


**FEBRUARY 8, 2017 CITY COUNCIL AGENDA
CERTIFICATION**

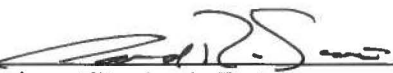
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated February 8, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



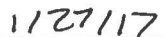
T.C. Broadnax
City Manager



Date



Elizabeth Reich
Chief Financial Officer

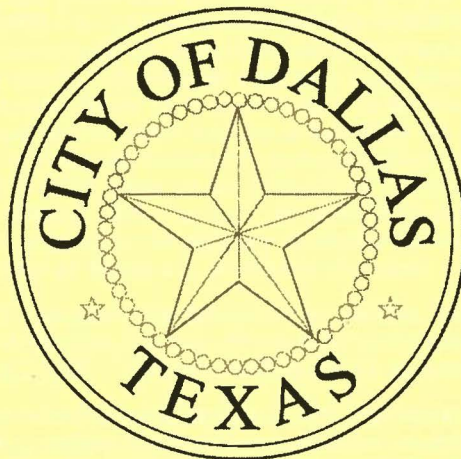


Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

February 8, 2017

Date

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

General Information

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

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

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

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

Rules of Courtesy

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

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

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

Información General

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

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

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

Handgun Prohibition Notice for Meetings of Government Entities

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

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

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

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

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 8, 2017
ORDER OF BUSINESS**

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

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

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 17

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 18 - 22

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 23 - 37

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

AGENDA
CITY COUNCIL MEETING
FEBRUARY 8, 2017
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 January 18, 2017 City Council Meeting

CONSENT AGENDA

Aviation

2. Authorize a second amendment to a certain lease of land and facilities with Piedmont/Hawthorne Holdings, Inc. for the addition of approximately 15,274 square feet of land for a three-year period and for the development of a temporary aviation canopy/aircraft hangar tent at Dallas Love Field - Estimated Revenue: \$31,177 (over the three-year period)

Business Development & Procurement Services

3. Authorize a three-year service contract for cathodic protection system surveys and inspections for Water Utilities - Russell Corrosion Consultants, LLC, most advantageous proposer of five - Not to exceed \$162,650 - Financing: Water Utilities Current Funds (subject to annual appropriations)

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

4. Authorize a three-year service contract for scale repair, calibration, and maintenance services - Nicol Scales L.P. dba Nicol Scales & Measurement, single bid - Not to exceed \$371,205 - Financing: Current Funds (\$134,210), Water Utilities Current Funds (\$179,465), and Sanitation Current Funds (\$57,530) (subject to annual appropriations)
5. Authorize a three-year service contract to provide grounds maintenance and xeriscaping for Water Utilities facilities - Good Earth Corporation in the amount of \$789,390 and Texas Blooms Organic Landscape Company in the amount of \$213,335, most advantageous proposers of two - Total not to exceed \$1,002,725 - Financing: Water Utilities Current Funds (subject to annual appropriations)
6. Authorize a three-year master agreement for printer toner and cartridges - Barbarian USA, Inc. in the amount of \$939,682, The Office Pal, Inc. in the amount of \$206,824, Printer Components, Inc. in the amount of \$27,260, Encon Systems Ltd., Inc. in the amount of \$6,204, and Printing Supplies USA LLC in the amount of \$2,000, lowest responsible bidders of fourteen - Total not to exceed \$1,181,970 - Financing: Current Funds (\$940,024), Water Utilities Current Funds (\$173,887), Sanitation Current Funds (\$33,259), Aviation Current Funds (\$19,500), Stormwater Drainage Management Current Funds (\$7,700), and Convention and Event Services Current Funds (\$7,600)

Code Compliance

7. Authorize three-year service agreement contracts with various veterinary clinics/hospitals, corporations, private organizations, non-profit organizations and other businesses to participate in the Authorized Registrar Program to collect the annual registration fee and issue a registration tag for a dog or cat for the City of Dallas - Not to exceed \$300,000 - Financing: Current Funds (subject to annual appropriations)

Economic Development

8. Authorize a public hearing to be held on February 22, 2017, to receive comments concerning the City of Dallas' participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303 Texas Government Code, as revised, in order to allow the nomination of The Neiman Marcus Group LLC, 4121 Pinnacle Point Drive, 1700 Pacific Avenue, 1201 Elm Street and 1618 Main Street as an Enterprise Zone Project - Financing: No cost consideration to the City
9. Authorize **(1)** rescinding Resolution No. 15-0291, previously approved on February 11, 2015, which authorized a 75 percent real property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC; and **(2)** a 75 percent business personal property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC and/or CarbonLITE Recycling, LLC on new business personal property to be located at 4685 Mountain Creek Parkway within Mountain Creek Neighborhood Empowerment Zone No. 1 in Dallas - Revenue: First year revenue estimated at \$83,688; eight-year revenue estimated at \$546,224 (Estimated revenue foregone for eight-year business personal property tax abatement estimated at \$1,638,672)

CONSENT AGENDA (Continued)**Mobility and Street Services**

10. Authorize **(1)** the receipt and deposit of funds in the amount of \$20,874 from Trammell Crow Company for material, equipment and labor provided by the City related to the construction of a traffic signal modification at Woodall Rodgers Freeway and Pearl Street; and **(2)** an increase in appropriations in the amount of \$20,874 in the Capital Projects Reimbursement Fund - Not to exceed \$20,874 - Financing: Capital Projects Reimbursement Funds

Sustainable Development and Construction

11. Authorize the quitclaim of 68 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: \$790,865
12. Authorize a sixteen-year lease agreement with Dallas Area Rapid Transit for approximately 1,068 square feet of office space located at 2111 South Corinth Street, Suite 109, to be used as the South Oak Cliff Community Court for the period February 1, 2017 through January 31, 2033 - Not to exceed \$138,601 (\$138,600 one-time payment for leasehold improvements and a \$1 one-time payment for rent) - Financing: Convention and Event Services Current Funds

Water Utilities

13. Authorize **(1)** a Project Specific Agreement with Dallas County for the design, right-of-way acquisition and construction of approximately 5,500 feet of 96-inch diameter water transmission pipeline located along Wintergreen Road between Main Street and Cockrell Hill Road; and **(2)** payment to Dallas County for the City's share of right-of-way acquisition and construction costs for Phase I of the project along Wintergreen Road from the intersection of Main Street and Wintergreen Road to approximately 1,300 feet east - Not to exceed \$2,120,000 - Financing: Water Utilities Capital Improvement Funds
14. Authorize a contract with Freese and Nichols, Inc. to provide engineering services for the City of Dallas Comprehensive Wastewater Collection System Assessment Update - Not to exceed \$2,167,680 - Financing: Water Utilities Capital Construction Funds
15. Authorize a contract for the construction of improvements to water meter vaults at three locations (list attached) - Oscar Renda Contracting, Inc., lowest responsible bidder of four - Not to exceed \$4,000,000 - Financing: Water Utilities Capital Construction Funds
16. Authorize a contract for the installation of water and wastewater mains at 31 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of four - Not to exceed \$13,377,380 - Financing: Street and Alley Improvement Funds (\$673,745) and Water Utilities Capital Improvement Funds (\$12,703,635)

CONSENT AGENDA (Continued)**Water Utilities (Continued)**

17. Authorize Supplemental Agreement No. 3 to the professional services contract with CH2M Hill Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant and improvements at the Walcrest Pump Station - Not to exceed \$2,397,035, from \$10,686,454 to \$13,083,489 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION**City Secretary's Office**

18. 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 FURTHER CONSIDERATION**Housing/Community Services**

19. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by C & C Corporation for the construction of houses; **(2)** the sale of 10 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to C & C Corporation; and **(3)** execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City
20. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; **(2)** the sale of 6 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the 6 properties that may have been filed by the City - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS**Economic Development**

21. Authorize a Chapter 380 e-commerce sales tax grant agreement with Chewy, Inc., a Delaware Corporation, to provide a 10-year e-commerce grant equal to 50 percent of the e-commerce sales taxes paid annually by Chewy.com customers to the City of Dallas for a ten year period beginning March 1, 2017 through February 28, 2027 from its leased facility at 7243 Grady Niblo Road in Dallas, in accordance with the City's Revised Public/Private Partnership Program - Revenue: First year revenue estimated at \$400,000; ten-year revenue is not capped but is estimated to be approximately \$7,015,939 (Estimated ten-year grant agreement payment of \$7,015,939) - Financing: Current Funds (subject to future appropriations)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Sustainable Development and Construction

22. Authorize an historic preservation tax exemption for the Lakewood Theater building located at 1825 Abrams Road for a ten-year period on the added value of the land and structure - Revenue Foregone: First year tax revenue foregone estimated at \$7,825 (Estimated revenue foregone over ten years is \$78,250)

PUBLIC HEARINGS AND RELATED ACTIONS**Sustainable Development and Construction**ZONING CASES - CONSENT

23. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south line of Ravenview Road, east of Garden Springs Drive
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z167-108(WE)
24. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-3 Mixed Use District uses and a Utility or government installation other than listed limited to a courthouse and offices on property zoned an MU-3 Mixed Use District and Specific Use Permit No. 1507 for a radio, television or microwave tower on the southeast corner of Greenville Avenue and Blackwell Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z167-112(WE)
25. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use tract on property zoned an MF-2(A) Multifamily tract within Subdistrict 9 of Planned Development District No. 298, the Bryan Place Special Purpose District, on an internal lot northwest of the northwest line of Bryan Street and southwest of Burlew Street
Recommendation of Staff and CPC: Approval
Z167-118(SM)

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

26. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way (Loop 12) and Jim Miller Road
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to site plan and conditions
Z167-104(WE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

27. A public hearing to receive comments regarding an application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road
Recommendation of Staff and CPC: Denial
Z156-223(SM)
Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open
28. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions
Z156-270(JM)
Note: This item was considered by the City Council at a public hearing on January 25, 2017, and was deferred until February 8, 2017, with the public hearing open

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

29. A public hearing to receive comments regarding an application for **(1)** a CR Community Retail District with deed restrictions volunteered by the applicant, and **(2)** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, with an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on the west corner of South Beltline Road and Garden Grove Drive
Recommendation of Staff: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; 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 revised site plan and conditions
Recommendation of CPC: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; and denial of a Specific Use Permit
Z156-289(JM)
Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open
30. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the southwest corner of Great Trinity Forest Way and North Jim Miller Road
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Recommendation of CPC: Approval for a three-year period, subject to conditions
Z156-310(OTH)
Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open
31. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school on the southwest corner of Korgan Street and South Ewing Avenue
Recommendation of Staff and CPC: Approval, subject to conditions
Z156-328(WE)
Note: This item was considered by the City Council at a public hearing on November 9, 2016, and was deferred until February 8, 2017, with the public hearing open

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

32. A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive
Recommendation of Staff and CPC: Approval
Z156-345(PD)
Note: This item was considered by the City Council at public hearings on January 11, 2017 and January 25, 2017, and was deferred until February 8, 2017, with the public hearing open
33. A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive
Recommendation of Staff and CPC: Approval with retention of the D-1 Liquor Control Overlay
Z156-347(LE)
Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open
34. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street
Recommendation of Staff and CPC: Approval
Z167-111(AR)
Note: This item was considered by the City Council at a public hearing on January 25, 2017, and was deferred until February 8, 2017, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

35. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a GO(A) General Office District, on the east line of North Central Expressway, north of Meadow Road
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z167-103(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

Housing/Community Services

36. A public hearing to receive comments on the proposed sale of one unimproved property acquired by the taxing authorities from the Sheriff to City Wide Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim one unimproved property to City Wide Community Development Corporation, 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: \$1,000
37. A public hearing to receive comments on the proposed sale of four unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Inncity Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim four unimproved properties (list attached) to South Dallas Fair Park Inncity Community Development Corporation, 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: \$4,000

Tax Foreclosed and Seizure Warrant Property Resales

Agenda Item # 11

| Parcel No. | Address | Vac/ Imp | Council District | Zoning | Parcel Size | Struck off Amount | # Bids Rec'd | Minimum Bid Amount | Highest Bid Amount | DCAD | Highest Bidder |
|------------|-------------------|----------|------------------|----------|-------------|-------------------|--------------|--------------------|--------------------|--------------|--|
| 1 | 8337 Alto Garden | I | 5 | R-7.5(A) | .1747 | \$45,120.00 | 19 | \$5,000.00 | \$45,000.00 | \$44,000.00 | Baldemar Olivas and Armida Ochoa Francisco J. Celis Carlos Sanchez |
| 2 | 2411 Anderson | I | 7 | PD-595 | .0561 | \$8,554.00 | 7 | \$3,000.00 | \$11,500.00 | \$10,930.00 | |
| 3 | 1917 E. Ann Arbor | V | 4 | CR | .1583 | \$74,841.00 | 2 | \$3,000.00 | \$3,149.00 | \$20,690.00 | |
| 4 | 3703 Armor | V | 4 | CS | .2409 | \$4,781.00 | 6 | \$1,000.00 | \$3,160.00 | \$5,000.00 | Butch Benavides |
| 5 | 3807 Arocha | V | 4 | CS | .1905 | \$5,000.00 | 4 | \$1,000.00 | \$2,400.00 | \$5,000.00 | Benito Mojica |
| 6 | 3736 Atlanta | V | 7 | PD-595 | .1249 | \$6,000.00 | 4 | \$1,000.00 | \$2,393.00 | \$6,000.00 | Title & Title Properties, LLC |
| 7 | 714 N. Beacon | I | 14 | PD-397 | .1623 | \$149,710.00 | 20 | \$30,000.00 | \$111,138.63 | \$149,710.00 | WTL Fitzhugh Investment Group, LLC |
| 8 | 6014 Blunter | V | 8 | R-5(A) | .2811 | \$10,800.00 | 4 | \$500.00 | \$2,652.99 | \$10,000.00 | Luis Ramirez |
| 9 | 2202 Bonnie View | V | 4 | R-7.5A | .1850 | \$18,211.30 | 13 | \$1,000.00 | \$4,500.00 | \$5,400.00 | Katrina Pitre |
| 10 | 2210 Bonnie View | V | 4 | R-7.5(A) | .1217 | \$18,211.30 | 19 | \$1,000.00 | \$16,100.00 | \$5,400.00 | Corrie Harbert |
| 11 | 2214 Bonnie View | V | 4 | R-7.5(A) | .1239 | \$18,211.30 | 18 | \$1,000.00 | \$6,700.00 | \$5,400.00 | Gabriel Perez |
| 12 | 4126 Bonnie View | V | 4 | R-5(A) | .2829 | \$10,000.00 | 4 | \$2,000.00 | \$4,975.00 | \$10,000.00 | Nextlots Now, L.L.C. |
| 13 | 2706 Britton | I | 4 | CR | .2142 | \$9,497.00 | 8 | \$2,000.00 | \$13,760.00 | \$12,050.00 | Amir Azam |
| 14 | 4430 Canal | V | 7 | PD-595 | .0946 | \$3,750.00 | 1 | \$1,000.00 | \$2,682.00 | \$3,750.00 | Miranda Pereyda |
| 15 | 2647 Carpenter | V | 7 | PD-595 | .1773 | \$16,705.00 | 2 | \$1,000.00 | \$1,500.00 | \$6,000.00 | Jeffrey D. Smith |
| 16 | 2554 Cedar Crest | V | 4 | NS(A) | .2887 | \$9,487.00 | 9 | \$3,000.00 | \$8,900.00 | \$12,580.00 | Jose Zaragosa |
| 17 | 4708 Collins | V | 7 | PD 595 | .1275 | \$1,122.00 | 2 | \$1,000.00 | \$5,500.00 | \$5,000.00 | Francisco J. Celis |
| 18 | 4611 Collins | V | 7 | PD 595 | .0924 | \$10,820.00 | 1 | \$1,000.00 | \$1,000.00 | \$3,750.00 | Tres Bendiciones LLC |
| 19 | 2807 Colonial | V | 7 | PD-595 | .1101 | \$1,421.00 | 6 | \$1,000.00 | \$8,788.00 | \$12,000.00 | Watts Capital Group LLC and Manchester Realty, LLC |
| 20 | 4224 Colonial | V | 7 | PD-595 | .1996 | \$1,954.00 | 5 | \$1,000.00 | \$3,799.00 | \$7,830.00 | The Johnnie Walker Blue Trust |
| 21 | 4600 Colonial | V | 7 | PD-595 | .1147 | \$4,500.00 | 2 | \$1,000.00 | \$2,100.00 | \$4,500.00 | Lane Topletz |
| 22 | 5125 Corrigan | I | 8 | R-7.5(A) | .2078 | \$26,610.00 | 14 | \$3,000.00 | \$24,900.00 | \$28,330.00 | Jose Zaragosa |
| 23 | 3041 Edd Rd | V | 8 | R-7.5(A) | 6.7500 | \$79,410.00 | 11 | \$15,000.00 | \$38,751.00 | \$70,000.00 | Ivan Hernandez and Alejandro Hernandez |
| 24 | 4603 Electra | V | 7 | PD-595 | .1147 | \$28,200.00 | 2 | \$1,000.00 | \$2,200.00 | \$28,200.00 | Benito Mojica |
| 25 | 2719 S. Ewing | V | 4 | CR | .0547 | \$2,066.00 | 3 | \$1,000.00 | \$2,780.00 | \$5,500.00 | Miranda Pereyda |
| 26 | 4406 Fernwood | V | 4 | R-7.5(A) | .5665 | \$13,465.00 | 7 | \$2,000.00 | \$6,000.00 | \$15,750.00 | Gaba Group, LLC |
| 27 | 2622 Fernwood | V | 4 | R-7.5(A) | .2104 | \$10,461.00 | 8 | \$1,000.00 | \$13,225.00 | \$26,260.00 | Guel Family Builders, Inc. |
| 28 | 9255 Fireside | V | 8 | R-7.5(A) | .2296 | \$14,253.00 | 13 | \$2,000.00 | \$18,375.00 | \$22,480.00 | Guel Family Builders, Inc. |
| 29 | 3211 Goldspier | V | 7 | PD-595 | .1300 | \$1,657.00 | 1 | \$1,000.00 | \$3,500.00 | \$6,000.00 | Faysha Enterprises, LLC |
| 30 | 1445 Harlandale | V | 4 | R-7.5(A) | .1847 | \$20,133.00 | 11 | \$1,000.00 | \$12,050.00 | \$11,500.00 | Guel Family Builders, Inc. |
| 31 | 1631 Herald | V | 7 | PD-595 | .1147 | \$4,500.00 | 1 | \$1,000.00 | \$1,119.00 | \$4,500.00 | Title & Title Properties, LLC |
| 32 | 3908 Holmes | V | 7 | PD-595 | .1267 | \$4,970.00 | 1 | \$1,000.00 | \$1,119.00 | \$4,970.00 | Title & Title Properties, LLC |
| 33 | 415 E. Illinois | V | 4 | R-7.5(A) | .8609 | \$9,245.73 | 8 | \$4,000.00 | \$22,222.00 | \$37,880.00 | County Land & Water LLC |
| 34 | 3460 Kellogg | I | 4 | R-5(A) | .2159 | \$30,180.00 | 13 | \$3,000.00 | \$31,000.00 | \$34,530.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 35 | 2524 Kool | I | 8 | R-5(A) | .1449 | \$39,146.01 | 9 | \$20,000.00 | \$65,000.00 | \$109,990.00 | Ciel Elizalde |
| 36 | 3316 Linfield | V | 4 | R-7.5(A) | .8507 | \$16,355.00 | 3 | \$1,000.00 | \$12,375.00 | \$12,000.00 | Nextlots Now, L.L.C. |

Tax Foreclosed and Seizure Warrant Property Resales
Agenda Item # 11 (Continued)

| <u>Parcel No.</u> | <u>Address</u> | <u>Vac/ Imp</u> | <u>Council District</u> | <u>Zoning</u> | <u>Parcel Size</u> | <u>Struck off Amount</u> | <u># Bids Rec'd</u> | <u>Minimum Bid Amount</u> | <u>Highest Bid Amount</u> | <u>DCAD</u> | <u>Highest Bidder</u> |
|-------------------|---------------------------------|-----------------|-------------------------|---------------|--------------------|--------------------------|---------------------|---------------------------|---------------------------|-------------|---|
| 37 | 2319 Marburg | V | 7 | PD-595 | .1761 | \$2,781.00 | 5 | \$1,000.00 | \$3,500.00 | \$6,000.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 38 | 5832 Margewood | V | 3 | R-7.5(A) | .6019 | \$18,575.00 | 5 | \$2,000.00 | \$12,250.00 | \$22,550.00 | Cesar Carillo |
| 39 | 2903 Maryland | V | 4 | R-7.5(A) | 1.8810 | \$13,000.00 | 8 | \$1,000.00 | \$14,603.00 | \$13,000.00 | Amir Azam |
| 40 | 4502 Maryland | V | 4 | R-7.5(A) | .1721 | \$30,178.00 | 7 | \$1,000.00 | \$14,000.00 | \$12,500.00 | Corrie Harbert |
| 41 | 4223 Metropolitan | V | 7 | PD-595 | .1494 | \$1,752.00 | 6 | \$1,000.00 | \$2,705.20 | \$5,000.00 | Kimiaki Itamura |
| 42 | 3621 Meyers | V | 7 | PD-595 | .1301 | \$12,821.00 | 3 | \$1,000.00 | \$2,165.00 | \$5,000.00 | Butch Benavides |
| 43 | 2743 Modree | I | 4 | R-7.5(A) | .2487 | \$29,113.00 | 21 | \$5,000.00 | \$33,000.00 | \$30,020.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 44 | 2318 Moffatt | I | 4 | R-7.5(A) | .1628 | \$9,990.00 | 4 | \$3,000.00 | \$10,990.00 | \$9,990.00 | Juan Gonzalez |
| 45 | 6011 Park Manor | I | 8 | R-5(A) | .1622 | \$30,142.00 | 12 | \$10,000.00 | \$27,900.00 | \$40,020.00 | For Greater Purpose, LLC |
| 46 | 2700 Pennsylvania | V | 7 | PD-595 | .1492 | \$3,973.00 | 5 | \$1,000.00 | \$5,000.00 | \$6,500.00 | Paula Rivera |
| 47 | 2522 Pine | V | 7 | PD-595 | .1678 | \$2,572.00 | 3 | \$1,000.00 | \$4,220.00 | \$6,000.00 | Kimiaki Itamura |
| 48 | 2217 Porterfield | V | 4 | R-7.5(A) | .2170 | \$18,293.32 | 6 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 49 | 2205 Porterfield | V | 4 | R-7.5(A) | .1895 | \$18,293.32 | 8 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 50 | 2218 Porterfield | V | 4 | R-7.5(A) | .2319 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 51 | 2213 Porterfield | V | 4 | R-7.5(A) | .2170 | \$18,293.32 | 7 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 52 | 2214 Porterfield | V | 4 | R-7.5(A) | .2322 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 53 | 2209 Porterfield | V | 4 | R-7.5(A) | .1166 | \$18,293.32 | 8 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 54 | 2221 Porterfield | V | 4 | R-7.5(A) | .2170 | \$18,293.32 | 7 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 55 | 2206 Porterfield | V | 4 | R-7.5(A) | .2962 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 56 | 2210 Porterfield | V | 4 | R-7.5(A) | .2322 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 57 | 2222 Porterfield | V | 4 | R-7.5(A) | .2329 | \$18,293.32 | 6 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 58 | 2200 Royal Oaks Lot M | V | 8 | R-10(A) | .2444 | \$43,200.00 | 8 | \$1,000.00 | \$8,650.00 | \$14,400.00 | Araceli Martinez |
| 59 | 2200 Royal Oaks Lot N | V | 8 | R-10(A) | .2354 | \$43,200.00 | 7 | \$1,000.00 | \$8,650.00 | \$14,400.00 | Araceli Martinez |
| 60 | 15440 Seagoville | V | 8 | R-7.5(A) | .1255 | \$11,130.00 | 3 | \$3,000.00 | \$8,650.00 | \$17,000.00 | Araceli Martinez |
| 61 | 1224 Seminole | V | 8 | R-7.5(A) | .3148 | \$7,223.00 | 3 | \$3,000.00 | \$6,475.00 | \$17,500.00 | Nextlots Now, L.L.C. |
| 62 | 1 Sparrow (aka 2000 Plainfield) | V | 8 | A(A) | 10.3400 | \$9,468.51 | 1 | \$15,000.00 | \$20,001.00 | \$41,360.00 | Jasmine Ruvalcaba |
| 63 | 3103 Spurlock | V | 2 | R-7.5(A) | .1660 | \$21,179.00 | 9 | \$3,000.00 | \$18,375.00 | \$31,590.00 | Guel Family Builders, Inc. |
| 64 | 1439 Stella | V | 4 | R-7.5(A) | .1706 | \$11,500.00 | 10 | \$1,000.00 | \$5,525.00 | \$11,500.00 | Cesar Carillo |
| 65 | 8113 Suetelle | V | 8 | R-7.5(A) | .3261 | \$19,250.00 | 3 | \$2,000.00 | \$5,510.00 | \$19,250.00 | David Menn |
| 66 | 1438 Waweenoc | V | 4 | R-7.5(A) | .1913 | \$18,592.00 | 6 | \$1,000.00 | \$6,001.99 | \$43,200.00 | Maria D. Martinez |
| 67 | 3911 Wilder | V | 7 | PD-595 | .1293 | \$7,000.00 | 7 | \$250.00 | \$2,235.06 | \$6,000.00 | Maria Luisa Ruiz |
| 68 | 4039 Wind River | V | 4 | R-7.5(A) | .1935 | \$32,460.00 | 7 | \$1,000.00 | \$6,375.00 | \$10,800.00 | Nextlots Now L.L.C. |

Water Meter Vault Improvements
Agenda Item # 15

| <u>Facility Name</u> | <u>Council District</u> |
|-----------------------------|--------------------------------|
| Cypress Waters Meter Vault | 6 |
| Jamison Meter Vault | 6 |
| Hackberry Pump Station | Outside City Limits |

Installation of Water and Wastewater Mains
Agenda Item # 16

District 1

*Burlington Boulevard from Chalmers Street to Zeb Street
*Granger Street from Brookhaven Drive to Goyens Drive
Rio Vista Court from Rio Vista Drive to end
Rio Vista Drive from Stemmons Avenue to Handley Drive
Zang Boulevard from Page Avenue north

District 2

Collier Street from Ring Street northeast
**Corinth Street from Good Latimer Expressway to Bourbon Street
Hay Street and Ring Street from Collier Street north
McKee Street from Wall Street to Akard Street

District 4

Avenue L from 11th Street to Childs Street
*Garrison Street from Exeter Avenue to Wilhurt Avenue
*Modree Avenue from Bonnie View Road to Haas Drive

District 5

*Milverton Drive from Greendale Drive to Holcomb Road

District 6

Pluto Street from Singleton Boulevard to Schofield Drive

District 7

Cypress Avenue from Scyene Road to Briggs Street
**Michael Lane from Oates Drive to Klondike Drive
**(Corinth Street from Good Latimer Expressway to Bourbon Street)
(See District 2)

District 8

*Clearwood Drive from Polk Street to Racine Drive

Installation of Water and Wastewater Mains
Agenda Item # 16 (Continued)

District 9

Alley between Highwood Drive and Materhorn Drive from Shiloh Road to Materhorn Drive

Blue Valley Lane from Lakefair Circle west

*Wakefield Circle from Wakefield Street to end

*Watterson Drive from Delford Circle to Barnes Bridge Road

** (Michael Lane from Oates Drive to Klondike Drive)
(See District 7)

District 10

Liptonshire Drive at Liptonshire cul-de-sac

District 13

*Bowman Boulevard from Rickshaw Drive to Walnut Hill Lane

*Preston Park Drive from Stanford Avenue to Lovers Lane

*Rickshaw Drive from Bowman Boulevard to Glenrio Lane

Townsend Drive from Cox Lane to Vinecrest Drive

Walnut Hill Lane from Bowman Boulevard west

District 14

*Arrowhead Drive from Stonebridge Drive northwest

*Homer Street from alley north of Miller Avenue south

*Jackson Street from Houston Street to Austin Street

Outside City Limits

County Road 322 (future FM 3486)

*Includes funding participation from Mobility and Street Services

**Project limits in more than one Council District

**Land Bank (DHADC) Sale of Lots to
C & C Corporation
Agenda Item # 19**

| <u>Property Address</u> | <u>Mapsc</u> | <u>Council District</u> | <u>Amount of Non-Tax Liens</u> |
|--------------------------------|---------------------|------------------------------------|---|
| 1. 2630 Camel | 66N | 8 | \$ 4,948.24 |
| 2. 4534 Cherbourg | 56Z | 7 | \$ 3,983.66 |
| 3. 4549 Cherbourg | 56Z | 7 | \$ 6,109.79 |
| 4. 4640 Cherbourg | 57W | 7 | \$ 9,444.73 |
| 5. 4559 Corregidor | 56Z | 7 | \$ 9,243.24 |
| 6. 2323 Fatima | 65R | 8 | \$ 909.45 |
| 7. 2639 Fatima | 66N | 8 | \$ 9,411.56 |
| 8. 2825 Gooch | 66N | 8 | \$16,262.89 |
| 9. 2719 Pall Mall | 66N | 8 | \$ 7,839.11 |
| 10. 7903 Trojan | 56V | 7 | \$ 6,727.99 |

**Land Bank (DHADC) Sale of Lots to
Confia Homes, L.L.C.**
Agenda Item # 20

| <u>Property Address</u> | <u>Mapsc</u> | <u>Council District</u> | <u>Amount of Non-Tax Liens</u> |
|--------------------------------|---------------------|------------------------------------|---|
| 1. 3107 Reynolds | 47J | 2 | \$39,303.21 |
| 2. 2021 N. Montclair | 44S | 6 | \$14,082.47 |
| 3. 1826 Duluth | 44N | 6 | \$ 2,868.55 |
| 4. 3321 Nomas | 43K | 6 | \$15,150.73 |
| 5. 2611 Kool | 66N | 8 | \$ 7,948.74 |
| 6. 4006 Soloman | 43F | 6 | \$17,372.42 |

Tax Foreclosure and Seizure Property Resale
Agenda Item # 36

| <u>Parcel No.</u> | <u>Address</u> | <u>Non-Profit Organization</u> | <u>DCAD Mapsco</u> | <u>Amount</u> | <u>Sale Amount</u> | <u>Vac/ Imp</u> | <u>Zoning</u> | <u>Council District</u> |
|------------------------------|-----------------------|--|-------------------------------|----------------------|-------------------------------|----------------------------|----------------------|------------------------------------|
| 1. | 3831 Opal | City Wide Community Development Corporation | 65C | \$7,000 | \$1,000.00 | V | R-7.5(A) | 4 |

Tax Foreclosure and Seizure Property Resale
Agenda Item # 37

| <u>Parcel No.</u> | <u>Address</u> | <u>Non-Profit Organization</u> | <u>Mapsc</u> | <u>DCAD Amount</u> | <u>Sale Amount</u> | <u>Vac/ Imp</u> | <u>Zoning</u> | <u>Council District</u> |
|--------------------------|-----------------------|---|---------------------|---------------------------|---------------------------|------------------------|----------------------|--------------------------------|
| 1. | 4015 Metropolitan | South Dallas Fair Park Innercity Community Development Corporation | 46R | \$5,000 | \$1,000.00 | V | PD-595 | 7 |
| 2. | 4339 Metropolitan | South Dallas Fair Park Innercity Community Development Corporation | 46R | \$5,000 | \$1,000.00 | V | PD-595 | 7 |
| 3. | 3614 Carl | South Dallas Fair Park Innercity Community Development Corporation | 46Q | \$5,000 | \$1,000.00 | V | PD-595 | 7 |
| 4. | 3810 Carl | South Dallas Fair Park Innercity Community Development Corporation | 46Q | \$5,000 | \$1,000.00 | V | PD-595 | 7 |

EXECUTIVE SESSION NOTICE

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

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

AGENDA DATE February 8, 2017

| ITEM | OK | IND | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | DESCRIPTION |
|------|----|-----|-------------------------|------|---|---------------------|---------|--------|--|
| 1 | | | All | V | NA | NA | NA | NA | Approval of Minutes of the January 18, 2017 City Council Meeting |
| 2 | | | 2 | C | AVI | REV \$31,176.72 | NA | NA | Authorize a second amendment to a certain lease of land and facilities with Piedmont/Hawthorne Holdings, Inc. for the addition of approximately 15,274 square feet of land for a three-year period and for the development of a temporary aviation canopy/aircraft hangar tent at Dallas Love Field - Estimated Revenue: \$31,177 (over the three-year period) |
| 3 | | | All | C | PBD, WTR | \$162,650.00 | 0.00% | 24.00% | Authorize a three-year service contract for cathodic protection system surveys and inspections for Water Utilities - Russell Corrosion Consultants, LLC, most advantageous proposer of five - Not to exceed \$162,650 - Financing: Water Utilities Current Funds (subject to annual appropriations) |
| 4 | | | All | C | PBD, CCS, FIR, POL, SAN, WTR | \$371,205.00 | 100.00% | 0.00% | Authorize a three-year service contract for scale repair, calibration, and maintenance services - Nicol Scales L.P. dba Nicol Scales & Measurement, single bid - Not to exceed \$371,205 - Financing: Current Funds (\$134,210), Water Utilities Current Funds (\$179,465), and Sanitation Current Funds (\$57,530) (subject to annual appropriations) |
| 5 | | | All | C | PBD, WTR | \$1,002,724.51 | 81.25% | 18.75% | Authorize a three-year service contract to provide grounds maintenance and xeriscaping for Water Utilities facilities - Good Earth Corporation in the amount of \$789,390 and Texas Blooms Organic Landscape Company in the amount of \$213,335, most advantageous proposers of two - Total not to exceed \$1,002,725 - Financing: Water Utilities Current Funds (subject to annual appropriations) |
| 6 | | | All | C | PBD, AVI, CES, FIR, POL, SAN, TWM, WTR | \$1,181,969.32 | 0.00% | 79.50% | Authorize a three-year master agreement for printer toner and cartridges - Barbarian USA, Inc. in the amount of \$939,682, The Office Pal, Inc. in the amount of \$206,824, Printer Components, Inc. in the amount of \$27,260, Encon Systems Ltd., Inc. in the amount of \$6,204, and Printing Supplies USA LLC in the amount of \$2,000, lowest responsible bidders of fourteen - Total not to exceed \$1,181,970 - Financing: Current Funds (\$940,024), Water Utilities Current Funds (\$173,887), Sanitation Current Funds (\$33,259), Aviation Current Funds (\$19,500), Stormwater Drainage Management Current Funds (\$7,700), and Convention and Event Services Current Funds (\$7,600) |
| 7 | | | All | C | CCS | \$300,000.00 | NA | NA | Authorize three-year service agreement contracts with various veterinary clinics/hospitals, corporations, private organizations, non-profit organizations and other businesses to participate in the Authorized Registrar Program to collect the annual registration fee and issue a registration tag for a dog or cat for the City of Dallas - Not to exceed \$300,000 - Financing: Current Funds (subject to annual appropriations) |
| 8 | | | 3, 14 | C | ECO | NC | NA | NA | Authorize a public hearing to be held on February 22, 2017, to receive comments concerning the City of Dallas' participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303 Texas Government Code, as revised, in order to allow the nomination of The Neiman Marcus Group LLC, 4121 Pinnacle Point Drive, 1700 Pacific Avenue, 1201 Elm Street and 1618 Main Street as an Enterprise Zone Project - Financing: No cost consideration to the City |
| 9 | | | 3 | C | ECO | NC | NA | NA | Authorize (1) rescinding Resolution No. 15-0291, previously approved on February 11, 2015, which authorized a 75 percent real property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC; and (2) a 75 percent business personal property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC and/or CarbonLITE Recycling, LLC on new business personal property to be located at 4685 Mountain Creek Parkway within Mountain Creek Neighborhood Empowerment Zone No. 1 in Dallas - Revenue: First year revenue estimated at \$83,688; eight-year revenue estimated at \$546,224 (Estimated revenue foregone for eight-year business personal property tax abatement estimated at \$1,638,672) |
| 10 | | | 14 | C | STS | GT | NA | NA | Authorize (1) the receipt and deposit of funds in the amount of \$20,874 from Trammell Crow Company for material, equipment and labor provided by the City related to the construction of a traffic signal modification at Woodall Rodgers Freeway and Pearl Street; and (2) an increase in appropriations in the amount of \$20,874 in the Capital Projects Reimbursement Fund - Not to exceed \$20,874 - Financing: Capital Projects Reimbursement Funds |
| 11 | | | 2, 3, 4, 5, 7, 8, 14 | C | DEV | REV \$790,864.87 | NA | NA | Authorize the quitclaim of 68 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment - Revenue: \$790,865 |

AGENDA DATE February 8, 2017

| ITEM | IND | | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | DESCRIPTION |
|------|-----|-----|---|------|---------------|-----------------|--------|--------|---|
| # | OK | DEF | | | | | | | |
| 12 | | | 4 | C | DEV, ATT, CES | \$138,601.00 | NA | NA | Authorize a sixteen-year lease agreement with Dallas Area Rapid Transit for approximately 1,068 square feet of office space located at 2111 South Corinth Street, Suite 109, to be used as the South Oak Cliff Community Court for the period February 1, 2017 through January 31, 2033 - Not to exceed \$138,601 (\$138,600 one-time payment for leasehold improvements and a \$1 one-time payment for rent) - Financing: Convention and Event Services Current Funds |
| 13 | | | Outside | C | WTR | \$2,120,000.00 | NA | NA | Authorize (1) a Project Specific Agreement with Dallas County for the design, right-of-way acquisition and construction of approximately 5,500 feet of 96-inch diameter water transmission pipeline located along Wintergreen Road between Main Street and Cockrell Hill Road; and (2) payment to Dallas County for the City's share of right-of-way acquisition and construction costs for Phase I of the project along Wintergreen Road from the intersection of Main Street and Wintergreen Road to approximately 1,300 feet east - Not to exceed \$2,120,000 - Financing: Water Utilities Capital Improvement Funds |
| 14 | | | All | C | WTR | \$2,167,680.00 | 90.56% | 25.67% | Authorize a contract with Freese and Nichols, Inc. to provide engineering services for the City of Dallas Comprehensive Wastewater Collection System Assessment Update - Not to exceed \$2,167,680 - Financing: Water Utilities Capital Construction Funds |
| 15 | | | 6, Outside | C | WTR | \$4,000,000.00 | 0.00% | 18.24% | Authorize a contract for the construction of improvements to water meter vaults at three locations - Oscar Renda Contracting, Inc., lowest responsible bidder of four - Not to exceed \$4,000,000 - Financing: Water Utilities Capital Construction Funds |
| 16 | | | 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, Outside | C | WTR, STS | \$13,377,380.00 | 22.35% | 27.31% | Authorize a contract for the installation of water and wastewater mains at 31 locations - Ark Contracting Services, LLC, lowest responsible bidder of four - Not to exceed \$13,377,380 - Financing: Street and Alley Improvement Funds (\$673,745) and Water Utilities Capital Improvement Funds (\$12,703,635) |
| 17 | | | 6, 11, Outside | C | WTR | \$2,397,035.00 | 98.54% | 26.00% | Authorize Supplemental Agreement No. 3 to the professional services contract with CH2M Hill Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant and improvements at the Walcrest Pump Station - Not to exceed \$2,397,035, from \$10,686,454 to \$13,083,489 - Financing: Water Utilities Capital Improvement Funds |
| 18 | | | 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) |
| 19 | | | 7, 8 | I | HOU | NC | NA | NA | Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by C & C Corporation for the construction of houses; (2) the sale of 10 vacant lots from Dallas Housing Acquisition and Development Corporation to C & C Corporation; and (3) execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City |
| 20 | | | 2, 6, 8 | I | HOU | NC | NA | NA | Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; (2) the sale of 6 vacant lots from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and (3) execution of a release of lien for any non-tax liens on the 6 properties that may have been filed by the City - Financing: No cost consideration to the City |
| 21 | | | 3 | I | ECO | \$7,015,939.00 | NA | NA | Authorize a Chapter 380 e-commerce sales tax grant agreement with Chewy, Inc., a Delaware Corporation, to provide a 10-year e-commerce grant equal to 50 percent of the e-commerce sales taxes paid annually by Chewy.com customers to the City of Dallas for a ten year period beginning March 1, 2017 through February 28, 2027 from its leased facility at 7243 Grady Niblo Road in Dallas, in accordance with the City's Revised Public/Private Partnership Program - Revenue: First year revenue estimated at \$400,000; ten-year revenue is not capped but is estimated to be approximately \$7,015,939 (Estimated ten-year grant agreement payment of \$7,015,939) - Financing: Current Funds (subject to future appropriations) |
| 22 | | | 14 | I | DEV | REV \$-7,825 | NA | NA | Authorize an historic preservation tax exemption for the Lakewood Theater building located at 1825 Abrams Road for a ten-year period on the added value of the land and structure - Revenue Foregone: First year tax revenue foregone estimated at \$7,825 (Estimated revenue foregone over ten years is \$78,250) |

AGENDA DATE February 8, 2017

| ITEM | IND | | | | | | | | DESCRIPTION |
|------|-----|-----|----------|------|-------|---------|-------|------|--|
| # | OK | DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | |
| 23 | | | 8 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south line of Ravenview Road, east of Garden Springs Drive |
| 24 | | | 13 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-3 Mixed Use District uses and a Utility or government installation other than listed limited to a courthouse and offices on property zoned an MU-3 Mixed Use District and Specific Use Permit No. 1507 for a radio, television or microwave tower on the southeast corner of Greenville Avenue and Blackwell Street |
| 25 | | | 2 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use tract on property zoned an MF-2(A) Multifamily tract within Subdistrict 9 of Planned Development District No. 298, the Bryan Place Special Purpose District, on an internal lot northwest of the northwest line of Bryan Street and southwest of Burlew Street |
| 26 | | | 8 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way (Loop 12) and Jim Miller Road |
| 27 | | | 1 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road |
| 28 | | | 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 mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road |
| 29 | | | 8 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for (1) a CR Community Retail District with deed restrictions volunteered by the applicant, and (2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, with an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on the west corner of South Beltline Road and Garden Grove Drive |
| 30 | | | 8 | 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. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the southwest corner of Great Trinity Forest Way and North Jim Miller Road |
| 31 | | | 4 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school on the southwest corner of Korgan Street and South Ewing Avenue |
| 32 | | | 7 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive |
| 33 | | | 8 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive |
| 34 | | | 6 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street |
| 35 | | | 13 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a GO(A) General Office District, on the east line of North Central Expressway, north of Meadow Road |

AGENDA DATE February 8, 2017

| ITEM | IND | | | | | | | | DESCRIPTION |
|------|-----|-----|----------|------|-------|-------------|-------|------|---|
| # | OK | DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | |
| 36 | | | 4 | PH | HOU | REV \$1,000 | NA | NA | A public hearing to receive comments on the proposed sale of one unimproved property acquired by the taxing authorities from the Sheriff to City Wide Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim one unimproved property to City Wide Community Development Corporation, 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: \$1,000 |
| 37 | | | 7 | PH | HOU | REV \$4,000 | NA | NA | A public hearing to receive comments on the proposed sale of four unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Inncity Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim four unimproved properties to South Dallas Fair Park Inncity Community Development Corporation, 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: \$4,000 |

TOTAL \$34,235,183.83

AGENDA ITEM # 2

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 8, 2017
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Theresa O'Donnell, 670-3309
MAPSCO: 34E

SUBJECT

Authorize a second amendment to a certain lease of land and facilities with Piedmont/Hawthorne Holdings, Inc. for the addition of approximately 15,274 square feet of land for a three-year period and for the development of a temporary aviation canopy/aircraft hangar tent at Dallas Love Field - Estimated Revenue: \$31,177 (over the three-year period)

BACKGROUND

The proposed second lease amendment with Piedmont/Hawthorne Holdings, Inc., will add approximately 0.35 acres (15,274 sf) of land for the three (3) year period for the development of a temporary aviation canopy/aircraft hangar tent (see exhibit A). This temporary canopy is to provide shelter for an existing 737-800 class aircraft. The current leased property is supporting aircrafts and will see an increase in activity over the next three (3) years. The temporary canopy will provide ground crews and aircraft protection from weather and will reduce impacts to schedules due to weather related delays. The proposed temporary canopy will be comprised of aluminum & high tension fabric and located at the Raytheon facility at Dallas Love Field. Piedmont/Hawthorne Holdings, Inc., will develop, construct, utilize and complete removal of the proposed temporary canopy and restore the additional leased land to its prior condition, as requested by the City, on or before the completion of the three (3) year period (see exhibit B).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the original Lease on July 11, 1984, by Resolution No. 84-2239.

Authorized the First Amendment on November 11, 1998, by Resolution No. 98-3260.

Information about this item will be provided to the Economic Development Committee on February 6, 2017.

FISCAL INFORMATION

\$31,176.72 - Estimated Revenue (over the three-year period)

FY017 - \$6,062.14 Estimated Revenue

FY018 - \$10,392.24 Estimated Revenue

FY019 - \$10,392.24 Estimated Revenue

FY020 - \$4,330.10 Estimated Revenue

Exhibit A

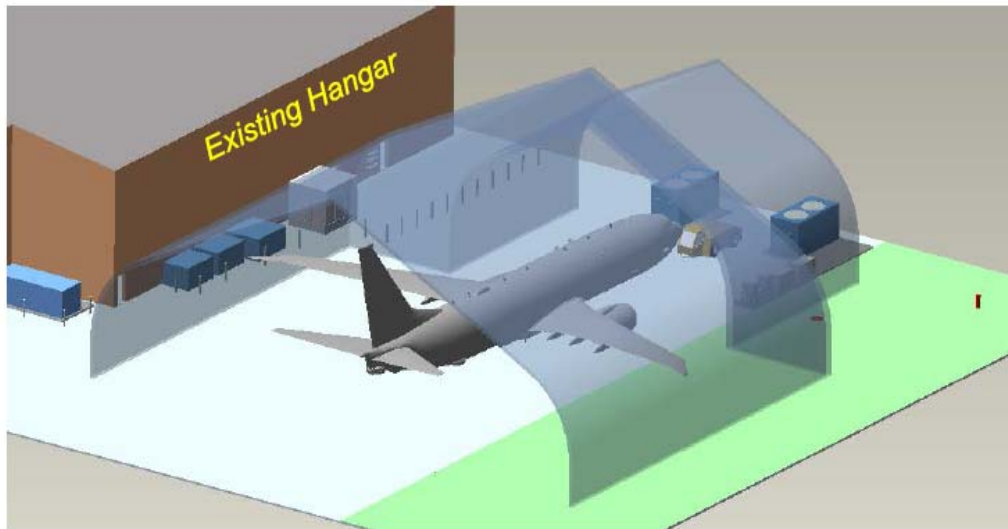
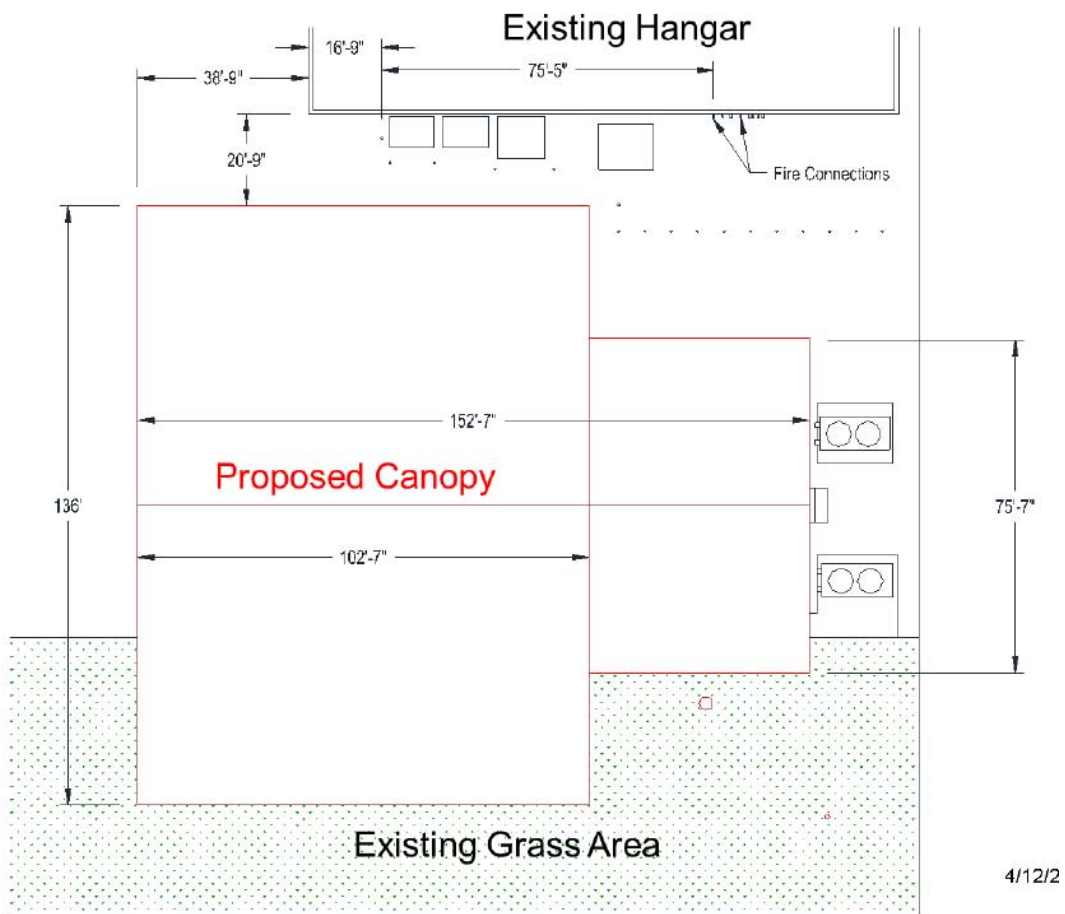


Figure 2- Location of Proposed Canopy



Figure 3 - Location of Proposed Canopy

Exhibit B



February 8, 2017

WHEREAS, the City of Dallas owns that certain airport in Dallas more commonly known as Dallas Love Field; and,

WHEREAS, on July 11, 1984, the City of Dallas entered into that certain Lease of Land and Facilities at Dallas Love Field with Associated Air Center, Inc., as assigned to Piedmont/Hawthorne Holdings, Inc.; and,

WHEREAS, Piedmont/Hawthorne Holdings, Inc., has requested additional land for the development of a temporary aviation canopy/aircraft hangar tent; and,

WHEREAS, the Department of Aviation desires to lease approximately 0.35 acres (15,274 sq. ft.) of land to Piedmont/Hawthorne Holdings, Inc., for a three (3) year period, and for the development of a temporary aviation canopy.

Now, Therefore,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a Second Amendment with Piedmont/Hawthorne Holdings, Inc. for the addition of approximately 0.35 acres (15,274 sq. ft.) of land at Dallas Love Field for a three-year period.

Section 2. That the key terms and conditions of the second amendment are:

- (a) The additional 0.35 acres (15,274 sq.ft.) of land shall be leased for a term of three (3) years from the effective date of the second amendment.
- (b) The ground lease rental rate shall commence at \$0.80 per sq. ft. for improved ground and \$0.65 per sq.ft. for unimproved ground.
- (c) Piedmont/Hawthorne Holdings, Inc. will develop, construct, utilize and complete removal of the proposed temporary canopy/aircraft hangar tent and restore the additional leased land to its prior condition, as requested by the City, on or before the completion of the three (3) year period.

Section 3. That the Chief Financial Officer is hereby authorized to deposit all revenues received to: AVI Operating Fund 0130, Dept. AVI, Unit 7725, Revenue Source 7814.

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 # 3

KEY FOCUS AREA: E-Gov

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for cathodic protection system surveys and inspections for Water Utilities - Russell Corrosion Consultants, LLC, most advantageous proposer of five - Not to exceed \$162,650 - Financing: Water Utilities 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 allow Water Utilities (DWU) to provide National Association of Corrosion Engineers certified inspection and testing of corrosion protection systems currently operating within the City's potable pipeline system. This contract will include annual inspections as well as locate and determine repair needs. Cathodic protection systems protect a wide range of metallic pipelines in various environments. The corrosion protection system works to extend the life of the existing infrastructure by protecting the internal and external steel components of water mains from corrosion. Currently DWU has approximately 29 miles of large diameter water mains protected by cathodic protection systems.

In this solicitation Business Development and Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 2.83 percent increase over comparable unit prices for services for the bid awarded in 2013.

BACKGROUND (Continued)

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

- Trinity Watershed Management (1)
- Water Utilities (2)
- Business Development and Procurement Services (2)*

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

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

- Cost 40 points
- Experience 30 points
- Approach 15 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,376 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendors meet the wage floor rate of \$10.37 (for applicable service component) approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 22, 2013, City Council authorized a three-year service contract to conduct corrosion inspections of water mains by Resolution No. 13-0800.

Information about this item will be provided to the Budget, Finance, and Audit Committee on February 6, 2017.

FISCAL INFORMATION

\$162,650.00 - Water Utilities Currents Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

Russell Corrosion Consultants, LLC

| | | | |
|---------------|----|-----------------|---|
| White Male | 15 | White Female | 3 |
| Black Male | 1 | Black Female | 0 |
| Hispanic Male | 2 | Hispanic Female | 0 |
| Other Male | 5 | Other Female | 0 |

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BMZ1610. We opened them on July 8, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

| <u>Proposers</u> | <u>Address</u> | <u>Score</u> | <u>Amount</u> |
|-------------------------------------|--|---------------------|----------------------|
| *Russell Corrosion Consultants, LLC | 7130 Minstrel Way Suite 230 Columbia, MD 21045 | 93.67 | \$162,650.00 |
| Allied Corrosion, Inc. | 1550 Cobb Industrial Dr. Marietta, GA 30066 | 70.68 | \$178,960.00 |
| Dreiym Engineering PLLC | 12514 Colony Hill Ln. Houston, TX 77014 | 61.42 | \$249,411.93 |
| Corrpro Companies, Inc. | 7000 B Hollister St. Houston, TX 77040 | 71.72 | \$329,854.70 |

PROPOSAL INFORMATION (Continued)

| <u>Proposers</u> | <u>Address</u> | <u>Score</u> | <u>Amount</u> |
|-------------------------|---|---------------------|----------------------|
| Kleinfelder, Inc. | 7805 Mesquite Bend Dr. Suite 100 Irving, TX 75063 | 67.34 | \$443,500.00 |

OWNER**Russell Corrosion Consultants, LLC**

Thomas Ziegenfuss, President
Richard Grant, Vice President
Mitch Hulet, Secretary
Ed Czeka, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for cathodic protection system surveys and inspections for Water Utilities - Russell Corrosion Consultants, LLC, most advantageous proposer of five - Not to exceed \$162,650 - Financing: Water Utilities Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$0.00 | 0.00% |
| Total non-local contracts | \$162,650.00 | 100.00% |
| TOTAL CONTRACT | \$162,650.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|--------------------|----------------|
| Alliance Geotechnical Group | BMDB94986Y0117 | \$14,036.00 | 8.63% |
| Texoma Corrosion Services | NMMB64282N0217 | \$25,000.00 | 15.37% |
| Total Minority - Non-local | | \$39,036.00 | 24.00% |

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% | \$14,036.00 | 8.63% |
| 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% | \$25,000.00 | 15.37% |
| WBE | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Total | \$0.00 | 0.00% | \$39,036.00 | 24.00% |

February 8, 2017

WHEREAS, on May 22, 2013, City Council authorized a three-year service contract to conduct corrosion inspections of water mains by Resolution No. 13-0800;

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 Russell Corrosion Consultants, LLC (VS0000060612) for cathodic protection system surveys and inspections for Water Utilities, for a term of three years in an amount not to exceed \$162,650.00, 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 Russell Corrosion Consultants, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Russell Corrosion Consultants, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$162,650.00 (subject to annual appropriations) from Service Contract number BMZ1610.

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

AGENDA ITEM # 4

KEY FOCUS AREA: E-Gov

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Code Compliance
Fire
Police
Sanitation Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Joey Zapata, 670-3009
Eric Campbell, 670-3255
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for scale repair, calibration, and maintenance services - Nicol Scales L.P. dba Nicol Scales & Measurement, single bid - Not to exceed \$371,205 - Financing: Current Funds (\$134,210), Water Utilities Current Funds (\$179,465), and Sanitation Current Funds (\$57,530) (subject to annual appropriations)

BACKGROUND

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

This service contract will allow for scale repair, calibration, and maintenance services to be used by Water Utilities, Sanitation Services, Fire-Rescue, and other City departments.

Scales at Sanitation Services locations are used to weigh trash collected by City vehicles, dropped off by residents and other municipalities. Over 1,000 vehicles are weighed at the landfill and transfer stations daily. Performance and accuracy of these scales is critical to the daily flow of waste into the landfill. The scales used by Fire-Rescue are portable and used to weigh approximately 370 pieces of equipment such as fire engines, aerial ladder trucks, ambulances, trailers and auxiliary units stationed throughout the City. Weighing these vehicles ensures proper braking and loading.

BACKGROUND (Continued)

In this solicitation, Business Development and Procurement Services required bidders to submit a response using unit pricing. This bid resulted in no change in pricing compared to the bid awarded in 2012.

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

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 11, 2012, City Council authorized a three-year service contract for truck scale repair and maintenance for Sanitation Services and Fire-Rescue by Resolution No. 12-1019.

On June 10, 2015, City Council authorized the rejection of bids received for scale repair and maintenance for various City weigh stations; and the re-advertisement for new bids by Resolution No. 15-1047.

Information about this item will be provided to the Budget, Finance, and Audit Committee on February 6, 2017.

FISCAL INFORMATION

\$134,210.00 - Current Funds (subject to annual appropriations)

\$179,465.00 - Water Utilities Current Funds (subject to annual appropriations)

\$ 57,530.00 - Sanitation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

101 - Vendors contacted

101 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful

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

Nicol Scales, L.P. dba Nicol Scales & Measurement

| | | | |
|---------------|----|-----------------|---|
| White Male | 27 | White Female | 1 |
| Black Male | 1 | Black Female | 1 |
| Hispanic Male | 3 | Hispanic Female | 2 |
| Other Male | 0 | Other Female | 0 |

BID INFORMATION

Business Development and Procurement Services received the following bid from solicitation number BN1631. We opened it on October 7, 2016. We recommend the City Council award this service contract in its entirety to the only bidder.

| <u>Bidders</u> | <u>Address</u> | <u>Amount of Bid</u> |
|--|------------------------------------|-----------------------------|
| *Nicol Scales, L.P. dba Nicol Scales & Measurement | 7239 Envoy Ct. Dallas, TX 75247 | \$371,205.00 |

Note: A single bid review process has been conducted by Business Development and Procurement Services and no exceptions have been found.

OWNER

Nicol Scales, L.P. dba Nicol Scales & Measurement

Theodore Tobolka, President
Steve Ford, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for scale repair, calibration, and maintenance services - Nicol Scales L.P. dba Nicol Scales & Measurement, single bid - Not to exceed \$371,205 - Financing: Current Funds (\$134,210), Water Utilities Current Funds (\$179,465), and Sanitation Current Funds (\$57,530) (subject to annual appropriations)

Nicol Scales L.P dba Nicol Scales & Measurement is a 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 | \$371,205.00 | 100.00% |
| Total non-local contracts | \$0.00 | 0.00% |
| TOTAL CONTRACT | \$371,205.00 | 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% |

February 8, 2017

WHEREAS, on April 11, 2012, City Council authorized a three year service contract for truck scale repair and maintenance by Resolution No. 12-1019; and,

WHEREAS, on April 28, 2015, Administrative Action No. 15-5811 authorized an increase of funds and an extension to the service contract for six months from April 17, 2015 to October 17, 2015; and,

WHEREAS, on June 10, 2015, City Council authorized the rejection of bids received for scale repair and maintenance for various City weigh stations; and the re-advertisement for new bids by Resolution No. 15-1047; and,

WHEREAS, on October 15, 2015, Administrative Action No. 15-6893 authorized an extension to the service contract for six months from October 18, 2015 to April 17, 2016; and,

WHEREAS, on July 5, 2016, Administrative Action No. 16-6239 authorized an extension to the service contract for six months from April 18, 2016 to October 17, 2016; and,

WHEREAS, on October 31, 2016, Administrative Action No. 16-6830 authorized an extension to the service contract for six months from October 18, 2016 to April 17, 2017;

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 Nicol Scales, L.P. dba Nicol Scales & Measurement (005816) for scale repair, calibration, and maintenance services for a term of three years in an amount not to exceed \$371,205.00, 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 Nicol Scales, L.P. dba Nicol Scales & Measurement shall be based only on the amount of the services directed to be performed by the City and properly performed by Nicol Scales, L.P dba Nicol Scales & Measurement under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$371,205.00 (subject to annual appropriations) from Service Contract number BN1631.

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

AGENDA ITEM # 5

KEY FOCUS AREA: E-Gov

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract to provide grounds maintenance and xeriscaping for Water Utilities facilities - Good Earth Corporation in the amount of \$789,390 and Texas Blooms Organic Landscape Company in the amount of \$213,335, most advantageous proposers of two - Total not to exceed \$1,002,725 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

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

This service contract will provide grounds maintenance and xeriscaping for Water Utilities facilities. This service contract will furnish all mowing, trimming, edging, flower beds, mulching, and xeriscaping services. Xeriscaping is landscaping and gardening that reduces or eliminates the need for supplemental water from irrigation. It is promoted in regions that do not have easily accessible, plentiful, or reliable supplies of fresh water.

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

- Water Utilities (3)
- Mobility & Street Services (1)
- Park & Recreation (1)
- Business Development and Procurement Services (2)*

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

BACKGROUND (Continued)

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

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

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

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance, and Audit Committee on February 6, 2017.

FISCAL INFORMATION

\$1,002,724.51 – Water Utilities Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

Good Earth Corporation

| | | | |
|---------------|-----|-----------------|----|
| White Male | 19 | White Female | 3 |
| Black Male | 36 | Black Female | 3 |
| Hispanic Male | 116 | Hispanic Female | 21 |
| Other Male | 0 | Other Female | 0 |

Texas Blooms Organic Landscape Company

| | | | |
|---------------|---|-----------------|---|
| White Male | 0 | White Female | 6 |
| Black Male | 0 | Black Female | 0 |
| Hispanic Male | 2 | Hispanic Female | 0 |
| Other Male | 0 | Other Female | 0 |

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BCZ1602. We opened them on July 15, 2016. We recommend the City Council award this service contract by group to the most advantageous proposers. Information related to this solicitation is available upon request.

*Denotes successful proposers

| <u>Proposers</u> | <u>Address</u> | <u>Amount</u> |
|---|--|----------------------|
| *Good Earth Corporation | 8020 Heinen Dr. Dallas, TX 75227 | Multiple Groups |
| *Texas Blooms Organic Landscape Company | 6490 Ridgemont Dr. Dallas, TX 75214 | Multiple Groups |

OWNERS

Good Earth Corporation

Ron Points, President

Texas Blooms Organic Landscape Company

Patti Lancaster, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract to provide grounds maintenance and xeriscaping for Water Utilities facilities - Good Earth Corporation in the amount of \$789,390 and Texas Blooms Organic Landscape Company in the amount of \$213,335, most advantageous proposers of two - Total not to exceed \$1,002,725 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Good Earth Corporation is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. Texas Blooms Organic Landscape Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$814,724.51 | 81.25% |
| Total non-local contracts | \$188,000.00 | 18.75% |
| TOTAL CONTRACT | \$1,002,724.51 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| Sun Coast Resources, Inc | WFWB63943N0117 | \$188,000.00 | 100.00% |
| Total Minority - Non-local | | \$188,000.00 | 100.00% |

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% | \$188,000.00 | 18.75% |
| Total | \$0.00 | 0.00% | \$188,000.00 | 18.75% |

February 8, 2017

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 Good Earth Corporation (510006) in the amount of \$789,390.00 and Texas Blooms Organic Landscape Company (346030) in the amount of \$213,334.51 for grounds maintenance and xeriscaping for Water Utilities facilities for a term of three years in a total amount not to exceed \$1,002,724.51, 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 Good Earth Corporation and Texas Blooms Organic Landscape Company shall be based only on the amount of the services directed to be performed by the City and properly performed by Good Earth Corporation and Texas Blooms Organic Landscape Company under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,002,724.51 (subject to annual appropriations) from Service Contract number BCZ1602.

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

AGENDA ITEM # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Convention and Event Services
Fire
Police
Sanitation Services
Trinity Watershed Management
Water Utilities

CMO: Elizabeth Reich, 670-7804
Theresa O'Donnell, 671-9195
Joey Zapata, 670-3009
Eric Campbell, 670-3255
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for printer toner and cartridges - Barbarian USA, Inc. in the amount of \$939,682, The Office Pal, Inc. in the amount of \$206,824, Printer Components, Inc. in the amount of \$27,260, Encon Systems Ltd., Inc. in the amount of \$6,204, and Printing Supplies USA LLC in the amount of \$2,000, lowest responsible bidders of fourteen - Total not to exceed \$1,181,970 - Financing: Current Funds (\$940,024), Water Utilities Current Funds (\$173,887), Sanitation Current Funds (\$33,259), Aviation Current Funds (\$19,500), Stormwater Drainage Management Current Funds (\$7,700), and Convention and Event Services Current Funds (\$7,600)

BACKGROUND

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

This master agreement will allow for the purchase of printer toner and cartridges for various desktop printers located throughout the City. Desktop printers are essential to provide efficient customer service necessary to print documents such as payment receipts and other legal documents. Desktop printers are also used in secure and remote areas by departments such as Police and Fire-Rescue.

BACKGROUND (Continued)

Although the City has standardized its printing, fax and general scanning functions through its 626 Multi-Functional Devices (MFDs), it is still necessary to maintain a small number of desktop printers to effectively provide services in remote facilities and where staff delivers services to customers through face-to-face transactions. The current MFDs contract provides the City turn-key service to include technical and maintenance support in addition to toner supplies specific to the MFDs under contract.

The printers ensure privacy and most efficient delivery of services such as:

- Photos of suspects for identification and line ups
- Court evidence
- Search warrants
- Fire code inspection reports
- Accident investigation reports
- Logging of emergency response activities
- Notices at Water Utilities' facilities and plants
- Systems, Applications, Products (SAP) network printers
- Confidential memos and performance plans

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,298 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On September 12, 2012, City Council authorized a two-year master agreement for printer toners and cartridges by Resolution No. 12-2232.

On February 26, 2014, City Council authorized a three-year master agreement for printer toners and cartridges by Resolution No. 14-0367.

Information about this item will be provided to the Budget, Finance, and Audit Committee on February 6, 2017.

FISCAL INFORMATION

\$940,023.32 - Current Funds
\$173,887.00 - Water Utilities Current Funds
\$ 33,259.00 - Sanitation Current funds
\$ 19,500.00 - Aviation Current Funds
\$ 7,700.00 - Stormwater Drainage Management Current Funds
\$ 7,600.00 - Convention and Event Services Current Funds

M/WBE INFORMATION

175 - Vendors contacted
172 - No response
3 - Response (Bid)
0 - Response (No bid)
1 - Successful

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

Barbarian USA, Inc.

| | | | |
|---------------|---|-----------------|---|
| White Male | 0 | White Female | 0 |
| Black Male | 0 | Black Female | 0 |
| Hispanic Male | 0 | Hispanic Female | 0 |
| Other Male | 5 | Other Female | 2 |

The Office Pal, Inc.

| | | | |
|---------------|---|-----------------|---|
| White Male | 4 | White Female | 5 |
| Black Male | 0 | Black Female | 0 |
| Hispanic Male | 0 | Hispanic Female | 0 |
| Other Male | 0 | Other Female | 0 |

Printer Components, Inc.

| | | | |
|---------------|---|-----------------|---|
| White Male | 6 | White Female | 2 |
| Black Male | 0 | Black Female | 0 |
| Hispanic Male | 0 | Hispanic Female | 0 |
| Other Male | 0 | Other Female | 0 |

ETHNIC COMPOSITION (Continued)

Encon Systems Ltd., Inc.

| | | | |
|---------------|---|-----------------|---|
| White Male | 8 | White Female | 7 |
| Black Male | 0 | Black Female | 1 |
| Hispanic Male | 2 | Hispanic Female | 2 |
| Other Male | 1 | Other Female | 0 |

Printing Supplies USA LLC

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

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BX1609. We opened them on July 8, 2016. We recommend the City Council award this master agreement 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> |
|-------------------------------|---|-----------------------------|
| *Barbarian USA, Inc. | 16422 Stuebner Airline Rd. Spring, TX 77379 | Multiple Groups |
| *The Office Pal, Inc. | 1000 Airport Rd. Lakewood, NJ 08701 | Multiple Groups |
| *Printer Components, Inc. | 100 Photikon Dr. Suite #2 Fairport, NY 14450 | Multiple Groups |
| *Encon Systems Ltd., Inc. | 420 N. Town East Blvd. Sunnyvale, TX 75182 | Multiple Groups |
| *Printing Supplies USA LLC | 666 Plainsboro Rd. Suite #1237 Plainsboro, NJ 08536 | Multiple Groups |

BID INFORMATION (Continued)

| <u>Bidders</u> | <u>Address</u> | <u>Amount of Bid</u> |
|--|--|-----------------------------|
| ELP Enterprises, Inc. dba MC Business Products | 9346 Rosstown Way Houston, TX 77080 | Multiple Groups |
| Enhanced Laser Products | 9075 Katy Frwy. Houston, TX 77024 | Multiple Groups |
| LD Products, Inc. | 3700 Cover St. Long Beach, CA 90808 | Multiple Groups |
| Limitless Products LLC dba Limitless Office Products | 1106 Commerce Dr. Richardson, TX 75081 | Multiple Groups |
| Netsync Network Solutions | 1920 Hutton Ct. Suite #400 Farmers Branch, TX 75234 | Multiple Groups |
| Smart Group Systems | 1801 Gateway Blvd. Suite #203 Richardson, TX 75080 | Multiple Groups |
| Ames Holding Corporation dba Hill Country Computer | 791 N. Highway 77 #132 Suite 501C Waxahachie, TX 75165 | Non-responsive** |
| The Printer Depot | 10990 Petal Suite #300 Dallas, TX 75238 | Non-responsive** |
| Tex Toners | 1825 W. Walnut Hill Ln. Suite #120 Irving, TX 75038 | Non-responsive** |

** Ames Holding Corporation dba Hill Country Computer, The Printer Depot, and Tex Toners were deemed non-responsive due to not meeting bid specifications.

OWNERS

Barbarian USA, Inc.

Neena Chainani, President

The Office Pal, Inc.

Moses Schwartz, President

Printer Components, Inc.

Richard Fritz, President

Encon Systems Ltd., Inc.

Deborah Hovitz, President

Printing Supplies USA LLC

Luke Xu, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for printer toner and cartridges - Barbarian USA, Inc. in the amount of \$939,682, The Office Pal, Inc. in the amount of \$206,824, Printer Components, Inc. in the amount of \$27,260, Encon Systems Ltd., Inc. in the amount of \$6,204, and Printing Supplies USA LLC in the amount of \$2,000, lowest responsible bidders of fourteen - Total not to exceed \$1,181,970 - Financing: Current Funds (\$940,024), Water Utilities Current Funds (\$173,887), Sanitation Current Funds (\$33,259), Aviation Current Funds (\$19,500), Stormwater Drainage Management Current Funds (\$7,700), and Convention and Event Services Current Funds (\$7,600)

Barbarian USA, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. The Office Pal, Inc., Printer Components, Inc., Encon Systems Ltd., Inc. and Printing Supplies USA 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 | \$1,181,969.32 | 100.00% |
| TOTAL CONTRACT | \$1,181,969.32 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| Barbarian USA Inc | PMMB45437N1118 | \$939,681.81 | 79.50% |
| Total Minority - Non-local | | \$939,681.81 | 79.50% |

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% | \$939,681.81 | 79.50% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$0.00 | 0.00% | \$0.00 | 0.00% |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total | \$0.00 | 0.00% | \$939,681.81 | 79.50% |

February 8, 2017

WHEREAS, on September 12, 2012, City Council authorized a two-year master agreement for printer toners and cartridges by Resolution No. 12-2232; and,

WHEREAS, on February 26, 2014, City Council authorized a three-year master agreement for printer toners and cartridges by Resolution No. 14-0367;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of printer toner and cartridges is authorized with Barbarian USA, Inc. (VS0000082791) in the amount of \$939,681.81, The Office Pal, Inc. (VS0000049259) in the amount of \$206,824.00, Printer Components, Inc. (VS0000082231) in the amount of \$27,259.51, Encon Systems Ltd., Inc. (VS0000056987) in the amount of \$6,204.00, and Printing Supplies USA LLC (VS0000060337) in the amount of \$2,000.00 for a term of three years in a total amount not to exceed \$1,181,969.32.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for printer toner and cartridges. If a written contract is required or requested for any or all purchases of printer toner and cartridges 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 \$1,181.969.32 from Master Agreement number BX1609.

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

AGENDA ITEM # 7

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize three-year service agreement contracts with various veterinary clinics/hospitals, corporations, private organizations, non-profit organizations and other businesses to participate in the Authorized Registrar Program to collect the annual registration fee and issue a registration tag for a dog or cat for the City of Dallas - Not to exceed \$300,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The service agreement contracts will allow any veterinary clinic/hospital, corporation, private organization, non-profit or other businesses to participate in the Authorized Registrar Program. As an Authorized Registrar the contracted businesses will issue animal licenses in accordance with City Code to Dallas residents and collect the appropriate annual registration fee. The pet owner is required to present a current certificate of rabies vaccination or verification by a licensed veterinarian as to the health reasons for non-vaccination prior to the issuance of the license.

The program is open to all businesses willing to issue registration tags on behalf of the City of Dallas who enters into a service agreement and abides by the Code requirements; and therefore to encourage as many businesses in the City as possible to participate in the process of registering animals to preserve and protect the public health and safety. This program is exempt from competitive bid pursuant to Section 252.022 (2) of the Local Government Code. The City will pay participating businesses a \$1.00 service charge for each pet registration license sold. The service charge will be paid net revenues.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life and Environment Committee was briefed by memorandum regarding this item.

FISCAL INFORMATION

\$300,000 - Current Funds (subject to annual appropriations)

February 8, 2017

WHEREAS, on December 1, 2016, MASCDASPETREG was established to allow the City to enter into three year service agreement contracts that allow various veterinary clinics/hospitals, corporations, private organizations, non-profit organizations and other businesses to participate in the Authorized Registrar Program and issue animal licenses in accordance with the City Code; and

WHEREAS, the Boston Consulting Group strategic plan recommended 46,000 low cost spay/neuter surgeries and the Department of Code Compliance anticipates additional vendors will participate in the Authorized Registrar Program as a result of the additional animals served; and

WHEREAS, the City anticipates additional vendors will participate in the Authorized Registrar Program and must be prepared on an as-needed basis to enter into service agreement contracts with all willing providers to manage this program;

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to enter into three year service agreement contracts, approved as to form by the City Attorney with various veterinary clinics/hospitals, corporations, private organizations, non-profit organizations and other businesses to participate in the Authorized Registrar Program and issue animal licenses in accordance with the City Code.

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

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>MASC</u> | <u>AMOUNT</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|---------------|---------------|---------------|
| 0001 | CCS | 3476 | 3371 | MASCDASPETREG | \$300,000 | VARIES |

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

AGENDA ITEM # 8

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 3, 14

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: 42 Z 45 K 45 L 45 L Q

SUBJECT

Authorize a public hearing to be held on February 22, 2017, to receive comments concerning the City of Dallas' participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303 Texas Government Code, as revised, in order to allow the nomination of The Neiman Marcus Group LLC, 4121 Pinnacle Point Drive, 1700 Pacific Avenue, 1201 Elm Street and 1618 Main Street as an Enterprise Zone Project - Financing: No cost consideration to the City

BACKGROUND

The City Council is asked to authorize a public hearing to take place on February 22, 2017, for the purpose of receiving citizen comments on the City's participation in the Texas Enterprise Zone Program, as required by the Texas Enterprise Zone Act, Chapter 2303 Texas Government Code. Upon completing the public hearing, Council will then be asked to approve an ordinance to ordain the City of Dallas participation in the Texas Enterprise Zone Program. The recent adoption of new guidelines and criteria for the Public/Private Partnership Program necessitates the new ordinance and public hearing.

The City of Dallas has been approached by The Neiman Marcus Group LLC (Neiman Marcus) to nominate by ordinance, its application for an Enterprise Project designation to the Governor's Office of Economic Development and Tourism. The designation will allow for a rebate of state sales and use tax refunds on qualified expenditures of up to \$2,500 per job created or retained.

Four Neiman Marcus locations will be pertinent to the application. Neiman Marcus' Pinnacle Park facility, located at 4121 Pinnacle Point Drive, Dallas, Texas, is within an Enterprise Zone and serves chiefly as a fulfillment and consolidation center. The facility houses "ship alone" products for Neiman Marcus' direct and Horchow divisions.

BACKGROUND (Continued)

The Pinnacle Park facility also consolidates all shipments for Neiman Marcus business units that are shipped from vendors located within the state of Texas and has expanded its operations to include fulfillment and distribution services for the Last Call division and Neiman Marcus' new business offering branded, "off-price" merchandise. Neiman Marcus Downtown Headquarters (1618 Main Street), Renaissance Tower (1201 Elm Street) and the 1700 Pacific Avenue offices in downtown Dallas are not located within an Enterprise Zone. These three locations house the executives and buyers who manage the Last Call division, as well as other administrative personnel who provide the support functions for the Pinnacle Park facility.

Between October 2016 and December 2021, Neiman Marcus anticipates spending over \$5 million in capital investments to renovate and update its Pinnacle Park, Downtown Headquarters, Renaissance Tower, and Pacific Avenue locations. These planned investments include, but may not be limited to, the following: upgraded elevator shuttles and conveying equipment for added comfort and employee mobility, HVAC System and its controls, sewer lines and related necessary plumbing renovations, and an emergency generator improving employee and facility safety. In addition, the offices of the Downtown Headquarters location, along with Pinnacle Park, will also receive substantial renovations.

Neiman Marcus currently employs over 1,100 full time jobs at the four Dallas facilities noted and plans to apply for the retention designation of the Enterprise Zone program, identifying 500 jobs to be retained for this State of Texas benefit. This project has no cost consideration to the City of Dallas. The four Neiman Marcus locations are in non-target areas; however the proposal does conform with the Public Private Program Guidelines and Criteria in that it involves an investment of over \$5 million and more than 100 jobs.

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and significant private investment that will assist economically distressed areas of the state. Approved projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the qualified business site. The Enterprise Zone Program is administered through the Office of the Governor, Economic Development Bank.

The program allows for a 90-day period prior to the application being submitted, and a five-year window of benefit for a project. The 90-day window for this project started October 18, 2016 and the end of the project designation will be March 1, 2022. This project involves 500 jobs allocated to the program and a maximum refund of \$2,500 per job. The company anticipates receiving a maximum potential refund of \$1,250,000 should it receive a designation.

BACKGROUND (Continued)

Projects may be physically located in or outside of an Enterprise Zone to qualify for the program. If located within an Enterprise Zone, the company must commit that at least 25 percent of their retained employees will meet economically disadvantaged or enterprise zone residency requirements. If located outside of a zone, the company must commit that at least 35 percent of their new employees will meet economically disadvantaged or enterprise zone residency requirements.

ESTIMATED SCHEDULE OF THE DESIGNATION

Begin window for benefit October 2016

Benefit window ends March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on January 17, 2017.

FISCAL INFORMATION

No cost consideration to the City

OWNER

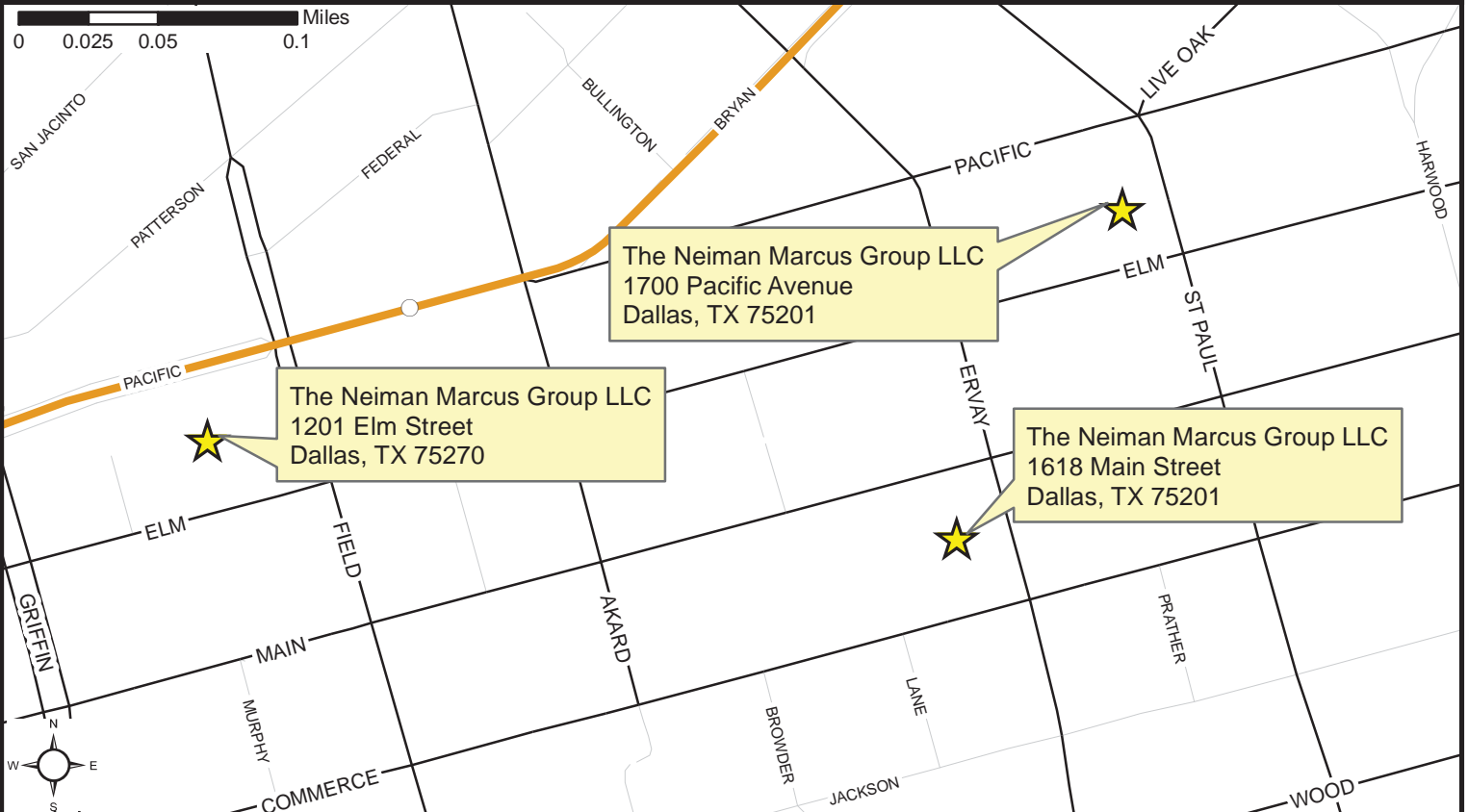
The Neiman Marcus Group LLC

Dani Rizal, Manager, Sales/Use Tax and Property Tax

MAP

Attached.

The Neiman Marcus Group LLC



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 1.3.2017 - 16-12-30 David Schleg.TCG

Legend

- Rail Station
- Freeway
- Local Road
- DART Light Rail
- Arterial
- Escarpment

Source: City of Dallas, 2017

February 8, 2017

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

WHEREAS, the City Council adopted its Public/Private Partnership Guidelines and criteria on December 14, 2016 by Resolution No. 16-1984, wherein the City elected to continue its participation in tax abatements and other incentive programs including programs for loans and grants for economic development and established Guidelines and Criteria for the Public Private Partnership Program governing those economic development programs and incentive agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 ("Act"); and

WHEREAS, the City wishes to continue its participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act) as revised; and

WHEREAS, the City has determined that The Neiman Marcus Group LLC, 4121 Pinnacle Point Drive, 1700 Pacific Avenue, 1201 Elm Street and 1618 Main Street in Dallas sites as described by the map attached as "**Exhibit A**" meets the criteria for designation as a Texas Enterprise Zone project; and

WHEREAS, the Act further requires that prior to the adoption of the ordinance providing for the participation in the Texas Enterprise Zone Program as authorized by the Act, the city must hold a public hearing on the participation in the program and find that participation in the program is feasible and practical and would be of benefit to the community and providing interested persons the opportunity to speak and present evidence for or against the designation; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the city, any other taxing districts, and any other interested persons to speak for or against the participation in the Texas Enterprise Zone Program.

NOW, THEREFORE,

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

February 8, 2017

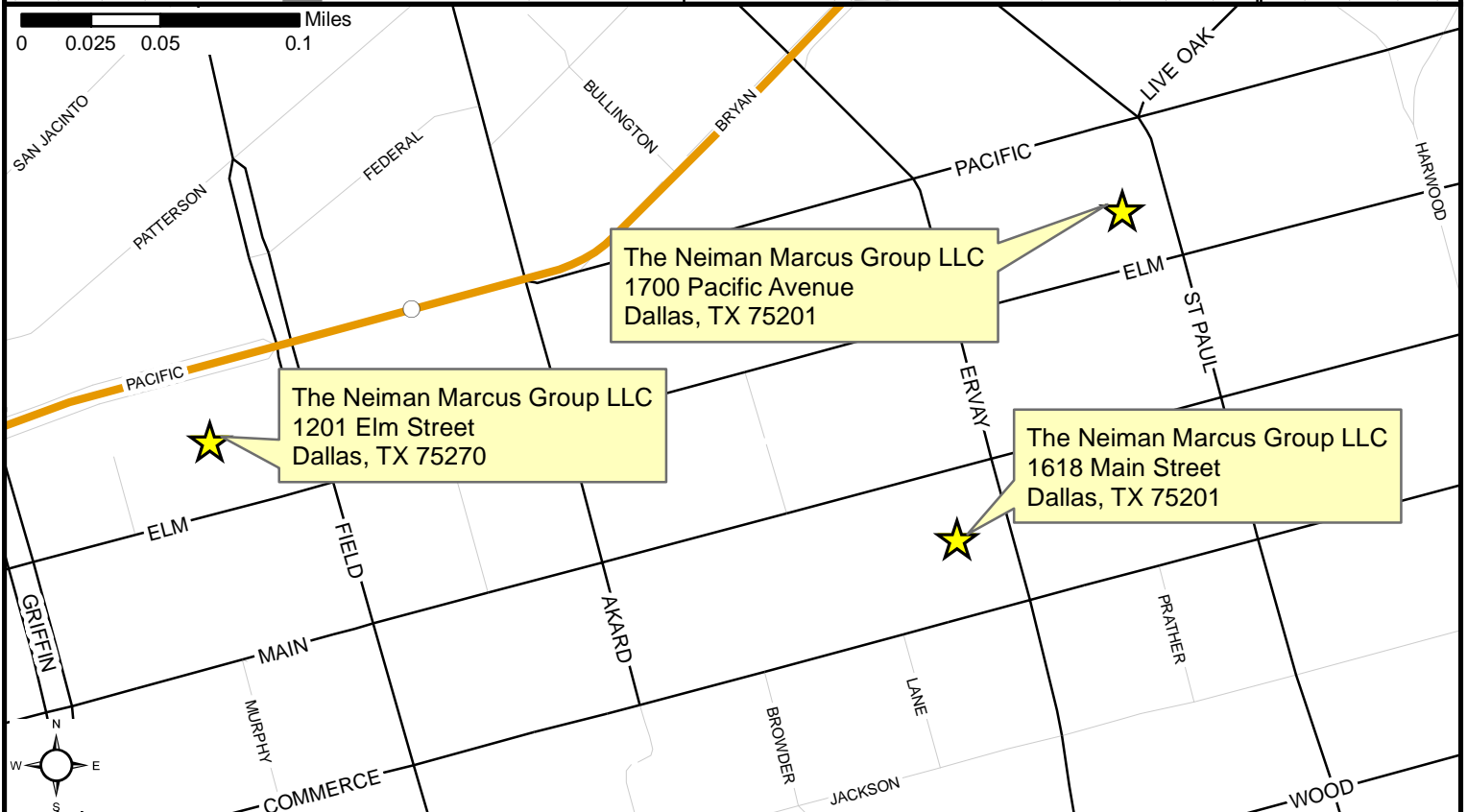
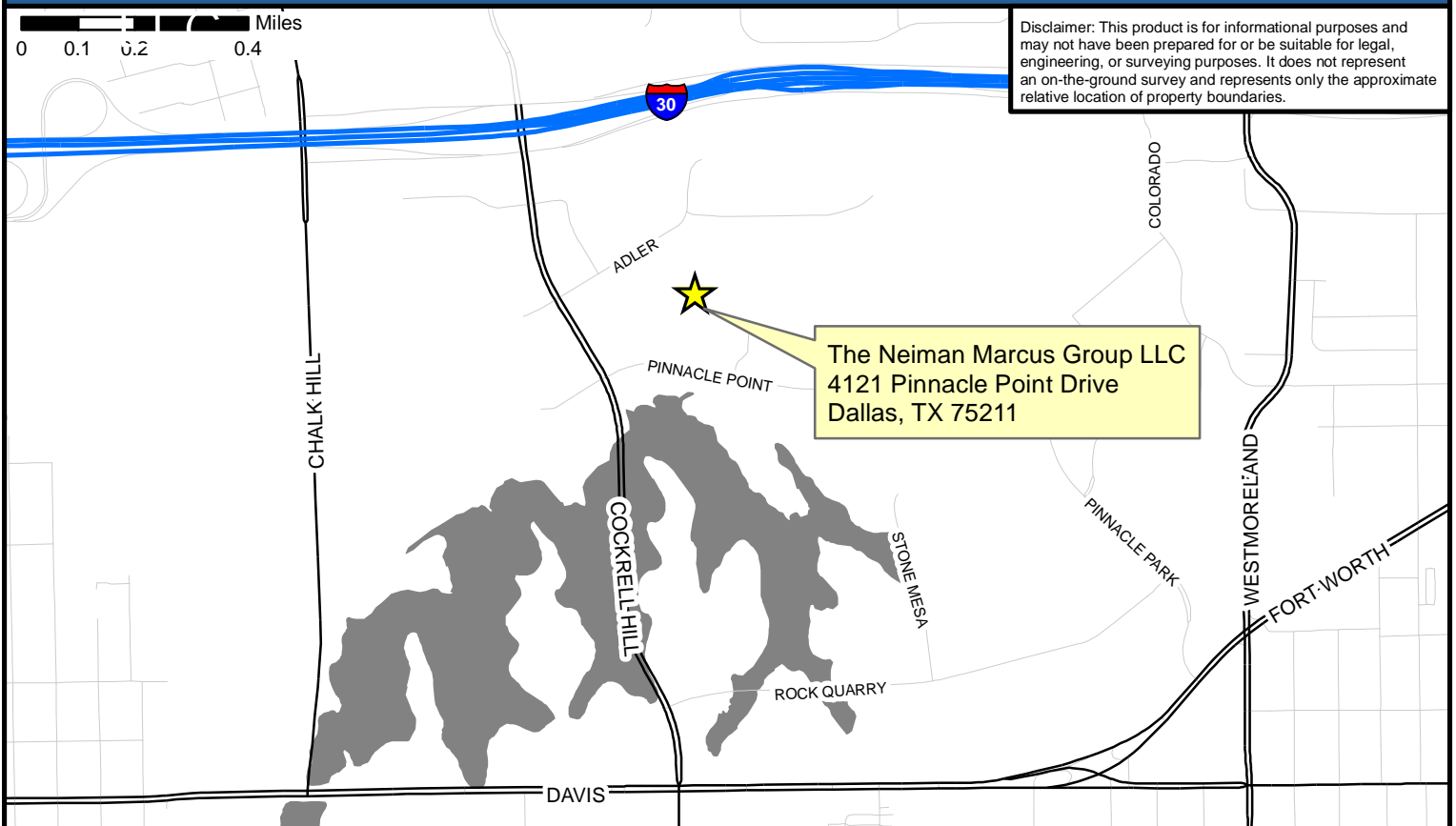
Section 1. That a public hearing shall be held at 1:00 P.M. on February 22, 2017, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the city's participation in the Texas Enterprise Zone Program; and at the close of the public hearing the City Council shall consider:

- (1) An ordinance ordaining the city's participation in the Texas Enterprise Zone Program.
- (2) The nomination of The Neiman Marcus Group LLC for enterprise project status.

Section 2. That notice of such public hearing shall be published in the official newspaper of the City of Dallas not later than seven (7) days prior to the date of such hearing, and that written notice of such hearing along with a copy of this resolution shall be delivered in writing to the Economic Development Bank.

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

Exhibit A - The Neiman Marcus Group



AGENDA ITEM # 9

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: 61A M

SUBJECT

Authorize **(1)** rescinding Resolution No. 15-0291, previously approved on February 11, 2015, which authorized a 75 percent real property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC; and **(2)** a 75 percent business personal property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC and/or CarbonLITE Recycling, LLC on new business personal property to be located at 4685 Mountain Creek Parkway within Mountain Creek Neighborhood Empowerment Zone No. 1 in Dallas - Revenue: First year revenue estimated at \$83,688; eight-year revenue estimated at \$546,224 (Estimated revenue foregone for eight-year business personal property tax abatement estimated at \$1,638,672)

BACKGROUND

For the past year, city staff has been in discussions with CarbonLITE Recycling, LLC (CarbonLITE) about the development of a new recycling operation within the City of Dallas. In the fall of 2016, the company chose a newly constructed 225,000 square foot facility located at 4685 Mountain Creek Parkway which was developed by the Pauls Corporation and owned by PIHV Mountain Creek, LLC. On February 11, 2015, pursuant to Resolution No. 15-0291, the City Council authorized a 75 percent real property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC associated with the development of the facility.

Due to the substantial investment associated with its new manufacturing equipment, CarbonLITE requests that the City Council rescind the previously approved real property tax abatement in favor of authorizing a comparable 75 percent business personal property tax abatement agreement for 8 years. CarbonLITE anticipates an investment of \$5 million in tenant improvements at the property as well as approximately \$46 million for new manufacturing equipment and production systems. Additionally, the company anticipates creating up to 110 new jobs at the facility and has agreed to maintain at least 100 jobs at the facility.

BACKGROUND (Continued)

CarbonLITE is one of the largest producers of food-grade post-consumer recycled polyethylene terephthalate (PET) in the world. The company specializes in processing used plastic bottles into bottle-grade PET resin flakes and pellets that can then be used to manufacture new plastic beverage bottles and other products. CarbonLITE's 220,000 square foot Riverside, CA manufacturing/recycling facility processes more than two billion plastic bottles annually.

Net fiscal impact from the project after incentives is estimated at \$323,942 over 10 years \$1,749,941 over 20 years. This proposed project conforms to minimum eligibility criteria for the City's Public/Private Partnership Program Guidelines and Criteria as it has a private investment exceeding \$5 million and creates more than 100 jobs. Staff recommends the proposed incentives be approved.

ESTIMATED SCHEDULE OF THE PROJECT

| | |
|-----------------------|--------------|
| Began Construction | January 2016 |
| Complete Construction | May 2017 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on January 17, 2017.

FISCAL INFORMATION

No cost consideration to the City

OWNER(S)

PIHV Mountain Creek, LLC

Christopher Manley, CFO

CarbonLITE Recycling, LLC

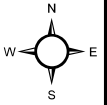
Rick Zirkler, Executive Vice President

MAP

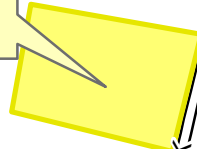
Attached.

CarbonLITE Recycling, LLC

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.



CarbonLITE Recycling, LLC
Mountain Creek NEZ #1
Dallas, TX 75236



MOUNTAIN CREEK

GRADY NIBLO

MERRIFIELD

20

0 0.05 0.1 0.2 Miles

DALLAS
ECONOMIC
DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Legend



Project Site



Freeway

Arterial

Local Road

Lake

February 8, 2017

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

WHEREAS, on December 14, 2016, pursuant to Resolution No. 16-1984, the City Council elected to continue its participation in tax abatement and established appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 10-1731; and

WHEREAS, Chapter 378 of the Local Government Code allows the City to create a neighborhood empowerment zone if the City finds that the creation of the zone would promote: (1) the creation or rehabilitation of affordable housing in the zone, or (2) an increase in economic development in the zone, or (3) an increase in the quality of social services, education or public safety provided to the residents of the zone; and

WHEREAS, on February 11, 2015, pursuant to Resolution No. 15-0290, City Council designated approximately 15.1 acres of property located on the west side of Mountain Creek Parkway, in Dallas, Texas, Mountain Creek Neighborhood Empowerment Zone No. 1 ("Mountain Creek NEZ No. 1") to promote an increase in economic development in the zone; and

WHEREAS, Section 378.004 of the Local Government Code empowers municipalities to enter into agreements abating municipal property taxes on property in a neighborhood empowerment zone subject to the duration limits of Section 312.2004 of the Local Government Code, Tax Code; and

WHEREAS, on February 11, 2015, pursuant to Resolution No. 15-0291, City Council authorized a 75 percent real property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC, a Delaware Limited Partnership affiliated with The Pauls Corporation for the development of a speculative warehouse development consisting of approximately 225,000 square feet located within Mountain Creek NEZ No. 1; and

WHEREAS, the City desires to rescind Resolution No. 15-0291 and enter into a business personal property tax abatement agreement with PIHV Mountain Creek, LLC and/or CarbonLITE Recycling, LLC for added value to business personal property located within Mountain Creek NEZ No. 1.

NOW, THEREFORE,

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

February 8, 2017

Section 1. That the City Manager upon approval as to form by the City Attorney is hereby authorized to execute a business personal property tax abatement agreement PIHV Mountain Creek, LLC and/or CarbonLITE Recycling, LLC and/or its affiliates for added value to the business personal property in accordance with Chapter 378 of the Local Government Code and the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 3. That the property which will be described in the tax abatement agreement, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")**, is located within Mountain Creek NEZ No. 1.

Section 4. That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within Mountain Creek NEZ No. 1.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.
- (c) That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the zone during the period the tax abatement is in effect.
- (d) The City will provide a 75 percent abatement of the added value to the business personal property for a period of eight years for business personal property located within Mountain Creek NEZ No. 1. The tax abatement will commence on January 1, 2018.
- (e) That a minimum of \$5,000,000 in expenditures associated with the improvements to the property will be substantially completed by December 31, 2017. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for a period up to six months for just cause.

February 8, 2017

Section 4. (Continued)

- (f) That a proportionate percentage of the property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if improvements to real property and/or job creation numbers are not made as provided by the tax abatement agreement.
- (g) A description of the kind, number, location and costs of all proposed improvements to the Property will be provided to the Office of Economic Development.
- (h) That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.
- (i) A requirement that the owner of the Property subject to tax abatement certify annually that the owner is in compliance with each applicable term of the agreement.
- (j) That the City may terminate or modify the agreement if the property owner fails to comply with the agreement.
- (k) That the tax abatement agreement shall be personal to PIHV Mountain Creek, LLC and/or CarbonLITE Recycling, LLC and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

Section 5. That CarbonLITE Recycling, LLC and/or its affiliates shall agree to create a minimum of 100 jobs at the property within Mountain Creek NEZ No. 1 in Dallas by December 31, 2018 and maintain the jobs during the tax abatement period.

Section 6. That Resolution No. 15-0291, approved on February 11, 2015, is hereby rescinded.

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A

DESCRIPTION, of a 15.101 acre tract of land situated in the John J. Blair Survey, Abstract No. 211, Dallas County, Texas and in City Block 6113, Official Numbers of the City of Dallas, Texas; said tract being all of that certain tract of land described in General Warranty Deed to E.R. Carpenter, L.P. recorded in Instrument No. 20070280585 of the Official Public Records of Dallas County, Texas; said 15.101 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in the northwest right-of-way line of Mountain Creek Parkway (a 100-foot wide public right-of-way); said point being North 13 degrees, 44 minutes, 55 seconds East, a distance of 179.25 feet from the northeast corner of Lot 3, Block 211/6113, Mountain Creek Business Park Building No. 3 Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2004136, Page 31 of said Official Public Records;

THENCE, North 76 degrees, 15 minutes, 05 seconds West, departing the said northwest line of Mountain Creek Parkway, a distance of 963.54 feet to a 3 1/4-inch aluminum disk stamped "PACHECO KOCH" set for corner in a southeast line of that certain tract of land described in Special Warranty Deed to ExTex Laporte L.P. recorded in Volume 2002082, Page 3283 of the Deed Records of Dallas County, Texas; said point being North 10 degrees, 03 minutes, 10 seconds East, a distance of 179.63 feet from the northwest corner of said Lot 3;

THENCE, North 10 degrees, 03 minutes, 10 seconds East, along the said southeast line of the ExTex Laporte L.P. tract, a distance of 636.65 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the southwest corner of a 75-foot wide Drainage Easement recorded in Volume 2002039, Page 6393 of said Deed Records; said point also being the southwest corner of that certain tract of land described as Exhibit "D", "Tract VI" in Special Warranty Deed to Mountain Creek Business Park Association, Inc. recorded in Volume 2003009, Page 7341 of said Deed Records;

THENCE, South 79 degrees, 56 minutes, 50 seconds East, departing the said southeast line of the ExTex Laporte, L.P. tract and along the southwest line of said Drainage Easement and said "Tract VI", a distance of 987.85 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found at an angle point;

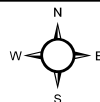
THENCE, South 76 degrees, 15 minutes, 05 seconds East, continuing along said southwest line of the Drainage Easement and "Tract VI", a distance of 18.79 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in the said northwest line of Mountain Creek Parkway; said point being the southeast corner of said Drainage Easement and said "Tract VI";

THENCE, South 13 degrees, 44 minutes, 55 seconds West, along the said northwest line of Mountain Creek Parkway, a distance of 699.01 feet to the POINT OF BEGINNING;

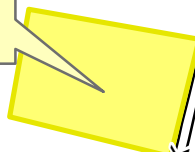
CONTAINING, 657,788 square feet or 15.101 acres of land, more or less.

Exhibit B: CarbonLITE Recycling, LLC

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.



CarbonLITE Recycling, LLC
Mountain Creek NEZ #1
Dallas, TX 75236



MOUNTAIN-CREEK

GRADY-NIBLO

MERRIFIELD

20

0 0.05 0.1 0.2 Miles

DALLAS
ECONOMIC
DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Legend



Project Site



Freeway

Arterial

Local Road



Lake

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 45F

SUBJECT

Authorize **(1)** the receipt and deposit of funds in the amount of \$20,874 from Trammell Crow Company for material, equipment and labor provided by the City related to the construction of a traffic signal modification at Woodall Rodgers Freeway and Pearl Street; and **(2)** an increase in appropriations in the amount of \$20,874 in the Capital Projects Reimbursement Fund - Not to exceed \$20,874 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

Trammell Crow Company is modifying an existing intersection at Woodall Rodgers Freeway and Pearl Street by relocating one traffic signal pole and installing a new control cabinet. The modification of this traffic signal is included in the project costs. The traffic signal will be constructed by the developer as part of the overall project.

In order to remain consistent with existing traffic signal equipment in the City system, City forces will provide material and equipment for the intersection, as well as the labor to prepare the traffic control cabinet and the timing of the signal. Trammell Crow Company has agreed to pay the full cost for all City material, equipment and labor towards the project.

Trammell Crow Company understands that, upon City Council approval of the required funding, funds in the amount of \$20,873.28 are to be deposited with the City of Dallas before any signal-related materials or labor can be provided by the City.

It is understood that the final construction costs will be determined by the City upon completion of the project, and that Trammell Crow Company will be billed for any amount over the prepayment amount or refunded any unused funds.

BACKGROUND (Continued)

This estimate includes all City of Dallas signal equipment, materials and labor associated with modifications of the signalized location.

Intersection

Council District

Woodall Rodgers Freeway and Pearl Street

14

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Began Construction | January 2016 |
| Complete Construction | December 2018 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on February 13, 2017.

