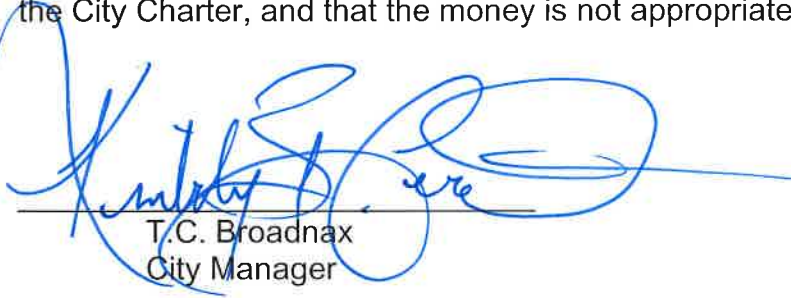
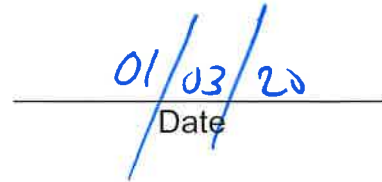


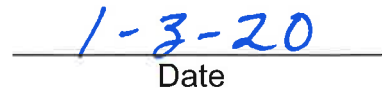
**JANUARY 8, 2020 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated January 8, 2020. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
\_\_\_\_\_  
T.C. Broadnax  
City Manager

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Elizabeth Reich  
Chief Financial Officer

  
\_\_\_\_\_  
Date

# Memorandum



CITY OF DALLAS

DATE January 3, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **January 8, 2020 City Council FINAL Agenda - Additions/Revisions/Deletions**

On December 20, 2019, a DRAFT City Council Agenda for January 8, 2020 was provided for your review. This memo outlines any additions, revisions or deletions made to the FINAL agenda after the distribution of the DRAFT agenda.

Additional items and deletions to the DRAFT agenda are outlined below, including *revisions* to the FINAL agenda are underlined in blue and *deletions* are strikethrough in red.

## **Additions:**

39. 20-92 Authorize a twenty-year agreement with one ten-year renewal option and two additional five-year renewal options, with Reverchon Park Sports and Entertainment, LLC, for the development, operation, and maintenance of a proposed new athletic field and stadium at Reverchon Park located at 3505 Maple Avenue - Annual Revenue: Reverchon Park ~~and Recreation~~ Beautification Fund \$30,000.00 (see Fiscal Information)

## **Revisions:**

- Z3. 19-2005 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 391, on the northeast and southeast corners of Newkirk Street and Joe Field Road  
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions  
Z189-295(AU)

## **Deletions:**

- Z17. 19-2019 A public hearing to receive comments regarding an application for **(1)** an ordinance granting a Planned Development District for mixed uses; and **(2)** an ordinance terminating Specific Use Permit No. 1172 for a private school and child-care facility on property zoned Planned Development District No. 314, the Preston Center Special Purpose District; an MF-1(A) Multifamily District; and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue



DATE January 3, 2020  
SUBJECT **January 8, 2020 City Council FINAL Agenda - Additions/Revisions/Deletions**

Recommendation of Staff: Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and staff's recommended conditions; and approval of the termination of Specific Use Permit No. 1172  
Recommendation of CPC: Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and conditions; and approval of the termination of Specific Use Permit No. 1172  
Z178-358(JM/AU)

Z21. 19-1982 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Lemmon Avenue and Oak Lawn Avenue  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z189-316(PD)

Thank you for your attention to these changes. If you have any questions, please contact Kimberly Bizer Tolbert, Chief of Staff at 214-670-3302.



T.C. Broadnax  
City Manager

c:	Chris Caso, City Attorney (Interim)	Jon Fortune, Assistant City Manager
	Mark Swann, City Auditor	Joey Zapata, Assistant City Manager
	Biliera Johnson, City Secretary	Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
	Preston Robinson, Administrative Judge	Michael Mendoza, Chief of Economic Development and Neighborhood Services
	Kimberly Bizer Tolbert, Chief of Staff to the City Manager	Laila Alequresh, Chief Innovation Officer
	Majed A. Al-Ghafry, Assistant City Manager	M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
	Elizabeth Reich, Chief Financial Officer	Directors and Assistant Directors

RECEIVED

2020 JAN -3 PM 4:43

CITY SECRETARY  
DALLAS, TEXAS

## City of Dallas

1500 Marilla Street  
Dallas, Texas 75201



## COUNCIL AGENDA

January 8, 2020

3:00 PM

(For General Information and Rules of Courtesy, Please See Opposite Side.)

(La Información General Y Reglas De Cortesía Que Deben Observarse

Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

## **General Information**

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

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

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

## **Rules of Courtesy**

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

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

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while

## **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 en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

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

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

## **Reglas de Cortesía**

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

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

"Los ciudadanos y visitantes presentes durante las

attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

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

## **Handgun Prohibition Notice for Meetings of 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, JANUARY 8, 2020  
ORDER OF BUSINESS**

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

3:00 p.m. INVOCATION AND PLEDGE OF ALLEGIANCE

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2-35

DELETION

Items Z17, Z21

3:15 p.m. ITEMS FOR INDIVIDUAL CONSIDERATION

Items 36-38

ADDITION

Item 39

6:00 p.m. ZONING

Items Z1-Z23

6:00 p.m. PUBLIC HEARINGS AND RELATED ACTIONS

Items PH1-PH2

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

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

## **VOTING AGENDA**

1. [19-2041](#) Approval of Minutes of the December 11, 2019 City Council Meeting

## **CONSENT AGENDA**

### **Department of Aviation**

2. [19-1885](#) Authorize a contract for the construction of the Dallas Love Field Garages A and B Fire Suppression Systems Project - Holt Construction Corporation, only bidder - Not to exceed \$1,418,840.47 - Financing: Aviation Fund

**Attachments:** [Map](#)  
[Resolution](#)

### **Department of Public Works**

3. [19-1924](#) Authorize a professional services contract with The Kercher Group, Inc. to provide Pavement Management Consultant Services including pavement modeling evaluation, evaluation and review of current practices, quality management review of pavement condition data collection, and review of sidewalk and alley management practices - Not to exceed \$232,431.58 - Financing: General Fund

**Attachments:** [Map](#)  
[Resolution](#)

4. [19-1601](#) Authorize a construction contract for the street reconstruction of Highland Road from Ferguson Road to Primrose Drive - Tiseo Paving Company, lowest responsible bidder of three - Not to exceed \$3,996,741.65 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds) (\$1,410,077.05), Capital Projects Reimbursement Fund (\$733,357.00), Street and Alley Improvement Fund (\$500,000.00), Water Utilities Capital Improvement Funds (\$1,314,772.60), and Water Utilities Capital Construction Funds (\$38,535.00)

**Attachments:** [Map](#)  
[Resolution](#)

5. [19-1979](#) Authorize a construction contract for the new roofing restoration project at Sullivan House at Dallas Heritage Village located at 1515 South Harwood Street - Phoenix I Restoration and Construction, Ltd., only proposer - Not to exceed \$205,000.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

**Attachments:** [Map](#)  
[Resolution](#)

6. [19-1758](#) Authorize an increase to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of water and wastewater main improvements for Wheatland Road Phase 1B from 1,745 feet east of the Dallas city limit to the city limit line - Not to exceed \$118,866.36, from \$3,894,458.38 to \$4,013,324.74 - Financing: Water Utilities Capital Improvement Funds (\$118,399.96) and Water Construction Fund (\$466.40)

**Attachments:** [Map](#)  
[Resolution](#)

7. [19-1712](#) Authorize Supplemental Agreement No. 5 to the professional services contract with WSP USA, Inc., formerly known as Parsons Brinkerhoff, Inc., for additional engineering design of retaining walls required to prevent encroachment into adjacent properties and design modifications to mitigate high soil sulphates along Chalk Hill Road from Interstate Highway 30 (IH-30) westbound frontage road to Singleton Boulevard and the revision of the soil nail wall plan due to a gas main conflict along Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$125,446.48, from \$1,430,649.28 to \$1,556,095.76 - Financing: Street and Transportation Improvements Fund (2006 Bond Funds)

**Attachments:** [Maps](#)  
[Resolution](#)

#### **Department of Sustainable Development and Construction**

8. [19-1564](#) Authorize acquisition from Charles T. Simmons and Nan Simmons, of approximately 11,736 square feet of land improved with a manufactured dwelling located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$38,866.00 (\$35,866.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)



9. [19-1716](#) Authorize acquisition from Garland W. Martin, of approximately 46,187 square feet of land improved with a single-family dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$121,442.00 (\$118,442.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)  
[Exhibit B](#)

10. [19-1858](#) Authorize **(1)** the quitclaim of 11 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: \$194,000.00 (see Fiscal Information)

**Attachments:** [Map](#)  
[Property List](#)  
[Resolution](#)  
[Exhibit A](#)

11. [19-1849](#) Authorize an amendment to an existing lease agreement with Dallas Children's Advocacy Center, to extend the lease agreement for an additional five-years for approximately 2,500 square feet of office space located at 5351 Samuel Boulevard, Rooms 170-189, for the continued use as the Dallas Police Department's Youth and Family Crime Division for the period March 1, 2020 through February 28, 2025 - Not to exceed \$288,000.00 - Financing: General Fund (subject to annual appropriations)

**Attachments:** [Map](#)  
[Resolution](#)

12. [19-1619](#) A resolution authorizing the conveyance of a wastewater easement containing approximately 2,600 square feet of land to Kaufman County Municipal Utility District No. 5 for the construction, maintenance and use of wastewater facilities across City-owned land located in Kaufman County - Revenue: General Fund \$1,000.00

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

13. [19-2025](#) A resolution amending **(1)** the City Plan Commission's Rules of Procedure; **(2)** the Landmark Commission's Rules of Procedure; and **(3)** the Board of Adjustment's Rules of Procedure by amending certain sections to comply with state law changes pertaining to input from members of the public - Financing: No cost consideration to the City

**Attachments:** [Resolution](#)  
[CPC Rules of Procedure](#)  
[LMC Rules of Procedure](#)  
[BDA Rules of Procedure](#)

14. [19-1365](#) An ordinance abandoning a portion of a sanitary sewer easement to Pan Coastal Limited Partnership, the abutting owner, containing approximately 8,892 square feet of land, located near the intersection of Lemmon and Oak Grove Avenues - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

**Attachments:** [Map](#)  
[Ordinance](#)  
[Exhibit A](#)

#### **Fire-Rescue Department**

15. [19-1585](#) Authorize an annual payment in the amount of \$130,000.00 per year for five years to the Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport - Not to exceed \$650,000.00 - Financing: Aviation Fund (subject to annual appropriations) (see Fiscal Information)

**Attachments:** [Resolution](#)

**Office of Economic Development**

16. [19-1794](#) Authorize the following: **(1)** a New Markets Tax Credit transaction (“NMTC Transaction”) between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (“Capital One”), and 3662 Investors, LP and/or its affiliates or subsidiaries for improvements within the Red Bird Mall Redevelopment Project (“Project”) located at 3662 West Camp Wisdom Road; and **(2)** a second amendment to the Chapter 380 Grant Agreement with WCWRD Inc and its affiliates or subsidiaries (“Developer”), a first amendment to the Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement with Developer, and to amend or execute any other documents necessary to **(A)** release the property owned by OMRB LLC (being the Foot Locker) and the property owned by OMRB II LLC (being the Lawn) from the lien Deed of Trust and the indebtedness evidenced by the City’s 15-year interest only loan; **(B)** specifically remove the condition of the disbursement of the second loan installment that all 2017 General Obligation Bond Funds be fully disbursed and expended by Developer and allow the second loan installment to be disbursed on or before January 31, 2020; **(C)** increase the Developer’s required total minimum investment for the Project by \$1,000,000.00 from \$115,000,000.00 to \$116,000,000.00 as consideration for (A) and (B); and **(D)** make such other modifications which may be necessary to effectuate the foregoing amendments - Financing: No cost consideration to the City

**Attachments:**    [Resolution](#)  
                              [Attachment A](#)  
                              [Attachment B](#)

**Office of Emergency Management**

17. [19-1918](#) Authorize **(1)** the first amendment to the grant agreement with the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency passed through the Texas Office of the Governor-Homeland Security Grants Division for the FY 2017 Homeland Security Grant, which includes the Urban Area Security Initiative (UASI) and the State Homeland Security Program (Federal/State Award ID No. EMW-2017-SS-00005/State Grant No. 2980503, CFDA No. 97.067) to accept additional grant funds in the amount of \$139,509.95, from \$5,634,605.25 to \$5,774,115.20 to provide funding for activities related to enhancing preparedness and building capacity to prepare for, prevent and respond to complex coordinated terrorist attacks for the period September 1, 2017 through February 29, 2020; **(2)** an increase in appropriations in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the agreement - Not to exceed \$139,509.95, from \$5,634,605.25 to \$5,774,115.20 - Financing: U.S. Department of Homeland Security Grant Funds

**Attachments:** [Resolution](#)

**Office of Procurement Services**

18. [19-1946](#) Authorize a three-year service price agreement for overhead and gantry crane periodic inspections, maintenance, repairs, and parts - Royal Arc Welding Co., lowest responsible bidder of two - Estimated amount of \$356,880 - Financing: General Fund (\$20,200), Equipment and Fleet Management Fund (\$12,890), Dallas Water Utilities Fund (\$268,775), Storm Drainage Management Operations Fund (\$15,915), Sanitation Operation Fund (\$35,200), and Aviation Fund (\$3,900)

**Attachments:** [Resolution](#)

19. [19-1582](#) Authorize a three-year service price agreement for the rental of cranes with operators for the Department of Equipment and Fleet Management - Maxim Crane Works, L.P., lowest responsible bidder of two - Estimated amount of \$485,170 - Financing: General Fund

**Attachments:** [Resolution](#)

20. [19-1877](#) Authorize a three-year service price agreement for emergency generator repair and maintenance for citywide use - LJ Power, Inc., lowest responsible bidder of three - Estimated amount of \$673,610 - Financing: General Fund (\$257,475), Dallas Water Utilities Fund (\$299,980), Communication Services Fund (\$43,085), Aviation Fund (\$28,125), Storm Drainage Management Operations Fund (\$20,260), Sanitation Operation Fund (\$13,155), and Convention and Event Services Fund (\$11,530)

**Attachments:** [Resolution](#)

21. [19-1871](#) Authorize a five-year cooperative purchasing agreement for diversity compliance tracking software and related support services for the Office of Business Diversity with AskReply, Inc. dba B2GNow through the Texas Department of Information Services cooperative agreement - Not to exceed \$142,130 - Financing: General Fund (subject to annual appropriations)

**Attachments:** [Resolution](#)

22. [19-1911](#) Authorize a two-year master agreement for small cast iron fittings for Dallas Water Utilities - Fortiline, Inc. dba Fortiline Waterworks, lowest responsible bidder of three - Estimated amount of \$185,000 - Financing: Dallas Water Utilities Fund

**Attachments:** [Resolution](#)

23. [19-1798](#) Authorize a three-year master agreement for the purchase of agricultural pesticides and herbicides for various City departments - Rentokil North America, Inc. dba Target Specialty Products in an estimated amount of \$2,413,642.14, The J R Simplot Company in an estimated amount of \$1,475,750.34, and Winfield Solutions, LLC dba Winfield United in an estimated amount of \$792,688.98, lowest responsible bidders of three - Total estimated amount of \$4,682,081.46 - Financing: General Fund

**Attachments:** [Resolution](#)

24. [19-1735](#) Authorize a three-year master agreement for janitorial supplies, trash bags, and liners for citywide use - M A N S Distributors, Inc. in an estimated amount of \$9,641,648.08, Eagle Brush & Chemical, Inc. in an estimated amount of \$1,242,500.00, Interboro Packaging Corp. in an estimated amount of \$644,926.10, Pollock Investments, Inc. dba Pollock Distributors in an estimated amount of \$29,265.74, Complete Supply, Inc. in an estimated amount of \$24,512.00, and All American Poly Corp. in an estimated amount of \$10,333.70, lowest responsible bidders of ten - Total estimated amount of \$11,593,185.62 - Financing: General Fund (\$3,252,078.66), Aviation Fund (\$7,836,614.53), Dallas Water Utilities Fund (\$306,020.63), Sanitation Operation Fund (\$88,426.67), Convention and Event Services Fund (\$77,333.17), Storm Drainage Management Operations Fund (\$32,211.96), and Communication Service Fund (\$500.00)

**Attachments:** [Resolution](#)

25. [19-239](#) Authorize a five-year master agreement for office supplies for citywide use with Office Depot, Inc. through the Public Sourcing Solutions cooperative agreement, Staples Business Advantage through the Sourcewell cooperative agreement, Greenwood Office Outfitters through the National Cooperative Purchasing Alliance cooperative agreement, and Limitless Office Products through the Omnia Partners cooperative agreement and The Interlocal Purchasing System cooperative agreement - Estimated amount of \$6,180,000 - Financing: Various Funds (see Fiscal Information)

**Attachments:** [Resolution](#)

26. [19-1791](#) Authorize a five-year master agreement for airport identification badging materials for the Department of Aviation - IRIS Ltd., Inc., lowest responsible bidder of six - Estimated amount of \$194,898 - Financing: Aviation Fund

**Attachments:** [Resolution](#)

27. [19-1786](#) Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with IAPP, Inc. to provide stagehand, tech labor, and setup labor for the Office of Arts and Culture - Not to exceed \$100,000 - Financing: General Fund (subject to annual appropriations)

**Attachments:** [Resolution](#)

**Office of Strategic Partnerships & Government Affairs**

28. [19-1442](#) Authorize **(1)** the acceptance of a grant from the U.S. Departments of Commerce and Transportation through the State of Texas Commission on State Emergency Communications (CSEC) for the Federal 911 Grant Program (Grant No. 20C-0031-Dallas ECD/Federal ID No. 69N37619300000911 TX0, CFDA No. 20.615) in the amount of \$3,245,088.00 to implement the Next Generation 911 System for the period from execution date through March 31, 2022; **(2)** the establishment of appropriations in an amount not to exceed \$5,408,480.00 in the CSEC-Federal 911 Grant Program 19-22 Fund; **(3)** the receipt and deposit of funds in an amount not to exceed \$3,245,088.00 in the CSEC-Federal 911 Grant Program 19-22 Fund; **(4)** a required local match in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; **(5)** an increase in appropriations in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; and **(6)** execution of the grant agreement with the State of Texas CSEC and all terms, conditions, and documents required by the agreement - Not to exceed \$5,408,480.00 - Financing: U.S. Departments of Commerce and Transportation Grant Funds (\$3,245,088.00) and 911 System Operations Fund (\$2,163,392.00)

**Attachments:** [Resolution](#)

**Park & Recreation Department**

29. [19-1981](#) Authorize **(1)** a Project Funding Agreement with Dallas County, County Transportation Major Capital Improvement Projects 10233, for trail design of Phase 1 of the Trinity Forest Spine Trail from the Santa Fe Trail just north of Tenison Park Golf Course to the Dallas Area Rapid Transit Lawnview Station located at 5900 Scyene Road; **(2)** the receipt and deposit of funds in an amount not to exceed \$500,000.00 from Dallas County for the County's share of the project cost in the Capital Gifts, Donation and Development Fund; **(3)** the establishment of appropriations in an amount not to exceed \$500,000.00 in the Capital Gifts, Donation and Development Fund; and **(4)** execution of the agreement including all terms, conditions, and documents required by the agreement - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

**Attachments:** [Map](#)  
[Resolution](#)

30. [19-1959](#) Authorize a construction services contract for playing surface and irrigation system renovations of soccer fields at Kiest Park located at 3080 South Hampton Road, Crawford Memorial Park located at 8700 Elam Road, Samuell-Garland Park located at 12200 Garland Road and Harry S. Moss Park located at 8000 Greenville Avenue with Sports Field Holdings LLC d/b/a Sports Field Solutions through the Texas Association of School Boards - Not to exceed \$1,114,728.00 - Financing: Samuell Park Expense Trust Fund (\$555,015.00), Park and Recreation Athletic Field Maintenance Fund (\$152,592.00), and General Fund (\$407,121.00)

**Attachments:** [Maps](#)  
[Resolution](#)

31. [19-1992](#) Authorize a contract for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive - J.C. Commercial, Inc., best value proposer of eight - Not to exceed \$7,199,777.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

**Attachments:** [Map](#)  
[Resolution](#)

32. [19-1983](#) Authorize **(1)** an increase in the construction services contract with Phoenix I Restoration and Construction, Ltd. to add increased scope of work for the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park; **(2)** the receipt and deposit of funds in an amount not to exceed \$311,700.00 from the State Fair of Texas in the Fair Park Capital Reserves Fund; and **(3)** an increase in appropriations in an amount not to exceed \$311,700.00 in the Fair Park Capital Reserves Fund - Not to exceed \$980,360.00, from \$8,754,600.00 to \$9,734,960.00 - Financing: Fair Park Improvements (C) Fund (\$668,660.00) and Fair Park Capital Reserves Fund (\$311,700.00)

**Attachments:** [Map](#)  
[Resolution](#)

33. [19-1988](#) Authorize Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural and engineering services during the construction administration phase for the Hall of State Facility Improvements Project located at 3939 Grand Avenue - Not to exceed \$220,341.60, from \$1,340,432.06 to \$1,560,773.66 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

**Attachments:** [Map](#)  
[Resolution](#)



**Water Utilities Department**

34. [19-835](#) Authorize **(1)** approval of Industrial, Commercial, Institutional rebate applications from Texas Instruments Incorporated in the amount of \$71,326.49, S2 Tierra, LLC in the amount of \$87,185.98, NXRTBH Versailles, LLC in the amount of \$52,484.90, and NXRTBH Dana Point, LLC in the amount of \$32,632.98; and **(2)** an increase in appropriations in an amount not to exceed \$243,630.35 in the Water Conservation Program Fund - Total not to exceed \$243,630.35 - Financing: Water Conservation Program Fund

**Attachments:** [Resolution](#)

35. [19-1725](#) Authorize **(1)** an eighteen-month master agreement for water and wastewater small services installations in the amount of \$9,521,062.50; **(2)** a construction contract for the installation of water and wastewater mains at 10 locations in the amount of \$2,791,645.00 (list attached to the Agenda Information Sheet); and **(3)** an eighteen-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations in the amount of \$4,511,139.50 - Omega Contracting, Inc., only bidder - Total not to exceed \$16,823,847.00 - Financing: Wastewater Construction Fund (\$8,421,473.07), Water Construction Fund (\$5,610,728.93), Wastewater Capital Improvement (D) Fund (\$1,718,027.00) and Water Capital Improvement (D) Fund (\$1,073,618.00)

**Attachments:** [List](#)  
[Maps](#)  
[Resolution](#)

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

36. [19-2042](#) 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)
37. [20-18](#) A resolution designating absences by Mayor Pro Tem Adam Medrano and Councilmember Cara Mendelsohn as being for "Official City Business" - Financing: No cost consideration to the City

**Attachments:** [Resolution](#)  
[Exhibit A](#)  
[Memos](#)

**ITEMS FOR FURTHER CONSIDERATION****Office of Economic Development**

38. [20-15](#) Authorize a Chapter 380 economic development grant and loan agreement with P3 Holdings, LLC and/or its affiliates in an amount not to exceed \$700,000.00 in consideration of Royal Blue Grocery operations and expansion of locations in Dallas, in accordance with the City's Public/Private Partnership Program - Not to exceed \$700,000.00 - Financing: 2017 Bond Funds (Proposition I) (\$350,000.00) and Public/Private Partnership Fund (\$350,000.00) (This item was deferred on December 11, 2019)

**Attachments:** [Resolution](#)

**ADDITIONS:**

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues regarding deaths occurring after police encounters.
- City of Dallas v. Blue Star Recycling LLC, et al., Cause No. DC-18-18651.

**OTHER ITEMS FOR INDIVIDUAL CONSIDERATION****Mayor and City Council**

Note: A motion to reconsider the December 11, 2019, City Council action must be adopted before this item can be reconsidered.

39. [20-92](#) Authorize a twenty-year agreement with one ten-year renewal option and two additional five-year renewal options, with Reverchon Park Sports and Entertainment, LLC, for the development, operation, and maintenance of a proposed new athletic field and stadium at Reverchon Park located at 3505 Maple Avenue - Annual Revenue: [Reverchon](#) Park ~~and Recreation~~ Beautification Fund \$30,000.00 ([see Fiscal Information](#))

**Attachments:** [Exhibit A](#)  
[Map](#)  
[Resolution](#)

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

- Z1. [19-2000](#) A public hearing to receive comments regarding an application for and **(1)** a resolution accepting the termination of existing deed restrictions [Z867-185 No. 2]; and **(2)** an ordinance granting an amendment to Planned Development District No. 468 to reduce a portion of Shopfront Overlay No. 7 on property zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with SH Shopfront Overlay No. 7, and existing deed restrictions, on the southwest corner of North Beckley Avenue and West 6th Street  
Recommendation of Staff and CPC: Approval of the termination of existing deed restrictions [Z867-185 No. 2]; and approval of the reduction of the Shopfront Overlay No. 7  
Z189-115(CY)

**Attachments:** [Case Report](#)

- Z2. [19-2004](#) A public hearing to receive comments regarding an application for and an ordinance granting a TH-2(A) Townhouse District and a resolution accepting the deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z189-238(CY)

**Attachments:** [Case Report](#)

- Z3. [19-2005](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 391, on the northeast and southeast corners of Newkirk Street and Joe Field Road  
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions  
Z189-295(AU)

**Attachments:** [Case Report](#)

- Z4. [19-2006](#) A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned Planned Development District No. 85, on the northeast corner of Greenville Avenue and Pineland Drive, south of Walnut Hill Lane  
Recommendation of Staff and CPC: Approval  
Z189-323(AU)

**Attachments:** [Case Report](#)

- Z5. [19-2007](#) A public hearing to receive comments regarding an application for and a resolution accepting an amendment to the existing deed restrictions [Z134-198] on property zoned a TH-1(A) Townhouse District with deed restrictions, on the southeast corner of North Denley Drive and May Hall Street  
Recommendation of Staff and CPC: Approval, subject to amended deed restrictions volunteered by the applicant  
Z189-324(JM)

**Attachments:** [Case Report](#)

- Z6. [19-2008](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and an electrical substation use on property zoned an R-7.5(A) Single Family District, on the west line of Southeast 14th Street, south of Skyline Road  
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z189-330(SM)

**Attachments:** [Case Report](#)

- Z7. [19-2009](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Prospect Avenue and Oram Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions  
Z189-333(PD)

**Attachments:** [Case Report](#)

- Z8. [19-2010](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Howell Street and Routh Street  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, Tract I development plan, Tract I landscape plan, and conditions  
Z189-337(JM)

**Attachments:** [Case Report](#)

- Z9. [19-2011](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 619 with Historic Overlay No. 87 [Republic National Bank (Davis) Building], on the northwest corner of Main Street and Four Way Place Mall  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Z189-340(AU)

**Attachments:** [Case Report](#)

- Z10. [19-2012](#) A public hearing to receive comments regarding an application for and an ordinance granting an IR Industrial Research District on property zoned Planned Development District No. 798, on the northeast side of Redfield Street and northwest side of Butler Street  
Recommendation of Staff and CPC: Approval  
Z189-344(JM)

**Attachments:** [Case Report](#)

- Z11. [19-2013](#) A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict and a resolution accepting the deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, west of the intersection of Metropolitan Avenue at South Malcolm X Boulevard  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z189-345(JM)

**Attachments:** [Case Report](#)

- Z12. [19-2014](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building, on the southeast corner of Commerce Street and Browder Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z189-351(JM)

**Attachments:** [Case Report](#)

- Z13. [19-2015](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District with Historic Overlay District No. 62, James Madison High School, on the south corner of Martin Luther King Jr. Boulevard and Meadow Street  
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions  
Z189-352(PD)

**Attachments:** [Case Report](#)

- Z14. [19-2016](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bank or savings and loan office with a drive-in window use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by Cedar Springs Road, Fairmount Street and Howell Street  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions  
Z189-358(PD)

**Attachments:** [Case Report](#)

- Z15. [19-2017](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 590 for a mix of uses on property zoned Planned Development District No. 590, on the northwest corner of Whitehurst Drive and Meadowknoll Drive  
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions  
Z189-361(PD)

**Attachments:** [Case Report](#)

- Z16. [19-2018](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an animal shelter or clinic without outside runs use on property zoned Tract 6A within Planned Development District No. 170, on the southwest corner of Preston Road and Lloyd Drive  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Z189-364(SM)

**Attachments:** [Case Report](#)

ZONING CASES - INDIVIDUAL

- ~~Z17. [19-2019](#) A public hearing to receive comments regarding an application for (1) an ordinance granting a Planned Development District for mixed uses; and (2) an ordinance terminating Specific Use Permit No. 1172 for a private school and child care facility on property zoned Planned Development District No. 314, the Preston Center Special Purpose District; an MF-1(A) Multifamily District; and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue  
Recommendation of Staff: Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and staff's recommended conditions; and approval of the termination of Specific Use Permit No. 1172  
Recommendation of CPC: Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and conditions; and approval of the termination of Specific Use Permit No. 1172  
Z178-358(JM/AU)~~

~~**Attachments:** [Case Report](#)~~

- Z18. [19-2020](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue  
Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions  
Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions  
Z189-190(PD)

**Attachments:** [Case Report](#)

- Z19. [19-2021](#) 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 use on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest 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 two-year period, subject to a site plan and conditions  
Z189-217(AU)

**Attachments:** [Case Report](#)



- Z20. [19-2022](#) A public hearing to receive comments regarding an application for **(1)** an ordinance granting a D-1 Liquor Control Overlay; **(2)** an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; and **(3)** an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with D Liquor Control Overlay, on the southeast corner of Military Parkway and North St. Augustine Road
- Recommendation of Staff: Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
- Recommendation of CPC: Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and conditions
- Z189-221(CT)

**Attachments:** [Case Report](#)

- ~~Z21. [19-1982](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Lemmon Avenue and Oak Lawn Avenue~~
- ~~Recommendation of Staff: Denial~~
- ~~Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions~~
- ~~Z189-316(PD)~~

**Attachments:** [Case Report](#)

- Z22. [19-2023](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1454 for a detached non-premise sign use on property zoned MU-1(SAH) Mixed Use (Standard Affordable Housing) District with existing deed restrictions [Z934-241 and Z112-277], on the northeast corner of Meandering Way and Interstate Highway 635 [Lyndon B. Johnson Freeway]  
Recommendation of Staff: Approval for a ten-year period, subject to conditions  
Recommendation of CPC: Approval for a five-year period, subject to conditions  
Z189-317(AM)

**Attachments:** [Case Report](#)

- Z23. [19-2024](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an MC-3 Multiple Commercial District, on the northwest corner of Frankford Road and Highland Springs Way  
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, traffic management plan, and conditions  
Recommendation of CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions  
Z189-359(SM)

**Attachments:** [Case Report](#)

**DEVELOPMENT CODE AMENDMENTS – INDIVIDUAL****Office of Historic Preservation**

- PH1. [19-2003](#) A public hearing to receive comments regarding consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Sections 51-4.500 and 51A-4.500 to amend existing language for historic designation initiation, designation, and appeal processes and procedures and an ordinance granting the amendments  
[DCA189-002](#)  
Recommendation of Staff: Approval of staff recommended amendments  
Recommendation of Landmark Commission: Approval of LMC recommended amendments  
Recommendation of CPC: Approval

**Attachments:** [Case Report](#)

**MISCELLANEOUS HEARINGS****Park & Recreation Department**

- PH2. [19-1888](#) A public hearing to receive comments on the proposed use of a portion of Brownwood Park located at 3400 Walnut Hill Lane, totaling approximately 20,159 square feet of land, and temporary use of approximately 7,227 square feet of land by Dallas Water Utilities for the construction of a 36-inch wastewater main and a 10-inch wastewater line for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

**Attachments:** [Map](#)  
[Resolution](#)  
[Exhibit A](#)

**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: January 8, 2020

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the December 11, 2019 City Council Meeting
2.	2	C	AVI	\$1,418,840.47	Authorize a contract for the construction of the Dallas Love Field Garages A and B Fire Suppression Systems Project - Holt Construction Corporation, only bidder - Not to exceed \$1,418,840.47 - Financing: Aviation Fund
3.	All	C	PBW	\$232,431.58	Authorize a professional services contract with The Kercher Group, Inc. to provide Pavement Management Consultant Services including pavement modeling evaluation, evaluation and review of current practices, quality management review of pavement condition data collection, and review of sidewalk and alley management practices - Not to exceed \$232,431.58 - Financing: General Fund
4.	9	C	PBW	\$3,996,741.65	Authorize a construction contract for the street reconstruction of Highland Road from Ferguson Road to Primrose Drive - Tiseo Paving Company, lowest responsible bidder of three - Not to exceed \$3,996,741.65 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds) (\$1,410,077.05), Capital Projects Reimbursement Fund (\$733,357.00), Street and Alley Improvement Fund (\$500,000.00), Water Utilities Capital Improvement Funds (\$1,314,772.60), and Water Utilities Capital Construction Funds (\$38,535.00)
5.	2	C	PBW	\$205,000.00	Authorize a construction contract for the new roofing restoration project at Sullivan House at Dallas Heritage Village located at 1515 South Harwood Street - Phoenix I Restoration and Construction, Ltd., only proposer - Not to exceed \$205,000.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)
6.	8	C	PBW	\$118,866.36	Authorize an increase to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of water and wastewater main improvements for Wheatland Road Phase 1B from 1,745 feet east of the Dallas city limit to the city limit line - Not to exceed \$118,866.36, from \$3,894,458.38 to \$4,013,324.74 - Financing: Water Utilities Capital Improvement Funds (\$118,399.96) and Water Construction Fund (\$466.40)
7.	6	C	PBW	\$125,446.48	Authorize Supplemental Agreement No. 5 to the professional services contract with WSP USA, Inc., formerly known as Parsons Brinkerhoff, Inc., for additional engineering design of retaining walls required to prevent encroachment into adjacent properties and design modifications to mitigate high soil sulphates along Chalk Hill Road from Interstate Highway 30 (IH-30)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					westbound frontage road to Singleton Boulevard and the revision of the soil nail wall plan due to a gas main conflict along Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$125,446.48, from \$1,430,649.28 to \$1,556,095.76 - Financing: Street and Transportation Improvements Fund (2006 Bond Funds)
8.	Outside	C	DEV	\$38,866.00	Authorize acquisition from Charles T. Simmons and Nan Simmons, of approximately 11,736 square feet of land improved with a manufactured dwelling located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$38,866.00 (\$35,866.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund
9.	Outside	C	DEV	\$121,442.00	Authorize acquisition from Garland W. Martin, of approximately 46,187 square feet of land improved with a single-family dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$121,442.00 (\$118,442.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund
10.	4, 7, 8	C	DEV	REV \$194,000.00	Authorize (1) the quitclaim of 11 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and (2) the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: \$194,000.00 (see Fiscal Information)
11.	7	C	DEV	\$288,000.00	Authorize an amendment to an existing lease agreement with Dallas Children's Advocacy Center, to extend the lease agreement for an additional five-years for approximately 2,500 square feet of office space located at 5351 Samuel Boulevard, Rooms 170-189, for the continued use as the Dallas Police Department's Youth and Family Crime Division for the period March 1, 2020 through February 28, 2025 - Not to exceed \$288,000.00 - Financing: General Fund (subject to annual appropriations)
12.	Outside	C	DEV	REV \$1,000.00	A resolution authorizing the conveyance of a wastewater easement containing approximately 2,600 square feet of land to Kaufman County Municipal Utility District No. 5 for the construction, maintenance and use of wastewater facilities across City-owned land located in Kaufman County - Revenue: General Fund \$1,000.00
13.	All	C	DEV	NC	A resolution amending (1) the City Plan Commission's Rules of Procedure; (2) the Landmark Commission's Rules of Procedure; and (3) the Board of Adjustment's Rules of Procedure by amending certain sections to comply

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					with state law changes pertaining to input from members of the public - Financing: No cost consideration to the City
14.	14	C	DEV	REV \$5,400.00	An ordinance abandoning a portion of a sanitary sewer easement to Pan Coastal Limited Partnership, the abutting owner, containing approximately 8,892 square feet of land, located near the intersection of Lemmon and Oak Grove Avenues - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee
15.	All	C	DFD	\$650,000.00	Authorize an annual payment in the amount of \$130,000.00 per year for five years to the Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport - Not to exceed \$650,000.00 - Financing: Aviation Fund (subject to annual appropriations) (see Fiscal Information)
16.	8	C	ECO	NC	Authorize the following: (1) a New Markets Tax Credit transaction ("NMTC Transaction") between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries ("Capital One"), and 3662 Investors, LP and/or its affiliates or subsidiaries for improvements within the Red Bird Mall Redevelopment Project ("Project") located at 3662 West Camp Wisdom Road; and (2) a second amendment to the Chapter 380 Grant Agreement with WCWRD Inc and its affiliates or subsidiaries ("Developer"), a first amendment to the Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement with Developer, and to amend or execute any other documents necessary to (A) release the property owned by OMRB LLC (being the Foot Locker) and the property owned by OMRB II LLC (being the Lawn) from the lien Deed of Trust and the indebtedness evidenced by the City's 15-year interest only loan; (B) specifically remove the condition of the disbursement of the second loan installment that all 2017 General Obligation Bond Funds be fully disbursed and expended by Developer and allow the second loan installment to be disbursed on or before January 31, 2020; (C) increase the Developer's required total minimum investment for the Project by \$1,000,000.00 from \$115,000,000.00 to \$116,000,000.00 as consideration for (A) and (B); and (D) make such other modifications which may be necessary to effectuate the foregoing amendments - Financing: No cost consideration to the City
17.	All	C	OEM	GT	Authorize (1) the first amendment to the grant agreement with the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency passed through the Texas Office of the Governor-Homeland Security Grants Division for the FY 2017 Homeland Security Grant, which includes the

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Urban Area Security Initiative (UASI) and the State Homeland Security Program (Federal/State Award ID No. EMW-2017-SS-00005/State Grant No. 2980503, CFDA No. 97.067) to accept additional grant funds in the amount of \$139,509.95, from \$5,634,605.25 to \$5,774,115.20 to provide funding for activities related to enhancing preparedness and building capacity to prepare for, prevent and respond to complex coordinated terrorist attacks for the period September 1, 2017 through February 29, 2020; (2) an increase in appropriations in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund; (3) the receipt and deposit of grant funds in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the agreement - Not to exceed \$139,509.95, from \$5,634,605.25 to \$5,774,115.20 - Financing: U.S. Department of Homeland Security Grant Funds
18.	All	C	POM	\$356,880.00	Authorize a three-year service price agreement for overhead and gantry crane periodic inspections, maintenance, repairs, and parts - Royal Arc Welding Co., lowest responsible bidder of two - Estimated amount of \$356,880 - Financing: General Fund (\$20,200), Equipment and Fleet Management Fund (\$12,890), Dallas Water Utilities Fund (\$268,775), Storm Drainage Management Operations Fund (\$15,915), Sanitation Operation Fund (\$35,200), and Aviation Fund (\$3,900)
19.	All	C	POM	\$485,170.00	Authorize a three-year service price agreement for the rental of cranes with operators for the Department of Equipment and Fleet Management - Maxim Crane Works, L.P., lowest responsible bidder of two - Estimated amount of \$485,170 - Financing: General Fund
20.	All	C	POM	\$673,610.00	Authorize a three-year service price agreement for emergency generator repair and maintenance for citywide use - LJ Power, Inc., lowest responsible bidder of three - Estimated amount of \$673,610 - Financing: General Fund (\$257,475), Dallas Water Utilities Fund (\$299,980), Communication Services Fund (\$43,085), Aviation Fund (\$28,125), Storm Drainage Management Operations Fund (\$20,260), Sanitation Operation Fund (\$13,155), and Convention and Event Services Fund (\$11,530)
21.	N/A	C	POM	\$142,130.00	Authorize a five-year cooperative purchasing agreement for diversity compliance tracking software and related support services for the Office of Business Diversity with AskReply, Inc. dba B2GNow through the Texas Department of Information Services cooperative agreement - Not to exceed \$142,130 - Financing: General Fund (subject to annual appropriations)



ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
22.	All	C	POM	\$185,000.00	Authorize a two-year master agreement for small cast iron fittings for Dallas Water Utilities - Fortiline, Inc. dba Fortiline Waterworks, lowest responsible bidder of three - Estimated amount of \$185,000 - Financing: Dallas Water Utilities Fund
23.	All	C	POM	\$4,682,081.46	Authorize a three-year master agreement for the purchase of agricultural pesticides and herbicides for various City departments - Rentokil North America, Inc. dba Target Specialty Products in an estimated amount of \$2,413,642.14, The J R Simplot Company in an estimated amount of \$1,475,750.34, and Winfield Solutions, LLC dba Winfield United in an estimated amount of \$792,688.98, lowest responsible bidders of three - Total estimated amount of \$4,682,081.46 - Financing: General Fund
24.	All	C	POM	\$11,593,185.62	Authorize a three-year master agreement for janitorial supplies, trash bags, and liners for citywide use - M A N S Distributors, Inc. in an estimated amount of \$9,641,648.08, Eagle Brush & Chemical, Inc. in an estimated amount of \$1,242,500.00, Interboro Packaging Corp. in an estimated amount of \$644,926.10, Pollock Investments, Inc. dba Pollock Distributors in an estimated amount of \$29,265.74, Complete Supply, Inc. in an estimated amount of \$24,512.00, and All American Poly Corp. in an estimated amount of \$10,333.70, lowest responsible bidders of ten - Total estimated amount of \$11,593,185.62 - Financing: General Fund (\$3,252,078.66), Aviation Fund (\$7,836,614.53), Dallas Water Utilities Fund (\$306,020.63), Sanitation Operation Fund (\$88,426.67), Convention and Event Services Fund (\$77,333.17), Storm Drainage Management Operations Fund (\$32,211.96), and Communication Service Fund (\$500.00)
25.	All	C	POM	\$6,180,000.00	Authorize a five-year master agreement for office supplies for citywide use with Office Depot, Inc. through the Public Sourcing Solutions cooperative agreement, Staples Business Advantage through the Sourcewell cooperative agreement, Greenwood Office Outfitters through the National Cooperative Purchasing Alliance cooperative agreement, and Limitless Office Products through the Omnia Partners cooperative agreement and The Interlocal Purchasing System cooperative agreement - Estimated amount of \$6,180,000 - Financing: Various Funds (see Fiscal Information)
26.	All	C	POM	\$194,898.00	Authorize a five-year master agreement for airport identification badging materials for the Department of Aviation - IRIS Ltd., Inc., lowest responsible bidder of six - Estimated amount of \$194,898 - Financing: Aviation Fund
27.	All	C	POM	\$100,000.00	Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with IAPP, Inc. to provide stagehand, tech labor, and setup labor for the Office of Arts and Culture - Not

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					to exceed \$100,000 - Financing: General Fund (subject to annual appropriations)
28.	All	C	OSP	\$2,163,392.00	Authorize (1) the acceptance of a grant from the U.S. Departments of Commerce and Transportation through the State of Texas Commission on State Emergency Communications (CSEC) for the Federal 911 Grant Program (Grant No. 20C-0031-Dallas ECD/Federal ID No. 69N37619300000911 TX0, CFDA No. 20.615) in the amount of \$3,245,088.00 to implement the Next Generation 911 System for the period from execution date through March 31, 2022; (2) the establishment of appropriations in an amount not to exceed \$5,408,480.00 in the CSEC-Federal 911 Grant Program 19-22 Fund; (3) the receipt and deposit of funds in an amount not to exceed \$3,245,088.00 in the CSEC-Federal 911 Grant Program 19-22 Fund; (4) a required local match in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; (5) an increase in appropriations in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; and (6) execution of the grant agreement with the State of Texas CSEC and all terms, conditions, and documents required by the agreement - Not to exceed \$5,408,480.00 - Financing: U.S. Departments of Commerce and Transportation Grant Funds (\$3,245,088.00) and 911 System Operations Fund (\$2,163,392.00)
29.	2, 5, 7, 9	C	PKR	NC	Authorize (1) a Project Funding Agreement with Dallas County, County Transportation Major Capital Improvement Projects 10233, for trail design of Phase 1 of the Trinity Forest Spine Trail from the Santa Fe Trail just north of Tenison Park Golf Course to the Dallas Area Rapid Transit Lawnview Station located at 5900 Scyene Road; (2) the receipt and deposit of funds in an amount not to exceed \$500,000.00 from Dallas County for the County's share of the project cost in the Capital Gifts, Donation and Development Fund; (3) the establishment of appropriations in an amount not to exceed \$500,000.00 in the Capital Gifts, Donation and Development Fund; and (4) execution of the agreement including all terms, conditions, and documents required by the agreement - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)
30.	4, 5, 9, 13	C	PKR	\$1,114,728.00	Authorize a construction services contract for playing surface and irrigation system renovations of soccer fields at Kiest Park located at 3080 South Hampton Road, Crawford Memorial Park located at 8700 Elam Road, Samuell-Garland Park located at 12200 Garland Road and Harry S. Moss Park located at 8000 Greenville Avenue with Sports Field Holdings LLC d/b/a Sports Field Solutions through the Texas Association of School Boards - Not to exceed \$1,114,728.00 - Financing: Samuell Park Expense Trust

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Fund (\$555,015.00), Park and Recreation Athletic Field Maintenance Fund (\$152,592.00), and General Fund (\$407,121.00)
31.	10	C	PKR	\$7,199,777.00	Authorize a contract for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive - J.C. Commercial, Inc., best value proposer of eight - Not to exceed \$7,199,777.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
32.	7	C	PKR	\$980,360.00	Authorize (1) an increase in the construction services contract with Phoenix I Restoration and Construction, Ltd. to add increased scope of work for the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park; (2) the receipt and deposit of funds in an amount not to exceed \$311,700.00 from the State Fair of Texas in the Fair Park Capital Reserves Fund; and (3) an increase in appropriations in an amount not to exceed \$311,700.00 in the Fair Park Capital Reserves Fund - Not to exceed \$980,360.00, from \$8,754,600.00 to \$9,734,960.00 - Financing: Fair Park Improvements (C) Fund (\$668,660.00) and Fair Park Capital Reserves Fund (\$311,700.00)
33.	7	C	PKR	\$220,341.60	Authorize Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural and engineering services during the construction administration phase for the Hall of State Facility Improvements Project located at 3939 Grand Avenue - Not to exceed \$220,341.60, from \$1,340,432.06 to \$1,560,773.66 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)
34.	All	C	DWU	\$243,630.35	Authorize (1) approval of Industrial, Commercial, Institutional rebate applications from Texas Instruments Incorporated in the amount of \$71,326.49, S2 Tierra, LLC in the amount of \$87,185.98, NXRTBH Versailles, LLC in the amount of \$52,484.90, and NXRTBH Dana Point, LLC in the amount of \$32,632.98; and (2) an increase in appropriations in an amount not to exceed \$243,630.35 in the Water Conservation Program Fund - Total not to exceed \$243,630.35 - Financing: Water Conservation Program Fund
35.	All	C	DWU	\$16,823,847.00	Authorize (1) an eighteen-month master agreement for water and wastewater small services installations in the amount of \$9,521,062.50; (2) a construction contract for the installation of water and wastewater mains at 10 locations in the amount of \$2,791,645.00 (list attached to the Agenda Information Sheet); and (3) an eighteen-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations in the amount of \$4,511,139.50 - Omega Contracting, Inc.,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					only bidder - Total not to exceed \$16,823,847.00 - Financing: Wastewater Construction Fund (\$8,421,473.07), Water Construction Fund (\$5,610,728.93), Wastewater Capital Improvement (D) Fund (\$1,718,027.00) and Water Capital Improvement (D) Fund (\$1,073,618.00)
36.	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)
37.	N/A	I	SEC	NC	A resolution designating absences by Mayor Pro Tem Adam Medrano and Councilmember Cara Mendelsohn as being for "Official City Business" - Financing: No cost consideration to the City
38.	1	I	ECO	\$700,000.00	Authorize a Chapter 380 economic development grant and loan agreement with P3 Holdings, LLC and/or its affiliates in an amount not to exceed \$700,000.00 in consideration of Royal Blue Grocery operations and expansion of locations in Dallas, in accordance with the City's Public/Private Partnership Program - Not to exceed \$700,000.00 - Financing: 2017 Bond Funds (Proposition I) (\$350,000.00) and Public/Private Partnership Fund (\$350,000.00) (This item was deferred on December 11, 2019)
39.	2	I	MCC	REV \$30,000.00	Authorize a twenty-year agreement with one ten-year renewal option and two additional five-year renewal options, with Reverchon Park Sports and Entertainment, LLC, for the development, operation, and maintenance of a proposed new athletic field and stadium at Reverchon Park located at 3505 Maple Avenue - Annual Revenue: <a href="#">Reverchon</a> Park <del>and Recreation</del> Beautification Fund \$30,000.00 ( <a href="#">see Fiscal Information</a> )
Z1.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) a resolution accepting the termination of existing deed restrictions [Z867-185 No. 2]; and (2) an ordinance granting an amendment to Planned Development District No. 468 to reduce a portion of Shopfront Overlay No. 7 on property zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with SH Shopfront Overlay No. 7, and existing deed restrictions, on the southwest corner of North Beckley Avenue and West 6th Street Recommendation of Staff and CPC: Approval of the termination of existing deed restrictions [Z867-185 No. 2]; and approval of the reduction of the Shopfront Overlay No. 7 Z189-115(CY)
Z2.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a TH-2(A) Townhouse District and a resolution accepting

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					the deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant Z189-238(CY)
Z3.	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. 391, on the northeast and southeast corners of Newkirk Street and Joe Field Road Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions Z189-295(AU)
Z4.	13	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned Planned Development District No. 85, on the northeast corner of Greenville Avenue and Pineland Drive, south of Walnut Hill Lane Recommendation of Staff and CPC: Approval Z189-323(AU)
Z5.	4	PH	DEV	NC	A public hearing to receive comments regarding an application for and a resolution accepting an amendment to the existing deed restrictions [Z134-198] on property zoned a TH-1(A) Townhouse District with deed restrictions, on the southeast corner of North Denley Drive and May Hall Street Recommendation of Staff and CPC: Approval, subject to amended deed restrictions volunteered by the applicant Z189-324(JM)
Z6.	3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and an electrical substation use on property zoned an R-7.5(A) Single Family District, on the west line of Southeast 14th Street, south of Skyline Road Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions Z189-330(SM)
Z7.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service use on property zoned Planned Development District

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Prospect Avenue and Oram Street</p> <p>Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions</p> <p>Z189-333(PD)</p>
Z8.	14	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Howell Street and Routh Street</p> <p>Recommendation of Staff and CPC: Approval, subject to a conceptual plan, Tract I development plan, Tract I landscape plan, and conditions</p> <p>Z189-337(JM)</p>
Z9.	14	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 619 with Historic Overlay No. 87 [Republic National Bank (Davis) Building], on the northwest corner of Main Street and Four Way Place Mall</p> <p>Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions</p> <p>Z189-340(AU)</p>
Z10.	2	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an IR Industrial Research District on property zoned Planned Development District No. 798, on the northeast side of Redfield Street and northwest side of Butler Street</p> <p>Recommendation of Staff and CPC: Approval</p> <p>Z189-344(JM)</p>
Z11.	7	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict and a resolution accepting the deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, west of the intersection of Metropolitan Avenue at South Malcolm X Boulevard</p> <p>Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Z189-345(JM)
Z12.	14	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building, on the southeast corner of Commerce Street and Browder Street</p> <p>Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions</p> <p>Z189-351(JM)</p>
Z13.	7	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District with Historic Overlay District No. 62, James Madison High School, on the south corner of Martin Luther King Jr. Boulevard and Meadow Street</p> <p>Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan, and conditions</p> <p>Z189-352(PD)</p>
Z14.	14	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bank or savings and loan office with a drive-in window use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by Cedar Springs Road, Fairmount Street and Howell Street</p> <p>Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions</p> <p>Z189-358(PD)</p>
Z15.	10	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 590 for a mix of uses on property zoned Planned Development District No. 590, on the northwest corner of Whitehurst Drive and Meadowknoll Drive</p> <p>Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions</p> <p>Z189-361(PD)</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
Z16.	12	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an animal shelter or clinic without outside runs use on property zoned Tract 6A within Planned Development District No. 170, on the southwest corner of Preston Road and Lloyd Drive</p> <p>Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions</p> <p>Z189-364(SM)</p>
<del>Z17.</del>	<del>13</del>	<del>PH</del>	<del>DEV</del>	<del>NC</del>	<p><del>A public hearing to receive comments regarding an application for (1) an ordinance granting a Planned Development District for mixed uses; and (2) an ordinance terminating Specific Use Permit No. 1172 for a private school and child care facility on property zoned Planned Development District No. 314, the Preston Center Special Purpose District; an MF 1(A) Multifamily District; and an R 7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue</del></p> <p><del>Recommendation of Staff: Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and staff's recommended conditions; and approval of the termination of Specific Use Permit No. 1172</del></p> <p><del>Recommendation of CPC: Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and conditions; and approval of the termination of Specific Use Permit No. 1172</del></p> <p><del>Z178-358(JM/AU)</del></p>
Z18.	2	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue</p> <p>Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions</p> <p>Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions</p> <p>Z189-190(PD)</p>
Z19.	7	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an</p>



ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>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 use on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest corner of Forney Road and South Buckner Boulevard</p> <p>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</p> <p>Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions</p> <p>Z189-217(AU)</p>
Z20.	7	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for (1) an ordinance granting a D-1 Liquor Control Overlay; (2) an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; and (3) an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with D Liquor Control Overlay, on the southeast corner of Military Parkway and North St. Augustine Road</p> <p>Recommendation of Staff: Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions</p> <p>Recommendation of CPC: Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and conditions</p> <p>Z189-221(CT)</p>
<del>Z21.</del>	<del>14</del>	<del>PH</del>	<del>DEV</del>	<del>NC</del>	<p><del>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Lemmon Avenue and Oak Lawn Avenue</del></p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<del>Recommendation of Staff: Denial</del> <del>Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions</del> <del>Z189-316(PD)</del>
Z22.	11	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1454 for a detached non-premise sign use on property zoned MU-1(SAH) Mixed Use-1 (Standard Affordable Housing) District with existing deed restrictions [Z934-241 and Z112-277], on the northeast corner of Meandering Way and Interstate Highway 635 [Lyndon B. Johnson Freeway] Recommendation of Staff: Approval for a ten-year period, subject to conditions Recommendation of CPC: Approval for a five-year period, subject to conditions Z189-317(AM)
Z23.	12	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an MC-3 Multiple Commercial District, on the northwest corner of Frankford Road and Highland Springs Way Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, traffic management plan, and conditions Recommendation of CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions Z189-359(SM)
PH1.	All	PH	OHP	NC	A public hearing to receive comments regarding consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Sections 51-4.500 and 51A-4.500 to amend existing language for historic designation initiation, designation, and appeal processes and procedures and an ordinance granting the amendments DCA189-002 Recommendation of Staff: Approval of staff recommended amendments Recommendation of Landmark Commission: Approval of LMC recommended amendments Recommendation of CPC: Approval
PH2.	13	PH	PKR	NC	A public hearing to receive comments on the proposed use of a portion of Brownwood Park located at 3400 Walnut Hill Lane, totaling approximately 20,159 square feet of land, and temporary use of approximately 7,227

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					square feet of land by Dallas Water Utilities for the construction of a 36-inch wastewater main and a 10-inch wastewater line for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

**TOTAL \$61,234,665.57**



# City of Dallas

1500 Marilla Street  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 19-2041

**Item #:** 1.

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**SUBJECT**

Approval of Minutes of the December 11, 2019 City Council Meeting



## Agenda Information Sheet

**File #:** 19-1885

**Item #:** 2.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize a contract for the construction of the Dallas Love Field Garages A and B Fire Suppression Systems Project - Holt Construction Corporation, only bidder - Not to exceed \$1,418,840.47 - Financing: Aviation Fund

### **BACKGROUND**

Garage A was built in the early 1980s and currently provides 3,000 parking spaces. Garage B and the Pedestrian Concourse were completed in early 2000s and Garage B currently provides 4,000 parking spaces.

Due to Garages A and B's ages and other factors, the Fire Suppression Systems in both garages are not in ideal condition and the Fire Marshall's Office has recommended that the existing system at both garages be replaced.

On October 18, 2019, only one bid was received for the construction of the Dallas Love Filed Garages A and B Fire Suppression Systems Project.

This action will authorize a contract with Holt Construction Corporation for the construction of the Dallas Love Field Garages A and B Fire Suppression Systems Project.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction February 2020

Complete Construction January 2021

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

Aviation Fund - \$1,418,840.47

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,418,840.47	Construction	25.00%	70.23%	\$996,447.00
• This contract exceeds the M/WBE goal.				

**PROCUREMENT INFORMATION**

The following single bid was received and opened on October 18, 2019:

\*Denotes only bidder

**Bidder****Bid Amount**

\*Holt Construction Corporation  
4425 West Airport Freeway, Suite 456  
Irving, Texas 75062

\$1,418,840.47

**OWNER****Holt Construction Corporation**

Jason Hart, Managing Director

**MAP**

Attached





Dallas Love Field

## GARAGES A & B FIRE SUPPRESSION SYSTEM REPLACEMENT PROJECT



Dallas Love Field

January 8, 2020

**WHEREAS,** the City of Dallas works to enhance the city's economic vibrancy; and

**WHEREAS,** Dallas Love Field is proven to be a significant economic generator in the region; and

**WHEREAS,** the Department of Aviation continually inspects and prioritizes major maintenance and repairs in its airports to maintain safe and accessible facilities; and

**WHEREAS,** given the age and condition of existing fire suppression systems in both Dallas Love Field Garages A and B, replacement is critical to maintaining safe and code compliant environments; and

**WHEREAS,** the Department of Aviation employed the Request for Bids process in accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines for construction services; and

**WHEREAS,** bids were publicly advertised, received and opened on October 18, 2019 for the Dallas Love Field Garages A and B Fire Suppression Systems Project as follows; and

<u>Bidder</u>	<u>Bid Amount</u>
Holt Construction Corporation	\$1,418,840.47

**WHEREAS,** it is now necessary to authorize a contract with Holt Construction Corporation, only bidder, for the construction of the Dallas Love Field Garages A and B Fire Suppression Systems Project, in an amount not to exceed \$1,418,840.47.

**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 contract with Holt Construction Corporation, approved as to form by the City Attorney, for the construction of the Dallas Love Field Garages A and B Fire Suppression Systems Project, in an amount not to exceed \$1,418,840.47.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,418,840.47 to Holt Construction Corporation in accordance with the terms and conditions of the contract from the Aviation Fund, Fund 0130, Department AVI, Unit 7737, Object 3099, Activity AAIP, Program AVI7737, Encumbrance/Contract No. AVI-2020-00012022, Commodity 91200, Vendor VS100479.



January 8, 2020

**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 Information Sheet

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**File #:** 19-1924

**Item #:** 3.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a professional services contract with The Kercher Group, Inc. to provide Pavement Management Consultant Services including pavement modeling evaluation, evaluation and review of current practices, quality management review of pavement condition data collection, and review of sidewalk and alley management practices - Not to exceed \$232,431.58 - Financing: General Fund

### **BACKGROUND**

On October 11, 2016, City Council authorized a three-year service contract with Fugro Roadware, Inc. to drive the city streets to collect and analyze information on the City of Dallas right-of-way assets by Resolution No. 16-1673. This information was used by the consultant in the paving models to determine the Pavement Condition Index (PCI) for the City as well as project it forward and demonstrate trends. The PCI data was used in the Infrastructure Management Plan that shows a deterioration curve for future years.

The deterioration curve is based on multiple factors, but one critical factor is the paving model that is currently being utilized. The current pavement model, which was cutting-edge technology in 2016, has become antiquated to recently developed newer technologies. Thus, it was determined that Paving Management Consultant Services are needed to evaluate the City's existing model and maintenance practices to ensure the City is utilizing the most sophisticated and appropriate tools available. This contract will ensure proper use of funds for upcoming improvements to city streets as part of the Five-Year Infrastructure Management Plan and future bond programs to be performed by city contractors.

The Request for Qualifications (CIZ1816) was started on May 2, 2019 with the first advertisement for consultant services. Four firms submitted their Statement of Qualifications for the Paving Management Consultant Services contract. All firms were deemed qualified, and a proposal was sent to each of the firms. As a result of the two-step procurement services, The Kercher Group, Inc. was determined to be the most qualified proposer of four.

This action will authorize a professional services contract with The Kercher Group, Inc. for pavement modeling evaluation, evaluation and review of current practices, quality management review of pavement condition data collection, and review of sidewalk and alley management practice.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Services                      January 2020  
Complete Phase I                  August 2020

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

This item has no prior action.

**FISCAL INFORMATION**

General Fund - \$232,431.58

**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:

<b>Contract Amount</b>	<b>Category</b>	<b>M/WBE Goal</b>	<b>M/WBE %</b>	<b>M/WBE \$</b>
\$232,431.58	Professional Services	36.30%	36.30%	\$84,380.00
• This contract meets the M/WBE goal.				

