

**MARCH 28, 2018 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated March 28, 2018. 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

3/9/18

Date



Elizabeth Reich
Chief Financial Officer

3-9-18

Date

RECEIVED

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CITY SECRETARY
DALLAS, TEXAS

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 statements are available upon request with a 48 hour advance notice by calling (214) 670-3738 VTDD. 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 with diverse interests and ideas. To insure that all voices are heard, the Council has adopted rules of courtesy that apply to all members of the Council, administrative staff, and visitors. These procedures are:

- 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.

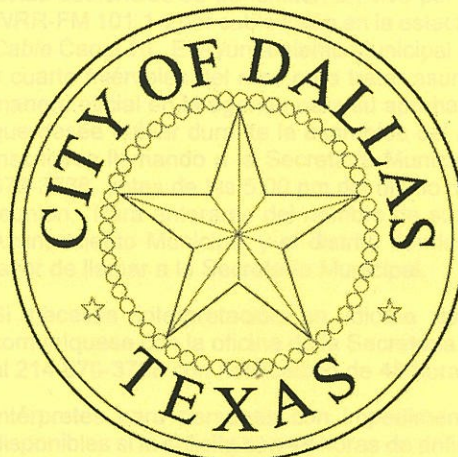
Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes belligerent while addressing the City Council 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. The person shall be barred from further audience before the 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 of Dallas Charter.

(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.)

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en la sede del Ayuntamiento, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el sábado por la mañana en la Cámara del Ayuntamiento.



Interpretación en español de los documentos auditivos están disponibles con 48 horas de anticipación llamando al (214) 670-3738 (línea de voz en español VTDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con discapacidades. American's with Disabilities Act. La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.

Si usted necesita una interpretación en español de los documentos auditivos, por favor contacte al secretario del Ayuntamiento al (214) 670-3738 con 48 horas de anticipación.

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurarse un ambiente de respeto mutuo, el Ayuntamiento ha adoptado reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo y al personal de los medios de comunicación. Estas reglas son:

- Ninguna persona deberá interrumpir los procedimientos, o no obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de establecer 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 teléfonos inalámbricos (paggers) audibles en la cámara del Ayuntamiento durante las audiencias del Ayuntamiento.

Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de observar las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios personales, impertinentes, vulgares o injuriosos o que se comporte belligeramente mientras se dirige al Ayuntamiento o mientras asiste a una audiencia del Ayuntamiento Municipal será removido del recinto si el oficial que está presidiendo la asamblea así lo ordena. Si el oficial que preside la asamblea falla en actuar, cualquier miembro del Ayuntamiento Municipal puede mover para que se requiera el cumplimiento de las reglas; y el voto afirmativo de la mayoría del Ayuntamiento Municipal requerirá al oficial que está presidiendo la sesión a tomar acción. Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

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.

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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

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Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MARCH 28, 2018
ORDER OF BUSINESS**

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

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

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 38

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 39 - 44

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 45 - 62

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

AGENDA
CITY COUNCIL MEETING
MARCH 28, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the February 28, 2018 City Council Meeting

CONSENT AGENDA

Department of Aviation

2. Authorize a thirty-six-month Interlocal Agreement with the North Texas Tollway Authority (NTTA), with two thirty-six-month renewal options to **(1)** operate under the maintenance and repair terms of the previous Interlocal Agreement for up to twelve months, in an amount not to exceed \$96,000, transitioning from the old to the new system, \$411,252 first year only; **(2)** remove installation, hardware and maintenance of the Automatic Vehicle Identification System from NTTA's responsibility; and **(3)** require NTTA to provide new continuous data migration to and from Dallas Love Field Parking Access Revenue Control System, clearinghouse services and a user interface with reporting and billing functions - Not to exceed \$507,252 - Financing: Aviation Current Funds
3. Authorize a service contract for the purchase and installation of furniture and replacement chair arms for Dallas Love Field Airport with Arconas Corporation through The Interlocal Purchasing System Purchasing Cooperative - Not to exceed \$272,179 - Financing: Aviation Current Funds

CONSENT AGENDA (continued)**Department of Public Works**

4. Authorize an increase to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of precast concrete retaining wall, reinforced concrete sidewalk retaining wall, drainage channel and a 12-inch water main relocation for Chalk Hill Road from Davis Street to 800 feet south of Interstate Highway 30 - Not to exceed \$875,444, from \$9,456,805 to \$10,332,249 - Financing: 2006 Bond Funds (\$822,891) and Water Utilities Capital Improvement Funds (\$52,553)

Department of Sustainable Development and Construction

5. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Pamela Samantha Keats, et al., Cause No. 98574-CC, pending in Dallas County Court at Law, to acquire approximately 902,535 square feet of land for right-of-way located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$208,700, increased from \$210,700 (\$207,200, plus closing costs and title expenses not to exceed \$3,500) to \$419,400 (\$414,400 being the award, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds
6. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Ola V. Turner et al., Cause No. CC-17-01281-E, pending in Dallas County Court at Law, to acquire approximately 16,343 square feet of land for right-of-way located near the intersection of Garden Grove Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$817, increased from \$15,000 (\$11,440, plus closing costs and title expenses not to exceed \$3,560) to \$15,817 (\$12,257 being the award, plus closing costs and title expenses not to exceed \$3,560) - Financing: Water Utilities Capital Construction Funds
7. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Casa Blanca Village, LLC, et al., Cause No. CC-17-05398-E, pending in Dallas County Court at Law No. 5, to acquire approximately 108,436 square feet of land for right-of-way located near the intersection of Highland and Ferguson Roads for the White Rock Hills Park Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$250,000, increased from \$1,865,000 (\$1,850,000, plus closing costs and title expenses not to exceed \$15,000) to \$2,115,000 (\$2,100,000 being the award, plus closing costs and title expenses not to exceed \$15,000) - Financing: 2006 Bond Funds

CONSENT AGENDA (continued)**Department of Sustainable Development and Construction** (continued)

8. Authorize moving expense and replacement housing payments for Margaret Dodson as a result of an official written offer of just compensation to purchase real property at 618 VZ CR 3828 for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$63,550 - Financing: Water Utilities Capital Improvement Funds
9. A resolution authorizing the conveyance of a water easement containing approximately 3,922 square feet of land to Forney Lake Water Supply Corporation for the construction, maintenance and use of water facilities across City-owned land located near the intersection of FM Highway 460 and FM Highway 740 - Revenue: \$1,235
10. A resolution declaring approximately 14 square feet of undevelopable City-owned land unwanted and unneeded, located near the intersection of Glenda and Ables Lanes, and authorizing its sale to Square One Properties, Inc., the abutting owner - Revenue: \$1,000
11. An ordinance abandoning a portion of Bedford Street to Progressive Waste Solutions of TX, Inc., the abutting owner, containing approximately 5,000 square feet of land, located near the intersection of Bedford Street and Shadrack Drive; and authorizing the quitclaim; and providing for the dedication of approximately 5,000 square feet of land needed for a water and wastewater easement - Revenue: \$10,700, plus the \$20 ordinance publication fee
12. An ordinance abandoning an alley and portions of Hutchins Road to Dallas Independent School District, the abutting owner, containing a total of approximately 13,877 square feet of land, located near the intersection of Morrell Avenue and Bonnie View Road; and authorizing the quitclaim - Revenue: \$8,326, plus the \$20 ordinance publication fee
13. An ordinance abandoning a water easement and wastewater easement to Algonquin Realty, Inc., the abutting owner, containing a total of approximately 7,351 square feet of land, located near the intersection of North Central Expressway and Royal Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee
14. An ordinance correcting Chapter 51A, "Dallas Development Code", of the Dallas City Code, as amended by correcting Section 51A-1.105(3), Section 4.702(h)(2), Section 4.702(i)(2) and Section 4.212(10.1)(B)(iii) - Financing: No cost consideration to the City
15. An ordinance correcting Chapter 51P of the Dallas Development Code, **(1)** Planned Development District No. 298 amended by Ordinance No. 30159; **(2)** Planned Development District No. 317 amended by Ordinance No. 30295 and Ordinance No. 30276; **(3)** Planned Development District No. 631 amended by Ordinance No. 28915; **(4)** Planned Development District No. 703 amended by Ordinance No. 30459; **(5)** Planned Development District No. 787 amended by Ordinance No. 30583; **(6)** Planned Development District No. 799 amended by Ordinance No. 30156; and **(7)** Planned Development No. 970 created by Ordinance No. 30166 - Financing: No cost consideration to the City

CONSENT AGENDA (continued)**Department of Sustainable Development and Construction** (continued)

16. An ordinance correcting Chapter 53, "Dallas Building Code," of the Dallas City Code, Section 4007 - Financing: No cost consideration to the City
17. An ordinance correcting **(1)** Ordinance No. 22879, previously approved on September 11, 1996, which created Historic Overlay District No. 79 located south and west of Lawther Road, southwest of the intersection of Highlands Drive and Tiffany Way; **(2)** Ordinance No. 30185, previously approved on September 14, 2016, which corrected Ordinance No. 30070 which created Historic Overlay District No. 147 located west of the intersection of Pemberton Hill Road and Sarah Lee Drive; **(3)** Ordinance No. 30156, previously approved on August 10, 2016, which amended Subareas I and II within Planned Development District No. 799 on property at the southeast corner of East Lovers Lane and Matilda Street; **(4)** Ordinance No. 30420, previously approved on April 12, 2017, which amended Planned Development District No. 76 on the northeast corner of Walnut Hill Lane and Rambler Road; **(5)** Ordinance No. 30591, previously approved on August 9, 2017, which terminated a portion of Specific Use Permit No. 98 for a quarry on the east side of North Westmoreland Drive, south of Interstate Highway 30; **(6)** Ordinance No. 30703, previously approved on November 8, 2017, which created Planned Development Subdistrict No. 137 within Planned Development District No. 193 on the southwest line of Reagan Street, west of Congress Avenue; and **(7)** Ordinance No. 30729, previously approved on December 13, 2017, which renewed Specific Use Permit No. 2087 for a recycling buy-back center on the northwest side of Hickory Street, northeast of Malcolm X Boulevard - Financing: No cost consideration to the City

Department of Transportation

18. Authorize a Memorandum of Understanding with the North Central Texas Council of Governments Regional Transportation Council for use of federal funds for the design, engineering, and construction of Dallas Bond Program projects - Financing: This action has no cost consideration to the City (see Fiscal Information)

Office of Cultural Affairs

19. Authorize **(1)** the acceptance of grants from the Texas Commission on the Arts (Grant Nos. 18-42139, 18-42384, 18-42394, 18-42382) in the amount of \$32,000 to provide cultural services for the period September 1, 2017 through August 31, 2018; **(2)** a local 1:1 match in the amount of \$32,000; **(3)** receipt and deposit of funds in an amount not to exceed \$32,000 in the Texas Commission on the Arts-Arts Create Grant 17-18 Fund; **(4)** establishment of appropriations in an amount not to exceed \$32,000 in the Texas Commission on the Arts-Arts Create Grant 17-18 Fund; and **(5)** execution of the grant agreements - Total not to exceed \$64,000 - Financing: Texas Commission on the Arts Grant Funds (\$32,000) and General Funds (\$32,000)

CONSENT AGENDA (continued)**Office of Cultural Affairs** (continued)

20. A resolution authorizing **(1)** reimbursement to Dallas Center For The Performing Arts Foundation, Inc. for payments made to Tait Towers Manufacturing LLC for emergency flood remediation and related repairs to theater automation systems at the Dee and Charles Wyly Theater located at 2400 Flora Street in an amount not to exceed \$189,300; and **(2)** an increase in appropriations in an amount not to exceed \$189,300 in the Office of Cultural Affairs budget - Not to exceed \$189,300 - Financing: Contingency Reserve Funds (to be reimbursed by property insurance)
21. Authorize the Third Amendment to the Lease Agreement with Sammons Center for the Arts for the Sammons Center for the Arts facility to memorialize the City's contributions for operations and utility costs of the facility, previously authorized on an annual basis, in the amount of \$76,000 per year for the period October 1, 2017 through June 30, 2034 - Not to exceed \$1,292,000 - Financing: General Funds (subject to annual appropriations)

Office of Economic Development

22. Authorize a real property tax abatement agreement with First Industrial, L.P. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for the proposed development of First Mountain Creek Distribution Center, a speculative distribution center facility within a Texas Enterprise Zone situated on approximately 82 acres of property located south of Interstate Highway 20, north of Camp Wisdom Road, and east of Mountain Creek Parkway in Dallas, Texas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$2,598,730 over ten year period

Office of Environmental Quality

23. Authorize a resolution of support for a Municipal Setting Designation application to the Texas Commission on Environmental Quality, provided by Univar USA, Inc. and approved by the City of Farmers Branch, that prohibits the use of groundwater as potable water beneath property owned by Univar USA, Inc., Bell & McCoy Companies, Inc., SEELCCO Street Partners, Ltd., SEELCCO Partners II, Ltd., Scott A. Hawkins Separate Property TR II LLC, Surinder Mittal, and Calandro Development, Inc., located near the intersection of Welch Road and Alpha Road in Farmers Branch, Texas - Financing: No cost consideration to the City
Recommendation of Staff: Approval

CONSENT AGENDA (continued)**Office of Procurement Services**

24. Authorize a service contract for the purchase and installation of two generators and one automatic transfer switch for the Fire-Rescue Department with LJ Power, Inc. through the Texas Association of School Boards - Not to exceed \$106,324 - Financing: General Funds
25. Authorize a six-month service contract for the purchase and installation of an emergency evacuation system at the Eastside Water Treatment Plant - Schneider Electric Buildings Americas, Inc., most advantageous proposer of two - Not to exceed \$273,107 - Financing: Water Utilities Capital Construction Funds (subject to appropriations)
26. Authorize a three-year service contract for purchasing, labeling, and cataloging of best-selling books and access to vendors online catalog to view the latest best-seller list, search, check availability, and order for the Dallas Public Library - Ingram Library Services LLC, lowest responsible bidder of three - Not to exceed \$914,600 - Financing: General Funds (subject to annual appropriations)
27. Authorize a three-year concession contract for the operation of a watercraft rental service at White Rock Lake - Ask Ace, LLC dba White Rock Paddle Co., most advantageous proposer of two - Estimated Annual Net Revenue: \$59,800
28. Authorize an acquisition contract for the purchase and installation of two air compressors for the Fire-Rescue Department with August Industries, Inc. through the Texas Association of School Boards - Not to exceed \$131,572 - Financing: General Funds (\$3,088) and U.S. Department of Homeland Security Assistance to Firefighters Grant Funds (\$128,484)
29. Authorize **(1)** a contract closeout agreement, to revise the term of the City's ePCR agreement with Physio-Control, Inc.; and **(2)** a three-year contract for licensing, hosting, implementation, maintenance and support of an electronic patient care reporting and data collection system with ImageTrend, Inc. through the U.S. General Services Administration - Not to exceed \$856,060 - Financing: General Funds (subject to annual appropriations)
30. Authorize an acquisition contract for the purchase, installation, and a five-year warranty of a virtual 300-degree training simulator for the Dallas Police Department with VirTra, Inc., through the General Services Administration - Not to exceed \$424,093 - Financing: U.S. Department of Homeland Security Grant Funds
31. Authorize a two-year master agreement for hot mix asphalt and cold patch materials - Oldcastle Materials Texas, Inc. dba TexasBit in the amount of \$6,287,625, Unique Paving Materials, Corp. in the amount of \$910,996, and Austin Asphalt, Inc. in the amount of \$48,000, lowest responsible bidders of three - Total not to exceed \$7,246,621 - Financing: General Funds (\$6,358,015), Water Utilities Current Funds (\$809,766), and Aviation Current Funds (\$78,840)

CONSENT AGENDA (continued)

Office of Procurement Services (continued)

32. Authorize a three-year master agreement for the purchase of trash and recycling receptacles for the Kay Bailey Hutchison Convention Center Dallas - Midpoint International, Inc. dba CleanRiver Inventive Recycling Products, lowest responsible bidder of three - Not to exceed \$177,769 - Financing: Convention and Event Services Current Funds
33. Authorize **(1)** a three-year master agreement for the purchase of heating, ventilation, and air conditioning air filters for Dallas Love Field with Advanced Filtration Products, LLC in the amount of \$377,224 through the Texas Association of School Boards; and **(2)** a three-year master agreement for the purchase of heating, ventilation, and air conditioning canisters for Dallas Love Field with Texas AirSystems LLC in the amount of \$277,200 through The Interlocal Purchasing System - Total not to exceed \$654,424 - Financing: Aviation Current Funds
34. Authorize a three-year master agreement for the purchase of quicklime - Lhoist North America of Texas Ltd, lowest responsible bidder of two - Not to exceed \$17,245,482 - Financing: Water Utilities Current Funds

Park & Recreation Department

35. Authorize a professional services contract with M.E.P. Consulting Engineers, Inc. for lighting design and engineering services for the Music Hall Exterior Lighting Improvements Project at the Music Hall in Fair Park located at 909 First Avenue - Not to exceed \$92,485 - Financing: General Funds (subject to appropriations)

Water Utilities Department

36. Authorize an agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, the Southern Gateway Project - Financing: No cost consideration to the City
37. Authorize a contract with Carollo Engineers, Inc. to provide engineering services for the City of Dallas Water Delivery Comprehensive System Assessment and Update - Not to exceed \$3,989,947 - Financing: Water Utilities Capital Construction Funds
38. Authorize a construction contract for the installation of water and wastewater mains at 16 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of three - Not to exceed \$13,376,475 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

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

Office of Procurement Services

Note: If Agenda Item No. 40 passes, Council will not consider Agenda Item No. 41.
If Agenda Item No. 41 passes, Council will not consider Agenda Item No. 40.

40. Authorize **(1)** a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Regali, Inc. in the amount of \$3,227,442, Northern Imports dba Work Wear Safety Shoes in the amount of \$1,701,429, Red Wing Brands of America, Inc. in the amount of \$307,462 and Promotional Designs, Inc. in the amount of \$190,688, lowest responsible bidders of five; and **(2)** a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Promotional Designs, Inc. in the amount of \$444,142, local preference bidder - Total not to exceed \$5,871,163 - Financing: General Funds (\$3,035,002), Water Utilities Current Funds (\$1,988,117), Sanitation Current Funds (\$321,194), Stormwater Drainage Management Current Funds (\$227,250), Convention and Event Services Current Funds (\$169,300), and Aviation Current Funds (\$130,300)
41. Authorize a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Regali, Inc. in the amount of \$3,664,039, Northern Imports dba Work Wear Safety Shoes in the amount of \$1,701,429, Red Wing Brands of America, Inc. in the amount of \$307,462, and Promotional Designs, Inc. in the amount of \$190,688, lowest responsible bidders of five - Total not to exceed \$5,863,618 - Financing: General Funds (\$3,027,457), Water Utilities Current Funds (\$1,988,117), Sanitation Current Funds (\$321,194), Stormwater Drainage Management Current Funds (\$227,250), Convention and Event Services Current Funds (\$169,300), and Aviation Current Funds (\$130,300)

ITEMS FOR FURTHER CONSIDERATION

Department of Sustainable Development and Construction

42. An ordinance abandoning a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing approximately 925 square feet of land, located near the intersection of McMillan and Henderson Avenues; authorizing the quitclaim; and providing for the dedication of approximately 4,059 square feet of land needed for street right-of-way - Revenue: \$5,400, plus the \$20 ordinance publication fee (This item was deferred on December 13, 2017)

ITEMS FOR INDIVIDUAL CONSIDERATION (continued)

ITEMS FOR FURTHER CONSIDERATION (continued)

Department of Sustainable Development and Construction (continued)

43. Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project, from Lorean D. Thomas and James W. Thomas - Not to exceed \$4,000 (\$2,500, plus closing costs and title expenses not to exceed \$1,500) - Financing: 2012 Bond Funds (This item was deferred on January 10, 2018 and February 14, 2018)

Office of Community Care

44. Authorize Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018 - Not to exceed \$242,592, from \$190,000 to \$432,592 - Financing: General Funds (This item was deferred on February 28, 2018)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

45. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Historic Overlay No. 48, the Harwood Historic District, to allow additional signage on property zoned Planned Development District No. 619, on the northeast corner of St. Paul Street and Elm Street
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z167-351(LC)
46. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1687 for a bar, lounge, or tavern; and an inside commercial amusement limited to a Class A dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Commerce Street, west of Henry Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to a revised site plan and conditions
Z178-101(PD)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)ZONING CASES - CONSENT (continued)

47. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a new subarea within Tract I of Planned Development District No. 314, the Preston Center Special Purpose District; **(2)** an ordinance granting a Specific Use Permit for a financial institution with drive-in windows; and, **(3)** an ordinance terminating Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service on property zoned Tract I within Planned Development District No. 314, the Preston Center Special Purpose District, on the south line of West Northwest Highway, between the Dallas North Tollway and Douglas Avenue
Recommendation of Staff and CPC: Approval of the creation of a new subarea within Tract I, subject to a development plan, landscape plan, and conditions; approval of an Specific Use Permit for a financial institution with drive-in windows for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions; and, approval of the termination of Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service
Z178-116(WE/JM)
48. A public hearing to receive comments regarding an application for and an ordinance granting a new subarea on property zoned Subarea 1 and Subarea 7 within Planned Development District No. 298, the Bryan Area Special Purpose District, in an area bounded by Ross Avenue, North Washington Avenue, San Jacinto Street, and Villars Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, original building facade elevation and photographs, conceptual elevation, and conditions
Z178-133(SM)
49. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 957 for NO(A) Neighborhood Office District uses, a community service center and a child-care facility at the southeast corner of Lombardy Lane and Geraldine Drive
Recommendation of Staff and CPC: Approval, subject to Phase 1 and Phase 2 development plans, Phase 1 and Phase 2 landscape plans, and conditions
Z178-143(JM)
50. A public hearing to receive comments regarding an application for and an ordinance granting an A(A) Agricultural District on property zoned Subarea F-1 within Planned Development District No. 186, on the north line of West Kiest Boulevard, east of Mountain Creek Parkway
Recommendation of Staff and CPC: Approval
Z178-147(WE/PD)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)ZONING CASES - CONSENT (continued)

51. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1981 for a bar, lounge or tavern and an inside commercial amusement limited to a dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Main Street, between North Malcolm X Boulevard and North Walton Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to a revised site plan and conditions
Z178-153(PD)
52. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1775 for a medical clinic on property zoned a Core Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State-Thomas Historic District, on the northwest line of Thomas Avenue, between Fairmount Street and Routh Street
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z178-156(PD)

ZONING CASES - INDIVIDUAL

53. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane
Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions
Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions
Z167-362(WE/SH)

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

54. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z145-300(SH)

Note: This item was considered by the City Council at public hearings on October 25, 2017 and December 13, 2017, and was held under advisement until March 28, 2018, with the public hearing open

55. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a Planned Development District for commercial, industrial and transportation uses; **(2)** an ordinance granting an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II]; **(3)** an ordinance granting a Specific Use Permit for two industrial (outside) not potentially incompatible uses for a concrete batching plant [Tract I and Tract III]; **(4)** an ordinance terminating Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant; and **(5)** a resolution terminating deed restrictions [Z078-204] on property zoned an IR-D Industrial Research District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS-D Commercial Service District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1602 for vehicle storage lot on a portion; and an IM-D Industrial Manufacturing District with a D Liquor Control Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on the northeast corner of State Highway 310 and Linfield Road

Recommendation of Staff and CPC: Approval of a Planned Development District for commercial, industrial and transportation uses, subject to a conceptual plan and conditions; approval of an amendment to Specific Use Permit No. 1715 for an asphalt batch plant for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/landscape plan and conditions; approval of a Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract I and Tract III for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions; approval of the termination of Specific Use Permit No. 1613; and approval of the termination of deed restrictions [Z078-204]
Z145-301(WE)

Note: This item was considered by the City Council at public hearings on September 27, 2017, October 25, 2017, December 13, 2017 and January 24, 2018, and was held under advisement until March 28, 2018, with the public hearing open

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

56. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Recommendation of CPC: Approval for a five-year period, subject to conditions
Z167-284(PD)
Note: This item was considered by the City Council at a public hearing on January 24, 2018, and was deferred until March 28, 2018, with the public hearing open
57. 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 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z167-359(WE)
Note: This item was considered by the City Council at public hearings on December 13, 2017, January 24, 2018 and February 14, 2018, and was deferred until March 28, 2018, with the public hearing open
58. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions
Z167-390(SM)
Note: This item was considered by the City Council at a public hearing on January 10, 2018, and was deferred until March 28, 2018, with the public hearing open

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

59. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an auto service center on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z178-110(PD)
Note: This item was considered by the City Council at a public hearing on January 24, 2018, and was held under advisement until March 28, 2018, with the public hearing open
60. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z178-134(PD)
Note: This item was considered by the City Council at public hearings on February 14, 2018 and February 28, 2018, and was deferred until March 28, 2018, with the public hearing open

FLOODPLAIN APPLICATIONS

Department of Trinity Watershed Management

61. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.3 acres of the current 4.3 acres of land located at 9229 Chiswell Road, within the floodplain of McCree Branch, Fill Permit 17-11 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

Office of Budget

62. A public hearing to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

Renewal of Water and Wastewater Mains
Agenda Item # 38

District 4

Honey Springs Branch from Overton Road to Kiest Boulevard

District 7

Alley between Al Lipscomb Way and Park Row Avenue from Good Latimer Expressway
northeast

Edgewood Street from Good Latimer Expressway southeast

Good Latimer Expressway from Central Expressway Ramp northeast

District 9

*Abrams Road from Mercedes Avenue to Kenwood Avenue

Bob O Link Drive from Abrams Road to Hillside Drive

Easement east of Lawther Drive between Emerald Isle Drive and Poppy Drive

East Lawther Drive from Garland Road to Sunset Inn Circle

Velasco Avenue from Abrams Road to Wendover Road

District 11

Belmead Drive from West Ricks Circle to East Ricks Circle

District 14

Alley between Llano Avenue and Velasco Avenue from Concho Street to Skillman
Street

Alley between Monticello Avenue and Merrimac Avenue from Homer Street to Glencoe
Street

Bermuda Street from La Vista Drive south

Corona Street from La Vista Drive southwest

La Vista Drive from Bermuda Street to Lucerne Street

Tucker Street from La Vista Drive southwest

*(Abrams Road from Mercedes Avenue to Kenwood Avenue)
(See District 9)

*Project limits in more than one Council District

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]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

AGENDA DATE March 28, 2018

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
1			All	V	NA	NA	Approval of Minutes of the February 28, 2018 City Council Meeting
2			2	C	AVI	\$507,252.00	Authorize a thirty-six-month Interlocal Agreement with the North Texas Tollway Authority (NTTA), with two thirty-six-month renewal options to (1) operate under the maintenance and repair terms of the previous Interlocal Agreement for up to twelve months, in an amount not to exceed \$96,000, transitioning from the old to the new system, \$411,252 first year only; (2) remove installation, hardware and maintenance of the Automatic Vehicle Identification System from NTTA's responsibility; and (3) require NTTA to provide new continuous data migration to and from Dallas Love Field Parking Access Revenue Control System, clearinghouse services and a user interface with reporting and billing functions - Not to exceed \$507,252 - Financing: Aviation Current Funds
3			2	C	AVI	\$272,179.00	Authorize a service contract for the purchase and installation of furniture and replacement chair arms for Dallas Love Field Airport with Arconas Corporation through The Interlocal Purchasing System Purchasing Cooperative - Not to exceed \$272,179 - Financing: Aviation Current Funds
4			6	C	PBW, WTR	\$875,443.54	Authorize an increase to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of precast concrete retaining wall, reinforced concrete sidewalk retaining wall, drainage channel and a 12-inch water main relocation for Chalk Hill Road from Davis Street to 800 feet south of Interstate Highway 30 - Not to exceed \$875,444, from \$9,456,805 to \$10,332,249 - Financing: 2006 Bond Funds (\$822,891) and Water Utilities Capital Improvement Funds (\$52,553)
5			Outside	C	DEV, ATT, WTR	\$208,700.00	Authorize the (1) deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Pamela Samantha Keats, et al., Cause No. 98574-CC, pending in Dallas County Court at Law, to acquire approximately 902,535 square feet of land for right-of-way located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$208,700, increased from \$210,700 (\$207,200, plus closing costs and title expenses not to exceed \$3,500) to \$419,400 (\$414,400 being the award, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds
6			Outside	C	DEV, ATT, WTR	\$817.00	Authorize the (1) deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Ola V. Turner et al., Cause No. CC-17-01281-E, pending in Dallas County Court at Law, to acquire approximately 16,343 square feet of land for right-of-way located near the intersection of Garden Grove Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$817, increased from \$15,000 (\$11,440, plus closing costs and title expenses not to exceed \$3,560) to \$15,817 (\$12,257 being the award, plus closing costs and title expenses not to exceed \$3,560) - Financing: Water Utilities Capital Construction Funds
7			7	C	DEV, ATT, PKR	\$250,000.00	Authorize the (1) deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Casa Blanca Village, LLC, et al., Cause No. CC-17-05398-E, pending in Dallas County Court at Law No. 5, to acquire approximately 108,436 square feet of land for right-of-way located near the intersection of Highland and Ferguson Roads for the White Rock Hills Park Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$250,000, increased from \$1,865,000 (\$1,850,000, plus closing costs and title expenses not to exceed \$15,000) to \$2,115,000 (\$2,100,000 being the award, plus closing costs and title expenses not to exceed \$15,000) - Financing: 2006 Bond Funds
8			Outside	C	DEV, WTR	\$63,550.00	Authorize moving expense and replacement housing payments for Margaret Dodson as a result of an official written offer of just compensation to purchase real property at 618 VZ CR 3828 for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$63,550 - Financing: Water Utilities Capital Improvement Funds
9			Outside	C	DEV, WTR	REV \$1,235	A resolution authorizing the conveyance of a water easement containing approximately 3,922 square feet of land to Forney Lake Water Supply Corporation for the construction, maintenance and use of water facilities across City-owned land located near the intersection of FM Highway 460 and FM Highway 740 - Revenue: \$1,235
10			6	C	DEV	REV \$1,000	A resolution declaring approximately 14 square feet of undevelopable City-owned land unwanted and unneeded, located near the intersection of Glenda and Ables Lanes, and authorizing its sale to Square One Properties, Inc., the abutting owner - Revenue: \$1,000

AGENDA DATE March 28, 2018

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
#	OK	DEF					
11			6	C	DEV	REV \$10,700	An ordinance abandoning a portion of Bedford Street to Progressive Waste Solutions of TX, Inc., the abutting owner, containing approximately 5,000 square feet of land, located near the intersection of Bedford Street and Shadrack Drive; and authorizing the quitclaim; and providing for the dedication of approximately 5,000 square feet of land needed for a water and wastewater easement - Revenue: \$10,700, plus the \$20 ordinance publication fee
12			4	C	DEV	REV \$8,326	An ordinance abandoning an alley and portions of Hutchins Road to Dallas Independent School District, the abutting owner, containing a total of approximately 13,877 square feet of land, located near the intersection of Morrell Avenue and Bonnie View Road; and authorizing the quitclaim - Revenue: \$8,326, plus the \$20 ordinance publication fee
13			13	C	DEV	REV \$5,400	An ordinance abandoning a water easement and wastewater easement to Algonquin Realty, Inc., the abutting owner, containing a total of approximately 7,351 square feet of land, located near the intersection of North Central Expressway and Royal Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee
14			All	C	DEV	NC	An ordinance correcting Chapter 51A, "Dallas Development Code", of the Dallas City Code, as amended by correcting Section 51A-1.105(3), Section 4.702(h)(2), Section 4.702(i)(2) and Section 4.212(10.1)(B)(iii) - Financing: No cost consideration to the City
15			2, 6, 11, 13, 14	C	DEV	NC	An ordinance correcting Chapter 51P of the Dallas Development Code, (1) Planned Development District No. 298 amended by Ordinance No. 30159; (2) Planned Development District No. 317 amended by Ordinance No. 30295 and Ordinance No. 30276; (3) Planned Development District No. 631 amended by Ordinance No. 28915; (4) Planned Development District No. 703 amended by Ordinance No. 30459; (5) Planned Development District No. 787 amended by Ordinance No. 30583; (6) Planned Development District No. 799 amended by Ordinance No. 30156; and (7) Planned Development No. 970 created by Ordinance No. 30166 - Financing: No cost consideration to the City
16			All	C	DEV	NC	An ordinance correcting Chapter 53, "Dallas Building Code," of the Dallas City Code, Section 4007 - Financing: No cost consideration to the City
17			1, 2, 7, 9, 13, 14	C	DEV	NC	An ordinance correcting (1) Ordinance No. 22879, previously approved on September 11, 1996, which created Historic Overlay District No. 79 located south and west of Lawther Road, southwest of the intersection of Highlands Drive and Tiffany Way; (2) Ordinance No. 30185, previously approved on September 14, 2016, which corrected Ordinance No. 30070 which created Historic Overlay District No. 147 located west of the intersection of Pemberton Hill Road and Sarah Lee Drive; (3) Ordinance No. 30156, previously approved on August 10, 2016, which amended Subareas I and II within Planned Development District No. 799 on property at the southeast corner of East Lovers Lane and Matilda Street; (4) Ordinance No. 30420, previously approved on April 12, 2017, which amended Planned Development District No. 76 on the northeast corner of Walnut Hill Lane and Rambler Road; (5) Ordinance No. 30591, previously approved on August 9, 2017, which terminated a portion of Specific Use Permit No. 98 for a quarry on the east side of North Westmoreland Drive, south of Interstate Highway 30; (6) Ordinance No. 30703, previously approved on November 8, 2017, which created Planned Development Subdistrict No. 137 within Planned Development District No. 193 on the southwest line of Reagan Street, west of Congress Avenue; and (7) Ordinance No. 30729, previously approved on December 13, 2017, which renewed Specific Use Permit No. 2087 for a recycling buy-back center on the northwest side of Hickory Street, northeast of Malcolm X Boulevard - Financing: No cost consideration to the City
18			2, 6, 7, 13, 14	C	TRN	NC	Authorize a Memorandum of Understanding with the North Central Texas Council of Governments Regional Transportation Council for use of federal funds for the design, engineering, and construction of Dallas Bond Program projects - Financing: This action has no cost consideration to the City (see Fiscal Information)
19			All	C	OCA	\$32,000.00	Authorize (1) the acceptance of grants from the Texas Commission on the Arts (Grant Nos. 18-42139, 18-42384, 18-42394, 18-42382) in the amount of \$32,000 to provide cultural services for the period September 1, 2017 through August 31, 2018; (2) a local 1:1 match in the amount of \$32,000; (3) receipt and deposit of funds in an amount not to exceed \$32,000 in the Texas Commission on the Arts-Arts Create Grant 17-18 Fund; (4) establishment of appropriations in an amount not to exceed \$32,000 in the Texas Commission on the Arts-Arts Create Grant 17-18 Fund; and (5) execution of the grant agreements - Total not to exceed \$64,000 - Financing: Texas Commission on the Arts Grant Funds (\$32,000) and General Funds (\$32,000)

AGENDA DATE March 28, 2018

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
#	OK	DEF					
20			14	C	OCA, OFS	\$189,300.00	A resolution authorizing (1) reimbursement to Dallas Center For The Performing Arts Foundation, Inc. for payments made to Tait Towers Manufacturing LLC for emergency flood remediation and related repairs to theater automation systems at the Dee and Charles Wyle Theater located at 2400 Flora Street in an amount not to exceed \$189,300; and (2) an increase in appropriations in an amount not to exceed \$189,300 in the Office of Cultural Affairs budget - Not to exceed \$189,300 - Financing: Contingency Reserve Funds (to be reimbursed by property insurance)
21			2	C	OCA	\$1,292,000.00	Authorize the Third Amendment to the Lease Agreement with Sammons Center for the Arts for the Sammons Center for the Arts facility to memorialize the City's contributions for operations and utility costs of the facility, previously authorized on an annual basis, in the amount of \$76,000 per year for the period October 1, 2017 through June 30, 2034 - Not to exceed \$1,292,000 - Financing: General Funds (subject to annual appropriations)
22			3	C	ECO	REV \$-2,598,730	Authorize a real property tax abatement agreement with First Industrial, L.P. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for the proposed development of First Mountain Creek Distribution Center, a speculative distribution center facility within a Texas Enterprise Zone situated on approximately 82 acres of property located south of Interstate Highway 20, north of Camp Wisdom Road, and east of Mountain Creek Parkway in Dallas, Texas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$2,598,730 over ten year period
23			Outside	C	OEQ	NC	Authorize a resolution of support for a Municipal Setting Designation application to the Texas Commission on Environmental Quality, provided by Univar USA, Inc. and approved by the City of Farmers Branch, that prohibits the use of groundwater as potable water beneath property owned by Univar USA, Inc., Bell & McCoy Companies, Inc., SEELCCO Street Partners, Ltd., SEELCCO Partners II, Ltd., Scott A. Hawkins Separate Property TR II LLC, Surinder Mittal, and Calandro Development, Inc., located near the intersection of Welch Road and Alpha Road in Farmers Branch, Texas - Financing: No cost consideration to the City
24			2, 5, 10	C	PBD, FIR	\$106,324.00	Authorize a service contract for the purchase and installation of two generators and one automatic transfer switch for the Fire-Rescue Department with LJ Power, Inc. through the Texas Association of School Boards - Not to exceed \$106,324 - Financing: General Funds
25			Outside	C	PBD, WTR	\$273,107.00	Authorize a six-month service contract for the purchase and installation of an emergency evacuation system at the Eastside Water Treatment Plant - Schneider Electric Buildings Americas, Inc., most advantageous proposer of two - Not to exceed \$273,107 - Financing: Water Utilities Capital Construction Funds (subject to appropriations)
26			All	C	PBD, LIB	\$914,600.00	Authorize a three-year service contract for purchasing, labeling, and cataloging of best-selling books and access to vendors online catalog to view the latest best-seller list, search, check availability, and order for the Dallas Public Library - Ingram Library Services LLC, lowest responsible bidder of three - Not to exceed \$914,600 - Financing: General Funds (subject to annual appropriations)
27			9	C	PBD, PKR	REV \$59,800	Authorize a three-year concession contract for the operation of a watercraft rental service at White Rock Lake - Ask Ace, LLC dba White Rock Paddle Co., most advantageous proposer of two - Estimated Annual Net Revenue: \$59,800
28			All	C	PBD, FIR	\$3,087.44	Authorize an acquisition contract for the purchase and installation of two air compressors for the Fire-Rescue Department with August Industries, Inc. through the Texas Association of School Boards - Not to exceed \$131,572 - Financing: General Funds (\$3,088) and U.S. Department of Homeland Security Assistance to Firefighters Grant Funds (\$128,484)
29			All	C	PBD, FIR	\$856,059.95	Authorize (1) a contract closeout agreement, to revise the term of the City's ePCR agreement with Physio-Control, Inc.; and (2) a three-year contract for licensing, hosting, implementation, maintenance and support of an electronic patient care reporting and data collection system with ImageTrend, Inc. through the U.S. General Services Administration - Not to exceed \$856,060 - Financing: General Funds (subject to annual appropriations)
30			All	C	PBD, POL	GT	Authorize an acquisition contract for the purchase, installation, and a five-year warranty of a virtual 300-degree training simulator for the Dallas Police Department with VirTra, Inc., through the General Services Administration - Not to exceed \$424,093 - Financing: U.S. Department of Homeland Security Grant Funds

AGENDA DATE March 28, 2018

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
#	OK	DEF					
31			All	C	PBD, AVI, PBW, PKR, WTR	\$7,246,620.60	Authorize a two-year master agreement for hot mix asphalt and cold patch materials - Oldcastle Materials Texas, Inc. dba TexasBit in the amount of \$6,287,625, Unique Paving Materials, Corp. in the amount of \$910,996, and Austin Asphalt, Inc. in the amount of \$48,000, lowest responsible bidders of three - Total not to exceed \$7,246,621 - Financing: General Funds (\$6,358,015), Water Utilities Current Funds (\$809,766), and Aviation Current Funds (\$78,840)
32			2	C	PBD, CES	\$177,768.75	Authorize a three-year master agreement for the purchase of trash and recycling receptacles for the Kay Bailey Hutchison Convention Center Dallas - Midpoint International, Inc. dba CleanRiver Inventive Recycling Products, lowest responsible bidder of three - Not to exceed \$177,769 - Financing: Convention and Event Services Current Funds
33			2	C	PBD, AVI	\$654,423.03	Authorize (1) a three-year master agreement for the purchase of heating, ventilation, and air conditioning air filters for Dallas Love Field with Advanced Filtration Products, LLC in the amount of \$377,224 through the Texas Association of School Boards; and (2) a three-year master agreement for the purchase of heating, ventilation, and air conditioning canisters for Dallas Love Field with Texas AirSystems LLC in the amount of \$277,200 through The Interlocal Purchasing System - Total not to exceed \$654,424 - Financing: Aviation Current Funds
34			All	C	PBD, WTR	\$17,245,482.00	Authorize a three-year master agreement for the purchase of quicklime - Lhoist North America of Texas Ltd, lowest responsible bidder of two - Not to exceed \$17,245,482 - Financing: Water Utilities Current Funds
35			7	C	PKR	\$92,485.00	Authorize a professional services contract with M.E.P. Consulting Engineers, Inc. for lighting design and engineering services for the Music Hall Exterior Lighting Improvements Project at the Music Hall in Fair Park located at 909 First Avenue - Not to exceed \$92,485 - Financing: General Funds (subject to appropriations)
36			1	C	WTR	NC	Authorize an agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, the Southern Gateway Project - Financing: No cost consideration to the City
37			N/A	C	WTR	\$3,989,947.00	Authorize a contract with Carollo Engineers, Inc. to provide engineering services for the City of Dallas Water Delivery Comprehensive System Assessment and Update - Not to exceed \$3,989,947 - Financing: Water Utilities Capital Construction Funds
38			4, 7, 9, 11, 14	C	WTR	\$13,376,475.00	Authorize a construction contract for the installation of water and wastewater mains at 16 locations - Ark Contracting Services, LLC, lowest responsible bidder of three - Not to exceed \$13,376,475 - Financing: Water Utilities Capital Improvement Funds
39			N/A	I	SEC	NC	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
40			All	I	PBD, AVI, CES, SAN, TWM, WTR	\$5,871,162.04	Authorize (1) a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Regali, Inc. in the amount of \$3,227,442, Northern Imports dba Work Wear Safety Shoes in the amount of \$1,701,429, Red Wing Brands of America, Inc. in the amount of \$307,462 and Promotional Designs, Inc. in the amount of \$190,688, lowest responsible bidders of five; and (2) a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Promotional Designs, Inc. in the amount of \$444,142, local preference bidder - Total not to exceed \$5,871,163 - Financing: General Funds (\$3,035,002), Water Utilities Current Funds (\$1,988,117), Sanitation Current Funds (\$321,194), Stormwater Drainage Management Current Funds (\$227,250), Convention and Event Services Current Funds (\$169,300), and Aviation Current Funds (\$130,300)
41			All	I	PBD, AVI, CES, SAN, TWM, WTR	\$5,863,617.49	Authorize a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Regali, Inc. in the amount of \$3,664,039, Northern Imports dba Work Wear Safety Shoes in the amount of \$1,701,429, Red Wing Brands of America, Inc. in the amount of \$307,462, and Promotional Designs, Inc. in the amount of \$190,688, lowest responsible bidders of five - Total not to exceed \$5,863,618 - Financing: General Funds (\$3,027,457), Water Utilities Current Funds (\$1,988,117), Sanitation Current Funds (\$321,194), Stormwater Drainage Management Current Funds (\$227,250), Convention and Event Services Current Funds (\$169,300), and Aviation Current Funds (\$130,300)

AGENDA DATE March 28, 2018

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
#	OK	DEF					
42			2	I	DEV	REV \$5,400	An ordinance abandoning a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing approximately 925 square feet of land, located near the intersection of McMillan and Henderson Avenues; authorizing the quitclaim; and providing for the dedication of approximately 4,059 square feet of land needed for street right-of-way - Revenue: \$5,400, plus the \$20 ordinance publication fee (This item was deferred on December 13, 2017)
43			7	I	DEV, ATT, PBW	\$4,000.00	Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project, from Lorean D. Thomas and James W. Thomas - Not to exceed \$4,000 (\$2,500, plus closing costs and title expenses not to exceed \$1,500) - Financing: 2012 Bond Funds (This item was deferred on January 10, 2018 and February 14, 2018)
44			All	I	OCC	\$242,592.00	Authorize Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018 - Not to exceed \$242,592, from \$190,000 to \$432,592 - Financing: General Funds (This item was deferred on February 28, 2018)
45			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Historic Overlay No. 48, the Harwood Historic District, to allow additional signage on property zoned Planned Development District No. 619, on the northeast corner of St. Paul Street and Elm Street
46			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1687 for a bar, lounge, or tavern; and an inside commercial amusement limited to a Class A dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Commerce Street, west of Henry Street
47			13	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting a new subarea within Tract I of Planned Development District No. 314, the Preston Center Special Purpose District; (2) an ordinance granting a Specific Use Permit for a financial institution with drive-in windows; and, (3) an ordinance terminating Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service on property zoned Tract I within Planned Development District No. 314, the Preston Center Special Purpose District, on the south line of West Northwest Highway, between the Dallas North Tollway and Douglas Avenue
48			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subarea on property zoned Subarea 1 and Subarea 7 within Planned Development District No. 298, the Bryan Area Special Purpose District, in an area bounded by Ross Avenue, North Washington Avenue, San Jacinto Street, and Villars Street
49			6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 957 for NO(A) Neighborhood Office District uses, a community service center and a child-care facility at the southeast corner of Lombardy Lane and Geraldine Drive
50			3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an A(A) Agricultural District on property zoned Subarea F-1 within Planned Development District No. 186, on the north line of West Kiest Boulevard, east of Mountain Creek Parkway
51			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1981 for a bar, lounge or tavern and an inside commercial amusement limited to a dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Main Street, between North Malcolm X Boulevard and North Walton Street
52			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1775 for a medical clinic on property zoned a Core Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State-Thomas Historic District, on the northwest line of Thomas Avenue, between Fairmount Street and Routh Street
53			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane

AGENDA DATE March 28, 2018

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
54			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street
55			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting a Planned Development District for commercial, industrial and transportation uses; (2) an ordinance granting an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II]; (3) an ordinance granting a Specific Use Permit for two industrial (outside) not potentially incompatible uses for a concrete batching plant [Tract I and Tract III]; (4) an ordinance terminating Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant; and (5) a resolution terminating deed restrictions [2078-204] on property zoned an IR-D Industrial Research District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS-D Commercial Service District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1602 for vehicle storage lot on a portion; and an IM-D Industrial Manufacturing District with a D Liquor Control Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on the northeast corner of State Highway 310 and Linfield Road
56			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive
57			7	PH	DEV	NC	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 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard
58			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street
59			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an auto service center on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street
60			1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue
61			10	PH	TWM	NC	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.3 acres of the current 4.3 acres of land located at 9229 Chiswell Road, within the floodplain of McCree Branch, Fill Permit 17-11 - Financing: No cost consideration to the City
62			N/A	PH	OFS	NC	A public hearing to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

TOTAL \$60,608,992.84

AGENDA ITEM # 2

**STRATEGIC
PRIORITY:**

Economic and Neighborhood Vitality

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2

DEPARTMENT:

Department of Aviation

CMO:

Jody Puckett, 670-3390

MAPSCO:

34E

SUBJECT

Authorize a thirty-six-month Interlocal Agreement with the North Texas Tollway Authority (NTTA), with two thirty-six-month renewal options to **(1)** operate under the maintenance and repair terms of the previous Interlocal Agreement for up to twelve months, in an amount not to exceed \$96,000, transitioning from the old to the new system, \$411,252 first year only; **(2)** remove installation, hardware and maintenance of the Automatic Vehicle Identification System from NTTA's responsibility; and **(3)** require NTTA to provide new continuous data migration to and from Dallas Love Field Parking Access Revenue Control System, clearinghouse services and a user interface with reporting and billing functions - Not to exceed \$507,252 - Financing: Aviation Current Funds

BACKGROUND

Parking Garages at Dallas Love Field account for over \$31,000,000 in gross revenues. The NTTA System currently receives 55% of the customer payments, and the Dallas Love Field Parking Access Revenue Control System (PARCS) collects 45%. The two systems do not communicate with each other, and operate separately in Garages A and B.

In September 2016, Dallas Love Field began installation of the Skidata PARCS to replace the end of life ASCOM PARCS. The City Auditor's Office recommended that the NTTA System be integrated with the new Skidata PARCS, as there would be one master system accounting for all parking garage revenue, access and information, thus creating greater accountability and audit control.

BACKGROUND (continued)

To enable the Skidata PARCS to recognize NTTA TollTag information the systems must communicate with each other. The NTTA Interlocal Agreement will now include the upload and download of NTTA data files with the Skidata PARCS. This enables the Skidata PARCS to account for NTTA Account Holder garage access and respective payments. NTTA will also provide a user interface outside of the Skidata PARCS to allow parking transaction adjustment and reporting directly in the NTTA System.

The NTTA Interlocal Agreement will no longer include the installation, maintenance, and hardware of the Automated Vehicle Identification (AVI) System. Included in the Skidata PARCS are new AVI readers, controllers and software and the installation, maintenance and hardware that would fall under the Skidata PARCS installation and maintenance agreements.

The 55% of Dallas Love Field customers using their NTTA TollTag to access and pay for parking will continue to do so. The customer's NTTA Account information continues to be used seamlessly as an access media for the Dallas Love Field Parking Garages within the Skidata PARCS, and the NTTA will act as a clearinghouse for tolltag user transactions sent to the NTTA by the Skidata PARCS.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 12, 2005, City Council authorized an Interlocal Agreement with NTTA for the purchase and installation of the Automated Vehicle Identification System at Dallas Love Field; and a thirty-six-month maintenance agreement, with two thirty-six month renewal options by Resolution No. 05-0144.

On September 23, 2009, City Council authorized an amendment to the Interlocal Agreement to include the installation and maintenance of Automated Vehicle Identification System equipment for five additional tolltag exit lanes in the parking facilities located at Dallas Love Field by Resolution No. 09-2774.

On April 23, 2014, City Council authorized an amendment to the Interlocal Agreement with NTTA, effective April 1, 2014, to extend the contract for a period of twelve months for the installation, maintenance, upgrading and clearinghouse functions by Resolution No. 14-0654.

On May 27, 2015, City Council authorized an amendment to the Interlocal Agreement with the NTTA to extend the contract for a period of thirty-six-months for the installation, maintenance, upgrading and clearinghouse functions of the automated vehicle identification system equipment for tolltag exit lanes in the parking facilities, and tolltag readers for ground transportation vehicles throughout the roadways at Dallas Love Field, effective April 1, 2015, by Resolution No. 15-0926.

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

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 26, 2018.

FISCAL FORMATION

Aviation Current Funds - \$507,252

March 28, 2018

WHEREAS, on January 12, 2005, City Council authorized an Interlocal Agreement with North Texas Tollway Authority (NTTA) for the purchase and installation of the Automated Vehicle Identification System (AVI System) at Dallas Love Field; and a thirty-six-month maintenance agreement, with two thirty-six month renewal options by Resolution No. 05-0144; and

WHEREAS, the TollTag System enables Dallas Love Field's parking customers and ground transportation providers to enter and exit the parking facilities without stopping for tickets or waiting in line to pay parking fees without prior application as customers enter the parking facilities, and to pay via their NTTA Account when their vehicles exit; and

WHEREAS, on September 23, 2009, City Council authorized an amendment to the Interlocal Agreement with NTTA to include the installation and maintenance of Automated Vehicle Identification System equipment for five additional tolltag exit lanes in the parking facilities located at Dallas Love Field by Resolution No. 09-2774; and

WHEREAS, on April 23, 2014, City Council authorized an amendment to the Interlocal Agreement with NTTA, effective April 1, 2014, to extend the contract for a period of twelve months for the installation, maintenance, upgrading and clearinghouse functions by Resolution No. 14-0654; and

WHEREAS, on May 27, 2015, City Council authorized an amendment to the Interlocal Agreement with NTTA to extend the contract for a period of thirty-six-months for the installation, maintenance, upgrading and clearinghouse functions of the automated vehicle identification system equipment for tolltag exit lanes in the parking facilities, and tolltag readers for ground transportation vehicles throughout the roadways at Dallas Love Field, effective April 1, 2015, by Resolution No. 15-0926; and

WHEREAS, the TollTag System offers convenience through ease of use, and will provide valuable Airport revenue tracking information through communication with the Parking Access Revenue Control System (PARCS); and

WHEREAS, the TollTag System monthly fee will be reduced, due to the transfer of installation and maintenance responsibility to the PARCS, while providing continuous data migration to and from the PARCS, clearing house functionality, providing a NTTA Gateway with reporting and billing functions.

Now, Therefore,

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

March 28, 2018

SECTION 1. That the City Manager is hereby authorized to execute a thirty-six-month Interlocal Agreement with the North Texas Tollway Authority (NTTA), with two thirty-six-month renewal options, approved as to form by the City Attorney, to **(1)** operate under the maintenance and repair terms of the previous Interlocal Agreement for up to twelve months, in an amount not to exceed \$96,000, transitioning from the old to the new system, \$411,252 first year only; **(2)** remove installation, hardware and maintenance of the Automated Vehicle Identification System from NTTA's responsibility; and **(3)** require NTTA to provide continuous data migration to and from Dallas Love Field Parking Access Revenue Control System, clearinghouse services and a user interface with reporting and billing functions, in an amount not to exceed \$507,252.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$507,252 from Aviation Current Fund, Fund 0130, Department AVI, Unit 7751, Activity AV05, Object 3422, Vendor 237925, Encumbrance/Contract No. AVI-2018-00004977.

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

AGENDA ITEM # 3

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2

DEPARTMENT:

Department of Aviation

CMO:

Jody Puckett, 670-3390

MAPSCO:

33D H; 34A E F J K

SUBJECT

Authorize a service contract for the purchase and installation of furniture and replacement chair arms for Dallas Love Field Airport with Arconas Corporation through The Interlocal Purchasing System Purchasing Cooperative - Not to exceed \$272,179 - Financing: Aviation Current Funds

BACKGROUND

In 2012 as part of the Love Field Modernization Program (LFMP) design, collaboration between City of Dallas Department of Aviation and airlines stakeholders resulted in decisions for gate area seating. Arconas seating style "Bernu" was chosen based on performance in numerous airports across the United States in Southwest Airlines operations. Purchase was made through Love Field Modernization Program and awarded to Arconas Corporation for 1,875 seats in a variety of configurations (2, 3, 4, and 5 seat arrangements).

Based on a design change for safety and durability, the vendor has strongly recommended replacement of all chair arms to an aluminum, one piece arm and offered a one-time, cost sharing discount to Department of Aviation in order to bring Dallas Love Field (DAL) gate seating into compliance with Arconas Corporation's standards. Given the heavy usage in Dallas Love Field gate areas, Department of Aviation agrees that time maintaining the original chair arms should be reduced.

Additionally, the Department of Aviation and airline stakeholders have collaborated in new gate seating layouts that allow an increase of 320 new seats, again in a variety of configurations.

This action will authorize the purchase and installation of furniture and replacement chair arms from Arconas Corporation through The Interlocal Purchasing System (TIPS) Purchasing Cooperative, which conforms to the requirements of Texas statutes applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2017
Completed Design	December 2017
Estimated Installation Start	July 2018
Estimated Installation Completion	August 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Aviation Current Funds - \$272,179.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE%</u>	<u>M/WBE \$</u>
\$272,179.00	COOP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (COOPs).

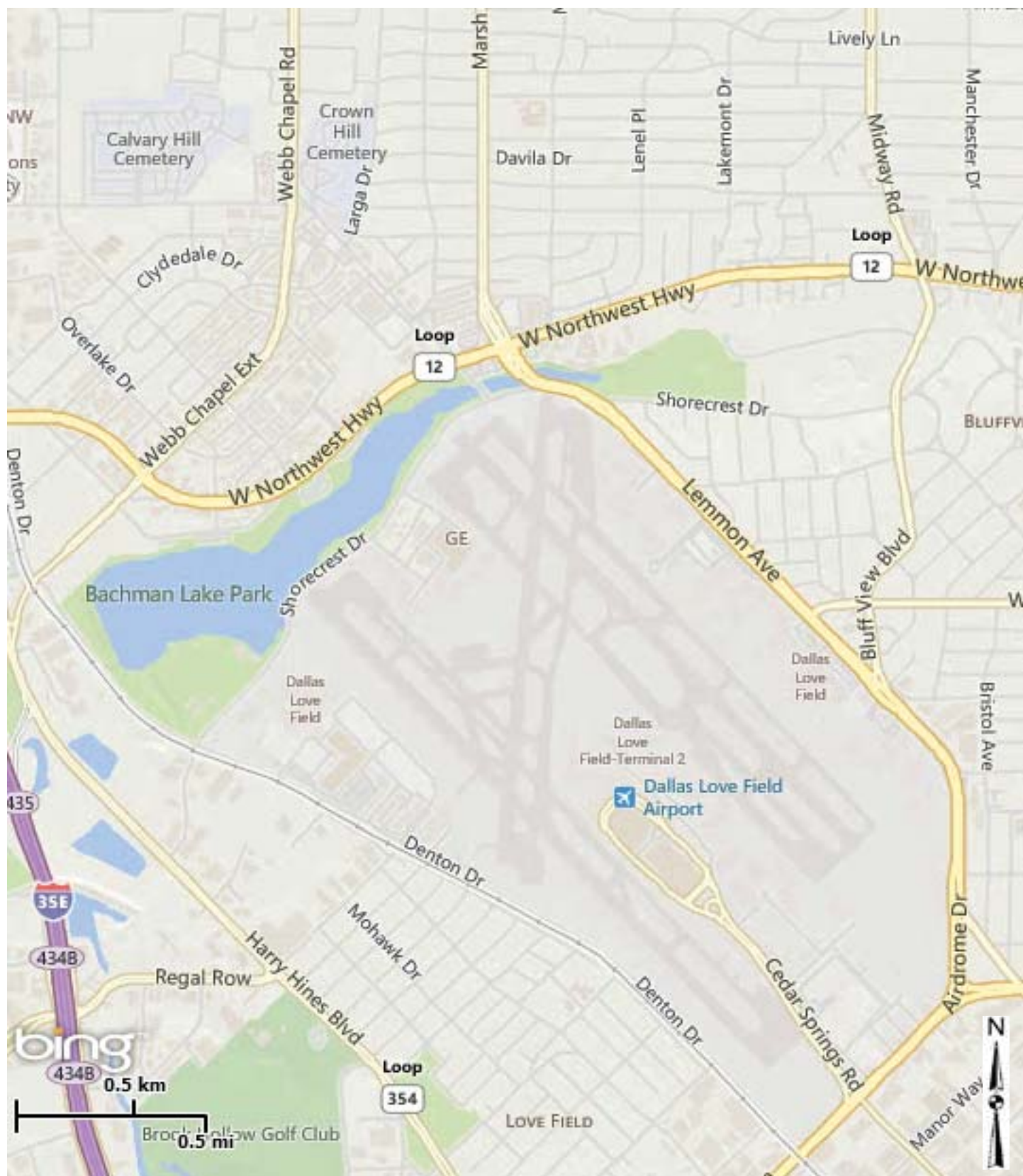
OWNER

Arconas Corporation

Dan Nussbaum, President
Pablo Reich, Executive Vice President

MAP

Attached



Dallas Love Field

March 28, 2018

WHEREAS, in 2012, the Love Field Modernization Program executed contracts to purchase furniture for soon-to-be-completed new Dallas Love Field gate areas; and

WHEREAS, additional seating and replacement chair arms are needed to optimize functionality and improve customers' experience at Dallas Love Field; and

WHEREAS, it is now desirable to authorize a service contract with Arconas Corporation through The Interlocal Purchasing System (TIPS) Purchasing Cooperative for the purchase of additional Dallas Love Field gate area seating and replacement chair arms for Dallas Love Field, in an amount not to exceed \$272,179.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Arconas Corporation through The Interlocal Purchasing System Purchasing Cooperative, approved as to form by the City Attorney, for the purchase of furniture and replacement chair arms for Dallas Love Field Airport, in an amount not to exceed \$272,179.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$272,179 to Arconas Corporation through TIPS Purchasing Cooperative, in accordance with the terms and conditions of the contract from the Aviation General Fund, Fund 0130, Department AVI, Unit 7706, Activity AAIP, Object 2710, Commodity 99846, Encumbrance/Contract No. CX-AVI-2018-00005309, Vendor VS96062.

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

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

6

DEPARTMENT:

Department of Public Works
Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

42U Y 52C

SUBJECT

Authorize an increase to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of precast concrete retaining wall, reinforced concrete sidewalk retaining wall, drainage channel and a 12-inch water main relocation for Chalk Hill Road from Davis Street to 800 feet south of Interstate Highway 30 - Not to exceed \$875,444, from \$9,456,805 to \$10,332,249 - Financing: 2006 Bond Funds (\$822,891) and Water Utilities Capital Improvement Funds (\$52,553)

BACKGROUND

On November 10, 2015, City Council authorized a construction contract with Pavecon Public Works, LP for street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of Interstate Highway (IH) 30, by Resolution No. 15-2130. This action will authorize Change Order No. 4 to the construction contract with Pavecon Public Works, LP for additional work associated with the construction of precast concrete retaining wall, reinforced concrete sidewalk retaining wall, drainage channel, and a 12-inch water main relocation for Chalk Hill Road from Davis Street to 800 feet south of IH-30.

The south end of the project is located within the environmentally sensitive City of Dallas Escarpment Zone. This property is owned by the City of Dallas Park and Recreation Department. Because the street improvements are located within this environmentally sensitive area, the Park and Recreation Department requires that Public Works Department build a decorative concrete panel retaining wall and sidewalk retaining wall that will do minimal damage to the environment. Further, a concrete flume is needed to minimize water erosion damage to the roadway embankment due to storm drain run-off.

BACKGROUND (continued)

Change Order No. 4 also includes a new 12-inch PVC water main and associated water main construction items needed to replace an existing 12-inch water main that conflicts with the proposed paving, sidewalk and precast concrete panel retaining wall.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2008
Completed Design	August 2015
Began Construction	March 2016
Complete Construction	September 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 23, 2008, City Council authorized a professional services contract with PB Americas, Inc. by Resolution No. 08-0324.

On May 26, 2010, City Council authorized approval of the proposed alignment for Chalk Hill Road from West Davis Street to 800 feet south of the IH-30 eastbound frontage road and Chalk Hill Road from the IH-30 westbound frontage road to Singleton Boulevard, from its current alignment to the proposed alignment by Resolution No. 10-1330.

On December 8, 2010, City Council authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road by Resolution No. 10-3076.

On December 8, 2010, City Council authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services on Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard by Resolution No. 10-3077.

On September 22, 2015, City Council authorized street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30; and a benefit assessment hearing to be held on November 10, 2015 to receive comments by Resolution No. 15-1772.

On November 10, 2015, a benefit assessment hearing was held to receive comments on street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30; and at the close of the hearing, City Council authorized an ordinance levying benefit assessments and a construction contract with Pavecon Public Works LP by Resolution No. 15-2130.

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

On November 10, 2015, City Council authorized a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of Chalk Hill Road from Davis Street to 800 feet south of IH-30 by Resolution No. 15-2131.

On December 9, 2015, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from West Davis Street to 800 feet south of IH-30 eastbound frontage road and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard by Resolution No. 15-2221.

On September 14, 2016, City Council authorized Change Order No. 1 to the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project by Resolution No. 16-1458.

On January 11, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 by Resolution No. 17-0082.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

2006 Bond Funds - \$822,891.14

Water Utilities Capital Improvement Funds - \$52,552.40

Design	\$	971,714.50
Supplemental Agreement No. 1	\$	236,037.80
Supplemental Agreement No. 2	\$	94,000.70
Supplemental Agreement No. 3	\$	42,857.14
Supplemental Agreement No. 4	\$	86,039.14

FISCAL INFORMATION (continued)

Construction

Paving & Drainage - PBW	\$ 7,676,673.42
Water & Wastewater - DWU	\$ 1,422,988.82
Material Testing	\$ 90,924.50
Change Order No. 1	\$ 357,142.86
Change Order No. 2	\$ 0.00
Change Order No. 3	\$ 0.00
Change Order No. 4 (this action)	<u>\$ 875,443.54</u>

Total	\$11,853,822.42
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M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$875,443.54	Construction	25.00%	12.74%	\$111,530.22

- Change Order No. 4 -12.74% M/WBE participation
- This contract does meet the M/WBE goal of 25.00%, and has a 29.83% Overall M/WBE participation

OWNER

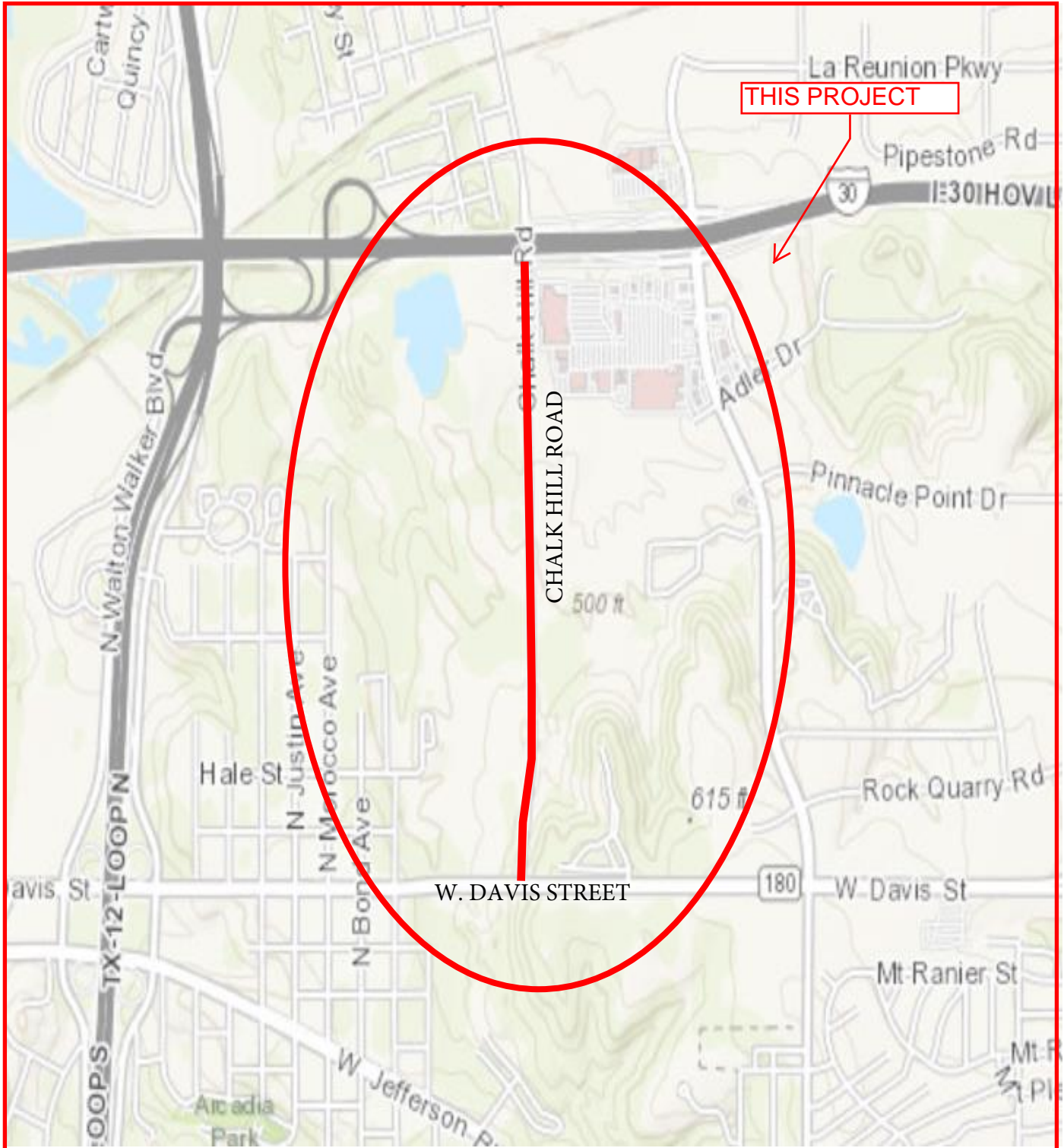
Pavecon Public Works, LP

Brian Cottle, Vice President

MAP

Attached

CHALK HILL ROAD (SOUTH)
FROM DAVIS STREET TO I-30 FRONTAGE ROAD



MAPSCO 42U, Y, 52C

March 28, 2018

WHEREAS, on January 23, 2008, City Council authorized a professional services contract with PB Americas, Inc. for the design of thoroughfares projects for Chalk Hill Road from Interstate Highway (IH) 30 frontage road to Singleton Boulevard and Chalk Hill Road from Davis Street to 800 feet south of IH-30, in an amount not to exceed \$971,714.50, by Resolution No. 08-0324; and

WHEREAS, on May 26, 2010, City Council authorized approval of the proposed alignment for Chalk Hill Road from West Davis Street to 800 feet south of the IH-30 eastbound frontage road and Chalk Hill Road from the IH-30 westbound frontage road to Singleton Boulevard, from its current alignment to the proposed alignment by Resolution No. 10-1330; and

WHEREAS, on December 8, 2010, City Council authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services on Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road, in an amount not to exceed \$54,551.50, from \$464,096.20 to \$518,647.70, by Resolution No. 10-3076; and

WHEREAS, on December 8, 2010, City Council authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services on Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard, in an amount not to exceed \$181,486.30, from \$507,618.30 to \$689,104.60, by Resolution No. 10-3077; and

WHEREAS, Resolution Nos. 10-3076 and 10-3077 should have been authorized as Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services under the same action, in an amount not to exceed \$236,037.80, from \$971,714.50 to \$1,207,752.30; and

WHEREAS, on September 4, 2015, bids were received for street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from West Davis Street to 800 feet south of the IH-30 eastbound frontage road; and

WHEREAS, on September 22, 2015, City Council authorized street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30; and a benefit assessment hearing to be held on November 10, 2015 to receive comments by Resolution No. 15-1772; and

March 28, 2018

WHEREAS, on November 10, 2015, a benefit assessment hearing was held to receive comments on street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30; and at the close of the hearing, City Council authorized an ordinance levying benefit assessments and a construction contract with Pavecon Public Works LP, in an amount not to exceed \$9,099,662.24, by Resolution No. 15-2130; and

WHEREAS, on November 10, 2015, City Council authorized a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of Chalk Hill Road from Davis Street to 800 feet south of the IH-30, in an amount not to exceed \$90,924.50, by Resolution No. 15-2131; and

WHEREAS, on December 9, 2015, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from West Davis Street to 800 feet south of the IH-30 eastbound frontage road and Chalk Hill Road from the IH-30 westbound frontage road to Singleton Boulevard, in an amount not to exceed \$94,000.70, from \$518,647.70 to \$612,648.40, by Resolution No. 15-2221; and

WHEREAS, Resolution No. 15-2221 should have authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road on West Davis Street to 800 feet south of the IH-30 and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard, in an amount not to exceed \$94,000.70, from \$1,207,752.30 to \$1,301,753.00; and

WHEREAS, on September 13, 2016, Administrative Action No. 16-6617 authorized Supplemental Agreement No. 3 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services on Chalk Hill Road (South) from Davis Street to IH-30 frontage road, in an amount not to exceed \$42,857.14, from \$1,301,753.00 to \$1,344,610.14; and

WHEREAS, on September 14, 2016, City Council authorized Change Order No. 1 to the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project, in an amount not to exceed \$357,142.86, from \$9,099,662.24 to \$9,456,805.10, by Resolution No. 16-1458; and

WHEREAS, on April 24, 2017, Administrative Action No. 17-0464 authorized Change Order No. 2 to the construction contract with Pavecon Public Works, LP for additional construction items related to street paving for Chalk Hill Road (South) from Davis Street to IH-30 frontage road, a zero dollar amount change order, not increasing the contract amount of \$9,458,805.10; and

March 28, 2018

WHEREAS, on July 13, 2017, Administrative Action No. 17-0794 authorized Change Order No. 3 to the construction contract with Pavecon Public Works, LP for additional construction items related to street paving for Chalk Hill Road (South) from Davis Street to IH-30 frontage road, a zero dollar amount change order, not increasing the contract amount of \$9,456,805.10; and

WHEREAS, on January 11, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30, in an amount not to exceed \$86,039.14, from \$1,344,610.14 to \$1,430,649.28, by Resolution No. 17-0082; and

WHEREAS, it is now necessary to authorize Change Order No. 4 to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of precast concrete retaining wall, reinforced concrete sidewalk retaining wall, a drainage channel and a 12-inch water main relocation for the Chalk Hill Road from Davis Street to 800 feet south of IH-30 project, in an amount not to exceed \$875,443.54, increasing the contract amount from \$9,456,805.10 to \$10,332,248.64.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Pavecon Public Works, LP (Change Order No. 4) is authorized for additional work associated with the construction of precast concrete retaining wall, reinforced concrete sidewalk retaining wall, drainage channel and a 12-inch water main relocation for the Chalk Hill Road from Davis Street to 800 feet south of IH-30, in an amount not to exceed \$875,443.54, increasing the contract from \$9,456,805.10 to \$10,332,248.64.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$875,443.54 to Pavecon Public Works, LP, as follows:

Street and Transportation Improvements Fund	
Fund 3T22, Department PBW, Unit U781, Activity THRF	
Object 4510, Program PB06U781	
Encumbrance CT-PBW06U781B1, Vendor VS89455	\$822,891.14

March 28, 2018

SECTION 2. (continued)

Water Capital Improvement Fund	
Fund 2115, Department DWU, Unit PW42	
Object 4550, Program 715369	
Encumbrance CT-PBW715369CP, Vendor VS89455	<u>\$ 52,552.40</u>
Total amount not to exceed	\$875,443.54

SECTION 3. That this contract is designated as Contract No. PBW-2016-00001075.

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 # 5

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

Outside City Limits

DEPARTMENT:

Department of Sustainable Development and Construction
City Attorney's Office
Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302
Larry Casto, 670-3491

MAPSCO:

N/A

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Pamela Samantha Keats, et al., Cause No. 98574-CC, pending in Dallas County Court at Law, to acquire approximately 902,535 square feet of land for right-of-way located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$208,700, increased from \$210,700 (\$207,200, plus closing costs and title expenses not to exceed \$3,500) to \$419,400 (\$414,400 being the award, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

On April 8, 2015, City Council authorized acquisition through the use of condemnation by Resolution No. 15-0681. The property owner was offered \$210,700, which included closing costs and title expenses not to exceed \$3,500, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on March 20, 2018, the Special Commissioners' awarded the property owner \$414,400.

This item authorizes deposit of the amount awarded by the Special Commissioners' for the property, which is \$208,700 more than the City Council originally authorized for this acquisition.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 8, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such became necessary, from Pamela Samantha Keats, et al., of approximately 902,535 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project by Resolution No. 15-0681.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$208,700

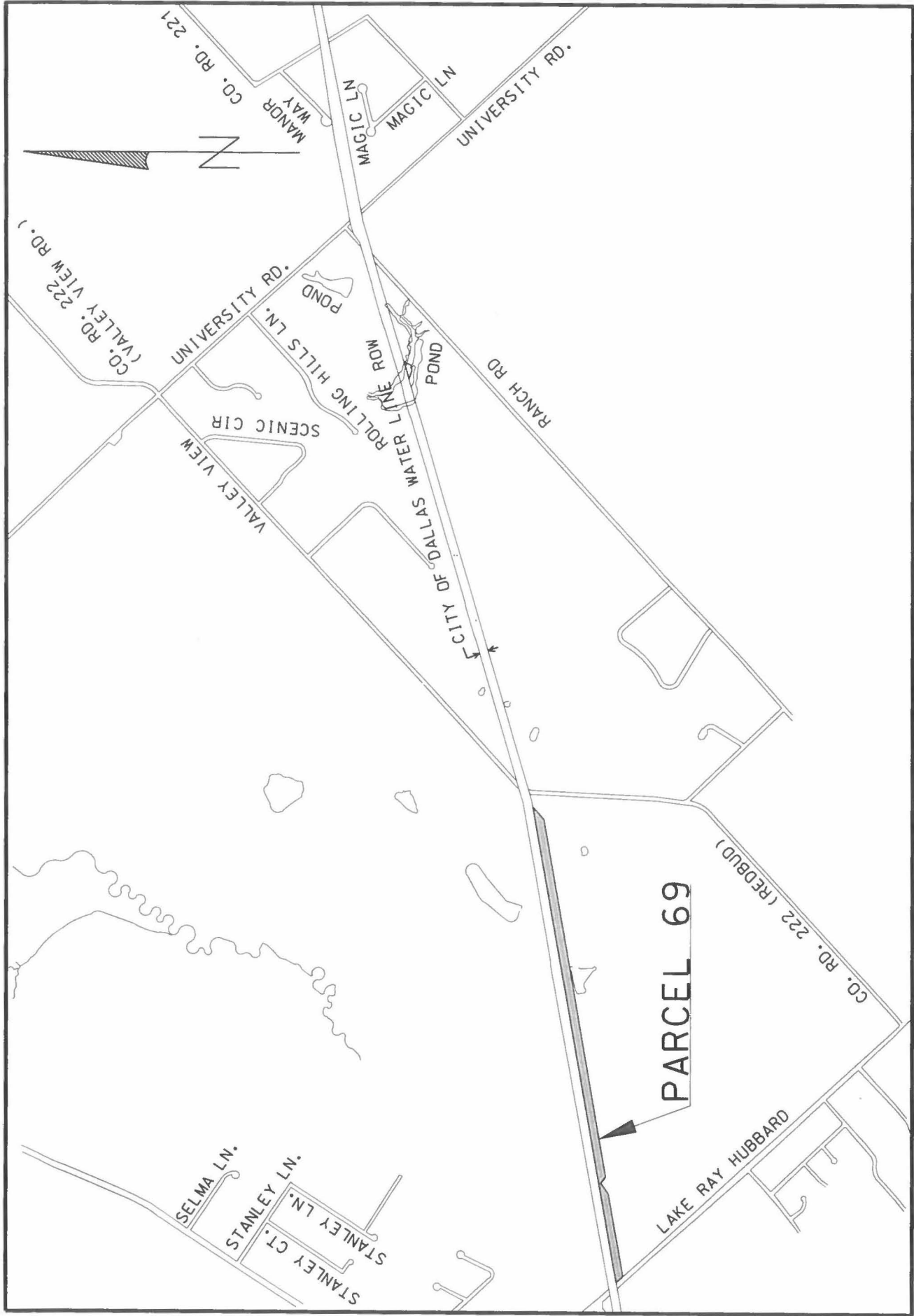
Resolution No. 15-0681	\$210,700
Additional Amount (this action)	<u>\$208,700</u>
Total Authorized Amount	\$419,400

OWNER

Pamela Samantha Keats, et al.

MAP

Attached



VICINITY MAP
APPROXIMATE SCALE 1" = 2000'

March 28, 2018

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF A CONDEMNATION PROCEEDING, AND IF OBJECTIONS ARE FILED, SETTLEMENT OF A CONDEMNATION LAWSUIT, FOR AN AMOUNT NOT TO EXCEED THE AWARD.

All said capitalized terms are defined in Section 1 below.

WHEREAS, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the City Attorney filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT pursuant to said RESOLUTION; and

WHEREAS, the Special Commissioners' appointed by the Court in the CONDEMNATION PROCEEDING rendered the SPECIAL COMMISSIONERS' AWARD AMOUNT, which the City Council wishes to deposit with the County Clerk of Kaufman County, Texas, so that CITY may take possession of the PROPERTY INTEREST in and to the PROPERTY; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-0681 approved by the Dallas City Council on April 8, 2015, authorized filing of a condemnation proceeding, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. 98574-CC, in Kaufman County Court at Law, and styled City of Dallas v. Pamela Samantha Keats, et al., filed pursuant to City Council Resolution No. 15-0681.

March 28, 2018

SECTION 1. (continued)

"PROPERTY": Approximately 902,535 square feet of land located in Kaufman County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROPERTY INTEREST": Fee Simple Title

"PROJECT": Lake Tawakoni 144-inch Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the property is acquired, such title and the property shall not be limited to or otherwise deemed restricted to the use herein provided.

"OFFICIAL OFFER AMOUNT": \$207,200

"SPECIAL COMMISSIONERS' AWARD AMOUNT": \$414,400

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$5,000

"AUTHORIZED AMOUNT": Not to exceed \$419,400 (SPECIAL COMMISSIONERS' AWARD plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$210,700 from Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW20, Program 704041, Object 4210, Encumbrance CT-DWU704041II.

\$208,700 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005622.

SECTION 2. That the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the SPECIAL COMMISSIONERS' AWARD AMOUNT. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial

March 28, 2018**SECTION 2.** (continued)

Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The SPECIAL COMMISSIONERS' AWARD AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 3. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

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

AGENDA ITEM # 6

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

Outside City Limits

DEPARTMENT:

Department of Sustainable Development and Construction
City Attorney's Office
Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302
Larry Casto, 670-3491

MAPSCO:

N/A

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Ola V. Turner et al., Cause No. CC-17-01281-E, pending in Dallas County Court at Law, to acquire approximately 16,343 square feet of land for right-of-way located near the intersection of Garden Grove Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$817, increased from \$15,000 (\$11,440, plus closing costs and title expenses not to exceed \$3,560) to \$15,817 (\$12,257 being the award, plus closing costs and title expenses not to exceed \$3,560) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

On April 13, 2011, City Council authorized acquisition through the use of condemnation by Resolution No. 11-0945. The property owner was offered \$11,440, which included closing costs and title expenses not to exceed \$3,560, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on August 28, 2017, the Special Commissioners' awarded the property owner \$12,257.

This item authorizes deposit of the amount awarded by the Special Commissioners' for the property, which is \$817 more than the City Council originally authorized for this acquisition.

BACKGROUND (continued)

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2011, City Council authorized acquisition, including the exercise of the right of eminent domain, if such became necessary from Ola V. Turner et al., of approximately 16,343 square feet of land located near the intersection of Garden Grove Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project by Resolution No. 11-0945.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$817

Resolution No. 11-0945	\$15,000
Additional Amount (this action)	<u>\$ 817</u>
Total Authorized Amount	\$15,817

OWNER

Ola V. Turner et al.

MAP

Attached

PARCEL E-286

VICINITY MAP - NOT TO SCALE

March 28, 2018

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF A CONDEMNATION PROCEEDING, AND IF OBJECTIONS ARE FILED, SETTLEMENT OF A CONDEMNATION LAWSUIT, FOR AN AMOUNT NOT TO EXCEED THE AWARD.

All said capitalized terms are defined in Section 1 below.

WHEREAS, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the City Attorney filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT pursuant to said RESOLUTION; and

WHEREAS, the Special Commissioners' appointed by the Court in the CONDEMNATION PROCEEDING rendered the SPECIAL COMMISSIONERS' AWARD AMOUNT, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that CITY may take possession of the PROPERTY INTEREST in and to the PROPERTY; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 11-0945 approved by the Dallas City Council on April 13, 2011, authorized filing of a condemnation proceeding, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. CC-17-01281-E, in Dallas County Court at Law, and styled City of Dallas v. Ola V. Turner et al., filed pursuant to City Council Resolution No. 11-0945.

March 28, 2018

SECTION 1. (continued)

"PROPERTY": Approximately 16,343 square feet of land located in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROPERTY INTEREST": Fee Simple Title

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the property is acquired, such title and the property shall not be limited to or otherwise deemed restricted to the use herein provided.

"OFFICIAL OFFER AMOUNT": \$11,440

"SPECIAL COMMISSIONERS' AWARD AMOUNT": \$12,257

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,560

"AUTHORIZED AMOUNT": Not to exceed \$15,817 (SPECIAL COMMISSIONERS' AWARD plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$15,000 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Program 706623, Object 4210, Encumbrance CT-DWU706623CPBD.

\$817 from Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW40, Program 706623, Object 4210, Encumbrance CT-DWU706623CPBD.

SECTION 2. That the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the SPECIAL COMMISSIONERS' AWARD AMOUNT. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial

March 28, 2018

SECTION 2. (continued)

Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The SPECIAL COMMISSIONERS' AWARD AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 3. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

SECTION 4. That this contract is designated as Contract No. CX-DWU-2017-00003795.

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 # 7

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

7

DEPARTMENT:

Department of Sustainable Development and Construction
City Attorney's Office
Park & Recreation Department

CMO:

Majed Al-Ghafry, 670-3302
Larry Casto, 670-3491
Willis Winters, 670-4071

MAPSCO:

47D

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Casa Blanca Village, LLC, et al., Cause No. CC-17-05398-E, pending in Dallas County Court at Law No. 5, to acquire approximately 108,436 square feet of land for right-of-way located near the intersection of Highland and Ferguson Roads for the White Rock Hills Park Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$250,000, increased from \$1,865,000 (\$1,850,000, plus closing costs and title expenses not to exceed \$15,000) to \$2,115,000 (\$2,100,000 being the award, plus closing costs and title expenses not to exceed \$15,000) - Financing: 2006 Bond Funds

BACKGROUND

On August 13, 2014, City Council authorized the acquisition including the exercise of the right of eminent domain of this property by Resolution No. 14-1267 and on April 26, 2017, City Council authorized acquisition for a negotiated price higher than the authorized purchase amount by Resolution No. 17-0701. The property owner was offered \$1,865,000, which included closing costs and title expenses not to exceed \$15,000, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on February 7, 2018, the Special Commissioners' awarded the property owner \$2,100,000.

This item authorizes deposit of the amount awarded by the Special Commissioners' for the property, which is \$250,000 more than the City Council originally authorized for this acquisition.

BACKGROUND (continued)

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2014, City Council authorized acquisition, including the exercise of the right of eminent domain, if such became necessary, from Casa Blanca Village, LLC, of approximately 108,436 square feet of land located near the intersection of Highland and Ferguson Roads for the White Rock Hills Park Project by Resolution No. 14-1267.

On April 26, 2017, City Council authorized settlement in lieu of proceeding with condemnation of approximately 108,436 square feet of land improved with a 50-unit apartment complex from Casa Blanca Village, LLC, located near the intersection of Highland and Ferguson Roads for the White Rock Hills Park Project by Resolution No. 17-0701.

On January 4, 2018, the Park and Recreation Board authorized the payment of the Special Commissioners' Award.

FISCAL INFORMATION

2006 Bond Funds - \$250,000

Resolution No. 14-1267	\$1,212,000
Resolution No. 17-0701	\$ 653,000
Additional Amount (this action)	<u>\$ 250,000</u>
Total Authorized Amount	\$2,115,000

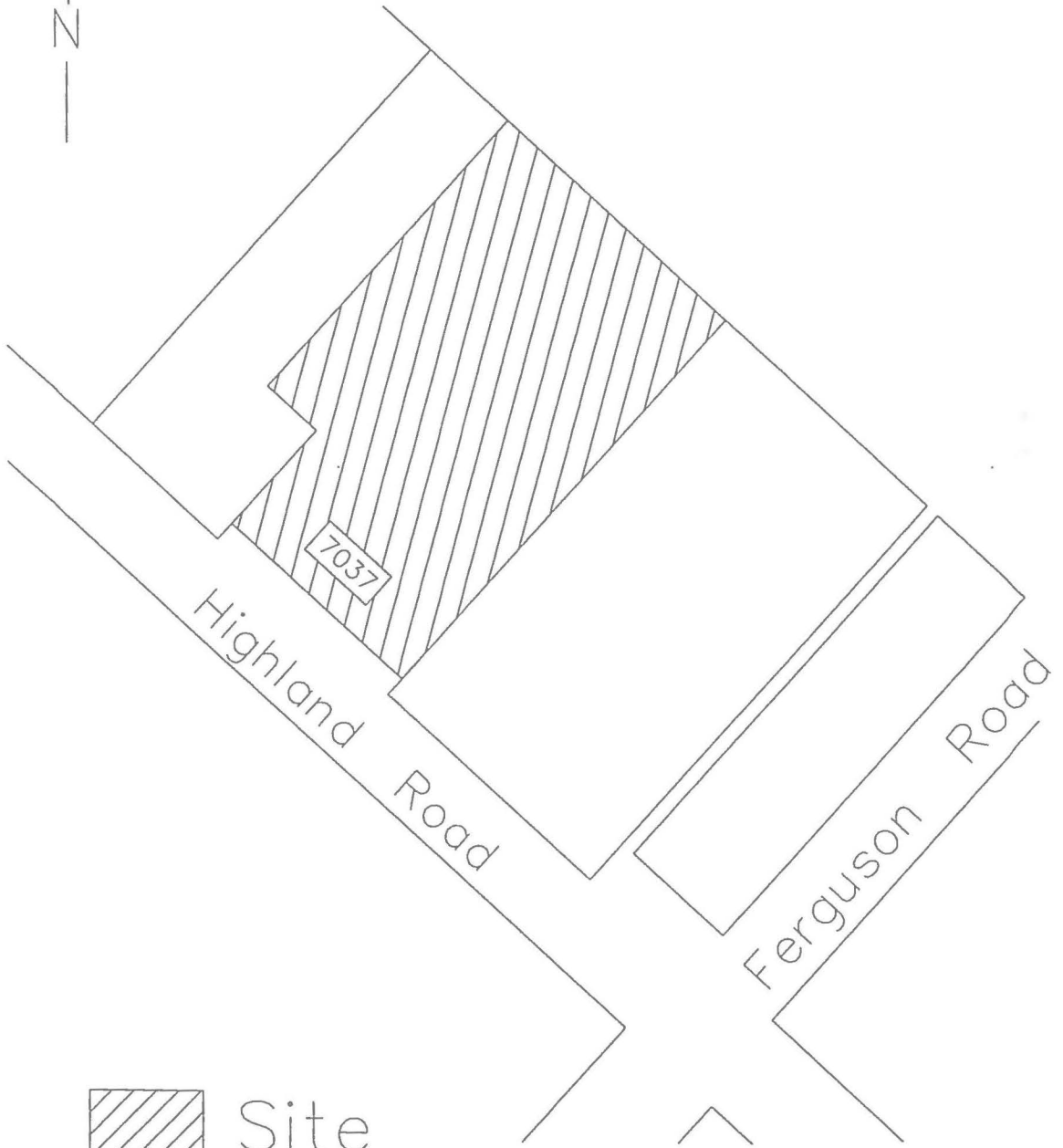
OWNER

Casa Blanca Village, LLC

Rezene Andu, Manager

MAP

Attached



 Site

March 28, 2018

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF A CONDEMNATION PROCEEDING, AND IF OBJECTIONS ARE FILED, SETTLEMENT OF A CONDEMNATION LAWSUIT, FOR AN AMOUNT NOT TO EXCEED THE AWARD.

All said capitalized terms are defined in Section 1 below.

WHEREAS, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the City Attorney filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT pursuant to the FIRST RESOLUTION; and

WHEREAS, the Special Commissioners' appointed by the Court in the CONDEMNATION PROCEEDING rendered the SPECIAL COMMISSIONERS' AWARD AMOUNT, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that CITY may take possession of the PROPERTY INTEREST in and to the PROPERTY; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 14-1267 approved by the Dallas City Council on August 13, 2014, authorized appropriation and/or condemnation for public use, which is incorporated herein by reference.

“SECOND RESOLUTION”: Resolution No. 17-0701 approved by the Dallas City Council on April 26, 2017, authorized the acquisition of real property for a negotiated price higher than the authorized purchase amount, which is incorporated herein by reference.

March 28, 2018

SECTION 1. (continued)

"CONDEMNATION PROCEEDING/LAWSUIT": Cause No. CC-17-05398-E, in Dallas County Court at Law No. 5, and styled City of Dallas v. Casa Blanca Village, LLC, et al., filed pursuant to City Council Resolution No. 14-1267.

"PROPERTY": Approximately 108,436 square feet of land in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROPERTY INTEREST": Fee Simple

"PROJECT": White Rock Hills Park Project

"USE": The construction, maintenance, and use as park property. The property is not officially dedicated as municipal park land until such time the property is developed for its intended use. Provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"OFFICIAL OFFER AMOUNT": \$1,850,000

"SPECIAL COMMISSIONERS' AWARD AMOUNT": \$2,100,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$15,000

"AUTHORIZED AMOUNT": Not to exceed \$2,115,000 (SPECIAL COMMISSIONERS' AWARD plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$1,200,000, payable out of (2006) Park and Recreation Facilities Improvement Fund, Fund 2T00, Department PKR, Unit T329, Activity RFSI, Program PK03K209, Object 4210, Encumbrance CT-PKR13019376.

\$12,000, payable out of (2006) Park and Recreation Facilities Improvement Fund, Fund 2T00, Department PKR, Unit T329, Activity RFSI, Program PK03K209, Object 4230, Encumbrance CT-SUSSDT32949.

March 28, 2018

SECTION 1. (continued)

\$650,000, payable out of (2006) Park and Recreation Facilities Improvement Fund, Fund 2T00, Department PKR, Unit T329, Activity RFSI, Object 4210, Program PK06T329, Encumbrance CT-PKR13019376.

\$3,000, payable out of (2006) Park and Recreation Facilities Improvement Fund, Fund 2T00, Department PKR, Unit T329, Activity RFSI, Object 4230, Program PK06T329, Encumbrance CT-PKR13019376.

\$250,000, payable out of (2006) Park and Recreation Facilities Improvement Fund, Fund 2T00, Department PKR, Unit T329, Activity RFSI, Object 4230, Program PK06T329, Encumbrance CT-PKR13019376.

SECTION 2. That the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the SPECIAL COMMISSIONERS' AWARD AMOUNT. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The SPECIAL COMMISSIONERS' AWARD Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 3. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

SECTION 4. That this contract is designated as Contract No. PKR-2018-00005610.

March 28, 2018

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 # 8

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

Outside City Limits

DEPARTMENT:

Department of Sustainable Development and Construction
Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

N/A

SUBJECT

Authorize moving expense and replacement housing payments for Margaret Dodson as a result of an official written offer of just compensation to purchase real property at 618 VZ CR 3828 for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$63,550 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for individuals displaced by the City of Dallas in conjunction with its real property acquisition activities.

On November 8, 2017, City Council authorized the acquisition of real property known as 618 VZ CR 3828 for the Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1755.

Margaret Dodson will be displaced as a direct result of this property acquisition. She qualifies for a moving expense payment of up to \$2,050 and a last resort calculated replacement housing payment of up to \$61,500 pursuant to the Dallas City Code and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 8, 2017, City Council authorized the acquisition by Resolution No. 17-1755.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$63,550

OWNER

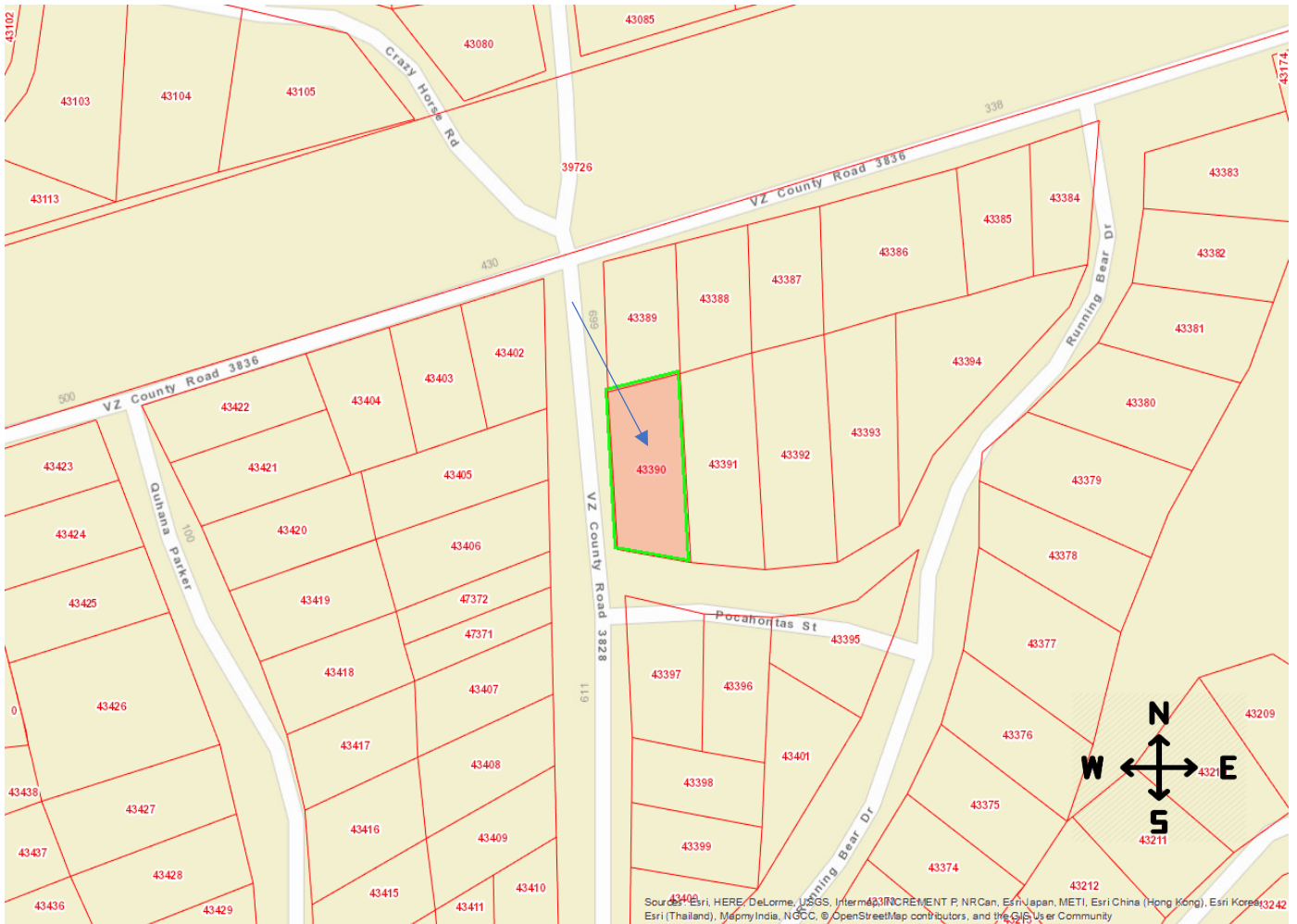
Margaret Dodson

MAP

Attached

Lake Tawakoni Pipeline Project

RELOCATION ASSISTANCE



LOT: 204 & 205-618 VZ CR 3828 WILLS POINT

March 28, 2018

WHEREAS, on November 8, 2017, City Council authorized the acquisition of real property known as 618 VZ CR 3828 to be used in conjunction with the Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1755; and

WHEREAS, Margaret Dodson will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for individuals displaced by City of Dallas property acquisition activities.

Now, Therefore,

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

SECTION 1. That Margaret Dodson will be displaced in conjunction with the construction of the Lake Tawakoni 144-inch Transmission Pipeline Project and is entitled to moving expense and replacement housing payments pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

SECTION 2. That Margaret Dodson is eligible to receive a moving expense payment of up to \$2,050 and a replacement housing payment of up to \$61,500.

SECTION 3. That the Chief Financial Officer is hereby authorized to draw warrants in favor of Margaret Dodson, in an amount not to exceed \$63,550 for moving expense and replacement housing payments.

These warrants are to be paid as follows:

Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW20 Object 4230, Program 704041 Encumbrance/Contract No. CX-DWU-2017-00002884-1 Vendor VS87197	\$61,500
Water Capital Improvement Fund Fund 0102, Department DWU, Unit CW20 Object 4230, Program 704041 Encumbrance/Contract No. CX-DWU-2017-00002884-02 Vendor VC18195	<u>\$ 2,050</u>
Total amount not to exceed	\$63,550

March 28, 2018

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 # 9

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

Outside City Limits

DEPARTMENT:

Department of Sustainable Development and Construction
Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

741N

SUBJECT

A resolution authorizing the conveyance of a water easement containing approximately 3,922 square feet of land to Forney Lake Water Supply Corporation for the construction, maintenance and use of water facilities across City-owned land located near the intersection of FM Highway 460 and FM Highway 740 - Revenue: \$1,235

BACKGROUND

This item authorizes the conveyance of a water easement containing approximately 3,922 square feet of land to Forney Lake Water Supply Corporation for the construction, maintenance and use of water facilities across City-owned land near the intersection of FM Highway 460 and FM Highway 740. This property will be used for the Forney Reservoir Dam Site.

On March 7, 1963, an agreed Judgment was entered in the County Court of Kaufman County, Texas, in Cause Number 5872 in which the City of Dallas acquired certain lands for the purpose of constructing and maintaining the Forney Reservoir Dam Site and Appurtenances.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Revenue - \$1,235

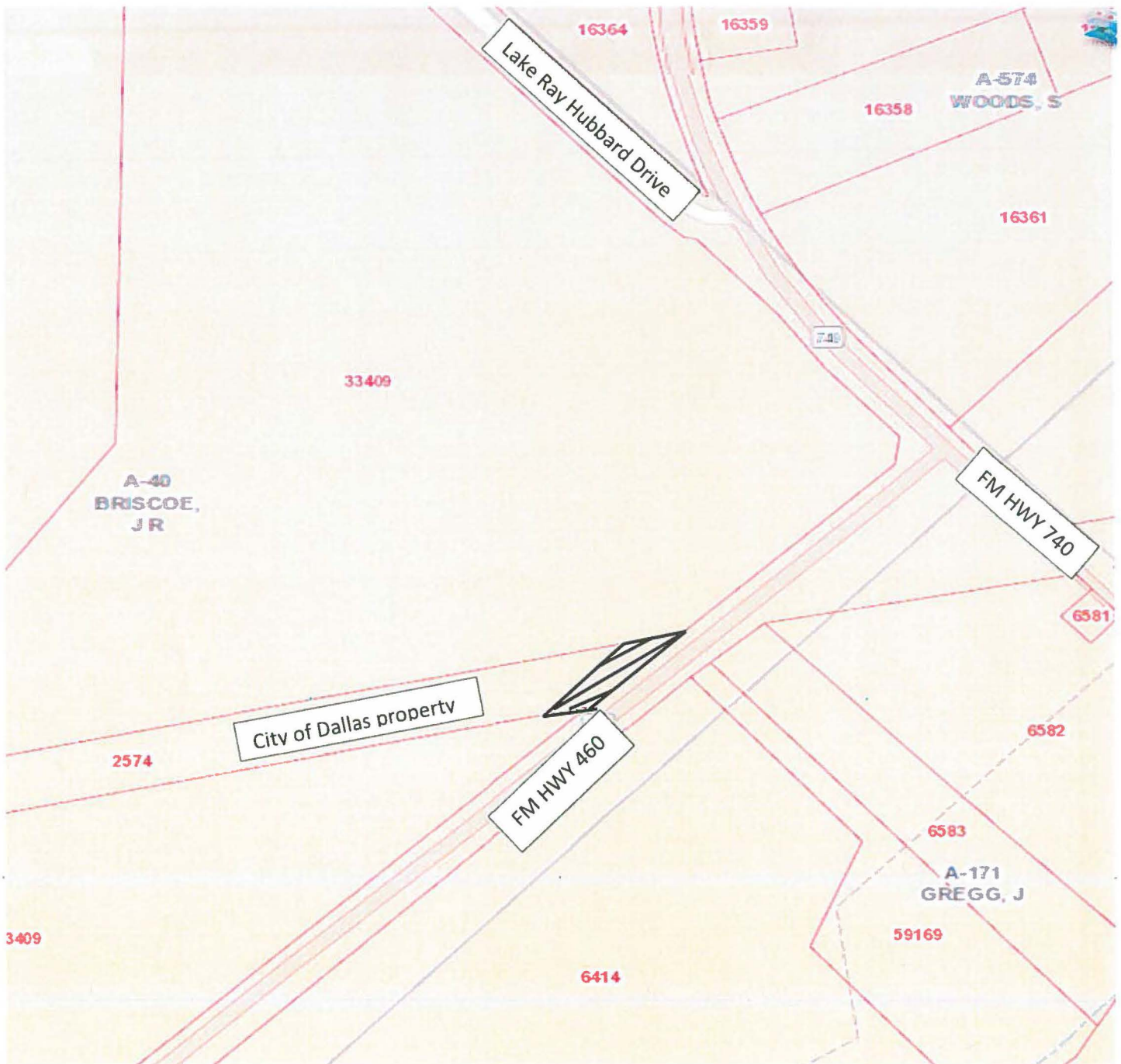
OWNER

Forney Lake Water Supply Corporation

George Stine, Director

MAP

Attached



Water Easement for Forney Lake Water Supply Corporation

Approx. 3,922 SqFt Near the intersection of FM HWY 460 and FM HWY 740



March 28, 2018

WHEREAS, the City of Dallas owns a tract of land which is used for the Forney Reservoir Dam Site; and

WHEREAS, Forney Lake Water Supply Corporation has requested a Water Easement on said land for the construction, maintenance and use of water facilities containing approximately 3,922 square feet across City-owned land located near the intersection of FM Highway 460 and FM Highway 740, City of Forney, Kaufman County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes; and

WHEREAS, on October 22, 1962, City Council authorized an acquisition from William P. Clements, Jr., ET UX to construct and maintain the Forney Reservoir Dam Site and Appurtenances by Resolution No. 62-5242.

Now, Therefore,

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

SECTION 1. That upon receipt of **ONE THOUSAND TWO HUNDRED THIRTY FIVE DOLLARS AND NO/100 (\$1,235.00)** from Forney Lake Water Supply Corporation, the City Manager or designee is hereby authorized to convey a Water Easement, said Easement Instrument, to be attested by the City Secretary, approved as to form by the City Attorney.

SECTION 2. That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for administrative costs incurred (General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011). Any remaining proceeds shall be transferred to the Water and Sewer Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 8428.

SECTION 3. That this contract is designated as Contract No. DEV-2017-00003808.

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

Field Notes Describing a 3,922 Square Foot (0.0900 Acre)
15' Water Pipeline Easement To Be Acquired In
J.R. Briscoe Survey, Abstract Number 40
Kaufman County, Texas
From City of Dallas, Texas

Being a 3,922 Square Foot (0.0900 Acre) tract of land out of the J.R. Briscoe Survey, Abstract Number 40, Kaufman County, Texas, and being part of Parcel No. 1 of Agreed Judgment, Cause No. 5872, City of Dallas vs. William P. Clements as recorded in Volume 10, Page 323, same being part of that called 19.50 acres of land per Certified Plat & Field Notes of Survey made by Forrest and Cotton, Inc. Consulting Engineers dated October 28, 1959 as recorded in Volume 454, Page 117 of the Deed Records of Kaufman County, Texas, and being further described as follows:

BEGINNING at a 5/8 inch steel rod set capped "Boundary Solutions" on the Northwest line of F.M. Highway No. 460 (90 foot right-of-way), and at the Northeast corner of said 19.50 acres, from which a City of Dallas concrete monument found at the Northwest corner of that called 1.89 acres of land per Certified Plat & Field Notes of Survey made by Forrest and Cotton, Inc. Consulting Engineers dated October 28, 1959 as recorded in Volume 443, Page 98 of the Deed Records of Kaufman County, Texas bears North 77 degrees 12 minutes 00 seconds East, 181.00 feet for witness, and from which a 1/2 inch steel rod found at cutback of right-of-way of said F.M. Highway No. 460 at the intersection with F.M. Highway No. 740 bears North 47 degrees 22 minutes 59 seconds East, 495.04 feet for witness;

THENCE South 47 degrees 22 minutes 59 seconds West, 261.45 feet along the Northwest line of said F.M. Highway No. 460 to a 5/8 inch steel rod set capped "Boundary Solutions" at the Southeast corner of said 19.50 acres;

THENCE South 77 degrees 12 minutes 00 seconds West, 30.17 feet along the South line of said 19.50 acres to a 5/8 inch steel rod set capped "Boundary Solutions" for corner;

THENCE North 47 degrees 22 minutes 59 seconds East, 261.45 feet to a 5/8 inch steel rod set capped "Boundary Solutions" for corner on the North line of said 19.50 acres;

THENCE North 77 degrees 12 minutes 00 seconds East, 30.17 feet along the North line of said 19.50 acres to the POINT OF BEGINNING, containing 3,922 Square Feet, or 0.0900 acres of land.

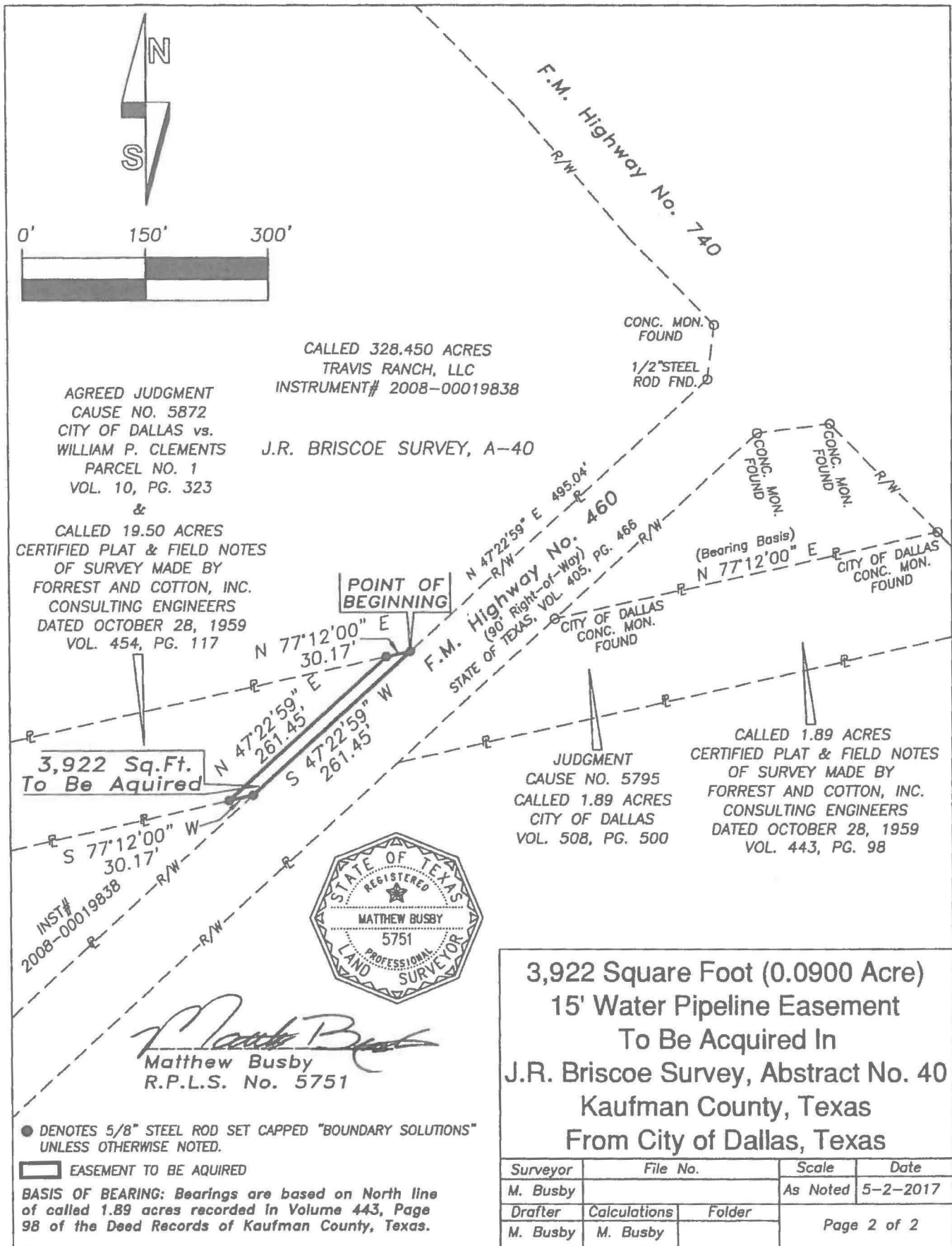
BASIS OF BEARING: Bearings are based on North line of called 1.89 acres recorded in Volume 443, Page 98 of the Deed Records of Kaufman County, Texas.

FIELD NOTES APPROVED:

4/15/17



Exhibit A



AGENDA ITEM # 10

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

6

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

22M

SUBJECT

A resolution declaring approximately 14 square feet of undevelopable City-owned land unwanted and unneeded, located near the intersection of Glenda and Ables Lanes, and authorizing its sale to Square One Properties, Inc., the abutting owner – Revenue: \$1,000

BACKGROUND

This item will declare approximately 14 square feet of undevelopable City-owned land unwanted and unneeded, located near the intersection of Glenda and Ables Lanes, and authorizing its sale to Square One Properties, Inc., the abutting owner. The land cannot be used independently under the current zoning or under applicable subdivision or other development control ordinances, and should be sold only to the abutting owner.

This property will be conveyed with a restriction prohibiting the placement of industrialized housing and a reservation of all oil, gas and other minerals in and under the property.

The purchase price of \$1,000 is based on Dallas Central Appraisal District value. This property will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Revenue - \$1,000

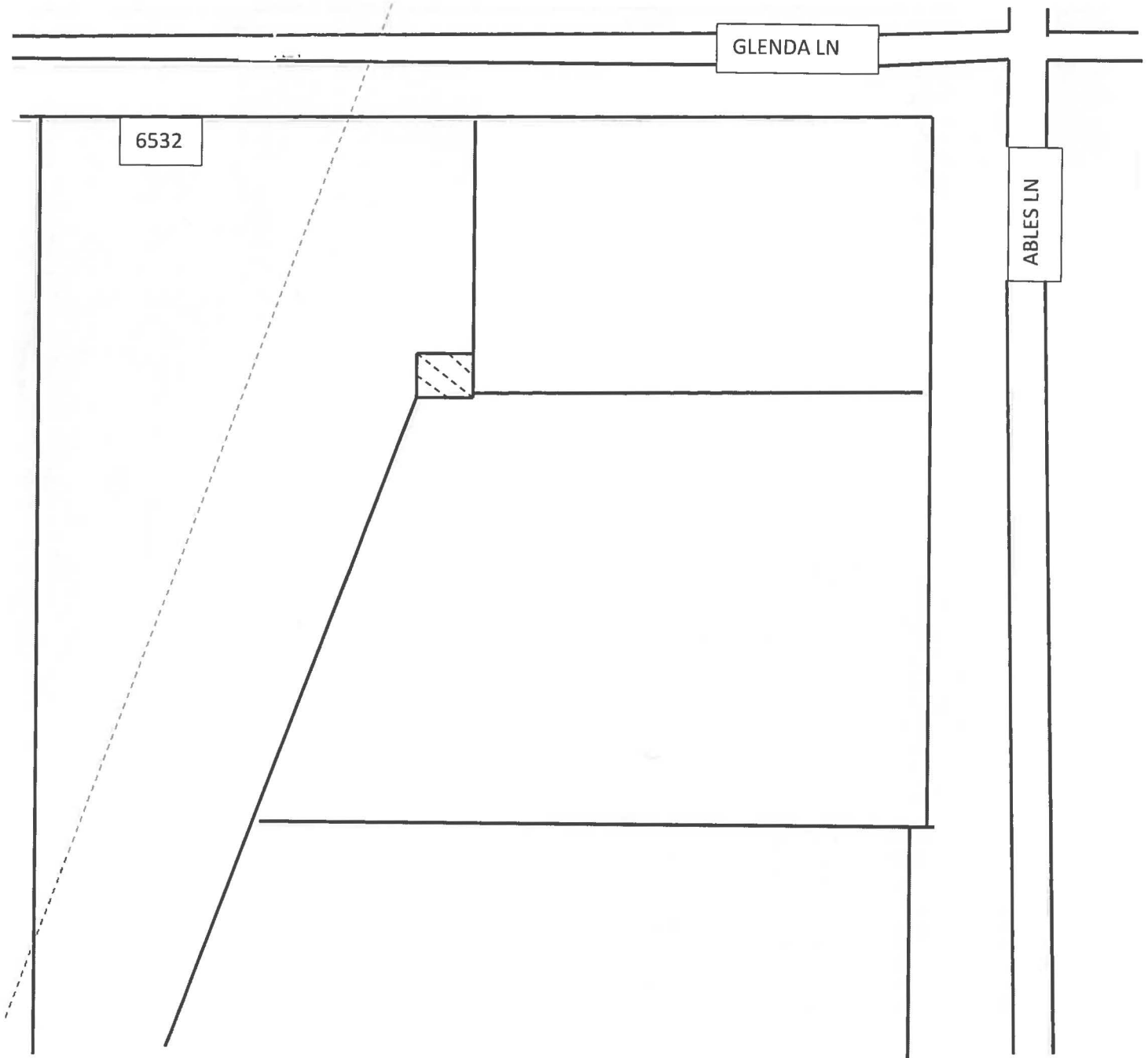
OWNER

Square One Properties, Inc.

Mehradad Dalaki, Director

MAP

Attached



Applicant: Square One Properties Inc.

Surplus Area: 



March 28, 2018

WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 14 square feet of land, Block 6532, Dallas County, Texas, (the "Property"); and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes, which is no longer needed for municipal use; and

WHEREAS, the tract is a narrow strip of land, that because of its shape, lack of access to public roads, and small area, cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances, and may be sold without public bid to the abutting owner; and

WHEREAS, Square One Properties, Inc., the abutting property owner, proposes to purchase said property at fair market value.

Now, Therefore,

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

SECTION 1. That upon receipt of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** from Square One Properties, Inc., the City Manager or designee is hereby authorized to execute a Deed Without Warranty, to be attested by the City Secretary, approved as to form by the City Attorney for approximately 14 square feet of land at 2476 Glenda Lane, Block 6532, Dallas County, Texas and located near the intersection of Glenda and Ables Lanes. The Deed Without Warranty is subject to the conditions contained in Section 2.

SECTION 2. That the Deed Without Warranty shall provide that the conveyance to Square One Properties, Inc. ("**GRANTEE**") is subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the property; and
- (b) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and
- (c) any visible and apparent easements and any encroachments whether of record or not; and
- (d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and

March 28, 2018

SECTION 2. (continued)

- (e) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property “AS IS, WHERE IS, WITH ALL FAULTS”; (ii) **GRANTOR** disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) **GRANTOR** expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (f) **GRANTOR** makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose or purposes hereof, “environmental substances” means the following: (a) any “hazardous substance” under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. 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 lubrication oils, (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations; and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to

March 28, 2018

SECTION 2. (continued)

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; and

- (g) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 3. That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in the General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011, and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8118.

SECTION 4. That if a title policy is desired by **GRANTEE**, same shall be at the expense of said **GRANTEE**.

SECTION 5. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by grantee.

SECTION 6. That the procedures required by Section 2-24 of the Dallas City Code that are not required by state law concerning the sale of unneeded real property are waived with respect to this tract of land.

SECTION 7. That this contract is designated as Contract No. DEV-2018-00005078.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

Exhibit A

**AREA OF BUILDING ON
CITY OF DALLAS PROPERTY
14.4 SQUARE FEET
PART OF CITY BLOCK 6532
IN THE DR. S.C. GALLOWAY SURVEY, ABSTRACT NO. 522
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 14.4 square foot tract of land situated in the Dr. S.C. Galloway Survey, Abstract No. 522, Dallas County, Texas, being part of City Block 6532, City of Dallas, Dallas County, Texas, being part of a tract of land conveyed to the City of Dallas, by deed recorded in Volume 74097, Page 400, Deed Records, Dallas County, Texas, and being more particularly described as follows;

Commencing at the intersection of the West line of Ables Lane, (a variable width R.O.W.), with the South line of Glenda Lane, said point being the Northeast corner of Lot 85-A, Block 6532 of Resubdivision of Lot 85, Anne Johnston Ford Subdivision, Unrecorded, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 35, Page 203, Map Records, Dallas County, Texas, a point;

thence: South 01 deg. 05 min. 00 sec. East, with the said West line of Ables Lane, same being with the East line of said Lot 85-A, a distance of 70.00 feet to the Northeast corner of Teakell Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 83141, Page 2287, Deed Records, Dallas County, Texas, a ½" iron rod found;

thence: South 88 deg. 24 min. 34 sec. West, with the common line of said Lot 85-A and said Teakell Addition, passing the Southwest corner of said Lot 85-A at a distance of 100.50 feet, continuing with the North line of said Teakell Addition, same being the South line of a 7.5' alley for a total distance of 108.00 feet to the **PLACE OF BEGINNING**;

THENCE: South 88 deg. 24 min. 34 sec. West, a distance of 14.65 feet, a 60-d nail set at a building wall;

THENCE: North 17 deg. 25 min. 05 sec. East, with a building wall, a distance of 1.13 feet to a building corner;

THENCE: North 89 deg. 01 min. 29 sec. East, with a building wall, a distance of 14.29 feet to a point in the West line of a 7.5' alley, a 60-d nail set at a building wall;

THENCE: South 01 deg. 05 min. 00 sec. East, with the said West line of a 7.5' alley, a distance of 0.92 feet to the **PLACE OF BEGINNING** and **CONTAINING** 14.4 square feet of land.

Basis of Bearings: West line of Ables Lane as South 01 deg. 05 min. 00 sec. East, per map of Teakell Addition, Volume 83141, Page 2287, Deed Records, Dallas County, Texas.

Date: 5/9/2017


Ben D. Rychlik R.P.L.S. No. 1630



AGENDA ITEM # 11

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

6

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

43P

SUBJECT

An ordinance abandoning a portion of Bedford Street to Progressive Waste Solutions of TX, Inc., the abutting owner, containing approximately 5,000 square feet of land, located near the intersection of Bedford Street and Shadrack Drive; and authorizing the quitclaim; and providing for the dedication of approximately 5,000 square feet of land needed for a water and wastewater easement - Revenue: \$10,700, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of Bedford Street to Progressive Waste Solutions of TX, Inc., the abutting owner. The area will be included with the property of the abutting owner to expand use of its warehouse facility. The owner will dedicate approximately 5,000 square feet of land needed for a water and wastewater easement. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 9 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 Mobility Solutions, Infrastructure & Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Revenue - \$10,700, plus the \$20 ordinance publication fee

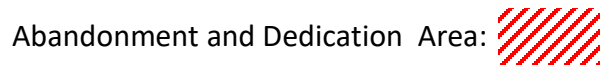
OWNER

Progressive Waste Solutions of TX, Inc.

Thomas L. Brown, President

MAP

Attached



Abandonment and Dedication Area:

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Bedford Street (formerly Corlett Avenue) located adjacent to City Blocks C/7222 and D/7222 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Progressive Waste Solutions of TX, Inc.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of a needed easement to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of the Dallas City 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 Progressive Waste Solutions of TX, Inc., a Texas corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms, conditions, and reverter, herein provided, said portion of Bedford Street 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, conditions, and reverter, 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 City 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 reverter and the conditions and future effective date hereinafter more fully set out.

SECTION 3. That for and in monetary consideration of the sum of **TEN THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$10,700.00)** paid by **GRANTEE**, and the further consideration described in Sections 9, 10, 11, 12, and 14, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, 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. Provided however, that if **GRANTEE**, its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 11 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

“(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator’s action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005”;

or (ii) the date that is the sixth anniversary of the passage of this ordinance; **THEN** this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject

SECTION 3. (continued)

aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

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 hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 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

SECTION 9. (continued)

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 be responsible for the cost to relocate existing active Atmos facilities if a conflict exists.

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

SECTION 11. (continued)

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 convey a Water and Wastewater Easement to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, to certain properties located adjacent to City Blocks C/7222 and D/7222, containing approximately 5,000 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 13. That at such time as the instrument described in Section 12 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 14. 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 15. 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 completion of the dedication set forth in Section 12, 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, subject to a reverter interest, 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 16. That this ordinance is also designated for City purposes as Contract No. DEV-2016-00000655.

SECTION 17. 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
Department of Sustainable Development and
Construction

BY: B. N. A. H.
Assistant City Attorney

BY: Sandra Williams
SOR Assistant Director

Passed _____.

Exhibit A
STREET ABANDONMENT
GRAY ADDITION
PART OF BEDFORD STREET
BLOCK 7222
T.V. GRIFFEN SURVEY, ABSTRACT NO. 511
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 5,000 square feet (0.1148 acre) tract of land situated in the T.V. Griffen Survey, Abstract No. 511, Block 7222, City of Dallas, Dallas County, Texas, and being a portion of Bedford Street, formerly Corlett Avenue, (50' right-of-way) dedicated by Gray Addition, an Addition to the City of Dallas, Dallas County, Texas, recorded in Volume 1, Page 459, Map Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

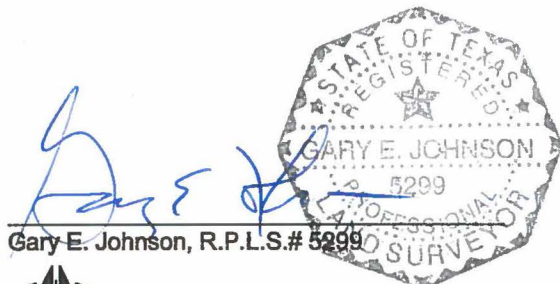
Beginning at a 1/2 inch iron rod found for corner in the North line of said Bedford Street, said point being the Southeast corner of Lot 12, Block C/7222, common with the Southwest corner of Lot 11, Block C/7222, of said Gray Addition, and being a tract of land conveyed to Progressive Waste Solutions of Texas, Inc. by Special Warranty Deed recorded in Instrument No. 201500001578, Deed Records, Dallas County, Texas;

Thence North 89 degrees 58 minutes 16 seconds East along the South line of said Lot 11, Block C/7222, a distance of 100.00 feet to an "X" found for corner, said point being the Southeast corner of said Lot 11, and being in the West line of Lot 3A, Block D/7222 of Bluebonnet Waste Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 94230, Page 3588, Map Records, Dallas County, Texas, and being a part of a tract of land conveyed to Progressive Waste Solutions of Texas, Inc. by Special Warranty Deed recorded in Instrument No. 201500001578, Deed Records, Dallas County, Texas;

Thence South 00 degrees 24 minutes 16 seconds West along the West line of said Lot 3A, a distance of 50.00 feet to an "X" found for corner, said point being the Northeast corner of Lot 2, Block D/7222 of said Gray Addition, and being a part of a tract of land conveyed to Progressive Waste Solutions of Texas, Inc. by Special Warranty Deed recorded in Instrument No. 201500001577, Deed Records, Dallas County, Texas;

Thence South 89 degrees 58 minutes 16 seconds West along the north line of said Lot 2, a distance of 100.00 feet to a 1/2 inch iron rod found for corner, said point being the Northwest corner of said Lot 2, Block D/7222, common with the Northeast corner of Lot 1, Block D/7222 of said Gray Addition;

Thence North 00 degrees 24 minutes 16 seconds East across aforementioned Bedford Street, a distance of 50.00 feet to the Point of Beginning and containing 5,000 square feet or 0.1148 of an acre of land.



Gary E. Johnson, R.P.L.S.# 5299

Reviewed by:	<u>A. Rodriguez</u>
Date:	<u>12/23/16</u>
SPRG:	<u>3916</u>



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

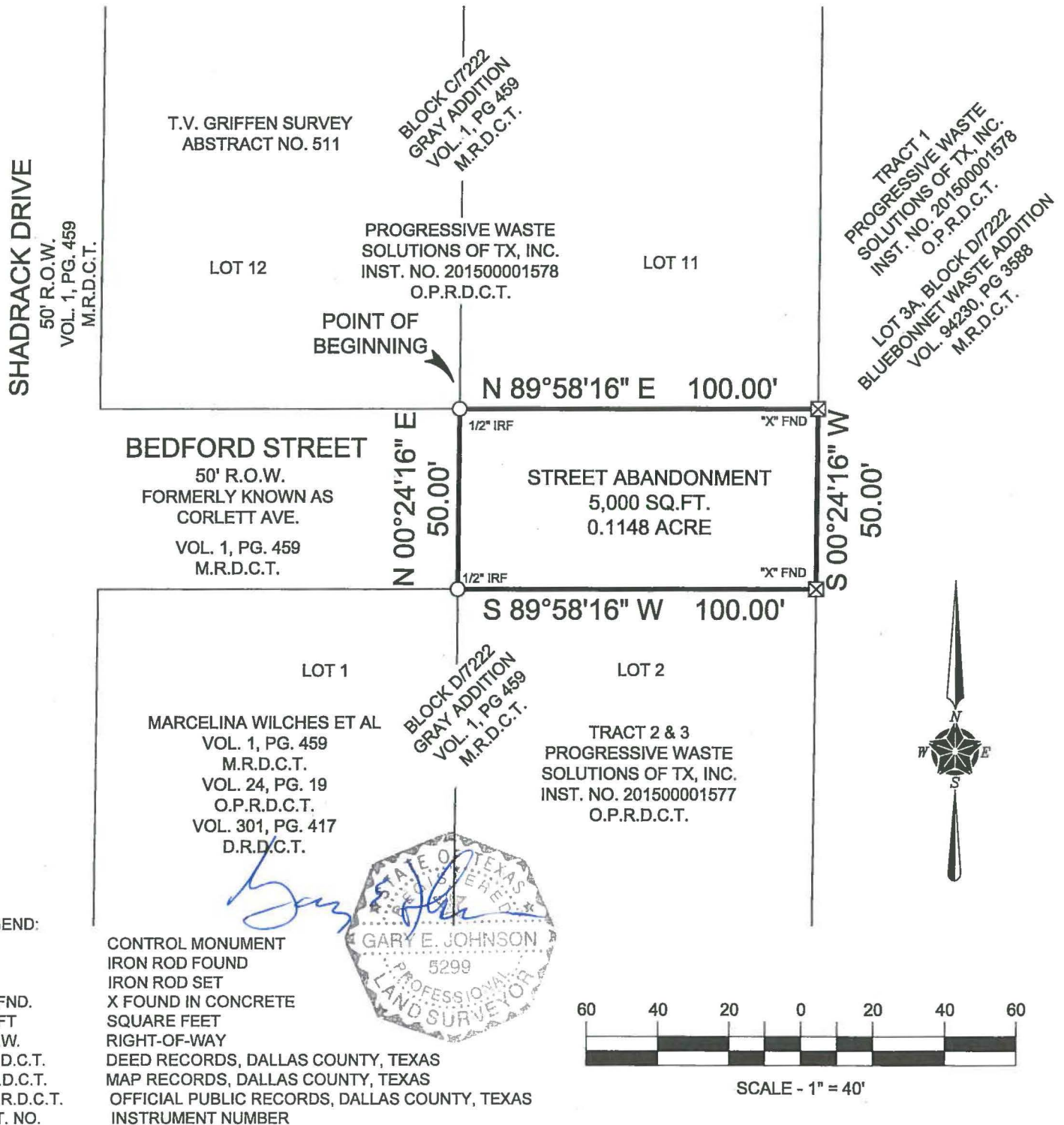
BEARINGS ARE BASED UPON THE
TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE,
NORTH AMERICAN DATUM OF 1983,
(2011).

JOB# 1500159-2
DATE: 05/19/15
REVISED: 12/19/2016
Page 1 of 2

**STREET ABANDONMENT
GRAY ADDITION
PART OF BEDFORD STREET
BLOCK 7222**

**T.V. GRIFFEN SURVEY, ABSTRACT NO. 511
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Reviewed by: A. Rodriguez
Date: 12/13/16
SPRG: 3916



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TEXAS STATE PLANE COORDINATE
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NORTH AMERICAN DATUM OF 1983,
(2011).

JOB# 1500159-2
DATE: 05/19/15
REVISED: 12/19/2016
Page 2 of 2
Scale: 1" = 40'

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.

EXHIBIT C

WATER & WASTE WATER EASEMENT GRAY ADDITION

PART OF BEDFORD STREET

ADJACENT TO BLOCKS C/7222 & D/7222

THACHER V. GRIFFIN SURVEY, ABSTRACT NO. 511

CITY OF DALLAS, DALLAS COUNTY, TEXAS

Reviewed by: G.S.
Date: 7-27-17
SPRG No: 4189



SHADRACK DRIVE
50' R.O.W.
VOL. 1, PG. 459
M.R.D.C.T.

THACHER V. GRIFFIN SURVEY
ABSTRACT NO. 511

BLOCK C/7222
GRAY ADDITION
VOL. 1, PG. 459
M.R.D.C.T.

PROGRESSIVE WASTE
SOLUTIONS OF TX, INC.
INST. NO. 201500001578
O.P.R.D.C.T.

LOT 12

LOT 11

POINT OF
BEGINNING

N 89°58'16" E 100.00'

BEDFORD STREET

50' R.O.W.
FORMERLY KNOWN AS
CORLETT AVE.

VOL. 1, PG. 459
M.R.D.C.T.

N 00°24'16" E
50.00'

CONTROLLING
MONUMENT
1/2" IRF

WATER & WASTE
WATER EASEMENT
5,000 SQ.FT.
0.1148 ACRE

CONTROLLING
MONUMENT
1/2" IRF

"X" FND

"X" FND

S 89°58'16" W 100.00'

LOT 1

LOT 2

MARCELINA WILCHES ET AL
VOL. 301, PG. 417
D.R.D.C.T.

BLOCK D/7222
GRAY ADDITION
VOL. 1, PG. 459
M.R.D.C.T.

TRACT 2 & 3
PROGRESSIVE WASTE
SOLUTIONS OF TX, INC.
INST. NO. 201500001577
O.P.R.D.C.T.

TRACT 1
PROGRESSIVE WASTE
SOLUTIONS OF TX, INC.
INST. NO. 201500001578
O.P.R.D.C.T.
LOT 3A, BLOCK D/7222
BLUEBONNET WASTE ADDITION
VOL. 94230, PG 3588
D.R.D.C.T.

LEGEND:

CM	CONTROL MONUMENT
IRF	IRON ROD FOUND
IRS	IRON ROD SET
"X" FND.	X FOUND IN CONCRETE
SQ.FT	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
PFC	POINT FOR CORNER

Raul D Reyes
Raul D. Reyes, R.P.L.S.# 5390
Date: July 10th, 2017



SCALE - 1" = 40'



TEXAS HERITAGE SURVEYING, INC.
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txheritage.com
Firm No. 10169300

BEARINGS ARE BASED UPON THE
TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE, 4202
NORTH AMERICAN DATUM OF 1983,
(2011).

JOB# 1500159-4
DATE: 06/27/17
Revision Date: 07/10/17
Drawn By: JAM
Page 1 of 2
Scale: 1" = 40'

EXHIBIT C

WATER & WASTE WATER EASEMENT GRAY ADDITION PART OF BEDFORD STREET ADJACENT TO BLOCKS C/7222 & D/7222 THACHER V. GRIFFIN SURVEY, ABSTRACT NO. 511 CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 5,000 square feet (0.1148 acre) tract of land situated in the Thacher V. Griffin Survey, Abstract No. 511, adjacent to Blocks C/7222 and D/7222, City of Dallas, Dallas County, Texas, and being a portion of Bedford Street, formerly Corlett Avenue, (50' right-of-way) dedicated by Gray Addition, an Addition to the City of Dallas, Dallas County, Texas, recorded in Volume 1, Page 459, Map Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found for corner (Controlling Monument) in the North line of said Bedford Street, said point being the Southeast corner of Lot 12, Block C/7222, common with the Southwest corner of Lot 11, Block C/7222, of said Gray Addition, and being a tract of land conveyed to Progressive Waste Solutions of Texas, Inc. by Special Warranty Deed recorded in Instrument No. 201500001578, Official Public Records, Dallas County, Texas;

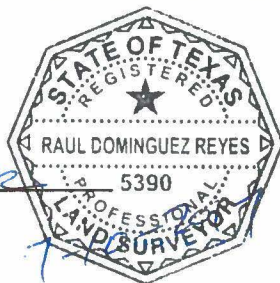
Thence North 89 degrees 58 minutes 16 seconds East along the South line of said Lot 11, Block C/7222, a distance of 100.00 feet to an "X" found for corner, said point being the Southeast corner of said Lot 11, and being in the West line of Lot 3A, Block D/7222 of Bluebonnet Waste Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 94230, Page 3588, Deed Records, Dallas County, Texas, and being a part of a tract of land conveyed to Progressive Waste Solutions of Texas, Inc. by Special Warranty Deed recorded in Instrument No. 201500001578, Official Public Records, Dallas County, Texas;

Thence South 00 degrees 24 minutes 16 seconds West along the West line of said Lot 3A, a distance of 50.00 feet to an "X" found for corner, said point being the Northeast corner of Lot 2, Block D/7222 of said Gray Addition, and being a part of a tract of land conveyed to Progressive Waste Solutions of Texas, Inc. by Special Warranty Deed recorded in Instrument No. 201500001577, Official Public Records, Dallas County, Texas;

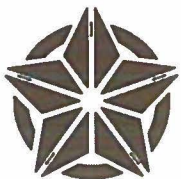
Thence South 89 degrees 58 minutes 16 seconds West along the north line of said Lot 2, a distance of 100.00 feet to a 1/2 inch iron rod found for corner (Controlling Monument), said point being the Northwest corner of said Lot 2, Block D/7222, common with the Northeast corner of Lot 1, Block D/7222 of said Gray Addition;

Thence North 00 degrees 24 minutes 16 seconds East across aforementioned Bedford Street, a distance of 50.00 feet to the Point of Beginning and containing 5,000 square feet or 0.1148 of an acre of land.

Raul D Reyes
Raul D. Reyes, R.P.L.S.# 5390
Date: July 10th, 2017



Reviewed by: G.S.
Date: 7-27-17
SPRG No: 4189



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
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Firm No. 10169300

BEARINGS ARE BASED UPON THE
TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE, 4202
NORTH AMERICAN DATUM OF 1983,
(2011).

JOB# 1500159-4
DATE: 06/27/17
Revision Date: 07/10/17
Drawn By: JAM
Page 2 of 2

AGENDA ITEM # 12

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

4

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

55G

SUBJECT

An ordinance abandoning an alley and portions of Hutchins Road to Dallas Independent School District, the abutting owner, containing a total of approximately 13,877 square feet of land, located near the intersection of Morrell Avenue and Bonnie View Road; and authorizing the quitclaim - Revenue: \$8,326, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of an alley and portions of Hutchins Road to Dallas Independent School District, the abutting owner. The area will be included with the property of the abutting owner to renovate Roosevelt High School. The cost for this abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 17 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 Mobility Solutions, Infrastructure & Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Revenue - \$8,326, plus the \$20 ordinance publication fee

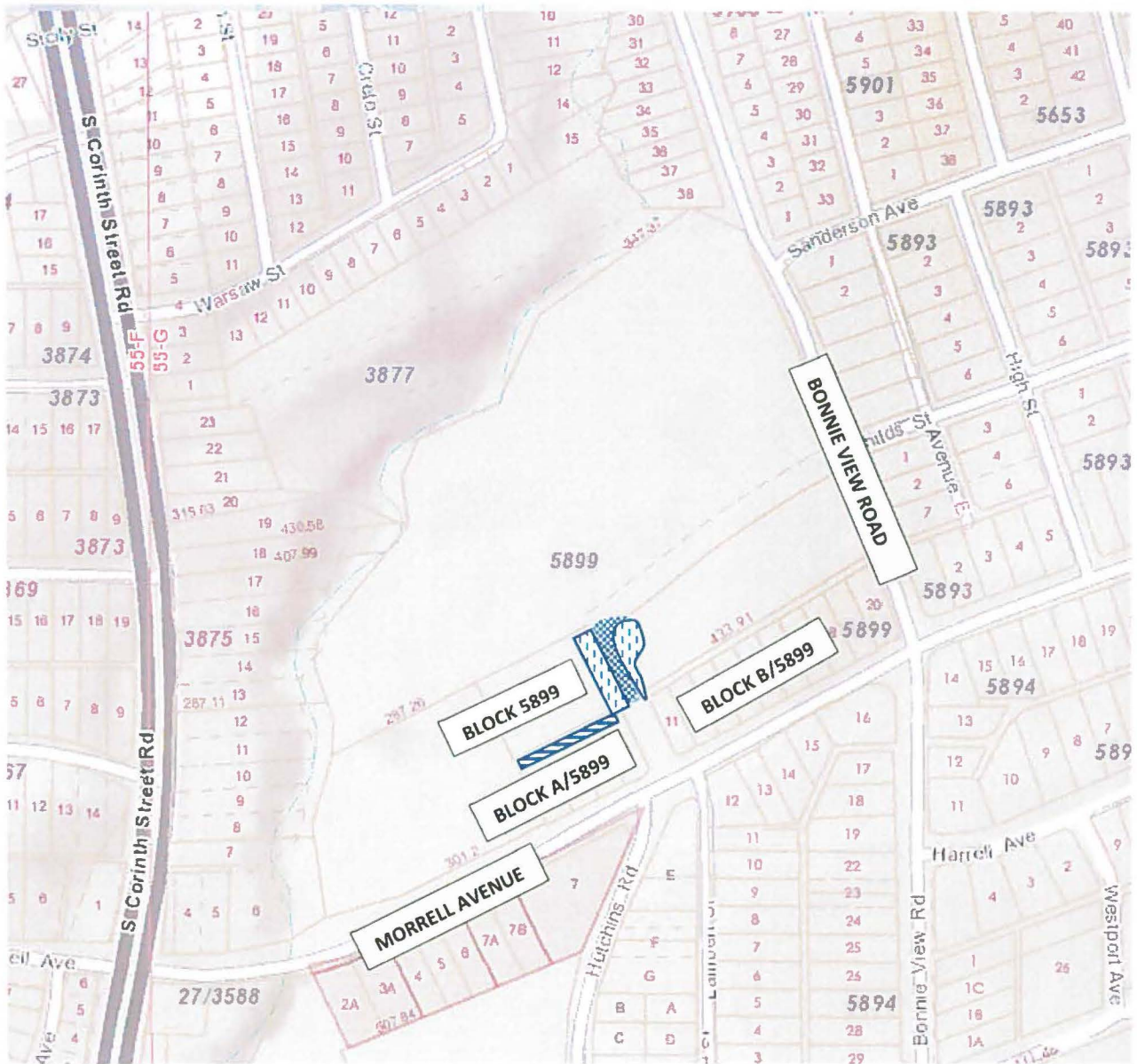
OWNER

Dallas Independent School District

Dan Micciche, President

MAP

Attached



HUTCHINS ROAD ABANDONMENT



STREET EASEMENT ABANDONMENT



ALLEY ABANDONMENT

ORDINANCE NO. _____

An ordinance providing for the abandonment of an alley and portions of Hutchins Road located in City Blocks A/5899 and B/5899 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Dallas Independent School District; 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 Dallas Independent School District, a local governmental entity, 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 alley and portions of Hutchins Road 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 **EIGHT THOUSAND THREE HUNDRED AND TWENTY-SIX DOLLARS (\$8,326.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, to the extent allowed by law, 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 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 area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this abandonment, 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 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt 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 12. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00004550.

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
Department of Sustainable Development and
Construction

BY:



Assistant City Attorney

BY:



Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

7.5' ALLEY ABANDONMENT

TESTA SUBDIVISION

CITY OF DALLAS BLOCK NUMBER A/5899

WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448

CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 0.039 acre (1,738 square foot) tract of land situated in the William John Elliott Survey, Abstract Number 448, being part of City Block Number A/5899, being all of a 7.5-foot Alley, as dedicated by TESTA SUBDIVISION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 18, Page 221, Map Records, Dallas County, Texas, and being further described by metes and bounds as follows:

COMMENCING at a "X" cut found for corner at the intersection of the Northwest right-of-way line of Morrell Avenue (being a variable width right-of-way), dedicated by BOGAN SUBDIVISION NO. 1, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 9, Page 177, Map Records, Dallas County, Texas, with the Southwest right-of-way line of Hutchins Road, (being a 50-foot right-of-way), dedicated by said TESTA SUBDIVISION, also dedicated by PARRY HEIGHTS ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 18, Page 221, Map Records, Dallas County, Texas, being the East corner of Lot 1, City of Dallas Block Number A/5899, of said TESTA SUBDIVISION, same being the East corner of a tract of land conveyed to Dallas Independent School District, by Warranty Deed recorded in Volume 76180, Page 866, Deed Records, Dallas County, Texas;

THENCE North 27 degrees 39 minutes 29 seconds West, departing the Northwest right-of-way line of said Morrell Avenue, and along the Southwest right-of-way line of said Hutchins Road, a distance of 130.00 feet, to a 1/2-inch iron rod found for the POINT OF BEGINNING at the North corner of said Lot 1, being the East corner of the above-mentioned 7.5-foot alley, also being the North corner of said City Block Number A/5899, Lot 1, same being in Northwest line of said Dallas Independent School District tract;

THENCE South 61 degrees 00 minutes 29 seconds West, departing the Southwest right-of-way line of said Hutchins Road, and the Northeast line of said Lot 1, along the Northwest line of Lots 1, 2, 3 and 4, Block Number, A/5899, of said TESTA SUBDIVISION, for a distance of 231.59 feet, to a 1/2-inch iron rod found for corner, being the West corner of said Lot 4, Block A/5899, also being the West corner of the above-mentioned Dallas Independent School District tract, same being in the Northeast line of a tract of land conveyed to Texas Real Estate Acquisition and Development, LLC, by Warranty Deed recorded in Volume 2004150, Page 18997, Deed Records, Dallas County, Texas, from which a 1/2-inch iron rod found bears South 27 degrees 54 minutes 00 seconds East, a distance of 130.00 feet, being the South corner of Lot 4, Block A/5899, and said Northwest right-of-way line of Morrell Avenue;

THENCE North 29 degrees 46 minutes 25 seconds West, along the common line of said TESTA SUBDIVISION, and the Northeast line of said Texas Real Estate Acquisition and Development, LLC tract, for a distance of 7.50 feet to the South corner of a tract of land conveyed to Dallas Independent School District, by Warranty Deed recorded in Volume 5556, Page 502, Deed Records, Dallas County, Texas;

THENCE North 61 degrees 00 minutes 29 seconds East, departing said common line, with the Northwest line of said Block Number A/5899, with the Southeast line of said Dallas Independent School District tract, for a distance of 231.88 feet, to the Southeast corner of said Dallas Independent School District tract, same being in the above-mentioned Southwest right-of-way line of Hutchins Road;

THENCE South 27 degrees 39 minutes 29 seconds East, along said Southwest line of Hutchins Road, for a distance of 7.50 feet, to the POINT OF BEGINNING and CONTAINING 1,738 square feet or 0.039 acres of land, more or less.

