 366
WOODALL RODGERS FREEWAY
(VARIABLE WIDTH RIGHT-OF-WAY)

MAPLE/ROUTH CONNECTION
(VARIABLE WIDTH
RIGHT-OF-WAY)

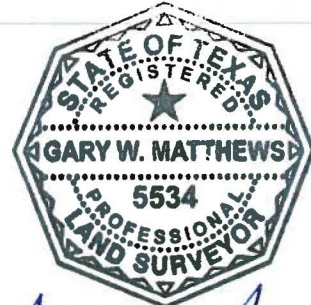
$N=6975758.9897$
 $E=2491487.9040$

$N=6975744.6317$
 $E=2491523.6571$

DEDICATED FOR
STREET PURPOSES
VOL. 85189, PG. 5363
D.R.D.C.T.

AREA TABLE

CURVE 1	
$\Delta=03^{\circ}06'20''$	
$R=711.03'$	
$T=19.27'$	
$L=38.54'$	
$CB=N 68^{\circ}07'13'' W$	
$CL=38.53'$	
	TUNNEL ESMT. 3,811 SQ. FT.
	(0.0875 ACRE)
	LESS STREET ESMT. 89 SQ. FT.
	(0.0020 ACRE)
	NET AREA 3,722 SQ. FT.
	(0.0854 ACRE)



Gary W. Matthews

REVISED 1-8-2015
LAST FIELD INSPECTION 07-11-2013

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	----	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	----	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	----	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	----	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"

3,811 SQ. FT. (0.0875 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525) TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558, PART OF LOT 1, UPTOWN VILLAGE, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM POST APARTMENT HOMES, L.P.

NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45D

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from San Jacinto Urban Lofts, L.P., of three subsurface easements under a total of approximately 2,304 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of three subsurface easements located under a total of approximately 2,304 square feet of land from San Jacinto Urban Lofts, L.P. This property is located on San Jacinto Street near its intersection with Caddo Street and will be used for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

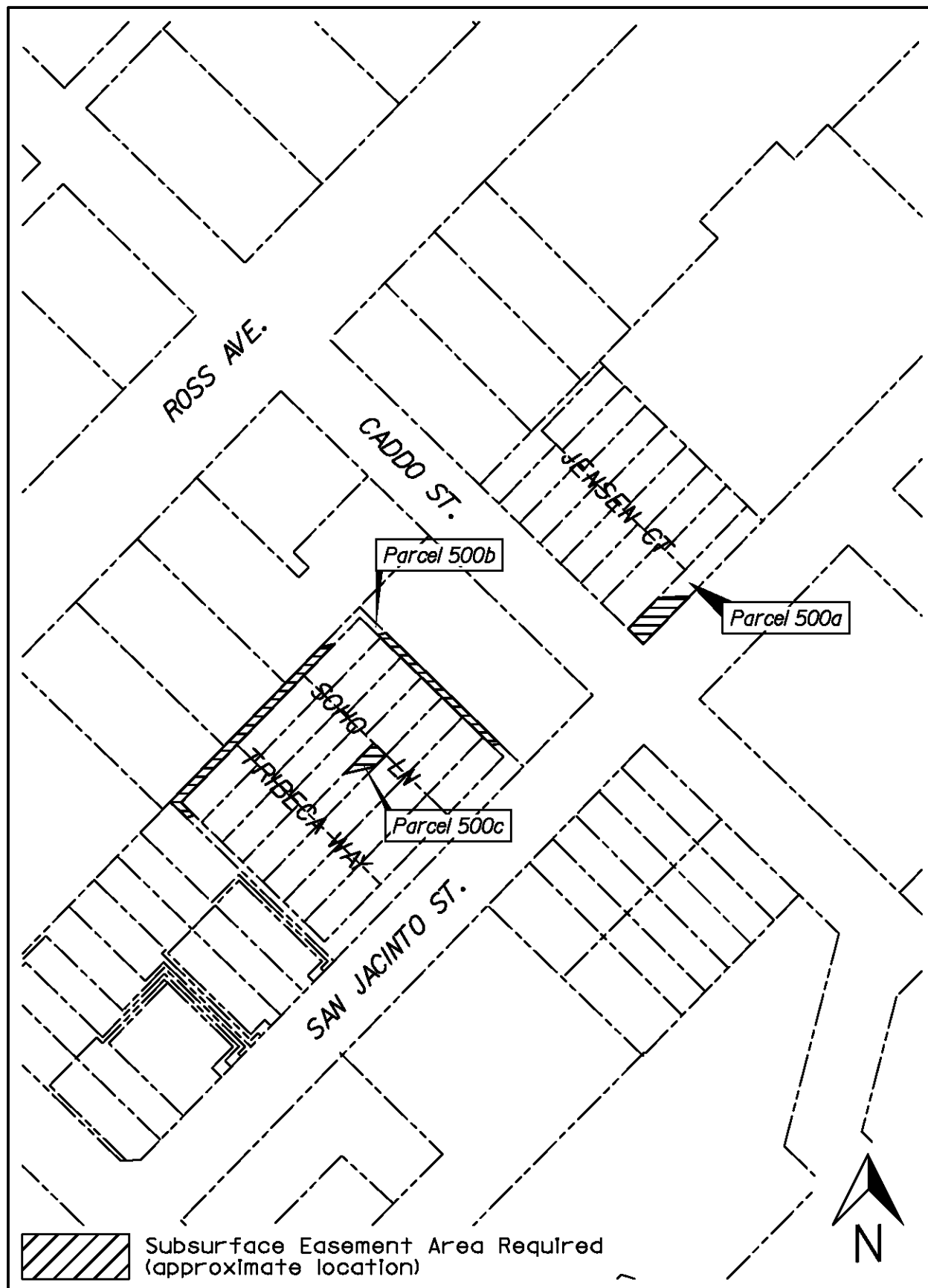
2006 Bond Program (General Obligation Commercial Paper Funds) - \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000)

OWNER

San Jacinto Urban Lofts, L.P.

MAP

Attached



September 9, 2015

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

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

"CITY": The City of Dallas

"PROPERTY": Parcel 500a - Located under approximately 577 square feet in area, lying between the subsurface elevations of 229 feet and 402 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

Parcel 500b - Located under two tracts containing a total of approximately 1,481 square feet in area, lying between the subsurface elevations of 229 feet and 404 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

Parcel 500c - Located under approximately 246 square feet in area, lying between the subsurface elevations of 230 feet and 403 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": San Jacinto Urban Lofts, L.P., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

September 9, 2015

"OFFER AMOUNT": \$8,525.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$10,525.00

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

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

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

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525H15, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T52H16. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

September 9, 2015

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

BY Christopher C. Ernst
Assistant City Attorney

**FIELD NOTES DESCRIBING A 0.0132-ACRE (577-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)
PART OF THE COMMON AREA, CITY BLOCK 2/642 OF SAN JACINTO LOFTS II ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.**

BEING a 0.0132-acre (577-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of the Common Area (Official City of Dallas Block Number 2/642) of the San Jacinto Lofts II Addition, an addition to the City of Dallas recorded in Instrument 200600353458 of the Official Public Records of Dallas County, Texas and being part of that certain tract of land conveyed to San Jacinto Urban Lofts, L.P. as evidenced by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200600118439 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING at an "X" cut in concrete (controlling monument) found at the intersection of the northeast line of Caddo Street, a 50-foot right-of-way, and the northwest line of San Jacinto Street, a variable width right-of-way, for the south corner of said Common Area of the San Jacinto Lofts II Addition having coordinates of N=6977654.9144, E=2495703.2947;

THENCE North 45 degrees 53 minutes 12 seconds West along the common northeast line of Caddo Street, southwest line of City Block 2/642 and southwest line of said Common Area a distance of 15.00 feet to a 1/2-inch iron rod found (controlling monument) for the west corner of said Common Area and the south corner of Lot 19A, City Block 2/642 of the San Jacinto Lofts II Addition, having coordinates of N=6977665.3542, E=2495692.5267;

THENCE North 44 degrees 04 minutes 37 seconds East departing the common northeast line of Caddo Street and southwest line of City Block 2/642 along the common southeast line of Lot 19A, northwest line of said Common Area, over and across City Block 2/642 a distance of 30.32 feet to the beginning of a non-tangent curve to the right, having coordinates of N=6977687.1315, E=2495713.6134 (not monumented);

THENCE departing the common southeast line of Lot 19A and northwest line of said Common Area, over and across said Common Area, along said curve to the right having a central angle of 00 degrees 52 minutes 30 seconds, a radius of 1445.00 feet, an arc length of 22.07 feet, and a chord bearing North 86 degrees 54 minutes 10 seconds East a distance of 22.07 feet to the northwest line of San Jacinto Street, the southeast line of said Common Area, and the southeast line of City Block 2/642, having coordinates of N=6977688.3236, E=2495735.6443;

THENCE South 44 degrees 04 minutes 37 seconds West along the common northwest line of San Jacinto Street, southeast line of said Common Area, and southeast line of City Block 2/642 a distance of 46.51 feet to the **POINT OF BEGINNING**;



**FIELD NOTES DESCRIBING A 0.0132-ACRE (577-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)
PART OF THE COMMON AREA, CITY BLOCK 2/642 OF SAN JACINTO LOFTS II ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.**

CONTAINING within the metes recited 0.0132 acre (577 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



Ronald W. Waldorf 10/15/13



ROSS AVE RETAIL LLC
VOLUME 2005163
PAGE 13093
D.R.D.C.T.

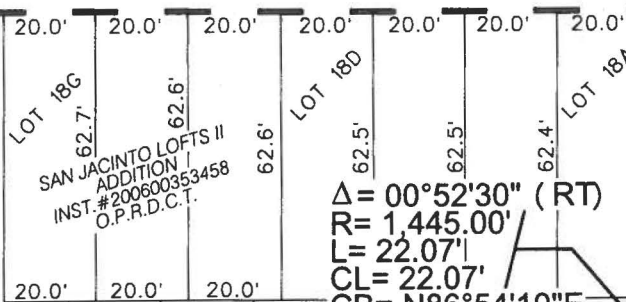
KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

ROSS AVE. WAREHOUSE, LP
INST. #200600196582
O.P.R.D.C.T.

BLOCK 2/642

SAN JACINTO URBAN LOFTS, LP
INST. #200600118439
O.P.R.D.C.T.

ROSS AVE WAREHOUSE LP
INST. #200600160030
O.P.R.D.C.T.



SAN JACINTO STREET
(VARIABLE WIDTH RIGHT-OF-WAY)

4" BRASS DISC FND.

ROW LINE
AT&T CORP
INST. #200600143472
O.P.R.D.C.T.

5" STREET EASEMENT
VOL. 650
PG. 853
D.R.D.C.T.

PARCEL 500a
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
0.0132 ACRE
(577 SQ. FT.)

N=6977688.3236
E=2495735.6443

ROSS AVE WAREHOUSE LP
VOLUME 97117 PAGE 1913
D.R.D.C.T.

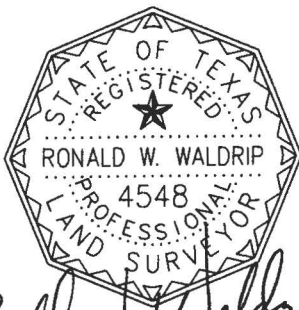
CADDO STREET
(50' RIGHT-OF-WAY)

POINT OF BEGINNING

1/2" FIR
4" BRASS DISC FND.

(C.M.) X-CUT FND.
N=6977654.9144
E=2495703.2947

ROW LINE



641 HOLDINGS, LLC
INST. #201200298014
O.P.R.D.C.T.

BLOCK 1/642

Ronald W. Waldrup
10/15/13
JOHN GRIGSBY SURVEY
ABSTRACT NO. 495

SAN JACINTO LOFTS
INST. #200600246516
O.P.R.D.C.T.

LOT 35

LEGEND

- ROW LINE
- PROPERTY LINE
- LOT LINE
- SUBDIVISION LINE
- PROP. EASEMENT LINE
- IRON ROD
- X-CUT
- MONUMENT

(C.M.)
FIR
FIP
D.R.D.C.T.
O.P.R.D.C.T.

CONTROLLING MONUMENT
FOUND IRON ROD
FOUND IRON PIPE
DEED RECORDS DALLAS
COUNTY TEXAS
OFFICIAL PUBLIC RECORDS
DALLAS COUNTY TEXAS

NOTE: SUBSURFACE EASEMENT CORNERS
ARE NOT MONUMENTED



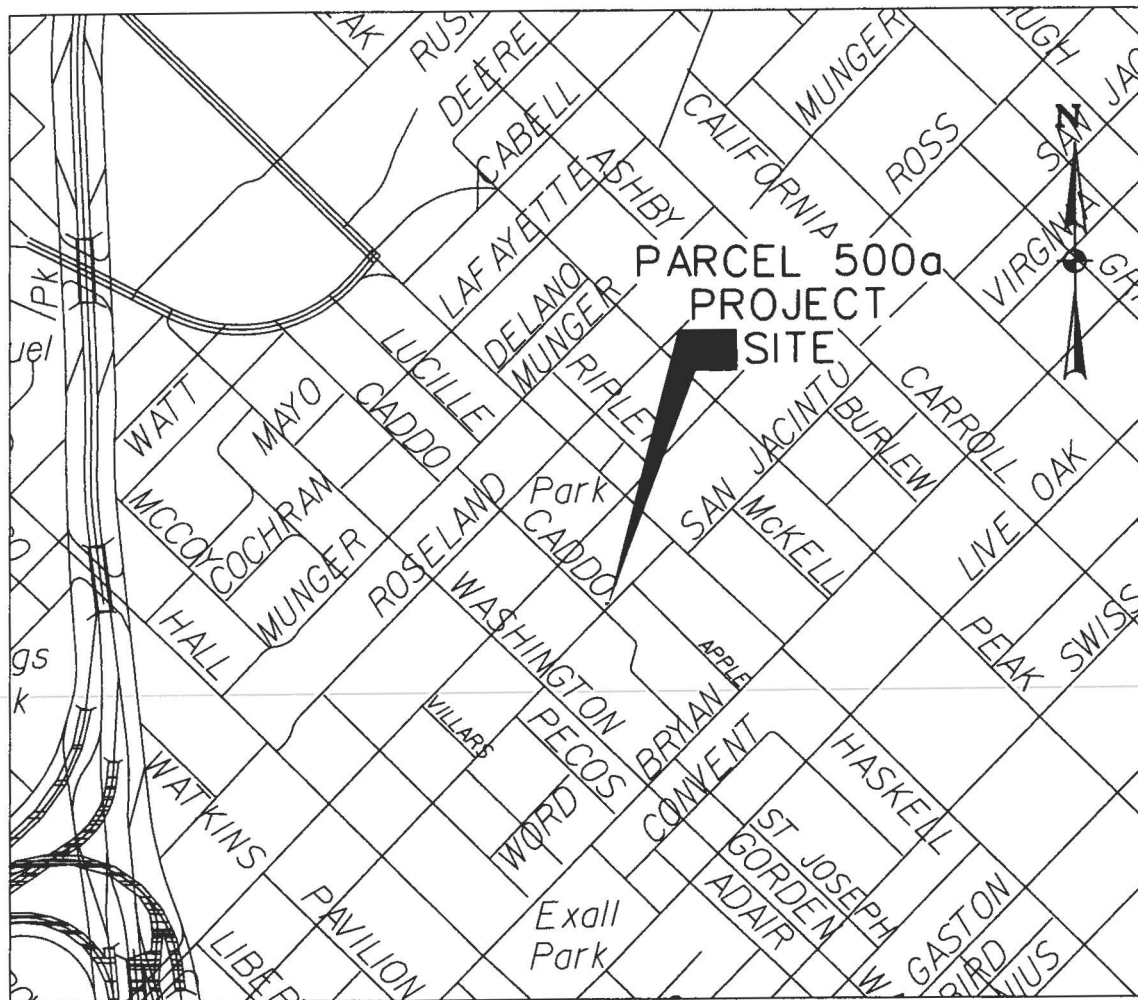
SCALE: 1"=40'

Basis of Bearing is the State Plane
Coordinate System, Texas North
Central Zone (4202), North American
Datum of 1983. All coordinates are
state plane on grid. All distances are
surface distances. Surface Adjustment
Scale Factor: 1.0001365060.

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)
PART OF THE COMMON AREA, CITY BLOCK 2/642
OF SAN JACINTO LOFTS II ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

ARS Engineers, Inc.
12801 N. Central Expressway, Suite 1250
Dallas, Texas 75243
Surv. Firm No. 10131900
(214) 739-3152 Fax (214) 739-3169

MAPSCO NO. 45-D



LOCATION MAP

NOT TO SCALE

FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

TRACT 1:

BEING a 546 square foot (0.0125 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of a 5' Shared Access and Common Area of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

COMMENCING at a PK nail (controlling monument) found on the northwesterly line of a 15' Shared Access Area according to said map of said San Jacinto Lofts addition for the south corner of Lot 36 and the east corner of Lot 23 of said San Jacinto Lofts addition;

THENCE North 44 degrees 06 minutes 00 seconds East, with the southeasterly line of said Lot 36 and the northwesterly line of said 15' Shared Access Area, 56.40 feet to the east corner of said Lot 36;

THENCE North 45 degrees 54 minutes 00 seconds West, departing said southeasterly line of Lot 36 and said northwesterly line of said 15' Shared Access Area and with the southwesterly line of a 5' Shared Access and Common Area, 11.86 feet to the POINT OF BEGINNING having coordinates of N=6977584.1540, E=2495596.7674 (not monumented);

THENCE North 45 degrees 54 minutes 00 seconds West, continuing with said southwesterly line of said 5' Shared Access and Common Area, 110.97 feet to the point of curvature having coordinates of N=6977661.3723, E=2495517.0844 (not monumented) of a non-tangent circular curve to the right having a central angle of 00 degrees 14 minutes 31 seconds, a radius of 1,445.00 feet, a tangent of 3.05 feet and a chord which bears North 78 degrees 43 minutes 11 seconds East, 6.10 feet;

THENCE Easterly, departing said southwesterly line of said 5' Shared Access and Common Area, and over said 5' Shared Access and Common Area with said curve to the right, an arc distance of 6.10 feet to the end of said curve having coordinates of N=6977662.5658, E=2495523.0679 (not monumented), said end of curve being on the northeasterly line of said 5' Shared Access and Common Area, same being the northeasterly line of said San Jacinto Lofts addition, and southwesterly line of Lot 21 of Knox Addition according to the Map of Knox Addition to the City of Dallas, Texas recorded in Volume 277, Page 361 of the Map Records of Dallas County, Texas;



FIELD NOTES APPROVED:

10/23/13

FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE South 45 degrees 47 minutes 10 seconds East, with said northeasterly line of said 5' Shared Access and Common Area and northeasterly line of said San Jacinto Lofts addition, and said southwesterly line of said Lot 21, 111.16 feet to the point of curvature having coordinates of N=6977585.0577, E=2495602.7326 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 15 minutes 19 seconds, a radius of 1,355.00 feet, a tangent of 3.02 feet and a chord which bears South 81 degrees 23 minutes 06 seconds West, 6.03 feet;

THENCE Westerly, departing said northeasterly line of said 5' Shared Access and Common Area and said San Jacinto Lofts addition and said southwesterly line of Lot 21, and over said 5' Shared Access and Common Area with said curve to the left, an arc distance of 6.03 feet to the POINT OF BEGINNING and containing 546 square feet (0.0125 acre) of land, more or less.

TRACT 2:

BEING a 935 square foot (0.0215 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007151 of the Official Public Records of Dallas County, Texas, and being part of a 5' Shared Access and Common Area of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING at a PK nail having coordinates of N=6977632.8203, E=2495465.5141 (controlling monument) found on the southeasterly line of a 5' Shared Access and Common Area according to said map of said San Jacinto Lofts addition for the west corner of Lot 30 and the north corner of Lot 29 of said San Jacinto Lofts addition;

THENCE South 44 degrees 06 minutes 00 seconds West, with the southeasterly line of said 5' Shared Access and Common Area, 123.75 feet to the west corner of Lot 16 of said San Jacinto Lofts addition having coordinates of N=6977543.9644, E=2495379.4067 (not monumented);



FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE South 45 degrees 54 minutes 00 seconds East, departing said southeasterly line of said 5' Shared Access and Common Area and with a northeasterly line of said 5' Shared Access and Common Area, 12.80 feet to the point of curvature having coordinates of N=6977535.0601, E=2495388.5951 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 14 minutes 15 seconds, a radius of 1,355.00 feet, a tangent of 2.81 feet and a chord which bears South 72 degrees 05 minutes 03 seconds West, 5.61 feet;

THENCE Westerly, departing said northeasterly line of said 5' Shared Access and Common Area and over said 5' Shared Access and Common Area with said curve to the left, an arc distance of 5.61 feet to the end of said curve having coordinates of N=6977533.3333, E=2495383.2539 (not monumented), said end of curve being on the southwesterly line of said San Jacinto Lofts addition and northeasterly line of Washington Street Townhomes Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 2001153, Page 44 of the Deed Records of Dallas County, Texas;

THENCE North 45 degrees 47 minutes 10 seconds West, with said southwesterly line of San Jacinto Lofts addition and said northeasterly line of Washington Street Townhomes Addition, 15.97 feet to the west corner of said San Jacinto Lofts addition and north corner of said Washington Street Townhomes Addition having coordinates of N=6977544.4685, E=2495371.8088 (not monumented), from whence a 3/8 inch iron rod found bears South 38 degrees 35 minutes 17 seconds East, 0.94 feet, said corner being on the southeasterly line of that tract of land described in General Warranty Deed to Gordon W. Elden recorded in Volume 2003241, Page 10584 of the Official Public Records of Dallas County, Texas;

THENCE North 44 degrees 12 minutes 50 seconds East, departing said southwesterly line of San Jacinto Lofts addition and said northeasterly line of Washington Street Townhomes Addition and with the northwesterly line of said San Jacinto Lofts addition and said southeasterly line of said Elden tract, at a distance of 54.11 feet passing the east corner of said Elden tract and south corner of that part of the Estate of George U. Tan described as 3820 Ross Ave., Dallas, Texas 75204 in Cause No. 01-3905 recorded in Volume 526, Page 585 of the Probate Records of Dallas County, Texas, and departing said southeasterly line of said Elden tract and continuing with said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Estate of George U. Tan tract, at a cumulative distance of 115.86 feet passing the east corner of said Estate of George U. Tan tract and south corner of that tract of land described as 3826 Ross Ave., Dallas, Texas in Special Warranty Deed to Sarkis J. Kechejian Trust recorded in Instrument Number 200900005925 of the Official Public Records of Dallas County, Texas, and departing said southeasterly line of said Estate of George U. Tan tract and continuing with said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Sarkis J. Kechejian Trust tract for a total distance of 151.06 feet to the point of curvature having coordinates of N=6977652.7267, E=2495477.1364 (not monumented) of a non-tangent circular curve to the right having a central angle of 00 degrees 24 minutes 00 seconds, a radius of 1,445.00 feet, a tangent of 5.05 feet and a chord which bears North 77 degrees 10 minutes 41 seconds East, 10.09 feet ;



FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE Easterly, departing said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Sarkis J. Kechejian Trust tract and over said 5' Shared Access and Common Area with said curve to the right, an arc distance of 10.09 feet to the end of said curve having coordinates of N=6977654.9659, E=2495486.9747 (not monumented), said end of curve being on a southeasterly line of said 5' Shared Access and Common Area;

THENCE South 44 degrees 06 minutes 00 seconds West, with said southeasterly line of said 5' Shared Access and Common Area, 30.84 feet to the POINT OF BEGINNING and containing 935 square feet (0.0215 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9-13-2013

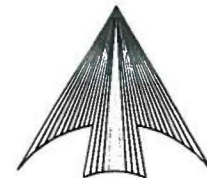


LOT 2, BLOCK 1/642

SARKIS J. KECHEJIAN TRUST
INST. NO. 200900005925
O.P.R.D.C.T.

LOT 1, BLOCK 1/642
KNOX ADDITION
VOL. 277, PG. 361
M.R.D.C.T.

CADDO STREET
(50' RIGHT-OF-WAY)



NORTH

SCALE: 1"=30'

641 HOLDINGS LLC.
INST. NO. 201200298014
O.P.R.D.C.T.

LOT 21, BLOCK 1/642
KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

PARCEL 500B TRACT 1
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
546 SQ. FT.
(0.0125 ACRE)

N=6977585.0577
E=2495602.7326

$\Delta=00'15'19"$
 $R=1,355.00'$
 $T=3.02'$
 $L=6.03'$
 $CB=S\ 81'23'06" W$
 $CL=6.03'$

POINT OF BEGINNING

15' SHARED ACCESS AREA
AND COMMON AREA
SAN JACINTO URBAN LOFTS, L.P.
INST. NO. 200600007144
O.P.R.D.C.T.



FIELD NOTES APPROVED:

10/23/13

BLOCK 641
SAN JACINTO LOFTS
INST. NO. 200600246516
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495

POINT OF COMMENCING
(CM) FPK

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER
VOL., PG. VOLUME, PAGE
ESMT. EASEMENT
SQ. FT. SQUARE FEET

--- RIGHT-OF-WAY LINE
--- EASEMENT LINE
--- SUBDIVISION LINE
--- PROPERTY LINE
--- IRF IRON ROD FOUND
--- IPF IRON PIPE FOUND
--- CM CONTROLLING MONUMENT
--- FPK FOUND PK NAIL
--- FX FOUND "X"

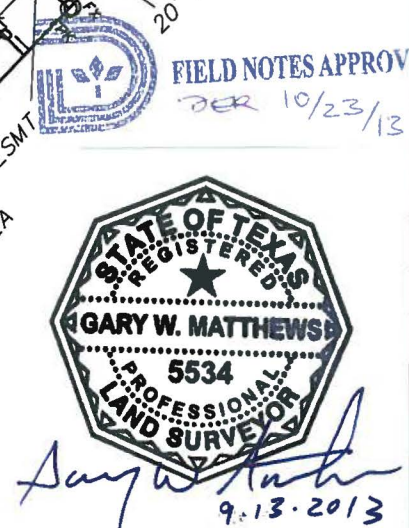
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54
(PARCEL 500b-TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS AND COMMON AREA, SAN JACINTO URBAN LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM SAN JACINTO URBAN LOFTS, L.P.

NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 9080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

PARCEL-500B.DWG



PARCEL-500B.DWG

---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	SUBDIVISION LINE
—P—	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

FIELD NOTES DESCRIBING A 246 SQUARE FOOT (0.0056 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500c)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,
PART OF GUEST PARKING, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

BEING a 246 square foot (0.0056 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of Guest Parking of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of that called 18,640 gross square foot tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007151 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING at a PK nail (controlling monument) having coordinates of N=6977577.1549, E=2495522.9564 found for the east corner of said Guest Parking, and south corner of Lot 33, west corner of Lot 34 and north corner of Lot 25 of said San Jacinto Lofts addition, from whence an X cut found bears North 49 degrees 45 minutes 21 seconds East, 0.70 feet;

THENCE South 44 degrees 06 minutes 00 seconds West, with the southeasterly line of said Guest Parking and the northwesterly line of said Lot 25, at a distance of 8.30 feet passing the southwest line of said tract described in Instrument No. 200600007151 and northeast line of said called 18,640 gross square foot tract, and continuing with said southeasterly line of said Guest Parking and said northwesterly line of Lot 25 for a total of 11.34 feet to the point of curvature having coordinates of N=6977569.0117, E=2495515.0651 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 55 minutes 38 seconds, a radius of 1,355.00 feet, a tangent of 10.96 feet and a chord which bears South 77 degrees 16 minutes 46 seconds West, 21.93 feet;

THENCE Westerly, departing said southeasterly line of Guest Parking and said northwesterly line of Lot 25, and over said Guest Parking with said curve to the left, an arc distance of 21.93 feet to the end of said curve having coordinates of N=6977564.1840, E=2495493.6789 (not monumented), said end of curve being on the northwesterly line of said Guest Parking and southeasterly line of Lot 26 of said San Jacinto Lofts addition;


FIELD NOTES DESCRIBING A 246 SQUARE FOOT (0.0056 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500c)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,
PART OF GUEST PARKING, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

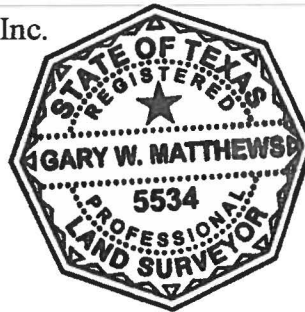
THENCE North 44 degrees 06 minutes 00 seconds East, with said northwesterly line of Guest Parking and said southeasterly line of Lot 26, at a distance of 21.42 feet passing said southwest line of said tract described in Instrument No. 200600007151 and said northeast line of said called 18,640 gross square foot tract, and continuing with said northwesterly line of Guest Parking and said southeasterly line of Lot 26 for a total of 29.69 feet to the north corner of said Guest Parking having coordinates of N=6977585.5047, E=2495514.3400 (not monumented), said north corner being on the southwesterly line of said Lot 33, from whence a PK nail (controlling monument) found for the west corner of said Lot 33 and south corner of Lot 32 bears North 45 degrees 54 minutes 00 seconds West, 8.00 feet;

THENCE South 45 degrees 54 minutes 00 seconds East, departing said northwesterly line of Guest Parking and said southeasterly line of Lot 26 and with the northeasterly line of said Guest Parking and southwesterly line of said Lot 33, 12.00 feet to the POINT OF BEGINNING and containing 246 square feet (0.0056 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.


Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9.13.2013



NORTH
SCALE 1"=50'

ROSS AVENUE
(80' RIGHT-OF-WAY)

CADDO STREET
(50' RIGHT-OF-WAY)

LOT 2
SARKIS J. KECHEJIAN TRUST
INST. NO. 200900005925
O.P.R.D.C.T.

BLOCK 1/642
KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

LOT 1
SARKIS J. KECHEJIAN TRUST
INST. NO. 200900005925
O.P.R.D.C.T.

BLOCK 1/642
KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

LOT 21, BLOCK 1/642
KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

641 HOLDINGS LLC
INST. NO. 201200298014
O.P.R.D.C.T.

***SEE DETAIL ON
PAGE 4 OF 4***

SAN JACINTO STREET
(50' RIGHT-OF-WAY)

FIELD NOTES, 1941-1942

10/25/13

PAGE 3 OF 4

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET

---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

246 SQ. FT. (0.0056 ACRE) SUB-SURFACE DRAINAGE
TUNNEL EASEMENT CITY OF DALLAS DRAWING
NO. 423R-54 (PARCEL 500C) TO BE ACQUIRED IN CITY OF
DALLAS BLOCK 641, PART OF GUEST PARKING, SAN
JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT
NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

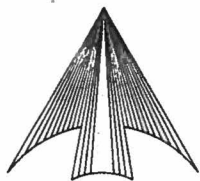
NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

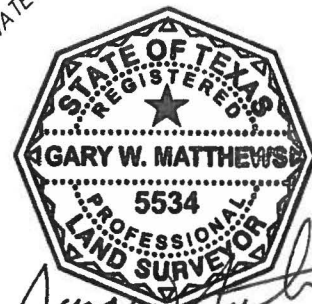
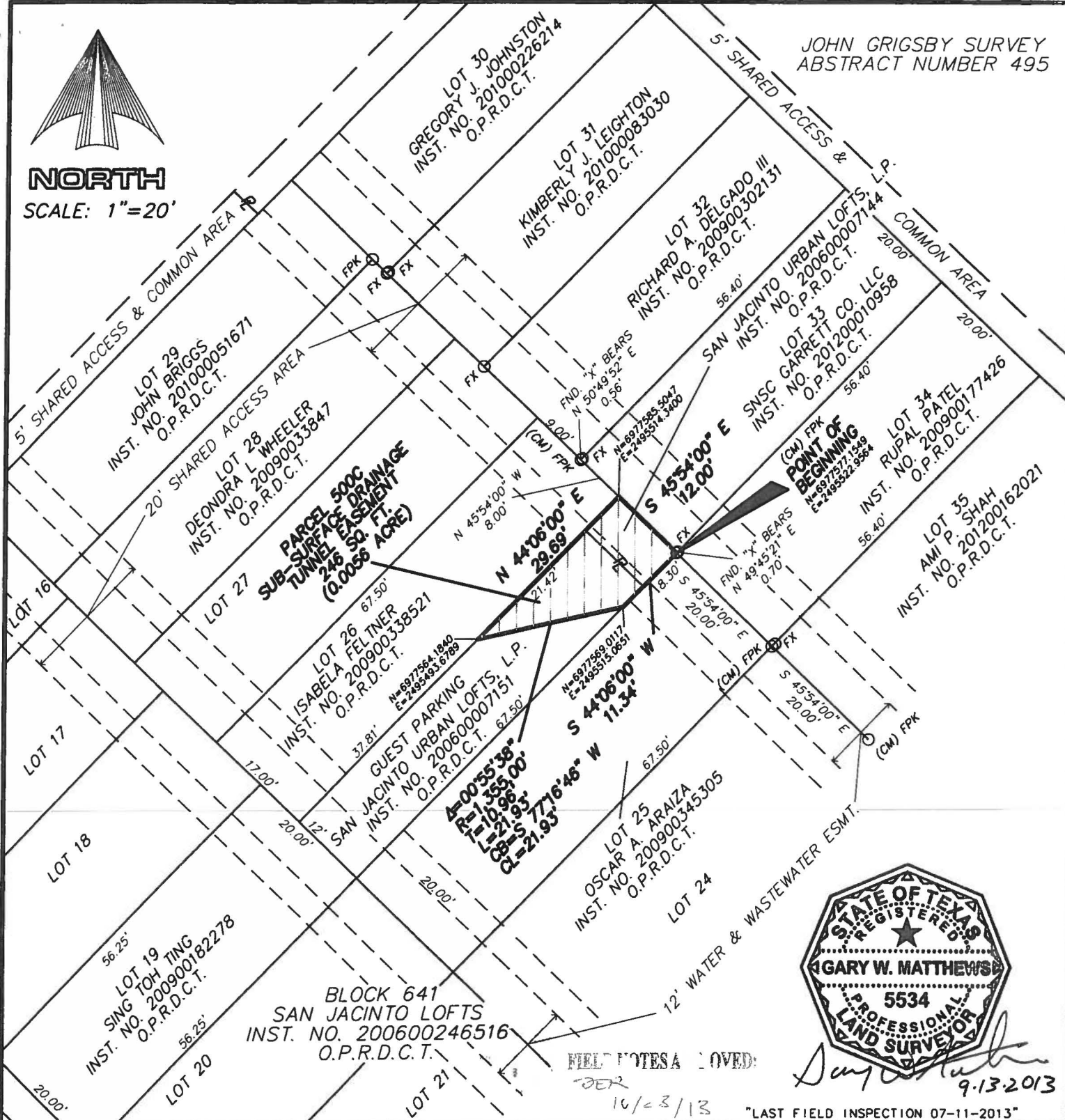
PARCEL-500C.DWG



NORTH

SCALE: 1"=20'

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495



9.13.2013

"LAST FIELD INSPECTION 07-11-2013"

PAGE 4 OF 4

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T. DEED RECORDS OF DALLAS
COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS
COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF
DALLAS COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER
VOL., PG. VOLUME, PAGE
ESMT. EASEMENT
SQ. FT. SQUARE FEET

--- RIGHT-OF-WAY LINE
--- EASEMENT LINE
--- SUBDIVISION LINE
--- PROPERTY LINE
--- IRF IRON ROD FOUND
--- IPF IRON PIPE FOUND
--- CM CONTROLLING MONUMENT
--- FPK FOUND PK NAIL
--- FX FOUND "X"

246 SQ. FT. (0.0056 ACRE) SUB-SURFACE DRAINAGE
TUNNEL EASEMENT CITY OF DALLAS DRAWING
NO. 423R-54 (PARCEL 500C) TO BE ACQUIRED IN CITY OF
DALLAS BLOCK 641, PART OF GUEST PARKING, SAN
JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT
NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

PARCEL-500C.DWG

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45G

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from SHF I ICON, LLC, of a subsurface easement under approximately 62,688 square feet of land located on Hall Street at its intersection with Ross Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 62,688 square feet of land from SHF I ICON, LLC. This property is located on Hall Street at its intersection with Ross Avenue and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

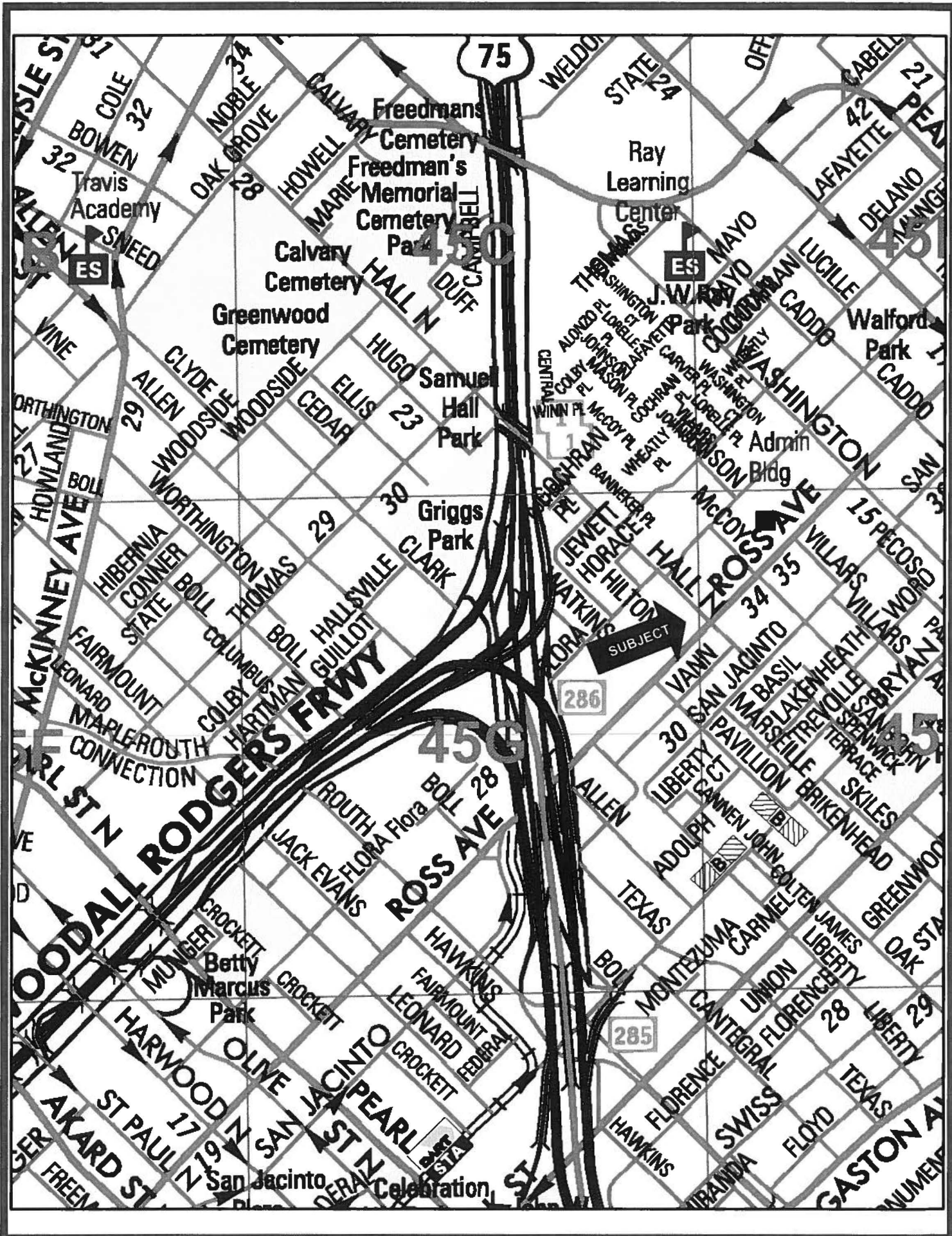
2006 Bond Funds - \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000)

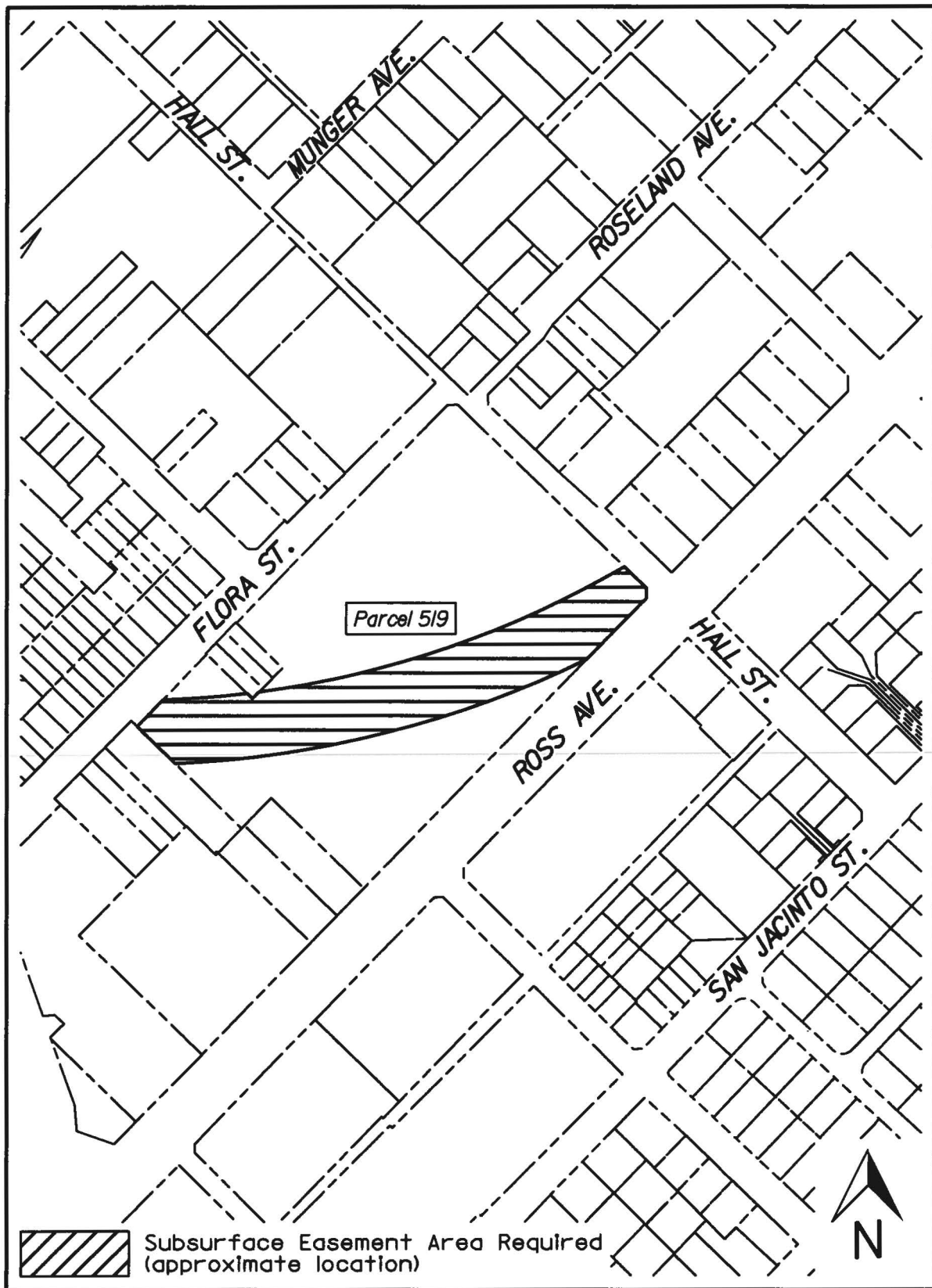
OWNER

SHF I ICON, LLC

MAPS

Attached





September 9, 2015

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

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

"CITY": The City of Dallas

"PROPERTY": Located under approximately 62,688 square feet in area, lying between the subsurface elevations of 238 feet and 416 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": SHF I ICON, LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$250,752.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$7,000.00

"AUTHORIZED AMOUNT": \$257,752.00

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

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

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

September 9, 2015

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G46, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G47. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$7,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

BY 
Assistant City Attorney

FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
PART OF LOT 2, RHDFJ PARTNERS ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM RHDFJ PARTNERS L.P.

BEING a 1.439 acre (62,688 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block A/595 of the City of Dallas, Dallas County, Texas, and being part of that called 0.3815 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432759 of the Official Public Records of Dallas County, Texas, and being part of that called 3.6067 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070349385 of said Official Public Records, and being part of that called 0.6382 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432763 of said Official Public Records, and being part of Lot 2, RHDFJ Partners Addition, and addition to the City of Dallas recorded in Instrument Number 201100309310 of said Official Public Records, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the south corner of a 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976602.5035, E=2494141.5897 at the intersection of the southwest right-of-way line of Hall Street (a 40 foot wide right-of-way) with the northwest right-of-way line of Ross Avenue (an 80 foot wide right-of-way), same being the southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition;

THENCE South 44 degrees 13 minutes 05 seconds West, with said northwest right-of-way line of Ross Avenue and southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 119.87 feet to the point of curvature having coordinates of N=6976516.6021, E=2494058.0016 (not monumented) of a non-tangent circular curve to the right having a central angle of 23 degrees 44 minutes 27 seconds, a radius of 1,445.00 feet, a tangent of 303.73 feet and a chord which bears South 75 degrees 50 minutes 16 seconds West 594.47 feet, from whence an X cut found (controlling monument) for the most southerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition bears South 44 degrees 13 minutes 05 seconds West 447.26 feet;

THENCE Southwesterly, departing said northwest right-of-way line of Ross Avenue and said southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the right for an arc distance of 598.74 feet to the end of said curve having coordinates of N=6976371.1745, E=2493481.6791 (not monumented), said end of curve being on the southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and northeasterly line of that called 0.2544 acre tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
PART OF LOT 2, RHDFJ PARTNERS ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM RHDFJ PARTNERS L.P.

Exhibit A

THENCE North 45 degrees 30 minutes 06 seconds West, with said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract, 73.92 feet to the most westerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976424.4201, E=2493427.4010 (not monumented), same being the south corner of that tract of land described as Street Right-of-Way Dedication in Correction Warranty Deed recorded in Instrument Number 201000121750 of said Official Public Records;

THENCE North 43 degrees 43 minutes 16 seconds East, departing said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract and with the southeasterly line of said Street Right-of-Way Dedication and the northwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 52.11 feet to the point of curvature having coordinates of N=6976460.6292, E=2493464.9740 (not monumented) of a non-tangent circular curve to the left having a central angle of 04 degrees 59 minutes 55 seconds, a radius of 1,355.00 feet, a tangent of 59.14 feet and a chord which bears North 85 degrees 45 minutes 49 seconds East 118.18 feet;

THENCE Easterly, departing said southeasterly line of said Street Right-of-Way Dedication and said northwesterly line of Lot 2, Block A/595, RHDFJ Partners Addition and across said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 118.21 feet to the end of said curve having coordinates of N=6976469.3581, E=2493582.8113 (not monumented), said end of curve being on an interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, same being the southwesterly line of Lot 1, Block A/595, Flora Addition No. II, an addition to the City of Dallas recorded in Instrument Number 200600275713 of said Official Public Records, from whence a 5/8 inch iron rod found (controlling monument) bears North 46 degrees 04 minutes 23 seconds West 88.24 feet;

THENCE South 46 degrees 04 minutes 23 seconds East, with said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwesterly line of Lot 1, Block A/595, Flora Addition No. II, 10.56 feet to an ell corner having coordinates of N=6976461.9894, E=2493590.3200 (not monumented) in said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and the westerly line of the aforementioned called 3.6067 acre tract, same being the south corner of said Lot 1, Block A/595, Flora Addition No. II;



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
PART OF LOT 2, RHDFJ PARTNERS ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM RHDFJ PARTNERS L.P.

Exhibit A

THENCE North 44 degrees 18 minutes 50 seconds East, departing said southwesterly line of Lot 1, Block A/595, Flora Addition No. II and with the southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and continuing with said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, 13.16 feet to the point of curvature having coordinates of N=6976471.4483, E=2493599.6065 (not monumented) of a non-tangent circular curve to the left having a central angle of 22 degrees 59 minutes 54 seconds, a radius of 1,355.00 feet, a tangent of 275.66 feet and a chord which bears North 71 degrees 02 minutes 57 seconds East 540.25 feet;

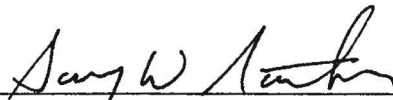
THENCE Northeasterly, departing said southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, the aforementioned called 0.3815 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 543.89 feet to the end of said curve having coordinates of N=6976646.8734, E=2494110.5038 (not monumented), said end of curve being on the northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and southwest right-of-way line of the aforementioned Hall Street;

THENCE South 45 degrees 39 minutes 03 seconds East, with said northeasterly line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwest right-of-way line of Hall Street, 43.23 feet to the north corner having coordinates of N=6976616.6587, E=2494141.4128 of the aforementioned 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition at the intersection of the southwest right-of-way line of said Hall Street with the northwest right-of-way line of said Ross Avenue;

THENCE South 00 degrees 42 minutes 59 seconds East, departing said northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and with the west line of said 10 foot by 10 foot right-of-way dedication and the most easterly line of said Block A/595, 14.16 feet to the POINT OF BEGINNING and containing 1.439 acres (62.688 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.




Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9/12/2013

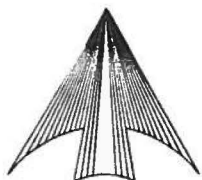


Page 3 of 4



FIELD NOTES APPROVED:

 11/20/13



JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495

EASEMENT CURVE TABLE

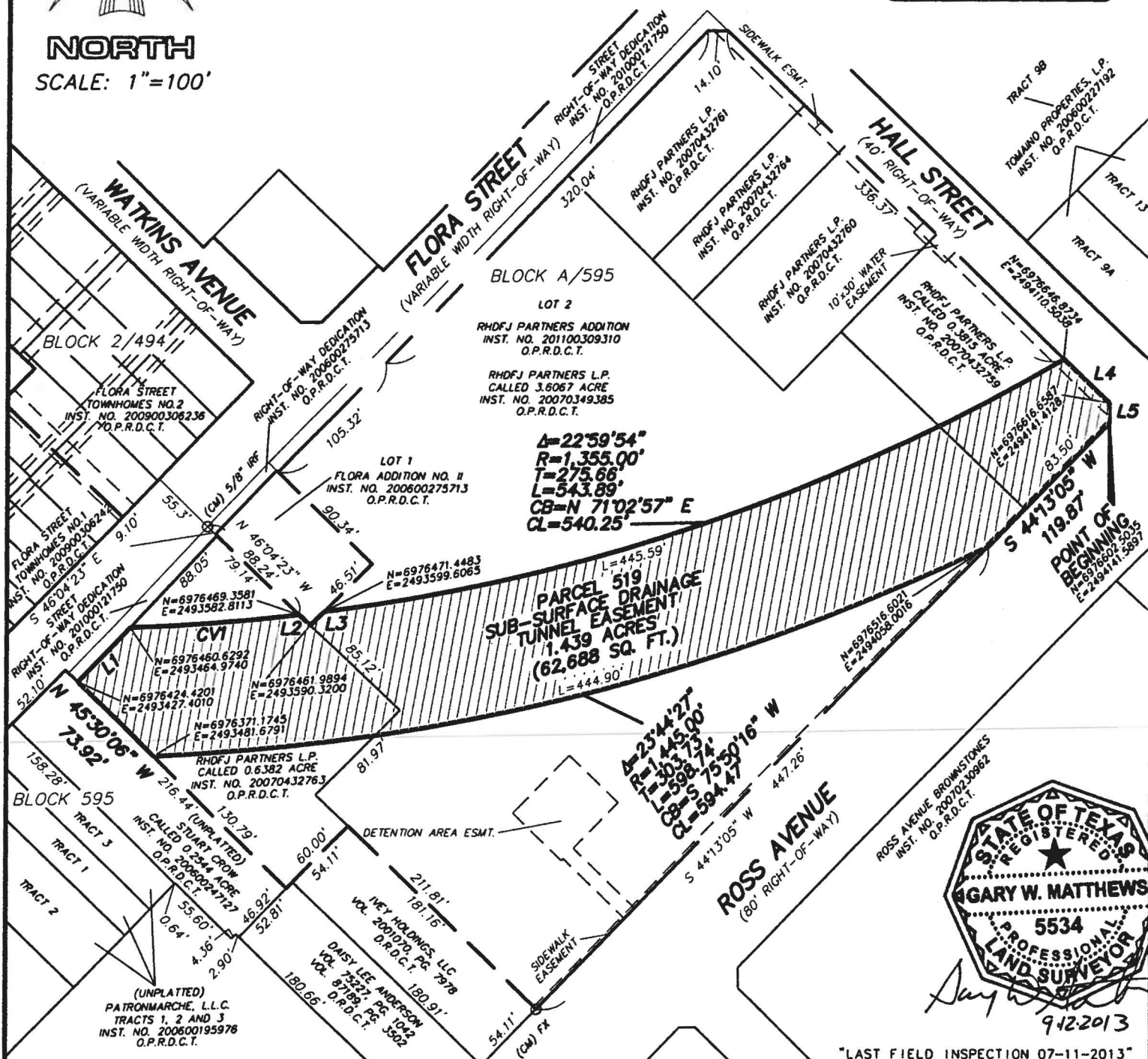
CVI	$\Delta=04^{\circ}59'55''$
	$R=1,355.00'$
	$T=59.14'$
	$L=118.21'$
	$CB=N\ 85^{\circ}45'49''\ E$
	$CL=118.18'$

Exhibit A
EASEMENT CURVE TABLE

NO.	BEARING	DISTANCE
L1	N 43°43'16" E	52.11'
L2	S 46°04'23" E	10.56'
L3	N 44°18'50" E	13.16'
L4	S 45°39'03" E	43.23'
L5	S 00°42'59" E	14.16'

NORTH

SCALE: 1"=100'



NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER
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--- CM CONTROLLING MONUMENT
--- FPK FOUND PK NAIL
--- FX FOUND "X"

PAGE 4 OF 4

1.439 ACRES (62,688 SQ. FT.) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519) TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595, PART OF LOT 2, RHDFJ PARTNERS ADDITION, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM RHDFJ PARTNERS L.P.

NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

09/12/2013

PARCEL-519.DWG

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 56C

SUBJECT

Authorize **(1)** a housing development loan in an amount not to exceed \$900,000; and **(2)** a conditional grant agreement in an amount not to exceed \$405,040 for a mixed-income housing development project with East Dallas Community Organization, a certified Community Housing Development Organization, for the construction of eight single family homes located in the 2400 block of Hooper Street - Total not to exceed \$1,305,040 - Financing: 2012-13 HOME Investment Partnerships Program Grant Funds (\$506,002), 2013-14 HOME Investment Partnerships Program Grant Funds (\$393,998) and General Obligation Commercial Paper Funds (\$405,040)

BACKGROUND

On February 2, 2015, the City posted a Notice of Funding Availability (NOFA) requesting developers to submit proposals to build single family homes in the city limits of Dallas. East Dallas Community Organization (EDCO) submitted a proposal to the City of Dallas for the development of eight (8) single family homes for low to moderate and market rate income families to include an alley installation, predevelopment costs, construction costs and approved closing costs. EDCO is a certified Community Housing Development Organization (CHDO) and has obtained interim construction financing with Inwood Bank for a portion of the construction costs of the units.

EDCO is familiar with the area and has previously completed four prior phases of the development. They have built and sold 27 single family mixed-income units in the prior phases.

The project will receive 2012 and 2013 HOME Funds from the Department of Housing and Urban Development (HUD) and 2012 Bond Funds which the City Council appropriated for housing developments such as this. The City of Dallas will provide interim construction financing for the units to be built and sold to six (6) eligible low to moderate income families at or below 80% of Area Median Family Income (AMFI) and two (2) households up to 140% of AMFI.

BACKGROUND (continued)

The construction work will be completed within two years and occupancy within the second year. As each affordable unit is sold, the net proceeds from the sales of the affordable units will be repaid to the City and the lien/debt forgiven prorata. EDCO will retain the proceeds from the sales of the market rate units and the lien/debt is forgiven prorata. All developer fees must be expensed from bond funds, up to \$15,000 per home. The deed restrictions for the affordable units will remain on the property for 15 years from the date of sale. Deed Restrictions but will be released for the market rate units upon sale.

City Council approval of this agenda item will authorize the City Manager to execute the loan and conditional grant documents with EDCO for these funds, with payment of draws subject to environmental clearance by the City of Dallas and HUD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, City Council approved the FY 2012-13 Consolidated Plan Budget for FY 2012-13 federal funds which included the Community Based Development Organizations (CBDOs) in the Community Development Block Grant Funds, by Resolution No. 12-1629.

On June 26, 2013, City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnerships Funds for Housing Development Loan Program, by Resolution No. 13-1142.

On April 6, 2015, the Housing Committee received a briefing memo on the Single Family NOFA project submissions.

Information about this item will be provided to the Housing Committee on September 8, 2015.

FISCAL INFORMATION

2012-13 HOME Investment Partnerships Program Grant Funds - \$506,002
2013-14 HOME Investment Partnerships Program Grant Funds - \$393,998
2012 Bond Program (General Obligation Commercial Paper Funds) - \$405,040

OWNER

East Dallas Community Organization

Gerald Carlton, President

DEVELOPER

East Dallas Community Organization

Gerald Carlton, President

MAP

Attached

September 9, 2015

WHEREAS, affordable housing for low and moderate income families is a high priority of the City of Dallas; and

WHEREAS, on June 27, 2012, City Council approved the FY 2012-13 Consolidated Plan Budget for FY 2012-13 federal funds which included the Community Based Development Organizations (CBDOs) in the Community Development Block Grant Funds, by Resolution No. 12-1629; and

WHEREAS, on June 26, 2013, City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnerships Funds for Housing Development Loan Program, by Resolution No. 13-1142; and

WHEREAS, on April 6, 2015, the Housing Committee received a briefing memo on the Single Family NOFA Project submissions; and

WHEREAS, East Dallas Community Organization (EDCO) proposes to work with the City of Dallas to undertake the development of eight (8) units at the 2400 Block of Hooper Street; and

WHEREAS, the City desires for EDCO to develop affordable units for low and moderate income families; **NOW, THEREFORE**,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute (1) a housing development loan in an amount not to exceed \$900,000; and (2) a conditional grant agreement in an amount not to exceed \$405,040 for a mixed income housing development project with East Dallas Community Organization, a certified Community Housing Development Organization, for construction of eight (8) single family homes located in the 2400 block of Hooper Street.

Section 2. The terms of the loan agreement include:

- (a) Six (6) of the 8 units will be subject to the HOME loan conditions.
- (b) EDCO must execute a note payable of \$900,000.00 to the City of Dallas for the HOME loan.
- (c) EDCO will execute a lien through a Deed of Trust and deed restrictions for a 15-year term for the affordable units.
- (d) EDCO will remit any proceeds from the sale of each home to the City of Dallas after paying any interim construction liens and approved closing cost.
- (e) EDCO will have two (2) years to fully complete the project.

September 9, 2015

- (f) EDCO must build and occupy the affordable units to low and moderate income families with incomes at or below 80% of area median family income (AMFI).
- (g) The City may subordinate first lien position to the interim construction lender.
- (h) The City will release EDCO's lien and forgive the debt on a prorata basis as each unit is sold to a low-income household at or below 80% AMFI and the loan proceeds will be returned to the City.

Section 3. The terms of the conditional grant agreement include:

- (a) Two (2) of the 8 units will be subject to the conditional grant agreement conditions.
- (b) EDCO will execute and record a performance deed of trust and deed restrictions. The performance deed of trust and deed restriction will be released as to each property as the house is built and sold to a household earning at or below 140% AMFI.
- (c) EDCO may receive up to \$15,000 for each of the eight homes from bond funds for developer fees.
- (d) EDCO will have two (2) years to fully complete the project.
- (e) EDCO must build and occupy the affordable units to households earning at or below 140% AMFI.
- (f) The City will subordinate first lien position to the interim construction lender.

Section 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens, forgive the debt and terminate deed restrictions on the properties upon compliance with the loan and conditional grant terms or deed restrictions.

Section 5. That the Chief Financial Officer is authorized to disburse funds in accordance with this resolution as follows:

East Dallas Community Organization Vendor # 354413

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object Code</u>	<u>Program #</u>	<u>Encumbrance</u>	<u>Amount</u>
HM12	HOU	893E	3015	3U53HOOP	HOU893EK180	\$506,002
HM13	HOU	236F	3015	3U53HOOP	HOU893EK180	\$369,051
HM13	HOU	233F	3015	3U53HOOP	HOU893EK180	\$24,947
3U53	HOU	W025	3015	3U53HOOP	HOU893EK180	\$405,040

September 9, 2015

Section 6. That the City Controller is hereby authorized to record notes receivable - developers loan in balance sheet account (033F) and deferred revenue-home loan in (0859) in funds HM12 and HM13 for the amount of the \$900,000 loan.

Section 7. That the City Controller is hereby authorized to record notes receivable in balance sheet account (033F) and an allowance for uncollectible debt (022D) in fund 3U53 (forgivable grant) for the amount of the \$405,040 grant.

Section 8. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan or conditional grant, until such time as the loan and conditional grant documents are duly approved by all parties and executed.

Section 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an expansion of and modifications to Historic Overlay 36, Adolphus Hotel, on property zoned Planned Development District No. 619 on the northwest corner of South Akard Street and Commerce Street

Recommendation of Staff and CPC: Approval, subject to preservation criteria

Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z134-322(MD)

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, SEPTEMBER 9, 2015

ACM: Ryan S. Evans

FILE NUMBER: Z134-322(MD)

DATE FILED: August 25, 2014

LOCATION: Northwest corner of South Akard Street and Commerce Street

COUNCIL DISTRICT: 14

MAPSCO: 45P

SIZE OF REQUEST: ±0.7993 acres

CENSUS TRACT: 0031.01

APPLICANT / OWNER: RBP Adolphus LLC

REPRESENTATIVE: Craig Melde

REQUEST: An application for expansion and modifications to Historic Overlay 36, Adolphus Hotel on property zoned Planned Development District No. 619.

SUMMARY: The original portion of the Adolphus Hotel was originally designated in 1987. This request will include adding the subsequent additions to the original structure and provide criteria for their exteriors. A significant property must meet 3 of 10 designation criteria. This expansion property has been determined to meet 7.

CPC RECOMMENDATION: Approval, subject to preservation criteria

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to preservation criteria

STAFF RECOMMENDATION: Approval, subject to preservation criteria

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon the following:

1. Both the Landmark Commission and its Designation Committee have determined this complex to be historically significant under 7 designation criteria. These criteria include: history, heritage and culture, significant persons, architect or master builder, historic context, unique visual feature, national and state recognition, and historic education.
2. The proposed expansion of the existing historic overlay will include the rest of the Adolphus Hotel complex, including subsequent additions that have been altered on the exterior.
3. This overlay designation does not change the base zoning or permitted uses for the property.
4. The request complies with the Comprehensive Plan.

BACKGROUND INFORMATION:

- After the zoning application was submitted in August 2014, the Designation Committee of the Landmark Commission met two times with the Applicant to work on the revised landmark nomination form and preservation criteria.
- The Designation Committee approved the designation report, comprised of the landmark nomination form and preservation criteria, on March 18, 2015.
- The Landmark Commission approved the designation on Monday, May 4, 2015.
- City Plan Commission approved the designation on Thursday, August 6, 2015.

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with both the Urban Design and the Neighborhood Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation historic neighborhoods and buildings creates a direct, visual link to the past, contributing to a "sense of place."

Goal 5.1 Create a Sense of Place, Safety and Walkability

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Goal 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

Goal 7.2 Preservation of Historic and Cultural Assets

Policy 7.2.2 Create a sense of place through the built environment while maintaining the existing historic fabric.

Policy 7.2.4 Protect historic and cultural assets.

CITY PLAN COMMISSION ACTION – August 6, 2015

Motion: It was moved to recommend **approval** of an expansion of and modifications to Historic Overlay 36, Adolphus Hotel, subject to preservation criteria on property zoned Planned Development District No. 619 on the northwest corner of South Akard Street and Commerce Street.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Emmons, Shidid*, Anantasomboon, Bagley*,
Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley, Abtahi*

Against: 0
Absent: 2 - Anglin, Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 293
Replies: For: 0 Against: 0

Speakers: None

LANDMARK COMMISSION ACTION – May 4, 2015

This item appeared on the Commission's discussion agenda.
Motion: Approval, subject to preservation criteria.

Maker: Tapscott
Second: Amonett
Results: 11/0

Ayes: Amonett, *Birch, Bowers, Fahrenbruch,
Flabiano, Jordan, Maten, *Sherman, Tapscott,
Thomas-Drake, Williams
Against: None
Absent: Birrer, Gadberry, Greenberg, Johnson, Seale
Vacancies: Dist 12

Dallas Landmark Commission Landmark Nomination Form

1. Name

historic: The Adolphus Hotel
and/or common: Hotel Adolphus
date: 1912/1917/1926/1951

2. Location

address: 1315 Commerce
location/neighborhood: CBD
block: 70 **lot:** 15 **land survey:** N. Grigsby **tract size:** 7993

3. Current Zoning

current zoning: PD-619; PD sub districts A, B, C; SUP 1788; H-36; SPSD overlay; CP overlay (Tower 1). SUP 1788; PD sub districts A, B, C; PD-619; CP overlay; SPSD overlay (Tower 2, 3, 4).

4. Classification

Category	Ownership	Status	Present Use	<input type="checkbox"/> museum
<input type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agricultural	<input type="checkbox"/> park
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial	<input type="checkbox"/> residence
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational	<input type="checkbox"/> religious
<input type="checkbox"/> site	Public	Accessibility	<input type="checkbox"/> entertainment	<input type="checkbox"/> scientific
<input type="checkbox"/> object	Acquisition	<input type="checkbox"/> yes: restricted	<input type="checkbox"/> government	<input type="checkbox"/> transportation
	<input type="checkbox"/> in progress	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> other, specify
	<input type="checkbox"/> being considered	<input type="checkbox"/> no	<input type="checkbox"/> military	

5. Ownership

Current Owner: RBP Adolphus LLC.

Contact: John Rosen

Phone: 614-246-2400

Address: 4100 Regent Street, Suite G **City:** Columbus **State:** OH **Zip:** 43219

6. Form Preparation

Date: 3/10/2015

Name & Title: Jay Firsching, Associate, Hayli Ballentine, Preservation Specialist Intern.
 Original Nomination prepared by Ron Enrich

Organization: Architexas

Contact: jfirsching@architexas.com

Phone: 214-748-4561

7. Representation on Existing Surveys

Alexander Survey (citywide) local state X national X National Register
H.P.L. Survey (CBD) X A B C D Recorded TX Historic Ldmk
Oak Cliff TX Archaeological Ldmk
Victorian Survey
Dallas Historic Resources Survey, Phase ____ high ____ medium ____ low

For Office Use Only

Date Rec'd: _____ Survey Verified: Y N by: _____ Field Check by: _____ Petitions Needed: Y N
Nomination: Archaeological Site Structure(s) Structure & Site District

8. Historic Ownership

original owner: Adolphus Busch
significant later owner(s): Leo Corrigan

9. Construction Dates

original: 1912
alterations/additions: 1917, 1926, 1951, 1981

10. Architect

original construction: Barnett, Haynes, Barnett (Tom P. Barnett)
alterations/additions: Lang and Witchell (1917), Alfred Bossom (1926), Wyatt C. Hedrick (1951), 1981 Jerde Partnership, and Beran & Shelmire, Architects

11. Site Features

natural:
urban design: Significant corner location in dense downtown core.

12. Physical Description

Condition, check one:			Check one:
<u>X</u> excellent	____ deteriorated	____ unaltered	<u>X</u> original site
____ good	____ ruins	____ altered	____ moved(date ____)
____ fair	____ unexposed		

The Adolphus Hotel is a multi-building complex in the Dallas Central Business District. Tower 1 is a 19-story structure constructed in 1912 whose steel frame is clad with tapestry brick and gray granite. Located on a prominent corner in downtown Dallas, it is noteworthy for the high quality of its Beaux Arts style ornamentation, which is carried out in bronze as well as granite.

<i>Continuation Sheet</i>

<i>Item # 12</i>	<i>(Page 2 of 8)</i>
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Tower 1 is topped by a monumental Mansard roof, long a noted feature of the Dallas skyline. Tower 2 was constructed several lots away to the west in 1917. Originally 11 stories in Classical Revival style, the building was re-clad in the 1980s to appear more modern. Tower 3, constructed in 1926, lies between Towers 1 & 2 and features a low and highly ornamented wing facing Commerce Street with detailing matching that of Tower 1. A set-back 22-story tower was also re-clad in the 1980s. Tower 4, facing Main Street, was constructed in 1951 in the Moderne style in brick with aluminum details.

The Adolphus Hotel is a multi-building complex in the Dallas Central Business District. **Tower 1**, located at the northwest corner of Commerce and Akard Streets in downtown Dallas, is a 19-story, steel-framed structure whose exterior walls are faced with tapestry brick and gray granite. The elaborate architectural ornament of the building serves to divide the exterior elevations into four distinct sections. The base course of Tower 1 is of red granite, with the first three stories faced with gray granite. The main entrance to Tower 1 was placed in the central bay of the seven-bay Akard Street elevation. The ground—floor street fronts were leased to commercial tenants. The Akard Street entrance is marked by the large, segmentally-arched opening on the second floor which is capped by a granite sculptural group representing Mercury and Ceres. The opening is flanked by panels of relief sculpture depicting Apollo and Terpsichore. This collection of architectural ornament sets the tone for the detailing to be found throughout the hotel's exterior. Described as being in the Louis XIV style by writers of that period, the building's ornament is characteristic of the work of architects who had studied at the Ecole des Beaux Arts in Paris. That institution's influence upon American architecture was perhaps at its height at the time the Adolphus was under construction, with buildings of similar elaboration in most of the large cities of the U.S. at the turn of the century. The three-window bays to each side of the prominent central opening are alternately capped by segmental arches or triangular pediments supported by scroll brackets. The casement doors in these openings are screened by wrought bronze grilles whose central element is a cartouche containing the letter "A", the hotel's monogram. The seven windows of the third floor on Akard Street are set in simple frames, but feature the wrought bronze grillwork used on the second floor. A belt course carved with a scroll motif separates the second and third floors.

The Commerce Street facade is far more ornately detailed on the second and third-floor levels. While it is technically seven bays in width, the Commerce Street elevation is considerably longer than the Akard side, with the extra space taken up by the over—sized openings which overlook Commerce Street. There are five of these large, round-sized openings which rise up through the second and third floors. These round arches actually frame two distinct types of fenestration. The large upper sections of these openings contain fixed panes of glass organized around a circular muntin frame at the top of the arch. Below this, set apart by a large and highly detailed classical enframing, is a pair of very tall casement doors which open onto the granite balcony facing Commerce Street. The doors are set behind a pair of Tuscan columns which support an elaborate entablature.

These are alternately topped with boldly sculpted Baroque cartouches or groups of putti. The tall, round-arch openings are flanked by vertical panels of carved stone, each of which is capped by vaguely classical male and female busts. The center of each arch is highlighted by a scroll bracket which supports a large, stylized anthemion. The southeast and northeast corners of the building are further decorated by substantial and highly ornate cartouches set on top of the belt course that marks the second-floor line.

The fourth- through 12th-floor street fronts are identical in terms of their fenestration and finish. The exterior walls are clad in tapestry brick, with granite belt courses marking the floor lines. Two window types are used, the larger of which consists of casement doors for maximum ventilation. The openings are screened at the lower section by wrought bronze grilles identical to those noted on the windows of the second and third floors. Smaller openings with four-over-four lights in each sash are grouped to both sides of the central window bay on both street fronts. Presumably these lesser windows serve the individual bedrooms or other subsidiary spaces.

The 13th floor continues the fenestration of the lower floors, but its exterior is faced with granite laid in a regular pattern of square blocks. Both the Commerce and Akard Street facades feature eight enormous scroll brackets that support the granite balcony of the 14th floor. Each of these brackets extends the full height of the floor and is, as noted, the granite balcony which wraps around both street facades as well as the north elevation. It is largely obscured by the adjacent office building. A massive balustrade of granite, with pier blocks set above the great brackets, conceals one's view of this floor from street level. The 14th through 16th floors are faced with tapestry brick. At the 15th and 16th-floor levels, centered on both street fronts, are vertical panels of sculptural decoration in the form of military trophies of the 18th Century. Filled with shields and emblems, these panels are topped by colossal male heads wearing rather antique helmets.

Reaching the 17th floor, one encounters the greatest concentration of ornament on the Adolphus. Faced entirely in granite, this floor is divided into three sections by the massing of openings and detailing. The central window is flanked by massive halves of a broken segmental pediment and topped by a triangular pediment borne on brackets. Set on both halves of the segmental pediment are colossal figures representing Night and Morning. Cast in verde antique bronze, they are the work of Chicago sculptor Leon Hermant. The positioning of these statues is derivative of Michelangelo's work on the tomb of Pope Julius II, and appears to be precariously balanced on the outer edge of the architectural molding.

Toward each end of the street fronts of the 17th floor, set under a slightly concave round arch frame, is a square-headed opening with casement doors. Above the opening is a carved, pulvinated frieze topped by a rather simple cornice. Resting on this cornice is a cartouche which serves as the point of origin for two sections of foliate carving which curve upward to cradle round windows with horizontal center pivots.

The northeast and southwest corners of the 17th floor are capped by massive bronze spheres supported by bronze scroll brackets. The southeast corner is formed by the most distinctive feature of the upper section of the hotel, the cylindrical tower that has been known affectionately by Dallasites for years as the "beer bottle", appropriate in that Busch Brewery money paid for the building. The tower is capped by a bronze dome and lantern.

The final two stories of Tower 1 are contained within the gigantic Mansard roof, which is clad in variegated slate and trimmed at the top with a spectacular cresting of bronze. The Commerce Street side of the roof is broken by three huge rectangular openings which, when opened, turned the banqueting and ballroom facilities into open-air spaces high above the city. These oversized openings are not used on the Akard Street side, where three small dormers with steeply-pitched hipped roofs are located. The final fenestration of the hotel comes in the form of four round windows in bronze frames high up on the face of the Mansard roof. The corners of the roof are capped by bronze scroll brackets, which terminate in scalloped moldings.

The west facade of the original hotel building is virtually unadorned, with the 14th-floor balcony terminating shortly after it rounds the corner. A majority of the windows on this side are not floor length, although some long casement openings can be found. The north facade, while it was substantially decorated in the manner of the street fronts, is now nearly totally obscured by the Adolphus Tower office building which rises only about 20 feet from the north wall of the hotel. The only additions that actually touch the original building are the three-story section facing Commerce that connects the original hotel with the 1917 extension, and the 24-story addition recessed back from Commerce Street, both of which were constructed in 1926. The 1917 annex was partially demolished in 1981 and rebuilt on a smaller scale. It was resurfaced as part of the overall rehabilitation of the hotel complex.

Tower 1's interiors have, in the course of time, been subject to cosmetic remodelings. The main lobby on the second floor, and the adjacent "French Room" (the original restaurant space), are still intact. The lobby features a large chandelier embellished with eagles and hops, alluding to the Busch Brewery emblem. The French Room was originally painted white, and has been redecorated using a more vivid color scheme with marbleized columns and wall and ceiling murals. The only alterations to the original exterior are the removal of the bronze canopy over the Akard Street entrance, and the refacing of the ground-floor street fronts and the installation there of large plate-glass windows in aluminum frames. These changes are minor when one considers the large percentage of intact detailing present on the exterior as a whole, and do not compromise the integrity of the building.

In its original form, **Tower 2** of the Adolphus Hotel differed significantly from the original and highly ornate Tower 1. It can be assumed that architects Lang and Witchell felt it unnecessary to match the original building because the two towers were separated by two smaller commercial buildings.

The tower's design is typical of Dallas Hotel and office buildings of the period. The Classical Revival building had a large, rectangular three-story base with a U-shaped upper shaft arranged around an open court, and was finished with a heavy cornice.

The south elevation of Tower 2 was composed of red brick similar in color to the original building, with decorative details of cream-colored limestone or terra cotta. The base of the building was three stories, the first of which is not clearly visible in historic photographs because of a large iron terrace structure that projected over the sidewalk and was supported by a row of 10 columns. Photographs of the terrace depict an iron structure with an ornamental guardrail supporting four luminaries. At the center of the terrace above the second floor doors was a marquee structure, also supported on iron posts and featuring a decorative cornice.

At the second floor, French doors provided access to the terrace from the junior ballroom beyond. The doors were ornamented with masonry surrounds topped with projecting cornices. Directly above these at the third floor were simple, double-hung windows lacking significant ornamentation, but with simple recessed stone panels placed above and between them. The header of the windows was formed by a continuous stone belt course. The base was completed with a simple projecting cornice.

Beginning at the fourth floor, the remainder of the tower is arranged around a u-shaped central court with the open end facing Commerce. The two identical wings facing Commerce Street are divided into two bays. Each bay is articulated by a distinct fenestration pattern of two double-hung windows flanking a smaller double-hung window. These windows are aligned at the head, and lack ornamentation other than a simple stone sill. The arrangement of the windows within the central court is not visible in historic photographs.

At the 11th floor, the window pattern continues, but sills are articulated by a continuous belt course. Round medallions ornament the outer corners of this floor. Above the 11th floor windows, the cornice serves as the head of the windows and completes the main shaft of the building. The simple projecting stone cornice was bracketed, and wrapped two to three feet around the building onto the east and west facades. A small brick parapet was topped by a continuous stone cap. The top floor of the hotel was set back from the main shaft and constructed of different materials. While the exact composition of the design is not clear in historic photographs, it appears to have been clad in stucco or cream-colored masonry with broad windows, a shallow cornice and hipped roof.

The remaining facades of Tower 2 continued the fenestration pattern of that facing Commerce Street and included stone sills. While these facades were constructed of matching brick, they lacked any of the ornamentation of the primary elevation.

Modifications to Tower 2 include the application of two colors of stucco to the entire building. At the building base, the continuous terrace is now gone and the first floor is divided into eight structural bays separated by simple rectangular columns. The four central bays are infilled with low planters. The next bay on each side is slightly wider to accommodate the entry and exit to the building's circle drive which now occupies the southernmost portion of the first floor.

The outermost bays are again narrower, and accommodate pedestrian access to the circle-drive area. A four foot band of pink granite adorns the building at street level.

Between the first and second floors, a set of bulky projecting ledges support building lighting and flagpoles. At the second and third floors, the building is again divided into eight structural bays and these are articulated by large, slightly recessed panels of darker stucco. The four central panels are arched and accentuate the second and third floor windows. At the second level, these windows are paired 32-light compositions. Above this at the third floor are large, arched, multi-light fan windows. On either side of the central bays, the recessed panels are slightly wider and have square heads. The windows in the outer bays match the central bays. The narrower outermost bays have square heads and lack windows. The top of the building base is accented by a simple stucco projecting cornice that aligns with those on the buildings to the east and west. The main shaft of the building retains the central court, but a screen wall has been constructed to create a continuous flat front. Portions of the upper floors were removed to form a stepped façade that rises from six floors at the southeast corner to ten floors at the southwest. The composition also steps upward to the north to a full fourteen stories at the northernmost bay. The tower shaft is articulated by evenly spaced and regular fixed-glass, single-light fenestration except at the screen wall which lacks glazing. Stucco between the windows and aligning with the head and sill continues around all sides of the building. Lighter bands of stucco between the floors give the building facades a striped effect.

In designing **Tower 3** of the Adolphus Hotel, Alfred Bossom sought to connect and unify the stylistically disparate Towers 1 and 2. He did this by borrowing from the ornate architectural palate of Tower 1 for the first three floors. The main shaft of the 22-story building was then set deeply back from Commerce Street. The first floor is clad simply in red granite with the upper floors in gray granite. Divided into three bays, the lobby entry is centrally-located. Two window openings flanking the entry are now infilled. The lobby entry is accentuated by a large copper marquee supported by chains tied back to the building façade. The marquee is crowned with a decorative shell motif.

Ornate details on the second and third floors are copied directly from Tower 1, but given a Palladian arrangement. In the center bay, a large arched opening rises up through the second and third floors. This round arch frames two distinct types of fenestration. The large upper section contains fixed panes of glass organized around a central fan light at the top of the arch. Below this, set apart by a large and highly detailed classical enframing, is a double hung six over six window with fixed-sash sidelights. The central window opens onto a balcony facing Commerce Street. The windows are set behind a pair of Tuscan columns which support an elaborate entablature. This is topped with a Baroque cartouche.

The tall, round-arch openings are flanked by vertical panels of carved stone, each of which is capped by vaguely classical male and female busts. The center of the arch is highlighted by a scroll bracket which supports a large, stylized anthemion.

The outermost bays at the second floor include six over six, double hung windows with ornate surrounds of triangular pediments supported by scroll brackets. These windows include ornamental iron grillwork matching the original hotel. Directly above the pediments, three over three double hung windows are ornamented with flat segmental arches. Finally, the ornamental cornice exactly matches and aligns with that of Tower 1, but is interrupted by two ocular windows surmounted by lion heads and floral garlands. A low and simple parapet completes the composition.

The main shaft of the tower, set back considerably from Commerce Street, was designed to be simple and regular, but featured visual references to both Towers 1 and 2. The red brick of the Tower 3 shaft matched that of Tower 1. Seven equally-spaced two over two, double hung windows divided the façade. Two of the windows at each floor were slightly smaller with higher sills creating an AABABAA pattern. Above and below the 11th floor windows, stone belt courses aligned visually with the cornice line of Tower 2. Below the 18th floor windows, another belt course aligned visually with the cornice line of Tower 1. To terminate the tower shaft, another belt course was placed below the 21st floor windows and a bracketed projecting cornice above. The cornice aligns visually with the top of Tower 1. The uppermost floor of Tower 3 was set back from the main façade, clad in stucco and given a hipped roof, much like the upper floor of Tower 2. A massive elevator overrun constructed of brick was set back further still. The remaining facades of the building continued the fenestration pattern and also featured the belt courses and cornice of the main façade.

Work conducted on the building in the early 1980s was designed to unify Tower 3 with the work being done on Tower 2. Square, fixed, single pane windows replaced the originals but only four per floor in an AAA_A_ pattern. Two colors of stucco were applied to create a striped effect like that on Tower 2. The projecting cornice was retained, as was the penthouse. The side and rear facades are not devoid of windows.

Tower 3 also included a three-story structure facing Main Street. The façade of this structure was similar to the one constructed on Commerce. This façade was removed with the construction of Tower 4 in 1951.

Wyatt C. Hedrick's design of **Tower 4** in 1951 differed significantly from all of the previous towers. This did not have a detrimental impact on the hotel complex because Tower 4 was constructed facing Main Street, visually separated from the other buildings.

As originally designed, Tower 4 had a simple two story base of red granite with a central entry and flanking retail storefronts. This façade replaced the original one completed as part of Tower 3. At the second floor were three simple but large and evenly spaced window openings.

At the third floor begins the main shaft of the 20-story Moderne tower. The main body of the tower is of light brown brick. At the center of the Main Street façade was a 25-foot vertical strip of dark brick matching the original hotel. At the center of this was another 8-foot vertical strip of ribbed aluminum. The fenestration at each Main Street level was quite simple. Two double-hung windows per floor were placed on either side of the façade flanking the dark brick band. At the top of the central band was a large "A" trimmed in neon.

The building's east and west elevations were simpler still. The solid light brick of the front façade was fenestrated with twelve, evenly-spaced double hung windows. On the roof, the mechanical equipment was covered with screen walls featuring massive Adolphus signs.

Tower 4 was also modified in the 1980s to better match Towers 2 and 3. Windows in the building were replaced with fixed, single pane units. The dark central band of brick facing Main Street was given a coating of light stucco as was the two-story base. The building signs are no longer in place.

As this description demonstrates, the four buildings comprising the Adolphus Hotel are actually a single large and interconnected whole. While Towers 1 and 2 were not directly connected originally, Tower 3 with its two dramatic entry features on Commerce and Main Streets served to formally connect the entire complex on both the interior and exterior. Tower 4 was constructed on top of the Main Street Arcade of Tower 3 and is also an integral part of the entire complex.

13. Historical Significance

Statement of historical and cultural significance. Include: cultural influences, special events and important personages, influences on neighborhood, on the city, etc.

Item # 13

(Page 1 of 11)

Adolphus Hotel – The Beginning

The Adolphus Hotel represents a substantial investment on the part of St. Louis brewery magnate Adolphus Busch in the development of Dallas during the years before World War I. For several years the tallest structure in the city, the Adolphus is an outstanding example of the influence of the Ecole des Beaux Arts upon American architecture. The high quality of the architectural decoration, executed in granite and bronze, is unusual for Texas buildings of the period, and contributes to the hotel's status as one of the city's most admired works of architecture. Additions to the building in 1917, 1926, and 1951 illustrate the ongoing success of the hotel and its important role in the development of downtown Dallas. Although the 1917 and 1927 additions to the hotel were heavily altered in the early 1980s, the building stands as a well-recognized local landmark and worthy of designation.

In 1890, the Oriental Hotel Company constructed the Oriental Hotel at the corner of Commerce and Akard Streets in Dallas. Prior to opening, the hotel fell into foreclosure and was purchased by an investment company comprised of St. Louis brewers. The building was then placed under the control of the Oriental Investment Company of Missouri, of which Adolphus Busch was the primary bond-holder. Busch, a German immigrant, had established a considerable fortune as owner of the Anheuser Busch Company and was also chairman of the board of the Busch-Sulzer Diesel Engine Co., director of the Manufacturers Railroad Co., and board chairman of the St. Louis O'Fallon Railroad Co. Under the direction of the Oriental Investment Company, the Oriental was finally furnished and opened to the public in October, 1893. The hotel was an immediate success and Busch was impressed with the potential of Dallas as a growing center of commerce. By 1910 the city was one of the largest in Texas and had established itself as an important financial center.

In 1910, a delegation of leading Dallas businessmen approached Adolphus Busch to discuss the need for a first-class hotel in the city. In agreement, Busch responded by acquiring a site for \$240,000 and by holding a subscription party that resulted in local investors purchasing 10 percent of the hotel stock. A corporation, Dallas Hotel Company, was formed to underwrite the construction of the building, and Busch engaged the St. Louis firm of Barnett, Haynes and Barnett to design the new facility with the local assistance of Alfred Bosser and C.D. Hill. After first traveling to examine other luxury hotels of the day, architect Tom P. Barnett designed the 22-story tower, distinguished for its architectural merits ever since completion. As plans developed, the name was changed from the New Oriental Hotel to Hotel Adolphus in honor of its builder. Construction began in 1911 on the site of the 1880s City Hall, by the Gilsomite Construction Company.

Tom P. Barnett, a partner in the firm of Barnett, Haynes and Barnett, left the firm in 1912, completing the work on the Adolphus as the head of his own firm, Tom P. Barnett & Company. The firm of Barnett, Haynes and Barnett was responsible for the design of prominent structures in St. Louis, among the most notable of which is the Catholic Cathedral, dating 1907 to 1914. The firm also designed a number of hotels, including the New Southern Hotel in Chicago, and the 1,500-room Hotel Jefferson (1909) in St. Louis.

Tom P. Barnett & Company was responsible for the design of the Arcade Building and the Busch Chapel in St. Louis, evidence that Barnett and Busch had a good architect/client relationship. The design of the Adolphus clearly indicates a familiarity on the part of Barnett with the design of such famous New York hotels as the Astor, which was also faced with a combination of stone and brick, and capped by a splendid mansard roof. His skills were also illustrated in his design for the Palace of Liberal Arts (1904) at the St. Louis World's Fair, for which he won the fair's Gold Medal for Architecture.

The design of large scale public buildings in the United States in the early years of the 20th century was heavily influenced by the architectural classicism promulgated by the Ecole des Beaux Arts in Paris, the foremost architectural school in Europe. Tower 1 of the The Adolphus Hotel stands as perhaps the premier Texas example of this style, heavily embellished with French Renaissance and Baroque details such as massive scroll brackets and bronze grillwork and statuary. The execution of the detailing, in both stone and metal, is of the highest quality, equal to that found on similar designs in the Northeastern United States.

Several hundred distinguished guests, including a group of St. Louis businessmen who made the trip down in a private railroad car, participated in the grand opening held on October 6, 1912. Tours of the opulent new hostelry were led by bellhops, and that evening stockholders, officers, and others were entertained in the elegant main dining room. Outstanding achievement was not limited to the lavishly detailed exterior, but was reflected in the equally luxurious interior and extensive service. Interior public spaces fitted with wainscoting, vaulted ceilings, sculptured panels in bas relief and fixtures of brass, ormolu and alabaster were decorated with silk and velvet draperies, period French furnishings, and works of art from Busch's private collection. Guest rooms offered the most modern conveniences available. The 18th floor was devoted to entertainment facilities, and the hotel became a center for social, cultural and professional gatherings in Dallas and throughout the Southwest.

With the hotel nearing completion, according to a story in the Dallas Morning News Busch was so delighted with the design, "...he decided to erect a monumental structure in this city by which he might be remembered for all time to come by the residents of this city." The 17-story Busch

Building, built in 1913 for Adolphus A. Busch & Company, was to serve as an office and retail supplement to the Adolphus. Also designed by the firm of Barnett, Haynes and Barnett, in association with Lang and Witchell of Dallas, the building was one of the first in the country, along with the highly acclaimed Woolworth Building in New York by Cass Gilbert, to be built in the Gothic Revival Style. Less than a block away on the corner of Main and Akard, its close proximity



*The Adolphus Hotel in 1914, looking west on Commerce Street.
(Dallas Public Library, Dallas and Texas History Division)*

to the hotel allowed the designers to connect the two buildings with an underground tunnel. In this manner, a single central plant in the basement of the hotel was used to serve both buildings. In October, 1913, Adolphus Busch traveled to his family estate in Germany to attend an annual stag hunt. Having taken ill soon after his arrival, his condition was kept a closely-guarded secret to all but his immediate family. He died on October 10th with his wife, Lily Anheuser-Busch, and his son, Adolphus, by his side. He never had the opportunity to travel to Dallas to see his buildings completed. The Busch family estate continued management of the company interests, including the substantial investments in Dallas. This included the Adolphus and Busch Buildings and substantial storage, warehouse and distribution holdings in east Dallas.

The Adolphus Annex – Tower 2

In February, 1916, the Dallas Hotel Company announced plans to construct an annex (Tower 2) to the west of the main hotel tower. With the announcement the Dallas Morning News expressed surprise. Many in the business community had been critical of the Busch family for making such a substantial investment in Dallas with the original hotel. Now, just a few years later the hotel's success was made obvious with an additional \$1-million investment in Tower 2.



The Adolphus Hotel Towers 1 and 2. Note the balcony terrace at the base of Tower 2 (1922c)

Five pieces of property were purchased for the new building, but the Dallas Hotel Company was unable to acquire the two properties directly adjoining the west wall of the original hotel. They overcame this obstacle by including in the design a 50-foot long iron passageway behind the two buildings to allow staff and guests access between the old and new hotel towers.

R. B. Ellifritz, the hotel manager, and architect Frank O. Witchell traveled across the northeast inspecting hotels in an effort to study the latest trends in function and design. For the first time in Dallas, the construction of a mock-up of a typical hotel floor was completed and hotel experts from across the northeast invited to critique it. The 100'x149' wooden building received none of the fine woodwork or interior décor of the proposed hotel, but illustrated the floorplans and the door and window placements. Plans for the new tower were rushed to completion in 40-days and construction began in June of 1916.

Designed by Lang and Witchell, the hotel was constructed in a style that was complimentary to the original tower, but very much simplified. Originally planned at ten floors with a basement and rooftop solarium, it was decided during construction to add an additional floor. The design for the roof of the hotel featured a rooftop garden with glass enclosures that could be closed in the winter to protect visitors from the cold. Early descriptions of the plans indicated the roof would include cooling devices necessary to support an ice skating rink during the winter months, but it is unclear if this feature was actually constructed. Once completed on January 1, 1918, the building provided the hotel with an additional 230 guest rooms along with added ballroom, meeting, lobby, restaurant and retail capacity.

On Commerce Street, a notable feature of the new tower was a continuous metal balcony structure supported by iron posts. This provided protection to pedestrians on the sidewalk, created an outdoor terrace above the sidewalk and adjoined the second-floor junior ballroom. In 1922 the hotel entered into a franchise agreement with the city that allowed expansion of the ballroom onto the terrace itself. The remodeling of the junior ballroom with the added terrace provided seating for an additional 300 guests. Some twenty years later, the terrace addition was deemed a fire hazard and removed.

Tower 3 and the Main Street Arcade

Just over six years after completion of the second Adolphus tower, the Dallas Hotel Company announced plans to construct a third. Again, the success of the hotel and ever greater demand made the improvements necessary. The most significant aspect of the new plan was that the hotel company was finally able to secure an agreement for the two lots between towers one and two. This gave them the opportunity to unify the complex into a cohesive whole.

Alfred Bossom, noted New York architect and designer of the Magnolia Building, was selected for the new addition (Tower 3). Bossom's design included a narrow, 22-story tower set back from Commerce Street. A lower, three story wing facing directly on Commerce was paired with another of the same design facing Main Street. The reasons for Bossom's choices in the design are not known, but it is clear that by setting back the main tower and giving the Commerce street façade



A post card image of the 3-Tower Complex (1926c)

a dramatic and highly-styled façade matching the original 1912 building he achieved several things. Towers 1 and 2 were complimentary but distinctly different, with the original tower being much more highly ornamented. By keeping the new façade low, he eliminated the need to fully unify the entire street front at every floor, and ensured the majesty of the original tower was undiminished. At the same time, the new wing on Commerce Street was to serve as the main entry including a grand new lobby. Bossom faced the new entry with dramatic ornamentation matching the original tower and eliminated the street-level entry on Tower 1. This made the new entry the focal point of the façade without diminishing the importance of the original tower. In January of 1925 the construction contract for the new building was awarded to Menger and Chambers. At a cost of nearly \$1-million, the tower would provide an additional 300 rooms, bringing the total for the hotel to 825. Inside the building, with the construction of the new lobby, the lobbies in the other towers were carefully remodeled and unified. The tower included a new set of elevators designed to serve the entire hotel. All other elevators were eliminated and the space used for other purposes.

While construction of the new tower was underway, an extensive program of improvements was made to ballrooms and dining rooms in the hotel, and a bridge was constructed to connect the wings of Tower 2 at the tenth floor at a cost of \$10,000. In January of 1926, work began on the Main Street arcade. The arcade provided connectivity to the hotel from Main Street and inside featured two levels of shops. The dramatic central corridor included a "Spanish balcony" from which shoppers could look down to the main floor below. At the end of the corridor, a dramatic staircase led up to the main lobby, while a smaller one took visitors down to the lower lobby of

including all of the back-of-house areas. The festive opening of the Main Street arcade of Tower 3 followed in September.

Upon completion of the new tower, lobby and arcade, the Adolphus entered into a period of relative stability after the many years of major additions and improvements. Changes did occur including the 1927 construction of a coffee shop in the basement of Tower 1, and at some point, possibly in the 1940s, the rooftop of Tower 2 was modified. The set-back top floor was removed and two new floors added. Though faced with brick, the new floors lacked the refinement of the rest of the complex and detracted somewhat from the overall design. The exact date of this change has not been determined.

Leo F. Corrigan and Tower 4

A little more than 20 years after the completion of Tower 3, dramatic changes to the hotel were again announced. On June 6th, 1949, Leo Corrigan, a prolific Dallas developer and real-estate investor, purchased controlling interest of the hotel from the Busch family and the Dallas Hotel Company.

Leo Corrigan was particularly pleased with the purchase in 1949 of the Adolphus Hotel, constructed in 1912 by his idol and inspiration for settling in Dallas in the first place. Corrigan immediately announced a program of improvements to the hotel to bring it up to modern standards. The most notable aspect of his proposed \$2.5-million investment was to be the installation of air conditioning.

Corrigan's plans soon expanded. He announced that he would construct a new, 20-story tower facing Main Street (Tower 4) at a cost of between five and six million dollars, and adding an additional 520 rooms. Architect Waytt C. Hedrick was chosen to complete the design and the Henry C. Beck Company awarded the construction contract.

Construction of the Hedrick-designed tower facing Main Street began in August of 1950. Even then some of the tenants of the arcade remained open. The arcade was left in place and the tower was carefully constructed through and above it. This is a technique Hedrick would repeat on another Corrigan building, The Corrigan Tower, in 1952 when he constructed the high rise above the still-operating Tower Theater.

On the lower floors facing Main Street, the beautiful arcade façade was removed and replaced with a new and simplified one of red granite. When completed, the new tower was dramatically different from the rest of the complex. Constructed of buff colored brick, the front façade featured a 25-foot vertical strip of darker brick matching the older parts of the hotel. At the center of this strip was an eight-foot band of ribbed aluminum. Surmounting this band was a 24-foot-tall "A" and large Adolphus signs affixed to the rooftop cooling towers facing east and west. All of the signs were trimmed in neon. While the moderne building was quite distinct from the rest of the complex, it did not detract significantly from the overall composition, owing to its placement facing Main Street.

The exterior facades of the hotel again remained relatively unchanged until a new program of improvements was undertaken by a new owner in the early 1980s. The exterior of Tower 1 was



Leo Corrigan's Adolphus Tower 4 soon after completion (1952c)

largely restored and the interior redecorated. Tower 2 was remodeled to include a new valet area and entry on the ground floor, and the upper floors reconfigured to step back and away from the original tower. New windows and a stucco finish completed the composition. At Tower 2, the dramatic Commerce Street entry façade was restored while the stepped back tower was updated to reflect detailing from Towers 1 and 2. The windows were replaced to match those on Tower 2 and bands of stucco added between floors. Brick was retained between the windows, as was the building's cornice. On Main Street, the granite on the lower floors of Tower 4 was replaced with stucco matching that on towers 2 and 3. The dark brick band at the center of the façade also

received stucco. The upper portion of the tower was given new windows, but was otherwise unchanged. This work was carried out according to plans prepared by the Jerde Partnership, and Beran & Shelmire, Architects.

Tom Barnett

Tom Barnett (February 11, 1870 – September 23, 1929) was a native of St. Louis and trained under his father, architect George I. Barnett. After graduating Saint Louis University in 1886 he formed the firm of Barnett, Haynes and Barnett with his brother, George, and brother-in-law John Ignatius Haynes. Barnett was also known for his talents as an artist and his paintings were well received in his lifetime. His talents were illustrated in 1905 at the Lewis and Clark Centennial Exposition in Portland, Oregon, where he won the bronze medal for both painting and architecture. His paintings included some architectural murals as well, a notable example being "Riches of the Mines (1922)" in the Missouri State Capitol.

Leo F Corrigan

Leo F. Corrigan Sr. was born into poverty in St Louis Missouri in 1895. The second of eight children, Corrigan's highest level of education was the fifth grade. He worked as a newspaper delivery boy before starting his first business: providing free printed programs to movie houses with profits generated by selling advertising space.

Young Corrigan much admired Adolphus Busch, and upon hearing that his role model was investing heavily in Dallas, decided to relocate to the city to seek his fortune. He was just sixteen years old. Capitalizing on his experience in St. Louis, he landed his first job selling advertising space for the *Dallas Dispatch* for \$10 per week. In 1917 he was hired by real estate broker, Dan Sonnenheil, at five times his former salary, and with that began career of one of the most successful real estate developers in the nation.

Corrigan worked to save as much money as he could and eventually purchased a then out-of-the-way lot at the corner of Lemmon Avenue and Wycliffe at a cost of \$10-thousand. Here he built a small commercial building for lease. Corrigan then used his first property for collateral on the purchase of a second. Since he had little capital of his own, he pioneered the idea of pre-leasing his developments and using the leases as collateral for financing their construction. Corrigan used this strategy to build small commercial strip centers facing major streets and close to existing or planned residential developments across Dallas, Fort Worth and Houston. He soon supplemented his real estate strategy to include small suburban hotels. With an average of ten rooms on two stories, the hotels were designed to operate without the need for elevators and with minimal staffing and related operating costs. Soon he was taking the unconventional approach of constructing mixed developments of retail, hotel and residential units.

His pragmatic approach to development allowed Corrigan to slowly expand his real estate holdings to larger projects and additional cities even through the Great Depression, and the 1940s brought a period of pronounced growth for his company. In 1943, he bought the Stoneleigh Apartment Hotel, Maple Terrace Apartments and other properties in Dallas along with other multi-family properties in Houston and Shreveport. He constructed \$1-million in apartments Dallas alone in 1944. By 1946 he had more than 3,000 apartment units across the country and a total

real estate empire of more than \$25-million, and in 1947 he closed the biggest real estate deal of his career thus far. He purchased from the federal government's Defense Homes Corporation three housing developments, two in the Washington D/C area and one in Washington State. Fairlington, with 3439 units was the largest single residential development in the United States at the time. Corrigan secured the properties with a bid of \$43.6-million, a down payment of \$4-million, and a financing rate of a mere 2.1%. By the time of his death in 1975, the man with a 5th-grade education had an empire totaling in the billions.