**OWNER**

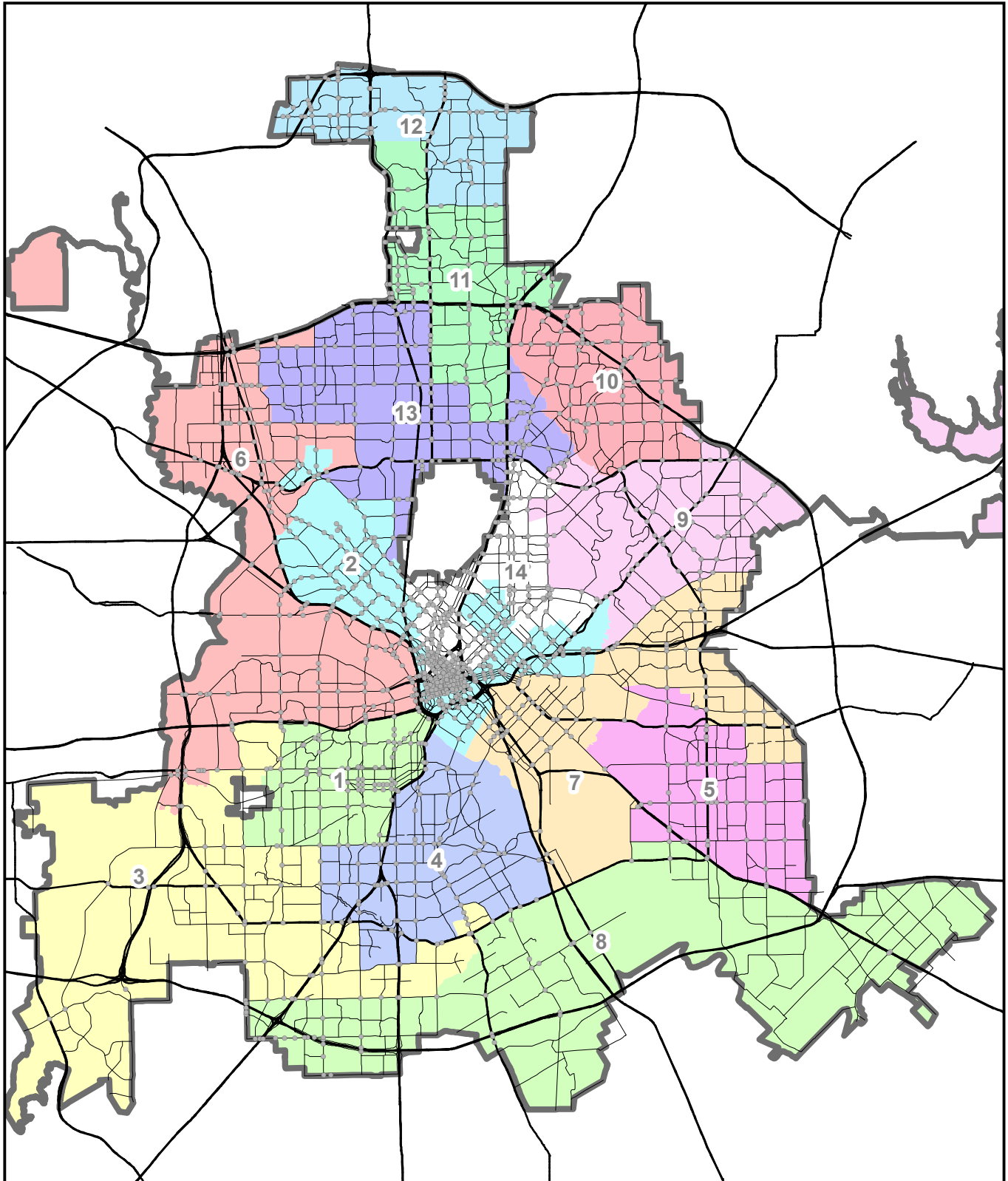
**The Kercher Group, Inc.**

Steve Varnedoe, P.E., President

**MAP**

Attached

# Paving Management Consultant Services



January 8, 2020

**WHEREAS**, on October 11, 2016, City Council authorized a three-year services contract with Fugro Roadware, Inc., to perform right-of-way data acquisition and analysis, through the North Texas Council of Governments through its North Texas Share Program, by Resolution No. 16-1673; and

**WHEREAS**, on May 21, 2018, Administrative Action No. 18-5887 authorized a consent to assignment to the paving management contract to allow the transfer assignment of the name change from Fugro Roadware, Inc. to Fugro USA Land, Inc.; and

**WHEREAS**, in 2018, the Department of Public Works developed an Infrastructure Management Plan (IMP) based on the asset data information collected by Fugro USA Land, Inc.; and

**WHEREAS**, the IMP outlined the Pavement Condition Index (PCI) declining for the city over the next five years; and

**WHEREAS**, it was determined Pavement Management Consultant Services are needed to evaluate the City's existing model and maintenance practices to ensure the City is utilizing the most sophisticated and appropriate tools available for a city as large and complex as Dallas; and

**WHEREAS**, a solicitation was developed and publicly advertised starting on May 2, 2019; and

**WHEREAS**, four firms submitted Statement of Qualifications and all firms being qualified based on the published criteria, all firms were shortlisted; and

**WHEREAS**, a proposal request was issued to all four shortlisted firms; and

**WHEREAS**, four firms submitted proposals to provide Consulting Services for the Pavement Management Consultant Services for the Department of Public Works; and

**WHEREAS**, The Kercher Group, Inc. was selected as the most qualified proposer of the four proposers as a result of a qualifications-based selection process in accordance with the City of Dallas procurement guidelines; and

**WHEREAS**, this first phase of a multiphase project will focus on current pavement management practices, review quality management practices, and provide a pavement model software evaluation; and

**WHEREAS**, it is now desirable to authorize a professional services contract with The Kercher Group, Inc., to provide Pavement Management Consultant Services including pavement modeling evaluation, evaluation and review of current practices, quality management review of pavement condition data collection, and review of sidewalk and alley management practices, in an amount not to exceed \$232,431.58.

January 8, 2020

**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 professional services contract with The Kercher Group, Inc., approved as to form by the City Attorney, to provide Pavement Management Consultant Services including pavement modeling evaluation, evaluation and review of current practices, quality management review of pavement condition data collection, and review of sidewalk and alley management practices, in an amount not to exceed of \$232,431.58.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$232,431.58 to The Kercher Group, Inc. in accordance with the terms and conditions of the contract from the General Fund, Fund 0001, Department PBW, Unit 3008, Activity PB51, Object 3070, Program PBCUR037, Encumbrance/Contract No. CX-PBW-2020-00012002, Vendor VS100591.

**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 Information Sheet

**File #:** 19-1601

**Item #:** 4.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize a construction contract for the street reconstruction of Highland Road from Ferguson Road to Primrose Drive - Tiseo Paving Company, lowest responsible bidder of three - Not to exceed \$3,996,741.65 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds) (\$1,410,077.05), Capital Projects Reimbursement Fund (\$733,357.00), Street and Alley Improvement Fund (\$500,000.00), Water Utilities Capital Improvement Funds (\$1,314,772.60), and Water Utilities Capital Construction Funds (\$38,535.00)

### **BACKGROUND**

This action will authorize a construction contract with Tiseo Paving Company for the street reconstruction of Highland Road from Ferguson Road to Primrose Drive to include upgrading a two-lane residential collector from a two-way undivided asphalt roadway to a two-way undivided concrete roadway with dedicated bike lanes, on-street parallel parking, 6-foot sidewalks, pedestrian lighting and other pedestrian enhancements. This project will also provide traffic signal modifications at Ferguson Road, landscaping, drainage improvements, and water and wastewater upgrades.

The following chart illustrates Tiseo Paving Company's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	11	0	0
Change Orders	8	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction      April 2020  
Complete Construction      October 2021

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

On January 10, 2001, City Council authorized a Master Agreement with Dallas County governing the Major Capital Improvement Program by Resolution No. 01-0104.

On April 13, 2011, City Council authorized a new ten-year Master Agreement with Dallas County governing the Major Capital Improvement Program by Resolution No. 11-0927.

On December 13, 2017, City Council authorized a Project Specific Agreement with Dallas County for funding participation for the design and construction of paving and drainage improvements for Fort Worth Avenue from Sylvan Avenue to Commerce Street by Resolution No. 17-1893.

On May 23, 2018, City Council authorized a Project Specific Agreement with Dallas County for funding participation in the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive by Resolution No. 18-0740.

**FISCAL INFORMATION**

Capital Projects Reimbursement Fund - \$733,357.00

Street and Transportation Improvements Fund (2012 Bond Funds) - \$1,410,077.05

Street and Alley Improvement Fund - \$500,000.00

Water Utilities Capital Improvement Funds - \$1,314,772.60

Water Utilities Capital Construction Funds - \$38,535.00

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$3,996,741.65	Construction	25.00%	43.28%	\$1,729,669.16
• This contract exceeds the M/WBE goal.				

**PROCUREMENT INFORMATION**

The following three bids were received and opened on July 26, 2019:

\*Denotes successful bidder

**Bidders****Bid Amount**

*Tiseo Paving Company 419 U.S. 80 Frontage Road Mesquite, Texas 75150	\$3,996,741.65
Joe Funk Construction	\$4,960,606.30
Camino Construction, LP	\$4,621,073.00



**OWNER**

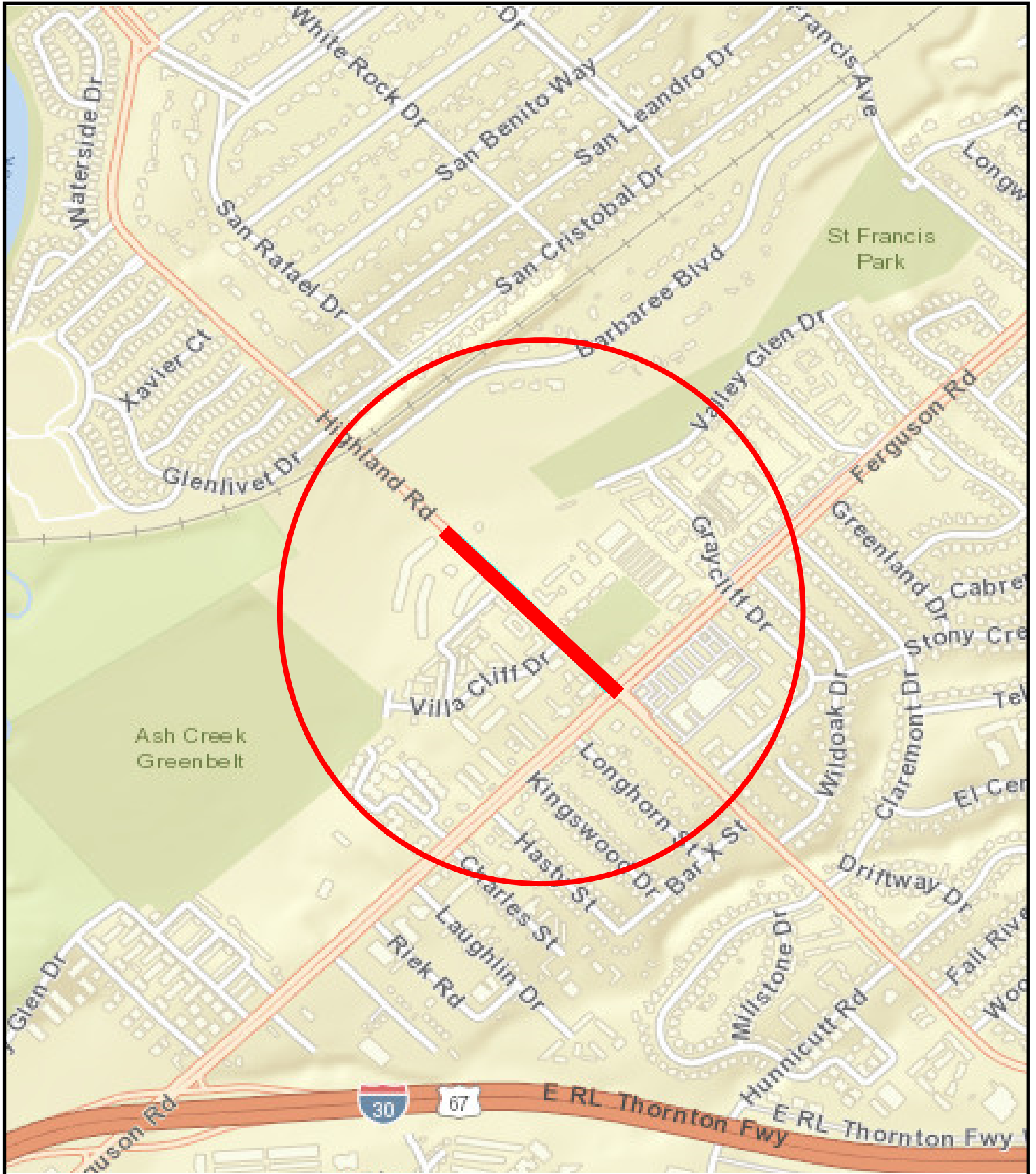
**Tiseo Paving Company**

Arthur Tiseo, President

**MAP**

Attached

**STREET RECONSTRUCTION  
HIGHLAND ROAD FROM FERGUSON ROAD  
TO PRIMROSE DRIVE**



**COUNCIL DISTRICT 9**

January 8, 2020

**WHEREAS,** on May 23, 2018, City Council authorized a Project Specific Agreement with Dallas County for funding participation in the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive, in an amount not to exceed \$783,357.00, for Dallas County's share of the project costs, by Resolution No. 18-0740; and

**WHEREAS,** on July 26, 2019, three bids were received for the street reconstruction of Highland Road from Ferguson Road to Primrose Drive, as follows:

<b><u>Bidders</u></b>	<b><u>Amount</u></b>
Tiseo Paving Company	\$3,996,741.65
Joe Funk Construction	\$4,960,606.30
Camino Construction, LP	\$4,621,073.00

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a construction contract with Tiseo Paving Company, approved as to form by the City Attorney, for the street reconstruction of Highland Road from Ferguson Road to Primrose Drive, in an amount not to exceed \$3,996,741.65.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,996,741.65 to Tiseo Paving Company in accordance with the terms and conditions of the contract, as follows:

Capital Projects Reimbursement Fund Fund 0556, Department PBW, Unit S611, Activity THRF Object 4510, Program PB12S611 Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	\$ 733,357.00
Street and Transportation Improvements Fund Fund 4U22, Department PBW, Unit S611, Activity THRF Object 4510, Program PB12S611 Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	\$1,410,077.05
Street and Alley Improvement Fund Fund 0715, Department TRN, Unit W477, Activity PB20 Object 4599, Program PB12S611 Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	\$ 456,487.00

January 8, 2020

**SECTION 2.** (continued)

Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S611, Activity THRF Object 4510, Program PB12S611 Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	\$ 43,513.00
Water Capital Improvement D Fund Fund 2115, Department DWU, Unit PW42 Object 4550, Program 717371 Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	\$1,109,068.20
Wastewater Capital Improvement E Fund Fund 3116, Department DWU, Unit PS42 Object 4560, Program 717372 Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	\$ 205,704.40
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 717371X Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	\$ 23,520.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 717372X Encumbrance/Contract No. CX-PBW-2019-00011757 Vendor 011466	<u>\$ 15,015.00</u>
Total amount not to exceed	\$3,996,741.65

**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 Information Sheet

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**File #:** 19-1979

**Item #:** 5.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a construction contract for the new roofing restoration project at Sullivan House at Dallas Heritage Village located at 1515 South Harwood Street - Phoenix I Restoration and Construction, Ltd., only proposer - Not to exceed \$205,000.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

### **BACKGROUND**

This action will authorize a construction contract with Phoenix I Restoration and Construction, Ltd. for the new roofing restoration project at Sullivan House at Dallas Heritage Village, a project approved by the citizens of Dallas in the 2017 Bond Program.

The scope of work includes removal of existing roofing, replacement of rotten batten strips, installation of new felt and cedar shingles, and removal and reinstallation of dormer siding.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	February 2020
Complete Construction	May 2020

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

Cultural Arts (F) Fund (2017 Bond Funds) - \$205,000.00

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$205,000.00	Construction	25.00%	49.80%	\$102,083.00
• This contract exceeds the M/WBE goal.				

**PROCUREMENT INFORMATION**

A Request for Competitive Sealed Proposal was issued on September 10, 2019 for proposal submittals from qualified contractors for evaluation by a Selection Committee comprised of City staff familiar with design and construction of City facilities.

The following proposal was received and opened on October 4, 2019:

\*Denotes only proposer

**Proposer****Base Bid**

\*Phoenix I Restoration and Construction, Ltd.      \$298,900.00  
14032 Distribution Way  
Farmers Branch, Texas 75234

Phoenix I Restoration and Construction, Ltd. provided an original base bid of \$298,900.00. After negotiation with the contractor, and with the removal of the four alternatives, the final base bid contract amount is now \$205,000.00.

Note: The Bond Program Office conducted a single proposer review and found no exceptions.

**OWNER**

**Phoenix I Restoration and Construction, Ltd.**

Dale C. Sellers, President

**MAP**

Attached





January 8, 2020

**WHEREAS**, the citizens of Dallas approved funding in the 2017 Bond Program for the refurbishment and renovation of the Sullivan House located at Dallas Heritage Village; and

**WHEREAS**, one competitive sealed proposal was received and opened on October 4, 2019; and

**WHEREAS**, the only responsive proposer was evaluated. The Bond Program Office conducted a single proposer review and found no exceptions.

**Proposer**

**Base Bid**

Phoenix I Restoration and Construction, Ltd.

\$298,900.00

**WHEREAS**, Phoenix I Restoration and Construction, Ltd. provided an original base bid of \$298,900.00, and during negotiation with the contractor, and with the removal of the four alternatives, the final base bid contract amount is now \$205,000.00; and

**WHEREAS**, it is now desirable to authorize a construction contract with Phoenix I Restoration and Construction, Ltd. for the new roofing restoration project at the Sullivan House at Dallas Heritage Village located at 1515 South Harwood Street, in an amount not to exceed \$205,000.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a construction contract with Phoenix I Restoration and Construction, Ltd., approved as to form by the City Attorney, for the new roofing restoration project at the Sullivan House at Dallas Heritage Village located at 1515 South Harwood Street, in an amount not to exceed \$205,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$205,000.00 to Phoenix I Restoration and Construction, Ltd. in accordance with the terms and conditions of the contract from the Cultural Arts (F) Fund, Fund 1V49, Department OCA, Unit VF02, Activity CULF, Object 4310, Program EB17VF02, Encumbrance/Contract No. CX-BON-2020-00012095, Vendor VC0000003594.

**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 Information Sheet

**File #:** 19-1758

**Item #:** 6.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize an increase to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of water and wastewater main improvements for Wheatland Road Phase 1B from 1,745 feet east of the Dallas city limit to the city limit line - Not to exceed \$118,866.36, from \$3,894,458.38 to \$4,013,324.74 - Financing: Water Utilities Capital Improvement Funds (\$118,399.96) and Water Construction Fund (\$466.40)

### **BACKGROUND**

On August 23, 2017, City Council authorized a construction contract with Pavecon Public Works, LP for the construction of street paving, storm drainage, water and wastewater main improvements for Wheatland Road Phase 1B from 1,745 feet east of the Dallas city limit to the city limit line by Resolution No. 17-1303.

The original action was funded by the Office of Economic Development and the Department of Housing and Neighborhood Revitalization for the construction of Wheatland Road from 1,745 feet east of the Dallas city limit to the city limit line.

This action will authorize Change Order No. 2 to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of water and wastewater main improvements for Wheatland Road Phase 1B from 1,745 feet east of the Dallas city limit to the city limit line, in an amount not to exceed \$118,866.36, increasing the contract amount from \$3,894,458.38 to \$4,013,324.74. The additional work is needed to address field conditions and includes the installation of additional water and wastewater main, gate valves and wastewater manholes.

This action is being funded by Dallas Water Utilities. The project scope consists of a new four-lane undivided reinforced concrete roadway with dedicated bike lanes, sidewalks with barrier-free ramps, street lights, storm drainage, and water and wastewater main improvements.

**ESTIMATED SCHEDULE OF PROJECT**

Began Construction      March 2018  
 Complete Construction      January 2020

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

On August 23, 2017, City Council authorized a construction contract with Pavecon Public Works, LP by Resolution No. 17-1303.

**FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$118,399.96  
 Water Construction Fund - \$466.40

Construction	
Paving & Drainage - ECO	\$3,670,092.62
Water & Wastewater - DWU	\$ 215,705.76
Change Order No. 1 - DWU	\$ 8,660.00
Change Order No. 2 - DWU (this action)	\$ 118,866.36
Total	\$4,013,324.74

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$118,866.36	Construction	25.00%	0.00%	\$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Change Order No. 2 - 25.81% Overall M/WBE participation				

**OWNER**

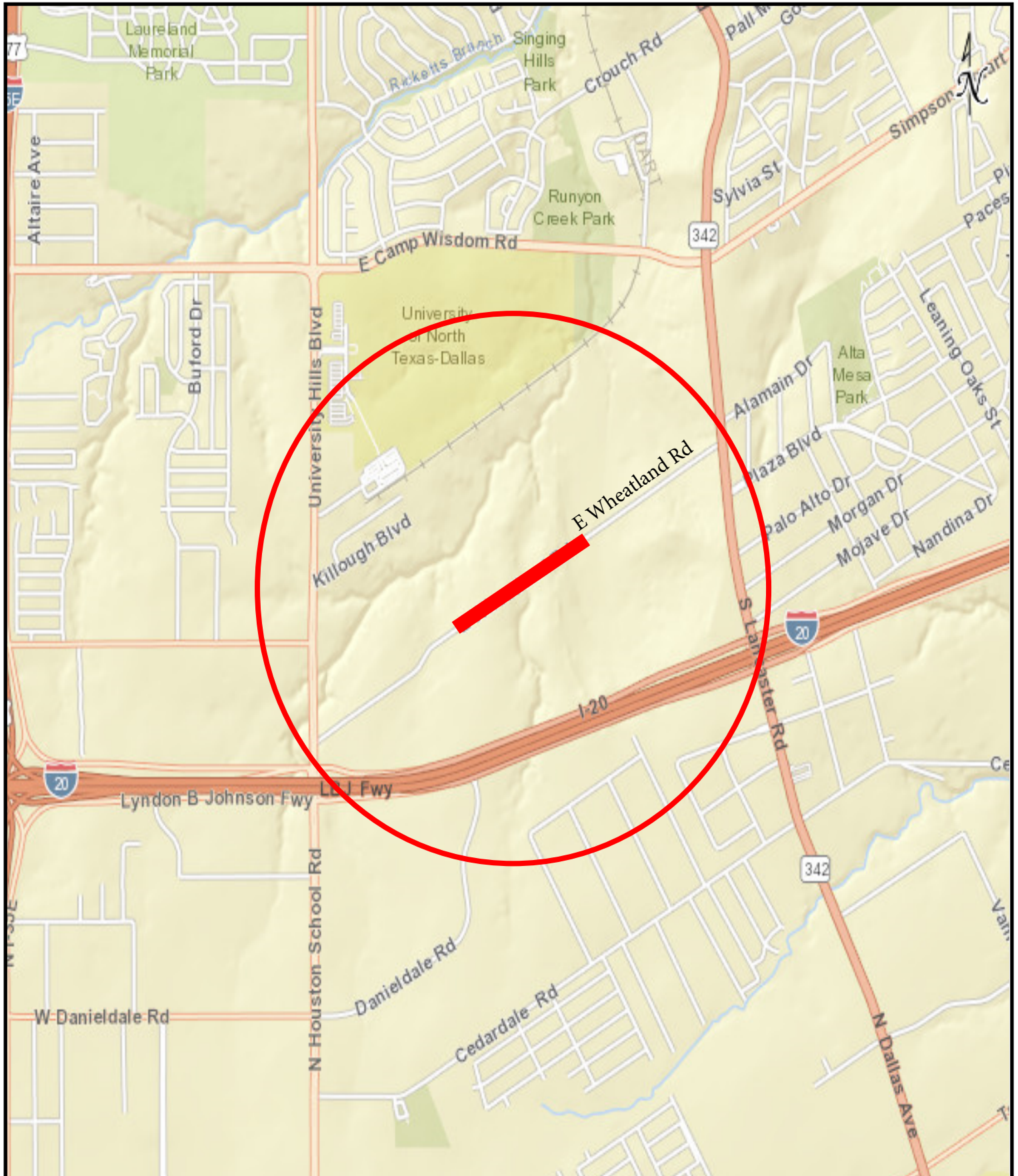
**Pavecon Public Works, LP**

Brian Cottle, Vice President

**MAP**

Attached

# WHEATLAND ROAD PHASE 1B FROM 1745 FEET EAST OF DALLAS CITY LIMIT TO CITY LIMIT



**COUNCIL DISTRICT 8**

January 8, 2020

**WHEREAS**, on August 23, 2017, City Council authorized a construction contract with Pavecon Public Works, LP, in an amount not to exceed \$3,885,798.38, by Resolution No. 17-1303; and

**WHEREAS**, on February 28, 2019, Administration Action No. 19-0140 authorized Change Order No. 1 to the construction contract with Pavecon Public Works, LP for Wheatland Road from 1,745 feet east of the Dallas city limit to the city limit line, in an amount not to exceed \$8,660.00, from \$3,885,798.38 to \$3,894,458.38; and

**WHEREAS**, it is now necessary to authorize Change Order No. 2 to the construction services contract with Pavecon Public Works, LP for additional work associated with the construction of water and wastewater main improvements for Wheatland Road Phase 1B from 1,745 feet east of the Dallas city limit to the city limit line, in an amount not to exceed \$118,866.36, increasing the contract amount from \$3,894,458.38 to \$4,013,324.74.

**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. 2) is authorized for additional work associated with the construction of water and wastewater main improvements for Wheatland Road Phase 1B from 1,745 feet east of the Dallas city limit to the city limit line, in an amount not to exceed \$118,866.36, increasing the contract amount from \$3,894,458.38 to \$4,013,324.74.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$118,866.36 to Pavecon Public Works, LP in accordance with the terms and conditions of the contract, as follows:

Water Capital Improvement (D) Fund	
Fund 2115, Department DWU, Unit PW42	
Object 4550, Program 717405	
Encumbrance/Contract No. CX-STS-2017-00002727	
Vendor VS89455	\$32,860.40
Wastewater Capital Improvement (E) Fund	
Fund 3116, Department DWU, Unit PS42	
Object 4560, Program 717406	
Encumbrance/Contract No. CX-STS-2017-00002727	
Vendor VS89455	\$85,539.56

January 8, 2020

**SECTION 2.** (continued)

Water Construction Fund	
Fund 0102, Department DWU, Unit CW42	
Object 3221, Program 717405X	
Encumbrance/Contract No. CX-STS-2017-00002727	
Vendor VS89455	<u>\$ 466.40</u>
Total amount not to exceed	\$118,866.36

**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 Information Sheet

**File #:** 19-1712

**Item #:** 7.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize Supplemental Agreement No. 5 to the professional services contract with WSP USA, Inc., formerly known as Parsons Brinkerhoff, Inc., for additional engineering design of retaining walls required to prevent encroachment into adjacent properties and design modifications to mitigate high soil sulphates along Chalk Hill Road from Interstate Highway 30 (IH-30) westbound frontage road to Singleton Boulevard and the revision of the soil nail wall plan due to a gas main conflict along Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$125,446.48, from \$1,430,649.28 to \$1,556,095.76 - Financing: Street and Transportation Improvements Fund (2006 Bond Funds)

### **BACKGROUND**

On January 23, 2008, City Council authorized a professional services contract for two thoroughfare improvement projects with PB Americas, Inc. dba Parsons Brinckerhoff Americas, Inc. for the engineering design of street paving, storm drainage, railroad crossing, and water and wastewater main improvements on Chalk Hill Road from Davis Street to 800 feet south of IH-30 (Chalk Hill Road, South Project) and Chalk Hill Road from IH-30 frontage road to Singleton Boulevard (Chalk Hill Road, North Project) by Resolution No. 08-0324.

During the construction of the Chalk Hill Road, South Project, a section of the existing 8-inch gas main was discovered to be in conflict with the soil nail wall. Consequently, it is necessary to redesign the wall to avoid the gas main. The ongoing geotechnical testing during construction shows a much higher soil sulphate content than was originally anticipated and this needs to be mitigated for the Chalk Hill Road, North Project. In addition, due to the terrain along the Chalk Hill Road, North Project, it is necessary to provide retaining walls to limit impacts and avoid encroachments into adjacent properties.

This action will authorize Supplemental Agreement No. 5 to the professional services contract with WSP USA, Inc. for additional engineering design services to provide the retaining walls to prevent encroachment into adjacent properties and design modifications to mitigate high soil sulphates encountered along the Chalk Hill Road, North Project and the revision of the soil nail wall plan due to a gas main conflict along the Chalk Hill Road, South Project.

### **ESTIMATED SCHEDULE OF PROJECT**

#### **Chalk Hill Road, South Project**

Began Design	February 2008
Completed Design	August 2016

#### **Chalk Hill Road, North Project**

Began Design	February 2008
Complete Design	April 2020

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 23, 2008, City Council authorized a professional services contract with PB Americas, Inc. dba Parsons Brinckerhoff Americas, Inc. for the design of thoroughfares projects for Chalk Hill Road from IH-30 frontage road to Singleton Boulevard and Chalk Hill Road from Davis Street to 800 feet south of IH-30 by Resolution No. 08-0324.

On May 26, 2010, City Council authorized approval of the proposed alignments 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 Parsons Brinckerhoff Americas, Inc. for additional engineering and survey services for Chalk Hill Road from West 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 Parsons 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 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 by Resolution No. 15-2221.

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 design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 by Resolution No. 17-0082.

**FISCAL INFORMATION**

Street and Transportation Improvements Fund (2006 Bond Funds) - \$125,446.48

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
Supplemental Agreement No. 5 (this action)	<u>\$ 125,446.48</u>

Total \$1,556,095.76

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$125,446.48	Architectural & Engineering	25.66%	28.58%	\$35,850.60
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 5 - 32.22% Overall M/WBE participation				

**OWNER****WSP USA, Inc.**

Robert M. Brown, P.E., Vice President and Area Manager

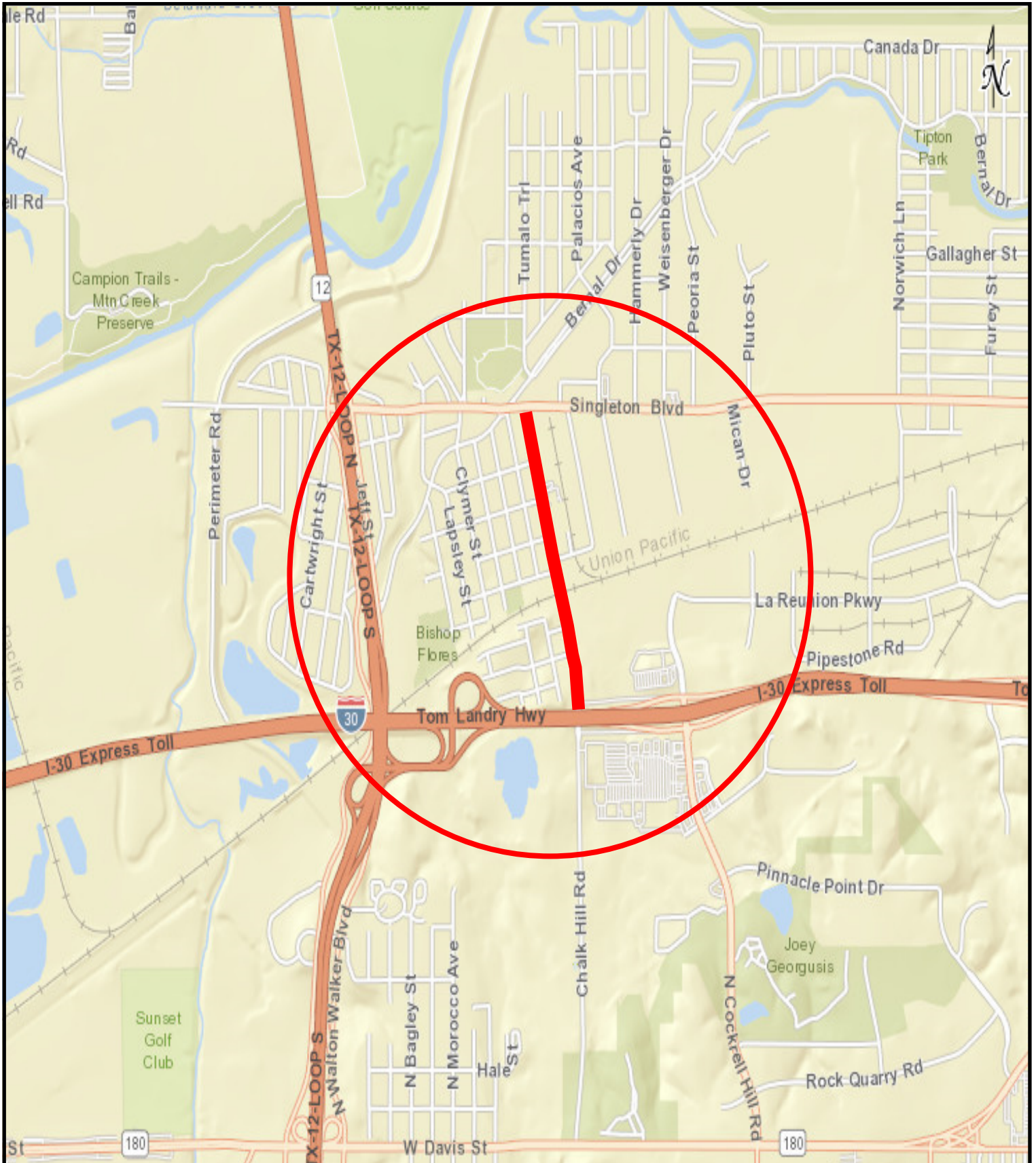
**MAPS**

Attached



# THOROUGHFARES

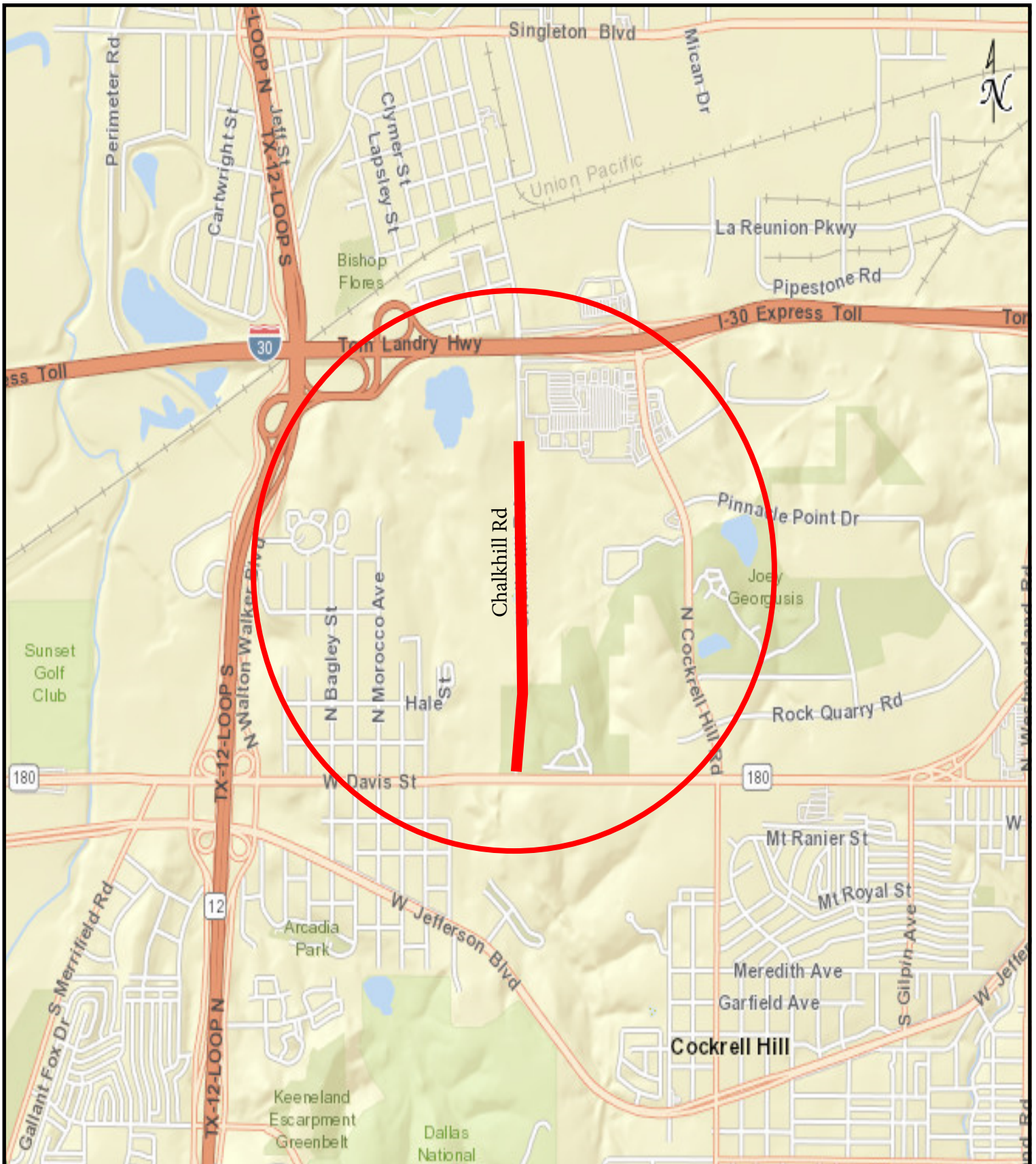
## CHALK HILL ROAD FROM IH-30 WESTBOUND FRONTAGE ROAD TO SINGLETON BOULEVARD (NORTH PROJECT)



## COUNCIL DISTRICT 6

# THOROUGHFARES

## CHALK HILL ROAD FROM DAVIS STREET TO 800 FEET SOUTH OF IH-30 (SOUTH PROJECT)



COUNCIL DISTRICT 6



January 8, 2020

**WHEREAS**, on January 23, 2008, City Council authorized a professional services contract with PB Americas, Inc. dba Parsons Brinckerhoff Americas, Inc. for the design of thoroughfares projects for Chalk Hill Road from Interstate Highway 30 (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 of \$971,714.50, by Resolution No. 08-0324; and

**WHEREAS**, on May 26, 2010, City Council authorized approval of the proposed alignments 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 Parsons Brinckerhoff Americas, Inc. for additional engineering and survey services on Chalk Hill Road from West 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 Parsons 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**, Council Resolution Nos. 10-3076 and 10-3077 should have authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parsons 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 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 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**, Council 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 from Davis Street to 800 feet south of 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

January 8, 2020

**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 and geotechnical investigation services for Chalk Hill Road from Davis Street to 800 feet south of IH-30, in an amount not to exceed \$42,857.14, from \$1,301,753.00 to \$1,344,610.14; 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 design 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 Supplemental Agreement No. 5 to the professional services contract with WSP USA, Inc., formerly known as Parsons Brinckerhoff, Inc., for additional engineering design of retaining walls required to prevent encroachment into adjacent properties and design modifications to mitigate high soil sulphates along Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard and the revision of the soil nail wall due to a gas main conflict along Chalk Hill Road from Davis Street to 800 feet south of IH-30, in an amount not to exceed \$125,446.48, increasing the contract amount from \$1,430,649.28 to \$1,556,095.76.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with WSP USA, Inc., formerly known as Parsons Brinckerhoff, Inc., approved as to form by the City Attorney, for additional engineering design of retaining walls required to prevent encroachment into adjacent properties and design modifications to mitigate high soil sulphates along Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard and the revision of the soil nail wall plan due to a gas main conflict along Chalk Hill Road from Davis Street to 800 feet south of IH-30, in an amount not to exceed \$125,446.48, increasing the contract amount from \$1,430,649.28 to \$1,556,095.76.

January 8, 2020

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$125,446.48 to WSP USA, Inc. in accordance with the terms and conditions of the contract, as follows:

Street and Transportation Improvements Fund  
Fund 2T22, Department PBW, Unit U780, Activity THRF  
Object 4111, Program PB06U780  
Encumbrance/Contract No. CX-PBW-2016-00001143  
Vendor 134356 \$112,772.42

Street and Transportation Improvements Fund  
Fund 2T22, Department PBW, Unit U781, Activity THRF  
Object 4111, Program PB06U781  
Encumbrance/Contract No. CX-PBW-2016-00001143  
Vendor 134356 \$ 12,674.06

Total amount not to exceed \$125,446.48

**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 Information Sheet

**File #:** 19-1564

**Item #:** 8.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** Outside City Limits  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize acquisition from Charles T. Simmons and Nan Simmons, of approximately 11,736 square feet of land improved with a manufactured dwelling located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$38,866.00 (\$35,866.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

### **BACKGROUND**

This item authorizes the acquisition from Charles T. Simmons and Nan Simmons, of approximately 11,736 square feet of land improved with a manufactured dwelling located in Van Zandt County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. The relocation benefits are estimated to be \$58,000.00.

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

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

Water Construction Fund - \$38,866.00 (\$35,866.00, plus closing costs and title expenses not to exceed \$3,000.00)

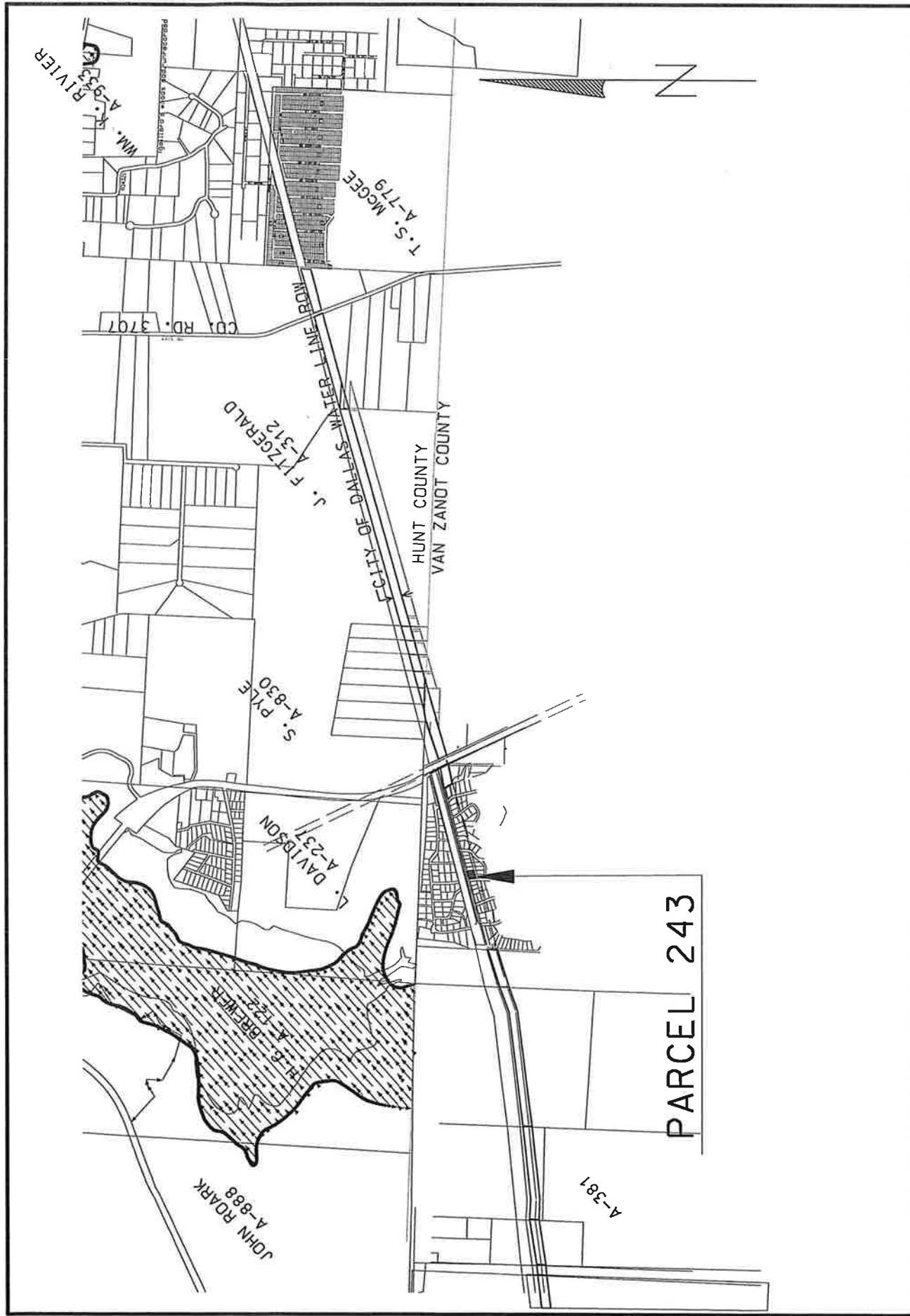
**OWNERS**

Charles T. Simmons

Nan Simmons

**MAP**

Attached



VICINITY MAP  
APPROXIMATE SCALE 1'' = 2000'



January 8, 2020

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

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

"CITY": The City of Dallas

"PROPERTY": Approximately 11,736 square feet of land located in Van Zandt County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"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.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

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

"PURCHASE AMOUNT": \$35,866.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": Not to exceed \$38,866.00

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

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

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

January 8, 2020

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2020-00011796. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**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:

CHRISTOPHER J. CASO, Interim City Attorney

BY:

  
Assistant City Attorney

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**VAN ZANDT COUNTY, TEXAS**  
**Parcel: 243**

BEING a 11,736 square foot (0.2694 acre) tract of land in the J. McCown Survey, Abstract No. 527, being all of Lots 202 and 203 of the Retirement Village Revision No. II, an Addition to Rolling Oaks Subdivision, as recorded in Slide 34-A of the Plat Records of Van Zandt County, Texas, said Lots 202 and 203 being described in Warranty Deed to Charles T. Simmons and Nan Simmons, a married couple, as recorded in Document No. 2012-005750, of the Official Public Records of Van Zandt County, Texas;

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 5-7-15

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:  
Apr 6/8/15  




EXHIBIT  
OF A  
RIGHT-OF-WAY ACQUISITION  
SITUATED IN THE  
J. MCCOWN SURVEY, ABSTRACT NO. 527  
VAN DORN COUNTY, TEXAS  
FOR THE  
CITY OF DALLAS  
BY  
AL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110,  
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774  
TERRY S. EISEN, N.O. 10-193670

**EXHIBIT B**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS    §  
                                      §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF  
Van Zandt                   §

That we, Charles T. Simmons, and spouse, Nan Simmons, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Van Zandt, State of Texas, for and in consideration of the sum of THIRTY FIVE THOUSAND EIGHT HUNDRED SIXTY SIX AND 00/100 DOLLARS (\$35,866.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

\_\_\_\_\_  
Charles T. Simmons

\_\_\_\_\_  
Assistant City Attorney

MH

\_\_\_\_\_  
Nan Simmons

\* \* \* \* \*

STATE OF TEXAS ,  
COUNTY OF VAN ZANDT ,

This instrument was acknowledged before me on \_\_\_\_\_  
by Charles T. Simmons.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS ,  
COUNTY OF VAN ZANDT ,

This instrument was acknowledged before me on \_\_\_\_\_  
by Nan Simmons.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Christian Roman

Warranty Deed Log No. 42836

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**VAN ZANDT COUNTY, TEXAS**  
**Parcel: 243**

BEING a 11,736 square foot (0.2694 acre) tract of land in the J. McCown Survey, Abstract No. 527, being all of Lots 202 and 203 of the Retirement Village Revision No. II, an Addition to Rolling Oaks Subdivision, as recorded in Slide 34-A of the Plat Records of Van Zandt County, Texas, said Lots 202 and 203 being described in Warranty Deed to Charles T. Simmons and Nan Simmons, a married couple, as recorded in Document No. 2012-005750, of the Official Public Records of Van Zandt County, Texas;

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 5-7-15

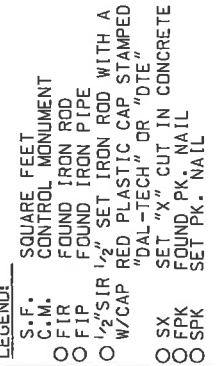
Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:

*Apr 6/8/15*





DATE 2015	REVISED	PROJECT NO. 101235500	PROJECT 3
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110 DALLAS, TEXAS 75287, TEL. (972)250-2727 FAX (972)250-4774		TRBPLS FIRM NO. 101235500	

036143N 1107 444-3000

7 10 7 17346





## Agenda Information Sheet

**File #:** 19-1716

**Item #:** 9.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** Outside City Limits  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize acquisition from Garland W. Martin, of approximately 46,187 square feet of land improved with a single-family dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$121,442.00 (\$118,442.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

### **BACKGROUND**

This item authorizes the acquisition from Garland W. Martin, of approximately 46,187 square feet of land improved with a single-family dwelling located in Hunt County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits associated.

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

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

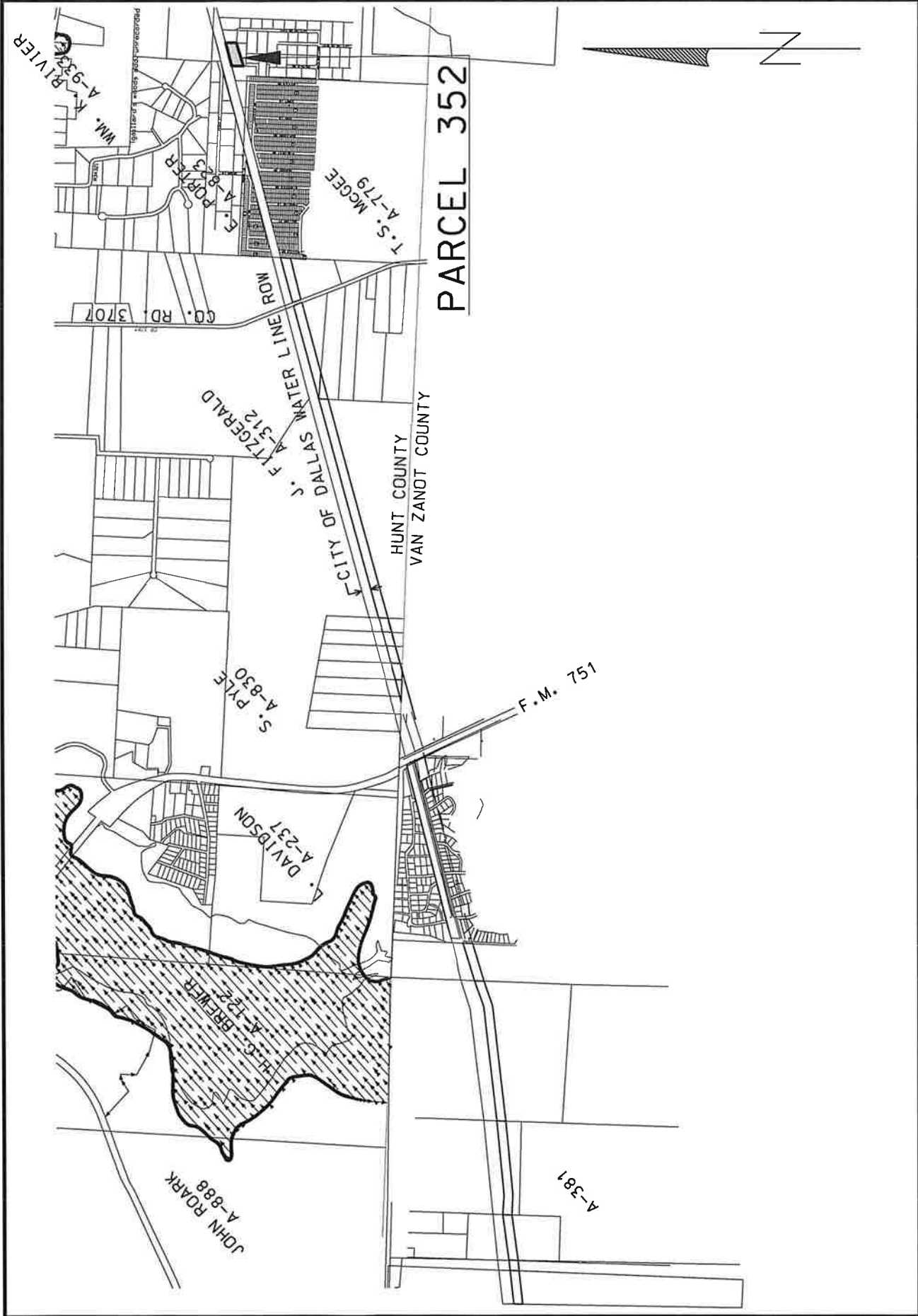
Water Construction Fund - \$121,442.00 (\$118,442.00, plus closing costs and title expenses not to exceed \$3,000.00)

**OWNER**

Garland W. Martin

**MAP**

Attached



VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'

January 8, 2020

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

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

"CITY": The City of Dallas

"PROPERTY": Approximately 46,187 square feet of land located in Hunt County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"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.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

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

"PURCHASE AMOUNT": \$118,442.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": Not to exceed \$121,442.00

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

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

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

January 8, 2020

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2020-00011975. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**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:  
CHRISTOPHER J. CASO, Interim City Attorney

BY:   
Assistant City Attorney

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**HUNT COUNTY, TEXAS**  
**Parcel: 352**

**Exhibit A**

BEING a 46,187 square foot (1.0603 acre) tract of land in the E. Porter Survey, Abstract No. 823, being part of Lot 22, of the Waco Bay Estates Ranchettes, Phase 4, as recorded in Volume 400, Page 650 of the Plat Records of Hunt County, Texas, said Lot 22 being described in Warranty Deed with Vendor's Lien to Garland W. Martin, dated October 16, 1992, as recorded in Volume 254, Page 60 of the Deed Records of Hunt County, Texas;

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the northwest corner of said Lot 22 and the northeast corner of Lot 21 of said Waco Bay Estates Ranchettes, Phase 4, being in the southeast line of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 592, Page 417, D.R.H.C.T.;

THENCE North 71 degrees 52 minutes 43 seconds East, with the northwest line of said Lot 22 and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 355.29 feet to a 1/2-inch iron rod with cap set at the northeast corner of said Lot 22 and the northwest corner of Lot 23 of said Waco Bay Estates Ranchettes, Phase 4;

THENCE South 01 degree 13 minutes 13 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the east line of said Lot 22 and the west line of said Lot 23, a distance of 135.87 feet to a 1/2-inch iron rod with cap set;

THENCE South 71 degrees 52 minutes 43 seconds West, departing the east line of said Lot 22 and the west line of said Lot 23, a distance of 355.29 feet to a 1/2-inch iron rod with cap set in the west line of said Lot 22 and the east line of said Lot 21;

THENCE North 01 degree 13 minutes 13 seconds West, with the west line of said Lot 22 and the east line of said Lot 21, a distance of 135.87 feet to the POINT OF BEGINNING and containing 46,187 square feet or 1.0603 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

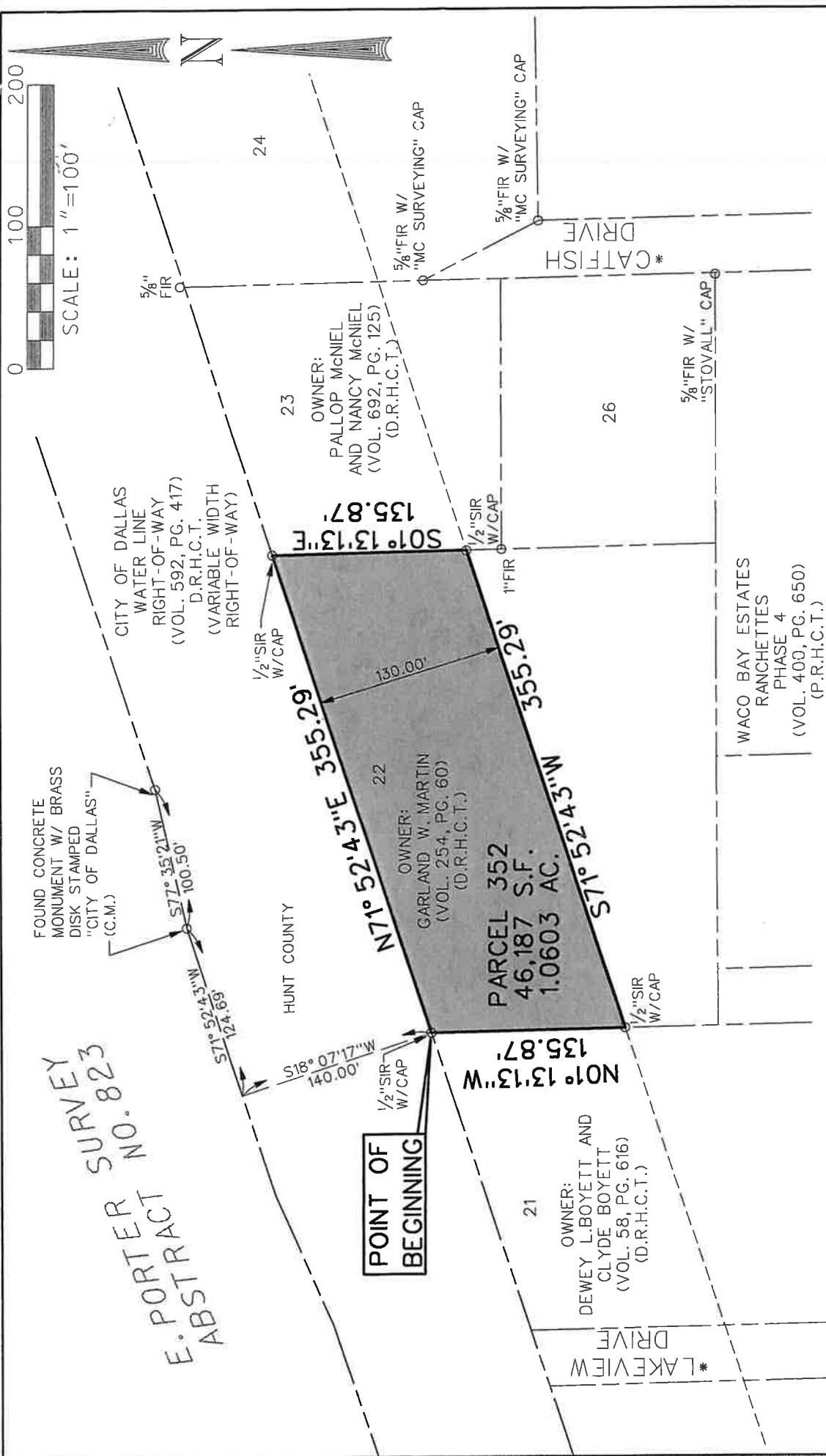
Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 4-28-15

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504

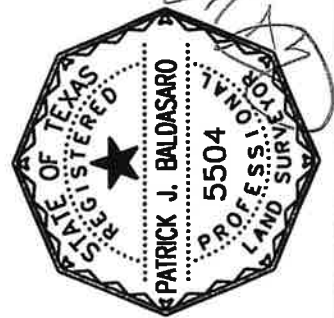


FIELD NOTES APPROVED:  
  

NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER TITLE RESOURCES GUARANTY COMPANY COMMITMENT G.F. NUMBER 1182844, WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2013.

- LEGEND:**
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - O FIR FOUND IRON ROD
  - O FIP FOUND IRON PIPE
  - O 1/2" SIR SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
  - O W/CAP SET "X" CUT IN CONCRETE
  - O SX SET PK. NAIL
  - O FPK FOUND PK. NAIL
  - O SPK SET PK. NAIL



\* OWNED AND MAINTAINED BY TEXAS RESORT PROPERTIES, INC.

**EXHIBIT A**

**RIGHT-OF-WAY ACQUISITION**

OF A  
 SITUATED IN THE  
 E. PORTER SURVEY, ABSTRACT NO. 823  
 HUNT COUNTY, TEXAS  
 FOR THE  
 CITY OF DALLAS  
 BY  
 DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
 DALLAS, TEXAS 75287, TEL (972)250-2727, FAX (972)250-4774  
 TBPLS FIRM, NO. 10123500

DATE: APR. 2015 REVISED: SCALE: 1" = 100' SHEET 2 OF 2

EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS   §  
  §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF  
HUNT                           §

That Garland W. Martin, a single man (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of HUNT, State of Texas, for and in consideration of the sum of ONE HUNDRED EIGHTEEN THOUSAND FOUR HUNDRED FORTY TWO AND 00/100 DOLLARS (\$118,442.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Garland W. Martin



EXHIBIT B

\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF HUNT

This instrument was acknowledged before me on \_\_\_\_\_  
by Garland W. Martin.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Christian Roman

Warranty Deed Log No. 43957

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**HUNT COUNTY, TEXAS**  
**Parcel: 352**

**Exhibit A**

BEING a 46,187 square foot (1.0603 acre) tract of land in the E. Porter Survey, Abstract No. 823, being part of Lot 22, of the Waco Bay Estates Ranchettes, Phase 4, as recorded in Volume 400, Page 650 of the Plat Records of Hunt County, Texas, said Lot 22 being described in Warranty Deed with Vendor's Lien to Garland W. Martin, dated October 16, 1992, as recorded in Volume 254, Page 60 of the Deed Records of Hunt County, Texas;

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the northwest corner of said Lot 22 and the northeast corner of Lot 21 of said Waco Bay Estates Ranchettes, Phase 4, being in the southeast line of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 592, Page 417, D.R.H.C.T.;

THENCE North 71 degrees 52 minutes 43 seconds East, with the northwest line of said Lot 22 and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 355.29 feet to a 1/2-inch iron rod with cap set at the northeast corner of said Lot 22 and the northwest corner of Lot 23 of said Waco Bay Estates Ranchettes, Phase 4;

THENCE South 01 degree 13 minutes 13 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the east line of said Lot 22 and the west line of said Lot 23, a distance of 135.87 feet to a 1/2-inch iron rod with cap set;

THENCE South 71 degrees 52 minutes 43 seconds West, departing the east line of said Lot 22 and the west line of said Lot 23, a distance of 355.29 feet to a 1/2-inch iron rod with cap set in the west line of said Lot 22 and the east line of said Lot 21;

THENCE North 01 degree 13 minutes 13 seconds West, with the west line of said Lot 22 and the east line of said Lot 21, a distance of 135.87 feet to the POINT OF BEGINNING and containing 46,187 square feet or 1.0603 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.

TBPLS Firm No. 10123500

By:  Date: 4-28-15

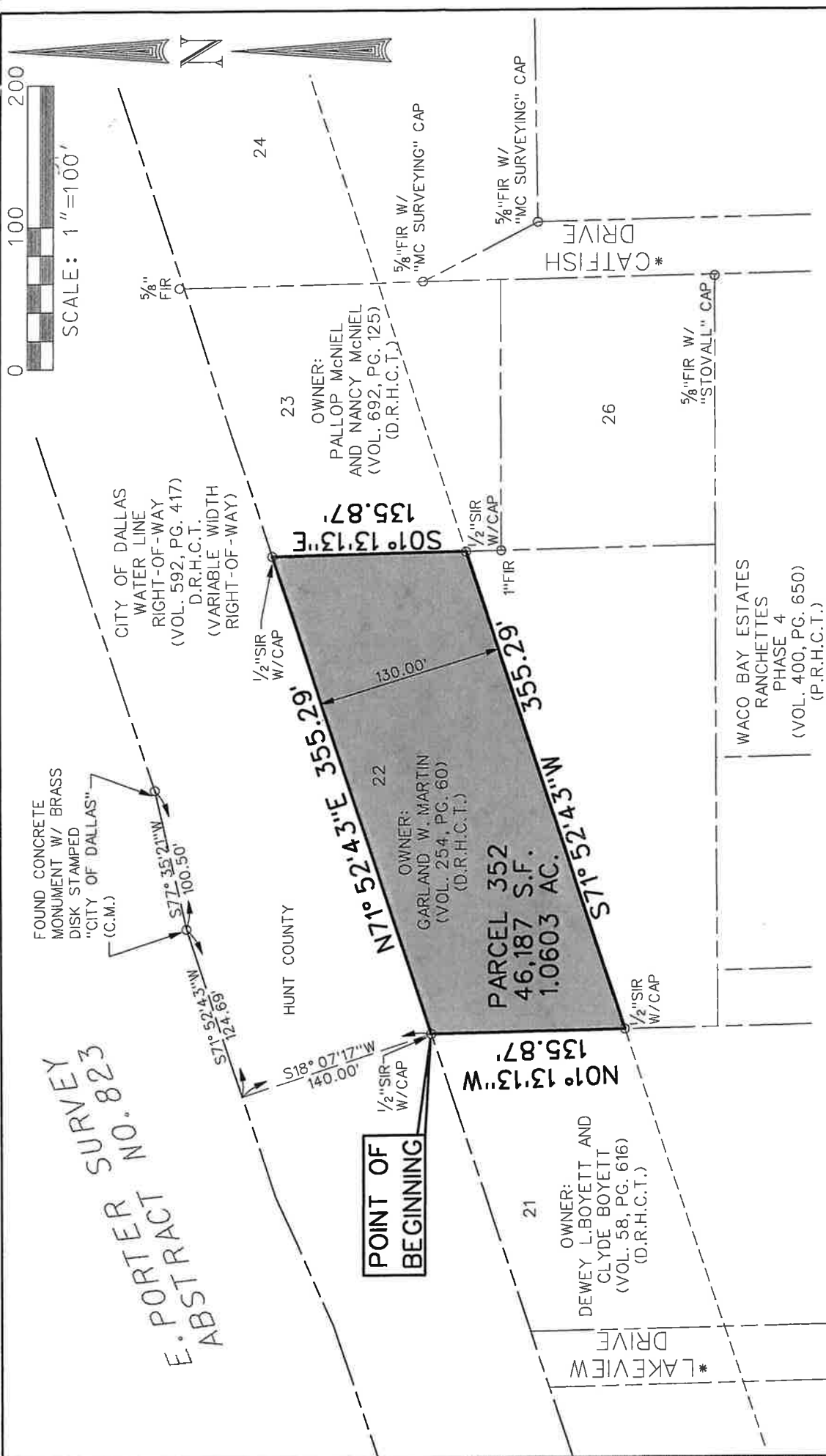
Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:

*5/1/15*  
*WCC*





NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER TITLE RESOURCES GUARANTY COMPANY COMMITMENT G.F. NUMBER 1182844, WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2013.