BASIS OF BEARING: The Northeast right-of-way line of Hutchins Road (North 27 degrees 39 minutes 29 seconds West) and the North American Datum of 1983, Texas State Plane Coordinate System, Zone 4202. North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506).



(For SPRG use only)	
Reviewed by:	G.S.
Date:	10-10-17
SPRG NO.:	4222



Sheet 1 of 2

EXHIBIT A-TRACT 1

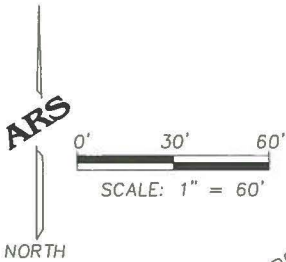
7.5' ALLEY ABANDONMENT

TESTA SUBDIVISION

CITY OF DALLAS BLOCK NUMBER A/5899

WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448

CITY OF DALLAS, DALLAS COUNTY, TEXAS



CALLED 4.944 ACRES
DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 76207, PG. 1709
D.R.D.C.T.

DALLAS POWER AND LIGHT
UTILITY ESMT.
VOL. 75162, PG. 197
D.R.D.C.T.

TRACT 3
CITY OF DALLAS
STREET ESMT.
VOL. 5584, PG. 1
D.R.D.C.T.

TRACT 1
CITY OF DALLAS
STREET ESMT.
VOL. 5584, PG. 1
D.R.D.C.T.

D.P. & L. UTIL. ESMT.
VOL. 77169, PG. 2552
D.R.D.C.T.

BLOCK
B/5899
DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5273, PG. 345
D.R.D.C.T.

PARRY HEIGHTS ADDITION
VOL. 10, PG. 339
M.R.D.C.T.

LOT 12
BRAD MORRIS
INST. # 2007016298
O.P.R.D.C.T.

BLOCK
B/5899
DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5273, PG. 345
D.R.D.C.T.

HUTCHINS ROAD

BLOCK
A/5899

TESTA SUBDIVISION
VOL. 18, PG. 221
M.R.D.C.T.

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 76180, PG. 866
D.R.D.C.T.

CITY OF DALLAS
ROW ESMT.
VOL. 70138, PG. 122
D.R.D.C.T.

P.O.C.
"X" CUT FND. (C.M.)

LOT E
BLOCK
E/5895

MORRELL AVENUE
(VARIABLE WIDTH R.O.W.)
(VOL. 9, PG. 177, M.R.D.C.T.)

HUTCHINS ROAD

AARON & ADAM BREN
INST. NO. 201500207851
O.P.R.D.C.T.



ARS
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12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Surveying Firm #101319-00
Engineering Firm #F-819

LEGEND

Sq. Ft. = Square Feet

EASEMENT LINE

PROPOSED EASEMENT LINE

TRACT LINE

BLOCK LINE

● = (CM) CONTROLLING MONUMENT (FOUND)

P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCING

R.O.W. = RIGHT OF WAY

Brass Mon. = BRASS MONUMENT FOUND

"X" Set = "X" CUT IN CONCRETE SET

Instr. No. = INSTRUMENT NUMBER

MRDCT = MAP RECORDS, DALLAS COUNTY, TEXAS

DRDCT = DEED RECORDS, DALLAS COUNTY, TEXAS

OPRDCT = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

BASIS OF BEARING: The Northeast right-of-way line of Hutchins Road (North 27 degrees 39 minutes 29 seconds West) and the North American Datum of 1983, Texas State Plane Coordinate System, Zone 4202, North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506).

(For SPRG use only)

Reviewed by: G.S.

Date: 10-10-17

SPRG NO.: 4222

EXHIBIT A-TRACT 2

STREET EASEMENT ABANDONMENT PART OF HUTCHINS ROAD ADJACENT TO BLOCK NUMBER B/5899 WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 0.082 acre (3,558 square feet) tract of land situated in the William John Elliott Survey, Abstract Number 448, being part of Lot 1, City Block Number B/5899, of PARRY HEIGHTS ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 10, Page 339, Map Records, Dallas County, Texas, being all of "Tract No. 1", of an Easement, conveyed to the City of Dallas, Dallas County, Texas, for "Street Purposes", recorded in Volume 5584, Page 1, Deed Records, Dallas County, Texas, same being part of a called 10.935-acre tract of land, conveyed to Dallas Independent School District (DISD), by Warranty Deed recorded in Volume 5273, Page 345, Deed Records, Dallas County, Texas, further being described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for corner, at the intersection of the Northeast right-of-way line of Hutchins Road, (a 25-foot right-of-way, at this point) as dedicated, by said PARRY HEIGHTS ADDITION, with the Northwest line of a 15-foot alley, also dedicated by said PARRY HEIGHTS ADDITION, also being the South corner of said Lot 1, Block Number B/5899, same also being the South corner of said 10.935 acre DISD tract;

THENCE North 27 degrees 39 minutes 29 seconds West, along the common line of said Hutchins Road, and said Lot 1, for a distance of 129.90 feet, to a 1/2-inch iron rod found for the West corner of said "Tract 1", from which a 1" iron pipe found bears North 27 degrees 34 minutes 15 seconds West, a distance of 35.40 feet;

THENCE North 51 degrees 50 minutes 05 seconds East, for a distance of 39.07 feet, to a 1/2-inch iron rod found for the Southwest corner the of the City of Dallas Abandonment of Childs Street, as recorded in City of Dallas Ordinance Number 8881, same also being the beginning of a non-tangent curve to the right, having a radius of 50.00 feet, a chord bearing South 09 degrees 39 minutes 08 seconds East, for a chord distance of 84.15 feet;

THENCE Southerly, along said curve to the right, through a central angle of 114 degrees 36 minutes 01 seconds, for an arc distance of 100.01 feet, to the beginning of a non-tangent curve to the left, having a radius of 10.00 feet, a chord bearing South 10 degrees 06 minutes 08 seconds West, for a chord distance of 12.25 feet;

THENCE Southwesterly, along said curve to the left, through a central angle of 75 degrees 31 minutes 38 seconds, for an arc distance of 13.18 feet;

THENCE South 27 degrees 39 minutes 29 seconds East, parallel to the aforementioned Northeast line of Hutchins Road, for a distance of 47.00 feet, to the Northwest line of the above-mentioned 15-foot alley, being in the Northwest line of said Lot 1, Block B/5899;

THENCE South 58 degrees 41 minutes 25 seconds West, along said Northwest line, for a distance of 4.91 feet, to the POINT OF BEGINNING and CONTAINING 3,558 square feet or 0.082 acres of land, more or less.

BASIS OF BEARING: The Northeast right-of-way line of Hutchins Road (North 27 degrees 39 minutes 29 seconds West) and the North American Datum of 1983, Texas State Plane Coordinate System, Zone 4202. North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506).



(For SPRG use only)	
Reviewed by:	<u>G.S.</u>
Date:	<u>10-10-17</u>
SPRG NO.:	<u>4221</u>

ARS
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(214) 739-3152 Fax (214) 739-3168

Engineering Firm #P-819 Surveying Firm #101319-00

Sheet 1 of 2

EXHIBIT A-TRACT 2

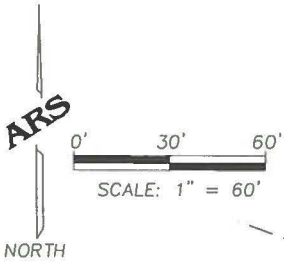
STREET EASEMENT ABANDONMENT

PART OF HUTCHINS ROAD

ADJACENT TO BLOCK NUMBER B/5899

WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448

CITY OF DALLAS, DALLAS COUNTY, TEXAS



WILLIAM JOHN ELLIOTT
SURVEY
ABSTRACT NO. 448

CALLED 4.944 ACRES
DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 76207, PG. 1709
D.R.D.C.T.

DALLAS POWER AND LIGHT
UTILITY ESMT.
VOL. 75162, PG. 197
D.R.D.C.T.

CITY OF DALLAS
ABANDONMENT (CHILDS ST.)
ORDINANCE NO. 8881

STREET EASEMENT
ABANDONMENT
3,558 SQ. FT.
OR 0.082 ACRES

D.P. & L. UTIL ESMT.
VOL. 77169, PG. 2552
D.R.D.C.T.

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5273, PG. 345
D.R.D.C.T.

PARRY HEIGHTS ADDITION
VOL. 10, PG. 339
M.R.D.C.T.

BLOCK
5899

REMAINDER OF
DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5556, PG. 502
D.R.D.C.T.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 58°41'25" W	4.91'
L2	N 27°39'29" W	129.90'
L3	N 51°50'05" E	39.07'
L4	S 27°39'29" E	47.00'

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	100.01'	50.00'	114°36'01"	S 09°39'08" E	84.15'
C2	13.18'	10.00'	75°31'38"	S 10°06'08" W	12.25'

TEXAS REAL ESTATE
ACQUISITION &
DEVELOPMENT, LLC
VOL. 2004150, PG. 18997
D.R.D.C.T.

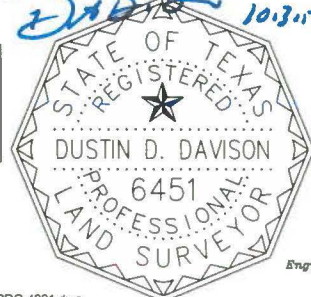
LEGEND

- Sq. Ft. = Square Feet
INST. No. = INSTRUMENT NUMBER
MRDCT = MAP RECORDS, DALLAS COUNTY, TEXAS
DRDCT = DEED RECORDS, DALLAS COUNTY, TEXAS
OPRDCT = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
● = (CM) CONTROLLING MONUMENT (FOUND)
P.O.B. = POINT OF BEGINNING
R.O.W. = RIGHT OF WAY
Brass Mon. = BRASS MONUMENT FOUND
"X" Set = "X" CUT IN CONCRETE SET
EASEMENT LINE
PROPOSED EASEMENT LINE
BLOCK LINE
TRACT LINE
TRACT LINE W/SAME OWNER

(For SPRG use only)
Reviewed by: 6.5
Date: 10-10-17
SPRG NO.: 4221

BASIS OF BEARING: The Northeast right-of-way line of Hutchins Road (North 27 degrees 39 minutes 29 seconds West) and the North American Datum of 1983, Texas State Plane Coordinate System, Zone 4202. North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506).

Filename: P:\30216219 DISD-AECOM 2015 Bond Program\Roosevelt HS\DWG\Separate Instruments\302-16-219- Tract 1_Street Esmt-Aband-SPRG 4221.dwg
Date: Tuesday, October 03, 2017 Time: 12:38 PM Plotted by: Brian



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Engineering Firm #F-819 Surveying Firm #101319-00

EXHIBIT A-TRACT 3
STREET EASEMENT ABANDONMENT
PART OF HUTCHINS ROAD
ADJACENT TO BLOCK NUMBER B/5899
WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 0.093-acre (4,069 square foot) tract of land situated in the William John Elliott Survey, Abstract Number 448, being in City Block Number 5899, and being all of "Tract No. 3", conveyed to the City of Dallas, Dallas County, Texas, by Easement for Street Purposes, recorded in Volume 5584, Page 1, Deed Records, Dallas County, Texas:

COMMENCING at a "X" cut found at the intersection of the Northwest right-of-way line of Morrell Avenue (being a variable width right-of-way), dedicated by BOGAN SUBDIVISION NO. 1, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 9, Page 177, Map Records, Dallas County, Texas, with the Southwest right-of-way line of Hutchins Road, (being a 50-foot right-of-way) dedicated by PARRY HEIGHTS ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 10, Page 339, Map Records, Dallas County, Texas, and TESTA SUBDIVISION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 18, Page 221, Map Records, Dallas County, Texas, also being the East corner of Lot 1, City of Dallas Block Number A/5899, same being the East corner of a tract of land, conveyed to Dallas Independent School District (DISD), by Warranty Deed recorded in Volume 76180, Page 866, Deed Records, Dallas County, Texas;

THENCE North 27 degrees 39 minutes 29 seconds West, departing the Northwest right-of-way line of said Morrell Avenue, and along the Southwest right-of-way line of said Hutchins Road, and said Lot 1, City Block Number A/5899, passing at a distance of 130.00 feet, the North corner of said Lot 1, and the East corner of a 7.5-foot alley, as dedicated by said TESTA SUBDIVISION, continuing along the Northeast line of said alley, for a total distance 137.50 feet to an "X" cut found for the East corner of a tract of land, conveyed to Dallas Independent School District (DISD), by Warranty Deed recorded in Volume 5556, Page 502, Deed Records, Dallas County, Texas, same being the North corner of said 7.5-foot alley, dedicated by said TESTA SUBDIVISION, same being the **POINT OF BEGINNING** of the herein described tract of land;

THENCE North 27 degrees 39 minutes 29 seconds West, along the Northeasterly line of said DISD tract, for a distance of 163.08 feet, to the Southeast line of a called 4.944 acre tract of land, conveyed to Dallas Independent School District (DISD), by Warranty Deed recorded in Volume 76207, Page 1709, Deed Records, Dallas County, Texas, same being the North corner of City Block Number 5899, and said DISD tract, recorded in Volume 5556, Page 502, Deed Records, Dallas County, Texas;

THENCE North 62 degrees 20 minutes 31 seconds East, along said Southeast line, for a distance of 25.00 feet, to the Southwest right-of-way line of aforementioned Hutchins Road (a 25-foot right-way, at this point), and bearing South 27 degrees 39 minutes 29 seconds East, a distance of 7.82 feet from a 1-inch iron pipe found;

THENCE South 27 degrees 39 minutes 29 seconds East, along said Southwest line of Hutchins Road, for a distance of 162.51 feet, to a "X" cut found;

THENCE South 61 degrees 00 minutes 29 seconds West, along a Northwest right-of-way line of said Hutchins Road, for a distance of 25.00 feet, to the **POINT OF BEGINNING** and containing 4,069 square feet or 0.093 acres of land, more or less.

Basis of Bearings: The Southwest right-of-way line of Hutchins Road (North 27 degrees 39 minutes 29 seconds East) and the North American Datum of 1983, Texas State Plane Coordinate System, Zone 4202. North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506).



(For SPRG use only)	
Reviewed by:	<u>G.S.</u>
Date:	<u>10-10-17</u>
SPRG NO.:	<u>4223</u>

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Engineering Firm #P-819 Surveying Firm #101319-00

Sheet 1 of 2

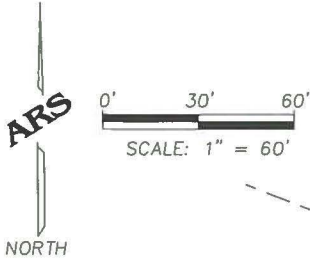
EXHIBIT A-TRACT 3

STREET EASEMENT ABANDONMENT

PART OF HUTCHINS ROAD

ADJACENT TO BLOCK NUMBER B/5899

WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448
CITY OF DALLAS, DALLAS COUNTY, TEXAS



WILLIAM JOHN
ELLIOTT SURVEY
ABSTRACT NO. 448
CALLED 4.944 ACRES
DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 76207, PG. 1709
D.R.D.C.T.

DALLAS POWER AND LIGHT
UTILITY ESMT.
VOL. 75162, PG. 197
D.R.D.C.T.

CITY OF DALLAS
ABANDONMENT (CHILDS ST.)
ORDINANCE NO. 8881

D.P. & L. UTIL. ESMT.
VOL. 77199, PG. 2552
D.R.D.C.T.

STREET EASEMENT
ABANDONMENT
4,069 SQ. FT.
OR 0.093 ACRES

BLOCK
5899

REMAINDER OF
DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5556, PG. 502
D.R.D.C.T.

"TRACT 3" CITY OF DALLAS
STREET ESMT. VOL. 5584, PG. 1
D.R.D.C.T.

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5273, PG. 345
D.R.D.C.T.

PARRY HEIGHTS ADDITION
VOL. 10, PG. 339
M.R.D.C.T.

LINE	BEARING	DISTANCE
L1	N 27°39'29" W	163.08'
L2	N 62°20'31" E	25.00'
L3	S 27°39'29" E	162.51'
L4	S 61°00'29" W	25.00'

TEXAS REAL ESTATE
ACQUISITION, L.L.C.
VOL. 200450, PG. 18997
D.R.D.C.T.

TESTA SUBDIVISION
VOL. 18, PG. 221
M.R.D.C.T.

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 76180, PG. 866
D.R.D.C.T.

CITY OF DALLAS
ROW ESMT.
VOL. 70138, PG. 122
D.R.D.C.T.

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5273, PG. 345
D.R.D.C.T.

CITY OF DALLAS,
TRACT 2
ROW ESMT.
VOL. 5584, PG. 1
D.R.D.C.T.

LEGEND

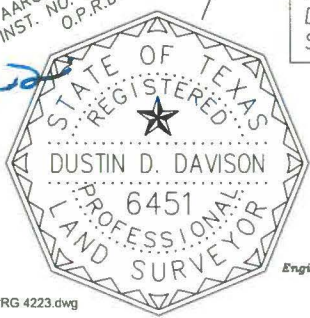
- Sq. Ft. = Square Feet
INST. No. = INSTRUMENT NUMBER
MRDCT = MAP RECORDS, DALLAS COUNTY, TEXAS
DRDCT = DEED RECORDS, DALLAS COUNTY, TEXAS
OPRDCT = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
● = (CM) CONTROLLING MONUMENT (FOUND)
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCING
R.O.W. = RIGHT OF WAY
Brass Mon. = BRASS MONUMENT FOUND
"X" Set = "X" CUT IN CONCRETE SET

- EASEMENT LINE
PROPOSED EASEMENT LINE
BLOCK LINE
TRACT LINE
TRACT LINE W/SAME OWNER

BASIS OF BEARING: The Northeast right-of-way line of Hutchins Road (North 27 degrees 39 minutes 29 seconds West) and the North American Datum of 1983, Texas State Plane Coordinate System, Zone 4202. North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506).

Filename P130216219 DISD-AECOM 2015 Bond Program\Roosevelt HSD\WG\Separate Instruments\302-16-219- Tract 2_Street Esmt-Aband-SPRG 4223.dwg
Date Tuesday, October 03, 2017 Time 12:12 PM Plotted by Brian

AARON & ADAM BREN
INST. NO. 201500207851
O.P.R.D.C.T.



(For SPRG use only)
Reviewed by: 6.5
Date: 10-10-17
SPRG NO.: 4223

ARS
Engineers, Inc.

12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Engineering Firm #F-819 Surveying Firm #101319-00

EXHIBIT A-TRACT 4

STREET ABANDONMENT

PART OF HUTCHINS ROAD

ADJACENT TO BLOCK NUMBER B/5899

WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 0.104-acre (4,512 square foot) tract of land situated in the William John Elliott Survey, Abstract Number 448, being part of Hutchins Road, (a 25-foot right-of-way, at this point), dedicated by PARRY HEIGHTS ADDITION, according to the plat thereof recorded in Volume 10, Page 339, Map Records, Dallas County, Texas, also adjacent to Block B/5899, being described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the Northeast right-of-way line of Hutchins Road, with the Northwest line of a 15-foot alley, as dedicated by said PARRY HEIGHTS Addition, and being the South corner of Lot 1, Block Number B/5899, of said PARRY HEIGHTS ADDITION, same also being the South corner of a called 10.935-acre tract of land, conveyed to Dallas Independent School District (DISD), by Warranty Deed recorded in Volume 5273, Page 345, Deed Records, Dallas County, Texas;

THENCE South 58 degrees 41 minutes 25 seconds West, for a distance of 25.04 feet, to an "X" cut found for the southwest corner of said Street Abandonment, also being the easterly line of a Street Easement, "Tract 3" to the City of Dallas, as evidenced by deed recorded in Volume 5584, Page 1, Deed Records, Dallas County, Texas;

THENCE North 27 degrees 39 minutes 29 seconds West, along said "Tract 3", for a distance of 156.56 feet, to a 1-inch Iron Pipe Found for the northwest corner of said Street Abandonment, same being in the westerly line of the Abandonment of Childs Street, by the City of Dallas, by Ordinance Number 8881;

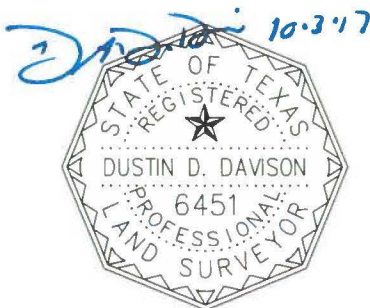
THENCE North 62 degrees 08 minutes 01 seconds East, for a distance of 24.80 feet, to a 1-inch Iron Pipe Found for the beginning of a tangent curve to the right, having a radius of 50.00 feet and a chord which bears North 87 degrees 22 minutes 44 seconds East, for a distance of 42.61 feet;

THENCE Northeasterly, along said curve to the right, through a central angle of 50 degrees 26 minutes 26 seconds, for an arc distance of 44.02 feet, to a 1-inch Iron Pipe Found for the northeast corner of a Street Easement, "Tract 1", to the City of Dallas, as evidenced by deed recorded in Volume 5584, Page 1, Deed Records, Dallas County, Texas;

THENCE South 51 degrees 50 minutes 05 seconds West, along the north line of said "Tract 1", for a distance of 39.07 feet, to a 1-inch Iron Rod Found;

THENCE South 27 degrees 39 minutes 29 seconds East, along the west line of said "Tract 1", for a distance of 129.90 feet, to the **POINT OF BEGINNING** and containing 4,512 square feet or 0.104 acres of land, more or less.

Basis of Bearings: The Southwest right-of-way line of Hutchins Road (North 27 degrees 39 minutes 29 seconds East) and the North American Datum of 1983, Texas State Plane Coordinate System, Zone 4202. North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506).



(For SPRG use only)	
Reviewed by:	<u>G.S.</u>
Date:	<u>10-10-17</u>
SPRG NO.:	<u>4220</u>

ARS
Engineers, Inc.

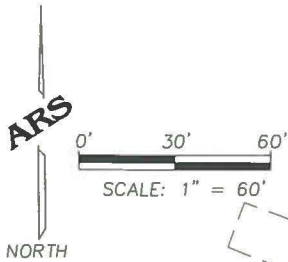
12801 N. Central Expressway, Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3189

Engineering Firm #P-818 Surveying Firm #101319-00

EXHIBIT A-TRACT 4

STREET ABANDONMENT PART OF HUTCHINS ROAD

ADJACENT TO BLOCK NUMBER B/5899
WILLIAM JOHN ELLIOTT SURVEY, ABSTRACT NUMBER 448
CITY OF DALLAS, DALLAS COUNTY, TEXAS



WILLIAM JOHN ELLIOTT SURVEY
ABSTRACT NO. 448

DALLAS POWER AND LIGHT
UTILITY ESMT.
VOL. 75162, PG. 197
D.R.D.C.T.

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 76207, PG. 1709
D.R.D.C.T.

STREET
ABANDONMENT
4,512 SQ. FT.
or 0.104 ACRES
(area shaded)

BLOCK
5899

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5556, PG. 502
D.R.D.C.T.

CITY OF DALLAS
ABANDONMENT (CHILDS ST.)
ORDINANCE NO. 8881

D.P. & L. UTIL ESMT.
VOL. 77199, PG. 2552
P.R.D.C.T.

DALLAS INDEPENDENT
SCHOOL DISTRICT
VOL. 5273, PG. 345
D.R.D.C.T.

PARRY HEIGHTS ADDITION
VOL. 10, PG. 339
M.R.D.C.T.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 58°41'25" W	25.04'
L2	N 27°39'29" W	156.56'
L3	N 62°08'01" E	24.80'
L4	S 51°50'05" W	39.07'
L5	S 27°39'29" E	129.90'

CURVE TABLE

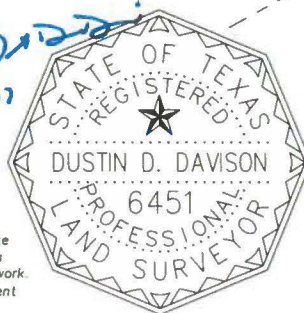
CURVE	A. LEN.	RADIUS	DELTA ANGLE	CHORD BEARING	C. LEN.
C1	44.02'	50.00'	50°26'26"	N 87°22'44" E	42.61'

LEGEND

- Sq. Ft. = Square Feet
A. LENGTH = ARC LENGTH
C. LEN. = CHORD LENGTH
INST. No. = INSTRUMENT NUMBER
MRDCT = MAP RECORDS, DALLAS COUNTY, TEXAS
DRDCT = DEED RECORDS, DALLAS COUNTY, TEXAS
OPRDCT = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
● = (CM) CONTROLLING MONUMENT (FOUND)
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCING
R.O.W. = RIGHT OF WAY
Brass Mon. = BRASS MONUMENT FOUND
"X" Set = "X" CUT IN CONCRETE SET
EASEMENT LINE
PROPOSED EASEMENT LINE
BLOCK LINE
TRACT LINE
TRACT LINE W/SAME OWNER

Basis of Bearings: the Southwest right-of-way line of Bonnie View Road, (Volume 10, Page 339, M.R.D.C.T.) i.e. Being South 27 degrees 00 minutes 00 seconds East. Texas State Plane Coordinate System, Zone 4202, North American Datum of 1983. Adjustment Realization 2011. The bearing was established by Real Time Kinematic GPS observations utilizing the Western Data Systems RTK Network. Surface Coordinates were derived from a Combined Scale Factor of 0.99986351 (Surface Adjustment Factor: 1.000136506)

Filename P:\30216219 DISD-AECOM 2015 Bond Program\Roosevelt HSD\DWG\Separate Instruments\302-16-219 Hutchins Road-Abandonment SPRG 4220.dwg
Date: Tuesday, October 03, 2017 Time: 12:41 PM Plotted by Brian



(For SPRG use only)
Reviewed by: G.S.
Date: 10-10-17
SPRG NO.: 4220

ARS
Engineers, Inc.

12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Engineering Firm #P-818 Surveying Firm #101319-00

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

AGENDA ITEM # 13

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

13

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

26B

SUBJECT

An ordinance abandoning a water easement and wastewater easement to Algonquin Realty, Inc., the abutting owner, containing a total of approximately 7,351 square feet of land, located near the intersection of North Central Expressway and Royal Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement and wastewater easement to Algonquin Realty, Inc., the abutting owner. The area will be included with the property of the abutting owner for the expansion of an auto dealership. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

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

OWNER

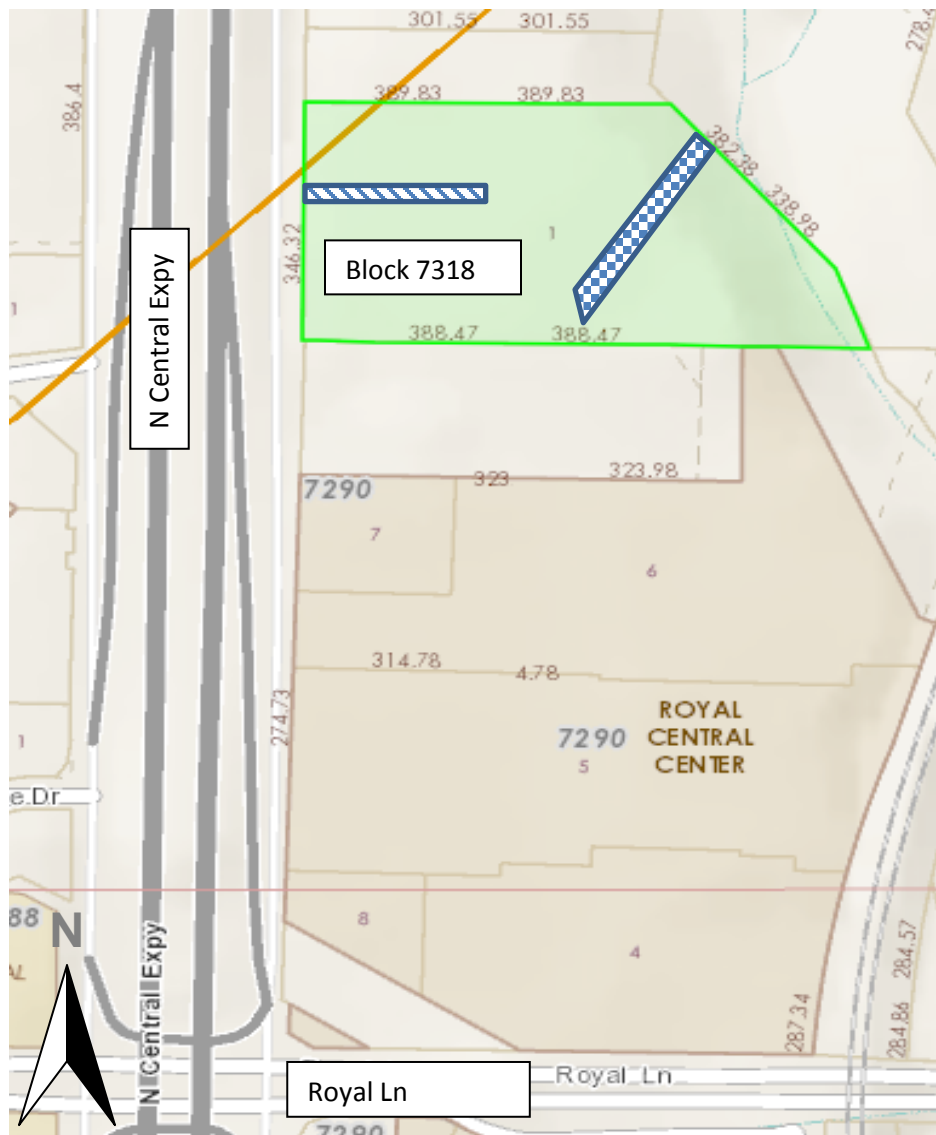
Algonquin Realty, Inc.

Snell Property Company, Inc.

James R. Snell, President

MAP

Attached



Abandonments: Water easement:



Wastewater easement:



ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement and a wastewater easement, located in City Block 7318 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Algonquin Realty, Inc.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonments 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 Algonquin Realty, Inc., a Texas corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

Now, Therefore,

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

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

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

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

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

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

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the 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 the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance is also designated for City purposes as Contract No. DEV-2017-00003797.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: B. N. [Signature]
Assistant City Attorney

BY: [Signature]
SOR Assistant Director

Passed _____.

BEING a 4,095 square feet (0.094-acre) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being situated in Lot 1, Block 7318 of Cullum Central, an Addition to the City of Dallas, Texas, according to the Final Plat, recorded in Volume 647, Page 85 of the Deed Records of Dallas County, Texas, and being situated in a called 6.813-acre tract of land, conveyed to Algonquin Realty, Inc., as evidenced in a General Warranty Deed, recorded in Volume 85074, Page 1211 of the Deed Records of Dallas County, Texas, same being all of a 15-foot wide water easement to the City of Dallas, recorded in Volume 86238, Page 3128 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of said Lot 1, Block 7318 and said 6.813-acre tract, same being the northwest corner of Lot 1, Block 7290 of Mitchell Rasansky Add. Rev., an Addition to the City of Dallas, Texas, according to the plat, recorded in Volume 72181, Page 19 of the Deed Records of Dallas County, Texas, same also being on the easterly right of way line of Central Expressway (U. S. Highway 75), a 300-foot wide right of way as created in a Right-of-Way Deed to the State of Texas, recorded in Volume 3165, Page 136 and Volume 3088, Page 372, both of the Deed Records of Dallas County, Texas, from said corner, a found 1/2-inch iron rod with a plastic cap, stamped "WAI" bears South 22°23' West, 0.90 feet, and a 1/2-inch iron rod found as a controlling monument, for the northeast corner of Lot 6, Block 7290 of Royal Central Center, an Addition to the City of Dallas, according to the Final Plat, recorded in Volume 93161, Page 304 of the Deed Records of Dallas County, Texas, bears North 89°48'12" East, 643.14 feet;

THENCE North 00°11'48" West, along the westerly line of said Lot 1, Block 7318, the westerly line of said 6.813-acre tract and the easterly right of way line of said Central Expressway (U. S. Highway 75), a distance of 218.55 feet to the **POINT OF BEGINNING** of the herein described abandonment tract, same being the southwest corner of the 15-foot wide water easement as recorded in said Volume 86238, Page 3128, Deed Records, Dallas County, Texas;

THENCE North 00°11'48" West, continuing along the westerly line of said Lot 1, Block 7318, the westerly line of said 6.813-acre tract and the easterly right of way line of said Central Expressway (U. S. Highway 75), a distance of 15.00 feet to the northwest corner of said 15-foot wide water easement, from said corner, a 3-inch brass TXDOT right of way monument found as a controlling monument, for the southwest corner of Lot 1, Block A/7281 of Key Whitman Eye Addition, an Addition to the City of Dallas, according to the Final Plat, recorded in Instrument No. 201600051930 of the Official Public Records of Dallas County, Texas, bears North 00°11'48" West, 388.75 feet;

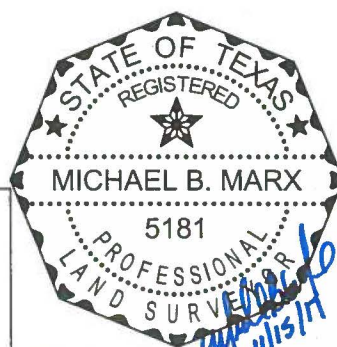
THENCE North 90°00'00" East, departing the westerly line of said Lot 1, Block 7318, the westerly line of said 6.813-acre tract and the easterly right of way line of said Central Expressway (U. S. Highway 75), crossing said Lot 1, Block 7318 and said 6.813-acre tract, and along the northerly line of said 15-foot wide water easement, a distance of 273.03 feet to the northeast corner of said 15-foot wide water easement;

THENCE South 00°00'00" East, continuing across said Lot 1, Block 7318 and said 6.813-acre tract, and along the easterly line of said 15-foot wide water easement, a distance of 15.00 feet to the southeast corner of said 15-foot wide water easement;

THENCE North 90°00'00" West, continuing across said Lot 1, Block 7318 and said 6.813-acre tract, and along the easterly line of said 15-foot wide water easement, a distance of 272.97 feet to the **POINT OF BEGINNING** and containing 0.094 of an acre (4,095 square feet) of land, more or less.

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

MICHAEL MARX
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5181
5750 GENESIS COURT, SUITE 200
FRISCO, TEXAS 75034
PH. 972-335-3580
michael.marx@kimley-horn.com



WATER EASEMENT ABANDONMENT

LOT 1, BLOCK 7318
CULLUM CENTRAL ADDITION
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn

5750 Genesis Court, Suite 200
Frisco, Texas 75034

FIRM # 10193822

Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MBM	KHA	09/21/2017	069321101	1 OF 2

(For SPRG use only)

Reviewed By: G.S.

Date: 11-20-17

SPRG NO: 4236

LOT 1, BLOCK A7281
KEY WHITMAN EYE ADDITION
INST. NO. 201600051930
O.P.R.D.C.T.

Exhibit A-TRACT 1



STATE OF TEXAS
VOLUME 3088, PAGE 372
D.R.D.C.T.

MARIA JOSEFA
SANCHEZ SURVEY
ABSTRACT NO. 12X2

3" ALUM. DISK FND.
"PACHECO KOCH"

12' SANITARY SEWER
EASEMENT,
VOL. 4028, PG. 253,
D.R.D.C.T.

CALLED 20,099 SQ. FT.
CITY OF DALLAS, TEXAS
VOLUME 69229, PAGE 2037
D.R.D.C.T.

REMAINDER OF A
W. G. CULLUM COMPANY
VOLUME 3151, PAGE 189
D.R.D.C.T.

CENTRAL EXPRESSWAY
(U. S. HIGHWAY 75)
(300' RIGHT OF WAY)

STATE OF TEXAS
VOLUME 3165, PAGE 136, D.R.D.C.T.

N0°11'48"W 388.75'
N0°11'48"W 218.55'
P.O.B.
25' BUILDING LINE
VOL. 647, PG. 85,
D.R.D.C.T.
P.O.C.

**WATER EASEMENT
ABANDONMENT**
0.094 ACRE (4,095 SQ. FT.)

15' D. P. & L. EASEMENT,
VOL. 684, PG. 2140

N90°00'00"E
273.03'

15' WATER EASEMENT,
VOL. 86238, PG. 3128,
D.R.D.C.T.

N90°00'00"W
272.97'

LOT 1, BLOCK 7318
CULLUM CENTRAL ADDITION
VOLUME 647, PAGE 85
D.R.D.C.T.

DAVID BARROW SURVEY
ABSTRACT NO. 177

CALLED 6,813 ACRES
ALGONQUIN REALTY, INC
VOLUME 85074, PAGE 1211
D.R.D.C.T.

LOT 1, BLOCK 7290
MITCHELL RASANSKY ADD. REV.
VOLUME 72181, PAGE 19
D.R.D.C.T.

12' SANITARY SEWER
EASEMENT,
VOL. 647, PG. 85, & VOL.
4028, PG. 253, D.R.D.C.T.

12' SANITARY SEWER EASEMENT,
VOL. 647, PG. 85, D.R.D.C.T.

NOTES

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

1/2" IRF ON
PROPERTY LINE
(CM)

1/2" IRF
0.67' SOUTH OF
PROPERTY LINE

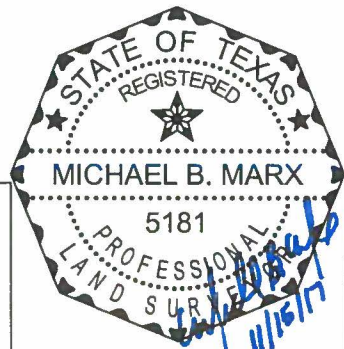
3" ALUM. FLOODWAY
MONUMENT FOUND

LOT 6, BLOCK 7290
ROYAL CENTRAL CENTER
VOLUME 93161, PAGE 304
D.R.D.C.T.

LEGEND

(CM) - Controlling Monument
P.O.C. = Point of Commencing
P.O.B. = Point of Beginning
IRFC = Iron rod w/cap found
IRF = Iron rod found
VOL = Volume
PG = Page
D.R.C.D.T. = Deed Records, Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas

MICHAEL MARX
REGISTERED PROFESSIONAL
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michael.marx@kimley-horn.com



WATER EASEMENT ABANDONMENT

LOT 1, BLOCK 7318
CULLUM CENTRAL ADDITION
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn

5750 Genesis Court, Suite 200
Frisco, Texas 75034

FIRM # 10193822

Tel. No. (972) 335-3580
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	MBM	KHA	09/15/2017	069321101	2 OF 2

EXHIBIT A-TRACT 2

BEING a 3,256 square feet (0.075-acre) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being a portion of a 12-foot wide wastewater easement, situated in Lot 1, Block 7318 of Cullum Central, an Addition to the City of Dallas, Texas, according to the Final Plat, recorded in Volume 647, Page 85 of the Deed Records of Dallas County, Texas, and being situated in a called 6.813-acre tract of land, conveyed to Algonquin Realty, Inc., as evidenced in a General Warranty Deed, recorded in Volume 85074, Page 1211 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the southeast corner of said Lot 1, Block 7318 and the southeast corner of said 6.813-acre tract, same being on the northerly line of a called 74,766 square feet tract of land, conveyed to the City of Dallas, Texas, as evidenced in a Warranty Deed, recorded in Volume 69158, Page 1874 of the Deed Records of Dallas County, Texas;

THENCE South 89°48'12" West, along the southerly line of said 6.813-acre tract, the southerly line of said Lot 1, Block 7318, the northerly line of said 74,766 square feet tract, the northerly line of Lot 6, Block 7290 of Royal Central Center, an Addition to the City of Dallas, Texas, according to the plat, recorded in Volume 93161, Page 304 of the Deed Records of Dallas County, Texas and the northerly line of Lot 1, Block 7280 of Mitchell Rasansky Add. Rev., an Addition to the City of Dallas, Texas, according to the plat, recorded in Volume 72181, Page 19 of the Deed Records of Dallas County, Texas, passing at a distance of 125.31 feet, a 1/2-inch iron rod found as a controlling monument, for the north common corner of said 74,766 square feet tract and said Lot 6, Block 7290, continuing for a total distance of 273.58 feet to the southeast corner of aforesaid 12-foot wide wastewater easement as created in said Cullum Central, from said point, a 3-inch brass TXDOT right of way monument found as a controlling monument for the southwest corner of Lot 1, Block A/7281 of Key Whitman Eye Addition, an Addition to the City of Dallas, recorded in Instrument No. 201600051930 of the Official Public Records, Dallas County, Texas, bears South 89°48'12" West, 494.87 feet and North 00°11'48" West, 622.30 feet;

THENCE North 33°29'41" West, departing the southerly line of said Lot 1, Block 7318, the northerly line of said Lot 1, Block 7290, along the easterly line of the 12-foot wide wastewater easement as created in said Cullum Central and crossing said Lot 1, Block 7318 and said 6.813-acre tract, a distance of 98.09 feet to the **POINT OF BEGINNING** of the herein described abandonment, same being a wye split in said 12-foot wide wastewater easement as created in Cullum Central;

THENCE North 33°29'41" West, departing the easterly line of said 12-foot wide wastewater easement as created in said Cullum Central, continuing along the easterly line and the easterly line of a 12-foot wide wastewater easement, recorded in Volume 4028, Page 253 of the Deed Records of Dallas County, Texas, and crossing said Lot 1, Block 7318 and said 6.813-acre tract, a distance of 1.37 feet to a corner;

Continued on Sheet 2

WASTEWATER EASEMENT ABANDONMENT

LOT 1, BLOCK 7318

CULLUM CENTRAL ADDITION

DAVID BARROW SURVEY, ABSTRACT NO. 177

CITY OF DALLAS

DALLAS COUNTY, TEXAS

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(For SPRG use only)

Reviewed By: G.S.

Date: 10-2-17

SPRG NO: 4237

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Tel. No. (972) 335-3580
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MBM	KHA	09/21/2017	069321101	1 OF 3

Continued from Sheet 1

THENCE North 06°44'08" West, continuing along the easterly line of said 12-foot wide wastewater easement recorded in Volume 4029, Page 253 and crossing said Lot 1, Block 7318 and said 6.813-acre tract, a distance of 27.81 feet to the intersection of the easterly line of said 12-foot wide wastewater easement recorded in Volume 4029, Page 253 and the westerly line of said 12-foot wide wastewater easement as created in said Cullum Central;

THENCE North 16°27'37" East, along a westerly line of said 12-foot wide wastewater easement as created in said Cullum Central and crossing said Lot 1, Block 7318 and said 6.813-acre tract, a distance of 261.23 feet to a northwesterly corner of said 12-foot wide wastewater easement, same being on the easterly line of said Lot 1, Block 7318 and said 6.813-acre tract, same being on the westerly line of a City of Dallas Storm Water Drainage Easement, recorded in Volume 69106, Page 1566 of the Deed Records of Dallas County, Texas, from said corner, the northeast corner of said Lot 1, Block 7318 bears North 40°57'29" West, 23.30 feet;

THENCE South 40°57'29" East, along the easterly line of said Lot 1, Block 7318 and said 6.813-acre tract, and along the westerly line of a City of Dallas Storm Water Drainage Easement, a distance of 14.24 feet to a northeast corner of said 12-foot wide wastewater easement as created in said Cullum Central;

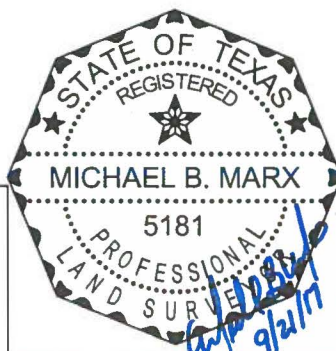
THENCE South 16°27'37" West, departing the easterly line of said Lot 1, Block 7318 and said 6.813-acre tract, the westerly line of a City of Dallas Storm Water Drainage Easement, and crossing said Lot 1, Block 7318 and said 6.813-acre tract, a distance of 280.00 feet to the **POINT OF BEGINNING** and containing 0.075 of an acre (3,256 square feet) of land, more or less.

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

WASTEWATER EASEMENT ABANDONMENT

LOT 1, BLOCK 7318
CULLUM CENTRAL ADDITION
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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(For SPRG use only)

Reviewed By: G.S.
Date: 10-2-17
SPRG NO: 4237

Kimley»Horn

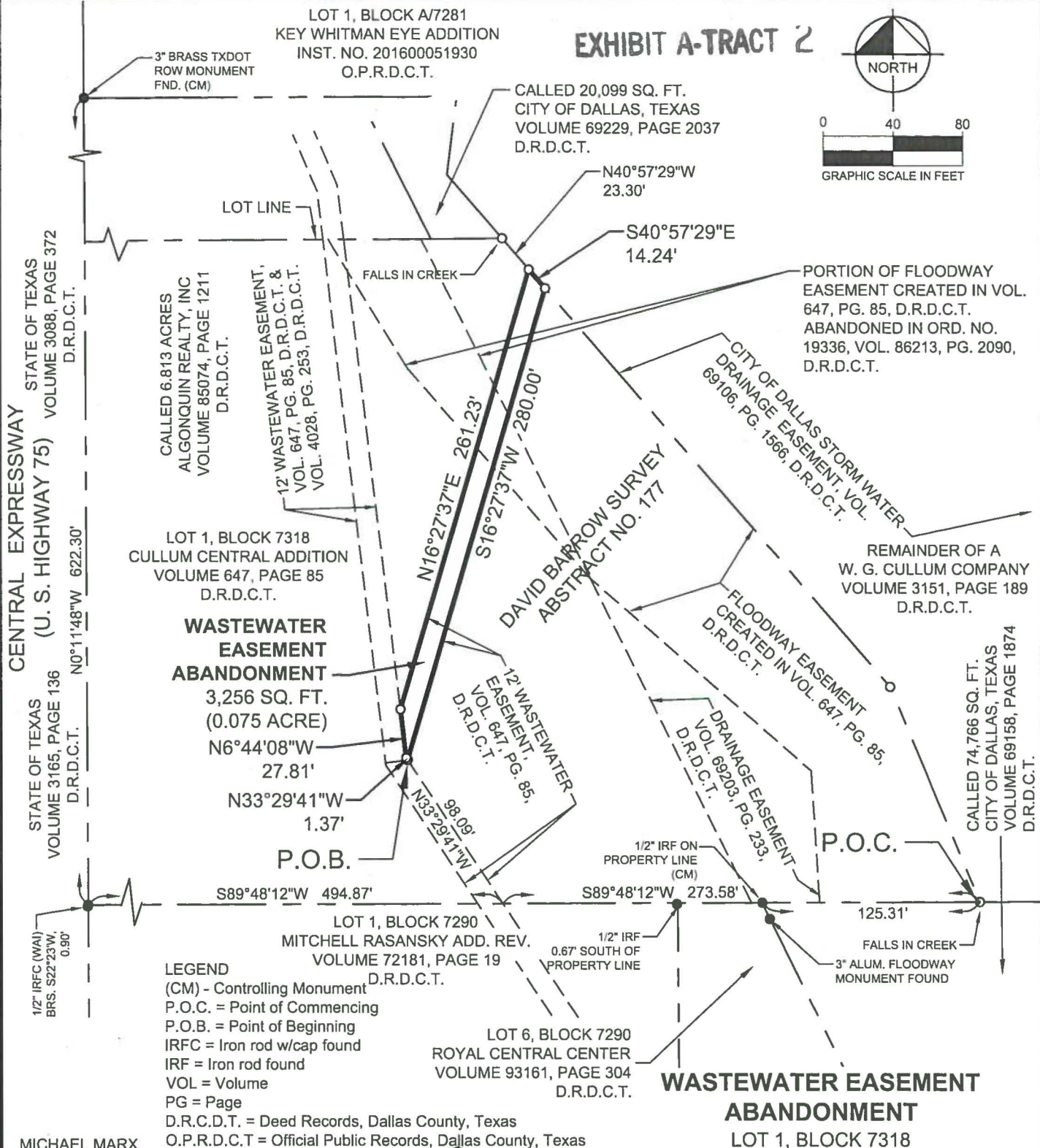
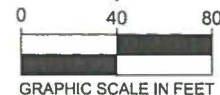
5750 Genesis Court, Suite 200
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MBM	KHA	09/21/2017	069321101	2 OF 3

EXHIBIT A-TRACT 2



LEGEND
 (CM) - Controlling Monument
 P.O.C. = Point of Commencing
 P.O.B. = Point of Beginning
 IRFC = Iron rod w/cap found
 IRF = Iron rod found
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WASTEWATER EASEMENT ABANDONMENT
 LOT 1, BLOCK 7318
 CULLUM CENTRAL ADDITION
 DAVID BARROW SURVEY, ABSTRACT NO. 177
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 80'	MBM	KHA	09/21/2017	069321101	3 OF 3

(For SPRG use only)

Reviewed By: G.S.

Date: 10-2-17

SPRG NO: 4237

AGENDA ITEM # 14

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

All

SUBJECT

An ordinance correcting Chapter 51A, "Dallas Development Code", of the Dallas City Code, as amended by correcting Section 51A-1.105(3), Section 4.702(h)(2), Section 4.702(i)(2) and Section 4.212(10.1)(B)(iii) - Financing: No cost consideration to the City

BACKGROUND

During a review of Chapter 51A, staff determined that certain typographic errors occurred in sections pertaining to amendments to a development plan and landscape plan and tower/antenna for cellular communication use.

In three places in the Development Code, the "public notice procedure" is inadvertently listed as "public hearing procedure." Other subsections correctly list the "public notice procedure."

Section 51A-1.105(3), "Fee schedule," states in a note: "The director shall also send notification of minor amendments to the city plan commission members, any known neighborhood associations covering the property, and persons on the early notification list at least 10 days prior to the public hearing." The correction ordinance will change "hearing" to "city plan commission meeting."

Section 4.702(h)(2) and Section 4.702(i)(2) discuss the determination of procedure for amendments to a development plan or landscape plan. The subsections list the three options for process amendments to the plans. The three options are listed as "reviewed under the director procedure, the city plan commission procedure, or the public hearing procedure." The correction ordinance will change "hearing" to "notice."

Section 4.212(10.1)(B)(iii) lists regulations for monopole cellular towers, such as districts allowed, specific use permit requirements, and height limitations. The last sentence of the subsection states, "The impact of the mounted cellular tower height on an adjacent residential district must be considered in the SUP process." The correction ordinance will change "mounted" to "monopole."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

AGENDA ITEM # 15

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2, 6, 11, 13, 14

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

24 W 25 M; R 36 B; S; W 45 G; H; L; M; T; U 52 B

SUBJECT

An ordinance correcting Chapter 51P of the Dallas Development Code, **(1)** Planned Development District No. 298 amended by Ordinance No. 30159; **(2)** Planned Development District No. 317 amended by Ordinance No. 30295 and Ordinance No. 30276; **(3)** Planned Development District No. 631 amended by Ordinance No. 28915; **(4)** Planned Development District No. 703 amended by Ordinance No. 30459; **(5)** Planned Development District No. 787 amended by Ordinance No. 30583; **(6)** Planned Development District No. 799 amended by Ordinance No. 30156; and **(7)** Planned Development No. 970 created by Ordinance No. 30166 - Financing: No cost consideration to the City

BACKGROUND

During a review of Chapter 51P, staff determined that certain typographic and minor errors occurred when the ordinances was codified.

On February 13, 2013, City Council approved Ordinance No. 28915 creating the Light Commercial/Office Area 1 subdistrict within Planned Development District No. 631 on the northwest corner of West Davis Street and the unimproved portion of Tatum Avenue. Subsequent to the passage of the ordinance and during the codification of the creation of new subdistrict in 2017 it was determined that Exhibit 631E, Light Commercial/Office Area 1 topography exhibit was inadvertently omitted from the ordinance. The correction ordinance adds Exhibit 631E as it was presented in the City Council case report.

On August 10, 2016, City Council approved Ordinance No. 30159 creating Subdistrict 5A within Planned Development District No. 298, the Bryan Area Special Purpose District, in an area bound by Bryan Street, Texas Street, Live Oak Street, and Cantegral Street. Subsequent to the passage of the ordinance it was determined the word “façade” was inadvertently omitted from Section 51P-298.114(b)(2), “Word maximum” of the ordinance.

BACKGROUND (continued)

The approved ordinance states, "For a font greater than or equal to four inches in height, the maximum number of word allowed on any building is 12." The correction ordinance adds the "façade" after building to reflect the condition as it was presented in the City Council case report.

On August 10, 2016, City Council approved Ordinance No. 30156 for an amendment to Subareas I and II within Planned Development District No. 799 on property at the southeast corner of East Lovers Lane and Matilda Street. Subsequent to the passage of the ordinance, it was determined that the property description and revised Conceptual Plan included a small portion of Subarea III, which was not included in the notification. The correction ordinance provides the correct Exhibit 799A - Conceptual Plan and Exhibit 799B - Property Descriptions.

On August 24, 2016, City Council approved Ordinance No. 30166 creating Planned Development District No. 970 on property along the northwest line of Capitol Avenue, southwest of North Henderson Avenue. Subsequent to the passage of the ordinance it was determined the language in Section 51P-970-109(b)(1) was inadvertently omitted from the ordinance. The correction ordinance adds the front yard regulations` as it was presented in the City Council case report.

On December 14, 2016, City Council approved Ordinance No. 30276 creating Subdistrict 3B within Planned Development District No. 317, the Cedars Area Special Purpose District, in an area generally bound by both sides of Cockrell Avenue, McKee Street, Pitt/Wall Street and southwest of Alexander Avenue. Subsequent to the passage of the ordinance it was determined the definition of the regulations for guest parking in Section 51P-317.111(d)(5)(D)(iii) did not reflect the conditions presented in the City Council case report. The on-street parking regulations in the approved ordinance indicate 23 on-street parking spaces. The development plan shows five guest parking within the shared access area. The remainder of the on-street parking spaces will be counted as on-street parking credit. The correction ordinance will correct the subsection to require five on-street parking spaces within the shared access area as shown on the development plans.

On January 11, 2017, City Council approved Ordinance No. 30295 creating Subdistrict 3C within Planned Development District No. 317, the Cedars Area Special Purpose District, southeast of Cadiz Street, between South Austin Street and South Lamar Street. Subsequent to the passage of the ordinance it was determined the definition of "Legacy Building" was inadvertently omitted from Section 51P-317.103, "Definitions and interpretations" of the ordinance. The correction ordinance adds the Legacy Building definition as it was presented in the City Council case report.

On May 10, 2017, City Council approved Ordinance No. 30459 amending Planned Development District No. 703 in an area bound by Hillcrest Road, Lakehurst Avenue, Airline Road, and Aberdeen Avenue.

BACKGROUND (continued)

Subsequent to the passage of the ordinance it was determined the reductions of the Exhibit 703A, Development Plan, and Exhibit 703B, Landscape Plan, were inadvertently omitted from the ordinance and thus the Exhibits 703A and 703B were not replaced in the codification of Ordinance No. 30459. The correction ordinance will replace the reductions of the Exhibit 703A and Exhibit 703B with the correct plans.

On August 9, 2017, City Council approved Ordinance No. 30583 amending Subareas 2 and 3 within Planned Development District No. 787 on the south side of West Northwest Highway, west of Midway Road. Subsequent to the passage of the ordinance it was determined the reduction of the Exhibit 787A - Conceptual Plan attached to the ordinance was incorrect. The correction ordinance will replace the reduction of the Exhibit 787A with the correct plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

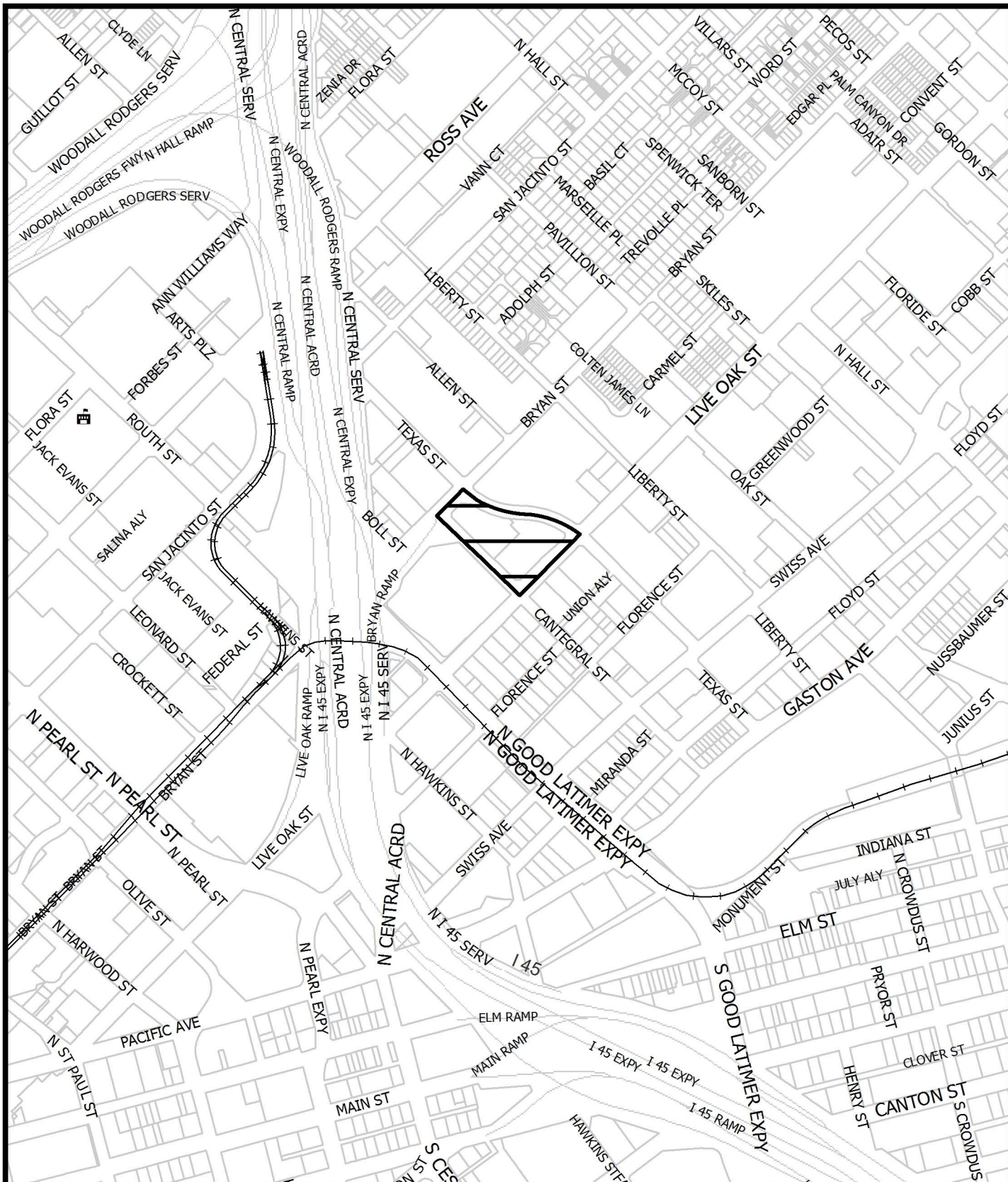
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

MAPS

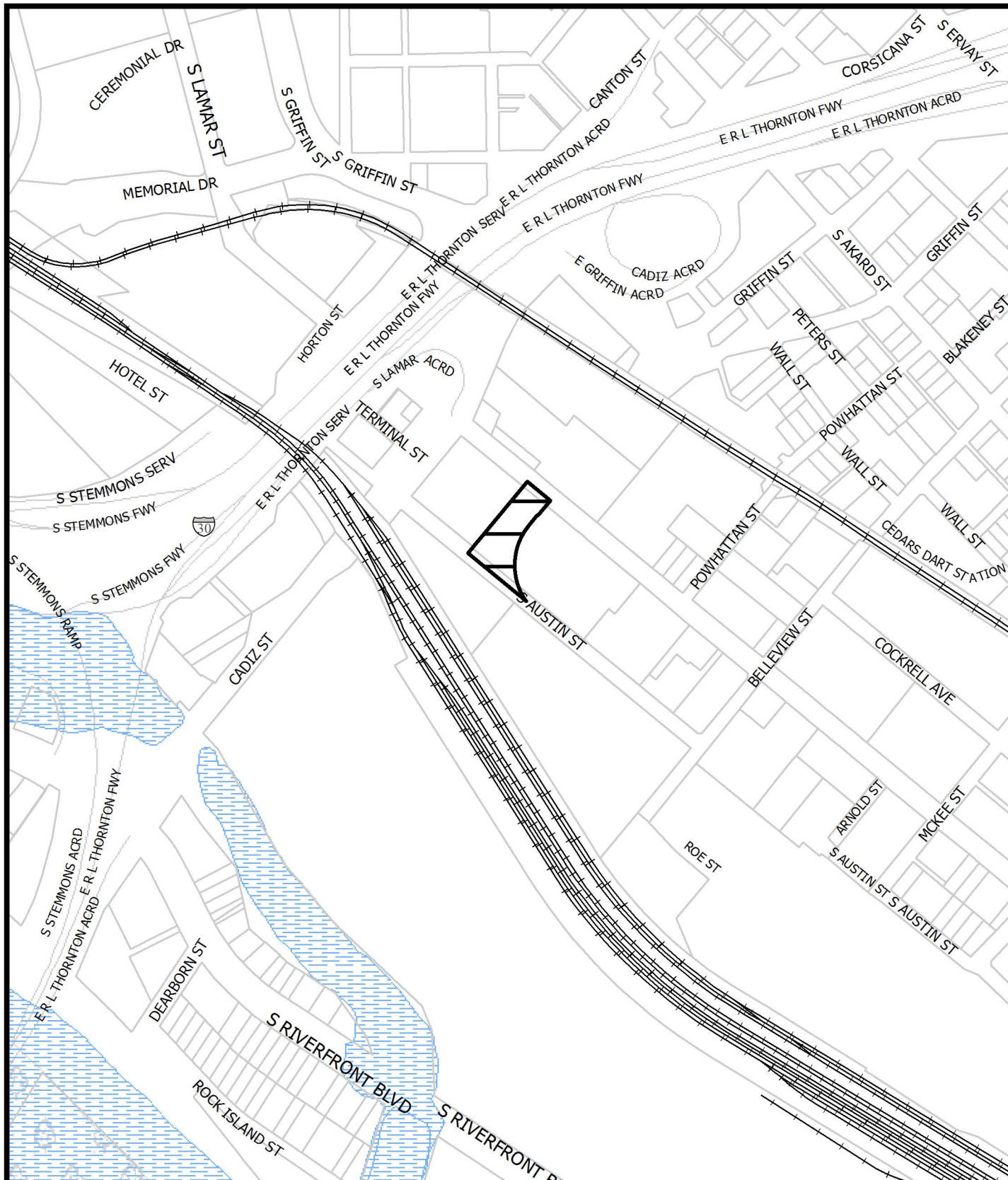
Attached



1:7,200

VICINITY MAP

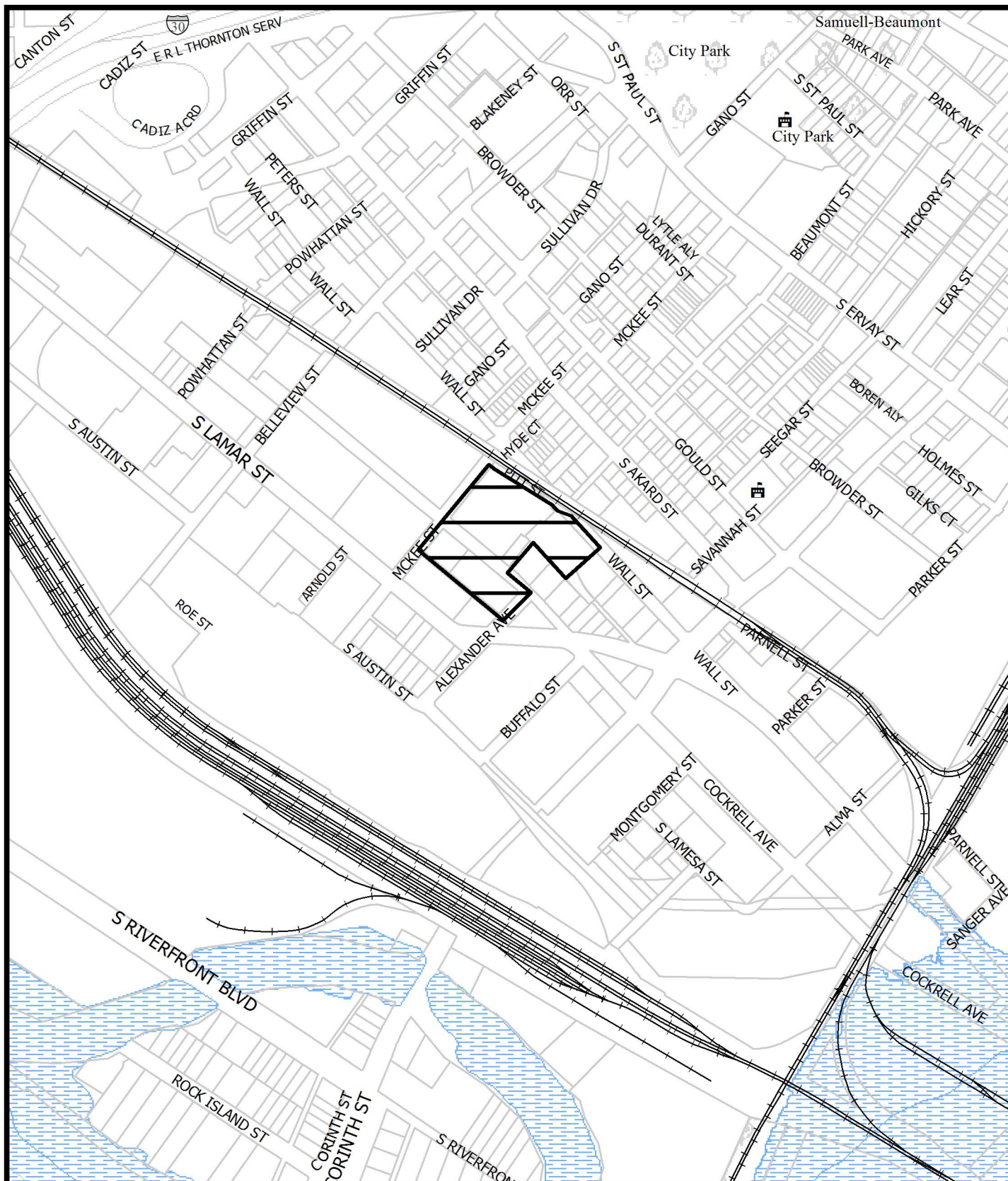
Ordinance No. 30159



1:6,000

VICINITY MAP

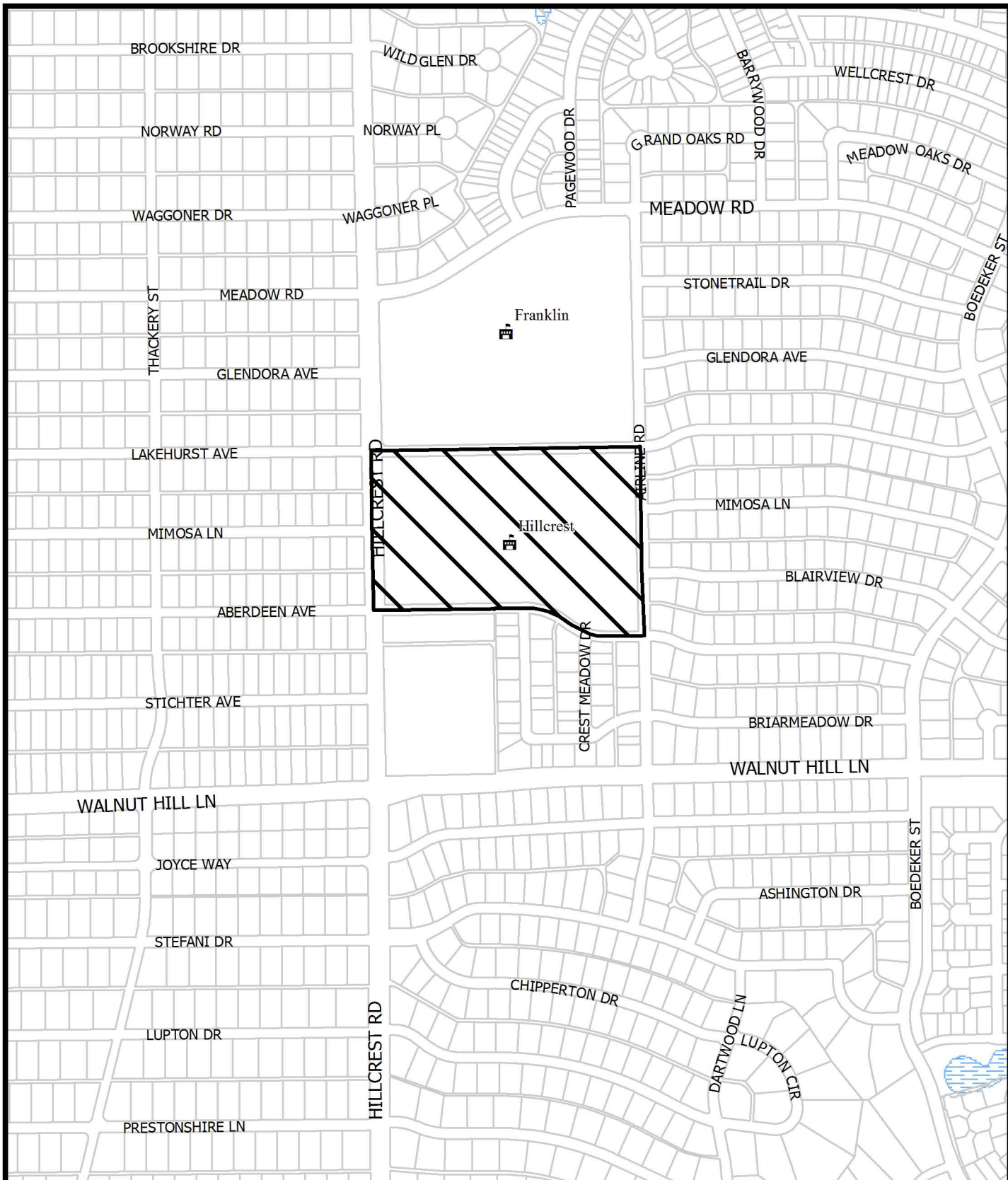
Ordinance No. 30295



1:7,200

VICINITY MAP

Ordinance No. 30276



1:7,200

VICINITY MAP

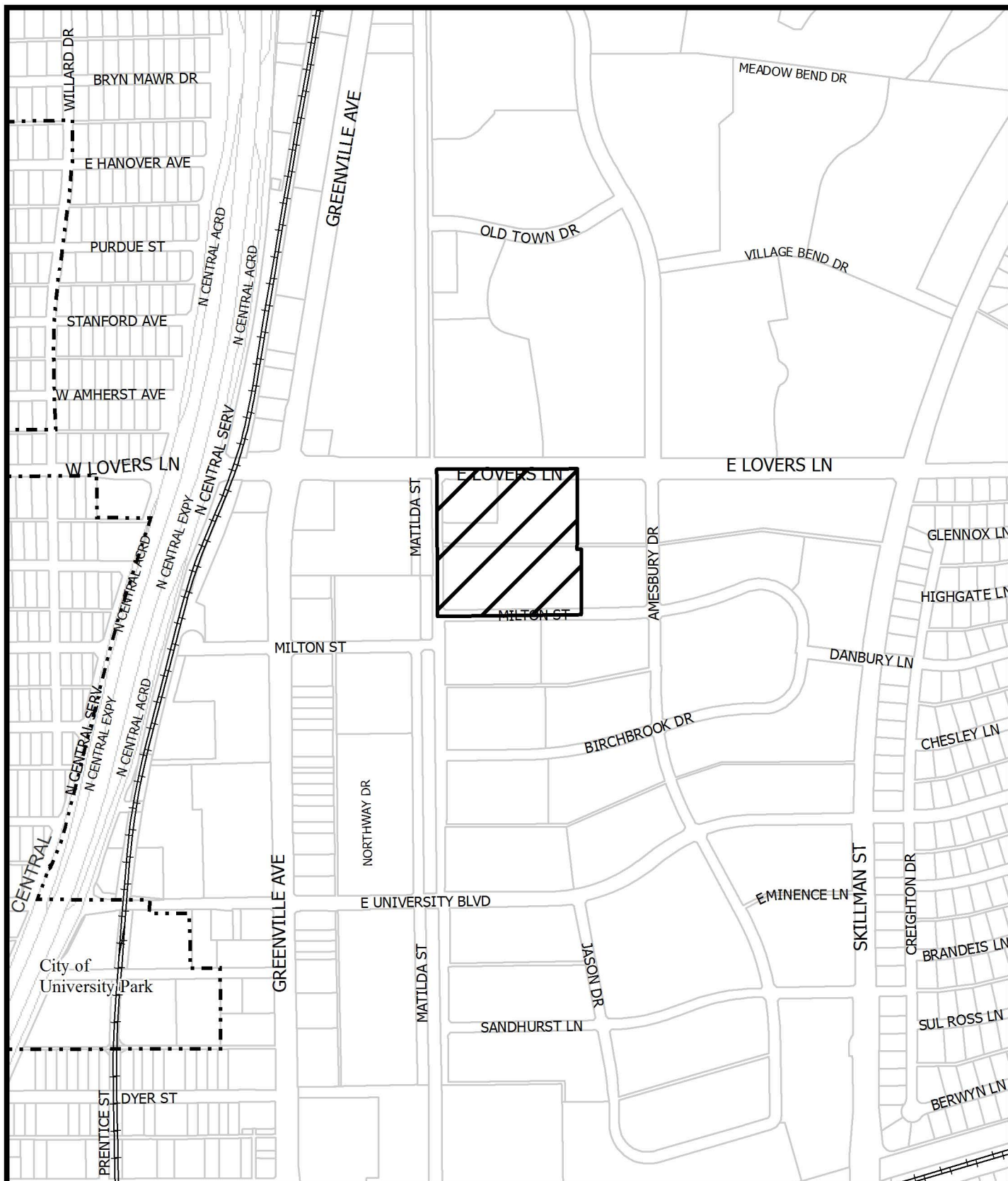
Ordinance No. 30459



1:6,000

VICINITY MAP

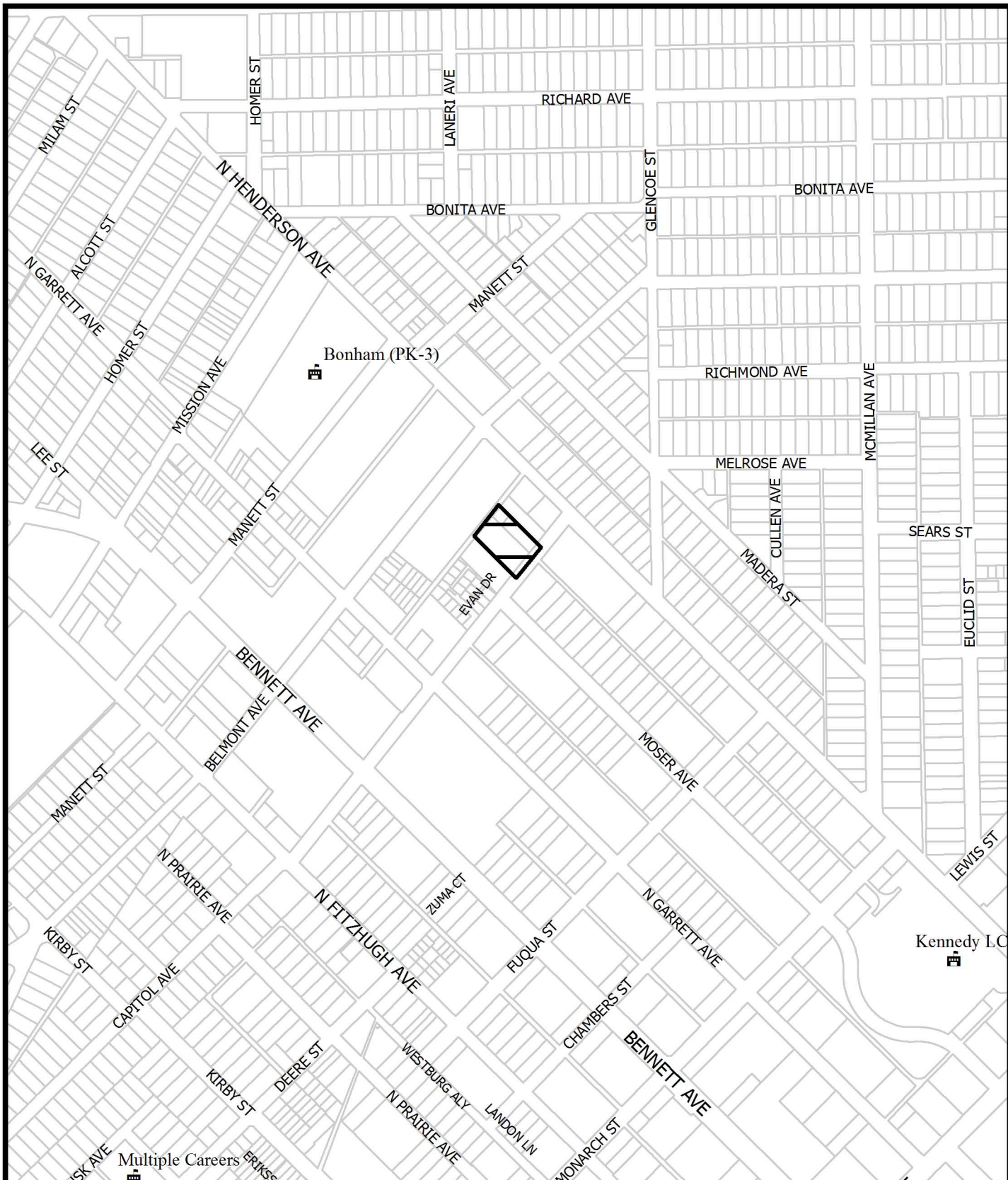
Ordinance No. 30583



1:7,200

VICINITY MAP

Ordinance No. 30156



1:6,000

VICINITY MAP

Ordinance No. 30166

AGENDA ITEM # 16

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

All

SUBJECT

An ordinance correcting Chapter 53, "Dallas Building Code," of the Dallas City Code, Section 4007 - Financing: No cost consideration to the City

BACKGROUND

On January 25, 2017, City Council approved Ordinance No. 30321 which amended Chapter 53, "Dallas Building Code," of the Dallas City Code. The amendments approved in January 2017 adopted with certain changes the 2015 Edition of the International Building Code of the International Code Council, Inc. Subsequent to the passage of the ordinance, staff realized sections from the chapter on demolitions, which were adopted with the 2012 International Building Code approved on November 1, 2013, were inadvertently omitted.

The correction ordinance includes the previously approved section to Chapter 53.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

AGENDA ITEM # 17

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

1, 2, 7, 9, 13, 14

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

26 K; L 35 W; 36 B 37 G; H; M 43 T; U 46 N; 57 L; Q

SUBJECT

An ordinance correcting **(1)** Ordinance No. 22879, previously approved on September 11, 1996, which created Historic Overlay District No. 79 located south and west of Lawther Road, southwest of the intersection of Highlands Drive and Tiffany Way; **(2)** Ordinance No. 30185, previously approved on September 14, 2016, which corrected Ordinance No. 30070 which created Historic Overlay District No. 147 located west of the intersection of Pemberton Hill Road and Sarah Lee Drive; **(3)** Ordinance No. 30156, previously approved on August 10, 2016, which amended Subareas I and II within Planned Development District No. 799 on property at the southeast corner of East Lovers Lane and Matilda Street; **(4)** Ordinance No. 30420, previously approved on April 12, 2017, which amended Planned Development District No. 76 on the northeast corner of Walnut Hill Lane and Rambler Road; **(5)** Ordinance No. 30591, previously approved on August 9, 2017, which terminated a portion of Specific Use Permit No. 98 for a quarry on the east side of North Westmoreland Drive, south of Interstate Highway 30; **(6)** Ordinance No. 30703, previously approved on November 8, 2017, which created Planned Development Subdistrict No. 137 within Planned Development District No. 193 on the southwest line of Reagan Street, west of Congress Avenue; and **(7)** Ordinance No. 30729, previously approved on December 13, 2017, which renewed Specific Use Permit No. 2087 for a recycling buy-back center on the northwest side of Hickory Street, northeast of Malcolm X Boulevard - Financing: No cost consideration to the City

BACKGROUND

On September 11, 1996, City Council approved Ordinance No. 22879 for the creation of Historic Overlay District No. 79 located south and west of Lawther Road, southwest of the intersection of Highlands Drive and Tiffany Way. Recently, it was determined that the property description included in the ordinance was not correct for the acreage of the overlay (1.32 acres) that was cited in the ordinance and in the City Council case report. The correction ordinance corrects the written property description to match the overall acreage and the map included in the preservation criteria attached to Ordinance No. 22879.

BACKGROUND (continued)

On April 27, 2016, City Council approved Ordinance No. 30070 for the creation of Historic Overlay District No. 146, Big Springs Site, located west of the intersection of Pemberton Hill Road and Sarah Lee Drive. Subsequent to the passage of the ordinance it was determined that the Historic Overlay District number assigned in Ordinance No. 30070 had been previously assigned. On September 14, 2016, City Council approved an ordinance correcting the Historic Overlay District number and replacing the Exhibit B, the preservation criteria, attached to Ordinance No. 30070. Afterward, it was determined that the preservation criteria attached to Ordinance No. 30070 was correct. This correction ordinance replaces the Exhibit B attached to the Ordinance No. 30185 with the correct Exhibit B.

On August 10, 2016, City Council approved Ordinance No. 30156 for an amendment to Subareas I and II within Planned Development District No. 799 on property at the southeast corner of East Lovers Lane and Matilda Street. Subsequent to the passage of the ordinance, it was determined that the property description and revised Conceptual Plan included a small portion of Subarea III, which was not included in the notification. The correction ordinance revises the property caption in Ordinance No. 30156 and attaches the correct property description to the ordinance as Exhibit A.

On April 12, 2017, City Council approved Ordinance No. 30420 for an amendment to Planned Development District No. 76 on the northeast corner of Walnut Hill Lane and Rambler Road. After the passage of the ordinance, it was discovered that Ordinance No. 30420 stated Exhibit 76A (site/landscape plan) was attached to the ordinance. The City Council approved the amendment subject to a sign location plan, which became Exhibit 76C and was attached to the ordinance. The correction ordinance revises Section 5 of Ordinance No. 30420 to reflect only the attachment of Exhibit 76C.

On August 9, 2017, City Council approved Ordinance No. 30591 terminating a portion of Specific Use Permit No. 98 for a quarry on the east side of North Westmoreland Drive, south of Interstate Highway 30. Subsequent to the passage of the ordinance, it was determined that the property description (Exhibit A) attached to the ordinance was wrong. The correction ordinance attaches the correct property description to the ordinance as Exhibit A.

On November 8, 2017, City Council approved Ordinance No. 30703 creating Planned Development Subdistrict No. 137 within Planned Development District No. 193 on the southwest side of Reagan Street, west of Congress Avenue. After the passage of the ordinance, it was discovered that the property caption in Ordinance No. 30703 and property description (Exhibit A) attached the ordinance were incorrect. The correction ordinance revises the property caption in Ordinance No. 30703 and attaches the correct property description to the ordinance as Exhibit A.

BACKGROUND (continued)

On December 13, 2017, City Council approved Ordinance No. 30729, renewing Specific Use Permit No. 2087 for a recycling buy-back center on the northwest side of Hickory Street, northeast of Malcolm X Boulevard. After the passage of the ordinance, it discovered that the time limit listed in Ordinance No. 30729 was incorrect. City Council approved the renewal for a two-year period. The correction ordinance correctly notes the time limit as December 13, 2019.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

MAPS

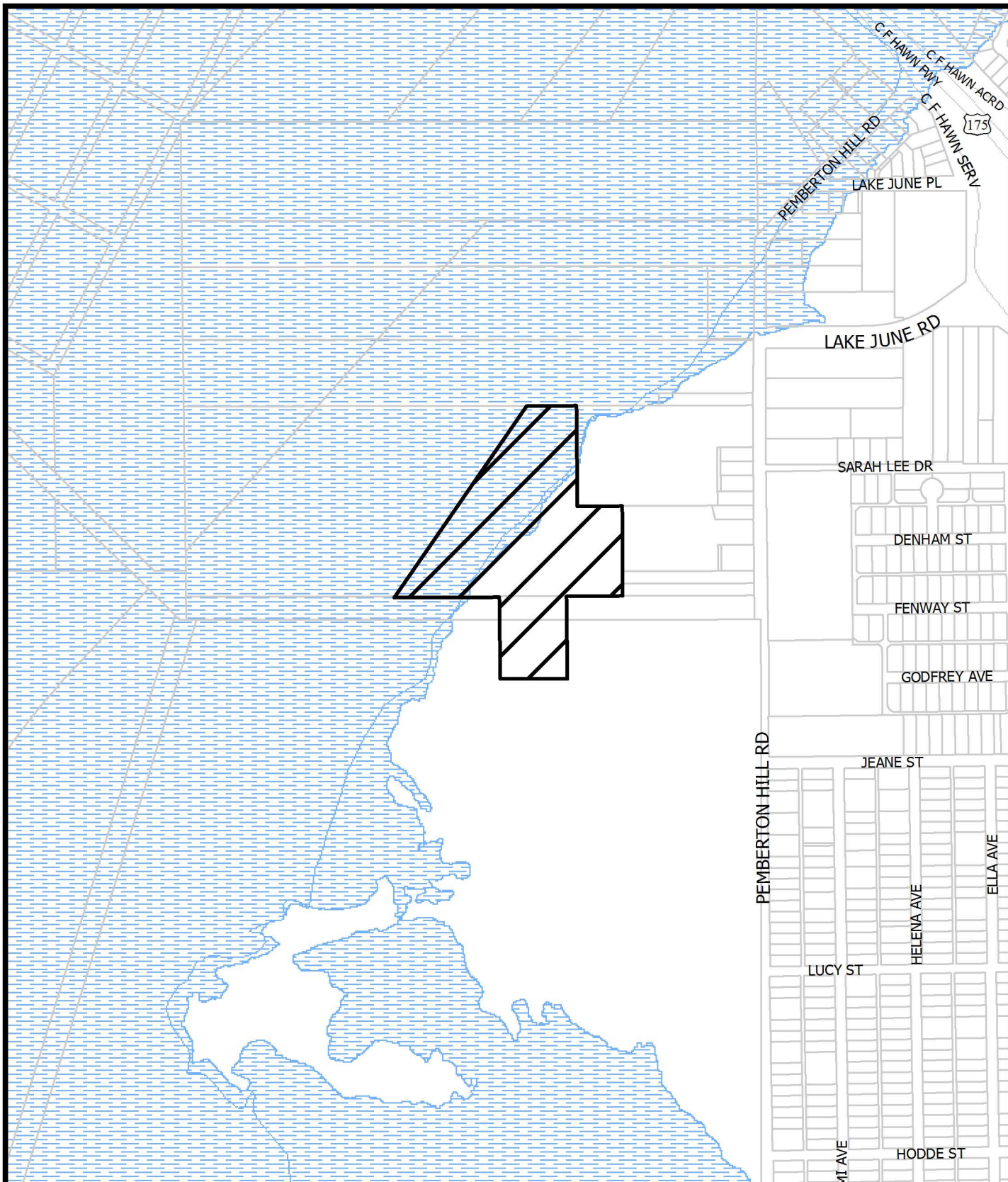
Attached



1:7,200

VICINITY MAP

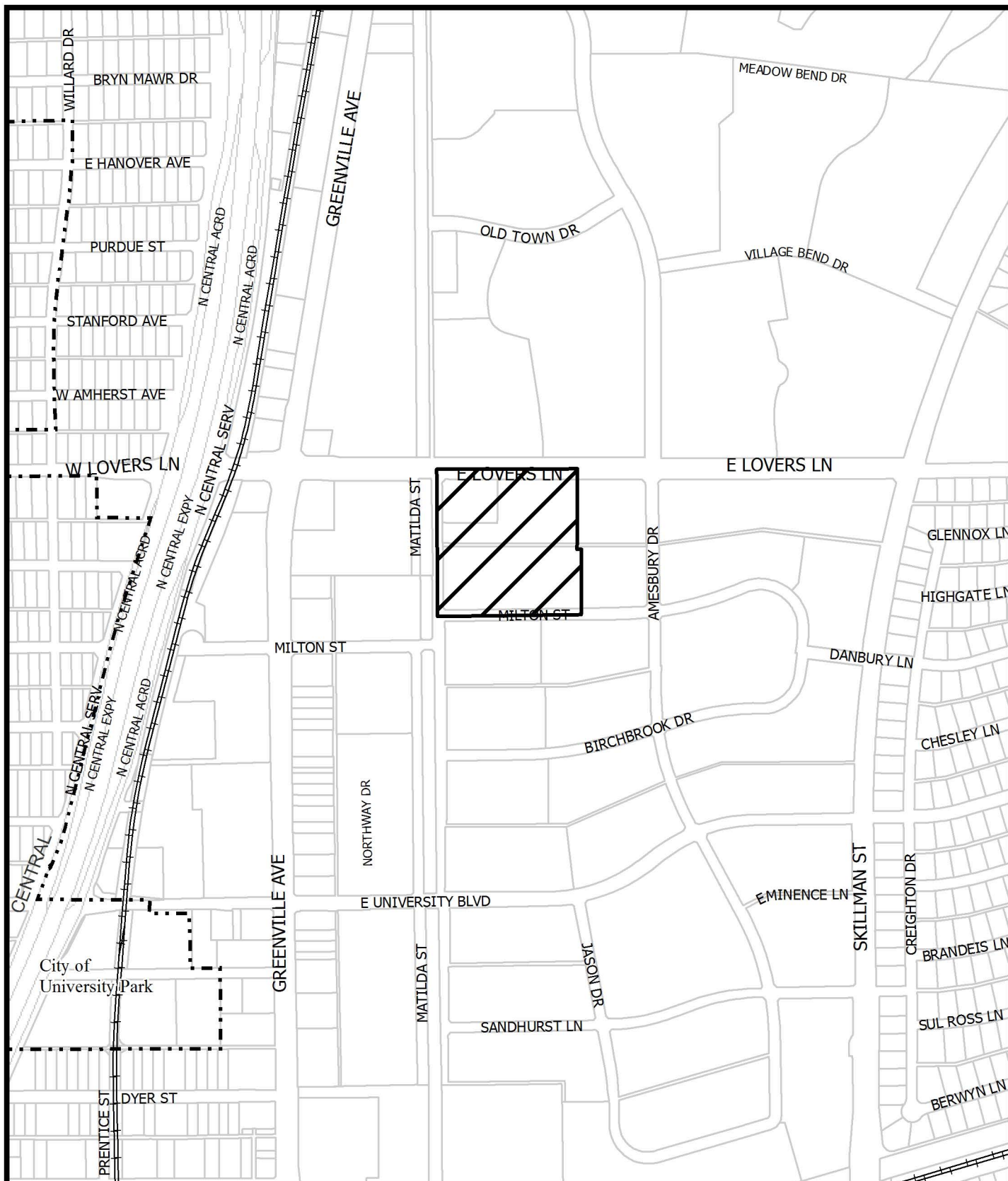
Ordinance No. 22879



1:7,200

VICINITY MAP

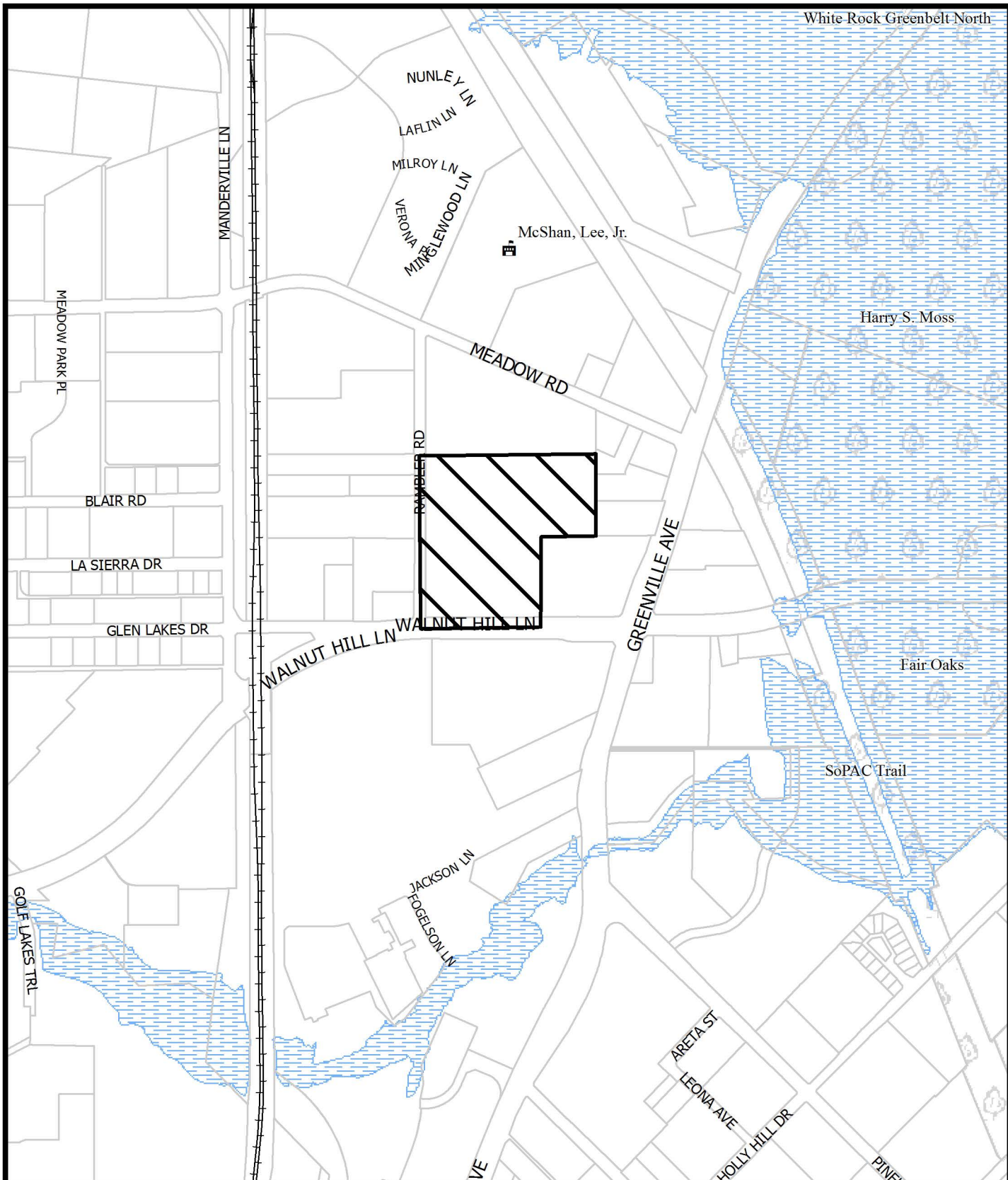
Ordinance No. 30070
Ordinance No. 30185



1:7,200

VICINITY MAP

Ordinance No. 30156



White Rock Greenbelt North

NUNLEY LN

LARLIN LN

MILROY LN

VERONA

MINGLEDWOOD LN

McShan, Lee, Jr.

Harry S. Moss

MEADOW RD

RUMBER RD

GREENVILLE AVE

Fair Oaks

SoPAC Trail

WALNUT HILL LN

JACKSON LN

FOGELSON LN

ARETA ST

LEONA AVE

HOLLY HILL DR

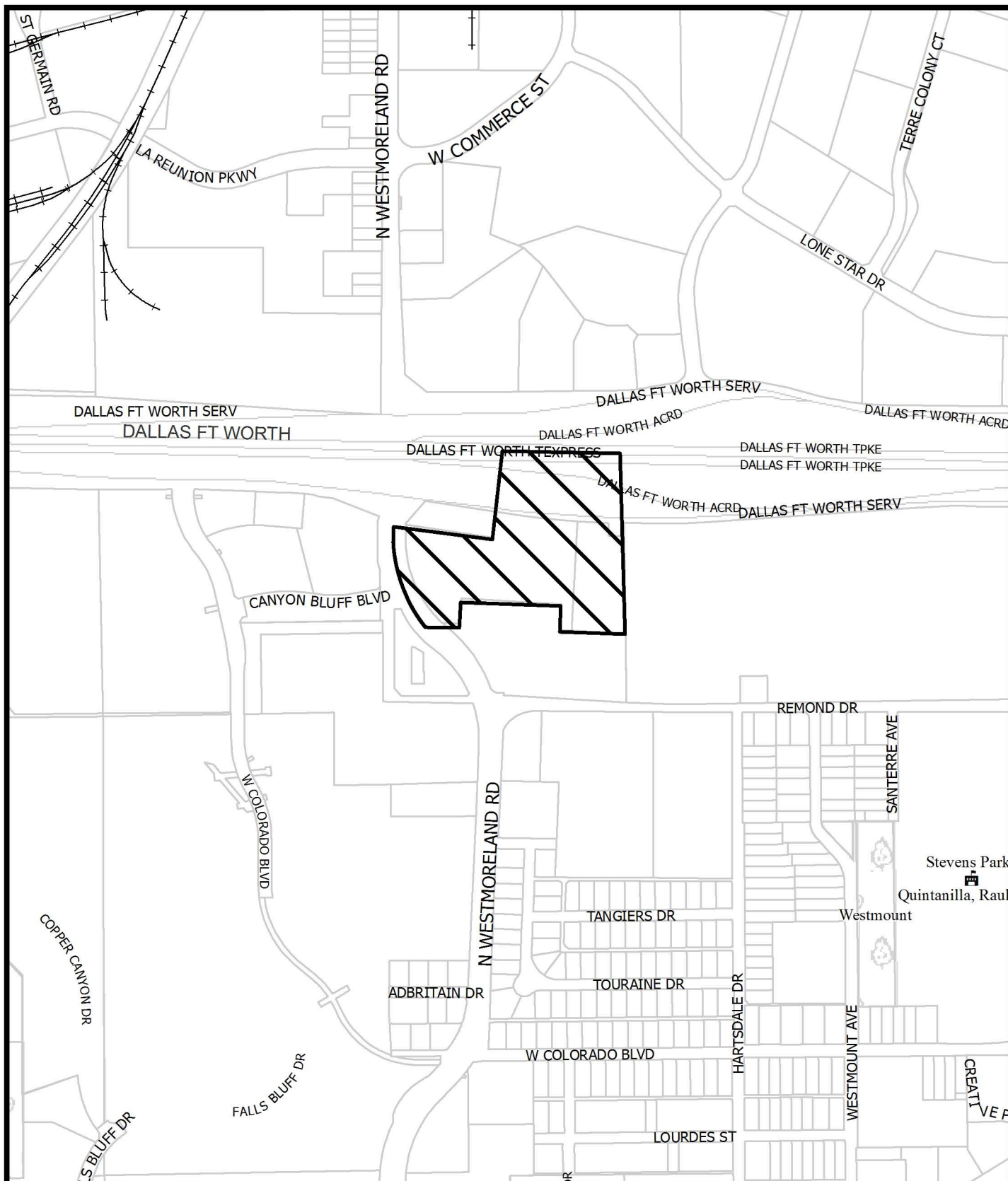
PINE



1:7,200

VICINITY MAP

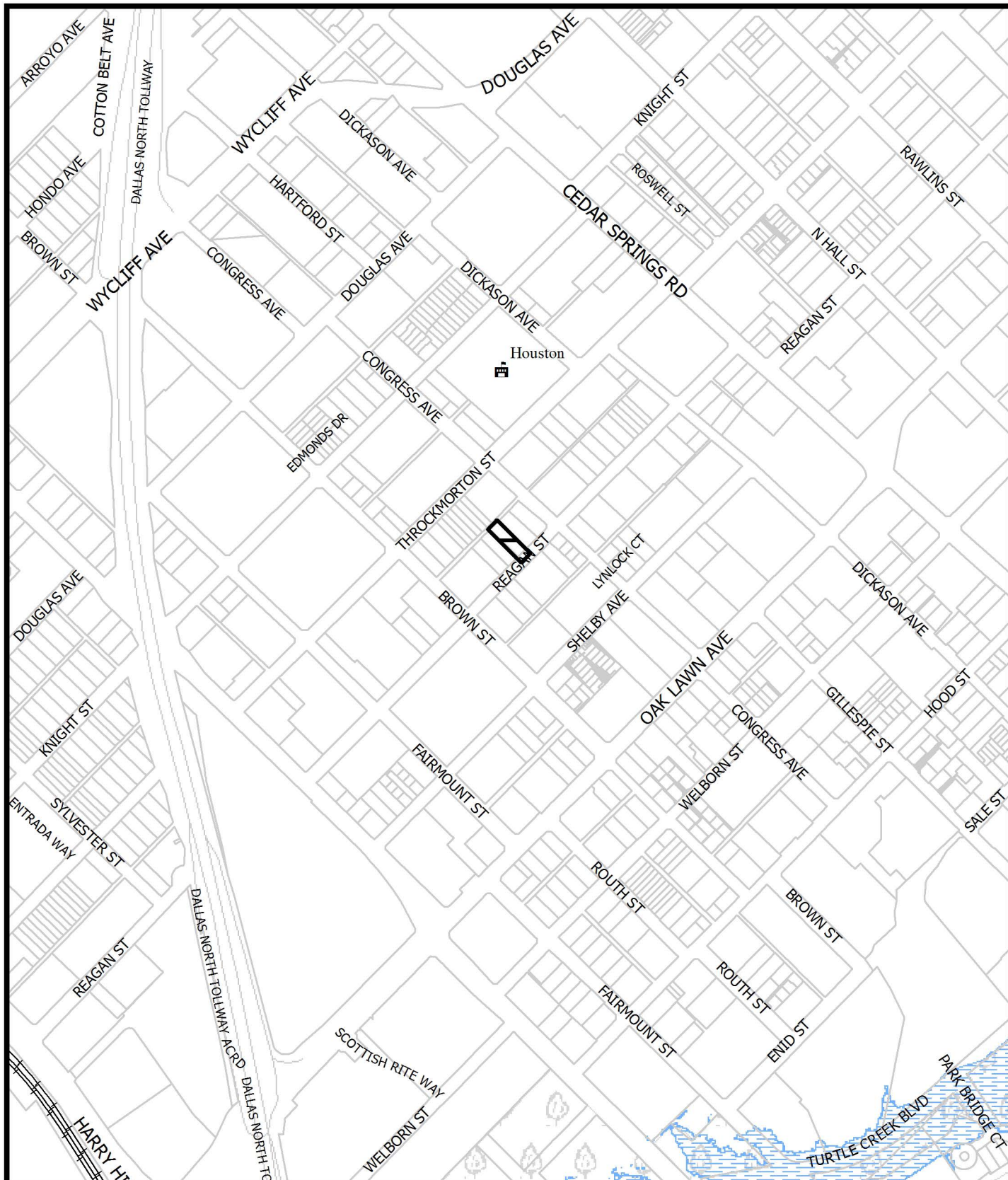
Ordinance No. 30420



1:7,200

VICINITY MAP

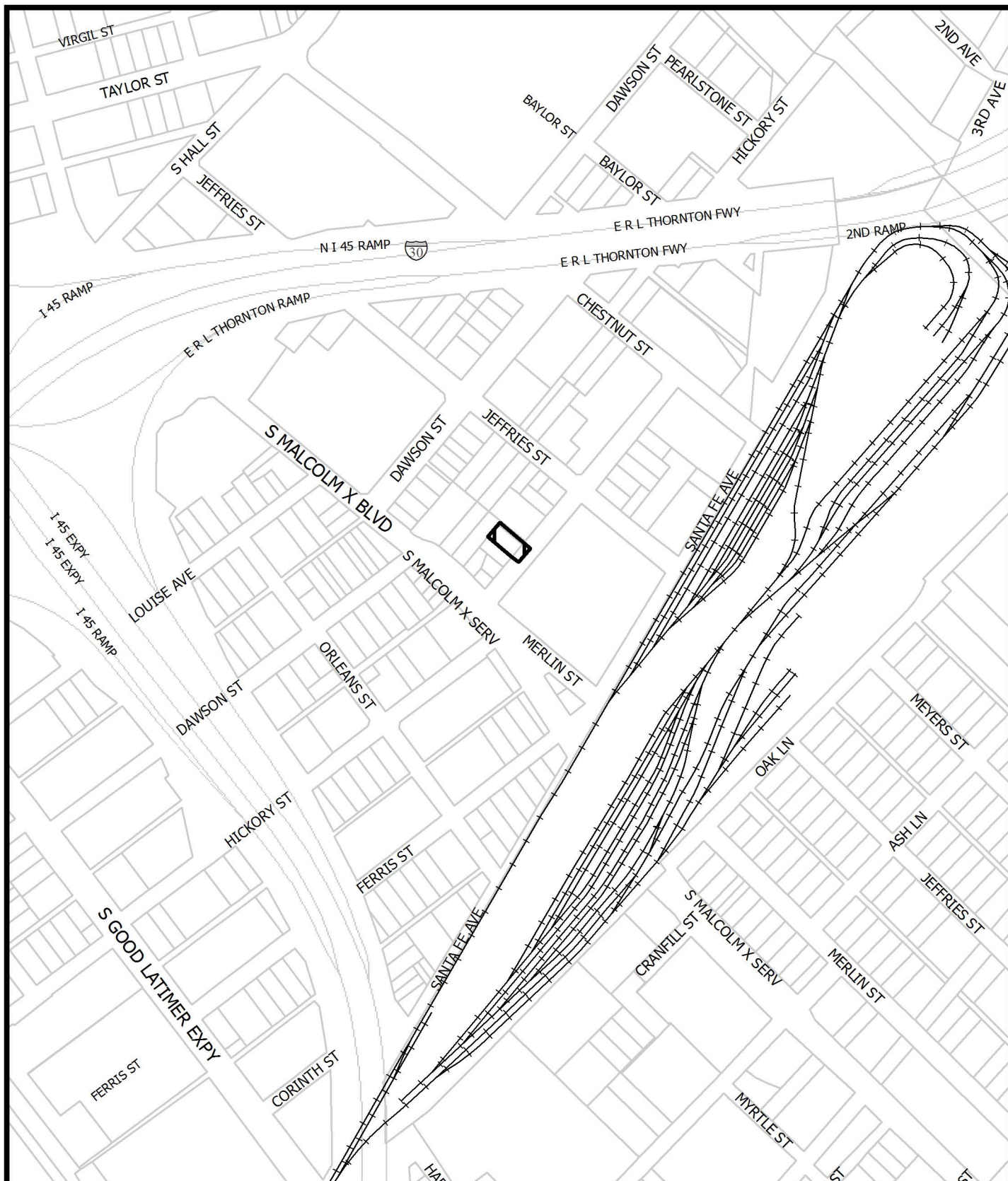
Ordinance No. 30591



1:6,000

VICINITY MAP

Ordinance No. 30703



1:4,800

VICINITY MAP

Ordinance No. 30729

AGENDA ITEM # 18

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2, 6, 7, 13, 14

DEPARTMENT:

Department of Transportation

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

25X Y 34N S T X Y 35R U Y 36E J 44C D 45A B C E 49N

SUBJECT

Authorize a Memorandum of Understanding with the North Central Texas Council of Governments Regional Transportation Council for use of federal funds for the design, engineering, and construction of Dallas Bond Program projects - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

In April 2017, the North Central Texas Council of Governments (NCTCOG) provided an opportunity for local government projects to be considered for federal Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Block Grant (STBG) funding. CMAQ funding is used for projects that improve air quality such as multi-modal complete streets projects, and STBG funding is used for projects that preserve and improve the conditions and performance on any public road, pedestrian and bicycle infrastructure, or transit capital project.

Funding was considered for six City of Dallas Bond Program projects and approved by the Regional Transportation Council (RTC) on October 12, 2017, in the amount of \$43,537,487 (See Attachment A, attached to the Resolution). City of Dallas Bond funding was approved by a citizen vote on November 7, 2017, and will be used to satisfy the local match requirement.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed on November 13, 2017, and staff was directed to initiate development of the required Memorandum of Understanding.

The North Central Texas Council of Governments' RTC approval requires that projects be entered into the NCTCOG's Transportation Improvement Program (TIP) as the first step for review and funding approval by the Texas Department of Transportation and the Federal Highway Administration. A Memorandum of Understanding is needed between the City of Dallas and RTC before the Bond Projects can be entered into the TIP.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was briefed to the Mobility Solutions, Infrastructure & Sustainability Committee on November 13, 2017.

On February 15, 2018, the Park and Recreation Board was briefed.

FISCAL INFORMATION

This item has no cost consideration to the City. Attachment A details the City's future cost to be paid from General Obligation Bond Funds and details both RTC and private/other funds that will be used for the individual projects. The funding breakdown is reflected in Attachment A.

MAP

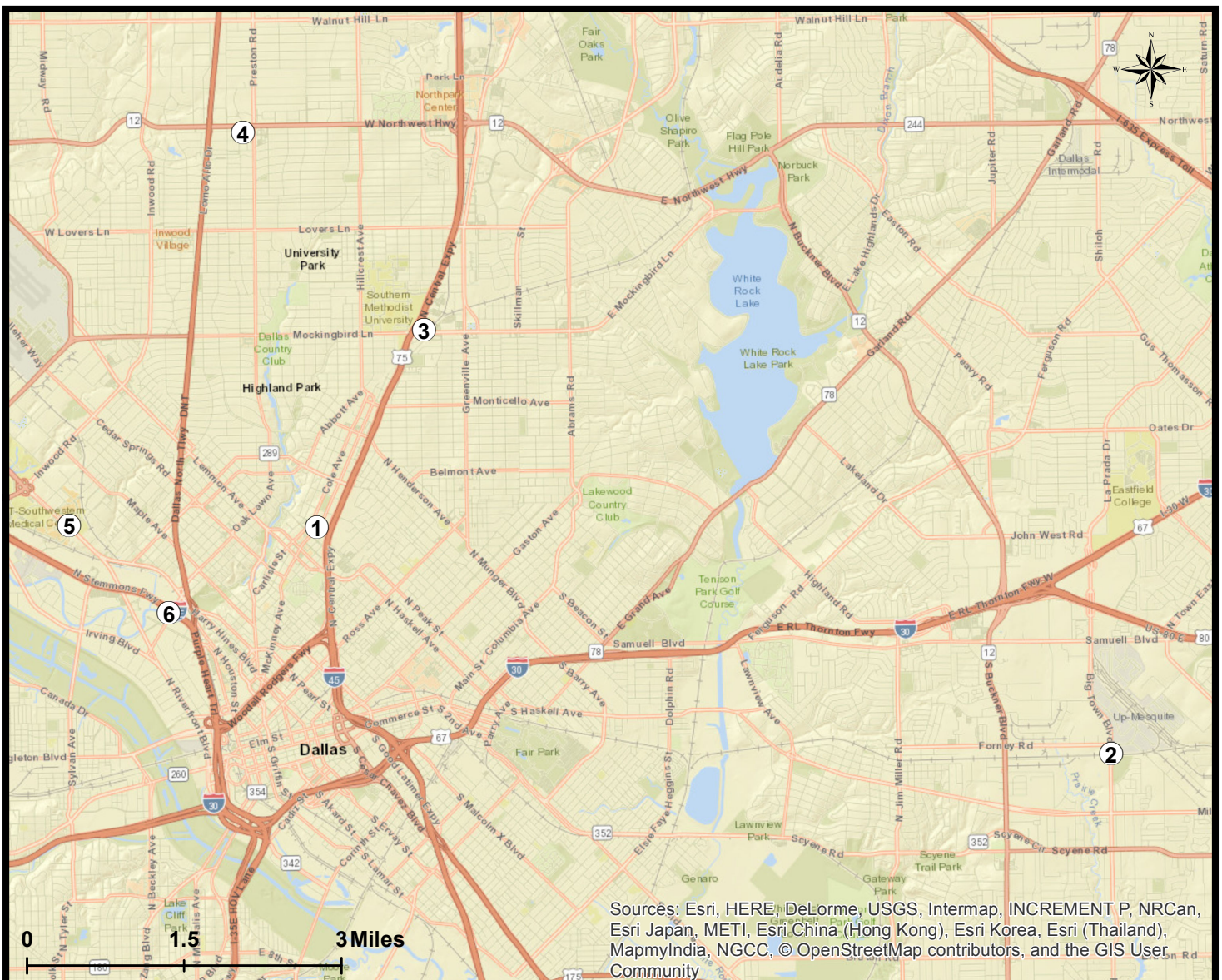
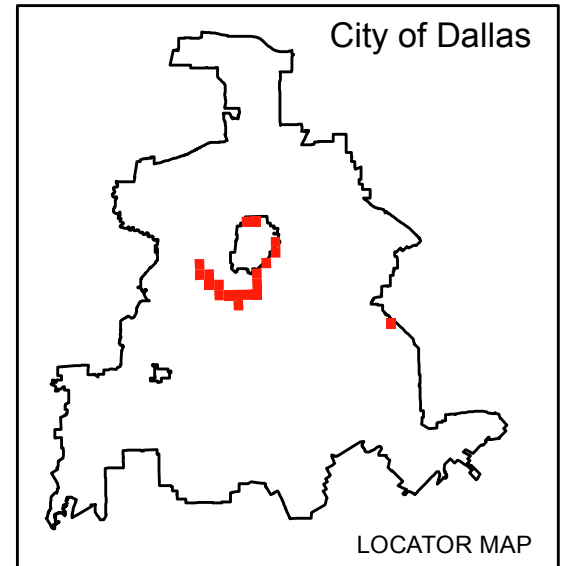
Attached

City of Dallas Bond Program Projects

Council District(s): 2,6,7,13,14

MAPSCO: 25X Y 34N S T X Y
35R U Y 36E J 44C D 45A B C E
49N

- 1) McKinney Avenue/Cole Avenue Two-Way Conversion
- 2) North Prairie Creek Road/Mesquite Yard Grade Separation
- 3) US 75/Mockingbird Lane Pedestrian Safety Improvements
- 4) Northwest Highway/Preston Parking Garage/Transportation Interface
- 5) Harry Hines Boulevard Improvements (Market Center Boulevard to Mockingbird Lane)
- 6) Dallas Circuit Trail - Trinity Strand/Katy Trail Connector (Oak Lawn Avenue to Houston Street)



March 28, 2018

WHEREAS, the City of Dallas seeks to become a more livable city that can continue to promote a healthy population and a robust economy; and

WHEREAS, the City recognizes that streets play a vital part in achieving this goal; and

WHEREAS, on January 27, 2016, City Council approved a resolution adopting the Complete Streets Design Manual as a comprehensive policy guide for all public or private projects that impact the planning, design, construction, and operation of streets by Resolution No. 16-0173; and

WHEREAS, the Regional Transportation Council (RTC) has a program, the North Central Texas Council of Governments Transportation Improvement Program (TIP), to support local governments by partnering on Bond Projects; and

WHEREAS, on October 12, 2017, the RTC approved over \$43.5 million in federal funding for the City of Dallas' proposed 2017 Bond Program projects (see Attachment A); and

WHEREAS, the federal funding sources are Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Block Grant (STBG) funding; and

WHEREAS, approval of the funds requires a Memorandum of Understanding with the RTC.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Memorandum of Understanding with the North Central Texas Council of Governments Regional Transportation Council regarding the use of the CMAQ and STBG funding for the following projects:

- (a) McKinney Avenue/Cole Avenue Two-Way Conversion
- (b) North Prairie Creek Road/Mesquite Yard Grade Separation
- (c) US 75/Mockingbird Lane Pedestrian Safety Improvements
- (d) Northwest Highway/Preston Parking Garage/Transportation Interface
- (e) Harry Hines Boulevard Improvements (Market Center Boulevard to Mockingbird Lane)
- (f) Dallas Circuit Trail - Trinity Strand/Katy Trail Connector (Oak Lawn Avenue to Houston Street)

SECTION 2. That this contract is designated as Contract No. TRN-2018-00005203.

March 28, 2018

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.

ATTACHMENT A

The funding breakdown is as follows:

TABLE 1					
PROJECT #	PROJECT LIMITS AND DESCRIPTION	RTC	DALLAS BOND	PRIVATE/OTHER	TOTAL PROJECT COST
1	McKinney Avenue/ Cole Avenue Two-Way Conversion	\$11,800,000	\$7,300,000	\$1,000,000 Uptown Dallas, Inc.	\$20,100,000
2	North Prairie Creek Road/Mesquite Yard Grade Separation	\$5,172,653	\$9,200,000	\$3,241,000 County \$1,500,000 Union Pacific	\$19,113,653
3	US 75/ Mockingbird Lane Pedestrian Safety Improvements	\$2,564,834	\$1,100,000	\$2,028,314 TxDOT	\$5,693,148
4	Northwest Highway/Preston Parking Garage/ Transportation Interface	\$10,000,000	\$10,000,000	\$28,000,000 Private	\$48,000,000
5	Harry Hines Boulevard Improvements (Market Center Boulevard to Mockingbird Lane)	\$6,000,000	\$7,500,000	\$19,056,322 Private	\$32,556,322
6	Dallas Circuit Trail - TrinityStrand/Katy Trail Connector (Oak Lawn Avenue to Houston Street)	\$8,000,000	\$20,000,000	\$10,000,000 Private \$5,000,000 County	\$43,000,000
	Total	\$43,537,487	\$55,100,000	\$69,825,636	\$168,463,123

**STRATEGIC
PRIORITY:**

Quality of Life

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Office of Cultural Affairs

CMO:

Joey Zapata, 670-1204

MAPSCO:

N/A

SUBJECT

Authorize **(1)** the acceptance of grants from the Texas Commission on the Arts (Grant Nos. 18-42139, 18-42384, 18-42394, 18-42382) in the amount of \$32,000 to provide cultural services for the period September 1, 2017 through August 31, 2018; **(2)** a local 1:1 match in the amount of \$32,000; **(3)** receipt and deposit of funds in an amount not to exceed \$32,000 in the Texas Commission on the Arts-Arts Create Grant 17-18 Fund; **(4)** establishment of appropriations in an amount not to exceed \$32,000 in the Texas Commission on the Arts-Arts Create Grant 17-18 Fund; and **(5)** execution of the grant agreements - Total not to exceed \$64,000 - Financing: Texas Commission on the Arts Grant Funds (\$32,000) and General Funds (\$32,000)

BACKGROUND

The Office of Cultural Affairs applied for Texas Commission on the Arts (TCA) funding for Fiscal Year 2017-18 through the Arts Create program for administrative, operational and/or program support for presentation, promotion or production of artistic disciplines. TCA has notified the City of Dallas Office of Cultural Affairs (OCA) that the following grant awards have been recommended for funding:

- \$6,000 through the Arts Create program for the Bath House Cultural Center programs and artist services.
- \$5,000 through the Arts Create program for the Latino Cultural Center programs and artist services.
- \$8,000 through the Arts Create program for the South Dallas Cultural Center programs and artist services.
- \$13,000 through the Arts Create / Core Support Programs for the Office of Cultural Affairs programs and artist services.

BACKGROUND (continued)

The TCA grants require a 1:1 match for which no new funds will be required. OCA will meet the TCA's requirements for the match with its General Fund appropriation in the approved FY 2017-18 budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 26, 2018.

FISCAL INFORMATION

Texas Commission on the Arts Grant Funds - \$32,000
General Funds - \$32,000

March 28, 2018

WHEREAS, the Texas Commission on the Arts provides matching grants, through various programs under its purview, to public bodies to assist them in the development of culturally-oriented programs; and

WHEREAS, the City of Dallas therein has the opportunity to increase the amount of funds available to support the activities of the Office of Cultural Affairs in FY 2017-18; and

WHEREAS, the Texas Commission on the Arts has notified the City of Dallas Office of Cultural Affairs that it is recommending \$32,000 in grant funding to the Office of Cultural Affairs under the Arts Create programs to support arts and cultural services in the City of Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to accept the grants from the Texas Commission on the Arts in the amount of \$32,000 (Grant Nos. 18-42139, 18-42384, 18-42394, 18-42382) to provide cultural services for the period September 1, 2017 through August 31, 2018; provide a local 1:1 match in the amount of \$32,000; and sign the grant agreements, approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$32,000 in the Texas Commission on the Arts-Arts Create Grant 17-18 Fund, Fund S323, Department OCA, Units 3589, 3604, 3606 and 3607, Revenue Code 6516.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$32,000 as follows:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>
S323	OCA	3589	3089	\$ 6,000
S323	OCA	3604	3089	\$ 5,000
S323	OCA	3606	3089	\$ 8,000
S323	OCA	3607	3089	\$13,000

March 28, 2018

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$32,000 from the following:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>
S323	OCA	3589	3089	\$ 6,000
S323	OCA	3604	3089	\$ 5,000
S323	OCA	3606	3089	\$ 8,000
S323	OCA	3607	3089	\$13,000

SECTION 5. That the Chief Financial Officer is hereby authorized to provide the required matching funds in an amount not to exceed \$32,000 in accordance with the terms and conditions of the grant agreements from the following:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>
0001	OCA	4833	3089	\$ 6,000
0001	OCA	4805	3089	\$ 5,000
0001	OCA	4832	3089	\$ 8,000
0001	OCA	4880	3089	\$13,000

SECTION 6. That the City Manager is hereby authorized to reimburse to the Texas Commission on the Arts, any expenditures identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 7. That the City Manager shall keep the appropriate City Council Committee informed of all final Texas Commission on the Arts monitoring reports not later than 30 days after the receipt of the report.

SECTION 8. That the contract for the Arts Create program for the Bath House Cultural Center project is designated as Contract No. OCA-2018-00005718.

SECTION 9. That the contract for the Arts Create program for the Latino Cultural Center project is designated as Contract No. OCA-2018-00005719.

SECTION 10. That the contract for the Arts Create program for the South Dallas Cultural Center project is designated as Contract No. OCA-2018-00005720.

SECTION 11. That the contract for the Arts Create/Core Support Programs for the Office of Cultural Affairs is designated as Contract No. OCA-2018-00005721.

SECTION 12. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 20

STRATEGIC PRIORITY:

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

14

DEPARTMENT:

Office of Cultural Affairs
Office of Budget

CMO:

Joey Zapata, 670-1204
Elizabeth Reich, 670-7804

MAPSCO:

N/A

SUBJECT

A resolution authorizing **(1)** reimbursement to Dallas Center For The Performing Arts Foundation, Inc. for payments made to Tait Towers Manufacturing LLC for emergency flood remediation and related repairs to theater automation systems at the Dee and Charles Wyly Theater located at 2400 Flora Street in an amount not to exceed \$189,300; and **(2)** an increase in appropriations in an amount not to exceed \$189,300 in the Office of Cultural Affairs budget - Not to exceed \$189,300 - Financing: Contingency Reserve Funds (to be reimbursed by property insurance)

BACKGROUND

On March 30, 2017, a contractor working on the fire safety system at the Dee and Charles Wyly Theater, a City-owned cultural facility operated by Dallas Center For The Performing Arts Foundation, Inc. d/b/a AT&T Performing Arts Center (ATTPAC), located at 2400 Flora Street, inadvertently triggered the building's fire suppression system, which released a tremendous deluge of water into the theater, inundating the space, fixtures and theatrical equipment.

On November 8, 2017, City Council authorized a bridge payment to ATTPAC to reimburse expenses from Mooring Recovery Services, Inc. for emergency flood remediation and related repairs at the Wyly Theater, in an amount not to exceed \$139,403.87, by Resolution No. 17-1735.

Additional flood remediation and repair services have been required for theatrical equipment in the building. Tait Towers Manufacturing LLC, which specializes in theater automation systems, was engaged by ATTPAC to repair and replace the master control computer which controls the theater's lifts, relays, and safety system.

BACKGROUND (continued)

This action seeks authorization to reimburse ATTPAC for payments made to Tait Towers Manufacturing LLC for theater system repairs and replacement. Per the use agreement for the venue, the City is responsible for property insurance against loss or damage to the premises. Staff is working on an insurance claim and a settlement with the vendor whose employee was responsible for the incident. Once settled, the City is expected to be fully reimbursed for these costs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on March 19, 2018.

FISCAL INFORMATION

Contingency Reserve Funds - \$189,300 (to be reimbursed by property insurance)

March 28, 2018

WHEREAS, on March 30, 2017, a contractor working on the fire safety system at the Dee and Charles Wyly Theater located at 2400 Flora Street inadvertently triggered the building's fire suppression system, which released a tremendous deluge of unclean water into the theater; and

WHEREAS, Dallas Center For The Performing Arts Foundation, Inc., d/b/a AT&T Performing Arts Center (ATTPAC), which manages the facility on behalf of the City, responded to this emergency by contracting for flood remediation services, and temporary repairs and painting to theater fixtures including seats and floors, walls and ceiling; and

WHEREAS, additionally, the theater automation system was severely damaged, requiring replacement of the master control computer which controls lifts, relays and safety systems, for which ATTPAC hired and rendered payment to Tait Towers Manufacturing LLC for this service; and

WHEREAS, on November 8, 2017, the City Council authorized a bridge payment to ATTPAC to reimburse expenses from Mooring Recovery Services, Inc. for emergency flood remediation and related repairs at the Wyly Theater, in an amount not to exceed \$139,403.87, by Resolution No. 17-1735; and

WHEREAS, the City desires to make an additional bridge payment to ATTPAC to reimburse expenses from Tait Towers Manufacturing LLC for theater system repairs and replacement at the Dee and Charles Wyly Theater, in an amount not to exceed \$189,300.00; and

WHEREAS, it is anticipated that this expense will be recovered by the City upon the insurance claim settlement now in-process.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to reimburse Dallas Center For The Performing Arts Foundation, Inc. for payments made to Tait Towers Manufacturing LLC for theater system repairs and replacement at the Dee and Charles Wyly Theater located at 2400 Flora Street, in an amount not to exceed \$189,300.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$189,300.00 from Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF, to Fund 0001, Department OCA, Unit 4903, Revenue Code 9229; and a clearing entry, in the same amount, to Fund 0001, Department BMS, BSA 0991 (Debit) and to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit).

March 28, 2018

SECTION 3. That the City Manager is hereby authorized to increase the Office of Cultural Affairs appropriations in an amount not to exceed \$189,300.00, from \$20,710,467.00 to \$20,899,767.00 in the General Fund, Fund 0001, Department OCA, Unit 4903, Object 3210; increase total General Fund expenditure appropriations by \$189,300.00, from \$1,278,623,588.00 to \$1,278,812,888.00; and increase total General Fund revenue appropriations by \$189,300.00, from \$1,278,623,588.00 to \$1,278,812,888.00.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$189,300.00 to Dallas Center For The Performing Arts Foundation, Inc. (Vendor VS0000004959) from Fund 0001, Department OCA, Unit 4903, Object 3210, Encumbrance/Contract No. CX-OCA-2018-00005717.

SECTION 5. That the Chief Financial Officer is hereby authorized to deposit any funds received from insurance for claim eligible expenses into General Fund, Fund 0001, Department OCA, Unit 4903, Revenue Code 8519.

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.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: 45-A

SUBJECT

Authorize the Third Amendment to the Lease Agreement with Sammons Center for the Arts for the Sammons Center for the Arts facility to memorialize the City's contributions for operations and utility costs of the facility, previously authorized on an annual basis, in the amount of \$76,000 per year for the period October 1, 2017 through June 30, 2034 - Not to exceed \$1,292,000 - Financing: General Funds (subject to annual appropriations)

BACKGROUND

On July 1, 1981, City Council authorized a Lease Agreement with Sammons Center for the Arts (formerly known as Turtle Creek Center for the Arts) for the Sammons Center for the Arts facility, located at 3630 Harry Hines Boulevard by Resolution No. 81-1895.

On November 14, 1990, City Council authorized the First Amendment to the Lease Agreement which revised the property description to include an additional parking area by Resolution No. 90-3593.

On January 14, 1998, City Council authorized the Second Amendment to the Lease Agreement which extended the term of the lease for an additional thirteen years, amended the annual rent, provided additional provisions and condition to the parking area, and provided additional provisions and conditions to the insurance coverage by Resolution No. 98-0122.

In FY 2014-15, the Dallas City Council authorized the annual Cultural Organizations Program (COP) contract with Sammons Center for the Arts, inclusive of an appropriation for operations and utility reimbursements up to \$31,000 for operation of the Sammons Center for the Arts facility. That increase was continued in FY 2015-16 and increased to \$76,000 in FY 2016-17. The Office of Cultural Affairs is working with the individual business partners and the City Attorney's Office to align each agreement with current expense reimbursement practices.

BACKGROUND (continued)

This action seeks to memorialize the operation and utility reimbursement into the lease agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On July 1, 1981, City Council authorized a Lease Agreement with Turtle Creek Center for the Arts (now known as Sammons Center for the Arts) by Resolution No. 81-1995.

On November 14, 1990, City Council authorized the First Amendment to the Lease Agreement with Sammons Center for the Arts by Resolution No. 90-3593.

On January 14, 1998, City Council authorized the Second Amendment to the Lease Agreement with Sammons Center for the Arts by Resolution No. 98-0122.

On October 22, 2014, City Council authorized a Cultural Organizations Program Service Contract with Sammons Center for the Arts inclusive of an appropriation for operations and utility reimbursements for operations of the Sammons Center for the Arts facility by Resolution No. 14-1795.

On October 28, 2015, City Council authorized a Cultural Organizations Program Service Contract with Sammons Center for the Arts inclusive of an appropriation for operations and utility reimbursements for operations of the Sammons Center for the Arts facility by Resolution No. 15-1949.

On October 26, 2016, City Council authorized a Cultural Organizations Program Service Contract with Sammons Center for the Arts inclusive of an appropriation for operations and utility reimbursements for operations of the Sammons Center for the Arts facility by Resolution No. 16-1749.

On October 25, 2017, City Council authorized a Cultural Organizations Program Service Contract with Sammons Center for the Arts inclusive of an appropriation for operations and utility reimbursements for operations of the Sammons Center for the Arts facility by Resolution No. 17-1658.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on March 26, 2018.

FISCAL INFORMATION

General Funds - \$1,292,000 (\$76,000 per year for 17 years) (subject to annual appropriations)

March 28, 2018

WHEREAS, on July 1, 1981, City Council authorized a Lease Agreement with Sammons Center for the Arts for use of the Sammons Center for the Arts facility located at 3630 Harry Hines Boulevard by Resolution No. 81-1895; and

WHEREAS, on November 14, 1990, City Council authorized the First Amendment to the Lease Agreement to amend the property description to include an additional parking area by Resolution No. 90-3593; and

WHEREAS, on January 14, 1998, City Council authorized the Second Amendment to the Lease Agreement to (1) extend the term of the lease an additional thirteen years; (2) amend the annual rental fee; (3) include additional provisions and conditions to the parking area and additional provisions and conditions to the insurance coverage; and (4) add additional language in accordance with Section 2-1.1 of the Dallas City Code by Resolution No. 98-0122; and

WHEREAS, beginning in Fiscal Year 2014-15, the Dallas City Council authorized the annual Cultural Organizations Program (COP) contract with Sammons Center for the Arts inclusive of an appropriation for operations and utility reimbursements up to \$31,000 for operation of the Sammons Center for the Arts facility by Resolution No. 14-1795; and

WHEREAS, in Fiscal Year 2016-17, the Dallas City Council authorized an increase for operations and utility reimbursements of \$45,000 (total reimbursement \$76,000) for operation of the Sammons Center for the Arts facility by Resolution No. 16-1749; and

WHEREAS, the City desires to enter into the Third Amendment to the Lease Agreement to memorialize the City's contribution for operations and utility costs of the Sammons Center for the Arts facility.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the Third Amendment to the Lease Agreement with Sammons Center for the Arts for the Sammons Center for the Arts facility, approved as to form by the City Attorney, to memorialize the City's contributions for operations and utility costs of the facility, up to \$76,000 per year for the period October 1, 2017 through June 30, 2034, and for related revisions.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,292,000 (subject to annual appropriations), in periodic payments, to the Sammons Center for the Arts from Fund 0001, Department OCA, Unit 4845, Object 3099, Encumbrance/Contract No. MASC OCA-2018-00005509, Vendor 265704.

March 28, 2018

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 # 22

**STRATEGIC
PRIORITY:**

Economic and Neighborhood Vitality

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

3

DEPARTMENT:

Office of Economic Development

CMO:

Raquel Favela, 671-5257

MAPSCO:

61A U V Y Z

SUBJECT

Authorize a real property tax abatement agreement with First Industrial, L.P. for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for the proposed development of First Mountain Creek Distribution Center, a speculative distribution center facility within a Texas Enterprise Zone situated on approximately 82 acres of property located south of Interstate Highway 20, north of Camp Wisdom Road, and east of Mountain Creek Parkway in Dallas, Texas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$2,598,730 over ten year period

BACKGROUND

Since 2015, City staff has been in discussions with First Industrial Realty Trust, Inc. regarding the potential development of a speculative distribution center facility ("Facility") of approximately 1 million square feet situated on approximately 82 acres of property located south of Interstate Highway 20, north of Camp Wisdom Road, and east of Mountain Creek Parkway in Dallas, Texas.

First Industrial Realty Trust, Inc. was formed as a public real estate investment trust (REIT) in 1993 and is a full-service real estate development company which has developed or acquired over 47 million square feet in property in 18 core markets throughout the United States. Headquartered in Chicago, Illinois, First Industrial Realty Trust, Inc. has developed over 9 million square feet of new buildings during the current business cycle, of which approximately 2 million square feet have been in the DFW metro area.

BACKGROUND (continued)

First Industrial Realty Trust, Inc. will develop this project through an entity called First Industrial, L.P. ("First Industrial"). Located in Council District 3, the project is named First Mountain Creek Distribution Center and will encompass a total investment of approximately \$52,000,000 (inclusive of land, hard and soft construction costs).

During 2016, First Industrial Realty Trust, Inc. worked with area residents, elected officials and City staff to rezone the site to allow for the building coverage needed to accommodate this project. After numerous meetings with the Mountain Creek Neighborhood Alliance, Plan Commissioner Matt Houston, and Councilmember Casey Thomas, First Industrial Realty Trust, Inc. made several site design allowances to mitigate local neighborhood development concerns and secured community support for the rezoning (approved by City Council on January 11, 2017 by Ordinance No. 30305). Of note, a 43 acre site located at 4700 West Ledbetter Road has been dedicated by First Industrial to the City of Dallas as a permanent Conservation Easement to help address tree mitigation issues at the Mountain Creek development site.

First Industrial, L.P. is requesting City Council consideration of a 90 percent real property tax abatement for ten years on added real property value resulting from the development of the facility. The real property tax abatement will help secure new investment and job opportunities at this southern Dallas location. The tax abatement will be a pass-through to a tenant and will serve to keep this new distribution center competitively viable within a market providing similar lease rate benefits to users. First Industrial, L.P. is designing, building, and marketing the facility to appeal to an e-commerce tenant.

To receive the tax abatement, First Industrial, L.P. will be required to spend a minimum of \$27,000,000 developing a minimum 900,000 square foot facility with substantial completion by December 31, 2019. Additionally, since the requested tax abatement is intended to assist in securing a tenant at the facility, First Industrial, L.P. will be eligible for the tax abatement only after having at least 51 percent of the facility leased and occupied by a tenant. If the minimum required amount of space is not occupied during a given year within the ten-year tax abatement period, the abatement will be lost for that year.

The estimated foregone revenue to the City associated with the tax abatement is \$2,598,730 over the ten-year term. After factoring in the estimated foregone revenue, the net fiscal impact to the City from the project is estimated at \$893,873 over 10 years and \$6,358,812 over 20 years.

Pursuant to the City's Public/Private Partnership Program (P/PPP) Guidelines and Criteria (effective for the period January 1, 2017 through December 31, 2018), the proposed development is located in a Non-Target Area.

BACKGROUND (continued)

However, because the proposed development is a logistics project, it meets the definition of a Target Industry project.

Target Industry projects are provided special consideration for economic incentives. With private investment exceeding \$5 million, the proposed development meets minimum eligibility criteria requirements of the P/PPP Guidelines and Criteria. Also, pursuant to the P/PPP Guidelines and Criteria, a real property tax abatement of up to 50 percent for ten years is the guideline for Non-Target Areas; however, First Industrial, L.P. is requesting a real property tax abatement of 90 percent for ten years. Because the proposed development is a Target Industry project and significantly advances economic development, it can be considered a “Non-Conforming Project” pursuant to the P/PPP Guidelines and Criteria.

As a Non-Conforming Project, the real property tax abatement requested by First Industrial, L.P. requires approval by a three-fourths vote of the City Council.

Staff is recommending approval of the real property tax abatement as requested by First Industrial, L.P. at 90 percent for ten years.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	August 2018
Complete Construction	December 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 17, 2016, the City Plan Commission approved an amendment to and an expansion of the Subdistrict S-1c, South Zone portion on property zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521; and rezoning a portion of Subdistrict S-1d, South Zone into Subdistrict S-2a, South Zone on property regarding this matter located generally along the east line of Mountain Creek Parkway, north of Camp Wisdom Road.

On January 11, 2017, City Council authorized an amendment to and an expansion of the Subdistrict S-1c, South Zone portion on property zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521; and rezoning a portion of Subdistrict S-1d, South Zone into Subdistrict S-2a, South Zone on property generally along the east line of Mountain Creek Parkway, north of Camp Wisdom Road by Resolution No. 17-0117; Ordinance No. 30305.

Information about this item will be provided to the Economic Development and Housing Committee on March 19, 2018.

FISCAL INFORMATION

Estimated Revenue Foregone: \$2,598,730 over ten year period

DEVELOPER

First Industrial, L.P.

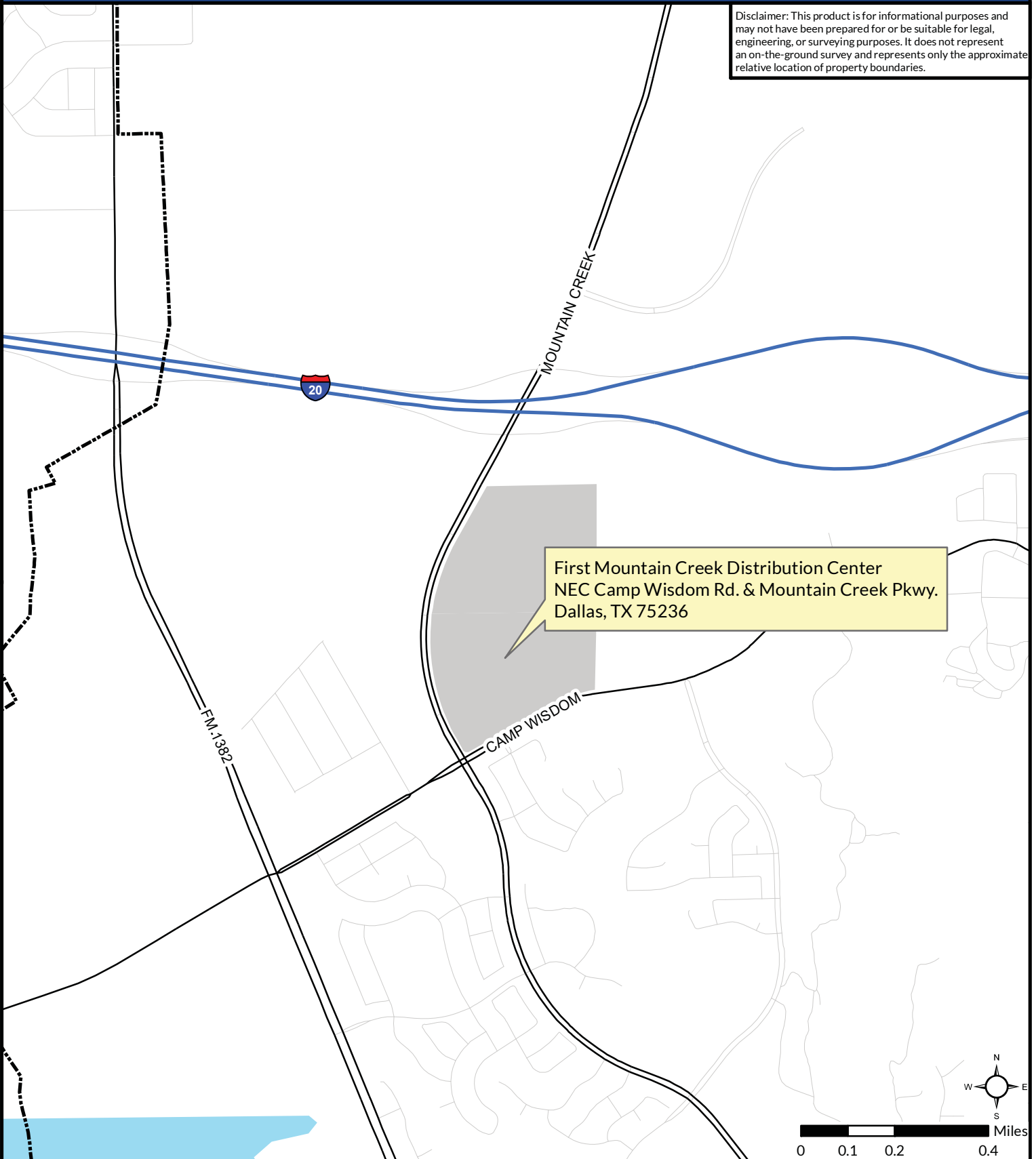
Robert Allen, Sr. Marketing Leasing Director

MAP

Attached

First Mountain Creek Distribution Center

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.



Research & Information Division
(214) 670-1685
<http://www.dallasecdev.org>

Created 12.21.2017 - 17-12-15 David Schleg.TCG

Legend

- Project Site
- City of Dallas
- Freeway

- Arterial
- Local Road
- Lake

Source: City of Dallas, 2017

March 28, 2018

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

WHEREAS, on December 14, 2016, 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 the establishment of 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 by Resolution No. 16-1984; and

WHEREAS, the proposed development is a logistics facility, which meets the definition of a Target Industry project pursuant to the Public/Private Partnership Program – Guidelines and Criteria; and

WHEREAS, the proposed development can be considered a Non-Conforming Project pursuant to the Public/Private Partnership Program – Guidelines and Criteria; and

WHEREAS, pursuant to Section 312.2011 of the Texas Tax Code, the Property Redevelopment and Tax Abatement Act provides that the designation of an area as an enterprise zone under the Texas Enterprise Zone Act constitutes designation of an area as a reinvestment zone without further hearing or other procedural requirements; and

WHEREAS, the proposed development site is located in an existing Texas Enterprise Zone; and

WHEREAS, the City desires to enter into a real property tax abatement agreement with First Industrial, L.P. for the added value of real property improvements on approximately 82 acres located within a Texas Enterprise Zone to promote economic development.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a real property tax abatement agreement with First Industrial, L.P., approved as to form by City Attorney, for added value to the real property in accordance with the Property Redevelopment and Tax Abatement Act and the City's Public/Private Partnership Program - Guidelines and Criteria.

March 28, 2018

SECTION 2. That at least seven days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the real property that is the subject of this agreement.

SECTION 3. 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 4. That the real property subject to the tax abatement agreement, depicted on the attached site map **Exhibit A (Map - First Mt. Creek Distribution Center)**, is more particularly described by **Exhibit B (Metes and Bounds Legal Description)**.

SECTION 5. That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within the City of Dallas, Texas.
- (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) Development of the Property shall 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 Enterprise Zone during the period the tax abatement is in effect.
- (d) The City of Dallas shall provide First Industrial, L.P. a ten-year abatement of 90 percent of the added value to the real property within the area of land ("Property") particularly described by **Exhibit B (Metes and Bounds Legal Description)**.
- (e) Construction of at least 900,000 square feet of real property improvements on the Property and expenditure by First Industrial, L.P. of at least \$27,000,000 in related hard and soft project costs of shall be substantially completed after the date of this resolution but no later than December 31, 2019. Soft costs shall not include attorney fees or developer fees or profit. The Director of the Office of Economic Development may, at his sole discretion, extend this deadline for a period up to six months for just cause.