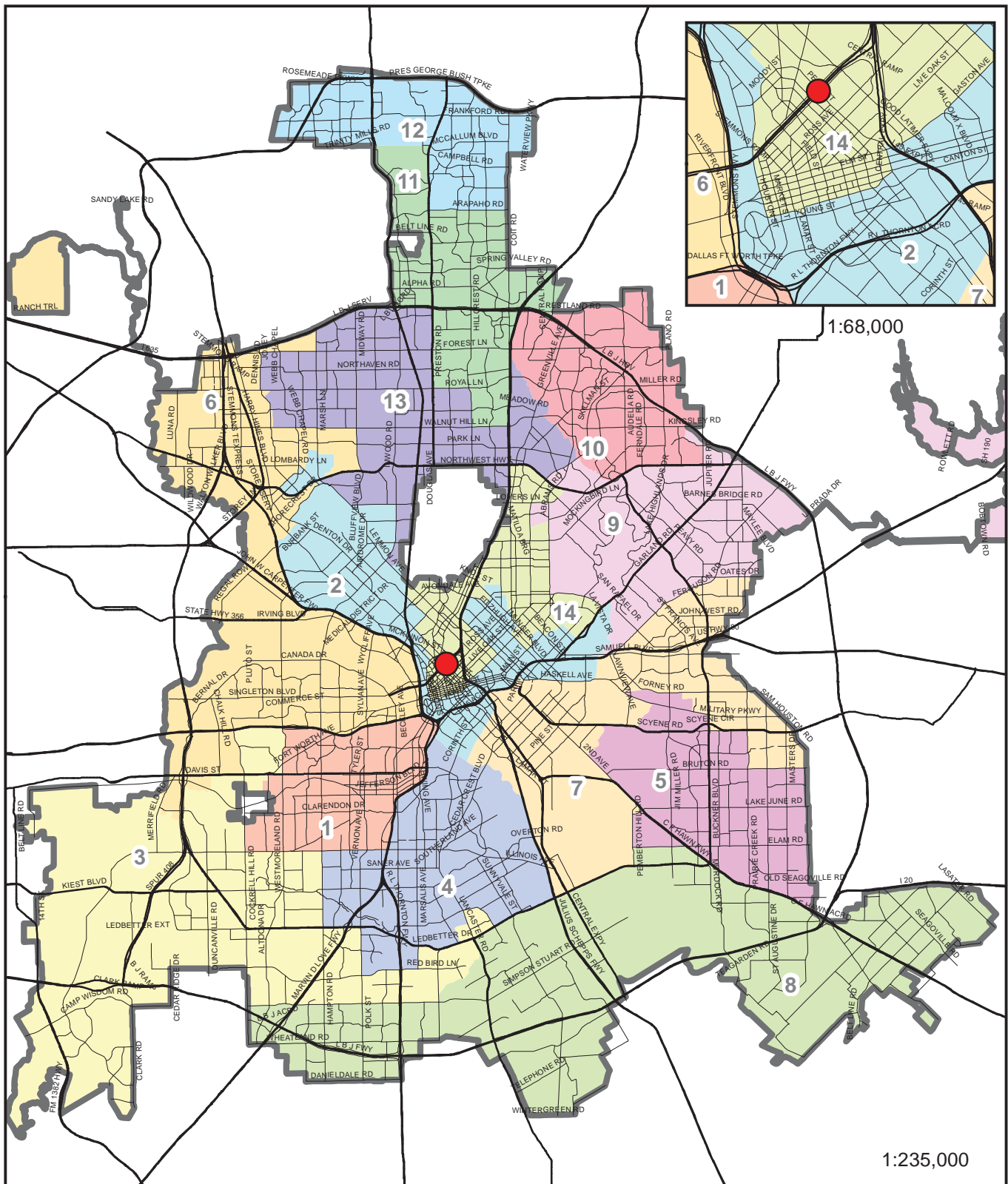
FISCAL INFORMATION

Capital Projects Reimbursement Funds - \$20,873.28

MAP

Attached

Woodall Rodgers Freeway and Pearl Street



Council District 14
Mapsco Page 45F

February 8, 2017

WHEREAS, Trammell Crow Company is reconstructing the intersection at Woodall Rodgers Freeway and Pearl Street; and,

WHEREAS, the development requires the reconstruction of an existing traffic signal at the intersection of Woodall Rodgers Freeway and Pearl Street; and,

WHEREAS, Trammell Crow Company has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the construction of the traffic signal.

Now, Therefore,

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

Section 1. That the Chief Financial Officer is hereby authorized to receive and deposit funds from Trammell Crow Company for material, equipment and labor costs related to the construction of the traffic signal being modified at the intersection of Woodall Rodgers Freeway and Pearl Street in an amount not to exceed \$20,873.28 in the Capital Projects Reimbursement Fund 0556, Dept. STS, Unit W161, Revenue Source 8492.

Section 2. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Dept. STS, Unit W161, Obj. 4820, Act. THRG, Program TPW16117 in an amount not to exceed \$20,873.28.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds received from Trammell Crow Company in the amount of \$20,873.28 from Fund 0556, Dept. STS, Unit W161, Obj. 4820, Act. THRG, Program TPW16117 for services related to the construction of the new traffic signal.

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 # 11

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 2, 3, 4, 5, 7, 8, 14

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 46C R T U W X Y Z 47J N 54V 55L N P R S T V W 56B C G T
W X 58M 62A 64H 65C D E F G 66A E N Q 68C G M 69A-T V
70J

SUBJECT

Authorize the quitclaim of 68 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: \$790,865

BACKGROUND

This item authorizes the quitclaim of 68 properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations, and are not chronic code violators.

All properties were reviewed by the Housing Department for infill housing and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on February 6, 2017.

FISCAL INFORMATION

Revenue- \$790,864.87

OWNERS

County Land & Water LLC

Wayne Prokay, Managing Member

Faysha Enterprises, LLC

Sharlene Alexander, Managing Member

For Greater Purpose, LLC

Emmanuel George, Managing Member

Gaba Group, LLC

Alan Galvan, Managing Member

Guel Family Builders, Inc.

Felipe Guel, Managing Member

Manchester Realty, LLC

Devan Earle, Managing Member

Nextlots Now L.L.C.

Lee J. Schmitt, Managing Member

Phoenician Real Estate Investments

Scottie Smith, Managing Member

Title & Title Properties, LLC

W. Justin Title, Managing Member

Tres Bendiciones LLC

Marco Sorto, Managing Member

Watts Capital Group LLC

Leo Watts, Managing Member

WTL Fitzhugh Investment Group, LLC

Chi Wai Lai, Managing Member

Alejandro Hernandez

Amir Azam

Araceli Martinez

Armida Ochoa

OWNERS (Continued)

Baldemar Olivas

Benito Mojica

Butch Benavides

Carlos Sanchez

Cesar Carillo

Ciel Elizalde

Corrie Harbert

David Menn

Francisco J. Celis

Gabriel Perez

Ivan Hernandez

Jasmine Ruvalcaba

Jeffrey D. Smith

Jose Zaragosa

Juan Gonzalez

Katrina Pitre

Kimiaki Itamura

Lane Topletz

Luis Ramirez

Maria D. Martinez

Maria Luisa Ruiz

Miguel Espinoza Ocana

OWNERS (Continued)

Miranda Pereyda

Paula Rivera

Rafael Ruiz Milan

The Johnnie Walker Blue Trust

MAP

Attached

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES PROPERTY LIST

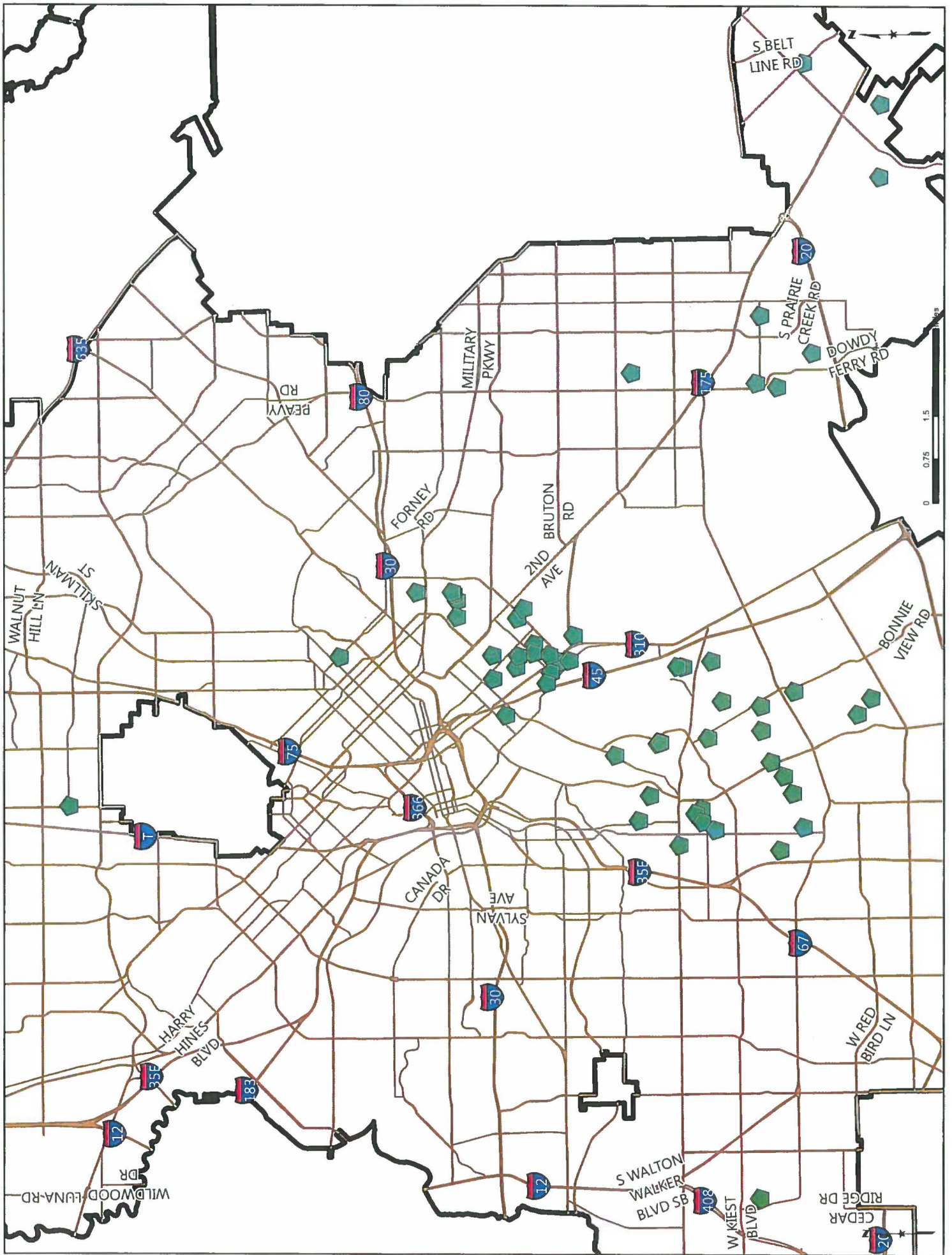
| ITEM # | STREET ADDRESS | VAC/IMP | COUNCIL DISTRICT | ZONING | PARCEL SIZE | STRUCKOFF AMOUNT | # BIDS | MINIMUM BID | HIGHEST BID AMOUNT | DCAD | HIGHEST BIDDER |
|--------|-------------------|---------|------------------|----------|-------------|------------------|--------|-------------|--------------------|--------------|--|
| 1 | 8337 ALTO GARDEN | I | 05 | R-7.5(A) | .1747 | \$45,120.00 | 19 | \$5,000.00 | \$45,000.00 | \$44,000.00 | Baldemar Olivas and Armida Ochoa |
| 2 | 2411 ANDERSON | I | 07 | PD-595 | .0561 | \$8,554.00 | 7 | \$3,000.00 | \$11,500.00 | \$10,930.00 | Francisco J. Celis |
| 3 | 1917 E. ANN ARBOR | V | 04 | CR | .1583 | \$74,841.00 | 2 | \$3,000.00 | \$3,149.00 | \$20,690.00 | Carlos Sanchez |
| 4 | 3703 ARMOR | V | 04 | CS | .2409 | \$4,781.00 | 6 | \$1,000.00 | \$3,160.00 | \$5,000.00 | Butch Benavides |
| 5 | 3807 AROCHA | V | 04 | CS | .1905 | \$5,000.00 | 4 | \$1,000.00 | \$2,400.00 | \$5,000.00 | Benito Mojica |
| 6 | 3736 ATLANTA | V | 07 | PD-595 | .1249 | \$6,000.00 | 4 | \$1,000.00 | \$2,393.00 | \$6,000.00 | Title & Title Properties, LLC |
| 7 | 714 N. BEACON | I | 14 | PD-397 | .1623 | \$149,710.00 | 20 | \$30,000.00 | \$111,138.63 | \$149,710.00 | WTL Fitzhugh Investment Group, LLC |
| 8 | 6014 BLUNTER | V | 08 | R-5(A) | .2811 | \$10,800.00 | 4 | \$500.00 | \$2,652.99 | \$10,000.00 | Luis Ramirez |
| 9 | 2202 BONNIE VIEW | V | 04 | R-7.5A | .1850 | \$18,211.30 | 13 | \$1,000.00 | \$4,500.00 | \$5,400.00 | Katrina Pitre |
| 10 | 2210 BONNIE VIEW | V | 04 | R-7.5(A) | .1217 | \$18,211.30 | 19 | \$1,000.00 | \$16,100.00 | \$5,400.00 | Corrie Harbert |
| 11 | 2214 BONNIE VIEW | V | 04 | R-7.5(A) | .1239 | \$18,211.30 | 18 | \$1,000.00 | \$6,700.00 | \$5,400.00 | Gabriel Perez |
| 12 | 4126 BONNIE VIEW | V | 04 | R-5(A) | .2829 | \$10,000.00 | 4 | \$2,000.00 | \$4,975.00 | \$10,000.00 | Nextlots Now, L.L.C. |
| 13 | 2706 BRITTON | I | 04 | CR | .2142 | \$9,497.00 | 8 | \$2,000.00 | \$13,760.00 | \$12,050.00 | Amir Azam |
| 14 | 4430 CANAL | V | 07 | PD-595 | .0946 | \$3,750.00 | 1 | \$1,000.00 | \$2,682.00 | \$3,750.00 | Miranda Pereyda |
| 15 | 2647 CARPENTER | V | 07 | PD-595 | .1773 | \$16,705.00 | 2 | \$1,000.00 | \$1,500.00 | \$6,000.00 | Jeffrey D. Smith |
| 16 | 2554 CEDAR CREST | V | 04 | NS(A) | .2887 | \$9,487.00 | 9 | \$3,000.00 | \$8,900.00 | \$12,580.00 | Jose Zaragosa |
| 17 | 4708 COLLINS | V | 07 | PD 595 | .1275 | \$1,122.00 | 2 | \$1,000.00 | \$5,500.00 | \$5,000.00 | Francisco J. Celis |
| 18 | 4611 COLLINS | V | 07 | PD 595 | .0924 | \$10,820.00 | 1 | \$1,000.00 | \$1,000.00 | \$3,750.00 | Tres Bendiciones LLC |
| 19 | 2807 COLONIAL | V | 07 | PD-595 | .1101 | \$1,421.00 | 6 | \$1,000.00 | \$8,788.00 | \$12,000.00 | Watts Capital Group LLC and Manchester Realty, LLC |
| 20 | 4224 COLONIAL | V | 07 | PD-595 | .1996 | \$1,954.00 | 5 | \$1,000.00 | \$3,799.00 | \$7,830.00 | The Johnnie Walker Blue Trust |
| 21 | 4600 COLONIAL | V | 07 | PD-595 | .1147 | \$4,500.00 | 2 | \$1,000.00 | \$2,100.00 | \$4,500.00 | Lane Topletz |
| 22 | 5125 CORRIGAN | I | 08 | R-7.5(A) | .2078 | \$26,610.00 | 14 | \$3,000.00 | \$24,900.00 | \$28,330.00 | Jose Zaragosa |
| 23 | 3041 EDD RD | V | 08 | R-7.5(A) | 6.7500 | \$79,410.00 | 11 | \$15,000.00 | \$38,751.00 | \$70,000.00 | Ivan Hernandez and Alejandro Hernandez |

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES PROPERTY LIST

| ITEM # | STREET ADDRESS | VAC/IMP | COUNCIL DISTRICT | ZONING | PARCEL SIZE | STRUCKOFF AMOUNT | # BIDS | MINIMUM BID | HIGHEST BID AMOUNT | DCAD | HIGHEST BIDDER |
|--------|-------------------|---------|------------------|----------|-------------|------------------|--------|-------------|--------------------|--------------|---|
| 24 | 4603 ELECTRA | V | 07 | PD-595 | .1147 | \$28,200.00 | 2 | \$1,000.00 | \$2,200.00 | \$28,200.00 | Benito Mojica |
| 25 | 2719 S. EWING | V | 04 | CR | .0547 | \$2,066.00 | 3 | \$1,000.00 | \$2,780.00 | \$5,500.00 | Miranda Pereyda |
| 26 | 4406 FERNWOOD | V | 04 | R-7.5(A) | .5665 | \$13,465.00 | 7 | \$2,000.00 | \$6,000.00 | \$15,750.00 | Gaba Group, LLC |
| 27 | 2622 FERNWOOD | V | 04 | R-7.5(A) | .2104 | \$10,461.00 | 8 | \$1,000.00 | \$13,225.00 | \$26,260.00 | Guel Family Builders, Inc. |
| 28 | 9255 FIRESIDE | V | 08 | R-7.5(A) | .2296 | \$14,253.00 | 13 | \$2,000.00 | \$18,375.00 | \$22,480.00 | Guel Family Builders, Inc. |
| 29 | 3211 GOLDSPIER | V | 07 | PD-595 | .1300 | \$1,657.00 | 1 | \$1,000.00 | \$3,500.00 | \$6,000.00 | Faysha Enterprises, LLC |
| 30 | 1445 HARLANDALE | V | 04 | R-7.5(A) | .1847 | \$20,133.00 | 11 | \$1,000.00 | \$12,050.00 | \$11,500.00 | Guel Family Builders, Inc. |
| 31 | 1631 HERALD | V | 07 | PD-595 | .1147 | \$4,500.00 | 1 | \$1,000.00 | \$1,119.00 | \$4,500.00 | Title & Title Properties, LLC |
| 32 | 3908 HOLMES | V | 07 | PD-595 | .1267 | \$4,970.00 | 1 | \$1,000.00 | \$1,119.00 | \$4,970.00 | Title & Title Properties, LLC |
| 33 | 415 E. ILLINOIS | V | 04 | R-7.5(A) | .8609 | \$9,245.73 | 8 | \$4,000.00 | \$22,222.00 | \$37,880.00 | County Land & Water LLC |
| 34 | 3460 KELLOGG | I | 04 | R-5(A) | .2159 | \$30,180.00 | 13 | \$3,000.00 | \$31,000.00 | \$34,530.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 35 | 2524 KOOL | I | 08 | R-5(A) | .1449 | \$39,146.01 | 9 | \$20,000.00 | \$65,000.00 | \$109,990.00 | Ciel Elizalde |
| 36 | 3316 LINFIELD | V | 04 | R-7.5(A) | .8507 | \$16,355.00 | 3 | \$1,000.00 | \$12,375.00 | \$12,000.00 | Nextlots Now, L.L.C. |
| 37 | 2319 MARBURG | V | 07 | PD-595 | .1761 | \$2,781.00 | 5 | \$1,000.00 | \$3,500.00 | \$6,000.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 38 | 5832 MARGEWOOD | V | 03 | R-7.5(A) | .6019 | \$18,575.00 | 5 | \$2,000.00 | \$12,250.00 | \$22,550.00 | Cesar Carillo |
| 39 | 2903 MARYLAND | V | 04 | R-7.5(A) | 1.8810 | \$13,000.00 | 8 | \$1,000.00 | \$14,603.00 | \$13,000.00 | Amir Azam |
| 40 | 4502 MARYLAND | V | 04 | R-7.5(A) | .1721 | \$30,178.00 | 7 | \$1,000.00 | \$14,000.00 | \$12,500.00 | Corrie Harbert |
| 41 | 4223 METROPOLITAN | V | 07 | PD-595 | .1494 | \$1,752.00 | 6 | \$1,000.00 | \$2,705.20 | \$5,000.00 | Kimiaki Itamura |
| 42 | 3621 MEYERS | V | 07 | PD-595 | .1301 | \$12,821.00 | 3 | \$1,000.00 | \$2,165.00 | \$5,000.00 | Butch Benavides |
| 43 | 2743 MODREE | I | 04 | R-7.5(A) | .2487 | \$29,113.00 | 21 | \$5,000.00 | \$33,000.00 | \$30,020.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 44 | 2318 MOFFATT | I | 04 | R-7.5(A) | .1628 | \$9,990.00 | 4 | \$3,000.00 | \$10,990.00 | \$9,990.00 | Juan Gonzalez |
| 45 | 6011 PARK MANOR | I | 08 | R-5(A) | .1622 | \$30,142.00 | 12 | \$10,000.00 | \$27,900.00 | \$40,020.00 | For Greater Purpose, LLC |
| 46 | 2700 PENNSYLVANIA | V | 07 | PD-595 | .1492 | \$3,973.00 | 5 | \$1,000.00 | \$5,000.00 | \$6,500.00 | Paula Rivera |
| 47 | 2522 PINE | V | 07 | PD-595 | .1678 | \$2,572.00 | 3 | \$1,000.00 | \$4,220.00 | \$6,000.00 | Kimiaki Itamura |

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST**

| ITEM # | STREET ADDRESS | VAC/IMP | COUNCIL DISTRICT | ZONING | PARCEL SIZE | STRUCKOFF AMOUNT | # BIDS | MINIMUM BID | HIGHEST BID AMOUNT | DCAD | HIGHEST BIDDER |
|--------|--------------------------------|---------|------------------|----------|-------------|------------------|--------|-------------|--------------------|-------------|------------------------------------|
| 48 | 2217 PORTERFIELD | V | 04 | R-7.5(A) | .2170 | \$18,293.32 | 6 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 49 | 2205 PORTERFIELD | V | 04 | R-7.5(A) | .1895 | \$18,293.32 | 8 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 50 | 2218 PORTERFIELD | V | 04 | R-7.5(A) | .2319 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 51 | 2213 PORTERFIELD | V | 04 | R-7.5(A) | .2170 | \$18,293.32 | 7 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 52 | 2214 PORTERFIELD | V | 04 | R-7.5(A) | .2322 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 53 | 2209 PORTERFIELD | V | 04 | R-7.5(A) | .1166 | \$18,293.32 | 8 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 54 | 2221 PORTERFIELD | V | 04 | R-7.5(A) | .2170 | \$18,293.32 | 7 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 55 | 2206 PORTERFIELD | V | 04 | R-7.5(A) | .2962 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 56 | 2210 PORTERFIELD | V | 04 | R-7.5(A) | .2322 | \$18,293.32 | 5 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 57 | 2222 PORTERFIELD | V | 04 | R-7.5(A) | .2329 | \$18,293.32 | 6 | \$1,000.00 | \$4,777.00 | \$2,250.00 | Phoenician Real Estate Investments |
| 58 | 2200 ROYAL OAKS LOT M | V | 08 | R-10(A) | .2444 | \$43,200.00 | 8 | \$1,000.00 | \$8,650.00 | \$14,400.00 | Araceli Martinez |
| 59 | 2200 ROYAL OAKS LOT N | V | 08 | R-10(A) | .2354 | \$43,200.00 | 7 | \$1,000.00 | \$8,650.00 | \$14,400.00 | Araceli Martinez |
| 60 | 15440 SEAGOVILLE | V | 08 | R-7.5(A) | .1255 | \$11,130.00 | 3 | \$3,000.00 | \$8,650.00 | \$17,000.00 | Araceli Martinez |
| 61 | 1224 SEMINOLE | V | 08 | R-7.5(A) | .3148 | \$7,223.00 | 3 | \$3,000.00 | \$6,475.00 | \$17,500.00 | Nextlots Now, L.L.C. |
| 62 | 1 SPARROW (aka 2000Plainfield) | V | 08 | A(A) | 10.3400 | \$9,468.51 | 1 | \$15,000.00 | \$20,001.00 | \$41,360.00 | Jasmine Ruvalcaba |
| 63 | 3103 SPURLOCK | V | 02 | R-7.5(A) | .1660 | \$21,179.00 | 9 | \$3,000.00 | \$18,375.00 | \$31,590.00 | Guel Family Builders, Inc. |
| 64 | 1439 STELLA | V | 04 | R-7.5(A) | .1706 | \$11,500.00 | 10 | \$1,000.00 | \$5,525.00 | \$11,500.00 | Cesar Carillo |
| 65 | 8113 SUETELLE | V | 08 | R-7.5(A) | .3261 | \$19,250.00 | 3 | \$2,000.00 | \$5,510.00 | \$19,250.00 | David Menn |
| 66 | 1438 WAWEENOC | V | 04 | R-7.5(A) | .1913 | \$18,592.00 | 6 | \$1,000.00 | \$6,001.99 | \$43,200.00 | Maria D. Martinez |
| 67 | 3911 WILDER | V | 07 | PD-595 | .1293 | \$7,000.00 | 7 | \$250.00 | \$2,235.06 | \$6,000.00 | Maria Luisa Ruiz |
| 68 | 4039 WIND RIVER | V | 04 | R-7.5(A) | .1935 | \$32,460.00 | 7 | \$1,000.00 | \$6,375.00 | \$10,800.00 | Nextlots Now L.L.C. |



February 8, 2017

WHEREAS, the City of Dallas ("City"), the State of Texas ("State"), the County of Dallas, ("County"), and/or Dallas Independent School District ("DISD") acquired Sheriff Deeds to properties ("Properties") at a sheriff tax sale ("the First Sale") authorized by a Judicial Foreclosure ("Judgment") in a District Court in Dallas County, Texas. The Sheriff's Deeds were recorded in the real property records of Dallas County, Texas as described on "Exhibit A," attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Properties ("the Second Sale") subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Properties ("the Second Sale"); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner's Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute Quitclaim Deeds to the purchasers of Properties at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates indicated on Exhibit A; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code; **Now, Therefore,**

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

February 8, 2017

SECTION 1. That upon receipt of the monetary consideration from the purchasers of the Properties listed on Exhibit A, and upon consent by the County and DISD, the City Manager upon approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties, conveying to the purchasers the right, title, and interest acquired or held by each taxing entity that was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That all purchasers shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchasers shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Properties shall be replaced on the tax rolls as of the date of execution of Quitclaim Deeds.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release(s) of lien for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit "A"; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit "A".

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements shall be provided by the Director of Sustainable Development and Construction to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5, above.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A**

| ITEM # | STREET ADDRESS | LEGAL DESCRIPTION | VAC/IMP | OWNED BY TAXING ENTITIES | DMN DATES ADVERTISEMENT | # BIDS | MINIMUM BID | HIGHEST BID AMOUNT | HIGHEST BIDDER |
|--------|-------------------|---|---------|--------------------------|-------------------------|--------|-------------|--------------------|--|
| 1 | 8337 ALTO GARDEN | Lot 14, Block 6332 | I | 1, 2, 3 | 12/18 & 12/19 | 19 | \$5,000.00 | \$45,000.00 | Baldemar Olivas and Armida Ochoa |
| 2 | 2411 ANDERSON | Lot 39, Block 4/2541 | I | 1, 2, 3 | 12/18 & 12/19 | 7 | \$3,000.00 | \$11,500.00 | Francisco J. Celis |
| 3 | 1917 E. ANN ARBOR | A 64.6x69x10.85x34.3x150x64.6 foot tract (more or less), Block 4338 | V | 1, 2, 3 | 12/18 & 12/19 | 2 | \$3,000.00 | \$3,149.00 | Carlos Sanchez |
| 4 | 3703 ARMOR | Lot 15, Block C/6095 | V | 1, 2, 3 | 12/18 & 12/19 | 6 | \$1,000.00 | \$3,160.00 | Butch Benavides |
| 5 | 3807 AROCHA | Lot 17, Block C/6095 | V | 1, 2, 3 | 12/18 & 12/19 | 4 | \$1,000.00 | \$2,400.00 | Benito Mojica |
| 6 | 3736 ATLANTA | Lot 10, Block B/1715 | V | 1, 2, 3 | 12/18 & 12/19 | 4 | \$1,000.00 | \$2,393.00 | Title & Title Properties, LLC |
| 7 | 714 N. BEACON | Lot 11, Block 3/1865 | I | 1, 2, 3 | 12/18 & 12/19 | 20 | \$30,000.00 | \$111,138.63 | WTL Fitzhugh Investment Group, LLC |
| 8 | 6014 BLUNTER | Lot 13, Block 22/6890 | V | 1, 2, 3 | 12/18 & 12/19 | 4 | \$500.00 | \$2,652.99 | Luis Ramirez |
| 9 | 2202 BONNIE VIEW | Lot 4, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 13 | \$1,000.00 | \$4,500.00 | Katrina Pitre |
| 10 | 2210 BONNIE VIEW | Lot 2, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 19 | \$1,000.00 | \$16,100.00 | Corrie Harbert |
| 11 | 2214 BONNIE VIEW | Lot 3, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 18 | \$1,000.00 | \$6,700.00 | Gabriel Perez |
| 12 | 4126 BONNIE VIEW | Being the northwest 58x220 feet of Lot 4, Block 6085 | V | 1, 2, 3 | 12/18 & 12/19 | 4 | \$2,000.00 | \$4,975.00 | Nextlots Now, L.L.C. |
| 13 | 2706 BRITTON | Lot 2, Block 33/4222 | I | 1, 2, 3 | 12/18 & 12/19 | 8 | \$2,000.00 | \$13,760.00 | Amir Azam |
| 14 | 4430 CANAL | Lot 13, Block 2/2413 | V | 1, 2, 3 | 12/18 & 12/19 | 1 | \$1,000.00 | \$2,682.00 | Miranda Pereyda |
| 15 | 2647 CARPENTER | Lot 6, Block 2/1748 | V | 1, 2, 3 | 12/18 & 12/19 | 2 | \$1,000.00 | \$1,500.00 | Jeffrey D. Smith |
| 16 | 2554 CEDAR CREST | Lot 3, Block B/7533 | V | 1, 2, 3 | 12/18 & 12/19 | 9 | \$3,000.00 | \$8,900.00 | Jose Zaragosa |
| 17 | 4708 COLLINS | Lot 4, Block A/2399 | V | 1, 2, 3 | 12/18 & 12/19 | 2 | \$1,000.00 | \$5,500.00 | Francisco J. Celis |
| 18 | 4611 COLLINS | Lot 29, Block 2416 | V | 1, 2, 3 | 12/18 & 12/19 | 1 | \$1,000.00 | \$1,000.00 | Tres Bendiciones LLC |
| 19 | 2807 COLONIAL | Northeast part of Lot 3, Block D/1131 | V | 1, 2, 3 | 12/18 & 12/19 | 6 | \$1,000.00 | \$8,788.00 | Watts Capital Group LLC and Manchester Realty, LLC |
| 20 | 4224 COLONIAL | Southeast 58 feet of Lot 4, Block G/1607 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$1,000.00 | \$3,799.00 | The Johnnie Walker Blue Trust |
| 21 | 4600 COLONIAL | Part of Lot 1, Block H/1692 | V | 1, 2, 3 | 12/18 & 12/19 | 2 | \$1,000.00 | \$2,100.00 | Lane Topletz |

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES

EXHIBIT A

| ITEM # | STREET ADDRESS | LEGAL DESCRIPTION | VAC/IMP | OWNED BY TAXING ENTITIES | DMN DATES ADVERTISEMENT | # BIDS | MINIMUM BID | HIGHEST BID AMOUNT | HIGHEST BIDDER |
|--------|-----------------|---|---------|--------------------------|-------------------------|--------|-------------|--------------------|---|
| 22 | 5125 CORRIGAN | Lot 10, Block 3/6857 | I | 1, 2, 3 | 12/18 & 12/19 | 14 | \$3,000.00 | \$24,900.00 | Jose Zaragoza |
| 23 | 3041 EDD RD | Being a tract of land containing 6 ¼ acres of land out of the Robert Kieberg Survey | V | 1, 2, 3 | 12/18 & 12/19 | 11 | \$15,000.00 | \$38,751.00 | Ivan Hernandez and Alejandro Hernandez |
| 24 | 4603 ELECTRA | Lot 16, Block E/1775 | V | 1, 2, 3 | 12/18 & 12/19 | 2 | \$1,000.00 | \$2,200.00 | Benito Mojica |
| 25 | 2719 S. EWING | Lot 4, Block 37 | V | 1, 2, 3 | 12/18 & 12/19 | 3 | \$1,000.00 | \$2,780.00 | Miranda Pereyda |
| 26 | 4406 FERNWOOD | Part of Lot 20, Block 29/4327 | V | 1, 2, 3 | 12/18 & 12/19 | 7 | \$2,000.00 | \$6,000.00 | Gaba Group, LLC |
| 27 | 2622 FERNWOOD | Lot 6, Block 25/4220 | V | 1, 2, 3 | 12/18 & 12/19 | 8 | \$1,000.00 | \$13,225.00 | Guel Family Builders, Inc. |
| 28 | 9255 FIRESIDE | Lot 27, Block 7819 | V | 1, 2, 3 | 12/18 & 12/19 | 13 | \$2,000.00 | \$18,375.00 | Guel Family Builders, Inc. |
| 29 | 3211 GOLDSPIER | Lot 12, Block B/4446 | V | 1, 2, 3 | 12/18 & 12/19 | 1 | \$1,000.00 | \$3,500.00 | Faysha Enterprises, LLC |
| 30 | 1445 HARLANDALE | Lot 13, Block 11/3742 | V | 1, 2, 3 | 12/18 & 12/19 | 11 | \$1,000.00 | \$12,050.00 | Guel Family Builders, Inc. |
| 31 | 1631 HERALD | Lot 8, Block 5/2120 | V | 1, 2, 3 | 12/18 & 12/19 | 1 | \$1,000.00 | \$1,119.00 | Title & Title Properties, LLC |
| 32 | 3908 HOLMES | Lot 1, Block 1278 | V | 1, 2, 3 | 12/18 & 12/19 | 1 | \$1,000.00 | \$1,119.00 | Title & Title Properties, LLC |
| 33 | 415 E. ILLINOIS | Lots 3, 4 and 5, Block 27/3618 | V | 1, 2, 3 | 12/18 & 12/19 | 8 | \$4,000.00 | \$22,222.00 | County Land & Water LLC |
| 34 | 3460 KELLOGG | Lot 12, Block L/6078 | I | 1, 2, 3 | 12/18 & 12/19 | 13 | \$3,000.00 | \$31,000.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 35 | 2524 KOOL | Lot 8, Block 8/6889 | I | 1, 2, 3 | 12/18 & 12/19 | 9 | \$20,000.00 | \$65,000.00 | Ciel Elizalde |
| 36 | 3316 LINFIELD | Lot 4, Block L/8618 | V | 1, 2, 3 | 12/18 & 12/19 | 3 | \$1,000.00 | \$12,375.00 | Nextlots Now, L.L.C. |
| 37 | 2319 MARBURG | Lot 13, Block 5/1758 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$1,000.00 | \$3,500.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 38 | 5832 MARGEWOOD | Part of Lot 8, Block 2/8028 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$2,000.00 | \$12,250.00 | Cesar Carillo |
| 39 | 2903 MARYLAND | Lot 13, Block 3/4127 | V | 1, 2, 3 | 12/18 & 12/19 | 8 | \$1,000.00 | \$14,603.00 | Amir Azam |
| 40 | 4502 MARYLAND | Lot 1, Block 5/6010 | V | 1, 2, 3 | 12/18 & 12/19 | 7 | \$1,000.00 | \$14,000.00 | Corrie Harbert |

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A**

| ITEM # | STREET ADDRESS | LEGAL DESCRIPTION | VAC/IMP | OWNED BY TAXING ENTITIES | DMN DATES ADVERTISEMENT | # BIDS | MINIMUM BID | HIGHEST BID AMOUNT | HIGHEST BIDDER |
|--------|-----------------------|--|---------|--------------------------|-------------------------|--------|-------------|--------------------|---|
| 41 | 4223 METROPOLITAN | Lot 40, Block G/1822 | V | 1, 2, 3 | 12/18 & 12/19 | 6 | \$1,000.00 | \$2,705.20 | Kimiaki Itamura |
| 42 | 3621 MEYERS | Lot 15, Block 5/1964 | V | 1, 2, 3 | 12/18 & 12/19 | 3 | \$1,000.00 | \$2,165.00 | Butch Benavides |
| 43 | 2743 MODREE | Lot 16, Block B/5847 | I | 1, 2, 3 | 12/18 & 12/19 | 21 | \$5,000.00 | \$33,000.00 | Rafael Ruiz Milan and Miguel Espinoza Ocana |
| 44 | 2318 MOFFATT | Lot 12, Block 2/5851 | I | 1, 2, 3 | 12/18 & 12/19 | 4 | \$3,000.00 | \$10,990.00 | Juan Gonzalez |
| 45 | 6011 PARK MANOR | Lot 8, Block B/6868 | I | 1, 2, 3 | 12/18 & 12/19 | 12 | \$10,000.00 | \$27,900.00 | For Greater Purpose, LLC |
| 46 | 2700 PENNSYLVANIA | Lots 1 and 2, Block 33/1311 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$1,000.00 | \$5,000.00 | Paula Rivera |
| 47 | 2522 PINE | Lot 1, Block 1745 | V | 1, 2, 3 | 12/18 & 12/19 | 3 | \$1,000.00 | \$4,220.00 | Kimiaki Itamura |
| 48 | 2217 PORTERFIELD | Lot 8, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 6 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 49 | 2205 PORTERFIELD | Lot 5, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 8 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 50 | 2218 PORTERFIELD | Lot 7, Block C/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 51 | 2213 PORTERFIELD | Lot 7, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 7 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 52 | 2214 PORTERFIELD | Lot 6, Block C/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 53 | 2209 PORTERFIELD | Lot 6, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 8 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 54 | 2221 PORTERFIELD | Lot 9, Block B/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 7 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 55 | 2206 PORTERFIELD | Lot 4 and 15 feet of Lots 1, 2 and 3, Block C/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 56 | 2210 PORTERFIELD | Lot 5, Block C/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 5 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 57 | 2222 PORTERFIELD | Lot 8, Block C/7541 | V | 1, 2, 3 | 12/18 & 12/19 | 6 | \$1,000.00 | \$4,777.00 | Phoenician Real Estate Investments |
| 58 | 2200 ROYAL OAKS LOT M | Lot M, Block A/8812 | V | 1, 2, 3 | 12/18 & 12/19 | 8 | \$1,000.00 | \$8,650.00 | Araceli Martinez |
| 59 | 2200 ROYAL OAKS LOT N | Lot N, Block A/8812 | V | 1, 2, 3 | 12/18 & 12/19 | 7 | \$1,000.00 | \$8,650.00 | Araceli Martinez |
| 60 | 15440 SEAGOVILLE | Lot 19, Block G/8819 | V | 1, 2, 3 | 12/18 & 12/19 | 3 | \$3,000.00 | \$8,650.00 | Araceli Martinez |

* 1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A**

| ITEM # | STREET ADDRESS | LEGAL DESCRIPTION | VAC/IMP | OWNED BY TAXING ENTITIES | DMN DATES ADVERTISEMENT | # BIDS | MINIMUM BID | HIGHEST BID AMOUNT | HIGHEST BIDDER |
|--------|------------------------------------|--|---------|--------------------------|-------------------------|--------|-------------|--------------------|----------------------------|
| 61 | 1224 SEMINOLE | Lot 12, Block 5/7860 | V | 1, 2, 3 | 12/18 & 12/19 | 3 | \$3,000.00 | \$6,475.00 | Nextlots Now, L.L.C. |
| 62 | 1 SPARROW (aka 2000 Plainfield) | Block 8527 | V | 1, 2, 3 | 12/18 & 12/19 | 1 | \$15,000.00 | \$20,001.00 | Jasmine Ruvalcaba |
| 63 | 3103 SPURLOCK | Lot 21, Block F/2136 | V | 1, 2, 3 | 12/18 & 12/19 | 9 | \$3,000.00 | \$18,375.00 | Guel Family Builders, Inc. |
| 64 | 1439 STELLA | Lot 23, Block 2/3562 | V | 1, 2, 3 | 12/18 & 12/19 | 10 | \$1,000.00 | \$5,525.00 | Cesar Carillo |
| 65 | 8113 SUETELLE | East 100 feet of Lot 2, Block 1/7852 | V | 1, 2, 3 | 12/18 & 12/19 | 3 | \$2,000.00 | \$5,510.00 | David Menn |
| 66 | 1438 WAWEENOC | Lot 15, Block 7/4303 | V | 1, 2, 3 | 12/18 & 12/19 | 6 | \$1,000.00 | \$6,001.99 | Maria D. Martinez |
| 67 | 3911 WILDER | Northwest 10 feet of Lot 19 and the southeast 30 feet of Lot 20, Block F | V | 1, 2, 3 | 12/18 & 12/19 | 7 | \$250.00 | \$2,235.06 | Maria Luisa Ruiz |
| 68 | 4039 WIND RIVER | Lot 23, Block 5/6002 | V | 1, 2, 3 | 12/18 & 12/19 | 7 | \$1,000.00 | \$6,375.00 | Nextlots Now L.L.C. |

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

AGENDA ITEM # 12

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
City Attorney's Office
Convention and Event Services

CMO: Mark McDaniel, 670-3256
Larry Casto, 670-3491
Theresa O'Donnell, 671-9195

MAPSCO: 55P

SUBJECT

Authorize a sixteen-year lease agreement with Dallas Area Rapid Transit for approximately 1,068 square feet of office space located at 2111 South Corinth Street, Suite 109, to be used as the South Oak Cliff Community Court for the period February 1, 2017 through January 31, 2033 - Not to exceed \$138,601 (\$138,600 one-time payment for leasehold improvements and a \$1 one-time payment for rent) - Financing: Convention and Event Services Current Funds

BACKGROUND

This item authorizes a sixteen-year lease agreement with Dallas Area Rapid Transit (DART) for approximately 1,068 square feet of office space located at 2111 South Corinth Street, Suite 109. This item provides a one-time payment for leasehold improvements in an amount not to exceed \$138,600, plus a one-time payment for rent in an amount not to exceed \$1.00. This lease will provide office space for the South Oak Cliff Community Court that will serve the residents in the South Oak Cliff area.

The community court has been occupying this space since March 21, 2012. The community court focuses on rehabilitating the defendant and restoring the community. Persons arrested for 'quality of life', Class C misdemeanor crimes within a community court's geographical service area are brought swiftly before the community court judge. Defendants who plead guilty or no contest may be ordered to perform community service restitution in the neighborhood or the judge can also require the defendant to attend rehabilitative and educational programs. Typical offenses heard by the judge include assaults, manifestation of prostitution, and possession of drug paraphernalia, illegal dumping, and code violations. Community prosecutors serve as the prosecutors in the community court.

BACKGROUND (Continued)

The lease will begin on February 1, 2017 through January 31, 2033.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

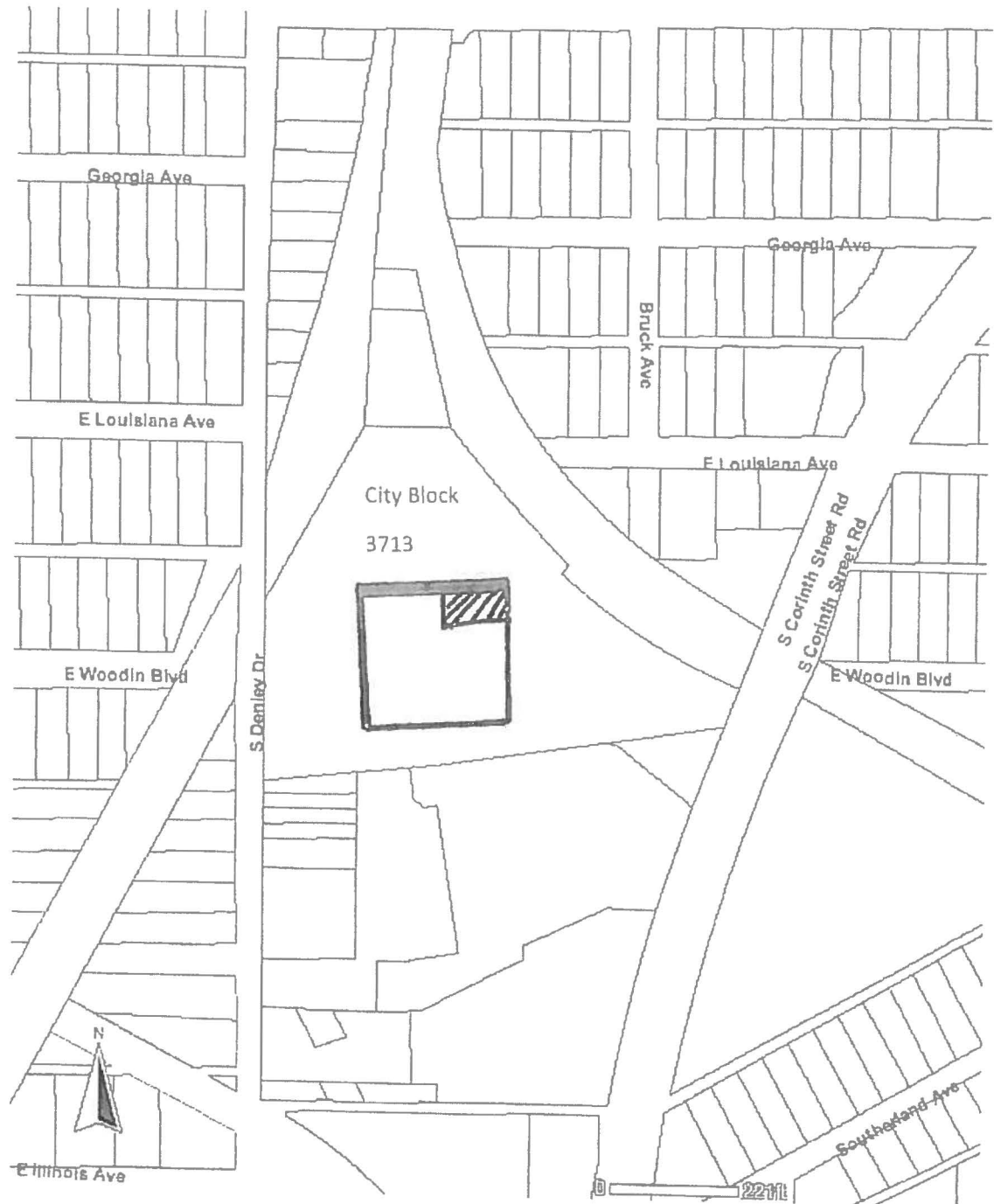
Information about this item was provided to the Economic Development Committee on January 17, 2017.

FISCAL INFORMATION

\$138,601 - Convention and Event Services Current Funds

MAP

Attached



2111 S. Corinth Street, Suite # 109



Lease Premises

February 8, 2017

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a lease agreement (the "Lease") between Dallas Area Rapid Transit, a regional authority created organized and existing pursuant to Chapter 452, Texas Transportation Code, as amended, the ("Act"), or its successor and assigns, as landlord, hereinafter referred to as "DART", and the City of Dallas, as tenant, hereinafter referred to as "City" for approximately 1,068 square feet of office space located at 2111 S. Corinth Street, Suite 109, Dallas, Dallas County, Texas ("Premises") to be used by the Dallas City Attorney's office for the South Oak Cliff Community Court.

Section 2. That the special terms and conditions of the lease are:

- a) The lease is for a term of sixteen (16) years beginning February 1, 2017 and ending January 31, 2033.
- b) The City shall pay a one-time rent payment of \$1.00 for the term of the lease.
- c) The City shall be responsible for the installation, maintenance and expense for telephone, communication and security services to the Premises.
- d) The City shall pay a one-time payment for leasehold improvements in an amount up to but not exceeding \$138,600.
- e) DART shall pay all charges for utilities and janitorial services for the Premises during the lease term.
- f) DART shall pay for all charges for sanitation services for the Premises and repair and maintenance of common areas, including without limitation parking areas.
- g) DART shall provide City a minimum of three (3) unmarked reserved parking spaces.
- h) DART shall at its sole cost and expense, provide adequate dumpster facilities for City's trash removal requirements.
- i) DART shall, beginning in 2020, paint and carpet entire suite to building standard every six (6) years at no cost to the City.
- j) DART upon request, shall provide City with a Certificate of Occupancy.

February 8, 2017

- k) DART shall maintain the roof, foundation, exterior walls, exterior lighting, termites and pest extermination, parking areas and all public and commons areas constituting a part of and serving the Premises during the lease term.
- l) DART shall maintain all equipment and systems, including, but not limited to, all electrical, mechanical and plumbing systems, including heating and air conditioning equipment, front and rear doors, light fixtures and bulb replacements to the extent they are part of a commercial fixture, plumbing and floor drains, exhaust fans, windows, interior walls, ceiling and floors in or constituting part of and/or serving the Premises.
- m) To the extent required by law, DART shall pay all real estate taxes on the Premises during the lease term.
- n) The City reserves the right to terminate the lease on the last day of any current fiscal year due to non-appropriation of funds.
- o) Such other terms and requirements of the lease and/or disclaimers as the City deems necessary, convenient or appropriate.

Section 3. That the Chief Financial Officer is hereby authorized to draw warrants payable to Dallas Area Rapid Transit (DART) upon execution of the Lease Agreement, up to, including, but not exceeding the total amount of \$1.00 and charge the same to: Fund 0080, Department CCT, Unit 7870, Object Code 3599, Encumbrance No. CT-CCT78703599, Commodity Code 97145, Vendor No. 232802.

Section 4. That the Chief Financial Officer is hereby authorized to draw warrants payable to DART for leasehold improvements, up to, including, but not exceeding the total amount of \$138,600 and charge the same to: Fund 0080, Dept. CCT, Unit 7870, Object Code 3599, Encumbrance No. CT-CCT78703599, Commodity Code 97145, Vendor No. 232802.

Section 5. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone, communications and security companies upon receipt of a bill for services or other applicable charges throughout the term of the lease.

February 8, 2017

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.

APPROVED AS TO FORM
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 72 U V

SUBJECT

Authorize **(1)** a Project Specific Agreement with Dallas County for the design, right-of-way acquisition and construction of approximately 5,500 feet of 96-inch diameter water transmission pipeline located along Wintergreen Road between Main Street and Cockrell Hill Road; and **(2)** payment to Dallas County for the City's share of right-of-way acquisition and construction costs for Phase I of the project along Wintergreen Road from the intersection of Main Street and Wintergreen Road to approximately 1,300 feet east - Not to exceed \$2,120,000 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The City of Dallas is currently undertaking the design and property acquisition of approximately 32 miles of 96-inch and 120-inch diameter water transmission pipeline starting from the East Side 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 pipeline is required to facilitate conveyance of treated water to the south and southwestern portions of Dallas and its customer cities. Installation of the pipeline is needed to meet near and long-term demands associated with population growth, as determined through master planning efforts. The overall pipeline is sized to meet 2050 water demands and will provide flexibility, redundancy, reliability, increased capacity, and improved operation to Dallas Water Utilities' existing system.

BACKGROUND (Continued)

Dallas County is preparing design documents for paving and drainage improvements on Wintergreen Road from Main Street to Cockrell Hill Road, along the alignment of the future water transmission pipeline. Phase I will include Wintergreen Road from the intersection of Main Street and Wintergreen Road to approximately 1,300 feet east. Phase II will begin at the terminus of Phase I on Wintergreen Road and will continue 0.8 miles (4,200 feet) east to Cockrell Hill Road. The project is located within the cities of Cedar Hill, DeSoto, and Duncanville.

This action will authorize the City of Dallas to enter into a Project Specific Agreement with Dallas County to jointly design and construct Phase I of the Wintergreen project, including a 96-inch diameter water transmission pipeline. The agreement also establishes the intent of Dallas County and the City of Dallas to jointly design Phase II of the Wintergreen project. A future amendment to the agreement would be required should both the City and Dallas County agree to jointly construct Phase II of the Wintergreen project. The agreement includes provisions for design, right-of-way acquisition, construction costs, and project management.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Begin Construction | June 2018 |
| Complete Construction | December 2019 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

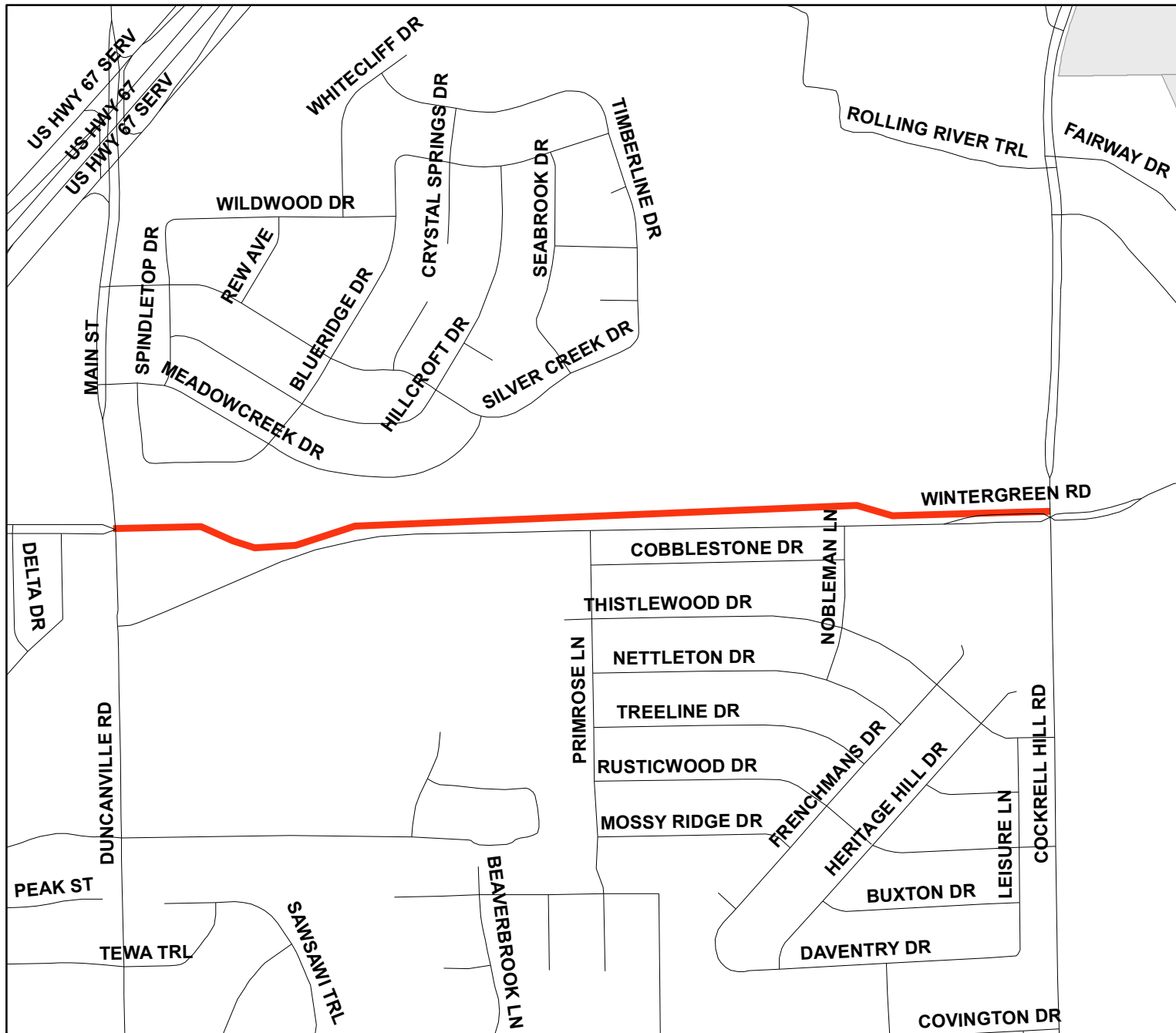
Information about this item was provided to the Transportation & Trinity River Project Committee on January 23, 2017.

FISCAL INFORMATION

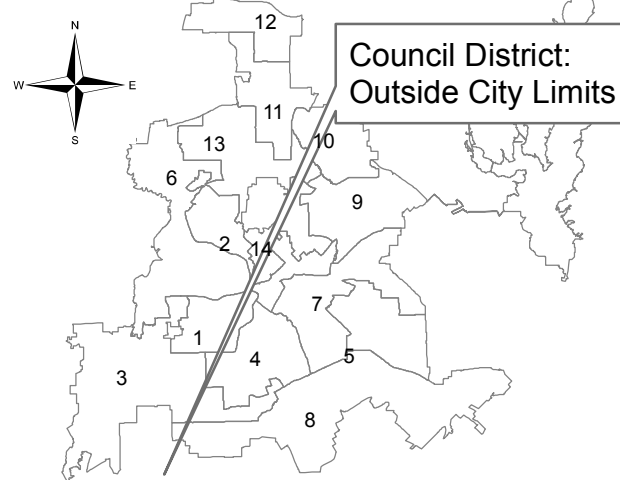
\$2,120,000.00 - Water Utilities Capital Improvement Funds

MAP

Attached



Wintergreen Road
from Main Street to Cockrell Hill Road



Dallas Water Utilities
Project Specific Agreement with Dallas County
96-inch Water Transmission Pipeline

February 8, 2017

WHEREAS, on April 13, 2011, Resolution No. 11-0927 authorized a Master Agreement Governing the Transportation Major Capital Improvement Program with Dallas County; and,

WHEREAS, Dallas County is preparing designs for paving and drainage improvements on Wintergreen Road from Main Street to Cockrell Hill Road within Cedar Hill, DeSoto, and Duncanville as part of its Major Capital Improvement Program; and,

WHEREAS, the City of Dallas has plans for a future 96-inch diameter water transmission pipeline along the alignment of Wintergreen Road from Main Street to Cockrell Hill Road to facilitate conveyance of treated water to the south and southwestern portions of Dallas and its customer cities; and,

WHEREAS, the City of Dallas desires to enter into a Project Specific Agreement with Dallas County for the design, right-of-way acquisition and construction of the 96-inch water transmission pipeline in association with Dallas County's paving and drainage project; and,

WHEREAS, it is necessary for the City of Dallas to authorize payment to Dallas County for the City's share of right-of-way acquisition and construction costs associated with the 96-inch water transmission pipeline for Phase I of the project along Wintergreen Road from the intersection of Main Street and Wintergreen Road to approximately 1,300 feet east, in an amount not to exceed \$2,120,000.00.

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 Project Specific Agreement with Dallas County for the design, right-of-way acquisition and construction of a 96-inch water transmission pipeline in association with Dallas County's paving and drainage project on Wintergreen Road from Main Street to Cockrell Hill Road, 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 agreement, in an amount not to exceed \$2,120,000.00, from the Water Capital Improvement Fund as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|--------------------|---------------|
| 3115 | DWU | PW40 | 4550 | 717021 | CT-DWU717021CP | 014003 |

Dallas County - (17-021F) - \$1,970,000.00

February 8, 2017

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|--------------------|---------------|
| 3115 | DWU | PW40 | 4230 | 717021 | CT-DWU717021ACQ | 014003 |

Dallas County - (17-021F) - \$150,000.00

Section 3. That in accordance with the provisions of the Project Specific Agreement with Dallas County, the Chief Financial Officer is hereby authorized to deposit any unused Water Capital Improvement funds advanced to Dallas County pertaining to this project as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> |
|-------------|-------------|-------------|------------|
| 0102 | DWU | CW40 | 8488 |

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: All

SUBJECT

Authorize a contract with Freese and Nichols, Inc. to provide engineering services for the City of Dallas Comprehensive Wastewater Collection System Assessment Update - Not to exceed \$2,167,680 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

The City of Dallas Comprehensive Wastewater Collection System Master Plan was originally developed in 1980 and was last updated in 2007. The 2007 update developed a hydraulic model to evaluate system capabilities, identified potential growth and regulatory requirements, and developed a capital improvement plan to sustain wastewater assets and serve the needs of the citizens of Dallas. In order to address the changing characteristics of the City and resulting system requirements, as well as the challenges of aging wastewater infrastructure, the master plan is updated every ten years.

This action will provide engineering services to update the existing hydraulic model based on the latest population projections and flow monitoring data. This action will also evaluate potential State and Federal regulatory requirements that may influence management of the sanitary sewer system; including, the Sanitary Sewer Overflow Initiative (SSOI) and Capacity Management Operations and Maintenance (CMOM) operational regulations. Also included is the development of capital improvement triggers that assign project priorities on both capacity and renewal risk ratings. This project is expected to take approximately 24 months to complete, with portions of the work effort to be delivered earlier to meet City needs and objectives.

ESTIMATED SCHEDULE OF PROJECT

| | |
|----------------|------------|
| Begin Study | March 2017 |
| Complete Study | April 2019 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Transportation & Trinity River Project Committee on January 23, 2017.

FISCAL INFORMATION

\$2,167,680.00 - Water Utilities Capital Construction Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Freese and Nichols, Inc.

| | | | |
|-----------------|----|---------------|-----|
| Hispanic Female | 11 | Hispanic Male | 25 |
| Black Female | 4 | Black Male | 7 |
| White Female | 95 | White Male | 174 |
| Other Female | 9 | Other Male | 9 |

OWNER

Freese and Nichols, Inc.

Robert F. Pence, P.E., BCCE, Chairman of the Board

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Freese and Nichols, Inc. to provide engineering services for the City of Dallas Comprehensive Wastewater Collection System Assessment Update - Not to exceed \$2,167,680 - Financing: Water Utilities Capital Construction Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$1,963,095.00 | 90.56% |
| Total non-local contracts | \$204,585.00 | 9.44% |
| TOTAL CONTRACT | \$2,167,680.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|------------------------------------|----------------------|---------------------|----------------|
| Arredondo, Zepeda & Brunz, LLC | HMDB34314Y0617 | \$54,100.00 | 2.76% |
| Engineering Solutions & Technology | IMDB51556Y0317 | \$297,800.00 | 15.17% |
| Total Minority - Local | | \$351,900.00 | 17.93% |

Non-Local Contractors / Sub-Contractors

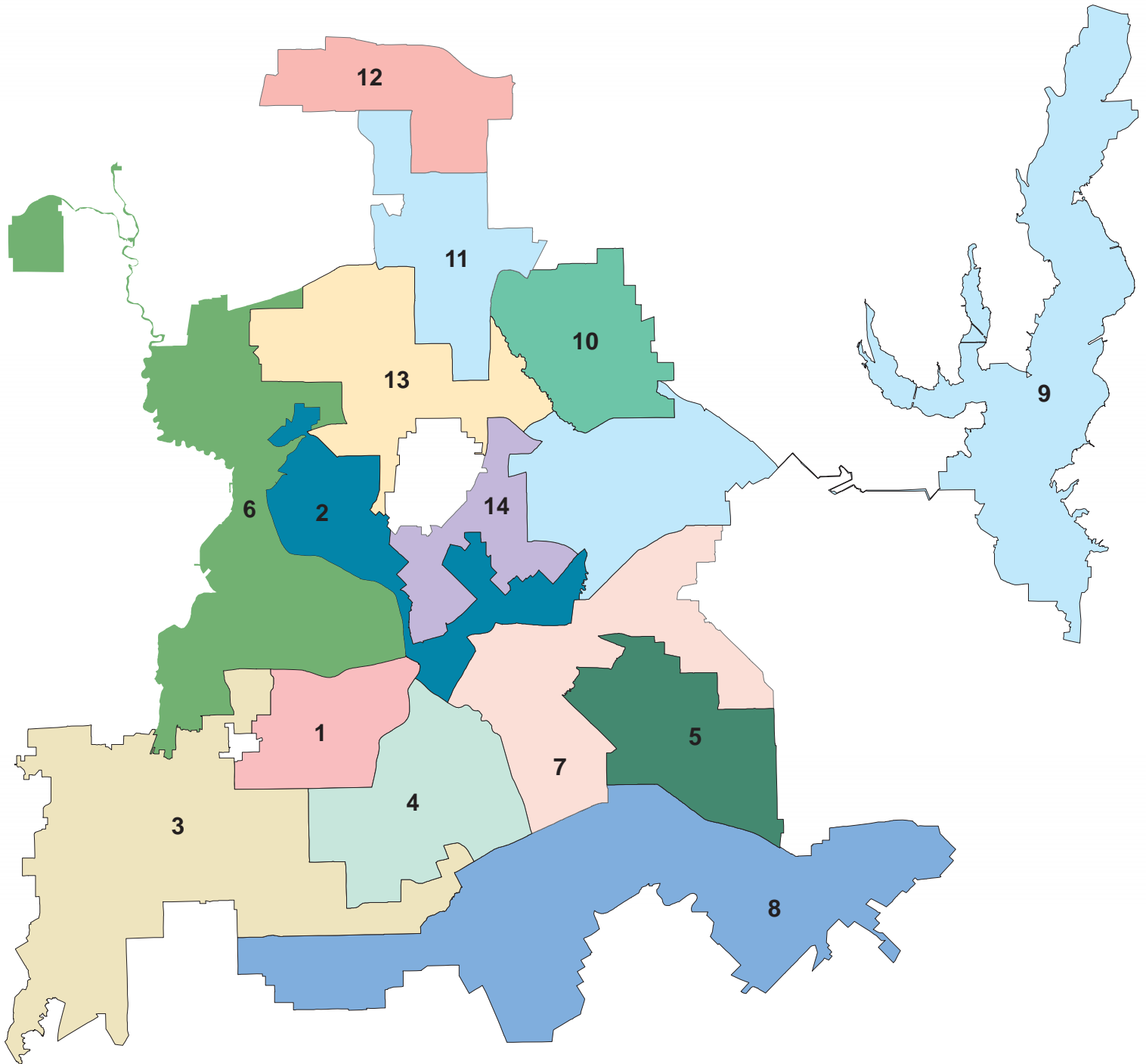
| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| Multatech | HMDB20622Y0716 | \$153,585.00 | 75.07% |
| John Sons Press | HMDB85688Y0117 | \$51,000.00 | 24.93% |
| Total Minority - Non-local | | \$204,585.00 | 100.00% |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

Page 2

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 | \$54,100.00 | 2.76% | \$258,685.00 | 11.93% |
| Asian American | \$297,800.00 | 15.17% | \$297,800.00 | 13.74% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$0.00 | 0.00% | \$0.00 | 0.00% |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total | \$351,900.00 | 17.93% | \$556,485.00 | 25.67% |



February 8, 2017

WHEREAS, Dallas Water Utilities has developed a long-range plan to improve the wastewater collection system within its service area; and,

WHEREAS, engineering services are necessary to provide a comprehensive wastewater collection system assessment update that includes a strategic plan and long-range goals needed to maintain and improve the highest quality wastewater service to the citizens of Dallas and its customer cities; and,

WHEREAS, Freese and Nichols, Inc., 2711 North Haskell Avenue, Suite 3300, Dallas Texas 75204, has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

Section 1. That the proposal submitted by Freese and Nichols, Inc. in the amount of \$2,167,680.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager is hereby authorized to enter into a contract with Freese and Nichols, Inc. in the amount of \$2,167,680.00, to provide a Comprehensive Wastewater Collection System Assessment Update after 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 \$2,167,680.00 from the Wastewater Construction Fund as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|--------------------|---------------|
| 0103 | DWU | CS01 | 3070 | 715058 | CT-DWU715058EN | 347200 |

Freese and Nichols, Inc. - (Contract No. 15-058E) - \$2,167,680.00

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

AGENDA ITEM # 15

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 6, Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 11A R 11B S 33 B

SUBJECT

Authorize a contract for the construction of improvements to water meter vaults at three locations (list attached) - Oscar Renda Contracting, Inc., lowest responsible bidder of four - Not to exceed \$4,000,000 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

Dallas Water Utilities (DWU) owns and operates numerous pieces of operational equipment critical to the distribution and metering of water. A condition assessment of various DWU owned meter vaults throughout the city was performed to identify and prioritize improvements to extend their service life, reduce operational and maintenance costs and improve worker safety. These underground vaults range in size from 100 to 600 square feet with a depth ranging from 10-15 feet. They also contain valves, meters, and monitoring equipment necessary to deliver water to the citizens of Dallas and wholesale customers.

This action includes of improvements to the Jamison meter vault. A new meter vault will replace an existing meter vault that was originally installed in 1955 and needs to be replaced due to its age and deteriorated condition. This action also includes structural, mechanical and electrical improvements to the primary and bypass water meter vaults at the Hackberry Pump Station, which were constructed in 1975. These improvements are needed to better monitor, measure and control the water delivered to the City of Irving and reduce maintenance costs.

This action also includes the construction of a new water meter vault adjacent to Cypress Waters Pump Station which serves the far northwest part of Dallas. The new meter vault will allow Dallas Water Utilities to better monitor, measure and control water volume and quality delivered to the citizens of far northwest Dallas.

BACKGROUND (Continued)

Oscar Renda Contracting, Inc. completed contractual activities in the past three years:

| | <u>STS</u> | <u>DWU</u> | <u>PKR</u> |
|---------------------------------------|-------------------|-------------------|-------------------|
| Projects Completed | 0 | 4 | 0 |
| Change Orders | 0 | 5 | 0 |
| Projects Requiring Liquidated Damages | 0 | 0 | 0 |
| Projects Completed by Bonding Company | 0 | 0 | 0 |

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Began Design | January 2016 |
| Completed Design | July 2016 |
| Begin Construction | March 2017 |
| Complete Construction | November 2017 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Parsons Environment & Infrastructure Group Inc. to provide engineering services for the rehabilitation of the Jamison Meter Vault and the Irving North Meter Vault, and the design of a new interconnection facility between the Dallas and Irving water systems on October 28, 2015, by Resolution No. 15-1980.

Information about this item was provided to the Transportation & Trinity River Project Committee on January 23, 2017.

FISCAL INFORMATION

\$4,000,000.00 - Water Utilities Capital Construction Funds

| | |
|----------------------------|-----------------------|
| Design | \$ 803,500.00 |
| Construction (this action) | <u>\$4,000,000.00</u> |
| Total Project Cost | \$4,803,500.00 |

FISCAL INFORMATION (Continued)

| <u>Council District</u> | <u>Amount</u> |
|------------------------------------|----------------------|
| 6 | \$3,150,000.00 |
| Outside City Limits | <u>\$ 850,000.00</u> |
| Total | \$4,000,000.00 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Oscar Renda Contracting, Inc.

| | | | |
|-----------------|----|---------------|-----|
| Hispanic Female | 3 | Hispanic Male | 460 |
| Black Female | 1 | Black Male | 27 |
| White Female | 11 | White Male | 170 |
| Other Female | 0 | Other Male | 2 |

BID INFORMATION

The following bids with quotes were opened on October 14, 2016:

*Denotes successful bidder

| <u>Bidders</u> | <u>Bid Amount</u> |
|--|--------------------------|
| *Oscar Renda Contracting, Inc. 608 Henrietta Creek Road Roanoke, Texas 76262 | \$4,000,000.00 |
| Felix Construction Company | \$4,083,388.00 |
| North Texas Contracting, Inc. | \$4,487,665.00 |
| Ark Contracting Services, LLC | \$5,190,000.00 |

OWNER

Oscar Renda Contracting, Inc.

Frank Renda, President

MAPS

Attached

Water Meter Vault Improvements

| <u>Facility Name</u> | <u>Council District</u> |
|-----------------------------|--------------------------------|
| Cypress Waters Meter Vault | 6 |
| Jamison Meter Vault | 6 |
| Hackberry Pump Station | Outside City Limits |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of improvements to water meter vaults at three locations (list attached) - Oscar Renda Contracting, Inc., lowest responsible bidder of four - Not to exceed \$4,000,000 - Financing: Water Utilities Capital Construction Funds

Oscar Renda Contracting, Inc. 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 | \$0.00 | 0.00% |
| Total non-local contracts | \$4,000,000.00 | 100.00% |
| TOTAL CONTRACT | \$4,000,000.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

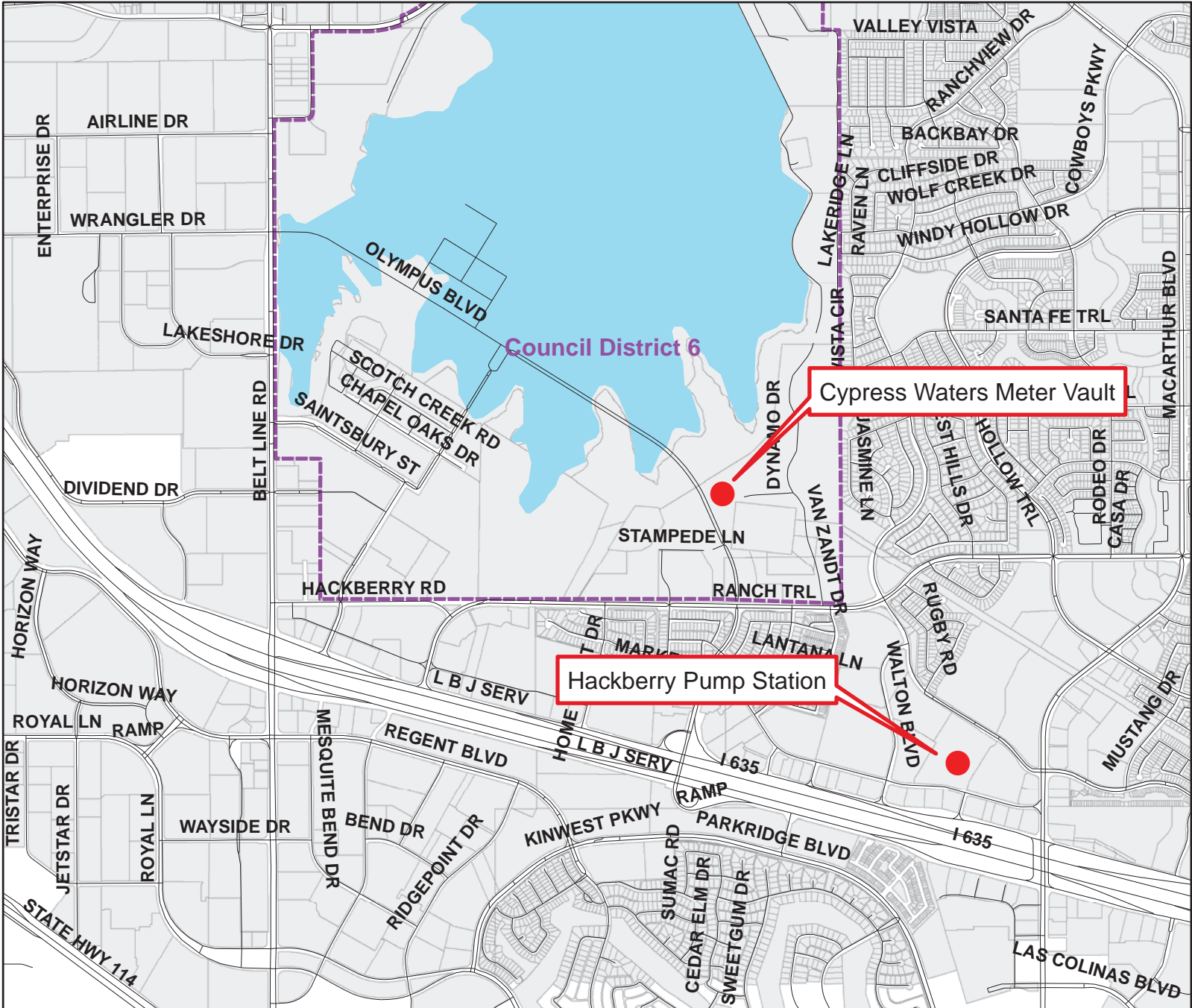
None

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| Partnering for Success, Inc. | HFMB42467Y0618 | \$2,000.00 | 0.05% |
| Luis Moreno Trucking | HMDB33385Y0117 | \$5,000.00 | 0.13% |
| LKT & Associates, LLC | WFDB02060Y1017 | \$620,000.00 | 15.50% |
| Ricochet Fuel | WFWB63913Y0117 | \$100,000.00 | 2.50% |
| A.N.A. Consultants, LLC | WFDB96312Y0617 | \$2,500.00 | 0.06% |
| Total Minority - Non-local | | \$729,500.00 | 18.24% |

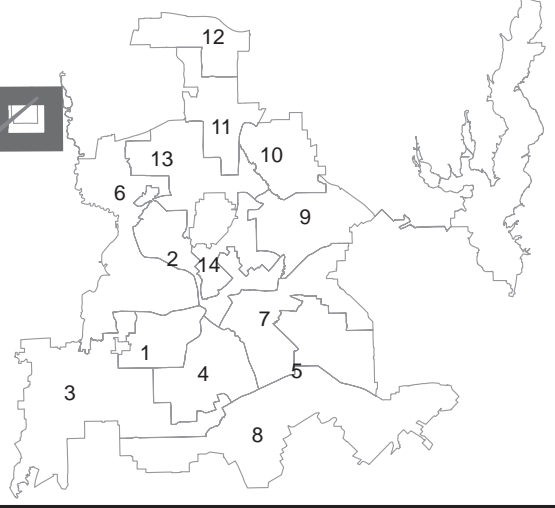
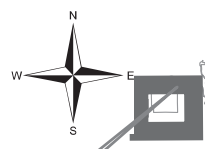
TOTAL M/WBE CONTRACT PARTICIPATION

| | <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% | \$7,000.00 | 0.18% |
| 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% | \$722,500.00 | 18.06% |
| Total | \$0.00 | 0.00% | \$729,500.00 | 18.24% |

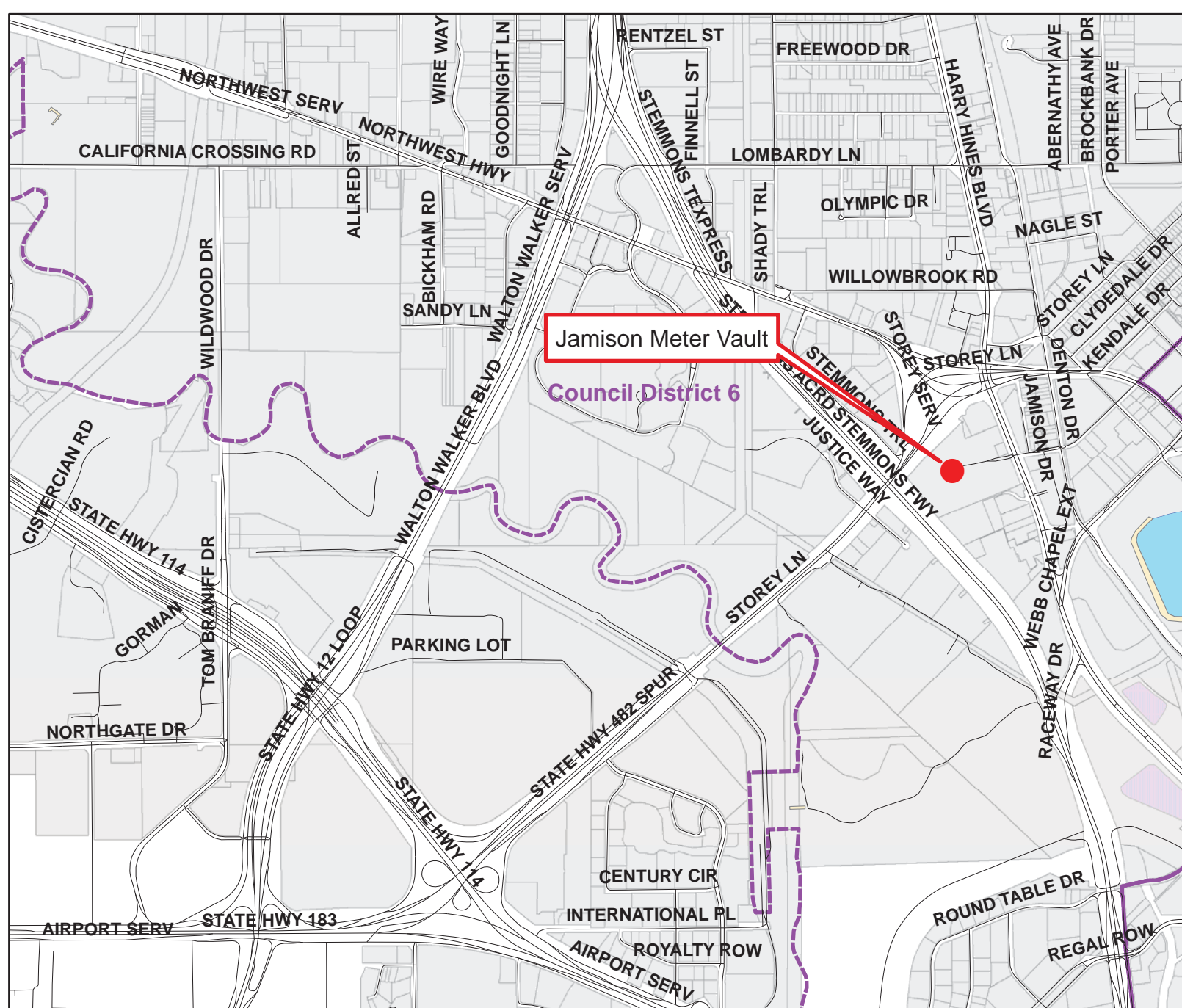


Mapsc0: 11A R, 11B S

Council District: 6, Outside City Limits

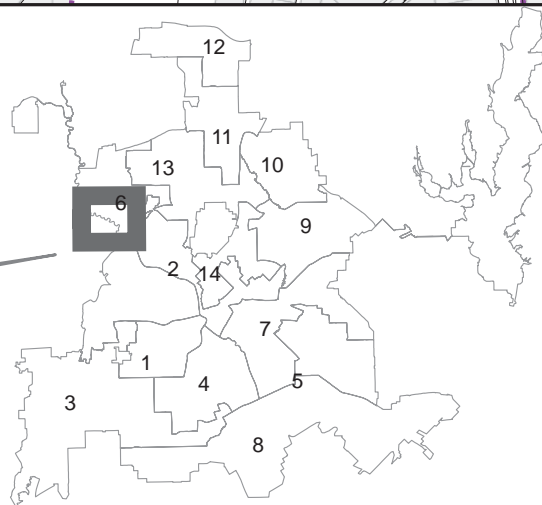
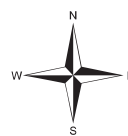


Dallas Water Utilities
Contract No. 17-001
Water Meter Vault Improvements



Mapsc0: 33 B

Council District: 6



**Dallas Water Utilities
Contract No. 17-001
Water Meter Vault Improvements**

February 8, 2017

WHEREAS, bids were received on October 14, 2016 for the construction of improvements to water meter vaults at three locations, Contract No. 17-001, listed as follows:

| <u>BIDDERS</u> | <u>BID AMOUNT</u> |
|-------------------------------|--------------------------|
| Oscar Renda Contracting, Inc. | \$4,000,000.00 |
| Felix Construction Company | \$4,083,388.00 |
| North Texas Contracting, Inc. | \$4,487,665.00 |
| Ark Contracting Services, LLC | \$5,190,000.00 |

WHEREAS, the bid submitted by Oscar Renda Contracting, Inc., 608 Henrietta Creek Road, Roanoke, Texas 76262, in the amount of \$4,000,000.00, is the lowest and best of all bids received.

Now, Therefore,

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

Section 1. That the bid submitted by Oscar Renda Contracting, Inc., in the amount of \$4,000,000.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 17-001, be accepted.

Section 2. That the City Manager is hereby authorized to execute a contract with Oscar Renda Contracting, Inc. in the amount of \$4,000,000.00, for the construction of improvements to water meter vaults at three locations, after 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 \$4,000,000.00 from the Water Construction Fund as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|--------------------|---------------|
| 0102 | DWU | CW43 | 4550 | 717001 | CT-DWU717001CP | 244607 |

Oscar Renda Contracting, Inc. - (Contract No. 17-001) - \$4,000,000.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 14, Outside City Limits

DEPARTMENT: Water Utilities
Mobility and Street Services

CMO: Mark McDaniel, 670-3256
Jill A. Jordan, P.E., 670-5299

MAPSCO: Various

SUBJECT

Authorize a contract for the installation of water and wastewater mains at 31 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of four - Not to exceed \$13,377,380 - Financing: Street and Alley Improvement Funds (\$673,745) and Water Utilities Capital Improvement Funds (\$12,703,635)

BACKGROUND

This action consists of the replacement and rehabilitation of approximately 42,288 feet of water and wastewater mains. This includes the installation of approximately 650 feet of 6-inch, 15,790 feet of 8-inch, 6,550 feet of 12-inch, and 370 feet of 72-inch water mains, and the installation of approximately 60 feet of 6-inch, 12,198 feet of 8-inch, 830 feet of 10-inch, 2,950 feet of 12-inch, 1,460 feet of 16-inch, and 1,430 feet of 21-inch wastewater mains.

The existing water and wastewater mains were built between 1907 and 1983. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

Mobility and Street Services and Dallas Water Utilities have partnered together on this project to provide additional paving at several locations where street conditions warrant complete street replacement in lieu of paving replacement for just the water and wastewater improvements. This additional paving will provide a more suitable riding surface and better quality product at the completion of the project.

Ark Contracting Services, LLC has no completed contractual activities with City of Dallas in the past three years.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|-------------|
| Began Design | May 2005 |
| Completed Design | August 2016 |
| Begin Construction | March 2017 |
| Complete Construction | March 2019 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Lopez Garcia Group to provide engineering services for the design to replace and rehabilitate wastewater mains and the associated water mains in various locations and a study of the receiving interceptor alignment to determine the constructability of the wastewater mains on April 13, 2005, by Resolution No. 05-1109.

Authorized a professional services contract with APM & Associates, Inc. to provide engineering design services for the renewal of water and wastewater mains at 70 locations on September 9, 2009, by Resolution No. 09-2228.

Authorized an engineering services contract with Lockwood, Andrews & Newman, Inc. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 34 locations on December 10, 2014, by Resolution No. 14-2127.

Information about this item was provided to the Transportation & Trinity River Project Committee on January 23, 2017.

FISCAL INFORMATION

\$673,745.00 - Street and Alley Improvement Funds
\$12,703,635.00 - Water Utilities Capital Improvement Funds

| | |
|----------------------------|------------------------|
| Design | \$ 1,739,060.00 |
| Construction (this action) | <u>\$13,377,380.00</u> |
| Total Project Cost | \$15,116,440.00 |

FISCAL INFORMATION (Continued)

| <u>Council District</u> | <u>Amount</u> |
|------------------------------------|----------------------|
| 1 | \$ 2,034,065.00 |
| 2 | \$ 961,673.00 |
| 4 | \$ 1,183,110.00 |
| 5 | \$ 1,842,680.00 |
| 6 | \$ 1,061,320.00 |
| 7 | \$ 727,582.00 |
| 8 | \$ 974,327.00 |
| 9 | \$ 1,920,183.00 |
| 10 | \$ 63,268.00 |
| 13 | \$ 1,369,119.00 |
| 14 | \$ 1,123,007.00 |
| Outside City Limits | <u>\$ 117,046.00</u> |
| Total | \$13,377,380.00 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION**Ark Contracting Services, LLC**

| | | | |
|-----------------|---|---------------|-----|
| Hispanic Female | 0 | Hispanic Male | 131 |
| Black Female | 0 | Black Male | 0 |
| White Female | 5 | White Male | 21 |
| Other Female | 0 | Other Male | 0 |

BID INFORMATION

The following bids with quotes were opened on November 18, 2016:

*Denotes successful bidder

| <u>Bidders</u> | <u>Bid Amount</u> |
|---|--------------------------|
| *Ark Contracting Services, LLC 420 South Dick Price Road Kennedale, Texas 76060 | \$13,377,380.00 |
| SYB Construction Co., Inc. | \$14,485,185.50 |
| John Burns Construction Company of Texas, Inc. | \$14,498,745.00 |
| Omega Contracting, Inc. | \$14,778,656.00 |

OWNER

Ark Contracting Services, LLC

Michael Calvert, Owner

MAPS

Attached

Installation of Water and Wastewater Mains

District 1

*Burlington Boulevard from Chalmers Street to Zeb Street
*Granger Street from Brookhaven Drive to Goyens Drive
Rio Vista Court from Rio Vista Drive to end
Rio Vista Drive from Stemmons Avenue to Handley Drive
Zang Boulevard from Page Avenue north

District 2

Collier Street from Ring Street northeast
**Corinth Street from Good Latimer Expressway to Bourbon Street
Hay Street and Ring Street from Collier Street north
McKee Street from Wall Street to Akard Street

District 4

Avenue L from 11th Street to Childs Street
*Garrison Street from Exeter Avenue to Wilhurt Avenue
*Modree Avenue from Bonnie View Road to Haas Drive

District 5

*Milverton Drive from Greendale Drive to Holcomb Road

District 6

Pluto Street from Singleton Boulevard to Schofield Drive

District 7

Cypress Avenue from Scyene Road to Briggs Street
**Michael Lane from Oates Drive to Klondike Drive
**(Corinth Street from Good Latimer Expressway to Bourbon Street)
(See District 2)

District 8

*Clearwood Drive from Polk Street to Racine Drive

Installation of Water and Wastewater Mains

Page 2

District 9

Alley between Highwood Drive and Materhorn Drive from Shiloh Road to Materhorn Drive

Blue Valley Lane from Lakefair Circle west

*Wakefield Circle from Wakefield Street to end

*Watterson Drive from Delford Circle to Barnes Bridge Road

** (Michael Lane from Oates Drive to Klondike Drive)
(See District 7)

District 10

Liptonshire Drive at Liptonshire cul-de-sac

District 13

*Bowman Boulevard from Rickshaw Drive to Walnut Hill Lane

*Preston Park Drive from Stanford Avenue to Lovers Lane

*Rickshaw Drive from Bowman Boulevard to Glenrio Lane

Townsend Drive from Cox Lane to Vinecrest Drive

Walnut Hill Lane from Bowman Boulevard west

District 14

*Arrowhead Drive from Stonebridge Drive northwest

*Homer Street from alley north of Miller Avenue south

*Jackson Street from Houston Street to Austin Street

Outside City Limits

County Road 322 (future FM 3486)

*Includes funding participation from Mobility and Street Services

**Project limits in more than one Council District

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of water and wastewater mains at 31 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of four - Not to exceed \$13,377,380 - Financing: Street and Alley Improvement Funds (\$673,745) and Water Utilities Capital Improvement Funds (\$12,703,635)

Ark Contracting Services, LLC 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 | \$2,990,000.00 | 22.35% |
| Total non-local contracts | \$10,387,380.00 | 77.65% |
| TOTAL CONTRACT | \$13,377,380.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|----------------------------------|----------------------|-----------------------|----------------|
| Reyes Group, Ltd | HMMB45079Y0818 | \$550,000.00 | 18.39% |
| J & A Trucking, LLC | HMMB64410N0317 | \$200,000.00 | 6.69% |
| LKT & Associates, LLC | WFDB02060Y1017 | \$1,700,000.00 | 56.86% |
| Magnum Manhole & Underground Co. | WFDB06880Y0617 | \$45,000.00 | 1.51% |
| Total Minority - Local | | \$2,495,000.00 | 83.44% |

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|-----------------------|----------------|
| Partnering For Success, Inc. | HFMB42467Y0618 | \$6,500.00 | 0.06% |
| Cowtown Redi-Mix, Inc. | WFWB06682Y0916 | \$1,050,000.00 | 10.11% |
| Buyers Barricades, Inc. | WFDB52135Y0617 | \$49,000.00 | 0.47% |
| A.N.A. Consultants, LLC | WFDB96312Y0617 | \$44,000.00 | 0.42% |
| Brock Environmental Services, LLC | WFWB96114Y1118 | \$8,200.00 | 0.08% |
| Total Minority - Non-local | | \$1,157,700.00 | 11.15% |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

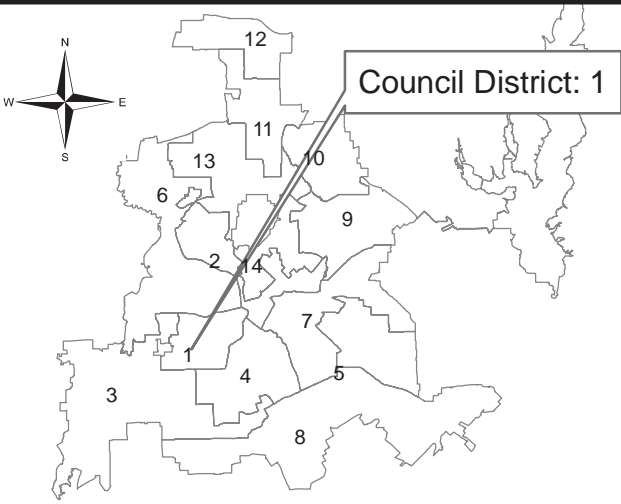
Page 2

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 | \$750,000.00 | 25.08% | \$756,500.00 | 5.66% |
| Asian American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$1,745,000.00 | 58.36% | \$2,896,200.00 | 21.65% |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total | \$2,495,000.00 | 83.44% | \$3,652,700.00 | 27.31% |



Burlington Boulevard
from Chalmers Street to Zeb Street



**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**

BROOKHAVEN DR

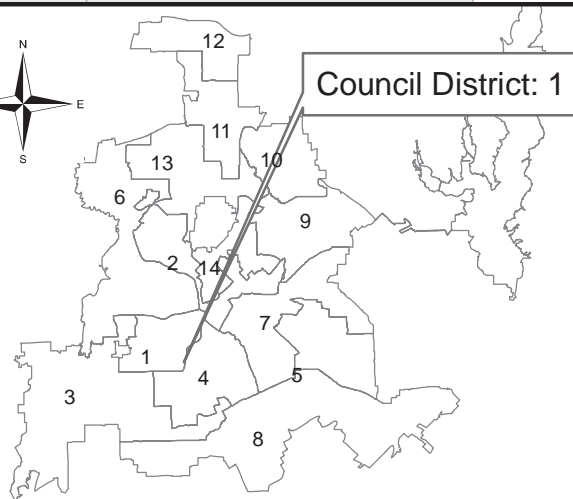
8" Water Main
8" Wastewater Main
Mapsco: 54 Q
Council District: 1

Council District 1

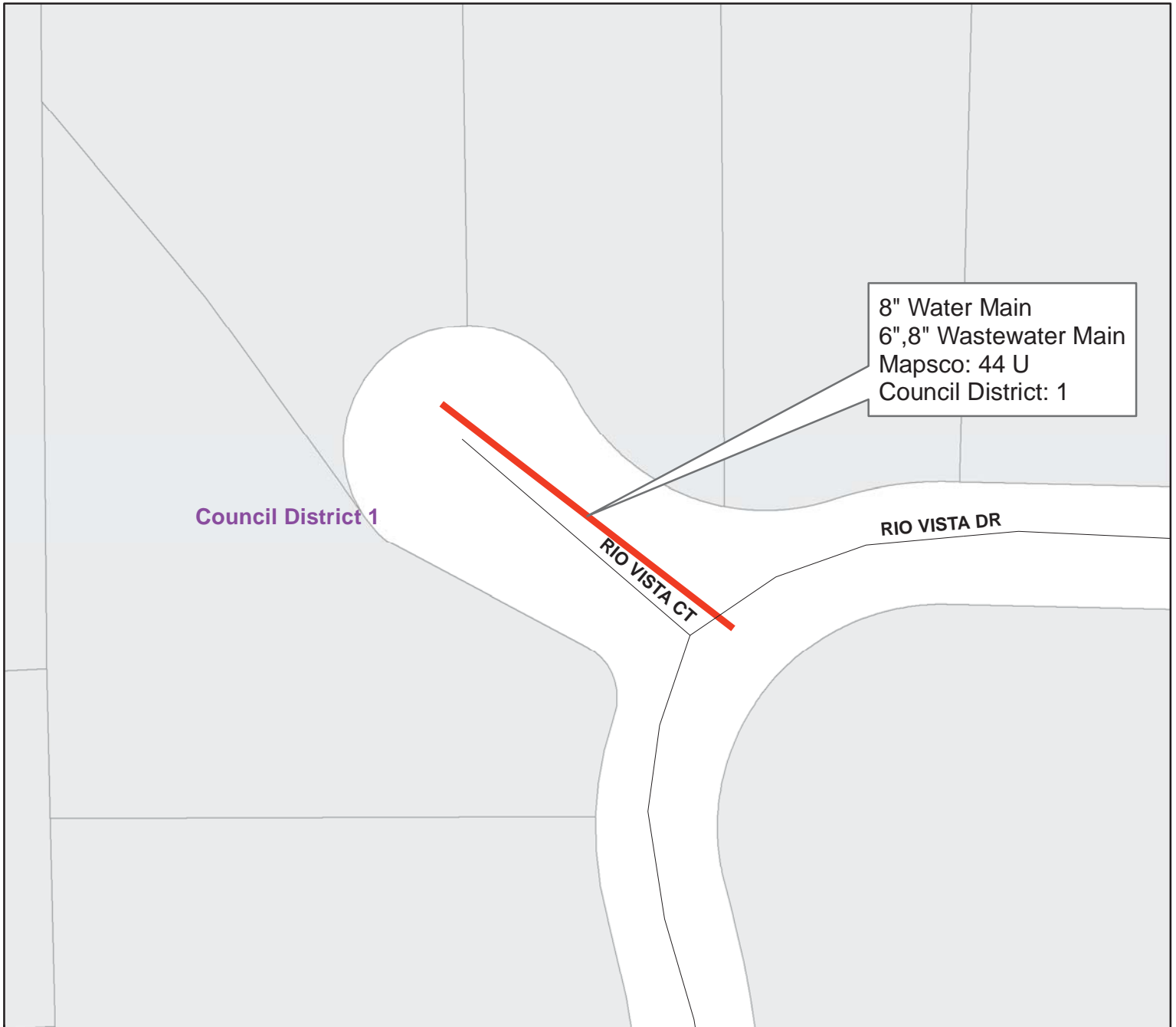
GRANGER ST

GOYENS DR

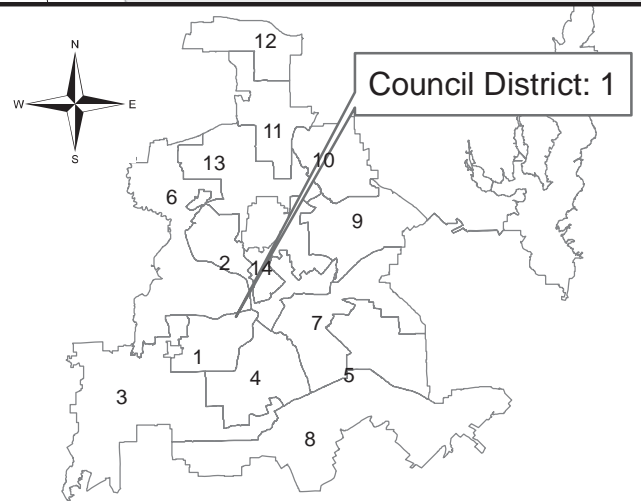
Granger Street
from Brookhaven Drive to Goyens Drive



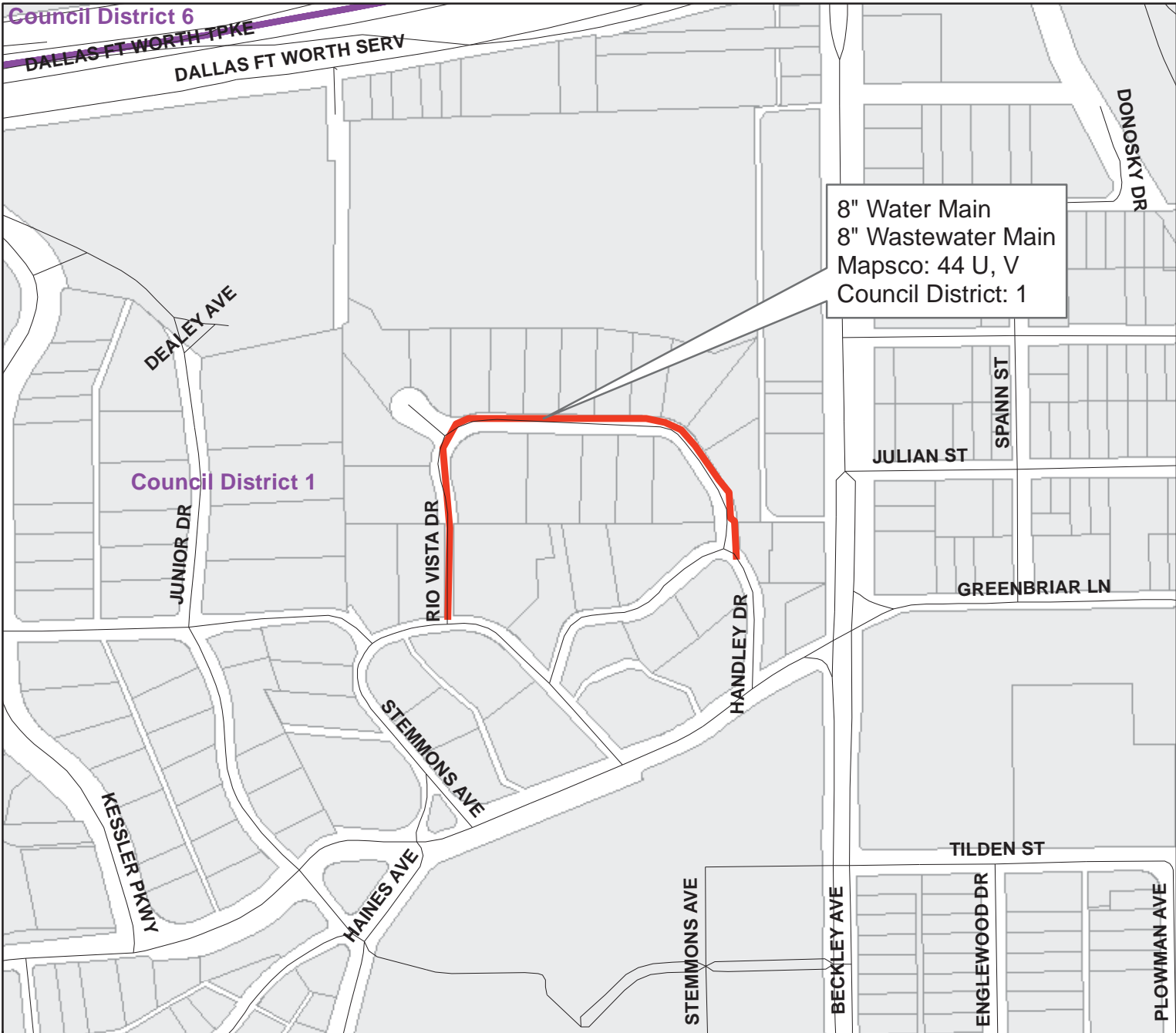
Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



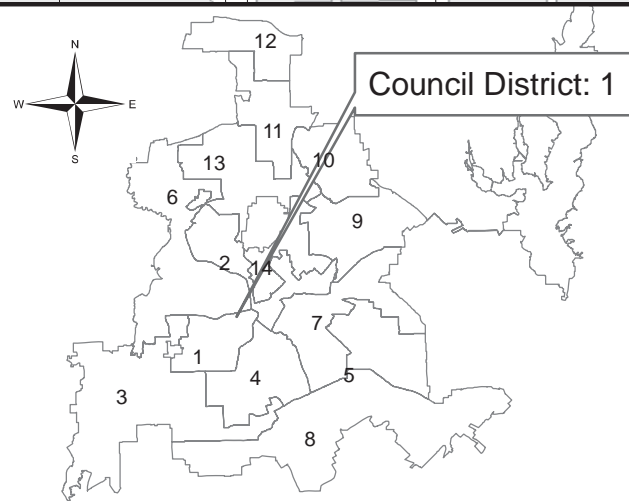
Rio Vista Court
from Rio Vista Drive to end



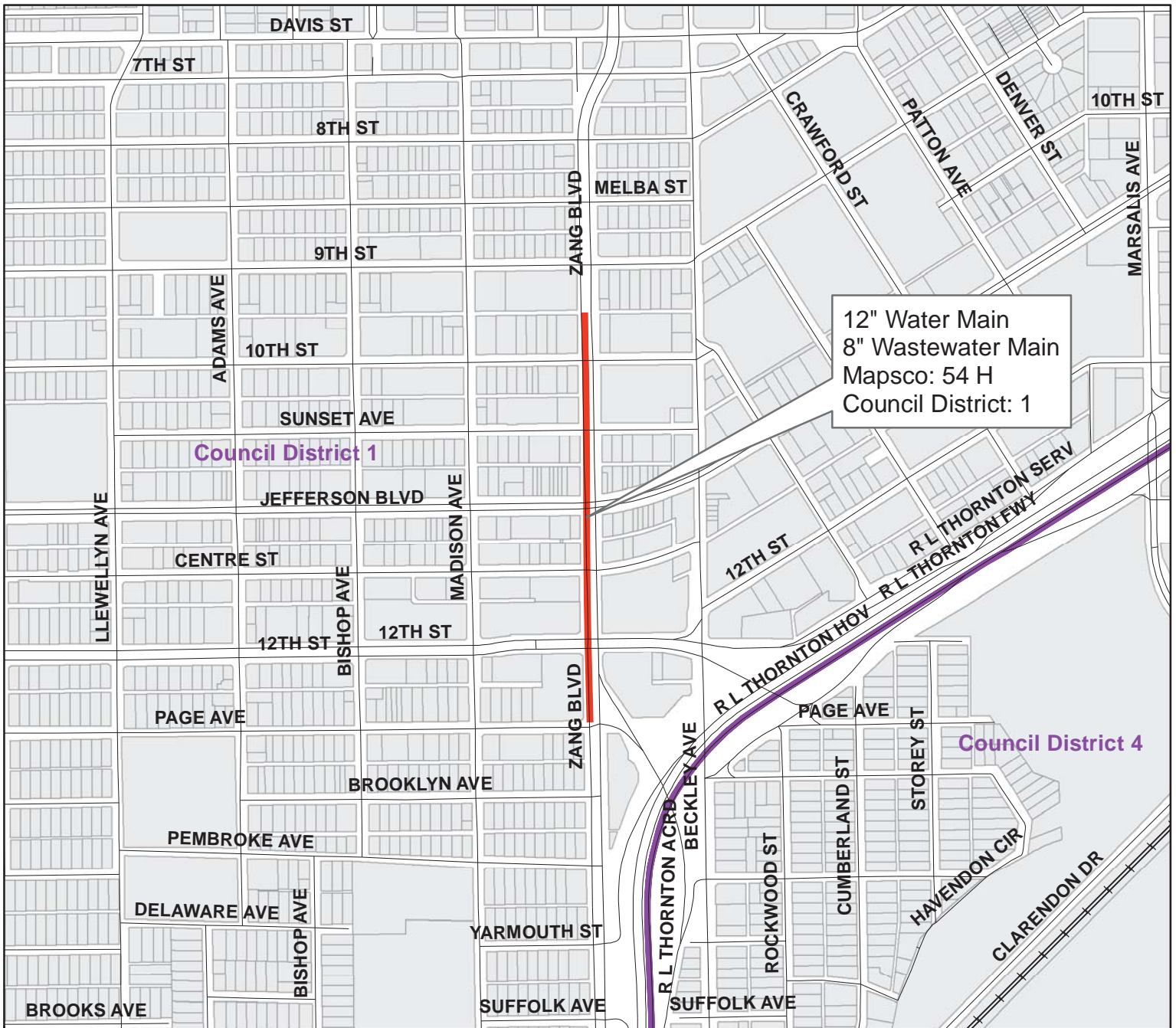
**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