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
O FIR	FOUND IRON ROD
O FIP	FOUND IRON PIPE
O 1/2" SIR	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O W/CAP	W/2" CAP
O SX	SET "X" CUT IN CONCRETE
O FPK	FOUND PK. NAIL
O SPK	SET PK. NAIL



\* OWNED AND MAINTAINED BY TEXAS RESORT PROPERTIES, INC.

**Exhibit A**  
**RIGHT-OF-WAY ACQUISITION**  
 OF A  
 SITUATED IN THE  
 E. PORTER SURVEY ABSTRACT NO. 823  
 HUNT COUNTY, TEXAS  
 FOR THE  
 CITY OF DALLAS  
 BY  
 DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
 DALLAS, TEXAS 75287, TEL (972)250-2727, FAX (972)250-4774  
 TBPLS FIRM NO. 10625500  
 DATE: APR. 2005 REVISED: SCALE: 1" = 100' SHEET 2 OF 2



## Agenda Information Sheet

**File #:** 19-1858

**Item #:** 10.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 4, 7, 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize **(1)** the quitclaim of 11 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached to the Agenda Information Sheet) - Estimated Revenue: \$194,000.00 (see Fiscal Information)

### **BACKGROUND**

This item authorizes the quitclaim of 11 properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties will be sold to the highest qualified bidder and will return to the tax rolls upon conveyance.

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

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

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

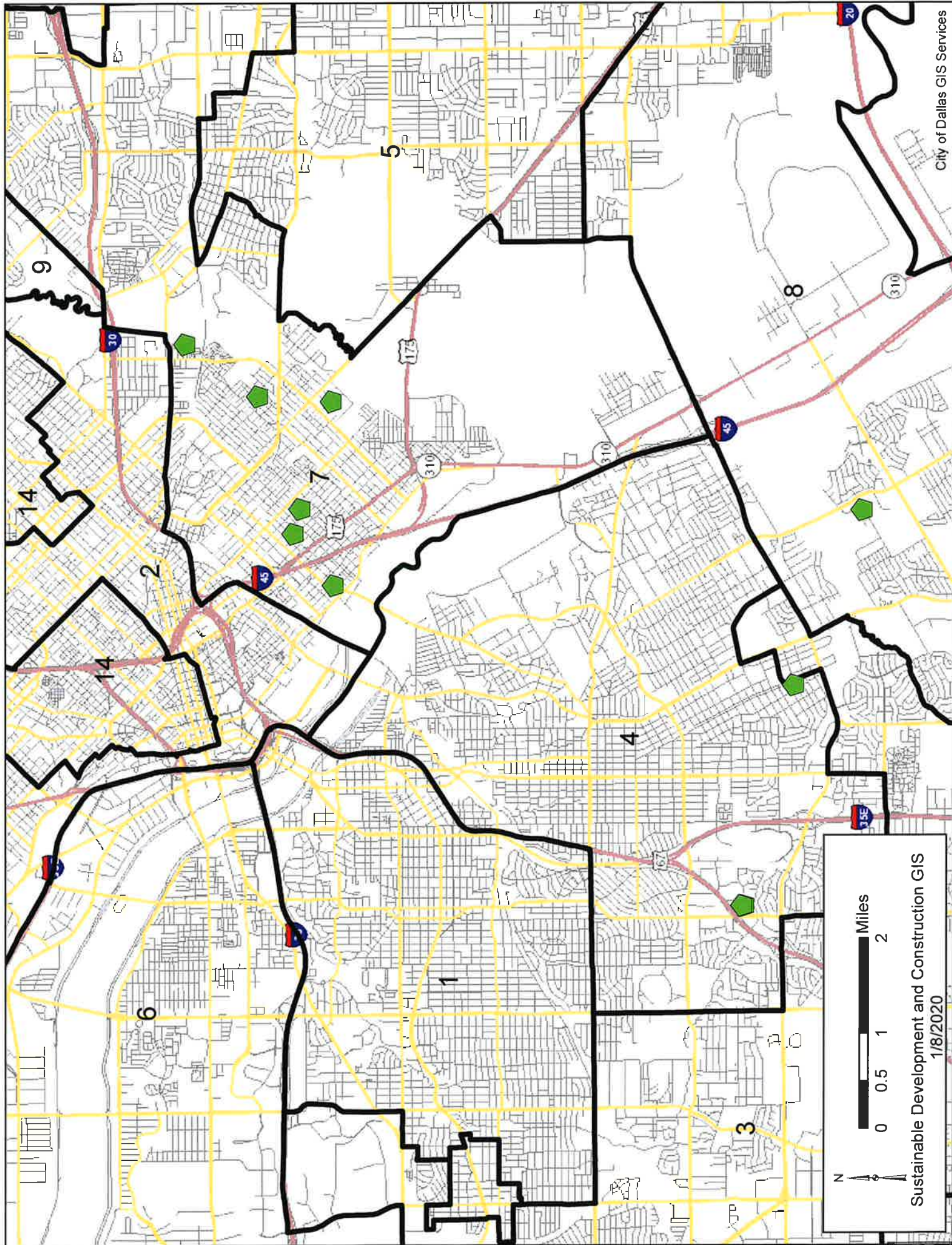
### **FISCAL INFORMATION**

Estimated Revenue: \$194,000.00 (City Revenue: \$35,500.00, Disbursed according to Tax Code: \$158,500.00)

**MAP**

Attached





**Sustainable Development and Construction GIS**  
1/8/2020

**Miles**  
0 0.5 1 2

**N**

# TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES PROPERTY LIST

ITEM #	STREET ADDRESS	VAC/IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	DCAD
1	5739 BON AIR	V	08	R-7.5(A)	0.2754	\$12,000.00	\$12,000.00
2	2631 BURGER	I	07	PD-595	0.0959	\$29,550.00	\$54,570.00
3	4114 COPELAND	V	07	PD-595	0.0985	\$5,000.00	\$5,000.00
4	4727 FRIO	I	04	R-7.5(A)	0.3097	\$11,090.00	\$39,120.00
5	3227 GARDEN	V	07	PD-595	0.1928	\$25,360.00	\$12,000.00
6	1319 PEABODY	V	07	PD-595	0.1770	\$19,280.00	\$19,280.00
7	2512 PENNSYLVANIA	V	07	PD-595	0.1483	\$26,010.00	\$6,000.00
8	3535 TERRELL	V	07	D(A)	0.8530	\$7,440.00	\$7,440.00
9	3815 S. TYLER	V	04	MF-2(A)	0.9815	\$85,500.00	\$85,500.00
10	3819 S. TYLER	V	04	MF-2(A)	0.3237	\$28,210.00	\$28,210.00
11	3819 S. TYLER	V	04	MF-2(A)	0.9814	\$85,500.00	\$85,500.00

January 8, 2020

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

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

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

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

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

**WHEREAS**, the Properties will be advertised in the Dallas Morning News to be offered for resale; and

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

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

**Now, Therefore,**

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

**SECTION 1.** That upon receipt of the monetary consideration from the purchasers, and upon consent by the County and DISD, the City Manager after approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties to be sold to the highest qualified bidders, conveying to the purchasers the right, title, and interest acquired or held by each taxing entity that



January 8, 2020

**SECTION 1.** (continued)

was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

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

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

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

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

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

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

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

<b>ITEM #</b>	<b>STREET ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>VAC/IMP</b>	<b>OWNED BY TAXING ENTITIES</b>
1	5739 BON AIR	LOT 49, BLOCK 6875	V	1, 2, 3
2	2631 BURGER	LOT 14, BLOCK E/1696	I	1, 2, 3
3	4114 COPELAND	LOT 19, BLOCK 2/1839	V	1, 2, 3
4	4727 FRIO	LOT 4, BLOCK E/4356	I	1, 2, 3
5	3227 GARDEN	LOT 8, BLOCK C/4446	V	1, 2, 3
6	1319 PEABODY	LOT 9, BLOCK B/1147	V	1, 2, 3
7	2512 PENNSYLVANIA	LOT 7, BLOCK 31/1307	V	1, 2, 3
8	3535 TERRELL	LOT 22, BLOCK A/2636	V	1, 2, 3
9	3815 S. TYLER	LOT 18, BLOCK 5984	V	1, 2, 3
10	3819 S. TYLER	LOT 16.1, BLOCK 5984	V	1, 2, 3
11	3819 S. TYLER	LOT 17, BLOCK 5984	V	1, 2, 3

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



## Agenda Information Sheet

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**File #:** 19-1849

**Item #:** 11.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize an amendment to an existing lease agreement with Dallas Children's Advocacy Center, to extend the lease agreement for an additional five-years for approximately 2,500 square feet of office space located at 5351 Samuel Boulevard, Rooms 170-189, for the continued use as the Dallas Police Department's Youth and Family Crime Division for the period March 1, 2020 through February 28, 2025 - Not to exceed \$288,000.00 - Financing: General Fund (subject to annual appropriations)

### **BACKGROUND**

This item authorizes an amendment to an existing lease agreement with Dallas Children's Advocacy Center, to extend the lease agreement for an additional five-years for approximately 2,500 square feet of office space located at 5351 Samuel Boulevard, Rooms 170-189. The five-year extension will provide for the continued use as the Dallas Police Department's Youth and Family Crime Division.

The Dallas Children's Advocacy Center was specifically designed to address the special needs of victims of child abuse. The Dallas Police Department's Youth and Family Crime Division, Child Abuse Unit will occupy office space and will continue to work with Dallas Children's Advocacy Center staff on child abuse cases.

The five-year extension will begin March 1, 2020 through February 28, 2025.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 27, 2013, City Council authorized a two-year Lease Agreement by Resolution No. 13-0450.

On February 25, 2015, City Council authorized a First Amendment to Lease Agreement by Resolution No. 15-0385.

**FISCAL INFORMATION**

General Fund - \$288,000.00 (subject to annual appropriations)

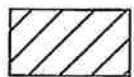
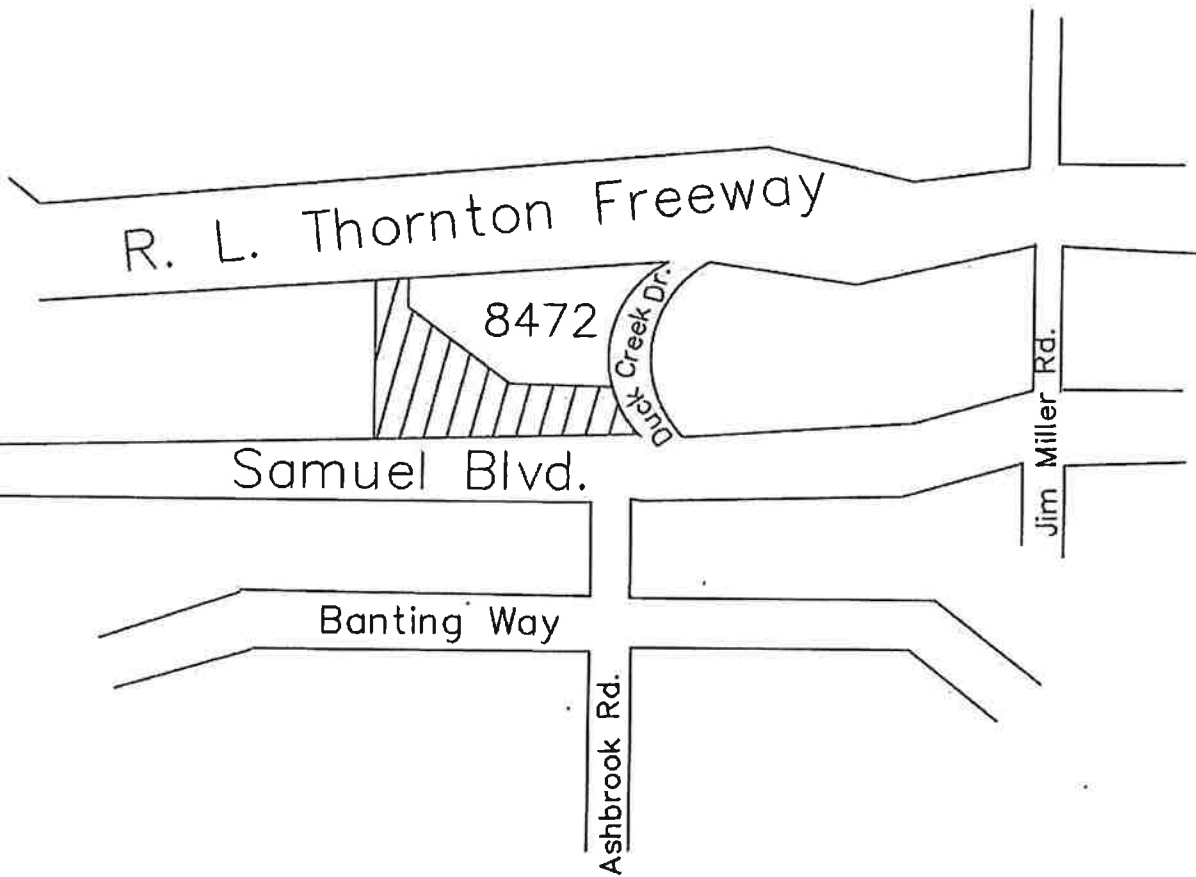
**OWNER**

**Dallas Children's Advocacy Center**

Lynn M. Davis, President

**MAP**

Attached



LEASED PREMISES

January 8, 2020

**WHEREAS**, on February 27, 2013, by Resolution No. 13-0450, the City Council of the City of Dallas authorized a two-year lease agreement dated March 1, 2013, (the "Lease") between the City of Dallas, a Texas municipal corporation ("City"), as tenant, and Dallas Children's Advocacy Center, a Texas non-profit corporation, or its successor and assigns, ("Landlord") as landlord, for approximately 2,500 square feet of office space located at 5351 Samuel Boulevard, Rooms 170-189, Dallas, Dallas County, Texas to be used by the Dallas Police Department's Youth and Family Crime Division; and

**WHEREAS**, on February 25, 2015, by Resolution No. 15-0385, City Council authorized the First Amendment to the Lease Agreement dated March 1, 2015, to extend the lease term for an additional five years; and

**WHEREAS**, the Lease, as amended, expires by its own terms on February 29, 2020; and

**WHEREAS**, the parties desire to renew, extend, modify and/or amend the lease to extend the term for an additional five-year term ("Extension Term") upon certain amended terms as provided below.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute a Second Amendment to the Lease Agreement between Dallas Children's Advocacy Center, a Texas non-profit corporation and the City of Dallas.

**SECTION 2.** That the special terms and conditions of the Second Amendment to Lease Agreement are:

(a) The term of the Lease is hereby extended for an additional five (5) years (the "Extension Term") beginning March 1, 2020 and ending February 28, 2025, provided however, that City and Landlord retain the right to terminate the Lease as provided elsewhere therein.

(b) Monthly Rental Payments during the Extension Term shall be as follows: (subject to annual appropriations)

March 1, 2020 – February 28, 2025:	\$4,800.00 per month
------------------------------------	----------------------

(c) All other terms and conditions of the Lease, as amended, not expressly amended hereby, shall remain in full force and effect.

January 8, 2020

**SECTION 3.** That the Chief Financial Officer be and is hereby authorized to draw warrants payable to Dallas Children's Advocacy Center, or its successors and assigns on the first day of each month in advance during the extended lease term beginning March 1, 2020 in the amount specified below:

March 1, 2020 – February 28, 2025:                      \$4,800.00 per month  
(subject to annual appropriations)

**SECTION 4.** That the payments will be charged as follows:

March 1, 2020 - September 30, 2020: General Fund, Fund 0001, Department DPD, Unit 2163, Object 3330, Encumbrance/Contract No. CX-DPD-2020-00011960, Commodity 97145, Vendor 263854.

October 1, 2020 - September 30, 2021: General Fund, Fund 0001, Department DPD, Unit 2163, Object 3330, Encumbrance/Contract No. CX-DPD-2020-00011960, Commodity 97145, Vendor 263854.

October 1, 2021 - September 30, 2022: General Fund, Fund 0001, Department DPD, Unit 2163, Object 3330, Encumbrance/Contract No. CX-DPD-2020-00011960, Commodity 97145, Vendor 263854.

October 1, 2022 - September 30, 2023: General Fund, Fund 0001, Department DPD, Unit 2163, Object 3330, Encumbrance/Contract No. CX-DPD-2020-00011960, Commodity 97145, Vendor 263854.

October 1, 2023 - September 30, 2024: General Fund, Fund 0001, Department DPD, Unit 2163, Object 3330, Encumbrance/Contract No. CX-DPD-2020-00011960, Commodity 97145, Vendor 263854.

October 1, 2024 – February 28, 2025: General Fund, Fund 0001, Department DPD, Unit 2163, Object 3330, Encumbrance/Contract No. CX-DPD-2020-00011960, Commodity 97145, Vendor 263854.

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

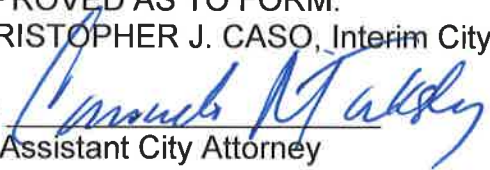
January 8, 2020

**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:

CHRISTOPHER J. CASO, Interim City Attorney

BY:

  
Assistant City Attorney





## Agenda Information Sheet

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**File #:** 19-1619

**Item #:** 12.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** Outside City Limits  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

---

### **SUBJECT**

A resolution authorizing the conveyance of a wastewater easement containing approximately 2,600 square feet of land to Kaufman County Municipal Utility District No. 5 for the construction, maintenance and use of wastewater facilities across City-owned land located in Kaufman County - Revenue: General Fund \$1,000.00

### **BACKGROUND**

This item authorizes the conveyance of a wastewater easement containing approximately 2,600 square feet of land to Kaufman County Municipal Utility District No. 5 for the construction, maintenance and use of wastewater facilities across City-owned land. This property will be used for Kaufman County Municipal Utility District's No. 5 Trinity Crossing Project. The consideration is based on an independent appraisal.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

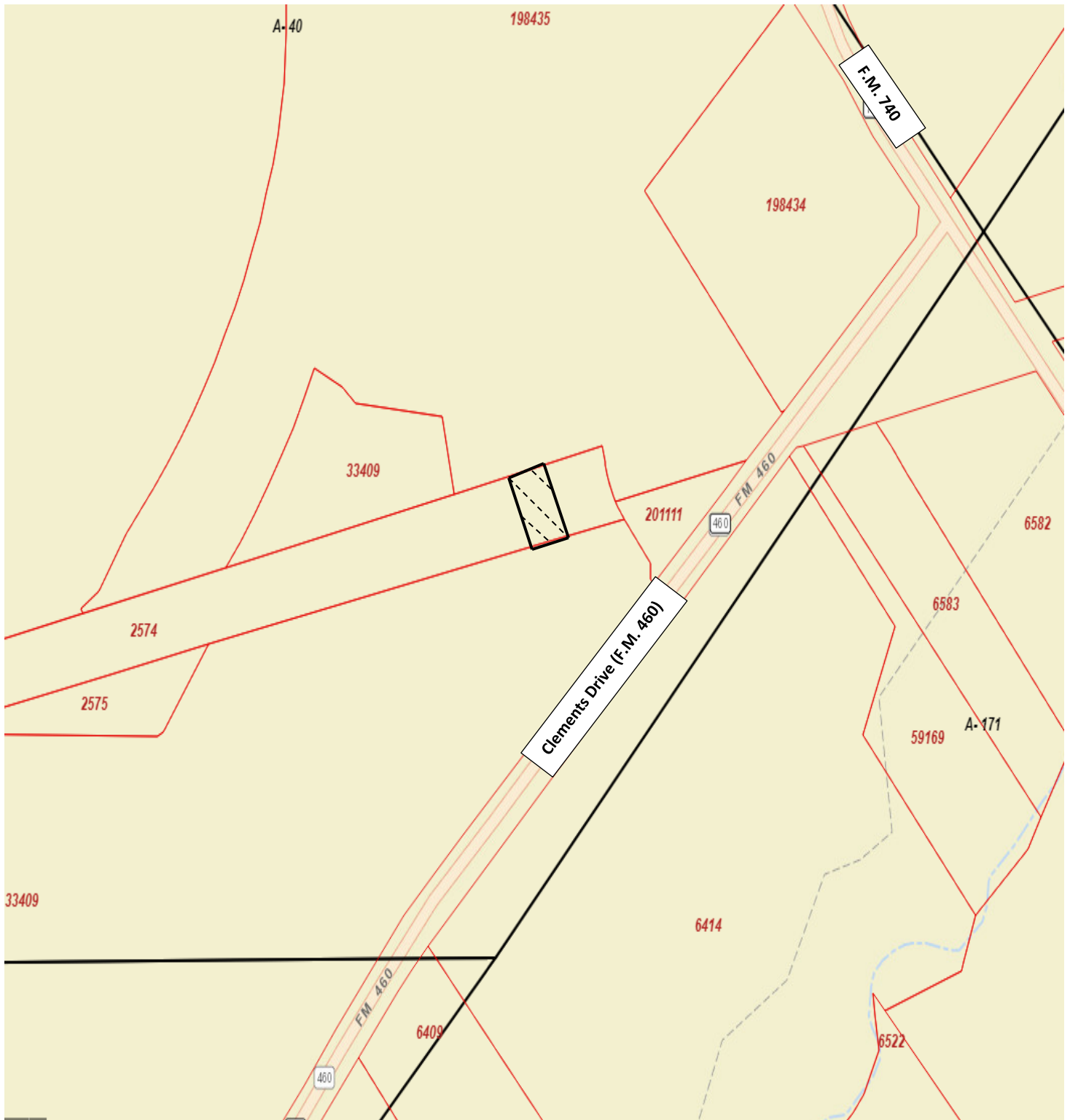
Revenue: General Fund \$1,000.00

### **OWNER**

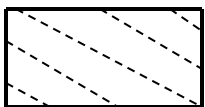
Kaufman County Municipal Utility District No. 5

### **MAP**

Attached



Wastewater Easement approx. 2,600 sqft near the intersection of Clements Drive (F.M. 460) and F.M. 740



January 8, 2020

**WHEREAS**, the City of Dallas owns a tract of land which is used for the Iron Bridge Water Transmission Line; and

**WHEREAS**, the Kaufman County Municipal Utility District No. 5 has requested a wastewater easement on said land for the construction, maintenance and use of wastewater facilities containing approximately 2,600 square feet located near the intersection of Clements Drive and F.M. 740, Kaufman County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes.

**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 DOLLARS (\$1,000.00)** from the Kaufman County Municipal Utility District No. 5, the City Manager or designee is hereby authorized to execute a Wastewater Easement, 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 Services-Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other 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-2019-00011746.

**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:  
CHRISTOPHER J. CASO, Interim City Attorney

BY: B. N. R. F.  
Assistant City Attorney

## EXHIBIT "A"

WASTEWATER EASEMENT  
Trinity Crossing  
James R. Briscoe Survey, Abstract No. 40  
*Kaufman County, Texas*

**BEING**, a 2,600 square foot (0.060 acre) tract of land situated in the James R. Briscoe Survey, Abstract No. 40, Kaufman County, Texas; said tract being part of the land shown as Lots 11 and 12 on Survey Plat titled Pecan Grove Estates, and recorded in Volume 1, Page 91 of the Plat Records of Kaufman County, Texas; said tract also being part of that certain 19.5 acre tract of land described in Agreed Judgment, Cause No. 5872 in which the City of Dallas, Texas, Petitioner acquired certain lands recorded in Volume 1370, Page 721 of the Official Public Records, Kaufman County, Texas; said 2,600 square foot tract being more particularly described as follows (bearing system for this survey is based on Grid North State Plane Coordinates of the Texas Coordinate System NAD83 (CORS96) Texas North Central Zone (4202), NAVD88):

**COMMENCING**, at a concrete right-of-way monument found at the north end of a right-of-way corner clip at the intersection of the southwesterly right-of-way line of F.M. Highway No. 740 with the northwesterly right-of-way line of F.M. Highway No. 460; said point also being the most northerly east corner of said Pecan Grove Estates;

**THENCE**, South 06 degrees 32 minutes 26 seconds West, along said corner clip and the east line of said Pecan Grove Estates, a distance of 67.66 feet to a found 1/2" iron rod with plastic cap stamped "Halff and Assoc" at the south end of said right-of-way corner clip; said point also being the most southerly east corner of said Pecan Grove Estates;

**THENCE**, South 46 degrees 44 minutes 53 seconds West, along the said northwesterly line of F.M. Highway No. 460 and southeast line of said Pecan Grove Estates, at a distance of 494.36 feet passing a found 5/8" iron rod with plastic cap stamped "WESTWOOD PS" at the northeast corner of that said 19.5 acre tract, continuing in all a total distance of 755.30 feet to a found 1/2" iron rod with plastic cap stamped "DTE" at the southeast corner of said 19.5 acre tract; said point also being the east corner of a 1.013 acre tract of land conveyed to the City of Dallas by deed of record in Volume 5851, Page 113, of said Official Public Records;

**THENCE**, South 76 degrees 37 minutes 44 seconds West, departing the said northwesterly line of F.M. Highway No. 460 and said southeast line of Pecan Grove Estates, and along a common boundary line between the said 19.5 acre tract and the 1.013 acre tract, passing at a distance of 442.30 feet the west corner of said 1.013 acre tract, along the southerly line of said 19.5 acre tract, continuing in all a total distance of 457.16 feet to a set 1/2" iron rod with plastic cap stamped "WESTWOOD PS" at the **POINT OF BEGINNING**;



## EXHIBIT "A"

### WASTEWATER EASEMENT

Continued...

**THENCE** South 76 degrees 37 minutes 44 seconds West, continuing along the said southerly line of the 19.5 acre tract, a distance of 20.00 feet to a set 1/2" iron rod with plastic cap stamped "WESTWOOD PS";

**THENCE** North 13 degrees 22 minutes 16 seconds West, departing the said southerly line of the 19.5 acre tract, a distance of 130.00 feet to a set 1/2" iron rod with a yellow cap stamped "WESTWOOD PS" in the common boundary line between the said 19.5 acre tract and a 76.319 acre tract of land described as Tract B in deed to Lennar Homes of Texas Land and Construction, Ltd. recorded in Volume 5428, Page 379 of said Official Public Records;

**THENCE** North 76 degrees 37 minutes 44 seconds East, along said common boundary line between the 19.5 acre tract and the 76.319 acre tract, a distance of 20.00 feet to a set 1/2" iron rod with a yellow cap stamped "WESTWOOD PS";

**THENCE** South 13 degrees 22 minutes 15 seconds East, departing said common boundary line between the 19.5 acre tract and the 76.319 acre tract, a distance of 130.00 feet to the **POINT-OF-BEGINNING**,

CONTAINING, 2,600 square feet or 0.060 acres of land, more or less.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.

R. Grossman

Roman L. Groysman

Registered Professional Land Surveyor

No. 5864

12/10/18

Date

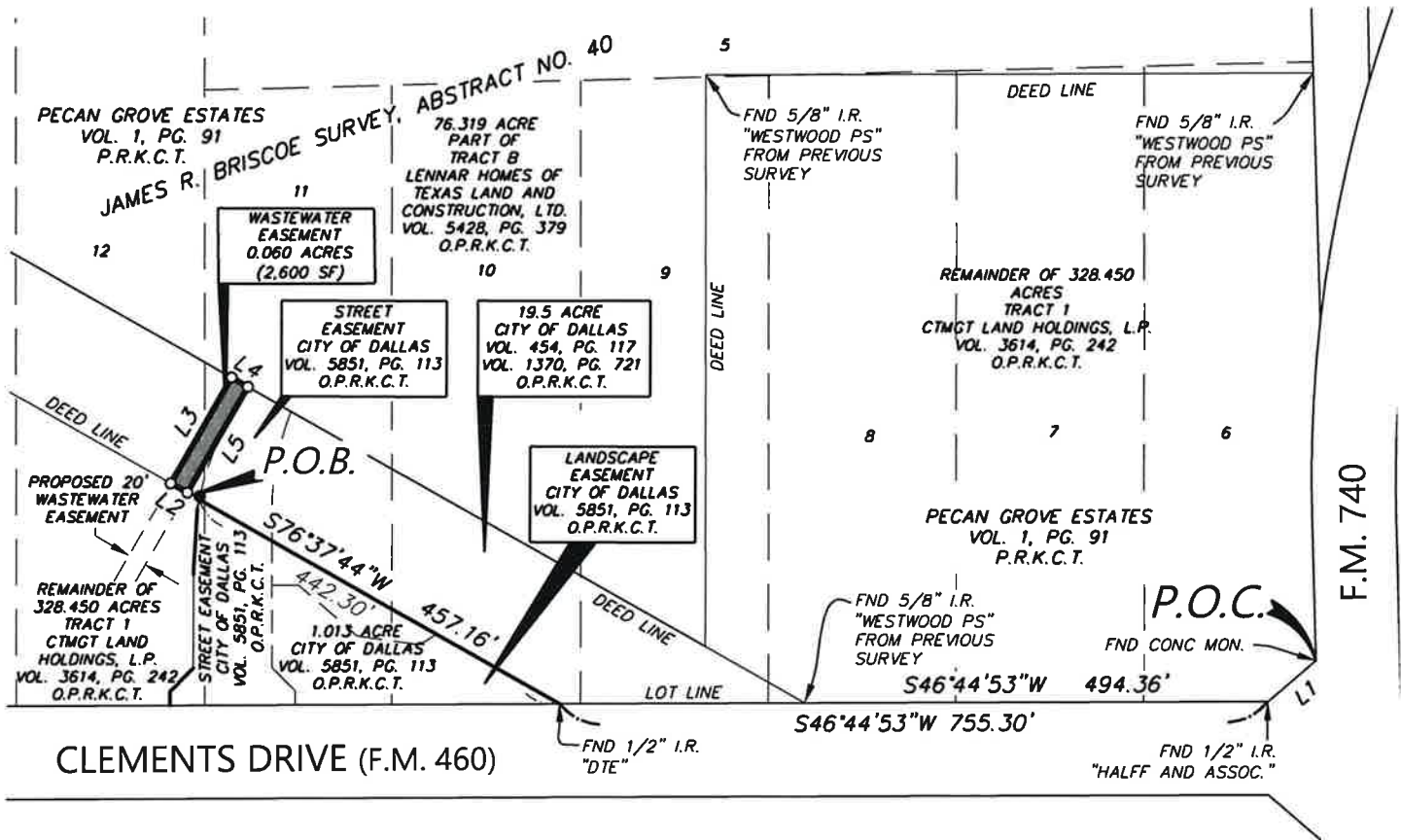




GRAPHIC SCALE 1"=200'



LINE TABLE		
LINE #	LENGTH	BEARING
L1	67.66'	S06°32'26"W
L2	20.00'	S76°37'44"W
L3	130.00'	N13°22'16"W
L4	20.00'	N76°37'44"E
L5	130.00'	S13°22'16"E



## LEGEND

VOL., PG.	VOLUME, PAGE
O.P.R.K.C.T.	OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS
P.R.K.C.T.	PLAT RECORDS, KAUFMAN COUNTY, TEXAS
R.O.W.	RIGHT OF WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
○	SET 1/2" IRON ROD "WESTWOOD PS"

## NOTES:

1. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS PLAT OF SURVEY.
2. BEARINGS FOR THIS DESCRIPTION CITED ARE BASED ON GRID NORTH STATE PLANE COORDINATES OF THE TEXAS COORDINATE SYSTEM NAD83 (CORS96) TEXAS NORTH CENTRAL ZONE (4202), NAVD88.



ROMAN L. GROYSMAN 12/10/2018  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5864

## TRINITY CROSSING

FORNEY E.T.J., KAUFMAN  
COUNTY, TEXAS

## Westwood

Phone (214) 473-4640 2740 Dallas Parkway, Suite 280  
Toll Free (888) 937-5150 Plano, TX 75093  
westwoodps.com  
Westwood Professional Services, Inc.  
TBPE Firm Reg. No. 11756  
TBPLS Firm Reg. No. 10074301

## 0.060 ACRE WASTEWATER EASEMENT

0008827.03ES

SHEET NUMBER:

3 OF 3

DATE: 12/10/2018

N:\0011118.00\DWG\SURVEY\EASEMENTS\2018-12-10 WASTEWATER ESMT - 0.060AC.DWG





## Agenda Information Sheet

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**File #:** 19-2025

**Item #:** 13.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A resolution amending **(1)** the City Plan Commission's Rules of Procedure; **(2)** the Landmark Commission's Rules of Procedure; and **(3)** the Board of Adjustment's Rules of Procedure by amending certain sections to comply with state law changes pertaining to input from members of the public - Financing: No cost consideration to the City

### **BACKGROUND**

In May 2019, the state legislature approved H.B. 2840 which became effective September 1, 2019. The law requires governmental bodies to allow members of the public to address the body on any item on an agenda before or during the body's consideration of the item. The law allows the governmental body to adopt reasonable rules regarding the public input, including rules that limit the total amount of time a member of the public may address the item. For those governmental bodies who do not provide simultaneous translation, the time limit for speakers requiring translation must be twice the amount given to the person not requiring translating.

The new law applies to quasi-judicial or rule-making bodies, which include the City Plan Commission (CPC), Landmark Commission (LMC), and the Board of Adjustment (BDA). CPC, LMC, and BDA altered the time allowed for speakers beginning with the September meetings to comply with the new law.

CPC, LMC, and BDA included language indicating a speaker needing translation would be given twice the amount of time as a member of the public not requiring translation assistance. All three bodies limited time for speakers on items not traditionally allowing speakers to three minutes. Each body also amended the rules for speakers on cases submitted to the body for consideration.

The CPC amended Section 5. Meeting Procedure in the CPC Rules of Procedure on October 24, 2019. Section 5(h) was amended to indicate that public input would be received before or during consideration of the item with a three-minute time limit. Members of the public may speak on approval of the minutes; approval of the annual report; appointments to committees; consideration of

development plans, minor amendments to plans, and two-year waiver requests. The time limit for speakers for cases was changed from 15 minutes for the applicant and supporters and 15 minutes for the opposition to three minutes per person. The CPC rules indicate that the applicant has the right to be the first speaker and has two minutes for rebuttal after the opposition has spoken.

The LMC amended Section 6. Meetings in the LMC Rules of Procedure on September 4, 2019. Section 6(G) was added to indicate that public input would be received before or during consideration of an item other than those listed in Section 6(H)(3) and is limited to three minutes per person. These items include but are not limited to approval of minutes, appointments of task force members, special recognitions, and approval of the annual report. Section 6(H)(3) was amended to change the time limit for speakers on certificates of appropriateness, certificates of demolition, and certificates of eligibility from 15 minutes per side with no person speaking more than five minutes to each speaker having a three-minute limit.

The BDA amended Section 10. Public Testimony and Public Hearings at their September 2019 meetings. The title was amended to add public testimony. Section 10(f) was amended to indicate public input would be received before or during consideration of an item other than a case and is limited to three minutes per person. These items include but are not limited to approval of minutes, approval of the annual report, requests for extensions or fee waivers, and compliance cases. Section 10(g) was amended to clarify the order of speakers on a variance or special exception request. The applicant speaks first followed by speakers in favor and then speakers in opposition. After the opposition, the applicant has the ability to speak again. The BDA does not have limits on the amount of time speakers on a case may speak.

CPC, LMC, and BDA approved amendments to their rules of procedures and are presenting the amendments to City Council for consideration and adoption. The revised rules of procedure are attached. The amendments comply with the state law and follow the recently adopted amendments to Chapter 8.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 4, 2019, the Landmark Commission approved the proposed amendments to their Rules of Procedure.

On September 16, 17, and 18, 2019, the Board of Adjustment panels approved the proposed amendments to their Rules of Procedure.

On October 24, 2019, the City Plan Commission approved the proposed amendments to their Rules of Procedure.

### **FISCAL INFORMATION**

No cost consideration to the City.



**COUNCIL CHAMBER**

January 8, 2020

**WHEREAS**, the 86<sup>th</sup> Texas Legislature met between January 8, 2019 and May 27, 2019;

**WHEREAS**, H.B. 2840 requires governmental bodies to allow members of the public to address the body on any action item on an agenda before or during the body's consideration of the item;

**WHEREAS**, H.B. 2840 requires governmental bodies, who do not provide simultaneous translation, to provide twice the amount speaking time to a speaker requiring translation;

**WHEREAS**, H.B. 2840 allows the governmental body to adopt reasonable rules regarding public input, including rules that limit the total amount of time a member of the public may address the item;

**WHEREAS**, H.B. 2840 was approved by both chambers of the Texas Legislature;

**WHEREAS**, H.B. 2840 was signed by Governor Greg Abbott on June 10, 2019;

**WHEREAS**, H.B. 2840 became law on September 1, 2019;

**WHEREAS**, Section 51A-3.101(d)(3) of the Dallas Development Code requires City Council approval of amendments to the City Plan Commission rules of procedure;

**WHEREAS**, the City Plan Commission voted to amend its rules of procedure to comply with H.B. 2840 on October 24, 2019;

**WHEREAS**, Section 51A-3.102(e)(3) of the Dallas Development Code requires City Council approval of amendments to the Board of Adjustment rules of procedure;

**WHEREAS**, the Board of Adjustment voted to amend its rules of procedure to comply with H.B. 2840 on September 16, 17, and 18, 2019;

**WHEREAS**, Section 51A-3.103(d)(4) of the Dallas Development Code requires City Council approval of amendments to the Landmark Commission rules of procedure;

**WHEREAS**, the Landmark Commission voted to amend its rules of procedure to comply with H.B. 2840 on September 4, 2019; and

**WHEREAS**, the City Council desires to approve the amendments to the City Plan Commission rules of procedure, the Board of Adjustment rules of procedure, and the Landmark Commission rules of procedure in the attached instruments; Now, Therefore,

*APPROVED* \_\_\_\_\_  
HEAD OF DEPARTMENT

*APPROVED* \_\_\_\_\_  
DIRECTOR OF FINANCE

*APPROVED* \_\_\_\_\_  
CITY MANAGER

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

**SECTION 1.** That the amendments to the City Plan Commission rules of procedure, the Board of Adjustment rules of procedure, and the Landmark Commission rules of procedure in the attached instruments are approved by the City Council of the City of Dallas.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

*APPROVED* \_\_\_\_\_ *APPROVED* \_\_\_\_\_ *APPROVED* \_\_\_\_\_  
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

# **CITY PLAN COMMISSION RULES OF PROCEDURE**

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## SECTION 1. INTERPRETATION.

- (a) The powers and duties of the commission are outlined in Chapter XV, Sections 3 and 4 of the City of Dallas Charter and Section 51A-3.101 of the Dallas Development Code, as amended. [Dallas City Charter Chapter XV, Sections 3 and 4; Dallas Development Code §51A-3.101]
- (b) Words used in the present tense include the future tense.
- (c) Words in the singular include the plural, and words in the plural include the singular.
- (d) These rules apply to all committees of the commission, except where the context clearly indicates otherwise.

## SECTION 2. DEFINITIONS.

- (a) "BRIEFING" means the scheduled portion of the commission's meeting at which information is given to the commission regarding items scheduled for consideration by the commission.
- (b) "COMMISSION" means the city plan and zoning commission as described in Chapter XV, Sections 3 and 4 of the City of Dallas Charter, and in Section 51A-3.101 of the Dallas Development Code, as amended. [Dallas City Charter Chapter XV, Sections 3 and 4; Dallas Development Code §51A-3.101]
- (c) "CHAIR" means the presiding officer of the commission unless the context clearly indicates otherwise. [Dallas City Code §8-1(2)]
- (d) "DIRECTOR" means the director of the department of development services, or the director's designee.
- (e) "INSPECTION TRIP" means the scheduled site inspection for items on the commission's agenda.
- (f) "MEETING" means a regular or special meeting of the commission and includes all briefings and the inspection trip.
- (g) "MEMBER" means a duly appointed member of the commission. [Dallas City Code §8-1(4)]
- (h) "SIGNIFICANT CHANGE" means a change to a zoning application that results in any of the following:
  - (1) an increase in the maximum number of dwelling units per acre or per lot.

- (2) an increase in maximum structure height.
- (3) an increase in the maximum floor area ratio.
- (4) an increase or decrease in building setbacks.
- (5) an increase in maximum lot coverage.
- (6) an increase or decrease in the landscaped area.
- (7) an increase or decrease in the number of required parking spaces.

### SECTION 3. OFFICERS.

#### (a) Chair.

- (1) The chair, when present, shall preside at all meetings. In the absence of the chair, the vice-chair shall exercise the powers of the chair. If the chair ceases to preside during a meeting, and no vice-chair is available, the chair may, subject to the approval of the commission, appoint a temporary chair. The first adjournment puts an end to this appointment. [Dallas City Code §8-9(a)]
- (2) In the absence of the chair and vice-chair, the commission shall elect a temporary chair. The election does not survive the meeting in which it is made. [Dallas City Code §8-9(a) and (c)]
- (3) A temporary chair may be removed by a two-thirds vote of the commission. If the temporary chair is removed, the members must elect a new temporary chair. This election does not survive the meeting in which it is made.
- (4) The chair shall rule on points of order and procedures that are brought up in meetings. A member may appeal to the commission from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly state reasons for the appeal and the chair may briefly explain the ruling, but there may be no debate on the appeal, and no other member may participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Aye," the ruling of the chair is sustained; otherwise it is overruled. [Dallas City Code §8-9(b) and §8-15]
- (5) The chair must be referred to as Mr. or Madam chair. [Dallas City Code §8-1(2) and §8-9(d)]
- (6) The chair shall preserve order and decorum and shall appoint a sergeant-at-arms and a deputy to enforce compliance with the Dallas City Code and these rules. The chair shall take such disciplinary actions as may be necessary to insure that decorum is preserved at all times. [Dallas City Code §8-10]

- (7) The chair shall state all questions submitted for a vote, call for an affirmative and negative vote, and announce the result. A roll call vote must be taken when requested by a member. [Dallas City Code §8-11]
- (b) Vice-chair. In the absence of the chair, the vice-chair shall preside and fulfill all the duties of the chair. [Dallas City Code §8-9(a)]
- (c) Commission secretary.
  - (1) The commission secretary shall be generally responsible for the clerical work of the commission, under the direction and supervision of the director. The commission secretary shall:
    - (A) keep the minutes of all meetings and proceedings showing the vote of each member, insuring that the minutes are filed with the city secretary's office within the time required by the commission rules;
    - (B) maintain the original audio and video tape recording of all meetings;
    - (C) prepare the agendas to be distributed to the members and type letters and memoranda requested by the commission; and
    - (D) inform members of meetings.

#### SECTION 4. MOTIONS.

- (a) Equal right to make motions. All members have an equal right to make a motion on any item before the commission.
- (b) Holding motions. When recognized by the chair, a member may state a readiness to make a motion. It is the privilege of the chair, if the chair thinks debate is not ended, to ask the member to hold the motion. The member may defer to the chair's request or make the motion. If the member defers to the request, the chair must return to that member prior to accepting a motion from any other member.
- (c) Reconsideration.
  - (1) Unless the city council refers an item back to the commission, a motion to reconsider is the exclusive method by which an item can again be brought before the commission after a final vote has been taken.
  - (2) A motion to reconsider may not be made later than the next meeting.
  - (3) A motion to reconsider can only be made by a member who voted with the prevailing side.

- (4) A motion to reconsider can be seconded by any member.
- (5) An item may not be twice reconsidered, except by unanimous consent of the commission.
- (6) The motion to reconsider must be on an agenda that is publicly posted. In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted.
- (7) A motion to reconsider may be placed on the agenda using the procedure outlined in Section 5(b).
- (8) Once an action reaches the floor of the city council, the commission may not change it. Once an action can no longer be changed by the commission, it may not be reconsidered.
- (9) Except as provided in Section 51A-4.701(d) of the Dallas Development Code, after a request for a change in a zoning district classification or boundary has been finally voted on and all possibilities of reconsideration have been exhausted, no further applications may be considered for that property for two years from the date of the final decision. [Dallas Development Code §51A-4.701(d)]
- (10) An item referred back to the commission by the city council is a new item.

## SECTION 5. MEETING PROCEDURE.

- (a) Items taken in order. The items on the agenda must be acted upon in the order in which they appear, except upon majority vote of the commission.
- (b) Agenda.
  - (1) Members may have an item placed on the agenda if the request is in writing and provided to the assistant director or the commission secretary by 4:00 p.m. the Friday preceding the meeting at which the members want the item considered.
    - Consideration of the authorization of a public hearing may be placed on the agenda if the request is signed by three members.
    - A motion to reconsider may be placed on the agenda if the request is signed by one member.
    - Any other item may be placed on the agenda if the request is signed by five members.

An item must be placed on the agenda within 30 days after delivering the request to the assistant director or commission secretary.

- (2) Notice of all special and regular meetings of the commission must be published in accordance with the Texas Open Meetings Act. [Texas Government Code Chapter 551; Dallas City Code §8-6(c) and §8-7]
- (c) Calendar.
- (1) The commission shall adopt a calendar of meeting times and events on a regular basis. This calendar should cover no less than a 90-day period from the date it is adopted.
  - (2) The chair may call special meetings at any time. The chair shall call a special meeting upon the written request of one-third of the members. [Dallas City Code §8-3]
- (d) Discussion of motion.
- (1) The chair shall require members to limit discussion to the question under consideration. [Dallas City Code §8-10 and §8-13]
  - (2) All discussion must be addressed to the chair and not to individual members.
  - (3) No member may speak more than once upon any one item until every other member choosing to speak on the item has spoken, and no member may speak more than twice upon any one item, nor for longer than five minutes each time, without a two-thirds vote of the members present. The ten minute limitation includes time expended by the member on discussion and debate. [Dallas City Code §8-16]
  - (4) A member, once recognized by the chair, may not be interrupted while speaking unless called to order by the chair or a point of order is raised by another member. If a member is called to order while speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member may proceed. If ruled to be not in order, the member shall remain silent or shall alter the remarks so as to comply with rules of the commission. [Dallas City Code §8-15]
  - (5) No member may address the chair or demand the floor while a vote is being taken. [Dallas City Code §8-13]
- (e) Intermissions. Intermissions may be taken at regular intervals during meetings. The chair shall announce the length of the intermission. Members must promptly return to the meeting room after the intermission.
- (f) Public nature of meetings.
- (1) All hearings of the commission are open to the public unless pertaining to matters authorized under the Texas Open Meetings Act to be discussed in



executive session. [Texas Government Code Chapter 551; Dallas Development Code §51A-3.101(d)(1); Dallas City Code §8-6(a) and §8-25(a)]

- (2) Meetings are held every Thursday in the city council chambers at 1:30 p.m., or as often, and at another time and place, as the chair or commission may determine.
- (g) Closed public hearings. A person may not address the commission after the public hearing has been closed unless the public hearing is renotified.
- (h) Citizen speakers.
  - (1) Each member of the public who desires to address the commission regarding an item on an agenda shall be allowed to address the commission at a designated time before or during the commission's consideration of the item.
  - (2) No person may speak for more than three minutes. For the public hearing items, those persons wanting the commission to approve the application shall speak first. The applicant has a right to be the first speaker. After all opposition and undecided speakers have spoken, the applicant shall have two minutes for rebuttal. [After an item is called, the applicant will have a total of 15 minutes to address the commission, including rebuttal time, and the opposition will have a total of 15 minutes to address the commission. The applicant may reserve its entire time for rebuttal.] Time spent asking and responding to questions asked by [of] members of the commission is not included in these time limits.
  - (3[2]) In the case of a commission or city council authorized hearing, there is no rebuttal time. Proponents of the proposed zoning will have a total of three [15] minutes per person to address the commission and opponents will have a total of three [15] minutes per person to address the commission.
  - (4) A member of the public who addresses the commission through a translator must be given twice the amount of time as a member of the public who does not require the assistance of a translator.
  - (5[3]) The commission may shorten or extend the time for citizen speakers by a majority vote of the members present.
- (i) Uncontested cases. The commission secretary may place items that are recommended for approval by city staff on an uncontested agenda. When the planning department representative calls the uncontested agenda, the representative shall state the item number, the applicant, the location, the nature of the item, and the staff recommendation. An item on the uncontested agenda must be considered individually as a regular agenda item if there is anyone present to speak in opposition of staff's recommendation or a member so requests. Any items remaining on the uncontested agenda must be approved as a group without the need for testimony from the applicant.

- (j) Action of the commission. Each item must be decided upon its own merits and upon the circumstances of the item, and therefore no action of the commission sets a precedent for another item.
- (k) Public records. The decisions and official records of the commission are public records except as provided by the Texas Open Records Act. [Texas Government Code Chapter 552; Dallas Development Code §51A-3.101(d)(2); Dallas City Code §8-6(a)]
- (l) Quorum. At the beginning of each regular or special meeting, the chair shall determine whether a quorum exists. A quorum exists when there are physically present a simple majority of the members officially appointed to the commission, regardless of the total number of members actually provided for the commission, except that a quorum may not be fewer than six members. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and either re-schedule the meeting at its next regular time or call a special meeting, depending on the circumstances. [Dallas City Code §8-4]
- (m) When zoning cases shall be held.
  - (1) Except as otherwise provided in this subsection, the commission shall hold a zoning case under advisement for at least two meetings if the applicant requests any of the following changes to a zoning application after staff has finalized the case report:
    - (A) a request for a zoning district classification that neither the applicant, staff, or a member had proposed beforehand.
    - (B) a request for a significant change.
    - (C) a request for any other changes that the commission finds individually or collectively, alter the fundamental character of the proposal, or that significantly affect the impact of the proposal on adjacent properties or on area transportation facilities.
  - (2) The requirement in Subsection (m)(1)(B) does not apply if the commission determines by a majority vote that the impact of the proposed change in the commission's judgement is *de minimus* in nature.
  - (3) The requirement in Subsection (m)(1)(B) does not apply if the commission determines by a majority vote to deny the application.

## SECTION 6. CANCELLATION OF SCHEDULED MEETING.

- (a) The chair may, in inclement weather, cancel a meeting if the chair notifies the director by 10:00 a.m. the morning of the meeting.
- (b) Upon receipt of notification of cancellation, the director shall immediately:

- (1) notify all members, applicants or their representatives, and any other person the director deems necessary to be notified of the cancellation of the meeting; and
- (2) post a notice of the cancellation with the posted agenda in all entrances to the city council chambers.

#### SECTION 7. CONDUCT OF MEMBERS.

- (a) The commission is governed by the rules of procedure and decorum for city commissions in Chapter 8 of the Dallas City Code, as amended. [Dallas City Code Chapter 8]
- (b) While in the meeting room, members shall:
  - (1) not use telephones;
  - (2) refrain from reading materials not pertinent to business of the commission; and
  - (3) refrain from any other activity that could divert their attention or that of other members from the matters before the commission.
- (c) A member temporarily absent from a meeting shall return to the meeting as soon as possible.
- (d) A member prevented from voting on a matter for reasons of a conflict of interest shall:
  - (1) refrain from further participation in the item;
  - (2) refrain from discussing the matter at any time with any other member of the commission or any other body that will consider the item;
  - (3) leave the room during debate and hearing;
  - (4) refrain from voting on the item; and
  - (5) file the appropriate disclosure form with the city secretary through the commission secretary before a vote or decision on the item. [Texas Local Government Code §212.017(d); Texas Local Government Code §171.004; Dallas City Code §8-14; Dallas City Code §12A-3]
- (e) Members desiring to speak shall address the chair. When recognized by the chair, a member shall confine remarks to the question under debate, avoid personalities and indecorous language, and refrain from impugning the motives of other members' argument or vote. [Dallas City Code §§8-13 and 8-22(b)]

- (f) Members shall maintain the confidentiality of any file, record, or other data that pertains to a land purchase, security, personnel, or legal matter. [Dallas City Code §8-14.1(a); Dallas City Code §12A-6(b)]
- (g) The right of a member to address the commission on a question of personal privilege is limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned. [Dallas City Code §8-19]
- (h) During meetings, members shall preserve order and decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings nor refuse to obey the orders of the chair or the rules of the commission. [Dallas City Code §8-22(a)]
- (i) A member, once recognized by the chair, may not be interrupted while speaking unless called to order by the chair or a point of order is raised by another member. If a member is called to order while speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member may proceed. If ruled to be not in order, the member shall remain silent or shall alter the remarks so as to comply with rules of the commission. [Dallas City Code §8-22(c)]
- (j) All members shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the commission and shall refrain at all times from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities. [Dallas City Code §8-22(d)]
- (k) Members shall confine their questions and remarks to the issues before the commission. [Dallas City Code §8-22(e)]
- (l) All recommendations, resolutions, reports, and findings of the commission must be submitted through established administrative procedures within the city to the appropriate city department or the city council. In no event may the members of the commission, either individually or as a commission, circumvent the administrative procedure through which such information is to pass. If no action is taken, or the resolution or suggestion is not properly passed to the city council or appropriate city officials, then, upon motion duly made, seconded, and passed by a majority of the members, the chair shall make known the wishes of the commission to the city council or appropriate city official. [Dallas City Code §8-26(a)]
- (m) Unless approved by the city council, members, either individually or as a commission, shall not present commission recommendations, resolutions, reports, or findings to persons or agencies outside the city organization except in the ordinary course of official commission meetings. [Dallas City Code §8-26(b)]
- (n) Under no circumstances shall members interfere in any manner with the employees who work with the commission. Members shall make their wishes known to the director, who shall handle the matter with the employees. [Dallas City Code §8-27]
- (o) If the city attorney has rendered a legal opinion regarding the commission's powers, duties, or responsibilities, the commission shall conform its actions with the legal

opinion unless the legal opinion conflicts with a decision by a court of competent jurisdiction. [Dallas City Code §8-28]

**SECTION 8. EXECUTIVE SESSIONS.** [Texas Government Code Chapter 551; Dallas City Code §8-6]

- (a) The commission may remove itself from an open meeting by moving to go into an executive session. Only matters authorized under the Texas Open Meetings Act may be discussed in executive session.
- (b) All communication in an executive session is privileged information. The privilege can only be waived by a member by formal waiver. Members are cautioned that discussing the privileged communication with the public, the media, or any other person not privy to the executive session may damage or waive the privilege.
- (c) The commission may only hold an executive session when:
  - (1) seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the commission's attorney to his client under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act;
  - (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;
  - (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;
  - (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;
  - (5) deliberating the deployment, or specific occasions for implementation, of security personnel or devices; or
  - (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. [Texas Government Code Chapter 551, Subchapter D]
- (d) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the commission shall follow the following procedure:

- (1) The chair shall announce that the commission is going into an executive session, identifying the section of the Texas Open Meetings Act under which the executive session is held.
- (2) The chair shall announce the date and time.
- (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
- (4) The chair shall announce the date and time at the beginning of the executive session.
- (5) The executive session must be tape recorded.
- (6) The chair shall announce the date and time at the end of the executive session.
- (7) After the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
- (8) The chair shall announce the date and time when the commission resumes the open meeting. [Texas Government Code Chapter 551, Subchapter E; Dallas City Code §8-6(b)]

#### SECTION 9. ATTENDANCE.

- (a) All members shall comply with the attendance rules set forth in Chapter XXIV, Section 17, of the City of Dallas Charter and Chapter 8 of the Dallas City Code, as amended.
- (b) Members may not be excused from attendance at a meeting unless for medical reasons certified to by a physician or unless excused by the commission and the city council. [Dallas City Charter Chapter XXIV, §17; Dallas City Code §8-20(a)]
- (c) A member who certifies visiting one or more, but not all, of the scheduled sites visited by the inspection trip is absent for the purpose of the attendance rules. A member will be counted absent unless the member attends both the inspection trip and the meeting, or the member represents that a personal inspection has been made of each location visited by the inspection trip and attends the meeting. A member can certify inspection trip attendance by submitting a "Personal Inspection of Sites" form to the commission secretary. [Dallas City Code §8-20.1]
- (d) A member may not leave a meeting without acknowledgment by the chair. A member who leaves a meeting after the commission has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, will be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting. [Dallas City Code §8-21]

- (e) A member absent from the meeting room because of a conflict of interest is not absent for purposes of the attendance rules.

#### SECTION 10. VOTING AND VOTING QUALIFICATIONS.

- (a) Every member present when a question is put shall vote either “yes” or “no,” unless the member is prevented from voting because of a conflict of interest. [Dallas City Code §8-17; Dallas Development Code §51A-3.101(b)]
- (b) A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on every question for the record unless prevented from voting by a conflict of interest. A member recorded present during a meeting who does not vote and who is not prevented from voting by a conflict of interest, will be recorded as having voted in the affirmative, unless the member has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. [Dallas City Code §8-17]
- (c) Whenever a vote is taken on an item, the chair shall call out the votes of each member in favor and each member in opposition, and shall announce the result. Members may not explain their votes during the voting. [Dallas City Code §8-18]
- (d) A member not present on the inspection trip may vote only on the items the member has personally inspected or the items not visited by the inspection trip.
- (e) Once cast and called out, no vote may be changed except through a reconsideration. Votes called out in error must be corrected immediately on the public record. Votes registered improperly in the minutes may be corrected by the procedure set forth in Section 11.

#### SECTION 11. MINUTES.

- (a) Within five days after any meeting, the commission secretary shall submit a list of members absent and a draft of the minutes to the city secretary. [Dallas City Code §8-8]
- (b) The draft of the minutes must be distributed to the commission not later than its next regular meeting.
- (c) Corrections to the minutes may be submitted to the commission secretary at any time up until the second regular meeting after the meeting at which the draft was distributed.
  - (1) Unless the corrections address changes in the registration of votes or changes in the wording of a motion, the commission secretary shall incorporate the changes.
  - (2) If corrections address changes in the registration of votes or changes in the wording of a motion, the commission secretary shall prepare the portion of the

official record relied on in the preparation of the draft and present it to the commission. The commission shall vote, after hearing the record, whether to accept the correction as submitted, modify the correction, or let the minutes stand.

- (d) The approved minutes must be filed in the office of the city secretary within five days after the meeting at which the minutes were finally approved. [Dallas City Code §8-8]

## SECTION 12. ENFORCEMENT.

- (a) The chair shall have members removed from the meeting for failure to comply with decisions of the chair or continued violations of the rules of the commission. If the chair fails to act, any member may move to require the chair to enforce the rules, and the affirmative vote of a majority of the commission will require the chair to act. [Dallas City Code §8-22(f)]
- (b) The chair shall have a member of the public making personal, impertinent, or slanderous remarks, or who becomes boisterous while attending a commission meeting, removed from the room. The chair shall not permit unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations, and shall have offenders removed from the room. The chair shall bar the person removed from attendance for the balance of the meeting. Aggravated cases will be prosecuted on appropriate complaint signed by the chair. If the chair fails to act, any member may move to require enforcement of the rules, and the affirmative vote of the majority of the commission will require the chair to act. [Dallas City Code §8-25(b) and (c)]

## SECTION 13. COMMITTEES.

- (a) Standing committees. The standing committees of the commission are:
  - (1) Arts District Sign Review Committee.
  - (2) Rules Committee.
  - (3) Special Sign District Advisory Committee.
  - (4) Subdivision Review Committee.
  - (5) Thoroughfare Committee.
  - (6) Trinity River Committee.
  - (7) Urban Design Advisory Committee (UDAC).
  - (8) Zoning Ordinance Advisory Committee (ZOAC).



- (b) Ad hoc committees. The chair may create ad hoc committees from time to time to study and make recommendations on specific issues. An ad hoc committee must have at least three persons, one of whom must be a member. An ad hoc committee must be established for a designated time, which may be extended by the chair.
- (c) Placing an item on a committee agenda.
  - (1) Any member may have an item placed on the committee's agenda if the request is in writing, signed by five members or a majority of the committee, and the request is provided to the commission secretary by 4:00 p.m. the Friday preceding the meeting at which the five members or a majority of the committee wants the item considered.
  - (2) Items to be considered by a committee must be scheduled on the committee's agenda in the order received, unless otherwise directed by the commission or city council.
- (d) Committee rules.
  - (1) All committees shall determine their meeting times. The date, time, and place of each committee meeting must be published in the commission's agenda.
  - (2) The attendance rules in Chapter 8 of the Dallas City Code apply to all committees.
  - (3) A majority of the appointees constitutes a quorum of any committee.
  - (4) Any item may be taken from a committee and considered by the commission upon a majority vote of all members.
  - (5) Committees shall undertake the responsibilities as directed by the commission.
  - (6) Recommendations made by committees are not binding on the commission.
  - (7) Appointees shall promptly disclose any conflict of interest to the committee, shall refrain from further participation in the item, and may not be present during any discussion or voting on the matter.
  - (8) Committee agendas must be posted on a bulletin board at a place convenient to the public in the city hall in accordance with the Texas Open Meetings Act. [Texas Government Code Chapter 551]
- (e) Committee creation, membership, and appointment.
  - (1) Except as provided in this section and by applicable provisions of the Dallas City Code, all committees are created by the commission.
  - (2) Appointment.