March 28, 2018

SECTION 5. (continued)

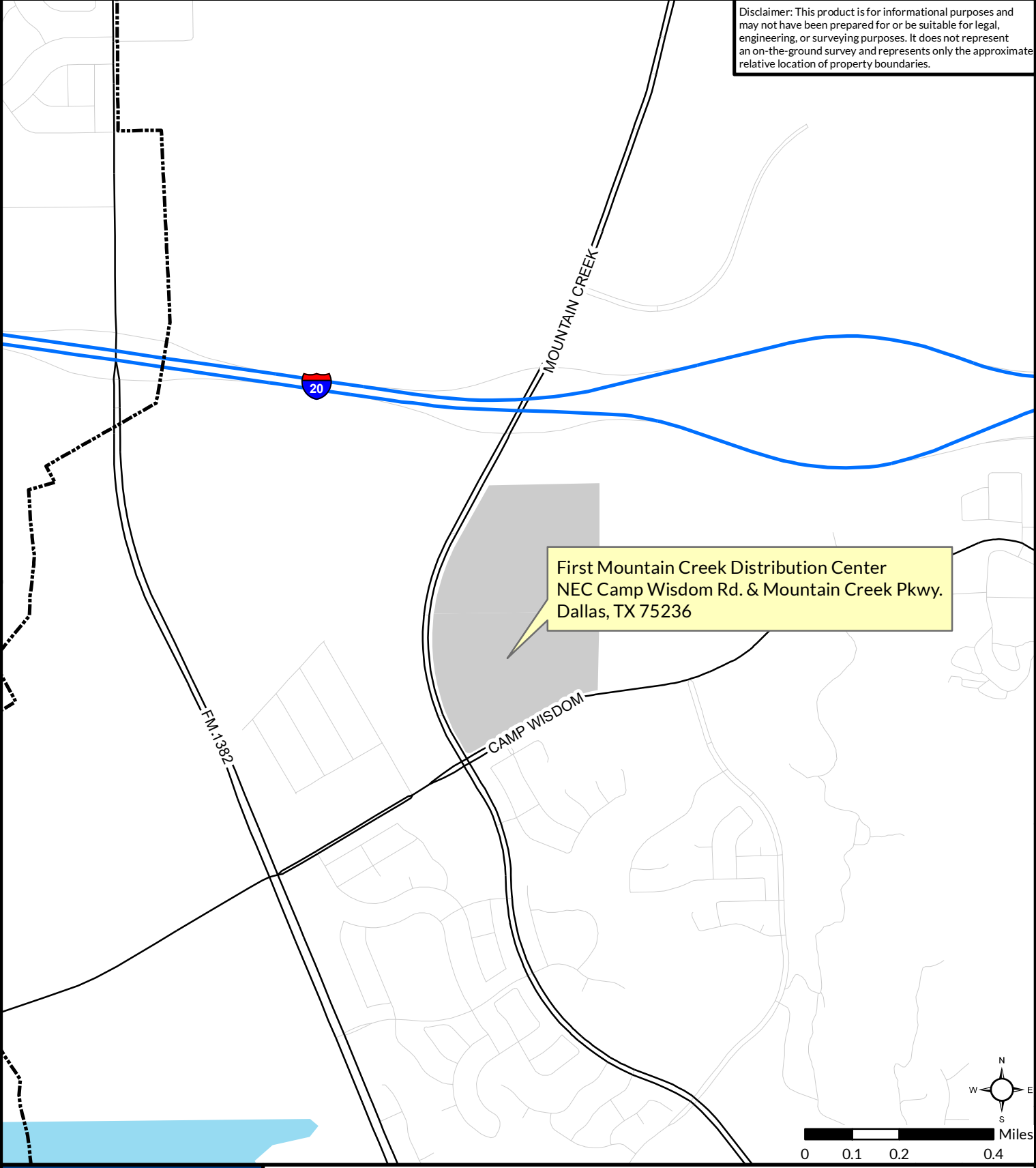
- (f) For First Industrial, L.P. to receive the tax abatement during any year of the agreement, First Industrial, L.P. shall document that a minimum of 51 percent of the facility on the Property is occupied by one or more tenants by April 15 of each year of the agreement.
- (g) If the required space is not occupied during a given year within the ten-year tax abatement period, the abatement shall be lost for that year. Furthermore, if the abatement is lost for two years in a row, then the real property tax abatement agreement shall be terminated.
- (h) A description of the kind, number, location, and costs of all proposed improvements to the Property shall be provided to the Office of Economic Development by First Industrial, L.P., as described by **Exhibit C (Scope of Work)**.
- (i) Access to the Property shall be provided to allow for inspection by City inspectors and officials to ensure that the improvements are made and occupancy is achieved according to the specification and terms of the tax abatement agreement.
- (j) The owner of the Property shall certify annually to the City that the owner is compliant with each applicable term of the tax abatement agreement.
- (k) The Dallas City Council may terminate or modify the tax abatement agreement if the property owner fails to comply with the tax abatement agreement.
- (l) The real property tax revenue foregone by the City because of the tax abatement agreement shall be recaptured by the City if improvements to real property are not made and maintained as provided by the tax abatement agreement or if 51 percent occupancy is not achieved and maintained during any year.
- (m) The tax abatement agreement shall be personal to First Industrial, L.P. and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.
- (n) The property owner shall submit quarterly reports to the City detailing the number of net new full time equivalent jobs created by the development.
- (o) If the tax abatement agreement is not executed by December 31, 2018, it shall be deemed void and owner shall forfeit any benefits described in this resolution.

March 28, 2018

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

Exhibit A: First Mountain Creek Distribution Center

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.



Legend

- Project Site
- City of Dallas
- Freeway
- Arterial
- Local Road
- Lake

Source: City of Dallas, 2017

EXHIBIT B

DESCRIPTION, of an 82.695 acre tract of land situated in the J.A. Huiser Survey, Abstract No. 642, the John J. Blair Survey, Abstract No. 211 and the E.H. Paxton Survey, Abstract No. 1125, Dallas County, Texas and in Blocks 8722, 8723 and 8683, Official Block Numbers of the City of Dallas, Texas; said tract being part of those certain tracts of land described as Tract 1 and Tract 2 in Special Warranty Deed to FIRST INDUSTRIAL, L.P. recorded in Instrument No. 201500210514 of the Official Public Records of Dallas County, Texas; said 82.695 acre tract being more particularly described as follows:

COMMENCING, at a 5/8-inch iron rod with "PACHECO KOCH" cap set at the north end of a circular right-of-way corner clip at the intersection of the east right-of-way line of Mountain Creek Parkway (a 100-foot wide right-of-way) and northwest right-of-way line of Camp Wisdom Road (a variable width right-of-way); said point being the northernmost southwest corner of said Tract 2;

THENCE, along the said east line of Mountain Creek Parkway, the following four (4) calls:

North 30 degrees, 46 minutes, 51 seconds West, along the west line of said Tract 2, a distance of 135.22 feet to a 1/2-inch iron rod found at the beginning of a tangent curve to the right;

In a northerly direction, continuing along the said west line of Tract 2 and along said curve to the right, having a central angle of 12 degrees, 37 minutes, 09 seconds, a radius of 2,260.76 feet, a chord bearing and distance of North 24 degrees, 28 minutes, 17 seconds West, 496.91 feet, an arc distance of 497.92 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner at the POINT OF BEGINNING;

Continuing along the said west line of Tract 2, in a northerly direction, and along said curve to the right, having a central angle of 46 degrees, 32 minutes, 33 seconds, a radius of 2,260.76 feet, a chord bearing and distance of North 05 degrees, 06 minutes, 34 seconds East, 1,786.39 feet, at an arc distance of 974.84 feet passing the northwest corner of said Tract 2 and the southwest corner of said Tract 1, then continuing along the west and northwest lines of said Tract 1, in all a total arc distance of 1,836.46 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner at the end of said curve;

North 28 degrees, 22 minutes, 51 seconds East, continuing along the said northwest line of Tract 1, a distance of 778.32 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner; said point being the northwest corner of said Tract 1 and the southwest corner of that certain tract of land described in Warranty Deed to Dallas Power & Light Company recorded in Volume 81192, Page 1461 of the Deed Records of Dallas County, Texas;

THENCE, North 89 degrees, 07 minutes, 40 seconds East, along the north line of said Tract 1 and the south line of the said Dallas Power & Light Company tract, a distance of 106.22 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

THENCE, departing the said north line of Tract 1 and the said south line of the Dallas Power & Light Company tract and over and across said Tract 1 and Tract 2, the following eleven (11) calls:

South 45 degrees, 52 minutes, 20 seconds East, a distance of 42.43 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

North 89 degrees, 07 minutes, 40 seconds East, a distance of 277.66 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

EXHIBIT B

South 79 degrees, 08 minutes, 50 seconds East, a distance of 801.26 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 00 degrees, 16 minutes, 38 seconds East, a distance of 368.13 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 25 degrees, 14 minutes, 37 seconds West, a distance of 509.86 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 03 degrees, 30 minutes, 01 seconds West, a distance of 433.30 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 26 degrees, 06 minutes, 47 seconds East, a distance of 145.67 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 13 degrees, 22 minutes, 40 seconds West, a distance of 231.83 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 41 degrees, 19 minutes, 26 seconds West, a distance of 281.79 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 13 degrees, 25 minutes, 16 seconds West, a distance of 228.85 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 30 degrees, 48 minutes, 59 seconds East, a distance of 253.24 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner in the said northwest line of Camp Wisdom Road and the southeast line of said Tract 2;

THENCE, South 59 degrees, 11 minutes, 01 seconds West, along the said northwest line of Camp Wisdom Road and the said southeast line of Tract 2, a distance of 402.83 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

THENCE, departing the said northwest line of Camp Wisdom Road and the said southeast line of Tract 2, and into and across said Tract 2, the following four (4) calls:

North 77 degrees, 44 minutes, 47 seconds West, a distance of 341.00 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

North 57 degrees, 17 minutes, 11 seconds West, a distance of 285.27 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

North 79 degrees, 57 minutes, 37 seconds West, a distance of 229.87 feet to a 3.25-inch aluminum disk stamped "PKCE - FIA" set for corner;

South 71 degrees, 50 minutes, 18 seconds West, a distance of 256.40 feet to the POINT OF BEGINNING;

CONTAINING, 3,602,197 square feet or 82.695 acres of land, more or less.

EXHIBIT C

Scope of Work

To develop a minimum 900,000 square foot spec industrial building located on approximately 82 acres of property located south of I-20, north of Camp Wisdom Road, and east of Mountain Creek Parkway in Dallas, Texas. First Industrial, L.P. plans to undertake a minimum of \$27,000,000 in site and building improvements.

Minimum Investment

Site and Building Improvements Summary.....\$27,000,000

Summary of Real Property Site and Building Improvements Work with Preliminary Estimated Costs*

Site work and building construction hard and soft costs associated with land, infrastructure and building improvements will include site grading, landscaping, building shell development and construction, mechanical/electrical/plumbing work, and related structural building and site development costs.

Soft Costs**	\$930,000
Landscaping & Irrigation.....	\$620,000
<u>Hard Costs.....</u>	<u>\$25,450,000</u>
Total	\$27,000,000*

*Costs shall be considered on an aggregate basis versus a line item basis. The total minimum investment, on an aggregate basis, shall be \$27,000,000

**Soft Costs include costs of architects, engineers, landscape architects/designers and related design and engineering expenses, construction management and administration, expediting, testing and inspection, insurance, construction trailer, water and temporary utilities, security/securing of construction site, governmental fees or assessments, equipment rental, payment and performance bonds, and similar costs.

**STRATEGIC
PRIORITY:**

Quality of Life

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

Outside City Limits

DEPARTMENT:

Office Of Environmental Quality

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

14L

SUBJECT

Authorize a resolution of support for a Municipal Setting Designation application to the Texas Commission on Environmental Quality, provided by Univar USA, Inc. and approved by the City of Farmers Branch, that prohibits the use of groundwater as potable water beneath property owned by Univar USA, Inc., Bell & McCoy Companies, Inc., SEELCCO Street Partners, Ltd., SEELCCO Partners II, Ltd., Scott A. Hawkins Separate Property TR II LLC, Surinder Mittal, and Calandro Development, Inc., located near the intersection of Welch Road and Alpha Road in Farmers Branch, Texas - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

On September 26, 2017, the City of Farmers Branch approved Ordinance No. 3467 for a proposed Municipal Setting Designation (MSD) submitted by the applicant, Univar USA, Inc. The ordinance from the City of Farmers Branch authorizes support of the issuance of an MSD certification to Univar USA, Inc. by the Texas Commission on Environmental Quality (TCEQ) and to prohibit the use of groundwater beneath the referenced property as potable water. The issuance of an MSD to Univar USA, Inc. by the TCEQ will supplement closure under the TCEQ Corrective Action Program and will ensure protection of human health and the environment.

In October 2017, Univar USA, Inc. requested a resolution of support from the City of Dallas for its application to the TCEQ for an MSD certification in accordance with the Texas Health & Safety Code (Section 361.8065(a)(1)(A)), which states that the applicant must provide documentation that the MSD is supported by a resolution adopted by the city council of each municipality with a boundary located not more than 0.5 miles from the MSD designated property.

BACKGROUND (continued)

The designated property is located in the City of Farmers Branch in an area zoned for light industrial use and is located within a 0.5 mile radius from the City of Dallas city limits. City of Dallas Council Districts 11 and 13 have property within a 0.5 mile radius of the designated property in Farmers Branch.

Based on information provided by the applicant, the designated property is underlain by a perched shallow aquifer that is encountered at approximately 5 - 12 feet below ground surface (bgs) and extends to the top of the underlying Austin Chalk Formation. The anticipated direction of groundwater flow beneath the designated property is to the northeast, away from the City of Dallas city limits. A portion of this shallow groundwater has been affected by trichloroethene (TCE), tetrachloroethene (PCE), 1,1-dichloroethylene (1,1-DCE), cis-1,2-dichloroethylene (cis-1,2-DCE), 1,1,2-trichloroethane (1,1,2-TCA), 1,2-dichloroethane (1,2-DCA), methylene chloride (MC), benzene, and vinyl chloride (VC) at concentrations above groundwater ingestion standards. Potential onsite sources identified at the designated property include the former facility used for packing, blending, and distribution of chemical products that was located at 4707 Alpha Road. The property was historically developed and operated by Van Waters & Rogers in 1968, which became Univar USA, Inc. in approximately 1974 and operated the facility until 1986. The facility was decommissioned by early 1987 and investigations were initiated and determined that chemicals of concern have impacted groundwater. Multiple remediation activities have been conducted to address the soil and groundwater impact. No City of Dallas property is expected to be impacted by the release of chemicals at the MSD designated property in Farmers Branch.

The applicant's current plan is to obtain closure under the Corrective Action Program supported by an MSD. The designated property is currently occupied by multiple commercial businesses which include lighting and building control products, furniture and design showroom, office and warehouse space, import and wholesale of gemstones, manufacturer of sporting goods, and parking and storage for the retailer Tuesday Morning. The anticipated future use of the designated property will remain the same with future redevelopment plans for mixed commercial/residential use.

This item is a resolution supporting the MSD application to the TCEQ by the applicant, Univar USA, Inc., for designated property located near the intersection of Welch Road and Alpha Road in Farmers Branch and within 0.5 miles from the City of Dallas Council Districts 11 and 13. This resolution fulfills a regulatory requirement of the Texas Health and Safety Code for the applicant.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on March 26, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Univar USA, Inc.

Stephen Landsman, Vice President

Bell & McCoy Companies, Inc.

Chris Coursey, President

SEELCCO Street Partners, Ltd.

Attoyac Investments, L.C., General Partner
Henry Seeligson, President

SEELCCO Partners II, Ltd.

Attoyac Investments, L.C., General Partner
Henry Seeligson, President

Scott A. Hawkins Separate Property TR II LLC

Scott Hawkins, President

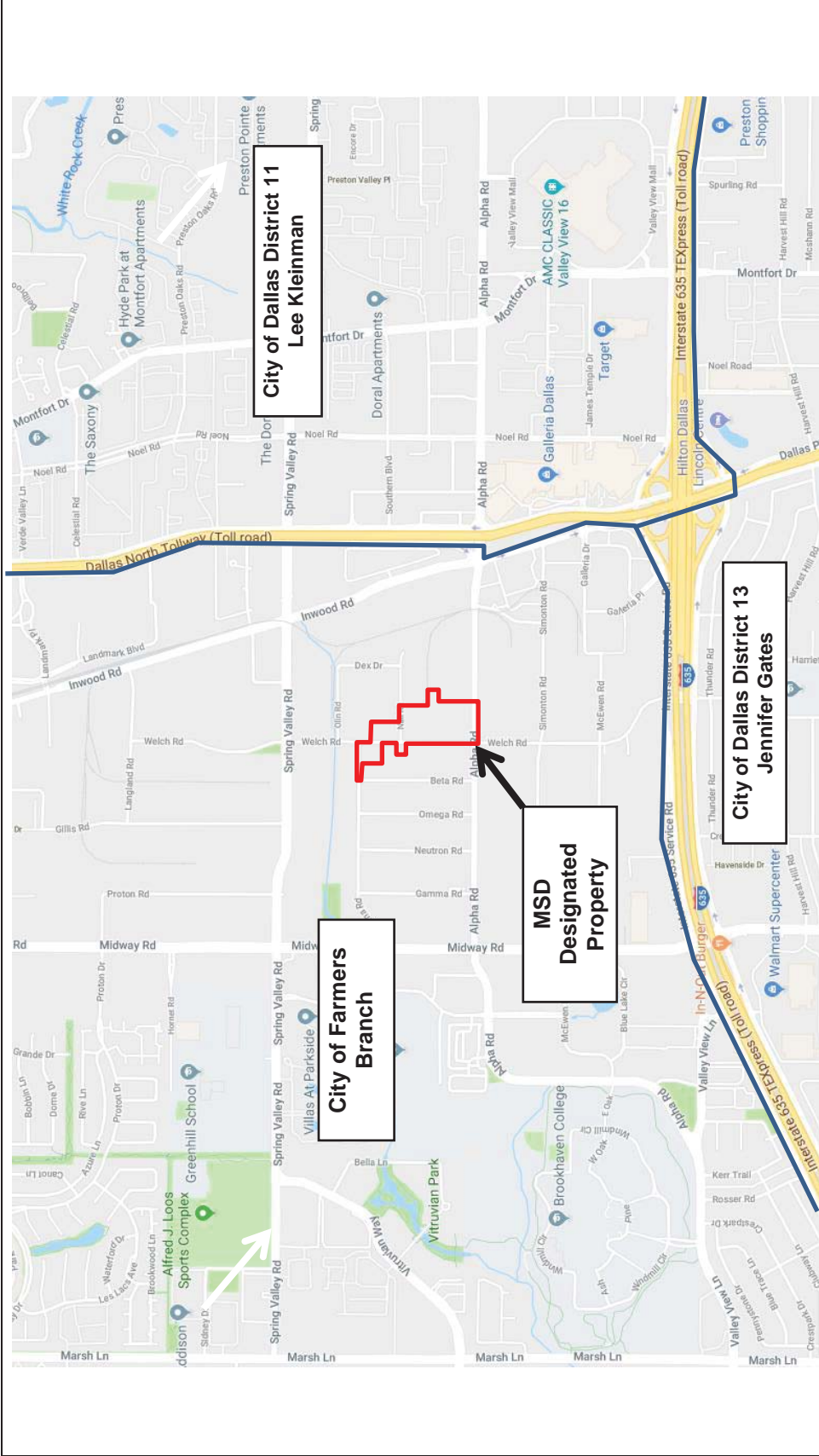
Surinder Mittal

Calandro Development, Inc.

Christopher J Calandro, President

MAP

Attached



City of Dallas



Municipal Setting Designation Resolution of Support
Figure Farmers Branch Area Map
MSD Designated Property - Univar USA, Inc.
Generally located at the intersection of Welch Road and Alpha Road
Farmers Branch, Texas

March 28, 2018

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations (MSDs) for properties that have been the subject of contamination but that, due to the availability of other sources of potable water and because of restrictions on the use of ground water at and near the affected property, do not pose a threat to the public health, safety, and welfare; and

WHEREAS, an application to the TCEQ for an MSD requires the applicant to document that the application is supported by: (1) the city council of the city in which the site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the site, and (4) the governing body of each municipal or retail public entity, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the site; and

WHEREAS, on September 26, 2017, the City of Farmers Branch issued an ordinance establishing an MSD for property generally located near the intersection of Welch Road and Alpha Road on property described in Exhibit A, which is attached to and made a part of this resolution (the Designated Property); and

WHEREAS, the City of Dallas is a municipality with a boundary located less than one-half mile from the Designated Property; and

WHEREAS, following the issuance of resolutions of support from each additional municipality and retail public utility for which approval is required, the applicant will submit to the TCEQ an application for certification of the ordinance for the Designated Property pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W.

Now, Therefore,

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

SECTION 1. That City of Dallas supports the application of the applicant to the TCEQ for certification of a Municipal Setting Designation for the Designated Property.

March 28, 2018

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

"Exhibit A"

ORDINANCE NO. 3467



AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, PROHIBITING THE USE OF AND CONTACT WITH DESIGNATED GROUNDWATER FROM BENEATH 14.497± ACRES OF LAND LOCATED IN FARMERS BRANCH, TEXAS, DESCRIBED IN EXHIBIT "A" HERETO, TO FACILITATE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION ("MSD") OF SAID PROPERTY BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ") PURSUANT TO THE TEXAS SOLID WASTE DISPOSAL ACT; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act ("MSD legislation") authorizes the TCEQ to certify Municipal Setting Designations for properties upon receipt and approval of a proper application to the TCEQ; and

WHEREAS, the Texas legislature, in enacting the MSD legislation, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate a MSD advances a substantial and legitimate State interest; and

WHEREAS, as part of the application process for an MSD, an applicant is required to provide the TCEQ with documentation of a resolution or ordinance of support from the municipality in which the MSD is being sought, which ordinance prohibits the use of and contact with groundwater from beneath the designated property for potable purposes; and

WHEREAS, due to limited quantity and low quality, there are areas of shallow groundwater within the City and its extraterritorial jurisdiction that are not valuable as potable water sources and therefore are not utilized for potable water; and

WHEREAS, some commercial and industrial properties within the City and its extraterritorial jurisdiction are underlain with unusable groundwater that has become contaminated by historical on-site or off-site sources; and

WHEREAS, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to public health; and

WHEREAS, the use of an MSD allows for a State-evaluated corrective action process for groundwater that is directed towards the protection of human health and the environment; and

WHEREAS, Univar USA, Inc., Bell & McCoy Companies, Inc., SEELCCO Street Partners, SEELCCO Partners II, Ltd., Rolex Properties, LLC, Surinder Mittal, and Callandro Development,

Inc. (collectively the "Applicant") intend to submit an application to the TCEQ for certification of an MSD for 14.497± acres of land within the city limits of the City of Farmers Branch generally described by metes and bounds in Exhibit "A" and attached hereto and made a part hereof (the "MSD Property"), the MSD Property being generally within the boundaries shown in Exhibit "B", attached hereto and incorporated herein by reference; and

WHEREAS, the Applicant has certified that the type of known contaminants in the groundwater beneath the MSD Property are as set forth in Exhibit "C" attached hereto and made a part hereof; and

WHEREAS, the Applicant has certified to the City that:

1. The purpose of the application is to assist the Applicant in obtaining from the TCEQ closure documentation demonstrating the TCEQ's determination, after completion of any remediation requirements and appropriate review by the TCEQ, that no further environmental cleanup or restoration is required by the TCEQ with respect to the MSD Property; and
2. As a part of the application, the Applicant has or will submit to the TCEQ a statement regarding the type of known contamination in the groundwater beneath the MSD Property and has identified that shallow groundwater contains chemicals of concern above Tier 1 groundwater ingestion protective concentration levels, as set forth in 30 Texas Administrative Code, Chapter 350, the Texas Risk Reduction Program; and

WHEREAS, the Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the MSD Property; and

WHEREAS, a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 for the MSD Property and property within one-half mile of the MSD Property; and

WHEREAS, the City Council finds it to be in the best interest of the public and the City to facilitate the Applicant's efforts to secure an MSD and TCEQ closure documentation by passage of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The City Council finds the declarations and findings set forth in the preamble of this Ordinance are true and correct and are incorporated herein.

SECTION 2. The City Council finds this Ordinance is necessary because the contaminant concentrations exceed TCEQ potable water standards.

SECTION 3. The City Council finds it is in the best interest and welfare of the public to facilitate TCEQ's certification of an MSD for the MSD Property as well as the TCEQ closure documentation.

SECTION 4. Upon and after the effective date of this Ordinance, the drilling of wells and use of designated groundwater for any purpose, including but not limited to any potable purpose, and excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination, is hereby prohibited on or from any portion of the MSD Property.

SECTION 5. Failure of the Applicant to diligently pursue and obtain from the TCEQ an MSD certificate for the MSD Property and TCEQ closure documentation for the MSD Property shall render this Ordinance voidable by the City Council following 30 days' written notice to the TCEQ and the Applicant.

SECTION 6. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 7. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

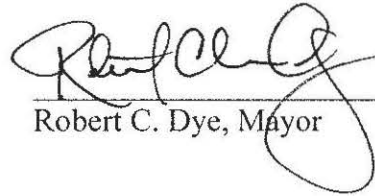
SECTION 8. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 9. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. This Ordinance shall take effect from and after its passage and the publication of the caption of said Ordinance as the law and the City Charter in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THE 26TH DAY OF SEPTEMBER, 2017.

APPROVED:


Robert C. Dye, Mayor

ATTEST:


Amy Piukana, City Secretary

APPROVED AS TO FORM:


Peter G. Smith, City Attorney
(kbl:9/7/17:89767)

ORDINANCE NO. 3467
Exhibit "A" – Boundary Description of the MSD Property

BEING all those certain tract and parcel of land situated in the Elisha Fike Survey, Abstract no. 478, in the City of Farmers Branch, Dallas County, Texas, and being a tract of land conveyed to Van Waters & Roger Inc., by Warranty Deed recorded in Volume 97087, Page 5239, Deed Records, Dallas County, Texas, and also being a tract of land conveyed to Bell & McCoy, Inc., by Special Warranty Deed with Vendor's Lien, recorded in Instrument No. 201400179504, Official Public Records, Dallas County, Texas, and also being a tract of land conveyed to Seelcco Street Partner's, LTD., by Special Warranty Deed recorded in Instrument No. 201600062726, Official Public Records, Dallas County, Texas, and also being a tract of land conveyed to Rolex Properties, LLC, Series A-13725 Welch by Warranty Deed recorded in Instrument No. 2013002819747, Official Public Records, Dallas County, Texas, and also being a tract of land conveyed to Mittal Surinder, by Special Warranty Deed recorded in Volume 2001239, Page 5743, Deed Records, Dallas County, Texas, and also being a tract of land conveyed to Calandra Development Incorporated by Special Warranty Deed recorded in Instrument No. 201400150853, Official Public Records, Dallas County, Texas, and being a portion of Alpha Road (called 60 foot right-of-way) and Welch Road (called 60 foot right-of-way) as dedicated by Metropolitan Industrial Park, Section No. 1, an Addition to the City of Farmers Branch, Dallas County, Texas according to the Plat or Map thereof recorded in Volume 363, Page 1216 Map Records, Dallas County, Texas, and also being a portion of a Nall Road (called 60 foot right-of-way) as dedicated by Metropolitan Industrial Park, Section 1, a new subdivision of Lot C, Block No. 3, an Addition to the City of Farmer Branch, Dallas County, Texas according to the Plat or Map thereof recorded in Volume 71052, Page 2198, Map Records, Dallas County, Texas, and also being a portion Sigma Road (called 60 foot right-of-way) as dedicated by Metropolitan Commercial Park, an addition to the City of Farmers Branch, Dallas County, Texas according to the Plat or Map thereof recorded in Volume 69121, Page 1241, Map Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner and being the centerline intersection of said Welch Road and said Alpha Road;

THENCE North 00 degrees 38 minutes 20 seconds West, departing the centerline right-of-way of said Alpha Road in a northerly direction along the centerline of the right-of-way line of said Welch Road, a distance of 1009.50 feet to a point for corner and being an interior ell corner of the herein described tract;

THENCE South 89 degrees 21 minutes 40 seconds West, departing the centerline right-of-way of said Welch Road, passing at a distance of 30.00 feet the southeast corner of said Rolex tract and being the common line of said Rolex tract and the northerly line of a tract of land conveyed to Peter W. Garratt, as to a 1/3 interest, Robert L. Garratt, as to a 1/3 interest, Tyler M. Garratt, as to a 1/6 interest and Elizabeth Jennings Hayden, Trustee of the Elizabeth Jennings Hayden Separate Property trust U/D/T dated February 13, 2013 as to a 1/6 interest, by Warranty Deed as recorded in Instrument No. 201500196144, Official Public Records, Dallas County, Texas, a total distance of 247.51 feet to a 1/2 inch iron rod being the southwest corner of said lying on the easterly line

of Lot 1, Block 1, Conlon-Thomas Addition No. 2, according to the Plat thereof recorded in Volume 89241, Page 2976, Plat Records, Dallas County, Texas;

THENCE North 00 degrees 38 minutes 20 seconds West, along the easterly line of said Lot 1, Block 1, passing at 110.20 feet a 1/2 inch iron rod found for the southwesterly corner of said Lot 2, Block A, and the northwesterly corner of said Rolex tract, and passing at 215.27 feet a point for the northwesterly corner of said Lot 2, Block A, and being the southwesterly corner of said Calandro Development Incorporated tract and passing at 257.72 feet a 1/2 inch iron rod found for a tract of land conveyed to E.C. Carmack by Warranty Deed with Vendor's Lien, recorded in Volume 94088, Page 3186, Deed Records, Dallas County, Texas, and continuing a total of 418.66 feet to a point for corner and being the northeasterly corner of said E.C. Carmack tract from which a 1/2 inch iron rod found bears South 20 degrees 30 minutes 48 seconds West, and lying on the southerly right-of-way line of said Sigma Road;

THENCE South 89 degrees 00 minutes 26 West, along the northerly line of said E.C. Carmack common with the southerly right-of-way line of said Sigma Road, a distance of 199.89 feet to a 1/2 inch iron rod found lying on the easterly right-of-way line of Beta Road (called 60 foot right-of-way);

THENCE North 00 degrees 35 minutes 56 seconds West, departing the southerly right-of-way line of said Sigma Road, a distance of 29.56 feet to a point for corner lying in the centerline right-of-way line of said Sigma Road;

THENCE North 89 degrees 00 minutes 26 seconds East, along the centerline right-of-way of said Sigma Road, a distance of 447.41 feet to a point for corner, being the intersection of said Sigma Road and said Welch Road;

THENCE South 00 degrees 38 minutes 07 seconds East, along the centerline right-of-way of said Welch Road, a distance of 140.55 feet, to a point for corner lying in the centerline right-of-way of said Welch Road;

THENCE North 89 degrees 04 minutes 33 seconds East, departing the centerline right-of-way of said Welch Road, passing at a distance of 30.00 feet the southwest corner of Lot 1, Block 1 of Greenbriar Addition, an addition to the City of Farmers Branch, Dallas County, Texas as recorded in Volume 94140, Page 4887, Plat Records, Dallas County, Texas, also being the northwest corner of said Seelcco Street Partners tract, from which a 5/8 inch iron rod found bears South 17 degrees 32 minutes 32 seconds West, a distance of 0.24 feet, a total distance of 268.02 feet to a 1/2 inch iron rod being the northeasterly corner of said Seelcco Street Partners tract and the northwesterly corner of Lot C-7 A, Block 3, Metropolitan Industrial Park Section I, an addition to the City of Farmers Branch, Dallas County, Texas, as recorded in Volume 79104, Page 1498, Plat Records, Dallas County, Texas;

THENCE South 00 degrees 55 minutes 27 seconds East, along easterly line of said Seelcco Street Partners tract common with said Lot C-7A, Block 3, passing at a distance of 360.00 feet a 5/8 inch iron rod found for the southeasterly corner of said Seelcco Street Partners tract and the

southwesterly corner of said Lot C-7 A, Block 3, a total distance of 390.00 feet to a point for corner lying in the centerline right-of-way of said Nall Road;

THENCE North 89 degrees 04 minutes 33 seconds East, along the centerline right-of-way of said Nall Road, a distance of 130.00 feet to a point for corner;

THENCE South 00 degrees 55 minutes 27 seconds East, departing the centerline right-of-way of said Nall Road, passing at a distance of 30.00 feet to a 5/8 inch iron rod found for the northeasterly corner of said Bell & McCoy tract and being the northwesterly corner of a tract of land conveyed to Reep-Ind Valwood TX LLC., by Special Warranty Deed as recorded in Instrument No. 201300385599, Official Public Records, Dallas County, Texas, and continuing a total distance of 357.73 feet to a point for corner, from which a 1/2 inch iron rod found bears South 73 degrees 38 minutes 04 seconds East, a distance of 0.50 feet for reference, lying on the northerly line of said Van Water & Rogers, Inc. tract;

THENCE North 89 degrees 04 minutes 33 seconds East, along a northerly line of said Van Water & Rogers tract common with the southerly line of said Reep-Ind Valwood tract, a distance of 229.49 feet to a 1/2 inch iron rod found for corner the most easterly northwest corner of Lot 2, Block 1, Revised Alpha Metropolitan Addition, an Addition to the City of Farmers Branch, Dallas County, Texas, as recorded in Volume 98093, Page 81, Plat Records, Dallas County, Texas;

THENCE South 00 degrees 55 minutes 27 seconds East, along an easterly line of said Van Water & Rogers tract, common with Lot 2, Block 1, a distance of 83.00 feet to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 04 minutes 33 seconds West, along a common line of said Van Water & Rogers tract, and a northerly line of Lot 2, Block 1, a distance of 195.00 feet to a point for corner from which a 1/2 inch iron rod found bears South 57 degrees 27 minutes 37 seconds West, 0.25 feet for reference;

THENCE South 00 degrees 55 minutes 27 seconds East, along an easterly line of said Van Water & Rogers tract common with the westerly line of Lot 2, Block 1, passing at 438.00 feet a 1/2 inch iron rod found lying on the northerly line of said Alpha Road and continuing a total distance of 488.00 feet to a point for corner lying in the centerline right-of-way of said Alpha Road;

THENCE South 89 degrees 04 minutes 33 seconds West, along the centerline right of way line of said Alpha Road, a distance of 439.19 feet to the POINT OF BEGINNING and containing 631,487 square feet or 14.497 acres of land.

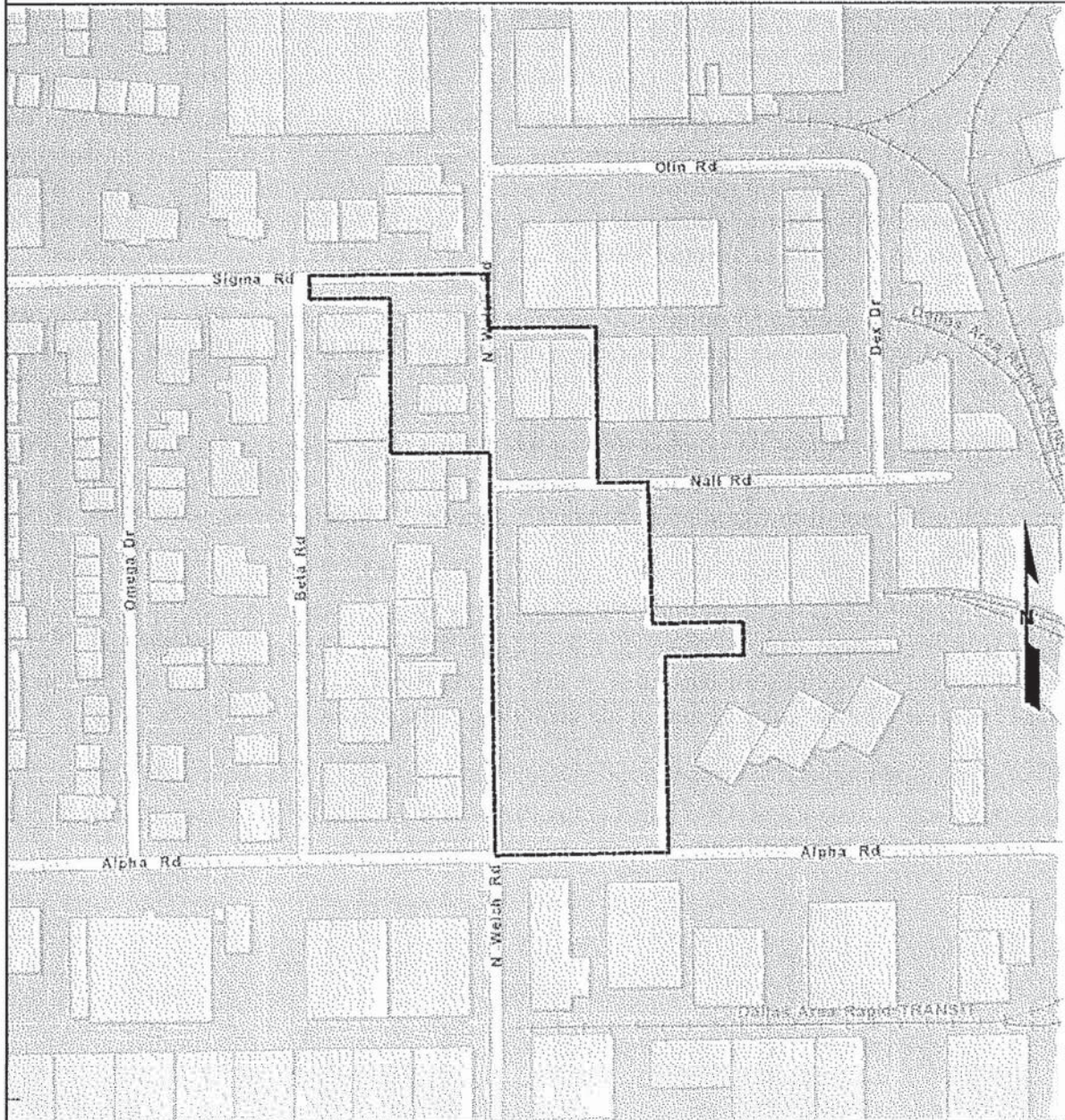
ORDINANCE NO. 3467
Exhibit "B" –Boundary Map of MSD Property



Municipal Setting Designation (MSD)
Designated Property Boundary Map

Applicants:

Univar USA, Inc.	4707 Alpha Road
Ball & McCoy, Inc.	4630 Nail Road
SEELCCO Street Partners, Ltd.	13810 Welch Road
Rolex Properties	13725 Welch Road
Surinder Mittal	13735 Welch Road
Calandro Development, Inc.	13835 Welch Road



ORDINANCE NO. 3467
Exhibit "C" – Summary of Known Contaminants

Contaminates in groundwater that exceed the groundwater ingestion PCL:

- Vinyl Chloride; 1,1-Dichloroethylene (1,1-DCE)
- Cis-1,2-Dichloroethylene (cis-1,2-DCE)
- Benzene
- Trichloroethene (TCE)
- Tetrachloroethene (PCE)
- 1,1,2-Trichloroethane (1,1,2-TCA)
- 1,2-Dichloroethane (1,2-DCA)
- Methylene Chloride

AGENDA ITEM # 24**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2, 5, 10

DEPARTMENT:Office of Procurement Services
Fire-Rescue Department**CMO:**Elizabeth Reich, 670-7804
Jon Fortune, 670-1204**MAPSCO:**

27G 46Y 59X

SUBJECT

Authorize a service contract for the purchase and installation of two generators and one automatic transfer switch for the Fire-Rescue Department with LJ Power, Inc. through the Texas Association of School Boards - Not to exceed \$106,324 - Financing: General Funds

BACKGROUND

This service contract will allow for the purchase and installation of two generators and one automatic transfer switch to be used by the Fire-Rescue Department.

This purchase will replace two generators and one automatic transfer switch for the Fire-Rescue Department. The Fire-Rescue Department currently has two fire stations equipped with backup generators that are no longer cost effective to maintain. One generator will be installed at Fire Station No. 57 located at 10801 Audelia Road; the other generator will be installed at Fire Station No. 3 located at 500 North Malcolm X Boulevard. The automatic transfer switch will be installed at Fire Station No. 51 located at 200 South St. Augustine Drive. The station generators are used to run power at the locations to ensure the Fire-Rescue Department personnel are able to continue to respond to emergencies in case of station power loss.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on March 26, 2018.

FISCAL INFORMATION

General Funds - \$106,324.00

<u>Council District</u>	<u>Amount</u>
2	\$ 47,505.00
5	\$ 47,505.00
10	<u>\$ 11,314.00</u>
Total	\$106,324.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$106,324.00	COOP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (COOPs)

OWNER

LJ Power, Inc.

Larry Davis, President
James Davis, Vice President

March 28, 2018**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

SECTION 1. That the City Manager is hereby authorized to sign a service contract with LJ Power, Inc. (VS90040) through the Texas Association of School Boards, approved as to form by the City Attorney, for the purchase and installation of two generators and one automatic transfer switch for the Fire-Rescue Department, in an amount not to exceed \$106,324. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to LJ Power, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by LJ Power, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$106,324 to LJ Power, Inc. from Purchase Order No. DFD-00000137635 from the following appropriation:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>Encumbrance</u>
0001	DFD	ER51	4742	\$106,324	PODFD00000137635

SECTION 3. That this contract is designated as Contract No. DFD-2018-00004912.

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 # 25**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

Outside City Limits

DEPARTMENT:Office of Procurement Services
Water Utilities Department**CMO:**Elizabeth Reich, 670-7804
Majed Al-Ghafry, 670-3302**MAPSCO:**

50A N

SUBJECT

Authorize a six-month service contract for the purchase and installation of an emergency evacuation system at the Eastside Water Treatment Plant - Schneider Electric Buildings Americas, Inc., most advantageous proposer of two - Not to exceed \$273,107 - Financing: Water Utilities Capital Construction Funds (subject to appropriations)

BACKGROUND

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

This service contract will provide for the purchase and installation of an emergency evacuation system at the Eastside Water Treatment Plant for the Water Utilities Department. The emergency evacuation system provides a method to send alerts by way of sirens, strobe lights, and verbal communication to quickly evacuate the facility to all employees, contractors, and visitors on the plant grounds. The system is a necessary tool to ensure safety for all site specific chemical emergencies.

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

- Water Utilities Department (3)
- Department of Communication and Information Services (1)
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated cost.

BACKGROUND (continued)

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

- Cost 40%
- Experience and capabilities 30%
- Technical/functional match 30%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 2,131 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on March 19, 2018.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$273,107.00 (subject to appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$273,107.00	Other Services	23.80%	24.94%	\$68,100.00

- This contract exceeds the M/WBE goal of 23.80%

PROPOSAL INFORMATION

The Office of Procurement Services received the following proposals from solicitation number BIZ1702. We opened them on September 14, 2017. 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>
*Schneider Electric Buildings Americas, Inc.	1650 W. Crosby Rd. Carrollton, TX 75006	100.00%	\$273,107.00
Mayer Electric Supply	2525 E. Hwy. 121 Suite 300 Lewisville, TX 75067	72.25%	\$303,465.00

OWNER

Schneider Electric Buildings Americas, Inc.

Jim Sandelin, President
Sebastian Chague, Vice President
Victor Copeland, Secretary
Rob Wheeler, Treasurer

March 28, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Schneider Electric Buildings Americas, Inc. (261927), approved as to form by the City Attorney, for the purchase and installation of an emergency evacuation system at the Eastside Water Treatment Plant for a term of six months, in an amount not to exceed \$273,107. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Schneider Electric Buildings Americas, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Schneider Electric Buildings Americas, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$273,107 (subject to appropriations) to Schneider Electric Buildings Americas, Inc. from Service Contract No. DWU-2018-00005074.

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.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services
Library

CMO: Elizabeth Reich, 670-7804
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for purchasing, labeling, and cataloging of best-selling books and access to vendors online catalog to view the latest best-seller list, search, check availability, and order for the Dallas Public Library - Ingram Library Services LLC, lowest responsible bidder of three - Not to exceed \$914,600 - Financing: General Funds (subject to annual appropriations)

BACKGROUND

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

This service contract will enable the Library to:

- Purchase best-selling and high demand books for all 28 branch library locations and the J. Erik Jonsson Central Library
- Ship City selected best-selling books through the vendors online catalog to the Library in time to coincide with their release to the general public through commercial booksellers
- Allow library customers to request and check-out best-selling books on the same "street" date that they are available from commercial booksellers
- Label and catalog all books by the vendor so that they arrive shelf-ready for immediate use by library patrons

In the last five years, more than 3,000 new titles and over 46,000 copies of best-seller books have been ordered based on demand and made available to an annual average of 7 million customers for check out at any branch library within the Dallas Public Library system.

BACKGROUND (continued)

In this solicitation, the Office of Procurement Services required bidders to submit a response using discounts from manufacturer's price list. This bid resulted in a 43.60 percent discount compared to an 34.50 percent discount for the bid awarded in 2013.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 103 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 22, 2013, City Council authorized a two-year master agreement for best-selling books for the Dallas Public Library by Resolution No. 13-0803.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 26, 2018.

FISCAL INFORMATION

General Funds - \$914,600.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE%</u>	<u>M/WBE \$</u>
\$914,600.00	Other Services	23.80%	0.00%	\$0.00

- This contract does not meet the M/WBE goal of 23.80%, but complies with good faith efforts

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BT1804. We opened them on December 22, 2017. We recommend the City Council award this service contract in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Ingram Library Services LLC	One Ingram Blvd. La Vergne, TN 37086	\$914,600.00
Baker & Taylor, Inc.	2550 West Tyvola Rd. Suite 300 Charlotte, NC 28217	\$917,000.00
Brodart Co.	500 Arch St. Williamsport, PA 17701	\$916,000.00

OWNER

Ingram Library Services LLC

Shawn R. Everson, President
Daniel S. Sheehan, Vice President
Eleanor G. McDonald, Secretary
Jeffrey K. Belser, Treasurer

March 28, 2018

WHEREAS, on May 22, 2013, City Council authorized a two-year master agreement for best-selling books for the Dallas Public Library by Resolution No. 13-0803.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a service contract with Ingram Library Services LLC (502317), approved as to form by the City Attorney, for purchasing, labeling, and cataloging of best-selling books and access to vendors online catalog to view the latest best-seller list, search, check availability, and order for the Dallas Public Library for a term of three years, in an amount not to exceed \$914,600. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Ingram Library Services LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Ingram Library Services LLC under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$914,600 (subject to annual appropriations) to Ingram Library Services LLC from Service Contract No. LIB-2018-00005264.

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.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 9

DEPARTMENT: Office of Procurement Services
Park & Recreation Department

CMO: Elizabeth Reich, 670-7804
Willis Winters, 670-4071

MAPSCO: 37 Q

SUBJECT

Authorize a three-year concession contract for the operation of a watercraft rental service at White Rock Lake - Ask Ace, LLC dba White Rock Paddle Co., most advantageous proposer of two - Estimated Annual Net Revenue: \$59,800

BACKGROUND

This concession contract will provide for the operation of a watercraft rental service at White Rock Lake. Services included will require the concessionaire to make available through rental fees: kayaks, canoes, and/or stand-up paddle boards with life vests to lake visitors on a daily basis. Additionally, the concessionaire will be responsible for furnishing, maintenance, and storage of all equipment under this contract. The concessionaire will also provide major capital improvements totaling a minimum of 1.5% of gross revenues; such as, repairs to existing boat ramp and fishing piers, and installing electricity.

Additionally the concessionaire agrees to provide the following:

- All concessionaire's employees and volunteers are required to have appropriate water safety certifications
- Utilize a lightning tracker App
- On-site Automated External Defibrillator
- A motor powered rescue boat to ensure the safety of clients

BACKGROUND (continued)

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

- Park & Recreation Department (2)
- Department of Equipment and Building Services (1)
- Water Utilities Department (1)
- Office of Cultural Affairs (1)
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated revenue structure.

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

- Revenue 35%
- Overall approach 40%
- Capability and experience 25%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,747 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 15, 2018, the Park and Recreation Board authorized a three-year concession contract with Ask Ace, LLC dba White Rock Paddle Co.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 26, 2018.

FISCAL INFORMATION

Estimated Annual Net Revenue - \$59,800.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$59,800.00	Revenue	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Revenue contracts, however, the prime contractor is a certified M/WBE

PROPOSAL INFORMATION

The Office of Procurement Services received the following proposals from solicitation number BQZ1710. We opened them on March 17, 2017. We recommend the City Council award this concession contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Ask Ace, LLC dba White Rock Paddle Co.	7154 Walling Lane Dallas, TX 75231	89.00%
LeLe Books	20005 Liedecke Road Suite 11103 San Antonio, TX 78264	58.20%

OWNER

Ask Ace, LLC dba White Rock Paddle Co.

Amy Ebert, President
Angeline Koh, Vice President

March 28, 2018**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

SECTION 1. That the City Manager is hereby authorized to sign a concession contract with Ask Ace, LLC dba White Rock Paddle Co. (VC0000009815), approved as to form by the City Attorney, for the operation of a watercraft rental service at White Rock Lake for a term of three years, in an estimated annual net revenue amount of \$59,800. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Ask Ace, LLC dba White Rock Paddle Co. shall be based only on the amount of the services directed to be performed by the City and properly performed by Ask Ace, LLC dba White Rock Paddle Co. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from Ask Ace, LLC dba White Rock Paddle Co. from Contract No. PKR-2018-00005248, as follows:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Revenue Code</u>	<u>Amount</u>
0001	PKR	6868	7212	\$32,890
0469	PKR	6868	7212	\$26,910

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.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services
Fire-Rescue Department

CMO: Elizabeth Reich, 670-7804
Jon Fortune, 670-1204

MAPSCO: N/A

SUBJECT

Authorize an acquisition contract for the purchase and installation of two air compressors for the Fire-Rescue Department with August Industries, Inc. through the Texas Association of School Boards - Not to exceed \$131,572 - Financing: General Funds (\$3,088) and U.S. Department of Homeland Security Assistance to Firefighters Grant Funds (\$128,484)

BACKGROUND

This acquisition contract will provide for the purchase and installation of two air compressors for the Fire-Rescue Department that are used to fill air tanks. The tanks are part of the firefighters' self-contained breathing apparatus (SCBA) and are strategically deployed to 58 fire stations throughout the city and the training facility on Dolphin Road. The SCBA are required to always be in a state of readiness to respond to emergency calls. In FY 2017 the Fire-Rescue Department responded to 43,783 fire related incidents.

The Fire-Rescue Department currently has three fixed air compressors/fill stations and one mobile air compressor/fill station unit. The two new fixed compressors will be centrally located at Station No. 18 in the downtown area, where they are accessible to servicing the entire fire station system. The Fire-Rescue Department's in-house repair facility is directly responsible for the care and maintenance of 750 SCBA and 1,900 breathing air tanks for the entire department. The two air compressors and refill station need to be replaced with two new digital units that comply with NFPA 1901 Approved Full Containment Fill Station.

BACKGROUND (continued)

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on March 26, 2018.

FISCAL INFORMATION

General Funds - \$3,087.44

U.S. Department of Homeland Security Assistance to Firefighters Grant Funds - \$128,484.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$131,571.44	COOP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (COOPs)

OWNER

August Industries, Inc.

Porter Stiles, President

March 28, 2018**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

SECTION 1. That the City Manager is hereby authorized to sign an acquisition contract with August Industries, Inc. (343094) through the Texas Association of School Boards, approved as to form by the City Attorney, for the purchase and installation of two air compressors, in an amount not to exceed \$131,571.44. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to August Industries, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by August Industries, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$131,571.44 to August Industries, Inc. from Acquisition Contract No. DFD-2018-00005295, as follows:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>
F522	DFD	3197	4790	\$128,484.00
0001	DFD	ER18	4790	\$ 3,087.44

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.

**STRATEGIC
PRIORITY:**

Public Safety

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Office of Procurement Services
Fire-Rescue Department

CMO:

Elizabeth Reich, 670-7804
Jon Fortune, 670-1204

MAPSCO:

N/A

SUBJECT

Authorize **(1)** a contract closeout agreement, to revise the term of the City's ePCR agreement with Physio-Control, Inc.; and **(2)** a three-year contract for licensing, hosting, implementation, maintenance and support of an electronic patient care reporting and data collection system with ImageTrend, Inc. through the U.S. General Services Administration - Not to exceed \$856,060 - Financing: General Funds (subject to annual appropriations)

BACKGROUND

On December 10, 2015, the City entered into an agreement for software and services for an electronic patient care reporting system with Physio-Control, Inc. The System was implemented and accepted in August 2016 but had significant compatibility issues. The City and Physio-Control, Inc. were unable to resolve the compatibility issues and the City sought a replacement system. The software closeout agreement will allow the City to continue its agreement with Physio-Control, Inc. and terminate the contract for convenience upon acceptance of a replacement system. The contract with ImageTrend, Inc. will provide for the licensing, hosting, implementation, and maintenance and support of an electronic patient care reporting and data collection system for the Fire-Rescue Department (DFR).

This system will provide:

- An electronic patient care reporting system that captures and transmits important data to be used for documenting patient care, and transferring patient information to receiving hospitals
- This information is also used for quality management and billing processes for emergency medical services provided by DFR

BACKGROUND (continued)

- This software will capture and transmit patient data for DFR's 42 front-line ambulances, 57 fire engines and 22 fire trucks, 6 peak hour ambulances, special events, and Mobile Community Healthcare Program

Fiscal Year 2016-17 revenue from emergency medical services was approximately \$26.5 million.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 9, 2015, City Council authorized a three-year software subscription agreement with two one-year renewal options for a specialized electronic patient care reporting and data collection system by Resolution No. 15-1647.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on March 26, 2018.

FISCAL INFORMATION

General Funds - \$856,059.95 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$856,059.95	COOP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreement (COOPs)

OWNER

ImageTrend, Inc.

Michael J. McBrady, President
Collin McBrady, Vice President

March 28, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign **(1)** a contract closeout agreement, to revise the term of the City's ePCR agreement with Physio-Control Inc., and **(2)** a contract with ImageTrend, Inc. (VS0000078827) through the U.S. General Services Administration, approved as to form by the City Attorney, for licensing, hosting, implementation, maintenance and support of an electronic patient care reporting and data collection system for a term of three years, in an amount not to exceed \$856,059.95. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to ImageTrend, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by ImageTrend, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$856,059.95 (subject to annual appropriations) to ImageTrend, Inc. from Service Contract No. DFD-2018-00005418.

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.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services
Police Department

CMO: Elizabeth Reich, 670-7804
Jon Fortune, 670-1204

MAPSCO: N/A

SUBJECT

Authorize an acquisition contract for the purchase, installation, and a five-year warranty of a virtual 300-degree training simulator for the Dallas Police Department with VirTra, Inc., through the General Services Administration - Not to exceed \$424,093 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

This acquisition contract will provide for the purchase, installation and a five-year warranty of a virtual 300-degree training simulator that uses both lethal and non-lethal weapons. The Dallas Police Department will make use of the training simulator for the purpose of better preparing officers to handle high stress situations where quick decisions are required.

This purchase will provide for immersive and interactive training for officers with the goal of decreasing police involved injuries and deaths, along with emphasizing de-escalation. Lifelike weapons with simulated recoil are used in a wide selection of training scenarios that provide realistic return fire. The simulator also provides for the use of many less than lethal options that will assist in the training for de-escalation. Training is conducted on multiple borderless, interconnected screens to provide a 300-degree experience.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on March 26, 2018.

FISCAL INFORMATION

U.S. Department of Homeland Security Grant Funds - \$424,092.24

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$424,092.24	COOP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (COOPs)

OWNER

VirTra, Inc.

Robert David Ferris, President
Matthew David Burlend, Vice President
Judy Anne Henry, Treasurer

March 28, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign an acquisition contract with VirTra, Inc. (VS0000054099), approved as to form by the City Attorney, for the purchase, installation, and a five-year warranty of a virtual 300-degree training simulator for the Dallas Police Department, in an amount not to exceed \$424,092.24. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to VirTra, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by VirTra, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$424,092.24 to VirTra, Inc. from the Homeland Security-Urban Area Security Initiative 16-18 Fund, Fund F511, Department DPD, Unit 2757, Object 4890, Acquisition Contract No. DPD-2018-00005261.

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 # 31**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:Office of Procurement Services
Department of Aviation
Department of Public Works
Park & Recreation Department
Water Utilities Department**CMO:**Elizabeth Reich, 670-7804
Jody Puckett, 670-3390
Majed Al-Ghafry, 670-3302
Willis Winters, 670-4071**MAPSCO:**

N/A

SUBJECT

Authorize a two-year master agreement for hot mix asphalt and cold patch materials - Oldcastle Materials Texas, Inc. dba TexasBit in the amount of \$6,287,625, Unique Paving Materials, Corp. in the amount of \$910,996, and Austin Asphalt, Inc. in the amount of \$48,000, lowest responsible bidders of three - Total not to exceed \$7,246,621 - Financing: General Funds (\$6,358,015), Water Utilities Current Funds (\$809,766), and Aviation Current Funds (\$78,840)

BACKGROUND

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

This master agreement will provide hot mix asphalt and cold patch materials to conduct permanent pavement and temporary roadway repairs. The hot mix asphalt product is used for street and alley repairs including potholes, hike and bike trails, service drives, curbs, speed bumps, and full-depth repairs, throughout the city. The hot mix asphalt material is delivered to the job-site and immediately applied to the surface. The Department of Public Works will utilize the asphalt materials to repair approximately 34,000 potholes, over 400 lane miles of asphalt streets, and alleys each year. Additionally, the Department of Public Works recycles approximately 30 percent of the old asphalt excavated during repairs and uses it as base material supporting new street surfaces.

BACKGROUND (continued)

Cold patch is an asphalt product that can be used in inclement weather and can be stored at City facilities for maintenance use. The cold patch product is used to repair potholes and other street repair needs. The Department of Aviation uses the cold mix asphalt for repairs done on active taxiways and runways, where closing is not an option. Cold patch materials are utilized when there is little time for curing; thereby reducing the time a roadway needs to be closed.

In this solicitation, the Office of Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 1.3 percent decrease over comparable prices for the bids awarded in 2015.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 413 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 23, 2013, City Council authorized a two-year master agreement for the purchase of hot mix asphalt and cold patch materials with APAC-Texas, Inc., Unique Paving Materials, International Roadway Research, LLP, and Austin Asphalt, LP by Resolution No. 13-1818.

On December 9, 2015, City Council authorized a two-year master agreement for the purchase of hot mix asphalt and cold patch materials with Austin Asphalt, L.P., APAC-Texas, Inc., and Unique Paving Materials by Resolution No. 15-2201.

The Government Performance & Financial Management Committee will receive this item for consideration on March 19, 2018.

FISCAL INFORMATION

General Funds - \$6,358,015.00

Water Utilities Current Funds - \$809,765.60

Aviation Current Funds - \$78,840.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$7,246,620.60	Other Services	23.80%	7.72%	\$559,107.00

- This contract does not meet the M/WBE goal of 23.80%, but complies with good faith efforts

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BY1801. We opened them on December 29, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by groups. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Oldcastle Materials Texas, Inc. dba TexasBit	420 Decker Dr. Suite 200 Irving, TX 75063	Multiple Groups
*Unique Paving Materials, Corp.	3993 E. 93rd St. Cleveland, OH 44105	Multiple Groups
*Austin Asphalt, Inc.	6330 Commerce Dr. Suite 150 Irving, TX 75063	Multiple Groups

OWNERS

Oldcastle Materials Texas, Inc. dba TexasBit

David Church, President
John Reid, Vice President
Stephen Ross, Secretary

OWNERS (continued)

Unique Paving Materials, Corp.

Michael Pemberton, President
Donna Letizia, Vice President
Jeffrey Higerd, Secretary
Donald Kautzman, Treasurer

Austin Asphalt, Inc.

Richard Mills, President
Mike Manning, Vice President
Justin B. Holt, Secretary
Patricia A. Jones, Treasurer

March 28, 2018

WHEREAS, on October 23, 2013, City Council authorized a two-year master agreement for the purchase of hot mix asphalt and cold patch materials with APAC-Texas, Inc., Unique Paving Materials, International Roadway Research, LLP, and Austin Asphalt, L.P. by Resolution No. 13-1818; and

WHEREAS, on December 9, 2015, City Council authorized a two-year master agreement for the purchase of hot mix asphalt and cold patch materials with Austin Asphalt, L.P., APAC Texas, Inc., and Unique Paving Materials, Corp. by Resolution No. 15-2201.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Oldcastle Materials Texas, Inc. dba TexasBit (004204) in the amount of \$6,287,625.00, Unique Paving Materials, Corp. (341227) in the amount of \$910,995.60, and Austin Asphalt, Inc. (VC18317) in the amount of \$48,000.00, approved as to form by the City Attorney, for the purchase of hot mix asphalt and cold patch materials for a term of two years, in a total amount not to exceed \$7,246,620.60.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$7,246,620.60 to Oldcastle Materials Texas, Inc. dba TexasBit, Unique Paving Materials, Corp., and Austin Asphalt, Inc. from Master Agreement Contract No. POM-2018-00005694.

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 # 32**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2

DEPARTMENT:Office of Procurement Services
Department of Convention and Event Services**CMO:**Elizabeth Reich, 670-7804
Joey Zapata, 670-3009**MAPSCO:**

45P

SUBJECT

Authorize a three-year master agreement for the purchase of trash and recycling receptacles for the Kay Bailey Hutchison Convention Center Dallas - Midpoint International, Inc. dba CleanRiver Inventive Recycling Products, lowest responsible bidder of three - Not to exceed \$177,769 - Financing: Convention and Event Services Current Funds

BACKGROUND

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

The Kay Bailey Hutchison Convention Center Dallas (KBHCCD) currently uses Hefty trash bins and cardboard boxes as primary trash and recycling repositories in and around the convention center. This master agreement will allow KBHCCD to purchase receptacles that complement the aesthetics of the facility's meeting rooms, exhibit halls, ballrooms, common areas, and outdoor spaces. Additionally, the vendor's product is made of 97 percent recycled products, which is in line with the department's commitment to use environmentally friendly materials.

The KBHCCD covers 2.2 million square feet and hosts an excess of one million visitors each year.

BACKGROUND (continued)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 783 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on March 19, 2018.

FISCAL INFORMATION

Convention and Event Services Current Funds - \$177,768.75

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE%</u>	<u>M/WBE \$</u>
\$177,768.75	Goods	18.00%	0.00%	\$0.00

- This contract does not meet the M/WBE goal of 18.00%, but complies with good faith efforts

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BI1701. We opened them on September 25, 2017. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Midpoint International, Inc. dba CleanRiver Inventive Recycling Products	189 Earl Stewart Drive Aurora, ON L4V6V5	\$177,768.75

BID INFORMATION (continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
Prestwick Group dba Max-R	W258 N5499 Executive Drive Sussex, WI 53089	\$255,225.00***
Infinite Manufacturing Group, Inc.	35 O'Brien Street Kearny, NJ 07032	Non-Responsive**

**Infinite Manufacturing Group, Inc. was deemed non-responsive due to not meeting bid specifications.

***The City has received a protest regarding this procurement which has been addressed. Please find attached the vendor protest letter and the City's response.

OWNER**Midpoint International, Inc. dba CleanRiver Inventive Recycling Products**

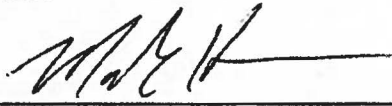
Bruce Buchan, President
Hugh Caines, Vice President
Carla Marcone, Secretary



Dear Cherie,

I would like this letter to be considered our formal protest for the the intent to award solicitation number BI1701. Below are the 5 detailed steps called out on the signature page of the RFB.

- 1) Name: Prestwick Group Inc. dba Max-R
Address: W248 N5499 Executive Drive, Sussex, WI 53089
Phone Number: 888-868-6297

- 2) Signature of protester: 

- 3) Solicitation Number: BI1701 Hospitality Trash and Recycling Receptacles For KBHCC

- 4) Detailed Statement:

I'm sorry to hear the bad news about this project especially after all the hard work we put in with your team over the past 18 months finalizing product designs, making product recommendations and meeting on site to make sure all the details were covered. Our designs (Albany and Verde) were selected by your team after a lengthy design process and were listed as the bid specs for this project. Your team was impressed with the service we provided along with the quality and value of our products. During several phone conversations and during our on site meeting it was mention by your team that they were not interested in any substitutes. Juanita Ortiz, Ron King, Ricardo Vela and Bonnie Zitek were all very concerned about the quality of other manufacturers using recycled plastic and were very adamant about using bins specifically manufactured by Max-R. At that time it was mentioned that pricing was not as much as an issue as quality and longevity of the products. Having an outstanding track record within the convention center and venue market your team had the confidence to reach for our bins and to highlight Max-R as the vendor of choice.

I understand you were open to taking alternative bid solutions, but if we were specifically asked by your team to submit pricing for the Albany and Verde designs, why would we submit an alternative solution? After working on this project over the course of 18 months and submitting several design concepts to your team, they ultimately chose to proceed with the Albany and Verde designs. In an email dated 11/10/2016 it was mentioned that our Albany series was a patented protected design. Because the design was approved by your team and they wanted us to help with the bid specs, I took that as your team being in favor of using this design. It seems unfair that all of this hard work gets thrown out the window over pricing for a product that is not "Apples to Apples" and



is an inferior alternative. In hindsight it would have been great if you or your team would have written their own general specs for this project and not ask us specifically for the Albany and Verde specs. We have lower price design options available and would of submitted pricing options for those designs as well. Again, I feel like Max-R was locked into providing Albany and Verde pricing after helping with this project and reading the bid specs.

If you recall, when the original bid was published our trademark and copyright protected designs were included in the bid docs and this also led to unfair competition. As with all copyright protected designs, they should not have been shared without our written consent. All of our design work was published for the competition to see and all they had to do was simply copy our designs. This is disheartening after all the time, money and energy spent on developing a solution specifically for your facility. I believe all of this could have been avoided if the TXMAS contract we originally discussed was utilized for securing these bins.

- 5) We are simply asking you to reopen the bid process so we can submit alternative pricing OR award the original bid to Max-R based on our products matching the exact bid specs listed. We are also requesting you to disqualify any submissions that are a direct copy of or similar to the designs we originally submitted due to the potential patent and or copyright infringement.



CITY OF DALLAS

February 26, 2018

Mark Hammer
Executive Vice President
Prestwick Group Inc. dba Max-R
W248 N5499 Executive Drive
Sussex, WI 53089

RE: RFB BI1701 - Hospitality Trash and Recycling Receptacles for Kay Bailey Hutchison Convention Center Dallas

Mr. Hammer:

The Kay Bailey Hutchison Convention Center Dallas (KBHCCD), and the City of Dallas, are in receipt of your formal protest regarding the intent to award solicitation RFB BI1701 Hospitality Trash and Recycling Receptacles for KBHCCD.

Your protest alleges, in summary, that the KBHCCD staff elected to conduct a competitive solicitation process after "a lengthy design process" using your specifications to consider other manufacturers for the products and resulting in an unfair bid process. Your protest also questions why KBHCCD accepted alternative responses when your company understood that the Albany and Verde designs were the specified designs. And lastly, the protest also alleges trademark and copyright protected designs were included in the bid documents and this also led to unfair competition.

The City provides the following response to your concerns:

"Our designs (Albany and Verde) were selected by your team after a lengthy design process and were listed as the bid specs for this project." The initial meeting with Max-R representative originated from a public industry event. It is not uncommon for a customer to request information from a participating vendor during and after an industry event. The details regarding the time and design specified in your letter are attributed to staff requesting additional information readily available through your company catalog and not specifically through custom design requested by KBHCCD staff. The City used such information to determine the need for the product and determine the subsequent method of procurement. The City may utilize a variation of procurement methods to obtain its goods and services in accordance with Texas Local Government Procurement Code. A cooperative agreement was considered as the initial option but after further review, a competitive solicitation process was conducted to determine whether a comparable and competitive product was available. When the decision was made to issue a Request for Bids, Max-R was notified as a courtesy and was provided a notice of the solicitation.

"I understand you were open to taking alternative bid solutions, but if we were specifically asked by your team to submit pricing for the Albany and Verde designs, why would we submit an alternative solution?" Staff initially requested pricing from Max-R based on the cooperative agreement as a procurement method option. However, a decision was then made to issue a solicitation to ensure that the City obtained the best competitive pricing. To achieve a competitive process, language for an equal product was included in the specifications, page 4, which states in part, "these specifications are for the sole purpose of establishing the minimum requirements, including but not limited to level of quality design. Any reference to model and/or make/manufacturer used in bid specifications is descriptive, not restrictive. It is used to indicate the type and quality desired. The City of Dallas shall be the sole judge of equality in its best interest, and the City's decision shall be final."



CITY OF DALLAS

The specifications specified the Max-R Albany and Verde collections as a descriptive product to meet or exceed, and that alternatives would be considered. If there were any questions regarding the specifications the Question and Answer period prior to the bid closing was the time to request clarification.

"If you recall, when the original bid was published our trademark and copyright protected designs were included in the bid docs and this also led to unfair competition."

To specify the product requirements, the specifications, were drafted utilizing photographs and content from various public domains. The inclusion of alternate product consideration, which required meeting or exceeding the specified requirements, allowed for greater competition. The solicitation process used was a sealed bid process which prevents any party from viewing submissions before a public bid opening is conducted; this process creates an open and fair competitive process.

In closing, you've requested solicitation BI1701 be reopened to allow your company to submit an alternative product or award to Max—R utilizing the TXMAS contract. In accordance to the Texas Local Government Procurement Code, once a bid has closed, no other submissions are permitted. The competitive bidding process resulted in a product that met the specifications, is the lowest cost and therefore, it is more advantageous to the City to award the contract to the lowest bidder.

The concerns submitted in your protest letter have been reviewed by my office which did not find any issues that would warrant not awarding the contract. Your protest letter and the City's response will be made available to the City Council during award consideration. This response does not prevent you from addressing your concerns to the City Council at the time the item is considered for award.

Respectfully,

NEZ 2/26/18

Mike Frosch
Director
Office of Procurement Services
City of Dallas

C: Stephanie Cooper, Assistant Director/Purchasing Agent, Office of Procurement Services

PETER N. JANSSON
JOHN E. MUNGER
MOLLY HOGAN MCKINLEY
JULIE F. KIRBY
ERIC V.C. JANSSON
TRISTANA V. FENSTER (PATENT AGENT)
LARRY L. SHUPE (1033-2010)

JANSSON MUNGER MCKINLEY & KIRBY LTD.

INTELLECTUAL PROPERTY LAW

REPLY TO: WISCONSIN OFFICE

601 LAKE AVENUE
RACINE, WI 53403
PHONE: 262/632-6900
FAX: 262/632-2287

ILLINOIS OFFICE

207 EAST WESTMINSTER
LAKE FOREST, IL 60048
PHONE: 847/283-0900
FAX: 847/283-0901

February 19, 2018

Ms. Cherie Moose, Buyer III
City of Dallas
cherie.moose@dallascityhall.com

**Re: Request for Bids – BI1701
Hospitality Trash and Recycling Receptacles for KBHCC**

Dear Ms. Moose:

This letter follows the December 7 letter emailed to you by Mark Hammer of Max-R, a division of our client The Prestwick Group, Inc. of Sussex, Wisconsin. He characterized his letter as a "formal protest" and in it he expressed disappointment, sorrow and some complaining of unfairness, but ended his letter by simply asking you "to reopen the bid process so [Max-R] can submit alternative pricing" or that you simply "award the original bid to Max-R based on [Max-R's] quality matching the exact bid specs listed." (For reference purposes I am attaching a photo of one of the Max-R products involved.)

With due respect to Dallas, I might have been a bit more direct than Mark was in his letter. Without pointing any finger of blame, viewing the long history of our client's dealings on this matter shows that Dallas, by announcing it would award the contract to Clean River, failed to follow through on statements and inducements it made in working with our client for nearly two years. More specifically, our client proceeded with creating the product specifications and the choices which actually went into the RFB itself, and exerted a great deal of creative effort over an extended period for Dallas' benefit in this matter, doing so with frequent communications from and to Bonnie Zitek, Juanita Ortiz, Ron King, Stephanie Mullen and others. There was plenty of assurance given about the ultimate business.

Making that legal point is one of two main purposes for my writing to you on Max-R's behalf. The other is to call to your attention some directly applicable Texas statutory law which Dallas would be ignoring if it follows through with awarding the bid to Clean River, a Canadian manufacturer. In pertinent part, Section 2155.444, Texas Statutes, requires as follows:

"[A]ll state agencies making purchases of goods ... shall give preference to those produced ... as follows: ...

"(b) If goods ... produced ... in this state ... are not equal in cost and quality to other products, then goods ... produced ... in other states of the United States shall be given preference over foreign products if the cost to the state and quality are equal."

Attached is a copy of Section 2155.444 with the pertinent portions highlighted.

February 19, 2018

There is no question that the quality of Max-R's products as proposed, and in fact as setting the content of the RFB itself, is certainly not exceeded by anything proposed by Clean River; in fact Max-R's products set the highest quality standards in the industry. And, as for cost, our client had in fact met your expectations and has indicated an ability and willingness to "submit alternative pricing."

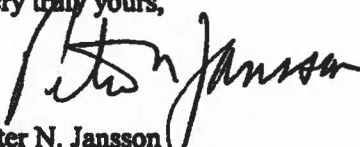
With those things in mind, the fact that all manufacture of Clean River's products is carried out in Canada and not in the United States (even if they secure raw materials in the USA) means that using Clean River as your supplier for the subject products would be contrary to the requirements of Texas law.¹ We have always heard that the State of Texas and its various entities operate on solid "Buy America" principles. We hope that will continue.

Granting the request at the end of Mark Hammer's December 7 letter is the proper and legal way for you to proceed. And, in doing so, you will rightly reap the benefits of dealing with our client with respect to its very high-quality and competitively-priced products.

Our client and we look forward to an encouraging response, and hope to do business with you. Please communicate with them, or with me if you wish.

Thank you.

Very truly yours,



Peter N. Jansson

Attachments
PNJ/

¹Obviously, our client has not seen any sample of whatever product may have been submitted to you by Clean River. If such products are marked "Made in USA," or if Clean River has stated to you (as they have to others) that their products are made in the USA, any such marking or statement is false, a matter that would be of concern to the FTC because of its regulations against false indications of origin. But even if there is no such marking and has been no such statement, the procurement laws of the State of Texas are clear – and are clearly applicable.



February 26, 2018

Peter N. Jansson, Esquire
Jansson Munger McKinley & Kirby Ltd.
601 Lake Avenue
Racine, Wisconsin 53403

Re: Request for Bids – BI1701
Hospitality Trash and Recycling Receptacles for KBHCC ("RFB")

Dear Mr. Jansson:

Your letter of February 19, 2018, to Cherie Moose, Buyer III for the City of Dallas, regarding the formal protest by Max-R Products concerning the proposed award in the above-cited RFB has been referred to me for response.

As the City stated in its response to Mr. Hammer's original letter, the City of Dallas did not mislead your client or give them assurance about the award of the business. The City used a competitive bid process as required by the State of Texas, and all bidders were given an equal opportunity to provide the City a quality product and a fair bid price. All bidders were on notice in the RFP that "Any reference to model and/or make/manufacture used in proposal specifications is descriptive, not restrictive. It is used to indicate the type and quality desired. The City of Dallas shall be the sole judge of equality in its best interest, and the City's decision shall be final."

The Texas Local Government Code § 252.043 (a) requires: "If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder . . ." The City of Dallas had specified in the RFB:

"This bid will be awarded in its entirety to the lowest responsive bidder who can provide the specific hospitality quality trash and recycling receptacles that are being requested."

The bid from CleanRiver Recycling Solutions was \$177,768.75, and the bid from your client, Max-R, was \$255,225.00: a difference of \$77,456.25 for comparable products. The difference in bid price is 43%.

The subsection from the Texas Government Code that you cite, §2155.44 (b), specifically limits the preference for products produced in other states of the United States over foreign products to the preference being given only if the cost and quality are equal. That is certainly not the case here. The product quality is equal, but your client's cost to the City of Dallas is 43% higher than the bidder recommended for the award.

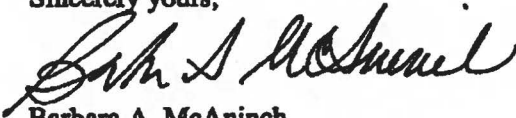
Peter N. Jansson, Esquire
Jansson Munger McKinley & Kirby Ltd.
February 26, 2018
Page 2

You are correct that CleanRiver's products are manufactured in Canada, but the company has represented to the City that all raw materials are sourced in the United States. The company is fully compliant with the Buy America Act and supplies its products to over 160 United States Air Force bases and to the Pentagon.

You requested that the City rebid for this product to give your client a chance to provide "alternative pricing." The Texas Local Government Code, Subsection 252.043 (g) specially provides that "A bid that has been opened may not be changed for the purpose of correcting an error in the bid price."

If awarded by the City Council, this will be a thirty-six-month master agreement with CleanRiver Recycling Solutions. After that period there will be a new request for bid, and your client will be invited to submit a competitive bid to supply the products.

Sincerely yours,



Barbara A. McAninch
Assistant City Attorney

C: Mike Frosch, Director, Office of Procurement Services
Stephanie Cooper, Assistant Director/Purchasing Agent, Office of Procurement Services
Cherie Moose, Buyer III, Office of Procurement Services

March 28, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Midpoint International, Inc. dba CleanRiver Inventive Recycling Products (VC18040), approved as to form by the City Attorney, for the purchase of trash and recycling receptacles for the Kay Bailey Hutchison Convention Center Dallas for a term of three years, in an amount not to exceed \$177,768.75.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for trash and recycling receptacles for the Kay Bailey Hutchison Convention Center Dallas. If a written contract is required or requested for any or all purchases for trash and recycling receptacles for the Kay Bailey Hutchison Convention Center Dallas under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$177,768.75 to Midpoint International, Inc. dba CleanRiver Inventive Recycling Products from Master Agreement Contract No. CCT-2018-00005002.

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 # 33

**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2

DEPARTMENT:

Office of Procurement Services
Department of Aviation

CMO:

Elizabeth Reich, 670-7804
Jody Puckett, 670-3390

MAPSCO:

34 E

SUBJECT

Authorize **(1)** a three-year master agreement for the purchase of heating, ventilation, and air conditioning air filters for Dallas Love Field with Advanced Filtration Products, LLC in the amount of \$377,224 through the Texas Association of School Boards; and **(2)** a three-year master agreement for the purchase of heating, ventilation, and air conditioning canisters for Dallas Love Field with Texas AirSystems LLC in the amount of \$277,200 through The Interlocal Purchasing System - Total not to exceed \$654,424 - Financing: Aviation Current Funds

BACKGROUND

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

This master agreement will provide for the purchase of heating, ventilation, and air conditioning filters and canisters for Dallas Love Field to ensure the airport is up to equipment and design standards. Utilizing these filters and canisters assist in maintaining compliance with Leadership in Energy and Environmental Design (LEED) certification. These canisters and filters are only available through certified distributors in Dallas.

Dallas Love Field was designed utilizing LEED certifications standards for measuring buildings sustainability. Maintaining LEED certification contributes to a clean, safe, and healthy environment by providing the best air flow and filtration possible to City employees and passengers of Love Field.

BACKGROUND (continued)

The Interlocal Purchasing System and the Texas Association of School Boards are authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on March 19, 2018.

FISCAL INFORMATION

Aviation Current Funds - \$654,423.03

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE%</u>	<u>M/WBE \$</u>
\$654,423.03	COOP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (COOPs)

OWNERS

Advanced Filtration Products, LLC

Andrea Mock, President
James Mock, Vice President
Melissa Matuke, Secretary & Treasurer

Texas AirSystems LLC

Armando Brunetti, President
Frank Shahin, Vice President & Treasurer
Bill Slode, Secretary

March 28, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign **(1)** a three-year master agreement with Advanced Filtration Products, LLC (VC18350) in the amount of \$377,223.03, through the Texas Association of School Boards, approved as to form by the City Attorney, for the purchase of heating, ventilation, and air conditioning air filters for Dallas Love Field; and **(2)** a three-year master agreement with Texas AirSystems LLC (VS0000059896) in the amount of \$277,200.00, through The Interlocal Purchasing System, approved as to form by the City Attorney, for the purchase of heating, ventilation, and air conditioning canisters for Dallas Love Field, in a total amount not to exceed \$654,423.03.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for heating, ventilation, and air conditioning air filters and canisters for Dallas Love Field. If a written contract is required or requested for any or all purchases for heating, ventilation, and air conditioning air filters and canisters for Dallas Love Field under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$654,423.03 to Advanced Filtration Products, LLC and Texas AirSystems LLC from Master Agreement Contract No. AVI-2018-00005173.

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 # 34**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:Office of Procurement Services
Water Utilities Department**CMO:**Elizabeth Reich, 670-7804
Majed Al-Ghafry, 670-3302**MAPSCO:**

N/A

SUBJECT

Authorize a three-year master agreement for the purchase of quicklime - Lhoist North America of Texas Ltd, lowest responsible bidder of two - Not to exceed \$17,245,482 - Financing: Water Utilities Current Funds

BACKGROUND

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

This master agreement will provide quicklime for use in water purification and wastewater treatment. Three water purification plants and one wastewater treatment plant use lime slaking equipment to convert quicklime to lime slurry. The resultant lime slurry is then used in the water purification process during the chemical treatment stage to adjust pH level of the water. It also serves as a partial softening and corrosion control agent to reduce water hardness, certain minerals and impurities as mandated by Texas Commission on Environmental Quality regulations. Lime slurry made with quicklime is used in wastewater treatment to remove suspended solids and eliminate odors as required by Environmental Protection Agency regulations. Quicklime has been used by Dallas Water Utilities (DWU) for over twenty years in water and wastewater treatment process.

This master agreement will continue to provide National Sanitary Foundation 60 certified quicklime for use in water purification and wastewater treatment. Providing service to an estimated 2.3 million people in the City and surrounding communities, DWU treats approximately 417 million gallons of fresh water and 167 million gallons of wastewater per day.

BACKGROUND (continued)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 499 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 9, 2013, City Council authorized a three-year master agreement for quicklime with Texas Lime Company by Resolution No. 13-0107.

The Government Performance & Financial Management Committee will receive this item for consideration on March 19, 2018.

FISCAL INFORMATION

Water Utilities Current Funds - \$17,245,482.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE%</u>	<u>M/WBE \$</u>
\$17,245,482.00	Goods	18.00%	0.00%	\$0.00

- This contract does not meet the M/WBE goal of 18.00%, but complies with good faith efforts

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BW1801. We opened them on January 26, 2018. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

BID INFORMATION (continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Lhoist North America of Texas Ltd	5600 Clearfork Main Street Fort Worth, TX 76109	\$17,245,482.00
Texas Lime Company	5429 LBJ Freeway Suite 230 Dallas, TX 75240	\$24,416,000.00

OWNER**Lhoist North America of Texas Ltd**

Ron Thompson, President
Michael Eliassen, Vice President
Ken Curtiss, Secretary
James Robinson, Treasurer

March 28, 2018

WHEREAS, on January 9, 2013, City Council authorized a thirty-six-month master agreement for quicklime with Texas Lime Company by Resolution No. 13-0107.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Lhoist North America of Texas Ltd. (VS0000044110), approved as to form by the City Attorney, for the purchase of quicklime for a term of three years, in an amount not to exceed \$17,245,482.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$17,245,482 to Lhoist North America of Texas Ltd. from Master Agreement Contract No. DWU-2018-00005568.

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 # 35

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

CMO: Willis Winters, 670-4071

MAPSCO: 46K, P

SUBJECT

Authorize a professional services contract with M.E.P. Consulting Engineers, Inc. for lighting design and engineering services for the Music Hall Exterior Lighting Improvements Project at the Music Hall in Fair Park located at 909 First Avenue - Not to exceed \$92,485 - Financing: General Funds (subject to appropriations)

BACKGROUND

This engineering services contract will address the need for improved lighting for a safer night-time environment at the pedestrian areas around the Music Hall building. The contract will also address the need for improved lighting to highlight the unique architecture of the Music Hall building.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2018
Complete Design	July 2018
Begin Construction	November 2018
Complete Construction	January 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 15, 2018, the Park and Recreation Board authorized an engineering services contract with M.E.P. Consulting Engineers, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 26, 2018.

FISCAL INFORMATION

General Funds - \$92,485.00 (subject to appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$92,485.00	Architecture & Engineering	25.66%	100.00%	\$92,485.00

- This contract exceeds the M/WBE goal of 25.66%

OWNER

M.E.P. Consulting Engineers, Inc.

Sheila Nemati, P.E., President

MAP

Attached

MUSIC HALL, 909 First Avenue



NORTH

Music Hall Exterior Lighting Improvements Project

Mapsco 46 K, P
Council District 7

March 28, 2018

WHEREAS, the existing outdoor lights at the Music Hall located at 909 First Avenue are not illuminating certain pedestrian areas to the levels recommended by the Illumination Engineering Society; and

WHEREAS, on November 29, 2017, a solicitation for consulting services for the design of the Exterior Lighting Improvements at the Music Hall was developed and publicly advertised by the Park and Recreation Department; and

WHEREAS, on December 15, 2017, three statements of qualifications were received; and

WHEREAS, on December 22, 2017, a proposal request was issued to two firms; and

WHEREAS, on January 11, 2018, two proposals were received; and

WHEREAS, on January 17, 2018, M.E.P. Consulting Engineers, Inc. received the highest ranking, making them the most qualified proposer of the two respondents as the result of a qualifications-based selection process in accordance with City of Dallas Administrative Directive 4-5; and

WHEREAS, it is now desirable and in the best interest of the City of Dallas to authorize a professional services contract with M.E.P. Consulting Engineers, Inc. for lighting design and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Music Hall Exterior Lighting Improvements Project.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to sign a professional services contract with M.E.P. Consulting Engineers, Inc., approved as to form by the City Attorney, to provide lighting design and engineering services for Music Hall Exterior Lighting Improvements Project, in an amount not to exceed \$92,485.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$92,485 (subject to appropriations) to M.E.P. Consulting Engineers, Inc. from General Fund, Fund 0001, Department PKR, Unit 5207, Object 4111, Activity FPRK, Program PKFPMHEL, Encumbrance/Contract No. PKR-2018-00005406, Commodity 92500, Vendor 515088.

March 28, 2018

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 # 36

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

1

DEPARTMENT:

Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

55 A

SUBJECT

Authorize an agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, the Southern Gateway Project - Financing: No cost consideration to the City

BACKGROUND

This agreement is for the design and construction of water and wastewater main relocations and adjustments in conjunction with paving and drainage improvements by the Texas Department of Transportation (TxDOT), for the Southern Gateway Project. Phase 1 of the Southern Gateway Project will be constructed through a Design-Build Agreement with Pegasus Link Constructors on Interstate Highway 35E (Stemmons Freeway) from Eleventh Street to Seventh Street. Pursuant to the Design-Build Agreement between TxDOT and the Design-Build Contractor, the Design-Build Contractor has undertaken the obligation for design and construction of the Southern Gateway Project, which includes necessary water and wastewater main relocations and adjustments.

Under this agreement, the cost of utility relocations and/or adjustments required by the improvements of Interstate Highway 35E (Stemmons Freeway) will be funded by TxDOT. In addition, TxDOT will reimburse Dallas Water Utilities for construction management services expended for water and wastewater main relocations and adjustments. Dallas Water Utilities will provide construction inspection services and final approval of the water and wastewater main relocations. Utility relocations and adjustments required for future phases along U.S. Highway 67 (Marvin D. Love Freeway) will be funded in accordance with state and federal regulations and authorized by a separate council action.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction April 2018
Complete Construction June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

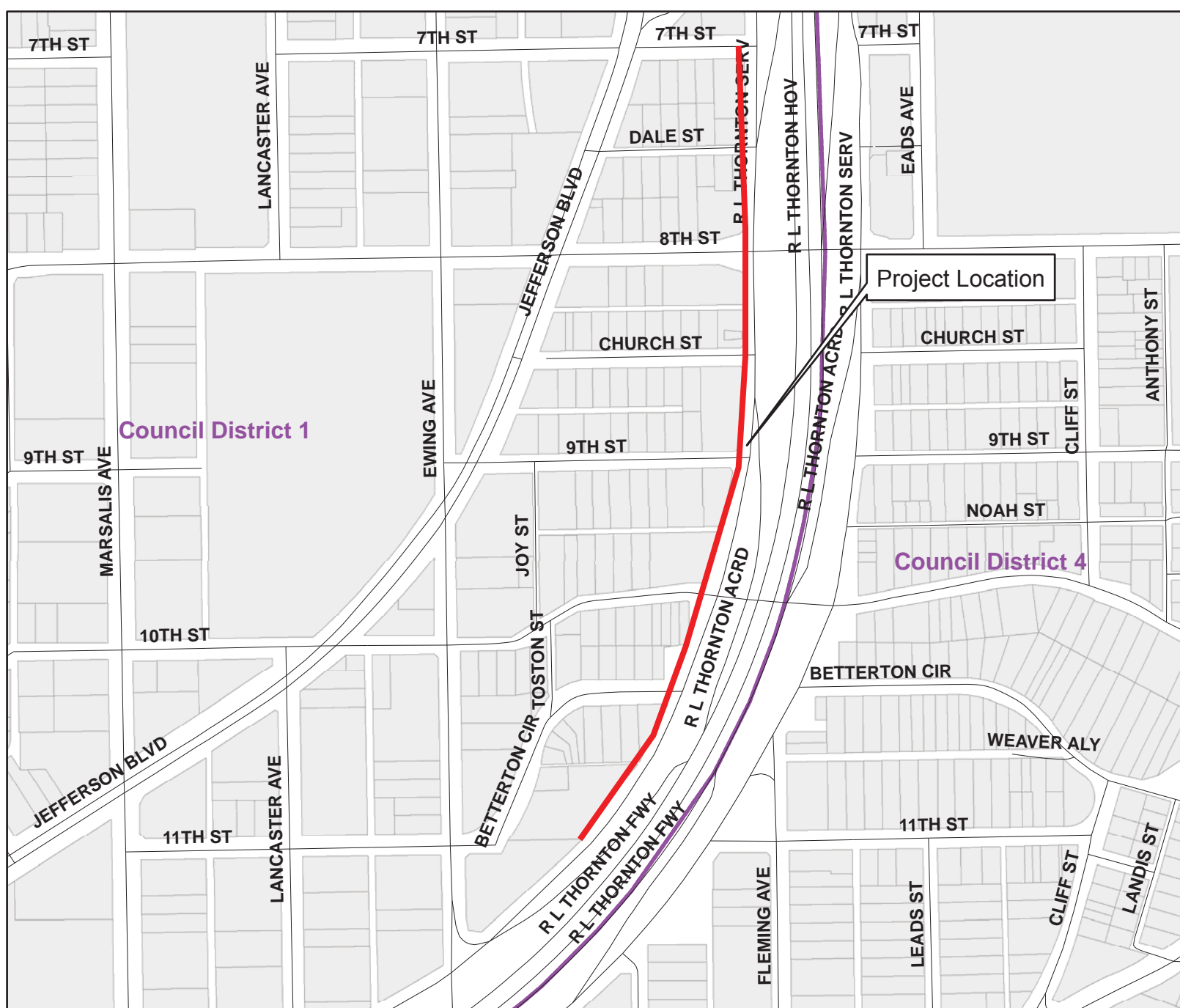
Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

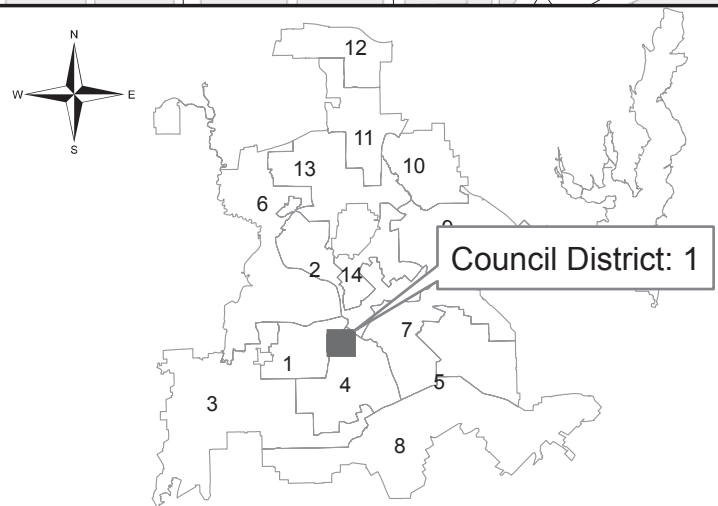
No cost consideration to the City.

MAP

Attached



Mapsco: 55 A



**Dallas Water Utilities
Contract No. 17-319/320F
Water Main Relocations and Adjustments**

March 28, 2018

WHEREAS, the Texas Department of Transportation (TxDOT) proposes to construct paving and drainage improvements at Interstate Highway 35E (Stemmons Freeway) and U.S. Highway 67 (Marvin D. Love Freeway) for the Southern Gateway Project; and

WHEREAS, the design and construction of the Southern Gateway Project will be completed by Pegasus Link Constructors through a Design-Build Contract with TxDOT; and

WHEREAS, Dallas Water Utilities has existing water and wastewater mains in conflict with the Southern Gateway Project that will require relocation and adjustments to facilitate the project; and

WHEREAS, under the agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through TxDOT, the Design-Build Contractor is responsible for the design and construction of the water and wastewater relocations and adjustments; and

WHEREAS, TxDOT is responsible for the cost of the Reimbursable Utility Adjustments, including indirect costs and Dallas Water Utilities will be responsible for the cost of the Non-Reimbursable Utility Adjustments; and

WHEREAS, the agreement for the Adjustment of Municipal Utilities will allow TxDOT to proceed with the Design-Build Contract, and provide contract administration.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, approved as to form by the City Attorney, for the design and construction of water and wastewater relocations and adjustments required for the Southern Gateway Project.

SECTION 2. That this contract is designated as Contract No. DWU-2018-00005441.

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 # 37

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

N/A

DEPARTMENT:

Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

N/A

SUBJECT

Authorize a contract with Carollo Engineers, Inc. to provide engineering services for the City of Dallas Water Delivery Comprehensive System Assessment and Update - Not to exceed \$3,989,947 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

The City of Dallas Water Distribution Master Plan was last updated in 2007. Since the last update, service area populations, growth and land use projections, water treatment, operational challenges, and regulatory requirements have changed. This project will assess the City of Dallas Water Delivery System to document actions necessary to meet system needs, comply with regulatory requirements, and meet strategic, performance and service level goals.

This action will provide engineering services to perform a comprehensive assessment of the City of Dallas Water Delivery System. The scope of work is based on a holistic approach to water delivery including capital improvements, operation and maintenance, and system administration. The project will address projected water demands, aging infrastructure, service reliability, water quality, water loss and recommendations to maximize operational efficiency. Major tasks include:

- Condition assessment of pump stations, reservoirs, and tanks
- Electrical feasibility assessment for use of portable generators at 10 pump stations
- Future water demand projections through 2040
- Update hydraulic model and calibrate for system characteristics
- Perform hydraulic modeling for Dallas Water Utilities system defined scenarios
- Water quality and surge analysis
- Regulatory analysis
- Risk development and modeling
- System operation optimization and benchmarking

BACKGROUND (continued)

- Evaluation of infrastructure repair and replacement strategies and goals
- Recommendation of capital improvements with implementation triggers
- Operational improvement and efficiency recommendations
- Funding needs, budget recommendations, and evaluation of funding sources

This project is expected to take approximately 24 months to complete.

ESTIMATED SCHEDULE OF PROJECT

Begin Assessment April 2018
Complete Assessment April 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$3,989,947.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$3,989,947.00	Architecture & Engineering	25.66%	25.70%	\$1,025,585.00

- This contract exceeds the M/WBE goal of 25.66%

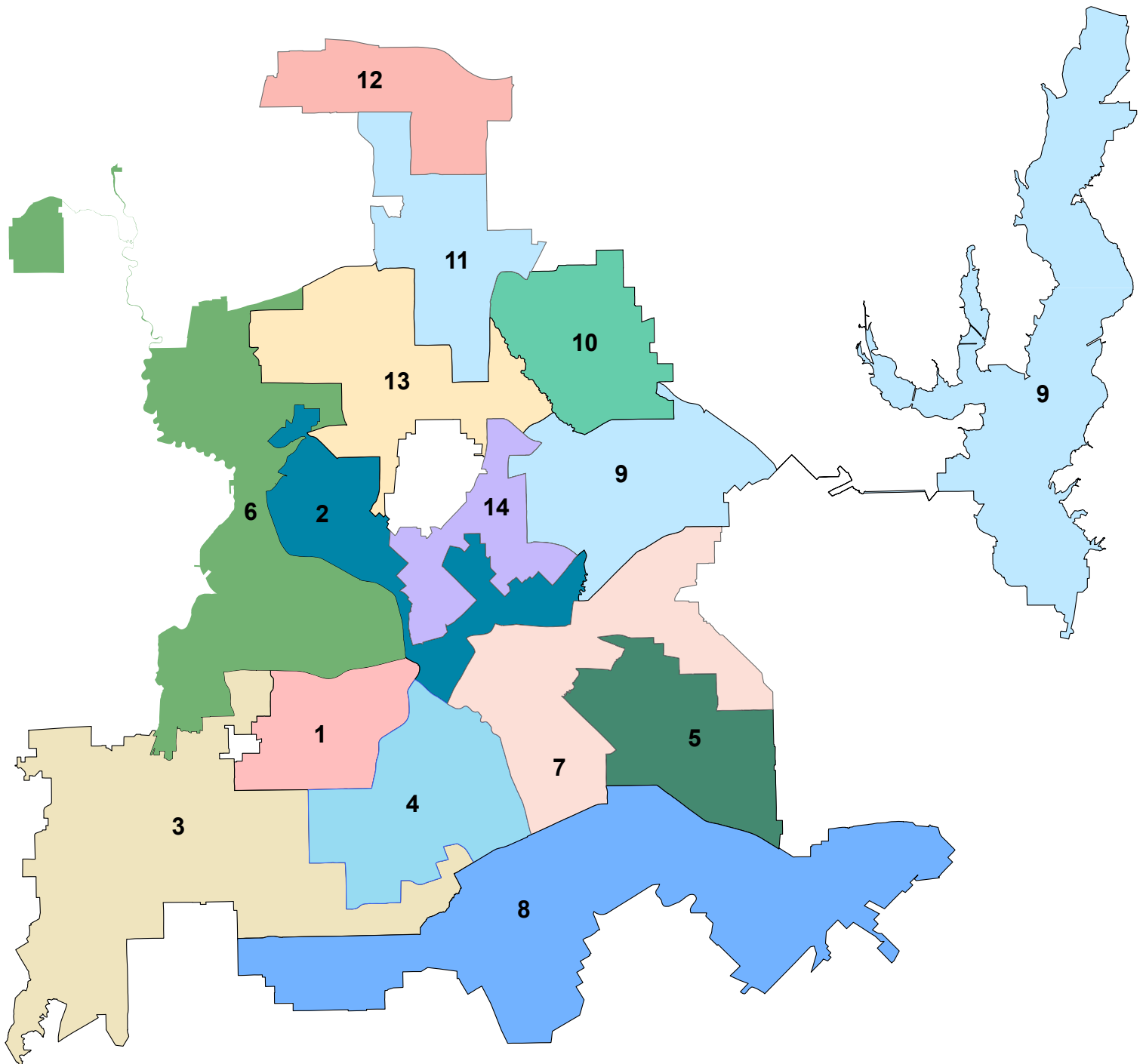
OWNER

Carollo Engineers, Inc.

Balakrishnan Narayanan, President and Chief Executive Officer

MAP

Attached



March 28, 2018

WHEREAS, Dallas Water Utilities is committed to providing the highest quality water service through long-range planning and regular assessments of the water delivery system; and

WHEREAS, engineering services are necessary to provide a comprehensive assessment update of the City of Dallas Water Delivery System that includes strategic, performance and service level goals; and

WHEREAS, Carollo Engineers, Inc., 14785 Preston Road, Suite 950, Dallas, Texas 75254, 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 Carollo Engineers, Inc., Contract No. 17-395E, in the amount of \$3,989,947 be approved and the consultant be authorized to perform the required engineering services.

SECTION 2. That the City Manager is hereby authorized to sign a contract with Carollo Engineers, Inc., approved as to form by the City Attorney, to provide engineering services for the City of Dallas Water Delivery Comprehensive System Assessment and Update, in an amount not to exceed \$3,989,947.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,989,947 to Carollo Engineers, Inc. from the Water Construction Fund, Fund 0102, Department DWU, Unit CW01, Object 4114, Program 717395, Encumbrance/Contract No. CX-DWU-2018-00005197, Vendor 339957.

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

AGENDA ITEM # 38**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

4, 7, 9, 11, 14

DEPARTMENT:

Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

Various

SUBJECT

Authorize a construction contract for the installation of water and wastewater mains at 16 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of three - Not to exceed \$13,376,475 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of the replacement and rehabilitation of approximately 41,490 feet of water and wastewater mains. This includes the installation of approximately 100 feet of 4-inch, 1,400 feet of 6-inch, 18,090 feet of 8-inch, 3,100 feet of 12-inch, and 100 feet of 16-inch water mains, and the installation of approximately 200 feet of 6-inch, 7,300 feet of 8-inch, 100 feet of 12-inch, 900 feet of 16-inch, 5,300 feet of 18-inch, 500 feet of 30-inch, and 4,400 feet of 36-inch wastewater mains.

The existing water and wastewater mains were built between 1925 and 1970. 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.

The following chart illustrates Ark Contracting Services, LLC's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TWM</u>
Projects Completed	3	1	1	0
Change Orders	2	0	3	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2016
Completed Design	December 2017
Begin Construction	April 2018
Complete Construction	April 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 14, 2016, City Council authorized a professional services contract with Huitt-Zollars, Inc. to provide design services for the replacement and rehabilitation of water and wastewater mains at 32 locations by Resolution No. 16-1946.

On December 14, 2016, City Council authorized a professional services contract with APM & Associates, Inc. to provide design services for the replacement and rehabilitation of water and wastewater mains at 37 locations by Resolution No. 16-1946.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$13,376,475.00

Design	\$ 1,022,471.71
Construction (this action)	<u>\$13,376,475.00</u>
Total Project Cost	\$14,398,946.71

<u>Council District</u>	<u>Amount</u>
4	\$ 1,536,682.94
7	\$ 644,673.49
9	\$ 7,500,079.43
11	\$ 1,130,011.97
14	<u>\$ 2,565,027.17</u>
Total	\$13,376,475.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$13,376,475.00	Construction	25.00%	29.51%	\$3,947,200.00

- This contract exceeds the M/WBE goal of 25.00%

BID INFORMATION

The following three bids with quotes were opened on January 12, 2018:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*Ark Contracting Services, LLC 420 South Dick Price Road Kennedale, Texas 76060	\$13,376,475.00
John Burns Construction Company of Texas, Inc.	\$14,806,209.00
Camino Construction, L.P.	\$15,244,076.90

OWNER

Ark Contracting Services, LLC

Steven C. Bowman, President
Mark North, Vice-President

MAPS

Attached

Renewal of Water and Wastewater Mains

District 4

Honey Springs Branch from Overton Road to Kiest Boulevard

District 7

Alley between Al Lipscomb Way and Park Row Avenue from Good Latimer Expressway northeast

Edgewood Street from Good Latimer Expressway southeast

Good Latimer Expressway from Central Expressway Ramp northeast

District 9

*Abrams Road from Mercedes Avenue to Kenwood Avenue

Bob O Link Drive from Abrams Road to Hillside Drive

Easement east of Lawther Drive between Emerald Isle Drive and Poppy Drive

East Lawther Drive from Garland Road to Sunset Inn Circle

Velasco Avenue from Abrams Road to Wendover Road

District 11

Belmead Drive from West Ricks Circle to East Ricks Circle

District 14

Alley between Llano Avenue and Velasco Avenue from Concho Street to Skillman Street

Alley between Monticello Avenue and Merrimac Avenue from Homer Street to Glencoe Street

Bermuda Street from La Vista Drive south

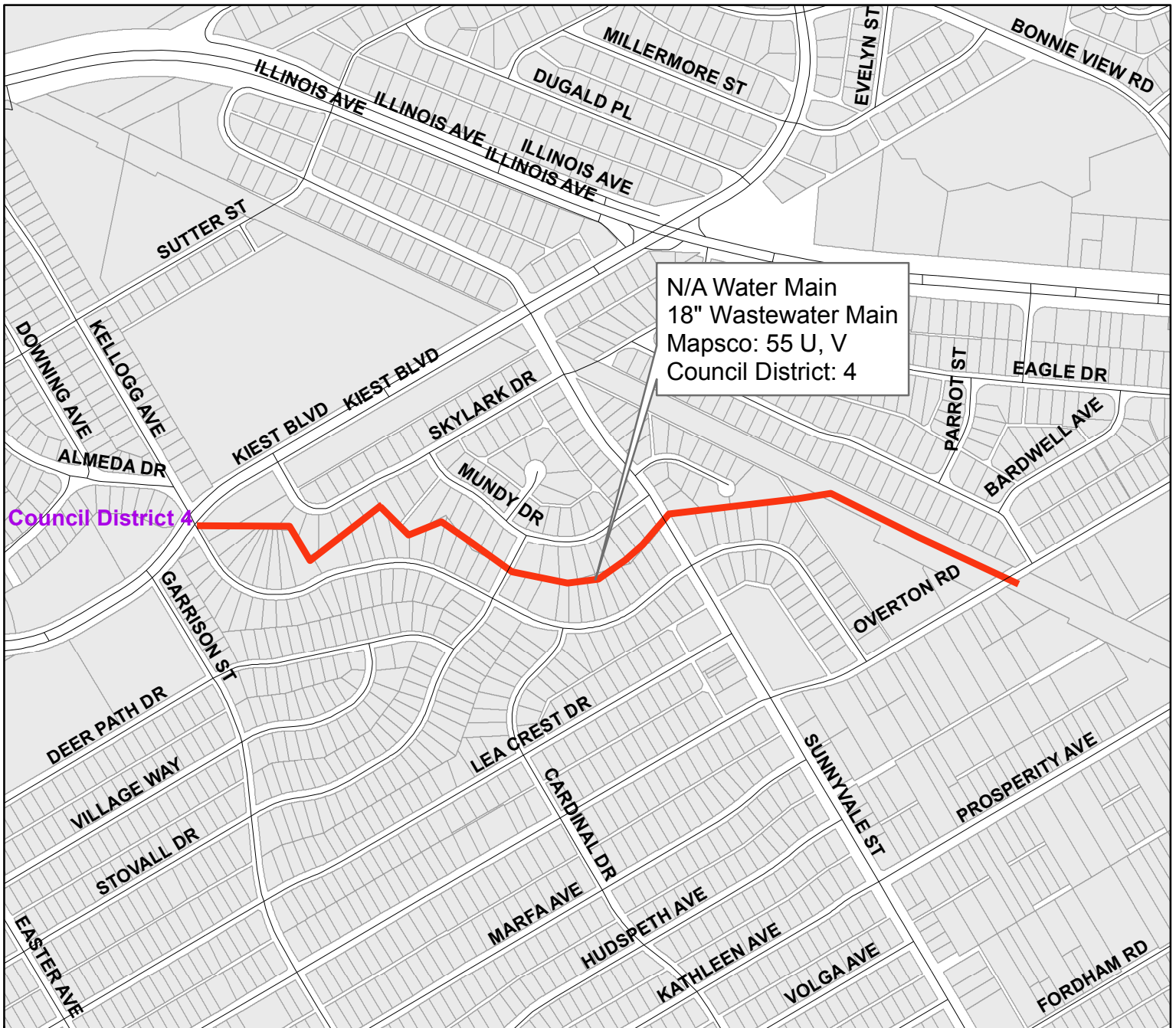
Corona Street from La Vista Drive southwest

La Vista Drive from Bermuda Street to Lucerne Street

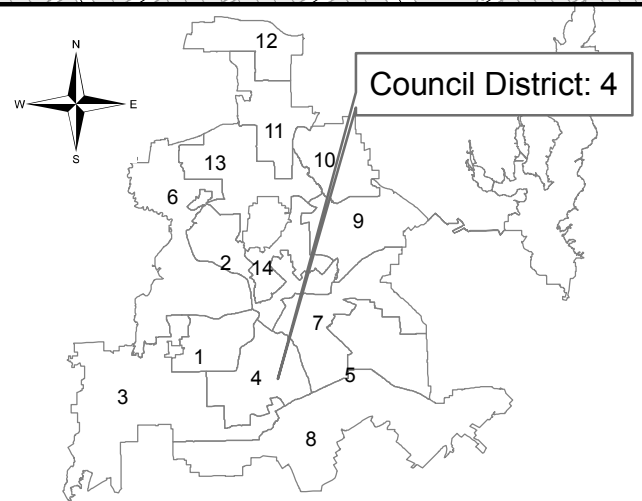
Tucker Street from La Vista Drive southwest

*(Abrams Road from Mercedes Avenue to Kenwood Avenue)
(See District 9)

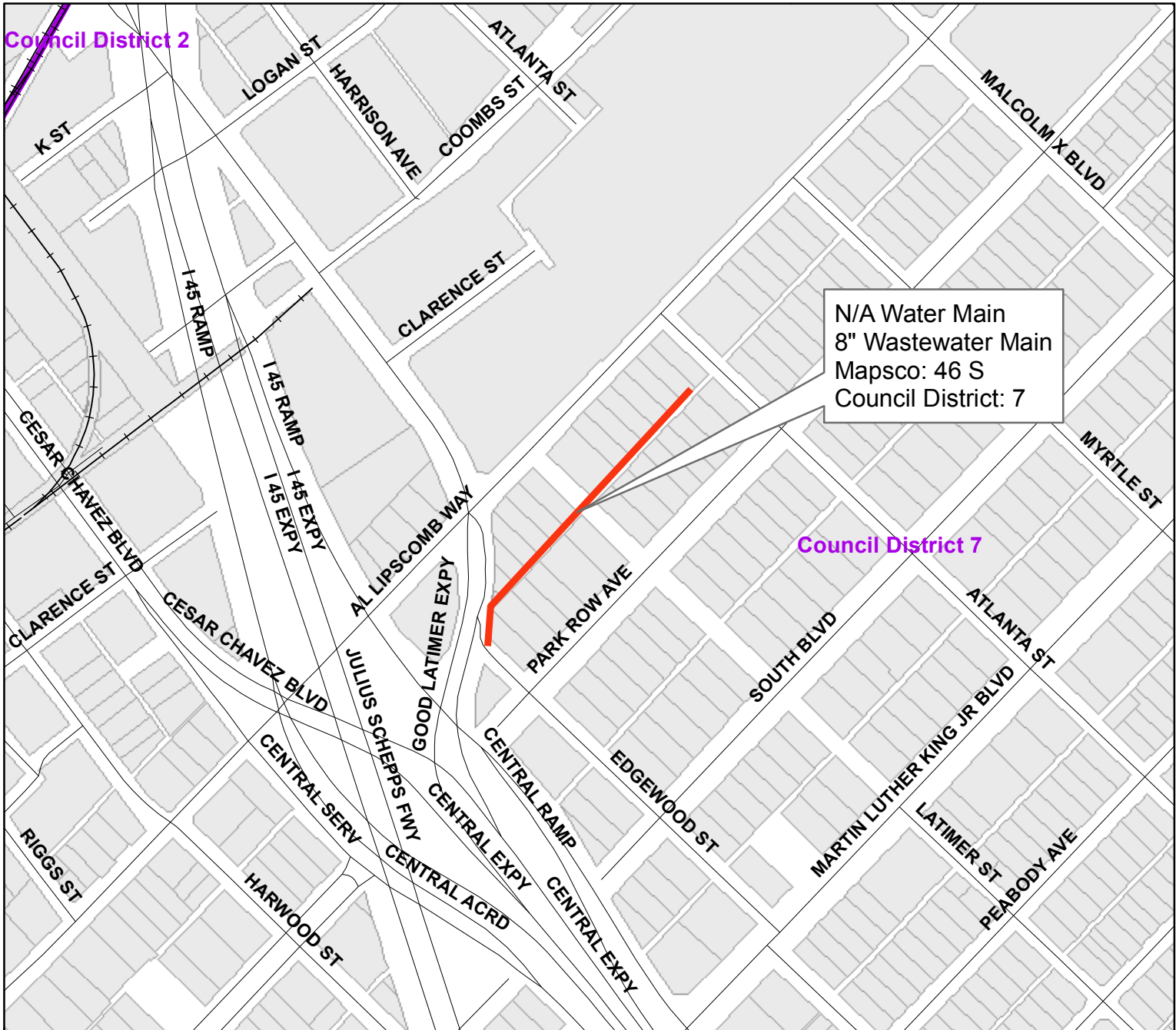
*Project limits in more than one Council District



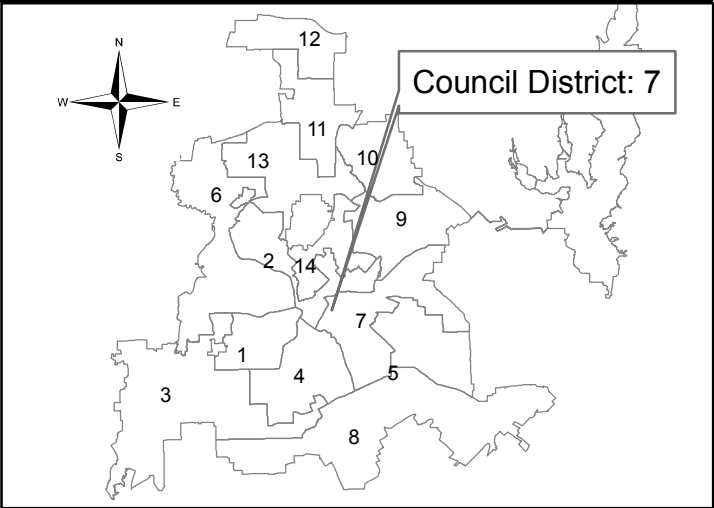
Honey Springs Branch
from Overton Road to Kiest Boulevard



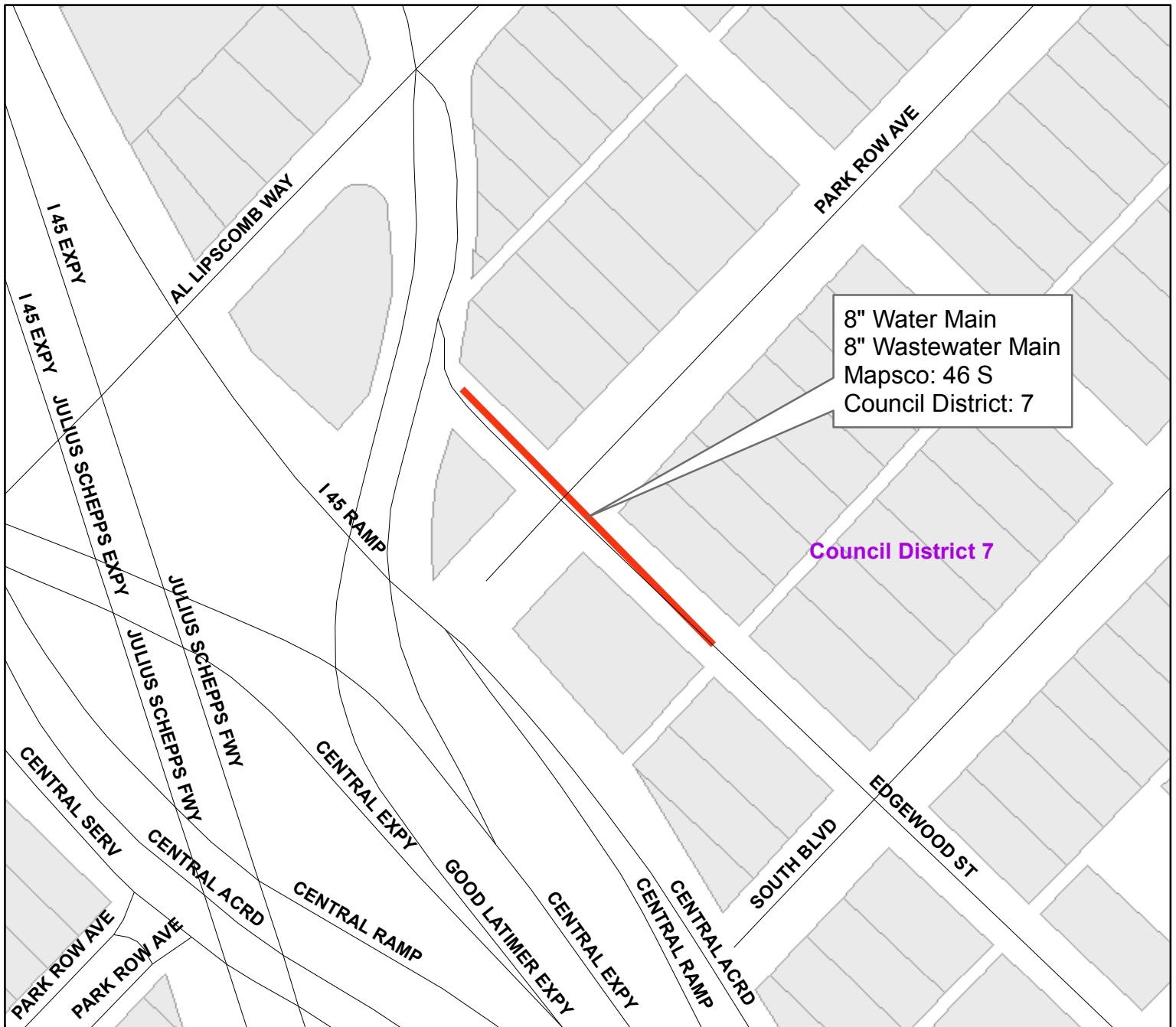
**Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations**



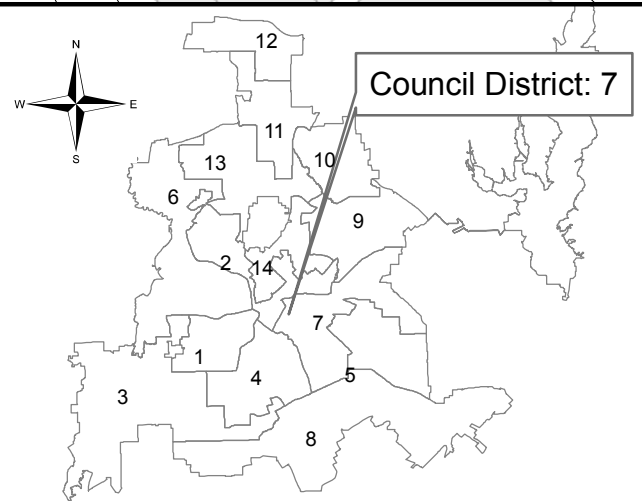
Alley between Al Lipscomb Way and Park Row Avenue
from Good Latimer Expressway northeast



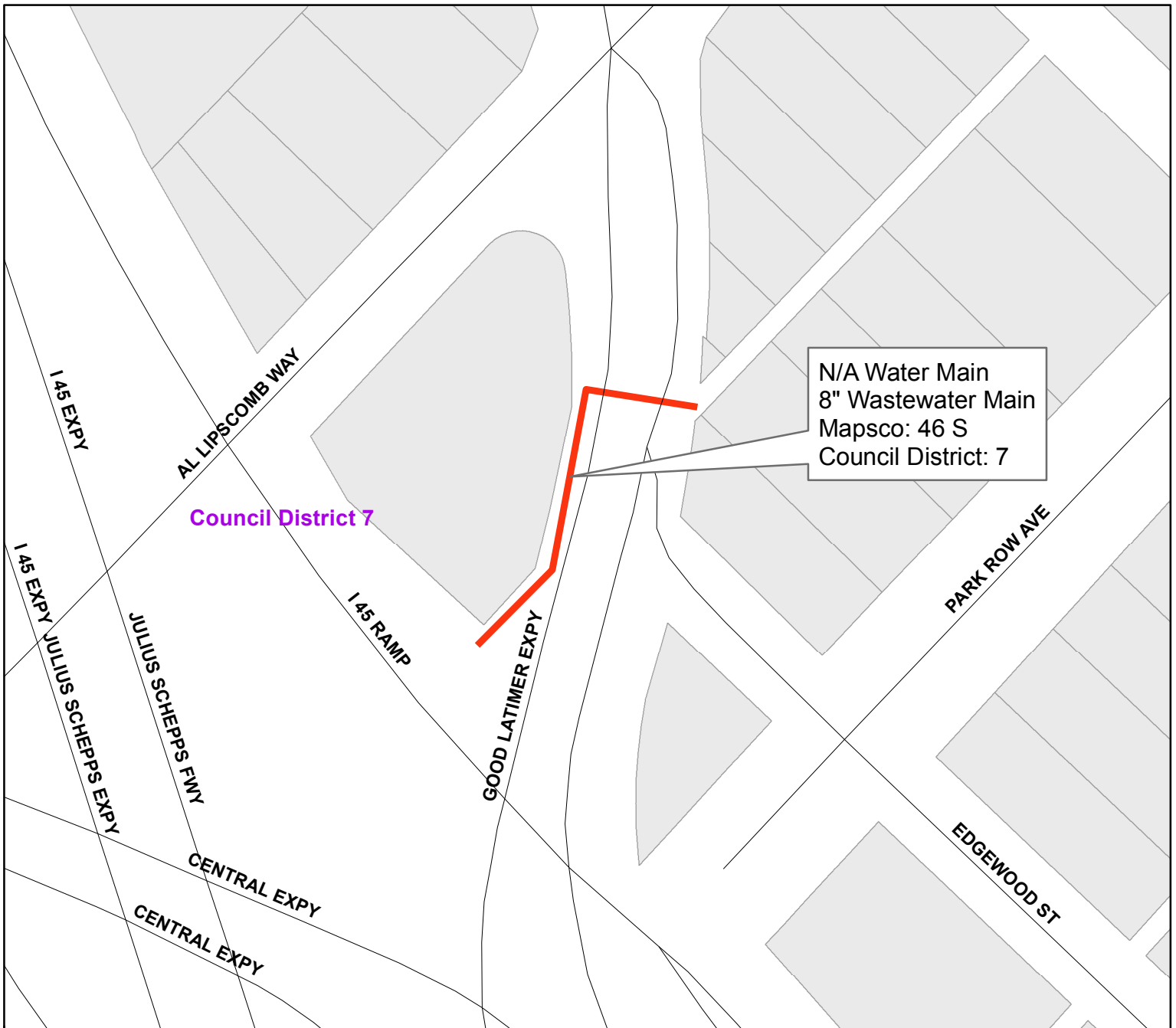
Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



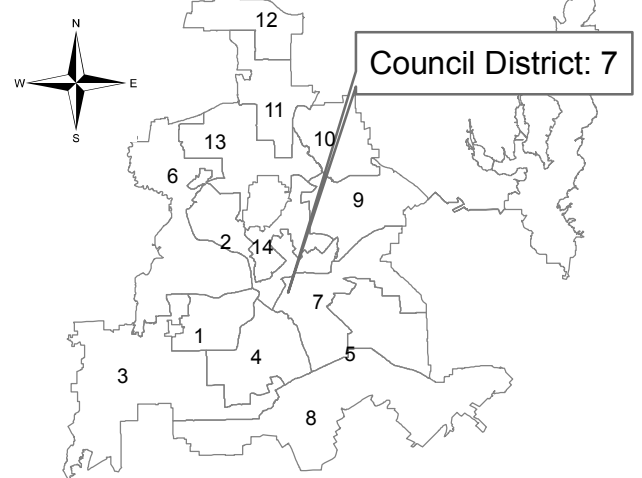
Edgewood Street
from Good Latimer Expressway southeast



Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



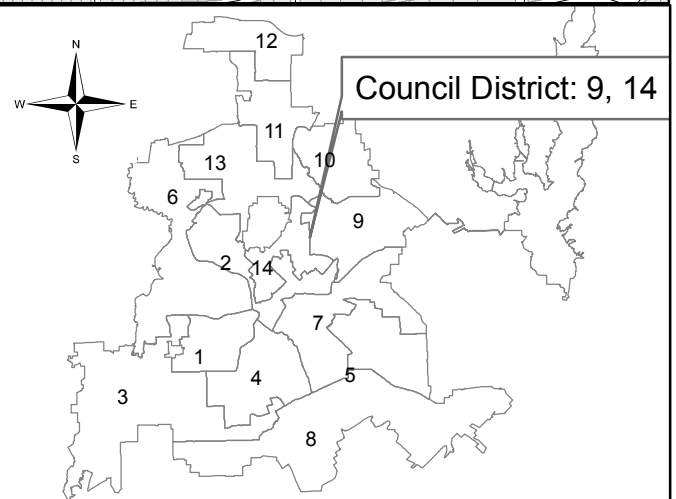
Good Latimer Expressway
from Central Expressway Ramp northeast



**Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations**



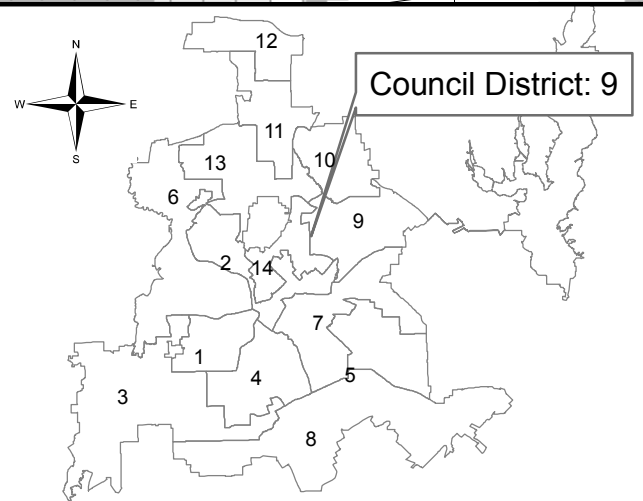
Abrams Road
from Mercedes Avenue to Kenwood Avenue



**Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations**



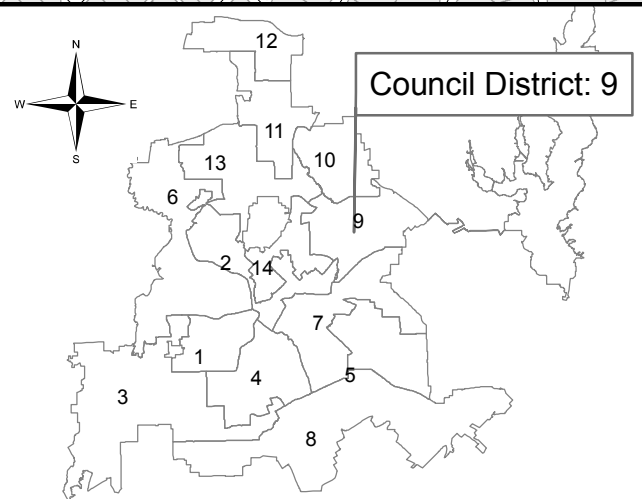
Bob O Link Drive
from Abrams Road to Hillside Drive



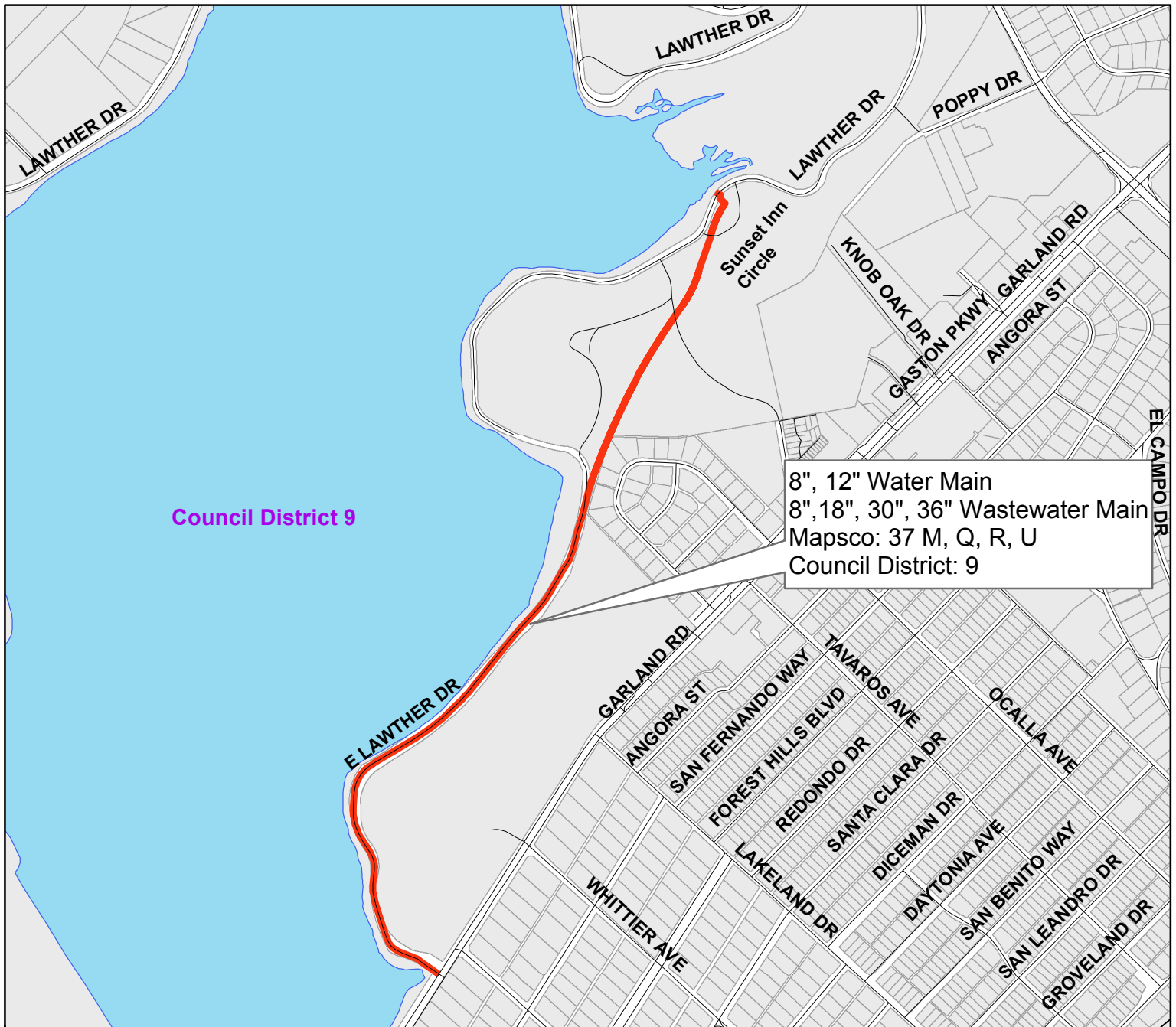
**Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations**



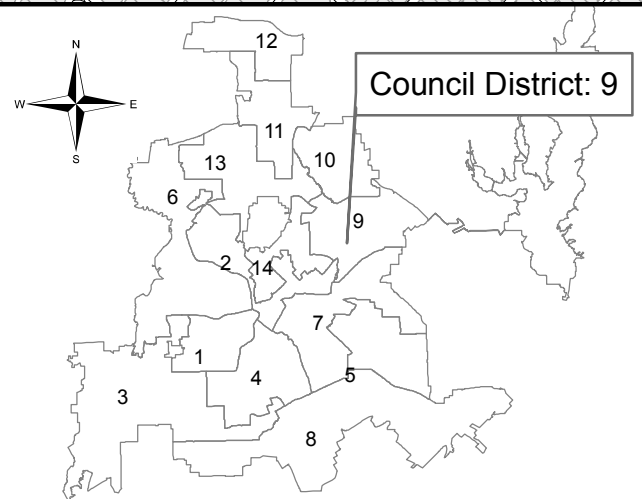
Easement east of Lawther Drive
between Emerald Isle Drive and Poppy Drive



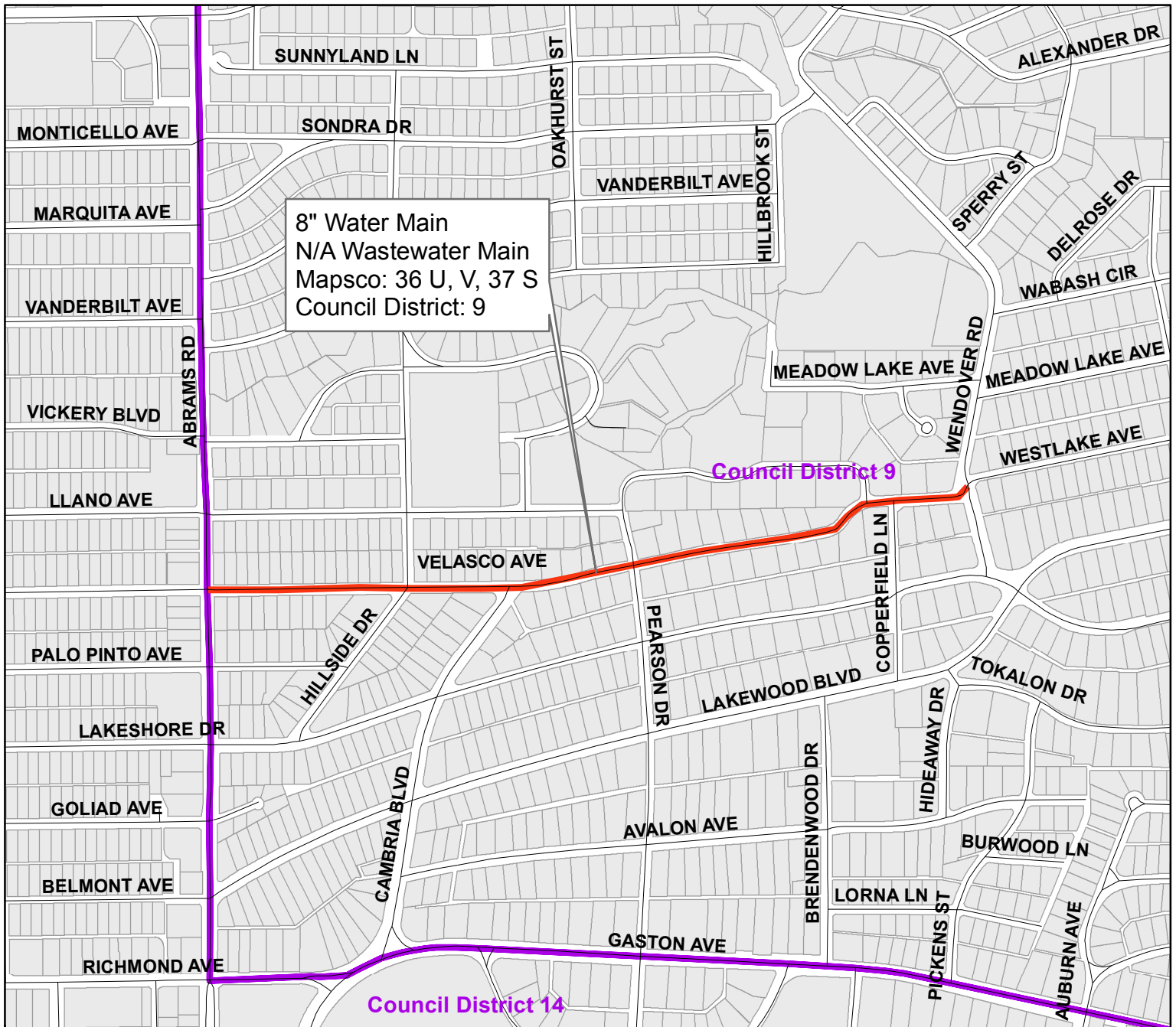
Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



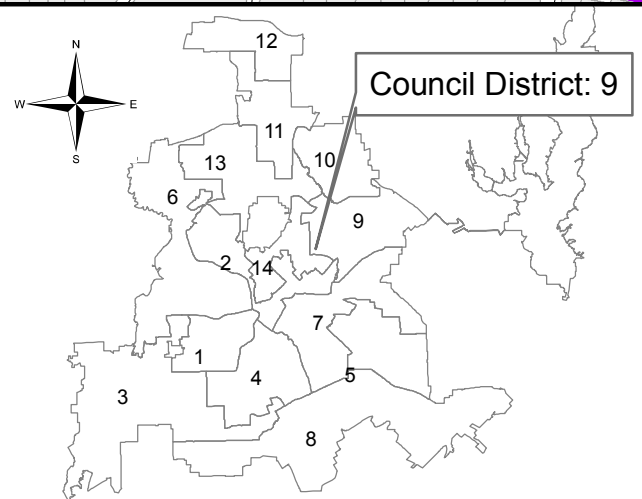
East Lawther Drive
 from Garland Road to Sunset Inn Circle



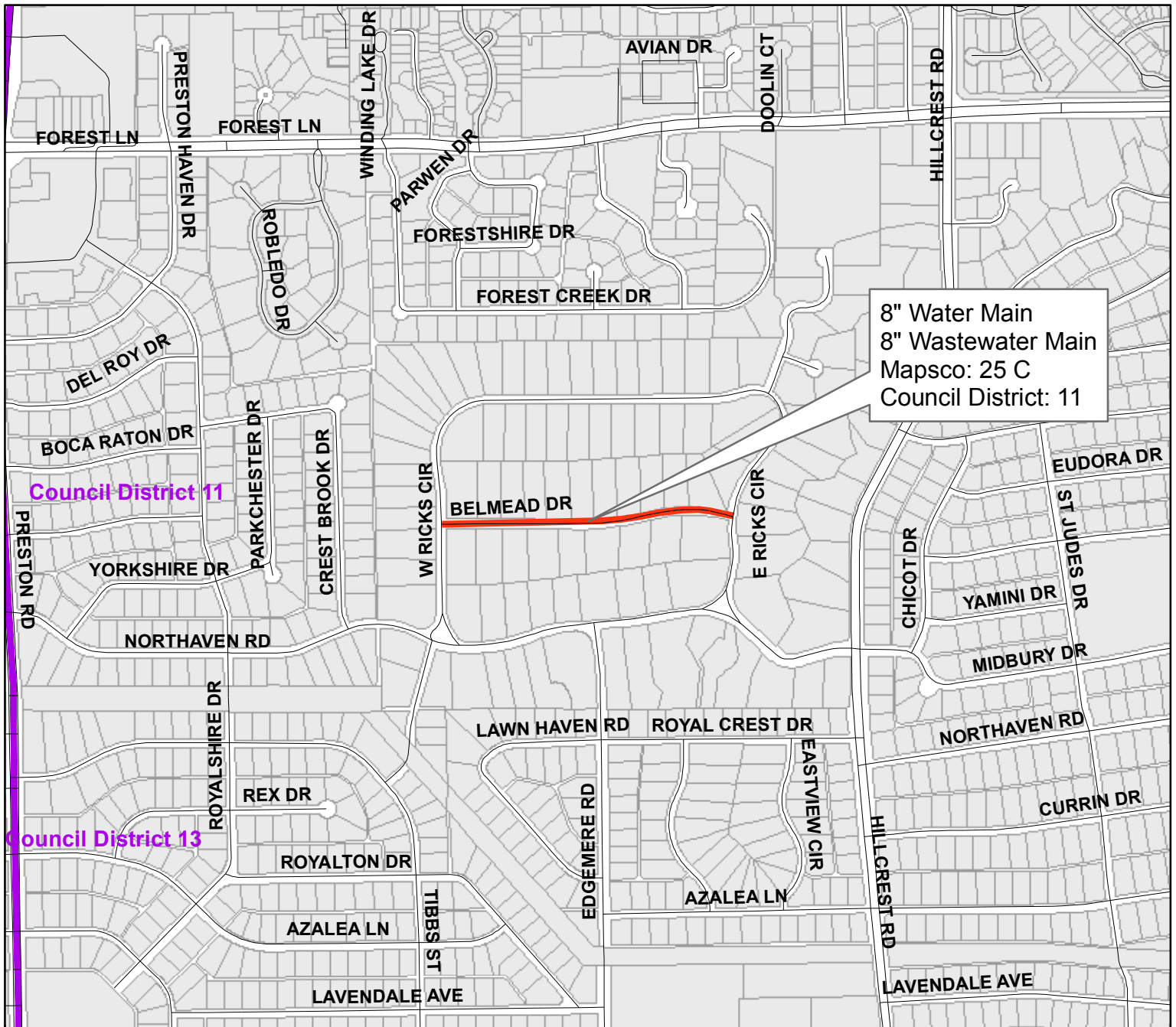
**Dallas Water Utilities
 Contract No. 18-021/022
 Water and Wastewater Main Installations
 at 16 Locations**



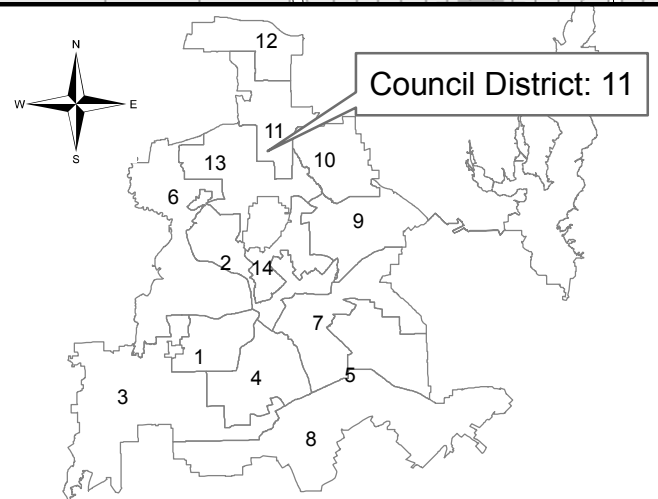
Velasco Avenue
from Abrams Road to Wendover Road



**Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations**



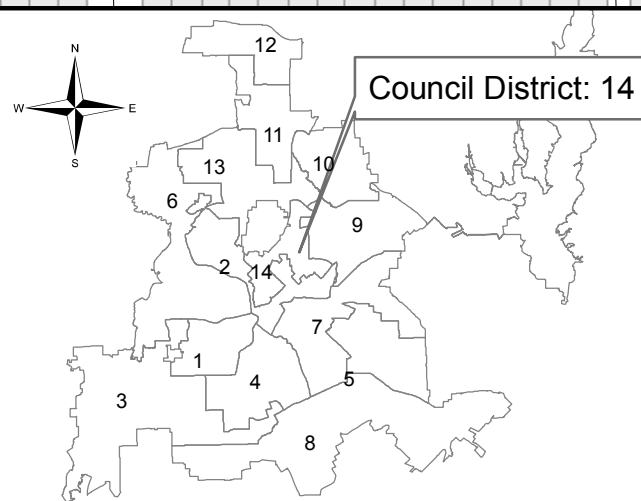
Belmead Drive
from West Ricks Circle to East Ricks Circle



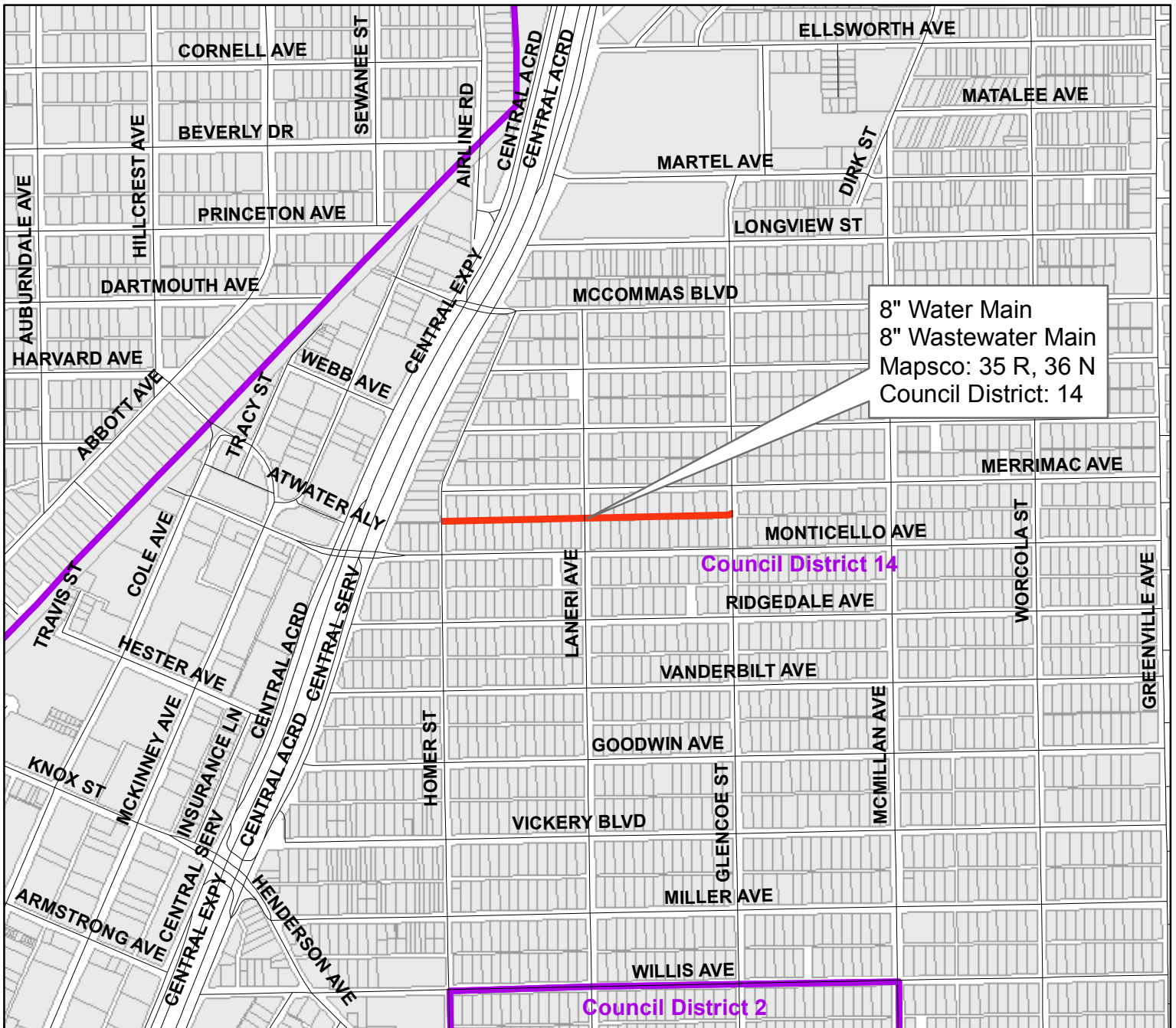
Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



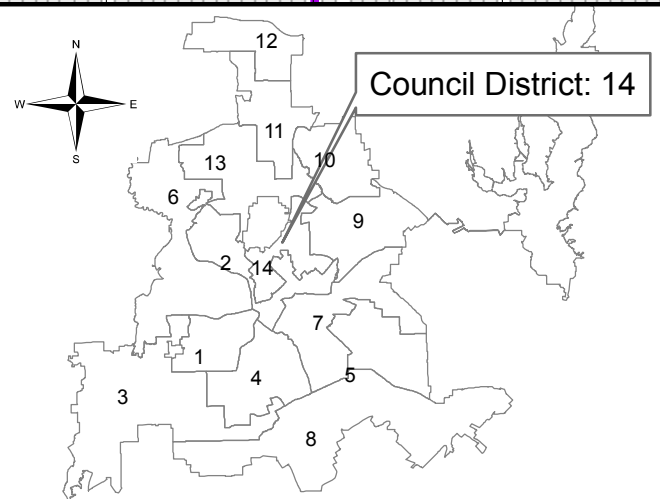
Alley between Llano Avenue and Velasco Avenue
from Concho Street to Skillman Street



Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



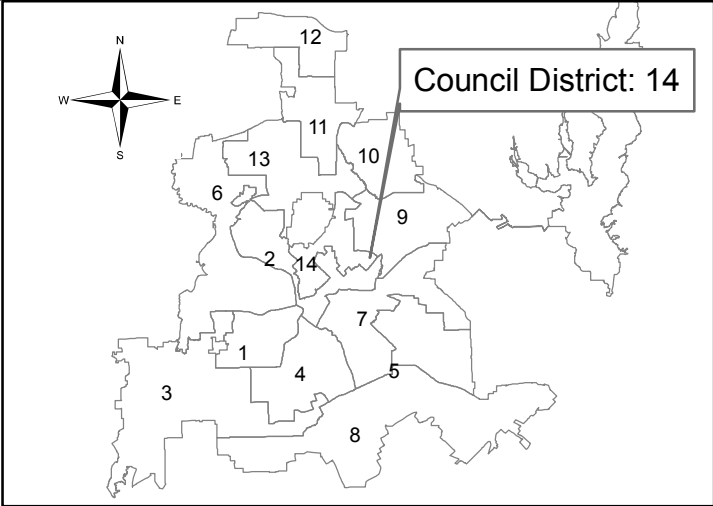
Alley between Monticello Avenue and
Merrimac Avenue
from Homer Street to Glencoe Street



Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



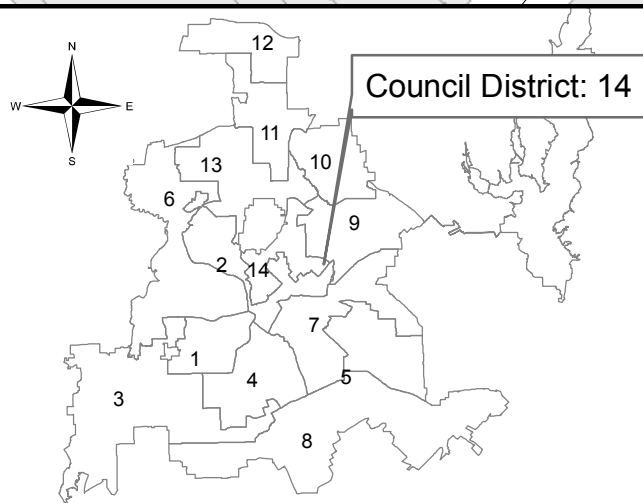
Bermuda Street
from La Vista Drive south



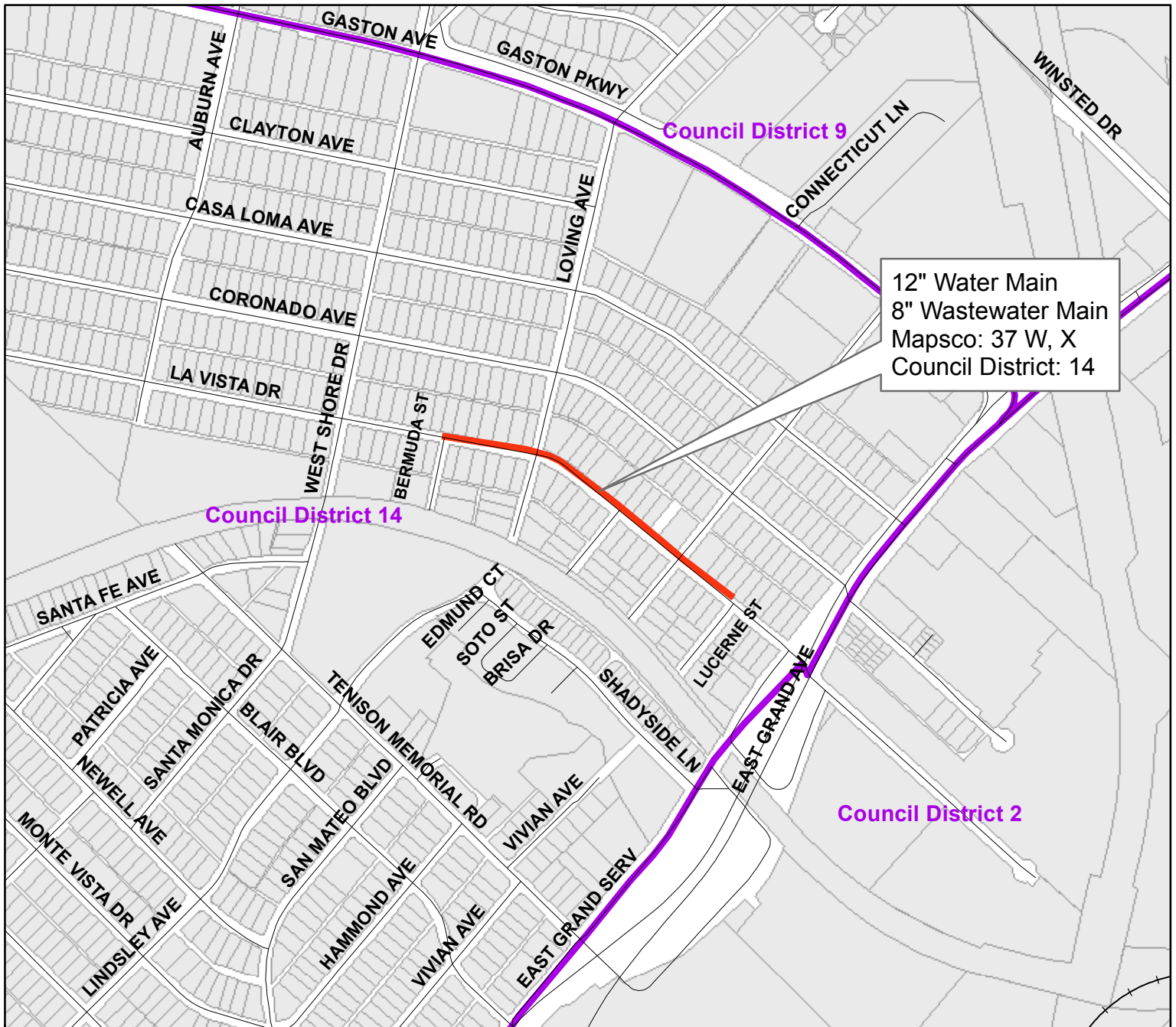
Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



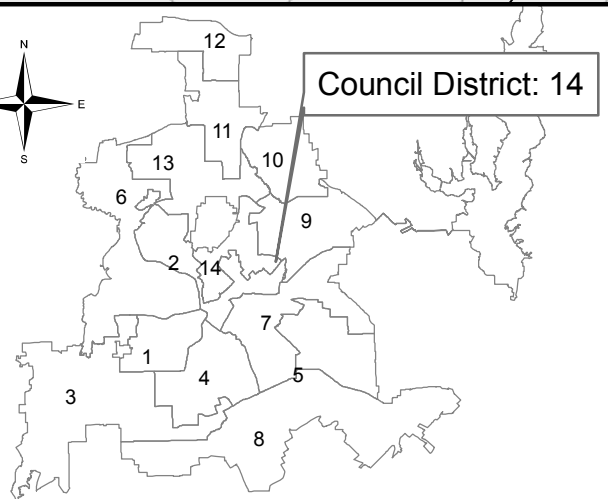
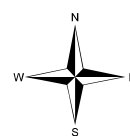
Corona Street
from La Vista Drive southwest



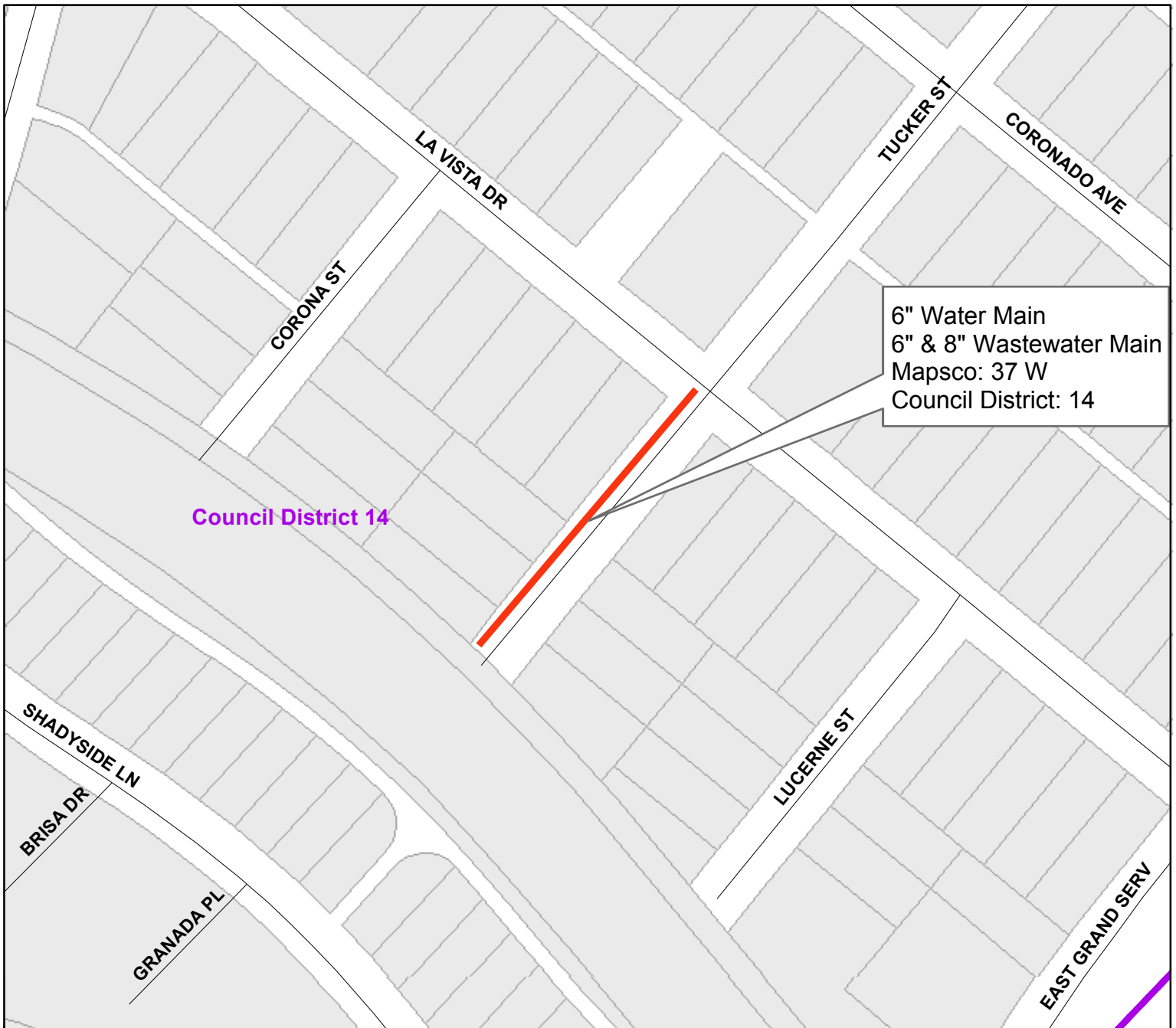
**Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations**



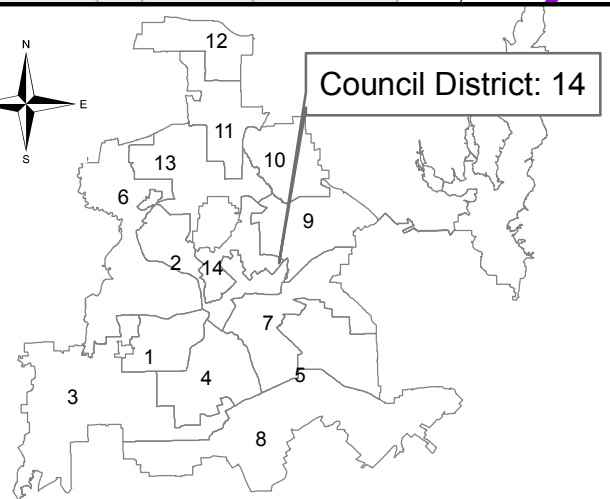
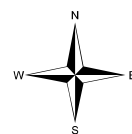
La Vista Drive
from Bermuda Street to Lucerne Street



Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations



Tucker Street
from La Vista Drive southwest



**Dallas Water Utilities
Contract No. 18-021/022
Water and Wastewater Main Installations
at 16 Locations**

March 28, 2018

WHEREAS, on January 12, 2018, three bids were received for the installation of water and wastewater mains at 16 locations, Contract No. 18-021/022, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Ark Contracting Services, LLC	\$13,376,475.00
John Burns Construction Company of Texas, Inc.	\$14,806,209.00
Camino Construction, L.P.	\$15,244,076.90

WHEREAS, the bid submitted by Ark Contracting Services, LLC, 420 South Dick Price Road, Kennedale, Texas 76060, in the amount of \$13,376,475.00, 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 \$13,376,475.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-021/022, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction services contract with Ark Contracting Services, LLC, approved as to form by the City Attorney, for the installation of water and wastewater mains at 16 locations, in an amount not to exceed \$13,376,475.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$13,376,475.00 to Ark Contracting Services, LLC, as follows:

Water Capital Improvement Fund	
Fund 2115, Department DWU, Unit PW40	
Object 4550, Program 718021, Vendor VS0000017816	
Encumbrance/Contract No. CX-DWU-2018-00005401	\$ 7,553.975.00

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS40	
Object 4560, Program 718022, Vendor VS0000017816	
Encumbrance/Contract No. CX-DWU-2018-00005401	<u>\$ 5,822,500.00</u>

Total amount not to exceed	\$13,376,475.00
----------------------------	-----------------

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.