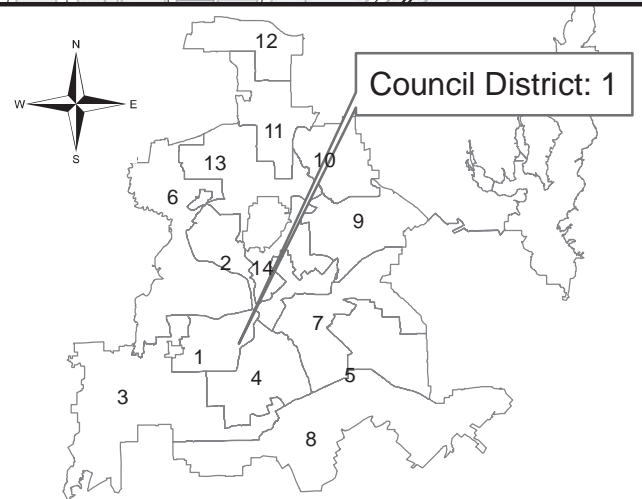
Rio Vista Drive
from Stemmons Avenue to Handley Drive



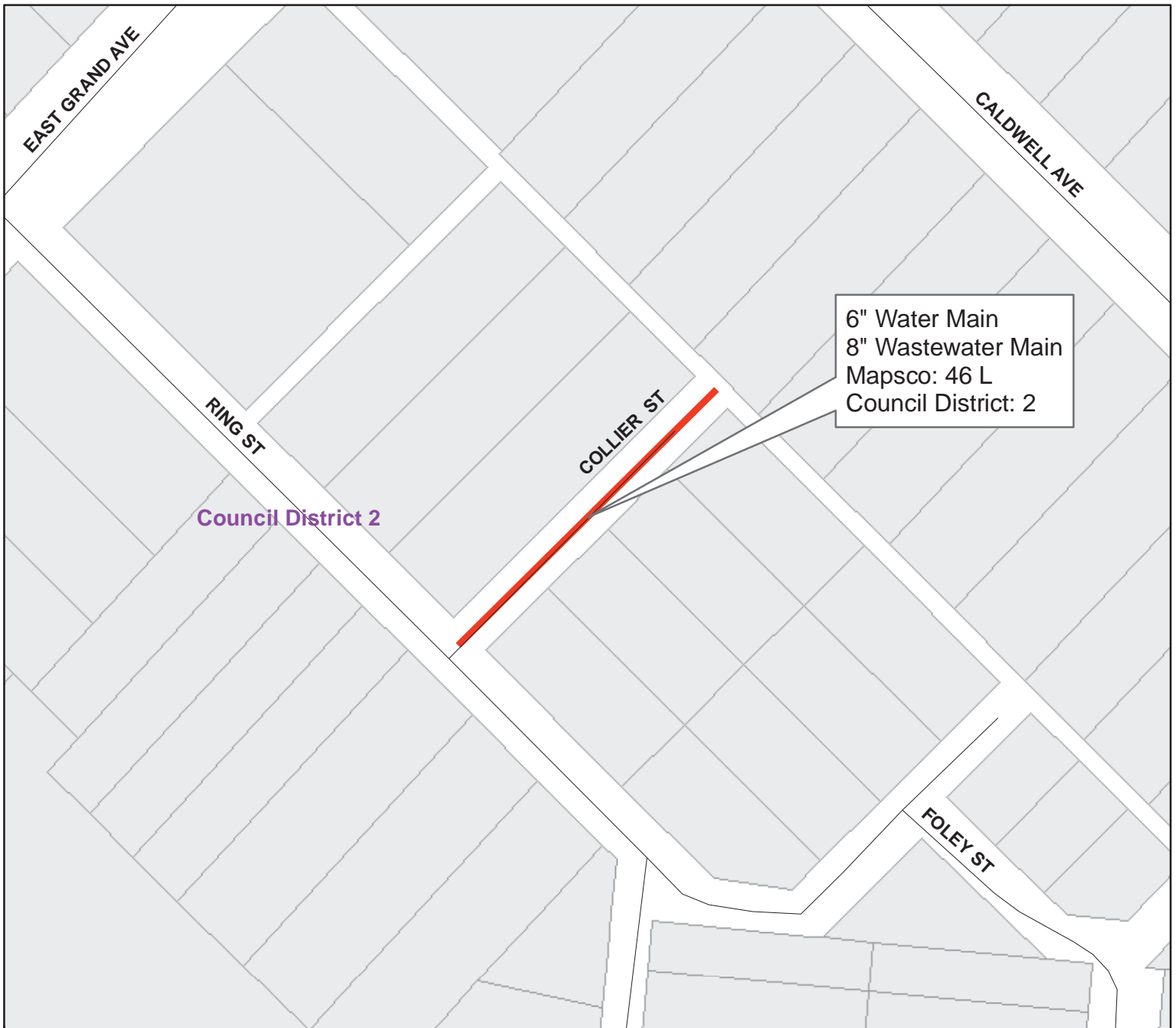
Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



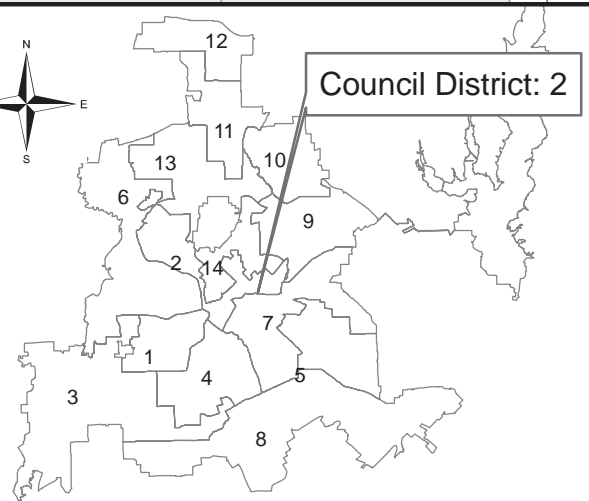
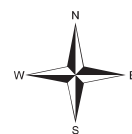
Zang Boulevard
from Page Avenue north



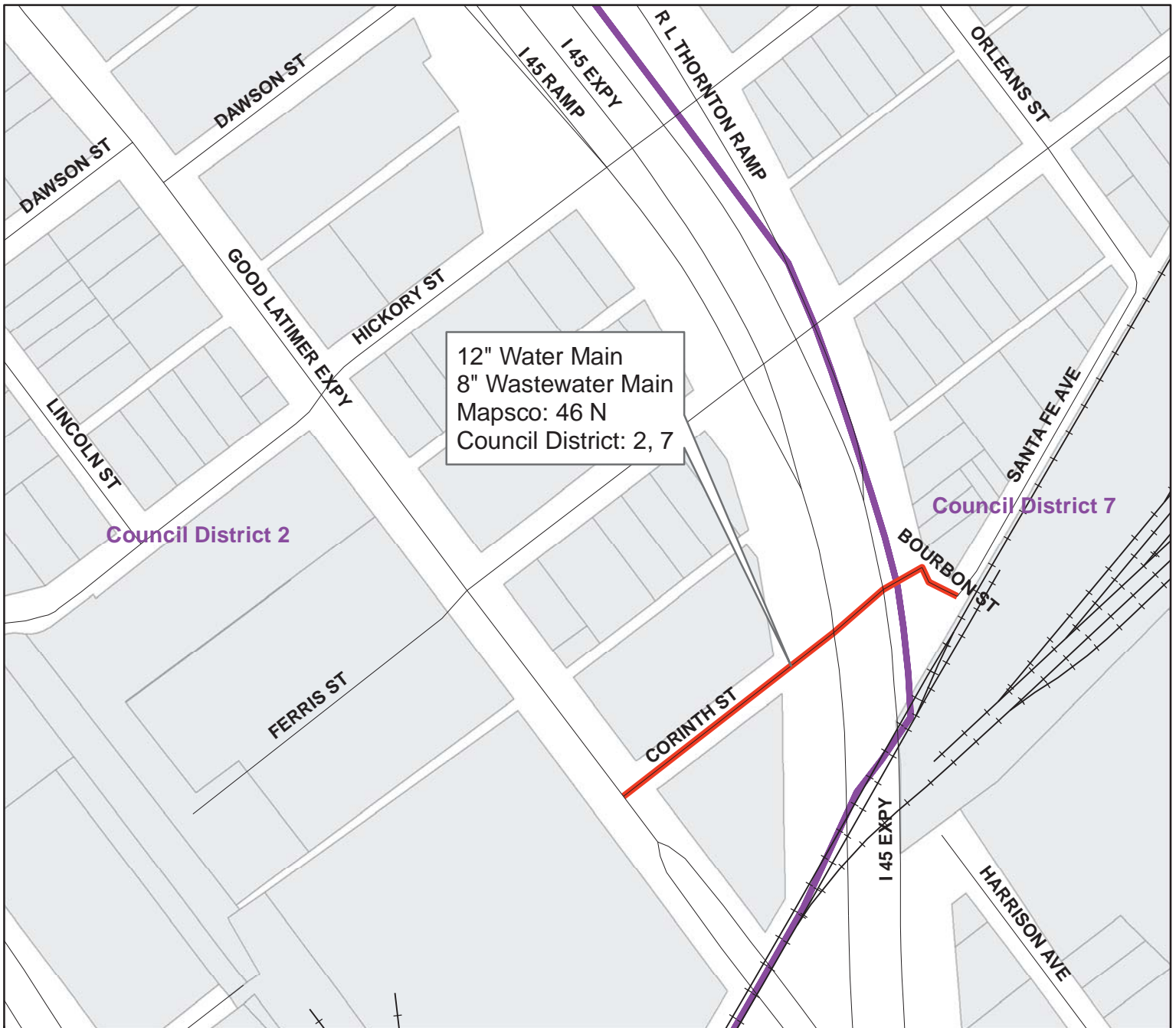
**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



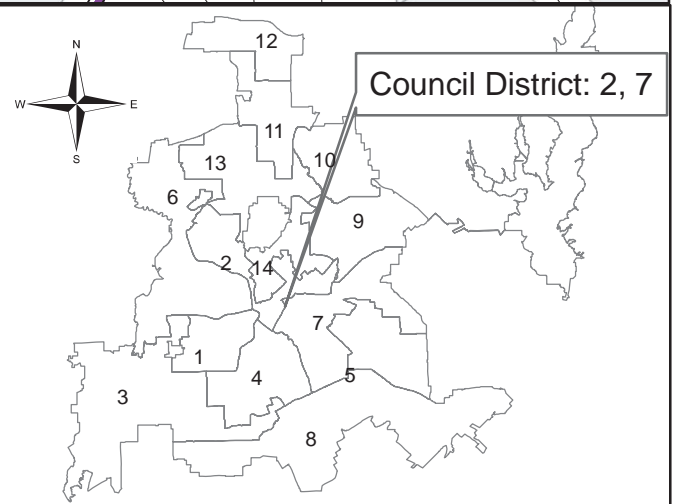
Collier Street
from Ring Street northeast



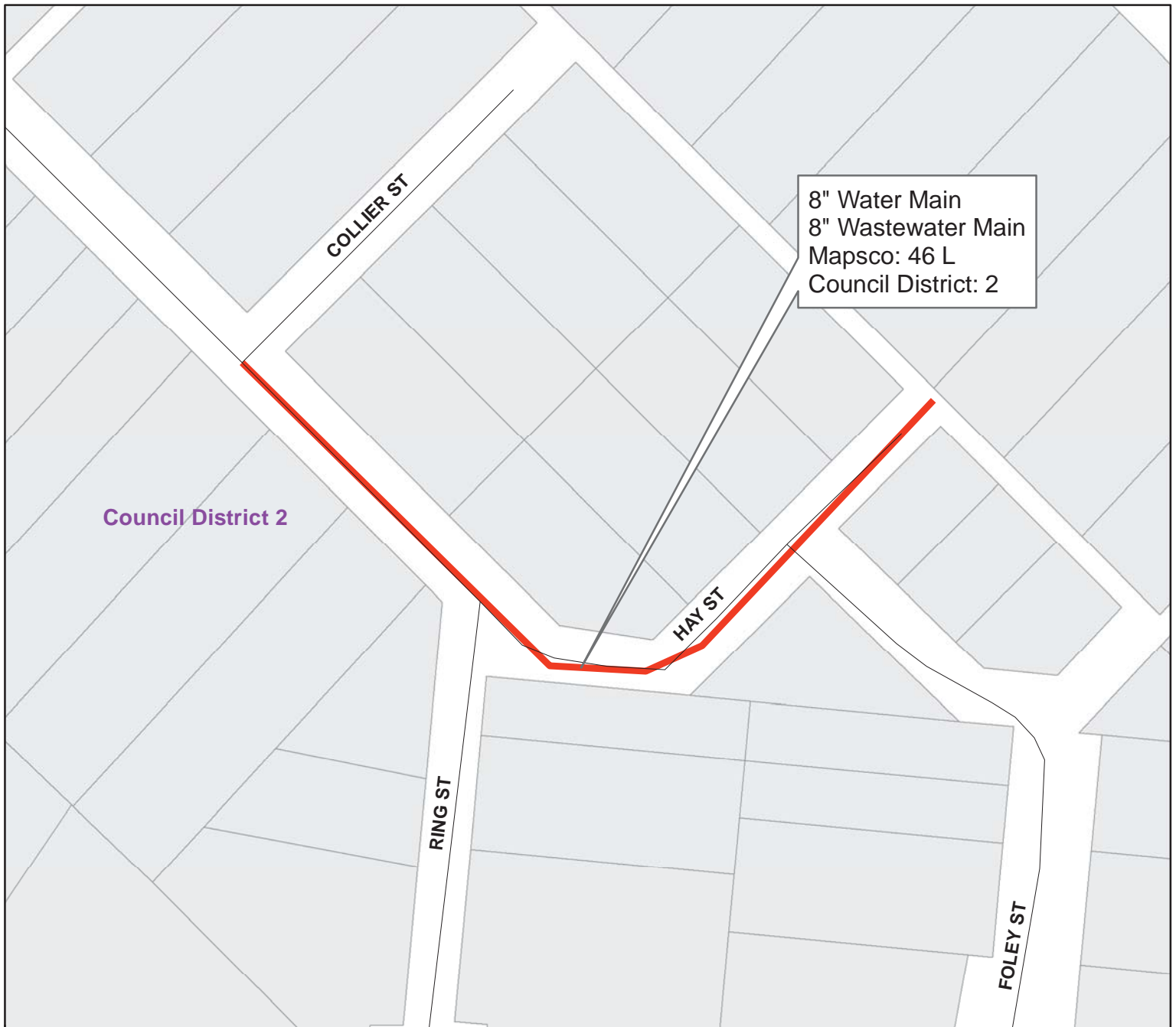
**Dallas Water Utilities
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



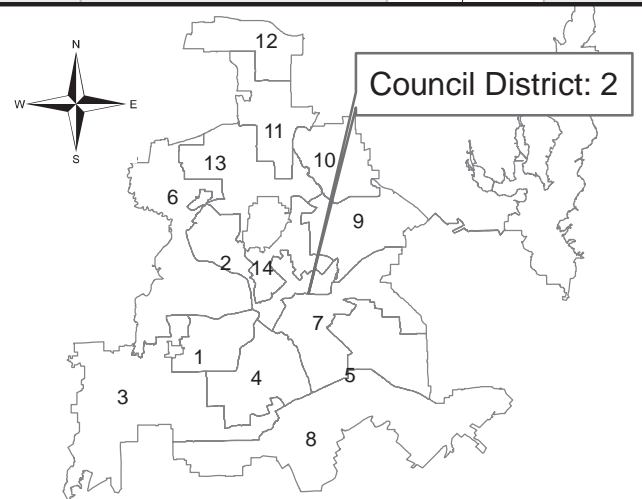
Corinth Street
from Good Latimer Expressway to Bourbon
Street



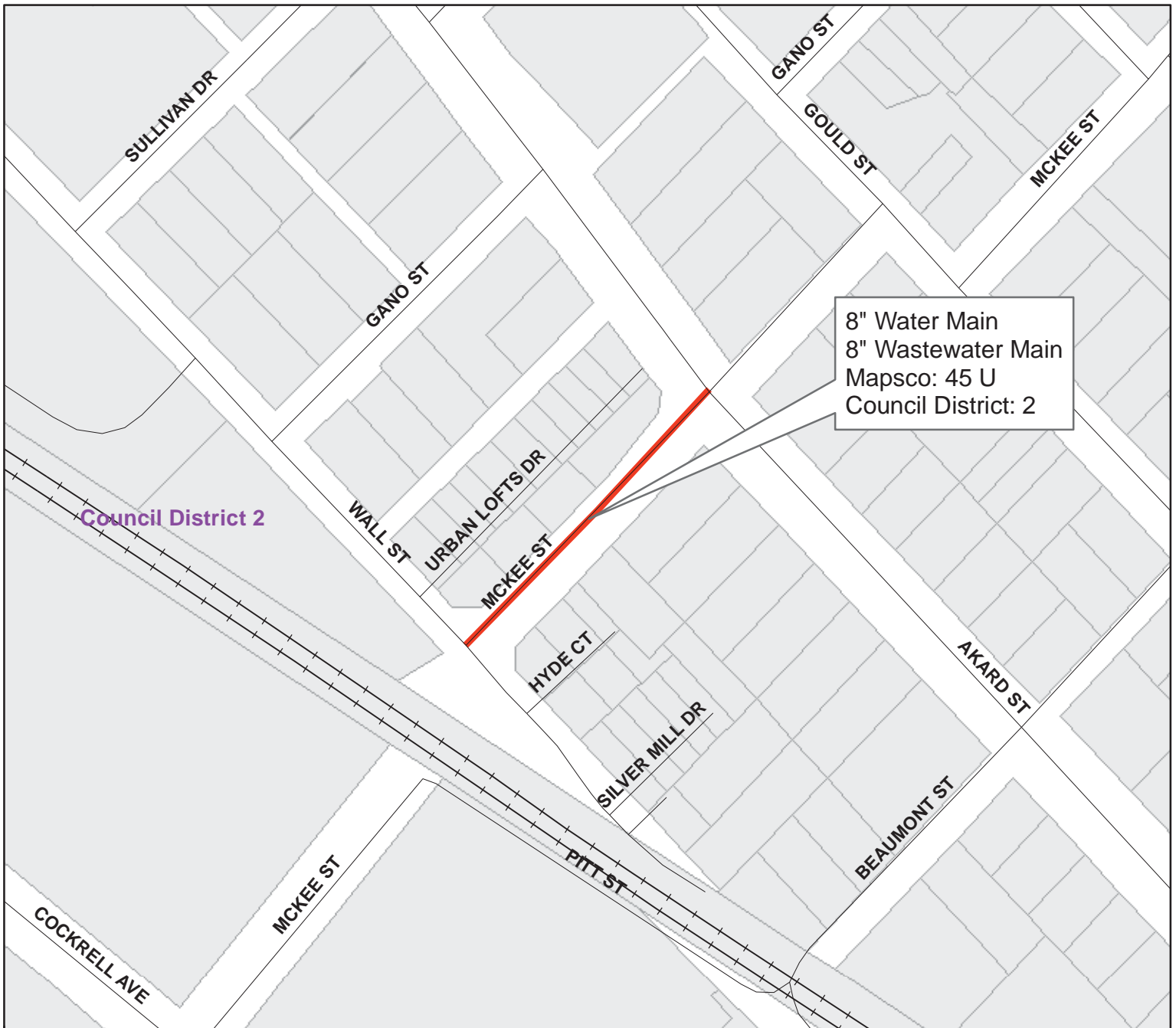
Dallas Water Utilities
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



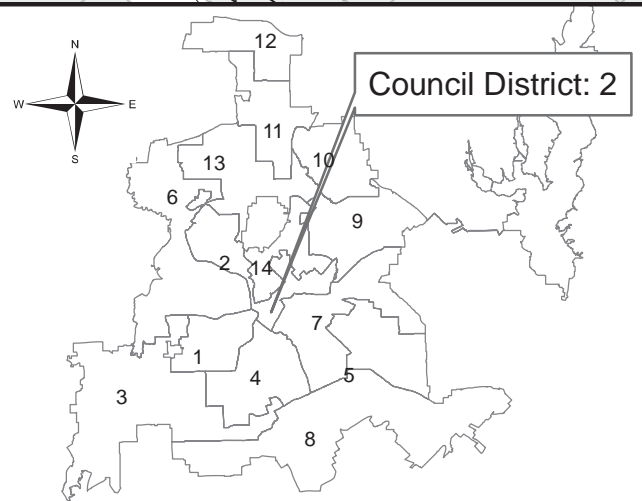
Hay Street and Ring Street
from Collier Street north



Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



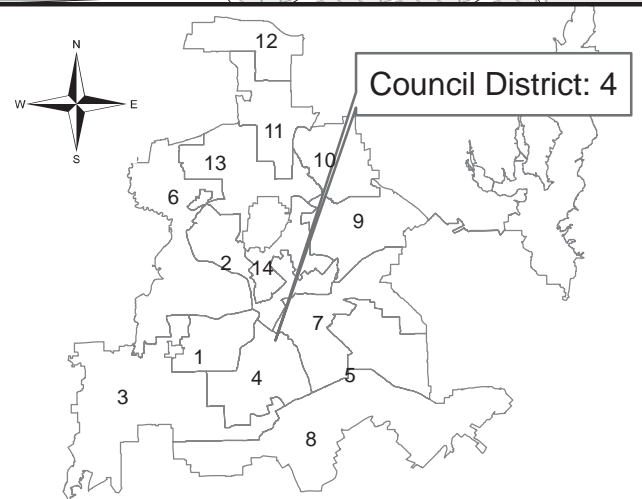
McKee Street
from Wall Street to Akard Street



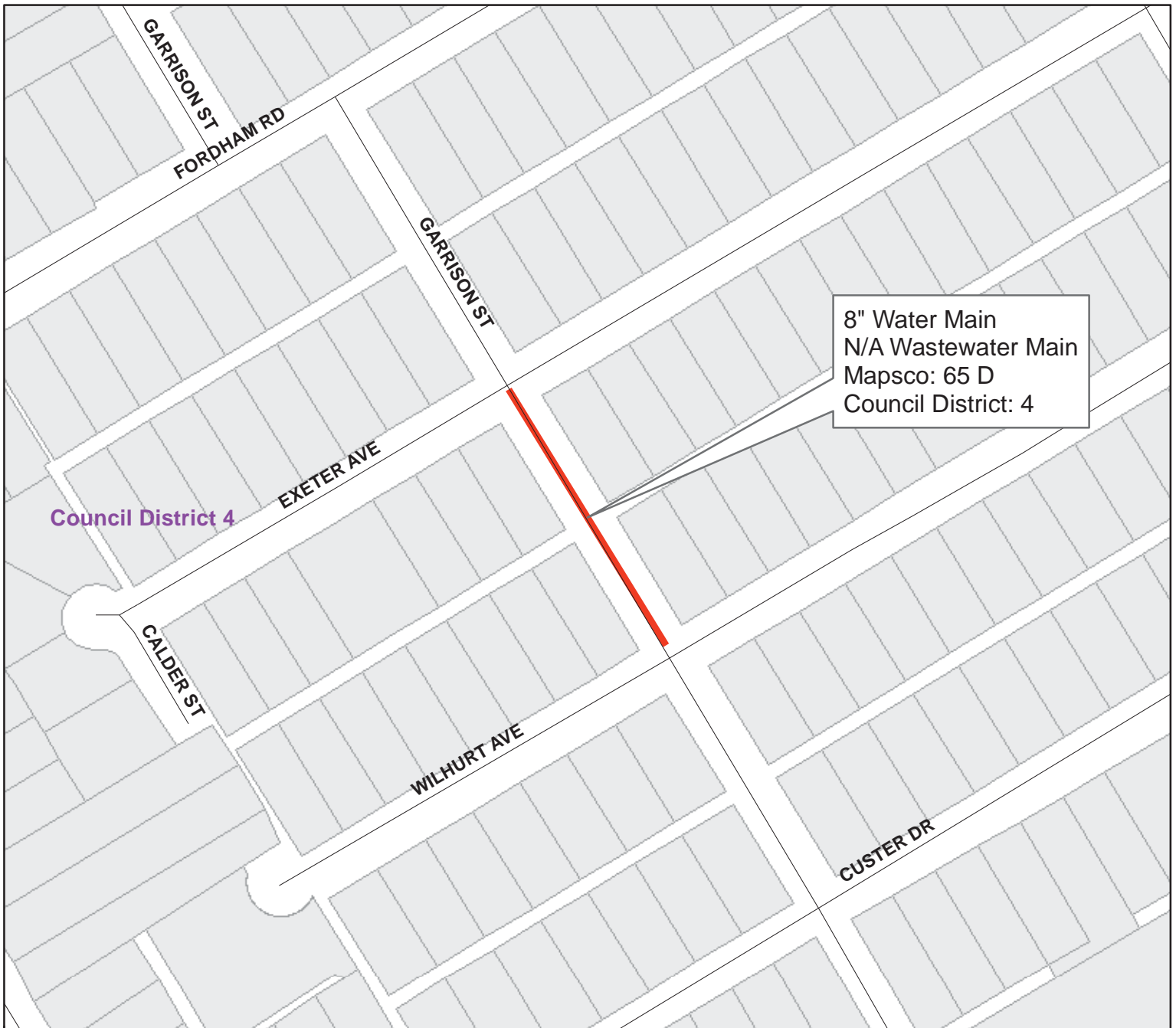
**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



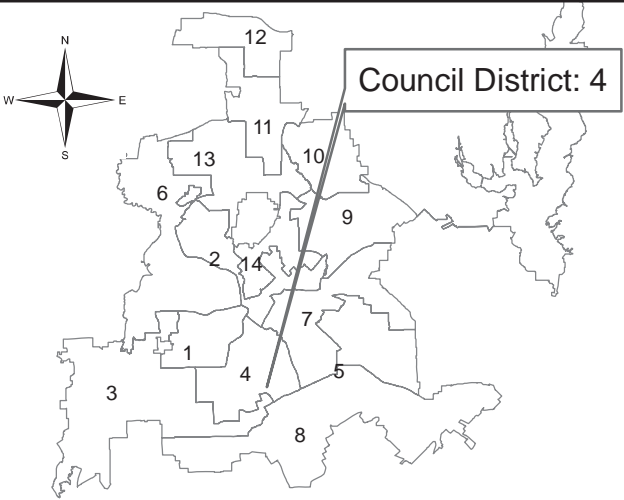
Avenue L
from 11th Street to Childs Street



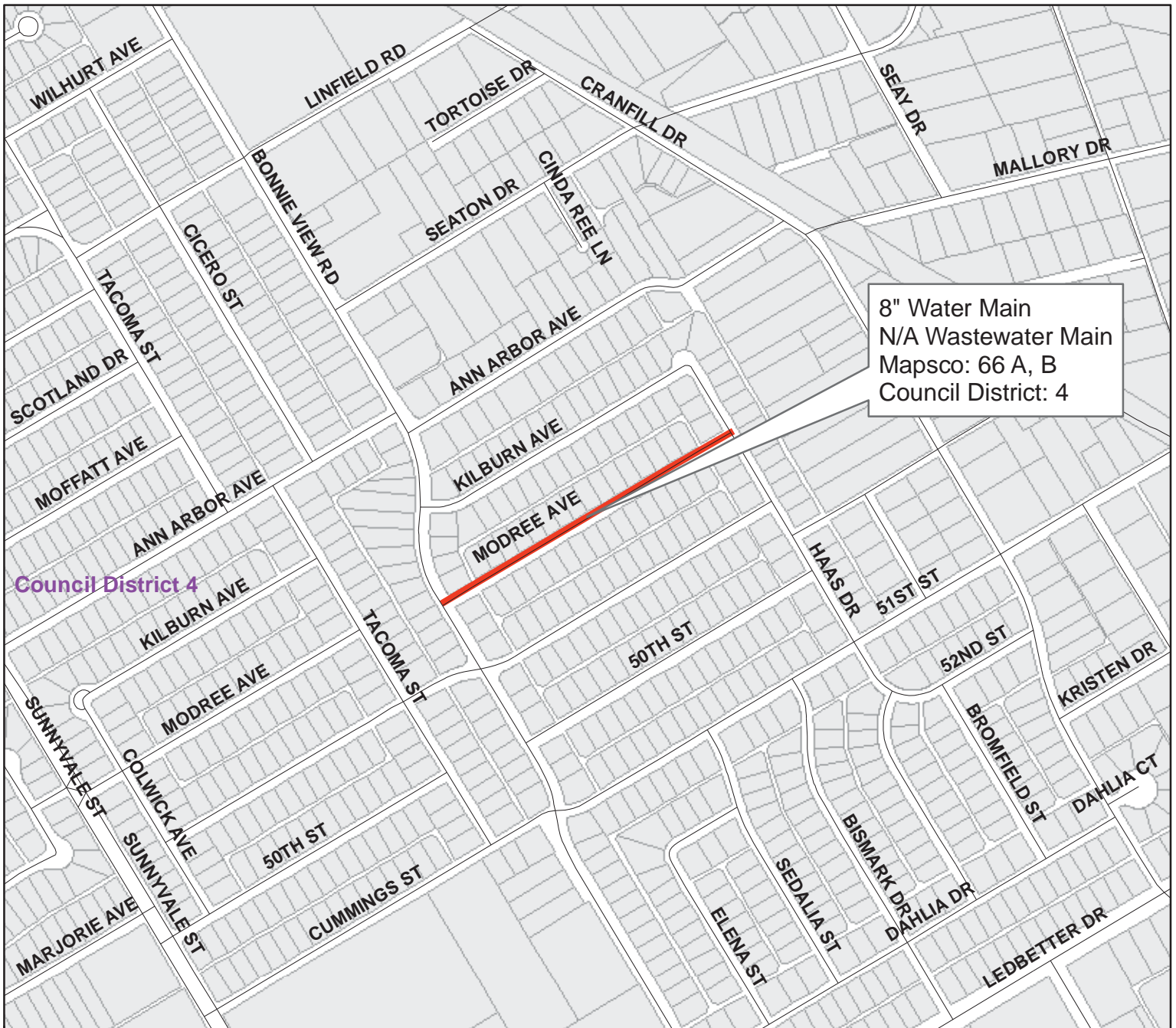
**Dallas Water Utilities
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



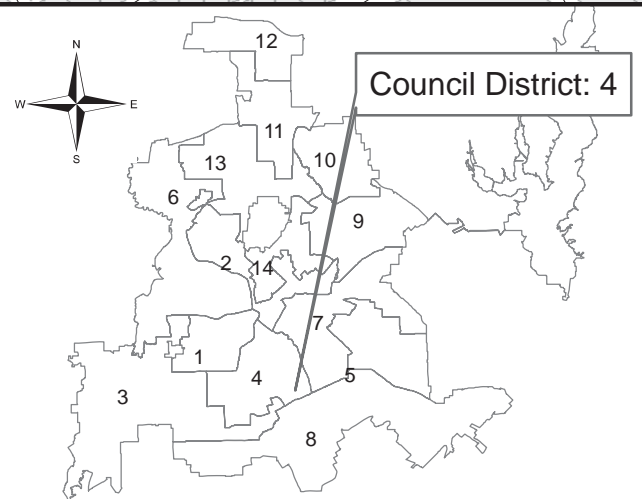
Garrison Street
from Exeter Avenue to Wilhurt Avenue



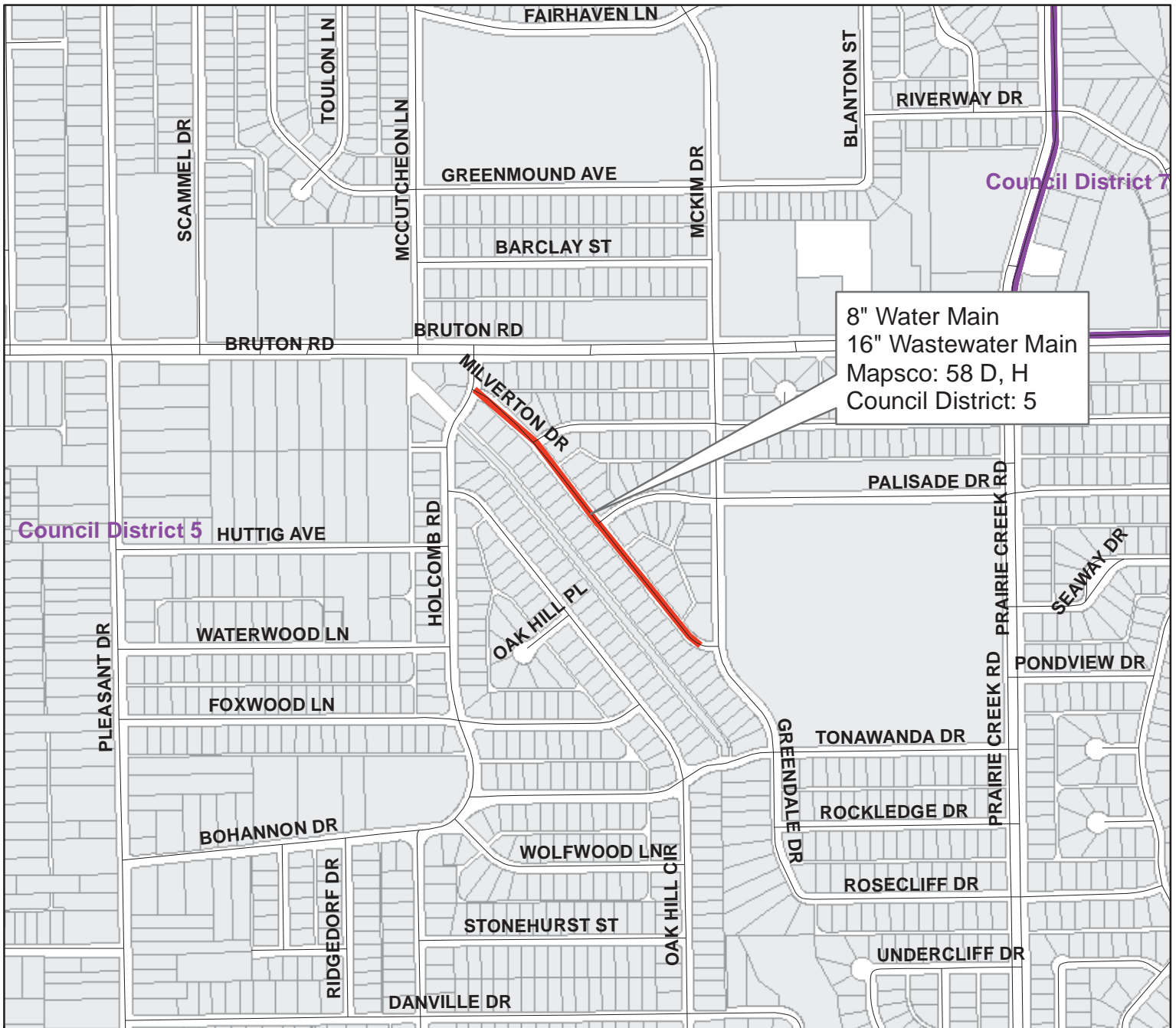
Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



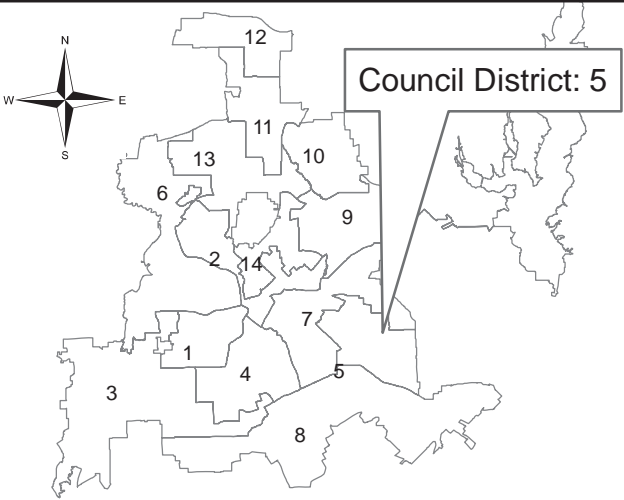
Modree Avenue
from Bonnie View Road to Haas Drive



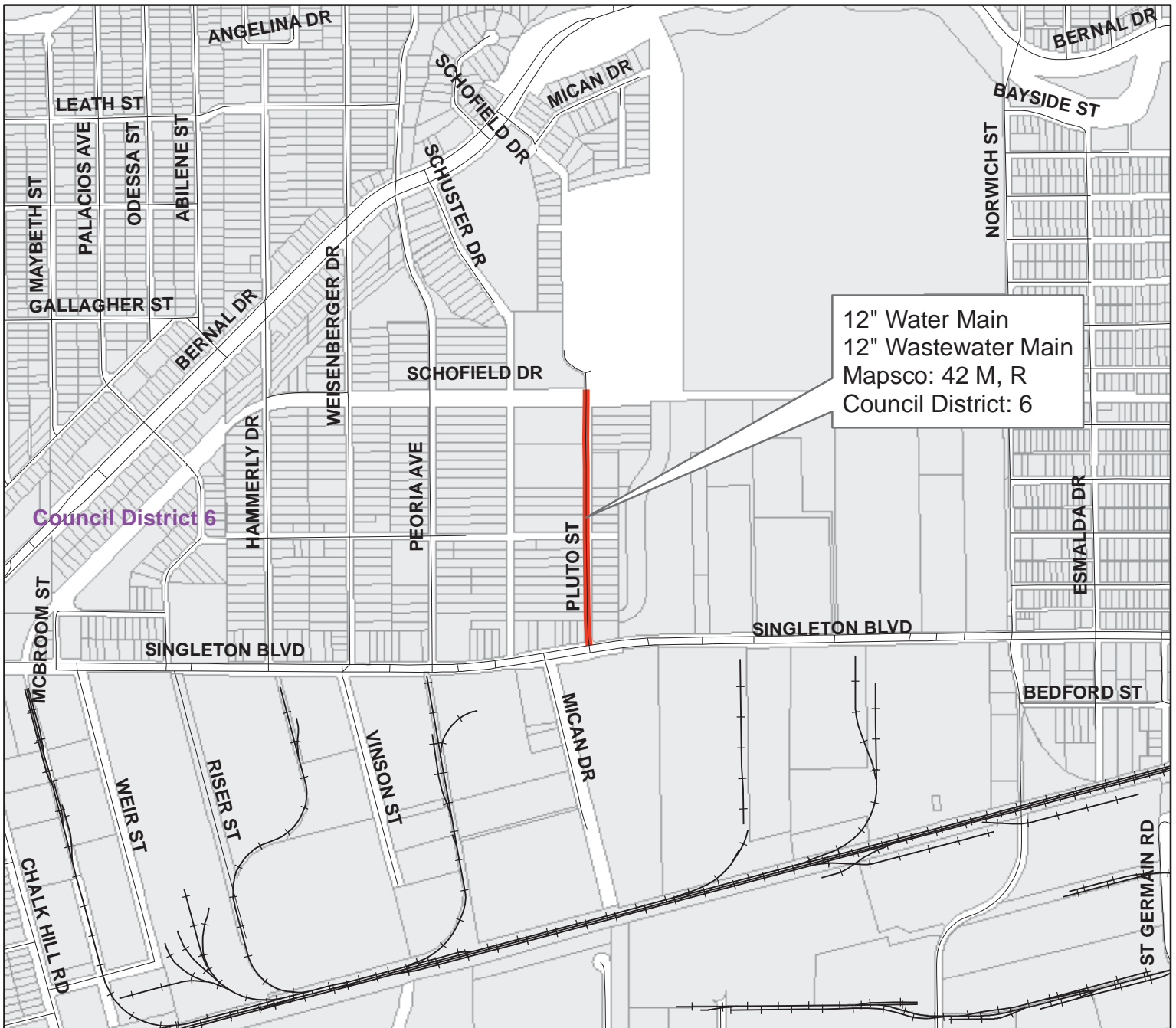
**Dallas Water Utilities
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



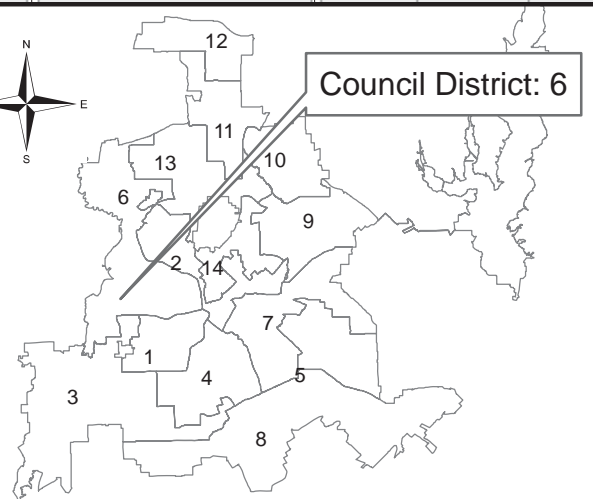
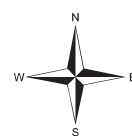
Milverton Drive
from Greendale Drive to Holcomb Road



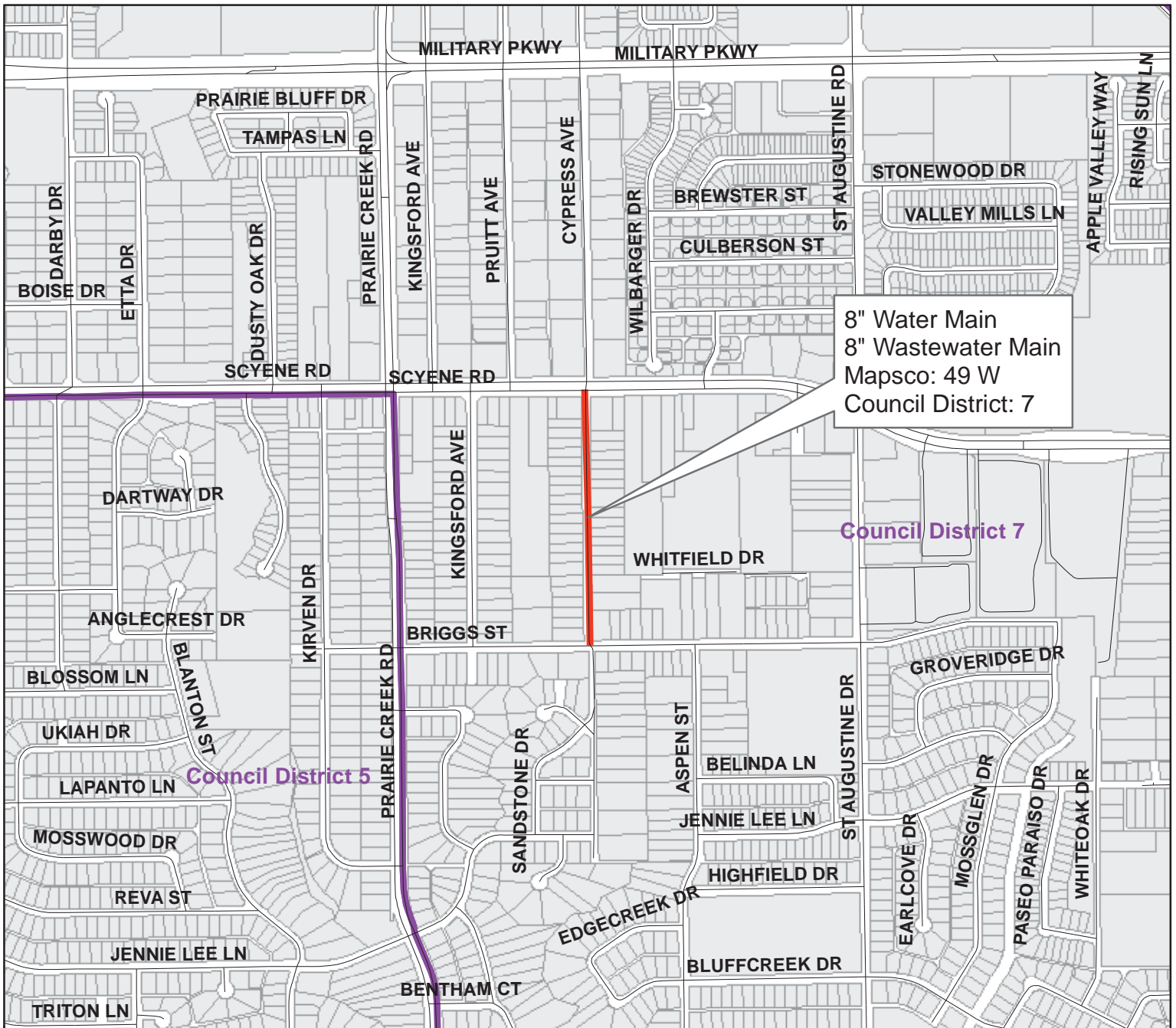
Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



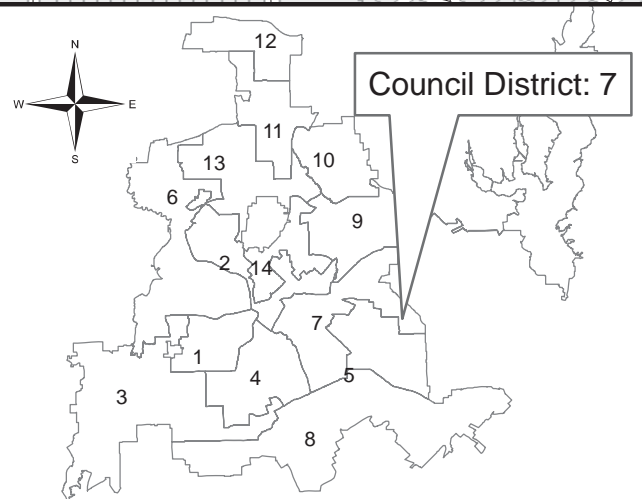
Pluto Street
from Singleton Boulevard to Schofield Drive



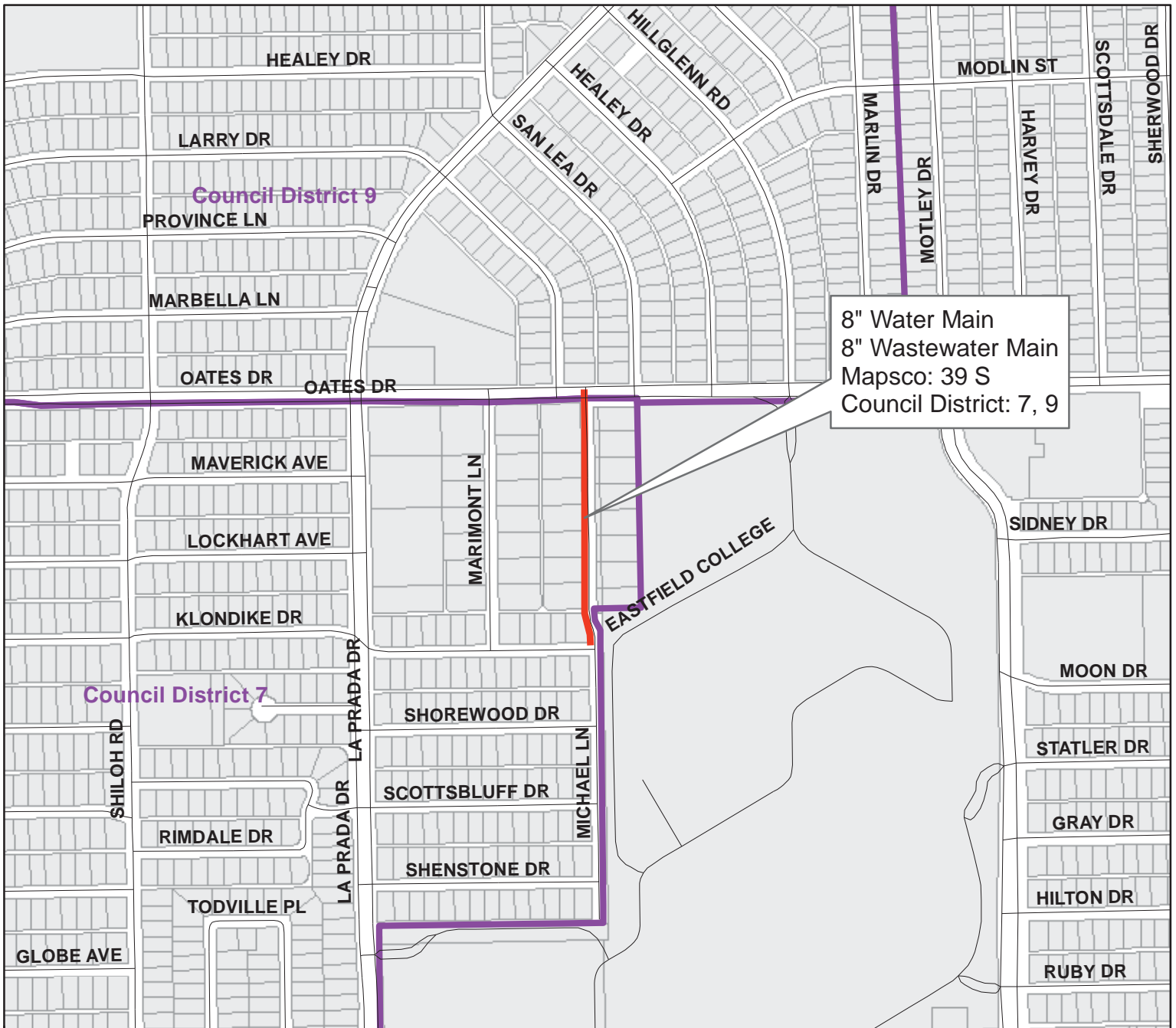
**Dallas Water Utilities
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



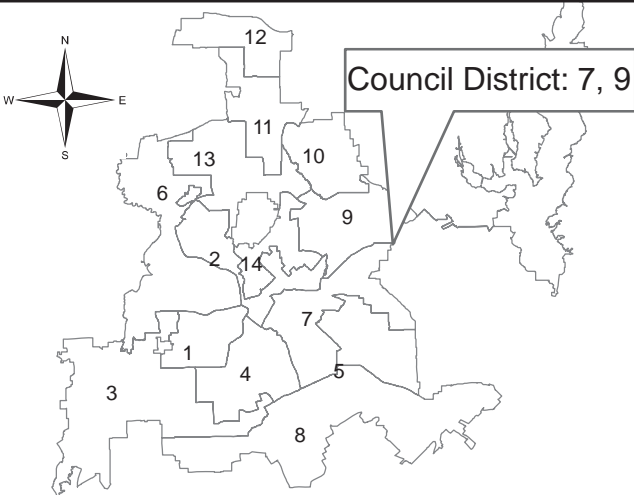
Cypress Avenue
from Scyene Road to Briggs Street



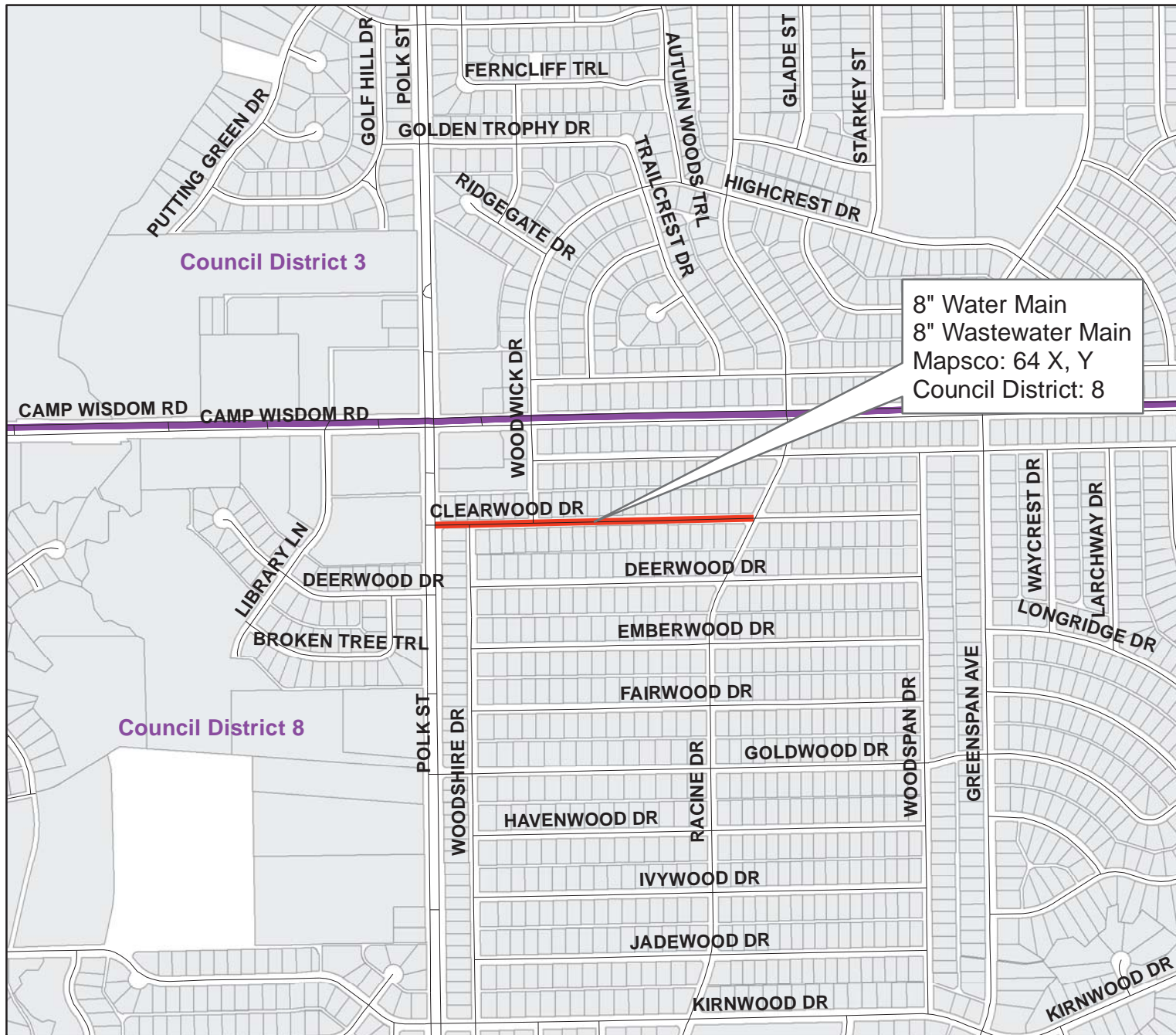
Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



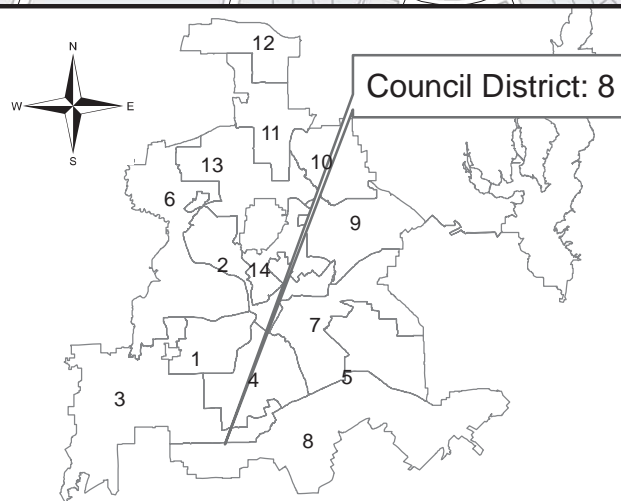
Michael Lane
from Oates Drive to Klondike Drive



**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



Clearwood Drive
from Polk Street to Racine Drive

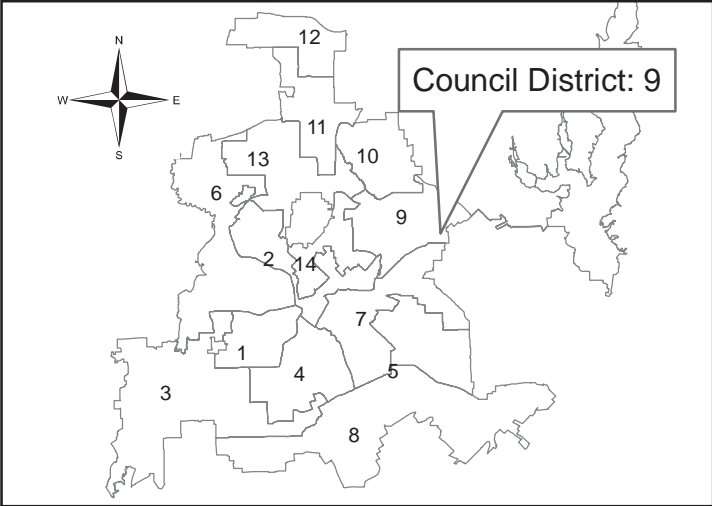


**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



N/A Water Main
21" Wastewater Main
Mapsc0: 39 N
Council District: 9

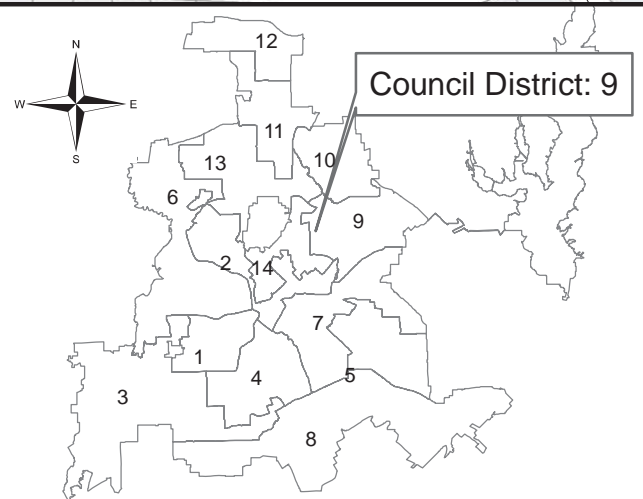
Alley between Highwood Drive and Materhorn Drive
from Shiloh Road to Materhorn Drive



Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



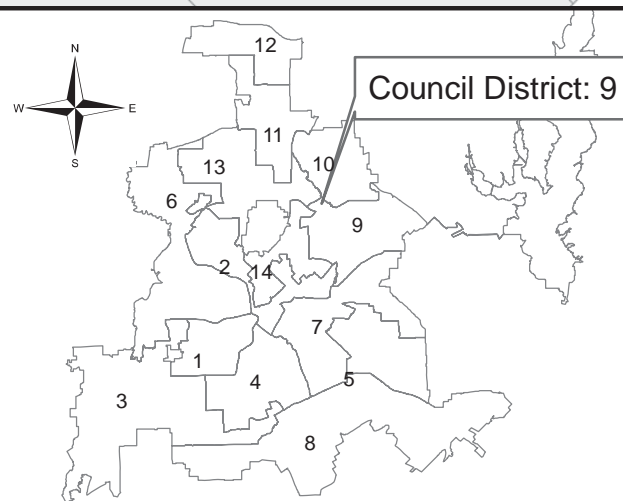
Blue Valley Lane
from Lakefair Circle west



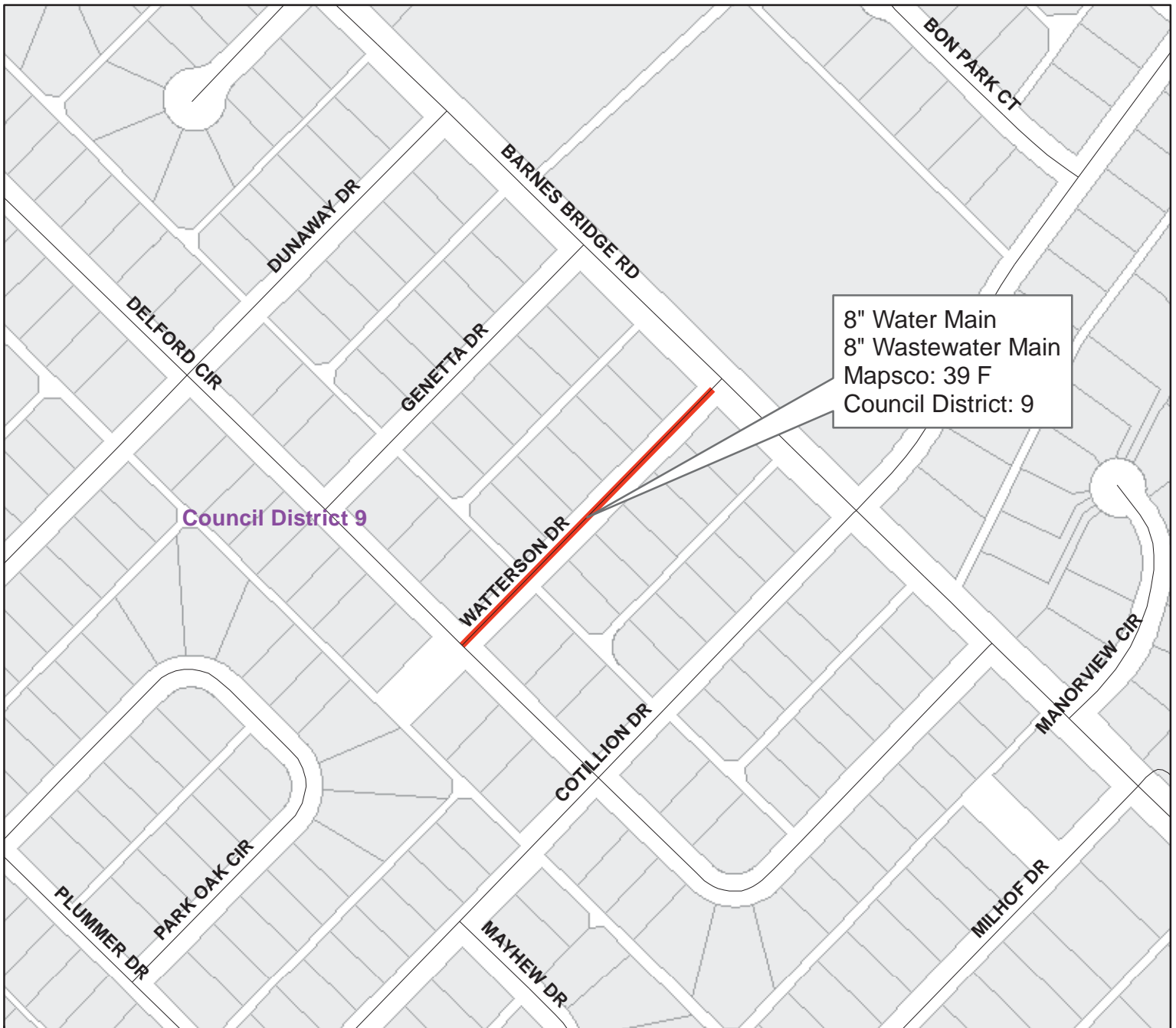
**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



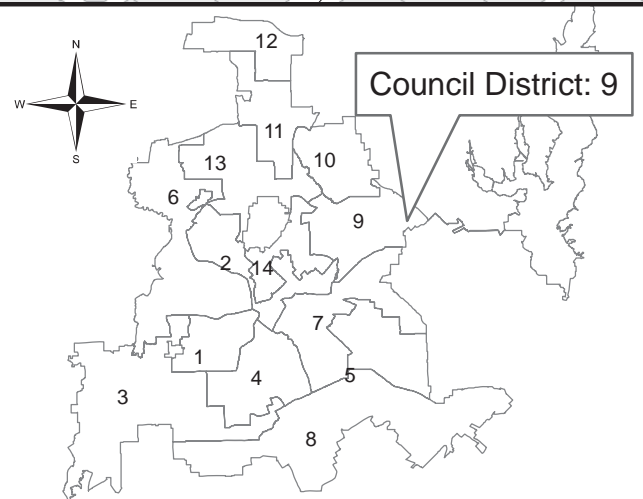
Wakefield Circle
from Wakefield Street to end



Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



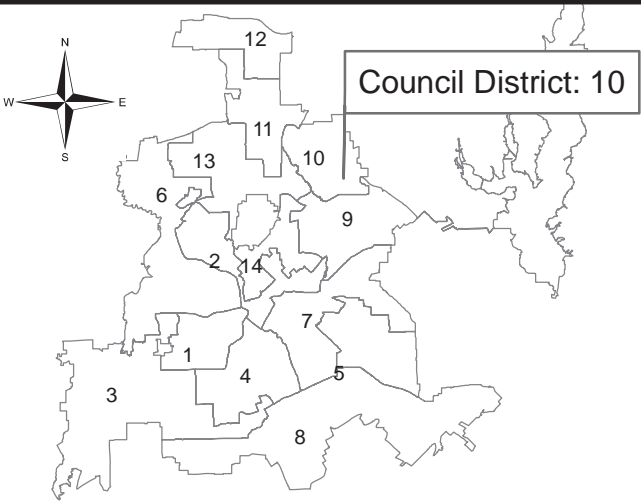
Watterson Drive
from Delford Circle to Barnes Bridge Road

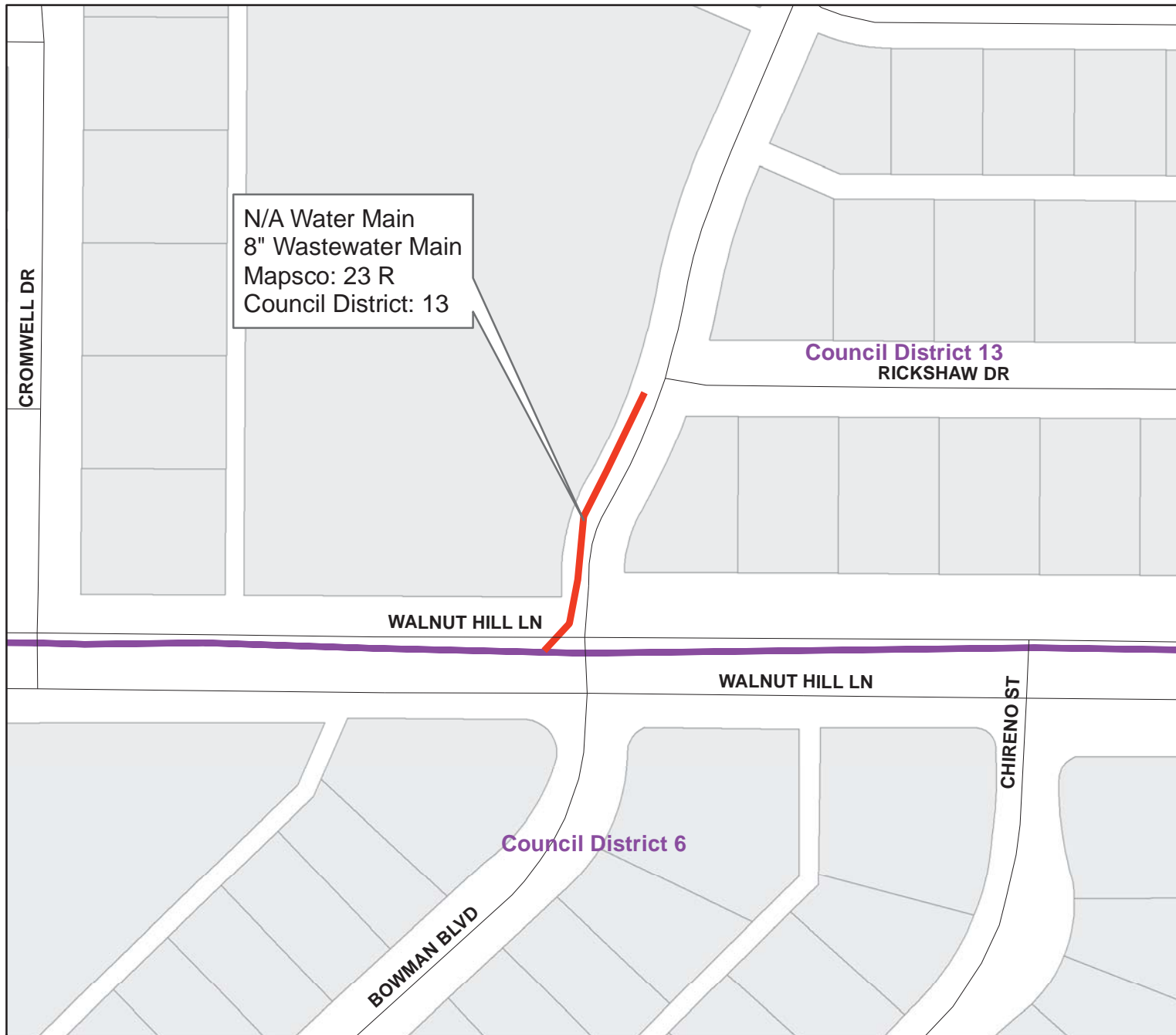


Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations

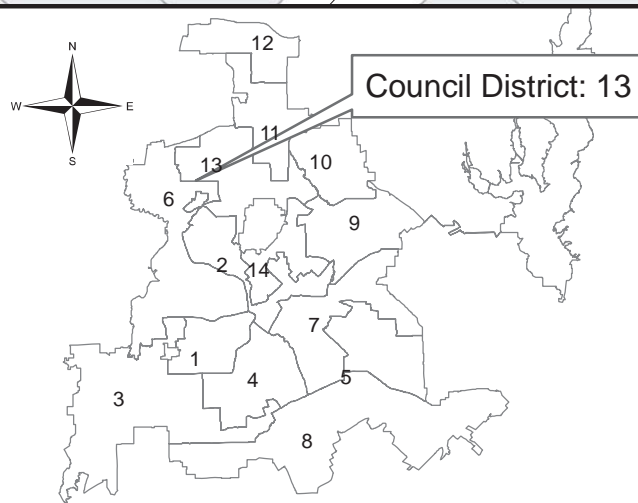


Liptonshire Drive
at Liptonshire cul-de-sac





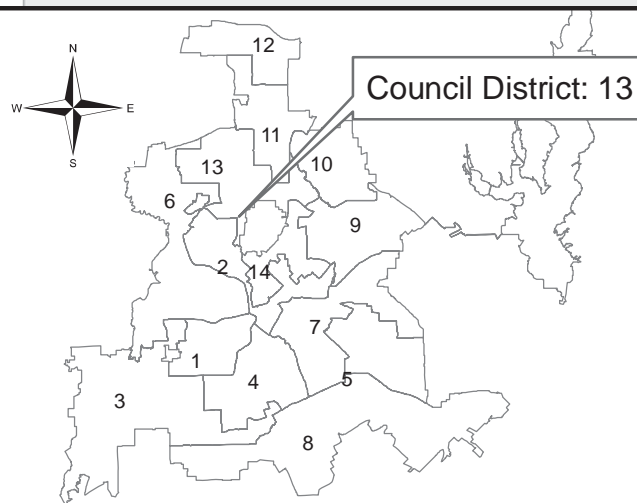
Bowman Boulevard
from Rickshaw Drive to Walnut Hill Lane



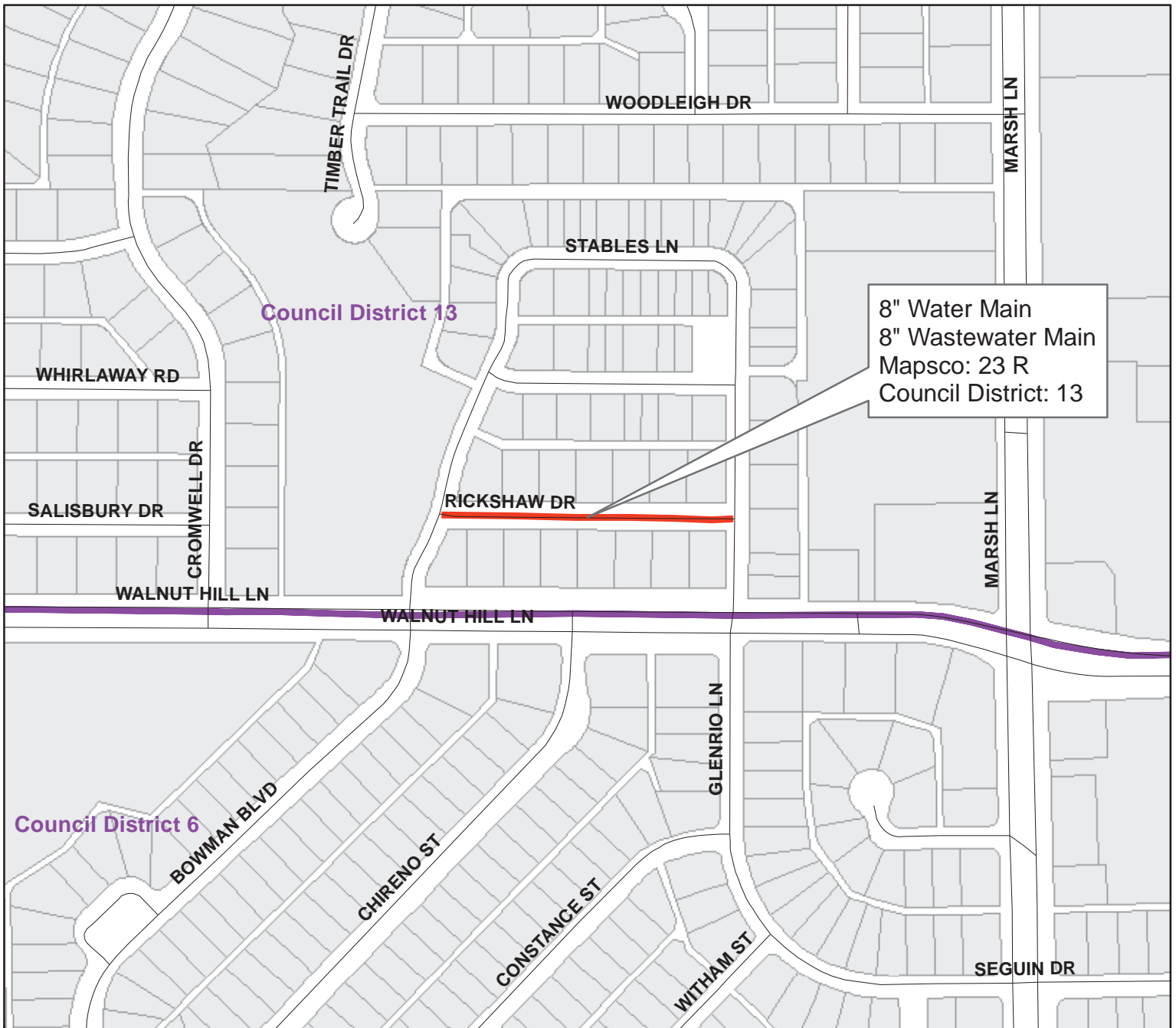
**Dallas Water Utilities
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



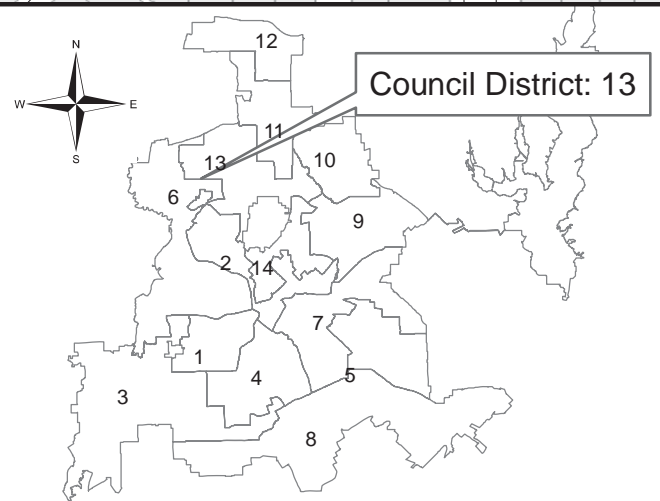
Preston Park Drive
from Stanford Avenue to Lovers Lane



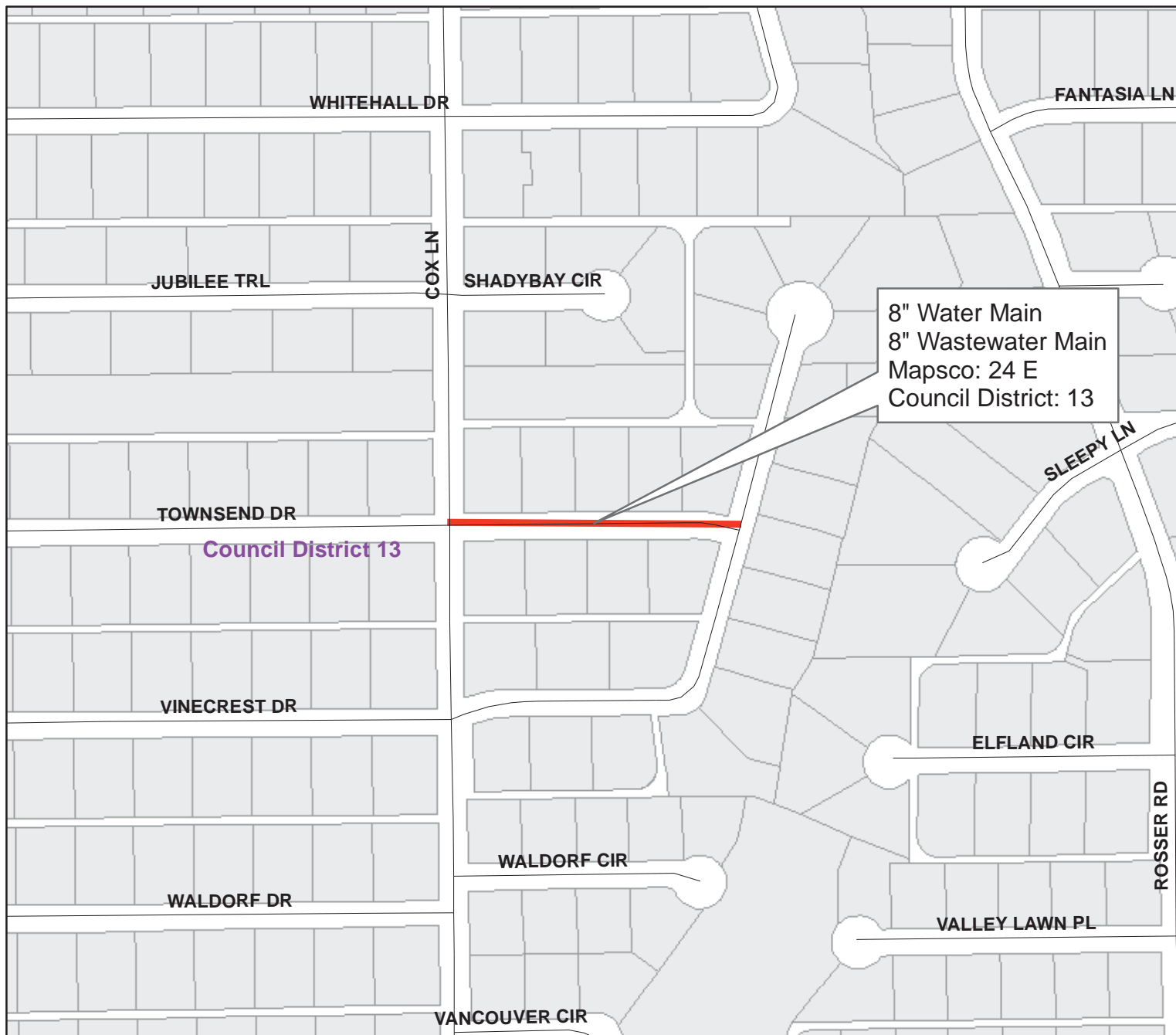
**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



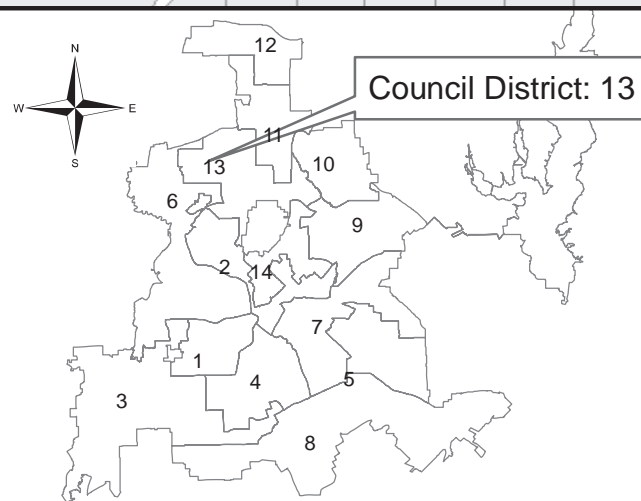
Rickshaw Drive
from Bowman Boulevard to Glenrio Lane



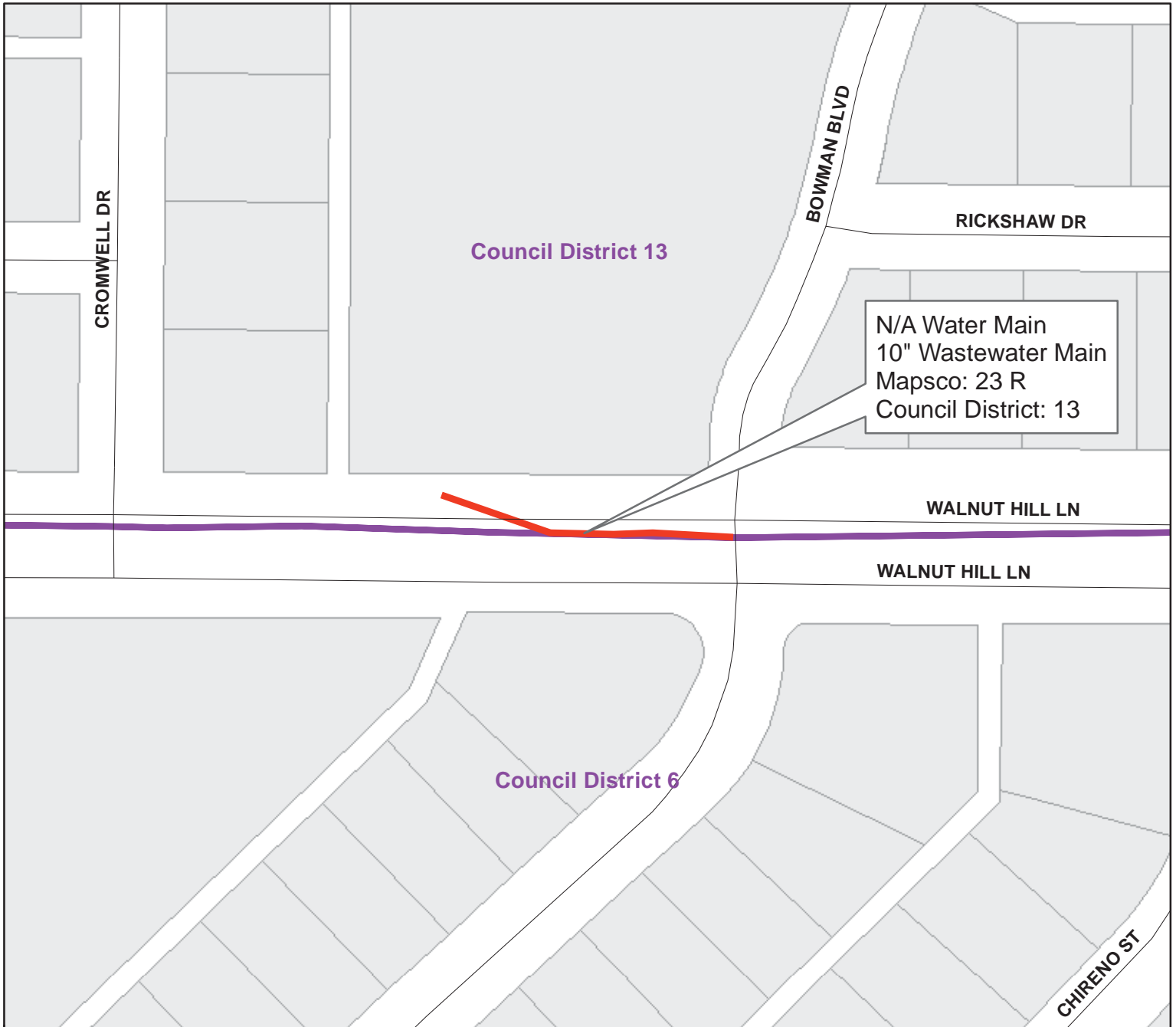
**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



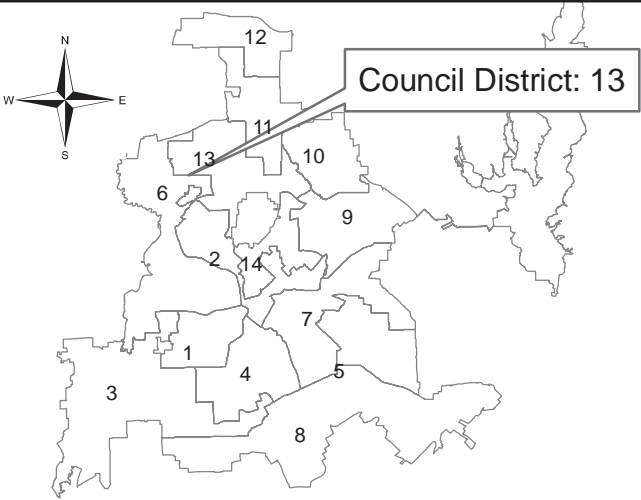
Townsend Drive
from Cox Lane to Vinecrest Drive



**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



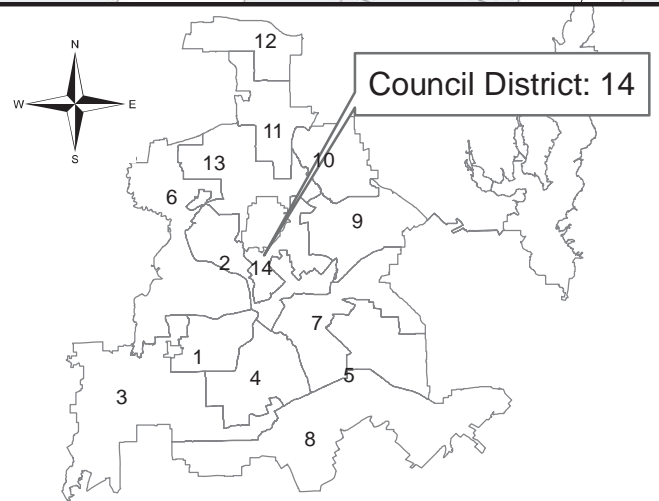
Walnut Hill Lane
from Bowman Boulevard west



Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



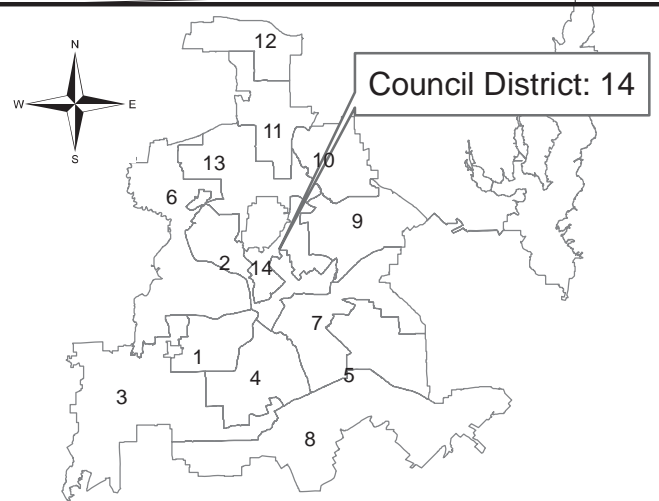
Arrowhead Drive
from Stonebridge Drive northwest



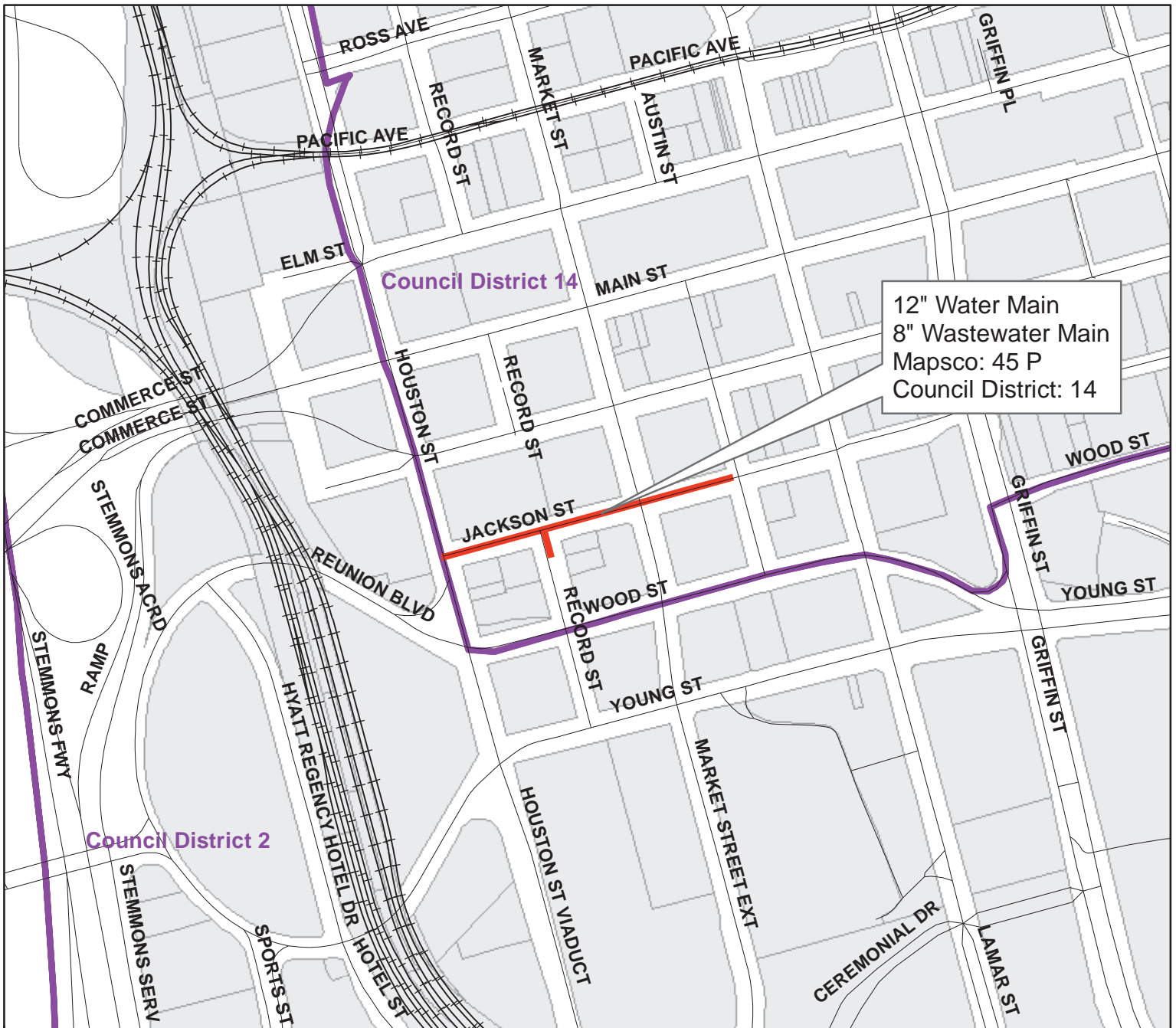
**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



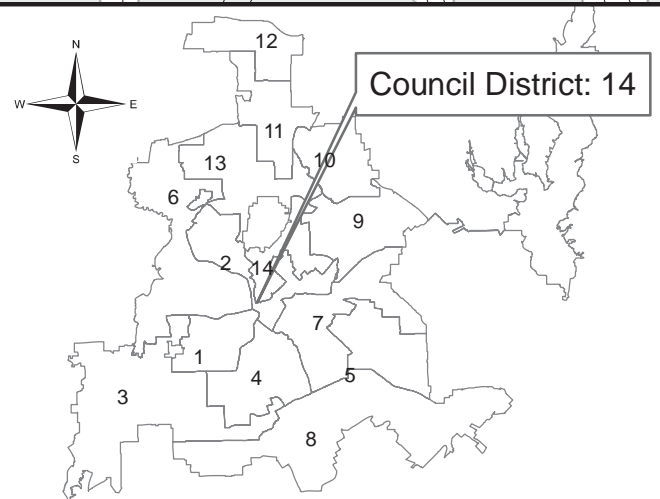
Homer Street
from alley north of Miller Avenue south



**Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**



Jackson Street
from Houston Street to Austin Street

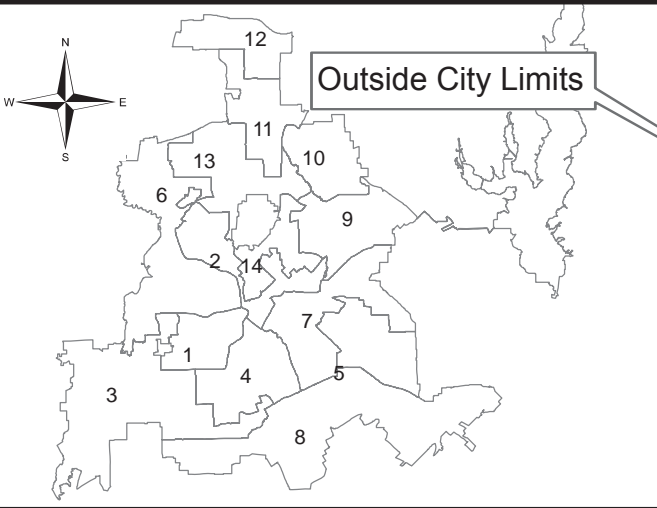


Water Utilities Department
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

County Road 322 (future FM 3486)



**Dallas Water Utilities
Contract No. 17-003/004
Water and Wastewater Main Installations
at 31 Locations**

February 8, 2017

WHEREAS, bids were received on November 18, 2016 for the installation of water and wastewater mains at 31 locations, Contract No. 17-003/004, listed as follows:

| <u>BIDDERS</u> | <u>BID AMOUNT</u> |
|--|--------------------------|
| Ark Contracting Services, LLC | \$13,377,380.00 |
| SYB Construction Co., Inc. | \$14,485,185.50 |
| John Burns Construction Company of Texas, Inc. | \$14,498,745.00 |
| Omega Contracting, Inc. | \$14,778,656.00 |

WHEREAS, the bid submitted by Ark Contracting Services, LLC, 420 South Dick Price Road, Kennedale, Texas 76060, in the amount of \$13,377,380.00, is the lowest and best of all bids received.

Now, Therefore,

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

Section 1. That the bid submitted by Ark Contracting Services, LLC, in the amount of \$13,377,380.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 17-003/004, be accepted.

Section 2. That the City Manager is hereby authorized to execute a contract with Ark Contracting Services, LLC, in the amount of \$13,377,380.00, for the installation of water and wastewater mains at 31 locations, after 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 \$13,377,380.00 from the Street and Alley Improvement Fund, Water Capital Improvement Fund, and Wastewater Capital Improvement Fund as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>ACT</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|------------|--------------------|---------------|
| 0715 | STS | W118 | 4510 | STIM | STAL0001 | CT-STSSAL0001 | VS0000017816 |

Ark Contracting Services, LLC - (Contract No. 17-003/004) - \$673,745.00

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|--------------------|---------------|
| 3115 | DWU | PW40 | 4550 | 717003 | CT-DWU717003CP | VS0000017816 |

Ark Contracting Services, LLC - (Contract No. 17-003) - \$8,486,929.00

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|--------------------|---------------|
| 3116 | DWU | PS40 | 4560 | 717004 | CT-DWU717004CP | VS0000017816 |

Ark Contracting Services, LLC - (Contract No. 17-004) - \$4,216,706.00

February 8, 2017

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 6, 11, Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 2 T 25 R 33 C G

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with CH2M Hill Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant and improvements at the Walcrest Pump Station - Not to exceed \$2,397,035, from \$10,686,454 to \$13,083,489 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing construction management services for year four of the water quality improvement construction contracts at the Elm Fork Water Treatment Plant and Bachman Water Treatment Plant. Construction management services are also being provided for the Walcrest Pump Station and Reservoir Improvements project located at Hillcrest Road and Walnut Hill Lane. This supplemental agreement will provide construction management services necessary to manage and coordinate approximately \$170 million of new and ongoing construction at these three sites. This construction management contract was planned as a phased approach to match each fiscal year's construction projects with construction management needs. The intent of the annual authorization via supplemental agreements is to assure continuity in management and review of services.

Construction management services under this contract will plan and coordinate construction projects as the City's representative. This contract will both partner with and augment current City staff assigned to these projects. The construction management firm will be responsible for ensuring that all work is accomplished in accordance with the project plans and specifications, in a manner that meets the operational objectives, negotiating change orders, and aiding in resolution of any conflicts.

BACKGROUND (Continued)

Construction management services are necessary to efficiently schedule and stage complex, simultaneous construction activities with multiple contractors. Additional construction management services include schedule and budget evaluations, value engineering, constructability reviews, accuracy checks on cost estimates, monitoring the quality of the construction work, and documenting the materials, labor, and equipment used.

ESTIMATED SCHEDULE OF PROJECT

Began Services September 2013
Complete Services September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with CH2M Hill Engineers, Inc. to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and relocation of a 48-inch wastewater main along Bachman Lake on August 28, 2013, by Resolution No. 13-1462.

Authorized Supplemental Agreement No. 1 to the engineering contract with CH2M Hill Engineers, Inc. for additional engineering services to provide construction management services for construction contracts related to (1) water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant; and (2) relocation of a 48-inch wastewater main just north of the Bachman Lake Dam on October 22, 2014, by Resolution No. 14-1825.

Authorized Supplemental Agreement No. 2 to the professional services contract with CH2M Hill Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and the Walcrest Pump Station Improvements on November 10, 2015, by Resolution No. 15-2097.

Information about this item was provided to the Transportation & Trinity River Project Committee on January 23, 2017.

FISCAL INFORMATION

\$2,397,035.00 - Water Utilities Capital Improvement Funds

| | |
|--|------------------------|
| Design | \$ 3,611,650.00 |
| Supplemental Agreement No. 1 | \$ 3,963,775.00 |
| Supplemental Agreement No. 2 | \$ 3,111,029.00 |
| Supplemental Agreement No. 3 (this action) | <u>\$ 2,397,035.00</u> |
| Total Project Cost | \$13,083,489.00 |

| <u>Council District</u> | <u>Amount</u> |
|------------------------------------|-----------------------|
| 6 | \$ 643,540.00 |
| 11 | \$ 616,185.00 |
| Outside City Limits | <u>\$1,137,310.00</u> |
| Total | \$2,397,035.00 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

CH2M Hill Engineers, Inc.

| | | | |
|-----------------|----|---------------|----|
| Hispanic Female | 4 | Hispanic Male | 5 |
| Black Female | 4 | Black Male | 4 |
| White Female | 36 | White Male | 74 |
| Other Female | 1 | Other Male | 8 |

OWNER

CH2M Hill Engineers, Inc.

Edward M. Motley, Vice President

MAPS

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with CH2M Hill Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant and improvements at the Walcrest Pump Station - Not to exceed \$2,397,035, from \$10,686,454 to \$13,083,489 - Financing: Water Utilities Capital Improvement Funds

CH2M Hill Engineers, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultants.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|-----------------------|----------------|
| Local contracts | \$2,362,035.00 | 98.54% |
| Non-local contracts | \$35,000.00 | 1.46% |
| TOTAL THIS ACTION | \$2,397,035.00 | 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> |
|---------------------------------|----------------------|---------------------|----------------|
| Foster CM Group, Inc. | BMMB64036N0117 | \$324,266.00 | 13.73% |
| KAI/Alliance, LLC dba KAI Texas | BMMB07213N0718 | \$297,402.00 | 12.59% |
| Total Minority - Local | | \$621,668.00 | 26.32% |

Non-Local Contractors / Sub-Contractors

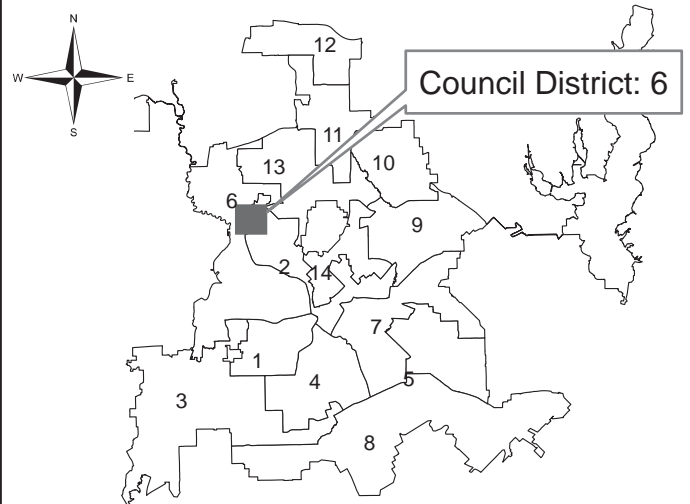
None

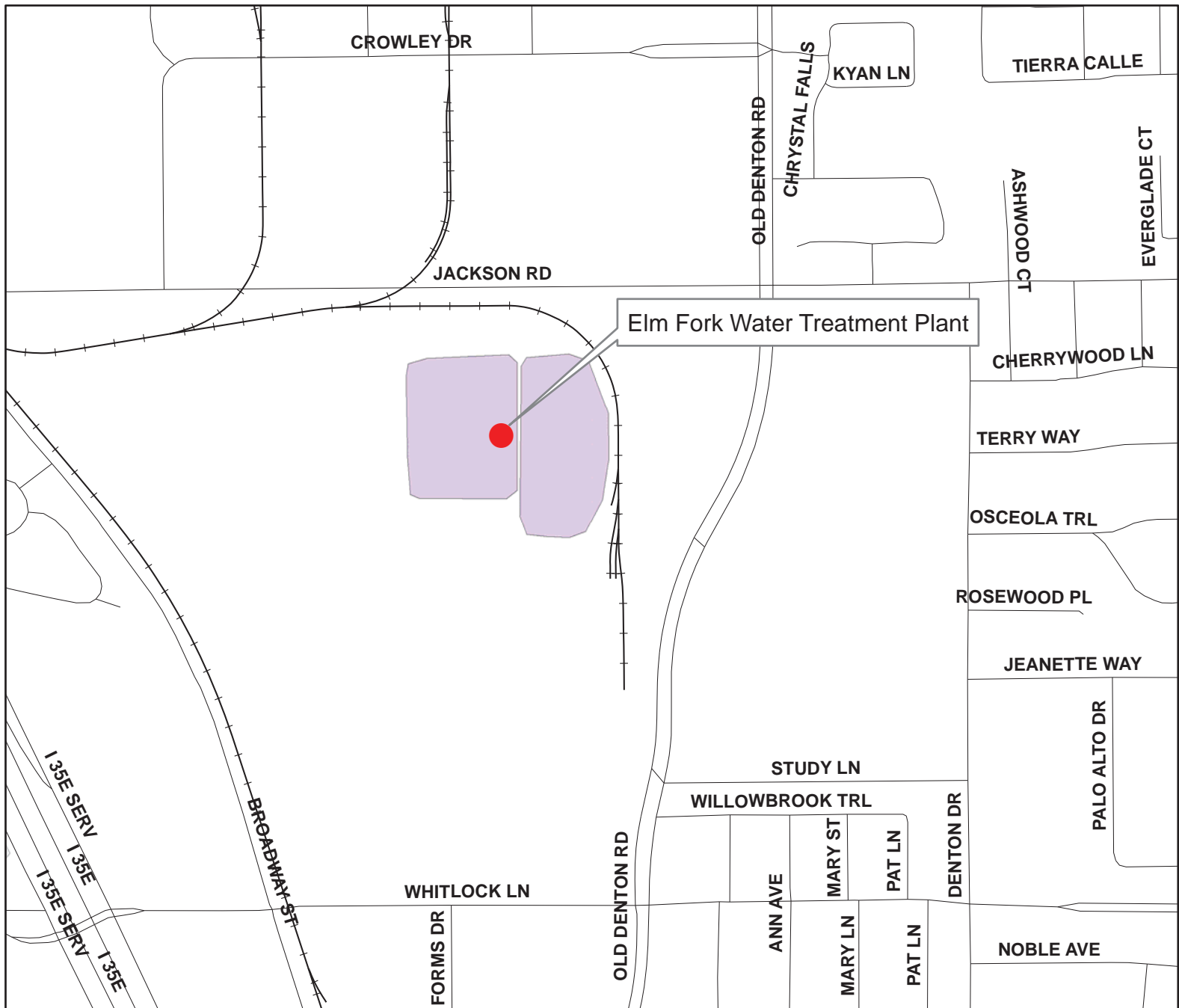
TOTAL M/WBE PARTICIPATION

| | <u>This Action</u> | | <u>Participation to Date</u> | |
|-------------------|---------------------|----------------|------------------------------|----------------|
| | <u>Amount</u> | <u>Percent</u> | <u>Amount</u> | <u>Percent</u> |
| African American | \$621,668.00 | 25.93% | \$3,301,989.65 | 25.24% |
| 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% | \$99,110.00 | 0.76% |
| Total | \$621,668.00 | 25.93% | \$3,401,099.65 | 26.00% |

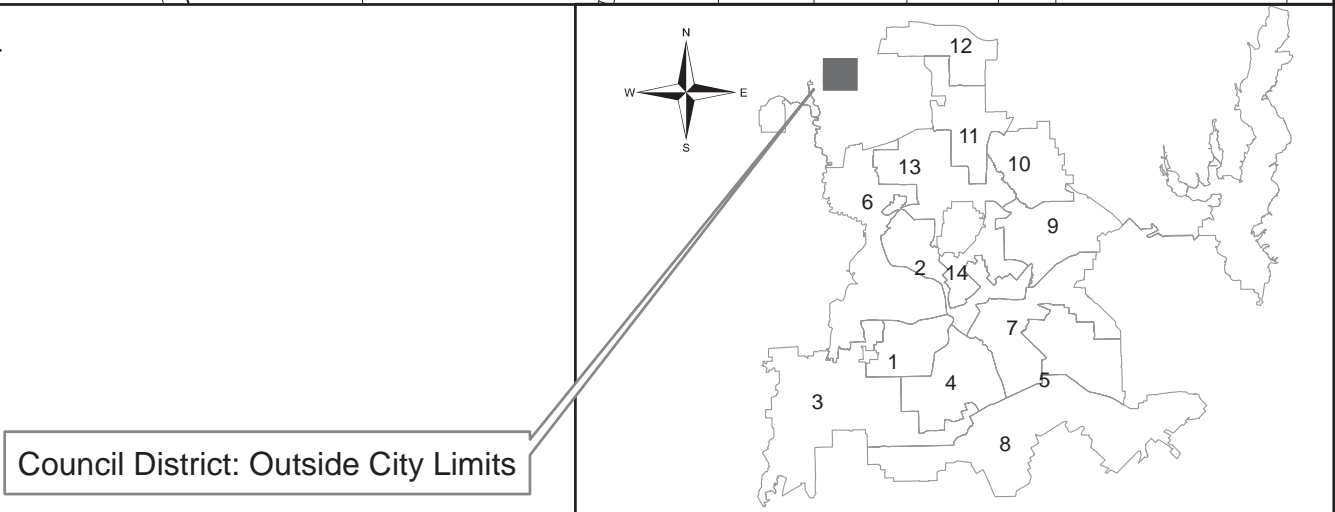


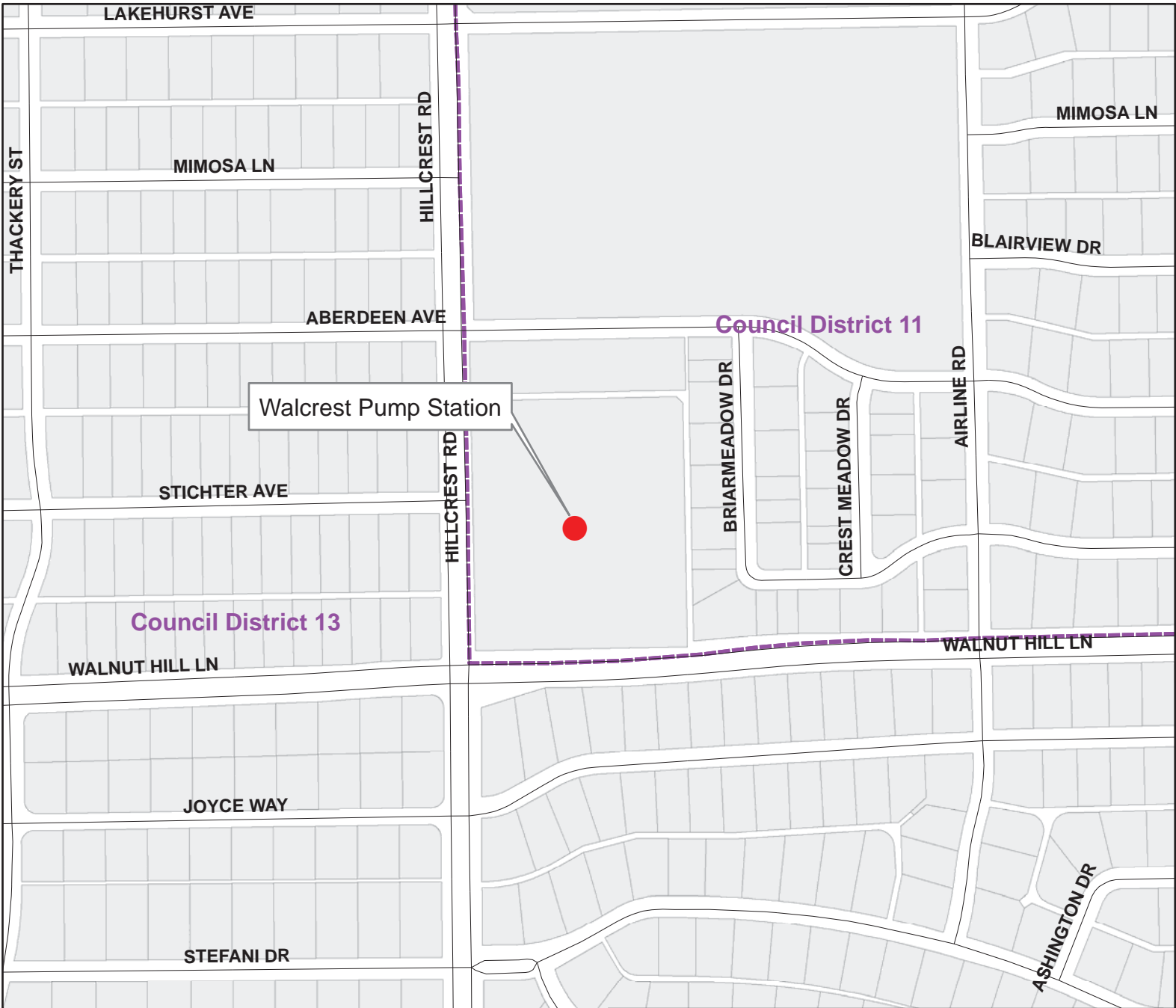
Mapsco: 33 C, G



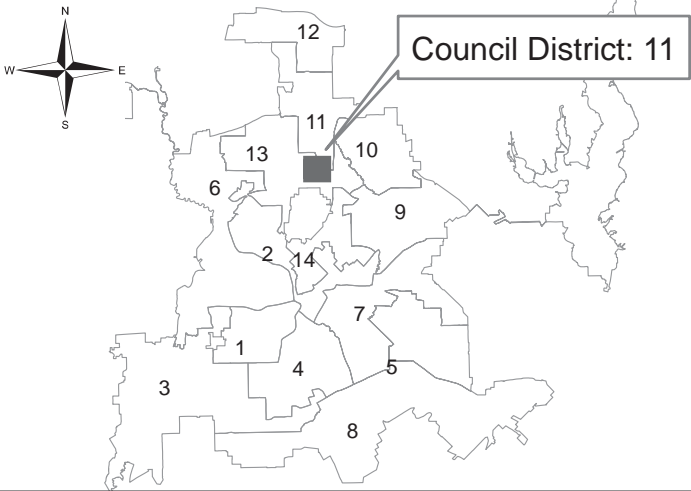


Mapsc0: 2 T





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February 8, 2017

WHEREAS, on August 28, 2013, the City Council awarded Contract No. 12-079E in the amount of \$3,611,650.00, by Resolution No. 13-1462, to CH2M Hill Engineers, Inc., to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant; and,

WHEREAS, on October 22, 2014, the City Council awarded Supplemental Agreement No. 1 in the amount of \$3,963,775.00, by Resolution No. 14-1825, to CH2M Hill Engineers, Inc., for additional engineering services to provide construction management services for construction contracts related to (1) water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant; and (2) relocation of a 48-inch wastewater main just north of the Bachman Lake Dam; and,

WHEREAS, on November 10, 2015, the City Council awarded Supplemental Agreement No. 2 in the amount of \$3,111,029.00, by Resolution No. 15-2097, to CH2M Hill Engineers, Inc., to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and the Walcrest Pump Station Improvements; and,

WHEREAS, ongoing and new construction activities at the Elm Fork Water Treatment Plant, the Bachman Water Treatment Plant, and the Walcrest Pump Station and Reservoir total over \$170 million of new and ongoing construction at these sites; and,

WHEREAS, additional engineering services are required to closely supervise, coordinate, and manage the day-to-day activities of multiple contractors; and,

WHEREAS, CH2M Hill Engineers, Inc., 12750 Merit Drive, Suite 1100, Dallas, Texas 75251, has submitted an acceptable proposal to provide these engineering services; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 12-079E be increased by \$2,397,035.00, from \$10,686,454.00 to \$13,083,489.00.

Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 3 be accepted and that Contract No. 12-079E with CH2M Hill Engineers, Inc., be revised accordingly.

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

February 8, 2017

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,397,035.00 from the Water Capital Improvement Fund as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|--------------------|---------------|
| 2115 | DWU | PW31 | 4116 | 712079 | CT-DWU712079CP | VS0000065954 |

CH2M Hill Engineers, Inc. - (Contract No. 12-079E) - \$2,397,035.00

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

AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 56V Z 57W 65R 66N

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by C & C Corporation for the construction of houses; **(2)** the sale of 10 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to C & C Corporation; and **(3)** execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

C & C Corporation has submitted a proposal and development plan to DHADC for 10 lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 10 lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by C & C Corporation to DHADC, the sale of those lots from DHADC to C & C Corporation and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to C & C Corporation will contain a reverter that returns the property to DHADC if a construction permit is not applied for by C & C Corporation and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

C & C Corporation will build houses on the lots. The approximate square footage and sales prices of the houses will be from 1,300 to 1,600 square feet and from \$160,000 to \$165,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive \$50,000.00 for the sales price of the vacant lots to C & C Corporation, as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, by Resolution No. 04-0458, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On October 20, 2016, the DHADC board of directors approved the development plan and sale of 10 lots from DHADC to C & C Corporation.

Information about this item was provided to the Housing Committee on December 5, 2016.

On December 14, 2016, this item was deferred by Councilmember Tiffinni Young.

On January 11, 2017, this item was deferred by Councilmember Deputy Mayor Pro Tem Erik Wilson.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

C & C Corporation

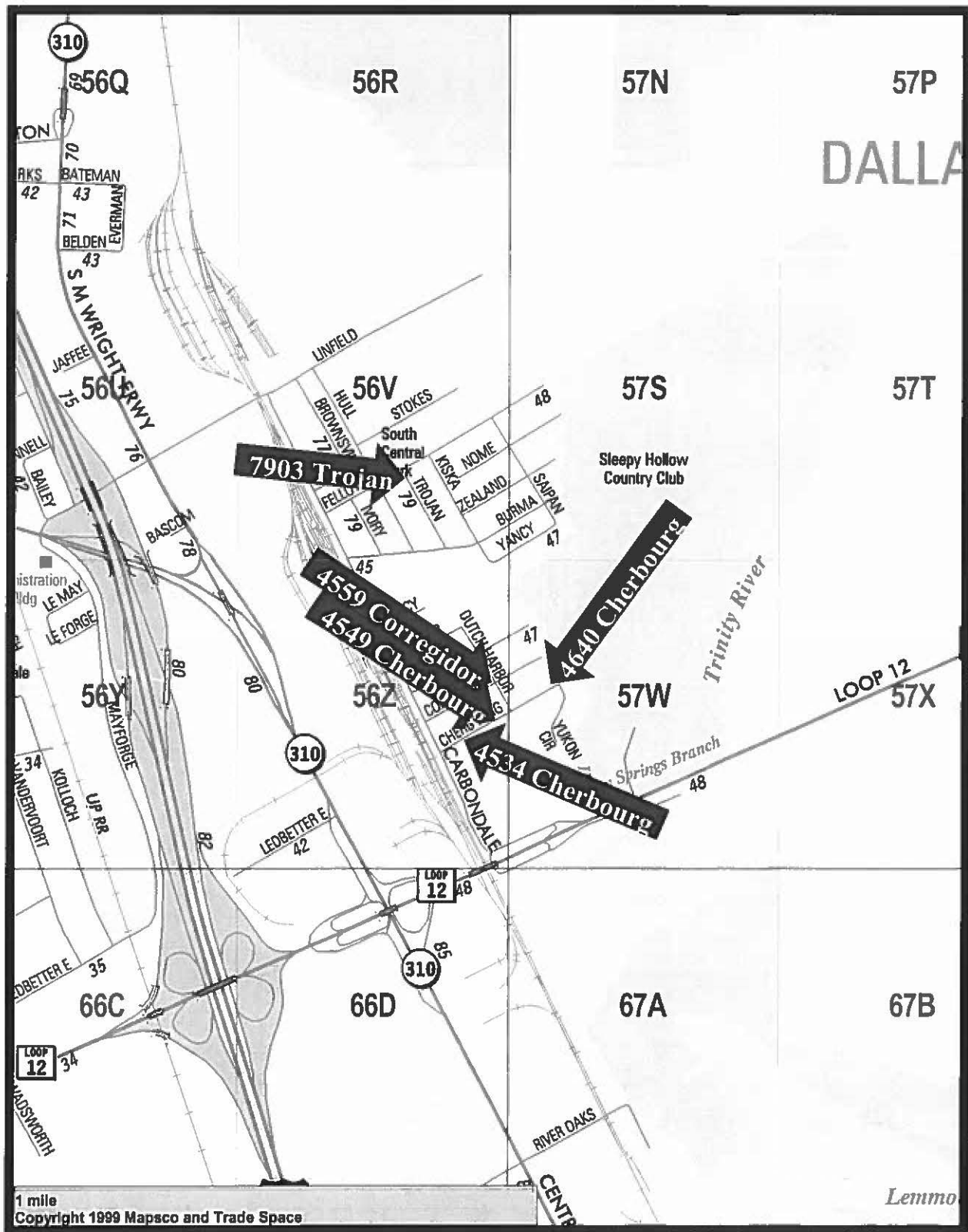
Stacie Stewart, Chief Operating Officer

MAPS

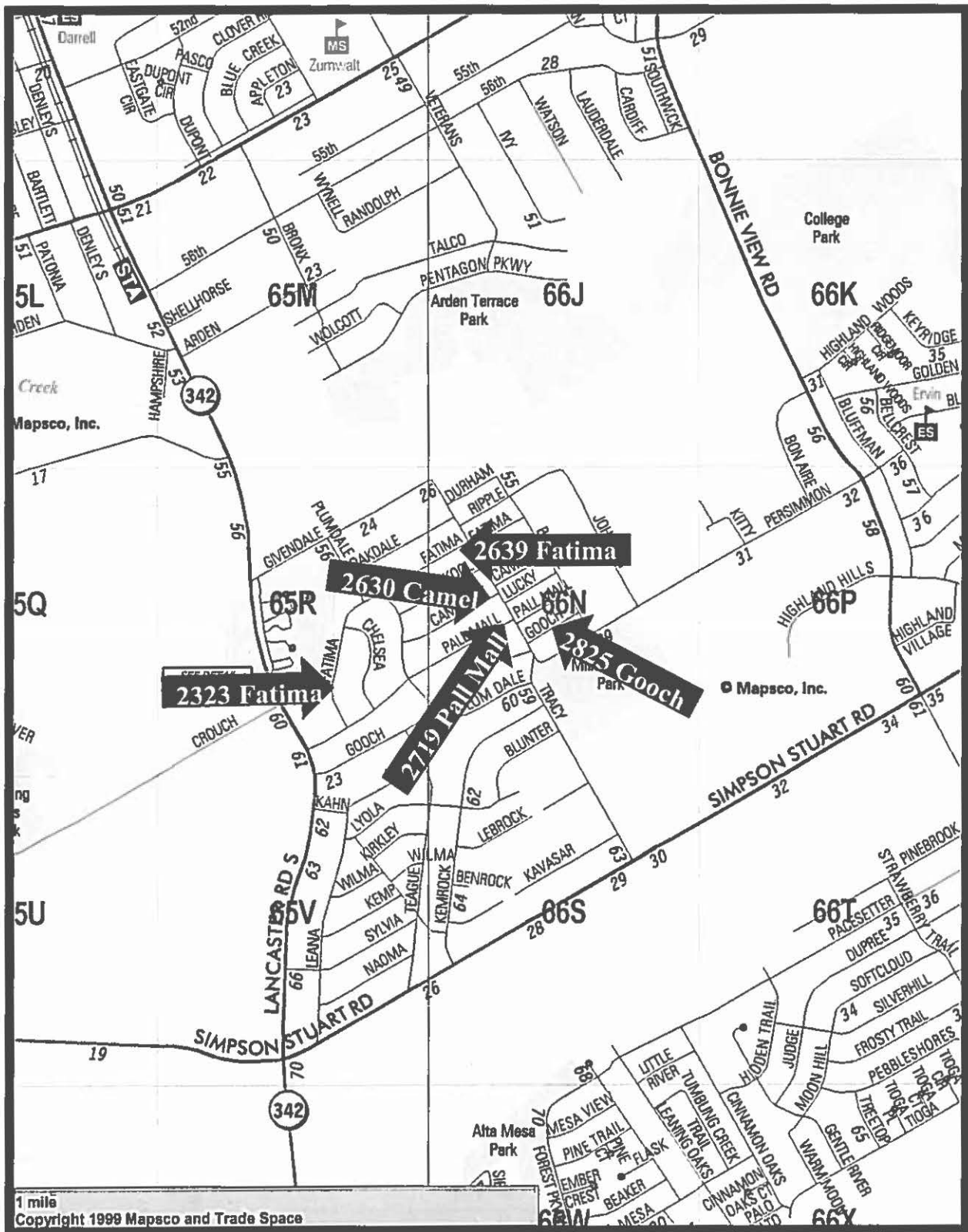
Attached

**Land Bank (DHADC) Sale of Lots to
C & C Corporation**

| <u>Property Address</u> | <u>Mapsko</u> | <u>Council District</u> | <u>Amount of Non-Tax Liens</u> |
|--------------------------------|----------------------|------------------------------------|---|
| 1. 2630 Camel | 66N | 8 | \$ 4,948.24 |
| 2. 4534 Cherbourg | 56Z | 7 | \$ 3,983.66 |
| 3. 4549 Cherbourg | 56Z | 7 | \$ 6,109.79 |
| 4. 4640 Cherbourg | 57W | 7 | \$ 9,444.73 |
| 5. 4559 Corregidor | 56Z | 7 | \$ 9,243.24 |
| 6. 2323 Fatima | 65R | 8 | \$ 909.45 |
| 7. 2639 Fatima | 66N | 8 | \$ 9,411.56 |
| 8. 2825 Gooch | 66N | 8 | \$16,262.89 |
| 9. 2719 Pall Mall | 66N | 8 | \$ 7,839.11 |
| 10. 7903 Trojan | 56V | 7 | \$ 6,727.99 |



MAPSCO 56V,56Z,57W



MAPSCO 65R & 66N

February 8, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C, by Resolution No. 04-0458; and

WHEREAS, C & C Corporation submitted a proposal and development plan to DHADC for 10 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by C & C Corporation and authorize the sale of 10 lots from DHADC to C & C Corporation to build houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by C & C Corporation and the sale of 10 lots shown on Exhibit "A" from DHADC to C & C Corporation is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Deed without Warranty and releases of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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

EXHIBIT "A"

| LAND BANK PROPERTY | | | | |
|--------------------|---|---------------------|---------------------------|--------------------|
| PARCEL NUMBER | STREET ADDRESS LEGAL DESCRIPTION | QUALIFIED PURCHASER | NUMBER OF HOMEOWNER UNITS | SALE AMOUNT |
| 1 | 2630 Camel Lot 27, Carver Heights Addition Block 7/6889 | C & C Corporation | 1 | \$5,000.00 |
| 2 | 4534 Cherbourg Lot 10, Central Avenue Addition No. 4 Block A/7649 | C & C Corporation | 1 | \$5,000.00 |
| 3 | 4549 Cherbourg Lot 27, Central Avenue Addition No. 2 Block F/7647 | C & C Corporation | 1 | \$5,000.00 |
| 4 | 4640 Cherbourg Lot 6, Seely Circle Addition Block A/7654 | C & C Corporation | 1 | \$5,000.00 |
| 5 | 4559 Corregidor Lot 30, Central Avenue No. 2 Addition Block D/7647 | C & C Corporation | 1 | \$5,000.00 |
| 6 | 2323 Fatima Lot 12, Alameda Heights Addition No. 2 Block 1/6888 | C & C Corporation | 1 | \$5,000.00 |
| 7 | 2639 Fatima Lot 24, Carver Heights Addition Block 10/6889 | C & C Corporation | 1 | \$5,000.00 |
| 8 | 2825 Gooch Lot 12, Chesterfield Heights Addition Block H/6881 | C & C Corporation | 1 | \$5,000.00 |
| 9 | 2719 Pail Mall Lot 23, Carver Heights No. 1 Addition Block 7/6889 | C & C Corporation | 1 | \$5,000.00 |
| 10 | 7903 Trojan Lot 31, Central Avenue No. 1 Addition Block C/7646 | C & C Corporation | 1 | \$5,000.00 |
| TOTAL | | | | \$50,000.00 |

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 10

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

See Exhibit A

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____

Square Footage range of each home _____

Number of Bedrooms/Baths in each home _____

Number of Garages 1 Number of Carports _____ Detached _____ Attached _____

Type of Exterior Veneer Which sides _____

Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built 10

Square Footage range of each home 1,300-1,600

Number of Bedrooms/Baths in each home 3 to 4 / 2

Number of Garages 1 Number of Carports _____ Detached _____ Attached _____

Type of Exterior Veneer Brick Which sides Brick

Your Sales Price range without Subsidies to Qualified Low Income Buyer 160-165k

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built _____

Square Footage range of each home _____

Number of Bedrooms/Baths in each home _____ / _____

Number of Garages _____ Number of Carports _____ Detached _____ Attached _____

Type of Exterior Veneer _____ Which sides _____

Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Attach extra sheet(s) breaking out above information for each different model of home.
PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 60

Completion of Construction: 60

Sale of first affordable housing unit to low income household: 30 days after completion of construction

Sale of last affordable unit to low income households: 30 days after completion of first house

EXHIBIT A

2630 Camel
4534 Cherbourg
4549 Cherbourg
4640 Cherbourg
4559 Corregidor
2323 Fatima
2639 Fatima
2825 Gooch
2719 Pall Mall
7903 Trojan

AGENDA ITEM # 20

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 2, 6, 8

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 43F K 44N S 47J 66N

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; **(2)** the sale of 6 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the 6 properties that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Confia Homes, L.L.C. has submitted a proposal and development plan to DHADC for 6 lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 6 lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by Confia Homes, L.L.C. to DHADC, the sale of those lots from DHADC to Confia Homes, L.L.C. and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Confia Homes, L.L.C. will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Confia Homes, L.L.C. and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Confia Homes, L.L.C. will build houses on the lots. The approximate square footage and sales prices of the houses will be from 1,236 to 1,600 square feet and from \$109,900 to \$134,900. The lots will be deed restricted for sale to eligible families.

DHADC will receive \$30,000.00 for the sales price of the vacant lots to Confia Homes, L.L.C., as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, by Resolution No. 04-0458, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On October 20, 2016, the DHADC board of directors approved the development plan and sale of 10 lots from DHADC to Confia Homes, L.L.C.

Information about this item was provided to the Housing Committee on December 5, 2016.

On December 14, 2016, this item was deferred by Councilmember Tiffinni Young.

On January 11, 2017, this item was deferred by Councilmember Deputy Mayor Pro Tem Erik Wilson.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

Confia Homes, L.L.C.

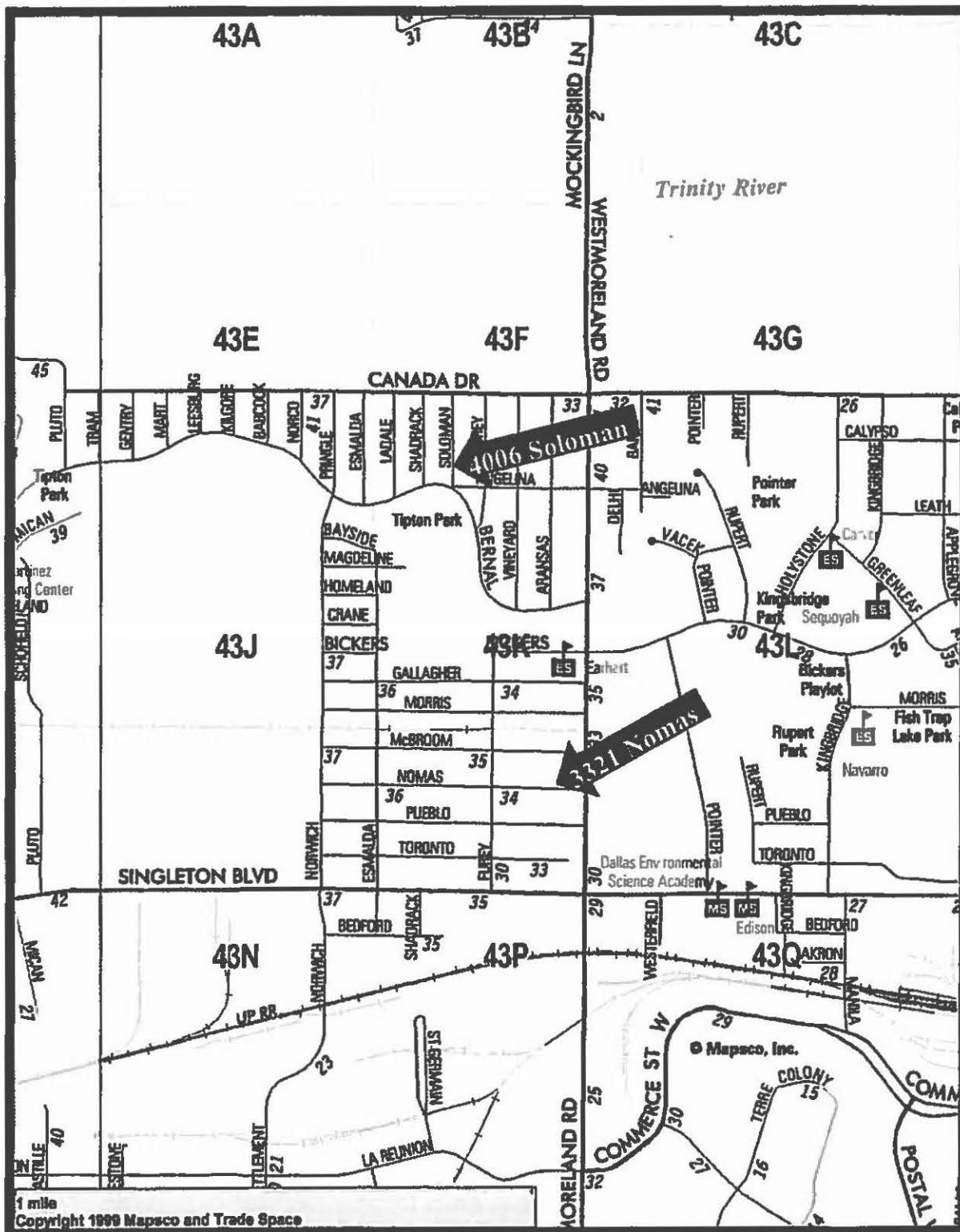
RobertsCarrillo Management, Inc., Manager
Kenneth E. Roberts, Chief Operating Officer
Ricardo Alonso-Carrillo, President

MAPS

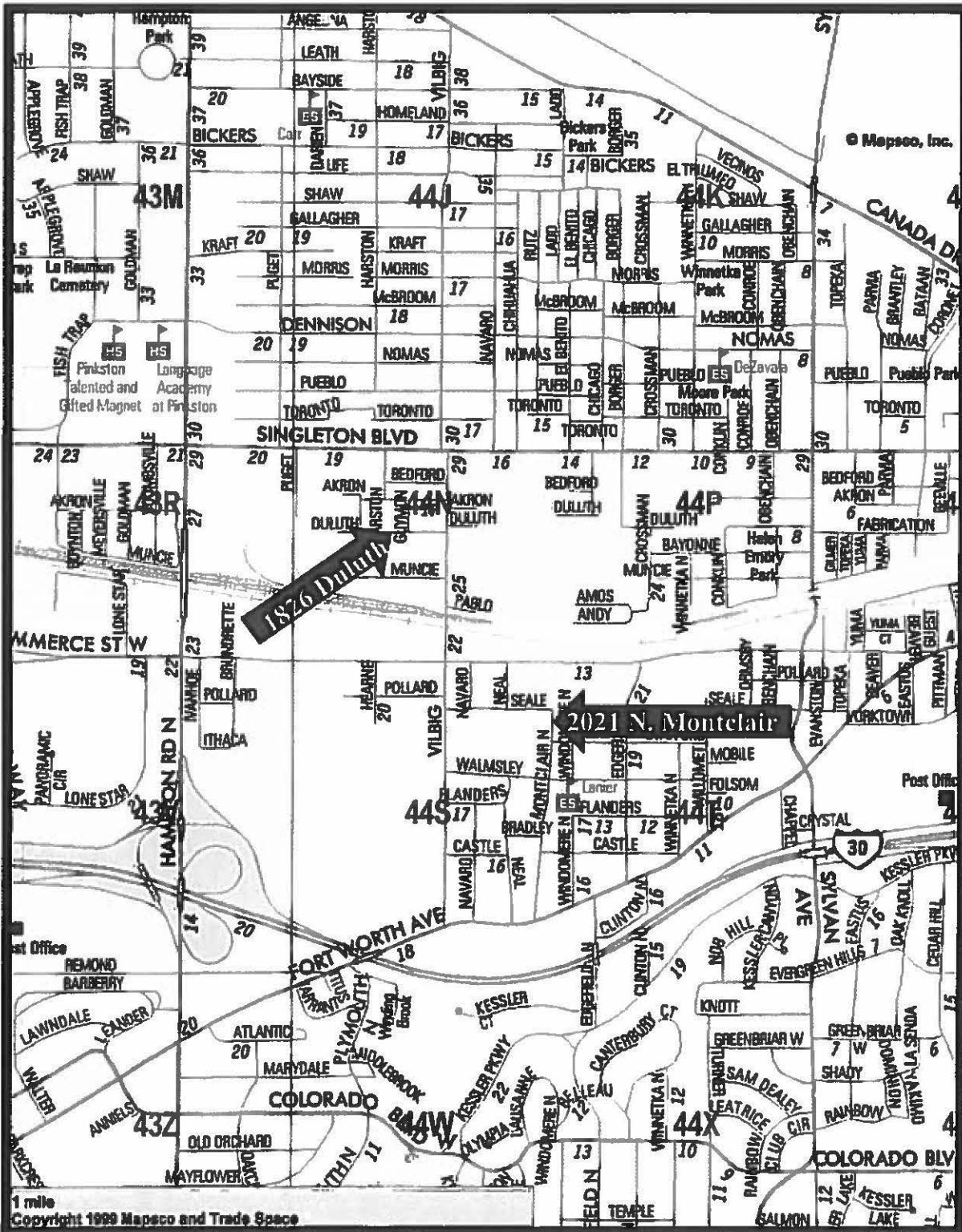
Attached

**Land Bank (DHADC) Sale of Lots to
Confia Homes, L.L.C.**

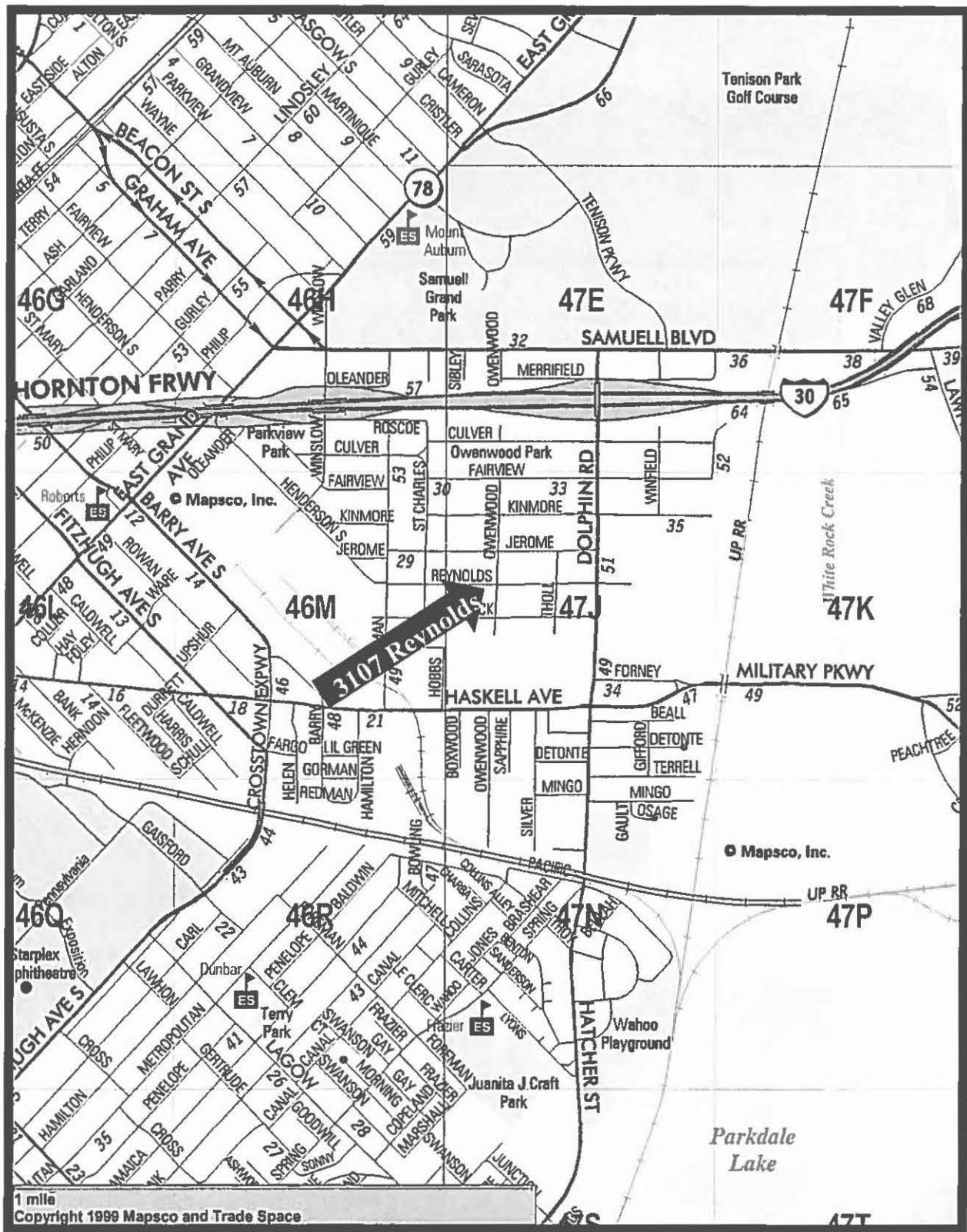
| <u>Property Address</u> | <u>Mapsco</u> | <u>Council District</u> | <u>Amount of Non-Tax Liens</u> |
|--------------------------------|----------------------|------------------------------------|---|
| 1. 3107 Reynolds | 47J | 2 | \$39,303.21 |
| 2. 2021 N. Montclair | 44S | 6 | \$14,082.47 |
| 3. 1826 Duluth | 44N | 6 | \$ 2,868.55 |
| 4. 3321 Nomas | 43K | 6 | \$15,150.73 |
| 5. 2611 Kool | 66N | 8 | \$ 7,948.74 |
| 6. 4006 Soloman | 43F | 6 | \$17,372.42 |



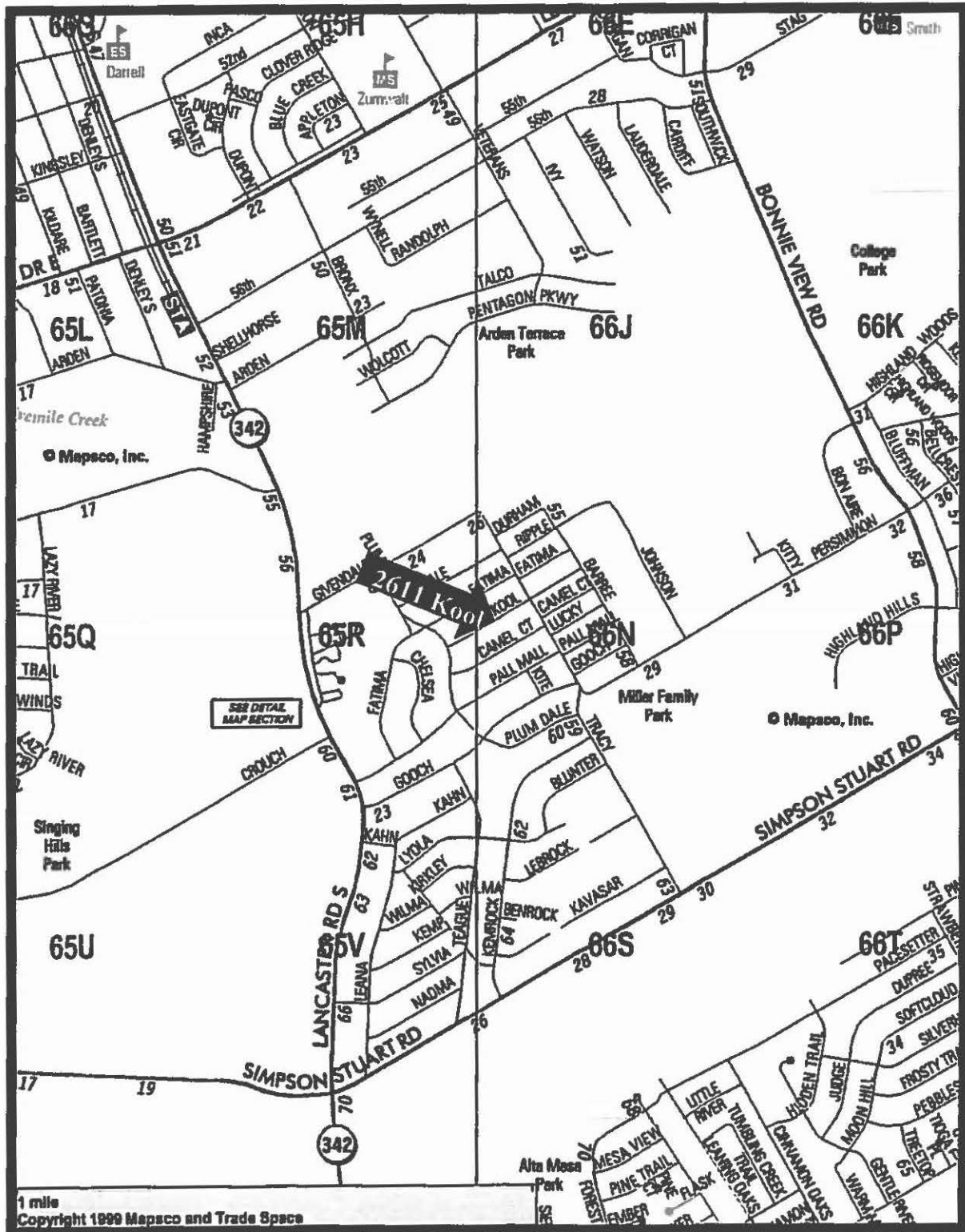
MAPSCO 43F & 43K



MAPSCO 44N & 44S



MAPSCO 47J



MAPSCO 66N

February 8, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C, by Resolution No. 04-0458; and

WHEREAS, Confia Homes, L.L.C. submitted a proposal and development plan to DHADC for 6 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by Confia Homes, L.L.C. and authorize the sale of 6 lots from DHADC to Confia Homes, L.L.C. to build houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by Confia Homes, L.L.C. and the sale of 6 lots shown on Exhibit "A" from DHADC to Confia Homes, L.L.C. is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Deed without Warranty and releases of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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

EXHIBIT "A"

| LAND BANK PROPERTY | | | | |
|--------------------|---|------------------------|------------------------------|----------------|
| PARCEL NUMBER | STREET ADDRESS LEGAL DESCRIPTION | QUALIFIED PURCHASER | NUMBER OF HOMEOWNER UNITS | SALE AMOUNT |
| 1 | 3107 Reynolds Lot 22, Parkview Annex Addition Block D/2134 | Confia Homes, L.L.C. | 1 | \$5,000.00 |
| 2 | 2021 N. Montclair Lot 8, Cedar Dale Addition Block 3961 | Confia Homes, L.L.C. | 1 | \$5,000.00 |
| 3 | 1826 Duluth Lot 6, Riggins College Park Addition Block H/7238 | Confia Homes, L.L.C. | 1 | \$5,000.00 |
| 4 | 3321 Nomias Lot 33, Westmoreland Park Addition Block 2/7144 | Confia Homes, L.L.C. | 1 | \$5,000.00 |
| 5 | 2611 Kool Lot 14, Carver Heights Addition Block 9/6889 | Confia Homes, L.L.C. | 1 | \$5,000.00 |
| 6 | 4006 Solomon Lot 2, Westmoreland Park No. 3 Addition Block 18/7146 | Confia Homes, L.L.C. | 1 | \$5,000.00 |
| TOTAL | | | | \$30,000.00 |

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

- (1) Number of lots requested in this proposal. 6
- (2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

See Attachment # 2.

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built 1
Square Footage range of each home 1,236-1,600
Number of Bedrooms/Baths in each home 3 or 4 / 2 or 2.5
Number of Garages 0 or 1 Number of Carports 0 or 1 Detached _____ Attached X
Type of Exterior Veneer Brick and Siding Which sides Brick - FR, Siding - R
Your Sales Price range without Subsidies to Qualified Low Income Buyer \$109,900-\$134,900

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 5
Square Footage range of each home 1,236-1,600
Number of Bedrooms/Baths in each home 3 or 4 / 2 or 2.5
Number of Garages 0 or 1 Number of Carports 0 or 1 Detached _____ Attached X
Type of Exterior Veneer Brick and Siding Which sides Brick - FR, Siding - R
Your Sales Price range without Subsidies to Qualified Low Income Buyer \$109,900-\$134,900

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 30 days after receiving the deed to the property

Completion of Construction: 120 days after start of construction

Sale of first affordable housing unit to low income household: 30 days after completion of construction

Sale of last affordable unit to low income households: 120 days after completion of first house



Attachment # 2 – Land Requested for Development

| Address | Legal Description |
|----------------|---|
| 3107 Reynolds | BLK D/2134 LT 22, PARK VIEW ANNEX |
| 2021 Montclair | BLK 3961 LT 8, CEDAR DALE |
| 1826 Duluth | BLK H/7238 LT 6, COLLEGE PARK (RIGGINS) |
| 3321 Nomas | BLK 2/7144 LT 33, WESTMORELAND PARK |

| | |
|--------------|--|
| 2611 Kool | BLK 9/6889 LT 14, CARVER HEIGHTS |
| 4006 Soloman | BLK 18/7146 LT 2, WESTMORELAND PARK NO 3 |

AGENDA ITEM # 21

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: 61B E F

SUBJECT

Authorize a Chapter 380 e-commerce sales tax grant agreement with Chewy, Inc., a Delaware Corporation, to provide a 10-year e-commerce grant equal to 50 percent of the e-commerce sales taxes paid annually by Chewy.com customers to the City of Dallas for a ten year period beginning March 1, 2017 through February 28, 2027 from its leased facility at 7243 Grady Niblo Road in Dallas, in accordance with the City's Revised Public/Private Partnership Program - Revenue: First year revenue estimated at \$400,000; ten-year revenue is not capped but is estimated to be approximately \$7,015,939 (Estimated ten-year grant agreement payment of \$7,015,939) - Financing: Current Funds (subject to future appropriations)

BACKGROUND

For the past several months, City staff has been in discussions with Chewy, Inc., a Delaware Corporation ("Chewy") regarding a 10-year lease of an approximately 660,000 square foot distribution and warehouse facility ("Facility") at 7243 Grady Niblo Road in the Mountain Creek area of Southern Dallas within Reinvestment Zone No. 83. The facility is owned by CH Realty VI/I Dallas Mt Creek I, LP ("CH Realty"), a Crow Holdings Capital limited partnership, who secured through assignment of Resolution No. 14-0550 a 10-year, 90-percent real property tax abatement with the City of Dallas on March 26, 2014. Chewy has leased the facility from CH Realty based upon the anticipation of favorable City Council consideration of the requested e-commerce sales tax grant incentive.

Chewy has committed that approximately \$8 million in real property improvements, including hard and soft costs, will be spent to develop the site to accommodate their operational needs. Approximately \$5 million in business personal property (including machinery, equipment, furniture and fixtures) will be on-site by December 31, 2017 with an additional \$9 million in business personal property on-site by 2020.

BACKGROUND (Continued)

Furthermore, Chewy anticipates the employment of at least 600 full-time equivalent ("FTE") employees at the facility with an average annual wage of \$29,895. The employment of at least 600 FTE employees will be achieved with the following schedule: 330 FTE employees by December 31, 2017, 460 FTE employees by December 31, 2018, and 600 FTE employees by December 31, 2019.

Founded in 2011, Chewy is an on-line retailer based in Dania Beach, Florida. In addition to its headquarters in Florida, Chewy also maintains fulfillment centers in Nevada, Pennsylvania, and Indiana. The company offers around 30,000 items for dog and cats including food, treats, and supplies. The company also offers water care, filters and media, cleaning and maintenance, cages and accessories, litter and nesting, perches, grooming and health products for a wide range of animals. The company was formerly known as Chewy.com, LLC.

The proposed e-commerce 380 grant will be paid annually during the 10-year term subject to annual verification and audit of the company's e-commerce sales tax collections and subject to annual appropriation. Also, the e-commerce grant agreement shall provide that Chewy will secure a 10-year lease of the facility at 7243 Grady Niblo Road and invest \$5,000,000 in business personal property (non-inventory/furniture, fixtures and equipment) by December 31, 2017. Additionally, the e-commerce grant will require that Chewy meet the 600 FTE job creation schedule as described above or the incentives will be reduced as follows: For any given year that Chewy would maintain fewer than the required jobs but at least 50 percent of the required jobs, then the e-commerce grant will be reduced by half. However, should Chewy maintain less than 50 percent of the jobs required in a given year, the company will not be eligible for the described incentive in that year. A failure by Chewy to maintain a minimum of 50 percent of the jobs for two successive years will result in termination of the e-commerce 380 grant agreement.

Chewy anticipates annual taxable e-commerce (on-line) sales to begin at approximately \$80 million in Year 1 of the facility and is estimated to exceed \$177 million by Year 10. Total taxable sales over the 10-year period is estimated to exceed \$1.4 billion with approximately \$14 million (or one percent) estimated to be collected as revenue by the City of Dallas. As such, the 10-year e-commerce grant (calculated based on sales taxes paid by Chewy customers beginning by April, 2017), is estimated to result in a grant of approximately \$7 million to Chewy over the 10-year period with the City estimated to retain approximately \$7 million in sales taxes over the same 10-year period.

Annual e-commerce sales taxes will be collected by Chewy and remitted to the state each year. The e-commerce 380 grant will be subject to annual verification and audit of Chewy sales tax collections and annual appropriation by the City Council.

BACKGROUND (Continued)

Chewy has currently negotiated a 120 month base (10-year) lease with CH Realty (expiring January 31, 2027). Chewy request City Council consideration of the proposed e-commerce sales tax grant.

Net fiscal impact from the project after incentives is estimated at \$1,833,093 over 10 years and \$21,834,541 over 20 years. This proposed project conforms to minimum eligibility criteria for the City's Public/Private Partnership Program Guidelines and Criteria as it has a private investment exceeding \$1 million and creates more than 25 jobs. Staff recommends the proposed incentive be approved.

ESTIMATED SCHEDULE OF PROJECT

| | |
|---------------------------------------|---------------|
| Began property/tenant improvements | December 2016 |
| Complete property/tenant improvements | March 2017 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on January 17, 2017.

FISCAL INFORMATION

\$7,015,939 - Current Funds (Based on e-commerce sales taxes) (subject to future appropriations)

OWNER

Chewy, Inc., a Delaware Corporation

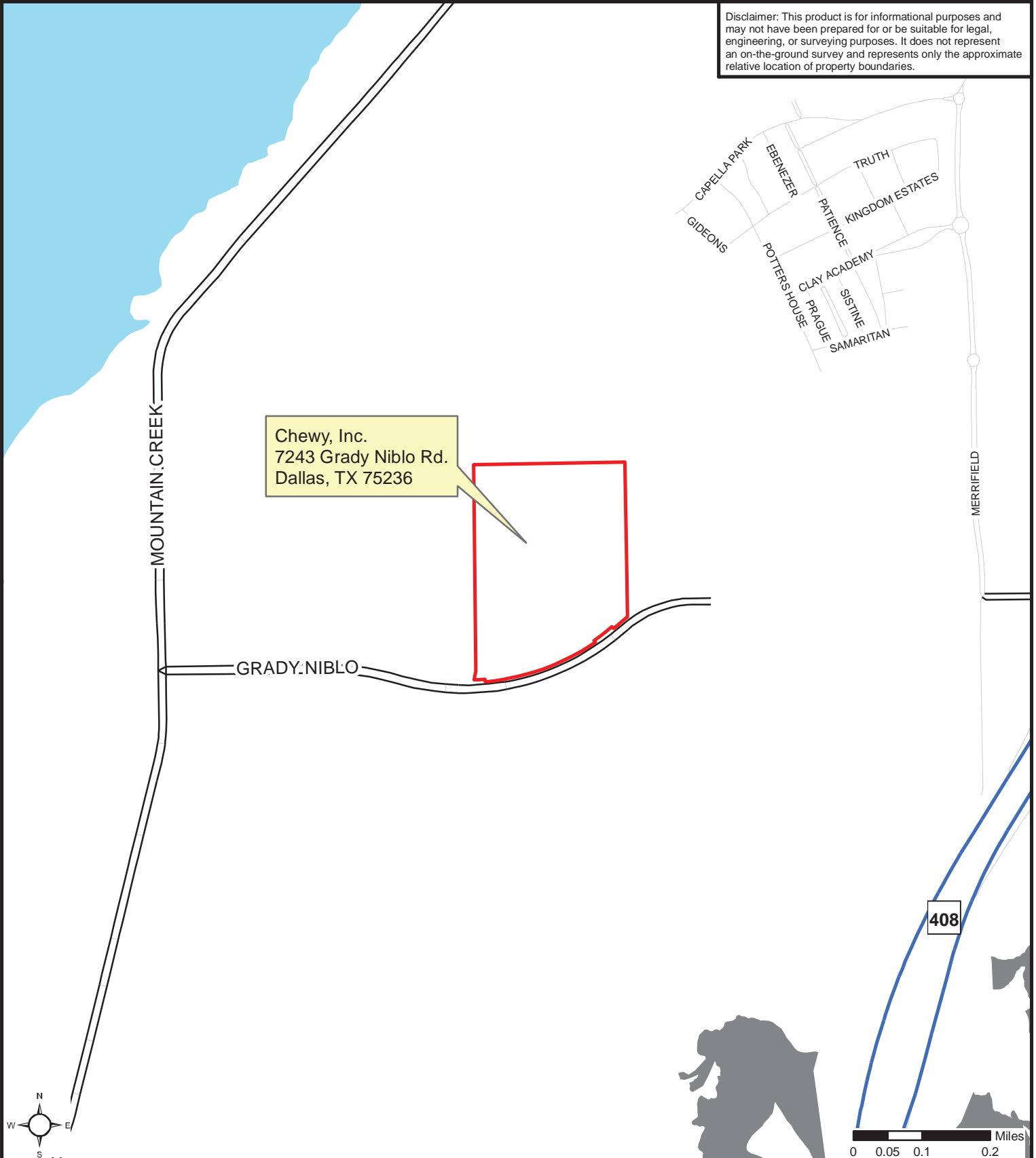
Jim Grube, Chief Financial Officer

MAP

Attached.

Chewy, Inc.

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 12.27.2016 - 16-12-22 David Schleg.TCG

Legend

Site

Freeway

Arterial

Local Road

Escarpment

Lake

Source: City of Dallas, 2016

February 8, 2017

WHEREAS, the City recognizes its role in economic development and the importance of expanding its employment and tax base; and

WHEREAS, many municipalities within the Dallas-Fort Worth region have economic development programs to compete with the City of Dallas for e-commerce retail facilities; and

WHEREAS, site selection decisions made by developers and businesses are often significantly influenced by a municipality's ability to provide competitive economic development incentives; and

WHEREAS, the City desires to support and secure new retail within the City of Dallas, providing employment opportunities and local sales tax revenue that e-commerce retail will bring for Dallas residents; and

WHEREAS, the proposed development will not occur within the City of Dallas without an offer of economic development incentives from the City of Dallas; and

WHEREAS, on March 26, 2014, the City Council authorized the creation of Reinvestment Zone No. 83; and

WHEREAS, the City Council pursuant to Resolution No. 14-0550 as approved on March 26, 2014 and as amended on June 11, 2014, by Resolution No. 14-0941 authorized a real property tax abatement agreement with Courtland Group, LLC's Phase II Improvements, as assigned to CH Realty VI/I Dallas Mt Creek I, LP, for added value to real property located at 7243 Grady Niblo Road within Reinvestment Zone No. 83; and

WHEREAS, on December 14, 2016, the City Council authorized the continuation of its Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, (the "Act"); and

WHEREAS, the City desires to enter into an e-commerce sales tax grant agreement with Chewy, Inc., a Delaware Corporation, ("Chewy") regarding a lease of a new distribution and warehouse facility located on approximately 38.6495 acres within Reinvestment Zone No. 83, attached hereto as Exhibit A (Metes and Bounds) and depicted on the attached site map as Exhibit B (Map - the "Property").

February 8, 2017

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a Chapter 380 e-commerce sales tax grant agreement with Chewy, Inc., a Delaware Corporation, to provide a 10-year e-commerce grant equal to 50 percent of the e-commerce sales taxes paid annually by Chewy.com customers to the City of Dallas for a ten year period beginning March 1, 2017 through February 28, 2027 from its leased facility at 7243 Grady Niblo Road in Dallas, in accordance with the City's Revised Public/Private Partnership Program.

Section 2. That the e-commerce sales tax grant agreement shall provide an annual rebate of an amount not to exceed 50% of sales taxes paid to the City of Dallas from e-commerce sales originating at the proposed facility located within Reinvestment Zone No. 83, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")** for a period not to exceed 10 years (120 months). The effective date will be the first day of the month following the month of an issued Certification of Occupancy for the facility.

Section 3. That the City will create a specific program grant collection fund for this specific Chapter 380 e-commerce sales tax incentive with Chewy which will serve as the sole funding source for this grant.

Section 4. That the e-commerce sales tax grant agreement shall provide that Chewy will secure a 10 year lease of a distribution/warehouse facility ("Facility") at the Property on or before March 1, 2017, invest \$5,000,000 in business personal property (non-inventory/furniture, fixtures & equipment) by December 31, 2017, and provide for the employment of at least 600 full-time equivalent ("FTE") employees at the Facility. The employment of at least 600 FTE employees will be achieved with the following schedule: 330 FTE employees by December 31, 2017, 460 FTE employees by December 31, 2018, and 600 FTE employees by December 31, 2019.

Section 5. That grant payments, upon meeting on-going program compliance, will be paid annually on or before December 31 during the tax calendar term of the final program agreement. Yearly grant payments will be based upon sales taxes received to the City of Dallas within the 12 month yearly cycle between July and June.

Due to the current anticipated March 1, 2017 occupancy date by Chewy, and subject to all City terms and conditions being met, grant payments are anticipated as of this resolution date to be made upon the following program payment sales tax calendar:

February 8, 2017**Section 5. (Continued)**

- Payment Year 1: March 1, 2017 – June 30, 2017 (4 Months)
Grant Payment - December 31, 2017
- Payment Year 2-9: July 1 – June 30 (12 Months)
Grant Payment – December 31 of Payment Year 2-9
(Years 2018-2026)
- Payment Year 10: July 1, 2026 – February 28, 2027 (8 Months)
Grant Payment – December 31, 2027

The anticipated program payment sales tax calendar noted is subject to change contingent upon the final project occupancy date of the facility by Chewy. The Director of Economic Development, or his appointed designee, is hereby authorized to finalize and approve the grant payment program schedule with Chewy upon finalization of the occupancy date.

Section 6. That the grant is subject to annual verification, audit or other necessary procedures deemed appropriate by the City to verify the company's e-commerce sales tax collections. The Economic Development Director, in consultation with the City's Chief Financial Officer and Budget Director, is authorized to make appropriate arrangements with Chewy to meet the audit requirement in order to fulfill the purposes described herein.

Section 7. That subject to audit verification and annual appropriations, e-commerce sales taxes paid annually by Chewy customers to the City of Dallas, Texas, originating at the proposed facility, shall be deposited into Fund 0680, Department ECO, Unit 6696, RSRC 6100 in accordance with the terms of the Chapter 380 e-commerce sales tax grant agreement.

Section 8. That should tenant(s) of the property in any given year maintain less than the required jobs but at least 50 percent of the required jobs, then the grant amount will be reduced by half. However, should tenant(s) maintain less than 50 percent of the jobs required in a given year, the company will not be eligible for the described grant that year. A failure to maintain a minimum of 50 percent of the jobs for two successive years will result in termination of the grant agreement.

Section 9. That the E-Commerce Sales Tax Grant with Chewy is personal to Chewy and it cannot be sold or assigned to non-affiliated companies without City Council approval.

Section 10. That the Chief Financial Officer is hereby authorized to encumber and disburse funds subject to future appropriations from: Fund 0680, Department ECO, Unit 6701, Object 3016, Activity PPPF, Encumbrance No. ECO6701D302, Vendor No. VS93584.

February 8, 2017

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 – Metes and Bounds

DESCRIPTION, of a 40.770 acre tract of land situated in the Field Secrest Survey, Abstract No. 1379 and the Aaron B. Wilson Survey, Abstract No. 1550, Dallas County, Texas and in City Block 8720, Official Numbers of the City of Dallas, Texas; said tract being part of that certain tract of land described in Special Warranty Deed to CH REALTY VI/I DALLAS MT. CREEK I, L.P. recorded in Instrument No. 201400171934 of the Official Public Records of Dallas County, Texas; said 40.770 acre tract being more particularly described as follows:

COMMENCING, at a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner at the northeast terminus of Grady Niblo Road (a 107-foot wide right-of-way, Volume 2003094, Page 1427, Deed Records of Dallas County, Texas); said point being the southwest corner of said CH Realty tract, the northwest corner of that certain tract of land described in Warranty Deed to the City of Dallas recorded in Instrument No. 201400165702 of said Official Public Records (said tract of land being described in Exhibit "A" of said Warranty Deed as Street Right-of-Way Dedication), the southeast corner of Lot 1, Block 8720, Mountain Creek Business Park Phase 1, Industrial Park, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2003012, Page 246 of said Deed Records and the beginning of a non-tangent curve to the right;

THENCE, along the south, the southwest and the south lines of said CH Realty tract and the north, the northeast and north lines of said City of Dallas tract, the following two (2) calls:

In an easterly direction, along said curve to the right, having a central angle of 17 degrees, 23 minute, 22 seconds, a radius of 1,883.50 feet, a chord bearing and distance of South 81 degrees, 58 minutes, 02 seconds East, 569.46 feet, an arc distance of 571.65 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found at the end of said curve; said point being the beginning of a reverse curve to the left;

In an easterly direction, along said curve to the left, having a central angle of 21 degrees, 42 minutes, 21 seconds, a radius of 1,776.50 feet, a chord bearing and distance of South 84 degrees, 07 minutes, 31 seconds East, 668.99 feet, an arc distance of 673.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner at the POINT OF BEGINNING;

THENCE, departing the said south line of the CH Realty tract and the said north line of the City of Dallas tract, and into and across the said CH Realty tract, the following four (4) calls:

North 04 degrees, 58 minutes, 41 seconds West, a distance of 20.00 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the beginning of a non-tangent curve to the right;

In a westerly direction, along said curve to the right, having a central angle of 02 degrees, 47 minutes, 06 seconds, a radius of 1,756.50 feet, a chord bearing and distance of South 86 degrees, 24 minutes, 52 seconds West, 85.37 feet, an arc distance of 85.38 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner at the end of said curve;

Exhibit A – Metes and Bounds

North 13 degrees, 21 minutes, 07 seconds East, a distance of 70.76 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner;

North 00 degrees, 38 minutes, 48 seconds West, a distance of 1,593.05 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in the north line of said CH Realty tract and the south line of that certain tract of land described in Special Warranty Deed to The Potter's House of Dallas, Inc. recorded in Volume 99063, Page 5361 of said Deed Records;

THENCE, North 89 degrees, 10 minutes, 29 seconds East, along the said north line of the CH Realty tract and the said south line of the Potter's House tract, a distance of 1,165.24 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the northeast corner of said CH Realty tract, the southeast corner of said Potter's House tract, the southwest corner of that certain tract of land described in General Warranty Deed to Clay Academy, Inc. recorded in Volume 2004159, Page 7653 of said Official Public Records and the northwest corner of that certain tract of land described in General Warranty Deed to The Potter's House of Dallas, Inc. recorded in Instrument No. 201100012615 of said Official Public Records;

THENCE, South 00 degrees, 57 minutes, 56 seconds East, along the east line of said CH Realty tract and the west line of the last mentioned Potter's House tract, a distance of 1,191.15 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the southeast corner of said CH Realty tract and the northernmost corner of said City of Dallas tract;

THENCE, departing the said west line of the last mentioned Potter's House tract and along the southeast and south lines of said CH Realty tract and the northwest and north lines of said City of Dallas tract, the following two (2) calls:

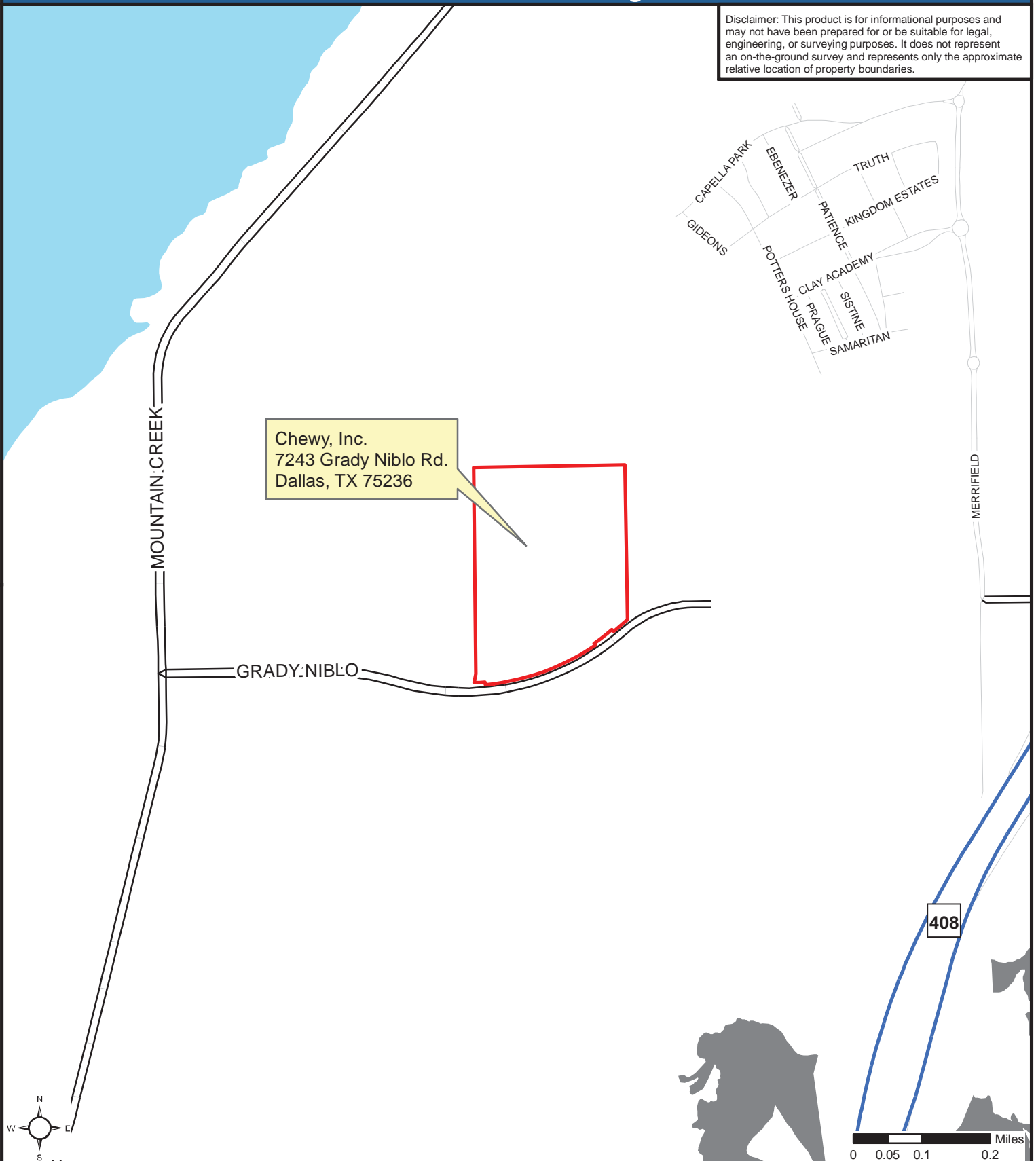
South 49 degrees, 22 minutes, 03 seconds West, a distance of 123.73 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found at the beginning of a tangent curve to the right;

In a southwesterly direction, along said curve to the right, having a central angle of 35 degrees, 39 minutes, 16 seconds, a radius of 1,776.50 feet, a chord bearing and distance of South 67 degrees, 11 minutes, 41 seconds West, 1,087.74 feet, an arc distance of 1,105.49 feet to the POINT OF BEGINNING;

CONTAINING, 1,775,924 square feet or 40.770 acres of land, more or less.

Exhibit B: Chewy, Inc.

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 12.27.2016 - 16-12-22 David Schleg, TCG

Legend

Site

Freeway

Arterial

Local Road

Escarpment

Lake

Source: City of Dallas, 2016

AGENDA ITEM # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 36 Y

SUBJECT

Authorize an historic preservation tax exemption for the Lakewood Theater building located at 1825 Abrams Road for a ten-year period on the added value of the land and structure - Revenue Foregone: First year tax revenue foregone estimated at \$7,825 (Estimated revenue foregone over ten years is \$78,250)

BACKGROUND

Article XI of the Dallas Development Code established the Historic Preservation Tax Incentive Program, which allows property owners to receive tax exemptions for restorations of historic properties. The Historic Tax Incentive Program was reviewed and approved by the Dallas City Council on November 26, 2007. Revisions to the program were approved by City Council on December 9, 2015, by Ordinance No. 29953. Dallas Development Code Section 11.201(e) requires City Council to review any exemption over \$50,000. The City Council may approve or deny any portion of the exemption over \$50,000.

The Lakewood Theater, built in 1938, and addressed at 1825 Abrams Road northeast of downtown Dallas, was designated a City of Dallas landmark in September 2016.

The architect, Norman Alston, has applied for a historic tax exemption on behalf of the owner of the theater in support of approximately \$1 million in investment to rehabilitate the building. The building qualifies under the "Citywide" exemption which allows for exemption of the city portion of the property taxes on the added value for up to a ten year period. To qualify for this exemption, the cost of rehabilitation must exceed 50 percent of the pre-rehabilitation value of the structure.

The 2015 Dallas Central Appraisal District appraised value for the 1825 Abrams Road account is \$290,000, with an improvement value of \$36,170 and land value of \$253,830. The applicant is therefore required to invest approximately \$18,085 into the property to qualify for the exemption. The total estimated project cost is approximately \$1,000,000.

BACKGROUND (Continued)

The owner will continue to pay taxes on the pre-rehabilitation value. The 2015 City of Dallas taxes are estimated to be \$2,269. Currently the building stands vacant, and the applicant has proposed to redevelop the historic building into restaurant and retail space.

The new value after completion is estimated to be \$1,290,000. Without accounting for any increase in value due to appreciation, it is estimated that the annual City tax assessment at the end of the exemption period will be \$10,094.

Prior to the initiation of the tax abatement, verification of expenditures is required. The Historic Development Program requires that an applicant submit receipts, copies of checks, bank draws, or other information that documents the required expenditures.

The applicant must also provide evidence to show that there are no delinquent property taxes, city fees, fines or penalties on the property. The owner has signed an affidavit stating that they are current on their taxes and do not owe any city fees, fines, or penalties.

The Lakewood Theater is not in a TIF district, and the owner has not applied for TIF funds for this building.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 14, 2016, City Council established Historic Overlay District No. 148 (the Lakewood Theater) by Ordinance No. 30192.

On December 5, 2016, the Landmark Commission approved the certificate of eligibility for the Lakewood Theater.

Information about this item was provided to the Economic Development Committee on January 17, 2017.

FISCAL INFORMATION

Revenue Foregone: First year tax revenue foregone estimated at \$7,825 (Estimated revenue foregone over ten years is \$78,250)

OWNERS

Willingham W W III

Willingham W W III TR

Gartner 720 Ltd

MAP

Attached



1:2,453

Location Map

Printed Date: 1/3/2017

February 8, 2017

WHEREAS, Article XI of the Dallas Development Code establishes historic preservation tax exemptions and economic development incentives for historic properties to encourage the revitalization and restoration of the city's historic structures; and

WHEREAS, Dallas Development Code Section 51A-11.201(e) requires that the City Council review and approve, by resolution any portion of the application for a historic preservation tax exemption over \$50,000; and

WHEREAS, the property located at 1825 Abrams Road, account number 00000183373000000, is a contributing structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to Historic Overlay District No. 148 (the Lakewood Theater Historic District); and

WHEREAS, the property is eligible for a city tax exemption based upon rehabilitation of a historic property for a ten-year period on the added value of the structure and land value, which will total an estimated \$78,250; and

WHEREAS, on December 5, 2016, the Landmark Commission determined that the property is eligible for a city tax exemption; and

WHEREAS, the rehabilitation project must be completed within three years after the Landmark Commission made its determination of eligibility; and

WHEREAS, the property owner has complied with all of the requirements for the city tax exemption, including submitting proof that property taxes and any city fees, fines, or penalties are not delinquent on the property; and

WHEREAS, the City Council finds that it is in the public interest to preserve this historic building;

NOW, THEREFORE,

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

SECTION 1. That the application for a historic preservation tax exemption over \$50,000 is approved on the added value of the structure and land value of the historic property for a ten-year period for the city portion of the taxes.

SECTION 2. That the rehabilitation project must be completed by December 4, 2019.

February 8, 2017

SECTION 3. That to receive the tax exemption, the owner must submit a final application to the Director of the Department of Sustainable Development and Construction that complies with Dallas Development Code Section 51A-11.201 proving that the rehabilitation requirements have been met and must thereafter make annual application to the appraisal district for the duration of the tax exemption.

SECTION 4. That if any portion of the historic structure is totally or partially demolished or significantly altered by the willful act or negligence of the owner or his representative in violation of the historic district preservation criteria, this tax exemption will terminate and the owner shall immediately repay to the City of Dallas all city property taxes foregone.

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

AGENDA ITEM # 23

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 69A F; K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south line of Ravenview Road, east of Garden Springs Drive

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z167-108(WE)

FILE NUMBER: Z167-108(WE) **DATE FILED:** October 10, 2016

LOCATION: South line of Ravenview Road, east of Garden Springs Drive

COUNCIL DISTRICT: 8 **MAPSCO:** 69A-F, K

SIZE OF REQUEST: Approx. 8.1525 acres **CENSUS TRACT:** 171.01

APPLICANT / OWNER: Donny P. Brown, Inc.

REPRESENTATIVE: Audra Buckley

REQUEST: An application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of this request is to allow for the development of warehouse uses on site. The applicant volunteered deed restrictions to prohibit various intrusive uses as well as provide a 20 foot setback on Ravenview Road and a 10 foot setback along the eastern property line. The Commercial Service District does not require a minimum setback along non-residential uses, but requires a 20 foot setback when a CS District is adjacent to residential districts.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

- The request site is currently undeveloped.
- The applicant proposes to construct two warehouses on the site. The applicant owns a concrete company on the adjacent property to the west of the site.
- The applicant volunteered deed restrictions that will prohibit certain uses on site as well as provided a 20 foot front yard setback along Ravenview Road and a minimum 10 foot side yard setback along the eastern property line. The property on the eastern property line is zoned for non-residential uses but the additional setback will provide a sufficient landscape buffer between the proposed warehouse uses and future development on the adjacent properties.
- The land uses that abut the request site's western property line consist of a variety of commercial type uses. North of the request site, across Ravenview Road is undeveloped and the City of Bach Springs. West of the site is developed with single family dwellings that are non-conforming. The zoning districts east of the request site are an NS(A) Neighborhood Service District and an LO-1 Limited Office District.

Zoning History: There has not been any zoning changes requested in the past five years.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|-------|--------------|--------------|
| Ravenview Road | Local | 60 ft. | 60 ft. |

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions

Land Use:

| | Zoning | Land Use |
|--------------|---------------|----------------------------|
| Site | R-7.5(A) | Undeveloped |
| North | R-10(A) | Undeveloped |
| South | CS-D-1 | Mini-warehouse |
| East | LO-1, NS(A) | Undeveloped, Single Family |
| West | CS-D-1 | Commercial / undeveloped |

STAFF ANALYSIS:

Land Use Compatibility: The approximately 8.1525 acre site is undeveloped and is adjacent to a variety of commercial type use to the west and single family dwellings to the east. The single family dwellings are non-conforming uses because the underlying zoning district is an NS(A) Neighborhood Service District. North of the request site, across Ravenview Road, is undeveloped and northwest is the City of Bach Springs.

The applicant's request for a CS Commercial Service District will allow for the construction of two warehouse uses and outside storage on site. The applicant owns an adjacent concrete company that is located within a CS Commercial Service District. The requested CS District will allow for additional inside storage and distribution of items on site. The outside storage material will be screened pursuant to the requirements in the Code. The applicant has also volunteered deed restrictions that will prohibit certain main uses from being developed on site as well as a 20 foot front yard setback on Ravenview Road and a minimum 10 foot side yard setback along the eastern property line.

Currently, the code does not require a minimum setback along non-residential district uses, but would require a 20 foot setback when a CS District is adjacent to residential districts. The only residential district is north of the request site, which is across Ravenview Road. Ravenview Road has approximately 60 feet of right-of-way. The applicant is sensitive to the any future residential development to the north and has volunteered a 20 foot setback along Ravenview Road to mitigate any impact the proposed warehouse may have on any residential developments.

The applicant's request to develop the site with warehouse use is consist with the type of commercial development in the surrounding area. The existing R-7.5(A) Single Family District is between a CS Commercial Service District and an NS(A) Neighborhood Service and LO-1 Limited Office District. The proposed extension of the CS District is consist with the adjacent zoning pattern and the volunteered deed restrictions should mitigate any negative impact the proposed use may have on the adjacent properties.

The applicant has volunteered deed restriction to prohibit the following uses.

| | |
|---|--|
| • Bus or rail transit vehicle maintenance or storage facility | • Convenience store with drive-through |
| • Commercial bus station and terminal | • Drive-in theater |
| • Commercial cleaning or laundry plant | • General merchandise or food store greater than 3,500 square feet |
| • Medical or scientific laboratory | • General merchandise or food store 100,000 square feet or more |
| • Technical school | • Liquefied natural gas fueling station |
| • Gas drilling and production | • Liquor store |
| • College, university, or seminary | • Pawn shop |
| • Community service center | • Restaurant without drive-in or drive-through service |
| • Convent or monastery | • Restaurant with drive-in or drive-through service |
| • Open-enrollment charter school or private school | • Swap shop or buy shop |
| • Lodging or boarding house | • Theater |
| • Carnival or circus | • Truck stop |
| • Financial institution with drive-in window | • Auto auction |
| • Medical clinic or ambulatory surgical center | • Freight terminal |
| • College dormitory, fraternity, or sorority | • Petroleum product storage and wholesale |
| • Alcoholic beverage establishments | • Sand, gravel, or earth sales and storage |
| • Business school | • Trade center |
| • Commercial amusement (inside) | • Vehicle storage lot |
| • Commercial amusement (outside) | |

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | <u>Density</u> | <u>Height</u> | <u>Lot Coverage</u> | <u>Special Standards</u> | <u>PRIMARY Uses</u> |
|---|------------------------|--|---|----------------------|----------------------------|--|--|
| | <u>Front</u> | <u>Side/Rear</u> | | | | | |
| R-7.5(A) – existing Single Family | 25' | 5' | 1 Dwelling Unit/ 7,500 sq. ft. | 30' | 45% | | Single family |
| CS - proposed Commercial Service | 15' 0' on minor | 20' adjacent to residential OTHER: No Min. | 0.75 FAR overall 0.5 office/ lodging/ retail combined | 45' 3 stories | 80% | Proximity Slope Visual Intrusion | Commercial & business service, supporting retail & personal service & office |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. The applicant will screen any outside storage materials per the requirements in the code.

Parking: The off-street parking requirement for a warehouse use is one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet.

CPC Action (January 5, 2017)

Motion: It was moved to recommend **approval** of a CS Commercial Service District, subject to revised deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south line of Ravenview Road, east of Garden Springs Drive.

Maker: Haney
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 400 Mailed: 24
Replies: For: 0 Against: 0

Speakers: For: Audra Buckley, 416 S. Ervay St., Dallas, TX, 75201
Against: None

| |
|-------------------------|
| LIST OF OFFICERS |
|-------------------------|

- Ronny Brown President, Treasurer and Director
- Danny K. Spoerl Vice President

**CPC PROPOSED DEED
RESTRICTIONS**

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Donny P Brown, Inc., ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the G.A. Cornaggy Survey, Abstract No. 369, and the William J. Snow Survey, Abstract No. 1348, City Block 8796, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed conveyed to Owner by Kenneth Wayne Bracey by deed dated April 22, 2003, recorded in Volume 2003098, Page 8481, in the Deed Records of Dallas County, Texas and being more particularly described as follows:

Exhibit A

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. The following main uses are prohibited:

(A) Commercial and business service uses.

- Bus or rail transit vehicle maintenance or storage facility.
- Commercial bus station and terminal.
- Technical school.

(B) Industrial uses.

- Gas drilling and production.

(C) Institutional and community service uses.

- College, university, or seminary.
- Community service center.
- Convent or monastery.

- Open-enrollment charter school or private school.

(D) Miscellaneous uses.

- Carnival or circus (temporary).

(E) Office uses.

- Financial institution with drive-in window.

(F) Residential uses.

- College dormitory, fraternity, or sorority house.

(G) Retail and personal service uses.

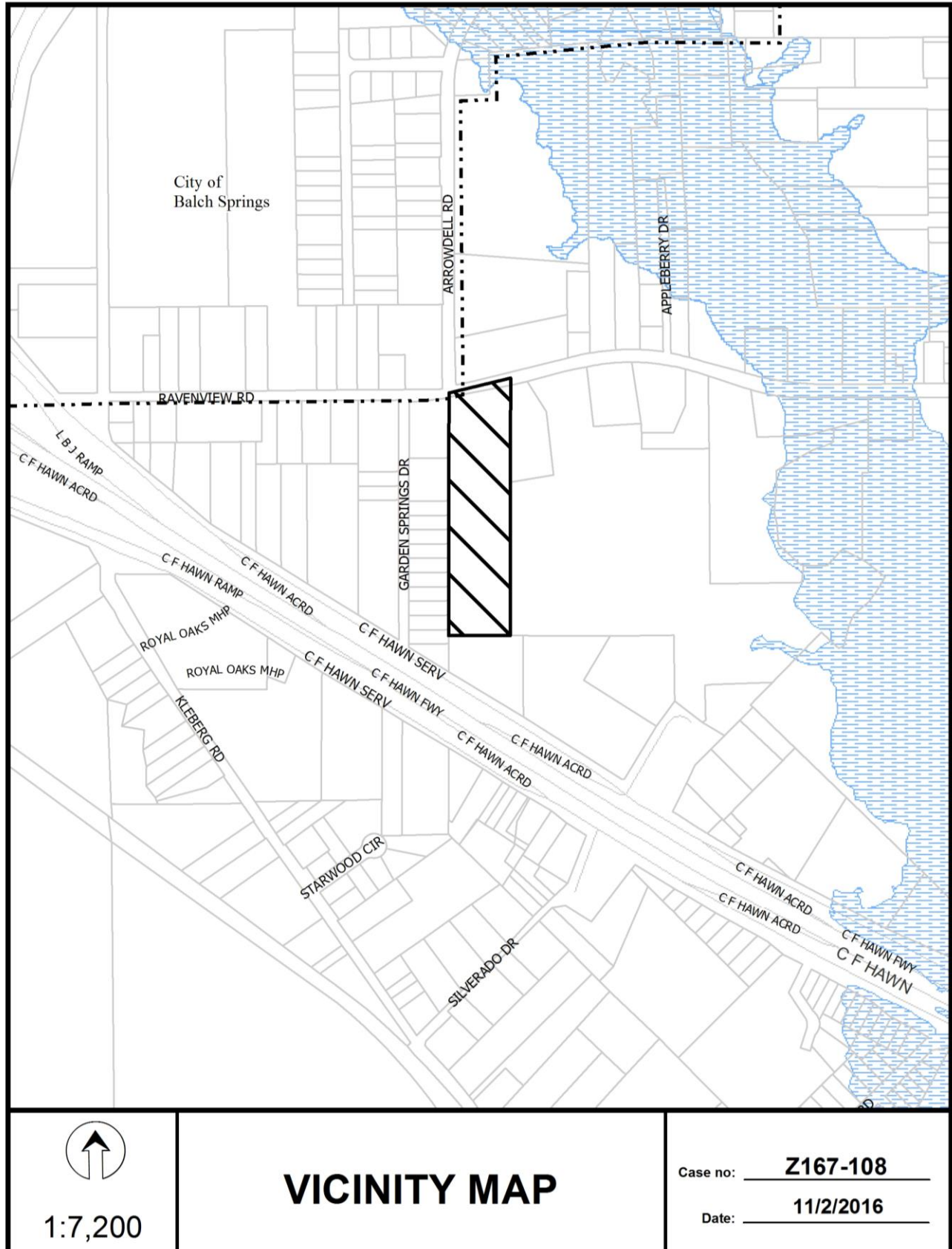
- Alcoholic beverage establishments.
- Business school.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Convenience store with drive-through.
- Drive-in theater.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Liquefied natural gas fueling station.
- Liquor store.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Theater.
- Truck stop.

(H) Wholesale, distribution, and storage uses.

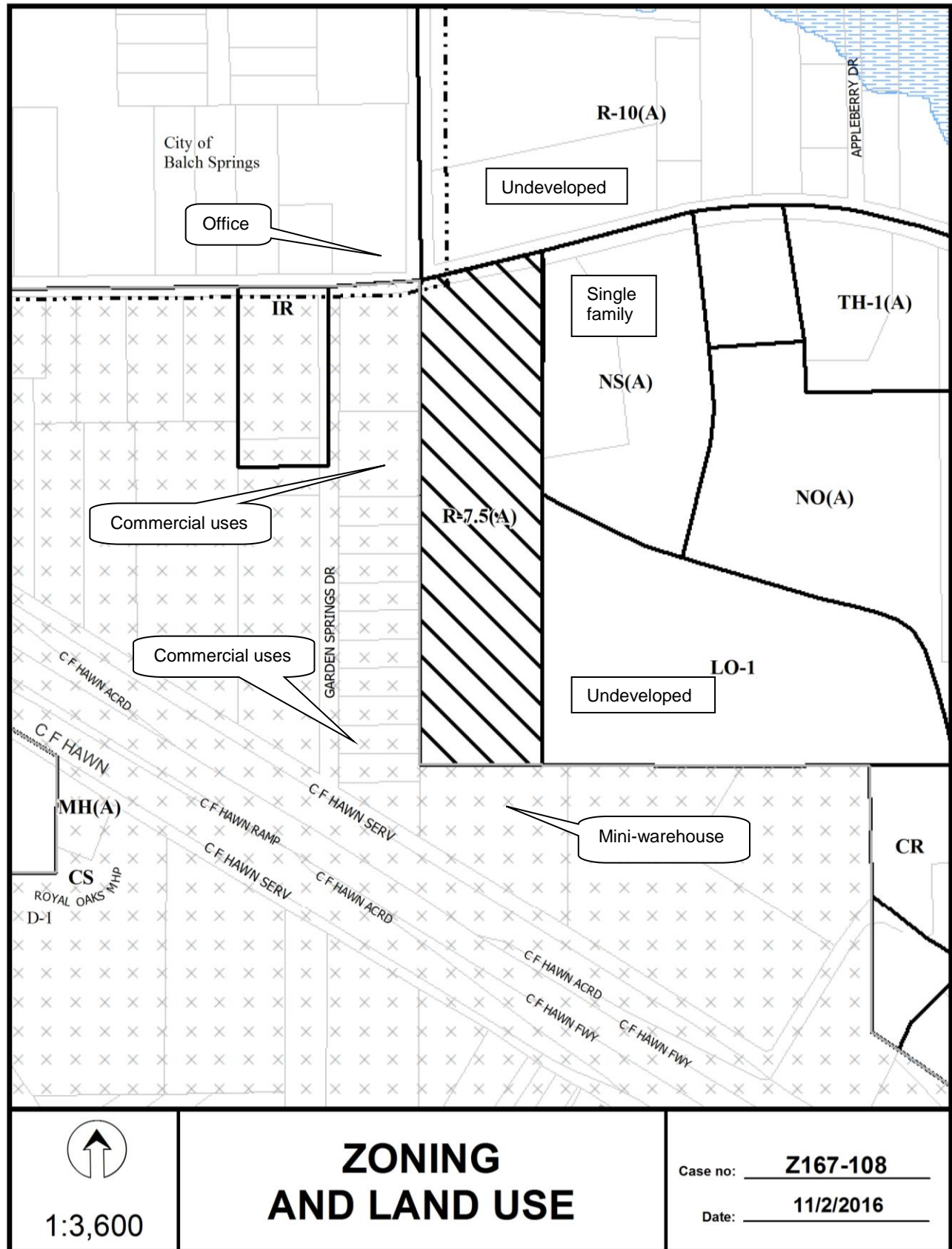
- Auto auction.
- Freight terminal.
- Petroleum product storage and wholesale.
- Sand, gravel, or earth sales and storage.
- Trade center.
- Vehicle storage lot.

2. The minimum setback along Ravenview Road is 20 feet.

3. A minimum 10 foot landscape buffer must be provided along the eastern boundary of the property.







CPC RESPONSES



| | |
|-----------------|---------------------------------------|
| <u>24</u> | Property Owners Notified (30 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>400'</u> | Area of Notification |
| <u>1/5/2017</u> | Date |

Z167-108
CPC



1:3,600

Notification List of Property Owners

Z167-108

24 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 | 11644 | RAVENVIEW RD | BROWN DONNY P INC |
| | 2 | 1905 | GARDEN SPRINGS DR | MUNIZ J RAMON |
| | 3 | 1835 | GARDEN SPRINGS DR | MUNIZ RAMON |
| | 4 | 1829 | GARDEN SPRINGS DR | A & M HAULERS LLC |
| | 5 | 11661 | C F HAWN FWY | MAYFIELD LARRY |
| | 6 | 1926 | GARDEN SPRINGS DR | BROWN RONNY G |
| | 7 | 1922 | GARDEN SPRINGS DR | BROWN DONNY P INC |
| | 8 | 1918 | GARDEN SPRINGS DR | RODRIGUEZ JOSE LUIS & DORA |
| | 9 | 1914 | GARDEN SPRINGS DR | MCDUGAL LEON CURTIS |
| | 10 | 1912 | GARDEN SPRINGS DR | MCDUGAL LARRY CURTIS & |
| | 11 | 1900 | GARDEN SPRINGS DR | MCDUGAL LEON C & BETTY |
| | 12 | 1830 | GARDEN SPRINGS DR | BROWN RONNY G |
| | 13 | 11660 | RAVENVIEW RD | SADEGHIAN AMY & |
| | 14 | 11720 | RAVENVIEW RD | BLESSED HOPE BAPT CHURCH |
| | 15 | 11701 | C F HAWN FWY | SILVERADO SELF STORAGE |
| | 16 | 1740 | ARROWDELL RD | CARRASCO JESUS ALBERTO |
| | 17 | 1700 | ARROWDELL RD | MARTINEZ GERMAN |
| | 18 | 11701 | RAVENVIEW RD | PHILLIPS TRUST |
| | 19 | 1812 | GARDEN SPRINGS DR | BROWN RONNY G |
| | 20 | 11660 | RAVENVIEW RD | RICH MARY YVONNE RYER |
| | 21 | 11801 | C F HAWN FWY | AMERICO HAWN LP |
| | 22 | 11543 | RAVENVIEW RD | LEWIS LELAND BOYCE |
| | 23 | 11547 | RAVENVIEW RD | LEWIS RALPH |
| | 24 | 11551 | RAVENVIEW RD | MULLINS PAT & |

AGENDA ITEM # 24

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 8, 2017
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 26 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-3 Mixed Use District uses and a Utility or government installation other than listed limited to a courthouse and offices on property zoned an MU-3 Mixed Use District and Specific Use Permit No. 1507 for a radio, television or microwave tower on the southeast corner of Greenville Avenue and Blackwell Street

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z167-112(WE)

FILE NUMBER: Z167-112(WE) **DATE FILED:** October 13, 2016

LOCATION: Greenville Avenue and Blackwell Street, southeast corner

COUNCIL DISTRICT: 13 **MAPSCO:** 26T

SIZE OF REQUEST: Approx. 0.683 acres **CENSUS TRACT:** 78.19

APPLICANT / OWNER: City of Dallas

REPRESENTATIVE: Janell Cottam

REQUEST: An application for a Planned Development District for MU-3 Mixed Use District uses and a Utility or government installation other than listed limited to a courthouse and offices on property zoned an MU-3 Mixed Use District and Specific Use Permit No. 1507 for a radio, television or microwave tower.

SUMMARY: The purpose of the request is to renovate a former fire station into a multi-purpose facility. The primary use of the renovated facility will be used as a community courthouse with associated offices. Additionally, an 800 square foot space will be used by a local neighborhood association.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

BACKGROUND INFORMATION:

- The request site is developed with a one story, 6453 square foot former fire station. The applicant will renovate the structure for community courthouse and offices that are associated with the court. In addition, the proposed structure may have an 800 square foot space that will be leased to a local neighborhood association.
- The local association will provide community service activities and will work with the court on providing service activities to the offenders.
- The fire station was built in the early 1950s. Between 2013 and 2014, the fire station was vacated as a result of the construction of new fire station.
- The surrounding land uses consist of a bank and an electrical substation to the north, a utility easement and a book store to the east, and a mini-warehouse use to the south [PDD No. 488]. Properties to the west, across Greenville Avenue consist of parking structure and general merchandise or food store.

Zoning History: There has not been any zoning case in the area over the past five years.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|--------------------|--------------|--------------|
| Greenville Avenue | Principal Arterial | 120 ft. | 120 ft. |
| Twin Hills Avenue | Local | ft. | ft. |
| Blackwell Street | Local | 60 ft. | 60 ft. |

Land Use:

| | Zoning | Land Use |
|--------------|----------------------------|------------------------------|
| Site | MU-3, SUP No. 1507 | Fire Station (vacant) |
| North | MU-3 | Bank |
| South | PDD No. 488 | Mini-warehouse |
| East | MU-2 | Utility easement, Book store |
| West | MU-3 with deed restriction | Parking structure, Office |

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.

URBAN DESIGN**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

Policy 5.1.3 Encourage complementary building height, scale, design and character.

STAFF ANALYSIS:

Land Use Compatibility: The 0.683 acre site is developed with a one-story, 6453 square foot vacant fire station. The applicant's request for a Planned Development District will allow for a utility or government installation other than listed limited to a community courthouse to operate within the facility. A Utility or government installation other than listed is permitted by a Specific Use Permit in an MU-3 Mixed Use District but a Planned Development District is requested because the neighborhood association may collaborate with the City to conduct various types of community service activities with the offenders in the area. The Planned Development District will permit both uses, a utility or government installation other than listed limited to a community courthouse and a community service center, by right.

Staff proposes limiting the floor area of the proposed space for the neighborhood association to 800 square feet; with the remaining floor area being used by the City. Specific Use Permit No. 1507 will remain on the site. In March 2003, the City Council approved SUP No. 1507 for a radio, television, or microwave tower for a permanent time period.

The surrounding land uses consist of a bank and an electrical substation to the north, a utility easement and a book store to the east, and a mini-warehouse use to the south [PDD No. 488]. Properties to the west, across Greenville Avenue consist of parking structure and general merchandise or food store.

Staff has reviewed and supports the applicant's request for a Planned Development District for an MU-3 Mixed Use District uses and a utility or government installation other than listed limited to a community courthouse and offices, subject to a development plan and conditions.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|-----------------------------|------------------------|--|--|--------------------|---------------------|--|--|
| | Front | Side/Rear | | | | | |
| MU-3 Mixed use-3 | 15' | 20' adjacent to residential OTHER: No Min. | 3.2 FAR base 4.0 FAR maximum + bonus for residential | 270' 20 stories | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging, residential, trade center |
| Proposed PDD Mixed use-3 | 15' | 20' adjacent to residential OTHER: No Min. | 3.2 FAR base 4.0 FAR maximum + bonus for residential | 270' 20 stories | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging, residential, trade center, community court |
| | | | | | | | |

Landscaping: The renovation of the existing structure will not increase the impervious coverage and as a result will not trigger any landscaping requirements. Even though providing additional landscaping on the site is not required, staff has asked the applicant to provide additional landscaping along Blackwell Street. Planting additional landscaping along Blackwell Street will soften the street's edge. In addition, the applicant is considering planting additional trees on Greenville Avenue, but will have to be selective on the plant materials. There are overhead power lines that may become a conflict with certain species of large canopy trees. No additional landscaping is planned at this time.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Parking: The parking ratio for a government installation other than listed is determined by the most equivalent to the proposed use in terms of function. Staff has determined that the 20 off-street parking spaces on site are appropriate for the proposed use. Staff has established a parking ratio of one space per 333 square feet of floor area. This ratio is the same as an office use and the use should not generate any more trips than a typical office use or bank.

CPC Action (January 5, 2017)

Motion: It was moved to recommend **approval** of a Planned Development District for MU-3 Mixed Use District uses and a Utility or government installation other than listed limited to a courthouse and offices, subject to a development plan and conditions on property zoned an MU-3 Mixed Use District and Specific Use Permit No. 1507 for a radio, television or microwave tower on the southeast corner of Greenville Avenue and Blackwell Street.

Maker: Murphy
Second: Schultz
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7
Conflict: 1 - Jung

| | | |
|-----------------|-----------|------------|
| Notices: | Area: 500 | Mailed: 26 |
| Replies: | For: 0 | Against: 0 |

Speakers: None

| |
|--|
| CPC PROPOSED PDD CONDITIONS |
|--|

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD District _____ was established by Ordinance No. _____, passed by the Dallas City Council on _____.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD District _____ is established on property at southwest corner of Greenville Avenue and Blackwell Street. The size of PD District ____ is 0.683 acre.

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 non-residential zoning district.

SEC. 51P-____.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ____A: development plan.

SEC. 51P-____.105. DEVELOPMENT PLAN

Development and use of the Property must comply with the development plan (Exhibit ____A). 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.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this district; etc.

(b) The following additional main uses are permitted by right:

-- Utility or government installation other than listed. [*Limited to a community courthouse.*]

-- Community service center

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 MU-3 Mixed Use District apply.

(b) Floor area. Maximum floor area for a community service center is 800 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) Utility or government installation other than listed limited to a community court. One space per 333 square feet of floor area is required.

(c) Community service center. One space per 300 square feet of floor area is required.

SEC. 51P-____.110. ENVIRONMENTAL PERFORMANCE STANDARDS

See Article VI.

SEC. 51P-____.111. LANDSCAPING

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For a utility or government installation other than listed and a community service center, landscaping must be provided as shown on the development plan. If

there is a conflict between the text of this article and the development plan, the text of this article controls.

- (c) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- ____ . 112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____ . 113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

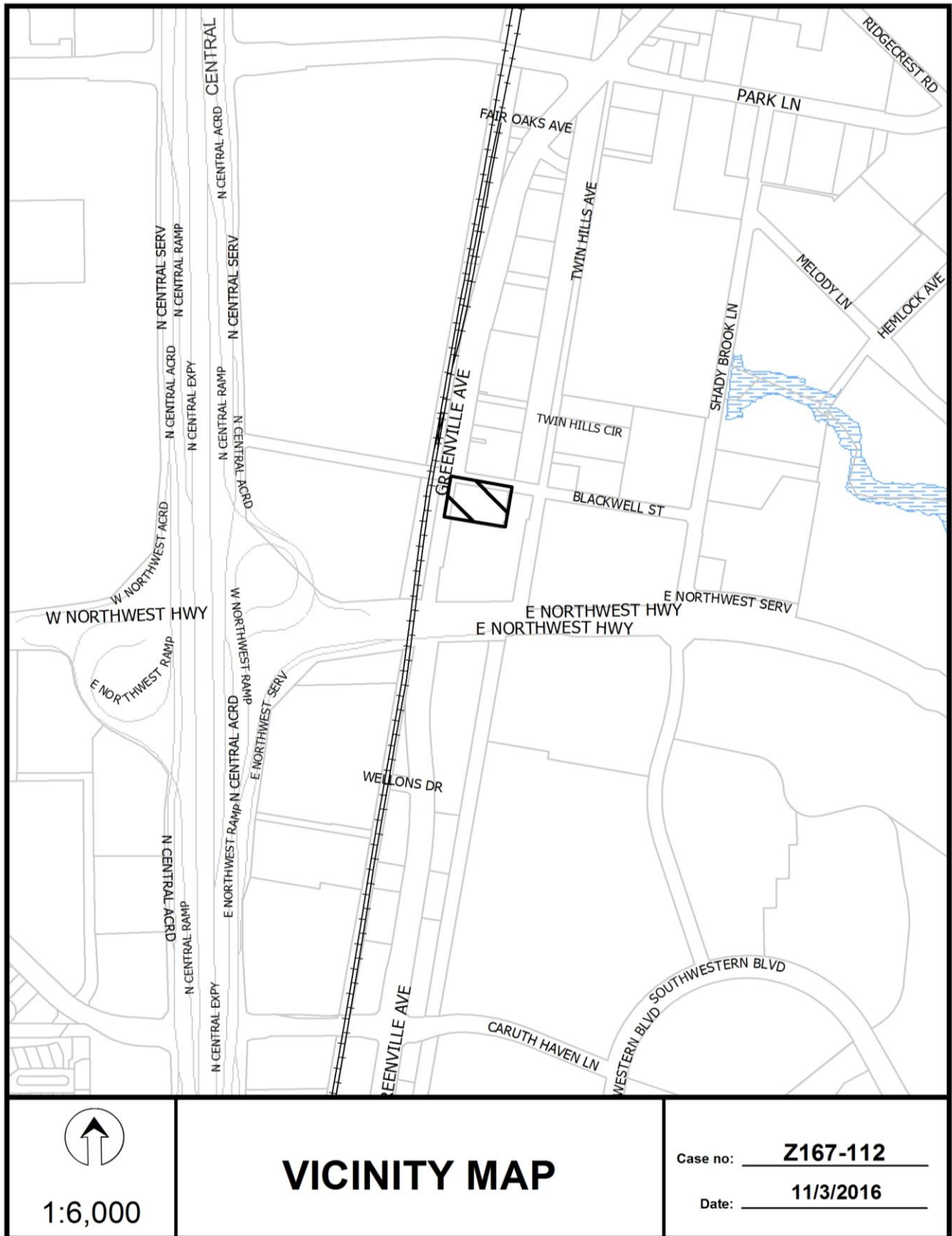
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P- ____ . 114. COMPLIANCE WITH CONDITIONS.

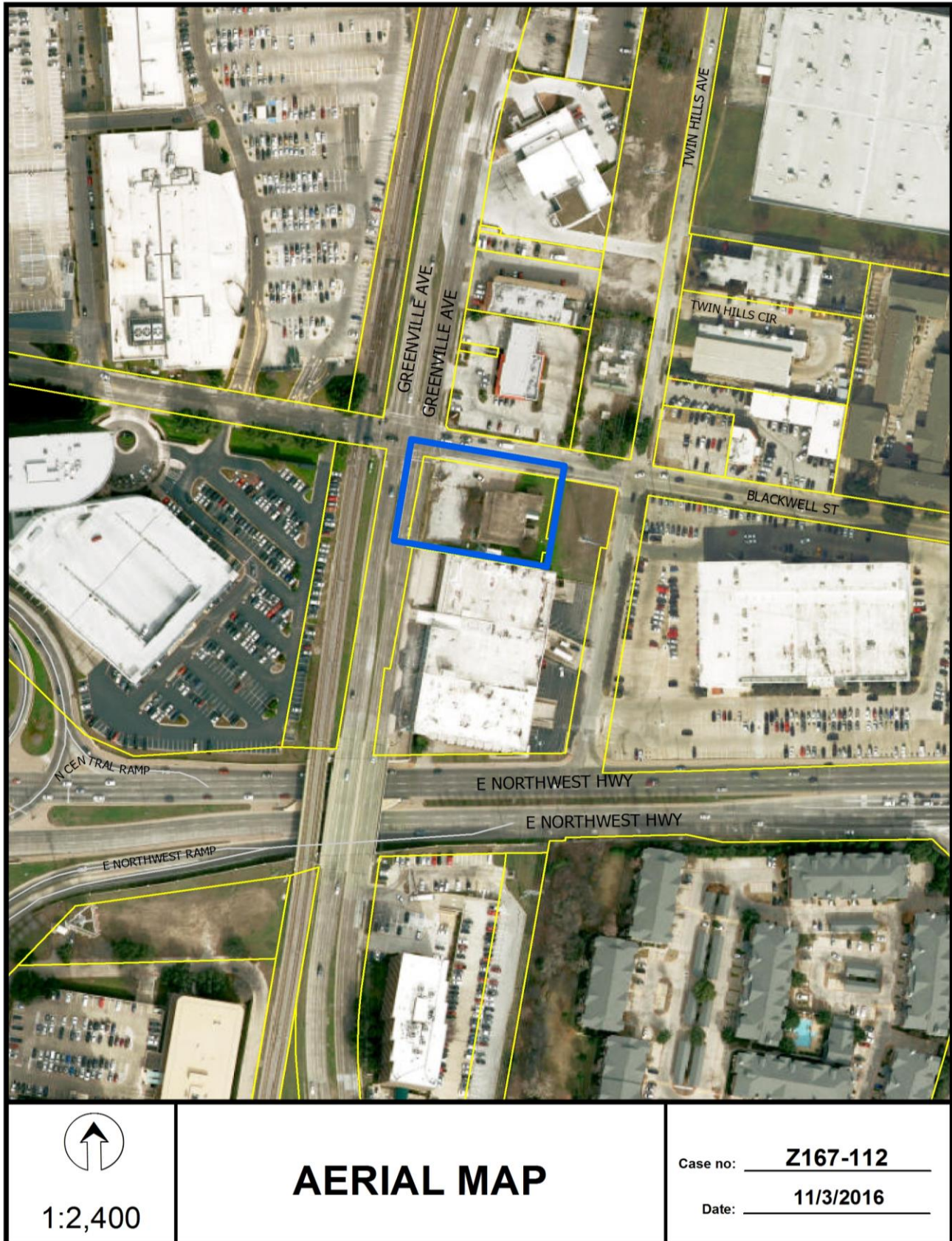
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city

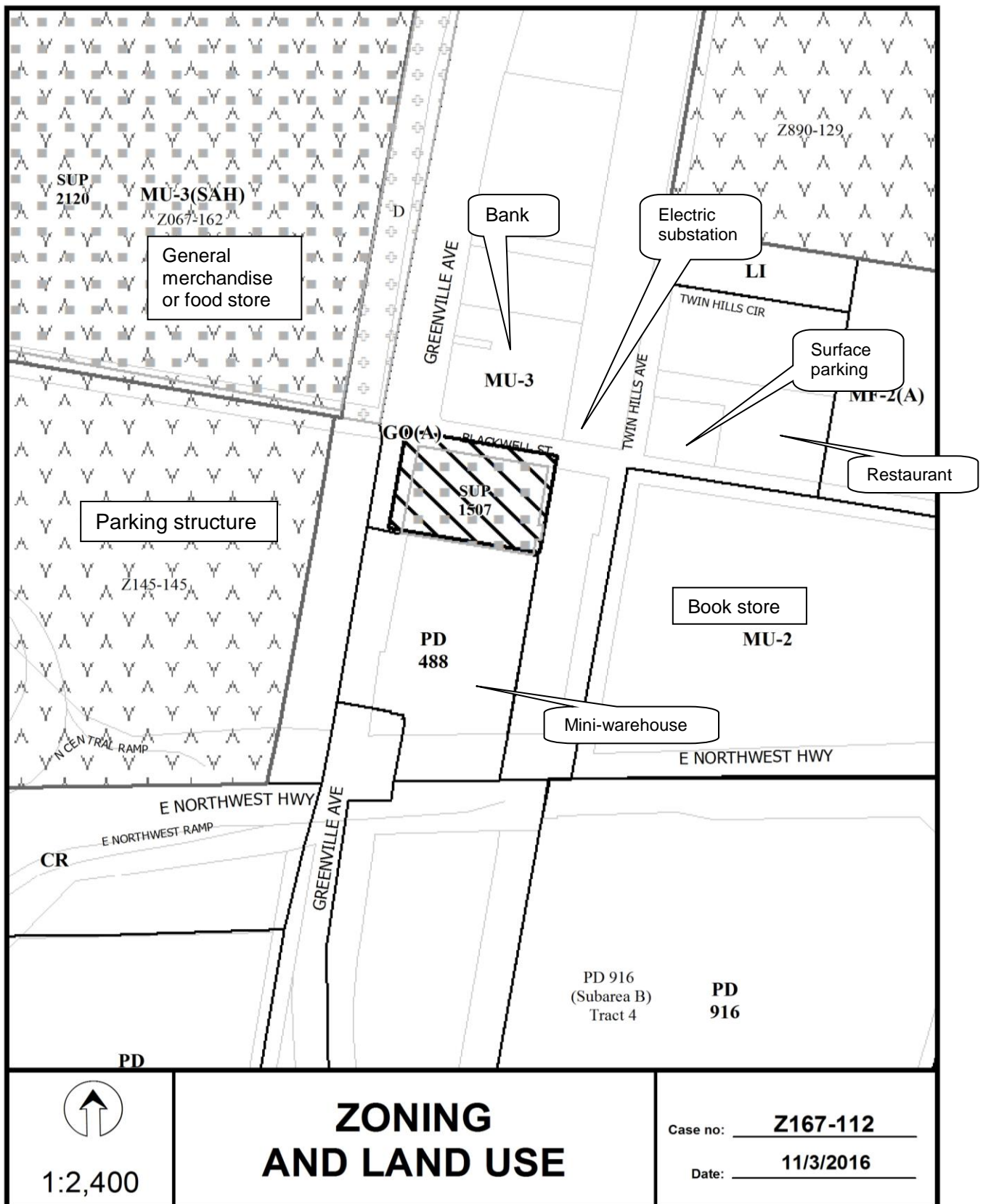
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.