- (A) Ad hoc committees. The chair shall appoint appointees to ad hoc committees and the chair and vice chair of ad hoc committees.
  - (B) Standing committees.
    - (i) Except for the arts district sign review committee and the special sign district advisory committee, the chair shall appoint appointees to standing committees and shall appoint the chair and vice chair of standing committees.
    - (ii) Appointments to the arts district sign review committee are made by the commission in accordance with Section 51A-7.1204(d).
    - (iii) Appointments to the special sign district advisory committee are made by the commission in accordance with Section 51A-7.504(a).
    - (iv) If no objection is raised within 30 days after the appointments by any member, the appointments are approved for a two-year period that runs concurrently with the terms of the commission. To raise an objection to any appointments made by the chair, a member must submit a letter identifying the appointment objected to, and the grounds for which such objection is made, to the commission secretary. The commission secretary shall present any objection to the commission for consideration.
  - (C) Vacancies. Any vacant position on a committee must be filled using the applicable procedure described in Subparagraphs (A) and (B), regardless of when the vacancy arises.
  - (D) Temporary members. The chair or vice chair of any committee may appoint any member of the commission as a temporary member of such committee for the sole purpose of meeting quorum requirements. The first adjournment puts an end to this appointment.
- (3) Each member, with the exception of the chair, must be appointed to at least one committee unless excused by the chair at the request of the member.
- (f) Standing committees.
- (1) Arts District Sign Review Committee. The committee is governed by Section 51A-7.1204 of the Dallas Development Code, as amended. If there is a conflict between this section and Section 51A-7.1204 of the Dallas Development Code, Section 51A-7.1204 controls. [Dallas Development Code §51A-7.1204]
  - (2) Rules Committee. The committee shall make recommendations to the commission on proposed amendments to the commission's rules of procedure.

(3) Special Sign District Advisory Committee.

- (A) The committee is governed by Section 51A–7.504 of the Dallas Development Code, as amended. If there is a conflict between this section and Section 51A-7.504 of the Dallas Development Code, Section 51A-7.504 controls. [Dallas Development Code §51A-7.504]
- (B) The committee shall also make recommendations to the commission on amendments to Article VII, “Sign Regulations,” of the Dallas Development Code after carefully considering the impact of proposed amendments; ensuring that amendments meet the spirit and intent of the Dallas Development Code and do not contradict other existing regulations; and receiving input from citizens, interest groups, professional organizations, and any other groups or individuals deemed appropriate.

(4) Subdivision Review Committee.

- (A) The committee shall review and make recommendations to the commission on an applicant’s appeal of the:
  - (i) city staff’s proposed preliminary plat conditions, and
  - (ii) subdivision administrator’s determination regarding satisfaction of preliminary plat conditions.
- (B) The committee shall review and make recommendations to the commission on requests for street name changes.
- (C) The committee shall make recommendations to the commission on amendments to Article VIII, “Plat Regulations,” of the Dallas Development Code after carefully considering the impact of proposed amendments; ensuring that amendments meet the spirit and intent of the Dallas Development Code and do not contradict other existing regulations; and receiving input from citizens, interest groups, professional organizations, and any other groups or individuals deemed appropriate.

(5) Thoroughfare Committee.

- (A) The committee shall review and make recommendations to the commission on proposed amendments to the city's Thoroughfare Plan, or the Central Business District Streets and Vehicular Circulation Plan.
- (B) The committee shall review all traffic management operations, and DART-related transportation issues that would affect or amend the city's Thoroughfare Plan, or the Central Business District Streets and Vehicular Circulation Plan.

- (C) The committee shall make recommendations to the commission on amendments to Article IX, “Thoroughfares,” in the Dallas Development Code after carefully considering the impact of proposed amendments; ensuring that amendments meet the spirit and intent of the Dallas Development Code and do not contradict other existing regulations; and receiving input from citizens, interest groups, professional organizations, and any other groups or individuals deemed appropriate.
- (6) Trinity River Committee.
  - (A) Responsibilities. The committee shall provide recommendations on planning and design of the Trinity River Corridor, including the area in the Trinity River Corridor Comprehensive Land Use Plan.
  - (B) Membership.
    - (i) The committee must be composed of four members and five citizens. The five citizens must include a representative of the cultural or arts community, a representative of residential neighborhoods, a representative of the central business district, an architect or urban planner, and a landscape architect.
    - (ii) The chair and vice-chair of the committee must be members.
- (7) Urban Design Advisory Committee (UDAC).
  - (A) Responsibilities. The committee shall:
    - (i) provide recommendations for improving urban design;
    - (ii) provide recommendations on planning and design of the central business district; and
    - (iii) provide recommendations on land use studies except those addressed by the Trinity River Committee.
  - (B) Membership.
    - (i) The committee must be composed of two members and five citizens. The five citizens must include a representative of the cultural or arts community, a representative of residential neighborhoods, a representative of the central business district, an architect or urban planner, and a landscape architect.
    - (ii) The chair and vice-chair of the committee must be members.

- (C) Terms. An appointee who has served on the committee for four consecutive two-year terms is ineligible to serve on the committee until at least one two-year term has elapsed.
- (D) Reporting. Any member serving on the committee may inform the commission about the committee's discussions and recommendations during the briefing of an item.
- (E) The procedures in this paragraph supplement the procedures in Section 13, "Committees" and apply only to UDAC. If there is a conflict between this paragraph and Section 13, this paragraph controls.

(8) Zoning Ordinance Advisory Committee (ZOAC).

- (A) Responsibilities. The committee shall make recommendations to the commission on amendments to Article IV, "Zoning Regulations," Article X, "Landscape and Tree Preservation Regulations," Article XII, "Gas Drilling and Production Regulations," and Article XIII, "Form Districts," of the Dallas Development Code after carefully considering and understanding the impact of proposed amendments; ensuring that amendments meet the spirit and intent of the Dallas Development Code and do not contradict other existing regulations; and receiving input from citizens, interest groups, professional organizations, and any other groups or individuals deemed appropriate.

(B) Membership.

- (i) The committee must be composed of two or three members and five citizens.
  - (ii) The chair and vice-chair of the committee must be members.
- (C) Terms. An appointee who has served on the committee for four consecutive two-year terms is ineligible to serve on the committee until at least one two-year term has elapsed.
- (D) Reporting. Any member serving on the committee may inform the commission about the committee's discussions and recommendations during the briefing of an item.
- (E) Expedited processing of items.
  - (i) City staff shall submit items to the committee within 90 days after submission of a complete application or authorization by the commission or city council.

- (ii) The committee shall forward its recommendation to the commission within 90 days after submission of the item to the committee. The 90 day deadline may be extended by majority vote of the commission.
- (F) The procedures in this paragraph supplement the procedures in Section 13, “Committees” and apply only to ZOAC ~~[the committee]~~. If there is a conflict between this paragraph and Section 13, this paragraph controls.

SECTION 14. LIAISON TO LANDMARK COMMISSION.

- (a) The chair shall appoint a liaison to the Landmark Commission.
- (b) Any objections to appointments under this section must be made in accordance with the procedures for making objections outlined in Section 13(e)(2)(B) above.

SECTION 15. AMENDMENTS AND SUSPENSIONS. Any provision of these rules not governed by the City of Dallas Charter, Dallas City Code, Dallas Development Code, or state law may be temporarily suspended by a two-thirds vote of the members present.

SECTION 16. OTHER RULES OF PROCEDURE. The commission shall follow “Roberts Rules of Order Newly Revised” unless otherwise provided in the Dallas City Code, as amended. [Dallas City Code §8–5]

(Revised 8-24-16)

LANDMARK COMMISSION  
RULES OF PROCEDURE  
(Revised 9-4-19)

SECTION 1. AUTHORITY.

The Dallas City Code provides that the Landmark Commission may adopt rules to govern its proceedings that are not inconsistent with Chapter 8 of that code or state law. These Rules of Procedure establish guidelines to be followed by all persons at a meeting of the Commission, including members of the Commission, administrative staff, news media, and visitors. [City Code, Ch. 51A, Sec. 51A-3.103(d)(4).]

SECTION 2. INTERPRETATION. Unless the context clearly indicates otherwise:

- (A) Words used in the present tense include the future tense.
- (B) Words in the singular include the plural, and words in the plural include the singular.
- (C) These rules apply to all task forces of the Commission.

SECTION 3. DEFINITIONS. Unless the context clearly indicates otherwise:

- (A) BRIEFING means a statement by city staff to the Commission during a meeting concerning a matter on the agenda.
- (B) COMMISSION means the Landmark Commission.
- (C) CHAIR means the presiding officer of the Commission.
- (D) MEETING means a regular, special, or called meeting of the Commission and includes all briefings and official inspection tours.
- (E) MEMBER means a duly appointed member of the Commission.
- (F) OFFICIAL INSPECTION TOUR means a scheduled site inspection on the Commission's meeting agenda.

SECTION 4. DUTIES OF THE CHAIR.

- (A) The chair, when present, shall preside at all meetings. In the absence of the chair, the vice-chair shall exercise the powers of the chair. In the absence of the chair and vice-chair, the Commission shall elect a temporary chair. If the presiding officer ceases to preside during a meeting, and no council-appointed vice-chair is present, the presiding officer may, subject to the approval of the Commission, appoint a temporary chair. The first adjournment puts an end to this appointment. [City Code, Ch. 8, Sec. 8-9.]

- (B) A temporary chair may be removed by a two-thirds vote of the Commission. If the temporary chair is removed, a new temporary chair must be elected. This election does not survive the meeting in which it was held.
- (C) The chair shall rule on points of order and procedures that are brought up in meetings; however, a member may appeal to the Commission from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly explain the reason for the appeal and the chair may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The chair shall then put the question "shall the decision of the chair be sustained?". If a majority of the members present vote "Aye," the ruling of the chair is sustained; otherwise it is overruled. [City Code, Ch. 8, Secs. 8-9(b) and 8-15.]
- (D) In debate, the chair shall be referred to by official title and shall be addressed by prefixing Mr. or Madam, as the case may be, to that title. [City Code, Ch. 8, Sec. 8-9(d).]
- (E) The chair shall conduct each vote in accordance with Section 11 of these rules.
- (F) The chair shall dispense the business of the Commission in a just and orderly manner, including signing the minutes of each meeting and each certificate of appropriateness in accordance with the decision of the Commission.

## SECTION 5. MOTIONS.

- (A) Equal right to make motions. All members shall have an equal right to make a motion on any matter before the Commission.
- (B) Holding motions. When recognized by the chair, a member may state a readiness to make a motion. It is the privilege of the chair, if the chair thinks debate is not ended, to ask the member to hold the motion. The member may defer to the chair's request or make the motion at the member's option. If the recognized member defers to the request, the chair must return to that member prior to accepting a motion from any other member.
- (C) Reconsideration.
  - (1) Unless an item is referred back to the Commission by the City Plan Commission or City Council, a motion to reconsider is the exclusive method by which a matter can again be brought before the Commission after a final vote has been taken. A motion to reconsider any action of the Commission can be made not later than the next succeeding meeting. Such a motion can only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of the Commission.



- (2) In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted in accordance with applicable laws. If the subject matter is not on the agenda when made, the motion to reconsider must include a date when reconsideration of the previous action is proposed to be placed on the agenda.
- (3) Once an action reaches the floor of the City Plan Commission or City Council, it cannot be changed by the Commission. Once an action can no longer be changed by the Commission, it may not be reconsidered. Once a certificate of appropriateness is approved by the Commission, it cannot be reconsidered after the meeting in which the certificate is approved.
- (4) After a matter has been finally voted on and all possibilities of reconsideration have been exhausted, the matter may not again be brought before the Commission until at least six months from the date it was last voted on.
- (5) An item referred back to the Commission by the City Plan Commission or City Council is a new item.

## SECTION 6. MEETINGS.

- (A) Calendar. The Commission shall adopt a calendar of meeting dates, times, places, and events on a regular basis, to be held at a location within a public building. This calendar should cover no less than a 90-day time period from the date it is adopted. The Commission shall meet at least once each month, with additional meetings upon the call of the chair or upon petition of a simple majority of the members. [City Code, Ch. 8, Sec. 8-2 and Ch. 51A, Sec. 51A-3.103(d)(1).]
- (B) Placement of items on the agenda. The agenda shall include any item that a member requests be brought before the Commission. The request to place an item on the agenda must be provided to city staff at least 100 hours in advance of the day of the meeting at which the member wants the item considered unless the meeting is an emergency meeting, as described by state law, in which case the request to place an item on the agenda must be provided to city staff at least three hours in advance of the meeting. No person may remove an item from the agenda if a member has requested it in accordance with this paragraph.
- (C) Public notice. The agenda for all meetings shall be posted by the city secretary on the City's official bulletin board in accordance with the Texas Open Meetings Act and on the City's website. [Texas Government Code Sec. 551.043 and 551.050, and City Code, Ch. 8, Sec. 8-7.]
- (D) Quorum. A quorum exists when there are physically present a simple majority of the number of members officially appointed to the Commission, regardless of the total number of members actually provided for the Commission, except that a quorum may not be fewer than six members. [City Code Sec. 51A-3.103(b).]

- (E) Items taken in order. The items on the Commission agenda must be acted upon in the order in which they appear, unless, upon a majority vote, the Commission determines that:
- (1) the reordering of items will accommodate members of the public who have appeared to offer comment or testimony;
  - (2) the grouping of certain items together provides a more expeditious means to handle those items;
  - (3) the special nature of a particular item indicates that it should be acted upon earlier or later than the other items in the agenda; or
  - (4) a hardship is shown.
- (F) Discussion.
- (1) A member who desires to speak must be recognized by the chair. No member shall address the chair or demand the floor while a vote is being taken. [City Code, Ch. 8, Sec. 8-13.]
  - (2) All discussion must be limited to the question under consideration, and all discussion must be addressed to the chair and not to individual members. [City Code, Ch. 8, Secs. 8-10, 8-22(b), and 8-22(e).]
  - (3) No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak on the subject shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes, without a two-thirds affirmative vote of the Commission. The five-minute limitation includes time expended by the member on discussion, debate, and asking questions. [City Code, Ch. 8, Sec. 8-16.]
  - (4) A member, once recognized, shall not be interrupted while speaking unless called to order by the chair, except when a point of order is raised by another member or the speaker chooses to yield to questions from another member. If a member is called to order while speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or otherwise comply with rules of the Commission. [City Code, Ch. 8, Sec. 8-22(c).]
  - (5) The right of a member to address the Commission on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned. [City Code, Ch. 8, Sec. 8-19.]

- (6) A member stopped from voting on a matter for reasons of financial interest shall:
- (a) refrain from discussing the matter at any time with any other member of the Commission or any other body that will consider the matter;
  - (b) leave the room during the debate and hearing; and
  - (c) refrain from voting on the matter. [City Code, Ch. 8, Sec. 8-14.]

(G) Public Testimony.

- (1) Each member of the public who desires to address the Commission regarding an item on an agenda shall be allowed to address the body before or during the Commission's consideration of the item.
- (2) ~~[Required statement.]~~ Each person who speaks at a public hearing must state his or her name, address, and, if applicable, who he or she represents.
- (3) Each speaker's time is limited to three minutes.
- (4) A member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body.

(H) Hearings for Certificates of Appropriateness, Certificate for Demolition or Removal, and Certificates of Eligibility.

- (1) Applications. An application for a certificate of appropriateness must be submitted in writing to the director of development services on a form provided by the city. The application must include two copies of all plans and other documents related to the work. [City Code, Ch. 51A, Sec. 51A-4.501.]
- (2) Consent and discussion agenda. The applications shall be divided into a consent agenda and a discussion agenda. The applications on the consent agenda shall be grouped together and the Commission shall take one vote on that entire agenda. Unless the Commission takes an application out of order in accordance with Section 6(E) of these rules, the Commission must vote on the consent agenda before voting on any application on the discussion agenda. Prior to the vote on the consent agenda, any member or city staff may remove an application from that agenda and place it on the discussion agenda. The applications on the discussion agenda shall be grouped by historic district and the districts shall be taken in alphabetical

order, unless the Commission takes an application out of order in accordance with Section 6(E) of these rules.

(3) Procedure. Each public hearing concerning an application for a certificate of appropriateness must be conducted in the following order:

- (a) City staff shall give a briefing concerning the application, including the address of the property for which the application has been made and a summary of the proposed work.
- (b) If applicable, city staff shall lead an official inspection tour of the property for which the application has been made.
- (c) City staff shall state the staff recommendation regarding the application.
- (d) The chair, or a member selected by the chair, shall state the task force recommendation regarding the application.
- (e) Each person wishing to speak on a certificate of appropriateness, certificate for demolition or removal, or certificate of eligibility on the agenda will be allowed three minutes to speak when the public hearing is opened. During hearings for certificates of appropriateness, certificates of demolition or removal, and certificates of eligibility [side of the issue shall have a maximum of 15 minutes to make a presentation, but no person may speak for more than five minutes.] ~~[side of the issue shall have a maximum of 15 minutes to make a presentation, but no person may speak for more than five minutes.]~~ t~~[T]~~hose persons who want the Commission to approve the application shall speak first. The applicant has the right to be the first speaker. After each person has finished speaking, any member may question the speaker. The questions and answers shall not count against the time allocated to that speaker ~~[side]~~. All evidence presented to the Commission during this time shall be placed in an appropriate file by the Commission's secretary.
- (f) After giving members an opportunity to ask questions, the chair shall close the public hearing. Each member may then address the Commission in accordance with Section 6(F) of these rules. After debate has been closed, the chair shall call for a motion regarding the application.
- (g) The Commission may alter the time limits in this subsection by a majority vote.

(I) Intermissions. Intermissions may be taken at regular intervals during meetings. The length of the intermission shall be announced by the chair, and members must return to their seats in the meeting room promptly at the conclusion of the intermissions.

## SECTION 7. CONDUCT OF MEMBERS.

- (A) While in the meeting room during a meeting, members shall comport themselves at all times in a manner consistent with the Code of Conduct contained in Article V of Chapter 8 of the Dallas City Code, as amended, and each member shall:
  - (1) not use the telephones in the meeting room;
  - (2) refrain from reading materials not pertinent to business of the Commission;
  - (3) refrain from any other activity that could possibly divert their attention or that of other members from the matters properly before the Commission as a whole; and
  - (4) during Commission meetings, members shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the chair or the rules of the Commission. All members shall accord the utmost courtesy to each other, to city employees, and to members of the public appearing before the Commission and shall refrain at all times from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities. [City Code, Ch. 8, Sec. 8-22(a) and (d).]
- (B) A member temporarily absent from a meeting shall return to the meeting as soon as possible.

## SECTION 8. CONDUCT OF CITIZENS AND OTHER VISITORS.

- (A) Citizens and other visitors are welcome to attend all public meetings of the Commission and will be admitted to the meeting room up to the fire safety capacity of the room. [City Code, Ch. 8, Sec. 8-25(a).]
- (B) Citizens and other visitors attending Commission meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members. Any person making personal, impertinent, profane, or slanderous remarks or who becomes boisterous while addressing the Commission or while attending a Commission meeting shall be removed from the room by the sergeant-at-arms if the chair so directs, and that person shall be barred from attending the remainder of that meeting. [City Code, Ch. 8, Sec. 8-25(b).]
- (C) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the chair, who shall direct the sergeant-at-arms to remove offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the chair. If the chair fails to act, any member may move to require the chair to act to enforce the rules, and the

affirmative vote of the majority of the Commission shall require the chair to act. [City Code, Ch. 8, Sec. 8-25(c).]

## SECTION 9. EXECUTIVE SESSIONS.

- (A) The Commission may remove itself from an open meeting by moving to go into an executive session. Only matters allowed under the Texas Open Meetings Act may be addressed in an executive session. All communication in an executive session is privileged information. The privilege can only be waived by a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. Members shall not intentionally or knowingly disclose any confidential government information gained by reason of the member's position. [City Code, Ch. 12A, Sec. 12A-6(b).] The Commission may only hold an executive session when:
- (1) seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the Commission's attorney to his client under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act;
  - (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;
  - (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;
  - (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;
  - (5) deliberating the deployment, or specific occasions for implementation, of security personnel or devices; or
  - (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. [Texas Government Code Chapter 551, Subchapter D.]

- (B) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the Commission shall follow the following procedure:
- (1) The chair shall announce that the Commission is going into an executive session, identifying the section of the Texas Open Meetings Act under which the executive session is held.
  - (2) The chair shall announce the time.
  - (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
  - (4) The chair shall announce the date and time at the beginning of the executive session.
  - (5) The executive session must be tape recorded.
  - (6) The chair shall announce the date and time at the end of the executive session.
  - (7) At the end of the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
  - (8) The chair shall announce the date and time when the Commission resumes the open meeting. [Texas Government Code Chapter 551, Subchapter E; Dallas City Code §8-6(b).]
- (C) No formal vote shall be taken in an executive session on any matter under consideration, nor shall a member enter into a commitment with another member respecting a vote to be taken subsequently in a public meeting of the Commission.

#### SECTION 10. ATTENDANCE.

- (A) All regular members must comply with the attendance rules in Chapter 8 of the Dallas City Code. No member shall be excused from attendance at a meeting unless for medical reasons certified to by a physician or unless excused by the Commission and the City Council. A member having three unexcused absences in succession shall forfeit membership on the Commission. A member who is absent from more than 25 percent of the regular meetings during any twelve month period, whether excused or not, shall forfeit membership on the Commission. Any office that has been forfeited under the provisions of this subsection shall be filled for the remainder of the term by appointment of the City Council. For purposes of this subsection, the record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment. [Dallas City Charter Ch. XXIV, Sec. 17; Dallas City Code Ch. 8, Sec. 8-20.]

- (B) A member may not leave a meeting without acknowledgment by the chair. A member who leaves a meeting after the Commission has been duly called to order and is absent for the remainder of the meeting without first obtaining the consent of the chair shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting. [City Code, Ch. 8, Sec. 8-21.]
- (C) A member absent from the meeting room because of a conflict of interest is not absent for purposes of the attendance rules.
- (D) A member will be counted absent unless the member attends both the inspection trip and the meeting, or the member represents that a personal inspection has been made of each location visited by the inspection trip and attends the meeting. A member who certifies visiting one or more, but not all, of the scheduled sites visited by the inspection trip is absent for the purpose of the attendance rules. A member can certify inspection trip attendance by submitting a "Personal Inspection of Sites" form to the Commission secretary. [Dallas City Code §8-20.1.]
- (E) A member who is not present for the briefing will be counted absent for the purpose of the attendance rules, but will be able to vote on items during the hearing.

#### SECTION 11. VOTING AND VOTING QUALIFICATIONS.

- (A) Every member present when a question is put shall vote either "yes" or "no," unless the member is prevented from voting because of conflict of interests. A member who is absent from the meeting during a vote and returns to or arrives at the meeting before adjournment shall, upon returning or arriving, vote on the question for the record unless prevented from voting by a conflict of interests. A member must be physically present in the meeting room to vote except that a member who is present during the meeting who does not vote and who is not prevented from voting by a conflict of interests shall be recorded as having voted in the affirmative, unless the member has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. [City Code, Ch. 8, Sec 8-17.]
- (B) The chair shall state each motion before it is submitted for a vote. The chair shall then call for an affirmative and negative vote, and announce the result. [City Code, Ch. 8, Sec. 8-11.]
- (C) A roll call vote shall be taken upon the request of any member. [City Code, Ch. 8, Secs. 8-11 and 8-18.]
- (D) Once cast and called out, no vote may be changed except through a reconsideration in accordance with Section 5(C) of these rules. Votes called out



in error must be corrected immediately on the public record. Votes registered improperly in the minutes may be corrected by following the procedure in Section 12 of these rules.

## SECTION 12. MINUTES.

- (A) Within five days after any meeting, a list of members absent from the meeting, and a draft of the minutes from that meeting must be filed in the office of the city secretary (or the Commission secretary in the case of a task force or committee meeting). [City Code, Sec. 8-8.]
- (B) The draft of the minutes shall be distributed to the Commission no later than the second official meeting after that meeting.
- (C) Corrections to the minutes may be submitted to the secretary of the Commission at any time up until the second official meeting after the meeting at which the draft was distributed.
- (D) Unless the corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall incorporate the changes.
- (E) If corrections address changes in the registration of votes or changes in the wording of a motion, the secretary shall prepare the portion of the official record relied on in the preparation of the draft and present it to the Commission. The Commission shall vote, after hearing the record, whether to accept the correction as submitted, modify the correction, or let the minutes stand.
- (F) The approved minutes shall be filed in the office of the city secretary within five days after the meeting at which the minutes were approved. [City Code, Sec. 8-8.]

## SECTION 13. ENFORCEMENT.

Members, citizens, and other visitors shall be removed from the meeting for failure to comply with decisions of the chair or continued violations of the rules of the Commission or the City Code. If the chair fails to act, any member may move to require the chair to enforce the rules, and the affirmative vote of a majority of the Commission shall require the chair to act. [City Code, Ch. 8, Sec. 8-22(f) and 8-25(c).]

## SECTION 14. TASK FORCES.

- (A) Purpose.
  - (1) Task forces provide technical expertise to property owners so that renovations, alterations, and new construction will be historically appropriate, consistent with the preservation criteria, and in keeping with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.

- (2) Task forces make recommendations to the Commission on applications for predesignation certificates of appropriateness, certificates of appropriateness (other than routine maintenance), and certificates for demolition or removal.
- (B) Creation. The Commission shall create task forces as needed. All task forces must be listed on the Commission's website. The Commission may add or delete task forces from this list without the approval of City Council. Additional task forces subject to the rules in this section may be created and added to these lists without approval of City Council. Task forces may be deleted upon a two-thirds vote of the Commission. The task forces of the Commission as of February 25, 2009 are:
  - (1) Central Business District, Harwood Street, West End, Deep Ellum, and Individual Landmarks.
  - (2) Fair Park.
  - (3) Peak's Suburban and LaVista Court.
  - (4) Swiss Avenue and Munger Place.
  - (5) South Boulevard-Park Row.
  - (6) State Thomas and Wilson Block.
  - (7) Wheatley Place and Tenth Street.
  - (8) Winnetka Heights and Lake Cliff.
  - (9) Junius Heights.
  - (10) Cemeteries and Open Spaces.
- (C) Nominees.
  - (1) The city staff will assemble a list of nominees to the task forces. Nominees will be solicited from, but not limited to, neighborhood associations, current task force members, the associations listed in Section 51A-3.103(a)(2) of the Dallas Development Code, and other community associations.
  - (2) All nominees shall submit an application to the Commission. Professional nominees shall also submit a resume to the Commission. The resume, if required, and the application must be submitted to the Commission prior to appointment.

(D) Qualifications. Regular and alternate members of task forces must meet the qualifications for service in Section 8-1.4(a)(4) (no litigation or claims against the city), (5) (no interest in litigation or claims against the city), (6) (not in arrears on any city taxes, water service charges, or other obligations owed the city), and (7) (creditable record of service) of the Dallas City Code. Regular and alternate members of task forces must meet, at the time of appointment and during the entire period of service, all qualifications for appointment.

(E) Appointment.

- (1) All appointments to task forces, other than ex-officio members, must be approved by the Commission.
- (2) The Director of the Department of Development Services, with the assistance of the Director of the Department of Code Enforcement, will assign the ex-officio members to the task forces.
- (3) Any vacant position on a task force must be filled by the same process for original appointment, regardless of when the vacancy arises.

(F) Membership.

- (1) The membership of each task force is to be composed of seven regular members.
  - (a) All task forces other than the Fair Park task force and the Cemeteries and Open Spaces task force shall consist of:
    - (i) four residents or property owners from the historic districts within the task force area;
    - (ii) one architect; and
    - (iii) two professionals in the fields of history, art, architecture, architectural history, urban history, urban planning, urban design, historic real estate development, landscape architecture, real estate appraisal, archeology, or historic preservation.
  - (b) The Fair Park task force has unique constraints and requirements because Fair Park has a single owner, the City of Dallas; it is a national historic landmark; and it is a state archeological landmark. The Fair Park task force shall consist of:

- (i) a representative of the State Fair of Texas,
  - (ii) a representative of Friends of Fair Park,
  - (iii) a representative of one other stakeholder or tenant of Fair Park, and
  - (iv) four professionals with experience in historic preservation who practice in the fields of architecture, historic preservation, engineering, landscape architecture, architectural history, urban design and planning, archeology, or historic real estate development. Of the professional members, at least two must have architectural or engineering training and at least two must have demonstrated active professional historic preservation expertise. One professional member may satisfy more than one of the minimum requirements for professional members.
- (c) The Cemeteries and Open Spaces task force shall consist of:
- (i) a representative of the park and recreation department or a member of the park board;
  - (ii) two members who either own property adjacent to a cemetery or open space that has been designated a city historic district or that are associated with a cemetery or open space that has been designated a city historic district; and
  - (iii) four professionals with experience in historic preservation who practice in the fields of architecture, historic preservation, engineering, landscape architecture, architectural history, urban design and planning, archeology, or historic real estate development. Of the professional members, at least two must have architectural or engineering training and at least two must have demonstrated active professional historic preservation expertise. One professional member may satisfy more than one of the minimum requirements for professional members.
- (2) At least two of the architects or professionals, as listed above in Subsections (F)(1)(a)(ii) and (iii), must not be a resident or own property within the task force area.
- (3) In addition to the regular members, two alternate members may be appointed to serve in the absence of the regular members. Of the alternate

members appointed to serve on the Fair Park task force, one must be a representative of a stakeholder as described in Subsection (F)(1)(b) and one must be a professional with experience in historic preservation in one of the fields listed in Subsection (F)(1)(b)(iv).

- (4) A code compliance officer and a member of city staff will serve as ex-officio members to each task force.
- (5) Members of the Commission may not serve on task forces.
- (6) A person may serve on more than one task force (provided the person meets the requirements for service).
- (7) Each task force member shall provide a phone number that may be made available to the public.
- (8) For task forces for nonresidential districts, representatives from the entities that use or are located in these districts may also be considered “residents or property owners.”

(G) Officers.

- (1) The task force chair shall be elected by the regular members at the first meeting after appointment of the task force. If the task force fails to elect a task force chair, the chair of the Commission shall select a task force chair.
- (2) The task force chair shall:
  - (a) enforce rules of order and decorum.
  - (b) encourage regular attendance by task force members, and ensure that attendance records are kept by city staff.
  - (c) sign the task force recommendation reports.
  - (d) ensure that meetings are recorded using audio cassettes or other appropriate electronic media or that minutes of the task force meeting are kept by city staff.
  - (e) ensure that site visits are made when necessary.
- (3) The task force shall elect a vice-chair. In the absence of the chair, the vice-chair shall exercise the powers of the chair.

(H) Terms.

- (1) Appointments are approved for a two-year period running concurrently with the terms of the members of the Commission. Members of the task forces must reapply every two years concurrently with appointment of the Commission.
- (2) A member may remain on the task force until that member is reappointed or replaced.
- (3) A task force member who fails to perform the duties required or fails to comply with the rules of conduct in Section 7 may be discharged at any time by a two-thirds vote of the Commission.

(I) Quorum.

- (1) A quorum consists of a simple majority of the appointed task force members.
- (2) If the task force is unable to obtain a quorum, the task force chair may reschedule the meeting. If the meeting is not rescheduled, the task force members present shall complete the task force recommendation report, noting that the task force was unable to obtain a quorum, and the individual task force members' comments may be forwarded to the Commission as comments only. Failure of a task force to obtain a quorum does not prevent the Commission from taking action on an application.

(J) Attendance.

- (1) The Commission may remove a task force member in accordance with Section 14(H)(3) for failure to perform his or her duties if the task force member is absent from an excessive number of task force meetings.
- (2) If the Commission removes a task force member due to an excessive number of absences, the Commission shall fill the position for the remainder of the term by appointing a new task force member.
- (3) A member is counted as present if a regularly scheduled meeting is canceled.
- (4) The record of a member's absences will begin with the first regular meeting after the 15th day from the date the member received notice of appointment.
- (5) Attendance rules do not apply to alternate members.

(K) Meetings.

- (1) Each task force shall have a regularly scheduled monthly meeting, except that a task force need not meet if it has no business.

- (2) Each task force, after consultation with city staff, shall set a regular, fixed meeting date, time, and location.
- (3) Special meetings may be called by the task force chair when necessary.
- (4) All task force meetings (special and regular) are open to the public. All task force meetings (special and regular) must comply with the Texas Open Meetings Act.
- (5) City staff shall notify any interested person or association of the date, time, and place of each task force regular and special meeting.
- (6) Task force meetings must be conducted in accordance with "Robert's Rules of Order."

(L) Agendas.

- (1) City staff shall supply an agenda to the task force, the designated contact person for the appropriate neighborhood or neighborhood association, and any persons who request to receive task force agendas.
- (2) The task force, with the assistance of city staff will identify the sections of the historic district ordinance and the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties relevant to each item at the meeting.
- (3) The task force agenda must be posted on a bulletin board at a place convenient to the public in the city hall in accordance with the Texas Open Meetings Act, and on the City's website.

(M) Task force recommendation reports and minutes.

- (1) Every task force member who is present at a meeting shall vote, except that a task force member may not vote if the task force member would be prevented from voting by Section 12A-3, "Improper Economic Benefit," of the Dallas City Code if the task force member were considered as a "city official." Ownership of property in the historic district does not constitute a financial interest in the case, unless the property is the subject of the application being considered.
- (2) If a quorum is present, the task force chair shall complete a written task force recommendation report on each application. The official task force recommendation report must indicate:
  - (a) The date, time, and location of the meeting.
  - (b) The task force members present.

- (c) Whether a quorum was obtained.
  - (d) Whether a site visit was made.
  - (e) The votes of the members.
  - (f) The recommendation of the task force.
  - (g) The basis for the recommendation of the task force.
  - (h) Any dissenting opinions.
  - (i) The name and address of any party who spoke in favor of, or in opposition to, any application.
  - (j) Task force members may attach individual comments to the task force recommendation report. An individual comment must be provided separately from the report, clearly indicating that it is an individual comment from the named member.
- (3) If a quorum is not present, the task force chair may reschedule the meeting. If the meeting is not rescheduled, the task force members present shall prepare comments. The lack of an official task force recommendation does not prevent the Commission from taking action on an application. The comments must indicate:
- (a) The date, time, and location of the meeting.
  - (b) The task force members present.
  - (c) That an insufficient number of members were present to provide an official task force recommendation and that the report is only informal comments.
  - (d) Whether a site visit was made.
  - (e) The comments of the task force members.
  - (f) The basis for the comments of the task force members.
  - (g) Any dissenting opinions.
  - (h) The name and address of any party who spoke in favor of, or in opposition to, each application.
  - (i) Task force members may attach individual comments to the comment report. An individual comment must be provided



separately from the report, clearly indicating that it is an individual comment from the named member.

- (4) Each task force shall keep minutes of its meetings or record its meetings using audio cassettes or other appropriate electronic media.
- (5) All actions of the task force are public. Task force recommendation reports and comments must be made available by the city staff to the public upon request. Recordings of task force meetings, or meeting minutes, as applicable, must be available for public inspection and copying in compliance with the Texas Public Information Act. At the earliest possible time, City staff shall send a copy of the task force recommendation report or comments and the city staff recommendation to the property owner and the designated contact person for the appropriate neighborhood or neighborhood association.
- (6) Task forces are advisory to the Commission. As such, actions taken or recommendations made by a task force are not binding on the Commission.

(N) Training.

- (1) The Commission, with the assistance of preservation professionals and city staff, shall provide training and reference notebooks to task force members at least once per term.
- (2) No person may serve on a task force until the person has received an initial briefing, directed to the level of expertise of the member on historic preservation, that includes at least the following topics: the city of Dallas historic district enabling ordinance, the historic district ordinance governing the task force's district, the Secretary of the Interior's Standards, the rules of procedure for the task force, and the Texas Open Meetings Act. Staff shall provide an information packet for the briefing that includes copies of all of these regulations. The briefing may be provided by city staff or the chair of that task force.

- (O) Unfair advancement of private interests. A task force member may not use his or her position to unfairly advance or impede personal interests by granting or securing, or by attempting to grant or secure for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to every other person or organization.

SECTION 15. COMMITTEES.

- (A) Standing Committees. The designation committee is a standing committee.
- (B) Other committees. Other committees may be appointed from time to time by the Commission.

(C) Committee rules.

- (1) Each committee shall determine its meeting times. The date, time, and place of each regular committee meeting must be published in the Commission's agenda. Special committee meetings must be posted on the city's bulletin board and on the city's website in accordance with the Texas Open Meetings Act.
- (2) All committee meetings (special and regular) are open to the public. All committee meetings (special and regular) must comply with the Texas Open Meetings Act.
- (3) Each committee must keep minutes of its meetings or record its meetings using audio cassettes or other appropriate electronic media.
- (4) All actions of a committee are public. Committee recommendation reports must be made available by the city staff to the public upon request. Recordings of committee meetings, or meeting minutes, as applicable, must be available for public inspection and copying in compliance with the Texas Public Information Act.
- (5) A committee may be discharged by a two-thirds vote of the entire Commission.
- (6) Any item may be taken from a committee and considered by the Commission upon a majority vote of the Commission.
- (7) A committee shall undertake its duties as directed by the Commission.
- (8) Committees are advisory to the Commission. Actions taken or recommendations made by a committee are not binding on the Commission.

(D) Committee Creation, Membership, and Appointment.

- (1) All committees are created and appointments approved by the Commission.
- (2) Members of the Commission may serve as voting committee members.
- (3) Members and alternates of committees, and the chair of each, are appointed by the chair of the Commission subject to the approval of the Commission. A potential nominee to a committee must fill out the Commission-approved service form and these forms must be furnished to the Commission at the time of the nomination. Appointments are approved for a two-year period that runs concurrently with the terms of the members of the Commission. Any vacant position on a committee must be filled by this process, regardless of when the vacancy arises.

- (E) Attendance. The chair of the committee may ask the Commission for a committee member's removal for an excessive lack of attendance. The Commission may remove the committee member by a two-thirds vote.
- (F) Qualifications. Regular and alternate members of committees shall meet the qualifications for service in Section 8-1.4(a)(4) (no litigation or claims against the city), (5) (no interest in litigation or claims against the city), (6) (not in arrears on any city taxes, water service charges, or other obligations owed the city), and (7) (creditable record of service) of the Dallas City Code. Regular and alternate members of committees shall meet, at the time of appointment and during the entire period of service, all qualifications for appointment.
- (G) Officers.
  - (1) The chair of each committee shall:
    - (a) enforce rules of order and decorum.
    - (b) encourage regular attendance by committee members, and ensure that attendance records are kept by city staff.
    - (c) ensure that committee meetings are recorded using audio cassettes or other appropriate electronic media or that minutes of each meeting are kept by city staff.
  - (2) Each committee shall elect a vice-chair. In the absence of the chair, the vice-chair shall exercise the powers of the chair.
- (H) Quorum. A quorum exists when there are physically present a simple majority of the number of members officially appointed to a committee, regardless of the total number of members actually provided for the committee.
- (I) Agendas. The committee agenda must be posted on a bulletin board at a place convenient to the public in the city hall in accordance with the Texas Open Meetings Act and on the City's website.

#### SECTION 16. DESIGNATION COMMITTEE.

- (A) General. Except as modified in this section, the rules governing committees in Section 15 apply to the designation committee.
- (B) Purpose.
  - (1) The designation committee identifies historic properties and neighborhoods that merit designation as city historic districts.
  - (2) The designation committee provides guidance to property owners and neighborhood activists in the preparation of designation reports.

(3) The designation committee makes recommendations to the Commission concerning the establishment of city historic districts and their preservation criteria.

(4) The designation committee makes recommendations concerning changes to existing preservation criteria.

(C) Meetings.

(1) The designation committee, after consultation with city staff, shall set a monthly meeting date, time, and location.

(2) Special meetings may be called by the designation committee chair when necessary.

(D) Designation committee reports.

(1) Every designation committee member who is present at a meeting must vote, except that a committee member may not vote if the committee member lives within the notification area.

(2) The designation committee chair must complete a written designation committee recommendation report before an item is forwarded to the Commission. The designation committee recommendation report must indicate:

(a) the date, time, and location of the meeting;

(b) the members present;

(c) the votes of the members;

(d) the recommendation of the designation committee;

(e) the basis for the recommendation of the designation committee;

(f) any dissenting opinions; and

(g) the name and address of each party who spoke in favor of, or in opposition to, each recommendation.

SECTION 17. OTHER RULES OF PROCEDURE.

Unless otherwise specified in these rules, the proceedings of the Commission shall in all cases be governed by rules of order as set forth in the most recent edition of "Robert's Rules of Order." [City Code, Ch. 8, Sec. 8-5.]

SECTION 18. AMENDMENTS TO RULES OF PROCEDURE.

These rules may be amended, supplemented, or changed from time to time by a majority vote of the Commission in conformance with the Dallas City Code, as amended.

**CITY OF DALLAS BOARD OF ADJUSTMENT**  
**WORKING RULES OF PROCEDURE**

**SEPTEMBER 2019**

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# **CITY OF DALLAS BOARD OF ADJUSTMENT**

## **RULES OF PROCEDURE**

### Section 1. Powers of the Board.

- (a) The powers of the board of adjustment, referred to as the board conferred upon it in Section 7, Chapter 282, Page 424, 40th Legislature, Acts 1927, and as thereafter amended, being codified in Chapter 211 of the Local Government Code, and in Sections 51A-3.102 and 51A-4.704 of the Dallas Development Code, as amended, include, but are not limited to, the following:
  - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any order or ordinance pertaining to zoning.
  - (2) To hear and decide special exceptions to the terms of the zoning ordinance in the manner provided.
  - (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice done.
  - (4) To regulate and discontinue nonconforming uses and structures.
- (b) In exercising its powers, the board and panels of the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from and may make an order, requirement, decision, or determination as ought to be made, and to that end the board and panels of the board shall have all the powers of the officer from whom an appeal is taken.



Section 2. Composition of the Board.

- (a) The board shall consist of fifteen members and six alternates appointed by the city council for a term of two years. All members shall be removable for cause by the city council upon written charges and after a public hearing.
- (b) The officers of the board shall consist of a chair, two vice-chairs, a board administrator, a secretary, and any other officers the board may elect or the chair may appoint. The board administrator and secretary shall have no voting rights.
- (c) The board shall be divided into three panels of five members. A board member may serve only on the panel to which the member is assigned.
- (d) The board and panels of the board shall be provided the staff employees necessary to conduct its proceedings, as provided by the budget. The services of an accountant and abstract research company may be retained as needed for the preparation of compliance cases.

Section 3. Duties of the Chair.

- (a) The chair shall appoint a panel vice chair for each of the three panels of the board.
- (b) The chair shall preside over all meetings of the entire board.
- (c) The chair shall compel the attendance of witnesses when necessary.
- (d) The chair shall approve a rotational schedule for attendance of alternate members at panel meetings.

Section 4. Duties of the Presiding Officers.

- (a) The chair and vice-chairs shall act as presiding officers of the panels. The duties of the presiding officers of a panel are to preside at all meetings of the panel to which they are assigned, to maintain order at all times, to administer oaths, and to rule on all points of procedure, and to dispense the business of the panel in a just and orderly manner. The presiding officer may impose a reasonable time limit for speakers in

order to dispense the business of the board or panel in a just and orderly manner.

- (b) The presiding officer shall question all witnesses and/or staff, and request other members of the panel to ask any questions which may assist the board and panels of the board in arriving at a just and fair decision.
- (c) The presiding officer shall sign the minutes of the panel meetings over which he or she presides and each case decided upon in accordance with the decision of the panel.
- (d) In the absence of the presiding officer, the panel vice-chair shall preside and fulfill all of the duties of the presiding officer. In the absence of the presiding officer and panel vice-chair, the panel shall elect a temporary chair. This election does not survive the meeting in which it is had.

#### Section 5. Duties of the Board Administrator.

\* For purposes of this section, reference to the board includes panels of the board.

- (a) The board administrator shall:
  - (1) receive all complete applications to the board for processing;
  - (2) receive all evidence submitted for the board's review;
  - (3) provide technical assistance to the board;
  - (4) assist the general public with information, procedures, policies, case status, and site plans;
  - (5) gather needed information from outside sources and confer with all sections and departments of the city for case analysis;
  - (6) provide research on cases;
  - (7) prepare board documents, dockets, notices, and advertisements, and write necessary letters to the property owners;

- (8) direct, conduct, and supervise all administrative functions of the board operation as may be deemed necessary;
  - (9) coordinate the work of the board;
  - (10) serve as liaison between the board and the city plan commission, city manager, and various other officers of the City of Dallas, including, but not limited to, the building official, the director of transportation, the city attorney, and the director of planning; and
  - (11) investigate complaints made by citizens by reason of any ruling or decision of the board or of an administrative official.
- (b) The board administrator shall also administer oaths and compel the attendance of witnesses when requested by the chair or other presiding officers to do so.

Section 6. Duties of the Secretary.

- (a) The secretary shall be generally responsible for the clerical work of the board and panels of the board, under the direction and supervision of the board administrator. The secretary shall:
- (1) keep the minutes of all meetings and proceedings in a substantially bound book showing the vote and motion of each member upon each question, or if absent, or failing to vote, indicating that fact, and attesting the minutes;
  - (2) compile the required records, log appeals and applications to the board, prepare case folders, type notices and envelopes, prepare route sheets, log favor and opposition letters, prepare certified mail to applicants, type letters and memoranda; and
  - (3) call board and panel members for meetings, maintain index files, number each case, and furnish each member of the board and each member of panel of the board with a copy of each petition, together with the building official's refusal.

Section 7. Alternate Members.

- (a) In the absence of one or more regular members, alternate members shall attend panel meetings when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The presiding officer of a panel may dismiss an alternate member when attendance is not necessary to complete a five-member panel.
- (b) The alternate members are subject to the same attendance and general rules as all other board members.
- (c) Alternate members who are not on the panel scheduled to attend will be called to serve only when one or more regular members are absent from the meeting.

Section 8. Attendance and General Rules.

- (a) The board shall be governed by the rules of procedure and decorum for city boards and commissions contained in Chapter 8 of the Dallas City Code, as amended, and applicable provisions of the City Charter.
- (b) No member may be excused from attendance at a board or panel meeting, except for medical reasons certified to by his physician or unless excused by the board and the city council. A member shall forfeit his office if he misses more than three regular meetings in succession, unless excused by the board and the city council.

Section 9. Requests for Board Action.

- (a) All requests to the board must be made on the prescribed form. The facts alleged must be attested to by a notary public.
- (b) The fee as provided by ordinance must accompany each request to defray the cost of advertising the public hearing.
- (c) The board or panel of the board may waive the filing fee if the board or panel of the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's or

panel's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket for predetermination, the applicant may not file the application until the merits of the request for waiver have been determined by the board or panel of the board.

- (d) Evidence submitted for the board's consideration on a request must be submitted to the board administrator or the board secretary. Evidence submitted is part of the public record and will not be returned. The board and panels are quasi-judicial bodies; therefore, no evidence may be submitted to and no contact may be made with individual members regarding a pending request. All communications, oral or written, should be directed to the board administrator. Failure to comply with this rule may result in criminal prosecution for improper influence, which is a Class A misdemeanor under Texas Penal Code Section 36.04.
- (e) Unless expressly authorized by the concurring vote of 75 percent of the members of a panel when an extreme hardship is shown, no request may be heard at a regular panel meeting until the expiration of 21 days after it is filed with the building official.
- (f) The director shall schedule cases within a reasonable time from the receipt of a complete application.
- (g) An item may be placed on a board's or panel's agenda by the director or a member of that board or panel.
- (h) The director may authorize the withdrawal of all applications except those to establish a compliance date, which must be authorized by the panel assigned the case. No request for withdrawal of an application may be considered by the director or a panel unless it is in writing. A request to the director for withdrawal must be received before 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays, and official city holidays) before the date of the hearing. A request for withdrawal must be received in sufficient time to notify all interested parties before the hearing date. If the director or the panel finds in the consideration of such a request that there is an objection to the withdrawal and that allowing the withdrawal over the objection will unduly prejudice the objector, the director or panel shall deny the request. If the director denies a request for withdrawal, the applicant

may appeal the withdrawal request to the panel assigned the case provided the appeal satisfies all of the requirements of this subsection for an application for withdrawal.

- (i) The director may authorize the amendment of all applications, except those to establish a compliance date and appeals from the decision of an administrative official, which must be authorized by the panel to which the case is assigned. A request to the director for an amendment must be received before 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays, and official city holidays) before the date of the hearing. If the director or panel finds in the consideration of such a request that there is an objection to the amendment, and that allowing the amendment over the objection will unduly prejudice the objector, the director or panel shall deny the request. If the director denies a request for amendment, the applicant may appeal to the panel assigned the case. If an amendment is authorized which requires newspaper advertisement and/or written notice to surrounding property owners, the amendment constitutes a new application and the requesting party must pay an additional filing fee to defray the cost of re-advertising.
- (j) A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a specific finding based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property. The person requesting the time extension shall have the burden of establishing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the panel extend the time period beyond 18 months from the date of its favorable action.
- (k) Only one panel may hear, handle, or render a decision in a particular case. If any preliminary action is required on a case, including but not limited to a fee waiver or waiver of the two year waiting period, the case must be returned to the panel taking the preliminary action. If a case is dismissed or withdrawn and subsequently re-filed, it must be returned to the panel to which it was originally assigned. If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.

- (l) If the time for reconsideration of a case has expired, the board or panel of the board may not change or modify its decision unless a new application is filed or the board or panel of the board authorizes a public hearing to review the case.

Section 10. Public Testimony and Public Hearings.

- (a) All meetings of the board and panels of the board are open to the public and must be held at a time and place determined by the board.
- (b) The chair shall have the authority to call special meetings of the board. The presiding officer of a panel acts as the panel's chair pursuant to Section 8-3 of the Dallas City Code, and shall have the authority to call special meetings of that panel. The officer calling a special meeting shall designate the time and the place of the meeting. Special meetings must be called by the chair at the request of at least one-third of the board.
- (c) The board secretary shall notify all affected members of the date, time, and place of either a regular or special meeting.
- (d) No regular or special meeting may be held unless 75 percent of the panel members, either regular or alternate, are in attendance.
- (e) Any interested party may appear in person or by agent or attorney at the public hearing.
- (f) Members of the public may speak at regular and special meetings of the board regarding any item on the board's posted agenda before or during the board's consideration of the item (e.g. minutes, appeals, compliance cases). Each speaker will have a maximum of three minutes to speak unless the time is shortened or extended by a majority vote of the board. Any member of the public requiring the use of a translator to relay public comments shall be afforded twice the amount of time as a member of the public who does not require a translator.
- (g) After a case is called, the applicant shall state his case, anyone in favor shall be heard next, then anyone in opposition shall be heard [~~next~~], and the applicant shall have the opportunity to make a reply.

- (h[g]) If a case is called for hearing in due order on the docket and the applicant or anyone in his behalf does not appear, the panel may continue the case to the following hearing at which time it will be called again. The panel may also approve a case or deny a case for lack of appearance at the first call at its discretion. If no one appears the second time, the case must be denied.
- (i[h]) If, after a public hearing on a request, the presiding officer duly calls for, but does not receive a motion, the request is deemed denied with prejudice.
- (j[i]) A public hearing must be conducted for compliance proceedings on a nonconforming use. Prior to the hearing, the presiding officer may direct that a subpoena duces tecum and interrogatories be served on the owner(s) and/or operators of the use requesting that certain information and documents be produced to the board administrator within a reasonable time. The owner(s) and/or operators may supply the board administrator with any additional information or documents that are necessary for the panel to make its decision. At the hearing, the panel shall review the information and documents and set a date by which the nonconforming use must come into compliance with the current zoning regulations.
- (k[j]) The board administrator may place cases which are recommended for approval without opposition on an uncontested docket. When the board administrator calls the uncontested docket, he shall state the case number, the applicant, the location, the nature of the case and the staff recommendation, and shall ask if there is anyone in favor or opposition. A case on the uncontested docket must be considered individually as a regular docket item if there is any opposition or a panel member so requests. Any cases remaining on the uncontested docket shall be approved as a group without the need for testimony from the applicants.
- (l[k]) Documentary evidence.
- (1) All typewritten documentary evidence including reduced-size copies of conceptual plans, development plans, landscape plans, and site plans must conform to the standard 8.5 x 11-inch letter-



sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.

- (2) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the board unless such documentary evidence is submitted to the board administrator no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, a panel of the board may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the panel sufficient time to consider the tendered evidence prior to the next scheduled hearing date.
- (3) For purposes of this subsection, DOCUMENTARY EVIDENCE means anything printed or written on paper and relied upon to record or prove something, but signed petitions shall not be considered documentary evidence.
- (4) For purposes of this subsection, PARTY means the applicant or any person or entity that appears in favor of or against the request.

#### Section 11. Executive Sessions.

- (a) The board or a panel may remove itself from an open meeting by moving to go into an executive session. Only matters authorized under the Texas Open Meetings Act to be discussed in executive session may be addressed in the executive session. All communication in an executive session is privileged information. The privilege can only be waived by a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. The board or a panel shall not hold an executive session except when discussing complaints about or evaluations of individual staff members, or seeking the advice of its attorney on the following matters:
  - (1) Pending or contemplated litigation.

- (2) Settlement offers.
  - (3) Risk or liability of the board, a panel or individual members thereof for taking an action.
  - (4) Any matter where the duty of the board's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, conflicts with the Open Meetings Law.
- (b) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the board or panel shall follow the following procedure:
- (1) The presiding officer shall announce that the board or panel is going into an executive session, stating the category under the Texas Open Meetings Act that permits the executive session.
  - (2) The presiding officer shall announce the time.
  - (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
  - (4) The executive session must be tape recorded.
  - (5) At the end of the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
  - (6) The presiding officer shall announce the time when the board or panel resumes the open meeting.

## Section 12. Decisions of a Panel.

- (a) No action of a panel sets a precedent. Each case must be decided upon its own merits and upon the circumstances of the case.
- (b) The concurring vote of 75 percent of the members of a panel is necessary to reverse any decision of an administrative official, or to

decide in favor of an applicant on any matter which the board is required to pass under a zoning ordinance. If such an application does not receive the concurring vote of 75 percent of the members of a panel, the case is construed as denied with prejudice.

- (c) A decision of a panel may be reconsidered only by the same makeup of the panel that made the decision. The motion to reconsider may be made only on the same day the vote was taken, and only by a member who voted with the prevailing side.
- (d) Once a decision of a panel is appealed to district court, it may not be reconsidered or rescinded, unless the case is remanded by the district court.
- (e) The decisions and official records of the board and panels are public records.

### Section 13. Two-Year Limitation.

- (a) Except as provided in Subsections (b) and (c), after a final decision is reached by a panel, no further applications may be considered on the matter decided for that property for two years from the date of the final decision.
- (b) If a panel renders a final decision of denial without prejudice, the two-year limitation is waived.
- (c) A property owner may apply for a waiver of the two-year limitation in the following manner:
  - (1) The applicant shall submit his request in writing to the board administrator. The board administrator shall inform the applicant of the date on which his request shall be considered and shall advise the applicant of his right to appear before the panel to which the matter has been assigned.
  - (2) A panel may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote is required to grant the request.

If a rehearing is granted, the applicant shall follow the appeal procedure.

Section 14. Amendments to Rules of Procedure.

These rules may be amended by a simple majority vote of the members present at a meeting of the entire board, or at separate meetings of all three panels. Amendments approved by panels sitting separately shall not become effective until they are approved by the third panel.



## Agenda Information Sheet

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**File #:** 19-1365

**Item #:** 14.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

An ordinance abandoning a portion of a sanitary sewer easement to Pan Coastal Limited Partnership, the abutting owner, containing approximately 8,892 square feet of land, located near the intersection of Lemmon and Oak Grove Avenues - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a portion of a sanitary sewer easement to Pan Coastal Limited Partnership, the abutting owner, containing approximately 8,892 square feet of land. The area will be included with the property of the abutting owner to construct a mixed-use development. 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)**

This item has no prior action.

### **FISCAL INFORMATION**

Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

### **OWNER**

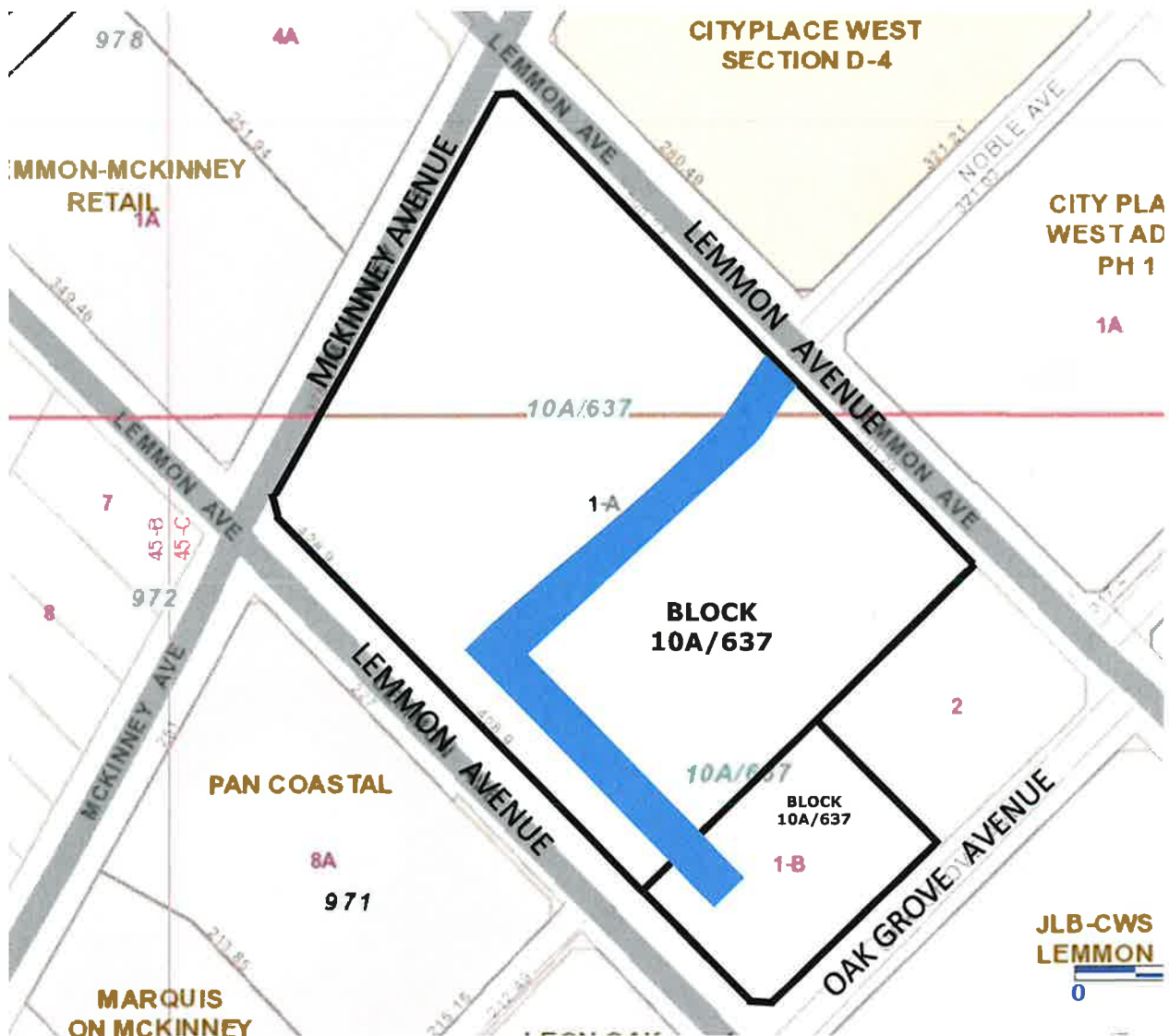
#### **Pan Coastal Limited Partnership**

Touricum Number Two Ltd., General Partner

Asad Rushd, Vice President

**MAP**

Attached



 ABANDONMENT



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Block 10A/637 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Pan Coastal Limited Partnership; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, if needed, to the City of Dallas and the relocation of existing facilities; 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 Pan Coastal Limited Partnership, a Delaware limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

**Now, Therefore,**

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

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



**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** 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 its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

**SECTION 4.** That the Chief Financial Officer is 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, prior to the effectiveness of abandonment, ensure water and wastewater engineering plans are approved, Private Development Contracts (P-Contracts) are executed, and plans are signed from PID WW19-012.

**SECTION 10.** That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said sanitary sewer easement shall not become effective until and unless: (i) the existing installation and facilities are relocated, at **GRANTEE's** expense, to the new easement, if needed, to be provided by **GRANTEE** and acceptable to the Director of Sustainable Development and Construction, as hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction. Failure to relocate to the new easement in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

**SECTION 11.** 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 12.** That this ordinance is also designated for City purposes as Contract No. DEV-2019-00010707.

**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:  
CHRISTOPHER J. CASO,  
Interim City Attorney

KRIS SWECKARD, Director  
Department of Sustainable Development and  
Construction

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

BY: Laura Williams  
SOK Assistant Director

Passed \_\_\_\_\_.

**LEGAL DESCRIPTION****Exhibit A**

**BEING** a 8,892 square foot (0.2041 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Lot 1A and Lot 1B, Block 10A/637, Lemmon - Oak Grove Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 93176, Page 1922, Deed Records of Dallas County, Texas, and being part of a called 4.9895 acre tract of land described in Special Warranty Deed to Pan Coastal Limited Partnership recorded in Volume 89047, Page 3101 of said Deed Records, and being part of the tract of land described in Warranty Deed to Pan Coastal Limited Partnership recorded in Volume 94126, Page 1746 of said Deed Records, and being all of a 15-foot wide sanitary sewer easement shown on the plat of said Lemmon - Oak Grove Addition, and being more particularly described as follows:

**BEGINNING** at an "X" cut in concrete set in the southwest right-of-way line of Lemmon Avenue East (60-foot wide right-of-way, formerly known as Bowser Avenue, Volume 3, Page 537 of the Map Records of Dallas County, Texas), and being the northeast line of said Lot 1A; from said point an "X" cut in concrete found for the east end of a right-of-way corner clip at the intersection of the southeast right-of-way line of McKinney Avenue (60-foot wide right-of-way, Volume 3, Page 537 of said Map Records), and said southwest right-of-way line of Lemmon Avenue East, and being the easternmost north corner of said Lot 1A bears North 45°38'12" West, a distance of 286.60 feet;

**THENCE** with said southwest right-of-way line of Lemmon Avenue East and with said northeast line of Lot 1A, South 45°38'12" East, a distance of 15.96 feet to an "X" cut in concrete set for corner; from said point a 1/2-inch iron rod with cap stamped "RLG INC" found for the north corner of Lot 2, Block 10A/637, Messina Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 88238, Page 407 of said Deed Records, and being the east corner of said Lot 1A bears South 45°38'12" East, a distance of 224.50 feet ;

**THENCE** departing said southwest right-of-way line of Lemmon Avenue East and said northeast line of Lot 1A, the following courses and distances:

South 24°21'48" West, a distance of 20.13 feet to an "X" cut in concrete set at the beginning of a tangent curve to the right having a central angle of 20°00'00", a radius of 207.50 feet, a chord bearing and distance of South 34°21'48" West, 72.06 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 72.43 feet to an "X" cut in concrete set for corner;

South 44°21'48" West, a distance of 259.82 feet to an "X" cut in concrete set for corner;

South 45°38'12" East, a distance of 225.33 feet to an "X" cut in concrete set for corner;

South 44°39'19" West, a distance of 15.00 feet to an "X" cut in concrete set for corner;

North 45°38'12" West, a distance of 240.25 feet to an "X" cut in concrete set for corner;

North 44°21'48" East, a distance of 274.82 feet to an "X" cut in concrete set at the beginning of a tangent curve to the left having a central angle of 20°00'00", a radius of 192.50 feet, a chord bearing and distance of North 34°21'48" East, 66.85 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 67.20 feet to an "X" cut in concrete set for corner; North 24°21'48" East, a distance of 25.59 feet to the **POINT OF BEGINNING** and containing 8,892 square feet or 0.2041 acres of land.