DEPARTMENT: City Secretary's Office

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): N/A

SUBJECT

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

AGENDA ITEM # 40

STRATEGIC PRIORITY:

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Office of Procurement Services
Department of Aviation
Department of Convention and Event Services
Department of Sanitation Services
Department of Trinity Watershed Management
Water Utilities Department

CMO:

Elizabeth Reich, 670-7804
Jody Puckett, 670-3390
Joey Zapata, 670-3009
Majed Al-Ghafry, 670-3302

MAPSCO:

N/A

SUBJECT

Authorize **(1)** a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Regali, Inc. in the amount of \$3,227,442, Northern Imports dba Work Wear Safety Shoes in the amount of \$1,701,429, Red Wing Brands of America, Inc. in the amount of \$307,462 and Promotional Designs, Inc. in the amount of \$190,688, lowest responsible bidders of five; and **(2)** a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Promotional Designs, Inc. in the amount of \$444,142, local preference bidder - Total not to exceed \$5,871,163 - Financing: General Funds (\$3,035,002), Water Utilities Current Funds (\$1,988,117), Sanitation Current Funds (\$321,194), Stormwater Drainage Management Current Funds (\$227,250), Convention and Event Services Current Funds (\$169,300), and Aviation Current Funds (\$130,300)

BACKGROUND

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

This master agreement will provide uniforms and safety shoes for civilian employees citywide as required to perform their daily duties. Uniforms are a key element in identifying employees, meeting safety regulations, and maintaining the professionalism of the City. Civilian new hires will receive five sets of summer and five sets of winter uniforms and an additional two sets thereafter. Safety shoes and boots are replaced yearly or as needed.

BACKGROUND (continued)

The City standard embroidered logo will be sewn on all department uniform shirts, coveralls, and jackets.

Examples of the uniforms and safety shoes on this agreement include but are not limited to the following:

- Long/short sleeve shirts and sweatshirts
- Pants, jeans, and shorts
- Basic and insulated coveralls
- Caps and hats
- Jackets
- Safety shoes and boots

Promotional Designs, Inc., with their principal place of business located in Dallas, TX, is being recommended for \$444,141.55 based on the local preference ordinance. Promotional Designs, Inc., submitted the local preference affidavit with their bid confirming that the business meets all of the requirements for being granted a local preference. Promotional Designs, Inc., currently has 7 employees at their Dallas location and plans to retain 7 employees to supply civilian uniforms and safety shoes in relation to this City agreement.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,130 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2011, City Council authorized a three-year master agreement for employee uniforms and safety shoes for civilian City employees by Resolution No. 11-1741.

The Government Performance & Financial Management Committee will receive this item for consideration on March 19, 2018.

FISCAL INFORMATION

General Funds - \$3,035,001.04
Water Utilities Current Funds - \$1,988,117.00
Sanitation Current Funds - \$321,194.00
Stormwater Drainage Management Current Funds - \$227,250.00
Convention and Event Services Current Funds - \$169,300.00
Aviation Current Funds - \$130,300.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$5,871,162.04	Goods	18.00%	65.78%	\$3,862,271.55

- This contract exceeds the M/WBE goal of 18.00%

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BP1706A. We opened them on December 8, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Regali, Inc.	518 North Interurban Street Richardson, TX 75081	Multiple Lines
*Northern Imports dba Work Wear Safety Shoes	6318 Airport Freeway Fort Worth, TX 76117	Multiple Lines
*Red Wing Brands of America, Inc.	314 Main Street Red Wing, MN 55066	Multiple Lines
*Promotional Designs, Inc.	8150 Brookriver Drive Suite S-155 Dallas, TX 75247	Multiple Lines

BID INFORMATION (continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
Galls LLC	10345 Brockwood Road Dallas, TX 75238	Multiple Lines

OWNERS

Regali, Inc.

Rupa Dutia, President/Secretary
Krish Dutia, Vice President/Treasurer

Northern Imports dba Work Wear Safety Shoes

Joe Peltier, President
Allen Watterson, Vice President

Red Wing Brands of America, Inc.

William J. Sweasy, Board of Directors Chairman
Mark C. Urdahl, Chief Executive Officer

Promotional Designs, Inc.

Lynn Katers, President
Brian Katers, Vice President

March 28, 2018

WHEREAS, on June 22, 2011, City Council authorized a three-year master agreement for employee uniforms and safety shoes for civilian City employees by Resolution No. 11-1741; and

WHEREAS, on June 27, 2012, City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to (1) provide that a preference may be given to local businesses in awarding City contracts under certain circumstances; (2) raise the thresholds on when City contracts must be competitively bid or approved by the City Council as authorized by state law; and (3) raise the thresholds on when settlements of claims against the City must be approved by the City Council by Resolution No. 12-1711.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Regali, Inc. (266630) in the amount of \$3,227,442.00, Northern Imports dba Work Wear Safety Shoes (164753) in the amount of \$1,701,428.49, Red Wing Brands of America, Inc. (VS0000065327) in the amount of \$307,462.00, and Promotional Designs, Inc. (VS0000055517) in the amount of \$190,688.00, approved as to form by the City Attorney, for the purchase of employee uniforms and safety shoes for civilian employees for a term of three years, in a total amount not to exceed \$5,427,020.49.

SECTION 2. That City Council determines that awarding a portion of this master agreement to Promotional Designs, Inc. (VS0000055517) in the amount of \$444,141.55, a local business, offers the best combination of contract price and additional economic development benefits for the City created by the contract award, including employment of the residents of the City and/or increased tax revenue to the City.

SECTION 3. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for employee uniforms and safety shoes for civilian employees. If a written contract is required or requested for any or all purchases of employee uniforms and safety shoes for civilian employees under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract, approved as to form by the City Attorney.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,871,162.04 to Regali, Inc., Northern Imports dba Work Wear Safety Shoes, Red Wing Brands of America, Inc. and Promotional Designs, Inc. from Master Agreement Contract No. POM-2018-00005382.

March 28, 2018

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

AGENDA ITEM # 41**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Office of Procurement Services
Department of Aviation
Department of Convention and Event Services
Department of Sanitation Services
Department of Trinity Watershed Management
Water Utilities Department

CMO:

Elizabeth Reich, 670-7804
Jody Puckett, 670-3390
Joey Zapata, 670-3009
Majed Al-Ghafry, 670-3302

MAPSCO:

N/A

SUBJECT

Authorize a three-year master agreement for the purchase of employee uniforms and safety shoes for civilian employees - Regali, Inc. in the amount of \$3,664,039, Northern Imports dba Work Wear Safety Shoes in the amount of \$1,701,429, Red Wing Brands of America, Inc. in the amount of \$307,462, and Promotional Designs, Inc. in the amount of \$190,688, lowest responsible bidders of five - Total not to exceed \$5,863,618 - Financing: General Funds (\$3,027,457), Water Utilities Current Funds (\$1,988,117), Sanitation Current Funds (\$321,194), Stormwater Drainage Management Current Funds (\$227,250), Convention and Event Services Current Funds (\$169,300), and Aviation Current Funds (\$130,300)

BACKGROUND

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

This master agreement will provide uniforms and safety shoes for civilian employees citywide as required to perform their daily duties. Uniforms are a key element in identifying employees, meeting safety regulations, and maintaining the professionalism of the City. Civilian new hires will receive five sets of summer and five sets of winter uniforms and an additional two sets thereafter. Safety shoes and boots are replaced yearly or as needed.

BACKGROUND (continued)

The City standard embroidered logo will be sewn on all department uniform shirts, coveralls, and jackets.

Examples of the uniforms and safety shoes on this agreement include but are not limited to the following:

- Long/short sleeve shirts and sweat shirts
- Pants, jeans, and shorts
- Basic and insulated coveralls
- Caps and hats
- Jackets
- Safety shoes and boots

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,130 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2011, City Council authorized a three-year master agreement for employee uniforms and safety shoes for civilian City employees by Resolution No. 11-1741.

The Government Performance & Financial Management Committee will receive this item for consideration on March 19, 2018.

FISCAL INFORMATION

General Funds - \$3,027,456.49

Water Utilities Current Funds - \$1,988,117.00

Sanitation Current Funds - \$321,194.00

Stormwater Drainage Management Current Funds - \$227,250.00

Convention and Event Services Current Funds - \$169,300.00

Aviation Current Funds - \$130,300.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$5,863,617.49	Goods	18.00%	65.74%	\$3,854,726.00

- This contract exceeds the M/WBE goal of 18.00%

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BP1706A. We opened them on December 8, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Regali, Inc.	518 North Interurban Street Richardson, TX 75081	Multiple Lines
*Northern Imports dba Work Wear Safety Shoes	6318 Airport Freeway Fort Worth, TX 76117	Multiple Lines
*Red Wing Brands of America, Inc.	314 Main Street Red Wing, MN 55066	Multiple Lines
*Promotional Designs, Inc.	8150 Brookriver Drive Suite S-155 Dallas, TX 75247	Multiple Lines
Galls LLC	10345 Brockwood Road Dallas, TX 75238	Multiple Lines

OWNERS

Regali, Inc.

Rupa Dutia, President/Secretary
Krish Dutia, Vice President/Treasurer

OWNERS (continued)

Northern Imports dba Work Wear Safety Shoes

Joe Peltier, President
Allen Watterson, Vice President

Red Wing Brands of America, Inc.

William J. Sweasy, Board of Directors Chairman
Mark C. Urdahl, Chief Executive Officer

Promotional Designs, Inc.

Lynn Katers, President
Brian Katers, Vice President

March 28, 2018

WHEREAS, on June 22, 2011, City Council authorized a three-year master agreement for employee uniforms and safety shoes for civilian City employees by Resolution No. 11-1741.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with Regali, Inc. (266630) in the amount of \$3,664,039.00, Northern Imports dba Work Wear Safety Shoes (164753) in the amount of \$1,701,428.49, Red Wing Brands of America, Inc. (VS0000065327) in the amount of \$307,462.00, and Promotional Designs, Inc. (VS0000055517) in the amount of \$190,688.00, approved as to form by the City Attorney, for the purchase of employee uniforms and safety shoes for civilian employees for a term of three years, in a total amount not to exceed \$5,863,617.49.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,863,617.49 to Regali, Inc., Northern Imports dba Work Wear Safety Shoes, Red Wing Brands of America, Inc., and Promotional Designs, Inc. from Master Agreement Contract No. POM-2018-00005382.

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 # 42

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

2

DEPARTMENT:

Department of Sustainable Development and Construction

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

36W

SUBJECT

An ordinance abandoning a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing approximately 925 square feet of land, located near the intersection of McMillan and Henderson Avenues; authorizing the quitclaim; and providing for the dedication of approximately 4,059 square feet of land needed for street right-of-way - Revenue: \$5,400, plus the \$20 ordinance publication fee (This item was deferred on December 13, 2017)

BACKGROUND

This item authorizes the abandonment of a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner. The area will be included with the property of the abutting owner for a retail and office development. The owner will dedicate approximately 4,059 square feet of land needed for street right-of-way. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code.

Notices were sent to 35 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 Mobility Solutions, Infrastructure & Sustainability Committee on December 11, 2017.

On December 13, 2017, this item was deferred by Deputy Mayor Pro Tem Adam Medrano.

FISCAL INFORMATION

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

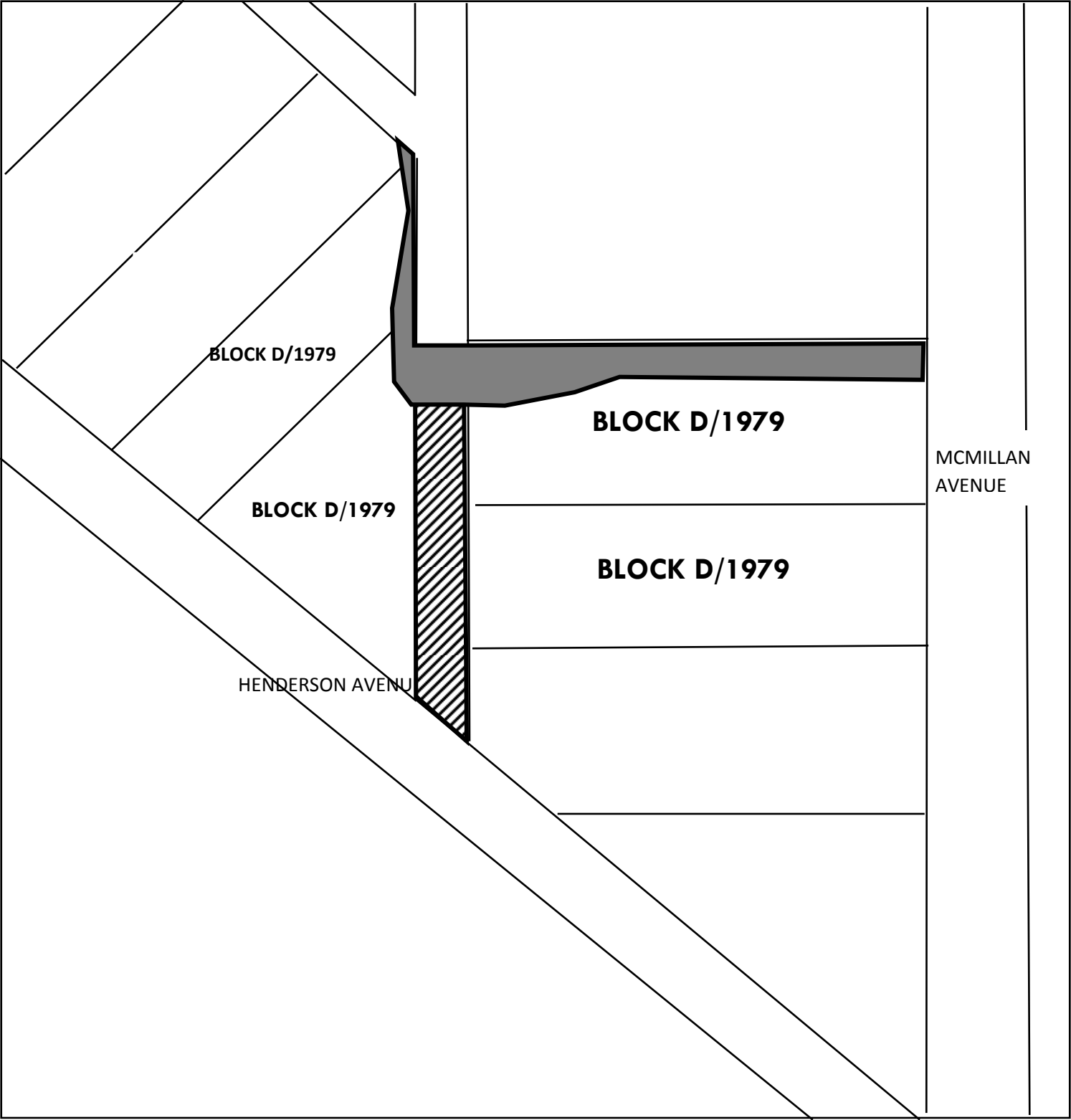
OWNER

Henderson Residential Lands (Dallas), LLC

David Thompson, Chief Financial Officer

MAP

Attached



ABANDONMENT AREA



DEDICATION AREA



ORDINANCE NO. _____

An ordinance providing for the abandonment of portion of an alley located adjacent to City Block D/1979 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Henderson Residential Lands (Dallas), LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Henderson Residential Lands (Dallas), LLC, a Delaware limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of alley is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the further consideration described in Section 8, 9, 10, 11, 14 and 15 the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to

SECTION 7. (continued)

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

SECTION 8. (continued)

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall be responsible for design and design and construct at **GRANTEE**'s sole cost and expense, the turn out alley within the dedication area described in Exhibit C attached hereto based on City's standards.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block D/1979, containing a total of approximately 4,059 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C, Tracts 1 and 2. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 12. That at such time as the instrument described in Section 11 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in

SECTION 12. (continued)

the official real property records of the county in which the subject property is located.

SECTION 13. That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

SECTION 14. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 11 above.

SECTION 15. 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 16. 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 Sections 2 and 14, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication and conditions set forth in Section 10 and 11 respectively, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified

SECTION 16. (continued)

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 17. That this contract is designated as Contract No. DEV-2016-00001226.

SECTION 18. 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

ALLEY ABANDONMENT SITUATED IN BLOCK D/1979, ROSS AVE ANNEX JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121 CITY OF DALLAS DALLAS COUNTY, TEXAS

BEING a 925 square foot 0.021 acre tract of land situated in the James M. Patterson Survey, Abstract No. 1121, City of Dallas, Dallas County, Texas, in City of Dallas Block D/1979 and being part of an 11-foot alley across Block D/1979, created in said plat of Ross Ave Annex, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 1, Page 310, Deed Records, Dallas County, Texas, and being adjacent to a tract of land described in General Warranty Deed to Henderson Residential Lands (Dallas), LLC recorded in Instrument No. 201700004804 & 201700004808 Official Public Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the northeast right-of-way line of Henderson Avenue, (a variable width right-of-way) created in said plat of Ross Ave Annex and with the west right-of-way line of McMillan Avenue, (a 60-foot right-of-way) created in said plat of Ross Ave Annex and being the south corner of Lot 36 of said Block D/1979, and being the south corner of an Easement for street purposes to the City of Dallas recorded in Volume 92085, Page 2882, Deed Records, Dallas County, Texas from which a 1/2-inch iron rod found for the southeast corner of Lot 38 of said Block D/1979, bears North 00°56'21" West, a distance of 167.77 feet;

THENCE with said northeast right-of-way line of Henderson Avenue and the southwest line of said Block D/1979, North 45°06'21" West, a distance of 215.28 feet, to an "X" cut in concrete set for the intersection of said northeast right-of-way line and the east line of an 11-foot wide alley created by plat of said Ross Ave Annex and being the **POINT OF BEGINNING**;

THENCE continuing with said northeast right-of-way line of Henderson Avenue and southwest line of Block D/1979, North 45°06'21" West, a distance of 15.79 feet to an "X" cut in concrete set at the intersection of said northeast right-of-way line with the west right-of-way line of said 11-foot wide alley, and being the southeast corner of Lot 35 of said Block D/1979 from which a 3/4-inch pipe found of the west corner of Lot 30 of said Block D/1979 bears North 45°06'21" West a distance of 364.43 feet;

THENCE departing said northeast right-of-way line and the southwest line of said Block D/1979 and with the west right-of-way line of said 11-foot alley and the east line of said Lot 35 of said Block D/1979, North 0°56'21" West, a distance of 79.77 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 23°17'16", a radius of 21.50 feet, a chord bearing and distance of South 79°17'43" East, 8.68 feet;

THENCE departing said west right-of-way line and the east line of Lot 35 of said Block D/1979, across said 11-foot wide alley, the following courses and distances to wit:

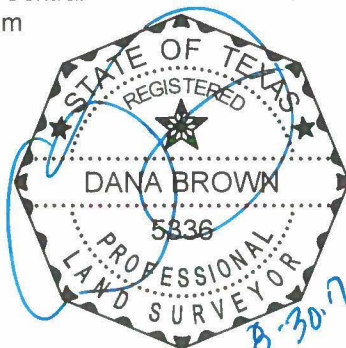
In a southeasterly direction, with said curve to the left, an arc distance of 8.74 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

North 89°03'39" East, a distance of 2.50 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the east right-of-way line of said 11-foot alley;

THENCE with said east right-of-way line of the 11-foot alley and the west lines of Lot 37, 38 and 39 of said Block D/1979, South 0°56'21" East, a distance of 89.35 feet to the **POINT OF BEGINNING** and containing 925 square feet or 0.021 acres of land.

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

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: G.S.

Date: 9-8-17

SPRG NO: 4277

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240

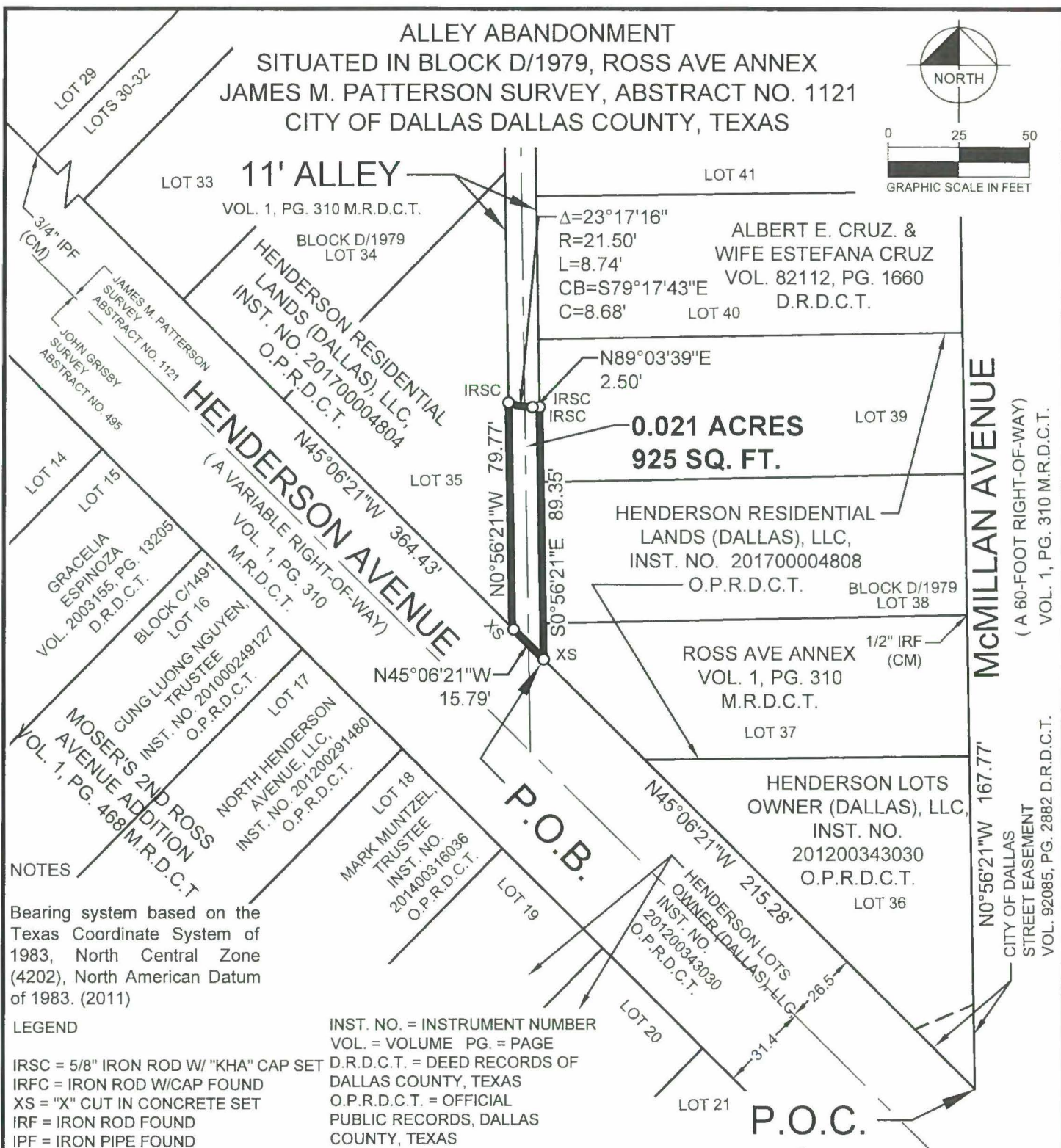
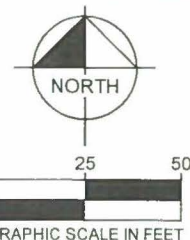
FIRM # 10115500

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	AUG 2017	064482701	1 OF 2

Exhibit A

ALLEY ABANDONMENT
SITUATED IN BLOCK D/1979, ROSS AVE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS



NOTES

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

LEGEND

IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
XS = "X" CUT IN CONCRETE SET
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
M.R.D.C.T. = MAP RECORDS DALLAS COUNTY TEXAS

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
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dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: G.S.
Date: 9-8-17
SPRG NO: 4277

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	DWP	DAB	AUG 2017	064482701	2 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.

RIGHT-OF-WAY DEDICATION
ROSS AVE ANNEX
LOTS 33-35, BLOCK D/1979
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

BEING a 1,260 square foot 0.029 acres tract of land situated in the James M. Patterson Survey, Abstract No. 1121, City of Dallas, Dallas County, Texas, in City of Dallas Block D/1979 and being part of Lots 33-35, Block D/1979, Ross Ave. Annex, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 1, Page 310, Map Records, Dallas County, Texas, and being part of the tracts of land described in General Warranty Deed to Henderson Residential Lands (Dallas), LLC recorded in Instrument Numbers 201200343034, 201700004804 & 201700004805, Official Public Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the northeast right-of-way line of Henderson Avenue (a variable width right-of-way) created in plat of said Ross Ave Annex and with the west line of an 11-foot alley created in plat of said Ross Ave Annex, from which a 3/4-inch iron pipe found at the west corner of Lot 30, Block D/1979, bears North 45°06'21" West, a distance of 364.43 feet;

THENCE departing said northwest right-of-way line of Henderson Avenue and with the east line of said Lot 35, Block D/1979, and west right-of-way line of said 11-foot alley, North 0°56'21" West, a distance of 79.77 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**, and being the beginning of a non-tangent curve to the right having a central angle of 66°42'44", a radius of 21.50 feet, a chord bearing and distance of North 34°17'43" West, 23.64 feet;

THENCE departing said west right-of-way line of the 11-foot alley and east line of Lot 35, Block D/1979, over and across said Lots 33-35, Block D/1979, the following courses and distances to wit:

In a northwesterly direction, with said curve to the right, an arc distance of 25.03 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

North 0°56'21" West, a distance of 48.50 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

North 15°45'37" East, a distance of 31.32 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

North 0°56'21" West, a distance of 24.93 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 44°10'00", a radius of 40.00 feet, a chord bearing and distance of North 23°01'21" West, 30.08 feet;

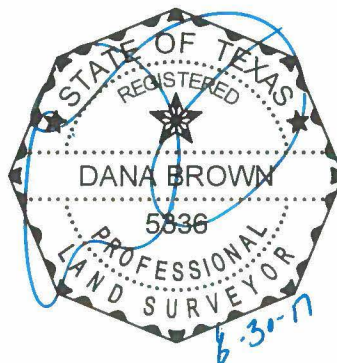
In a northwesterly direction, with said curve to the left, an arc distance of 30.83 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the southwest right-of-way line of said 11-foot alley and being in the northeast line of said Lot 33, Block D/1979;

THENCE with said southwest right-of-way line of the 11-foot alley and northeast line of said Lot 33, Block D/1979, South 45°06'21" East, passing at a distance of 10.34 feet a 1/2-inch iron rod found at the east corner of said Lot 33, Block D/1979, continuing with the northeast line of said Lot 34, Block D/1979 in all a total distance of 21.97 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for the west corner of said Lot 34, Block D/1979;

THENCE with said west right-of-way line of the 11-foot alley and east lines of said Lot 34 & 35, Block D/1979, South 0°56'21" East, a distance of 135.29 feet to the **POINT OF BEGINNING** and containing 1,260 square feet or 0.029 acres of land.

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

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
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dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: G.S.

Date: 9-8-17

SPRG NO: 4209

Kimley»Horn

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FIRM # 10115500

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	AUG 2017	064482701	1 OF 3

EXHIBIT C TRACT 1

LEGEND

IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
 IRFC = IRON ROD W/CAP FOUND
 XS = "X" CUT IN CONCRETE SET
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 M.R.D.C.T. = MAP RECORDS DALLAS COUNTY TEXAS
 INST. NO. = INSTRUMENT NUMBER
 VOL. = VOLUME PG. = PAGE
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
 SQ. FT. = SQUARE FEET
 C.M. = CONTROL MONUMENT

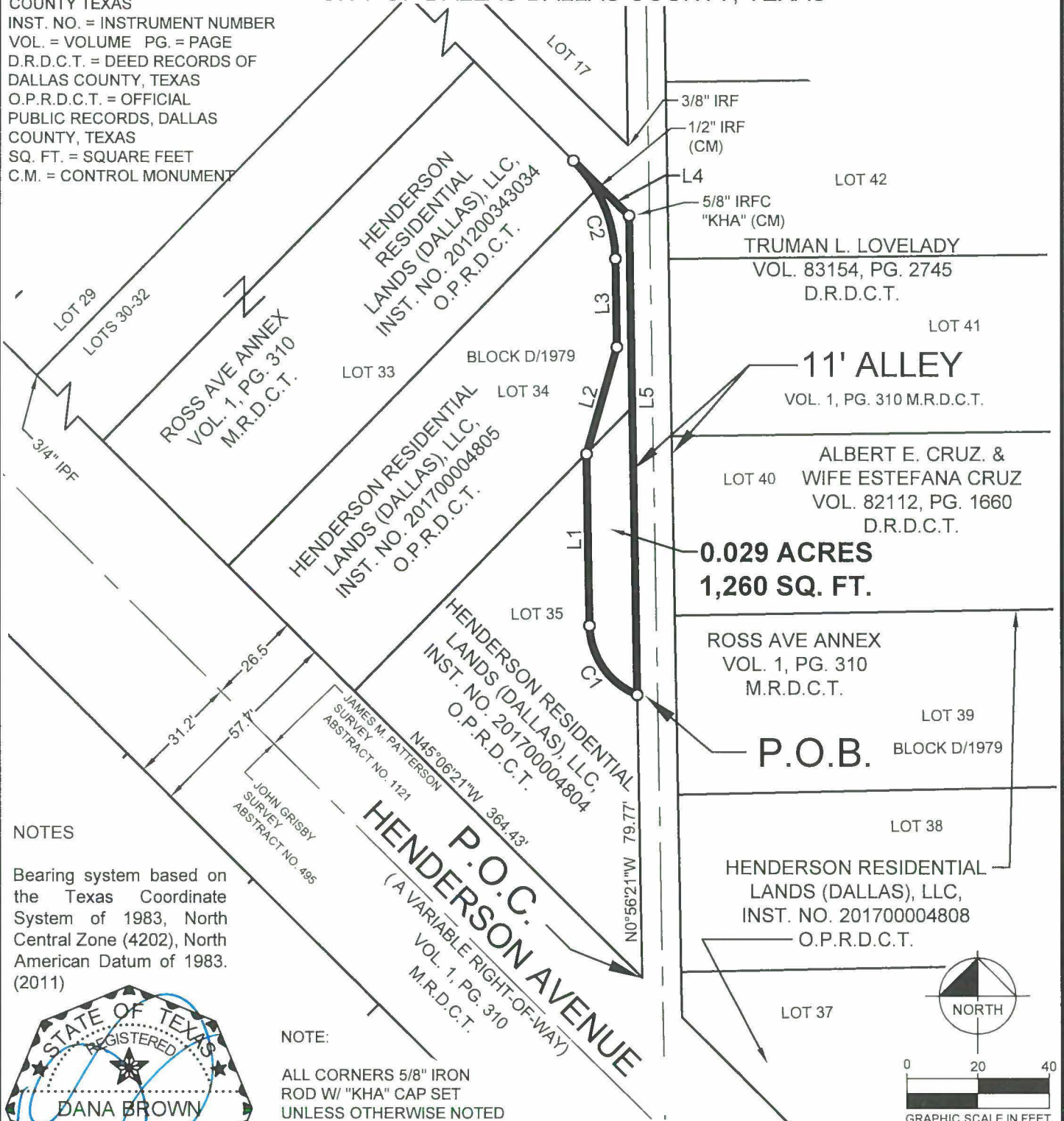
RIGHT-OF-WAY DEDICATION

ROSS AVE ANNEX

LOTS 33-35, BLOCK D/1979

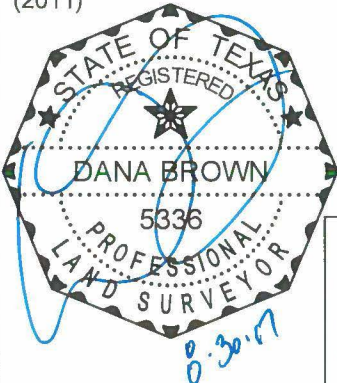
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121

CITY OF DALLAS DALLAS COUNTY, TEXAS



NOTES

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



NOTE:

ALL CORNERS 5/8" IRON ROD W/ "KHA" CAP SET UNLESS OTHERWISE NOTED

(For SPRG use only)

Reviewed By: G.S.
 Date: 9-8-17
 SPRG NO: 4209

Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	DWP	DAB	AUG 2017	064482701	2 OF 3

EXHIBIT C TRACT 1

RIGHT-OF-WAY DEDICATION ROSS AVE ANNEX LOTS 33-35, BLOCK D/1979 JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121 CITY OF DALLAS DALLAS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°56'21"W	48.50'
L2	N15°45'37"E	31.32'
L3	N00°56'21"W	24.93'
L4	S45°06'21"E	21.97'
L5	S00°56'21"E	135.29'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	66°42'44"	21.50'	25.03'	N34°17'43"W	23.64'
C2	44°10'00"	40.00'	30.83'	N23°01'21"W	30.08'



(For SPRG use only)

Reviewed By: G.S.

Date: 9-8-17

SPRG NO: 4209

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = ##'	DWP	DAB	AUG. 2017	064482701	3 OF 3

RIGHT-OF-WAY DEDICATION
ROSS AVE ANNEX
LOT 39, BLOCK D/1979
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

BEING a 2,799 square foot 0.064 acres tract of land situated in the James M. Patterson Survey, Abstract No. 1121, City of Dallas, Dallas County, Texas, in City of Dallas Block D/1979 and being part of Lot 39, Block D/1979, Ross Ave. Annex, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 1, Page 310, Map Records, Dallas County, Texas, and being part of the tract of land described in General Warranty Deed to Henderson Residential Lands (Dallas), LLC, recorded in Instrument Number 201700004808 Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "KHA" found in the west right-of-way line of McMillan Avenue (a 60-foot right-of-way) created in plat of said Ross Ave Annex and being the northeast corner of said Lot 39, Block D/1979;

THENCE with said west right-of-way line of McMillan Avenue and east line of said Lot 39, Block D/1979, South 0°56'21" East, a distance of 15.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set, from which a 1/2-inch iron rod found for the southeast corner of Lot 38, Block D/1979 bears South 0°56'21" East, a distance of 85.00 feet;

THENCE departing said west right-of-way line of McMillan Avenue, over and across said Lot 39, Block D/1979, the following courses and distances to wit:

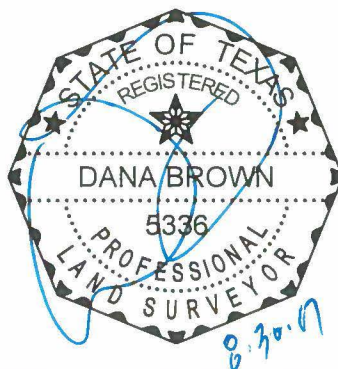
South 89°03'39" West, a distance of 74.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
South 72°21'42" West, a distance of 31.32 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
South 89°03'39" West, a distance of 46.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the east right-of-way line of an 11-foot alley created in plat of said Ross Avenue Annex;

THENCE with said east right-of-way line of the 11-foot alley and the west line of said Lot 39, Block D/1979, North 0°56'21" West, a distance of 24.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northwest corner of said Lot 39, Block D/1979;

THENCE departing said east right-of-way line of the 11-foot alley and with the north line of said Lot 39, Block D/1979, and south line of Lot 40, Block D/1979, North 89°03'39" East, a distance of 150.00 feet to the **POINT OF BEGINNING** and containing 2,799 square feet or 0.064 acres of land.

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

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Reviewed By: G.S.
Date: 9-8-17
SPRG NO: 4276

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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	AUG 2017	064482701	1 OF 2

EXHIBIT C TRACT 2

RIGHT-OF-WAY DEDICATION

ROSS AVE ANNEX

LOT 39, BLOCK D/1979

JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

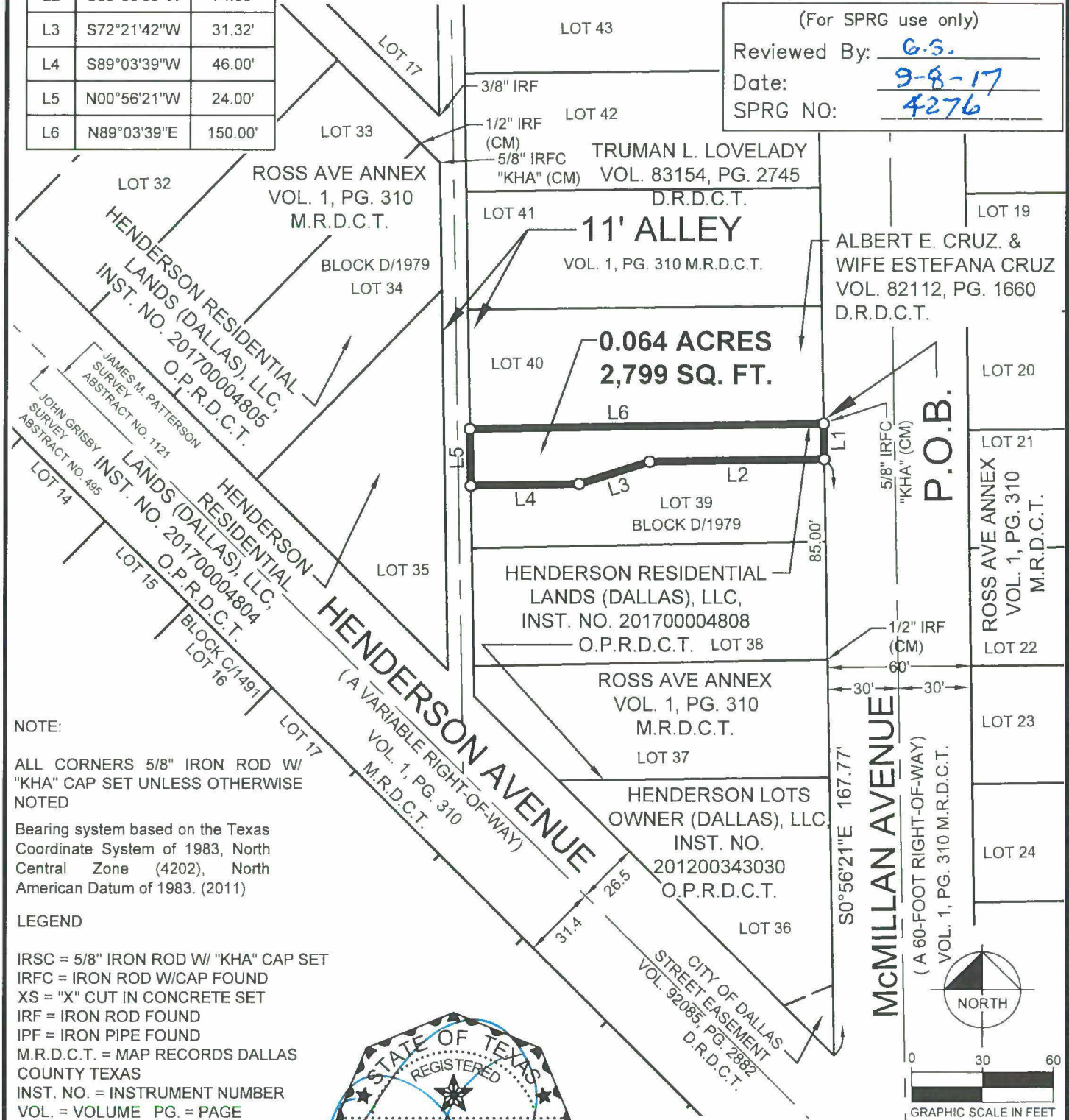
(For SPRG use only)

Reviewed By: G.S.

Date: 9-8-17

SPRG NO: 4276

LINE TABLE		
NO.	BEARING	LENGTH
L1	S00°56'21"E	15.00'
L2	S89°03'39"W	74.00'
L3	S72°21'42"W	31.32'
L4	S89°03'39"W	46.00'
L5	N00°56'21"W	24.00'
L6	N89°03'39"E	150.00'



NOTE:

ALL CORNERS 5/8" IRON ROD W/ "KHA" CAP SET UNLESS OTHERWISE NOTED

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

LEGEND

IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
XS = "X" CUT IN CONCRETE SET
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
M.R.D.C.T. = MAP RECORDS DALLAS COUNTY TEXAS
INST. NO. = INSTRUMENT NUMBER
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D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
SQ. FT. = SQUARE FEET
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	DWP	DAB	AUG. 2017	064482701	2 OF 2

AGENDA ITEM # 43

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

7

DEPARTMENT:

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

CMO:

Majed Al-Ghafry, 670-3302
Larry Casto, 670-3491

MAPSCO:

56Z

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project, from Lorean D. Thomas and James W. Thomas - Not to exceed \$4,000 (\$2,500, plus closing costs and title expenses not to exceed \$1,500) – Financing: 2012 Bond Funds (This item was deferred on January 10, 2018 and February 14, 2018)

BACKGROUND

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets from Lorean D. Thomas and James W. Thomas, the property owners. An offer was presented to the property owners on January 4, 2017 reflecting the appraised value of \$2,500 and the City's offer generated no response. No negotiations between the City and the property owners has developed due to the lack of ownership response or representation.

The first resolution approved on May 10, 2017, by Resolution No. 17-0753, authorized the purchase in the amount of \$2,500. This property will be used for the planned Yancy Street Improvement Project.

No relocation benefits are associated with this acquisition. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 10, 2017, City Council authorized the acquisition by Resolution No. 17-0753.

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on January 8, 2018.

On January 10, 2018 and February 14, 2018, this item was deferred by Councilmember Kevin Felder.

FISCAL INFORMATION

2012 Bond Funds - \$4,000 (\$2,500, plus closing costs and title expenses not to exceed \$1,500)

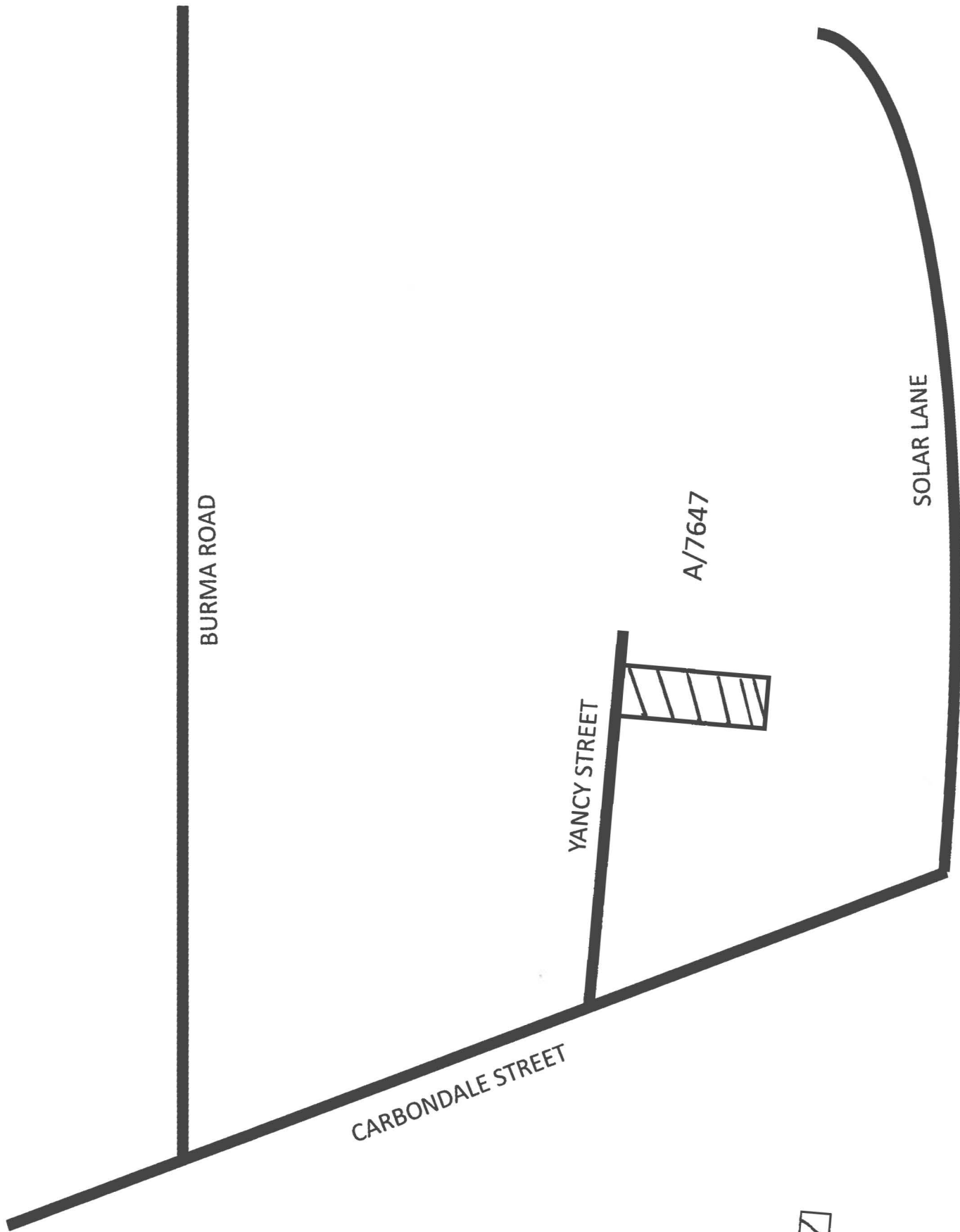
OWNERS

Lorean D. Thomas

James W. Thomas

MAP

Attached



March 28, 2018

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 17-0753 approved by the Dallas City Council on May 10, 2017, which is incorporated herein by reference.

“PROPERTY”: Approximately 7,085 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROPERTY INTEREST”: Fee Simple

“PROJECT”: Yancy Street Improvement Project

March 28, 2018

SECTION 1. (continued)

"USE": The construction, use, and maintenance of a two lane undivided road, increasing roadway capacity for future growth, provided, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OWNER": Lorean D. Thomas and James W. Thomas, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"OFFICIAL OFFER AMOUNT": \$2,500

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,500

"AUTHORIZED AMOUNT": \$4,000 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$4,000 from 2012 Bond Funds, Fund 3U22, Department PBW, Unit S610, Activity TGTN, Program PB12S610, Object 4210, Encumbrance/Contract No. CX-PBW-2018-00004747.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST

March 28, 2018**SECTION 5.** (continued)

in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The Special Commissioners' Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

EXHIBIT A

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED IN CITY BLOCK A/7647 FROM JAMES W. THOMAS

BEING situated in the L. Van Cleve Survey, Abstract No. 1503, Dallas County, Texas, and being all of Lot 11 in Block A/7647, of Central Avenue Addition. No. 2 Addition, an addition to the City of Dallas, according to the map of plat thereof, recorded in Volume 8, Page 183, Map Records Dallas County, Texas and being all of the property conveyed to James W. Thomas in a Quitclaim Deed dated February 21, 2003 and recorded in Volume 2003046, Page 128, Deed Records Dallas County, Texas, and containing approximately 7,085 square feet or 0.163 acres of land, based on the dimensions of the above referenced plat.

This description is approved as to form.


Scott Holt, R.P.L.S.
Survey Program Manager

Date: 7/5/2014

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

CMO: Nadia Chandler Hardy, 670-1611

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018 - Not to exceed \$242,592, from \$190,000 to \$432,592 - Financing: General Funds (This item was deferred on February 28, 2018)

BACKGROUND

On November 24, 2016, a Request for Competitive Sealed Proposal was issued to solicit proposals for the Senior Medical Transportation Program (SMTP). On December 29, 2016, two proposals to implement the SMTP were received and on January 11, 2017, Real Time Transportation Corporation was selected as the successful proposer by the SMTP Selection Committee.

On March 6, 2017, a service agreement was executed with Real Time Transportation Corporation. The contract began on March 7, 2017 and terminates on February 28, 2018. The City may renew the contract for up to two consecutive one-year renewal terms.

The extension of the contract calls for Real Time Transportation Corporation to continue to provide transportation services for the SMTP. The City of Dallas SMTP provides transport services to and from scheduled medical appointments within the city limits for low-to-moderate income seniors aged 60 and above, who reside within the city of Dallas. All services are to be provided within the city of Dallas. Currently there are 2,071 seniors enrolled in the program.

BACKGROUND (continued)

Contract provisions include:

- Cost not to exceed \$242,592
- 40 trips per day, 5 days a week, for 7 months (March 1, 2018 - September 30, 2018)
- 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.
- One caregiver can accompany client at no cost
- Dedicated dispatch by Real Time Transportation for SMTP clients
- The program will service city of Dallas residents and transport to medical facilities only

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

On February 8, 2017, City Council authorized 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 by Resolution No. 17-0298.

On February 28, 2018, this item was deferred by Councilmember Sandy Greyson.

FISCAL INFORMATION

General Funds - \$242,592

March 28, 2018

WHEREAS, on September 21, 2016, City Council authorized funds for the Senior Medical Transportation Program (SMTP) by Resolution No. 16-1526; and

WHEREAS, on November 24, 2016, a Request for Competitive Sealed Proposal was issued to solicit proposers for the SMTP; and

WHEREAS, on December 29, 2016, two proposals to implement the SMTP were received; and

WHEREAS, on January 11, 2017, Real Time Transportation Corporation was selected as the successful proposer by the SMTP Selection Committee; and

WHEREAS, on February 8, 2017, City Council authorized a one-year service contract, with two one-year renewal options, with Real Time Transportation Corporation to provide transport services to medical appointments within the city of Dallas for low-to-moderate income seniors by Resolution No. 17-0298.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation, approved as to form by the City Attorney, to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018, in an amount not to exceed \$242,592, from \$190,000 to \$432,592.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$242,592 to Real Time Transportation Corporation from General Fund, Fund 0001, Department MGT, Unit 4297, Object 3070, MASCTTRANS, Vendor VS93434.

SECTION 3. That this contract is designated as Contract No. MGT-2018-00005182.

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 # 45

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Historic Overlay No. 48, the Harwood Historic District, to allow additional signage on property zoned Planned Development District No. 619, on the northeast corner of St. Paul Street and Elm Street

Recommendation of Staff and CPC: Approval, subject to preservation criteria

Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z167-351(LC)

FILE NUMBER: Z167-351(LC)

DATE FILED: July 12, 2017

LOCATION: On the northeast corner of St. Paul Street and Elm Street

COUNCIL DISTRICT: 14

MAPSCO: 45 L

SIZE OF REQUEST: 0.14 acres

CENSUS TRACT: 0031.01

APPLICANT/OWNER: 1907 Elm Holdings LP

REPRESENTATIVE: Patrick Hazard, Merriman Anderson Architects

REQUEST: An application to create a new tract within Historic Overlay No. 48, the Harwood Historic District, to allow additional signage on property zoned Planned Development District No. 619.

SUMMARY: 1907 Elm Street (Tower Petroleum) is located within Historic Overlay No. 48, Harwood Historic District. The property owner has requested to create a new Tract C within the historic overlay for 1907 Elm Street and preservation criteria related to signage in this tract that would allow for larger signage than is currently permitted under the Dallas Development Code.

CPC RECOMMENDATION: Approval, subject to preservation criteria.

LMC RECOMMENDATION: Approval, subject to preservation criteria.

STAFF RECOMMENDATION: Approval, subject to preservation criteria.

BACKGROUND INFORMATION:

- 1907 Elm Street (Tower Petroleum), constructed in 1931, is a contributing structure within Historic Overlay No. 48, Harwood Historic District. The structure was once part of the city's historic entertainment district, Theater Row, and housed the lobby of the Tower Theater. A 232 square-foot neon projecting sign for the theater once hung at its front elevation.
- 1907 Elm Street has recently undergone a renovation to become a hotel. The hotel would like to replicate and install a 232 square-foot projecting sign that will match the proportion, design and location of the original Tower Theater sign. The new sign would use LED lighting and consist of the new hotel's name.
- This sign does not comply with the Dallas Development Code because it exceeds the maximum square footage allowed (30 square feet) by 202 square feet. The property owner has requested to create a new Tract C within Historic Overlay No. 48 and preservation criteria related to signage in this tract to allow for this larger sign.
- On July 10, 2017, the Landmark Commission approved installation of a 232 square-foot projecting sign that would match closely with the proportion, design and location of the original Tower Theater sign, previously installed on 1907 Elm, with the condition that the Harwood Historic District preservation criteria be amended to allow the historic sign size.
- After the zoning application was submitted on July 12, 2017, the Designation Committee of the Landmark Commission met with the applicant to work on the preservation criteria for signage in the proposed Tract C.
- The Designation Committee approved the creation of Tract C and the preservation criteria for signage in Tract C on September 20, 2017.
- The Landmark Commission approved the creation of Tract C and the preservation criteria for signage in Tract C on November 6, 2017.
- The applicant does not propose any changes to the structure or uses at this time.

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with the Land Use, and Environment Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation of open spaces that are historically and environmentally significant creates a direct, visual link to the past, contributing to a "sense of place."

LAND USE ELEMENT

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.3 Build a dynamic and expanded Downtown.

URBAN DESIGN ELEMENT

GOAL 5.1 Promote a Sense of Place and Walkability

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

LIST OF OFFICERS:

1907 Elm Holdings, LP has three partners:

- CAP Investor 4, LLC (5% limited partner)
- CS Dallas Elm, LLC (94% limited partner)
- 1907 Elm GP Corp. (1% general partner)

The affairs of the partnership are governed by the general partner, 1907 Elm GP Corp., of which John Kirtland is the 100% owner, sole director and president.

CPC ACTION:

(February 15, 2018)

Motion: It was moved to recommend **approval** of the creation of a new tract within Historic Overlay No. 48, the Harwood Historic District, to allow additional signage, subject to preservation criteria on property zoned Planned Development District No. 619, on the northeast corner of St. Paul Street and Elm Street.

Maker: Ridley
Second: Murphy
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices:	Area: 200	Mailed: 17
Replies:	For: 0	Against: 0

Speakers: None

LANDMARK COMMISSION ACTION: (November 6, 2017)

This item appeared on the Commission's discussion agenda.

Motion: Approval, subject to preservation criteria.

Maker: McGill

Second: *Sherman

Results: 15/0

Ayes: Amonett, Bumpas, *Childers, Flabiano, De La Harpe, Hinojosa, McGill, Montgomery, Payton, Reichek, Seale, *Sherman, Spellicy, Swann, Williams

Against: None

Absent: None

Vacancies: 3 and 12

2-2-18

ORDINANCE NO. _____

An ordinance amending Historic Overlay District No. 48 (Harwood) by changing the zoning classification on the following property:

BEING a tract of land in City Block 94; fronting approximately 101 feet on the east line of St. Paul Street; fronting approximately 140 feet on the north line of Elm Street; and containing approximately 0.325 acres;

from Tract A in Historic Overlay District No. 48 to Tract C in Historic Overlay District No. 48; amending Ordinance No. 20575, passed by the Dallas City Council on February 28, 1990, as amended by Ordinance No. 27421, passed by Dallas City Council on December 10, 1998 by amending the preservation criteria in Historic Overlay District No. 48 and providing a new district map; creating a new Tract C; providing a revised overall and tract property descriptions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to Historic Overlay District No. 48; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to amend Historic Overlay District No. 48 as specified herein; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Tract A in Historic Overlay District No. 48 to Tract C in Historic Overlay District No. 48 on the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.

SECTION 2. That the Exhibit A attached to Ordinance No. 20575, as amended, is replaced by Exhibit B attached to this ordinance.

SECTION 3. That the Exhibit B attached to Ordinance No. 20575, as amended, is replaced by Exhibit C attached to this ordinance.

SECTION 4. That the amendment to this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 5. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit B.

SECTION 6. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 8. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

GIS_Approved

**EXHIBIT A
LEGAL DESCRIPTION**

Tract C

BEING a 0.3250 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being a portion of the Official City of Dallas Block No. 94, City of Dallas, Dallas County, Texas, being part of a tract of land conveyed to Petrocorrigan Towers, a Texas limited Partnership, recorded in Instrument No. 201200173299 of the Official Public Records of Dallas County, Texas, being part of St. Paul Street (a 60' right-of-way) and part of Elm Street (an 80' right-of-way, and being more particularly described as follows:

BEGINNING at the centerline intersection of said St. Paul Street and said Elm Street;

THENCE North 14°58'09"West, along the centerline of said St. Paul Street a distance of 101 feet to a point for corner;

THENCE N 74°59'53" E, a distance of 140.38 feet to a point for corner in the west line of a tract of land conveyed to Pacific Place Partners, Ltd., recorded in Instrument No. 201000289927 of the Official Public Records of Dallas County, Texas;

THENCE S 14°46'50" E, along the west line of the aforesaid Pacific Place Partners, Ltd. tract, passing at a distance of 61 feet, a "PK" nail (found) in brick in the north right of way line of said Elm Street, said point being the southwest corner of the aforesaid Pacific Place Partners, Ltd. tract and continuing along the prolongation of aforesaid west line a total distance of 101 feet to a point on the centerline of said Elm Street;

THENCE S 75°02'13" W, along the centerline of said Elm Street a distance of 140 feet to a point for corner at the centerline intersection of said Elm Street and said St. Paul Street;
to the POINT OF BEGINNING, containing a computed area of 14,159 square feet (0.3250 acre) of land.

OVERALL LEGAL DESCRIPTION

Perimeter

The Harwood Historic District legal description consists of the following city Blocks and Lots and being further divided into two subdistricts:

BEING in the John Grigsby Survey, Abstract No. 495 in the City of Dallas, Dallas County, Texas, and being all of City Block 94, all of City Block 107, City Block 108, part of City Block 97, part of City Block 98-1/2, all of City Block 117, all of city Block 118, all of City Block 124, all of City Block 125, part of City Block 33/125, all of City Block 126, part of City Block 32/126, part of city Block 127, part of City Block 128, all of city Block 129, part of City Block 29/129, and part of City Block 130, and further described as follows:

BEGINNING at the intersection of the centerline of Pacific Avenue (an 80 foot wide right-of-way) and the centerline of St. Paul Street (a 60 foot right-of-way);

~~THENCE in a southeasterly direction along the centerline of St. Paul Street to its intersection with the centerline of Commerce Street (an 80 foot right-of-way);~~

THENCE in a southeasterly direction along the centerline of St. Paul Street, a distance of approximately 179 feet to a point for corner on said centerline, said point being 101 feet northwest of the centerline intersection of said St. Paul Street and Elm Street (an 80' right-of-way);

THENCE N 74°59'53" E, a distance of 140.38 feet to a point for corner in the west line of a tract of land conveyed to Pacific Place Partners, Ltd., recorded in Instrument No. 201000289927 of the Official Public Records of Dallas County, Texas;

THENCE S 14°46'50" E, along the west line of the aforesaid Pacific Place Partners, Ltd. tract, passing at a distance of 61 feet, a "PK" nail (found) in brick in the north right of way line of said Elm Street, said point being the southwest corner of the aforesaid Pacific Place Partners, Ltd. tract and continuing along the prolongation of aforesaid west line a total distance of 101 feet to a point on the centerline of said Elm Street;

THENCE S 75°02'13" W, along the centerline of said Elm Street a distance of 140 feet to a point for corner at the centerline intersection of said Elm Street and said St. Paul Street;

THENCE in a southeasterly direction along the centerline of St. Paul Street to its intersection with the centerline of Commerce Street (an 80 foot right of way).

THENCE in a northeasterly direction along the centerline of Commerce Street, a distance of approximately 342.86 feet to a point for corner on a line, said line being 100 feet southwest of and parallel to the southwest line of Harwood Street;

THENCE in a southeasterly direction along said line, a distance of approximately 139.35 feet to a point for corner on a line, said line being 100 feet southeast of and parallel to the southeast line of Commerce Street;

THENCE in a southwesterly direction along said line, a distance of 50 feet to a point for corner on a line, said line being 150 feet southwest of and parallel to the southwest line of Harwood Street;

THENCE in a southeasterly direction along said line, a distance of approximately 125 feet to a point for corner on the centerline of Jackson Street (a 50 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Jackson street, a distance of approximately 41.92 feet to a point for corner on a line, said line being approximately 108.08 feet southwest of and parallel to the southwest line of Harwood Street;

THENCE in a southeasterly direction along said line, a distance of approximately 115.08 feet to a point for corner on a line, said line being approximately 90.08 feet southeast of and parallel to the southeast line of Jackson Street;

THENCE in a northeasterly direction along said line, a distance of approximately 18.08 feet to a point for corner on a line, being 90 feet southwest of and parallel to the southwest line of Harwood Street;

THENCE in a southeasterly direction along said line, a distance of 93.75 feet to a point for corner on the centerline of Wood Street;

THENCE in a southwesterly direction along the centerline of Wood Street, a distance of approximately 30 feet to a point for corner on the northwesterly prolongation of the centerline of Park Avenue;

THENCE in a southeasterly direction along the northwesterly prolongation of Park Avenue, and continuing along the centerline of Park Avenue, crossing Young street, and extending to its intersection with the centerline of Marilla Street;

THENCE in a northeasterly direction along the centerline of Marilla Street to its intersection with the centerline of Canton Street (a 64 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Canton Street, crossing Harwood Street, and extending to its intersection with the southeasterly prolongation of the common line between Lots 10 and 11 in City Block 29/129;

THENCE in a northwesterly direction along said line, continuing along the common line between Lots 10 and 11 and the common line between Lots 13 and 14 in City Block 29/129, and continuing along the northwesterly prolongation of said common line between Lots 13 and 14 to its intersection with the centerline of Young Street;

THENCE in a southwesterly direction along the centerline of Young Street to a point for corner on a line, said line being 90 feet northeast of and parallel to the northeast line of Harwood Street;

THENCE in a northwesterly direction along said line to its intersection with the centerline of Wood Street;

THENCE in a northwesterly direction along a line, said line being the southeasterly prolongation of the common line between City Blocks 128 and 30/128 and continuing in a northwesterly direction along said common block line to a point for corner on the common line between Lots F and G in City Block 128;

THENCE in a southwesterly direction along said common lot line, a distance of 25 feet to a point for corner in the common line between Lots E and F in City Block 128;

THENCE in a northwesterly direction along said common lot line and its northwesterly prolongation to its intersection with the centerline of Jackson Street;

THENCE in a southwesterly direction along the centerline of Jackson street, a distance of approximately 45 feet to a point for corner on a line, said line being 203.5 feet northeast of and parallel to the northeast line of Harwood Street;

THENCE in a northwesterly direction along said line to its intersection with a line, said line being 100 feet southeast of and parallel to the southeast line of Commerce Street;

THENCE in a southwesterly direction along said line to its intersection with a line, said line being 50 feet southwest of and parallel to the common line between City Blocks 127 and 31/127;

THENCE in a northwesterly direction along said line and its northwesterly prolongation to its intersection with the centerline of Commerce Street (a 78.7 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Commerce Street to its intersection with a line, said line being the southeasterly prolongation of the common line between Lots 8 and 9 in City Block 32/126;

THENCE in a northwesterly direction along said line, continuing along the common line between said Lots 8 and 9, and continuing along the common lines between Lots 10 and 10-1/2 in City Block 32/126, and further continuing along the northwesterly prolongation of said common lot line to its intersection with the centerline of Main Street (a 79.5 foot right-of-way);

THENCE in a southwesterly direction Main street to its intersection with a the southeasterly prolongation of the in City Block 33/125; along the centerline of line, said line being southwest line of Lot 1A;

THENCE in a northwesterly direction along said line, continuing along the northwest line of Lot 1A in City Block 33/125, and continuing along its northwesterly prolongation to its intersection with the centerline of Elm Street (an 80 foot right-of-way);

THENCE in a northeasterly direction along the centerline of Elm Street to its intersection with the

southeasterly prolongation of the centerline of Olive Street (a 42 foot right-of-way);

THENCE in a northwesterly direction along said line, and continuing along the centerline of Olive Street in a northwesterly direction to its intersection with the centerline of Pacific Avenue (an 80 foot right-of-way);

THENCE in a southwesterly direction along the centerline of Pacific Avenue to its intersection with the centerline of St. Paul Street, the PLACE OF BEGINNING.

Tract A

Those city Lots and Blocks of the district described above not further described as TRACT B below.

Tract B

BEING in the John Grigsby Survey, Abstract No. 495 in the City of Dallas, Dallas County, Texas, and being Lots 5 through 8 and 11 through 14 in all of City Block 108.

Tract C

BEING a 0.3250 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, and being a portion of the Official City of Dallas Block No. 94, City of Dallas, Dallas County, Texas, being part of a tract of land conveyed to Petrocorrigan Towers, a Texas limited Partnership, recorded in Instrument No. 201200173299 of the Official Public Records of Dallas County, Texas, being part of St. Paul Street (a 60' right-of-way) and part of Elm Street (an 80' right-of-way, and being more particularly described as follows:

BEGINNING at the centerline intersection of said St. Paul Street and said Elm Street;

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THENCE S 14°46'50" E, along the west line of the aforesaid Pacific Place Partners, Ltd. tract, passing at a distance of 61 feet, a "PK" nail (found) in brick in the north right of way line of said Elm Street, said point being the southwest corner of the aforesaid Pacific Place Partners, Ltd. tract and continuing along the prolongation of aforesaid west line a total distance of 101 feet to a point on the centerline of said Elm Street;

THENCE S 75°02'13" W, along the centerline of said Elm Street a distance of 140 feet to a point for corner at the centerline intersection of said Elm Street and said St. Paul Street;
to the POINT OF BEGINNING, containing a computed area of 14,159 square feet (0.3250 acre) of land.

**EXHIBIT B
PRESERVATION CRITERIA
HARWOOD HISTORIC DISTRICT**

All public and private right-of-way improvements, renovation, repairs, demolition, maintenance, site work, and new construction on building sites in this district must conform to the following guidelines and be approved through the certificate of appropriateness review process prior to commencement.

Unless otherwise specified, preservation and restoration materials and methods used must conform those defined in the Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

1. DEFINITIONS.

- 1.1 ACCENT COLOR means color used in small amounts to trim and accentuate detailed architectural features such as narrow decorative moldings and window sashes.
- 1.2 APPLICANT means the property owner(s) or the owner's duly-authorized agent.
- 1.3 BUILDING BASE or BASE means the bottom portion of a building from grade up to a height of approximately 50 feet as determined on a case by case basis.
- 1.4 BUILDING SHAFT or SHAFT means the middle portion of a building extending from the top of the base to the roof.
- 1.5 BUILDING TOP means the uppermost portion of a building.
- 1.6 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 1.7 CLADDING means the material used on the facade of a building.
- 1.8 COLUMN means the entire column including the base and capital, if any.
- 1.9 COMPATIBLE STRUCTURE means a structure that is supportive of the district in age, style and massing but not representative of the significant style, period, or detailing typical in the district.
- 1.10 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to the district.

- 1.11 CORNERSIDE FACADE means a main building facing a side street.
- 1.12 CORNER LOT means a lot that has frontage on two intersecting streets.
- 1.13 DIRECTOR means the director of the Department of Planning and Development or his representative.
- 1.14 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 1.15 GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure.
- 1.16 HEIGHT means the vertical distance from grade to:
 - a. for a structure with a gable, hip or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure;
 - b. for any other structure, with a dome roof, the midpoint of the vertical dimension of the dome; and
 - c. for any other structure, the highest point of the structure.
- 1.17 INTERIOR LOT means a lot with side yards adjacent to another lot.
- 1.18 LOT means a building site, as defined in the Development Code, as amended, that fronts public or private street.
- 1.19 MASSING means the relationship between the volume and proportion of the different segments of a building.
- 1.20 MINOR EXTERIOR ALTERATIONS means the installation of or alteration to awnings, fences, free-standing walls, gutters, downspouts, or incandescent lighting fixtures; restoration of original architectural features; additions and changes not visible from any street to the rear of the main structure or to an accessory structure; the removal of immature trees; and those listed specifically in the criteria for Tract B.
- 1.21 NO-BUILD ZONE means an undeveloped part of a lot upon which no structure other than a fence may be constructed.
- 1.22 NON-CONTRIBUTING BUILDING means a building that is intrusive and detracts from the character of the district.
- 1.23 PRESERVATION CRITERIA means the standards considered by the director and commission in determining whether a certificate of appropriateness should be

granted or denied.

1.24 PROTECTED FACADE means a facade that must maintain its original appearance, as near as practical, in all aspects.

1.25 REAR YARD means:

- a. on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between the main building and lines parallel to and extending outward from the rear facade of the main building and the rear lot line; and
- b. on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear corner of the comerside facade, and between the rear lot line and the main building and a line parallel to and extending outward from the interior side corner of the rear facade.

1.26 SETBACK means the distance that a building may be erected from a street, alley, or lot line.

1.27 SHAFT (see BUILDING SHAFT)

1.28 SIDE YARD means that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.

1.29 SOLID TO VOID RATIO means the relationship between the exterior walls and the window openings.

1.30 STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.

1.31 STRUCTURE in Tract B refers to a building or site element that has a floor, perimeter walls that enclose at least 60% of the perimeter and a solid or opaque roof. Examples of structures include buildings that meet these criteria such as restaurants, concession stands and elevator or vent shafts to an underground parking garage. Site elements such as shade structures with walls that comprise less than 60% of its perimeter or columns, open roofed structures such as trellis construction, walls and garden structures are not considered structures.

1.32 "THIS DISTRICT" or "THE DISTRICT" means the Harwood Historic District.

1.33 ROUTINE MAINTENANCE AND REPLACEMENT means the process of cleaning, including water blasting and stripping; stabilizing deteriorated or damaged architectural features; or substituting a duplicate item for an item that is deteriorated or damaged.

2. SITE AND SITE ELEMENTS IN TRACT A & TRACT C.

- 2.1 Structures located in this district which have previously been designated as City of Dallas Landmarks are subject to these criteria as well as their respective preservation criteria.
- 2.2 No-build zones, which are indicated on the attached district map (Exhibit C), must be maintained, except that the destruction or demolition of a contributing structure voids any no-build zones pertaining thereto and any new construction on the site of the destroyed or demolished structure must conform to the setback guidelines established in section 4.3 of these criteria.
- 2.3 Existing building setbacks of contributing buildings along Harwood Street must be preserved and maintained.
- 2.4 Landscaping and exterior lighting installed after February 28, 1990 must enhance the structure and its surroundings and must not obscure significant views of or from contributing buildings.
- 2.5 Surface parking fronting on Harwood Street that was not in on February 28, 1990 must be screened by a continuous wall of shrub mass with a minimum height of 30 inches. No curb cuts for this parking are permitted along Harwood Street.
- 2.6 Unless in existence on February 28, 1990, no service or storage areas, bays, or docks are permitted to front onto Harwood Street.

3. CONTRIBUTING STRUCTURES IN TRACT A & TRACT C.

- 3.1 Facades.
 - a. All facades of the contributing structures in this district are protected facades.
 - b. Reconstruction, renovation, or repair of opaque elements must employ materials similar to the original materials in texture, color, pattern, grain, and module size.
 - c. Brick and stone must match in color, texture, module size, bond pattern, and mortar color. No painting of original face brick and stone is permitted. When restoring painted brick to its original finish, it must be cleaned per Department of the Interior standards.
 - d. Masonry cleaning must be accomplished in accordance with Department of the Interior standards. No sandblasting or other mechanical abrasive cleaning processes are permitted.

- e. Stone, cast stone, concrete and cast concrete elements must be renovated or repaired with materials similar in size, grain, texture, and color to the original elements.
- f. Wood trim and detailing must be carefully restored wherever practical. Historic materials may be replaced only when necessary. Deteriorated paint must be removed in accordance with Department of the Interior standards prior to refinishing. All exposed wood must be painted, stained, or otherwise protected. No resurfacing with vinyl or aluminum siding is permitted.
- g. Historic finish materials should be uncovered and restored wherever practical.
- h. Color of original materials must be preserved and maintained whenever practical. Paint and other color schemes should be based upon any available documentation as to original conditions and must be reviewed through the certificate of appropriateness review process.

3.2 Fenestrations and openings.

- a. Original doors and windows and their openings must remain intact and be preserved and renovated whenever practical. Where replacement is proposed due to damage or structural deterioration, replacement doors and windows must express mullion size, light configuration, and material to match original doors and windows. Replacement of windows and doors which have been altered and no longer match the historic appearance is strongly recommended.
- b. Except for purposes of eliminating a safety hazard, new door and window openings are permitted only in locations where there is evidence that original openings have been infilled with other material.
- c. Glass and glazing must match original materials as near as practical. No tinted glass or reflective glazing is permitted.

3.3 Roofs.

- a. The slope, massing, configuration and materials of the roof must be preserved and maintained. Existing parapets, cornices, and copings must be retained and when repaired, must be done so with material matching in size, finish, module, and color.
- b. No vertical extensions are permitted.

- c. Penthouses and mechanical equipment installed on the roof and visible from the public right-of-way must be screened. Screening materials and methods must be compatible with the roof as determined through the certificate of appropriateness review process.
- 3.4 Porches and balconies.
 - a. Original porches and balconies on protected facades must be retained and preserved.
 - b. Enclosure of original porches and balconies is not permitted.
 - c. Original columns and railings that are part of the porch or balcony configuration must be preserved.
- 3.5 Original embellishments and detailing should be preserved and maintained, including, but not limited to, window mullions; cornices; parapets and gables; columns and railings; window sills; light fixtures; and decorative detailing. Any replacement due to maintenance, renovation, or reconstruction must be compatible with the original in terms of size, shape, materials, and color.
- 4. NEW CONSTRUCTION AND ADDITIONS TO EXISTING STRUCTURES IN TRACT A & TRACT C.**
 - 4.1 Buildings must be designed with an expressed base, shaft, and building top. The base must be compatible with the character and design of adjacent contributing buildings. Building entrances must be emphasized.
 - 4.2 Building height, density, and floor area ratio requirements set out in the Dallas Development Code are not restricted by these criteria.
 - 4.3 Building setbacks: Along Harwood Street, the building base of new construction must extend to the property line except that new construction on the site of a demolished or destroyed contributing structure may conform to the setback of that former structure.
 - 4.4 The building base must be architecturally differentiated from the building shaft. Where feasible, the base is encouraged to provide maximum visibility into the structure at the first and second levels through the use of storefronts and window openings. Arcades, loggias, and canopies may be incorporated into the base design. This is encouraged when the building fronts onto pedestrian walkways or entry plazas.
 - 4.5 Facade materials of the base must be compatible with existing buildings. The following materials are prohibited: aluminum, galvanized steel, wood, and plastic. All other materials must be reviewed for compatibility through the certificate of

appropriateness review process. With the exception of glass, no more than two building materials may be used as the dominant exterior cladding.

- 4.6 The massing of the building base must be compatible with the existing grid patterns of massing present in buildings along Harwood Street, but must not overpower the existing contributing buildings.
- 4.7 Window openings on the base must not be greater than 70 percent nor less than 30 percent of the base facade.
- 4.8 No sheer glass wall facades are permitted on the building base. Curtain glass walls are permitted if they fall within the above percentages.
- 4.9 No reflective glass is permitted on the base.
- 4.10 Tinted glass must be reviewed for its shade coefficient and compatibility with adjacent base facade material. Acceptable color ranges are grays, blues, greens, and bronzes as approved through the certificate of appropriateness review process.
- 4.11 Stained glass is permitted on the base, Subject to the certificate of appropriateness review process.

5. SKYBRIDGES IN TRACT A & TRACT C.

- 5.1 No skybridge is permitted to span Harwood Street.
- 5.2 No skybridge connection is permitted to penetrate any facade of the contributing or compatible buildings.

6. PARKING STRUCTURES IN TRACT A & TRACT C.

- 6.1 All parking structure facades that front on a public right-of-way, pedestrian walkway, park, or plaza must be architecturally finished to complement adjacent buildings.
- 6.2 Parking structures that front on plazas or pedestrian walkways are encouraged to provide service, retail, or commercial space at grade level.
- 6.3 The grade level of all parking structures must be screened.
- 6.4 The solid to void ratio of garage facades should not encourage horizontal or vertical banding.
- 6.5 Parking structures must be located at the rear or sides of building lots when possible.

- 6.6 Pedestrian and vehicular entrances must be clearly defined with architectural features and appropriate signs.

7. SIGNS IN TRACT A.

- 7.1 Signs must be compatible with the significant architectural qualities of the district. All signs must comply with Article VII of the Dallas Development Code, as amended, and are subject to the certificate of appropriateness review process.

8. SIGNS IN TRACT C.

- 8.1 Signs must be compatible with the significant architectural qualities of the district.
- 8.2 The historic Tower Theater blade sign on Elm Street may be replicated in size and design, as much as practical, based on research and photographic evidence. Materials and illumination types, such as LED, may be used provided they convey an appropriate visual appearance to match the historic materials and neon lighting. Signage text must match the font of the historic Tower Theater blade sign.
- 8.3 All signs must be approved through the certificate of appropriateness process.
- 8.4 All signs must comply with the provisions of the Dallas City Code, as amended, prior to issuance of a sign permit, except as provided in Section 8.2.

9. SITE AND SITE ELEMENTS FOR TRACT B.

- 9.1 The public park in Tract B is intended to create a permanent open space that will be compatible with and complement the surrounding historic buildings within the district. To achieve this, several distinct zones are designated within this tract.
- 9.2 Open zone.
 - a. The open zone, as shown in Exhibit D, must maintain view corridors towards the Dallas Municipal Building.
 - b. No combination of structures and permanent artwork may obstruct a person's view of more than 15 percent of the front facade of the Dallas Municipal Building. This is measured by using a two-dimensional elevation diagram showing the front facade of the Dallas Municipal Building and the proposed structure or permanent artwork, as seen from directly behind the proposed structure or permanent artwork, standing at the mid-point of the tract between St. Paul and Harwood Streets, as shown on Exhibit D.
 - c. Trees located in the open zone are encouraged to be deciduous.

9.3 Limited height zone.

- a. The limited height zone, as shown in Exhibit D, is comprised of a 40 foot band around the perimeter of the property line.
- b. Maximum height for all structures and site elements in the limited height zone is 20 feet, measured from grade to the top of the structure or site element.

9.4 Artwork exceeding 12 feet in height may not be located within the limited artwork zone, as shown in Exhibit D.

9.5 Other requirements.

- a. Site elements must reflect their own time, place, and use and must not create a false sense of historic development. This does not prohibit or discourage the incorporation of historic artifacts from the previous buildings located on the site in the design and construction of site elements and structures.
- b. New landscaping and exterior lighting must enhance the area without obscuring significant views of the adjacent buildings or views into the park.
- c. Ramps for underground parking garages are allowed along Commerce Street and St. Paul Street. The landmark commission may consider a ramp along Main Street if locations along Commerce Street and St. Paul Street are infeasible.
- d. New curb cuts for parking are not allowed along Harwood Street.

10. NEW CONSTRUCTION IN TRACT B.

- 10.1 New construction must consist of structures (as defined in Section 1.31), buildings, site elements, and walls as conceptually indicated in Exhibit E.
- 10.2 New construction must reflect its own time, place, and use and must not create a false sense of historic development.
- 10.3 The following facade materials are prohibited: reflective glass, wood, vinyl or metal siding, and corrugated metals. All facade materials must be reviewed through the certificate of appropriateness process.

11. SIGNS IN TRACT B.

- 11.1 The following facade materials are prohibited: reflective glass, wood, vinyl or metal siding, and corrugated metals. All facade materials must be reviewed through the certificate of appropriateness process.

- 11.2 Signs must reflect their own time, place, and use and must not create a false sense of historic development.
- 11.3 Illuminated signs, pylons, and posts with banners that will add interest and color to the public park are encouraged.
- 11.4 Signs must be approved through the certificate of appropriateness process and must conform to appropriate city codes prior to the issuance of a sign permit.

12. WAIVER OF CERTAIN REQUIREMENTS IN TRACT B.

- 12.1 The requirements of Sections 51P-619.104, 51P-619.106.4, and 51P-619.112 of the Dallas Development Code are not applicable.
- 12.2 Sections 5 1A-4.601 (a)(4) of the Dallas Development Code applies for purposes of determining a legal building site.
- 12.3 The requirements of Section 5 1A-4. 124(a)(8)(C) of the Dallas Development Code pertaining to minimum sidewalk widths are not applicable.

13. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.

- 13.1 Except as expressly modified by this section, the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
- 13.2 Upon receipt of an application for a certificate of appropriateness, the director shall categorize the request as one of the following: (A) routine maintenance and replacement; (B) minor exterior alterations; or (C) work requiring review by the landmark commission.
- 13.3 The director shall review and grant or deny a certificate of appropriateness for proposed work that falls into either category A or B listed in Subsection 12.2 within 10 days of receipt of a completed application for a certificate of appropriateness. To be considered complete, an application must include any exhibits or attachments deemed necessary by the director.
- 13.4 No decision by the director to approve a certificate of appropriateness for proposed work falling within category A or B may be appealed. A decision to deny a certificate of appropriateness in such instances may be appealed by the applicant or property owner. Appeal is made to the landmark commission by submitting a written request for appeal to the director within 10 days after the decision to deny.
- 13.5 Proposed work not falling into either category A or B shall be reviewed by the landmark commission following the standard review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended.

- 13.6 Exemption: Requests categorized by the director as either routine maintenance and replacement or minor exterior alterations on non-contributing buildings are exempt from the certificate of appropriateness review process.
- 13.7 In Tract B, a certificate of appropriateness is NOT required for the following:
- a. Landscape and planting with a mature height less than six feet; this includes, but is not limited to, trees, shrubs, plantings areas, and plants.
 - b. Artwork, sculptures, and pylons that are less than six feet by six feet in plan, as measured to the largest dimension in each direction, and less than eight feet in height, as measured from the adjacent grade.
 - c. Movable or temporary seating, tables, heaters and other furnishings.
 - d. Temporary tents, canopies and awnings that will be installed at the site for 30 days or less.
 - e. Temporary and seasonal trees, plantings and lighting that will be installed at the site for 45 days or less.
- 13.8 In Tract B, the following work is considered minor exterior alterations:
- a. Repair or replacement of like materials.
 - b. Hardscape features less than four feet in height, as measured from the adjacent finished grade; for retaining walls, this will be measured from the adjacent finished grade at the lowest side. This includes site walls and fences, retaining walls, berms and other landscape features, sidewalks, walkways and other paved or non-porous surfaces, lawn areas, water features and fountains, and seating and tables; review includes materials and colors.
 - c. Temporary signage and banners.
 - d. Temporary tents, canopies, and awnings installed for between 31 and 90 days.
 - e. Temporary movie screens or walls and accompanying projector equipment stands. It is encouraged that such screens or walls be portable and be moved or pivot in place when not in use to avoid obscuring the facades of adjacent historic buildings.
 - f. Lighting throughout the site.

14. APPEAL TO THE CITY PLAN COMMISSION.

- 14.1 Certificates of appropriateness denied by the landmark commission may be appealed to the city plan commission in accordance with section 51A-4.501 of the Dallas Development Code, as amended.

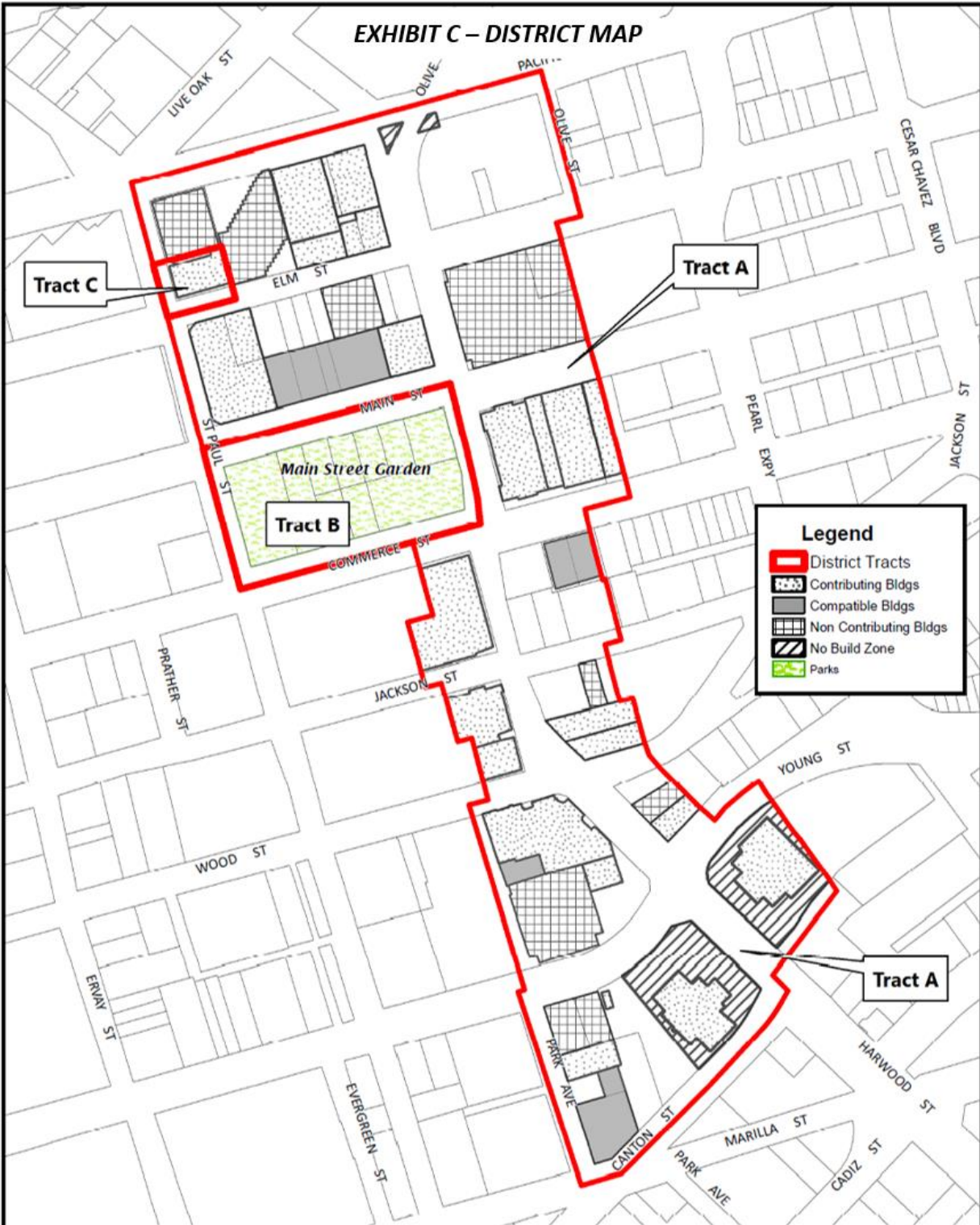


EXHIBIT D
TRACT 2 PLANNING ZONES

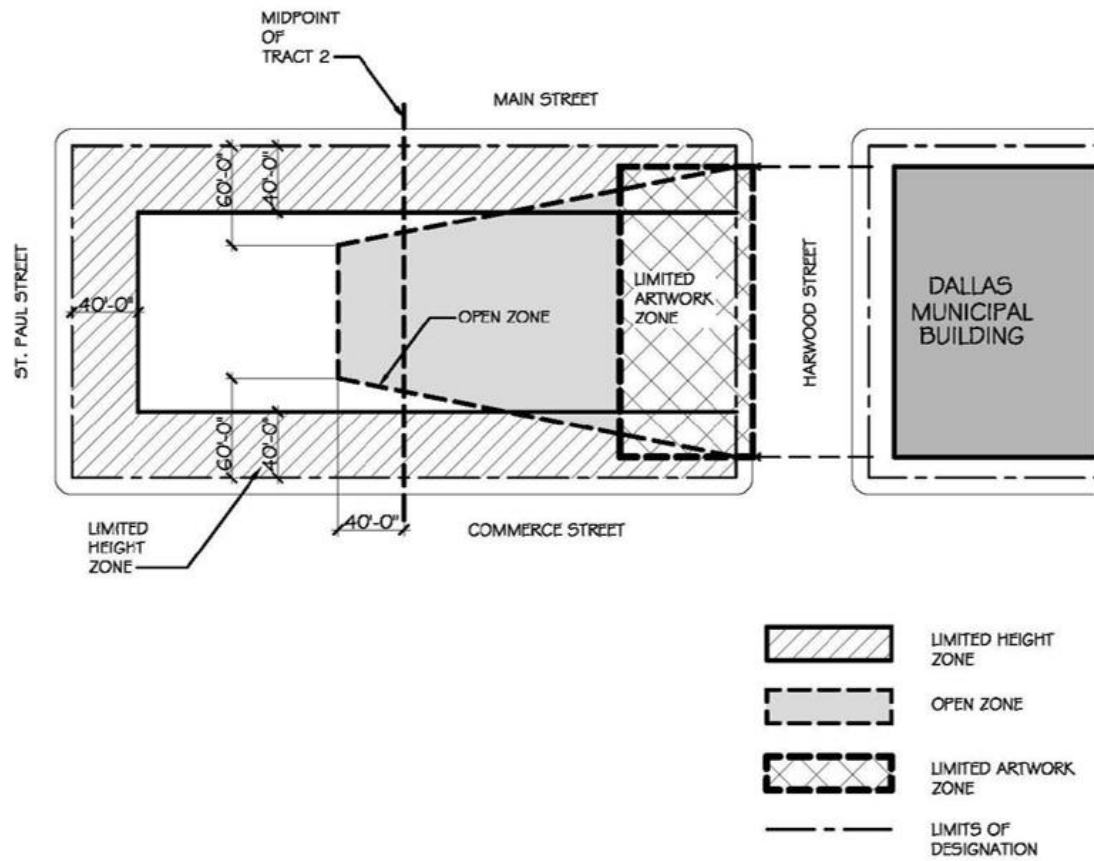
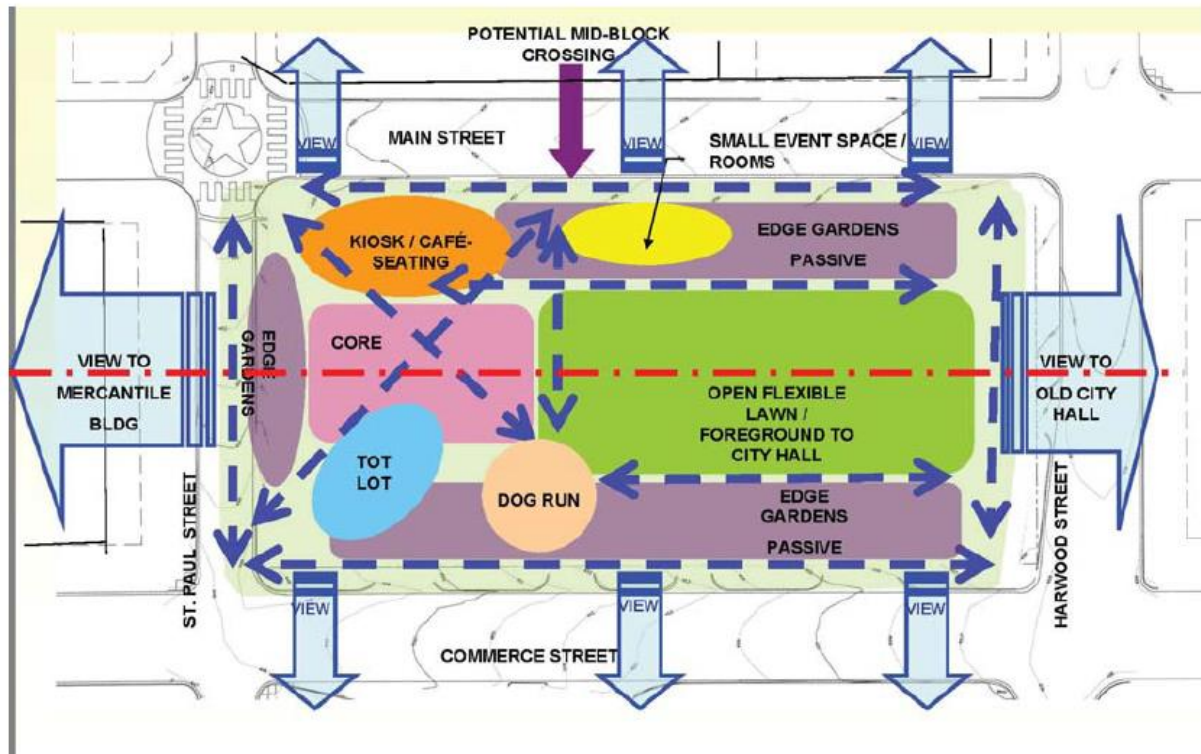
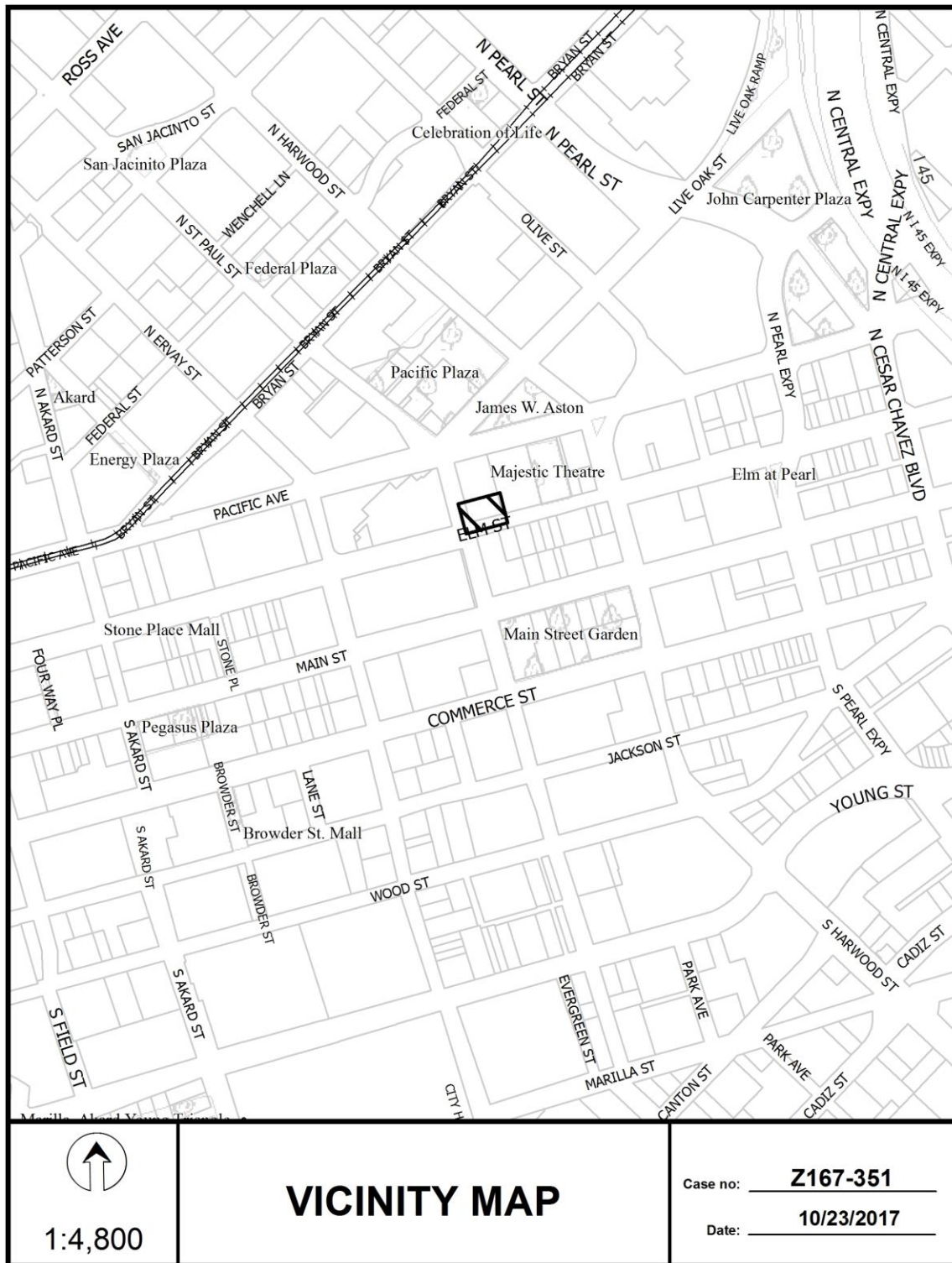
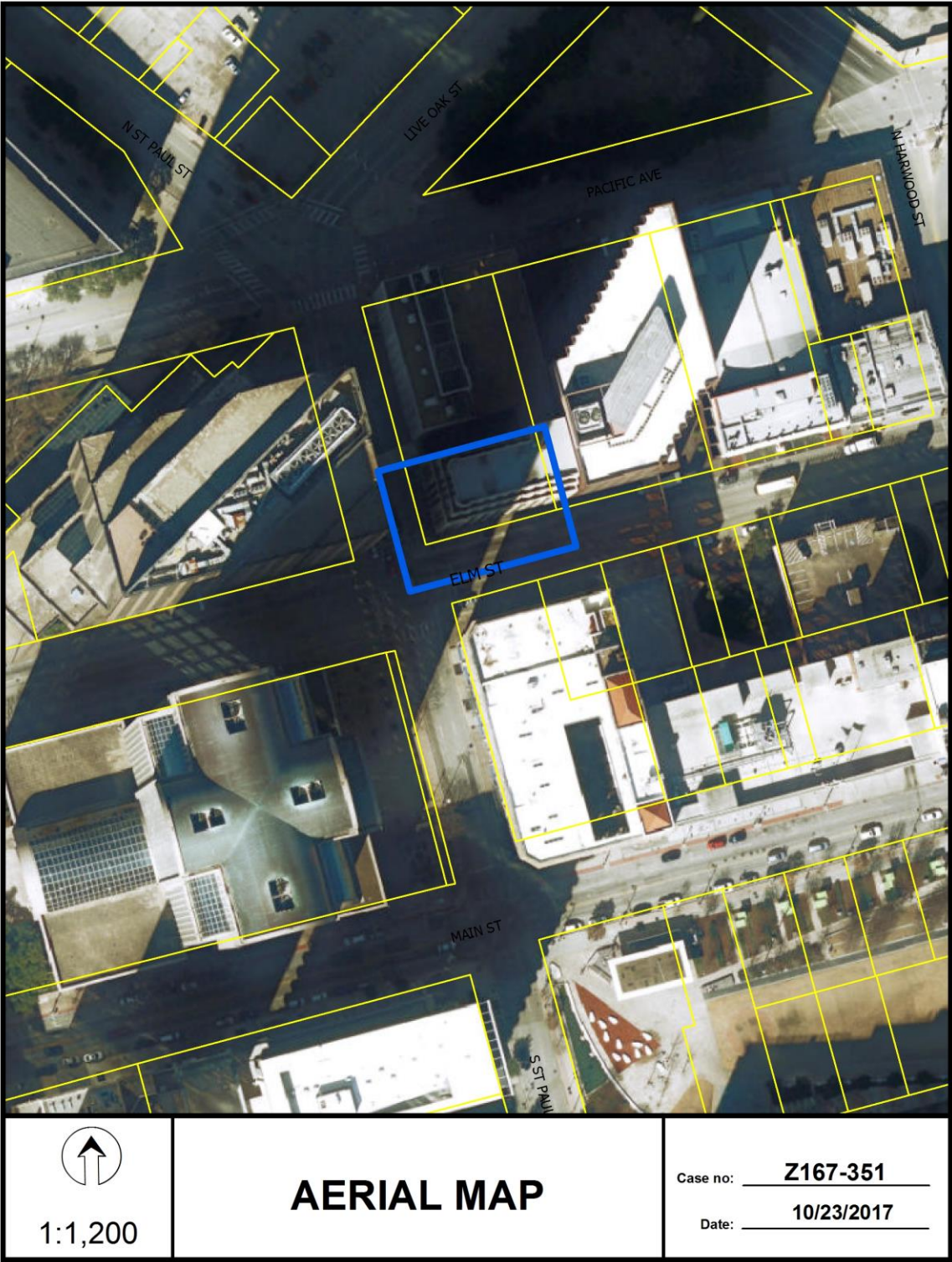
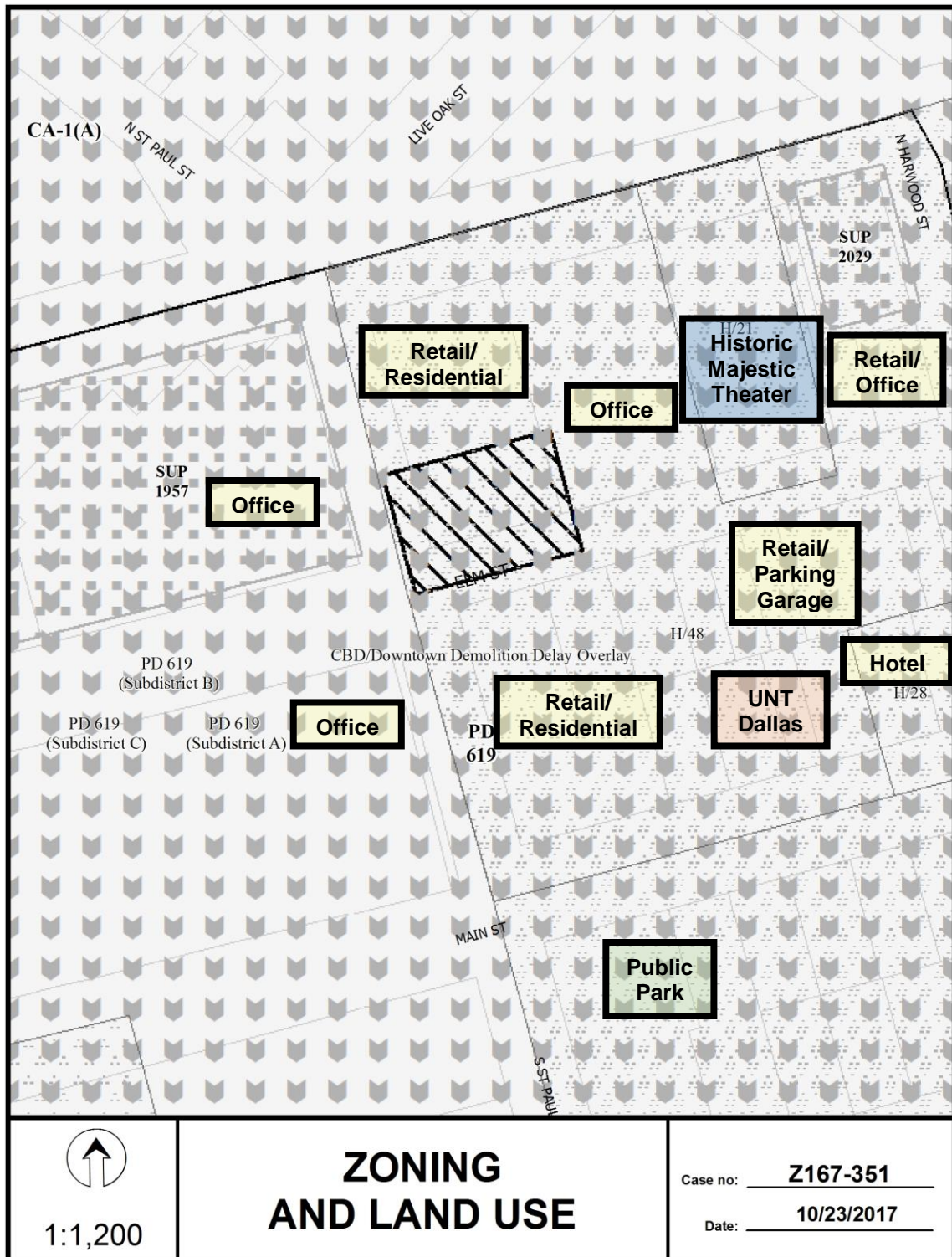


EXHIBIT E
TRACT 2 CONCEPTUAL PLAN











02/14/2018

Reply List of Property Owners
Z167-351

17 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	1910 PACIFIC AVE	1910 PACIFIC LP
	2	1910 PACIFIC AVE	OLYMBEC USA LLC
	3	1900 PACIFIC AVE	1907 ELM HOLDINGS LP
	4	1900 PACIFIC AVE	1900 PACIFIC HOLDINGS LP
	5	1717 MAIN ST	1717 TOWER OWNER LP
	6	1900 ELM ST	UNIVERSITY OF NORTH TEXAS SYSTEM
	7	1927 MAIN ST	PHELAN CANDICE L TRUST &
	8	1915 MAIN ST	F A SCHLUTER 1818 1882 FOUNDATION
	9	1915 MAIN ST	UNIVERSITY OF NORTH TEXAS SYSTEM
	10	1911 MAIN ST	UNIVERSITY OF NORTH TEXAS SYSTEM
	11	1911 MAIN ST	DALLAS COUNTY COMMUNITY
	12	1928 ELM ST	UNT CENTER AT DALLAS
	13	1921 MAIN ST	UNIVERSITY OF NORTH TEXAS SYSTEM
	14	1921 MAIN ST	DALLAS COUNTY COMMUNITY
	15	1908 ELM ST	JARVIS BARNEY W JR TR &
	16	1700 PACIFIC AVE	OLYMBEC USA LLC
	17	1920 ELM ST	1900 PACIFIC HOLDINGS LP

AGENDA ITEM # 46

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1687 for a bar, lounge, or tavern; and an inside commercial amusement limited to a Class A dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Commerce Street, west of Henry Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to a revised site plan and conditions
Z178-101(PD)

FILE NUMBER: Z178-101(PD)

DATE FILED: October 3, 2017

LOCATION: South side of Commerce Street, west of Henry Street

COUNCIL DISTRICT: 2

MAPSCO: 45 M

SIZE OF REQUEST: Approx. 3,125 sq. ft.

CENSUS TRACT: 204.00

APPLICANT: Marty Monroe, Adair's Saloon

REPRESENTATIVE: Marty Monroe, Adair's Saloon

OWNER: S.D.L. Partners

REQUEST: An application for the renewal of Specific Use Permit No. 1687 for a bar, lounge, or tavern; and an inside commercial amusement limited to a Class A dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The applicant proposes to continue the operation of the alcoholic beverage establishment limited to a bar, lounge or tavern and an inside commercial amusement limited to a Class A dance hall [Adairs].

CPC RECOMMENDATION: Approval for a five-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a two-story structure utilized as a bar, lounge, or tavern and an inside commercial amusement use limited to a Class A dance hall. The second floor is used as an office that is a separate use.
- SUP No. 1687 for a bar, lounge or tavern and an inside commercial amusement use was granted on the subject site on November 28, 2007, for a five-year period.
- SUP No. 1687 was renewed on November 28, 2012, for a five-year period.

Zoning History: There have been three recent zoning changes requested in the area within the last five years.

1. **Z156-304** On October 21, 2011, Specific Use Permit No. 1651 for a tattoo studio and body piercing studio was automatically renewed for an additional five-year time period and will expire on January 10, 2017.
2. **Z156-295** On October 26, 2016, the City Council approved an application for the renewal of Specific Use Permit No. 1767 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
3. **Z134-126** On February 24, 2014, the City Council approved an application for Specific Use Permit No. 2076 for an inside commercial amusement use limited to a live music venue and a dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Main Street	Minor Arterial	80 ft.
Commerce Street	Minor Arterial	80 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested renewal and determined it will not significantly impact the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	Tract A, PDD No. 269	Bar, Lounge or Tavern
North	Tract A, PDD No. 269	Surface Parking Lot
South	Tract A, PDD No. 269	Surface Parking Lot
West	Tract A, PDD No. 269	Office
East	Tract A, PDD No. 269	Restaurant

STAFF ANALYSIS:

Comprehensive Plan:

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

The *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

LAND USE ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

- Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility:

The approximately 3,125-square foot request site is zoned Tract A within Planned Development District No. 269 and is currently developed with a 2,500-square foot, two-story commercial building used as a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall. The second floor is used as an office that is a separate use.

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 use is surrounded by other retail uses and various surface parking lots. As noted below, there has been minimal reported police activity at this location for the past five years. As a result of this analysis, staff has determined the request complies with the general provisions for consideration of an SUP for an additional five-year period.

SUP No. 1687 was initially approved for a five-year period and renewed in 2012 for an additional five-year period. Therefore, staff recommends renewing this SUP for another five-year period.

Police Report:

The following police report shows activity at the request site for the past five years. The Dallas Police Department's crime statistics report provides a list of all calls logged with 911, a list of actual criminal offenses reported by an officer and the number of arrests made by an officer. These reports listed below are between the periods of January 1, 2012, to December 18, 2017.

Arrests:

IncidentNum	ArArrestDate	ArArrestTime	ArLAddress	ChargeDesc
025421-2015	2/2/2015	1:49	2624 COMMERCE ST	PUBLIC INTOXICATION
179621-2014	7/26/2014	22:45	2624 COMMERCE ST	PUBLIC INTOXICATION

Criminal Offenses:

IncidentNum	Date1	Time1	UCR_Offense	Address	ZipCode
064481-2017	3/22/2017	17:50	FRAUD	2624 COMMERCE ST	75226
138088-2015	6/17/2015	10:05	OTHER THEFTS	2624 COMMERCE ST	75226
075381-2015	4/5/2015	1:00	OTHER THEFTS	2624 COMMERCE ST	75226
259367-2015	11/7/2015	1:13	ASSAULT	2624 COMMERCE ST	75226
209498-2014	8/31/2014	2:21	ASSAULT	2624 COMMERCE ST	75226
0161872-2012	7/1/2012	11:00	THEFT/BMV	02624 COMMERCE ST	75226

Calls:

Master_Incident_Number	Response_Date	Response_Time	Problem	Address	ZipCode
17-2351141	12/13/2017	20:36	24 - Abandoned Property	2624 Commerce St	75226
17-2201531	11/20/2017	1:25	6X - Major Dist (Violence)	2624 Commerce St	75226
17-1904662	10/6/2017	20:28	6X - Major Dist (Violence)	2624 COMMERCE ST	75226
17-1601055	8/22/2017	11:59	40/01 - Other	2624 Commerce St	75226
17-1316353	7/10/2017	23:43	6X - Major Dist (Violence)	2624 Commerce St	75226
17-1020462	5/30/2017	4:38	12B - Business Alarm	2624 Commerce St	75226
17-0545207	3/22/2017	17:56	09/01 - Theft	2624 Commerce St	75226
17-0052740	1/9/2017	1:55	6X - Major Dist (Violence)	2624 Commerce St	75226
16-1924376	9/26/2016	14:31	24 - Abandoned Property	2624 Commerce St	75226
16-0700980	4/13/2016	18:48	6X - Major Dist (Violence)	2624 Commerce St	75226
16-0167466	1/27/2016	1:08	6X - Major Dist (Violence)	2624 Commerce St	75226
16-0109322	1/17/2016	23:13	40/01 - Other	2624 Commerce St	75226
16-0019516	1/3/2016	21:18	32 - Suspicious Person	2624 Commerce St	75226
15-2249815	11/7/2015	1:11	6X - Major Dist (Violence)	2624 Commerce St	75226
15-1809045	9/5/2015	19:24	PH - Panhandler	2624 Commerce St	75226
15-1273200	6/28/2015	0:54	40/01 - Other	2624 Commerce St	75226
15-1251386	6/25/2015	12:10	40/01 - Other	2624 Commerce St	75226
15-1190397	6/17/2015	15:31	11V - Burg Motor Veh	2624 Commerce St	75226
15-0934953	5/16/2015	1:40	6X - Major Dist (Violence)	2624 Commerce St	75226
15-0773844	4/24/2015	0:00	6X - Major Dist (Violence)	2624 Commerce St	75226
15-0551811	3/24/2015	20:22	PH - Panhandler	2624 Commerce St	75226
15-0445602	3/9/2015	17:12	6X - Major Dist (Violence)	2624 Commerce St	75226
15-0413554	3/4/2015	19:47	6X - Major Dist (Violence)	2624 Commerce St	75226
15-0339276	2/20/2015	22:27	6X - Major Dist (Violence)	2624 Commerce St	75226
15-0212361	2/2/2015	1:39	08 - Intoxicated Person	2624 Commerce St	75226
15-0158675	1/25/2015	1:43	6X - Major Dist (Violence)	2624 Commerce St	75226
15-0023653	1/4/2015	13:20	40/01 - Other	2624 Commerce St	75226
14-1939856	10/4/2014	10:05	40/01 - Other	2624 Commerce St	75226
14-1891062	9/28/2014	2:04	6X - Major Dist (Violence)	2624 Commerce St	75226
14-1883001	9/27/2014	0:57	08 - Intoxicated Person	2624 Commerce St	75226
14-1757148	9/8/2014	22:03	PH - Panhandler	2624 Commerce St	75226
14-1695702	8/31/2014	2:05	6XA - Major Dist Ambulance	2624 Commerce St	75226
14-1445747	7/26/2014	22:17	6X - Major Dist (Violence)	2624 Commerce St	75226
14-1324182	7/9/2014	22:42	6X - Major Dist (Violence)	2624 Commerce St	75226
14-0430011	3/6/2014	22:25	6X - Major Dist (Violence)	2624 Commerce St	75226
13-2413592	12/14/2013	0:24	40 - Other	2624 Commerce St	75226
13-2290613	11/24/2013	20:59	38 - Meet Complainant	2624 Commerce St	75226
13-2065858	10/22/2013	1:13	6X - Major Dist (Violence)	2624 Commerce St	75226
13-1870293	9/22/2013	23:22	40/01 - Other	2624 Commerce St	75226
13-1780313	9/10/2013	1:13	PH - Panhandler	2624 Commerce St	75226
13-1514616	8/3/2013	19:54	6X - Major Dist (Violence)	2624 Commerce St	75226
13-1480079	7/30/2013	1:51	6X - Major Dist (Violence)	2624 Commerce St	75226
13-1083019	6/5/2013	21:26	04 - 911 Hang Up	2624 Commerce St	75226
13-0494121	3/15/2013	19:55	PH - Panhandler	2624 Commerce St	75226
12-2369646	11/24/2012	19:15	6X - Major Dist (Violence)	2624 Commerce St	75226
12-2159068	10/24/2012	1:54	40/01 - Other	2624 Commerce St	75226
12-1741922	8/26/2012	1:04	6X - Major Dist (Violence)	2624 Commerce St	75226
12-1697303	8/19/2012	22:51	40/01 - Other	2624 Commerce St	75226
12-1556875	8/1/2012	0:14	6X - Major Dist (Violence)	2624 Commerce St	75226
12-1442082	7/16/2012	22:40	11V - Burg Motor Veh	2624 Commerce St	75226
12-1321033	7/1/2012	11:03	11V - Burg Motor Veh	2624 Commerce St	75226
12-0858430	5/1/2012	0:52	25 - Criminal Assault	2624 Commerce St	75226
12-0579495	3/24/2012	22:59	6X - Major Dist (Violence)	2624 Commerce St	75226
12-0287108	2/11/2012	22:58	07 - Minor Accident	2624 COMMERCE ST	75226

Parking:

PDD No. 269 gives a credit for the first 2,500 square feet of bar, lounge, or tavern uses when located within an original building, and, further allows on-street parking spaces to be counted towards the parking requirement of the use adjacent to the on-street parking space. The 50-square-foot dance floor will require 2 off-street parking spaces. The approved site plan shows two spaces that are at the alley and additionally, one on-street parking space exists adjacent to the request site. The revised site plan complies with the off-street parking requirement by providing one on-street parking space adjacent to the request site, with the second required off-street space at the rear of the structure.

Landscaping:

Landscaping is provided in accordance with Article X, as amended. The applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

List of Partners/Principals/Officers

Adair's Saloon, Inc.

William Martin Monroe, President
Joel Sanotos Morales, Vice President

SDL Partners, Ltd.

GP SDL Partners, LLC

Susan Reese, Manager
Reese Grandchildren's Trust, Limited Partner
Susan B. Reese, Limited Partner
Daisy Ann Reese, Limited Partner

CPC ACTION:
February 1, 2018

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1687 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall for a five-year period, subject to a revised site plan and revised conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Commerce Street, west of Henry Street.

Maker: Carpenter
Second: Rieves
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Lavallaisaa, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Mack
Vacancy: 0

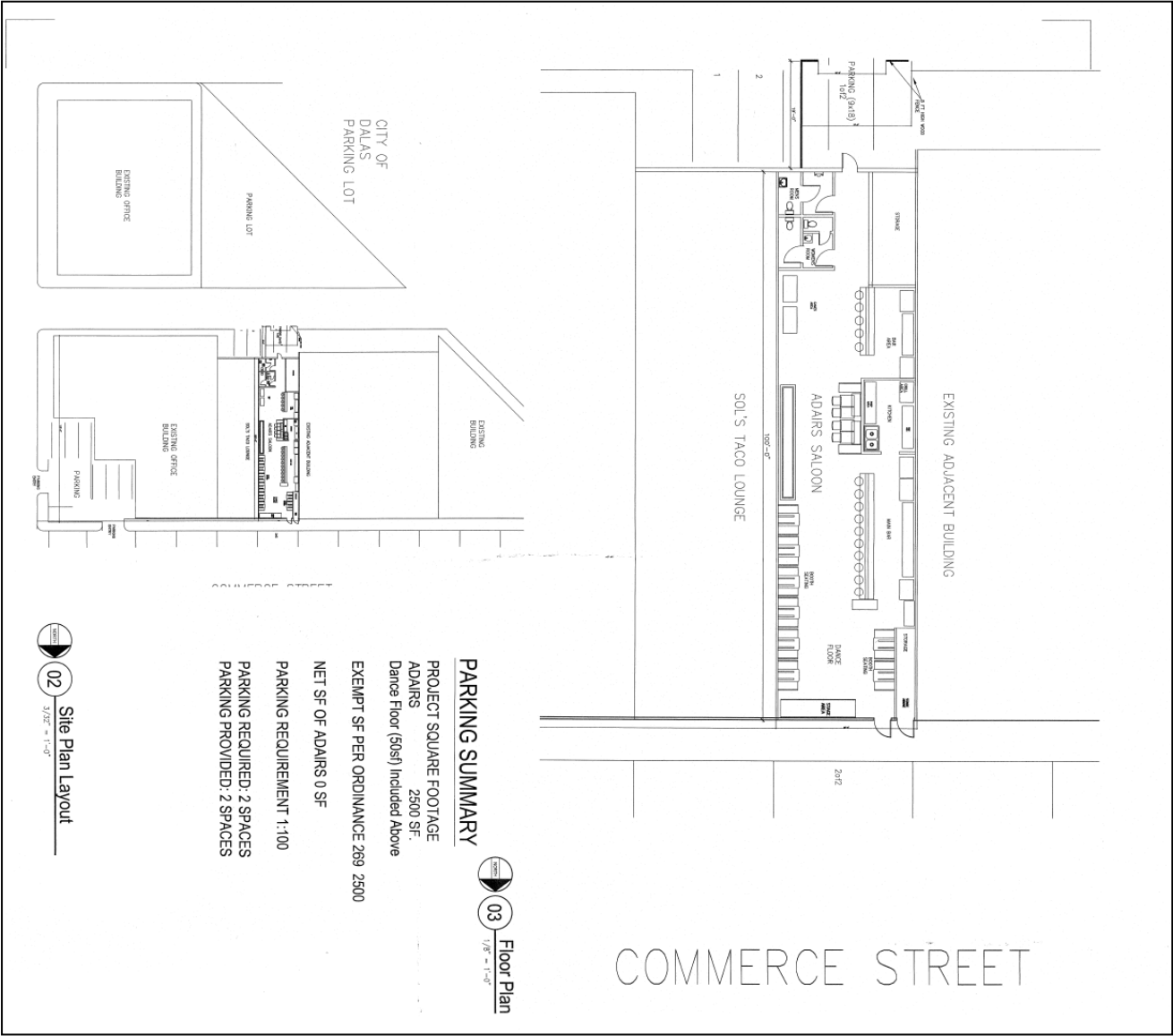
Notices: Area: 200 Mailed: 13
Replies: For: 1 Against: 0

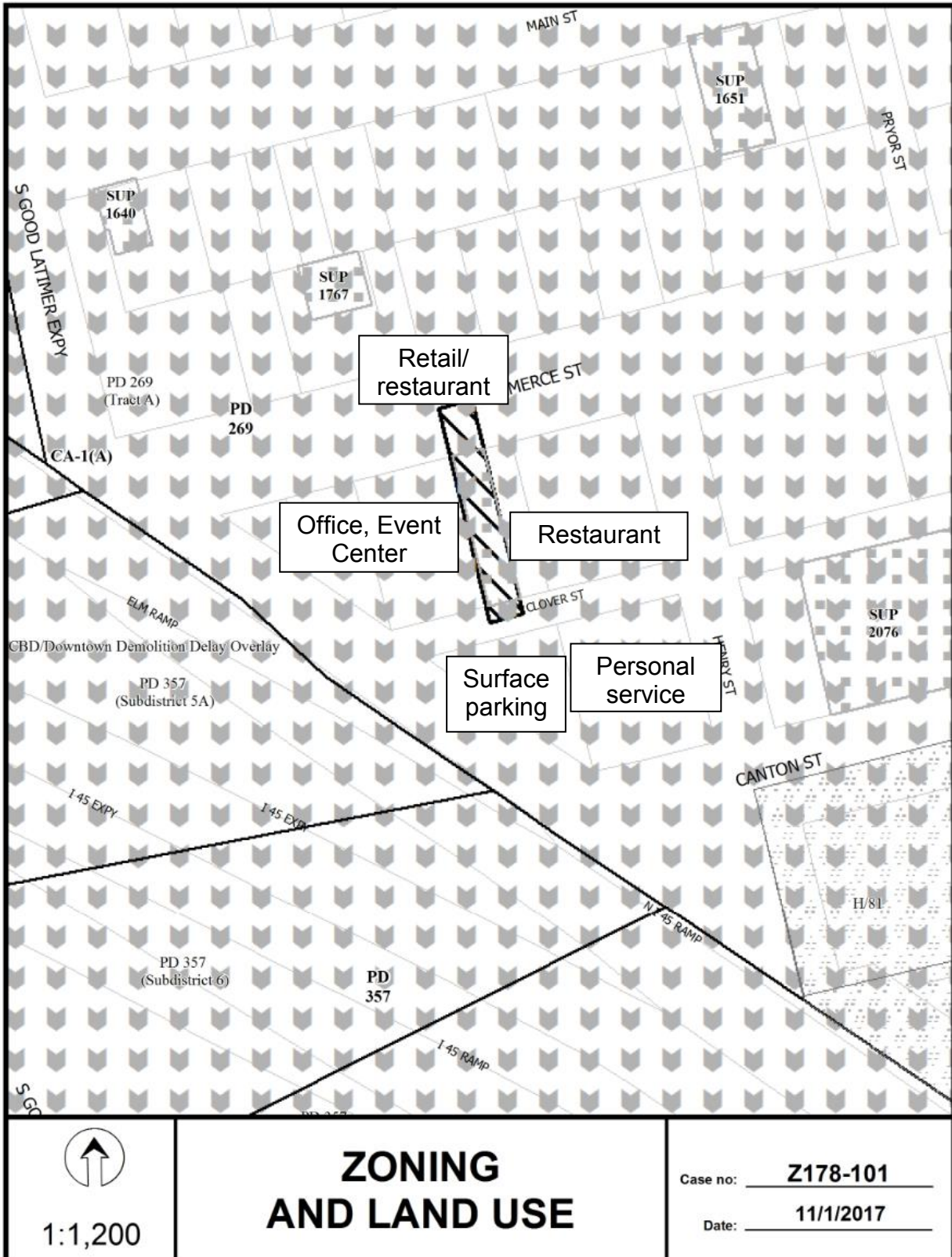
Speakers: None

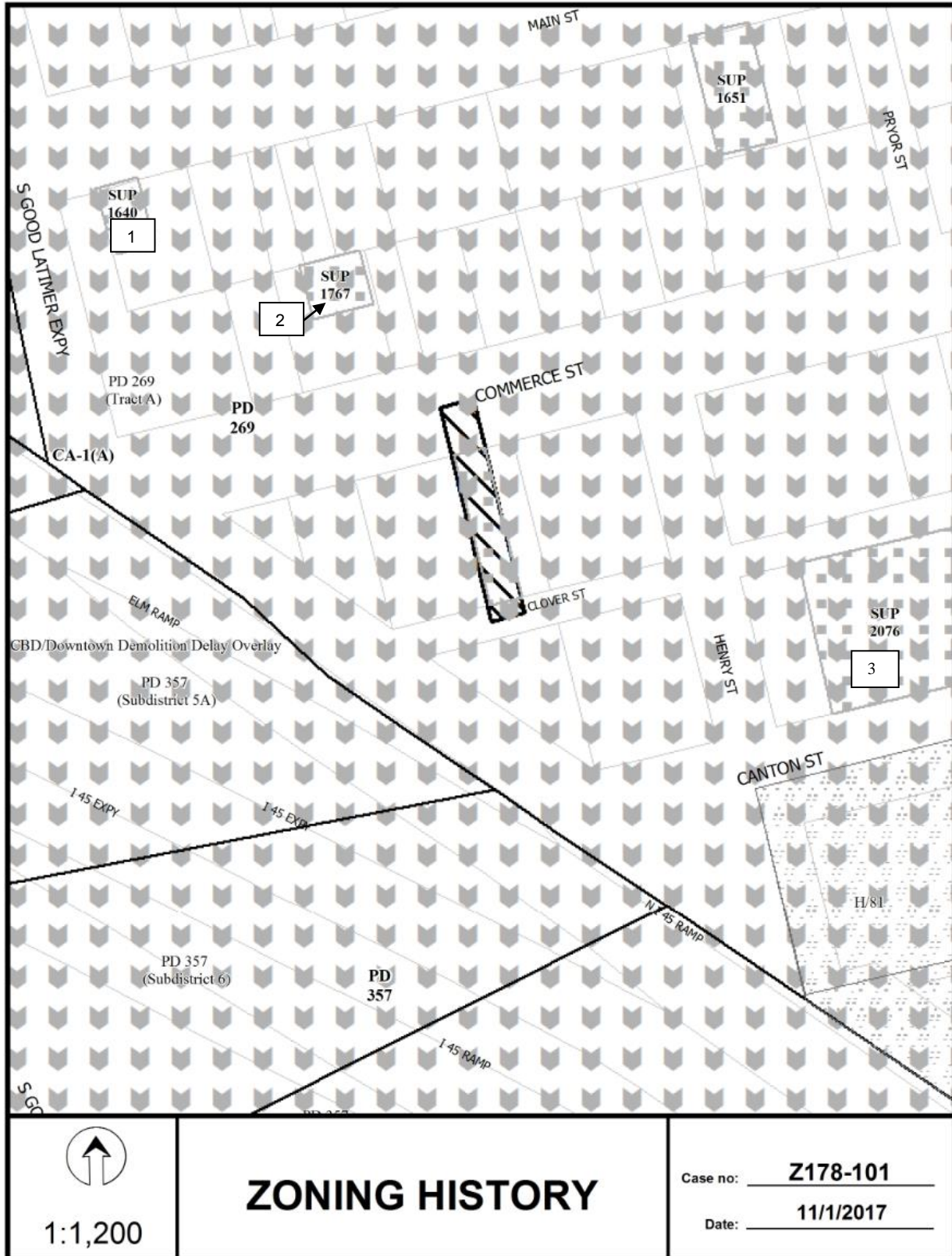
CPC Recommended Conditions

1. USE: The only uses authorized by this specific use permit are a bar, lounge or tavern and an inside commercial amusement limited to a Class A dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit automatically terminates on ____ (five years from the passage of the ordinance).
4. FLOOR AREA:
 - a. Maximum floor area for a bar, lounge or tavern is 2,500 square feet.
 - b. Maximum floor area for a dance hall is 50 square feet.
5. PARKING: A minimum of two off-street parking spaces must be provided as shown on the attached site plan. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
6. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Revised Site Plan









Z178-101(PD)

01/31/2018

Reply List of Property Owners

Z178-101

13 Property Owners Notified

1 Property Owner in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2622 COMMERCE ST	SDL PARTNERS LTD
	2	2616 COMMERCE ST	NOLA LTD
	3	2612 COMMERCE ST	DEEP ELLUM HOLDINGS LLC
	4	2642 MAIN ST	42 DEEP ELLUM LP
	5	2611 COMMERCE ST	42 DEEP ELLUM LLC
	6	2612 MAIN ST	KRISITIAN KEVIN 2612 LLC
	7	2623 COMMERCE ST	KLUCK LINDA LOU
	8	2620 MAIN ST	42 DEEP ELLUM LP
	9	2622 MAIN ST	BLANTON JEANNE
O	10	2630 COMMERCE ST	WESTDALE PPTIES AMERICA I
	11	215 HENRY ST	DEEP ELLUM HOLDINGS LLC
	12	2700 COMMERCE ST	WESTDALE PROPERTIES
	13	2701 CANTON ST	BARNES & ROBERTS REAL ESTATE

AGENDA ITEM # 47

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 53 S

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a new subarea within Tract I of Planned Development District No. 314, the Preston Center Special Purpose District; **(2)** an ordinance granting a Specific Use Permit for a financial institution with drive-in windows; and, **(3)** an ordinance terminating Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service on property zoned Tract I within Planned Development District No. 314, the Preston Center Special Purpose District, on the south line of West Northwest Highway, between the Dallas North Tollway and Douglas Avenue

Recommendation of Staff and CPC: Approval of the creation of a new subarea within Tract I, subject to a development plan, landscape plan, and conditions; approval of an Specific Use Permit for a financial institution with drive-in windows for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions; and, approval of the termination of Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service

Z178-116(WE/JM)

FILE NUMBER:	Z178-116(WE/JM)	DATE FILED:	October 30, 2017
LOCATION:	South line of West Northwest Highway, between the Dallas North Tollway and Douglas Avenue		
COUNCIL DISTRICT:	13	MAPSCO:	53 S
SIZE OF REQUEST:	Approx. 1.231 acres	CENSUS TRACT:	73.01

APPLICANT: Regions Bank

OWNER: DP Five Grill LP

REPRESENTATIVE: Jill Bryan
BDG Architects

REQUEST: An application for: **(1)** a new subarea within Tract I of Planned Development District No. 314, the Preston Center Special Purpose District; **(2)** a Specific Use Permit for a financial institution with drive-in windows; and, **(3)** the termination of Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service on property zoned Tract I within Planned Development District No. 314, the Preston Center Special Purpose District.

SUMMARY: The purpose of the request is to redevelop the site with a one-story, 2,700-square-foot financial institution with drive-in windows [Regions Bank].

CPC RECOMMENDATION: Approval of the creation of a new subarea within Tract I, subject to a development plan, landscape plan, and conditions; approval of an Specific Use Permit for a financial institution with drive-in windows for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions; and, approval of the termination of Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service.

STAFF RECOMMENDATION: Approval of the creation of a new subarea within Tract I, subject to a development plan, landscape plan, and conditions; approval of an Specific Use Permit for a financial institution with drive-in windows for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions; and, approval of the termination of Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service.

BACKGROUND INFORMATION:

- The request site is developed with a one-story restaurant without drive-in or drive-through service (Specific Use Permit No. 1062) which is currently vacant. This SUP will be terminated.
- The applicant proposes to raze the existing structure to create a one-story, 2,700-square-foot financial institution with drive-in windows.
- Tract I of Planned Development District No. 314 is governed by the NO(A) Neighborhood Office District. The NO(A) District only permits financial institution without drive-in window. However, Subarea A of Tract I, which is adjacent to the subject site, permits a financial institution with drive in windows by Specific Use Permit [SUP No. No. 781].
- The request is for a new subarea within Tract I of PD No. 314 to allow a financial institution with drive-in windows by Specific Use Permit. A landscape plan has been provided which complies with Article X, but adds more landscape area.

Zoning History: There has been one recent zoning change in the past five years.

1. **Z167-326:** On November 8, 2017, the City Council approved an application for a new subarea on property zoned Subarea A of Tract II within Planned Development District No. 314, the Preston Center Special Purpose District, located on the northeast corner of Sherry Lane and Lomo Alto Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
West Northwest Highway	Principal Arterial	100 ft.	100 ft.
Douglas Avenue	Collector	100 ft.	100 ft.
Berkshire Lane	Local	50 ft.	50 ft.

Traffic:

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

Land Use:

	Zoning	Land Use
Site	Tract I, PD No. 314, SUP No. 1062	Vacant restaurant without drive-in or drive through service
North	R-1-ac(A)	Church
East	Tract I, Subarea B of PD No. 314	Fire Station
South	Tract 2, PD No. 314	Offices
West	Tract I, PD No. 314, SUP Nos. 781 & 1282	Financial institution with drive-in windows

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**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

STAFF ANALYSIS**Land Use Compatibility:**

The 1.231-acre site is developed with a vacant restaurant without drive-in or drive-thru service (SUP No. 1062). Adjacent land uses include financial institutions to the west, a church to the north, across West Northwest Highway, a fire station to the east, and offices to the south across Berkshire Lane.

The existing zoning of the site is Tract I of Planned Development District No. 314 which is governed by the NO(A) Neighborhood Office District regulations. The NO(A) District permits a financial institution *without* drive-in window. Two financial institutions with drive-in windows operate adjacent to the site to the west (SUP No. 1282 and No. 781) within Subarea A of Tract I, which permits a financial institution with drive in windows by Specific Use Permit.