Wyatt C. Hedrick

Wyatt C. Hedrick was born in Chatham, Virginia, in 1888. After earning a Bachelor of Arts degree from Roanoke College in Salem, Virginia, in 1909 he attended Washington and Lee University, Lexington, Virginia, and earned an engineering degree the following year. Hedrick worked as an engineer in Virginia for several years before being hired by Stone and Webster Engineering Corporation of Boston as a construction engineer for the company's Dallas office. After a short stay with the firm he established his own construction company in Fort Worth in 1914. His role as a contractor helped him establish a strong relationship with the prominent Fort Worth architectural firm of Sanguinet and Staats, for whom he constructed the Fort Worth Criminal Justice Building (1918), and the Houston Place Lofts (Fort Worth, 1918). In 1921 he was invited to become a partner in in firm.

By 1925 Hedrick was operating his own independent architectural firm with offices in Fort Worth, Dallas, and Houston. Over more than 30 years he grew the firm to nationwide prominence and the third largest in the country. Hedrick produced buildings in a wide range of historical and modern styles. He died in Houston of a heart attack on May 5, 1964, and was buried in Fort Worth. Notable Texas examples of Hedrick's work include:

Medical Arts Building - Fort Worth (1926).
 Worth Theater - Fort Worth (with Alfred C. Finn, 1927)
 Worth Hotel - Fort Worth (1927)
 YWCA Building - Fort Worth (1928)
 Sanger Building - Fort Worth (1929)
 Baker Hotel - Mineral Wells (1929)
 Lone Star Gas Company Building - Fort Worth (1929)
 Hollywood Theater - Fort Worth (with Alfred C. Finn, 1930)
 Commerce Oil & Gas Building - Fort Worth (1930)
 Aviation Building - Fort Worth (1930)
 1930 Electric Building - Fort Worth (1930)
 Texas and Pacific Terminal and Warehouse - Fort Worth (1931)
 United State Post Office - Fort Worth (1933)
 Will Rogers Memorial Center - Fort Worth (with Elmer G. Withers, 1936)
 Fort Worth City Hall - Fort Worth (with Elmer G. Withers, 1938)
 Shamrock Hotel - Houston (1949)
 Fidelity Union Building - Dallas (1952)
 Corrigan Tower (for Leo Corrigan) – Dallas (1952)
 211 Ervay (for Leo Corrigan) – Dallas (1958)
 Dallas Love Field - Dallas

The building is significant for its association with Adolphus Busch, St. Louis Brewer and industrialist who saw potential and invested in Dallas at the turn of the 20th-century. Busch's interest in Dallas inspired St. Louis native, Leo Corrigan, to seek his fortune here. Corrigan would eventually rise to become among the city's most successful developers with a worldwide real-estate empire. His success allowed him to buy the Adolphus Hotel from the family of his mentor in 1949 and further expand and improve the complex over the next three decades.

The Adolphus Hotel is significant for its association with three architects whose work is still well-represented in the complex of buildings and additions. Tom P. Barnett, a partner in the prominent architecture firm of Barnett, Haynes, and Barnett, is credited with the execution of the design for Tower 1. New York architect Alfred Bossom, designer of Dallas' Magnolia Building executed the design for Tower 3 and, while portions of his addition are now altered, the monumental two-story entry portion remains as an important example of his influence. Wyatt C. Hedrick, prominent and prolific local architect and designer of many buildings for Leo Corrigan, is credited with the design of Tower 4.

At the heart of the Dallas Downtown National Register Historic District, the hotel provides valuable context to the development of downtown and is surrounded by some of the city's most important landmarks including Republic National Bank (Davis Building) to the northwest, and the Magnolia Building to the east. The Busch Building (Kirby Building) to the northeast is closely related to the hotel, having been constructed almost simultaneously by Adolphus Bush and also designed by Tom Barnett. The Gulf States Building to the north, another Dallas landmark, is one of many buildings along with the Adolphus that were part of the Leo Corrigan real estate empire. Present and evolving as each of the buildings rose on the city skyline, the Adolphus stands as a unique and lasting visual feature. The Adolphus stands as a singular example of the city's architectural, social and economic history.

The Adolphus Hotel is individually listed on the National Register of Historic Places and as a Recorded Texas Historic Landmark.

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15. Attachments

District or Site Map

Additional descriptive material

X *Site Plan*

Footnotes

X *Photos (historic & current)*

Other: _____

17. Designation Criteria

X **History, heritage and culture:**

Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.

 Historic event: *Location of or association with the site of a significant historic event.*

X **Significant persons:** *Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.*

 Architecture: *Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.*

X **Architect or master builder:** *Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state or country.*

X **Historic context:** *Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.*

X **Unique visual feature:** *Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.*

 Archeological: *Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.*

X **National and state recognition:** *Eligible of or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.*

X **Historic education:** *Represents as era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.*

ORDINANCE NO. _____

An ordinance expanding Historic Overlay District No. 36 (the Adolphus) by changing the zoning classification on the following property:

[Property Description];

amending Ordinance No. 19696 passed by the Dallas City Council on September 30, 1987 by providing new preservation criteria for Historic Overlay District No. 36; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the expansion of and amendment to Historic Overlay District No. 36; and

WHEREAS, the city council finds that the Property, including the area of expansion, is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to expand and amend Historic Overlay District No. 36 as specified herein; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by expanding Historic Overlay District No. 36 to include the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.

SECTION 2. That the Exhibit A attached to Ordinance No. 19696 is replaced by the Exhibit B attached to this ordinance.

SECTION 3. That the expansion of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 4. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit B.

SECTION 5. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection,

construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 7. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, except as amended by this ordinance.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

EXHIBIT B
PRESERVATION CRITERIA
THE ADOLPHUS HISTORIC OVERLAY DISTRICT
COMMERCE STREET AT AKARD STREET

1. GENERAL.

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1912 to 1950.

2. DEFINITIONS.

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.
- 2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.6 DISTRICT means Historic Overlay District No. 36, the Adolphus Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.7 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.8 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.9 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. IN GENERAL.

- 3.1 All contributing structures are protected.

- 3.2 Existing exposed brick must be maintained. Removal of stucco and restoration of original brick is encouraged if practicable. The application of stucco to original exposed brick is prohibited except in making repairs to existing stucco.
- 3.3 No terra cotta, stone, or brick surfaces may be painted. Painted stucco must be painted to match the existing color or a color compatible with the original construction. All originally painted features, including windows, doors, frames, and trim, may be repainted the existing color under the routine maintenance procedures. It is recommended that original paint colors be determined and used where practicable, following review and approval by the landmark commission.
- 3.4 All ornamental detailing, such as cornices and moldings, architraves and friezes, and ornamental terra cotta and metalwork must remain intact. Any reconstruction, renovation, or replacement of these items must employ materials as identical in material, color, composition, size, and texture as practicable.
- 3.5 Exterior lighting and any improvements in the public right-of-way must be reviewed and approved by the landmark commission prior to commencement of work; such site features should enhance the structure and surroundings without obscuring significant views of the contributing structures.
- 3.6 Except for reconstruction of previously-removed portions of Tower 2, additions to a contributing structure are only permitted in areas that are not visible from Commerce Street, Main Street, or Akard Street.

4. TOWER 1 (ORIGINAL 1912 ADOLPHUS HOTEL).

- 4.1 The Commerce Street and Akard Street facades, as well as the exposed portions of the west facade, are protected.
- 4.2 Renovation or restoration of the protected facades must employ terra cotta, stone, or brick similar in color, module size, glaze, and texture to the existing materials.
- 4.3 Any renovations or reconstructions of existing trim and detailing must employ materials (terra cotta, stone, etc.) similar in color, module size, glaze, and texture to the existing trim and detailing.
- 4.4 Decorative metal elements, including copper, aluminum, and bronze detailing in the roof, cresting, window grilles, etc. must be preserved whenever possible, or replaced employing materials similar in composition and design.
- 4.5 Any renovation or reconstruction of exposed facades must retain all original window and door openings in their original configuration. Reflective, mirrored, or tinted glass is not permitted. New openings are only permitted on facades facing Commerce Street, Akard Street, or exposed portions of the west facade if they are required to comply with health or safety code provisions.

- 4.6 The slope and configuration of the existing roof must be maintained, and no new vertical extensions are allowed. All existing parapets and other decorative elements must be retained.

5. TOWER 2 (1916).

- 5.1 Reconstruction or restoration of the Commerce Street facade and exposed portions of the east and west facades is recommended. Modifications or alterations to the Commerce Street facade and exposed portions of the east and west facades must be compatible with Tower 1.
- 5.2 Reconstruction or restoration of the exposed portion of the north facade is recommended. Modifications or alterations to the exposed portions of the north facade must be appropriate.

6. TOWER 3 (1925-1926).

- 6.1 The monumental one story stone and terra cotta feature, attached at the west of Tower 1, is a critical portion of the facade and is protected.
- 6.2 It is recommended that the 22-story section of the Commerce Street facade and exposed portions of the west and north facades be restored to their appearance in 1926.
- 6.3 Modifications or alterations to the 22-story section of the Commerce Street facade and exposed portions of the west and north facades must be compatible with Tower 1.
- 6.4 The slope and configuration of the roof as it exists on (date of passage) must be maintained and no new vertical additions are allowed. All existing parapets and other decorative elements must be retained. The projecting cornice and hipped roof on the 22-story section are protected.
- 6.5 Renovation or restoration of the Commerce Street facade and exposed portions of the north and west facades must employ terra cotta, stone, or brick similar in color, module size, glaze, and texture to the original materials.
- 6.6 Any renovations or reconstructions of trim and detailing existing on (date of passage) must employ materials (terra cotta, stone, etc.) similar in color, module size, glaze, and texture to the existing trim and detailing.
- 6.7 Decorative metal elements, including copper and bronze detailing in the roof, roof tiles, cresting, window grilles, etc. must be preserved whenever possible, or replaced employing materials similar in composition and design.
- 6.8 Any renovation or reconstruction of exposed facades must retain all original

window openings in their original configuration. Reflective, mirrored, or tinted glass is not permitted. New windows in original openings must match the original windows as closely as possible and appear as double-hung.

7. TOWER 4 (1951).

- 7.1 The north and west facades are protected.
- 7.2 Renovation or restoration of protected facades must employ brick similar in color, module size, and texture to the existing materials.
- 7.3 Any renovations or reconstructions of existing trim and detailing must employ materials (brick, stucco, stone, etc.) similar in color, module size, and texture to the original trim and detailing.
- 7.4 Decorative metal elements, including the vertical metal bands on the Main Street facade must be preserved whenever possible, or replaced employing materials matching the original in composition, color, finish, and design.
- 7.5 Storefronts must be compatible with the historic design.
- 7.6 Any renovation or reconstruction of exposed facades must retain all original window openings in their original configuration. Reflective, mirrored, or tinted glass is not permitted. New windows in original openings must match the original windows as closely as possible and appear as double-hung.

8. SIGNS.

- 8.1 Signs may be erected if appropriate.
- 8.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 8.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

9. ENFORCEMENT.

- 9.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 9.2 A person is criminally responsible for a violation of these preservation criteria if:
 - a. the person knowingly commits the violation or assists in the commission of the violation;

- b. the person owns part or all of the property and knowingly allows the violation to exist;
 - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
 - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 9.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 9.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

Exhibit B
Adolphus Hotel
1315 Commerce St

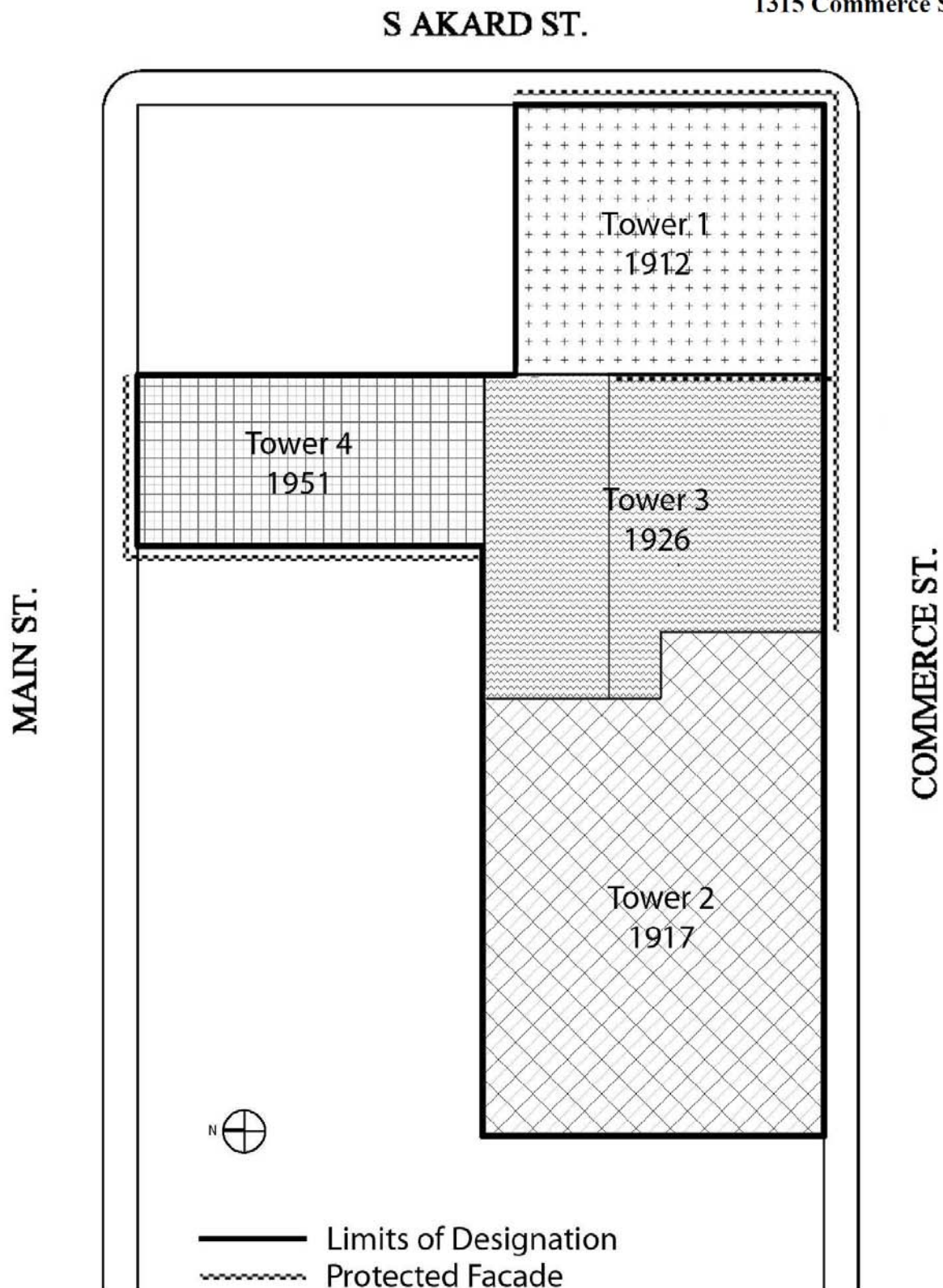
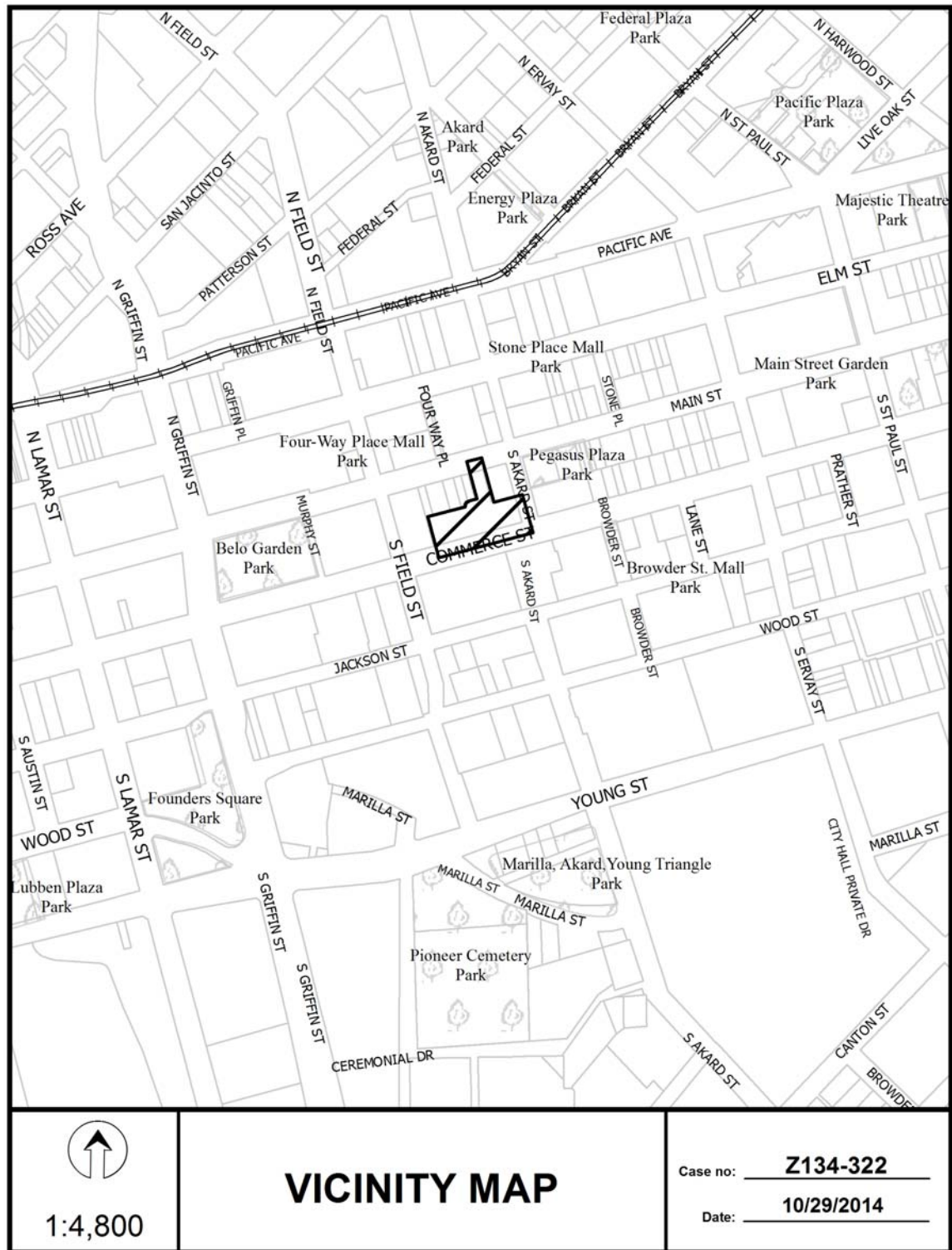


Exhibit B
Adolphus Hotel
1315 Commerce

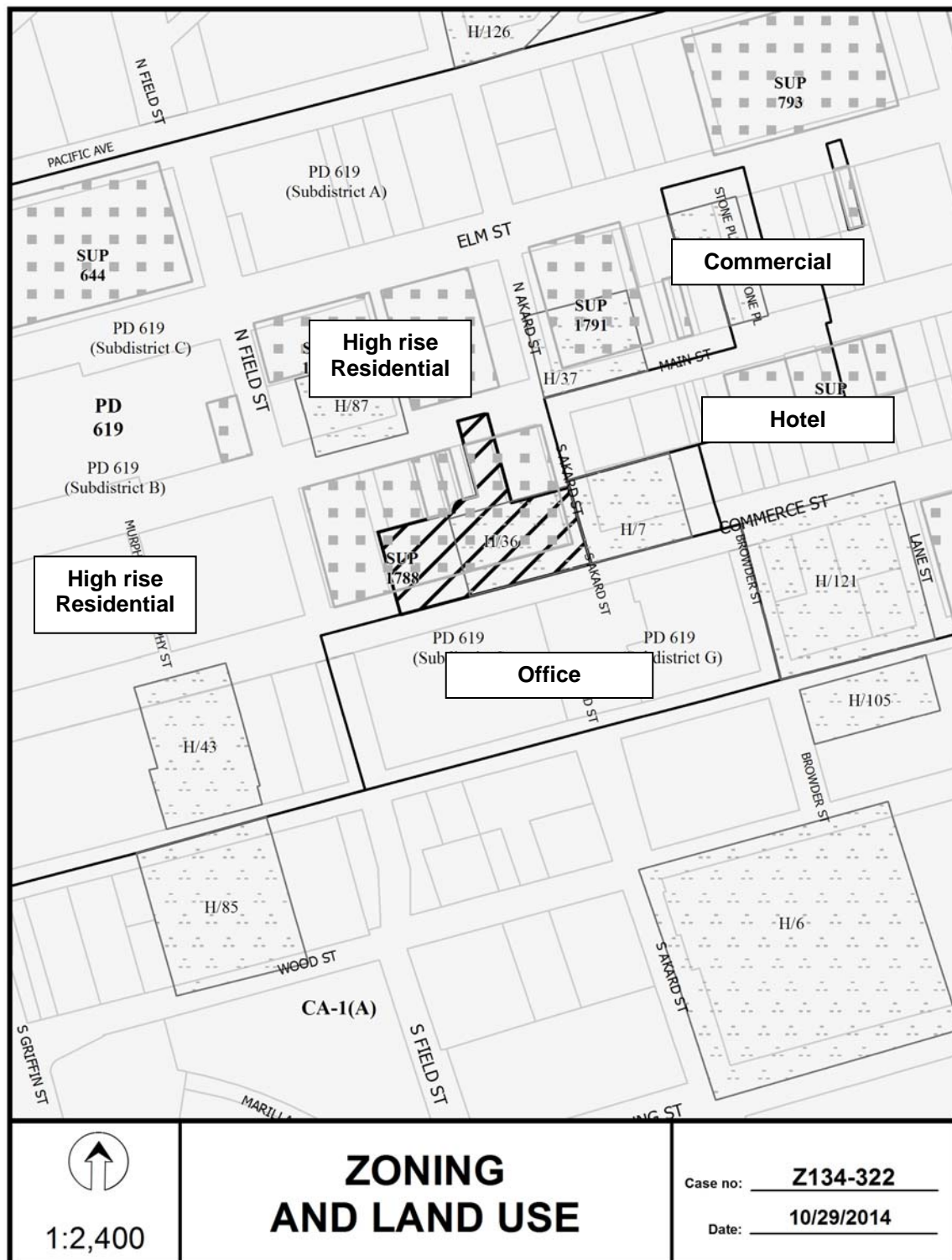


Exhibit B
Adolphus Hotel
1315 Commerce St

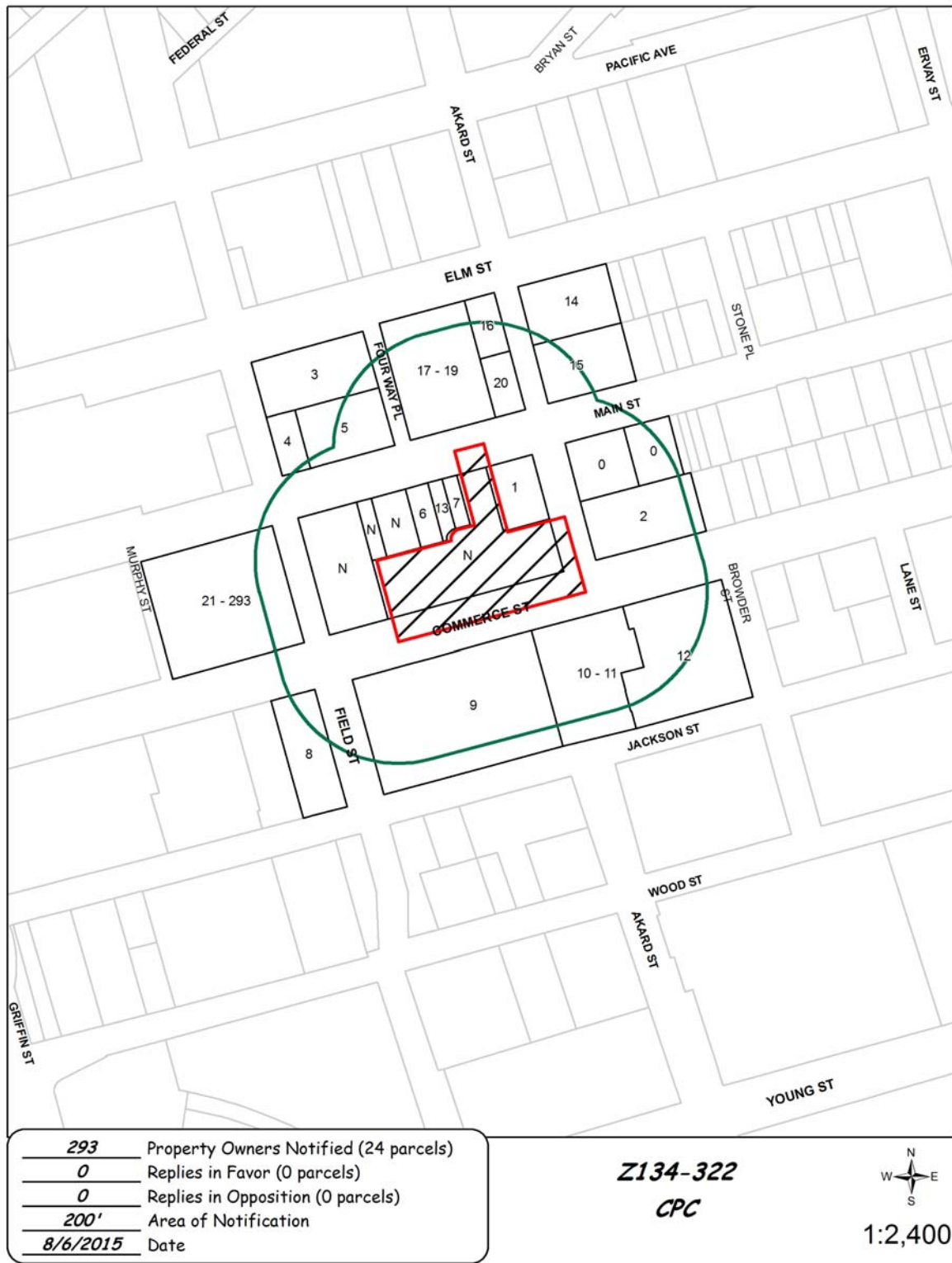








CPC Responses



08/05/2015

Reply List of Property Owners***Z134-322******293 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1412	MAIN ST	BN 1412 MAIN LP
2	1401	COMMERCE ST	HOLTZE MAGNOLIA LLLP
3	1302	ELM ST	1309 MAIN STREET APARTMENTS LLC
4	1301	MAIN ST	NAYEB FAMILY LP
5	1309	MAIN ST	1309 MAIN STREET APARTMENTS LLC
6	1400	MAIN ST	FOSTER BRYAN S
7	1404	MAIN ST	1404 MAIN BUILDING LLC
8	1208	COMMERCE ST	BRAMA COMMERCE STREET LTD
9	211	AKARD ST	SOUTHWESTERN BELL
10	208	AKARD ST	IEP DALLAS LLC
11	1400	JACKSON ST	SOUTHWESTERN BELL
12	208	AKARD ST	SOUTHWESTERN BELL TELEPHONE
13	1402	MAIN ST	TIER DEVELOPMENT GROUP LC
14	1502	ELM ST	BVF-II KIRBY LIMITED PARTNERSHIP
15	1509	MAIN ST	BVF-II KIRBY LIMITED PARTNERSHIP
16	1414	ELM ST	ELM 1414 PPTIES, LTD
17	1407	MAIN ST	DLD PROPERTIES
18	1407	MAIN ST	DRED PROPERTIES LTD
19	1407	MAIN ST	DCAR PROPERTIES LTD
20	1415	MAIN ST	GS RENAISSANCE LTD PS
21	1200	MAIN ST	BELLINGHAUSEN WIL J
22	1200	MAIN ST	NEWMAN PAULETTE E
23	1200	MAIN ST	1621 ERVAY LTD
24	1200	MAIN ST	BRANAMAN MICHAEL S &
25	1200	MAIN ST	SHAH VINAY
26	1200	MAIN ST	DIXON GLORIA D

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1200	MAIN ST	ORTIZ GUILLERMINA
28	1200	MAIN ST	FONTENOT TOMMY JAMES
29	1200	MAIN ST	RAFF GEORGE JR
30	1200	MAIN ST	SMITH DANIEL E & HERMA A
31	1200	MAIN ST	BRANSTETTER ROBERT M & CAROL SHELTON
32	1200	MAIN ST	FREEMAN SCOTT
33	1200	MAIN ST	BOYD CURTIS W & GLENNA HALVORSON
34	1200	MAIN ST	JUAREZ GERARDO
35	1200	MAIN ST	MCARDLE PATRICIA
36	1200	MAIN ST	AMONGKOL JITTADA KITTY
37	1200	MAIN ST	HART STANLEY L &
38	1200	MAIN ST	SMITH SHERIA D
39	1200	MAIN ST	CRIST EUGENE SCOTT
40	1200	MAIN ST	TERESI MARK A &
41	1200	MAIN ST	HERNDON CYNTHIA A
42	1200	MAIN ST	KISLING MISTY
43	1200	MAIN ST	SANADI NISAR & THU NGUYET
44	1200	MAIN ST	CARPENTER ROBIN N
45	1200	MAIN ST	MASTAGLIO LINDA R
46	1200	MAIN ST	LOPEZ DENNIS A
47	1200	MAIN ST	WOMBLE JOHN M & GINGER A
48	1200	MAIN ST	BAILEY PETER & MARY
49	1200	MAIN ST	PERRI ANTHONY J &
50	1200	MAIN ST	RATH OMKAR R &
51	1200	MAIN ST	FAYE WILLIS DESIGNS INC
52	1200	MAIN ST	BAGARIA SAPNA & SURESH
53	1200	MAIN ST	PARKER RUBY
54	1200	MAIN ST	ABDULKHAALIQ ANWAAR
55	1200	MAIN ST	ARAUJO JOSEPH
56	1200	MAIN ST	CHATTERJEE ARUNABHA
57	1200	MAIN ST	SALVANT WAYNE

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1200 MAIN ST	ELLER KELLEY
	59	1200 MAIN ST	MASSEY LINDA
	60	1200 MAIN ST	DASH PRIYARANJAN &
	61	1200 MAIN ST	MUEHLENWEG ROBERT J &
	62	1200 MAIN ST	CUEVAS ISRAEL F
	63	1200 MAIN ST	EDWARDS JAMES & BARBARA
	64	1200 MAIN ST	SCOTT DARIAN D
	65	1200 MAIN ST	ATV TEXAS VENTURES IV LP
	66	1200 MAIN ST	KADAN PROPERTIES LP
	67	1200 MAIN ST	CAMPOS EDWARD
	68	1200 MAIN ST	ADAMS WILHELMINA J
	69	1200 MAIN ST	COMBS DAMETIA
	70	1200 MAIN ST	BEVERS MARC
	71	1200 MAIN ST	WHITE JESSICA
	72	1200 MAIN ST	HERICKS JAMES &
	73	1200 MAIN ST	BAKER WILLIAM H III
	74	1200 MAIN ST	SPRING TRUMAN E JR
	75	1200 MAIN ST	TITTLE CYNTHIA LARK
	76	1200 MAIN ST	DANIEC MONICA
	77	1200 MAIN ST	BLACK PAUL
	78	1200 MAIN ST	HAQUE NAZ &
	79	1200 MAIN ST	SCHNAPPAUF MICHAEL
	80	1200 MAIN ST	ALANIZ GEORGE R JR & ANEESA T HOJAT
	81	1200 MAIN ST	CHANEY GARY WAYNE 1992 FAMILY TRUST
	82	1200 MAIN ST	NGUYEN MICHAEL
	83	1200 MAIN ST	BENEVENTI MARK FRANCIS
	84	1200 MAIN ST	DU YALI
	85	1200 MAIN ST	PATOINE TERESA SUSAN
	86	1200 MAIN ST	SAIED ANNA M
	87	1200 MAIN ST	FAIRCHILD MELISSA
	88	1200 MAIN ST	BURNS CHRISTOPHER J

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	1200 MAIN ST	HARRIS KENDRICK LASALLE
	90	1200 MAIN ST	PATEL JAYSHREE &
	91	1200 MAIN ST	ALSUP LAUREN BRITTANY
	92	1200 MAIN ST	ELLER TOM & ROBYN
	93	1200 MAIN ST	KAHANE DENNIS SPENCER
	94	1200 MAIN ST	SULLIVANMCMULLEN DAVID
	95	1200 MAIN ST	SALEEM ADEEL
	96	1200 MAIN ST	PARK STEPHEN
	97	1200 MAIN ST	MOBLEY HENRY B JR
	98	1200 MAIN ST	COWAN MICHAEL & MARTHA
	99	1200 MAIN ST	THEIS LANGSTON
	100	1200 MAIN ST	CAREY GABRIELLE
	101	1200 MAIN ST	IPPOLITO MARTA
	102	1200 MAIN ST	CIN ALBERTO DAL
	103	1200 MAIN ST	BROWN GLENN ALAN
	104	1200 MAIN ST	ROMERO GERALD & LOURDES
	105	1200 MAIN ST	PATRA DEEPAK
	106	1200 MAIN ST	SCARBOROUGH DONALD D
	107	1200 MAIN ST	KEANE JUSTIN SCOTT &
	108	1200 MAIN ST	COMMUNITY BANK & TRUST
	109	1200 MAIN ST	LUMME DONALD GUY JR
	110	1200 MAIN ST	XIE JIMIN
	111	1200 MAIN ST	OROZCO CARLOS A
	112	1200 MAIN ST	SALVANT BRIAN
	113	1200 MAIN ST	DOMINGUEZ JOSE R &
	114	1200 MAIN ST	GRIEGO MANUEL R JR &
	115	1200 MAIN ST	KEATON JULIAN E II
	116	1200 MAIN ST	MA MAU & JUYEI
	117	1200 MAIN ST	THOMAS BIJU
	118	1200 MAIN ST	PATRO LOKANATH
	119	1200 MAIN ST	IPPOLITO DAVIDE MICHAEL

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	1200 MAIN ST	MADDERRA RHONDA & FARON
	121	1200 MAIN ST	LIN JEFF P
	122	1200 MAIN ST	SENDKER JAN
	123	1200 MAIN ST	BALUCH HOLDINGS LLC
	124	1200 MAIN ST	RADFORD TRACI
	125	1200 MAIN ST	ROMIG RANDALL
	126	1200 MAIN ST	BRAUM EARL E JR
	127	1200 MAIN ST	QUACH LINH
	128	1200 MAIN ST	MORAIS JUSTIN
	129	1200 MAIN ST	MATHEWS AMIT &
	130	1200 MAIN ST	MCCANS WILLIAM
	131	1200 MAIN ST	HOSID KEVIN M & PEGGY S
	132	1200 MAIN ST	JUDAH JOHN K & BETTY JO
	133	1200 MAIN ST	BARGANIER NORA D & MICHAEL G
	134	1200 MAIN ST	MORENO KRISTINE M
	135	1200 MAIN ST	BAKER ARIANNE &
	136	1200 MAIN ST	LITTLE STERLING
	137	1200 MAIN ST	LIN XIEQING
	138	1200 MAIN ST	ASHON HASSEB &
	139	1200 MAIN ST	WEBER DANIEL T & GAIL G
	140	1200 MAIN ST	FUNG DAVID KARL & KATHY LEE FUNG
	141	1200 MAIN ST	KHUNTIA ASHOK
	142	1200 MAIN ST	LI LIETAO
	143	1200 MAIN ST	TINSLEY GARY A
	144	1200 MAIN ST	JC GOODMAN INVESTMENT GROUP INC
	145	1200 MAIN ST	MICHULKA GEORGE &
	146	1200 MAIN ST	BYRUM TADD A &
	147	1200 MAIN ST	HUTCHINSON ANDREW F II
	148	1200 MAIN ST	DAO BAO D
	149	1200 MAIN ST	THOMAS MONA
	150	1200 MAIN ST	BENTLEY BRIAN D

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	1200 MAIN ST	MURRAY RORY GALLAGHER
	152	1200 MAIN ST	GREEN KAREN S
	153	1200 MAIN ST	ZANDER GREG W
	154	1200 MAIN ST	SALVANT WAYNE F &
	155	1200 MAIN ST	YATES RALPH & FAYE
	156	1200 MAIN ST	HILL DANIEL &
	157	1200 MAIN ST	HIBSID 1 LLC
	158	1200 MAIN ST	TRIPP THOMAS
	159	1200 MAIN ST	KOKES KEVIN K &
	160	1200 MAIN ST	BOHAN STEPHANIE D
	161	1200 MAIN ST	JAIN NEHA
	162	1200 MAIN ST	METROPOLITAN 1510 LLC
	163	1200 MAIN ST	BRYANT CHRIS
	164	1200 MAIN ST	KHAN MOIN
	165	1200 MAIN ST	KLAMM CYNTHIA B &
	166	1200 MAIN ST	DAVIS STEPHEN J
	167	1200 MAIN ST	COBB DONNA MARIE &
	168	1200 MAIN ST	COWDEN PETER
	169	1200 MAIN ST	NARAN ASHOK
	170	1200 MAIN ST	LANCASTER PHILLIP & IRENE
	171	1200 MAIN ST	
	172	1200 MAIN ST	KOERBER ELLEN &
	173	1200 MAIN ST	POLANCO PAUL
	174	1200 MAIN ST	DAMANI ANIRUDH A
	175	1200 MAIN ST	DOCKTER BRYAN
	176	1200 MAIN ST	UNDERHILL JAMES S
	177	1200 MAIN ST	SOLE GARY &
	178	1200 MAIN ST	PATTERSON JEFF
	179	1200 MAIN ST	STRINGER CHRISTOPHER & KATIE
	180	1200 MAIN ST	STROTHMAN RHONDA K
	181	1200 MAIN ST	REMPHREY BRYAN S

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	1200 MAIN ST	DANIEL SAM
	183	1200 MAIN ST	BROWNELL SUSAN K &
	184	1200 MAIN ST	ALVAREZ DAVID &
	185	1200 MAIN ST	HOLLANDER KEVIN J & BETH A
	186	1200 MAIN ST	AHUMADA MUCIO
	187	1200 MAIN ST	LESTER MARY C
	188	1200 MAIN ST	MOORE ARROYO AYSHA
	189	1200 MAIN ST	FUENTE JOSE ANTONIO DE LA
	190	1200 MAIN ST	MOORE ROBERT W
	191	1200 MAIN ST	CHAFFIN LYNDAL A
	192	1200 MAIN ST	HUMES EDUARDO
	193	1200 MAIN ST	VIRANI ASIF
	194	1200 MAIN ST	JACKSON JILL A
	195	1200 MAIN ST	DIXON ADAM
	196	1200 MAIN ST	BADMAND HOLDINGS LLC
	197	1200 MAIN ST	CURE NANCY A & WILLIAM E
	198	1200 MAIN ST	ABDULWAHAB MANNIE
	199	1200 MAIN ST	LIN JAMES
	200	1200 MAIN ST	TRAVELSTEAD GARY LYNN &
	201	1200 MAIN ST	ZOLLER ROBERT W
	202	1200 MAIN ST	HOWARD KENNETH ROBERT
	203	1200 MAIN ST	KOERBER ELLEN &
	204	1200 MAIN ST	RICHARDS GILL & ELIZABETH ANN
	205	1200 MAIN ST	CWALINO PETER
	206	1200 MAIN ST	NATHAL JULIO
	207	1200 MAIN ST	SINGERMAN ALEXANDER
	208	1200 MAIN ST	SLAUGHTER JUSTIN
	209	1200 MAIN ST	POON PHILIP
	210	1200 MAIN ST	BEATS JAMES & ANAMARIA
	211	1200 MAIN ST	ROMERO ROBERT R &
	212	1200 MAIN ST	HAYES MONIQUE C

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	1200 MAIN ST	RICHARDS GILL & ELIZABETH ANN
	214	1200 MAIN ST	HAGLER TRENT L
	215	1200 MAIN ST	REVELLE ANIEL W III & CAROL L
	216	1200 MAIN ST	MUEHLENWEG ROBERT J & CHRISTINE
	217	1200 MAIN ST	OLTMAN GREGG
	218	1200 MAIN ST	FERNANDEZ GUSTAVO A & DAGMAR SCHMAUTZ
	219	1200 MAIN ST	CHANG LAWRENCE SHEYLUN
	220	1200 MAIN ST	FARTHING DANIEL
	221	1200 MAIN ST	FICKEL MATTHEW & MARY BETH
	222	1200 MAIN ST	SHAFFNER GLORIA
	223	1200 MAIN ST	GOLNABI ROSITA NINA & NEIMA
	224	1200 MAIN ST	VALENTIS VENTURES LLC
	225	1200 MAIN ST	HENSLEY DALLAS W & VIRGINIA K
	226	1200 MAIN ST	MCCLAIN JONI L MD FAMILY TRUST
	227	1200 MAIN ST	REVIS MARK
	228	1200 MAIN ST	TARVER CHRISTOPHER T &
	229	1200 MAIN ST	YING KEN W
	230	1200 MAIN ST	HWANG HELEN
	231	1200 MAIN ST	MOVVA SATYANARAYANA
	232	1200 MAIN ST	SCHUMANN KEITH &
	233	1200 MAIN ST	FOX JEFFREY L
	234	1200 MAIN ST	BODLEY GABRIELLE
	235	1200 MAIN ST	QUINN CRAIN A & NATALIE L
	236	1200 MAIN ST	GATES MARTIN E II & JUDY M
	237	1200 MAIN ST	DURRA OMAR
	238	1200 MAIN ST	PHILLIPS DAVID G
	239	1200 MAIN ST	WARREN BLAKE T &
	240	1200 MAIN ST	MARKHOFF STEVEN
	241	1200 MAIN ST	GRANT JASON A & MARIA
	242	1200 MAIN ST	COOKSEY CHARLES N
	243	1200 MAIN ST	CUNNINGHAM THOMAS G

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	1200 MAIN ST	POWERS A MARKS
	245	1200 MAIN ST	ARNOLD NANCY E WEINTRAUB
	246	1200 MAIN ST	BERMAN DANIEL
	247	1200 MAIN ST	PERRI VINEYARDS & REAL ESTATE
	248	1200 MAIN ST	RANDOLPH HEATHER ELAINE &
	249	1200 MAIN ST	LUDWIG CURTIS A
	250	1200 MAIN ST	PATEL AMIR B
	251	1200 MAIN ST	KNIPE LUTHER DASSON III
	252	1200 MAIN ST	IPPOLITO ESTER
	253	1200 MAIN ST	PATKOVIC MARIJANA
	254	1200 MAIN ST	BASH DAMIEN
	255	1200 MAIN ST	BOWENS BARRY C
	256	1200 MAIN ST	KRIDER SUE E
	257	1200 MAIN ST	SHIPP RONALD B
	258	1200 MAIN ST	ENGRAM AARON
	259	1200 MAIN ST	COX JOHN VERNON TR & GAY GAYLE TR
	260	1200 MAIN ST	COX JOHN VERNON TR &
	261	1200 MAIN ST	SMITH LAURA
	262	1200 MAIN ST	BALUCH AMIR
	263	1200 MAIN ST	ONU ADISA M
	264	1200 MAIN ST	BIERI MATTHEW B & REBECCA
	265	1200 MAIN ST	MAYORGA LUIS A
	266	1200 MAIN ST	MUSABASIC MEMSUD
	267	1200 MAIN ST	GILMAN ALEX
	268	1200 MAIN ST	SLIGER STEPHEN H & GWENNY L
	269	1200 MAIN ST	MOTGI GURU & SHASHI
	270	1200 MAIN ST	MOTGI GURUBASAPPA V & SHASHI R MOTGI
	271	1200 MAIN ST	SARDARABADI ABDOL M &
	272	1200 MAIN ST	ACKER PARLEY E III
	273	1200 MAIN ST	WATTS FAMILY TRUST
	274	1200 MAIN ST	LIN XIA

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	275	1200 MAIN ST	TRAMMELL DUANE &
	276	1200 MAIN ST	DUNCAN ROBERT J &
	277	1200 MAIN ST	CORCORAN SHAWN M & CARRIE A
	278	1200 MAIN ST	MAURER IAN S
	279	1200 MAIN ST	MERCHANT REHAN I &
	280	1200 MAIN ST	REAGANS KIMBERLY
	281	1200 MAIN ST	KRISHNA SHAILENDRA &
	282	1200 MAIN ST	PONZIO JOHN &
	283	1200 MAIN ST	BARBADILLO OSCAR JR
	284	1200 MAIN ST	DAVIS WALKER L
	285	1200 MAIN ST	YATES RALPH A & FAYE
	286	1200 MAIN ST	PERRI VINEYARDS &
	287	1200 MAIN ST	GARCIA CASSANDRA
	288	1200 MAIN ST	BARBATO CRISTINA COSTA
	289	1200 MAIN ST	BOWLES NEAL A & CARLA D WATSON
	290	1200 MAIN ST	LUFKIN ROGER W
	291	1200 MAIN ST	WILKINSON EARL J
	292	1200 MAIN ST	CALDWELL ROGER W & KIMBERLY S
	293	1200 MAIN ST	BELGAUM LLC

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1376 for a community service center on property zoned an MF-2 Multiple-Family Subdistrict and Planned Development Subdistrict No. 30, both within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street

Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/landscape plan and conditions

Z134-325(DL)

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, SEPTEMBER 9, 2015

ACM: Ryan S. Evans

FILE NUMBER: Z134-325(DL)

DATE FILED: August 29, 2014

LOCATION: North Corner of Reagan Street and Brown Street

COUNCIL DISTRICT: 2

MAPSCO: 35W

SIZE OF REQUEST: ±43,445 Sq. Ft.

CENSUS TRACT: 5.00

APPLICANT/OWNER: Resource Center Dallas

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

REQUEST: An application for the renewal of and an amendment to Specific Use Permit No. 1376 for a community service center on property zoned an MF-2 Multiple-Family Subdistrict and Planned Development Subdistrict No. 30, both within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: On January 13, 1999, the City Council approved Specific Use Permit No. 1376 for a community service center for a ten-year period with the eligibility for automatic renewals for additional ten-year periods. The purpose of this request is to allow the existing establishment [The Resource Center] to continue operation. The amendment would reflect a reduction in the number of off-street parking spaces provided on-site and to allow for the realignment of landscaping. The site is currently developed with two existing buildings providing a cumulative floor area of ±11,493 square feet.

CPC RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/landscape plan and conditions.

STAFF RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/landscape plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The landscape buffers along Reagan Street and Brown Street, as well as the alley at the northern border of the property, provide for separation between the existing community service use and from the abutting and surrounding multiple-family residential uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The existing use contributes to the area of request and adjacent properties by providing health services to the general public in the neighborhood.
3. *Not a detriment to the public health, safety, or general welfare* – The existing use has not been detrimental to the public health, safety, or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request complies with all applicable zoning regulations and standards of Planned Development District (PDD) No. 193 and Planned Development Subdistrict No. 30 within PDD No. 193.

Zoning History:

1. **Z145-108(OTH)** On April 22, 2015, the City Council approved Ordinance No. 29709, which created Planned Development District No. 940, a nonresidential zoning district.
2. **Z134-202(WE)** **SUP No. 2085.** On June 25, 2014, the City Council approved a Specific Use Permit for a bank or savings and loan office with drive-in window services for a ten-year period with the eligibility for automatic renewal for additional ten-year periods; subject to a site plan and conditions.
3. **Z123-199(WE)** On June 12, 2013, the City Council approved Ordinance No. 29033, which created Planned Development Subdistrict No. 78 within Planned Development District No. 193, a residential zoning district.
4. **Z078-216(OTH)** **SUP No. 1744.** On January 28, 2009, the City Council approved a Specific Use Permit for a bank or

savings and loan office with drive-in window services for a ten-year period with the eligibility for automatic renewal for additional ten-year periods; subject to a site plan and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Brown Street	Minor Arterial	50 feet
Reagan Street	Minor Arterial	60 feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it has not significantly impacted the surrounding roadway system.

Comprehensive Plan:

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in an Urban Neighborhood Building Block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

The site is located within a predominantly residential neighborhood, specifically a multiple-family one. Chapter 51A of the Dallas Development Code defines a community service center as follows: "A multi-functional facility where a combination of social, recreational, welfare, health, habilitation, or rehabilitation services are provided to the

public.” The existing use provides health related services to the public and is allowed with a specific use permit in the underlying zoning district. A specific use permit allows the City to continue to evaluate the compatibility of the use with the surrounding residential district and to recommend conditions that will ensure the continued compatibility with the abutting and surrounding area.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PDD No. 193 & PDS No. 30	Community Service Center
North	PDD No. 193 (MF-2)	Multiple-Family Residential
East	PDD No. 193 (MF-2), PDD No. 193 (MF-3), & PDS No. 84	Multiple-Family Residential
South	PDD No. 193 (MF-2), PDD No. 193 (P), and PDS No. 48	Multiple-Family Residential
West	PDD No. 193 (MF-2) & PDS No. 78	Multiple-Family Residential

Land Use Compatibility:

The ±43,445-square-foot site is developed with a community service center use and is abutted and surrounded by multiple-family uses. The applicant's request for renewal of Specific Use Permit No. 1376 will allow the continued operation of the existing community service center [The Resource Center]. The applicant has identified both buildings of the existing use as providing approximately 11,493 square feet of floor area, which requires 57 off-street parking spaces. The city council approved conditions require that 62 off-street parking spaces be provided. Currently, there are 56 off-street parking spaces provided on-site. The applicant requests that the text and the site plan of the ordinance be amended to reflect what is currently provided on site. The applicant has also amended the city council approved site/landscape plan to allow for the realignment of landscaping.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the

public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The renewal complies with the guiding criteria for consideration of an SUP. Based on staff's analysis of the site, the existing built environment, and the specific detail of the operation in the locations noted on the site and landscape plan, staff has determined the renewal to be appropriate.

Parking:

Pursuant to §51A-4.204(7)(C), a community service use requires one space per 200 square feet of floor area. Based on documentation provided by the applicant, the buildings contain a cumulative floor area of $\pm 11,493$ square feet. Therefore, 57 off-street parking spaces are required on the building site. However, according to Planned Development District No. 193, a screened dumpster that also meets required setbacks and landscaping requirements may receive credit for an off-street parking space reduction. The applicant is requesting that condition number four, which reads, "A minimum of 62 off-street parking spaces must be provided and located as shown on the attached site plan," be amended to require a minimum of 56 off-street parking spaces.

Landscaping:

Landscaping of any development will be in accordance with Part I, as amended. However, the applicant's request will not trigger any Part I requirements, as no new construction is proposed on the site.

List of Partners/Principals/Officers

Resource Center Dallas

President

Laurie Foley

President-Elect

Chuck MarLett

Secretary

Lauren Mutti

Treasurer

Rick Thompson

Other Members of the Governing Board

John E. Dirba, CMM

Gary Fraundorfer

Brett Gray

David Hardt

Ezra Litton

John McDowell

Deborah McMurray

Linda Moore

Maeve O'Connor

Gregory Pynes

Melissa Romig

Ray Switzer

Z134-325(DL)

CPC Action – August 6, 2015

Z134-325(DJ)

Planner: Danielle Lerma

Motion: It was moved to recommend **approval** of the renewal of and an amendment to Specific Use Permit No. 1376 for a community service center for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/landscape plan and revised conditions on property zoned an MF-2 Multiple-Family Subdistrict and Planned Development Subdistrict No. 30, both within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon,
Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

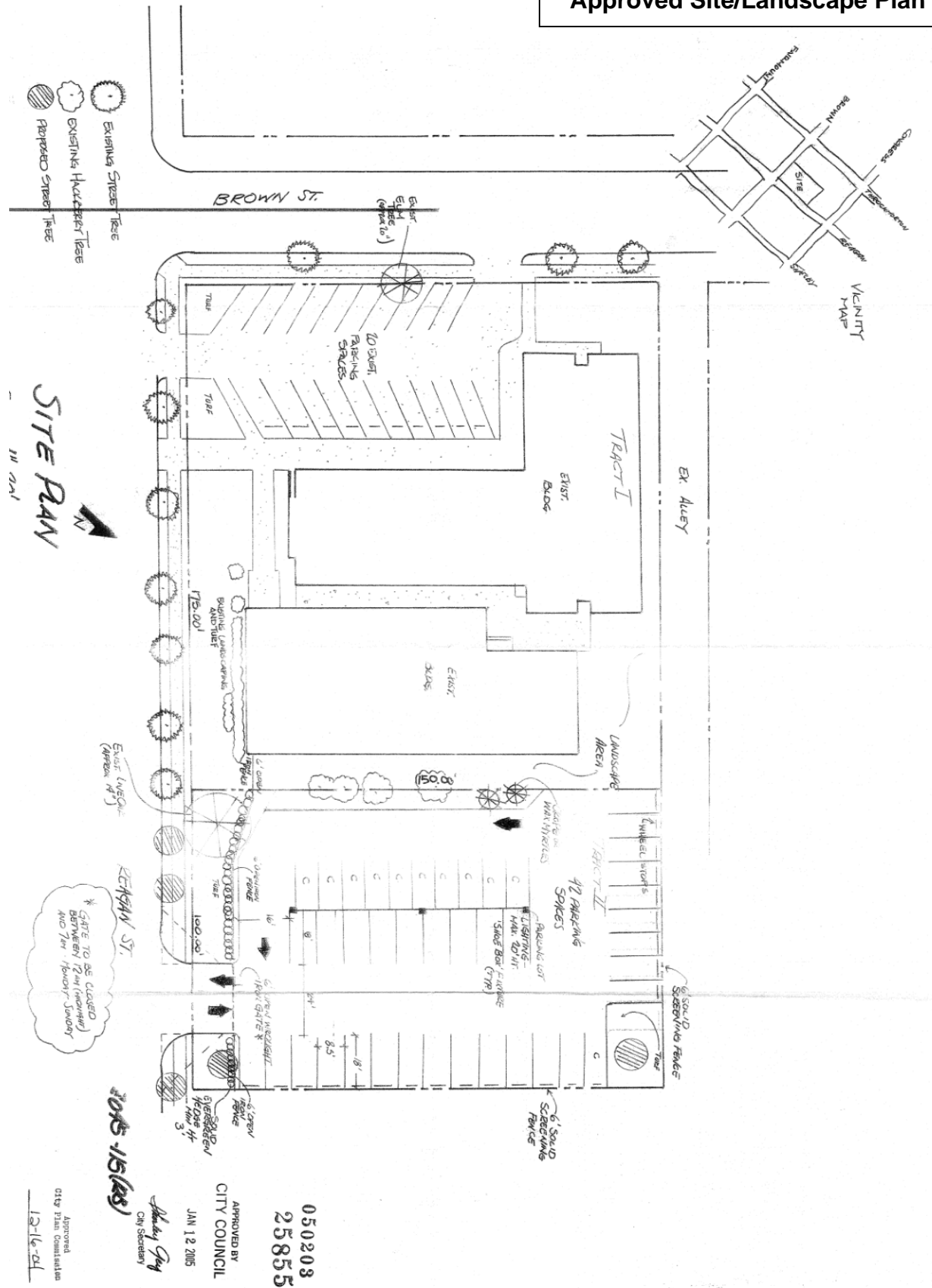
Notices: Area: 200 Mailed: 93
Replies: For: 3 Against: 3

Speakers: None

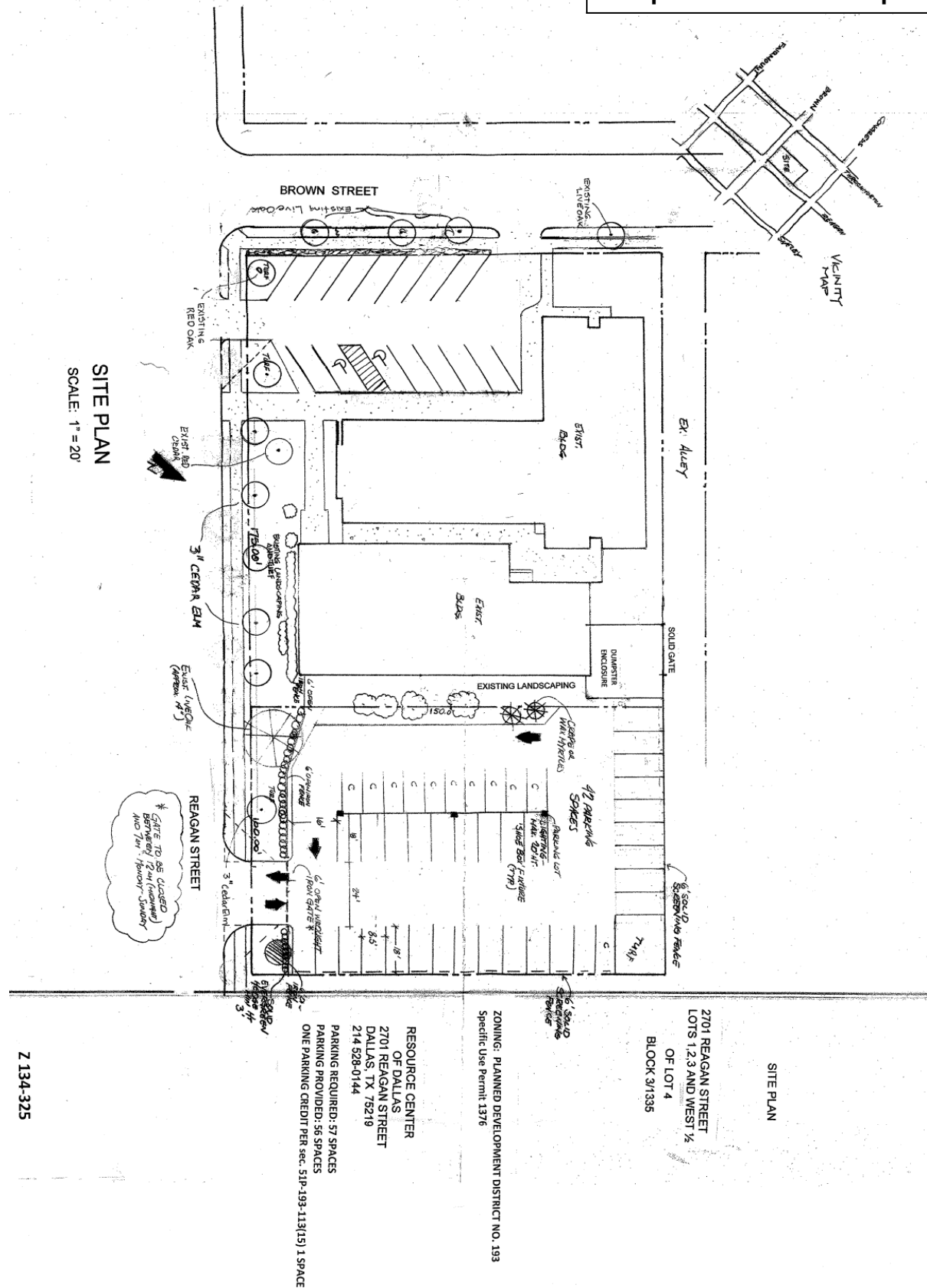
Z134-325
CPC Recommended SUP Conditions

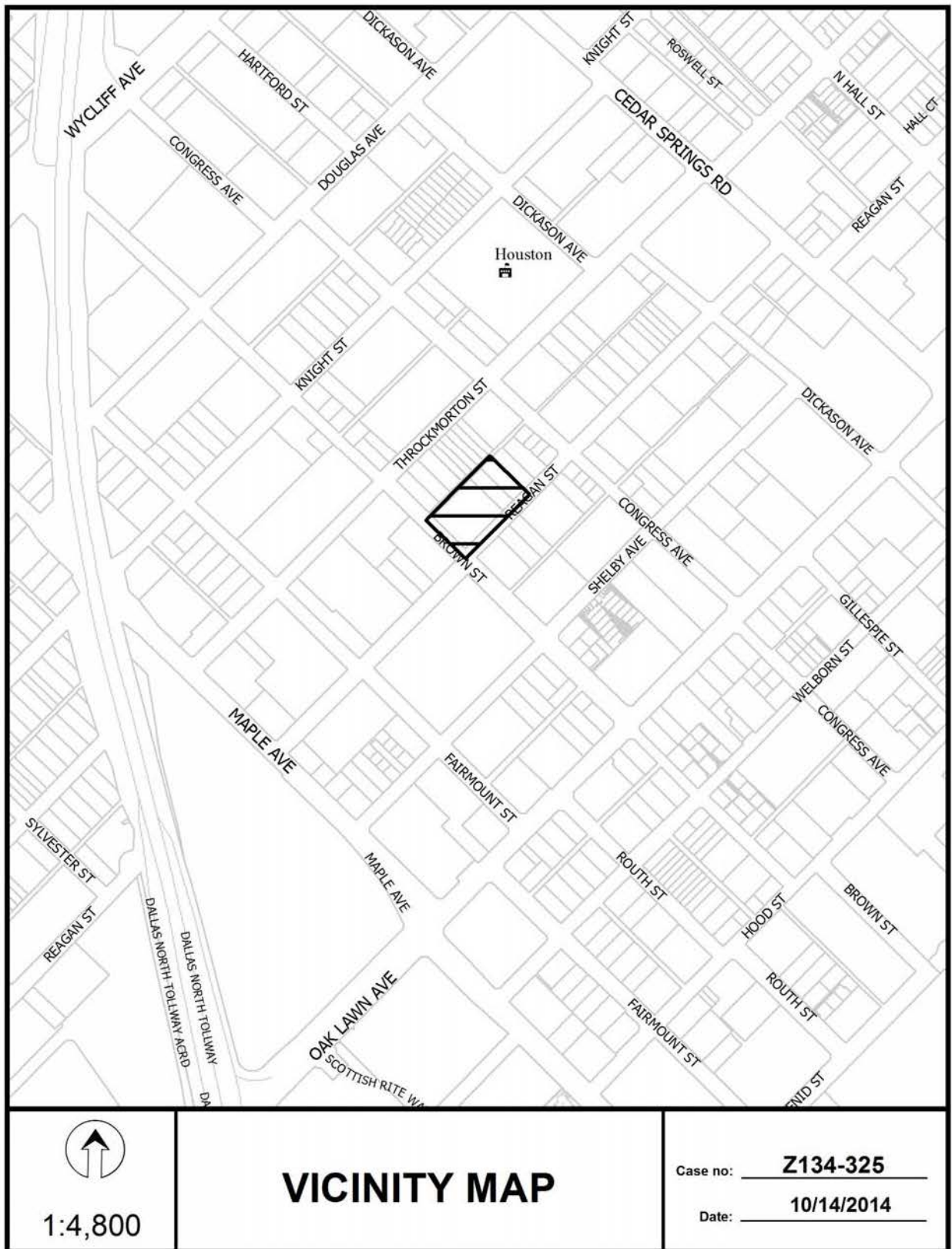
1. USE: The only use authorized by this specific use permit is a community service center.
2. SITE AND LANDSCAPE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for a _____ (ten years), and is eligible for automatic renewal for additional ten-year periods, pursuant to Section 51A-4.219 of Chapter 51A ~~CHAPTER 51, "PART I OF THE DALLAS DEVELOPMENT CODE,"~~ of the Dallas City Code, as amended. In order for automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. PARKING: A minimum of ~~62~~ 56 off-street parking spaces must be provided and located as shown on the attached site plan.
5. SCREENING: Screening must be provided as shown on the attached site plan.
6. LANDSCAPING: Landscaping for Tract I must be provided as shown as the attached site plan. Landscaping for Tract II must be provided prior to the final inspection for improvements on Tract II. All plant materials must be maintained in a healthy, growing condition at all times.
7. GATE CLOSURE: The access gate crossing the drive approach along the Reagan Street frontage must be secured between the hours of midnight and 6:00 a.m, Monday through Sunday.
8. MAINTENANCE: The Property ~~entire premises~~ must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

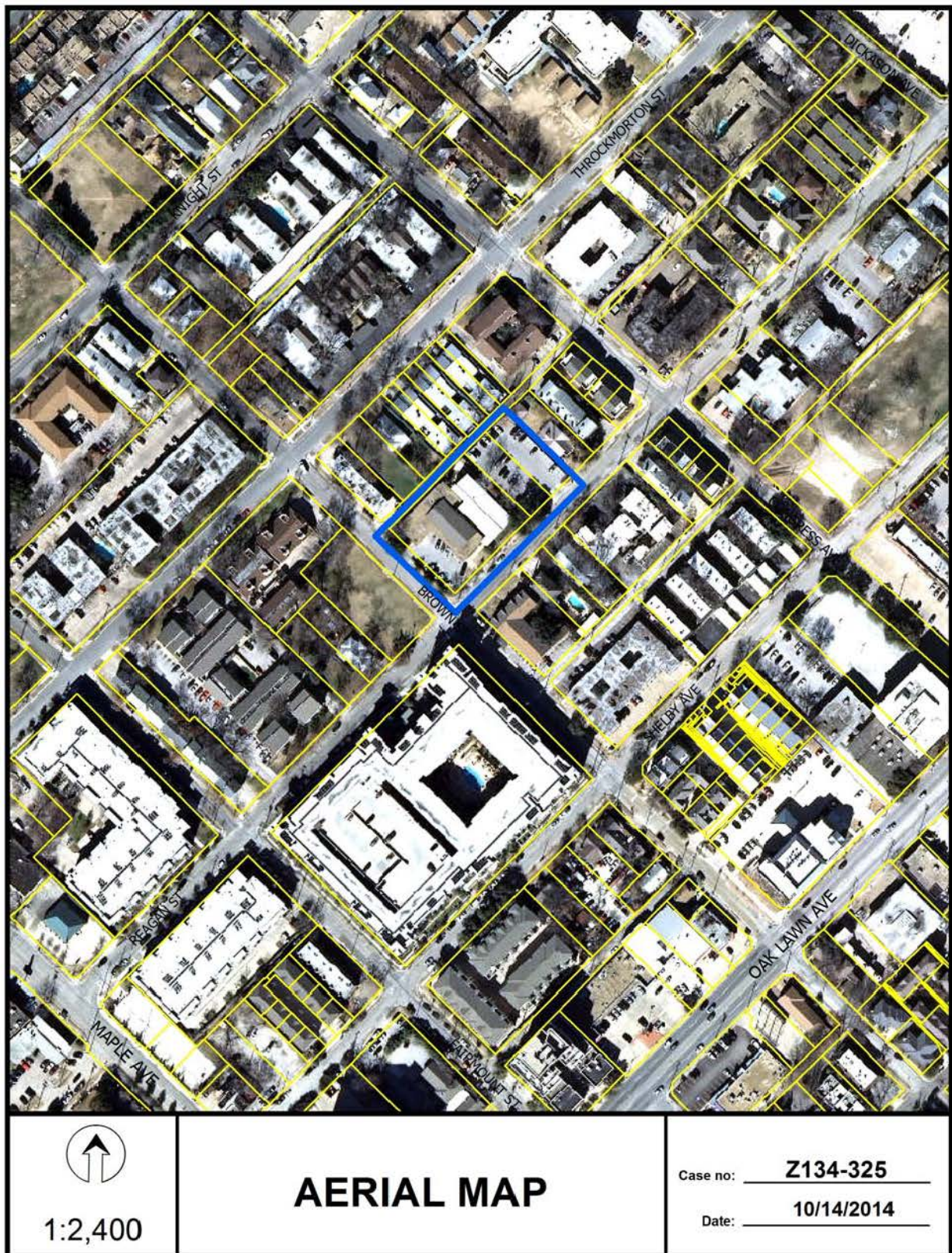
Approved Site/Landscape Plan

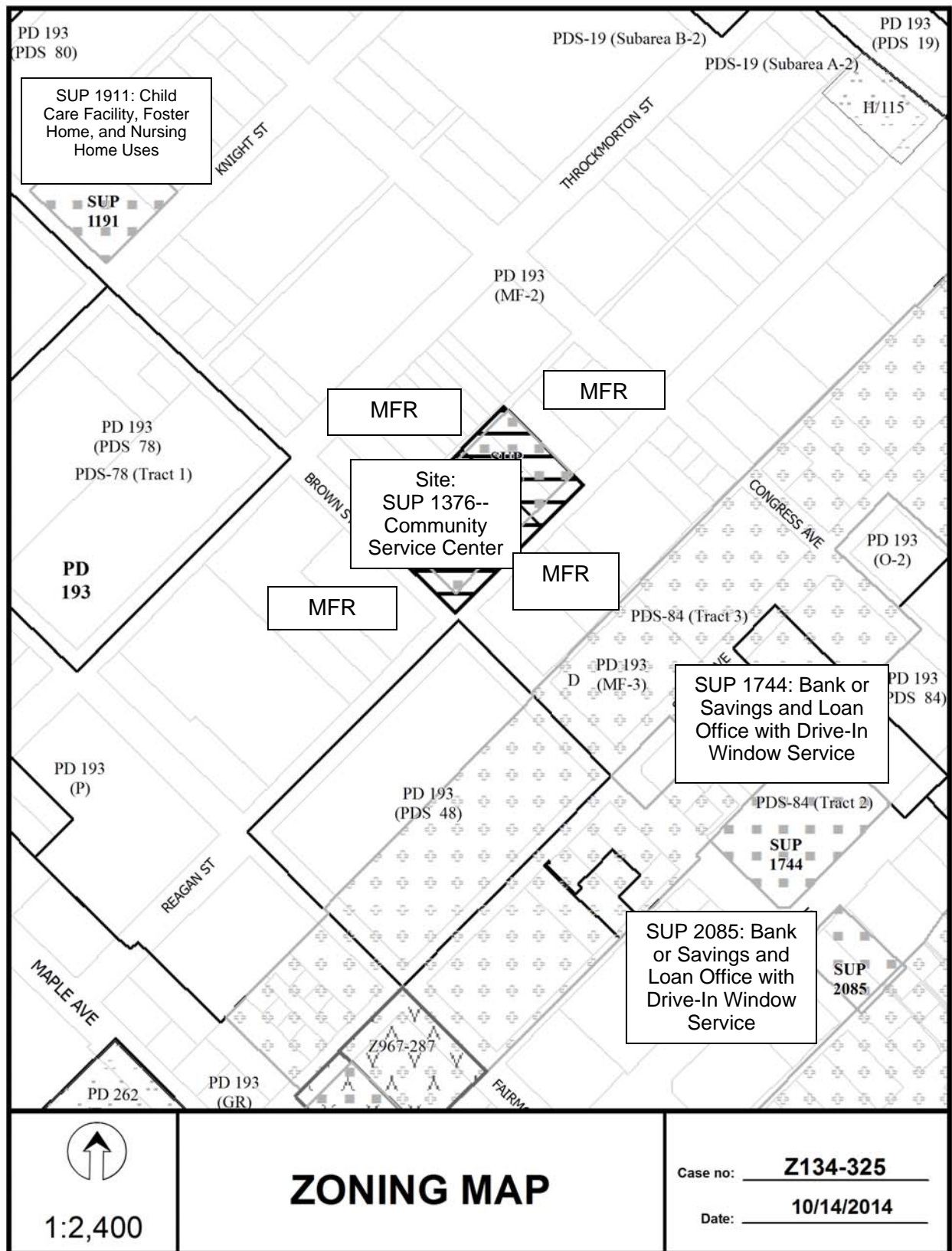


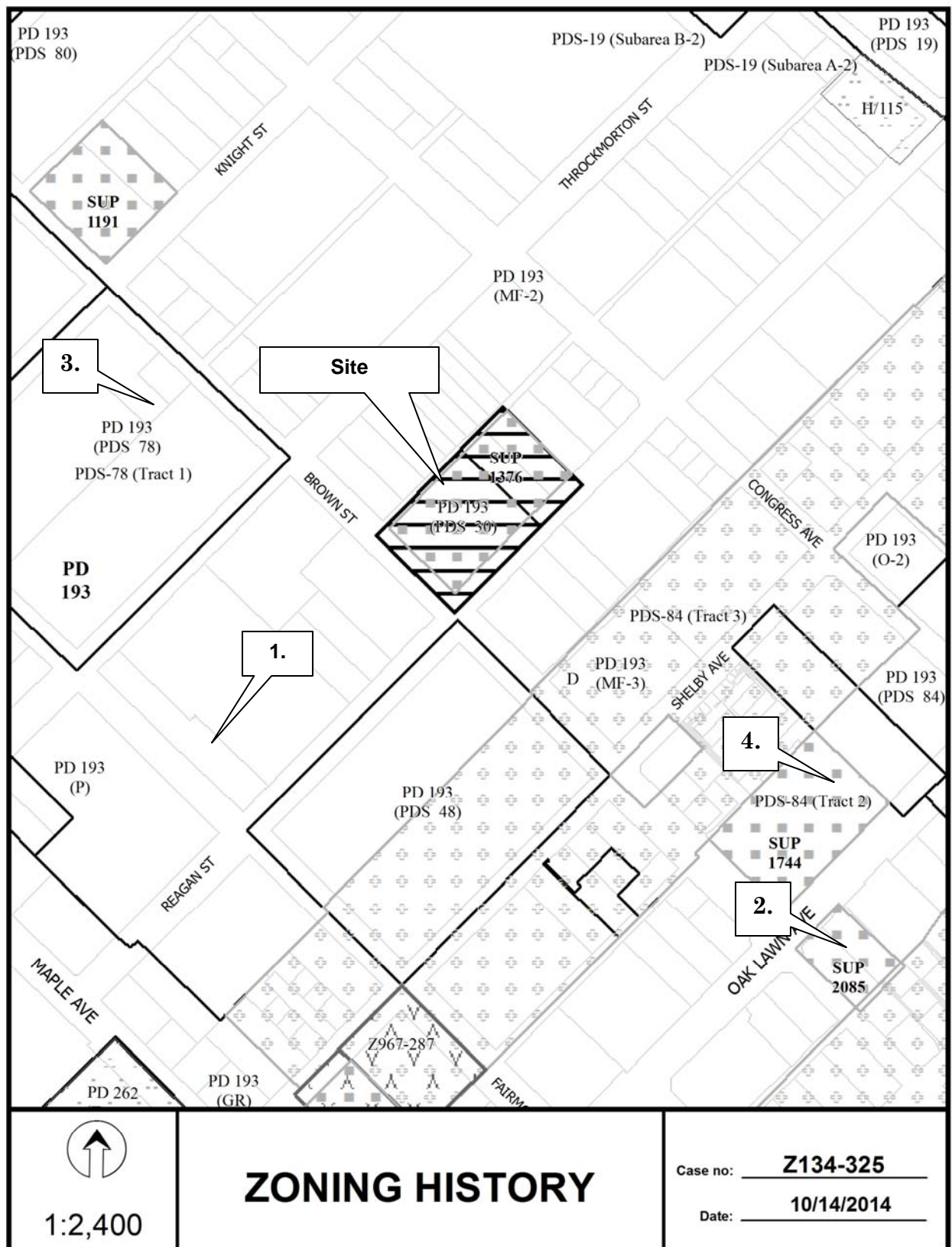
Proposed Site/Landscape Plan



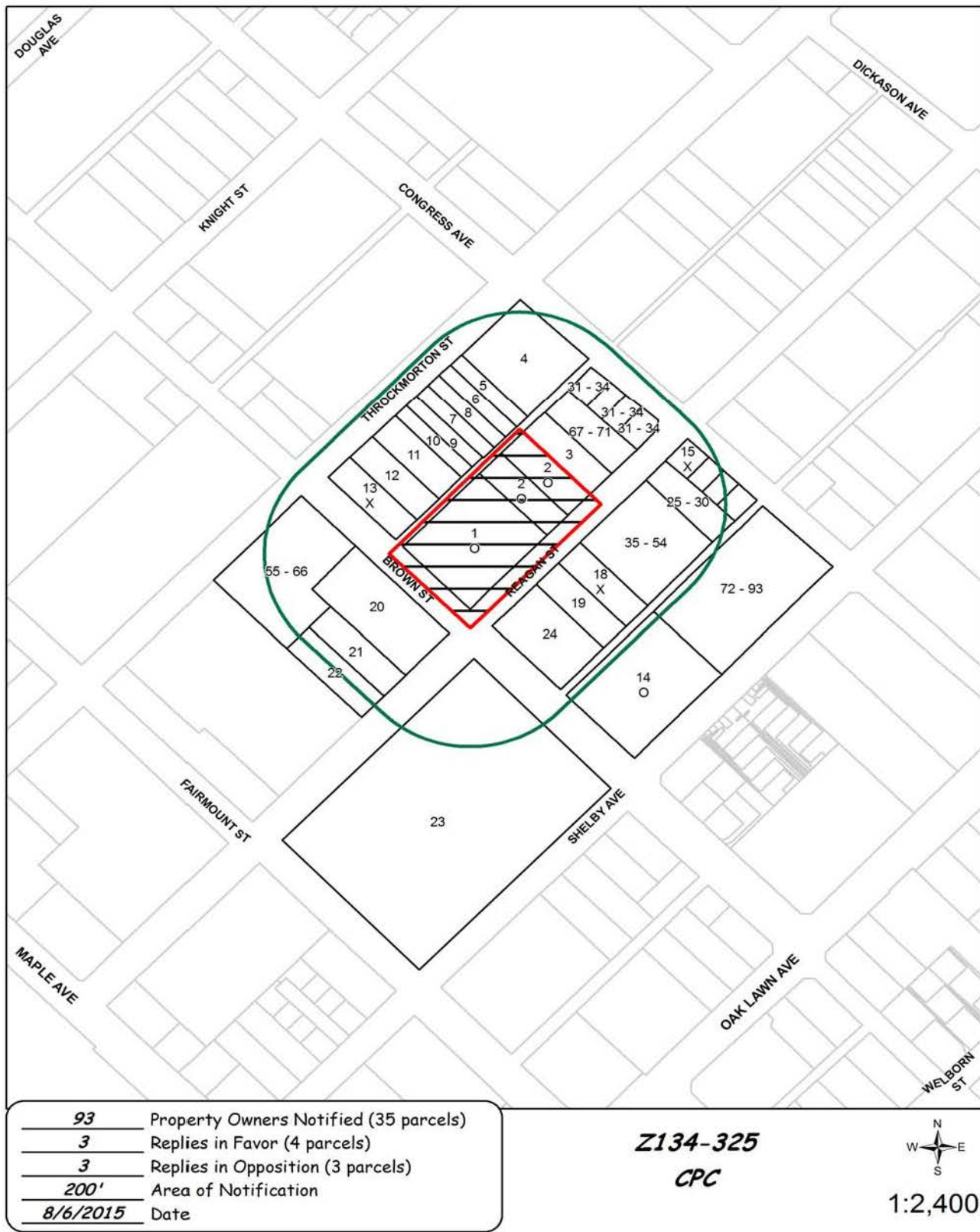








CPC Response Map



08/05/2015

Reply List of Property Owners***Z134-325******93 Property Owners Notified 3 Property Owners in Favor 3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2701 REAGAN ST	RESOURCE CENTER OF DALLAS INC
O	2	2715 REAGAN ST	RESOURCE CENTER
	3	2719 REAGAN ST	CLARK JAMES B &
	4	2734 THROCKMORTON ST	BLUE FIN PARTNERS INC
	5	2716 THROCKMORTON ST	MARTIN ROBERT GLEN &
	6	2716 THROCKMORTON ST	ATCHESON FRANK
	7	2714 THROCKMORTON ST	LEE JEFREY M
	8	2714 THROCKMORTON ST	ASAFF JAMES H
	9	2712 THROCKMORTON ST	CHILDS TYLER J
	10	2712 THROCKMORTON ST	NUNNS EDWARD S JR
	11	2710 THROCKMORTON ST	RODRIGUEZ ISAAC ALVA
	12	2706 THROCKMORTON ST	BAUM EDWARD M
X	13	4040 BROWN ST	4040 BROWN STREET LLC
O	14	2707 SHELBY AVE	DSIHGA LLC
X	15	3915 CONGRESS AVE	ROSE JAMES E
	16	3915 CONGRESS AVE	MARTIN STEVEN R
	17	3915 CONGRESS AVE	LUDWIG MARK T
X	18	2714 REAGAN ST	REINFELD CAROLYN M
	19	2708 REAGAN ST	DILDINE ROBERT D
	20	2631 REAGAN ST	PINAR INC
	21	2627 REAGAN ST	MAYORGA HAYDEE
	22	2621 REAGAN ST	BATTLES ROBERT MORGAN
	23	2626 REAGAN ST	IMT CAPITAL SEVILLE LP
	24	2706 REAGAN ST	MANSOUR INTERESTS INC
	25	2728 REAGAN ST	MARTINEZ SANTOS & MARIA
	26	2728 REAGAN ST	LUCAS KARIN

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2728 REAGAN ST	MACDONALD ARIANNE LINSLEY & EWAN GRAEME
	28	2728 REAGAN ST	CARMONA NICHOLAS
	29	2728 REAGAN ST	BROSIUS MURRAY T JR
	30	2728 REAGAN ST	WILLIAMS TERRY WAYNE
	31	4039 CONGRESS AVE	GIKAS BRENDA C
	32	4039 CONGRESS AVE	SANTOSUOSSO JEFFREY M & TARA L
	33	4039 CONGRESS AVE	BURNETT BROOKE
	34	4039 CONGRESS AVE	BERGGREN BARBARA A
	35	2720 REAGAN ST	BELL JAMES HALL
	36	2720 REAGAN ST	BELL JAMES H
	37	2720 REAGAN ST	TUTT STEVEN J
	38	2720 REAGAN ST	REYNOSO EZEQUIEL &
	39	2720 REAGAN ST	HERBERT ROBERT A
	40	2720 REAGAN ST	RAY JUAN ALBERTO
	41	2720 REAGAN ST	SMITH THOMAS S JR TR &
	42	2720 REAGAN ST	LESZINSKI SLAWOMIR TRUST
	43	2720 REAGAN ST	THOMAS WOODROW W
	44	2720 REAGAN ST	CAMPBELL MARIE
	45	2720 REAGAN ST	HERBERT ROBERT A
	46	2720 REAGAN ST	LAWSON MARK
	47	2720 REAGAN ST	MATHISON ROBERT
	48	2720 REAGAN ST	ANDERSON JONATHAN &
	49	2720 REAGAN ST	TUCKER DAN
	50	2720 REAGAN ST	REAGAN 2720 102 LAND TRUST
	51	2720 REAGAN ST	STRUNK APRIL &
	52	2720 REAGAN ST	MILSTEAD JAN
	53	2720 REAGAN ST	MALDONADO BENITO JR
	54	2720 REAGAN ST	BARAJAS NICOLAS
	55	2660 THROCKMORTON ST	HORAN LORRAINE A TR
	56	2662 THROCKMORTON ST	DARLEY ROBERT C ESTATE OF
	57	2664 THROCKMORTON ST	SHEPHERD JANET

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2674 THROCKMORTON ST	MORRISS JAMES A ETUX
	59	2678 THROCKMORTON ST	SHEPHERD JANET SUE
	60	2680 THROCKMORTON ST	CHRISTIANSSEN DEREK
	61	2682 THROCKMORTON ST	VANGOOL ALFRED &
	62	2686 THROCKMORTON ST	HEYLAND EDWARD &
	63	2688 THROCKMORTON ST	TRUMAH LLC
	64	2690 THROCKMORTON ST	MARTIN JUSTIN A
	65	2694 THROCKMORTON ST	LEE KELLY S L
	66	2696 THROCKMORTON ST	ULRICH CLIFF
	67	2727 REAGAN ST	2727 REAGAN LLC
	68	2727 REAGAN ST	FREEMAN SCOTT GEORGE
	69	2727 REAGAN ST	TERRY MILES A
	70	2727 REAGAN ST	APODACA DONNIE M II
	71	2727 REAGAN ST	RALSTON ASHLEY
	72	2727 SHELBY AVE	WESTBROOK LAFAY
	73	2727 SHELBY AVE	NARVARTE ANTONIO
	74	2727 SHELBY AVE	NARVARTE ANTONIO &
	75	2727 SHELBY AVE	ROMANIELLO MICHAEL
	76	2727 SHELBY AVE	PAUNER ROGER LEE
	77	2727 SHELBY AVE	ALTOM JEANA
	78	2727 SHELBY AVE	ELEY GARY TALBERT
	79	2727 SHELBY AVE	DOUBET ALEXANDER W
	80	2727 SHELBY AVE	GUY STANLEY E &
	81	2727 SHELBY AVE	KELLY BRIAN K
	82	2727 SHELBY AVE	KUEHNE JOHN W
	83	2727 SHELBY AVE	LESZINSKI SLAWOMIR
	84	2727 SHELBY AVE	KROL FLORENCE D
	85	2727 SHELBY AVE	OLSON DREE A
	86	2727 SHELBY AVE	SHAFFER ALAN
	87	2727 SHELBY AVE	YIN LONGDA
	88	2727 SHELBY AVE	BAKER SUZANNE

Z134-325(DL)

08/05/2015

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	2727 SHELBY AVE	CORTEZ SANTOS
	90	2727 SHELBY AVE	HOSSEINY NEDA
	91	2727 SHELBY AVE	HARROD J MICHAEL TR
	92	2727 SHELBY AVE	BURT TERRY W
	93	2727 SHELBY AVE	GOODREAU DARRIN LEE

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 9, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 Q

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an Historic Overlay for the Allen Building on property zoned Planned Development District No. 619 on the southeast corner of South Ervay Street and Commerce Street

Recommendation of Staff and CPC: Approval, subject to preservation criteria

Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z134-348(MD)

FILE NUMBER: Z134-348(MD)

DATE FILED: September 26, 2014

LOCATION: Southeast corner of South Ervay Street and Commerce Street

COUNCIL DISTRICT: 14

MAPSCO: 45Q

SIZE OF REQUEST: ±.23 acres

CENSUS TRACT: 0031.01

APPLICANT/OWNER: Mehul Patel, Newcrest Image

REPRESENTATIVE: Jennifer Picquet-Reyes

REQUEST: An application to consider an Historic Overlay for the Allen Building on property zoned Planned Development District No. 619.

SUMMARY: The Allen Building is an 18 story brick structure that was constructed in 1925. The Classic Revival style building was developed by Dallas County Judge Archibald C. Allen and was originally planned as a hotel. The steel framed structure was designed by the Midwest Company. A significant property must meet 3 of 10 designation criteria. This property has been determined to meet 6.

CPC RECOMMENDATION: Approval, subject to preservation criteria.

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

STAFF RECOMMENDATION: Approval, subject to preservation criteria.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon the following:

1. Both the Landmark Commission and its Designation Committee have determined this complex to be historically significant under 6 designation criteria. These criteria include; history, heritage and culture, architecture, architect or master builder, historic context, national and state recognition, and historic education.
2. The use of the building will change from a primarily office use to a hotel use.
3. This overlay designation does not change the base zoning or permitted uses for the property.
4. The request complies with the Comprehensive Plan.

BACKGROUND INFORMATION:

- After the zoning application was submitted on September 26, 2014, the Designation Committee of the Landmark Commission met four times with the Applicant to work on the landmark nomination form and preservation criteria.
- The Designation Committee approved the designation report, comprised of the landmark nomination form and preservation criteria, on April 22, 2015.
- Landmark Commission approved the designation on Monday, May 4, 2015.
- City Plan Commission approved the designation on Thursday, August 6, 2015.

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with both the Urban Design and the Neighborhood Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation historic neighborhoods and buildings creates a direct, visual link to the past, contributing to a "sense of place."

Goal 5.1 Create a Sense of Place, Safety and Walkability

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Goal 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

Goal 7.2 Preservation of Historic and Cultural Assets

Z134-348(MD)

Policy 7.2.2 Create a sense of place through the built environment while maintaining the existing historic fabric.

Policy 7.2.4 Protect historic and cultural assets.

CITY PLAN COMMISSION ACTION – August 6, 2015

Motion: It was moved to recommend **approval** of an Historic Overlay for the Allen Building, subject to preservation criteria on property zoned Planned Development District No. 619 on the southeast corner of South Ervay Street and Commerce Street.

Maker: Ridley
Second: Schultz
Result: Carried: 12 to 0

For: 12 - Emmons, Shidid*, Anantasomboon, Bagley*,
Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anglin, Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 18
Replies: For: 1 Against: 0

Speakers: None

LANDMARK COMMISSION ACTION – May 4, 2015

This item appeared on the Commission's discussion agenda.
Motion: Approval, subject to preservation criteria.

Maker: *Birch
Second: Thomas-
Drake
Results: 11/0

Ayes: Amonett, *Birch, Bowers, Fahrenbruch,
Flabiano, Jordan, Maten, *Sherman, Tapscott,
Thomas-Drake, Williams
Against: None
Absent: Birrer, Gadberry, Greenberg, Johnson, Seale
Vacancies: Dist 12

<i>Dallas Landmark Commission</i> <i>Landmark Nomination Form</i>
--

<i>I. Name</i>

historic: Allen Building
and/or common: 1700 Commerce
date: 1926

2. Location

address: 1700 Commerce Street
location/neighborhood: Downtown Dallas
block: 97 1/4 lot: 3 & 4 land survey: tract size: 0.23 acres

3. Current Zoning

current zoning: PD 619

4. Classification

Category	Ownership	Status	Present Use	_____ museum
_____ district	_____ public	<u>X</u> occupied	_____ agricultural	<u>_____</u> park
<u>X</u> building(s)	<u>X</u> private	_____ unoccupied	<u>X</u> commercial	<u>_____</u> residence
_____ structure	_____ both	_____ work in progress	_____ educational	<u>_____</u> religious
_____ site	Public	Accessibility	_____ entertainment	<u>_____</u> scientific
_____ object	Acquisition	_____ yes: restricted	_____ government	<u>_____</u> transportation
	_____ in progress	_____ yes: unrestricted	_____ industrial	<u>_____</u> other, specify _____
	_____ being considered	_____ no	_____ military	

5. Ownership

Current Owner: NewcrestImage/Supreme Bright Dallas, LLC
Contact: Mehul Patel **Phone:** 214-774-4650
Address: 1135 Kinwest Parkway, Suite 150 **City:** Irving **State:** TX **Zip:** 75063

6. Form Preparation

Date: December 10, 2014
Name & Title: Jennifer Picquet-Reyes, Architect, and Michelle Wurtz Penton
Organization: Merriman Associates Architects, and City of Dallas Designation Committee
Contact: Jennifer Picquet-Reyes **Phone:** 214-347-7063

7. Representation on Existing Surveys

Alexander Survey (citywide)	local	state	national	<u>X</u>	National Register
H.P.L. Survey (CBD)	A	B	C	D	Recorded TX Historic Ldmk
Oak Cliff					State Antiquities Ldmk
Victorian Survey					
Dallas Historic Resources Survey, Phase			high	medium	low

For Office Use Only

Date Rec'd: _____ Survey Verified: Y N by: _____ Field Check by: _____ Petitions Needed: Y N
 Nomination: Archaeological Site Structure(s) Structure & Site District

8. Historic Ownership*original owner:* Allen Building Company*significant later owner(s):* T. K. Irwin and T. F. Keasler**9. Construction Dates***original:* 1926*alterations/additions:* 1940s (penthouse) and 1980s (windows & interior)**10. Architect***original construction:* James N. McCammon*alterations/additions:* unknown**11. Site Features***natural:**urban design:* covers all of two city lots at the corner of Commerce and Ervay (downtown Dallas)**12. Physical Description***Condition, check one:*☐ excellent☒ good☐ fair☐ deteriorated☐ ruins☐ unexposed☐ unaltered☒ altered*Check one:*☒ original site☐ moved (date _____)

Describe present and original (if known) physical appearance. Include style(s) of architecture, current condition and relationship to surrounding fabric (structures, objects, etc). Elaborate on pertinent materials used and style(s) of architectural detailing, embellishments and site details.

The Allen Building is an early twentieth-century three part vertical block Commercial Style building that was originally constructed in 1925. The building is 18 stories above grade and one story below grade. The below grade basement level extends out beneath the city sidewalk on Commerce and Ervay streets. The building footprint at the first floor is square and occupies the entire lot, but from the second floor through the 18th floor the building is designed in an "L" configuration (Figure 1). Mechanical equipment is located on the southeast corner of the first floor roof, which is blocked from street view by a tall screen wall on the south side of the roof.

The Allen Building has two primary facades, the west elevation facing Ervay Street and north elevation facing Commerce Street. For these facades, terra-cotta is used from the first floor through the third floor and again on the 18th floor, while brick is used from the fourth floor through the 17th floor. The use of these contrasting materials visually divides the building into three parts, the base (floors 1 thru 4), shaft (floors 5 thru 17), and capital (18th floor), which is typical of the Commercial Style of architecture (Figure 2). The south elevation, facing Jackson Street, is clad with cementitious plaster up to the fourth floor and brick on the remaining floors (Figure 3). The east elevation, facing Prather Street, is blocked from view by the abutting building at 1712 Commerce Street, which was constructed in 1955.

The windows throughout the Allen Building have all been replaced. At the first floor, the original windows were replaced with three-part storefront windows, while the remaining upper floors exhibit replacement aluminum paired fixed windows. The primary entrance for this building is centrally located at the west façade facing Ervay Street, and consists of two round arches that extend to the second floor. Flanking the top of the arches are three decorative shields (Figure 4). At the capital of the two primary facades is a decorative course of festoons laid on blue tile backgrounds (Figure 5).

Additions to the Allen Building include a 2,600-square-foot penthouse constructed in ca. 1940, which is located adjacent to the original elevator mechanical penthouse. Major renovation of the building was undertaken in the late 1970s, at which time the building was under ownership of United Property Resources (*Dallas Morning News*, 31 January 1978:21). It is believed that during this renovation the original operable windows on the second thru 18th floors were removed and replaced with the modern fixed windows (Figure 6).

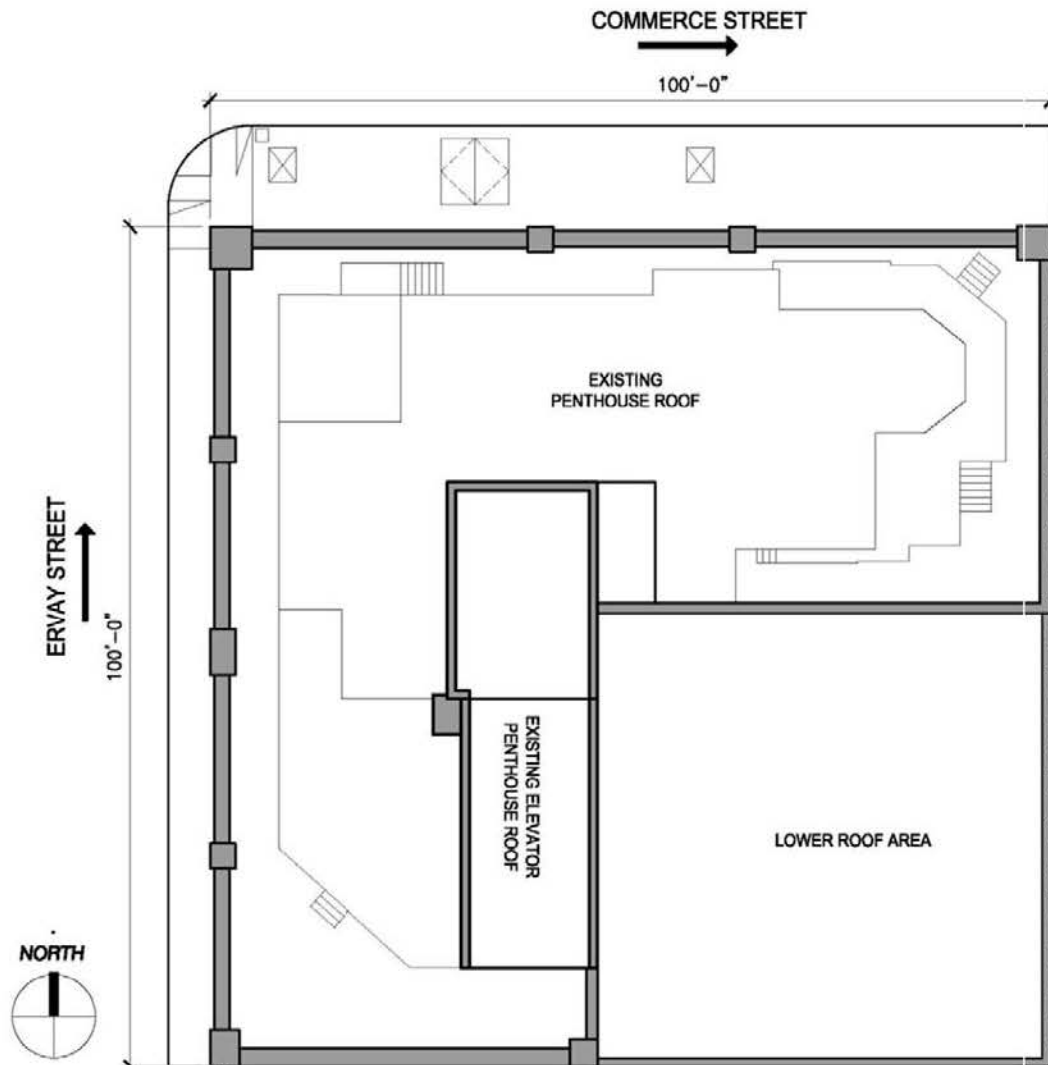


Figure 1. Site Plan showing upper roof with existing penthouse and lower roof (Merriman Associates, 2014).



Figure 2. Exterior view of building from the intersection of Commerce and Ervay street looking south, May 2014.



Figure 3. Exterior view of the building from the south looking north, May 2014.



Figure 4. Ervay Street two-story arched entrance, May 2014.



Figure 5. View of capital showing decorative festoons, May 2014.



Figure 6. Photograph of the south façade of the building in 1975 showing original windows still in place (*Dallas Public Library Photographic Archives, Doug Tomlinson Collection*).

13. Historical Significance

Statement of historical and cultural significance. Include: cultural influences, special events and important personages, influences on neighborhood, on the city, etc.

This early twentieth-century brick and limestone commercial building was developed by Dallas County Judge Archibald C. Allen and the Allen Investment Company and was originally planned as a hotel. The design included an eighteen-story hotel with 320 rooms, with bachelor apartments on the top floor (*Dallas Morning News*, November 23, 1924:1). Initial plans estimated a building cost of \$1,300,000 (*Dallas Morning News*, 4 January 1925:1) (Figure 7). During the initial planning as a hotel, the Allen Hotel would have been one of four large downtown hotel projects. These projects included the Baker Hotel, Hilton Hotel, and the two-story addition to the Adolphus Hotel (*Dallas Morning News*, 25 January 1925:1) (Figure 8).



Figure 7. Conceptual design of the Allen Hotel (*Dallas Morning News*, 4 January 1925:1).

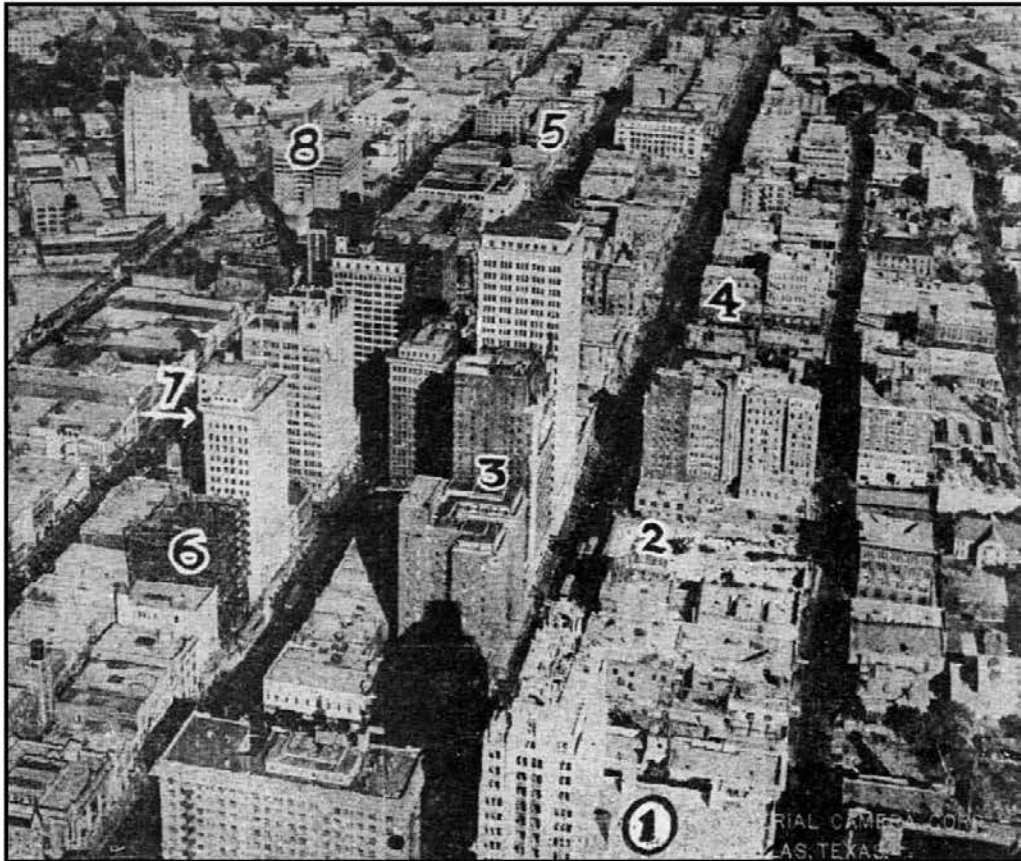


Figure 8. Fairchild aerial photograph from early 1925. "The buildings numbers are (1) Santa Fe Terminal Office Building, (2) site of the Baker Hotel, now being built; (3) Adolphus Hotel Annex under construction; (4) site of the Allen Hotel, eighteen-story building to be started this month; (5) fourteen-story Hilton Hotel, under construction; (6) twenty-two-story Republic Bank Building, now under way. No. 7 shows the American Exchange Bank Building, one of the newer skyscrapers" (*Dallas Morning News*, 25 January 1925:1).