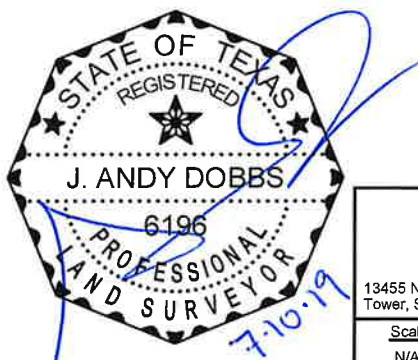
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)

Reviewed By: G.S.  
Date: 7-12-19  
SPRG NO: 4960

**SANITARY SEWER  
EASEMENT ABANDONMENT  
LEMMON - OAK GROVE ADDITION  
PART OF LOT 1A AND  
LOT 1B, BLOCK 10A/637  
JOHN GRIGSBY SURVEY,  
ABSTRACT NO. 495  
CITY OF DALLAS,  
DALLAS COUNTY, TEXAS**

J. ANDY DOBBS  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6196  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
ANDY.DOBBS@KIMLEY-HORN.COM



**Kimley»Horn**

13455 Noel Road, Two Galleria Office  
Tower, Suite 700, Dallas, Texas 75240

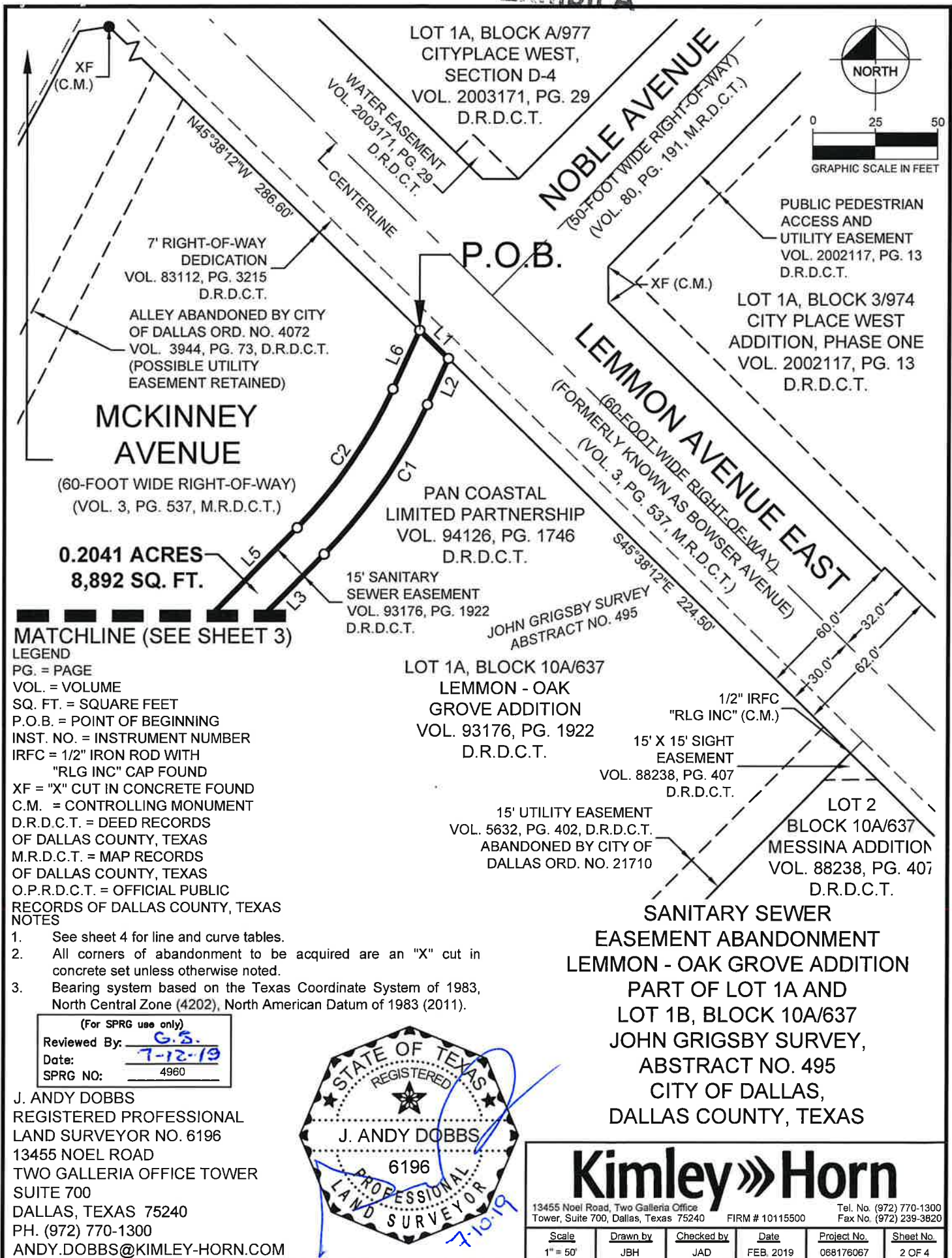
FIRM # 10115500

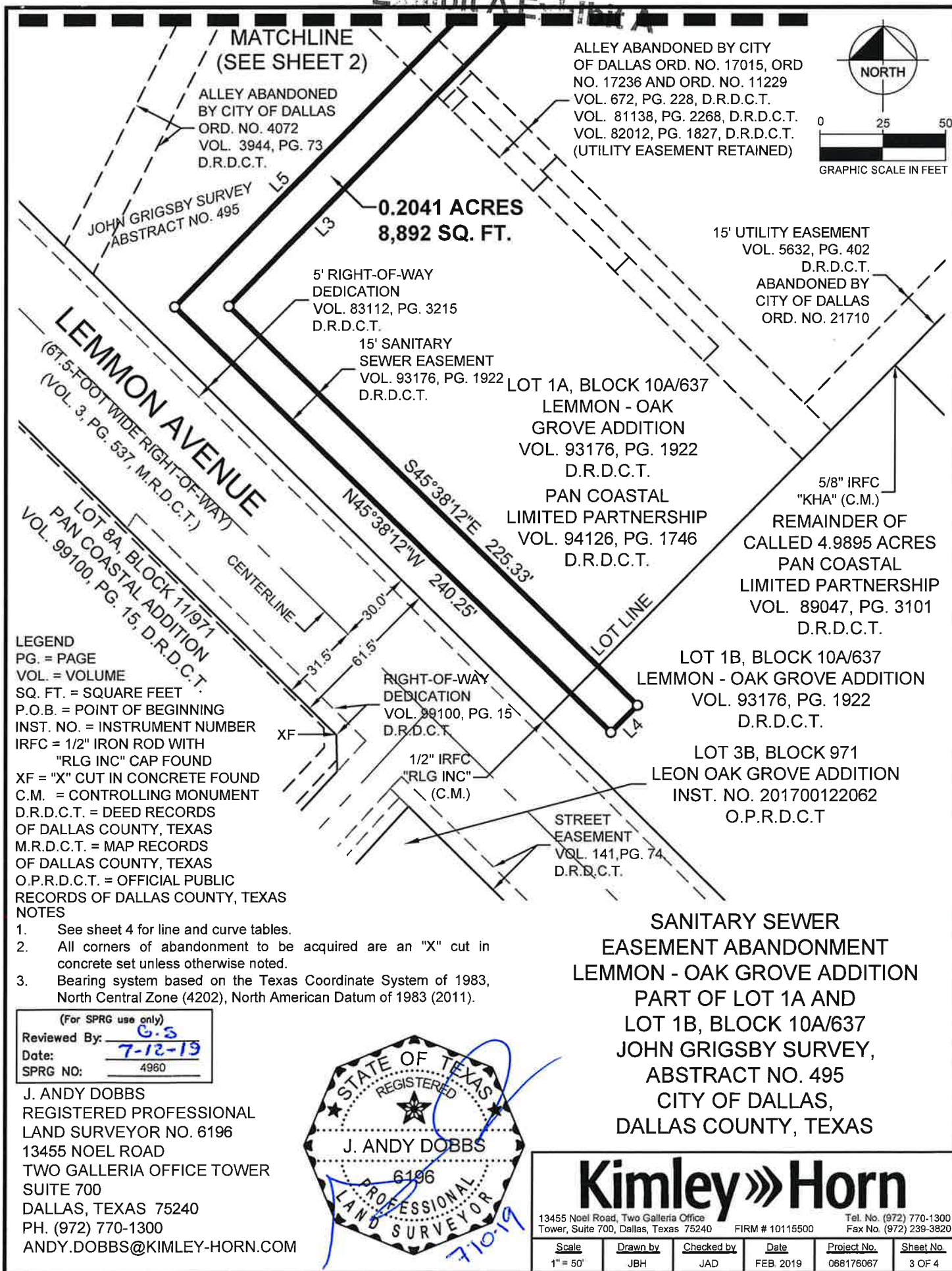
Tel. No. (972) 770-1300  
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	JAD	FEB. 2019	068176067	1 OF 4



# Exhibit A







LINE TABLE		
NO.	BEARING	LENGTH
L1	S45°38'12"E	15.96'
L2	S24°21'48"W	20.13'
L3	S44°21'48"W	259.82'
L4	S44°39'19"W	15.00'
L5	N44°21'48"E	274.82'
L6	N24°21'48"E	25.59'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	20°00'00"	207.50'	72.43'	S34°21'48"W	72.06'
C2	20°00'00"	192.50'	67.20'	N34°21'48"E	66.85'

(For SPRG use only)

Reviewed By: G.S.  
 Date: 7-12-19  
 SPRG NO: 4960

J. ANDY DOBBS  
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SANITARY SEWER  
 EASEMENT ABANDONMENT  
 LEMMON - OAK GROVE ADDITION  
 PART OF LOT 1A AND  
 LOT 1B, BLOCK 10A/637  
 JOHN GRIGSBY SURVEY,  
 ABSTRACT NO. 495  
 CITY OF DALLAS,  
 DALLAS COUNTY, TEXAS

# 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	JBH	JAD	FEB. 2019	068176067	4 OF 4





## Agenda Information Sheet

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**File #:** 19-1585

**Item #:** 15.

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**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Fire-Rescue Department  
**EXECUTIVE:** Jon Fortune

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### **SUBJECT**

Authorize an annual payment in the amount of \$130,000.00 per year for five years to the Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport - Not to exceed \$650,000.00 - Financing: Aviation Fund (subject to annual appropriations) (see Fiscal Information)

### **BACKGROUND**

The Federal Aviation Administration/Texas Commission on Fire Protection mandates basic and annual live aircraft/fire training to maintain aircraft rescue certification level to work at the fire stations located at Dallas Love Field and Dallas Executive Airport.

Approximately 20 Firefighters are scheduled for the Basic Certification, 93 are scheduled for the "Hot Drill" training, and 30 are scheduled for advanced specialized fire training annually. Services are provided on an as needed basis, depending on classes and need for training each year.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 14, 2015, City Council authorized an annual payment in the amount of \$125,000.00 per year for five years to Dallas/Fort Worth International Airport to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport by Resolution No. 15-0111.

### **FISCAL INFORMATION**

Aviation Fund - \$650,000.00 (subject to annual appropriations)

Fund	FY 2019-20	FY 2020-21	Future Years
Aviation Fund	\$130,000.00	\$130,000.00	\$390,000.00
Total	\$130,000.00	\$130,000.00	\$390,000.00

Dallas Fire-Rescue will make initial payments to Dallas/Fort Worth International Airport and the Aviation Department will reimburse Dallas Fire-Rescue up to \$130,000.00 per year for five years (subject to annual appropriations).

### **M/WBE INFORMATION**

Dallas/Fort Worth International Airport is the sole provider in this area for live fire training. All other burn pit facilities have ceased operation due to the Environmental Protection Agency's concerns.

### **OWNER**

#### **Dallas/Fort Worth International Airport**

Sean Donohue, Chief Executive Officer

January 8, 2020

**WHEREAS**, the Federal Aviation Administration/Texas Commission on Fire Protection mandates basic and annual live aircraft/fire training to maintain aircraft rescue certification for Dallas Fire-Rescue Department Aircraft Rescue Firefighters located at Dallas Love Field and Dallas Executive Airport; and

**WHEREAS**, the Dallas/Fort Worth International Airport is the sole provider in the Dallas/Fort Worth area for basic, live fire drills and advanced specialized aircraft fire training; and

**WHEREAS**, the Aviation Department reimburses the general fund for aircraft rescue services provided by the Dallas Fire-Rescue Department.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to expend funds in an amount not to exceed \$130,000.00 per year for five years (subject to annual appropriations) to the Dallas/Fort Worth International Airport (162760) to provide basic, live fire drills and advanced specialized aircraft/fire training to aircraft-rescue firefighters at Dallas Love Field and Dallas Executive Airport. Such funds are to be disbursed on an as needed, per class basis.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$650,000.00 (subject to annual appropriations) to Dallas/Fort Worth International Airport from Service Contract No. AVI-2020-00012404.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to reimburse Fund 0001, Department DFD, Unit HS21, Object 5011 in an amount not to exceed \$650,000.00 (subject to annual appropriations) from Fund 0130, Department AVI, Unit 7720, Object 3650 for services provided as part of this agreement.

**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 Information Sheet

**File #:** 19-1794

**Item #:** 16.

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Office of Economic Development

**EXECUTIVE:** Michael Mendoza

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### **SUBJECT**

Authorize the following: **(1)** a New Markets Tax Credit transaction ("NMTC Transaction") between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries ("Capital One"), and 3662 Investors, LP and/or its affiliates or subsidiaries for improvements within the Red Bird Mall Redevelopment Project ("Project") located at 3662 West Camp Wisdom Road; and **(2)** a second amendment to the Chapter 380 Grant Agreement with WCWRD Inc and its affiliates or subsidiaries ("Developer"), a first amendment to the Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement with Developer, and to amend or execute any other documents necessary to **(A)** release the property owned by OMRB LLC (being the Foot Locker) and the property owned by OMRB II LLC (being the Lawn) from the lien Deed of Trust and the indebtedness evidenced by the City's 15-year interest only loan; **(B)** specifically remove the condition of the disbursement of the second loan installment that all 2017 General Obligation Bond Funds be fully disbursed and expended by Developer and allow the second loan installment to be disbursed on or before January 31, 2020; **(C)** increase the Developer's required total minimum investment for the Project by \$1,000,000.00 from \$115,000,000.00 to \$116,000,000.00 as consideration for (A) and (B); and **(D)** make such other modifications which may be necessary to effectuate the foregoing amendments - Financing: No cost consideration to the City

### **BACKGROUND**

#### **New Markets Tax Credits**

The City of Dallas authorized the creation of the Dallas Development Fund ("DDF"), a non-profit Community Development Entity ("CDE"), by Resolution No. 09-0461 on February 11, 2009, to apply for a New Markets Tax Credit ("NMTC") allocation from the U.S. Department of Treasury's Community Development Financial Institutions Fund in its 2009 funding cycle. DDF was awarded \$55 million in the 2017 allocation cycle, and was previously awarded \$130 million in allocation from the 2009, 2012 and 2014 cycles. DDF has closed \$157 million in allocation to date.

The NMTC Program permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated CDEs.

These investments must be used by the CDE for projects and investments in low-income communities, as defined by the NMTC Program. The credit provided to the investor totals 39% of the cost of the investment and is claimed over a seven-year credit allowance period.

For over a year, staff has been coordinating with Peter Brodsky, owner/developer of Red Bird Mall, on his efforts to secure other sources of funding (specifically including New Markets Tax Credits) for the Red Bird Mall Redevelopment Project. On November 5, 2019, DDF considered and approved a NMTC transaction between DDF, Capital One, and 3662 Investors, LP (entity controlled by Peter Brodsky). This NMTC allocation will use up to \$10 million of DDF's \$55 million NMTC allocation. Capital One will invest up to \$10 million in NMTC allocation from DDF which will in turn generate approximately \$2.76 million in gross NMTC equity for the benefit of the Project. Capital One Community Renewal Fund also intends to provide \$3 million in NMTC allocation, for a total allocation amount to the Project of \$13 million.

Over the last two decades, the mall-which was built in 1975 and initially known as Red Bird Mall before being renamed to Southwest Center Mall, lost all four major retail anchors, leaving large vacancies and making it difficult to attract new smaller tenants without a fundamental rethinking of the mall's function. By the 2010s, the mall was a shell of its former self and any redevelopment was made challenging because of fragmented ownership, lack of a master plan, and weak market conditions.

Now underway, Red Bird Mall Redevelopment Project is a multi-phase, multi-year transformation of a long-declining mall into a multi-purpose mixed-use campus where Dallas residents can live, shop, work, and dine. This \$157+ million redevelopment is being led by 3662 Investors, LP, a joint venture between Peter Brodsky and other investors. First phase deliverables began this year with the opening of a Starbucks community store, which is exceeding projections and proving that the neighborhood can support new shops and restaurants at the site. The Dallas Entrepreneurial Center (DEC) and an extension campus of Jarvis Christian College have also opened, laying the groundwork for a diverse mix of tenants expected to locate at the Project in the coming years. These include a comprehensive primary care clinic, a 300-unit apartment complex, a Marriott Courtyard hotel, a Foot Locker Power Store, and an Urban Air Adventure Park.

NMTC is a key funding source to ensure the viability of the entire Red Bird Mall Redevelopment Project. DDF's proposed allocation is for the initial phases of Redbird to help stabilize the Project and attract new tenants and private development that can support market rate financing sources. The NMTC Transaction will support two key components in the initial phase of the Project: tenant improvements for a 51,000 square foot business operations center for Chime Solutions, Inc and development of a 1.1 acre open space ("The Lawn") including related infrastructure.

The Lawn will be the centerpiece of the redevelopment and a vital part of the overall vision but is challenging to finance, given the limited revenue to be generated by the Lawn. Flanked by a Foot Locker Power Store and several restaurants, the Lawn will incorporate a mix of active and passive spaces including a children's park, games area, urban dog park, garden, and flexible performance stage. These spaces will allow for both informal neighborhood gatherings and free daily community programming like yoga classes, lecture series, outdoor concerts, and movie screenings.

The Project site is located at 3662 West Camp Wisdom Road in southern Dallas' Redbird community. The site qualifies as severely distressed based on a median family income of 35.6% of the metro median and a poverty rate of 34.6%.

Additional information regarding the NMTC transaction and its proposed role in the Project can be found in Attachment A to the Resolution.

#### TIF/Chapter 380 Agreement

On June 13, 2018, City Council authorized entering into a Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement ("TIF/Chapter 380 Agreement") with Developer in consideration of the Red Bird Mall Redevelopment Project by Resolution No. 18-0850, providing an incentive package including: (1) a conditional grant in an amount not to exceed \$10,000,000.00; (2) a 15-year interest only loan in an amount not to exceed \$12,000,000.00 ("Loan"); (3) a development agreement awarding an amount not to exceed \$15,600,000.00 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District; and (4) an assignment of all increment payable under the TIF/Chapter 380 Agreement to the City, the Loan and performance obligations which are secured by the Deed of Trust and a guaranty provided by 3662 Investors, LP.

To address NMTC Transaction structuring issues as identified by NMTC tax counsel, the Developer has requested City Council authorization to execute a second amendment to the Chapter 380 Grant Agreement ("Chapter 380 Grant Agreement") with Developer, a first amendment to the Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement ("TIF/Chapter 380 Agreement") with Developer, and amend or execute any other documents necessary to (i) release the property owned by OMRB LLC (being the Foot Locker) and the property owned by OMRB II LLC (being the Lawn) from the lien Deed of Trust and the indebtedness evidenced by the City's Loan as shown in the resolution as Attachment B.

Additionally, the Developer has requested an additional modification to the existing TIF/Chapter 380 Agreement. Currently, in the TIF/Chapter 380 Agreement, it states "the City will make disbursements of the Loan to Developer in two equal installments of \$6,000,000, subject to the conditions set forth in Section 5.C. The first disbursement shall be eligible for disbursement to the Developer any time on or after January 1, 2019; the second disbursement shall be eligible for payment to the Developer any time on or after January 1, 2020 and after all 2017 General Obligation Bond Funds have been fully disbursed and expended by Developer."

The Developer received the first disbursement of the Loan in June 2019. With this agenda item, the Developer is now requesting to specifically remove the condition of the second disbursement of the Loan that all 2017 General Obligation Bond Funds be fully disbursed and expended by Developer and to allow the second loan installment to be disbursed on or before January 31, 2020. In other words, the Developer is requesting the second loan installment to be disbursed on or before January 31, 2020, rather than at the later of January 2020 or drawing down on all of the 2017 Bond Funds.

The Developer's reasons for this requested modification are as follows:

- Even with the City's commitment to review and process grant payment applications as quickly as possible, the Developer is finding that the process of compiling all documentation needed for the City to approve grant payment applications is very time-consuming. This means that the "lag" (i.e. period between the Developer's actual expenditure of funds and the receipt of reimbursement funds from City) is longer than the Developer originally expected. The longer lag results in the Developer's need for more days cash on hand.
- To date, the Developer has spent approximately \$6 million on infrastructure work. The Developer expects to complete the infrastructure work by mid-to late 2020 and, in doing so, will be spending an additional \$20+ million. With the pace of spending accelerating so significantly, the Developer needs more days cash on hand.
- The \$22 million of grant and loan funds from the City will not fully cover the Developer's actual infrastructure spending. The Developer's infrastructure costs are estimated at approximately \$28 million (including value engineering of work that is not required now but will be required to be done with later phases of the project). Therefore, the Developer is pursuing NMTC funds to use for some infrastructure costs. Since the NMTC project is mostly infrastructure-related, the Developer will be escrowing some of the infrastructure funds (i.e. City's loan and grant funds) with DDF and only accessing them as the Developer completes expenditures on particular portions of the infrastructure work associated with the NMTC Transaction. This also reduces the Developer's cash on hand.

As consideration for making the above amendments, Developer has agreed to increase the Developer's required total minimum investment for the Project by \$1,000,000.00 from \$115,000,000.00 to \$116,000,000.00.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 11, 2009, City Council authorized the creation of the DDF, a non-profit CDE by Resolution No. 09-0461.

On January 13, 2010, City Council authorized the acceptance of the \$55 million NMTC allocation by Resolution No. 10-0210.

The Economic Development Committee was briefed on the DDF and the NMTC Program on January 19, 2010.

On May 14, 2014, City Council authorized the designation of Tax Increment Reinvestment Zone Number Twenty ("Mall Area Redevelopment TIF District") by Resolution No. 14-0783; Ordinance No. 29340.

On June 17, 2015, City Council authorized the Mall Area Redevelopment TIF District Project Plan and Reinvestment Zone Financing Plan by Resolution No. 15-1145; Ordinance No. 29771.

The Economic Development Committee was briefed on the DDF and the NMTC Program on September 21, 2015.

On January 13, 2016, City Council authorized entering into a Chapter 380 Grant Agreement providing Developer with a \$2,400,000 grant for the Project by Resolution No. 16-0103.

On June 13, 2018, City Council authorized an amendment to the Chapter 380 Grant Agreement by Resolution No. 18-0850 to extend all dates in the Chapter 380 Grant Agreement by eighteen (18) months.

On June 13, 2018, City Council authorized entering into a Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement ("TIF/Chapter 380 Agreement") with Developer in consideration of the Red Bird Mall Redevelopment Project by Resolution No. 18-0850, providing: (1) a conditional grant in an amount not to exceed \$10,000,000; (2) a 15-year interest only loan in an amount not to exceed \$12,000,000 ("Loan"); (3) a development agreement awarding an amount not to exceed \$15,600,000 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District; and (4) an assignment of all increment payable under the TIF/Chapter 380 Agreement to the City.

On November 5, 2019, the Dallas Development Fund was briefed on the Red Bird Mall Redevelopment Project and approved the NMTC Transaction.

On January 6, 2020, the Mall Area Redevelopment TIF District Board of Directors will review and recommend approval of (1) Developer's requested amendments to the Chapter 380 Grant Agreement and TIF/Chapter 380 Agreement; and (2) as consideration for the requested amendments, an increase in the total minimum investment for the Project by \$1,000,000.00 from \$115,000,000.00 to \$116,000,000.00.

The Economic Development Committee will be briefed by memorandum regarding this matter on January 6, 2020.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **OWNER/DEVELOPER**

#### **3662 Investors, LP**

Peter Brodsky, Manager of General Partnership

#### **WCWRD Inc**

Peter Brodsky, President and Director



January 8, 2020

**WHEREAS**, the City of Dallas (“City”) is committed to supporting enhanced economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

**WHEREAS**, the United States Department of Treasury has established the New Markets Tax Credit (“NMTC”) Program to stimulate investments in predominately low-income communities; and

**WHEREAS**, the goals and purposes of the NMTC Program are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

**WHEREAS**, under the NMTC Program, tax credits are competitively awarded annually by the Treasury Department through its Community Development Financial Institutions Fund to qualified Community Development Entities (“CDEs”) after review and evaluation of applications submitted by CDEs, which are then made available to investors; and

**WHEREAS**, the City created the Dallas Development Fund (“DDF”) as a non-profit Texas corporation in order to apply for an award under the NMTC Program; and

**WHEREAS**, DDF was awarded a \$55 million NMTC allocation under the 2009 NMTC Program; and

**WHEREAS**, DDF was awarded a \$30 million NMTC allocation under the 2012 NMTC Program; and

**WHEREAS**, DDF was awarded a \$45 million NMTC allocation under the 2014 NMTC Program; and

**WHEREAS**, DDF was awarded a \$55 million NMTC allocation under the 2017 NMTC Program; and

**WHEREAS**, WCWRD Inc (“Developer”), by and through its affiliates and subsidiaries, is redeveloping and renovating Red Bird Mall located at 3662 West Camp Wisdom Road (“Red Bird Redevelopment Project” or “Project”); and

**WHEREAS**, 3662 Investors, LP is an affiliate of Developer; and

**WHEREAS**, the DDF board has approved the awarding of up to \$10 million in NMTC allocation to 3662 Investors, LP and/or its affiliates for improvements within the Red Bird Mall Redevelopment Project located at 3662 West Camp Wisdom Road; and

January 8, 2020

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

**WHEREAS**, the use of economic development incentives is a necessary tool in attracting catalyst developments to southern Dallas; and

**WHEREAS**, on May 14, 2014, City Council authorized the designation of Tax Increment Reinvestment Zone Number Twenty ("Mall Area Redevelopment TIF District") in accordance with the Tax Increment Financing Act, as amended, V.T.C.A. Texas Tax Code, Chapter 311, by Resolution No. 14-0783; Ordinance No. 29340; and

**WHEREAS**, the Mall Area Redevelopment TIF District was created to stimulate private investment and sustain the orderly redevelopment and revitalization of two commercial core assets of the City while taking advantage of each area's strategic regional location at the crossroads of key transportation corridors; and

**WHEREAS**, the Mall Area Redevelopment TIF District comprises two non-contiguous sub-districts: (1) the Montfort-IH 635 Sub-District for the Valley View Center Mall area in northern Dallas and (2) the Westmoreland-IH 20 Sub-District for the Red Bird Mall area in southern Dallas; and

**WHEREAS**, on June 17, 2015, City Council authorized the Mall Area Redevelopment TIF District Project Plan and Reinvestment Zone Financing Plan by Resolution No. 15-1145; Ordinance No. 29771; and

**WHEREAS**, on January 13, 2016, City Council authorized entering into a Chapter 380 Grant Agreement ("Chapter 380 Grant Agreement") providing Developer with a \$2,400,000.00 grant for the Project by Resolution No. 16-0103, such grant which is secured by a deed of trust encumbering the Project ("Deed of Trust"); and

**WHEREAS**, on June 13, 2018, City Council authorized an amendment to the Chapter 380 Grant Agreement to extend all dates in the Chapter 380 Grant Agreement by eighteen (18) months by Resolution No. 18-0850; and

**WHEREAS**, on June 13, 2018, City Council authorized entering into a Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement ("TIF/Chapter 380 Agreement") with Developer in consideration of the Red Bird Mall Redevelopment Project, providing: (1) a conditional grant in an amount not to exceed \$10,000,000.00; (2) a 15-year interest only loan in an amount not to exceed \$12,000,000.00 ("Loan"); (3) a development agreement awarding an amount not to exceed \$15,600,000.00 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District; and (4) an assignment of all increment payable under the TIF/Chapter 380 Agreement to the City, the Loan and performance obligations which are secured by the Deed of Trust and a guaranty provided by 3662 Investors, LP by Resolution No. 18-0850; and

January 8, 2020

**WHEREAS**, on June 12, 2019, City Council authorized the re-adoption of the City of Dallas' Public/Private Partnership Program Guidelines and Criteria through December 31, 2019, which (1) established certain guidelines and criteria for the use of City incentive programs for private development projects; (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code; and (3) established appropriate guidelines and criteria governing tax abatement agreements to be entered into by City as required by the Property Redevelopment and Tax Abatement Act, as amended, (Texas Tax Code, Chapter 312) ("Tax Abatement Act") by Resolution No. 19-0891; and

**WHEREAS**, Developer, by and through one or more affiliates or subsidiaries, has or intends to: (i) redevelop a portion of the mall for the purpose of providing office space to Chime Solutions, Inc, (ii) develop and construct a new Foot Locker retail store ("Foot Locker") for the Project in the northern parking lot on a parcel owned by OMRB LLC, and (iii) develop and construct a central open space ("Lawn") as a tenant amenity for the entire Project in the northern parking lot on a parcel owned by OMRB II LLC, all through the assistance of an allocation of NMTCs to this portion of the Project from DDF and Capital One Community Renewal Fund ("NMTC Transaction"); and

**WHEREAS**, in order to address NMTC Transaction structuring issues as identified by NMTC tax counsel, Developer has requested that the City partially release the Deed of Trust with respect specifically to the Foot Locker and Lawn properties, confirm that the grants and loans provided by the City to Developer or reimbursed to Developer may be utilized as a source of leverage for the NMTC Transaction, and make other modifications to the Chapter 380 Grant Agreement and TIF/Chapter 380 Agreement which are necessary to accomplish the foregoing; and

**WHEREAS**, Developer has also requested amendment of the TIF/Chapter 380 Agreement to specifically remove the condition of the disbursement of the second loan installment that all 2017 General Obligation Bond Funds be fully disbursed and expended by Developer and allow the second loan installment to be disbursed on or before January 31, 2020; and

**WHEREAS**, on January 6, 2020, the Mall Area Redevelopment TIF District Board of Directors will review and recommend approval of Developer's requested amendments to the Chapter 380 Grant Agreement and TIF/Chapter 380 Agreement and, as consideration for the requested amendments, increase the total minimum investment for the Project by \$1,000,000.00 from \$115,000,000.00 to \$116,000,000.00.

January 8, 2020

**Now, Therefore,**

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

**SECTION 1.** That City Council hereby authorizes a New Markets Tax Credit ("NMTC") transaction between the Dallas Development Fund ("DDF") and its subsidiaries, Capital One N.A. and its subsidiaries ("Capital One"), and 3662 Investors, LP and/or its affiliates or subsidiaries for improvements within the Red Bird Mall Redevelopment Project ("Project") located at 3662 West Camp Wisdom Road as further described in **Attachment A**.

**SECTION 2.** That the City Manager, approved as to form by the City Attorney, is hereby authorized to execute a second amendment to the Chapter 380 Grant Agreement ("Chapter 380 Grant Agreement") with Developer, a first amendment to the Tax Increment Development, Chapter 380 Grant, and Chapter 380 Loan Agreement ("TIF/Chapter 380 Agreement") with Developer, and amend or execute any other documents necessary to (i) release the property owned by OMRB LLC (being the Foot Locker) and the property owned by OMRB II LLC (being the Lawn) from the lien Deed of Trust and the indebtedness evidenced by the City's Loan as shown in **Attachment B**; (ii) specifically remove the condition of the disbursement of the second loan installment that all 2017 General Obligation Bond Funds be fully disbursed and expended by Developer and allow the second loan installment to be disbursed on or before January 31, 2020; (iii) increase the Developer's required total minimum investment for the Project by \$1,000,000.00 from \$115,000,000.00 to \$116,000,000.00 as consideration for (i) and (ii); and (iv) make such other modifications which may be necessary to effectuate the foregoing amendments.

**SECTION 3.** That City Council hereby confirms that the grant and loan proceeds disbursed to Developer under the TIF/Chapter 380 Agreement may be utilized by Developer, directly or indirectly, to provide a leverage source for the NMTC Transaction.

**SECTION 4.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the funds described herein, until such time as the documents are duly approved by all parties and executed.

**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, and it is accordingly so resolved.

**DATE:** November 5, 2019  
**SUBJECT:** Red Bird Phase 1  
**FROM:** City of Dallas Office of Economic Development

## Project Overview

### Overall Project

Red Bird Mall Redevelopment Project is a multi-phase, multi-year transformation of a long-declining mall into a multi-purpose campus where Dallas residents can live, shop, work, and dine. Over the last two decades, the Mall—built in 1975 and initially known as Red Bird Mall before being renamed to Southwest Center Mall—lost all four major retail anchors, leaving large vacancies and making it difficult to attract new smaller tenants without a fundamental rethinking of the mall’s function. By the 2010s, the mall was a shell of its former self and any redevelopment was made challenging because of fragmented ownership, lack of a master plan, and weak market conditions.

This \$157 million redevelopment is being led by 3662 Investors LP, a joint venture between Peter Brodsky and other investors. First phase deliverables began this year with the opening of a Starbucks community store, which is exceeding projections and proving that the neighborhood can support new shops and restaurants at the site. The Dallas Entrepreneurial Center and an extension campus of Jarvis Christian College have also opened, laying the groundwork for a diverse mix of tenants expected to locate at the project in the coming years. These include a comprehensive primary care clinic, a 300-unit apartment complex, a Marriott Courtyard hotel, a Foot Locker Power Store, and an Urban Air Adventures Park.

Beyond NMTC, the City is providing support for the redevelopment to finance infrastructure improvements and workforce development training at the site. This support includes \$10 million of City Bond funding awarded as a conditional grant and \$12 million of PPP funds awarded as interest-only Chapter 380 loans with 15-year term. TIF proceeds will be used to repay the PPP.

### NMTC Project Description

DDF’s financing will support two key components in the initial phase of the project development: a 51,000 SF call/business operations center and a 1.1 acre outdoor gathering space (“The Lawn”). Please find a site plan for the mall in Exhibit 1.

The call center will be operated by Chime Solutions. Chime Solutions was founded in 2015 and provides U.S.-based customer contact services for its clients in a wide range of industries, including financial services, insurance, health care, and telecommunications. The RedBird call center, modeled off Chime’s successful call center at a redeveloping Atlanta-area mall, will convert vacant inline retail space into a major job generator for the community. The company prioritizes employee development through its innovative online Chime University training program and “10K by 2020” initiative to create 10,000 jobs in 10 cities by 2020.

The Lawn will be the centerpiece of the project. Flanked by a Power Store Foot Locker and several restaurants, the Lawn will incorporate a mix of active and passive spaces including a children's park, games area, urban dog park, garden, and flexible performance stage. These spaces will allow for both informal neighborhood gatherings and free daily community programming like yoga classes, lecture series, outdoor concerts, and movie screenings.

The project site is located at 3662 W Camp Wisdom Road in Southern Dallas' Red Bird community. The site qualifies as severely distressed based on a median family income of 35.6% of the metro median and a poverty rate of 34.6%. Project renderings are included in Exhibit 1.

## Related/Sponsoring Entities

The Leverage Lender and NMTC Borrower are expected to be special purpose entities affiliated with 3662 Investors, LP. The NMTC Borrower will meet the requirements of a Qualified Active Low-income Community Business ("QALICB").

## Financing Terms

### NMTC Allocation

Up to \$10 million in allocation from DDF and up to \$3 million in allocation from Capital One Community Renewal Fund ("COCRF").

### NMTC Investor

Capital One, N.A. ("Capital One")

## Anticipated Closing Costs and Fees

DDF will charge upfront fees totaling 4% of the Qualified Equity Investment ("QEI") (estimated at \$400,000). In addition, DDF will charge an annual Asset Management Fee of \$35,000 per year.

DDF will separately secure reimbursement for costs associated with closing this transaction, as well as audit and tax return preparation costs associated with maintaining the financing structure during the 7-year NMTC compliance period.

## Financing Structure

As NMTC Equity investor, Capital One is anticipated to provide a total of approximately \$4.1 million in NMTC Equity (\$0.81 pricing) to support the \$13 million in total allocation from DDF and Capital One. RB Leverage Lender is expected to provide approximately \$9.1 million in the form of a "Leverage Loan" for the transaction. The underlying sources for the Leverage Loan are eligible expenditures incurred by sponsor within the prior 24 months, along with cash equity and potentially City funds.

Capital One will form a special purpose investment fund entity and will be responsible for management of this fund. The equity and leverage debt will be combined to capitalize the investment fund (a subsidiary of Capital One), which in turn will make a QEI of up to \$10 million into a subsidiary of Dallas Development Fund ("DDF Sub-CDE") and pay a 2% CDE Fee to DDF. This fund is also anticipated to make a QEI of up to \$3 million into a subsidiary of COCRF.

DDF, through the aforementioned Sub-CDE, will make a Qualified Low-Income Community Investment (QLICI) loan to the QALICB. Pursuant to DDF's Allocation Agreement, DDF will take a fee of 2% of the QEI to finance its activities. The total QLICI loans to the QALICB will be up to approximately \$12.8 million. Please refer to Exhibit 3 and Exhibit 4 for budget and structure chart.

## Closing Timeline

This project financing is expected to close by December 2019.

# Community Benefits and Need for Assistance

## Community Benefits

**Quality Accessible Jobs.** Chime's call center is expected to create 625 full-time jobs, at least 90% of which will be accessible to individuals with less than a 4-year degree. The minimum starting wage will be \$14/hour, and all employees are eligible for benefits including health, vision, life, and disability insurance. Chime will partner with Workforce Solutions of Greater Dallas to ensure local residents can access these jobs. The City of Dallas has offered up to \$2 million in PPP Program funding to support job creation and workforce training, comprised of 4-6 weeks of paid employee training. To receive the \$2 M, Chime must create 1000 jobs, with 35% being filled by Dallas residents. In addition to this City-supported job training, all employees will have access to Chime University, a 17-course training program that encourages advancement through topics such as "Building Leadership" and "Supervisory Skills".

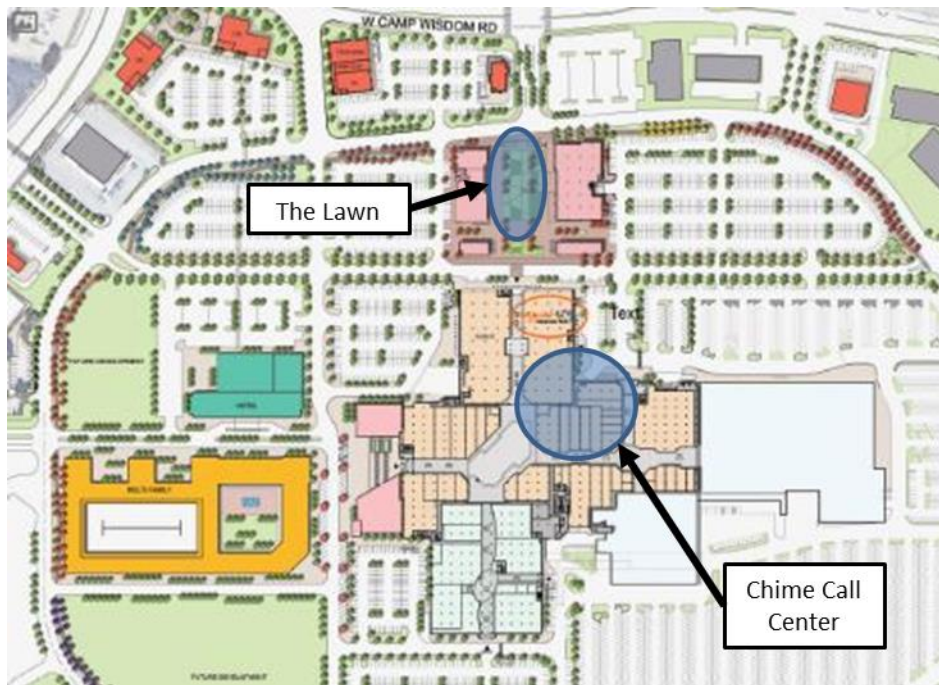
**Catalytic Redevelopment.** The conversion of vacant retail space into a call center with 625 full-time jobs will help bring "critical mass" and purchasing power to the site to attract additional investment. After Phase 1, plans call for approximately 360,000 SF of new restaurant, retail, office, and medical office space. Additionally, as the site's superblock is divided into smaller, pedestrian-scale blocks that will be sold to third-party developers, plans call for 300 units of mixed-income housing, a 40,000 SF grocery store, and a 124-room hotel and conference center.

**Community Programming.** The Lawn component is designed to be a new year-round, outdoor public space that will be the anchor for the entire project. Reimagine RedBird will manage The Lawn and will offer daily free programming for the public ranging from yoga to lecture series to outdoor concerts and films.

## Need For NMTC Assistance

NMTC is a key funding source to ensure the viability of the entire redevelopment. DDF's funding is for the initial phases of Redbird to stabilize the project and attract new tenants and private development that can support market rate financing sources. In particular, the subsidy generated from DDF's NMTC is linked to The Lawn component, which is a vital part of the overall project vision, but challenging to finance given the limited cash flows that will be generated.



**Exhibit 1: Site Plan****Exhibit 2: Project Images**

Aerial rendering of the redeveloped Redbird mall complex





Rendering of the 1.1-acre public lawn



Rendering of potential building facades

**Exhibit 3: Preliminary Sources and Uses**

Overall Sources	
DDF B Note ("NMTC Gross Subsidy")	\$2,759,000
Capital One B Note ("NMTC Gross Subsidy")	\$947,700
Texas Capital - Foot Locker Loan	\$5,120,000
Sponsor Equity - Cash and Prior Spend (includes City funding)	\$10,861,556
Total Sources	\$19,688,256
Overall Uses	
Foot Locker Acquisition	\$888,624
Foot Locker Hard Costs	\$4,179,866
Foot Locker Soft Costs	\$1,149,875
Foot Locker Infrastructure	\$985,423
Lawn Acquisition	\$252,615
Lawn Hard Costs	\$2,921,598
Lawn Soft Costs	\$423,953
Lawn Infrastructure	\$547,946
Chime Hard Costs	\$7,240,883
Chime Soft Costs	\$152,153
Chime CM Fee	\$54,320
<u>Estimated Base Project Costs</u>	<u>\$18,797,256</u>
Estimated Total Closing Costs	\$550,000
Reserve for DDF Ongoing Fees	\$341,000
Total Uses	\$19,688,256



Property included in Deed of Trust securing performance of Developer's secured obligations in TIF/Chapter 380 Agreement

Property requested by Developer to be released from Deed of Trust to facilitate New Markets Tax Credits transaction



## Agenda Information Sheet

**File #:** 19-1918

**Item #:** 17.

**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Emergency Management  
**EXECUTIVE:** Jon Fortune

### **SUBJECT**

Authorize **(1)** the first amendment to the grant agreement with the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency passed through the Texas Office of the Governor-Homeland Security Grants Division for the FY 2017 Homeland Security Grant, which includes the Urban Area Security Initiative (UASI) and the State Homeland Security Program (Federal/State Award ID No. EMW-2017-SS-00005/State Grant No. 2980503, CFDA No. 97.067) to accept additional grant funds in the amount of \$139,509.95, from \$5,634,605.25 to \$5,774,115.20 to provide funding for activities related to enhancing preparedness and building capacity to prepare for, prevent and respond to complex coordinated terrorist attacks for the period September 1, 2017 through February 29, 2020; **(2)** an increase in appropriations in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the agreement - Not to exceed \$139,509.95, from \$5,634,605.25 to \$5,774,115.20 - Financing: U.S. Department of Homeland Security Grant Funds

### **BACKGROUND**

The DHS was created in 2002 and began releasing funds to state and local governments through grant programs. Since 2003, the City of Dallas has received over \$100 million in grant funds under the initiatives that make up the Homeland Security Grant Program. In 2017, the City of Dallas was awarded funds under the UASI. In order to facilitate the distribution of these federal funds, each State is required to establish a State Administrative Agency (SAA) to administer and distribute the grant funding to local governments. In Texas, the SAA has been established within the Texas Office of the Governor.

These initiatives provide funding for equipment acquisition, and planning and training activities to increase the ability of the City of Dallas to prevent, protect against, respond to, and recover from natural and man-made disasters all linked to a terrorism nexus. Some of the activities that these funds support include planning and training for first responders and departmental staff, as well as for

citizens participating in the Citizen Emergency Response Team and a public awareness campaign. Additionally, these funds are also used to assist departments with meeting national, state and regional preparedness goals through the procurement of equipment for various initiatives such as increasing interoperability during incidents.

Each initiative focuses on a component of the overall needs of Dallas to respond in conjunction with state and federal agencies during times of natural and man-made disasters. UASI focuses on the unique planning, equipment, training, and exercise needs of high-threat, high-density urban areas, with specific carve outs for Law Enforcement activities and Management and Administration of the grant.

Previous funding from the Homeland Security Grant Program has been used for equipment and programs to support public safety and homeland security initiatives.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 8, 2017, City Council authorized the acceptance of the 2017 Homeland Security Grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency passed through the Texas Office of the Governor-Homeland Security Grants Division, which includes the Urban Area Security Initiative and the State Homeland Security Program to provide funding for activities related to enhancing preparedness and building capacity to prepare for, prevent and respond to complex coordinated terrorist attacks for the period September 1, 2017 through February 29, 2020, by Resolution No. 17-1737.

The Public Safety Committee will be briefed by memorandum regarding this matter on January 3, 2020.

### **FISCAL INFORMATION**

U.S. Department of Homeland Security Grant Funds - \$139,509.95

January 8, 2020

**WHEREAS**, the U.S. Department of Homeland Security has made funding available to the City of Dallas, under the 2017 Homeland Security Grant Program to build our capacity to prevent, protect against, respond to, and recover from a terrorist attack or natural disaster; and

**WHEREAS**, on November 8, 2017, City Council authorized the acceptance of the 2017 Homeland Security Grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency passed through the Texas Office of the Governor-Homeland Security Grants Division, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program to provide funding for activities related to enhancing preparedness and building capacity to prepare for, prevent and respond to complex coordinated terrorist attacks for the period September 1, 2017 through February 29, 2020, by Resolution No. 17-1737; and

**WHEREAS**, grant funds will be used for operating expenses related to emergency preparedness and response activities; and

**WHEREAS**, the City of Dallas will benefit from increased preparedness throughout the city and region.

**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 the first amendment to the grant agreement with the U.S. Department of Homeland Security, Federal Emergency Management Agency passed through the Texas Office of the Governor-Homeland Security Grants Division for the FY 2017 Homeland Security Grant, which includes the Urban Area Security Initiative and the State Homeland Security Program (Federal/State Award ID No. EMW-2017-SS-00005/State Grant No. 2980503, CFDA No. 97.067) to accept additional grant funds in the amount of \$139,509.95, from \$5,634,605.25 to \$5,774,115.20 to provide funding for activities related to enhancing preparedness and building capacity to prepare for, prevent and respond to complex coordinated terrorist attacks for the period September 1, 2017 through February 29, 2020; and execute the grant agreement and all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund, Fund F539, Department MGT, Unit 3558, Object 3099.



January 8, 2020

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$139,509.95 in the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund, Fund F539, Department MGT, Unit 3558, Revenue Code 6506.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$139,509.95 from the DHS-FY2017 Homeland Security Grant-UASI 17-20 Fund, Fund F539, Department MGT, Unit 3558, Object 3099.

**SECTION 5.** That the City Manager is hereby authorized to reimburse to the U.S. Department of Homeland Security any expenditure identified as ineligible or in the event of loss of funds. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**SECTION 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That the City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation or termination of the grant as may be necessary to satisfy the U.S. Department of Homeland Security and Federal Emergency Management Agency.

**SECTION 8.** That this contract is designated as Contract No. MGT-2020-00012268.

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



## Agenda Information Sheet

**File #:** 19-1946

**Item #:** 18.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year service price agreement for overhead and gantry crane periodic inspections, maintenance, repairs, and parts - Royal Arc Welding Co., lowest responsible bidder of two - Estimated amount of \$356,880 - Financing: General Fund (\$20,200), Equipment and Fleet Management Fund (\$12,890), Dallas Water Utilities Fund (\$268,775), Storm Drainage Management Operations Fund (\$15,915), Sanitation Operation Fund (\$35,200), and Aviation Fund (\$3,900)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Department of Aviation
- Department of Equipment and Fleet Management
- Department of Sanitation Services
- Fire-Rescue Department
- Park & Recreation Department
- Water Utilities Department

This service price agreement will provide periodic inspections, maintenance, repairs, and parts for overhead and gantry cranes. These cranes are installed at various locations throughout the City.

Periodic inspections and maintenance services are required for these cranes in order to remain in full compliance with all applicable American National Standards Institute and Occupational Safety and Health Administration standards, rules, and regulations. The frequency of service required on each crane varies due to the age, usage, and working conditions at the specific location.



These services will also help City staff to identify potential safety hazards in operation and placement of cranes. Work service log books and written reports are maintained by City staff for each inspection and repair as proof of compliance and protects City property from future liability.

Crane inspection requires specialized equipment designed for the inspection and testing of overhead and gantry cranes which will be provided on site by the vendor. Equipment will be verified by City staff in compliance with bid specifications.

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 email notifications to vendors registered under relevant commodity codes. 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. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$11.71; the selected vendor meets this requirement.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 13, 2016, City Council authorized a three-year service contract for periodic inspections, repairs, parts and preventive maintenance for overhead and gantry cranes with Royal Arc Welding Company by Resolution No. 16-0069.

#### **FISCAL INFORMATION**

General Fund - \$20,200.00

Equipment and Fleet Management Fund - \$12,890.00

Dallas Water Utilities Fund - \$268,775.00

Storm Drainage Management Operations Fund - \$15,915.00

Sanitation Operation Fund - \$35,200.00

Aviation Fund - \$3,900.00

Fund	FY 2020	FY 2021	Future Years
General Fund	\$ 6,733.33	\$ 6,733.33	\$ 6,733.34
Equipment and Fleet Management Fund	\$ 4,297.00	\$ 4,297.00	\$ 4,296.00
Dallas Water Utilities Fund	\$ 89,591.63	\$ 89,591.67	\$ 89,591.70
Storm Drainage Management Operations Fund	\$ 5,305.00	\$ 5,305.00	\$ 5,305.00
Sanitation Operation Fund	\$ 12,000.00	\$ 12,000.00	\$ 11,200.00
Aviation Fund	\$ 1,000.00	\$ 1,500.00	\$ 1,400.00
Total	\$118,926.96	\$119,427.00	\$118,526.04

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$356,880.00	Other Services	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> <li>• Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BF19-00011021. We opened them on October 3, 2019. We recommend the City Council award this service price agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Royal Arc Welding Co.	23851 Vreeland Road Flat Rock, MI 48134	\$356,880.00
C & C Professional Services, Inc. dba Sherwood Lifting	918 Stanley Drive Suite A Euless, TX 76040	\$357,820.00

**OWNER****Royal Arc Welding Co.**

Rob Siemens, President  
Joe Rosen, Vice President  
Kristy Stapula, Secretary

January 8, 2020

**WHEREAS**, on January 13, 2016, City Council authorized a three-year service contract for periodic inspections, repairs, parts and preventive maintenance for overhead and gantry cranes with Royal Arc Welding Company, in an amount not to exceed \$428,645, by Resolution No. 16-0069.

**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 service price agreement with Royal Arc Welding Co. (VS0000068113), approved as to form by the City Attorney, for overhead and gantry crane periodic inspections, maintenance, repairs, and parts for a term of three years, in the estimated amount of \$356,880. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to Royal Arc Welding Co. shall be based only on the amount of the services directed to be performed by the City and properly performed by Royal Arc Welding Co. under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$356,880, but not more than the amount of budgetary appropriations for this service price agreement during its term to Royal Arc Welding Co. from Service Price Agreement No. POM-2019-00011021.

**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 Information Sheet

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**File #:** 19-1582

**Item #:** 19.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year service price agreement for the rental of cranes with operators for the Department of Equipment and Fleet Management - Maxim Crane Works, L.P., lowest responsible bidder of two - Estimated amount of \$485,170 - Financing: General Fund

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will enable the Department of Equipment and Fleet Management to provide crane rental services with operators to various City departments. This agreement allows for the rental of a variety of cranes with operators on a short-term basis to accomplish day-to-day construction and special needs operations. This arrangement is advantageous to the City as it provides immediate access to various types and sizes of cranes with operators without the purchase, inventory, depreciation, and disposal cost associated with ownership of the equipment. This agreement will provide approximately 350 hours of crane rental with operators to be used citywide.

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 email notifications to vendors registered under relevant commodity codes. 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. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$11.15; the selected vendor meets this requirement.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On October 8, 2014, City Council authorized a three-year service contract for the rental of cranes with operators with TNT Crane & Rigging, Inc. by Resolution No. 14-1666.

### **FISCAL INFORMATION**

General Fund - \$485,170.00 (Estimated amount)

Fund	FY 2019-20	FY 2020-21	Future Years
General Fund	\$161,723.33	\$161,723.33	\$161,723.34
Total	\$161,723.33	\$161,723.33	\$161,723.34

### **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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$485,170.00	Other Services	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

### **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> <li>Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BN1912. We opened them on March 15, 2019. We recommend the City Council award this service price agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Maxim Crane Works, L.P.	5701 Denton Highway Haltom City, TX 76148	\$485,170.00
TNT Crane & Rigging, Inc.	925 South Loop West Houston, TX 77054	Non-responsive

**OWNER**

**Maxim Crane Works, L.P.**

Keith Desalvo, Director of Sales

January 8, 2020

**WHEREAS**, on October 8, 2014, City Council authorized a three-year service contract for the rental of cranes with operators with TNT Crane & Rigging, Inc., in an amount not to exceed \$361,146.60, by Resolution No. 14-1666.

**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 service price agreement with Maxim Crane Works, L.P. (261923), approved as to form by the City Attorney, for the rental of cranes with operators for the Department of Equipment and Fleet Management for a term of three years, in the estimated amount of \$485,170.00. The amount payable pursuant to this service price agreement may exceed the estimated amount but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to Maxim Crane Works, L.P. shall be based only on the amount of the services directed to be performed by the City and properly performed by Maxim Crane Works, L.P. under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$485,170.00, but not more than the amount of budgetary appropriations for this service price agreement during its term to Maxim Crane Works, L.P. from Service Price Agreement No. EFM-2019-00010983.

**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 Information Sheet

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**File #:** 19-1877

**Item #:** 20.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year service price agreement for emergency generator repair and maintenance for citywide use - LJ Power, Inc., lowest responsible bidder of three - Estimated amount of \$673,610 - Financing: General Fund (\$257,475), Dallas Water Utilities Fund (\$299,980), Communication Services Fund (\$43,085), Aviation Fund (\$28,125), Storm Drainage Management Operations Fund (\$20,260), Sanitation Operation Fund (\$13,155), and Convention and Event Services Fund (\$11,530)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for service, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Building Services Department
- Department of Aviation
- Department of Convention and Event Services
- Department of Information and Technology Services
- Department of Sanitation Services
- Fire-Rescue Department
- Park & Recreation Department
- Water Utilities Department

This three-year service price agreement provides maintenance and repair of emergency electrical power generators. Each year, an annual preventative maintenance service schedule is performed, followed by a quarterly preventative maintenance service schedule to ensure optimal operation. Repair services are provided when there is a problem which would impede the generator from performing at optimum efficiency.



This agreement will provide services for approximately 174 generators throughout the City.

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 email notifications to vendors registered under relevant commodity codes. 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. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$11.71; the selected vendor meets this requirement.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 25, 2016, City Council authorized a three-year service contract for emergency generator repair and maintenance with Clifford Power Systems, Inc. and Allegiance Power Systems, Inc. by Resolution No. 16-0795.

#### **FISCAL INFORMATION**

General Fund - \$257,475.00 (Estimated amount)

Dallas Water Utilities Fund - \$299,980.00 (Estimated amount)

Communication Services Fund - \$43,085.00 (Estimated amount)

Aviation Fund - \$28,125.00 (Estimated amount)

Storm Drainage Management Operations Fund - \$20,260.00 (Estimated amount)

Sanitation Operation Fund - \$13,155.00 (Estimated amount)

Convention and Event Services Fund - \$11,530.00 (Estimated amount)

Fund	FY 2019-20	FY 2020-21	Future Years
General Fund	\$104,330.33	\$ 76,571.33	\$ 76,573.34
Dallas Water Utilities Fund	\$ 99,993.32	\$ 99,993.34	\$ 99,993.34
Communication Services Fund	\$ 14,631.67	\$ 14,631.67	\$ 14,631.66
Aviation Fund	\$ 9,375.00	\$ 9,375.00	\$ 9,375.00
Storm Drainage Management Operations Fund	\$ 6,753.34	\$ 6,753.33	\$ 6,753.33
Sanitation Operation Fund	\$ 4,385.00	\$ 4,385.00	\$ 4,385.00
Convention and Event Services Fund	\$ 3,000.00	\$ 3,000.00	\$ 5,530.00
Total	\$242,198.66	\$214,439.67	\$216,971.67

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$673,610.00	Other Services	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> <li>• Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BN19-00010414. We opened them on July 12, 2019. We recommend the City Council award this service price agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*LJ Power, Inc.	12707 Nutty Brown Rd. Bldg. F Austin, TX 78737	\$673,610.00
Clifford Power Systems, Inc.	2916 National Dr. Garland, TX 75041	\$837,297.00
Double P Companies, Inc.	398 Tamplen Rd. Whitesboro, TX 76273	Non-responsive

**OWNER****LJ Power, Inc.**

Larry Davis, President  
James Davis, Vice President

January 8, 2020

**WHEREAS**, on May 25, 2016, City Council authorize a three-year service contract for emergency generator repair and maintenance with Clifford Power Systems, Inc. in the amount of \$431,280 and Allegiance Power Systems, Inc. in the amount of \$214,275, in a total amount not to exceed \$645,555, by Resolution No. 16-0795; and

**WHEREAS**, on June 3, 2019, Administrative Action No. 19-6108 authorized Supplemental Agreement No. 1 to extend the service contract for six months with Clifford Power Systems, Inc. for emergency generator repair and maintenance from May 24, 2019 to November 23, 2019, with zero cost, having no effect on the contract amount.

**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 service price agreement with LJ Power, Inc. (VS90040), approved as to form by the City Attorney, for emergency generator repair for citywide use for a term of three years, in the estimated amount of \$673,610. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made 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 service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$673,610, but not more than the amount of budgetary appropriations for this service price agreement during its term to LJ Power, Inc. from Service Price Agreement No. POM-2019-00010414.

**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 Information Sheet

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**File #:** 19-1871

**Item #:** 21.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a five-year cooperative purchasing agreement for diversity compliance tracking software and related support services for the Office of Business Diversity with AskReply, Inc. dba B2GNow through the Texas Department of Information Services cooperative agreement - Not to exceed \$142,130 - Financing: General Fund (subject to annual appropriations)

### **BACKGROUND**

This cooperative purchasing agreement will provide the Office of Business Diversity with a software subscription to diversity compliance tracking software and other related services. B2GNow is a web hosted software application that streamlines and automates data-gathering, vendor management, contract compliance, administrative processes, and vendor certifications for entities maintaining Minority/Women-Owned Business Enterprise (M/WBE), Small Business Enterprise, Disadvantaged Business Enterprise, Airport Concessions Disadvantaged Business Enterprise, or other programs. B2GNow is the nation's leading diversity management software. This contract will allow for the purchase of B2GNow Diversity Compliance System hosted and managed technology infrastructure, software licenses, maintenance, and support. Maintenance services will include system configuration updates and annual system review. Support services will include technical telephone and email support, first level email support for vendors, and unlimited online staff and vendor training.

The City began using B2GNow in June 2014 to track and report minority prime and subcontractor spend of City contracts. The B2GNow system includes several modules and compliance tools to select from and the Office of Business Diversity has spent the last five years ensuring the right modules were in place. These modules not only facilitate day-to-day operations but also anticipate future changes to policies and procedures. In addition to reviewing and monitoring approximately 400 agenda items annually, the B2GNow software application tracks and reports M/WBE prime and subcontractor utilization data, generates M/WBE certified directories, and verifies vendor minority certifications. Contract compliance, outreach and events, projects, and goal setting modules are also included in this contract.

The Texas Department of Information Services cooperative 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)**

This item has no prior action

### **FISCAL INFORMATION**

General Fund - \$142,130.00 (subject to annual appropriations)

Fund	FY 2019-20	FY 2020-21	Future Years
General Fund	\$37,946.00	\$26,046.00	\$78,138.00

### **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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$142,130.00	CO-OP	N/A	N/A	N/A
<ul style="list-style-type: none"> <li>The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).</li> </ul>				

### **PROCUREMENT INFORMATION**

Cooperative Purchasing Agreement	<ul style="list-style-type: none"> <li>Cooperative purchasing agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices</li> <li>The cooperative purchasing agreement is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement</li> </ul>
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### **OWNER**

**AskReply, Inc. dba B2GNow**

Justin Talbot-Stein, President  
Frank Begalke, Vice President

January 8, 2020

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

**SECTION 1.** That the City Manager is hereby authorized to execute a cooperative purchasing agreement with AskReply, Inc. dba B2GNow (VC0000011954) through the Texas Department of Information Services cooperative agreement, approved as to form by the City Attorney, for diversity compliance tracking software and related support services for the Office of Business Diversity for a term of five years, in an amount not to exceed \$142,130. If the service was bid or proposed on an as needed basis, unit price basis for performance of the specified tasks, payments to AskReply, Inc. dba B2GNow shall be based only on the amount of the services directed to be performed by the City and properly performed by AskReply, Inc. dba B2GNow under the cooperative purchasing agreement.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$142,130 (subject to annual appropriations) to AskReply, Inc. dba B2GNow from Cooperative Purchasing Agreement No. OBD-2020-00012133.