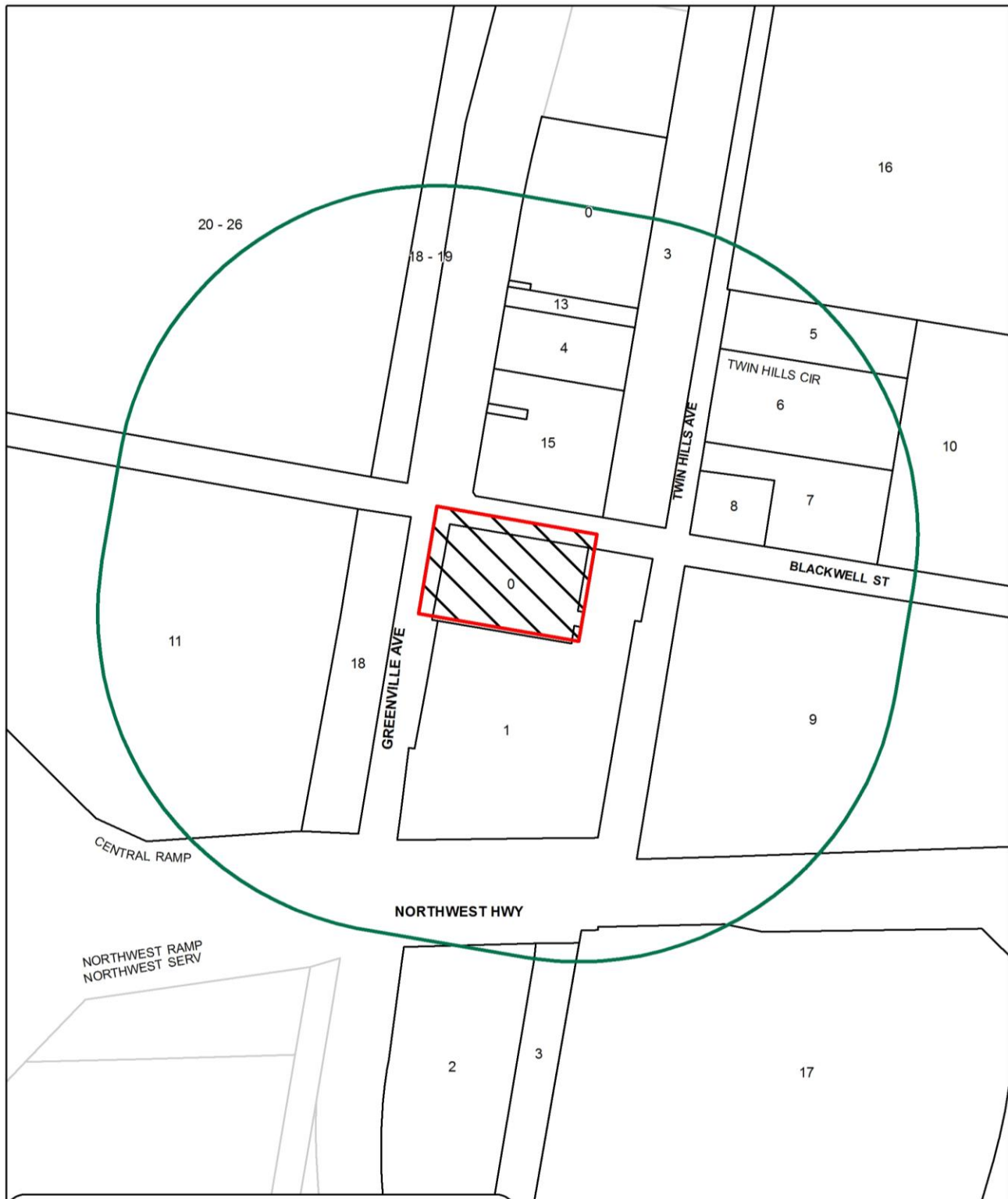


Z167-112(WE)





CPC RESPONSES



| | |
|-----------------|---------------------------------------|
| <u>26</u> | Property Owners Notified (23 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>500'</u> | Area of Notification |
| <u>1/5/2017</u> | Date |

Z167-112
CPC



1:2,400

Notification List of Property Owners

Z167-112

26 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 | 5701 E NORTHWEST HWY | EXTRA SPACE PROPERTIES 124 LLC |
| | 2 | 6500 GREENVILLE AVE | BVP 6500 GREENVILLE LLC |
| | 3 | 5700 E NORTHWEST HWY | TEXAS UTILITIES ELEC CO |
| | 4 | 6770 GREENVILLE AVE | MIEGEL INVESTMENTS LLC |
| | 5 | 6770 TWIN HILLS AVE | POLYSPEDA ELECTRONICS |
| | 6 | 6758 TWIN HILLS AVE | SOUTHWESTERN BELL |
| | 7 | 5811 BLACKWELL ST | ADQ HOLDINGS LLC |
| | 8 | 6744 TWIN HILLS AVE | BOOKMARK LLC |
| | 9 | 5801 E NORTHWEST HWY | HALF PRICE BOOKS RECORDS |
| | 10 | 6727 SHADY BROOK LN | CONCORD 5827 BLACKWELL LLC |
| | 11 | 8750 N CENTRAL EXPY | 8750 NCE DALLAS LLC |
| | 12 | 6790 GREENVILLE AVE | 6778-6790 GREENVILLE AVE |
| | 13 | 6778 GREENVILLE AVE | 6778-6790 GREENVILLE AVE |
| | 14 | 6750 GREENVILLE AVE | ELLER MEDIA COMPANY |
| | 15 | 6750 GREENVILLE AVE | ARMSTRONG GUADALUPE LP |
| | 16 | 8282 PARK LN | GREENVILLE CENTRE LC |
| | 17 | 5787 CARUTH HAVEN LN | FM VILLAGE FIXED RATE LLC |
| | 18 | 555 2ND AVE | DART |
| | 19 | 555 2ND AVE | DART |
| | 20 | 8110 PARK LN | NORTHWOOD PL A LP |
| | 21 | 8166 PARK LN | NORTHWOOD PL HOLDINGS LLC |
| | 22 | 8130 PARK LN | NORTHWOOD PL E LP |
| | 23 | 8100 PARK LN | NORTHWOOD PL G LP |
| | 24 | 8130 PARK LN | NR PARK LANE APARTMENTS LLP |
| | 25 | 8130 PARK LN | NORTHWOOD PL HOLDINGS LLC |
| | 26 | 8110 PARK LN | DNCX PARK LANE LP |

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 46 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use tract on property zoned an MF-2(A) Multifamily tract within Subdistrict 9 of Planned Development District No. 298, the Bryan Place Special Purpose District, on an internal lot northwest of the northwest line of Bryan Street and southwest of Burlew Street

Recommendation of Staff and CPC: Approval
Z167-118(SM)

FILE NUMBER: Z167-118 (SM) **DATE FILED:** October 24, 2016

LOCATION: An internal lot northwest of the northwest line of Bryan Street and southwest of Burlew Street

COUNCIL DISTRICT: 2 **MAPSCO:** 46A

SIZE OF REQUEST: 2,800 square feet **CENSUS TRACT:** 15.03

APPLICANT / OWNER: 4315 Bryan St Properties, LLC

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for an MU-1 Mixed Use tract on property zoned an MF-2(A) Multifamily tract within Subdistrict 9 of Planned Development District No. 298, the Bryan Place Special Purpose District.

SUMMARY: The applicant proposes to continue to operate the existing restaurant [Bryan Street Tavern]. No construction is proposed with this request.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

- The Bryan Area Special Purpose District (PDD 298) was adopted by Council on August 24, 1988.
- Subarea 9 has several tracts that are subject to the regulations governing R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1- D, and CR districts of Chapter 51A. Subarea 9 only utilizes unique planned development regulations for highly reflective glass and fences as outlined in PD No. 298.
- The original restaurant was constructed in 1981 in the neighboring MU-1 Mixed Use Tract, according to permit records and aerial photography.
- Aerial photography shows that an addition to the original restaurant was constructed in 2001 in the MF-2(A) Multifamily District that is the area of request.

Zoning History:

In the last five years, two zoning changes have been requested in the area.

1. **Z156-226:** On September 14, 2016 Council approved an application for an amendment to Tract 3 to allow single family or multifamily uses within Planned Development District No. 324.
2. **Z156-352:** On October 11, 2016 an application was submitted for an amendment to PDD No. 398 to allow outdoor art exhibits, small sport courts, and patio area for Bryan Street Tavern. The applicant has requested the application be held to provide additional information.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|-------|--------------|
| Bryan Street | Local | 80' |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC ELEMENT**GOAL 2.5 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN ELEMENT**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Land Use:

| | Zoning | Land Use |
|------------------|---------------------------------------|------------------------------------|
| Site | MF-2(A) Tract Subarea 9 PD No. 298 | Restaurant |
| Northwest | MF-2(A) Tract Subarea 9 PD No. 298 | Single Family |
| Northeast | MF-2(A) Tract Subarea 9 PD No. 298 | Undeveloped |
| East | PD No. 398 | Vacant outdoor market |
| Southeast | MU-1 Tract Subarea 9 PD No. 298 | Restaurant |
| Southwest | MF-2(A) Tract Subarea 9 PD No. 298 | Restaurant, retail, and offices |

Land Use Compatibility:

The area of request is currently developed as an addition to the original restaurant to the southeast. The restaurant has also applied to repurpose the vacant outdoor market to the east with a separate zoning case (Z156-352).

Office, retail, and restaurant uses are located to the south and a surface parking lot is located to the southwest. Two single family parcels are located to the northwest and undeveloped parcels are located to the north and northeast.

The request is compatible with the surrounding land uses because it has functioned in this manner for 15 years and is consistent with adjacent the zoning district to the southeast.

Development Standards:

| DISTRICT | SETBACKS | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|------------------------|----------|--|---|---|--------------|--|---|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| MF-2(A) Multifamily | 15' | 15' | Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR | 36' | 60% | Proximity Slope | Multifamily, duplex, single family |
| Proposed | | | | | | | |
| MU-1 Mixed use-1 | 15' | 20' adjacent to residential OTHER: No Min. | 0.8 FAR base 1.0 FAR maximum + bonus for residential | 90' 7 stories 120' 9 stories with retail | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging, residential |

Landscaping: Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements as no new construction is proposed on the site.

Parking: Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200. A restaurant use requires one off-street parking space per 100 square feet of floor area.

Z167-118(SM)

CPC Action – January 5, 2017:

Z167-118(SM)

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an MU-1 Mixed Use tract on property zoned an MF-2(A) Multifamily tract within Subdistrict 9 of Planned Development District No. 298, the Bryan Place Special Purpose District on an internal lot northwest of the northwest line of Bryan Street and southwest of Burlew Street.

Maker: Rieves
Second: Shidid
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis*, Shidid,
Anantasomboon, Haney, Schultz, Peadon,
Murphy*, Ridley, Tarpley*

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7
Conflict: 1 - Jung

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 49
Replies: For: 0 Against: 0

Speakers: For: Audra Buckley, 416 S. Ervay St., Dallas, TX, 75201
Against: None

List of Partners/Principals/Officers

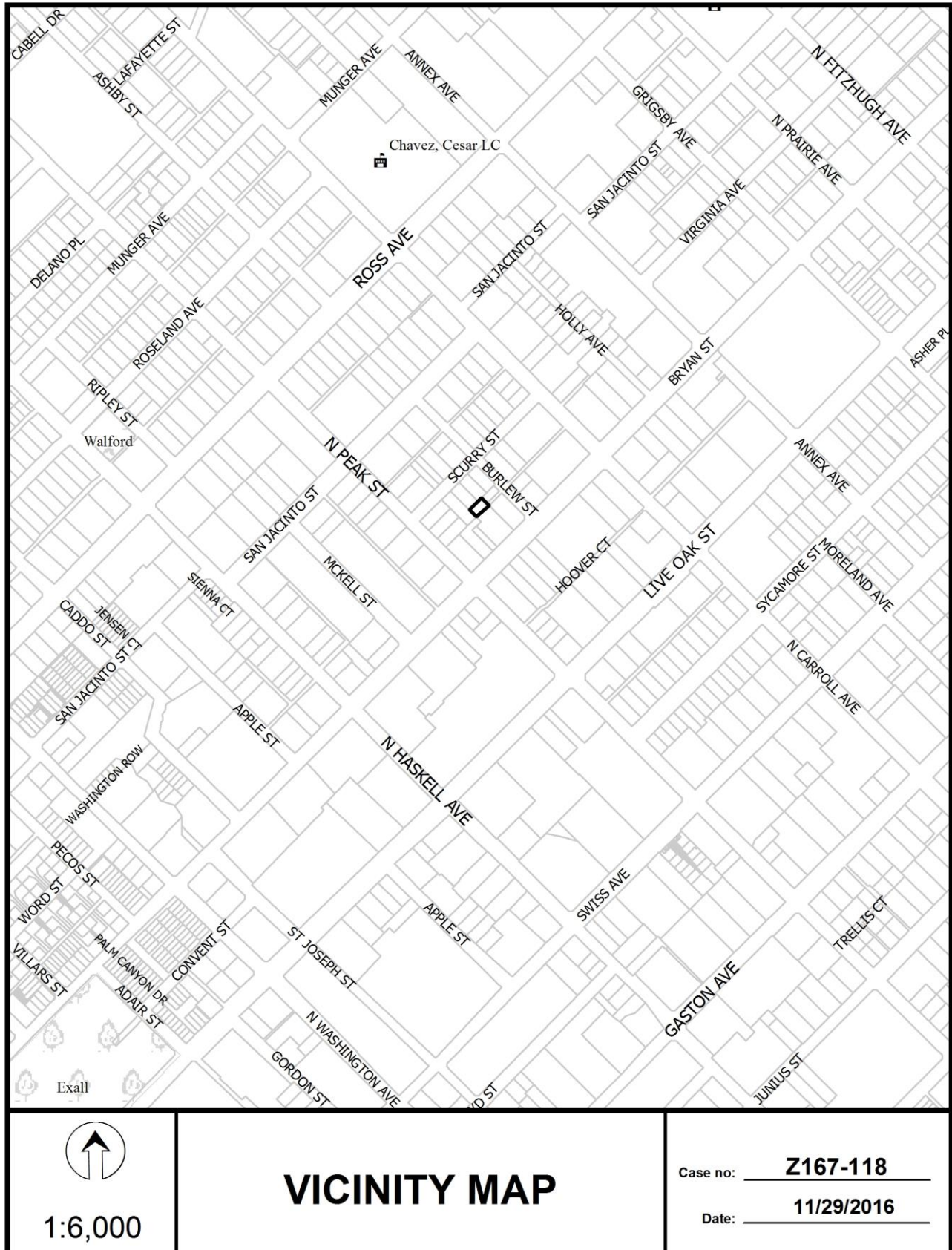
Applicant:

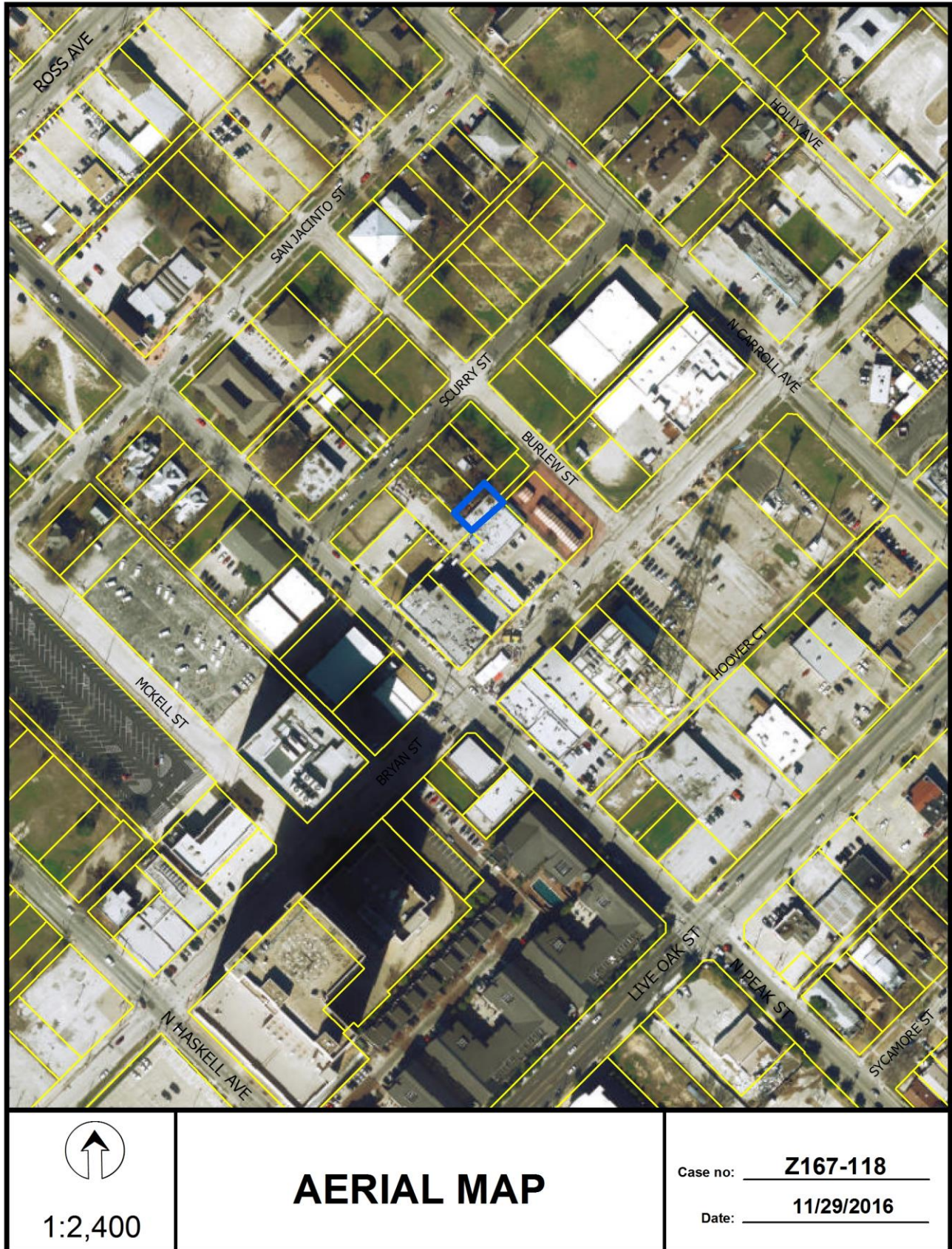
BST (Bryan Street Tavern) Hospitality, Inc:
Joseph Hinkson, Principal, Director and Secretary
Waylon Yohe, Director

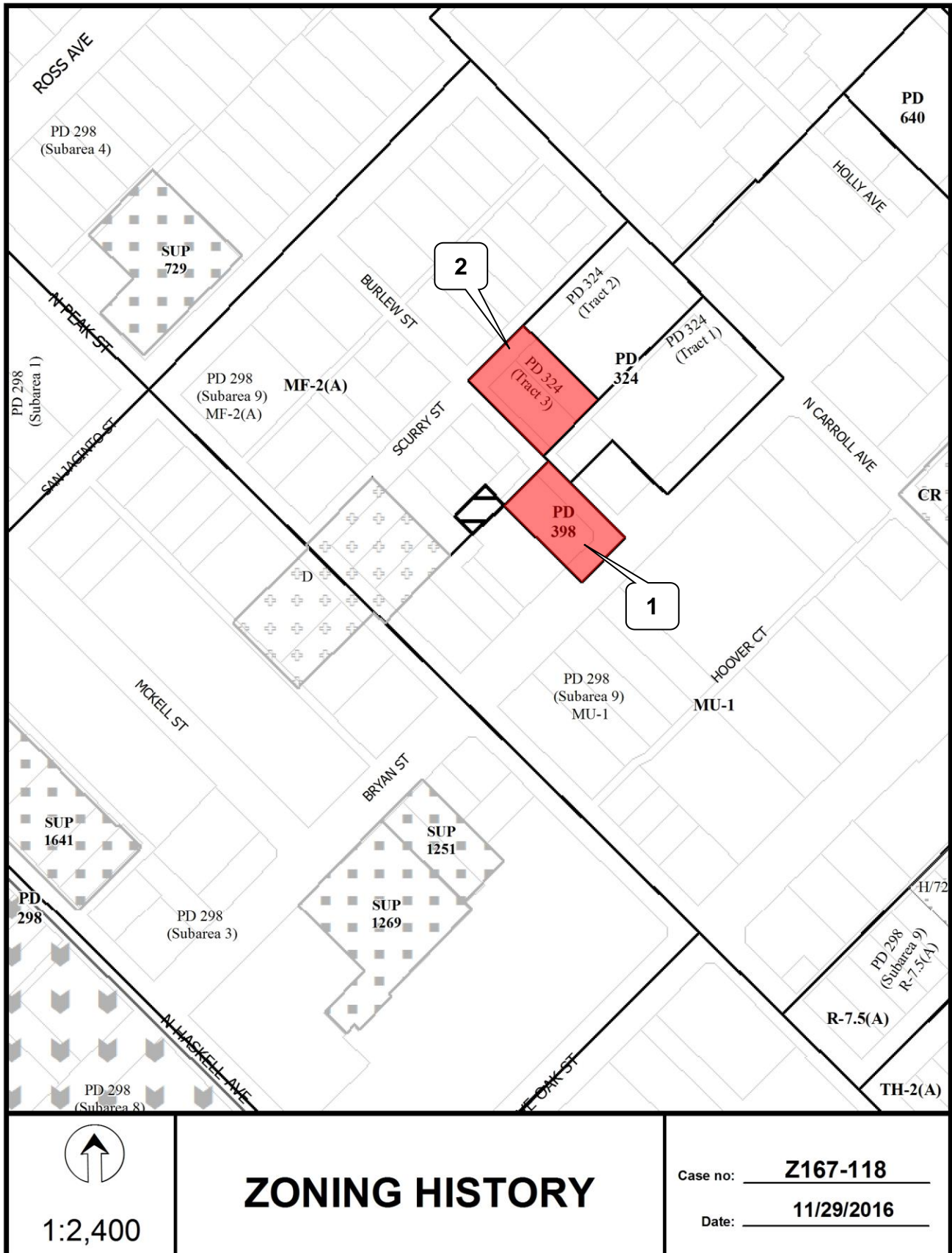
Owner:

Joseph Hinkson, Managing Member
Richard A Winfield, Member
Joseph P Tillotson, Member
George J Cramer, Member

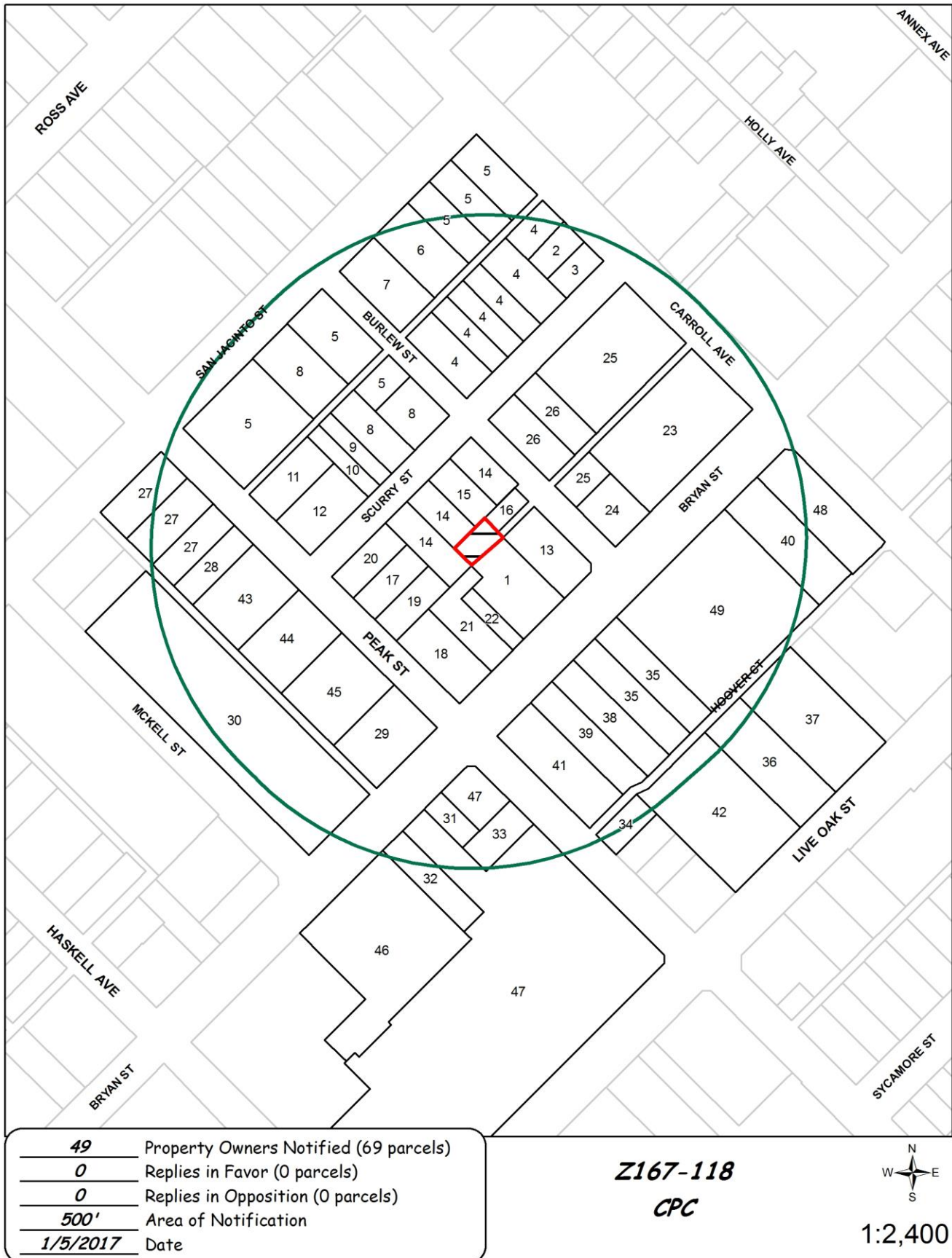
Z167-118(SM)







CPC Responses



01/04/2017

Reply List of Property Owners***Z167-118******49 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 | 4315 | BRYAN ST | 4315 BRYAN ST PROPERTIES LLC |
| 2 | 1505 | N CARROLL AVE | THREE MAD OX LLC |
| 3 | 1501 | N CARROLL AVE | 1501 N CARROLL LLC |
| 4 | 1509 | N CARROLL AVE | TWO MAD OX LLC |
| 5 | 1515 | N CARROLL AVE | HB CAPITAL DALLAS LP |
| 6 | 4406 | SAN JACINTO ST | PHAN LORN C |
| 7 | 4400 | SAN JACINTO ST | RIGGIO DAVID |
| 8 | 4321 | SCURRY ST | URBAN SOUTHWEST EASTSIDE LP |
| 9 | 4313 | SCURRY ST | PACHECO MARIA |
| 10 | 4311 | SCURRY ST | GOMEZ AUGUSTINE |
| 11 | 1508 | N PEAK ST | PEAK 1508 LLC |
| 12 | 1502 | N PEAK ST | OLD EAST PEAK LLC |
| 13 | 4319 | BRYAN ST | BAYMAR HOTELS & PPTIES INC |
| 14 | 4324 | SCURRY ST | ONE MAD OX LLC |
| 15 | 4320 | SCURRY ST | ONE MAD OX LLC |
| 16 | 1413 | BURLEW ST | SUN LAND RESERVE OF AMERICA INC |
| 17 | 1416 | N PEAK ST | RECONCILIATION OUTREACH |
| 18 | 4301 | BRYAN ST | RECONCILIATION OUTREACH |
| 19 | 1412 | N PEAK ST | RECONCILIATION OUTREACH |
| 20 | 1420 | N PEAK ST | RECONCILIATION OUTREACH MINISTRIES |
| 21 | 4307 | BRYAN ST | RECONCILIATION OUTREACH |
| 22 | 4311 | BRYAN ST | RECONCILIATION OUTREACH |
| 23 | 1401 | N CARROLL AVE | J & J COMPANY |
| 24 | 4401 | BRYAN ST | KIPNESS PROPERTY CO LTD |
| 25 | 1408 | BURLEW ST | KIPNESS MAX |
| 26 | 4404 | SCURRY ST | MAKENS LENDER JAMES M |

01/04/2017

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|-----------------------------|
| 27 | 1521 | N PEAK ST | RECONCILIATION OUTREACH |
| 28 | 1509 | N PEAK ST | WORDEN JACQUELYN M |
| 29 | 4217 | BRYAN ST | PICCOLA ERNEST CHARLES |
| 30 | 4211 | BRYAN ST | SOUTHWESTERN BELL |
| 31 | 4214 | BRYAN ST | CAMPISE LUCY R MENTESANA |
| 32 | 4210 | BRYAN ST | PEN PLAZA PROPERTIES LLC |
| 33 | 1325 | N PEAK ST | PEAK STREET DC PROPERTY LLC |
| 34 | 1314 | N PEAK ST | LILLARD FRANK H & |
| 35 | 4318 | BRYAN ST | BORDERCOMM PARTNERS LP |
| 36 | 4321 | LIVE OAK ST | MILLER TRIPLETS |
| 37 | 4409 | LIVE OAK ST | BILLINGSLY L B INV CO |
| 38 | 4316 | BRYAN ST | 4316 BRYAN ST LP |
| 39 | 4308 | BRYAN ST | ABERNETHY MEDIA |
| 40 | 4416 | BRYAN ST | HUYNH LONG & KIMYEN T |
| 41 | 4302 | BRYAN ST | CASS DON E TR |
| 42 | 4311 | LIVE OAK ST | LILLARD FRANK H & |
| 43 | 1503 | N PEAK ST | RECONCILIATION OUTREACH |
| 44 | 1421 | N PEAK ST | RECONCILIATION OUTREACH |
| 45 | 1411 | N PEAK ST | RECONCILIATION OUTREACH |
| 46 | 4200 | BRYAN ST | AT & T CORP |
| 47 | 4207 | LIVE OAK ST | EGW LIVE OAK INVESTMENT LP |
| 48 | 1321 | N CARROLL AVE | 1250 WDT LTD |
| 49 | 4408 | BRYAN ST | DFW MLA OPPORTUNITY |

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 58 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way (Loop 12) and Jim Miller Road

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to site plan and conditions

Z167-104(WE)

FILE NUMBER: Z167-104(WE) **DATE FILED:** October 5, 2016
LOCATION: Great Trinity Forest Way (Loop 12) and Jim Miller Road,
northeast corner
COUNCIL DISTRICT: 8 **MAPSCO:** 58-S
SIZE OF REQUEST: Approx. 2.959 acres **CENSUS TRACT:** 93.04

APPLICANT: Victron Stores, L.P.

OWNER: Sanabel Investment, L.P.

REPRESENTATIVE: Walt McMennamy

REQUEST: An application for 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 a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store currently under construction [Exxon Station]. The previous Specific Use Permit No. 2063 expired on December 15, 2015.

CPC RECOMMENDATION: Approval for a two-year period, subject to site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently under construction for a general merchandise or food store greater than 3,500 square feet and a 1,500 square foot restaurant with drive-in or drive through service with a motor vehicle fueling station.
- In December 2013, the City Council approved Specific Use Permit No. 2063 for a two year period with eligibility for automatic renewals for additional five-year periods on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the subject site.
- The applicant did not submit an application for automatic renewals prior to the deadline. On December 15, 2015, Specific Use Permit No. 2063 expired.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.
- The applicant is in compliance with the distance requirement from a protected use that is within 300 feet of a use that will sell alcohol for off-premise consumption. A measurement survey was submitted by the applicant that shows the proposed use is beyond the 300 feet requirement for a church and school. A church use is measured from front door to front door along right-of-way lines and a school is measured from property line to property line in a straight line.

Zoning History: There has been one zoning change requested in the past 5 years.

1. Z123-337 On December 11, 2013, the City Council approved 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 a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way and Jim Miller Road.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|--------------------------|----------------|--------------|--------------|
| Jim Miller Road | Minor Arterial | 100 ft. | 100 ft. |
| Great Trinity Forest Way | Minor Arterial | 100 ft. | 100 ft. |

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

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.

Urban Design Element

GOAL 5.3 Establishing Walk-to Convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

| | Zoning | Land Use |
|--------------|-------------------------------|--|
| Site | CR-D-1 | General merchandise or food store (under construction) |
| North | R-7.5(A) SUP No. 1008, CR-D-1 | Church, School, Undeveloped |
| South | CR-D-1 | Undeveloped |
| East | MF-2(A) | Undeveloped, Multifamily |
| West | CR-D-1 | Auto Related use, restaurants |

STAFF ANALYSIS:

Land Use Compatibility: The approximately 2.959 acre site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is currently under construction for a general merchandise or food store, drive through restaurant use and a motor vehicle fueling station. The applicant's request for a Specific Use Permit will allow for the sale of alcoholic beverages in conjunction with a general merchandise store or food store greater than 3,500 square feet.

The surrounding land uses consist primarily of single family residential uses and a public school to the north; undeveloped parcels and multifamily development to the east; undeveloped parcels, residential, and a general merchandise store to the south; and a church, personal service and auto related uses to the west. A church use is located north of the subject site, and is located beyond the 300 foot distance of the general merchandise or food store. The distance is measured from the front door of the store to the front door of the church, along the right-of-way lines.

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.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The applicant will have to go through the required training for compliance with Chapter 12B when receiving a certificate of occupancy for the store.

The request is compatible with the mix of uses in the area. A general merchandise or food store greater than 3,500 square feet is a permitted use in the CR District. It is the

sale of alcohol in the D-1 Overlay that triggers the SUP. The short initial time period for the SUP will provide an opportunity for staff to evaluate the impact of the use on the surrounding area to ensure the ongoing compatibility of the use.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|----------------------------|------------------------|--|--------------------------------|------------------|---------------------|--|-----------------------------------|
| | Front | Side/Rear | | | | | |
| CR-D-1 Community retail | 15' | 20' adjacent to residential OTHER: No Min. | 0.75 FAR overall 0.5 office | 54' 4 stories | 60% | Proximity Slope Visual Intrusion | Retail & personal service, office |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The off-street parking requirement for a general merchandise or food store greater than 3,500 square feet is one space for each 200 square feet of floor area and two spaces for the fuel station and one space per 100 square feet of floor area for a restaurant use. Based on the total floor area of the 6,000 square foot general merchandise or food store and the 1,500 square foot restaurant use, the proposed development will be required to provide 47 spaces. The applicant is proposing 52 spaces per the attached site plan.

Dallas Police Department: The proposed development has not received a certificate of certificate (CO) to operate the general merchandise or food store and restaurant with drive-in or drive through service because the store is not complete. Therefore, staff did not request a police report for the request site.

CPC Action (January 5, 2107)

Motion: It was moved to recommend **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, subject to site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way (Loop 12) and Jim Miller Road.

Maker: Haney
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 300 Mailed: 15
Replies: For: 0 Against: 0

Speakers: For: Walt McMennamy, 105 YMC Blvd., Waxahachie, TX, 75165
Against: None

| |
|--|
| LIST OF OFFICERS Sanabel Investments, LP |
|--|

- Guhaina Almakdad President
- Guhaina Almakdad Secretary

| |
|---|
| LIST OF OFFICERS Victron Stores, LP |
|---|

- Guhaina Almakdad Sharaf President
- Walid Alaameddine Vice President

**CPC PROPOSED SUP
CONDITIONS**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

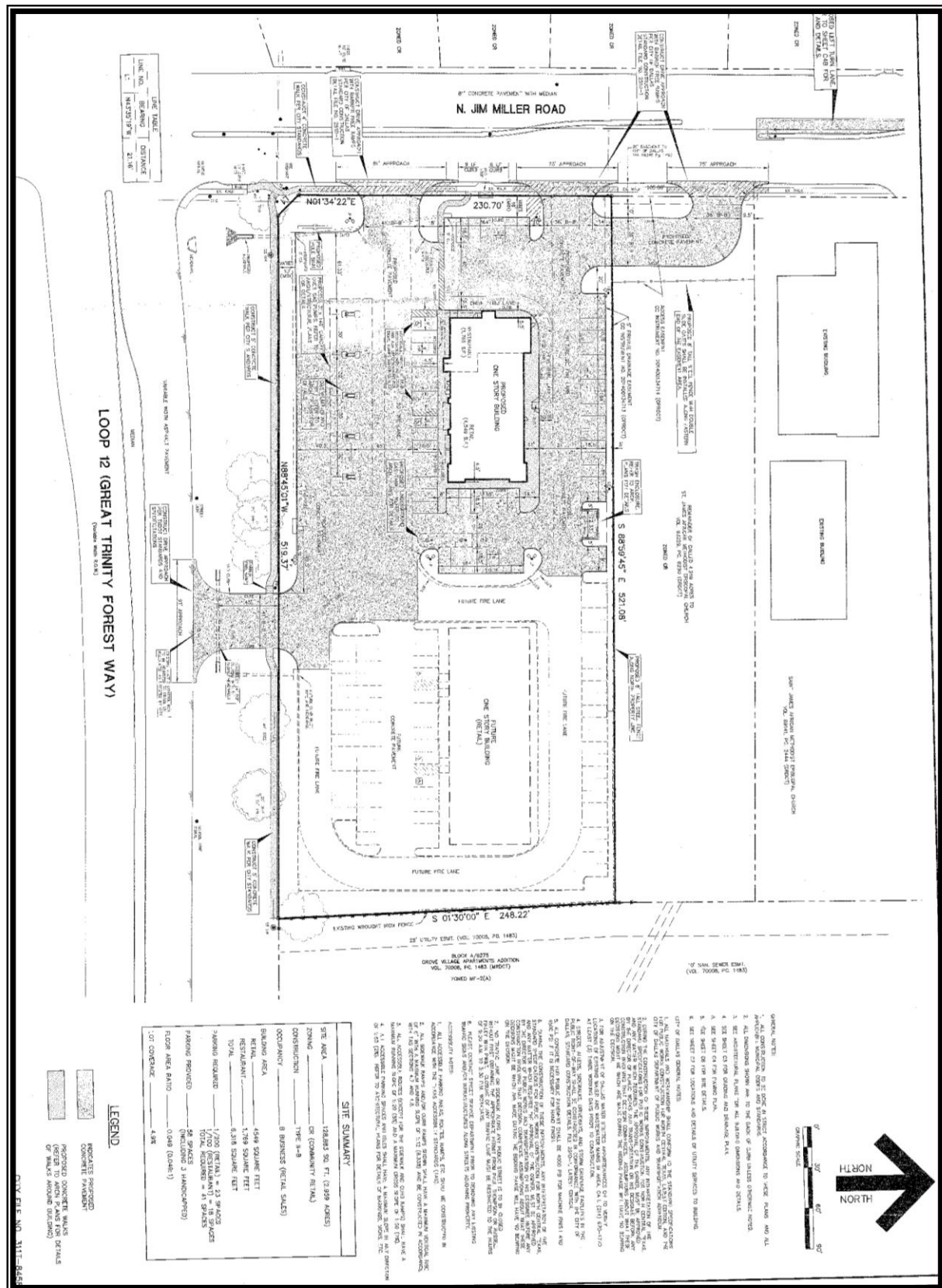
CPC Recommendation

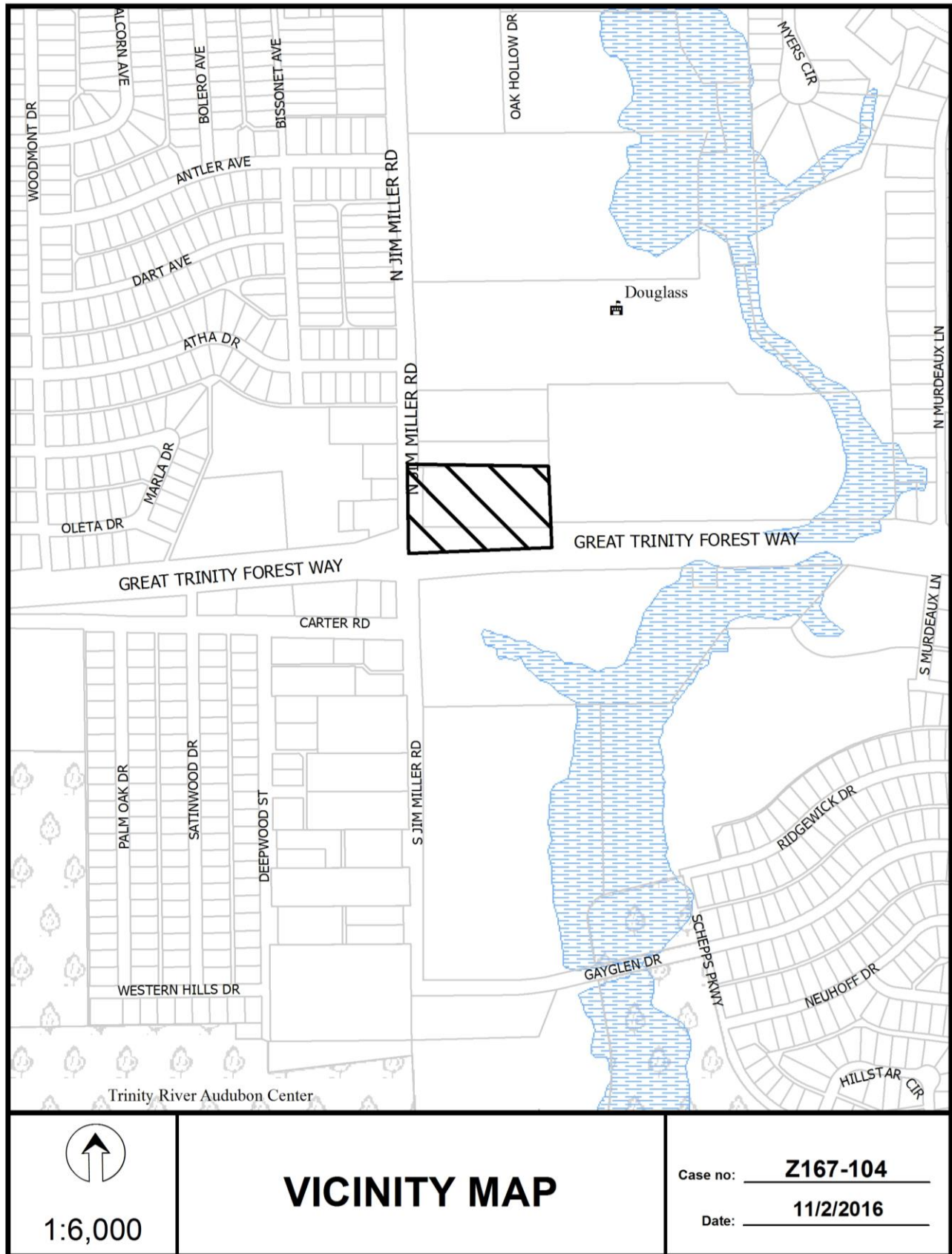
- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on_____, (two-year period from the passage of this ordinance). |
|--|

Staff's Recommendation

- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on_____, (two-year period from the passage of this ordinance), 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 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. DRIVE-THROUGH-WINDOW: Use of the drive-through window for retail sales of alcoholic beverages is prohibited.
 5. FLOOR AREA: Maximum floor area for alcohol sales is 4,549 square feet.
 6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

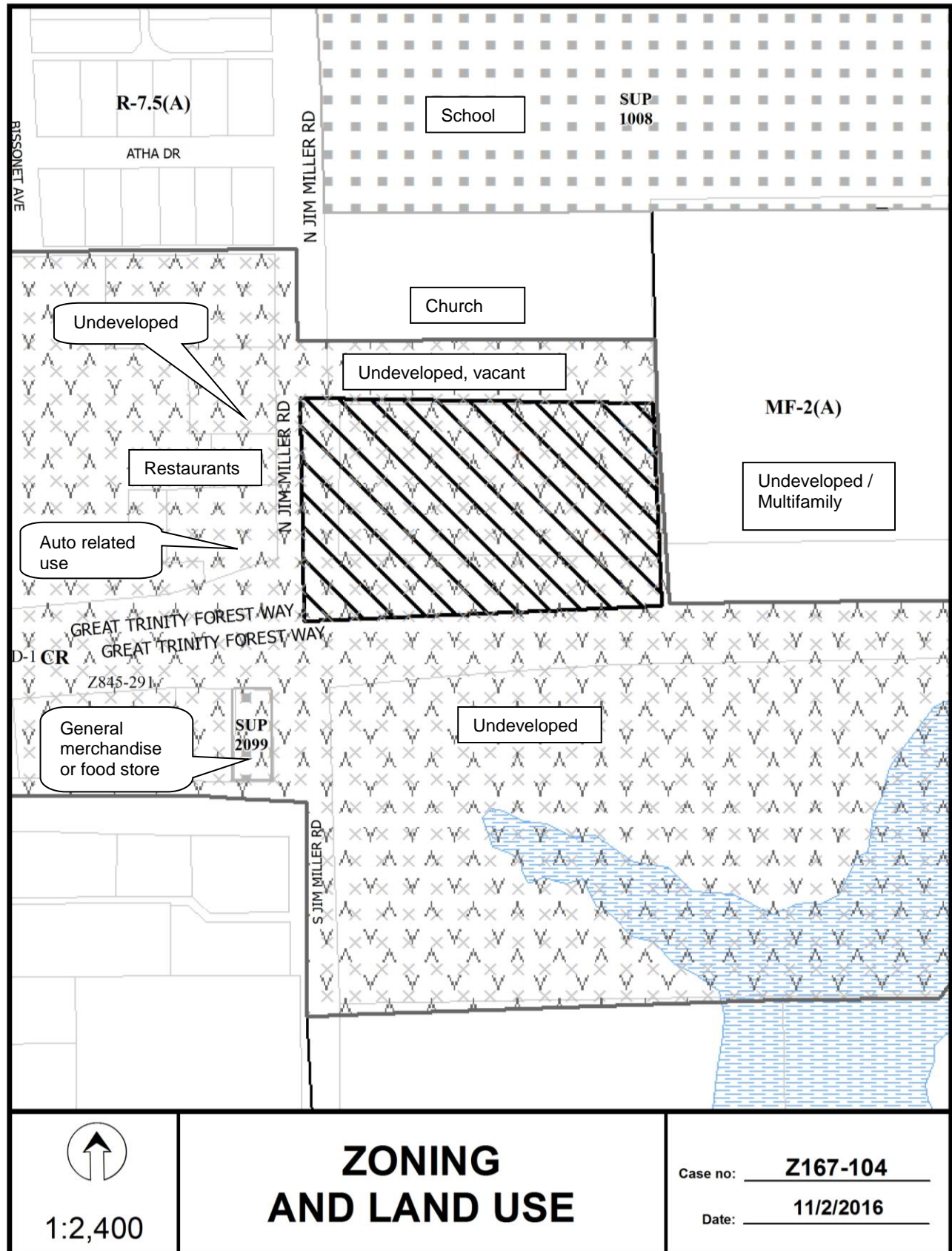
PROPOSED SITE PLAN

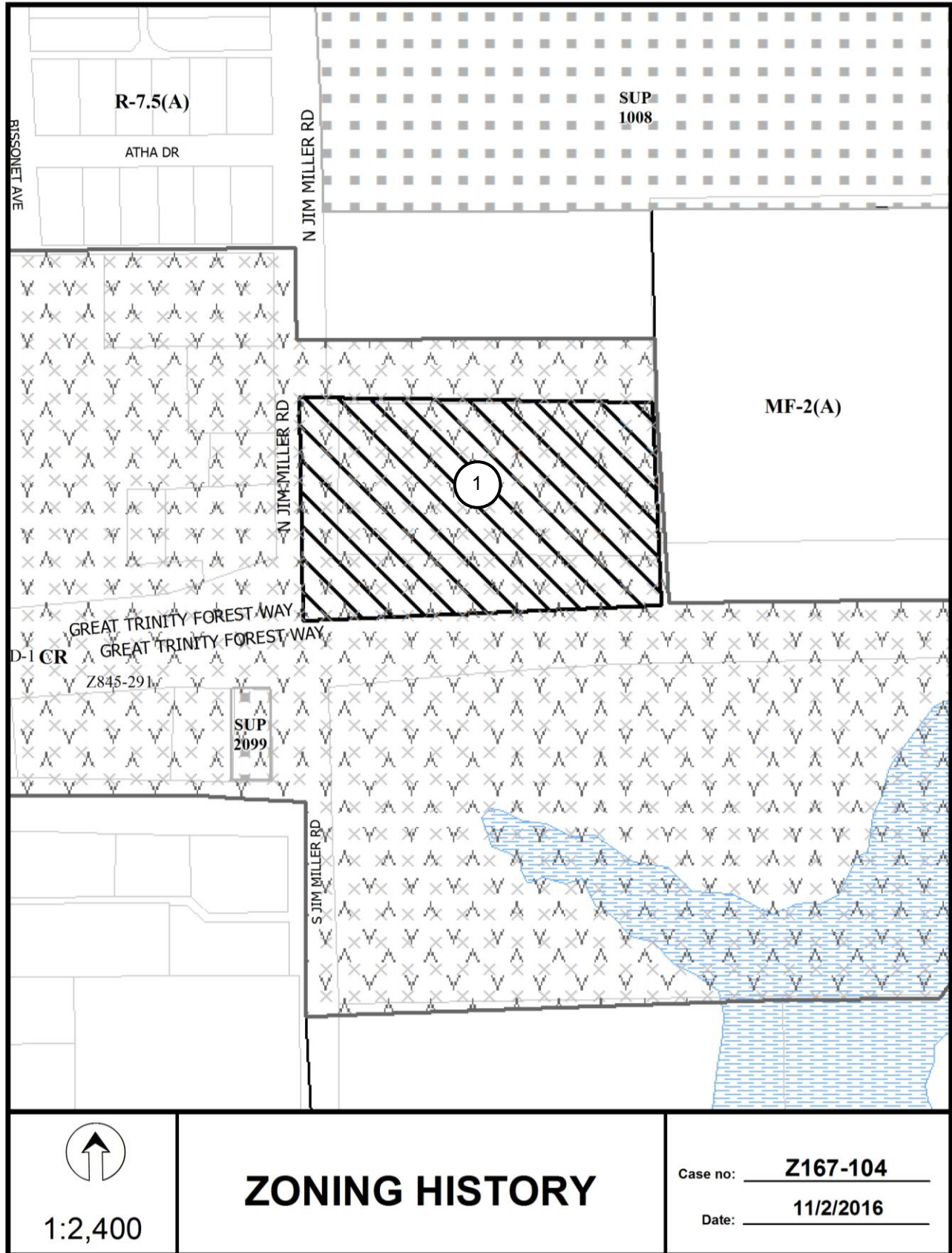




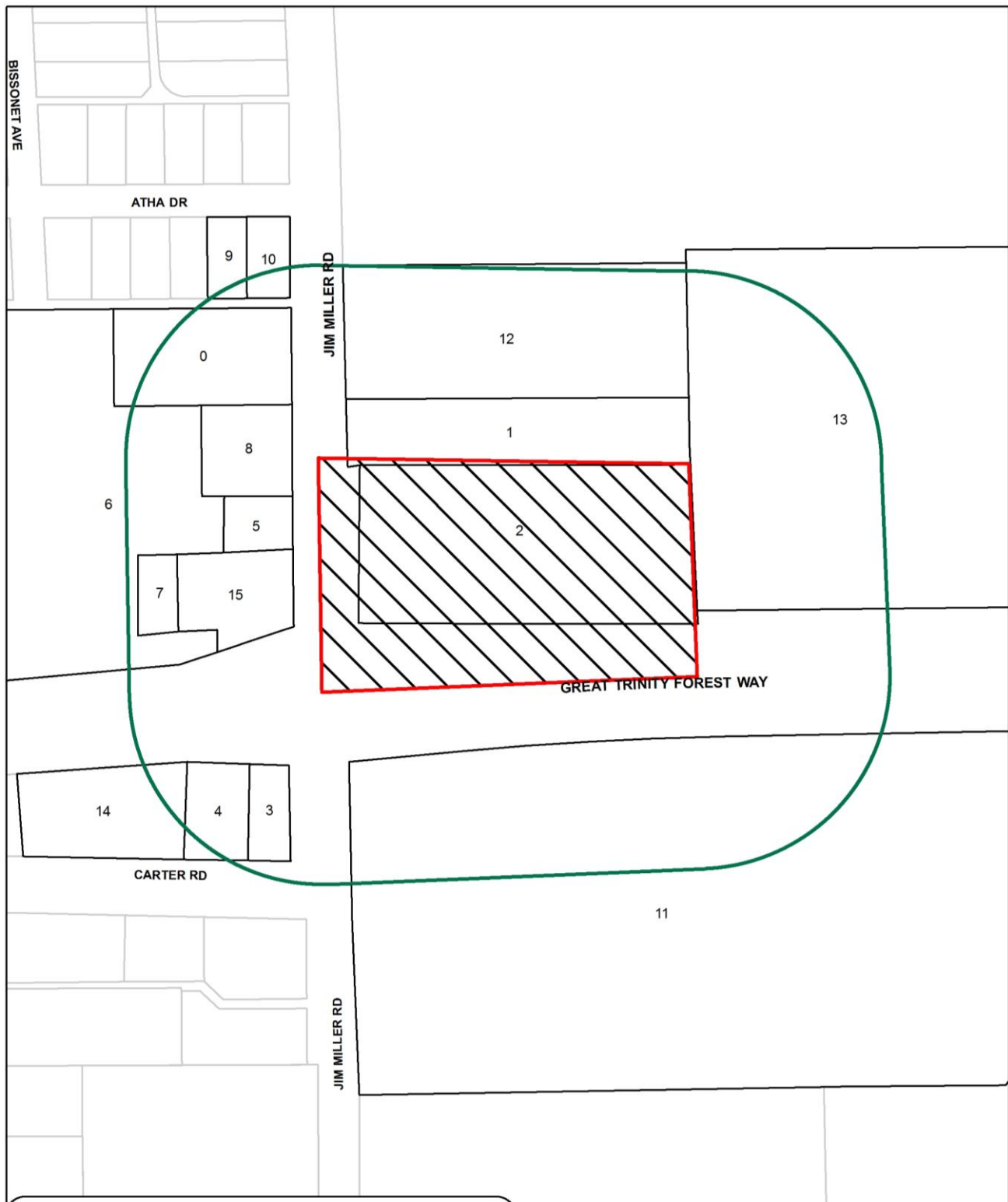
Z167-104(WE)







CPC RESPONSES



| | |
|-----------------|---------------------------------------|
| <u>15</u> | Property Owners Notified (16 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>300'</u> | Area of Notification |
| <u>1/5/2017</u> | Date |

Z167-104
CPC



1:2,400

Notification List of Property Owners

Z167-104

15 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 | 124 N JIM MILLER RD | ST JAMES AFRICAN |
| | 2 | 116 N JIM MILLER RD | SANABEL INVESTMENT LP |
| | 3 | 7036 GREAT TRINITY FOREST WAY | JUNEJA PROPERTY HOLDINGS INC |
| | 4 | 7028 GREAT TRINITY FOREST WAY | PHILLIPS LEO & |
| | 5 | 115 N JIM MILLER RD | RONA SABUR CORPORATION |
| | 6 | 6901 GREAT TRINITY FOREST WAY | CATHEDRAL OF FAITH |
| | 7 | 7015 GREAT TRINITY FOREST WAY | CATHEDRAL OF FAITH |
| | 8 | 129 S JIM MILLER RD | M BAIG INVESTMENTS LLC |
| | 9 | 7026 ATHA DR | REDDTROW PROPERTY MANAGEMENT LLC |
| | 10 | 7032 ATHA DR | WHITE BARBARA J EST OF |
| | 11 | 7100 GREAT TRINITY FOREST WAY | VSB INVESTMENTS LLC |
| | 12 | 200 N JIM MILLER RD | ST JAMES AFRICAN METHODST |
| | 13 | 7203 GREAT TRINITY FOREST WAY | LOOP 12 TRAILS LTD |
| | 14 | 7020 GREAT TRINITY FOREST WAY | JUNEJA HOSPITALITY HOLDINGS LLC |
| | 15 | 7071 GREAT TRINITY FOREST WAY | ALEJANDRE ARCANGEL |

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 53 B

SUBJECT

A public hearing to receive comments regarding an application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road

Recommendation of Staff and CPC: Denial

Z156-223(SM)

Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open

FILE NUMBER: Z156-223(SM)

DATE FILED: March 1, 2016

LOCATION: Southwest corner of West Davis Street and North Westmoreland Road

COUNCIL DISTRICT: 1

MAPSCO: 53-B

SIZE OF REQUEST: Approx. 0.85 Acres

CENSUS TRACT: 67.00

APPLICANT/OWNER: POP Holdings, LP – Guillermo Perales, Sole owner

REPRESENTATIVE: Marty Brown

REQUEST: An application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to renovate and construct additions to the existing structure to (1) enlarge the existing restaurant with drive-in or drive-through service (Popeye's) onto the adjacent undeveloped property to the south and (2) modify landscaping requirements.

CPC RECOMMENDATION: Denial

STAFF RECOMMENDATION: Denial

BACKGROUND INFORMATION:

- The existing nonconforming drive through restaurant was built in 1981 when the property was located within the GR General Retail District, according to permit records, and contains a nonconforming drive through restaurant with approximately 1,592 square feet, according to Dallas Central Appraisal District records.
- The West Davis Land Use Study was adopted March 27, 2002 and established three goals which eventually created Planned Development District No. 631 that was established by Ordinance No. 25209 on March 26, 2003. The West Davis Land Use Study's identified goals were to: 1) protect residential areas from undesirable land uses; 2) increase the commercial viability along West Davis Street; and, 3) improve the image of West Davis Street.
- The southern residentially zoned portion of the request site has not contained a residential use since at least 1952, according to aerial photography and permit records.

Zoning History: There have been no recent zoning changes requested in the area within the last five years.

| <u>Thoroughfare/Street:</u> | <u>Function</u> | <u>Proposed Dimension</u> |
|------------------------------------|------------------------|-----------------------------------|
| West Davis Street | Minor Arterial | Minimum-6 lanes-Divided; 100' ROW |
| North Westmoreland Road | Principal Arterial | Minimum-6 lanes-Divided; 100' ROW |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

IMPLEMENTATION MEASURE 1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The Vision Illustration depicts the request site as within a *Residential Neighborhood* and along a *Multi-Modal Corridor*. The request is inconsistent with the Residential Neighborhood Building Block. The request would be more consistent with a Multi-Modal Corridor Building Block if it provided an enhanced landscape buffer to the south. Therefore, staff recommends denial.

West Davis Land Use Study

The West Davis Land Use Study was adopted on March 27, 2002 and was the guiding document for the creation of PD No 631. It identified uses that were incompatible with residential neighborhoods and found the residential adjacency review (RAR) "insufficient review to ensure that residential uses are protected and buffered from these [incompatible] uses" (p. iv). The study also found that the majority of the existing nonresidential building stock was constructed prior to landscaping requirements and has not improved the image of the street; ultimately PD No. 631 relies upon Article X landscaping requirements but makes the applicability much more stringent by requiring compliance with Article X for any increases in floor area or nonpermeable coverage.

On the third and fourth pages of the appendix, the study identifies the uses that should be allowed in the request's land use category, called *Light Retail/Commercial Office*, and are included below (emphasis added).

First, uses that rely on large amounts of parking to be successful will not be allowed here. This is due either to site constraints or that the amount of traffic would be too great for the amount of residential next to the site. Second, any uses that generate large amounts of noise or other types of pollution will need to locate elsewhere. Again, proximity to residential means that these uses do not

belong here. Finally, **uses such as drive through restaurants**, car washes, gas stations, or banks **will not be allowed here**. While they do not require large amounts of parking, the amount of traffic generated by these uses is too great for the adjacent residential. Examples of uses encouraged here are bridal shops, cellular phone shops, tax preparation services, small grocery store, and small offices (for architects, lawyers, etc.). These are uses that operate mainly during the day and do not encourage large amounts of vehicular traffic.

Staff recommends denial of the request because the West Davis Land Use Study specifically recommends that drive through restaurants should be prohibited.

Surrounding Land Uses and Zoning:

| Direction | Zoning | Land Use |
|------------------|--|--|
| Site | PD No. 631 (LCO Tract 2), R-7.5(A) | Nonconforming drive through restaurant, undeveloped |
| North | PD No. 631 (MCO Tract 1), | Auto repair and Shopping center |
| East | PD No. 631 (LMU Tract 2), DR No. Z823-180 | Retail and gas station |
| South | R-7.5(A) | Single family |
| West | PD No. 631 (LCO Tract 2), R-7.5(A) | Vacant to-go only restaurant, Single family |

Land Use Compatibility:

The 0.85 acre site is comprised of four 50-foot wide lots (lots one through four, numbered from the north to the south) and is located on the corner of two arterial roadways and contains a nonconforming drive through restaurant. Lots one and two are currently located within PD No. 631 (LCO Tract 2) and lots three and four are located within the R-7.5(A) District. The applicant requests to expand the nonconforming drive through restaurant site that currently occupies lots one through three further into the undeveloped residentially zoned portion of the property in the south, lot four. Opposite the alley to the west of the request site, there is a vacant to-go only restaurant that occupies lots 11 through 13 of the same block and is also split-zoned with R-7.5(A) and PD No. 631 (LCO Tract 2). To the south of the vacant to-go only restaurant and west of the request site, on lot 14 is a single family structure. Directly to the south of the request site is lot 5, which also contains a single family structure. Because the proposed expansion pushes the drive through restaurant closer to these two existing single family structures, special care and consideration is needed.

Lot 5 is directly south of the request site and is very close to the proposed expansion. The lack of physical separation, both with the lack of landscape buffer and nearness to the drive through lane, makes the compatibility of the proposed use to the single family use very difficult to support.

In summary, the request site contains a nonconforming restaurant with drive through window and an undeveloped residential lot adjacent to single family to the south. The applicant has situated the ordering station and pick up window to the west and east, respectively, in an effort to decrease noise generated from those elements towards the single family residences to the south.

Staff recommends denial of the new subdistrict because a drive through restaurant is incompatible when immediately adjacent to single family residential areas.

Landscaping:

PDD No. 631 requires landscaping per Article X of the Dallas Development Code. Due to the site's adjacency to residential uses and in conjunction with the applicant's requested use, additional landscape materials should be provided along the site's southern property line. An enhanced landscape buffer, in contrast to the applicant's proposed absence of landscape buffer, would ensure additional screening/buffering of the site from this residential area and make the application more suitable but still not desirable for the location. Further, the narrow planting beds proposed on the southern property line are unsuitable to create a healthy growing environment for five large canopy trees as proposed.

Therefore, the proposed plans shrink the residential landscape buffer on the south to a point where the large canopy trees that are shown will not be in a healthy planting bed. Due to the lack of landscape buffer and the inadequate tree planting beds, staff recommends denial.

Prior CPC Action – December 1, 2015:

Motion: It was moved to recommend **denial** of a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road.

Maker: Anglin
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves*, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 77
Replies: For: 3 Against: 3

Speakers: For: Marty Brown, 1811 Marydale Dr., Dallas, TX, 75208
Against: None

APPLICANT'S PROPOSED AMENDING CONDITIONS

Note: Due to the size of the PD, only the portions of the conditions pertinent to this request are included in this report.

ARTICLE 631.

PD 631.

West Davis Special Purpose District

SEC. 51P-631.101. LEGISLATIVE HISTORY.

PD 631 was established by Ordinance No. 25209, passed by the Dallas City Council on March 26, 2003. (Ord. 25209)

SEC. 51P-631.102. PROPERTY LOCATION AND SIZE.

PD 631 is established on property generally located along West Davis Street, bounded by Walton Walker (Loop 12) on the west and Hampton Road on the east. The size of PD 631 is approximately 523 acres. (Ord. Nos. 25209; 27949)

SEC. 51P-631.103. CREATION OF SUBDISTRICTS.

- (a) This district contains one residential subdistrict: Residential R-7.5(A).
- (b) This district is divided into the following nonresidential subdistricts:
 - (1) Light Commercial/Office.
 - (2) Light Commercial/Office Area 1.
 - (3) Light Commercial/Office Area 2.
- (4) Medium Commercial/Office.
 - (5[4]) Medium Commercial/Office Plus.
 - (6[5]) Light Mixed Use. The Light Mixed Use Subdistrict includes the area labelled Light Mixed Use Area-1 on the West Davis Special Purpose District and subdistrict boundary map.
 - (7[6]) Medium Mixed Use.
- (c) A map showing the boundaries of this district and its subdistricts is provided in this article and labelled as Exhibit 631A. A detailed description of the boundaries of this district and its subdistricts is provided in Exhibit 631D. (Ord. Nos. 25209; 27890; 28915)

SEC. 51P-631.104. DEFINITIONS.

Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In this district:

(1) DISTRICT means the entire planned development district (the West Dallas Special Purpose District) created by this article.

(1.1) MACHINE SHOP means a facility where material is processed and manufactured by machining, cutting, grinding, welding, or similar processes and is assembled or disassembled wholly within an enclosed building. This use does not include the repair of automobiles, commercial vehicles, engines, or other automobile parts.

(2) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(3) SUBDISTRICT means one of the subdistricts referred to in Section 51P-631.103 of this article.

(4) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. (Ord. Nos. 25209; 27890)

SEC. 51P-631.105. INTERPRETATIONS.

(a) Unless otherwise stated, all references to articles, divisions, or sections in this article are references to articles, divisions, or sections in Chapter 51A.

(b) 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.

(c) Section 51A-2.101, "Interpretations," applies to this article.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, “Limited Uses.”)

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only. [“SUP” means “specific use permit.” For more information regarding specific use permits, see Section 51A-4.219, “Specific Use Permit (SUP).”]

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, “Site Plan Review.” (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800, “Development Impact Review.”)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, “Site Plan Review,” a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800, “Development Impact Review.”)

(e) If there is a conflict, the text of this article controls over the charts or any other graphic display. (Ord. Nos. 25209; 27890; 28554)

SEC. 51P-631.105.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 631A: West Davis Special Purpose District and subdistrict boundary map.

(2) Exhibit 631B: land use chart.

(3) Exhibit 631C: development standards summary chart.

(4) Exhibit 631D: property description.

(5) Exhibit 631E: Light Commercial/Office Area 1 topography exhibit.

(6) Exhibit 631F: Light Commercial/Office Area 2 development plan.

(7) Exhibit 631G: Light Commercial/Office Area 2 landscape plan. (Ord. Nos. 27890; 28554; 28915)

SEC. 51P-.105.2. DEVELOPMENT PLAN.

(a) In the Light Commercial/Office Area 2, development and use of the Property must comply with the Light Commercial/Office Area 2 development plan (Exhibit 631F). If

there is a conflict between the text of this article and the Light Commercial/Office Area 2 development plan, the text of this article controls.

(b) In the rest of the district, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-631.106. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE RESIDENTIAL R-7.5(A) SUBDISTRICT.

(a) Main uses permitted. The uses permitted in this subdistrict are those uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this planned development district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this planned development district; etc.

(b) Accessory uses. As a general rule, an accessory use is permitted in any area in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217, "Accessory Uses." For more information regarding accessory uses, consult Section 51A-4.217.

(c) Yard, lot, and space regulations. The yard, lot, and space regulations contained in Section 51A-4.112(f), "R-7.5(A) District," apply to this subdistrict.

(d) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(e) Environmental performance standards. See Article VI.

(f) Landscape regulations. See Article X, except as modified by Section 51P-631.112, "Landscaping." (Ord. 25209)

SEC. 51P-631.107. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE LIGHT COMMERCIAL/ OFFICE AND LIGHT COMMERCIAL/ OFFICE AREA 2 SUBDISTRICTS.

(a) Main uses permitted.

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business service uses.

-- Catering service. [SUP]

- (3) Industrial uses.
- Temporary concrete or asphalt batching. *[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. *[SUP]*
- Community service center. *[SUP]*
- Library, art gallery, or museum.
- Public or private school. *[SUP]*
- (5) Lodging uses.
- None permitted.
- (6) Miscellaneous uses.
- Temporary construction or sales office.
- (7) Office uses.
- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.
- (8) Recreation uses.
- Public park, playground, or golf course.
- (9) Residential uses.
- None permitted.
- (10) Retail and personal service uses.
- Dry cleaning or laundry store.
- Furniture store. *[SUP]*
- General merchandise or food store 3,500 square feet or less.
- Personal service uses. *[Massage establishment and tattoo studio not allowed.]*
- Restaurant with drive-in or drive-through service. *[In LCO Area 2 only.]*
- Restaurant without drive-in or drive-through service.

(11) Transportation uses.

- Transit passenger shelter.

(12) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [See Section 51A-4.212(4). Treat as if in the NS(A) Neighborhood Service District.]
- Police or fire station. [SUP]
- Post office. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1). Treat as if in the NS(A) Neighborhood Service District.]
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- Recycling drop-off container. [See Section 51A-4.213(11.2).]

(b) Accessory uses.

(1) As a general rule, an accessory use is permitted in any area in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217, "Accessory Uses." For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in this subdistrict:

- Accessory community center (private).
- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

(c) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400, "Yard, Lot, and Space Regulations." In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard. Minimum front yard is 15 feet. In LCO Area 2, light poles with a maximum height of 20 feet are allowed in the required front yard as shown on the Light Commercial/Office Area 2 development plan.

(2) Side yard. Minimum side yard is:

(A) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district, or a planned development district considered to be a residential zoning district; and

(B) no minimum in all other cases.

(C) In LCO Area 2, light poles with a maximum height of 20 feet are allowed in the required side yard as shown on the Light Commercial/Office Area 2 development plan.

(3) Rear yard. Minimum rear yard is:

(A) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district, or a planned development district considered to be a residential zoning district; and

(B) no minimum in all other cases.

(4) Density. Not applicable. (Residential uses are not permitted.)

(5) Floor area ratio. Maximum floor area ratio is 0.5.

(6) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 30 feet.

(7) Lot coverage. Maximum lot coverage is 40 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(8) Lot size. No minimum lot size.

(9) Stories. Maximum number of stories above grade is two. Parking garages are exempt from this requirement, but must comply with the height regulations of Paragraph (6), "Height."

(d) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(e) Environmental performance standards. See Article VI.

(f) Landscape regulations. Except as provided in this paragraph, s[§]ee Article X, except as modified by Section 51P-631.112, "Landscaping." In LCO Area 2, landscaping must be provided as shown on the Light Commercial/Office Area 2 landscape plan (Exhibit 631G).

SEC. 51P-631.112. LANDSCAPING.

(a) In general. Except as modified in this section, the regulations in Article X, “Landscape and Tree Preservation Regulations,” apply to this district. In the event of a conflict between this section and Article X, this section controls.

(b) Application. Subsection (c) of Section 51A-10.121, “Application of Division,” of Division 51A-10.120, “Landscaping,” is modified to read as follows: This division becomes applicable to a lot or tract when an application is made for a building permit for construction work that within a 24-month period:

- (1) increases the number of stories in a building on the lot;
- (2) increases the combined floor areas of all buildings on the lot; or
- (3) increases the nonpermeable coverage on the lot.

(c) Light Mixed Use Area-1.

(1) Machine shop.

(A) Prior to the issuance of a certificate of occupancy, landscaping must be provided as shown on the Light Mixed Use Area-1 development plan.

(B) Automatic sprinkler systems are not required for landscaping located within a public right-of-way. Landscaping within a public right-of-way must be located within 100 feet of a verifiable water source.

(2) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in Light Mixed Use Area-1 for the exclusive purpose of authorizing compliance with the landscaping requirements of this subsection. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of to the director of public works and transportation.

(B) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council’s revocation of the private license granted by this paragraph.

(C) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full

force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this paragraph, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(D) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this paragraph does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(3) Landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a landscape permit before locating trees, landscaping, or related amenities in the right-of-way. An application for a landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the right-of-way affected and the planting or other amenities proposed.

(B) Upon receipt of the application and any required fees, the building official 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 building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a landscape permit to the property owner; otherwise, the building official shall deny the permit.

(C) A property owner is not required to comply with any landscaping requirement of this subsection if compliance is made impossible due to the building official's denial of a landscape permit.

(D) A landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the right-of-way authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any landscaping requirement of this subsection if compliance is made impossible due to the building official's revocation of a landscape permit.

(E) The issuance of a landscape permit under this paragraph does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. Nos. 25209; 27890)

SEC. 51P-631.113. SIGNS.

Signs must comply with the provisions for business zoning districts contained in Article VII, “Sign Regulations.” (Ord. 25209)

SEC. 51P-631.114. ADDITIONAL PROVISIONS.

(a) Property within this district must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of property within this district must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. (Ord. Nos. 25209; 26102)

SEC. 51P-631.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.




(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25209; 26102)

SEC. 51P-631.116. LAND USE AND DEVELOPMENT STANDARDS CHARTS.

A land use chart is provided in this article and labeled as Exhibit 631B, and a development standards chart is provided in this article and labeled as Exhibit 631C. In the event of a conflict between these charts and the text of this article, the text controls. (Ord. Nos. 25209; 28915)



LEGEND

| | |
|---|----------------|
|  | PROPERTY LINE |
|  | FIRE LANE LINE |
|  | SETBACK LINE |

HANDICAP PARKING : 2 nos.
GENERAL PARKING : 24 nos.
BIKE PARKING : 6 nos.

Zoning Information:
Zoning District: PD 631, LCO
Area 2
Lot Area: 29,187.45'
Floor Area: 2460 sf
Building Area : 2556 sf
Lot coverage: 9%
Maximum height: 19'-0"
East setbacks: 15'-0"
South setbacks: 10'-0"

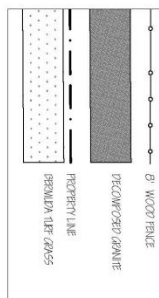
Z156-223(SM)

[illegible]



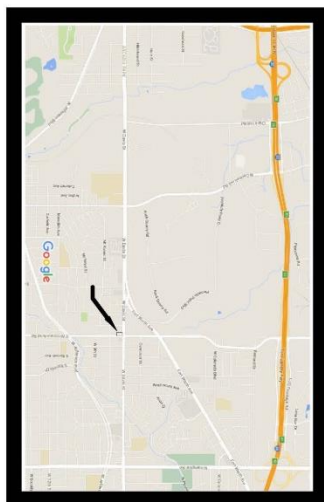
| Common Name | Botanical Name | Size | QY | Remarks |
|--------------------------|--|------------|-----|-------------------------------|
| Cedar tree | <i>Juniperus virginiana</i> | Tree | Yes | 65 gal 6" x 3" |
| Cypress Myrtle (Natchez) | <i>Leucothoe axifolia</i> x <i>Juniperus nanchuanensis</i> | Shrub tree | No | 13 gal 2" 7" tall at planting |
| Dwarf Burford Holly | <i>Ilex cornuta</i> 'Burfordii' 'Natchez' | Shrub | No | 3 gal 6" |
| Live Oak | <i>Quercus virginiana</i> | Tree | Yes | 65 gal 7" 3" cal |
| Salvia pregall 'red' | <i>Salvia peregrina</i> | Perennial | Yes | 1 gal 48" |
| Shamash Red Oak | <i>Quercus shumacheri</i> | Tree | Yes | 65 gal 1" 3" cal |
| Texas Sage, Compact | <i>Leucophyllum frutescens</i> 'Compactum' | Shrub | Yes | 3 gal 9" |
| Decomposed Cranline | | | | 2.55 sq ft. |

○



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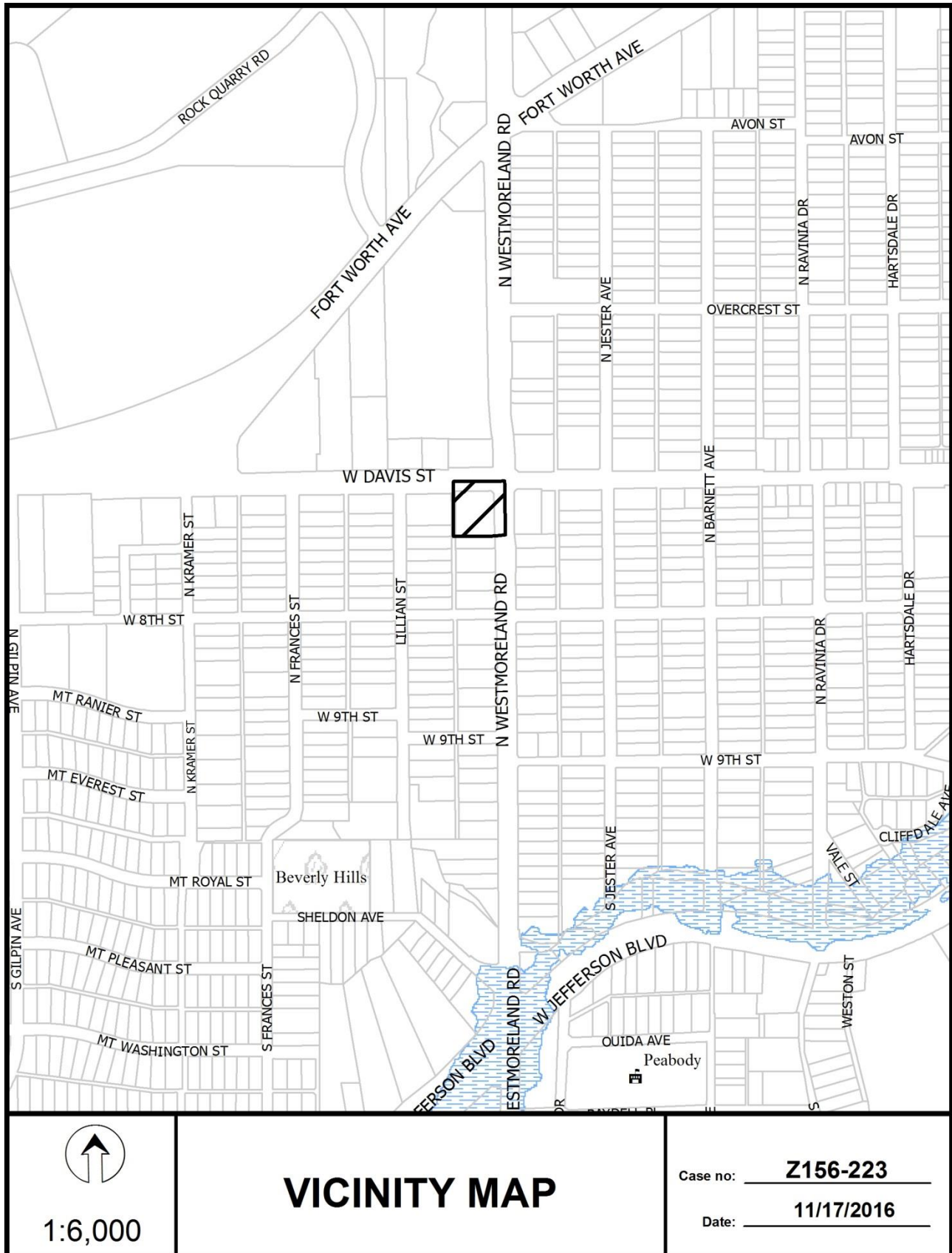
Site Location

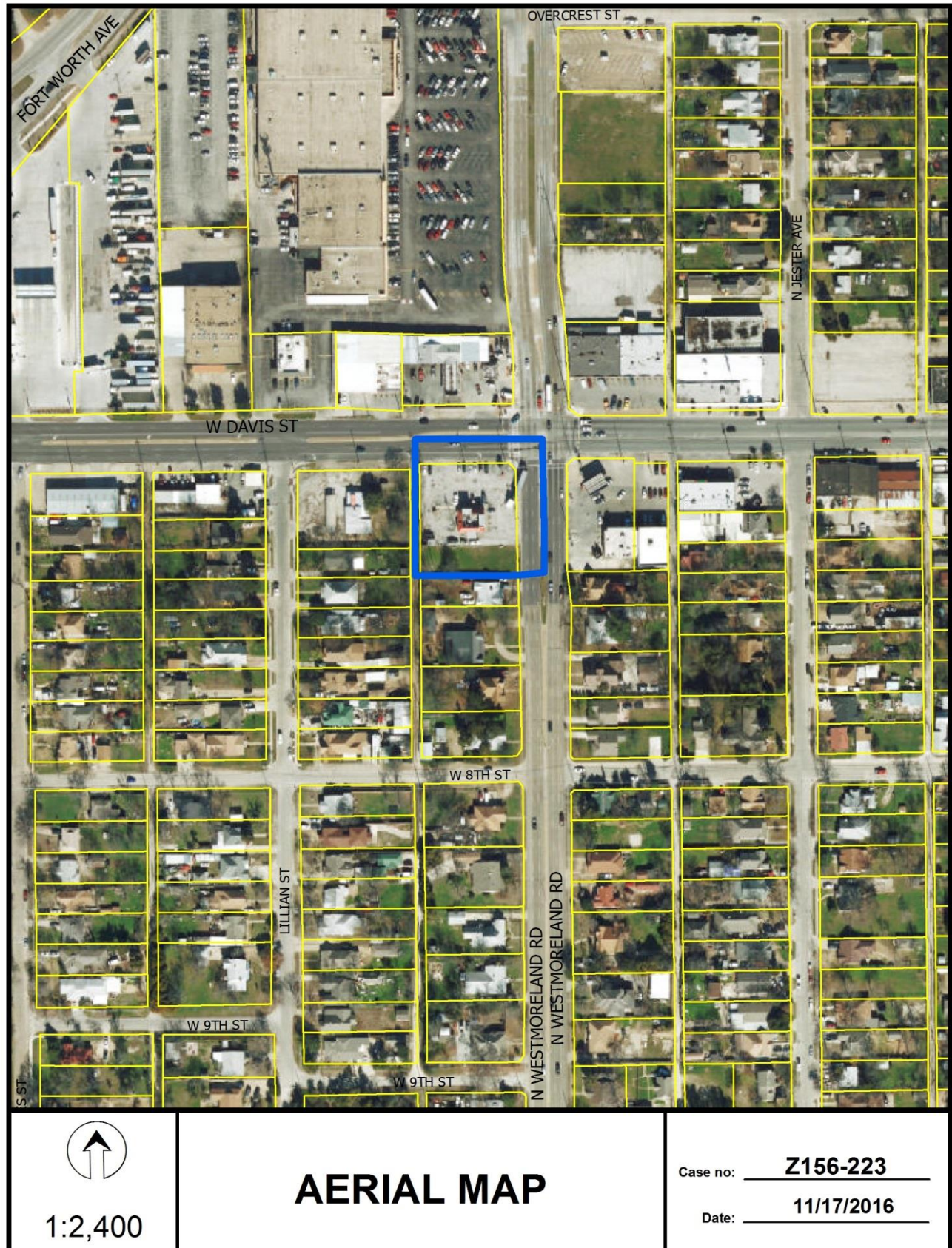


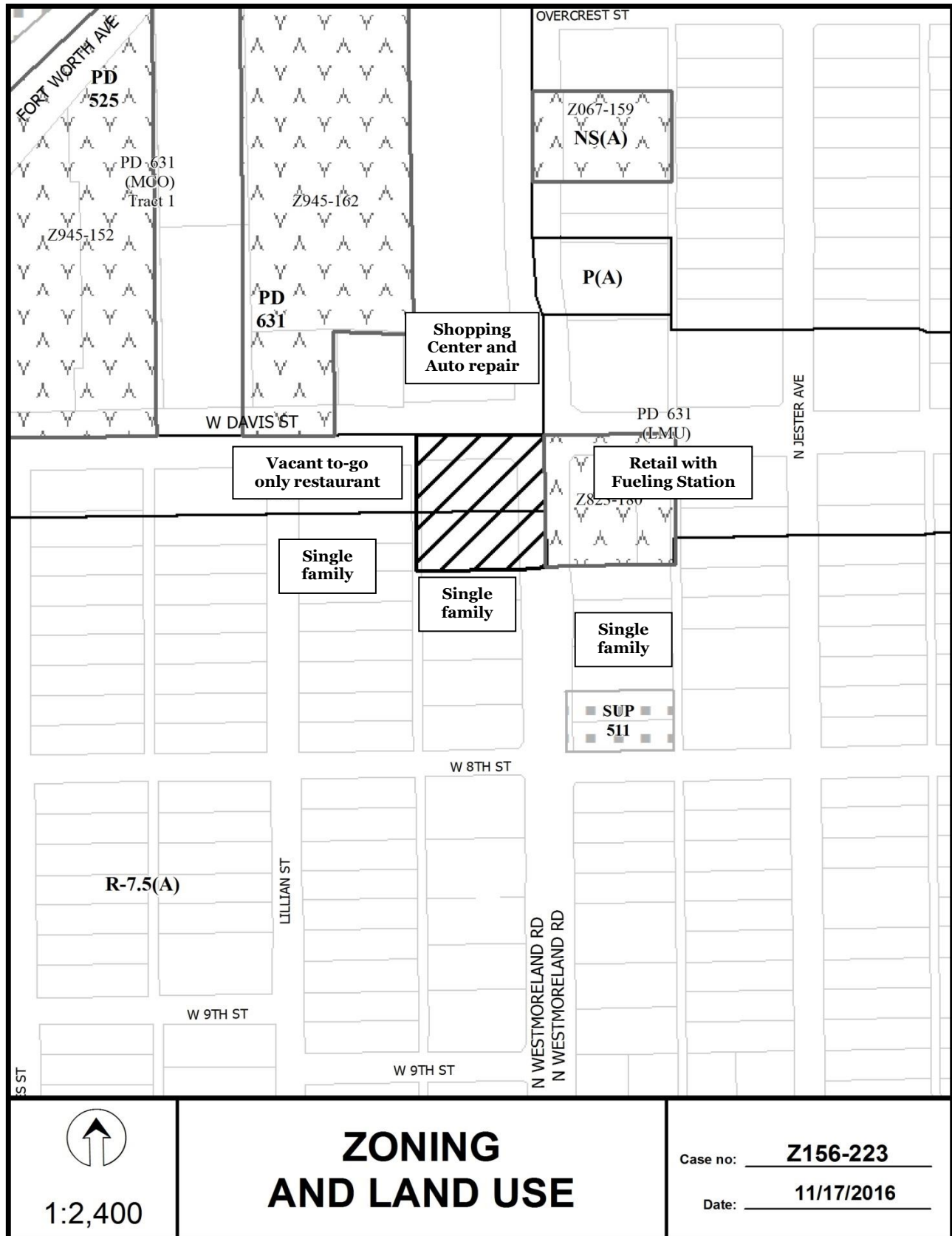
Owner & Professionals Information

OWNER
SUN HOLDINGS, LLC
C/O ARMANDO PALACIOS
3818 FOREST LANE, #200, DALLAS, TX 75234
214-551-0921

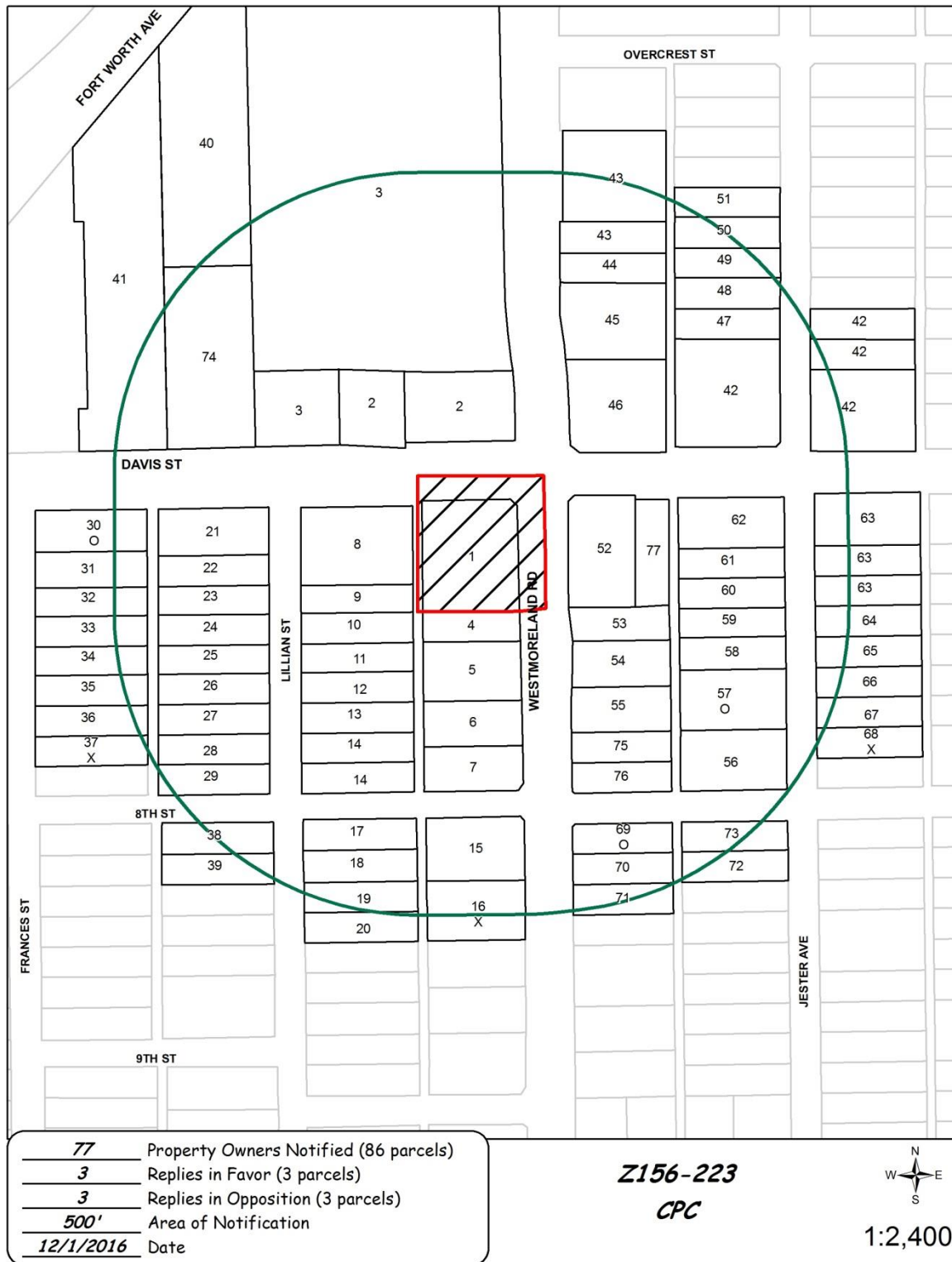
LANDSCAPE ARCHITECT
FELDMAN DESIGN STUDIOS
P.O. BOX 81246
RICHARDSON, TEXAS 75083
ATTN: CAROL FELDMAN, 972-980-1730







CPC Responses



11/30/2016

Reply List of Property Owners***Z156-223******77 Property Owners Notified******3 Property Owners in Favor******3 Property Owners Opposed***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|----------------------------|
| | 1 | 3308 W DAVIS ST | POP HOLDINGS LP |
| | 2 | 3317 W DAVIS ST | KANAN NADER |
| | 3 | 3333 W DAVIS ST | WESTMORELAND PLAZA JV |
| | 4 | 503 N WESTMORELAND RD | GONZALEZ FELIPE N |
| | 5 | 415 N WESTMORELAND RD | ROBERTS LUKE J |
| | 6 | 409 S WESTMORELAND RD | MARTINEZ SILVERIO |
| | 7 | 403 N WESTMORELAND RD | PALLARES VICTOR M & |
| | 8 | 3320 W DAVIS ST | SEAFOOD SHACK INC |
| | 9 | 506 LILLIAN ST | HUERTA MARTA & |
| | 10 | 504 LILLIAN ST | ESPINOSA VERONICA |
| | 11 | 418 LILLIAN ST | VILLAGOMEZ R M |
| | 12 | 414 LILLIAN ST | HERRERA CRISTINA |
| | 13 | 410 LILLIAN ST | BADILLO SERGIO & OLGA |
| | 14 | 406 LILLIAN ST | CHAIDES ELIAS |
| | 15 | 315 N WESTMORELAND RD | MARTINEZ MARIANO & CRYSTAL |
| X | 16 | 311 N WESTMORELAND RD | HUERTA AMADOR & ROSA |
| | 17 | 334 LILLIAN ST | GUTIERREZ AMY N |
| | 18 | 330 LILLIAN ST | JAYME FLORINA B |
| | 19 | 326 LILLIAN ST | VILLATORO JOSE R & |
| | 20 | 322 LILLIAN ST | ALCALA ELEAZAR SR & LISA |
| | 21 | 519 LILLIAN ST | AKPUNKU EMEKA ET AL |
| | 22 | 517 LILLIAN ST | MARQUEZ SEFERINA SOSA & |
| | 23 | 507 LILLIAN ST | ARGUMEDO OSCAR & |
| | 24 | 503 LILLIAN ST | CRAIG VERA LOPEZ |
| | 25 | 419 LILLIAN ST | VERACRUZ SIMONE |
| | 26 | 415 LILLIAN ST | LOPEZ TERESA V |

11/30/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-----------------------|----------------------------|
| | 27 | 411 LILLIAN ST | RAFAMAN INVESTMENTS LLC |
| | 28 | 407 LILLIAN ST | GARCIA JESSIE |
| | 29 | 403 LILLIAN ST | MARTINEZ IVAN |
| O | 30 | 3434 W DAVIS ST | MILLER NORMAN A II & |
| | 31 | 510 N FRANCES ST | RESENDIZ HILARIO O & |
| | 32 | 506 N FRANCES ST | MARTINEZ DANIEL & |
| | 33 | 502 N FRANCES ST | COUCH TAWANA YVONNE |
| | 34 | 418 N FRANCES ST | ARELLANO FIDELMAR |
| | 35 | 414 N FRANCES ST | GARZA LUIS A |
| | 36 | 410 N FRANCES ST | ARVIZU EUSTACIA |
| X | 37 | 406 N FRANCES ST | GARCIA DAVID P & MARIA |
| | 38 | 327 LILLIAN ST | LOPEZ MARTIN & |
| | 39 | 323 LILLIAN ST | CERPA JESUS FRANCISCO & |
| | 40 | 3400 FORT WORTH AVE | BRYANT BRADY W |
| | 41 | 3410 FORT WORTH AVE | FORT DAVIS CAVAZOS I LLC |
| | 42 | 618 N JESTER AVE | TEMPLO DE PODER Y GOZO |
| | 43 | 702 N WESTMORELAND RD | SOS CUSTOM HOMES INC |
| | 44 | 626 N WESTMORELAND RD | ASH LIZ PROPERTIES INC |
| | 45 | 614 N WESTMORELAND RD | GARZA RICARDO |
| | 46 | 3217 W DAVIS ST | M CACERES ENTERPRISES INC |
| | 47 | 619 N JESTER AVE | CAMACHO MIGUEL |
| | 48 | 623 N JESTER AVE | VASQUEZ ALICIA |
| | 49 | 625 N JESTER AVE | ALVAREZ MARY LOU & |
| | 50 | 703 N JESTER AVE | WEBB LARRY M |
| | 51 | 707 N JESTER AVE | BONILLA ERICK & SONIA |
| | 52 | 3230 W DAVIS ST | SEJ ASSET MGMT & INV CO |
| | 53 | 502 N WESTMORELAND RD | GONZALEZ LUCIANO & MARIA D |
| | 54 | 418 N WESTMORELAND RD | AZPEITIA PEDRO M |
| | 55 | 414 N WESTMORELAND RD | RIVERA ARMANDO & JUANTIA |
| | 56 | 403 N JESTER AVE | YPINA ERICA |
| O | 57 | 415 N JESTER AVE | KREMPIN LINDA R |

11/30/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-----------------------|--------------------------|
| | 58 | 419 N JESTER AVE | PEREZ JOSE & ALICIA |
| | 59 | 503 N JESTER AVE | CERPA CARLOS & VIRGINIA |
| | 60 | 507 N JESTER AVE | AGUILERA CRISPIN & |
| | 61 | 511 N JESTER AVE | SANASEROS JESSE |
| | 62 | 3206 W DAVIS ST | DAVIS NP LLC |
| | 63 | 3116 W DAVIS ST | MARTINEZ RAUL & LETICIA |
| | 64 | 502 N JESTER AVE | ESPINOZA DOMINGO ROMAN & |
| | 65 | 418 N JESTER AVE | RANGEL RIGOBERTO |
| | 66 | 414 N JESTER AVE | YPINA ISMAEL & EPIFANIA |
| | 67 | 410 N JESTER AVE | ZARATE ERCILIA C |
| X | 68 | 406 N JESTER AVE | CORTEZ CRESENCIO RIVAS & |
| O | 69 | 318 N WESTMORELAND RD | LEONARD J P |
| | 70 | 314 N WESTMORELAND RD | RODRIGUEZ GILBERTO & |
| | 71 | 310 N WESTMORELAND RD | RODRIGUEZ GILBERTO & |
| | 72 | 315 N JESTER AVE | OROZCO CECILIA |
| | 73 | 319 N JESTER AVE | MARQUEZ ENRIQUE & MARTHA |
| | 74 | 3407 W DAVIS ST | MARTINEZ FERNANDO & |
| | 75 | 406 N WESTMORELAND RD | RUIZ JESSE M & |
| | 76 | 402 N WESTMORELAND RD | MARQUEZ DANIEL H |
| | 77 | 3220 W DAVIS ST | STANDAR LP |

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 8, 2017
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 49 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road

Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions

Z156-270(JM)

Note: This item was considered by the City Council at a public hearing on January 25, 2017, and was deferred until February 8, 2017, with the public hearing open

FILE NUMBER: Z156-270(JM)

DATE FILED: May 27, 2016

LOCATION: Southeast corner of Military Parkway and North St. Augustine Road

COUNCIL DISTRICT: 7

MAPSCO: 49-T

SIZE OF REQUEST: Approx. 2.95 acres

CENSUS TRACT: 0121.00

REPRESENTATIVE: Michael R. Coker

APPLICANT / OWNER: DFW Advisors Ltd. Co.; Military Parkway Joint Venture

REQUEST: An application for a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the construction of approximately 61,593 square feet of storage space consisting of five, one-story structures. The proposed mini-warehouse use will include a 1,000 square foot accessory office (six total buildings).

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions.

BACKGROUND INFORMATION:

- The ±2.95 acre request site is undeveloped.
- The applicant proposes to operate a mini-warehouse use which would add over 62,000 square feet of building area to the currently undeveloped site.
- The applicant has provided design standards, elevations, and a 10' landscape buffer to provide extra consideration for the aesthetics of the area and to protect neighborhoods and a basketball court to the south.

Zoning History: There have not been any recent zoning cases in the area in the past five years.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|--------------------|--------------|
| Military Parkway | Principal Arterial | 100 ft. |
| St. Augustine Road | Collector | 60 ft. |

Traffic: The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict 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 located in a Residential Building Block.

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 request site is located at a key intersection on the outskirts of single family and multifamily uses.

Land Use Compatibility:

| | Zoning | Land Use |
|------------------|------------------------|---------------------------------|
| Site | CR w/D-Overlay | Undeveloped |
| North | LI w/D-1 Overlay | Distribution Center |
| East | MF-2(A), SUP No. 538 | Apartments, Day Nursery |
| South | PDD No. 413 | Water tower & Basketball Courts |
| Southwest | TH-2(A) | Duplexes & Single Family |
| West | CR w/D-Overlay | Apartments |
| Northwest | CS w/Deed Restrictions | Undeveloped |

The land uses adjacent to the request site are developed with multifamily and local utility (water tower) uses. Specific Use Permit No. 538 is developed with a day nursery. While PD No. 413 provides for an elevated water tower, they also have two basketball courts for the public which are immediately south of the subject site. The request site has frontages on Military Parkway and St. Augustine Road. The property north of the request site, across Military Parkway is mostly developed with industrial uses including a distribution center and semi-truck-driving training.

The proposed mini-warehouse use will have requirements for building materials to exclude materials that may not be consistent with the surrounding residential developments. A minimum of 80 percent brick concrete masonry unit split face, or stone or hardie cementitious siding, excluding fenestration will be required. The maximum structure height is 24 feet. The applicant will comply with the development regulations in the CR District. Hours of operation for the office will be between 8:00 a.m. and 6:00 p.m., Monday through Friday; and between 9:00 a.m. and 5:00 p.m. on Saturday. The storage units will be accessible by key pad at all times. Finally, outside storage of vehicles, parking for vehicles for rent, boats, and/or equipment is prohibited.

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 proposed mini-warehouse use is compatible with the surrounding uses which consist of multifamily, local utility, and light industrial uses. The Development Code has regulations such as residential proximity slope, buffer yards and an increased setback to mitigate

potential compatibility concerns with the adjoining residential uses to the east and west. This use will not be a detriment to the public health, safety or general welfare of the community.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|------------------------|------------------------|--|--------------------------------|------------------|---------------------|--|--------------------------------------|
| | Front | Side/Rear | | | | | |
| CR Community retail | 15' | 20' adjacent to residential OTHER: No Min. | 0.75 FAR overall 0.5 office | 54' 4 stories | 60% | Proximity Slope Visual Intrusion | Retail & personal service, office |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. Additionally, the applicant has agreed to provide a ten-foot buffer strip along the entire property line. This should help ease the view of the units from neighboring residential developments, the water tower/basketball courts, and rights-of-way.

The development code also requires the following plant materials in a landscape buffer strip:

If a fence with a buffer strip is required along any part of the perimeter of a lot, the buffer strip must contain either one large canopy tree or two large non-canopy trees at a minimum average density of one large canopy tree or two large non-canopy trees for each 50 linear feet of the buffer strip, with new trees spaced no less than 25 feet apart.

When a fence is not provided, the applicant will have to comply with the design standards and must contain one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:

- (i) One large canopy tree and one large non-canopy tree.
- (ii) One large canopy tree and three small trees.
- (iii) One large canopy tree and three large evergreen shrubs.
- (iv) One large canopy tree, two small trees, and one large evergreen shrub.
- (v) One large canopy tree, one small tree, and two large evergreen shrubs.
- (vi) Two large non-canopy trees.

Parking: The off-street parking requirement for a mini-warehouse use is a minimum of six spaces. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.

| |
|-------------------------|
| LIST OF OFFICERS |
|-------------------------|

Applicant: DFW Advisors Ltd. Co.—James Falvo

Owner: Military Parkway Joint Venture—Bruce Harbour

CPC Action:
December 1, 2016

Motion: It was moved to recommend **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road.

Maker: Houston
Second: Anglin
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

Notices: Area: 300 Mailed: 59
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Michael Coker, 3111 Canton St., Dallas, TX, 75226
Against: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a mini-warehouse.
2. SITE PLAN AND ELEVATIONS PLAN: Use and development of the Property must comply with the attached site plan and elevations plan.
3. TIME LIMIT: This specific use permit expires on_____, (ten-year period from the passage of this ordinance, but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
3. LANDSCAPING: In addition to compliance with Article X, a ten-foot buffer strip is required along the entire property line.
4. FLOOR AREA:
 - a. Total maximum floor area for the storage buildings is 61,593 square feet.
 - b. Maximum floor area for the office is 1,070 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The mini-warehouse office may only operate between 8:00 a.m. and 6:00 p.m., Monday through Friday; and between 9:00 a.m. and 5:00 p.m. on Saturday.
6. OUTSIDE STORAGE: Outside storage of vehicles, parking for vehicles for rent, boats, and /or equipment is prohibited.
7. HEIGHT: The use authorized by this specific use permit may not exceed 24 feet in height.
8. MATERIALS: The exterior facades must be a minimum 80 percent concrete masonry unit split face, or stone or hardie cementitious siding, excluding fenestration.
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.