The change in plans from a hotel to an office building (the Allen Building) of 357 offices was announced March 1, 1925, just weeks before construction was scheduled to begin. In addition to a change of function, the structure was changed from reinforced concrete to steel construction. "The new plans are said to call for a more elaborate exterior and interior finish than was proposed for the hotel building" (*Dallas Morning News*, 1 March 1925:Part 6, 12 May 1925:13). The building was designed by The Midwest Company, and the construction contract was awarded to Rice Construction Company (*Dallas Morning News*, 1 March 1925:Part 6). During the change of plans from hotel to office building, J. N. McCammon Company became the building architects (*Dallas Morning News*, 7 June 1925:4) (Figure 9).

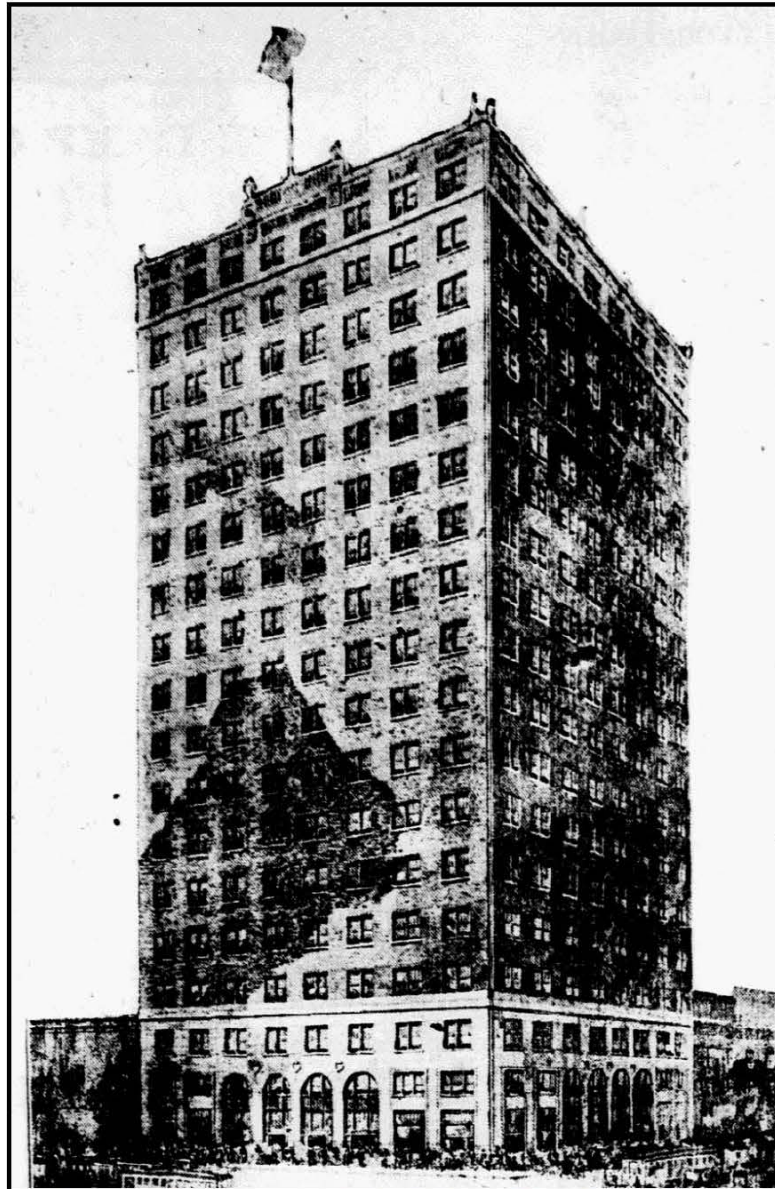


Figure 9. Conceptual design of the Allen Building (*Dallas Morning News*, 7 June 1925:4).

In November 1924, tenants occupying the land of the proposed Allen Building began vacating (*Dallas Morning News*, 23 November 1924:1). The Henry Nuss Bookbindery, established on April 22, 1913, by Henry Nuss once occupied a 12-by-20-foot area that is the present location of the Allen Building. The bookbindery moved to 416 South Ervay Street (*Dallas Morning News*, 12 January 1931:11).

Prior to the construction of the Allen Building, the site on the corner of Commerce and Ervay streets was occupied by two two-story brick buildings (Figure 10) that were razed in May 1925 (*Dallas Morning News*, 17 May 1925:9). J. Lee Vilbig served as the contractor for demolition.

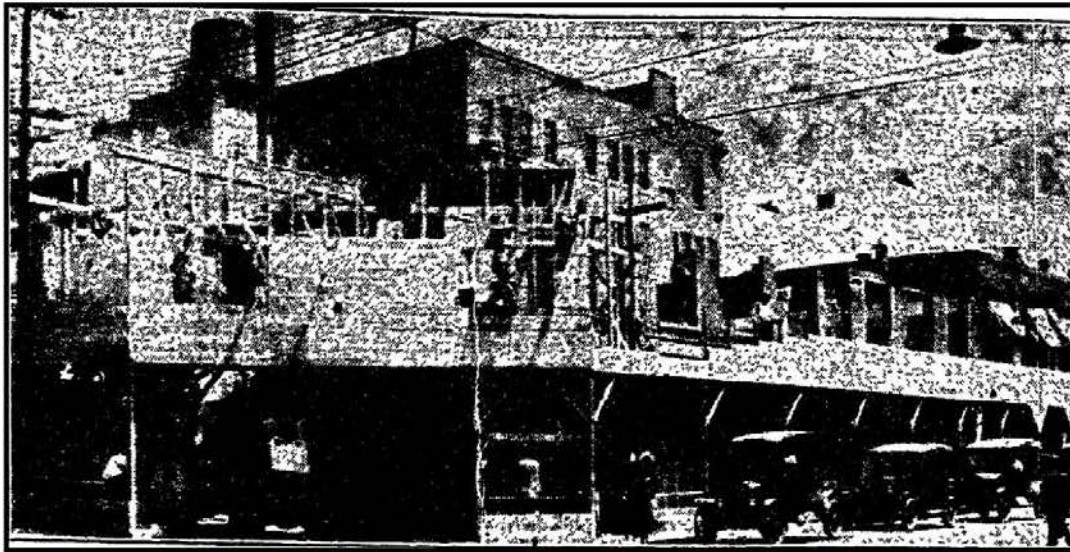


Figure 10. Two-story brick buildings that were demolished for construction of the Allen Building (*Dallas Morning News*, 17 May 1925:9).

The Allen Building utilized a steel construction that used narrower columns than most buildings. The steel work was conducted by Austin Brothers (In 2015, known as Austin Commercial). By October 11, 1925, steel work was in place up to the second floor (*Dallas Morning News*, 11 October 11 1925:4). By October 25, 1925, steel work had been erected to the third floor (*Dallas Morning News*, 25 October 1925:1), by November 8, 1925, up to the seventh floor (*Dallas Morning News*, 8 November 1925:1), and by November 25, 1925, up to the tenth floor (*Dallas Morning News*, 25 November 1925:4). The building was designed so that each office was on an outer wall and had no less than two windows. The upper ten floors of the building were designated for the medical and dental professions. These floors were to include special facilities to accommodate these professions (*Dallas Morning News*, 8 November 1925:1). Brickwork was finished up to the fourteenth floor by March 7, 1926 (Figure 11) (*Dallas Morning News*, 7 March 1926:1). By March 26, 1926, "ornamental terra cotta is now being set to surmount Dallas' [*sic*] newest skyscraper, the eighteen-story Allen office building at Commerce and Ervay streets. Exterior work on the building is nearly completed, with glazing finished to the fifteenth floor. Interior finishing work is proceeding rapidly" (*Dallas Morning News*, 22 March 1926:4) (Figure 12). The ornamental ironwork was supplied by Southern Ornamental Ironworks, which also supplied ornamental ironwork to the Baker Hotel.



Figure 11. The Allen Building with brickwork completed to the fourteenth floor (*Dallas Morning News*, 7 March 1926:1).



Figure 12. The Allen Building with exterior work nearly complete (*Dallas Morning News*, 22 March 1926:4).

One known injury occurred during the construction of the Allen Building. On March 9, 1926, a brick falling from the sixteenth floor struck pedestrian T. A. Baggett. The 50-year-old suffered a fractured left collarbone (*Dallas Morning News*, 10 March 1926:17).

During the months of April and May leading up to the opening of the Allen Building, advertisements regularly ran in the *Dallas Morning News*. These advertisements (Figures 13–15) were designed to attract future tenants to the building. Lawrence Miller served as the leasing manager of the building, and H. H. Hoff, former secretary of the Dallas Real Estate Board, was in charge of leasing reservations. The first formally announced Allen Building tenant was Z. E. Marvin, leasing space for a period of 10 years in the amount of \$148,000. The lease was for a 30-x-35-foot space on the ground floor for a drug store (*Dallas Morning News*, 25 November 1925:4).

Start the New Year right by re-
serving office space in the
ALLEN BUILDING
which will be completed April 1.
LAWRENCE MILLER
Leasing Agent
818 Kirby Bldg. X 7675

Figure 13. January advertisement for lease space (*Dallas Morning News*, 1 January 1926).