**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 Information Sheet

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**File #:** 19-1911

**Item #:** 22.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a two-year master agreement for small cast iron fittings for Dallas Water Utilities - Fortiline, Inc. dba Fortiline Waterworks, lowest responsible bidder of three - Estimated amount of \$185,000 - Financing: Dallas Water Utilities Fund

### **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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will provide for the purchase of small cast iron fittings. Dallas Water Utilities maintains 5,000 miles of water mains throughout the water distribution system. The cast iron fittings are connected to the system's potable water pipelines, which serve City residents and customer cities. The fittings utilized in this agreement will allow Dallas Water Utilities field crew personnel to repair, replace, and make required adjustments to water pipe lines within distribution systems, as well as to repair residential and commercial piping, water meters, bypass valves, and other apparatuses as needed at existing locations and new installations.

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 email notifications to vendors registered under relevant commodity codes. 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. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

On August 9, 2017, City Council authorized a two-year master agreement for cast iron fittings with HD Supply Waterworks, LTD. by Resolution No. 17-1156.

**FISCAL INFORMATION**

Dallas Water Utilities Fund - \$185,000.00 (Estimated amount)

Fund	FY 2019-20	FY 2020-21	Future Years
Dallas Water Utilities Fund	\$92,500.00	\$92,500.00	\$0.00
Total	\$92,500.00	\$92,500.00	\$0.00

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$185,000.00	Goods	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability.				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> <li>• Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BC19-00011119. We opened them on October 11, 2019. We recommend the City Council award this master agreement to the lowest responsive and responsible bidder by line. Information related to this solicitation is available upon request.

\*Denotes successful bidder

**Bidders****Address****Amount**

*Fortiline, Inc. dba Fortiline Waterworks	11200 Seagoville Rd. Balch Springs, TX 75180	Multiple Lines
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Core & Main LP	4333 Irving Blvd. Dallas, TX 75247	Multiple Lines
APSCO	3458 U.S. Hwy. 175 Kaufman, TX 75412	Multiple Lines

**OWNER****Fortiline, Inc. dba Fortiline Waterworks**

Mike Swedick, President

January 8, 2020

**WHEREAS**, on August 9, 2017, City Council authorized a two-year master agreement for cast iron fittings with HD Supply Waterworks, LTD., in an amount not to exceed \$370,000, by Resolution No. 17-1156; and

**WHEREAS**, on August 8, 2019, Administrative Action No. 19-0678 authorized to extend the master agreement for the purchase of cast iron fittings with Core & Main LP (formerly known as HD Supply Waterworks, LTD.) from August 10, 2019 through August 9, 2020, with zero cost, having no effect on the master agreement.

**Now, Therefore,**

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

**SECTION 1.** That a master agreement for the purchase of small cast iron fittings for Dallas Water Utilities is authorized with Fortiline, Inc. dba Fortiline Waterworks (VS0000073028), approved as to form by the City Attorney, for a term of two years in the estimated amount of \$185,000. The amount payable pursuant to this master agreement may exceed the estimated amount but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the contract for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for small cast iron fittings for Dallas Water Utilities. If a written contract is required or requested for any or all purchases of small cast iron fittings for Dallas Water Utilities 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 estimated amount of at least \$185,000, but not more than the amount of budgetary appropriations for this master agreement during its term to Fortiline, Inc. dba Fortiline Waterworks from Master Agreement Contract No. DWU-2019-00011119.

**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 Information Sheet

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**File #:** 19-1798

**Item #:** 23.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year master agreement for the purchase of agricultural pesticides and herbicides for various City departments - Rentokil North America, Inc. dba Target Specialty Products in an estimated amount of \$2,413,642.14, The J R Simplot Company in an estimated amount of \$1,475,750.34, and Winfield Solutions, LLC dba Winfield United in an estimated amount of \$792,688.98, lowest responsible bidders of three - Total estimated amount of \$4,682,081.46 - Financing: General Fund

### **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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will allow departments throughout the City to purchase various types of agricultural herbicides and pesticides for use by City staff to protect existing City green space. Herbicides destroy or inhibit unwanted vegetation growth and weeds; pesticides inhibit invasive insects. The master agreement will be used throughout the City, including over 23,000 acres of Park and Recreation Department property which includes six 18-hole golf courses and over 200 athletic fields. Additionally, the items purchased from the master agreement will be used at Dallas Water Utilities facilities and work sites, as well as the City's roadway medians.

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 email notifications to vendors registered under relevant commodity codes. 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. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

On April 27, 2016, City Council authorized a three-year master agreement for herbicides and pesticides for citywide use with SiteOne Landscape Supply, LLC, Rentokil North America, Inc. dba Target Specialty Products, BWI Dallas/Ft. Worth, Winfield Solutions LLC, Red River Specialties, Inc., N-Gulf, LLC dba Ameriturf, Turf Care of Texas, LLC and Helena Chemical Company by Resolution No. 16-0618.

**FISCAL INFORMATION**

General Fund - \$4,682,081.46 (Estimated amount)

Fund	FY 2019-20	FY 2020-21	Future Years
General Fund	\$1,350,000.00	\$1,665,693.80	\$1,666,387.66
Total	\$1,350,000.00	\$1,665,693.80	\$1,666,387.66

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$4,682,081.46	Goods	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> <li>• Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BT19-00009789. We opened them on June 28, 2019. 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

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Rentokil North America, Inc. dba Target Specialty Products	920 South Freeport Pkwy. #220 Coppell, TX 75019	Multiple Lines
*The J R Simplot Company	1625 Wallace Dr. Carrollton, TX 75006	Multiple Lines
*Winfield Solutions, LLC dba Winfield United	1221 Champion Cr. #107 Carrollton, TX 75006	Multiple Lines

**OWNERS****Rentokil North America, Inc. dba Target Specialty Products**

John Meyer, President  
David Helt, Vice President

**The J R Simplot Company**

Garrett Lofto, President

**Winfield Solutions, LLC dba Winfield United**

Beth Ford, President  
Brett Bruggeman, Vice President  
Loren Heeringa, Secretary  
Bill Pieper, Treasurer

January 8, 2020

**WHEREAS**, on April 27, 2016, City Council authorized a three-year master agreement for herbicides and pesticides for citywide use with SiteOne Landscape Supply, LLC in the amount of \$731,779.07, Rentokil North America, Inc. dba Target Specialty Products in the amount of \$467,501.19, BWI Dallas/Ft. Worth in the amount of \$434,209.33, Winfield Solutions LLC in the amount of \$196,724.75, Red River Specialties, Inc. in the amount of \$160,456.70, N-Gulf, LLC dba Ameriturf in the amount of \$149,082.75, Turf Care of Texas, LLC in the amount of \$103,935.00, and Helena Chemical Company in the amount of \$86,878.48, in a total amount not to exceed \$2,330,567.27, by Resolution No. 16-0618.

**Now, Therefore,**

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

**SECTION 1.** That a master agreement for the purchase of agricultural pesticides and herbicides for various City departments is authorized with Rentokil North America, Inc. dba Target Specialty Products (VS91457) in the estimated amount of \$2,413,642.14, The J R Simplot Company (VC19755) in the estimated amount of \$1,475,750.34, and Winfield Solutions, LLC dba Winfield United (VC0000009702) in the estimated amount of \$792,688.98, approved as to form by the City Attorney, for a term of three years, in a total estimated amount of \$4,682,081.46. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the contract for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for agricultural pesticides and herbicides for various City departments. If a written contract is required or requested for any or all purchases for agricultural pesticides and herbicides for various City departments 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 estimated amount of at least \$4,682,081.46, but not more than the amount of budgetary appropriations for this master agreement during its term to Rentokil North America, Inc. dba Target Specialty Products, The J R Simplot Company, and Winfield Solutions, LLC dba Winfield United from Master Agreement Contract No. POM-2019-00009789.

**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 Information Sheet

**File #:** 19-1735

**Item #:** 24.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year master agreement for janitorial supplies, trash bags, and liners for citywide use - M A N S Distributors, Inc. in an estimated amount of \$9,641,648.08, Eagle Brush & Chemical, Inc. in an estimated amount of \$1,242,500.00, Interboro Packaging Corp. in an estimated amount of \$644,926.10, Pollock Investments, Inc. dba Pollock Distributors in an estimated amount of \$29,265.74, Complete Supply, Inc. in an estimated amount of \$24,512.00, and All American Poly Corp. in an estimated amount of \$10,333.70, lowest responsible bidders of ten - Total estimated amount of \$11,593,185.62 - Financing: General Fund (\$3,252,078.66), Aviation Fund (\$7,836,614.53), Dallas Water Utilities Fund (\$306,020.63), Sanitation Operation Fund (\$88,426.67), Convention and Event Services Fund (\$77,333.17), Storm Drainage Management Operations Fund (\$32,211.96), and Communication Service Fund (\$500.00)

### **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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement provides janitorial supplies, trash bags, and liners for citywide use. This agreement offers an efficient method of ordering products including, but not limited to, trash bags and liners, mops, brooms, scrubbing brushes, soap, detergent, floor waxes, polishes, paper towels, and toilet tissue as needs arise. These products are used daily to ensure City's buildings are maintained, presentable, and clean.

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 email notifications to vendors registered under relevant commodity codes. 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. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 24, 2014, City Council authorized a three-year master agreement for janitorial supplies with Pollock Investments dba Pollock Paper Distributors, Eagle Brush & Chemical, Inc., M A N S Distributors, Inc., and San Benito Textile, Inc. by Resolution No. 14-1590.

On February 24, 2016, City Council authorized an increase to the master agreement with Pollock Investments dba Pollock Paper Distributors, Eagle Brush & Chemical, Inc., M A N S Distributors, Inc., and San Benito Textile, Inc. for janitorial supplies by Resolution No. 16-0329.

On August 10, 2016, City Council authorized a three-year master agreement for janitorial supplies, trash bags and liners with M A N S Distributors, Inc., Eagle Brush & Chemical, Inc., All American Poly Corp., Nationwide-Supplies, LP dba USA Supply, JBG Purchasing Group, LLC, Interboro Packaging Corp., Central Poly Corporation, and Pollock Investments dba Pollock Paper Distributors by Resolution No. 16-1172.

### **FISCAL INFORMATION**

General Fund - \$3,252,078.66 (Estimated amount)

Aviation Fund - \$7,836,614.53 (Estimated amount)

Dallas Water Utilities Fund - \$306,020.63 (Estimated amount)

Sanitation Operation Fund - \$88,426.67 (Estimated amount)

Convention and Event Services Fund - \$77,333.17 (Estimated amount)

Storm Drainage Management Operations Fund - \$32,211.96 (Estimated amount)

Communication Service Fund - \$500.00 (Estimated amount)

Fund	FY 2019-20	FY 2020-21	Future Years
General Fund	\$1,035,955.26	\$1,043,841.45	\$1,172,281.95
Aviation Fund	\$1,959,153.00	\$2,612,205.00	\$3,265,256.53
Dallas Water Utilities Fund	\$ 102,006.87	\$ 102,006.88	\$ 102,006.88
Sanitation Operation Fund	\$ 29,500.00	\$ 29,500.00	\$ 29,426.67
Convention and Event Services Fund	\$ 25,000.00	\$ 25,000.00	\$ 27,333.17
Storm Drainage Management Operations Fund	\$ 10,737.32	\$ 10,737.32	\$ 10,737.32
Communication Service Fund	\$ 500.00	\$ 0.00	\$ 0.00
Total	\$3,162,852.45	\$3,823,290.65	\$4,607,042.52

### **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:



Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$11,593,185.62	Goods	18.00%	99.45%	\$11,529,074.18
• This contract exceeds the M/WBE goal.				

## **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements</li> <li>• Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BR1900010448. We opened them on June 28, 2019. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line or group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*M A N S Distributors, Inc.	8700 Diplomacy Row Dallas, TX 75247	Multiple Lines or Groups
*Eagle Brush & Chemical, Inc.	11242 Indian Trail Dallas, TX 75229	Multiple Lines or Groups
*Interboro Packaging Corp.	114 Bracken Road Montgomery, NY 12549	Multiple Lines or Groups
*Pollack Investments, Inc. dba Pollock Distributors	1 Pollock Place Grand Prairie, TX 75050	Multiple Lines or Groups
*Complete Supply, Inc.	1624 West Crosby Street #144 Carrollton, TX 75006	Multiple Lines or Groups
*All American Poly Corp.	40 Turner Place Piscataway, NJ 08854	Multiple Lines or Groups
Medline Industries, Inc.	Three Lakes Drive Northfield, IL 60093	Non-responsive
Starks Janitorial Services	936 Ember Lane Mesquite, TX 75149	Non-responsive

The Bargain Source	2516 Morningside Drive Garland, TX 75041	Non-responsive
Central Poly Bag Corp.	2400 Bedle Place Linden, NJ 07036	Non-responsive

**OWNERS****M A N S Distributors, Inc.**

Suresh Kara, President  
Purnima Kara, Chief Executive Officer

**Eagle Brush & Chemical, Inc.**

Rosanne K. Benoit, President

**Interboro Packaging Corp.**

Edith Jeremias, President  
Abraham Jeremias, Vice President  
Toby Friedman, Secretary  
Chaim Bittman, Treasurer

**Pollock Investments dba Pollock Distributors**

Lawrence Pollock III, President  
Tracy Evatt, Vice President  
Richard Pollock, Secretary  
Paul A. Garcia, Treasurer

**Complete Supply, Inc.**

Paris Bahcall, President  
David Bahcall, Vice President  
Price Bahcall, Treasurer

**All American Poly Corp.**

Jack Klein, President  
Neil Koenig, Vice President  
Jose Fernandez, Secretary  
Zeke Rosenwasser, Treasurer

January 8, 2020

**WHEREAS**, on September 24, 2014, City Council authorized a three-year master agreement for janitorial supplies with Pollock Investments dba Pollock Paper Distributors in the amount of \$1,570,770.00, Eagle Brush & Chemical, Inc. in the amount of \$1,539,925.00, M A N S Distributors, Inc. in the amount of \$432,100.00, and San Benito Textile, Inc. in the amount of \$63,050.00, in a total amount not to exceed \$3,605,845.00, by Resolution No. 14-1590; and

**WHEREAS**, on December 17, 2014, Administrative Action No. 14-7257 authorized extension to the master agreement with All American Poly Corporation for twelve months from February 28, 2015 to February 28, 2016, with zero cost, having no effect on the contract amount; and

**WHEREAS**, on December 17, 2014, Administrative Action No. 14-7259 authorized extension to the master agreement with Central Poly Corporation for twelve months from February 28, 2015 to February 28, 2016, with zero cost, having no effect on the contract amount; and

**WHEREAS**, on January 4, 2016, Administrative Action No. 16-5011 authorized extension to the master agreement with Central Poly Corporation for six months from February 28, 2016 to August 28, 2016, with zero cost, having no effect on the contract amount; and

**WHEREAS**, on January 5, 2016, Administrative Action No. 16-5045 authorized extension to the master agreement with All American Poly Corporation for six months from February 28, 2016 to August 28, 2016, with zero cost, having no effect on the contract amount; and

**WHEREAS**, on February 24, 2016, City Council authorized an increase to the master agreement with Pollock Investments dba Pollock Paper Distributors in the amount of \$314,154.00, from \$1,570,770.00 to \$1,884,924.00, Eagle Brush & Chemical, Inc. in the amount of \$307,985.00, from \$1,539,925.00 to \$1,847,910.00, M A N S Distributors, Inc. in the amount of \$86,420.00, from \$432,100.00 to \$518,520.00, and San Benito Textile, Inc. in the amount of \$12,610.00, from \$63,050.00 to \$75,660.00 for janitorial supplies, in a total amount not to exceed \$721,169.00, from \$3,605,845.00 to \$4,327,014.00, by Resolution No. 16-0329; and

**WHEREAS**, on August 10, 2016, City Council authorized a three-year master agreement for janitorial supplies, trash bags and liners with M A N S Distributors, Inc. in the amount of \$8,134,179.00, Eagle Brush & Chemical, Inc. in the amount of \$3,611,700.00, All American Poly Corp. in the amount of \$595,510.74, Nationwide-Supplies, LP dba USA Supply in the amount of \$140,050.00, JBG Purchasing Group, LLC in the amount of \$81,639.36, Interboro Packaging Corp. in the amount of \$68,497.58, Central Poly Corporation in the amount of \$28,505.40 and Pollock Investments dba Pollock Paper Distributors in the amount of \$686.68, in a total amount not to exceed \$12,660,768.76, by Resolution No. 16-1172.

January 8, 2020

**Now, Therefore,**

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

**SECTION 1.** That a master agreement for the purchase of janitorial supplies, trash bags, and liners for citywide use is authorized with M A N S Distributors, Inc. (331904) in the estimated amount of \$9,641,648.08, Eagle Brush & Chemical, Inc. (009948) in the estimated amount of \$1,242,500.00, Interboro Packaging Corp (331142) in the estimated amount of \$644,926.10, Pollock Investments dba Pollock Distributors (063760) in the estimated amount of \$29,265.74, Complete Supply, Inc. (512180) in the estimated amount of \$24,512.00, and All American Poly Corp. (269007) in the estimated amount of \$10,333.70, approved as to form by the City Attorney, for a term of three years, in a total estimated amount of \$11,593,185.62. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the contract for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for janitorial supplies, trash bags, and liners for citywide use. If a written contract is required or requested for any or all purchases for janitorial supplies, trash bags, and liners for citywide use 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 estimated amount of at least \$11,593,185.62, but not more than the amount of budgetary appropriations for this master agreement during its term to M A N S Distributors, Inc., Eagle Brush & Chemical, Inc., Interboro Packaging Corp., Pollock Investments dba Pollock Distributors, Complete Supply, Inc., and All American Poly Corp. from Master Agreement Contract No. POM-2019-00010448.

**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 Information Sheet

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**File #:** 19-239

**Item #:** 25.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a five-year master agreement for office supplies for citywide use with Office Depot, Inc. through the Public Sourcing Solutions cooperative agreement, Staples Business Advantage through the Sourcwell cooperative agreement, Greenwood Office Outfitters through the National Cooperative Purchasing Alliance cooperative agreement, and Limitless Office Products through the Omnia Partners cooperative agreement and The Interlocal Purchasing System cooperative agreement - Estimated amount of \$6,180,000 - Financing: Various Funds (see Fiscal Information)

### **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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will allow for the purchase of a variety of office supply products for all City departments. The master agreement will allow the City to purchase approximately 1,725 City core office supply products at a significant discount off manufacturer's list price.

In an attempt to reduce the cost of office supplies and to promote a green initiative, this contract will be structured in a manner where "store brand" and "green" items will be offered where available. The City currently purchases 99 percent of all office supply items utilizing web-based ordering, this process provides efficient ordering and delivery of products.

The agreement includes terms such as:

- Web-based ordering
- Next day desktop delivery
- Consolidated billing

- Restrictions on City identified products
- Quarterly reports on City buying trends
- Opportunity to purchase comparable environmentally-friendly items

The cooperative purchasing organizations listed in this agenda item leverages the collective purchasing power of government agencies nationwide and establishes cost-effective volume pricing. This agreement provides the City the lowest available pricing discounts from the vendors regardless of the size of the order.

The Public Sourcing Solutions, Sourcewell, National Cooperative Purchasing Alliance, Omnia Partners, and The Interlocal Purchasing System cooperative agreements 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)**

On June 9, 2010, City Council authorized participation in a purchasing agreement with Public Sourcing Solutions; and a three-year master agreement for office supplies with Office Max through Public Sourcing Solutions by Resolution No. 10-1462.

On June 17, 2015, City Council authorized a five-year master agreement for office supplies with Office Depot, Inc. through Public Sourcing Solutions by Resolution No. 15-1137.

### **FISCAL INFORMATION**

General Fund - \$4,359,430.00 (Estimated amount)

Enterprise Funds - \$1,475,315.00 (Estimated amount)

Internal Service Funds - \$214,499.00 (Estimated amount)

Other Funds - \$130,756.00 (Estimated amount)

Funds	FY 2019-20	FY 2020-21	Future Years
General Fund	\$ 871,886.00	\$ 871,886.00	\$2,615,658.00
Enterprise Funds	\$ 295,063.00	\$ 295,063.00	\$ 885,189.00
Internal Service Funds	\$ 42,900.00	\$ 42,900.00	\$ 128,699.00
Other Funds	\$ 26,151.00	\$ 26,151.00	\$ 78,454.00
Total	\$1,236,000.00	\$1,236,000.00	\$3,708,000.00

### **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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$6,180,000.00	CO-OP	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs), however one of the vendors is a certified M/WBE				

## **PROCUREMENT INFORMATION**

Cooperative Purchasing	<ul style="list-style-type: none"><li>• Cooperative Purchasing Agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices</li><li>• Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement</li></ul>
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## **OWNERS**

### **Office Depot, Inc.**

Robert C. Smith, President  
Steve Calkins, Vice President

### **Staples Business Advantage**

John Lederer, Executive Chairman  
J. Alexander (Sandy) Douglas, Chief Executive Officer

### **Limitless Office Products**

Mita Guha, President  
Tappan Guha, Vice President

### **Greenwood Office Outfitters**

George Wood, President  
Joshua Ochs, General Manager

January 8, 2020

**WHEREAS**, on June 9, 2010, City Council authorized participation in a purchasing agreement with Public Sourcing Solutions; and a three-year master agreement for office supplies with Office Max through Public Sourcing Solutions, in an amount not to exceed \$4,873,604.00, by Resolution No. 10-1462; and

**WHEREAS**, on June 17, 2015, City Council authorized a five-year master agreement for office supplies with Office Depot, Inc. through Public Sourcing Solutions, in an amount not to exceed \$5,625,142.36, by Resolution No. 15-1137.

**Now, Therefore,**

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

**SECTION 1.** That a master agreement for the purchase of office supplies for citywide use is authorized with Office Depot, Inc. (191988) through the Public Sourcing Solutions cooperative agreement, Staples Business Advantage (500814) through the Sourcewell cooperative agreement, Greenwood Office Outfitters (51321) through the National Cooperative Purchasing Alliance cooperative agreement, and Limitless Office Products (519924) through the Omnia Partners cooperative agreement and The Interlocal Purchasing System cooperative agreement, approved as to form by the City Attorney, for a term of five years, in a total estimated amount of \$6,180,000.00. The amount payable pursuant to this master agreement may exceed the estimated amount but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the contract for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for office supplies for citywide use. If a written contract is required or requested for any or all purchases of office supplies for citywide use 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 estimated amount of at least \$6,180,000.00, but not more than the amount of budgetary appropriations for this master agreement during its term to Office Depot, Inc., Staples Business Advantage, Greenwood Office Outfitters, and Limitless Office Products from Master Agreement Contract No. POM-2019-00009380.

**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 Information Sheet

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**File #:** 19-1791

**Item #:** 26.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a five-year master agreement for airport identification badging materials for the Department of Aviation - IRIS Ltd., Inc., lowest responsible bidder of six - Estimated amount of \$194,898 - Financing: Aviation Fund

### **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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will provide for airport identification badging materials for the Department of Aviation. Materials under this agreement will be ordered on an as needed basis to allow for the production of airport badges which grant access to security areas of the airport, as regulated by the Transportation Security Administration. Examples of materials purchased through this agreement include but are not limited to printer ribbons, access control cards, lamination materials, and transfer film.

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 email notifications to vendors registered under relevant commodity codes. 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. Additionally, in an effort to secure more competition, the Office of Business Diversity sent notifications to chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

On August 12, 2015, City Council authorized a five-year master agreement for airport identification badging materials with IRIS Ltd., Inc. by Resolution No. 15-1347.

**FISCAL INFORMATION**

Aviation Fund - \$194,898.00 (Estimated amount)

Fund	FY 2019-20	FY 2020-21	Future Years
Aviation Fund	\$70,000.00	\$62,449.00	\$62,449.00
Total	\$70,000.00	\$62,449.00	\$62,449.00

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$194,898.00	Goods	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Low Bid	<ul style="list-style-type: none"> <li>Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and competing the contract, and otherwise meets all material specifications requirements</li> <li>Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BRZ19-00010831. We opened them on October 18, 2019. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*IRIS Ltd., Inc.	901 Park Road Fleetwood, PA 19522	\$194,898.00
IdentiSys, Inc.	7630 Commerce Way Eden Prairie, MN 55344	\$201,378.00

Sandia International, Inc.	2012 East Randol Mill Road Arlington, TX 76011	\$214,726.00
DIGI Security Systems	320 Decker Drive Irving, TX 75062	\$217,500.90
Convirgent	2304 Tarpley Road Suite 124 Carrollton, TX 75006	\$249,793.60
ID EDGE	1849 Cherry Street Suite 10 Louisville, CO 80027	Non-responsive

**OWNER****IRIS Ltd., Inc.**

Susan Gehris, President  
Lindsay Schwegmann, Vice President  
David Gehris, Secretary

January 8, 2020

**WHEREAS**, on August 12, 2015, City Council authorized a five-year master agreement for airport identification badging materials with IRIS Ltd., Inc., in an amount not to exceed \$263,647.50, by Resolution No. 15-1347.

**Now, Therefore,**

**BE IT RESOVLED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That a master agreement for the purchase of airport identification badging materials for the Department of Aviation is authorized with IRIS Ltd., Inc. (VC0000000380), approved as to form by the City Attorney, for a term of five years in the estimated amount of \$194,898.00. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the contract for six months by filing a notice of extension with the City Secretary's Office.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for airport identification badging materials for the Department of Aviation. If a written contract is required or requested for any or all purchases of airport identification badging materials for the Department of Aviation 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 estimated amount of at least \$194,898.00, but not more than the amount of budgetary appropriations for this master agreement during its term to IRIS Ltd., Inc. from Master Agreement Contract No. AVI19-00010831.

**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 Information Sheet

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**File #:** 19-1786

**Item #:** 27.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with IAPP, Inc. to provide stagehand, tech labor, and setup labor for the Office of Arts and Culture - Not to exceed \$100,000 - Financing: General Fund (subject to annual appropriations)

### **BACKGROUND**

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

This Supplemental Agreement No. 1 will continue to provide the Office of Arts and Culture with experienced stagehand, tech labor, and setup labor for theatrical performances, concerts, dance programs, plays, remote broadcast events, and special events.

The Office of Arts and Culture facilities that will utilize this service contract are, but not limited to:

- Bath House Cultural Center
- Latino Cultural Center
- Majestic Theater
- Moody Performance Hall
- South Dallas Cultural Center

Stagehand and tech labor includes, but is not limited to, operation of audio and video equipment, stage lighting systems, follow spot lights, props/scenery, and public address systems before, during, and after a performance. Setup labor will include unloading, assembly/rigging, staging, relocation, tear-down of equipment, and props required for any given performance or special event.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$11.71; the selected vendor meets this requirement.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 11, 2017, City Council authorized a three-year service contract, with two one-year renewal options, for stagehand, tech labor, and setup labor for the Office of Cultural Affairs with IAPP, Inc. by Resolution No. 17-0065.

### **FISCAL INFORMATION**

General Fund - \$100,000.00 (subject to annual appropriations)

Fund	FY 2019-20	FY 2020-21	Future Years
General Fund	\$100,000.00	\$0.00	\$0.00
Total	\$100,000.00	\$0.00	\$0.00

### **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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$100,000.00	Other Services	N/A	N/A	N/A
• M/WBE goal waived due to no M/WBE availability				

### **OWNER**

**IAPP, Inc.**

Anthony Woodard, President  
Ann Crumbley, Vice President

January 8, 2020

**WHEREAS**, on January 11, 2017, City Council authorized a three-year service contract, with two one-year renewal options, for stagehand, tech labor, and setup labor for the Office of Cultural Affairs with IAPP, Inc., in an amount not to exceed \$1,243,166.25, by Resolution No. 17-0065.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with IAPP, Inc. (520014), approved as to form by the City Attorney, to provide stagehand, tech labor, and setup labor for the Office of Arts and Culture, in an amount not to exceed \$100,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$100,000.00 (subject to annual appropriations) to IAPP, Inc. from Service Contract No. POM-2016-00001234.

**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 Information Sheet

**File #:** 19-1442

**Item #:** 28.

**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Strategic Partnerships & Government Affairs  
**EXECUTIVE:** Kimberly Bizer Tolbert

### **SUBJECT**

Authorize **(1)** the acceptance of a grant from the U.S. Departments of Commerce and Transportation through the State of Texas Commission on State Emergency Communications (CSEC) for the Federal 911 Grant Program (Grant No. 20C-0031-Dallas ECD/Federal ID No. 69N37619300000911 TX0, CFDA No. 20.615) in the amount of \$3,245,088.00 to implement the Next Generation 911 System for the period from execution date through March 31, 2022; **(2)** the establishment of appropriations in an amount not to exceed \$5,408,480.00 in the CSEC-Federal 911 Grant Program 19-22 Fund; **(3)** the receipt and deposit of funds in an amount not to exceed \$3,245,088.00 in the CSEC-Federal 911 Grant Program 19-22 Fund; **(4)** a required local match in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; **(5)** an increase in appropriations in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; and **(6)** execution of the grant agreement with the State of Texas CSEC and all terms, conditions, and documents required by the agreement - Not to exceed \$5,408,480.00 - Financing: U.S. Departments of Commerce and Transportation Grant Funds (\$3,245,088.00) and 911 System Operations Fund (\$2,163,392.00)

### **BACKGROUND**

Authorized as part of the Middle-Class Tax Relief and Job Creation Act of 2012, the Next Generation 9-1-1 Advancement Act of 2012 provides new federal grant funding for enhancing emergency communications through Next Generation 911 services and applications, including the establishment of internet protocol (IP) backbone networks and the application of software infrastructure and training to public safety personnel.

The State of Texas formed the Commission on State Emergency Communications (the "Commission") to accept a grant from these funds, and as part of the funding requirements, the State must pass through funds to local governments to transition to Next Generation 911 Systems.

The City of Dallas Information and Technology Services department will implement the Next Generation ESInet System and associated planning in three parts:



1. Implementation and Training: The funds will alleviate the external service provider costs to implement ESInet, an IP-enabled emergency network, and the cost to train end users including call-takers, dispatchers, technicians, supervisors, and managers (both sworn and non-sworn personnel), first responders, and technology personnel on ESInet's implementation process, functionality, and equipment.
2. Geographic Information System (GIS) Data Development: The funds will integrate sophisticated mapping to provide first responders with more precise location information throughout the response area by mapping out the entire city. In addition, critical infrastructure will also be mapped out to provide precise locations within a building during an emergency.
3. Overflow Mapping: The funds will provide for "overflow mapping" to allow for additional redundancies during times of high call volumes. The plan will provide sophisticated mapping to break the City into quadrants, so that calls can be answered by the jurisdictions closest to the caller.

The Office of Strategic Partnerships and Government Affairs will manage the grant funds to ensure that all funds are spent in accordance with requirements and that all reporting deadlines are met.

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

This item has no prior action.

**FISCAL INFORMATION**

Fund	FY 2020
U.S. Departments of Commerce and Transportation Grant Fund	\$3,245,088.00
911 System Operations Fund	\$2,163,392.00
Total	\$5,408,480.00

January 8, 2020

**WHEREAS**, the U.S. Departments of Commerce and Transportation has made funding available through the State of Texas Commission on State Emergency Communications to the City of Dallas under the Federal 911 Grant Program to enhance emergency communications; and

**WHEREAS**, the City of Dallas will benefit from the additional funds that will aid enhancing emergency communications; and

**WHEREAS**, the City will provide matching funds in an amount not to exceed \$2,163,392.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept a grant from the U.S. Departments of Commerce and Transportation through the State of Texas Commission on State Emergency Communications (CSEC) for the Federal 911 Grant Program (Grant No. 20C-0031-Dallas ECD/Federal ID No. 69N37619300000911 TX0, CFDA No. 20.615) in the amount of \$3,245,088.00 to implement the Next Generation 911 System for the period from execution date through March 31, 2022; provide a required local match in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; authorize an increase in appropriations in an amount not to exceed \$2,163,392.00 from the 911 System Operations Fund; and execute the grant agreement with State of Texas CSEC, in a total contract amount of \$5,408,480.00 and all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$3,245,088.00 in the CSEC-Federal 911 Grant Program 19-22 Fund, Fund F600, Department MGT, Unit 4229, Object 3070.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$3,245,088.00 into the CSEC-Federal 911 Grant Program 19-22 Fund, Fund F600, Department MGT, Unit 4229, and Revenue Code 6506.

**SECTION 4.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$2,163,392.00 in the 911 System Operations Fund, Fund 0191, Department DSV, Unit 3489, Object 3070.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,245,088.00 from Fund F600, Department MGT, Unit 4229, Object 3070, and in an amount not to exceed \$2,163,392.00 from Fund 0191, Department DSV, Unit 3489, Object 3070.

January 8, 2020

**SECTION 6.** That the City Manager is hereby authorized to reimburse the granting agency 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 granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 8.** That this grant agreement is designated as Contract No. MGT-2019-00011308.

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



## Agenda Information Sheet

**File #:** 19-1981

**Item #:** 29.

**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 2, 5, 7, 9  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

### **SUBJECT**

Authorize **(1)** a Project Funding Agreement with Dallas County, County Transportation Major Capital Improvement Projects 10233, for trail design of Phase 1 of the Trinity Forest Spine Trail from the Santa Fe Trail just north of Tenison Park Golf Course to the Dallas Area Rapid Transit Lawnview Station located at 5900 Scyene Road; **(2)** the receipt and deposit of funds in an amount not to exceed \$500,000.00 from Dallas County for the County's share of the project cost in the Capital Gifts, Donation and Development Fund; **(3)** the establishment of appropriations in an amount not to exceed \$500,000.00 in the Capital Gifts, Donation and Development Fund; and **(4)** execution of the agreement including all terms, conditions, and documents required by the agreement - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

### **BACKGROUND**

This action will authorize a Project Funding Agreement (PFA) with Dallas County to establish the terms for the design, specifications, estimates, and construction for the first 4.25 miles of the planned approximately 8-mile Trinity Forest Spine Trail, from the Santa Fe Trail just north of Tenison Park Golf Course to the Dallas Area Rapid Transit Lawnview Station located at 5900 Scyene Road. This project is to be funded equally by Dallas County and the City for a total cost of \$1,000,000.00 with the City as project lead. In collaboration with the Circuit Trail Conservancy, the City is currently developing construction plans for the trail. After completion of the trail design and an opinion of probable cost is developed, the City and Dallas County will execute a Project Specific Agreement for construction of the project. The PFA establishes the terms of the project and secures the County's funds.

The Trinity Forest Spine Trail was identified in the *Dallas Trail Network Master Plan* as the primary link in southeast Dallas to the trail network. The Trinity Forest Spine Trail, when fully completed, will connect to the existing AT&T Trail. Additionally, the Trinity Forest Spine Trail will connect to the planned Five Mile Creek Trail, Trinity Forest Trail, and other trails in southern Dallas. The segment of the Trinity Forest Spine Trail currently under design will provide access to major public transportation, employment, residential areas, and a community park-Samuell-Grand Park.

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

On December 12, 2019, the Park and Recreation Board authorized a Project Funding Agreement with Dallas County, County Transportation Major Capital Improvement Projects 10233, for trail design of Phase 1 of the Trinity Forest Spine Trail.

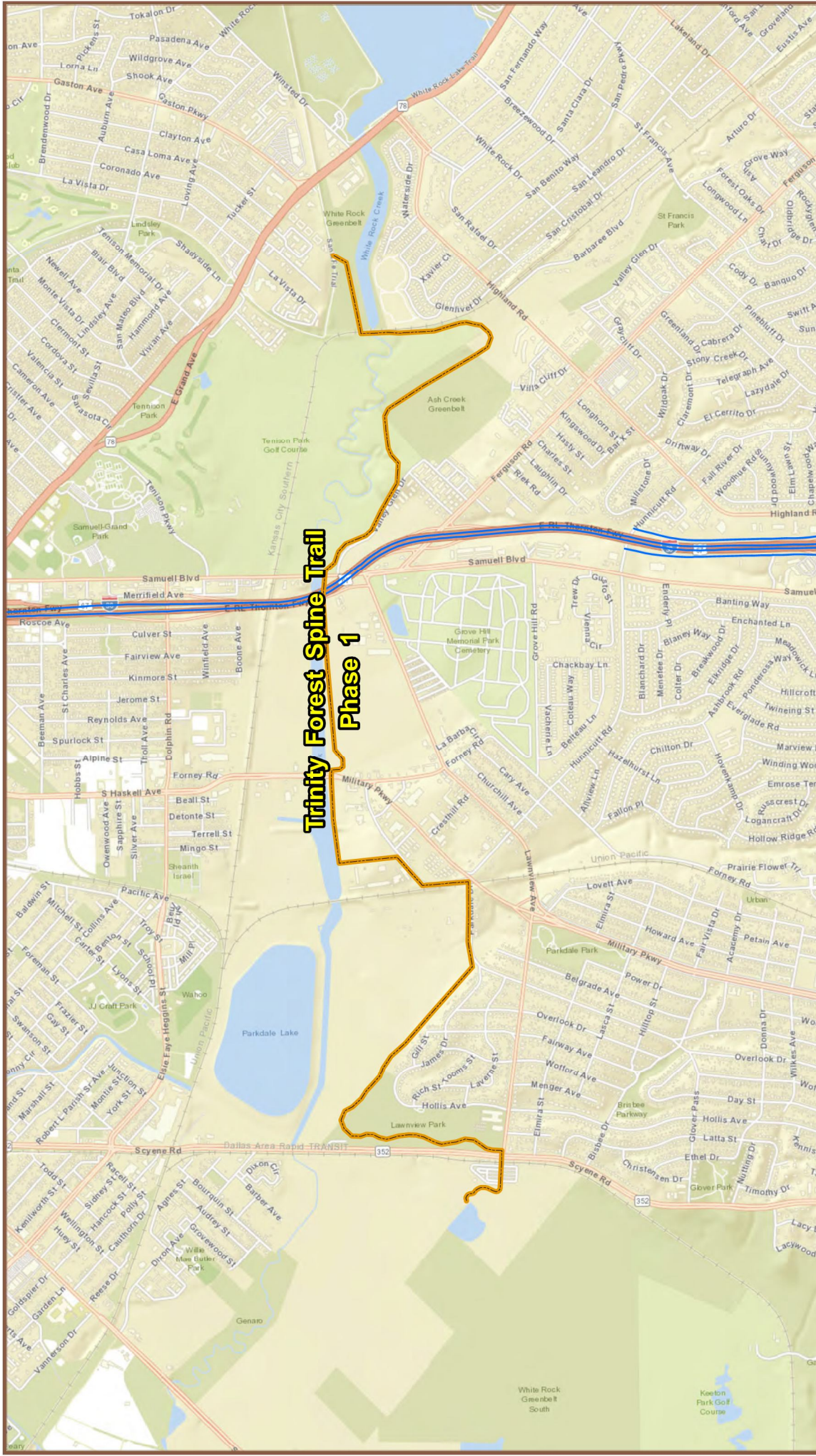
**FISCAL INFORMATION**

This action has no cost consideration to the City. Future estimated cost includes \$500,000.00 for the City's portion for this project funding agreement from 2017 General Obligation Bond Funds (subject to appropriations).

**MAP**


Attached






District  
2,5,7,9

**Trinity Forest Spine Trail**  
*Santa Fe Trail just north of Tenson Park Golf Course  
to the DART Lawnview Station (5900 Scyene Rd)*



0 750 1,500 3,000 4,500 Feet  
1 in = 1,500 ft



Dallas  
Park & Recreation

January 8, 2020

**WHEREAS**, Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

**WHEREAS**, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects, by Resolution No. 11-0927; and

**WHEREAS**, Dallas County and the City of Dallas (City) desire to be partners on the development of the Trinity Forest Spine Trail; and

**WHEREAS**, it is now necessary to authorize a Project Funding Agreement with Dallas County, County Transportation Major Capital Improvement Projects 10233, assignment to the City as project lead, for trail design of Phase 1 of the Trinity Forest Spine Trail from the Santa Fe Trail just north of Tenison Park Golf Course to the Dallas Area Rapid Transit Lawnview Station located at 5900 Scyene Road.

**Now, Therefore,**

**BE IT RESOLVED BY 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 execute a Project Funding Agreement with Dallas County, County Transportation Major Capital Improvement Projects 10233, approved as to form by the City Attorney, for trail design of Phase 1 of the Trinity Forest Spine Trail from the Santa Fe Trail just north of Tenison Park Golf Course to the Dallas Area Rapid Transit Lawnview Station located at 5900 Scyene Road.

**SECTION 2.** That the project will be led by the City.

**SECTION 3.** That the cost of this phase of the project is to be funded equally by Dallas County and the City for a total cost of \$1,000,000.00.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$500,000.00 from Dallas County in the Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit W511, Revenue Code 6511.

**SECTION 5.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$500,000.00 in the Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit W511, Object 4111.

January 8, 2020

**SECTION 6.** That upon completion of the project the City will manage, operate, and maintain the trail within the City limits as part of its trail network.

**SECTION 7.** That this contract is designated as Contract No. PKR-2020-00012242.

**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.





## Agenda Information Sheet

**File #:** 19-1959

**Item #:** 30.

**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 4, 5, 9, 13  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

### **SUBJECT**

Authorize a construction services contract for playing surface and irrigation system renovations of soccer fields at Kiest Park located at 3080 South Hampton Road, Crawford Memorial Park located at 8700 Elam Road, Samuell-Garland Park located at 12200 Garland Road and Harry S. Moss Park located at 8000 Greenville Avenue with Sports Field Holdings LLC d/b/a Sports Field Solutions through the Texas Association of School Boards - Not to exceed \$1,114,728.00 - Financing: Samuell Park Expense Trust Fund (\$555,015.00), Park and Recreation Athletic Field Maintenance Fund (\$152,592.00), and General Fund (\$407,121.00)

### **BACKGROUND**

On October 15, 2019 and October 30, 2019 (revised on December 17, 2019), Sports Field Holdings LLC d/b/a Sports Field Solutions, a Texas Association of School Boards (BuyBoard) vendor, provided a bid proposal for playing surface and irrigation system renovations of soccer fields at Kiest Park located at 3080 South Hampton Road, Crawford Memorial Park located at 8700 Elam Road, Samuell-Garland Park located at 12200 Garland Road and Harry S. Moss Park located at 8000 Greenville Avenue.

This action will authorize a construction services contract with Sports Field Holdings LLC d/b/a Sports Field Solutions for playing surface and irrigation system renovations of several soccer fields, in an amount not to exceed \$1,114,728.00.

The scope of work for the soccer fields includes:

- Removal of existing vegetation on the athletic field
- Laser grade and compact to proper density and planarity to ensure proper drainage
- Utilization of existing soils for proper and level surfacing grade
- Design and installation of athletic field irrigation system ensuring proper head to head coverage to include as built drawings, loop main with 4-inch ball valve for emergency shutoff, Wi-Fi controller with wireless rain/freeze sensors, quick connect hose at playing field and flow sensor

- Provide and install Tif-419 sod on playing field
- Clean up site and haul away any materials

The Texas Association of School Boards (BuyBoard) cooperative 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.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction            January 2020  
Complete Construction        August 2020

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 21, 2019, the Park and Recreation Board authorized a construction services contract with Sports Field Holdings LLC d/b/a Sports Field Solutions through the Texas Association of School Boards, for playing surface and irrigation system renovations of soccer fields at Kiest Park located at 3080 South Hampton Road, Crawford Memorial Park located at 8700 Elam Road, Samuell-Garland Park located at 12200 Garland Road and Harry S. Moss Park located at 8000 Greenville Avenue.

### **FISCAL INFORMATION**

Samuell Park Expense Trust Fund - \$555,015.00  
Park and Recreation Athletic Field Maintenance Fund - \$152,592.00  
General Fund - \$407,121.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
4	\$ 259,615.00
5	\$ 148,238.00
9	\$ 406,777.00
13	\$ 300,098.00
Total	\$1,114,728.00

### **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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,114,728.00	CO-OP	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).				

**OWNER**

**Sports Field Holdings LLC d/b/a Sports Field Solutions**

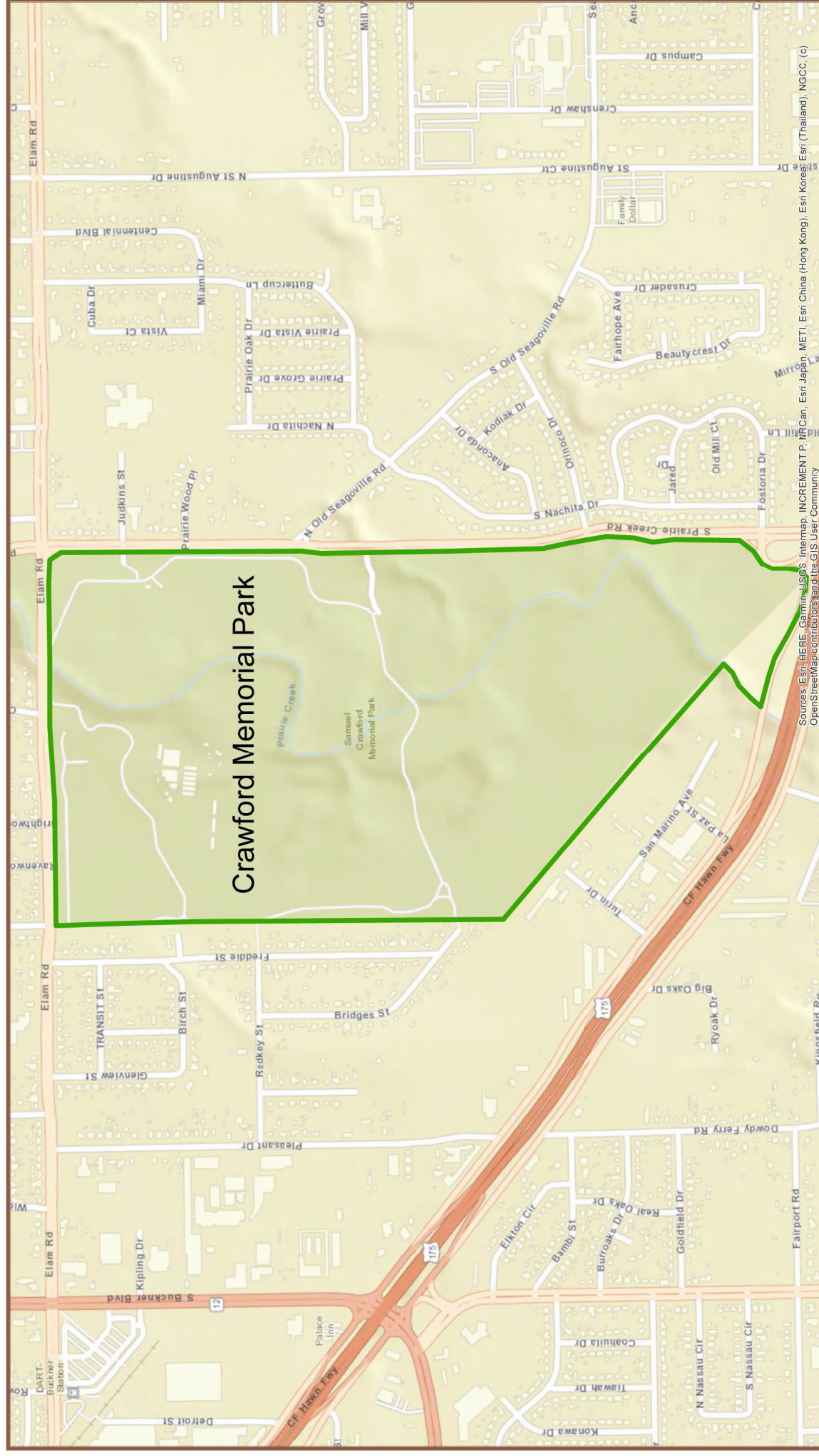
Chase Jardin, Chief Executive Officer

**MAPS**

Attached







**Crawford Memorial Park**  
**8700 Elam Road**

District  
5

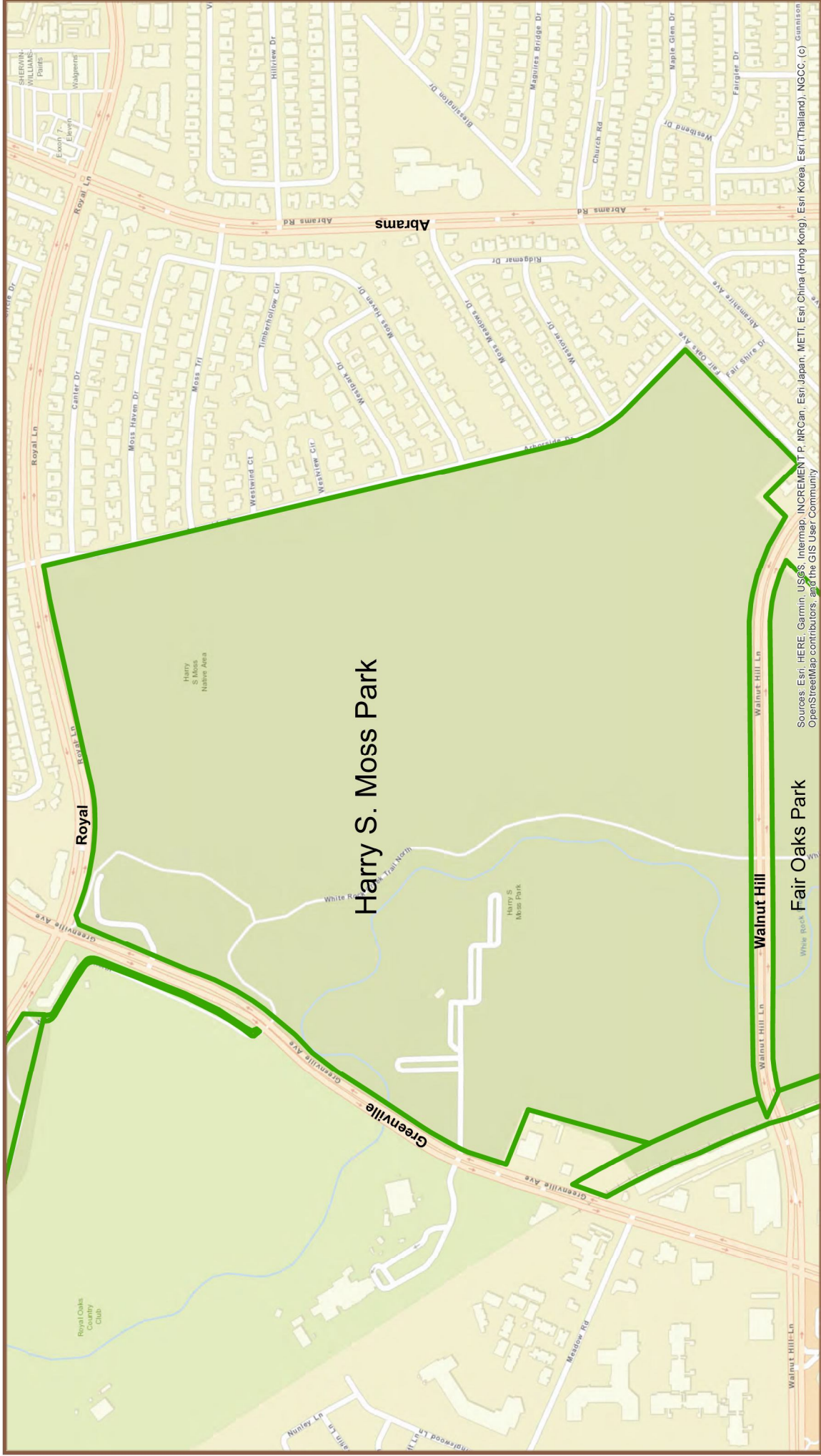
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, OpenStreetMap contributors, and the GIS User Community



# Samuell-Garland Park 12200 Garland Road

District  
9





District  
13

# Harry S. Moss Park 8000 Greenville Avenue

January 8, 2020

**WHEREAS**, the City desires to enter into a construction services contract for playing surface and irrigation system renovations of four soccer fields at Kiest Park located at 3080 South Hampton Road, Crawford Memorial Park located at 8700 Elam Road, Samuell-Garland Park located at 12200 Garland Road and Harry S. Moss Park located at 8000 Greenville Avenue with Sports Field Holdings LLC d/b/a Sports Field Solutions through the Texas Association of School Boards, in an amount not to exceed \$1,114,728.00.

**Now, Therefore,**

**BE IT RESOLVED BY 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 execute a construction services contract with Sports Field Holdings LLC d/b/a Sports Field Solutions through the Texas Association of School Boards, approved as to form by the City Attorney, for playing surface and irrigation system renovations of four soccer fields at Kiest Park located at 3080 South Hampton Road, Crawford Memorial Park located at 8700 Elam Road, Samuell-Garland Park located at 12200 Garland Road and Harry S. Moss Park located at 8000 Greenville Avenue, in an amount not to exceed \$1,114,728.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,114,728.00 to Sports Field Holdings LLC d/b/a Sports Field Solutions, as follows:

Kiest Park

General Fund

Fund 0001, Department PKR, Unit 5131

Object 4599, Program PKKIESTAF

Encumbrance/Contract No. PKR-2020-00012020

Commodity 98803, Vendor 518178 \$ 259,615.00

Crawford Memorial Park

Samuell Park Expense Trust Fund

Fund 0330, Department PKR, Unit 6975

Object 4599, Program PKCRWFRDAF

Encumbrance/Contract No. PKR-2020-00012020

Commodity 98803, Vendor 518178 \$ 148,238.00



January 8, 2020

**SECTION 2.** (continued)

Samuell-Garland Park

Samuell Park Expense Trust Fund

Fund 0330, Department PKR, Unit 6975

Object 4599, Program PKSAMGARAF

Encumbrance/Contract No. PKR-2020-00012020

Commodity 98803, Vendor 518178 \$ 406,777.00

Harry S. Moss Park

Park and Recreation Athletic Field Maintenance Fund

Fund 0349, Department PKR, Unit 6093

Object 4599, Program PKMOSSAF

Encumbrance/Contract No. PKR-2020-00012020

Commodity 98803, Vendor 518178 \$ 152,592.00

General Fund

Fund 0001, Department PKR, Unit 5010

Object 4599, Program PKMOSSAF

Encumbrance/Contract No. PKR-2020-00012020

Commodity 98803, Vendor 518178 \$ 147,506.00

Total amount not to exceed \$1,114,728.00

**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 Information Sheet

**File #:** 19-1992

**Item #:** 31.

**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

### SUBJECT

Authorize a contract for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive - J.C. Commercial, Inc., best value proposer of eight - Not to exceed \$7,199,777.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

### BACKGROUND

On August 24, 2019 and August 30, 2019, the City of Dallas advertised a Request for Competitive Sealed Proposals (RFCSP) for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive.

Proposals based on RFCSP procurement process are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, subcontractor experience, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each criterion.

Following is a list of the rating criteria and values for each criterion:

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Amount	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	10%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	5%
6. Proposed Schedule/Time of Completion	5%
	<u>100%</u>

The selection committee scored the proposals and J.C. Commercial, Inc., was selected as the best value proposer.

This action will authorize a contract with J.C. Commercial, Inc., best value proposer of eight, for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive, including the Base Bid and Alternate No. 1, in an amount not to exceed \$7,199,777.00.

The scope of work includes the construction of a new senior center with a dedicated reception area, restrooms, multi-purpose room, game room, learning kitchen and storage; a technology center; and a gymnasium with basketball court, restrooms and a walking track.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction            January 2020  
Complete Construction       January 2021

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 12, 2019, the Park and Recreation Board authorized a contract with J.C. Commercial, Inc. for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive.

### **FISCAL INFORMATION**

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - \$7,199,777.00

### **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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$7,199,777.00	Construction	25.00%	27.01%	\$1,944,576.40
• This contract exceeds the M/WBE goal.				

### **PROCUREMENT INFORMATION**

The following eight proposals were received and opened on September 27, 2019:

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Base Bid</u></b>	<b><u>Alt. No. 1**</u></b>	<b><u>Total Bid</u></b>	<b><u>Rank</u></b>
*J.C. Commercial, Inc. 1801 Lakepointe Dr. #129 Lewisville, TX 75057	\$7,187,777.00	\$12,000.00	\$7,199,777.00	1
Big Sky Construction Company, Inc.	\$7,425,000.00	\$90,000.00	\$7,515,000.00	2
DENCO CS Corporation	\$6,775,525.00	\$ 0.00	\$6,775,525.00	3
Northridge Construction Group, LLC	\$7,557,984.00	\$80,000.00	\$7,637,984.00	4
MDI General Contractors	\$7,804,000.00	\$ 0.00	\$7,804,000.00	5
Con-Real, LP.	\$8,336,982.22	\$ 0.00	\$8,336,982.22	6
Phillips/May Corporation	\$7,989,333.00	\$ 0.00	\$7,989,333.00	7
Azteca Enterprises, Inc.	\$8,312,600.00	\$ 0.00	\$8,312,600.00	8

\*\*Alternate No. 1 - provides for adding sound isolation in Studios 302A and 302B at the technology center.

Note: After value engineering, the best and final offer from J.C. Commercial, Inc. was \$7,199,777.00.

### **OWNER**

**J.C. Commercial, Inc.**

Larry Wagnor, President

### **MAP**

Attached







January 8, 2020

**WHEREAS**, on September 27, 2019, eight proposals were received for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive; and

**WHEREAS**, the eight responsive proposers were evaluated and ranked as follows:

<u>Proposers</u>	<u>Base Bid</u>	<u>Alter. No. 1**</u>	<u>Total Bid</u>	<u>Rank</u>
J.C. Commercial, Inc.	\$7,187,777.00	\$12,000.00	\$7,199,777.00	1
Big Sky Construction Company, Inc.	\$7,425,000.00	\$90,000.00	\$7,515,000.00	2
DENCO CS Corporation	\$6,775,525.00	\$ 0.00	\$6,775,525.00	3
Northridge Construction Group, LLC	\$7,557,984.00	\$80,000.00	\$7,637,984.00	4
MDI General Contractors	\$7,804,000.00	\$ 0.00	\$7,804,000.00	5
Con-Real, LP.	\$8,336,982.22	\$ 0.00	\$8,336,982.22	6
Phillips/May Corporation	\$7,989,333.00	\$ 0.00	\$7,989,333.00	7
Azteca Enterprises, Inc.	\$8,312,600.00	\$ 0.00	\$8,312,600.00	8

\*\*Alternate No. 1 - provides for adding sound isolation in Studios 302A and 302B at the technology center.

Note: After value engineering, the best and final offer from J.C. Commercial, Inc. was \$7,199,777.00.

**WHEREAS**, it is now desirable to authorize a contract with J.C. Commercial, Inc., best value proposer of eight, for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive, in an amount not to exceed \$7,199,777.00.

**Now, Therefore,**

**BE IT RESOLVED BY 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 execute a contract with J.C. Commercial, Inc., approved as to form by the City Attorney, for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive, in an amount not to exceed \$7,199,777.00.

January 8, 2020

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$7,199,777.00 to J.C. Commercial, Inc. in accordance with the terms and conditions of the contract, as follows:

Park and Recreation Facilities (B) Fund  
Fund 1V00, Department PKR, Unit VB24  
Object 4599, Activity RECC, Program PK17VB24  
Encumbrance/Contract No. PKR-2020-00012145  
Commodity 91200, Vendor VS0000012563 \$2,303,928.64

Park and Recreation Facilities (B) Fund  
Fund 1V00, Department PKR, Unit VB25  
Object 4599, Activity RECC, Program PK17VB25  
Encumbrance/Contract No. PKR-2020-00012145  
Commodity 91200, Vendor VS0000012563 \$4,751,852.82

Park and Recreation Facilities (B) Fund  
Fund 1V00, Department PKR, Unit VK31  
Object 4599, Activity RECC, Program PK17VB31  
Encumbrance/Contract No. PKR-2020-00012145  
Commodity 91200, Vendor VS0000012563 \$ 143,995.54

Total amount not to exceed \$7,199,777.00

**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 Information Sheet

**File #:** 19-1983

**Item #:** 32.

**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

### **SUBJECT**

Authorize **(1)** an increase in the construction services contract with Phoenix I Restoration and Construction, Ltd. to add increased scope of work for the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park; **(2)** the receipt and deposit of funds in an amount not to exceed \$311,700.00 from the State Fair of Texas in the Fair Park Capital Reserves Fund; and **(3)** an increase in appropriations in an amount not to exceed \$311,700.00 in the Fair Park Capital Reserves Fund - Not to exceed \$980,360.00, from \$8,754,600.00 to \$9,734,960.00 - Financing: Fair Park Improvements (C) Fund (\$668,660.00) and Fair Park Capital Reserves Fund (\$311,700.00)

### **BACKGROUND**

On December 12, 2018, City Council authorized a fifth amendment to the Fair Park Contract dated May 21, 2003 with the State Fair of Texas setting forth procedures for how the State Fair will pay for work conducted by the City for capital and major maintenance projects. The work to be performed by this Change Order has been agreed-upon by the City and State Fair of Texas, and will be paid for from the City's Allocation in the Fair Park Improvement Fund.

On September 11, 2019, City Council authorized a construction contract with Phoenix I Restoration and Construction, Ltd. for the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park, in an amount not to exceed \$8,754,600.00, by Resolution No. 19-1414.

This action will authorize Change Order No. 1 to the construction services contract with Phoenix I Restoration and Construction, Ltd. to add increased scope of work for the Hall of State Restoration Project, in an amount not to exceed \$980,360.00, increasing the contract amount from \$8,754,600.00 to \$9,734,960.00. The original bid award amount was under budget, so 2017 Bond Funds for the Hall of State are available to add high priority items to the construction contract to address safety issues and other needs.



The scope of work will includes the following: cleaning and repair of the Tejas Warrior sculpture; replacement of the bird screen in front of the Tejas Warrior sculpture; replacement of the door closures at all doors; repaving at the courtyard; replacement of stone steps at the main entrance; replacement of the stone steps at the center courtyard entrance; replacement of the basement sump pump; replacement of carpet and wood stage in the auditorium, securing of the plywood backboard in the mechanical room; installation of pull-box covers for the electrical panelboards; installation of new electrical panelboard covers; and rewiring of the chandelier lighting in the Great Hall.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Construction	November 2019
Complete Construction	September 2020

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 21, 2003, the City and State Fair of Texas entered into the Fair Park Contract for a term of 25 years with two five-year extensions, to provide for the use of the City's Fair Park for the annual State Fair of Texas Exposition and to clearly define the roles and responsibilities of the City and the State Fair of Texas (the "Agreement") by Resolution No. 02-2405.