PROPOSED ELEVATIONS

MAULDIN ARCHITECTS

San Antonio, Texas 78205
210-313-3197
info@mauldinarchitects.com

PRELIMINARY
DRAWING - NOT FOR
CONSTRUCTION OR
REGULATORY
APPROVAL

MICHAEL D. MAULDIN
ARCHITECT
TEXAS 00000000

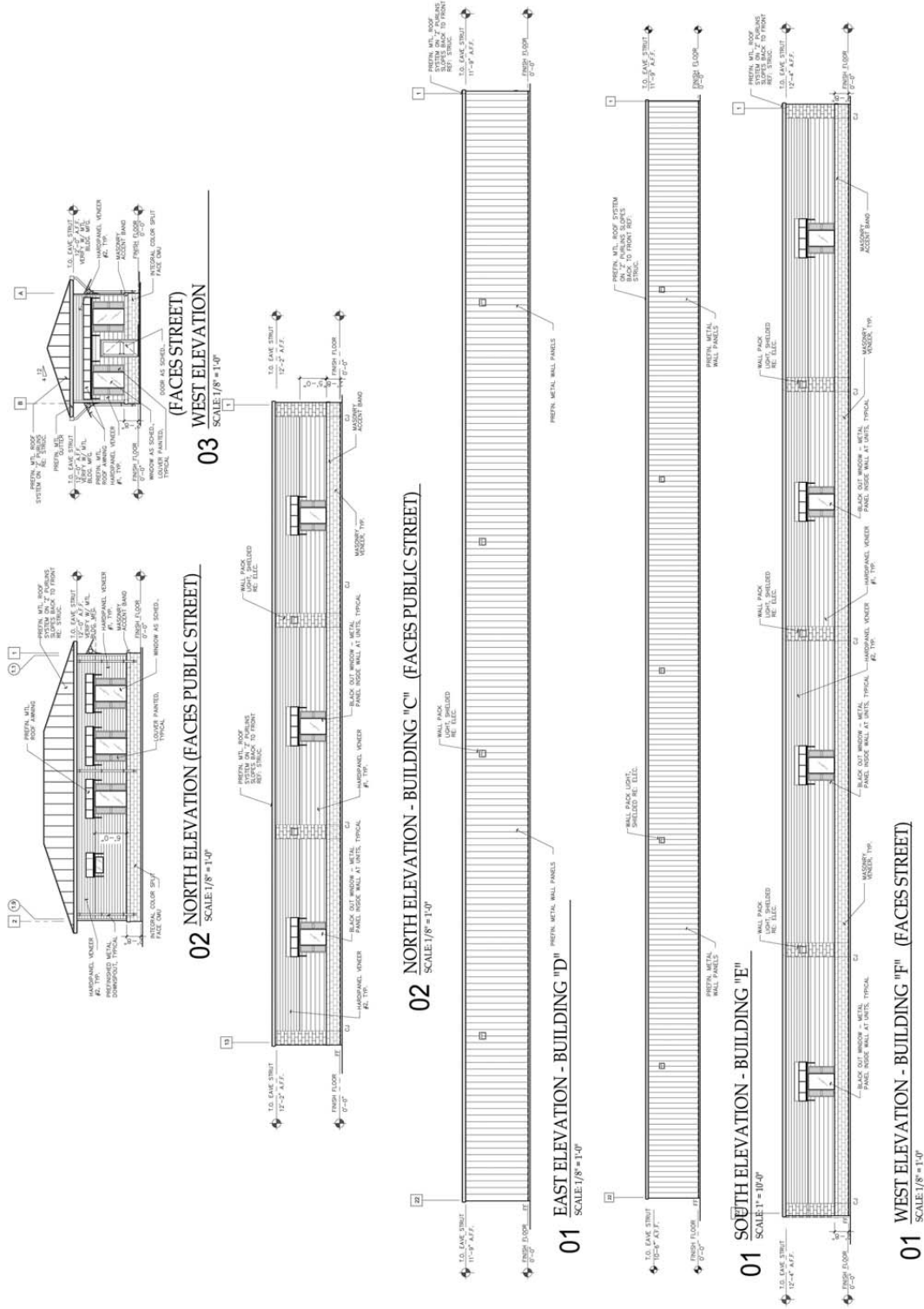
Winterberry Development, LLC
2727 LBJ Freeway Suite 1020
Dallas, TX 75234

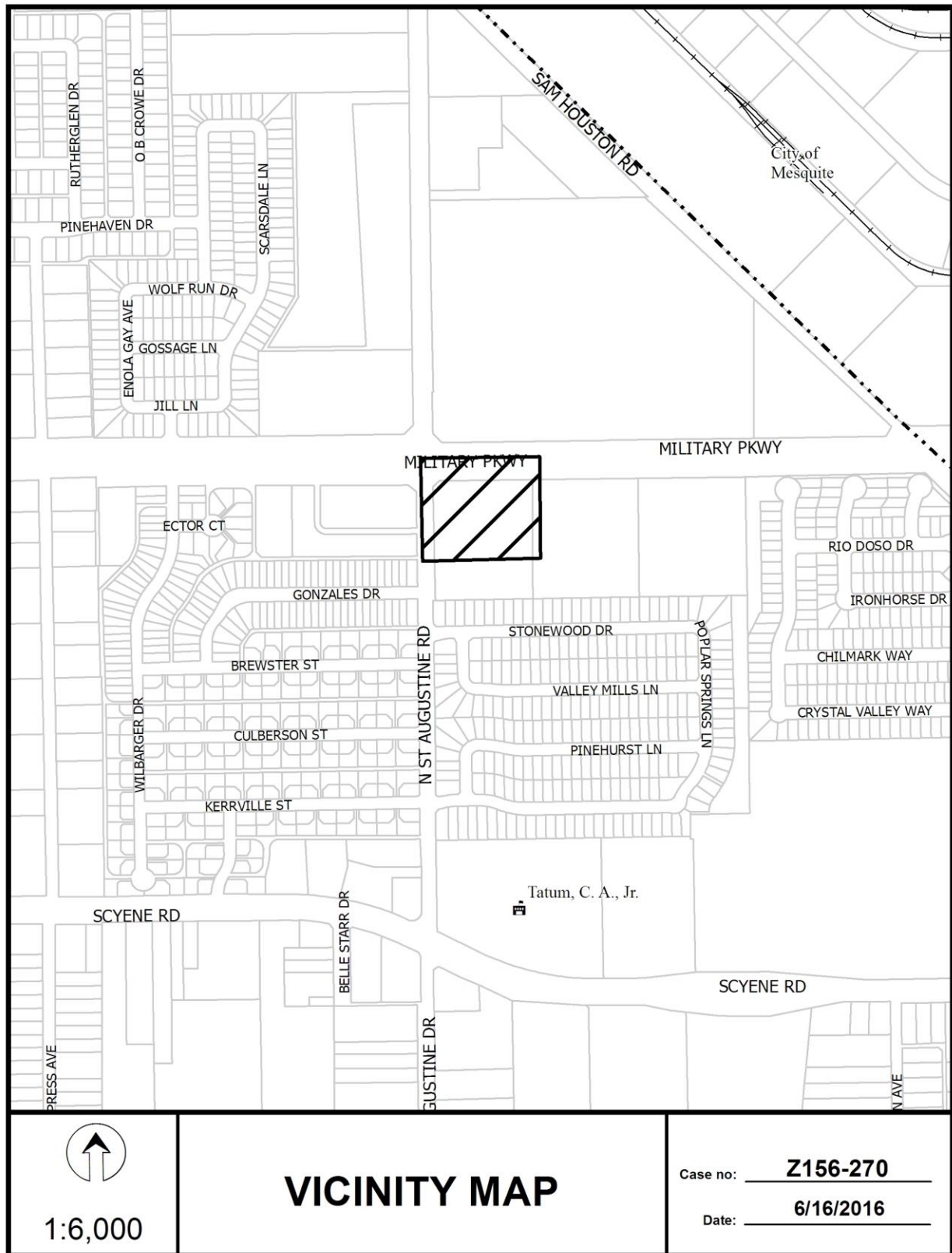
Self Storage Development
9600 Military Parkway
at N. St. Augustine
Dallas, Texas

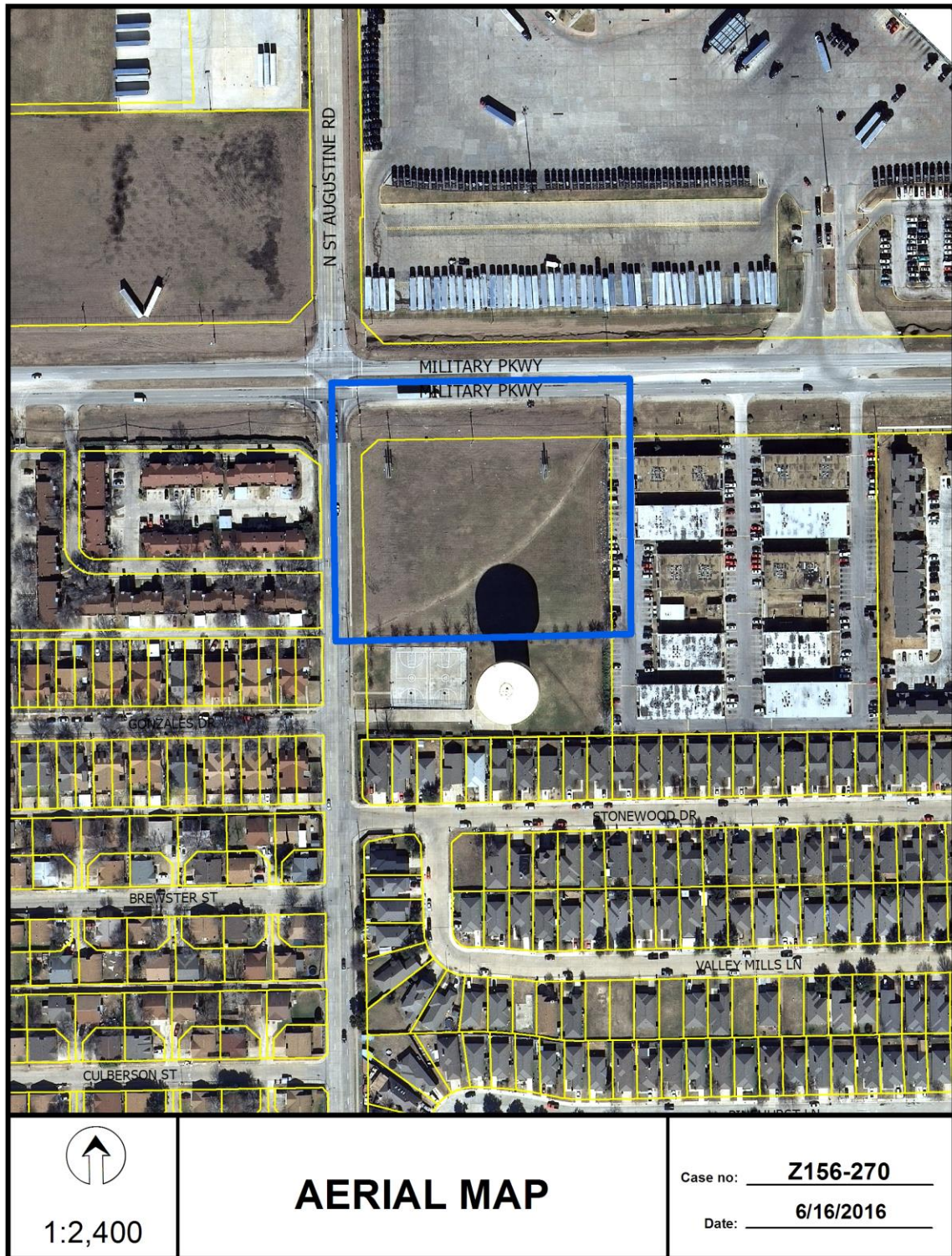
REVISIONS

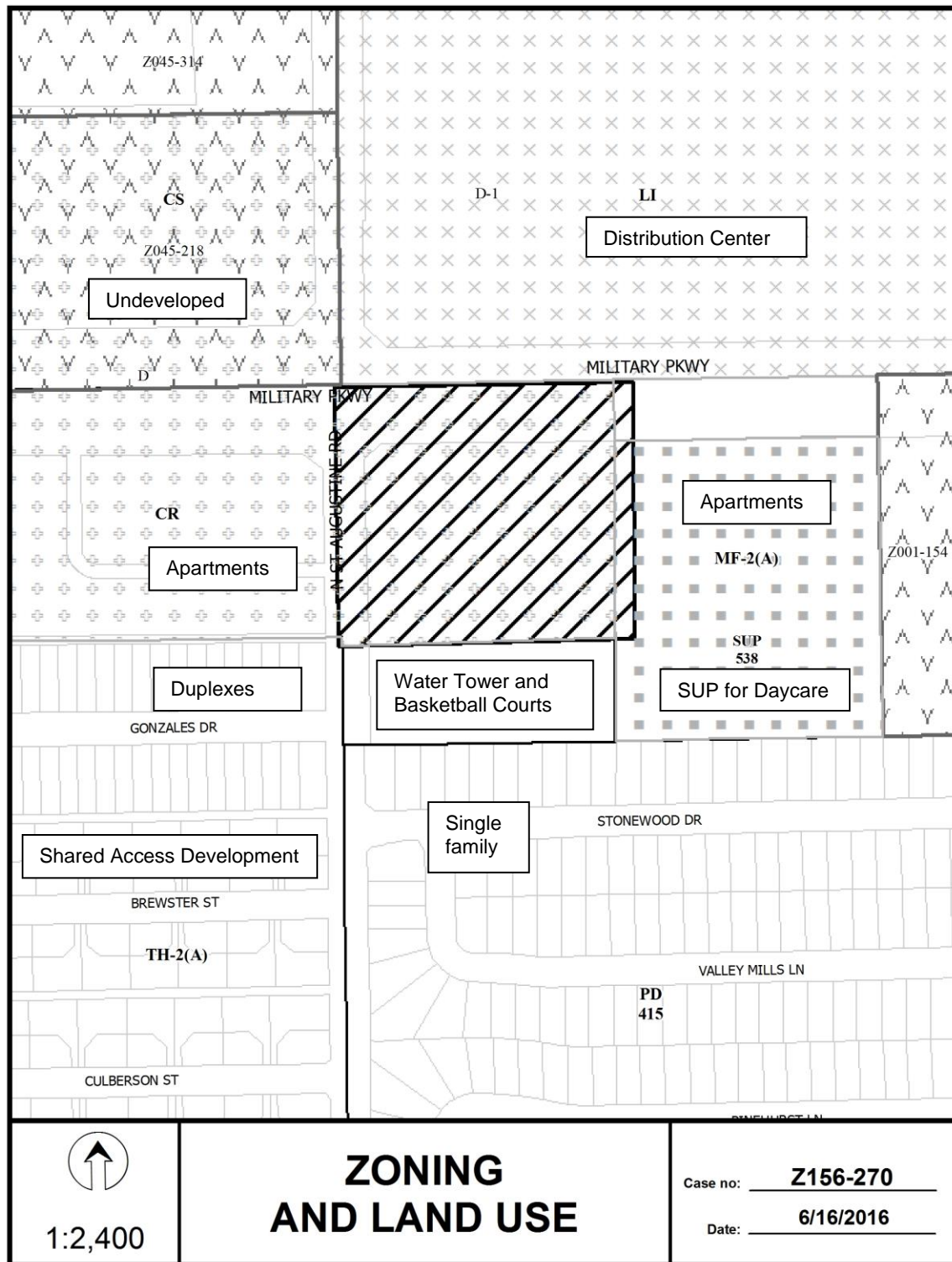
DATE: 07/14/2016

SHEET NUMBER
A2.1

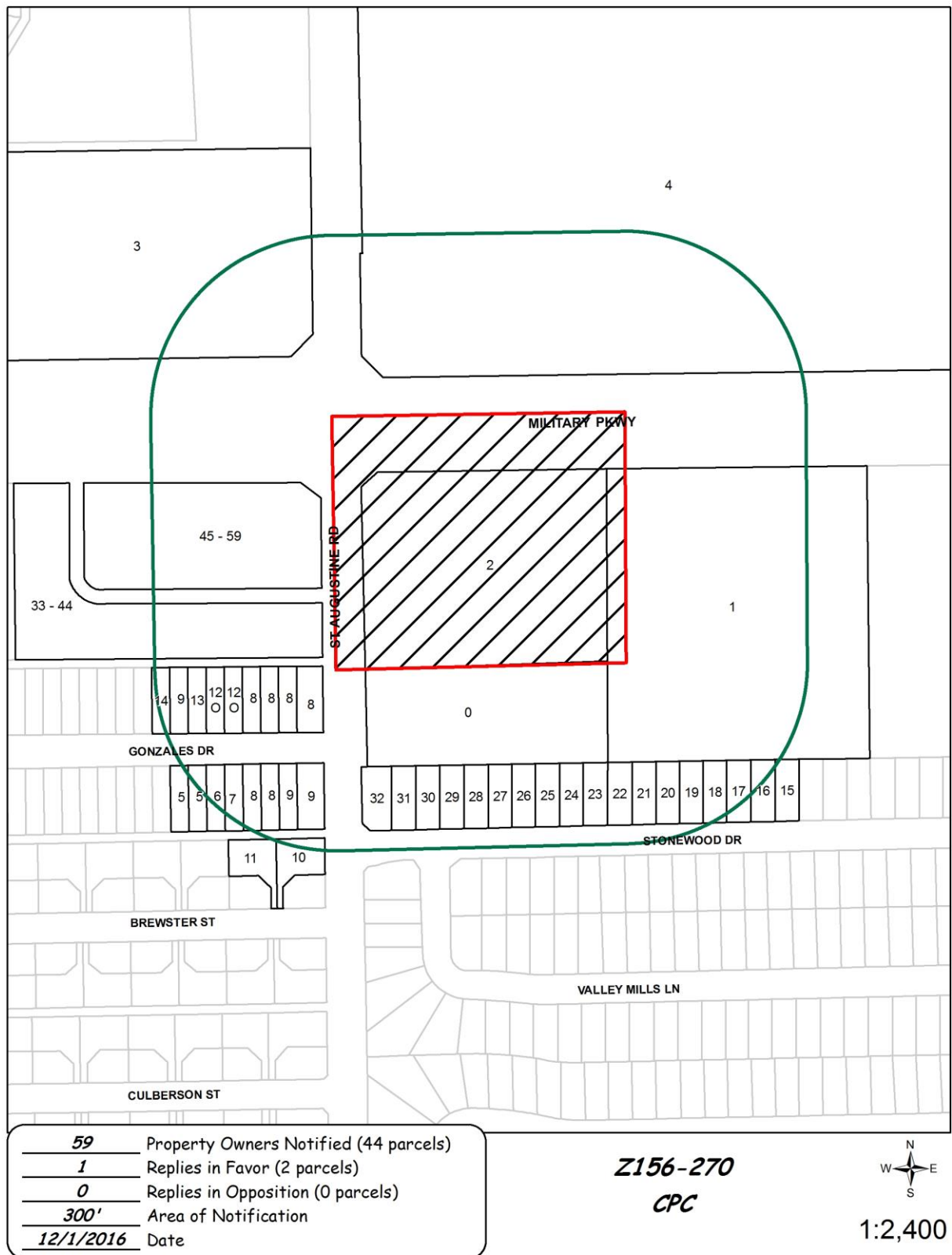








CPC RESPONSES



11/30/2016

Reply List of Property Owners***Z156-270******59 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|---------------------------------------|
| | 1 | 9710 MILITARY PKWY | 9710 HOLDINGS LLC |
| | 2 | 9600 MILITARY PKWY | MILITARY PARKWAY JV |
| | 3 | 3700 ST AUGUSTINE RD | BLACK LABEL PARTNERS LP |
| | 4 | 9757 MILITARY PKWY | STEVENS TRANSPORT INC |
| | 5 | 9548 GONZALES DR | BKPR FUND I LLC |
| | 6 | 9556 GONZALES DR | BELL TYRONE |
| | 7 | 9560 GONZALES DR | PENA MARIA DOLORES |
| | 8 | 9564 GONZALES DR | GORROSTIETA MARCO |
| | 9 | 9572 GONZALES DR | TABMM 5112 HOLDINGS LLC |
| | 10 | 9555 BREWSTER ST | ANDRADE ESTABAN |
| | 11 | 9543 BREWSTER ST | JACKSON GARY C |
| O | 12 | 9559 GONZALES DR | CL CAPITAL PPTY MGMT LLC |
| | 13 | 9551 GONZALES DR | HERRMANN ROGER |
| | 14 | 9543 GONZALES DR | MEBRAHTU SIMON N & MULE TSEGGAI ARAIA |
| | 15 | 9711 STONEWOOD DR | HUEZO FRANCISCO ARTURO & |
| | 16 | 9707 STONEWOOD DR | GARZA HUMBERTO & |
| | 17 | 9703 STONEWOOD DR | EATON SONEK |
| | 18 | 9659 STONEWOOD DR | BROWN BRENDA D |
| | 19 | 9655 STONEWOOD DR | ZWJ LLC |
| | 20 | 9651 STONEWOOD DR | VIDALES BALTAZAR |
| | 21 | 9647 STONEWOOD DR | DAVIS KARL E |
| | 22 | 9643 STONEWOOD DR | JACKSON BRENDA |
| | 23 | 9639 STONEWOOD DR | ALONSO LORENA |
| | 24 | 9635 STONEWOOD DR | CARDOSO JOVITO & |
| | 25 | 9631 STONEWOOD DR | ESQUIVEL FRANCO |
| | 26 | 9627 STONEWOOD DR | SALAZAR FRANCISCO & |

11/30/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|--------------------------------|
| 27 | 9623 | STONEWOOD DR | CARPENTER JOHN L & |
| 28 | 9619 | STONEWOOD DR | RODRIGUEZ GERARDO & |
| 29 | 9615 | STONEWOOD DR | ROMERO JAMIE |
| 30 | 9611 | STONEWOOD DR | SHEPPARD COLIN I & |
| 31 | 9607 | STONEWOOD DR | HERNANDEZ DAVID A |
| 32 | 9603 | STONEWOOD DR | MARTINEZ YESENIA & |
| 33 | 9524 | MILITARY PKWY | HARDIN CORRINE CATHERINE |
| 34 | 9524 | MILITARY PKWY | NAVILLUS LLC |
| 35 | 9524 | MILITARY PKWY | CHA REZ YALL LLC |
| 36 | 9524 | MILITARY PKWY | FRAZIER JO HELLEN |
| 37 | 9524 | MILITARY PKWY | HARDIN CORRINE CATHERINE |
| 38 | 9524 | MILITARY PKWY | STONEHILL CONSULTANT GROUP |
| 39 | 9524 | MILITARY PKWY | MOSAEDI VICTORIA & |
| 40 | 9524 | MILITARY PKWY | HOWARD ADRIAN & KRYSTAL |
| 41 | 9524 | MILITARY PKWY | TADAYON BAHAREH A |
| 42 | 9524 | MILITARY PKWY | HARDIN CORRINE CATHERINE |
| 43 | 9524 | MILITARY PKWY | HARDIN GEORGE W & |
| 44 | 9524 | MILITARY PKWY | BRYANT SHIRLEY VERNON |
| 45 | 9524 | MILITARY PKWY | MOSAEDI VICTORIA & |
| 46 | 9524 | MILITARY PKWY | HARDIN CORINE C |
| 47 | 9524 | MILITARY PKWY | HOWARD ADRIAN & KRYSTAL |
| 48 | 9524 | MILITARY PKWY | NAVILLUS LLC |
| 49 | 9524 | MILITARY PKWY | HARDIN CORRINE CATHERINE |
| 50 | 9524 | MILITARY PKWY | STONEHILL CONSULTANT |
| 51 | 9524 | MILITARY PKWY | BROWN SIMON & ASSOCIATES LLC |
| 52 | 9524 | MILITARY PKWY | WILLIAMS EARNEST D |
| 53 | 9524 | MILITARY PKWY | BROWN SIMON AND ASSOCIATES LLC |
| 54 | 9524 | MILITARY PKWY | HARDIN GEORGE WILLIAM |
| 55 | 9524 | MILITARY PKWY | DAVIS JENE A & |
| 56 | 9524 | MILITARY PKWY | HARDIN CORRINE CATHERINE |
| 57 | 9524 | MILITARY PKWY | STONEHILL CONSULTANT GROUP LLC |

Z156-270(JM)

11/30/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|---------------------------|
| 58 | 9524 | MILITARY PKWY | GREEN ROBERT E & DORISULA |
| 59 | 9524 | MILITARY PKWY | JACKSON NELLIE E |

AGENDA ITEM # 29

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 69A M; 70 J

SUBJECT

A public hearing to receive comments regarding an application for **(1)** a CR Community Retail District with deed restrictions volunteered by the applicant, and **(2)** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, with an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on the west corner of South Beltline Road and Garden Grove Drive

Recommendation of Staff: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; 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 revised site plan and conditions

Recommendation of CPC: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; and denial of a Specific Use Permit

Z156-289(JM)

Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open

FILE NUMBER: Z156-289(JM)

DATE FILED: June 20, 2016

LOCATION: On the west corner of South Beltline Road and Garden Grove Drive

COUNCIL DISTRICT: 8

MAPSCO: 69A-M, 70-J

SIZE OF REQUEST: ±2.3 acres

CENSUS TRACT: 0171.01

REPRESENTATIVE: Michael R. Coker Company

APPLICANT/OWNER: 1500 S. Beltline, LLC

REQUEST: An application for 1) a CR Community Retail District with deed restrictions volunteered by the applicant; and 2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow the applicant to sell alcohol for off-premise consumption in a convenience store. The CR District allows a fueling station by right, and a variety of different sized retail uses. Furthermore, the applicant proposes to volunteer deed restrictions that prohibit certain uses. An amended site plan has been provided.

CPC RECOMMENDATION: **Approval** of a CR Community Retail District with deed restrictions volunteered by the applicant; and **denial** of a Specific Use Permit.

STAFF RECOMMENDATION: **Approval** of a CR Community Retail District with deed restrictions volunteered by the applicant; 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 revised site plan and conditions.

BACKGROUND INFORMATION:

- This development was carefully negotiated to ensure limited disruption to the residential uses along the northwest and southwest boundaries of the site. Staff feels that the proposed development will not be disruptive to the single-family neighborhoods in proximity.
- The site is currently undeveloped. There are several residential developments all along the northwest and southwest boundaries of the site. Land uses along South Beltline and Garden Grove Drive range from commercial at the intersection, and shift rapidly to less intensive residential and agricultural uses.
- The request is made to rezone the parcel from an NS(A) District to a CR District to allow for certain uses to complement the proposed development and surrounding residential uses. A use such as a dry cleaning or laundry store is allowed by right in the current district, but restricted to being less than 3,500 square feet. The applicant would like the right to develop a larger facility. To ease concerns over other uses allowed by the proposed CR District, the applicant has volunteered deed restrictions (attached to this report). The deed restrictions make 30 uses no longer allowed. Some of those uses are currently allowed in an NS(A) District.
- The deed restrictions provide the following conditions:
 - No parking or vehicular traffic along the northeast of the property.
 - No parking along the west of the property.
 - An additional landscape buffer will be provided as follows:
 - 5' along the northeast
 - 3' along the west.

Zoning History:

1. **Z123-223:** On June 11, 2013, staff approved an application for the auto renewal of SUP No. 1886 for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet on property within Planned Development District No. 777 for NS(A) Neighborhood Service District uses with a D-1 liquor Control Overlay.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW |
|----------------------|-----------------------|--------------|
| S. Beltline Road | Principal Arterial | 80 ft. |
| Garden Grove Road | Residential Collector | 60 ft. |

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site is within a Commercial Center or Corridor.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly 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 proposed CR Community Retail District is described as being for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. This district ultimately supports the intended Building Block and is a less intensive industrial-type of zoning.

Finally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

West Kleberg Community Plan (2007):

The West Kleberg Community Plan identified a vision statement: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

The subject site is located within Sub-area 1, which is comprised of approximately 2,047 acres of which 46% was vacant or undeveloped, and 33% was comprised of Single Family (SF) uses at publication in 2007.

Commercial service and retail uses are dominant along Highway 175, with a concentration of these uses between Edd and Belt Line Roads. The West Kleberg community desires to encourage economic development along its main corridors, namely Highway 175 and Belt Line Road. A retail gap analysis completed with the plan identified that residents of this area were likely to spend in nearby Balch Springs or the city of Mesquite. Retail facilities are not sufficiently available. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections for these types of services needed within this sector of Dallas.

The Future Vision Map shows a 1000-foot buffer zone as idea for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such a hospital, bank, mix use project and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads, Highway 175 and Belt Line Road and Kleberg and Belt Line Road. The subject site is within that buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the top 20 Community "Needs & Desires" as indicated on the following page.

The proposed development could satisfy a few of those desires, namely numbers 8, 16, 18, 19, and/or 20.

TABLE 12: VISIONING ACTIVITY – COMMUNITY “NEEDS & DESIRES”

| | |
|-------------------------------|--------------------------------------|
| 1. Bank | 11. Ice Rink |
| 2. Big Box (Lowe's and Sam's) | 12. Mid-rise Mixed Use |
| 3. Bookstore | 13. Museum |
| 4. Central Market | 14. New Auto Dealership |
| 5. Cinema | 15. Office |
| 6. Doctor Offices | 16. Outlet and/or Mini-Malls |
| 7. Drug Store | 17. Research & Development Uses |
| 8. Gas Station | 18. Restaurants |
| 9. Hospital | 19. Small Shops |
| 10. Hotel/Conference Center | 20. Ice Cream Parlor (i.e., Braum's) |

The requested change in zoning and the SUP for the sale of alcohol support the following goals within the community plan:

Land Use & Zoning—Goal 1: Protect the rural character of the community by encouraging commercial development along the commercial corridors.

Economic Development—Goal 1: Economic development that encourages business retention and attracts new “neighborhood serving” business uses to the community.

Surrounding Land Uses:

| | Zoning | Land Use |
|----------------|--|--|
| Site | NS(A), D-1 Overlay | Undeveloped |
| North | R-10(A) | Undeveloped |
| East/SE | PD No. 777, SUP No. 1886, NS(A), D-1 Overlay | Retail Center, Personal Service Uses, Restaurants, and Undeveloped |
| South | CR w/ DR | Office and Carwash |
| West/SW | R-7.5(A) | Single family homes |

Land Use Compatibility:

The subject site is currently zoned an NS(A) Neighborhood Service District. The purpose of this district is to accommodate convenience retail shopping, services, and professional offices principally servicing and compatible in scale and intensity of use with adjacent residential uses. Limited institutional and community service, office, and

retail and personal services uses are allowed. The current request is to change the zoning to a CR Community Retail District to allow for general merchandise or food store use larger than the 3,500 square feet or less allowed in the NS(A) District.

Surrounding single family, residential developments to the northwest and southwest must be properly screened from the potential retail development. The Dallas Development Code provides greater consideration when residential adjacency exists. To develop the subject site, a ten foot landscape buffer would have to separate the uses. All off-street loading spaces must be screened from the residential development, as well as the public streets. The dumpster must also be screened. All screening is a minimum of six feet high and solid in nature. The SUP site plan provided identifies screening in compliance with the Dallas Development Code.

There are other retail uses across South Beltline Road and Garden Grove Drive. The overall development of this intersection as a business center or corridor is consistent with the area plan and comprehensive plan. The voluntary deed restrictions will provide for desired development while remaining sensitive to surrounding residential adjacency. The addition of new businesses along this corridor will further promote the long-term vision for land use and development within this area.

The proposed zoning district primarily allows an expanded list of Commercial and business service, Retail and personal service, and Wholesale, distribution, and storage uses.

The proposed development will enhance the area by providing sidewalks for connectivity to nearby neighborhoods. Additionally, the applicant has worked with staff to provide a 15' landscape buffer along the northeast of the property; an additional 5' from what code requires. The applicant has adjusted their building footprint to restrict traffic flow near residential adjacency. No access has been provided along those areas. The revised dumpster location will be accommodated in the furthest area from residences, while allowing for adequate maneuverability for collection trucks. This is subject to the revised plan pending submittal as of November 3rd.

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.

Although the SUP request is for alcohol sales, the store and fueling station will provide immediate access to items not found in immediate walking distance. The nearest general merchandise or food store is across Beltline Road. The heavily residential areas to the north and west do not have walkable access to stores. The public improvements of added sidewalks will help connect the residents to convenience items.

Staff supports this request for an initial short time period with the eligibility for automatic renewals. CPC recommended denial of the SUP. The applicant does not wish to move forward with the SUP request but as it was part of the original request, Council will need to act on both portions of the request.

Development Standards:

| District | Setbacks | | Height | Lot Coverage | Special Standards | FAR | Stories | Primary Uses |
|---|----------|-----------|---------------|--------------|-------------------|----------------|---------|--|
| | Front | Side/Rear | | | | | | |
| Existing: NS(A) | 15' | 0' 0' | 30' to 35' | 40% | RPS | 0.5 | 2 | Institutional, few Office, Recreation, and Retail and personal service uses. |
| Proposed: CR with Deed Restrictions | 15' | 0' 0' | 54' | 60% | RPS | 0.5 to 0.75 | 4 | Retail and personal service, Commercial and business service, Institutional, Lodging, Office, Recreation, and added Wholesale, distribution, and storage uses. Proposed voluntary deed restrictions will restrict several uses. |

Parking:

Parking will be provided according to the Dallas Development Code. The assumption of all uses requiring one space for every 200 square feet of retail floor area has been used, providing 108 parking spaces.

The SUP site area is 3,500 square feet or less. At the maximum of 3,500 square feet divided by the ratio of one space for every 200 square feet of floor area, 18 spaces are required for this use. Handicap parking must be provided as per Sec. 51A. 4.305.

Landscaping and Screening:

Landscaping and screening will be provided per Article X, as amended. In addition, the developer has agreed to provide an extra five foot landscape buffer along the northeast residential adjacent line.

Land Use Comparison:

| | Proposed | Existing |
|---|-----------------|----------|
| Use | CR | NS(A) |
| Building repair and maintenance shop. | RAR | |
| Catering Service. | X | |
| Custom business services. | X | |
| Electronics service center. | X | |
| Medical or scientific laboratory. | X | |
| Tool or equipment rental. | X | |
| College, university, or seminary. | X | SUP |
| Hospital. | SUP | |
| Hotel and motel. | SUP | |
| Lodging or boarding house. | SUP | |
| Overnight general purpose shelter. | Check Use | |
| Alternative financial establishment. | SUP | |
| Financial institution with drive-in window. | DIR | |
| Private recreation center, club, or area. | X | SUP |
| College dormitory, fraternity, or sorority house. | X | SUP |
| Alcoholic beverage establishments. | Check Use | |
| Ambulance service. | RAR | |
| Animal shelter or clinic without outside runs. | RAR | |
| Auto service center. | RAR | |
| Business school. | | |
| Car wash. | DIR | |
| Commercial amusement (inside). | Check Use (SUP) | |
| Commercial amusement (outside). | SUP | |
| Commercial parking lot or garage. | RAR | |
| Convenience store with drive-through. | SUP | |
| Furniture store. | X | |
| General merchandise or food store greater than 3,500 square feet. | X | |
| General merchandise or food store 100,000 square feet or more. | SUP | |

| | | |
|---|-----------------------------|------------|
| Home improvement center, lumber, brick or building materials sales yard. | DIR | |
| Household equipment and appliance repair. | X | |
| Liquor store. | X | |
| Mortuary, funeral home, or commercial wedding chapel. | X | |
| Motor vehicle fueling station. | X | SUP |
| Nursery, garden shop, or plant sales. | X | |
| Pawn shop. | X | |
| Restaurant with drive-in or drive-through service. | DIR | |
| Swap or buy shop. | SUP | |
| Temporary retail use. | X | |
| Theater. | X | |
| Commercial radio and television transmitting station. | X | |
| Electrical substation. | X | SUP |
| Police or fire station. | X | SUP |
| Post office. | X | SUP |
| Mini-warehouse. | SUP | |
| Recycling buy-back center. | Check Use | |
| Recycling collection center. | Check Use | |
| Accessory helistop. | SUP | |
| Accessory medical/infectious waste incinerator. | Check Use | |
| <p>X indicates permitted by right. SUP indicates permitted with a Specific Use Permit. RAR indicates permitted, but subject to Residential Adjacency Review. DIR indicates permitted, but subject to Development Impact Review. Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code. By CBO Authorization indicates that the use may be allowed with permission from the Chief Building Official. Strikethrough text indicates items which are being voluntary deed restricted. Those uses will not be allowed. Furthermore, they have proposed additional deed restrictions, but for uses which are typically allowed by right in the NS(A) District. Those are supplemental and can be seen in the full listed deed restrictions attached.</p> | | |
| Alternating color pattern indicates a new category of uses. | | |

LIST OF OFFICERS

1500 S. Beltline, LLC

Noorallah Jooma, Manager

Z156-289

CPC Action
November 10, 2016:

Motion: It was moved to recommend **approval** of a CR Community Retail District with deed restrictions volunteered by the applicant; and **denial** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, on the west corner of South Beltline Road and Garden Grove Drive.

Maker: Haney
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

Notices: Area: 300 Mailed: 54
Replies: For: 0 Against: 9

Speakers: For: Michael Coker, 3111 Canton St., Dallas, TX, 75226
Against: None

VOLUNTEERED DEED RESTRICTIONS

The following uses are prohibited:

- (1) Industrial uses.
 - Gas drilling and production.
 - Temporary concrete or asphalt batching plant.
- (2) Institutional and community service uses.
 - Adult day care facility.
 - Cemetery or mausoleum.
 - College, university, or seminary.
 - Hospital.
- (3) Lodging uses.
 - Hotel and motel.
 - Lodging or boarding house.
 - Overnight general purpose shelter.
- (4) Miscellaneous uses.
 - Carnival or circus (temporary).
- (5) Residential uses.
 - College dormitory, fraternity, or sorority house.
- (6) Retail and personal service uses.
 - Alcoholic beverage establishments.
 - Ambulance service.
 - Animal shelter or clinic without outside runs.
 - Auto service center.
 - Car wash.
 - Commercial amusement (inside).
 - Commercial amusement (outside).
 - Commercial parking lot or garage.
 - General merchandise or food store 100,000 square feet or more.
 - Liquor store
 - Mortuary, funeral home, or commercial wedding chapel.
 - Pawn shop.
 - Swap or buy shop.
- (7) Utility and public service uses.
 - Commercial radio and television transmitting station.
 - Tower/antenna for cellular communication.
- (8) Wholesale, distribution, and storage uses.
 - Recycling buy-back center.
 - Recycling collection center.
 - Recycling drop-off container.
 - Recycling drop-off for special occasion collection.

Additional Conditions:

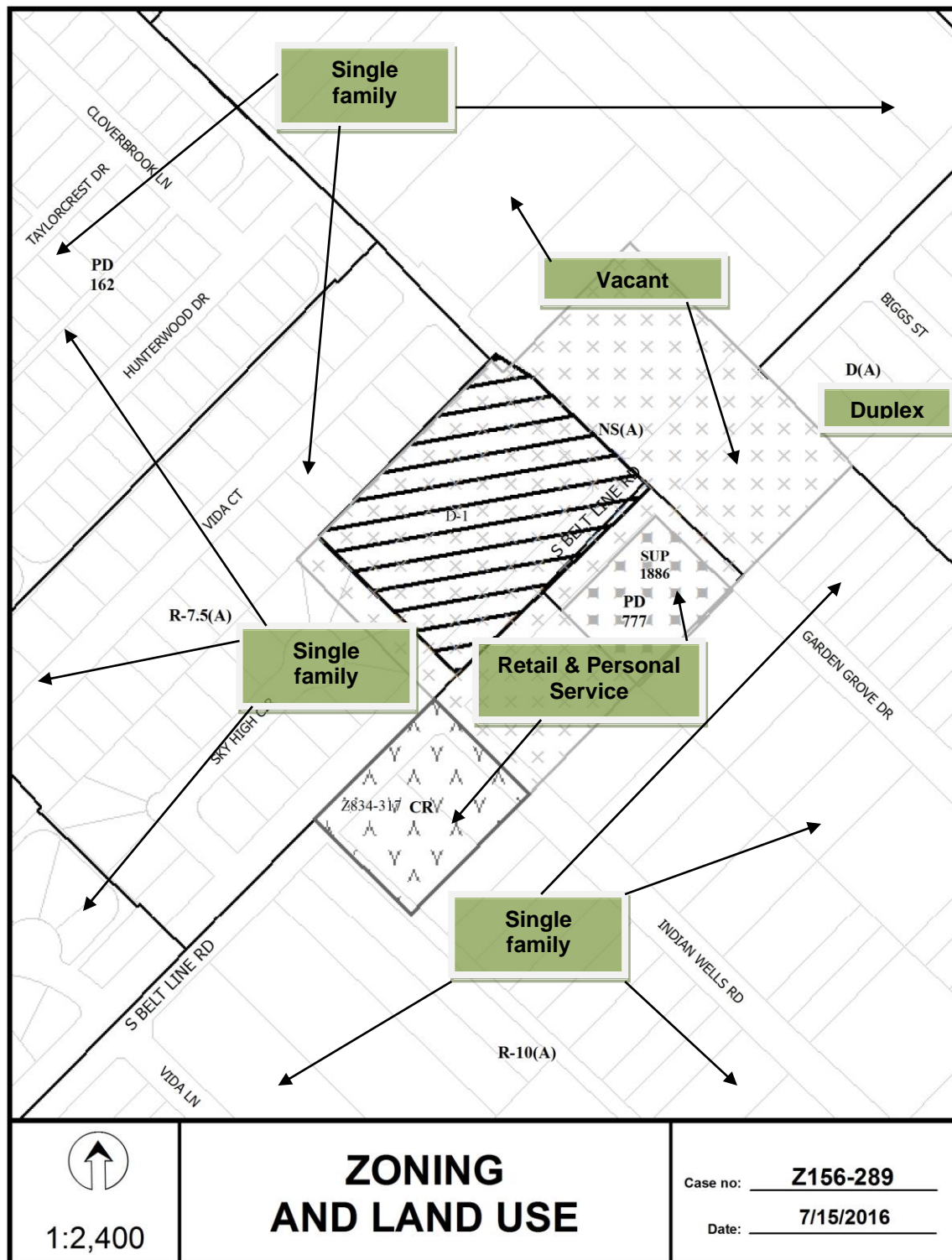
- (1) No parking or vehicular traffic along the northeast of the property.
- (2) No parking along the west of the property.
- (3) An additional landscape buffer will be provided as follows:
 - a. 5' along the northeast
 - b. 3' along the west

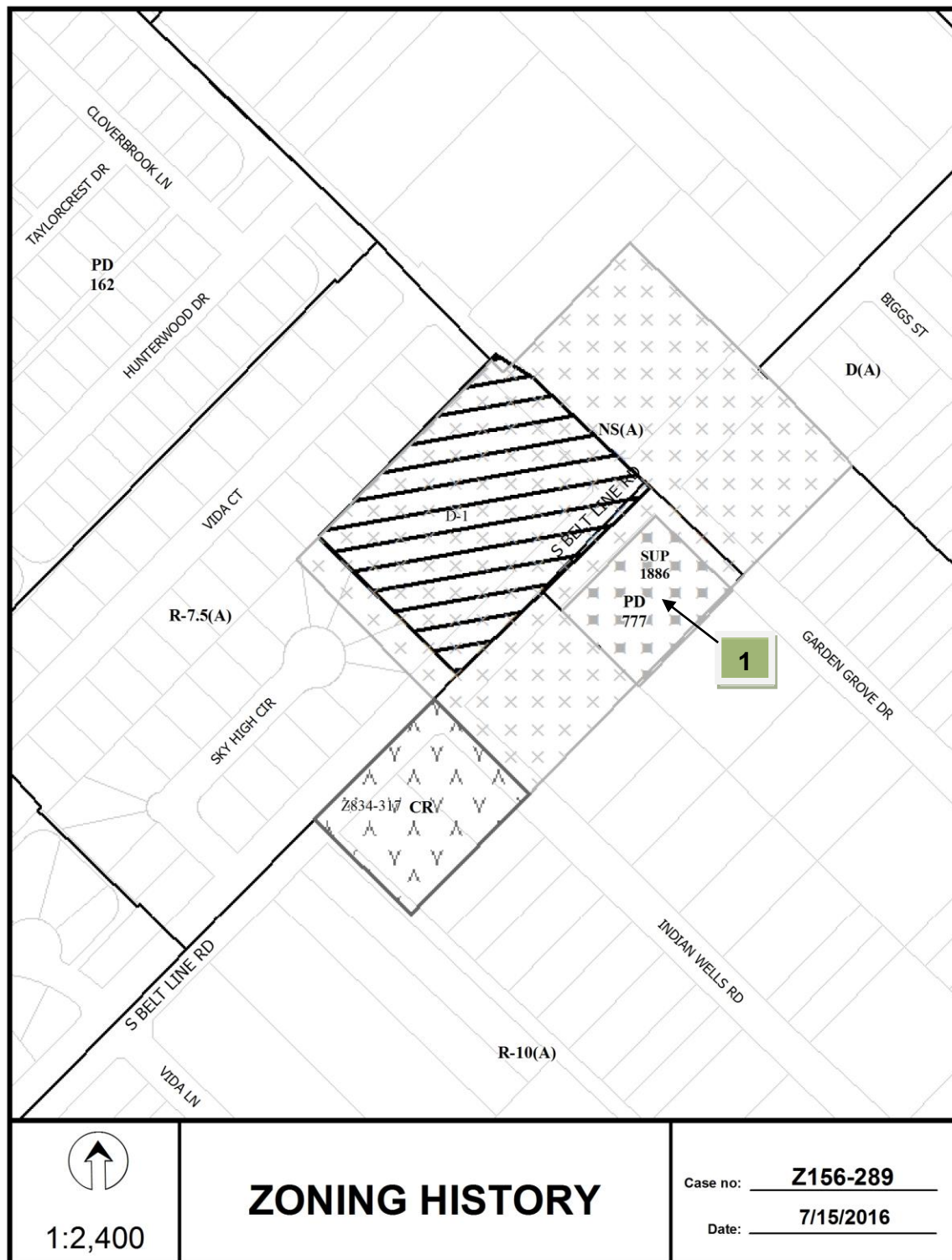
| |
|--------------------------------|
| PROPOSED SUP CONDITIONS |
|--------------------------------|

1. **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

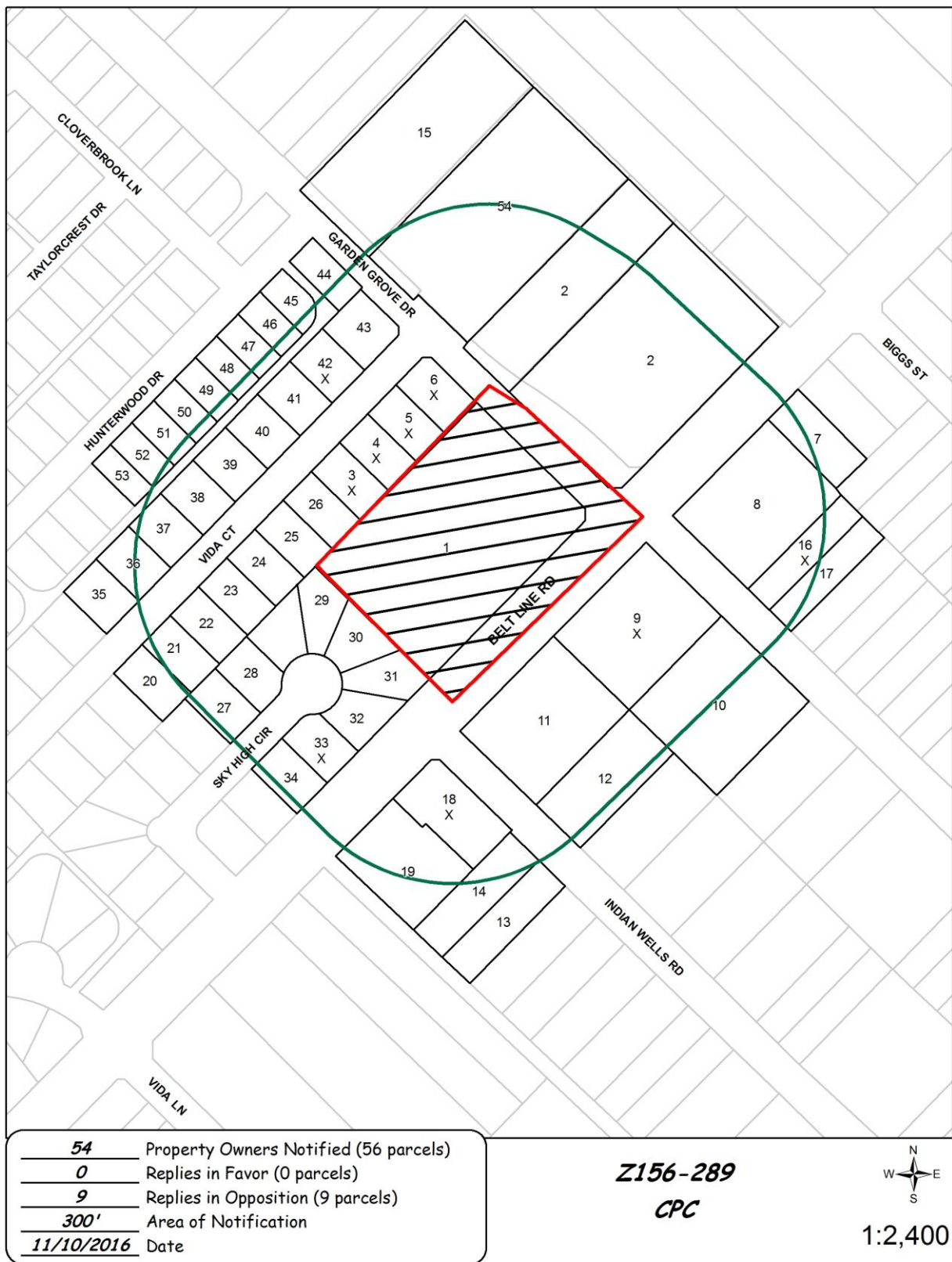








CPC RESPONSES



11/09/2016
Reply List of Property Owners
Z156-289

54 Property Owners Notified**0 Property Owners in Favor****9 Property Owners Opposed**

| Reply | Label # | Address | Owner | |
|--------------|----------------|----------------|-----------------|---------------------------------|
| | 1 | 1500 | S BELTLINE RD | HALL PATRICIA |
| | 2 | 1429 | S BELTLINE RD | MCDANIEL JOE DOYLE |
| X | 3 | 1512 | VIDA CT | HUNTSBERRY JACQUELINE |
| X | 4 | 1508 | VIDA CT | DIAZ LUIS C & NANCY |
| X | 5 | 1504 | VIDA CT | GASPARMARTINEZ JHONATAN MISCHER |
| X | 6 | 1500 | VIDA CT | GUILLEN ISAIAS |
| | 7 | 1442 | S BELTLINE RD | HUMPHRIES KENNETH |
| | 8 | 1448 | S BELTLINE RD | MORALES ELSA |
| X | 9 | 1512 | BELT LINE RD | WALNUT HILLTOP CORP |
| | 10 | 13624 | GARDEN GROVE DR | LUNA RUBEN |
| | 11 | 13601 | INDIAN WELLS RD | CHAVEZ RAQUEL & |
| | 12 | 13621 | INDIAN WELLS RD | BANDA MARIA ROSA BELTRAN |
| | 13 | 13624 | INDIAN WELLS RD | YAWS ALYENE |
| | 14 | 13620 | INDIAN WELLS RD | MUNIZ ALBERTO |
| | 15 | 13405 | GARDEN GROVE DR | AMADOR JOSE |
| X | 16 | 13621 | GARDEN GROVE DR | DELEON JOEL & |
| | 17 | 13625 | GARDEN GROVE DR | ROGERS KRYSTAL M & |
| X | 18 | 1602 | S BELTLINE RD | FRANKS J D |
| | 19 | 1610 | S BELTLINE RD | MUNCRIEF MATT |
| | 20 | 1540 | VIDA CT | LOPEZ JESUS & LAURA E MARTINEZ |
| | 21 | 1536 | VIDA CT | RODRIGUEZ JESSIE R |
| | 22 | 1532 | VIDA CT | KIRK CLINTON |
| | 23 | 1528 | VIDA CT | KIKS PPTY DEV LLC |
| | 24 | 1524 | VIDA CT | RICHARDSON VERNON |
| | 25 | 1520 | VIDA CT | ROBINSON NAOMI & KENNETH |
| | 26 | 1516 | VIDA CT | KULICK RONIT |

11/09/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-----------------------|---------------------------------|
| | 27 | 1615 SKY HIGH CIR | AMERICAN RESIDENTIAL LEASING CO |
| | 28 | 1611 SKY HIGH CIR | CENDEJAS VICENTE |
| | 29 | 1603 SKY HIGH CIR | GASPAR MARTIN & SANDRA SALAZAR |
| | 30 | 1602 SKY HIGH CIR | MACHADO ROSI |
| | 31 | 1606 SKY HIGH CIR | NAVARRO GLENDA X |
| | 32 | 1610 SKY HIGH CIR | SBY 2014 I BORROWER LLC |
| X | 33 | 1614 SKY HIGH CIR | EQUITY TRUST CO |
| | 34 | 1618 SKY HIGH CIR | KNOSP ROBERT R |
| | 35 | 1539 VIDA CT | ROLLAND CLEOPHUS |
| | 36 | 1535 VIDA CT | TRINIDAD RUBEN |
| | 37 | 1531 VIDA CT | SHAW EDDIE |
| | 38 | 1527 VIDA CT | RICHMOND KHIANTA |
| | 39 | 1523 VIDA CT | HOWARD BELVA Z |
| | 40 | 1519 VIDA CT | WAGGONER DON & ELVIA |
| | 41 | 1515 VIDA CT | EUCEDA INVESTMENTS CORP |
| X | 42 | 1511 VIDA CT | KENTVILLE LLC |
| | 43 | 1507 VIDA CT | KIRKS PROPERTY DEVELOPMENT LLC |
| | 44 | 1504 HUNTERWOOD DR | GM CAPITAL LLC |
| | 45 | 1508 HUNTERWOOD DR | WARD OPELENE |
| | 46 | 1512 HUNTERWOOD DR | CHILDS BRIAN |
| | 47 | 1516 HUNTERWOOD DR | NASCIMENTO JOAQUIM CARLOS |
| | 48 | 1520 HUNTERWOOD DR | COBBIN CURTIS L & |
| | 49 | 1524 HUNTERWOOD DR | JACKSON YVONNE |
| | 50 | 1528 HUNTERWOOD DR | BENNETT BONNIE K & |
| | 51 | 1532 HUNTERWOOD DR | RODRIGUEZ OSCAR |
| | 52 | 1536 HUNTERWOOD DR | MARTINEZ RICARDO Z & |
| | 53 | 1540 HUNTERWOOD DR | BROOKS JERRY D |
| | 54 | 13435 GARDEN GROVE DR | ORTIZ JOSE & BELEN |

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 58 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the southwest corner of Great Trinity Forest Way and North Jim Miller Road

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: Approval for a three-year period, subject to conditions
Z156-310(OTH)

Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open

FILE NUMBER: Z156-310(OTH)

DATE FILED: July 20, 2016

LOCATION: Southwest corner of Great Trinity Forest Way and North Jim Miller Road.

COUNCIL DISTRICT: 8

MAPSCO: 58-W

SIZE OF REQUEST: ± 0.22 acre

CENSUS TRACT: 116.01

REPRESENTATIVE: Parvez Malik, Business Zoom

APPLICANT: Mohammad Sidiqi

OWNER: Juneja Property Holdings, Inc.
Wazir Juneja, President/Secretary

REQUEST: An application to renew Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions.

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store [BZ Food Mart].

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The ±0.22-acre request site is developed with a ±2,167-square-foot general convenience store with fuel pumps. No new construction is proposed by this application.
- The general merchandise or food store (convenience store) is permitted by right, but the sale of alcoholic beverages for off-premise consumption in conjunction with the convenience store requires a Specific Use Permit due to the D-1 Liquor Control Overlay.
- Deed restrictions volunteered on July 16, 1986 limit the uses to those allowed in the Chapter 51 General Retail District and limit multifamily uses to no more than 26 units per acre.
- As depicted on the alcohol measurement survey submitted with the application, the request site complies with the 300 foot door-to-door distance requirement from the church to the south.
- SUP No. 2099 was originally approved on December 10, 2014 for a two-year period.

Surrounding Zoning History:

- 1. Z134-166:** December 11, 2013, the City Council approved Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions. Tentative CPC hearing is December 15, 2016.
- 2. Z167-104:** An application for 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 a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.
- 3. Z123-337:** On December 11, 2013, the City Council approved 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 a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|--------------------------|--------------------|--------------|
| Great Trinity Forest Way | Principal Arterial | 160 feet |
| North Jim Miller Road | Principal Arterial | 100 feet |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

| | Zoning | Land Use |
|--------------|---------------------------|---|
| Site | CR with SUP No. 2099 | General merchandise or food store with sale of alcohol and motor vehicle fueling stations |
| North | CR-D-1, deed restrictions | Auto service center, church, restaurant |
| East | CR-D-1, deed restrictions | Undeveloped |
| South | R-7.5(A), MF-1(A) | Church, undeveloped, single family, multifamily |
| West | CR-D-1, deed restrictions | Carwash, hotel, undeveloped |

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Land Use Compatibility:

The proposed site is developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant is requesting that the existing SUP be renewed to continue the sale of alcoholic beverages for off-premise consumption.

The property is adjacent to a car wash to the west. The surrounding uses are auto service center, restaurant, church, undeveloped, and restaurant under construction; to the east undeveloped; to the south undeveloped, single family, church and multifamily; to the west hotel and undeveloped.

An existing church is behind the proposed site. The site meets the minimum required distance to be able to sell alcoholic beverages. The church measurements are from door-to-door and staff estimates that there is a distance of over 450 feet.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The 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,

The applicant's request conforms to the zoning regulations and standards of the Dallas Development Code. The applicant is in compliance with the convenience store regulations. The proposed sale of alcoholic beverages in conjunction with the existing convenience store does not seem to negatively impact the adjacent properties as shown in the police calls for the past four years. The use is compatible with the surrounding non-residential uses and provides an alternative shopping venue for the neighborhood. The short initial time period will allow re-evaluation of the request to ensure ongoing compliance with the conditions and other City regulations.

Development Standards:

| District | Setbacks | | Density/ FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|----------------------------|----------|--|--------------------------------|------------------|-----------------|-------------------------|---|
| | Front | Side/Rear | | | | | |
| CR-D-1 Community retail | 15' | 20' adjacent to residential Other: No min. | 0.75 FAR overall 0.5 office | 54' 4 stories | 60% | RPS Visual Intrusion | Retail and personal service, office |

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one space per 200 square feet of floor area; the off-street parking requirement for a motor vehicle fueling station is two spaces. Therefore, the ±2,167-square-foot convenience store with fuel pumps requires 13 parking spaces. The applicant is providing 16 spaces as shown on the existing site plan.

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's provided an incident report for the period from July 1, 2011 to August, 2015 revealed the following results:

| Offenses | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Forge & Counterfeit | 2 | 0 | 4 | 2 | 0 | 0 |
| Assault | 1 | 0 | 0 | 0 | 0 | 1 |
| Robbery individual | 0 | 2 | 0 | 4 | 2 | 2 |
| Other thefts | 0 | 1 | 0 | 1 | 0 | 0 |
| Vandalism & Criminal Mischief | 1 | 0 | 0 | 0 | 2 | 0 |
| Criminal trespass | 0 | 0 | 0 | 1 | 1 | 6 |
| UUMV | 0 | 0 | 2 | 0 | 2 | 0 |
| Total | 37 | 3 | 6 | 8 | 7 | 9 |

CPC ACTION:
November 17, 2016

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Great Trinity Forest Way and North Jim Miller Road.

Maker: Houston
Second: Jung
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 13
Replies: For: 0 Against: 0

Speakers: For: Parvez Malik, P.O. Box 54803, Hurst, TX, 76054
Against: None

**Proposed SUP Conditions
Z134-166(OTH)**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

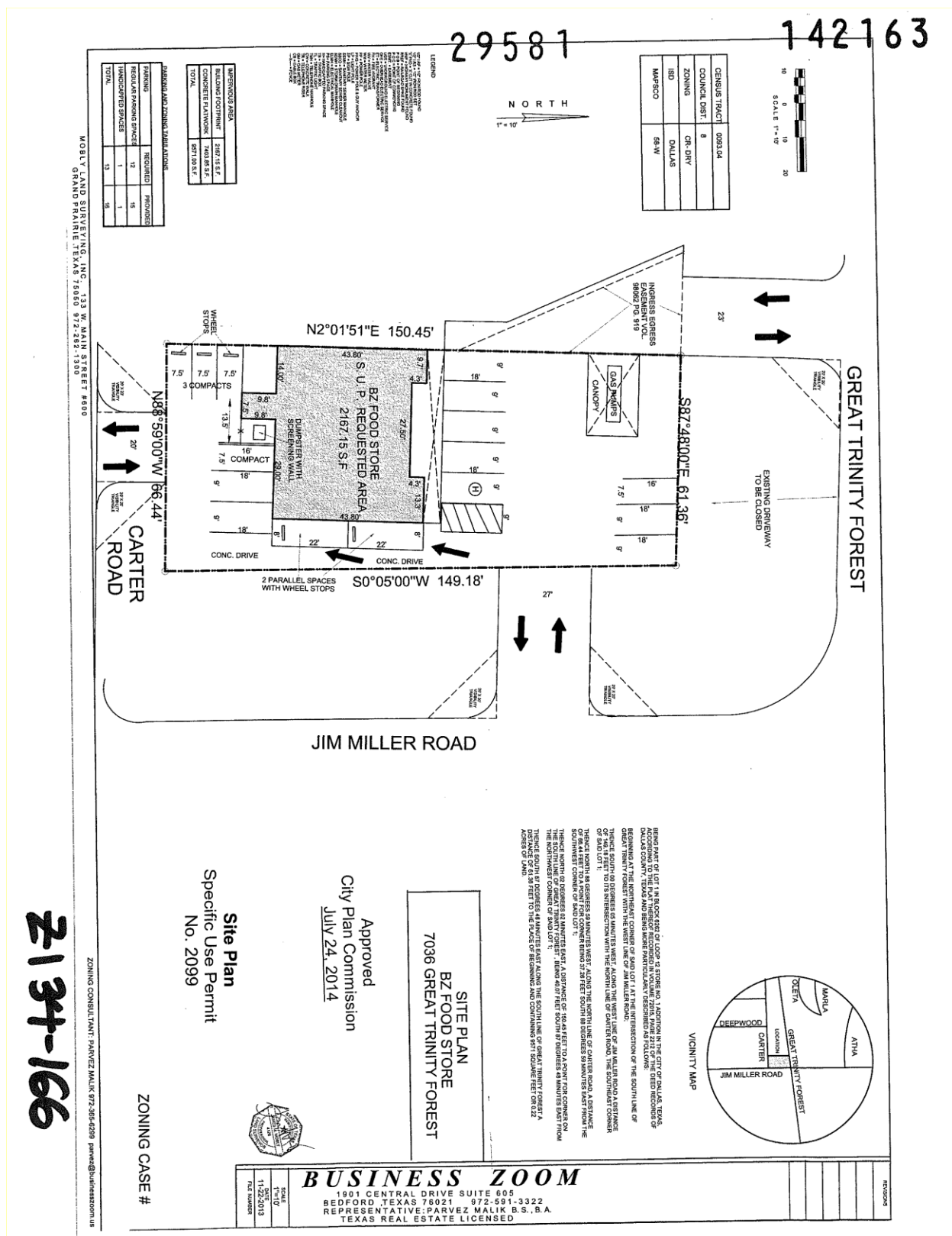
CPC recommendation:

3. TIME LIMIT: This specific use permit expires on (three years) ~~December 10, 2016~~.

Staff recommendation:

4. TIME LIMIT: This specific use permit expires on (two years) ~~December 10, 2016~~, 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.)
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING PLAN



Existing deed restrictions

THENCE 01 degrees, 05 minutes, 08 seconds, East, with said North Jim Miller Road a distance of 245.89 feet to an Iron Rod for corner;

THENCE North 89 degrees, 24 minutes, 20 seconds, West, a distance of 20.0 feet to a point for corner;

THENCE North 01 degree, 12 minutes, 00 seconds, East, a distance of 105.00 feet to the PLACE OF BEGINNING and containing 187,146.301 square feet or 4.296 acres of land.

That the undersigned, Paul L. Adams and Jack Kellam, do hereby impress all of the following described property with the following deed restrictions, to-wit:

(1) The only permitted uses on the property are those uses allowed in a General Retail District as defined in the Dallas Development Code, as amended (the "Code").

(2) Multiple-family uses are limited to no more than 26 units per acre in density, as defined in the Code.

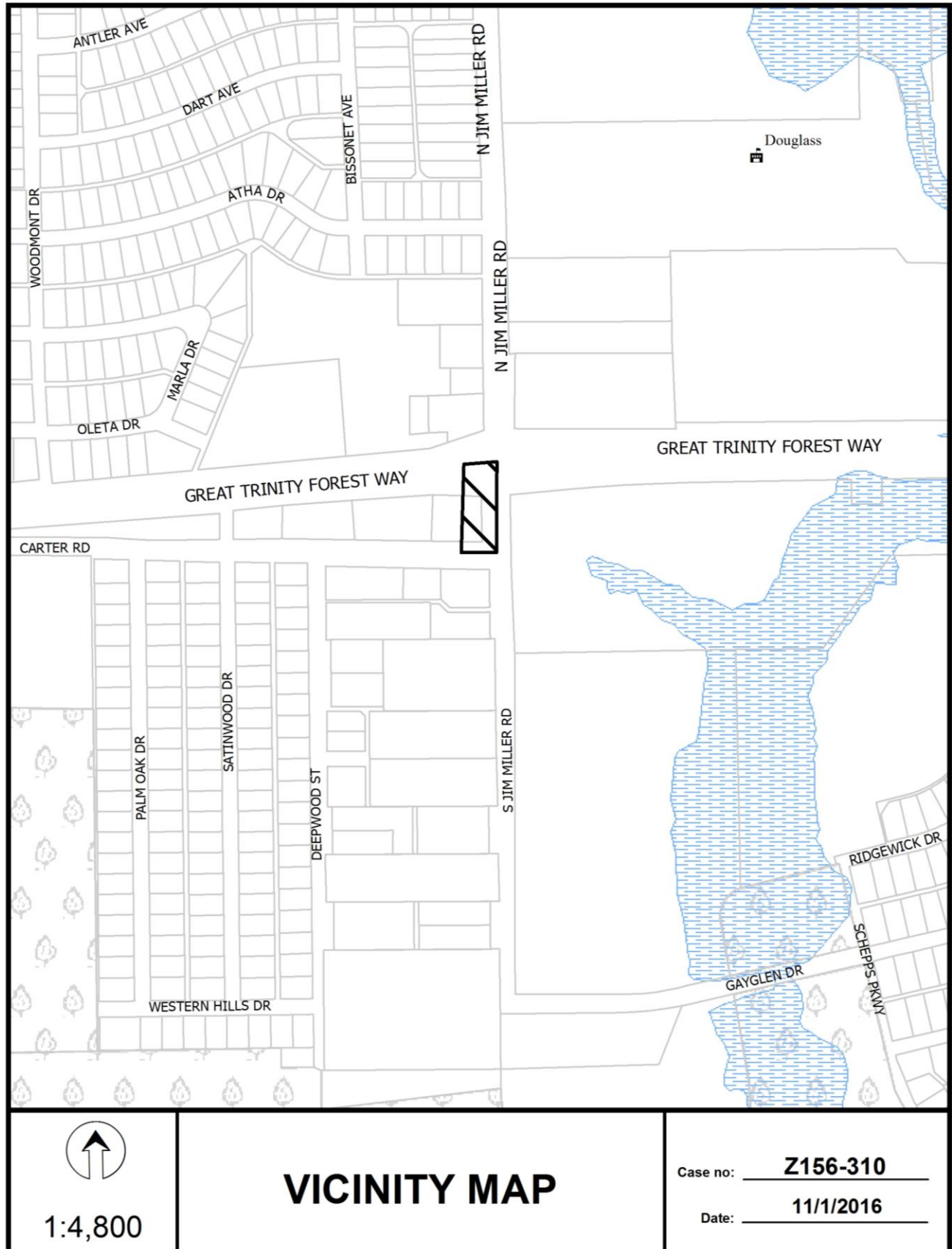
These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional period of ten (10) years unless terminated in the manner specified herein.

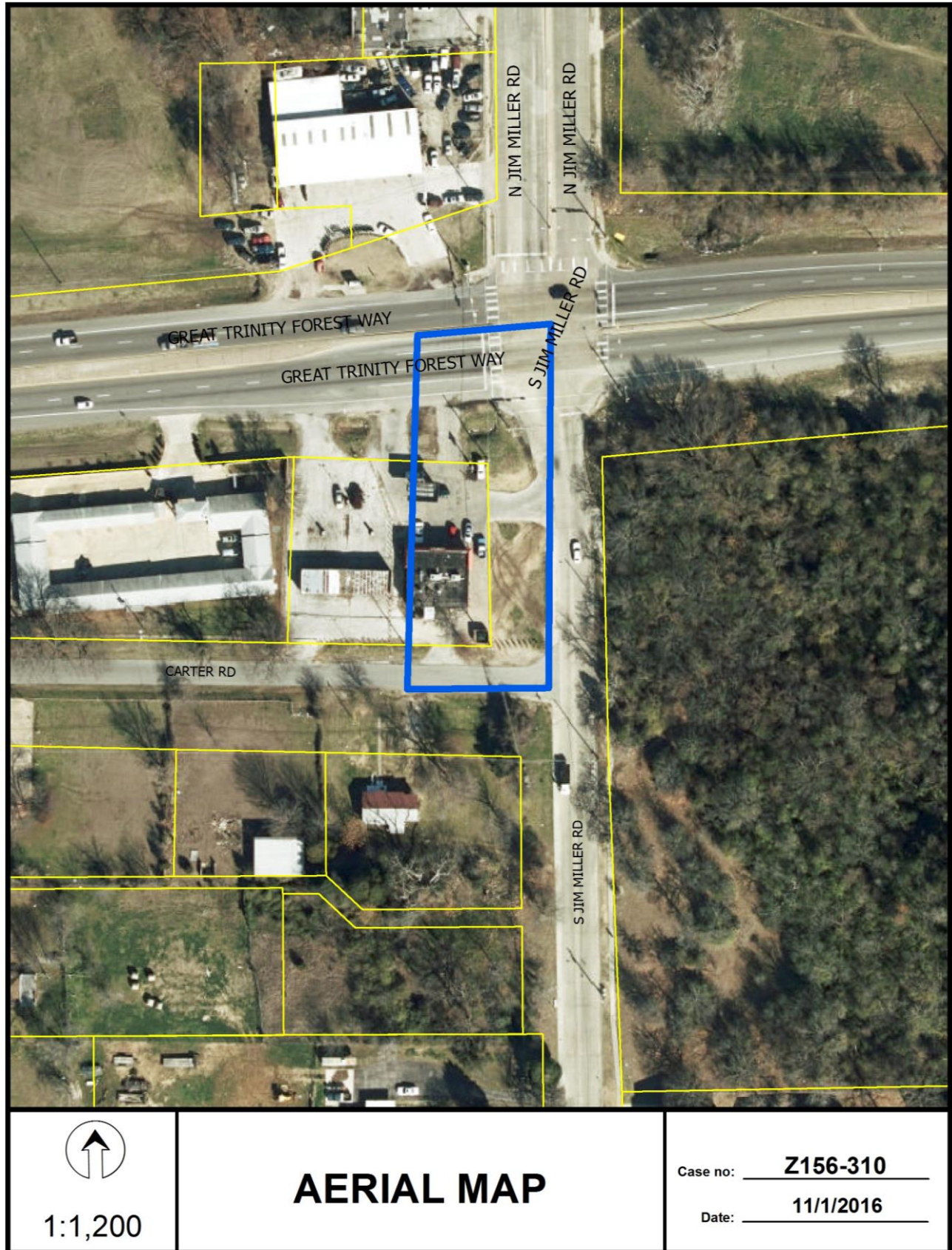
These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

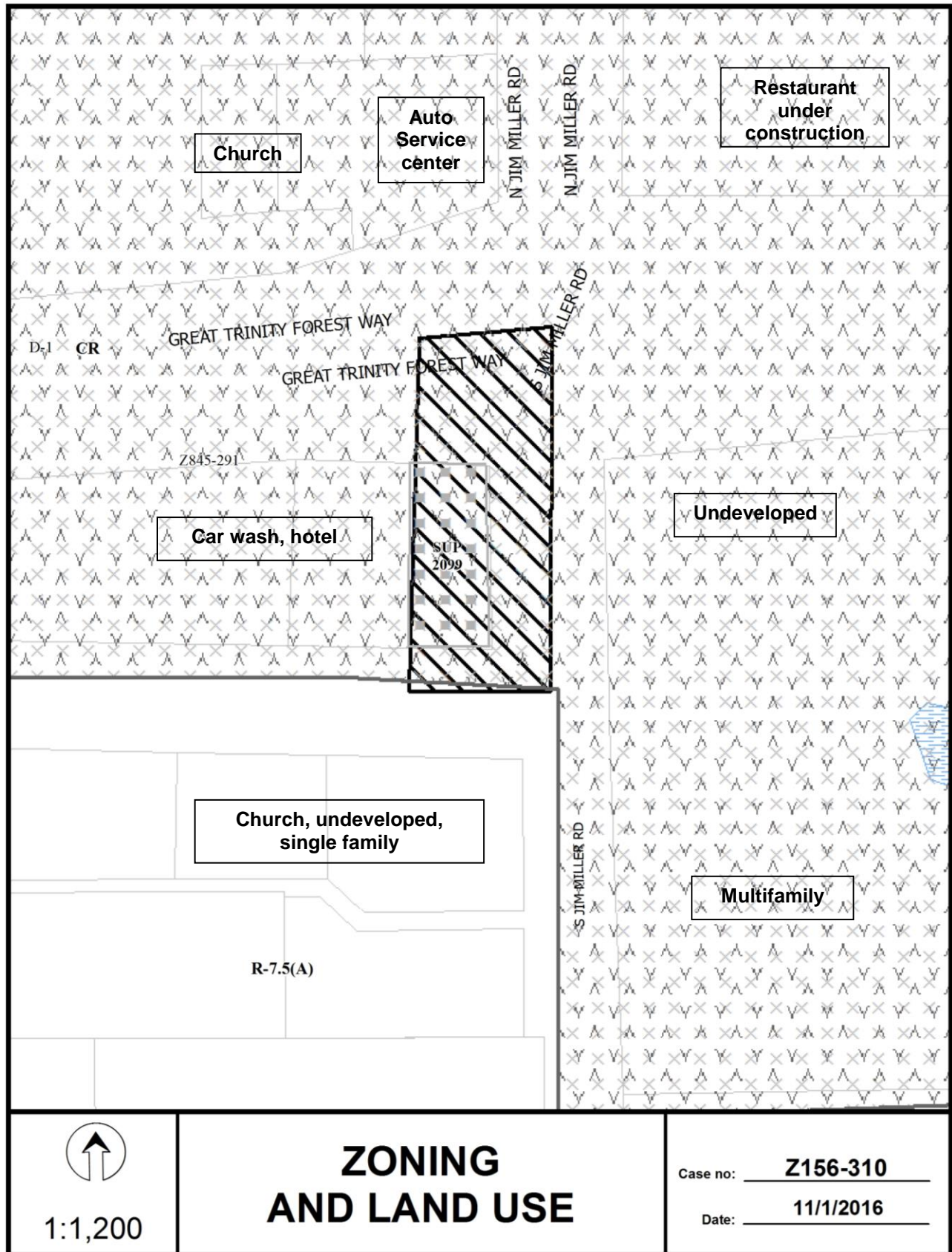
The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

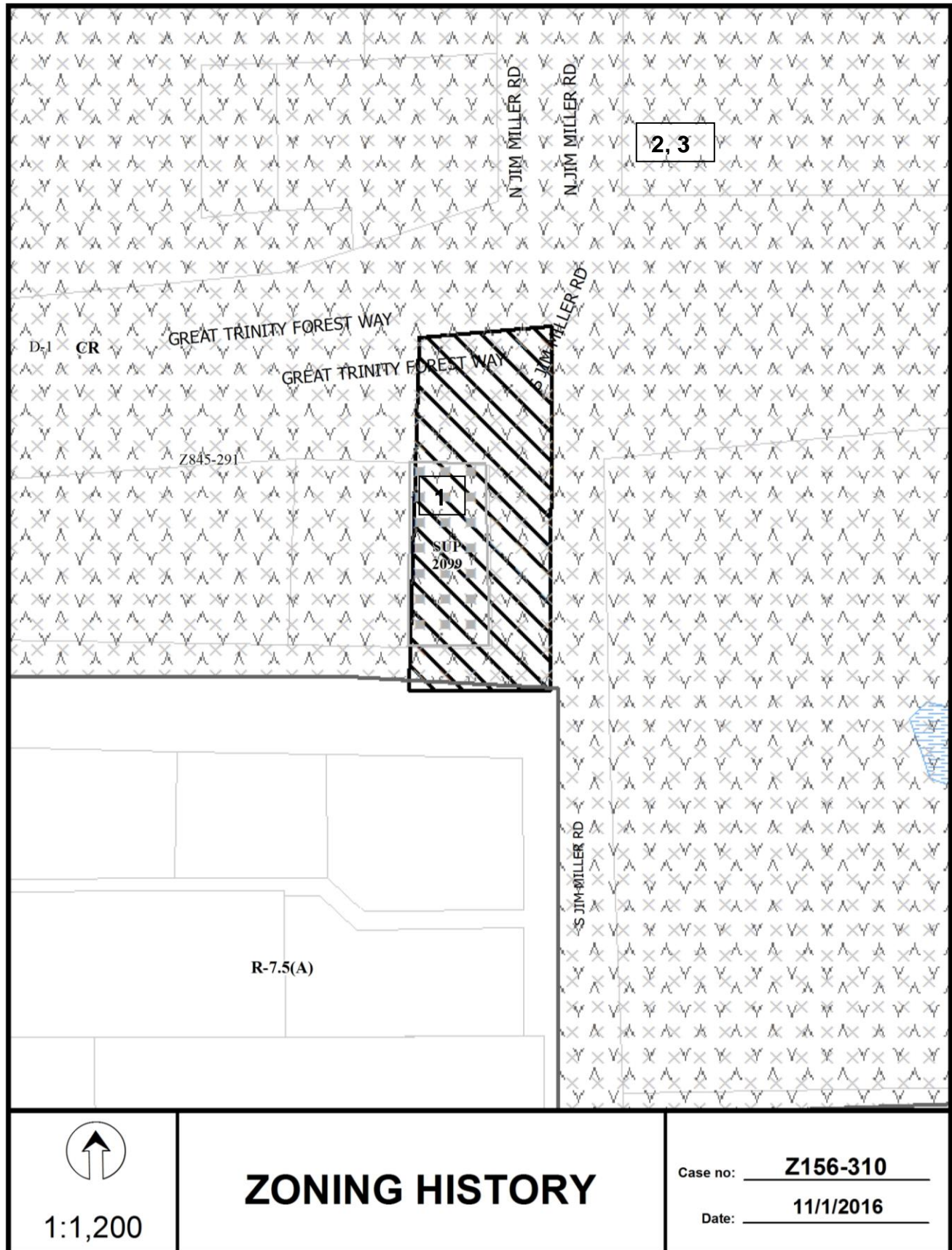
These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does grant to the City of Dallas the right to

86140 2745









CPC RESPONSES



11/16/2016

Reply List of Property Owners

Z156-310

13 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 | 7036 | GREAT TRINITY FOREST WAY | JUNEJA PROPERTY HOLDINGS |
| 2 | 7028 | GREAT TRINITY FOREST WAY | PHILLIPS LEO & |
| 3 | 6901 | GREAT TRINITY FOREST WAY | CATHEDRAL OF FAITH |
| 4 | 7015 | GREAT TRINITY FOREST WAY | CATHEDRAL OF FAITH |
| 5 | 120 | DEEPWOOD ST | COX ERMA |
| 6 | 137 | S JIM MILLER RD | MENDOZA JUAN |
| 7 | 7100 | GREAT TRINITY FOREST WAY | VSBI INVESTMENTS LLC |
| 8 | 116 | N JIM MILLER RD | SANABEL INVESTMENT LP |
| 9 | 7020 | GREAT TRINITY FOREST WAY | JUNEJA HOSPITALITY HOLDINGS |
| 10 | 7071 | GREAT TRINITY FOREST WAY | ALEJANDRE ARCANGEL |
| 11 | 7004 | CARTER RD | LOVE OF GOD CHURCH |
| 12 | 7026 | CARTER RD | GIBSON KENNETH E |
| 13 | 7040 | CARTER RD | HOUSE OF PRAYER |

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 8, 2017
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 55 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school on the southwest corner of Korgan Street and South Ewing Avenue

Recommendation of Staff and CPC: Approval, subject to conditions

Z156-328(WE)

Note: This item was considered by the City Council at a public hearing on November 9, 2016, and was deferred until February 8, 2017, with the public hearing open

Evans

FILE NUMBER: Z156-328(WE) **DATE FILED:** December 23, 2014

LOCATION: Korgan Street and South Ewing Avenue, southwest corner

COUNCIL DISTRICT: 4 **MAPSCO:** 55-N

SIZE OF REQUEST: Approx. 4.885 acres **CENSUS TRACT:** 54.00

APPLICANT / OWNER: KIPP Dallas – Fort Worth, Inc.

REPRESENTATIVE: Tommy Mann and Laura Hoffman, Winstead, PC
City of Dallas

REQUEST: An application for an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school.

SUMMARY: The purpose of the request is to allow for modifications to the non-business sign regulations that will allow two additional attached premise signs to be placed on the school's eastern and northern facades.

CPC RECOMMENDATION: Approval, subject to conditions.

STAFF RECOMMENDATION: Approval, subject to conditions.

BACKGROUND INFORMATION:

- On February 25, 2013, the City Council approved Planned Development District for R-7.5(A) and open-enrollment charter school uses on property zoned an R-7.5(A) Single Family District and a CR Community Retail District.
- The request site is developed within an 81,298-square foot open-enrollment charter school from grades pre-kindergarten to eighth.
- The applicant's request to amend Planned Development District No. 937 will allow for a 182-square foot attached premise sign on the primary façade and a 169-square foot attached premise sign on the secondary facade. The primary façade is located on the northern façade, which faces Korgan Street.
- Currently, the open-enrollment charter school has one monument sign on the southeast quadrant of the campus, with an effective area of approximately 175 square feet. The school is allowed one attached sign on each façade. The non-business sign regulations limits the signs to a maximum of 40 square feet of effective area and eight words per façade.
- On June 30, 2016, the City Plan Commission approved a waiver of the two year waiting period. The approval of the wavier allowed the applicant to submit a new application prior to February 25, 2017.
- The surrounding land uses consist primarily of single family residential uses and several retail and personal service uses that are adjacent to the properties southern property line.

Zoning History: There has been one zoning change in the surrounding area in the last five years.

1. Z145-149 On February 25, 2015, the City Council approved Planned Development District for R-7.5(A) and open-enrollment charter school uses on property zoned an R-7.5(A) Single Family District and a CR Community Retail District on the southwest corner of Korgan Street and South Ewing Avenue.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|-------|--------------|--------------|
| Korgan Street | Local | 25 ft. | 25 ft. |
| South Ewing Avenue | Local | 60 ft. | 60 ft. |

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system. There are no changes to the Traffic Management Plan.

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The additional signage that is being proposed to identify the entrances to the elementary and middle school buildings does not enhance nor detract from the neighborhood's character.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

URBAN DESIGN

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

STAFF ANALYSIS:

Land Use:

| | Zoning | Land Use |
|-------|--------------|--|
| Site | PDD No. 937 | Open-enrollment charter school |
| North | R-7.5(A), CR | Single Family |
| South | R-7.5(A), CR | Retail and personal service, single family |
| East | CR | Retail |
| West | R-7.5(A) | Single Family |

Land Use Compatibility: The 4.885 acre site is developed with a two story open-enrollment charter school. The proposed amendment to Planned Development District No. 937 will allow the applicant to add two signs to clearly identify the elementary and middle schools. The signs will be installed on the northern and eastern facades. The charter school is compatible with the adjacent uses. Even though the school is in a predominately residential area, the southern portion of the school is developed adjacent to a small retail development. The portion of the retail development is located within a Community Retail District. There are no additional changes to the conditions.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|--------------------------------|--|------------------|-----------------------------------|---------------|---------------------|--------------------------|----------------------------------|
| | Front | Side/Rear | | | | | |
| Proposed PDD Charter School | 25'- S. Ewing St., 15' Korgan St. | 5' | 1 Dwelling Unit/ 7,500 sq. ft. | 35' | 35% | | Single family, Charter School |

Landscaping: Landscaping of any development will be in accordance Article X, as amended. The request will not trigger any landscaping requirements on the site.

Signage: Currently, there is one monument sign located in the southeastern quadrant of the campus. The PD allowed the monument sign to have an effective area of 175 square feet. Under the current regulations, the school is allowed one attached sign on each façade not to exceed 40 square feet of effective area each conforming to the nonbusiness zoning district sign regulations.

The school proposes to add two attached signs several times the size currently allowed. The increase in the allowable effective area of the proposed signs would generally comply with the business district sign regulations instead of the nonbusiness sign regulations. The business regulations allow signs to have up to eight words above four inches in height as long as the signs do not exceed 25 percent (primary) or 15 percent (secondary) of the total façade. The applicant indicated the increase in size will provide more visibility in identifying the entrances to the elementary and middle school.

Below is a comparison chart of the sign regulations.

| PDD No. 937 Non-business attached signs regulations | Development Code attached business premise sign regulations | CPCs Recommendation (additional signs) |
|---|--|--|
| Facades | | |
| <ul style="list-style-type: none"> - 1 sign per façade per occupant of premise. - 40 square feet in effective area. | <ul style="list-style-type: none"> - Primary – combined effective area of all attached signs may not exceed 25 percent of total area of façade - Secondary - combined effective area of all attached signs may not exceed 15 percent of total area of façade | <ul style="list-style-type: none"> - Primary – 16 percent of total area of façade 185 square feet of effective area - Secondary – 14 percent of total area of façade 185 square feet of effective area |
| Words / characters | | |
| <ul style="list-style-type: none"> - Words consisting of characters all of which are less than four inches in height may be used without limit as to number. - Maximum of eight words consisting of characters in excess of four inches in height | <ul style="list-style-type: none"> - On any building façade, a maximum of eight words which contains any character of a height equal to or exceeding four inches and pertain to any premise or non-residential occupancy. - Words consisting of characters less than four inches in height high may be used without limit. | <ul style="list-style-type: none"> - Per Business sign regulations - Words will be limited to school's name |

CPC Action (October 6, 2016)

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District and an open-enrollment charter school, subject to conditions on the southwest corner of Korgan Street and South Ewing Avenue.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

| | | |
|-----------------|-----------|-------------|
| Notices: | Area: 500 | Mailed: 187 |
| Replies: | For: 8 | Against: 1 |

Speakers: None

| |
|---|
| <p>LIST OF OFFICERS KIPP Dallas – Fort Worth, Inc.</p> |
|---|

| | |
|-------------------|-------------------------|
| Peter Brodsky | President/Director |
| David Ellett | Director/Treasurer |
| Curtis Carlson | Director/Secretary |
| Clint McDonough | Director |
| Sharon Lyle | Director/Superintendent |
| Edwin Flores | Director |
| David Monaco | Director |
| Cherri Musser | Director |
| Maria Mendez | Director |
| Victor Mendiola | Director |
| Erin Patton | Director |
| Michael Sorrell | Director |
| Jessica W. Thorne | Director |
| Nicole Weeldreyer | Director |
| James Young | Director |

| |
|------------------------------------|
| CPC PROPOSED PDD CONDITIONS |
|------------------------------------|

SEC. 51P-937.101. LEGISLATIVE HISTORY.

PD 937 was established by Ordinance No. 29665, passed by the Dallas City Council on February 25, 2015.

SEC. 51P-937.102. PROPERTY LOCATION AND SIZE.

PD 937 is established on property on the southwest corner of Korgan Court and Ewing Avenue. The size of PD 937 is approximately 4.89 acres.

SEC. 51P-937.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P-937.104. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 937A: development plan.

(2) Exhibit 937B: traffic management plan.

SEC. 51P-937.105. DEVELOPMENT PLAN.

(a) For an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit 937A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A- 4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-937.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R- 7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP, a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district, etc.

- (b) Open-enrollment charter school is permitted by right.

SEC. 51P-937.107. 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. (Ord. 29665)

SEC. 51P-937.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A- 4.400, this section controls.)

- (a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

- (b) Open-enrollment charter school.

- (1) Front yard. Minimum front yard is 15 feet along Korgan Court.

- (2) Height. Maximum structure height is 35 feet

- (3) Lot coverage. Maximum lot coverage is 40 percent. Above-ground parking structures are included in lot coverage calculations. Surface parking lots and underground parking structures are not.

SEC. 51P-937.109. OFF-STREET PARKING AND LOADING.

Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

SEC. 51P-937.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-937.111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-937.112. TRAFFIC MANAGEMENT PLAN

(a) In general. Operation of an open-enrollment charter school must comply with the traffic management plan (Exhibit 937B).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pickup 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 March 1, 2016. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1st of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Phase II. Before issuance of a building permit for Phase II, the Property owner or operator shall:

(1) submit additional data to the director showing the number of students who live within walking distance of the school, how many students actually walk to school, and how many students use public transportation; and

(2) submit an amended traffic management plan.

(e) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P-937.113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for nonbusiness zoning districts contained in Article VII.

(b) For an open-enrollment charter school, one monument sign is permitted in the location shown on the development plan. The maximum effective area for the monument sign is 175 square feet.

(c) Two attached signs with a maximum effective area of 185 square feet per sign and characters 40 inches or less in height area allowed.

(d) Illuminated attached signs are prohibited.

(e) The two attached premise signs may only display the name of the open-enrollment charter school.

SEC. 51P-937.114. FENCES.

(a) For an open-enrollment charter school, a perimeter fence with a minimum height of six feet must be provided in the location shown on the development plan.

(b) For an open-enrollment charter school, the outdoor play area must be enclosed by a minimum four-foot-high fence, as shown on the development plan.

(c) The fence materials may consist of chain link, masonry, wood, wrought iron, or any combination of these materials.

SEC. 51P-937.115. OPEN-ENROLLMENT CHARTER SCHOOL.

- (a) Classrooms. The maximum number of classrooms is 45.
- (b) Hours of operation. An open-enrollment charter school may only operate between 7:00 a.m. and 6:00 p.m., Monday through Friday.
- (c) Ingress-egress. Ingress and egress must be provided in the locations shown on the development plan. No other ingress or egress is permitted.
- (d) On street parking. On street parking is prohibited on the south side of Korgan Street. The property owner shall post "No Parking" signs on the south side of Korgan Street prior to the start of school operations.
- (e) Drive B. Vehicles exiting Drive B as shown on the traffic management plan are restricted to right turns only.

SEC. 51P-937.116. ADDITIONAL PROVISIONS.

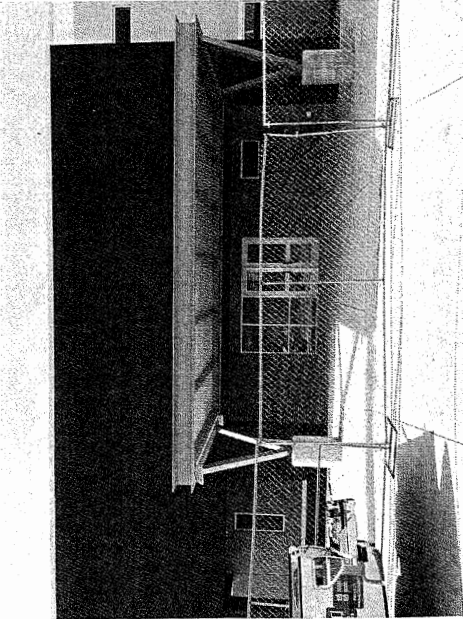
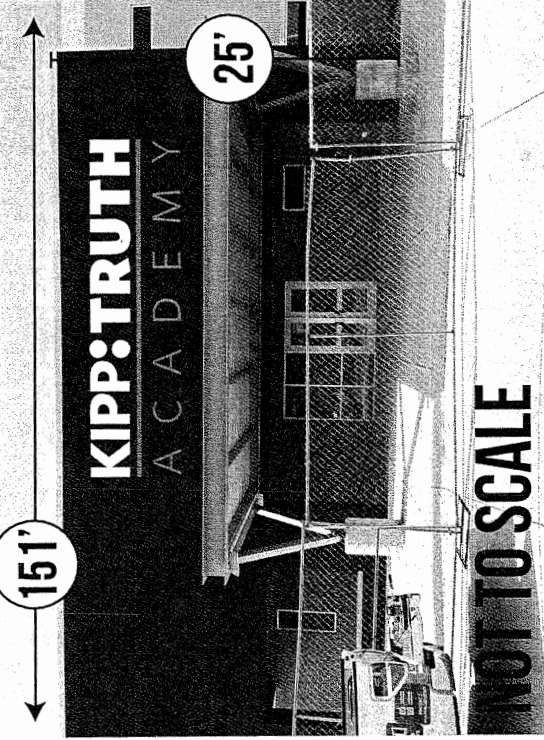
- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City.