Our personal service
means:
"Never ending determination to build wisely and well so that
the lapse of years will find our customers with a deep abiding
sense of value received."
We are grateful for the confidence our friends place in us.

~~~~~

DALLAS' NEWEST SKYSCRAPER  
**THE ALLEN BUILDING**  
IS BUILT WITH  
STRUCTURAL STEEL  
FURNISHED, FABRICATED AND  
ERECTED BY  
**AUSTIN BROTHERS**  
DALLAS

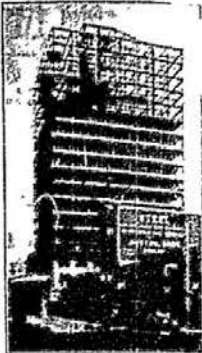


Figure 14. Advertisement for lease space in the Allen Building (*Dallas Morning News*, 4 April 1926:4).



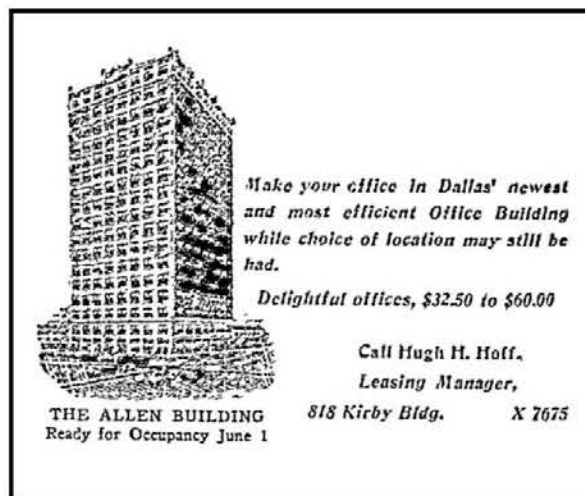


Figure 15. April advertisement for lease space in the Allen Building (*Dallas Morning News*, 23 April 1926:15).

The Allen Building formally opened on August 2, 1926, during a period of tremendous growth in Dallas (Figure 15). Growth along six blocks of Commerce Street, from Lamar to Ervay, included more than \$11,000,000 of investments (*Dallas Morning News*, 19 April 1926:9) (Figure 16). For the Allen Building, the cost of construction was \$1,200,000, with a total investment of \$1,750,000 that included construction and land. At the time, the building was already largely occupied (*Dallas Morning News*, 11 July 1926:5). In July 1926, businesses began running notices of removal to the Allen Building, informing the public of their new office locations. A sample of the early tenants of the Allen Building is shown in Table 1.

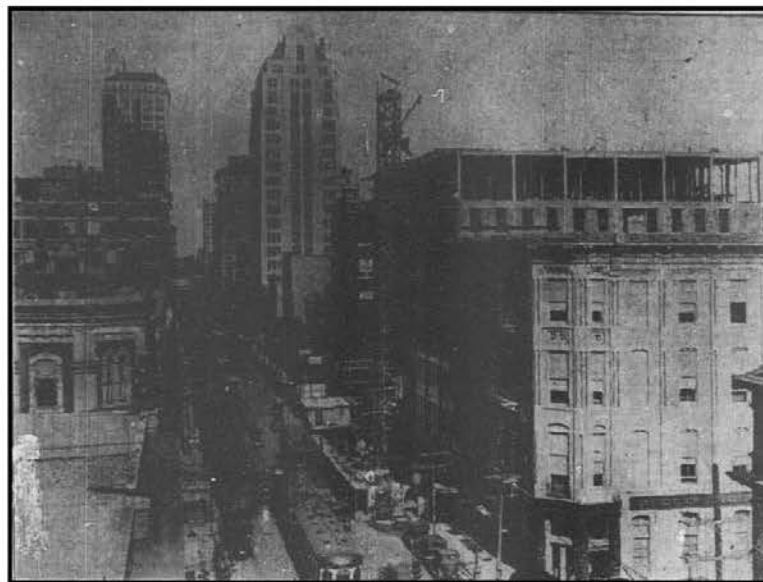


Figure 16. Photograph of the growth along Commerce Street. The Allen Building shown in the right background (*Dallas Morning News*, 19 April 1926:9).

| Table 1: Early Tenants of the Allen Building |                                                        |                                                                                                            |                                                                                                                                                                                                                      |
|----------------------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Tenant Name                         | Suite                                                  | Date of Appearance in Newspaper                                                                            | Note/Comment                                                                                                                                                                                                         |
| Atkinson & Garvin                            | 1228                                                   | 24 July 1926 <sup>1</sup>                                                                                  | Dallas income tax service, previously located in the Western Indemnity Building.                                                                                                                                     |
| Dr. William E. Hubbert                       | 1017, 1018, 1019                                       | 31 July 1926 <sup>1</sup>                                                                                  | Specialized in disease of women and children. A naval surgeon during World War I. On July 31, 1935, was shot by Thota Bruch in his office. The shooting was ruled a murder-suicide.                                  |
| Central and Southwest Utilities Company      |                                                        | October 1926 <sup>1</sup>                                                                                  | Central and Southwest Utilities Company moved headquarters from San Antonio to Dallas. The firm was the holding company for public utilities operation in sections of three states (Texas, Oklahoma, and Louisiana). |
| E. M. Baker                                  | 1601                                                   | November 1926 <sup>1</sup>                                                                                 | Referee in Bankruptcy.                                                                                                                                                                                               |
| Nagle, Witt, Rollins, & Gilchrist            | 1203–6                                                 | 27 April 1927 <sup>2</sup>                                                                                 | General and consulting engineers, previously located in the American Exchange National Bank Building (1919).                                                                                                         |
| Atlantic Oil Producing Company               | Unknown                                                | 12 May 1927 <sup>2</sup>                                                                                   | Office of Edgar Kraus, also chairman of the committee on excursions for the West Texas Geological society of San Angelo and the Bureau of Economic Geology of the University of Texas.                               |
| Unity Society of Practical Christianity      | 635 (Unity Center)<br>624–626 (Unity Center)<br>428–30 | July–August 1927 <sup>1</sup><br>21 April 1928 <sup>1</sup><br>30 September 1928                           | Evening services were held at the Unity Center.                                                                                                                                                                      |
| Morgan Investment Company                    | 1201                                                   | 13 August 1927 <sup>1</sup>                                                                                | Made term and monthly payment loans.                                                                                                                                                                                 |
| Girl Scout Council headquarters              | 310<br><br>308                                         | 20 November 1927 <sup>1</sup><br>4 December 1927<br>10 June 1928 <sup>1</sup><br>14 July 1928 <sup>1</sup> |                                                                                                                                                                                                                      |
| Allen & Allen General Practice               |                                                        | 1 December 1927 <sup>1</sup>                                                                               | Arch C. Allen and Gabe P. Allen                                                                                                                                                                                      |
| Jack A. Schley                               | 904–5–6                                                | 1 January 1928 <sup>1</sup>                                                                                | Patent & trademark attorney.                                                                                                                                                                                         |
| Dr. George E. Hurt                           | 415–424                                                | 20 April 1928 <sup>1</sup>                                                                                 | State chairman of the profession development committee of the American Osteopathic Association and a member of the city health board of Dallas.                                                                      |
| Ruby Young                                   | Unknown                                                | 1 April 1928 <sup>1</sup>                                                                                  | Campaign manager for the Better School Government Association.                                                                                                                                                       |

| Table 1: Early Tenants of the Allen Building |                        |                                                              |                                                                                                                                                                                                        |
|----------------------------------------------|------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Tenant Name                         | Suite                  | Date of Appearance in Newspaper                              | Note/Comment                                                                                                                                                                                           |
| Dallas Hive No. 208, Maccabees               | Unknown                | 17 May 1928 <sup>1</sup>                                     | Meeting in the Allen Building.                                                                                                                                                                         |
| Crime Suppression League of Dallas           | Unknown                | 18 May 1928 <sup>1</sup>                                     | Crime commission organized in 1927. No record on file on file after 1928.                                                                                                                              |
| Dallas County Hoover Club headquarters       | Unknown                | 26 August 1928 <sup>1</sup>                                  | Moved from the Allen Building to a location on Main Street.                                                                                                                                            |
| Nature Lore Club                             | 230                    | 16 September 1928 <sup>1</sup>                               | Meetings held for Camp Fire girls interested in nature work.                                                                                                                                           |
| Connell's Allen Bldg. Drug Store             |                        | 4 October 1928 <sup>1</sup>                                  |                                                                                                                                                                                                        |
| W. N. Burgess                                | 1224                   | 26 October 1928 <sup>1</sup>                                 |                                                                                                                                                                                                        |
| Harry Gowins, Jr.                            | 1203                   | 28 October 1928 <sup>2</sup><br>4 November 1928 <sup>1</sup> |                                                                                                                                                                                                        |
| Pacific Finance Co.                          | 214                    | 16 October 1928 <sup>1</sup>                                 | Provides quick confidential loans.                                                                                                                                                                     |
| Guardian's Association                       | 216                    | 4 December 1928 <sup>1</sup>                                 | Meeting                                                                                                                                                                                                |
| The Southwest Press                          | Unknown                | 16 December 1928 <sup>1</sup>                                | Publishers in and of the southwest.                                                                                                                                                                    |
| C. R. Jackson Co.                            | Unknown                | 16 June 1929 <sup>2</sup>                                    |                                                                                                                                                                                                        |
| North American Building and Loan Association | 1631-32-33             | 30 June 1929 <sup>1</sup>                                    | Moved to the Allen Building in June 1929. Offices refinished and equipped for the organization's needs.                                                                                                |
| Corporation Finance Service                  | Unknown                | 15 September 1929 <sup>2</sup>                               |                                                                                                                                                                                                        |
| Lowery Drugs                                 |                        | 17 April 1931 <sup>1</sup>                                   |                                                                                                                                                                                                        |
| WPA regional office headquarters             | 17 <sup>th</sup> floor | 22 July 1935 <sup>1</sup>                                    | The office served 12 counties and was the largest district in the state. In April 1937, the procurement office was closed.                                                                             |
| Social Security Board field office           | Unknown                | 13 April 1937 <sup>1</sup>                                   | Jesse C. Carter, field officer in charge.                                                                                                                                                              |
| Milt Saul                                    | 1418                   | 18 February 1937 <sup>1</sup>                                |                                                                                                                                                                                                        |
| Imperial Life Insurance Company              |                        | 16 May 1937 <sup>1</sup>                                     |                                                                                                                                                                                                        |
| C. C. Walsh                                  | 401                    | 1 January 1938 <sup>1</sup>                                  | Served as Class C director, chairman of the board and Federal Reserve agent of the Federal Reserve Bank of Dallas for 12 ½ years. Opened private office in Allen Building upon retiring from the bank. |
| LeGett's Wave Shop                           | 624                    | 20 March 1938 <sup>1</sup><br>17 September 1939 <sup>1</sup> |                                                                                                                                                                                                        |
| Lieut. H. P. McBride                         | 1530                   | 28 July 1942 <sup>2</sup>                                    |                                                                                                                                                                                                        |
| Acme Co                                      | 222                    | 29 July 1942 <sup>1</sup>                                    | Moved from 420 Wilson Building.                                                                                                                                                                        |
| Navy Officer                                 | 15 <sup>th</sup> floor | 12 November 1942 <sup>1</sup>                                |                                                                                                                                                                                                        |



| Table 1: Early Tenants of the Allen Building                           |                        |                                 |                                                                                                                                                                                                                   |
|------------------------------------------------------------------------|------------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Tenant Name                                                   | Suite                  | Date of Appearance in Newspaper | Note/Comment                                                                                                                                                                                                      |
| Procurement Office                                                     |                        |                                 |                                                                                                                                                                                                                   |
| Navy Officer Procurement Office                                        | 16 <sup>th</sup> floor | 12 November 1942 <sup>1</sup>   | Enlargement of the office necessary due to the large number of applicants. On November 16, 1944, it was announced that on December 1 the office would transfer to Houston in an effort to streamline procurement. |
| U.S. Marine Corps Women's Reserves                                     | 735                    | 25 June 1943 <sup>1</sup>       |                                                                                                                                                                                                                   |
| Dallas Aviation Cadet Selection Board                                  | 524                    | 5 July 1943 <sup>1</sup>        | Oversight of war training and flight preparatory schools in four states.                                                                                                                                          |
| Rogers & Smith Advertising Agency                                      |                        | 9 January 1944 <sup>1</sup>     | The Chicago agency announced plans to open a Dallas office.                                                                                                                                                       |
| Jean McBride Monogramming                                              | 335                    | 30 January 1944 <sup>1</sup>    |                                                                                                                                                                                                                   |
| Percy H. Harris Insurance Company                                      |                        | 9 July 1955 <sup>1</sup>        | Life, fire, health and accident, casualty and hospital insurance                                                                                                                                                  |
| WAVES                                                                  |                        | 30 July 1944 <sup>1</sup>       |                                                                                                                                                                                                                   |
| Leon Rudberg Jewelry Company                                           |                        | 30 March 1945 <sup>1</sup>      |                                                                                                                                                                                                                   |
| Ford Motor Company's Dallas Office                                     |                        | 27 May 1945 <sup>1</sup>        | Served branches and dealers in the southwest region. Clyde E. Rapp appointed manager of the Dallas office.                                                                                                        |
| Dallas campaign offices for Lt. Gov. John Lee Smith's bid for governor | 610                    | 6 July 1946 <sup>1</sup>        | C. J. Wilmon, campaign manager.                                                                                                                                                                                   |
| Fred E. Newman                                                         | 12 <sup>th</sup> floor | 15 September 1946 <sup>1</sup>  | Opened barbershop upon completing five years in the army where he served as a supervisor of barbers.                                                                                                              |
| Downtown Box Office                                                    | Ground floor           | 21 September 1947 <sup>1</sup>  |                                                                                                                                                                                                                   |
| J. L. Allison Realty Co.                                               |                        | 16 March 1947 <sup>1</sup>      |                                                                                                                                                                                                                   |
| C. N. Smith Loans                                                      | 523                    | 6 October 1948 <sup>1</sup>     | Quick personal loans.                                                                                                                                                                                             |
| Salter                                                                 | 501-3                  | 3 July 1949 <sup>1</sup>        | Employment service.                                                                                                                                                                                               |
| Great National Fire and Casualty Company                               |                        | 15 November 1953 <sup>1</sup>   | Branch office located in the ICT Group Building. James T. Valentine managed the office. T. K. Irwin appointed vice-president and director.                                                                        |
| Frank Babb                                                             | Ground floor           | 5 April 1953 <sup>1</sup>       | Jeweler                                                                                                                                                                                                           |
| American Savings                                                       |                        | 11 August 1957 <sup>1</sup>     |                                                                                                                                                                                                                   |

<sup>1</sup> Dallas Morning News<sup>2</sup> Fort Worth Star-Telegram



In 1932, the original builders of the Allen Building, the Allen Investment Company, defaulted on their loan for the building. A tenant on the ground floor petitioned to keep its rental space and to be paid in arrears after being evicted at the time of the foreclosure. The tenant also claimed to have assisted the Allen Investment Company in financing the building. The building was ultimately foreclosed and sold to the newly-formed trustee group Allen Building Company, under leadership of William E. Easterwood (*Dallas Morning News*, 10 December 1933:1).

In 1944, the Allen Building was purchased by T. K. Irwin and T. F. Keasler for \$1,500,000 from the Allen Building Company. The Saturday following the transaction, the building became known as the Irwin-Keasler Building. In the transaction, Majors & Majors represented the Allen Building Company, and Crofford & Crofford represented the buyers. T. K. Irwin was a local Dallas attorney and real estate man, and T. F. Keasler was a lumberman and theater owner (*Dallas Morning News*, 23 January 1944:1).

In 1947, Chrysler AirTemp was contracted to install air conditioning throughout the Irwin-Keasler Building (Figure 17) (*Dallas Morning News*, 14 September 1947:13). Installation of air conditioning throughout the 18-story building took less than 30 days (Figure 18). Upfront coordination between the contractors and building management allowed for one of the nation's quickest installations. "Into the job went seventy-seven 5-ton air-conditioning units, 20,000 pounds of sheet aluminum fashioned into ducts, 11,647 pounds of conduit and 5,362 pounds of copper wire serving 159 different electric motors, 2,250 running feet of pipe and 1,330 different fittings. The cooling tower is said to be one of the largest in Dallas" (*Dallas Morning News*, 9 May 1948:1).

## IRWIN-KEASLER BUILDING INSTALLS CHRYSLER AIRTEMP!

We are happy to announce that Mr. T. K. Irwin and Mr. T. F. Keasler, owners of the Irwin-Keasler Building have chosen

**CHRYSLER**

*Year-Round Packaged Air Conditioners*

To cool the entire eighteen floors of their building located at Commerce and Ervay Streets in downtown Dallas.

Another prominent Dallas firm joins the ranks of SATISFIED USERS of CHRYSLER AIRTEMP EQUIPMENT.

*Matthews Engineering Company*

CHRYSLER AIRTEMP DISTRIBUTORS

2122 OLIVE ST. RIVERSIDE-5166




Figure 17. Notification of air conditioning to be installed in the Irwin-Keasler Building (*Dallas Morning News*, 14 September 1947:13).

# TO YOU WHO HAVE DONE THE IMPOSSIBLE

CHRYSLER AIRTEMP SALES CORPORATION—DIVISION OF CHRYSLER CORPORATION

Mathews Engineering Company  
Mustang Sheet Metal & Manufacturing Co.  
Superior Electric Company  
Teter Brothers Plumbing Company  
Buell & Company  
The Marley Company  
Peerless Pump Division of Food Machinery Corporation  
J. R. Doudell & Company  
H. B. Meyer & Son, Representing  
S. C. Johnson & Son, Inc.  
Moncrief-Lenoir Company  
Maurice Peterman, Architect

Dallas Power & Light Company  
Standard Electric Manufacturing Company  
Meleis Electric Company  
White Rock Lumber Company  
Baker Lumber Company  
Weston Hardware Company  
W. E. Lewis & Company  
Southland Supply Company  
Asbestos Workers Local Union No. 21  
Building and Construction Laborers Local Union No. 518  
Carpenters Local Union No. 198  
Cement Finishers Local Union No. 549

Electricians Local Union No. 59  
Elevator Constructors Local Union No. 21  
Glaziers Local Union No. 53  
Hoisting and Portable Engineers Local Union No. 714  
Iron Workers Local Union No. 481  
Lathers Local Union No. 140  
Painters Local Union No. 53  
Plasterers Local Union No. 61  
Plumbers Local Union No. 100  
Sheet Metal Workers Local Union No. 25  
Tile Setters Local Union No. 29  
Tile Setters Helpers Local Union No. 127



T. K. IRWIN



T. F. KEASLER

● Charles Steinmetz said, "Co-operation is not a sentiment. It is an economic necessity." Labor, Management, and Capital proved exactly that last month in Dallas.

What was the assignment? TO COMPLETELY AIR-CONDITION IN A SINGLE MONTH AN 18-STORY OFFICE BUILDING WITH MINIMUM INTERRUPTION TO THE TENANTS. On the basis of similar experiences, most people said the job would require from nine months to two years. But you had other ideas about that.

You went about the job wisely. You sat down together around the table and scanned your blueprints... labor foremen, superintendents, suppliers of material... and charted your course. You made your agreements, and you lived up to them in spirit and in fact.

You worked day and night in harmony, and on every hand there was evidence that you were spurred on by two compelling facts:

1. You liked the idea of full co-operation as between Labor and Management.
2. You were taking pride in the speed and efficiency with which the task was being accomplished.

T. K. IRWIN

T. F. KEASLER

IRWIN-KEASLER BUILDING MANAGEMENT

YOU have completely air-conditioned our 18-story office building in 30 days. This sets all national records. You have done this through all-out co-operation among Labor, Management, and Capital. This should provide a shining example for the future of Labor, Management and Capital relations in all America. You have done the job speedily, harmoniously, adhering to the highest standards of workmanship, while Capital, Management and all of the 16 Unions have found it unnecessary to sacrifice or make any concessions. We salute you!

You fabricated 20,000 pounds of aluminum into air ducts, you installed pipes to carry 1,155 gallons of water per minute, you manufactured and installed a gigantic electric panel to supply the power, you erected one of the largest water-cooling towers in Dallas, you boxed and plastered and painted the air ducts into more than 200 offices, you installed 77 Chrysler Airtemp "packaged" air-conditioning machines to furnish perfect year-round "weather by order."

This project was protected to the extent of over \$1,000,000.00 liability insurance. It is gratifying to note that no single accident occurred.

We are happy to tell both LABOR and CAPITAL everywhere that what has been done in Dallas by co-operation can be done all over America. Yes, you did the impossible! You broke all records and we are proud to tell you so.



Figure 18. Acknowledgement of the record breaking installation (*Dallas Morning News*, 9 May 1948:12).

In October of 1947, the Nelson Pharmacy, located in the Irwin-Keasler Building, was sold to M. M. Bloodworth and Leslie Haley. Remodel of the interior and front will be conducted at the cost of \$50,000. The drugstore will be managed by Leslie Haley and will be operating under the name of Irwin-Keasler Drugs (*Dallas Morning News*, 12 October 1947:1).

In June 1952, an "E" was added to the "IK" neon sign on the Irwin-Keasler Building by the Eisenhower Club of Dallas County (*Dallas Morning News*, 20 June 1952:1). The light was turned on by Mayor J. B. Adoue, Jr. (*Dallas Morning News*, 21 June 1952:5) (Figure 19).



Figure 19. IKE sign on the Irwin-Keasler Building in 1952 (*Dallas Morning News*, 21 June 1952:5).

For seven years, T. K. Irwin, his dog Joe, and 45 cats resided in the penthouse at the top of the Irwin-Keasler Building. T. K. Irwin's dog Joe was referred to as "the penthouse dog" and "cliff-dweller." Upon leaving the Irwin-Keasler Building penthouse, T. K. Irwin moved to 14-room brick house in the Redbird Addition, which he was developing (*Dallas Morning News*, 25 July 1955:7) (Figure 20).



Figure 20. Photo of T.K. Irwin and his companions in their penthouse residence (*Dallas Morning News*, 25 June 1955:7).



T. K. Irwin and T. F. Keasler sold the Irwin-Keasler Building to Insurance Company of Texas Group in October 1953. The sale price was not disclosed and the building changed its name to the ICT Group Building. The purchase of the Irwin-Keasler Building allowed the insurance company to cancel plans for constructing a new building along Central Expressway. The company headquarters occupied nine floors of the newly purchased building (*Dallas Morning News*, 18 October 1953:9) (Figure 21). A sample of the building owners is shown in Table 2.

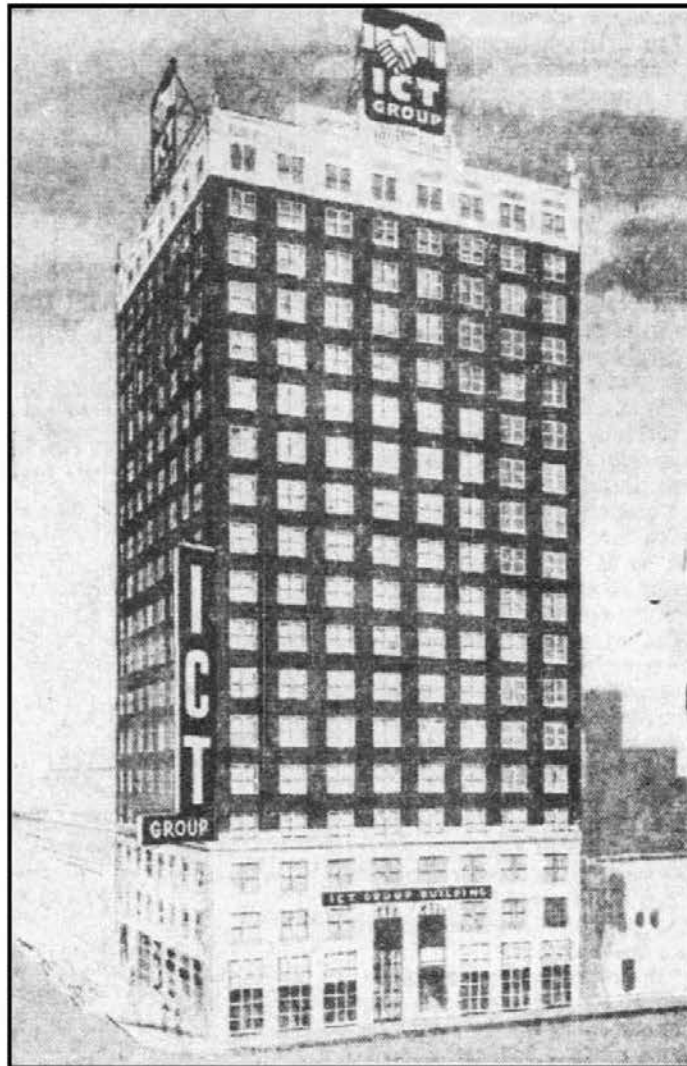


Figure 21. Image appearing in the newspaper announcing the sale of the Irwin-Keasler Building to the Insurance Company of Texas Group (*Dallas Morning News*, 18 October 1953:9).

### *The Midwest Company – Architect*

The Midwest Company was the Dallas architecture and engineering firm that designed the original plans for the Allen Hotel (*Dallas Morning News*, 13 November 1924:1). The firm designed several other residential projects around Dallas – a complex of (3) two-story apartment buildings at Douglas Avenue and Rawlins Street of Spanish renaissance style, each utilizing steel construction and completely fireproof (*Dallas Morning News*, 13 July 1924:1) (Figure 25); a three-story masonry, steel and concrete garage and office building constructed on Bryan Street. (*Dallas Morning News*, 21 December 1924:1) and a seven-story plus basement apartment building built on Maple Avenue, influenced by Dutch architecture. This apartment building was considered very modern for its time. It was completely fireproof and constructed with a steel frame, brick on the first two floors and stucco on the upper floors. Two high-speed elevators served all floors. Each of the 84 apartments was designed to have whole or partial southern exposure and a refrigeration system (*Dallas Morning News*, 28 September 1924:1) (Figure 22).

In addition to office and apartment work in Dallas, The Midwest Company also designed a four-story hotel that was built in Wortham, TX (*Dallas Morning News*, 21 December 1924:1). Also in Wortham, the firm designed a two-story plus basement Methodist church. The church was constructed of brick and provided facilities for a modern-day church with separate Sunday school rooms, a kitchen in the basement, and a main auditorium which sat 400 people (*Dallas Morning News*, 22 March 1925:2) (Figure 23). Ground breaking for the Wortham church began in March 1925 (*Dallas Morning News*, 03 March, 1925:26). The Midwest Company also designed a single family brick veneer English cottage that was built in a new subdivision called Bluff View Estates in 1925. Modern features included a cathedral ceiling in the living room and a built-in telephone niche and radio receiving set (*Dallas Morning News*, 18 January 1925:1) (Figure 24). A note-worthy associate of The Midwest Company was Edward J. O'Brien, Jr. who served as president of the Dallas Architectural Club (*Dallas Morning News*, 23 September 1924:4) (Figure 26).

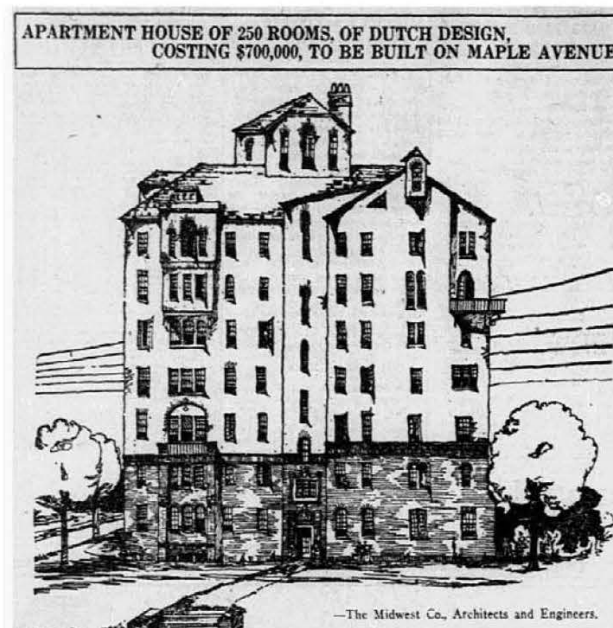


Figure 22. Rendering of seven-story apartment building on Maple Avenue designed by The Midwest Company (*Dallas Morning News*, 28 October 1924:1).





Figure 23. Rendering of Methodist church in Wortham, TX designed by The Midwest Company (*Dallas Morning News*, 22 March 1925:2).

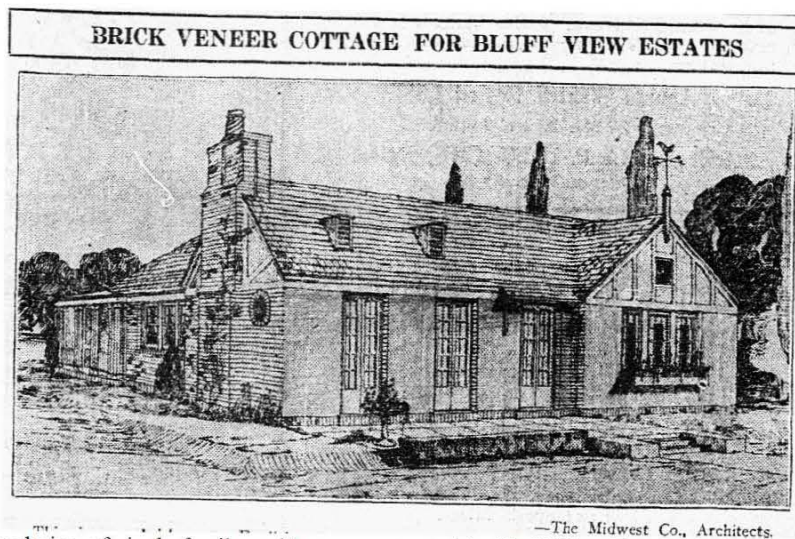


Figure 24. Rendering of single-family residence constructed in Bluff View Estates designed by The Midwest Company (*Dallas Morning News*, 18 January 1925:1).



Figure 25. View of the apartment complex at Douglas Avenue and Rawlins Street designed by The Midwest Company (Google Maps, Feb. 2014).



Figure 26. Newspaper announcement of election of Edward F. O'Brien Jr. as Dallas Architectural Club president (Dallas Morning News, 23 September 1924:4).



### *J.N. McCammon - Architect*

James N. McCammon became the architect after the decision was made to change the building's use from hotel as designed by The Midwest Company to office just weeks before construction began in 1925. (*Dallas Morning News*, 1 March 1925:1). McCammon, an early 20<sup>th</sup> century Dallas architect and engineer, was formally trained in architecture at George Washington University. He led his own firm for 20 years (1922-1942) before he partnered with Walter W. Ahlschlager, a prominent Chicago architect who relocated to Dallas in the 1940's. Ahlschlager was well known for his high-end hotel design, such as Chicago's Sheridan-Plaza ("The Work of Walter W. Ahlschlager").

McCammon designed other notable buildings in Dallas - the Gulf States Building (originally called the Marvin Building) located at 109 N. Akard Street in 1927 ("Gulf States Building"); the Reserve Loan Life Building (originally called the Monroe Building) at 505 N. Ervay in 1949 (*Dallas Morning News*, 19 September 1945:1); and a private residence on Westway Avenue in Highland Park in 1939 (Douglas Newby & Associates) (Figure 27).

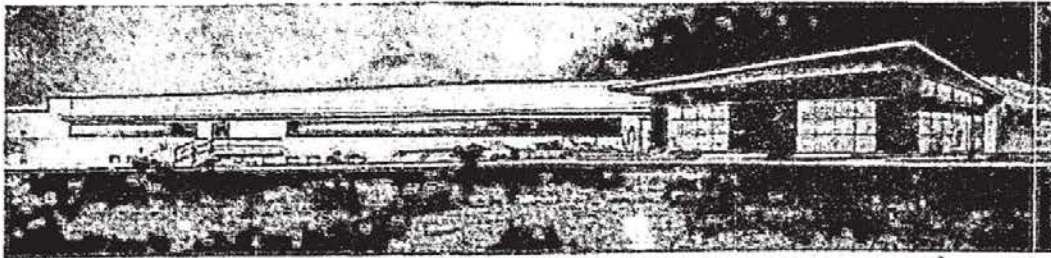
The 1950's were busy years for McCammon. Plans for a new 100,000 square foot electrical plant for Beard & Stone were announced. The steel and masonry structure was equipped with air conditioning and heating, and special facilities for employees such as a lunchroom and auditorium were provided. (*Dallas Morning News*, 9 July 1950:8) (Figure 28). The horizontality and clean, simple lines are evocative of mid-century modern architecture. In 1951, the large Piedmont Shopping Center was designed on a 6-acre tract off Seyene Road. In addition to multiple stores, two gas stations were also included in the plans. This new center would "provide shopping facilities for people living in more than 2,500 new homes" nearby (*Dallas Morning News*, 14 January 1951:8) (Figure 29). Also in 1951, McCammon designed a 75,000 square foot shopping center just east of Southern Methodist University at Mockingbird Lane and Airline Road. A 650 foot-long park was also planned to separate the shopping center from Potomac Avenue just to the north (*Dallas Morning News*, 8 July 1951:6.) Later that year, McCammon designed a new store for the Wyatt Food Store chain (later bought by the Kroger Co.). This store was part of the Preston Square development, and was planned to be the most advanced design the chain had seen with "all metal shelves, electric-eye doors and the most modern lighting fixtures" (*Dallas Morning News*, 4 November 1951:9) (Figure 30).

McCammon designed the six-story Fredonia Hotel in Nacogdoches in 1953 in the International Style, which is a rarity in the area. The monolithic base is clad in red brick with a five-story tower comprised of horizontal ribbon windows. The building was held in high regard both by its investors and the general public. Not only did it appear "as modern as an atomic submarine," but it was viewed as being able to add prestige to any city in the world. For over a decade, the Hotel Fredonia was considered "the most successful community-owned hotel in the nation" ("200 N. Fredonia (Fredonia Hotel)") (Figure 31). Along with the various Dallas shopping centers, the Fredonia Hotel is a prime example of McCammon's ability to move skillfully through the transitioning trends of architecture – from the Classic Revival of the early twentieth century to the mid-century modern of the 1950's.

In 1958, McCammon designed the Nacogdoches County Courthouse, which was not designed like most courthouses. The low-slung ranch style building has a residential feel, with its expansive front porch facing a lawn. This informal courthouse fits well into the suburban look of 1950's America, and even features a chimney to further emphasize its residential appeal (Lane) (Figure 32).



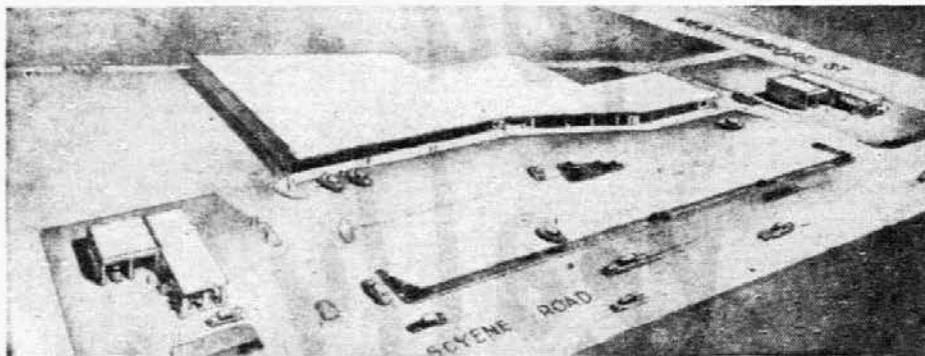
Figure 27. Image of Highland Park private residence designed by McCammon (Douglas Newby & Associates).



This is the architect's concept of the handsome, modern, office, service shop and warehouse building to be erected by Beard & Stone Electric Company, Inc. The tract,

on Live Oak between St. Joseph and Haskell, will include a large parking area.

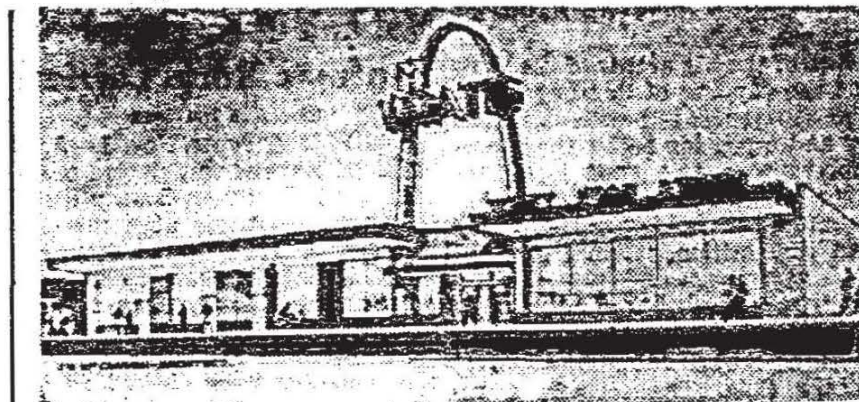
Figure 28. Conceptual design of the new Beard & Stone Electric Company building by McCammon (*Dallas Morning News*, 9 July 1950:8).



Architect J. N. McCammon drew this conception of how the Piedmont Shopping Center, now under construction, will look when completed.

Figure 29. Rendering of the Piedmont Shopping Center by McCammon (*Dallas Morning News*, 14 January 1951: 8).





Architect J. N. McCammon's drawing of the new Wyatt Food Store now under construction at Preston Square, new development at Luther Lane, Colgate and Preston Road. The new building, the chain's finest, will measure 120x200 feet. Cowdin Brothers are contractors. The building is expected to be completed by May.

Figure 30. Rendering of the new Wyatt Food Store by McCammon (*Dallas Morning News*, 4 November 1951:9).



Figure 31. Picture of the Fredonia Hotel by McCammon in 1911 ("200 N. Fredonia (Fredonia Hotel)").



Figure 32. Picture of the Nacogdoches County Courthouse by McCannon in 2009 (Lane).

#### ***Archibald C. Allen - Developer***

In 1916, Archibald C. Allen served as the First Assistant County Attorney (*Dallas Morning News*, 25 February 1916:6). In January 1917, Arch C. Allen was installed as prelate in the Coeur de Leon Lodge No. 8, Knights of Pythias (*Dallas Morning News*, 5 January 1917:13). When the United States entered World War I, Arch C. Allen began his military career. He served as a recruiting officer captain of the Dallas Artillery Battalion and was an artillery instructor at the officers' training school. In April 1918, Captain Arch C. Allen was promoted to major (*Dallas Morning News*, 24 April 1918:3). In July 1918, Major Arch C. Allen left for France with the One Hundred and Thirty-First and returned in March 1919 (*Fort Worth Star-Telegram*, 14 March 1919:3). In 1919, he also served as chairman of the Dallas District World War Veterans Association, and in December 1921 was made colonel of field artillery (*Dallas Morning News*, 4 December 1921:3).

"Major Arch C. Allen was engaged as Assistant Prosecuting Attorney for Dallas County by district Attorney J. Willis Pierson yesterday. Major Allen served as prosecutor during the administration of M. T. Lively, but resigned in 1917 to accept a commission in the 133d Field Artillery" (*Dallas Morning News*, 26 April 1919:9). In July 1920, Arch C. Allen was a candidate for County and Probate Judge (*Dallas Morning News*, 23 July 1920:10), and in December 1920, he succeeded Cecil L. Simpson as presiding Judge (*Dallas Morning News*, 1 December 1920:10).

On the morning of January 1, 1933, Arch C. Allen was injured as his car overturned in a ditch south of Plano, Texas. He suffered severe injuries to the head and died later that day:

The flag on the State Capitol at Austin will fly at half-mast in tribute. An artillery carriage will meet the funeral cortege from Dallas at the entrance to the cemetery and bear the body to the grave where Dallas



Masonic Lodge will hold a service. Three airplanes from Hensley Field will hover overhead while the ceremony is held at the cemetery. From Corsicana a section of Battery D of the 132d Field Artillery, Texas National Guard, consisting of a color guard, caisson and horses under the command of Capt. John J. Garner will go to Terrell early Wednesday to form a part of the military escort in funeral procession [*Dallas Morning News*, 4 January 1933:1].

| Table 2: Building Owners of 1700 Commerce                                                                            |                              |                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner Name                                                                                                           | Approximate date of purchase | Note/ Comment                                                                                                                                                 |
| Allen Investment Company                                                                                             | 11 October 1925              |                                                                                                                                                               |
| Allen Investment Company, later called Allen Building Company, under new ownership of Col. William E. Easterwood Jr. | 10 January 1933              | Building operations continued by Allen Building Company, which was formed when the property was foreclosed ( <i>Dallas Morning News</i> , 10 December 1933:1) |
| T.K. Irwin & T.F. Keasler                                                                                            | 23 January 1944              |                                                                                                                                                               |
| Insurance Company of Texas Group                                                                                     | 18 October 1953              |                                                                                                                                                               |
| National Bankers Life Insurance Company                                                                              | 28 July 1957                 | Longest known owner                                                                                                                                           |
| United Property Resources, Inc.                                                                                      | 31 January 1978              |                                                                                                                                                               |
| unknown investor group                                                                                               | 15 January 1980              | Buyers represented by Bunny Klein, president of Irving Klein & Co.                                                                                            |
| Boxer Property                                                                                                       | 1992                         |                                                                                                                                                               |
| NewcrestImage LLC                                                                                                    | 2014                         |                                                                                                                                                               |

#### ***Col. William E. Easterwood Jr. – Owner***

Col. William E. Easterwood Jr. as a Dallas businessman, philanthropist, and aviation enthusiast who wanted to increase aviation development within Dallas, which he considered his adopted hometown. He was born on November 5, 1883 in Wills Point, TX. He served as a private in the US Marine Corps during World War I, and was a captain by the time he was discharged. Easterwood made a name for himself in the chewing gum industry in the 1920's, and even saw multi-million dollar annual profits during the depression years.

Upon moving to Dallas, Easterwood served as the official greeter of the city and used his position as “goodwill ambassador” to bring attention to Dallas (Perez). He created the Easterwood Prize in 1927, in which competitors vied for the \$25,000 award for making the first one-stop flight from Paris to New York to Dallas (Bleakley) (Figure 33). As well as helping develop airports in various cities across the Southwest and holding memberships in numerous aviation associations, Easterwood served as the national vice commander of the American Legion in 1933. He was also the vice president of the US Marine Corps League for a time (Perez).

Easterwood was close friends with Arch Allen and the two had conducted several business deals together prior to the sale of the Allen Building in 1933 (*Dallas Morning News*, 10 January 1933: 1). Along with a few other business associates, Easterwood formed the Allen Building Company in late 1933, and the entity acquired ownership after the building was foreclosed on (*Dallas Morning News*, 10 December 1933: 1).

Easterwood was married to Mae Coker and the couple never had children. The two relocated to California in 1938 due to Easterwood's health complications. He passed away on August 26, 1940 from a heart attack. Easterwood was ultimately returned to his home town Dallas for burial (Perez).



Figure 33: Newspaper article announcing the Easterwood Prize for the first one-stop flight from Paris to Dallas (Bleakley).

#### **T. K. Irwin- Owner**

T. K. Irwin and wife Lucy M. Irwin had four sons: Ivan Irwin, T. K. Irwin, Jr., George W. Irwin, and Lee J. Irwin. T. K. Irwin was a Dallas attorney with an office at 611 Southwestern Life Building, who at the age of 35 announced his candidacy for Place No. 4 in the legislature (*Dallas Morning News*, 6 June 1922:9, 17 June 1922:3). T. K. Irwin defeated John McGinnis and assumed the Place No 4 seat, and the following year launched his campaign for Speaker of the House (*Dallas Morning News*, 5 August 1924:11). Supporters included former state senator T. H. McGregor, former United States Senator Joseph W. Bailey, and former legislator Dwight Lewelling (*Dallas Morning News*, 8 January 1925:2). In January 1925, the race for Speaker of the House between T. K. Irwin, Lee Satterwhite, and J. W. Hall was won by Lee Satterwhite of Amarillo (*Fort Worth Star-Telegram*, 14 January 1915:14).

In 1926, T. K. Irwin began a campaign for Attorney General of Texas. G. W. Barrington served as his campaign manager (*Dallas Morning News*, 25 March 1926:16). T. K. Irwin was not successful in his bid for Attorney General. In addition to political and law professions, T. K. Irwin was a banker, Vice President of the Oak Cliff-Dallas Commercial Association (*Fort Worth Star-Telegram*, 26 August 1930:4), and president of the Farm & City Mortgage Company that constructed 100 homes covering 20 blocks in Lakeland Terrace, near White Rock Lake (*Dallas Morning News*, 16 January 1938:5). Additional building developments by T. K. Irwin included the Redbird Addition (*Dallas Morning News*, 25 July 1955).



T. K. Irwin and all four of his sons practiced law and all were admitted to practice at the United States Supreme Court at the same time (*Dallas Morning News*, 20 May 1952:1) (Figure 34). Lucy M. Irwin passed away at the age of 58, the evening of December 21, 1946 (*Dallas Morning News*, 23 December 1946:3). T. K. Irwin died at the age of 79 on September 21, 1966. Funeral services were held at Dudley M. Hughes Funeral Chapel with burial at Restland Memorial Park (*Dallas Morning News*, 22 September 1966:4).



Figure 34. Photograph of T. K. Irwin and his sons after being admitted to practice before the United States Supreme Court (*Dallas Morning News*, 20 May 1952:1).

#### *Insurance Company of Texas Group (ICT) – Owner*

The president of the Insurance Company of Texas Group, Ben Jack Cage, announced the purchase of the then Irwin-Keasler building in 1953. The insurance group would use the building as its headquarters, occupying nine floors, and change the name of the building to the ICT Group Building. The acquisition of the building allowed the ICT Group to cancel plans for construction of a new office building. The building was appealing to the ICT Group for its modern conveniences such as air-conditioning, rewiring of electrical circuits, and a recently remodeled ground floor lobby (*Dallas Morning News*, 18 October 1953:9). In 1957, Mr. Cage was convicted of embezzling \$100,000 from the ICT Group but fled to Brazil to escape serving out his punishment. Texas Governor Connally signed extradition papers to have Cage brought back, and he received a 10-year prison sentence (“Texas Seeks to Extradite Ben Jack Cage From Brazil”).

*National Bankers Life Insurance – Owner*

Pierce Brooks launched the Pierce Brooks Insurance Service in 1938 in the Allen Building. After years of studying insurance trends and observing areas of deficiencies, Brooks dreamed of forming a new company. In only a matter of hours, Brooks raised enough money to start National Bankers Life Insurance in 1945, and the company leased the top floor of the ICT Building. After out-growing its office in the ICT Building, the insurance company relocated to a much larger building, which was also eventually out-grown. The next step was the purchase of the building in which Brooks began his successful career, and in January 1957, National Bankers Life Insurance bought the building at Commerce and Ervay and renamed it the National Bankers Life Building (*Dallas Morning News*, 28 July 1957:3) (Figure 35). National Bankers Life Insurance is the longest known owner of the 1700 Commerce building.

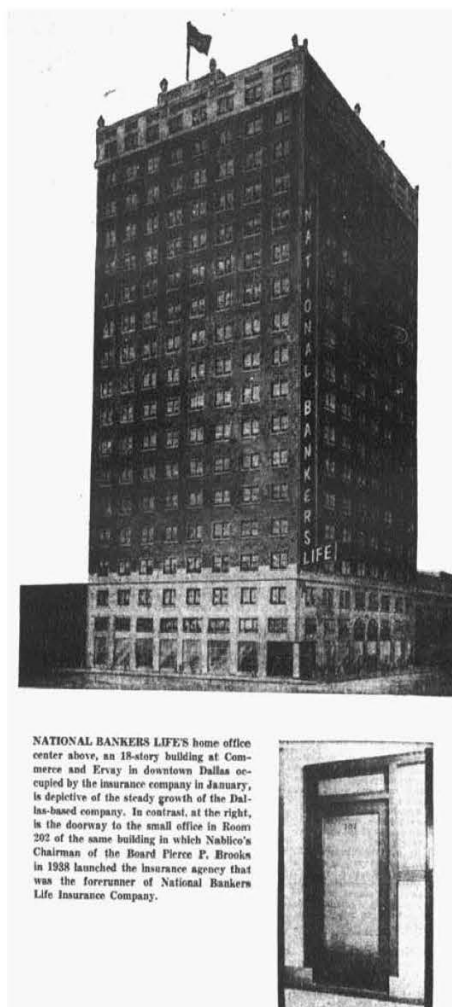


Figure 35. Photograph of the National Bankers Life Building from the 1957 newspaper article featuring Pierce Brooks' rise from humble entrepreneur to insurance magnate (*Dallas Morning News*, 28 July 1957:3).

*United Property Resources – Owner*

United Property Resources acquired the building at Commerce and Ervay, under the leadership of Harold Collum. Collum was a veteran Dallas realtor in commercial development, specializing in rehabilitating money-losing older buildings. United Property Resources used a unique marketing strategy for leasing the available space. The first tenant to lease a minimum of 20,000 square feet of space would have the building renamed in its behalf. The building was an attractive purchase due to the convenient location - offering quick and easy downtown access via the city's bus route. United Property Resources was able to make the building the most affordable when compared to other downtown Dallas lease spaces (*Dallas Morning News*, 28 January 1979:5N). Upon the purchase, United Property Resources had plans to completely renovate the building into "first-class space." Each floor was to be "gutted" and remodeled, including the penthouse space once used as an apartment by former owner T. K. Irwin (*Dallas Morning News*, 15 January 1980:24). The remodeling plans by United Property Resources were to be more extensive than just cosmetic. A new elevator system and an electronic security system were to be installed (*Dallas Morning News*, 31 January 1978:21). Harold Collum later turned his interest to the Asian markets. He founded Dallas-based Collum International, Inc. which focused on Hong Kong and other Southeast Asian countries ("Collum International, Inc.").

*NewcrestImage LLC – Owner*

NewcrestImage was formed in 1993 as a hotel-development, construction, and management firm in Irving, TX. It has received multiple awards for excellence in hospitality for projects across the state. NewcrestImage owns and operates more than a dozen hotels, with five properties currently under construction. The company just opened two hotels in Grapevine, and is converting a historic downtown New Orleans hotel into an urban-style AC Hotel for Marriott (Brown). NewcrestImage purchased the 1700 Commerce building in late 2014, with plans to renovate it into a hotel in 2015.

*Statement of Significance*

This building represents the move of the commercial high-rise district from west and central downtown eastward (*Dallas Morning News*, 25 January 1925:1) (Figure 8). As seen in the attached photos it was the easternmost high-rise commercial building when built and was primarily surrounded by one and two story commercial and residential structures. This building is representative of its era in architectural style and materials and remains mostly intact. It is listed as a contributing building to the Dallas Downtown National Register District. As is typical in the historic downtown district, the building has had some alterations to the façade, particularly new storefront windows. The original brick and limestone cladding and decorative elements remain intact and in good condition. The 1926 building sits at one of the most prominent intersections in downtown – across the street from Neiman Marcus' flagship store and down the street from the Main Street Garden. Its location lends itself to promoting more activity downtown, especially once it is converted to a hotel as was the original intention almost 100 years ago.



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### 15. Attachments

|                                                     |                                                      |
|-----------------------------------------------------|------------------------------------------------------|
| <i>District or Site Map</i>                         | <u>      </u> <i>Additional descriptive material</i> |
| <i>Site Plan</i>                                    | <u>      </u> <i>Footnotes</i>                       |
| <u>  X  </u> <i>Photos (historic &amp; current)</i> | <u>      </u> <i>Other:</i> _____                    |

### 16. Designation Criteria

  X   **History, heritage and culture:**

*Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.*

       **Historic event:** *Location of or association with the site of a significant historic event.*

       **Significant persons:** *Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.*

  X   **Architecture:** *Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.*

  X   **Architect or master builder:** *Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state or country.*

  X   **Historic context:** *Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.*

       **Unique visual feature:** *Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.*

       **Archeological:** *Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.*

  X   **National and state recognition:** *Eligible of or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.*

  X   **Historic education:** *Represents as era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.*



4-28-15

ORDINANCE NO. \_\_\_\_\_

An ordinance changing the zoning classification on the following property:

**[Property Description];**

by establishing Historic Overlay District No. 146 (Allen Building); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property described in this ordinance; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 146 [on the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.] [on the following property (“the Property”):]

**[Property Description]**

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit *[A or B]*.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

Z134-348(MD)

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**EXHIBIT [A or B]  
PRESERVATION CRITERIA  
ALLEN BUILDING  
1700 COMMERCE STREET**

**1. GENERAL.**

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
  - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
  - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
  - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
  - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1926 to 1953.

## **2. DEFINITIONS.**

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.5 DISTRICT means Historic Overlay District No. 146, the Allen Building Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.6 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.7 MAIN BUILDING means the Allen Building, as shown on Exhibit B.
- 2.8 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.9 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

## **3. BUILDING SITE AND LANDSCAPING.**

- 3.1 The main building is protected.

- 3.2 New sidewalks and walkways must be constructed of brick, brush finish concrete, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 3.3 Entry canopies are allowed if compatible and must be freestanding or attached.
- 3.4 Outdoor lighting must be appropriate and enhance the structure.

#### **4. FACADES.**

- 4.1 Protected facades.
  - a. The facades shown on Exhibit B are protected.
  - b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
  - c. Historic solid-to-void ratios of protected facades must be maintained.
  - d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
  - e. Brick, cast stone, and terra cotta on protected facades may not be painted, except that portions of the structure that had been painted before the effective date of this ordinance may remain painted.
  - f. Awnings are permitted on protected facades and must be compatible.
  - g. Reconstruction of awnings is allowed.
- 4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
- 4.3 Detailing must be restored wherever practical.
- 4.4 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.5 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before refinishing.
- 4.6 Aluminum siding, exterior insulation finish system (EIFS), and vinyl cladding are not permitted.



- 4.7 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.8 Exposing and restoring historic finish materials is recommended.
- 4.9 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

## **5. FENESTRATION AND OPENINGS.**

- 5.1 New street-level doors and windows must be compatible with historic doors and windows in materials, design, and detail, or must match the existing nonhistoric doors or windows. Historic storefronts may be restored if documentation is provided.
- 5.2 Wholesale replacement of windows and doors on floors two through 18 must express profile, muntin and mullion size, light configuration, and material to match the historic period. Replacement of individual windows may match existing nonhistoric windows.
- 5.3 Glass and glazing must match historic materials as much as practical. Insulated glazing may be added to existing units. Films and tinted or reflective glazings are not permitted on glass.
- 5.4 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled, the safety of life is threatened, or at retail storefronts to accommodate tenant needs.
- 5.5 Techniques to improve the energy efficiency of historic fenestration should follow the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

## **6. ROOFS.**

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: built-up and single-ply membrane.
- 6.3 Historic coping, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.

- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

## **7. EMBELLISHMENTS AND DETAILING.**

- 7.1 The following architectural elements are considered important features and are protected:

- 1. Limestone base cladding on Floors 1 through 3.
- 2. Decorative cornice at base of 4<sup>th</sup> Floor.
- 3. Limestone cladding on Floor 18.
- 4. Seven blue terra cotta insets with swag embellishments on north façade.
- 5. Six blue terra cotta insets with swag embellishments on west facade.
- 6. Three decorative cartouches on west facade.
- 7. Arched door openings on west facade.
- 8. Decorative balustrade on cornice.

## **8. NEW CONSTRUCTION AND ADDITIONS.**

- 8.1 Vertical additions to the roof are permitted. Vertical additions to the roof must be set back so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 8.2 Horizontal additions to the main building are permitted only in the areas shown on Exhibit B.
- 8.3 The color, details, form, materials, and general appearance of additions must be compatible with the existing historic structure.
- 8.4 Additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.
- 8.5 The height of new additions must not exceed the height of the historic structure.
- 8.6 Aluminum siding, exterior insulation finish system (EIFS), and vinyl cladding are not permitted.
- 8.7 New additions must be designed so that connections between new additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between

new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

**9. SIGNS.**

- 9.1 Signs may be erected if appropriate.
- 9.2 All signs must comply with the provisions of the Dallas City Code, as amended.
- 9.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

**10. ENFORCEMENT.**

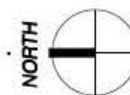
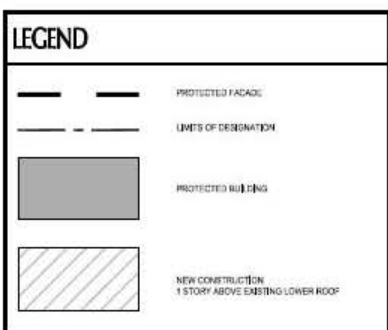
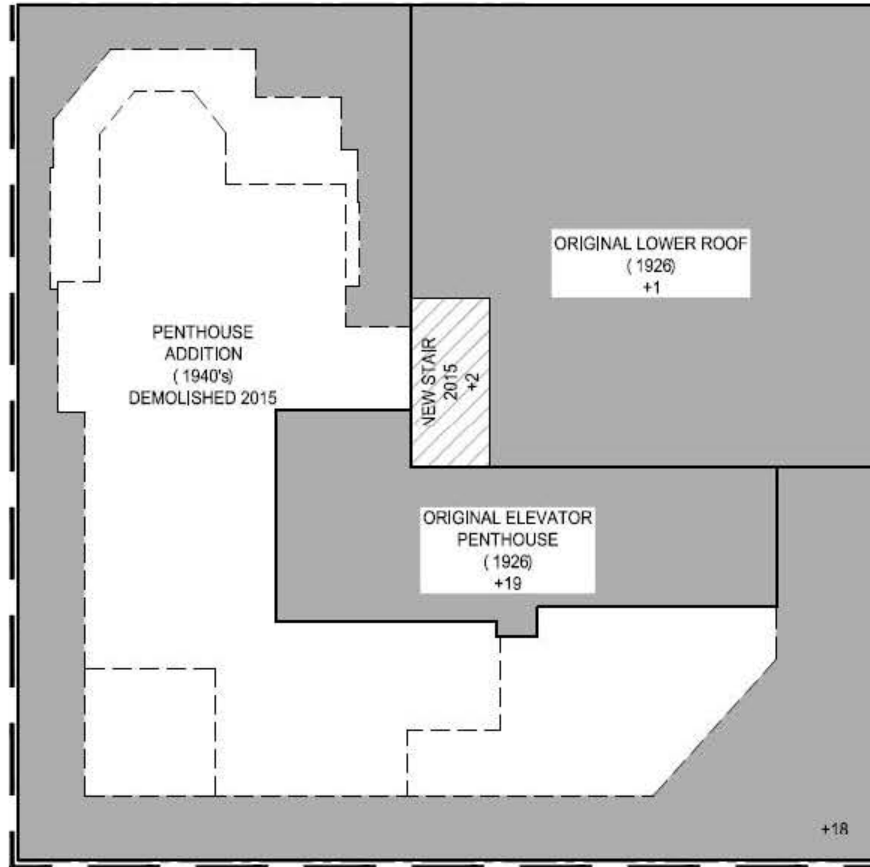
- 10.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 10.2 A person is criminally responsible for a violation of these preservation criteria if:
  - a. the person knowingly commits the violation or assists in the commission of the violation;
  - b. the person owns part or all of the property and knowingly allows the violation to exist;
  - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
  - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 10.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be

binding on future owners of the property. These restrictions are in addition to any fines imposed.

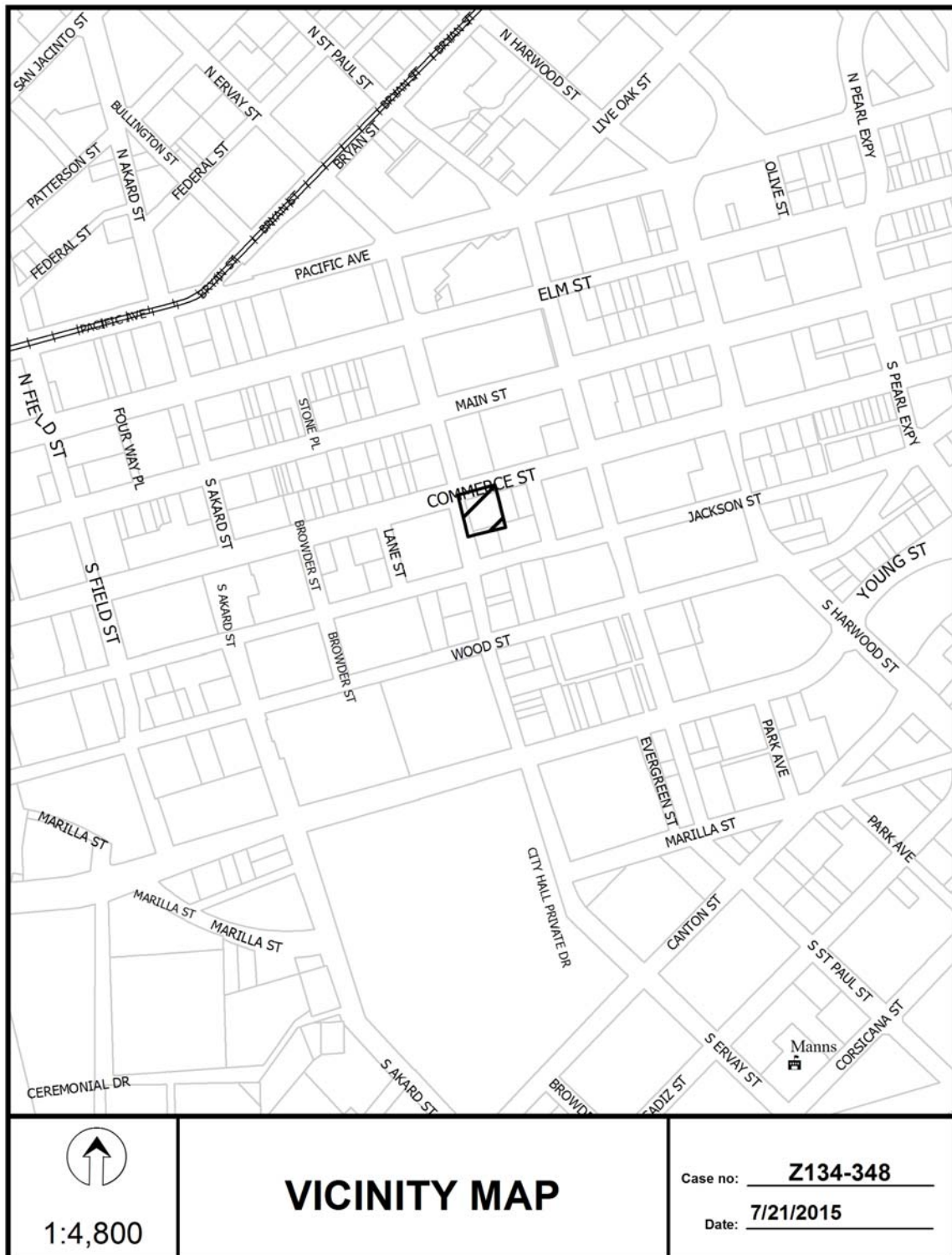
- 10.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

## EXHIBIT B

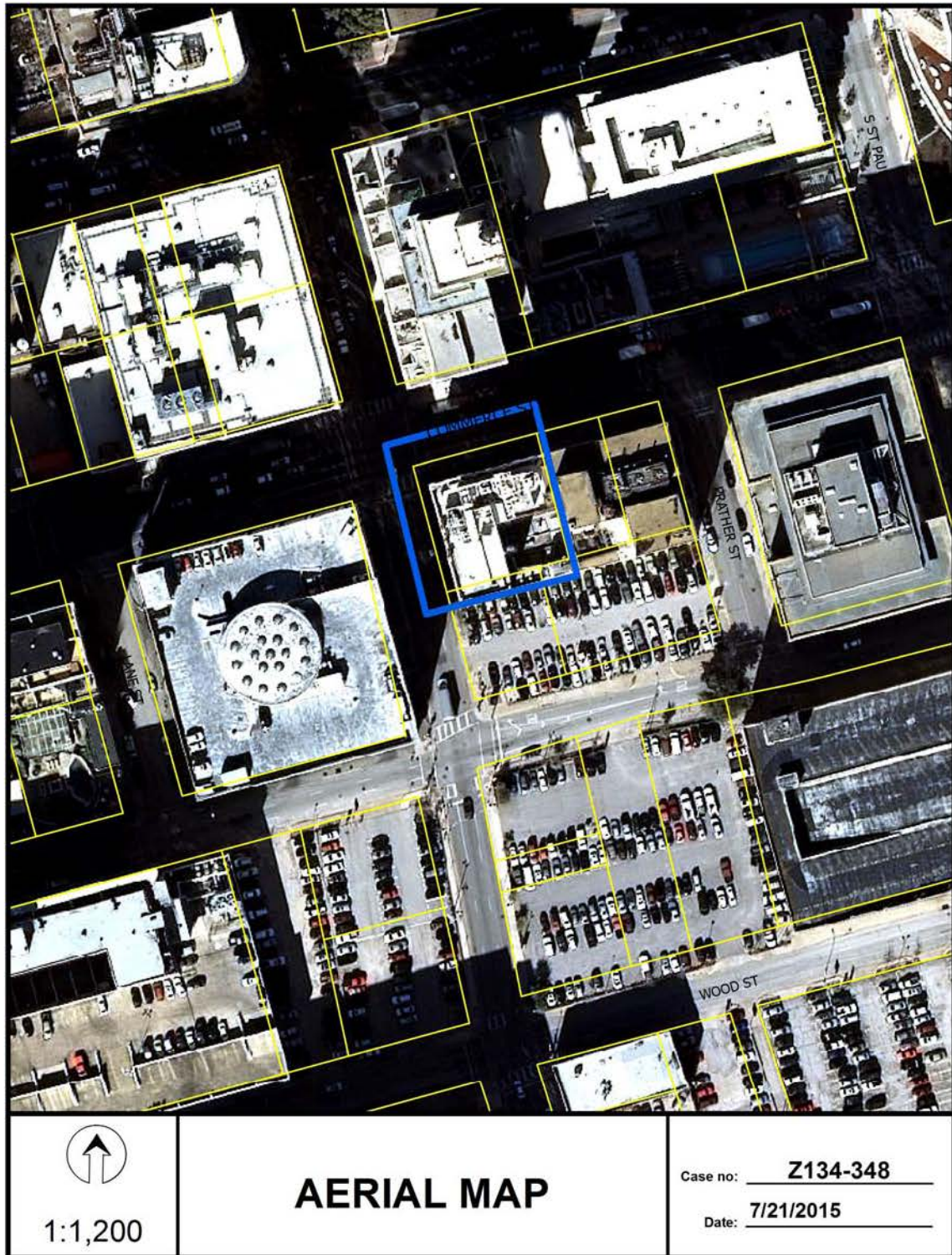
ALLEN BUILDING  
1700 COMMERCE STREET  
DALLAS, TX 75201

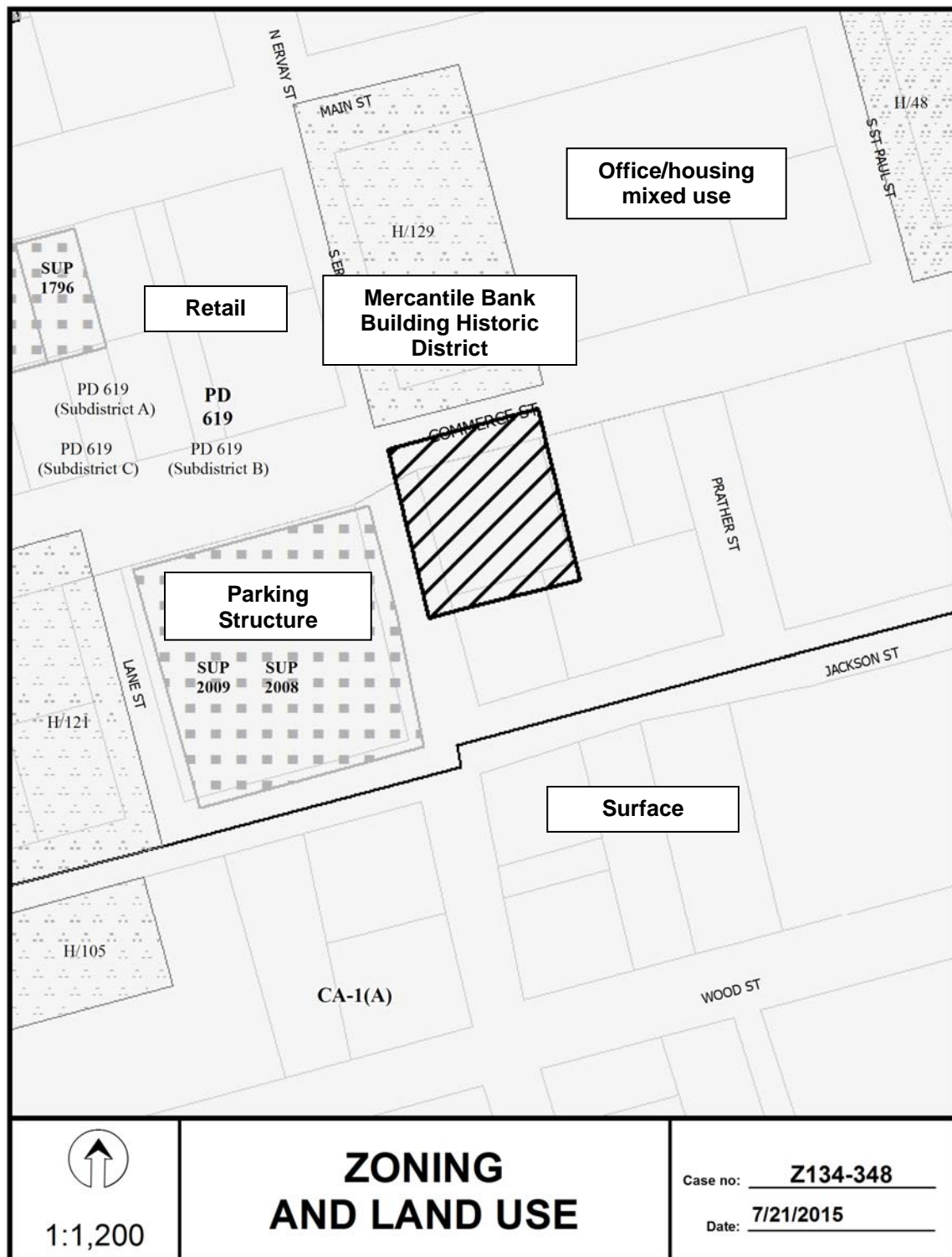


Z134-348(MD)









**CPC Responses**





08/05/2015

***Reply List of Property Owners******Z134-348******18 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>         |
|---------------------|-----------------------|-----------------------|-----------------------------|
|                     | 1                     | 1712 COMMERCE ST      | MERCANTILE DEVELOPMENT      |
|                     | 2                     | 208 ERVAY ST          | MERCANTILE DEVELOPMENT      |
|                     | 3                     | 1700 COMMERCE ST      | 1700 COMMERCE STREET LP     |
|                     | 4                     | 1603 COMMERCE ST      | NEIMAN MARCUS CO LESSEE     |
|                     | 5                     | 1607 COMMERCE ST      | ROGERS WILLIAM S ETAL       |
|                     | 6                     | 1609 COMMERCE ST      | NEIMAN MARCUS GROUP INC     |
| O                   | 7                     | 1600 COMMERCE ST      | DALPARK LAND LEASE LTD      |
|                     | 8                     | 1610 JACKSON ST       | 1610 JACKSON LLC            |
|                     | 9                     | 1808 MAIN ST          | FC MERC COMPLEX LP          |
|                     | 10                    | 1712 COMMERCE ST      | MERCANTILE DEVELOPMENT      |
|                     | 11                    | 1810 COMMERCE ST      | FC CONTINENTAL LANDLORD LLC |
|                     | 12                    | 1708 JACKSON ST       | RADER PARKING SYSTEM LP     |
|                     | 13                    | 302 ERVAY ST          | RADER PARKING SYSTEMS LP    |
|                     | 14                    | 1603 COMMERCE ST      | NEIMAN MARCUS CO            |
|                     | 15                    | 1622 MAIN ST          | NEIMAN MARCUS CO LESSEE     |
|                     | 16                    | 1618 MAIN ST          | THE NEIMAN MARCUS GROUP INC |
|                     | 17                    | 1800 MAIN ST          | FC MERC COMPLEX LP          |
|                     | 18                    | 1810 JACKSON ST       | 1810 JACKSON GARAGE LLC     |

**AGENDA ITEM # 33**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 38 N

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District and an R-7.5(A) Single Family District on the northeast side of Old Gate Lane, northwest of Diceman Drive

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z145-219(AF)





**FILE NUMBER:** Z145-219(AF) **DATE FILED:** March 23, 2015  
**LOCATION:** Northeast side of Old Gate Lane, northwest of Diceman Drive  
**COUNCIL DISTRICT:** 9 **MAPSCO:** 38N  
**SIZE OF REQUEST:** Approx. 3.21 acres **CENSUS TRACT:** 81.00

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**APPLICANT:** The Children's Center

**REPRESENTATIVE:** Rob Baldwin, Baldwin and Associates

**OWNER:** White Rock Methodist Church

**REQUEST:** An application for a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District and an R-7.5(A) Single Family District.

**SUMMARY:** Currently, White Rock Methodist Church occupies the site. It is the applicant's intention to operate a child-care facility within 11,902 square feet of the existing facility on the property. The applicant intends to serve children between the ages of 2.5 and 6 years old. The proposed child-care facility will operate from Monday through Friday, 7:00 a.m. to 6:00 p.m. The applicant will secure the facility with a perimeter fence and have prohibited any access to the site from the alley.

**CPC RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

# **GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The proposed child-care facility is compatible in height with the surrounding residential and institutional uses. The proposed child-care facility is intended to operate within 11,902 square feet of the existing facility on the property.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The child-care facility will provide a service to the neighborhood and is an appropriate use at this location.
3. *Not a detriment to the public health, safety, or general welfare* – This use will not be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards. No variances or special exceptions are requested.

**Zoning History:** There has been no zoning change requested in the area.

## **Thoroughfares/Streets:**

|                | Type  | Existing ROW | Proposed ROW |
|----------------|-------|--------------|--------------|
| Old Gate       | Local | 50 ft.       | 50 ft.       |
| Diceman Avenue | Local | 50 ft.       | 50 ft.       |

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed SUP will not have a negative impact on the surrounding street system.

**COMPREHENSIVE PLAN:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in a Residential Building Block. The request site is consistent with the Residential Building Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood “pocket parks” provide open space for families. Individual lot size, front yard and side yard setbacks, garage orientation and scale of the home varies from neighborhood to neighborhood. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cutthrough traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to park and-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement. A child-care facility is considered to be a service to the neighborhood and is a compatible use that can be easily integrated within a residential neighborhood.

#### **Land Use:**

|              | <b>Zoning</b> | <b>Land Use</b>           |
|--------------|---------------|---------------------------|
| <b>Site</b>  | R-7.5(A)      | Church                    |
| <b>North</b> | R-7.5(A)      | Church                    |
| <b>South</b> | R-7.5(A)      | Child Child-Care Facility |
| <b>East</b>  | R-7.5(A)      | Single Family             |
| <b>West</b>  | R-7.5(A)      | Single Family             |

#### **STAFF ANALYSIS:**

**Land Use Compatibility:** Six blocks north of the site is Garland Road which delineates where a mix of uses and higher density development is located. South of Garland Road is primarily comprised of single family residential homes and churches. The specific corner where the site is located is where Casa Linda Estate Neighborhood and Little Forest Hills Neighborhood intersect. Along the east side of Old Gate Lane and north of Diceman Drive, are St. Bernard of Clairvaux Catholic Church and the White Rock Methodist Church. Across the street, on the south side of Diceman Road is the Learning Tree Child Care Facility.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the

surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

**Parking:** Pursuant to §51A-4.200 of the Dallas Development Code, a child-care facility requires one off-street parking space for each 500 square feet of floor area. The applicant is proposing an 11,902 square foot child-care facility. The size of the proposed child-care facility would require 24 parking spaces. The parking requirement will be reviewed at the time of permitting and a parking agreement for alternate hours may be required due to the fact that a church is located on the same site.

|                         |
|-------------------------|
| <b>LIST OF OFFICERS</b> |
|-------------------------|

White Rock United Methodist Church

Jeb Honeyman, Lay Leader / Chair  
John Stanford, Trustees Representative  
Kevin Vowell, Trustees Representative  
Leah Bouas, Staff-Parish Representative  
John Burnett, Staff-Parish Representative  
Mike Nurre, Finance Representative  
Sharon Johnson, Finance Representative  
Bruce Anton, Foundation Representative  
Leila James, UMW President / At Large Representative  
Mitchell Boone, Pastor  
Neil Moseley, Ex Officio

The Children's Center

Shashin Shah, President  
Barry Bowens, Vice-President  
Mike Edge, Treasurer  
Cortney Bonner, Secretary  
Erich Kirk, member  
Sara Wahl, member  
Briana Gonzalez, member  
Lawra Duy, member

Z145-219(AF)

**CPC Action – August 6, 2015**

**Z145-219(AF)**

Planner: Aldo Fritz

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-10(A) Single Family District and an R-7.5(A) Single Family District on the northeast side of Old Gate Lane, northwest of Diceman Drive.

Maker: Emmons  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Rodgers  
Vacancy: 1 - District 4

**Notices:** Area: 300      Mailed: 46  
**Replies:** For: 3      Against: 2

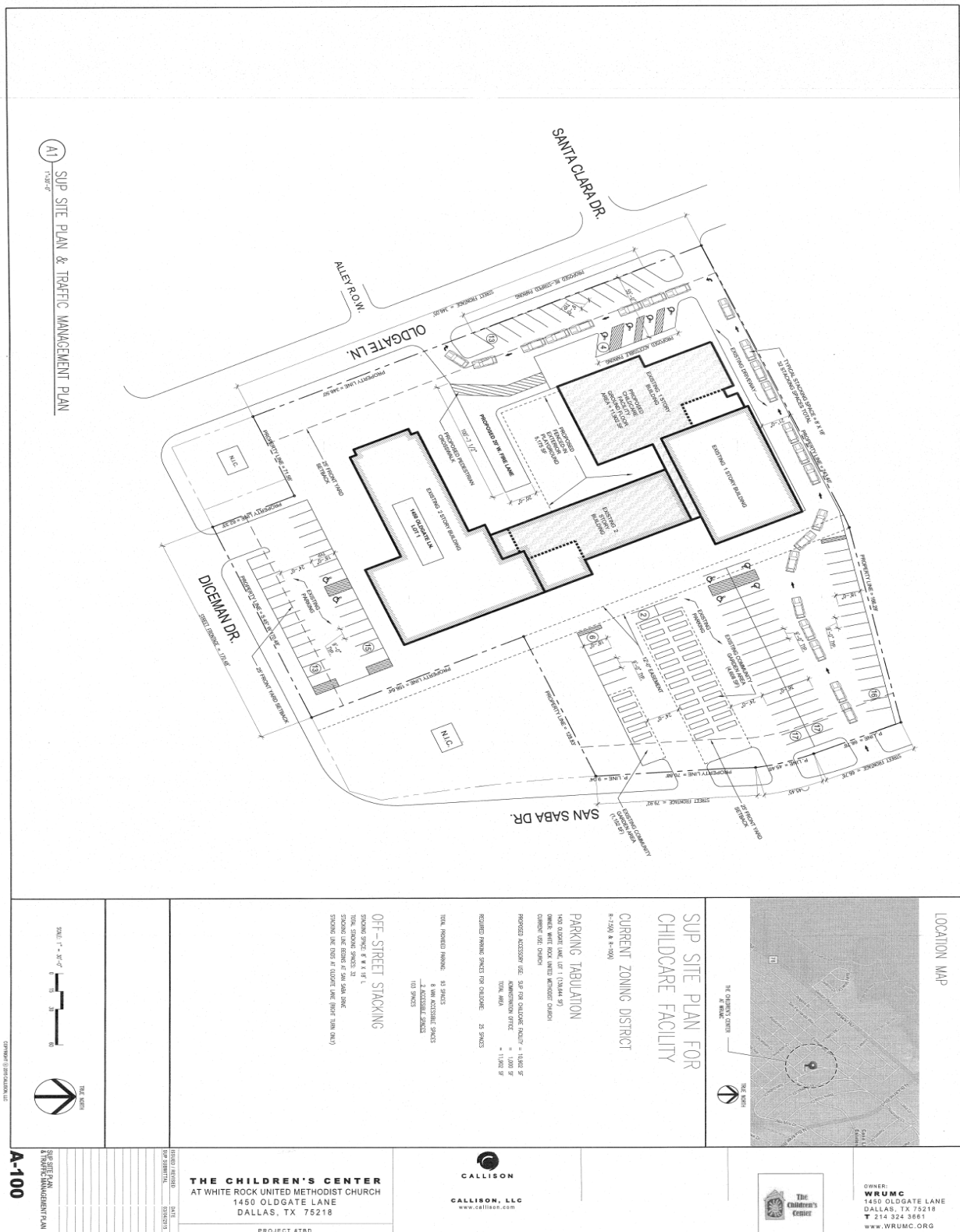
**Speakers:** None



|                                |
|--------------------------------|
| <b>PROPOSED SUP CONDITIONS</b> |
|--------------------------------|

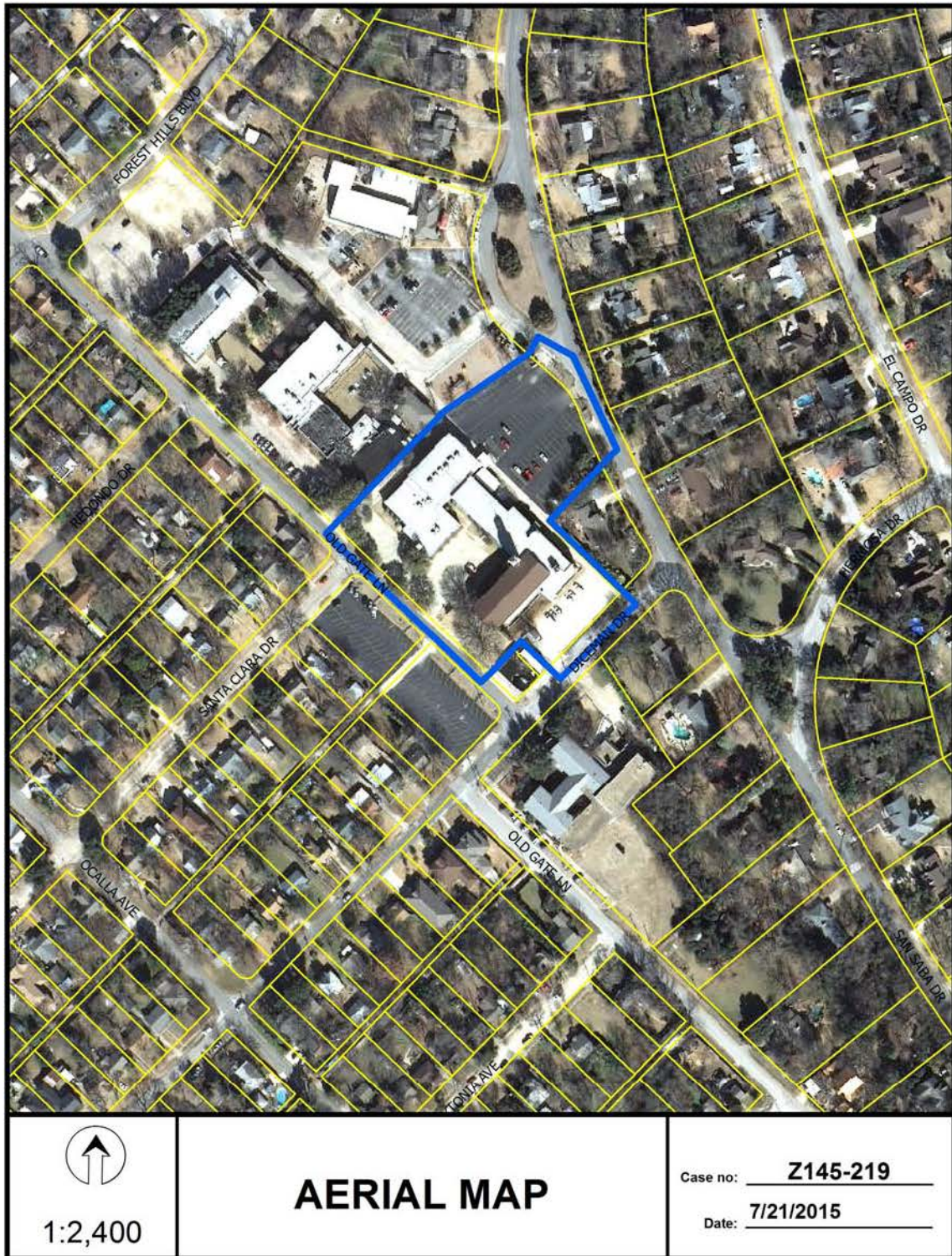
1. USE: The only use authorized by this Specific Use Permit is a child-care facility.
2. SITE PLAN: Use and development of the Property is limited to the areas denoted and must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_ (five years), but is eligible for automatic renewals for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner or operator of the private school must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.
4. FENCING: The outdoor play area must be enclosed by a minimum four-foot-high fence in the location shown on the attached site plan.
5. HOURS OF OPERATION: The child-care facility may only operate between 7:00 a.m. and 6:00 p.m., Monday through Friday.
6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance
8. PARKING: The property must comply with the regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulation, and with all ordinances, rules, and regulations of the City of Dallas.

## PROPOSED SITE PLAN

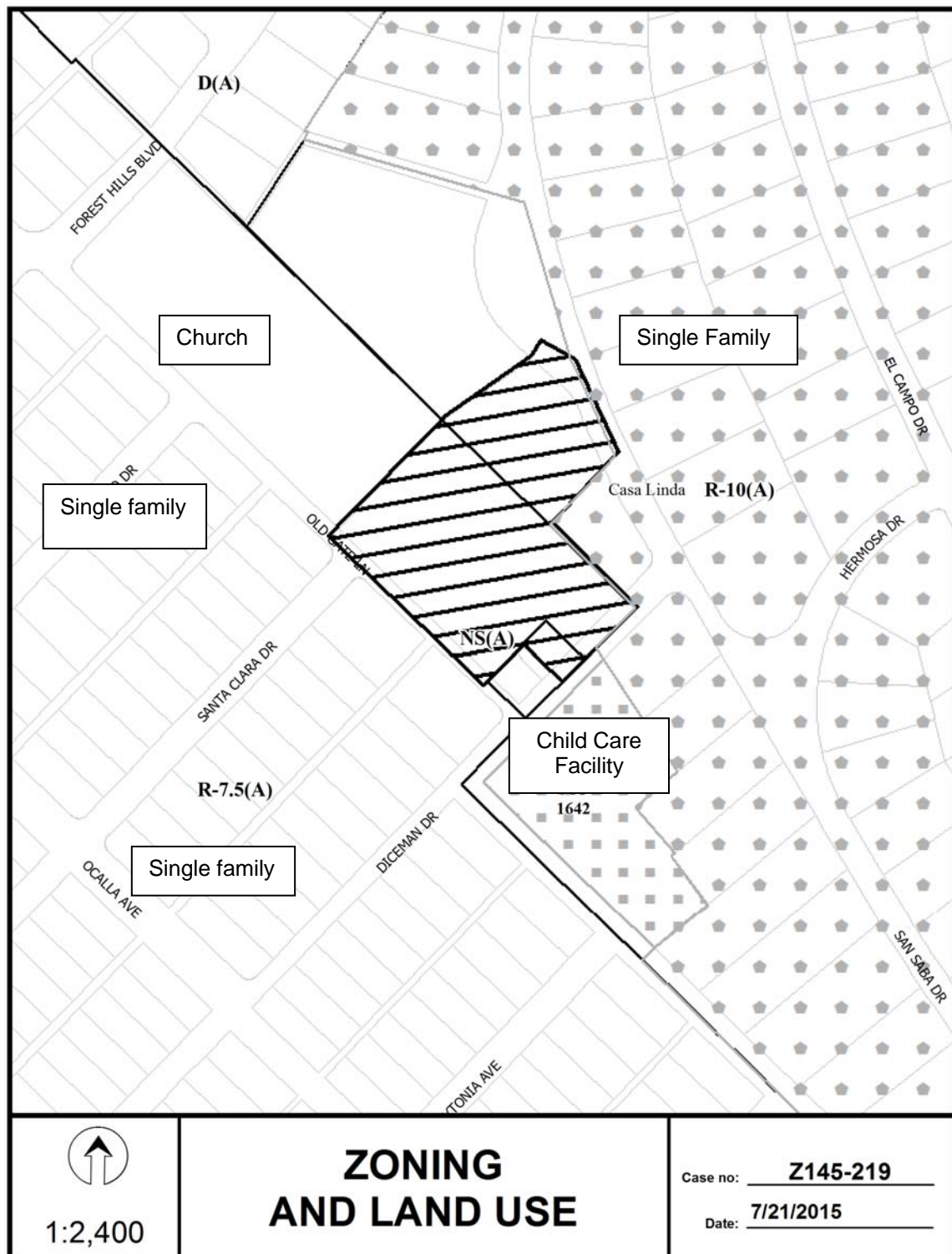












## CPC Responses





08/05/2015

***Reply List of Property Owners******Z145-219******46 Property Owners Notified      3 Property Owners in Favor      2 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>       |
|---------------------|-----------------------|-----------------------|---------------------------|
|                     | 1                     | 1445 SAN SABA DR      | JELLEN JASON              |
|                     | 2                     | 1423 SAN SABA DR      | ROMAN CATH DIOCESE DALLAS |
|                     | 3                     | 1450 OLDGATE LN       | WHITE ROCK METHODIST CH   |
|                     | 4                     | 9030 DICEMAN DR       | SMAARDYK SARAH &          |
|                     | 5                     | 9034 DICEMAN DR       | FUDGE JAMES DURHAM &      |
|                     | 6                     | 9046 REDONDO DR       | HURN KATHRYN MARIE        |
|                     | 7                     | 9042 REDONDO DR       | HOWARD JOEY L &           |
|                     | 8                     | 9038 REDONDO DR       | BASS BURGUNDY SUE         |
|                     | 9                     | 9034 REDONDO DR       | DAVIDSON LARRY            |
|                     | 10                    | 9028 REDONDO DR       | MCCOY GARY RANDEL         |
|                     | 11                    | 9047 SANTA CLARA DR   | HELMS PAULA               |
|                     | 12                    | 9043 SANTA CLARA DR   | FREYER TIMOTHY C &        |
|                     | 13                    | 9039 SANTA CLARA DR   | KAM CAROL M               |
| O                   | 14                    | 9035 SANTA CLARA DR   | YOUNGBLOOD GARY K & TR    |
|                     | 15                    | 9029 SANTA CLARA DR   | KILLINGSWORTH KIMBERLY S  |
|                     | 16                    | 9025 SANTA CLARA DR   | RANEY WILLIAM J & EMILY L |
|                     | 17                    | 9044 SANTA CLARA DR   | WHITE ROCK METHODIST CHUR |
| X                   | 18                    | 9038 SANTA CLARA DR   | RASH MARJORIE L &         |
|                     | 19                    | 9034 SANTA CLARA DR   | HEINEMAN LEE ANN          |
|                     | 20                    | 9028 SANTA CLARA DR   | WETZEL VIRGINIA D BIRD    |
|                     | 21                    | 9024 SANTA CLARA DR   | MONROE JOWANNA            |
|                     | 22                    | 9035 DICEMAN DR       | SELF DAVID & DEBORAH H    |
|                     | 23                    | 9029 DICEMAN DR       | WATT NEILL H              |
|                     | 24                    | 9023 DICEMAN DR       | HARGROVE RICHARD D        |
|                     | 25                    | 9105 DICEMAN DR       | JEHLE STEPHANIE           |
|                     | 26                    | 9103 DICEMAN DR       | WHITE ROCK UNITED         |
|                     | 27                    | 1419 SAN SABA DR      | GANTER FAMILY TRUST       |
|                     | 28                    | 1600 OLDGATE LN       | ALLEN CHUCK M & LORI M    |
|                     | 29                    | 1503 SAN SABA DR      | GAROUTTE NANCY ALICE      |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                      |
|--------------|----------------|------------------|-----------------------------------|
|              | 30             | 1507 SAN SABA DR | PETERS JULIA M                    |
|              | 31             | 1511 SAN SABA DR | VAN PELT BARBARA                  |
|              | 32             | 1441 EL CAMPO DR | HUGHES JAMES F & KELLY D          |
|              | 33             | 1446 SAN SABA DR | GLICK MICHAEL A                   |
|              | 34             | 1440 SAN SABA DR | HOOD WILLIAM C &                  |
|              | 35             | 1436 SAN SABA DR | HOFFMAN DAVID M & CAMERON ABIGAIL |
|              | 36             | 1432 SAN SABA DR | SILVERS STACY K & JENNA F         |
|              | 37             | 1428 SAN SABA DR | YOUNG BETH L                      |
| O            | 38             | 1424 SAN SABA DR | DELEON TERESA RENE                |
| O            | 39             | 1420 SAN SABA DR | PADDEN AIMEE J                    |
|              | 40             | 1416 SAN SABA DR | FOSS TINA LOUISE                  |
|              | 41             | 1421 EL CAMPO DR | SCHMALZER DANIEL J                |
|              | 42             | 1425 EL CAMPO DR | SAWYER STEPHEN TYLER &            |
|              | 43             | 1429 EL CAMPO DR | HUBBARD JERRY C                   |
|              | 44             | 1433 EL CAMPO DR | CARTWRIGHT BRET M &               |
|              | 45             | 1437 EL CAMPO DR | BURT KEVIN & LO ANN QUINN         |
| X            | 46             | 9039 DICEMAN DR  | WEGREN JANNA                      |

**AGENDA ITEM # 34**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 46 W

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an IM Industrial Manufacturing District on the southwest side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard

Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions

Z145-261(WE)



**ACM: Ryan S. Evans**

**FILE NUMBER:** Z145-261(WE) **DATE FILED:** May 11, 2015

**LOCATION:** Southwest side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard

**COUNCIL DISTRICT:** 7 **MAPSCO:** 46W

**SIZE OF REQUEST:** Approx. 3.1887 acres **CENSUS TRACT:** 34.00

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**APPLICANT:** Gold Auto Parts Recyclers

**REPRESENTATIVE:** Robert Miklos, Miklos Law, PLLC

**OWNER:** Recycling Properties, LP

**REQUEST:** An application for a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an IM Industrial Manufacturing District.

**SUMMARY:** The purpose of the Specific Use Permit will allow the applicant to use a portion of an existing one story, 66,968 square foot warehouse building for a recycling buy-back center. The center collects primarily household and industrial metals. The recycling buy-back center is approximately 4,270 square feet and is located in the northwest quadrant of the site.

On October 10, 2012, the City Council approved a Specific Use Permit for this use on this site. The Development Code limits the maximum time period for the recycling buy-back center for household metals and industrial metals to a two-year period.

**CPC RECOMMENDATION:** **Approval** for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a two-year period, subject to a site plan and conditions.

## **GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

Staff recommends approval, subject to the site plan and conditions are based upon:

1. *Compatibility with surrounding uses and community facilities* – The use does not impact the surrounding uses negatively from a land use perspective. The request site is located in an area where the underlying zoning provides a variety of industrial type uses. In addition, the Development Code requires additional provisions for this use in order to mitigate any impact the use may have on the adjacent properties. These provisions include restricting the floor area to a maximum of 1,000 square feet, removing the materials from the site at least once a week or before reaching capacity and limiting one recycling use on a building site. In addition, the Dallas Police Department requires a license to operate a recycling buy-back center as well as monitors the site.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – This request neither contributes to nor is a detriment to the welfare of adjacent property. The proposed SUP, if approved by the CPC and City Council, will have conditions that are associated with the use to mitigate any potential conflicts.
3. *Not a detriment to the public health, safety, or general welfare* – The use is not has not been a detriment. The Specific Use Permit conditions are an additional layer of regulatory requirements the owner will have to comply with when operating the business.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards.

**Zoning History:** There have been two recent zoning cases in the area over the past 5 years.

1. Z101-277 On December 10, 2012, the City Council approved an amendment to Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District

2. Z134-196 On August 13, 2014, the City Council approved an RS-MU(E) Regional Service Mixed Use Enhanced Subdistrict on property zoned an RS-MU Regional Service Mixed Use Subdistrict, Tract 2 within Planned Development District No. 595, the South Dallas / Fair Park Special Purpose District



**COMPREHENSIVE PLAN:** The Comprehensive Plan does not make a specific land use recommendation related to the request; however, the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Plan identifies the request site being within an Urban Mixed Use Building Block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

Even though the applicant's proposal at this area for a Specific Use Permit for a recycling buy-back center for household metals and industrial metals is within an Urban Mixed Use Building Block, the underlying zoning is an Industrial District. The code requirement that the SUP for this be limited to two years allows continuous re-evaluation of the compatibility with the surrounding area.

## **LAND USE**

### **GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT**

Policy 1.4.3 Embrace environmental sustainability

## **ENVIRONMENT USE**

### **GOAL 6.6 INCREASE RECYCLING AND CONSERVATION OF RENEWABLE RESOURCES**

Policy 6.6.1 Increase recycling and composting

**Land Use:**

|                  | <b>Zoning</b>        | <b>Land Use</b>                                  |
|------------------|----------------------|--------------------------------------------------|
| <b>Site</b>      | IM                   | Warehouse, Recycle buy back center               |
| <b>Northeast</b> | PDD 595 -CC, MF-2(A) | Restaurant, Undeveloped lots, Vacant multifamily |
| <b>Southeast</b> | IM                   | Industrial (inside)                              |
| <b>Northwest</b> | PDD 595 - RS-MU      | Commercial, Scattered undeveloped land           |
| <b>Southwest</b> | IM                   | Industrial                                       |

**Land Use Compatibility:** The 3.18 acre site is developed with a 66,968 square foot structure. The majority of the building is used as a warehouse for new and used auto parts. The proposed recycling buy-back center occupies approximately 4,270 square feet of floor area in the northwest quadrant of the building. The applicant's hours of operation are between 7:00 a.m. and 7:00 p.m. Monday through Sunday.

In addition, the development code requires specific requirements in which a recycling buy-back center must comply with during their operations: Such provisions include:

- The floor are of this use may not exceed 10,000 square feet of floor area. The applicant is proposing to use 4,270 square feet of floor.
- Materials stored at this use must be removed at least once a week or before reaching capacity.
- No more than one recycling use is permitted on a building site.
- This use must be located at least 1,000 feet from another recycling use. There is no other recycling buy back center within 1,000 feet of this site.

The request site is located within an industrial area and surrounded by warehouse and industrial uses. Properties north of the site, across South Lamar Street consist of a mix of restaurant and commercial uses. There are also several vacant lots that are dispersed on South Lamar Street. The closest driveway approach to drop-off the various household and industrial metals is located on South Lamar Street near Pennsylvania Avenue.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the

welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

### **Development Standards:**

| DISTRICT                       | SETBACKS           |                                                  | Density                                              | Height            | Lot Coverage | Special Standards                      | PRIMARY Uses                                                             |
|--------------------------------|--------------------|--------------------------------------------------|------------------------------------------------------|-------------------|--------------|----------------------------------------|--------------------------------------------------------------------------|
|                                | Front              | Side/Rear                                        |                                                      |                   |              |                                        |                                                                          |
| IM<br>Industrial manufacturing | 15'<br>0' on minor | 30' adjacent to residential<br>OTHER:<br>No Min. | 2.0 FAR overall<br>0.75 office/ retail<br>0.5 retail | 110'<br>8 stories | 80%          | Proximity<br>Slope Visual<br>Intrusion | Industrial, wholesale distribution & storage, supporting office & retail |

**Landscaping:** The request site is located within an existing structure and the landscaping requirements will not be triggered

### **Thoroughfares/Streets:**

| Thoroughfare/Street | Type  | Existing ROW | Proposed ROW |
|---------------------|-------|--------------|--------------|
| South Lamar Street  | Local | 60 ft.       | 60 ft.       |

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

**Police Department:** The Dallas Police Department will monitor the proposed site and determine if the applicant is in compliance with Chapter 40B in operating the proposed recycling buy-back center. The Dallas Police Department requires a license for a recycling buy-back center. The applicant has provided a copy of the license for the "Secondary Metal Business. The license was issued on October 2014 and will expire in October 2015. The applicant will have to file for a new license in October 2015.

**Parking:** A recycling buy-back center does not require any off-street parking, however, the applicant has dedicated 9 spaces that are located on the northeast quadrant of the building. The remaining 86 parking spaces that are shown on the site plan are designated for the warehouse use.

**CPC Action – August 6, 2015**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a recycling buy-back center for household metals and industrial metals for a two-year period, subject to a site plan and revised conditions on property zoned an IM Industrial Manufacturing District on the southwest side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard.

Maker: Emmons  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon,  
Bagley, Lavallaisaa, Tarpley, Shellene, Schultz,  
Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Rodgers  
Vacancy: 1 - District 4

|                 |           |            |
|-----------------|-----------|------------|
| <b>Notices:</b> | Area: 300 | Mailed: 39 |
| <b>Replies:</b> | For: 0    | Against: 2 |

**Speakers:** None

|                         |
|-------------------------|
| <b>LIST OF OFFICERS</b> |
|-------------------------|

- Jerome Amman – Managing Partner on site
- Neil Goldberg – Partner
- Kenny Goldberg - Partner

|                                       |
|---------------------------------------|
| <b>CPC RECOMMENDED SUP CONDITIONS</b> |
|---------------------------------------|

1. USE: The use authorized by this specific use permit is a recycling buy-back center for the collection of household and industrial metals. No other materials may be collected or recycled.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_(two years from the passage of this ordinance).

4. GATE: The two double swing gates adjacent to Lamer Street, shown on the attached site plan, must remain open during hours of operation.

5. FLOOR AREA: A maximum of 4,270 square feet.

5. HOURS OF OPERATION: The recycling buy-back center may only operate between 7:00 a.m. and 7:00 p.m., Monday through Sunday.

6. INGRESS/ EGRESS: Ingress and egress must be provided in the location on the attached site plan. No other ingress or egress is permitted.

7. LICENSE: The Operator must maintain a secondary metal recycler's license in accordance with Chapter 40B of the Dallas City Code.

8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

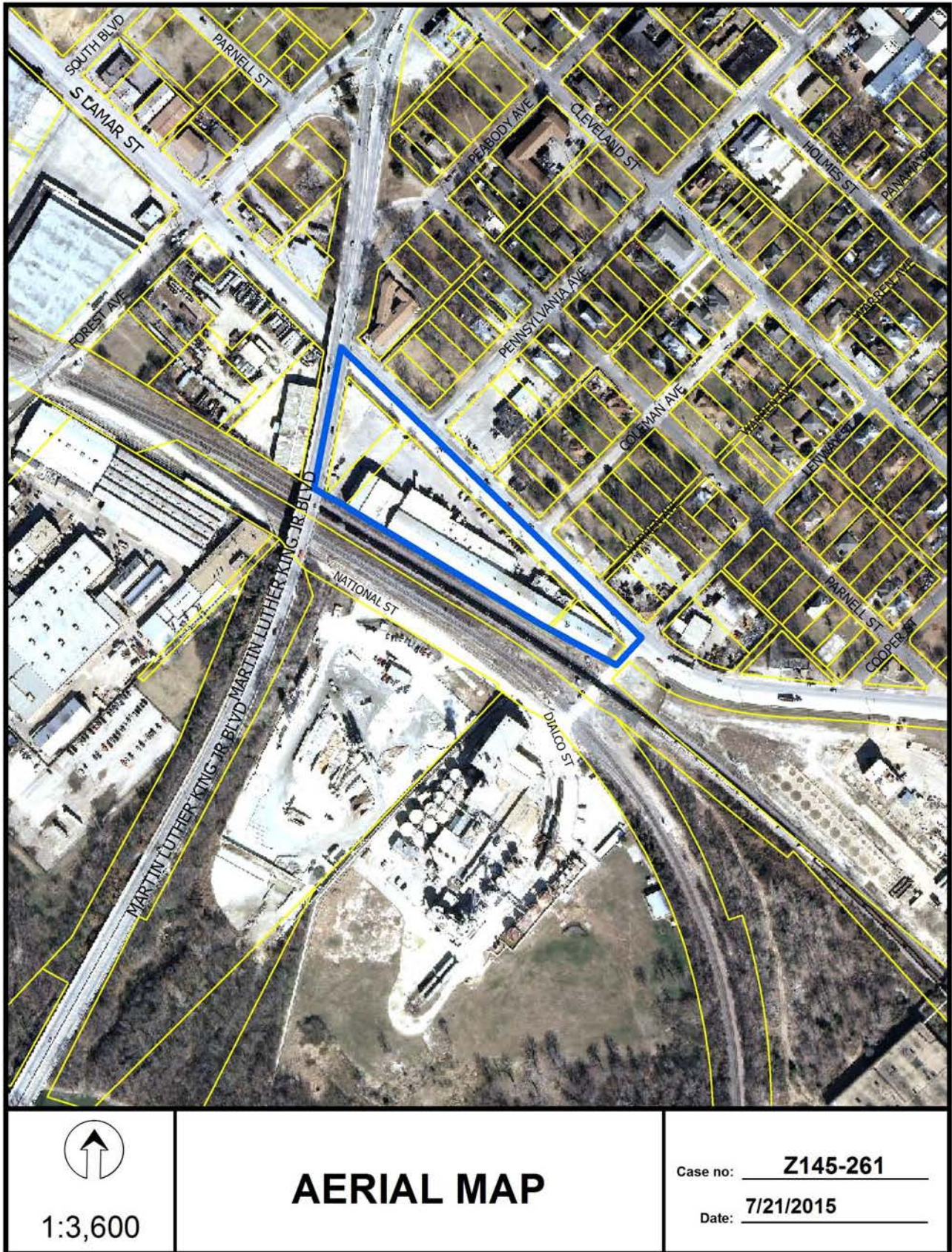
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



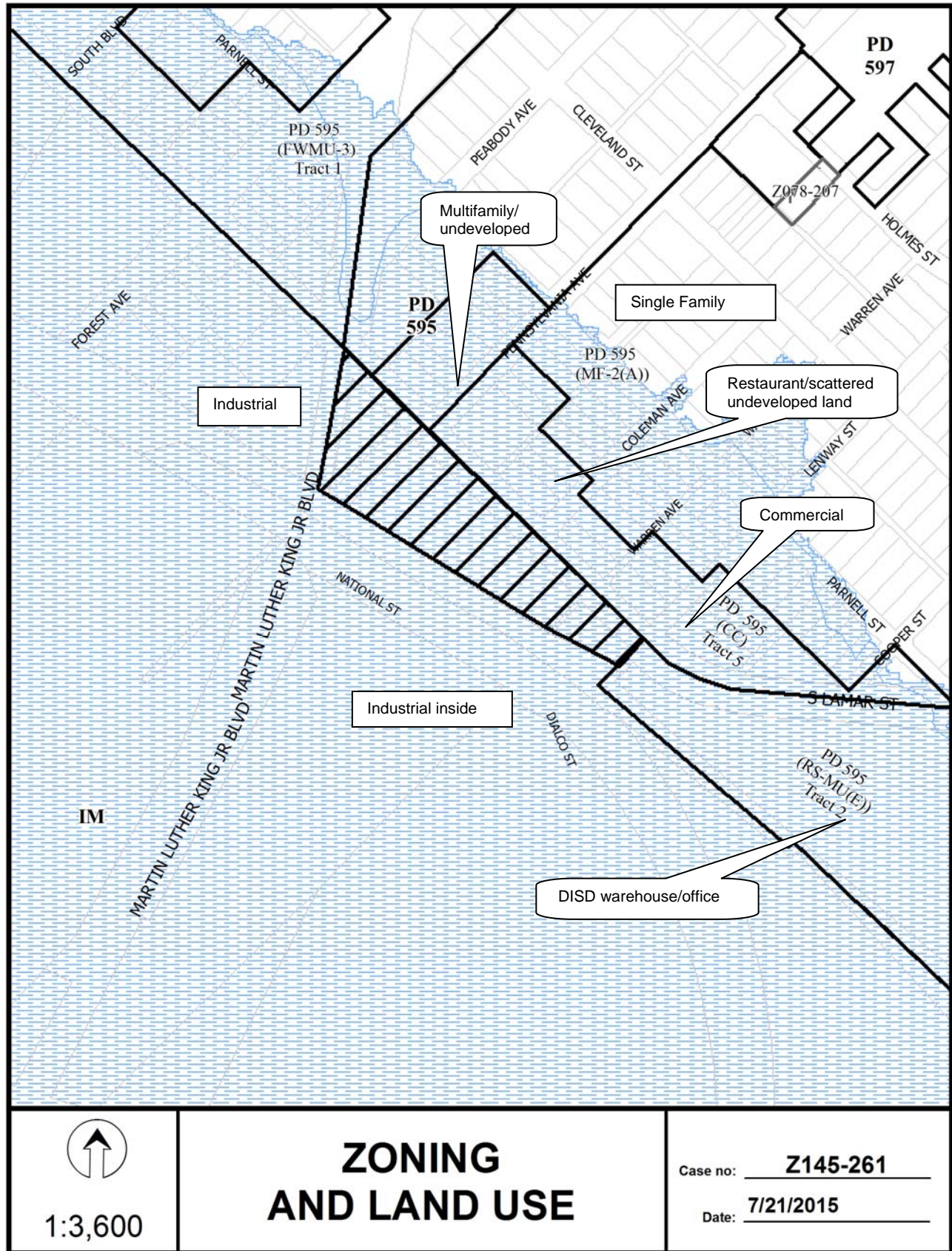




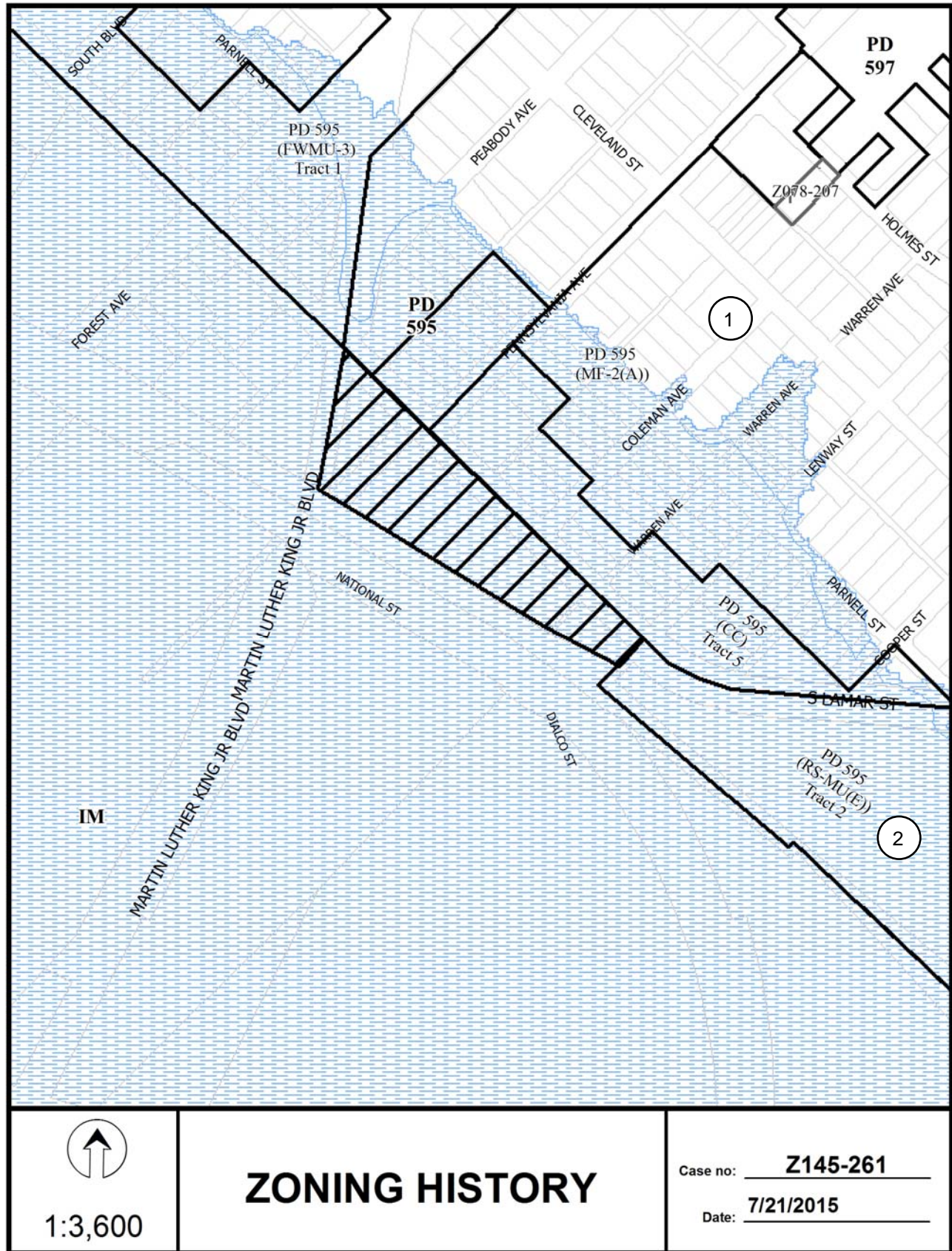






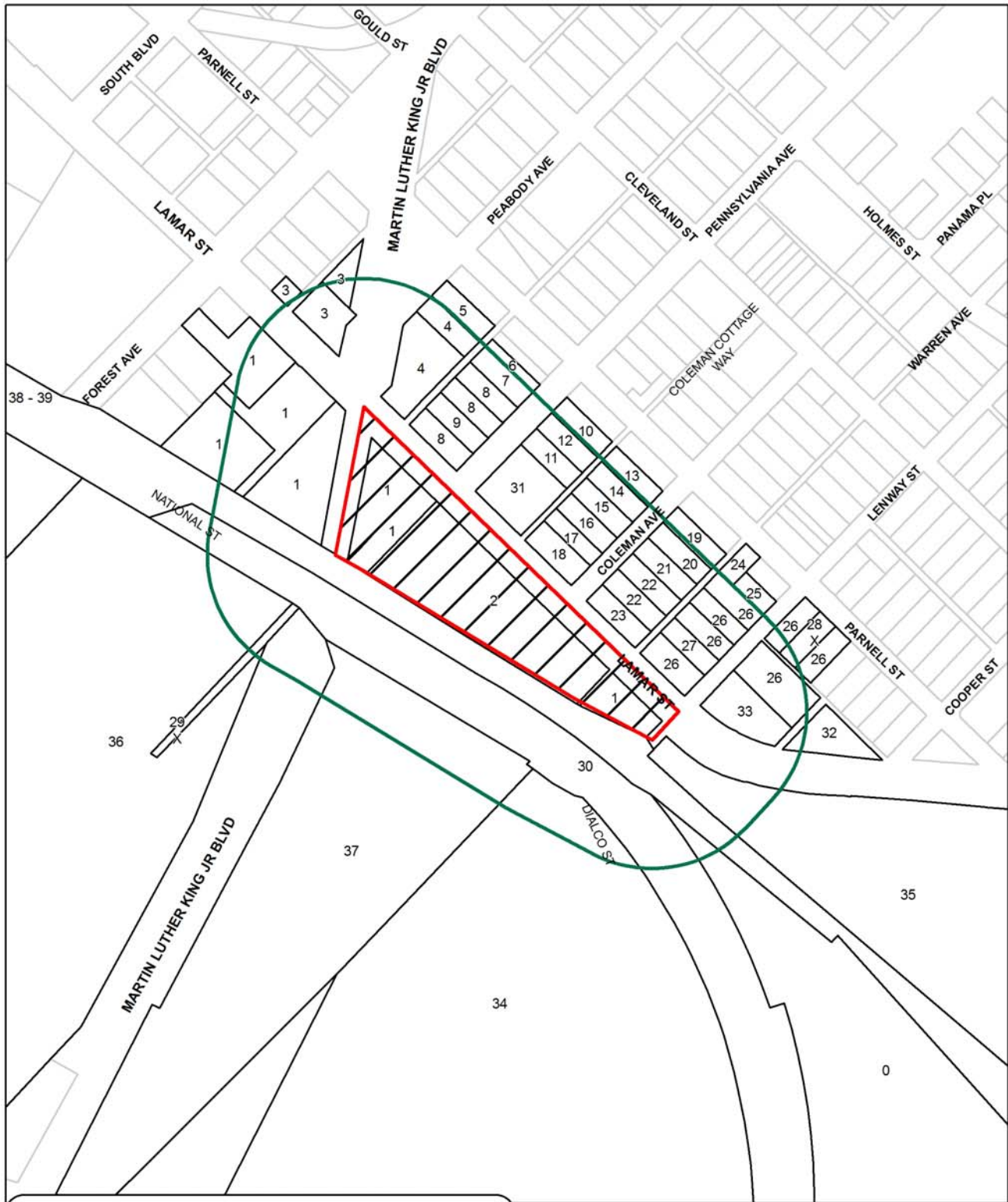








**CPC RESPONSES**



|                 |                                       |
|-----------------|---------------------------------------|
| <u>39</u>       | Property Owners Notified (57 parcels) |
| <u>0</u>        | Replies in Favor (0 parcels)          |
| <u>2</u>        | Replies in Opposition (2 parcels)     |
| <u>300'</u>     | Area of Notification                  |
| <u>8/6/2015</u> | Date                                  |

**Z145-261**  
**CPC**



1:3,600



## ***Notification List of Property Owners***

***Z145-261***

***39 Property Owners Notified    0 Property Owners in Favor    2 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>            |
|---------------------|-----------------------|-----------------------|--------------------------------|
|                     | 1                     | 3113 LAMAR ST         | RECYCLING PROP LP              |
|                     | 2                     | 3301 LAMAR ST         | RECYCLING PROP LP              |
|                     | 3                     | 3008 LAMAR ST         | FOREST HEIGHTS NEIGHBORHOOD    |
|                     | 4                     | 3100 LAMAR ST         | FITZHUGH DEVELOPMENT GROUP LLC |
|                     | 5                     | 1216 PEABODY AVE      | DELGADO ORLANDO                |
|                     | 6                     | 1219 PENNSYLVANIA AVE | RATCLIFF KACHARRA              |
|                     | 7                     | 1217 PENNSYLVANIA AVE | FOSTER EDDIE D                 |
|                     | 8                     | 1211 PENNSYLVANIA AVE | AMERICAN TRANSPORT XPRESS      |
|                     | 9                     | 3122 LAMAR ST         | AMERICAN TRANSPORT XPRESS      |
|                     | 10                    | 1222 PENNSYLVANIA AVE | FOXX BETTY ESTATE OF           |
|                     | 11                    | 1214 PENNSYLVANIA AVE | BROWN DAVID A                  |
|                     | 12                    | 1216 PENNSYLVANIA AVE | BROWN DAVID A                  |
|                     | 13                    | 1221 COLEMAN AVE      | JONES JESSE                    |
|                     | 14                    | 1217 COLEMAN AVE      | LEONARD LARRY                  |
|                     | 15                    | 1213 COLEMAN AVE      | GRAY MARVIN LF EST &           |
|                     | 16                    | 1209 COLEMAN AVE      | SHAH GIRISH V                  |
|                     | 17                    | 1207 COLEMAN AVE      | FRANK H A                      |
|                     | 18                    | 3216 LAMAR ST         | FRANK HERBERT A JR             |
|                     | 19                    | 1226 COLEMAN AVE      | CARMEN GRINSTEIN INC           |
|                     | 20                    | 1220 COLEMAN AVE      | MCMILLIAM ETHEL MAE            |
|                     | 21                    | 1216 COLEMAN AVE      | FELTON HENRY &                 |
|                     | 22                    | 1212 COLEMAN AVE      | GRINSTEIN CARMEN               |
|                     | 23                    | 1206 COLEMAN AVE      | WARREN WARD & G WILLIAMS       |
|                     | 24                    | 3303 PARNELL ST       | LOVE RODERICK                  |
|                     | 25                    | 1227 LENWAY ST        | GRIFFIN LOIS K                 |
|                     | 26                    | 1223 LENWAY ST        | G & A CORPORATION              |

Z145-261(WE)

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>        | <i>Owner</i>             |
|--------------|----------------|-----------------------|--------------------------|
|              | 27             | 1209 LENWAY ST        | G & A CORPORATION        |
| X            | 28             | 3505 PARNELL ST       | ST PHILIPS SCHOOL &      |
| X            | 29             | 1000 FOREST LN        | FAUBION ASSOCIATES INC   |
|              | 30             | 2300 GRAND AVE        | BNSF RAILWAY             |
|              | 31             | 1202 PENNSYLVANIA AVE | BROWN DAVID A            |
|              | 32             | 3520 LAMAR ST         | HANEY R W                |
|              | 33             | 3514 LAMAR ST         | G & A CORPORATION        |
|              | 34             | 1100 LENWAY ST        | OCCIDENTAL CHEMICAL CORP |
|              | 35             | 3701 LAMAR ST         | DALLAS ISD               |
|              | 36             | 1000 FOREST AVE       | FAUBION LEO              |
|              | 37             | 3301 NATIONAL ST      | BEALL CONCRETE INC       |
|              | 38             | 4401 LINFIELD RD      | ST LOUIS S W RAILWAY CO  |
|              | 39             | 9999 NO NAME ST       | UNION PACIFIC RR CO      |

**AGENDA ITEM # 35**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 45 K

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619 on the north side of Main Street and the east side of Four Way Place

Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions

Z145-276(CG)

**FILE NUMBER:** Z145-276(CG)

**DATE FILED:** June 9, 2015

**LOCATION:** North side of Main Street and the east side of Four Way Place

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45K

**SIZE OF REQUEST:** ±0.687 acres

**CENSUS TRACT:** 31.01

**APPLICANT:** Reynolds Outdoors Media

**REPRESENTATIVE:** Rob Baldwin

**OWNER:** DLD Properties, LTD.

**REQUEST:** An application for the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619.

**SUMMARY:** The request is to allow the continued operation of two 144-square foot attached non-premise projecting videoboard signs. The existing signage is located on the west façade (Elm Street) and east façade (Main Street) of the building.

**CPC RECOMMENDATION:** Approval for a six-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a six-year period, subject to conditions.

**BACKGROUND:**

- The applicant requests renewal of SUP No. 1755 to maintain the two existing 144-square feet videoboards. One videoboard is located on the corner of Elm Street and Four Way Place (west façade) and one located on the corner of Main Street and Four Way Place (east façade).
- The current SUP expired on June 10, 2015. The application was submitted on June 9, 2015.
- The subject site lies in Planned Development District No. 619 and is developed with an 18-story building with ground floor retail and multifamily uses on the upper level, known as the Three Rail Lofts.
- Land use in the surrounding area includes office, retail and personal service, and multifamily uses.
- Ordinance 27481 was adopted by the Dallas City Council on February 11, 2009, and allows for non-premise district activity videoboard signs in the Downtown Special Provision Sign District.
- The existing signs are in compliance with the renewal conditions of SEC. 51A-7.909. Attached Non-Premise District Activity Videoboard Signs of the Dallas Development Code:
  - (a) Content. Non-premise district activity videoboard signs must display district activity messages a minimum of three minutes of every operational hour and must display either district activity messages or premise messages for an additional minimum of nine minutes of every operational hour.
  - (b) Location and number.
    - (1) A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within Retail Subdistrict A and Retail Subdistrict B bounded by Jackson Street, Lamar Street, Pacific Avenue, and Cesar Chavez Boulevard.
    - (2) A maximum of one non-premise district activity videoboard sign is permitted per block face.
    - (3) Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street.
    - (4) Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.
  - (c) Size. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have a maximum 150 square feet in effective area.

(d) SUP required.

- (1) Non-premise district activity videoboard signs are only permitted by SUP.
- (2) All applications for non-premise district activity videoboard signs must include a report from a traffic engineer stating that the placement of the sign will not interfere with the effectiveness of traffic control devices within 300 ft. of the sign.
- (3) If there is a conflict between Subsection 51A-4.206(1) and this section, this section controls.
- (4) Original applications and renewal applications for non-premise district activity videoboard signs must include an affidavit stating that the building meets the occupancy requirements in Subsection (g).
- (5) Within 10 days after expiration or revocation of the SUP the non-premise district activity videoboard sign must be removed.

(e) Installation. Non-premise district activity videoboard signs must be securely attached.

(f) Projecting signs. Projecting non-premise district activity videoboard signs:

- (1) must have a vertical orientation with height exceeding the width at a minimum 16:9 height-to-width ratio;
- (2) may project a maximum of 12 feet into the right-of-way:
  - (A) subject to the licensing requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, the Dallas Building Code, and all other applicable laws, codes, ordinances, rules, and regulations;
  - (B) subject to review by the traffic engineer to ensure that the sign will not pose a traffic hazard or visibility obstruction; and
  - (C) provided that no projecting sign may project closer than two feet to a vertical plane extending through the back of a street curb;
- (3) must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- (4) must have videoboard displays on both sides of the sign.

(g) Building occupancy requirements. Non- premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.



**City Plan Commission Action**  
**August 8, 2015**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs for a six-year period, subject to conditions on property zoned Planned Development District No. 619 on the north side of Main Street and the east side of Four Way Place.

Maker: Emmons  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon,  
Bagley, Lavallaisaa, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Rodgers  
Vacancy: 1 - District 4

**Notices:** Area: 200 Mailed: 86  
**Replies:** For: 5 Against: 0

**Speakers:** None

**EXISTING ORDINANCE**

**091478**

06-09-09

ORDINANCE NO. 27561

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Planned Development District No. 619:

BEING Lot 2A in City Block 114/69½, fronting approximately 145 feet of the north line of Main Street, fronting approximately 200 feet on the east line of Four Way Place, fronting approximately 145 feet on the south line of Elm Street, and containing approximately 0.687 acres,

to be used under Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

27561

091478

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

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the following property ("the Property"), which is presently zoned as Planned Development District No. 619, to be used under Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs:

BEING Lot 2A in City Block 114/69½, fronting approximately 145 feet of the north line of Main Street, fronting approximately 200 feet on the east line of Four Way Place, fronting approximately 145 feet on the south line of Elm Street, and containing approximately 0.687 acres.

SECTION 2. That this specific use permit is granted on the following conditions:

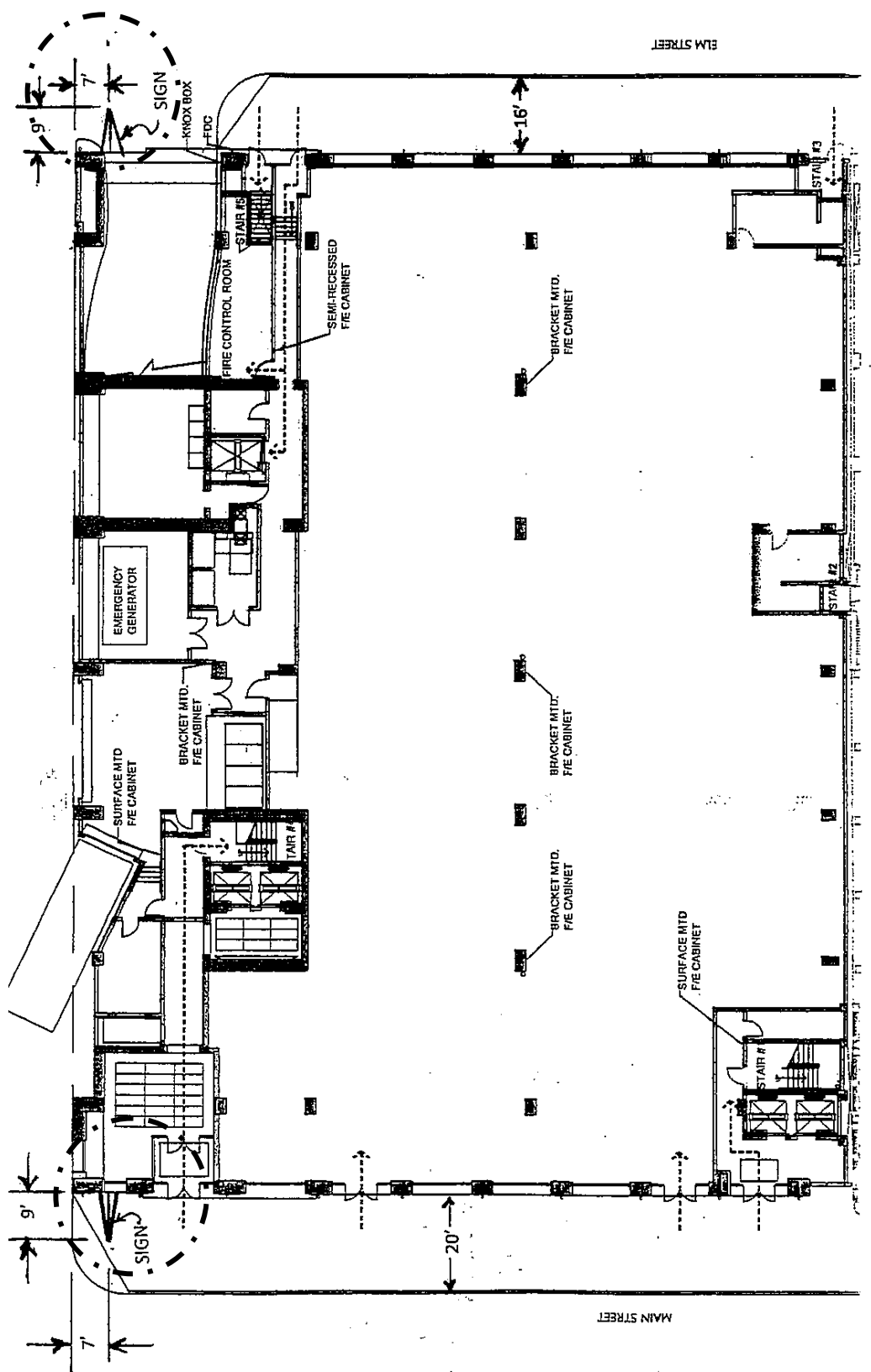
1. USE: The only use authorized by this specific use permit is two attached projecting non-premise district activity videoboard signs.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevations.
3. TIME LIMIT: This specific use permit automatically terminates on June 10, 2015.
4. DIMENSIONS: The maximum vertical length of the signs is 16 feet. The maximum horizontal width (projection) of the signs is nine feet. The lowest point of the signs must be at least 15 feet above the sidewalk. See the attached elevations.
5. HOURS OF OPERATION: The signs may only operate between 7:00 a.m. and 1:00 a.m. (the next day), Monday through Friday; and between 8:00 a.m. and 2:00 a.m. (the next day), Saturday and Sunday. The signs must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and between 2:00 a.m. and 8:00 a.m., Saturday and Sunday.
6. SEPARATION FROM RESIDENTIAL: The signs must have a minimum of one floor separation from the highest point of the sign and residential uses of the building.
7. SIZE: The signs may have a maximum effective area of 144 square feet as shown on the attached elevations.

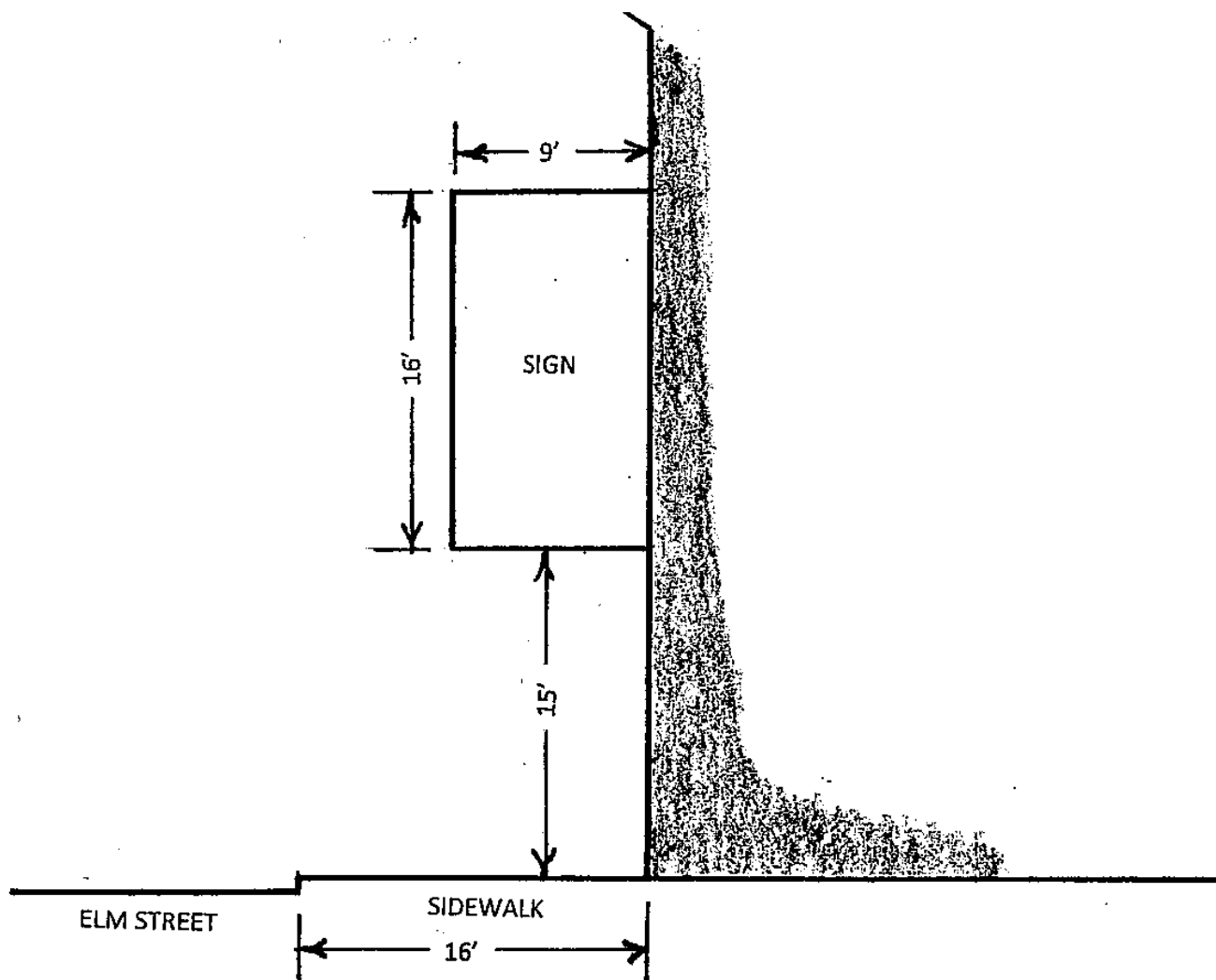
27561

091478

8. OPERATIONAL REQUIREMENTS: The signs must comply with the operational and maintenance requirements in Section 51A-7.910 of the Dallas Development Code.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

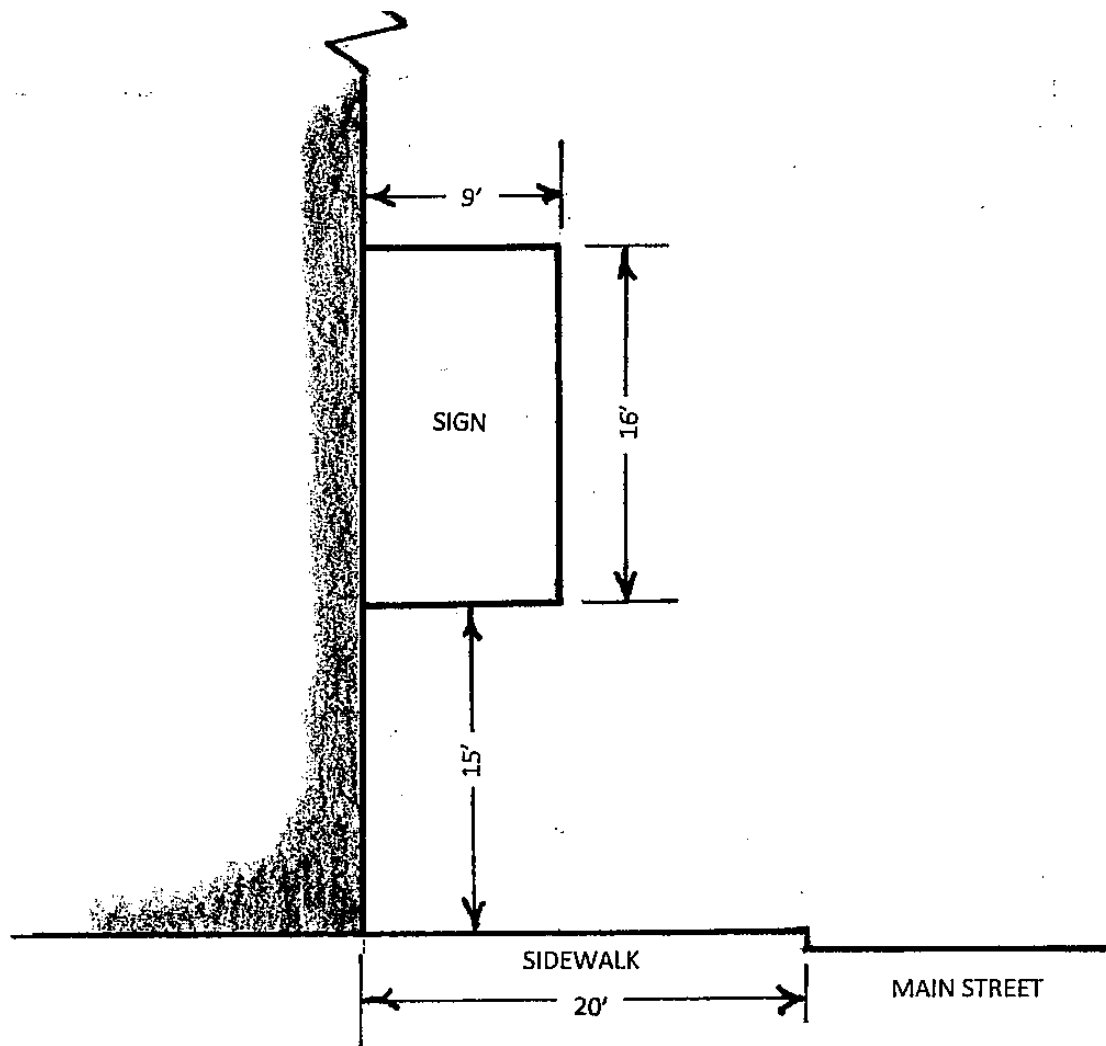
EXISTING SITE PLAN



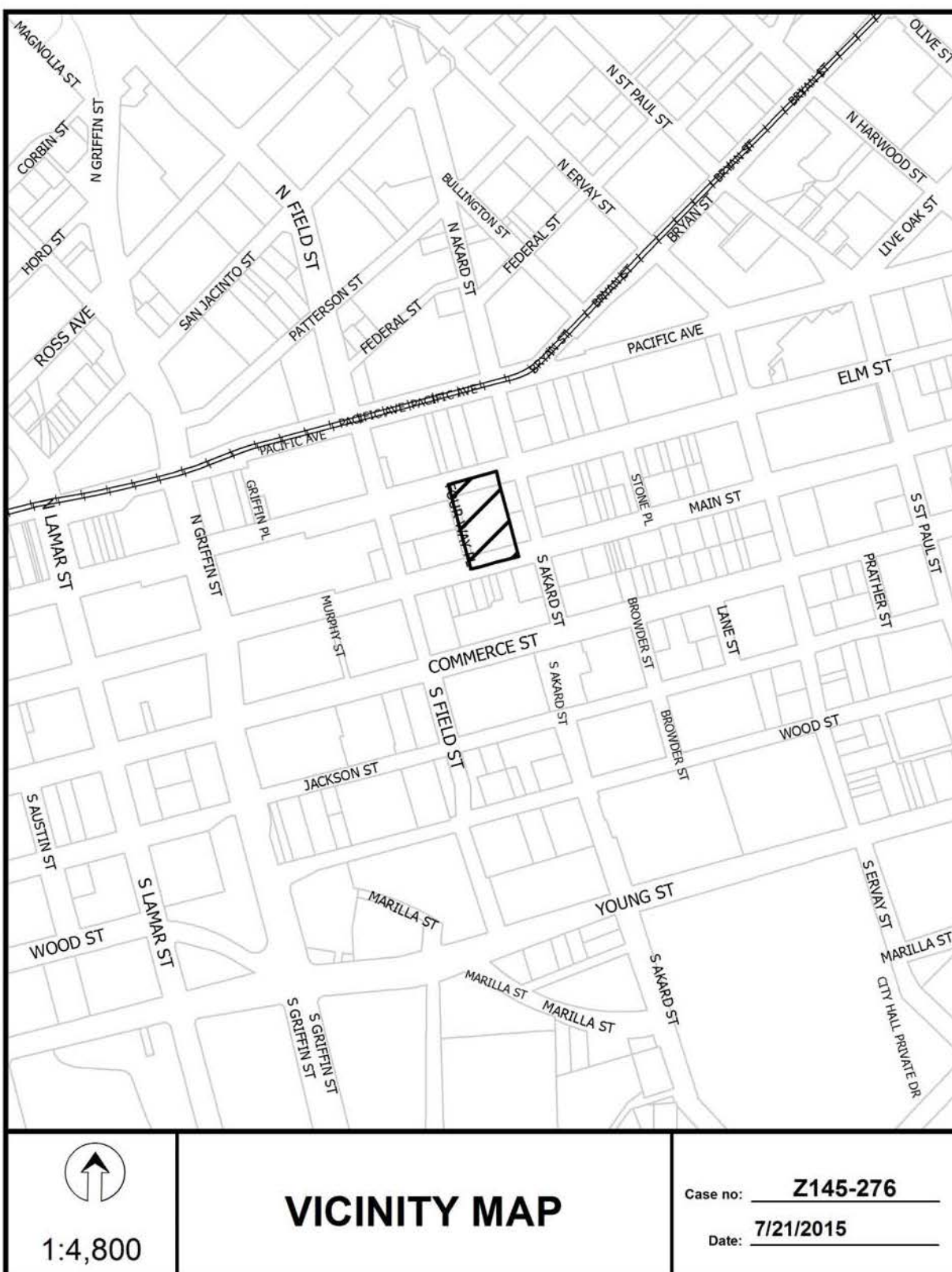


**ELM STREET SIGN ELEVATION FACING EAST FROM FOUR-WAY PLACE**





**MAIN STREET SIGN ELEVATION FACING EAST FROM FOUR-WAY PLACE**









# CPC RESPONSES



08/05/2015

***Reply List of Property Owners******Z145-276******86 Property Owners Notified******5 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>              |
|---------------------|-----------------------|-----------------------|----------------------------------|
| O                   | 1                     | 1407 MAIN ST          | DLD PROPERTIES                   |
| O                   | 2                     | 1407 MAIN ST          | DRED PROPERTIES LTD              |
| O                   | 3                     | 1407 MAIN ST          | DCAR PROPERTIES LTD              |
|                     | 4                     | 1403 ELM ST           | OLYMPIC 1401 ELM ASSOCIATES LLC  |
|                     | 5                     | 1401 COMMERCE ST      | HOLTZE MAGNOLIA LLLP             |
|                     | 6                     | 1401 ELM ST           | OLYMPIC 1401 ELM ASSOCIATES LLC  |
|                     | 7                     | 1302 ELM ST           | 1309 MAIN STREET APARTMENTS LLC  |
|                     | 8                     | 1301 MAIN ST          | NAYEB FAMILY LP                  |
|                     | 9                     | 1309 MAIN ST          | 1309 MAIN STREET APARTMENTS LLC  |
|                     | 10                    | 1400 MAIN ST          | FOSTER BRYAN S                   |
|                     | 11                    | 1404 MAIN ST          | 1404 MAIN BUILDING LLC           |
|                     | 12                    | 208 AKARD ST          | MZEIN HOLDINGS LP                |
|                     | 13                    | 1412 MAIN ST          | BN 1412 MAIN LP                  |
|                     | 14                    | 1402 MAIN ST          | TIER DEVELOPMENT GROUP LC        |
|                     | 15                    | 1502 ELM ST           | BVF-II KIRBY LIMITED PARTNERSHIP |
|                     | 16                    | 1509 MAIN ST          | BVF-II KIRBY LIMITED PARTNERSHIP |
| O                   | 17                    | 1414 ELM ST           | ELM 1414 PPTIES, LTD             |
| O                   | 18                    | 1415 MAIN ST          | GS RENAISSANCE LTD PS            |
|                     | 19                    | 1505 ELM ST           | CHRISTIAN LARRY &                |
|                     | 20                    | 1505 ELM ST           | DUCOTEY WARREN 2002 TR           |
|                     | 21                    | 1505 ELM ST           | JOBE REAGAN V                    |
|                     | 22                    | 1505 ELM ST           | KEY SEAN                         |
|                     | 23                    | 1505 ELM ST           | BUTLER KELLY A LIVING TRUST      |
|                     | 24                    | 1505 ELM ST           | DELEON JOSE & ALMA FLORES        |
|                     | 25                    | 1505 ELM ST           | NORRIS SONJA                     |
|                     | 26                    | 1505 ELM ST           | WONG ERIK JEFFREY                |



08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                     |
|--------------|----------------|----------------|----------------------------------|
|              | 27             | 1505 ELM ST    | LANGAN PATRICK                   |
|              | 28             | 1505 ELM ST    | LEAVERTON KEVIN O                |
|              | 29             | 1505 ELM ST    | MENDEZPEREZ JAIME & FANNY        |
|              | 30             | 1505 ELM ST    | SCHMIDT MICHAEL                  |
|              | 31             | 1505 ELM ST    | HARTLINEDIAZ PATRICIA            |
|              | 32             | 1505 ELM ST    | BREWER STEPHEN D &               |
|              | 33             | 1505 ELM ST    | BECKMAN JAMIE W                  |
|              | 34             | 1505 ELM ST    | SYMPHONY PROPERTIES LLC          |
|              | 35             | 1505 ELM ST    | HIRSCHHEIMER JOSHUA DAVID        |
|              | 36             | 1505 ELM ST    | KILANOWSKI KATHLEEN              |
|              | 37             | 1505 ELM ST    | EDMONDSON ROY M                  |
|              | 38             | 1505 ELM ST    | HAGGARD SCOTT JR                 |
|              | 39             | 1505 ELM ST    | ALLIANT PROPERTIES LLC SERIES D  |
|              | 40             | 1505 ELM ST    | PIGG CHRISTINE                   |
|              | 41             | 1505 ELM ST    | BUSBY MELINDA Z                  |
|              | 42             | 1505 ELM ST    | BASSAMPOUR FATEMAH &             |
|              | 43             | 1505 ELM ST    | IKER GREGORY MARK                |
|              | 44             | 1505 ELM ST    | SONNETT JOHN                     |
|              | 45             | 1505 ELM ST    | BRAIR GHASSAN B                  |
|              | 46             | 1505 ELM ST    | MAGAN NAVIN                      |
|              | 47             | 1505 ELM ST    | MENDENHALL MYLES E & KATHERINE M |
|              | 48             | 1505 ELM ST    | STEVENS KATHERINE A              |
|              | 49             | 1505 ELM ST    | POTTER BRITON J III &            |
|              | 50             | 1505 ELM ST    | MUNK FLORENCE                    |
|              | 51             | 1505 ELM ST    | SCHMIDT MICHAEL L                |
|              | 52             | 1505 ELM ST    | SINGER ARTURO                    |
|              | 53             | 1505 ELM ST    | JONES REBECCA J                  |
|              | 54             | 1505 ELM ST    | YELLOTT JAY D                    |
|              | 55             | 1505 ELM ST    | SCHWARTZ DEBORAH                 |
|              | 56             | 1505 ELM ST    | RICHARD C WERNON                 |
|              | 57             | 1505 ELM ST    | KEDRON LUCEA SUZAN               |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |                                               |
|--------------|----------------|----------------|--------------|-----------------------------------------------|
|              | 58             | 1505           | ELM ST       | ANTERHAUS ROBERT H &                          |
|              | 59             | 1505           | ELM ST       | MUNOZ ROLANDO & DONNA W                       |
|              | 60             | 1505           | ELM ST       | MCKNIGHT BILLY REA                            |
|              | 61             | 1505           | ELM ST       | DILENA R J                                    |
|              | 62             | 1505           | ELM ST       | L & M PROPERTY MGMT LLC                       |
|              | 63             | 1505           | ELM ST       | HOLLOWAY MICHAEL S &                          |
|              | 64             | 1505           | ELM ST       | FRAZEE STEVEN K                               |
|              | 65             | 1505           | ELM ST       | DANE EUGENE                                   |
|              | 66             | 1505           | ELM ST       | LARA JOHN COOPER                              |
|              | 67             | 1505           | ELM ST       | MCLAIN WILLIAM T &                            |
|              | 68             | 1505           | ELM ST       | MITTELSTET STEPHEN K                          |
|              | 69             | 1505           | ELM ST       | ABENDSCHEIN FREDERICK                         |
|              | 70             | 1505           | ELM ST       | ROBERTSON RON & DONNA                         |
|              | 71             | 1505           | ELM ST       | EDWARDS GARY DON & JANIE FAY                  |
|              | 72             | 1505           | ELM ST       | COLLETT BRIAN J TR LIFE EST & CHERYL TR LI    |
|              | 73             | 1505           | ELM ST       | NIENDORFF CARL A IV                           |
|              | 74             | 1505           | ELM ST       | HALL MICHAEL D                                |
|              | 75             | 1505           | ELM ST       | PATTERSON J R JR & BILLIE JO PUD              |
|              | 76             | 1505           | ELM ST       | HARVEY BARBARA ANN & EDWARD BRUCE             |
|              | 77             | 1505           | ELM ST       | AKIN LARRY D & CAROL D                        |
|              | 78             | 1505           | ELM ST       | SPIEGEL ROSS ADAM                             |
|              | 79             | 1505           | ELM ST       | BOLDEN PAUL &                                 |
|              | 80             | 1505           | ELM ST       | ROBERTS FINES OLIVER                          |
|              | 81             | 1505           | ELM ST       | STANLEY ROGER &                               |
|              | 82             | 1505           | ELM ST       | DUNNAHOO WILLIAM MICHAEL &<br>PATRICIA DUNNAH |
|              | 83             | 1505           | ELM ST       | SCARLET PEGASUS GROUP LP                      |
|              | 84             | 1505           | ELM ST       | WILSON ADDISON G IV                           |
|              | 85             | 1505           | ELM ST       | SCRIPPS FREDERIC SCOTT                        |
|              | 86             | 1505           | ELM ST       | BLUE STAR MORTGAGE INC                        |

**AGENDA ITEM # 36**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 45 P

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the northeast corner of Commerce Street and South Field Street

Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions

Z145-277(CG)

**FILE NUMBER:** Z145-277(CG)

**DATE FILED:** June 9, 2015

**LOCATION:** Northeast corner of Commerce Street and South Field Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45P

**SIZE OF REQUEST:** ±1.393 acres

**CENSUS TRACT:** 31.01

**APPLICANT:** Reynolds Outdoors Media

**REPRESENTATIVE:** Rob Baldwin

**OWNER:** RBP Adolphus, LLC

**REQUEST:** An application for the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

**SUMMARY:** The request is to allow the continued operation of a 144-square foot projecting sign (videoboard). The existing sign is located on the northeast corner of the building, south façade. (Commerce Street)

**CPC RECOMMENDATION:** Approval for a six-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a six-year period, subject to conditions.

**BACKGROUND:**

- The applicant requests renewal of SUP No. 1788 to maintain the existing 144-square feet videoboard at the northeast corner of Commerce and Field Streets.
- The subject site lies in Planned Development District No. 619 and is developed with a historic hotel (The Adolphus), office tower, and parking structure. The ground level is comprised of retail and restaurant uses.
- Land use in the surrounding area includes office, retail and personal service uses, and upper level multifamily.
- The current SUP expires on December 9, 2015.
- Ordinance No. 27481 was adopted by the Dallas City Council on February 11, 2009, and allows for non-premise district activity videoboard signs in the Downtown Special Provision Sign District.
- The existing signs are in compliance with the renewal conditions of SEC. 51A-7.909. Attached Non-Premise District Activity Videoboard Signs of the Dallas Development Code:
  - (a) Content. Non-premise district activity videoboard signs must display district activity messages a minimum of three minutes of every operational hour and must display either district activity messages or premise messages for an additional minimum of nine minutes of every operational hour.
  - (b) Location and number.
    - (1) A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within Retail Subdistrict A and Retail Subdistrict B bounded by Jackson Street, Lamar Street, Pacific Avenue, and Cesar Chavez Boulevard.
    - (2) A maximum of one non-premise district activity videoboard sign is permitted per block face.
    - (3) Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street.
    - (4) Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.
  - (c) Size. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have a maximum 150 square feet in effective area.

(d) SUP required.

- (1) Non-premise district activity videoboard signs are only permitted by SUP.
- (2) All applications for non-premise district activity videoboard signs must include a report from a traffic engineer stating that the placement of the sign will not interfere with the effectiveness of traffic control devices within 300 ft. of the sign.
- (3) If there is a conflict between Subsection 51A-4.206(1) and this section, this section controls.
- (4) Original applications and renewal applications for non-premise district activity videoboard signs must include an affidavit stating that the building meets the occupancy requirements in Subsection (g).
- (5) Within 10 days after expiration or revocation of the SUP the non-premise district activity videoboard sign must be removed.

(e) Installation. Non-premise district activity videoboard signs must be securely attached.

(f) Projecting signs. Projecting non-premise district activity videoboard signs:

- (1) must have a vertical orientation with height exceeding the width at a minimum 16:9 height-to-width ratio;
- (2) may project a maximum of 12 feet into the right-of-way:
  - (A) subject to the licensing requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, the Dallas Building Code, and all other applicable laws, codes, ordinances, rules, and regulations;
  - (B) subject to review by the traffic engineer to ensure that the sign will not pose a traffic hazard or visibility obstruction; and
  - (C) provided that no projecting sign may project closer than two feet to a vertical plane extending through the back of a street curb;
- (3) must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
- (4) must have videoboard displays on both sides of the sign.

(g) Building occupancy requirements. Non- premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.



**CITY PLAN COMMISSION ACTION  
AUGUST 6, 2015**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619 on the northeast corner of Commerce Street and South Field Street.

Maker: Emmons  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon,  
Bagley, Lavallaisaa, Tarpley, Shellene, Schultz,  
Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Rodgers  
Vacancy: 1 - District 4

|                 |           |             |
|-----------------|-----------|-------------|
| <b>Notices:</b> | Area: 300 | Mailed: 322 |
| <b>Replies:</b> | For: 6    | Against: 0  |

**Speakers:** None

**EXISTING ORDINANCE**

09305 1

12-7-09

27777

ORDINANCE NO. \_\_\_\_\_

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Planned Development District No. 619:

BEING all of Lot 1A in City Block A/70; fronting approximately 400 feet on the north line of Commerce Street; fronting approximately 200 feet on the west line of Akard Street; fronting approximately 183.36 feet on the south line of Main Street; fronting approximately 200 feet on the east line of Field Street; and containing approximately 1.393 acres,

to be used under Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

27777

09305 1

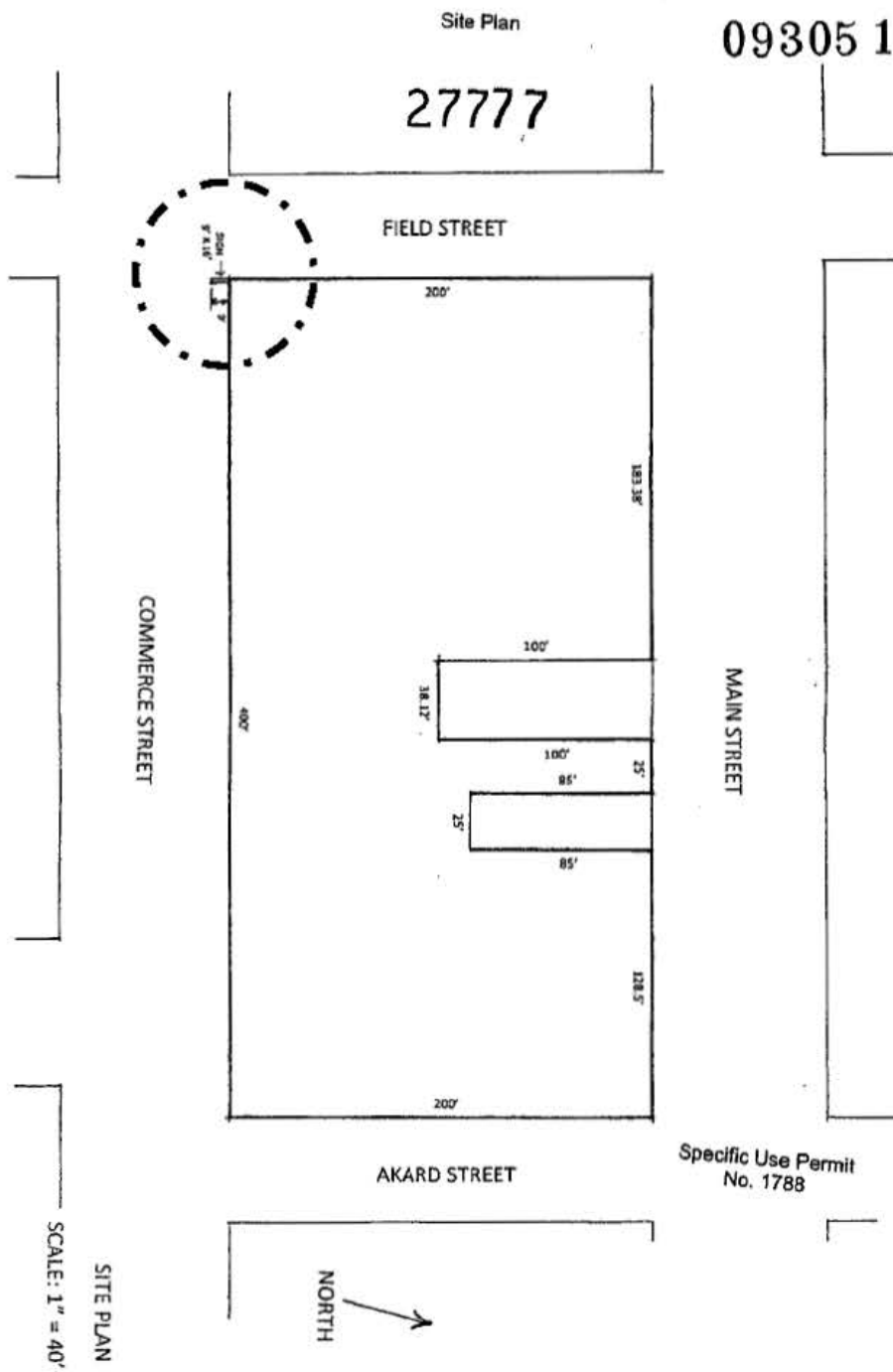
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

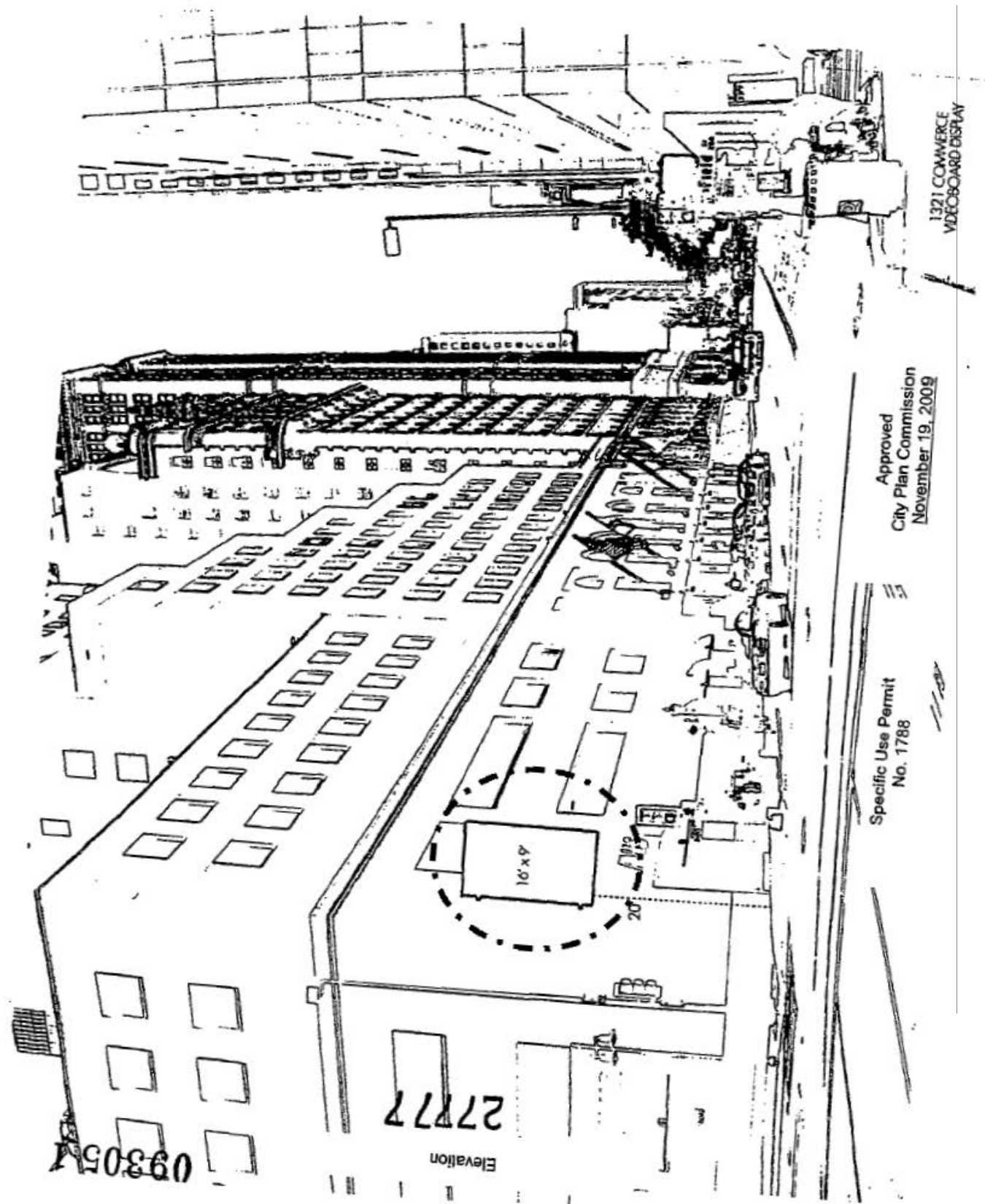
SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the following property ("the Property"), which is presently zoned as Planned Development District No. 619, to be used under Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign:

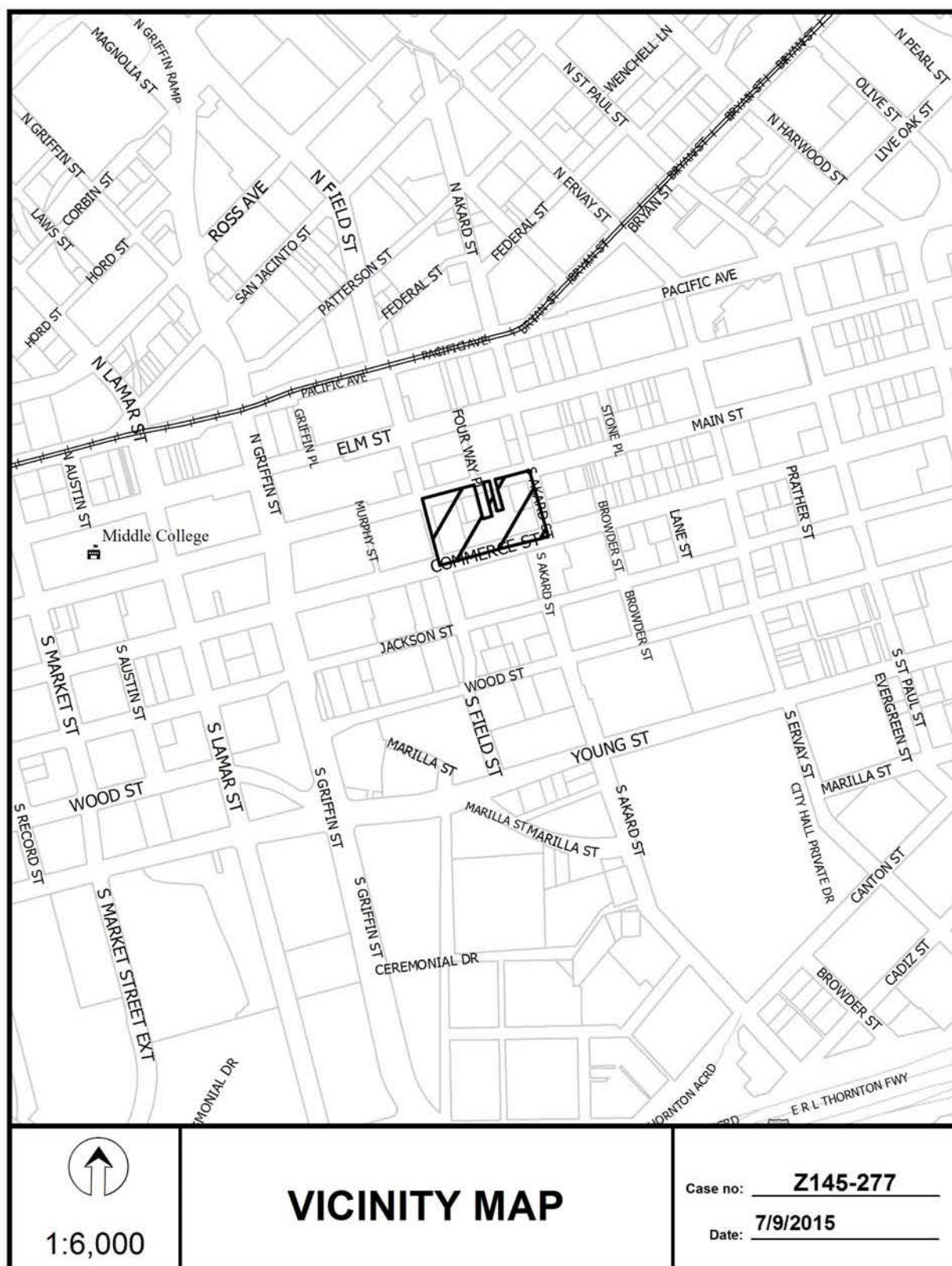
BEING all of Lot 1A in City Block A/70; fronting approximately 400 feet on the north line of Commerce Street; fronting approximately 200 feet on the west line of Akard Street; fronting approximately 183.36 feet on the south line of Main Street; fronting approximately 200 feet on the east line of Field Street; and containing approximately 1.393 acres.

SECTION 2. That this specific use permit is granted on the following conditions:

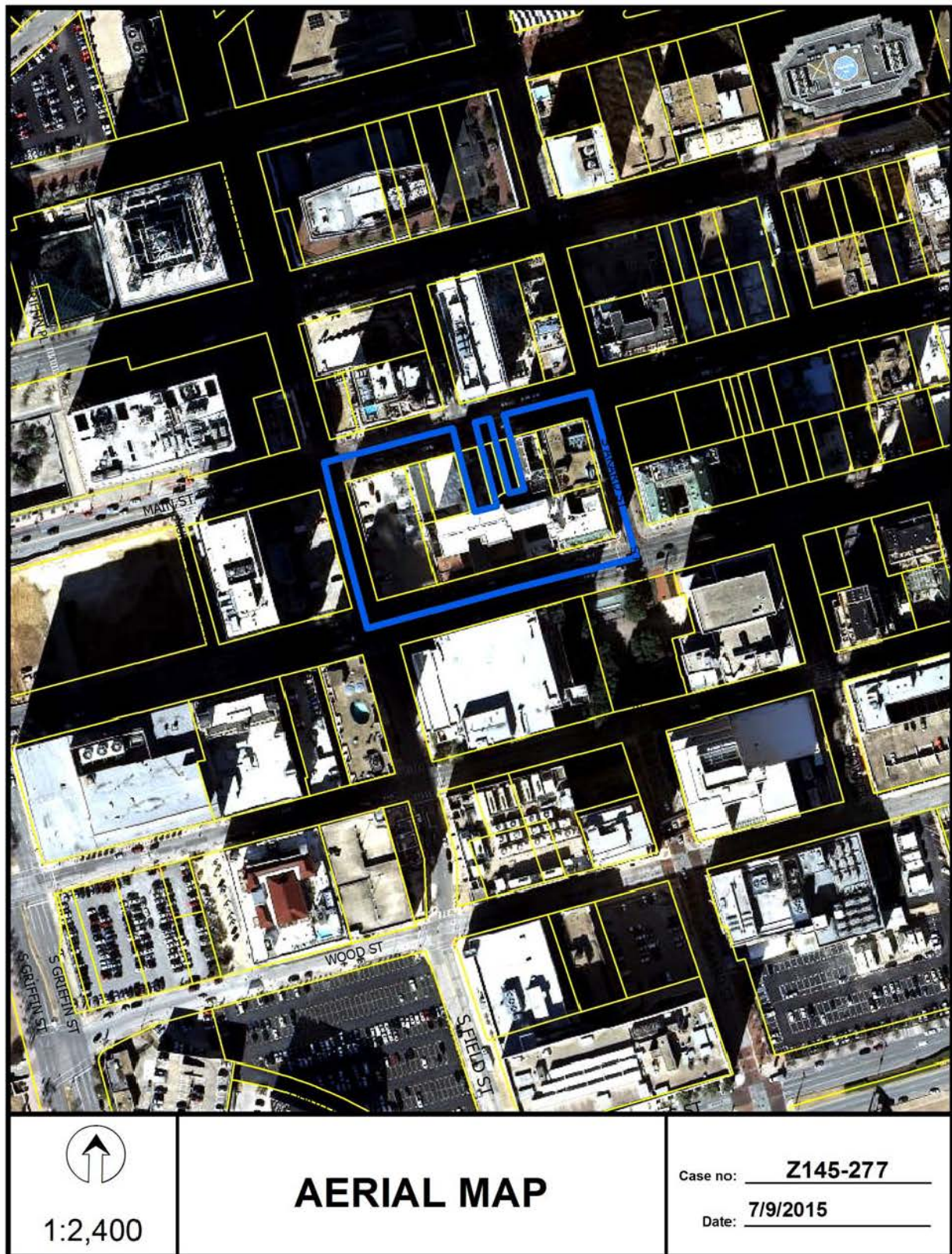
1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit automatically terminates on December 9, 2015.
4. DIMENSIONS: The maximum vertical length of the sign is 16 feet as shown on the attached elevation.
5. SIZE: The sign is limited to a maximum effective area of 144 square feet as shown on the attached site plan and elevation.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas. The sign must comply with Sections 51A-7.909 and 51A-7.910 of the Dallas Development Code.



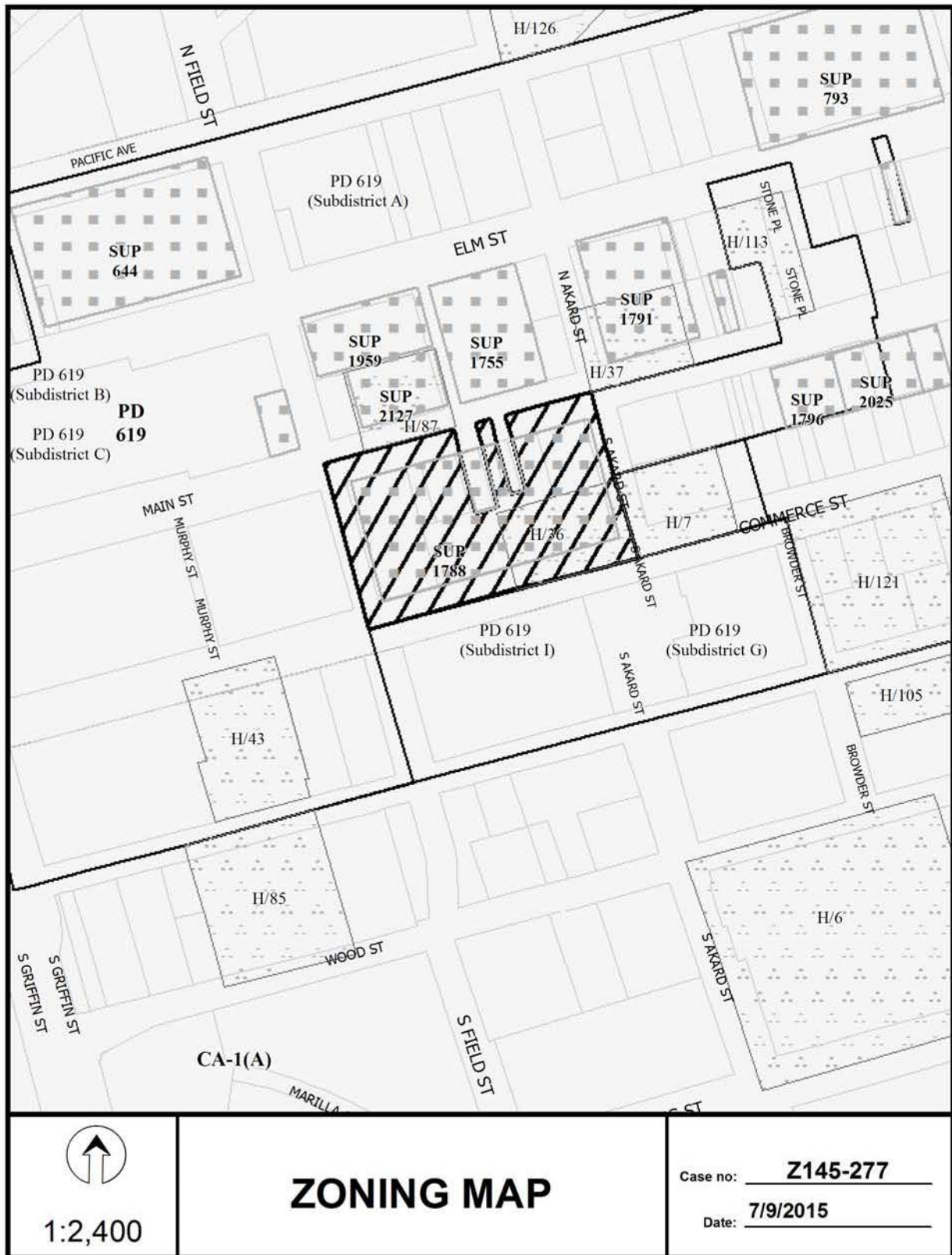












## CPC Responses



08/05/2015

***Reply List of Property Owners******Z145-277******322 Property Owners Notified******6 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>             |
|---------------------|-----------------------|-----------------------|---------------------------------|
|                     | 1                     | 1400 MAIN ST          | FOSTER BRYAN S                  |
|                     | 2                     | 1404 MAIN ST          | 1404 MAIN BUILDING LLC          |
|                     | 3                     | 1412 MAIN ST          | BN 1412 MAIN LP                 |
|                     | 4                     | 1402 MAIN ST          | TIER DEVELOPMENT GROUP LC       |
|                     | 5                     | 1208 COMMERCE ST      | DAVIS MRS HELEN BOUCHE          |
|                     | 6                     | 1312 JACKSON ST       | SOUTHWESTERN BELL               |
|                     | 7                     | 1310 JACKSON ST       | SOUTHWESTERN BELL               |
|                     | 8                     | 301 AKARD ST          | SOUTHWESTERN BELL               |
|                     | 9                     | 1517 MAIN ST          | FONBERG PETER D TR ET AL        |
|                     | 10                    | 1514 ELM ST           | RREAF HOLDINGS MID ELM LLC      |
|                     | 11                    | 1521 MAIN ST          | ROMAN CATH DIOCESE DALLAS       |
|                     | 12                    | 1516 ELM ST           | RREAF HOLDINGS MID ELM LLC      |
|                     | 13                    | 1519 MAIN ST          | 1519 MAIN LP                    |
|                     | 14                    | 1401 COMMERCE ST      | HOLTZE MAGNOLIA LLLP            |
|                     | 15                    | 1417 COMMERCE ST      | 1600 MAIN STREET HOLDINGS LP    |
|                     | 16                    | 1500 COMMERCE ST      | DPL LAND LLC                    |
|                     | 17                    | 1201 MAIN ST          | ONE MAIN PLACE LLC              |
|                     | 18                    | 1201 JACKSON ST       | U S A VETERANS ADM              |
|                     | 19                    | 1212 JACKSON ST       | SOUTHWESTERN BELL               |
|                     | 20                    | 1302 ELM ST           | 1309 MAIN STREET APARTMENTS LLC |
|                     | 21                    | 1301 MAIN ST          | NAYEB FAMILY LP                 |
|                     | 22                    | 1309 MAIN ST          | 1309 MAIN STREET APARTMENTS LLC |
|                     | 23                    | 1217 MAIN ST          | FWS GROUP DALLAS LLC            |
|                     | 24                    | 1208 COMMERCE ST      | BRAMA COMMERCE STREET LTD       |
|                     | 25                    | 211 AKARD ST          | SOUTHWESTERN BELL               |
|                     | 26                    | 1512 ELM ST           | RREAF HOLDINGS MID ELM LLC      |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>  | <i>Owner</i>                         |
|--------------|----------------|-----------------|--------------------------------------|
|              | 27             | 1515 MAIN ST    | LEGAL AID OF NORTHWEST TE            |
|              | 28             | 1520 MAIN ST    | MAIN STREET INVESTORS JV             |
|              | 29             | 208 AKARD ST    | IEP DALLAS LLC                       |
|              | 30             | 1400 JACKSON ST | SOUTHWESTERN BELL                    |
|              | 31             | 208 AKARD ST    | SOUTHWESTERN BELL TELEPHONE          |
|              | 32             | 308 AKARD ST    | SOUTHWESTERN BELL                    |
|              | 33             | 1502 ELM ST     | BVF-II KIRBY LIMITED PARTNERSHIP     |
|              | 34             | 1509 MAIN ST    | BVF-II KIRBY LIMITED PARTNERSHIP     |
| O            | 35             | 1530 MAIN ST    | DUNHILL 1530 MAIN LP                 |
| O            | 36             | 1414 ELM ST     | ELM 1414 PPTIES, LTD                 |
| O            | 37             | 1407 MAIN ST    | DLD PROPERTIES                       |
| O            | 38             | 1407 MAIN ST    | DRED PROPERTIES LTD                  |
| O            | 39             | 1407 MAIN ST    | DCAR PROPERTIES LTD                  |
| O            | 40             | 1415 MAIN ST    | GS RENAISSANCE LTD PS                |
|              | 41             | 1200 MAIN ST    | BELLINGHAUSEN WIL J                  |
|              | 42             | 1200 MAIN ST    | NEWMAN PAULETTE E                    |
|              | 43             | 1200 MAIN ST    | 1621 ERVAY LTD                       |
|              | 44             | 1200 MAIN ST    | BRANAMAN MICHAEL S &                 |
|              | 45             | 1200 MAIN ST    | SHAH VINAY                           |
|              | 46             | 1200 MAIN ST    | DIXON GLORIA D                       |
|              | 47             | 1200 MAIN ST    | ORTIZ GUILLERMINA                    |
|              | 48             | 1200 MAIN ST    | FONTENOT TOMMY JAMES                 |
|              | 49             | 1200 MAIN ST    | RAFF GEORGE JR                       |
|              | 50             | 1200 MAIN ST    | SMITH DANIEL E & HERMA A             |
|              | 51             | 1200 MAIN ST    | BRANSTETTER ROBERT M & CAROL SHELTON |
|              | 52             | 1200 MAIN ST    | FREEMAN SCOTT                        |
|              | 53             | 1200 MAIN ST    | BOYD CURTIS W & GLENNA HALVORSON     |
|              | 54             | 1200 MAIN ST    | JUAREZ GERARDO                       |
|              | 55             | 1200 MAIN ST    | MCARDLE PATRICIA                     |
|              | 56             | 1200 MAIN ST    | AMONGKOL JITTADA KITTY               |
|              | 57             | 1200 MAIN ST    | HART STANLEY L &                     |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>              |
|--------------|----------------|----------------|---------------------------|
|              | 58             | 1200 MAIN ST   | SMITH SHERIA D            |
|              | 59             | 1200 MAIN ST   | CRIST EUGENE SCOTT        |
|              | 60             | 1200 MAIN ST   | TERESI MARK A &           |
|              | 61             | 1200 MAIN ST   | HERNDON CYNTHIA A         |
|              | 62             | 1200 MAIN ST   | KISLING MISTY             |
|              | 63             | 1200 MAIN ST   | SANADI NISAR & THU NGUYET |
|              | 64             | 1200 MAIN ST   | CARPENTER ROBIN N         |
|              | 65             | 1200 MAIN ST   | MASTAGLIO LINDA R         |
|              | 66             | 1200 MAIN ST   | LOPEZ DENNIS A            |
|              | 67             | 1200 MAIN ST   | WOMBLE JOHN M & GINGER A  |
|              | 68             | 1200 MAIN ST   | BAILEY PETER & MARY       |
|              | 69             | 1200 MAIN ST   | PERRI ANTHONY J &         |
|              | 70             | 1200 MAIN ST   | RATH OMKAR R &            |
|              | 71             | 1200 MAIN ST   | FAYE WILLIS DESIGNS INC   |
|              | 72             | 1200 MAIN ST   | BAGARIA SAPNA & SURESH    |
|              | 73             | 1200 MAIN ST   | PARKER RUBY               |
|              | 74             | 1200 MAIN ST   | ABDULKHAALIQ ANWAAR       |
|              | 75             | 1200 MAIN ST   | ARAUJO JOSEPH             |
|              | 76             | 1200 MAIN ST   | CHATTERJEE ARUNABHA       |
|              | 77             | 1200 MAIN ST   | SALVANT WAYNE             |
|              | 78             | 1200 MAIN ST   | ELLER KELLEY              |
|              | 79             | 1200 MAIN ST   | MASSEY LINDA              |
|              | 80             | 1200 MAIN ST   | DASH PRIYARANJAN &        |
|              | 81             | 1200 MAIN ST   | MUEHLENWEG ROBERT J &     |
|              | 82             | 1200 MAIN ST   | CUEVAS ISRAEL F           |
|              | 83             | 1200 MAIN ST   | EDWARDS JAMES & BARBARA   |
|              | 84             | 1200 MAIN ST   | SCOTT DARIAN D            |
|              | 85             | 1200 MAIN ST   | ATV TEXAS VENTURES IV LP  |
|              | 86             | 1200 MAIN ST   | KADAN PROPERTIES LP       |
|              | 87             | 1200 MAIN ST   | CAMPOS EDWARD             |
|              | 88             | 1200 MAIN ST   | ADAMS WILHELMINA J        |



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| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                        |
|--------------|----------------|----------------|-------------------------------------|
|              | 89             | 1200 MAIN ST   | COMBS DAMETIA                       |
|              | 90             | 1200 MAIN ST   | BEVERS MARC                         |
|              | 91             | 1200 MAIN ST   | WHITE JESSICA                       |
|              | 92             | 1200 MAIN ST   | HERICKS JAMES &                     |
|              | 93             | 1200 MAIN ST   | BAKER WILLIAM H III                 |
|              | 94             | 1200 MAIN ST   | SPRING TRUMAN E JR                  |
|              | 95             | 1200 MAIN ST   | TITTLE CYNTHIA LARK                 |
|              | 96             | 1200 MAIN ST   | DANIEC MONICA                       |
|              | 97             | 1200 MAIN ST   | BLACK PAUL                          |
|              | 98             | 1200 MAIN ST   | HAQUE NAZ &                         |
|              | 99             | 1200 MAIN ST   | SCHNAPPAUF MICHAEL                  |
|              | 100            | 1200 MAIN ST   | ALANIZ GEORGE R JR & ANEESA T HOJAT |
|              | 101            | 1200 MAIN ST   | CHANEY GARY WAYNE 1992 FAMILY TRUST |
|              | 102            | 1200 MAIN ST   | NGUYEN MICHAEL                      |
|              | 103            | 1200 MAIN ST   | BENEVENTI MARK FRANCIS              |
|              | 104            | 1200 MAIN ST   | DU YALI                             |
|              | 105            | 1200 MAIN ST   | PATOINE TERESA SUSAN                |
|              | 106            | 1200 MAIN ST   | SAIED ANNA M                        |
|              | 107            | 1200 MAIN ST   | FAIRCHILD MELISSA                   |
|              | 108            | 1200 MAIN ST   | BURNS CHRISTOPHER J                 |
|              | 109            | 1200 MAIN ST   | HARRIS KENDRICK LASALLE             |
|              | 110            | 1200 MAIN ST   | PATEL JAYSHREE &                    |
|              | 111            | 1200 MAIN ST   | ALSUP LAUREN BRITTANY               |
|              | 112            | 1200 MAIN ST   | ELLER TOM & ROBYN                   |
|              | 113            | 1200 MAIN ST   | KAHANE DENNIS SPENCER               |
|              | 114            | 1200 MAIN ST   | SULLIVANMCMULLEN DAVID              |
|              | 115            | 1200 MAIN ST   | SALEEM ADEEL                        |
|              | 116            | 1200 MAIN ST   | PARK STEPHEN                        |
|              | 117            | 1200 MAIN ST   | MOBLEY HENRY B JR                   |
|              | 118            | 1200 MAIN ST   | COWAN MICHAEL & MARTHA              |
|              | 119            | 1200 MAIN ST   | THEIS LANGSTON                      |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>            |
|--------------|----------------|----------------|-------------------------|
|              | 120            | 1200 MAIN ST   | CAREY GABRIELLE         |
|              | 121            | 1200 MAIN ST   | IPPOLITO MARTA          |
|              | 122            | 1200 MAIN ST   | CIN ALBERTO DAL         |
|              | 123            | 1200 MAIN ST   | BROWN GLENN ALAN        |
|              | 124            | 1200 MAIN ST   | ROMERO GERALD & LOURDES |
|              | 125            | 1200 MAIN ST   | PATRA DEEPAK            |
|              | 126            | 1200 MAIN ST   | SCARBOROUGH DONALD D    |
|              | 127            | 1200 MAIN ST   | KEANE JUSTIN SCOTT &    |
|              | 128            | 1200 MAIN ST   | COMMUNITY BANK & TRUST  |
|              | 129            | 1200 MAIN ST   | LUMME DONALD GUY JR     |
|              | 130            | 1200 MAIN ST   | XIE JIMIN               |
|              | 131            | 1200 MAIN ST   | OROZCO CARLOS A         |
|              | 132            | 1200 MAIN ST   | SALVANT BRIAN           |
|              | 133            | 1200 MAIN ST   | DOMINGUEZ JOSE R &      |
|              | 134            | 1200 MAIN ST   | GRIEGO MANUEL R JR &    |
|              | 135            | 1200 MAIN ST   | KEATON JULIAN E II      |
|              | 136            | 1200 MAIN ST   | MA MAU & JUYEI          |
|              | 137            | 1200 MAIN ST   | THOMAS BIJU             |
|              | 138            | 1200 MAIN ST   | PATRO LOKANATH          |
|              | 139            | 1200 MAIN ST   | IPPOLITO DAVIDE MICHAEL |
|              | 140            | 1200 MAIN ST   | MADDERRA RHONDA & FARON |
|              | 141            | 1200 MAIN ST   | LIN JEFF P              |
|              | 142            | 1200 MAIN ST   | SENDKER JAN             |
|              | 143            | 1200 MAIN ST   | BALUCH HOLDINGS LLC     |
|              | 144            | 1200 MAIN ST   | RADFORD TRACI           |
|              | 145            | 1200 MAIN ST   | ROMIG RANDALL           |
|              | 146            | 1200 MAIN ST   | BRAUM EARL E JR         |
|              | 147            | 1200 MAIN ST   | QUACH LINH              |
|              | 148            | 1200 MAIN ST   | MORAIS JUSTIN           |
|              | 149            | 1200 MAIN ST   | MATHEWS AMIT &          |
|              | 150            | 1200 MAIN ST   | MCCANS WILLIAM          |

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|--------------|----------------|----------------|----------------------------------|
|              | 151            | 1200 MAIN ST   | HOSID KEVIN M & PEGGY S          |
|              | 152            | 1200 MAIN ST   | JUDAH JOHN K & BETTY JO          |
|              | 153            | 1200 MAIN ST   | BARGANIER NORA D & MICHAEL G     |
|              | 154            | 1200 MAIN ST   | MORENO KRISTINE M                |
|              | 155            | 1200 MAIN ST   | BAKER ARIANNE &                  |
|              | 156            | 1200 MAIN ST   | LITTLE STERLING                  |
|              | 157            | 1200 MAIN ST   | LIN XIEQING                      |
|              | 158            | 1200 MAIN ST   | ASHON HASSEB &                   |
|              | 159            | 1200 MAIN ST   | WEBER DANIEL T & GAIL G          |
|              | 160            | 1200 MAIN ST   | FUNG DAVID KARL & KATHY LEE FUNG |
|              | 161            | 1200 MAIN ST   | KHUNTIA ASHOK                    |
|              | 162            | 1200 MAIN ST   | LI LIETAO                        |
|              | 163            | 1200 MAIN ST   | TINSLEY GARY A                   |
|              | 164            | 1200 MAIN ST   | JC GOODMAN INVESTMENT GROUP INC  |
|              | 165            | 1200 MAIN ST   | MICHULKA GEORGE &                |
|              | 166            | 1200 MAIN ST   | BYRUM TADD A &                   |
|              | 167            | 1200 MAIN ST   | HUTCHINSON ANDREW F II           |
|              | 168            | 1200 MAIN ST   | DAO BAO D                        |
|              | 169            | 1200 MAIN ST   | THOMAS MONA                      |
|              | 170            | 1200 MAIN ST   | BENTLEY BRIAN D                  |
|              | 171            | 1200 MAIN ST   | MURRAY RORY GALLAGHER            |
|              | 172            | 1200 MAIN ST   | GREEN KAREN S                    |
|              | 173            | 1200 MAIN ST   | ZANDER GREG W                    |
|              | 174            | 1200 MAIN ST   | SALVANT WAYNE F &                |
|              | 175            | 1200 MAIN ST   | YATES RALPH & FAYE               |
|              | 176            | 1200 MAIN ST   | HILL DANIEL &                    |
|              | 177            | 1200 MAIN ST   | HIBSID 1 LLC                     |
|              | 178            | 1200 MAIN ST   | TRIPP THOMAS                     |
|              | 179            | 1200 MAIN ST   | KOKES KEVIN K &                  |
|              | 180            | 1200 MAIN ST   | BOHAN STEPHANIE D                |
|              | 181            | 1200 MAIN ST   | JAIN NEHA                        |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                 |
|--------------|----------------|----------------|------------------------------|
|              | 182            | 1200 MAIN ST   | METROPOLITAN 1510 LLC        |
|              | 183            | 1200 MAIN ST   | BRYANT CHRIS                 |
|              | 184            | 1200 MAIN ST   | KHAN MOIN                    |
|              | 185            | 1200 MAIN ST   | KLAMM CYNTHIA B &            |
|              | 186            | 1200 MAIN ST   | DAVIS STEPHEN J              |
|              | 187            | 1200 MAIN ST   | COBB DONNA MARIE &           |
|              | 188            | 1200 MAIN ST   | COWDEN PETER                 |
|              | 189            | 1200 MAIN ST   | NARAN ASHOK                  |
|              | 190            | 1200 MAIN ST   | LANCASTER PHILLIP & IRENE    |
|              | 191            | 1200 MAIN ST   |                              |
|              | 192            | 1200 MAIN ST   | KOERBER ELLEN &              |
|              | 193            | 1200 MAIN ST   | POLANCO PAUL                 |
|              | 194            | 1200 MAIN ST   | DAMANI ANIRUDH A             |
|              | 195            | 1200 MAIN ST   | DOCKTER BRYAN                |
|              | 196            | 1200 MAIN ST   | UNDERHILL JAMES S            |
|              | 197            | 1200 MAIN ST   | SOLE GARY &                  |
|              | 198            | 1200 MAIN ST   | PATTERSON JEFF               |
|              | 199            | 1200 MAIN ST   | STRINGER CHRISTOPHER & KATIE |
|              | 200            | 1200 MAIN ST   | STROTHMAN RHONDA K           |
|              | 201            | 1200 MAIN ST   | REMPHREY BRYAN S             |
|              | 202            | 1200 MAIN ST   | DANIEL SAM                   |
|              | 203            | 1200 MAIN ST   | BROWNELL SUSAN K &           |
|              | 204            | 1200 MAIN ST   | ALVAREZ DAVID &              |
|              | 205            | 1200 MAIN ST   | HOLLANDER KEVIN J & BETH A   |
|              | 206            | 1200 MAIN ST   | AHUMADA MUCIO                |
|              | 207            | 1200 MAIN ST   | LESTER MARY C                |
|              | 208            | 1200 MAIN ST   | MOORE ARROYO AYSHA           |
|              | 209            | 1200 MAIN ST   | FUENTE JOSE ANTONIO DE LA    |
|              | 210            | 1200 MAIN ST   | MOORE ROBERT W               |
|              | 211            | 1200 MAIN ST   | CHAFFIN LYNDAL A             |
|              | 212            | 1200 MAIN ST   | HUMES EDUARDO                |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                          |
|--------------|----------------|----------------|---------------------------------------|
|              | 213            | 1200 MAIN ST   | VIRANI ASIF                           |
|              | 214            | 1200 MAIN ST   | JACKSON JILL A                        |
|              | 215            | 1200 MAIN ST   | DIXON ADAM                            |
|              | 216            | 1200 MAIN ST   | BADMAND HOLDINGS LLC                  |
|              | 217            | 1200 MAIN ST   | CURE NANCY A & WILLIAM E              |
|              | 218            | 1200 MAIN ST   | ABDULWAHAB MANNIE                     |
|              | 219            | 1200 MAIN ST   | LIN JAMES                             |
|              | 220            | 1200 MAIN ST   | TRAVELSTEAD GARY LYNN &               |
|              | 221            | 1200 MAIN ST   | ZOLLER ROBERT W                       |
|              | 222            | 1200 MAIN ST   | HOWARD KENNETH ROBERT                 |
|              | 223            | 1200 MAIN ST   | KOERBER ELLEN &                       |
|              | 224            | 1200 MAIN ST   | RICHARDS GILL & ELIZABETH ANN         |
|              | 225            | 1200 MAIN ST   | CWALINO PETER                         |
|              | 226            | 1200 MAIN ST   | NATHAL JULIO                          |
|              | 227            | 1200 MAIN ST   | SINGERMAN ALEXANDER                   |
|              | 228            | 1200 MAIN ST   | SLAUGHTER JUSTIN                      |
|              | 229            | 1200 MAIN ST   | POON PHILIP                           |
|              | 230            | 1200 MAIN ST   | BEATS JAMES & ANAMARIA                |
|              | 231            | 1200 MAIN ST   | ROMERO ROBERT R &                     |
|              | 232            | 1200 MAIN ST   | HAYES MONIQUE C                       |
|              | 233            | 1200 MAIN ST   | RICHARDS GILL & ELIZABETH ANN         |
|              | 234            | 1200 MAIN ST   | HAGLER TRENT L                        |
|              | 235            | 1200 MAIN ST   | REVELLE ANIEL W III & CAROL L         |
|              | 236            | 1200 MAIN ST   | MUEHLENWEG ROBERT J & CHRISTINE       |
|              | 237            | 1200 MAIN ST   | OLTMAN GREGG                          |
|              | 238            | 1200 MAIN ST   | FERNANDEZ GUSTAVO A & DAGMAR SCHMAUTZ |
|              | 239            | 1200 MAIN ST   | CHANG LAWRENCE SHEYLUN                |
|              | 240            | 1200 MAIN ST   | FARTHING DANIEL                       |
|              | 241            | 1200 MAIN ST   | FICKEL MATTHEW & MARY BETH            |
|              | 242            | 1200 MAIN ST   | SHAFFNER GLORIA                       |
|              | 243            | 1200 MAIN ST   | GOLNABI ROSITA NINA & NEIMA           |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                   |
|--------------|----------------|----------------|--------------------------------|
|              | 244            | 1200 MAIN ST   | VALENTIS VENTURES LLC          |
|              | 245            | 1200 MAIN ST   | HENSLEY DALLAS W & VIRGINIA K  |
|              | 246            | 1200 MAIN ST   | MCCLAIN JONI L MD FAMILY TRUST |
|              | 247            | 1200 MAIN ST   | REVIS MARK                     |
|              | 248            | 1200 MAIN ST   | TARVER CHRISTOPHER T &         |
|              | 249            | 1200 MAIN ST   | YING KEN W                     |
|              | 250            | 1200 MAIN ST   | HWANG HELEN                    |
|              | 251            | 1200 MAIN ST   | MOVVA SATYANARAYANA            |
|              | 252            | 1200 MAIN ST   | SCHUMANN KEITH &               |
|              | 253            | 1200 MAIN ST   | FOX JEFFREY L                  |
|              | 254            | 1200 MAIN ST   | BODLEY GABRIELLE               |
|              | 255            | 1200 MAIN ST   | QUINN CRAIN A & NATALIE L      |
|              | 256            | 1200 MAIN ST   | GATES MARTIN E II & JUDY M     |
|              | 257            | 1200 MAIN ST   | DURRA OMAR                     |
|              | 258            | 1200 MAIN ST   | PHILLIPS DAVID G               |
|              | 259            | 1200 MAIN ST   | WARREN BLAKE T &               |
|              | 260            | 1200 MAIN ST   | MARKHOFF STEVEN                |
|              | 261            | 1200 MAIN ST   | GRANT JASON A & MARIA          |
|              | 262            | 1200 MAIN ST   | COOKSEY CHARLES N              |
|              | 263            | 1200 MAIN ST   | CUNNINGHAM THOMAS G            |
|              | 264            | 1200 MAIN ST   | POWERS A MARKS                 |
|              | 265            | 1200 MAIN ST   | ARNOLD NANCY E WEINTRAUB       |
|              | 266            | 1200 MAIN ST   | BERMAN DANIEL                  |
|              | 267            | 1200 MAIN ST   | PERRI VINEYARDS & REAL ESTATE  |
|              | 268            | 1200 MAIN ST   | RANDOLPH HEATHER ELAINE &      |
|              | 269            | 1200 MAIN ST   | LUDWIG CURTIS A                |
|              | 270            | 1200 MAIN ST   | PATEL AMIR B                   |
|              | 271            | 1200 MAIN ST   | KNIFE LUTHER DASSON III        |
|              | 272            | 1200 MAIN ST   | IPPOLITO ESTER                 |
|              | 273            | 1200 MAIN ST   | PATKOVIC MARIJANA              |
|              | 274            | 1200 MAIN ST   | BASH DAMIEN                    |



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|--------------|----------------|----------------|--------------------------------------|
|              | 275            | 1200 MAIN ST   | BOWENS BARRY C                       |
|              | 276            | 1200 MAIN ST   | KRIDER SUE E                         |
|              | 277            | 1200 MAIN ST   | SHIPP RONALD B                       |
|              | 278            | 1200 MAIN ST   | ENGRAM AARON                         |
|              | 279            | 1200 MAIN ST   | COX JOHN VERNON TR & GAY GAYLE TR    |
|              | 280            | 1200 MAIN ST   | COX JOHN VERNON TR &                 |
|              | 281            | 1200 MAIN ST   | SMITH LAURA                          |
|              | 282            | 1200 MAIN ST   | BALUCH AMIR                          |
|              | 283            | 1200 MAIN ST   | ONU ADISA M                          |
|              | 284            | 1200 MAIN ST   | BIERI MATTHEW B & REBECCA            |
|              | 285            | 1200 MAIN ST   | MAYORGA LUIS A                       |
|              | 286            | 1200 MAIN ST   | MUSABASIC MEMSUD                     |
|              | 287            | 1200 MAIN ST   | GILMAN ALEX                          |
|              | 288            | 1200 MAIN ST   | SLIGER STEPHEN H & GWENNY L          |
|              | 289            | 1200 MAIN ST   | MOTGI GURU & SHASHI                  |
|              | 290            | 1200 MAIN ST   | MOTGI GURUBASAPPA V & SHASHI R MOTGI |
|              | 291            | 1200 MAIN ST   | SARDARABADI ABDOL M &                |
|              | 292            | 1200 MAIN ST   | ACKER PARLEY E III                   |
|              | 293            | 1200 MAIN ST   | WATTS FAMILY TRUST                   |
|              | 294            | 1200 MAIN ST   | LIN XIA                              |
|              | 295            | 1200 MAIN ST   | TRAMMELL DUANE &                     |
|              | 296            | 1200 MAIN ST   | DUNCAN ROBERT J &                    |
|              | 297            | 1200 MAIN ST   | CORCORAN SHAWN M & CARRIE A          |
|              | 298            | 1200 MAIN ST   | MAURER IAN S                         |
|              | 299            | 1200 MAIN ST   | MERCHANT REHAN I &                   |
|              | 300            | 1200 MAIN ST   | REAGANS KIMBERLY                     |
|              | 301            | 1200 MAIN ST   | KRISHNA SHAIENDRA &                  |
|              | 302            | 1200 MAIN ST   | PONZIO JOHN &                        |
|              | 303            | 1200 MAIN ST   | BARBADILLO OSCAR JR                  |
|              | 304            | 1200 MAIN ST   | DAVIS WALKER L                       |
|              | 305            | 1200 MAIN ST   | YATES RALPH A & FAYE                 |

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|--------------|----------------|-----------------|--------------------------------|
|              | 306            | 1200 MAIN ST    | PERRI VINEYARDS &              |
|              | 307            | 1200 MAIN ST    | GARCIA CASSANDRA               |
|              | 308            | 1200 MAIN ST    | BARBATO CRISTINA COSTA         |
|              | 309            | 1200 MAIN ST    | BOWLES NEAL A & CARLA D WATSON |
|              | 310            | 1200 MAIN ST    | LUFKIN ROGER W                 |
|              | 311            | 1200 MAIN ST    | WILKINSON EARL J               |
|              | 312            | 1200 MAIN ST    | CALDWELL ROGER W & KIMBERLY S  |
|              | 313            | 1200 MAIN ST    | BELGAUM LLC                    |
|              | 314            | 1300 JACKSON ST | 1300 JACKSON STREET            |
|              | 315            | 1300 JACKSON ST | FRACKT RENA L                  |
|              | 316            | 1300 JACKSON ST | POE BRIAN                      |
|              | 317            | 1300 JACKSON ST | BRAZZEL ZACHARY L              |
|              | 318            | 1300 JACKSON ST | HOPE MARK A                    |
|              | 319            | 1300 JACKSON ST | WASHINGTON DAVID CHASE         |
|              | 320            | 1300 JACKSON ST | KOLANDER KAMELA                |
|              | 321            | 1300 JACKSON ST | EVANS SCOTT                    |
|              | 322            | 1300 JACKSON ST | SLAWOMIR LESZINSKI LIVING      |

**AGENDA ITEM # 37**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 45 K

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the south side of Elm Street and the east side of North Akard Street

Recommendation of Staff and CPC: Approval for a six-year period, subject to conditions

Z145-278(CG)



**FILE NUMBER:** Z145-278(CG)

**DATE FILED:** June 9, 2015

**LOCATION:** South side of Elm Street and the east side of North Akard Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45K

**SIZE OF REQUEST:** ±0.3443 acres

**CENSUS TRACT:** 31.01

**APPLICANT:** Reynolds Outdoors Media

**REPRESENTATIVE:** Rob Baldwin

**OWNER:** BVF-II Kirby Limited Partnership

**REQUEST:** An application for the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

**SUMMARY:** The request is to allow the continued operation of a 144-square foot projecting sign (videoboard). The existing sign is located on the west façade. (N. Akard Street)

**CPC RECOMMENDATION:** Approval for a six-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a six-year period, subject to conditions.

**BACKGROUND:**

- The applicant requests renewal of SUP No. 1791 to maintain the existing 144-square feet videoboard at the corner of Elm and N. Akard Streets.
- The subject site (Kirby Building) lies in Planned Development District No. 619 and is developed with a parking garage with ground level retail uses. A portion of the property fronts onto Main Street, which is a 16-story apartment building with ground level retail.
- Land use in the surrounding area includes office, retail and personal service, and multifamily uses.
- The current SUP expires on January 13, 2016.
- Ordinance No. 27481 was adopted by the Dallas City Council on February 11, 2009, and allows for non-premise district activity videoboard signs in the Downtown Special Provision Sign District.
- The existing signs are in compliance with the renewal conditions of SEC. 51A-7.909. Attached Non-Premise District Activity Videoboard Signs of the Dallas Development Code:
  - (a) Content. Non-premise district activity videoboard signs must display district activity messages a minimum of three minutes of every operational hour and must display either district activity messages or premise messages for an additional minimum of nine minutes of every operational hour.
  - (b) Location and number.
    - (1) A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within Retail Subdistrict A and Retail Subdistrict B bounded by Jackson Street, Lamar Street, Pacific Avenue, and Cesar Chavez Boulevard.
    - (2) A maximum of one non-premise district activity videoboard sign is permitted per block face.
    - (3) Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street.
    - (4) Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.
  - (c) Size. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have a maximum 150 square feet in effective area.
  - (d) SUP required.
    - (1) Non-premise district activity videoboard signs are only permitted by SUP.



- (2) All applications for non-premise district activity videoboard signs must include a report from a traffic engineer stating that the placement of the sign will not interfere with the effectiveness of traffic control devices within 300 ft. of the sign.
- (3) If there is a conflict between Subsection [51A-4.206](#)(1) and this section, this section controls.
- (4) Original applications and renewal applications for non-premise district activity videoboard signs must include an affidavit stating that the building meets the occupancy requirements in Subsection (g).
- (5) Within 10 days after expiration or revocation of the SUP the non-premise district activity videoboard sign must be removed.
- (e) Installation. Non-premise district activity videoboard signs must be securely attached.
- (f) Projecting signs. Projecting non-premise district activity videoboard signs:
  - (1) must have a vertical orientation with height exceeding the width at a minimum 16:9 height-to-width ratio;
  - (2) may project a maximum of 12 feet into the right-of-way:
    - (A) subject to the licensing requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, the Dallas Building Code, and all other applicable laws, codes, ordinances, rules, and regulations;
    - (B) subject to review by the traffic engineer to ensure that the sign will not pose a traffic hazard or visibility obstruction; and
    - (C) provided that no projecting sign may project closer than two feet to a vertical plane extending through the back of a street curb;
  - (3) must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk; and
  - (4) must have videoboard displays on both sides of the sign.
- (g) Building occupancy requirements. Non- premise district activity videoboard signs are only permitted on buildings with retail and personal service uses, lodging uses, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. Non-premise district activity videoboard signs are not allowed on a lot containing a commercial surface parking lot use. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more.

**CITY PLAN COMMISSION ACTION  
AUGUST 6, 2015**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619 on the south side of Elm Street and the east side of North Akard Street.

Maker: Emmons  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley,  
Lavallaisaa, Tarpley, Shellene, Schultz, Peadon,  
Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Rodgers  
Vacancy: 1 - District 4

|                 |           |             |
|-----------------|-----------|-------------|
| <b>Notices:</b> | Area: 300 | Mailed: 107 |
| <b>Replies:</b> | For: 4    | Against: 0  |

**Speakers:** None

**EXISTING ORDINANCE**

1-5-10

ORDINANCE NO. 27782

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Planned Development District No. 619:

BEING Lot 1A in City Block A/76; fronting approximately 150 feet on the south line of Elm Street; fronting approximately 200 feet on the east line of Akard Street; fronting approximately 150 feet on the north line of Main Street; and containing approximately 0.3443 acres,

to be used under Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

Z145-278

27782

100191

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

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the following property ("the Property"), which is presently zoned as Planned Development District No. 619, to be used under Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign:

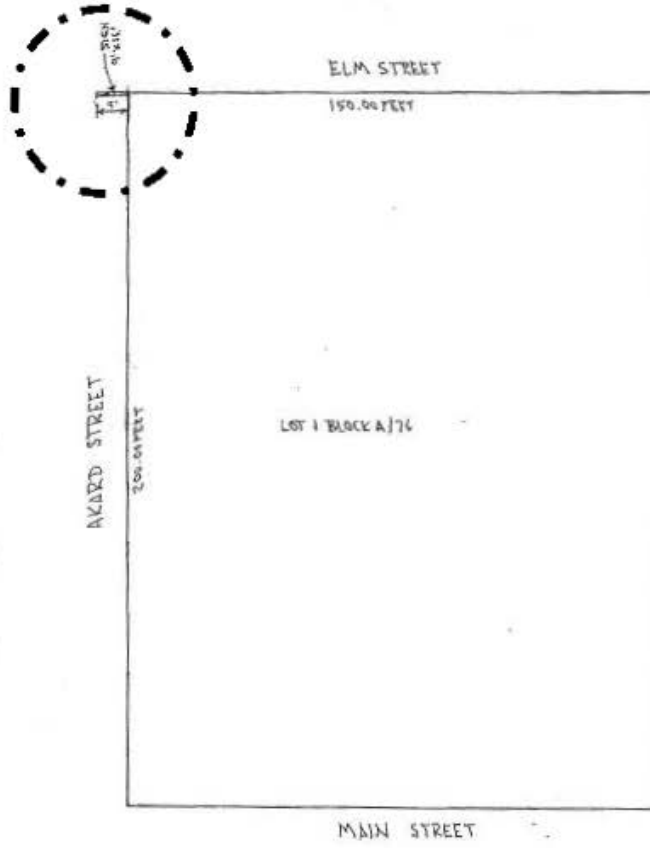
BEING Lot 1A in City Block A/76; fronting approximately 150 feet on the south line of Elm Street; fronting approximately 200 feet on the east line of Akard Street; fronting approximately 150 feet on the north line of Main Street; and containing approximately 0.3443 acres.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is an attached projecting non-premise district activity videoboard sign.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit automatically terminates on January 13, 2016.
4. CLEARANCE: The attached projecting non-premise district activity videoboard sign must have a minimum clearance of 20 feet above the sidewalk as shown on the attached elevation.
5. DIMENSIONS: The attached projecting non-premise district activity videoboard sign may not exceed a vertical length of 16 feet as shown on the attached site plan and elevation.
6. SIZE: The attached projecting non-premise district activity videoboard sign is limited to a maximum effective area of 144 square feet as shown on the attached site plan and elevation.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas. The sign must comply with Sections 51A-7.909 and 51A-7.910 of the Dallas Development Code.

Specific Use Permit  
No. 1791

REVISED 9/10

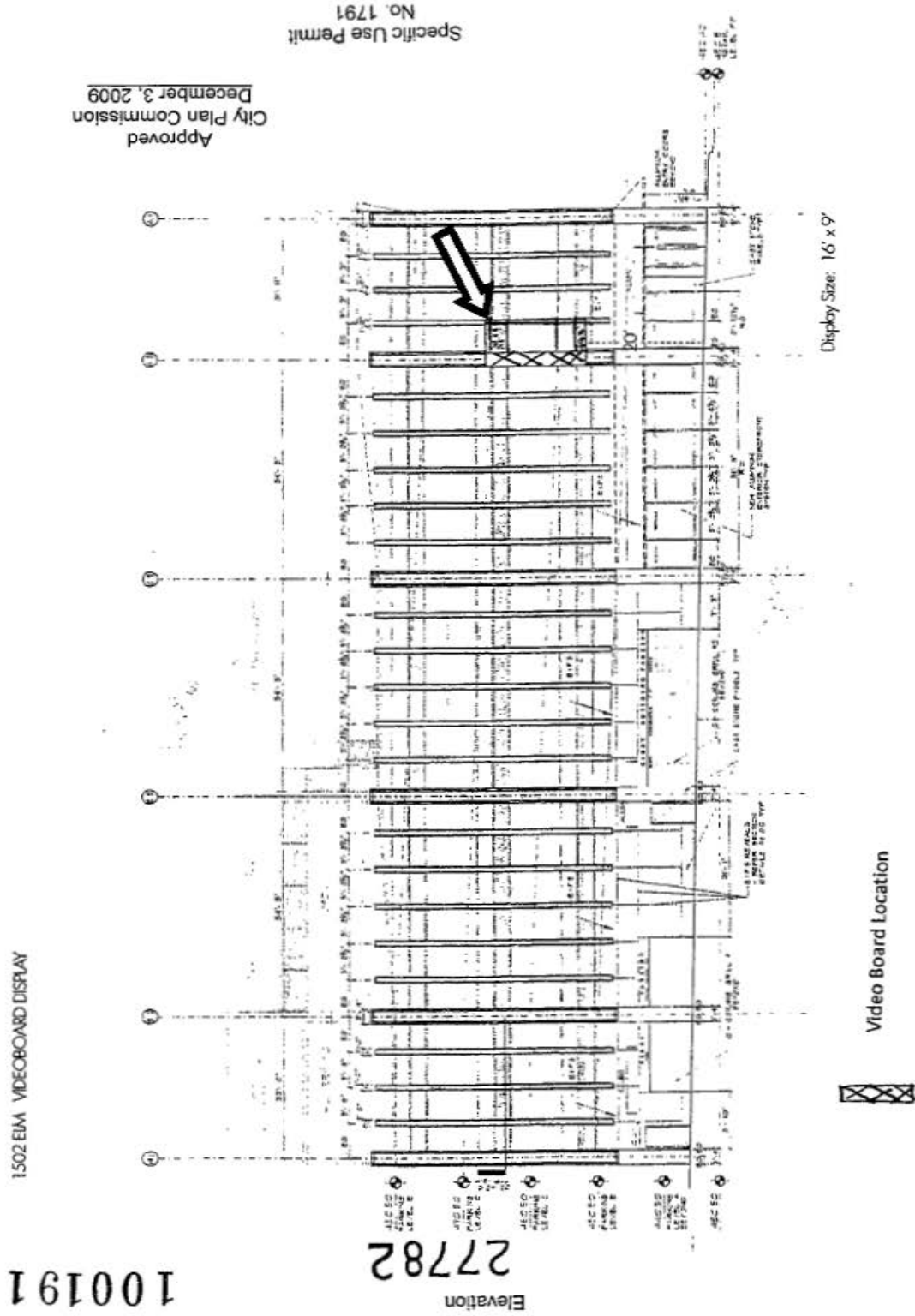


NORTH

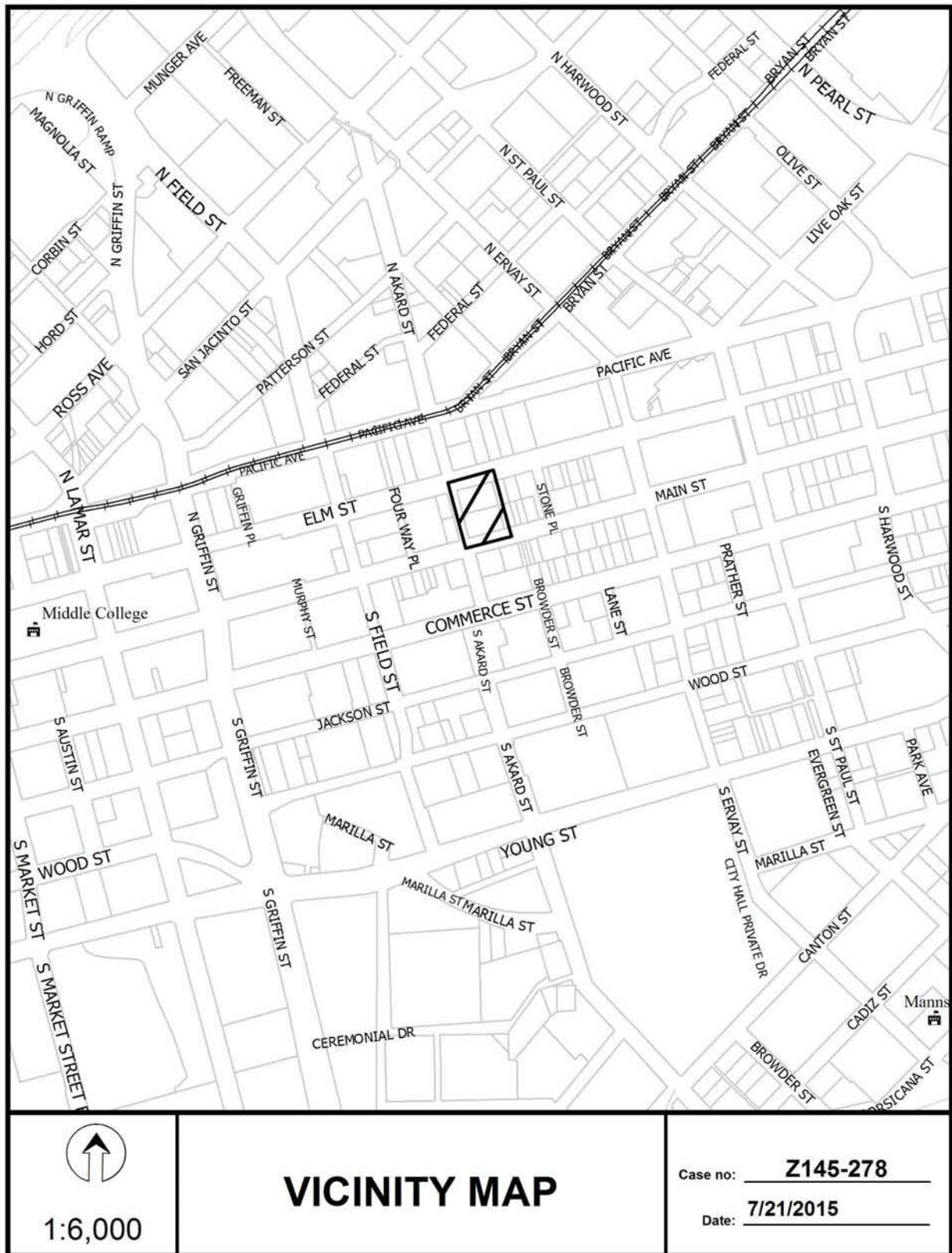
SCALE: 1" = 20'

SITE PLAN

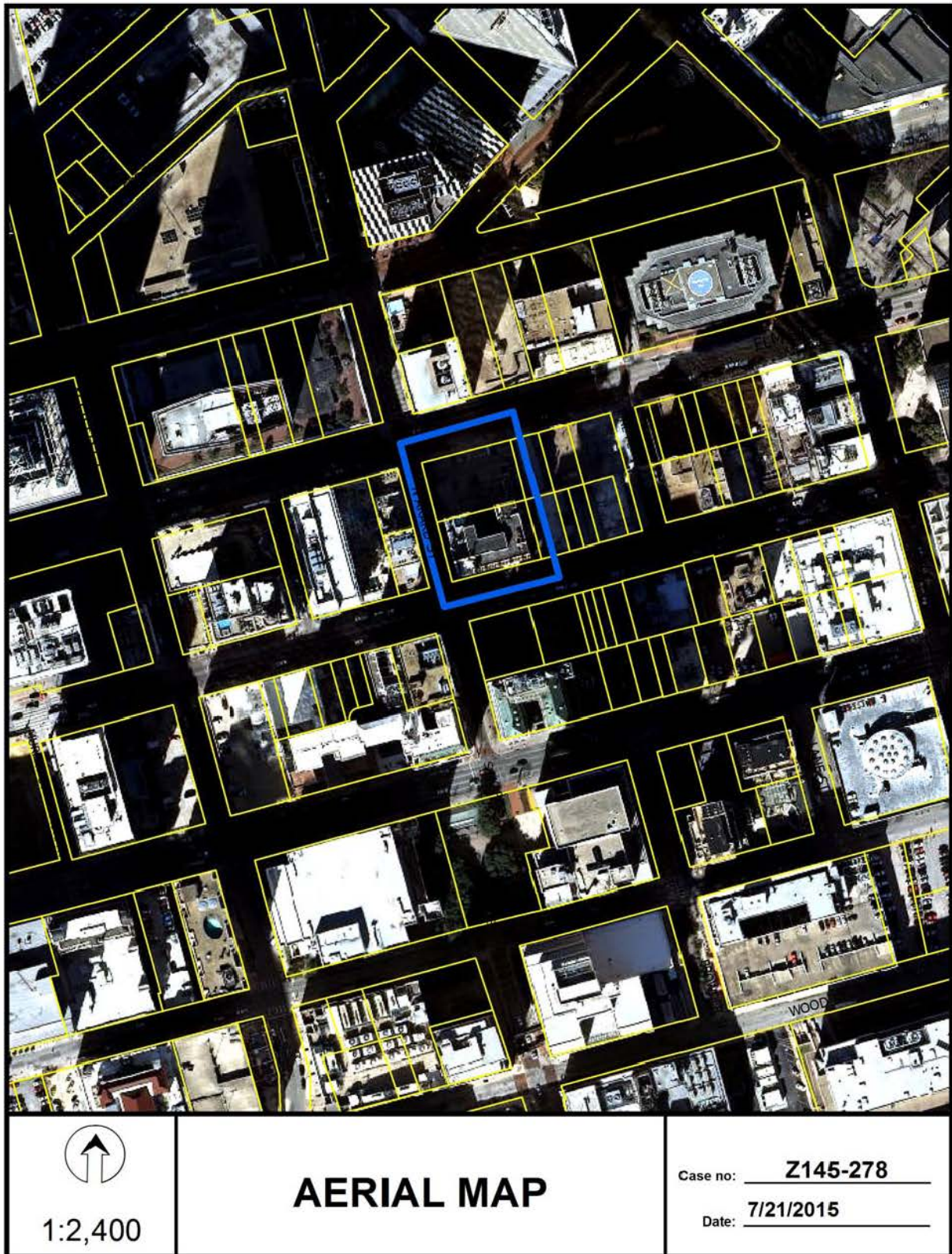
APPROVED BY CITY OF DALLAS  
IN ACCORDANCE WITH THE PROVISIONS OF  
SECTION 51A-4.219 OF THE DALLAS DEVELOPMENT  
CODE

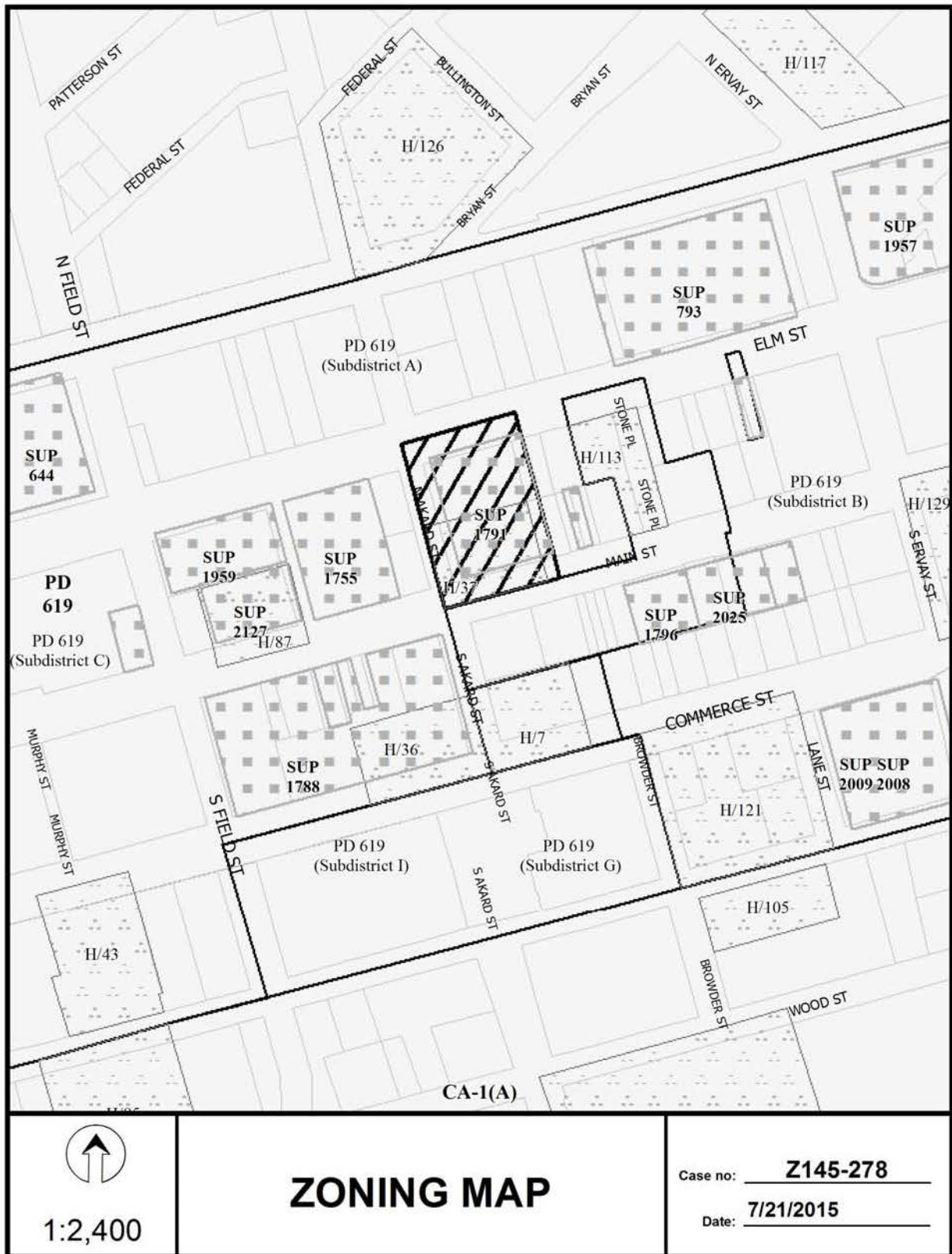






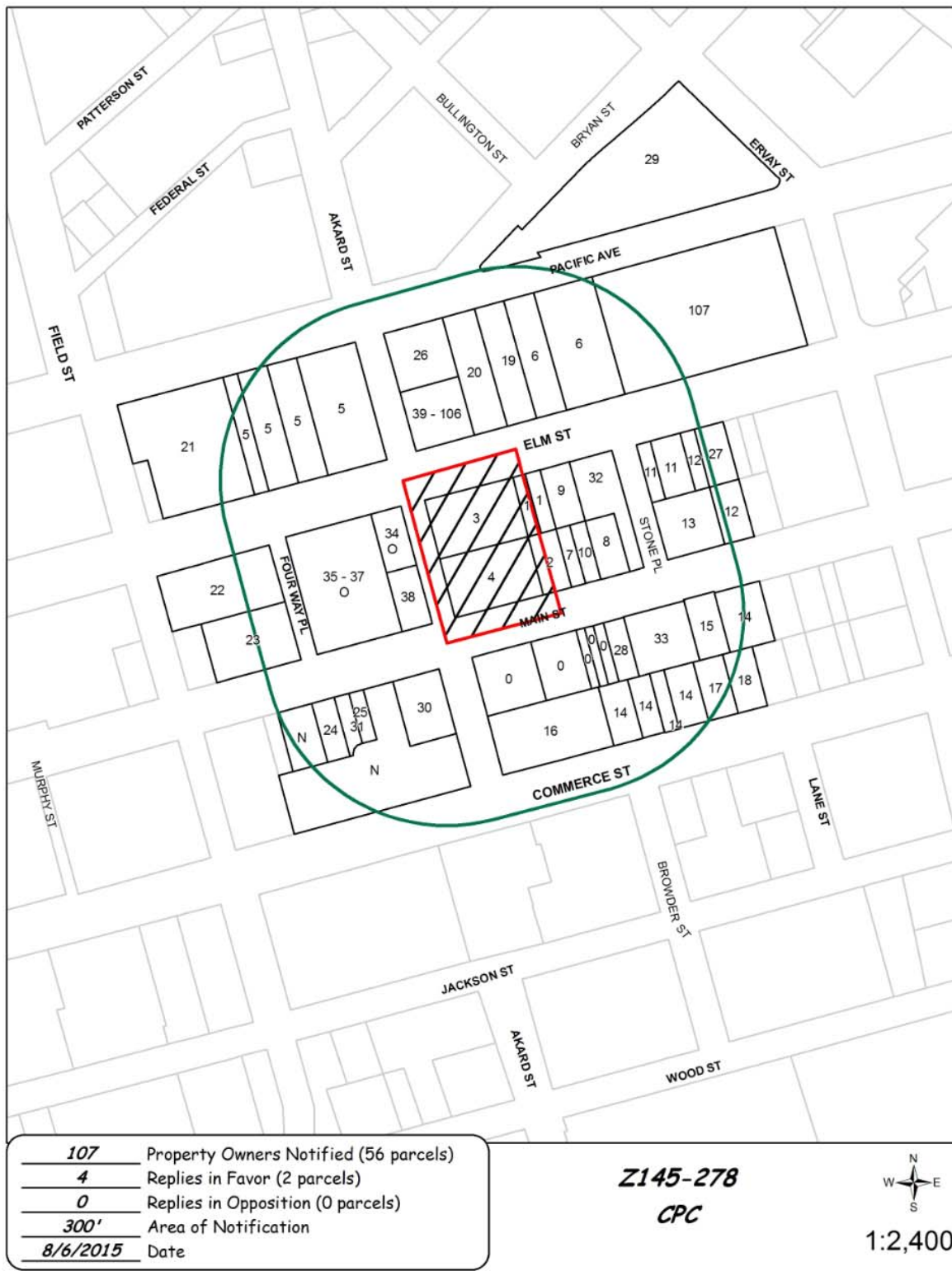








## CPC RESPONSES



08/05/2015

***Reply List of Property Owners******Z145-278******107 Property Owners Notified******4 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>              |
|---------------------|-----------------------|-----------------------|----------------------------------|
|                     | 1                     | 1514 ELM ST           | RREAF HOLDINGS MID ELM LLC       |
|                     | 2                     | 1515 MAIN ST          | LEGAL AID OF NORTHWEST TE        |
|                     | 3                     | 1502 ELM ST           | BVF-II KIRBY LIMITED PARTNERSHIP |
|                     | 4                     | 1509 MAIN ST          | BVF-II KIRBY LIMITED PARTNERSHIP |
|                     | 5                     | 1403 ELM ST           | OLYMPIC 1401 ELM ASSOCIATES LLC  |
|                     | 6                     | 1600 PACIFIC AVE      | 1600 PACIFIC LANDLORD LLC        |
|                     | 7                     | 1517 MAIN ST          | FONBERG PETER D TR ET AL         |
|                     | 8                     | 1521 MAIN ST          | ROMAN CATH DIOCESE DALLAS        |
|                     | 9                     | 1516 ELM ST           | RREAF HOLDINGS MID ELM LLC       |
|                     | 10                    | 1519 MAIN ST          | 1519 MAIN LP                     |
|                     | 11                    | 1604 ELM ST           | ELM AT STONEPLACE HOLDINGS LLC   |
|                     | 12                    | 1606 ELM ST           | ELM AT STONEPLACE HOLDINGS LLC   |
|                     | 13                    | 1607 MAIN ST          | ELM AT STONEPLACE HOLDINGS LLC   |
|                     | 14                    | 1604 MAIN ST          | 1600 MAIN STREET HOLDINGS LP     |
|                     | 15                    | 1600 MAIN ST          | 1600 MAIN STREET HOLDINGS LP     |
|                     | 16                    | 1401 COMMERCE ST      | HOLTZE MAGNOLIA LLLP             |
|                     | 17                    | 1513 COMMERCE ST      | PACIFICO PARTNERS LTD            |
|                     | 18                    | 1517 COMMERCE ST      | PACIFICO PARTNERS LTD            |
|                     | 19                    | 1511 ELM ST           | PE TOWER GARAGE HOLDINGS LP      |
|                     | 20                    | 1511 ELM ST           | PE TOWER GARAGE HOLDINGS LP      |
|                     | 21                    | 1401 ELM ST           | OLYMPIC 1401 ELM ASSOCIATES LLC  |
|                     | 22                    | 1302 ELM ST           | 1309 MAIN STREET APARTMENTS LLC  |
|                     | 23                    | 1309 MAIN ST          | 1309 MAIN STREET APARTMENTS LLC  |
|                     | 24                    | 1400 MAIN ST          | FOSTER BRYAN S                   |
|                     | 25                    | 1404 MAIN ST          | 1404 MAIN BUILDING LLC           |
|                     | 26                    | 208 AKARD ST          | MZEIN HOLDINGS LP                |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                   |
|--------------|----------------|------------------|--------------------------------|
|              | 27             | 1608 ELM ST      | ELM AT STONEPLACE HOLDINGS LLC |
|              | 28             | 1520 MAIN ST     | MAIN STREET INVESTORS JV       |
|              | 29             | 1627 PACIFIC AVE | THANKSGIVING SQUARE FDN        |
|              | 30             | 1412 MAIN ST     | BN 1412 MAIN LP                |
|              | 31             | 1402 MAIN ST     | TIER DEVELOPMENT GROUP LC      |
|              | 32             | 1520 ELM ST      | STONE PLACE MALL INV1 LTD      |
|              | 33             | 1530 MAIN ST     | DUNHILL 1530 MAIN LP           |