On December 12, 2018, City Council authorized a fifth amendment to the Fair Park Contract dated May 21, 2003, as previously amended (the "Agreement") to: extend the initial term of the agreement for a period of 10 years (the term shall expire on December 31, 2038); establish annual rental fees for 2028 thru 2038; incorporate financial processes and procedures for the allocation of funds; require the State Fair of Texas to pay its full-time and part-time employees at least \$11.15 per hour or the federal minimum wage, whichever is higher; incorporate a security plan process between the Dallas Police Department and the State Fair of Texas; and incorporate miscellaneous provisions as required by state law by Resolution No. 18-1864.

On August 15, 2019, the Park and Recreation Board authorized a contract with Phoenix I Restoration and Construction, Ltd. for the construction of the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park.

On September 11, 2019, City Council authorized a construction contract with Phoenix I Restoration and Construction, Ltd. for the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park by Resolution No. 19-1414.

On December 12, 2019, the Park and Recreation Board authorized an increase in the construction services contract with Phoenix I Restoration and Construction, Ltd. for the Hall of State Restoration Project.

### **FISCAL INFORMATION**

Fair Park Improvements (C) Fund - \$668,660.00  
Fair Park Capital Reserves Fund - \$311,700.00

Construction Contract	\$8,754,600.00
Change Order No. 1 (this action)	<u>\$ 980,360.00</u>

Total not to exceed	\$9,734,960.00
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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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$980,360.00	Construction	25.00%	11.77%	\$115,357.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Change Order No. 1 - 25.37% Overall M/WBE participation				

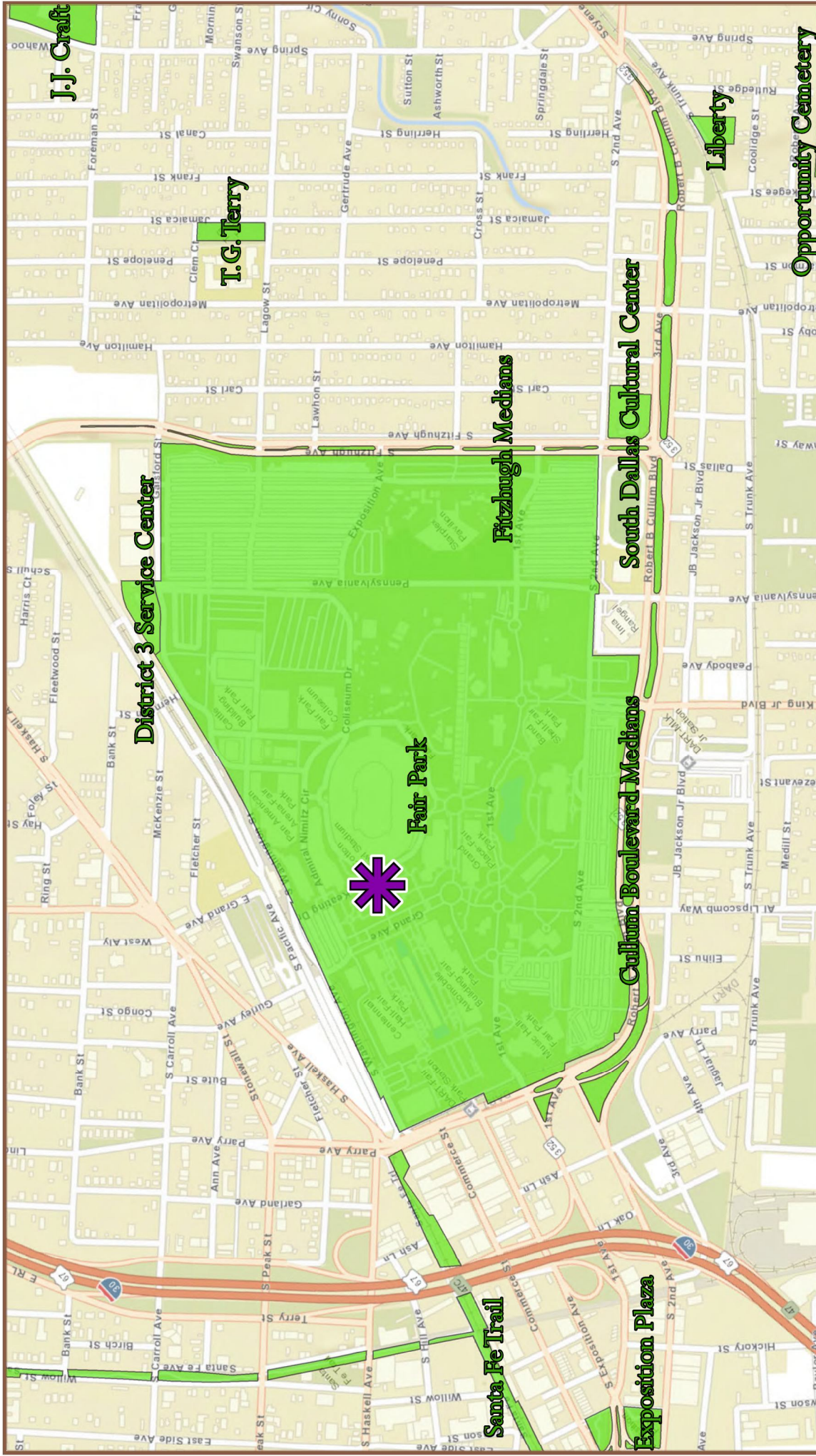
**OWNER**

**Phoenix 1 Restoration and Construction, Ltd.**

Dale C. Sellers, President/Chief Executive Officer

**MAP**

Attached



Fair Park—Hall of State  
(3939 Grand Ave)

Mapsc  
46 L, Q

District  
7

January 8, 2020

**WHEREAS**, on May 21, 2003, the City and State Fair of Texas entered into the Fair Park Contract for a term of 25 years with two five-year extensions, to provide for the use of the City's Fair Park for the annual State Fair of Texas Exposition and to clearly define the roles and responsibilities of the City and the State Fair of Texas (the "Agreement") by Resolution No. 02-2405; and

**WHEREAS**, on December 12, 2018, City Council authorized a fifth amendment to the Fair Park Contract dated May 21, 2003, as previously amended (the "Agreement") to: extend the initial term of the agreement for a period of 10 years (the term shall expire on December 31, 2038); establish annual rental fees for 2028 thru 2038; incorporate financial processes and procedures for the allocation of funds; require the State Fair of Texas to pay its full-time and part-time employees at least \$11.15 per hour or the federal minimum wage, whichever is higher; incorporate a security plan process between the Dallas Police Department and the State Fair of Texas; and incorporate miscellaneous provisions as required by state law by Resolution No. 18-1864; and

**WHEREAS**, on September 11, 2019, City Council authorized a construction contract with Phoenix I Restoration and Construction, Ltd. for the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park, in an amount not to exceed \$8,754,600.00, by Resolution No. 19-1414; and

**WHEREAS**, this action will authorize Change Order No. 1 to the construction contract with Phoenix I Restoration and Construction, Ltd. to add increased scope of work for the Hall of State Restoration Project, in an amount not to exceed \$980,360.00, increasing the contract amount from \$8,754,600.00 to \$9,734,960.00.

**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 Phoenix I Restoration and Construction, Ltd. (Change Order No. 1) is authorized to add increased scope for the Hall of State Restoration Project located at 3939 Grand Avenue in Fair Park, in an amount not to exceed \$980,360.00, increasing the contract amount from \$8,754,600.00 to \$9,734,960.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds from the State Fair of Texas in an amount not to exceed \$311,700.00 in the Fair Park Capital Reserves Fund, Fund 9P31, Department PKR, Unit 7984, Revenue Code 8492.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$311,700.00 in the Fair Park Capital Reserves Fund, Fund 9P31, Department PKR, Unit 7984, Object 4310.

January 8, 2020

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$980,360.00 to Phoenix I Restoration and Construction, Ltd., as follows:

Fair Park Improvements (C) Fund  
Fund 1V02, Department PKR, Unit VC01  
Object 4310, Activity FPRK, Program PK17VC01  
Encumbrance/Contract No. PKR-2019-00010478  
Commodity 96272, Vendor VC0000003594 \$668,660.00

Fair Park Capital Reserves Fund  
Fund 9P31, Department PKR, Unit 7984  
Object 4310, Activity FPRK, Program PKFPCAP  
Encumbrance/Contract No. PKR-2019-00010478  
Commodity 96272, Vendor VC0000003594 \$311,700.00

Total amount not to exceed \$980,360.00

**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 Information Sheet

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**File #:** 19-1988

**Item #:** 33.

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**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

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### **SUBJECT**

Authorize Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural and engineering services during the construction administration phase for the Hall of State Facility Improvements Project located at 3939 Grand Avenue - Not to exceed \$220,341.60, from \$1,340,432.06 to \$1,560,773.66 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

### **BACKGROUND**

On June 27, 2018, City Council authorized a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, procurement, and construction administration phases for the Hall of State Facility Improvements Project located at 3939 Grand Avenue, in an amount not to exceed \$1,257,359.00, by Resolution No. 18-0941.

On January 23, 2019, Administrative Action No. 18-6974 authorized Supplemental Agreement No. 1 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural, structural and mechanical design and construction administration for the improvements to the existing chiller facility, in an amount not to exceed \$49,928.00, from \$1,257,359.00 to \$1,307,287.00.

On April 15, 2019, Administrative Action No. 19-0141 authorized Supplemental Agreement No. 2 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural and structural engineering design and construction administration for the addition of accessibility ramps that lead to the main entrance, between the courtyard and Grand Avenue and between the courtyard and colonnade, in an amount not to exceed \$33,145.06, from \$1,307,287.00 to \$1,340,432.06.

This action will authorize Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural and engineering design services during the construction administration phase for the Hall of State Facility Improvements Project located at 3939 Grand Avenue, in an amount not to exceed \$220,341.60, increasing the contract amount from \$1,340,432.06 to \$1,560,773.66.

The consultant team will provide additional construction administration efforts for the following scope: cleaning and repair of the Tejas Warrior sculpture; replacement of the bird screen in front of the Tejas Warrior sculpture; replacement of the door closures at all doors; repaving at the courtyard; replacement of stone steps at the main entrance and at the center courtyard entrance; replacement of the basement sump pump; replacement of carpet and wood stage in the auditorium, securing of the plywood backboard in the mechanical room; installation of pull-box covers for the electrical panelboards; installation of new electrical panelboard covers; and rewiring of the chandelier lighting in the Great Hall. The consultant team will also provide the design for additional scope for the project such as exterior lighting, circulation fans for the interstitial mechanical spaces, support for a dumbwaiter repair and replacement of some interior finishes.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Design	July 2018
Completed Design	June 2019
Began Construction	November 2019
Complete Construction	September 2020

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 7, 2018, the Park and Recreation Board authorized a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

On June 27, 2018, City Council authorized a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, procurement, and construction administration phases for the Hall of State Facility Improvements Project located at 3939 Grand Avenue by Resolution No. 18-0941.

On December 12, 2019, the Park and Recreation Board authorized Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc.

### **FISCAL INFORMATION**

Fair Park Improvements (C) Fund (2017 Bond Funds) - \$220,341.60

Original Professional Services Contract	\$1,257,359.00
Supplemental Agreement No. 1	\$ 49,928.00
Supplemental Agreement No. 2	\$ 33,145.06
Supplemental Agreement No. 3 (this action)	\$ <u>220,341.60</u>
Total not to exceed	\$1,560,773.66

**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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$220,341.60	Architectural & Engineering	25.66%	32.54%	\$71,689.60
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 3 - 27.86% Overall M/WBE participation				

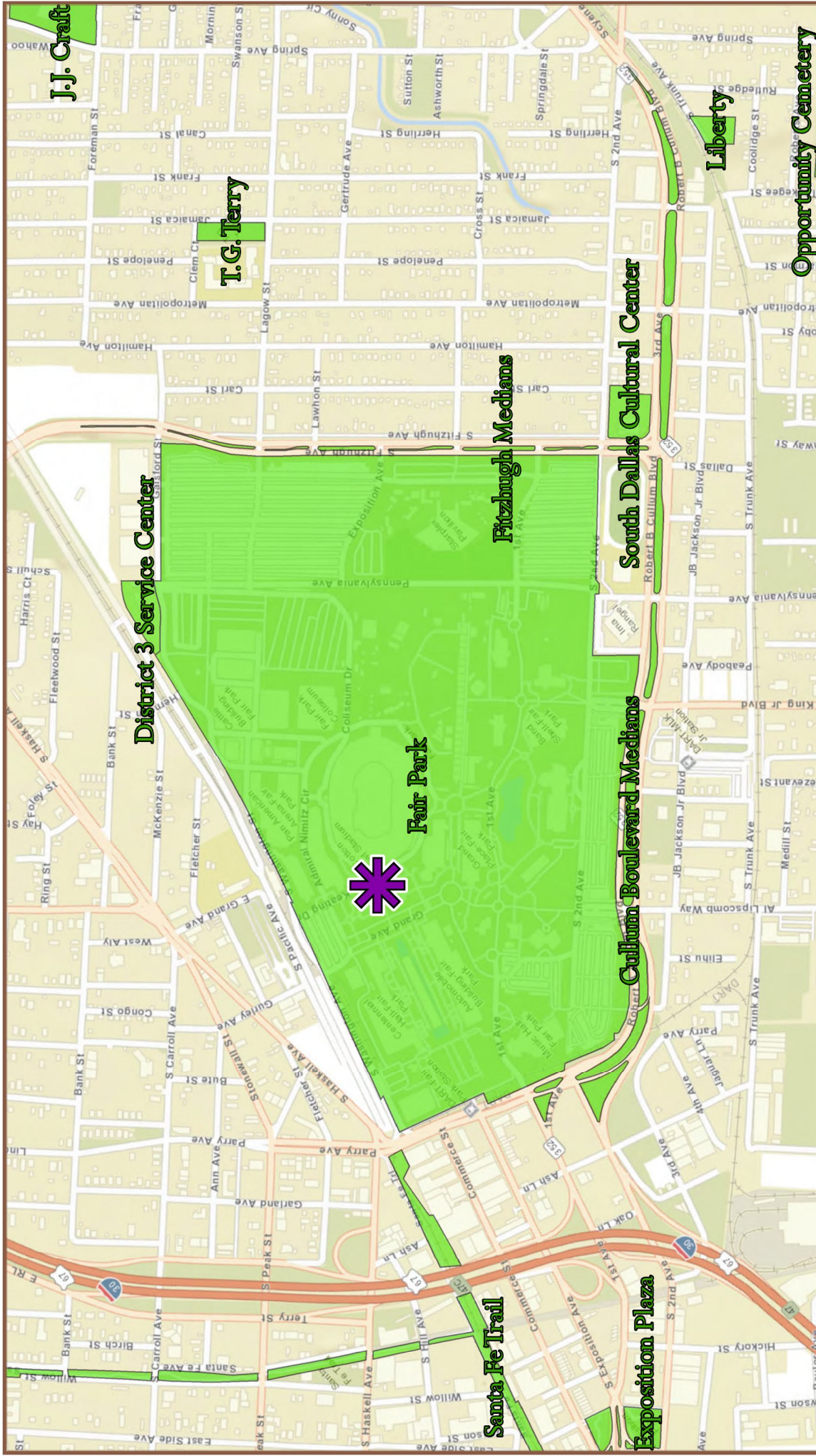
**OWNER****M. Arthur Gensler, Jr. & Associates, Inc.**

Andy Cohen, Co-Chief Executive Officer  
Diane Hoskins, Co-Chief Executive Officer

**MAP**

Attached





Fair Park—Hall of State  
(3939 Grand Ave)

Mapsc  
46 L, Q

District  
7

January 8, 2020

**WHEREAS**, on June 27, 2018, City Council authorized a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for architectural and engineering services for the schematic design, design development, construction documents, procurement, and construction administration phases for the Hall of State Facility Improvements Project located at 3939 Grand Avenue, in an amount not to exceed \$1,257,359.00, by Resolution No. 18-0941; and

**WHEREAS**, on January 23, 2019, Administrative Action No. 18-6974 authorized Supplemental Agreement No. 1 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural, structural and mechanical design and construction administration for the improvements to the existing chiller facility, in an amount not to exceed \$49,928.00, from \$1,257,359.00 to \$1,307,287.00; and

**WHEREAS**, on April 15, 2019, Administrative Action No. 19-0141 authorized Supplemental Agreement No. 2 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural and structural engineering design and construction administration for the addition of accessibility ramps that lead to the main entrance, between the courtyard and Grand Avenue and the courtyard an colonnade, in an amount not to exceed \$33,145.06, from \$1,307,287.00 to \$1,340,432.06; and

**WHEREAS**, this action will authorize Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for additional architectural and engineering design and construction administration services for the Hall of State Facility Improvements Project located at 3939 Grand Avenue, in an amount not to exceed \$220,341.60, increasing the contract amount from \$1,340,432.06 to \$1,560,773.66.

**Now, Therefore,**

**BE IT RESOLVED BY 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 execute Supplemental Agreement No. 3 to the professional services contract with M. Arthur Gensler, Jr. & Associates, Inc., approved as to form by the City Attorney, for additional architectural and engineering services during the construction administration phase for the Hall of State Facility Improvements Project located at 3939 Grand Avenue, in an amount not to exceed \$220,341.60, increasing the contract amount from \$1,340,432.06 to \$1,560,773.66.

January 8, 2020

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$220,341.60 to M. Arthur Gensler, Jr. & Associates, Inc. from the Park and Recreation Facilities (C) Fund, Fund 1V02, Department PKR, Unit VC01, Object 4111, Activity FPRK, Program PK17VC01, Encumbrance/Contract No. PKR-2018-00006440, Commodity 92500, Vendor VS0000001122.

**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 Information Sheet

**File #:** 19-835

**Item #:** 34.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize **(1)** approval of Industrial, Commercial, Institutional rebate applications from Texas Instruments Incorporated in the amount of \$71,326.49, S2 Tierra, LLC in the amount of \$87,185.98, NXRTBH Versailles, LLC in the amount of \$52,484.90, and NXRTBH Dana Point, LLC in the amount of \$32,632.98; and **(2)** an increase in appropriations in an amount not to exceed \$243,630.35 in the Water Conservation Program Fund - Total not to exceed \$243,630.35 - Financing: Water Conservation Program Fund

### **BACKGROUND**

Water Conservation remains an essential element of Dallas' long-range water supply strategy. The water conservation program is currently guided by the Water Conservation Five-Year Work Plan, adopted by Dallas City Council on June 15, 2016, by Resolution No. 16-0997. The plan includes a range of efforts classed as water system improvements, ordinance changes, or continued customer engagement. Through these conservation efforts, the City has saved an estimated 487 billion gallons of water since October 2001.

The Industrial, Commercial, Institutional (ICI) Rebate Program serves to complement and enhance the ICI Audit Initiative. The audits are provided to the City's ICI customers to help them identify potential water savings throughout their facilities. ICI water consumption audits were included as a water conservation strategy in the City's 2010 Five-Year Strategic Plan and in the 2016 Water Conservation Five-Year Work Plan Update.

Participating ICI rebate customers are required to have an ICI audit performed by the City of Dallas prior to requesting a rebate. They must also sign an agreement with the City that specifies the rebate amount, installation deadline, and other conditions to ensure that the expected water savings are achieved and maintained after the rebate has been paid. The rebate for each project shall be based on the lesser of half the installed cost of the equipment or \$0.96 per thousand gallons saved over the life of the project. The installed cost is defined as the cost of the equipment plus the cost of external contracted labor. Internal labor costs are not eligible for consideration. Proposals in excess of \$25,000.00 require City Council approval.



Texas Instruments Incorporated has undertaken a water reclamation project. These water sources include items such as condensation, spent manufacturing process water, and water from monitoring/sampling equipment. This project involved routing various spent water streams in the South Building, to a central location for it to be captured. After these sources were routed to a central location, the water was then pumped to the TI North Campus Central Utility Plant, where this water is reused in a cooling tower application. The projected water savings from this water reclamation project is 7,880,000 gallons per year. This rebate in the amount of \$71,326.49 represents 7,880,000 gallons in annual savings. Based on expenditures of \$142,652.98 by the customer, this rebate represents 50% of the installed cost.

S2 Tierra, LLC has undertaken an aggressive water conservation project at The Muse Apartments. This 804-unit multifamily residential property located at 3035 West Pentagon Parkway, Dallas, Texas retrofitted all existing toilets and showerheads with new high efficiency fixtures. This will result in annual savings of 11,858,618 gallons. Based on expenditures of \$174,371.96 by the customer, this rebate represents 50% of the installed cost.

NXRTBH Versailles, LLC has undertaken an aggressive water conservation project at The Versailles Apartments. This 388-unit multifamily residential property located at 4900 Pear Ridge Drive, Dallas, Texas retrofitted all existing toilets, showerheads and aerators with new high efficiency fixtures. This will result in annual savings of 11,698,990 gallons. Based on expenditures of \$138,480.00 by the customer, this rebate represents 38% of the installed cost.

NXRTBH Dana Point, LLC has undertaken an aggressive water conservation project at The Ashlar Apartments. This 312-unit multifamily residential property located at 18800 Lina Street, Dallas, Texas retrofitted all existing toilets, showerheads and aerators with new high efficiency fixtures. This will result in annual savings of 7,512,284 gallons. Based on expenditures of \$95,086.00 by the customer, this rebate represents 34% of the installed cost.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 9, 2010, City Council authorized adoption of the Water Conservation Five-Year Strategic Plan; and the 2010 Water Conservation Plan for the City of Dallas which was submitted to the Texas Commission on Environmental Quality by Resolution No. 10-1509.

On February 13, 2012, the Transportation and Environment Committee was briefed on the details of the industrial, commercial and institutional audit initiative and guidelines for the ICI rebate program.

On February 22, 2012, City Council authorized a five-year service contract for water consumption audits for industrial, commercial and institutional facilities with Alan Plummer and Associates, Inc. by Resolution No. 12-0529.

On February 22, 2012, City Council authorized implementation and guidelines for a rebate program for industrial, commercial and institutional water utilities customers by Resolution No. 12-0530.

On April 20, 2016, City Council was briefed on the 2016 Water Conservation Five-Year Work Plan.

On June 15, 2016, City Council authorized adoption of the 2016 Water Conservation Five-Year Work Plan by Resolution No. 16-0997.

**FISCAL INFORMATION**

Water Conservation Program Fund - \$243,630.35

January 8, 2020

**WHEREAS**, water conservation is an essential element of Dallas' Long Range Water Supply Plan; and

**WHEREAS**, the goal of the 2010 Five-Year Strategic Plan Update was to reduce gallons per capita per day by an average 1.5 percent per year from FY 2011 through FY 2014; and

**WHEREAS**, the City of Dallas 2016 Water Conservation Five-Year Work Plan Update sets specific goals and objectives to reach an average 1.0 percent reduction in per capita consumption each year for FY 2016 through FY 2020; and

**WHEREAS**, Industrial, Commercial and Institutional (ICI) financial rebates were identified in the 2010 Five-Year Strategic Plan Update as a measure to help lower the cost of water efficiency investments and accelerate large volumes of water savings among high water using customers; and

**WHEREAS**, financial rebates were identified in the 2010 Five-Year Strategic Plan Update and in the 2016 Five-Year Water Conservation Work Plan as a measure to help lower the cost of water efficiency investments and accelerate large volumes of water savings among high water using customers; and

**WHEREAS**, the City Council authorized adoption of the 2016 Water Conservation Five-Year Work Plan Update by Resolution No. 16-0997.

**Now, Therefore,**

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

**SECTION 1.** That the City Council hereby authorizes approval of Industrial, Commercial, Institutional rebate applications from Texas Instruments Incorporated in the amount of \$71,326.49, S2 Tierra, LLC in the amount of \$87,185.98, NXRTBH Versailles, LLC in the amount of \$52,484.90, and NXRTBH Dana Point, LLC in the amount of \$32,632.98, approved as to form by the City Attorney, in an amount not to exceed \$243,630.35.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$243,630.35 in the Water Conservation Program Fund, Fund 0713, Department DWU, Unit 7138, Object 3099.

January 8, 2020

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$243,630.35, as follows:

**Texas Instruments Incorporated**

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance/Contract No.</u>	<u>Vendor</u>	<u>Amount</u>
0713	DWU	7138	3099	CX-DWU-2019-00010643	VS88817	\$71,326.49

**S2 Tierra, LLC**

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance/Contract No.</u>	<u>Vendor</u>	<u>Amount</u>
0713	DWU	7138	3099	CX-DWU-2019-00010506	VS95779	\$87,185.98

**NXRTBH Versailles, LLC**

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance/Contract No.</u>	<u>Vendor</u>	<u>Amount</u>
0713	DWU	7138	3099	CX-DWU-2019-00010869	VC20074	\$52,484.90

**NXRTBH Dana Point, LLC**

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance/Contract No.</u>	<u>Vendor</u>	<u>Amount</u>
0713	DWU	7138	3099	CX-DWU-2019-00010853	VC20072	\$32,632.98

**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 resolved.





## Agenda Information Sheet

**File #:** 19-1725

**Item #:** 35.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 1, 2, 4, 5, 6, 7, 14

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize **(1)** an eighteen-month master agreement for water and wastewater small services installations in the amount of \$9,521,062.50; **(2)** a construction contract for the installation of water and wastewater mains at 10 locations in the amount of \$2,791,645.00 (list attached to the Agenda Information Sheet); and **(3)** an eighteen-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations in the amount of \$4,511,139.50 - Omega Contracting, Inc., only bidder - Total not to exceed \$16,823,847.00 - Financing: Wastewater Construction Fund (\$8,421,473.07), Water Construction Fund (\$5,610,728.93), Wastewater Capital Improvement (D) Fund (\$1,718,027.00) and Water Capital Improvement (D) Fund (\$1,073,618.00)

### **BACKGROUND**

Part One of this action, in the amount of \$9,521,062.50, consists of a small services eighteen-month master agreement for the installation of 3/4-inch to 2-inch water services and 6-inch wastewater connections, as requested by the Department of Sustainable Development and Construction, upon issuance of a permit to the property owner.

Part Two of this action, in the amount of \$2,791,645.00, includes the installation of approximately 1,230 feet of 6-inch, 240 feet of 8-inch, 990 feet of 12-inch, and 110 feet of 20-inch water mains, and the installation of approximately 3,160 feet of 8-inch, 1,050 feet of 12-inch, and 50 feet of 18-inch wastewater mains. The existing water and wastewater mains were built between 1922 and 1965. 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.

Part Three of this action, in the amount of \$4,511,139.50, includes water and wastewater mainline extensions and consists of an eighteen-month master agreement in support of small services that may require extension of the existing mainlines. Also, included are water and wastewater emergency mainline replacements and relocations, which will allow for quick response in support of Dallas Water Utilities' operations.

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

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	2	1	0
Change Orders	14	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction      February 2020  
Complete Construction    August 2021

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

Wastewater Construction Fund - \$8,421,473.07  
Water Construction Fund - \$5,610,728.93  
Wastewater Capital Improvement (D) Fund - \$1,718,027.00  
Water Capital Improvement (D) Fund - \$1,073,618.00

### **PROCUREMENT INFORMATION**

The following single bid with quotes was received and opened on October 18, 2019:

\*Denotes only bidder

<b><u>Bidder</u></b>	<b><u>Bid Amount</u></b>
*Omega Contracting, Inc. 2518 Chalk Hill Road Dallas, Texas 75211	\$16,823,847.00

Note: Dallas Water Utilities has reviewed this procurement and determined that the bid was conducted in accordance with Administrative Directive 4-5 and that reasonable efforts were made to increase bid participation. This procurement meets the requirements for a single bid and represents a good value for the work to be performed.

### **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:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$16,823,847.00	Construction	25.00%	92.02%	\$15,481,416.88
• This contract exceeds the M/WBE goal.				

**OWNER****Omega Contracting, Inc.**

Luis Spinola, Owner

**MAPS**

Attached

Segment List  
Contract No. 19-493/494  
**Water and Wastewater Main Installation**

**District 1**

Alley between Mt Pleasant Street and Mt Royal Street from Gilpin Avenue to Frances Street

**District 2**

Alley between Annex Avenue and Carroll Avenue from Rusk Avenue to Cabell Drive

\*Hill Avenue from Bird Street to Gaston Avenue

Alley between Grandview Avenue and Mt. Auburn Avenue from Ash Lane west

**District 4**

Alley between Vermont Avenue and Stella Avenue from Bruck Avenue east

**District 5**

Easement north of Lake June Road from St Augustine Drive east  
Woodvale Street from Laneyvale Avenue to Paramount Avenue

**District 6**

Alley between Singleton Boulevard and Toronto Street from Norwich Street east

**District 7**

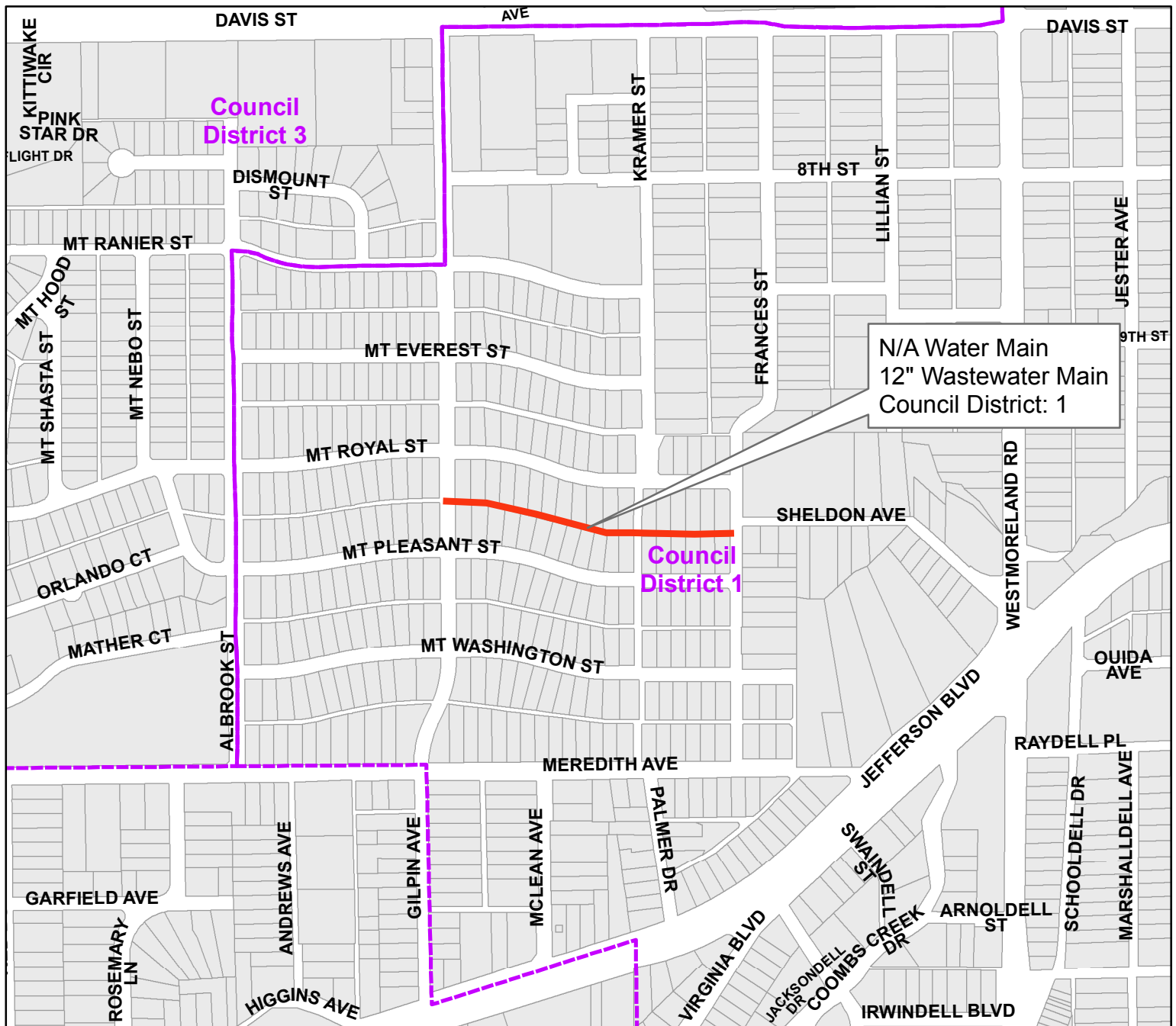
Gay Street from Spring Avenue northwest

**District 14**

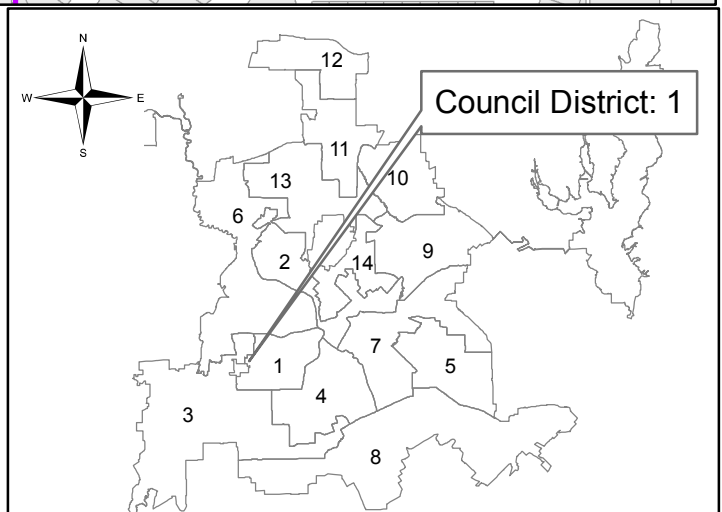
Gaston Avenue from south of Haskell Avenue southwest

\* Hill Avenue from Bird Street to Gaston Avenue  
(See District 2)

\*Project limits in more than one Council District



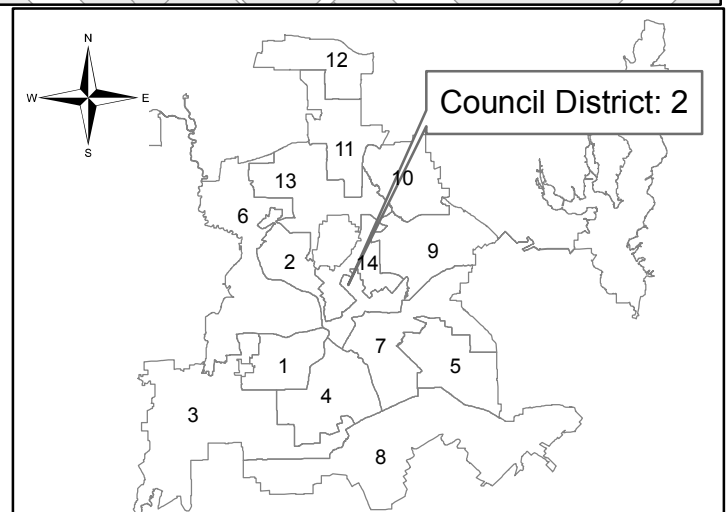
Alley between Mt Pleasant Street and Mt Royal Street  
from Gilpin Avenue to Frances Street



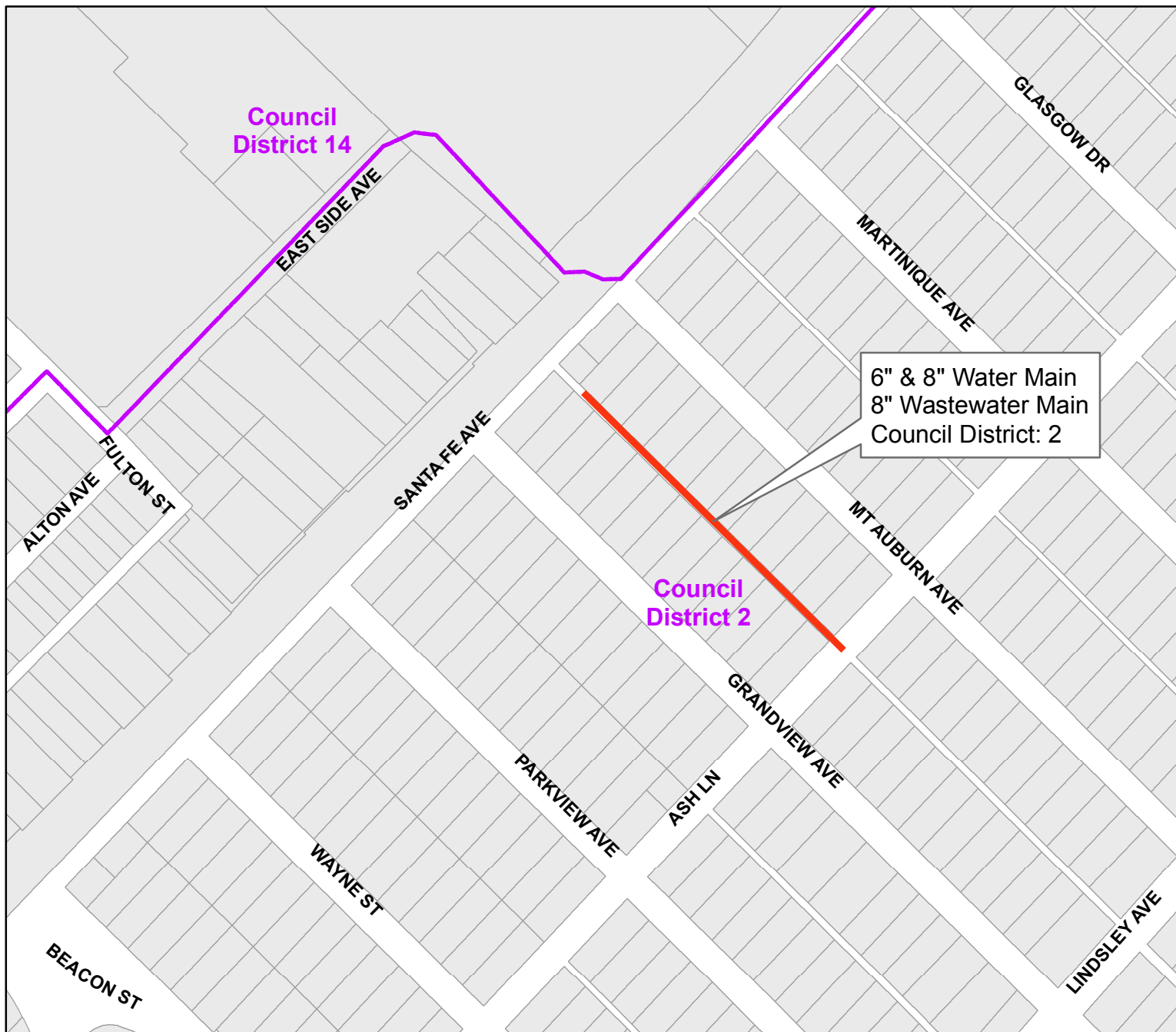
**Dallas Water Utilities  
Contract No. 19-493/494  
Water and Wastewater Main Installations  
at 10 Locations**



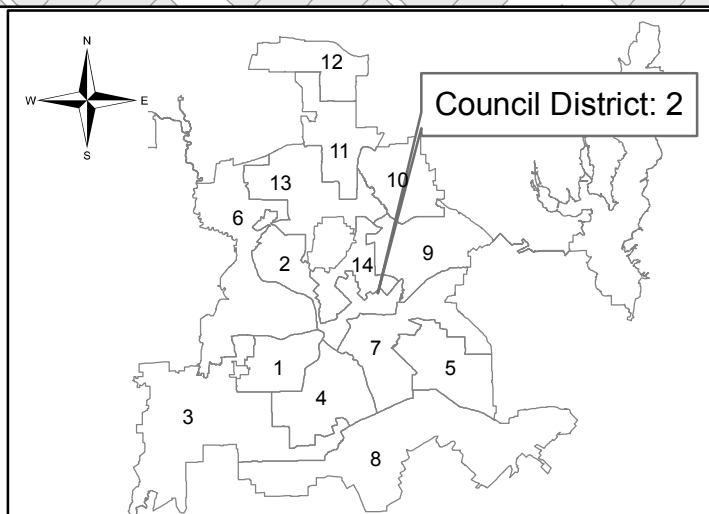
Alley between Annex Avenue and Carroll Avenue  
from Rusk Avenue to Cabell Drive



**Dallas Water Utilities  
Contract No. 19-493/494  
Water and Wastewater Main Installations  
at 10 Locations**



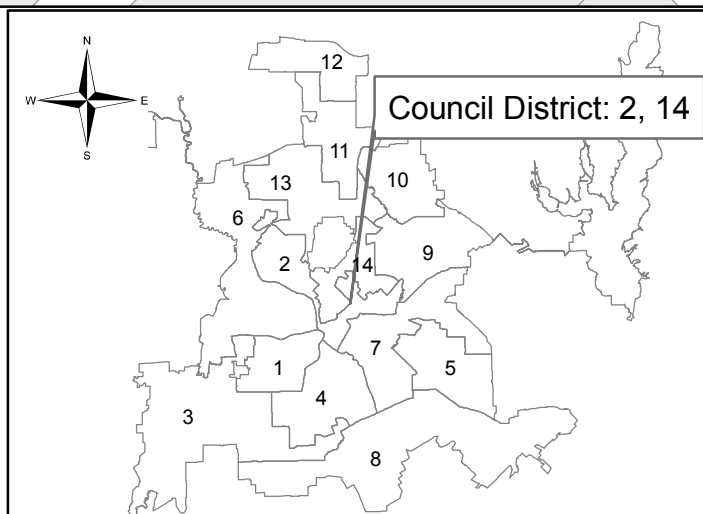
Alley between Grandview Avenue and  
Mt. Auburn Avenue  
from Ash Lane west



**Dallas Water Utilities  
Contract No. 19-493/494  
Water and Wastewater Main Installations  
at 10 Locations**

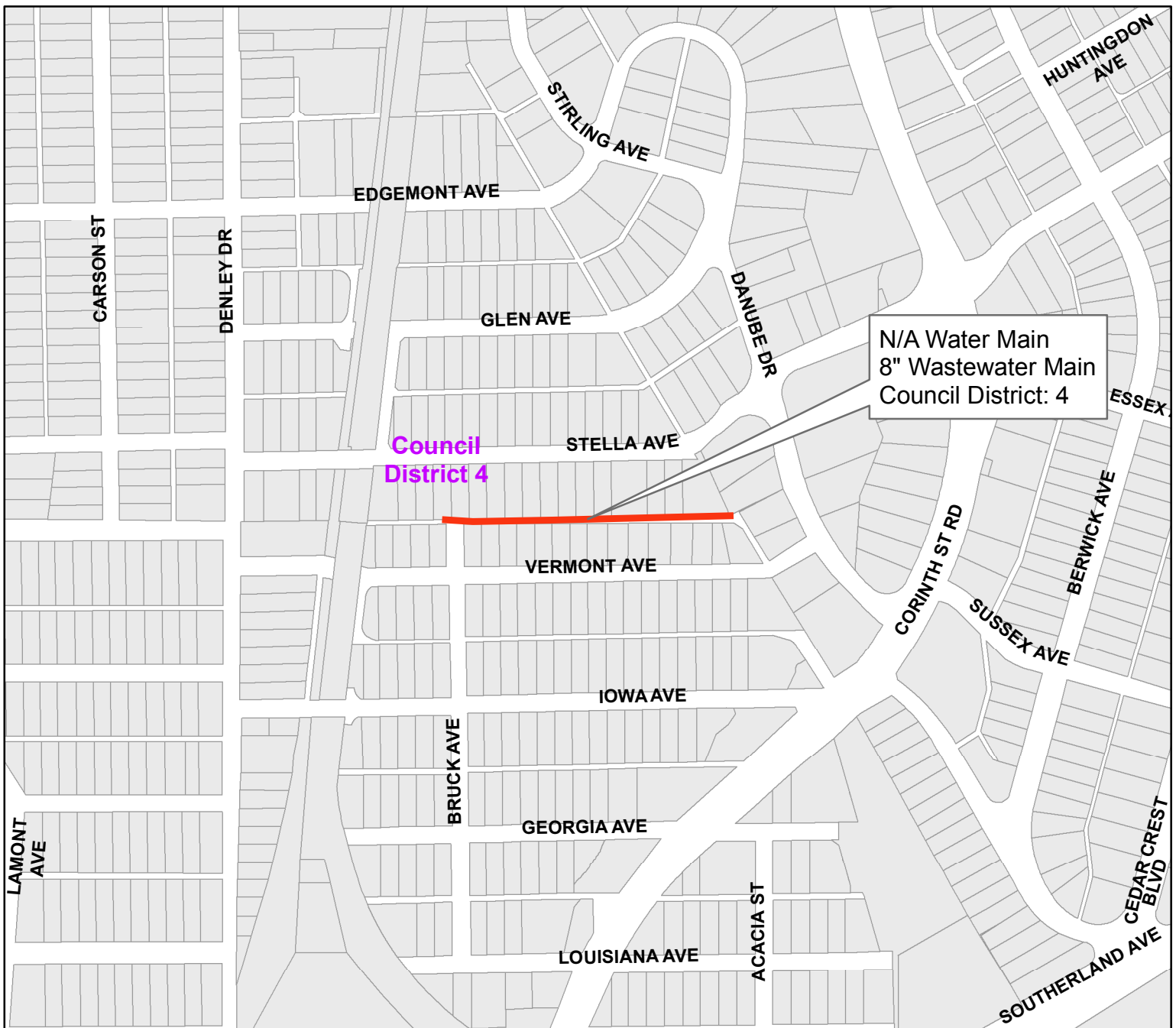


Hill Avenue  
from Bird Street to Gaston Avenue

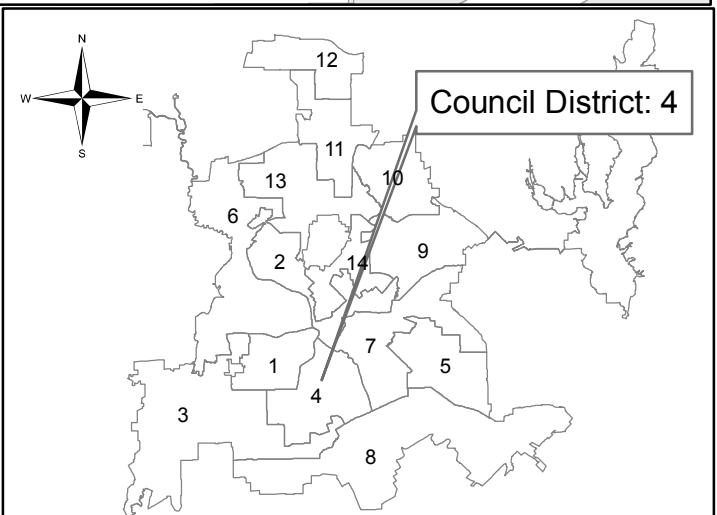


**Dallas Water Utilities**  
**Contract No. 19-493/494**  
**Water and Wastewater Main Installations**  
**at 10 Locations**





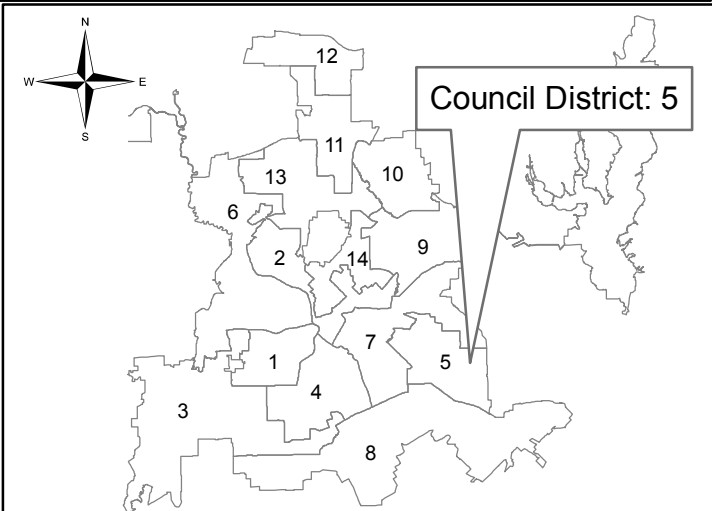
Alley between Vermont Avenue and Stella Avenue  
from Bruck Avenue east



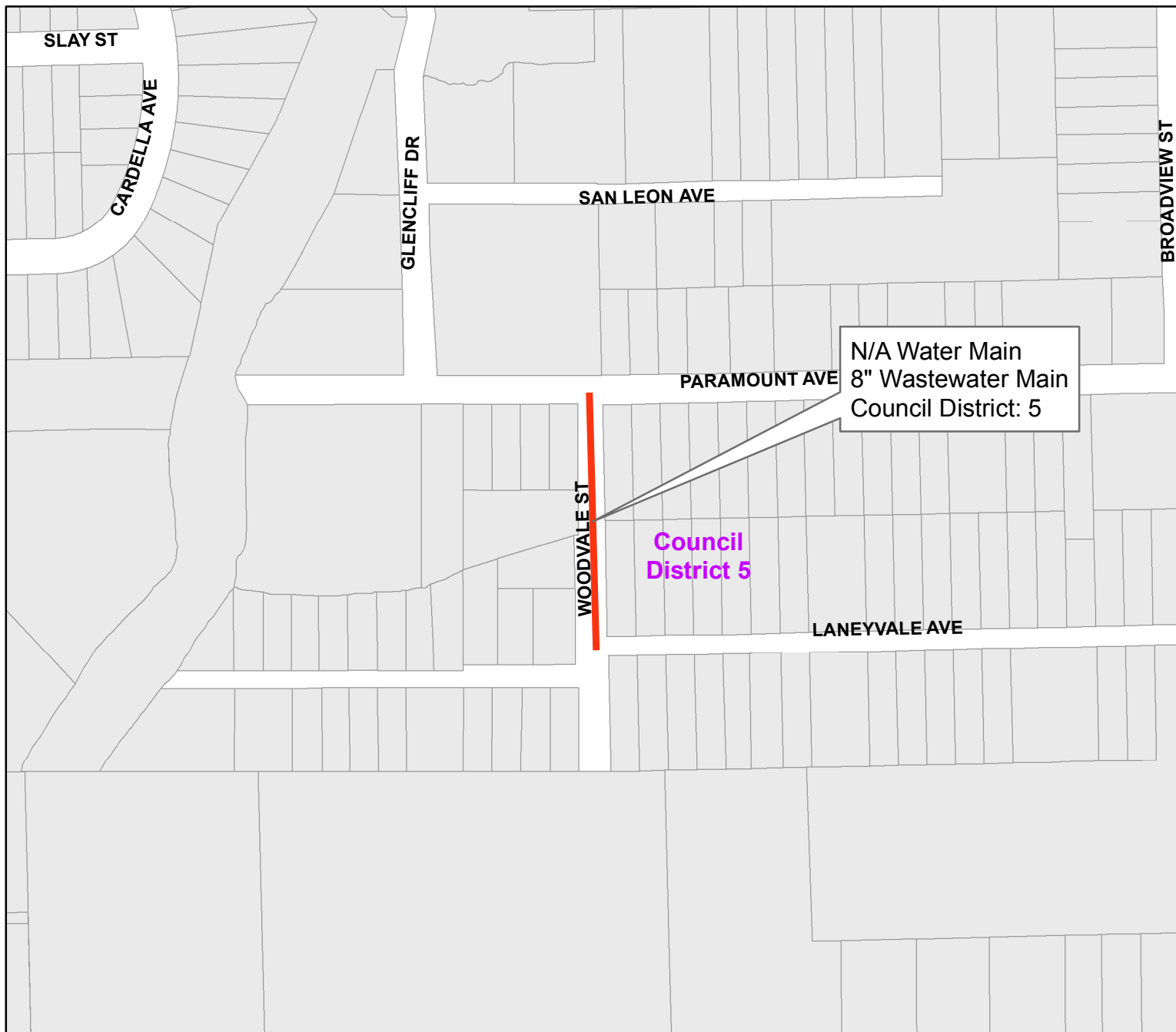
**Dallas Water Utilities**  
**Contract No. 19-493/494**  
**Water and Wastewater Main Installations**  
**at 10 Locations**



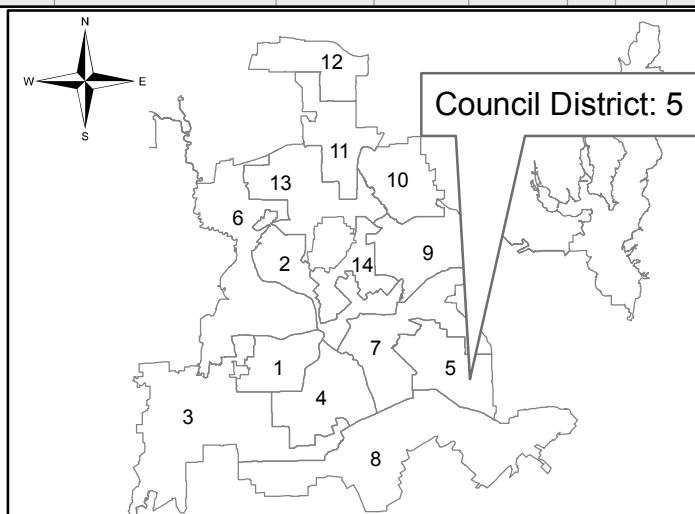
Easement north of Lake June Road  
from St Augustine Drive east



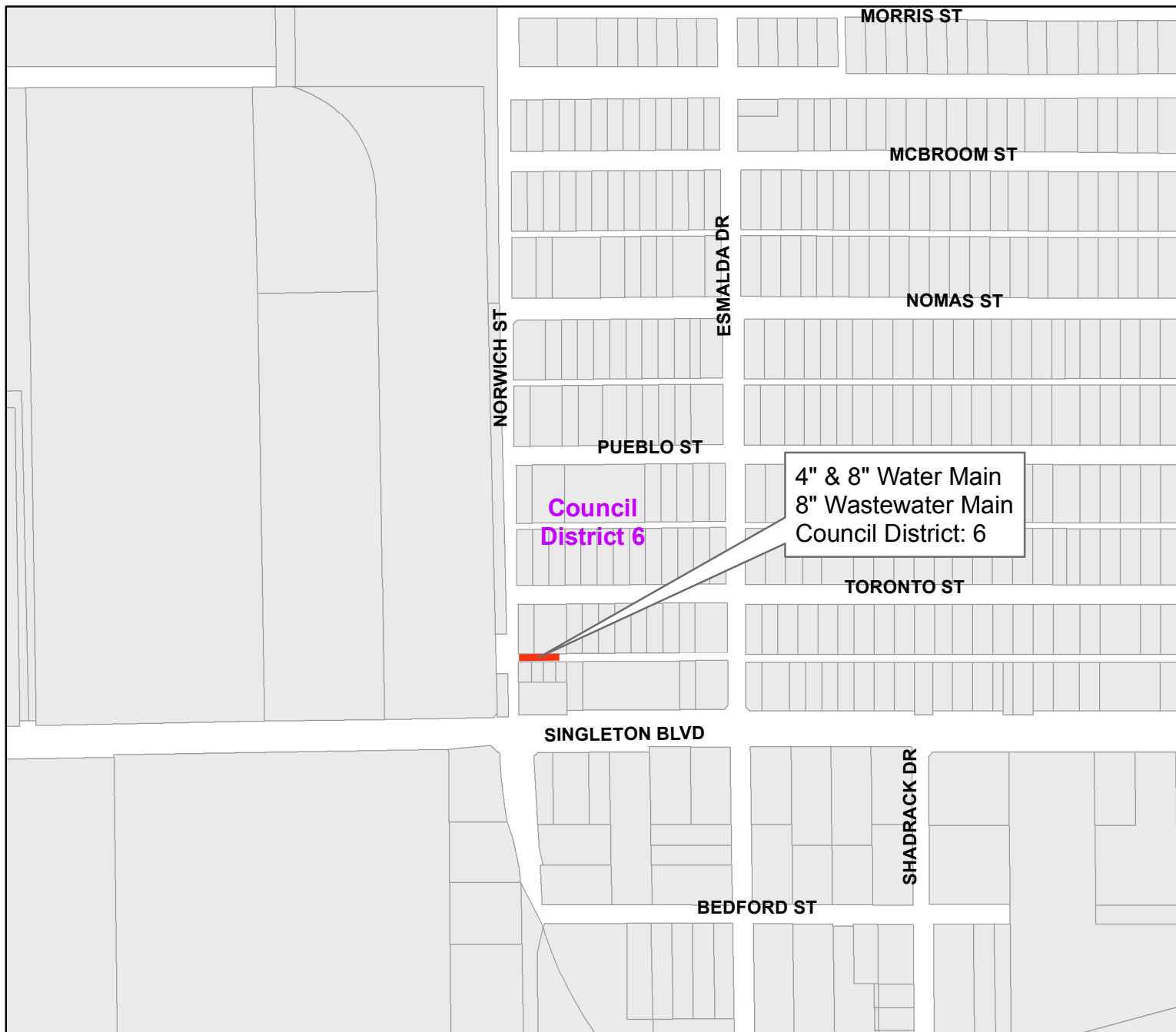
**Dallas Water Utilities**  
**Contract No. 19-493/494**  
**Water and Wastewater Main Installations**  
**at 10 Locations**



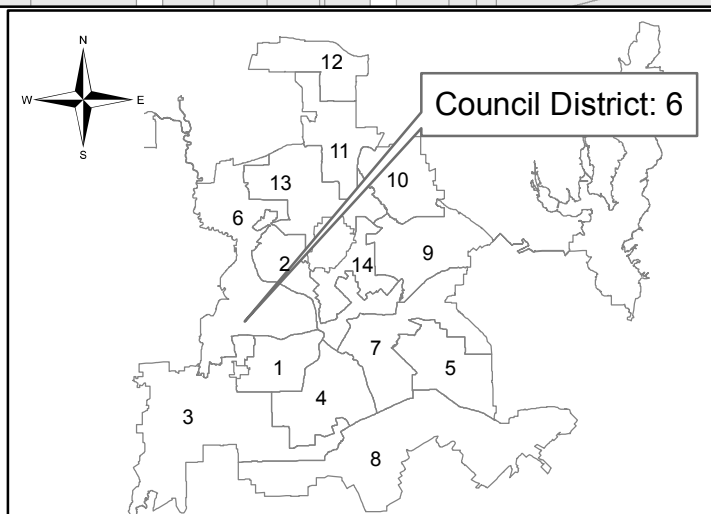
Woodvale Street  
from Laneysvale Avenue to Paramount Avenue



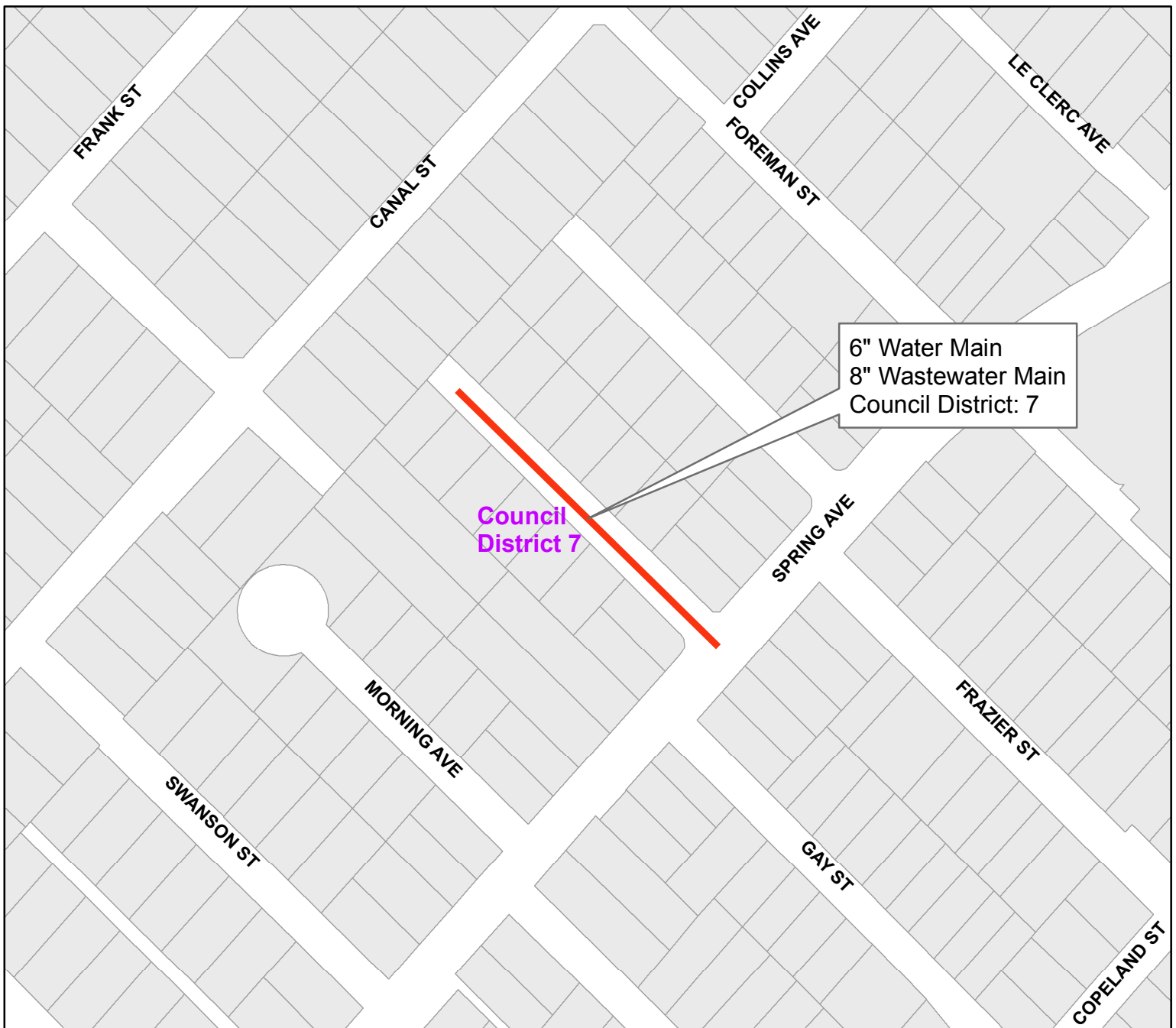
**Dallas Water Utilities  
Contract No. 19-493/494  
Water and Wastewater Main Installations  
at 10 Locations**



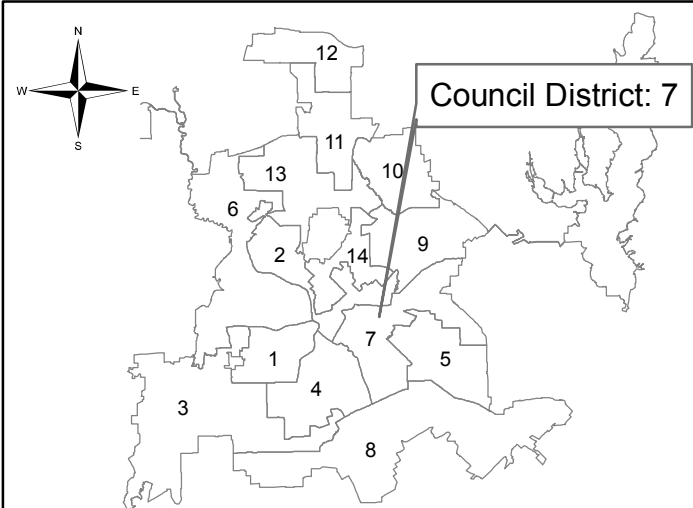
Alley between Singleton Boulevard and Toronto Street  
from Norwich Street east



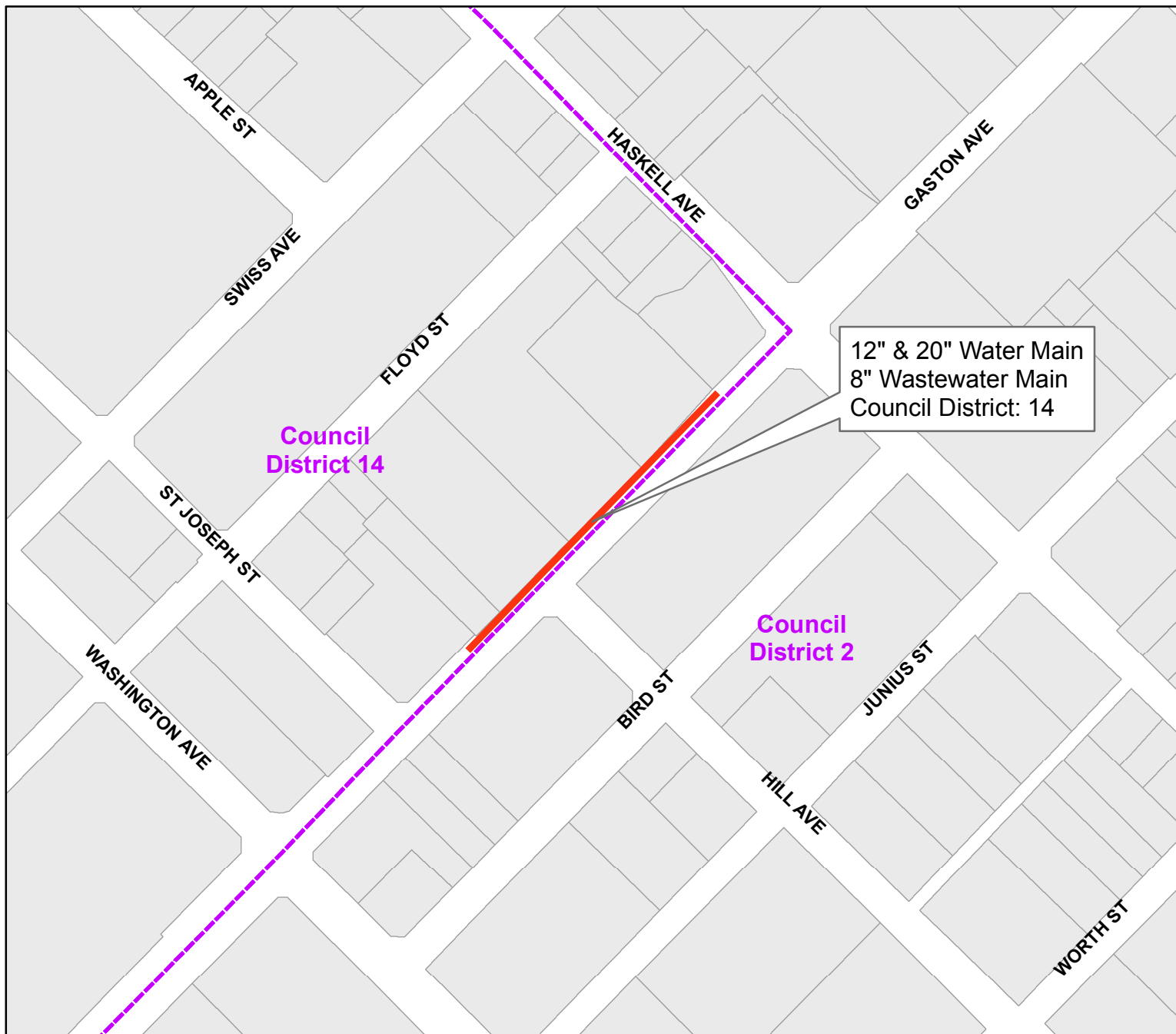
**Dallas Water Utilities  
Contract No. 19-493/494  
Water and Wastewater Main Installations  
at 10 Locations**



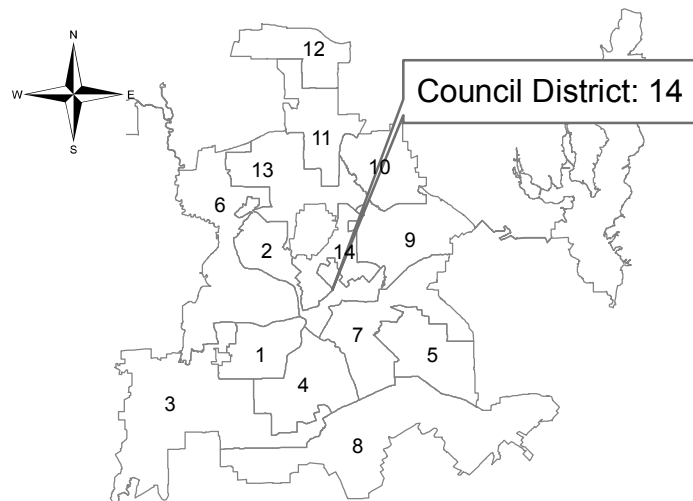
Gay Street  
from Spring Avenue northwest



**Dallas Water Utilities**  
**Contract No. 19-493/494**  
**Water and Wastewater Main Installations**  
**at 10 Locations**



Gaston Avenue  
from south of Haskell Avenue southwest



**Dallas Water Utilities  
Contract No. 19-493/494  
Water and Wastewater Main Installations  
at 10 Locations**

January 8, 2020

**WHEREAS**, on October 18, 2019, one bid was received for water and wastewater small services installations at various locations, the installation of water and wastewater mains at 10 locations, and water and wastewater mainline extensions and emergency mainline installations and relocations at various locations, Contract No. 19-493/494, listed as follows:

<b><u>Bidder</u></b>	<b><u>Bid Amount</u></b>
Omega Contracting, Inc.	\$16,823,847.00

**WHEREAS**, the bid submitted by Omega Contracting, Inc., 2518 Chalk Hill Road Dallas, Texas 76060, in the amount of \$16,823,847.00, is the only bid received; and

**WHEREAS**, Dallas Water Utilities has reviewed this procurement and determined that the bid was conducted in accordance with Administrative Directive 4-5 and that reasonable efforts were made to increase bid participation. Dallas Water Utilities has also determined that this procurement meets the requirements of a single bid and represents a good value for the work to be performed.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by Omega Contracting, Inc., in the amount of \$16,823,847.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 19-493/494, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to execute a construction contract with Omega Contracting, Inc., approved as to form by the City Attorney, for **(1)** an eighteen-month master agreement for water and wastewater small services installations in the amount of \$9,521,062.50; **(2)** a construction contract for the installation of water and wastewater mains at 10 locations in the amount of \$2,791,645.00; and **(3)** an eighteen-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations, in the amount of \$4,511,139.50, for a total amount not to exceed \$16,823,847.00, after having approval of the contract documents by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$16,823,847.00 to Omega Contracting, Inc., as follows:

Water Construction Fund	
Fund 0102, Department DWU, Vendor 345379	
Balance Sheet Account 0531	
Encumbrance/Contract No. CX-DWU-2020-00012076	\$ 3,219,825.00

January 8, 2020

**SECTION 3.** (continued)

Wastewater Construction Fund  
Fund 0103, Department DWU, Vendor 345379  
Balance Sheet Account 0531  
Encumbrance/Contract No. CX-DWU-2020-00012076 \$ 6,301,237.50

Water Construction Fund  
Fund 0102, Department DWU, Unit CW40  
Object 3221, Program 719493X, Vendor 345379  
Encumbrance/Contract No. CX-DWU-2020-00012076 \$ 2,390,903.93

Wastewater Construction Fund  
Fund 0103, Department DWU, Unit CS40  
Object 3222, Program 719494X, Vendor 345379  
Encumbrance/Contract No. CX-DWU-2020-00012076 \$ 2,120,235.57

Water Capital Improvement (D) Fund  
Fund 2115, Department DWU, Unit PW40  
Object 4550, Program 719493, Vendor 345379  
Encumbrance/Contract No. CX-DWU-2020-00012076 \$ 1,073,618.00

Wastewater Capital Improvement (D) Fund  
Fund 2116, Department DWU, Unit PS40  
Object 4550, Program 719494, Vendor 345379  
Encumbrance/Contract No. CX-DWU-2020-00012076 \$ 1,718,027.00

Total amount not to exceed \$16,823,847.00

**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.





# City of Dallas

1500 Marilla Street  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 19-2042

**Item #:** 36.

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**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Secretary's Office

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**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 Information Sheet

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**File #:** 20-18

**Item #:** 37.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Secretary's Office

**EXECUTIVE:** Bilierae Johnson

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### **SUBJECT**

A resolution designating absences by Mayor Pro Tem Adam Medrano and Councilmember Cara Mendelsohn as being for "Official City Business" - Financing: No cost consideration to the City

### **BACKGROUND**

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

January 8, 2020

**WHEREAS**, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

**WHEREAS**, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

**WHEREAS**, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

**WHEREAS**, Mayor Pro Tem Adam Medrano and Councilmember Cara Mendelsohn participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted.