SEC. 51P-937.117. 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 for a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

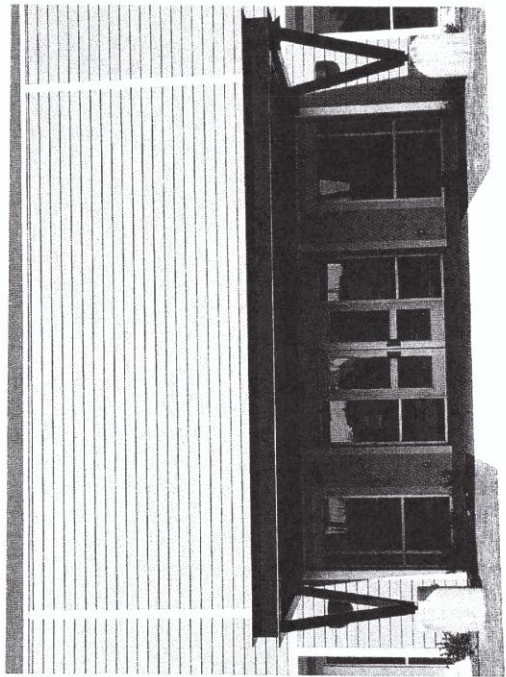
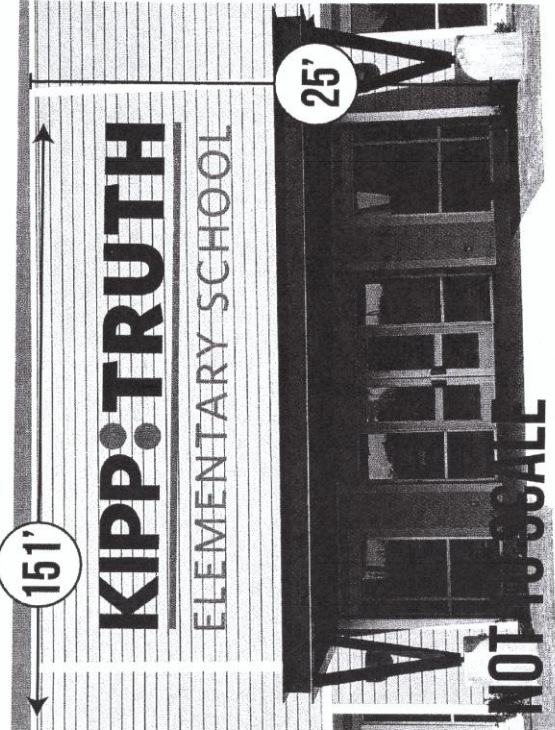
PROPOSED SIGN LOCATION

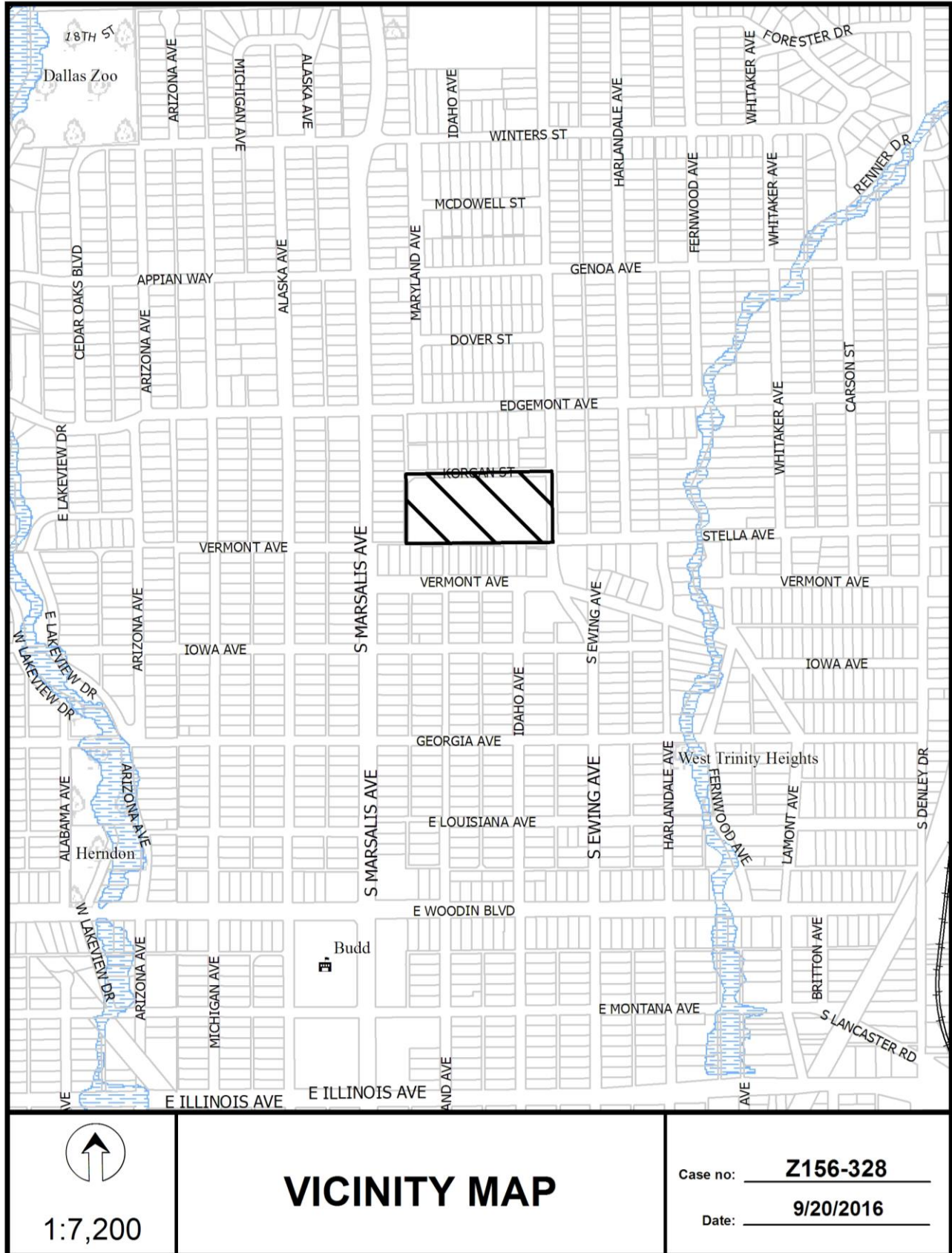
Primary façade
For illustration Purposes only

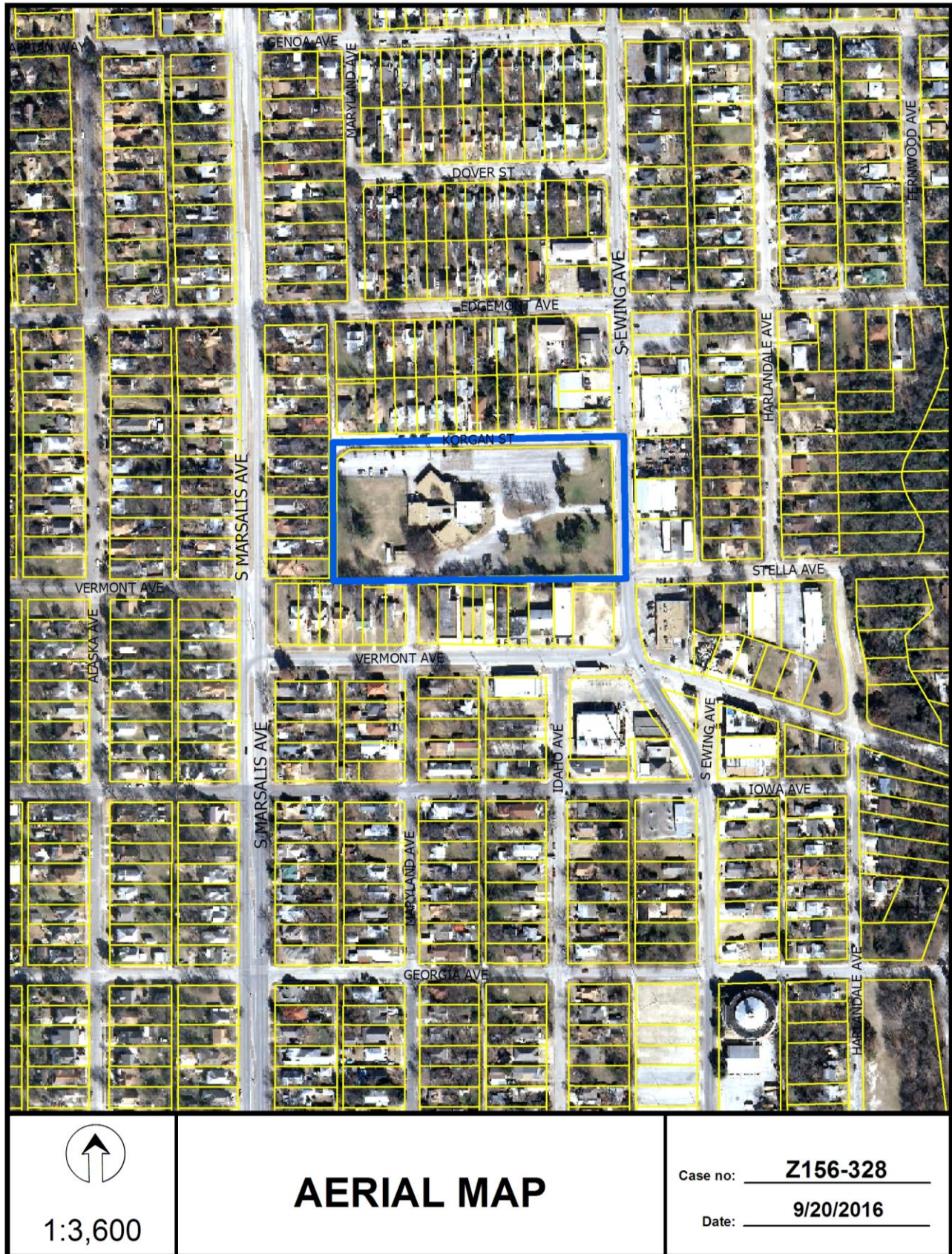
| | |
|--|---|
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">EXISTING</p>  </div> <div style="width: 45%; text-align: center;"> <p style="font-size: 2em; font-weight: bold;">26'</p> </div> </div> | <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">PROPOSED</p>  </div> <div style="width: 45%; text-align: center;"> <p style="font-size: 2em; font-weight: bold;">144 C</p> </div> </div> |
| <p style="text-align: center;">7'</p> <p style="text-align: center;">KIPP:TRUTH</p> <p style="text-align: center;">A C A D E M Y</p> | <p style="text-align: center;">151'</p> <p style="text-align: center;">KIPP:TRUTH</p> <p style="text-align: center;">A C A D E M Y</p> |
| <p>NOT TO SCALE</p> | |
| <p>2"</p> | |
| <p>36"</p> | |
| <p>25'</p> | |
| <p>2</p> | |
| <p>DATE: / / REV #:</p> | |
| <p>FASTSIGNS <input type="checkbox"/> APPROVE <input type="checkbox"/> REVISE BY:</p> | |
| <p>Invoice/Client: 5.18.16 / KIPP - Ewing</p> | |
| <p>Location: 1545 S. Ewing Ave. Dallas, TX. 75216</p> | |
| <p>Description: Flush - Stud Mounted 2" Deep Non-Illuminated Channel Letters</p> | |
| <p>Building: 25' x 151'</p> | |
| <p>Sign Specs: 7' x 26'</p> | |
| <p>Square Footage: 182 Sq Ft</p> | |
| <p>TSCL# 18501</p> | |
| <p>Sales Rep. S. LEOPARD</p> | |
| <p>Designer M. MOYA</p> | |
| <p><small>© COPYRIGHT 2002, Kipp Signs Inc. All Rights Reserved. Signs Inc. and its logo are registered trademarks of Kipp Signs Inc. and may not be reproduced in part or whole without written permission from Kipp Signs Inc.</small></p> | |

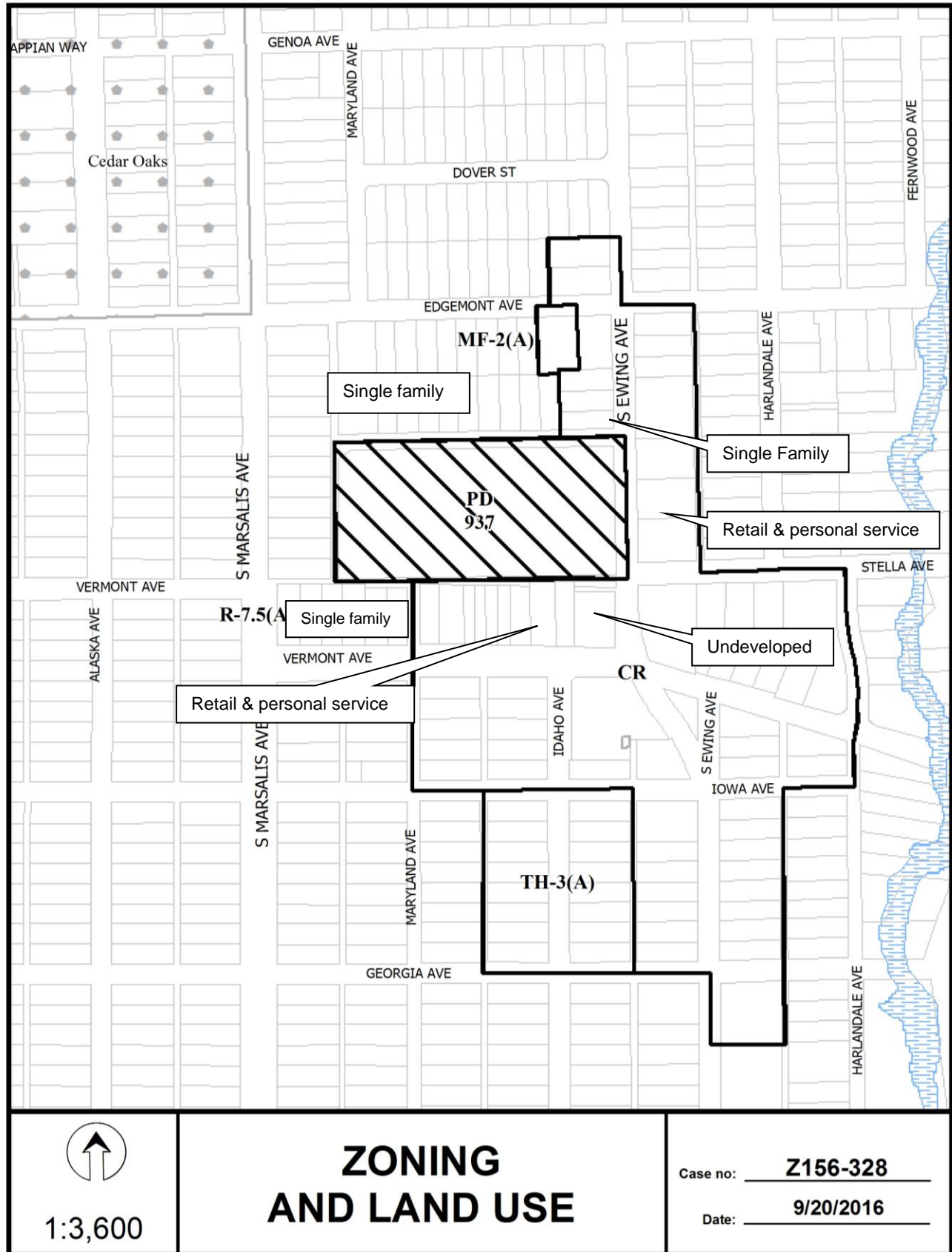
PROPOSED SIGN LOCATION

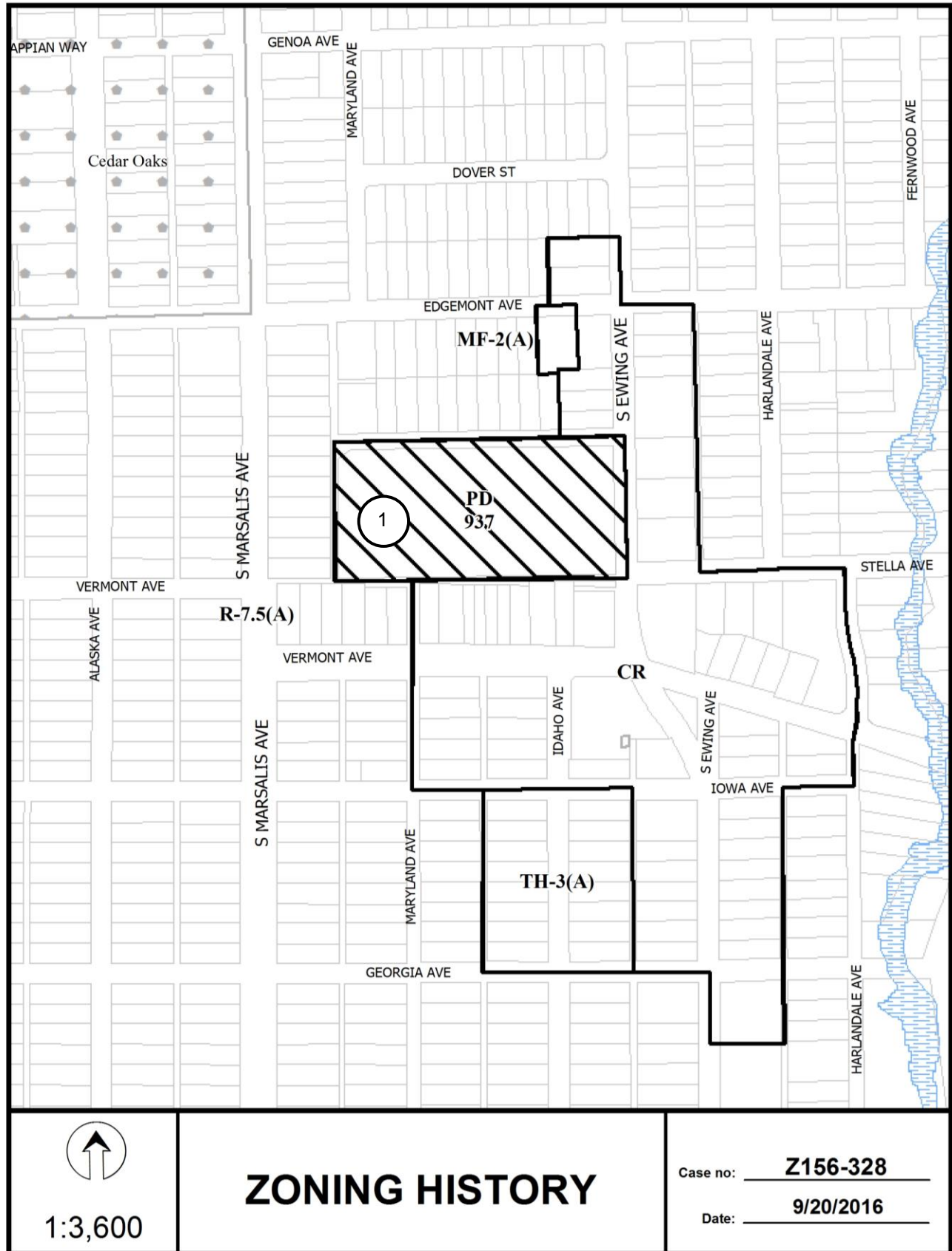
Secondary façade
For illustration Purposes only

| | | | | | | |
|--|---|------------|--|---|---|---------------------------|
| <p>EXISTING</p>  | <p>PROPOSED</p>  | <p>26'</p> | <p>6.5' KIPP:TRUTH 36" ELEMENTARY SCHOOL</p> | <p>2"</p> | <p>■ 533 C ■ 144 C</p> | <p>DATE: / / REV #: 2</p> |
| | | | <p>FASTSIGNS <input type="checkbox"/> APPROVE <input type="checkbox"/> REVISE BY:</p> <p>2400 Westport Pkwy, Ste. 900 Ft. Worth, Texas 76177 PH 817-439-1170</p> <p>TSCL# 18501 Sales Rep. S. LEOPARD Designer M. MOYA</p> | <p>Invoice/Client: 5,18,16 / KIPP - Ewing</p> <p>Location: 1545 S. Ewing Ave. Dallas, TX. 75216</p> <p>Description: Flush - Stud Mounted 2" Deep Non-Illuminated Channel Letters</p> | <p>Building: 25' x 151'</p> <p>Sign Specs: 6.5' x 26'</p> <p>Square Footage: 169 Sq Ft</p> | |

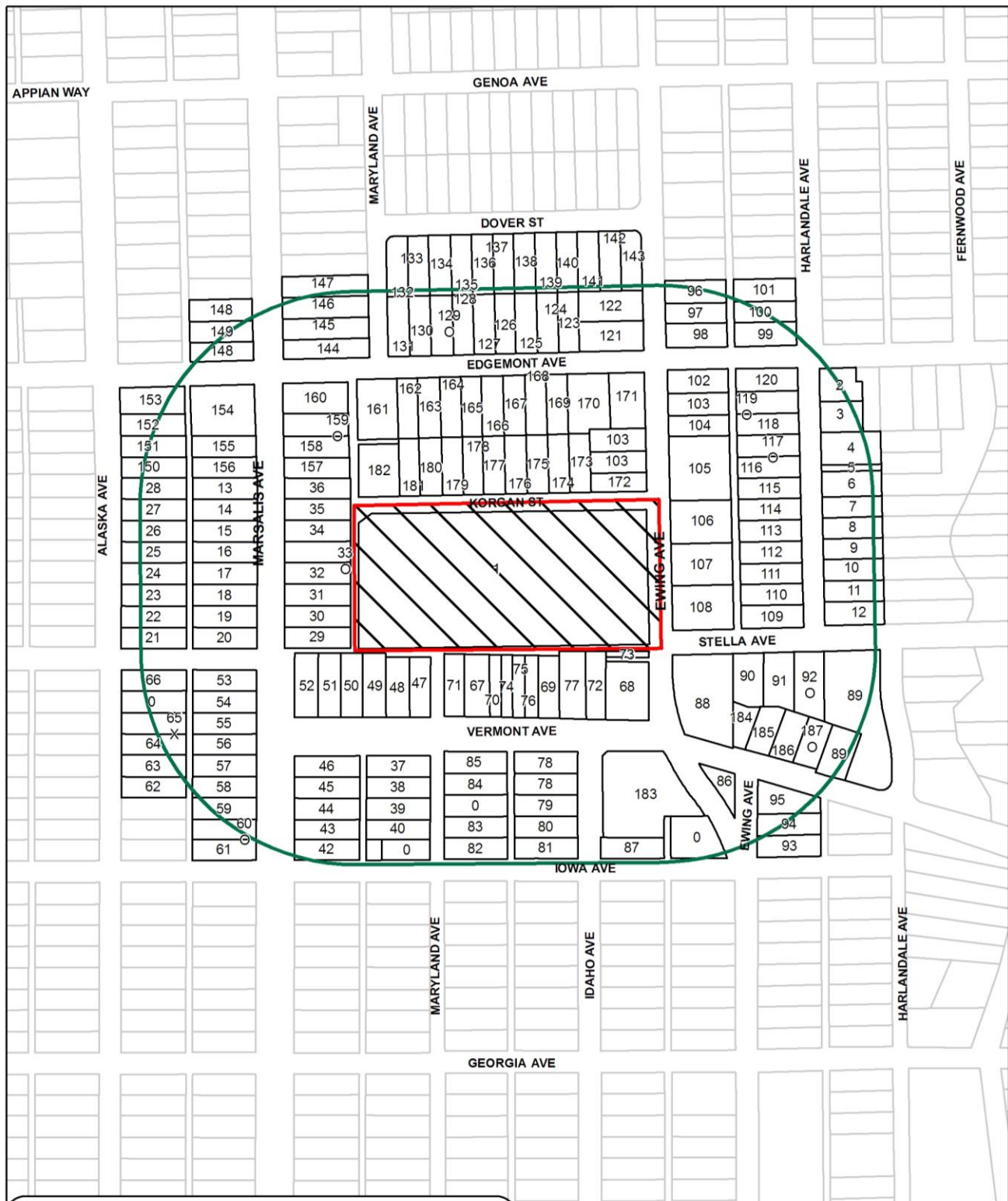








CPC RESPONSES



| | |
|------------------|--|
| <u>187</u> | Property Owners Notified (196 parcels) |
| <u>8</u> | Replies in Favor (8 parcels) |
| <u>1</u> | Replies in Opposition (1 parcels) |
| <u>500'</u> | Area of Notification |
| <u>10/6/2016</u> | Date |

Z156-328
CPC



1:3,600

Notification List of Property Owners

Z156-328(WE)

187 Property Owners Notified 8 Property Owners in Favor 1 Property Owners Opposed

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|----------------------------|
| | 1 | 1545 S EWING AVE | KIPP DALLAS FORT WORTH INC |
| | 2 | 1500 HARLANDALE AVE | FINLEY I D |
| | 3 | 1508 HARLANDALE AVE | DICKERSON SHARRIAN & |
| | 4 | 1514 HARLANDALE AVE | TAYLOR JIMMY LEE & |
| | 5 | 1522 HARLANDALE AVE | KING JUANITA |
| | 6 | 1522 HARLANDALE AVE | POMPA ELVIRA |
| | 7 | 1526 HARLANDALE AVE | POMPA RICARDO |
| | 8 | 1530 HARLANDALE AVE | BROWN LOU E |
| | 9 | 1534 HARLANDALE AVE | SMITH MARY L |
| | 10 | 1538 HARLANDALE AVE | SIMMONS ERMA JEAN |
| | 11 | 1542 HARLANDALE AVE | SANCHEZ GABRIEL |
| | 12 | 1546 HARLANDALE AVE | ESTEBEZ ARACELY |
| | 13 | 1603 S MARSALIS AVE | MCDUFF MARY K |
| | 14 | 1607 S MARSALIS AVE | VERNON CLARK |
| | 15 | 1611 S MARSALIS AVE | LEIJAGARCIA SOTERO |
| | 16 | 1615 S MARSALIS AVE | MEADOWS BETTY MAY |
| | 17 | 1619 S MARSALIS AVE | HAMILTON LILLIE ANN |
| | 18 | 1623 S MARSALIS AVE | SHEFFIELD FRANCES |
| | 19 | 1627 S MARSALIS AVE | RODRIGUEZ YSIDRO & CARMEN |
| | 20 | 1631 S MARSALIS AVE | PASTERNAK VERONICA & |
| | 21 | 1630 ALASKA AVE | POSADA MANUEL & MARIA D C |
| | 22 | 1628 ALASKA AVE | HICKS DORIS |
| | 23 | 1622 ALASKA AVE | YANG SENG |
| | 24 | 1618 ALASKA AVE | HMK LTD |
| | 25 | 1614 ALASKA AVE | MCDOWELL MERDIS |
| | 26 | 1610 ALASKA AVE | RUTHERFORD ODESSIA |

10/05/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|---------------------|---|
| | 27 | 1606 ALASKA AVE | MEDINA LUIS & |
| | 28 | 1602 ALASKA AVE | MARTINEZ YOLANDA GONZALEZ & |
| | 29 | 1628 S MARSALIS AVE | MORGAN HORACE RAY |
| | 30 | 1622 S MARSALIS AVE | MONROY MARY ANGELES |
| | 31 | 1620 S MARSALIS AVE | KING GLORIA G WILSON |
| | 32 | 1618 S MARSALIS AVE | PENA GERMAN & ALEJANDRA |
| O | 33 | 1614 S MARSALIS AVE | PENA LUIS C & RAMONA |
| | 34 | 1610 S MARSALIS AVE | ARREOLA RAUL & |
| | 35 | 1606 S MARSALIS AVE | RIBERA FRANCISCO |
| | 36 | 1602 S MARSALIS AVE | IGBOKWE OBI I |
| | 37 | 1719 MARYLAND AVE | TAYLOR JAN & |
| | 38 | 1723 MARYLAND AVE | CLEWIS ALVIN JR |
| | 39 | 1727 MARYLAND AVE | URQUIZA GABRIEL & |
| | 40 | 1729 MARYLAND AVE | KELLY FAYE CLARK |
| | 41 | 705 IOWA AVE | NOBLE ELNORA |
| | 42 | 1734 S MARSALIS AVE | HERNANDEZ FRANCISCO |
| | 43 | 1730 S MARSALIS AVE | MENDOZA JUANA |
| | 44 | 1726 S MARSALIS AVE | TIRADO FRANCISCO & |
| | 45 | 1722 S MARSALIS AVE | URQUIZA GABRIEL & ARACELI |
| | 46 | 1718 S MARSALIS AVE | JONES LEVATE B |
| | 47 | 723 VERMONT AVE | NICKELBERRY NORMAN |
| | 48 | 719 VERMONT AVE | RUVALCABA ENRIQUE |
| | 49 | 715 VERMONT AVE | HOLLOMAN EUGEN C & VERA ANGELA BROWN |
| | 50 | 711 VERMONT AVE | DOUGLAS JOHNNIE LEE |
| | 51 | 707 VERMONT AVE | PEEL RUTH ANN |
| | 52 | 701 VERMONT AVE | HENDERSON MINNIE |
| | 53 | 1703 S MARSALIS AVE | CUELLARCAMPOS ARTURO & |
| | 54 | 1707 S MARSALIS AVE | BEECHUM LEAMON JR ESTATE |
| | 55 | 1711 S MARSALIS AVE | VILLEGAS MOISES & |
| | 56 | 1715 S MARSALIS AVE | SEGURA MARIO & ROSAURA IVONE PENA |
| | 57 | 1719 S MARSALIS AVE | DABBS DARRYL & DONNA |

10/05/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|---------------------------|
| | 58 | S MARSALIS AVE | LIVING LIFE HOLY TEMPLE |
| | 59 | S MARSALIS AVE | LIVING LIFE HOLY TEMPLE |
| O | 60 | S MARSALIS AVE | DELGADILLO JESUS A & |
| | 61 | S MARSALIS AVE | JONES JESSIE MAE |
| | 62 | ALASKA AVE | HERNANDEZ JOSE |
| | 63 | ALASKA AVE | LEDEZMA JUAN HERNANDEZ & |
| | 64 | ALASKA AVE | MARCELL EVELYN O |
| X | 65 | ALASKA AVE | BOYD FRANCIS |
| | 66 | ALASKA AVE | CASTILLO MARTIN |
| | 67 | VERMONT AVE | MCNEELY RODNEY D |
| | 68 | S EWING AVE | RUEDA JUAN & CAMILA |
| | 69 | VERMONT AVE | SAAD AL ABOUDI |
| | 70 | VERMONT AVE | MECCA TEMPLE #98 |
| | 71 | VERMONT AVE | THOMAS KENNETH |
| | 72 | VERMONT AVE | RUEDA JUAN ROMAN |
| | 73 | S EWING AVE | HEIDEN NADINE |
| | 74 | VERMONT AVE | HOSANA FULL GOSPEL |
| | 75 | VERMONT AVE | YANKELEWITZ SARA W |
| | 76 | VERMONT AVE | HAMMOND RONNIE |
| | 77 | VERMONT AVE | STRINGER ALLEN WAYNE & |
| | 78 | IDAHO AVE | IGLESIA ALAS DE AGUILA AG |
| | 79 | IDAHO AVE | GARCIA JOHANNA S & |
| | 80 | IDAHO AVE | GONZALEZ OMAR |
| | 81 | IDAHO AVE | RAMIREZ JOSE |
| | 82 | MARYLAND AVE | COOK MILDRED EST OF |
| | 83 | MARYLAND AVE | HAYNES JERRY |
| | 84 | MARYLAND AVE | LOPEZ SALVADOR |
| | 85 | MARYLAND AVE | MALONE JOE E |
| | 86 | S EWING AVE | BURKINS TAMBRA |
| | 87 | IDAHO AVE | HOUSE OF REFUGE CHURCH OF |
| | 88 | VERMONT AVE | BALLAS VICTOR |

10/05/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|---------------------|--|
| | 89 | 1025 VERMONT AVE | FULL GOSPEL FIRST MISSION BAPTIST CHURCH INC |
| | 90 | 816 STELLA AVE | MATA EDWARD |
| | 91 | 822 STELLA AVE | HERNANDEZ GUADALUPE JR & |
| O | 92 | 828 STELLA AVE | COPELAND WILLIE FAMILY TRUST |
| | 93 | 1734 S EWING AVE | NEW SOLOMON CHURCH OF THE LIVING WORD |
| | 94 | 1730 S EWING AVE | LIGHTHOUSE GOSPEL CENTER CHURCH |
| | 95 | 1724 S EWING AVE | BRYAN DENROY SR |
| | 96 | 1438 S EWING AVE | NELSON HARON & VERNA |
| | 97 | 1442 S EWING AVE | CRUZ EDITH REACHI & |
| | 98 | 1444 S EWING AVE | BENAVIDES OSCAR |
| | 99 | 1445 HARLANDALE AVE | BROADNAX JASANDER |
| | 100 | 1441 HARLANDALE AVE | VALDEZ HORTENSIA L |
| | 101 | 1439 HARLANDALE AVE | DICKERSON CASTER |
| | 102 | 1502 S EWING AVE | BROOKS VELMA LRSHIP |
| | 103 | 1504 S EWING AVE | BROOKS VELMA |
| | 104 | 1510 S EWING AVE | HAMPTON QUINCY C |
| | 105 | 1514 S EWING AVE | MCNEELY RODNEY N |
| | 106 | 1526 S EWING AVE | MCNEELY RODNEY D |
| | 107 | 1536 S EWING AVE | REYES ROGELIO & |
| | 108 | 1538 S EWING AVE | WATERS B J |
| | 109 | 1547 HARLANDALE AVE | RAINES ELMA L |
| | 110 | 1543 HARLANDALE AVE | THOMPSON O V |
| | 111 | 1539 HARLANDALE AVE | MELGAREJO GRISELDA |
| | 112 | 1535 HARLANDALE AVE | TIPPS TENEISHA L |
| | 113 | 1531 HARLANDALE AVE | HILL ALBERT D |
| | 114 | 1527 HARLANDALE AVE | MCPHERSON STEVEN ALLEN & |
| | 115 | 1523 HARLANDALE AVE | MOORE CARRIETTA |
| | 116 | 1519 HARLANDALE AVE | GUERRAFRANCO JOSE AMADO |
| O | 117 | 1515 HARLANDALE AVE | ROY CLOVA LEE |
| | 118 | 1511 HARLANDALE AVE | LEWIS STEPHANIE L |

10/05/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|---------------------|---------------------------------|
| O | 119 | 1507 HARLANDALE AVE | RICHARD JEWEL |
| | 120 | 1501 HARLANDALE AVE | NOYOLA MARIA LUISA |
| | 121 | 1445 S EWING AVE | GRIFFIN RODNEY D |
| | 122 | 1443 S EWING AVE | SEED TO HARVEST REAL ESTATE LLC |
| | 123 | 735 EDGEMONT AVE | HOWELL MARGIE REE |
| | 124 | 731 EDGEMONT AVE | CASTILLO JESUS & |
| | 125 | 727 EDGEMONT AVE | TURNER CURTIS M & |
| | 126 | 723 EDGEMONT AVE | DUARTE FELIPE & |
| | 127 | 719 EDGEMONT AVE | BANDA ROBERTO |
| | 128 | 715 EDGEMONT AVE | WASHINGTON MELVIN E |
| O | 129 | 711 EDGEMONT AVE | HOLYFIELD THERON |
| | 130 | 707 EDGEMONT AVE | COLEMAN CECIL B |
| | 131 | 703 EDGEMONT AVE | BUNTON LILLIAN |
| | 132 | 702 DOVER ST | NIXON MARTHA JO |
| | 133 | 706 DOVER ST | POSADA HUMBERTO |
| | 134 | 710 DOVER ST | MEDRANO ANTONIO |
| | 135 | 714 DOVER ST | CONTRERAS SILVIA & |
| | 136 | 718 DOVER ST | ROJAS MARIA |
| | 137 | 722 DOVER ST | FOSTER JANICE M |
| | 138 | 726 DOVER ST | SMITH TRACEY & |
| | 139 | 730 DOVER ST | DELGADO HUMBERTO |
| | 140 | 734 DOVER ST | VAZQUEZ JOSE & CECILIA |
| | 141 | 738 DOVER ST | GREEN MINNIE W EST OF |
| | 142 | 742 DOVER ST | SANCHEZ PPTY MGMT INC |
| | 143 | 744 DOVER ST | PIZARRO CAROLYN |
| | 144 | 1446 S MARSALIS AVE | LEFFALL EDWIN O |
| | 145 | 1442 S MARSALIS AVE | ROJAS SILVINO & |
| | 146 | 1438 S MARSALIS AVE | CGSZ LLC |
| | 147 | 1434 S MARSALIS AVE | ARNOLD CORNELIUS M |
| | 148 | 1439 S MARSALIS AVE | GONZALEZ NAYELI |
| | 149 | 1443 S MARSALIS AVE | GONZALEZ JOSE & MARIA T |
| | 150 | 1514 ALASKA AVE | MARTINEZ JOHNNY R |

10/05/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|---------------------|---------------------------|
| | 151 | 1510 ALASKA AVE | BALLARD TERESA |
| | 152 | 1506 ALASKA AVE | JACKSON LULA E |
| | 153 | 1502 ALASKA AVE | HEARN LAFAYETTE |
| | 154 | 1503 S MARSALIS AVE | ROBINSON SYLVIA A |
| | 155 | 1511 S MARSALIS AVE | RAMIREZ FELIX |
| | 156 | 1515 S MARSALIS AVE | RUNNELS EARSEL |
| | 157 | 1516 S MARSALIS AVE | THOMPSON CHARLES |
| | 158 | 1512 S MARSALIS AVE | MUNOZ MARIANA |
| O | 159 | 1508 S MARSALIS AVE | FRENCH PATRICIA |
| | 160 | 1502 S MARSALIS AVE | WILLIAMS JOYCE |
| | 161 | 702 EDGEMONT AVE | HOLLOWAY DORIS P |
| | 162 | 706 EDGEMONT AVE | ZUNIGA JOSE |
| | 163 | 710 EDGEMONT AVE | VILLARREAL GUADALUPE |
| | 164 | 714 EDGEMONT AVE | MORALES ARELI & FRANCISCA |
| | 165 | 718 EDGEMONT AVE | PEREZ CARLOS COLMENERO & |
| | 166 | 722 EDGEMONT AVE | ARREZ MAGDALENA |
| | 167 | 726 EDGEMONT AVE | RECORD BESSIE MAE CROSBY |
| | 168 | 730 EDGEMONT AVE | GARCIA GUADALUPE & |
| | 169 | 734 EDGEMONT AVE | VILLEGAS AUGUSTINA |
| | 170 | 740 EDGEMONT AVE | JOSEPH GEORGE K |
| | 171 | 1505 S EWING AVE | MONEY DOUGLAS L |
| | 172 | 1523 S EWING AVE | GOMEZ GUADALUPE |
| | 173 | 739 KORGAN ST | VERDIN JOAQUIN JR & |
| | 174 | 735 KORGAN ST | VERDIN JOSE RAMON & |
| | 175 | 731 KORGAN ST | ROBERTS ANDREW JR |
| | 176 | 727 KORGAN ST | TREVINO ANDRES G |
| | 177 | 723 KORGAN ST | TREVINO GUILLERMINA |
| | 178 | 719 KORGAN ST | TREVINO ENRIQUE G & |
| | 179 | 715 KORGAN ST | TREVINO ANTONIO D |
| | 180 | 711 KORGAN ST | TREVINO TONY D |
| | 181 | 707 KORGAN ST | HILL CURTIS L |

Z156-328(WE)

10/05/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|--------------------------|
| | 182 | 703 KORGAN ST | ADAMES SANTOS P |
| | 183 | 900 VERMONT AVE | BASSAMPOUR FATEMAH |
| | 184 | 1013 VERMONT AVE | RODRIGUEZ J RITO |
| | 185 | 1015 VERMONT AVE | HERNANDEZ JOSE GUADALUPE |
| | 186 | 1017 VERMONT AVE | HERNANDEZ GUADALUPE & |
| O | 187 | 1019 VERMONT AVE | COPELAND CONCRETE |

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 49 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive

Recommendation of Staff and CPC: Approval

Z156-345(PD)

Note: This item was considered by the City Council at public hearings on January 11, 2017 and January 25, 2017, and was deferred until February 8, 2017, with the public hearing open

FILE NUMBER: Z156-345(PD)

DATE FILED: August 23, 2016

LOCATION: South corner of Sam Houston Road and Masters Drive

COUNCIL DISTRICT: 7

MAPSCO: 49U

SIZE OF REQUEST: ±1.294ac

CENSUS TRACT: 121.00

OWNER:

Phinias Pfuridzo

APPLICANT/REPRESENTATIVE:

Dr. Don Any, ADI Engineering Inc.

REQUEST:

An application for an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District.

SUMMARY:

The applicant proposes to develop the property with a single story, 16 dwelling unit convalescent, and nursing homes, hospice care, and related institutions use. The zoning change will allow all uses within the MF-1(A) district.

CPC RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND INFORMATION:

- The site is approximately ± 56,382 square feet.
- The site is heavily wooded and has never been developed.
- The applicant proposes to construct a 16-unit convalescent, and nursing homes, hospice care, and related institutions use.
- Building permits for an assisted living facility were applied for in June 2016 however permits were denied based on zoning prohibiting the use.
- Allowed in the MF-1 District, the convalescent, and nursing homes, hospice care, and related institutions use is subject to Residential Adjacency Review.

Zoning History: There have been no recent zoning changes in the area within the last five years.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|----------------|-----------------|
| Sam Houston Road | Minor Arterial | 100 feet of ROW |
| Masters Drive | Minor Arterial | 100 feet ROW |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the zoning change will not have a detrimental impact on the surrounding street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The site meets the following goals and objectives of the comprehensive plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

Surrounding Land Uses:

| | Zoning | Land Use |
|-----------|--------------------------------|-----------------------------------|
| Site | NS(A) | Undeveloped |
| Northwest | TH-3(A) with deed restrictions | Single Family |
| Northeast | City of Mesquite | Single Family, Vacant |
| South | CR-D-1 | Undeveloped |
| Southwest | MF-2(A) and R-7.5(A) | Multifamily, Vacant & Undeveloped |
| Southeast | CS-D-1 | Warehouse, Storage |

STAFF ANALYSIS:

Land Use Compatibility:

The request site is approximately 56,382 square feet of land that has never been developed. The current zoning of the property is NS(A) Neighborhood Service District. The applicant's request for an MF-1(A) Multifamily District will allow for the development of a convalescent and nursing homes, hospice care, and related institutions use on the property.

The request site is adjacent to high density single family uses to the northwest; vacant, undeveloped and multifamily uses to the southwest; warehouse and storage uses to the southeast; and retail and undeveloped uses to the south. To the northeast is a vacant tract and single family uses that lie within the city limit boundary of Mesquite. The multifamily zoning district will not only be consistent with the overall land use pattern of dense land uses but will also serve as a buffer separating the residential land uses to the northwest, community retail district to the south and commercial service district to the southeast.

The development potential is also limited because the property is directly adjacent to residential uses which subjects the institutional and community service use to Residential Adjacency Review. Residential Adjacency Review will limit the height of the structure, location of parking, and necessitate increased screening. Therefore the integration of the multifamily zoning district will not only complement the adjacent residential land use-types but will not serve to debase or change the already established residential landscape. Therefore staff strongly believes that a variety of different land uses can coexist under the same umbrella while maintaining the character of the neighborhood. Thus, staff recommends approval of the MF-1(A) Multifamily District.

Development Standards:

| DISTRICT | Setbacks | | Density | Height | Lot Coverage | Special Standards | Primary Uses |
|-------------------------------|----------|---|---|---------------------|--------------|---|---------------------------------------|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| NS(A) Neighborhood service | 15' | 20' adjacent to residential OTHER: No Min. | 0.5 FAR | 30' 2 stories | 40% | Proximity Slope from SF, TH & MF | Retail & personal service, office |
| Proposed | | | | | | | |
| MF-1(A) Multifamily | 15' | 10' | Min lot 3,000 sq. ft. 1,000 sq ft – E 1,400 sq. ft – 1 BR 1,800 sq ft – 2 BR +200 sq ft each add BR | 36' | 25% | Proximity Slope from SF, TH | Multifamily, duplex, single family |

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

City Plan Commission Action:
November 17, 2016:

Motion: It was moved to recommend **approval** of an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive.

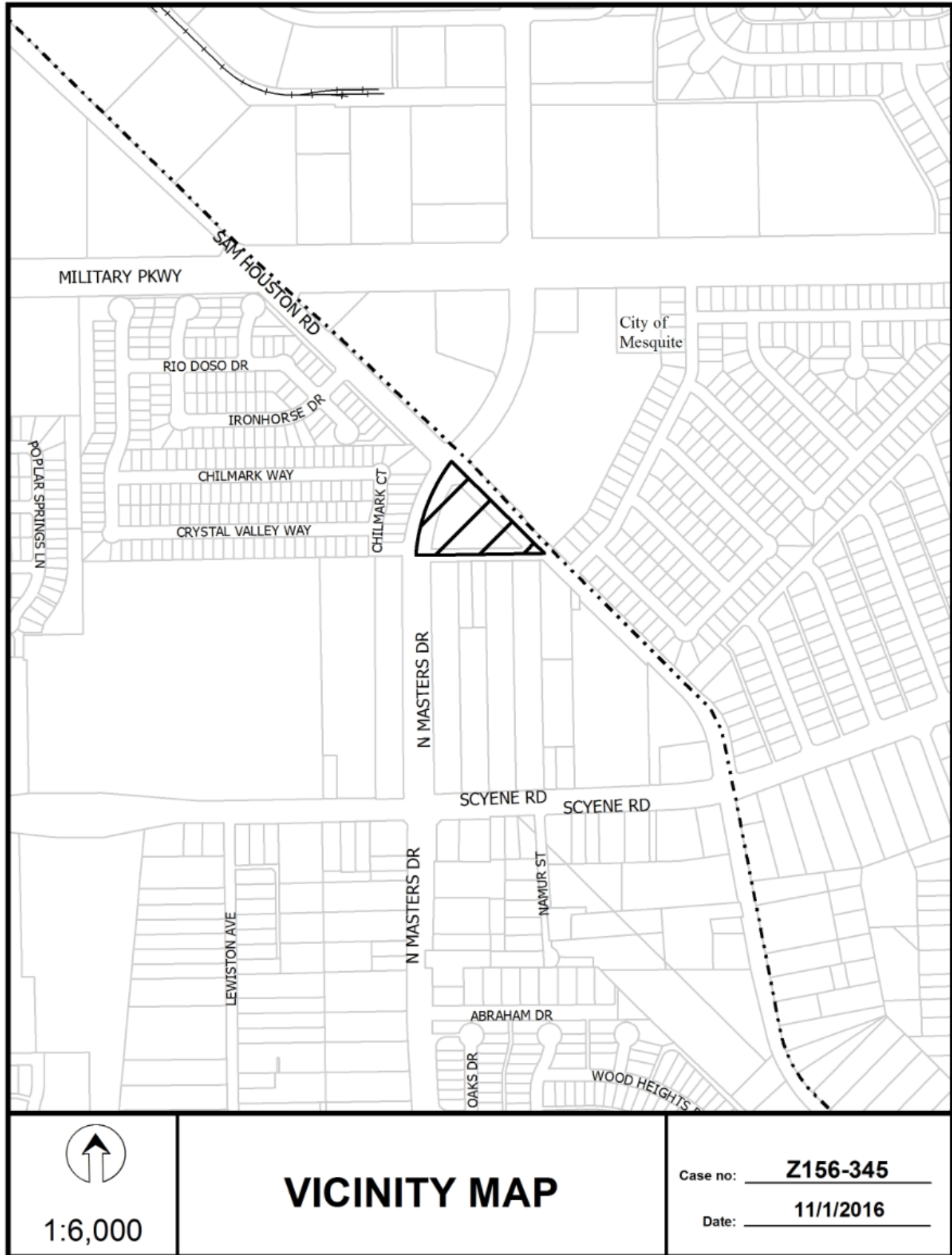
Maker: Houston
Second: Jung
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

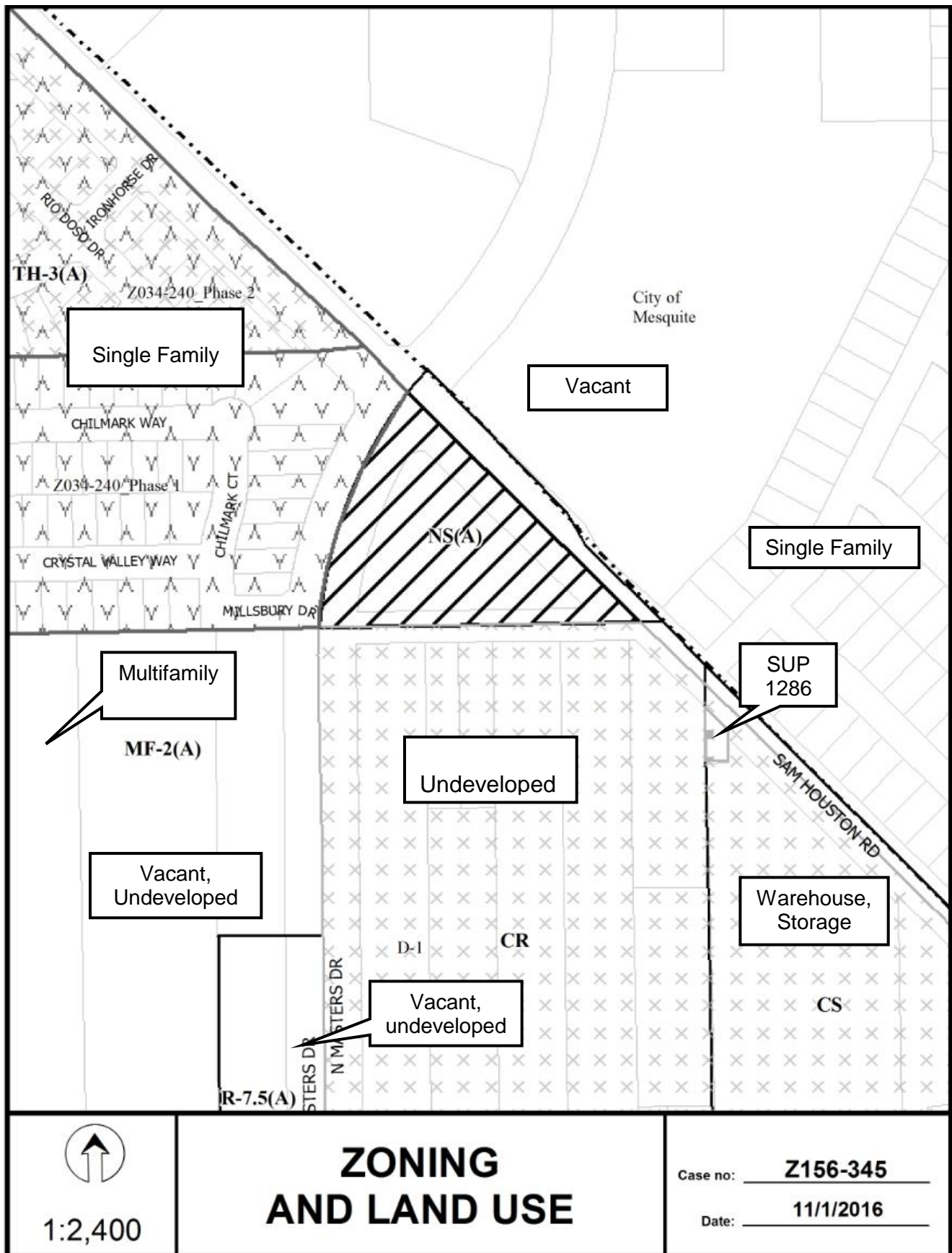
Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

| | | |
|-----------------|-----------|------------|
| Notices: | Area: 300 | Mailed: 42 |
| Replies: | For: 0 | Against: 2 |

Speakers: None







CPC RESPONSES



11/16/2016

Reply List of Property Owners
Z156-345

42 Property Owners Notified***0 Property Owners in Favor******2 Property Owners Opposed***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|------------------------|------------------------------------|
| | 1 | 3401 SAM HOUSTON RD | PFURIDZO PHINIAS & |
| | 2 | 10121 SCYENE RD | UNITED HOLINESS |
| | 3 | 10209 SCYENE RD | POOLE ANNE FRANCES |
| | 4 | 10210 MILLSBURY DR | MOTLEY SAM H |
| | 5 | 10221 SCYENE RD | PAYMA KHAJEHNOORI FAMILY TRUST THE |
| | 6 | 3207 SAM HOUSTON RD | GARCIA JUAN CARLOS & ALMA ROCIO |
| | 7 | 10317 SCYENE RD | MILLWEE STEPHEN M |
| | 8 | 9948 CRYSTAL VALLEY WY | GARCIA FRANCISCO & VIRGINIA SILVA |
| | 9 | 9950 CRYSTAL VALLEY WY | JOYA THELMA |
| | 10 | 9952 CRYSTAL VALLEY WY | SHEPHERD PLACE HOMES INC |
| | 11 | 1 IRONHORSE DR | PARKWAY VILLAGE HOMEOWNERS |
| X | 12 | 9953 CHILMARK WY | JONES VICKIE |
| | 13 | 9955 CHILMARK WY | WEBB LATONYA & |
| | 14 | 9957 CHILMARK WY | REYNOLDS GARRETT |
| | 15 | 3528 CHILMARK CT | MOLINA ROBERT III & |
| X | 16 | 3524 CHILMARK CT | NATIONAL FUNDING SERIES 1 LLC |
| | 17 | 3520 CHILMARK CT | BRAZLE VAUGHN |
| | 18 | 3516 CHILMARK CT | OLLOQUI JUAN |
| | 19 | 3512 CHILMARK CT | PROX OSCAR |
| | 20 | 3508 CHILMARK CT | NAVARRO HECTOR |
| | 21 | 3504 CHILMARK CT | MACES ARTURO MARTINEZ & |
| | 22 | 9991 RIO DOSO DR | IDAYI CHIEDU |
| | 23 | 9948 CHILMARK WY | MSR I ASSETS CO LLC |
| | 24 | 9950 CHILMARK WY | TZENG REALTY LLC |
| | 25 | 9952 CHILMARK WY | ANDERSON DWAYNE |
| | 26 | 9953 CRYSTAL VALLEY WY | PARRA RAMON & |

11/16/2016

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-------------------|-------------------------|
| 27 | 9951 | CRYSTAL VALLEY WY | RODAS PATRICIA & JOSE |
| 28 | 9949 | CRYSTAL VALLEY WY | REYNA RUBY |
| 29 | 10215 | SCYENE RD | FARAN DENTAL ASSOCIATES |
| 30 | 10331 | SCYENE RD | SCYENE STORAGE LP |
| 31 | 305 | STONERIDGE DR | SUTTLES VICKI |
| 32 | 309 | STONERIDGE DR | MALVEAUX KASHONA |
| 33 | 313 | STONERIDGE DR | RODRIGUEZ DANIEL GARCIA |
| 34 | 317 | STONERIDGE DR | EDWARDS UDUAK |
| 35 | 321 | STONERIDGE DR | JORDAN WILLIAM & |
| 36 | 2937 | MEADOWLARK DR | MURILLO LAURA |
| 37 | 2933 | MEADOWLARK DR | TINOCO MICHELE |
| 38 | 2929 | MEADOWLARK DR | GAHA FAMILY NO 10 LLC |
| 39 | 2928 | MEADOWLARK DR | PALUMBO BRITTANY N & |
| 40 | 2932 | MEADOWLARK DR | MENSAH MICHAEL K & |
| 41 | 3000 | S TOWN EAST BLVD | BOWIE WILLIAM H ET AL |
| 42 | 3200 | MILITARY PKWY | BOWIE WM H ET AL |

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 8, 2017
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 69 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive

Recommendation of Staff and CPC: Approval with retention of the D-1 Liquor Control Overlay

Z156-347(LE)

Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until February 8, 2017, with the public hearing open

FILE NUMBER: Z156-347(LE)

DATE FILED: August 24, 2016

LOCATION: Northwest corner of Haymarket Road and Oakwood Drive

COUNCIL DISTRICT: 8

MAPSCO: 69-M

SIZE OF REQUEST: ±.78 acres

CENSUS TRACT: 116.02

APPLICANT/OWNER: Pedro F. Alvarez

REQUEST: An application for an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions

SUMMARY: The applicant proposes to develop the property with a single family residence. The zoning change will allow all uses within the R-7.5(A) District. The property is currently undeveloped.

CPC RECOMMENDATION: **Approval** with retention of the D-1 Liquor Control Overlay.

STAFF RECOMMENDATION: **Approval** with retention of the D-1 Liquor Control Overlay.

BACKGROUND INFORMATION:

- The site is approximately ± .78 acres in size and is currently undeveloped.
- The request is to rezone the property to allow for a single family residence.
- There are deed restrictions on the property that limit the use of the property to 'garden shop, plant sales, or green house use and all uses permitted in a R-7.5(A) zoning district.'
- A garden shop, plant sales, or green house use is not permitted in the R-7.5(A) District. Deed restrictions cannot permit a use that is prohibited by zoning.

Zoning History: There have been no recent zoning changes in the area within the last five years.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | R.O.W. |
|---------------------|----------------|--------|
| Oakwood Drive | Minor Arterial | 60' |
| Haymarket Road | Minor Arterial | 60' |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Land Use:

| | Zoning | Land Use |
|-------|-----------------------------|-----------------------------|
| Site | CR-D-1 w/ deed restrictions | Undeveloped |
| North | R-7.5(A) | Single Family |
| South | R-7.5(A) | Single Family & Undeveloped |
| East | A(A) | Undeveloped |
| West | CR-D-1 w/ deed restrictions | Single Family & Retail |

Comprehensive Plan: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. However, there are no specific goals and policies in the forwardDallas! Comprehensive Plan that either supports or discourages the proposed development. Staff supports the zoning change based on land use compatibility.

STAFF ANALYSIS:

Land Use Compatibility:

The request site encompasses approximately 33,977 square feet of undeveloped land. The existing zoning of the property is CR-D-1 Community Retail with a D-1 Liquor Control Overlay. There are also deed restrictions on the property that limit the allowed uses to: garden shop, plant sales, or green house use and all uses permitted in a R-7.5(A) District. The applicant is requesting the zoning change in order to build a single family residence on the property.

The property is surrounded by single family and undeveloped uses to the south; undeveloped uses to the east; single family use to the north; and single family and retail uses to the west. The deed restrictions will remain on the property, but garden shop, plant sales, or green house uses will not be allowed as the uses are not allowed in the R-7.5(A) District.

Staff has reviewed the applicant's request and supports the request for an R-7.5(A) District. The proposed zoning district and use of the property will be compatible with the surrounding zoning and development in the area.

Development Standards:

| DISTRICT | Setbacks | | Density | Height | Lot Coverage | Special Standards | Primary Uses |
|--|----------|---|--------------------------------|---------------|--------------|----------------------------------|---|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| CR-Community retail with deed restrictions | 15' | 20' adjacent to residential OTHER: No Min. | 0.75 FAR overall 0.5 office | 54' 4 stories | 60% | Proximity Slope Visual Intrusion | garden shop, plant sales, or green house use and all uses permitted in a R-7.5(A) |
| Proposed | | | | | | | |
| R-7.5(A) Single Family* (*Deed Restrictions will remain on the property, but garden shop, plant sales, or green house uses will not be allowed) | 25' | Side 5'/ Rear 10' | 1 Dwelling Unit/7,500 sq. ft. | 30' | 45% | | Single Family |

CPC Action
November 10, 2016:

Motion: It was moved to recommend **approval** of an R-7.5(A) Single Family District with retention of the D-1 Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay with deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive.

Maker: Haney
Second: Peadon
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

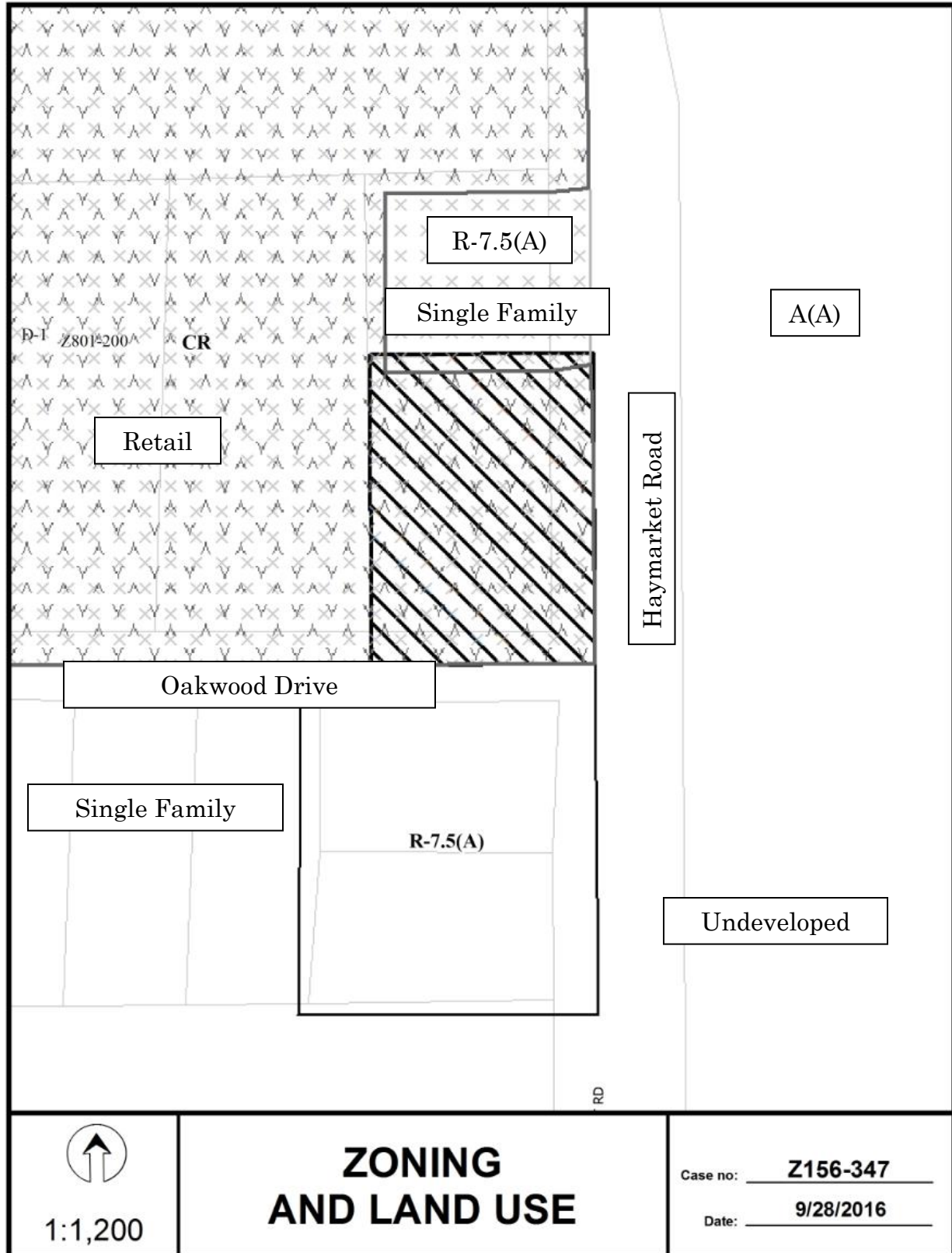
| | | |
|-----------------|-----------|------------|
| Notices: | Area: 200 | Mailed: 8 |
| Replies: | For: 0 | Against: 0 |

Speakers: None

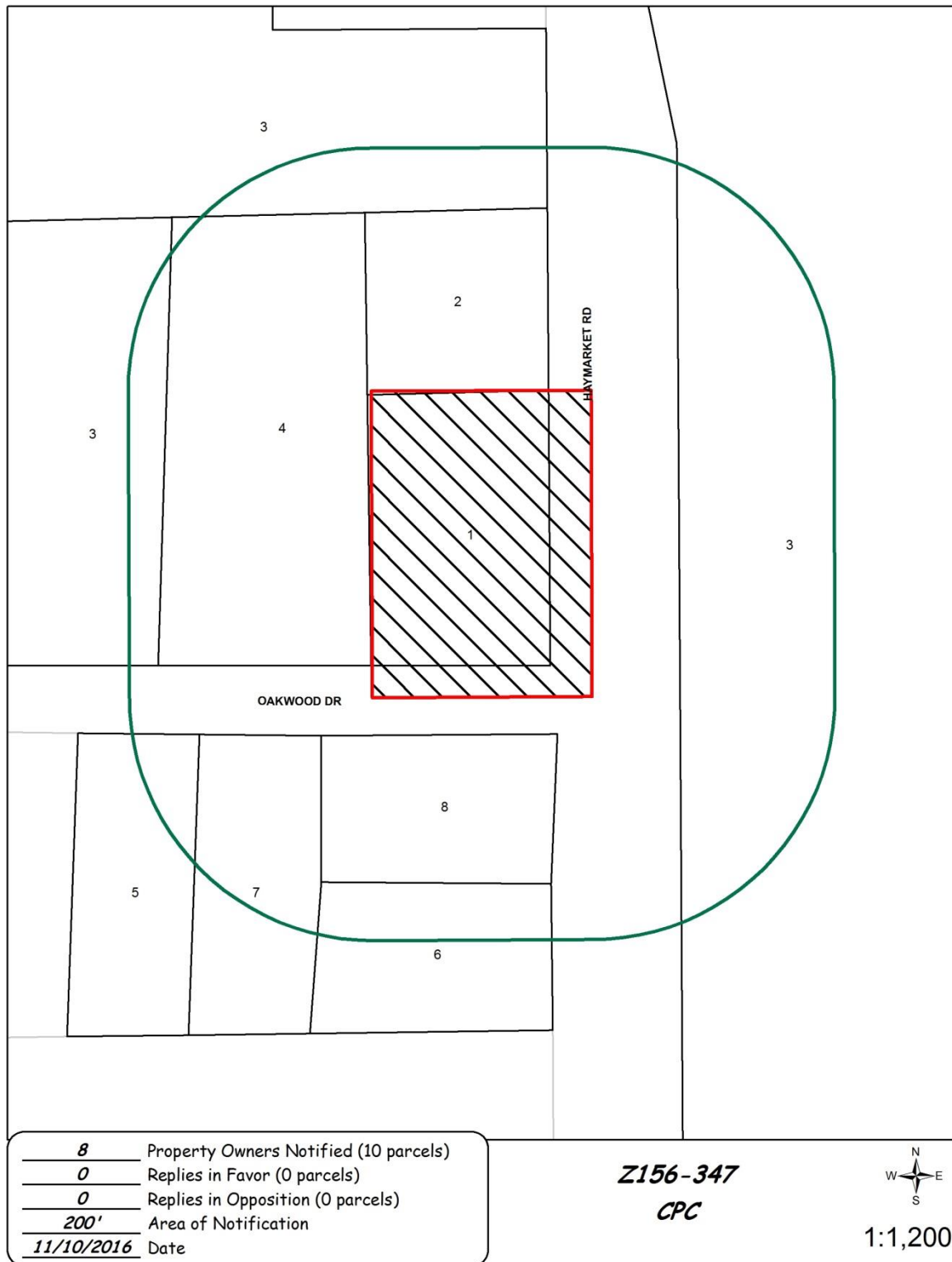
Z156-347(LE)







CPC Responses



09/23/2016

11/09/2016

Reply List of Property Owners

Z156-347

8 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 | 10540 | OAKWOOD DR | ALVAREZ PEDRO FERNANDO |
| 2 | 1699 | HAYMARKET RD | SOSA JOSE HUGO & KAREN |
| 3 | 1651 | HAYMARKET RD | RUIBAL FARMS LP |
| 4 | 10531 | OAKWOOD DR | BAKER GERALD A |
| 5 | 10526 | OAKWOOD DR | ESPINO GONZALO |
| 6 | 1723 | HAYMARKET RD | SWEET BILLIE JEANE |
| 7 | 10530 | OAKWOOD DR | MEDINA ARACELI & |
| 8 | 9999 | OAKWOOD DR | GUTIERREZ ADEL |

AGENDA ITEM # 34

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 22 C; G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street

Recommendation of Staff and CPC: Approval

Z167-111(AR)

Note: This item was considered by the City Council at a public hearing on January 25, 2017, and was deferred until February 8, 2017, with the public hearing open

FILE NUMBER: Z167-111(AR)

DATE FILED: October 13, 2016

LOCATION: South side of Crown Road, east of Newberry Street

COUNCIL DISTRICT: 6

MAPSCO: 22-C, G

SIZE OF REQUEST: ±3.88 acres

CENSUS TRACT: 99.00

APPLICANT: Chris Choi

OWNER: Life Estate of Joyce Lynn Douglas

REPRESENTATIVE: Michael R. Coker

REQUEST: An application for a CS Commercial Service District on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of this request is to allow the applicant to develop the site with warehouse and contractor's maintenance yard uses.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND:

- The subject site contains approximately 3.88 acres and is currently developed with a single family structure and storage buildings.
- The applicant is requesting to change the zoning to CS Commercial Service District to allow for the development of warehouses and contractor's maintenance yard uses.
- The single family structure on the subject site, which was constructed in 1953, will be demolished to allow for the proposed redevelopment of the site.

Zoning History:

1. Z123-164 On August 14, 2013, the City Council approved an IM Industrial Manufacturing District with deed restrictions on property zoned an MU-3 Mixed Use District and IR Industrial Research District on the west side of Newberry Street, north of Crown Road
2. Z134-312 On December 10, 2014, the City Council approved an amendment to deed restrictions to allow sand, gravel, or earth sales and storage on the north side of Crown Rd, west of Newberry Street.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|-------|--------------|
| Crown Road | Local | 60 feet |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan: The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request generally supports the characteristics of the *Industrial Area Building Block*. The applicant's use provides jobs in the industrial sector and is located in one of the City's industrial areas. Additionally, there are limited sidewalks in the area, a trait of industrial areas.

LAND USE ELEMENT**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

| | Zoning | Land Use |
|-------|---------------|-----------------------------------|
| Site | R-7.5(A) | Single family |
| North | IR | Automotive repair and maintenance |
| East | IR | Freight Terminal |
| South | IR | Warehouse and Freight Terminal |
| West | IR | Warehouse |

The subject site is ± 3.88 acres surrounded by warehouse and freight terminal uses. The subject site is entirely surrounded by the IR Industrial Research District. Surrounding land uses are primarily of an industrial nature. There is a small area of residential zoning to the west of the subject site. The surrounding area was once comprised of more residentially-zoned parcels; however, these have transitioned to more industrial uses and industrial zoning over time. The proposed CS Commercial Service District for warehouse and contractor's maintenance yard uses is compatible with the surrounding industrial area.

The request to rezone includes a contractor's maintenance yard use, which provides for the outside storage of equipment. This use must be surrounded by screening to meet the requirements of the Dallas Development Code according to SEC. 51A-4.213(3)(E)(i). The screening of the contractor's maintenance yard use requires a minimum height of six feet and is to be constructed of brick, stone, or concrete masonry, stucco, concrete, or wood, or any other combination of approved materials in SEC. 51A-4.602(b)(3).

Development Standards:

| DISTRICT | Setbacks | | FAR | Height | Lot Coverage | Primary Uses |
|------------------------|----------|-----------|-------------|--------|--------------|--|
| | Front | Side/Rear | | | | |
| Existing | | | | | | |
| R-7.5(A) Single family | 25' | 5' | - | 30' | 45% | Single family |
| Proposed | | | | | | |
| CS Commercial Service | 0' | 0' | 0.5 to 0.75 | 45' | 80% | Commercial & business serving uses that may involve outside storage, service, or display |

Parking: The parking requirements for a warehouse use is one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. The parking requirements for a contractor's maintenance yard use is one space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required.

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

CPC ACTION
December 15, 2016

Motion: It was moved to recommend **approval** of a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street.

Maker: Murphy
Second: Anantasomboon
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

| | | |
|-----------------|-----------|------------|
| Notices: | Area: 300 | Mailed: 17 |
| Replies: | For: 3 | Against: 0 |

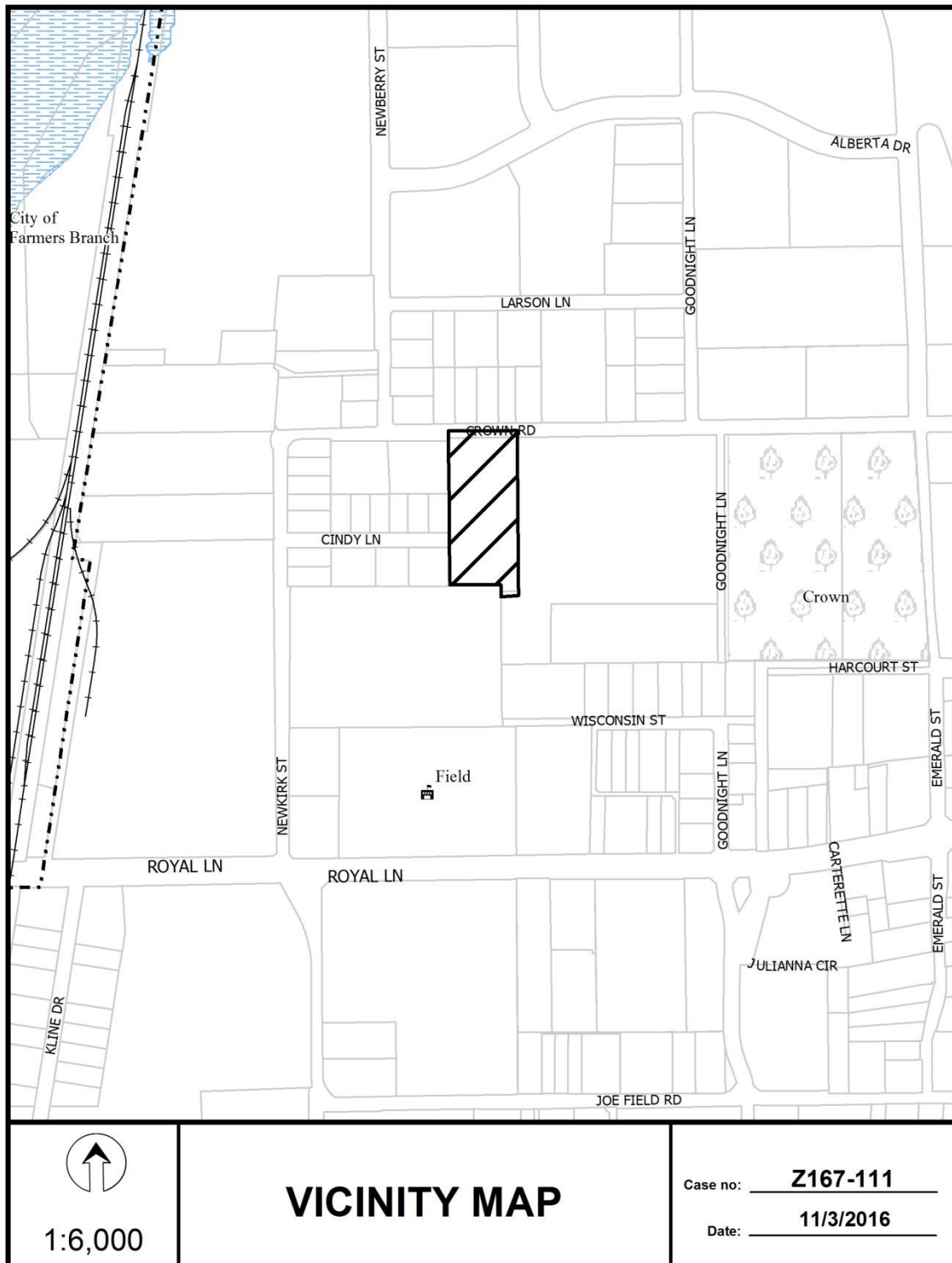
Speakers: None

LIST OF OFFICERS

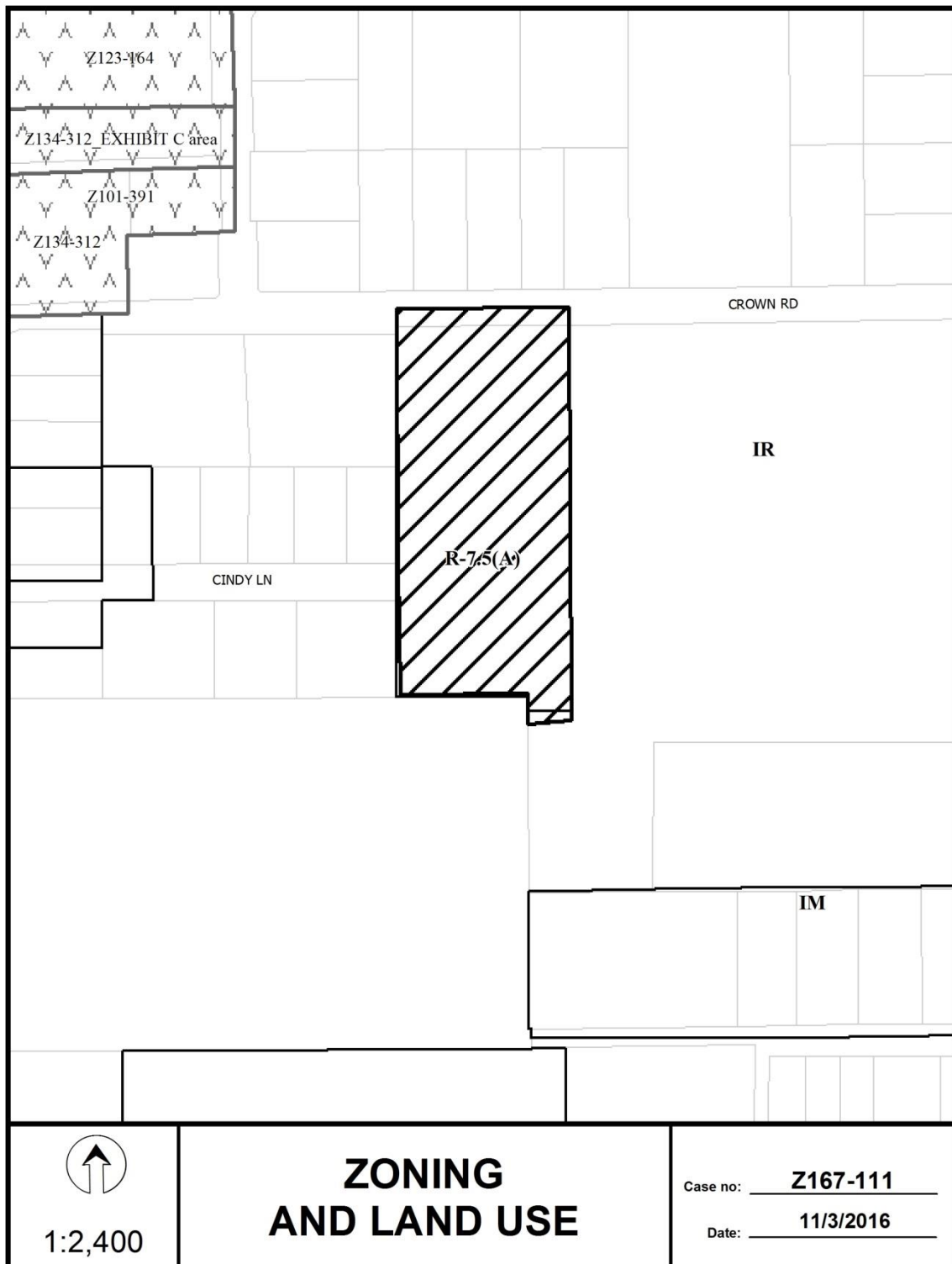
The John Leslie Douglas, Jr. and Joyce Lynn Douglas Family Living Trust

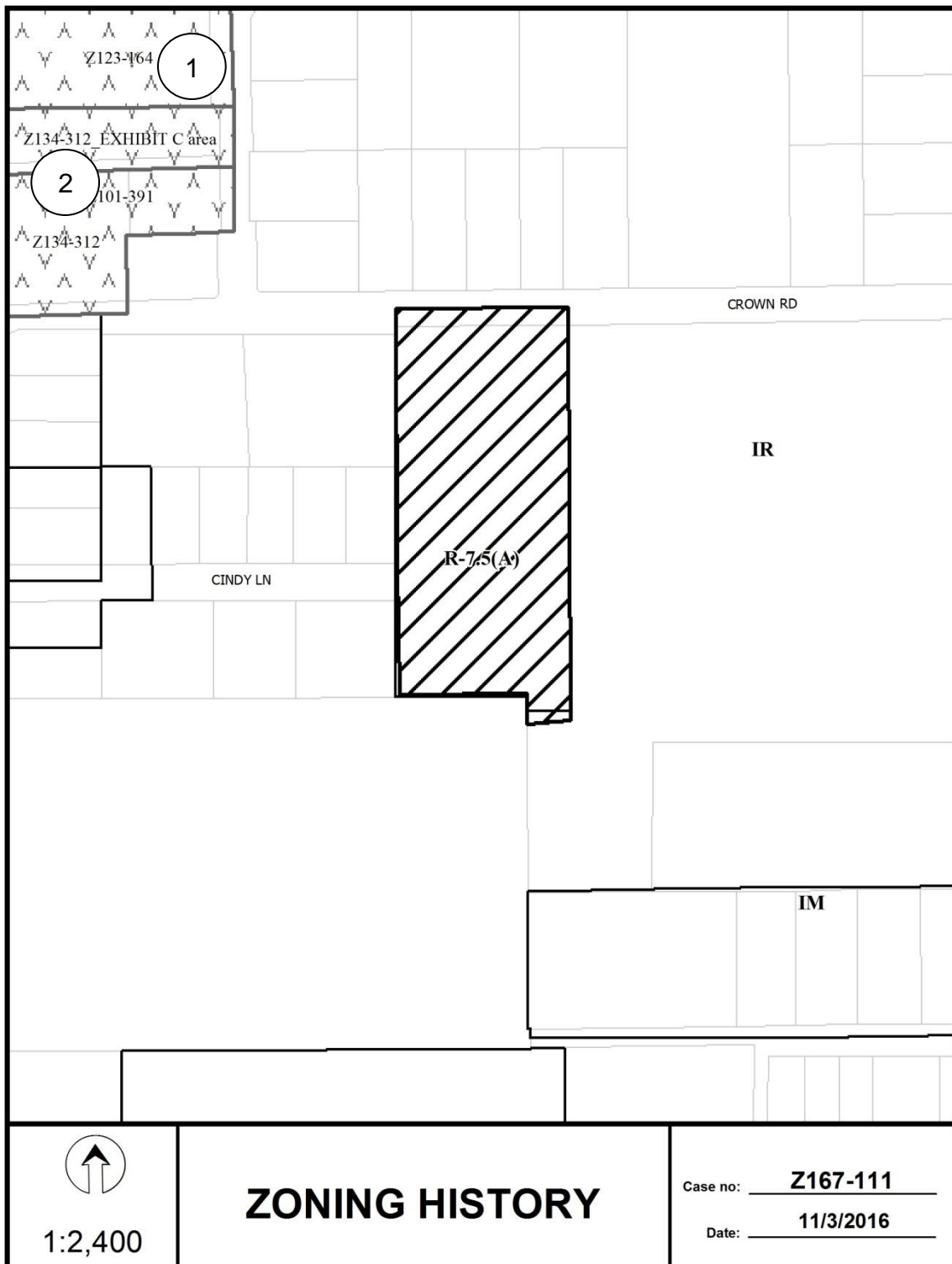
John Leslie Douglas, III - Trustee

Z167-111





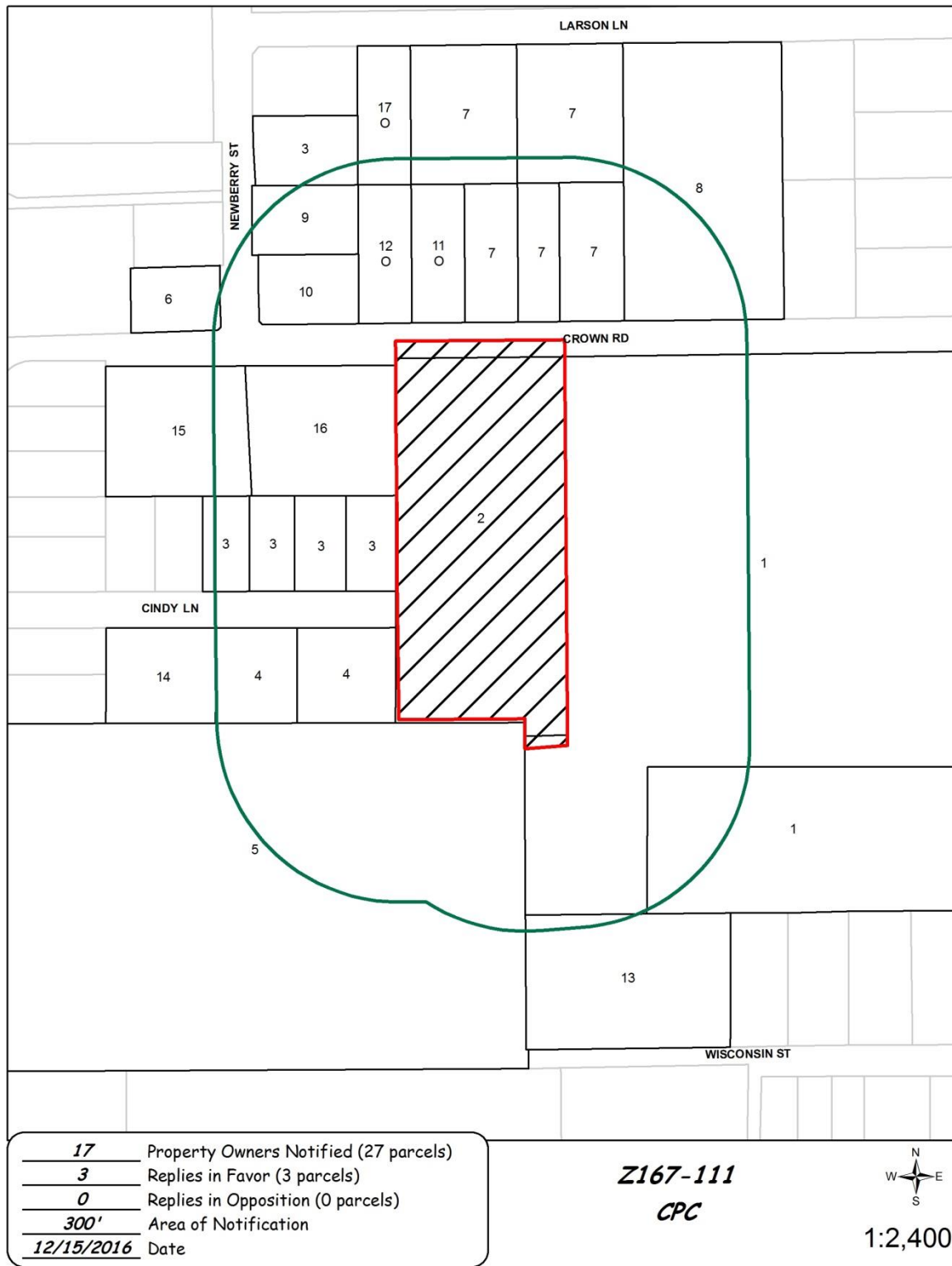




ZONING HISTORY

Case no: Z167-111
Date: 11/3/2016

CPC RESPONSES



12/14/2016

*Reply List of Property Owners***Z167-111***17 Property Owners Notified**3 Property Owners in Favor**0 Property Owners Opposed*

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|--------------------|---|
| | 1 | 11447 GOODNIGHT LN | GILBERT G A HOLDINGS LTD |
| | 2 | 2222 CROWN RD | DOUGLAS JOYCE LYNN LIFE ESTATE OF |
| | 3 | 2135 CINDY LN | CAVER FAMILY TRUST |
| | 4 | 2132 CINDY LN | KEMNA PROPERTIES LLC |
| | 5 | 11430 NEWKIRK ST | DUGAN OF DALLAS LLP |
| | 6 | 2127 CROWN RD | LANKKENAU KIP & DEBRA |
| | 7 | 2244 LARSON LN | LARSON INVESTMENTS INC |
| | 8 | 2261 CROWN RD | BCK PROPERTIES JOINT |
| | 9 | 11506 NEWBERRY ST | BIGVAND MASTANEH |
| | 10 | 2211 CROWN RD | MJM HOLDINGS LTD |
| O | 11 | 2223 CROWN RD | STEVENS JACK FAMILY LIMITED PARTNERSHIP |
| O | 12 | 2217 CROWN RD | STEVENS JACK G FAMILY LMT PARTNERSHIP |
| | 13 | 2209 WISCONSIN ST | JPH LP |
| | 14 | 2120 CINDY LN | NUCCETELLI DAVID |
| | 15 | 2128 CROWN RD | SPADARO HOLDINGS LLC |
| | 16 | 2218 CROWN RD | CROWN ROYAL REAL EST |
| O | 17 | 2224 LARSON LN | STEVENS JACK G FAMILY LIMITED PARTNERSHIP |

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 26 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a GO(A) General Office District, on the east line of North Central Expressway, north of Meadow Road

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z167-103(JM)

FILE NUMBER: Z167-103(JM) **DATE FILED:** October 4, 2016

LOCATION: On the east line of North Central Expressway, north of Meadow Road.

COUNCIL DISTRICT: 13 **MAPSCO:** 26-K

SIZE OF REQUEST: Approx. 3.1791 acres **CENSUS TRACT:** 78.23

APPLICANT / OWNER: SCG/CP Meadow Park Tower, LLC

REPRESENTATIVE: Karl A Crawley, Masterplan

REQUEST: An application for an MU-3 Mixed Use District with deed restrictions volunteered by the applicant on property zoned a GO(A) General Office District.

SUMMARY: The purpose of the request is to allow retail and personal service uses by right and remove the 10 percent of floor area size limitation and containment standards required by the existing zoning of the GO(A) General District.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

DESIGNATED ZONING CASE

BACKGROUND:

- The site is developed with a 15-story office building. According to DCAD records, the 260,845 square feet of office space and a 269,892 square foot parking structure were constructed in 1986.
- The applicant would like to add a retail or personal service use component without existing restrictions which limit containment within the office building as well as a maximum of 10 percent of floor area ratio.
- The proposed MU-3 Mixed Use District would add 29 new uses, most notably including residential and retail and personal service uses. Deed restrictions have been offered by the applicant restricting 21 uses and allowing multifamily uses for mixed use projects solely.
- Surrounding uses include medical offices, hospitals, general offices, and multifamily residential units. Recent rezoning cases adjacent to the property are to add multifamily and mixed uses.

Zoning History: There have been three zoning cases in the area over the past five years.

1. Z123-148—On March 26, 2014, the City Council approved Planned Development District No. 904 for non-residential uses on property zoned a GO(A) General Office District.
2. Z123-212—On August 28, 2013, the City Council approved Planned Development District No. 895 for mixed uses on property zoned a GO(A) General Office District.
3. Z134-171—On October 8, 2014, the City Council approved Planned Development District No. 927 for mixed uses on property zoned an MF-2(A) Multifamily District and a GO(A) General Office District.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|--------------------------|------------|--------------|
| North Central Expressway | US Highway | Variable |

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several

goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request.

The Plan identifies the request site being within an Urban Neighborhood Building Block. The proposed MU-3 Mixed Use District is described as being for the development of high density retail, office, hotel, and/or multifamily residential uses in combination on single or contiguous building sites. This district ultimately supports the Building Block and existing land use on the subject site.

Finally, the request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

ECONOMIC ELEMENT

GOAL 2.1 Promote Balanced Growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use Compatibility: The subject site is currently zoned a GO(A) General Office District. This district represents a group of uses which would accommodate office developments and may include certain complementary retail and residential uses as a minor component of such developments. The request is to change the zoning to an MU-3 Mixed Use District to maintain the existing office and personal service uses while adding retail and personal service uses as primary uses, rather than restricted to a maximum of 10 percent of the total floor area. The MU-3 Mixed Use District supports the urban mixed-use nature of the area. Considering the volume of multifamily units being added to the area, the addition of restaurants and shops allowed with the change of zoning will complement the area.

| | Zoning | Land Use |
|------------------|--------------------------|-----------------------------|
| Site | GO(A) | Office |
| North | PD No. 895 | Multifamily |
| Southeast | MF-2(A) | Multifamily |
| South | MC-1 w/Deed Restrictions | Surgical Center |
| West | RR | Retail and personal service |

Surrounding land uses are multifamily uses to the immediate north and southeast, medical offices and surgical centers to the south, and retail and personal service uses across North Central Expressway, to the west.

The proposed zoning district primarily allows an expanded list of residential uses (by right and as a primary use) and retail and personal service uses. A few commercial and business service, institutional and community service, and wholesale, distribution, and storage uses have also been added. For a full list of added uses with notes to special provisions, please refer to the *Land Use Comparison* table.

Development Standards:

| <u>DISTRICT</u> | SETBACKS | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|--------------------------------|-----------------|--|--|---------------|---------------------|--|---|
| | Front | Side/Rear | | | | | |
| GO(A)- existing General Office | 15' | 0' | 4.0 FAR | 270' | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging, residential, trade center |
| MU-3 –. proposed Mixed use-3 | 15' | 20' adjacent residential OTHER: No Min. | 3.2 FAR base 4.0 FAR maximum + bonus for residential | 270' | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging, residential, trade center |

Land Use Comparison:

| | Proposed | Existing |
|--|--------------------|-----------------|
| Use | MU-3 | GO |
| Catering Service. | X | L |
| Custom business services. | DR | |
| Electronics service center. | X | L |
| Labor Hall | DR | |
| Tool or equipment rental. | DR | |
| Adult day care facility. | X | L |
| Child-care facility. | X | L |
| Convalescent and nursing homes, hospice care, and related institutions. | RAR, DR | |
| Convent or monastery. | X | RAR |
| Foster home. | DR | |
| Halfway house. | SUP, DR | |

| | | |
|---|------------------|-------------------------------|
| Overnight general purpose shelter. | Check Use, DR | Check Use. |
| Handicapped group dwelling unit. | | Check Use. |
| Duplex. | DR | Up to 5% of total floor area. |
| Group residential facility. | DR | Up to 5% of total floor area. |
| Multifamily. | X | Up to 5% of total floor area. |
| Residential hotel. | DR | |
| Animal shelter or clinic without outside runs. | RAR, DR | |
| Auto service center. | RAR, DR | |
| Car wash. | RAR, DR | |
| Commercial amusement (inside). | Check Use (SUP) | |
| Commercial amusement (outside). | SUP | |
| Commercial parking lot or garage. | RAR | |
| Convenience store with drive-through. | SUP | |
| Furniture store. | X | |
| General merchandise or food store greater than 3,500 square feet. | DR | |
| General merchandise or food store 100,000 square feet or more. | SUP, DR | |
| Household equipment and appliance repair. | DR | |
| Liquor store. | DR | |
| Mortuary, funeral home, or commercial wedding chapel. | DR | |
| Motor vehicle fueling station. | DR | L |
| Restaurant with drive-in or drive-through service. | DIR, DR | |
| Swap or buy shop. | SUP | |
| Temporary retail use. | X | |
| Theater. | X | SUP |
| Heliport. | SUP | |
| Radio, television, or microwave tower. | SUP | RAR |
| Mini-warehouse. | SUP | |
| Office, showroom/warehouse. | X | |
| Recycling buy-back center. | Check Use | |

| | | |
|---|------------------|--|
| Recycling collection center. | Check Use | |
| Trade center. | X | |
| <p><i>X indicates permitted by right.</i></p> <p><i>SUP indicates permitted with a Specific Use Permit.</i></p> <p><i>RAR indicates permitted, but subject to Residential Adjacency Review.</i></p> <p><i>DIR indicates permitted, but subject to Development Impact Review.</i></p> <p><i>L indicates that it is a limited use.</i></p> <p><i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i></p> <p><i>By CBO Authorization indicates that the use may be allowed with permission from the Chief Building Official.</i></p> <p><i>Strikethrough text and DR indicates items which are being voluntary deed restricted. Those uses will not be allowed.</i></p> | | |
| Alternating color pattern indicates a new category of uses. | | |

Parking: As this is a straight zoning request, parking will be provided according to the Dallas Development Code.

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

List of Owners

10440 North Central Expressway

OWNERSHIP:

SCG/CP MEADOW PARK TOWER OWNER, LLC

SCG/CP Meadow Park Tower, LLC, its sole member

Yego Meadow Park, LP, its manager

Yego Meadow Park GP, LLC, its general partner

Brian D. Neitzel, Manager

William R. Cawley, Manager

Todd K. Ashbrook, Manager

Z167-103

CPC Action:
January 5, 2017

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District, subject to deed restrictions volunteered by the applicant on property zoned a GO(A) General Office District, on the east line of North Central Expressway, north of Meadow Road.

Maker: Murphy
Second: Shidid
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 300 Mailed: 72
Replies: For: 0 Against: 0

Speakers: For (Did not speak): Karl Crawley, 900 Jackson St., Dallas, TX, 7520
Against: None

| |
|--------------------------------------|
| Volunteered Deed Restrictions |
|--------------------------------------|

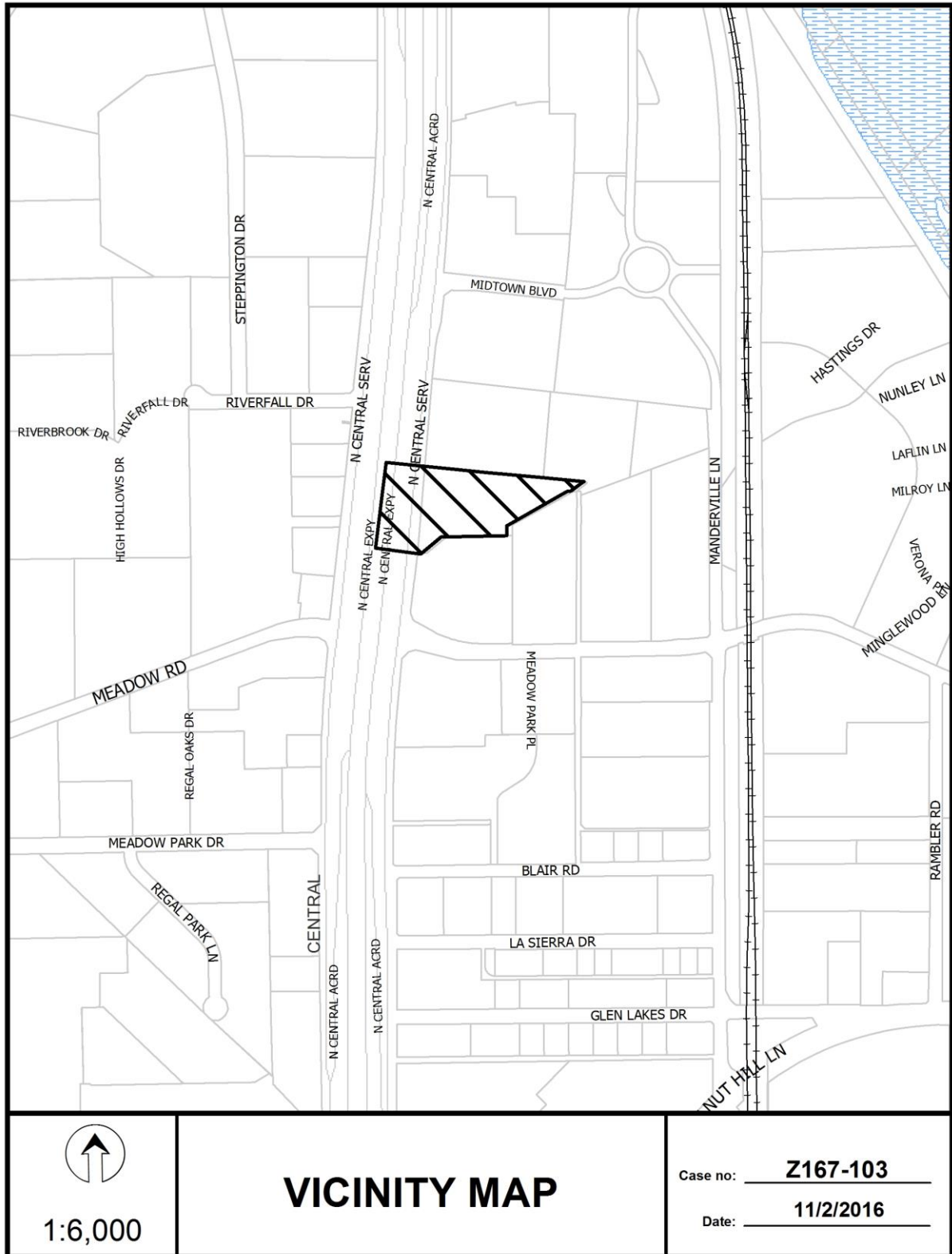
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(a) The following main uses are not permitted:

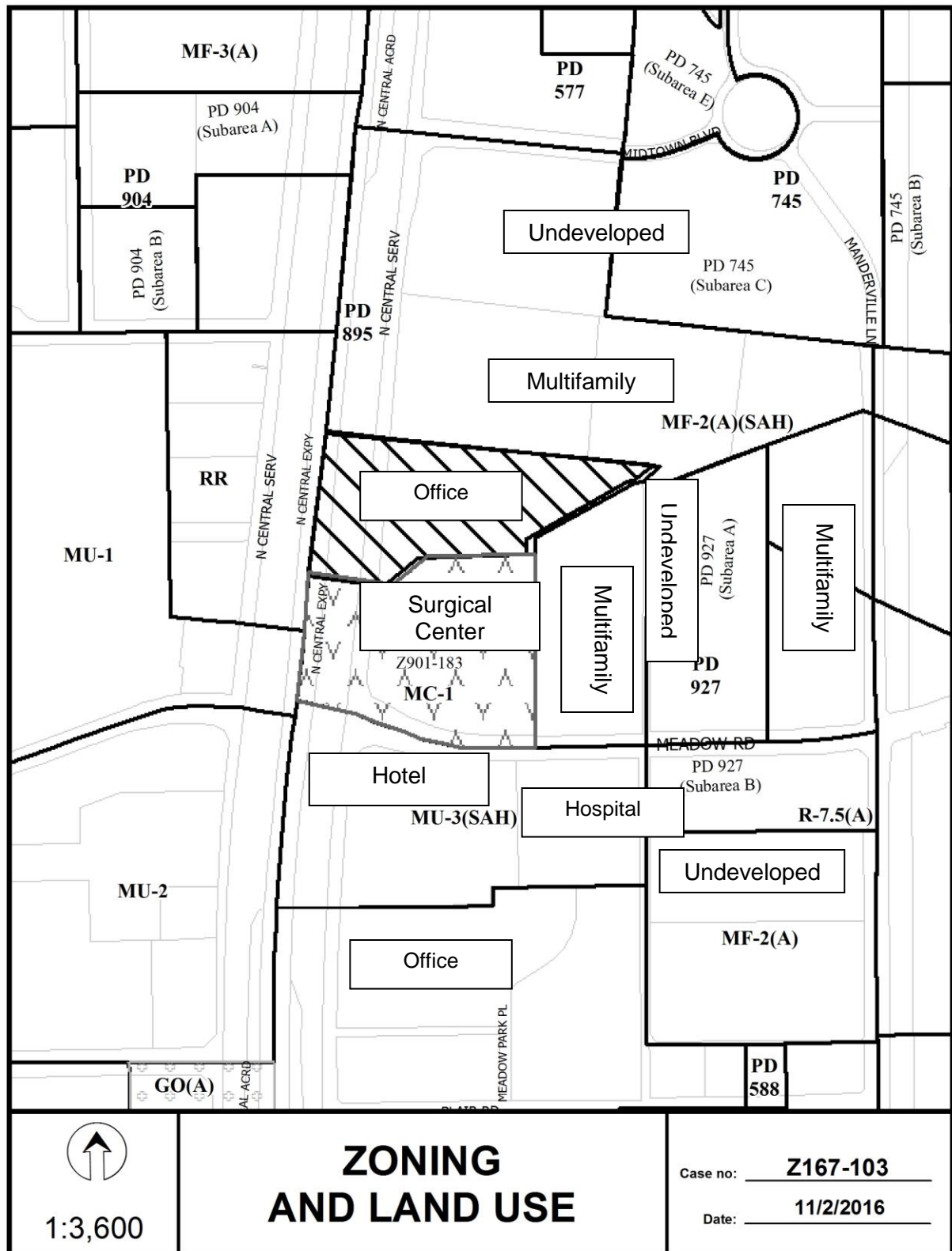
- Convalescent and nursing homes, hospice care, and related institutions.
- Custom business services.
- Duplex.
- Foster home.
- General merchandise or food store greater than 3500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Group residential facility.
- Halfway house.
- Household equipment and appliance repair.
- Labor hall.
- Liquor store.
- Auto service center.
- Motor vehicle fueling station.
- Mortuary, funeral home, or commercial wedding chapel.
- Residential hotel.
- Restaurant with drive-in or drive-through service.
- Retirement housing.
- Tool or equipment rental.
- Overnight general purpose shelter.
- Animal shelter or clinic without outside runs.
- Car wash.

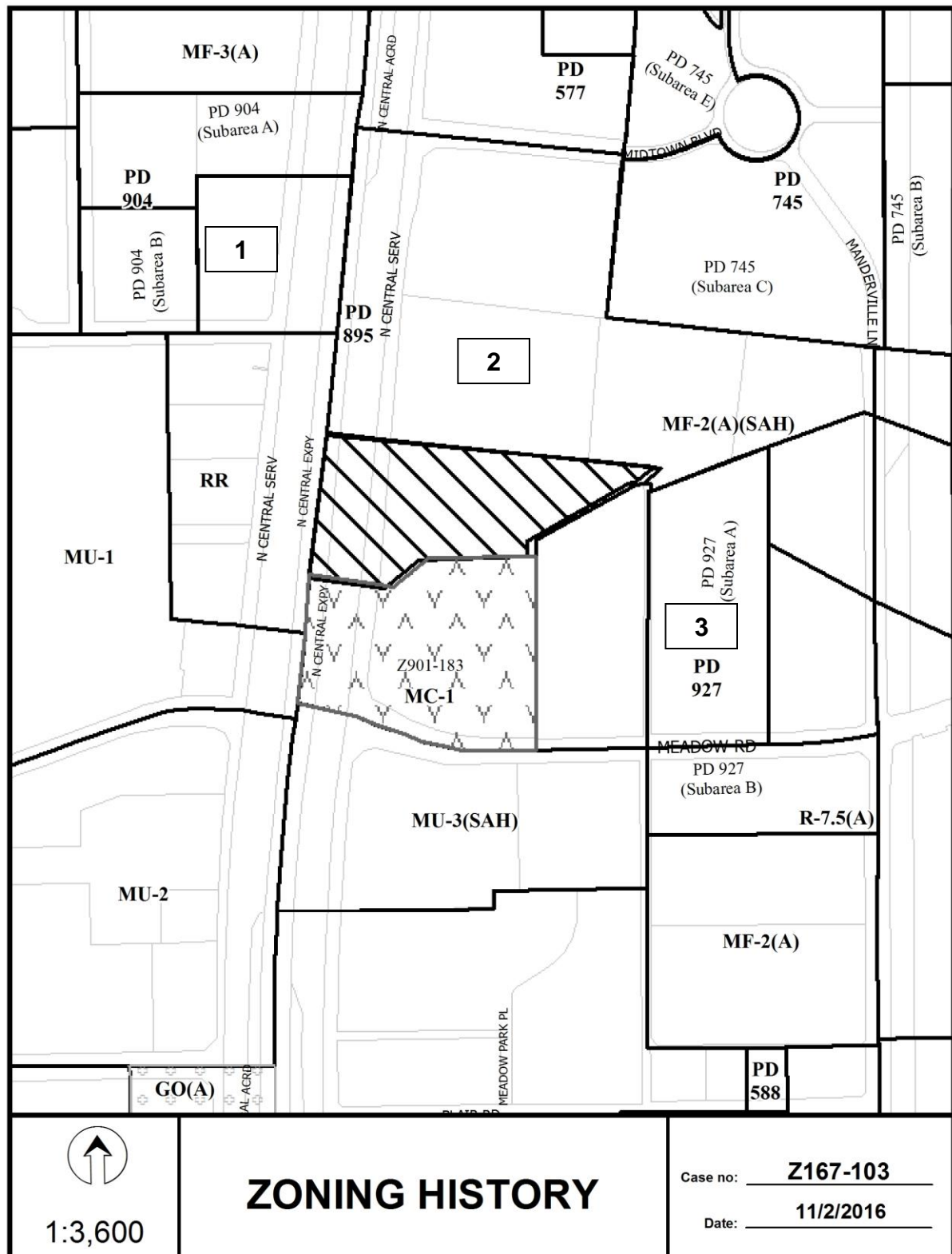
The following main use is only permitted as part of a mixed use project (See Section 51A-4.125 of the Dallas Development Code):

- Multifamily.

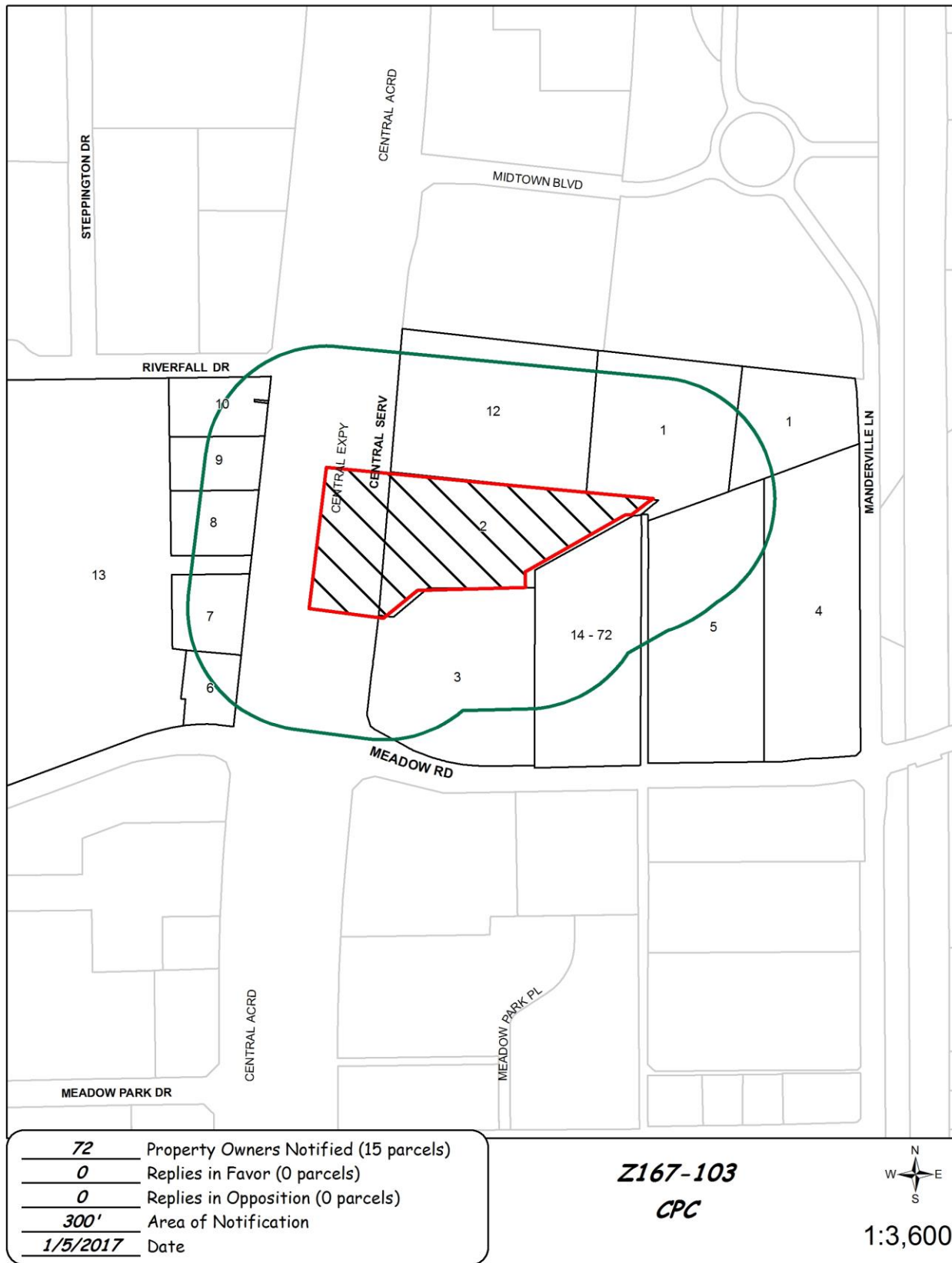








CPC RESPONSES



01/04/2017

Reply List of Property Owners***Z167-103******72 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 | 8109 | MANDERVILLE LN | COMMODORE PARTNERS LTD |
| 2 | 10440 | N CENTRAL EXPY | SCG CP MEADOW PARK |
| 3 | 10400 | N CENTRAL EXPY | MISI REALTY CC DALLAS LP |
| 4 | 8175 | MEADOW RD | MEADOWS REDEVELOPMENT LTD |
| 5 | 8111 | MEADOW RD | FIRST BAPTIST REALTY LLC |
| 6 | 10405 | N CENTRAL EXPY | MEADOW & CENTRAL LTD PS |
| 7 | 10425 | N CENTRAL EXPY | SRS MANAGEMENT LLC |
| 8 | 10433 | N CENTRAL EXPY | CCP MEADOWCENT I LP |
| 9 | 10443 | N CENTRAL EXPY | CHAN NELSON S & BELLE H |
| 10 | 10453 | N CENTRAL EXPY | MEADOW & CENTRAL LTD PS |
| 11 | 10453 | N CENTRAL EXPY | PRESCOTT INTERESTS BILLBOARDS LTD |
| 12 | 10550 | N CENTRAL EXPY | MIDTOWN MARK LLC |
| 13 | 10455 | N CENTRAL EXPY | MEADOW & CENTRAL LTD PS |
| 14 | 8059 | MEADOW RD | MESSEYE ABEIR |
| 15 | 8059 | MEADOW RD | TODORA TONY |
| 16 | 8057 | MEADOW RD | MEADOWS NORTH INVESTMENTS LLC |
| 17 | 8057 | MEADOW RD | 8057 MEADOW ROAD #201 LAND TRUST |
| 18 | 8057 | MEADOW RD | NEWAY ZEKARIAS |
| 19 | 8057 | MEADOW RD | ABEBE ZUFAN |
| 20 | 8055 | MEADOW RD | FRIEDRICH ELIZABETH E & |
| 21 | 8055 | MEADOW RD | CUNNINGHAM SHEREICE |
| 22 | 8057 | MEADOW RD | CUNNINGHAM SHEREICE |
| 23 | 8055 | MEADOW RD | MEADOWS NORTH REALTY LLC |
| 24 | 8055 | MEADOW RD | KEBEDE TAFESECH |
| 25 | 8065 | MEADOW RD | MALLARD WARREN L |
| 26 | 8065 | MEADOW RD | HUEY JOSEPH D & LORI A |

01/04/2017

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|----------------------------|
| 27 | 8067 | MEADOW RD | CHILDRESS CAROLYN H |
| 28 | 8065 | MEADOW RD | YEMANE SOLOMON |
| 29 | 8065 | MEADOW RD | JORDAN JAMES C & |
| 30 | 8067 | MEADOW RD | SHARP ABRAHAM E & SUSAN A |
| 31 | 8069 | MEADOW RD | BENAVIDES OSCAR |
| 32 | 8069 | MEADOW RD | HARTGROVE GRACE T |
| 33 | 8069 | MEADOW RD | ASKY MAZYAR |
| 34 | 8069 | MEADOW RD | OUZTS JOHN B JR |
| 35 | 8071 | MEADOW RD | GARCIA CYNTHIA |
| 36 | 8071 | MEADOW RD | WOLTER DIANE |
| 37 | 8071 | MEADOW RD | MESSEYE ABIER |
| 38 | 8071 | MEADOW RD | YANACEK CANDACE L |
| 39 | 8075 | MEADOW RD | PINNEBOG INVESTMENTS LLC |
| 40 | 8075 | MEADOW RD | NGUYEN LAM P |
| 41 | 8075 | MEADOW RD | SINGLETON PAULA K |
| 42 | 8075 | MEADOW RD | MEDINA JUANA |
| 43 | 8081 | MEADOW RD | MISGINA HAIMANOT BERAK |
| 44 | 8081 | MEADOW RD | SALCEDO DANNIEL E |
| 45 | 8081 | MEADOW RD | SOLOMON YEMANE KIFLU |
| 46 | 8081 | MEADOW RD | VILLAFUERTE ARMANDO |
| 47 | 8083 | MEADOW RD | MAYO HEDWIG J |
| 48 | 8083 | MEADOW RD | VALDEZ FEDERICO C & |
| 49 | 8083 | MEADOW RD | ARMSTRONG YENY A |
| 50 | 8083 | MEADOW RD | LARUMBE ZULEMA |
| 51 | 8085 | MEADOW RD | WALKER GEORGE FURMAN |
| 52 | 8085 | MEADOW RD | MEADOW 8085#226 LAND TRUST |
| 53 | 8085 | MEADOW RD | MITCHELL LAURENCE |
| 54 | 8087 | MEADOW RD | KIRK CHARLES GLEN |
| 55 | 8087 | MEADOW RD | HOLAN ANTHONY N & |
| 56 | 8087 | MEADOW RD | HOLCOMB JAMES RUSSELL III |
| 57 | 8089 | MEADOW RD | GLO NITE INC |

01/04/2017

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|----------------|--------------------------|
| 58 | 8089 | MEADOW RD | JOHNSTON HILLARY |
| 59 | 8089 | MEADOW RD | HAILE TESHOME S |
| 60 | 8091 | MEADOW RD | BENAVIDES OSCAR R JR |
| 61 | 8091 | MEADOW RD | ALEMU HULUMSEW ABEBE |
| 62 | 8093 | MEADOW RD | KIDANE MULU HABITE & |
| 63 | 8093 | MEADOW RD | BENEVIDES OSCAR |
| 64 | 8091 | MEADOW RD | CHOU AMY & |
| 65 | 8093 | MEADOW RD | ABRAHA SELAMAWIT |
| 66 | 8095 | MEADOW RD | MIZU KASSAHUN |
| 67 | 8095 | MEADOW RD | TAN JINI L |
| 68 | 8095 | MEADOW RD | SHEPHERD MARGARET |
| 69 | 8095 | MEADOW RD | SEUBERT SALLY A |
| 70 | 8095 | MEADOW RD | STOKES CATRIONA |
| 71 | 8095 | MEADOW RD | FOSTER CORRIE LEE |
| 72 | 8079 | MEADOW RD | MEADOWS NORTH REALTY LLC |

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 65C

SUBJECT

A public hearing to receive comments on the proposed sale of one unimproved property acquired by the taxing authorities from the Sheriff to City Wide Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim one unimproved property to City Wide Community Development Corporation, 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: \$1,000

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 quitclaim deed 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 quitclaim deed. The quitclaim deed 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 quitclaim deed in the real property records. 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.

BACKGROUND (continued)

City Wide Community Development Corporation (City Wide CDC), submitted a proposal to construct one (1) single-family home with the home containing approximately 1,405 to 1,700 square feet on the one unimproved HB110 process-eligible, Land Transfer Program property, identified on Exhibit A, attached to the resolution, for purchase by a low to moderate income homebuyer at a proposed sales price of \$130,000 to \$150,000 with construction to begin in April 2017.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of the one unimproved property to City Wide CDC and, at the close of the public hearing, authorizes the sale of the property to City Wide CDC by quitclaim deed and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 11, 2017, City Council authorized a public hearing to receive comments on the proposed sale by quitclaim deed of one unimproved property acquired by the taxing authorities from the Sheriff to City Wide Community Development Corporation, by Resolution No. 17-0075.