The request is to amend Planned Development District No. 314 by creating a new subarea within Tract I to allow a financial institution with drive-in windows by SUP. The proposed development will consist of a one-story, 2,700-square-foot financial institution with approximately four drive-in bays. The operation would have one bay for a teller window and three unmanned stations or virtual teller machines (VTMs). In addition, the

proposed development will use the existing driveways to access the site. One driveway approach is located on West Northwest Highway and the remaining two approaches are on Berkshire Lane.

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 development is consistent with the surrounding developments in the area. The financial institution with drive-in windows will provide an additional service to the adjacent community.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PD No. 314 Tract I Existing	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 2 stories	50%	Proximity Slope Visual Intrusion	Office, Restaurant without drive-in or drive through service
PD No. 314 Proposed New Tract	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 1 story	50%	Proximity Slope Visual Intrusion	Financial institution with drive-in windows

Parking:

Planned Development District No. 314 refers to Chapter 51A for required off-street parking regulations. A financial institution with drive-in window requires one parking space per 333 square feet of floor area. The proposed structure would contain 2,700 square feet of floor area and require a minimum of eight parking spaces. The development/site plan submitted provides 30 parking spaces, two of which are accessible.

Stacking requirements for the teller lanes are as follows:

- For the one manned window—5 stacking spaces.
- For the three unmanned transaction stations—2 stacking spaces each for a total of 6 required stacking spaces.

The development/site plan identifies all 11 stacking spaces are being provided, as required.

Landscaping:

Landscaping of any development will be in accordance with the landscape plan. The landscape plan surpasses the criteria of Article X by adding more landscape area.

LIST OF OFFICERS

Regions Bank

- | | |
|-------------------|-----------------------|
| • Joseph Holcombe | Senior Vice President |
| • Paul Newman | Senior Vice President |
| • Elisha Buckley | Vice President |
| • John Earley | Vice President |
| • Debbie Foster | Vice President |
| • Michelle Long | Vice President |
| • Philip Salyers | Vice President |
| • Susan Schmidt | Vice President |

CPC Action
February 15, 2018

Motion: It was moved to recommend **approval** of the creation of a new subarea within Tract 1, subject to a development plan, landscape plan, and conditions; **approval** of a Specific Use Permit for a financial institution with drive-in windows for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions; and, **approval** of the termination of Specific Use Permit No. 1062 for a restaurant without drive-in or drive-through service on property zoned Tract 1 within Planned Development District No. 314, the Preston Center Special Purpose District, on the south line of West Northwest Highway, between the Dallas North Tollway and Douglas Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 500 Mailed: 71
Replies: For: 2 Against: 0

Speakers: None

CPC Recommended PD CONDITIONS

PD 314. Preston Center Special Purpose District

SEC. 51P-314.101. LEGISLATIVE HISTORY.

PD 314 was established by Ordinance No. 20397, passed by the Dallas City Council on July 26, 1989. Ordinance No. 20397 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20397 was amended by Ordinance No. 20619, passed by the Dallas City Council on May 9, 1990; Ordinance No. 22689, passed by the Dallas City Council on February 28, 1996; and Ordinance No. 23277, passed by the Dallas City Council on September 24, 1997.

SEC. 51P-314.102. PROPERTY LOCATION AND SIZE.

PD 314 is established on property generally bounded by Northwest Highway on the north, Preston Road on the east, Colgate Avenue on the south, and the Dallas North Tollway on the west. The size of PD 314 is approximately 68.534 acres.

SEC. 51P-314.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 314A: copies of Ordinance Nos. 7059, 14320, and 19221.
- (2) Exhibit 314B: Preston Center Special Purpose District tract boundary descriptions.
- (3) Exhibit 314C: tract map.
- (4) Exhibit 314D: Tract V development plan.
- (5) Exhibit 314E: Tract I, Subarea B development plan.
- (6) Exhibit 314F: Tract I, Subarea B landscape plan.
- (7) Exhibit 314G: Tract I, Subarea C development plan.
- (8) Exhibit 314H: Tract I, Subarea C landscape plan.

SEC. 51P-314.104. ZONING CLASSIFICATION CHANGE AND DISTRICT NAME.

PD 314 is to be known as the Preston Center Special Purpose District. The boundaries of this district are described in Exhibit A of Ordinance No. 20397.

SEC. 51P-314.105. CREATION OF SEPARATE TRACTS.

This district is divided into seven tracts: Tracts I, II, III, IV, V, VI, and VII. In addition, Tract I contains a designated "Subarea A", and a designated "Subarea B," and a designated "Subarea C." Tract II contains a designated "Subarea A" and a designated "Subarea B," and Tract IV contains a designated "Subarea A." The boundaries of all tracts, including Subareas A in Tracts I, II, and IV and Subareas B in Tracts I and II, are verbally described in Exhibit 314B. A map showing the boundaries of the various tracts, including Subareas A in Tracts I, II, and IV and Subareas B in Tracts I and II, is labeled Exhibit 314C. In the event of a conflict, the verbal descriptions in Exhibit A of Ordinance No. 20397 and Exhibit 314B control over the graphic description in Exhibit 314C.

SEC. 51P-314.106. USE REGULATIONS AND DEVELOPMENT STANDARDS FOR TRACTS I AND V.

(a) Use regulations. The following use regulations apply in Tracts I and V (including Subareas A, and B, and C):

(1) Except as otherwise provided in Paragraph (2), the only uses permitted are:

(A) those permitted in the NO(A) district;

(B) in Subarea A and C of Tract I and Tract V only, financial institution with drive in windows [SUP];

(C) in Subarea B of Tract I only, fire station (permitted by right); and

(D) in Tract V only, multifamily.

(2) The "bar, lounge, or tavern" use is prohibited.

(b) Yard, lot, and space regulations. The following yard, lot, and space regulations apply in Tracts I and V (including Subareas A and B):

(1) Front, side, and rear yards.

(A) Except as provided in this paragraph, minimum front, side, and rear yards are the same as those for the NO(A) district.

(B) In Subarea B of Tract I, no minimum front yard is required on Douglas Avenue or Berkshire Lane and no minimum side yard or rear yard are required.

(C) In Tract V, no side yard is required.

(2) Density. In Tract V, maximum number of dwelling units is 115.

(3) Floor area. In Tract V, maximum floor area is 200,000 square feet.

(4) Floor area ratio.

(A) Tract I.

(i) Except as provided in this subparagraph, maximum floor area ratio is 0.5.

(ii) In Subarea B, maximum floor area ratio is 1.19.

(B) Tract V. Maximum floor area ratio is 1.94.

(5) 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: 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.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is as follows:

(i) 30 feet in Tract I.

(ii) 119 feet in Tract V.

(6) Lot coverage.

(A) Tract I.

(i) Except as provided in this subparagraph, maximum lot coverage is 50 percent.

(ii) For Subarea B, maximum lot coverage is 85 percent.

(B) Tract V. Maximum lot coverage is 60 percent.

(C) Parking. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Stories.

(A) Tract I. Maximum number of stories above garages are exempt from this requirement, but must comply with the height regulations in Paragraph (5).

(e) Landscape regulations.

(1) Tract I.

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

(B) In Subarea B, landscaping must be provided as shown on the Tract I, Subarea B landscape plan (Exhibit 314F). If there is a conflict between the text of this article and the Tract I, Subarea B landscape plan, the text of this article controls.

(C) In Subarea C, landscaping must be provided as shown on the Tract I, Subarea C landscape plan (Exhibit 314H). If there is a conflict between the text of this article and the Tract I, Subarea C landscape plan, the text of this article controls.

CPC Recommended SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a financial institution with drive in windows.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan plan.
3. TIME LIMIT: This specific use permit expires on (ten-years from the passage of the ordinance), but is eligible for automatic renewal for additional ten-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.).
4. FLOOR AREA: The maximum floor area is 2,700 square feet
5. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.
6. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



[illegible]

ALL PLANNING TO COMPLY WITH DALLAS ORDINANCE 22053 (ARTICLE X)

ANY LANDSCAPE WITHIN 50 FEET OF THE ATM OR NIGHT DROP SHALL BE NO HIGHER THAN 24" ABOVE GRADE AND SHALL BE MAINTAINED AT THIS HEIGHT THROUGHOUT THE LIFE OF THE PLANT.

PRODUCTS WILL BE REVIEWED FOR PLAIN CONFORMITY BY LANDSCAPE ARCHITECT. ALL MATERIAL TO BE GRADE A, MEETING MINIMUM STANDARDS AND PLANT LIST SPECIFICATIONS. MATERIAL NOT MEETING SPECIFICATIONS OR NOT SUPERIOR QUALITY WILL BE REJECTED AT THE CP PUNCH LIST AND SUBJECT TO REPLACEMENT BY CONTRACTOR AT HIS OR HER EXPENSE.

n	Scale in Feet
0	~3.5
10	~2.5
20	~1.5



REGIONS
Preston Center Branch
5858 West Northwest Highway
Dallas, TX 75225

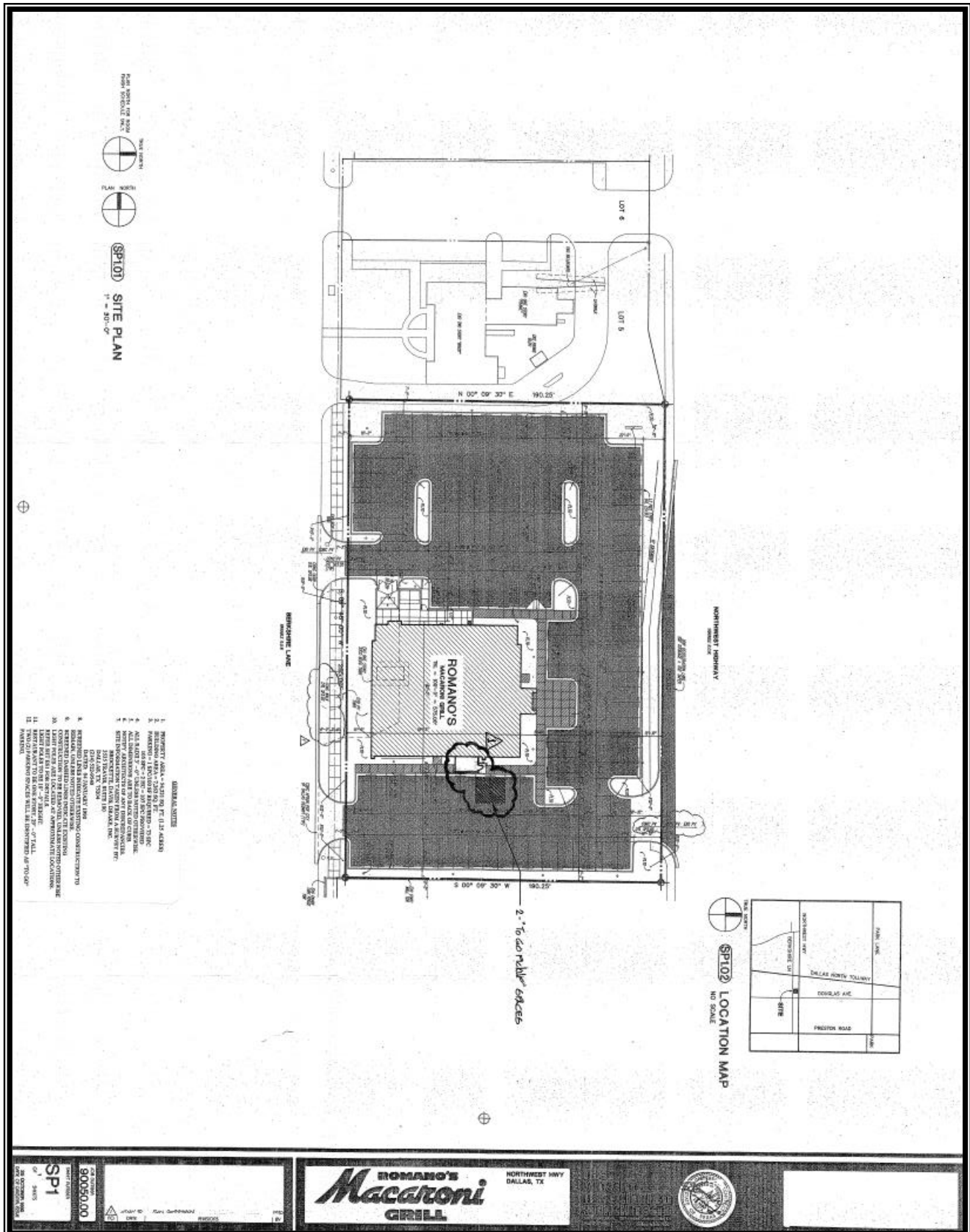
JOHNSON & CO.
LANDSCAPE ARCHITECTS
LAND PLANNERS



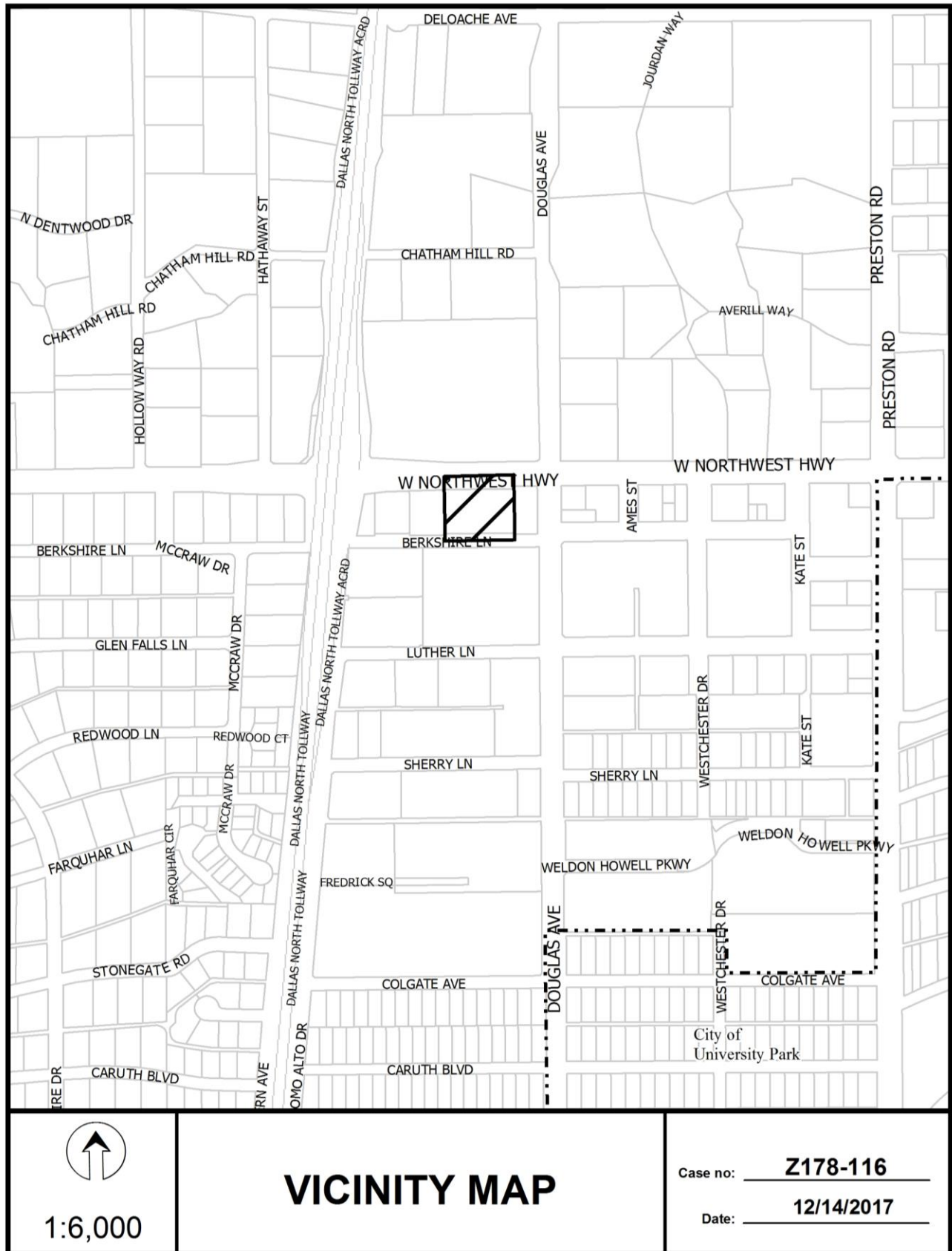
TERMINATION OF SUP No. 1062

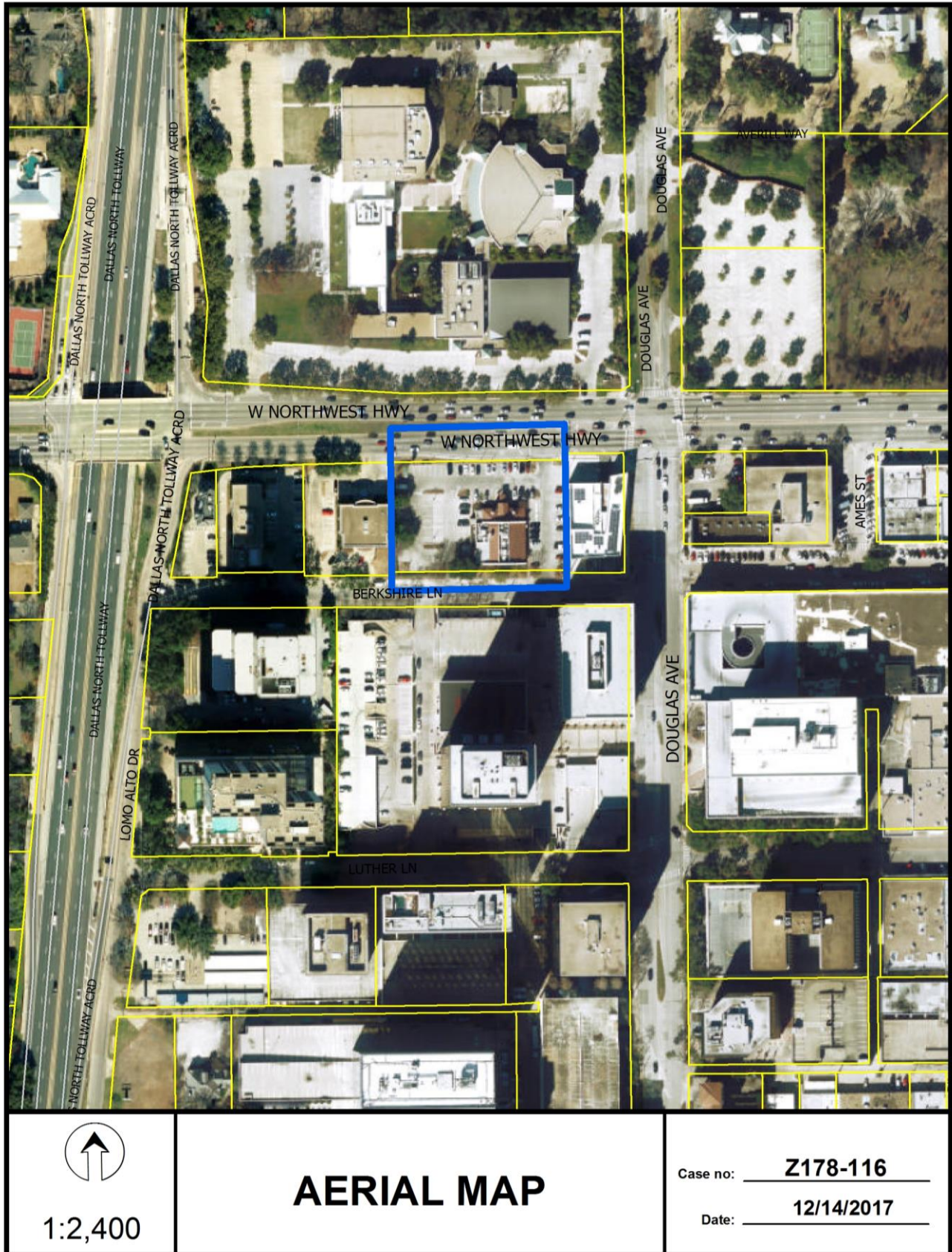
1. SITE PLAN: Use and development of the Property must comply with the attached site plan.
2. LANDSCAPNG: Landscaping must be provided as shown on the attached landscape plan. All plant materials must be maintained in a healthy, growing condition.
3. USE: The only use authorized by this specific use permit is a restaurant without drive-in or drive-through service.
4. SIGNS: Exposed neon signs are prohibited on the Property. No sign on the Property may be illuminated between 12:00 a.m. (midnight) and 8:00 am.
5. TIME LIMIT: This specific use permit has no expiration date.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

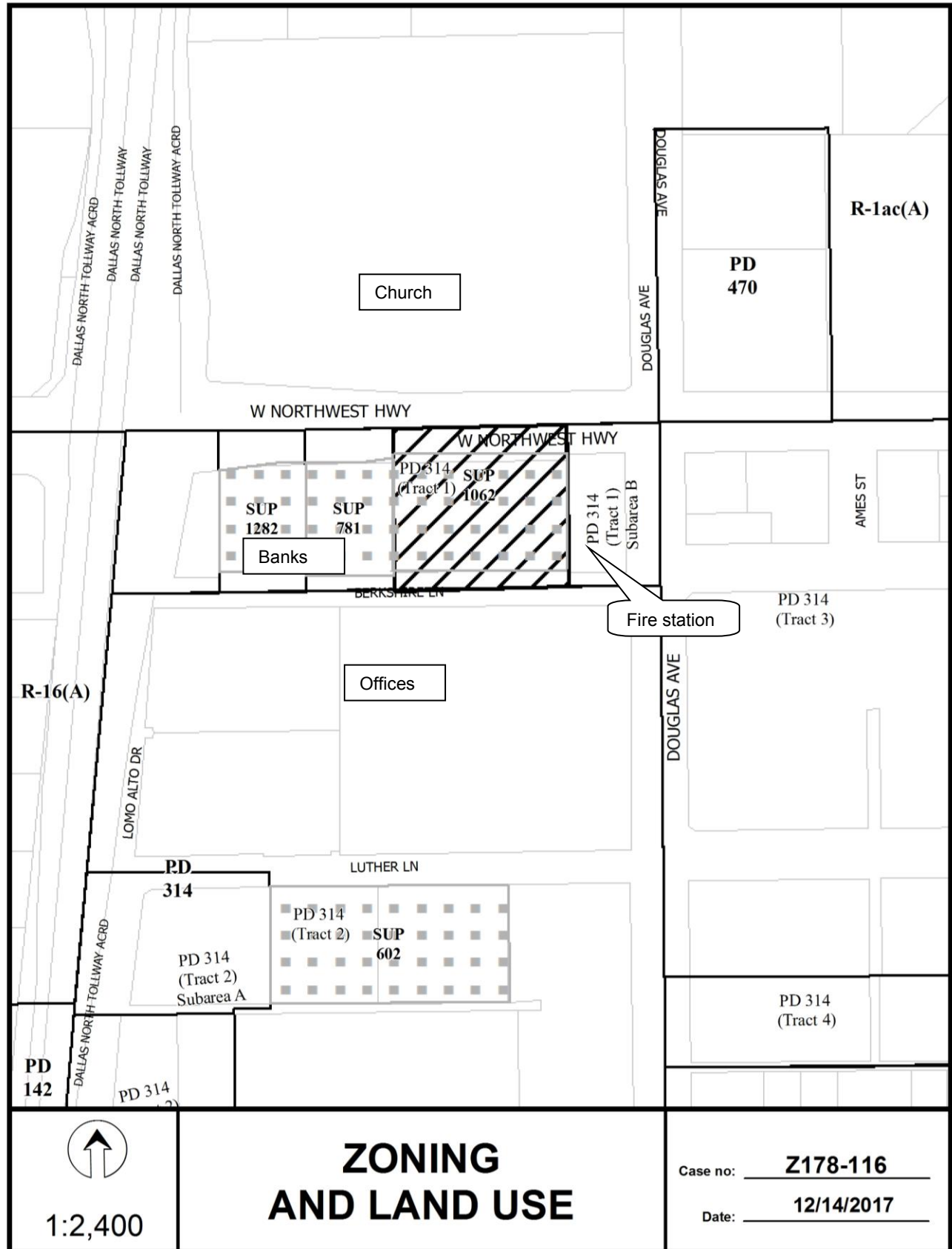
EXISTING SITE PLAN

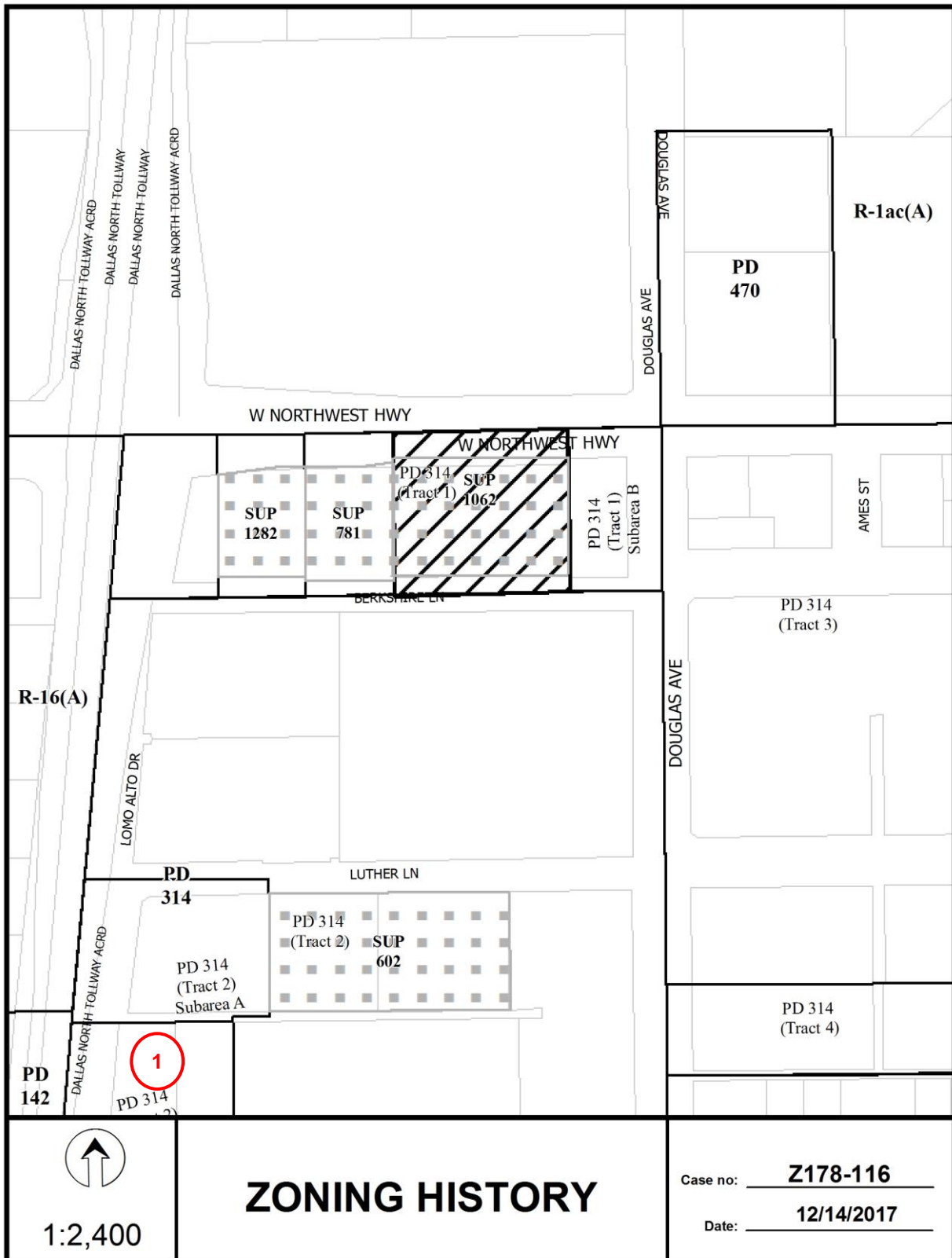












CPC RESPONSES



02/14/2018

Reply List of Property Owners***Z178-116******86 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	5858 W NORTHWEST HWY	DB FIVE GRILL LP
	2	5830 AVERILL WAY	CUBAN MARK
	3	6003 BERKSHIRE LN	BERKSHIRE DOUGLAS RETAIL
	4	6019 BERKSHIRE LN	HBT PARTNERS LP
	5	5800 W NORTHWEST HWY	BEAL BK SSB
	6	8235 DOUGLAS AVE	DIP SPV COMPANY 4 LLC
O	7	8505 DOUGLAS AVE	NORTHWEST BIBLE CHURCH
	8	8301 WESTCHESTER DR	CH REALTY VI R DALLAS PRESTON CTR LP
	9	8300 DOUGLAS AVE	CFO DT II LLC
	10	5840 W NORTHWEST HWY	NWHWY 5840 LLC
O	11	5820 W NORTHWEST HWY	BV NWH 5820 LP
	12	5950 BERKSHIRE LN	BPC CORP
	13	5944 LUTHER LN	PRESTON CENTER LLC
	14	5954 LUTHER LN	WOODBINE LEGACY
	15	8343 DOUGLAS AVE	CFO DT III LLC
	16	5960 BERKSHIRE LN	CFO DT IV LLC
	17	5909 LUTHER LN	FERNANDEZ ALINA MARIE CLAIRE OCARANZA
	18	5909 LUTHER LN	M & J WHILHITE FAMILY PARTNERSHIP LTD
	19	5909 LUTHER LN	YELLOW TRAVEL & ENTERTAINMENT INC
	20	5909 LUTHER LN	ROBBINS JAY & MINDY
	21	5909 LUTHER LN	704 DSP SHELTON LLC
	22	5909 LUTHER LN	REAL ESTATE ARBITRAGE PARTNERS LLC
	23	5909 LUTHER LN	TAYLOR RICHARD C & TRACY
	24	5909 LUTHER LN	708 DSP SHELTON LLC
	25	5909 LUTHER LN	HWANG CHIUFANG & WILLIAM
	26	5909 LUTHER LN	DALLAS SHELTON PTNR LLC

02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5909	LUTHER LN	TUDOR III TRUST
28	5909	LUTHER LN	RATCLIFF T PATRICK &
29	5909	LUTHER LN	HAMMOND PPTIES INC
30	5909	LUTHER LN	RATCLIFF TERRENCE P
31	5909	LUTHER LN	HARE WILLIAM C III
32	5909	LUTHER LN	DAVIS PAMELA A
33	5909	LUTHER LN	THURASINGHAM BHAVANI
34	5909	LUTHER LN	INGOLD HANS H & MARY ANN
35	5909	LUTHER LN	BIGHAM BRYAN & DEBORAH
36	5909	LUTHER LN	LEWIS LINDA B
37	5909	LUTHER LN	DEARMOND KATHRYN MARIE
38	5909	LUTHER LN	MARTIN C JOANNE C REVOCABLE TRUST
39	5909	LUTHER LN	BLACKBURN J BLAIR & MICHELLE H
40	5909	LUTHER LN	FLEET TIMOTHY
41	5909	LUTHER LN	SNIDER ROSEMARY
42	5909	LUTHER LN	PALMER JAMES F & BETTY L
43	5909	LUTHER LN	ARAVAMUTHAN VIBHAS &
44	5909	LUTHER LN	ROSE PETER M & CHRISTINA G
45	5909	LUTHER LN	DALE JOHN ROBERT
46	5909	LUTHER LN	LANE CAROLYN HOOPER
47	5909	LUTHER LN	WILSON JOHN E & BETTY P
48	5909	LUTHER LN	FRANKE REVOCABLE TRUST
49	5909	LUTHER LN	HARVIN SUSAN
50	5909	LUTHER LN	CHEN CHYNHYR & WU LINGCHI
51	5909	LUTHER LN	TURNER JOANNA L
52	5909	LUTHER LN	DAKIL DIANE
53	5909	LUTHER LN	RDM FAMILY TRUST
54	5909	LUTHER LN	CLARK ROLAND & LEIGH
55	5909	LUTHER LN	SORRA LP
56	5909	LUTHER LN	ONSTEAD KAY M
57	5909	LUTHER LN	KOSEL CHRIS & MARTHA

02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	5909 LUTHER LN	PINTO BEN J & AMY
	59	5909 LUTHER LN	BLAIR RONALD M &
	60	5909 LUTHER LN	PURVIN DEBORAH T &
	61	5909 LUTHER LN	PIVNICK LIVING TRUST
	62	5909 LUTHER LN	WRIGHT JAMES S & MARY G
	63	5909 LUTHER LN	DUNNING DAVID W
	64	5909 LUTHER LN	REVOCABLE TRUST OF STEVEN &
	65	5909 LUTHER LN	RUBLE KARIN G
	66	5909 LUTHER LN	BLACK PAULA J REVOCABLE TRUST
	67	5909 LUTHER LN	CAMALIER GEORGE ROBERT & CATHY KYLE
	68	5909 LUTHER LN	BROKAW SUSAN LYNN
	69	5909 LUTHER LN	MENTER GILLIAN SACHAR
	70	5909 LUTHER LN	SAULTER GILBERT J & MAE F
	71	5909 LUTHER LN	KING SHAUNA RYAN BENEFICIARY TR &
	72	5909 LUTHER LN	FIKE REBECCA & RICHARD
	73	5909 LUTHER LN	LUBICK FINANCIAL GROUP LLC
	74	5909 LUTHER LN	DDK HOLDINGS LLC
	75	5909 LUTHER LN	ANDERSON KIMBALL R & ROBIN C
	76	5909 LUTHER LN	MILLER BENJAMIN G & KELLI
	77	5909 LUTHER LN	BACON TERI L
	78	5909 LUTHER LN	FULLER REVOCABLE TRUST
	79	5909 LUTHER LN	KAIHANI MICHELLE LEE
	80	5909 LUTHER LN	CADG 5909 LUTHER LANE LLC
	81	5909 LUTHER LN	DUPONT DENISE REVOCABLE TRUST
	82	5909 LUTHER LN	KELLY RICHARD
	83	5909 LUTHER LN	GLORIETA GESCIENCE INC 401K PLAN
	84	5909 LUTHER LN	GLAZER LORI LUSKEY
	85	5909 LUTHER LN	KELLY RICHARD D
	86	5909 LUTHER LN	ZIELKE PETER B

AGENDA ITEM # 48

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subarea on property zoned Subarea 1 and Subarea 7 within Planned Development District No. 298, the Bryan Area Special Purpose District, in an area bounded by Ross Avenue, North Washington Avenue, San Jacinto Street, and Villars Street

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, original building facade elevation and photographs, conceptual elevation, and conditions

Z178-133(SM)

FILE NUMBER: Z178-133(SM) **DATE FILED:** November 15, 2017

LOCATION: In an area bounded by Ross Avenue, North Washington Avenue, San Jacinto Street, and Villars Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 H

SIZE OF REQUEST: Approx. 5.222 acres **CENSUS TRACT:** 16.00

OWNER: Dallas Independent School District

APPLICANT: Leon Capital Group

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a new subarea on property zoned Subarea 1 and Subarea 7 within Planned Development District No. 298, the Bryan Area Special Purpose District.

SUMMARY: The purpose of this request is to retain a portion of the former DISD Administration Building and to construct an approximately 380 unit, five-story multifamily building with a six-level parking garage.

CPC RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, original building facade elevation and photographs, conceptual elevation, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, original building facade elevation and photographs, conceptual elevation, and conditions.

BACKGROUND INFORMATION:

- The area of request was previously developed and operated as an administration building for the Dallas Independent School District. The building was constructed in 1948 as a three-story, approximately 135,748 square foot office building, according to Dallas Central Appraisal District.
- PDD No. 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988.
- On November 10, 2015, the City Council approved Ordinance No. 29940 for a Demolition Delay Overlay for downtown and nearby properties that also included the area of request. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition. This overlay requires a minimum 10-day waiting period after a demolition permit is applied to allow staff to evaluate if the property meets criteria for a 45-day delay.
- On April 10, 2017, a demolition permit was submitted to Building Inspection for the site. Staff notified the Landmark Commission of the demolition permit and the Landmark Commission directed staff to place the property on the Landmark Commission agenda for consideration for historic designation. Staff released the hold on the demolition permit within 10 days because it did not meet the criteria to extend the delay period.
- On May 1, 2017, the Landmark Commission initiated the property for historic designation. The property owner's demolition and any new construction permits are not required to be approved by the Landmark Commission because the applicant has vested rights in the demolition permit which preceded the historic designation initiation.
- At the time this report was written, the site is in the process of demolition for all structures on the property, except for the building labeled "original building" on the proposed development plan.

Zoning History: There have been four recent zoning case requested in the area.

1. **Z156-210:** On August 9, 2017, the City Council denied an application for a Specific Use Permit for a restaurant with drive-in or drive-through service.
2. **Z156-242:** On August 10, 2016, the City Council approved Specific Use Permit No. 2206 for a liquor store.
3. **Z156-129:** On April 13, 2016, the City Council denied an application for a Specific Use Permit for a vehicle or engine repair or maintenance use.
4. **Z145-272:** On September 22, 2015, the City Council approved a WR-5 Walkable Urban Residential District with a Height Map Overlay.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has requested some corrections to the report dated December 28, 2017. However, a determination that the proposed development will not have a negative impact on the surrounding street system is expected in the revised report.

Thoroughfares/Streets:

Thoroughfare /Street	Function	ROW
Ross Avenue	Collector	80 feet
North Washington Avenue	Local	50 feet
San Jacinto Street	Local	50 feet
Villars Street	Local	40 feet

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The proposed zoning request meets the following goals and objectives of the comprehensive plan:

Land Use Element

Goal 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

Economic Element

Goal 2.1 Promote balanced growth

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

Urban Design

Goal 5.1 Promote a sense of place, safety and walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Neighborhood Plus

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety

Policy 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

AREA PLAN:

In 2017, the City Council approved an update to the *Dallas 360 Plan*, which identified the area surrounding the subject site as within the Baylor District. This district is envisioned to support a range of professional and family-oriented housing within the institutional-based district.

STAFF ANALYSIS:**Land Use Compatibility:**

The area of request is comprised of a large vacant office building and surface parking lots that are currently under demolition. The site traverses two zoning districts with approximately three-quarters of the site in Lower Ross (Subarea 1) and the southern quadrant in the Bryan Place Ring (Subarea 7). Lower Ross is a mixed use district that allows both residential and nonresidential uses. The Bryan Place Ring is also a mixed-use district, but is more restrictive, as it allows a mixture of residential uses but limits nonresidential uses to office, some institutional, and limited retail uses. Because the site is located within two subareas, the allowed uses in the proposed amendment coincide with uses permitted in the Lower Ross, or Subarea 1, area. Surrounding land uses are as follows:

	PDD No. 298, Subarea	Land Use
Site	Subareas 1 and 7	Vacant Office
Northeast	Subarea 8	Vacant Auto Repair Shop, Single Family Attached
Southeast	Subarea 7	Office, Surface Parking
Southwest	Subareas 1B and 7	Vacant Auto Repair Shop, Surface Parking
Northwest	Subarea 1	Multifamily

Development Standards:

Since the request is in both Subareas 1 and 7, the applicant proposes to have development standards that moderate the differences between the existing development standards of Subareas 1 and 7. Staff supports the request because it provides intermediate standards between the existing zoning district's development standards and should not negatively impact adjacent properties.

PDD No. 298	SETBACKS		FAR	Height	Lot Coverage
	Front	Side/Rear			
Subarea 1 - Existing	5' min 15' max on Ross	Side: 0' or 10' Rear: 5'	4:1	120' with RPS	90%
Subarea 7 - Existing	5' min 25' max	Side: 0' or 10' Rear: 5'	2:1	39' No RPS	90%
Subarea 1C - Proposed	Ross: 26' min, 30' max; Villars: 5' min, no max; Other: 5' min, 20 max; All: 35' min urban form above 70' in height	Side: 0' or 10' Rear: 5'	4:1	80' No RPS +12' projections	90%

The request proposes to exempt the site from residential proximity slope (RPS) but limits height to 80 feet overall and requires a 35-foot front yard setback for portions of a building erected higher than 70 feet. RPS is a tool used to ensure that the height of buildings in nonresidential districts is compatible with property in low-density residential districts. RPS limits structures to one foot in height for every three feet in separation from private property in low-density residential districts. Simply put, this slope can be determined by multiplying the height by three to determine the minimum required distance of separation; or, conversely, the distance of separation can be divided by three to determine the height of the RPS at the point of separation.

For purposes of evaluating the exemption of RPS at the area of request, a structure that is 70 feet in height, or the height where the urban form setback applies, would require 210 feet of separation from low-density residential districts. If a structure is erected to the maximum height of 80 feet, which would be a minimum of 35 feet from the front property line, the separation needed is 240 feet. Both separation distances would include the three northernmost properties on the south corner of San Jacinto Street and Villars Street. Staff supports the exemption from RPS because, in addition to a lower maximum height than the existing maximum height, the request also offers an urban form setback which is compatible with surrounding properties.

Landscaping:

The existing landscaping regulations of PDD No. 298 use Article X as a base with additional special provisions for street trees, planting zones, and sidewalks. For the area of request, the PDD specifies that pedestrian linkage streets, or Ross Avenue and San Jacinto Street for the subject site, have an increased number of street trees at one street tree per 30 feet of frontage, whereas all other streets in the district and in Article X must have one street tree per 50 feet of frontage. The PDD also defines tree planting zone which is between two and one-half feet to ten feet from the back of the projected street curb. The differences between these regulations are estimated in the below table.

Item	Article X	PDD No. 298	Request
Tree planting zone from curb	Minimum 0' maximum 30'	Minimum 2'6"; maximum 10'	Same as existing, except B.O. can extend for existing healthy trees
Minimum no. of street trees on Ross Ave	1 / 50' frontage = (500' / 50) - 1 = 9	1 / 30' frontage = (500' / 30) - 1 = 16	Same as existing, except can reduce frontage for existing healthy trees preserved = [(500' - 100') / 30 - 1] = 12 new trees + 2 preserved existing trees
Minimum no. of street trees on San Jacinto	1 / 50' frontage = (500' / 50) - 1 = 9	1 / 30' frontage = (500' / 30) - 1 = 16	No change from existing PDD No. 298
Minimum no. of street trees elsewhere	1 / 50' frontage = [(350' / 50) - 1] = 6	1 / 50' frontage = [(350' / 50) - 1] = 6	No change from existing PDD No. 298
Site trees	1 / 4,000 SF lot area = 44	No change from Article X	Street trees may count as site trees = 44 - 6 x 2 - 16 - 11 - preserved trees caliper equivalency = 5 - preserved trees caliper equivalency

The request includes incentives to preserve existing trees including a reduction in frontage length on Ross Avenue. Staff supports the request to be consistent with the current tree spacing requirements on Ross Avenue with the intent to preserve the existing trees and improve the unencumbered frontages on Ross where existing trees are not preserved.

The request also includes a reduction in the number of site trees. Since Article X allows existing trees that are determined to be healthy to be used to satisfy the site tree requirement, it encourages the protection of the existing trees. This credit is given based on the caliper of the retained tree and is determined at permitting. Since the existing zoning allows 70 to 90 percent lot coverage, the Chief Arborist reports when sites are developed with that amount of lot coverage, the areas where site trees can be located are encumbered by existing structures and property owners must either locate site trees on rooftops or seek a landscaping special exception from the Board of Adjustment. Since the proposed maximum lot coverage is 90 percent, staff supports the request to count street trees as site trees.

Finally, a requirement that removed trees must be replaced with a similar species in the event that the existing trees die or are removed encourages the site to remain landscaped.

On February 15, 2018, the City Plan Commission recommended approval of the request subject to a landscape plan to be provided prior to the Council hearing.

Signs:

The request includes a sign provision that allows the existing attached signage which reads, “Dallas Independent School District” to not count against the number of attached signs. Since the proposal aims to reuse the remaining former DISD administration building for nostalgia, staff recommends approval of this provision.

Special Provisions in Subarea 1C:

The request includes special provisions for the proposed subarea which begins with a purpose statement that describes the rationale for architectural standards for new construction. A central tenet to the request is a provision that requires the facade of the former DISD Administration Building that was not demolished, called *original building*, to comply with the attached original building facade elevation exhibit. Although the proposed conditions do not prohibit the demolition of, or replacement of materials upon, the facade of the original building, the proposed conditions will require that the original building facade, as represented in the exhibit, be perpetuated. The onus of requiring the original building to comply with the facade exhibit allows replacement of materials and minor alterations as long as the change does not conflict with the exhibit. If modifications to the original building facade elevation are requested after the adoption of this request, a full zoning amendment is required. Therefore, staff supports the use of a facade elevation to retain the existing critical elements of the original building.

In conjunction with the request to sustain the original facade, the request also includes a conceptual elevation exhibit to support the compatibility standards described for new construction on the ground and second stories along Ross Avenue that complement the original building. The compatibility standards stipulate parameters to evaluate whether facades are compatible, which include provisions on a consistent base, vertical expression, horizontal continuity, compatible expression, building recess, and building entrances. Further, additional standards were added to all street-facing facades for new construction that limit blank walls, require flat roofs, prohibit construction between the original building facade and Ross Avenue, require a plaza at Ross Avenue and North Washington Street, require individual sidewalk connections from the dwelling units, and require parking garage facade screening. Staff and CPC support the applicant’s request because these provisions will provide a walkable and attractive improvement to the community.

Prior CPC Action – February 1, 2018:

Motion: In considering an application for a new subdistrict on property zoned Subarea 1 and Subarea 7 in Planned Development District No. 298, the Bryan Area Special Purpose District, bounded by Ross Avenue, North Washington Avenue, San Jacinto Street, and Villars Street, it was moved to **hold** this case under advisement until February 15, 2018.

Maker: Ridley
Second: Rieves
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Lavallaisaa, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Mack
Vacancy: 0

Notices: Area: 500 Mailed: 241

Replies: For: 5 Against: 6

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Katherine Seale, 5500 Chatham Hill Rd., TX, 75220
Linda Collins, 3203 Lakenheath Pl., Dallas, TX, 75204
Joanna Hampton, 5408 Swiss Ave., Dallas, TX, 75214
David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204
For (Did not speak): David Demarest, 2320 Valdina St., Dallas, TX, 75207
David Cocanougher, 100 Breckland Heights, Coppell, TX, 75019
Brian Scheiwe, 4041 High Summit Dr., Dallas, TX, 75244
Daron Tapscott, 5230 Goodwin Ave., Dallas, TX, 75206
Against: Gan Su, 1512 Pecos St., Dallas, TX, 75204
Staff: Leif Sandberg, Manager, Sustainable Development and
Construction

Prior CPC Action – February 15, 2018:

Motion: It was moved to recommend **approval** of a new subdistrict, subject to a revised development plan, landscape plan, Subarea 1C original building façade elevation and photographs, conceptual elevations, and staff's recommended revised conditions with the following modifications: 1) correct Sec. 51P-298.106(b)(1)(B) to read: "(B) The number of trees required is calculated by dividing the number of feet of lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number", 2) Sec. 51P-298.106(b)(1)(G) delete "(iii) For trees existing at the time a permit is issued for new construction on all streets other than Ross Avenue, the tree planting zoning is extended to 15 feet from the back of the projected street curb", 3) revise Sec. 51P-298.120.1(a)(1) to read as "The purpose of Subarea 1C is to recognize the historic role played by this site in the development of the City of Dallas and the significance of Ross Avenue, a historic thoroughfare. This area is recognized as an area of historical, architectural, and cultural significance to the citizens of Dallas" and 4) Sec. 51P-298.120.1(a)(2) add "transitional" before "Art Deco" on property zoned Subarea 1 and Subarea 7 in Planned Development District No. 298, the Bryan Area Special Purpose District, bounded by Ross Avenue, North Washington Avenue, San Jacinto Street, and Villars Street.

Maker: Ridley
Second: Rieves
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 500 Mailed: 241
Replies: For: 6 Against: 11

Speakers: For: David Cocanougher, 100 Breckland Heights, Coppell, TX, 75019
Brian Scheiwe, 4041 High Summit Dr., Dallas, TX, 75244
David Demarest, 2320 Valdina St., Dallas, TX, 75207
Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Michael Coolage, 4211 Delano Pl., Dallas, TX, 75204
Katherine Seale, 5500 Chatham Hill Rd., TX, 75220
Linda Collins, 3203 Lakenheath Pl., Dallas, TX, 75204
David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204
Joanna Hampton, 5408 Swiss Ave., Dallas, TX, 75214
Steve Stoner, 7557 Rambler Rd., Dallas, TX, 752231

Z178-133(SM)

Against: Ryan McLaughlin, 1516 Pecos St., Dallas, TX, 75204

Staff: Phil Erwin, Chief Arborist, Sustainable Development and Construction
David Nevarez, Senior Engineer, Sustainable Development and Construction

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Dallas Independent School District

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Edwin Flores
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David Cocanougher, Managing Director
Will Tolliver, Managing Director
Jesus Araiza, Managing Director
Jake Walker, Managing Director
Mike Sutton, Managing Director
Matt Wiggins, Senior Director
Matt Bloomfield, Vice President
Adam Smith, Vice President
Todd Harrelson, Regional Vice President
John Debrovner, Vice President
Matthew Knowles, Vice President
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Chris Gutierrez, Vice President
Stephen McGuirk, Vice President
Tom Doster, Vice President
Chance Taylor, Vice President
Nedra Leach, Vice President

PROPOSED PDD CONDITIONS

ARTICLE 298.

PD 298.

Bryan Area Special Purpose District

SEC. 51P-298.101. LEGISLATIVE HISTORY.

PD 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. Ordinance No. 20049 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20049 was amended by Ordinance No. 20820, passed by the Dallas City Council on November 28, 1990, and Ordinance No. 21885, passed by the Dallas City Council on November 10, 1993. (Ord. Nos. 10962; 19455; 20049; 20820; 21885; 24914)

SEC. 51P-298.102. PROPERTY LOCATION AND SIZE.

PD 298 is established on property generally bounded by North Central Expressway, Roseland Avenue and its northeastward prolongation, Fitzhugh Avenue, San Jacinto Street, Peak Street, Gaston Avenue, and Good-Latimer Expressway. The size of PD 298 is approximately 455.04 acres. (Ord. Nos. 20049; 24914; 27573)

SEC. 51P-298.103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions.

(1) **COMMERCIALLY COMPATIBLE SINGLE FAMILY USE** means a moderately dense single family use that is compatible with commercial development. The residential proximity slope does not emanate from commercially compatible single family uses.

(2) **GROUND COVER** means living plant material of species which generally reach a height of three inches or less upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(3) **LABOR AGENCY** means an agency that offers or attempts to procure or procures employment for common workers, or that offers or attempts to procure or procures common workers for employers. For purposes of this definition, "common worker" means an individual who performs labor involving physical toil that does not require a particular skill, training in a particular occupation, craft, or trade, or practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(4) **NEW CONSTRUCTION** means a structure that did not exist on February 1, 2018.

(5[4]) **PARKWAY** means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.

(6[5]) **PEDESTRIAN LINKAGE STREETS** mean streets in the Bryan Area SPD that serve as linkages between major activity centers and that are designed to promote pedestrian use.

(7) **ORIGINAL BUILDING** means the Dallas Independent School District Administration Building located as shown on Exhibit 298L and detailed in Exhibit 298M.

(8[6]) **PROJECTED STREET CURB** means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works and transportation.

(9[7]) **TREE PLANTING ZONE** means the area parallel to and between two and one-half and ten feet from the back of the projected street curb.

(b) Interpretations. Unless otherwise stated, all references to code sections in this article refer to sections in Chapter 51A. In addition, the definitions, interpretations, and other provisions of Chapter 51A apply to the Bryan Area SPD unless expressly modified by these conditions. (Ord. Nos. 20049; 24914)

SEC. 51P-298.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 298A: subarea boundary map.
- (2) Exhibit 298B: Subarea 9 requirements.
- (3) Exhibit 298C: major street and pedestrian linkage systems.
- (4) Exhibit 298D: standard construction details for barrier free ramps.
- (5) Exhibit 298E: use chart.
- (6) Exhibit 298F: property descriptions for portions of Subareas 1, 3, and 4.
- (7) Exhibit 298G: development plan for Subarea 5A.
- (8) Exhibit 298I: master parking and floor area plan for the Baylor

Expanded District.

(9) Exhibit 298I-1: master parking and floor area plan supplement for the Baylor Expanded District.

(10) Exhibit 298I-2: total floor area tabulation form for the Baylor Expanded District.

(11) Exhibit 298J: tabulation of total floor area in Subarea 12A.

(12) Exhibit 298K: development plan for Subarea 10B.

(13) Exhibit 298L: development plan for Subarea 1C.

(14) Exhibit 298M: Subarea 1C original building facade elevation and photographs.

(15) Exhibit 298N: Subarea 1C Conceptual Elevation

(16) Exhibit 298O: Subarea 1C landscape plan.

SEC. 51P-298.104. CREATION OF SUBAREAS.

A map showing the boundaries of the 48 19 subareas of the Bryan Area SPD is provided as Exhibit 298A. (Ord. Nos. 20049; 24914; 25177; 25960; 26179; 26308; 26388; 26707; 28056; 29099; 29390)

SEC. 51P-298.105. SUBAREA 9 CONDITIONS.

Subarea 9 is subject to the regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU- 1, MU-1-D, and CR districts of Chapter 51A. The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The conditions contained in Sections 298.103 and through 298.117 do not apply to Subarea 9. (Ord. Nos. 20049; 24914)

SEC. 51P-298.105.1. DEVELOPMENT PLANS.

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development and use of Subarea 5A must comply with the development plan for Subarea 5A (Exhibit 298G). If there is a conflict between the text of this article and the development plan for Subarea 5A, the text of this article controls.

(c) Development and use of Subarea 10B must comply with the development plan for Subarea 10B (Exhibit 298K). If there is a conflict between the text of this article and the development plan for Subarea 10B, the text of this article controls.

(d) Development and use of Subarea 1C must comply with the development plan for Subarea 1C (Exhibit 298L). If there is a conflict between the text of this article and the development plan for Subarea 1C, the text of this article controls.

SEC. 51P-298.106. LANDSCAPING.

(a) General requirements. The landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 1A, 6, and 9. Compliance with previously approved landscape plans is not required.

(b) Street trees.

(1) Location, number, and type of trees required.

(A) Except as provided in this subsection, each building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(B) The number of trees required is calculated by dividing the number of feet of [or] lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(C) All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(D) In Subarea 10B, street trees are not required along Carmel Street.

(E) In Subarea 12A, street trees required in the tree planting zone may not be planted within a utility easement or within ten feet of an existing utility. If a street tree interferes with utilities in the tree planting zone, the building official may approve alternate landscape materials in the tree planting zone. If alternate landscape materials cannot be approved in the tree planting zone due to utility conflicts, the building official may allow street trees to be planted between the right-of-way and a building facade.

(F) In Subarea 5A, a total of 36 street trees are required. However,

only nine street trees are required along Texas Street.

(G) In Subarea 1C, landscaping must be provided as shown on the landscape plan (Exhibit 298O). The landscape plan must be in accordance with the landscaping regulations of this district with the following modifications.

(i) Street trees may count as site trees.

(ii) The number of street trees required along Ross Avenue may be reduced to encourage preservation of existing trees. For each existing healthy tree that is preserved, the lot frontage may be reduced by 50 feet.

(iii) Except where conflicts with utilities exist, the corner plaza, and to accommodate existing trees, the tree planting zone must be located between the projected street curb and the required sidewalk. If a street tree interferes with utilities in the tree planting zone, two small trees may replace a required large canopy tree in the tree planting zone.

(iv) For landscaping purposes, replacement trees must be a similar species of removed trees.

(2) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(3) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(A) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(B) Fifty feet along all other streets.

(4) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(A) conform to city standards and specifications; and

(B) be large enough to permit healthy tree growth.

(5) Points for street trees. Each tree provided in accordance with Paragraph (3)(A) is awarded eight points. Each tree provided in accordance with Paragraph (3)(B) is awarded six points.

(c) Front yard landscaping and parkway landscaping.

(1) Three points will be awarded if, along pedestrian linkage streets,

enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(2) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(d) Sidewalks.

(1) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and, except as provided in this subsection, six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(2) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(4) In Subarea 1C, the following modifications apply to sidewalks.

(i) Sidewalk crossings within driveways must be constructed of a material that differs in color or materials from that of the vehicular ingress and egress driveways.

(ii) A sidewalk easement is required for the required sidewalk width located outside of the right-of-way.

(iii) Along San Jacinto Street and North Washington Street, a minimum of four feet of tree planting area must abut the curb and a minimum of six feet of sidewalk width is required abutting the tree planting area. Along Villars Street, a minimum of two and one-half feet of planting area must abut the curb and a minimum of six feet of sidewalk width is required abutting the tree planting area.

(e) Pedestrian amenities.

(1) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

(A) provide a minimum of 1.5 footcandles; and

(B) be mounted at a height no greater than 14 feet.

(2) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting

or pedestrian facilities as described in Section 51A-10.107(f)(2).

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(f) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right- of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of way. (Ord. Nos. 20049; 24914; 25177; 25960; 28056; 29390; 29558; 29852; 30159)

SEC. 51P-298.107. USES.

(a) The use chart (Exhibit 298E) establishes for each subarea the permitted and limited uses, and those uses requiring a specific use permit.

(b) Commercially compatible single family uses must comply with the following requirements:

(1) This use is subject to the standards and definitions of Subparagraphs (A), (D), and (E) of Section 51A-4.209(6). Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is also subject to the off-street parking requirements of Subparagraph (C) of Section 51A-4.209(6).

(2) Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, a minimum of 12 dwelling units per acre is required.

(3) No residential proximity slope emanates from building sites developed with this use.

(4) This use is permitted in all subareas except Subarea 9, as shown on Exhibit 298E.

(5) In portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is subject to the following standards:

(A) Maximum dwelling unit density is 18 dwelling units per acre.

(B) Maximum structure height is 36 feet.

(C) Maximum number of stories is two.

(D) Maximum lot coverage is 60 percent.

(E) Minimum lot size is 2,000 square feet.

(F) One off-street parking space is required per lot.

(c) Labor agency uses must comply with the following requirements:

(1) This use is permitted by SUP only in the subareas indicated in Exhibit 298E.

(2) Operation of this use must be conducted wholly inside. A waiting area must be shown on the site plan which is large enough to accommodate all common worker candidates. The specific use permit ordinance may limit the number of common worker candidates permitted in the waiting area of the labor agency use.

(3) The site plan must show a separate area for pickup and drop-off of all persons using the facility. This area must not include the right-of-way area.

(4) This use is treated as an office use for purposes of calculating off street loading requirements.

(d) A governmental installation: inside vehicle service center use must comply with the following requirements:

(1) Definition: An installation owned or leased by a governmental entity or agency where vehicles are repaired, maintained, serviced, or stored in conjunction with the normal operation of the entity or agency. This use includes periodic vehicular inspection, maintenance, and repair, as well as modification of vehicles and their equipment to accomplish the particular purposes of the governmental entity or agency.

(2) Subareas permitted: Permitted by right in Subarea 5 only.

(3) Required off-street parking: One space per 500 square feet of floor area.

(4) Required off-street loading:

SQUARE FEET OF REQUIRED FLOOR AREA IN STRUCTURE BERTHS	TOTAL SPACES OR
---	----------------------------

0 to 60,000	1
--------------------	----------

Each additional 60,000 or fraction thereof	1
---	----------

(5) Additional provisions:

(A) Except for permitted accessory uses, this use must be wholly contained inside of an enclosed structure.

(B) The sale of goods and services to the public is prohibited. (Ord. Nos. 20049; 20820; 21885; 24914; 25960; 26179; 26388; 26707; 26994; 27322)

SEC. 51P-298.108. NONCONFORMING USES.

(a) Except as provided in this section, the nonconforming use provisions in Chapter 51A apply.

(b) In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a

later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. (Ord. Nos. 20049; 24914; 25960)

SEC. 51P-298.109. RESIDENTIAL PROXIMITY SLOPE.

(a) A 1:3 residential proximity slope emanates from the property line of any property within Subarea 6 or any R(A), D(A), or TH(A) district adjacent to the Bryan Area SPD. A 1:1 residential proximity slope emanates for a distance of 50 feet from the property line of any MF(A) district or planned development district for multifamily uses adjacent to the Bryan Area SPD. If any portion of a structure is over 26 feet in height, that portion may not be located above the applicable residential proximity slope. Exceptions:

(1) The residential proximity slopes does not apply to limit the height of structures located in Subarea 7 and Subarea 1C.

(2) Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. (Ord. Nos. 20049; 24914)

SEC. 51P-298.110. MAXIMUM HEIGHTS.

(a) In general. Except as provided in this section and Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Structure Height (in feet)</u>
1, 1A, and 1B	120
<u>1C</u>	<u>80</u>
3	160
4	54
5	270
5A	180
6	36-40
7	39
8	100
10, 10A, and 10B	100
11 and 11A	100
12 and 12A	160
13	54

(b) Subarea 12A and 1C.

(1) The following structures may project a maximum of 12 feet above the maximum structure height, may not collectively exceed 1,000 square feet of footprint, and must be located a minimum of ten feet from a building edge:

- (i) Chimney and vent stacks.
- (ii) Communication towers.
- (iii) Elevator penthouse or bulkhead.
- (iv) Visual screens that surround roof mounted mechanical equipment.

(2) Stairs may project a maximum of 12 feet above the maximum structure height.

(3) A permeable roof deck covering not exceeding 900 square feet, including an arbor or a trellis, for a roof deck may project a maximum of 12 feet above the maximum structure height and must be located a minimum of ten feet from a building edge.

(4) Mechanical equipment, ducts, and cooling towers may project a maximum of four feet above the maximum structure height, may not exceed a footprint of 4,600 square feet, must be screened with a minimum four foot-high solid material, and must be located a minimum of ten feet from the edge of a building. (Ord. Nos. 21885; 24914; 25960; 26388; 28056; 29099; 29390; 29852; 30159)

SEC. 51P-298.111. STORIES IN SUBAREA 7.

Maximum number of stories permitted in Subarea 7 is:

- (1) four if at least one-half of the structure is occupied by residential uses;
and
- (2) three in all other cases. (Ord. Nos. 20049; 24914; 26388)

SEC. 51P-298.112. SETBACKS.

(a) Front yard.

(1) Except as provided in this paragraph, the minimum front yard setback is five feet in all subareas.

(2) No minimum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(3) Except as provided in this paragraph, the maximum front yard setback is 15 feet in Subareas 1, 1A, 1B, 3, 4, 5, 8, 10, 10A, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(4) No maximum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(5) Maximum front yard setback is 25 feet in Subareas 6 and 7.

(6) No maximum front yard setback is required in Subareas 11A and 12A.

(7) Minimum front yard setback is five feet in Subarea 5A. Encroachments of up to four feet into the required front yard are permitted at the following locations:

(A) along Cantegral Street from the curb of Live Oak Street to the residential parking entrance drive;

(B) along Live Oak Street in the area identified on the development plan for Subarea 5A as the translucent patio rail; and

(C) along Texas Street from Live Oak Street to the off-street loading dock.

(8) Subarea 1C.

(A) In general. Except as provided in 51A-4.401, balconies, unenclosed porches, stairs, and stoops may project five feet into the minimum setback. A minimum of 70 percent of the street-facing facade must be located between the minimum and maximum setback. All other portions of the facade must only comply with the minimum setback.

(B) Ross Avenue. Minimum setback is 21 feet for the original building and 26 feet for new construction. Maximum setback is 30 feet for new construction.

(C) North Washington Avenue and San Jacinto Street. Minimum setback is five feet. Maximum setback is 20 feet.

(D) Villars Street. Minimum setback is 10 feet, no maximum setback.

(E) Urban form. For portions of a building above 70 feet, minimum setback is 35 feet.

(b) Side yard.

(1) Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, **1C**, 3, 4, 5, 5A, 7, 8, 10, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(2) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3) No side yard setback is required in Subareas 10A, 10B, 11A, and 12A.

(4) No side yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(c) Rear yard. The minimum rear yard setback is five feet in all subareas. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159)

SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
1, 1A, and 1B, and 1C	90
3	70*
	80***
4	90
5 and 5A	90
6	80
7	70*
	90**
8	70*
	80***
10, 10A and 10B	90
11 and 11A	70*
	80***
12 and 12A	90
13	90

*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

**Applies if at least one-half of the floor area of the structure is occupied by residential uses.

***Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.

SEC. 51P-298.114. SIGNS.

(a) In general. Except as provided in this section, the sign provisions for business zoning districts in Division 51A-7.300 apply to all subareas except Subareas 6 and 9. The sign provisions for non-business zoning districts in Division 51A-7.400 apply in Subarea 6. Subarea 9 is subject to the definitions and provisions of either business signs or non-business signs in Chapter 51A, whichever apply in accordance with those provisions. The signage provisions of Division 51A-7.200 apply in all subareas except that no detached premise sign with an effective area greater than 200 square feet is permitted in any subarea.

(b) Subarea 5A.

(1) Definitions. In this subsection,

(A) ARCADE SIGN means any sign that is mounted under a canopy and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(B) AWNING means a fabric or vinyl surface supported by a metal structure that is applied to the facade of the building.

(C) BLADE SIGN means a sign projecting perpendicularly from a main building facade, visible from both sides, and made of rigid or soft materials.

(D) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(E) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy.

(2) Word maximum. For a font greater than or equal to four inches in height, the maximum number of words allowed on any building is 12.

(3) Arcade signs.

(A) Arcade signs may not exceed 27 square feet in effective area.

(B) Arcade signs must provide a minimum clearance of 10 feet above grade.

(4) Canopy signs.

(A) Canopy signs may project up to six feet above a canopy.

(B) Canopy signs may not exceed 210 square feet in effective area.

(5) Blade signs.

(A) Each occupant with a separate certificate of occupancy may erect up to two blade signs projecting up to a maximum of 10 feet from a vertical building plane.

(B) Blade signs may not exceed 20 square feet in effective area.

(C) Each single face of a three-dimensional blade sign may not exceed 20 square feet.

(D) Blade signs may not project above the highest point of a facade.

(E) Blade signs must provide a minimum clearance of 10 feet above grade.

(F) Blade signs may not contain more than four words each.

(c) Subarea 1C. The existing attached signage on the original building within Subarea 1C is permitted without the Dallas Independent School District occupying the premises and does not count against the number of attached signs.

SEC. 51P-298.115. PARKING REQUIREMENTS.

(a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below:

(1) General merchandise establishments located in Subarea 3 are only required to provide one parking space per 250 square feet of floor area.

(2) In Subarea 5A, a minimum of 30 bicycle parking spaces are required. Bicycle parking must comply with Section 51A-4.332.

(3) In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation of off-street parking requirements:

(A) Ten percent of the required parking for the office use when that use totals in excess of 150,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subparagraphs (B) or (C).

(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 150 guest rooms and is developed on the same lot with a use

qualifying for an exception under Subparagraphs (A) or (C).

(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 15,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (B).

(D) Fifteen percent of the required parking for college, university, or seminary classrooms when developed on a campus providing at least 100 units of campus housing.

(E) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 15,000 square feet of floor area or a hotel or motel use with more than 125 guest rooms:

- (i) Bar, lounge, or tavern;
- (ii) Catering service;
- (iii) Country club with private membership; or
- (iv) Restaurant without drive-in or drive-through service.

(4) The college, university, or seminary use located at 3909 Swiss Avenue must provide the following required off-street parking:

(A) one space per 25 square feet of classroom; and

(B) that parking required in Section 51A-5.209 for all residential uses located in the campus area. All required parking must be provided within the campus area generally bounded by North Washington Avenue, Floyd Street, Haskell Avenue, Swiss Avenue, Peak Street, and Live Oak Avenue.

(5) Office uses, other than medical office uses, in all subareas except Subarea 9 are only required to provide one parking space per 366 square feet of floor area. Medical office uses, and any office use located in Subarea 9, must provide parking in accordance with the requirements of Chapter 51A.

(6) A labor agency use must provide one parking space per 200 square feet of office floor area, and one parking space per 50 feet of lobby floor area.

(7) The city council shall consider the feasibility of reducing the parking requirements for any structure that is designated as a historic landmark in the Bryan Area SPD.

(b) Special parking provisions in Subareas 10A, 11A, and 12A. Except as provided in this subsection, the following special parking provisions apply to Subareas 10A, 11A, and 12A.

Remainder of section omitted for brevity

SEC. 51P-298.116. FLOOR AREA RATIO AND FLOOR AREA.

- (a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1, 1A, [and] 1B, and 1C	4:1
3	4:1
4	2:1
5	4:1
5A	5.85:1
6	None
7	3:1*
	2:1**
8	2.5:1
10, 10A, and 10B	3:1
11 and 11A	2.5:1
12 and 12A	4:1
13	2:1

*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

**Applies in all other cases.

- (b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159)

SEC. 51P-298.117. RECONCILIATION OF REGULATIONS APPLICABLE TO SUBAREA 6.

The special development standards contained in Ordinance Nos. 16029, 16858, 17676, and 17966 apply to Subarea 6. In the event of a conflict between the provisions of this article and the special development standards, the more restrictive regulation applies.

SEC. 51P-298.118. HIGHLY REFLECTIVE GLASS PROVISIONS.

Highly reflective glass may not be used as an exterior building material on any building or structure in the Bryan Area SPD. For the purposes of these restrictions, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior

surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.) (Ord. Nos. 20049; 24914)

SEC. 51P-298.119. FENCES.

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

- (1) Gaston.
- (2) Good Latimer.
- (3) Haskell.
- (4) Live Oak.
- (5) Peak.
- (6) Ross.
- (7) Washington.

(d) Nonconforming razor wire and barbed wire fencing materials must be removed by April 26, 2008.

(e) Maximum fence height.

- (1) Except as further limited in this subsection, maximum fence height is nine feet.
- (2) For all residential uses, maximum fence height in the required front yard is four feet.

(f) Razor wire and barbed wire fencing are prohibited in Subarea 1A.

SEC. 51P-298.120. SPECIAL PROVISIONS FOR SUBAREAS 5A, 10A, 11A,

AND 12A.

Omitted for brevity

SEC. 51P-298.120.1 SPECIAL PROVISIONS IN SUBAREA 1C.

(a) Purpose.

(1) The purpose of Subarea 1C is to recognize the historic role played by this site in the development of the City of Dallas and the significance of Ross Avenue, a historic thoroughfare. This area is recognized as an area of historical, architectural, and cultural significance to the citizens of Dallas.

(2) The purpose of the special provisions for Subarea 1C is to establish appropriate architectural, siting, and urban design criteria to facilitate thoughtful redevelopment of the Property within the context of honoring the original building. The architectural requirements of this section are intended to highlight the Transitional Art Deco style and complement the prominent features of the Original Building.

(3) The general objective of this section is to promote, protect, and enhance Ross Avenue for the health, welfare, and enjoyment of the public, and in part, to achieve the following:

(A) preserve the facade of the original building;

(B) recognize the importance of Ross Avenue as a major transportation corridor through the preservation of the relationship between building and street;

(C) strengthen neighborhood identity;

(D) protect the adjacent stable single-family neighborhood; and

(E) accommodate the existing mix of uses and future growth along Ross Avenue.

(b) Original building. The Ross Avenue-facing facade and courtyard facade of the original building in the locations shown on the Subarea 1C development plan (Exhibit 298L) must comply with the first page of Subarea 1C original building facade elevation and photographs (Exhibit 298M). If there is a conflict between the text of this article and the Subarea 1C original building facade elevation, the text of this article controls.

(c) Compatibility standards. The following provisions are applicable to street-facing facades on Ross Avenue for Subarea 1C in the locations shown on the development plan for Subarea 1C (Exhibit 298L). The purpose of this subparagraph is to provide a visual connection between the primary design elements of the original building and new construction.

(1) Base. A water table or base expression must be provided no less than 18 inches tall.

(2) Vertical expression. Fenestration on the ground level and second story must have tall, vertical expressions with reveals or trim and be consistently spaced to complement the vertical expressions shown on Exhibit 298M.

(3) Horizontal continuity. The ground and second story facades of new construction as shown on Exhibit 298N Conceptual Elevation Features must be complementary to the horizontal elements, including window sills, spandrel panels, and base expression, of the original building shown on Exhibit. 298M. The purpose of this provision is to recognize the scale of the original building.

(4) Compatible expression. In the locations shown on the development plan, the ground level and second story facades of new construction between the minimum and maximum setbacks must be compatible with the original building. "Compatible" as used in this provision means similar in appearance, color, pattern, quality, shape, size, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The purpose of this requirement is to provide a visual connection and recognition of the primary design elements of the original building and new construction.

(5) Recess. Facades along Ross Avenue must be recessed a minimum depth of five feet from the original building facade as shown on the Subarea 1C development plan.

(6) Building entrances. Building entrances in street-facing facades must be located within a vertical expression. For non-residential uses, a minimum of one public entrance is required on each street and may be located within the original building facade on Ross Avenue. Each street-facing public entrance must be located within an architecturally prominent vertical expression with a reveal, similar to the primary entrance shown on Exhibit 298M. Private dwelling unit entrances are prohibited on Ross Avenue.

(d) Blank wall. Maximum blank wall area for street-facing facades is 30 linear feet, measured horizontally on each story.

(e) Flat roof. Maximum roof pitch is two inches for each linear foot of horizontal distance.

(f) No-build area. The area between the Ross Avenue-facing facade of the original building and the Property line is a no-build area as shown on Exhibit 298M. Structures other than steps, stairs, and railings are not permitted within the no-build area.

(g) Plaza. A plaza area is required at the south corner of Ross Avenue and North Washington Street in the area shown on the development plan for Subarea 1C. The plaza must be publicly accessible to both streets and provide hardscape, seating areas, and landscaped areas and may include accessory structures, including but not limited to art, flag poles, and physical barriers 36 inches or less. Plaza improvements that comply with this subparagraph do not need

to be shown on the development plan for Subarea 1C.

(h) Sidewalk connections. A minimum of 70 percent of street facing individual entries on street-level dwelling units along the San Jacinto Street and North Washington Street frontages must provide direct connection to the sidewalk with a permeable or nonpermeable surface.

(i) Parking structure screening. Street-facing facades for a multi-level, above-ground parking structure must be screened as follows:

(1) Facade screening must include materials that are compatible to the facade of the main structure the parking serves. The facade of the parking structure may not exceed the height of the adjacent structure by more than four feet.

(2) Maximum of 60 percent of the street-facing facade may contain openings.

(3) Minimum 42 inches solid screening is required, measured from each floor level within the parking structure, to screen vehicles and vehicle headlights.

(4) Cable guard strands and chain link fencing on the street-facing facade of the parking structure are prohibited.

(5) This paragraph does not apply to individual garages attached to a single dwelling unit.

SEC. 51P-298.121. GENERAL REQUIREMENTS.

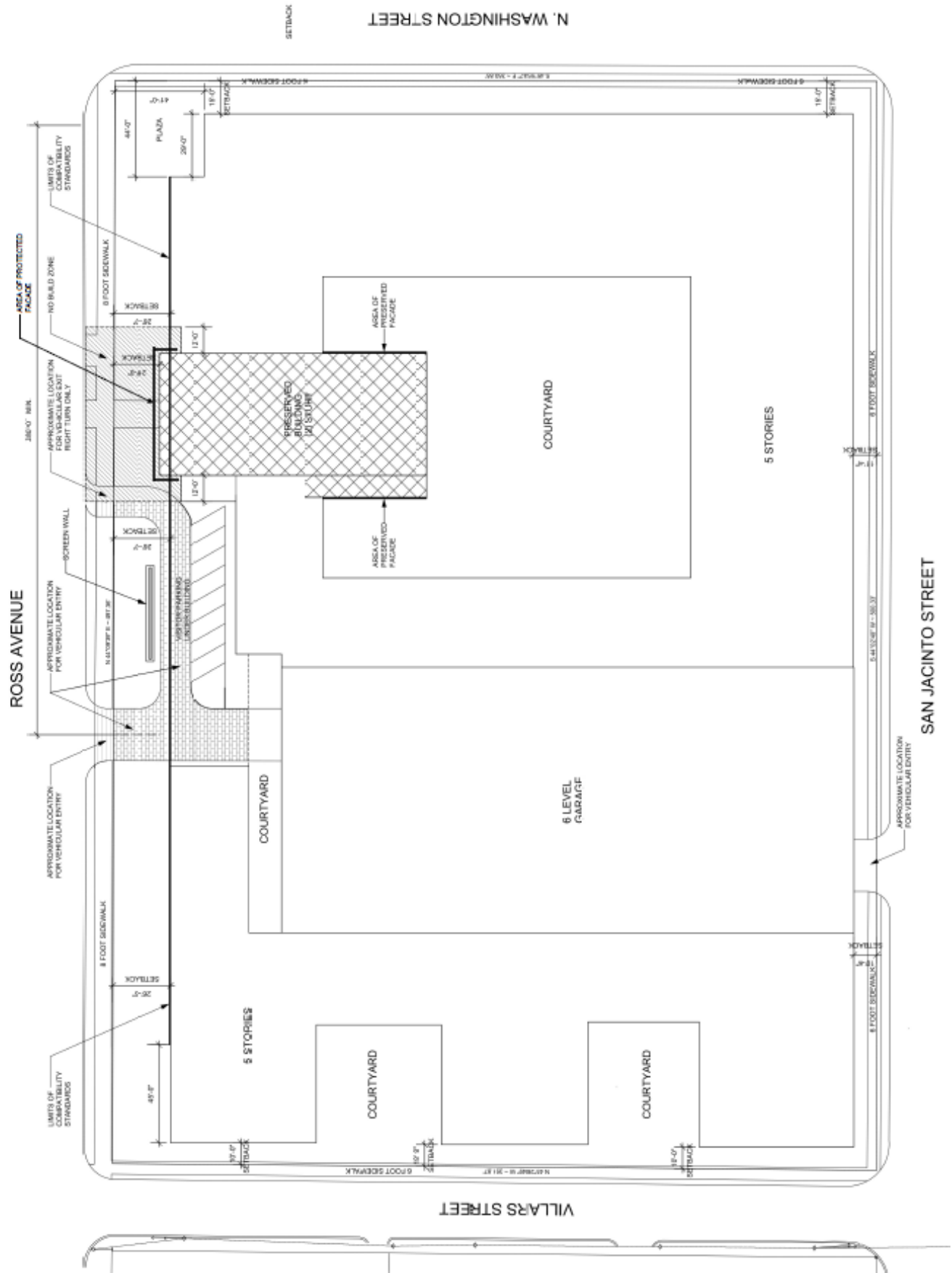
Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

SEC. 51P-298.122. COMPLIANCE WITH CONDITIONS.

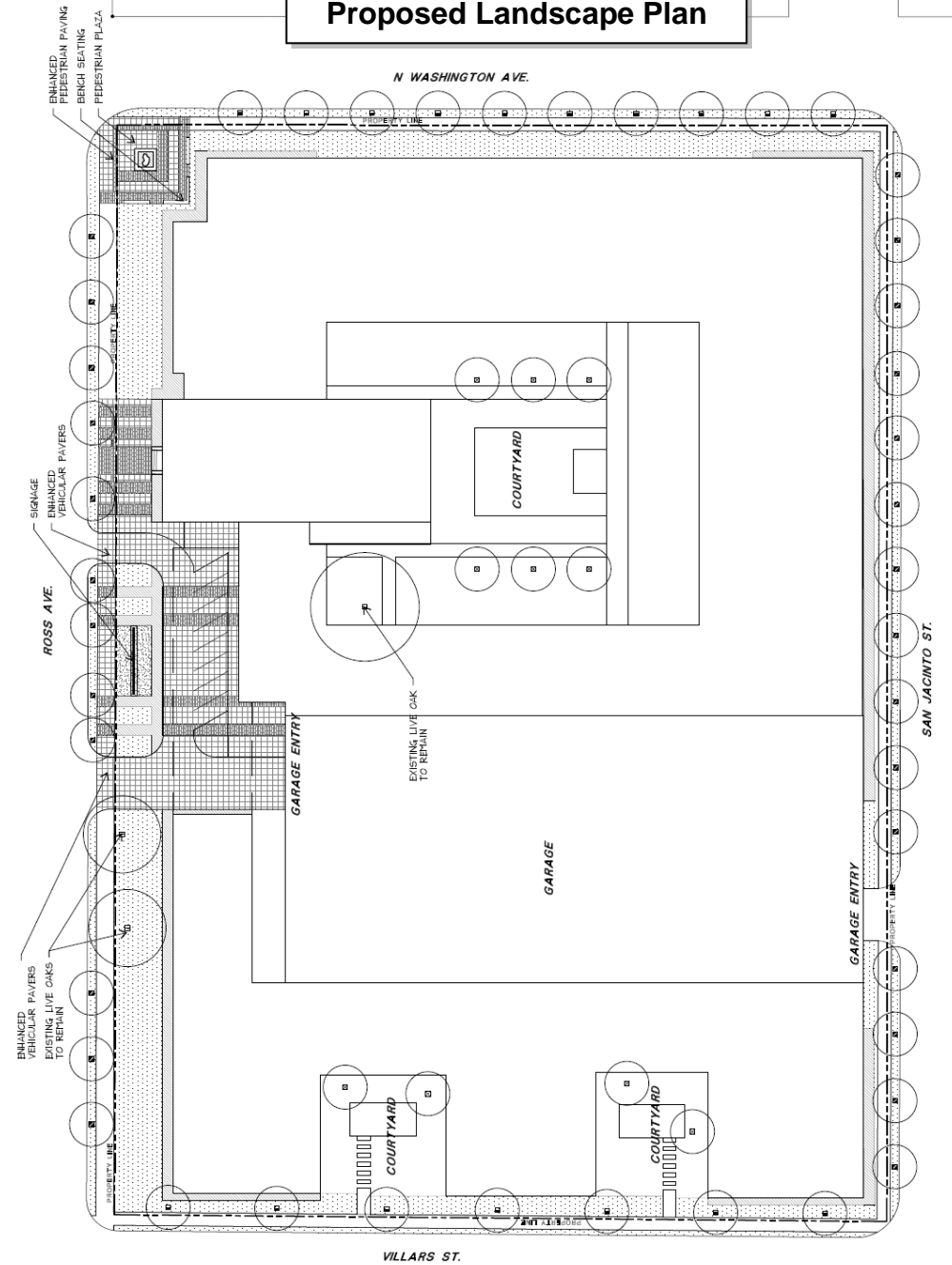
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

Proposed Development Plan



Proposed Landscape Plan



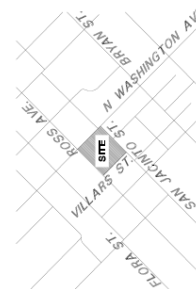
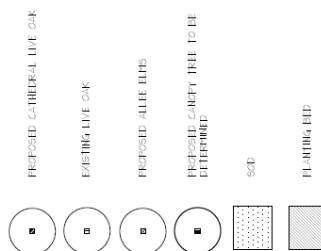
ARTICLE X STANDARDS:

- [illegible]

DESIGN STANDARDS:

- 1) UNBUILT, ONE-LEVEL, PAINTMENT
TOTAL UNBUILT PAINTMENT 629 SF
TOTAL UNBUILT PAINTMENT NEEDED 24% 150 SF
TOTAL UNBUILT PAINTMENT REQUIRED 500 SF (8%)
- 2) FOUNDATION PLASTER STEP
TOTAL FOUNDATION PLASTER STEP 656 SF
TOTAL FOUNDATION PLASTER NEEDED 94.1% 617 SF
TOTAL PLASTER STEP REQUIRED 94.1% 617 SF
- NOTE: FOUNDATION PLASTER STEP TO CORRECT FOR
LOCAL ELEVATION CHANGE (NOT AT 7.5' ELEVATION) ON
SHEDDING IN A PAVED AREA. FOUNDATION OF THE
PORTER AT THE FOUNDATION PLACES A STREET

LEGEND



Proposed Original Building Facade
Elevation and Photographs

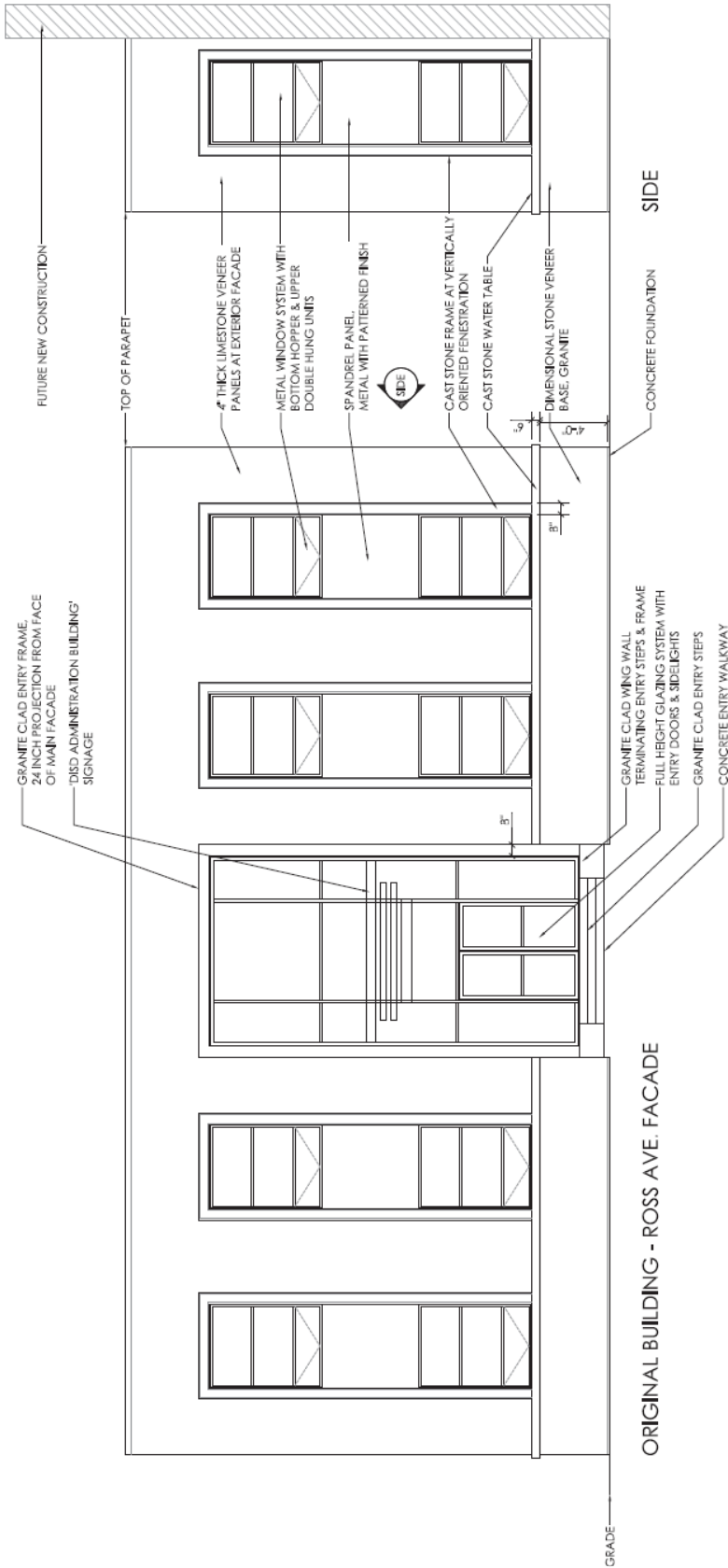


EXHIBIT 298M : SUBAREA 1C ORIGINAL BUILDING FACADE ELEVATION
PAGE 1 OF 4



EXHIBIT 298M : SUBAREA 1C ORIGINAL BUILDING FACADE ELEVATION
PAGE 2 OF 4



EXHIBIT 298M : SUBAREA 1C ORIGINAL BUILDING FACADE ELEVATION



EXHIBIT 298M : SUBAREA 1C ORIGINAL BUILDING FACADE ELEVATION

PROPOSED USE CHART
EXHIBIT 298E
 (Subarea 1C Proposed)

		SUB DISTRICTS							
		6	7	10, 10A	4,13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.201	AGRICULTURAL USES								
1	Animal production								
2	Commercial stable								
3	Crop production								

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.202	COMMERCIAL AND BUSINESS SERVICE USES								
1	Building repair and maintenance shop				Ⓡ		Ⓡ		
2	Bus or rail transit vehicle maintenance or storage facility								
3	Catering service		Ⓛ	●	●	●	●	●	●
4	Commercial cleaning or laundry plant			●	●				●
5	Custom business services		Ⓛ	●	●	●	●	●	●
6	Custom woodworking, furniture construction, or repair			●	●				●
7	Electronics service center		Ⓛ	●	●	●	●	●	●
8	Job or lithographic printing			●	●	●	●		●
9	Machine or welding shop								
10	Machinery, heavy equipment, or truck sales and services								
11	Medical or scientific laboratory			●	●	●	●	●	●
12	Technical school			Ⓡ	Ⓡ	Ⓡ	Ⓡ		Ⓡ
13	Tool or equipment rental				●				
14	Vehicle or engine repair or maintenance			Ⓡ	Ⓡ				(1A & 1B - S)

		SUB DISTRICTS							
		6	7	10,10A	4,13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.203	INDUSTRIAL USES								
1	Industrial (inside) without high risk or hazardous uses								
1A	Industrial (inside) with high risk or hazardous uses								
2	Industrial (outside) without high risk or hazardous uses								
2A	Industrial (outside) with high risk or hazardous uses								
3	Metal salvage facility								
4	Mining								
5	Outside salvage or reclamation								
6	Temporary concrete or asphalt batching plant								

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.204	INSTITUTIONAL AND COMMUNITY SERVICE USES								
1	Adult day care facility		S	S	S	●	●		S
2	Cemetery or mausoleum								
3	Child-care facility		S	S	S	●	●		S
4	Church	S	●	●	●	●	●	●	●
5	College, university, or seminary			●	●	●	●		●
6	Community home for disabled persons		S	●	●	●	●		●
7	Community service center				S	S	S	S	S
8	Convalescent and nursing homes and related institutions	S	S	●	●	●	●	S	S
9	Convent or monastery		●	●	●	●	●		
10	Establishments for the care of alcoholic narcotic, or psychiatric patients					S	S		
11	Foster home		S			●	●		
12	Group homes or shelters for disabled, indigent, or abused persons				S	S	S		
13	Halfway house				S		S		
14	Hospital			(10A - ●)		●	●	●	
15	Institution for special education			(R)	(R)	(R)	(R)	(R)	(R)
16	Library, art gallery or museum			●	●	●	●	●	●
17	Public or private school			(R)	(R)	(R)	(R)	(R)	(R)
18	Day home			(10A - S)		(12A - ●)	(11A - ●)		

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.205	LODGING USES								
1	Hotel or motel			●	●	●	●	●	●
2	Lodging or boarding house			●	●	●	●	●	●
3	Residential hotel			●	●	●	●	●	●
4	Extended stay hotel			(10A -S)		(12A -S)	(11A -S)		

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.206	MISCELLANEOUS USES								
1	Carnival or circus (temporary)								
2	Temporary construction or sales office	●	●	●	●	●	●	●	●

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.207	OFFICE USES								
1	Ambulatory surgical center			●	●	●	●	●	●
2A	Financial institution without drive-in window		(L)	●	●	●	●	●	●
2B	Financial institution with drive-in window			Ⓡ (10A – not allowed)	Ⓡ	(12A – ●) (12-S)		Ⓡ	Ⓡ
3	Medical clinic			●	●	●	●	●	●
4	Office		●	●	●	●	●	●	●
5	Labor Agency						S	S	

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.208	RECREATION USES								
1	Country club with private membership								
2	Private recreation center, club, or area		S	●	●	●	●	●	●
3	Public park, playground, or golf course		●	●	●	●	●	●	●

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.209	RESIDENTIAL USES								
1	College dormitory, fraternity or sorority house		S	●	●	●	●	●	●
2	Duplex	●	●	●	●	●	●	●	●
3	Retirement Housing		●	●	●	●	●	●	●
4	Mobile home park or subdivision								
5	Multifamily		●	●	●	●	●	●	●
6	Single family	●	●						
7	Commercial compatible single family			●	●	●	●	●	●

		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
SUB DISTRICTS		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.210	RETAIL AND PERSONAL SERVICE USE								
1	Ambulance service			Ⓡ	Ⓡ	Ⓡ	Ⓡ		Ⓡ
2	Animal shelter or clinic without outside run				Ⓡ				
3	Animal shelter or clinic with outside run								
3A	Auto service center				Ⓡ				
4	Bar, lounge, or tavern			S (10A – not allowed)	S	S (12A – not allowed)	S (11A – not allowed)	S	S
5	Business school			Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ
6	Car wash				Ⓡ				
7	Commercial amusement (inside)								
8	Commercial amusement (outside)								
9	Commercial parking lot or garage			Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ	Ⓡ
10	Drive-in theater								
11	Dry cleaning or laundry store		Ⓛ	●	●	●	●	●	●
12	Furniture store		Ⓛ	●	●	●	●	●	●
13	General merchandise or food store 3,500 square feet or less		Ⓛ	●	●	●	●	●	●
14	General merchandise or food store greater than 3,500 square feet			●	●	●	●	●	●
15	Home improvement center, lumber, brick or building materials sales yard				●	S	S		
16	Household equipment and appliance repair		Ⓛ	●	●	●	●		●
17	Liquor store			S (10A – not allowed)	S	S (12A – not allowed)	S (11A – not allowed)		S

		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.210	RETAIL AND PERSONAL SERVICE USE								
18	Mortuary, funeral home, or commercial wedding chapel			●	●				
19	Motor vehicle fueling station			●	●				
20	Nursery, garden shop, or plant sales		(L)	●	●	●	●	●	●
21	Outside sales								
22	Pawn shop								
23	Personal service uses		●	●	●	●	●	●	●
24	Restaurant without drive-in or drive-through service		(L)	●	●	●	●	●	●
25	Restaurant with drive-in or drive-through service			S	●	S	S	S	S
26	Surface parking			(R)	(R)	(R)	(R)	(R)	(R)
27	Taxidermist								
28	Temporary retail use				●			●	
29	Theater			●	●	●	●	●	●
30	Vehicle display, sales, and service				●				

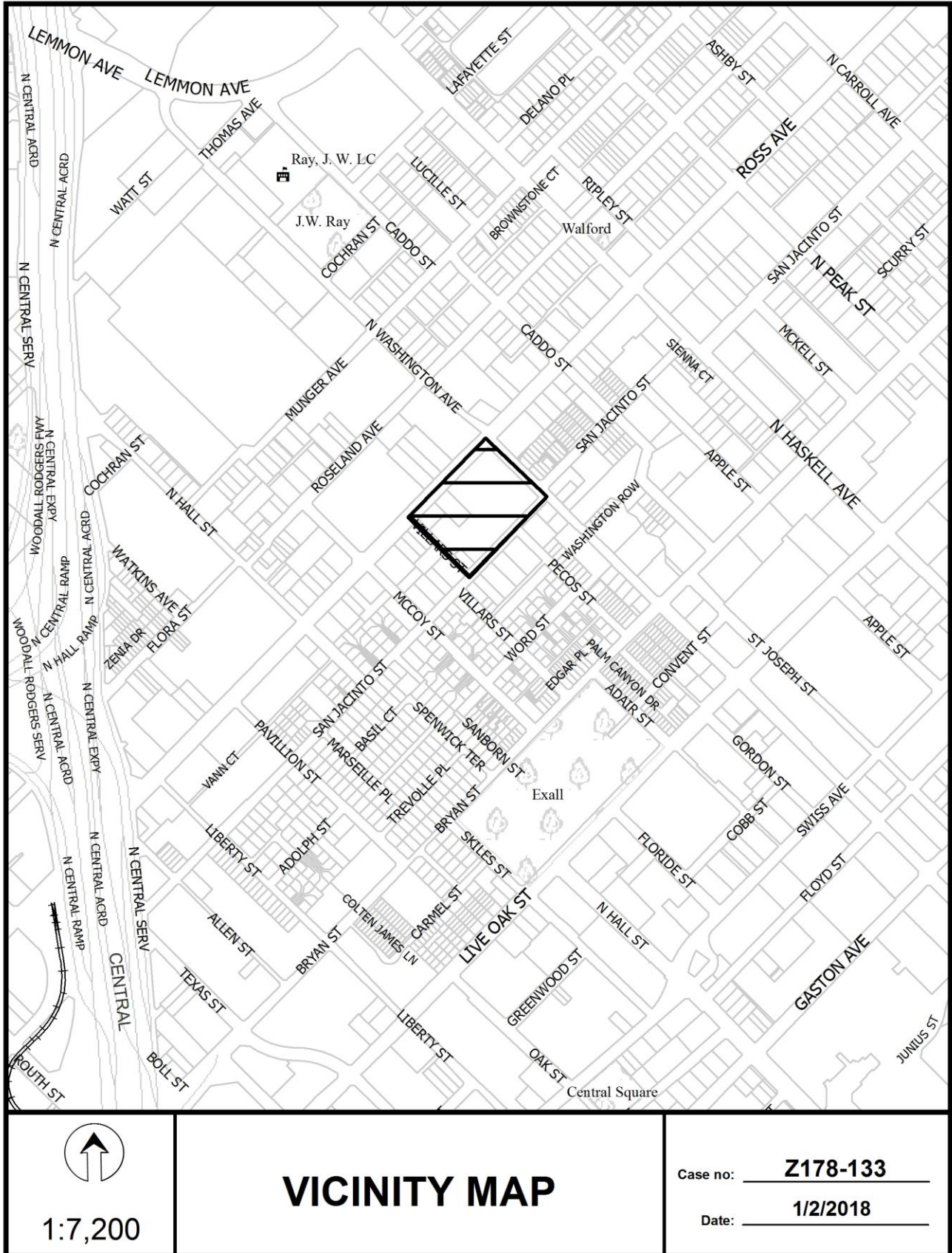
		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.211	TRANSPORTATION USES								
1	Airport or landing field								
2	Commercial bus station and terminal								
3	Heliport								
4	Helistop								
5	Railroad passenger station			S	S	S	S	S	S
6	Railroad yard, roundhouse, or shops								
7	STOL (short takeoff or landing) port								
8	Transit passenger shelter	S	S	●	●	●	●	●	●

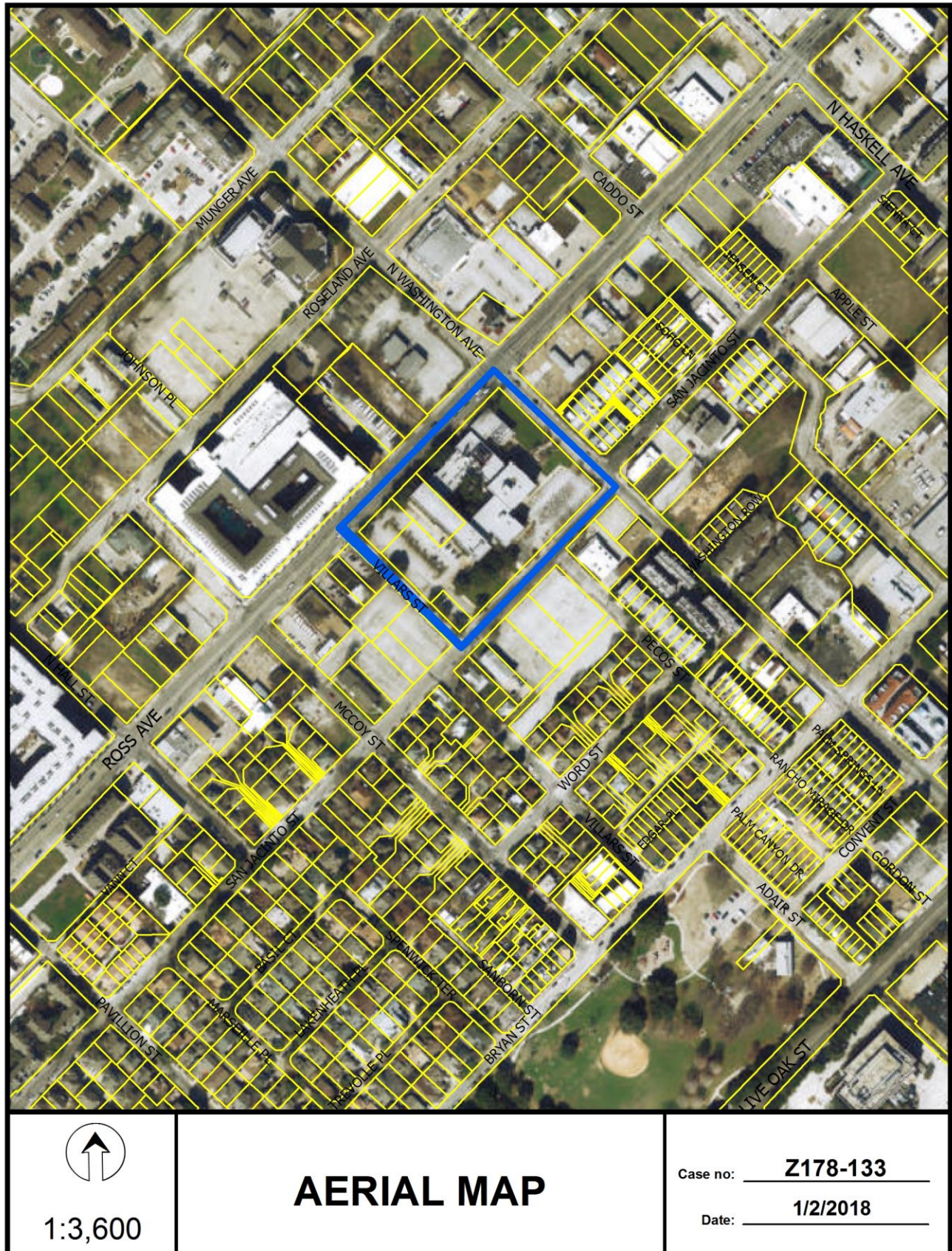
		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.212	UTILITY AND PUBLIC SERVICE USES								
1	Commercial radio or television transmitting station			●	●	●	●	●	●
2	Electrical generating plant								
3	Electrical substation			S	S	S	S		S
4	Local utilities	●	●	●	●	●	●	●	●
5	Police or fire station		S	●	●	●	●	●	●
6	Post office		●	●	●	●	●	●	●
7	Radio, television, or microwave tower			S	S	S			S
8	Refuse transfer station								
9	Sanitary landfill								
10	Sewage treatment plant								
11	Utility or government installation other than listed				S	S	S	S	S
12	Water treatment plant								

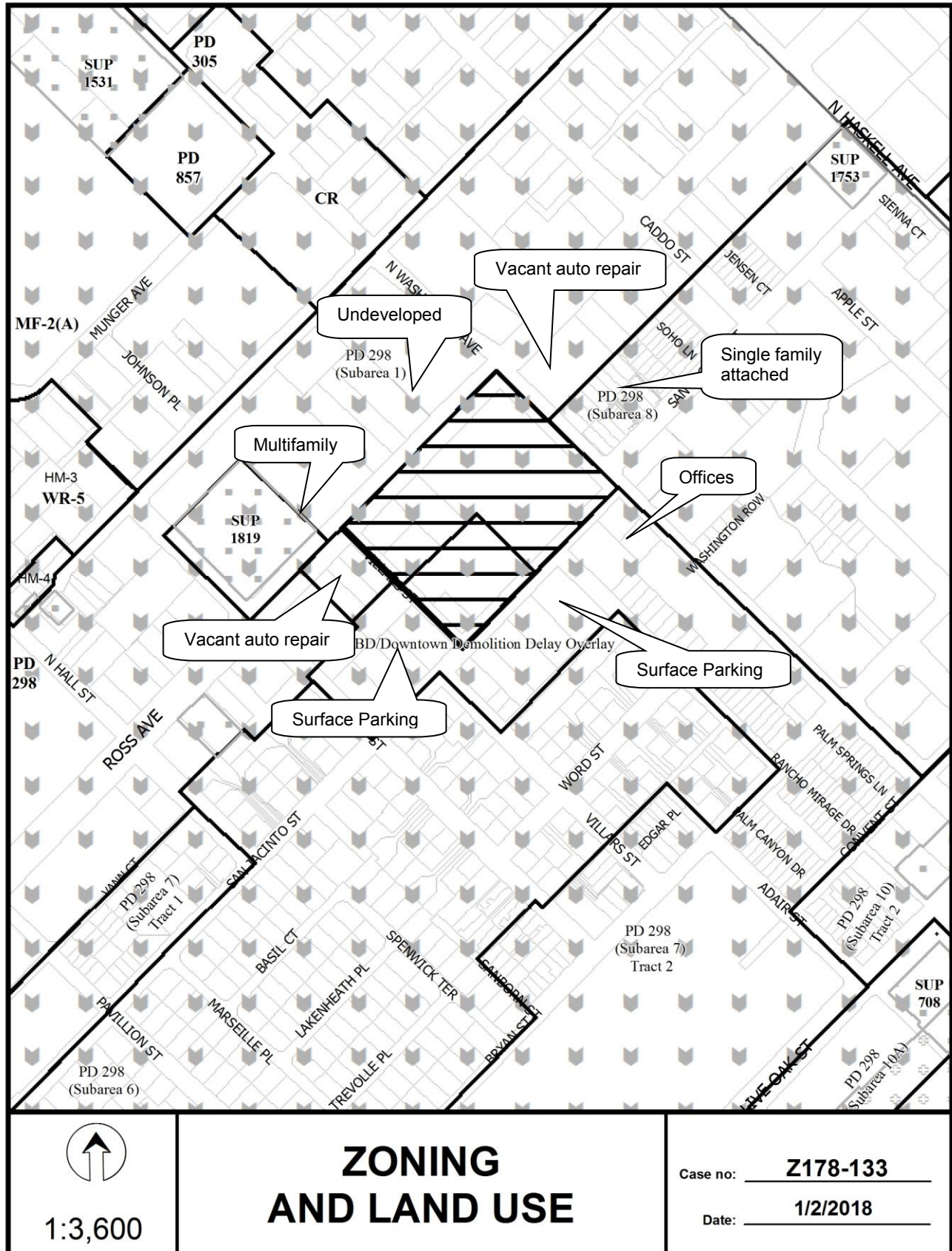
		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
4.213	WHOLESALE, DISTRIBUTION, AND STORAGE USES	BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
1	Auto auction								
2	Building mover's temporary storage yard								
3	Contractor's maintenance yard								
4	Freight terminal								
5	Livestock auction pens or sheds								
6	Mini-warehouse				●	S	S		
7	Office showroom/warehouse				●	●	●		
8A	Outside storage (with visual screening)								
8B	Outside storage (without visual screening)								
9	Petroleum product storage and wholesale								
10	Recycling collection center								
11	Sand, gravel, or earth sales and storage								
12	Trade center					●		●	●
13	Vehicle storage lot								
14	Warehouse			●	●	●	●		●

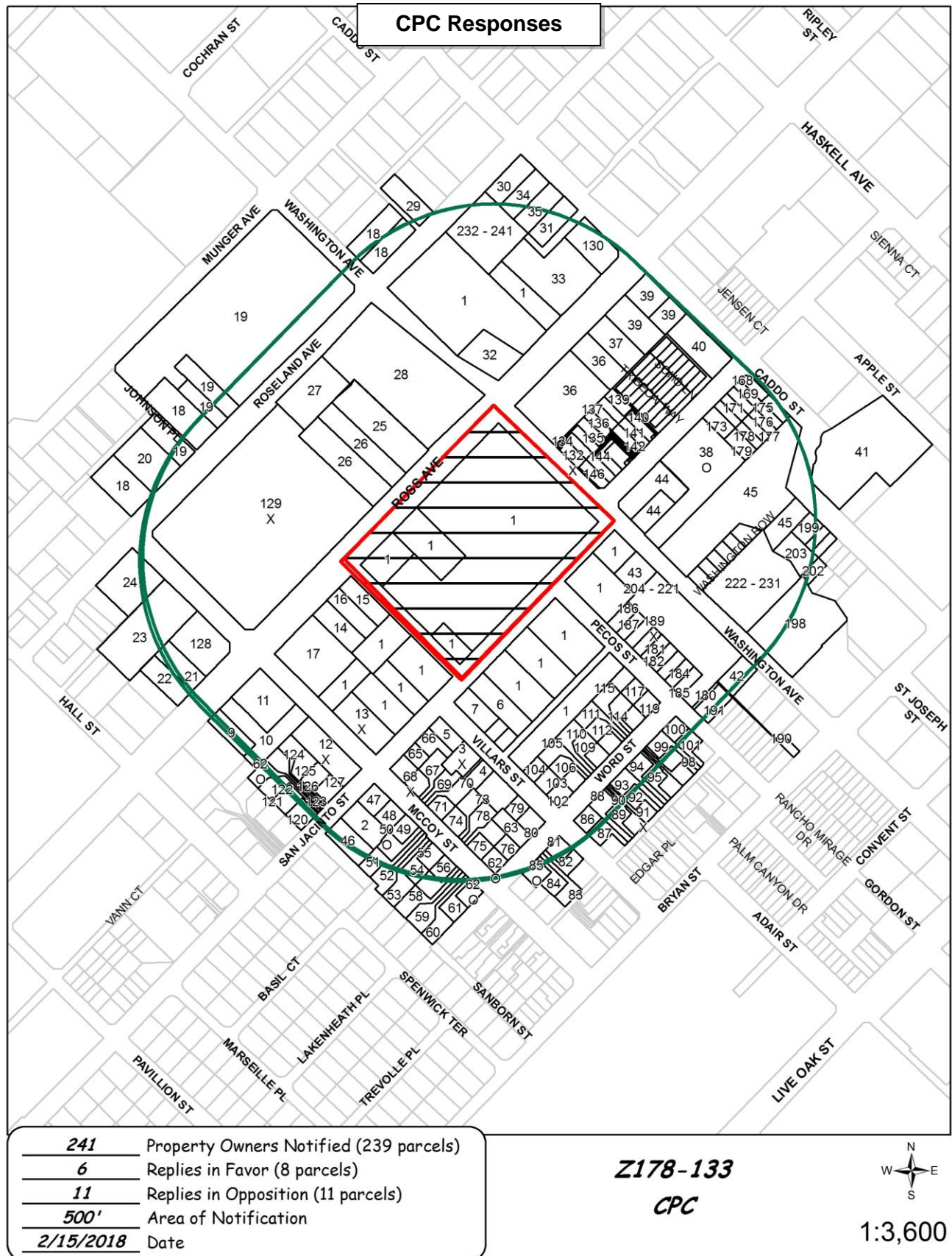
		SUB DISTRICTS							
		6	7	10, 10A	4, 13	5, 12, 12A	8, 11, 11A	3	1, 1A, 1B, 1C
		BRY PLACE	BRY PL RING	COMM COR HI	COMM COR MED	MX HI	MX MED	VILLAGE CTR	LOWER ROSS
4.217	ACCESSORY USES								
1	Accessory community center (private)	S	S	●	●	●	●	●	●
2	Accessory game court (private)	●	●	●	●	●	●	●	●
3	Accessory helistop			S (10A – not allowed)		S (12A – ●)			S
4	Accessory outside display of merchandise			●	●			●	●
5	Accessory outside sales							S	
6	Accessory outside storage	●	●	●	●	●	●	●	●
7	Amateur communication tower	S	S	●	●	●	●	●	●
8	Home occupation	●	●	●	●	●	●	●	●
9	Occasional sales (garage sales)	●	●	●	●	●	●	●	●
10	Private stable								
11	Swimming pool (private)	●	●	●	●	●	●	●	●

Z178-133(SM)









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Reply List of Property Owners***Z178-133******241 Property Owners Notified******6 Property Owners in Favor******11 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3624 SAN JACINTO ST	Dallas ISD
	2	3404 SAN JACINTO ST	CHAPPELL CHRIS
X	3	1521 VILLARS ST	MAYFIELD ANTIE SHARIE
	4	1517 VILLARS ST	KNIGHT ERICA N
	5	3512 SAN JACINTO ST	REEST CAPITAL PARTNERS LP
	6	3604 SAN JACINTO ST	MCMILLAN MORGAN
	7	3600 SAN JACINTO ST	ELDORADO PROPERTIES INC
	8	1516 VILLARS ST	RIVAS ANTONIO
	9	3400 ROSS AVE	HERNANDEZ JULIO
	10	3404 ROSS AVE	PARKS JAMES B JR
	11	3410 ROSS AVE	606 MIDLAND BAR LLC
X	12	1607 MCCOY ST	MACEDONIA BAPTIST CHURCH
X	13	3501 SAN JACINTO ST	MACEDONIA BAPTIST
	14	3512 ROSS AVE	MBOGO HINGA ET AL
	15	3520 ROSS AVE	MBOGO HINGA ET AL
	16	3516 ROSS AVE	MBOGO HINGA &
	17	3510 ROSS AVE	PARKS JAMES B JR
	18	3603 ROSELAND AVE	PILGRIM REST BAPTIST CHURCH
	19	3521 ROSELAND AVE	PILGRIM REST BAPTIST
	20	3513 ROSELAND AVE	PILGRIM REST MISSIONARY BAPTIST CHURCH
	21	3405 ROSS AVE	1507 DRAGON STREET LLC
	22	3401 ROSS AVE	3405 DHG LLC
	23	1711 MCCOY ST	DOOLEY DEV USA LLC
	24	1723 MCCOY ST	HOUSING AUTHORITY OF THE
	25	3629 ROSS AVE	2DGS RE HOLDINGS LLC
	26	3615 ROSS AVE	GRIFFITH RUSSELL F &

02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3612 ROSELAND AVE	PILGRIM REST VILLAGE
	28	3716 ROSELAND AVE	SUBDIVISIONS REALTY 10 LLC
	29	3815 ROSELAND AVE	HAWKINS ADA F
	30	1727 CADD O ST	LEONARD BEVERLY JEAN
	31	1715 CADD O ST	BEDFORD L A JR
	32	3801 ROSS AVE	BEGGS C JANET
	33	3811 ROSS AVE	LOMONACO MARY
	34	1719 CADD O ST	BARKER KATY
	35	1717 CADD O ST	FRIDIA MANSELL & JANIS
	36	3808 ROSS AVE	DP ROSS 3808 LLC
	37	3820 ROSS AVE	K SERIES IV LLC
O	38	3816 SAN JACINTO ST	3816 SJ PARTNERS LP
	39	3834 ROSS AVE	K SERIES III LLC
	40	3835 SAN JACINTO ST	641 HOLDINGS LLC
	41	1431 APPLE ST	CITY WIDE MECHANICAL INC
	42	1419 N WASHINGTON AVE	MORRIS JAMES ARTHUR
	43	1515 N WASHINGTON AVE	MOORE J G & CO INC
	44	1520 N WASHINGTON AVE	AKP REALTY LLC
	45	1510 N WASHINGTON AVE	1510 WASHINGTON LLC
	46	3402 SAN JACINTO ST	HO AN DINH & THUAN PHAM
	47	1563 MCCOY ST	ELIZAROVA YULIA V &
	48	1559 MCCOY ST	WALLACE ROBERT L
	49	1555 MCCOY ST	MEDLEY ANTHONY R JR
O	50	1551 MCCOY ST	CENTENO JASON
	51	1547 MCCOY ST	JOHNSTON ROBERT L & JUDY N
	52	1543 MCCOY ST	LIN MILO M
	53	1539 MCCOY ST	WAGNER BRENT A
	54	1535 MCCOY ST	WALKERSMITH MICHAEL ANTHONY &
	55	1531 MCCOY ST	GELLER MATTHEW
	56	1527 MCCOY ST	STEEN GLEN GEORGE
	57	1523 MCCOY ST	BURRISS GEORGE B

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1519 MCCOY ST	YU YATSUN
	59	1515 MCCOY ST	FLORES THERESA A
	60	1511 MCCOY ST	COTHAM FLOYD E JR
	61	1507 MCCOY ST	MUENZLER JULIE
O	62	1503 MCCOY ST	SMITH J WAYNE & SHARON A
	63	3515 WORD ST	USKOVICH MICHAEL
	64	3502 SAN JACINTO ST	FOSTER MONICA D
	65	3506 SAN JACINTO ST	SMITH GREGORY
	66	3510 SAN JACINTO ST	EMILE OLIVIA &
	67	1540 MCCOY ST	CRAIG CHRISTOPHER R
X	68	1544 MCCOY ST	CHAPLOW ANASTACIA M &
	69	1536 MCCOY ST	MANGUM CORY R & SYLVIA K
	70	1532 MCCOY ST	SHEETS JANE & MANOLITO HERNANDO
	71	1528 MCCOY ST	NGUYEN CHARLIE
X	72	1515 VILLARS ST	FLYNN EUGENE III
	73	1520 MCCOY ST	DUMONT NICHOLAS R
	74	1524 MCCOY ST	HARNER TERRY
	75	1508 MCCOY ST	LEWRIGHT VIOLA R
	76	3507 WORD ST	CHAMBERLAIN VIRGINIA
O	77	1512 MCCOY ST	MASON KENNETH RANDALL
	78	1516 MCCOY ST	MOSER MICHAEL B
	79	1507 VILLARS ST	VERRETT EMILY
	80	1503 VILLARS ST	GAFFNEY CARMEN G
	81	1429 VILLARS ST	BENEST ALAN T
	82	1421 VILLARS ST	TURNER RUSSELL M
	83	3524 WORD ST	RUIZ BENNY S & ROSE G
	84	3518 WORD ST	GEPNER ELLEN SUE
O	85	3512 WORD ST	WATT JAMES BLALOCK
	86	3602 WORD ST	SISK MICHAEL
	87	1418 VILLARS ST	BRANCH ELIZABETH
	88	3606 WORD ST	BAKER JEFFREY L

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	3610 WORD ST	MALONEMILLER LAURA
	90	3614 WORD ST	MOORE SUSAN T
X	91	3618 WORD ST	BERKHEIMER TERRY L &
	92	3622 WORD ST	VETTER JUDY M
	93	3626 WORD ST	VETTER JUDY M
	94	3630 WORD ST	GHOSTON JAMES L
	95	3634 WORD ST	OFFUTT DIANNA
X	96	3638 WORD ST	LOVING LORETTA M
	97	3642 WORD ST	SPOSI MICHAEL
	98	3646 WORD ST	SIMES TREVOR & RHIANNON
	99	3650 WORD ST	DAVIS KATHRYN W
	100	3654 WORD ST	WIESNER TREVOR
	101	1419 PECOS ST	LAM MINH A
	102	1502 VILLARS ST	SMITH PAUL D
	103	1504 VILLARS ST	MEDFORD JOEL DAVID JR
	104	1508 VILLARS ST	WELLS ZACHARY LEO &
	105	3615 WORD ST	LORIEGA ROMULO LEBRILLA &
	106	3611 WORD ST	BLACK HAROLD
	107	3607 WORD ST	MONTOYA DANIEL A
	108	3627 WORD ST	MICHEL DONNIE
	109	3623 WORD ST	RUIZ DAVID M VAZQUEZ &
	110	3619 WORD ST	VEGA ROBERTO
	111	3639 WORD ST	ELLIOTT PAUL M
	112	3635 WORD ST	LORIEGA FRANZ
	113	3631 WORD ST	KARATEPEYAN ALAIN B
	114	3647 WORD ST	HALLAC RAMI R
	115	3643 WORD ST	HUNT EDWARD T
	116	1511 PECOS ST	DUKE RICHARD & CYNTHIA
	117	1507 PECOS ST	GOEBEL BERNARD A
	118	3651 WORD ST	STORK MICHAEL WERNER &
	119	1503 PECOS ST	RODRIGUE PAUL D

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	3343 SAN JACINTO ST	BARRON KENNETH L
	121	3403 SAN JACINTO ST	MOORE TERRY L
	122	3407 SAN JACINTO ST	WHITE NATHAN
	123	3415 SAN JACINTO ST	FISHER ROBERT J & MELINDA M
	124	3419 SAN JACINTO ST	TOLANDER GREGORY ALAN &
	125	3423 SAN JACINTO ST	NJUGUNA BEATRICE WANGARI
	126	3427 SAN JACINTO ST	AZFER ADNAN &
	127	3431 SAN JACINTO ST	STULTZ JACOB MICHAEL
	128	3407 ROSS AVE	SCHWARTZ JEANNETTE ESTATE OF
X	129	3606 ROSELAND AVE	WW ROSS AVENUE LP
	130	3825 ROSS AVE	EROSE CORPORATION
	131	3817 SAN JACINTO ST	SAN JACINTO URBAN LOFTS LP
X	132	3801 SAN JACINTO ST	MILLEMOM KYLE
	133	3805 SAN JACINTO ST	HUSSEINI RAWAN M
	134	3805 SAN JACINTO ST	BARCHILL SETH LYLE
	135	3805 SAN JACINTO ST	MARSHALL WILLIAM
	136	3805 SAN JACINTO ST	ATRASH AMER H
	137	3805 SAN JACINTO ST	RAUSCH ERIC T
	138	3809 SAN JACINTO ST	SPERLICH ROLAND & JENNIFER
	139	3809 SAN JACINTO ST	ANGLIN RONALD G
	140	3809 SAN JACINTO ST	SHAFER RONALD E
	141	3809 SAN JACINTO ST	BAGCHI VISHAL
	142	3809 SAN JACINTO ST	GRAYSON ERIC
	143	3801 SAN JACINTO ST	WEBSTER TIMOTHY P &
	144	3801 SAN JACINTO ST	CURTIS BEN E III
	145	3801 SAN JACINTO ST	SULLIVAN JOHN P
	146	3801 SAN JACINTO ST	DRAPER REAL ESTATE HOLDINGS LLC
	147	1615 TRIBECA WAY	LAURENCE JOLIE
	148	1613 TRIBECA WAY	DAWKINS LASHEY
	149	1611 TRIBECA WAY	SBERT BRANDON S & JENNIFER B
	150	1609 TRIBECA WAY	TING SING TOH

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	1607 TRIBECA WAY	CANFIELD RYAN
	152	1605 TRIBECA WAY	BOLIN KYLA
	153	1603 TRIBECA WAY	DAVIS ERIC W
	154	1602 TRIBECA WAY	ISKANDER JOHN H
	155	1604 TRIBECA WAY	LEE JINEI
	156	1606 TRIBECA WAY	GONZALEZ JOSE R
	157	1610 TRIBECA WAY	FELTNER ISABELA
	158	1612 TRIBECA WAY	MARYOUNG HILARY
	159	1614 TRIBECA WAY	WHEELER DEONDRA L
	160	1616 TRIBECA WAY	BRIGGS JOHN
O	161	1614 SOHO LN	JOHNSTON GREGORY J
	162	1612 SOHO LN	LEIGHTON KIMBERLY J
	163	1610 SOHO LN	SAADI AL AMAL
	164	1608 SOHO LN	LAWRENCE CAMERON
	165	1606 SOHO LN	PATEL RUPAL
	166	1604 SOHO LN	SHAH AMI P
	167	1602 SOHO LN	VILICANA JOSE RAMOS &
	168	3848 SAN JACINTO ST	GRISSOM AMY
	169	3844 SAN JACINTO ST	SPENCE DAVID A &
	170	3840 SAN JACINTO ST	DOUGLAS LANCE
	171	3836 SAN JACINTO ST	GNK INVESTMENTS LLC
	172	3832 SAN JACINTO ST	FRANKOVICH DAVID R
	173	3828 SAN JACINTO ST	CHAMAKALA TOMMY & ANN
	174	1509 CADDO ST	DEPALMA MICHAEL A
	175	1513 CADDO ST	PROTHRO KATHRYN REAGAN &
	176	1517 CADDO ST	MICHAEL DANIEL J
	177	1521 CADDO ST	SNIDER STEVE SCOTT
	178	1525 CADDO ST	BRINKMAN JOHN &
	179	1529 CADDO ST	WILLIAMS TAYLOR & GWENDOLYN
	180	1511 N WASHINGTON AVE	MOORE J G & COMPANY INC
	181	1510 PECOS ST	MOORE CINDY L

02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	1508 PECOS ST	NOLEN MARK H
	183	1506 PECOS ST	WHITMEYER ROBIN M & ARTHUR L
	184	1504 PECOS ST	SHELDON SARA WINCORN &
	185	1502 PECOS ST	ARNOLD MICHAEL JR & VICKI G
	186	1518 PECOS ST	ROEY RICHARD C
	187	1516 PECOS ST	MCLAUGHLIN RYAN C & JENNIFER S
	188	1514 PECOS ST	KURUVILLA ABRAHAM
X	189	1512 PECOS ST	SU GAN
	190	1511 N WASHINGTON AVE	MOORE J G & CO
	191	1442 PECOS ST	AGUAM BRANDI
	192	3803 WASHINGTON ROW	PRAVONGVIENGKHAM TING
X	193	3807 WASHINGTON ROW	JACKSON TAYLOR R &
	194	3811 WASHINGTON ROW	ATKINS ANDREA HAUGEN
	195	3815 WASHINGTON ROW	GARCIA LILIA
	196	3819 WASHINGTON ROW	JOHNSON JASON L
	197	3823 WASHINGTON ROW	BARNETT JOHN T &
	198	1414 N WASHINGTON AVE	COMMUNICATION WORKERS
	199	1429 CADDO ST	HEIRONIMUS WILLIAM KYLE
	200	1429 CADDO ST	CORTESE ROSS
	201	1429 CADDO ST	RUSSO ALEXANDER & LESLI YALE
	202	1429 CADDO ST	ABSHIRE KEVIN G
	203	1429 CADDO ST	LEVATINO PAUL J
	204	1500 PECOS ST	GALLEGOS ELIZABETH
	205	1500 PECOS ST	COBB RICHARD
	206	1500 PECOS ST	LUNDY JAMES C
	207	1500 PECOS ST	WAUNG DEBBIE
	208	1500 PECOS ST	DUQUETTE COLIN
	209	1500 PECOS ST	BURCHAM BRIAN DOUGLAS
	210	1500 PECOS ST	SPENCER GREGORY D
	211	1500 PECOS ST	NICHOLS JERRY MARTIN &
	212	1500 PECOS ST	RODGVELLER ALI

02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	1500	PECOS ST	MAUL JOSEPH & CRISTA
214	1500	PECOS ST	PRIJIC ZLATKO & OLHA
215	1500	PECOS ST	BROKER STEVEN JAMES & CHACE MATA
216	1500	PECOS ST	SYMBALISTY STEPHEN
217	1500	PECOS ST	KONG JUN H & SARAH
218	1500	PECOS ST	THURMAN LLOYD DENNIS II & ELIZABETH J
219	1500	PECOS ST	WHITE MATTHEW C
220	1500	PECOS ST	TING HARRY
221	1500	PECOS ST	BARNETT JOHN T &
222	1430	N WASHINGTON AVE	MCSHAN CHERYL ALLEN
223	1430	N WASHINGTON AVE	RAMIREZ DANIEL
224	1430	N WASHINGTON AVE	BERKEY ADAM S
225	1430	N WASHINGTON AVE	LAROCCA NICHOLAS J &
226	1430	N WASHINGTON AVE	BROWNE FRANK S III
227	1430	N WASHINGTON AVE	GUERRERO ROXANE
228	1430	N WASHINGTON AVE	DATO DARIA &
229	1430	N WASHINGTON AVE	THOMPSON WILLIAM J &
230	1430	N WASHINGTON AVE	ESQUINO VICTOR X & ANGELA NICOLE
231	1430	N WASHINGTON AVE	RODGERS KATHERINE A
232	3812	ROSELAND AVE	WELDON CAMERON T
233	3812	ROSELAND AVE	TUTAR OKAN
234	3820	ROSELAND AVE	RAYSIN ASHLEY
235	3820	ROSELAND AVE	KITCHENS TYLER W & KATHERYN H
236	3816	ROSELAND AVE	
237	3816	ROSELAND AVE	MARTIN CHRISTOPHER
238	3816	ROSELAND AVE	BAILEY TERRENCE VALENTINO
239	3824	ROSELAND AVE	SCHUTT RYAN A & JAYME E
240	3824	ROSELAND AVE	SCHNEIDER KATHERINE ASHLEY
241	3824	ROSELAND AVE	GANT LESLIE

AGENDA ITEM # 49

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 23 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 957 for NO(A) Neighborhood Office District uses, a community service center and a child-care facility at the southeast corner of Lombardy Lane and Geraldine Drive

Recommendation of Staff and CPC: Approval, subject to Phase 1 and Phase 2 development plans, Phase 1 and Phase 2 landscape plans, and conditions
Z178-143(JM)

FILE NUMBER: Z178-143(JM)

DATE FILED: December 6, 2017

LOCATION: Southeast corner of Lombardy Lane and Geraldine Drive

COUNCIL DISTRICT: 6

MAPSCO: 23 U

SIZE OF REQUEST: ±1.578 acres

CENSUS TRACT: 72.02

APPLICANT/OWNER: Buckner Children & Family Services, Inc.

REPRESENTATIVE: Tommy Mann & Brad Williams % Windstead PC

REQUEST: An application for an amendment to Planned Development District No. 957 for NO(A) Neighborhood Office District uses, a community service center and a child-care facility.

SUMMARY: The applicant is proposing to proceed with phased construction of the proposed community service center and child-care facility. During construction, temporary buildings and landscaping would be allowed as identified on the Phase 1 plans. The applicant proposes to amend the conditions to require the removal of the temporary structures by March 1, 2020, and require compliance with the proposed Phase 2 Development and Landscape Plans—which are the same as originally approved with the inception of the PD in 2016.

STAFF RECOMMENDATION: Approval, subject to Phase 1 and Phase 2 development plans, Phase 1 and Phase 2 landscape plans, and conditions

CPC RECOMMENDATION: Approval, subject to Phase 1 and Phase 2 development plans, Phase 1 and Phase 2 landscape plans, and conditions

BACKGROUND INFORMATION:

- On January 27, 2016, the City Council approved the creation of PD No. 957 for NO(A) Neighborhood Office District uses and a community service center and a child-care facility.
- The subject site is undeveloped and contains approximately 1.58 acres of land with 400 feet of frontage along Lombardy Lane and 170 feet of frontage along Geraldine Drive.
- The purpose of this request is to allow for the phased development of the proposed community service center and child-care facility. Temporary structures are proposed for operation while under construction. A termination date is proposed in the PD conditions requiring removal of temporary structures by March 1, 2020 to obtain a CO for the phase two, permanent structures.

Zoning History: There have been no zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lombardy Lane	Community Collector	60 feet	60 feet
Geraldine Drive	Local	50 feet	50 feet

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.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 957	Undeveloped
Northwest	MF-2(A) Multifamily	Multifamily & Cemetery
Northeast	MF-2(A) Multifamily	Multifamily
Southeast	MF-2(A) Multifamily	Multifamily & Single Family
Southwest	MF-2(A) Multifamily	Multifamily & Single Family

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The applicant's request generally complies with the following goals and policies 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 1.1.5.8 Assist city, state, federal and private agencies in addressing crime, education and social service issues to strengthen neighborhoods and stem deterioration.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The proposed community service center and a child-care facility will serve the surrounding neighborhood including multiple multifamily developments and single family neighborhoods to the south.

Land Use Compatibility:

The subject site is currently undeveloped. Surrounding land uses include the Calvary Hill Cemetery to the northwest; multifamily units to the north, east, and southwest; and, single family to the south.

On January 27, 2016, the City Council approved the creation of PD No. 957 for NO(A) Neighborhood Office District uses and a community service center and a child-care facility by right (no SUP for either). Site demolition of single family homes has been completed. The applicant is requesting to use the existing development and landscape plans as Phase 2 plans. In the interim, temporary Phase 1 plans have been offered with

the guarantee of removal or transition to Phase 2 by March 1, 2020, per the proposed PD conditions. Originally, the applicant had offered a transition date of January 1, 2020, but after predevelopment meetings transpired, the date was pushed back to March 1, 2020.

Phase 1 would consist of two temporary buildings with a community service center use. A total of 4,550 square feet of floor area is proposed for this phase.

Parking:

PD No. 957 refers to the Dallas Development Code for parking regulations other than the community service center. The future development would have to comply with the required parking, as determined by the PD/Dallas Development Code.

The PD requires one parking space for every 235 square feet of floor area for a community service center use. According to the Phase 1 development plan, 4,550 square feet of floor area would contain this use. Twenty parking spaces are provided. Additional indented parking along Geraldine Drive is planned, subject to review by Engineering at permitting.

The Phase 2 development plan indicates that 90 total spaces will be required and provided, subject to the following breakdown:

- A child care facility with 3,550 square feet—requires 7 parking spaces at a ratio of one parking space per 500 square feet.
- A community center with 19,450 square feet—requires 83 parking spaces at a ratio of one parking space per 235 square feet.
- No loading spaces are required.
- Additional indented parking along Geraldine Drive is planned, subject to review by Engineering at permitting.

The indented parking along Geraldine Drive was originally labeled as a loading/parking area. This location fails to meet the standards for indented parking with a maximum of 8 feet in width and loading according to Sec. 51A, 4.303(b)(1) and (8) which require loading within the lot of the site and with maneuverability within the property boundaries, out of the right of way. Additionally, a loading space is not required by code. These updates have been made to both development plans.

Landscaping:

PD No. 957 requires compliance with Article X of the Dallas Development Code, as amended. A landscape plan approved with the PD and proposed as the final Phase 2 plan offers significant planting areas across the site, inclusive of a courtyard (minimum of 1,500 square feet).

The City Arborist has recommended replacing two large trees with two small trees on the plans located by the proposed playground and trash service area to reduce possible maintenance conflicts. Otherwise, the Phase 2 plan has not changed from what was previously approved as the original landscape plan for the development. The City Arborist has reviewed both plans and approves of the landscaping.

CPC Action
February 1, 2018

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 957 for NO(A) Neighborhood Office District uses and a community service center and a child-care facility, subject to Phase 1 and Phase 2 development plans, Phase 1 and Phase 2 landscape plans, and conditions at the southeast corner of Lombardy Lane and Geraldine Drive.

Maker: Carpenter
Second: Rieves
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Lavallaisaa, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Mack
Vacancy: 0

Notices: Area: 500 Mailed: 71
Replies: For: 2 Against: 0

Speakers: None

CPC Recommended PD CONDITIONS

ARTICLE 957.

PD 957.

SEC. 51P-957.101. LEGISLATIVE HISTORY.

PD 957 was established by Ordinance No. 29994, passed by the Dallas City Council on January 27, 2016. (Ord. 29994; _____)

SEC. 51P-957.102. PROPERTY LOCATION AND SIZE.

PD 957 is established on property generally located at the southeast corner of Lombardy Lane and Geraldine Drive. The size of PD 957 is approximately 1.578 acres. (Ord. 29994)

SEC. 51P-957.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district, TEMPORARY BUILDING means structures subject to mandatory removal in accordance with Section 51P-957.114(c) as shown on the Phase 1 development plan (Exhibit 957A).

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord. 29994)

SEC. 51P-957.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 957A: Phase 1 development plan.
- (2) Exhibit 957B: Phase 2 development [landscape] plan.
- (3) Exhibit 957C: Phase 1 landscape plan.
- (4) Exhibit 957D: Phase 2 landscape plan. (Ord. 29994; _____)

SEC. 51P-957.105. DEVELOPMENT PLANS.

Prior to March 1, 2020, development and use of the property must comply with either the Phase 1 development plan (Exhibit 957A) or the Phase 2 development plan (Exhibit 957B). As of March 1, 2020, development and use of the property must comply with the Phase 2 development plan [(Exhibit 954A)]. If there is a conflict between the text of this article and the Phase 1 development plan or the Phase 2 development plan, the text of this article controls. (Ord. 29994; _____)

SEC. 51P-957.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the NO(A) Neighborhood Office District, subject to the same conditions applicable in the NO(A) Neighborhood Office District, as set out in Chapter 51A. For example, a use permitted in the NO(A) Neighborhood Office 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 NO(A) Neighborhood Office District is subject to DIR in this district, etc.

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

- Child-care facility.
- Community service center. (Ord. 29994)

SEC. 51P-957.107. 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. 29994)

SEC. 51P-957.108. 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 NO(A) Neighborhood Office District apply.

(b) Front yard.

(1) The following structures may be located in the front yard:

- (A) retaining walls with a maximum height of four feet;
- (B) railings for stairs, stoops, and porches with a maximum height of four feet; and
- (C) patios and covered seating areas.

(2) Railings affixed to a retaining wall are not considered part of the retaining wall height if they do not exceed four feet in height and are at least 50 percent open.

(3) A canopy or awning projecting into the front yard must have a minimum clearance of eight feet above grade.

(4) Fencing more than four feet above grade in the front yard is not allowed.

(c) Side yard.

(1) Minimum side yard is 10 feet.

(2) An awning or roof eave projecting into the side yard must have a minimum clearance of eight feet above grade.

(d) Floor area. For a child-care facility, maximum floor area is 4,000 square feet.

(e) Height.

(1) Except as provided in this subsection, maximum structure height is 40 feet. Height is measured to the highest point of the structure.

(2) The following structures may project a maximum of 12 feet above the maximum structure height:

(A) Elevator penthouse or bulkhead.

(B) Mechanical equipment room.

(C) Cooling tower.

(D) Tank designed to hold liquids.

(E) Ornamental cupola or dome.

(F) Skylights.

(G) Clerestory.

(H) Visual screens which surround roof mounted mechanical equipment.

(I) Chimney and vent stacks.

(J) Parapet wall, limited to a height of four feet.

(3) Maximum height for light standards is 16 feet, measured to the top of the fixture. (Ord. 29994)

SEC. 51P-957.109. OFF-STREET PARKING AND LOADING.

(a) In general. 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) Community service center. One space per 235 square feet of floor area is required. (Ord. 29994)

SEC. 51P-957.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 29994)

SEC. 51P-957.111. LANDSCAPING.

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

(b) Community service center and child-care facility. Prior to March 1, 2020, landscaping must be provided as shown on either the Phase 1 landscape plan (Exhibit 957C) or the Phase 2 landscape plan (Exhibit 957D). As of March 1, 2020, l[andscaping must be provided as shown on the Phase 2 landscape plan [(Exhibit 957B)]. If there is a conflict between the text of this article and the Phase 1 landscape plan or the Phase 2 landscape plan, the text of this article controls.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition. (Ord. 29994; _____)

SEC. 51P-957.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII. (Ord. 29994)

SEC. 51P-957.113. DESIGN STANDARDS FOR A COMMUNITY SERVICE CENTER AND CHILD-CARE FACILITY.

(a) Applicability. This section applies only to development pursuant to the phase 2 development plan.

(b) Building facades.

(1) The minimum fenestration for a facade facing a public street is 20 percent.

(2) Each facade must have one or more of the following changes:

(A) A minimum of two changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 10 feet and not more than 30 feet.

(B) Changes in plane with a depth of at least 12 inches, either diagonally, horizontally, or vertically, for each 50 feet of street facing facade.

(c) Building entrances. At least one visually prominent pedestrian entrance is required on each street frontage. A visually prominent pedestrian entrance may include an archway, a canopy affixed to the facade, or building materials around the pedestrian entrance that are visually different from the materials used on the remaining facade.

(d) Pedestrian amenities. A minimum of two of each of the following pedestrian amenities must be provided along Lombardy Lane and a minimum of one of each of the following pedestrian amenities must be provided along Geraldine Drive:

- (1) benches;
- (2) trash receptacles; and
- (3) bicycle racks.

(e) Courtyard. A courtyard with a minimum area of 1,500 square feet must be provided in the location shown on the development plan.

(f) Sidewalks. An unobstructed sidewalk width of six feet must be provided along Lombardy Lane and Geraldine Drive. (Ord. 29994)

SEC. 51P-957.114. ADDITIONAL PROVISIONS.

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

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

(c) Temporary buildings installed on the Property in accordance with the Phase 1 development plan must be removed by the earlier of March 1, 2020 or by the issuance of a certificate of occupancy pursuant to the Phase 2 development plan. (Ord. 29994; _____)

SEC. 51P-957.115. COMPLIANCE WITH CONDITIONS.

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 29994)

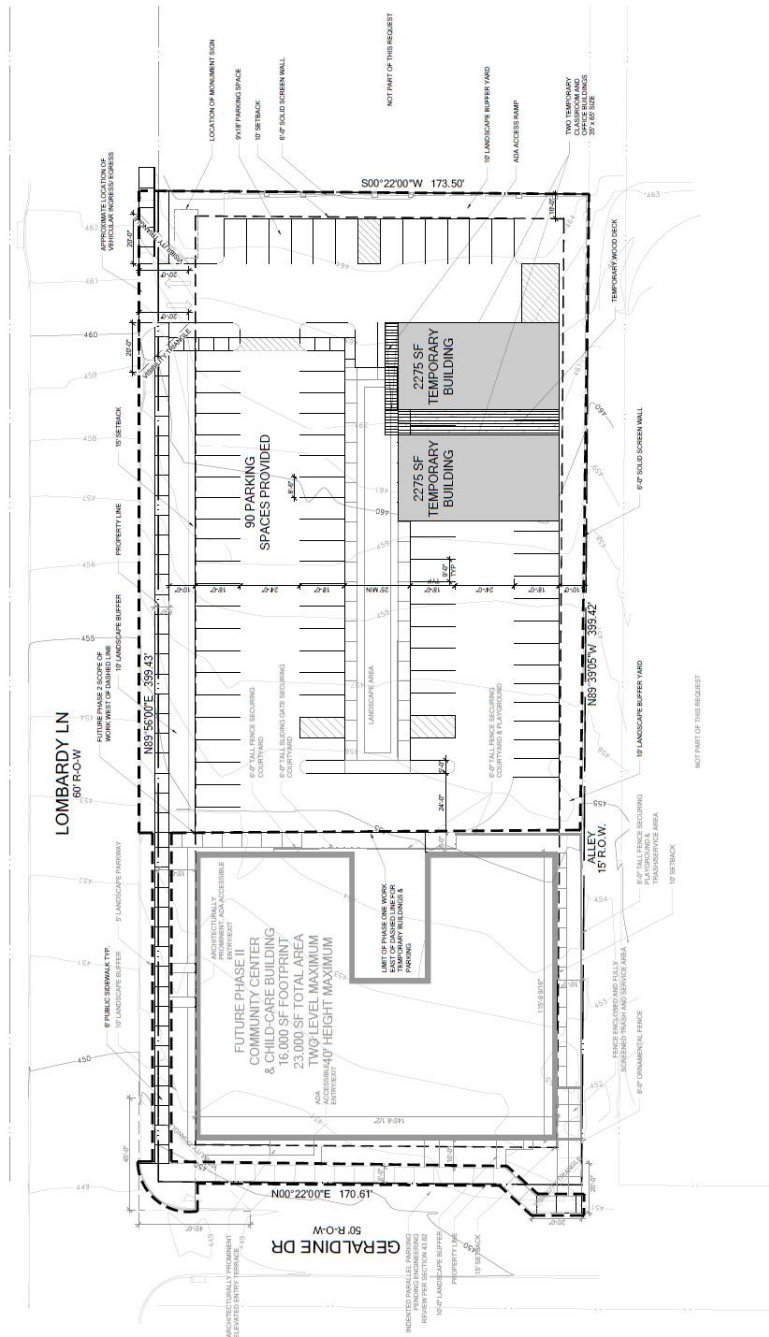


Proposed Phase 1 Development Plan

PHASE I YARD, LOT, & SPACE DATA	
SITE AREA	88,720 SF
LOT COVERAGE	1,578 AC
FAIR	5.8%
MAXIMUM STORIES	0.07
MINIMUM STORIES	2
MINIMUM SETBACK	40'
FRONT YARD SETBACK	15'
SIDE YARD SETBACK	10'

PHASE I PROJECT DATA	
BUILDING AREA	COMMUNITY CENTER 4,550 SF
TOTAL	4,550 SF
PARKING REQUIRED	COMMUNITY CENTER 20 SPACES
TOTAL	20 SPACES
ON-SITE PARKING PROVIDED	20 SPACES

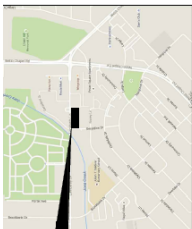
NOTE: GROUND SCREENING OF SITE ELEMENTS
SHOWN FOR FUTURE PHASE II DEVELOPMENT



Job #: 15174
File Name: Buckner Buckman Lake Development Plan
Date: 01/05/2016, REV. 01/23/18
Prepared by: P.A. R.T.M. C.T.M.