| O            | 34             | 1414 ELM ST      | ELM 1414 PPTIES, LTD           |
| O            | 35             | 1407 MAIN ST     | DLD PROPERTIES                 |
| O            | 36             | 1407 MAIN ST     | DRED PROPERTIES LTD            |
| O            | 37             | 1407 MAIN ST     | DCAR PROPERTIES LTD            |
|              | 38             | 1415 MAIN ST     | GS RENAISSANCE LTD PS          |
|              | 39             | 1505 ELM ST      | CHRISTIAN LARRY &              |
|              | 40             | 1505 ELM ST      | DUCOTEY WARREN 2002 TR         |
|              | 41             | 1505 ELM ST      | JOBE REAGAN V                  |
|              | 42             | 1505 ELM ST      | KEY SEAN                       |
|              | 43             | 1505 ELM ST      | BUTLER KELLY A LIVING TRUST    |
|              | 44             | 1505 ELM ST      | DELEON JOSE & ALMA FLORES      |
|              | 45             | 1505 ELM ST      | NORRIS SONJA                   |
|              | 46             | 1505 ELM ST      | WONG ERIK JEFFREY              |
|              | 47             | 1505 ELM ST      | LANGAN PATRICK                 |
|              | 48             | 1505 ELM ST      | LEAVERTON KEVIN O              |
|              | 49             | 1505 ELM ST      | MENDEZPEREZ JAIME & FANNY      |
|              | 50             | 1505 ELM ST      | SCHMIDT MICHAEL                |
|              | 51             | 1505 ELM ST      | HARTLINEDIAZ PATRICIA          |
|              | 52             | 1505 ELM ST      | BREWER STEPHEN D &             |
|              | 53             | 1505 ELM ST      | BECKMAN JAMIE W                |
|              | 54             | 1505 ELM ST      | SYMPHONY PROPERTIES LLC        |
|              | 55             | 1505 ELM ST      | HIRSCHHEIMER JOSHUA DAVID      |
|              | 56             | 1505 ELM ST      | KILANOWSKI KATHLEEN            |
|              | 57             | 1505 ELM ST      | EDMONDSON ROY M                |



08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                     |
|--------------|----------------|----------------|----------------------------------|
|              | 58             | 1505 ELM ST    | HAGGARD SCOTT JR                 |
|              | 59             | 1505 ELM ST    | ALLIANT PROPERTIES LLC SERIES D  |
|              | 60             | 1505 ELM ST    | PIGG CHRISTINE                   |
|              | 61             | 1505 ELM ST    | BUSBY MELINDA Z                  |
|              | 62             | 1505 ELM ST    | BASSAMPOUR FATEMAH &             |
|              | 63             | 1505 ELM ST    | IKER GREGORY MARK                |
|              | 64             | 1505 ELM ST    | SONNETT JOHN                     |
|              | 65             | 1505 ELM ST    | BRAIR GHASSAN B                  |
|              | 66             | 1505 ELM ST    | MAGAN NAVIN                      |
|              | 67             | 1505 ELM ST    | MENDENHALL MYLES E & KATHERINE M |
|              | 68             | 1505 ELM ST    | STEVENS KATHERINE A              |
|              | 69             | 1505 ELM ST    | POTTER BRITON J III &            |
|              | 70             | 1505 ELM ST    | MUNK FLORENCE                    |
|              | 71             | 1505 ELM ST    | SCHMIDT MICHAEL L                |
|              | 72             | 1505 ELM ST    | SINGER ARTURO                    |
|              | 73             | 1505 ELM ST    | JONES REBECCA J                  |
|              | 74             | 1505 ELM ST    | YELLOTT JAY D                    |
|              | 75             | 1505 ELM ST    | SCHWARTZ DEBORAH                 |
|              | 76             | 1505 ELM ST    | RICHARD C WERNON                 |
|              | 77             | 1505 ELM ST    | KEDRON LUCEA SUZAN               |
|              | 78             | 1505 ELM ST    | ANTERHAUS ROBERT H &             |
|              | 79             | 1505 ELM ST    | MUNOZ ROLANDO & DONNA W          |
|              | 80             | 1505 ELM ST    | MCKNIGHT BILLY REA               |
|              | 81             | 1505 ELM ST    | DILENA R J                       |
|              | 82             | 1505 ELM ST    | L & M PROPERTY MGMT LLC          |
|              | 83             | 1505 ELM ST    | HOLLOWAY MICHAEL S &             |
|              | 84             | 1505 ELM ST    | FRAZEE STEVEN K                  |
|              | 85             | 1505 ELM ST    | DANE EUGENE                      |
|              | 86             | 1505 ELM ST    | LARA JOHN COOPER                 |
|              | 87             | 1505 ELM ST    | MCLAIN WILLIAM T &               |
|              | 88             | 1505 ELM ST    | MITTELSTET STEPHEN K             |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                            |
|--------------|----------------|----------------|-----------------------------------------|
|              | 89             | 1505 ELM ST    | ABENDSCHEIN FREDERICK                   |
|              | 90             | 1505 ELM ST    | ROBERTSON RON & DONNA                   |
|              | 91             | 1505 ELM ST    | EDWARDS GARY DON & JANIE FAY            |
|              | 92             | 1505 ELM ST    | COLLETT BRIAN J TR LIFE EST & CHERYL TR |
|              | 93             | 1505 ELM ST    | NIENDORFF CARL A IV                     |
|              | 94             | 1505 ELM ST    | HALL MICHAEL D                          |
|              | 95             | 1505 ELM ST    | PATTERSON J R JR & BILLIE JO PUD        |
|              | 96             | 1505 ELM ST    | HARVEY BARBARA ANN & EDWARD BRUCE       |
|              | 97             | 1505 ELM ST    | AKIN LARRY D & CAROL D                  |
|              | 98             | 1505 ELM ST    | SPIEGEL ROSS ADAM                       |
|              | 99             | 1505 ELM ST    | BOLDEN PAUL &                           |
|              | 100            | 1505 ELM ST    | ROBERTS FINES OLIVER                    |
|              | 101            | 1505 ELM ST    | STANLEY ROGER &                         |
|              | 102            | 1505 ELM ST    | DUNNAHOO WILLIAM MICHAEL & PATRICIA     |
|              | 103            | 1505 ELM ST    | SCARLET PEGASUS GROUP LP                |
|              | 104            | 1505 ELM ST    | WILSON ADDISON G IV                     |
|              | 105            | 1505 ELM ST    | SCRIPPS FREDERIC SCOTT                  |
|              | 106            | 1505 ELM ST    | BLUE STAR MORTGAGE INC                  |
|              | 107            | 1601 ELM ST    | 1601 ELM HOLDINGS LP                    |

**AGENDA ITEM # 38**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 45 H

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to portions of Subareas 10, 11, 12, and 12A of Planned Development District No. 298, the Bryan Area Special Purpose District, various parcels generally bounded by Live Oak Street, Gordon Street, Gaston Avenue, and Skiles Street

Recommendation of Staff and CPC: Approval, subject to revised conditions  
Z145-123(RB)



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**FILE NUMBER:** Z145-123(RB) **DATE FILED:** November 12, 2014

**LOCATION:** Various parcels generally bounded by Live Oak Street, Gordon Street, Gaston Avenue, and Skiles Street

**COUNCIL DISTRICT:** 14 **MAPSCO:** 45 H

**SIZE OF REQUEST:** Approx. 17.169 Acres **CENSUS TRACT:** 22.00

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**APPLICANT:** Baylor Healthcare System

**REPRESENTATIVE:** Robert Reeves

**OWNER:** Baylor Scott & White Health

**REQUEST:** An application for an amendment to portions of Subareas 10, 11, 12, and 12A of Planned Development District No. 298, the Bryan Area Special Purpose District.

**SUMMARY:** The applicant is requesting consideration of the following: 1) increase structure height by 12 feet for various mechanical and supporting infrastructure (for Subarea 12A, only); 2) permit off-street parking regulations as provided by the Baylor-Related Use Special Parking provisions of the ordinance; 3) alternate tree planting zone requirements (for Subarea 12A, only); and 4) provide for a Pedestrian skybridge use, by Specific Use Permit (for Subarea 12A, only). Except for those parcels currently designated as Subarea 12A, all parcels are designated amongst three subareas (10, 11, and 12) with the request to reclassify as 10A, 11A, and 12A, respectively.

**CPC RECOMMENDATION:** Approval, subject to revised conditions.

**STAFF RECOMMENDATION:** Approval, subject to revised conditions.

**GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommendation of approval, subject to the attached recommended amending conditions is based upon:

1. *Performance impacts upon surrounding property* – Anticipated uses for the various parcels (hospital related) are consistent with those in the immediate area; additionally, no additional uses (other than a pedestrian skybridge for Subarea 12A) are proposed. The requested increase in structure height (Subdistrict 12A), subject to staff's recommendations, will ensure these improvements are 'internalized' (i.e., minimum setback from the building edge) within the rooftop area of any new building.
2. *Traffic impact* – As uses and development standards are not being amended, anticipated development can be accommodated by the existing street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Campus Building Block and is in compliance with the Comprehensive Plan.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The focus of the requested amendments revolves around the specific off-street parking regulations for the Baylor Expanded District, which is PDD-specific and already approved for the respective subareas in PDD No. 298. The revisions to the plus-12 feet for certain mechanicals as well as revisions to required street tree placements requires a PDD. Lastly, the addition of the pedestrian skybridge use will still require an SUP for consideration but is supported for inclusion in Subdistrict 12A.

**Zoning History:** While there have been various amendments within PDD No. 298 the past five years, none of which are in close proximity nor related to this request area.

| <b><u>Thoroughfare/Street</u></b> | <b><u>Existing &amp; Proposed ROW</u></b> |
|-----------------------------------|-------------------------------------------|
| Gaston Avenue                     | Collector; 80' & 80' ROW                  |
| Swiss Avenue                      | Local; 50' ROW                            |
| North Hall Street                 | Collector; 80' & 80' ROW                  |
| Gordon Street                     | Local; 30' ROW                            |



|               |                |
|---------------|----------------|
| Cobb Street   | Local; 30' ROW |
| Adair Street  | Local; 17' ROW |
| Skiles Street | Local; 37' ROW |
| Floyd Street  | Local; 50' ROW |

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant's requested amendments to PDD No. 298. As these amendments are not increasing density, it has been determined there will be no impact on the area's street system.

On a parallel matter, the applicant commissioned a Traffic Management Plan for one of the parcels being considered in this request (northwest line of Gaston Avenue, east of North Hall Street) in that both PDD No. 298 and PDD No. 749 (located across Gaston Avenue from this parcel) require such; see Sec. 51P-298.120, attached to this material. The mixed use development will include medical offices, hotel, retail, and a supporting parking structure. Engineering staff has reviewed the required TMP and supports the proposed development.

#### **STAFF ANALYSIS:**

**Comprehensive Plan:** The request site lies within an area considered as a Campus Building Block. Properties found in this building block tend to focus on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents. Over time, areas such as UNT can take on a "university town" feel as they mature. All Campus Building Block areas should have convenient transit options as an integral component. Economic development efforts should capitalize on the spin-off employment opportunities generated by the primary employers.

**Land Use Compatibility:** The request area consists of nine parcels, totally an aggregate of approximately six acres, as well as the existing Subdistrict 12A land area, in an area generally bounded by the thoroughfares of Live Oak Street, west of North Washington Avenue, Gaston Avenue, and North Hall Street. All parcels are designated

amongst three subareas (10, 11, and 12) with the request to reclassify as 10A, 11A, and 12A, respectively.

The focus of the requests is to anticipate additional uses to support the Baylor Health Care System, specifically: 1) apply off-street parking provisions for the Baylor Expanded District; 2) allow certain building-supporting infrastructure to extend a maximum of 12 feet above the respective Subareas' permitted height; 3) provide for alternative street tree regulations when located over a utility (the new portion of Subarea 12A, only); and 4) permit a pedestrian skybridge (by SUP) within Subarea 12A.

Surrounding land uses must be considered in context with immediate adjacencies (generally internal and immediately surrounding individual parcels), transitioning to area adjacencies (when considering perimeter property amendments, i.e., the Gaston Avenue parcels). From parcel-to-parcel, the predominate land use is office/medical office/lab facilities that serve the medical community. Various surface lots and one structured parking facility (Swiss Avenue and Floyd Street frontages) are found throughout the area. As one extends beyond the outlying parcels associated with this application, additional medical facilities (offices/medical offices, hospital, Baylor College of Dentistry) are found in close proximity. The Meadows Foundation, west of the westernmost parcel fronting on Skiles Street, encompasses much of the blockface between, Swiss Avenue and Live Oak Street. Lastly, there are supporting uses for this area (i.e, financial institution with drive-through service, retail/restaurant, auto service center). In summary, staff has determined that the compatibility of the various parcels associated with the request and their specific amendments, will not impact the built environment.

As the applicant has indicated the synergy between the southernmost boundary of Subarea 12A along Gaston Avenue and the adjacent medical related uses provided within PDD No. 749 will expand, staff is recommending consideration of infrastructure for mid-block crossings, with design and construction approved by the streets department. It should be noted that with current construction of a mixed use development across this portion of the PDD, the midblock DART bus stop has been relocated in westward along Gaston Avenue in close proximity to the intersection of this thoroughfare and Hall Street. As such, a signalized crosswalk will offer a more safe and efficient means for bus riders crossing the thoroughfare.

In summary, staff has worked with the applicant to ensure the amendments do not disturb (individually or collectively) the immediate area, negatively affect the enhanced pedestrian activity associated with people who traverse through the district, nor impact the co-existence between vehicles and people. As such, the attached recommended amending conditions are provided in support of the request.

**Off-Street Parking.** As the various medical facilities are concentrated through Subareas 10A, 11A, and 12A, the applicant anticipates the respective parcels will provide services typically classified as a Baylor-Related Use (see attached ordinance for specific uses). In conjunction with the concentration of these uses, specific parking regulations were established that require compliance with various provisions in consideration of reduced parking for these specific uses (as normally required by Dallas Development Code).

An example of one of these provisions is the Master Parking and Floor Area Plan as well as a Master Parking and Floor Area Plan Supplement. Both are required at various points of development/redevelopment/change of use. This function is similar in concept and application as that required within PDD No. 582, the Victory Special Purpose District (encompassing approx. 90 acres). Another provision in consideration of special parking requirements is the existence of the Baylor Healthcare Shuttle, which operates three defined routes with flexibility for augmenting the system's coverage. The North Route captures the majority of the request site (see all three routes, attached). Service is provided from 5:30 a.m. to 9:00 p.m., Monday through Friday.

**Additional use for Subarea 12A:** The applicant has requested a pedestrian skybridge be permitted in this subarea. It is anticipated the skybridge will cross Gaston Avenue at some date in the future. As the use will require a specific use permit, a typical zoning process (City Plan Commission and City Council public hearings) will be followed at that time.

**CPC ACTION – August 6, 2015**

**Motion:** It was moved to recommend **approval** of an amendment to portions of Subareas 10, 11, 12, and 12A of Planned Development District No. 298, the Bryan Area Special Purpose District, subject to revised conditions with the following changes: 1) The following structures may project a maximum of 12 feet above the maximum structure height specified in Subarea 12A, may not collectively exceed 1,000 square feet of footprint and each must be located a minimum of ten feet from a building edge: (i) Elevator penthouse or bulkhead; (ii) Visual screens which surround roof mounted mechanical equipment; (iii) Communication towers; (iv) Chimney and vent stacks. Mechanical equipment, ducts, and a cooling tower may project a maximum of four feet above the maximum structure height specified in this section and may not exceed a footprint of 4,600 square feet, must be screened with a minimum four foot-high solid material, and must be located a minimum of ten feet from a building edge, and 2) Remove proposal for skybridge use in an area (various parcel) generally bound by Live Oak Street, Gordon Street, Gaston Avenue, and Skiles Street.

Maker: Ridley  
Second: Schultz  
Result: Carried: 7 to 5

For: 7 - Emmons, Anantasomboon, Bagley\*,  
Lavallaisaa, Schultz, Peadon, Ridley

Against: 5 - Shidid, Tarpley, Shellene, Murphy, Abtahi  
Absent: 2 - Anglin, Rodgers  
Vacancy: 1 - District 4

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 153  
**Replies:** For: 9 Against: 2

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Charles Shelburne, 2001 Bryan St., Dallas, TX, 75201  
Against: Joanna Hampton, 5408 Swiss Ave., Dallas, TX, 75214  
Jeri Arbuckle, 4800 Victor St., Dallas, TX, 75246

**Baylor Scott & White Health**

Executive Leadership

**Drayton McLane, Jr.**

Chair of the Baylor Scott & White Health Board of Trustees

**Jim Turner**

Chair-elect of the Baylor Scott & White Health Board of Trustees

**Joel Allison**

Chief Executive Officer

**Bob Pryor, MD**

President, Chief Operating Officer and Chief Medical Officer

**LaVone Arthur**

Chief Integration Officer

**David Ballard, MD**

Chief Quality Officer

**Steve Boyd**

Chief Legal Officer

**Gary Brock**

President and Chief Operating Officer - North Texas

**Matthew Chambers**

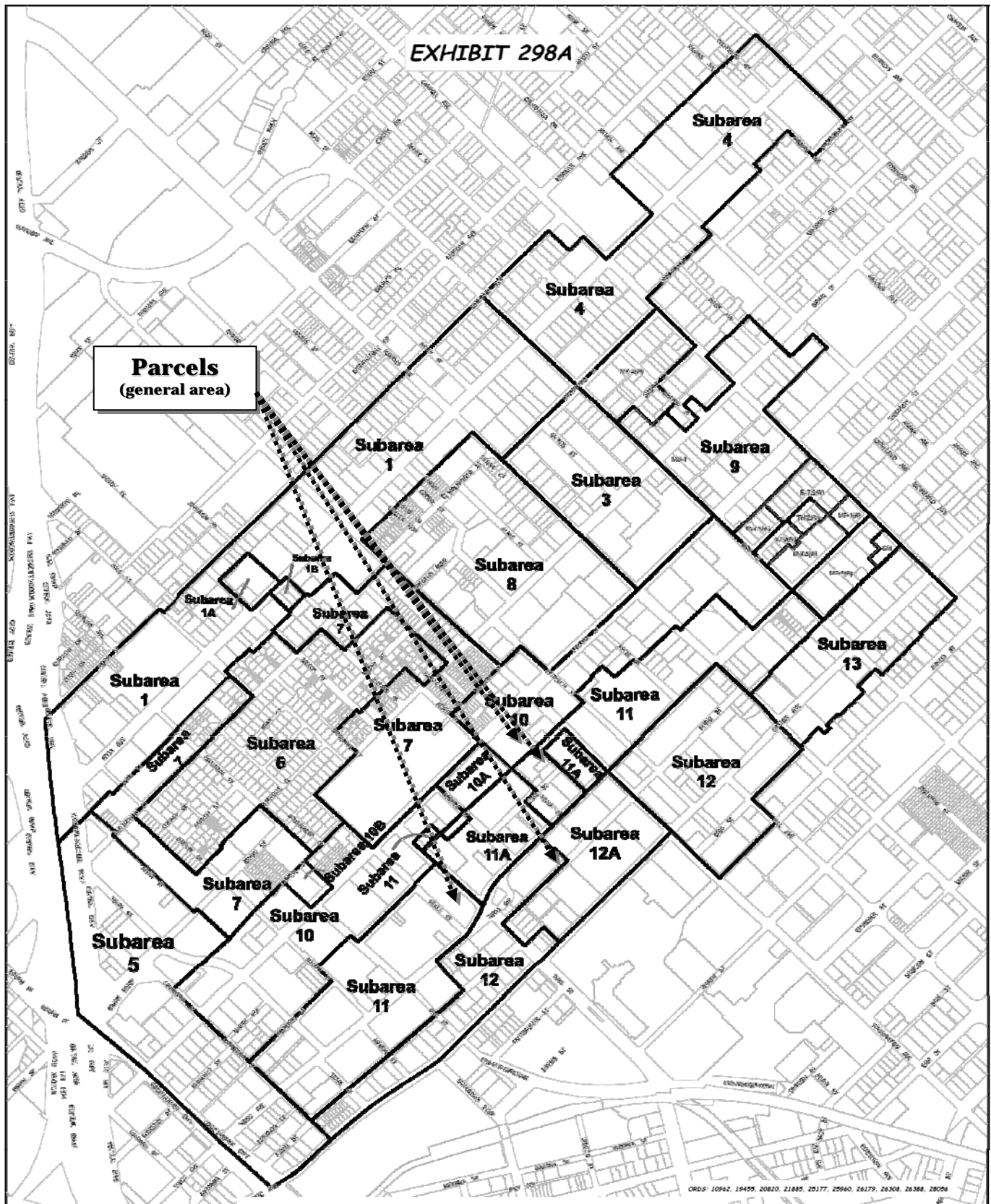
Chief Information Officer



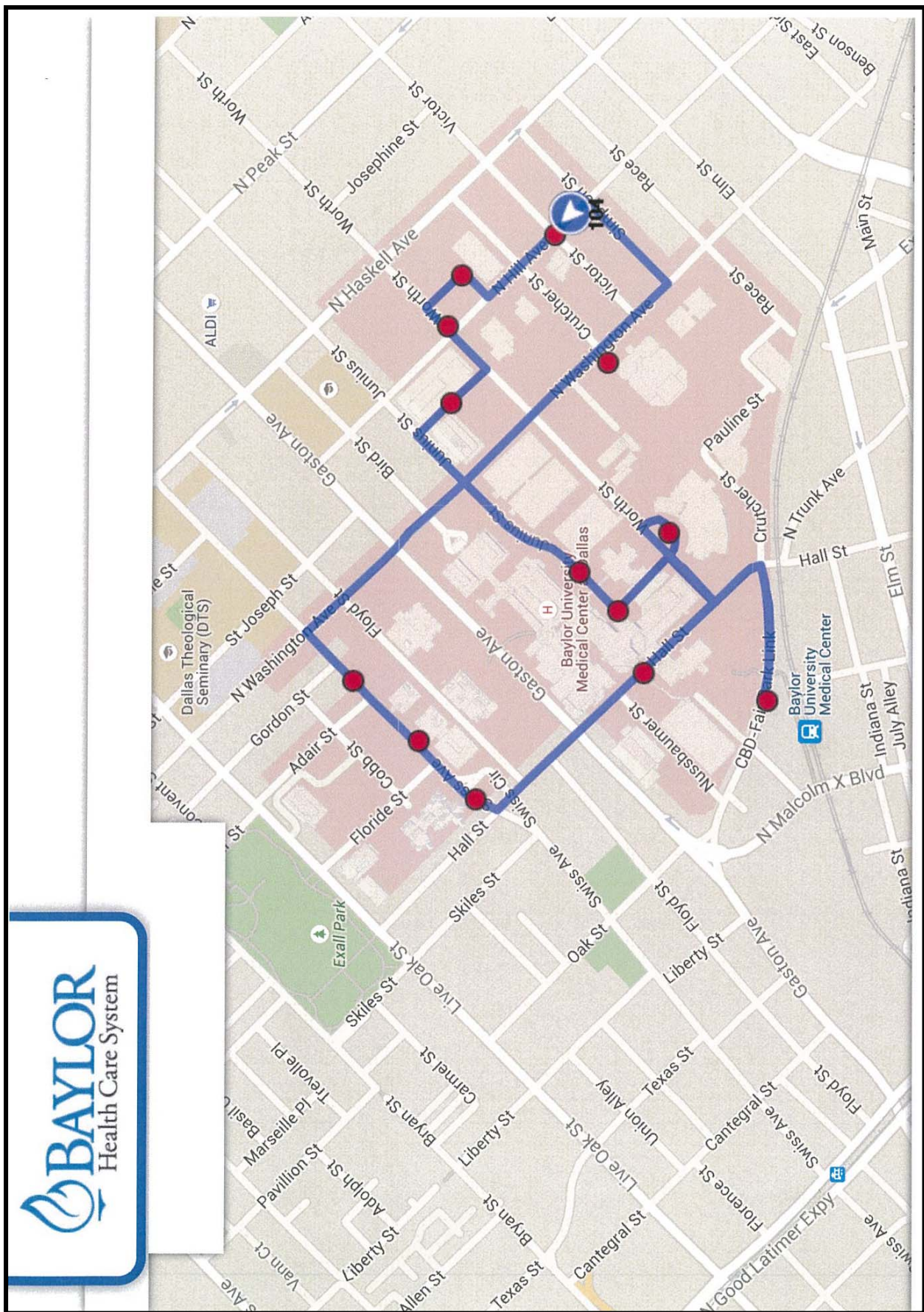
## Baylor Health Care System Administration

- **Joel T. Allison, FACHE**, Chief Executive Officer
- **Gary Brock**, President and Chief Operating Officer
- **LaVone Arthur**, Vice President of Business Development
- **David Ballard, MD, PhD**, President of STEEEP Global Institute, BHCS, and Chief Quality Officer, Baylor Scott & White Health
- **Wm. Stephen Boyd**, Chief Legal Officer
- **Jennifer Coleman**, Senior Vice President of Consumer Affairs
- **Kristi Sherrill Hoyle**, Vice President of Government Affairs
- **Donald Kennerly, MD, PhD**, Vice President and Associate Chief Quality Officer
- **Rosemary Luquire, RN, PhD, NEA-BC, FAAN**, Senior Vice President and Chief Nursing Officer
- **John B. McWhorter, III**, Senior Vice President, Baylor Health Care System and President, Baylor University Medical Center at Dallas
- **Robert Michalski**, Chief Compliance Officer
- **Irving Prengler, MD**, Chief Medical Officer and Vice President of Medical Affairs, Baylor University Medical Center and Associate Chief Medical Officer, Baylor Health Care System
- **William L. Roberts, MHA, CPA**, Senior Vice President and Chief Strategy Development Officer
- **Rowland K. Robinson**, President, Baylor Health Care System Foundation
- **Frederick Savelsbergh**, Chief Financial Officer
- **Joseph H. Schneider, MD, MBA, FAAP**, Vice President, Chief Medical Information Officer and Medical Director of Clinical Information
- **F. David Winter, MD, MSc, MSCP**, President and Chief Clinical Officer, HealthTexas Provider Network

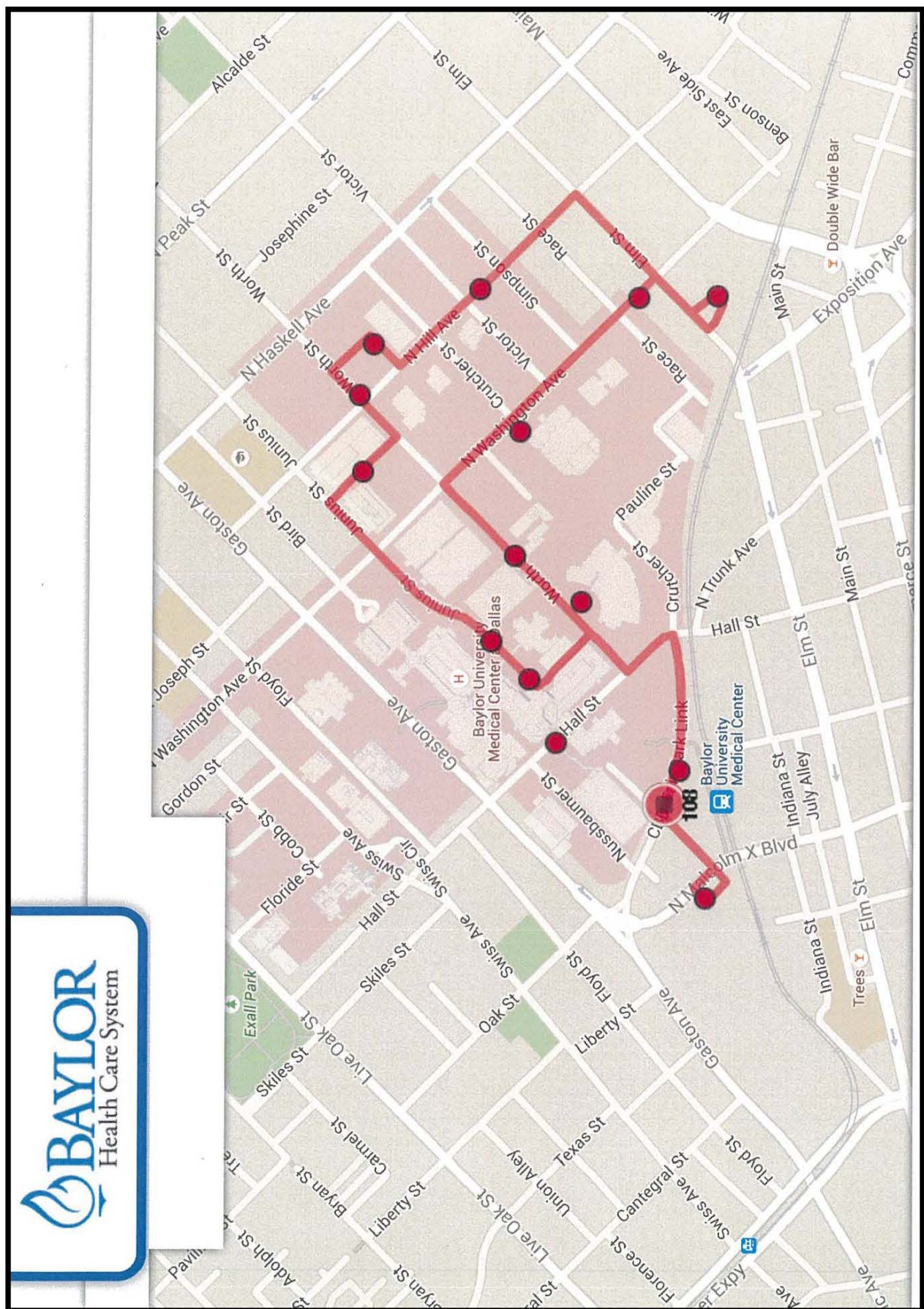




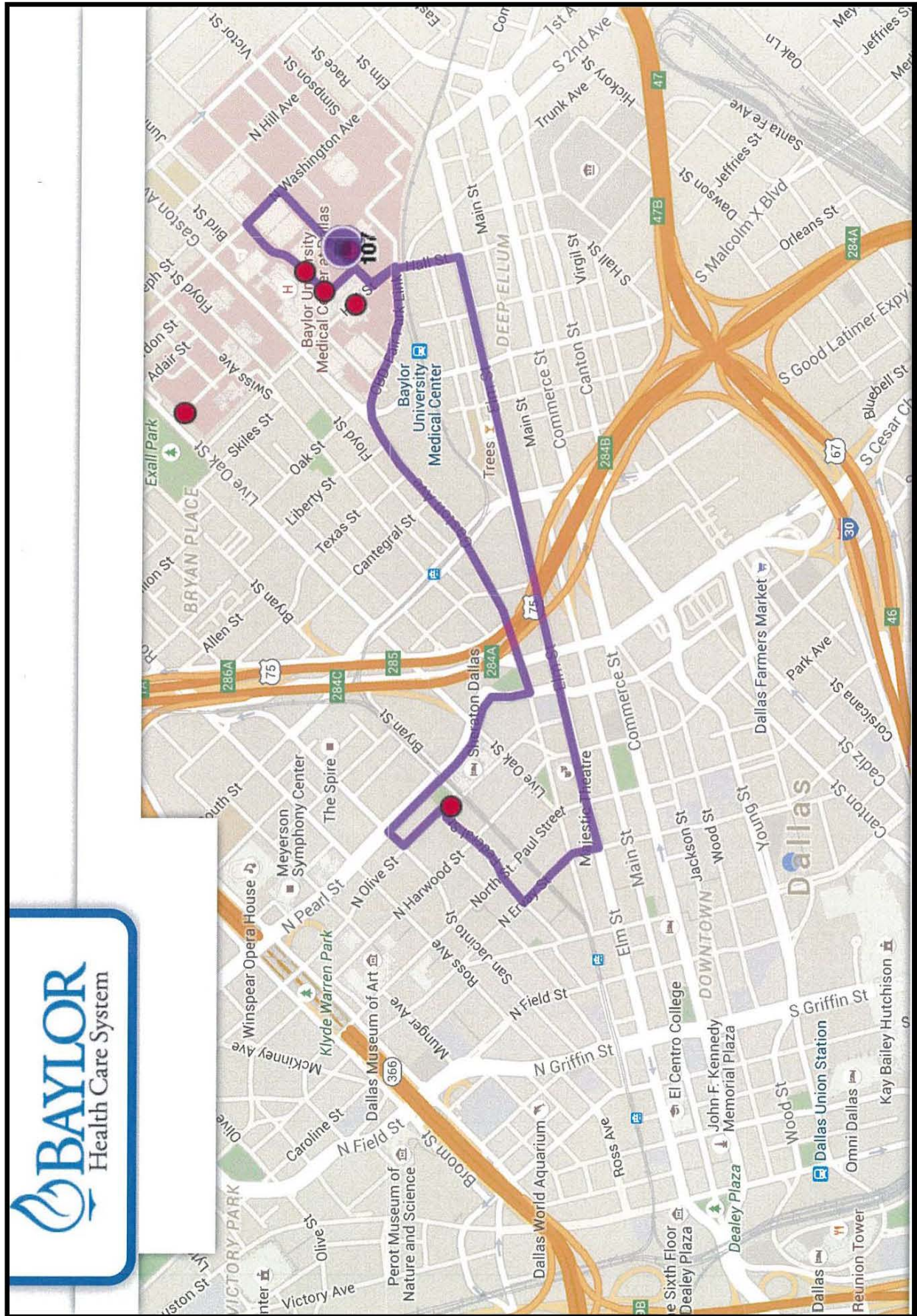












**CPC AMENDING CONDITIONS  
ARTICLE 298.**

**PD 298.**

**Bryan Area Special Purpose District**

**SEC. 51P-298.101. LEGISLATIVE HISTORY.**

PD 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. Ordinance No. 20049 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20049 was amended by Ordinance No. 20820, passed by the Dallas City Council on November 28, 1990, and Ordinance No. 21885, passed by the Dallas City Council on November 10, 1993.

**SEC. 51P-298.102. PROPERTY LOCATION AND SIZE.**

PD 298 is established on property generally bounded by North Central Expressway, Roseland Avenue and its northeastward prolongation, Fitzhugh Avenue, San Jacinto Street, Peak Street, Gaston Avenue, and Good-Latimer Expressway. The size of PD 298 is approximately 455.04 acres.

**SEC. 51P-298.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Definitions.

(1) **COMMERCIALLY COMPATIBLE SINGLE FAMILY USE** means a moderately dense single family use that is compatible with commercial development. The residential proximity slope does not emanate from commercially compatible single family uses.

(2) **GROUND COVER** means living plant material of species which generally reach a height of three inches or less upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(3) **LABOR AGENCY** means an agency that offers or attempts to procure or procures employment for common workers, or that offers or attempts to procure or procures common workers for employers. For purposes of this definition, "common worker" means an individual who performs labor involving physical toil that does not require a particular skill, training in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(4) **PARKWAY** means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.

(5) **PEDESTRIAN LINKAGE STREETS** mean streets in the Bryan Area SPD that serve as linkages between major activity centers and that are designed to promote pedestrian use.

(6) PROJECTED STREET CURB means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works and transportation.

(7) TREE PLANTING ZONE means the area parallel to and between two and one-half and ten feet from the back of the projected street curb.

(b) Interpretations. Unless otherwise stated, all references to code sections in this article refer to sections in Chapter 51A. In addition, the definitions, interpretations, and other provisions of Chapter 51A apply to the Bryan Area SPD unless expressly modified by these conditions.

**SEC. 51P-298.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 298A: subarea boundary map.
- (2) Exhibit 298B: Subarea 9 requirements.
- (3) Exhibit 298C: major street and pedestrian linkage systems.
- (4) Exhibit 298D: standard construction details for barrier free ramps.
- (5) Exhibit 298E: use chart.
- (6) Exhibit 298F: property descriptions for portions of Subareas 1, 3, and 4.
- (7) Exhibit 298G: development plan for Subarea 11.
- (8) Exhibit 298I: master parking and floor area plan for the Baylor Expanded District.
- (9) Exhibit 298I-1: master parking and floor area plan supplement for the Baylor Expanded District.
- (10) Exhibit 298I-2: total floor area tabulation form for the Baylor Expanded District.
- (11) Exhibit 298J: tabulation of total floor area in Subarea 12A.
- (12) Exhibit 298K: development plan for Subarea 10B.

**SEC. 51P-298.104. CREATION OF SUBAREAS.**

A map showing the boundaries of the 18 subareas of the Bryan Area SPD is provided as Exhibit 298A.

**SEC. 51P-298.105. SUBAREA 9 CONDITIONS.**



Subarea 9 is subject to the regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51A. The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The conditions contained in Sections 298.103 and 298.106 through 298.117 do not apply to Subarea 9.

**SEC. 51P-298.105.1. DEVELOPMENT PLANS.**

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 11 must comply with the development plan for Subarea 11 (Exhibit 298G).

(c) Development and use of Subarea 10B must comply with the development plan for Subarea 10B (Exhibit 298K). If there is a conflict between the text of this article and the development plan for Subarea 10B, the text of this article controls.

**SEC. 51P-298.106. LANDSCAPING.**

(a) General requirements. The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 1A, 6, and 9. Compliance with previously approved landscape plans is not required.

(b) Street trees.

(1) Location, number, and type of trees required.

(A) Except as provided in this subsection, each building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(B) The number of trees required is calculated by dividing the number of feet or lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(C) Except as provided in this subsection, All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(D) Subdistrict 12A.

(i) Trees required in the tree planting zone are not required if located within an underground utility easement or within ten feet of an existing underground public utility. The building official may approve an alternate landscaping if approved by all entities responsible for the underground utility.

(ii) In the event all entities responsible for the underground utility do not approve alternate landscaping, the required trees to be located within a tree planting zone must be located elsewhere on the Property between the building façade and the street.

(D E) In Subarea 10B, street trees are not required along Carmel Street.

(2) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(3) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(A) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(B) Fifty feet along all other streets.

(4) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(A) conform to city standards and specifications; and

(B) be large enough to permit healthy tree growth.

(5) Points for street trees. Each tree provided in accordance with Paragraph (3)(A) is awarded eight points. Each tree provided in accordance with Paragraph (3)(B) is awarded six points.

(c) Front yard landscaping and parkway landscaping.

(1) Three points will be awarded if, along pedestrian linkage streets, enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(2) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(d) Sidewalks.

(1) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and, except as provided in this subsection, six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(2) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(e) Pedestrian amenities.

(1) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

(A) provide a minimum of 1.5 footcandles; and

(B) be mounted at a height no greater than 14 feet.

(2) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting or pedestrian facilities as described in Section 51A-10.107(f)(2).

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(f) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of way.

**SEC. 51P-298.107.**

**USES.**

(a) The use chart (Exhibit 298E) establishes for each subarea the permitted and limited uses, and those uses requiring a specific use permit.

(b) Commercially compatible single family uses must comply with the following requirements:

(1) This use is subject to the standards and definitions of Subparagraphs (A), (D), and (E) of Section 51A-4.209(6). Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is also subject to the off-street parking requirements of Subparagraph (C) of Section 51A-4.209(6).

(2) Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, a minimum of 12 dwelling units per acre is required.

(3) No residential proximity slope emanates from building sites developed with this use.

(4) This use is permitted in all subareas except Subarea 9, as shown on Exhibit 298E.

(5) In portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is subject to the following standards:

(A) Maximum dwelling unit density is 18 dwelling units per acre.

(B) Maximum structure height is 36 feet.

(C) Maximum number of stories is two.

(D) Maximum lot coverage is 60 percent.

(E) Minimum lot size is 2,000 square feet.

(F) One off-street parking space is required per lot.

(c) Labor agency uses must comply with the following requirements:

(1) This use is permitted by SUP only in the subareas indicated in Exhibit 298E.

(2) Operation of this use must be conducted wholly inside. A waiting area must be shown on the site plan which is large enough to accommodate all common worker candidates. The specific use permit ordinance may limit the number of common worker candidates permitted in the waiting area of the labor agency use.

(3) The site plan must show a separate area for pickup and drop-off of all persons using the facility. This area must not include the right-of-way area.

(4) This use is treated as an office use for purposes of calculating off street loading requirements.

(d) A governmental installation: inside vehicle service center use must comply with the following requirements:

(1) Definition: An installation owned or leased by a governmental entity or agency where vehicles are repaired, maintained, serviced, or stored in conjunction with the normal operation of the entity or agency. This use includes periodic vehicular inspection, maintenance, and repair, as well as

modification of vehicles and their equipment to accomplish the particular purposes of the governmental entity or agency.

- (2) Subareas permitted: Permitted by right in Subarea 5 only.
- (3) Required off-street parking: One space per 500 square feet of floor area.
- (4) Required off-street loading:

| <u>SQUARE FEET OF<br/>FLOOR AREA IN STRUCTURE</u> | <u>TOTAL REQUIRED<br/>SPACES OR BERTHS</u> |
|---------------------------------------------------|--------------------------------------------|
| 0 to 60,000                                       | 1                                          |
| Each additional 60,000<br>or fraction thereof     | 1                                          |

- (5) Additional provisions:

- (A) Except for permitted accessory uses, this use must be wholly contained inside of an enclosed structure.
- (B) The sale of goods and services to the public is prohibited.

**SEC. 51P-298.108. NONCONFORMING USES.**

- (a) Except as provided in this section, the nonconforming use provisions in Chapter 51A apply.
- (b) In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A.

**SEC. 51P-298.109. RESIDENTIAL PROXIMITY SLOPE.**

A 1:3 residential proximity slope emanates from the property line of any property within Subarea 6 or any R(A), D(A), or TH(A) district adjacent to the Bryan Area SPD. A 1:1 residential proximity slope emanates for a distance of 50 feet from the property line of any MF(A) district or planned development district for multifamily uses adjacent to the Bryan Area SPD. If any portion of a structure is over 26 feet in height, that portion may not be located above the applicable residential proximity slope. Exceptions:

- (1) The residential proximity slopes does not apply to limit the height of structures located in Subarea 7.
- (2) Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

**SEC. 51P-298.110. MAXIMUM HEIGHTS.**

(a) Except as provided in this section and ~~unless further restricted under~~ Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

| <u>Subarea</u>   | <u>Maximum Structure Height<br/>(in feet)</u> |
|------------------|-----------------------------------------------|
| 1, 1A, and 1B    | 120                                           |
| 3                | 160                                           |
| 4                | 54                                            |
| 5                | 270                                           |
| 6                | 36-40                                         |
| 7                | 39                                            |
| 8                | 100                                           |
| 10, 10A, and 10B | 100                                           |
| 11 and 11A       | 100                                           |
| 12 and 12A       | 160                                           |
| 13               | 54                                            |

(b) Subarea 12A.

(1) The following structures may project a maximum of 12 feet above the maximum structure height specified in Subarea 12A, may not collectively exceed 1,000 square feet of footprint and each must be located a minimum of ten feet from a building edge.

- (i) Elevator penthouse or bulkhead.
- (ii) Visual screens which surround roof mounted mechanical equipment.
- (iii) Communication towers.
- (iv) Chimney and vent stacks.

(2) Stairs may project a maximum of 12 feet above the maximum structure height specified in Subarea 12A.

(3) A nonsolid shelter covering for a roof deck may project a maximum of 12 feet above the maximum structure height specified in Subarea 12A, may not exceed 900 square feet of footprint, and must be located a minimum of ten feet from a building edge.

(4) Mechanical equipment, ducts, and a cooling tower may project a maximum of four feet above the maximum structure height specified in this section and may not exceed a footprint of 4,600 square feet, must be screened with a minimum four foot-high solid material, and must be located a minimum of ten feet from a building edge.

**SEC. 51P-298.111. STORIES IN SUBAREA 7.**

Maximum number of stories permitted in Subarea 7 is:

- (1) four if at least one-half of the structure is occupied by residential uses; and



- (2) three in all other cases.

**SEC. 51P-298.112. SETBACKS.**

(a) Front yard.

(1) Except as provided in this paragraph, the minimum front yard setback is five feet in all subareas.

(2) No minimum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(3) Except as provided in this paragraph, the maximum front yard setback is 15 feet in Subareas 1, 1A, 1B, 3, 4, 5, 8, 10, 10A, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(4) No maximum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(5) Maximum front yard setback is 25 feet in Subareas 6 and 7.

(6) No maximum front yard setback is required in Subareas 11A and 12A.

(b) Side yard.

(1) Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 3, 4, 5, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(2) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3) No side yard setback is required in Subareas 10A, 10B, 11A, and 12A.

(4) No side yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(c) Rear yard. The minimum rear yard setback is five feet in all subareas.

**SEC. 51P-298.113. MAXIMUM COVERAGE.**

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

| <u>Subarea</u> | <u>Maximum Lot Coverage (percent)</u> |
|----------------|---------------------------------------|
| 1, 1A, and 1B  | 90                                    |
| 3              | 70*                                   |
|                | 80***                                 |
| 4              | 90                                    |

|                 |       |
|-----------------|-------|
| 5               | 90    |
| 6               | 80    |
| 7               | 70*   |
|                 | 90**  |
| 8               | 70*   |
|                 | 80*** |
| 10, 10A and 10B | 90    |
| 11 and 11A      | 70*   |
|                 | 80*** |
| 12 and 12A      | 90    |
| 13              | 90    |

\*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

\*\*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

\*\*\*Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.

#### **SEC. 51P-298.114. SIGNS.**

The sign provisions for business zoning districts contained in Division 51A-7.300 apply to all subareas except Subareas 6 and 9. The sign provisions for non-business zoning districts contained in Division 51A-7.400 apply in Subarea 6. Subarea 9 is subject to the definitions and provisions of either business signs or non-business signs in Chapter 51A, whichever apply in accordance with those provisions. The signage provisions of Division 51A-7.200 apply in all subareas except that no detached premise sign with an effective area greater than 200 square feet is permitted in any subarea.

#### **SEC. 51P-298.115. PARKING REQUIREMENTS.**

(a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below:

(1) General merchandise establishments located in Subarea 3 are only required to provide one parking space per 250 square feet of floor area.

(2) In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation of off-street parking requirements:

(A) Ten percent of the required parking for the office use when that use totals in excess of 150,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subparagraphs (B) or (C).

(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 150 guest rooms and is developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (C).

(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 15,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (B).

(D) Fifteen percent of the required parking for college, university, or seminary classrooms when developed on a campus providing at least 100 units of campus housing.

(E) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 150,00 square feet of floor area or a hotel or motel use with more than 125 guest rooms:

- (i) Bar, lounge, or tavern;
- (ii) Catering service;
- (iii) Country club with private membership; or
- (iv) Restaurant without drive-in or drive-through service.

(3) The college, university, or seminary use located at 3909 Swiss Avenue must provide the following required off-street parking:

- (A) one space per 25 square feet of classroom; and
- (B) that parking required in Section 51A-5.209 for all residential uses located in the campus area.

All required parking must be provided within the campus area generally bounded by North Washington Avenue, Floyd Street, Haskell Avenue, Swiss Avenue, Peak Street, and Live Oak Avenue.

(4) Office uses, other than medical office uses, in all subareas except Subarea 9 are only required to provide one parking space per 366 square feet of floor area. Medical office uses, and any office use located in Subarea 9, must provide parking in accordance with the requirements of Chapter 51A.

(5) A labor agency use must provide one parking space per 200 square feet of office floor area, and one parking space per 50 feet of lobby floor area.

(6) The city council shall consider the feasibility of reducing the parking requirements for any structure that is designated as a historic landmark in the Bryan Area SPD.

(b) Special parking provisions in Subareas 10A, 11A, and 12A. Except as provided in this subsection, the following special parking provisions apply to Subareas 10A, 11A, and 12A.

(1) In general. All uses within the Baylor expanded district must comply with the Master Parking and Floor Area requirements in Subsection (b)(8) of this section.

(2) Master Parking and Floor Area Plan purpose. Because off-street parking requirements for Baylor-related uses may be provided in remote locations throughout the Baylor expanded district, the Master Parking and Floor Area Plan (Exhibit 298I) identifies available off-street parking, determines the amount of required off-street parking, and ensures that each Baylor-related use within the Baylor expanded district meets the off-street parking requirements. To maintain adequate required off-street parking for all uses within the Baylor expanded district, the Master Parking and Floor Area Plan must be updated when floor area is added or removed from a building (Exhibit 298I-1).

(3) Definitions. In this section:

(A) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.

(B) BAYLOR-RELATED USE means any of the following uses within the Baylor expanded district:

- Adult day care facility.
- Ambulance service.
- Child-care facility.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.
- Day home.
- Extended stay hotel or motel.
- Helistop.
- Hospital.
- Hotel or motel.
- Medical clinic or ambulatory surgical center.
- Medical or scientific laboratory.
- Office.
- Residential hotel.

(C) BAYLOR-RELATED USE SPECIAL PARKING means parking spaces located within the Baylor expanded district and available for use by Baylor-related uses.

(D) BAYLOR SHUTTLE means a private shuttle bus service that connects Baylor-related uses to Baylor-related use special parking spaces.

(E) MASTER PARKING AND FLOOR AREA PLAN means the Master Parking and Floor Area Plan shown on Exhibit 298I, and as revised and supplemented in accordance with this article.

(F) REQUIRED BAYLOR-RELATED USE SPECIAL PARKING means the total number of required parking spaces for all Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(4) Application. Off-street parking requirements for Baylor-related uses may be satisfied with Baylor-related use special parking as shown on the Master Parking and Floor Area Plan and subject to the requirements in this subsection.

(5) Number of spaces available and required. The number of Baylor-related use special parking spaces existing on June 28, 2006, is 8,755. The number of required Baylor-related use special parking spaces existing on June 28, 2006, is 7,089. Reductions in floor area from the floor area existing on June 28, 2006, will result in adjustments to the number of Baylor-related use special parking spaces required as follows: one parking space per bed for hospital use, and one space per 200 square feet of floor area for any other use.

(6) Baylor shuttle.

(A) The Baylor shuttle service must be available for use from 5:30 am to 8 pm Monday through Friday with service to all stops at intervals of not more than 20 minutes for all occupants, employees, and guests of Baylor-related uses that satisfy their off-street parking requirements with Baylor-related use special parking.

(B) The Baylor shuttle service must stop within 300 feet of the nearest entrance to a Baylor-related use and within 300 feet of each parking lot providing Baylor-related use special parking.

(C) In this subsection, distance is measured from the shuttle stop to the nearest entrance of the main use or from the nearest pedestrian access to the parking lot to the shuttle stop, measured along the most convenient pedestrian walkway.

(D) The building official may extend the distance to a maximum of 600 feet unless the extension would:

(i) significantly discourage use of the Baylor-related use special parking,

(ii) unreasonably endanger the safety of persons or property, or

(iii) not otherwise be in the public interest.

(7) Agreement required.

(A) No written agreement is required if the fee simple owner of the real property on which the Baylor-related use is located is the same as the fee simple owner of the real property on which the Baylor-related use special parking is provided. Otherwise, a written agreement is required in accordance with this paragraph.

(B) The written agreement must comply with the special parking agreement requisites in Section 51A-4.328.

(C) A copy of the written agreement must be provided to the building official at the time application is made for a building permit or certificate of occupancy.

(8) Master Parking and Floor Area Plan supplements.

(A) A Master Parking and Floor Area Plan supplement must be submitted to and approved by the building official (see Exhibit 298I-1) if an application is made for:

(i) a building permit, demolition permit, or a certificate of occupancy that modifies the parking requirements for any use satisfying all or part its off-street parking requirement with Baylor-related use special parking;

(ii) approval of a parking agreement for any use or parking within the Baylor expanded district; or

(iii) a building permit, demolition permit, or certificate of occupancy that modifies the parking requirements in connection with additions to or reductions in floor area that

have occurred since the last supplement that are not described in this paragraph, such as destruction of a building by fire or expiration or withdrawal of a building permit application.

(B) A Master Parking and Floor Area Plan supplement must include:

- (i) the number assigned to each Baylor-related use special parking lot,
- (ii) the boundaries of each Baylor-related use special parking lot,
- (iii) any changes to the number of Baylor-related use special parking spaces since the last approved supplement,
- (iv) a corresponding table indicating:
  - (aa) the number of parking spaces available in each Baylor-related use special parking lot;
  - (bb) the number of parking spaces designated for Baylor-related use special parking;
  - (cc) the number of parking spaces designated as on-site required parking for each Baylor-related use;
  - (dd) the number of spaces designated as remote parking subject to a parking agreement (citing the recording information of the parking agreement and the location of the use); and
  - (ee) the number of spaces that are not available as Baylor-related use special parking.
- (v) a revised floor area tabulation for the Baylor expanded district in the form shown on Exhibit 298I-2, and
- (vi) a revised Master Parking and Floor Area Plan that shows:
  - (aa) the floor area being added or removed; and
  - (bb) other changes to the Master Parking and Floor Area Plan since the last update, including changes to the floor area of existing buildings; new buildings; demolished buildings; changes to parking areas; and revisions to streets, alleys, or private drives.

(C) The building official shall maintain a copy of each approved Master Parking and Floor Area Plan supplement.

(D) A property owner may charge a fee to use required off-street parking for Baylor-related uses in the Baylor expanded district.

(c) Special parking provisions for Subarea 10B.



(1) Enclosed garages fronting Carmel Street may be located within five feet of the Property line, and must be equipped with automatic garage doors that are maintained in working order at all times.

(2) The visual obstruction regulations in Section 51A-4.602(d) do not apply to dwelling units fronting on Carmel Street.

(3) Dwelling units fronting on Carmel Street do not count toward any guest parking requirements.

(4) Along Carmel Street, at no time may the areas in front of the enclosed garages be used for parking of vehicles.

(5) Along Carmel Street, in front of the dwelling units shown on the development plan, no parking is allowed, and “No Parking” signs must be provided in accordance with the standard city specifications and completed to the satisfaction of the director of public works and transportation.

(6) A total of 10 guest parking spaces are required for Subarea 10B.

(i) The guest parking spaces must comply with the dimensional requirements of the Dallas Development Code.

(ii) Six guest parking spaces must be located on the Property.

(iii) Four guest parking spaces may be located in the Live Oak Street right-of-way, immediately adjacent to Subarea 10B.

# **SEC. 51P-298.116.**

## **FLOOR AREA RATIO AND FLOOR AREA.**

(a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

| <u>Subarea</u>   | <u>Maximum Floor Area Ratio</u> |
|------------------|---------------------------------|
| 1, 1A, and 1B    | 4:1                             |
| 3                | 4:1                             |
| 4                | 2:1                             |
| 5                | 4:1                             |
| 6                | None                            |
| 7                | 3:1*                            |
|                  | 2:1**                           |
| 8                | 2.5:1                           |
| 10, 10A, and 10B | 3:1                             |
| 11 and 11A       | 2.5:1                           |
| 12 and 12A       | 4:1                             |
| 13               | 2:1                             |

\*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

\*\*Applies in all other cases.

(b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet.

**SEC. 51P-298.117. RECONCILIATION OF REGULATIONS APPLICABLE TO SUBAREA 6.**

The special development standards contained in Ordinance Nos. 16029, 16858, 17676, and 17966 apply to Subarea 6. In the event of a conflict between the provisions of this article and the special development standards, the more restrictive regulation applies.

**SEC. 51P-298.118. HIGHLY REFLECTIVE GLASS PROVISIONS.**

Highly reflective glass may not be used as an exterior building material on any building or structure in the Bryan Area SPD. For the purposes of these restrictions, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.)

**SEC. 51P-298.119. FENCES.**

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

- (1) Gaston.
- (2) Good Latimer.
- (3) Haskell.
- (4) Live Oak.
- (5) Peak.
- (6) Ross.
- (7) Washington.

(d) Nonconforming razor wire and barbed wire fencing materials must be removed by April 26, 2008.

(e) Maximum fence height.

- (1) Except as further limited in this subsection, maximum fence height is nine feet.

(2) For all residential uses, maximum fence height in the required front yard is four feet.

(f) Razor wire and barbed wire fencing are prohibited in Subarea 1A.

**SEC. 51P-298.120. SPECIAL PROVISIONS FOR SUBAREAS 10A, 11A, AND 12A.**

(a) Definitions. In this section,

(1) BAYLOR EXPANDED DISTRICT means the property in Subareas 10A, 11A, and 12A of PD 298 and PD 749.

(2) PROPERTY OWNER means the Baylor University Medical Center or its successors.

(b) Traffic Management Plan (TMP) in general.

(1) Instead of requiring a TMP prior to the passage of this ordinance, the property owner must submit a TMP for review by the director by June 28, 2007.

(2) No building permit may be issued that will result in a total floor area in the Baylor expanded district exceeding 4,068,964 square feet until the property owner submits a revised TMP for review by the director. Thereafter, a revised TMP must be submitted with each additional 500,000 square feet in total floor area. The building official shall determine if a revised TMP is required by using the cumulative floor area calculation for the Baylor expanded district as shown on the last approved supplement to the Master Parking and Floor Area Plan.

(3) The preparation and submission of the TMP and its revisions are the responsibility of the property owner. The TMP and its revisions must be:

(A) prepared by a registered professional engineer skilled in transportation engineering; and

(B) approved by the director.

(c) Contents of the TMP. The TMP and its revisions must be in writing and must report on the following:

(1) The planned and actual operations of the street system within and in the immediate vicinity of the Baylor expanded district, describing traffic controls, lane operations, signal timing patterns, signage, dedicated lanes, crosswalks in the right-of-way, the impact of public transportation, and traffic control personnel including security personnel directing traffic.

(2) The planned and scheduled construction of the street system within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(3) The planned and actual maintenance and management of traffic within and in the immediate vicinity of the Baylor expanded district during the construction of roadways and buildings.

(4) Development and occupancy levels within the Baylor expanded district.

(5) Vehicular congestion and pedestrian safety concerns at locations within and in the immediate vicinity of the Baylor expanded district together with an analysis of and recommendations for appropriate mitigation measures.

(d) Approval by the director. The director shall approve the TMP and its revisions following the procedures and standards in Subsection 51A-4.803(e) through (k) regarding site plan review.

(e) Subarea 12A. The building official shall not issue a building permit for new construction in Subarea 12A without a completed floor area tabulation form (Exhibit 298J). The applicant shall provide documentation of floor area reduction from demolition of structures or expiration or withdrawal of previous building permit applications for new construction. The applicant must file a copy of each completed floor area tabulation form with the building official at the time the application is made for the building permit.

**SEC. 51P-298.121. ADDITIONAL PROVISIONS.**

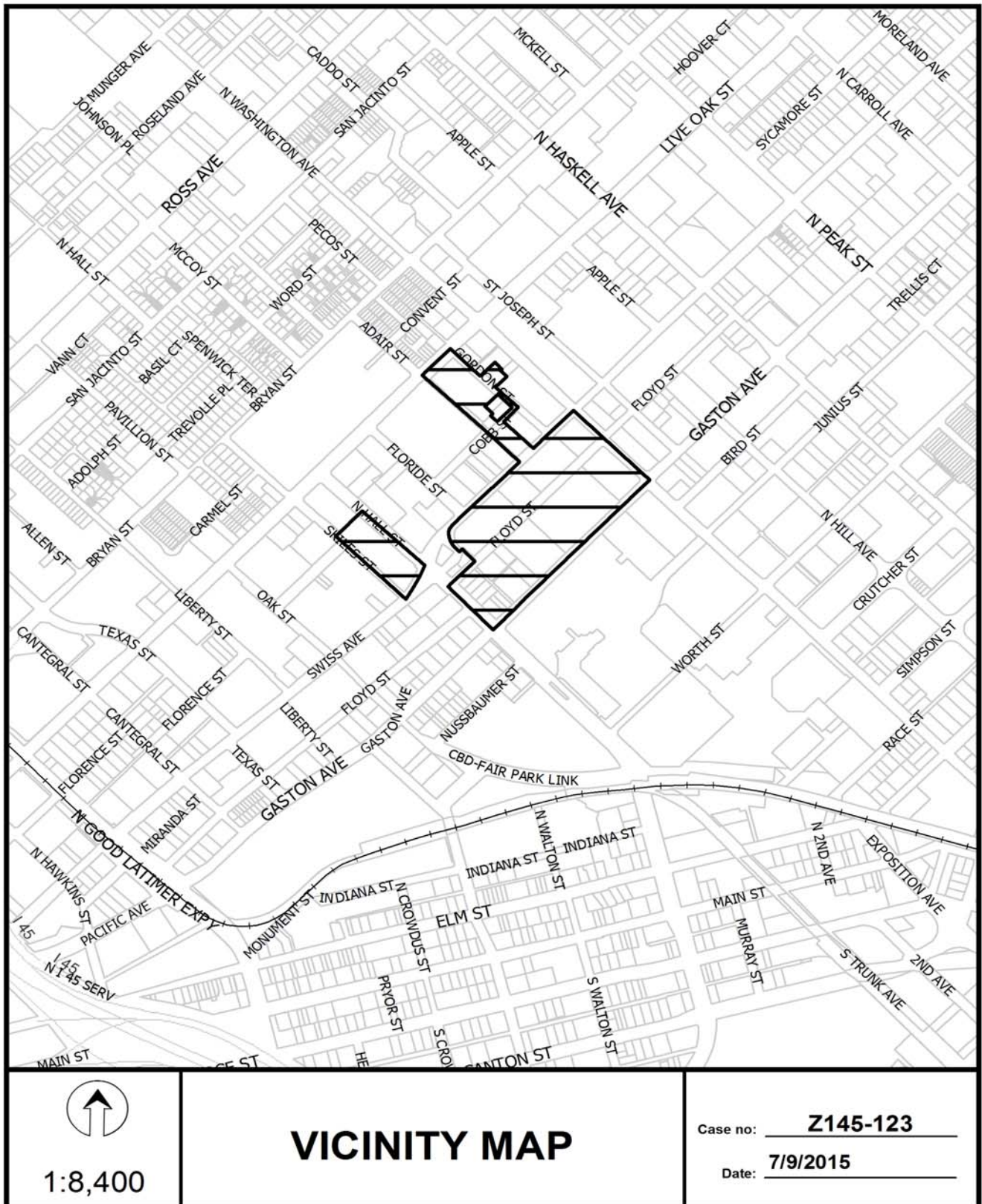
(a) In general. The Property must be properly maintained in a state of good repair and neat appearance.

(b) Compliance. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city

**SEC. 51P-298.122. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.





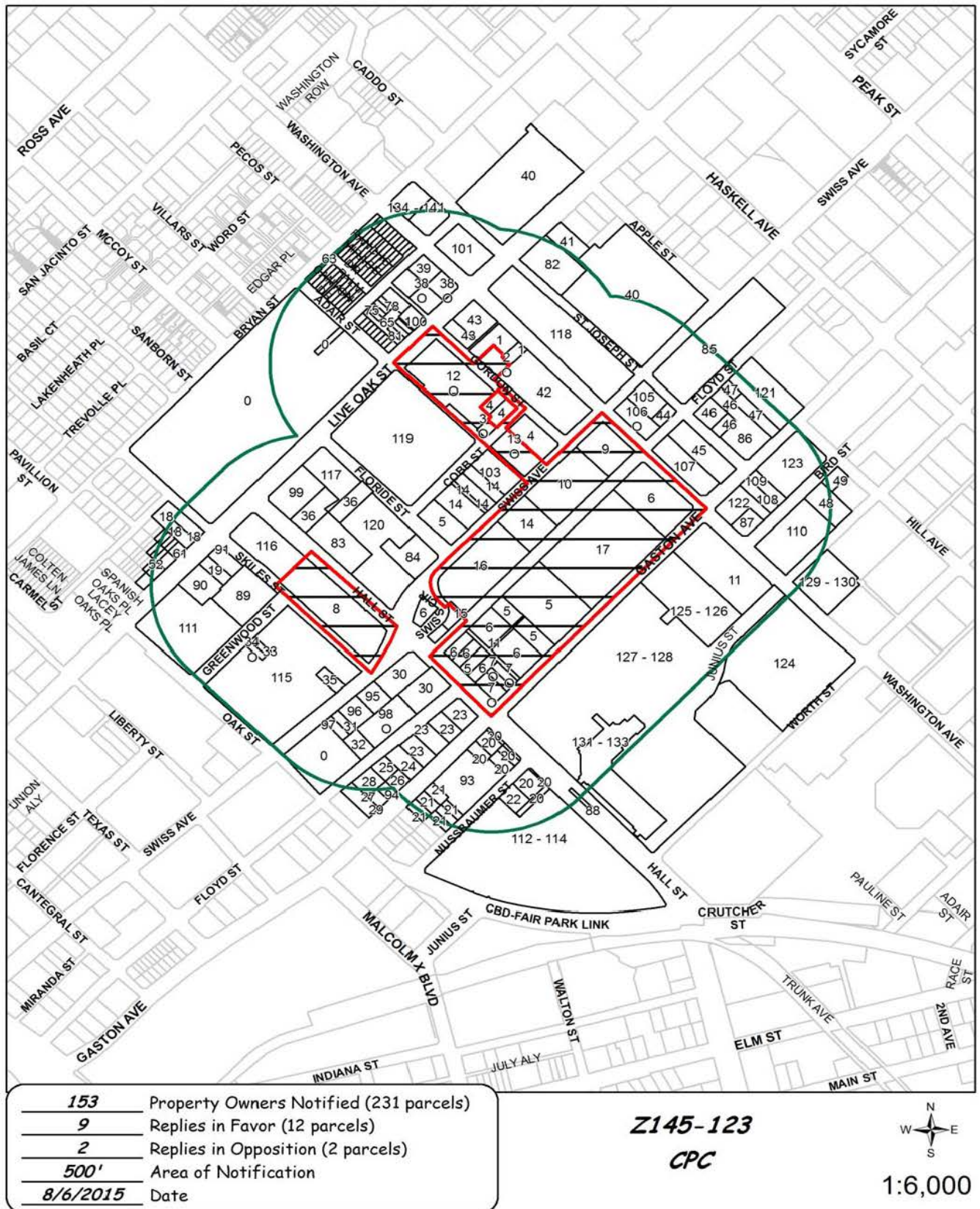








## CPC RESPONSES



08/05/2015

***Reply List of Property Owners******Z145-123******153 Property Owners Notified******9 Property Owners in Favor******2 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>             |
|---------------------|-----------------------|-----------------------|---------------------------------|
|                     | 1                     | 1213 WASHINGTON AVE   | DAVID S MILFORD 1989 LLC        |
| O                   | 2                     | 1218 GORDON ST        | BAYLOR HEATH CARE SYSTEM        |
| O                   | 3                     | 3603 COBB ALLEY ST    | BAYLOR HEALTH CARE SYSTEM       |
|                     | 4                     | 1207 GORDON ST        | 3611 SWISS AVENUE LLC           |
|                     | 5                     | 3405 SWISS AVE        | BAYLOR UNIVERSITY MED CTR       |
|                     | 6                     | 1008 HALL ST          | BAYLOR HEALTH CARE SYSTEM       |
| O                   | 7                     | 3309 GASTON AVE       | BAYLOR HEALTH CARE SYSTEM       |
|                     | 8                     | 1111 HALL ST          | BAYLOR HEALTH CARE SYSTEM       |
|                     | 9                     | 3710 SWISS AVE        | GASTON EPISCOPAL HOSPITAL       |
|                     | 10                    | 3708 SWISS AVE        | GASTON EPISCOPAL HOSP           |
|                     | 11                    | 3402 FLOYD ST         | BAYLOR HEALTH CARE SYSTEM       |
| O                   | 12                    | 3604 LIVE OAK ST      | BAYLOR HEATH CARE SYSTEM        |
| O                   | 13                    | 3601 SWISS AVE        | BAYLOR HEALTH CARE SYSTEM       |
|                     | 14                    | 3505 SWISS AVE        | BAYLOR INST OF REHAB            |
|                     | 15                    | 3302 SWISS CIR        | BONNIES LEGACY PPTIES LLC       |
|                     | 16                    | 3434 SWISS AVE        | SWISS AVE MEDICAL BLDG          |
|                     | 17                    | 909 WASHINGTON AVE    | GASTON EPISCOPAL HOSPITAL       |
|                     | 18                    | 1315 SKILES ST        | DALLAS EXALL PARK               |
|                     | 19                    | 3112 LIVE OAK ST      | 3116 LIVE OAK LLC               |
|                     | 20                    | 705 HALL ST           | JOBST MADELINE ET AL            |
|                     | 21                    | 3016 GASTON AVE       | A&M BAYLOR COLLEGE OF DENTISTRY |
|                     | 22                    | 3204 NUSSBAUMER ST    | JOBST EMILY ANNE STEWART        |
|                     | 23                    | 3221 GASTON AVE       | BOARD OF REGENTS THE            |
|                     | 24                    | 3107 GASTON AVE       | AKERS REGEANA LYNNE             |
|                     | 25                    | 3102 FLOYD ST         | 3101 GASTON INC                 |
|                     | 26                    | 3101 GASTON AVE       | 3101 GASTON INC                 |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>      | <i>Owner</i>                    |
|--------------|----------------|---------------------|---------------------------------|
|              | 27             | 3011 GASTON AVE     | ROCKING A INVESTMENTS INC       |
|              | 28             | 3014 FLOYD ST       | ROCKING A INVESTMENTS INC       |
|              | 29             | 3016 FLOYD ST       | ROCKING A INVESTMENTS           |
|              | 30             | 1001 HALL ST        | CITY PARK A LOT LP              |
|              | 31             | 3102 SWISS AVE      | GRAHAM J STEPHEN                |
|              | 32             | 3111 FLOYD ST       | ASHMORE HELEN &                 |
|              | 33             | 3102 GREENWOOD ST   | RODRIGUEZ IGNACIO V             |
| O            | 34             | 3100 GREENWOOD ST   | DENNING JOHN                    |
|              | 35             | 3109 SWISS AVE      | HETRICK DENNIS &                |
|              | 36             | 1214 HALL ST        | DALLAS COUNTY HOSPITAL DISTRICT |
|              | 37             | 1311 GORDON ST      | LIVE OAK SERIES                 |
| O            | 38             | 3715 LIVE OAK ST    | BAYLOR HEALTH CARE SYSTEM       |
|              | 39             | 1319 WASHINGTON AVE | WASHINGTON CONVENT GROUP        |
|              | 40             | 3901 SWISS AVE      | DALLAS THEOLOGICAL              |
|              | 41             | 3912 LIVE OAK ST    | DALLAS THEOLOGICAL OWR          |
|              | 42             | 1101 WASHINGTON AVE | BAYLOR HEALTH CARE SYSTEM       |
|              | 43             | 3700 LIVE OAK ST    | DAREDIA BARKAT ALI TRUSTEE      |
|              | 44             | 1001 ST JOSEPH ST   | VARON HOLDING CO LLC            |
|              | 45             | 911 ST JOSEPH ST    | DICKINSON PLACE                 |
|              | 46             | 3908 FLOYD ST       | DICKINSON PLACE                 |
|              | 47             | 3912 FLOYD ST       | BANDY ROLAND                    |
|              | 48             | 3912 BIRD ST        | WASHINGTON TOWER JV             |
|              | 49             | 711 HILL AVE        | CLARK FAMILY TRUST              |
|              | 50             | 3024 CARMEL ST      | TANG DUCK J & ESTHER K          |
|              | 51             | 3028 CARMEL ST      | HEMME JUSTIN                    |
|              | 52             | 3026 CARMEL ST      | MARTIN ALISHA M                 |
|              | 53             | 3118 CARMEL ST      | GRIMMER AMY N                   |
|              | 54             | 3116 CARMEL ST      | BANDEALI AMBER P                |
|              | 55             | 3114 CARMEL ST      | HANCOCK RAY                     |
|              | 56             | 3112 CARMEL ST      | REED VICKI CHERYL               |
| X            | 57             | 3128 CARMEL ST      | RODRIGUEZ MELISSA               |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                  |
|--------------|----------------|------------------|-------------------------------|
|              | 58             | 3126 CARMEL ST   | MACGREGOR JOHN J              |
|              | 59             | 3124 CARMEL ST   | LOUDERMILK CHRISTIN           |
|              | 60             | 3122 CARMEL ST   | DESIDERATA LLC                |
|              | 61             | 3120 CARMEL ST   | LUCENTE JAMES                 |
|              | 62             | 3606 BRYAN ST    | CARMEL BRYAN LAND II LP       |
|              | 63             | 3610 BRYAN ST    | ADAIR STREET DEVELOPMENT      |
|              | 64             | 3606 BRYAN ST    | D R HORTON TEXAS LTD          |
|              | 65             | 3600 LIVE OAK ST | EXALL PARK BROWNSTONES        |
|              | 66             | 1304 ADAIR ST    | SABOGAL ANDREW & BETSY        |
|              | 67             | 1308 ADAIR ST    | ARAGON JOHN                   |
|              | 68             | 1312 ADAIR ST    | WRIGHT TERRENCE OMAR          |
| X            | 69             | 1316 ADAIR ST    | WANG EMILY                    |
|              | 70             | 1320 ADAIR ST    | JACKSON ALESSANDRA ANTONIO    |
|              | 71             | 1324 ADAIR ST    | SHERMAN JOYCE M               |
|              | 72             | 1328 ADAIR ST    | THEIS BRENT A & ALICIA A      |
|              | 73             | 1332 ADAIR ST    | REES LARRY E II               |
|              | 74             | 1336 ADAIR ST    | SOTELO EDGAR I & JANET        |
|              | 75             | 3606 CONVENT ST  | EDLUND CARL E SR & MARY C     |
|              | 76             | 3608 CONVENT ST  | BERNAL DAVID H                |
|              | 77             | 3610 CONVENT ST  | TURNER LANCE                  |
|              | 78             | 3612 CONVENT ST  | DENBOW BRANDON K              |
|              | 79             | 3609 LIVE OAK ST | PREECE SAMUEL                 |
|              | 80             | 3607 LIVE OAK ST | NOEL JASON T                  |
|              | 81             | 3605 LIVE OAK ST | EGERT JAMES P                 |
|              | 82             | 3900 LIVE OAK ST | DALLAS THEOLOGICAL SEM        |
|              | 83             | 1200 HALL ST     | BAYLOR CENTER FOR             |
|              | 84             | 3301 SWISS AVE   | BAYLOR UNIVERSITY MED CTR     |
|              | 85             | 3900 SWISS AVE   | DALLAS THEOLOGICAL            |
|              | 86             | 3903 GASTON AVE  | SCSDFINNELL LTD               |
|              | 87             | 3801 BIRD ST     | MCDONALDS REAL ESTATE COMPANY |
|              | 88             | 600 HALL ST      | BAYLOR HEALTHCARE SYSTEM&     |

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>      | <i>Owner</i>                    |
|--------------|----------------|---------------------|---------------------------------|
|              | 89             | 1215 SKILES ST      | MEADOWS FOUNDATION INC          |
|              | 90             | 3108 LIVE OAK ST    | MEADOWS FOUNDATION INC          |
|              | 91             | 3116 LIVE OAK ST    | 3116 LIVE OAK LLC               |
|              | 92             | 801 HALL ST         | JOBST MADELINE ET AL            |
|              | 93             | 3209 NUSSBAUMER ST  | A&M BAYLOR COLLEGE OF DENTISTRY |
|              | 94             | 3015 GASTON AVE     | BAES INC                        |
|              | 95             | 3114 SWISS AVE      | HETRICK DENNIS &                |
|              | 96             | 3106 SWISS AVE      | HETRICK DENNIS &                |
|              | 97             | 3100 SWISS AVE      | GRAHAM J STEPHEN                |
| O            | 98             | 3109 FLOYD ST       | ASHMORE HELEN &                 |
|              | 99             | 3310 LIVE OAK ST    | DALLAS COUNTY HOSPITAL DISTRICT |
|              | 100            | 3613 LIVE OAK ST    | LIVE OAK SERIES                 |
|              | 101            | 3811 LIVE OAK ST    | 400 SUNDANCE PKWY LTD           |
|              | 102            | 1317 WASHINGTON AVE | WASHINGTON CONVENT GROUP        |
|              | 103            | 3515 SWISS AVE      | BOCK HOWARD M                   |
|              | 104            | 3300 SWISS CIR      | BECKEL FLOYD                    |
|              | 105            | 3814 SWISS AVE      | VARON HOLDING CO LLC            |
| O            | 106            | 1004 WASHINGTON AVE | SWISS WASHINGTON MEDICAL        |
|              | 107            | 3801 GASTON AVE     | MONDRIAN MEDICAL LP             |
|              | 108            | 3812 GASTON AVE     | MCDONALDS REAL ESTATE COMPANY   |
|              | 109            | 3902 GASTON AVE     | NEVIL HOLLY D JR &              |
|              | 110            | 712 WASHINGTON AVE  | WASHINGTON TOWER JV             |
|              | 111            | 3103 GREENWOOD ST   | MEADOWS FOUNDATION INC          |
|              | 112            | 705 HALL ST         | BAYLOR HEALTH CARE SYSTEM       |
|              | 113            | 621 HALL ST         | BAYLOR UNIVERSITY MED CTR       |
|              | 114            | 621 HALL ST         | BAYLOR UNIVERSITY MED CTR       |
|              | 115            | 3003 SWISS AVE      | MEADOWS FOUNDATION INC          |
|              | 116            | 3206 LIVE OAK ST    | LIVE OAK STATE BANK             |
|              | 117            | 3320 LIVE OAK ST    | DALLAS COUNTY HOSPITAL DISTRICT |
|              | 118            | 3800 LIVE OAK ST    | DALLAS THEOLOGICAL              |
|              | 119            | 3434 LIVE OAK ST    | BAYLOR HEALTH CARE SYSTEM       |



08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                  |
|--------------|----------------|----------------|-------------------------------|
| 120          | 3301           | SWISS AVE      | BAYLOR HEALTH CARE SYSTEM     |
| 121          | 3921           | GASTON AVE     | NCNB TEXAS NATL BANK          |
| 122          | 3802           | GASTON AVE     | MCDONALDS REAL ESTATE COMPANY |
| 123          | 3910           | GASTON AVE     | GASTON BIOMEDICAL LP          |
| 124          | 3500           | GASTON AVE     | BAYLOR MEDICAL PLAZA          |
| 125          | 3500           | GASTON AVE     | BAYLOR HEALTH CARE SYSTEM     |
| 126          | 3600           | GASTON AVE     | HRT PROPERTIES OF TX LTD      |
| 127          | 3535           | WORTH ST       | BAYLOR UNIVERSITY MED CTR     |
| 128          | 3535           | WORTH ST       | HRT PROPERTIES OF TX LTD      |
| 129          | 3921           | WORTH ST       | BAYLOR UNIVERSITY MED CTR     |
| 130          | 3900           | JUNIUS ST      | HRT PROPERTIES OF TEXAS       |
| 131          | 3535           | WORTH ST       | BAYLOR UNIVERSITY MED CTR     |
| 132          | 3535           | WORTH ST       | BAYLOR UNIVERSITY MED CTR     |
| 133          | 3535           | WORTH ST       | BAYLOR UNIV MED CTR           |
| 134          | 1333           | ST JOSEPH ST   | COMBS DEANNA M                |
| 135          | 1333           | ST JOSEPH ST   | ALLEN JOHN III                |
| 136          | 1333           | ST JOSEPH ST   | HASH ROBERT A JR              |
| 137          | 1333           | ST JOSEPH ST   | ABAZI ALKETA                  |
| 138          | 1333           | ST JOSEPH ST   | WARREN KELLAN CODY &          |
| 139          | 1333           | ST JOSEPH ST   | HARTMAN LELAND C III &        |
| 140          | 1333           | ST JOSEPH ST   | RODGERS STEVEN L              |
| 141          | 1333           | ST JOSEPH ST   | KEECH JEFFREY J               |
| 142          | 3845           | CONVENT ST     | NAME JORGE                    |
| 143          | 3845           | CONVENT ST     | ANDERSON JEFF                 |
| 144          | 3845           | CONVENT ST     | DURKIN BRETT T &              |
| 145          | 3845           | CONVENT ST     | WORKU WOUBEDEL                |
| 146          | 3845           | CONVENT ST     | LAWSON VICTORIA S             |
| 147          | 3845           | CONVENT ST     | WALLACE JORDAN C              |
| 148          | 3845           | CONVENT ST     | MIELI MAUREEN Q               |
| 149          | 3845           | CONVENT ST     | DORMAN JAMES LEE              |
| 150          | 1323           | ST JOSEPH ST   | MILLER RYAN & MISTY           |

Z145-123(RB)

08/05/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                                  |
|--------------|----------------|----------------|-----------------------------------------------|
| 151          | 1323           | ST JOSEPH ST   | GRANTHAM JAMES A                              |
| 152          | 1323           | ST JOSEPH ST   | TAPER BRANDII MARIE                           |
| 153          | 1323           | ST JOSEPH ST   | VADILLO FERNANDO A JR & CYNTHIA<br>PEREZVADIL |

**AGENDA ITEM # 39**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 6 E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 810 for a Private Utility Service Center and Microwave Tower on property zoned an A(A) Agricultural District on the north line of Frankford Road, east of Meandering Way

Recommendation of Staff and CPC: Approval for a permanent period, subject to a revised site plan and revised conditions

Z145-143(RB)

Note: This item was considered by the City Council at public hearings on August 12, 2015, and August 26, 2015, and was deferred until September 9, 2015



**HONORABLE MAYOR & CITY COUNCIL**

**WEDNESDAY, SEPTEMBER 9, 2015**

**ACM: Ryan S. Evans**

**FILE NUMBER:** Z145-143(RB)

**DATE FILED:** December 12, 2014

**LOCATION:** North Line of Frankford Road, East of Meandering Way

**COUNCIL DISTRICT:** 12

**MAPSCO:** 6 E

**SIZE OF REQUEST:** Approx. 25.474 Acres

**CENSUS TRACT:** 317.09

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**APPLICANT/ OWNER:** Oncor Electric Delivery Company

**REPRESENTATIVE:** Mark Housewright

**REQUEST:** An application for an amendment to Specific Use Permit No. 810 for a Private Utility Service Center and Microwave Tower on property zoned an A(A) Agricultural District.

**SUMMARY:** The applicant proposes to provide for the following: 1) addition of 23,206 square feet of floor area (existing – 45,058 square feet); and, 2) expanded off-street parking areas and outside storage areas.

**CPC RECOMMENDATION:** **Approval** for a permanent period, subject to a revised site plan and revised conditions.

**STAFF RECOMMENDATION:** **Approval** for a permanent period, subject to a revised site plan and revised conditions.

**GUIDING CRITERIA FOR RECOMMENATION:**

Staff recommends approval of the request, subject a revised site plan and revised conditions, based upon:

1. *Compatibility with surrounding uses and community facilities* – The request being located along a thoroughfare with a signalized ingress/egress location, will continue to operate with minimal impact on adjacent uses. Additionally, the new building will provide for approximately 660 feet from the multifamily uses to the east (which it faces) as well as additional on-site parking for employees and service vehicles that is buffered from the residential uses to the west by a 14 foot-tall berm (see attached elevation).
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The underlying zoning permits certain institutional uses, and subject to the recommended revised site plan and revised conditions for SUP No. 810, the use remains in scale with adjacent developments with no negative impact anticipated at build out.
3. *Not a detriment to the public health, safety, or general welfare* – Staff's recommended amending conditions and recommendations to the revised site plan will continue to provide for a use that is sensitive to its residential adjacency (i.e., new construction consistent in height with that permitted by ordinance; new off-street parking areas buffered to the west by existing berm).
4. *Conforms in all other respects to all applicable zoning regulations and standards* – All proposed improvements will require compliance with the building code and require final inspection to ensure revisions also comply with the revised site plan.

**Traffic:** The Engineering Section of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

**Thoroughfare**

Frankford Road

**Designation; Existing & Proposed ROW**

Principal Arterial; 100' & 100' ROW

**STAFF ANALYSIS:**

**Comprehensive Plan:** The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that



match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. The existing service center, subject to the attached site plan, elevation, and conditions will comply with this building block as it relates to certain nonresidential uses located with a residential area.

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**Land Use Compatibility:** The request site is developed with a utility service center, inclusive of various structures, covered and uncovered off-street parking areas, and outside storage. On April 30, 1980, the City Council approved SUP No. 810 for a permanent time period on a 32.47 acre parcel fronting on Frankford Road. On June 26, 1991, the City Council approved a zoning change from an A(A) District to an MC-4 District for an internal parcel (17.4 acres). A subsequent zoning change was approved for mixed uses.

The applicant has requested the following amendments: 1) addition of 23,206 square feet of floor area; and, 2) expanded off-street parking areas and outside storage areas.

The site is uniquely located with the effect of significant buffering at its perimeter: a 150 foot-wide utility right-of-way and a required 14 foot-tall berm to the west; a 100 foot-wide Principal Arterial along its southern property line and a required 12 foot-tall berm traversing along Frankford Road; and, a varied physical separation of improvements to the adjacent multifamily uses that wrap its northern and eastern property lines; approximately 100-300 feet and 300 feet, respectively. Except as noted in this paragraph, the predominate adjacency is low density single family uses. Two additional utility uses about the site's southwest corner [SUP Nos. 774 (elevated water tank) and 802 (electrical substation)]. Lastly, Preston Ridge Trail traverses north/south through the previously referenced utility right-of-way, covering in excess of six miles and connecting the northern line of the city limits with Fretz Park, Salado Park, and Campbell Green Park. The trail also links to Cottonwood Creek Trail to downtown.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the

surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

It should be noted that a twelve foot-tall berm is established along the site's southern property line. As a result of previous interaction with surrounding property owners, the applicant agreed to close the easternmost drive approach. As SUP No. 810 is issued for a permanent time period, it's important to understand all existing conditions and site plan amendments do provide for an assurance all regulations are complied with for this 'permanent' use. As such, the applicant's initial desire to provide for a new drive approach within the southeastern corner of the site (onto Frankford Road) is not being pursued at this time.

Lastly, various revisions to the site plan have been addressed as a result of the above-referenced community meeting. Specifically, adjustments have been made to the alignment for dedicated employee and truck drive lanes, security gate location, and lighting.

**Perimeter screening/landscaping:** As noted above, the creation of SUP No. 810 provided for the construction of berms enhanced with various landscape plantings that traverse the site's western and southern property line. The integrity of these improvements will remain as required by the SUP ordinance regulating the property.

The requested improvements/expansion of the use will require additional landscape requirements that must comply with Article X (as well as maintaining the integrity of the attached elevation/plantings, currently required by the ordinance providing for these uses), however full compliance is not being proposed. In consideration of the existing berms and mature tree plantings across the majority of the southern half of the site, the applicant is requesting landscaping that meets the spirit of Article X. As such, additional trees have been provided along the eastern line of the easternmost off-street parking area while requesting the previously approved plantings and berms be considered as an acceptable landscape plan for the property.

The attached landscape plan represents what the applicant will ask the City Council to approve, thus it has been reviewed by the chief arborist and is presented for consideration by the City Plan Commission.

**Off-Street Parking:** SUP No. 810 required off-street parking per the development code in existence during this time period (1980). It is not clear whether the building official (at the time) or the applicant (during community discussions leading to the 1980 City

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Council action) agreed upon a requirement of 252 off-street parking spaces for the existing 45,058 square feet of floor area.

The attached site plan will provide an additional 84 spaces for the 23,206 sf expansion as well as additional surface areas for service vehicles/equipment thus providing for varied on-site maneuvering/parking options.

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## **CPC ACTION**

June 18, 2015

The City Plan Commission held this request under advisement until July 9, 2015.

July 9, 2015

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Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 810 for a Private Utility Service Center and Microwave Tower, subject to a revised site plan and revised staff's recommended conditions with the following: 1) For any portion of the retaining wall greater than three feet above grade as located between Driveway A and Driveway B, the following must be provided prior to an amended certificate of occupancy: a) Evergreen shrubs, a minimum of five gallon each, and or vines must be provided so as to obtain a solid appearance within three years of planting, and b) The outer face of the retaining wall must include one of the following materials on the face of the retaining wall must include one of the following materials on the face of the wall: brick, stone, or decorative block on property zoned an A(A) Agricultural District on the north line of Frankford Road, east of Meandering Way.

Maker: Peadon  
Second: Abtahi  
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 3 - Anantasomboon, Bagley, Shellene  
Vacancy: 1 - District 4

Notices: Area: 500 Mailed: 132  
Replies: For: 3 Against: 23

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: Duane Mitchell, 7154 Pecan Creek Ln., Dallas, TX, 75252  
Paul Glickler, 18128 Meandering Way, Dallas, TX, 75252

**ONCOR ELECTRIC DELIVERY, LLC - OFFICERS**

Don Clevenger – Senior Vice President, Strategy

Allen Nye – Senior Vice President, General Counsel and Secretary

Brenda Pulis – Senior Vice President

Mark Carpenter – Senior Vice President, T & D Operations

Debbi Elmer – Retired Effective April 1, 2013

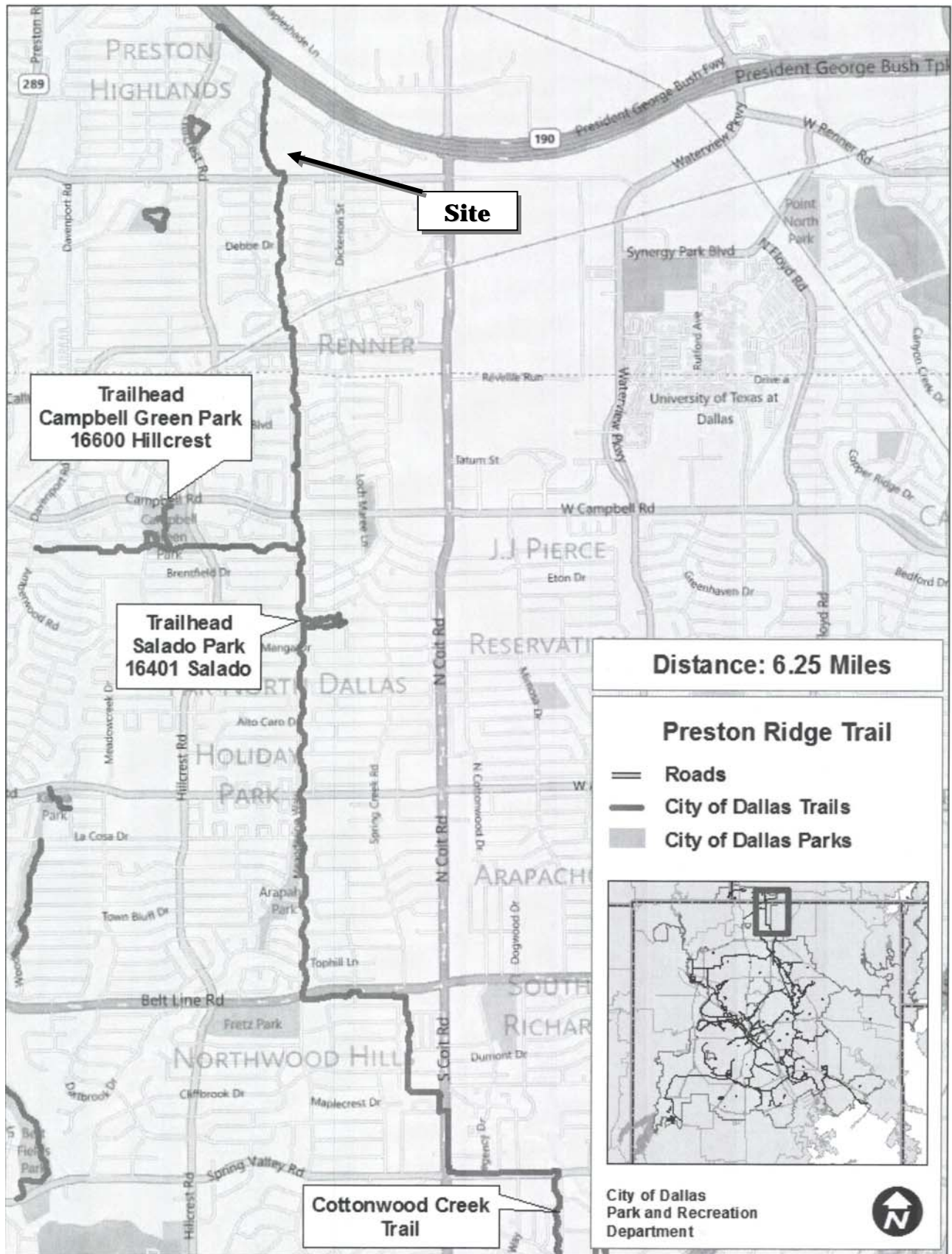
Jim Greer – Senior Vice President and Chief Operating Officer

David Dais – Senior Vice President and Chief Financial Office

Bob Shapard – Chairman and Chief Executive Officer

Debbie Dennis – Senior Vice President, Human Resources & Corporate Affairs

Mike Guyton- Senior Vice President and Chief Customer Officer





**CPC RECOMMENDED AMENDING CONDITIONS FOR A SPECIFIC USE PERMIT**

1. USE: The only use authorized by this specific use permit is a Private Utility Service Center and Microwave Tower.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit has no expiration date.
4. FLOOR AREA: The maximum floor area is 68,264 square feet.
5. STRUCTURE HEIGHT.
  - A. The microwave tower authorized by this specific use permit may not exceed 200 feet in height.
  - B. The private utility service center use authorized by this specific use permit may not exceed 24 feet in height.
6. SCREENING: A solid screening fence must be provided where a residential adjacency exists.
7. SIGNS. All signs must comply with the non-business zoning districts as provided in Article VII.
8. LANDSCAPING AND BERMS. All landscaping and berms must be provided as shown on the site plan and elevation.
9. FENCING:
  - A. Minimum six foot-tall fencing must be provided in the locations as shown on the attached site plan.
  - B. Minimum eight foot-tall decorative fencing must be provided along the southern property line as shown on the attached site plan.
10. ACCESS:
  - A. Driveway A must remain open between the hours of 7:30 a.m. and 8:30 a.m., Monday through Friday.
  - B. Gates located within Driveways A and B must provide for emergency access, with final design and construction approved by the Streets Department and the Fire Marshall.

11. RETAINING WALL: Prior to the issuance of an amended certificate of occupancy, one of the following must be provided for that portion of the retaining wall that exceeds three feet in height:

A. The outer face of the retaining wall must consist of brick, stone, or decorative block wall.

B. One or a combination of the following plant groups that will provide a solid appearance within three years:

I. Evergreen shrubs, each a minimum of six feet in height.

II. Evergreen vines and trellis supports.

12. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance

13. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

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Thence N. 1 deg. 15 min. 04 sec. E., continuing with the east line of said 150-foot Dallas Power and Light Company right-of-way easement, a distance of 1276.41 feet to a point for corner in the potential centerline of proposed State Highway No. 190;

THENCE S. 51 deg. 40 min. 00 sec. E., departing the east line of said 150-foot Dallas Power and Light Company right-of-way easement, along the potential centerline of proposed State Highway No. 190, a distance of 1403.96 feet to a point for corner on the City of Dallas, Texas Limit Line, a line that is common with the City of Plano, Texas Limit Line;

THENCE S. 1 deg. 39 min. 16 sec. W., departing the potential centerline of proposed State Highway No. 190, along the said Common City Limit Line, a distance of 918.92 feet to a point for corner in the north line of Frankford Road;

THENCE N. 89 deg. 01 min. 00 sec. W., along the north line of Frankford Road, a distance of 809.21 feet to the POINT OF BEGINNING and

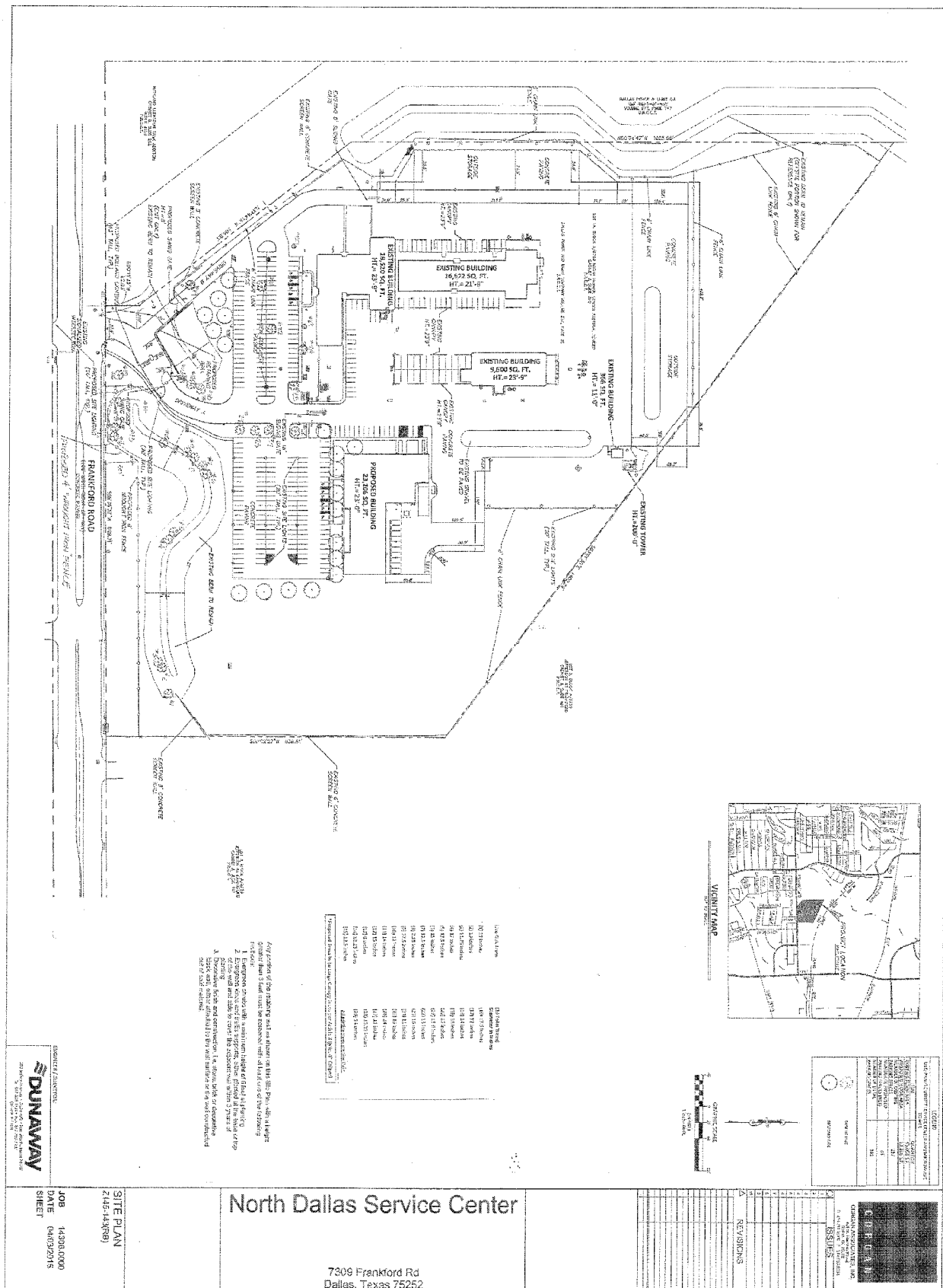
CONTAINING 1,414,541 square feet of land more or less for 32.473 acres.

SECTION 2. That this Specific Use Permit No. 810 for a Private Utility Service Center and Microwave Tower with reference to the hereinabove described property, authorized by Article X, CHAPTER 51, of the Dallas City Code, is approved and granted upon the following express conditions, and adopted as part of Article XXXIV, CHAPTER 51, of the Dallas City Code:

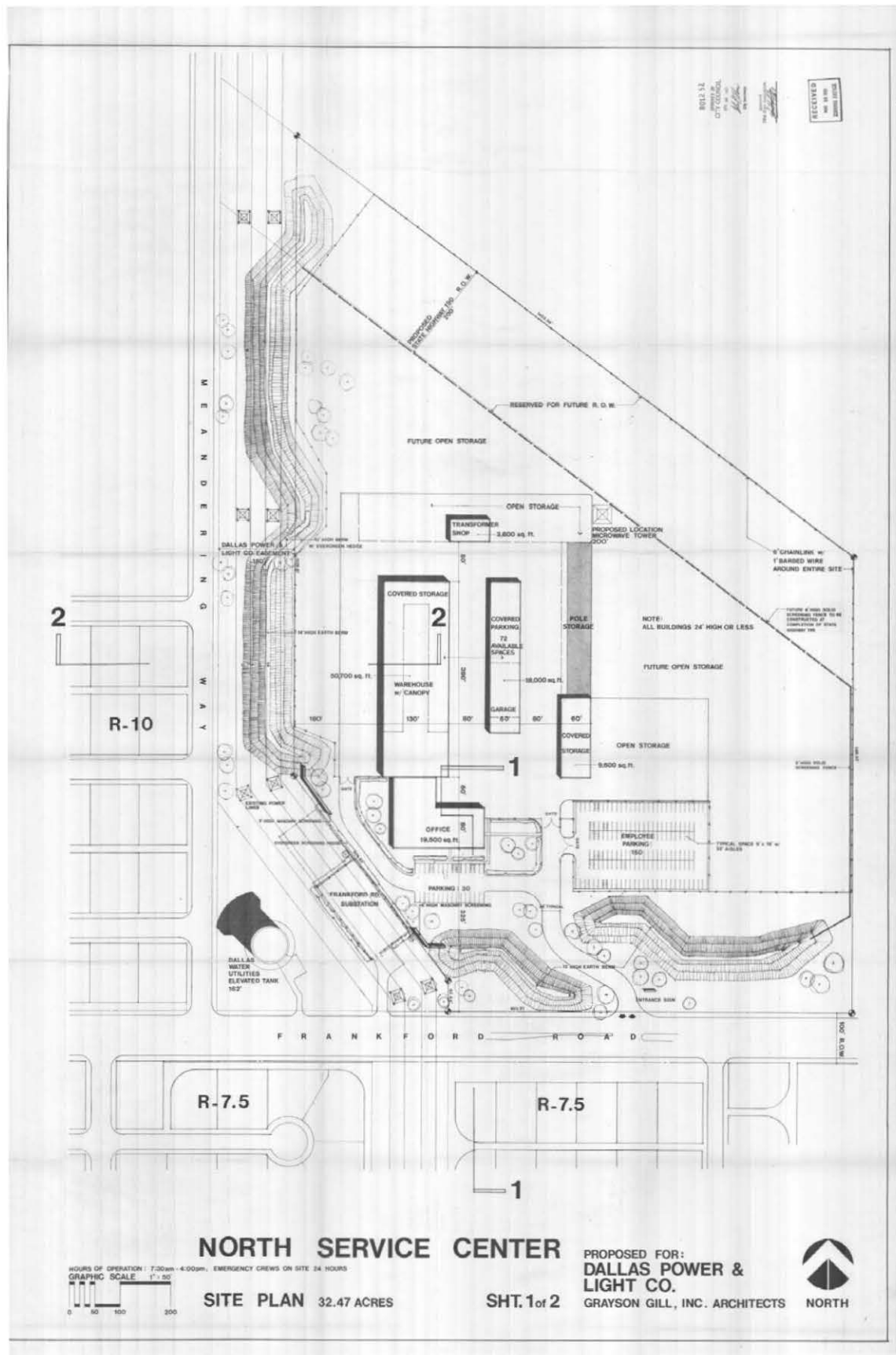
1. Site Plan: Utilization of the property shall be in conformance with a City Plan Commission approved site plan which shall be attached to and made a part of the ordinance.
2. Parking: Parking shall be provided in accordance with the provisions of Division 20-400 of the Comprehensive General Zoning Ordinance of the City of Dallas, and shall be located as shown on the approved site plan.
3. Paving: All parking spaces, aisles, maneuvering areas and driveway connections to streets or alleys, whether enclosed or unenclosed, shall be surfaced in accordance with the provisions of Division 20-800 of the Comprehensive General Zoning Ordinance of the City of Dallas.

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4. Lighting: Illumination for the parking areas shall conform to the requirements of Section 20-818, Comprehensive Zoning Ordinance, Chapter 51, Dallas City Code.
5. Landscaping: All berms and plantings shall conform to the site plan and any vegetation shall be maintained in a healthy state.
6. R.O.W. Reservation: No permanent structures, with the exception of a fence, shall be placed in the area designated for future right-of-way for S.H. 190.
7. Height: No buildings shall exceed two stories as that term is defined in the Comprehensive General Zoning Ordinance of the City of Dallas, except that the microwave tower may extend to a height of 200 feet.
8. Maintenance: The entire premises shall be properly maintained in a state of good repair and neat appearance at all times.
9. Time Limit: This Specific Use Permit shall remain in effect for a permanent time period after passage of this ordinance.
10. Signs: All signs shall follow the non-business category (Article IV) of Chapter 41 "Sign Standards" of the Dallas City Code.
11. Screening and Fencing: A six foot solid screening fence shall be erected along the eastern boundary of the Specific Use Permit between Frankford Road and the proposed southwestern right-of-way line of State Highway 190 prior to the issuance of the Certificate of Occupancy. A six foot chain link fence shall be erected along the eastern boundary line extending into the area reserved for State Highway 190 and continuing along the proposed right-of-way center-line of State Highway 190 to the western boundary of the Specific Use Permit.  
  
Upon commencement of construction of State Highway 190, the six foot chain link fence shall be removed and a six foot solid screening fence shall be erected along the southwestern boundary of the highway as indicated on the approved site plan.
12. General Requirements: Utilization of this property shall be in compliance with the requirements of all other applicable codes and regulations of the City of Dallas.

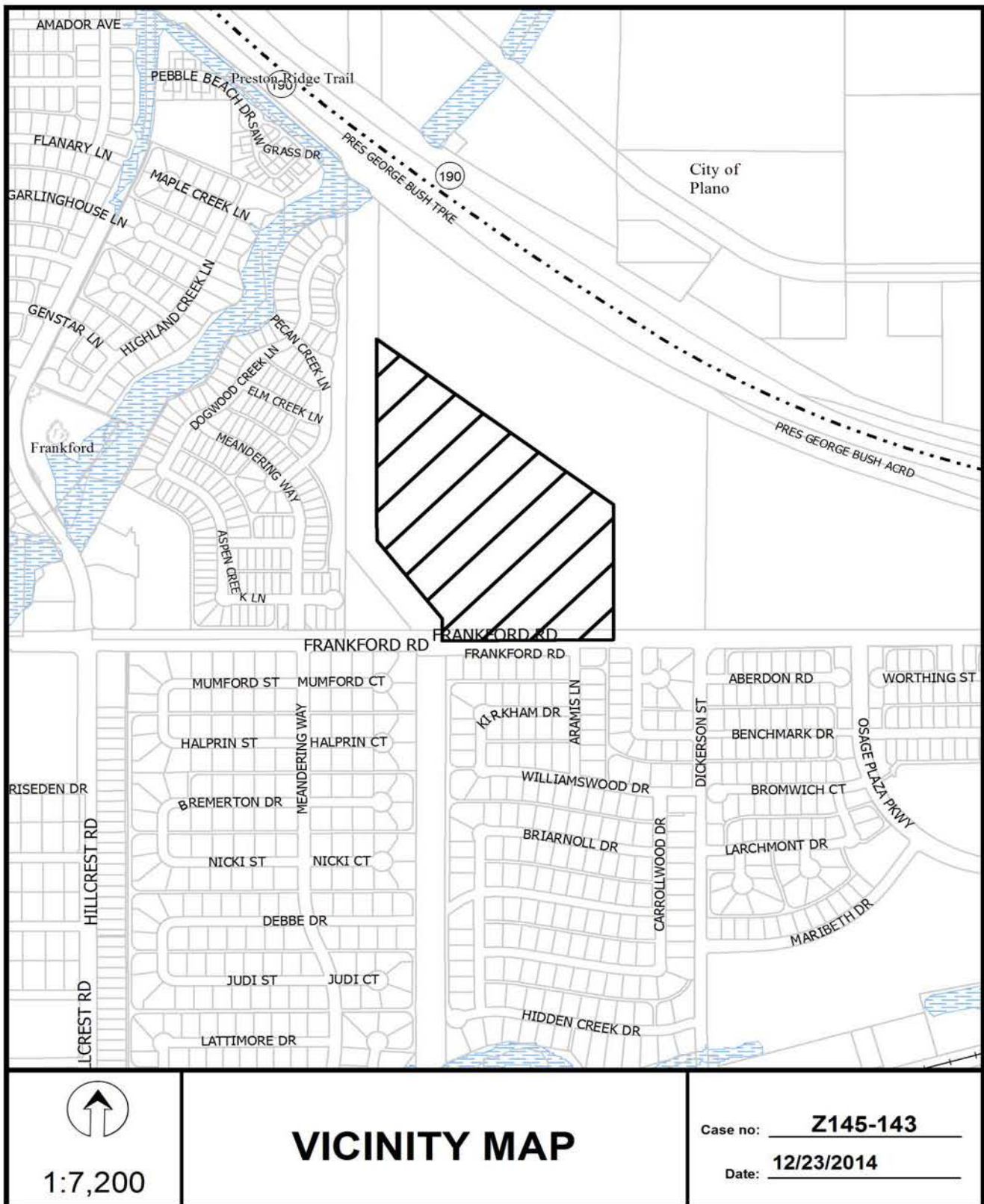




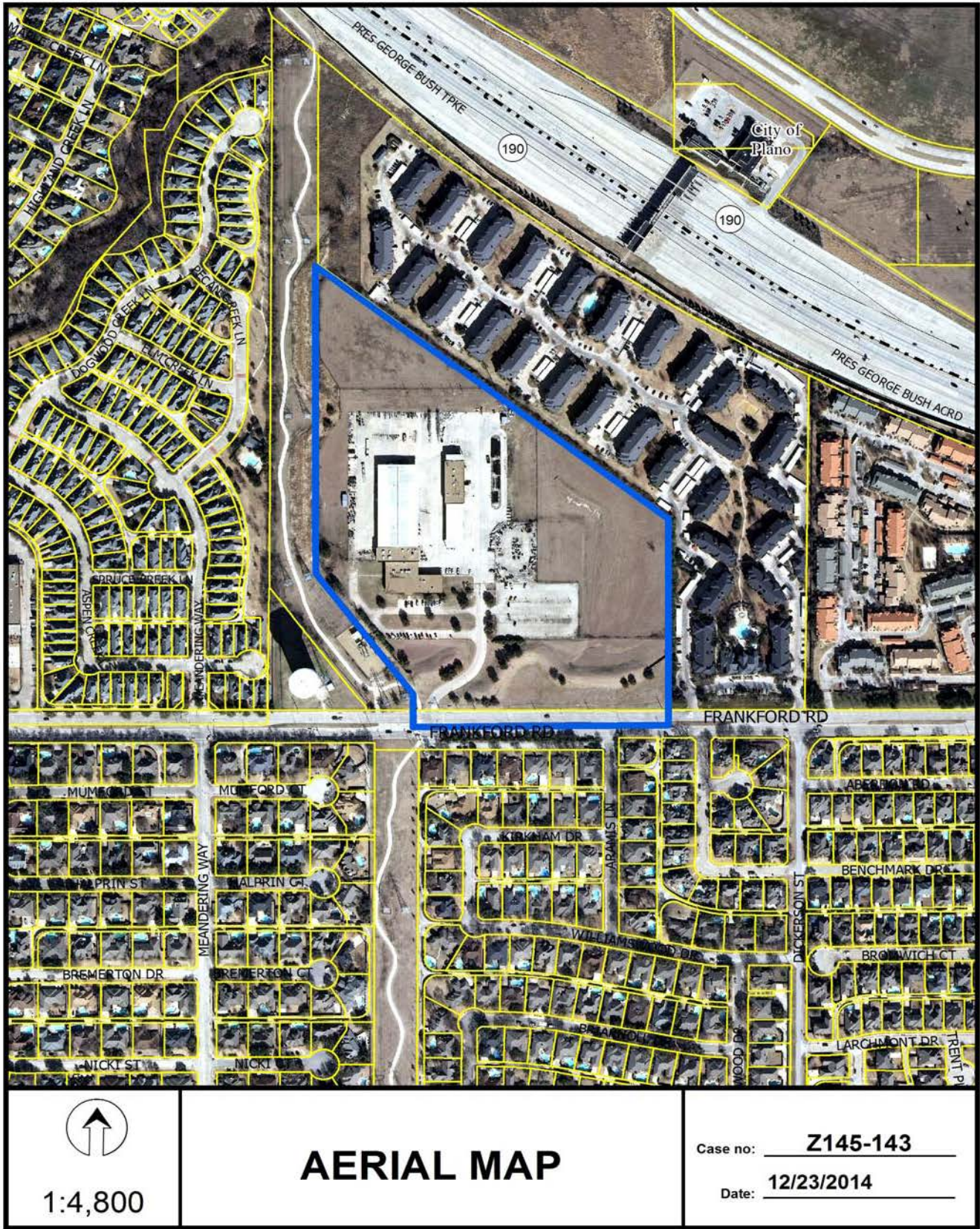




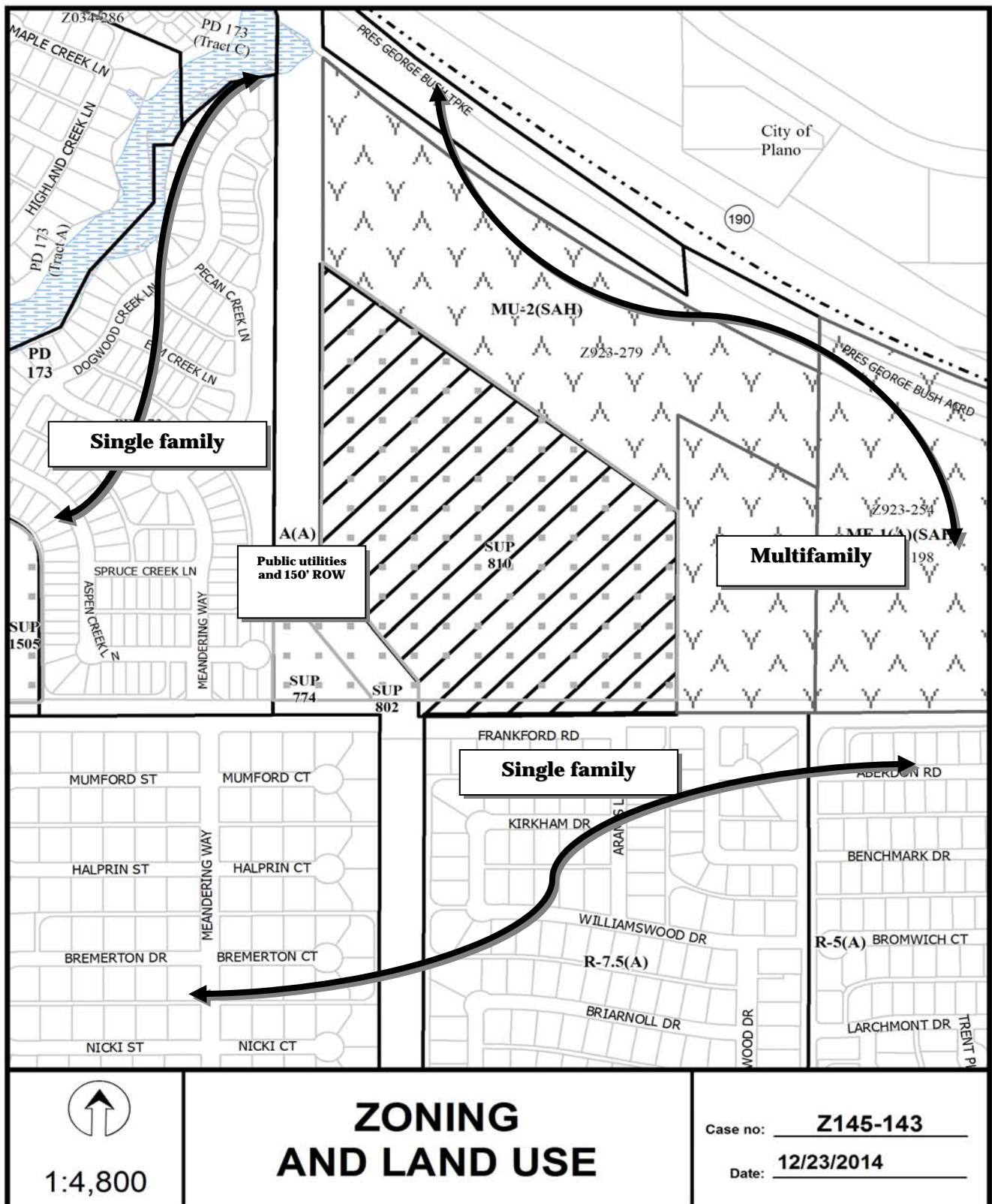


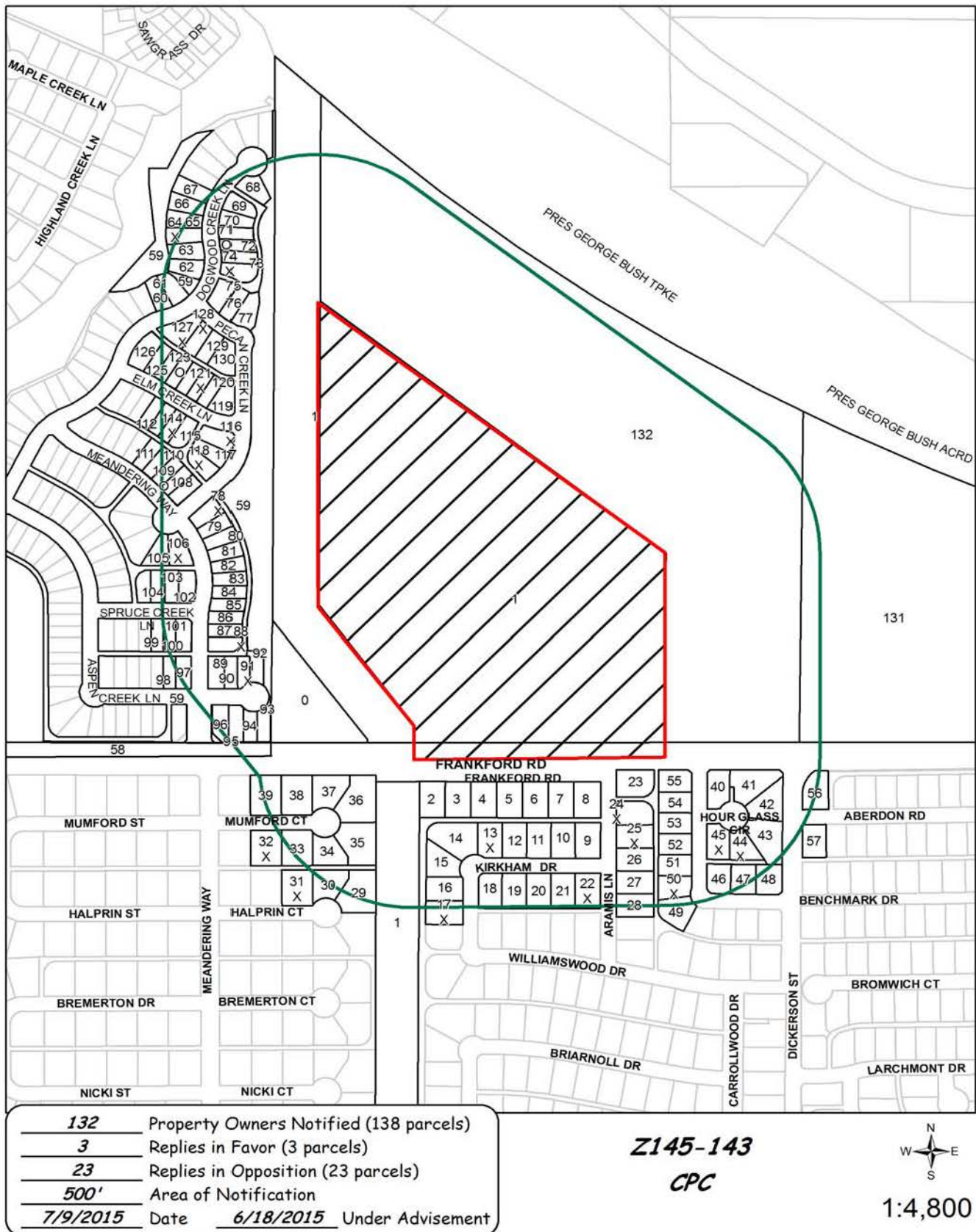












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***Reply List of Property Owners******Z145-143******132 Property Owners Notified******3 Property Owners in Favor******23 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>               |
|---------------------|-----------------------|-----------------------|-----------------------------------|
|                     | 1                     |                       | ONCOR ELECTRIC DELIVERY COMPANY   |
|                     | 2                     | 7308 FRANKFORD        | SOSA JOSE G                       |
|                     | 3                     | 7312 FRANKFORD        | LEMAY NANCY COCHRAN               |
|                     | 4                     | 7316 FRANKFORD        | NGUYEN BACH V ETUX TUYET          |
|                     | 5                     | 7320 FRANKFORD        | WANG JULIAN Q ETUX                |
|                     | 6                     | 7324 FRANKFORD        | RANEN RICHARD G                   |
|                     | 7                     | 7328 FRANKFORD        | WRIGHT JOE D ETUX LISA            |
|                     | 8                     | 7332 FRANKFORD        | PITMAN JAIME RUTH                 |
|                     | 9                     | 7343 KIRKHAM          | STATON LANNY SR ETUX ELIZABETH    |
|                     | 10                    | 7339 KIRKHAM          | NEMES ALEX ETUX                   |
|                     | 11                    | 7335 KIRKHAM          | ATHENS LENNY G ETUX MARY          |
|                     | 12                    | 7331 KIRKHAM          | BLOOMENSTIEL ABHM C & SHULAMIT    |
| X                   | 13                    | 7327 KIRKHAM          | LAGES JUDITH L                    |
|                     | 14                    | 7323 KIRKHAM          | LAWRENCE RONALD G & LESA K        |
|                     | 15                    | 7319 KIRKHAM          | BOURG JAMES                       |
|                     | 16                    | 7315 KIRKHAM          | HARMON CARL & JAN                 |
| X                   | 17                    | 7309 KIRKHAM          | ROSENBLATT WILLIAM & EDYTHE       |
|                     | 18                    | 7328 KIRKHAM          | POPPELWELL FAMILY LIV TRUST THE & |
|                     | 19                    | 7332 KIRKHAM          | MARCHANT DANIEL &                 |
|                     | 20                    | 7336 KIRKHAM          | SOTELO CESAR                      |
|                     | 21                    | 7340 KIRKHAM          | LICHTENSTEIN HILLEL & JILL        |
| X                   | 22                    | 7344 KIRKHAM          | EUBANK JAMES E & PATRICIA O       |
|                     | 23                    | 18132 ARAMIS          | DARBANDI-FARD SEYED J ETUX        |
| X                   | 24                    | 18128 ARAMIS          | DICK JOEL S                       |
| X                   | 25                    | 18124 ARAMIS          | TAYLOR ANDRW & JK A NLSON TAYLOR  |
|                     | 26                    | 18120 ARAMIS          | BROWN SHANNON SOPHIA &            |



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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>  | <i>Owner</i>                         |
|--------------|----------------|-----------------|--------------------------------------|
|              | 27             | 18116 ARAMIS    | BOYKO KIMBERLEY D                    |
|              | 28             | 18112 ARAMIS    | ANDERSON TIMOTHY M                   |
|              | 29             | 7119 HALPRIN    | MANUEL MICHAEL D ETUX                |
|              | 30             | 7115 HALPRIN    | SEIDEMAN ANDREA L                    |
| X            | 31             | 7111 HALPRIN    | SUSAN M STAFFIN MGMNT TR             |
| X            | 32             | 7108 MUMFORD    | COLMERY ROBERT D JR ETUX             |
|              | 33             | 7112 MUMFORD    | COATES DAWN E                        |
|              | 34             | 7116 MUMFORD    | FREY JAMES L ETUX                    |
|              | 35             | 7120 MUMFORD    | KIRK JAMES & MAGALY V MARRERO        |
|              | 36             | 7119 MUMFORD    | ORSHALICK AARON                      |
|              | 37             | 7115 MUMFORD    | TAVANA MOHAMMAD ETUX MINA            |
|              | 38             | 7111 MUMFORD    | NEELY JANETTE & JOHN                 |
|              | 39             | 7107 MUMFORD    | LEVINS JAMES C & TORRIE M            |
|              | 40             | 7403 HOUR GLASS | HART BARRY T                         |
|              | 41             | 7407 HOUR GLASS | CLARY CYNTHIA FAYE                   |
|              | 42             | 7411 HOUR GLASS | JONES BRENT C &                      |
|              | 43             | 7412 HOUR GLASS | SHMERLINA INNA                       |
| X            | 44             | 7408 HOUR GLASS | SMITH DAN P ETUX DENISE              |
| X            | 45             | 7404 HOUR GLASS | DOWNS MICHAEL                        |
|              | 46             | 18011 BENCHMARK | CLTON STVN B SR & CHAMBERS BEVERLY S |
|              | 47             | 18007 BENCHMARK | ROSHEK THOMAS B III &                |
|              | 48             | 18003 BENCHMARK | ZIER HARLAN D ETUX                   |
|              | 49             | 18020 BENCHMARK | STAWAR SAUL S                        |
| X            | 50             | 18024 BENCHMARK | LE TUONG H                           |
|              | 51             | 18028 BENCHMARK | SAPPINGTON ROBERT A ETUX             |
|              | 52             | 18032 BENCHMARK | SPARKS JERYL L & KAREN               |
|              | 53             | 18036 BENCHMARK | TAIT GEOFFREY A                      |
|              | 54             | 18040 BENCHMARK | PAXTON SARAH                         |
|              | 55             | 18044 BENCHMARK | LIPSIE LARRY JAY                     |
|              | 56             | 7503 ABERDON    | PATEL BHARATKUMAR &                  |
|              | 57             | 7504 ABERDON    | SALEM CAROLYN                        |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>     | <i>Owner</i>                     |
|--------------|----------------|--------------------|----------------------------------|
|              | 58             | FRANKFORD          | CHURCHILL GLEN LP                |
|              | 59             |                    | HIGHLAND CREEK MANOR             |
|              | 60             | 7165 DOGWOOD CREEK | ABRAMS SHALOM & SHIRA            |
|              | 61             | 7171 DOGWOOD CREEK | WEAVER MICHAEL E                 |
|              | 62             | 7211 DOGWOOD CREEK | PATTERSON JANITH KAYE            |
|              | 63             | 7217 DOGWOOD CREEK | HOUGHTON BILL R FAMILY TRUST THE |
| X            | 64             | 7223 DOGWOOD CREEK | MAZAN MARK & KARA                |
|              | 65             | 7229 DOGWOOD CREEK | BERRY BERYL N                    |
|              | 66             | 7235 DOGWOOD CREEK | DOOLEY PATRICK O                 |
|              | 67             | 7241 DOGWOOD CREEK | HLAND CK MANR L53-B25 LAND TRUST |
|              | 68             | 7250 DOGWOOD CREEK | CLINE JANET SHAW - LE &          |
|              | 69             | 7244 DOGWOOD CREEK | GERRICK CAROL M                  |
|              | 70             | 7238 DOGWOOD CREEK | CLEAVER TONYIA Y                 |
| O            | 71             | 7232 DOGWOOD CREEK | SANDERSON RICHARD & MARITA I     |
|              | 72             | 7226 DOGWOOD CREEK | BENEDETTO LUCIO                  |
|              | 73             | 7220 DOGWOOD CREEK | DIETZ RONALD ETUX DEBRA          |
| X            | 74             | 7214 DOGWOOD CREEK | STEGLICH A LEE & MELANIE         |
|              | 75             | 7166 PECAN CREEK   | SAWYER CINDY                     |
|              | 76             | 7160 PECAN CREEK   | TRAUTMAN PAUL G & NANCY J        |
|              | 77             | 7154 PECAN CREEK   | MITCHELL DUANE SCOT              |
| X            | 78             | 18144 MEANDERING   | FIELDS HOWARD L & PATTI G        |
|              | 79             | 18140 MEANDERING   | PYLES ANGLIA                     |
|              | 80             | 18136 MEANDERING   | GAITHER ALAN W & MELISSA         |
|              | 81             | 18132 MEANDERING   | SUCATO ILDE D                    |
|              | 82             | 18128 MEANDERING   | GLICKLER PAUL & TANYA F          |
|              | 83             | 18124 MEANDERING   | GROSSMAN ERIK                    |
|              | 84             | 18120 MEANDERING   | YARBRO JOHN & WINNIE             |
|              | 85             | 18116 MEANDERING   | DEAN AMPARO OLIVAS               |
|              | 86             | 18112 MEANDERING   | HOLLEK PRESTON & BARKLEY KRISTIN |
|              | 87             | 18108 MEANDERING   | LUFKIN DENIS &                   |
| X            | 88             | 18104 MEANDERING   | ROBINSON WILLIAM PAUL            |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>    | <i>Owner</i>                 |
|--------------|----------------|-------------------|------------------------------|
|              | 89             | 7105 ASPEN CREEK  | LURIE JEANETTE               |
|              | 90             | 7111 ASPEN CREEK  | AUL KEVIN T & CARLA L        |
| X            | 91             | 7117 ASPEN CREEK  | QUARIAB ASHLEY               |
|              | 92             | 7123 ASPEN CREEK  | CANTRELL JERALD & JUNE D     |
|              | 93             | 7124 ASPEN CREEK  | STONE HOLLY NANETTE          |
|              | 94             | 7118 ASPEN CREEK  | SCHIRATO JUDITH A            |
|              | 95             | 7112 ASPEN CREEK  | RUBY RED RESOURCES LP        |
|              | 96             | 7106 ASPEN CREEK  | WATERS KAYLA M               |
|              | 97             | 7049 ASPEN CREEK  | EOFF WILLIE FAYE             |
|              | 98             | 7043 ASPEN CREEK  | TANKERSLEY KRISTA            |
|              | 99             | 7036 SPRUCE CREEK | HOUSE BETTY B TRUST SHARE    |
|              | 100            | 7042 SPRUCE CREEK | EPNER SUSAN D                |
|              | 101            | 7048 SPRUCE CREEK | SCHNETZINGER FAMILY LVG TR   |
|              | 102            | 18125 MEANDERING  | WISCH-DAVIDSOHN LINDA        |
|              | 103            | 7043 SPRUCE CREEK | WILLARD INEZ C               |
|              | 104            | 7037 SPRUCE CREEK | REIMER JEFFREY SCOTT         |
|              | 105            | 18215 MEANDERING  | SLY JAN SLOAN                |
| X            | 106            | 18207 MEANDERING  | SALIT JAN F                  |
|              | 107            | 18226 MEANDERING  | FANOUS SOPHIE                |
|              | 108            | 18234 MEANDERING  | SMITH JERRY B & JAN          |
| O            | 109            | 18242 MEANDERING  | DELCAMP RICHARD ETUX LOU     |
|              | 110            | 18250 MEANDERING  | CORBIN SCOTT J & EMILY M     |
|              | 111            | 18258 MEANDERING  | KIMBALL RAYMOND ETUX ROZALIA |
|              | 112            | 7139 ELM CREEK    | KAPLAN EVE M                 |
|              | 113            | 7131 ELM CREEK    | HERRMANN DOROTHY A           |
| X            | 114            | 7123 ELM CREEK    | KIMBROUGH SUE P              |
|              | 115            | 7115 ELM CREEK    | WEAVER MICHAEL               |
| X            | 116            | 7101 ELM CREEK    | BENERO JOSEPH L & LINDA      |
|              | 117            | 7135 PECAN CREEK  | FERRET BERTRAND & PARADY     |
| X            | 118            | 7129 PECAN CREEK  | DBG-SP HOLDINGS LLC          |
|              | 119            | 7108 ELM CREEK    | HULSEY THOMAS & LAUREN       |

07/08/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>               |
|--------------|----------------|------------------|----------------------------|
|              | 120            | 7116 ELM CREEK   | NARAYANAN SRINIVASAN       |
| X            | 121            | 7124 ELM CREEK   | BURKE LAWRENCE ETUX ELAINE |
| X            | 122            | 7132 ELM CREEK   | GESUND REVOCABLE TRUST THE |
| O            | 123            | 7140 ELM CREEK   | BOGGAN CHARLES R &         |
|              | 124            | 7148 ELM CREEK   | BRADLEY RODERICK W & LINDA |
|              | 125            | 7156 ELM CREEK   | GORELIK RITA               |
|              | 126            | 7164 ELM CREEK   | BELL HOWARD ETUX ROSALIND  |
| X            | 127            | 7165 PECAN CREEK | KIM YONG MYONG & KAP CHUL  |
| X            | 128            | 7159 PECAN CREEK | ARONOVICH JOSEPH           |
|              | 129            | 7153 PECAN CREEK | CALLAWAY TONY              |
|              | 130            | 7147 PECAN CREEK | HARMIER KAREN L            |
|              | 131            | 7575 FRANKFORD   | FRANKEL FAMILY TRUST       |
|              | 132            | 7421 FRANKFORD   | SPUS6 FRANKFORD LP         |

**AGENDA ITEM # 40**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 10

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 28 A; E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District, a resolution accepting deed restrictions volunteered by the applicant, and an ordinance granting a Specific Use Permit for a metal salvage facility on property zoned an IR Industrial Research District west of the terminus of Bekay Street, west of Plano Road

Recommendation of Staff and CPC: Approval of an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant; and approval of a Specific Use Permit for a metal salvage facility for a three-year period, subject to a site/landscape plan and conditions

Z145-232(DJ)

Note: This item was considered by the City Council at a public hearing on August 12, 2015, and was deferred until September 9, 2015





**FILE NUMBER:** Z145-232(DJ)      **DATE FILED:** March 30, 2015

**LOCATION:** West of the terminus of Bekay Street, west of Plano Road

**COUNCIL DISTRICT:** 10      **MAPSCO:** 28-A and E

**SIZE OF REQUEST:** ±.5.65 acres      **CENSUS TRACT:** 185.06

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**APPLICANT/ OWNER:** Calatan Rockwell Rd Ptns, LP

**REPRESENTATIVE:** Santos Martinez, Masterplan

**REQUEST:** An application for an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant and a Specific Use Permit for a metal salvage facility on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant seeks to develop approximately 5.6 acres for a metal salvage facility. According to the submitted site plan, the facility itself will be approximately 41,440 square feet. A metal salvage facility is not permitted in an IR Industrial Research District. The applicant is requesting an IM Industrial Manufacturing zoning district that, while not permitting a metal salvage facility by right, permits one with a specific use permit. While the requested zoning district represents an increase of permitted industrial uses not allowed in an IR Industrial Research District, the applicant has volunteered deed restrictions that would prohibit those uses not allowed in the existing underlying zoning, with the exception of a metal salvage facility with a specific use permit.

**CPC RECOMMENDATION:** Approval of an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant; and approval of a Specific Use Permit for a three-year period, subject to a site/landscape plan and conditions.

**STAFF RECOMMENDATION:** Approval of an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant; and approval of a Specific Use Permit for a three-year period, subject to a site/landscape plan and conditions.

## **GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval of the IM based upon:

1. *Performance impacts upon surrounding property* – Should an IM Industrial Manufacturing District be approved, the applicant has volunteered deed restrictions that would prohibit those uses not allowed in the existing underlying zoning, with the exception of the requested metal salvage facility use. Please see the volunteered deed restrictions beginning on page 9 for a complete list. The requested metal salvage facility use also possesses additional provisions per City code that will further alleviate any potential negative impacts upon abutting and surrounding land uses. These additional provisions can be viewed in the Land Use Compatibility section (pages 4 and 5).
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – According to the *forwardDallas! Vision*, the request site is located within a Commercial Center or Corridor Building Block. While the requested zoning district is more consistent with an Industrial Area Building Block, the proposed use, in conjunction with deed restrictions volunteered by the applicant that would permit only the uses allowed in the existing zoning district, with the exception of a metal salvage facility use, is consistent with land uses abutting and surrounding the area of request.

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The proposed conditions will contribute to the compatibility of the metal salvage facility with adjacent land uses that are predominately comprised of industrial, warehouse, and office uses. City code also lists additional provisions for a metal salvage facility to protect surrounding properties. These additional provisions can be found in the Land Use Compatibility section (pages 4 and 5).
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use would be a supporting industrial-type use to complement adjacent properties.

3. *Not a detriment to the public health, safety, or general welfare* – The proposed use is not anticipated to be a detriment. The specific use permit time frame will allow the city an opportunity to evaluate the performance of the site.
4. *Conforms in all other respects to all applicable zoning regulations and standards*– The proposed use will comply with all applicable zoning regulations and standards.

## **BACKGROUND INFORMATION:**

### **Zoning History:**

There have been no zoning changes requested in the area within the last five years.

### **Thoroughfares/Streets:**

| <b>Thoroughfare/Street</b> | <b>Type</b>    | <b>Existing ROW</b> |
|----------------------------|----------------|---------------------|
| Plano Road                 | Major Arterial | 95 feet             |
| Bekay Street               | Minor Arterial | 55 feet             |
| Dilworth Road              | Minor Arterial | 60 feet             |

### **Traffic:**

The Engineering Section of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system. A development impact review is required in an IM district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day.

### **Land Use:**

|              | <b>Zoning</b> | <b>Land Use</b>                                                                      |
|--------------|---------------|--------------------------------------------------------------------------------------|
| <b>Site</b>  | IR            | Undeveloped                                                                          |
| <b>North</b> | IR            | DART Rail Line and Office Showroom/Warehouse                                         |
| <b>East</b>  | IR            | Office showroom/warehouse and machinery, heavy equipment, or truck sales and service |

|              |         |                                                                                                                                                                 |
|--------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>South</b> | IR      | Office showroom/warehouse; vehicle sales, display, and service; general merchandise or food store less than 3,500 square feet; and retail/personal service uses |
| <b>West</b>  | IR & IM | Office showroom/warehouse                                                                                                                                       |

## **STAFF ANALYSIS:**

### **Comprehensive Plan:**

The Vision Illustration depicts the request site lies within a *commercial center or corridor* area. These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

The applicant's proposal at this area for an Industrial Manufacturing District, while more appropriate for an Industrial Area, is still compatible with adjacent land uses that are predominately comprised of industrial, warehouse, and office uses. Volunteered deed restrictions will further prohibit uses that are not permitted in the existing zoning district, save for a metal salvage facility use. Furthermore, because a specific use permit is required to operate a metal salvage facility, conditions associated with the specific use permit will allow for more compatibility of the site with surrounding properties.

### **Land Use Compatibility:**

The subject site consists of approximately 5.6-acres of land surrounded by industrial, office showroom/warehouse, and retail/personal service uses to the north, east, south and west. The site will be developed with an approximately 41,440 sq. ft. building to support the metal salvage facility.

Sec. 51A-4.203(E) lists additional provisions for a metal salvage facility. Sec. 51A-4.203(E)(i) states, "This use must have a visual screen of at least nine feet in height which consists of a solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links." The site plan denotes 9' solid screening around the perimeter of the property and abutting the creek towards the west of the site.

Sec. 51A-4.203(3)(E)(ii) states, "The owner of a metal salvage facility shall not stack objects higher than eight feet within 40 feet of the visual screen. The owner of a metal salvage facility may stack objects one foot higher than eight feet for each five feet of setback from the 40 foot point." According to the site plan, the stacking height should not exceed 12 feet.

Sec. 51A-4.203(E)(iii) states, "If an inoperable or wrecked motor vehicle remains outside on the premises for more than 24 hours, the premises is an outside salvage or reclamation use. However, a premise is not an outside salvage or reclamation use if the premise stores not more than four inoperable or wrecked motor vehicles each of which having a valid state registration, current safety inspection certificate, and documentary record of pending repairs or other disposition, and if the premise has a current certificate of occupancy for a motor vehicle related use."

Sec. 51A-4.203(E)(iv) states, "A minimum distance of 500 feet is required between a metal salvage facility and an R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district." There are no abutting or surrounding residential districts.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

Staff supports both the request for a general zoning change from an IR Industrial Research District to an IM Industrial Manufacturing District, subject to the attached volunteered deed restrictions, and a specific use permit for a metal salvage facility, subject to a site plan and conditions.

**Development Standards:**

| District                                       | Setbacks                                                               |                                                     | Density<br>FAR                                                                                                                   | Height                | Lot<br>Coverage | Special<br>Standards                       | Primary Uses                                                                              |
|------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------|--------------------------------------------|-------------------------------------------------------------------------------------------|
|                                                | Front                                                                  | Side/Rear                                           |                                                                                                                                  |                       |                 |                                            |                                                                                           |
| Existing:<br>IR<br>Industrial<br>Research      | 15'                                                                    | 30' adjacent to<br>residential<br>OTHER:<br>No Min. | 2.0 FAR overall<br>0.75<br>lodging/office/<br>retail/personal<br>svc.<br>0.5 retail/<br>personal svc.                            | 200'<br>15<br>stories | 80%             | Proximity<br>Slope & Visual<br>Intrusion   | Industrial, wholesale<br>distribution &<br>storage, supporting<br>office & retail         |
| Proposed:<br>IM<br>Industrial<br>Manufacturing | 15' adjacent<br>to<br>expressway/<br>thoroughfare<br>OTHER:<br>No min. | 30' adjacent<br>to residential<br>OTHER:<br>No Min. | 0.5 FAR<br>retail/personal<br>svc.<br>0.75 any combo<br>lodging, office,<br>retail, personal<br>svc.<br>2.0 all uses<br>combined | 110'<br>8 stories     | 80%             | Proximity<br>Slope/<br>Visual<br>Intrusion | Heavy industrial<br>manufacturing with<br>open storage &<br>supporting<br>commercial uses |

**Parking:**

Pursuant to §51A-4.203(C) of the Dallas Development Code, the required off-street parking for a metal salvage facility may be established in the ordinance granting the specific use permit. Otherwise, a minimum of five spaces are required. At time of application, a site plan was submitted depicting the number and location of six off-street parking spaces for this use.

**Landscaping/Screening:**

Any new development on the site will require landscaping and screening per Article X of the Dallas Development Code.



Z145-232(DJ)

**CPC Action – June 4, 2015**

**Z145-232(DJ)**

Planner: Danielle Jimenez

**Motion:** It was moved to recommend **approval** an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant and **approval** of a Specific Use Permit for a metal salvage facility for a three-year period, subject to a site/landscape plan and conditions on property zoned an IR Industrial Research District south of Dilworth Road, west of the terminus of Bekay Street.

Maker: Lavallaisaa  
Second: Rodgers  
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 0  
Vacancy: 1 - District 4

**Notices:** Area: 400 Mailed: 23  
**Replies:** For: 1 Against: 4

**Speakers:** For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**Z145-232**  
**CPC Approved SUP Conditions**

1. USE: The only use authorized by this specific use permit is a metal salvage facility.
2. SITE/LANDSCAPE PLAN: Use and development of the Property must comply with the attached site/landscape plan.
3. TIME LIMIT: This specific use permit expires on (three years).
4. LICENSE: The operator must obtain a secondary metal recyclers license in accordance with Chapter 40B of the Dallas City Code.
5. OUTSIDE OPERATIONS: Outside operations for a metal salvage facility, exclusive of surface parking, are only permitted in the areas shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

DEED RESTRICTIONS

THE STATE OF TEXAS )  
 ) KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS )

**I.**

The undersigned, Calatan Rockwall Road Partners, LP, a Limited Partnership (“the Owner”), is the owner of the following described property (“the Property”), being in particular a tract of land out of the John Jackson Survey, Abstract No. 699, Lots 1B in City Block G/8064, City of Dallas (“City”), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Calatan Partners LP, by deed dated November 9, 2004, and recorded in Volume 2004220, Page 4694, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit A attached hereto

See Exhibit A

**II.**

The Owner does hereby impress all of the Property with the following deed restrictions (“restrictions”), to wit:

**1. The following uses are prohibited:**

Auto auction.  
Building mover’s temporary storage yard.  
Contractor’s maintenance yard.  
Drive-in theater.  
Gas pipeline compressor station.  
Livestock auction pens or sheds.  
Mining.  
Outside salvage or reclamation.  
Outside storage (without visual screening).  
Petroleum product storage and wholesale.  
Railroad yard, roundhouse, or shops.  
Refuse transfer station.

Sand, gravel, or earth sales and storage.  
Sanitary landfill.  
Sewage treatment plant.  
Vehicle storage lot.

### **III.**

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

### **IV.**

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

### **V.**

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

### **VI.**

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the

Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

**VII.**

**The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.**

**VIII.**

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

**IX.**

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

**X.**

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

**XI.**

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

**XII.**

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Owner:

\_\_\_\_\_

By: \_\_\_\_\_ a \_\_\_\_\_ corporation, its general partner

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

CONSENT AND CONCURRENCE OF

**LIENHOLDER OR MORTGAGEE**

\_\_\_\_\_

**Property Lienholder or Mortgagee**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

By: \_\_\_\_\_  
Assistant City Attorney



**STATE OF TEXAS**

COUNTY OF DALLAS

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_ of owner, a \_\_\_\_\_ corporation.

(SEAL)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
(date)

**STATE OF TEXAS**

COUNTY OF DALLAS

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 1999, by \_\_\_\_\_ of Spectrum Properties, L.C., a Texas corporation as general partner of Park Fountains, L.P., a Texas Limited Partnership on behalf of said partnership.

(SEAL)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
(date)

***STATE OF TEXAS***

COUNTY OF DALLAS

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_,  
1999, by \_\_\_\_\_ of \_\_\_\_\_, a  
\_\_\_\_\_ corporation on behalf of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
(date)

Exhibit A

WHEREAS, Calatan Rockwall Road Partners, LP, a Texas Limited Partnership, is the owner of two tracts of land situated in the JOHN JACKSON SURVEY, ABSTRACT NO. 699, as recorded in Special Warranty Deed under Volume 2004220, Page 4694, Deed Records, Dallas County, Texas (D.R.D.C.T.), hereinafter referred to as Calatan Rockwall tract No. 1, and Special Warranty Deed under Instrument No. 201200338441, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), hereinafter referred to as Calatan Rockwall tract No. 2, said tracts being all of Lot 1B, Block G/8064 of Calatan Addition No. 2, an Addition to the City of Dallas, according to the plat thereof, recorded in Instrument No. 201200274520, (O.P.R.D.C.T.), said tracts being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found with yellow cap stamped, "VOTEX RPLS 4813" in the northwesterly line of Bekay Street (a 60 foot right-of-way), said point also being the most easterly northeast corner of said Lot 1B, Block G/8064, and being the southwest corner of Lot 1, Block B/8064 of Sutherland Addition, an addition as recorded in Volume 72011, Page 2428, (D.R.D.C.T.);

THENCE South 20 degrees 10 minutes 00 seconds East, departing the northwesterly line of said Bekay Street, along the west line of said Bekay Street, same being the northeast line of said Lot 1B, Block G/8064, a distance of 29.71 feet to a 1/2-inch iron rod found with yellow cap stamped, "VOTEX RPLS 4813" for a corner, said corner being in the north line of Crossroads Business Park Phase II, an addition to the City of Dallas, according to the plat recorded in Volume 79047, Page 1882, (D.R.D.C.T.);

THENCE South 69 degrees 50 minutes 00 seconds West, departing the west line of said Bekay Street, and along the northwest line of said Crossroads Business Park Addition, same being the southeast line of said Lot 1B, Block G/8064, a distance of 773.98 feet to a point for a corner;

THENCE over and across said Lot 1B, Block G/8064 for the following six (6) calls:

North 20 degrees 10 minutes 00 seconds West, a distance of 25.00 feet to a point for a corner;

North 69 degrees 50 minutes 00 seconds East, a distance of 55.02 feet to a point for a corner, said point being in the centerline of an 80 foot wide Drainage Easement, as recorded in Volume 2005185, Page 105 (D.R.D.C.T.);

North 20 degrees 10 minutes 00 seconds West, along the centerline of said Drainage Easement, a distance of 6.52 feet to the beginning of a circular tangent curve to the right, having a radius of 160.00 feet, a central angle of 47 degrees 15 minutes 43 seconds, and a chord which bears North 03 degrees 27 minutes 52 seconds East, a distance of 128.27 feet;

Northeasterly, along said circular tangent curve to the right, same being the centerline of said Drainage Easement, an arc distance of 131.98 feet to the point of tangency;

North 27 degrees 05 minutes 43 seconds East, along the centerline of said Drainage Easement, a distance of 269.01 feet to the beginning of a circular tangent curve to the left, having a radius of 160.00 feet, a central angle of 38 degrees 06 minutes 25 seconds, and a chord which bears North 08 degrees 02 minutes 30 seconds East, a distance of 104.46 feet;

Northeasterly, along said circular tangent curve to the left, same being the centerline of said Drainage Easement, passing at an arc distance of 55.21 feet, a 1/2-inch iron rod found for the north line of said Lot 1B, Block G/8064, same being the south line of said Calatan Rockwall tract No. 2, and continuing across said Calatan Rockwall tract No. 2 for a total arc distance of 106.42 feet to the point of tangency;

THENCE North 11 degrees 00 minutes 42 seconds West, across said Calatan Rockwall tract No. 2, a distance of 76.83 feet to a 1/2-inch iron rod found for a corner, said corner being in the north line of said Calatan Rockwall tract No. 2, same being the south line of a tract of land conveyed by deed to Dallas Area Rapid Transit, as recorded in Vol. 88083, Pg. 4905, (D.R.D.C.T.);

THENCE North 69 degrees 50 minutes 33 seconds East, along the south line of said Dallas Area Rapid Transit tract, same being the north line of said Calatan Rockwall Partners tract No. 2, a distance of 330.97 feet to a 5/8-inch iron rod found for a corner, said corner being the northwest corner of said Lot 1, Block B\8064;

THENCE South 20 degrees 27 minutes 28 seconds East, along the west line of said Lot 1, Block B\8064,, same being a northeast line of said Calatan Rockwall tract No. 2, passing at a distance of 124.20 feet the common corner between the southeast corner of said Calatan Rockwall tract No. 2, and the northwest corner of said Lot 1B, Block G/8064, continuing for a total distance of 469.75 feet to a 1/2-inch iron rod found with yellow cap stamped, "VOTEX RPLS 4813" for a corner;

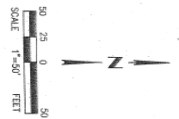
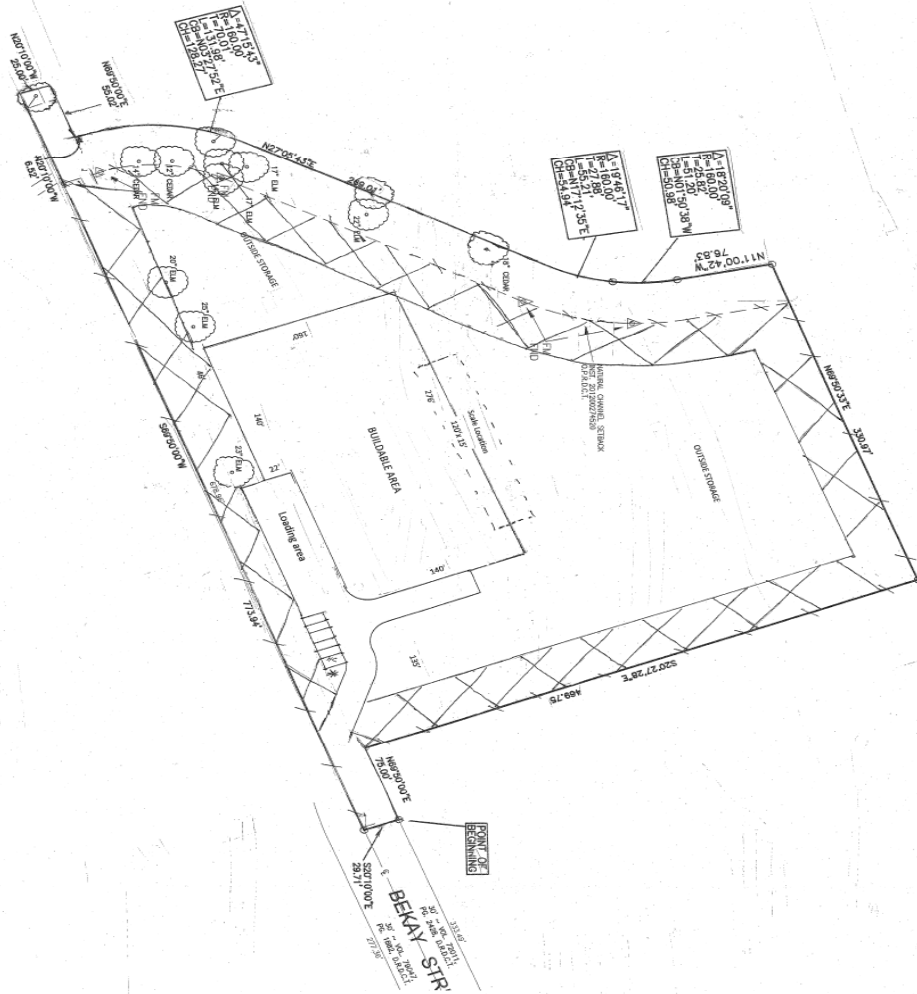
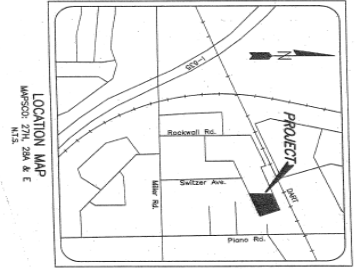
THENCE North 69 degrees 50 minutes 00 seconds East, along the south line of said Lot 1, Block B\8064, same being a northwest line of said Lot 1B, Block G/8064, a distance of 75.00 feet to the POINT OF BEGINNING, containing 246,504 square feet or 5.659 acres of land, more or less.

Z145-232(DJ)

**List of Officer(s):**

Natalac LLC

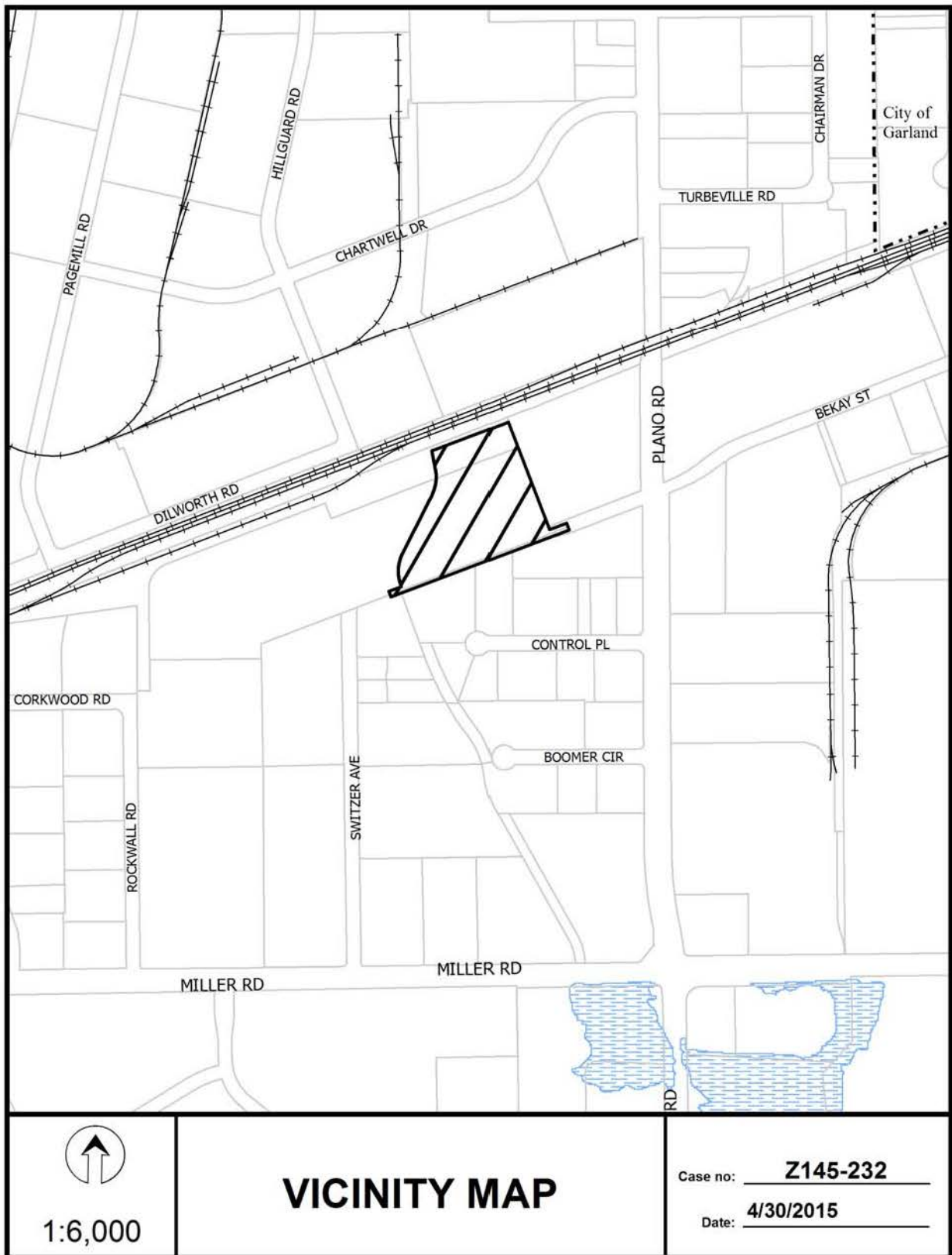
# Proposed Site/Landscape Plan



- Blue parking (minimum of 2 spaces)
- 7' solid screening
- 8' maximum stacking height

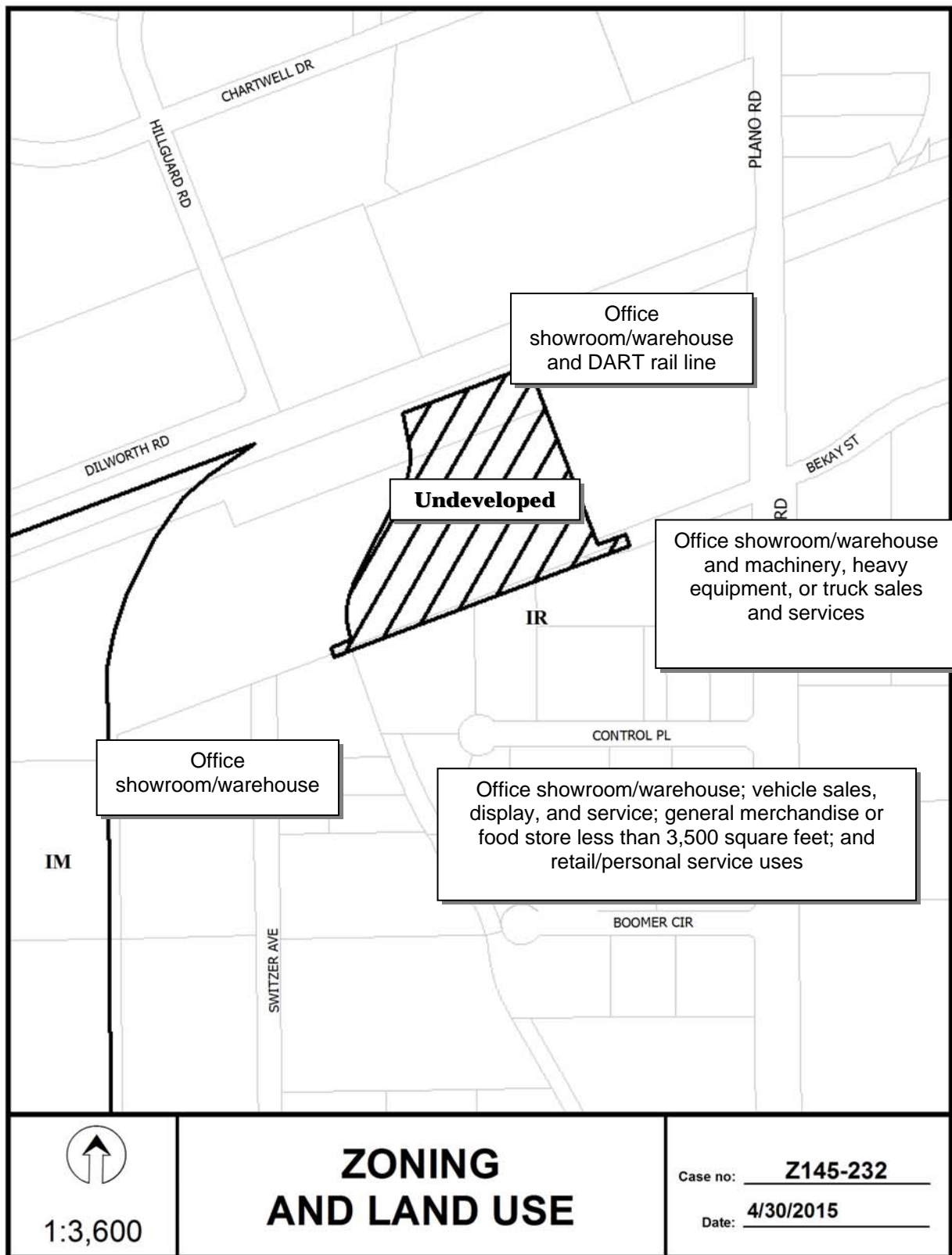
SITE SUMMARY  
Proposed Use: Metal Storage Facility  
Proposed Building Area: 4140 sq. ft.  
Proposed Parking: 6

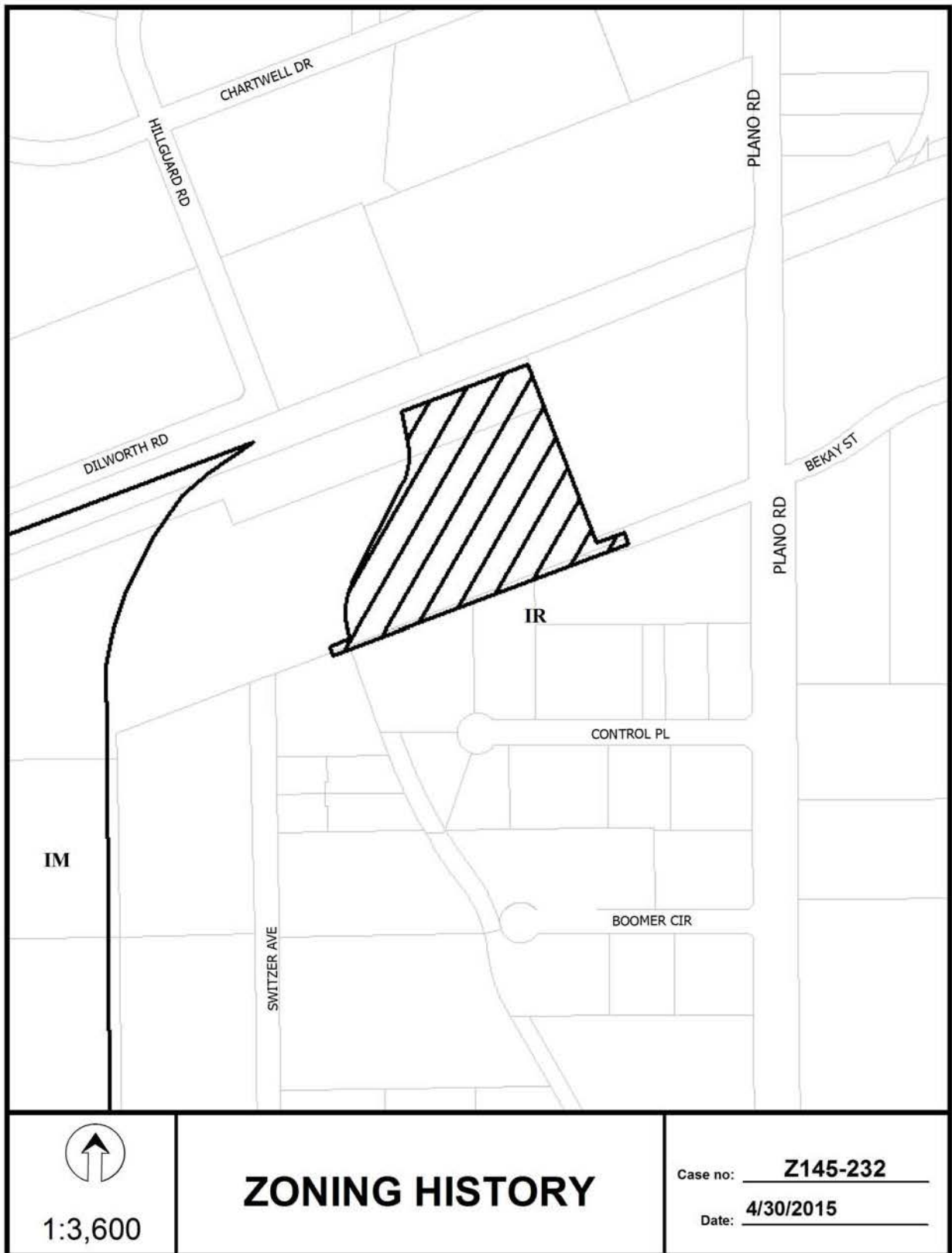




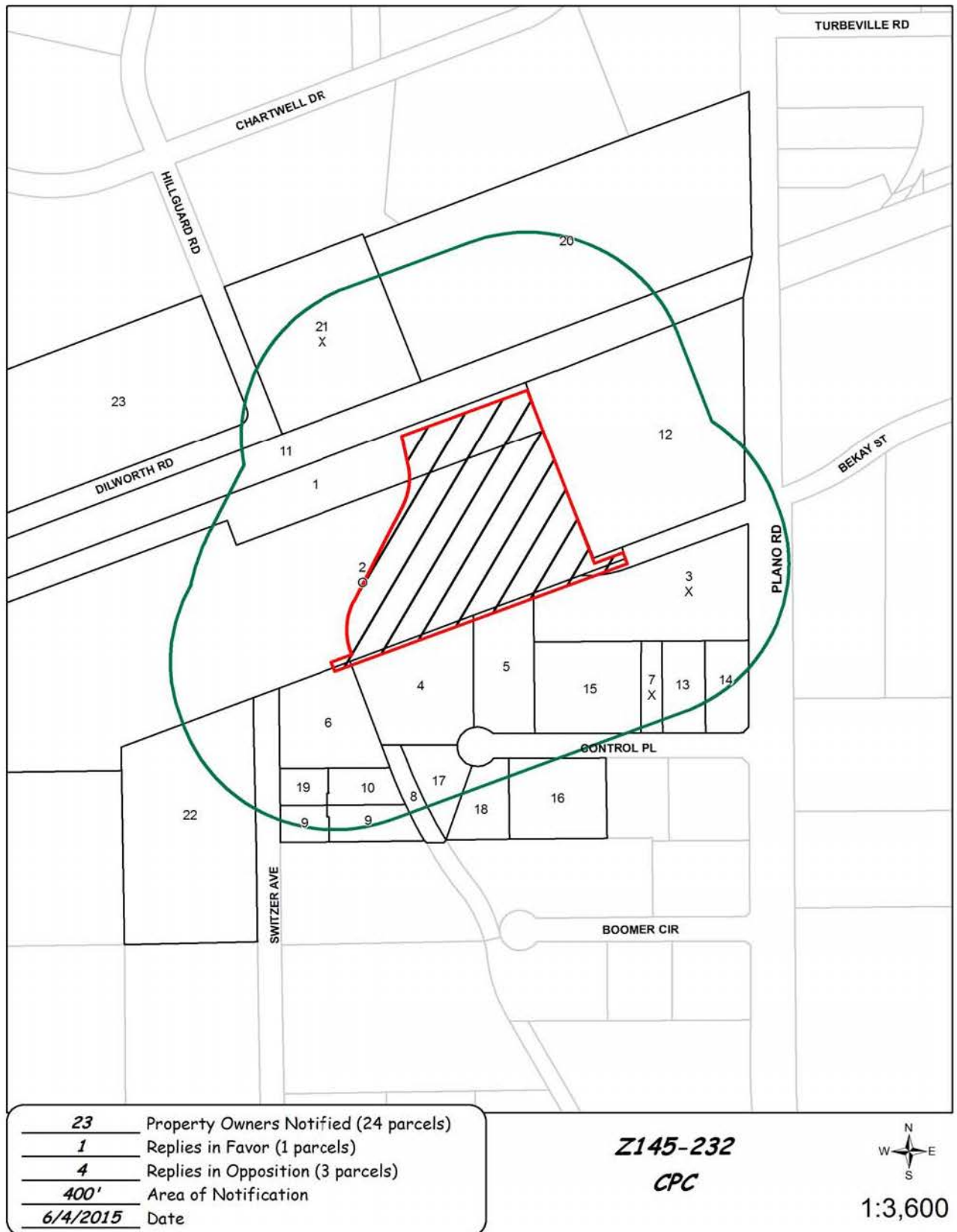








## CPC Responses



06/03/2015

***Reply List of Property Owners******Z145-232******23 Property Owners Notified******1 Property Owners in Favor******4 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>               |
|---------------------|-----------------------|-----------------------|-----------------------------------|
|                     | 1                     | 10866 ROCKWALL RD     | CALATAN ROCKWALL ROAD PARTNERS LP |
| O                   | 2                     | 10900 ROCKWALL RD     | CALATAN ROCKWALL ROAD             |
| X                   | 3                     | 11055 PLANO RD        | DALLAS PLUMBING CO                |
|                     | 4                     | 10603 CONTROL PL      | BROWN JASON NESBIT &              |
|                     | 5                     | 10611 CONTROL PL      | TUMBLEWEED VENTURES LTD           |
|                     | 6                     | 11010 SWITZER AVE     | WALLACE KENT                      |
| X                   | 7                     | 10621 CONTROL PL      | DALLAS PLUMBING JV                |
|                     | 8                     | 11000 SWITZER AVE     | MILLER PLANO RD JT VT             |
|                     | 9                     | 10960 SWITZER AVE     | EVANSTEEN LLC                     |
|                     | 10                    | 10960 SWITZER AVE     | MORGAN BIBIANA &                  |
|                     | 11                    | 401 BUCKNER BLVD      | DART                              |
|                     | 12                    | 11111 PLANO RD        | PLANO SS LTD                      |
|                     | 13                    | 10635 CONTROL PL      | ARGOLD INV LLC                    |
|                     | 14                    | 10995 PLANO RD        | CONE JACK                         |
|                     | 15                    | 10625 CONTROL PL      | TATOM RESOURCES LTD               |
| X                   | 16                    | 10620 CONTROL PL      | TATOM J & L LTD                   |
|                     | 17                    | 10602 CONTROL PL      | TAYLOR IRWIN FAMILY LP            |
|                     | 18                    | 10610 CONTROL PL      | HAWKINS CAMILE                    |
|                     | 19                    | 10990 SWITZER AVE     | SWITZER AVENUE OFFICE INC         |
|                     | 20                    | 11223 PLANO RD        | KIRKLAND LAND COMPANY             |
| X                   | 21                    | 11330 HILLGUARD RD    | HAZLEWOOD JAMES G                 |
|                     | 22                    | 11025 SWITZER AVE     | CIR III 1 REIT                    |
|                     | 23                    | 9600 DILWORTH RD      | DILWORTH ASSOCIATES LLC           |



**AGENDA ITEM # 41**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 52 T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of South Walton Walker Boulevard and Duncanville Road

Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z145-256(CG)

Note: This item was considered by the City Council at public hearings on August 12, 2015, and August 26, 2015, and was deferred until September 9, 2015



FILE NUMBER: Z145-256(CG)

DATE FILED: April 28, 2015

LOCATION: Northwest corner of South Walton Walker Boulevard and Duncanville Road

COUNCIL DISTRICT: 3

MAPSCO: 52T

SIZE OF REQUEST: ± 2.12 acres

CENSUS TRACT: 108.1

APPLICANT: 7-Eleven, Inc.

REPRESENTATIVE: Gardere Wynne Sewell, LLP

OWNER: SEJ Asset Management & Investment Co.

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay.

SUMMARY: The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store [7-Eleven]. The ±2.12-acre request site is developed with a 4,464-square-foot general merchandise or food store.

CPC RECOMMENDATION: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store is compatible with the surrounding land uses; hence, the sale of alcoholic beverages in conjunction with the main use does not affect compatibility.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The sale of alcoholic beverages as an accessory use to the existing general merchandise or food store will neither contribute nor be a detriment to the welfare of the surrounding area.
3. *Not a detriment to the public health, safety, or general welfare* – The existing general merchandise or food store complies with Chapter 12B (Convenience Store) requirements. The purpose of regulating convenience stores is to protect the health, safety, and welfare of the citizens of the City of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, it complies with all applicable zoning regulations and standards. No variances or special exceptions are requested.

**Zoning History:**

There have been no recent zoning cases within close proximity of the subject site within the last five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street    | Type               | Existing ROW |
|------------------------|--------------------|--------------|
| S. Walton Walker Blvd. | Principal Arterial | 107 feet     |
| Duncanville Rd.        | Minor Arterial     | 100 feet     |

**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not impact the surrounding roadway system.

**STAFF ANALYSIS:****Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Plan identifies the request site as being in the *Residential Neighborhood* Building Block. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood “pocket parks” provide open space for families. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cut-through traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to park-and-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement.

**Land Uses:**

|              | <b>Zoning</b>                                  | <b>Land Use</b>                                               |
|--------------|------------------------------------------------|---------------------------------------------------------------|
| <b>Site</b>  | RR Regional Retail,<br>D-Dry Overlay           | General merchandise<br>or food store                          |
| <b>North</b> | RR Regional Retail, SUP<br>1601, D-Dry Overlay | Storage facility &<br>vacant parcels                          |
| <b>East</b>  | MF-1(A), R-7.5(A)                              | Senior center, vacant<br>parcels & single<br>family dwellings |
| <b>South</b> | RR Regional Retail                             | Auto-related uses                                             |
| <b>West</b>  | LI Light Industrial                            | Warehouse &<br>distribution center<br>and vacant parcels      |

**Land Use Compatibility:**

The subject site is an existing 4,464-square-foot structure (3,587-square-foot is the general merchandise or food store with an 877-square-foot carwash).

The request site meets the 300-foot distance requirement from any protective uses such as a church, public or private school, day care facility or public hospital (refer to Exhibit A – Alcohol Survey Map). To the north of the site is a storage facility and vacant parcels. A senior housing development, single family dwellings, and vacant parcels lie to the east; auto-related uses to the south; and vacant parcels, warehouse and distribution center lies just west of the site.

The applicant's request conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. The proposed sale of alcoholic beverages in conjunction with the existing general merchandise or food store is not anticipated to negatively impact the adjacent properties. Therefore, staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. The short initial time period will allow re-evaluation of the request to ensure ongoing compliance.

The "D-1" Overlay District is a Liquor Control Overlay District, which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in



convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and trespass affidavits.

**Development Standards:**

| District                                | Setbacks  |                                    | Density/<br>FAR                              | Height           | Lot<br>Coverage | Special<br>Standards    | Primary Uses                         |
|-----------------------------------------|-----------|------------------------------------|----------------------------------------------|------------------|-----------------|-------------------------|--------------------------------------|
|                                         | Front     | Side/Rear                          |                                              |                  |                 |                         |                                      |
| RR Regional<br>Retail,<br>D-Dry Overlay | 15'<br>0' | 20' adj. to res.<br>Other: no min. | 0.75 Overall<br>0.5<br>Office/lodging/retail | 45'<br>3 stories | 80%             | RPS<br>Visual Intrusion | Retail & personal<br>service, office |

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area. The 4,464-square foot general merchandise or food store use requires 22 parking spaces and two spaces for the gas pumps.

**Landscaping:**

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

**Police Report:**

The Dallas Police Department (DPD) reported the following crime statistics for a five year period, May 2010 to May 2015, as shown below:

| <b>UCR_Offense</b> | <b>Count</b> |
|--------------------|--------------|
| ACCIDENT MV        | 1            |
| AGG ASSAULT        | 1            |
| ASSAULT            | 3            |
| FOUND              | 2            |
| FRAUD              | 1            |
| INVESTIGATION OF   | 3            |
| LOST               | 3            |
| MISCELLANEOUS      | 2            |
| MISSING PERSON     | 2            |
| Not Coded          | 5            |
| ROBBERY-BUSINESS   | 3            |
| ROBBERY-INDIVIDUAL | 4            |
| RUNAWAY            | 1            |
| THEFT/BMV          | 3            |
| THEFT/SHOPLIFT     | 4            |
| UUMV               | 2            |
| <b>Grand Total</b> | <b>40</b>    |

Z145-256(CG)

**CPC Action – July 9, 2015**

Z145-256(CG)

Planner: Carrie Gordon

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of South Walton Walker Boulevard and Duncanville Road.

Maker: Rodgers  
Second: Murphy  
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 3 - Anantasomboon, Bagley, Shellene  
Vacancy: 1 - District 4

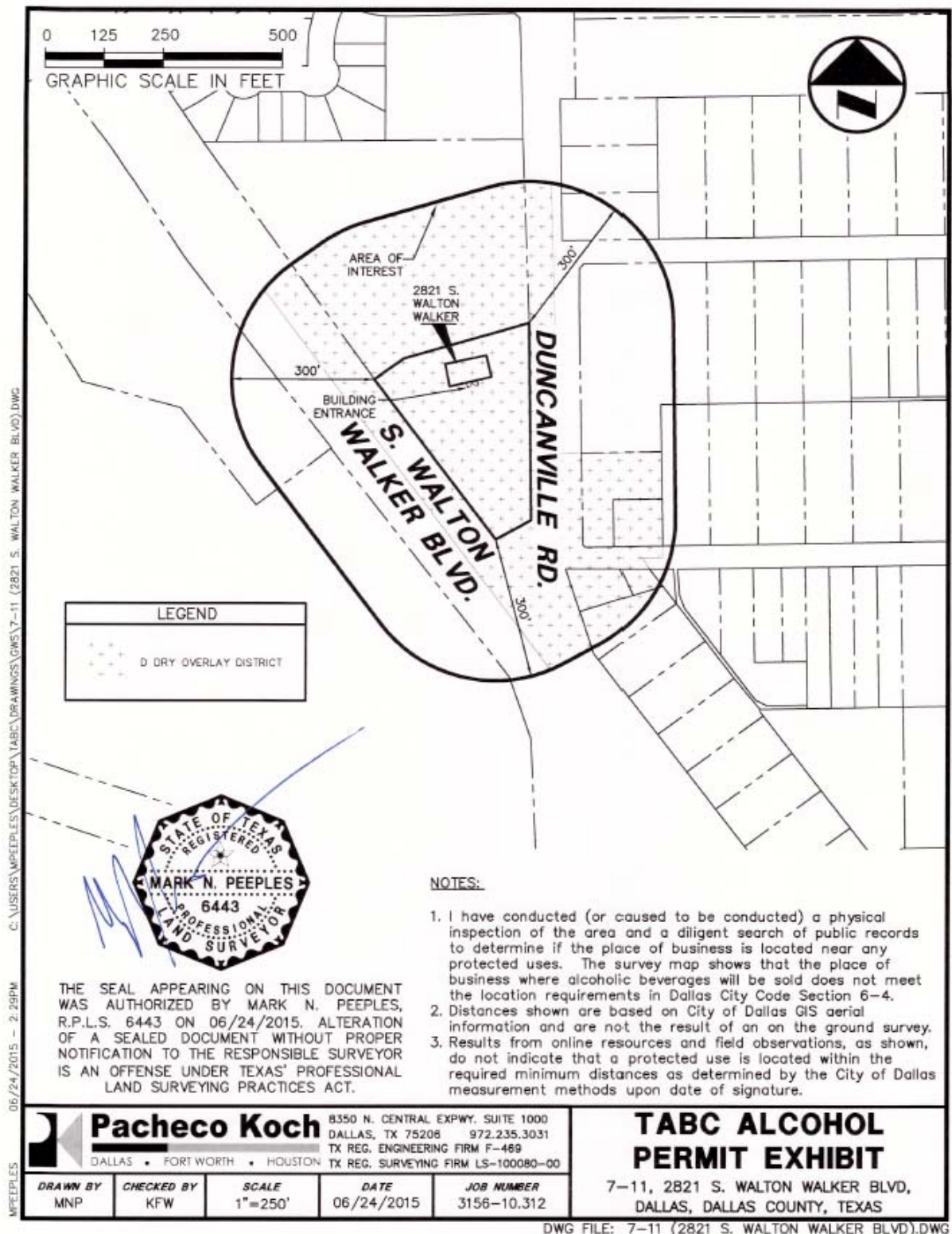
Notices: Area: 300 Mailed: 20  
Replies: For: 0 Against: 0

Speakers: For: Calli Turner, 1601 Elm St., Dallas, TX, 75214  
Kimberly Cavagnaro, 2821 S. Walton Walker, Dallas, TX, 75211  
Against: None

**CPC Recommended Conditions**

1. **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires on (two years) \_\_\_\_\_, but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. **INGRESS- EGRESS:** Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. **PARKING:** Parking must be located as shown on the attached site plan.
6. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
7. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## EXHIBIT A – Alcoholic Survey Map



**7-Eleven Inc.  
Officers and Directors**

**Corporate Address**

1722 Routh Street, Suite 1000  
Dallas, Texas 75201

**Officers of the Board**

Toshifumi Suzuki – Chairman of the Board

**Officers/Directors**

Joseph M. DePinto – President and Chief Executive Officer; Director  
Jesus Delgado-Jenkins – Executive Vice President  
Shiza Noda – Executive Vice President  
Robert Chumley – Sr. Vice President, Innovation  
Stanley W. Reynolds – Executive Vice President and Chief Financial Officer  
Christopher P. Tanco – Executive Vice President  
Robert Cozens – Sr. Vice President, Merchandise  
Sean Duffy – Sr. Vice President, Development  
Jay Chai – Director  
Rankin Gasaway – Sr. Vice President, General Counsel, and Secretary  
Wesley M. Hargrove – Senior Vice President and Chief Information Officer  
C. Bradley Jenkins – Senior Vice President, Operations  
Ryuichi Isaka – Director  
Koichi Takahashi – Senior Vice President  
Ena Koschel – Sr. Vice President, Operations West  
Shinji Abe – Vice President  
Masaaki Kamata – Director  
Alicia Howell - Vice President and Controller  
Rajneesh Kapoor - Vice President  
Ysuske Kato – Vice President  
Ryoji Sakai – Vice President  
David Seltzer – Vice President and Treasurer  
Nancy Smith – Vice President  
Nobutake Sato - Director



**SEJ Asset Management & Investment Company**  
**Officers and Directors**

**Officers of the Board**

Toshifumi Suzuki – Chairman of the Board

**Officers**

Ryoji Sakai – President, Chief Executive Officer

Kazuo Otsuki – Vice President

Rankin L. Gasaway – Vice President

Akihiko Shimizu – Treasurer

Hisataka Noguchi - Secretary

**Directors**

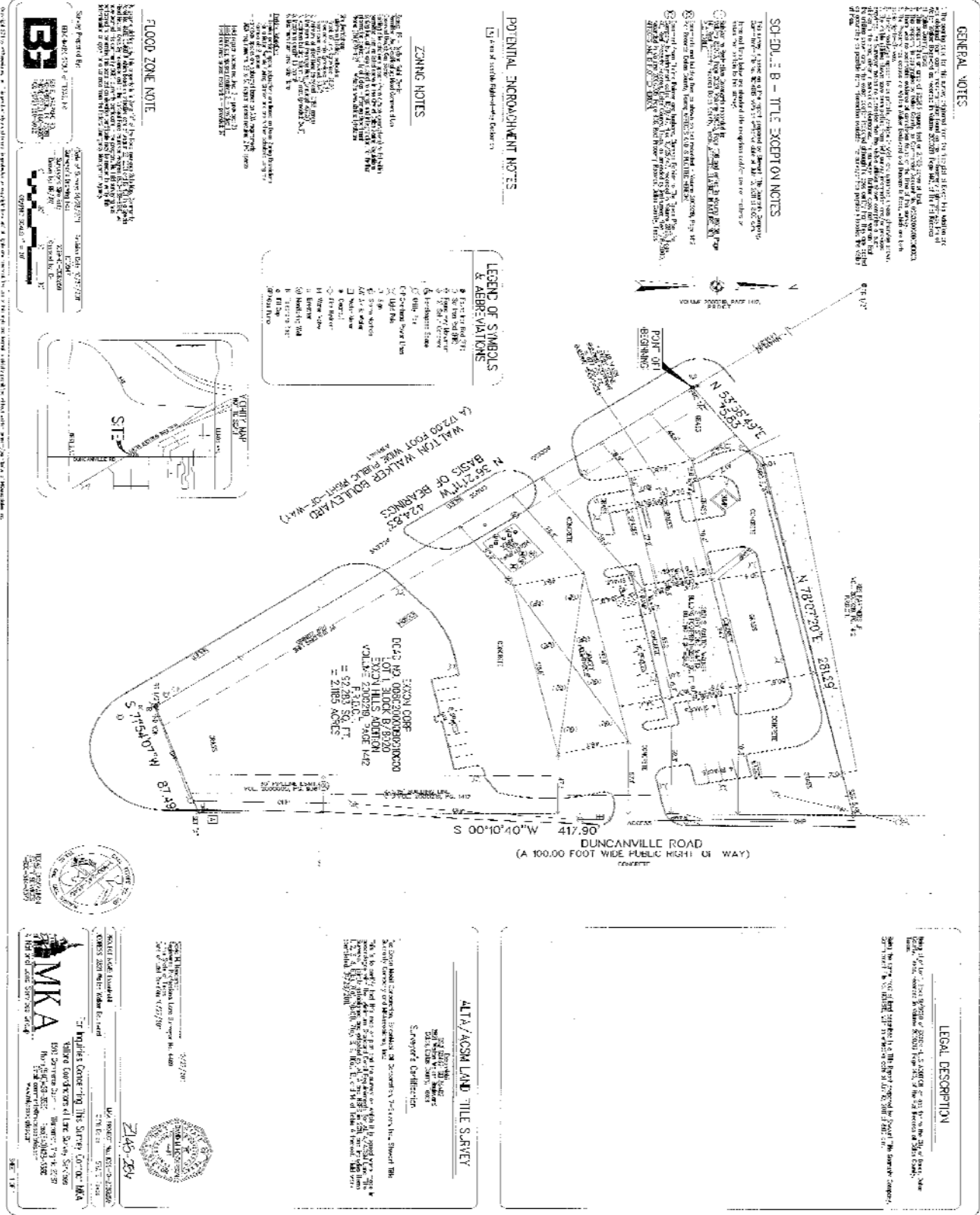
Toshifumi Suzuki – Chairman of the Board

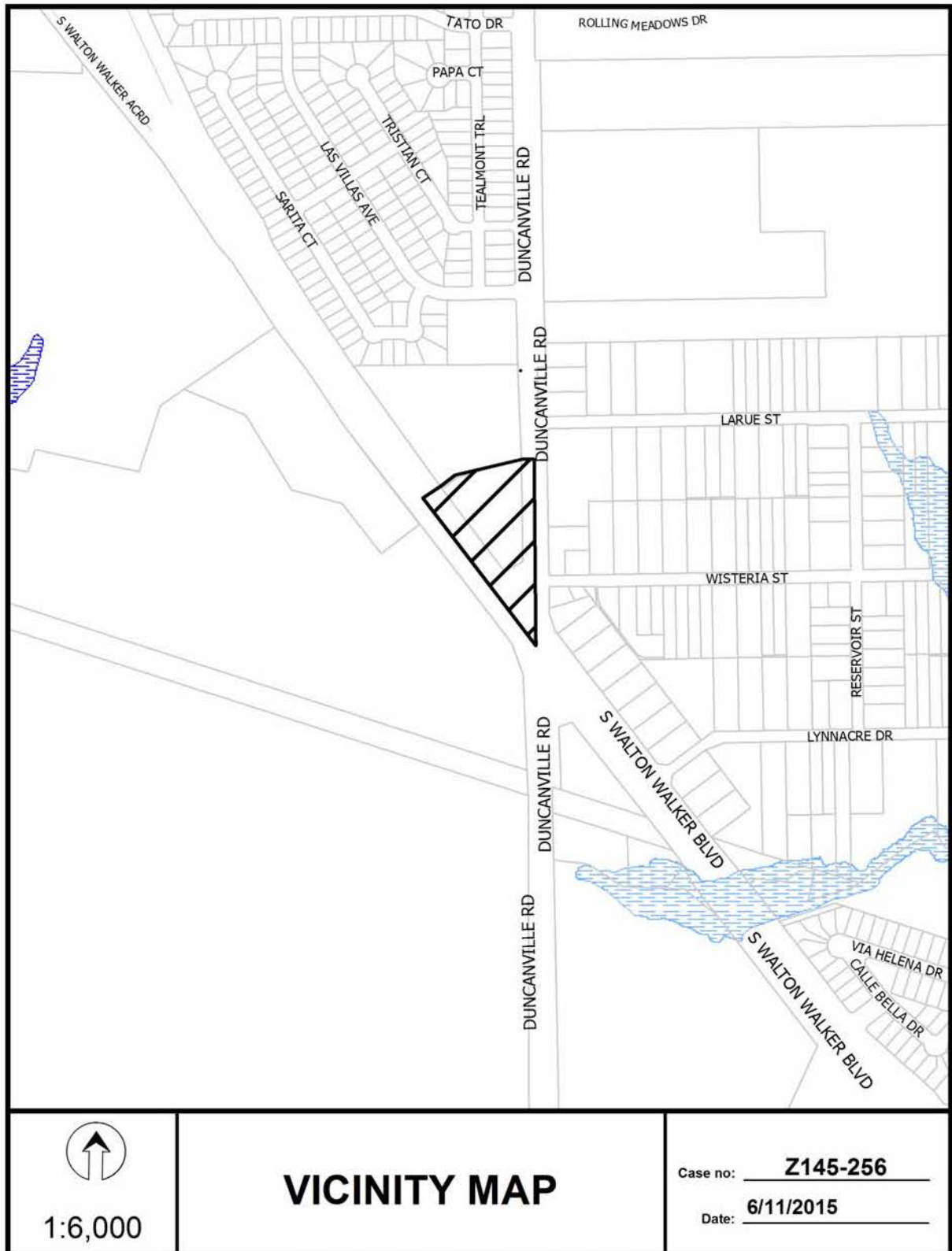
Ryoji Sakai – Director

Akihiko Shimizu - Director

Hisataka Noguchi – Director

Proposed Site Plan

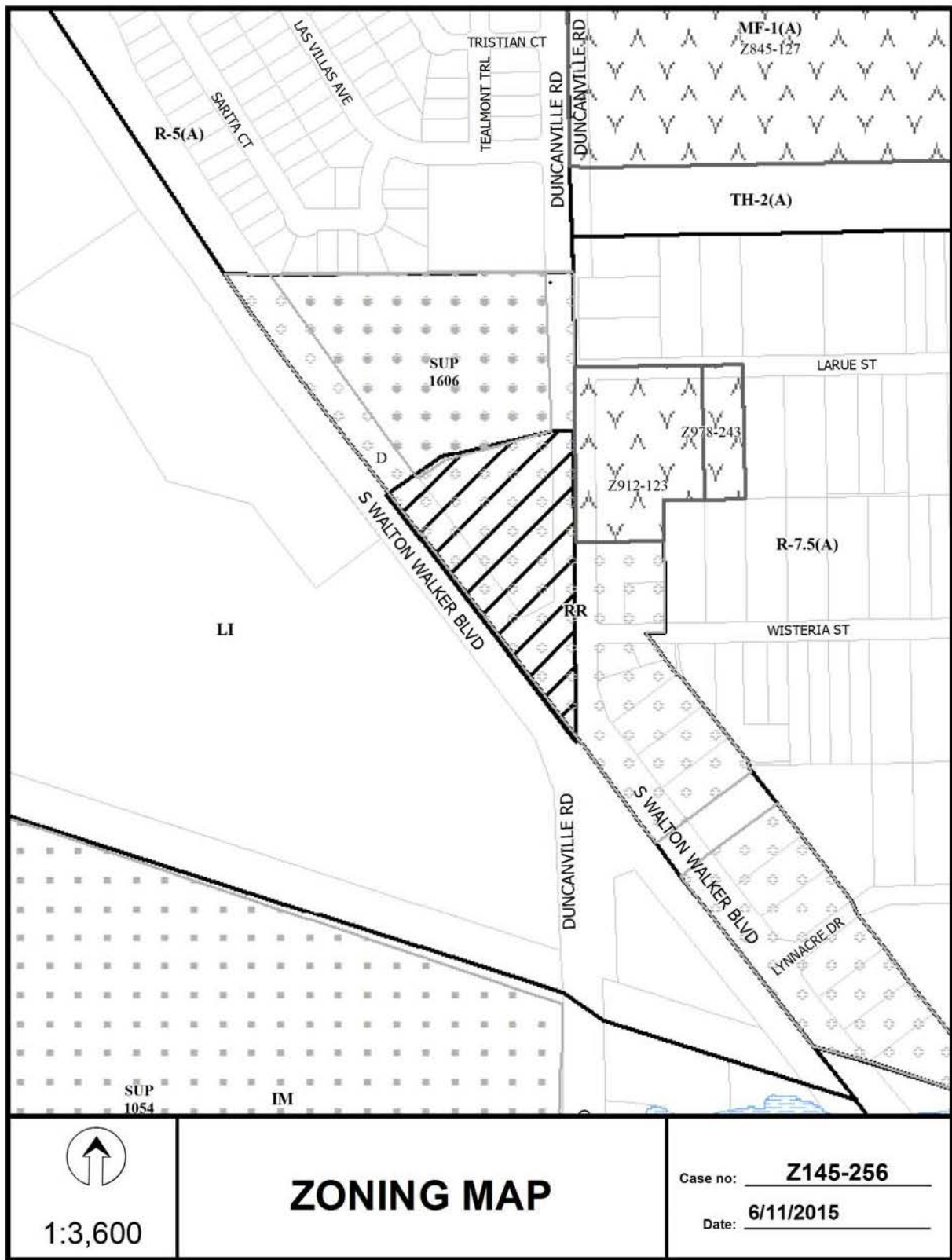


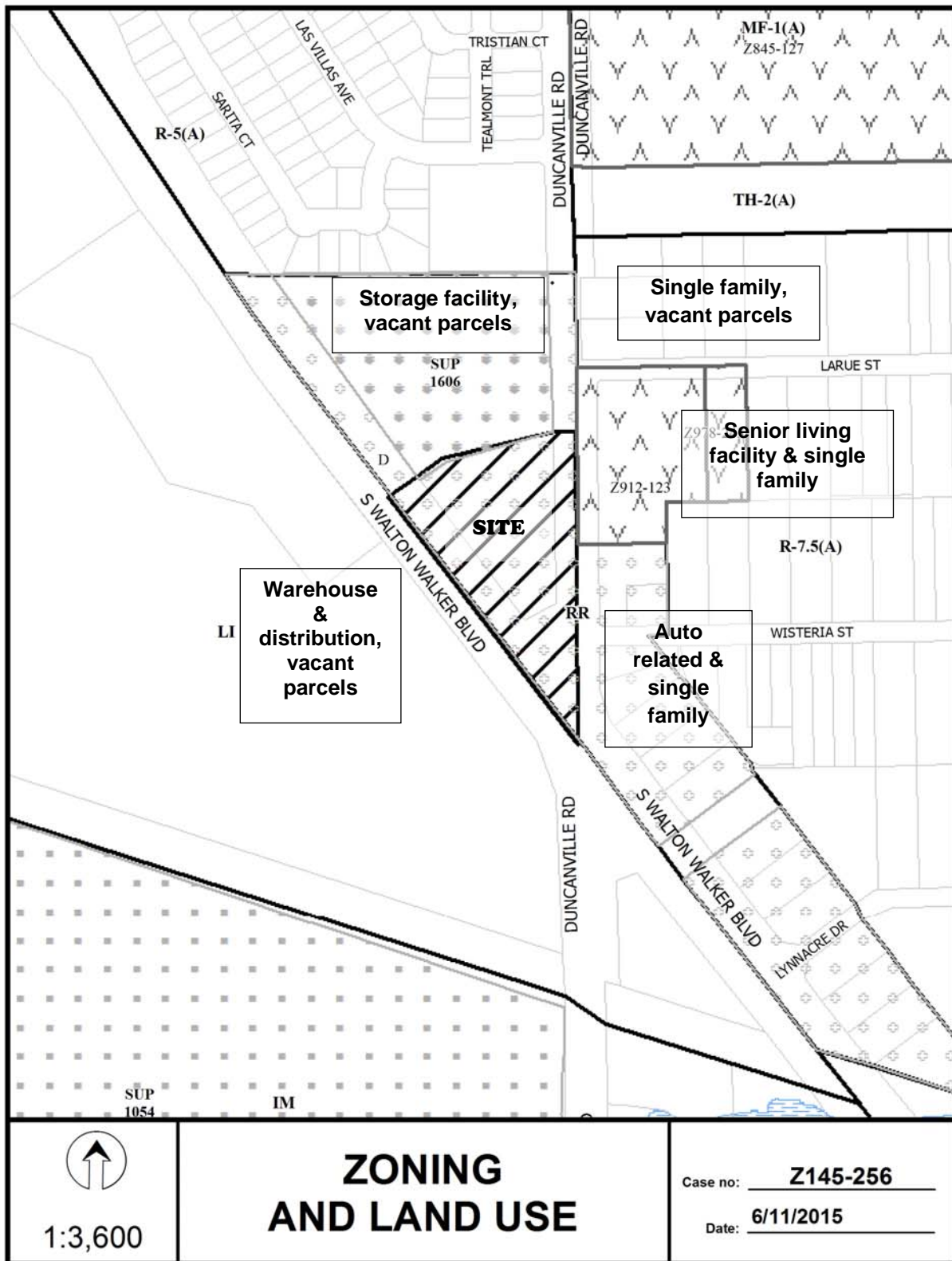














## CPC RESPONSES



07/08/2015

***Reply List of Property Owners******Z145-256******20 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b>   | <b><i>Owner</i></b>                 |
|---------------------|-----------------------|-------------------------|-------------------------------------|
|                     | 1                     | 2821 WALTON WALKER BLVD | SEJ ASSET MGMT & INVESTMENT COMPANY |
|                     | 2                     | 2825 WALTON WALKER BLVD | KBS PARTNERS LP                     |
|                     | 3                     | 2740 DUNCANVILLE RD     | RESIDENCIAL LOS ROBLES              |
|                     | 4                     | 2846 DUNCANVILLE RD     | REGALADO MIKE ROLANDO &             |
|                     | 5                     | 4985 LARUE ST           | REGALADO MIKE R & MARY L            |
|                     | 6                     | 4987 WISTERIA ST        | ORTIZ ARTEMIO                       |
|                     | 7                     | 2904 WALTON WALKER BLVD | REYES FRANKLIN A &                  |
|                     | 8                     | 2831 WALTON WALKER BLVD | RLR INVESTMENTS LLC                 |
|                     | 9                     | 2740 DUNCANVILLE RD     | RESIDENCIAL LOS ROBLES              |
|                     | 10                    | 4990 WISTERIA ST        | EVANS JOE &                         |
|                     | 11                    | 4986 WISTERIA ST        | BALDERAS AIDA                       |
|                     | 12                    | 2838 DUNCANVILLE RD     | RARDN LC                            |
|                     | 13                    | 4991 WISTERIA ST        | MARTINEZ MYRNA I                    |
|                     | 14                    | 4992 WISTERIA ST        | REYES FRANKLIN A &                  |
|                     | 15                    | 2900 WALTON WALKER BLVD | REYES FRANKLIN A &                  |
|                     | 16                    | 2970 WALTON WALKER BLVD | WALKER B E                          |
|                     | 17                    | 2976 WALTON WALKER BLVD | ZEAR AUDIE LORAIN                   |
|                     | 18                    | 2918 DUNCANVILLE RD     | FIRST DUNCANVILLE CAPITAL           |
|                     | 19                    | 2938 DUNCANVILLE RD     | SOLIS JUAN HERNANDEZ &              |
|                     | 20                    | 2831 WALTON WALKER BLVD | RLR INVESTMENTS LLC                 |

**AGENDA ITEM # 42**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 63 H

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of West Ledbetter Drive and South Hampton Road

Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z145-257(CG)

Note: This item was considered by the City Council at public hearings on August 12, 2015, and August 26, 2015, and was deferred until September 9, 2015



**FILE NUMBER:** Z145-257(CG)

**DATE FILED:** April 28, 2015

**LOCATION:** Northwest corner of West Ledbetter Drive and South Hampton Road

**COUNCIL DISTRICT:** 3

**MAPSCO:** 63H

**SIZE OF REQUEST:** ±1.6624 acres

**CENSUS TRACT:** 108.03

**APPLICANT:** Walgreen Co.

**REPRESENTATIVE:** Gardere Wynne Sewell, LLP

**OWNER:** Minnetonka Capital Investments, LP

**REQUEST:** An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR Regional Retail District with a D Liquor Control Overlay.

**SUMMARY:** The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store [Walgreens]. The ±1.6624-acre request site is developed with a 15,015-square foot building. A private school to the north [St. Elizabeth Catholic School] and an open-enrollment charter school to the south [Focus Learning Academy] lie within 300 feet of the site. On January 14, 2015, City Council approved a variance (AV145-001) to the 300-foot alcohol spacing requirement from the subject site to these protected uses.

**CPC RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

## **GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store is compatible with the surrounding land uses; hence, the sale of alcoholic beverages in conjunction with the main use does not affect compatibility.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The sale of alcoholic beverages as an accessory use to the existing general merchandise or food store will neither contribute nor be a detriment to the welfare of the surrounding area.
3. *Not a detriment to the public health, safety, or general welfare* – The existing general merchandise or food store complies with Chapter 12B (Convenience Store) requirements. The purpose of regulating convenience stores is to protect the health, safety, and welfare of the citizens of the City of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, the request complies with all applicable zoning regulations and standards. A private school and an open-enrollment charter school are located within 300 feet of the subject site (Exhibit A1 – Alcohol Survey Map). The applicant requested and was granted a variance (Exhibit A2 - Resolution).

## **Zoning History:**

1. **Z145-133** On April 8, 2015, City Council approved a change in zoning from a RR Regional Retail District with a D Liquor Control Overlay to an RR Regional Retail District with a D-1 Liquor Control Overlay. SUP No. 2139 was granted for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less. [Expires: 3/25/2017]

## **Thoroughfares/Streets:**

| <b>Thoroughfare/Street</b> | <b>Type</b>        | <b>Existing ROW</b> |
|----------------------------|--------------------|---------------------|
| W. Ledbetter Drive         | Principal Arterial | 107 feet            |
| S. Hampton Road            | Principal Arterial | 100 feet            |



**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not impact the surrounding roadway system.

**STAFF ANALYSIS:****Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request; however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Plan identifies the request site as being in the *Residential Neighborhood* Building Block. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood “pocket parks” provide open space for families. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cut-through traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to park and-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement.

**Land Uses:**

|              | <b>Zoning</b>           | <b>Land Use</b>                                                                              |
|--------------|-------------------------|----------------------------------------------------------------------------------------------|
| <b>Site</b>  | RR, D Overlay           | General merchandise                                                                          |
| <b>North</b> | R-10(A), SUP 892        | Church and private school                                                                    |
| <b>East</b>  | LO-3, RR, D Overlay     | Shopping strip (retail & personal service, bank, restaurants, medical & general merchandise) |
| <b>South</b> | RR, SUP 1522, D Overlay | Convenience stores, restaurants, retail & personal service, medical facility, charter school |
| <b>West</b>  | RR, D Overlay           | Drive-thru restaurants                                                                       |

**Land Use Compatibility:**

The Alcohol Survey Map shows that a private school (north of site) and an open-enrollment charter school (south of site) lie within the 300-foot protective area. As a result, the applicant requested and was granted a variance. Land uses to the east, south and west are comprised of general merchandise, retail and personal service, bank, restaurants, and medical office uses.

The applicant's request conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. The proposed sale of alcoholic beverages in conjunction with the existing general merchandise or food store is not anticipated to negatively impact the adjacent properties. Therefore, staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. The short initial time period will allow re-evaluation of the request to ensure ongoing compliance.

The "D-1" Overlay District is a Liquor Control Overlay District, which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

**Development Standards:**

| District                        | Setbacks  |                                    | Density/<br>FAR                           | Height           | Lot<br>Coverage | Special<br>Standards    | Primary Uses                         |
|---------------------------------|-----------|------------------------------------|-------------------------------------------|------------------|-----------------|-------------------------|--------------------------------------|
|                                 | Front     | Side/Rear                          |                                           |                  |                 |                         |                                      |
| RR Regional<br>Retail,<br>D-Dry | 15'<br>0' | 20' adj. to res.<br>Other: no min. | 0.75 Overall<br>0.5 Office/lodging/retail | 45'<br>3 stories | 80%             | RPS<br>Visual Intrusion | Retail & personal<br>service, office |

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for this use over 10,000 square feet is one (1) space per 220 square feet of floor area. The

15,015-square foot site requires 68 off-street parking spaces, one loading space, and two stacking spaces.

**Police Report:**

The Dallas Police Department reported the following crime statistics for a five-year period between May 2010 to May 2015, as shown below:

| URC_Offense        | Count     |
|--------------------|-----------|
| ACCIDENT MV        | 1         |
| AGG ASSAULT        | 1         |
| ASSAULT            | 3         |
| FOUND              | 2         |
| FRAUD              | 1         |
| INVESTIGATION OF   | 3         |
| LOST               | 3         |
| MISCELLANEOUS      | 2         |
| MISSING PERSON     | 2         |
| NOT CODED          | 5         |
| ROBBERY-BUSINESS   | 3         |
| ROBBERY-INDIVIDUAL | 4         |
| RUNAWAY            | 1         |
| THEFT/BMV          | 3         |
| THEFT/SHOPLIFT     | 4         |
| UUMV               | 2         |
| <b>Grand Total</b> | <b>40</b> |

Z145-257(CG)

**CPC Action – July 9, 2015**

Z145-257(CG)

Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northwest corner of West Ledbetter Drive and South Hampton Road.

Maker: Rodgers  
Second: Shidid  
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 3 - Anantasomboon, Bagley, Shellene  
Vacancy: 1 - District 4

Notices: Area: 300 Mailed: 18  
Replies: For: 0 Against: 0

Speakers: For (Did not speak): Calli Turner, 1601 Elm St., Dallas, TX, 75214  
Against: None

**WALGREEN CO.  
OFFICERS AND DIRECTORS**

Corporate Address:

200 Wilmot Rd.  
Deerfield, IL 60015

Board of Directors

| NAME                 | TITLE    |
|----------------------|----------|
| Alan G. McNally      | Director |
| Dr. David J. Brailer | Director |
| Steven A. Davis      | Director |
| William C. Foote     | Director |
| Mark P. Frissora     | Director |
| Ginger L. Graham     | Director |
| Nancy M. Schlichting | Director |
| David Y. Schwartz    | Director |
| Alejandro Silva      | Director |
| James A. Skinner     | Director |
| Gregory D. Wasson    | Director |

Corporate Officers

| NAME               | TITLE                                               |
|--------------------|-----------------------------------------------------|
| Alan G. McNally    | Chairman                                            |
| Gregory D. Wasson  | President, CEO                                      |
| Mark A. Wagner     | President of Community Management                   |
| Kermit R. Crawford | President of Pharmacy, Health and Wellness Division |
| Sona Chawla        | President of E-Commerce                             |

Other Officers

| NAME                     | TITLE                                                          |
|--------------------------|----------------------------------------------------------------|
| Wade D. Miquelon         | Executive Vice President, Chief Financial Officer              |
| Dana I. Green            | Executive Vice President, General Counsel, Corporate Secretary |
| Graham Atkinson          | Senior Vice President                                          |
| Jeffrey Berkowitz        | Senior Vice President                                          |
| Donald C. Huonker        | Senior Vice President                                          |
| J. Randolph Lewis        | Senior Vice President                                          |
| Joseph Magnacca          | Senior Vice President                                          |
| Mia M. Scholz            | Senior Vice President                                          |
| Timothy J. Theriault     | Senior Vice President                                          |
| Kathleen Wilson-Thompson | Senior Vice President                                          |

|                       |                           |
|-----------------------|---------------------------|
| Robert G. Zimmerman   | Senior Vice President     |
| Bruce R. Bryant       | Vice President            |
| Thomas J. Connolly    | Vice President            |
| Kimberly L. Feil      | Vice President            |
| Chuck Greener         | Vice President            |
| W. Bryan Pugh         | Vice President            |
| John W. Spina         | Vice President            |
| Colin Watts           | Vice President            |
| Denise K. Wong        | Vice President            |
| Christopher Domzalski | Vice President            |
| Jason M. Dubinsky     | Vice President, Treasurer |
| John A. Mann          | Asst. Secretary           |

**MINNETONKA CAPITAL INVESTMENTS V LP  
OFFICERS**

Corporate Address:

31550 Northwestern Highway, Ste. 170  
Farmington Hills, MI 48334

Corporate Officers

| NAME                             | TITLE                                           |
|----------------------------------|-------------------------------------------------|
| Texas General Investors (DE) LLC | General Partner                                 |
| Joseph Fetter                    | Director of General Partner                     |
| Neil Fetter                      | General Manager and Director of General Partner |



**CPC Recommended Conditions**

1. **USE**: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT**: This specific use permit expires on (two years) \_\_\_\_\_, but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. **INGRESS-EGRESS**: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. **PARKING**: Parking must be located as shown on the attached site plan.
6. **MAINTENANCE**: The Property must be properly maintained in a state of good repair and neat appearance.
7. **GENERAL REQUIREMENTS**: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



## EXHIBIT A – Alcohol Survey Map

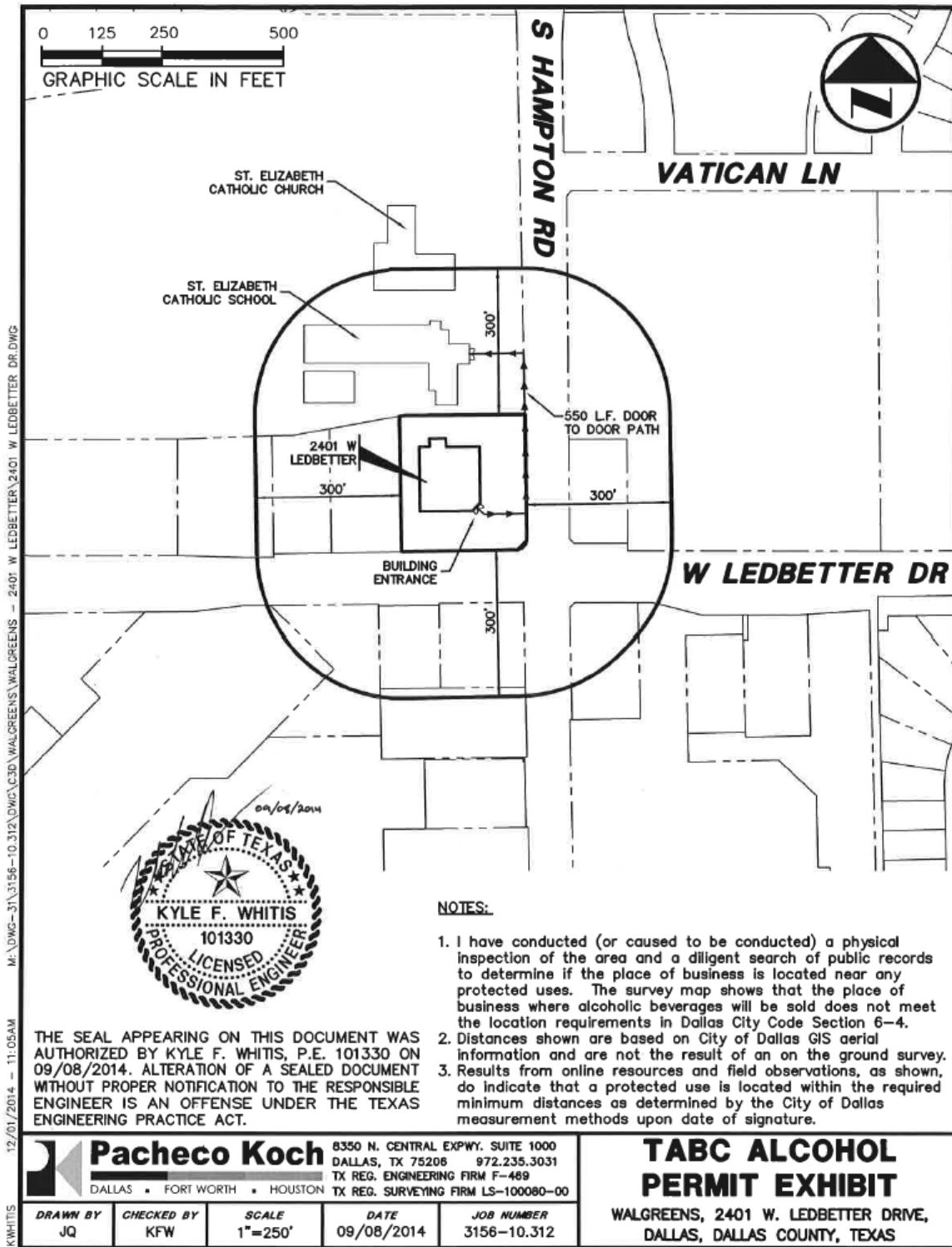


EXHIBIT B – Variance To Alcohol Spacing Requirements

COUNCIL CHAMBER  
150138  
January 14, 2015

**WHEREAS**, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

**WHEREAS**, Walgreen Co, dba Walgreens #6197 has submitted an application for a wine and beer retailer's permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store greater than 10,000 square feet, and is requesting a variance to the alcohol spacing requirements for a property on the northwest corner of South Hampton Road and West Ledbetter Drive, ~~north~~ south of St. Elizabeth Catholic School, a private school and northeast of Focus Learning Academy, an open-enrollment charter school; and

**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

**WHEREAS**, the City Council desires to grant the alcohol spacing variance; Now, Therefore,

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

**Section 1.** That the variance to the alcohol spacing requirements for Walgreen Co, dba Walgreens #6197, for property on the on the northwest corner of South Hampton Road and West Ledbetter Drive, ~~north~~ south of St. Elizabeth Catholic School and northeast of Focus Learning Academy is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a general merchandise or food store greater than 10,000 square feet in the location shown on the attached location map.

AV145-001 (Walgreen Co, dba Walgreens #6197)

150138

- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.
- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

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

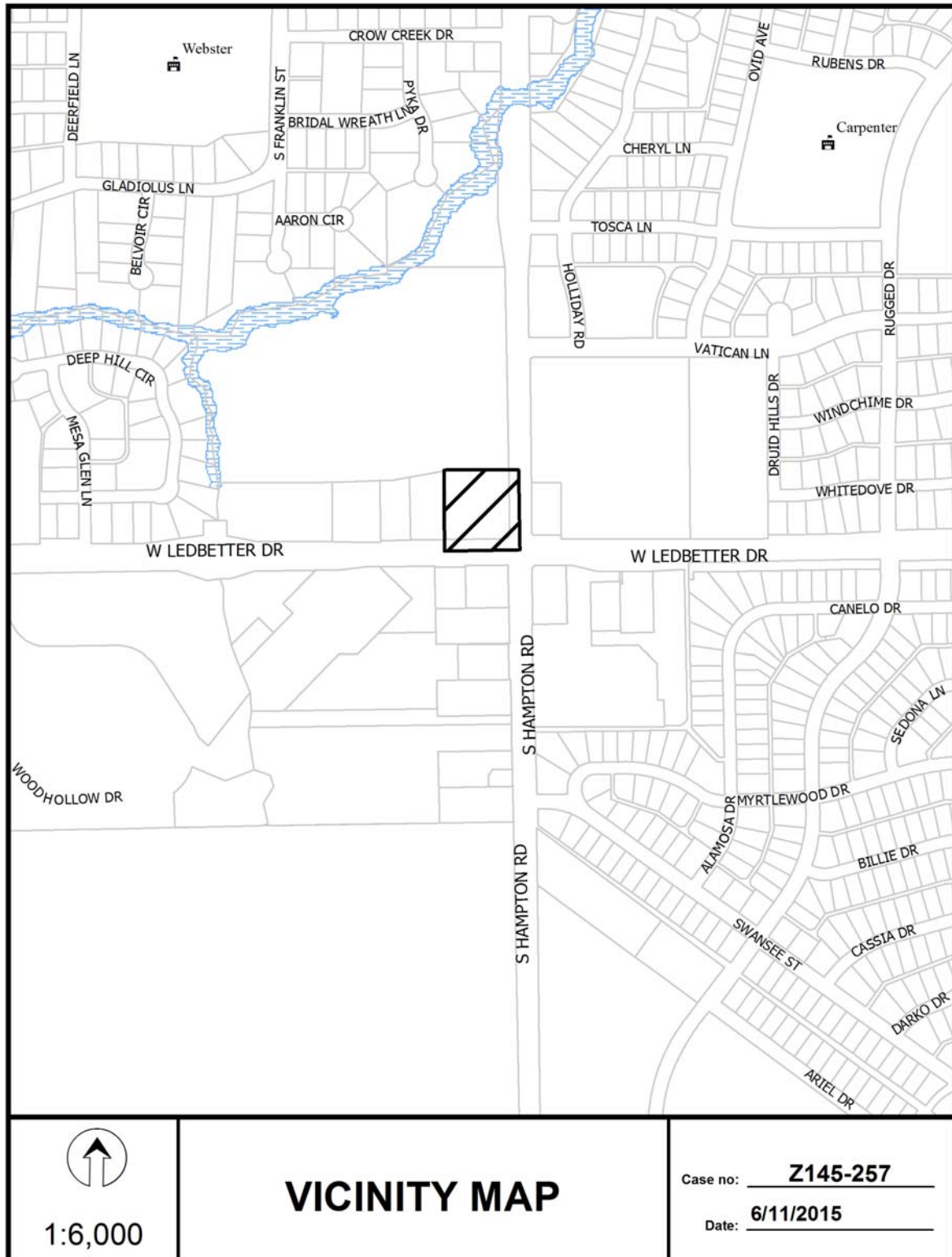
APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

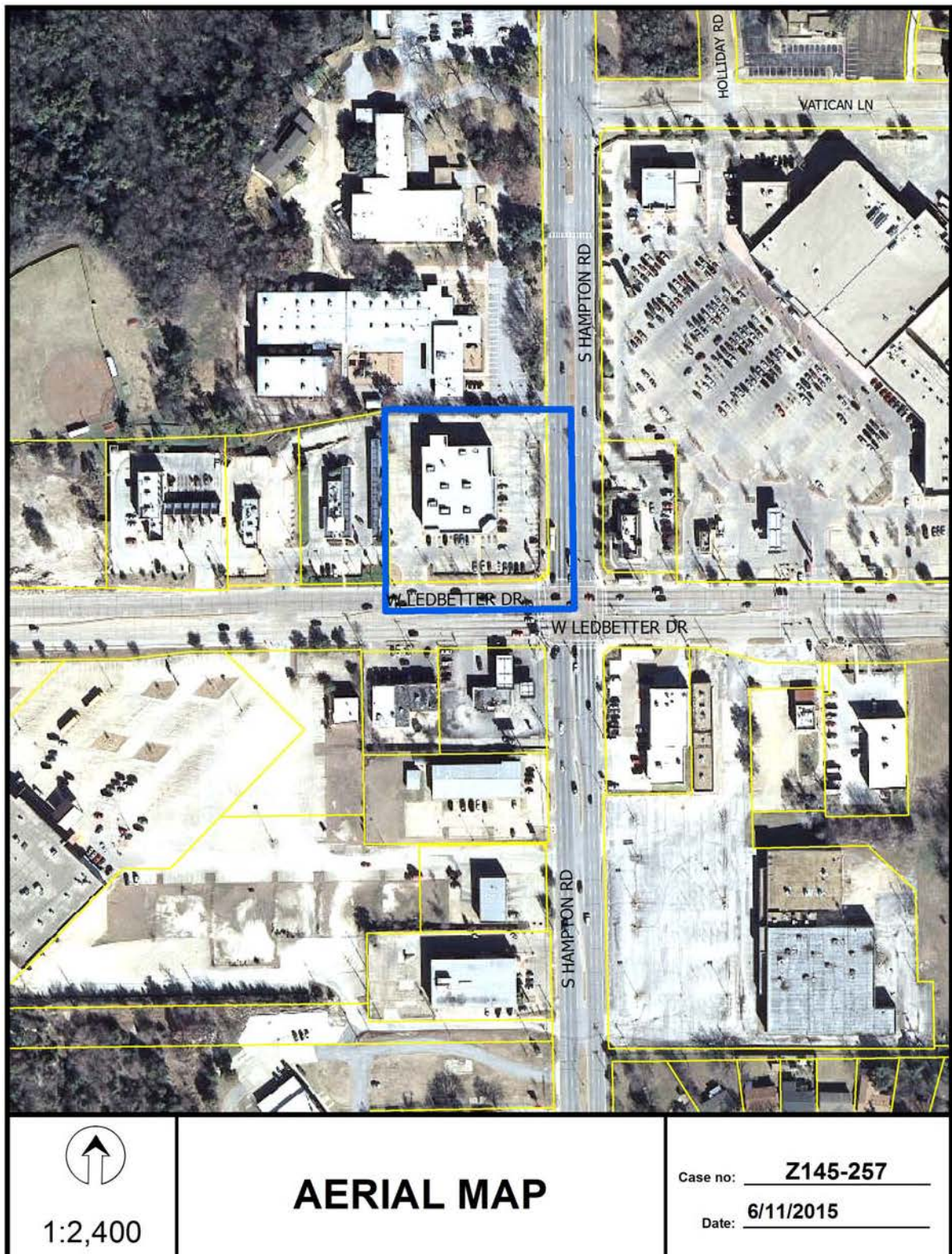
By   
Assistant City Attorney

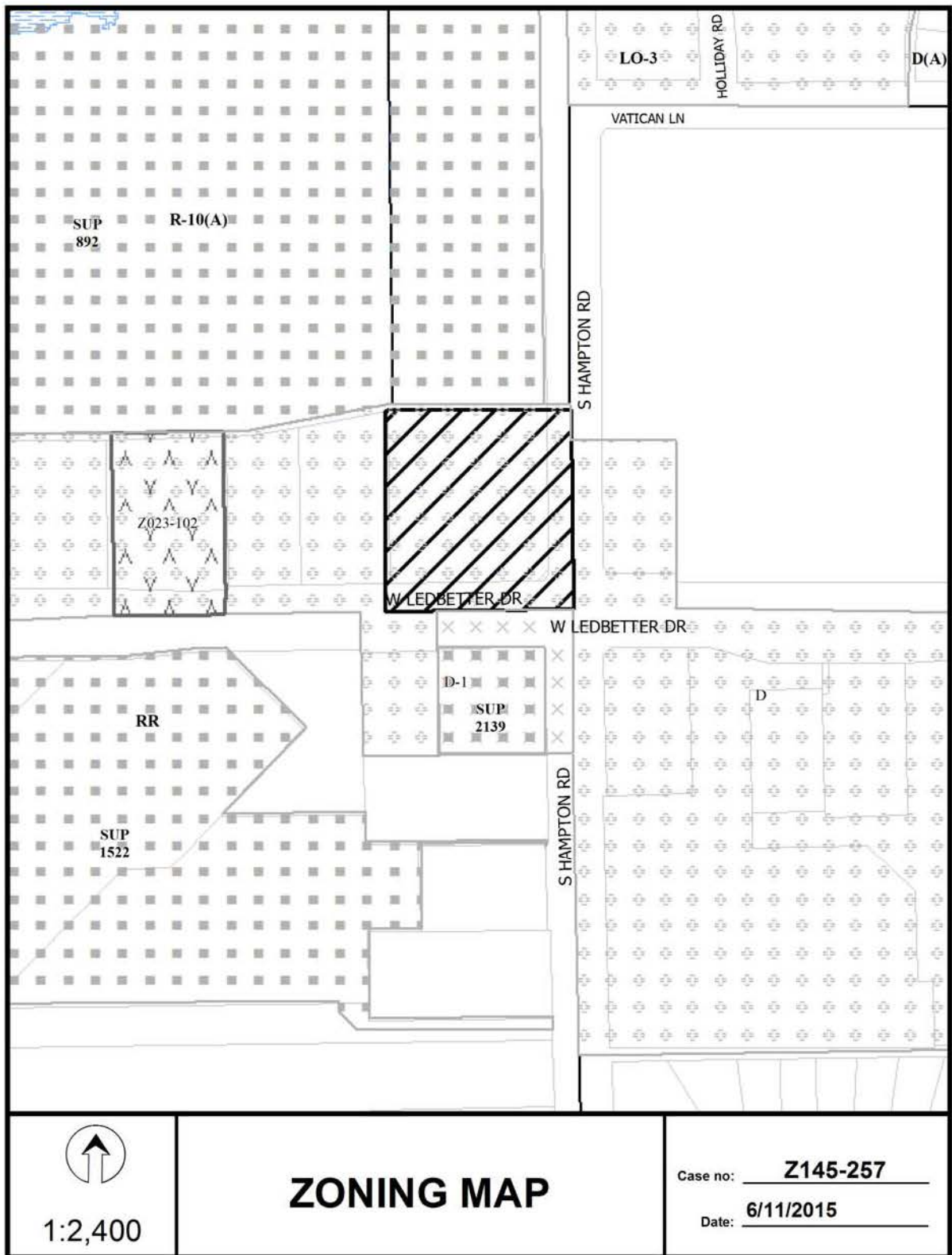


AV145-001 (Walgreen Co, dba Walgreens #6197)

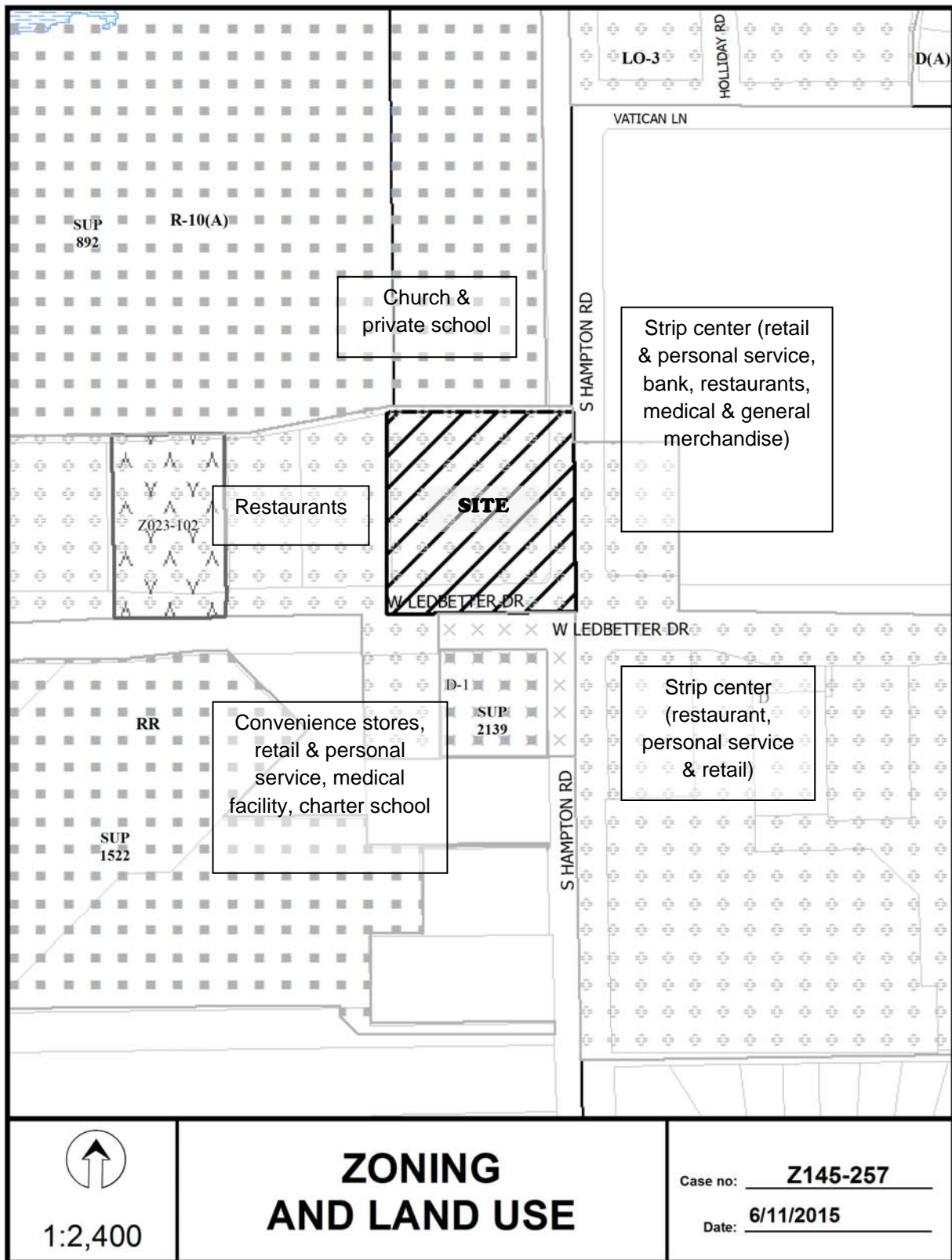


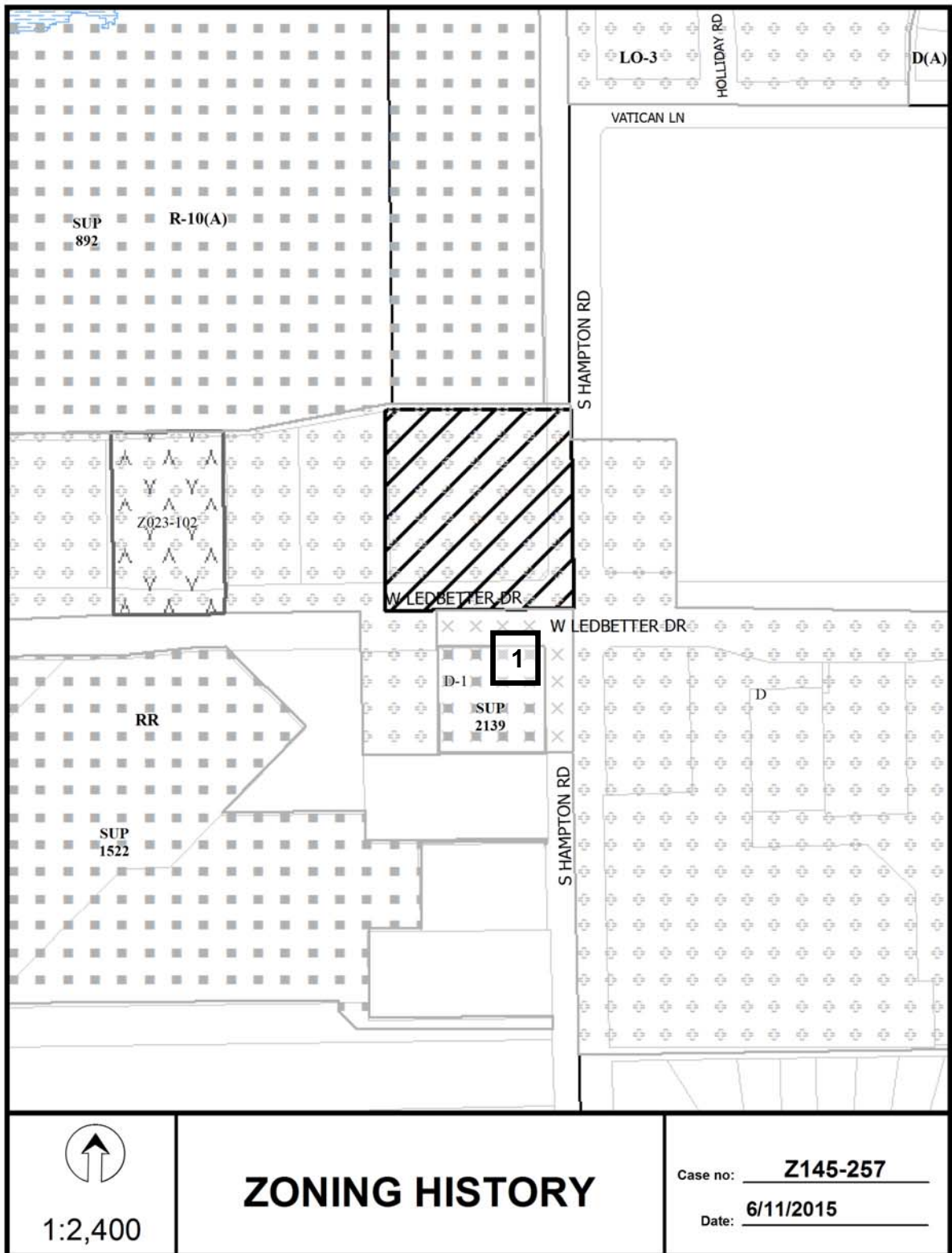




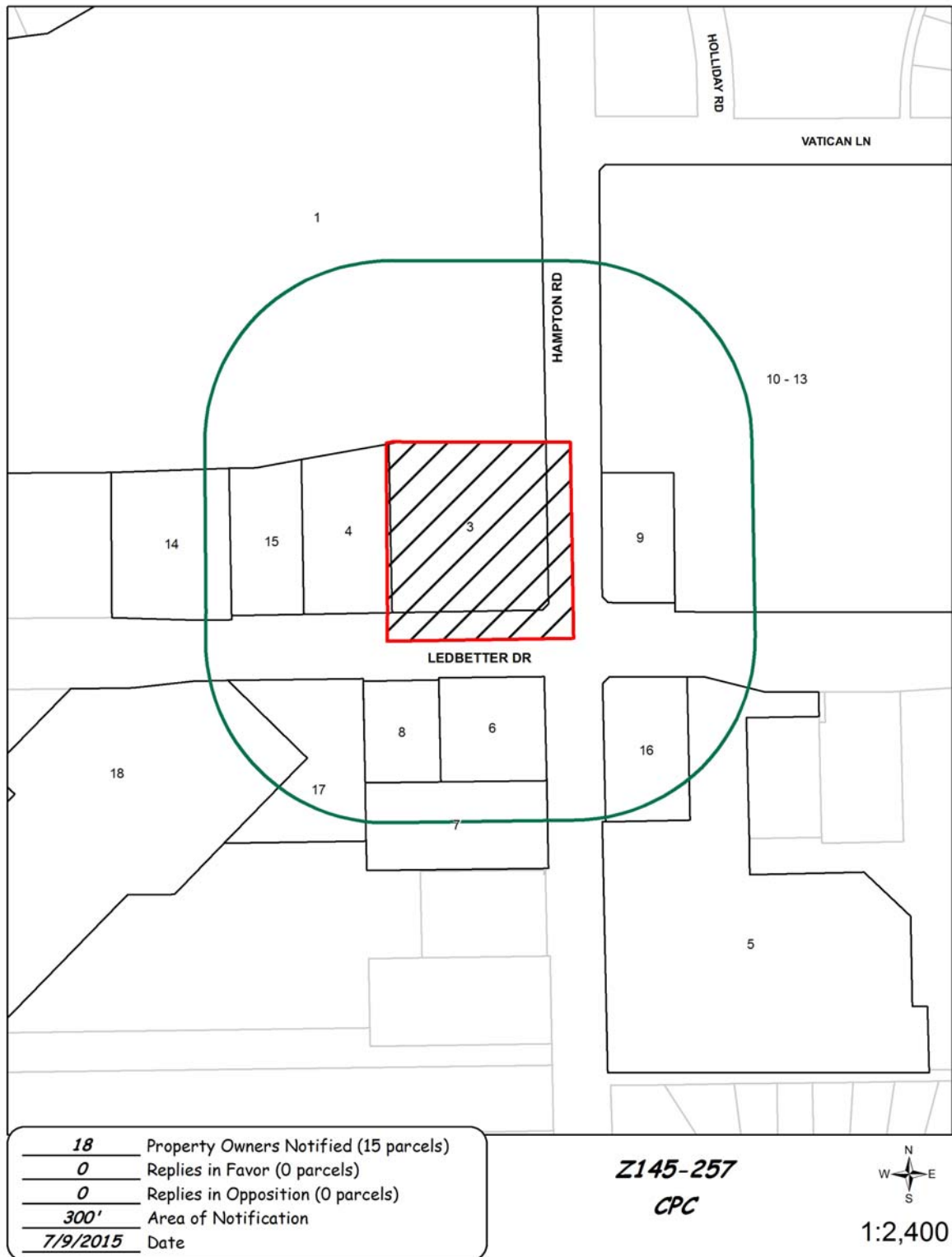








## CPC RESPONSES



07/08/2015

***Reply List of Property Owners******Z145-257******18 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>        |
|---------------------|-----------------------|-----------------------|----------------------------|
|                     | 1                     | 4015 HAMPTON RD       | ROMAN CATH DIOCESE DALLAS  |
|                     | 2                     | 403 REUNION BLVD      | DALLAS AREA RAPID TRANSIT  |
|                     | 3                     | 2401 LEDBETTER DR     | MINNETONKA CAPITAL INV LP  |
|                     | 4                     | 2429 LEDBETTER DR     | SRI REAL ESTATE PROPERTIES |
|                     | 5                     | 4444 HAMPTON RD       | FIRST NATIONWIDE POSTAL    |
|                     | 6                     | 2400 LEDBETTER DR     | LG HAMPTON SE LLC          |
|                     | 7                     | 4323 HAMPTON RD       | BEW FINANCING              |
|                     | 8                     | 2412 LEDBETTER DR     | SKC VENTURE INC            |
|                     | 9                     | 2323 LEDBETTER DR     | WALLACE MARY GRIFFITH      |
|                     | 10                    | 2225 LEDBETTER DR     | CENTURY WESTCLIFF LLC      |
|                     | 11                    | 2311 LEDBETTER DR     | BAIG MIKE                  |
|                     | 12                    | 2311 LEDBETTER DR     | WASHINGTON MUTUAL          |
|                     | 13                    | 2315 LEDBETTER DR     | THE GROCERS SUPPLY CO INC  |
|                     | 14                    | 2451 LEDBETTER DR     | TEXAS SUDS CO              |
|                     | 15                    | 2439 LEDBETTER DR     | POP HOLDINGS LP            |
|                     | 16                    | 4344 HAMPTON RD       | LBLS CORPORATION           |
|                     | 17                    | 2426 LEDBETTER DR     | RECORD ALFRED E            |
|                     | 18                    | 2524 LEDBETTER DR     | FOCUS LEARNING ACADEMY     |



**AGENDA ITEM # 43**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 71B C

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment and an expansion of Specific Use Permit No. 1007 for a public school on property zoned a TH-3(A) Townhouse District on the north side of Wheatland Road and west of Clark Road

Recommendation of Staff and CPC: Approval for a permanent period, subject to a revised site plan, revised landscape plan, traffic management plan and conditions Z145-234(AF)

**FILE NUMBER:** Z145-234(AF)

**DATE FILED:** March 31, 2015

**LOCATION:** North side of Wheatland Road and west of Clark Road

**COUNCIL DISTRICT:** 3

**MAPSCO:** 71B-C

**SIZE OF REQUEST:** ± 47.59 acres

**CENSUS TRACT:** 165.10

---

**APPLICANT/OWNER:** Ducanville ISD

**REPRESENTATIVE:** Karl Crawley, Masterplan

**REQUEST:** An application for an amendment and an expansion of Specific Use Permit No. 1007 for a public school on property zoned a TH-3(A) Townhouse District.

**SUMMARY:** The applicant proposes to amend Specific Use Permit No. 1007 to allow for an additional 25,000 square feet of development to the existing Kennemer middle school and the construction of a +/- 95,550-square-foot, 35 classroom elementary school. Acton elementary school with an enrollment of 520 students in grades PreK-4<sup>th</sup> will be relocating to this site. Once relocated, Acton Elementary school will increase enrollment to accommodate up to 770 students in grades PreK-5th. The addition to the middle school includes 16 classrooms, 2 science labs, office space, and 2 restrooms. The applicant is also requesting to amend the boundaries of the SUP to include a +/-10.01 acre lot located to the northeast of the property which would allow for the construction of an additional access point for the elementary school from Clark Road. Specific Use Permit No. 1007 for a public school was approved with no expiration date on the site on February 24, 1988.

**CPC RECOMMENDATION:** **Approval** for a permanent period, subject to a revised site plan, revised landscape plan, traffic management plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a permanent period, subject to a revised site plan, revised landscape plan, traffic management plan and conditions.

**DESIGNATED ZONING CASE**

**GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not a Specific Use Permit shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing and proposed buildings and expansion of the use are compatible in scale with the surrounding uses. Nothing over two stories is being proposed for the site.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed middle school expansion and new elementary school are not anticipated to negatively impact the adjacent properties and will provide a valuable service to this area of the city.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed use will not be a detriment to the public health, safety, or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The landscape plan does not meet the landscape requirement that street trees be located within 30 feet of the street curb along Wheatland Road and Clark Road. Due to the topography changes along these streets, the Arborist is supportive of the request. The number of street trees are being provided, but will be setback farther from the street. As part of the Specific Use Permit process, City Council may approve a landscape plan that is reasonable consistent with the standards and purposes of Article X.

**BACKGROUND INFORMATION:**

- On June 18, 2015, the City Plan Commission approved a preliminary plat (S145-200) the two parcels into one lot.

**Surrounding Zoning History:**

| <b><u>File No.</u></b> | <b><u>Request, Disposition, and Date</u></b>                                                                                                      |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Z123-344            | On December 12, 2012, City Council approved an application for a PD, Planned Development District No. 876 on property zoned CR, Community Retail. |

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type           | Existing ROW |
|---------------------|----------------|--------------|
| W. Wheatland Road   | Major Arterial | 50 feet      |
| Clark Road          | Major Arterial | Variable     |

**Traffic:**

The Engineering Section of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system. Traffic circulation will be regulated through the traffic management plan included in this report.

**STAFF ANALYSIS:****Comprehensive Plan:**

The subject site is located in a *Residential Neighborhood Building Block*. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

A middle school and elementary school are services that support a residential neighborhood. The applicant's proposal is consistent with the Comprehensive Plan.

**Surrounding Land Use:**

|              | Zoning   | Land Use                                      |
|--------------|----------|-----------------------------------------------|
| <b>North</b> | PD 521   | Single family                                 |
| <b>East</b>  | R-7.5(A) | General Merchandise or food store >100,000 SQ |
| <b>South</b> | R-7.5(A) | Single family                                 |
| <b>West</b>  | PD 521   | Single family                                 |

**Land Use Compatibility:**

Located to the northeast of the site is a vacant, undeveloped +/-10.01 acre parcel that extends to Clark Road. It is the applicant's intention is to develop an access road connecting to Clark Road, giving the elementary school another access point.

The more intense uses are concentrated at the northwest intersection of West Wheatland Road and Clark Road. The uses consist of a fast food restaurant with a drive-through, a +/- 155,025 square foot general merchandise/grocery store, and a middle school. The proposed elementary school is to be located on the north side of the general merchandise/grocery store with access from Clark Road.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. Therefore, staff recommends approval subject to a site plan and conditions.

#### **Parking:**

Pursuant to §51A-4.204 of the Dallas Development Code, schools require one and one-half parking spaces for each kindergarten/elementary school classroom along with three and one half parking spaces for every junior high/middle school classrooms. The middle school is projected to have a total of 48 classrooms and the new elementary school will have 35 classrooms. The combined development would require a total of 221 parking spaces. The applicant is proposing a total of 355 parking spaces.

#### **Landscaping:**

The original landscape plan for Kennemer Middle School did not meet all of the screening, street trees and site trees requirements dictated by Article X. The more recent landscape plan only reflects a deficiency in the location of street trees (within 30 feet of the curb) along both Clark and Wheatland. Although it does have significant tree coverage stand near the roadway, the trees that might be counted are setback from the curb by more than 30 feet.

The plan depicts over +/- 10 acres of open space with mature trees on the northeast corner of the site. In addition, a total of approximately 1,163 trees are proposed where only a total of 527 site trees are required. Finally, over +/- 400,000 square feet of area is proposed to be preserved where only +/- 104,064 square feet of area is required.

Z145-234(AF)

**CPC Action**

On July 23, 2015, the City Plan Commission held this item under advisement.

**August 20, 2015**

**Z145-234(AF)**

Planner: Aldo Fritz

**Motion:** It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 1007 for a public school for a permanent period, subject to a revised site plan, revised landscape plan, revised traffic management plan and conditions on property zoned a TH-3(A) Townhouse District on the north side of Wheatland Road and west of Clark Road.

Maker: Rodgers  
Second: Anantasomboon  
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers, Anantasomboon,  
Bagley, Lavallaisaa, Tarpley, Shellene\*,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Shidid  
Vacancy: 1 - District 4

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 267  