FISCAL INFORMATION

Revenue - \$1,000

OWNER

City Wide Community Development Corporation

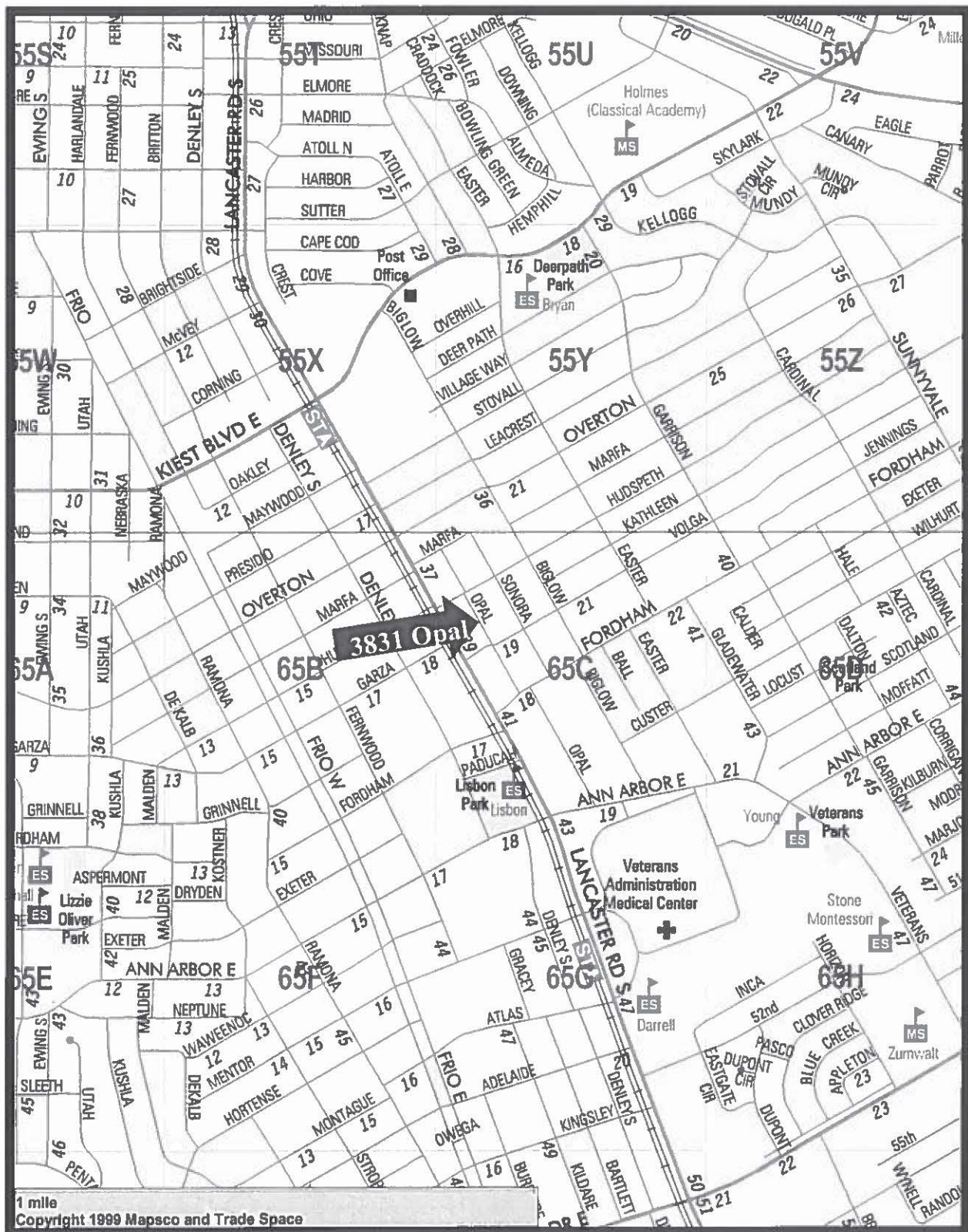
Sherman Roberts, President & Chief Executive Officer

MAP

Attached

Tax Foreclosure and Seizure Property Resale

| Parcel Council <u>No.</u> <u>Address</u> <u>District</u> | Non-Profit | DCAD | Sale | Vac/ | | | |
|---|--|---------------|---------------|---------------|------------|---------------|---|
| | <u>Organization</u> | <u>Mapsco</u> | <u>Amount</u> | <u>Amount</u> | <u>Imp</u> | <u>Zoning</u> | |
| 1. 3831 Opal | City Wide Community Development Corporation | 65C | \$7,000 | \$1,000.00 | V | R-7.5(A) | 4 |



February 8, 2017

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 must be sold by quitclaim deed 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 quitclaim deed; and

WHEREAS, the quitclaim deed 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 quitclaim deed 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, City Wide Community Development Corporation (City Wide CDC) submitted a proposal to construct one (1) single-family home with the home containing approximately 1,450 to 1,700 square feet on one (1) unimproved HB110 process-eligible, Land Transfer Program property, 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 \$130,000 to \$150,000 with construction to begin in April 2017; 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:

February 8, 2017

Section 1. That upon receipt of the requisite monetary consideration from City Wide Community Development Corporation, (hereinafter the “non-profit organization”) and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a quitclaim deed, approved as to form by the City Attorney and attested by the City Secretary, quitclaiming the property, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

Section 2. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City’s non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

Section 3. That the non-profit organization’s proposal for the development of affordable housing on the property, described in **Exhibit A**, is hereby approved.

Section 4. That the quitclaim deed shall contain:

- (a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the 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 determines that the non-profit organization:
 - (i) has failed to take possession of the property within ninety calendar days after receiving the quitclaim deed;
 - (ii) has failed to complete construction of affordable housing on the property within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;
 - (iii) is not developing the property in compliance with the timetable specified in the non-profit organization’s proposal;
 - (iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;
 - (v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the quitclaim deed; and

February 8, 2017

- (vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the quitclaim deed.
- (c) Deed restrictions requiring the purchaser to:
 - (i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;
 - (ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and
 - (iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.
- (d) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.
- (e) A statement and acknowledgment that the property is quitclaim deed 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 quitclaim deed. A "prohibited person" is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.

February 8, 2017

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 quitclaim deed, including the deed restrictions and the proposal.

Section 6. That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property from the date of closing for the remaining part of the then-current calendar year. The property shall be placed back on the tax rolls effective as of the date of execution of the quitclaim deed.

Section 7. That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

Section 8. That the monetary consideration received from the non-profit organization shall be distributed pursuant to 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 | | | | |
|--------------------------|---|---|------------------------------|----------------|
| PARCEL NUMBER | STREET ADDRESS LEGAL DESCRIPTION | QUALIFIED PURCHASER | NUMBER OF HOMEOWNER UNITS | SALE AMOUNT |
| 1 | 3831 Opal Lot 9, Hillview Addition Block 4/4334 | City Wide Community Development Corporation | 1 | \$1,000.00 |
| TOTAL | | | | \$1,000.00 |

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 46R Q

SUBJECT

A public hearing to receive comments on the proposed sale of four unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Innercity Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim four unimproved properties (list attached) to South Dallas Fair Park Innercity Community Development Corporation, 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: \$4,000

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 quitclaim deed 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 quitclaim deed. The quitclaim deed 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 quitclaim deed in the real property records. 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.

BACKGROUND (continued)

South Dallas Fair Park Inncity Community Development Corporation (ICDC), submitted a proposal to construct four (4) single-family homes with the homes containing approximately 1,300 to 1,400 square feet on the four unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by low to moderate income homebuyers at a proposed sales price of \$95,000 to \$105,000 with construction to begin in June 2017.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of the four unimproved properties to ICDC and, at the close of the public hearing, the City Council will be asked to authorize the sale of the properties to ICDC by quitclaim deeds 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 January 11, 2017, City Council authorized a public hearing to receive comments on the proposed sale by quitclaim deed of four unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Inncity Community Development Organization, by Resolution No. 17-0076.

FISCAL INFORMATION

Revenue - \$4,000

OWNER

South Dallas Fair Park Inncity Community Development Corporation

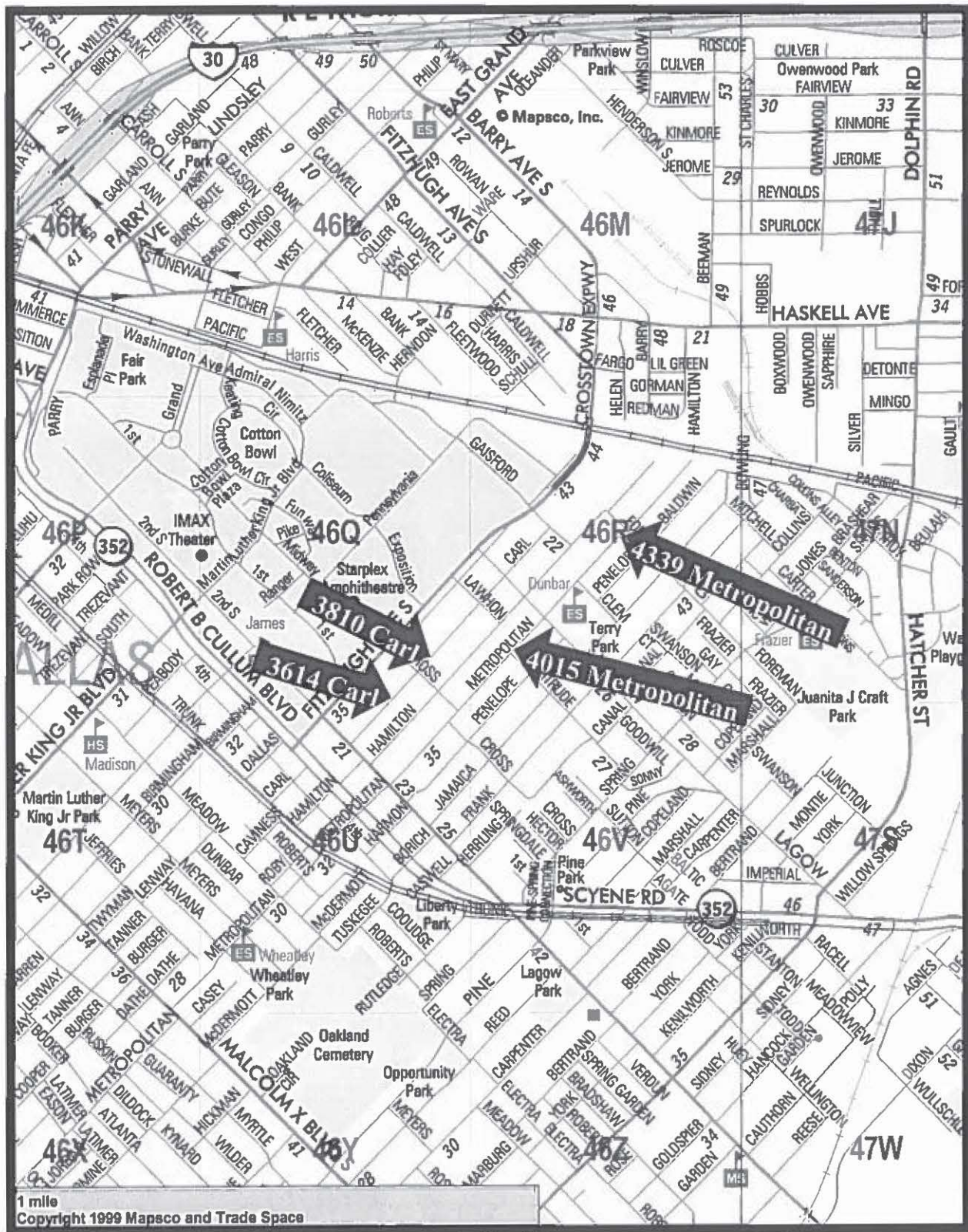
Diane Ragsdale, Managing Director

MAP

Attached

Tax Foreclosure and Seizure Property Resale

| Parcel Council No. Address District | Non-Profit Organization | DCAD Mapsco | Sale Amount | Vac/ Imp | Zoning | |
|--|---|------------------------|------------------------|---------------------|---------------|----------|
| 1. 4015 Metropolitan | South Dallas Fair Park Innercity Community Development Corporation | 46R | \$5,000 | \$1,000.00 | V | PD-595 7 |
| 2. 4339 Metropolitan | South Dallas Fair Park Innercity Community Development Corporation | 46R | \$5,000 | \$1,000.00 | V | PD-595 7 |
| 3. 3614 Carl | South Dallas Fair Park Innercity Community Development Corporation | 46Q | \$5,000 | \$1,000.00 | V | PD-595 7 |
| 4. 3810 Carl | South Dallas Fair Park Innercity Community Development Corporation | 46Q | \$5,000 | \$1,000.00 | V | PD-595 7 |



MAPSCO 46Q & 46R

February 8, 2017

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 must be sold by quitclaim deed 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 quitclaim deed; and

WHEREAS, the quitclaim deed 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 quitclaim deed 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, South Dallas Fair Park Innercity Community Development Corporation (ICDC) submitted a proposal to construct four (4) single-family homes with the homes containing approximately 1,300 to 1,400 square feet on four 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 low to moderate income homebuyers at a proposed sales price of \$95,000 to \$105,000 with construction to begin in June 2017; 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:

February 8, 2017

Section 1. That upon receipt of the requisite monetary consideration from South Dallas Fair Park Innercity Community Development Corporation, (hereinafter the “non-profit organization”) and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a quitclaim deed, approved as to form by the City Attorney and attested by the City Secretary, quitclaiming the properties, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

Section 2. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City’s non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

Section 3. That the non-profit organization’s proposal for the development of affordable housing on the property, described in **Exhibit A**, is hereby approved.

Section 4. That the quitclaim deed shall contain:

- (a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the 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 determines that the non-profit organization:
 - (i) has failed to take possession of the property within ninety calendar days after receiving the quitclaim deed;
 - (ii) has failed to complete construction of affordable housing on the property within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;
 - (iii) is not developing the property in compliance with the timetable specified in the non-profit organization’s proposal;
 - (iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;
 - (v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the quitclaim deed; and

February 8, 2017

- (vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the quitclaim deed.
- (c) Deed restrictions requiring the purchaser to:
 - (i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;
 - (ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and
 - (iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.
- (d) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.
- (e) A statement and acknowledgment that the property is quitclaim deed 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 quitclaim deed. A "prohibited person" is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.

February 8, 2017

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 quitclaim deed, including the deed restrictions and the proposal.

Section 6. That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property from the date of closing for the remaining part of the then-current calendar year. The property shall be placed back on the tax rolls effective as of the date of execution of the quitclaim deed.

Section 7. That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

Section 8. That the monetary consideration received from the non-profit organization shall be distributed pursuant to 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 | | | | |
|--------------------------|--|--|---------------------------|-------------|
| PARCEL NUMBER | STREET ADDRESS LEGAL DESCRIPTION | QUALIFIED PURCHASER | NUMBER OF HOMEOWNER UNITS | SALE AMOUNT |
| 1 | 4015 Metropolitan Lot 35, Camps Second Avenue Addition Block F/1817 | South Dallas Fair Park Innercity Community Development Corporation | 1 | \$1,000.00 |
| 2 | 4339 Metropolitan Lot 27, Camps Alex Addition Block G/1822 | South Dallas Fair Park Innercity Community Development Corporation | 1 | \$1,000.00 |
| 3 | 3614 Carl Lot 11 Block 2/1557 | South Dallas Fair Park Innercity Community Development Corporation | 1 | \$1,000.00 |
| 4 | 3810 Carl Lot 3, 50 x 125 Carl 100FR Cross Block 0/1813 | South Dallas Fair Park Innercity Community Development Corporation | 1 | \$1,000.00 |
| TOTAL | | | | \$4,000.00 |

**FEBRUARY 8, 2017 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated February 8, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



T.C. Broadnax
City Manager

2/3/2017

Date



Elizabeth Reich
Chief Financial Officer

2-3-17

Date

RECEIVED

2017 FEB -3 PM 5: 12

CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 8, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED 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

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 17

CONSENT ADDENDUM

Items 1 - 5

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 18 - 22
Addendum Item 6

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 23 - 37

Handgun Prohibition Notice for Meetings of Government Entities

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

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

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

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

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 8, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues related to the Dallas Police and Fire Pension System.

CONSENT ADDENDUM

Housing/Community Services

1. Authorize a one-year service contract, with two one-year renewal options, with Real Time Transport Corporation to provide transportation services to medical appointments within the City of Dallas for low-and moderate-income seniors - Not to exceed \$190,000
- Financing: Current Funds (subject to annual appropriations)

Mobility and Street Services

2. A resolution authorizing support for the IH 635 LBJ Freeway East Project - Financing:
This action has no cost consideration to the City

Park & Recreation

3. Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway ("Property") - Revenue: \$10 one-time fee

Sustainable Development and Construction

4. An ordinance abandoning a portion of Newton Court to Park Cities Presbyterian Church, the abutting owner, containing approximately 19,556 square feet of land, located near the intersection of Oak Lawn Avenue and Newton Court, and authorizing the quitclaim - Revenue: \$1,163,582, plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 8, 2017**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction (Continued)

5. An ordinance abandoning portions of two alleys and portions of Texas, Live Oak, and Cantegral Streets to Biscuit Holdings, Ltd., the abutting owner, containing a total of approximately 6,728 square feet of land, located near the intersection of Cantegral and Live Oak Streets, and authorizing the quitclaim - Revenue: \$356,584, plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

6. An ordinance ordering a general election to be held in the City of Dallas on Saturday, May 6, 2017, for the purpose of electing 14 members of the City Council to represent Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 for the term beginning June 19, 2017 - Financing: No cost consideration to the City

CORRECTION:

Note: Agenda Item No. 9 to be considered as an Item for Individual Consideration Designated Public Subsidy Matters

Economic Development

9. Authorize **(1)** rescinding Resolution No. 15-0291, previously approved on February 11, 2015, which authorized a 75 percent real property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC; and **(2)** a 75 percent business personal property tax abatement agreement for 8 years with PIHV Mountain Creek, LLC and/or CarbonLITE Recycling, LLC on new business personal property to be located at 4685 Mountain Creek Parkway within Mountain Creek Neighborhood Empowerment Zone No. 1 in Dallas - Revenue: First year revenue estimated at \$83,688; eight-year revenue estimated at \$546,224 (Estimated revenue foregone for eight-year business personal property tax abatement estimated at \$1,638,672)

ADDENDUM DATE February 8, 2017

| ITEM | IND | | | | | | | | DESCRIPTION |
|------|-----|-----|----------|------|-------------|-----------------|-------|------|--|
| # | OK | DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | |
| 1 | | | All | C | HOU | \$190,000.00 | NA | NA | Authorize a one-year service contract, with two one-year renewal options, with Real Time Transport Corporation to provide transportation services to medical appointments within the City of Dallas for low-and moderate-income seniors - Not to exceed \$190,000 - Financing: Current Funds (subject to annual appropriations) |
| 2 | | | 9, 10 | C | STS | NC | NA | NA | A resolution authorizing support for the IH 635 LBJ Freeway East Project - Financing: This action has no cost consideration to the City |
| 3 | | | 9 | C | PKR, DEV | REV \$10 | NA | NA | Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway ("Property") - Revenue: \$10 one-time fee |
| 4 | | | 14 | C | DEV | REV \$1,163,582 | NA | NA | An ordinance abandoning a portion of Newton Court to Park Cities Presbyterian Church, the abutting owner, containing approximately 19,556 square feet of land, located near the intersection of Oak Lawn Avenue and Newton Court, and authorizing the quitclaim - Revenue: \$1,163,582, plus the \$20 ordinance publication fee |
| 5 | | | 14 | C | DEV | REV \$356,584 | NA | NA | An ordinance abandoning portions of two alleys and portions of Texas, Live Oak, and Cantegral Streets to Biscuit Holdings, Ltd., the abutting owner, containing a total of approximately 6,728 square feet of land, located near the intersection of Cantegral and Live Oak Streets, and authorizing the quitclaim - Revenue: \$356,584, plus the \$20 ordinance publication fee |
| 6 | | | All | I | SEC | NC | NA | NA | An ordinance ordering a general election to be held in the City of Dallas on Saturday, May 6, 2017, for the purpose of electing 14 members of the City Council to represent Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 for the term beginning June 19, 2017 - Financing: No cost consideration to the City |

TOTAL \$190,000.00

ADDENDUM ITEM # 1

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: N/A

SUBJECT

Authorize a one-year service contract, with two one-year renewal options, with Real Time Transport Corporation to provide transportation services to medical appointments within the City of Dallas for low-and moderate-income seniors - Not to exceed \$190,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item is being added to the addendum to expedite the delivery of Senior Medical Transportation Services. The contractor was selected on January 11, 2017, in response to a Requests for Competitive Sealed Proposals (RFCSP).

Approximately 1,192 seniors have enrolled in the City's Senior Medical Transportation Program (SMTP). Until September 30, 2016, the SMTP was implemented in-house by the Housing/Community Services Department. To reduce the cost of implementation, increase operating efficiencies and expand program operations, staff recommended that the program be outsourced beginning in FY 2016-17.

On November 24, 2016, a Request for Competitive Sealed Proposals (RFCSP) was issued by Business Development and Procurement Services to solicit a contractor for the Senior Medical Transportation Program. The due date for proposals was extended to December 29, 2016. Two proposals were received in response to the RFCSP. The respondents were Irving Holdings, Inc., parent company of Yellow Cab, and Real Time Transport Corporation.

A three member selection committee from the Departments of Aviation, Financial Services and Planning and Urban Design reviewed and evaluated the proposals on January 11, 2017. The Housing/Community Services Department Office of Senior Affairs Administrator served as facilitator.

BACKGROUND (Continued)

The successful proposer was selected by the committee based on the candidates' Experience and Capacity, Overall Approach and Methodology, and Cost. Upon review of the two proposals, the Selection Committee recommended Real Time Transport Corporation.

The service contract with Real Time Transport Corporation will provide for medical transportation services for low-and moderate-income seniors to and from medical appointments within the City of Dallas. The contract term will be for one year and may be renewed for two additional one-year terms, depending upon available funding and the company's satisfactory performance.

Contract provisions include:

- Cost not to exceed \$190,000
- 25 trips per day, 5 days a week, 260 days per year
- Door to door service
- Vehicles to accommodate ambulatory and wheelchair clients
- Expanded hours of operation from 7:00 a.m. to 6:00 p.m.
- Caregiver can accompany client at no cost
- Dedicated dispatch by Real Time Transport for SMTP clients
- Will serve the entire city

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 21, 2016, City Council authorized funds for the Senior Medical Transportation Program, by Resolution No. 16-1526.

On November 24, 2016, a RFCSP was issued to solicit vendors for the Senior Medical Transportation Program.

On December 29, 2016, two proposals to implement the Senior Medical Transportation Program were received.

On January 11, 2017, Real Time Transport Corporation was selected as the successful proposer by the Senior Medical Transportation Program Selection Committee.

Information about this item will be provided to the Housing Committee on February 6, 2017.

FISCAL INFORMATION

\$190,000 - Current Funds (subject to annual appropriations)

February 8, 2017

WHEREAS, on September 21, 2016, City Council authorized funds for the Senior Medical Transportation Program, by Resolution No. 16-1526; and

WHEREAS, on November 24, 2016, a RFCSP was issued to solicit proposers for the Senior Medical Transportation Program; and

WHEREAS, on December 29, 2016, two proposals to implement the Senior Medical Transportation Program were received; and

WHEREAS, on January 11, 2017, Real Time Transport Corporation was selected as the successful proposer by the Senior Medical Transportation Program Selection Committee; and

WHEREAS, the City desires to contract with Real Time Transport Corporation to provide medical transportation services for low-and moderate-income seniors to medical appointments within the City of Dallas.

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 a service contract with Real Time Transport Corporation (VS93434) with two twelve-month renewal options, to provide medical transportation services for low-and moderate-income seniors to medical appointments within the City of Dallas for a term of one year from the date of execution of the agreement in an amount not to exceed \$190,000.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$190,000 (subject to annual appropriations) from Service Contract number MASCRTRANS.

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.

ADDENDUM ITEM # 2

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 9, 10

DEPARTMENT: Mobility and Street Services

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

MAPSCO: Various

SUBJECT

A resolution authorizing support for the IH 635 LBJ Freeway East Project - Financing:
This action has no cost consideration to the City

BACKGROUND

This item is on the addendum agenda at council request because TxDOT's official public comment period is currently open through February 15, 2017. Interstate Highway (IH) 635 LBJ East highway, east of U.S. 75 was constructed in the late 1960s and has become one of the busiest, most congested highways in the nation. This LBJ East Project will increase capacity, reduce congestion, and improve mobility for LBJ from U.S. 75 to U.S. 80 in Mesquite.

The LBJ East project is identified by the Regional Transportation Council as among the highest priority highway projects in the eastern side of the region and is now focused on completing a funding package for the Interstate Highway (IH) LBJ East project for construction.

The LBJ East Project is an 11-mile roadway project that entails full reconstruction of IH 635 from US 75 to IH 30, widening the freeway from four to five general purpose lanes in each direction, and including two toll-managed express lanes in each direction. The managed/express lanes are proposed to be tolled from US 75 to Royal Lane/Miller Road to provide a transition from the tolled managed lanes west of Central Expressway and to provide an additional source of revenue to complete funding for the project.

The project includes early implementation of the Skillman-Audelia Bridge and noise barriers to protect residential areas and will include sidewalks along all frontage roads.

BACKGROUND (Continued)

This segment of LBJ East will complement the recently completed sections of LBJ, IH 635 LBJ from Stemmons Freeway to Central Expressway and from IH 30 to US 80.

The Regional Transportation Council included the LBJ East project in the region's Metropolitan Transportation Plan, called the Mobility 2040 Plan, and has included a commitment to fund it using a combination of TxDOT Unified Transportation Program funds that must also be approved by the Texas Transportation Commission. The funding plan anticipates the use of innovative funding mechanisms, including public-private partnerships and the use of tolled managed/express lanes to fully fund the project and expedite construction. The use of tolled lanes will require supportive legislation from the Texas Legislature.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on February 6, 2017.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached

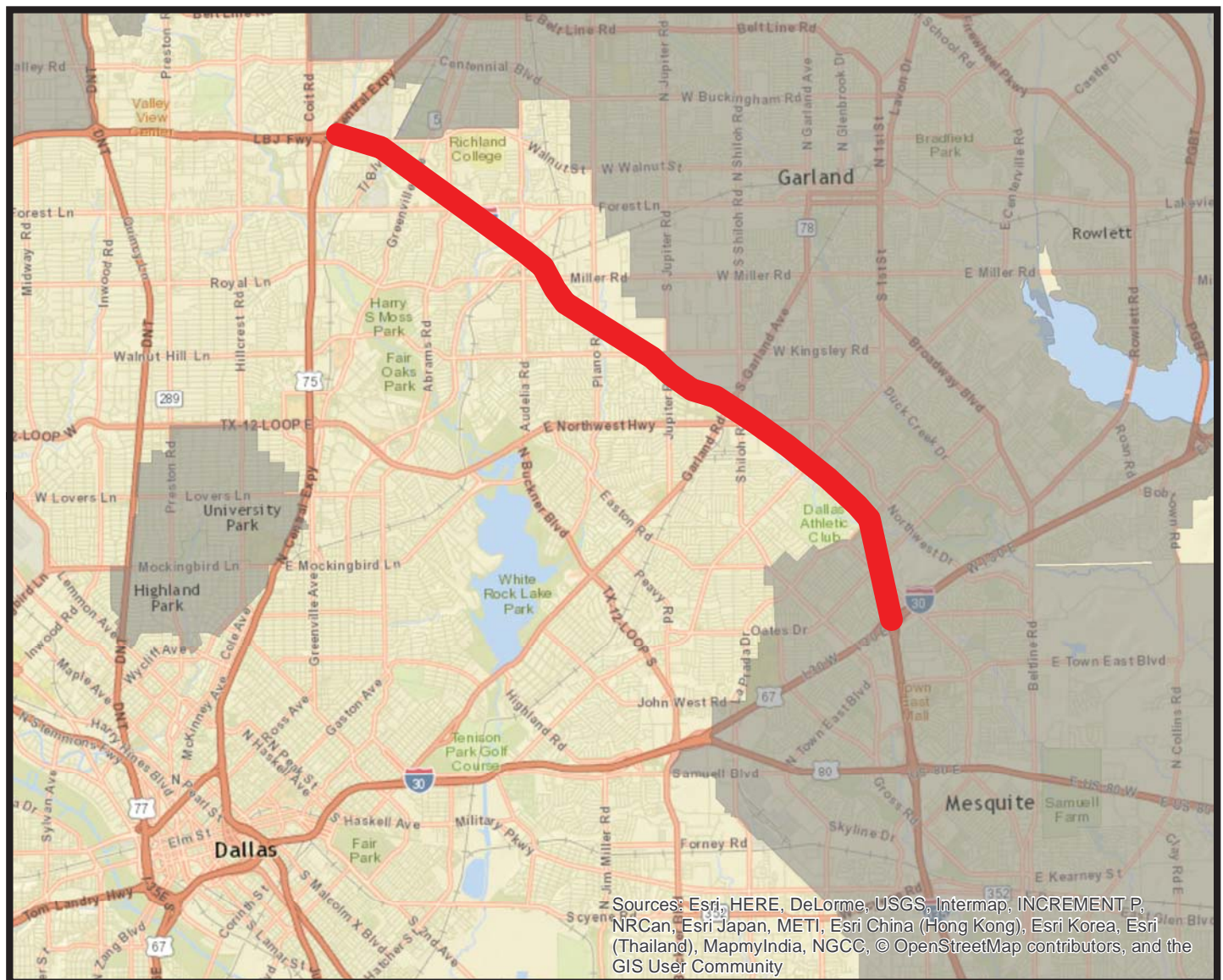
Interstate Highway (IH) 635

LBJ East Highway

US 75 to IH 30

Council District: 9 & 10

MAPSCO: various



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

February 8, 2017

WHEREAS, the City of Dallas traffic has consistently been ranked among the most congested in the nation; and

WHEREAS, the Texas Department of Transportation (TxDOT) has received Congestion Relief Funding and has been directed to accelerate projects in the state that will improve mobility and safety on the most congested interstates; and

WHEREAS, planning for the reconstruction and expansion of IH 635 LBJ Freeway from IH 35E in northwest Dallas to US 80 in Mesquite began in the mid-1990s; and

WHEREAS, reconstruction of the sections of IH 635 LBJ Freeway East from IH 35E to US 75, and from IH 30 to US 80 have been completed, leaving only the segment of IH 635 LBJ East from US 75 to IH 30 that has not been completed; and

WHEREAS, the Texas Department of Transportation (TxDOT) is proposing to reconstruct and widen IH 635 LBJ East from US 75 to IH 30 through the Cities of Dallas, Garland and Mesquite; and

WHEREAS, the proposed project includes five twelve-foot wide general purpose lanes in each direction, two twelve-foot wide managed/express lanes in each direction, and two to three continuous frontage road lanes in each direction; and

WHEREAS, the managed/express lanes are proposed to be tolled from US 75 to Royal Lane/Miller Road to provide a transition from the tolled managed lanes west of US 75 and to provide an additional source of revenue to complete funding for the project; and

WHEREAS, the Regional Transportation Council (RTC) included the IH 635 LBJ East project in the region's Metropolitan Transportation Plan, called the Mobility 2040 Plan, and has consistently identified IH 635 LBJ East as one of the highest priority projects in the Dallas-Fort Worth region; and

WHEREAS, the RTC adopted a 10-Year Plan in December 2016 that included a commitment to fund the IH 635 LBJ East project using a combination of Unified Transportation Program funds approved by the Texas Transportation Commission; and

WHEREAS, TxDOT conducted a public hearing on the proposed project on Tuesday, January 31, 2017, to present the planned improvements and to receive public comment on the proposed project; and

WHEREAS, Skillman and IH 635 LBJ Freeway East has been determined to be one of the most dangerous intersections in the City of Dallas; and

February 8, 2017

WHEREAS, the proposed project provides for early implementation of the Skillman-Audelia Bridge and noise barriers to protect residential areas, and will include sidewalks along all frontage roads; and

WHEREAS, the IH 635 LBJ Freeway East Project includes design elements that improve mobility and safety, enhance quality of life for the surrounding community, and encourage economic development.

Now, Therefore,

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

SECTION 1. That the City Council supports reconstruction and widening of IH 635 LBJ Freeway East between US 75 and IH 30 as proposed by the Texas Department of Transportation and approved by the Regional Transportation Council.

SECTION 2. That the City Council supports the use of innovative funding mechanisms, including public-private partnerships and the use of tolled managed/express lanes between US 75 and Royal/Miller, in order to fully fund the project and expedite construction.

SECTION 3. That the City Council supports expediting the early implementation of the Skillman-Audelia Bridge and surrounding projects along with noise barriers.

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.

ADDENDUM ITEM # 3

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

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 9

DEPARTMENT: Park & Recreation
Sustainable Development and Construction

CMO: Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: 27Y, Z

SUBJECT

Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway ("Property") - Revenue: \$10 one-time fee

BACKGROUND

This item is on the addendum at the request of the City Manager's Office.

The Park and Recreation Department had previously granted the Old Lake Highlands Neighborhood the right to place a neighborhood portal in Norbuck Park in 1951. In 2003 and 2012 the agreement was renewed as a lease agreement. This proposed agreement replaces the existing lease agreement with a long-term license agreement.

This item authorizes a license agreement to the Old Lake Highlands Neighborhood Association to maintain the property which shall consist of mowing grass, removing debris and maintaining the monument sign.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

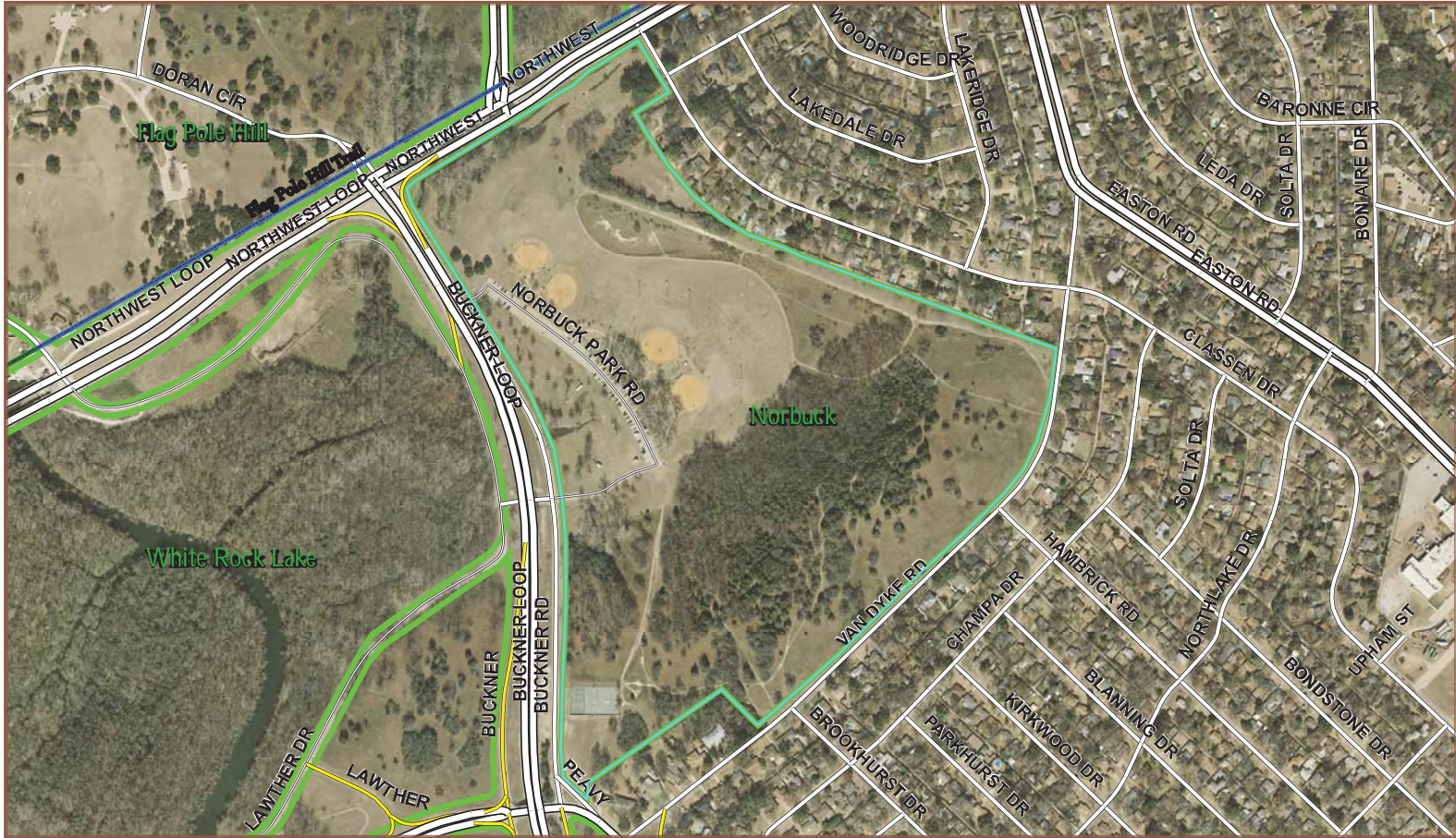
On November 17, 2016, the Park and Recreation Board authorized a twenty-year license agreement.

FISCAL INFORMATION

Revenue: \$10 one-time fee

MAP

Attached



0 195 390 780 1,170 Feet



dallas
Park & Recreation

Norbuck Park
200 N. Buckner Blvd

27 Y Z

District

9

6/23/2014

February 8, 2017

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a license agreement, between Old Lake Highlands Neighborhood Association, a Texas non-profit corporation, as Licensee, and the City of Dallas, as Licensor, hereinafter referred to as "City", for approximately 930 square feet of land located at the intersection of Classen Drive and Northwest Highway, Dallas, Dallas County, Texas (the "Property"), as shown in Exhibit B for the non-exclusive right to maintain one monument sign and landscaping.

SECTION 2. That the special terms and conditions of this License Agreement are:

- (a) The license is for a term of twenty (20) years beginning upon execution and terminating 20 years thereafter.
- (b) Licensee shall pay a one-time license fee of \$10.00.
- (c) Licensee is non-exclusive and the City reserves full ingress and egress rights and the right to grant use to other parties.
- (d) The license and the licensed right to use the Property is terminable by the City at its convenience upon 90-days written notice of said termination. Upon expiration or termination of the license for any reason, the licensee shall cease using the property; remove its improvements, if any, on the Property as directed by the City.
- (e) The Property is licensed "AS IS, WITH ALL FAULTS" and the City is under no obligation to make any improvements or modifications to the Property.
- (f) Licensee shall be responsible maintaining the Property which shall consist of mowing grass, removing debris and maintaining the monument sign.
- (g) Licensee shall be responsible for obtaining any utilities deemed necessary, appropriate or desirable for its use of the Property and shall pay all such utilities, during the term of the license.
- (h) Licensee shall pay any taxes and assessment levied or assessed against the Property attributable to licensee's use and shall secure such insurance coverage as the City shall deem appropriate, during the term of the license.
- (i) Any modifications to the monument sign shall require the Park and Recreation Board approval.

February 8, 2017

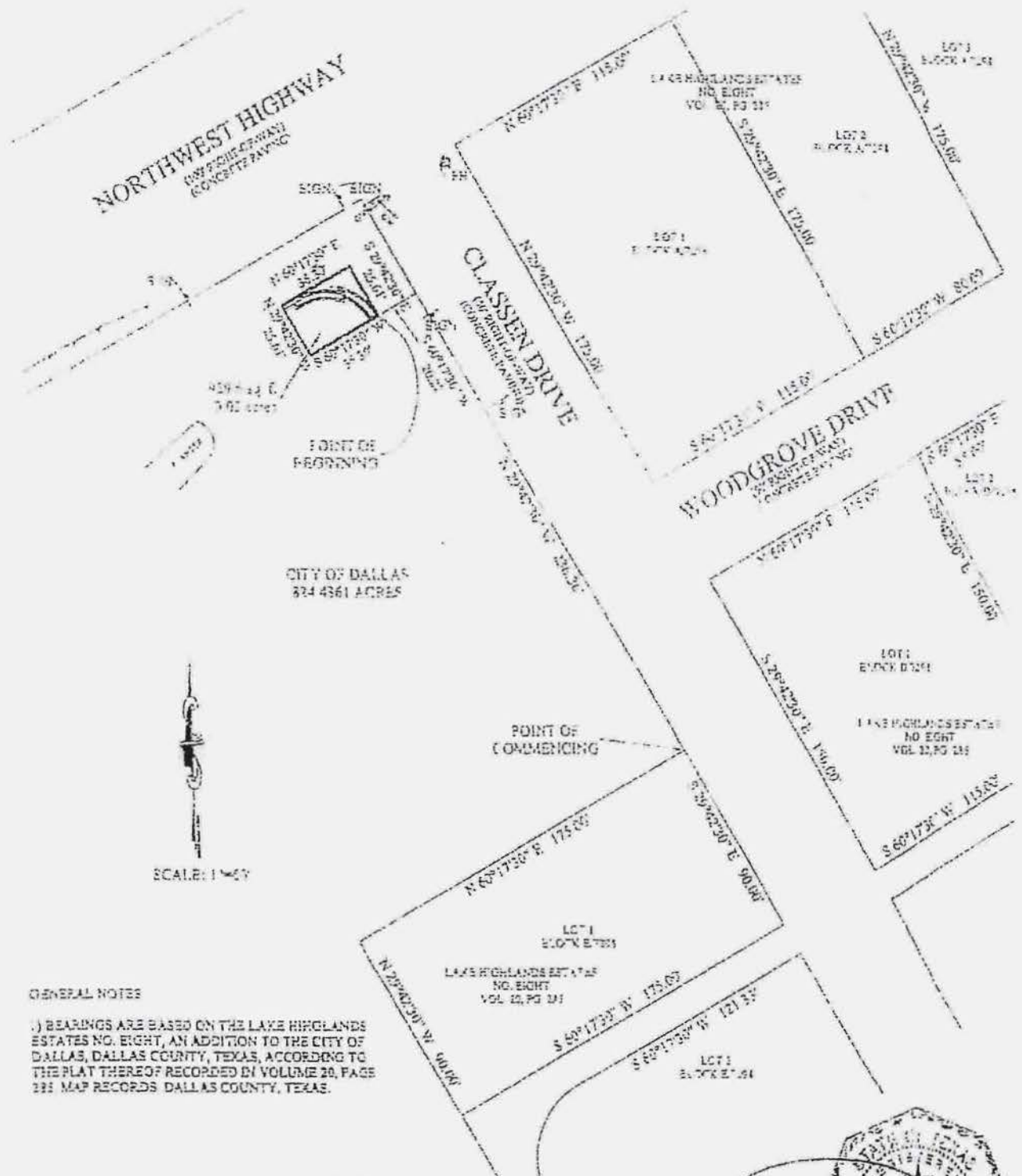
SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit proceeds from this license in Fund 0530, Department PKR, Unit P516, Revenue Code 8471.

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.

**APPROVED AS TO FORM
LARRY E. CASTO, CITY ATTORNEY**

**BY: _____
ASSISTANT CITY ATTORNEY**

EXHIBIT B



GENERAL NOTES

1) BEARINGS ARE BASED ON THE LAKE HIGHLANDS ESTATES NO. EIGHT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 20, PAGE 231 MAP RECORDS DALLAS COUNTY, TEXAS.

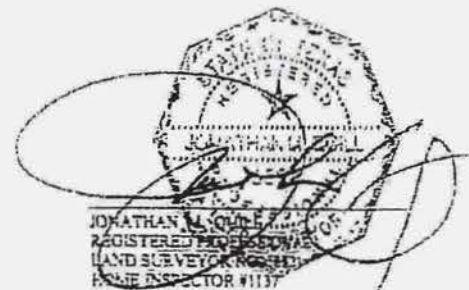
SHEET 2 OF 2
JOB NO. 11-0972
DRAWN BY: T.O



SURVEYING LLC

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P.O. BOX 510705
DALLAS, TEXAS
PH: 214-513-8291
FAX: 469-513-1570
E-MAIL:
SURVEY@SHS2SURVEYING.COM



ADDENDUM ITEM # 4

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 8, 2017
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 35T

SUBJECT

An ordinance abandoning a portion of Newton Court to Park Cities Presbyterian Church, the abutting owner, containing approximately 19,556 square feet of land, located near the intersection of Oak Lawn Avenue and Newton Court, and authorizing the quitclaim - Revenue: \$1,163,582, plus the \$20 ordinance publication fee

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a portion of Newton Court to Park Cities Presbyterian Church, the abutting owner. The area will be included with the property of the abutting owners for the expansion of church facilities. The abandonment fee is based on an independent appraisal.

Notices were sent to 26 property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on January 17, 2017.

FISCAL INFORMATION

Revenue: \$1,163,582, plus the \$20 ordinance publication fee

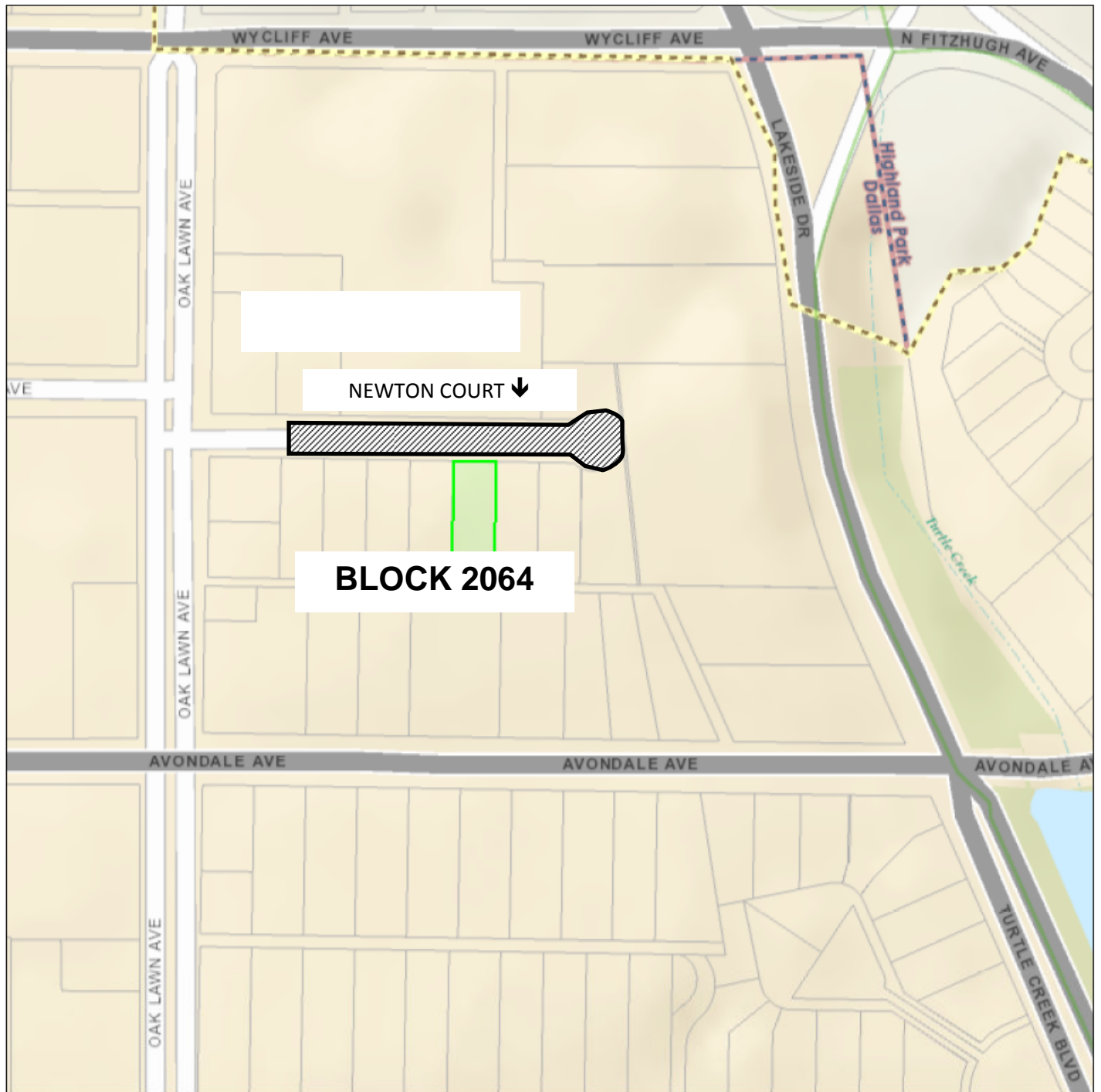
OWNER

Park Cities Presbyterian Church

Jeff Barber, Executive Director

MAP

Attached



ABANDONMENT AREA



ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Newton Court located adjacent to City Blocks 2064 and 3/2064 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Park Cities Presbyterian Church; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of the Dallas Development Code; providing a future effective date for this abandonment and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Park Cities Presbyterian Church, a Texas non-profit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Newton Court is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

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

SECTION 1. That those certain provisions of Section 51A-8.506(b) of the Dallas Development Code regarding dead-end streets to the extent, not required by state law or City Charter, are hereby waived with respect to this ordinance.

SECTION 2. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 3. That for and in monetary consideration of the sum of **ONE MILLION ONE HUNDRED SIXTY-THREE THOUSAND FIVE-HUNDRED EIGHTY-TWO AND NO/100 DOLLARS (\$1,163,582.00)** paid by **GRANTEE**, and the further consideration described in Sections 9, 10, 11 and 12, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 4. That upon payment of the monetary consideration set forth in Section 3, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 5. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 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 6. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 7. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 8. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils;

(d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) acquire Lots 7, 8, 9, 12, and 13 in City Block 2064, according to the plat for Talty's Subdivision recorded in Volume 2, page 388 of the map records of Dallas County, Texas, and provide evidence of such copies of recorded conveyance instruments.
- b) acknowledge Atmos Energy has active facilities within the right-of-way of Newton Court and **GRANTEE** shall be responsible for cost to relocate/abandon Atmos Energy Corporation facilities if conflicts exist, otherwise Exhibit B will apply.
- c) acknowledge Oncor overhead facilities shall remain in place within Newton Court and **GRANTEE** shall be responsible for cost to relocate/abandon Oncor facilities.

This abandonment shall not be effective unless and until **GRANTEE** has completed the acquisitions described in (a) above, and presented recorded evidence of same to the Director of Department of Sustainable Development and Construction.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.


SECTION 13. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 3, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the satisfaction of conditions set forth in Section 10 (a), the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.



Street Abandonment
Part of Newton Court
50-foot-wide right of way & Cul-de-sac
Talty's Subdivision of Block 2064
William Grigsby Survey, Abstract No. 501
City of Dallas, Dallas County, Texas

Being a 19,556 square foot (0.4489 of an acre) tract of land, same being a portion of Newton Court a 50-foot-wide right of way & cul-de-sac adjacent to City of Dallas Block 2064, and Block 3/2064, the said 50-foot-wide right of way & cul-de-sac being a portion of an unnamed street right of way as crated and dedicated by *Talty's Subdivision of Block 2064*, an addition situated in the William Grigsby Survey, Abstract No. 501, City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 2, Page 388 of the Map Records of Dallas County, Texas; the subject tract being more particularly described as follows:

BEGINNING at a 1/2 inch capped rebar stamped "JPH Land Surveying" set on the south right of way of Newton Court, per the plat of *Talty's Subdivision of Block 2064*, recorded in Volume 2, Page 388 of the Map Records of Dallas County, Texas, from which a "+" cut in concrete found at the northwest corner of Lot 6, of said *Talty's Subdivision of Block 2064*, bears SOUTH 89 degrees 15 minutes 33 seconds WEST, a distance of 5.00 feet;

THENCE NORTH 00 degrees 39 minutes 00 seconds WEST, through the interior of said Newton Court, a distance of 49.85 feet (called 50 feet), to a Mag nail with a metal washer stamped "JPH Land Surveying" set on the north right of way of said Newton Court;

THENCE with the right of way of said Newton Court, the following calls:

1. NORTH 89 degrees 21 minutes 30 seconds EAST, a distance of 340.44 feet to an "+" cut found in concrete, at the beginning of a non-tangent curve concave to the south (curve to the right) having a radius of 31.50 feet;
2. In an easterly direction, along the arc of the said non-tangent curve, an arc length of 60.00 feet (a chord bearing of SOUTH 73 degrees 44 minutes 55 seconds EAST, a chord distance of 51.33 feet) to a 1/2 inch rebar found at the end of the said non-tangent curve, on the east line of said *Talty's Subdivision of Block 2064*;
3. SOUTH 07 degrees 51 minutes 16 seconds EAST, with the said east line of *Talty's Subdivision of Block 2064*, a distance of 12.37 feet to a 1/2 inch rebar with orange plastic cap stamped "JPH Land Surveying" (previously set) at the beginning of a non-tangent curve concave to the north (curve to the right) having a radius of 31.50 feet;

FOR SPRG USE ONLY

REVIEWED BY: JD

DATE: 1/6/2017

SPRG NO.: 3749

SHEET ONE OF THREE

Dallas-Fort Worth
807 Bluebonnet Drive, Suite C
Keller, Texas 76248
(817)431-4971
Firm #10019500

Austin
13563 W SH 29, Suite 4
Liberty Hill, Texas 78642
(512)778-5688
Firm #10194073

Abilene
500 Chestnut St. #1621
Abilene, Texas 79602
(325)672-7420
Firm #10193867

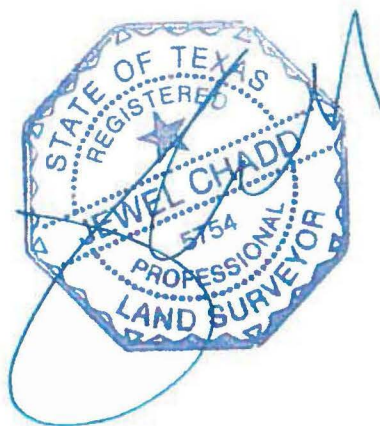
EXHIBIT A

**Street Abandonment
Part of Newton Court
50-foot-wide right of way & Cul-de-sac
Talty's Subdivision of Block 2064
William Grigsby Survey, Abstract No. 501
City of Dallas, Dallas County, Texas**

4. In a westerly direction, along the arc of the said non-tangent curve, an arc length of 68.90 feet (a chord bearing of SOUTH 66 degrees 07 minutes 59 seconds WEST, a chord distance of 55.96 feet) to a Mag nail with a metal washer stamped "JPH Land Surveying" set at the end of the non-tangent curve;
5. SOUTH 89 degrees 15 minutes 33 seconds WEST, a distance of 339.68 feet, returning to the Point of Beginning and enclosing 19,556 square feet (0.4489 of an acre).

Bearings are based on Grid North per Texas Coordinate System of 1983, North Central Zone 4202, Adjustment Realization 2011.

Jewel Chadd
Registered Professional
Land Surveyor No. 5754
jewel@jphls.com
January 5, 2017
Job No. 2016.031.001



| | |
|-------------------|-----------------|
| FOR SPRG USE ONLY | |
| REVIEWED BY: | <u>JD</u> |
| DATE: | <u>1/6/2017</u> |
| SPRG NO.: | <u>3749</u> |

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

ADDENDUM ITEM # 5

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 45G,H,L,M

SUBJECT

An ordinance abandoning portions of two alleys and portions of Texas, Live Oak, and Cantegral Streets to Biscuit Holdings, Ltd., the abutting owner, containing a total of approximately 6,728 square feet of land, located near the intersection of Cantegral and Live Oak Streets, and authorizing the quitclaim - Revenue: \$356,584, plus the \$20 ordinance publication fee

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the abandonment of portions of two alleys and portions of Texas, Live Oak, and Cantegral Streets to Biscuit Holdings, Ltd., the abutting owner. The area will be included with the property of the abutting owner for a mixed use development. The abandonment fee is based on an independent appraisal.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on February 6, 2017.

FISCAL INFORMATION

Revenue: \$356,584, plus the \$20 ordinance publication fee

OWNER

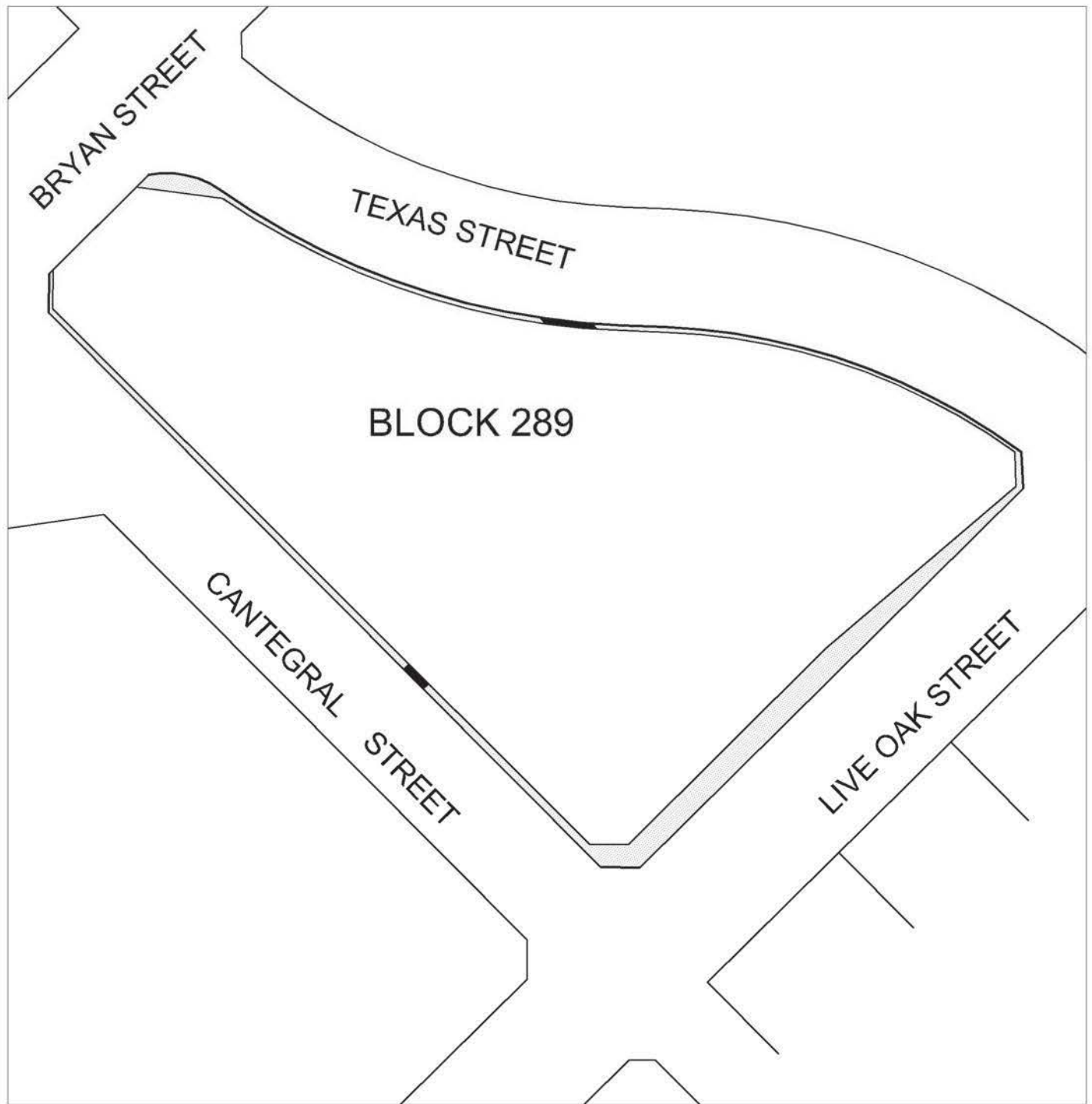
Biscuit Holdings, Ltd.

Danzarias, Inc., General Partner

Matthew E. Malouf, President

MAP

Attached



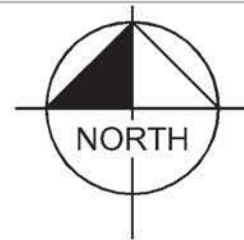
ABANDONMENT LEGEND



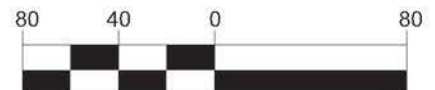
STREET RIGHTS-OF-WAY



ALLEY



GRAPHIC SCALE IN FEET



ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of two alleys and portions of Texas, Live Oak, and Cantegral Streets, located adjacent to City Block 289 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Biscuit Holdings, Ltd.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing 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 Biscuit Holdings, Ltd., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of two alleys and portions of Texas, Live Oak and Cantegral Streets are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **THREE HUNDRED FIFTY-SIX THOUSAND FIVE HUNDRED EIGHTY-FOUR AND NO/100 DOLLARS (\$356,584.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A-Tracts I, II, III, IV and V. **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 and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

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

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall contact the Texas Excavation Safety System (Texas811) to have facilities marked and located within affected easements before any excavations are started.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas are located after its approval by the City Plan Commission of the City of Dallas.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee:

(i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____.

EXHIBIT A TRACT 1

BEING a 905 square foot (0.021 acre) tract of land situated in the John Grigsby Survey, Abstract No.495, adjacent to City Block No. 289, City of Dallas, Dallas County, Texas and being part of three tracts of land described as "Tract 4", "Tract 8" and "Tract 13" in Warranty Deed to the City of Dallas, recorded in Volume 81067, Page 3756, Deed Records of Dallas County, Texas and being part of Lot 2 and Lot 3, Middleton Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 10, Map Records of Dallas County, Texas, said 905 square foot tract being part of Texas Street (a 67-foot wide right-of-way created by use and occupation and by Instrument No. 201100339315, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "Dallas" found at the intersection of the southwest right-of-way line of Texas Street (a 67-foot wide right-of-way) and the southwest right-of-way line of a 15-foot wide alley, at the northernmost northeast corner of a tract of land described as "Tract 1" in Deed Without Warranty, to Minerva Partners, Ltd, recorded in Instrument No. 201100339315, Official Public Records of Dallas County, Texas and at the northernmost northwest corner of a portion of said alley abandoned by Ordinance 29401, recorded in Instrument No. 201500180415, Official Public Records of Dallas County, Texas and described in Quitclaim Deed to Minerva Partners, Ltd., recorded in Instrument No. 201400258615, Official Public Records of Dallas County, Texas, and at the beginning of a curve to the right having a central angle of 26°31'55", a radius of 408.85 feet, a chord bearing and distance of North 68°47'11" West, 187.64 feet; from which, a 5/8" iron rod with plastic cap stamped "Dallas" found bears the following courses and distances to wit: South 44°50'27" East, a distance of 23.33 feet, South 45°09'33" West, a distance of 18.00 feet, South 44°50'27" East, a distance of 55.00 feet, South 45°09'33" West, a distance of 164.51 feet, and South 45°02'10" East, a distance of 15.00 feet;

THENCE departing said southwest right-of-way line with the north line of said Tract 1, the following courses and distances to wit:

In a northwesterly direction, with said curve to the right, an arc distance of 189.33 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 82°25'57" West, a distance of 47.06 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the northernmost corner of said Tract 1;

THENCE over and across said Tract 4, Tract 8 and Tract 13, the following courses and distances to wit:

North 45°19'33" East, a distance of 9.45 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the right having a central angle of 46°06'29", a radius of 50.00 feet, a chord bearing and distance of South 77°58'41" East, 39.16 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 40.24 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a reverse curve to the left having a central angle of 26°34'40", a radius of 405.85 feet, a chord bearing and distance of South 68°12'46" East, 186.58 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 188.26 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the southwest right-of-way line of said alley;

THENCE with said southwest right-of-way line, South 44°50'27" East, a distance of 4.69 feet to the **POINT OF BEGINNING** and containing 905 square feet or 0.021 acres of land.

Bearing system based on a bearing of South 44°50'39" East for the southwest right-of-way line of Cantegral Street, according to Special Warranty Deed to Elan Dallas City Lights Owner, LP, recorded in Instrument No. 201300271062, Official Public Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: JP
Date: 6/27/2016
SPRG NO: 3558

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com



STREET ABANDONMENT
PART OF TEXAS STREET ADJACENT TO CITY
OF DALLAS BLOCK 289 AND
PART OF MIDDLETON SUBDIVISION
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
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 | SRD | JAD | MAR 2016 | 067771623 | 1 OF 2 |

EXHIBIT A TRACT 1

TEXAS STREET

LOT 1, BLOCK 1/289
JEFFERSON AT BRYAN
PLACE PHASE II
VOL. 2002189, PG. 24
D.R.D.C.T.

BLOCK 283
TM DEVELOPMENT
PARTNERS, LTD.
INST. NO. 201400202110
O.P.R.D.C.T.

50' R.O.W.
ORDINANCE 1-A
AUG. 15TH, 1872
BRYAN STREET
(VARIABLE WIDTH R.O.W.)

$\Delta=46^{\circ}06'29''$
 $R=50.00'$
 $L=40.24'$
 $CB=S77^{\circ}58'41''E$
 $C=39.16'$

(67' PUBLIC R.O.W.) (BY USE AND
OCCUPATION AND INST. NO.
201100339315, O.P.R.D.C.T.)

CITY OF DALLAS
REMAINDER OF TRACT 4
VOL. 81067, PG. 3756
D.R.D.C.T.

CITY OF DALLAS
REMAINDER OF TRACT 8
VOL. 81067, PG. 3756
D.R.D.C.T.

CITY OF DALLAS
REMAINDER OF
TRACT 13
VOL. 81067, PG. 3756
D.R.D.C.T.

REMAINDER OF
15' ALLEY R.O.W.
VOL. 1, PG. 10
M.R.D.C.T.

STREET R.O.W. BY
INST. NO. 201100339315
O.P.R.D.C.T.

CENTERLINE

$S44^{\circ}50'27''E$
4.69'

P.O.B.

STREET
ABANDONMENT
0.021 ACRES
905 SQ. FT.

JOHN GRIGSBY SURVEY
ABSTRACT NO. 495

$\Delta=26^{\circ}31'55''$
 $R=408.85'$
 $L=189.33'$
 $CB=N68^{\circ}47'11''W$
 $C=187.64'$

CITY OF DALLAS
REMAINDER OF
TRACT 8
VOL. 81067, PG. 3756
D.R.D.C.T.

STATE OF TEXAS
VOL. 68033, PG. 16
D.R.D.C.T.

ELAN DALLAS CITY
LIGHTS OWNER, LP
INST. NO. 201300271062
O.P.R.D.C.T.

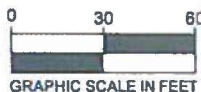
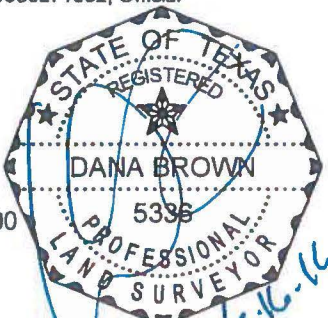
LEGEND

Δ = CENTRAL ANGLE
R.O.W. = RIGHT-OF-WAY
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
XS = "X" CUT IN CONCRETE SET
C.M. = CONTROLLING MONUMENT
XF = "X" CUT IN CONCRETE FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS
COUNTY, TEXAS

NOTES

Bearing system based on a bearing of South $44^{\circ}50'39''$ East
for the southwest right-of-way line of Cantegral Street,
according to Special Warranty Deed to Elan Dallas City Lights
Owner, LP, recorded in Instrument No. 201300271062, Official
Public Records of Dallas County, Texas.

DANA BROWN
REGISTERED PROFESSIONAL
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(For SPRG use only)
Reviewed By: JD
Date: 6/27/2016
SPRG NO: 3558

STREET ABANDONMENT
PART OF TEXAS STREET ADJACENT TO CITY
OF DALLAS BLOCK 289 AND
PART OF MIDDLETON SUBDIVISION
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
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' | SRD | JAD | MAR. 2016 | 067771623 | 2 OF 2 |

EXHIBIT A-TRACT II

BEING a 79 square foot (0.002 acre) tract of land situated in the John Grigsby Survey, Abstract No.495, adjacent to City Block No. 289, City of Dallas, Dallas County, Texas and being part of a variable width alley right-of-way created and dedicated per plat of Middleton Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 10, Map Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "KHA" set at the easternmost corner of said Middleton Subdivision, said point also being the easternmost corner of an alley abandoned by Ordinance 29401, recorded in Instrument No. 201500180415, Official Public Records of Dallas County, Texas and the same tract of land described in Quitclaim Deed to Minerva Partners, Ltd., recorded in Instrument No. 201400258615, Official Public Records of Dallas County, Texas;

THENCE with the northeast line of said Middleton Subdivision, North 44°50'27" West, a distance of 71.83 feet to a 5/8" iron rod with plastic cap stamped "Dallas" found at the northernmost northeast corner of said alley abandonment for the **POINT OF BEGINNING** and the beginning of a curve to the right having a central angle of 3°53'12", a radius of 408.85 feet, a chord bearing and distance of North 83°59'45" West, 27.73 feet;

THENCE with the north line of said alley abandonment, in a northwesterly direction, with said curve to the right, an arc distance of 27.73 feet to a 5/8" iron rod with plastic cap stamped "Dallas" found in the southwest right-of-way line of said 15-foot wide alley at the northernmost northwest corner of said alley abandonment;

THENCE with said southwest right-of-way line, North 44°50'27" West, a distance of 4.69 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 3°57'33", a radius of 405.85 feet, a chord bearing and distance of South 83°28'53" East, 28.04 feet;

THENCE departing said southwest right-of-way line, in a southeasterly direction, with said curve to the left, an arc distance of 28.04 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the northeast line of said alley;

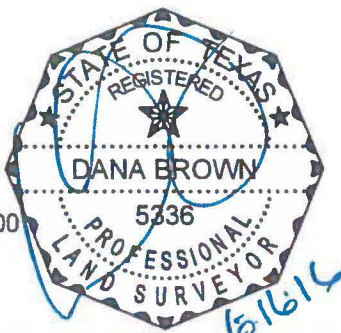
THENCE with said northeast line, South 44°50'27" East, a distance of 4.30 feet to the **POINT OF BEGINNING** and containing 79 square feet or 0.002 acres of land.

Bearing system based on a bearing of South 44°50'39" East for the southwest right-of-way line of Cantegral Street, according to Special Warranty Deed to Elan Dallas City Lights Owner, LP, recorded in Instrument No. 201300271062, Official Public Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: JD
Date: 6/27/2016
SPRG NO: 3559

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ALLEY ABANDONMENT
ADJACENT TO CITY OF
DALLAS BLOCK 289
PART OF MIDDLETON SUBDIVISION
JOHN GRIGSBY SURVEY
ABSTRACT NO. 495
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 | SRD | JAD | MAR 2016 | 067771623 | 1 OF 2 |

TEXAS STREET

(67' PUBLIC R.O.W.) (BY USE AND OCCUPATION AND INST. NO. 201100339315, O.P.R.D.C.T.)

$\Delta=3^{\circ}57'33''$
 $R=405.85'$
 $L=28.04'$
 $CB=S83^{\circ}28'53''E$
 $C=28.04'$

LOT 1, BLOCK 1/289
 JEFFERSON AT BRYAN
 PLACE PHASE II
 VOL. 2002189, PG. 24
 D.R.D.C.T.

CITY OF DALLAS
 PART OF TRACT 8
 VOL. 81067, PG. 3756
 D.R.D.C.T.

REMAINDER OF ALLEY R.O.W.
 VOL. 1, PG. 10, M.R.D.C.T.

STREET R.O.W. BY
 INST. NO. 201100339315
 O.P.R.D.C.T.

ALLEY ABANDONMENT
0.002 ACRES
79 SQ. FT.

LEGEND

- Δ = CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
- IRFC = IRON ROD W/CAP FOUND
- XS = "X" CUT IN CONCRETE SET
- R.O.W. = RIGHT-OF-WAY
- C.M. = CONTROLLING MONUMENT
- M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

CITY OF DALLAS
 PART OF TRACT 10
 VOL. 81067, PG. 3756 P.O.B. = POINT OF BEGINNING
 D.R.D.C.T.

P.O.B.

TRACT 2
 MINERVA PARTNERS, LTD.
 INST. NO. 201100339315
 O.P.R.D.C.T.

IRSC
 BLOCK 289

P.O.C.

MINERVA PARTNERS, LTD.
 INST. NO. 201400258615
 O.P.R.D.C.T.

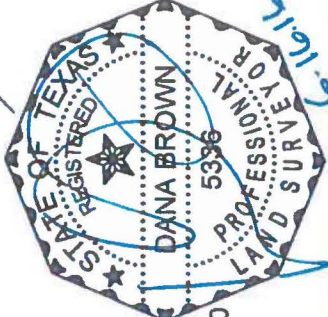
ALLEY R.O.W., VOL. 1, PG. 10, M.R.D.C.T.
 5,188 SQ.FT. ABANDONED BY ORDINANCE
 NO. 29401, DATED AUG. 13, 2014
 (EASEMENT RIGHTS RESERVED)
 INST. NO. 201500180415
 O.P.R.D.C.T.

MIDDLETON SUBDIVISION
 VOL. 1, PG. 10
 M.R.D.C.T.

LOT 1

$\Delta=3^{\circ}53'12''$
 $R=408.85'$
 $L=27.73'$
 $CB=N83^{\circ}59'45''W$
 $C=27.73'$

(For SPRG use only)
 Reviewed By: JP
 Date: 6/27/2016
 SPRG NO: 3559



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NOTES
 Bearing system based on a bearing of South
 44°50'39" East for the southwest right-of-way line of
 Cantregral Street, according to Special Warranty
 Deed to Elan Dallas City Lights Owner, L.P.,
 recorded in Instrument No. 201300271062, Official
 Public Records of Dallas County, Texas.

ALLEY ABANDONMENT
 ADJACENT TO CITY OF
 DALLAS BLOCK 289
 PART OF MIDDLETON SUBDIVISION
 JOHN GRIGSBY SURVEY
 ABSTRACT NO. 495
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

Kimley»»Horn

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|----------|----------|------------|-----------|-------------|-----------|
| 1" = 40' | SRD | JAD | MAR. 2016 | 067771923 | 2 OF 2 |

EXHIBIT A-TRACT III

BEING a 4,681 square foot (0.107 acre) tract of land situated in the John Grigsby Survey, Abstract No.495, adjacent to City Block No. 289, City of Dallas, Dallas County, Texas and being part of four tracts of land described as "Tract 6", "Tract 10", "Tract 11" and "Tract 12" in Warranty Deed to the City of Dallas, recorded in Volume 81067, Page 3756, Deed Records of Dallas County, Texas said 4,681 square foot tract being part of Texas Street (a 67-foot wide right-of-way created by use and occupation and by Instrument No. 201100339315, Official Public Records of Dallas County, Texas), part of Live Oak Street (a variable width right-of-way created by Deed without Warranty, recorded in Instrument No. 201100339315, Official Public Records of Dallas County, Texas, Warranty Deed to the City of Dallas, recorded in Volume 1319, Page 269, Deed Records of Dallas County, Texas, Warranty Deed to the City of Dallas, recorded in Volume 1377, Page 68, Deed Records of Dallas County, Texas, Warranty Deed to the City of Dallas, recorded in Volume 1379, Page 29, Deed Records of Dallas County, Texas, Warranty Deed to the City of Dallas, recorded in Volume 1322, Page 128, Deed Records of Dallas County, Texas, Warranty Deed to the City of Dallas, recorded in Volume 1377, Page 77, Deed Records of Dallas County, Texas and by Ordinance 1-A, dated August 15th, 1872) and part of Cantegral Street (a 53-foot wide right-of-way created by Deed without Warranty, recorded in Instrument No. 201100339315, Official Public Records of Dallas County, Texas and by Ordinance 1-A, dated August 15th, 1872) and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "Dallas" found at the intersection of the northeast right-of-way line of Cantegral Street and the southeast right-of-way line of a 15-foot wide alley, at the westernmost southwest corner of a tract of land described as "Tract 2" in Deed Without Warranty, to Minerva Partners, Ltd, recorded in Instrument No. 201100339315, Official Public Records of Dallas County, Texas and at the southernmost corner of a portion of said alley abandoned by Ordinance 29401, recorded in Instrument No. 201500180415, Official Public Records of Dallas County, Texas and the same tract of land described in Quitclaim Deed to Minerva Partners, Ltd., recorded in Instrument No. 201400258615, Official Public Records of Dallas County, Texas;

THENCE departing said southeast right-of-way line and with the south line of said Tract 2 and said northeast right-of-way line of Cantegral Street, South 45°02'10" East, a distance of 123.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the westernmost south corner of said Tract 2 and the westernmost end of a right-of-way corner clip at the intersection of said northeast right-of-way line and the northwest right-of-way line of said Live Oak Street;

THENCE with the southernmost line of said Tract 2 and said right-of-way corner clip, South 89°56'18" East, a distance of 21.25 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the easternmost south corner of said Tract 2 and the easternmost end of said right-of-way corner clip;

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Reviewed By: ID

Date: 6/30/2016

SPRG NO: 3560

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STREET ABANDONMENT
PART OF TEXAS STREET,
PART OF LIVE OAK STREET, AND PART OF
CANTEGRAL STREET
ADJACENT TO CITY OF DALLAS BLOCK 289
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
|-------|----------|------------|----------|-------------|-----------|
| N/A | SRD | JAD | MAR 2016 | 067771623 | 1 OF 5 |

EXHIBIT A-TRACT III

THENCE with the southeast line of said Tract 2 and the northwest right-of-way line of Live Oak Street, the following courses and distances to wit:

North 45°09'33" East, a distance of 150.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 49°32'35" East, a distance of 135.45 feet to a point in a traffic signal pole at the southernmost east corner of said Tract 2 and the southernmost end of a right-of-way corner clip at the intersection of said northwest right-of-way line and the southwest right-of-way line of said Texas Street;

THENCE with the east line of said Tract 2 and said right-of-way corner clip, North 1°43'24" West, a distance of 18.77 feet to a 5/8" iron rod with plastic cap stamped "Dallas" found at the northernmost east corner of said Tract 2, at the northernmost end of said right-of-way corner clip and at the beginning of a non-tangent curve to the left having a central angle of 33°39'51", a radius of 345.24 feet, a chord bearing and distance of North 71°03'58" West, 199.94 feet;

THENCE with the north line of said Tract 2 and said southwest right-of-way line of Texas Street, the following courses and distances to wit:

In a northwesterly direction, with said curve to the left, an arc distance of 202.85 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 87°53'53" West, a distance of 22.93 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 1°57'33", a radius of 408.85 feet, a chord bearing and distance of North 86°55'07" West, 13.98 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 13.98 feet to a 5/8" iron rod with plastic cap stamped "Dallas" found at the intersection of said southwest right-of-way line and the northeast right-of-way line of a 15-foot wide alley and at the northwest corner of said Tract 2;

THENCE with said northeast right-of-way line, North 44°50'27" West, a distance of 4.30 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 2°18'52", a radius of 405.85 feet, a chord bearing and distance of South 86°37'05" East, 16.39 feet;

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Reviewed By: JD
Date: 6/30/2016
SPRG NO: 3560

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STREET ABANDONMENT
PART OF TEXAS STREET,
PART OF LIVE OAK STREET, AND PART OF
CANTEGRAL STREET
ADJACENT TO CITY OF DALLAS BLOCK 289
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
|-------|----------|------------|----------|-------------|-----------|
| N/A | SRD | JAD | MAR 2016 | 067771623 | 2 OF 5 |

EXHIBIT A-TRACT III

THENCE departing said northeast right-of-way line and over and across said City of Dallas four tracts, the following courses and distances to wit:

In a southeasterly direction, with said curve to the left, an arc distance of 16.39 feet to a 5/8" iron rod with plastic cap stamped "Dallas" found for corner;

South 87°46'31" East, a distance of 22.93 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 34°11'23", a radius of 348.24 feet, a chord bearing and distance of South 70°40'50" East, 204.73 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 207.80 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

South 3°31'06" East, a distance of 19.75 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

South 45°18'53" West, a distance of 291.72 feet to a "X" cut in concrete set for corner;

North 89°45'53" West, a distance of 21.24 feet to a "X" cut in concrete set for corner;

North 44°50'39" West, a distance of 136.15 feet to a "X" cut in concrete set in the southeast right-of-way line of said alley;

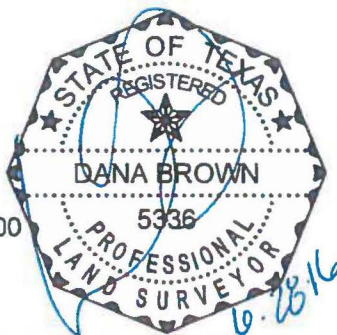
THENCE with said southeast right-of-way line, North 45°09'33" East, a distance of 4.02 feet to the **POINT OF BEGINNING** and containing 4,681 square feet or 0.107 acres of land.

Bearing system based on a bearing of South 44°50'39" East for the southwest right-of-way line of Cantegral Street, according to Special Warranty Deed to Elan Dallas City Lights Owner, LP, recorded in Instrument No. 201300271062, Official Public Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: JD
Date: 6/30/2016
SPRG NO: 3560

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STREET ABANDONMENT
PART OF TEXAS STREET,
PART OF LIVE OAK STREET, AND PART OF
CANTEGRAL STREET
ADJACENT TO CITY OF DALLAS BLOCK 289
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

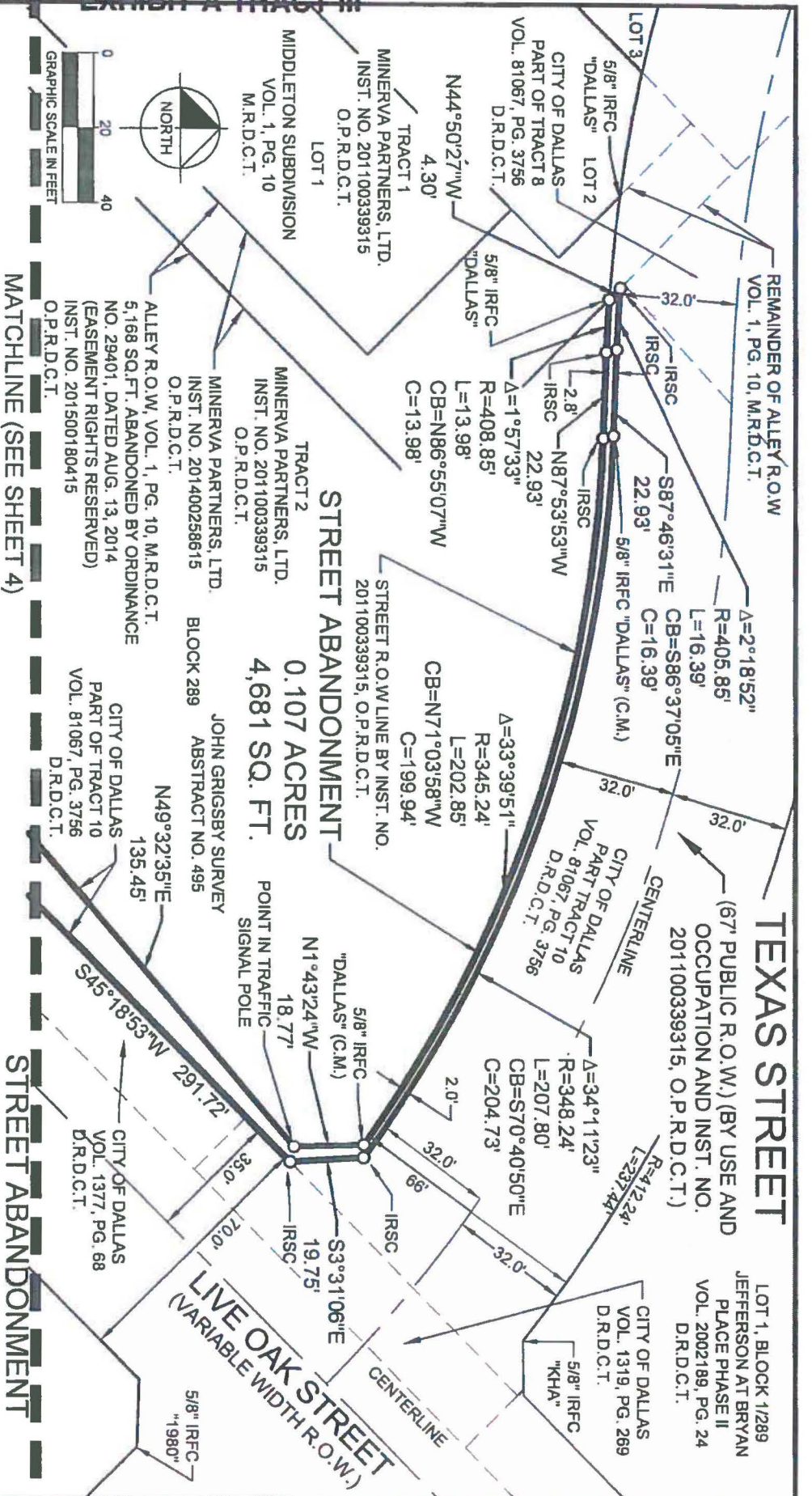
12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 10115500

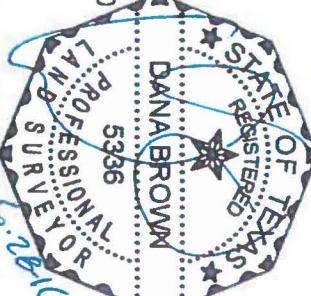
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

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|-------|----------|------------|----------|-------------|-----------|
| N/A | SRD | JAD | MAR 2016 | 067771623 | 3 OF 5 |

EXHIBIT A TRACT III



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NOTES
Bearing system based on a bearing of South 44°50'39" East for the southwest right-of-way line of Cantegral Street, according to Special Warranty Deed to Elan Dallas City Lights Owner, LP, recorded in Instrument No. 201300271062, Official Public Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: JD
Date: 6/30/2016
SPRG NO: 3560

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Firm # 10115500
Project No. 067771623
Sheet No. 5 OF 5

EXHIBIT A-TRACT IV

BEING a 60 square foot (0.001 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, adjacent to City Block No. 289, City of Dallas, Dallas County, Texas and being part of a 15-foot wide alley created and dedicated per plat of Middleton Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 10, Map Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a "X" cut in concrete set and at the southernmost corner of a tract of land described as "Tract 12" in Warranty Deed to the City of Dallas, recorded in Volume 81067, Page 3756, Deed Records of Dallas County, Texas and at the westernmost corner of a tract of land described in Warranty Deed to the City of Dallas, recorded in Instrument No. 1377, Page 77, Deed Records of Dallas County, Texas.

THENCE with the southwest line of said Tract 12, North 44°50'39" West, a distance of 150.95 feet to the westernmost corner of said Tract 12 and the southernmost corner of said 15-foot wide alley;

THENCE with the northwest line of said Tract 12 and the southeast line of said 15-foot wide alley, North 45°09'33" East, a distance of 3.00 feet to the **POINT OF BEGINNING**;

THENCE departing said southeast right-of-way line, over and across said 15-foot wide alley, North 44°50'39" West, a distance of 15.00 feet to a point in the northwest right-of-way line of said 15-foot wide alley;

THENCE with said northwest right-of-way line, North 45°09'33" East, a distance of 3.97 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner at the southernmost corner of a tract of land described as "Tract 1" in Deed Without Warranty to Minerva Partners, Ltd., recorded in Instrument No. 201100339315, Official Public Records of Dallas County, Texas and the southwest corner a 15-foot wide alley abandoned by Ordinance 29401, recorded in Instrument No. 201500180415, Official Public Records of Dallas County, Texas and the same tract of land described in Quitclaim Deed to Minerva Partners, Ltd., recorded in Instrument No. 201400258615, Official Public Records of Dallas County, Texas; from which a 5/8" iron rod with plastic cap stamped "Dallas" found at the northernmost northeast corner of said Tract 1, bears North 21°55'50" East, a distance of 198.61 feet;

THENCE departing said northwest right-of-way line and with the southwest line of said alley abandonment, South 45°02'10" East, a distance of 15.00 feet to the 5/8" iron rod with plastic cap stamped "Dallas" found at the southernmost corner of said alley abandonment;

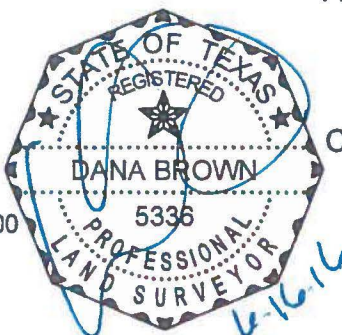
THENCE with said southeast right-of-way line, South 45°09'33" West, a distance of 4.02 feet to the **POINT OF BEGINNING** and containing 60 square feet or 0.001 acres of land.

Bearing system based on a bearing of South 44°50'39" East for the southwest right-of-way line of Cantegral Street, according to Special Warranty Deed to Elan Dallas City Lights Owner, LP, recorded in Instrument No. 201300271062, Official Public Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: JD
Date: 4/27/2016
SPRG NO: 3561

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ALLEY ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 289
PART OF MIDDLETON SUBDIVISION
JOHN GRIGSBY SURVEY
ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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

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Fax No. (972) 239-3820

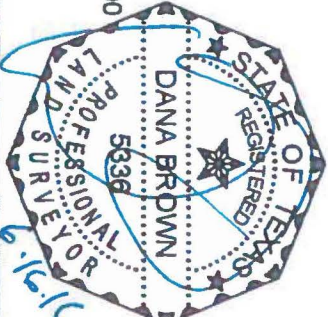
| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
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| N/A | SRD | JAD | MAR. 2016 | 067771623 | 1 OF 2 |

EXHIBIT A-TRACT IV

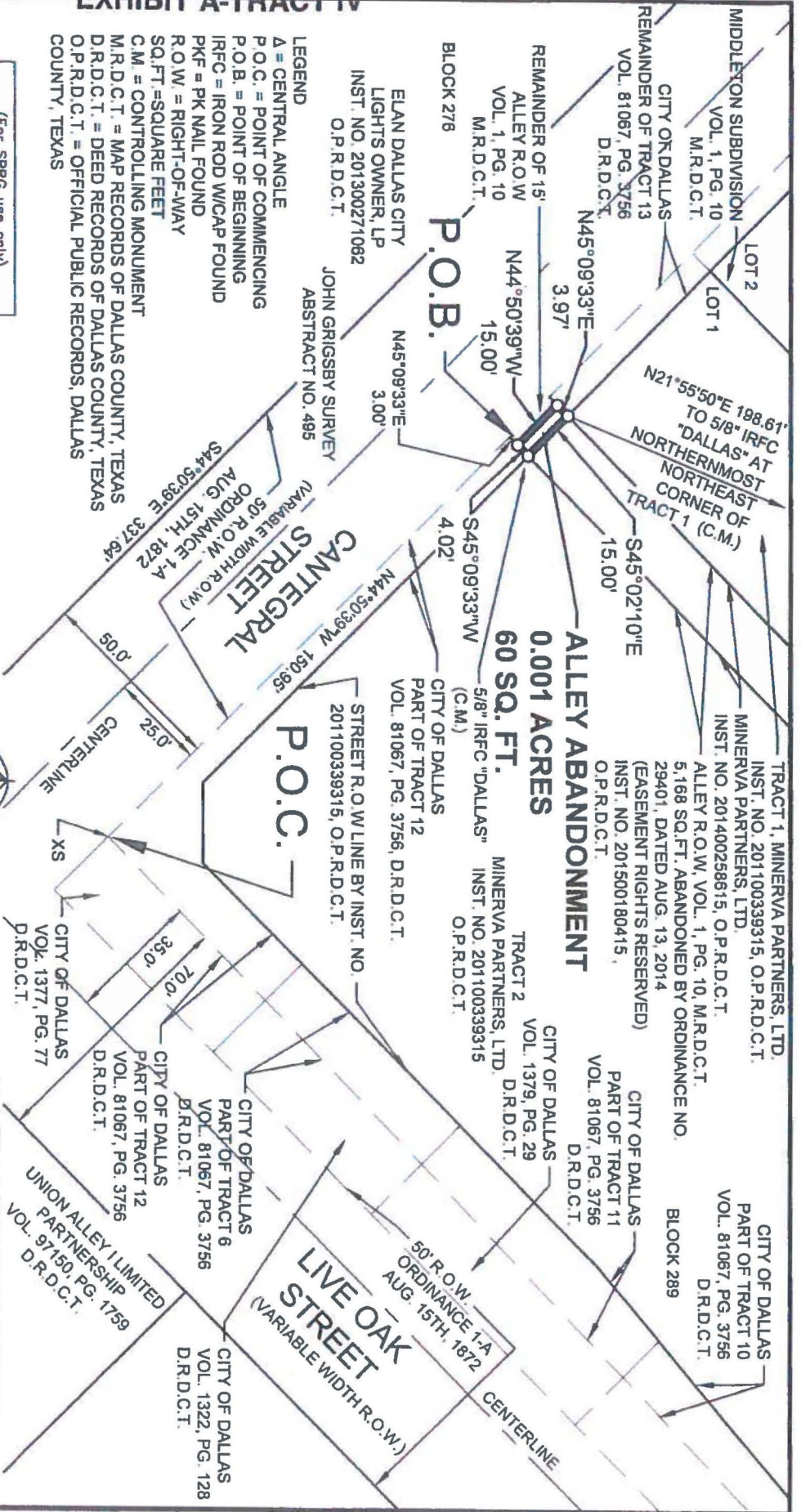
LEGEND
 A = CENTRAL ANGLE
 P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD W/ CAP FOUND
 PKF = PK NAIL FOUND
 R.O.W. = RIGHT-OF-WAY
 SQ.FT. = SQUARE FEET
 C.M. = CONTROLLING MONUMENT
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

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 Reviewed By: JD
 Date: 4/27/2016
 SPRG NO: 3561

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NOTES
 Bearing system based on a bearing of South 44°50'39" East for the southwest right-of-way line of Cantegral Street, according to Special Warranty Deed to Elan Dallas City Lights Owner, LP, recorded in Instrument No. 201300271062, Official Public Records of Dallas County, Texas.



ALLEY ABANDONMENT
 ADJACENT TO CITY OF DALLAS BLOCK 289
 PART OF MIDDLETON SUBDIVISION
 JOHN GRIGSBY SURVEY
 ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

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| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
|----------|----------|------------|-----------|-------------|-----------|
| 1" = 40' | SRD | JAD | MAR. 2016 | 06771623 | 2 OF 2 |

EXHIBIT A-TRACT V

BEING a 1,003 square foot (0.023 acre) tract of land situated in the John Grigsby Survey, Abstract No.495, adjacent to City Block No. 289, City of Dallas, Dallas County, Texas and being part of two tracts of land described as "Tract 8" and "Tract 13" in Warranty Deed to the City of Dallas, recorded in Volume 81067, Page 3756, Deed Records of Dallas County, Texas and being part of Lot 1, Lot 2 and Lot 3, Middleton Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 10, Map Records of Dallas County, Texas, said 1003 square foot tract being part of Cantegral Street (a variable width street right-of-way created by City of Dallas Ordinance 1-A, dated August 15, 1872 and by Instrument No. 201100339315, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "KHA" set in the northwest right-of-way line of a 15-foot wide alley, at the southernmost corner of a tract of land described as "Tract 1" in Deed Without Warranty, to Minerva Partners, Ltd, recorded in Instrument No. 201100339315, Official Public Records of Dallas County, Texas and at the southwest corner of a portion of said alley abandoned by Ordinance 29401, recorded in Instrument No. 201500180415, Official Public Records of Dallas County, Texas and described in Quitclaim Deed to Minerva Partners, Ltd., recorded in Instrument No. 201400258615, Official Public Records of Dallas County, Texas; from which, a 5/8" iron rod with plastic cap stamped "Dallas" found bears South 45°02'10" East, a distance of 15.00 feet; and a 5/8" iron rod with plastic cap stamped "Dallas" found bears the following courses and distances to wit: North 45°09'33" East, a distance of 164.51 feet, North 44°50'27" West, a distance of 55.00 feet, North 45°09'33" East, a distance of 18.00 feet and North 44°50'27" West, a distance of 23.33 feet;

THENCE with said northwest right-of-way line, South 45°09'33" West, a distance of 3.97 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing said northwest right-of-way line, over and across said Tract 13 and Tract 8, the following courses and distances to wit:

North 44°50'39" West, a distance of 272.35 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 0°14'27" East, a distance of 21.18 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 45°19'33" East, a distance of 3.01 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the northernmost northwest corner of said Tract 1;

THENCE with the west line of said Tract 1, South 0°08'42" West, a distance of 21.15 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the southernmost northwest corner of said Tract 1;

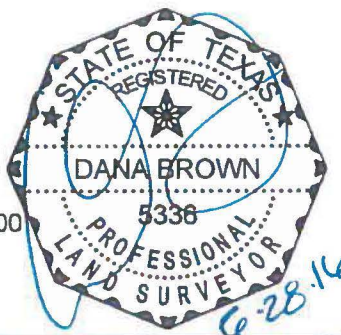
THENCE with the southeast line of said Tract 1, South 45°02'10" East, a distance of 272.34 feet to the **POINT OF BEGINNING** and containing 1,003 square feet or 0.023 acres of land.

Bearing system based on a bearing of South 44°50'39" East for the southwest right-of-way line of Cantegral Street, according to Special Warranty Deed to Elan Dallas City Lights Owner, LP, recorded in Instrument No. 201300271062, Official Public Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: JP
Date: 6/30/2016
SPRG NO: 3562

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com



STREET ABANDONMENT
PART OF CANTEGRAL STREET
ADJACENT TO CITY OF DALLAS BLOCK 289
AND PART OF MIDDLETON SUBDIVISION
JOHN GRIGSBY SURVEY
ABSTRACT NO. 495
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 | SRD | JAD | MAR 2016 | 067771623 | 1 OF 2 |

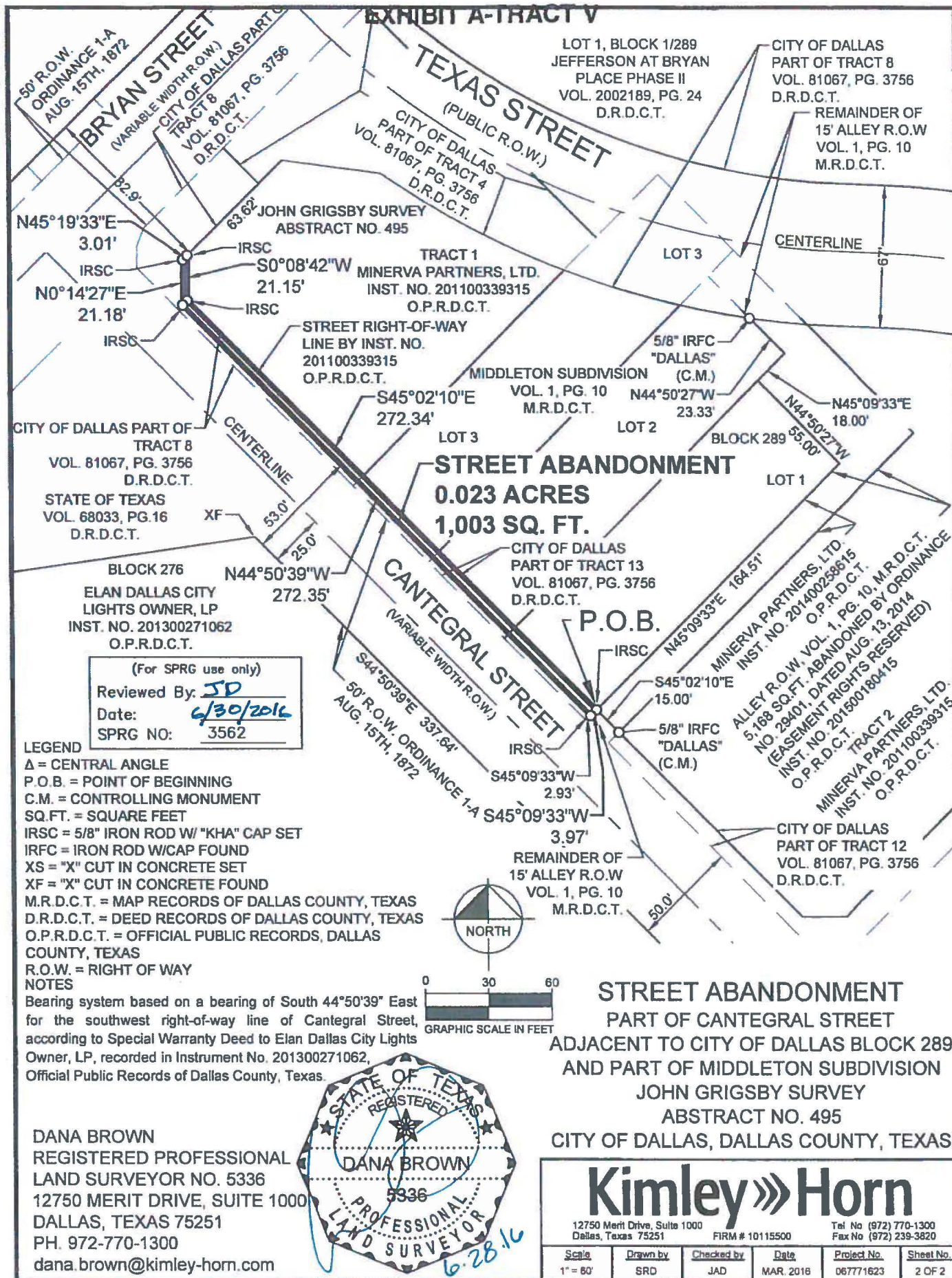


EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

KEY FOCUS AREA: E-Gov

AGENDA DATE: February 8, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A.Rios, 670-3738

MAPSCO: N/A

SUBJECT

An ordinance ordering a general election to be held in the City of Dallas on Saturday, May 6, 2017, for the purpose of electing 14 members of the City Council to represent Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 for the term beginning June 19, 2017 - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow sufficient time to compile information as related to the May 6, 2017 general election.

Chapter III, Section 1, of the City Charter provides for a city council composed of 15 members: a mayor who serves for a term of four years (elected at-large), and 14 council members (representing single-member council districts) who each serve for a term of two years. The terms for all city council member districts 1-14 end June 19, 2017.

Chapter IV, Section 3, of the City Charter provides the general election held to elect members of the city council be held on the first authorized election date after March 1 of each odd-numbered year. For 2017, that date is Saturday, May 6, 2017. Section 3.005(c) of the Texas Election Code requires a May election be ordered not later than the 78th day before election day. For the May 6th election, the deadline for ordering the election is Friday, February 17, 2017. Wednesday, February 8, 2017, is the last city council meeting day to order the election without having to schedule a special meeting.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance ordering a general election to be held in the city of Dallas on May 6, 2017, for the purpose of electing 14 members to the city council of the city of Dallas; providing residency requirements for candidates; designating polling places; providing for the use of an electronic voting system for early voting by personal appearance, a computerized voting system for early voting by mail, and electronic and computerized voting systems for voting on election day; permitting only resident qualified voters to vote; providing for early voting; providing for an early voting ballot board to process early voting; providing for notice of the election; and providing an effective date.

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

SECTION 1. That a general election is ordered to be held in the city of Dallas on Saturday, May 6, 2017, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing 14 members to the city council of the city of Dallas to be designated as Member of Council, Place 1; Member of Council, Place 2; Member of Council, Place 3; Member of Council, Place 4; Member of Council, Place 5; Member of Council, Place 6; Member of Council, Place 7; Member of Council, Place 8; Member of Council, Place 9; Member of Council, Place 10; Member of Council, Place 11; Member of Council, Place 12; Member of Council, Place 13; and Member of Council, Place 14. Places 1 through 14 on the city council correspond to those districts as designated on the districting plan adopted by Resolution No. 11-2706 on October 5, 2011.

SECTION 2. That all candidates for member of the Dallas city council must have resided in the city of Dallas for a period of at least six months prior to the date of the election. In

addition, each candidate for Member of Council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, shall have resided in District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, respectively, for a period of at least six months prior to the date of the election, and satisfy any other requirement provided by law.

SECTION 3. That the 14 persons elected as Members of Council, Places 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, will comprise, along with Member of Council, Place 15, the city council of the city of Dallas when elected and qualified.

SECTION 4. That electronic and computerized voting systems must be used for voting on the general election date in compliance with the Texas Election Code, as amended.

SECTION 5. That the manner of conducting the general election must be in accordance with the ordinances and charter of the city of Dallas and the laws of the State of Texas applicable to general elections. The official ballots, together with other election materials required by the Texas Election Code, as amended, must be printed in both English and Spanish and contain all provisions, markings, and language, as may be required by law.

SECTION 6. That the boundaries of the election precincts in which the election is to be held are defined by Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375. Locations of the polling places in the respective election precincts are as designated in **Exhibit A**, attached to this ordinance, but which locations may be changed by Dallas County, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Dallas County webpage: <<http://www.dallascountyvotes.org/election-day-information/>> or by contacting:

Dallas County Elections Department
2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207
Tel: (214) 819-6389

SECTION 7. That each voter must vote in the precinct in which the voter resides, and only resident qualified voters are entitled to vote.

SECTION 8. That a person qualified to vote and residing in the city of Dallas, but not within any precinct described in Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375, may vote in the precinct nearest the person's residence, and for that purpose the person's residence will be considered as part of that city election precinct. A person who has registered in a city election precinct, but whose residence is not in the city of Dallas, is not entitled to vote in the election even though the person may own property subject to taxation in the city.

SECTION 9. That early voting by personal appearance will be by the use of an electronic voting system in accordance with the Texas Election Code, as amended. Early voting by mail will be by the use of a computerized voting system in accordance with the Texas Election Code, as amended. Early voting will be conducted at the locations and during the dates and times established by Dallas County, Texas, as reflected in **Exhibit B**, attached to this ordinance, but which locations may be changed by Dallas County, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Dallas County webpage: <<http://www.dallascountyvotes.org/early-voting-information/>> or by contacting:

Dallas County Elections Department
2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207
Tel: (214) 819-6389

SECTION 10. That applications for early voting ballots to be voted by mail must be mailed to the following:

- For Dallas County: Early Voting Clerk, Dallas County Elections Department, 2377 N. Stemmons Freeway, Suite 820, Dallas, TX 75207.
- For Denton County: Early Voting Clerk, Denton County Elections Administration Office, P.O. Box 1720, Denton, Texas 76202.

- For Collin County: Early Voting Collin County Elections Administration Office, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069.

Applications for ballots by mail must be received no later than the close of business on Tuesday, April 25, 2017.

SECTION 11. That applications for early voting ballots to be voted by mail may, pursuant to Section 84.007 of the Texas Election Code, be sent to the following email addresses:

- For Dallas County: evapplications@dallascounty.org
- For Denton County: elections@dentoncounty.com
- For Collin County: election@collincountytx.gov

SECTION 12. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

SECTION 13. That the mayor or, in the mayor's absence or inability to act, the mayor pro tem, shall give notice of the general election by causing the notice to be published in a newspaper within the city and posted on the city's public meeting bulletin board in accordance with applicable state law.

SECTION 14. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Dallas City Charter, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____