PHASE I DEVELOPMENT PLAN
Buckner International - Buckman Lake
Native Town

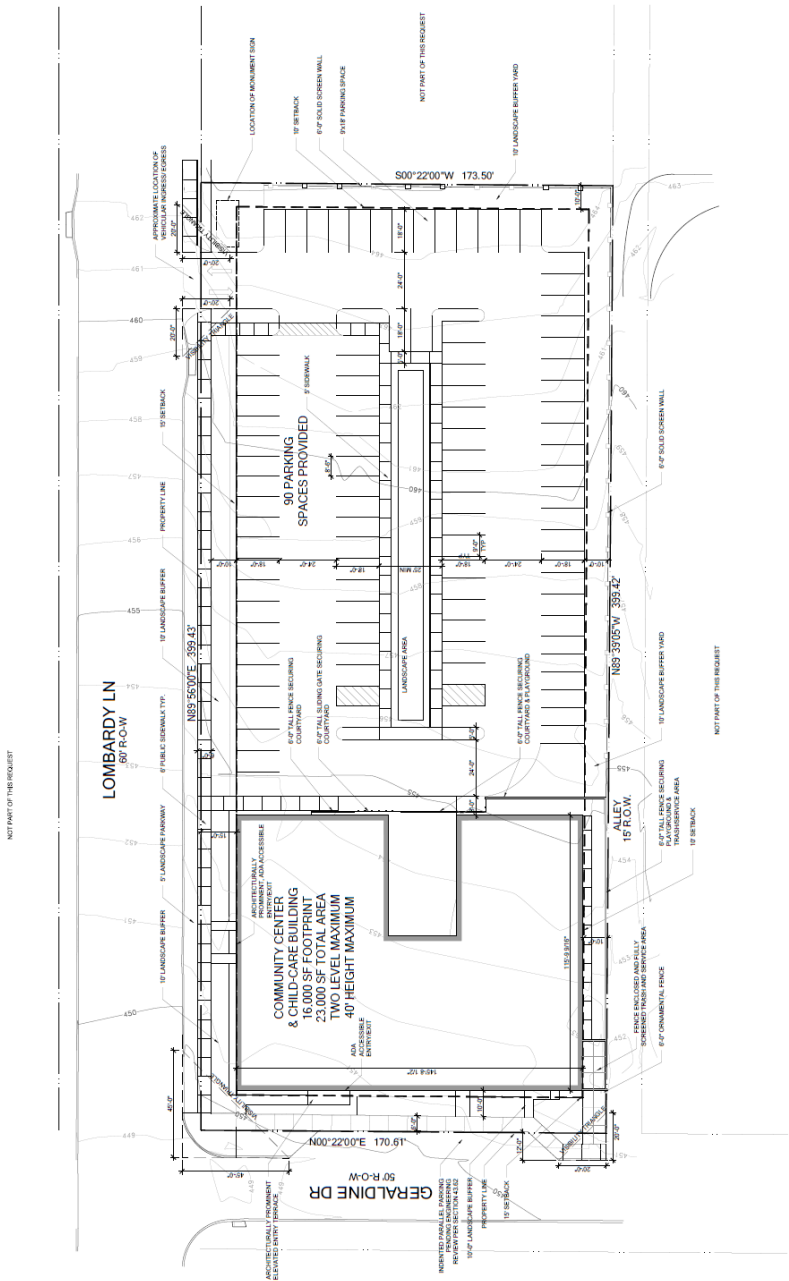
Proposed Phase 2 Development Plan



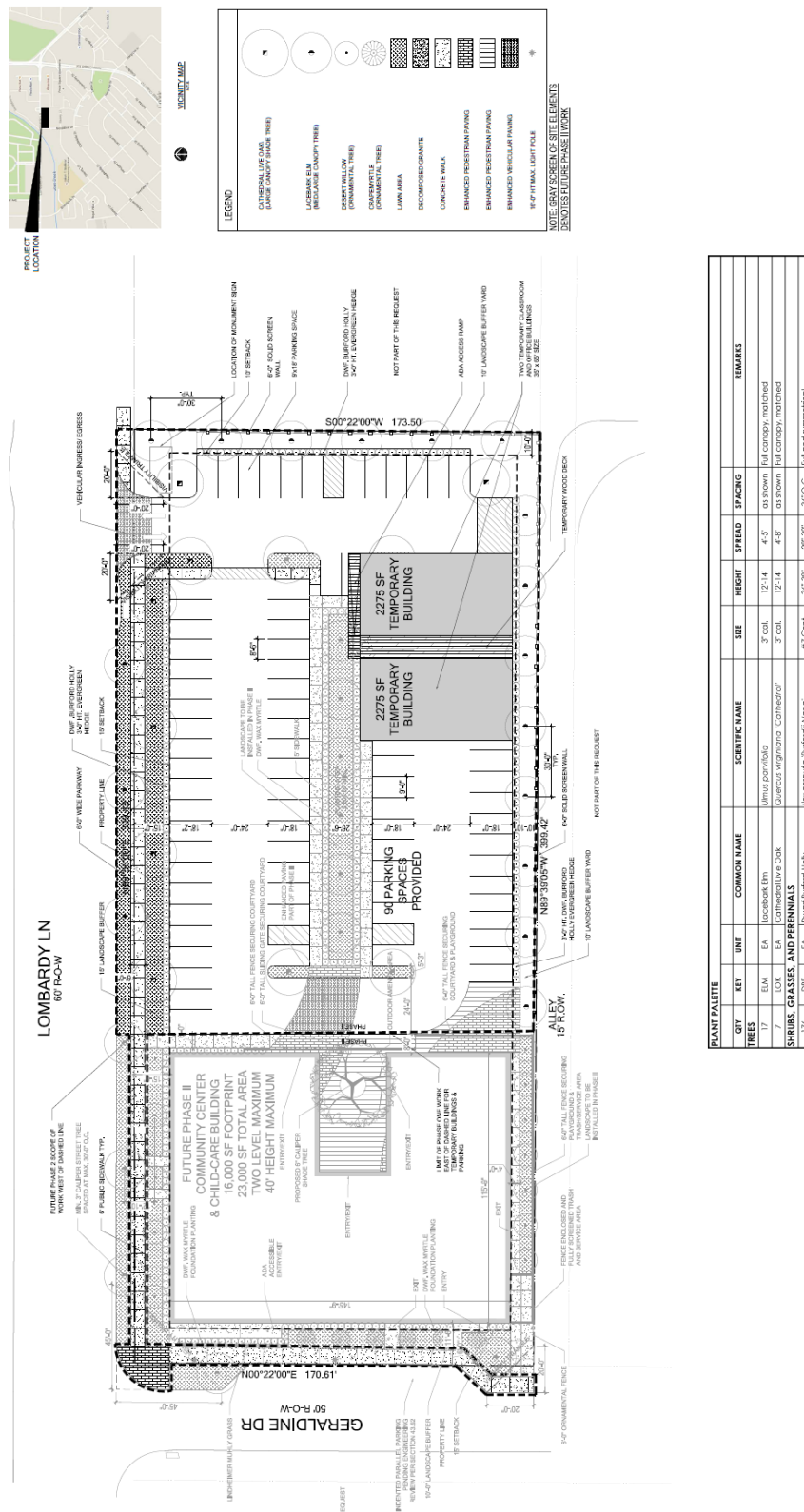
LOCATION MAP

PHASE II YARD, LOT & SPACE DATA	
SITE AREA	68,226 SF
LOT AREA	1,579 AC
LOT COVERAGE	14,000 SF
F.A.R.	0.8
MAXIMUM STORES	2
MAXIMUM HEIGHT	40'
MINIMUM SETBACK	10'
SIDE YARD SETBACK	10'

PHASE II PROJECT DATA	
BUILDING AREA	CHILD-CARE FACILITY 3,000 SF
	COMMUNITY CENTER 1,000 SF
TOTAL	23,000 SF
PARKING REQUIRED	CHILD-CARE FACILITY 7 SPACES
	COMMUNITY CENTER 83 SPACES
TOTAL	90 SPACES
ON-SITE PARKING PROVIDED	90 SPACES

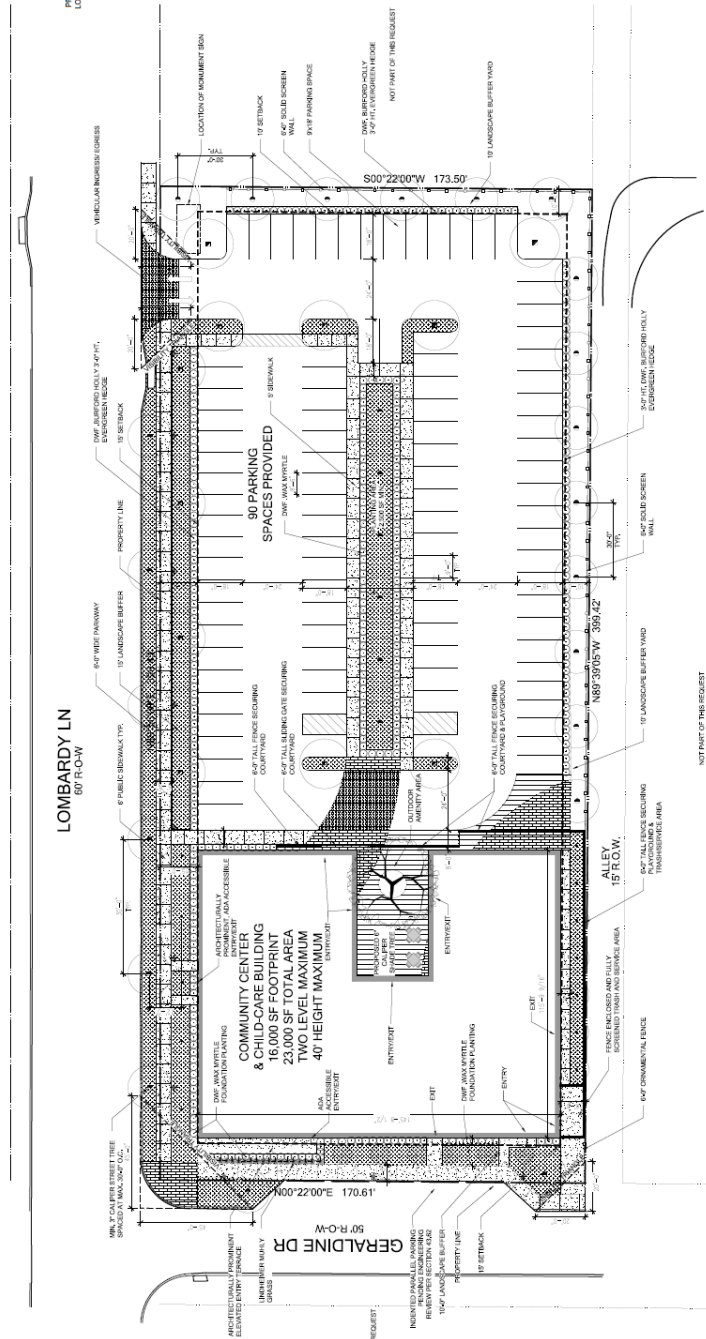


Proposed Phase 1 Landscape Plan

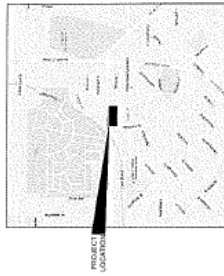


PLANT PALETTE									
QTY	KEY	UNF	COMMON NAME	SCIENTIFIC NAME	SIZE	HEIGHT	SPREAD	SPACING	REMARKS
17	ELM	EA	Locustbark Elm	<i>Ulmus parvifolia</i>	3' coll.	12-14	4-5	as shown	Full canopy matched
1	COKE	EA	Calamagrostis Oak	<i>Quercus virginiana "Calmagrostis"</i>	3' coll.	12-14	4-8	as shown	Full canopy matched
SHRUBS, GRASSES, AND PERENNIALS									
1	COKE	EA	Shrub	<i>Quercus virginiana "Calmagrostis"</i>	3' coll.	12-14	4-8	as shown	Full canopy matched

Proposed Phase 2 Landscape Plan

[illegible]

Existing Development Plan



PROPERTY MAP

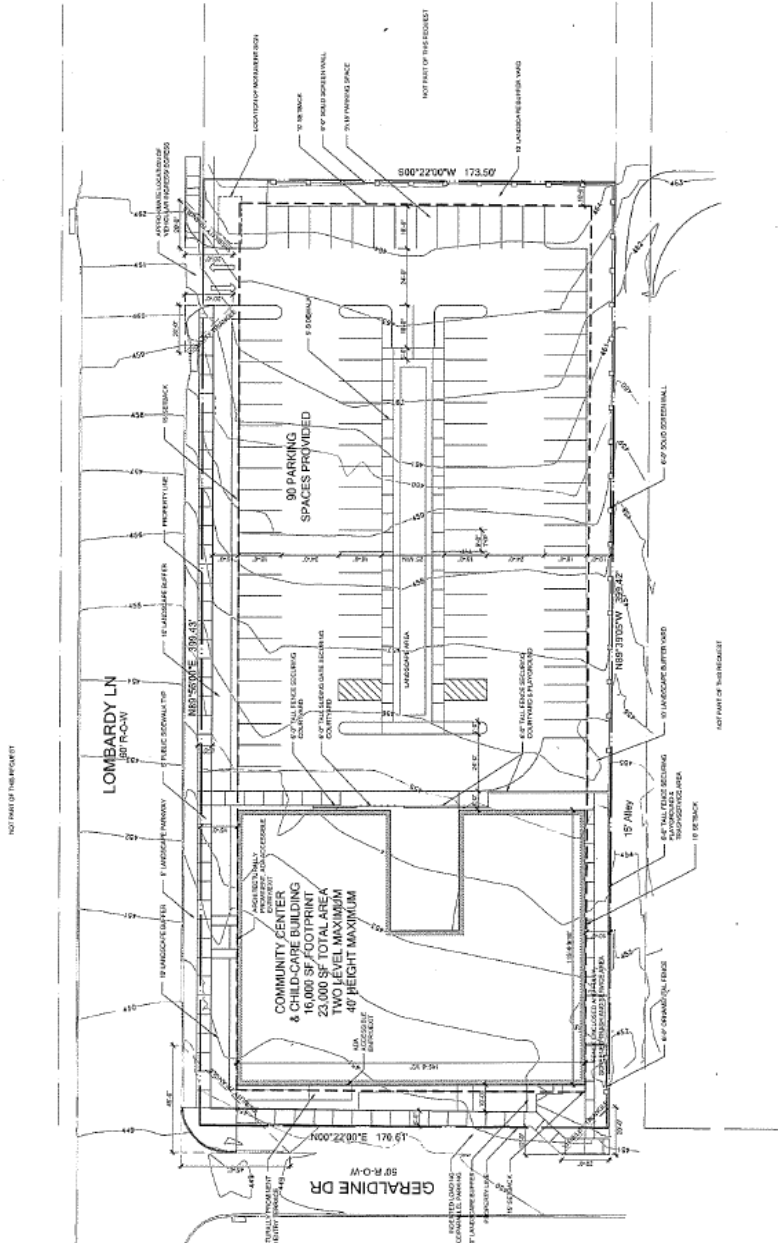
YARD, LOT, & SPACE DATA	
SITE AREA	61,725 SF
LOT AREA	10,000 SF
LOT COVERAGE	24.1%
P.A.P.	0.4
MAXIMUM RESIDENTS	42
MAXIMUM RESIDENTS PER LOT	10
FRONT YARD SETBACK	10'
SIDE YARD SETBACK	10'

PROJECT DATA	
BUILDING AREA	3,500 SF
CHILD-CARE FACILITY	3,500 SF
COMMUNITY CENTER	10,000 SF
TOTAL	13,500 SF
PARKING REQUIRED	7 SPACES
COMMUNITY CENTER	10 SPACES
TOTAL	17 SPACES
ON-SITE PARKING PROVIDED	10 SPACES

7 145-335

Development Plan
Exhibit 957A
PDD No. 957

Approved
City Plan Commission
December 17, 2015



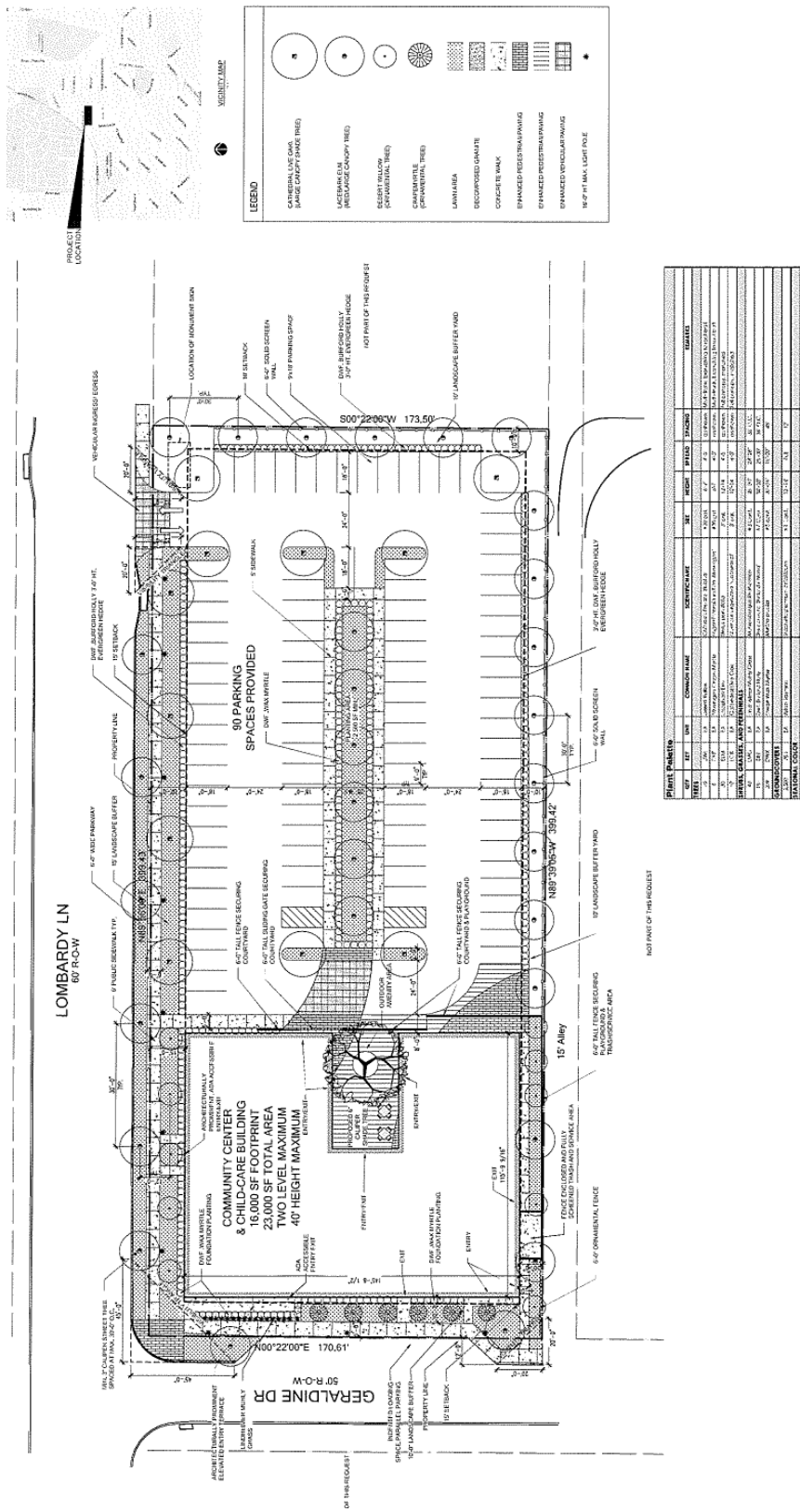
Job # 15174
Project Name: Bachman Lake Development Plan
Date: 01/03/2016
Drawn by: E.L.R. RTW

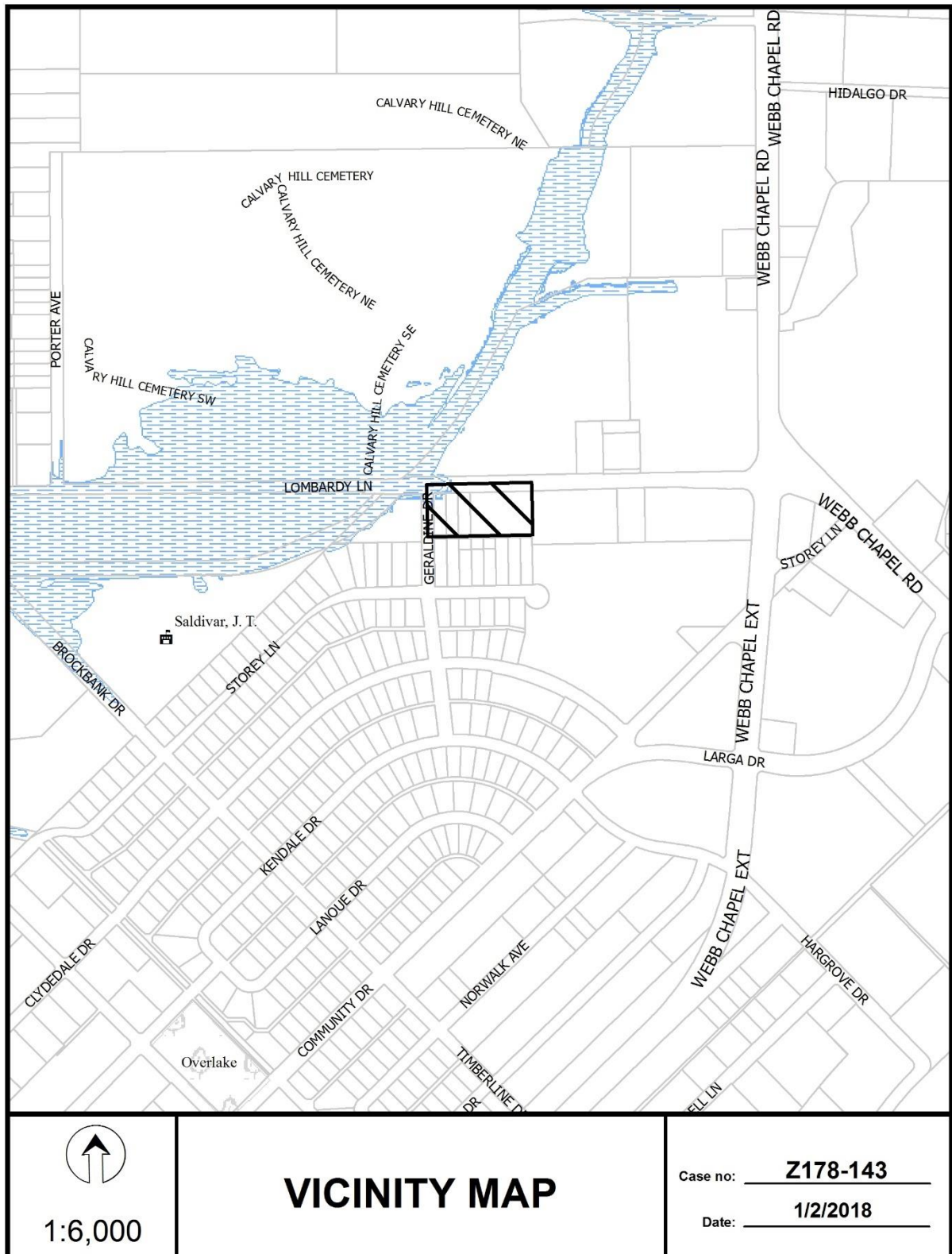
Development Plan
uckner International - Bachman Lake
allens, Texas

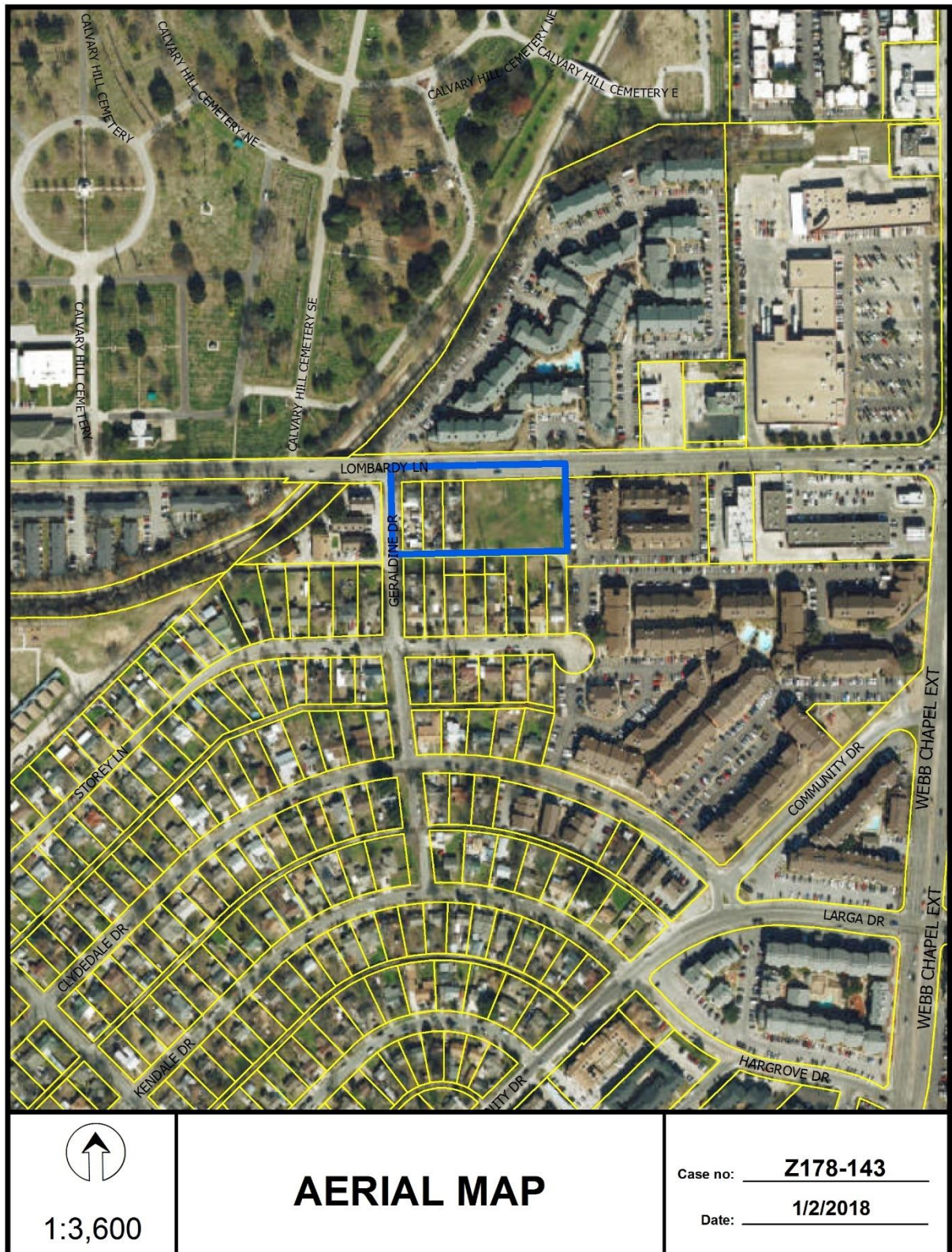
100% Master Site Plan - 1/10/16

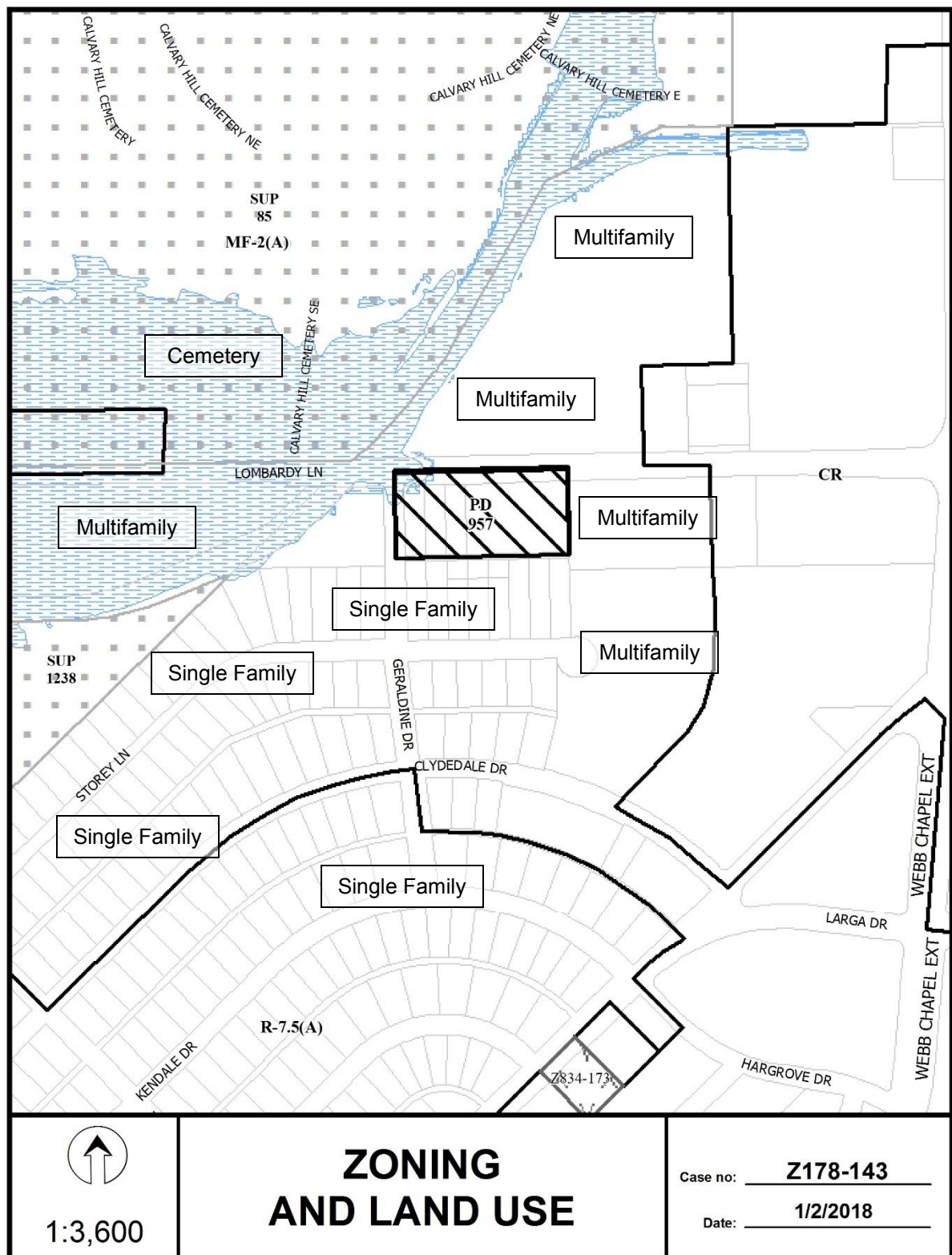
2016 City of Dallas - 1/10/16

Existing Landscape Plan

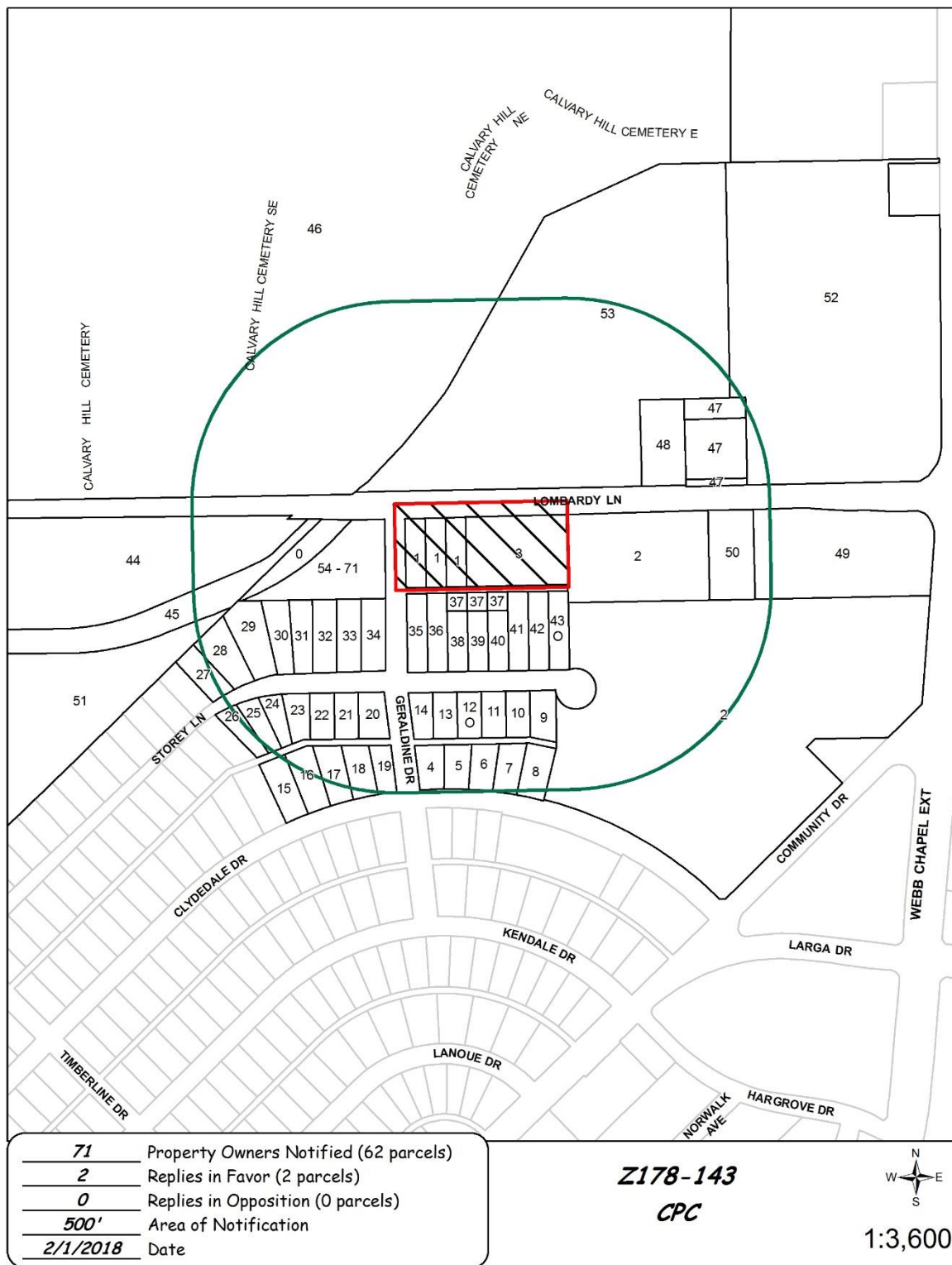








CPC RESPONSES



01/31/2018

Reply List of Property Owners***Z178-143******71 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3310 LOMBARDY LN	BUCKNER CHILDREN & FAMILY SERVICE INC
	2	3350 LOMBARDY LN	VREC PECAN LP
	3	3314 LOMBARDY LN	BUCKNER CHILDREN AND FAMILY SERVICES INC
	4	3303 CLYDEDALE DR	ARROYO SILVIA
	5	3307 CLYDEDALE DR	JAIMES IGNACIO & GENOVEVA
	6	3313 CLYDEDALE DR	PEREA ALFONSO & KARIA
	7	3317 CLYDEDALE DR	CANALES HENRRY EXEQUIEL ESPINOZA &
	8	3323 CLYDEDALE DR	RAMIREZ RUBEN C
	9	3326 STOREY LN	ESPARZA JESUS & MARIA
	10	3320 STOREY LN	ZAINOS RUBEN &
	11	3316 STOREY LN	ALFARO CRECENCIO &
O	12	3310 STOREY LN	BENAVIDES CANDIDA C
	13	3306 STOREY LN	SALAZAR ROSA IRENE
	14	3302 STOREY LN	MARTINEZ JOSE &
	15	3207 CLYDEDALE DR	PEREZ JOSE G & MARIA E
	16	3213 CLYDEDALE DR	CARRERA AUDON & HORTENCIA
	17	3217 CLYDEDALE DR	AGUINAGA ANNA MARIE &
	18	3221 CLYDEDALE DR	FLORES FELIPE &
	19	3225 CLYDEDALE DR	RAMIREZ JOSE F
	20	3238 STOREY LN	VENTURA EUGENIA
	21	3234 STOREY LN	PICHARDO JOSE A
	22	3230 STOREY LN	MALDONADO GUILLERMINA
	23	3226 STOREY LN	DURAN ARTURO E
	24	3222 STOREY LN	VELOZ CLAUDIO &
	25	3218 STOREY LN	GUTIERREZ IGNACIO &
	26	3212 STOREY LN	SANCHEZ MELVIN F

01/31/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3213 STOREY LN	ROQUE FRANCISCO &
	28	3219 STOREY LN	LEON ALBERTO E &
	29	3223 STOREY LN	NUNEZ JOSE & LEOBIGILDA M
	30	3227 STOREY LN	NOSHI PROPERTIES LLC
	31	3231 STOREY LN	MARTINEZ MANUEL
	32	3235 STOREY LN	GONZALEZ JUAN ANTONIO
	33	3239 STOREY LN	LOVO MARIA A
	34	3243 STOREY LN	MURILLO ENRIQUE &
	35	3303 STOREY LN	DAVALOS JOSE GAUDALUPE &
	36	3307 STOREY LN	ALEJO ANUAR
	37	3311 STOREY LN	TREJO MIGUEL & XOCHLTL
	38	3311 STOREY LN	HERNANDEZ JUAN M &
	39	3315 STOREY LN	VELAZQUEZ PEDRO & JUANA
	40	3319 STOREY LN	HOMEX CHANGE LLC
	41	3323 STOREY LN	GARCIA LUIS B & MARIA
	42	3327 STOREY LN	GAMEZ FLORENTINO &
O	43	3331 STOREY LN	TREJO XOCHITL R
	44	3130 LOMBARDY LN	GR CANYON CREEK LP
	45	3130 LOMBARDY LN	PARKS JOHN A JR
	46	3235 LOMBARDY LN	CALVARY HILL CEMETERY
	47	3383 LOMBARDY LN	JUAREZ MARIO
	48	3373 LOMBARDY LN	TORRES ANTONIO
	49	3400 LOMBARDY LN	PECAN PLAZA LTD
	50	3380 LOMBARDY LN	ROADE PROPERTIES LTD
	51	9510 BROCKBANK DR	Dallas ISD
	52	9727 WEBB CHAPEL RD	WEBBS CHAPEL DEV GRP LLC
	53	3353 LOMBARDY LN	3353 BAYOU BEND LLC
	54	3240 LOMBARDY LN	PETROSKI EILEEN
	55	3240 LOMBARDY LN	TRAN TU & CAM LY
	56	3240 LOMBARDY LN	SOTO FILIBERTO &
	57	3240 LOMBARDY LN	ANZORA NOE O

Z178-143(JM)

01/31/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3240 LOMBARDY LN	LY DIEP & CAM KHA LY
	59	3240 LOMBARDY LN	LY VAN &
	60	3240 LOMBARDY LN	VU LINH MY
	61	3240 LOMBARDY LN	MAZARIEGOS WALTER &
	62	3240 LOMBARDY LN	LY DIEP & CAM LY
	63	3240 LOMBARDY LN	VILLEDA FRANCISCO J ORTIZ
	64	3240 LOMBARDY LN	GOMEZ CECILIO & MARIA C
	65	3240 LOMBARDY LN	GOMEZ CECILIO
	66	3240 LOMBARDY LN	HARKLEROAD DONNA L
	67	3240 LOMBARDY LN	TREJO XOCHITL
	68	3240 LOMBARDY LN	H2D2 LIVING TRUST THE
	69	3240 LOMBARDY LN	DURAN ARTURO H
	70	3240 LOMBARDY LN	MARTINEZ ENRIQUE VASQUEZ
	71	3240 LOMBARDY LN	DURAN ARTURO H &

AGENDA ITEM # 50

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 51B Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an A(A) Agricultural District on property zoned Subarea F-1 within Planned Development District No. 186, on the north line of West Kiest Boulevard, east of Mountain Creek Parkway

Recommendation of Staff and CPC: Approval
Z178-147(WE/PD)

FILE NUMBER:	Z178-147(WE/PD)	DATE FILED:	December 8, 2017
LOCATION:	North line of West Kiest Boulevard, east of the Mountain Creek Parkway		
COUNCIL DISTRICT:	3	MAPSCO:	51B Y
SIZE OF REQUEST:	±20.494 acres	CENSUS TRACT:	165.20

APPLICANT/OWNER: Dallas Baptist University

REPRESENTATIVE: Peter Kavanagh

REQUEST: An application for an A(A) Agricultural District on property zoned Subarea F-1 within Planned Development District No. 186.

SUMMARY: The purpose of the request is to allow for the existing college [Dallas Baptist University] to increase on-campus student housing. The applicant anticipates the addition of 500 dormitory rooms for the future expansion of the college campus.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

- The Dallas Baptist University has been operating at this location since 1965. In 1966, the campus was annexed into the City of Dallas.
- In 2004 the Dallas Baptist University and the DFW National Cemetery entered into an agreement to swap approximately 20.494 acres of land. This agreement allowed the Dallas Baptist University to acquire a portion of the land that is currently in PDD No. 186.
- The request site lies within Subarea F-1 of PDD No. 186 which only permits the development of a cemetery or mausoleum including an administration building, public information building, and those uses customarily incidental to a cemetery or mausoleum on site.
- The request site is currently undeveloped. The improvements to the 20.494-acre tract of land will allow the existing campus to meet the increased demand for student housing. Approximately 500 rooms are proposed for development over the span of 10 years.

Zoning History: There has been one zoning case in the area within the past five years.

1. **Z134-240** On September 10, 2014, the City Council approved an application for amendment to the development plan and landscape plan on property in Subarea 1 of Planned Development District No. 585 located on north line of West Kiest Boulevard, west of Spur 408.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
West Kiest Boulevard	Principal Arterial	100 ft.	100 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Land Use:

	Zoning	Land Use
Site	Subarea F-1 within PDD No. 186	Undeveloped
North	Subarea F-1 within PDD No. 186	Undeveloped
South	A(A)	Undeveloped
East	Subarea 1 of PDD No. 585	Church, (Potter's House)
West	A(A)	College, (Dallas Baptist University)

COMPREHENSIVE PLAN:

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

ECONOMIC ELEMENT

GOAL 2.1 Promote Balanced Growth

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

NEIGHBORHOOD ELEMENT

GOAL 7.2 PRESERVATION OF HISTORIC AND CULTURAL ASSETS

Policy 7.2.3 Support education and community awareness

STAFF ANALYSIS:

Land Use Compatibility:

The applicant is proposing to construct approximately 500 units of on-campus housing to be utilized solely by students enrolled at Dallas Baptist University (DBU). The existing

campus is adjacent to the request site, across, S Merrifield Road, and is zoned an Agricultural A(A) District.

The approximately 20.494-acre request site is undeveloped and owned by the applicant. The request site is not part of the original campus as it was originally part of the Dallas National Cemetery property. In 2004, a land swap was executed with the National Cemetery where the request site and a University-owned tract on the north side of the DBU campus was traded. The site lies within Subarea F-1 of PDD No. 186 which is divided into two subareas: Subarea F-1, permitting cemetery and mausoleum uses and Subarea F-2, permitting TH-2 Townhouse District uses.

The physical characteristics of the area consist of a large undeveloped tract of land (Dallas National Cemetery) to the north, an institutional use (Dallas Baptist University) to the west, the property south of the site, across Kiest Boulevard, is developed with surface parking that serves as additional off-street parking for a church use (Potter's House) that is located immediately east of the subject site.

Staff's recommendation is approval as the applicant's request is consistent with the intent of the Dallas Development Code and will allow uniformity of the zoning districts. Additionally, the rezoning of this 20.494-acre site will ensure compatibility in scale with adjacent uses and consistency with the established character of the area.

Development Standards:

<u>DISTRICT</u>	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
PDD No. 186	0'	0' SF 5'/10' Duplex 10' Other	Sub F-1: No min Sub F-2: 9 du/per ac	45'/100' 65'	10%	--	Cemetery, Mausoleum & Single Family
Proposed							
A(A) Agricultural	50'	20'/50'	1 du/3 Acres	24'	10%	--	Agricultural & Single Family

Landscaping:

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Off-Street Parking:

The off-street parking requirement for a college, university or seminary use is one space per 200 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided.

<p>LIST OF OFFICERS Dallas Baptist University</p>
--

Administration

Dr. Adam Wright,	President
Dr. Gary Cook,	Chancellor
Randy Byers,	Vice President for International Affairs
Dr. Denny Dowd,	Provost
Dr. Jay Harley,	Vice President for Student Affairs
Dr. Norma Hedin,	Vice President for Enrollment
Dr. Cory Hines,	Vice President for Advancement
Dr. Blake Killingsworth,	Vice President for Communications
Dr. Marr Murrah,	Vice President for Financial Affairs

Z178-147(WE/PD)

CPC ACTION:
February 15, 2018

Motion: It was moved to recommend **approval** an A(A) Agricultural District on property zoned Subarea F-1 within Planned Development District No. 186, on the north line of West Kiest Boulevard, east of Mountain Creek Parkway.

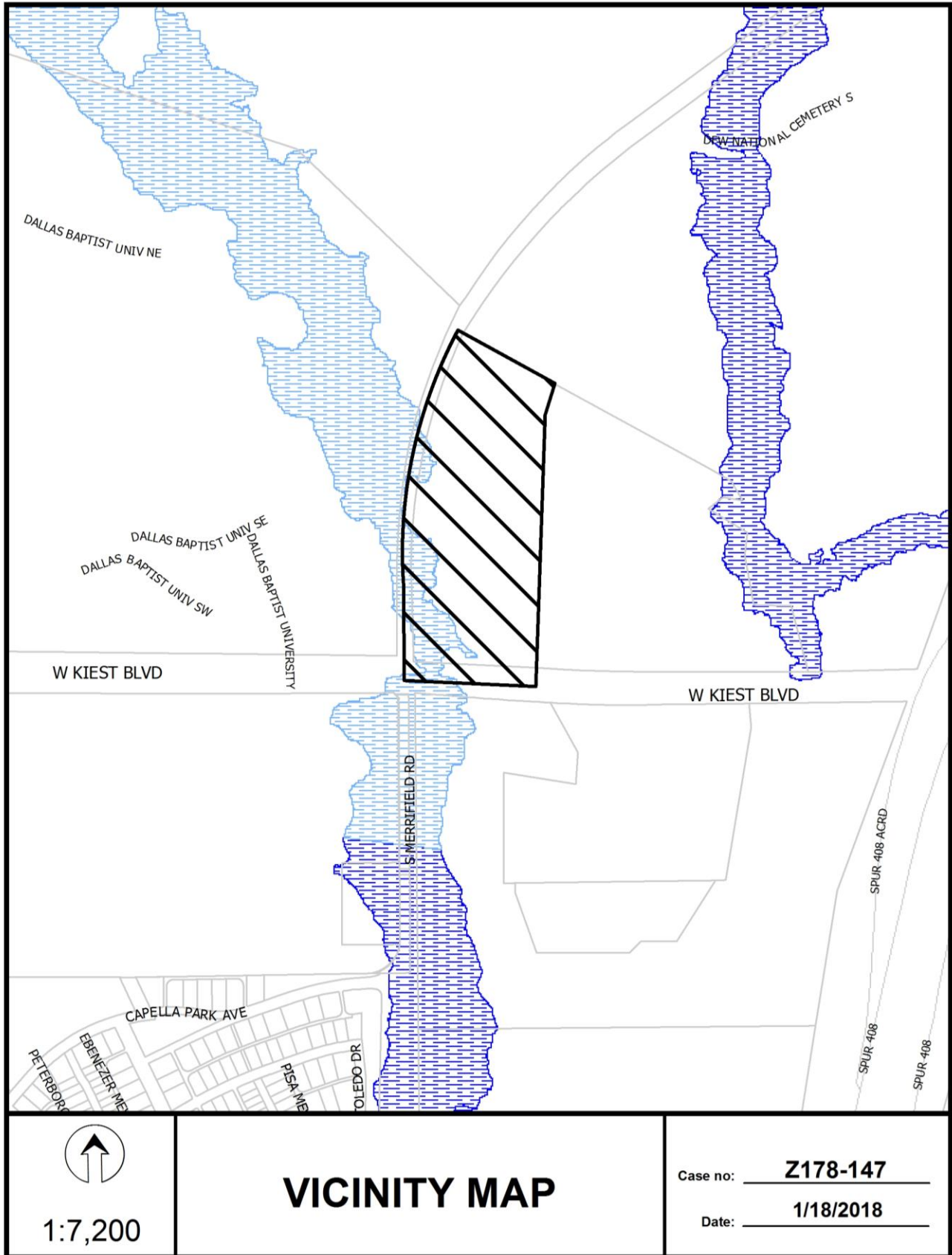
Maker: Ridley
Second: Murphy
Result: Carried: 14 to 0

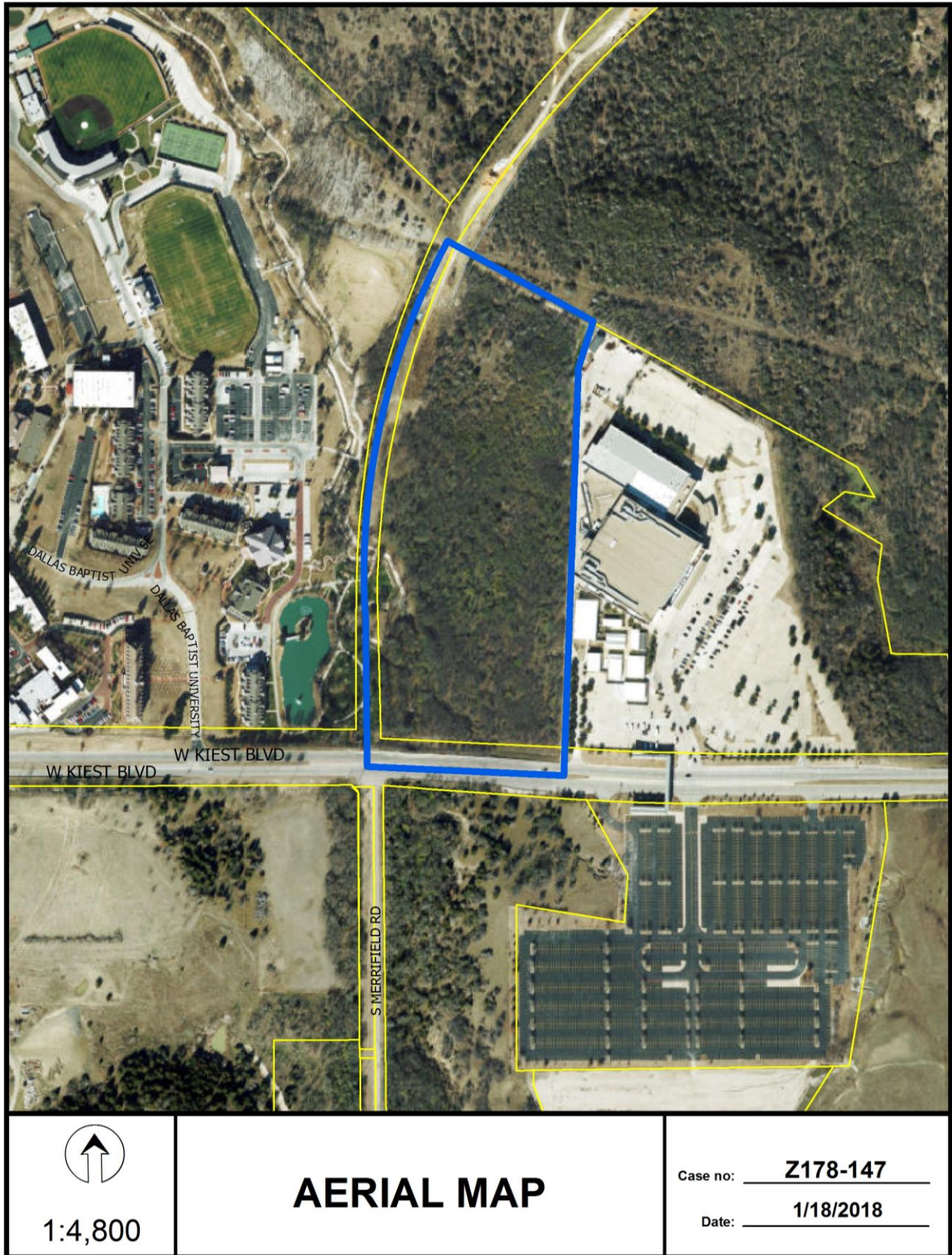
For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

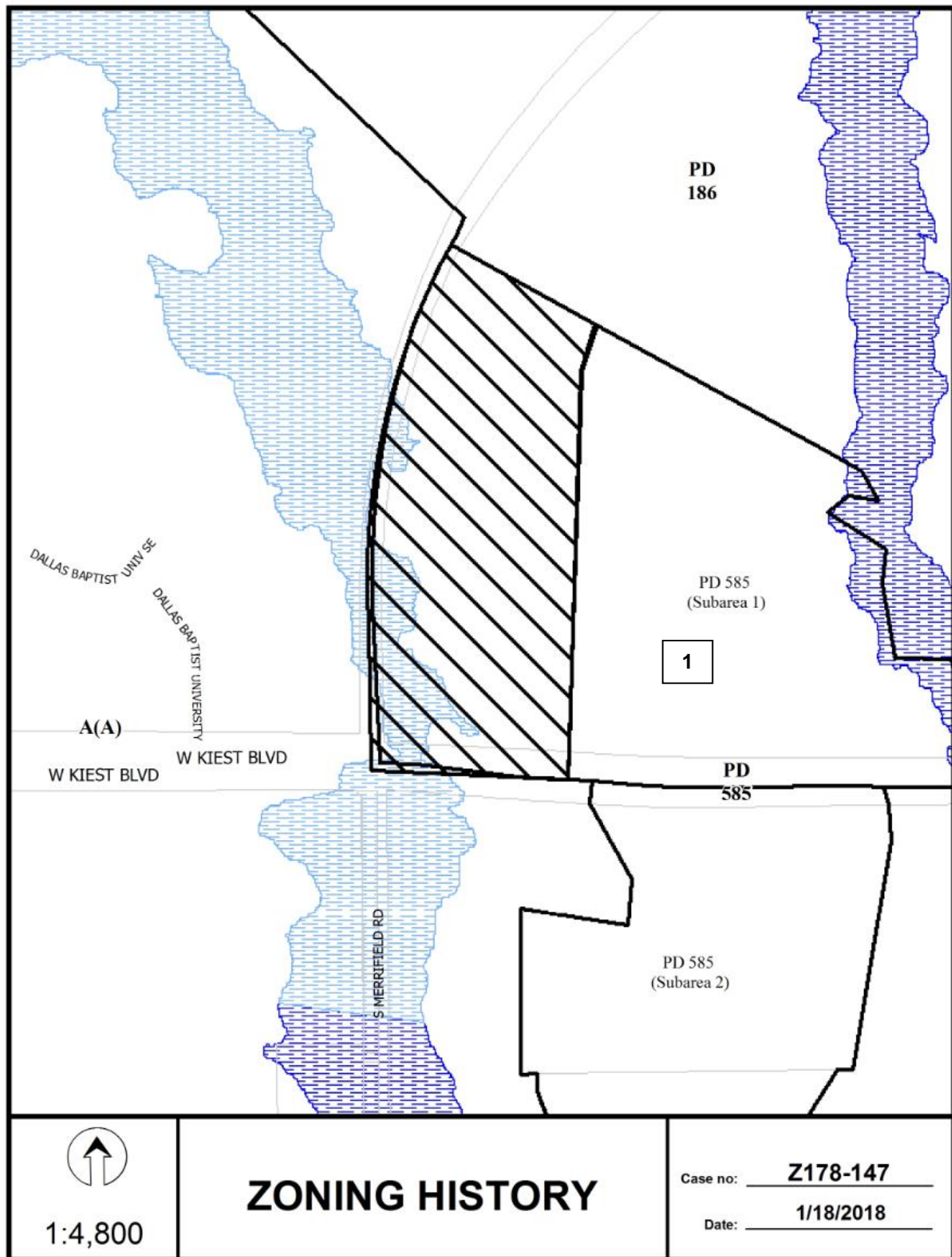
Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

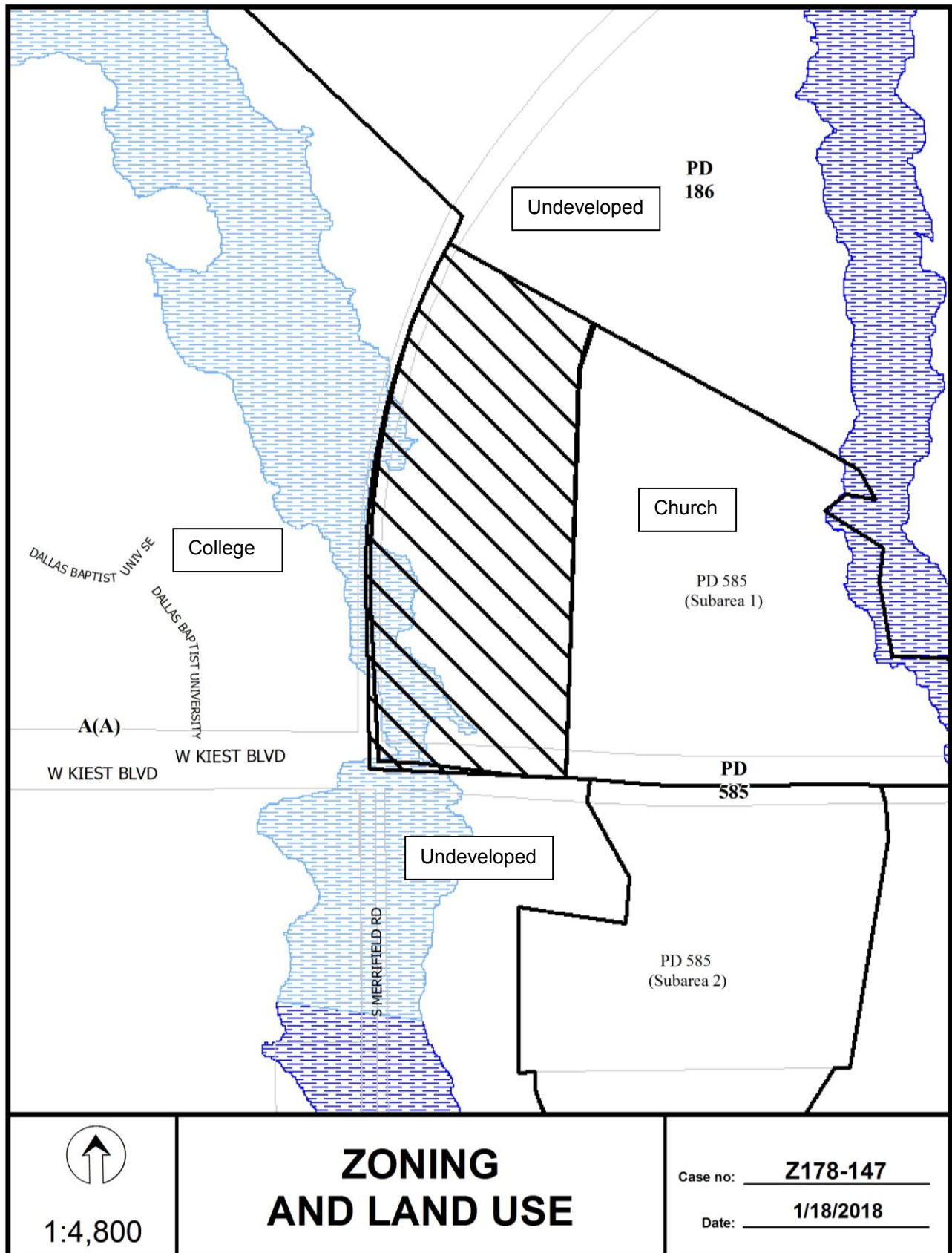
Notices:	Area: 400	Mailed: 7
Replies:	For: 0	Against: 0

Speakers: None

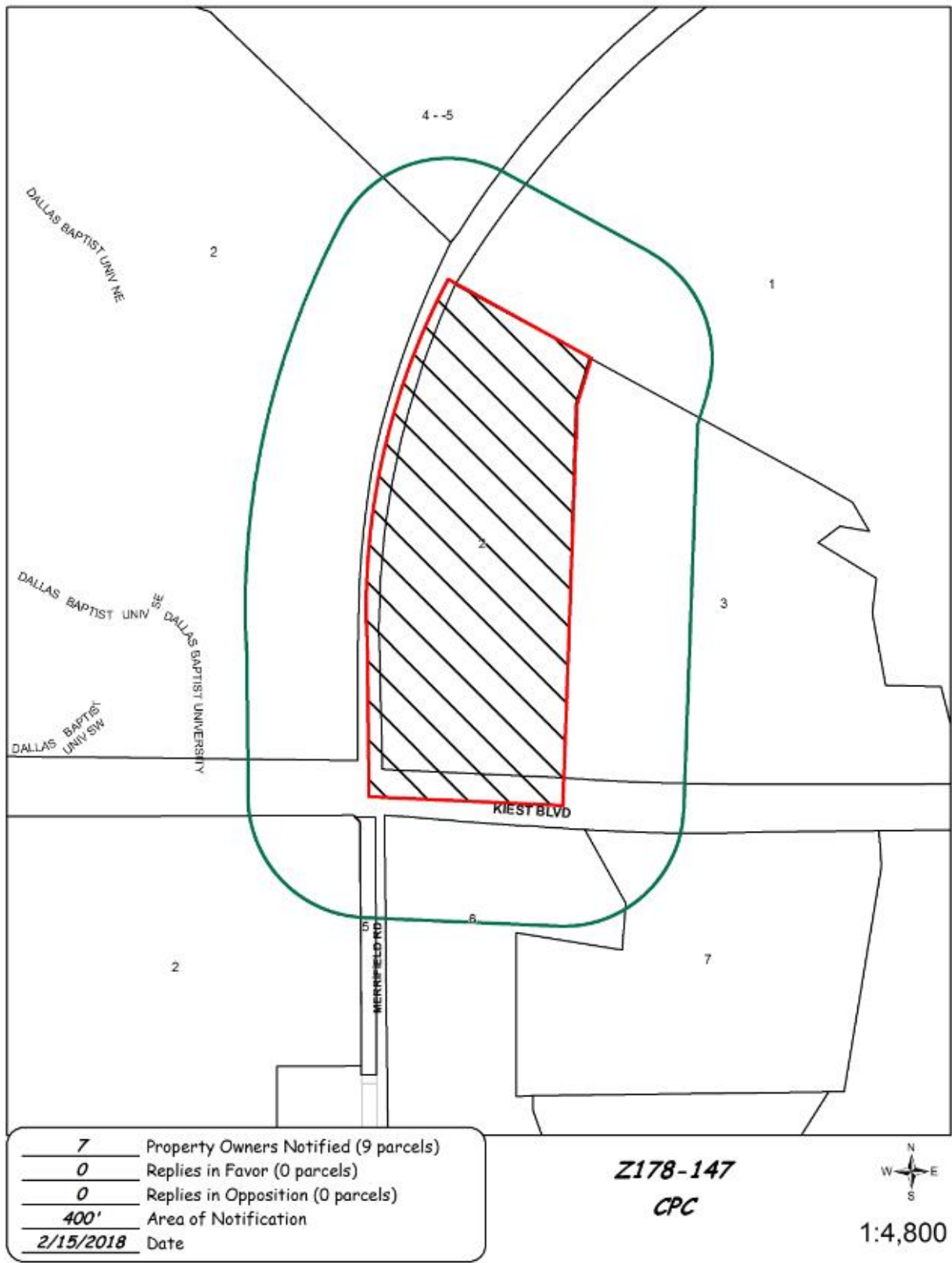








CPC RESPONSES



02/14/2018

Reply List of Property Owners

Z178-147

7 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	2800	MOUNTAIN CREEK PKWY	UNITED STATES OF AMERICA
2	3000	MOUNTAIN CREEK PKWY	DALLAS BAPTIST UNIVERSITY
3	6777	W Kiest BLVD	POTTERS HOUSE OF DALLAS
4	2800	MOUNTAIN CREEK PKWY	UNITED STATES OF AMERICA
5	100	MOUNTAIN SHORES RD	County of Dallas
6	6700	W Kiest BLVD	MERRIFIELD FAMILY INVESTMENTS LTD
7	6710	W Kiest BLVD	MERRIFIELD PROPERTIES LLC

AGENDA ITEM # 51

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1981 for a bar, lounge or tavern and an inside commercial amusement limited to a dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Main Street, between North Malcolm X Boulevard and North Walton Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to a revised site plan and conditions
Z178-153(PD)

FILE NUMBER: Z178-153(PD)

DATE FILED: December 13, 2017

LOCATION: North line of Main Street, between North Malcolm X Boulevard and North Walton Street

COUNCIL DISTRICT: 2

MAPSCO: 45 M

SIZE OF REQUEST: ± 3,500 square feet

CENSUS TRACT: 204.00

REPRESENTATIVE: Roger Albright

APPLICANT: 2911 Main, Ltd

OWNER: SDL Partners, Ltd.

REQUEST: An application for the renewal of Specific Use Permit No. 1981 for a bar, lounge or tavern and an inside commercial amusement limited to a dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The applicant proposes to continue the operation of the bar, lounge, or tavern and an inside commercial amusement limited to a dance hall in the existing building. [Red Light Lounge]

CPC RECOMMENDATION: Approval for a three-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: Approval for a three-year period, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The application is for the renewal of SUP No. 1981. This request is the third renewal for the SUP.
- The SUP was granted on August 12, 2012, for a bar, lounge or tavern use for a two-year period.
- On August 27, 2014, the SUP was amended to include a commercial amusement inside limited to a dance hall use, and renewed for a two-year period.
- The SUP was subsequently renewed on June 22, 2016, for a two-year period.

Zoning History: There has been one zoning request within the vicinity within the past five years.

1. **Z123-267** On May 28, 2014, the City Council approved amendments to certain use regulations and development standards within Planned Development District No. 269, the Deep Ellum/East Side District.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Main Street	Major Arterial	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested renewal and determined it will not significantly impact the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 269 Tract A	Bar, lounge or tavern and dance hall
North	PD No. 269 Tract A	Parking lot and restaurant
East	PD No. 269 Tract A	Parking lot
South	PD No. 269 Tract A	Restaurant, personal service use, parking lot, office uses
West	PD No. 269 Tract A	Parking lot

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 *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

LAND USE ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

- Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Land Use Compatibility:

The 3,500-square-foot site is developed with approximately 3,055 square feet of floor area on a 2,730-square foot building footprint. The application is for the renewal of SUP No. 1981, for a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall in the existing building.

The use is surrounded by other commercial uses and various surface parking lots. The site is within walking distance to the DART Green Line. At the time of preparing this report, the city experienced network issues which affected our ability to access our servers. Archived data requires more time and notice. Therefore, Research Specialist with the Dallas Police Department were unable to provide staff with crime statistics for the past two-years. However, as an alternative, staff retrieved the crime statistics from the previous renewal in 2016 (Z156-192). Provided that the current level of criminal activity has not substantially increased, staff deems the request compliant with the general provisions for consideration of the SUP.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable

effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Parking:

Planned Development District No. 269 gives a credit for the first 2,500 square feet of a bar, lounge or tavern and an inside commercial amusement limited to a dance hall use when located within an original building, and, further allows on-street parking spaces to be counted towards the parking requirement of the use adjacent to the on-street parking space. The proposed use has a total of 3,055 square feet, of which 100 is allocated toward the dance floor which will require four (4) off-street parking spaces. The remainder area is 2,955 square feet of which 2,500 are exempt from parking requirements. Therefore, the remaining 455 square feet will be required to provide five (5) off-street parking spaces for a total of 9 off-street parking spaces. The PDD allows for remote parking on a separate lot that is within walking distance of the use served. Remote off-street parking was approved and the applicant is in compliance with the parking requirement.

Landscaping:

The proposed request does not include any new construction. Therefore, there is no landscape requirement.

Police Report:

A copy of the police report of offenses is provided below for the SUP permit period of June 12, 2013 to March 31, 2016.

Crime Counts from Jun 12 2013 - Mar 24 2016 (Crime Part 1)

UCR Offense	Year		Grand Total
	2014	2015	
AGG ASSAULT - NFV	1	1	2
OTHER THEFTS	1	0	1
ROBBERY-INDIVIDUAL	2	0	2
THEFT/BMV	2	3	5
Grand Total	6	4	10

Crime Counts from Jun 12 2013 - Mar 24 2016 (Crime Part 1)			
UCR Offense	Year		Grand Total
	2014	2015	
AGG ASSAULT - NFV	1	1	2
OTHER THEFTS	1	0	1
ROBBERY-INDIVIDUAL	2	0	2
THEFT/BMV	2	3	5
Grand Total	6	4	10

Crime Counts from Jun 12 2013 - Mar 24 2016 (Crime Part 2)		
UCR Offense	Year	
	2015	Grand Total
ASSAULT	3	3
EMBEZZLEMENT	1	1
Grand Total	4	4

List of Partners/Principals/Officers

2911 Main, Ltd. is a Texas limited liability company

1. General Partner – DNL Partners, LLC, a Texas limited liability company, whose members are:

Charles Allen Huff, partner and Managing Director

John Eaves, partner

Donald H. Nedler, partner

2. Charles A. Huff, Managing Partner

CPC ACTION:
February 15, 2018

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1981 for a bar, lounge or tavern and an inside commercial amusement limited to a dance hall for a three-year period, subject to a revised site plan and conditions (as briefed) on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Main Street, between North Malcolm X Boulevard and North Walton Street.

Maker: Ridley
Second: Murphy
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

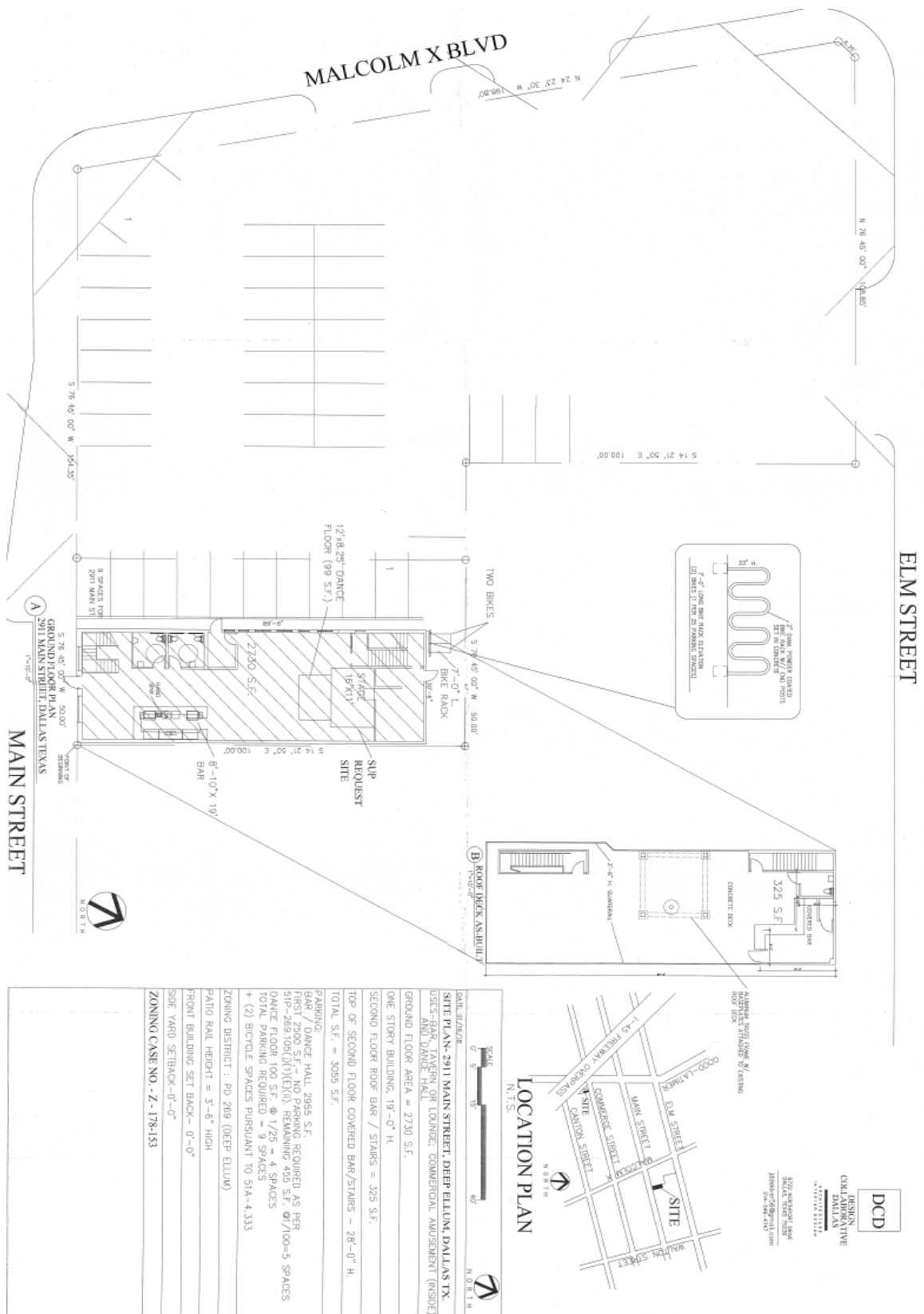
Notices: Area: 200 Mailed: 17
Replies: For: 0 Against: 2

Speakers: None

CPC Recommended Conditions

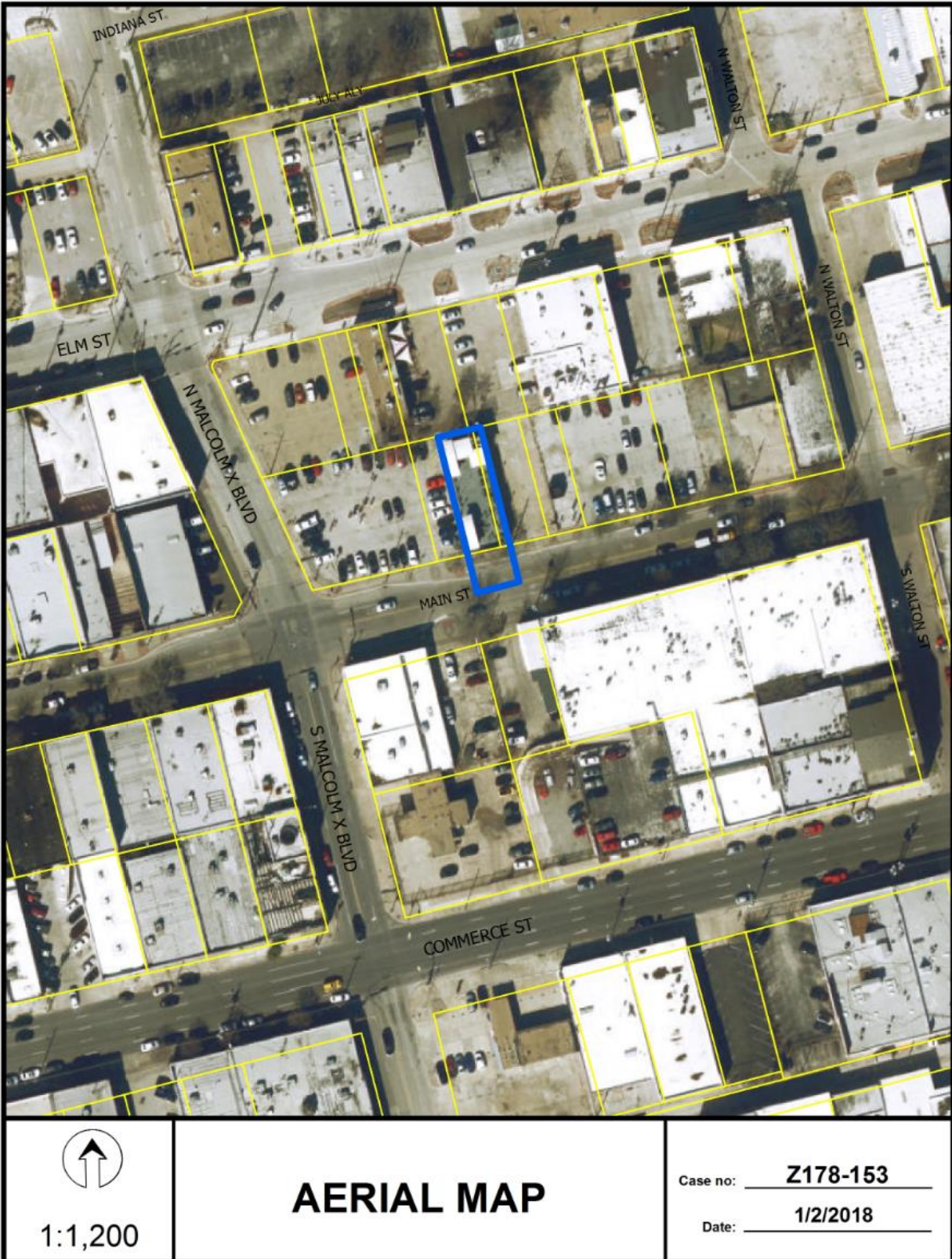
1. USE: The only uses authorized by this specific use permit are a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on _____ (three years from the passage of this ordinance).
4. FLOOR AREA:
 - (a) The maximum floor area for the bar, lounge, or tavern is 3,055 square feet in the location shown on the attached site plan.
 - (b) The maximum floor area for the inside commercial amusement limited to a dance hall is 100 square feet in the location shown on the attached site plan. The inside commercial amusement limited to a dance hall may only be located on the street level.
5. HOURS OF OPERATION: The bar, lounge, or tavern and inside commercial amusement limited to a dance hall may only operate between 11:00 a.m. and 2:00 a.m. (the next day), Monday through Sunday.
6. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51A-4.704(b)(4)(A) of Chapter 51A of the Dallas City Code, as amended, may not be used to meet the off-street parking requirement.
7. ROOF DECK: The roof deck may not exceed an area of 2,405 square feet in the location shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

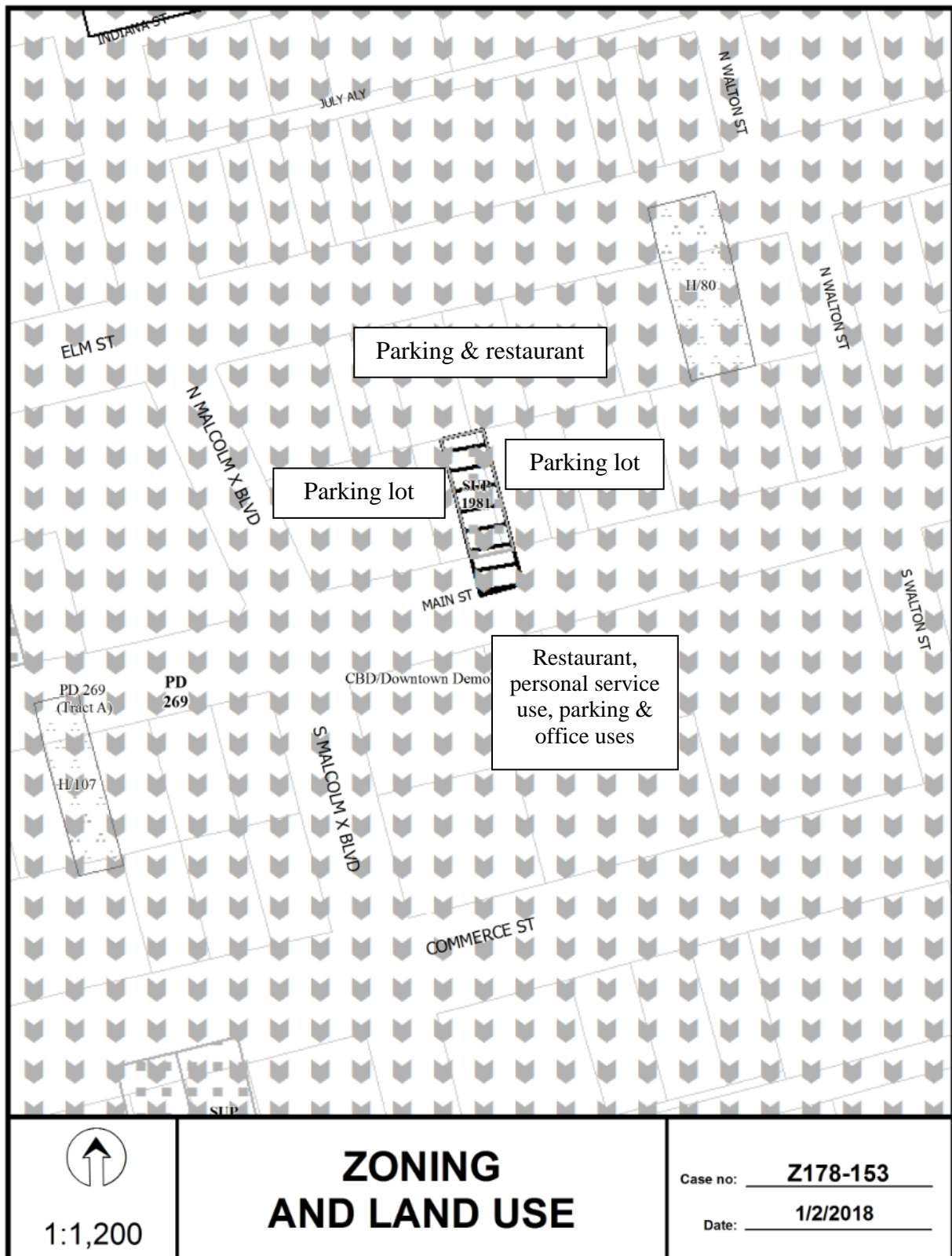
REVISED SITE PLAN

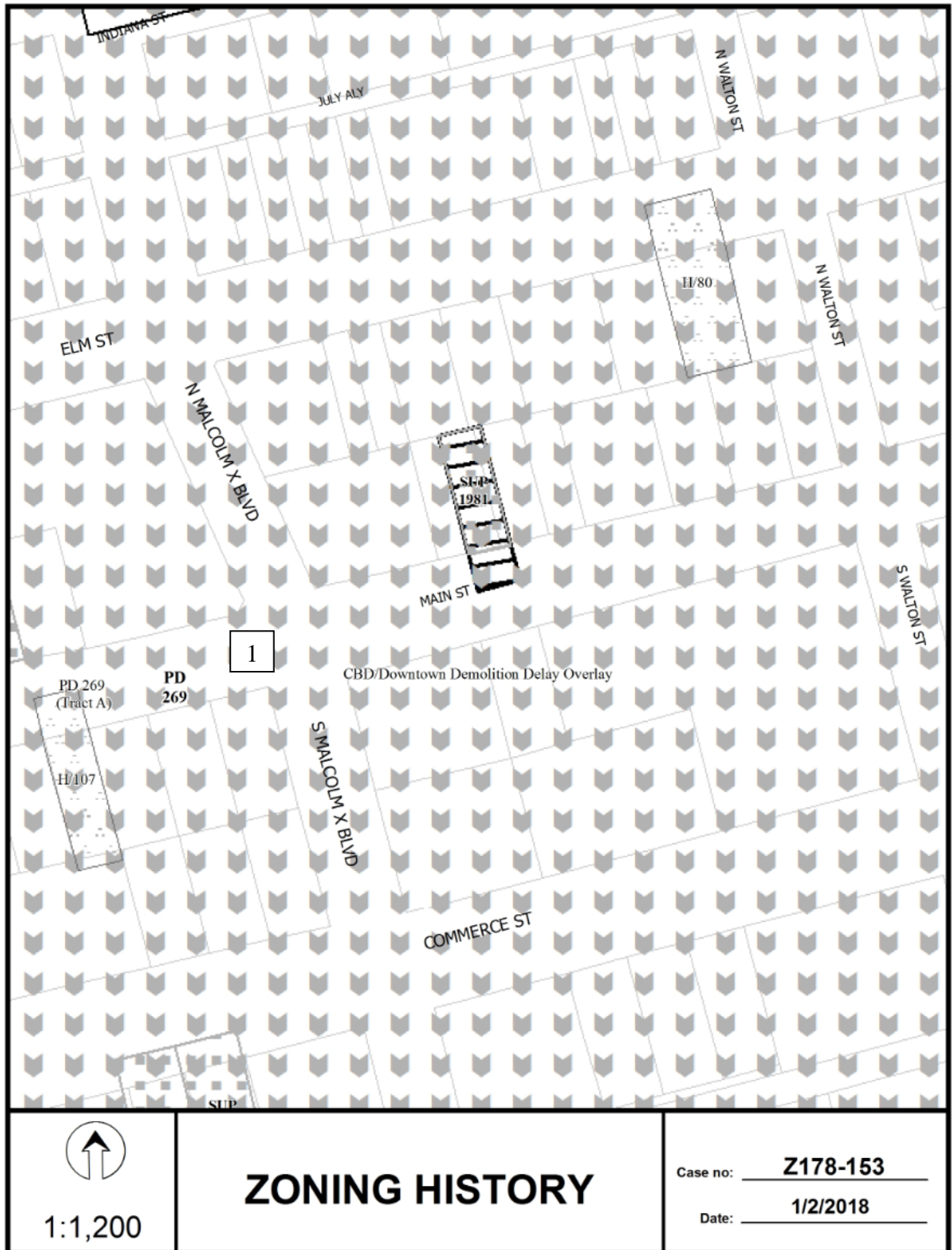




Case no: Z178-153
Date: 1/2/2018







CPC Responses



<u>17</u>	Property Owners Notified (29 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>2</u>	Replies in Opposition (6 parcels)
<u>200'</u>	Area of Notification
<u>2/15/2018</u>	Date

Z178-153
CPC



1:1,200

02/14/2018

Reply List of Property Owners***Z178-153******17 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	2918 ELM ST	ANDREASON JUSTINE POKLADNIK
	2	2908 ELM ST	SDL PARTNERS LTD
	3	2900 MAIN ST	SDL PARTNERS LTD &
	4	2919 COMMERCE ST	SDL PARTNERS LTD
	5	2900 MAIN ST	DAPPEM PPTIES LLC
	6	2901 COMMERCE ST	CITY PARK A LOT LP
	7	2824 MAIN ST	BLADE PROPERTIES LLC
	8	2936 ELM ST	EISCHINGER FURTULA BUDD
	9	2928 ELM ST	ANDREASON JUSTIN MARIE POKLADNIK
	10	2920 ELM ST	ANDREASON JUSTINE MARIE POKLADNIK
	11	2933 MAIN ST	2933 MAIN STREET HOLDINGS LLC
	12	2931 MAIN ST	POKLADNIK CYRILL J
	13	2913 MAIN ST	POKLADNIK CYRILL J ESTATE
X	14	2905 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	15	2917 ELM ST	CTC TEXAS ASSOCIATES LLC
	16	2927 ELM ST	MADISON PACIFIC DEV CO
X	17	115 N MALCOLM X BLVD	WESTDALE PROPERTIES AMERICA I LTD

AGENDA ITEM # 52

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1775 for a medical clinic on property zoned a Core Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State-Thomas Historic District, on the northwest line of Thomas Avenue, between Fairmount Street and Routh Street

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions

Z178-156(PD)

FILE NUMBER: Z178-156(PD) **DATE FILED:** December 18, 2017

LOCATION: Northwest line of Thomas Avenue, between Fairmount Street and Routh Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 F

SIZE OF REQUEST: Approx. 7,750 Sq. Ft. **CENSUS TRACT:** 17.04

APPLICANT: MadeWell Woman Med and Birth

REPRESENTATIVE: Myron E. Mims

OWNER: YLAW, LLC

REQUEST: An application for an amendment to and renewal of Specific Use Permit No. 1775 for a medical clinic on property zoned a Core Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State-Thomas Historic District.

SUMMARY: The applicant proposes to continue operating the existing medical office on the property, with the following proposed modifications: 1) increase the overall square footage of the office building; 2) extend the hours of operation; and 3) and increase the maximum number of daily office visits.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The site is developed with a single-family structure that accommodates the existing medical clinic.
- The property is located within the State-Thomas Tax Increment Finance (TIF) District. On December 14, 1988, the City Council approved the TIF District for the State-Thomas area. The TIF is a mechanism where a percentage of the property owners' property taxes are allocated towards capital improvement projects.
- The initial SUP request was approved on November 9, 2009, for a two-year period.
- The SUP was renewed on May 22, 2013, for a five-year period.
- The applicant proposes to continue operating the existing medical office on the property, with the following proposed modifications: 1) increase the overall square footage of the office building; 2) extend the hours of operation; and, 3) increase the maximum number of daily office visits.
- An off-street parking area is provided in the rear of the property, accessed from a public alley that serves properties fronting on both Thomas Avenue and State Street.

Zoning History: There has been one zoning request in the area within the past five years.

- 1. Z112-135** On February 22, 2012, the City Council approved Specific Use Permit No. 1943 for a Hotel or motel for a fifteen-year period.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Thomas Avenue	Local	50 ft.	50 ft.

Traffic:

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

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 225, H/25, SUP No. 1775	Medical Office
North	PDD No. 225, H/25	Multifamily
South	PDD No. 225, H/25	Single Family
West	PDD No. 225, H/25 SUP No. 1943	Hotel/Motel
East	PDD No. 225, H/25	Office

AREA PLAN:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

The site is developed with a residential structure providing for a nonresidential use, an application consistent throughout many parts of Oak Lawn. While additional floor area is requested at this time, it is staff's opinion that the proposed improvements are consistent with the objectives as stated in this section.

The existing improvements comply with Numbers 4, 5 (utilizing existing zoned development activities), and 6. Numbers 1, 2, 3, and 7 are not applicable to this request, although it should be noted that off-street parking is located within the rear of the property, landscape and screening is consistent with uses in the immediate area.

STAFF ANALYSIS:

Comprehensive Plan:

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

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

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

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The request site is developed with a single-family structure. The applicant is requesting to continue operation of the medical clinic permitted under SUP No. 1775. Additionally, the applicant is requesting to extend the hours of operation from 8:30 am and 5:30 pm to 8:00 am and 6:00 pm. The applicant is also requesting to increase the maximum number of daily office visits from 25 to 35. The City Council approved the initial request for a three-year, seven-month period. It should be noted the 'additional' seven months was approved due to certain improvements being completed on the structure, which is governed by Historic Overlay No. 25.

The site is located within a mixed-use area of PDD No. 225. Specifically, low-to-medium residential densities (single family and multifamily structures) along with various office and retail uses are in close proximity to the site.

While the existing single-family structure is considered a contributing structure with respect to its adherence to the provisions of Historic Overlay No. 25, the proposed addition is not on the exterior of the structure but is contained within the existing structure (attic) and therefore does not require review and approval from the Landmark Commission.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff has not found any reported offenses or code-related issues associated with the use. While the total square footage has increased, the foot print, scale and architectural significance of the existing structure remains, thus maintaining compatibility with the built environment. Based on this analysis, the request is being recommended for renewal of the SUP, subject to a revised site plan and conditions.

Off-Street Parking: The existing structure encompasses 2,302 square feet of floor area. As a contributing structure, PDD No. 225 permits nonresidential uses to provide one space for each 1,000 square feet of floor area (two required). The applicant is providing seven spaces.

Landscaping: Landscaping of any development will be in accordance with the landscape regulations of PDD No. 225 and Historic Overlay No. 25; however, the request will not trigger additional landscape.

CPC ACTION:
February 15, 2018

Motion: It was moved to recommend **approval** of an amendment to and renewal of Specific Use Permit No. 1775 for a medical clinic for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property zoned a Core Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State-Thomas Historic District, on the northwest line of Thomas Avenue, between Fairmount Street and Routh Street.

Maker: Ridley
Second: Murphy
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 200 Mailed: 53
Replies: For: 1 Against: 0

Speakers: For: None
For (Did not speak): Lan Hna, 2500 Leonard St., Dallas, TX, 75201
Against: None

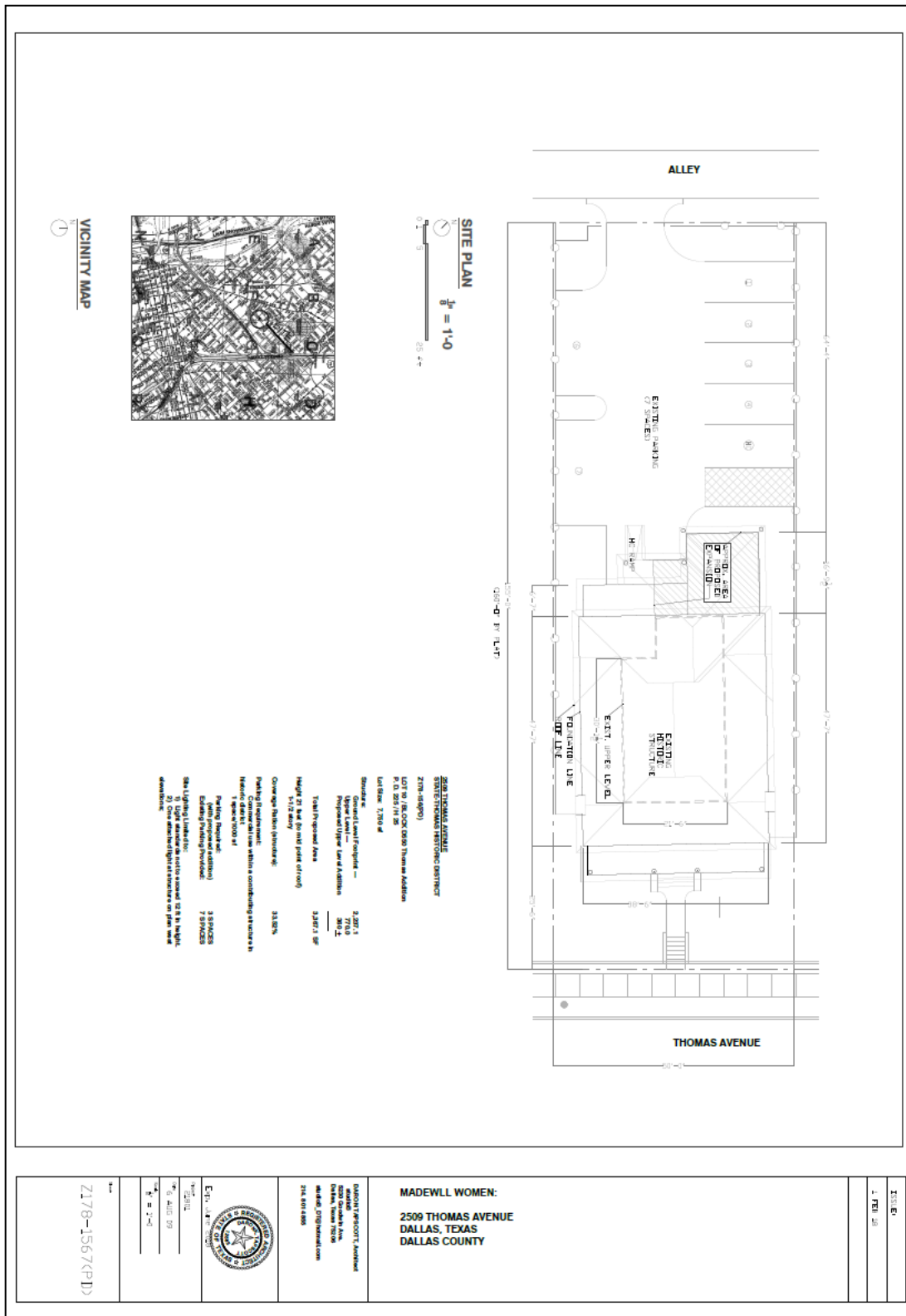
CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a medical clinic.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires _____ (five years but is eligible for automatic renewal for additional _____ five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. CLASSES: Instructional classes in women's health, child birthing, and similar subjects may be held twice a month. The maximum number of patients who may attend a class is five. A log summarizing the monthly number of classes and number of class attendees must be available to the building official. Personal information regarding patients (name, address, etc.) may be redacted from any information provided to the building official in order to maintain doctor/patient confidentiality.
5. HOURS OF OPERATION:
 - A. Except as provided in this section, the medical clinic may only operate between 8:00 a.m. and 6:00 p.m. Monday through Friday.
 - B. Instructional classes may be held between 5:00 p.m. and 9:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 p.m. (noon), Saturday.
 - C. For live births, the medical clinic may operate 24 hours a day.
6. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
7. LIGHTING:
 - A. The maximum pole height for light standards is 12 feet. Fixtures attached to light standards must be oriented away from adjacent properties.

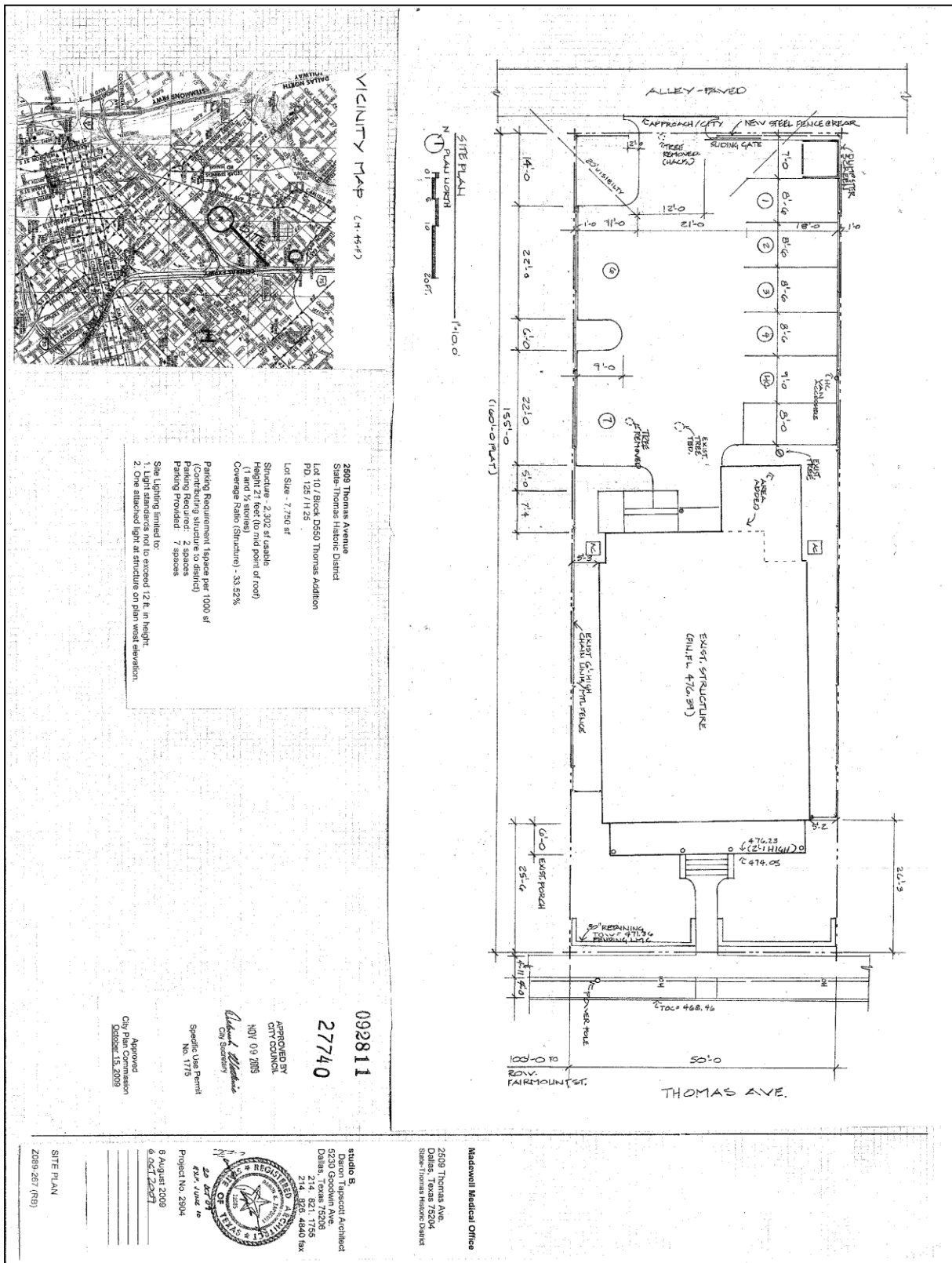
B. Attached lighting is limited to the west façade and must be oriented downward.

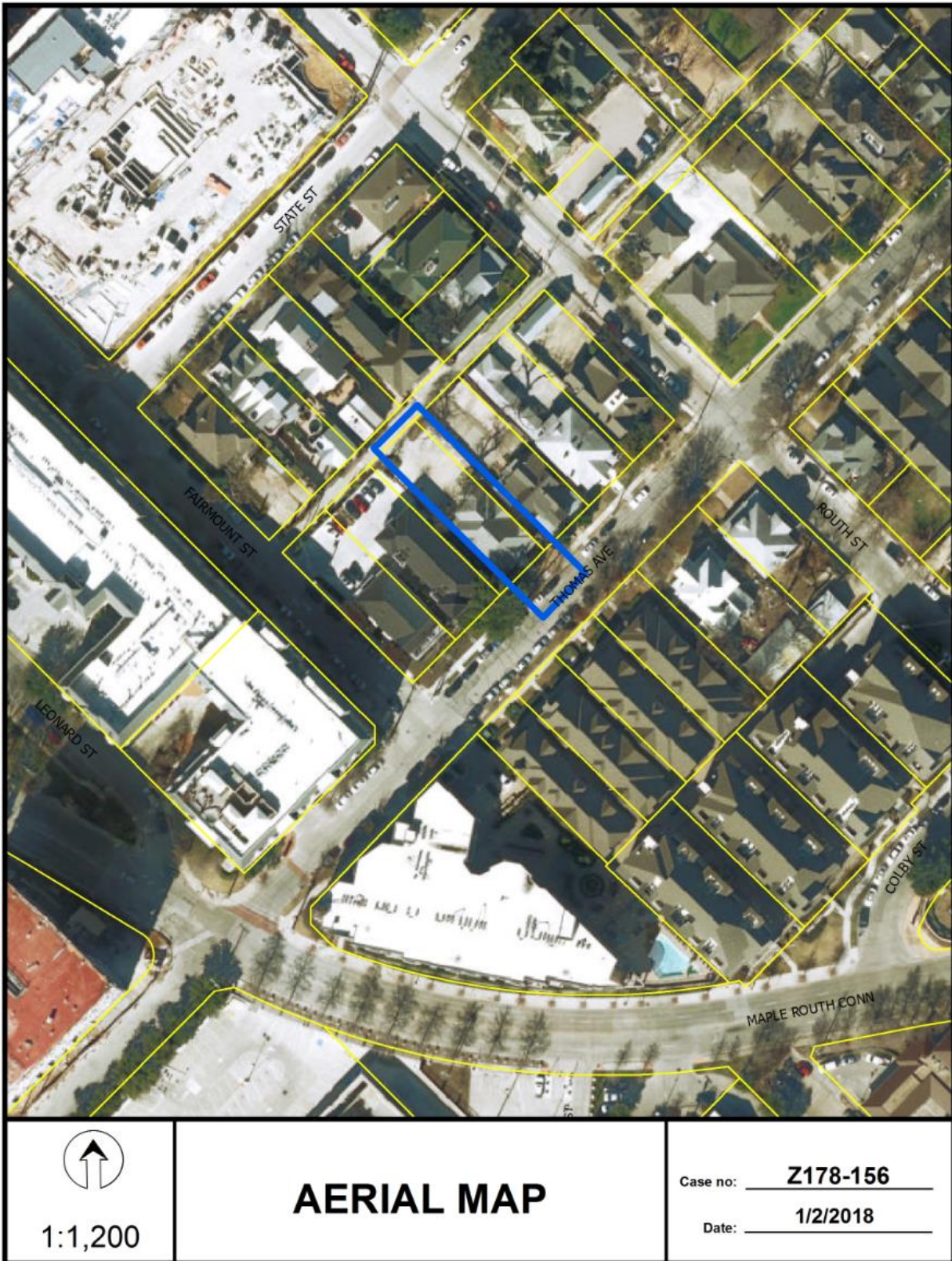
8. MAXIMUM NUMBER OF OFFICE VISITS: The maximum daily number of scheduled office visits during the hours of operation is 35. A log summarizing the number of appointments must be available to the building official. Personal information regarding patients (name, address, reason for visit, etc.) may be redacted from any information provided to the building official in order to maintain doctor/patient confidentiality.
8. OFF-STREET PARKING: A minimum of seven off-street parking spaces must be provided in the location shown on the attached site plan.
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.

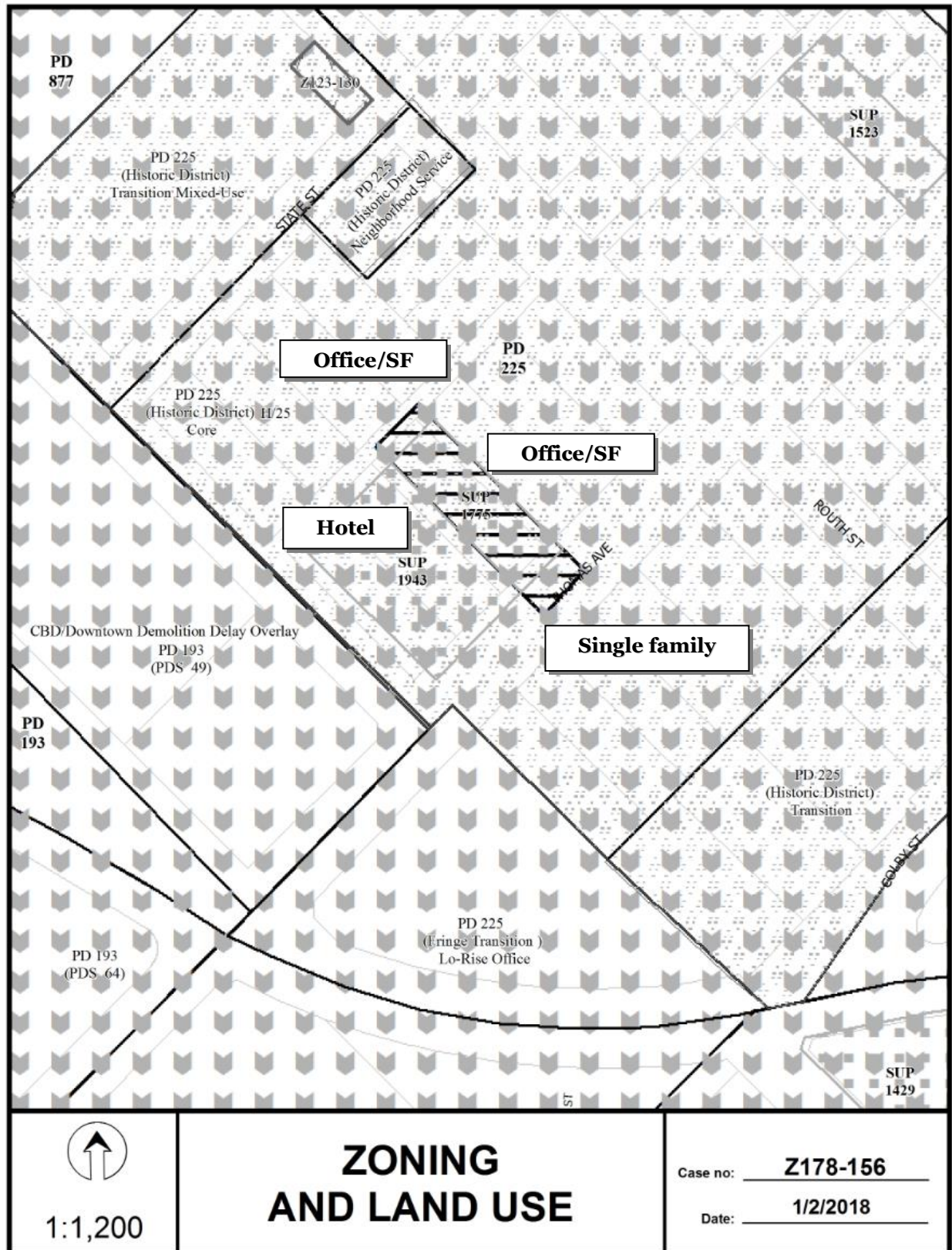
Proposed Revised Site Plan

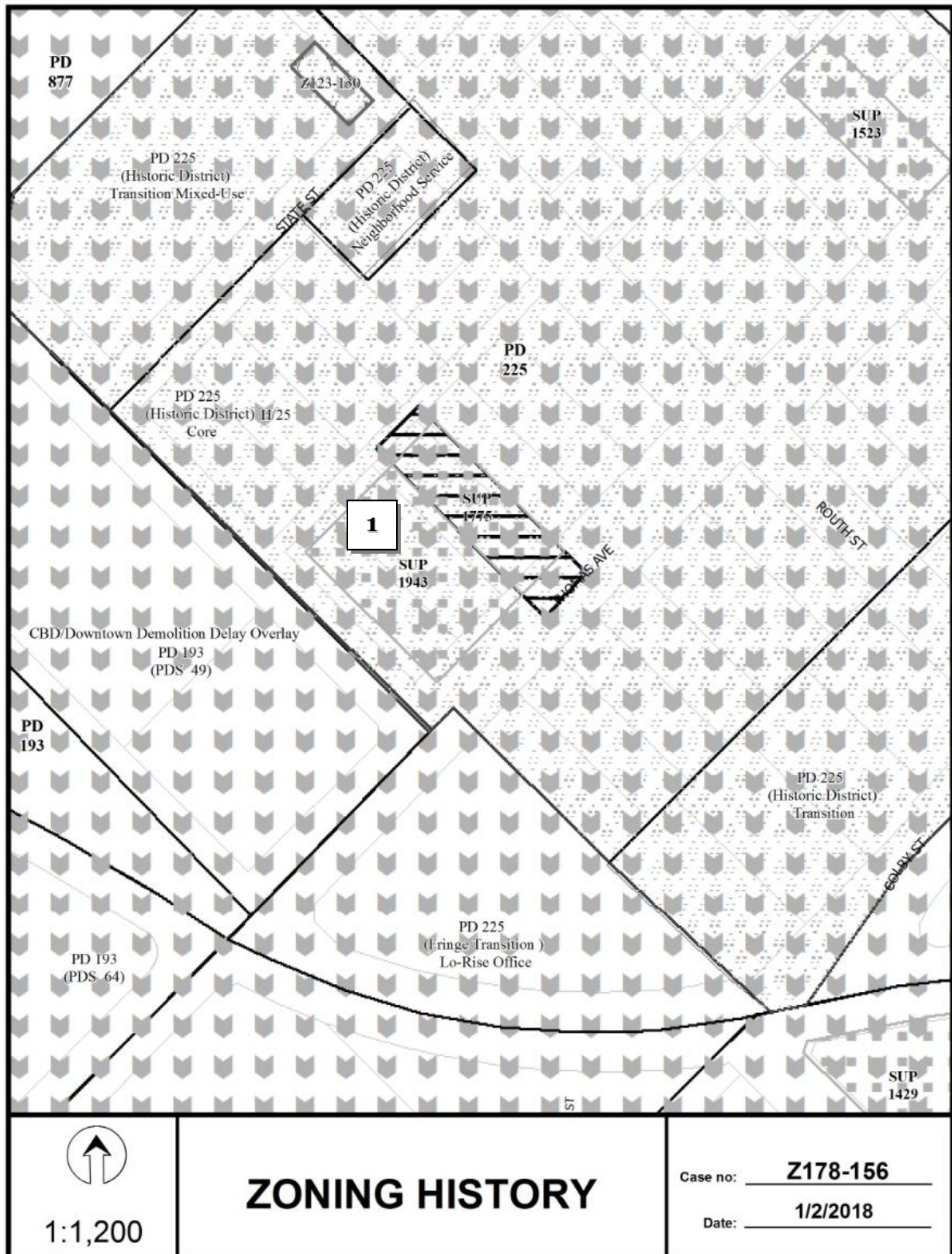


Existing Site Plan









CPC REPONSES



02/14/2018

Reply List of Property Owners***Z178-156******53 Property Owners Notified******1 Property Owner in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2515 THOMAS AVE	GOLDSTEIN SHELDON I & SCOPELLITE
	2	2509 THOMAS AVE	YLAW LLC
	3	2500 STATE ST	MCBRIDE THOMAS R
	4	2504 STATE ST	MAISON DES CIMES 2 LLC
	5	2504 STATE ST	NEMEC FAMILY TRUST
	6	2508 STATE ST	PELLETIER GEORGE TRUSTEE
	7	2512 STATE ST	PELLETIER GEORGE A
	8	2315 ROUTH ST	ARMSTRONGBERGER PARTNERS
	9	2317 ROUTH ST	PELLETIER GEORGE ET AL
	10	2519 THOMAS AVE	JNW HOLDINGS LP
	11	2517 THOMAS ST	2517 THOMAS LLC
	12	2505 THOMAS AVE	5701 MAIN ST LLC
	13	2501 THOMAS AVE	5701 MAIN STREET LLC
O	14	2512 THOMAS AVE	HEARST JUDITH SMITH
	15	2516 THOMAS ST	OTTO PHYLLIS ELAINE
	16	2605 THOMAS AVE	DOOFER LLC
	17	2521 COLBY ST	STATE THOMAS APARTMENTS &
	18	2400 THOMAS AVE	STATE THOMAS APT LP &
	19	2502 THOMAS AVE	STATE THOMAS APARTMENTS 7
	20	2508 THOMAS AVE	STATE THOMAS APARTMENTS
	21	2332 LEONARD ST	GIVENS RECORDS DEV LP
	22	2312 ROUTH ST	NICHOLS DOUGLAS R
	23	2300 LEONARD ST	AUSSIE PROPERTIES LLC
	24	2300 LEONARD ST	KELLY JOSEPH T & BONNIE L
	25	2300 LEONARD ST	RUBDOWN LLC
	26	2300 LEONARD ST	BONNEVILLE LP

02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2300 LEONARD ST	BOSWELL MARK S
	28	2300 LEONARD ST	VERSES SOCRATES & JUDY
	29	2300 LEONARD ST	RANDALL PAMELA G
	30	2300 LEONARD ST	SASSIG PROPERTIES LLC
	31	2300 LEONARD ST	GLOGAU ALEXANDER I
	32	2300 LEONARD ST	LABEN GARY S &
	33	2300 LEONARD ST	EDUCATIONAL DEV GROUP
	34	2300 LEONARD ST	SAUS PROPERTIES LLC SERIES 3
	35	2300 LEONARD ST	SAUS PPTIES LLC SERIES 8
	36	2300 LEONARD ST	VARELA NICHOLAS F
	37	2300 LEONARD ST	COOKSEY CHARLES N
	38	2300 LEONARD ST	DMP DALCON LLC
	39	2300 LEONARD ST	HAJDUSIEWICZ NICK
	40	2300 LEONARD ST	KARCHMER DON A REVOCABLE TRUST
	41	2300 LEONARD ST	SIERS SCOTT A
	42	2300 LEONARD ST	OLEARY TIMOTHY P
	43	2300 LEONARD ST	VELEZ RUBEN L & RAUL E
	44	2300 LEONARD ST	PK PPTIES LLC
	45	2300 LEONARD ST	FFGGP INC
	46	2300 LEONARD ST	HUA LAN
	47	2300 LEONARD ST	SIERS SCOTT ANDREW
	48	2300 LEONARD ST	SAUS PROPERTIES LLC
	49	2300 LEONARD ST	HUA LAN BICH
	50	2300 LEONARD ST	AREFI GINO R
	51	2300 LEONARD ST	DAMERON COREY
	52	2300 LEONARD ST	DALLAS METRO CLUB LLC
	53	2300 LEONARD ST	GIVENS CHARLES S & LAURIE C

AGENDA ITEM # 53

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 70 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane

Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions

Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions

Z167-362(WE/SH)

FILE NUMBER: Z167-362(WE/SH) **DATE FILED:** July 28, 2017

LOCATION: West line of South Belt Line Road, north of Sarah Lane

COUNCIL DISTRICT: 8 **MAPSCO:** 70 F

SIZE OF REQUEST: Approx. 1.9 acres **CENSUS TRACT:** 171.01

APPLICANT/OWNER: Ronny & Grace Chaves

REPRESENTATIVE: Grace Chaves

REQUEST: An application for a CS Commercial Service District with deed restrictions volunteered by the applicant and a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District.

SUMMARY: The purpose of the request is to allow for the operation of an outdoor flea market. The applicant has also volunteered deed restrictions to prohibit certain uses from being developed on the property.

STAFF RECOMMENDATION: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions.

CPC RECOMMENDATION: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site currently is undeveloped and is zoned an R-10(A) Single Family District. The request site has been undeveloped for at least 20 years.
- The applicant's request for a CS Commercial Service District and a Specific Use Permit will allow for the operation of an outside flea market. Outside sales are only permitted in the RR Regional District, CS Commercial Service District and the CA Central Area District.
- The applicant has volunteered deed restrictions to prohibit certain CS uses from being developed on the property.

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

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Belt Line Road	Principal 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.

Land Use:

	Zoning	Land Use
Site	R-10(A)	Undeveloped
Northeast	R-10(A)	Undeveloped
Southeast	R-10(A)	Undeveloped, single family
Northwest	R-10(A)	Undeveloped
Southwest	R-10(A)	Undeveloped, single family

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

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO
BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

West Kleberg Community Plan (2007):

The intent of “The West Kleberg Community Plan” was to provide an overall vision to create economic development that will stimulate specific types development for the community. The West Kleberg Community Plan identified a vision statement as follows: 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.

Based on the Community Plan, the request site is located within in an area that is designated as “Sub-area 1, which was comprised of approximately 2,047 acres of which 46 percent was vacant or undeveloped, and 33 percent was comprised of Single Family (SF) uses at the time of publication in 2007”. The request site is located with the area designated as Subarea 1.

The Plan also indicated that “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 their income in nearby cities, including Balch Springs and the City of Mesquite, since retail facilities are not sufficiently available in the immediate area. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections of the needed types of services needed within this sector of Dallas.

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mixed use projects 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 Roads. The subject site is within this 1,000-

foot buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the Top 20 Community “Needs & Desires” as indicated in the following table:

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 proposed use could be considered as a central market where various goods and services, including produce, are sold. This use is part of the vision for Sub-area 1.

STAFF ANALYSIS:

Land Use Compatibility: The 1.9-acre site is undeveloped and is surrounded by large tracts of undeveloped land. There are scattered residential uses in area. However, a more established residential development is located approximately 158 feet south of the request site. The request site is located on the perimeter of the West Kleberg Study area. The surrounding areas are rural in nature, where there are large tracts of undeveloped lands and scattered residential uses. There are several tracts of land that are located out of the Study area that are zoned a CR Community Retail District and a CS Commercial Service District.

The applicant's request is to rezone a portion of the property to a CS Commercial Service District for outside sales. The applicant proposes to operate a flea market, classified in the Development Code as an outside sales use, on the portion of their property that fronts West Belt Line Road. An outside sales use falls within the retail and personal service category and is only permitted by right in the CA Central Area District or by SUP in either an RR Regional Retail District or a CS Commercial Service District.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP

for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff believes that the applicant's request for outside sales could assist in the redevelopment efforts on the community. Even though the proposed flea market may not be consistent with the character of the neighborhood, the site is located in a rural part of the community, where there is a very low density of residential uses. In addition, staff is imposing a short time period on the Specific Use Permit for outside sales to determine if the use will create a negative impact on the residential uses. Furthermore, the proposed CS District could allow the applicant to develop the property with several of the uses that are outlined in the community needs and desires list in the above "Vision Activity" chart, such as: Bank; Big Box; Bookstore; Cinema; Offices; Drug store; Gas Station; Hospital; Hotel or motel; Auto Dealership, and Restaurants.

Moreover, the applicant has volunteered deed restrictions that will prohibit various types of uses that may negatively impact the adjacent residential development. The type of uses include, but are not limited to, the following; building repair and maintenance shop, bus or rail transit vehicle maintenance or storage, auto auction, liquor store, truck stop, etc.

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-10(A) - existing Single Family	30'	6'	1 Dwelling Unit/ 10,000 sq. ft.	30'	45%	Proximity Slope Visual Intrusion	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 will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for an outside sales use at one space for each 200 square feet of sales area. The applicant proposes to have approximately 16,269 square feet of sales area. Based on the total square feet of sales area, the applicant will have to provide 81 spaces. In addition, the site plan reveals that approximately 1,020 square feet of floor area will be designated as office and public restroom space, which requires one space per 333 space feet of floor area. Based upon these uses, the required number of off-street parking spaces required is 84 spaces and the applicant is providing a total of 87 spaces, as depicted on the proposed SUP site plan.

CPC Action (February 1, 2018)

5. Z167-362(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a CS Commercial Service District with deed restrictions volunteered by the applicant and **approval** of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions on property zoned an R-10(A) Single Family District, on the west line of South Belt Line Road, north of Sarah Lane.

Maker: Lavallaisaa

Second: Houston

Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Lavallaisaa, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 1 - Mack

Vacancy: 0

Notices: Area: 300

Mailed: 26

Replies: For: 1

Against: 4

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is outside sales.
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_____, (three-year period from the passage of this ordinance).
3. FLOOR AREA: Maximum floor area for the office is 1060 square feet.
5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
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



1

[SEE EXHIBIT -A-]

11.

- (A) Commercial and business service use
 - Building repair and maintenance shop
 - Bus or rail transit vehicle maintenance or storage
 - Commercial bus station
 - Labor Hall
- (B) Miscellaneous uses:
 - Carnival or circus
 - Alcoholic beverage establishments
 - Commercial amusement
- (C) Utility and Public service uses
 - Commercial radio television transmitting station
 - Electrical substation
 - Local utilities
- (D) Wholesale, distribution and storage uses
 - Auto auction
 - Mini warehouse
 - Petroleum product storage
 - Recycling collection center
 - Recycling drop-off for special occasion

-Sand, gravel, or earth sales and storage

- (E) Retail and personal service and transportation
 - Commercial motor vehicle parking
 - Commercial parking lot of garage
 - Commercial bus station and terminal
 - Commercial amusement
 - Liquor store
 - Taxidermist
 - Truck stop

III.

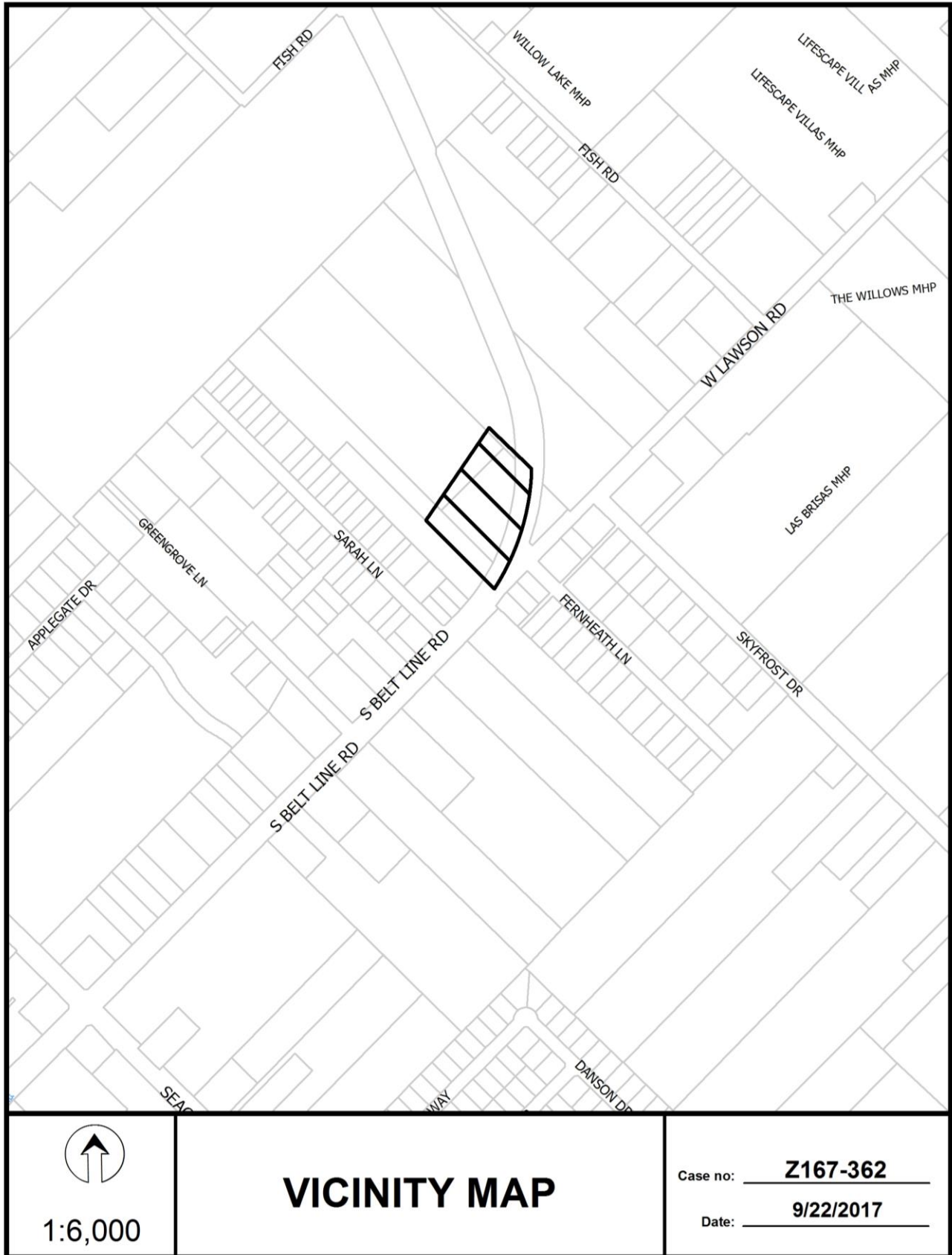
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

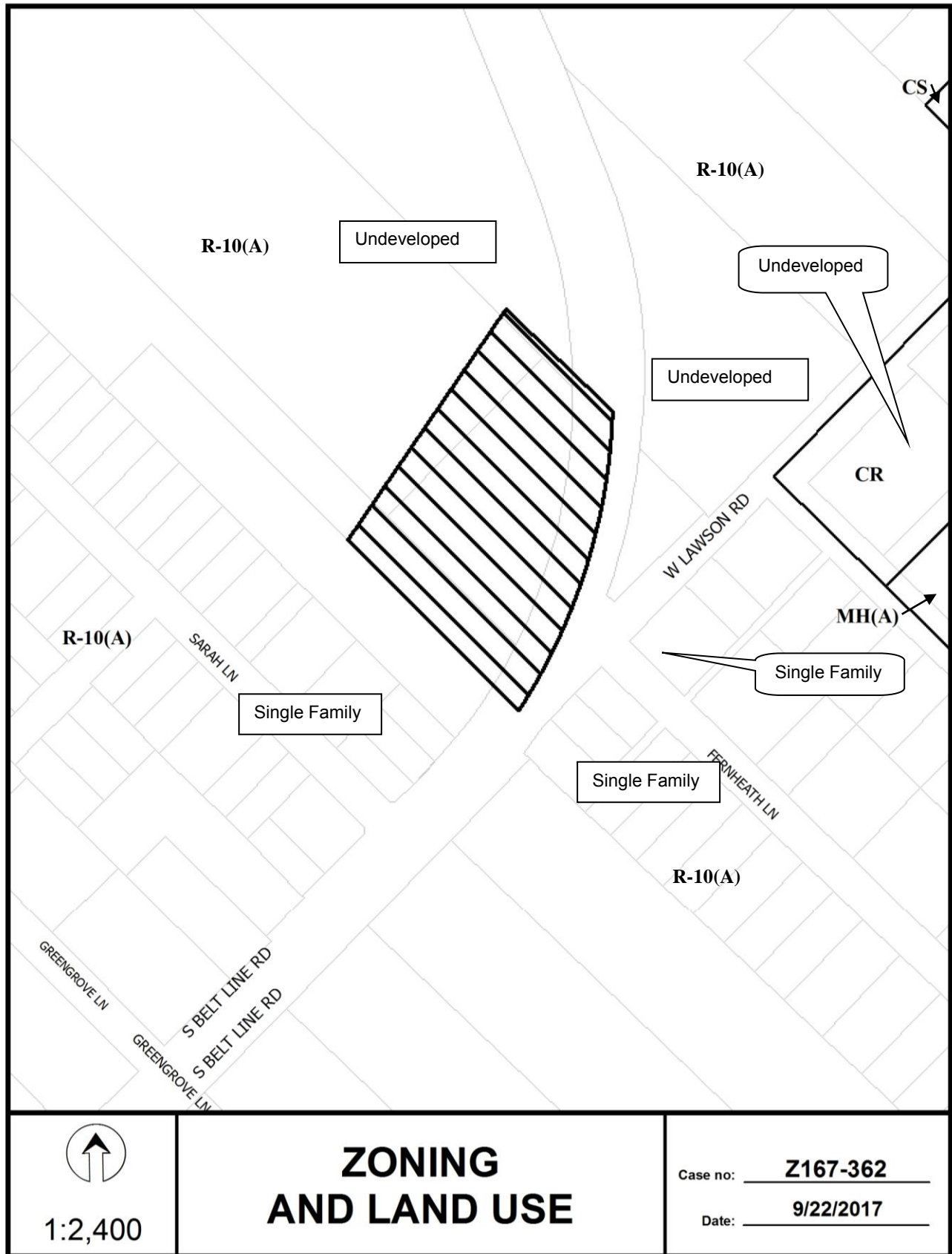
These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.









Reply List of Property Owners***Z167-362******26 Property Owners Notified******1 Property Owner in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	639 S BELTLINE RD	CHAVES RONNY DAVID
	2	599 BELTLINE RD	LEE LARRY
	3	646 S BELTLINE RD	SOSA ALBERTO REZA
	4	640 S BELTLINE RD	ORTIZ JUAN LUIS &
	5	634 S BELTLINE RD	KIRBY RICKY B &
	6	13510 FERNHEATH LN	TRUJILLOCALVILLO ELVIA &
	7	13516 FERNHEATH LN	TILLISON GARY W &
	8	628 LAWSON RD	DUNN TED R & LUCY M ESTATE OF
	9	616 LAWSON RD	BUSTOS RUBEN
	10	13509 FERNHEATH LN	PINAORTIZ JOSE REYES
X	11	720 S BELTLINE RD	ARCHER SAMUEL R & RITA L
X	12	710 S BELTLINE RD	WHITTLE MORRIS L & PAMELA
	13	705 S BELTLINE RD	CANCHOLA JOSE & MARIA
	14	713 S BELTLINE RD	GARCIA BLANCA
	15	717 S BELTLINE RD	PULIDO FLORENCIO
	16	13447 SARAH LN	WEED KELLY
	17	13435 SARAH LN	MARTINEZ BERNARDA PADRON &
	18	13423 SARAH LN	MARTINEZ BERNARDA PADRON &
	19	13417 SARAH LN	HERNANDEZ ERIC &
	20	13411 SARAH LN	STALLINGS MELISSA
X	21	13405 SARAH LN	MOULTON PHILLIP A
X	22	13341 SARAH LN	CONTRERAS JOSE L
	23	13335 SARAH LN	RAMIREZ VICTOR
	24	645 S BELTLINE RD	CANCHOLA JOSE GUDALUPE &
	25	625 S BELTLINE RD	SANTANA TOMAS
	26	500 S BELTLINE RD	QUACH NHI

AGENDA ITEM # 54

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 36 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street

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

Z145-300(SH)

Note: This item was considered by the City Council at public hearings on October 25, 2017 and December 13, 2017, and was held under advisement until March 28, 2018, with the public hearing open

FILE NUMBER: Z145-300(SH)

DATE FILED: July 15, 2015

LOCATION: Northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street

COUNCIL DISTRICT: 2

MAPSCO: 36 W

SIZE OF REQUEST: Approx. 5.75 acres

CENSUS TRACT: 0010.02

OWNER/APPLICANT: See attached list

REPRESENTATIVE: Tommy Mann & Laura Hoffman, Winstead PC

REQUEST: An application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District.

SUMMARY: The applicant proposes to develop the site with retail, office, and restaurant uses. The conditions propose to limit the overall square footage for restaurant uses to 12,000 square feet and a minimum of 50 percent food sales will be required in order for a use to be deemed a restaurant. The development will be served by an underground parking structure with limited access to North Henderson Avenue.

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

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

BACKGROUND INFORMATION:

- The subject site is comprised of approximately 5.75 acres of undeveloped land and is currently zoned Subdistricts 4 and 5 within Planned Development District No. 462, with a small portion zoned an MF-2(A) Multifamily District.
- On December 11, 1996, the City Council established Planned Development District No. 462. It is currently divided into six districts and extends along both sides of North Henderson Avenue between Central Expressway and Ross. PDD No. 462 possesses approximately 41 acres and allows for a wide variety of land uses.
- The applicant proposes to create a new subdistrict and develop the subject site with retail, office, and restaurant uses. The conditions propose to limit the overall square footage for restaurant uses to 12,000 square feet and a minimum of 50 percent food sales will be required in order for a use to be deemed a restaurant. The development will be served by an underground parking structure with limited access to North Henderson Avenue.
- The surrounding properties are primarily retail and restaurant uses along North Henderson Avenue with residential uses along Madera Street to the northeast and Moser Street to the southwest.
- The zoning request is accompanied by a development plan, landscape plan, and PDD conditions. The applicant has also provided an alternate development plan and landscape plan to address staff's concerns with parking along North Henderson Avenue.
- On January 5; February 16; April 6; and May 4, 2017, the City Plan Commission held this case under advisement to allow additional time for the applicant to collaborate with neighborhood stakeholders and further analyze the details of the case. A neighborhood meeting was held on March 20, 2017. The applicant has subsequently submitted revised PD conditions, Development Plan, and Landscape Plan that seek to address some of the concerns that were raised at this meeting.

Zoning History: There have been four zoning cases in the area over the past five years.

1. **Z101-321** On January 25, 2012, the City Council approved a Planned Development District for Multifamily District uses for 316 dwelling units on the southeast side of Capitol Avenue between Garrett Avenue and Bennett Avenue.
2. **Z123-365** On June 11, 2014, the City Council approved a Planned Development District for MF-2(A) Multifamily District uses for 305 units on property zoned an MF-2(A) Multifamily District on the southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue.

3. **Z145-238** On November 10, 2015, City Council approved an MF-2(A) Multifamily District and a Planned Development District for multifamily residential uses on property generally bounded by North Fitzhugh Avenue, Chambers Street, North Garrett Avenue, Moser Avenue and Monarch Street.
4. **Z156-202** On August 24, 2016, City Council approved a Planned Development District for MF-2(A) Multifamily District Uses on the northwest line of Capitol Avenue, southwest of North Henderson Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
N. Henderson Avenue	Local	60 ft.
Glencoe Street	Local	55 ft.
Fuqua Street	Local	55 ft.
McMillan Avenue	Minor Arterial	60 ft.

Traffic: According to the Traffic Impact Analysis (TIA) that was submitted with the application, the proposed development is expected to generate approximately 6,651 daily one-way trips, which is 457 more trips than what a fully developed site based on existing zoning would generate. In order to improve access throughout the study area, the following roadway improvements were recommended (see attached TIA exhibit for drive locations):

General

1. North Henderson Avenue will be improved to provide for a Two-Way Left Turn Lane (TWLTL) starting from just west of Glencoe Street and ending at McMillan Avenue. The TWLTL will provide for easier access to the driveways in and out of the site, while minimizing delays resulting from drivers turning left from North Henderson Avenue. By contrasting the pavement color of the TWLTL and decreasing the width of the eastbound and westbound travel lanes, the resulting three lane configuration will encourage slower driving.

Drive A and North Henderson Avenue

2. Although the available storage for this turn lane is minimal due to proximity of Glencoe Street, the 95th percentile queue is very minimal (1-2 cars).
3. Provide for a one-lane exiting approach (shared left/right lane).

Drive B and North Henderson Avenue

4. No intersection improvements are recommended at this driveway.
5. Drive will operate as inbound only.

Drive C and North Henderson Avenue

6. No Intersections improvements are recommended at this driveway.
7. Drive will operate as outbound only. Provide for a one-lane exiting approach (shared left/right lane).

Drive D and North Henderson Avenue

8. Provide for a two-lane exit consisting of a right-turn only lane and a shared through/left turn lane.

Drive E and North Henderson Avenue

9. Provide for a one-lane exiting approach (shared left/right lane)

Capitol Avenue and North Henderson Avenue

10. Re-stripe northbound Capitol Avenue to include a left-turn storage bay.

The applicant's proposed development plan and corresponding landscape plan demonstrates compliance with these proposed recommendations.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 462 (Subdistricts 4 and 5) & MF-2(A)	Undeveloped
Northeast	R-7.5(A)	Residential
South	PDD No. 462 (Subdistrict 4 and 5)	Retail and Restaurant
Southwest	MF-2(A)	Residential
Northwest	PDD No. 462 (Subdistricts 3 and 3A)	Retail and Restaurant

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

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.1.5 Use Vision Building Blocks as a general guide for desired development patterns.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The Comprehensive Plan classifies the area as an Urban Neighborhood Building Block. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. Urban Neighborhood streets should be designed to be very pedestrian friendly, providing excellent connectivity to shopping and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures.

The proposed mixed-use development meets the intent of the Urban Neighborhood Building Block by providing additional retail and restaurant opportunities within close proximity to established residential areas. In addition, the alternate development plan with the proposed parallel parking will serve as a desired traffic calming measure that can slow traffic along North Henderson Avenue.

Planned Development District No. 462

Planned Development District No. 462, when established, was designated as an area of historical, cultural, and architectural importance and significance, with the following objectives:

- (1) Accommodate the existing mix of uses in the area.

The proposed development provides for an array of land uses that are compatible with the surrounding area and will provide the residents in the adjacent communities with additional shopping and dining prospects within a walkable distance. Office uses are also proposed which will provide necessary services and employment opportunities.

- (2) Protect the internal and adjacent stable residential neighborhoods.

In an attempt to minimize any adverse impact to the adjacent residential homes along Madera Street, the applicant is proposing an underground

parking structure; a masonry screening wall and landscaping along the north property line; an increased setback from the residential uses; and, maximum height restrictions and specific building orientations to avoid the new development from directly imposing upon the adjacent residential structures.

- (3) Preserve and enhance the architectural and cultural significance of the area.

All new construction will be subject to urban design guidelines, which provides specific standards for exterior building materials and colors, façade openings, exterior lighting, pedestrian amenities, and design options.

- (4) Strengthen neighborhood identity.

The PDD conditions propose to limit the square footage of individual retail stores as a way to encourage development of boutique-like, unique, community-serving retail stores, which has become a distinguishable characteristic of the North Henderson Avenue corridor in recent development.

- (5) Create a more desirable pedestrian environment.

A minimum 10-foot wide sidewalk zone will be provided along the North Henderson Avenue frontage. As depicted on the landscape plan, community open space areas, urban gardens, and pedestrian amenities, including benches, trash cans, and bicycle parking spaces will be incorporated into the development.

STAFF ANALYSIS:

Land Use Compatibility:

The 5.75-acre site is located along the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street and is currently undeveloped. The adjacent properties along the North Henderson Avenue corridor are primarily developed with retail and restaurant uses, with residential uses extending further north and south of the site, along Madera Street and Moser Street, respectively.

The applicant proposes to create a new subdistrict within PDD No. 462 to accommodate a mixed-use development consisting of a variety of retail, office, and restaurant uses with a combined maximum floor area of 190,000 square feet. The development will be divided into two separate tracts, with the 3.553-acre Tract I being located on the northwest side of North Henderson Avenue. It will include a total building area of 170,000 square feet which will be comprised of a maximum of 12,000 square feet of restaurant use, 70,000 square feet of retail and 100,000 square feet of office. Tract II, which consists of 0.775 acres of land, will be located on the southeast side of North Henderson Avenue and will provide for 20,000 square feet of retail and office/showroom uses.

In addition to the referenced mix of uses, the applicant is also proposing commercial greenhouses that will be used for crop production. These commercial greenhouses will be located on rooftops within both tracts in the specific locations shown on the development plan.

The PDD conditions propose to prohibit specific personal service uses within the new subdistrict including massage establishments, tattoo studios, and body piercing studios. In addition, the square footage for all restaurant uses combined will be limited to a maximum of 12,000 square feet and no restaurant may be located in the building adjacent to McMillan Avenue as depicted on the development plan.

The applicant is further restricting restaurant use by requiring that it derive 50 percent or more of its gross revenue on a quarterly basis from the sale or service of food. Since the applicant cannot regulate the quantity of alcohol sales within the development, staff is supportive of the method that the applicant is proposing to try to ensure that the restaurant uses function as intended. Lastly, the square footage allotted to individual retail stores will be restricted to encourage the development of more boutique-like establishments.

In order to promote a more walkable, pedestrian-friendly development, a sidewalk will be provided along North Henderson Avenue with a minimum width of 10 feet, and a minimum eight-foot unobstructed tree planting zone between the back of curb and the sidewalk. The North Henderson Avenue frontage will be enhanced with required pedestrian amenities as outlined in the proposed PDD conditions.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Max FAR	PRIMARY Uses
	Front	Side/Rear					
<i>Existing</i> MF-2(A)	15'	15'	Min 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%	None	Multifamily, duplex, single family
<i>Existing</i> PDD 462 (Sub 4)	15'	0'/0'	30 dua	36'	45%	None	Mixed Uses
<i>Existing</i> PDD 462 (Sub 5)	Min 15'/ Max 30'	0'/0'	30 dua	54'	60%	0.75:1	Mixed Uses
<i>Applicant Request</i> PDD 462 (Sub 5A) Tract I	10'*	40'/40'	170,000 sq. ft. max floor area	48'	55%	1.10:1	Mixed Uses
<i>Applicant Request</i> PDD 462 (Sub 5A) Tract II	10'*	24'/85'	20,000 sq. ft. max floor area	36'	55%	3.5:1	Mixed Uses

*Along N. Henderson Ave, 75 percent of any front building façade must meet max of 30 feet

Height and Setback:

In Tract I of the mixed-use development, the applicant is requesting a maximum building height of 48 feet, with a minimum setback of 40 feet along the northern portion of the site that is adjacent to residentially-zoned properties. An existing 11-foot alley will provide additional separation and serve as a further buffer between the proposed development and the residential lots.

Tract II will be subject to a maximum building height of 36 feet. The property will be buffered from adjacent uses by a minimum rear yard setback of 85 feet and a minimum side yard setback of 24 feet. Staff believes that the proposed width of the setbacks, combined with the limitations on maximum building height are sufficient measures to ensure that the proposed development does not infringe significantly upon the adjacent land uses.

Landscaping and Screening:

Landscaping for the mixed-use development will be provided as shown on the proposed landscape plan. Street trees will be planted within an eight-foot tree planting zone between the back of curb and the sidewalk at a ratio of one tree per every 30 linear feet of street frontage. The landscape plan depicts designated community open space areas as well as private and public urban gardens within the boundary of the development. In an effort to provide adequate privacy and safety to the adjacent residential properties, the applicant is proposing to install an eight-foot solid screening wall along the full length of the northern property line of Tract I and along the side yard and rear yard property lines of Tract II. Staff is recommending that the required screening be constructed of brick, stone, or concrete masonry material.

Parking:

The PDD conditions stipulate that off-street parking located in Subdistrict 5A may not be used to satisfy the required off-street parking of any alcoholic beverage establishment, except for remote parking agreements in existence on or prior to the date of the most recent remote parking agreement. Staff is working with the applicant to research and finalize this date. Lastly, with respect to parking, the PDD conditions originally proposed to limit the number of tandem parking spaces within the parking garage to no more than 50 percent of the required off-street parking spaces. In response to the concern that this amount was excessive, the applicant is now proposing to limit the maximum number of tandem parking to 150 spaces.

Staff supports the proposed mixed-use development since it will be consistent with the objectives of PDD No. 462 and will provide opportunities for new and unique retail and restaurant uses that currently do not exist in the area and will enhance the overall North Henderson Avenue corridor.

Prior CPC Action – June 8, 2017:

Motion I: It was moved to recommend **denial without prejudice** of a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street.

Maker: Rieves
Second: Jung
Result: Failed: 4 to 8

For: 4 - Rieves, Davis, Jung, Ridley

Against: 8 - Anglin, Houston, Shidid, Haney, Housewright,
Peadon, Murphy, Tarpley
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Motion II: It was moved to recommend **approval** of a new subdistrict, subject to an applicant's development plan, applicant's landscape plan, and staff's recommended conditions on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street.

Maker: Housewright
Second: Anglin
Result: Carried: 8 to 4

For: 8 - Anglin, Houston, Shidid, Haney, Housewright,
Peadon, Murphy, Tarpley

Against: 4 - Rieves, Davis, Jung, Ridley
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Amending Motion I: It was moved to **approve** an amendment to the motion to allow center left-turn lane and not allow on-street parallel parking.

Maker: Anglin
Second: Ridley
Result: Carried: 9 to 3

For: 9 - Anglin, Houston, Shidid, Haney, Jung, Peadon,
Murphy, Ridley, Tarpley
Against: 3 - Rieves, Davis, Housewright
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Amending Motion II: It was moved to **approve** an amendment to the motion to restrict all office parking spaces for public use from 7:00 p.m. to 6:00 a.m.

Maker: Rieves
Second: Davis
Result: Failed: 3 to 9

For: 3 - Rieves, Haney, Jung

Against: 9 - Anglin, Houston, Davis, Shidid, Housewright,
Peadon, Murphy, Ridley, Tarpley
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Notices: Area: 500 Mailed: 214
Replies: For: 96 Against: 22

Speakers: For: Mark Masinter, 5410 Surrey Cir., Dallas, TX, 75209
Daniel Hernandez, 1929 McMillan Ave., Dallas, TX, 75206
Phillip Long, 1811 Euclid Ave., Dallas, TX, 75206
George Goodenow, 2002 Moser Ave., Dallas, TX, 75206
Robert Hunt, 5811 Gaston Ave., Dallas, TX, 75214
Dennis Craig, 5200 Capitol Ave., Dallas, TX, 75206
Ian Blair, 1830 Moser Ave., Dallas, TX, 75206
Lee Small, 2737 N. Fitzhugh Ave., Dallas, TX, 75204
Tommy Mann, Address not given
Mr. Good, Address not given
Evan Beattie, 2808 Fairmont St., Dallas, TX, 75243
For (Did not speak): Marla Brandt, 5331 Tremont St., Dallas, TX, 75214
Stephen Merkle, 2817 Amherst Ave., Dallas, TX, 75225
Randal Baker, 2305 Cedar Springs Rd., Dallas, TX, 75201
Against: Fonya Mondell, 1918 Moser Ave., Dallas, TX, 75206
Rick Bentley, 5551 Vickery Blvd., Dallas, TX, 75206
Bruce Richardson, 5607 Richmond Ave., Dallas, TX, 75206
Against (Did not speak): Judith Tichansky, 1912 Moser Ave., Dallas, TX, 75206
Staff: Lloyd Denman, Assistant Director, Engineering, City of Dallas

Prior CPC Action – May 4, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until June 8, 2017.

Maker: Rieves

Second: Murphy

Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston*, Davis, Shidid,
Anantasomboon, Haney, Mack, Jung*, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 1 - Housewright

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500

Mailed: 214

Replies: For: 99

Against: 19

Speakers: None

Prior CPC Action – April 6, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until May 4, 2017.

Maker: Rieves

Second: Housewright

Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston*, Davis, Shidid,
Anantasomboon, Haney, Mack, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 214
Replies: For: 99 Against: 19

Speakers: None

Prior CPC Action – February 16, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until April 6, 2017.

Maker: Rieves
Second: Ridley
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid*,
Haney, Mack, Jung, Housewright*, Peadon,
Murphy, Ridley

Against: 0
Absent: 3 - Anantasomboon, Schultz, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 214
Replies: For: 96 Against: 22

Speakers: None

Prior CPC Action – January 5, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until February 16, 2017.