**Replies:** For: 4 Against: 15

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Alfred Ray, 106 S. Capri Dr., Duncanville, TX, 75116  
Against: Susannah Kelly, 8645 Vista Grande Dr., Dallas, TX,  
75249, Greg Malkowski, 7274 Summit Parc Dr., Dallas,  
TX, 75249



**Z145-234**  
**Proposed SUP Conditions**

1. SITE PLAN. Use of and development of the Property must comply with the attached site plan.
2. USES. The only use authorized by this specific use permit is a public school other than an open enrollment charter school
3. LANDSCAPING. Landscaping must be provided on the Property in compliance with the attached landscape plan. All plant materials must be maintained in a healthy, growing condition at all times.”
4. MAXIMUM FLOOR AREA. The maximum floor area for ~~Phase I~~ the junior high/middle school is ~~131,075~~ 181,364 square feet. The maximum floor area for the kindergarten/elementary school is 95,550 square feet.
5. TIME LIMIT. This specific use permit has no expiration date.
6. MAXIMUM NUMBER OF CLASSROOMS. A maximum number of 43 classrooms are permitted ~~in Phase I~~ for a junior high/middle school. A maximum number of 35 classrooms are permitted for a kindergarten/elementary school.
7. TRAFFIC MANAGEMENT PLAN.
  - (a) In general. The operation of the uses must comply with the traffic management plan (Exhibit \_\_\_\_\_).
  - (b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.
  - (c) Traffic study.
    - (1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by November 1, 2007. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the Director by November 1st of each year.
    - (2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:
      - (A) ingress and egress points;
      - (B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the Director shall determine if the current traffic management plan is sufficient.

(A) If the Director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the Director determines that the current traffic management plan results in traffic hazards or traffic congestion, the Director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the Director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

8. DRIVE. Driveways must be provided for the off-street loading and unloading of students in accordance with the attached site plan.

9. HEIGHT. The maximum height of any structure is ~~35~~ 38 feet. No more than two stories are permitted on the Property.

10. COVERAGE. The maximum coverage for ~~Phase I~~ is ~~15~~ 10 percent.

11. GENERAL REQUIREMENTS. Use of the Property must comply with the requirements of all applicable ordinances, rules, and regulations of the City of Dallas.

*TRAFFIC MANAGEMENT PLAN FOR*  
**ACTON ELEMENTARY SCHOOL**  
*DALLAS, TEXAS*

*DeShazo Project No. 15053*

Prepared for:  
**Masterplan**  
900 Jackson Street, Suite 640  
Dallas, Texas 75202

Prepared by:  
**DeShazo Group, Inc.**  
Texas Registered Engineering Firm F-3199  
400 South Houston Street, Suite 330  
Dallas, Texas 75202  
214.748.6740

*August 24, 2015*

Z145-234



Traffic Management Plan for  
**Acton Elementary School**  
~ DeShazo Project No. 15053 ~

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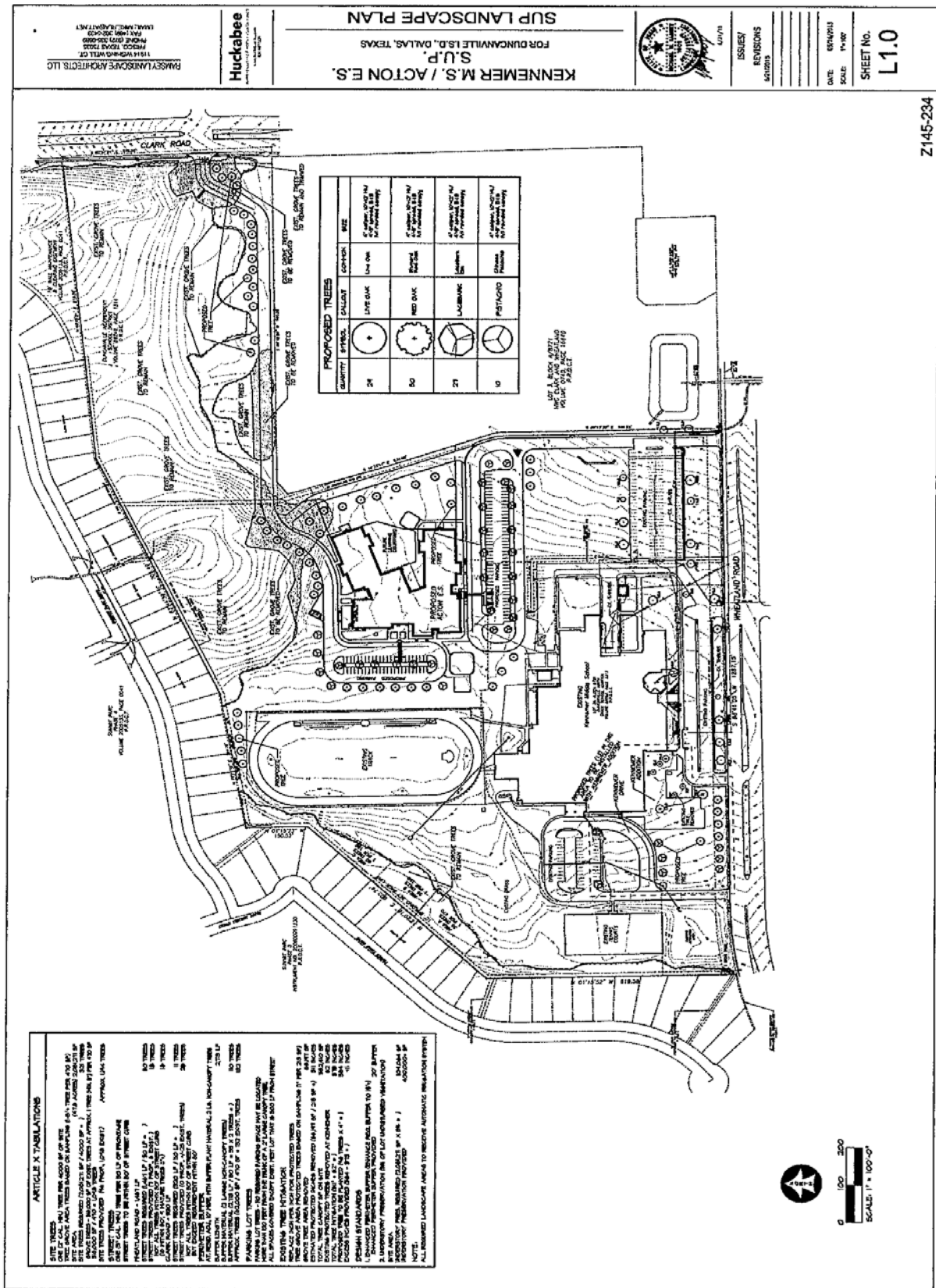
LIST OF TABLES:

Table 1. School Operational Characteristics

Table 2. Peak Vehicles Parked and In Queue During Afternoon Pick-Up Period

LIST OF EXHIBITS:

Exhibit 1. Recommended Site Circulation Plan





## Technical Memorandum

**To:** Mr. Karl Crawley — Masterplan  
**From:** Steve E. Stoner, P.E., PTOE — DeShazo Group, Inc.  
**Date:** August 24, 2015  
**Re:** Traffic Management Plan for Acton Elementary School in Dallas, Texas  
*DeShazo Project Number 15053*

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### INTRODUCTION

The services of **DeShazo Group, Inc. (DeShazo)** were retained by Masterplan on behalf of the Duncanville Independent School District to provide a requisite traffic management plan (TMP) for the proposed Acton Elementary School campus to be located behind the existing Kennemer Middle School located at 7101 W Wheatland Road in Dallas, Texas. **DeShazo** is an engineering consulting firm based in Dallas, Texas providing licensed engineers skilled in the field of traffic/transportation engineering.

The school is currently in operation at a different site with an enrollment of 520 students in grades PreK - 4th. The school proposes to relocate the current school to the proposed location and accommodate an enrollment of up to 770 students in grades PreK - 5th. A proposed site plan, prepared by **Huckabee**, showing the proposed site is attached for reference.

As part of the approval process for the school, submittal of a TMP to the City of Dallas is required as a record of the preferred strategies to be used by the school to ensure overall traffic safety and efficiency. A TMP is intended to assess the existing and/or anticipated traffic conditions at the school during the morning drop-off and afternoon pick-up peak periods on the basis of satisfying these objectives. By consent of the TMP submittal, the school is agreeing to the strategies presented herein for which the school will be held self-accountable until and unless the City of Dallas deems further measures are appropriate.

### TRAFFIC MANAGEMENT PLAN

A Traffic Management Plan (TMP) is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during the critical periods, the safety and efficiency of other modes of travel – including walking – will also inherently improve, and the operational impact on the public street system should also be



minimized. The TMP should not be considered a comprehensive set of instructions to ensure adequate safety; however, it should be used as a tool to facilitate a safer and more efficient environment.

The analysis summarized below utilizes the proposed school site plan to evaluate aspects such as passenger loading/unloading and vehicle queuing (i.e., stacking) that occur at the school in order to accommodate the observed peak demands within the site. A concerted effort and full participation by the school administration, staff, students, and parents are encouraged to provide and maintain safe and efficient traffic operations. [NOTE: In this report the term "parent" refers to any parent, family member, legal guardian, or other individual who is involved in the pick-up or drop-off of one or more students at the school.]

### **School Operational Characteristics**

**Table 1** summarizes the known operational characteristics for Acton Elementary School assumed in this analysis:

**Table 1. School Operational Characteristics**

|                                                                                | <b>Existing Conditions</b>                                                                                                                                                                                                                    | <b>Proposed Conditions</b>                                                                                                     |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Enrollment:                                                                    | PreK, Kindergarten - 133 students<br>1 <sup>st</sup> Grade - 88 students<br>2 <sup>nd</sup> Grade - 85 students<br>3 <sup>rd</sup> Grade - 99 students<br>4 <sup>th</sup> Grade - 115 students<br><br><i>Total (All grades): 520 students</i> | Grades: Kindergarten – 5 <sup>th</sup><br><br><i>Total (All grades): 770 students</i>                                          |
| Daily Start/End Schedule                                                       | Grades: <i>All</i><br>>Start: 8:00 AM<br>>End: 3:30 PM                                                                                                                                                                                        | Grades: <i>All</i><br>>Start: 8:00 AM<br>>End: 3:30 PM<br><b>NOTE: the Kennemer Middle School hours are 9:00 AM to 4:30 PM</b> |
| Approximate Number of Students Travelling by Mode Other Than Drop-off/Pick-up: | By Drop-Off/Pick-Up: $\cong 65\%$<br>By School Bus: $\cong 25\%$<br>By Walking/Other: $\cong 10\%$                                                                                                                                            | By Drop-Off/Pick-Up: $\cong 65\%$<br>By School Bus: $\cong 25\%$<br>By Walking/Other: $\cong 10\%$                             |

NOTE #1: To the highest degree practical, the accounts of "existing conditions" presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and from personal interviews of school representatives. The analyses and recommendations presented in this report for "proposed" or "future" conditions were based upon evaluations of "existing conditions" and may be supplemented by DeShazo's professional judgment and experience. "Proposed"/"Future" conditions are intended to reflect the anticipated day-to-day conditions at full occupancy.

NOTE #2: Occasional functions or other events may be held at the school, which generate traffic outside of the traditional peak drop-off and pick-up periods. While some of the measures presented in this report may be applicable in such cases, traffic characteristics other than those directly associated with the primary drop-off and pick-up periods are not the subject of this analysis.

### **Proposed Traffic Conditions**

NOTE: The following details are based upon DeShazo's observations at the existing Acton Elementary School, located at 9240 County View Road in Dallas on March

#### **SITE ACCESS AND CIRCULATION**

The subject site is proposed to provide two total driveways. "Parent"-traffic will utilize an existing driveway on W Wheatland Road (now serving a parking lot for Kennemer Middle School) that will provide both ingress

and egress. A new driveway will be constructed on Clark Road (aligned with S Royal Oak Drive). This driveway will be used for buses (and private vans, etc.) only using the bus loop. The driveway will accommodate two-way traffic, however it is recommended that outbound traffic be restricted to right-turn maneuver only in order to eliminate potential visibility limitations due to topography of the roadway south of the driveway (if left-turn egress maneuvers are desired, then DeShazo recommends that a sight distance analysis be performed to assess the available sight distance). A new left-turn bay will be constructed in the median of Clark Road to accommodate northbound, left-turn maneuvers by buses.

During the drop-off and pick-up period, parents will enter the campus from the easternmost site driveway on W Wheatland Road and travel to the designated loading area or parking lot on the south side of the school building. The "parent loop" is intended to operate as one-way, counterclockwise flow. Vehicles would then exit the site at the same driveway on W Wheatland Road.

School buses have a separate loading area on the west side of the school. The proposed circulation plan provides separation of parent vehicles and buses, which improves efficiency and safety.

#### PASSENGER UNLOADING/LOADING AND VEHICLE QUEUING

During the afternoon pick-up period, the school provides a managed "carpool" system whereby students are paired with parent vehicles by actively managing the loading process. School staff are positioned at strategic locations ahead of the loading area(s) and relay the sequence of parent arrival back to the loading area. With the assistance of other school staff stationed at the loading area, several vehicles are loaded simultaneously. After loading, vehicles are cleared by school staff to carefully exit the site along the designated route.

Based upon field observations conducted by DeShazo during typical school-day conditions (on Tuesday, March 17, 2015), the peak number of parent-vehicles on site during the afternoon pick-up period was quantified. The vehicle accumulation count includes all vehicles in queue, or parked on- and off-campus.

Assuming that the number of vehicles generated during the afternoon pick-up period is directly proportional to the number of students enrolled, the peak queue for the future conditions at full occupancy can be estimated. A summary of the peak number of vehicles is provided in Table 2.

**Table 2. Peak Vehicles Parked and In Queue During Afternoon Pick-Up Period**

|                         | Existing Conditions<br>(Observed)                                                               | Proposed Conditions<br>(Estimated)                                                              |
|-------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Peak Number of Vehicles | Approximately 65 parent vehicles and 5 school buses<br>(for current enrollment of 520 students) | Approximately 96 parent vehicles and 7 school buses<br>(for maximum enrollment of 770 students) |

\* Includes vehicles on- and off-site at time of peak demand, including vehicles in queue, standing, and/or parked.

NOTE: Less detailed site observations were also conducted during the morning drop-off period, however the total number of vehicles parked and in queue was substantially less. Therefore, a detailed analysis was not performed for the morning drop-off period.

### Recommendations

The following recommendations are provided by DeShazo to Acton Elementary School for the management of vehicular traffic generated by the school during peak traffic conditions. [NOTE: Generally, traffic delays and congestion that occurs during the afternoon pick-up period is notably greater than the traffic generated during the morning drop-off period due to the timing and concentration characteristics. In most instances, achieving efficiency during the afternoon period is most critical, while the morning traffic operations require nominal active management. Therefore, except where stated otherwise, the recommendations provided herein pertain specifically to the afternoon period operations.]

#### GENERAL

To maximize personal safety, any passenger loading (or unloading) within the public right-of-way should be avoided at all times. To minimize liabilities, no persons other than deputized officers of the law should engage or attempt to influence traffic operations in public right-of-way.

To the extent possible, all queuing and parking of parent-vehicles should also be accommodated within the school site boundaries. For circumstances where this cannot be avoided, coordination with the City of Dallas staff members responsible for traffic operations in the area should take place so that appropriate traffic control devices can be installed.

The full cooperation of all school staff members, students, and parents is crucial for the success of a Traffic Management Plan. Proper training of school staff on the duties and expectations pertaining to the Plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

#### SITE CIRCULATION PLAN

Based upon DeShazo's review of the proposed site conditions and the anticipated needs of traffic during peak conditions, the site traffic circulation plan depicted in **Exhibit 1** is recommended. This plan was designed with the intent of optimizing the on-site vehicular circulation and retention of vehicle queuing in a manner that promotes safety and operational efficiency.

The recommended plan provides approximately 2,205' linear feet of on-site vehicular queuing (i.e., storage for up to 100 vehicles @ 22 feet per vehicle), plus approximately 80 available on-site parking spaces. This capacity for approximately 180 vehicles within the site is expected to amply accommodate the projected vehicle demand of 96 vehicles at the peak of the afternoon pick-up period.

The plan includes recommended configuration of temporary traffic control devices (such as traffic cones, etc.) that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan. Allocating staff to the internal pedestrian crossing and parking lot is recommended to promote pedestrian safety. Use of traffic cones to increase awareness at the pedestrian crossing of the parent loop is also recommended.

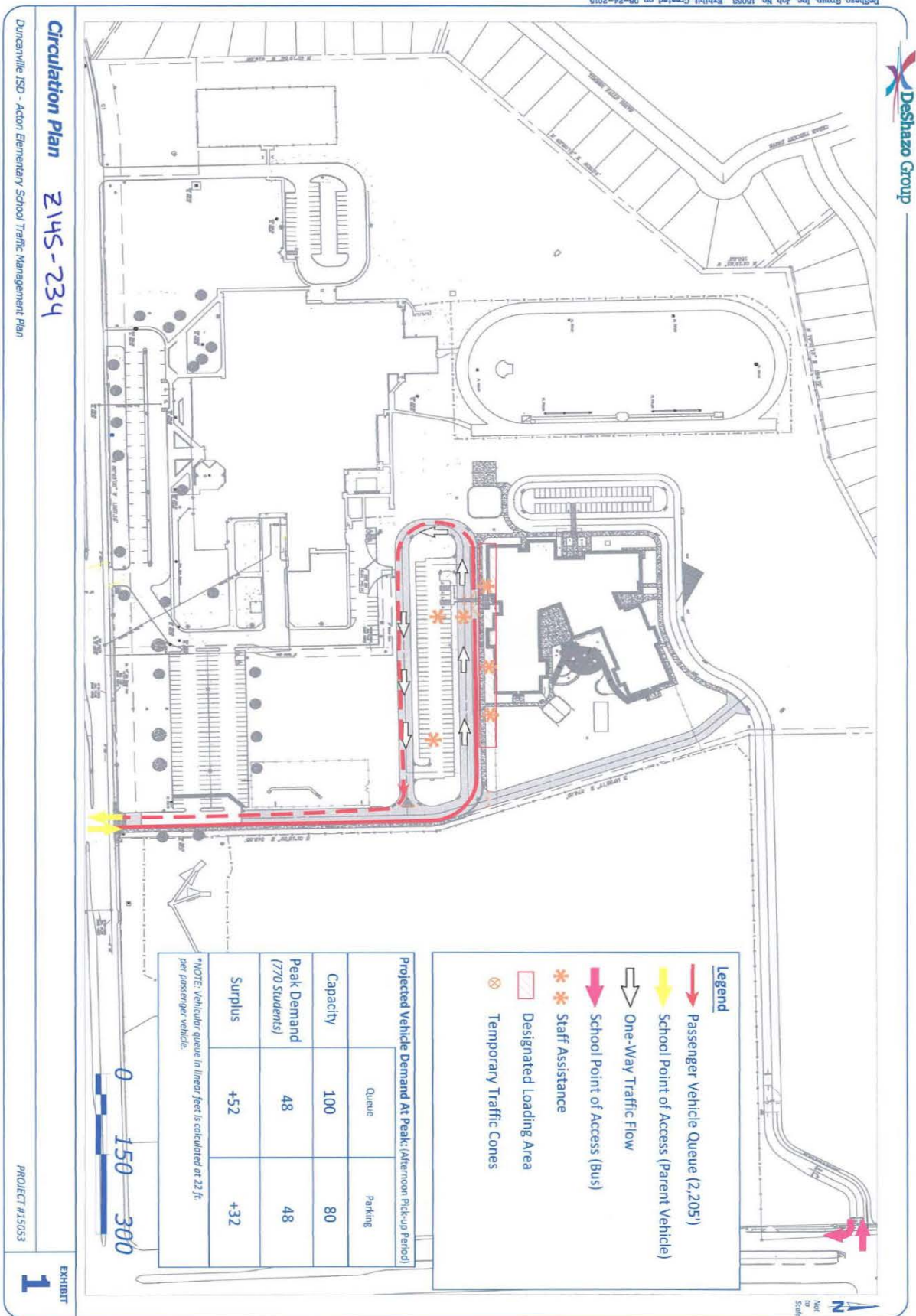
Staff directing traffic at the intersecting point of two queue lanes (and other areas, where appropriate) should, in lieu of simple hand gestures, procure and use reversible hand-paddle signs with the messages (and symbols) for STOP and for SLOW (i.e., proceed slowly). Optional additional equipment used by staff may include whistles (for audible warnings) and flashlights (for visual warnings) in order to better-gain the attention of motorists.

## SUMMARY

This TMP is to be used by Acton Elementary School to provide safe and efficient transportation of students, staff, and faculty to and from the site. The Plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school at peak traffic periods within the site. The details of the TMP shall be reviewed by the school on a regular basis to confirm its effectiveness.

**END OF MEMO**

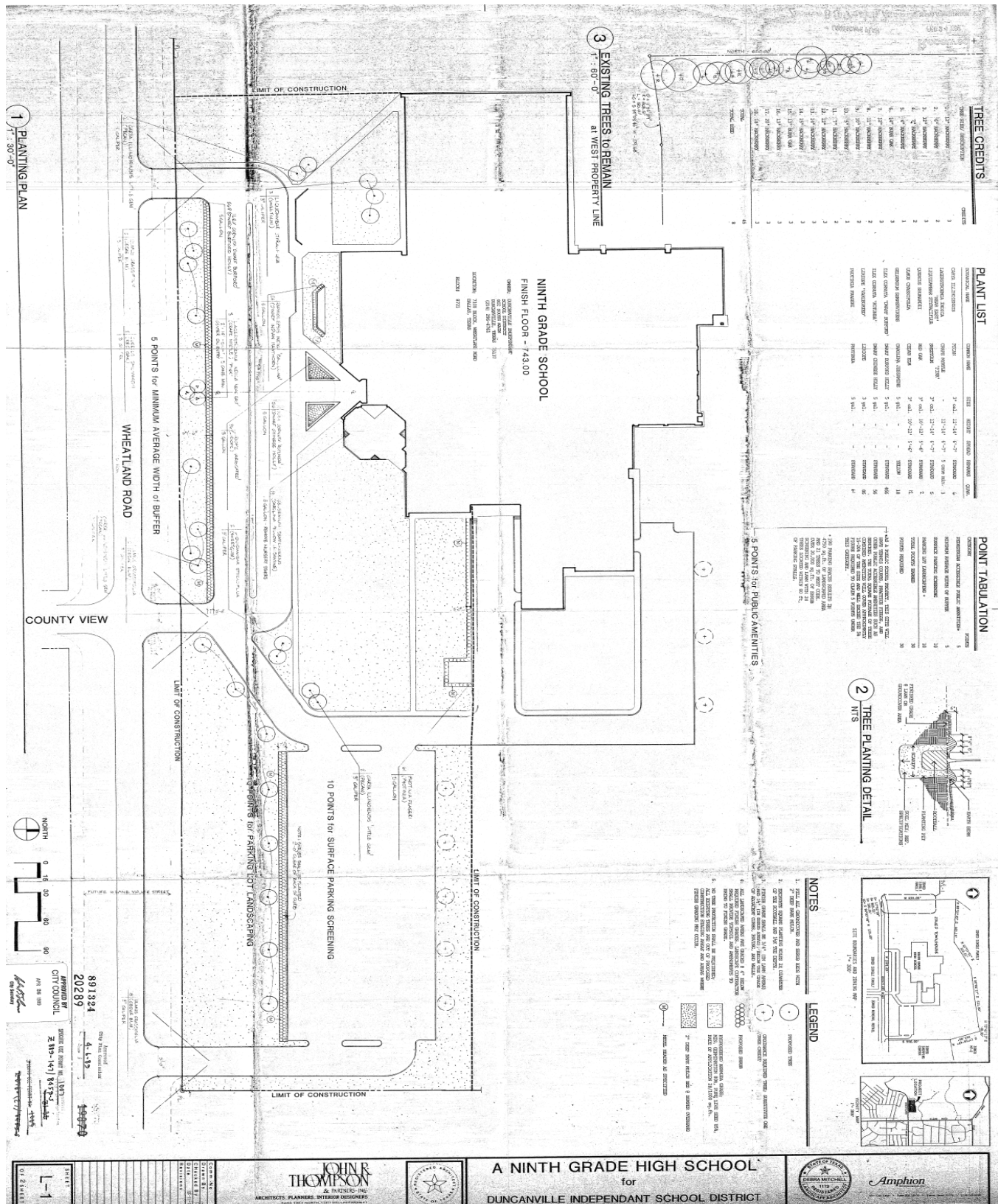




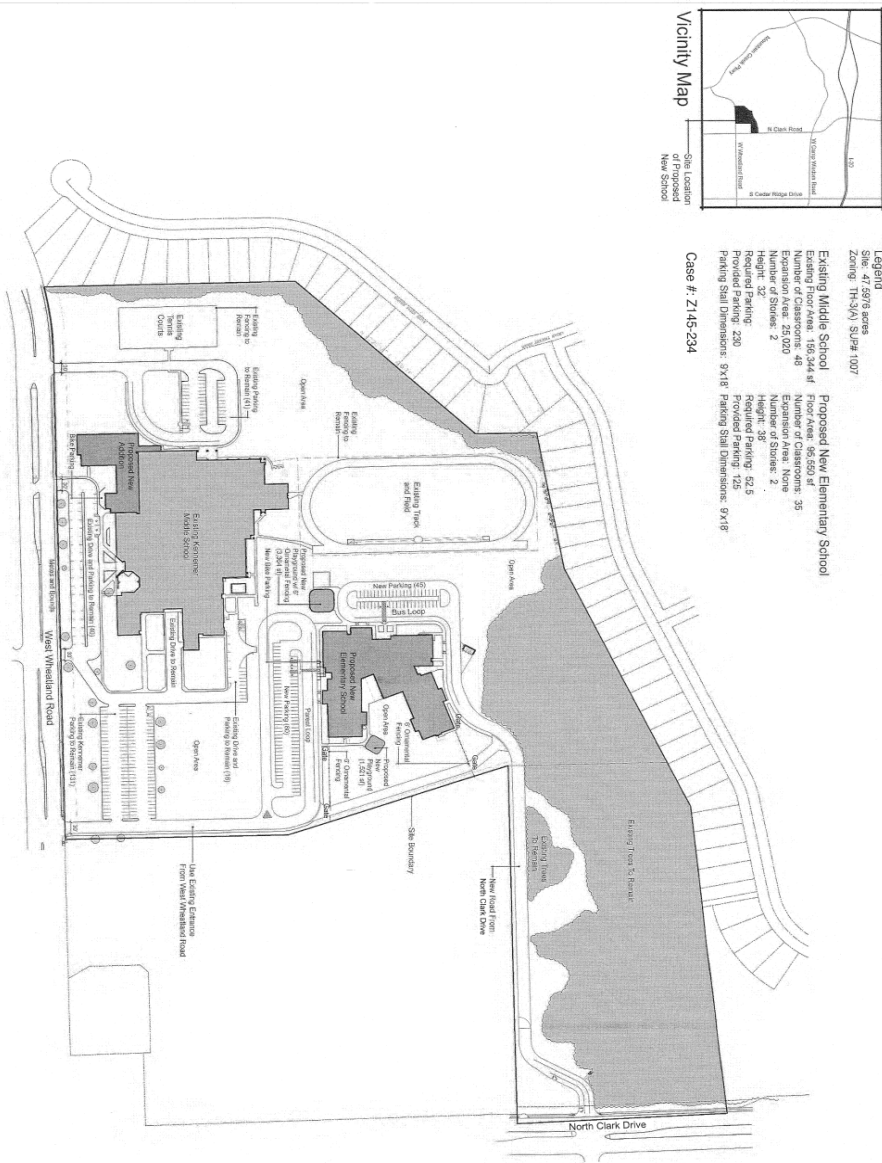




## Existing Landscape Plan

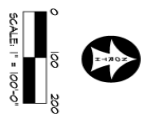
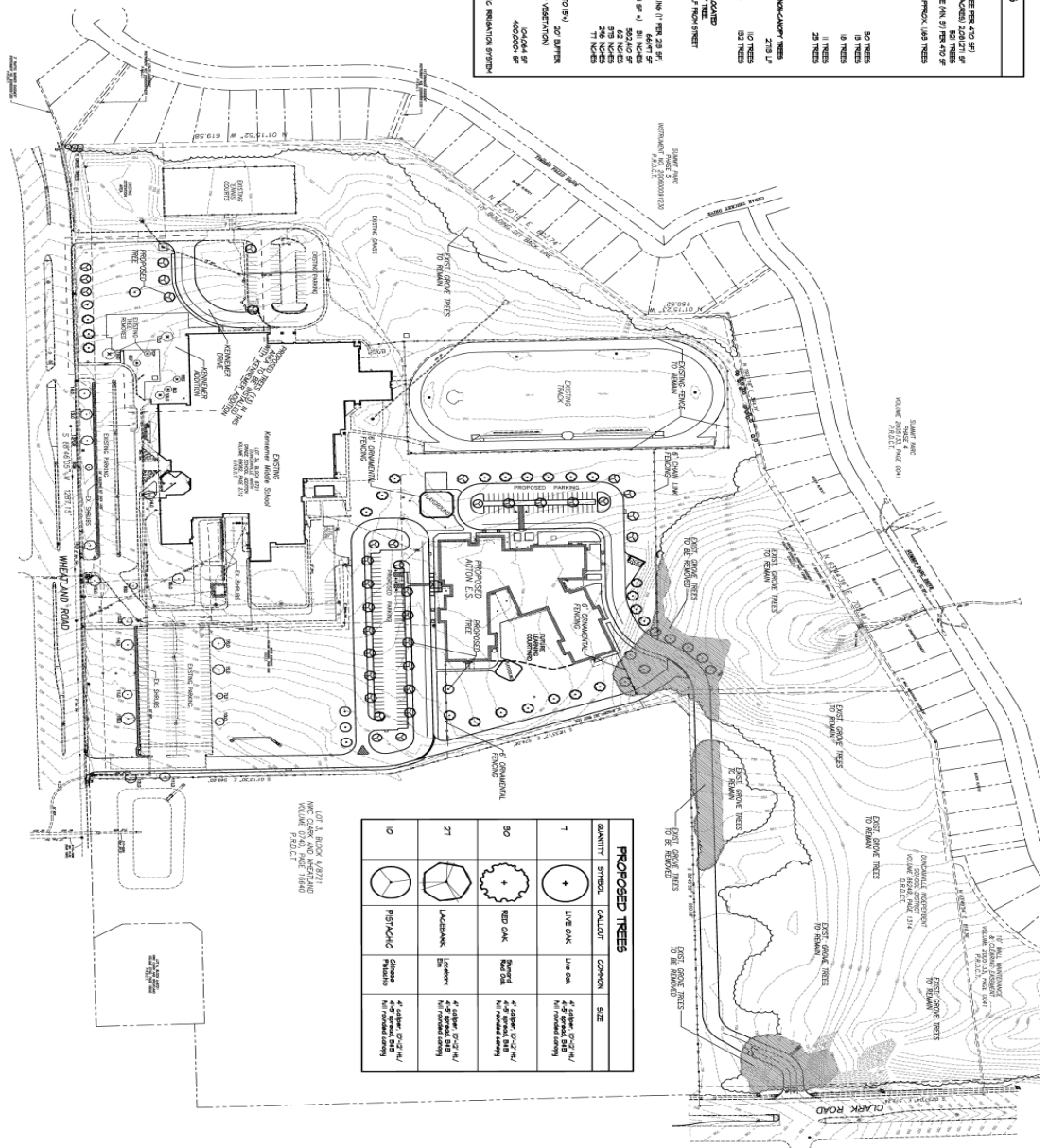


Proposed Site Plan



Z145-234  
North ▲  
Scale 1:100  
Site Plan

## Proposed Landscape Plan

[illegible]

| PROPOSED TREES |        |           |                    |                                           |
|----------------|--------|-----------|--------------------|-------------------------------------------|
| QUANTITY       | SYMBOL | CALLOT    | COMMON             | SIZE                                      |
| 7              |        | 1 1/2 OAK | 1 1/2 OAK          | 4" radius, 12'-2" H/<br>H/ include canopy |
| 30             |        | RED OAK   | Redwood<br>Red Oak | 4" radius, 12'-2" H/<br>H/ include canopy |
| 21             |        | LARCH     | Larch<br>Larch     | 4" radius, 12'-2" H/<br>H/ include canopy |
| 5              |        | FIR       | Chinese Fir<br>Fir | 4" radius, 12'-2" H/<br>H/ include canopy |

KENNEMER M.S. / ACTON E.S.  
S.U.P.  
FOR DUNCANVILLE I.S.D., DALLAS, TEXAS

SUP LANDSCAPE PLAN

**RAMSEY LANDSCAPE ARCHITECTS, LLC**  
11914 WISHING WELL CT.  
FRISCO, TEXAS 75035  
PHONE (972) 335-0889  
FAX (469) 362-5433  
EMAIL: MIKE.RLA@ATT.NET

SHEET No.  
L1.0

Z145-234



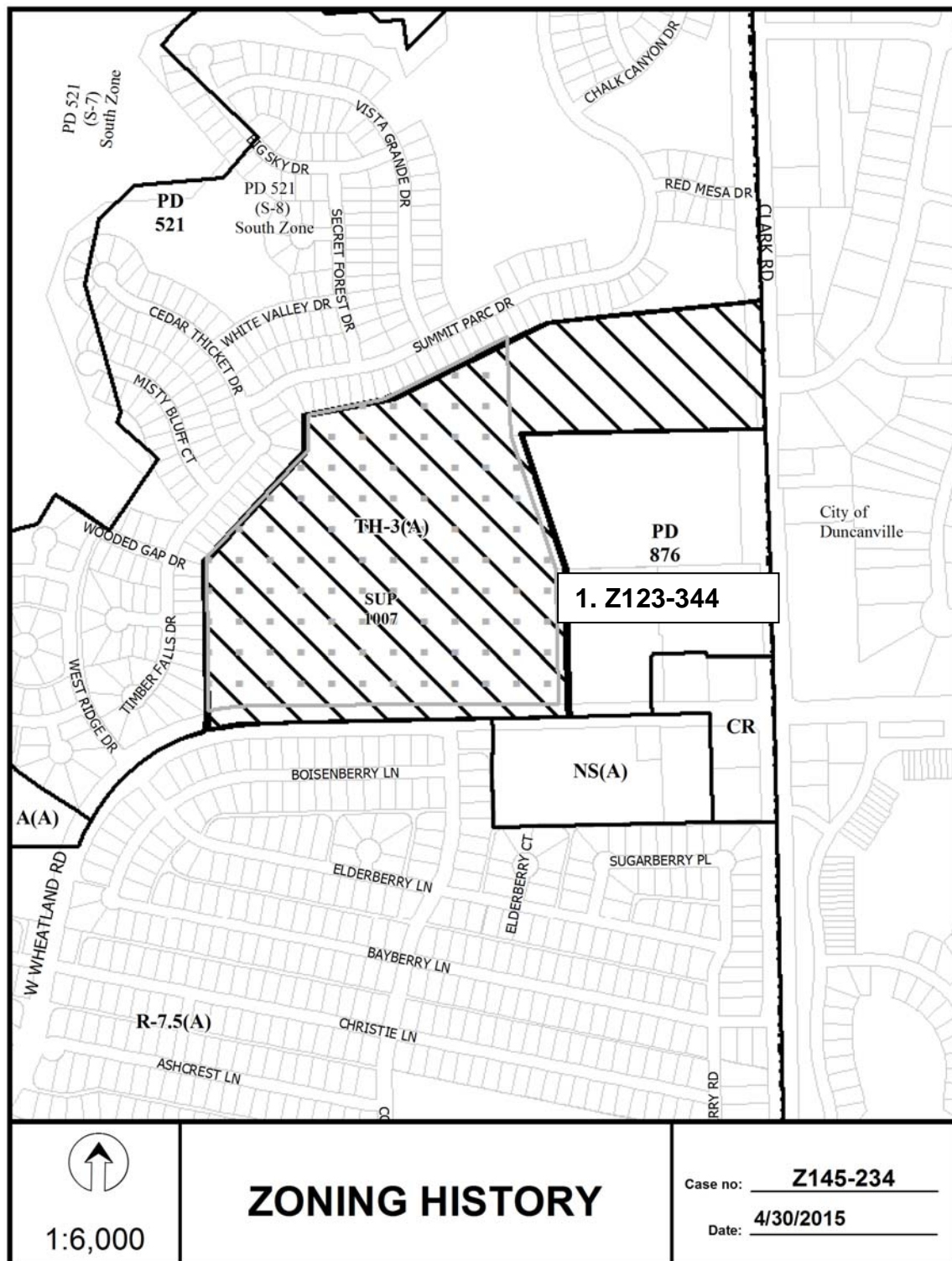




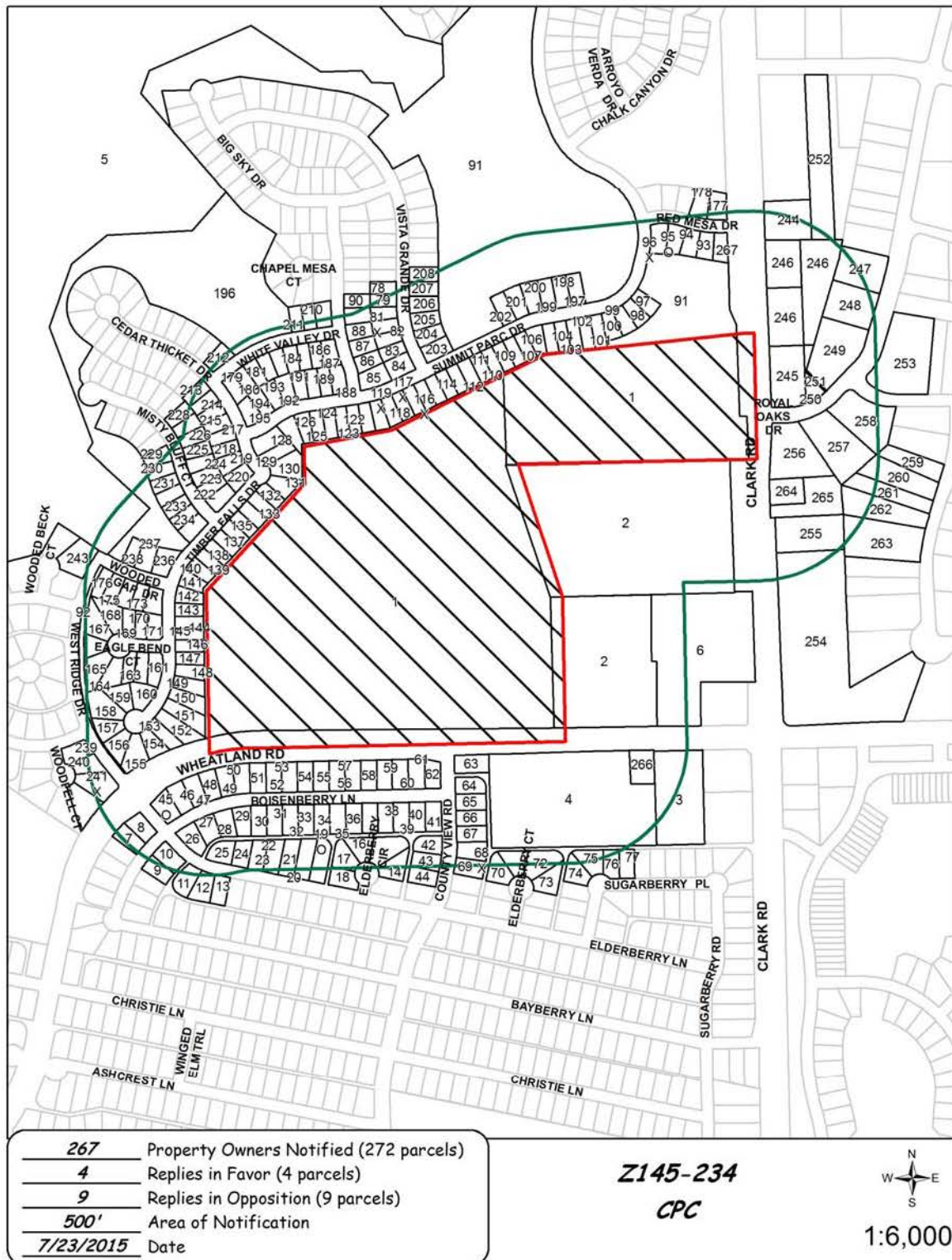








## CPC Responses



08/19/2015

***Reply List of Property Owners******Z145-234******267 Property Owners Notified    4 Property Owners in Favor    15 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>                |
|---------------------|-----------------------|-----------------------|------------------------------------|
|                     | 1                     | 8605 CLARK RD         | DUNCANVILLE I S D                  |
|                     | 2                     | 8601 CLARK RD         | WALMART REAL ESTATE BUSINESS TRUST |
|                     | 3                     | 7080 WHEATLAND RD     | RUSSELLS TELECOM SOLUTIONS INC     |
|                     | 4                     | 7030 WHEATLAND RD     | TA PROPERTIES II LTD               |
|                     | 5                     | 8600 CLARK RD         | 165 HOWE LP                        |
|                     | 6                     | 7001 WHEATLAND RD     | WALMART REAL ESTATE BUSINESS TRUST |
|                     | 7                     | 7405 BOISENBERRY LN   | ROMERO FELIPE                      |
|                     | 8                     | 7401 BOISENBERRY LN   | GARRISON GERALDINE                 |
|                     | 9                     | 7406 BOISENBERRY LN   | MCCULLUM ROBERT E &                |
|                     | 10                    | 7402 BOISENBERRY LN   | SIMPSON ANDREW B JR                |
|                     | 11                    | 7430 ELDERBERRY LN    | OVERSHOWN NORRIS J                 |
|                     | 12                    | 7426 ELDERBERRY LN    | MARTINEZ JERRY                     |
|                     | 13                    | 7422 ELDERBERRY LN    | WHIPPER TORRENCE LEI SHERRA        |
|                     | 14                    | 7306 ELDERBERRY CIR   | CAMPBELL JOHNNY III &              |
|                     | 15                    | 7310 ELDERBERRY CIR   | JEFFERSON TREVOR B &               |
|                     | 16                    | 7309 ELDERBERRY CIR   | AFFORDABLE RESIDENCES LLC          |
|                     | 17                    | 7305 ELDERBERRY CIR   | HENRY ADRIAN                       |
|                     | 18                    | 7301 ELDERBERRY CIR   | KING LINDA J                       |
| O                   | 19                    | 7405 ELDERBERRY LN    | TRIGGS LEE O & MICHELE             |
|                     | 20                    | 7409 ELDERBERRY LN    | SANCHEZ DAVID PEREZ                |
|                     | 21                    | 7415 ELDERBERRY LN    | LYON KENNETH L & BETTY             |
|                     | 22                    | 7419 ELDERBERRY LN    | BLTREJV3 DALLAS LLC                |
|                     | 23                    | 7423 ELDERBERRY LN    | PERRY DONALD & CRYSTAL             |
|                     | 24                    | 7427 ELDERBERRY LN    | FUENTES LUIS GERARDO               |
|                     | 25                    | 7431 ELDERBERRY LN    | ZACHARIADIS ROBERT G               |
|                     | 26                    | 7326 BOISENBERRY LN   | MARTINEZ RICHARD                   |

08/19/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>      | <i>Owner</i>              |
|--------------|----------------|---------------------|---------------------------|
|              | 27             | 7322 BOISENBERRY LN | ELGUEA FERNANDO           |
|              | 28             | 7320 BOISENBERRY LN | KENNARD JOHNNY RAY        |
|              | 29             | 7316 BOISENBERRY LN | CASTILLO MARGARET         |
|              | 30             | 7312 BOISENBERRY LN | PETTY HARVEY B &          |
|              | 31             | 7310 BOISENBERRY LN | SCOTT RICKYE L & LYNETT F |
|              | 32             | 7308 BOISENBERRY LN | DELCE JOHNATHAN C &       |
|              | 33             | 7304 BOISENBERRY LN | DAVILA MOSES              |
|              | 34             | 7302 BOISENBERRY LN | JIMENEZ DANIEL            |
|              | 35             | 7224 BOISENBERRY LN | BARREDA JOSE E            |
|              | 36             | 7220 BOISENBERRY LN | MAGDELENO ARTURO          |
|              | 37             | 7216 BOISENBERRY LN | WALTON NICOLE             |
|              | 38             | 7214 BOISENBERRY LN | LANG EDDIE &              |
|              | 39             | 7210 BOISENBERRY LN | OLEARY CLARE F            |
|              | 40             | 7206 BOISENBERRY LN | FURLOUGH DAYLON D         |
|              | 41             | 7202 BOISENBERRY LN | JONES LARRY EARL &        |
|              | 42             | 8723 COUNTY VIEW RD | REA JOSE D                |
|              | 43             | 8727 COUNTY VIEW RD | PEREZ HUMBERTO & REBECCA  |
|              | 44             | 8731 COUNTY VIEW RD | S & S FAITH FUND LLC      |
| O            | 45             | 7327 BOISENBERRY LN | WASHINGTON ROOSEVELT JR   |
|              | 46             | 7325 BOISENBERRY LN | JYLC-LP                   |
|              | 47             | 7323 BOISENBERRY LN | OLIVIER MARY JANE ANNE    |
|              | 48             | 7319 BOISENBERRY LN | HASKET HELEN              |
|              | 49             | 7317 BOISENBERRY LN | JIANG YUTAO & NORA ZHAO   |
|              | 50             | 7315 BOISENBERRY LN | REED VINCENT S & DEBRA K  |
|              | 51             | 7311 BOISENBERRY LN | DAVIS SUZETTE ROCHELLE    |
|              | 52             | 7309 BOISENBERRY LN | HERNANDEZ FLORELIDA       |
|              | 53             | 7307 BOISENBERRY LN | HOPES JOHN &              |
|              | 54             | 7305 BOISENBERRY LN | ROBERSON RONNIE M &       |
|              | 55             | 7303 BOISENBERRY LN | THOMAS CURTIS R &         |
|              | 56             | 7223 BOISENBERRY LN | JIMMERSON ROY             |
|              | 57             | 7219 BOISENBERRY LN | THOMPSON BILL G           |

08/19/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>        | <i>Owner</i>              |
|--------------|----------------|-----------------------|---------------------------|
|              | 58             | 7215 BOISENBERRY LN   | ROBLEDO RICHARD R JR &    |
|              | 59             | 7211 BOISENBERRY LN   | TINOCO EFRAIN JR          |
|              | 60             | 7209 BOISENBERRY LN   | ROBERTS VICKY L           |
|              | 61             | 7205 BOISENBERRY LN   | COSS LUCIA                |
|              | 62             | 7201 BOISENBERRY LN   | MARTINEZ BERNARDO & ELVIA |
|              | 63             | 8702 COUNTY VIEW RD   | SORRELLS EVELYN F         |
|              | 64             | 8706 COUNTY VIEW RD   | VALDEZ LORENA             |
|              | 65             | 8710 COUNTY VIEW RD   | EVANS JANIE LYNN          |
|              | 66             | 8714 COUNTY VIEW RD   | BLANCHARD BOBBY C & DEBOR |
|              | 67             | 8718 COUNTY VIEW RD   | MAGEE SANDERA             |
| X            | 68             | 8722 COUNTY VIEW RD   | KILDOW JERRY R            |
|              | 69             | 8726 COUNTY VIEW RD   | WILLIAMS FLORENCE E       |
|              | 70             | 8607 ELDERBERRY CT    | WATSON KENNETH            |
|              | 71             | 8603 ELDERBERRY CT    | SULLIVAN ROY LEE          |
|              | 72             | 8604 ELDERBERRY CT    | DRIVER LARRY JOE          |
|              | 73             | 8608 ELDERBERRY CT    | MILLER GARY               |
|              | 74             | 8415 SUGARBERRY PL    | VARGAS LUIS & MARIA       |
|              | 75             | 8419 SUGARBERRY PL    | LOPEZ ALICIA              |
|              | 76             | 8423 SUGARBERRY PL    | CERVANTES ANDREW C        |
|              | 77             | 8427 SUGARBERRY PL    | GORDON GILDA FAYE         |
|              | 78             | 8633 VISTA GRANDE DR  | RODRIGUEZ CHRISTIAN       |
|              | 79             | 8637 VISTA GRANDE DR  | SANDIFER LINDA A &        |
|              | 80             | 8641 VISTA GRANDE DR  | BROWN DENISE L            |
| X            | 81             | 8645 VISTA GRANDE DR  | KELLY BRIAN & SUSANNAH    |
|              | 82             | 8649 VISTA GRANDE DR  | FERRIOLI ROGELIO &        |
|              | 83             | 8653 VISTA GRANDE DR  | MEDRANO JESUS G           |
|              | 84             | 8657 VISTA GRANDE DR  | TAYLOR STACEY             |
|              | 85             | 8660 SECRET FOREST DR | SPRUILL CARLA Y           |
|              | 86             | 8654 SECRET FOREST DR | ESCOBAR MARIO E &         |
|              | 87             | 8648 SECRET FOREST DR | COLEMAN JOE D             |
|              | 88             | 8642 SECRET FOREST DR | ROGERS CANDACE NICOLE     |

08/19/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>        | <i>Owner</i>                              |
|--------------|----------------|-----------------------|-------------------------------------------|
| O            | 89             | 8636 SECRET FOREST DR | RODRIGUEZ JOSE A                          |
|              | 90             | 8632 SECRET FOREST DR | PHOUPARDIT CHARNCCHAI & ORATHAI           |
|              | 91             | 7100 SUMMIT PARC DR   | SUMMIT PARC OWNERS ASSOC                  |
|              | 92             | 7324 WOODED GAP DR    | WILLIAMS SHANTELL MARIE                   |
|              | 93             | 7006 RED MESA DR      | WORD QUINCEY LAMONT & TIFFANYE LATRECE    |
|              | 94             | 7010 RED MESA DR      | RILEY CAROLE ANN                          |
| O            | 95             | 7014 RED MESA DR      | TURNER WAYNE & ANITA S                    |
| X            | 96             | 7020 RED MESA DR      | CHAVEZ ANTONIO T JR & OLIVIA              |
| X            | 97             | 7202 SUMMIT PARC DR   | MILES OLIVER M & FLORENCEZELL W           |
| X            | 98             | 7206 SUMMIT PARC DR   | ANDERSON RON J &                          |
|              | 99             | 7210 SUMMIT PARC DR   | BIGGINS SANDRA                            |
|              | 100            | 7214 SUMMIT PARC DR   | LIZANO WENDY CRUZ                         |
| X            | 101            | 7218 SUMMIT PARC DR   | ACEVEDO JESUS MARIO JR & MARIA<br>CECILIA |
|              | 102            | 7222 SUMMIT PARC DR   | CHAVEZ RENEE S &                          |
|              | 103            | 7226 SUMMIT PARC DR   | WADDELL JIMMIE &                          |
| X            | 104            | 7230 SUMMIT PARC DR   | PAYNE HOMER I & DONELLA                   |
| X            | 105            | 7234 SUMMIT PARC DR   | WHITLEY ELLIS CATERINA                    |
|              | 106            | 7238 SUMMIT PARC DR   | FORD JOHN MACK & PATRICIA                 |
|              | 107            | 7242 SUMMIT PARC DR   | DAN & DAN INVESTMENTS LLC                 |
|              | 108            | 7246 SUMMIT PARC DR   | LAWRENCE DONNA & DOYLE                    |
|              | 109            | 7250 SUMMIT PARC DR   | GARCIA GAVINO &                           |
|              | 110            | 7254 SUMMIT PARC DR   | DAVIS MORGAN W &                          |
|              | 111            | 7258 SUMMIT PARC DR   | DAVIS DIANA                               |
|              | 112            | 7262 SUMMIT PARC DR   | MACK LAKETRA R & BYRON                    |
|              | 113            | 7266 SUMMIT PARC DR   | WILSON GWENDOLYN                          |



08/19/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>        | <i>Owner</i>                   |
|--------------|----------------|-----------------------|--------------------------------|
|              | 114            | 7270 SUMMIT PARC DR   | GONZALEZ JESUS & ERICA AGUIRRE |
| X            | 115            | 7274 SUMMIT PARC DR   | MALKOWSKI GREGORY J            |
| X            | 116            | 7304 SUMMIT PARC DR   | SHRAG BRIAN & BARBARA          |
| X            | 117            | 7308 SUMMIT PARC DR   | BAKER BIRDELLE                 |
|              | 118            | 7312 SUMMIT PARC DR   | ALLEN JANET                    |
| X            | 119            | 7316 SUMMIT PARC DR   | AYALA JOSUE &                  |
|              | 120            | 7320 SUMMIT PARC DR   | TAVARES ZANETTA MARIA          |
|              | 121            | 7324 SUMMIT PARC DR   | SHANOR AMPARO                  |
|              | 122            | 7328 SUMMIT PARC DR   | ANORUE JONAS & TOCHUKWU        |
|              | 123            | 7332 SUMMIT PARC DR   | FRAZIER DEVONIA FAUSTINE       |
|              | 124            | 7336 SUMMIT PARC DR   | LINARES BENITO & ALICE B       |
|              | 125            | 7340 SUMMIT PARC DR   | RIOS FRANCISCO & MARTHA        |
|              | 126            | 7344 SUMMIT PARC DR   | RIOS KELLEEE                   |
|              | 127            | 7348 SUMMIT PARC DR   | SAGUETON THERESA TAN           |
|              | 128            | 8770 CEDAR THICKET DR | FERNANDEZ HAZEL                |
|              | 129            | 8776 CEDAR THICKET DR | JONES ROSALIND A               |
|              | 130            | 8778 CEDAR THICKET DR | TORRES ANA MARIA               |
|              | 131            | 8702 TIMBER FALLS DR  | WARD BRENDOWLYN                |
|              | 132            | 8706 TIMBER FALLS DR  | CHOW STEPHANIE                 |
|              | 133            | 8710 TIMBER FALLS DR  | KENDRICK DEBORAH               |
|              | 134            | 8714 TIMBER FALLS DR  | MARTINEZ JENNIFER & RAUL J     |
|              | 135            | 8718 TIMBER FALLS DR  | THOMPSON CELESTE PATRICE       |
|              | 136            | 8722 TIMBER FALLS DR  | PENDLETON PHILLIP &            |
|              | 137            | 8726 TIMBER FALLS DR  | HUNT LEONARD                   |
|              | 138            | 8730 TIMBER FALLS DR  | ONSOTI JEREMIAH &              |
|              | 139            | 8734 TIMBER FALLS DR  | GARZA CELIA                    |
|              | 140            | 8738 TIMBER FALLS DR  | COLEMAN ZACHARIAS NANCY L      |
|              | 141            | 8744 TIMBER FALLS DR  | CORNELIUS DEBORAH              |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>       | <i>Owner</i>                      |
|--------------|----------------|----------------------|-----------------------------------|
|              | 142            | 8750 TIMBER FALLS DR | JORDAN EDDIE II                   |
|              | 143            | 8754 TIMBER FALLS DR | GARZA ALMA L GONZALEZ             |
|              | 144            | 8758 TIMBER FALLS DR | VACA STACY M                      |
|              | 145            | 8762 TIMBER FALLS DR | WILSON PEDRO ANTONIO & PATRICIA G |
|              | 146            | 8766 TIMBER FALLS DR | GALLEGOS EDGAR ALLAN              |
|              | 147            | 8770 TIMBER FALLS DR | MITCHELL ALISSA D                 |
|              | 148            | 8774 TIMBER FALLS DR | DE LOPEZ NOHEMI SALAZAR &         |
|              | 149            | 8778 TIMBER FALLS DR | PARKER AYSIA                      |
|              | 150            | 8782 TIMBER FALLS DR | SARGEANT KOLLMANN                 |
|              | 151            | 8786 TIMBER FALLS DR | TURNER TIMOTHY D                  |
|              | 152            | 8790 TIMBER FALLS DR | WALKER SHENIQUE NICOLE            |
|              | 153            | 8794 TIMBER FALLS DR | ROSS TPAU TPRIN D                 |
| X            | 154            | 8798 TIMBER FALLS DR | BUSH UGUNDA DAMASHUN              |
|              | 155            | 8799 TIMBER FALLS DR | BURNEN KURT                       |
|              | 156            | 8797 TIMBER FALLS DR | MALZER AMANDA                     |
|              | 157            | 8795 TIMBER FALLS DR | SHAFFER JOHN                      |
|              | 158            | 8793 TIMBER FALLS DR | BOYD SHANTRELL RENEE &            |
|              | 159            | 8791 TIMBER FALLS DR | WILLIAMS RASHARD DEMOND           |
|              | 160            | 8789 TIMBER FALLS DR | MARTIN RUSSELL L & KIMBERLY L     |
|              | 161            | 7302 EAGLE BEND CT   | BRADLEY JERRY                     |
|              | 162            | 7306 EAGLE BEND CT   | HARDAWAY ROSETTA C & MICHAEL G JR |
|              | 163            | 7310 EAGLE BEND CT   | MORGAN JAN MARIE                  |
|              | 164            | 7314 EAGLE BEND CT   | QUEZADA WILLEBALDO &              |
|              | 165            | 7318 EAGLE BEND CT   | DEVINE MICHELLE B                 |
|              | 166            | 7322 EAGLE BEND CT   | COOPER JAMES II                   |
|              | 167            | 7319 EAGLE BEND CT   | NEHMZOW NOEL                      |
|              | 168            | 7315 EAGLE BEND CT   | RUSHING VERONICA RENE A &         |
|              | 169            | 7311 EAGLE BEND CT   | SIERRA ABISAI G & MAYRA I ARMIJO  |
|              | 170            | 7307 EAGLE BEND CT   | NED LAQUITHA R & BRANDON K        |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>       | <i>Owner</i>                      |
|--------------|----------------|----------------------|-----------------------------------|
|              | 171            | 7303 EAGLE BEND CT   | VELEZ MARIA S & JUAN CARLOS CAMPO |
|              | 172            | 7304 WOODED GAP DR   | D R HORTON                        |
|              | 173            | 7308 WOODED GAP DR   | DUNCAN SANDERS                    |
|              | 174            | 7312 WOODED GAP DR   | SOWELL NATALIE NICOLE             |
|              | 175            | 7316 WOODED GAP DR   | ESCALERA JUAN & CRISELDA          |
|              | 176            | 7320 WOODED GAP DR   | HUBER JOHN ROBERT JR              |
|              | 177            | 7003 RED MESA DR     | CHAFFIN BARBARA                   |
|              | 178            | 7009 RED MESA DR     | GILMORE ROXANA                    |
|              | 179            | 7336 WHITE VALLEY DR | LONGLEY MONIQUE T                 |
| X            | 180            | 7332 WHITE VALLEY DR | JACKSON KIM MARIE                 |
|              | 181            | 7328 WHITE VALLEY DR | GANDARILLA LORENZO M &            |
|              | 182            | 7324 WHITE VALLEY DR | MEZA NAOMI & RAMON                |
|              | 183            | 7320 WHITE VALLEY DR | TORRES JOHN P                     |
|              | 184            | 7316 WHITE VALLEY DR | WHITE KIMBERLY MARTINEZ           |
|              | 185            | 7312 WHITE VALLEY DR | RANDLE KENNETHA                   |
|              | 186            | 7308 WHITE VALLEY DR | HOWARD TARA D                     |
|              | 187            | 7304 WHITE VALLEY DR | COOPER TERRY L SR & MONTEAL S     |
|              | 188            | 7331 SUMMIT PARC DR  | RIOS MARIA                        |
|              | 189            | 7335 SUMMIT PARC DR  | HOOKER LASTENIA AND RONALD HOOKER |
|              | 190            | 7339 SUMMIT PARC DR  | MIKESELL BENJAMIN ASHLEY &        |
|              | 191            | 7343 SUMMIT PARC DR  | JEFFERSON GLADYS                  |
|              | 192            | 7347 SUMMIT PARC DR  | GAGE EVELENE                      |
|              | 193            | 7351 SUMMIT PARC DR  | FORNEY GLENN M &                  |
|              | 194            | 7355 SUMMIT PARC DR  | HUD                               |
|              | 195            | 7359 SUMMIT PARC DR  | JENKINS LINDA A                   |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>        | <i>Owner</i>                      |
|--------------|----------------|-----------------------|-----------------------------------|
|              | 196            | 7317 WHITE VALLEY DR  | SUMMIT PARC OWNERS ASSOCIATION    |
|              | 197            | 7223 SUMMIT PARC DR   | THOMPSON ROBERT E &               |
|              | 198            | 7227 SUMMIT PARC DR   | PRESTON WINSTON & TABITHA         |
|              | 199            | 7231 SUMMIT PARC DR   | CANNON WINIFRED                   |
|              | 200            | 7235 SUMMIT PARC DR   | Taxpayer at                       |
|              | 201            | 7239 SUMMIT PARC DR   | AGUIRRE HOSMAN                    |
|              | 202            | 7243 SUMMIT PARC DR   | DAWSON MICHELLE                   |
|              | 203            | 8652 VISTA GRANDE DR  | SEABERRY ODIS                     |
|              | 204            | 8646 VISTA GRANDE DR  | BETANCOURT JEAN CARLOS            |
|              | 205            | 8640 VISTA GRANDE DR  | DUONG LINH VY                     |
|              | 206            | 8634 VISTA GRANDE DR  | NEWTON KENNETH                    |
|              | 207            | 8630 VISTA GRANDE DR  | LARA MARYANN J &                  |
|              | 208            | 8626 VISTA GRANDE DR  | MILLER DANA LYNN                  |
|              | 209            | 7303 WHITE VALLEY DR  | JACKSON BOBBIE A                  |
|              | 210            | 7309 WHITE VALLEY DR  | WILLIAMS MICHAEL & MARISA         |
|              | 211            | 7313 WHITE VALLEY DR  | SMITH CHARLES B & MARIELA J       |
|              | 212            | 8748 CEDAR THICKET DR | LUGO ABEL & VICTORIA N MARTINEZ   |
|              | 213            | 8747 CEDAR THICKET DR | EASTMAN RICHARD W                 |
|              | 214            | 8751 CEDAR THICKET DR | MCCOLLOUGH ANTONIO M & MYESSIAH L |
|              | 215            | 8755 CEDAR THICKET DR | JOHNSON TAMARA                    |
|              | 216            | 8759 CEDAR THICKET DR | HERNANDEZ YENIS                   |
|              | 217            | 8763 CEDAR THICKET DR | POMALES JONATHAN COLON &          |
|              | 218            | 8767 CEDAR THICKET DR | STAPLES EDRIS L                   |
|              | 219            | 8771 CEDAR THICKET DR | SOLIS JAVIER F                    |
|              | 220            | 8775 CEDAR THICKET DR | AGUILAR EPIFANIO & ROSA           |
|              | 221            | 8766 MISTY BLUFF CT   | LEVISTON JAMAAL THOMAS &          |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>      | <i>Owner</i>                       |
|--------------|----------------|---------------------|------------------------------------|
|              | 222            | 8762 MISTY BLUFF CT | GILDER DEQUAYAN                    |
|              | 223            | 8758 MISTY BLUFF CT | ROLAND JOE E JR & ADANA R          |
|              | 224            | 8754 MISTY BLUFF CT | HORTON D R                         |
|              | 225            | 8748 MISTY BLUFF CT | PUGA GILBERT & ELIZABETH MARIE     |
|              | 226            | 8742 MISTY BLUFF CT | WOODS LA KISHA D                   |
|              | 227            | 8738 MISTY BLUFF CT | RIVERS PEARL E & RUSSELL J RIVERS  |
|              | 228            | 8734 MISTY BLUFF CT | MASTERS CHANTA                     |
|              | 229            | 8745 MISTY BLUFF CT | JACOBS VONDA                       |
|              | 230            | 8749 MISTY BLUFF CT | ELLIS BRIDGET L                    |
|              | 231            | 8753 MISTY BLUFF CT | NEPHEW MELANTHA                    |
|              | 232            | 8757 MISTY BLUFF CT | GONZALEZ JOSE L                    |
|              | 233            | 8761 MISTY BLUFF CT | ROGERS ANGELYNE RENEE              |
|              | 234            | 8765 MISTY BLUFF CT | EVANS KRYSTAL & ANJUAN             |
|              | 235            | 8769 MISTY BLUFF CT | HUTCHINS ANDREW P                  |
|              | 236            | 7305 WOODED GAP DR  | KNIGHT EMESHA REJEAN               |
|              | 237            | 7309 WOODED GAP DR  | VIGLIANTE ISABEL                   |
|              | 238            | 7313 WOODED GAP DR  | AGUILERA STEPHANY CHHOUNG & ERIC   |
|              | 239            | 8704 WOODFELL CT    | SANCHEZ ERICA A & ALEJANDRO GARCIA |
|              | 240            | 8708 WOODFELL CT    | WINBREY JOHNNY D                   |
| X            | 241            | 8712 WOODFELL CT    | JOHNSON NELDA                      |
|              | 242            | 8716 WOODFELL CT    | BROWN SARAH R &                    |
|              | 243            | 8620 WOODED BECK CT | PRADO RICARDO GONZALEZ             |
|              | 244            | 2 CLARK RD          | CLARK ROAD CHURCH OF               |
|              | 245            | 111 ROYAL OAK DR    | GONZALEZ JOSE & NORMA              |
|              | 246            | 100 CLARK RD        | LIGHT AND LIFE COMMUNITY CHURCH    |
|              | 247            | 107 ROYAL OAK DR    | VUE YIA & ALEESON LEE              |
|              | 248            | 103 ROYAL OAK DR    | SHEPPARD WARREN H JR & CAROLINE L  |

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| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                  |
|--------------|----------------|------------------|-------------------------------|
| 249          | 101            | ROYAL OAK DR     | STRICKLAND DALE DESEAN        |
| 250          | 103            | ROYAL OAK DR     | 2013B PROPERTY OWNER LLC      |
| 251          | 103            | ROYAL OAK DR     | LORD JAMES F JR & SUSAN       |
| 252          | 1412           | SIERRA BLANCA DR | VEGA MIGUEL &                 |
| 253          | 102            | ROYAL OAK DR     | PIERCE RICHARD G &            |
| 254          | 1415           | WHEATLAND RD     | FIRST FREE WILL BAPTIST       |
| 255          | 202            | CLARK RD         | RAMOS TRINIDAD A              |
| 256          | 102            | CLARK RD         | CARDOZA SERGIO M & DORA E     |
| 257          | 106            | ROYAL OAK DR     | BLANKENSHIP CARMEN            |
| 258          | 102            | ROYAL OAK DR     | WILLIAMS RUSSELL L            |
| 259          | 111            | TAMPICO CIR      | MOON FREDA M LIFE ESTATE      |
| 260          | 115            | TAMPICO CIR      | MATA CARLOS A &               |
| 261          | 119            | TAMPICO CIR      | MARTIN WILLIAM H III &        |
| 262          | 123            | TAMPICO CIR      | PARR GERALD E & GLENNA S      |
| 263          | 203            | TAMPICO CIR      | BARNETT AVIS ESTATE OF        |
| 264          | 106            | CLARK RD         | PEREZ RUBEN                   |
| 265          | 110            | CLARK RD         | DUNCANVILLE CITY OF           |
| 266          | 7044           | WHEATLAND RD     | THURMOND VIRGIL B & JONI L    |
| 267          | 7002           | RED MESA DR      | REEVES REGINALD R & CRYSTAL T |



**AGENDA ITEM # 44**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 36 E

**SUBJECT**

An ordinance granting a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to a development plan and conditions; and approval of the termination of deed restrictions

Z134-319(RB)

Note: This item was considered by City Council at a public hearing on June 10, 2015, and was denied without prejudice, with the public hearing closed. This item was reconsidered on June 17, 2015, to be heard on August 12, 2015, with the public hearing closed. This item was considered by the City Council on August 12, 2015, and was held under advisement until September 9, 2015, with the public hearing closed.

**FILE NUMBER:** Z134-319(RB)

**DATE FILED:** August 19, 2014

**LOCATION:** North Line of East University Boulevard, East of North Central Expressway

**COUNCIL DISTRICT:** 14

**MAPSCO:** 36E

**SIZE OF REQUEST:** Approx. 32,190 Sq. Ft. **CENSUS TRACT:** 79.13

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**APPLICANT:** OP Acquisitions, LLC

**REPRESENTATIVE:** Rob Baldwin

**OWNERS:** East Campus Holdings, LP; City of Dallas

**REQUEST:** An application for a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and the termination of deed restrictions on property zoned a CS Commercial Service District.

**SUMMARY:** The applicant proposes to redevelop the property with a mini-warehouse use. The site consists of a commercial structure and surface parking area within the site's eastern half. All improvements will be removed, providing for a six story mini-warehouse use encompassing approximately 129,000 square feet of floor area. Additionally, the applicant will be terminating the existing deed restrictions that limit permitted uses (see attached deed restriction). A PDD is being requested to: 1) increase in floor area; 2) increase in structure height; 3) increase in number of stories; and 4) enhanced attached signage. While not specifically requested, staff is of the opinion a PDD also will consider a reduction in 'adequate' off-street parking.

**CPC RECOMMENDATION:** Approval, subject to a development plan and conditions, and approval of the termination of deed restrictions.

**STAFF RECOMMENDATION:** Denial

## DESIGNATED ZONING CASE

**Guiding Criteria for Recommendation:**

Staff recommends denial of the request, based upon:

1. *Performance impacts upon surrounding property* – While the proposed development standards are compatible with the built environment, the intensity of the proposed use, and a lack of adequate off-street parking, could impact adjacent development.
2. *Traffic impact* – No increase in trip generations is expected, which currently are consistent with those generated by the surrounding nonresidential development.
3. *Comprehensive Plan or Area Plan Conformance* – The request is in compliance with the designated Building Block for the area, however staff envisions transit-oriented development for this area and would expect a residential component as part of any rezoning request.
4. *Justification for a Planned Development District as opposed to straight zoning* – As the applicant wishes to establish development rights over that currently permitted, a PDD was presented for consideration.

**Zoning History:** There has been no recent zoning activity in the immediate area relevant to the request within the past five years.

**Thoroughfare**

University Boulevard

**Existing & Proposed ROW**

Collector; 60' & 60' ROW

**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested development vision in conjunction with the required Traffic Impact Analysis and determined that the proposed development will not significantly impact the street system.

**STAFF ANALYSIS:**

**Comprehensive Plan:** The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical

element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**Land Use Compatibility:**

The predominant development pattern in the immediate area consists of nonresidential uses, heavily influenced by office structures and structured parking to serve their requirements, with retail uses concentrated to the west/northwest, and eastward (approximately 530 feet) along the Greenville Avenue alignment. An outside industrial use (University Park) is situated along the south line of University Boulevard. The DART right-of-way (Red Line) abuts the site's western property line, with various office and retail uses fronting parcels between the DART right-of-way and the northbound service road of North Central Expressway (travel lanes are depressed through this section), both north and south of University Boulevard. With respect to DART's presence in the immediate area, both the Lovers Lane Station as well as the Mockingbird Station (Park and Ride) serve this area; approximately 880 and 2,900 feet, respectively.

As the current zoning permits the mini-warehouse use by right, the applicant's intent is to utilize this CS District zoning as a base for certain permitted uses (i.e., prohibiting some uses allowed either by right or by SUP) along with the intended mini-warehouse development while requesting an increase in development rights (see table, below). While the use is not of concern to staff, it was strongly encouraged to come back with a mixed use incorporating a component of multifamily dwellings. As the site abuts office and structured parking to the north and east, it would be envisioned the units would be oriented towards unobstructed views west/northwest/south. As the site is constrained by its platted lot, off-street parking could be a concern; however, the site's proximity to mass transit would allow for consideration of reduced parking requirements for residential as part of a mixed use project. With respect to structural design, it would be anticipated at grade podium parking would be incorporated into the building's design.

As submitted, the applicant is proposing the minimum amount of parking for the use when compared to existing use categories with similar floor area (office, retail; see Off-street parking section, below). As such, the proposed redevelopment is not 'taxing' when considering land area required for parking and maneuvering. As the site is

somewhat restricted in size, the majority of redevelopment options per the attached list of permitted uses would tend to be one-story, again being somewhat impacted by off-street parking requirements.

In summary of this analysis, staff cannot support the applicant's request. It should be stated that lack of support is not related to the requested increase in development rights, but lack of a development that is more of a transit oriented development, with or without a mini-warehouse component.

In consideration of the applicant's request, staff would recommend the City Council consider the following in regard to a mini-warehouse use (in addition to a residential component as provided above):

- 1) in addition to required parking for the floor area devoted to rental units, require an additional off-street parking space for a caretaker's quarters (whether anticipated now or in the future);*
- 2) consider an increase in required parking to adequately serve the proposed development;*
- 3) prohibit rental of trailers, and associated equipment;*
- 4) prohibit outside storage;*
- 5) prohibit sales of packing/moving materials; and,*
- 6) require all units to be accessed from an internal corridor (protects against a change of design in the future)*

With respect to the part of the request to terminate existing deed restrictions, staff has no objections to this. As the applicant has established specific uses, those overlapping uses (in comparison to those restricted in the existing deed restrictions) are not being requested, thus staff supports the termination of deed restrictions.

**Landscaping:** The applicant will be complying with landscape requirements as outlined in Article X (street trees, site trees, two design standards) during the building permit process.

**Off-Street Parking:** As noted above, any redevelopment of the site will largely be impacted by an ability to provide parking on site. For purposes of this section, consideration of special parking (remote, shared) is not being considered.

By definition, the mini-warehouse use permits a maximum of 500 square feet of floor area per rental unit; required off-street parking is a minimum of six spaces, what is being proposed. Based on the applicant's development plan, 258 rental units could be available (applicant has not established a maximum number of rental units). As noted above, staff is concerned as to adequate parking being provided.

By comparison, a 129,000 square foot office would require 387 parking spaces; an 8,000 square foot restaurant would require 80 spaces; or, an 8,000 square foot furniture store would require 16 spaces.

The majority of mini-warehouse projects are developed in a horizontal pattern; i.e., one and two story structures across a parcel, with parking spaces interspersed throughout the development and located in close proximity to the rental units.

As a truly vertical product, one such does exist and was approved (also as a PDD) and may provide the City Council with a comparison in assessing this request. This particular development provides for 79,740 square feet of floor area within a four story structure, providing parking at one space for each 4,200 square feet of floor area.

**Signage:** The applicant is governed by sign provisions for a business zoning district. With respect to attached signage, the applicant is requesting an effective area of 25 percent for both the western and southern façade.

| <b>PROVISION</b>              | <b>CS<br/>(existing)</b>                                         | <b>PROPOSED<br/>PDD</b>                                   |
|-------------------------------|------------------------------------------------------------------|-----------------------------------------------------------|
| <b>F/S/R<br/>SETBACKS</b>     | 15'/0'/0'                                                        | NO REVISION                                               |
| <b>DENSITY</b>                | N/A                                                              | N/A                                                       |
| <b>HEIGHT</b>                 | 45 FEET                                                          | 80 FEET                                                   |
| <b>STORIES</b>                | THREE                                                            | SIX                                                       |
| <b>FLOOR AREA</b>             | 24,176 SF<br>(RESTRICTED OFFICE/LODGING/<br>RETAIL TO 16,117 SF) | 129,000 SF                                                |
| <b>LOT<br/>COVERAGE</b>       | 80%                                                              | N/A                                                       |
| <b>OFF-STREET<br/>PARKING</b> | PER USE-DALLAS DEVELOPMENT<br>CODE                               | CPC RECOMMENDED 12 SPACES                                 |
| <b>LANDSCAPE</b>              | ARTICLE X                                                        | N/A                                                       |
| <b>SIGNS</b>                  | BUSINESS ZONING DISTRICT                                         | ATTACHED SIGNS-≤25% OF AREA OF<br>WEST AND SOUTHERN, EACH |



**CPC ACTION – May 7, 2015**

**Motion:** It was moved to recommend **approval** of a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use, subject to a development plan and conditions with the following modifications: 1) Section 51P-\_\_109, Increase parking spaces to 12, and 2) Section 51P-\_\_113, Strike (b)(3) “Sales of packing and moving materials is prohibited”, and **approval** of the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway.

Maker: Ridley  
Second: Murphy  
Result: Carried: 13 to 1

For: 13 - Emmons, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley,  
Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 1 - Schultz  
Absent: 1 - Anglin  
Vacancy: 0

**Notices:** Area: 500 Mailed: 28  
**Replies:** For: 1 Against: 2

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Matthew Vrnngink, 5422 Monticello Ave., Dallas, TX, 75206  
Against: None

**LIST OF OFFICERS**

Applicant:

OP Acquisitions, LLC

Clay Likover, officer

Owner:

East Campus Holdings, LP

Seth Bame, officer

**CPC RECOMMENDED CONDITIONS**

**“ARTICLE \_\_\_\_.**

**PD \_\_\_\_.**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P- \_\_\_\_ .102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_\_ is established on property located on the north line of University Boulevard, east of North Central Expressway. The size of PD \_\_\_\_\_ is approximately 0.74 acres.

**SEC. 51P- \_\_\_\_ .103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

**SEC. 51P- \_\_\_\_ .104. EXHIBITS.**

The following exhibit is incorporated into this article: Exhibit \_\_\_\_A: development plan.

**SEC. 51P- \_\_\_\_ .105. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit \_\_\_\_). If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P- \_\_\_\_ .106. MAIN USES PERMITTED.**

The following uses are the only main uses permitted:

- (1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Building repair and maintenance shop.  
-- Catering service.  
-- Custom business services.  
-- Electronics service center.  
-- Medical or scientific laboratory. [SUP]  
-- Tool or equipment rental.

(3) Industrial uses.

-- Gas drilling and production. [SUP]  
-- Industrial (inside) for light manufacturing, limited to a bakery.  
-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.  
-- Cemetery or mausoleum. [SUP]  
-- Child-care facility.  
-- Church.  
-- College, university, or seminary.  
-- Community service center. [SUP]  
-- Convent or monastery.  
-- Hospital. [SUP]  
-- Public school.  
-- Open enrollment charter school. [SUP]  
-- Private school. [SUP]

(5) Lodging uses.

-- Hotel or motel. *[See Section 51A-4.205(1)(B).]*  
-- Lodging or boarding house. [SUP]  
-- Overnight general purpose shelter.

(6) Miscellaneous uses.

-- Attached non-premise sign. [SUP]  
-- Carnival or circus (temporary). *[By special authorization of the building official.]*  
-- Temporary construction or sales office.

(7) Office uses.

- Alternative financial establishment. [SUP]
- Financial institution without drive-in window.
- Financial institution with drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- College dormitory, fraternity, or sorority house.

(10) Retail and personal service uses.

- 4.210(b)(4).]
- Alcoholic beverage establishments. [See Section 51A-
  - Ambulance service.
  - Animal shelter or clinic without outside runs.
  - Auto service center.
  - Business school.
  - Car wash.
  - Commercial amusement (inside). [SUP may be required.]
  - Commercial amusement (outside). [SUP]
  - Commercial parking lot or garage.
  - Convenience store with drive-through. [SUP]
  - Dry cleaning or laundry store.
  - Furniture store.
  - General merchandise or food store 3,500 square feet or less.
  - General merchandise or food store greater than 3,500 square feet.
  - General merchandise or food store 100,000 square feet or more. [SUP]
  - Home improvement center, lumber, brick, or building materials sales yard.
  - Household equipment and appliance repair.
  - Liquor store.
  - Mortuary, funeral home, or commercial wedding chapel.
  - Motor vehicle fueling station.
  - Nursery, garden shop, or plant sales.
  - Pawn shop.
  - Personal service uses.
  - Restaurant without drive-in or drive-through service.
  - Restaurant with drive-in or drive-through service.

- Swap or buy shop. [SUP]
- Temporary retail use.
- Theater.

(11) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center.

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

(13) Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Office showroom/warehouse.
- Recycling buy-back center. *[SUP or RAR may be required. See Section 51A-4.213(11).]*
- Recycling collection center. *[SUP or RAR may be required. See Section 51A-4.213(11.1).]*
- Recycling drop-off container. *[SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Section 51A-4.213(11.3)(E) are not satisfied.]*

**SEC. 51P-\_\_\_\_.107.**

**ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-\_\_\_\_.108.**

**YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)



(a) Except as provided in this section, the yard, lot, and space regulations for the CS Commercial Service District apply.

(b) Height. Maximum structure height is 80 feet.

(c) Stories. Maximum number of stories above grade is six.

(d) Floor area. Maximum floor area is 128,938 square feet.

**SEC. 51P- \_\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Mini-warehouse. A minimum of 12 off-street parking spaces must be provided.

**SEC. 51P- \_\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.111. LANDSCAPING.**

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P- \_\_\_\_\_.112. SIGNS.**

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Attached signs.

(1) The maximum effective area for the west façade is 25 percent of this façade area.

(2) The maximum effective area for the south façade is 25 percent of this façade area.

**SEC. 51P- \_\_\_\_\_.113. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) For a mini-warehouse:

- (1) Rental of trailers and associated equipment is prohibited.
- (2) Outside storage is prohibited.
- (3) All storage units must be accessed from an internal corridor.

(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-\_\_\_\_.114.**

**COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

941995

DEED RESTRICTIONS *WJS*

THE STATE OF TEXAS    )  
                               )    KNOW ALL PERSONS BY THESE PRESENTS:  
 COUNTY OF DALLAS     )

## I.

The undersigned, **DEMAC CORP., a Texas corporation** (the "Owner"), is the owner of the property located in the City of Dallas, Dallas County, Texas described in Exhibit A attached hereto and made a part hereof (the "Property"), such Property being more commonly known as 5531 East University Boulevard, Dallas, Texas and being the same property conveyed to Owner by Warranty Deed dated April 10, 1980 from Mary Alice Dealey and recorded in Volume 80113, Page 1871 of the Deed Records of Dallas County, Texas. *WJS*

## II.

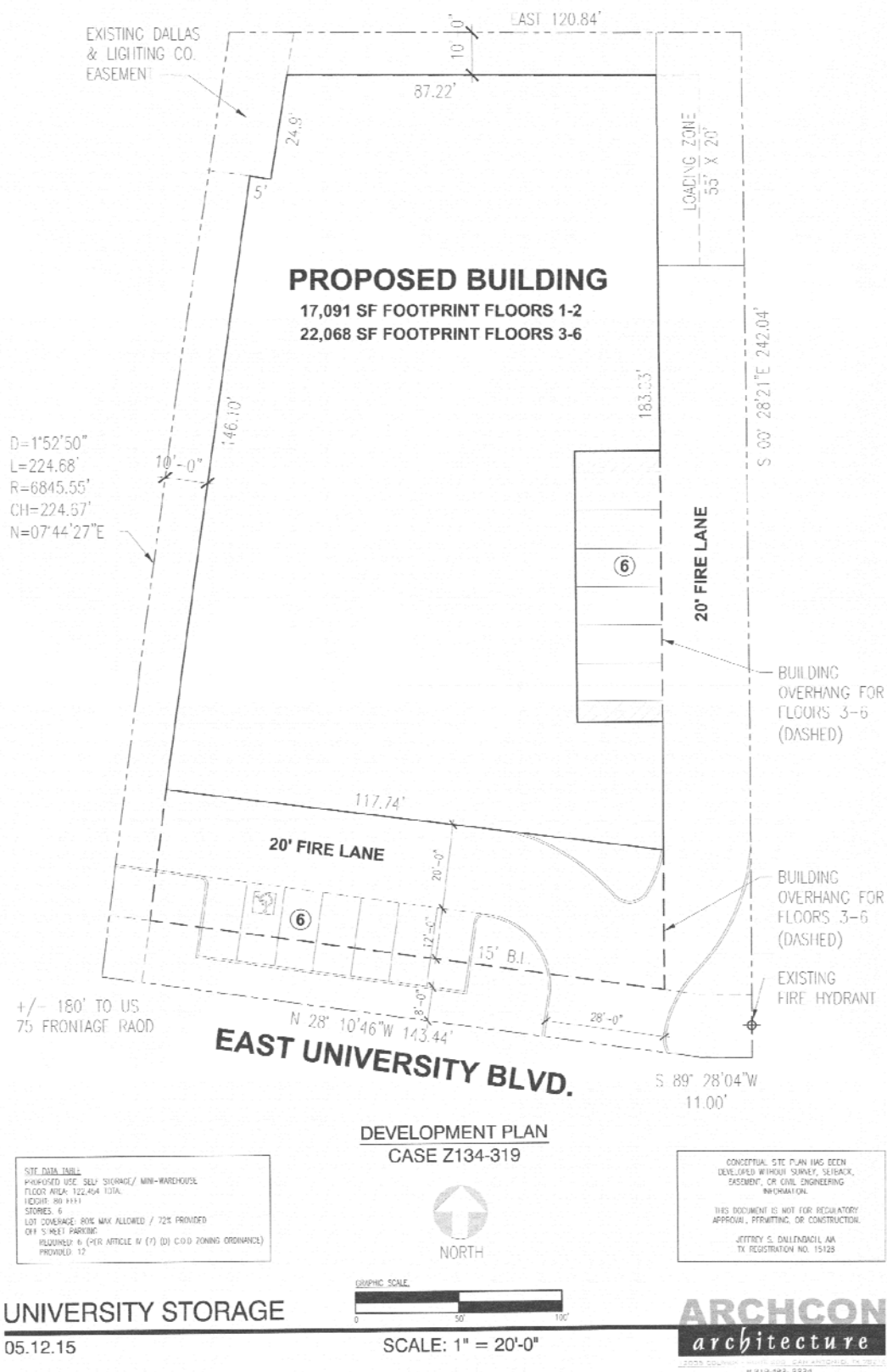
The Owner does hereby impress all of the Property with the following deed restriction (the "Restriction"), to wit:

The following shall be the only uses permitted on the Property:

- 1) Industrial (Inside) for Light Manufacturing Uses limited to the operation of a Commercial Bakery and uses customarily incidental to a Commercial Bakery. For purposes hereof, a "Commercial Bakery" is defined as an industrial facility where the baking and processing of baked goods takes place wholly within an enclosed building.
- 2) Office Showroom/Warehouse Uses.
- 3) Those uses permitted in the CR Community Retail District.

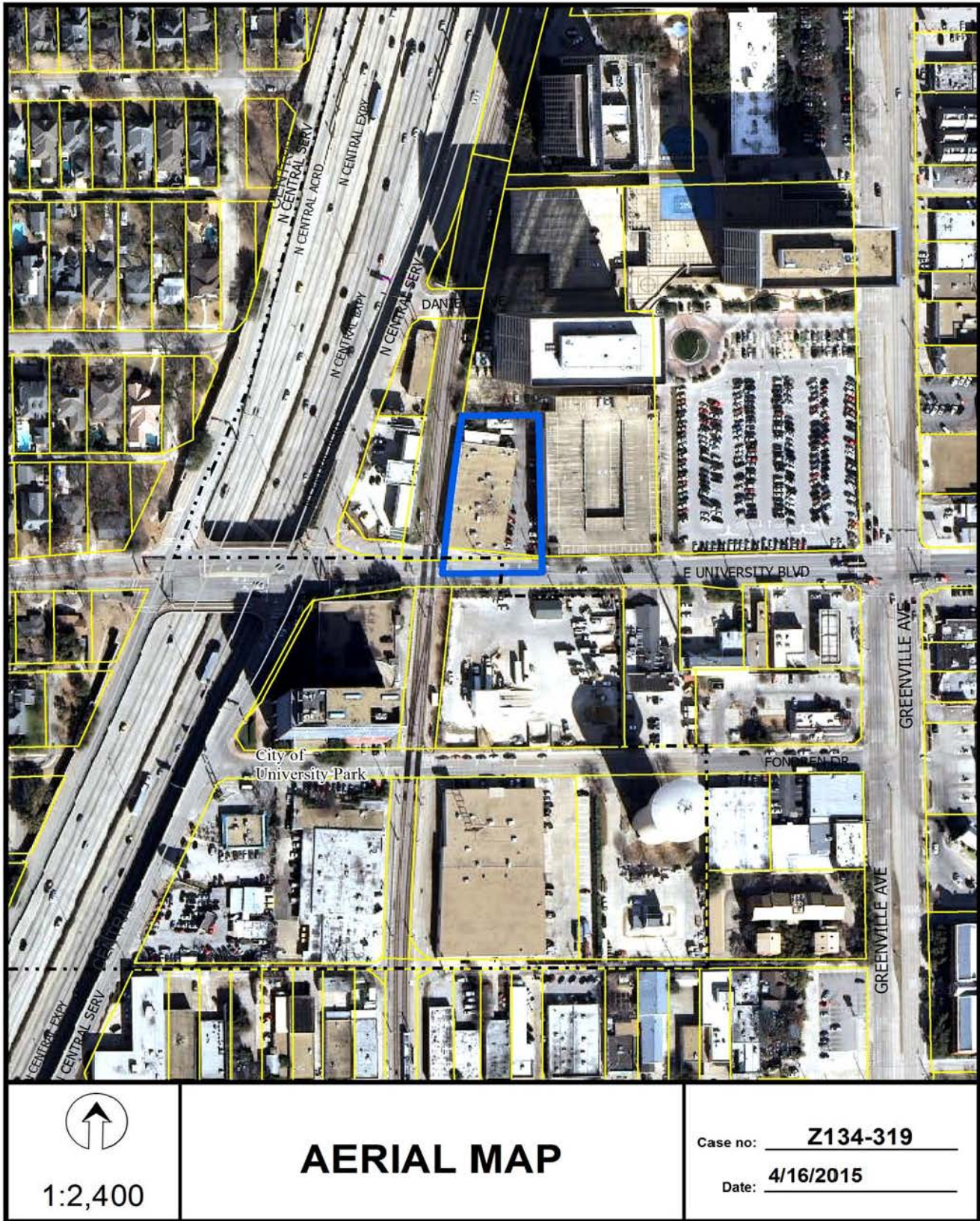
## III.

The Restriction shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

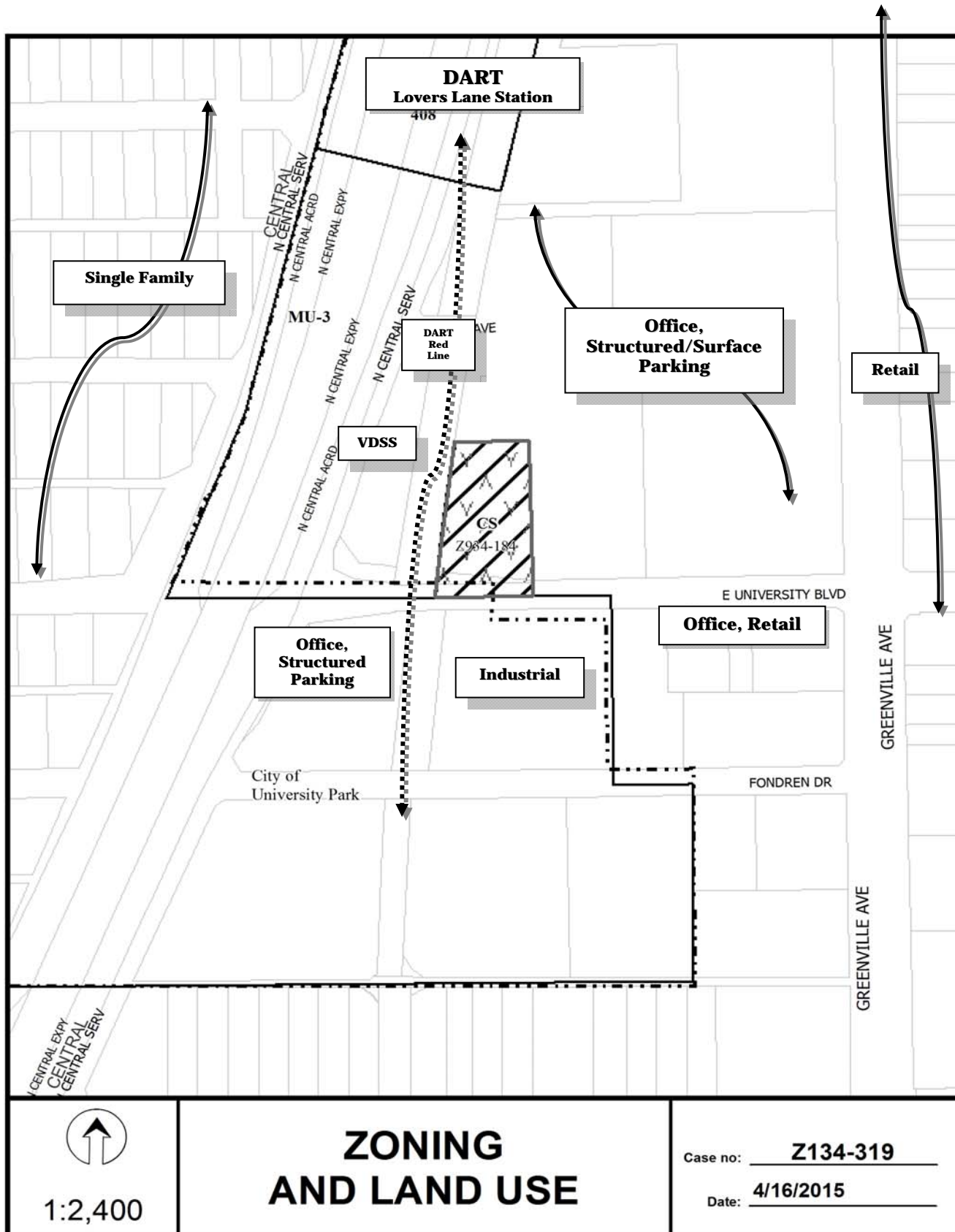


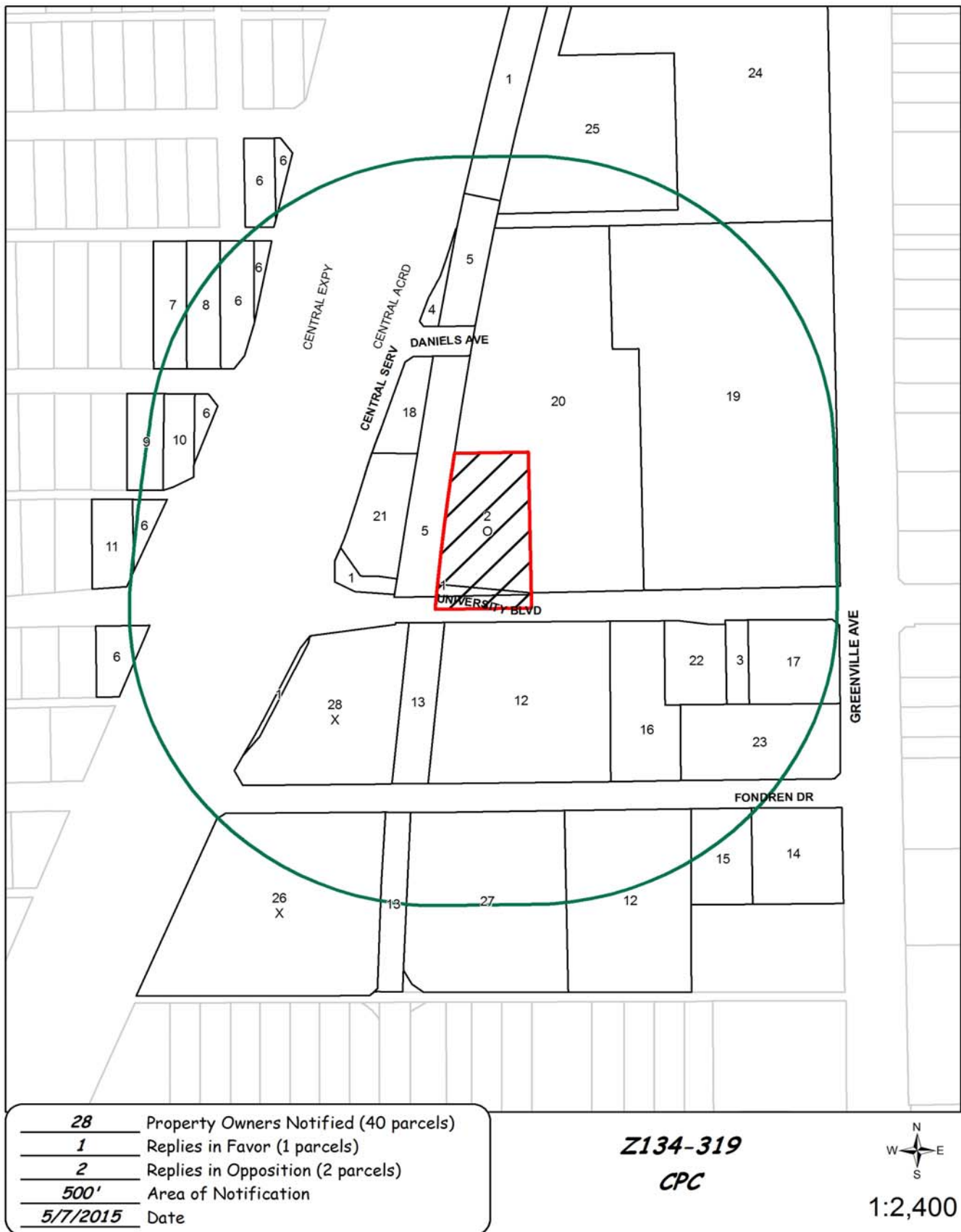










**CPC RESPONSES**

05/06/2015

***Reply List of Property Owners******Z134-319******28 Property Owners Notified******1 Property Owners in Favor******2 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>            |
|---------------------|-----------------------|-----------------------|--------------------------------|
|                     | 1                     | 5603 MILTON ST        | DALLAS AREA RAPID TRANSIT      |
| O                   | 2                     | 5531 UNIVERSITY BLVD  | EAST CAMPUS HOLDINGS LP        |
|                     | 3                     | 5626 UNIVERSITY BLVD  | CAMPBELL RANDY &               |
|                     | 4                     | 6600 CENTRAL EXPY     | UNIVERSITY SIGN PARTNERSHIP    |
|                     | 5                     | 555 2ND AVE           | DART                           |
|                     | 6                     | 2801 UNIVERSITY BLVD  | UNIVERSITY PARK CITY OF        |
|                     | 7                     | 2708 DANIEL AVE       | FARR MARGARET JEAN             |
|                     | 8                     | 2706 DANIEL AVE       | DUNSTON JAYSON & HEATHER       |
|                     | 9                     | 2709 DANIEL AVE       | KAPLAN CHERYL H & ARTHUR       |
|                     | 10                    | 2705 DANIEL AVE       | UNIVERSITY PARK CITY OF        |
|                     | 11                    | 2804 UNIVERSITY BLVD  | CAHILL JOHN E                  |
|                     | 12                    | 2525 UNIVERSITY BLVD  | UNIVERSITY PARK CITY OF        |
|                     | 13                    | 2600 FONDREN DR       | DALLAS AREA RAPID TRANSIT      |
|                     | 14                    | 4645 GREENVILLE AVE   | SAYAH INVESTMENTS LP           |
|                     | 15                    | 5620 FONDREN DR       | DDW PROPERTIES LLC             |
|                     | 16                    | 5614 UNIVERSITY BLVD  | FIFTY SIX FOURTEEN             |
|                     | 17                    | 4747 GREENVILLE AVE   | ZAKI FAMILY PARTNERSHIP LP THE |
|                     | 18                    | 6530 CENTRAL EXPY     | ROPPOLO THOMAS J ET AL         |
|                     | 19                    | 4925 GREENVILLE AVE   | LOCH ENERGY SQUARE LP          |
|                     | 20                    | 4849 GREENVILLE AVE   | LOCH ENERGY SQUARE LP          |
|                     | 21                    | 5515 UNIVERSITY BLVD  | SAAD BASEL R                   |
|                     | 22                    | 5622 UNIVERSITY BLVD  | HOPPER JAMES T & KATHLEEN      |
|                     | 23                    | 4703 GREENVILLE AVE   | EDWARD T FARRIS CO LTD         |
|                     | 24                    | 5646 MILTON ST        | MEADOWS BUILDING LLC           |
|                     | 25                    | 6688 CENTRAL EXPY     | LOCH ENERGY SQUARE LP          |
| X                   | 26                    | 6400 CENTRAL EXPY     | MUSTANG MOCKINGBIRD PROPERTIES |

Z134-319(RB)

05/06/2015

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>    | <i>Owner</i>              |
|--------------|----------------|-------------------|---------------------------|
|              | 27             | 2651 FONDREN DR   | JARRELL CREDIT EQUIVALENT |
| X            | 28             | 6440 CENTRAL EXPY | TURLEY WINDLE & SHIRLEY A |

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 2, 6

**DEPARTMENT:** Planning and Neighborhood Vitality

**CMO:** A. C. Gonzalez, 670-3297

**MAPSCO:** 23X Y; 33B

---

**SUBJECT**

A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four-lane undivided roadway (S-4-U) within 60-feet of right-of-way to a special three-lane undivided roadway (SPCL 3U) with bicycle facilities in 60-feet of right-of-way and 44-feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

**BACKGROUND**

The Public Works Department is requesting an amendment to the Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive. The City of Dallas is designing a sustainable street that places emphasis on creating a complete multi-modal street system that facilitates walking, bicycling, and automobile use. The new design will improve connectivity for pedestrians and bicyclists to the DART Bachman Station and the surrounding development. Staff has determined that a reduction in the number of travel lanes is appropriate and the proposed cross section can accommodate both existing and projected traffic volumes.

Staff recommends approval of the amendment to the Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four-lane undivided roadway (S-4-U) within 60-feet of right-of-way to a special three-lane undivided roadway (SPCL 3U) with bicycle facilities in 60-feet of right-of-way and 44-feet of pavement and at the close of the hearing, authorize an ordinance implementing the change.

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

The City Plan Commission Transportation Committee acted on this item on July 23, 2015, and followed staff recommendation of approval.

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

The City Plan Commission acted on this item on August 6, 2015, and followed staff recommendation of approval.

**FISCAL INFORMATION**

No cost consideration to the City

**MAP**

Attached



# Community Drive

Denton Drive to Larga Drive

Council District: 2, 6  
MAPSCO: 23X, Y, 33B



## Thoroughfare Plan Amendment Map





**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** September 9, 2015

**COUNCIL DISTRICT(S):** 4, 6

**DEPARTMENT:** Housing/Community Services

**CMO:** A. C. Gonzalez, 670-3297

**MAPSCO:** 43H 44J 65D

---

**SUBJECT**

A public hearing to receive comments on the proposed sale of six unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** convey by Deed without Warranty six unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc. under the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: \$6,000

**BACKGROUND**

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program must be sold by Deed without Warranty and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the Deed without Warranty. The Deed without Warranty must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the Deed without Warranty in the real property records.

## **BACKGROUND (continued)**

Prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public.

Dallas Neighborhood Alliance for Habitat, Inc. (“DNAH”) submitted a proposal to construct six (6) single-family homes with the homes containing approximately 1,279 square feet on the six unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by a low to moderate income homebuyers at a proposed sales price of \$85,000 - \$95,000 with construction to begin in September 2018.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of the six unimproved properties to DNAH and, at the close of the public hearing, authorizes the sale of the properties to DNAH by Deed without Warranty and the release of the City’s non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

## **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On August 12, 2015, City Council authorized a public hearing to receive comments on the proposed sale by Deed without Warranty of six unimproved properties acquired by the taxing jurisdictions from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., by Resolution No.15-1376.

Information about this item will be provided to the Housing Committee on September 8, 2015.

## **FISCAL INFORMATION**

Revenue - \$6,000

## **OWNER**

**Dallas Neighborhood Alliance for Habitat, Inc.**

William D. Hall, Chief Executive Officer

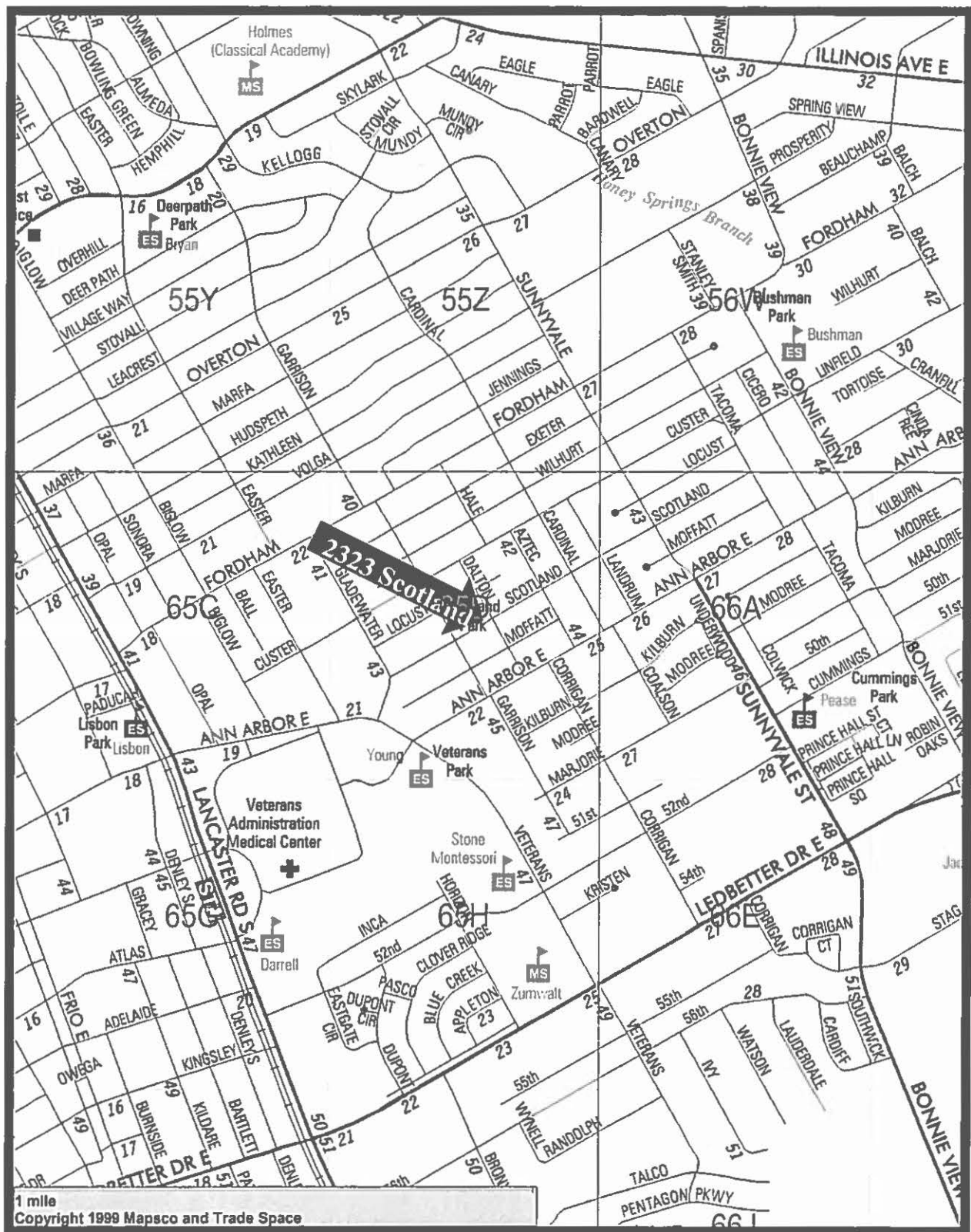
## **MAPS**

Attached

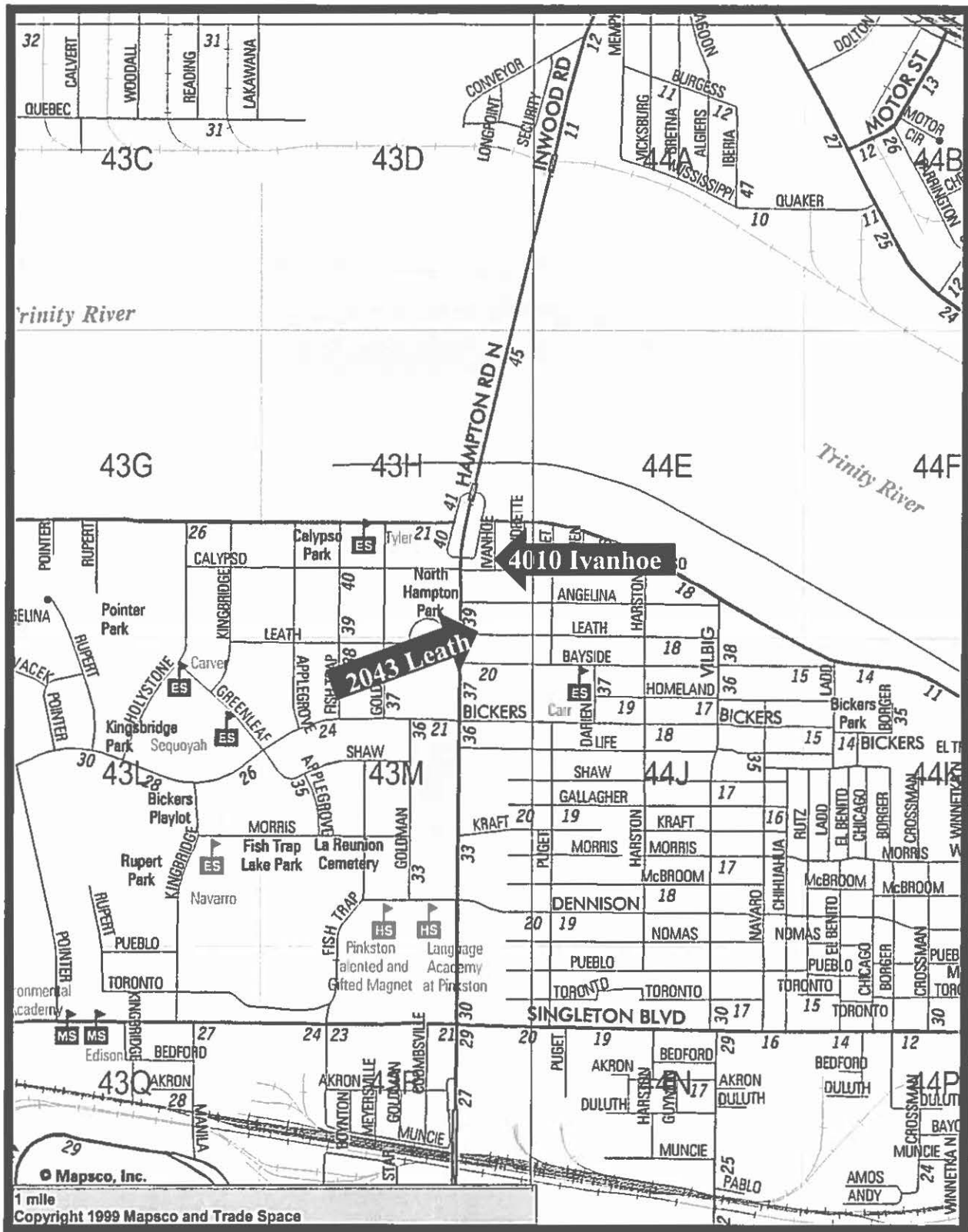
### Tax Foreclosure and Seizure Property Resale

| <u>Parcel No.</u> | <u>Address</u> | <u>Non-Profit Organization</u>                 | <u>Mapsco</u> | <u>DCAD Amount</u> | <u>Sale Amount</u> | <u>Vac/ Imp</u> | <u>Non-Tax Liens</u> | <u>Council District</u> |
|-------------------|----------------|------------------------------------------------|---------------|--------------------|--------------------|-----------------|----------------------|-------------------------|
| 1.                | 1966 Nomas     | Dallas Neighborhood Alliance for Habitat, Inc. | 44J           | \$9,380            | \$1,000.00         | V               | \$1,933.03           | 6                       |
| 2.                | 4010 Ivanhoe   | Dallas Neighborhood Alliance for Habitat, Inc. | 43H           | \$7,360            | \$1,000.00         | V               | \$2,445.10           | 6                       |
| 3.                | 1716 Shaw      | Dallas Neighborhood Alliance for Habitat, Inc. | 44J           | \$8,000            | \$1,000.00         | V               | \$679.30             | 6                       |
| 4.                | 3503 Navaro    | Dallas Neighborhood Alliance for Habitat, Inc. | 44J           | \$7,730            | \$1,000.00         | V               | \$512.37             | 6                       |
| 5.                | 2043 Leath     | Dallas Neighborhood Alliance for Habitat, Inc. | 43H           | \$10,730           | \$1,000.00         | V               | \$2,010.75           | 6                       |
| 6.                | 2323 Scotland  | Dallas Neighborhood Alliance for Habitat, Inc. | 65D           | \$6,900            | \$1,000.00         | V               | \$5,974.08           | 4                       |

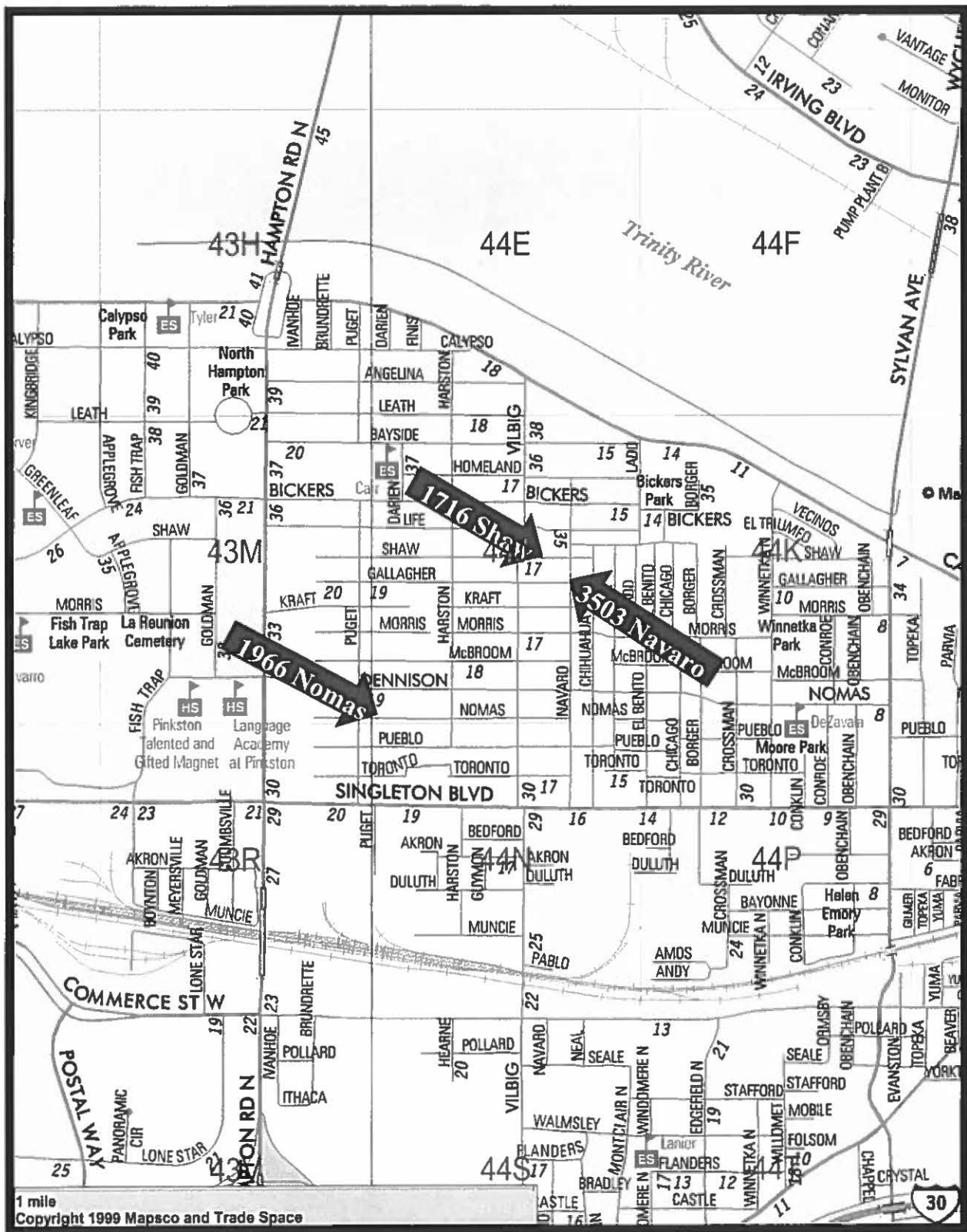




MAPSCO 65D



MAPSCO 43H



MAPSCO 44J

September 9, 2015

**WHEREAS**, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

**WHEREAS**, property eligible for the HB110 process of the City's Land Transfer Program may be sold by Deed without Warranty and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the Deed without Warranty; and

**WHEREAS**, the Deed without Warranty must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code; and

**WHEREAS**, per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the Deed without Warranty in the real property records; and

**WHEREAS**, prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public; and

**WHEREAS**, Dallas Neighborhood Alliance for Habitat, Inc., ("DNAH") submitted a proposal to construct six (6) single-family homes with the home containing approximately 1,279 square feet on six unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached hereto and made a part hereof (hereinafter the "property"), for purchase by a low to moderate income homebuyer at a proposed sales price of \$85,000 - \$95,000, with construction to begin in September 2018; and

**WHEREAS**, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News;

**NOW, THEREFORE,**

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

September 9, 2015

**Section 1.** That upon receipt of the requisite monetary consideration from DNAH (hereinafter the “non-profit organization”) and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a Deed without Warranty, approved as to form by the City Attorney and attested by the City Secretary, conveying the property, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

**Section 2.** That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City’s non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

**Section 3.** That the non-profit organization’s proposal for the development of affordable housing on the property, described in Exhibit A, is hereby approved.

**Section 4.** That the Deed without Warranty shall contain:

(a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the property be developed by the non-profit organization in accordance with the proposal, including the timetable specified in the proposal.

(b) A possibility of reverter with right of re-entry if the Director of Housing/Community Services determines that the non-profit organization:

(i) has failed to take possession of the property within ninety calendar days after receiving the Deed without Warranty;

(ii) has failed to complete construction of affordable housing on the property within three years after receiving the Deed without Warranty or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;

(iii) is not developing the property in compliance with the timetable specified in the non-profit organization’s proposal;

(iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

(v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the Deed without Warranty; and

September 9, 2015

(vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the Deed without Warranty.

(c) Deed restrictions requiring the purchaser to:

(i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;

(ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the Deed without Warranty or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and

(iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.

(d) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.

(e) A statement and acknowledgment that the property is conveyed subject to all redemption rights provided by state law.

(f) The non-profit organization's representation and agreement that it did not purchase the property on behalf of a "prohibited person" and will not sell or lease the property to a "prohibited person" for five years from the date of the Deed without Warranty. A "prohibited person" is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.



September 9, 2015

**Section 5.** That the City Manager is authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the property upon compliance with all terms and conditions of Section 2-26 of the Code and the Deed without Warranty, including the deed restrictions and the proposal.

**Section 6.** That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property from the date of closing for the remaining part of the then-current calendar year. The property shall be placed back on the tax rolls effective as of the date of execution of the Deed without Warranty.

**Section 7.** That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

**Section 8.** That the monetary consideration received from the non-profit organization shall be distributed pursuant to the Section 34.06 of the Texas Tax Code.

**Section 9.** That any and all proceeds for the City's sale of the property to the non-profit organization be deposited to General Fund 0001, Agency DEV, Balance Sheet Account 0519.

**Section 10.** That upon receipt of the monetary consideration from the non-profit organization, the Chief Financial Officer is authorized to disburse proceeds of the sale of the property in accordance with Section 34.06 of the Texas Tax Code, and which calculations for disbursement shall be provided by the Director of Sustainable Development and Construction, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 9 above.

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

# EXHIBIT "A"

| LAND TRANSFER PROPERTIES |                                                                                          |                                                |                              |                |
|--------------------------|------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------|----------------|
| PARGIEL<br>NUMBER        | STREET ADDRESS<br>LEGAL DESCRIPTION                                                      | QUALIFIED<br>PURCHASER                         | NUMBER OF<br>HOMEOWNER UNITS | SALE<br>AMOUNT |
| 1                        | 1966 Nomas<br>Lot 2, Victory Gardens No. 4 Addition<br>Block 8/7126                      | Dallas Neighborhood Alliance for Habitat, Inc. | 1                            | \$1,000.00     |
| 2                        | 4010 Ivanhoe<br>Lot 5, Roosevelt Manor 2nd Inst. Addition<br>Block 3/7130 - S 40 Ft LT 5 | Dallas Neighborhood Alliance for Habitat, Inc. | 1                            | \$1,000.00     |
| 3                        | 1716 Shaw<br>Lot 8, Homestead Manor Annex Addition<br>Block 11/7118                      | Dallas Neighborhood Alliance for Habitat, Inc. | 1                            | \$1,000.00     |
| 4                        | 3503 Navaro<br>Lot 20, Homestead Manor Annex Addition<br>Block 11/7118                   | Dallas Neighborhood Alliance for Habitat, Inc. | 1                            | \$1,000.00     |
| 5                        | 2043 Leath<br>Lot 24, Roosevelt Manor 1st Inst. Addition<br>Block 11/7130                | Dallas Neighborhood Alliance for Habitat, Inc. | 1                            | \$1,000.00     |
| 6                        | 2323 Scotland<br>Lot 6, Southern Crest Addition<br>Block 8/5851                          | Dallas Neighborhood Alliance for Habitat, Inc. | 1                            | \$1,000.00     |
| TOTAL                    |                                                                                          |                                                |                              | \$6,000.00     |