Maker: Rieves
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: 500 Mailed: 214
Replies: For: 98 Against: 20

Speakers: For: Mark L. Masinter, 5410 Surrey Cir., Dallas, TX, 75209
Evan Beattie, 2808 Fairmount St., Dallas, TX, 75201
Spencer Bryson, 2025 Glencoe St., Dallas, TX, 75206
Crystal Nolan, 1833 McMillian Ave., Dallas, TX, 75206
Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201
Brooks Anderson, 5624 Goodwin Ave., Dallas, TX, 75206
For (Did not speak): Daniel Hernandez, 5321 Belmont Ave., Dallas, TX, 75206
Debora Gonzales, 5308 & 5310 Belmont Ave., Dallas, TX, 75206
Brian Payne, 1929 McMillan Ave., Dallas, TX, 75206
Ian Blair, 1830 Moser Ave., Dallas, TX, 75206
Tommy Dealano, 5237 Vickery Blvd., Dallas, TX, 75206
Neal Zurbriggen, 1833 McMillan Ave., Dallas, TX, 75206
Against: Bruce Richardson, 5607 Richmond Ave., Dallas, TX, 75206
Robert Irvin, 5234 Goodwin Ave., Dallas, TX, 75206
Richard Bentley, 5551 Vickery Blvd., Dallas, TX, 75206
Susana Infante, 2023 Cullen Dr., Dallas, TX, 75206
David McCullough, 1914 Moser Ave., Dallas, TX, 75206
Against (Did not speak): Fonya Mondell, 1918 Moser Ave., Dallas, TX, 75206
Staff: Hamid Fard, Traffic Engineering Division

Officers and Directors

Owner:

HENDERSON LOTS OWNER (DALLAS), LLC

David Thompson Chief Financial Officer

HENDERSON MAIN (DALLAS), LLC

David Thompson Chief Financial Officer

HENDERSON RESIDENTIAL LANDS (DALLAS), LLC

David Thompson Chief Financial Officer

HENDERSON RETAIL LANDS (DALLAS), LLC

David Thompson Chief Financial Officer

CPC RECOMMENDED CONDITIONS

ARTICLE 462.

PD 462.

SEC. 51P-462.101. LEGISLATIVE HISTORY.

PD 462 was established by Ordinance No. 22969, passed by the Dallas City Council on December 11, 1996. Ordinance No. 22969 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 22969 was amended by Ordinance No. 23010, passed by the Dallas City Council on January 22, 1997, and Ordinance No. 23976, passed by the Dallas City Council on August 11, 1999. (Ord. Nos. 19455; 22969; 23010; 23976; 25423)

SEC. 51P-462.102. PROPERTY LOCATION AND SIZE.

PD 462 is established on property generally located along both sides of Henderson Avenue between Central Expressway and Ross Avenue. The size of PD 462 is approximately 41.84 acres. (Ord. Nos. 22969; 23010; 25423)

SEC. 51P-462.103. PURPOSE.

This article provides standards specifically tailored to meet the needs of the Henderson Avenue Area, between North Central Expressway and Ross Avenue, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the City of Dallas. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.
- (2) Protect the internal and adjacent stable residential neighborhoods.
- (3) Preserve and enhance the architectural and cultural significance of the area.
- (4) Strengthen neighborhood identity.
- (5) Create a more desirable pedestrian environment. (Ord. Nos. 22969; 25423)

SEC. 51P-462.104. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51A apply to this article.

(b) Unless the context clearly indicates otherwise, in this article:

(0.1) **BLADE SIGN** means a sign projecting perpendicular from the building façade or corner of the building.

(0.2) **BODY PIERCING STUDIO** means a facility in which a perforation is created in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(0.3) **COFFEE-ROASTING SHOP** means a retail use that (i) prepares coffee beans for use by roasting them; (ii) sells coffee and coffee-based beverages for consumption on or off the premises; and (iii) in which limited food service may be accessory to the sale of these beverages. Coffee roasters, rotary cylinders, and similar specialty equipment may be used for the roasting and preparation of coffee-beans.

(1) **FACING A STREET** means parallel to or within 45 degrees of being parallel (excluding ornamental features) to a street, and marking the extent of a front yard.

(2) **FLUORESCENT COLOR** means any color defined by the Munsell Book of Color as having a minimum value of eight and a minimum chroma of ten.

(3) **MAJOR MODIFICATION** means modifications to an original building within an one-year period where the value of the modifications as stated on applications for building permits exceeds 50 percent of the building's assessed value as determined by the Dallas Central Appraisal District.

(3.1) **MASSAGE ESTABLISHMENT** means a massage establishment as defined by Section 25A-1 of Chapter 25A of the Dallas City Code, as amended.

(4) **NEW CONSTRUCTION** means construction of a structure that is not an original building.

(5) **OPENING** means a door, window, passageway, or any other feature through which light or solid objects may pass.

(6) **ORIGINAL BUILDING** means a building constructed on or before the date of passage of Ordinance No. 22969.

(7) **RETAIL USE** means any use listed in Section 51P 462.108(a)(8) of this article.

(8) **TATTOO STUDIO** means an establishment or facility in which 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 is performed.

(9) TANDEM PARKING SPACE means a parking space that is only accessed by passing through another parking space.

(10) UNDER AWNING SIGN means a sign plate with tenant letters and graphics limited to eight square feet attached (i) from a canopy or awning above with rigid support, or (ii) perpendicular from the vertical face of a building.

(11) VISIBLE REFLECTANCE means the percentage of available light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.)

(c) Unless otherwise stated, all code references are to Chapter 51A.

(d) Except as otherwise provided for Subdistrict 5A, the provisions of Section 51A-4.702, “Planned Development (PD) District Regulations,” relating to site plans, conceptual plans, and development plans do not apply to this district.

(e) 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 *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) 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. (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

(4) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, 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.)

(f) Unless the context clearly indicates otherwise, this district is considered to be a residential district for purposes of interpreting Chapter 51A. (Ord. Nos. 22969; 25423; 26352)

SEC. 51P-462.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 462A: Tract map.
- (2) Exhibit 462B: Approved list of plant materials.
- (3) Exhibit 462C: Subdistrict 5A development plan.
- (4) Exhibit 462D: Subdistrict 5A landscape plan.

SEC. 51P-462.105. ZONING CLASSIFICATION CHANGE.

Chapter 51A is amended by changing the zoning classification from an MF-2(A) Multifamily District, a CR Community Retail District, a CR-D Community Retail-Dry District, an NO(A) Neighborhood Office District, and an MU-1 Mixed Use District to Planned Development District No. 462 and Planned Development District No. 462-Dry (the Henderson Avenue Special Purpose District) on the property described in Ordinance No. 22969, as amended by Ordinance No. 23010. (Ord. Nos. 22969; 23010; 25423)

SEC. 51P-462.106. CREATION OF SUBDISTRICTS.

(a) A map, Exhibit 462A, shows the boundaries of the district and the seven subdistricts. Property descriptions of the subdistricts are provided as Exhibit A of Ordinance No. 22969, as amended. In the event of a conflict between Exhibit A of Ordinance No. 22969 and Exhibit 462A, Exhibit A of Ordinance No. 22969 controls.

(b) The subdistricts are hereby established for purposes of this article. Use regulations and development standards for each subdistrict are set out below. (Ord. Nos. 22969; 23010; 25423; 25441; 26352; 26723)

SEC. 51P-462.107. DEVELOPMENT PLAN.

(a) In general. Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. Nos. 22969; 25423)

(b) Subdistrict 5A. Development and use of the Property must comply with the Subdistrict 5A development plan (Exhibit 486C). If there is a conflict between this article and the development plan, the text of this article controls.

SEC. 51P-462.108. SUBDISTRICTS 1, 3, 3A, AND 5.

- (a) Main uses permitted in Subdistricts 1, 3, and 5.
 - (1) Commercial and business service uses.
 - Catering service.
 - Custom business services.
 - Electronics service center.
 - Medical or scientific laboratory.
 - (2) Institutional and community service uses.
 - Adult day care facility. *[SUP]*
 - Child-care facility. *[SUP]*
 - Church.
 - College, university, or seminary.
 - Community service center. *[SUP]*
 - Hospital. *[SUP]*
 - Library, art gallery, or museum.
 - Public or private school.
 - (3) Lodging uses.
 - Hotel or motel. *[SUP]*
 - Lodging or boarding house. *[SUP]*
 - (4) Miscellaneous uses.
 - Carnival or circus (temporary). *[By special authorization of the building official.]*
 - Temporary construction or sales office.
 - (5) Office uses.
 - Financial institution without drive-in window.
 - Financial institution with drive-in window. *[SUP]*
 - Medical clinic or ambulatory surgical center.
 - Office.
 - (6) Recreation uses.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.

- (7) Residential uses.
 - Duplex.
 - Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
 - Multifamily.
 - Single family.
- (8) Retail and personal service uses.
 - Ambulance service.
 - Animal shelter or clinic without outside run.
 - Auto service center.
 - Bar, lounge, or tavern.
 - Business school.
 - Car wash. *[SUP]*
 - Commercial amusement (inside).
 - Commercial amusement (outside). *[SUP]*
 - Commercial parking lot or garage. *[RAR]*
 - Dry cleaning or laundry store.
 - Furniture store.
 - General merchandise or food store 3,500 square feet or less.
 - General merchandise or food store greater than 3,500 square feet.
 - Household equipment and appliance repair.
 - Liquor store.
 - Mortuary, funeral home, or commercial wedding chapel.
 - Motor vehicle fueling station.
 - Nursery, garden shop, or plant sales.
 - Personal service uses.
 - Restaurant without drive-in or drive-through service.
 - Temporary retail use.
 - Theater.
- (9) Transportation uses.
 - Transit passenger shelter.
 - Transit passenger station or transfer center.
- (10) Utility and public service uses.
 - Electrical substation.
 - Local utilities.
 - Police or fire station.
 - Post office.
 - Radio, television, or microwave tower. *[SUP]*
 - Tower/antenna for cellular communication.
 - Utility or government installation other than listed.

- (11) Wholesale, distribution, and storage uses.
 - Recycling drop-off container.
 - Recycling drop-off for special occasion collection.
- (b) Main uses permitted in Subdistrict 3A.
 - (1) Commercial and business service uses.
 - Catering service.
 - Custom business services.
 - Electronics service center.
 - (2) Institutional and community service uses.
 - Adult day care facility. *[SUP]*
 - Child-care facility. *[SUP]*
 - Library, art gallery, or museum.
 - (3) Miscellaneous uses.
 - Temporary construction or sales office.
 - (4) Office uses.
 - Financial institution without drive-in window.
 - Financial institution with drive-in window. *[SUP]*
 - Medical clinic or ambulatory surgical center.
 - Office.
 - (5) Residential uses:
 - Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
 - Multifamily.
 - (6) Retail and personal service uses.
 - Animal shelter or clinic without outside run.
 - Commercial parking lot or garage. *[RAR]*
 - Dry cleaning or laundry store.
 - Furniture store.
 - General merchandise or food store 3,500 square feet or less.
 - General merchandise or food store greater than 3,500 square feet.
 - Household equipment and appliance repair.
 - Nursery, garden shop, or plant sales.

- Personal service uses. *[Barber/beauty shop and nail salon allowed by right. Massage establishments, tattoo studios, and body piercing studios prohibited. Massage establishments, tattoo studios, and body piercing studios must be treated as a separate main use and cannot be an accessory use. SUP required for all other personal service uses.]*
- Restaurant without drive-in or drive-through service.
- Temporary retail use.

(7) Transportation uses.

- Transit passenger shelter.

(8) Utility and public service uses.

- Local utilities.

(c) Accessory uses.

(1) As a general rule, an accessory use is permitted in any district 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. For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in Subdistricts 1, 3, 3A, and 5:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.
- Private stable.

(d) Yard, lot, and space regulations. Except as provided in the urban design guidelines, the following yard, lot, and space regulations apply to all properties within Subdistricts 1, 3, 3A, and 5. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51-4.400. In the event of a conflict between this subsection and Division 51-4.400, this subsection controls.)

- (1) Front yard. Minimum front yard is 15 feet. Maximum front yard is 30 feet.
- (2) Side and rear yard. No minimum side or rear yard.
- (3) Density. Maximum dwelling unit density is 30 dwelling units per acre.
- (4) Floor area. Maximum floor area ratio is .75:1.

- (5) Height. Maximum structure height is 54 feet.
 - (6) Lot coverage. Maximum lot coverage is 60 percent.
 - (7) Lot size. No minimum lot size.
 - (8) Stories. Maximum number of stories is four.
- (e) Off-street parking and loading. Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.
- (f) Environmental performance standards. See Article VI.
- (g) Landscaping.
- (1) All landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.
 - (2) Plant material must be maintained in a healthy, growing condition.
- (h) Street trees.
- (1) Except in Subdistrict 1, a tree must be planted within the right-of-way at a density of one tree for each 30 linear feet of frontage, exclusive of driveways.
 - (2) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating the trees in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by that director and accompanied by plans or drawings showing the area of the parkway affected and the planting proposed.
 - (3) Upon receipt of the application and any required fees, the director of public works and transportation shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, that director determines that the planting proposed will not be inconsistent with or unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise he shall deny the permit.
 - (4) A property owner is not required to comply with the street tree planting requirement of this subsection if compliance is made impossible due to the denial of a parkway landscape permit by the director of public works and transportation.
 - (5) A parkway landscape permit issued by the director of public works and transportation is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirements of this section if compliance is made impossible due to that director's revocation of the parkway landscape permit.

(6) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees in the public right-of-way.

(i) Signs. Signs must comply with the provisions for business zoning districts contained in Article VII.

(j) Urban design guidelines for new construction or major modifications. Plans for new construction or a major modification of a structure must incorporate the following mandatory requirements and at least one-half of the following design options.

(1) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Development Services, or contact the Building Official Plans Examiner for information on CPTED review standards. The Building Official, or his designee, will review for compliance.

(2) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure in Subdistricts 1, 3, 3A, and 5.

(3) Use of metals on facades. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area.

(4) Façade openings. The percentage of a front façade containing openings must be between 10 and 90 percent. For purposes of this paragraph, “front façade” means any façade facing a street.

(5) Reflective glass. The maximum permitted visible reflectance of glass used as an exterior building material varies depending on where the glass is used on the building. The visible reflectance of glass used on the exterior of the first two stories of a building may not exceed 15 percent. The visible reflectance of exterior glass used above the first two stories of the building may not exceed 27 percent.

(6) Façade materials. Excluding openings, all building facades must be constructed of stone, brick, glass block, tile, cast metal, concrete, stucco, materials giving the appearance of concrete or stucco, or cast stone. Any façade visible from the street utilizing concrete, stucco, or materials giving the appearance of concrete or stucco as a primary façade material must incorporate accent materials such as stone, brick, glass block, tile, or cast metal on a minimum of 10 percent of that façade area, excluding windows and doors.

(7) Lighting. Exterior lighting must be oriented onto the property they light and directed away from adjacent properties.

(8) Design options. A minimum of one-half of the following requirements must be met:

(A) Retail uses. Allocate a minimum of one-half of the ground floor area to retail uses.

(B) Awning or arcade. Provide an awning or arcade which covers a minimum of one-half of the façade facing a street. To qualify, the arcade or awning must have a minimum depth of three and one-half feet.

(C) Public art. Allocate a minimum of one and one-half percent of the value of the improvements stated in the building permit application to public art. Public art must be visible from the street at all times.

(D) Seasonal color. Provide a landscape area for seasonal color which is the size of a minimum of one-half of a square foot multiplied by the number of feet of frontage the property has. The plants in the landscape area must be changed at least twice a year with the appropriate seasonal colors indicated in Exhibit 462B. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(E) Water features. Allocate five percent of the value of the improvements stated in the building permit application to a water feature, such as a fountain, pool, mechanical water jet, or similar water device. The water feature must be visible from a public right-of-way.

(F) Flags and banners. Allocate 10 percent of the building façade area to an equivalent area of either flags or banners. To qualify, the flags or banners may not fall within the definition of “sign” contained in Article VII of the Dallas Development Code, as amended.

(G) Ground floor light fixtures. Provide decorative light fixtures that frame a ground floor entry or create a repeating motif along the facade of the ground floor.

(H) Pedestrian seating. Provide pedestrian seating in an area which covers one-half of the width of the building.

(I) Paving materials. Cover 50 percent of the outdoor walkway area accessible to the public with decorative pavement. For purposes of this subparagraph, decorative pavement means pavers of colored concrete, brick, or stone.

(J) Open space. Allocate 100 square feet of the required front yard to open space. For purposes of this subparagraph, open space means a space containing no structures or pavement at or above grade. Open space must contain, at a minimum, grass or other natural vegetation.

(k) Urban design guidelines for all other exterior structure modifications. All exterior structure modifications, of whatever kind, must comply with the following regulations.

(1) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent

possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Development Services, or contact the Building Official Plans Examiner for information on CPTED review standards.

(2) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure in Subdistricts 1, 3, 3A, and 5.

(3) Use of metals on facades. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area.

(4) Façade openings. The percentage of a front façade containing openings must be between 10 and 90 percent. For purposes of this paragraph, “front facade” means any façade facing a street.

(5) Reflective glass. The maximum permitted visible reflectance of glass used as an exterior building material varies depending on where the glass is used on the building. The visible reflectance of glass used on the exterior of the first two stories of a building may not exceed 15 percent. The visible reflectance of exterior glass used above the first two stories of the building may not exceed 27 percent.

(6) Façade materials. Excluding openings, all building facades must be constructed of stone, brick, glass block, tile, cast metal, concrete, stucco, materials giving the appearance of concrete or stucco, or cast stone. Any façade visible from the street utilizing concrete, stucco, or materials giving the appearance of concrete or stucco as a primary façade material must incorporate accent materials such as stone, brick, glass block, tile, or cast metal on a minimum of 10 percent of that façade area, excluding windows and doors.

(7) Lighting. Exterior lighting must be oriented onto the property they light and directed away from adjacent properties.

(1) Commercial alley access. Commercial alley access is prohibited in Subdistrict 3A. (Ord. Nos. 22969; 23976; 25423; 26340; 26352)

SEC. 51P-462.109. SUBDISTRICTS 2 AND 4.

(a) Main uses permitted.

(1) Institutional and community service uses.

- Adult day care facility. [SUP]
- Child care facility. [SUP]
- Church.
- Public or private school.

(2) Residential uses.

- Duplex.

- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
- Multifamily.
- Single family.

(3) Transportation uses.

- Transit passenger shelter.

(b) Accessory uses.

(1) As a general rule, an accessory use is permitted in any district 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. For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in Subdistricts 2 and 4:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.
- Private stable.

(c) Yard, lot, and space regulations. Except as provided in the urban design guidelines, the following yard, lot, and space regulations apply to all properties within Subdistricts 2 and 4. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51-4.400. In the event of a conflict between this subsection and Division 51-4.400, this subsection controls.)

- (1) Front yard. Minimum front yard is 15 feet.
- (2) Side and rear yard. No minimum side or rear yard.
- (3) Density. Maximum dwelling unit density is 30 dwelling units per acre.
- (4) Floor area. No maximum floor area ratio.
- (5) Height. Maximum structure height is 36 feet.
- (6) Lot coverage. Maximum lot coverage is 45 percent.
- (7) Lot size. No minimum lot size.
- (8) Stories. No maximum number of stories.

(d) Off-street parking and loading. Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(e) Environmental performance standards. See Article VI.

(f) Landscaping.

(1) Except as provided in Subsection (f)(2) below, all landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

(2) A minimum of three three-inch caliper trees, two of which must be located in the required front yard, must be planted on the lot containing a new single family use.

(3) Plant material must be maintained in a healthy, growing condition.

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

(h) Urban design guidelines. All new construction and exterior structure modifications must comply with the following design guidelines.

(1) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Development Services, or contact the Building Official Plans Examiner for information on CPTED review standards. The Building Official, or his designee, will review for compliance.

(2) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure in Subdistricts 2 and 4.

(3) Façade materials. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area. (Ord. Nos. 22969; 25423)

SEC. 51P-462.109.1. SUBDISTRICT 5A

(a) Creation of tracts. Subdistrict 5A is divided into two tracts: Tract I and Tract II as shown on the Subdistrict 5A development plan.

(b) Main uses permitted. The following uses are the only main uses permitted:

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Catering service.

-- Custom business services.

-- Electronics service center.

(3) Industrial uses.

None permitted

(4) Institutional and community service uses.

- Adult day care facility. [SUP]
- Child-care facility. [SUP]
- Library, art gallery, or museum.

(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.

None permitted.

(9) Residential uses.

None permitted.

(10) Retail and personal service uses.

- Animal shelter or clinic without outside run.
- Coffee-roasting shop
- Commercial parking lot or garage. [RAR]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Household equipment and appliance repair.
- Nursery, garden shop, or plant sales.
- Personal service uses. [Barber/beauty shop, nail salon, shoe repair, tailor, instructional arts studio, photography studio, laundry or cleaning pick up and receiving station, handcrafted artwork studio, safe deposit boxes, travel bureau, and custom painting or duplicating shop allowed by right. Massage establishments, tattoo studios, and body piercing studios prohibited. Massage establishments, tattoo

studios, and body piercing studios cannot be an accessory use. SUP required for all other personal service uses.]

-- Restaurant without drive-in or drive-through service [minimum 50% food sales per SEC. 51P-462.110(1)(2); total maximum of 12,000 square feet for all restaurant uses combined].

-- Temporary retail use.

-- Theater [SUP]

(11) Transportation uses.

-- Transit passenger shelter.

(12) Utility and public service uses.

-- Local utilities.

(c) Accessory uses.

(1) 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.

(2) The following accessory uses are not permitted:

-- Accessory helistop.

-- Accessory medical/infectious waste incinerator.

-- Accessory outside display of merchandise.

-- Accessory outside sales.

-- Accessory pathological waste incinerator.

-- Private stable.

(e) 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. If there is a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) In general. Except as provided in the urban design guidelines, the yard, lot, and space regulations in this paragraph apply to all properties within Subdistrict 5A.

(2) Front yard.

(A) Minimum front yard is 10 feet.

(B) Along Henderson Avenue, 75 percent of any front building façade must meet a maximum front yard of 30 feet.

(C) Underground parking structures may extend to the property line.

(D) The following may project to the property line: awnings and canopies (minimum 12 foot clearance above sidewalk), retaining walls, stoops, and stairs.

(E) In Tract II, buildings may encroach into the front yard in those areas shown on the Subdistrict 5A development plan.

(3) Side yard.

(A) Tract I. Minimum side yard is the greater of 40 feet or as shown on the development plan. Underground parking structures may extend to the property line.

(B) Tract II. Minimum side yard is 24 feet.

(4) Rear yard.

(A) Tract I. Minimum rear yard is 40 feet.

(B) Tract II. Minimum rear yard is 85 feet.

(5) Floor area.

(A) Maximum ground level floor area for any use is 14,000 square feet. Contiguous retail uses with separate certificates of occupancy are considered separate uses.

(B) Tract I: Maximum total floor area is 170,000 square feet. Maximum floor area for retail, personal service, and restaurant uses is 82,000 square feet subject to the following additional restrictions:

(i) Except as otherwise provided in this subparagraph, no retail or personal service use may be greater than 11,000 square feet.

(ii) Two retail and personal service uses may be greater than 11,000 square feet subject to the following:

(aa) One retail and personal service use between 11,000 and 21,000 square feet is permitted.

(bb) One retail and personal service use between 11,000 and 15,000 square feet is permitted.

(C) Tract II: Maximum total floor area is 20,000 square feet.

(6) Height. Maximum structure heights are as indicated on the development plan.

(A) Only the following projections above the maximum structure height are allowed:

(i) Parapet walls: up to one foot above the maximum

structure height.

(ii) Mechanical equipment, surrounding screening walls, and elevator overruns: a maximum of 10 feet above the maximum structure height only if placed a minimum of 20 feet from the building perimeter as designated on the development plan.

(7) Lot coverage. Maximum lot coverage is 55 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots, and underground parking structures are not.

(8) Minimum lot size. No minimum lot size.

(9) Stories. Except as further restricted on the Subdistrict 5A development plan, maximum number of stories above grade is three.

(f) Off-street parking and loading.

(1) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Off-street parking located in Subdistrict 5A may not be used to satisfy the required off-street parking of any use, except for remote parking agreements in existence on or prior to [date of most recent remote parking agreement], as may be amended in the future. The maximum number of off-street parking spaces that may be provided pursuant to remote parking agreements is 42 spaces.

(3) Valet service may only park vehicles in a below grade parking structure.

(4) Subarea 5A is considered one lot for purposes of off-street parking.

(5) The maximum number of parking spaces located in a below grade parking structure is 755, with a maximum of 150 tandem parking spaces. For tandem parking spaces, an attendant must be provided to park vehicles during business hours of the main uses.

(6) Required off-street parking for a coffee roasting shop is one space per 200 square feet of floor area.

(g) Environmental performance standards. See Article VI.

(h) Landscaping.

(1) In general. Except as provided in this subsection, landscaping must be provided as shown on the Subdistrict 5A landscape plan (Exhibit 462D).

(2) Minor deviations. At time of building permit, the building official may approve minor deviations in the location of trees and other plantings due to conflicts with utilities, driveways, or other infrastructure.

(3) Street trees. A tree must be planted within the right-of-way at a density of one tree for each 30 linear feet of frontage, exclusive of driveways and required visibility triangles.

(i) Signs.

(1) In general. Except as provided in this subsection, signs must comply with the provisions for business zoning districts in Article VII

(2) Attached signs.

(A) On the primary façade, the combined effective area of all attached signs may not exceed 25 percent of the total area of the primary façade. On each secondary façade, the combined effective area of all attached signs may not exceed 15 percent of the total area of that secondary façade.

(B) Blade signs may project no more than 48 inches from the surface of a structure. The lowest part of a blade sign must be located at least eight feet above grade.

(C) Under awning signs are permitted for each ground-level premise or each individual non-residential occupancy. The maximum effective area for an under awning sign is eight square feet. The lowest part of an under awning sign must be located at least eight feet above grade.

(D) The combined effective area of all signs attached to any window or any glass door may not exceed 10 percent of the area of that window or glass door.

(3) Detached signs.

(A) One monument sign may be located at the driveway entrance in the location shown on the Subdistrict 5A development plan. The monument sign may be a multi-tenant sign. The highest part of the monument sign may not exceed 10 feet in height. The maximum effective area of the monument sign is 150 square feet. The monument sign must be set back at least 10 feet in a front yard and at least five feet in a side yard.

(B) One monument sign may be located at the intersection of Henderson Avenue and Glencoe Street and one monument sign may be located at the intersection of Henderson Avenue and McMillan Avenue in the locations shown on the Subdistrict 5A development plan. These monument signs may be multi-tenant signs. The highest part of these monument signs may not exceed four feet in height. The maximum effective area for these monument signs is 32 square feet. These monument signs must be setback at least 10 feet from the street.

(4) Additional Provisions.

(A) Rooftop signs are prohibited.

(B) Illumination of signs is only permitted on a building façade facing Henderson Avenue.

(j) Urban design guidelines for new construction or major modifications.

(1) Plans for new construction or a major modification of a structure must incorporate the following mandatory requirements:

(A) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Sustainable Development and Construction, or contact the building official plans examiner for information on CPTED review standards. The Building Official, or his designee, will review for compliance.

(B) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure.

(C) Use of metals on facades. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area.

(D) Façade openings. The percentage of a front façade containing openings must be between 10 and 90 percent. For purposes of this paragraph, “front façade” means any façade facing a street.

(E) Reflective glass. The maximum permitted visible reflectance of glass used as an exterior building material varies depending on where the glass is used on the building. The visible reflectance of glass used on the exterior of the first story of a building may not exceed 15 percent. The visible reflectance of exterior glass used above the first story of the building may not exceed 25 percent.

(F) Façade materials. Excluding openings, all building facades must be constructed of stone, brick, glass block, tile, cast metal, concrete, stucco, materials giving the appearance of concrete, or cast stone and for buildings less than 5,000 square feet in floor area, cementitious siding may also be used as a primary façade material. Any façade visible from the street utilizing concrete, stucco, or materials giving the appearance of concrete as a primary façade material must incorporate accent materials such as stone, brick, glass block, tile, or cast metal on a minimum of 10 percent of that façade area, excluding windows and doors. EIFS and other simulated stucco products are prohibited.

(G) Lighting. Exterior lighting must be oriented onto the property it lights and directed away from adjacent properties. Light standards, excluding wall packs on structures, may be a maximum of 16 feet in height to the top of the fixture.

(H) Pedestrian amenities. The following pedestrian amenities must be provided along the Henderson Avenue frontage:

(i) a minimum of 10 and a maximum of 21 benches;

(ii) a minimum of eight and a maximum of 10 trash cans; and

(iii) a minimum of 16 bicycle parking spaces within 75 feet of the Henderson Avenue frontage.

(2) Design options. A minimum of five of the following requirements must be met:

(A) Retail uses. Allocate a minimum of one-half of the ground floor area to retail uses.

(B) Awning or arcade. Provide an awning or arcade which covers a minimum of one-half of the façade facing a street. To qualify, the arcade or awning must have a minimum depth of three and one-half feet.

(C) Public art.

(i) Provide public art that is visible from public right-of-way. Examples of public art include art that is incorporated into the sidewalk or building façade, or freestanding art.

(ii) The public art must be located in exterior open space that contains a minimum of 500 square feet of land area and contains a minimum of two of the following:

(aa) benches, seat walls, or seating areas;

(bb) trash receptacles;

(cc) drinking fountains;

(dd) shade structures, understory shade trees, or awnings.

(iii) The public art may be located in the same exterior open space as a water feature allowed by this section.

(D) Seasonal color. Provide a landscape area for seasonal color which is the size of a minimum of one-half of a square foot multiplied by the number of feet of frontage the property has. The plants in the landscape area must be changed at least twice a year with the appropriate seasonal colors indicated in Exhibit 462B. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season

(E) Water features.

(i) Provide a water feature, such as a fountain, pool, mechanical water jet, or similar water device. The water feature must be visible from a public right-of-way.

(ii) The water feature must be located in exterior open space that contains at least 500 square feet of land area and contains a minimum of two of the following:

(aa) benches, seat walls, or seating areas;

(bb) trash receptacles;

(cc) drinking fountains;

(dd) shade structures, understory shade trees, or awnings.

(iii) The water feature may be located in the same exterior open space as public art required by this section.

(F) Flags and banners. Allocate 10 percent of the building façade area to an equivalent area of either flags or banners. To qualify, the flags or banners may not fall within the definition of “sign” contained in Article VII.

(G) Ground floor light fixtures. Provide decorative light fixtures that frame a ground floor entry or create a repeating motif along the facade of the ground floor.

(H) Pedestrian seating.

(i) Provide pedestrian seating in an area which covers one-half of the width of the building.

(ii) The pedestrian seating area may be contained in the same exterior open space as public art or a water feature required by this section.

(I) Paving materials. Cover 50 percent of the outdoor walkway area accessible to the public with decorative pavement. For purposes of this subparagraph, decorative pavement means pavers of colored concrete, brick, or stone.

(J) Open space. Allocate a minimum of 5,000 square feet of the required front yard on Glencoe and 2,000 square feet of the required front yard on McMillan to open space. For purposes of this subparagraph, open space means a space containing no enclosed structures at or above grade. Open space must contain, at a minimum, grass or other natural vegetation and a minimum of two of the following:

(i) benches, seat walls, or seating areas;

(ii) trash receptacles;

(iii) drinking fountains;

(iv) shade structures, understory shade trees, or awnings.

(k) Additional Provisions.

(1) Rooftop use.

(A) Commercial greenhouses used for crop production may be located on a rooftop in the locations shown on the development plan.

(B) Restaurant uses may not locate dining areas on a rooftop. For all other uses, outdoor gathering areas must be screened so as not to be visible from grade of an abutting property located in an R, R(A), D, D(A), TH, or TH(A) zoning district.

(2) Restaurant use.

(A) Outdoor dining is prohibited after midnight.

(B) No restaurant may be located in the building adjacent to McMillan Avenue as indicated on the Subdistrict 5A development plan.

(C) A restaurant must derive 50 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of food.

(i) The person owning or operating the use shall, upon request, supply the building official with any records needed to document the percentage of gross revenue for the previous 12 month period derived from the sale or service of food.

(3) No balconies or outdoor seating areas may face an abutting residential district.

(4) After 6:00pm, a minimum of one peace officer or security personnel must be provided on the Property to monitor activity of the retail parking area.

(5) Use of outdoor speakers or other outdoor amplified sound equipment is prohibited.

SEC. 51P-462.110. MAINTENANCE OF THE PROPERTY.

The Property must be maintained in a state of good repair and neat appearance. (Ord. Nos. 22969; 25423)

SEC. 51P-462.111. COMPLIANCE WITH ALL OTHER LAWS.

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. (Ord. Nos. 22969; 25423)

SEC. 51P-462.112. CONSTRUCTION STANDARDS.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 22969; 25423; 26102)

Z145-300(SH)

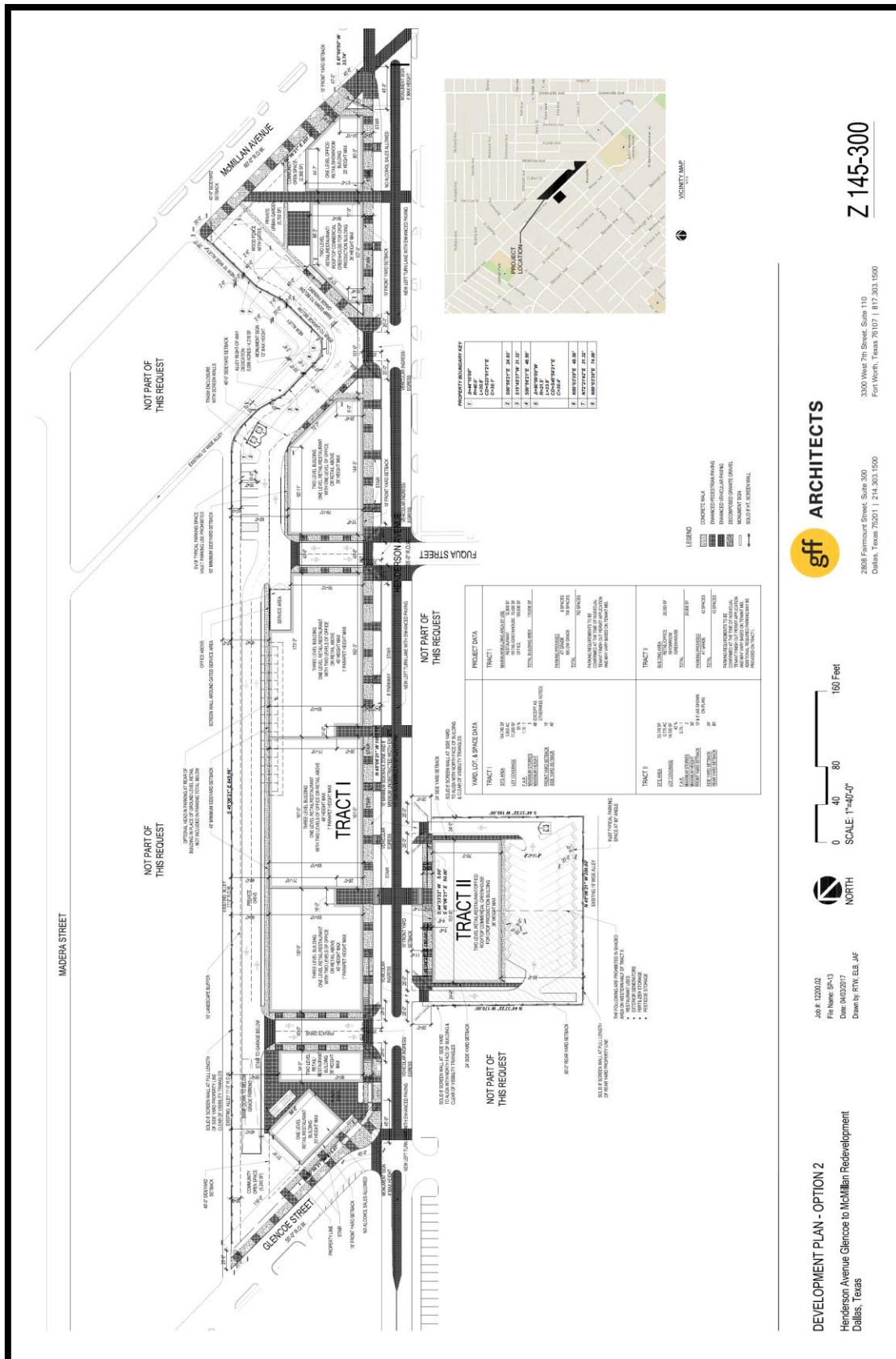
SEC. 51P-462.113. COMPLIANCE REQUIRED.

The building official shall not issue a building permit or a certificate of occupancy for a use ion this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all of other ordinances, rules, and regulations of the city. (Ord. Nos. 22969; 25423; 26102)

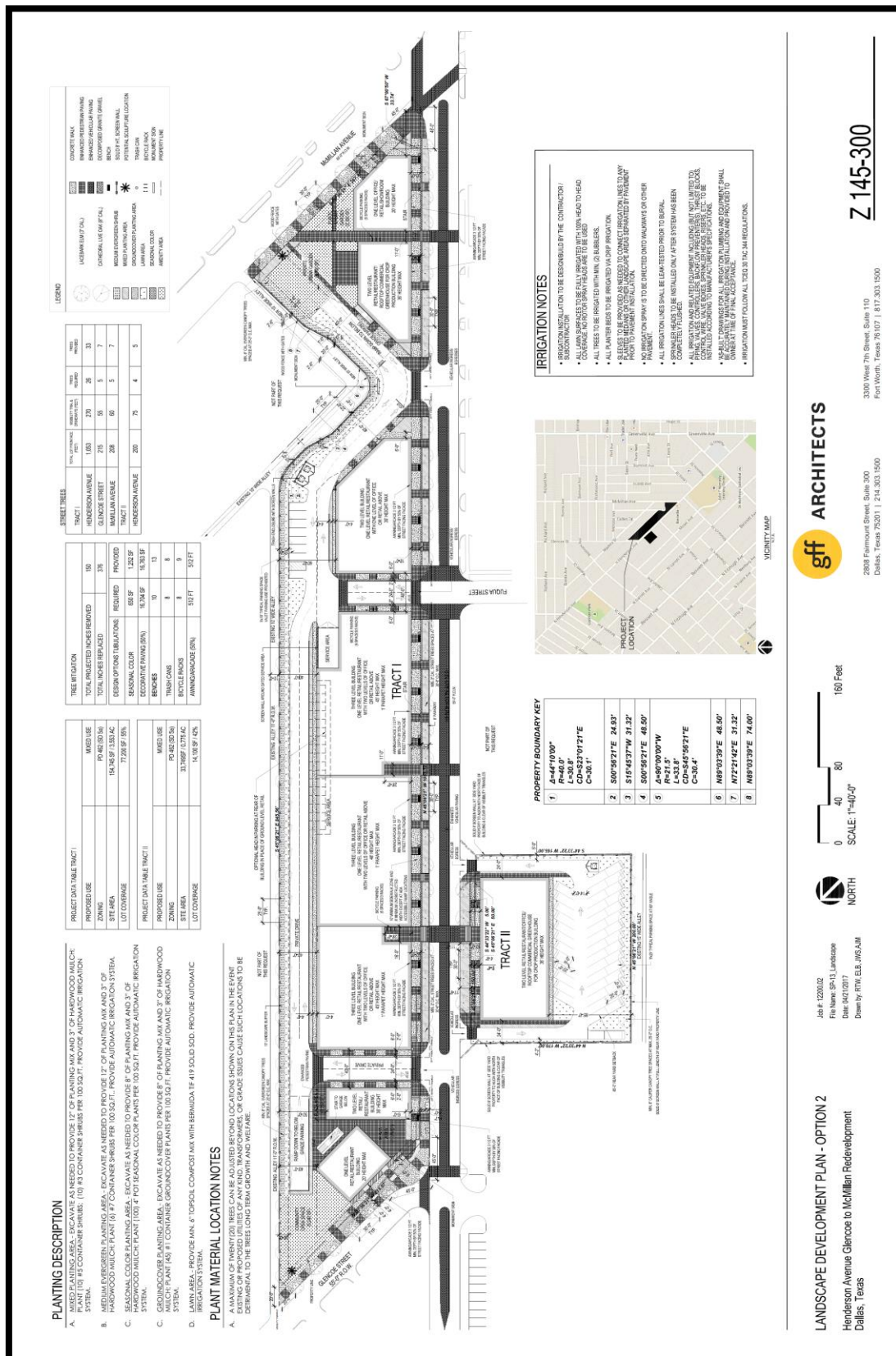
[~~SEC. 51P-462.114.~~ ~~ZONING MAP.~~

~~PD 462 is located on Zoning Map Nos. H 7, H 8, I 7, and I 8.]~~ (Ord. Nos. 22969; 25423

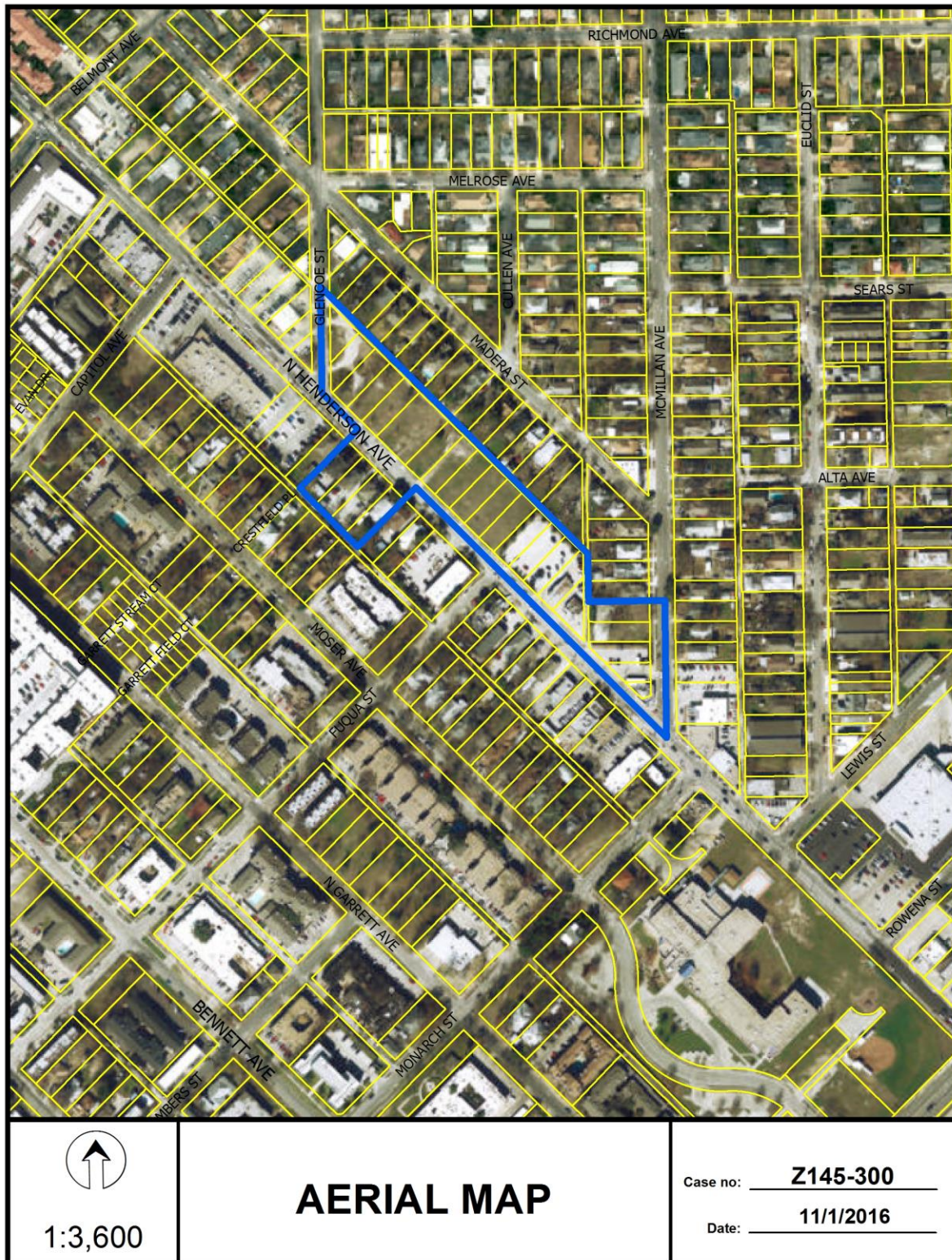
PROPOSED DEVELOPMENT PLAN

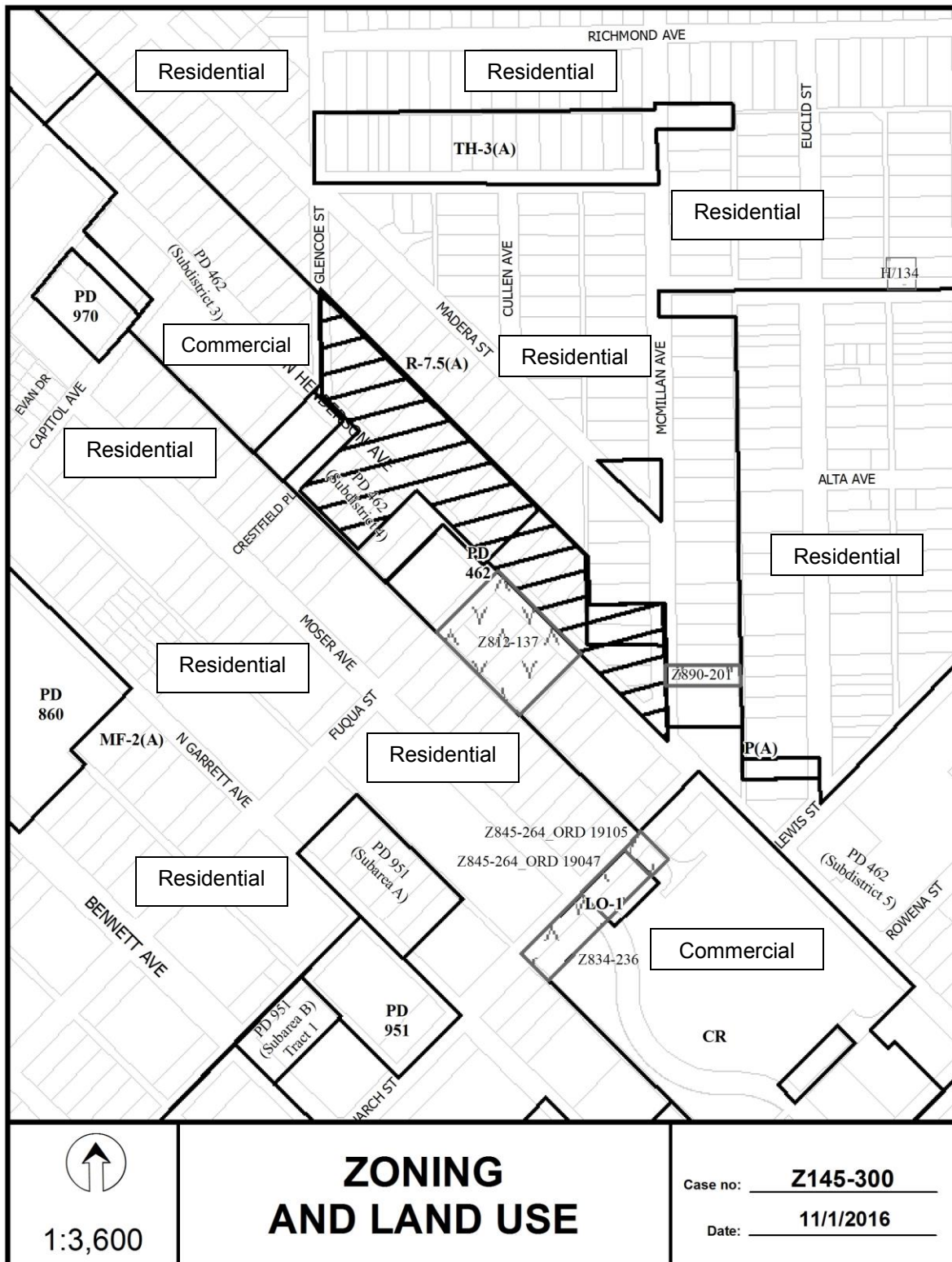


PROPOSED LANDSCAPE PLAN

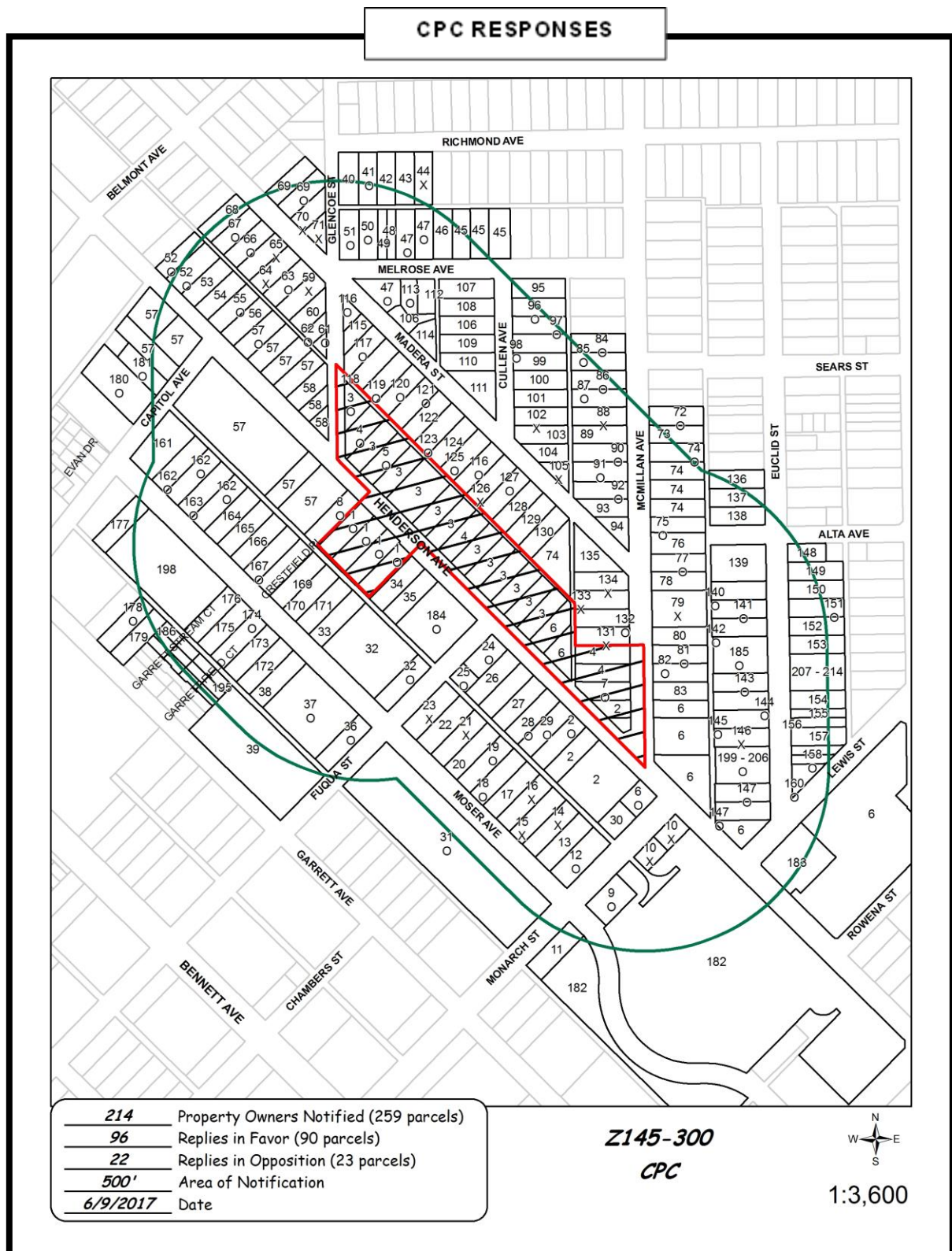


Z145-300(SH)









06/08/2017

Reply List of Property Owners***Z145-300******214 Property Owners Notified******96 Property Owners in Favor******22 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	2	1921 N HENDERSON AVE	HENDERSON LOTS OWNER DALLAS LLC
	3	2218 N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS DALLAS LLC
	4	2114 N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
	6	1900 N HENDERSON AVE	HENDERSON MAIN DALLAS LLC
X	10	1839 N HENDERSON AVE	CANELAKES LOUIS
	11	1833 MOSER AVE	BURNS ROBERT W
	13	1906 MOSER AVE	STELLMACHER RICHARD &
X	14	1912 MOSER AVE	TICHANSKY MICHAEL S &
X	16	1918 MOSER AVE	MONDELL FONYA NAOMI
	17	1922 MOSER AVE	MONDELL CYNTHIA & ALLEN
	20	2008 MOSER AVE	DALLAS SUNDOWN PROPERTY
X	21	2014 MOSER AVE	CUELLAR- VALDEZ ROSANN
	22	2018 MOSER AVE	FAIFAR RIBEIRO PATRICIA X
	26	2019 N HENDERSON AVE	PEDRO PROPERTIES LLC
	27	2011 N HENDERSON AVE	NGUYEN CUNG LUONG 2010 TRUST
	30	5217 MONARCH ST	MUELLER MARK C
	32	2110 MOSER AVE	MPC MOSER II LLC
	33	2122 MOSER AVE	GARCIA JOSE
	34	2117 N HENDERSON AVE	SMITH ISABELLE M
	35	2115 N HENDERSON AVE	AVILA PASTORA MARIA
	38	2123 MOSER AVE	DALLAS SUNDOWN PPTY INVESTMENTS LLC
	39	2116 N GARRETT AVE	MONTANA & CHANCE 21152116 GARRETT LP
	40	5402 RICHMOND AVE	MCCRUMMEN JENNIFER &
O	41	5406 RICHMOND AVE	CARSON CHRIS A
	42	5410 RICHMOND AVE	GARRETT BRECK &
	43	5414 RICHMOND AVE	QUAIL ASSETS LP

06/08/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	44	5418 RICHMOND AVE	WIGGINS ANNA FRANCES
	45	5435 MELROSE AVE	ESTRELLO MARIA
	46	5423 MELROSE AVE	MAJORS JOHN A IV
	48	5411 MELROSE AVE	WINDLER MONTE & PATRICIA ANNE
	49	5409 MELROSE AVE	SHABAN ALI HUSSAIN
	53	2406 N HENDERSON AVE	COHEN CLARA JO
	54	2400 N HENDERSON AVE	MOORE MARGARITA O
O	55	2336 N HENDERSON AVE	CANDLER RUSSELL E JR
	56	2332 N HENDERSON AVE	BUSTAMANTE VINCENT & ANGELES
	57	2324 N HENDERSON AVE	HENDERSON SHOPS DALLAS LLC
	58	2310 N HENDERSON AVE	SPANISH BUSINESS SERVICES
	60	2031 GLENCOE ST	NEW DIRECTION IRA INC
	68	2407 MADERA ST	RUBIO SCOTT H
	69	2402 MADERA ST	HEPWORTH WESLEY W
	73	1922 MCMILLAN AVE	WRIGHT DAVID ASHLEY
	74	1912 MCMILLAN AVE	MATA RENE RAMOS
O	75	1902 MCMILLAN AVE	JDAL PROPERTIES INC
	76	1848 MCMILLAN AVE	GOOD EARTH FUNDING INC
	78	1840 MCMILLAN AVE	HERNANDEZ PAULINA
X	79	1836 MCMILLAN AVE	ADAMS VALERIE DAWN
	80	1828 MCMILLAN AVE	MATA HILARIO O & VIVIANA
	83	1816 MCMILLAN AVE	CISNEROS JUAN J &
O	86	2007 MCMILLAN AVE	NIETO PORFIRIO ORTEGA &
	89	1919 MCMILLAN AVE	LONGORIA MARY ELLEN
	93	1907 MCMILLAN AVE	SPRINGER MAJENICA
	94	1901 MCMILLAN AVE	BARBER PAULA L
	95	2034 CULLEN AVE	PATOLIA FAMILY REVOCABLE
O	98	2020 CULLEN AVE	KORPONAI SANDOR G
	99	2018 CULLEN AVE	INFANTE GUMERCIDA &
	100	2014 CULLEN AVE	BARRAZA GLORIA P
	101	2010 CULLEN AVE	REYES JUAN G ETAL

06/08/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	102	2006 CULLEN AVE	MARTINEZ JOSE L JR &
	103	2002 CULLEN AVE	HEPWORTH WESLEY W &
	104	2110 MADERA ST	GUANAJUATO PEDRO &
	106	2232 MADERA ST	CULLEN EDWARD V
	107	2035 CULLEN AVE	SKAGGS KENNETH LEE &
	108	2031 CULLEN AVE	CRUZ SAUL & GABRIELA
	109	2023 CULLEN AVE	LOPEZ LAZARO S &
	110	2019 CULLEN AVE	SANDOVAL JOSE
	111	2015 CULLEN AVE	HURLEY SOFIA &
	112	5418 MELROSE AVE	GASCA GILBERT JR &
	114	2228 MADERA ST	GAYTAN GUADALOPE
	115	2237 MADERA ST	WILLIAMS HERBERT S III
	118	2231 MADERA ST	ANTILLON MANUEL
	122	2215 MADERA ST	MCCOLLEY JEFFREY W &
	124	2207 MADERA ST	SHIELDS WILLIAM O
O	127	2115 MADERA ST	TAMEZ LORENA FIERRO
	128	2111 MADERA ST	SEGURA LUIS A & IRMA V MARTINEZ &
	129	2107 MADERA ST	WORLDALLAS PPTIES INC
	130	2103 MADERA ST	BAUGH HARBOR SERIES H LLC
X	131	1829 MCMILLAN AVE	CRUZ ESTEFANA B
	135	2003 MADERA ST	SHAMPAIN RICHARD H
	136	1911 EUCLID AVE	ALANIZ MARIE
	137	1905 EUCLID AVE	RANKIN BENJAMIN L &
	138	1903 EUCLID AVE	LEWELLON LABELLE &
	139	1855 EUCLID AVE	CROFT CARL E & LARA C
O	143	1829 EUCLID AVE	DALLAS SUNDOWN PPTY INV LLC
X	146	1819 EUCLID AVE	SINGER SUSAN E
O	147	1805 EUCLID AVE	1834 N HENDERSON LLC
	148	1856 EUCLID AVE	SMITH MARK
	149	1854 EUCLID AVE	ZAHRA EDWARD H JR
	150	1848 EUCLID AVE	HOWARD CHRISTOPHER

06/08/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	152	1842 EUCLID AVE	MATA RENE R
	153	1836 EUCLID AVE	BAILEY DAVID D
	154	1824 EUCLID AVE	EUCLID ELEMENTS LLC
	155	1822 EUCLID AVE	THOMAS JAMES
	156	1820 EUCLID AVE	RANA HUMAIR
	157	1816 EUCLID AVE	ENRIQUEZ ARMANDO &
O	158	1812 EUCLID AVE	NELSON NATHAN &
	159	1814 EUCLID AVE	BROWN CASSANDRA S
	161	2322 MOSER AVE	NGUYEN NHON
	164	2302 MOSER AVE	CRAVER SADIE B ESTATE OF
	165	2226 MOSER AVE	MONETA DAREN
	166	2222 MOSER AVE	PEREZ SALVADOR &
	168	2214 MOSER AVE	COG DALLAS HOMES LLC
	169	2208 MOSER AVE	FOUR MAD OX LLC
	170	2206 MOSER AVE	CHEFCHIS AMELIA
	171	2202 MOSER AVE	NEGRETE BLANCA G
	172	2203 MOSER AVE	DALLAS SUNDOWN PPTY INVESTMENTS LLC
	173	2207 MOSER AVE	NILASENA NANCY
	175	2215 MOSER AVE	KHAN IRFAN A &
	176	2217 MOSER AVE	KHAN IRFAN A & SABOOHI I
	177	2317 MOSER AVE	BAILEY DAVID D & IDA J
	179	2226 N GARRETT AVE	MARTINEZ JOSEPHINE LIFE ESTATE
	182	1802 MOSER AVE	Dallas ISD
	183	1800 N HENDERSON AVE	HENDERSON RETAIL LANDS
O	185	1839 EUCLID ST	SUBDIVISION REALTY 2 LLC
	186	5185 GARRETT STREAM CT	LIU PATRICK
	187	5169 GARRETT STREAM CT	TILLET BRADLEY & JAYNE
X	188	5153 GARRETT STREAM CT	VICTOROV VICTOR
	189	5186 GARRETT STREAM CT	NOWACKI SARAH A &
	190	5170 GARRETT STREAM CT	SINGAPURA KARTIK &
	191	5154 GARRETT STREAM CT	PATEL AKSHAR C

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	192	5171 GARRETT FIELD CT	GRUBER BRIAN &
	193	5155 GARRETT FIELD CT	ALLISON GEORGE THOMAS IV &
	194	5139 GARRETT FIELD CT	NOORANI IMRAN & SHEZILA ALI
	195	5188 GARRETT FIELD CT	ADAMANY MARISSA L
	196	5172 GARRETT FIELD CT	DEYOUNG WILLIAM A IV &
	197	5156 GARRETT FIELD CT	CARTER DEBRA
	198	2315 MOSER AVE	JOSELSON BARRY H &
O	201	1811 EUCLID AVE	KIDD KYLE &
O	202	1811 EUCLID AVE	BOYER ERIC
O	203	1811 EUCLID AVE	KNIGGE ANEMONE E
O	204	1811 EUCLID AVE	STRONG BRENT M
O	205	1811 EUCLID AVE	SINHA RAVI R
O	206	1811 EUCLID AVE	MESSER AMY
	207	1828 EUCLID AVE	LUCERO MILES
	208	1828 EUCLID AVE	TRANG QUYNHCHI NGOC
	209	1828 EUCLID AVE	JOHNSON CHARLES BRENT &
	210	1828 EUCLID AVE	SLECHTEN SARA M
	211	1828 EUCLID AVE	LESHER BRIDGET MARY
	212	1828 EUCLID AVE	SHORES SUSAN V & STEVEN LEE
	213	1828 EUCLID AVE	CLARK GREGORY PHILLIP
	214	1828 EUCLID AVE	WILLIAMS ARON THOMAS
O	A1	1811 EUCLID AVE	MATHEW TIM G
O	A2	1830 MOSER AVE	BLAIR IAN
O	A3	2217 MADERA ST	ZYLKA JOE &
O	A4	2123 MADERA ST	HOLMES JOHN B
O	A5	2239 MADERA ST	HOLMES JOHN B
O	A6	2100 MOSER AVE	MPC MOSER II LLC
O	A7	2103 MOSER AVE	MPC MOSER I LLC
O	A8	2107 MOSER AVE	MPC MOSER I LLC
O	A9	5419 MELROSE AVE	HUNT ROBERT V
O	A10	5403 MELROSE AVE	RVH REAL ESTATE

06/08/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A11	2235 MADERA ST	RVH REAL ESTATE OPPORTUNITY FUND LLC
O	A12	5415 MELROSE AVE	HUNT ROBERT V
O	A13	2121 N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A14	2008 GLENCOE ST	HENDERSON RESIDENTIAL LANDS DALLAS LLC
O	A15	2222 N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
O	A16	2212 N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
O	A17	1925 N HENDERSON AVE	HENDERSON LOTS OWNER DALLAS LLC
O	A18	2023 N HENDERSON AVE	PEDRO PPTIES LLC
O	A19	5216 FUQUA ST	PEDRO PROPERTIES LLC
O	A20	2326 N HENDERSON AVE	HENDERSON SHOPS DALLAS LLC
O	A21	1815 MCMILLAN AVE	HENDERSON RESIDENTIAL LANDS
O	A22	2201 N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A23	2205 N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A24	2213 N HENDERSON AVE	HENDERSON TRIPOLI INV PPTY LLC
O	A25	1901 N HENDERSON AVE	HENDERSON MAIN DALLAS LLC
O	A26	2211 MOSER AVE	2211 MOSER AVE LLC
O	A27	2304 N GARRETT AVE	2304 GARRETT AVE LLC
O	A28	2003 N HENDERSON AVE	MUNTZEL MARK SR LIVING TRUST
O	A29	2007 N HENDERSON AVE	NORTH HENDERSON AVENUE LLC
O	A30	5209 CAPITOL AVE	LARKSPUR CAPITOL AVENUE LP
O	A31	2015 MCMILLAN AVE	1700 TREEHOUSE LLC
O	A32	1911 MCMILLAN AVE	WALLER HALLIE
O	A33	2414 N HENDERSON AVE	NHA HOLDINGS LLC
O	A34	1926 MCMILLAN AVE	SMITH MARY E P
O	A35	5414 MELROSE AVE	CLARK EDWARD L JR
O	A36	1841 EUCLID ST	CARRILLO BENITA P
X	A37	2310 MADERA ST	CEJA JOSE NAVA & MAIJA S
O	A38	2221 MADERA ST	DAVIS RICHARD & CHERYL
O	A39	1827 EUCLID AVE	LARA RAMONA RAMIREZ

06/08/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A40	1821 EUCLID ST	GARCIA JESUS &
O	A41	2227 MADERA ST	GRIFFIN MATTHEW KEITH
O	A42	2319 MADERA ST	GONZALEZ OLGA
O	A43	2030 CULLEN AVE	GONZALEZ JESUS E
O	A44	2026 CULLEN AVE	GONZALEZ JESUS ESTRELLO
	A45	1840 EUCLID AVE	MATA RENE R
O	A46	1909 MCMILLAN AVE	MATA RENE R
O	A47	1918 MCMILLAN AVE	MATA RENE RAMOS
O	A48	1811 EUCLID AVE	JACKSON KATIE L
O	A49	2107 N HENDERSON AVE	2107 N HENDERSON AVENUE LLC
O	A50	5410 MELROSE AVE	HUNT ROBERT V
O	A51	2314 MADERA ST	HEPWORTH WESLEY W
O	A52	2403 MADERA ST	MEYER MARK D
O	A53	1844 MCMILLAN AVE	CHUC MARY JANE &
O	A54	5219 CAPITOL AVE	LARKSPUR CAP AVE II LLC
X	A55	2303 MADERA ST	LEIGH GRANT W & KRISTI D
X	A56	1914 MOSER AVE	MCCULLOUGH DAVID W &
X	A57	2315 MADERA ST	KUBIN JOHN W
X	A58	2119 MADERA ST	KUBIN JOHN
X	A59	2311 MADERA ST	KUBIN MARY FRANCES
X	A60	1925 MCMILLAN AVE	GUTIERREZ SYLVIA ANN &
X	A61	1841 MCMILLAN AVE	LEYVA JOSE
X	A62	1837 MCMILLAN AVE	ZAVALA MARY
X	A63	2104 MADERA ST	MEDRANO RANDY I
X	A64	2304 MADERA ST	NAVA HECTOR & CLAUDIA MARIA GUERRERO
X	A65	2022 MOSER AVE	ESCARCEGA CARLOS
O	A66	2209 N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A67	1833 MCMILLAN AVE	NOLAN CRYSTAL
O	A68	2314 MOSER AVE	MOSER HOMES LLC
O	A69	2318 MOSER AVE	MOSER HOMES LLC
O	A70	1808 EUCLID AVE	SMITH O DARWIN &
O	A71	1902 MOSER AVE	BOSWELL BRADLY

06/08/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A72	2002 MOSER AVE	GOODENOW GEORGE
O	A73	2006 MOSER AVE	SUBDIVISIONS REALTY 7 LLC
O	A74	2410 N HENDERSON AVE	NHA HOLDINGS LLC
O	A75	2021 GLENCOE ST	SMITH SKYE
O	A76	2025 GLENCOE ST	BRYSON SPENCER A &
O	A77	2307 MADERA ST	DIMENSION D+B LLC
O	A78	1824 MCMILLAN AVE	TABOR MICHELLE CAROLINE
O	A79	1820 MCMILLAN AVE	BROADHURST ZACHARY C
O	A80	2011 MCMILLAN AVE	LEYVA SAMUEL
O	A81	1929 MCMILLAN AVE	PAYNE WILLIAM BRIAN
O	A82	1915 MCMILLAN AVE	MENDEL MARK A
O	A83	2201 MADERA ST	HERNANDEZ MARTIN &
O	A84	1844 EUCLID ST	ROYAL SUPREME LLC
O	A85	2310 MOSER AVE	MOSER TOWNHOMES LLC
O	A86	2218 MOSER AVE	DIMENSION D B LLC
O	A87	2306 MOSER AVE	MOSER HOMES LLC
O	A88	1925 MOSER AVE	LH MOSER LLC
O	A89	5407 MELROSE AVE	PIECE JORDAN DEVELOPMENT LLC
O	A90	1849 EUCLID AVE	PIERCE JORDAN DEVELOPMENT LLC
O	A91	1845 EUCLID AVE	CAPITAL PARTNERS LLC
O	A92	2211 MADERA ST	BARNETT SAMUEL L & RAMONA S

AGENDA ITEM # 55

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 56 Q; U; V

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a Planned Development District for commercial, industrial and transportation uses; **(2)** an ordinance granting an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II]; **(3)** an ordinance granting a Specific Use Permit for two industrial (outside) not potentially incompatible uses for a concrete batching plant [Tract I and Tract III]; **(4)** an ordinance terminating Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant; and **(5)** a resolution terminating deed restrictions [Z078-204] on property zoned an IR-D Industrial Research District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS-D Commercial Service District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1602 for vehicle storage lot on a portion; and an IM-D Industrial Manufacturing District with a D Liquor Control Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on the northeast corner of State Highway 310 and Linfield Road

Recommendation of Staff and CPC: Approval of a Planned Development District for commercial, industrial and transportation uses, subject to a conceptual plan and conditions; approval of an amendment to Specific Use Permit No. 1715 for an asphalt batch plant for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/landscape plan and conditions; approval of a Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract I and Tract III for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions; approval of the termination of Specific Use Permit No. 1613; and approval of the termination of deed restrictions [Z078-204]

Z145-301(WE)

Note: This item was considered by the City Council at public hearings on September 27, 2017, October 25, 2017, December 13, 2017 and January 24, 2018, and was held under advisement until March 28, 2018, with the public hearing open

FILE NUMBER: Z145-301(WE) **DATE FILED:** July 17, 2015

LOCATION: State Highway 310 and Linfield Road, northeast corner

COUNCIL DISTRICT: 7 **MAPSCO:** 56 Q; U; V

SIZE OF REQUEST: Approx. 74.74 acres **CENSUS TRACT:** 86.03

APPLICANT / OWNER: St. Louis S. W. Railway Co. Union Pacific %Erik Omar

REPRESENTATIVE: Maxwell Fisher, MASTERPLAN

REQUEST: An application for (1) a Planned Development District for commercial, industrial and transportation uses; (2) an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II]; (3) a Specific Use Permit for two industrial (outside) not potentially incompatible uses for a concrete batching plant [Tract I and Tract III]; (4) the termination of Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant; and (5) the termination of deed restrictions [Z078-204] on property zoned an IR-D Industrial Research District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS-D Commercial Service District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1602 for vehicle storage lot on a portion; and an IM-D Industrial Manufacturing District with a D Liquor Control Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions.

CPC RECOMMENDATION:

Approval of a Planned Development District for commercial, industrial and transportation uses, subject to a conceptual plan and conditions; approval of an amendment to Specific Use Permit No. 1715 for an asphalt batch plant for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/landscape plan and conditions; approval of a Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract I and Tract III for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions; approval of the termination of Specific Use Permit No. 1613; and approval of the termination of deed restrictions [Z078-204].

STAFF RECOMMENDATION:

Approval of a Planned Development District for commercial, industrial and transportation uses, subject to a conceptual plan and conditions; approval of an amendment to Specific Use Permit No. 1715 for an asphalt batch plant for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/landscape plan and conditions; approval of a Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract I and Tract III for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions; approval of the termination of Specific Use Permit No. 1613; and approval of the termination of deed restrictions [Z078-204].

BACKGROUND INFORMATION:

- The purpose of the request is to allow for an asphalt batch plant to continue to operate on Tract I and allow for two additional concrete batch plants to operate on Tracts II and III within the subject site. The applicant is also requesting to terminate an SUP that allows for the operation of a batch plant on the northern portion of the site as well as deed restrictions that are on a portion of the site. The deed restrictions prohibit specific lodging and industrial uses on a portion of the property.
- The applicant's request for a Planned Development District for commercial, industrial and transportation uses will allow the site to be governed under cohesive development regulations. Currently, there are three zoning districts that are located throughout the site: CS Commercial Service District, IR Industrial Research District, and an IM Industrial Manufacturing District.
- The existing rail yard has served as a rail hub for Union Pacific Railroad since the turn of the 20th century. The site is currently being used to transport various types of materials to various destinations in the city. A large portion of the site is paved, but is undeveloped.
- On September 26, 2007, the City Council approved a Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant for a ten-year period.
- On June 25, 2008, the City Council approved a Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batch plant for a five year period and approved deed restrictions prohibiting specific lodging and industrial type uses on site.
- On June 26, 2013, the City Council approved an amendment to Specific Use Permit No. 1715 for a ten year period with eligibility for automatic renewals for additional ten year periods.
- On February 5, 2015, the City Plan approved a minor amendment to the site plan for the location of natural gas and vaporization tanks to facilitate the process for the batching plant operations.
- The applicant has proposed to operate three batching plants on site; two new concrete batching plants and one existing asphalt batching plant. These plants will be contiguous to one another and will be located adjacent to the western property line, near South Central Expressway. To differentiate between the various three SUPs, the batch plant conditions will be identified as Tracts. Tracts I and III are new concrete batch plants and Tract II is an existing asphalt plant. The eastern portion of the site is developed with a rail line that will transport the materials from the batch plant to various destinations.

Zoning History: There has been one zoning case in the area over the past five years.

1. Z123-184 On June 26, 2013, the City Council approved an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant for a ten-year period with eligibility for automatic renewals for additional ten-year periods. [Request site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
State Highway 301		Variable right-of-way widths	Variable right-of-way widths
Linfield Road	Principal Arterial	100 ft.	100 ft.

Land Use Compatibility:

	Zoning	Land Use
Site	IM-D, CS-D, IR-D SUP No. 1613, SUP No. 1715 with DR, SUP No. 1602,	Rail line, Asphalt batch plant
North	IR, CS	Auto related use, Great Trinity Forest
South	IR, IM	Industrial, bar
East	IR-D, IR	Rail Line, Flood Plain
West	CS	Auto related uses, hotel or motel, Commercial type uses

STAFF ANALYSIS

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

The request site is located within an area of the city that has been operating with industrial uses. A portion of the site has a rail line that transports and delivers various types of material to the City. The proposed concrete batching plants are a vital part of the industrial fabric that allows specific materials to be processed and transported to various locations throughout the City.

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

Trinity River Corridor Comprehensive Land Use Plan. In March 2005, the City Council approved the Trinity River Corridor Comprehensive land Use Plan. The site is located within a Residential Urban module, which limits uses to residential and compatible residential, office, and civic uses but references the flexibility factor for industrial-manufacturing uses are unlimited.

Land Use Compatibility: The request site is developed with an improved surface parking lot, an asphalt batching plant and a rail line that is being used to transport materials to and from the site. The applicant's request for a Planned Development District will permit the following: 1) consolidation of three zoning districts under one governing set of development standards and regulations, 2) terminate Specific Use Permit No. 1613 for a batching plant, 3) terminate existing deed restrictions that prohibited certain type of industrial and lodging uses, 4) permit two additional concrete batching plants and 5) extend time period for Specific Use Permit No. 1715. The three batch plants will be divided into three separate tracts with individual SUP conditions that will allow for each operation to function separately. The request site will have two concrete batch plants that will be operated by separate tenants and an asphalt batch plant that is currently operating on site.

The request site has been an industrial site for over 70 years with an active rail line to transport various types of materials throughout the City as well as various parts of the country. The proposed consolidation of the zoning districts will allow for certain main uses to be permitted on site as well as comply with cohesive set of development standards and regulations. The proposed PDD conditions will allow for certain main uses to be permitted on site. The uses will allow the applicant some flexibility to develop the site with uses that are compatible with the adjacent land uses. In addition, consolidating the zoning district into one set of regulations will make any future development comply with one set of regulations as oppose to developing a project that is govern by several zoning regulations. The applicant believes that the IM Industrial Manufacturing District will support their future needs as it relates to the yard, space and lot regulations.

Moreover, the applicant is proposing to terminate deed restrictions that are on an existing asphalt batching plant, which is located on the northern portion of the site. The deed restrictions prohibited the following uses: Extended stay hotel or motel, Hotel or motel, Industrial (inside) not potentially incompatible, Industrial (inside) potentially incompatible, Lodging or boarding house, Medical/infectious waste incinerator, Metal salvage facility, Mining, Municipal waste incinerator, Organic compost recycling facility,

Outside salvage or reclamation, and Pathological waste incinerator. The PDD conditions will prohibit a majority of the uses above except for the Industrial (inside) not potentially incompatible and Industrial (inside) potentially incompatible. The industrial (inside) type uses should not have any negative impact on the adjacent uses as a result of the materials and operations are conducted inside the facility.

In June 2013, the City Council approved an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant. The applicant is requesting the terminate Specific Use Permit No. 1613 for an asphalt batch plant because the plant is no longer in operation.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff's recommendation of ten years periods with one additional ten year period will allow staff the opportunity to evaluate and monitor the various operations. The batch plants will be monitored by the City's Environmental Air and Quality Control Department. The provisions in the SUP conditions will require ground and dust control measures.

The additional uses on site will support the operations of the UP Intermodal Terminal in Wilmer as well as provide a valuable service to the City of Dallas. The compatibility of land uses and the site's adjacency to an existing rail line allows an opportunity for the applicant to use the existing infrastructure and resources to operate the proposed uses.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office
IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
IM Industrial manufacturing	15' 0' on minor	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	110' 8 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
Proposed PDD	15' 0' on minor	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	110' 8 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping: Landscaping must be provided as shown on the site plan / landscape plan.

Due to the proposed development and operation of the batch plants, Article X landscaping requirements will be triggered for the entire site. Since the entire site was developed prior to the adoption of Article X standards and is completely covered with impervious surface, the applicant is proposing to landscape the areas that are visible from the street to screen the batch plants. The chart below compares the differences between Article X requirements and the applicant's proposed landscaping of the site.

Article X Standards	Applicants Proposal
<ul style="list-style-type: none"> Typically, site trees are required at 1:4000 sf. of building site (74.74 acres = 814 trees) 	<ul style="list-style-type: none"> Site trees not required
<ul style="list-style-type: none"> Typical is all required parking spaces within 120' of a large canopy tree. 	<ul style="list-style-type: none"> Parking lot trees not required
<ul style="list-style-type: none"> Typical street tree requirement is 1:50' (1540/50 = 31 trees (within 30 feet of curb) 	<ul style="list-style-type: none"> Street trees amended to Linfield Road requirement only at 1:40 feet. No street tree requirement for SH310.
<ul style="list-style-type: none"> Two design standards are typical 	<ul style="list-style-type: none"> Design standards not required.

The PDD conditions will amend Article X standards to reflect the following:

- Street trees (10.125) would be placed along Linfield Road at 1:40'.
- A minimum 30 deep landscape buffer is required along Linfield Road.
- A minimum of 5 large canopy trees are required within 120 feet from the SH310 curb line at the main entrance.

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.

Parking: The Development Code requirement for off-street parking for an industrial (outside) use is one space per 600 square feet of floor area plus one space per 600 square feet of outside manufacturing area. The 1,900 square feet of office floor area that is associated with each concrete batch plant requires three off-street parking spaces. The applicant is providing three off-street parking spaces for the area identified as Tract I. As for the existing SUP No. 1715 and the area identified as Tract III, the applicant is providing more than three spaces. Staff will ask the applicant to revised the site plans to reflect the actual number of off-street parking spaces. The use does not involve outside manufacturing.

Miscellaneous – PDD conditions: The applicant is requesting a parking reduction for the Office showroom/warehouse use. The applicant is proposing one space per 333 square feet of office floor area, one space per 1,000 square feet of floor area for first 20,000 square feet of showroom/warehouse floor area, and one parking space for each 6,000 square feet of floor area in excess of 20,000 square feet of showroom/warehouse.

The Development Code requires one space per 333 square feet of office floor area, one space per 1,000 square feet of floor area for the showroom/warehouse. The applicant envisions that the request site could a use where the back office is computerized; thus, reducing the need for vehicular traffic and off-street parking.

CPC Action (December 15, 2016)

Motion: In considering an application for 1) a Planned Development District for commercial, industrial and transportation uses, 2) an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II], 3) a Specific Use Permit for two industrial (outside) potentially incompatible uses for concrete batching plants [Tract I and Tract III], 4) terminate Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant, and 5) terminate deed restrictions [Z078-204] on property zoned an IR Industrial Research District with a Dry Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS Commercial Service District with a Dry Overlay on a portion and Specific Use Permit No. 1602 on a portion; and an IM Industrial Manufacturing District with a Dry Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on a portion on the northeast corner of State Highway 310 and Linfield Road, it was moved to hold this case under advisement until January 19, 2017.

Maker: Houston
Second: Davis
Result: Carried: 12 to 0

For: 12 - Anglin, Houston, Davis, Shidid, Haney, Jung,
Housewright*, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 2 - Rieves, Anantasomboon
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices:	Area: 500	Mailed: 64
Replies:	For: 3	Against: 1

Speakers: None

CPC Action (January 19, 2017)

Motion: In considering an application for 1) a Planned Development District for commercial, industrial and transportation uses, 2) an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II], 3) a Specific Use Permit for two industrial (outside) potentially incompatible uses for concrete

batching plants [Tract I and Tract III], 4) terminate Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant, and 5) terminate deed restrictions [Z078-204] on property zoned an IR Industrial Research District with a Dry Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS Commercial Service District with a Dry Overlay on a portion and Specific Use Permit No. 1602 on a portion; and an IM Industrial Manufacturing District with a Dry Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on a portion on the northeast corner of State Highway 310 and Linfield Road, it was moved to **hold** this case under advisement until February 16, 2017.

Maker: Mack
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin*, Rieves, Houston, Davis, Shidid,
Anantasomboon, Mack, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 64
Replies: For: 3 Against: 1

Speakers: None

CPC Action (February 16, 2017)

Motion: It was moved to recommend **approval** of a Planned Development District for commercial, industrial and transportation uses, subject to a conceptual plan and conditions, **approval** of an amendment to Specific Use Permit No. 1715 for an asphalt batch plant on Tract II for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/landscape plan and conditions, **approval** of a Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract I for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions, **approval** of a Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract III for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions, **approval** of the termination of Specific Use Permit No. 1613 and termination of deed restrictions on a portion; and **approval** of the termination of deed restrictions [Z078-204] on property zoned an IR Industrial Research District with a Dry Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS Commercial Service District with a Dry Overlay on a portion and Specific Use Permit No. 1602 on a portion; and an IM Industrial Manufacturing District with a Dry Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on a portion on the northeast corner of State Highway 310 and Linfield Road.

Maker: Mack
Second: Anglin
Result: Carried: 10 to 2

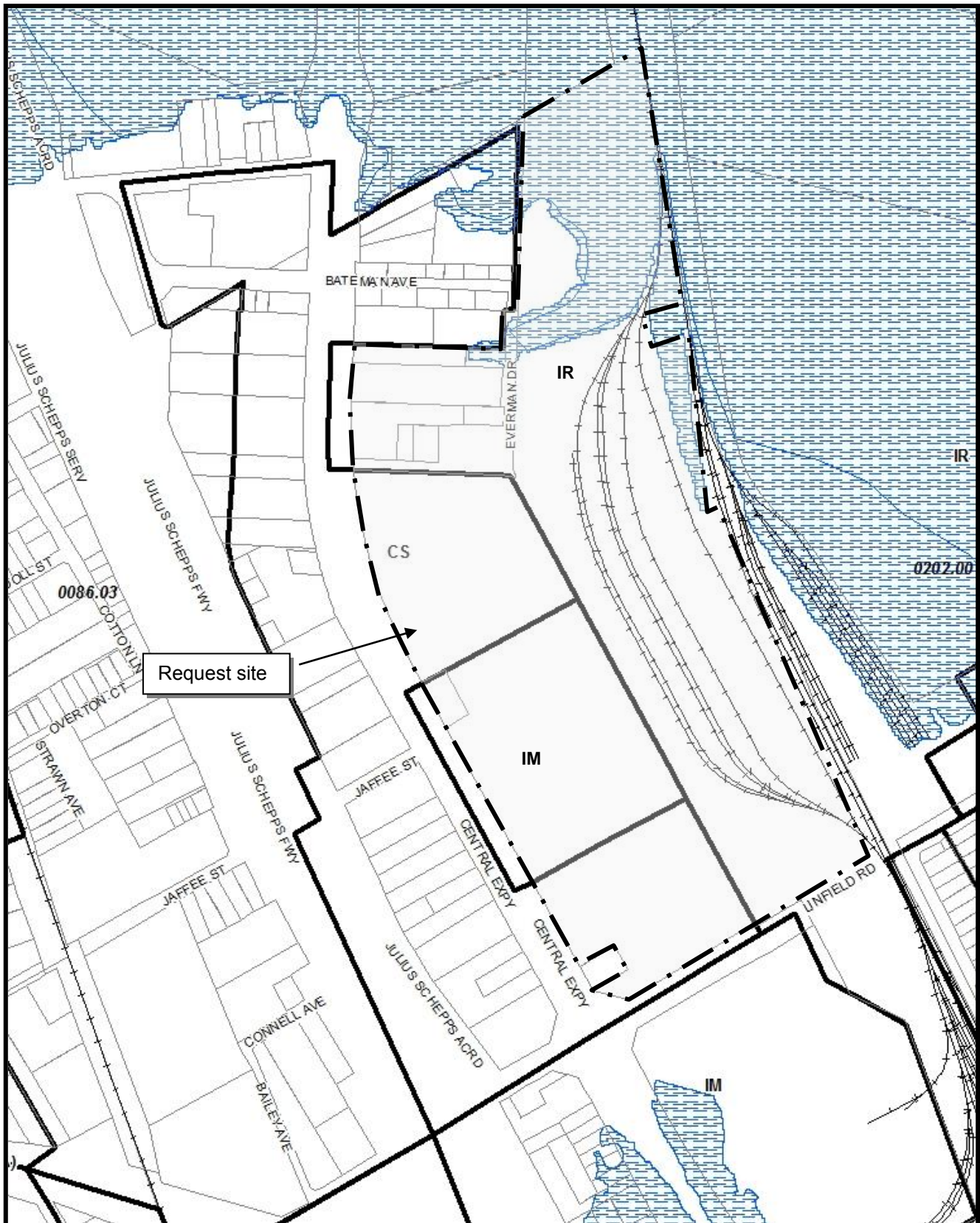
For: 10 - Anglin, Rieves, Houston, Shidid, Mack, Jung,
Housewright, Peadon, Murphy, Ridley

Against: 2 - Davis, Haney
Absent: 3 - Anantasomboon, Schultz, Tarpley
Vacancy: 0

Notices: Area: 500 Mailed: 64
Replies: For: 3 Against: 1

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

Current Zoning Districts



<p align="center">LIST OF OFFICERS St. Louis S. W. Railway Co. Union Pacific</p>

UNION PACIFIC	
Directors	Officers
<p>Andrew H. Card, Jr. President Franklin Pierce University Higher Education</p>	<p>John J. Koraleski Chairman of the Board Union Pacific Corporation and Union Pacific Railroad Company</p>
<p>Erroll B. Davis, Jr. Former Chairman President and CEO Alliant Energy Corporation Business</p>	<p>Eric L. Butler Executive Vice President Marketing & Sales Union Pacific Railroad Company</p>
<p>David B. Dillon Former Chairman The Kroger Company Business</p>	<p>Diane K. Duren Executive Vice President and Corporate Secretary Union Pacific Corporation</p>
<p>Lance M. Fritz President and Chief Executive Officer Union Pacific Corporation and Union Pacific Railroad Company</p>	<p>Lance M. Fritz President and Chief Executive Officer Union Pacific Corporation and Union Pacific Railroad Company</p>
<p>Judith Richards Hope Emeritus Professor of Law and Distinguished Visitor from Practice Georgetown University Law Center Law School</p>	<p>Mary Sanders Jones Vice President and Treasurer Union Pacific Corporation</p>
<p>John J. Koraleski Chairman of the Board, Union Pacific Corporation and Union Pacific Railroad Company</p>	<p>D. Lynn Kelley, PhD. Vice President - Supply and Continuous Improvement Union Pacific Railroad Company</p>
<p>Charles C. Krulak President Birmingham-Southern College Higher Education</p>	<p>Robert M. Knight, Jr. Executive Vice President - Finance and Chief Financial Officer Union Pacific Corporation</p>
<p>Michael R. McCarthy</p>	<p>Joseph E O'Connor Vice President - Labor Relations Union Pacific Railroad Company</p>

<p>LIST OF OFFICERS St. Louis S. W. Railway Co. Union Pacific</p>
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Chairman
McCarthy Group, LLC
Investment Management

Michael W. McConnell
General Partner
Brown Brothers Harriman & Company
Banking

Thomas F. McLarty III
President
McLarty Associates
Strategic Advisory and Advocacy Services

Steven R. Rogel
Former Chairman
Weyerhaeuser Company
Integrated Forest Products Company

Jose H. Villarreal
Advisor
Akin, Gump, Strauss, Hauer & Feld, LLP
Law Firm

Patrick J. O'Malley
Vice President - Taxes and
General Tax Counsel
Union Pacific Corporation

Michael A. Rock
Vice President - External Relations
Union Pacific Corporation

Cameron A. Scott
Executive Vice President
Operations
Union Pacific Railroad Company

Gayla L. Thal
Senior Vice President - Law and
General Counsel
Union Pacific Corporation

Jeffrey P. Totusek
Vice President and Controller
Union Pacific Corporation

Lynden L. Tennison
Senior Vice President and
Chief Information Officer
Union Pacific Corporation

Robert W. Turner
Senior Vice President - Corporate Relations
Union Pacific Corporation

CPC PROPOSED PDD CONDITIONS
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ARTICLE

PD

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

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

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

PD _____ is established on property east line of State Highway 301, north of Linfield Road. The size of PD _____ is approximately 74.74 acres.

SEC. 51P- _____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a non-residential zoning district.

SEC. 51P-____.104. CREATION OF TRACTS.

This Planned Development District is divided into four tracts: Tract I, Tract II Tract III and Tract IV.

SEC. 51P-____.105. EXHIBIT.

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

SEC. 51P-____. 106. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ____ A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P- ____ .107. DEVELOPMENT PLAN NOT REQUIRED

The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans and development plans, do not apply to this district.

SEC. 51P- ____ .108. MAIN USES PERMITTED.

- a) Agricultural uses.
 - None permitted.
- b) Commercial and business service uses.
 - Building repair and maintenance shop.
 - Bus or rail transit vehicle maintenance or storage facility.
 - Custom woodworking, furniture construction, or repair.
 - Electronics service center.
 - Job or lithographic printing.
 - Machine or welding shop
 - Machinery, heavy equipment, or truck sales and services.
 - Technical school.
 - Tool or equipment rental.
 - Vehicle or engine repair or maintenance.
- c) Industrial uses.
 - Industrial (inside) potentially incompatible.
 - Industrial (outside) potentially incompatible. [SUP]
 - Industrial (inside) for light manufacturing.
 - Industrial (inside or outside) not potentially incompatible.
 - Temporary concrete or asphalt batching plant.
[By special authorization of the building official.]
- d) Miscellaneous uses.
 - Attached non-premise sign [SUP]
 - Temporary construction or sales office.
- e) Office uses.
 - Office.
- f) Recreation uses.
 - None permitted.
- g) Residential uses.
 - None permitted
- h) Retail and personal service uses.
 - Auto service center.

- Commercial parking lot or garage.
- Liquefied natural gas fueling station.
- Truck stop
- i) Transportation uses.
 - Airport or landing field. [SUP]
 - Commercial bus station and terminal.
 - Railroad passenger station. [SUP]
 - Railroad yard, roundhouse, or shops.
 - Transit passenger shelter.
 - Transit passenger station or transfer center. [By SUP or city council resolution.]
- j) Utility and public service uses.
 - Electrical generating plant. [SUP]
 - Electrical substation.
 - Local utilities.
 - Police or fire station.
 - Radio, television, or microwave tower.
 - Tower/antenna for cellular communication.
 - Utility of government installation other than listed.
- k) Wholesale, distribution, and storage uses.
 - Auto auction.
 - Contractor's maintenance yard.
 - Freight terminal.
 - Mini-warehouse.
 - Office showroom/warehouse.
 - Outside storage [RAR]
 - Petroleum product storage and wholesale.
 - Recycling buy-back center.
 - Recycling collection center.
 - Recycling drop-off container.
 - Recycling drop-off for special occasion collection.
 - Sand, gravel, or earth sales and storage.
 - Trade center.
 - Vehicle storage lot.
 - Warehouse.

SEC. 51P-____.109.

ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

- (b) The following accessory uses are not permitted in this subdistrict:
- Accessory medical/infectious waste incinerator.
 - Accessory pathological waste incinerator.
 - General waste incinerator.
 - Pedestrian skybridges.

SEC. 51P-____.110. 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. In the event of a conflict, between this section and Division 51A-4.400, this section controls.)

In general. Except as provided in this section, the yard, lot, and space regulations of the IM Industrial Manufacturing District apply.

SEC. 51P-____.111. OFF-STREET PARKING AND LOADING.

Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(a) Office/showroom, warehouse: One space per 333 square feet of office floor area. One space per 1,000 square feet of floor area for first 20,000 square feet of showroom/warehouse floor area. One parking space for each 6,000 square feet of floor area in excess of 20,000 square feet of showroom/warehouse.

(b) Outside storage: One space per 10,000 square feet of site area designated as outside storage.

SEC. 51P-____.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.113. LANDSCAPING AND TREE PRESERVATION.

Except as provided in this section, landscaping must be provided in accordance with Article X. In the event there is a conflict between this section and Article X, this section controls.

- (a) Site trees are not required.
- (b) A minimum 30' deep landscape buffer is required along Linfield Road and at the main entrance on S. Central Expressway as described on the conceptual plan.
- (c) One street tree is required for each 40 lineal feet of the aforementioned landscape buffer along Linfield Road.

(d) A minimum of 5 large canopy trees are required within 120 feet of the S. Central Expressway (SH310) curb line at the main entrance.

(e) Parking lot trees are not required.

(f) Section 51A-10.126 Design Standards do not apply.

(g) Compliance with provision (d) of this section is not required until a building permit is issued to authorize construction of a habitable building with a minimum cumulative floor area of 5,000 square feet or greater.

SEC. 51P- _____.114. SIGNS.

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

SEC. 51P- _____.115. ADDITIONAL PROVISIONS.

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

(b) Screening of on-site outdoor activities or storage from public streets is not required.

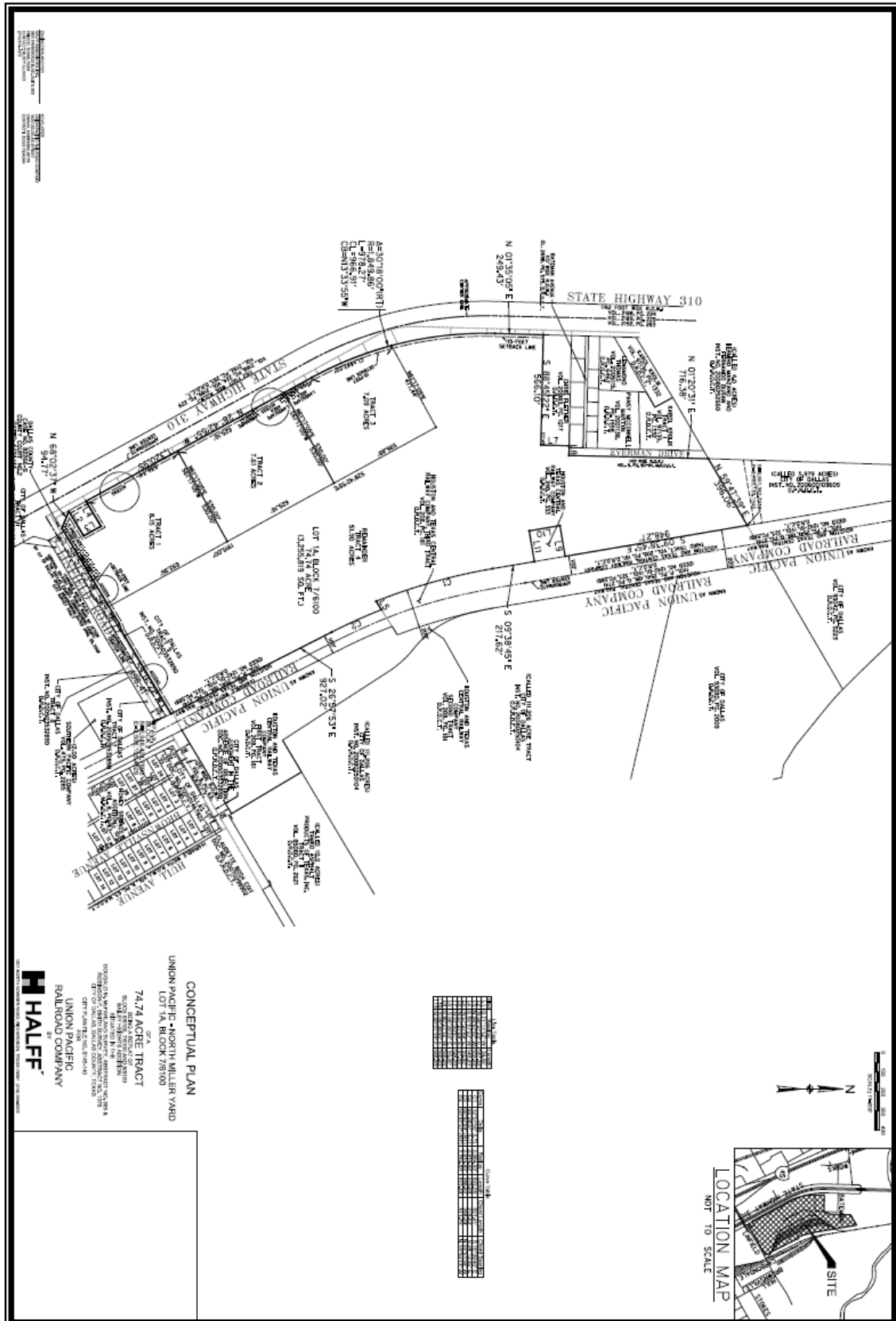
(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SEC. 51P- _____.116. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

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

PROPOSED CONCEPTUAL PLAN



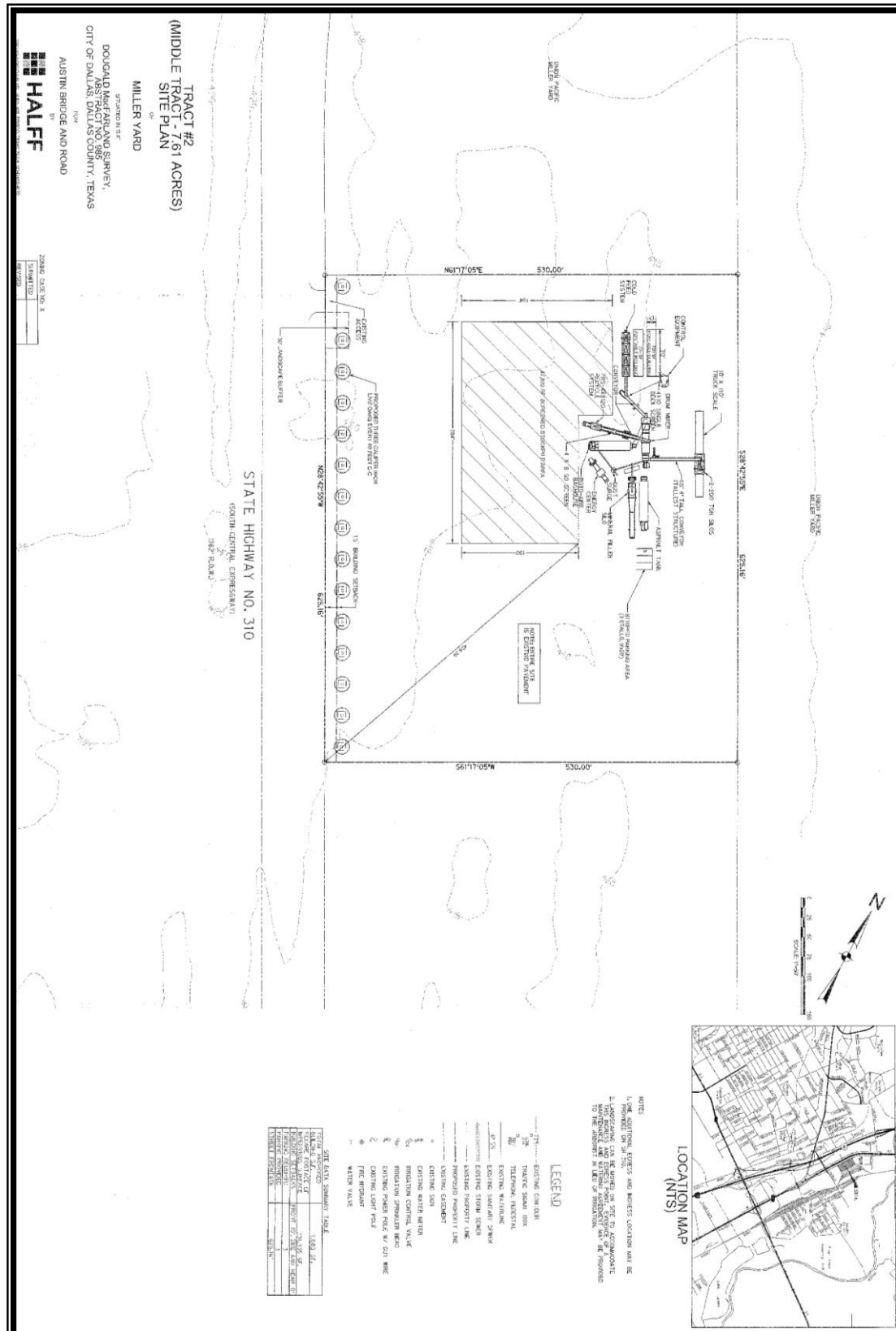
<p style="text-align: center;">CPC PROPOSED SUP CONDITIONS Tract I</p>
--

1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use to be used as a concrete batching plant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan/landscape plan.
3. TIME LIMIT: This specific use permit expires on _____(ten years from the passage of this ordinance), but is eligible for automatic renewal for one additional ten-year periods pursuant to Section 51A-4.219 of 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. DUST CONTROL:
 - A. The following conditions must be met on an ongoing basis:
 - i. Trucks must be loaded through a discharge equipped with a water ring that eliminates visible dust emissions.
 - ii. All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
 - iii. The area between the sand/aggregate stockpiles and conveyor charge hopper used for vehicle traffic must be paved, watered, and swept as necessary to achieve maximum control of dust emissions. Other areas used for vehicle traffic must be watered as necessary to eliminate visible dust emissions.
 - iv. During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.

- v. The cement storage silos and cement weigh hopper must be vented to a fabric filter to eliminate visible dust emissions.
 - vi. During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions.
 - vii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
 - viii. Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and/or vehicle traffic are minimized.
- B. A ground and dust control plan incorporating existing and proposed infrastructure required by Paragraph A must be documented in written form and delivered to the director of environmental and health services and the director of sustainable development and construction by ____ (60 days after passage of ordinance).
- 5. FLOOR AREA: The maximum floor area is 1,900 square feet in the location shown on the attached site plan and landscape plan.
 - 6. PARKING: A minimum of three off-street parking spaces must be provided in the location as shown on the attached site plan and landscape plan.
 - 7. OUTSIDE STORAGE: Materials stored outside must be located within bins that are screened on three sides by a 10 foot high solid screening wall. Maximum height of materials is 40 feet.
 - 8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 - 9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

Tract I



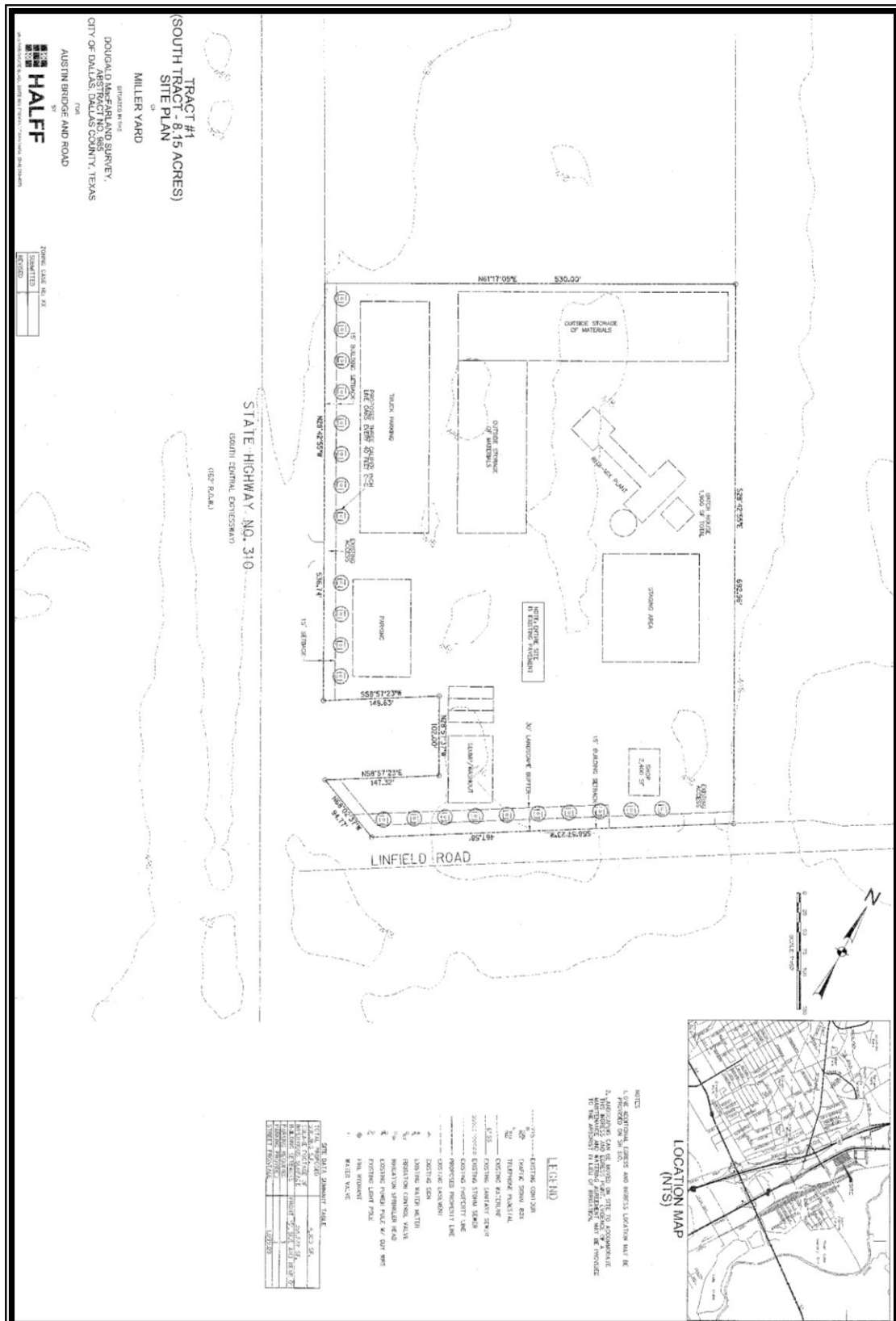
<p style="text-align: center;">CPC AMENDMENT TO SUP No. 1715 Tract II</p>

1. USE: The only use authorized by this specific use permit is an industrial (outside) potentially incompatible use for an asphalt batching plant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~[June 26, 2023]~~ (ten years from the passage of this ordinance), but is eligible for automatic renewal for one additional ten-year period pursuant to Section 51A-4.219 of 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.
5. GROUND AND DUST CONTROL:
 - A. The following conditions must be met on an ongoing basis:
 - i. All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
 - ii. During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.
 - iii. Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and vehicle traffic are minimized.

- iv. Emissions from the drum dryer must be vented to a fabric filter baghouse. The baghouse must be installed in accordance with the manufacturer's specifications and operated properly. No visible fugitive emissions may leave the site.
 - v. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
- C. A ground and dust control plan incorporating existing and proposed infrastructure, as required by conditions (i) through (iii) above, must be documented in written form and delivered to the Director of Environmental and Health Services and the Director of Sustainable Development and Construction by ~~[August 24, 2008]~~.
- 6. OUTSIDE STORAGE: Materials stored outside must be located in bins that are screened on three sides by 10-foot-high screening wall.
 - 7. PARKING: Parking must be located as shown on the attached site plan.
 - 8. PERMITS: A certificate of occupancy may not be issued until all required environmental permits are obtained from the Texas Commission on Environmental Quality, Federal Emergency Management Agency, and all other state, federal, or city agencies.
 - 9. SCREENING: A minimum eight-foot-high screening fence must be provided in the location shown on the attached site plan. The fence must either be solid or have screening elements, such as slats or mesh, to screen the interior of the Property.
 - 10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 - 11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

Tract II



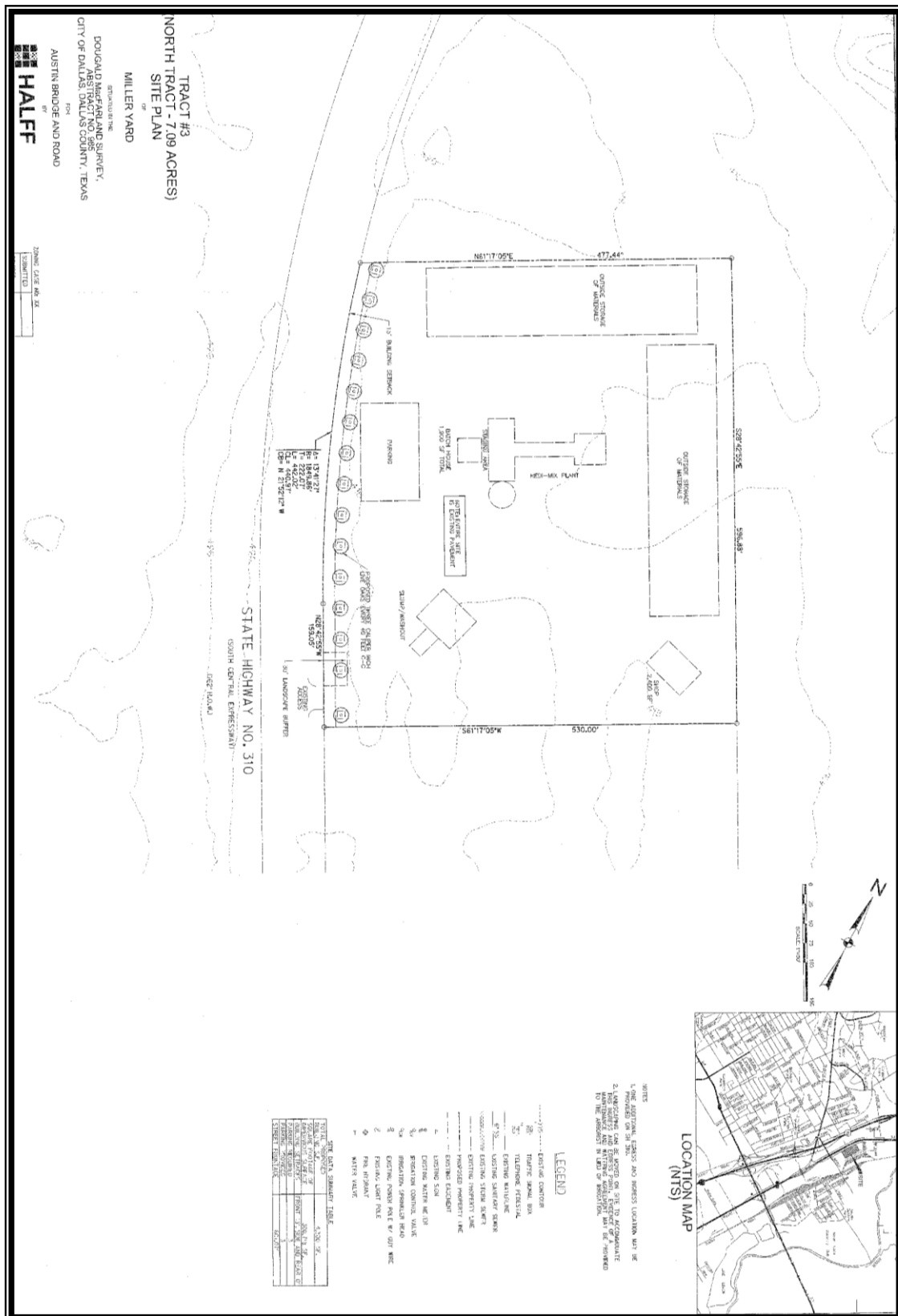
CPC PROPOSED SUP CONDITIONS
Tract III

1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use to be used as a concrete batching plant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan/landscape plan.
3. TIME LIMIT: This specific use permit expires on _____ (ten years from the passage of this ordinance), but is eligible for automatic renewal for one additional ten-year periods pursuant to Section 51A-4.219 of 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. DUST CONTROL:
 - A. The following conditions must be met on an ongoing basis:
 - i. Trucks must be loaded through a discharge equipped with a water ring that eliminates visible dust emissions.
 - ii. All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
 - iv. The area between the sand/aggregate stockpiles and conveyor charge hopper used for vehicle traffic must be paved, watered, and swept as necessary to achieve maximum control of dust emissions. Other areas used for vehicle traffic must be watered as necessary to eliminate visible dust emissions.

- iv. During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.
 - v. The cement storage silos and cement weigh hopper must be vented to a fabric filter to eliminate visible dust emissions.
 - vi. During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions.
 - vii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
 - viii. Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and/or vehicle traffic are minimized.
- D. A ground and dust control plan incorporating existing and proposed infrastructure required by Paragraph A must be documented in written form and delivered to the director of environmental and health services and the director of sustainable development and construction by _____(60 days after passage of ordinance).
- 5. FLOOR AREA: The maximum floor area is 1,900 square feet in the location shown on the attached site plan and landscape plan.
 - 6. PARKING: A minimum of two off-street parking spaces must be provided in the location as shown on the attached site plan and landscape plan.
 - 7. OUTSIDE STORAGE: Materials stored outside must be located within bins that are screened on three sides by a 10 foot high solid screening wall. Maximum height of materials is 40 feet.
 - 8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 - 9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

Tract III



TERMINATE SUP No. 1613

- ~~[1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use for a concrete batch plant.]~~
- ~~[2. SITE PLAN: Use and development of the Property must comply with the attached site plan.]~~
- ~~[3. TIME LIMIT: This specific use permit shall automatically terminate on June 14, 2016.]~~
- ~~[4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.]~~
- ~~[5. GROUND AND DUST CONTROL:]~~

~~[A. The following conditions must be met on an ongoing basis:]~~

- ~~[i. All on-site travelways and maneuvering lanes must be paved, watered, and swept as necessary to achieve maximum control of dust emissions.]~~
- ~~[ii. During operations, all stockpiles must be sprayed with water as necessary to achieve maximum control of dust emissions.]~~
- ~~[iii. All silos and weigh hoppers must be vented to a filter to eliminate visible dust emissions.]~~
- ~~[iv. To avoid overloading, a mechanism must be installed on each silo to warn operators that the silo is full.]~~
- ~~[v. Spillage of materials must be cleaned up and contained or dampened within 30 minutes of the spillage so that emissions from wind erosion and vehicle traffic are minimized.]~~

~~[B. A ground and dust control plan incorporating existing and proposed infrastructure as required by conditions (i) through (v) above must be documented in written form and delivered to the director of environmental and health services and the director of development services within 60 days after the passage of this ordinance.]~~

- [6. ~~OUTSIDE MATERIALS STORAGE:~~ ~~Materials stored outside must be located in bins that are screened on three sides by solid walls a minimum of 10 feet in height.~~]
- [7. ~~PARKING:~~ ~~Parking must be located as shown on the attached site plan.~~]
- [8. ~~SCREENING:~~ ~~A minimum eight-foot-high solid fence must be provided in the location shown on the attached site plan.~~]
- [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.~~]



TERMINATE DEED RESTRICTIONS

THE STATE OF TEXAS)

) KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS)

I.

The undersigned, St. Louis S. W. Railway Co. – Union Pacific ("the Owner"), is the owner of the following described property ("the Property"), being a tract of land in the Douglas M. McFarland Survey, Abstract No. 986, City of Dallas, Dallas County, Texas, and the Robinson F. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being all of those tracts of land described in deeds to St. Louis Southwestern Railway Company of Texas (known as Union Pacific Railroad Company), as recorded in Volume 70229, Page 1658, Volume 68190, Page 1569, Volume 68225, Page 1766, Volume 68214, Page 1312, Document No. 200503630485, Volume 68225, Page 1744, Volume 68225, Page 1774, Volume 68225, Page 1764, Volume 68184, Page 1460, Volume 68225, Page 1776, Volume 68225, Page 1762, Volume 68225, Page 1856, Volume 68225, Page 1794, Volume 68225, Page 1792, Volume 68225, Page 1900, Volume 68184, Page 1464, Volume 68225, Page 1824, Volume 68225, Page 1798, Volume 68184, Page 1544, Volume 68202, Page 1752, Volume 68225, Page 1790, Volume 68225, Page 1788, Volume 68225, Page 1786, Volume 69017, Page 0253, Volume 68225, Page 1832, Volume 68225, Page 1758, Volume 68184, Page 1542, Volume 68225, Page 1784, Volume 70224, Page 1311, Volume 70224, Page 1309, Volume 70229, Page 1658, Volume 68225, Page 1782, City of Dallas Ordinance No. 26484, as recorded in Document No. 200600462770, and parts of those tracts of land described in City of Dallas Ordinance No. 12355, recorded in Volume 68229, Page 2035, and City of Dallas Ordinance No. 12409, recorded in Volume 69017, Page 253, and being all of the G.C. Newton Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 14, Page 443, A Re-Subdivision Of Part Of Lot 7, Block 8/6100 For H.F. & Lillie O. Cauble, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 14, Page 301, the Revision Of Lot 7-A, Block 816100, Bailey Heights Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 20, Page 469, the Subdivision of Part of Lot 10, Block 8/6100, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 39, Page 213, the Kosanke & Headrick Subdivision, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 33, Page 171, and parts of the Bailey Heights Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 5, Page 90, and the Subdivision Of Part Of Lot 12, Block 8, Bailey Heights Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 16, Page 383, all recorded in the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

Z145-301(WE)

BEGINNING at a point for corner on the easterly right-of-way line of State Highway No. 310 (also known as South Central Expressway, a 162 foot right-of-way), said corner being the northwest corner of Lot 3, Block 8-A/6100 of the Kosanke & Headrick Subdivision, and being that tract of land described in deed to said St. Louis Southwestern Railway Company of Texas, as recorded in Document Number 200503630485, D.R.D.C.T.;

THENCE North 28 degrees 42 minutes 55 seconds West, along the easterly right-of-way line of said State Highway No. 310, a distance of 66.00 feet to a point for corner;

THENCE North 61 degrees 17 minutes 05 seconds East, departing the easterly right-of-way line of said State Highway No. 310, over-and-across Block 8/6100 of said Bailey Heights Addition, a distance of 630.00 feet to a point for corner in the westerly line of the Everman Street Abandonment by City Ordinance No. 12409, as recorded in Volume 69017, Page 0253, D.R.D.C.T.;

THENCE South 28 degrees 42 minutes 55 seconds East, along the westerly line of said Everman Street Abandonment, and a prolongation of said abandonment, a distance of 313.50 feet to a point for corner;

THENCE South 28 degrees 33 minutes 10 seconds East, continuing along the westerly line of said Everman Street Abandonment, and a prolongation of said abandonment, a distance of 528.90 feet to a point for corner;

THENCE South 61 degrees 17 minutes 05 seconds West, departing the westerly line of said Everman Street Abandonment, and over and across said Block 8/6100, a distance of 628.50 feet to a point for corner on the easterly right-of-way line of said State Highway No. 310;

THENCE North 28 degrees 42 minutes 55 seconds West, along the easterly right-of-way line of said State Highway No. 310, a distance of 776.40 feet to the POINT OF BEGINNING AND CONTAINING 530,315 square feet, or 12.17 acres of land, more or less.

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated June 25, 2008, signed by Lawrence E Wzorek and recorded in Volume 20080221856 of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "A" and made a part of this instrument.

III.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

The following uses are prohibited:

- Extended stay hotel or motel.
- Hotel or motel.
- Industrial (inside) not potentially incompatible.
- Industrial (inside) potentially incompatible.
- Lodging or boarding house.
- Medical/infectious waste incinerator.
- Metal salvage facility.
- Mining.
- Municipal waste incinerator.
- Organic compost recycling facility.
- Outside salvage or reclamation.
- Pathological waste incinerator.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

The above termination was made following a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings was given as would have been required by law for a zoning change on the Property. The Owner must file this instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the termination becomes effective.

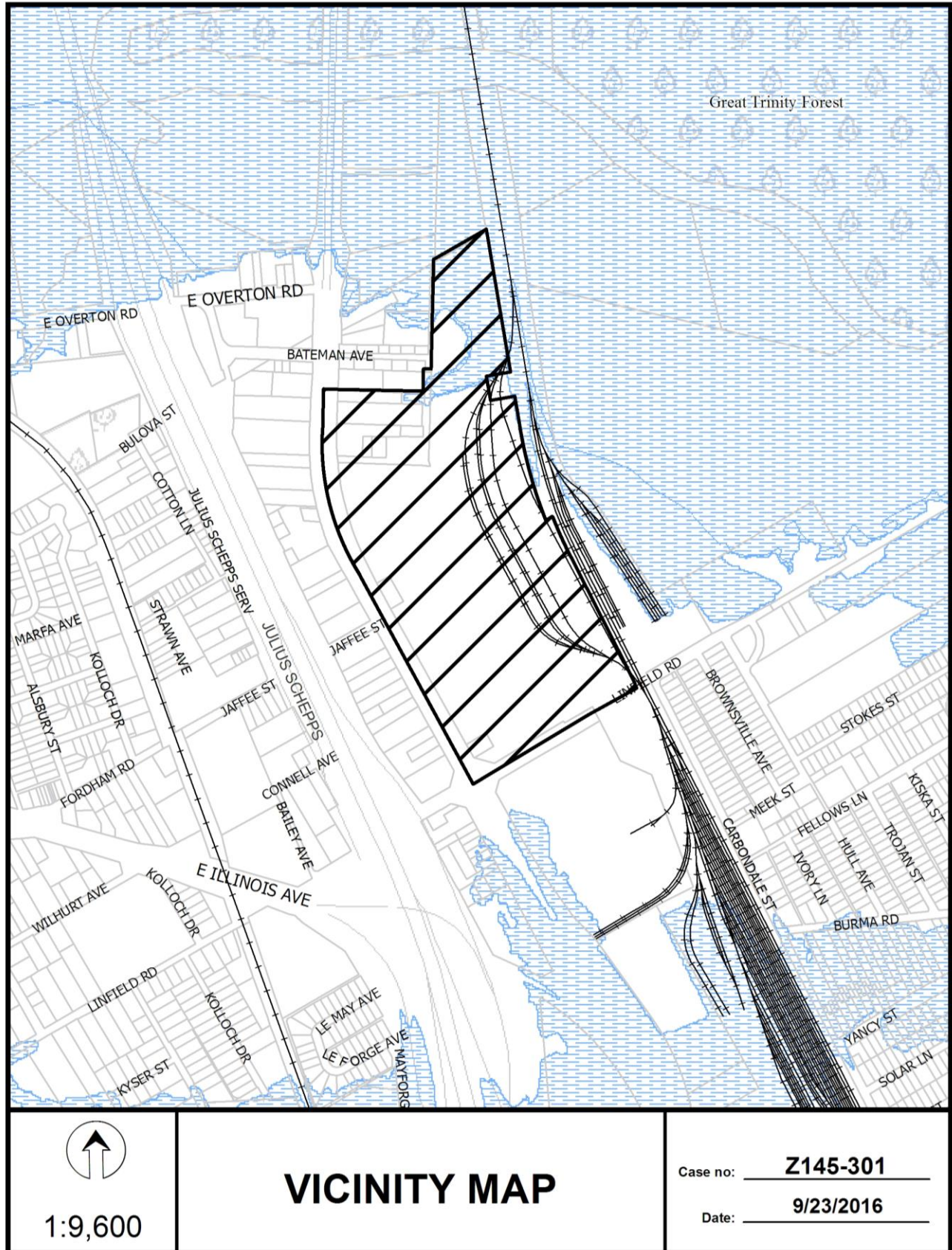
V.

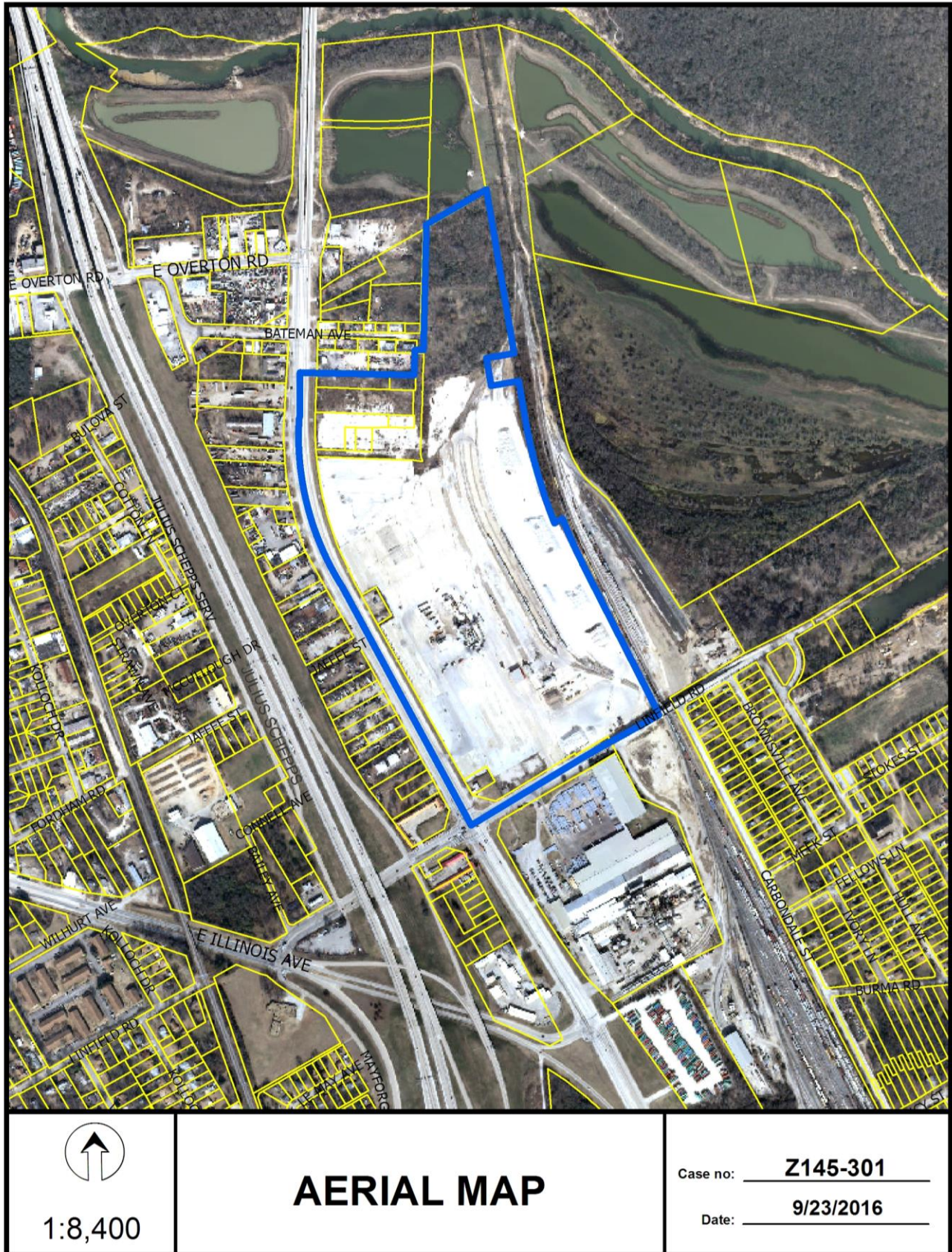
The termination of these restrictions is not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with this termination.

VII.

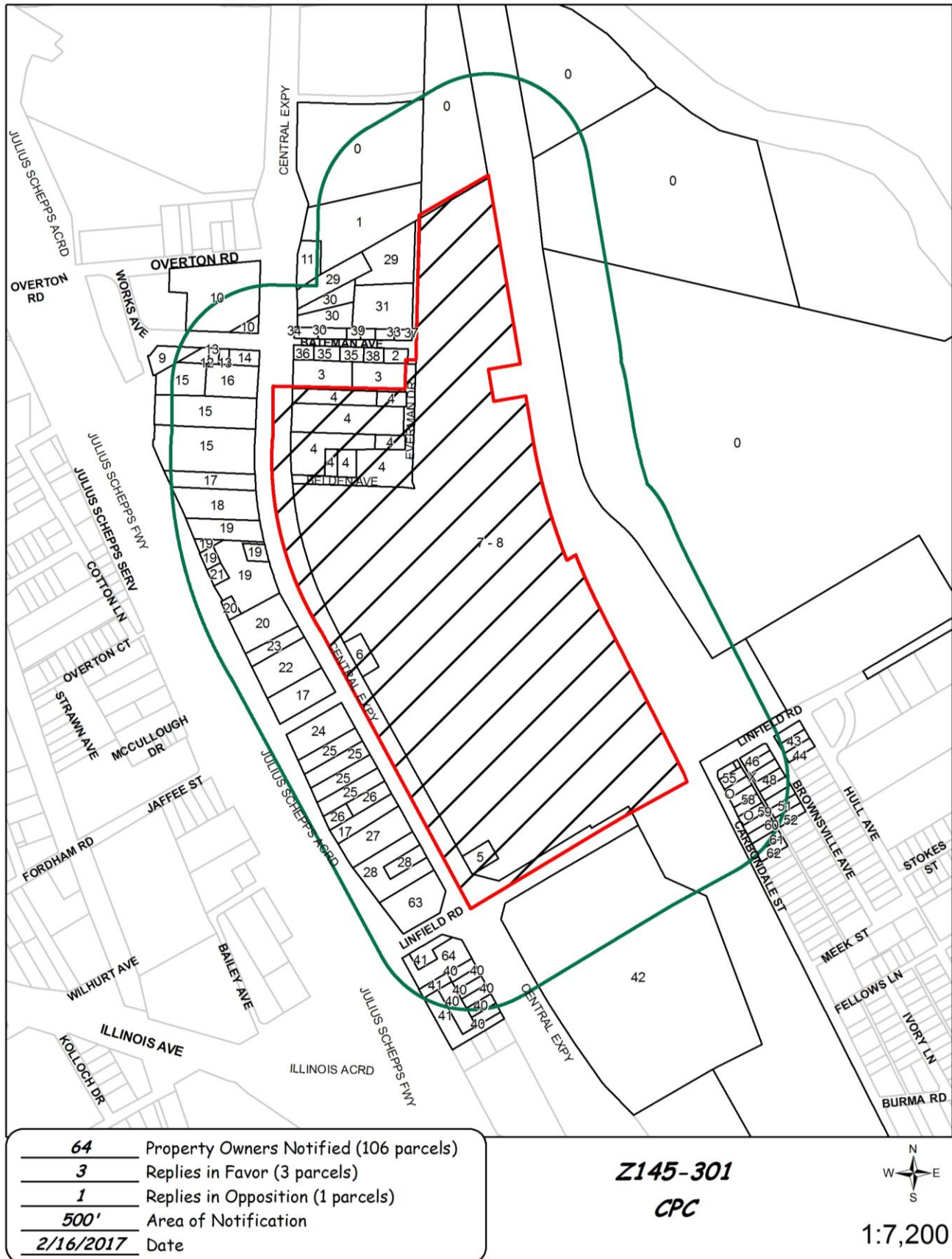








CPC RESPONSES



01/18/2017

Notification List of Property Owners***Z145-301******64 Property Owners Notified******3 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7000	S CENTRAL EXPY	CERDA EUGENIO MEDINA &
2	4330	BATEMAN AVE	S & C HOLDINGS LLC
3	7054	S CENTRAL EXPY	FLETCHER CHRIS
4	3719	EVERMAN DR	ST LOUIS S W RAILWAY CO
5	7630	S CENTRAL EXPY	HUGHES HENRY LANE
6	7410	S CENTRAL EXPY	UNION PACIFIC RAILROAD CO
7	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
8	9999	NO NAME ST	UNION PACIFIC RR CO
9	4210	BATEMAN AVE	JOINER JIM B
10	7015	S CENTRAL EXPY	BARAJAS NICK DBA
11	7020	S CENTRAL EXPY	PALACIOS ENRIQUE CALDERON
12	4238	BATEMAN AVE	JOINER FRANK
13	4242	BATEMAN AVE	BASKETT BETTY C LIVING TR
14	7051	S CENTRAL EXPY	CONWRIGHT ROBERT
15	7133	S CENTRAL EXPY	BRAR TRANSPORTATION INC
16	7055	S CENTRAL EXPY	PATEL HASMUKHLAL V
17	7203	S CENTRAL EXPY	BARAJAS NICK
18	7211	S CENTRAL EXPY	ORTIZ JOSE & ROSA E
19	7229	S CENTRAL EXPY	MARTINEZ FORTINO
20	3902	WORK AVE	MONK JAMES C & AMANDA E
21	7231	S CENTRAL EXPY	MARTINEZ FORTINO
22	7403	S CENTRAL EXPY	RICH INELL MARIE
23	7321	S CENTRAL EXPY	SANCHEZ NOEL RODRIGUEZ &
24	7501	S CENTRAL EXPY	MONTEMAYOR RUBEN GARCIA
25	7519	S CENTRAL EXPY	LOPEZ ABRAHAM
26	7537	S CENTRAL EXPY	BARAJAS NICOLAS

01/18/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	7601 S CENTRAL EXPY	HURTADO CARLOS & MARIA
	28	7623 S CENTRAL EXPY	PATIDAR PARIMAL C
	29	7022 S CENTRAL EXPY	KROLIK KAROL
	30	7034 S CENTRAL EXPY	LENAMOND THOMAS
	31	3627 EVERMAN DR	MARTYN PANSY MCCONNELL
	32	4331 BATEMAN AVE	PATTERSON DOROTHY L
	33	4337 BATEMAN AVE	HERNANDEZ HERMINIO
	34	7038 S CENTRAL EXPY	LENAMOND THOMAS D
	35	4314 BATEMAN AVE	FLETCHER CHRISTOPHER B
	36	7046 S CENTRAL EXPY	FLECTHER CHRISTOPHER B
	37	4343 BATEMAN AVE	SAMULKA W B & ANNIE B
	38	4332 BATEMAN AVE	HERNANDEZ GEORGE &
	39	4327 BATEMAN AVE	LENAMOND THOMAS
	40	7641 S CENTRAL EXPY	PATEL MAHESH K & JASU M
	41	4100 BASCOM LN	SHREE JALARAM REV TR THE
	42	7910 S CENTRAL EXPY	TAMKO ASPHALT PRODUCTS
	43	4542 LINFIELD RD	COIT CLAUDETTE BOSH
	44	7715 HULL AVE	WILMER HUTCHINS ISD ET AL
	45	7703 BROWNSVILLE AVE	JACKSON MICHAEL J & RONNIE L
X	46	7707 BROWNSVILLE AVE	JACKSON MICHAEL J
	47	7711 BROWNSVILLE AVE	BRANCH ANNIE M EST OF
	48	7715 BROWNSVILLE AVE	MOSS CLOIS
	49	7719 BROWNSVILLE AVE	CLINTON JULIA MAE EST OF
	50	7721 BROWNSVILLE AVE	DALLAS HOUSING ACQUISITION & DEV CORP
	51	7727 BROWNSVILLE AVE	LONG CURTIS JAMES
	52	7731 BROWNSVILLE AVE	MONTERO FLORIBERTO MOLINA
	53	7704 CARBONDALE ST	MCCLINTON JULIA MAE EST OF
	54	4518 LINFIELD RD	CLINTON JULIA MAE
O	55	7708 CARBONDALE ST	CHRISTOPHER LARRY WAYNE
	56	7712 CARBONDALE ST	RECA LIMITED PS
O	57	7716 CARBONDALE ST	MILLER CLEOPHUS JR &

Z145-301(WE)

01/18/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	58	7720 CARBONDALE ST	MILLER CLEOPHUS JR &
	59	7724 CARBONDALE ST	HIGH SAM & BAILEY
	60	7732 CARBONDALE ST	DALLAS NEIGHBORHOOD
	61	7736 CARBONDALE ST	RHODES EZELL C
	62	7740 CARBONDALE ST	ALLAHHAM BASEL KHALED
	63	7635 S CENTRAL EXPY	SHREE JALARAM CORP
	64	4202 LINFIELD RD	JASUMAN ENTERPRISES INC

AGENDA ITEM # 56

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 48 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: Approval for a five-year period, subject to conditions
Z167-284(PD)

Note: This item was considered by the City Council at a public hearing on January 24, 2018, and was deferred until March 28, 2018, with the public hearing open

FILE NUMBER: Z167-284(PD)

DATE FILED: April 27, 2017

LOCATION: Northeast corner of South Buckner Boulevard and Norvell Drive

COUNCIL DISTRICT: 7

MAPSCO: 48 U

SIZE OF REQUEST: ±1.009 acre

CENSUS TRACT: 90.00

REPRESENTATIVE: Misham Awadelkariem

APPLICANT: Autry's, Inc.

OWNER: Faten Daouk

REQUEST: An application for the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue the sale of beer and wine for off-premise consumption in conjunction with the existing general merchandise or food store.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

BACKGROUND INFORMATION:

- On September 12, 2012, City Council approved Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less, for a five-year period.
- The ±1.009-acre request site is developed with a ±3,600-square foot building comprised of two suites. One suite is occupied with a ±2,557-square foot general merchandise or food store (convenience store); the other with a ±1,131-square foot hair salon.
- The applicant proposes to continue the sale of beer and wine for off-premise consumption in conjunction with the convenience store.
- The request site is surrounded by undeveloped land to the north; single family residential to the east; a convenience store to the south and a convalescent hospital/nursing home and undeveloped land to the west.

Zoning History: There have been two recent zoning change requests in proximity to the subject site within the last five years.

1. Z156-208 On January 11, 2017, the City Council approved Specific Use Permit No. 2208 for a commercial amusement (inside) limited to a dance hall use.
2. Z112-219 On August 22, 2012, the City Council approved Specific Use Permit No. 1986 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
S. Buckner Boulevard	Principal Arterial	100-ft.
Norvell Drive	Local	50-ft.

Land Use:

	Zoning	Land Use
Site	PDD No. 366	Convenience store; hair salon
North	PDD No. 366	Undeveloped
East	R-7.5(A)	Single family
South	PDD No. 366	Convenience store
West	PDD No. 366; PDD No. 75	Convalescent hospital/nursing home

STAFF ANALYSIS:

Comprehensive Plan:

The Comprehensive Plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Residential Neighborhood*. While single family dwellings are the dominant land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant's proposal is consistent with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

Goal 1.1 Promote desired development

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

URBAN DESIGN ELEMENT

GOAL 5.3 Establishing walk-to convenience

Policy 5.3.1: Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The ±1.009-acre request site is developed with a ±3,600-square foot building comprised of two suites. One suite is occupied with a ±2,557-square foot general merchandise or food store (convenience store); the other with a ±1,131-square foot hair salon.

The applicant proposes the continued sale of beer and wine for off-premise consumption in conjunction with the convenience store. Due to the existing zoning of a D-1 Liquor Control Overlay, the sale of alcoholic beverages on the property requires renewal of the Specific Use Permit.

The request site is surrounded by undeveloped land to the north; single family residential to the east; a convenience store to the south and a convalescent hospital/nursing home and undeveloped land to the west.

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's request is consistent with the intent of the Dallas Development Code. Therefore, staff recommends approval of the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

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.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area, the requirement for personal services use is also one (1) space per 200 square feet of floor area.

Therefore, the existing $\pm 2,557$ -square foot general merchandise or food store (convenience store) and $\pm 1,131$ -square foot hair salon requires 18 spaces. The subject site is currently served by 18 parking spaces, as depicted on the site plan.

Landscaping:

Landscaping is provided in accordance with Planned Development District No. 366 regulations (§51P-366.110).

Police Report:

The Dallas Police Department's offense incident report for the period from April 2013 to present.

Master_Incident_Number	Response_Date	Response_Time	Problem	Address	ZipCode
17-1706496	9/7/2017	9:58	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-1647041	8/29/2017	10:13	40/01 - Other	3510 S Buckner Blvd	75227
17-1356845	7/16/2017	23:09	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-1199325	6/24/2017	18:26	40 - Other	3510 S Buckner Blvd	75227
17-1186880	6/22/2017	22:05	09V-01 UUMV Just Ocrd	3510 S Buckner Blvd	75227
17-1014847	5/29/2017	9:43	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-0553427	3/23/2017	21:34	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-0450337	3/8/2017	16:21	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-0437822	3/6/2017	21:02	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
16-1063775	6/1/2016	23:46	21B - Business Hold Up	3510 S Buckner Blvd	75227
16-0530977	3/20/2016	7:38	41/11B - Burg Busn in Progress	3510 S BUCKNER BLVD	75227
16-0082385	1/13/2016	20:05	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
16-0047080	1/8/2016	7:48	11B - Burg of Bus	3510 S Buckner Blvd	75227
15-2505155	12/15/2015	1:54	12B - Business Alarm	3510 S Buckner Blvd	75227
15-1699232	8/22/2015	6:01	12B - Business Alarm	3510 S Buckner Blvd	75227
15-0789615	4/26/2015	0:47	DASF-Dist Active Shooter Foot	3510 S Buckner Blvd	75227
15-0535239	3/22/2015	14:11	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
15-0474373	3/13/2015	21:39	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
15-0418904	3/5/2015	18:12	09/01 - Theft	3510 S Buckner Blvd	75227
14-2106789	10/27/2014	19:47	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
14-1410625	7/22/2014	0:05	31 - Criminal Mischief	3510 S BUCKNER BLVD	75227
14-1410575	7/21/2014	23:50	31/01 - Crim Mis/Prog/Non Felo	3510 S Buckner Blvd	75227
14-0813779	4/30/2014	19:42	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
14-0539927	3/22/2014	22:33	34 - Suicide	3510 S Buckner Blvd	75227
14-0530292	3/21/2014	16:59	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
14-0198767	1/31/2014	5:34	12B - Business Alarm	3510 S Buckner Blvd	75227
13-2173158	11/7/2013	3:01	12B - Business Alarm	3510 S Buckner Blvd	75227
13-2174083	11/7/2013	8:48	32 - Suspicious Person	3510 S Buckner Blvd	75227
13-2092597	10/25/2013	23:01	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
13-1832237	9/17/2013	13:17	40/01 - Other	3510 S Buckner Blvd	75227
13-1833406	9/17/2013	16:23	40/01 - Other	3510 S Buckner Blvd	75227
13-1617793	8/18/2013	11:14	7X - Major Accident	3510 S Buckner Blvd	75227
13-1230284	6/25/2013	18:36	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
13-0964931	5/21/2013	12:47	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
13-0810854	4/29/2013	21:23	40/01 - Other	3510 S Buckner Blvd	75227

Prior CPC Action

December 14, 2017:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period, subject to conditions on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive.

Maker: Mack
Second: Rieves
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Lavallaissa, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 0

Speakers: For: Misham Awadelkariem, 2520 K Ave., Plano, TX, 75074
Against: None

Partners/Principals/Officers:

Owner: Duke & Sons, Inc.

Imad Daouk, Sole Officer and Director

Applicant: Autry's, Inc.

Tigest Atnafe, President/Vice President and Director

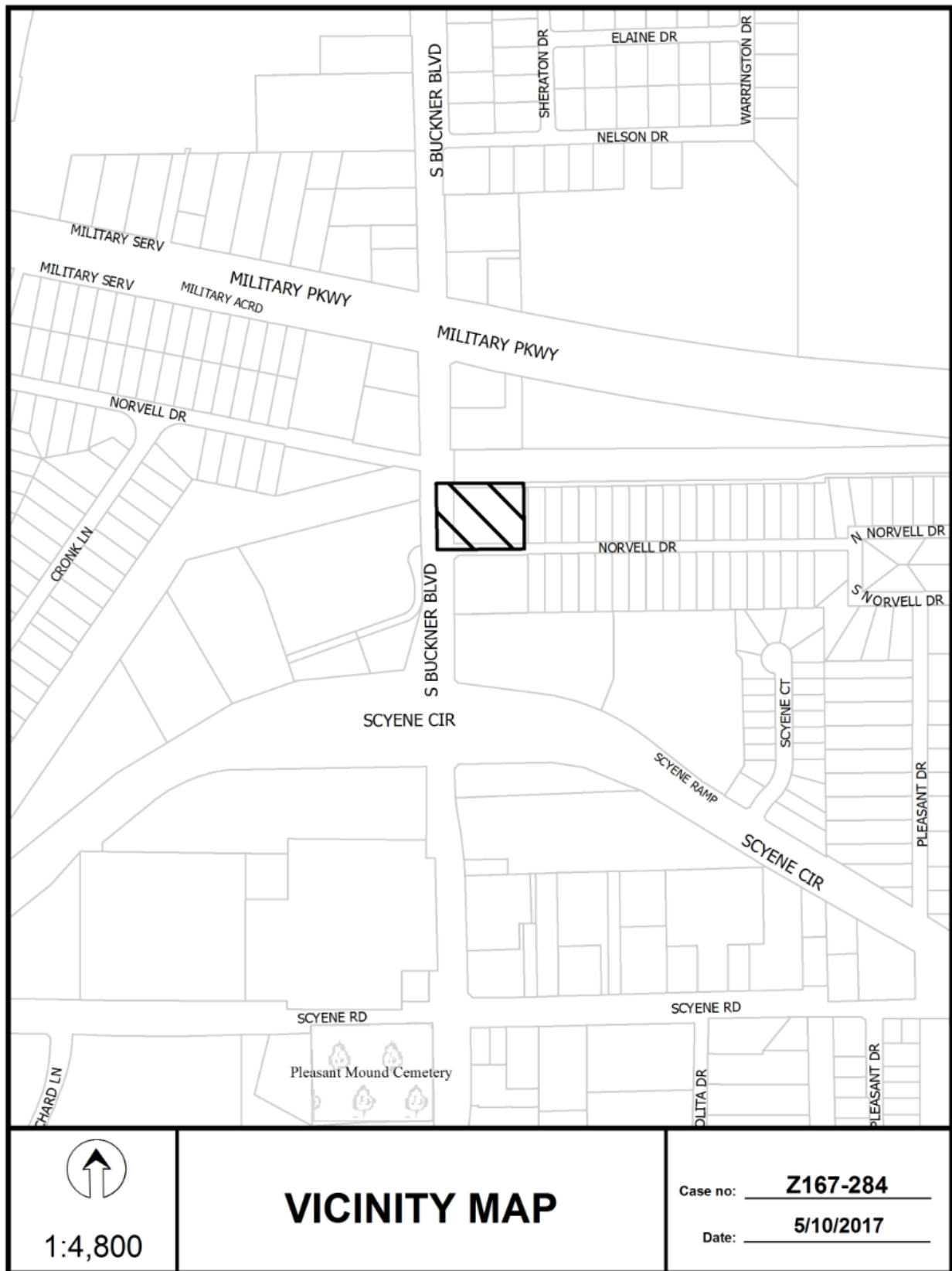
Ahmed Omar, Director

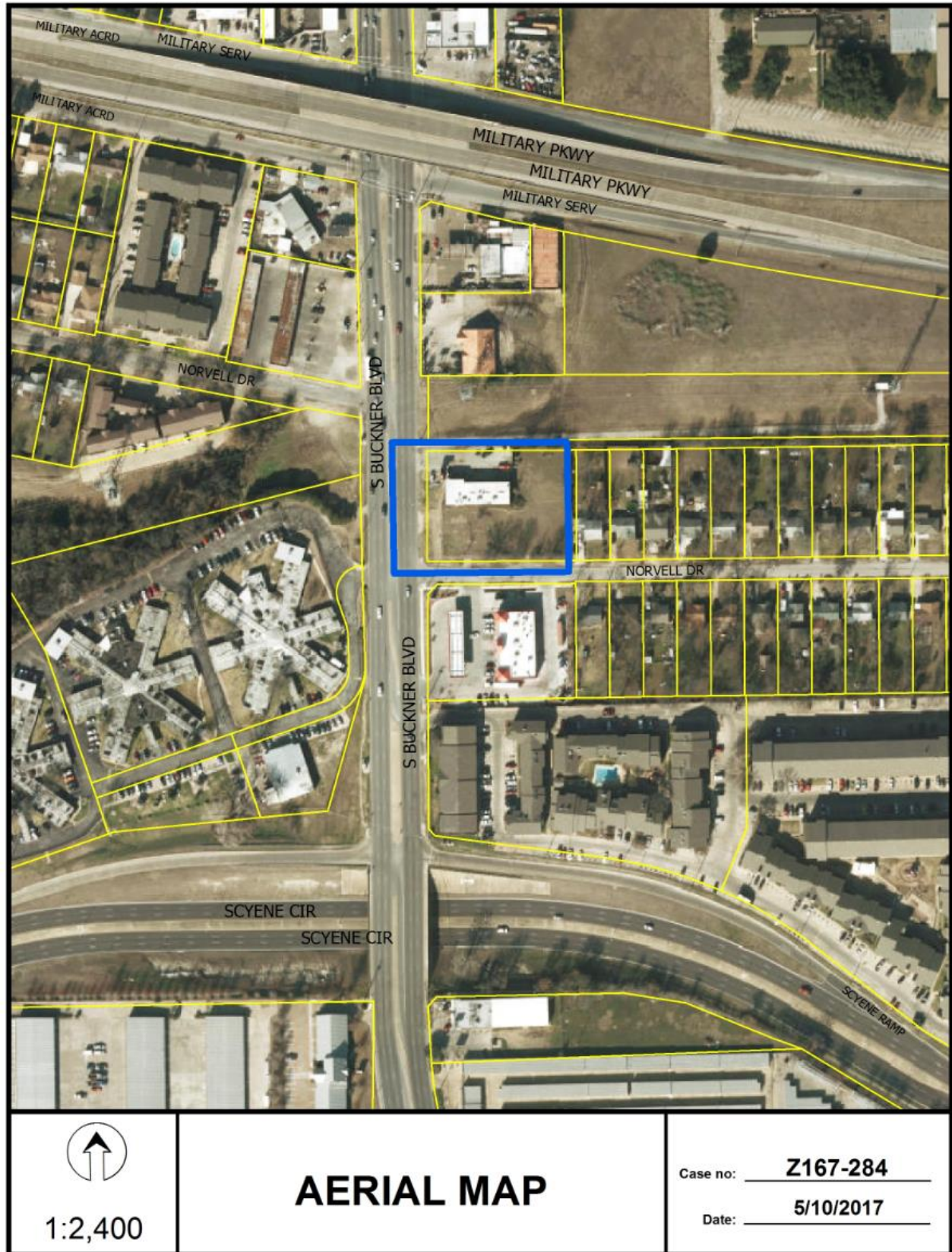
CPC Recommended Conditions

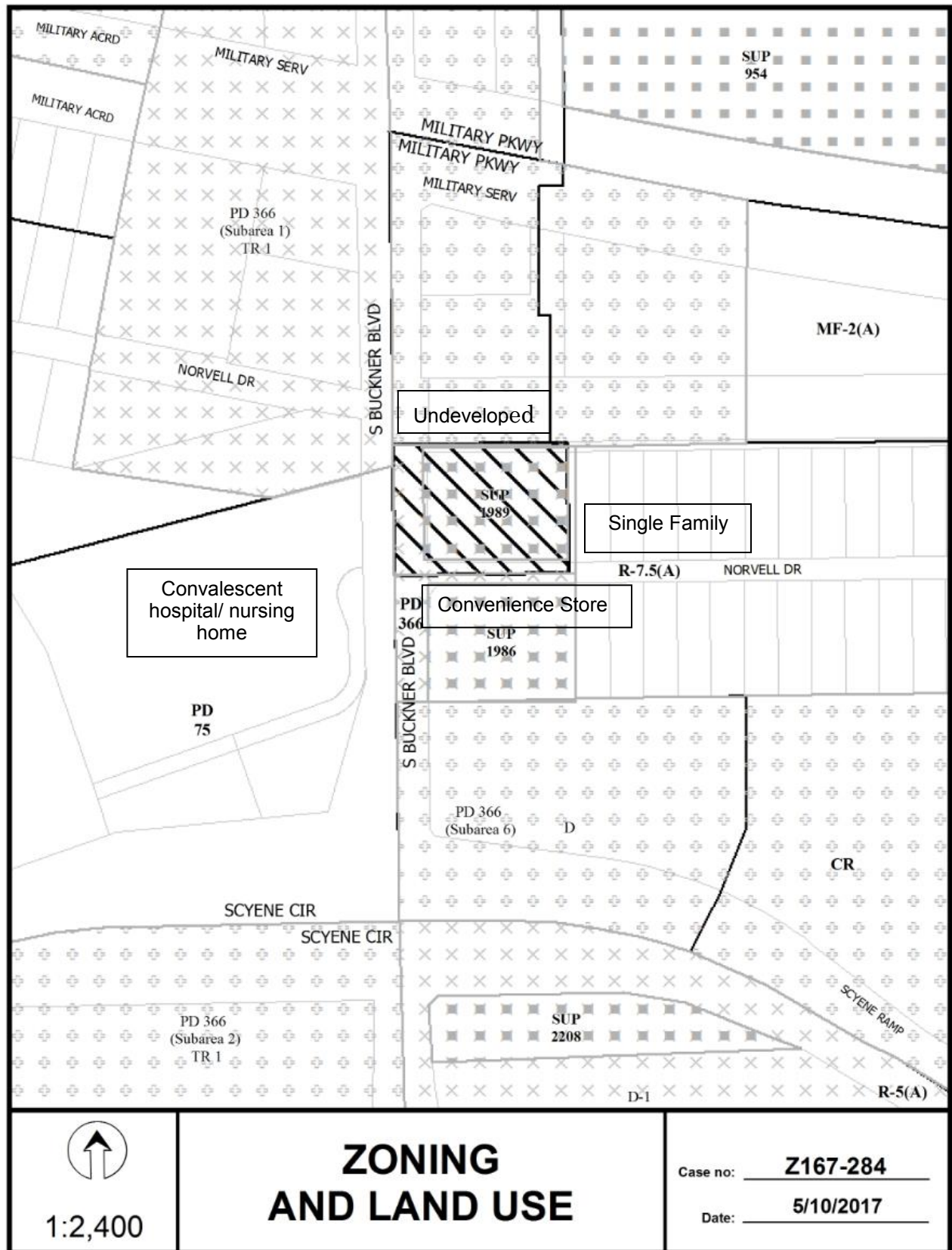
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. CPC Recommended
TIME LIMIT: This specific use permit expires on _____ (five-year) period.
3. Staff Recommended:
TIME LIMIT: This specific use permit expires on _____ (five-year) period but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. FLOOR AREA: Maximum floor area is 2,557-square feet.
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.

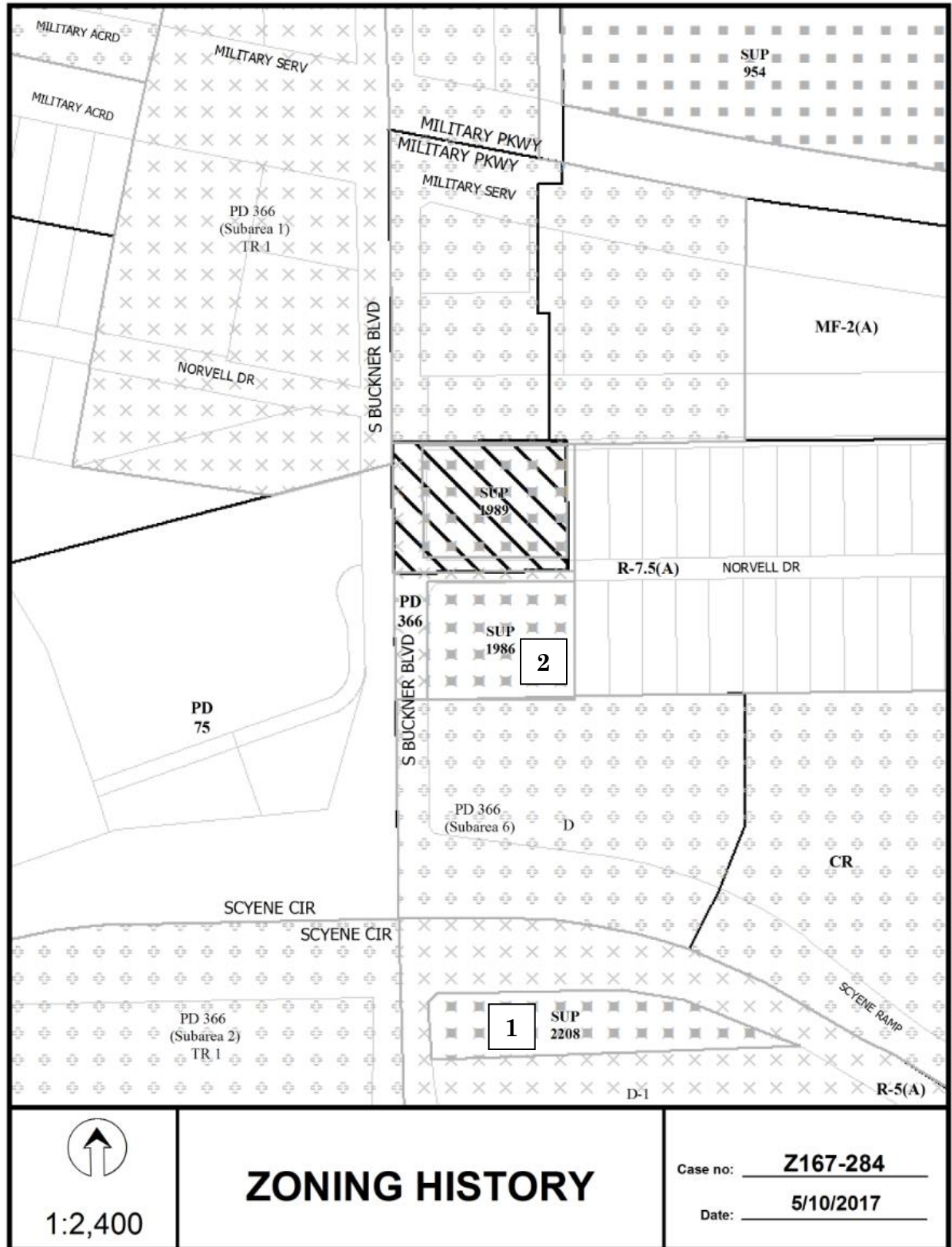




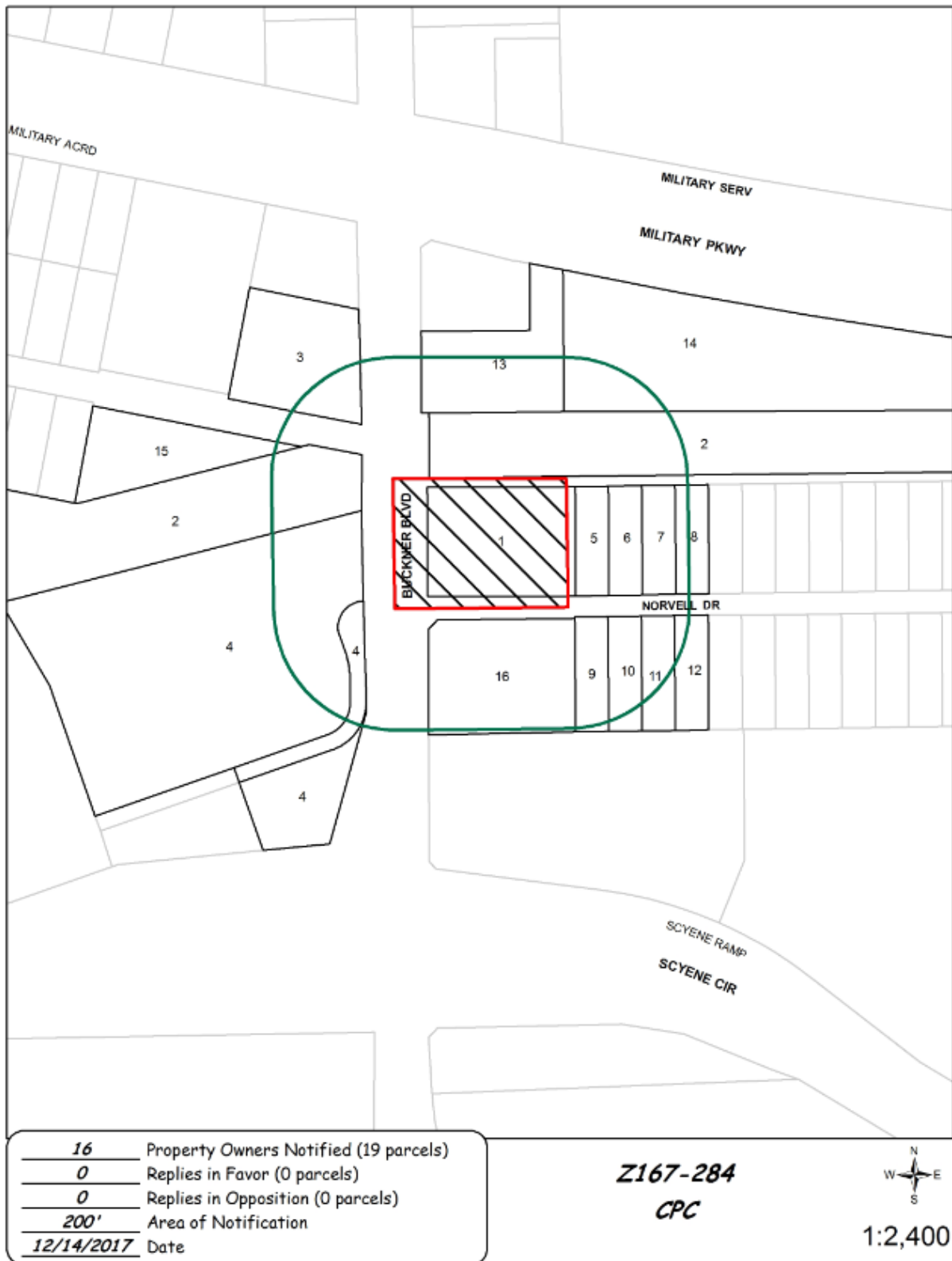








CPC RESPONSES



12/13/2017

Reply List of Property Owners

Z167-284

16 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	3510 S BUCKNER BLVD	DUKE & SONS INC
	2	3701 S BUCKNER BLVD	TEXAS UTILITIES ELEC CO
	3	3625 S BUCKNER BLVD	MEZA JESUS
	4	7000 SCYENE CIR	BUCKNER SCYENE SNF LTD
	5	8123 NORVELL DR	OROZCO JOSE LUIS
	6	8127 NORVELL DR	HURTADO DOMINGO
	7	8131 NORVELL DR	BARRAZA ELIAS
	8	8137 NORVELL DR	HERNANDEZ AGUSTIN
	9	8122 NORVELL DR	SANCHEZ REBECA &
	10	8126 NORVELL DR	BANDA ANTONIO &
	11	8130 NORVELL DR	RODRIGUEZ GUILLERMO SOTO
	12	8136 NORVELL DR	CLEMENS SCOTT
	13	3608 S BUCKNER BLVD	4 CUSTOM WHEELS & TIRES INC
	14	3608 S BUCKNER BLVD	MARES NOEL
	15	8008 NORVELL DR	LINSK DALLAS HOLDINGS LLC
	16	3424 S BUCKNER BLVD	YARA GROUP LLC

AGENDA ITEM # 57

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 48 Q

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 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z167-359(WE)

Note: This item was considered by the City Council at public hearings on December 13, 2017, January 24, 2018 and February 14, 2018, and was deferred until March 28, 2018, with the public hearing open

FILE NUMBER: Z167-359(WE)

DATE FILED: July 26, 2017

LOCATION: Northeast corner of Forney Road and South Buckner Boulevard

COUNCIL DISTRICT: 7

MAPSCO: 48 Q

SIZE OF REQUEST: Approx. 0.564 acres

CENSUS TRACT: 112.07

APPLICANT / OWNER: Buckner Food, Inc.

REPRESENTATIVE: Jon R. Featherston
The Dimension Group

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store [7 Eleven, Inc.].

CPC RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The ±0.564-acre request site is developed with a 3,010-square-foot general merchandise or food store (convenience store) and vehicle fueling station (gas pumps).
- 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 3,500 square feet or less for a two-year period on the request site.
- In April 2015, a letter was sent to the applicant advising them to submit an application to renew SUP No. 2054 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less. An application was not submitted and SUP No. 2054 expired on December 11, 2015.
- The proposed request is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- The adjacent land uses consist of a warehouse and church use to the north, warehouse uses to the east and an industrial (inside) use to the south. Properties west of the request site, across South Buckner Boulevard, are undeveloped.
- **Zoning History:** There has been one zoning change requested in the area in the past 5 years.

1. Z145-284 On November 10, 2015, the City Council approved a renewal of Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Forney Road	Collector	80 ft.	80 ft.
South Buckner Boulevard	Principal 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 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 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Land Use:

	Zoning	Land Use
Site	LI-D-1	General merchandise or food store
North	LI-D-1	Warehouse, Church
South	LI-D-1	Industrial (Inside)
East	LI-D-1	Warehouse
West	LI-D-1	Undeveloped

STAFF ANALYSIS:

Land Use Compatibility: The approximately 0.564-acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station. The request for a Specific Use Permit will allow the applicant to sell alcohol for off-premise consumption in conjunction with the general merchandise.

The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.

The adjacent land uses consist of a warehouse and church use to the north, warehouse uses to the east and an industrial (inside) use to the south. Properties west of the request site, across South Buckner Boulevard, are undeveloped. The proposed request complies with the alcoholic distance requirement of 300 feet from a church, which is measured front door to front door along the right-of-way lines.

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's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

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>					
LI Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less is at one space for each 200 square feet of floor area. Based on the 3,010 square feet of floor area, the development requires 17 spaces with 17 being provided per the attached site plan.

Dallas Police Department: Below is a police report indicating the offenses of the request site during the past three years. The site will be razed and a new structure will be built under new ownership.

Incident Num	Time 1	UCR_Offense	Address	Zip Code
261881-2014	10:05	OTHER THEFTS	4710 S BUCKNER BLVD	75227
216066-2015	18:00	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
204705-2015	23:00	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
187209-2015	2:18	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
110709-2015	23:57	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD	75227
153418-2015	0:30	ASSAULT	4710 S BUCKNER BLVD	75227
134224-2015	20:55	LIQUOR OFFENSE	4710 S BUCKNER BLVD	75227
110709-2015	23:57	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD	75227
110709-2015	23:57	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD	75227
047101-2017	16:50	ASSAULT	4710 S BUCKNER BLVD	75227
006007-2016	23:00	VANDALISM & CRIM MISCHIEF	4710 S BUCKNER BLVD	75227
169407-2017	1:30	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
140112-2017	23:40	AGG ASSAULT - FV	4710 S BUCKNER BLVD	75227
021304-2017	20:07	AGG ASSAULT - NFV	4710 S BUCKNER BLVD	75227
243296-2016	3:16	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227

CPC Action (October 5, 2017)

Motion: In considering an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the northeast corner of Forney Road and South Buckner Boulevard, it was moved to **hold** this case under advisement until October 19, 2017.

Maker: Mack
Second: Houston
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Lavallaissa, Jung, Housewright,
Schultz, Peadon, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 0

Notices: Area: 200 Mailed: 7
Replies: For: 1 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC Action (October 19, 2017)

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 3,500 square feet or less for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the northeast corner of Forney Road and South Buckner Boulevard.

Maker: Mack
Second: Jung
Result: Carried: 15 to 0

For: 15 - West, Rieves*, Houston, Davis, Shidid*,
Carpenter, Mack, Lavallaissa, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Z167-359(WE)

Against:	0
Absent:	0
Vacancy:	0

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed: 7
Replies:	For: 1	Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

**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 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-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).

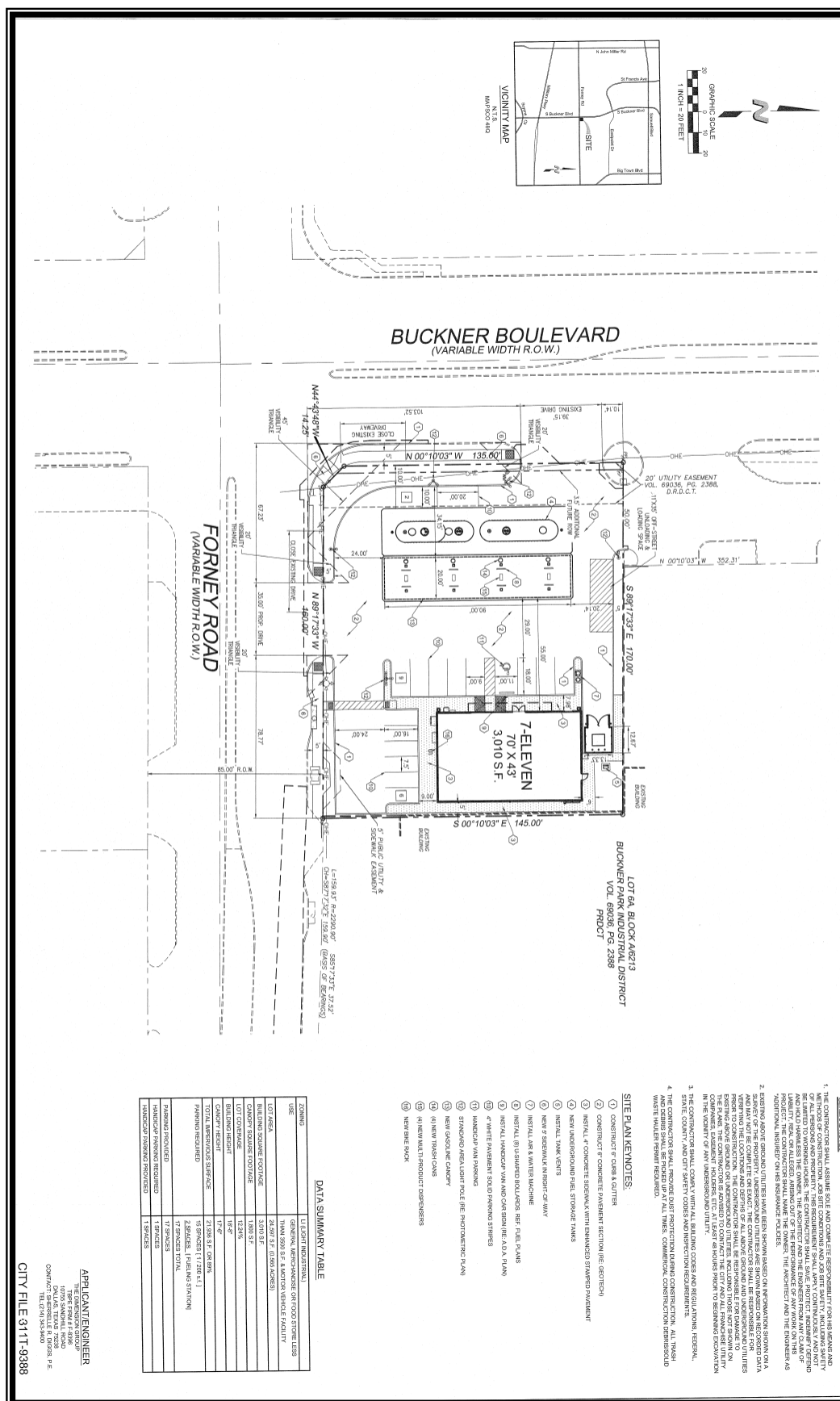
Staff's Recommendation

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).

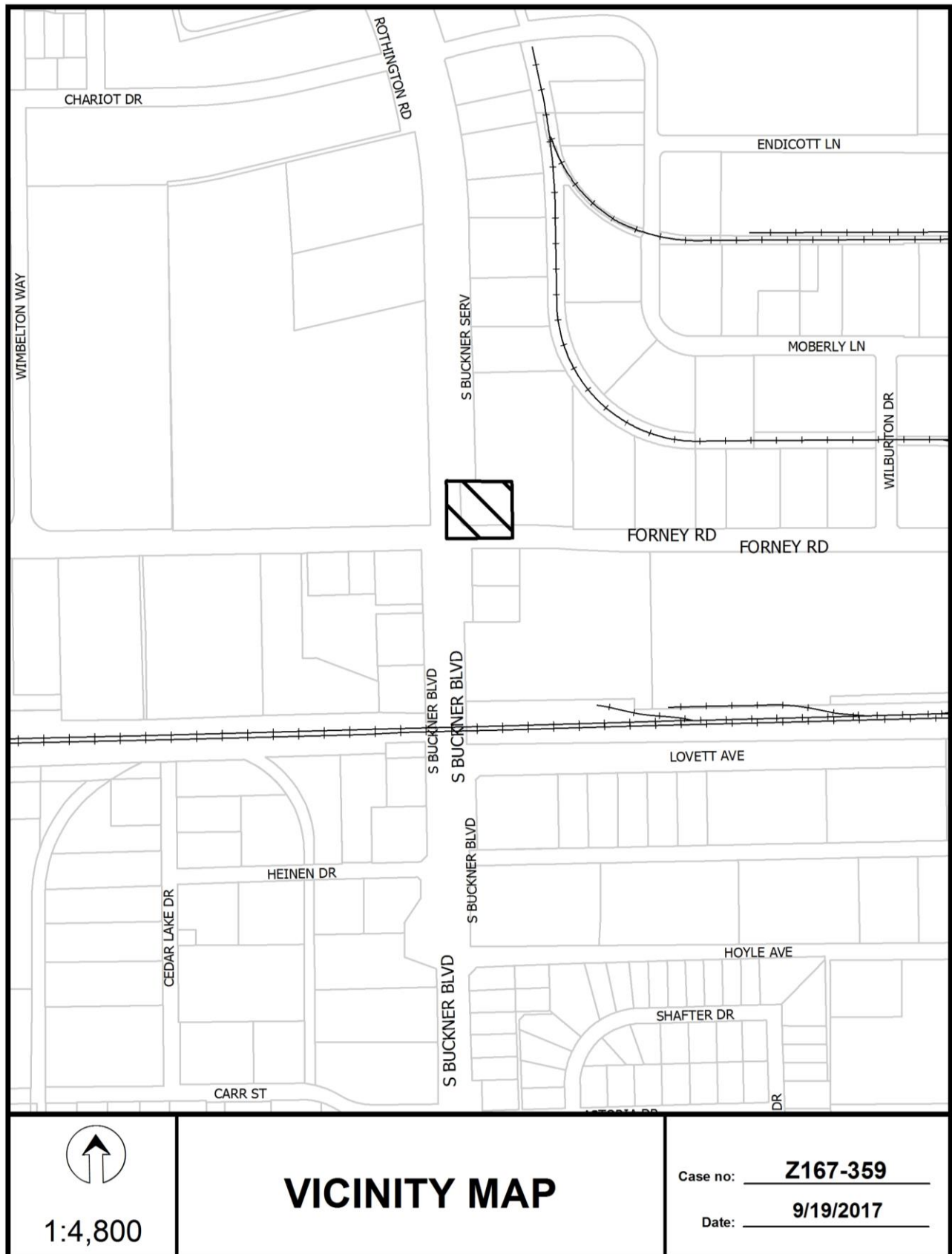
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

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.

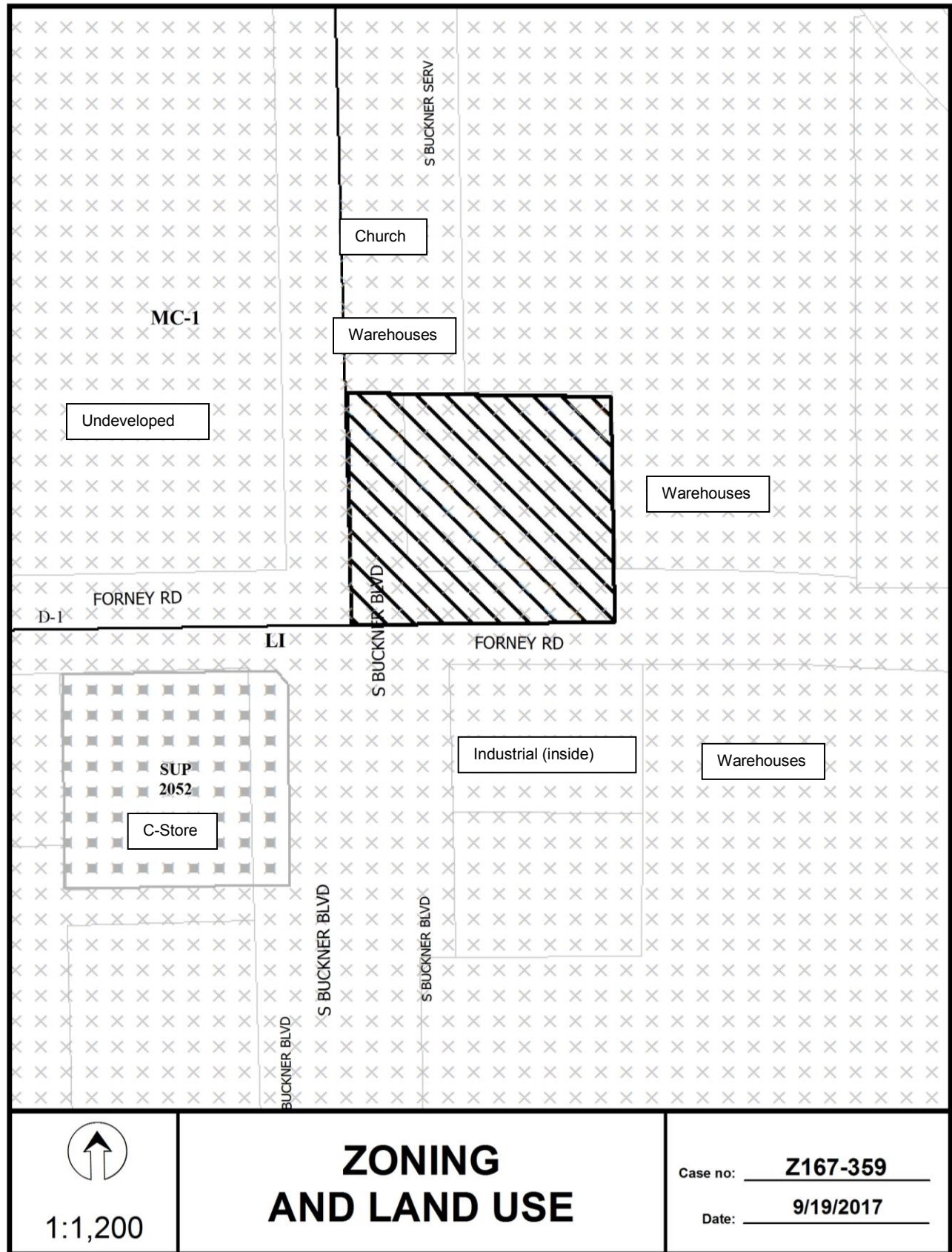
PROPOSED SITE PLAN

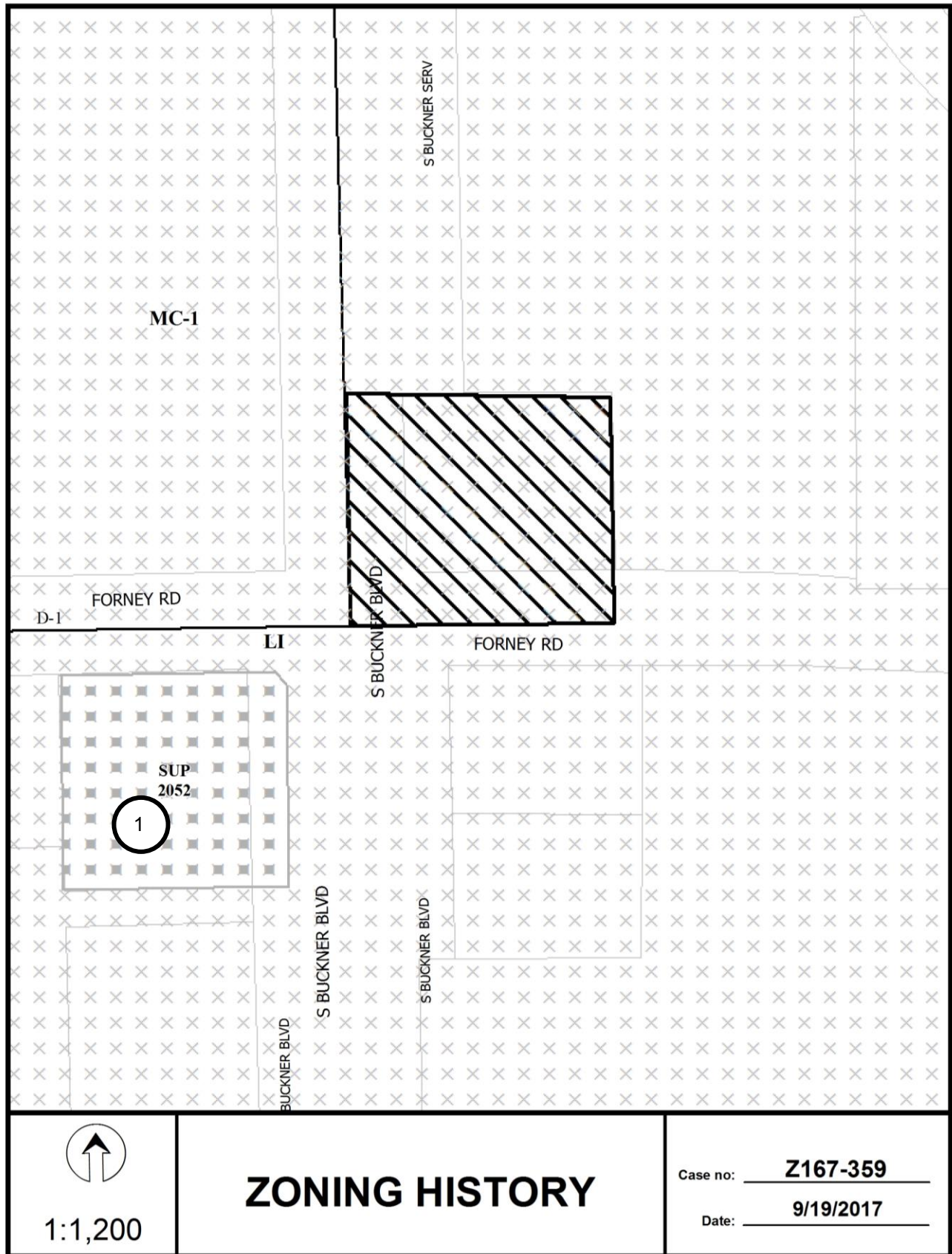


Z167-359(WE)





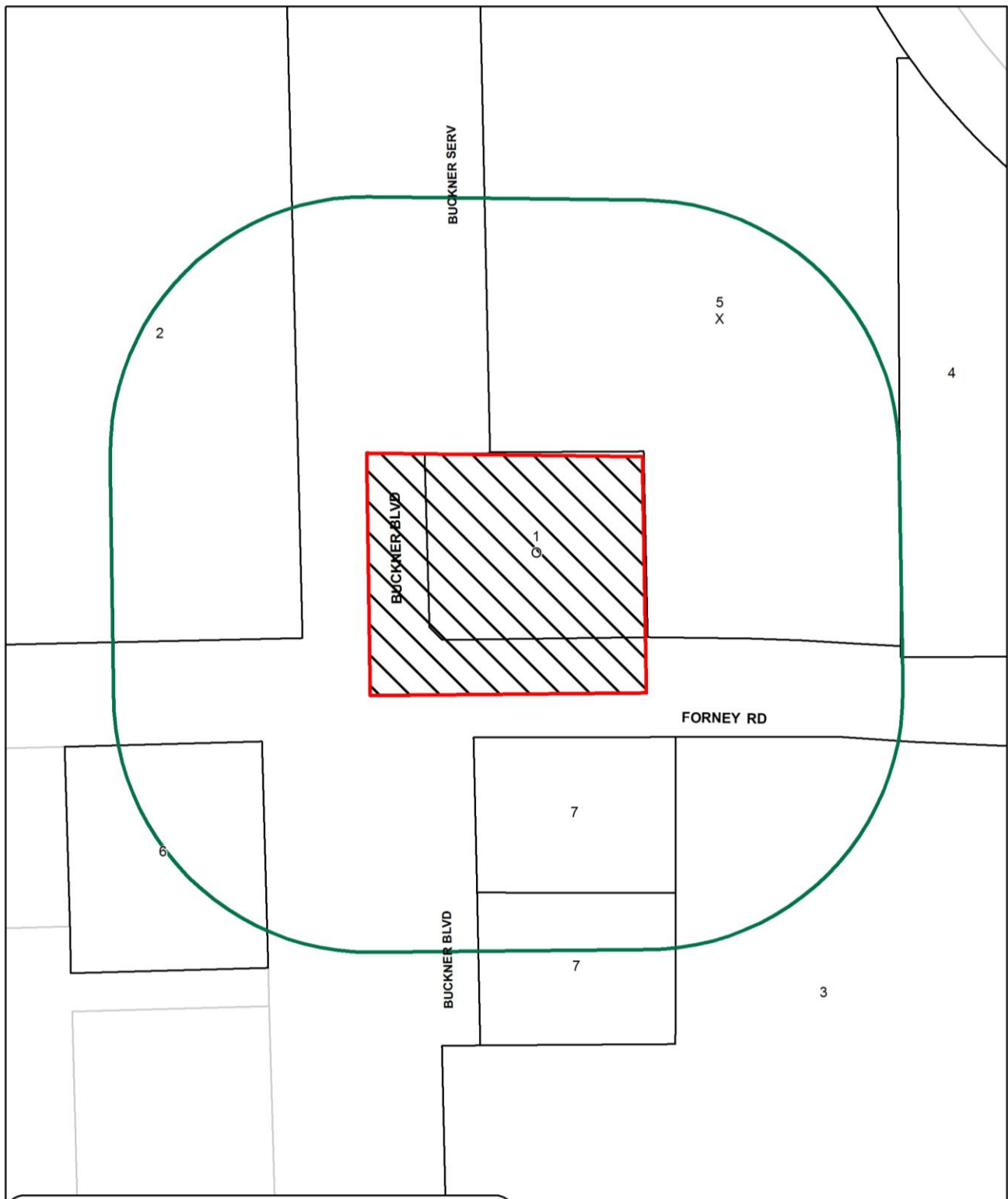




ZONING HISTORY

Case no: Z167-359
Date: 9/19/2017

CPC RESPONSES



<u>7</u>	Property Owners Notified (8 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>10/19/2017</u>	Date

Z167-359
CPC



1:1,200

Notification List of Property Owners

Z167-359

7 Property Owners Notified

1 Property Owners in Favor

1 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4710 S BUCKNER BLVD	DEVIN BRICH GROUP DORP
	2	4700 S BUCKNER BLVD	NW REALTY INC
	3	4520 S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE
	4	8131 FORNEY RD	TAGGERT TEXAS LTD
X	5	4740 S BUCKNER RD	INTERNATIONAL BIBLE ASSOC
	6	4625 S BUCKNER BLVD	BUCKNER FOODS INC
	7	4612 S BUCKNER BLVD	RICHMOND P CURT

AGENDA ITEM # 58

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 V; 46 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street

Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions

Z167-390(SM)

Note: This item was considered by the City Council at a public hearing on January 10, 2018, and was deferred until March 28, 2018, with the public hearing open

FILE NUMBER:	Z167-390(SM)	DATE FILED:	September 8, 2017
LOCATION:	North corner of South Harwood Street and Coombs Street		
COUNCIL DISTRICT:	7	MAPSCO:	45 V; 46 S
SIZE OF REQUEST:	Approx. 16,040 sq. ft.	CENSUS TRACT:	34.00

APPLICANT/OWNER: Soriano Bonifacio

REPRESENTATIVE: Jose Garcia

REQUEST: An application for the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The purpose of this request is to continue the operation of resurfacing raw metals with a material that is weather-resistant through a metal coating and finishing process in an 8,427-square-foot warehouse. The procedure requires submerging various types of materials into a chemically treated liquid to perform the metal coating and finishing process. The applicant receives the various materials from a local business. The overall metal finishing alters the surface of metal products to enhance: corrosion resistance, wear resistance, electrical conductivity, electrical resistance, reflectivity and appearance (e.g., brightness or color), torque tolerance, solderability, tarnish resistance, chemical resistance, ability to bond to rubber (e.g., vulcanizing), and hardness.

CPC RECOMMENDATION: Approval for a two-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a two-year period, subject to conditions.

BACKGROUND INFORMATION

- On February 26, 2014, City Council approved SUP No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing for a two year period.
- On February 10, 2016, City Council renewed SUP No. 2074 for a two year period.

Zoning History: There have not been any zoning changes in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Harwood Street	Collector	60 ft.	60 ft.
Coombs Street	Collector	80 ft.	107 ft.

Traffic:

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

STAFF ANALYSIS:

Comprehensive Plan:

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

The proposed zoning request meets the following goal and objective of the comprehensive plan.

Economic Element

Goal 2.1 Promote balanced growth

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

Land Use Compatibility:

Location	Zoning	Land Use
Site	PDD No. 595 (RS-I) and SUP No. 2074	Potentially incompatible industrial use (existing)
Northeast	PDD No. 513	Undeveloped
Southeast	PDD No 595 (RS-C)	Warehouse
South	PDD No. 595 (FWMU-3)	Multifamily
Southwest	PDD No. 595 (RS-I)	Industrial
Northwest	PDD No. 513	Multifamily

The surrounding properties are transitioning from industrial and is currently a mixture of multifamily and commercial uses as noted in the chart above.

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 use has been in operation for two years and although multifamily uses exist to the northwest and south, the use is contained within a building, the multifamily to the north is separated from the site with approximately 120 feet of covered parking, and the multifamily to the south is approximately 100 feet away, across South Harwood Street. Because the use is physically separated from multifamily uses, fully enclosed within a building, and because the area is transitioning to a mixed use area, staff supports the renewal of SUP No. 2074 but only for a two-year period in order to re-evaluate the appropriateness of the use as the area transitions.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
RS-I Regional Service Industrial	15'	15' adjacent to residential OTHER: No Min.	1.0 combined 1.0 office 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Commercial and business service, office, Industrial

Landscaping:

Landscaping will not be triggered because neither the floor area nor parking will be expanded.

Parking:

The parking requirement for an industrial (inside) potentially incompatible industrial use is one space per 600 square feet of floor area. The site has 16 parking spaces located inside the structure.

Prior CPC Action – November 16, 2017:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing for a two-year period, subject to conditions on property zoned an RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street.

Maker: Mack
Second: Houston
Result: Carried: 12 to 2

For: 12 - West, Houston, Shidid, Carpenter, Mack,
Lavallaissa, Jung, Housewright, Peadon,
Murphy, Ridley, Tarpley

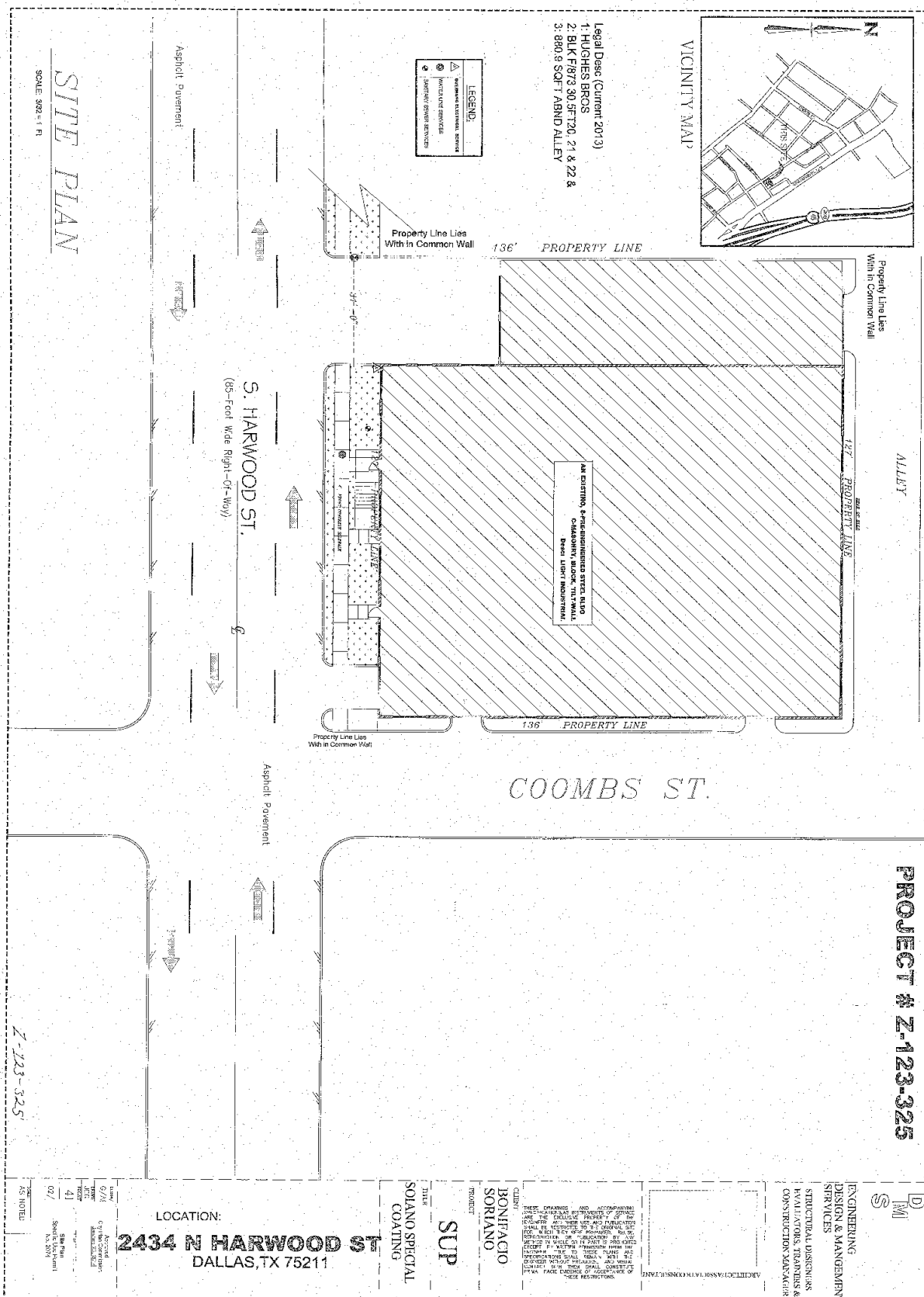
Against: 2 - Davis, Schultz
Absent: 1 - Rieves
Vacancy: 0

Notices: Area: 200 Mailed: 9
Replies: For: 0 Against: 1

Speakers: For: Jose Garcia, 2903 Parvia Ave., Dallas, TX, 75212
Against: None
Staff: Joseph Vu, Office of Environmental Quality, City of Dallas

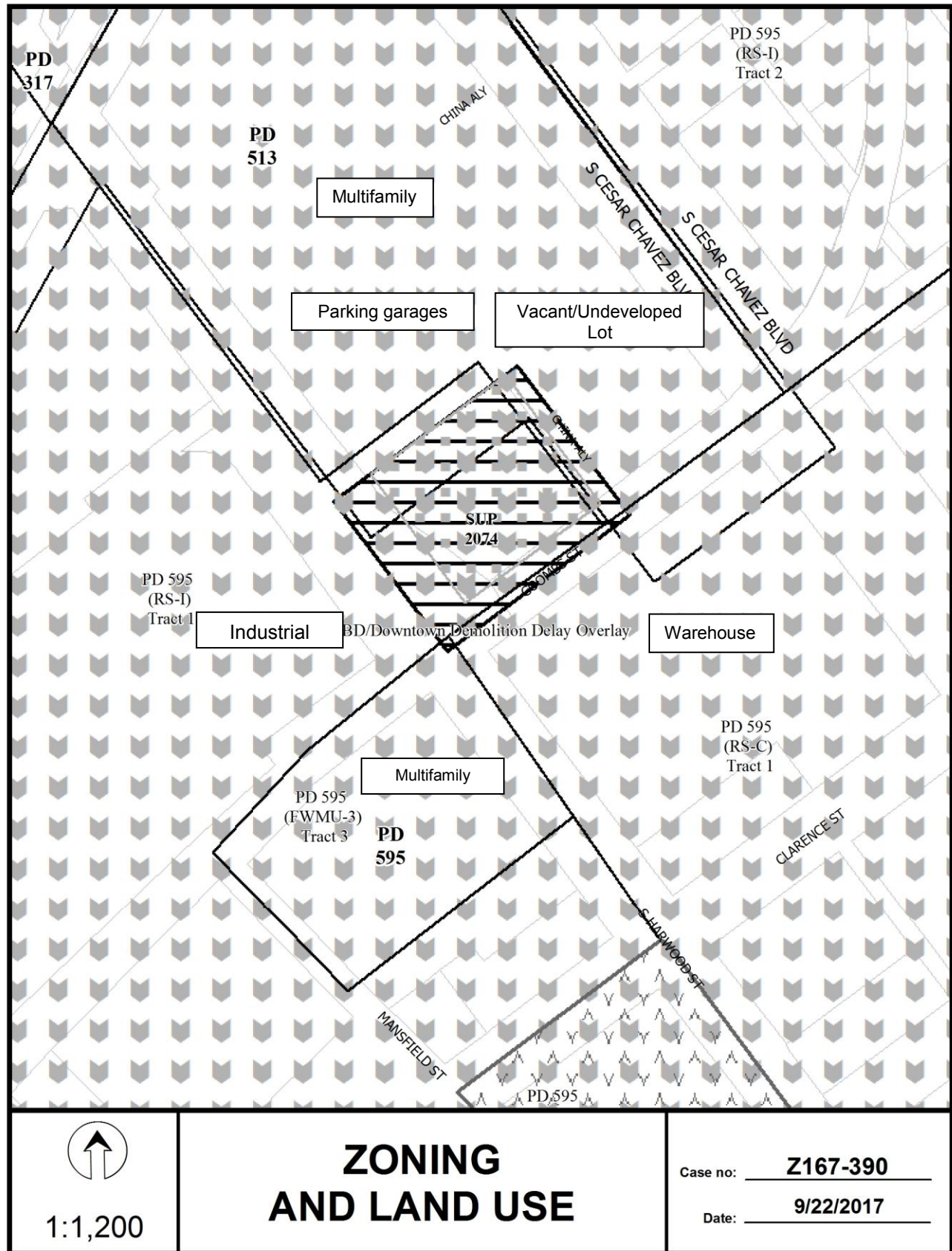
SUP No. 2074 Conditions

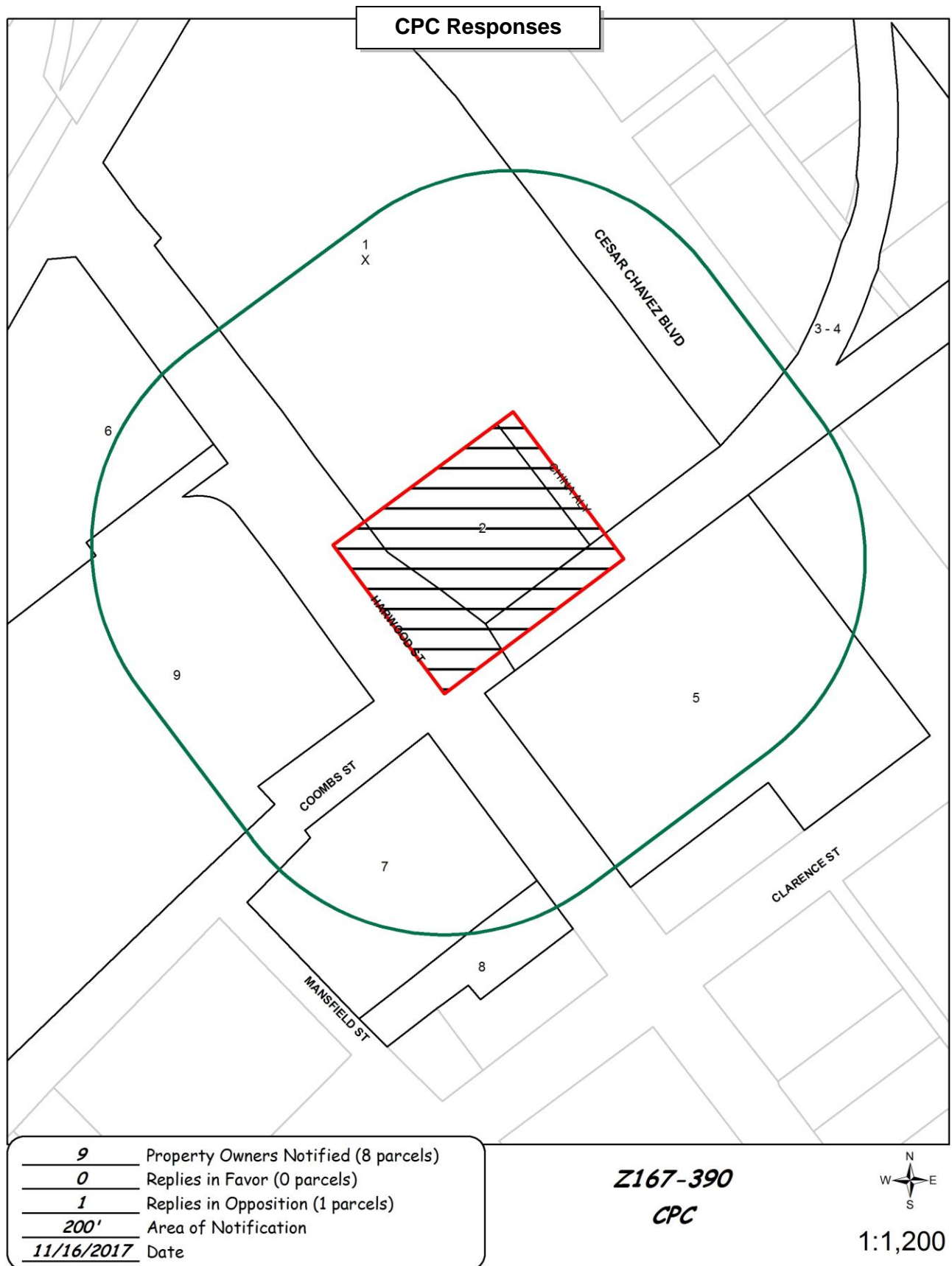
1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial use limited to metal or metal product treatment or processing.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on two years from the passage of this ordinance ~~[February 10, 2018]~~.
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.



Z 56-122







Z167-390(SM)

11/15/2017

Reply List of Property Owners

Z167-390

9 Property Owners Notified

0 Property Owners in Favor

1 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	1	2425 S CESAR CHAVEZ BLVD	CITY POCKET LTD
	2	2434 S HARWOOD ST	SORIANO BONIFACIO
	3	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	4	9999 NO NAME ST	UNION PACIFIC RR CO
	5	2500 S HARWOOD ST	TIERRA NUEVA REAL ESTATE LLC
	6	2405 S HARWOOD ST	TOWNSEND MURRELL
	7	2501 S HARWOOD ST	HARWOOD LOFTS LLC
	8	2515 S HARWOOD ST	SMITH DARRELL & ALMA
	9	1815 COOMBS ST	WAUGH JERRY W

AGENDA ITEM # 59

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an auto service center on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street

Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions

Z178-110(PD)

Note: This item was considered by the City Council at a public hearing on January 24, 2018, and was held under advisement until March 28, 2018, with the public hearing open

FILE NUMBER: Z178-110(PD)

DATE FILED: October 16, 2017

LOCATION: Northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street

COUNCIL DISTRICT: 7

MAPSCO: 46 U

SIZE OF REQUEST: ±9,115 sq. ft.

CENSUS TRACT: 27.02

REPRESENTATIVE: Silvia A. Soto

APPLICANT: Martin's Mobile

OWNER: MMGCR Holdings LLC

REQUEST: An application for a Specific Use Permit for an auto service center use on property zoned NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The applicant proposes to operate an auto service center within an existing 1,050 square foot structure.

STAFF RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

CPC RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- On September 26, 2001, the City Council approved Planned Development District No. 595.
- The area of request is currently improved with a one story, 1,050-square-foot metal structure.

Zoning History: There have been two recent zoning requests in the area within the last five years.

1. Z145-119 On March 25, 2015, the City Council approved an application for a new tract within Planned Development District No. 730 on property zoned Subdistrict R-5(A) within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District and Planned Development District No. 730 located on the northwest line of Hooper Street, west of Bexar Street.
2. Z134-123 On May 14, 2014, the City Council approved an application for a Planned Development District for CS Commercial Service District uses on property zoned a CC Community Commercial Subdistrict, Tract 10 within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District located on the southeast corner of Robert B. Cullum Boulevard and Borich Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed ROW
2 nd Avenue	Community Collector	60 ft.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and has no objection to the proposed use.

Land Use:

	Zoning	Land Use
Site	PDD No. 595 (NC(E))	Vacant Structure
East	PDD No. 595 (NC(E))	Undeveloped
South	PDD No. 595 (CC)	Undeveloped
West	PDD No. 595 (NC(E))	Undeveloped
North	PDD No. 595 (R-5(A))	Undeveloped

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 applicant's request is consistent with the following goals and policies of the Comprehensive Plan. The request site is within a retail corridor that is located within the Southern Sector.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

STAFF ANALYSIS:

Land Use Compatibility:

The site is currently developed with a 1,050-square-foot vacant one-story metal building, along the Second Avenue frontage. The applicant is planning to utilize the existing structure for an auto service center.

The property is immediately adjacent to vacant lots. The surrounding area is comprised of retail and personal service uses and commercial service uses along the Second Avenue corridor. Single family uses are located further north of the request site.

The surrounding uses are compatible with the proposed use on the subject property as similar uses are present within the area. The request site fronts along Second Avenue which is classified as a community collector. Second Avenue intersects at S. Fitzhugh Avenue, a minor arterial with 100 feet of R.O.W. divided by a median with 6-lanes and connects with Robert B. Cullum, a principal arterial with 107 feet of R.O.W., divided by 6-lanes and provides adequate service to the businesses along this section of the street. Staff recommends approval based on the zoning change being consistent with the current land use and future land use goals in Planned Development District No. 595.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 595	0' or 15'	15' adjacent to residential OTHER: No Min. or 5'	0.5 FAR	30' 2 stories	40%	Proximity Slope Visual Intrusion	Retail & personal service, office

Parking:

The proposed auto service center use requires that two parking spaces be provided at a ratio of 1 space per 500 square feet of floor area. Additionally, PDD No. 595 requires that required off-street parking is prohibited within 30 feet of the public street curb. As required, the applicant is proposing three parking spaces to be located at the rear of the existing structure. No significant increase in the number of vehicles will be generated.

Landscaping:

Landscaping is required per Article X of the Dallas Development Code, as amended.

Prior CPC Action

December 14, 2017:

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of a Specific Use Permit for an auto service center use for a two-year period, subject to a site plan and conditions on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street.

Maker: Mack
Second: Houston
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Lavallaissa, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

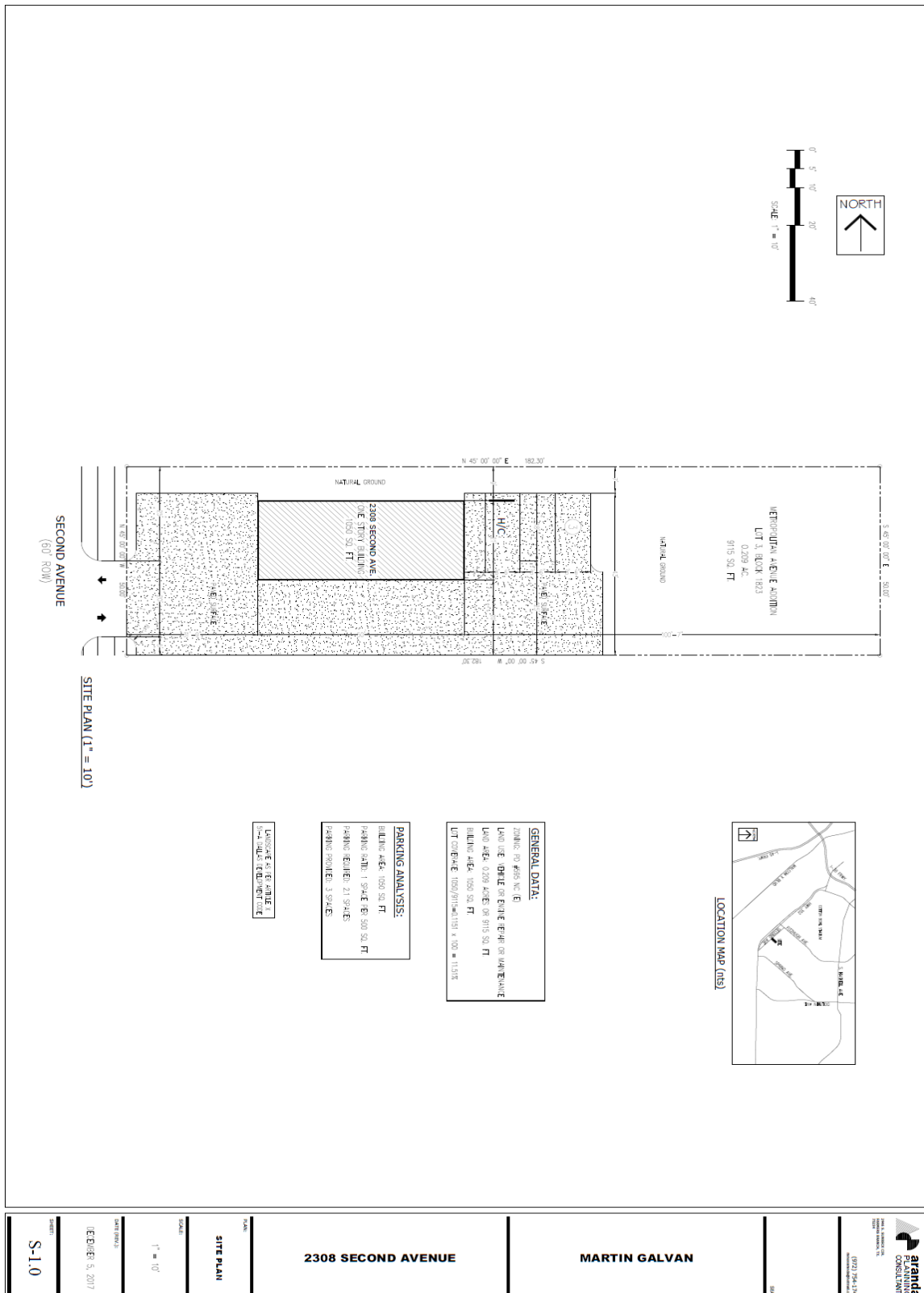
Notices:	Area: 200	Mailed: 30
Replies:	For: 1	Against: 1

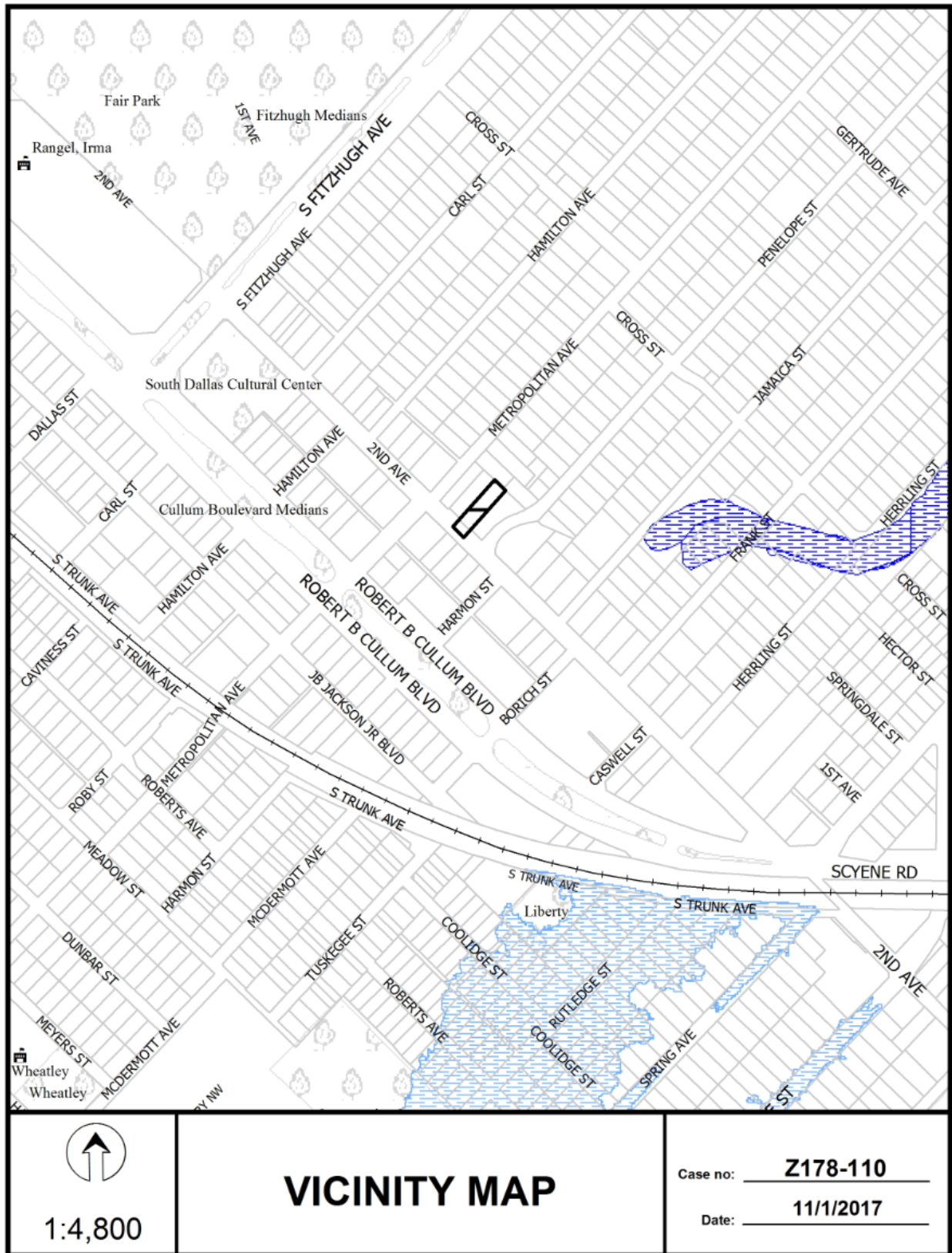
Speakers: None

PROPOSED SUP CONDITIONS

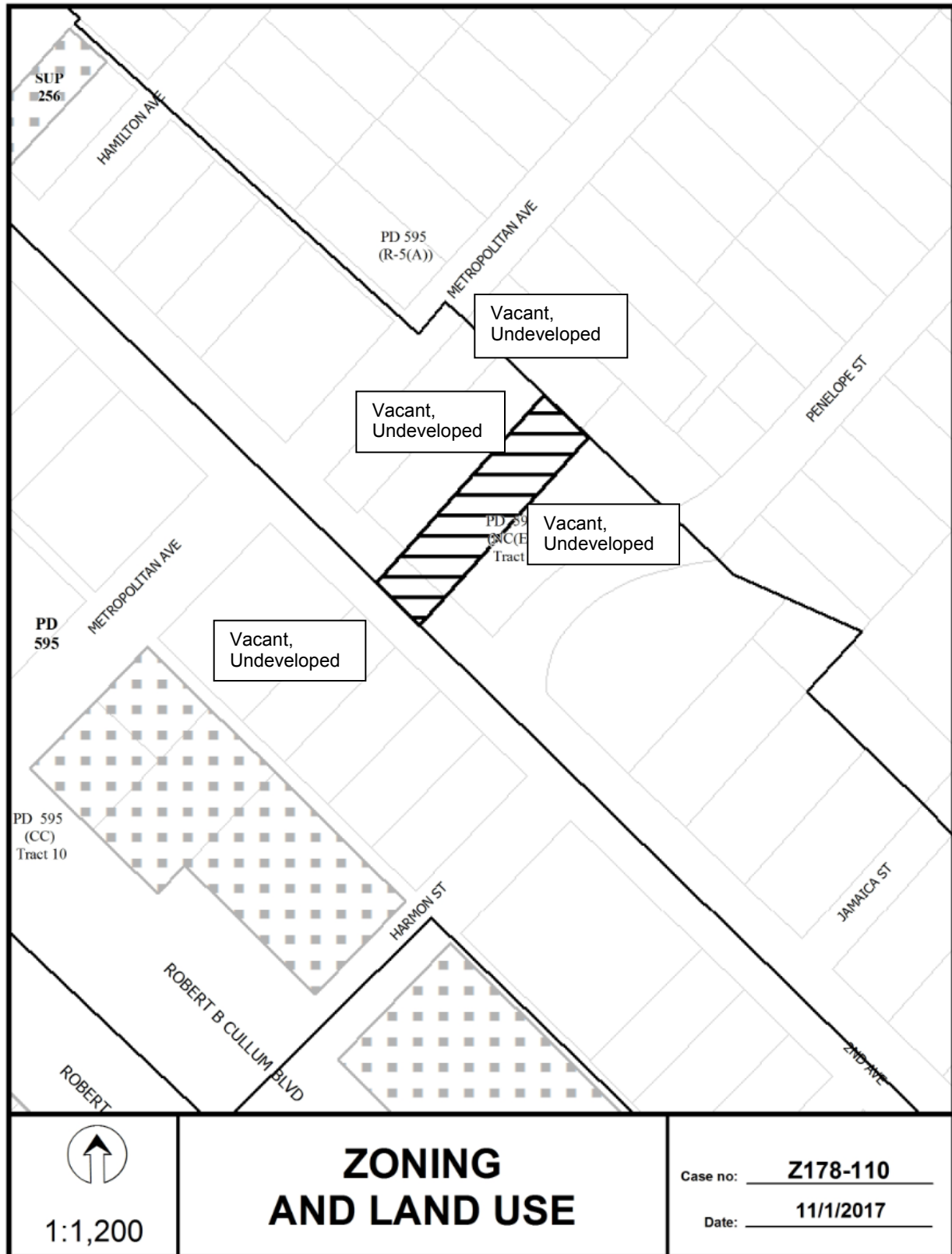
1. USE: The only use authorized by this specific use permit is an auto service center.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on _____(two-year period from the passage of this ordinance.
4. LANDSCAPING:
 - A. Landscaping must be provided and maintained in accordance with Article X.
 - B. Plant material must be maintained in a healthy, growing condition.
5. FLOOR AREA: Maximum floor area is 1,050 square feet.
6. HOURS OF OPERATION: An auto service center may only operate between 8:00 a.m. and 6:00 p.m., Monday through Saturday.
7. SCREENING: Screening of off-street parking must be provided.
8. LIGHTING: Lighting must be directed away from any adjacent residential areas.
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.

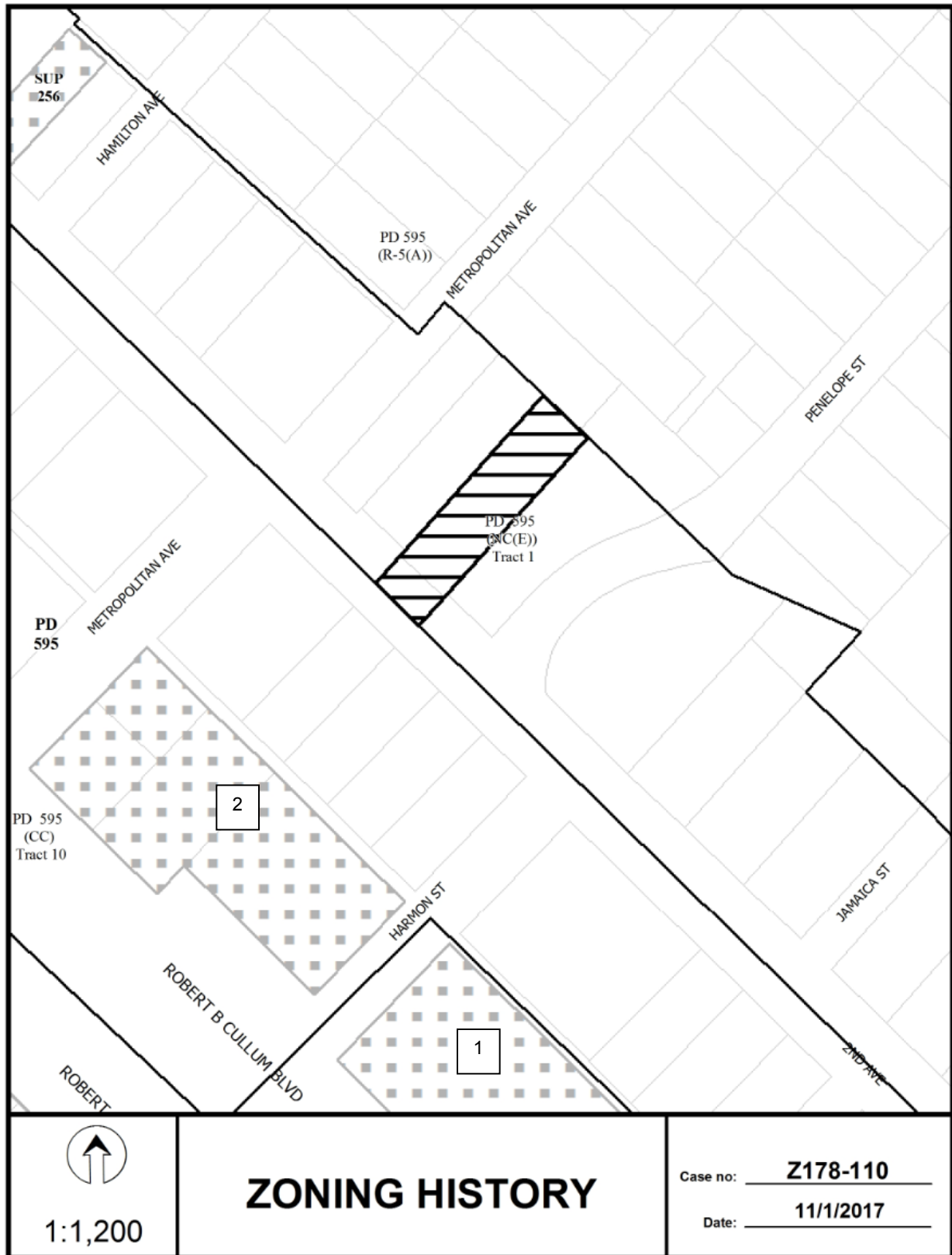
CPC PROPOSED SITE PLAN











CPC RESPONSES



12/13/2017

Reply List of Property Owners***Z178-110******30 Property Owners Notified******1 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2308 2ND AVE	MMGCR HOLDINGS LLC
	2	2223 2ND AVE	SMITH ELIZABETH R F
	3	2210 S 2ND AVE	WILLIAMS BYRON
	4	3521 METROPOLITAN AVE	HARRIS MAMIE ETAL
	5	3517 METROPOLITAN AVE	DALLAS NEIGHBORHOOD
	6	3515 METROPOLITAN AVE	WILLINGHAM RODNEY & RHONDA
	7	2305 S 2ND AVE	IGLEHART CLARENCE &
	8	2311 2ND AVE	WILONSKY HARRY
	9	2315 S 2ND AVE	STERN MARGARET EST OF
	10	2319 S 2ND AVE	DAVIS ROBERT R JR & DANN
	11	2323 2ND AVE	WOFFORD DONDI
	12	3410 METROPOLITAN AVE	IGLEHART CLARENCE &
	13	2204 ROBERT B CULLUM BLVD	TINSLEY TOBERT T EST
	14	2212 ROBERT B CULLUM BLVD	IGLESIA DEL MAESTRO
	15	2404 2ND AVE	MNR DFW HOLDINGS LLC
	16	2302 S 2ND AVE	LE LOC DUC &
	17	2304 2ND AVE	SCANTLEN SARAH EST
	18	2314 2ND AVE	WATTS LEO
	19	3514 METROPOLITAN AVE	DALLAS HOUSING ACQUISITION & DEV CORP
	20	3528 METROPOLITAN AVE	DAVIS CHORSIA M ANGTON
	21	3520 METROPOLITAN AVE	BOYD JUANITA JONES
	22	3524 METROPOLITAN AVE	DAVIS LARRY
	23	3526 METROPOLITAN AVE	UNKNOWN
	24	3533 PENELOPE ST	HARRIS GLADYS
X	25	3529 PENELOPE ST	STAFFORD DONALD A
	26	3525 PENELOPE ST	GRO PROPERTIES INC

Z178-110(PD)

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3521 PENELOPE ST	FLORES CARLOS
	28	3515 PENELOPE ST	EDWARDS MARTHA
	29	3516 PENELOPE ST	SANCHEZ ENRIQUE &
	30	3524 PENELOPE ST	CRAYTON HORACE L ESTATE OF

AGENDA ITEM # 60

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 28, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 54 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue

Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions

Z178-134(PD)

Note: This item was considered by the City Council at public hearings on February 14, 2018 and February 28, 2018, and was deferred until March 28, 2018, with the public hearing open

FILE NUMBER: Z178-134(PD)

DATE FILED: March 24, 2017

LOCATION: North side of West Jefferson Boulevard, east of South Llewellyn Avenue

COUNCIL DISTRICT: 1

MAPSCO: 54 G

SIZE OF REQUEST: ± .0997 acres

CENSUS TRACT: 47.00

APPLICANT/OWNER: USAI, LP

REPRESENTATIVE: Gary E. Day

REQUEST: An application for a Specific Use Permit for a medical clinic or ambulatory surgical center on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District.

SUMMARY: The applicant proposes to operate a dental office in the existing structure.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

Background:

- The applicant is proposing a dental clinic in a 5,300-square-foot suite, within an existing 6,716-square-foot, two-story building.
- The property is zoned Subarea 1 within PD No. 316, the Jefferson Area Special Purpose District, which requires an SUP for a medical clinic or ambulatory surgical center when located on street level.
- On September 10, 2015, the City Council approved an amendment to PD No. 316 to require an SUP for a medical clinic or ambulatory surgical center when located on street level. Prior to that, this use had been allowed by right within Subarea 1.

Zoning History: There have been no zoning requests in the immediate area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
W. Jefferson Boulevard	Minor Arterial	Variable

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.

Land Use:

	Zoning	Land Use
Site	Subdistrict 1 within PDD No. 316	Vacant
North	Subdistrict 1 within PDD No. 316	Restaurant
East	Subdistrict 1 within PDD No. 316	Restaurant
South	Subdistrict 1 within PDD No. 316	Retail
West	Subdistrict 2 within PDD No. 316	Retail

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 *forwardDallas! Comprehensive Plan* outlines several goals and policies to support 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.

The proposed use complements the characteristics of the Jefferson Boulevard area which is a mix of uses such as retail, personal service uses and office uses.

Land Use Compatibility:

The site is developed with a one-story, 6,716 square-foot building. Approximately 5,300 square feet is proposed for a medical clinic or ambulatory surgical center use. The proposed hours of operation will be Monday through Saturday from 10:00 a.m. to 7:00 p.m.

The property is surrounded by a restaurant use to the north and east; and retail uses to the south and west.

Subdistrict 1 within PDD No. 316 allows for a medical clinic or ambulatory surgical center with an SUP when the use is located at the street level, otherwise it is allowed by right. The code amendment to require an SUP for the use, when located on the first floor within Subarea 1 of PDD No. 316, was approved by City Council in 2014. This restriction was established to encourage more pedestrian and street level activity with medium density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites.

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 use is compatible with the surrounding uses as these are comprised of retail and restaurant uses. The proposed use is not detrimental to the area because it complements the existing surrounding uses and complies with the intent of Subarea 1 within PD No. 316.

Parking:

The property has surface parking located in front of the building. The parking requirements for a medical clinic or ambulatory surgical center are one parking space per every 366 square feet of the proposed use. The applicant plans to occupy 5,300 square feet with fourteen parking spaces required. The site provides forty-eight on-street parking spaces for the buildings. Per PDD No. 316, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space. When a tenant gets a CO for a multi-tenant building, Building Inspection requests a parking analysis to show sufficient parking for all the uses in the building. As uses change, BI will ensure parking is available for all tenants according to the PD requirements.

Landscaping:

The applicant is not proposing any additions to the existing structure. Therefore, no landscaping requirements are being triggered with the proposed use.

Z178-134(PD)

List of Partners

USAI, LP

Wiggie Management Company, LLC	General Partner
BBB Trust	Limited Partner

CPC ACTION:
January 18, 2018

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** a Specific Use Permit for a medical clinic or ambulatory surgical center for a five-year period, subject to a site plan and conditions with a modification to the hours of operation to 8:00 a.m. to 7:00 p.m. on property zoned Subarea 1 within Planned Development District No. 316, the Jefferson Area Special Purpose District, on the north side of West Jefferson Boulevard, east of South Llewellyn Avenue.

Maker: West
Second: Murphy
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Mack, Lavallaisaa, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 0

Speakers: For: Gary Day, 1550 Edison St., Dallas, TX, 75207
Against: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a medical clinic or ambulatory surgical center.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on _____ (five-years from the passage of this ordinance).

CPC RECOMMENDED

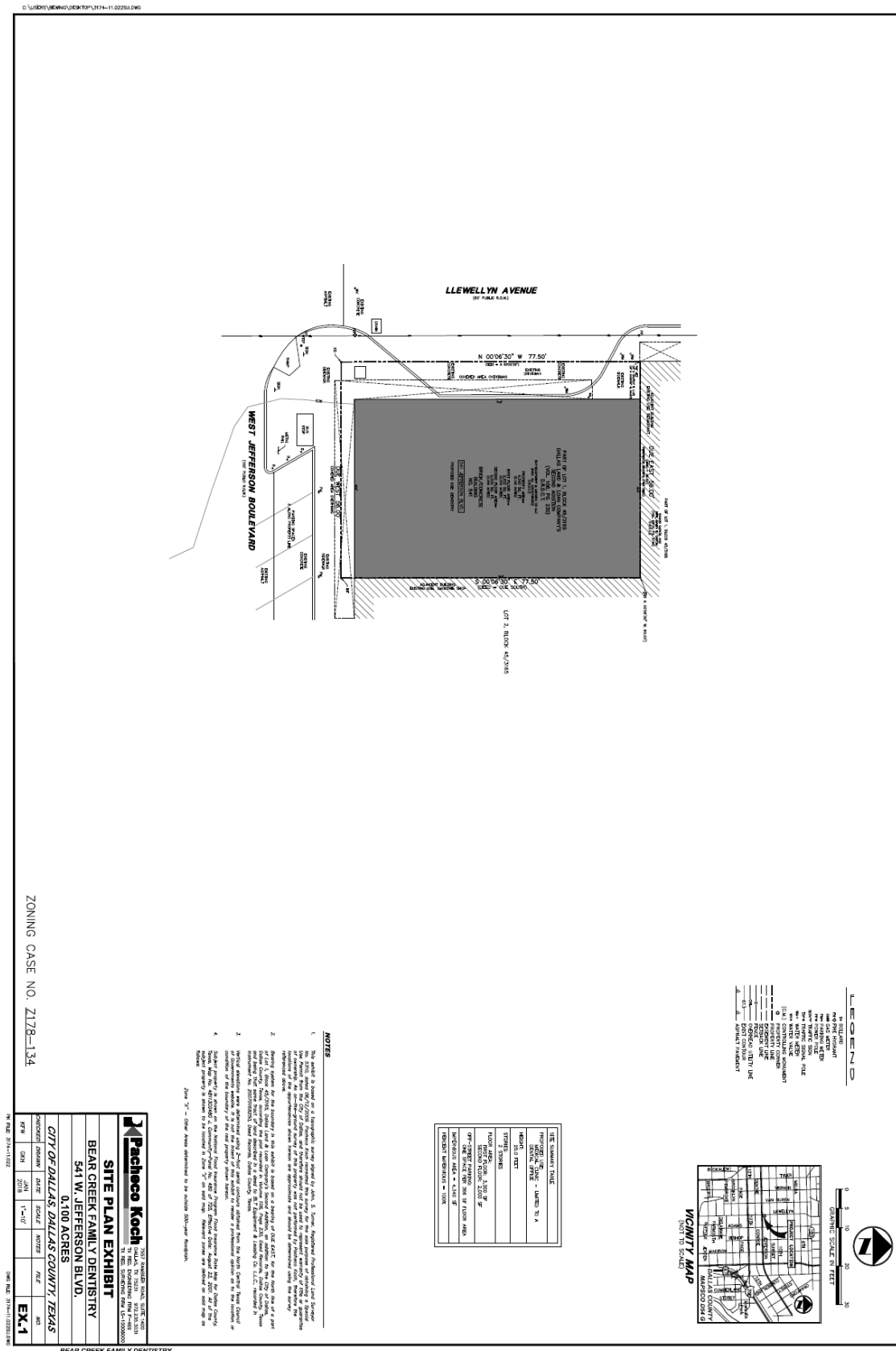
4. HOURS OF OPERATION: Monday through Saturday 8:00 a.m. to 7:00 p.m.

Staff RECOMMENDATION

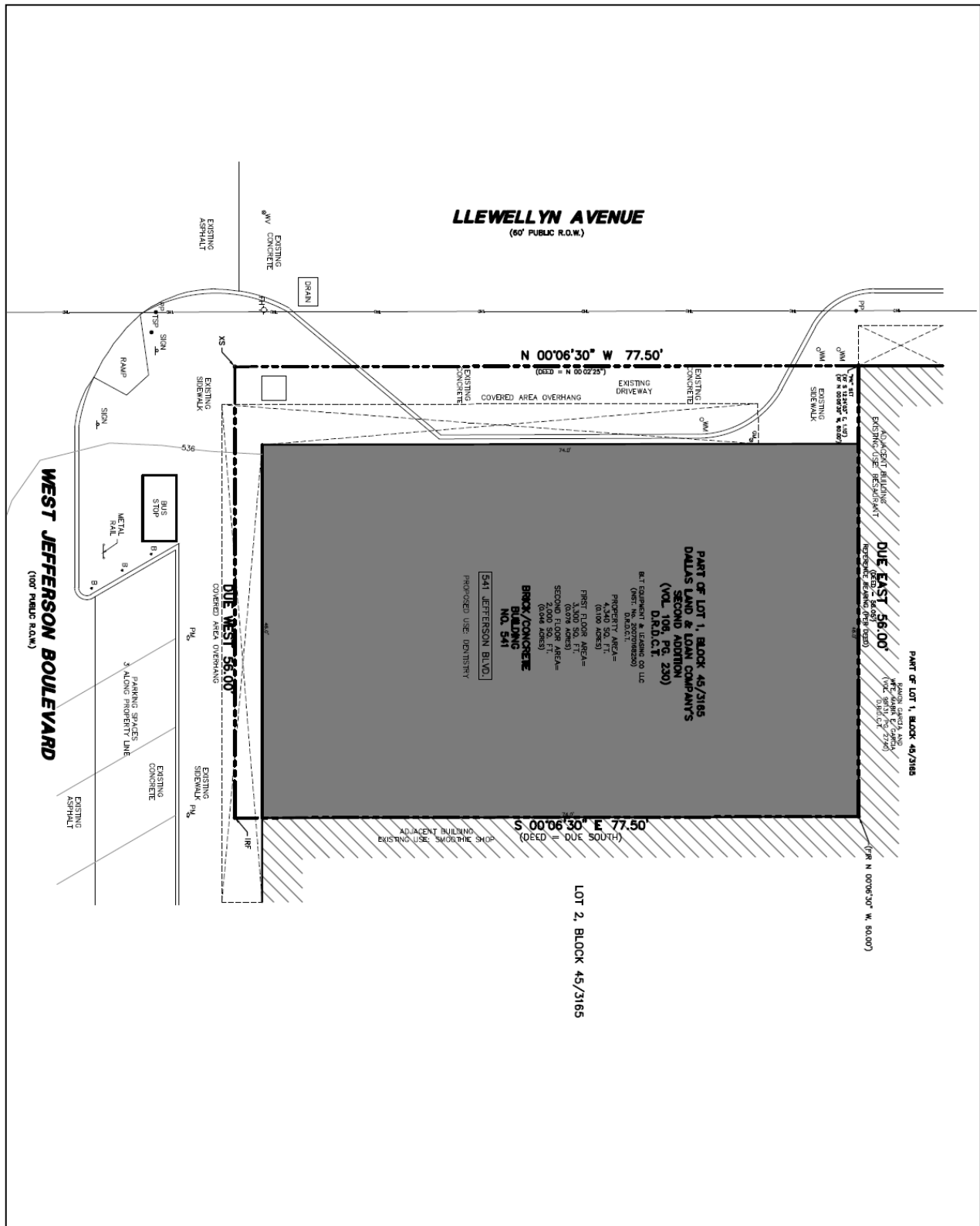
4. HOURS OF OPERATION: Monday through Saturday 10:00 a.m. to 7:00 p.m.

5. FLOOR AREA: The maximum floor area is 5,300 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.

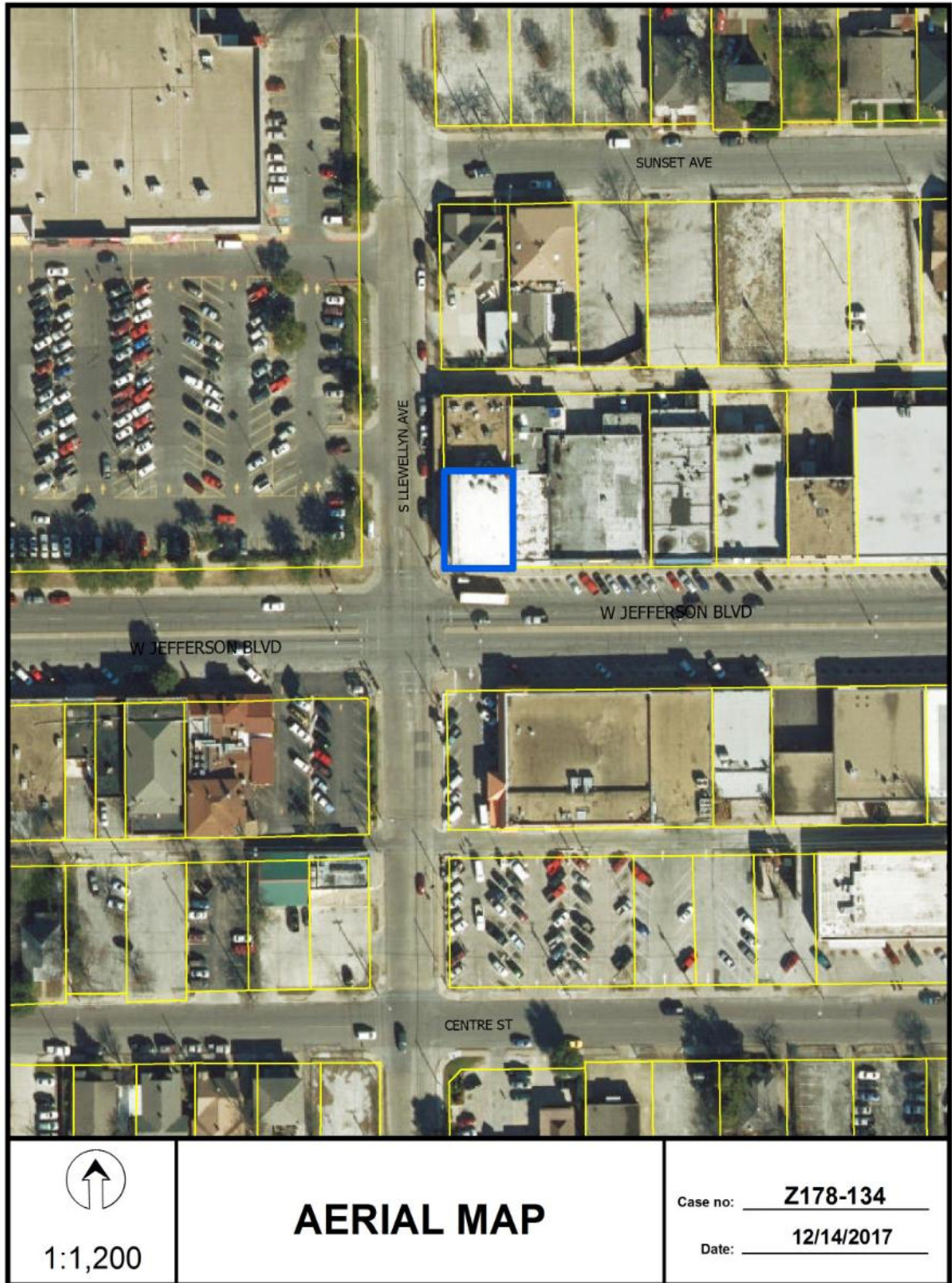
PROPOSED SITE PLAN

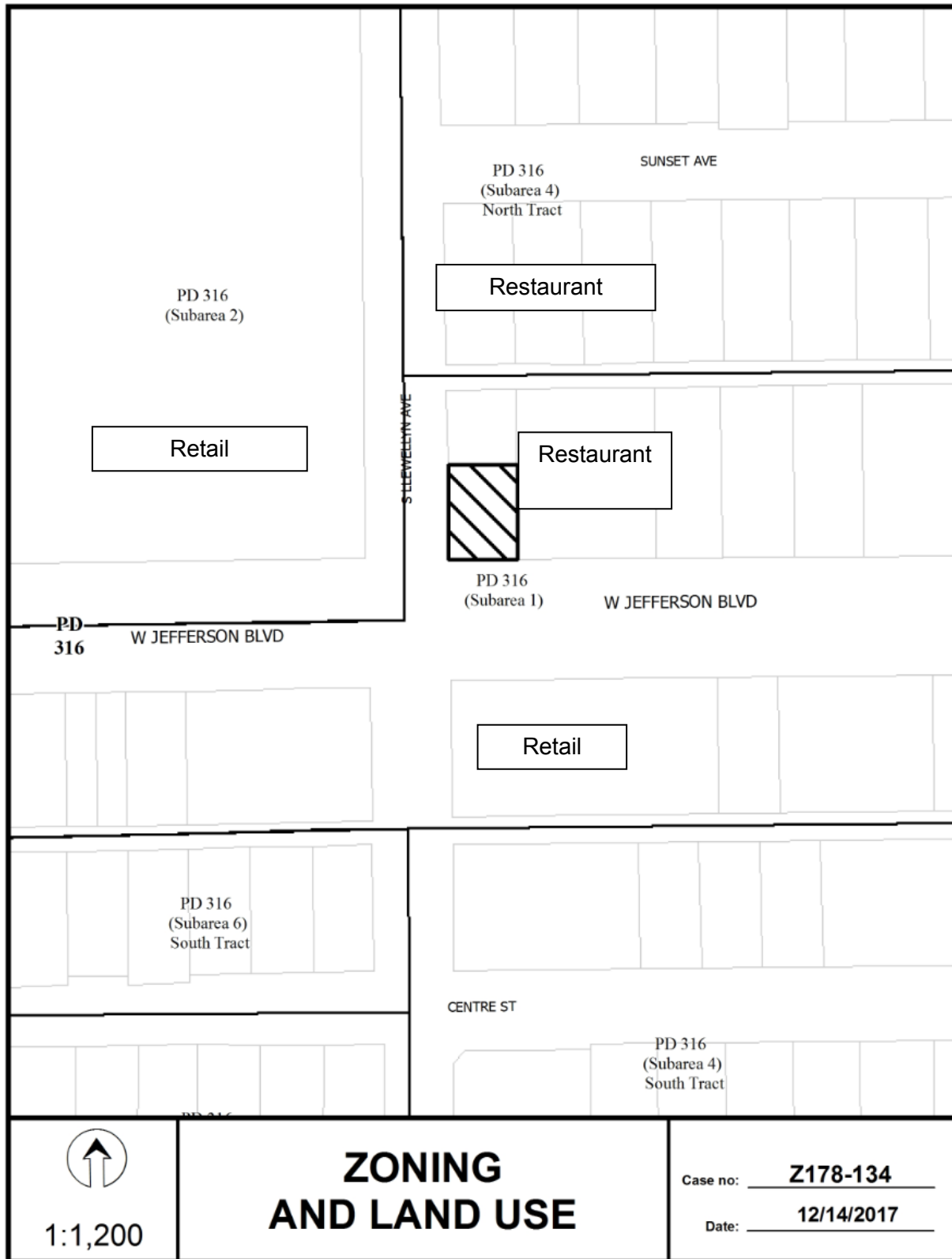


ENLARGED PROPOSED SITE PLAN









CPC RESPONSES



<u>12</u>	Property Owners Notified (14 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>1/18/2018</u>	Date

Z178-134
CPC



1:1,200

01/17/2018

Reply List of Property Owners

Z178-134

12 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	541	W JEFFERSON BLVD	USAI LP
2	214	S LLEWELLYN AVE	GARCIA RAMON & MARIA E
3	531	W JEFFERSON BLVD	RODRIGUEZ RAUL
4	525	W JEFFERSON BLVD	SPEARS HELEN FAMILY TRUST
5	523	W JEFFERSON BLVD	MOXIE INVESTMENTS LTD
6	520	SUNSET AVE	LEVINES
7	534	SUNSET AVE	LLEWELYN PROPERTIES LLC
8	538	SUNSET AVE	DIAZ VICTOR & MARIA L
9	520	W JEFFERSON BLVD	GILLILAND PPTIES II LTD
10	600	W JEFFERSON BLVD	SANCHEZ & SANCHEZ LLC
11	532	W JEFFERSON BLVD	JSM DEVELOPMENT CO LP
12	611	W JEFFERSON BLVD	L&R FIESTA INVESTMENTS

AGENDA ITEM # 61

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

10

DEPARTMENT:

Department of Trinity Watershed Management

CMO:

Jody Puckett, 670-3390

MAPSCO:

27-Q

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.3 acres of the current 4.3 acres of land located at 9229 Chiswell Road, within the floodplain of McCree Branch, Fill Permit 17-11 - Financing: No cost consideration to the City

BACKGROUND

Richardson Independent School District (RISD), for the White Rock Elementary School, located at 9229 Chiswell Road, has applied for a fill permit in order to remove the 100-year floodplain from approximately 0.3 acres of the current 4.3 acres of floodplain on this property near McCree Branch. The purpose of the floodplain removal is for renovation to the school and parking.

A neighborhood meeting was held at the White Rock Elementary School on January 24, 2018. Attendees included the RISD staff and engineers, five City staff members, and four citizens from the area. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

Richardson Independent School District
400 S. Greenville Avenue
Richardson, TX 75081

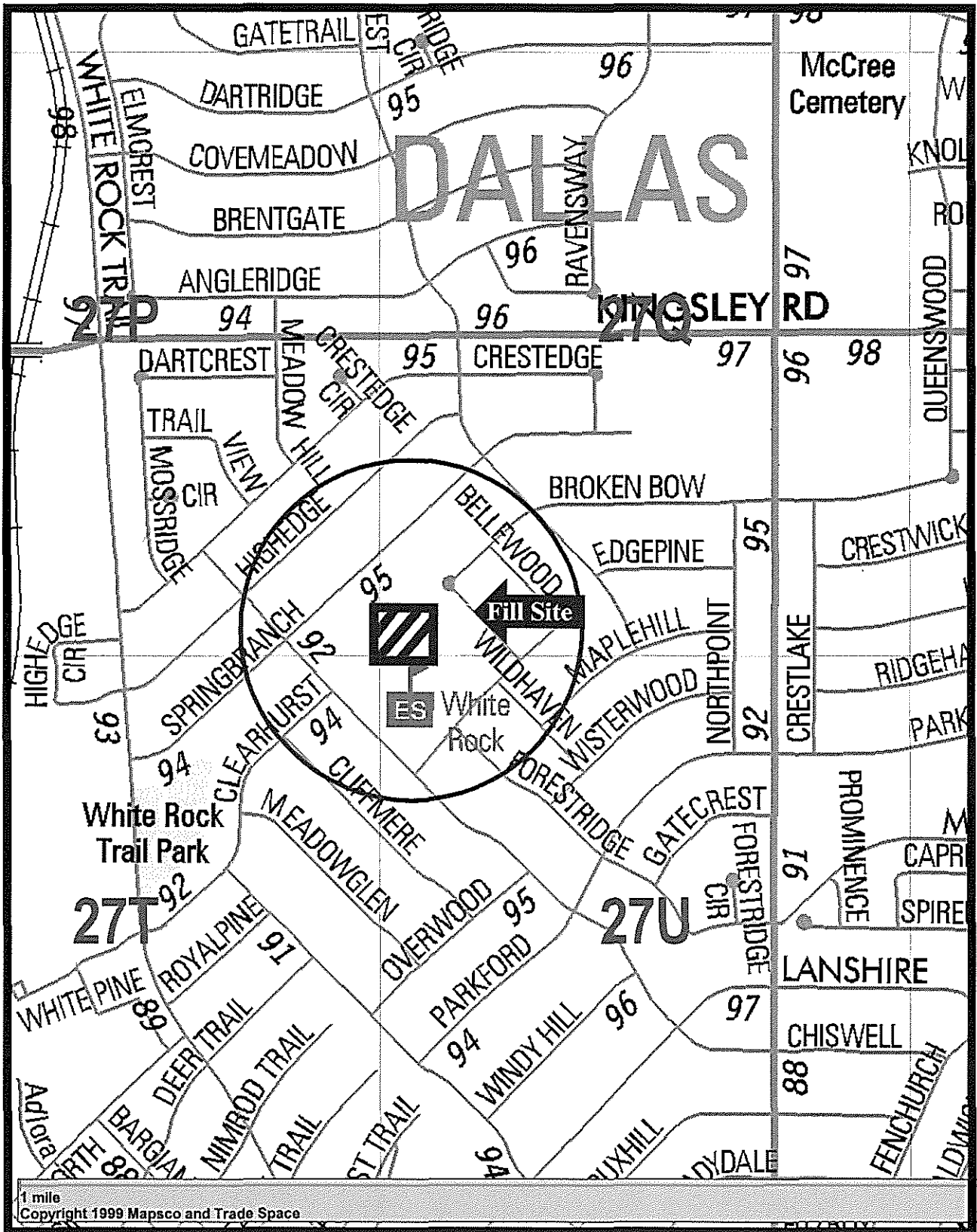
ENGINEER

Jeffrey J. Alvarez, P.E., CFM
Halff Associates, Inc.
1201 North Bowser Road
Richardson, TX 75081

MAP

Attached

FILL PERMIT 17-11



MAPSCO 27-Q

AGENDA ITEM # 62**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

N/A

DEPARTMENT:

Office of Budget

CMO:

Elizabeth Reich, 670-7804

MAPSCO:

N/A

SUBJECT

A public hearing to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds public hearings to provide the citizens of Dallas the opportunity to speak on the upcoming year's budget. This public hearing is one of three to be held at Dallas City Hall on March 28, 2018, May 9, 2018, and August 22, 2018. Citizen input is an important part of the budget development process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 28, 2018, City Council authorized the public hearing by Resolution No. 18-0344.

FISCAL INFORMATION

No cost consideration to the City.

**MARCH 28, 2018 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated March 28, 2018. 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

3/23/2018
Date



Elizabeth Reich
Chief Financial Officer

3-23-18
Date

RECEIVED

2018 MAR 23 PM 4:21

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 28, 2018
CITY OF DALLAS
1500 MARILLA STREET
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 - 38

CONSENT ADDENDUM

Items 1 - 3

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 39 - 44

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 45 - 62

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

**ADDENDUM
CITY COUNCIL MEETING
MARCH 28, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.**

ADDITIONS:

CONSENT ADDENDUM

City Attorney's Office

1. Resolution authorizing the City Manager to enter into an interim disclosure counsel contract with Orrick Herrington & Sutcliffe LLP, to expire on November 12, 2019, and terminate the City's existing disclosure counsel contract - Financing: Disclosure Counsel fees to be paid from bond proceeds, Current Funds, and/or enterprise funds, as applicable, contingent upon completion of each bond sale

City Controller's Office

2. A resolution authorizing the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2018, in an amount not to exceed \$63,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future cost)

Department of Transportation

3. Adopt a resolution that lists support for the Dallas Area Rapid Transit Cotton Belt Project and conditions associated with such support to mitigate the impacts of the project - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
MARCH 28, 2018**

CORRECTION:

Office of Cultural Affairs

20. A resolution authorizing further increasing: (1) total reimbursements to Dallas Center For The Performing Arts Foundation, Inc., by \$189,300 (from \$139,404 to a total of \$328,704) for payments made to Tait Towers Manufacturing LLC for additional emergency flood remediation and related repairs to theater automation systems completed by Tait Towers Manufacturing LLC at the Dee and Charles Wylly Theater located at 2400 Flora Street in an amount not to exceed \$189,300; and (2) an increase in appropriations in an amount not to exceed \$189,300 in the Office of Cultural Affairs budget - Not to exceed \$189,300 - Financing: Contingency Reserve Funds (to be reimbursed by property insurance)

DELETION:

Department of Sustainable Development and Construction

5. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Pamela Samantha Keats, et al., Cause No. 98574-CC, pending in Dallas County Court at Law, to acquire approximately 902,535 square feet of land for right-of-way located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$208,700, increased from \$210,700 (\$207,200, plus closing costs and title expenses not to exceed \$3,500) to \$419,400 (\$414,400 being the award, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds

ADDENDUM DATE March 28, 2018

ITEM	IND						DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	
1			N/A	C	ATT	NC	Resolution authorizing the City Manager to enter into an interim disclosure counsel contract with Orrick Herrington & Sutcliffe LLP, to expire on November 12, 2019, and terminate the City's existing disclosure counsel contract - Financing: Disclosure Counsel fees to be paid from bond proceeds, Current Funds, and/or enterprise funds, as applicable, contingent upon completion of each bond sale
2			N/A	C	CON	NC	A resolution authorizing the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2018, in an amount not to exceed \$63,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future cost)
3			1, 2	C	TRN	NC	Adopt a resolution that lists support for the Dallas Area Rapid Transit Cotton Belt Project and conditions associated with such support to mitigate the impacts of the project - Financing: No cost consideration to the City

TOTAL \$0.00

ADDENDUM ITEM # 1

STRATEGIC PRIORITY:

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

N/A

DEPARTMENT:

City Attorney's Office

CMO:

Larry Casto, 670-3491

MAPSCO:

N/A

SUBJECT

Resolution authorizing the City Manager to enter into an interim disclosure counsel contract with Orrick Herrington & Sutcliffe LLP, to expire on November 12, 2019, and terminate the City's existing disclosure counsel contract - Financing: Disclosure Counsel fees to be paid from bond proceeds, Current Funds, and/or enterprise funds, as applicable, contingent upon completion of each bond sale

BACKGROUND

This item was placed on the addendum to allow for disclosure counsel services to be in effect for the work required to be done in preparation for the pending General Obligation Refunding Bonds, Series 2018 bond sale offering.

The scope of services for this contract includes assisting City staff together with the financial advisor and bond counsel with disclosure services in connection with the issuance, sale, and delivery of City obligations. One of the obligations that the City has as a municipal securities issuer is compliance with disclosure requirements under federal security laws and Securities and Exchange Commission ("SEC") rules. Issuers of municipal bonds are obligated to ensure that the offering documents used in the offering of municipal bonds meet those requirements and are required to report annual financial information as well as notices of certain events that may affect their ability to repay the bonds. The City must file disclosure filings for all outstanding bond issues with the Municipal Securities Rulemaking Board ("MSRB") through Electronic Municipal Market Access ("EMMA"). Substantially, all of the responsibilities under this contract will be performed by attorneys.

In 2014, the City conducted a review of its compliance under the SEC's recent Municipalities Continuing Disclosure Cooperation initiative (the "MCDC"). Changes by the MSRB and the SEC have placed additional emphasis on disclosure by bond issuers, including independent verification of compliance with disclosure requirements. The MCDC was aimed at addressing violations of representations made by issuers in official statements about past compliance with continuing disclosure requirements.

BACKGROUND (continued)

In order to further assure that the City meets its obligations, City staff and the City Attorney's Office issued a Request for Proposals in 2014 for the City to engage a law firm to serve as disclosure counsel. Disclosure counsel is an independent firm, separate from bond counsel, retained by the City to provide a legal opinion concerning accuracy of the information presented in disclosure and bond documents. With scrutiny of municipal disclosure increasing by the SEC and the MSRB, the engagement of disclosure counsel provides an added layer of assurance that the City's financial position is accurately presented in bond documents. Other projects outside of the issuance of bonds such as training for City staff and City Council with respect to disclosure rules, regulations and responsibilities, and such other matters were other tasks contained in the disclosure counsel solicitation.

In November 2014, Andrews Kurth LLP (now Andrews Kurth & Kenyon LLP and hereinafter "Andrews Kurth") and Gonzalez Saggio & Harlan LLP ("Gonzalez Saggio") were selected as the City's Disclosure Counsel and Co-Disclosure Counsel. In February 2016, the Gonzalez Saggio law firm abruptly ceased doing business and subsequently dissolved. Andrews Kurth continued providing services as the City's Disclosure Counsel. In early March 2018, prior to a pending merger of Andrews Kurth and Hunton & Williams LLP, a law firm based in Virginia, the majority of the Andrews Kurth lawyers who comprised that law firm's public finance section joined Orrick Herrington & Sutcliffe LLP ("Orrick"), a California-based firm with offices around the world, including Houston and Austin. The Andrews Kurth attorneys who had been working on the City of Dallas matters were all included in the group of attorneys who left Andrews Kurth for Orrick.

Based on the level of expertise and experience which the former Andrews Kurth attorneys possessed, including experience working with the City with regards to disclosures to the SEC related to the Dallas Police and Fire Pension System and other issues, the City Attorney recommends that the City terminate for convenience the existing Andrews Kurth disclosure counsel contract and retain Orrick as the City's interim disclosure counsel until November 11, 2019, which marks the end of the original Andrews Kurth/Gonzalez Saggio contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 23, 2018, this item was included in a memorandum by the City Attorney to the City Council.

FISCAL INFORMATION

The fees for legal services provided by the disclosure counsel firm in connection with the issuance, sale and delivery of the City's bonds are contingent upon the sale and delivery of the bonds and are payable from bond proceeds, Current Funds, and/or enterprise funds, as applicable and as follows:

FIRM

Orrick Herrington & Sutcliffe LLP
Disclosure Counsel

FEE

Hourly rate fee for services rendered,
plus an opinion fee of \$0.20 per \$1,000
of increment of bonds issued

The hourly rates for the above listed disclosure counsel and co-disclosure counsel law firms are set forth on Attachment 1 to the resolution.

OWNERS/PRINCIPAL PARTNERS

Orrick Herrington & Sutcliffe LLP

Eric Johnson, Partner
Adrian Patterson, Partner
James Hernandez, Partner
Tanya Fischer, Partner
Rick Witte, Partner

March 28, 2018

WHEREAS, in November 2014, the City of Dallas, as a result of a competitive procurement solicitation, selected Andrews Kurth LLP (now Andrews Kurth Kenyon LLP and hereinafter referred to as “Andrews Kurth”) and Gonzalez Saggio & Harlan LLP as the City’s Disclosure Counsel & Co-Disclosure Counsel, respectively, as the most qualified and responsible law firms to perform the City’s public finance disclosure counsel legal services work for a five-year term ending on November 11, 2019; and

WHEREAS, in early 2016, Gonzalez Saggio & Harlan LLP abruptly ceased doing business and dissolved; and

WHEREAS, Andrews Kurth continued to perform public finance legal services pursuant to its contract with the City; and

WHEREAS, in early March 2018, a majority of the Andrews Kurth public finance attorneys, including all of the attorneys who had been performing the City’s public finance work for the previous three years, joined the Houston and Austin offices of the law firm of Orrick Herrington & Sutcliffe LLP (“Orrick”); and

WHEREAS, the former Andrews Kurth attorneys previously advised the City on complex matters, including disclosures to the Security and Exchange Commission related to the Dallas Police and Fire Pension System and other issues, and those attorneys are now all with Orrick; and

WHEREAS, the City Council finds there would be a benefit to the City to maintain continuity of counsel by having the former Andrews Kurth attorneys, now with Orrick, continue to provide disclosure counsel to the City; and

WHEREAS, due to the diminished capacity of Andrews Kurth to perform the City’s public finance disclosure counsel work and the expertise and experience of the attorneys now with Orrick, especially as to City of Dallas matters, the Dallas City Attorney recommends the Andrews Kurth disclosure counsel contract be terminated for convenience and the City now enter into an interim contract for disclosure counsel services with Orrick beginning on March 28, 2018 and ending on November 11, 2019.

Now, Therefore,

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

SECTION 1. That the City Attorney is authorized to terminate for convenience the existing disclosure counsel contract with Andrews Kurth.

March 28, 2018

SECTION 2. That the City Manager is hereby authorized to execute an interim disclosure counsel contract with Orrick Herrington & Sutcliffe LLP (VC18413), approved as to form by the City Attorney, in accordance with the hourly rates and opinion fees as set forth in Attachment I to this resolution, for a term beginning on March 28, 2018 and ending on November 11, 2019.

SECTION 3. That the Chief Financial Officer is hereby authorized to pay Orrick Herrington & Sutcliffe LLP disclosure counsel fees from bond proceeds, Current Funds, and/or Enterprise Current Funds, as applicable, in accordance with the hourly rates and opinion fees set forth in Attachment I.

SECTION 4. That this resolution shall take effect on March 28, 2018, and it is accordingly so resolved.

ATTACHMENT 1

DISCLOSURE COUNSEL FEES

1. Prior to the performance of legal services in connection with a bond sale or other matter authorized pursuant to this engagement, Orrick Herrington & Sutcliffe LLP (hereinafter “Disclosure Counsel”) shall submit, in writing, to the City Attorney an estimate of the total hourly fees, expenses and costs (“estimate”) expected to be incurred by such law firm for each City bond sale or other authorized matter. Each estimate is subject to review and approval by the City Attorney.

Disclosure Counsel shall monitor its hourly billings, expenses and costs, and shall notify the City Attorney, in writing, within five (5) business days after the aggregate of the hourly billable fees, expenses and costs reach 75% of the approved estimate and whether the total hourly fees, expenses and costs to be billed will be in accordance with the approved estimate amount. If, upon reaching 75% of the approved estimate, the respective law firm determines that, due to additional services requested by the City or unforeseen matters (such as, delays in the issuance of bonds or changes in the scope of the bond financing), the total hourly fees, expenses and costs will exceed the approved estimate, then the respective law firm shall submit, in writing, for the City Attorney’s review and approval, a revised estimate of the total hourly fees, expenses and costs expected to be incurred. The City shall not be liable for payment of any amounts exceeding the approved estimate unless such additional amounts have been authorized pursuant to a revised estimate approved by the City Attorney. Failure of the respective law firm to notify the City, in writing, within five (5) business days of reaching 75% of the approved estimate amount as specified above, shall constitute a waiver of the respective Disclosure Counsel’s right to compensation for any portion of the total hourly fees, expenses and costs that exceed the approved estimate amount.

2. Fees for Disclosure Counsel services (“Disclosure Services”) in connection with a proposed sale of City bonds shall be contingent upon the sale and delivery of the City’s bonds and shall be payable solely from bond proceeds. Disclosure Services shall include, but not be limited to the following in connection with the authorization, issuance, sale or delivery of municipal securities:
 - reviewing and assisting in the preparation of the preliminary and final official statements and other disclosure documents necessary or appropriate to the issuance;
 - analyzing the requirements of SEC Rule 15c2-12, including available exemptions therefrom, preparing the continuing disclosure agreement and providing advice and assistance to the City in filing its Annual Information Statement and other filings, as necessary, to comply with SEC Rule 15c 2-12(b)(5);
 - reviewing the City’s audited year-end financial statements and obligations and reviewing the City’s web site and other publications relating to the City’s financial condition and outstanding and proposed bond issues, and presentations to rating agencies;

- consulting with and advising City officials and staff, financial advisors, bond counsel, underwriters and underwriters' counsel, as necessary or appropriate regarding their disclosure obligations under federal securities law including attendance at city council meetings and briefings identified as relating to disclosure obligations;
- analyzing and advising City staff on any disclosure issues or regulatory changes arising under federal securities law, including assistance in evaluating the materiality of such issues as well as assisting City staff in monitoring disclosure requirements to help staff ensure timely and complete disclosures;
- performing due diligence and preparing the SEC 10(b)(5) opinion relating to the disclosure documents, assisting in the performance of any necessary due diligence investigation, including attending city council meetings and briefings or being available for due diligence calls or meetings, as appropriate;
- participating, when requested, in activities associated with presenting information to rating agencies, potential investors, and/or credit enhancement providers relating to legal issues affecting the City's public finance transactions;
- consulting and advising the City regarding compliance with the City's continuing disclosure agreements when advised of facts that may require disclosure, as well as review of filings by the City on EMMA including the City's CAFR;
- assisting City staff in documenting and updating internal written policies and procedures with respect to disclosure activities, including both initial offering documents and ongoing disclosure obligations.

All fees for Disclosure Services are set forth below:

- (a) Contingent fees for Disclosure Services in connection with a proposed issuance of City bonds shall be:
 - (1) Payable at an hourly rate not to exceed \$300.00 per hour for partners with hourly fees scaled down from \$300.00 for Junior Partners, Senior Associates, Associates and paralegals for Disclosure Services rendered in connection with the issuance, sale, and delivery of the City bonds, plus
 - (2) An additional fee of \$0.20 per \$1,000* in aggregate principal amount of each series of obligations actually delivered shall be payable upon provision at closing of a negative assurance letter regarding the City's disclosure in customary form reasonably satisfactory to the City. Such fee shall not exceed 70% of the additional fee charged by City's bond counsel or \$0.315 per \$1,000 of increment of bonds when Disclosure Counsel's fees are aggregated.
3. In addition to the above Disclosure Services, Disclosure Counsel shall be available to provide services at the same hourly rates noted above as directed by the City Attorney that may include similar projects outside of the issuance of bonds such as training for City staff and City Council with respect to disclosure rules, regulations and responsibilities and such other matters listed in the RFQ.

*Note: The current rate for bond counsel is \$0.45 per \$1,000 of increment of bonds. Accordingly, the total additional fee for Disclosure Services shall not exceed 70% of that amount or \$0.315 per \$1,000 of increment of bonds.

ADDENDUM ITEM # 2

STRATEGIC PRIORITY:

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

N/A

DEPARTMENT:

City Controller's Office

CMO:

Elizabeth Reich, 670-7804

MAPSCO:

N/A

SUBJECT

A resolution authorizing the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2018, in an amount not to exceed \$63,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future cost)

BACKGROUND

This item was placed on the addendum to facilitate financing of payments to be made to plaintiffs, under the terms of a written settlement agreement as incorporated in a judgment to be entered by the 199th Judicial District Court in Collin County.

On November 14, 2017, by Resolution No. 17-1805, the City Council approved settlement of the lawsuits styled Kenneth E. Albert, et al. v. The City of Dallas, Texas, Cause No. 199-00697-94, Anthony Arredondo, et al. v. The City of Dallas, Texas, Cause No. 199-01743-99, David L. Barber, et al., v. The City of Dallas, Texas, Cause No. 199-00624-95, and Kevin Michael Willis, et al. v. The City of Dallas, Texas, Cause No. 199-00200-95, in an amount not to exceed \$61,687,000 provided that the plaintiffs and the City mutually agreed on the terms of a written settlement agreement.

The City anticipates that the 199th Judicial District Court in Collin County, Texas will enter a judgment in the above-referenced lawsuits incorporating the terms of the written settlement agreement. Resolution No. 17-1805 also authorizes the Chief Financial Officer to make payments to plaintiffs from a future bond issuance. The City's Financial Advisors recommend that the City prepare for an issuance of general obligation refunding bonds in a principal amount not to exceed \$63,000,000 in satisfaction of the judgment. The ordinance authorizing the sale of the bonds will be presented to City Council for approval after the judgment has been entered.

ESTIMATED SCHEDULE OF PROJECT

Authorize preparation for Issuance of Bonds	March 2018
Approval of parameters ordinance	April 2018
Pricing	May 2018
Delivery of Proceeds	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 14, 2017, City Council was briefed on the proposed settlement and approved the terms of a written settlement agreement by Resolution No. 17-1805.

FISCAL INFORMATION

This action has no cost consideration to the City. Payment for cost of issuance is not made unless the bonds are issued. The anticipated cost of issuance is \$330,350 from FY 2017-18 General Funds. See Attachment I.

M/WBE INFORMATION

See Attachment I for M/WBE participation.

Attachment I

**Series 2018
General Obligation Refunding Bonds
\$63,000,000**

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel

Norton Rose Fulbright, US LLP (Vendor VC0000006239)	\$75,000	23%
Mahomes Bolden PC	\$60,000	18%

Disclosure Counsel

Orrick Herrington & Sutcliffe LLP (Vendor VC18413)	25,100	8%
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Financial Advisor

PFM (Vendor VC16222)	60,350	18%
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Printing Fee

TBD	3,000	1%
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Rating Agencies

Fitch Ratings (Vendor VC14720)	35,000	11%
S&P Global (Vendor 954974)	50,000	15%

Auditor

Grant Thornton (Vendor VS0000007921)	7,400	2%
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Attorney General Filing Fee

9,500	3%
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Misc. Expenses

<u>\$5,000</u>	<u>2%</u>
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Total Issuance Costs

<u><u>\$330,350</u></u>	<u><u>100%</u></u>
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Total M/WBE Participation as % of Total Issuance Costs:	\$63,000	19%
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March 28, 2018

WHEREAS, on November 14, 2017, by Resolution No. 17-1805, the City Council approved settlement of the lawsuits styled Kenneth E. Albert, et al. v. The City of Dallas, Texas, Cause No. 199-00697-94, Anthony Arredondo, et al. v. The City of Dallas, Texas, Cause No. 199-01743-99, David L. Barber, et al., v. The City of Dallas, Texas, Cause No. 199-00624-95, and Kevin Michael Willis, et al. v. The City of Dallas, Texas, Cause No. 199-00200-95, in an amount not to exceed \$61,687,000, provided that the plaintiffs and the City mutually agree on the terms of a written settlement agreement; and

WHEREAS, the City anticipates that the 199th Judicial District Court in Collin County, Texas will enter a judgment in the above-referenced lawsuits incorporating the terms of the written settlement agreement; and

WHEREAS, the Chief Financial Officer was authorized, by Resolution No. 17-1805, to make payments to plaintiffs from a future bond issuance; and

WHEREAS, the City Council hereby finds that, in order to accomplish the bond issuance in a timely and cost-efficient manner, the City Manager, the City Attorney, the City's Financial Advisors, the City's Co-Bond Counsel, and the City's Disclosure Counsel (collectively, the "Necessary Parties") should be authorized and directed to take such action and prepare documents as necessary in order to accomplish the bond issuance.

Now, Therefore,

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

SECTION 1. That the Necessary Parties are hereby authorized to take action and prepare documents, including, without limitation, the actions specified in this resolution, needed to accomplish the sale of General Obligation Refunding Bonds, Series 2018 (the "Bonds"), in a principal amount not to exceed \$63,000,000, with the sale of the Bonds scheduled to occur in a timely manner.

SECTION 2. That the Necessary Parties are hereby authorized and directed to prepare an Official Statement with respect to such obligations and to take such other action and prepare such other documents as are necessary and incidental to the issuance, sale, and delivery of the bonds.

SECTION 3. That the City Manager is hereby authorized to use the previously contracted professional services of PFM as Financial Advisors for the sale of the Bonds. Payment for the advisory services of PFM (Vendor VC16222) is estimated to be \$60,350 and shall be made from proceeds after delivery of the Bonds.

March 28, 2018

SECTION 4. That the City Manager is hereby authorized to use the previously contracted professional services of Norton Rose Fulbright US LLP (Vendor VC0000006239) and Mahomes & Bolden PC (Vendor VS0000051822) as Co-Bond Counsel in connection with the sale and delivery of the Bonds. Payment for the opinion of Norton Rose Fulbright US LLP shall be at the rate of \$0.30 per \$1,000 increment of obligations issued plus an hourly rate of \$150.00 to \$475.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount not to exceed \$75,000), and shall be made from the proceeds after delivery of the Bonds. Payment for the opinion of Mahomes & Bolden PC (Vendor VS0000051822) shall be at the rate of \$0.30 per \$1,000 increment of obligations issued plus an hourly rate of \$150.00 to \$475.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$60,000), and shall be made from the proceeds after delivery of the Bonds.

SECTION 5. That the City Manager is hereby authorized to use contracted professional services of Orrick Herrington & Sutcliffe LLP (Vendor VC18413) as Disclosure Counsel in connection with the sale and delivery of the Bonds. Payment for the opinion of Orrick Herrington & Sutcliffe LLP shall be at the rate of \$0.20 per \$1,000 increment of obligations issued plus an hourly rate of \$150.00 to \$475.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$ 25,100), and shall be made from the proceeds after delivery of the Bonds.

SECTION 6. That the City Manager is hereby authorized to obtain bond ratings from Fitch Ratings (Vendor VC14720) and from Standard & Poor's, Inc. (Vendor 954974) in connection with the sale of the Bonds. Payment for the bond ratings is estimated to be \$85,000 and shall be made from proceeds after delivery of the Bonds.

SECTION 7. That the Chief Financial Officer is hereby authorized to use the previously contracted professional services of Grant Thornton L.L.P. to obtain an independent auditor's consent letter in connection with the sale and delivery of the Bonds. Payment for the services of Grant Thornton L.L.P. (Vendor VS0000007921) is estimated to be \$7,400 and shall be made from the proceeds after delivery of the Bonds.

SECTION 8. That the Chief Financial Officer is hereby authorized to make payments for printing services to print and mail official statements. Payment for printing services is estimated to be \$5,000 and shall be made from the proceeds after delivery of the Bonds.

SECTION 9. That the Chief Financial Officer is hereby authorized to make payment to U.S. Bank National Association for services provided as paying agent/registrar with respect to the bonds at an annual cost of \$400 plus mailing expenses from the General Fund 0001, Department CCO, Unit 1126, Object 3537, (Vendor VS0000052040) upon issuance of the Bonds.

March 28, 2018

SECTION 10. That the proceeds received from the sale of the Bonds shall be deposited in General Fund, Fund 0001, Unit W257, Revenue Code 8448. Any accrued interest from these proceeds will be deposited in the Debt Service Fund, Fund 0981, Department BMS, Revenue Code 8438.

SECTION 11. That the City Manager is hereby authorized and directed to file an Official Statement with respect to such bonds and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the bonds with the Attorney General; and that the Chief Financial Officer be and is hereby authorized to make the payment for filing with the Attorney General's office (Vendor 344989) prior to receiving the Bond proceeds. The cost is estimated to be \$9,500 and shall be made from the General Fund, Fund 0001, Department CCO, Unit 1126, Object 3537 and shall be reimbursed from proceeds.

SECTION 12. That the Chief Financial Officer is hereby authorized to make payments for miscellaneous services relating to the sale of the bonds. Payments for the miscellaneous services are estimated to be \$5,000 and shall be made after delivery of the Bonds.

SECTION 13. That this resolution shall take effect on March 28, 2018, and it is accordingly so resolved.

ADDENDUM ITEM # 3

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

1, 2

DEPARTMENT:

Department of Transportation

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

4Z 5M P Q R S T W 6J K

SUBJECT

Adopt a resolution that lists support for the Dallas Area Rapid Transit Cotton Belt Project and conditions associated with such support to mitigate the impacts of the project - Financing: No cost consideration to the City

BACKGROUND

Dallas Area Rapid Transit (DART) plans to build a 26-mile Cotton Belt commuter rail line between Dallas/Fort Worth International (DFW) Airport and Shiloh Road in the City of Plano. The project schedule has been advanced from 2035 to 2022 in DART's Fiscal Year 2018, Twenty-year Financial Plan by taking advantage of the Railroad Rehabilitation and Improvement Financing (RRIF) loan program through the Federal Railroad Administration.

The project is currently at the 10 percent design phase, and DART has prepared a Draft Environmental Impact Statement (DEIS) for public review and comment. It is incumbent on DART to demonstrate that the impacts from the proposed Cotton Belt Project are thoroughly evaluated and mitigated. These impacts include noise and vibration impacts, visual impacts, traffic impacts (on City streets), socioeconomic impacts and others. At the conclusion of the environmental review process, the Federal Transit Administration (FTA) will approve a final Environmental Impact Statement (EIS).

As part of public outreach and a thorough project review, DART has held a number of public meetings in each of the communities seeking stakeholder's input on the project. In addition, state law requires DART to hold a public hearing prior to making any significant change to the Service Plan. A Service Plan Amendment public hearing is planned to be held on March 27, 2018 at DART Headquarters to receive comments on the alignment deviations, grade separations, station locations and facility locations. One alignment deviation involves a change in station location and rail line for the station near the Cypress Waters development in the northwest section of Dallas.

BACKGROUND (continued)

DART has requested a Resolution from the City of Dallas supporting the aforementioned deviation from the proposed alignment. This action will provide direction to the DART Board indicating the City's support for the proposed change in alignment and location of the rail station for the Cotton Belt near the Cypress Waters development. This action will also communicate to the DART Board the conditions associated with the Dallas City Council support for the Cotton Belt Project, based on extensive community input from residents in Far North Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed on March 26, 2018.

FISCAL INFORMATION

No cost consideration to the City.

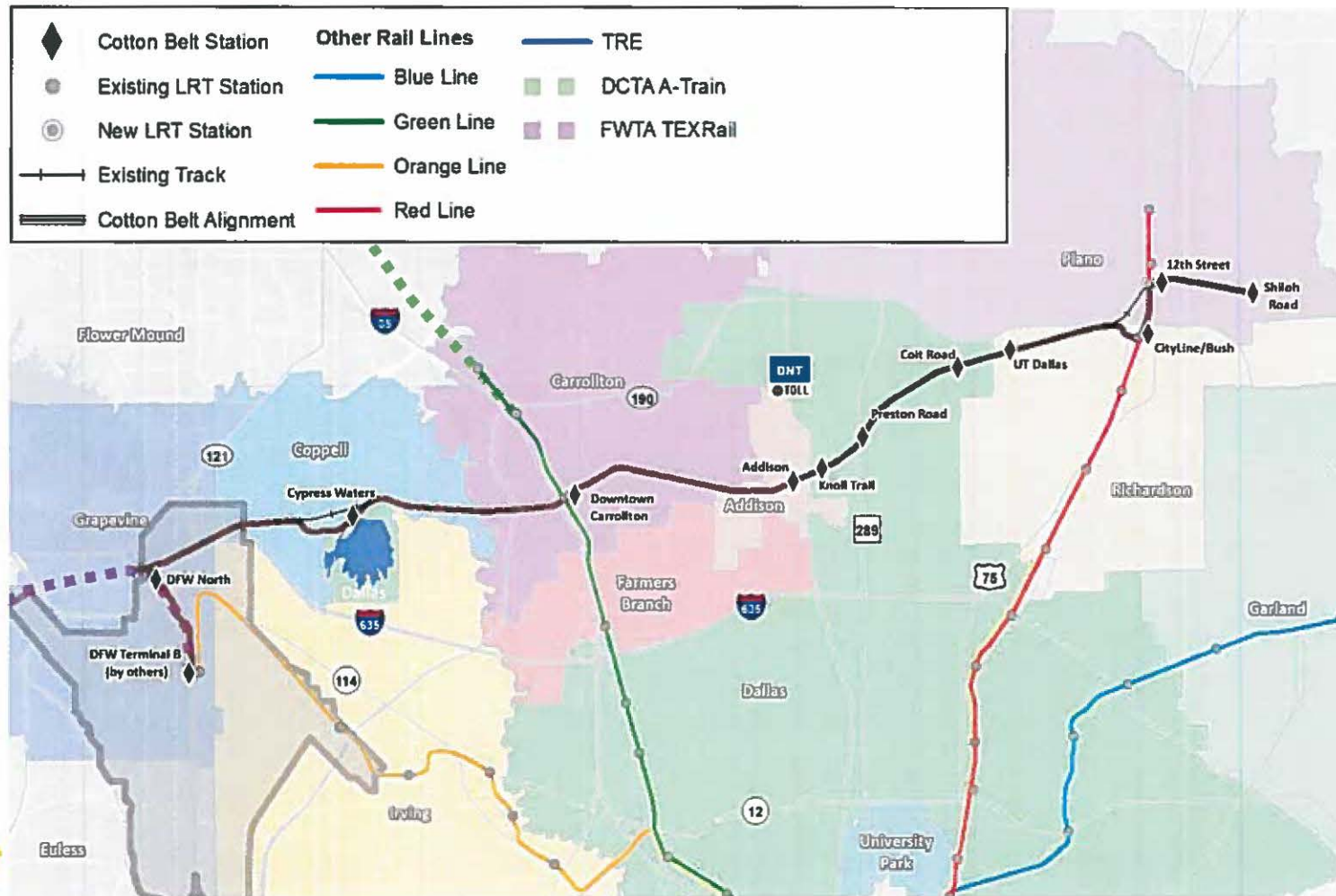
MAP

Attached

Cotton Belt Rail Project

Alignment & Stations

MAPSCO:
4Z 5M P Q R S T W 6J K



March 28, 2018

March 28, 2018

WHEREAS, the Dallas Area Rapid Transit (DART) plans to build the 26-mile Cotton Belt Project rail line between Dallas/Fort Worth (DFW) Airport and Shiloh Road in Plano; and

WHEREAS, the Cotton Belt rail line goes through the cities of Plano, Richardson, Dallas, Addison, and Carrollton; and

WHEREAS, the Cotton Belt Project passes through a three-mile section of North Dallas in an area that is mainly residential, and includes many schools and parks near the rail line; and in another area of Dallas known as Cypress Waters that is a proposed mixed used development area; and

WHEREAS, the existing Cotton Belt Project has twelve at-grade street crossings in the City of Dallas and one grade-separated street crossing at Preston Road; and

WHEREAS, the proximity of residential homes, schools, parks and at-grade street crossings raises significant community safety concerns, as well as issues related to noise, vibration, and visual impacts; and

WHEREAS, DART is currently engaged in developing a Draft Environmental Impact Statement (DEIS) for the Cotton Belt Project; and

WHEREAS, the DEIS will identify the Cotton Belt Project alignment, grade separations for street crossings, station locations, and mitigation measures required to meet Federal Transit Administration (FTA) requirements; and

WHEREAS, the DART Board has a “Betterments” policy that provides funding and a community involvement process for enhancements that would be in addition to the mitigation measures required by the FTA; and

WHEREAS, the DART Board considered committing \$50 million toward mitigation measures for the Cotton Belt Project in Far North Dallas, but later changed its Resolution language to apply the \$50 million to the entire 26 miles and then approved Resolution No. 060177 in 2006; and

WHEREAS, on October 24, 2017, DART staff briefed the DART Board Planning Committee and communicated that the approved language in the resolution was intended for betterments, not mitigation; and

WHEREAS, DART did not stipulate in the resolution or subsequent action that the funding amount would be adjusted for inflation; and

March 28, 2018

WHEREAS, freight service on the Cotton Belt rail line is not currently permitted within the City of Dallas and Dallas requests written assurances that freight service will never be allowed on the Cotton Belt rail line between Waterview Parkway and the Dallas North Tollway; and

WHEREAS, the 2011 City of Dallas Bike Plan identifies a bicycle-pedestrian trail within the Cotton Belt rail corridor between Waterview Parkway and the Dallas North Tollway.

Now, Therefore,

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

SECTION 1. That the City Council supports the Cotton Belt Project only if the following conditions are approved by the DART Board before a construction contract for the line is awarded:

- Rail stations within the City of Dallas are only provided at two locations, Cypress Waters and Knoll Trail. The Preston Road/Keller Springs and Coit Road stations are eliminated from the project, and
- Grade-separated street crossings are constructed at Hillcrest Road and Coit Road. Infrastructure changes are at-grade or below grade, and
- Mitigation and Betterments are provided throughout the residential communities in Far North Dallas to mitigate adverse impacts including, at a minimum:
 - A. Continuous 15-foot high concrete, sound-absorbing walls that meet the 3dBA Ldn limits at all residences on both sides of the rail line,
 - B. Tire-derived aggregate for track ballast to reduce vibration,
 - C. Enhanced landscaping to reduce visual impacts,
 - D. Double gated, lower height crossings and quiet zones at all at-grade street crossings to improve safety and to reduce noise,
 - E. Train Noise shall not exceed current community noise levels by more than 3dBa Ldn at maximum headways,
 - F. Vibration levels – the standard of reference for human exposure to vibrations in buildings will be ANSI S2.7-1983 (R2006), or 65 vdB peak vibration level,
 - G. Directional crossing bells in all quiet zones that adhere to the lowest/quietest federal safety limits. DART will employ all practical measures to obscure sound intrusions from the bells into the residences, and

March 28, 2018

SECTION 1. (continued)

- DART will enter into an Interlocal Agreement with the City of Dallas to assure that freight service will never be allowed on the Cotton Belt rail line between Waterview Parkway and the Dallas North Tollway, and
- Cooperation is provided in the development and implementation of a bicycle-pedestrian trail within the Cotton Belt corridor outside of the sound walls consistent with the 2011 Dallas Bike Plan, subject to neighborhood input.

SECTION 2. That the City Council supports the proposed change in alignment and the location of a rail station for the Cotton Belt Project near the Cypress Waters development within the city of Dallas.

SECTION 3. That the DART Board increases its \$50 million commitment to provide betterments in residential areas of the Cotton Belt corridor, adjusts the funding amount to reflect inflation since their resolution was approved in 2006, and stipulate that these funds will be used to provide betterments that would be in addition to the mitigation measures required by the FTA.

SECTION 4. That the DART Board uses the funds budgeted for the eliminated Preston Road/Keller Springs and Coit Road stations on betterments for the Far North Dallas portion of the rail line.

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.

REVISED AGENDA ITEM # 20

**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

March 28, 2018

COUNCIL DISTRICT(S):

14

DEPARTMENT:

Office of Cultural Affairs
Office of Budget

CMO:

Joey Zapata, 670-1204
Elizabeth Reich, 670-7804

MAPSCO:

N/A

SUBJECT

A resolution ~~authorizing further increasing: (1) total reimbursements to Dallas Center For The Performing Arts Foundation, Inc., by \$189,300 (from \$139,404 to a total of \$328,704) for payments made to Tait Towers Manufacturing LLC for additional emergency flood remediation and related repairs to theater automation systems completed by Tait Towers Manufacturing LLC at the Dee and Charles Wyly Theater-located at 2400 Flora Street in an amount not to exceed \$189,300; and (2) an increase in appropriations in an amount not to exceed \$189,300 in the Office of Cultural Affairs budget - Not to exceed \$189,300 - Financing: Contingency Reserve Funds (to be reimbursed by property insurance)~~

BACKGROUND

On March 30, 2017, a contractor working on the fire safety system at the Dee and Charles Wyly Theater, a City-owned cultural facility operated by Dallas Center For The Performing Arts Foundation, Inc. d/b/a AT&T Performing Arts Center (ATTPAC), located at 2400 Flora Street, inadvertently triggered the building's fire suppression system, which released a tremendous deluge of water into the theater, inundating the space, fixtures and theatrical equipment.

On November 8, 2017, City Council authorized a bridge payment to ATTPAC to reimburse expenses from Mooring Recovery Services, Inc. for emergency flood remediation and related repairs at the Wyly Theater, in an amount not to exceed \$139,403.87, by Resolution No. 17-1735.

Additional flood remediation and repair services have been required for theatrical equipment in the building. Tait Towers Manufacturing LLC, which specializes in theater automation systems, was engaged by ATTPAC to repair and replace the master control computer which controls the theater's lifts, relays, and safety system.

BACKGROUND (continued)

This action seeks authorization to reimburse ATTPAC for such additional payments made to Tait Towers Manufacturing LLC for theater system repairs and replacement. Per the use agreement for the venue, the City is responsible for property insurance against loss or damage to the premises. Staff is working on an insurance claim and a settlement with the vendor whose employee was responsible for the incident. Once settled, the City is expected to be fully reimbursed for these costs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Government Performance and Financial Management Committee on March 19, 2018.

FISCAL INFORMATION

Contingency Reserve Funds - \$189,300 (to be reimbursed by property insurance)

March 28, 2018

WHEREAS, on March 30, 2017, a contractor working on the fire safety system at the Dee and Charles Wyly Theater located at 2400 Flora Street inadvertently triggered the building's fire suppression system, which released a tremendous deluge of unclean water into the theater; and

WHEREAS, Dallas Center For The Performing Arts Foundation, Inc., d/b/a AT&T Performing Arts Center (ATTPAC), which manages the facility on behalf of the City, responded to this emergency by contracting for flood remediation services, and temporary repairs and painting to theater fixtures including seats and floors, walls and ceiling; and

WHEREAS, additionally, the theater automation system was severely damaged, requiring replacement of the master control computer which controls lifts, relays and safety systems, for which ATTPAC hired and rendered payment to Tait Towers Manufacturing LLC for this service; and

WHEREAS, on November 8, 2017, the City Council authorized a bridge payment to ATTPAC to reimburse expenses from Mooring Recovery Services, Inc. for emergency flood remediation and related repairs at the Wyly Theater, in an amount not to exceed \$139,403.87, by Resolution No. 17-1735; and

WHEREAS, the City desires to make an additional bridge payment to ATTPAC to reimburse expenses from Tait Towers Manufacturing LLC for theater system repairs and replacement at the Dee and Charles Wyly Theater, in an amount not to exceed \$189,300.00 for a total reimbursement of \$328,704.00 for both repairs; and

WHEREAS, it is anticipated that these expenses will be recovered by the City upon the insurance claim settlement now in-process.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to reimburse Dallas Center For The Performing Arts Foundation, Inc. for payments made to Tait Towers Manufacturing LLC for theater system repairs and replacement at the Dee and Charles Wyly Theater located at 2400 Flora Street, in an amount not to exceed \$189,300.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$189,300.00 from Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF, to Fund 0001, Department OCA, Unit 4903, Revenue Code 9229; and a clearing entry, in the same amount, to Fund 0001, Department BMS, BSA 0991 (Debit) and to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit).

March 28, 2018

SECTION 3. That the City Manager is hereby authorized to increase the Office of Cultural Affairs appropriations in an amount not to exceed \$189,300.00, from \$20,710,467.00 to \$20,899,767.00 in the General Fund, Fund 0001, Department OCA, Unit 4903, Object 3210; increase total General Fund expenditure appropriations by \$189,300.00, from \$1,278,623,588.00 to \$1,278,812,888.00; and increase total General Fund revenue appropriations by \$189,300.00, from \$1,278,623,588.00 to \$1,278,812,888.00.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$189,300.00 to Dallas Center For The Performing Arts Foundation, Inc. (Vendor VS0000004959) from Fund 0001, Department OCA, Unit 4903, Object 3210, Encumbrance/Contract No. CX-OCA-2018-00005717.

SECTION 5. That the Chief Financial Officer is hereby authorized to deposit any funds received from insurance for claim eligible expenses into General Fund, Fund 0001, Department OCA, Unit 4903, Revenue Code 8519.

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.