**Now, Therefore,**

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

**SECTION 1.** That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Mayor Pro Tem Adam Medrano and Councilmember Cara Mendelsohn because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

January 8, 2020

**SECTION 2.** That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Mayor Pro Tem Adam Medrano and Councilmember Cara Mendelsohn in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 3.** That the City Secretary is hereby authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in **Exhibit A**, if applicable, to reflect that the absence(s) by Mayor Pro Tem Adam Medrano and Councilmember Cara Mendelsohn as described in **Exhibit A**, were for "official city business," and no further city council action or approval of those minutes is required.

**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.

EXHIBIT A

CITY COUNCIL MEMBER(S)  
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCIL MEMBER	DATE	MEETING(S) MISSED	PURPOSE/LOCATION	ABSENCE TYPE
Adam Medrano	12/9/2019	Workforce Education and Equity Committee	Hosted 500 senior citizens for a holiday brunch in district.	Absent
Adam Medrano	12/9/2019	Public Safety Committee	Hosted 500 senior citizens for a holiday brunch in district.	Absent
Cara Mendelsohn	12/11/2019	City Council Meeting	Traveled to Washington, D.C., to represent the City of Dallas in her capacity as a council member. Invited to attend the Conference with Women Mayors and Municipal Leaders at the White House.	Absent more than 50%

# Memorandum

RECEIVED

2019 DEC -6 PM 5:26

CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

DATE December 6, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Absent Memo – Workforce Education and Equity Committee**

Please be advised, that I will be absent from the December 9th Workforce, Education and Equity Committee. I will be hosting 500 senior citizens for a holiday brunch in my District.

If you have any questions, please contact my assistant Monica Moreno at (214) 670-4048.

Thank you,



Adam Medrano  
Mayor Pro Tem  
District 2

C:

# Memorandum

RECEIVED

2019 DEC 10 PM 4:15

CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

DATE December 10, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Absent Memo – Public Safety Committee Meeting**

Please be advised, that I was absent from the December 9th Public Safety Committee Meeting I was hosting 500 senior citizens for a holiday brunch in my District.

If you have any questions, please contact my assistant Monica Moreno at (214) 670-4048.

Thank you,



Adam Medrano  
Mayor Pro Tem  
District 2

C:



# Memorandum

RECEIVED

2019 DEC 10 PM 1:30

CITY SECRETARY  
DALLAS, TEXAS



DATE: December 10, 2019

TO: Bilierae Johnson, City Secretary

SUBJECT: Early Departure and Out of Town

Please be advised that I will be leaving the City Council Agenda meeting early on Wednesday, December 11, 2019 to travel to Washington D.C., to represent the City of Dallas in my capacity as a council member. I have been invited to attend the Conference with Women Mayors and Municipal Leaders at the White House and will be out of town on Thursday, December 12, and Friday, December 13, 2019.

If you should need to reach me, please contact my liaison Navaz Kayani Irani, at 214-670-4067.

Thank you,

Cara Mendelsohn  
Council Member, District 12

c: The Honorable Mayor Eric Johnson  
The Honorable Members of City Council



## Agenda Information Sheet

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**File #:** 20-15

**Item #:** 38.

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**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Office of Economic Development

**EXECUTIVE:** Michael Mendoza

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### **SUBJECT**

Authorize a Chapter 380 economic development grant and loan agreement with P3 Holdings, LLC and/or its affiliates in an amount not to exceed \$700,000.00 in consideration of Royal Blue Grocery operations and expansion of locations in Dallas, in accordance with the City's Public/Private Partnership Program - Not to exceed \$700,000.00 - Financing: 2017 Bond Funds (Proposition I) (\$350,000.00) and Public/Private Partnership Fund (\$350,000.00) (This item was deferred on December 11, 2019)

### **BACKGROUND**

Since March 2019, city staff has been in discussions with P3 Holdings, LLC (P3) regarding the expansion of Royal Blue Grocery locations in Dallas. Royal Blue Grocery (RBG) is a compact urban market that opened its first store in downtown Austin in 2006. Currently, there are 10 RBG stores operating in Texas, including six stores in Austin, one in San Antonio, and three (3) in Dallas, each custom tailored to the neighborhood they serve.

P3 owns and operates multiple franchises of RBG stores in the Dallas area. In 2015, P3 opened its flagship store in Highland Park Village. In July 2018, a second location opened on the ground floor of the Mercantile Building in downtown Dallas. P3 opened a third location at the Trammel Crow Center in September of this year. P3 plans to open an additional store in the North Oak Cliff/Bishop Arts area at the former location of Bolsa Mercado at 634 W. Davis Street. The total renovation costs for the Davis Street location is an estimated \$858,633.00. Improvements to this location include new kitchen equipment, installation of refrigeration equipment and aisles for groceries, finish out of a small seating area for coffee and café area and design and furnish patio seating on the side of the building and sidewalk seating along Davis Street. The proposed RBG store on Davis Street will fill a retail gap in the specialty food segment for the surrounding neighborhood.

P3 opened its first three RBG stores without any City assistance but has now requested financial assistance in the amount of \$700,000.000 to support its current expansion and operations in Dallas and renovation of the Davis Street building. Staff performed a review of the proposed project and

determined the net profit margin after taxes for the Davis Street location would not be sufficient to support traditional long-term debt. Additionally, due to the company's expansion, the current financials for P3 could not support additional conventional market rate debt that would cost exponentially more than any loan offered by the City.

Based on the findings of the underwriting review, Staff has proposed an incentive package comprised of a Chapter 380 conditional grant in the amount of \$350,000.00 to reimburse redevelopment costs associated with the Davis St. location and a working capital term loan in the amount of \$350,000.00 to provide working capital needed to support all RBG store locations in Dallas. The working capital loan will have an interest rate of 3%, term and amortization schedule of 60 months (5 years) and will be payable after the Davis St. store has received a final certificate of occupancy and is open to the public. P3 requests City Council's consideration of the proposed incentive package and has agreed to the following additional conditions of funding:

1. P3 shall execute a minimum 10-year lease for the Davis St. store by March 31, 2020 and continually occupy such space for the term of the lease.
2. P3 shall document a minimum private investment in the Davis St. store and other Dallas, TX stores of \$1.0 million including equipment, build-out, construction, and other hard costs and other construction-related soft costs such as design and engineering (excluding attorney's fees, developer fees, leasing commissions, or other profit items). P3 shall incur these costs prior to March 31, 2021.
3. Funds expended on or after March 25, 2019 (the date of the City's prior initial letter to P3 for the expansion of RBG operations in Dallas) shall count towards the minimum private investment requirement established under this current offer.
4. The Project shall include the 100% renovation and build-out of the Davis St. store by March 31, 2021.
5. P3 shall obtain construction permit(s) for the Davis St. store by March 31, 2020.
6. P3 shall complete the construction of the Davis St. store and obtain the final Certificates of Occupancy (CO) or equivalent evidence of completion of 634 W. Davis Street by March 31, 2021.
7. P3 shall maintain 100% occupancy of the Davis St. store and all other stores existing in the city of Dallas as of the date of City Council approval of the incentives as RBG stores for no less than five (5) years.
8. All employees of RBG stores in the city in Dallas hired on or after the date of the City Council authorization of the proposed incentive agreement shall be paid an average minimum starting hourly wage of \$15.00 per hour including tips (excluding overtime, bonuses, and benefits).
9. A minimum of 50% of all new P3 employees hired on or after the date of the City Council authorization shall be residents of the city of Dallas ("Local Hiring Requirement").

10. P3 shall make a good faith effort to comply with the City's Business Inclusion and Development ("BID") goal of 25% participation by certified Minority/Women-owned Business Enterprises ("M/WBE") for all hard construction expenditures on the Project and meet all reporting requirements.
11. P3 shall meet all annual reporting requirements including:
  - a. Annual CPA prepared financial statements (Income Statement, Balance Sheet, Statement of Cash Flows)
  - b. Annual Sales Data and Performance (Annual Customer Counts) for the Davis St. store.
  - c. P3 shall, upon advanced request, permit staff from the Office of Economic Development ("OED") access to review and document all records and related investment obligations contained herein and to monitor and confirm compliance with the incentive agreement.
12. The compliance period shall commence upon the payment of the Incentives and terminate upon the 5th anniversary thereof. During the compliance period, the City has the right to declare P3 in default, require immediate repayment of City loan assistance, terminate the agreement, and pursue other enforcement options if P3 fails to:
  - a. Operate a RBG store at 634 W Davis St. during the compliance period.
  - b. Maintain the store throughout the compliance period.
  - c. Submit annual compliance reports that contain the information as listed above.
  - d. Obtain OED Director approval for the sale, lease, sublease, or other transfer of any component of the project occurring prior to the end of the compliance period.
  - e. Otherwise fulfill the obligations of the incentive agreement.
13. Prior to the end of the compliance period, P3 may not sell, lease, sublease, or otherwise directly or indirectly transfer any of its leasehold or fee interest subject to the City's liens without prior written approval by OED Director. OED Director approval is predicated on the new ownership entity's ability to demonstrate financial capacity and experience to operate and manage the facility.
14. P3 shall serve as a mentor to individuals/companies seeking to operate grocery concepts/stores in southern and West Dallas.
15. P3 shall seek to establish partnerships with the Dallas Independent School District, [such as Skyline High School's Career Development Center](#) and Dallas County Community College District to provide opportunities for individuals interested in the food industry.
16. The terms of the working capital term loan include:
  - a. Maturity: 60 months
  - b. Amortization: 60 months
  - c. Interest Rate: 3% (simple interest)
  - d. Repayment: Monthly Principal and Interest payment (\$6,289.04) beginning on the first day of the month after the loan is advanced.
  - e. The borrower shall maintain a minimum debt service coverage of 1.25 to 1.0 for all Dallas RBG stores.

- f. The loan shall be secured by a deed of trust in the amount \$350,000.00 recorded in the real property records of Dallas County against all ownership and leasehold interests of P3 in the city of Dallas, including the Davis St. store.
  - g. The loan shall also be secured by a UCC-1 financing statement recorded in the real property records of Dallas County and securing a lien against all personal property, including, but not limited to, any and all equipment, fixtures, inventory, accounts, chattel paper, documents, instruments, investment property, general intangibles, letter-of-credit rights and deposit accounts now owned and hereafter acquired by P3 in the city of Dallas.
  - h. The obligations secured by the loan's deed of trust and financing statement shall be additionally secured by a guaranty executed by the guarantors.
17. The Chapter 380 conditional grant will be secured by a performance leasehold deed of trust recorded in the real property records of Dallas County against P3's interests in the Davis St. store.
18. The City's liens and financing statement shall have second lien priority behind a senior lender to be approved by the Director of the Office of Economic Development.
19. Failure to maintain and operate a grocery store during the Compliance Period shall be a default of the conditional grant and the working capital loan, and an uncured default shall require repayment of the working capital term loan and may result in enforcement of the City's security interests, enforcement of the guaranty, or any other action allowed by law.
20. Upon submission of a formal request by P3, project deadlines may be extended 6 months, subject to approval by the OED Director.
21. In the event the OED Director determines the project has been delayed as a result of force majeure, P3 shall have additional time to complete the project as may be required, if P3 is diligently and faithfully pursuing completion of the project as determined by the OED Director. Extension of project deadlines as a result of force majeure shall not require City Council approval. "Force majeure" shall mean any contingency or cause beyond the reasonable control of Developer including, without limitation, acts of nature or the public enemy, war, riot, civil commotion, insurrection, state, federal or municipal government, or de facto governmental action (unless caused by acts or omissions of P3), fires, explosions, floods, and strikes.
22. P3 shall also host a minimum of one vendor day events in which Dallas based food entrepreneurs from southern and West Dallas will have the opportunity to pitch their food products.
23. P3 shall contribute 10% of the gross potential savings from \$700,000 of economic development incentives to a fund that shall be utilized to support Dallas food entrepreneurs based in southern and West Dallas. The contribution shall be paid to the City of Dallas at closing and the fund shall be administered by the City. Savings shall be calculated by taking the market rate cost of \$700,000 at 6% over 5yrs vs. the cost of the City's incentives.

Pursuant to the City's Public/Private Partnership Program (P/PPP) Guidelines and Criteria (effective for the period July 1, 2019 through December 31, 2019), the proposed project is located in a Target Area. Additionally, the project meets the minimum eligibility criteria of the Neighborhood Commercial Redevelopment Program of the City's P/PPP with a minimum investment exceeding \$250,000.00.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	March 2020
Complete Construction	March 2021

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

The Economic Development Committee was briefed regarding this matter on November 4, 2019.

On December 11, 2019, this item was deferred by Councilmember Chad West.

**FISCAL INFORMATION**

2017 Bond Funds (Proposition I) - \$350,000.00  
Public/Private Partnership Funds - \$350,000.00

**CONTACT INFORMATION****P3 Holdings, LLC**

Zac Porter  
1 Highland Park Village  
Dallas, Texas 75205

**MAP**

Attached

January 8, 2020

**WHEREAS**, the city of Dallas ("City") recognizes the importance of its role in local economic development; and

**WHEREAS**, it is in the interest of the City of Dallas to support and secure the establishments, expansions, and relocations of business operations within the city of Dallas and the economic vitality and employment opportunities that these business operations bring for Dallas residents; and

**WHEREAS**, P3 Holdings, LLC, or an affiliate ("P3") currently owns and operates three Royal Blue Grocery stores in the city of Dallas; and

**WHEREAS**, P3 proposes to further expand its operations in the city of Dallas with plans to renovate an existing vacant building currently located at 634 West Davis Street to establish and operate a Royal Blue Grocery Store (RB), thereby stimulating economic development, job creation, and increased business activity in the city of Dallas; and

**WHEREAS**, the proposed project will not occur without an offer of financial assistance from the City; and

**WHEREAS**, on June 12, 2019, City Council authorized the re-adoption of the city of Dallas' Public/Private Partnership Program Guidelines and Criteria for the period of June 30, 2019 through December 31, 2019, which established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code ("Economic Development Act") by Resolution No. 19-0891; and

**WHEREAS**, the proposed project complies with the City's Public/Private Partnership Program – Guidelines and Criteria for the Neighborhood Commercial Retail Development Grant Program; and

**WHEREAS**, consistent with the authority granted under the Economic Development Act and the City's Public/Private Partnership Program - Guidelines and Criteria, staff recommends that the City enter into an economic development grant and loan agreement with P3 and provide this incentive as a part of the City's ongoing program to promote local economic development and to stimulate business and commercial activity in the city of Dallas.

**Now, Therefore,**

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

January 8, 2020

**SECTION 1.** That the City Manager is hereby authorized, upon approval as to form by the City Attorney, to execute a Chapter 380 economic development grant and loan agreement with P3 Holdings, LLC, or an affiliate in an amount not to exceed \$700,000.00 to provide a Chapter 380 conditional grant to reimburse eligible expenses associated with the renovation, occupancy and opening of a Royal Blue Grocery store at 634 West Davis Street ("Davis St. Store") shown on **Exhibit A** (Map) and a working capital term loan to provide working capital needed to support all Royal Blue Grocery store locations in Dallas.

**SECTION 2.** That the City of Dallas shall pay a conditional economic development grant payable from 2017 general obligation bond funds in an amount not to exceed \$350,000.00 and provide a working capital term loan payable from the Public/Private Partnership Fund in the amount of \$350,000.00, for a total incentive not to exceed \$700,000.00.

**SECTION 3.** That the economic development conditional grant shall be paid when the following key conditions are satisfied:

- (a) P3 shall execute a minimum ten-year lease for the Davis St. Store by March 31, 2020 and continually occupy such space for the term of the lease.
- (b) P3 shall document a minimum private investment in the Davis St. Store and other Dallas, Texas stores of \$1.0 million including equipment, build-out, construction, and other hard costs and other construction-related soft costs such as design and engineering (excluding attorney's fees, developer fees, leasing commissions, or other profit items). P3 shall incur these costs prior to March 31, 2021.
- (c) Funds expended on or after March 25, 2019 (the date of the City's initial offer letter to P3 for the expansion of Royal Blue Grocery operations in Dallas) shall count towards the minimum private investment requirement established under this current offer.
- (d) The project shall include the 100% renovation and build-out of the Davis St. Store by March 31, 2021.
- (e) P3 shall obtain construction permit(s) for the Davis St. Store by March 31, 2020.
- (f) P3 shall complete the construction of the Davis St. Store and obtain the final Certificates of Occupancy (CO) or equivalent evidence of completion of the Davis St. Store by March 31, 2021.
- (g) A minimum of 50% of all new P3 employees hired on or after the date of the City Council authorization shall be residents of the City of Dallas ("Local Hiring Requirement").



**SECTION 3.** (continued)

- (h) P3 shall make a good faith effort to comply with the City's Business Inclusion and Development ("BID") goal of 25% participation by certified Minority/Women-owned Business Enterprises ("M/WBE") for all hard construction expenditures on the project and meet all reporting requirements.
- (i) The conditional grant shall be secured by a performance leasehold deed of trust recorded in the real property records of Dallas County against P3's interests in the W. Davis Store.
- (j) The City's lien shall have second lien priority behind a senior lender to be approved by the Director of the Office of Economic Development (OED).
- (k) Upon submission of a formal request by P3, project deadlines may be extended up to 6 months, subject to approval by the OED Director.
- (l) In the event the OED Director determines the project has been delayed as a result of force majeure, P3 shall have additional time to complete the project as may be required, if P3 is diligently and faithfully pursuing completion of the project as determined by the OED Director. Extension of project deadlines as a result of force majeure shall not require City Council approval. "Force majeure" shall mean any contingency or cause beyond the reasonable control of Developer including, without limitation, acts of nature or the public enemy, war, riot, civil commotion, insurrection, state, federal or municipal government, or de facto governmental action (unless caused by acts or omissions of P3), fires, explosions, floods, and strikes.
- (n) P3 shall serve as a mentor to individuals/companies seeking to operate grocery concepts/stores in southern and West Dallas.
- (o) P3 shall seek to establish partnerships with the Dallas Independent School District, [such as Skyline High School's Career Development Center in Culinary Arts](#) and Dallas County Community College District to provide opportunities for individuals interested in the food industry.
- (p) P3 shall also host a minimum of one (1) vendor day events in which Dallas based food entrepreneurs from southern and West Dallas will have the opportunity to pitch their food products.

**SECTION 3.** (continued)

- (q) P3 shall contribute 10% of the gross potential savings from \$700,000 of economic development incentives to a fund that shall be utilized to support Dallas food entrepreneurs based in southern and West Dallas. The contribution shall be paid to the City of Dallas at closing and the fund shall be administered by the City. Savings shall be calculated by taking the market rate cost of \$700,000.00 at 6% over five years vs. the cost of the City's incentives.

**SECTION 4.** That the terms of the working capital term loan are the following:

- (a) Interest Rate: 3% (flat simple interest)
- (b) Maturity: 60 months (five years)
- (c) Amortization: 60 months (five years)
- (d) Repayment: Monthly Principal and Interest Payment (\$6,289.04) beginning on the first day of the month after the grant and loan are paid.
- (e) The loan shall be payable after the Davis Street Store has received a final Certificate of Occupancy and is open to the public.
- (f) P3 shall maintain a minimum debt service coverage of 1.25 to 1.0 for all Dallas RBG stores.
- (g) The loan shall be secured by a deed of trust in the amount \$350,000.00 recorded in the real property records of Dallas County against all ownership and leasehold interests of P3 in the city of Dallas, including the West Davis store.
- (h) The loan shall also be secured by a UCC-1 Financing Statement recorded in the real property records of Dallas County and securing a lien against all personal property, including, but not limited to, any and all equipment, fixtures, inventory, accounts, chattel paper, documents, instruments, investment property, general intangibles, letter-of-credit rights and deposit accounts now owned and hereafter acquired by P3 in the city of Dallas.
- (i) The obligations secured by the loan's deed of trust and financing statement shall be additionally secured by a guaranty executed by the guarantors.
- (j) The City's lien and financing statement shall have second lien priority behind a senior lender to be approved by the Director of the Office of Economic Development.

January 8, 2020

**SECTION 5.** That key provisions for compliance, default, and recapture shall include:

- (a) P3 shall maintain 100% occupancy of the Davis St. store and all other RBG stores existing in the city of Dallas as of the date of City Council approval of the incentives as Royal Blue grocery stores for no less than five years.
- (b) All employees of Royal Blue Grocery stores in Dallas hired on or after the date of the City Council authorization of the proposed incentive agreement shall be paid an average minimum starting hourly wage of \$15.00 per hour including tips (excluding overtime, bonuses, and benefits).
- (c) P3 shall meet all annual reporting requirements including:
  - Annual CPA prepared financial statements (Income Statement, Balance Sheet, Statement of Cash Flows)
  - Annual Sales Data and Performance (Annual Customer Counts) for the Davis St. Store.
  - Upon advanced request, permit staff from the Office of Economic Development access to review and document all records and related investment obligations contained herein and to monitor and confirm compliance with the Incentive agreement.
- (d) The Compliance Period shall commence upon the payment of the incentives and terminate upon the 5th anniversary thereof. During the compliance period, the City has the right to declare P3 in default, require immediate repayment of City loan assistance, terminate the agreement, and pursue other enforcement options if P3 fails to:
  - Operate a grocery store at 634 W. Davis St. during the Compliance Period.
  - Maintain the store throughout the Compliance Period.
  - Submit annual compliance reports that contain the information as listed above.
  - Obtain OED Director approval for the sale, lease, sublease, or other transfer of any component of the project occurring prior to the end of the Compliance Period.
  - Otherwise fulfill the obligations of the Incentive agreement.
- (e) Failure to maintain and operate a grocery store during the Compliance Period shall be a default of the Conditional Grant and the Working Capital Loan, and an uncured default shall require repayment of the Working Capital Term Loan and may result in enforcement of the City's security interests, enforcement of the guaranty, or any other action allowed by law.

January 8, 2020

**SECTION 6.** That the City Manager is hereby authorized to do the following:

Pursuant to Section 2, Section 3, Section 4 and Section 5 of this resolution, increase appropriation in the Public Private Partnership (“PPP”) Fund, Fund 0352, Department ECO, Unit VI11, Activity PPPF, Object 3015 in an amount not to exceed \$350,000.00 subject to annual appropriation.

**SECTION 7.** That pursuant to Section 2, Section 3, Section 4 and Section 5 of this resolution, the Chief Financial Officer is hereby authorized to encumber and disburse funds to P3 Holdings, LLC, or an affiliate, Vendor VC20859 a total amount not to exceed \$700,000.00 from the funding sources listed and described below:

2017 Bond Fund

Fund 1V52, Department ECO, Unit VI11, Object 3016

Activity INFS, Program EC17VI11

Encumbrance/Contract No. CX ECO-2020-00012101-1      \$350,000.00

Public Private Partnership Fund

Fund 0352, Department ECO, Unit VI11, Object 3015

Activity PPPF, Program EC17VI11

Encumbrance/Contract No. CX ECO-2020-00012101-2      \$350,000.00

Total amount not to exceed      \$700,000.00

**SECTION 8.** Pursuant to Section 4 and Section 7 of this resolution detailing the working capital term loan and after loan documents are signed and loan funds are disbursed, the Chief Financial Officer is hereby authorized to set up a notes receivable in the principal amount of loan disbursement not to exceed \$350,000.00 for the working capital term loan in the Public Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet Account 023D notes receivable and deferred revenue Balance Sheet Account 0898.

**SECTION 9.** Pursuant to Section 4 and Section 7 of this resolution detailing the working capital term loan funded from the Public Private Partnership Fund, the Chief Financial Officer is hereby authorized to reverse the notes receivable set up for the repayment of the principal loan in an amount not to exceed \$350,000.00 in the Public Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet Account 023D notes receivable and deferred revenue Balance Sheet Account 0898.

January 8, 2020

**SECTION 10.** Pursuant to Section 4 and Section 7 of this resolution detailing the working capital term loan funded from the Public Private Partnership Fund and after loan documents are signed and loan funds are disbursed, the Chief Financial Officer is hereby authorized to set up an interest receivable annually in the amount of the interest for that corresponding year in the Public Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet Account 028E interest receivable and deferred revenue Balance Sheet Account 0898. The total interest is \$27,342.50 over the 5-year term of the loan. The total principal and interest due from P3 Holdings, LLC, or an affiliate is \$6,289.04 monthly over the five-year term, in accordance with the working capital term loan agreement.

**SECTION 11.** Pursuant to Section 4 and Section 7 of this resolution detailing the working capital term loan funded from the Public Private Partnership Fund and after loan documents are signed and loan funds are disbursed, the Chief Financial Officer hereby authorized to reverse the interest receivable set up for the repayment of interest on the loan in the Public Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet Account 028E interest receivable and deferred revenue Balance Sheet Account 0898.

**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 Information Sheet

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**File #:** 20-92

**Item #:** 39.

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**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Mayor and City Council Office  
**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize a twenty-year agreement with one ten-year renewal option and two additional five-year renewal options, with Reverchon Park Sports and Entertainment, LLC, for the development, operation, and maintenance of a proposed new athletic field and stadium at Reverchon Park located at 3505 Maple Avenue - Annual Revenue: [Reverchon](#) Park ~~and Recreation~~ Beautification Fund \$30,000.00 ([see Fiscal Information](#))

### **BACKGROUND**

On December 1, 2016, the Park and Recreation Board was briefed regarding potential opportunities for the development and operation of a new ballpark at Reverchon Park. The City of Dallas Park and Recreation Department (PKR) staff received direction to hold a public input meeting and then issue a Request for Proposals.

On July 12, 2017 and September 12, 2017, PKR held public meetings with the community and stakeholders. On June 26, 2019 and July 3, 2019, the City of Dallas advertised the Request for Proposals for the subject project. In response to this advertisement, the Office of Procurement Services received one proposal from Reverchon Park Sports and Entertainment, LLC (RPSE) on July 19, 2019.

It is proposed that RPSE, the developer, and the City enter into a development, operation and maintenance agreement which outlines the roles and responsibilities for the proposed athletic field and stadium. (~~Proposal Tracking Summary attached~~).

~~Following are the proposed deal points:~~ [Following are the proposed deal points as briefed to City Council on November 19, 2019. Based on City Council input, Park & Recreation will provide additional changes to the terms of the agreement by memorandum as well as an accompanying motion to amend the resolution before the December 11, 2019 City Council Agenda meeting.](#)

### General

1. RPSE will replace the existing Reverchon baseball field and bleachers with a new, improved facility consisting of:
  - 2,000 seats, including accessible seats, and additional 1,500 bleacher seats.
  - A support facility that includes restrooms, concessions, locker rooms, and dugouts for each team.
  - Public restrooms accessible to the users of the rest of Reverchon Park.
  - The new design will reflect the original spirit of the park and include building materials will contain the same historic character as found in the rest of the park.
2. RPSE will be responsible for development, design, marketing, sponsorships, branding, advertising, sales, and daily facility operations and maintenance.
3. RPSE will prove necessary funds for design have been raised no later than the City Council award date. RPSE will prove necessary funds for construction have been raised no later than 12 months after the City Council award date.
4. The City will have the right to audit and receive accountings from RPSE's Construction Account.
5. RPSE will provide an approved design and start construction no later than 12 months after the City Council award date.
6. RPSE will complete the construction phase no later than 18 months from the approval to start construction.
7. RPSE will comply with the City's Business Inclusion and Development Plan, making a good faith effort to achieve the percentage goal for Minority and/or Women-owned Business Enterprises (M/WBE).
  - RPSE will provide reports of the M/WBE participation at the initiation of design, commencement of construction, and completion of construction.
8. RPSE will carry insurance as required by the City's Risk Management Office for entire agreement period. RPSE will also include construction warranties and Payment and Performance Bonds.
9. RPSE has naming rights, subject to approval of the PKR Director.

### Design and Construction

1. The new design will reflect the original spirit of the park. Building materials will contain the same historic character as found in the rest of the park.

2. RPSE will submit schematic design and construction documents to PKR. The schematic design and construction documents will be presented to the Park and Recreation Board's Planning and Design Committee's for review.
3. RPSE will arrange and lead public input meetings and meetings with other stakeholders during the design process.
4. The new design will include signage, styled after existing signage, that directs people to the Reverchon Athletic Field from Maple Avenue and Turtle Creek Boulevard. This is separate from the existing gateway sign.
5. Parking:
  - RPSE will repave the parking lot and consider using permeable paving or similar system. 30 spaces will remain
  - RPSE is currently developing an agreement with adjacent parking garages (as shown in Exhibit A) for the additional spaces required for the building permit. RPSE will finalize this parking agreement before the City executes the agreement.
    - Scottish Rite Hospital has over 850 spaces
    - 3500 Maple/Parkside Tower has over 600 space
    - Concord 2/Balfour Beatty has over 600 spaces
6. RPSE will provide photometrics for exterior lighting. PKR will review and approve the lighting design for the project.
7. PKR will provide tree assessments. If any trees are removed from the site, RPSE will provide tree mitigation.
8. The estimated design and construction cost of the development is \$15,000,000.00.
9. RPSE will provide new water, electric, and gas service meters and major supply lines to the site.

#### Operations and Maintenance

1. RPSE will provide all maintenance of the facility, fields, and parking lot. The agreement will denote the boundary of maintenance responsibility in a precise site plan.
2. RPSE will use funds from naming and branding rights, sponsorship, season ticket sales, suite sales, etc. to offset annual operational expenses. City will have approval of all advertisers, advertisements, and placement of any advertising.
3. RPSE will replace the worn areas of the artificial turf field as needed.
4. RPSE will carry insurance that covers routine usage and operation of complex.
5. RPSE will provide a traffic control plan for all proposed (typical and unique) events.



6. The parking lot will always be accessible to the public, except when ticketed events occur at the facility.
7. RPSE to schedule for the professional teams, other amateur leagues, and other events (note - multiple events can be scheduled on the same day):
  - Professional Baseball: 50 uses from May to September
  - Professional Soccer: 14-16 uses from March to September
  - Professional Rugby: 10-12 uses from January to June
  - Professional Lacrosse: 2 dates from June to September
  - Concerts: 6-12 events per year
  - PKR Youth Leagues: 20-30 uses from March to November
  - Community Events (races, festivals) and Holiday Events
  - Existing users, such as Dallas Independent School District (DISD), North Texas Amateur Baseball League, Mexican Amateur Baseball League, Dallas Veterans Baseball League
8. DISD will be given 90 days' notice if their event needs to be rescheduled.
9. Hourly rental fees for existing users will not change (\$31.00 daytime and \$61.00 evening) for one year.
10. ~~RPSE will pay to PKR, annually, the greater of (i) \$30,000.00; or (ii) that amount equal to the sum of \$0.25 per paid ticket sales annually, (a) 4.0% of net concession (food and beverage sales) revenues to be used for additional maintenance (as a result of the new activity) and future improvements in the rest of Reverchon Park.~~

~~RPSE and PKR agrees to renegotiate net concessions payments beginning in year four, occurring every four years thereafter, and with new annual revenue payment amounts being implemented in year five and occurring every five years thereafter, for of the term thereafter. RPSE and the City will evaluate total ticketed sales, non-ticketed event revenues, concessions revenues and sponsorship/naming rights revenues for the period of the review and set appropriate annual revenue payments to the City as agreed to by both parties. However, if the parties are unable to agree on annual revenue payments by 180 days before the end of the fourth, eighth and twelfth year of the initial Term, then the amount of annual revenue payments to the City will be equal to an amount not less than 8% of net concession revenues for the preceding year, and unless the parties subsequently agree on annual revenue payments for the remainder of such four year period, the annual revenue payment shall remain 8% of net concessions revenues of the preceding year.~~

~~Annual revenue payment will be reviewed for the opportunity to adjust, up or down, every five years during the Term or Renewal Term(s). The rates will be adjusted if the annual number of paid ticket sales increases or decreases by more than 5 percent based on the best three year average in a four year period.~~

10. In consideration of City's granting to RPSE the right to manage and operate the Premises, RPSE shall pay to the City, annually, during the Term of this Agreement the greater of \$30,000.00 or an amount equal to the sum of \$0.25 per paid ticket sales annually in the first through fourth contract year. Beginning in year five, RPSE shall pay to the City the greater of \$60,000.00 or an amount equal to the sum of \$0.50 per paid ticket sales annually. Dollars collected from RPSE during the term of this agreement shall be deposited in the RPSE Park Fund. The RPSE Park Fund shall be used to support maintenance for the Premises and future capital improvements for the entire Reverchon Park as determined by both parties.

The annual paid ticket fee will be reviewed every five years beginning in the tenth contract year during the Term or Renewal Term(s) of this Agreement and may be adjusted beginning in the following contract year if the annual number of paid ticket sales changes by more than 10 percent, based on the best three year average in the most recent four year period.

In addition to the annual paid ticket fee, at such time the earlier of the following occurring (a) Year 15 of the Operating Agreement or (b) Return of the RPSE's investment into the new Ballpark [as agreed by both parties and including an nominal return], RSPE shall pay to the City annually, for the remaining Term or Renewal Term(s) of this Agreement, 50 percent of PILOT for Net Revenue greater than or equal to \$500,000.00; 75 percent of PILOT for Net Revenue greater than or equal to \$750,000.00, or 100 percent of PILOT for Net Revenue greater than or equal to \$1,000,000.00. The PILOT will be capped at \$120,000.00 for the initial term.

11. RPSE will submit their hours of operation for PKR Director approval.

12. RPSE will submit their schedule of events semi-annually to the PKR Director for review and determination made for any needs related to noise, parking, traffic plans, security, or concerns specific to planned events.

~~42.~~13. RPSE will comply with all City, State and Federal Ordinances, Regulations, and Codes.

~~43.~~14. Park users will have access to public restrooms. PKR staff will maintain the restrooms serving the park.

~~44.~~15. RPSE will pay for their utility usage.

~~45.~~16. RPSE estimates 1,356,650 attendees for 656 event days, during the first five years.

~~46.~~17. City reserves the right to audit all accounts during the term of the agreement.

~~47.~~18. RPSE will operate and manage the All-Abilities Field in accordance with standards, policies and procedures approved by the Director.

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

On December 1, 2016, the Park and Recreation Board was briefed regarding potential opportunities for the development and operation of a new ballpark at Reverchon Park.

On October 10, 2019, the Park and Recreation Board authorized a twenty-year development, operation, and maintenance agreement, with one ten-year and two additional five-year renewal options with Reverchon Park Sports and Entertainment, LLC for a proposed new athletic field and stadium at Reverchon Park located at 3505 Maple Avenue.

[On November 19, 2019](#), City Council was briefed on the Reverchon Park Development, Maintenance, and Operation Agreement ~~on November 19, 2019~~.

[On December 11, 2019, City Council considered this item. The motion to approve did not receive a majority vote.](#)

**FISCAL INFORMATION**

Annual Revenue: [Reverchon](#) Park ~~and Recreation~~ Beautification Fund \$30,000.00

<a href="#">Estimated Annual Median Net Revenue</a>	
<a href="#">Years 1 thru 4</a>	<a href="#">\$69,788.00</a>
<a href="#">Years 5 thru 14</a>	<a href="#">\$139,575.00</a>
<a href="#">Years 15 thru 20</a>	<a href="#">\$249,575.00</a>

Revenues will be retained by PKR for maintenance and future improvements at Reverchon Park as well as to provide youth recreation scholarships for youth to participate in PKR recreation leagues.

**OWNER**

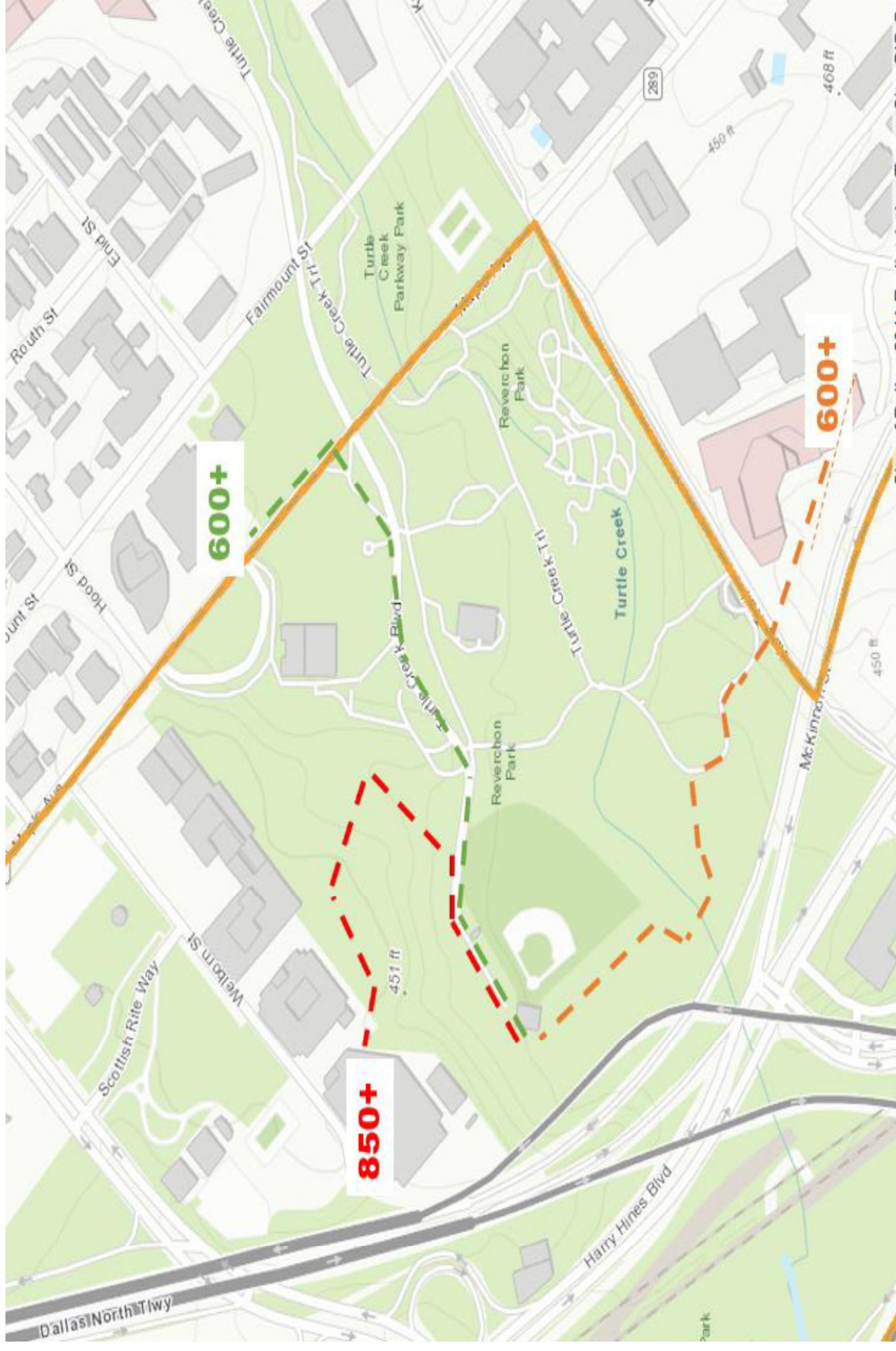
**Reverchon Park Sports and Entertainment, LLC**

Donnie Nelson, Owner

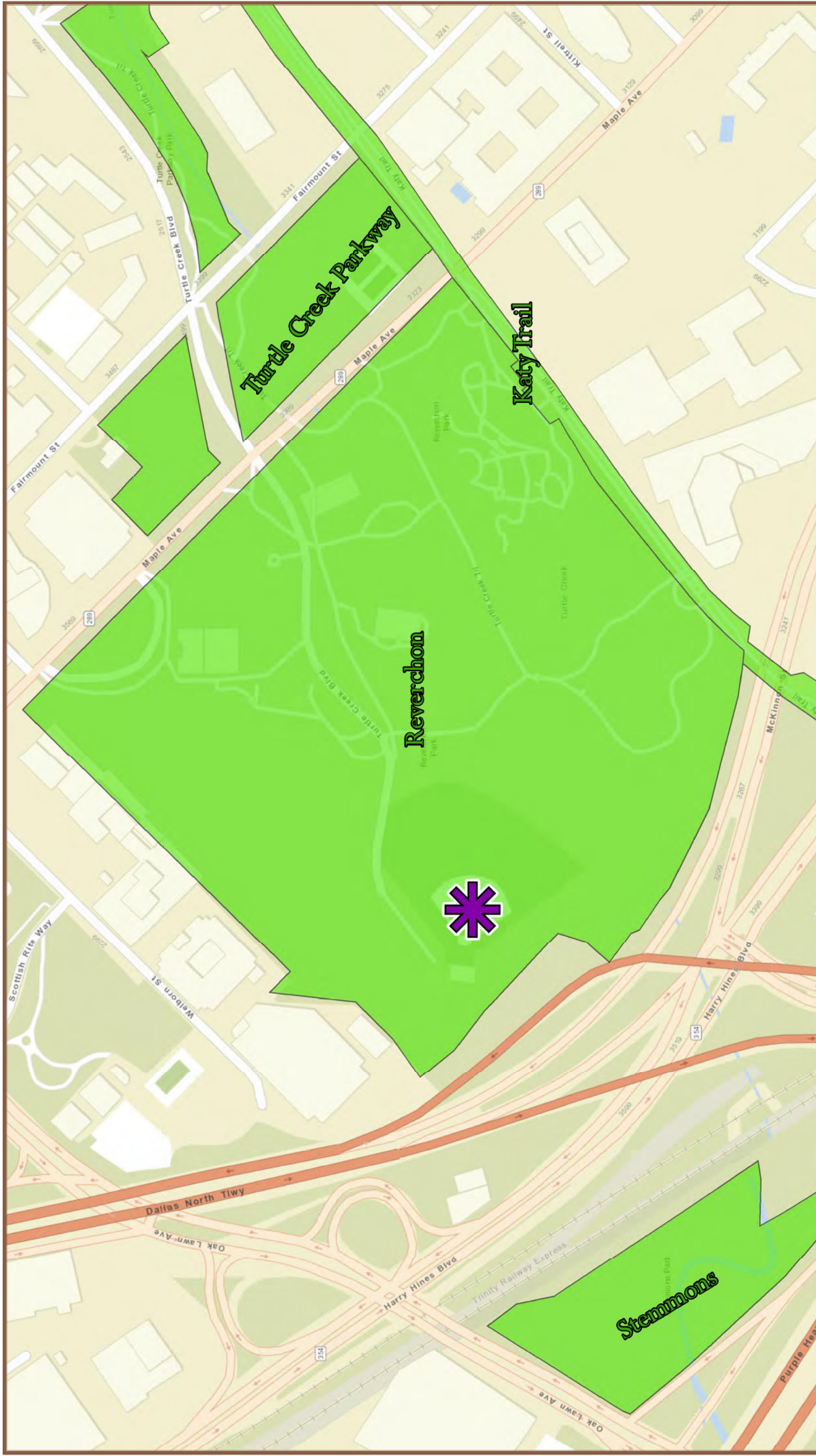
**MAP**

Attached

EXHIBIT A







Mapscot  
45 A

District  
2

Reverchon Park  
(3505 Maple Ave)

January 8, 2020

**WHEREAS**, on June 26, 2019 and July 3, 2019, a solicitation for the development, operation, and management of the Reverchon Ballpark was developed by the Park and Recreation Department and publicly advertised by the Office of Procurement Services; and

**WHEREAS**, on July 19, 2019, one proposal was received from Reverchon Park Sports and Entertainment, LLC; and

**WHEREAS**, it is now desirable and in the best interest of the City of Dallas to authorize a twenty-year development, operation, and maintenance agreement, with one ten-year renewal option and two additional five-year renewal options, with Reverchon Park Sports and Entertainment, LLC for a proposed new athletic field and stadium at Reverchon Park located at 3505 Maple Avenue, with an annual revenue of \$~~25~~30,000.00.

**Now, Therefore,**

**BE IT RESOLVED BY 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 execute a twenty-year development, operation, and maintenance agreement, with one ten-year renewal option and two additional five-year renewal options, with Reverchon Park Sports and Entertainment, LLC, approved as to form by the City Attorney, for a proposed new athletic field and stadium at Reverchon Park located at 3505 Maple Avenue, with an annual revenue of \$~~25~~30,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit annual revenue from Reverchon Park Sports and Entertainment, LLC ~~in an amount not to exceed \$25,000.00~~ into the Reverchon Park ~~and Recreation~~ Beautification Fund, Fund ~~0641~~P276, Department PKR, Unit 6688, Revenue Code ~~7824~~8428, Vendor VC20729.

**SECTION 3.** That this contract is designated as Contract No. PKR-2019-00011143.

**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 Information Sheet

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**File #:** 19-2000

**Item #:** Z1.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and **(1)** a resolution accepting the termination of existing deed restrictions [Z867-185 No. 2]; and **(2)** an ordinance granting an amendment to Planned Development District No. 468 to reduce a portion of Shopfront Overlay No. 7 on property zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with SH Shopfront Overlay No. 7, and existing deed restrictions, on the southwest corner of North Beckley Avenue and West 6th Street  
Recommendation of Staff and CPC: Approval of the termination of existing deed restrictions [Z867-185 No. 2]; and approval of the reduction of the Shopfront Overlay No. 7  
Z189-115(CY)

**FILE NUMBER:** Z189-115(CY) **DATE FILED:** October 26, 2018  
**LOCATION:** Southwest corner of North Beckley Avenue and West 6th Street  
**COUNCIL DISTRICT:** 1 **MAPSCO:** 7 K  
**SIZE OF REQUEST:** Approx. 0.25 acres **CENSUS TRACT:** 42.01

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**OWNER/APPLICANT/  
REPRESENTATIVE:** Mark Tolocko

**REQUEST:** An application for 1) the termination of existing deed restrictions [Z867-185 No. 2]; and, 2) an amendment to Planned Development District No. 468 to reduce a portion of Shopfront Overlay No. 7 on property zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with SH Shopfront Overlay No. 7, and existing deed restrictions.

**SUMMARY:** The purpose of the request is to redevelop the site with a four unit, townhouse style development. The existing deed restrictions limit the uses on the property to those uses allowed in the NO(A) Neighborhood Office District and drug store as a limited use and establishes the yard, lot and space regulations for that district. Additionally, the Shopfront Overlay restricts the property to Mixed Use Shopfront, Single-story Shopfront, Civic Building and Open Space Lot development types, at least for the first 30 feet of the building measured inward from the street-facing façade; and does not allow for the proposed townhouse development type. The reduction of the Shopfront Overlay to remove the subject site would allow for a strictly residential development as well as other development types that are allowed by the WMU-8 District regulations.

**CPC RECOMMENDATION:** Approval of the termination of existing deed restrictions [Z867-185 No. 2]; and approval of the reduction of the Shopfront Overlay No. 7.

**STAFF RECOMMENDATION:** Approval of the termination of existing deed restrictions [Z867-185 No. 2]; and approval of the reduction of the Shopfront Overlay No. 7.



## **BACKGROUND INFORMATION:**

- Planned Development District No. 468 was established by City Council on March 12, 1997 and comprises approximately 842 acres.
- On February 2009, the City Council approved Article XIII, of the Dallas City Code, which created the form based zoning districts. The Form Based Districts provide an additional tool for the implementation of *ForwardDallas!* and create walkable urban neighborhoods where higher density mixed uses and mixed housing types promote less dependence on the automobiles. On June 13, 2018, the City Council approved an amendment to Article XIII.
- On May 13, 2015, the City Council adopted Ordinance No. 29743 which enlarged and amended Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, to adopt form district regulations with modifications, and created ten Shopfront Overlays. The purpose of PD No. 468 is to provide standards to meet the needs of the Oak Cliff Gateway corridor which has been designated as an area of historical, cultural and architectural importance and significance.
- The area of request is zoned Subdistrict E within PD No. 468 with which is regulated by the Walkable Urban Mixed-Use 8 Form District. WMU-8 District is considered a medium-density district.
- Additionally, the site is a part of Shopfront Overlay No. 7. The Shopfront Overlay is intended to create pedestrian shopping streets through the designation of specific street frontages with development types that support the active use.
- More specifically, the Shopfront Overlay restricts the property to Mixed Use Shopfront, Single-story Shopfront, Civic Building, and Open Space Lot development types, for at least 30 feet of a building measured inward from the street-facing facade.
- The existing deed restrictions were volunteered in conjunction with a request for an LO-1 Limited Office District which was approved by City Council on August 12, 1987.
- The existing deed restrictions limit the uses to those allowed in the NO(A) Neighborhood Office District and drug store as a limited use. The property is also subject to the yard, lot and space regulations for the NO(A) District.
- The site is currently undeveloped, but according to Building Inspections' records, it contained a three-unit multifamily dwelling use that was demolished in 2018, when a demolition permit was issued and completed. The applicant proposes to redevelop the site and construct a four-unit, townhouse-style development.

- The proposed development is defined in the Dallas Development Code as a multifamily use<sup>1</sup> and as a Townhouse Development Type under the Article XIII regulations.

**Zoning History:** There have been five zoning changes in the vicinity during the last five years.

- 1. Z145-341** On November 10, 2015, City Council approved the Oak Cliff Demolition Delay Overlay for 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.
- 2. Z156-222** On September 14, 2016, City Council approved Subdistrict K and the reduction of Shopfront Overlay No. 7, on property generally located on the north side of East Davis Street, between North Zang Boulevard and North Beckley Avenue; and on the northeast corner of West Neely Street and North Zang Boulevard; southwest of the area of request.
- 3. Z167-321** On December 13, 2017, City Council approved Subdistrict M within Planned Development District No. 468 and the termination of deed restrictions Z867-185 No. 3 that limited the property to NO(A) Neighborhood Office District uses and drug store and to the district's regulations on property located on the southeast corner of North Zang Boulevard and East 6<sup>th</sup> Street, south and southwest of the area of request.
- 4. Z178-185** On April 25, 2018, City Council approved a Demolition Delay Overlay for nearby properties to the northwest of 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.
- 5. Z178-222** On July 11, 2019, the City Plan Commission recommended denial of a new subdistrict for single family uses within Planned Development District No 468; approval of the reduction of the Shopfront Overlay No. 7 and approval of the termination of existing deed restrictions [Z156-222] on property zoned Subdistrict E within Planned Development District No. 468 with a Shopfront Overlay No. 7, located between North Zang Boulevard and North of Beckley Avenue, south of the area of request. [Pending Council hearing on August 28, 2019]

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<sup>1</sup> Multifamily use means three or more dwelling units located on a lot.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Required ROW
West 6 <sup>th</sup> Street	Minor Arterial	60 feet	60 feet
North Beckley Avenue	Principal Arterial	90 feet	120 feet

**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 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 request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

**Policy 1.3.1** Create housing opportunities throughout Dallas

**ECONOMIC ELEMENT**

**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS.**

**Policy 2.5.2** Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

**NEIGHBORHOOD PLUS**

**GOAL 5.0 EXPAND HOMEOWNERSHIP**

**Policy 5.1** Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

**Action 5.1.3** Conduct rezoning in target areas to remove barriers to more diverse and affordable single-family ownership options including small-lot single family, duplexes, townhomes, cottage homes, and courtyard homes.

## **URBAN DESIGN ELEMENT**

### **GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.**

**Policy 5.2.1** Maintain neighborhood scale and character.

#### **Area Plan:**

##### **THE 360 PLAN**

*The 360 Plan*, adopted by Council in 2017, is an update to 2011's *Downtown Dallas 360*. Since its adoption in 2011, many of *Downtown Dallas 360*'s action items have been completed or substantially advanced. Therefore, in June 2015, an update process was initiated by Downtown Dallas, Inc. (DDI) and the City of Dallas to create *The 360 Plan* to further advance the original vision and guide the future of the City Center for the next five years. *The 360 Plan* envisions a prosperous future for the larger City Center, encompassing the diverse neighborhoods within a 2.5-mile radius around Downtown. The area plan identifies the area of request within the North Oak Cliff area.

*The 360 Plan* indicates that significant reinvestment in the North Oak Cliff area in the last 20 years, has contributed to the rapid development of this area. The study also indicates that this rapid redevelopment, has raised concerns of potential displacement of longtime residents, and recommends that new development should be sensitive to and respect Oak Cliff's historic and cultural context in which it is built.

The 360 Plan emphasizes strategies to continue to improve connectivity, identifying streets such as Houston, Zang, and Beckley as District Connectors and enhancing access, with particular focus on bike and pedestrian connections, to and across the Trinity River.

To achieve the vision of the area, *The 360 Plan* proposes transformative strategies, which provide sharp focus to the foundational elements of a successful urban core in a comprehensive approach that recognizes and encourages holistic planning. They are the big-picture ideas needed to serve as guiding forces for public and private actions to create a truly dynamic urban environment.

Build Complete Neighborhoods is one of the three transformative strategies provided in the study, and it explores the visionary concept of the city center as a collection of complete and connected neighborhoods. This strategy promotes housing diversity [in price and product type] as a way to address the increasing demand of units for different demographics of the growing population in the city.

The proposed zoning change is consistent with the area plan because it seeks to allow for the development of a residential project that with the existing deed restrictions and the limitations imposed by the Shopfront Overlay, would not be attainable.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	Subdistrict E (WMU-8) within PD No. 468 with DR and SH Overlay No. 7	Undeveloped land
<b>North</b>	Subdistrict E (WMU-8) within PD No. 468 with SH Overlay No. 7	Single family
<b>Northeast</b>	Subdistrict A (RTN) within PD No. 468 with H/84	Single family
<b>East</b>	Subdistrict A (RTN) within PD No. 468	Single family and duplex
<b>South</b>	Subdistrict M (WMU-8) within PD No. 468 with SH Overlay No. 7	Multifamily (under construction)
<b>West</b>	Subdistrict M (WMU-8) within PD No. 468 with SH Overlay No. 7	Multifamily (under construction)

**Land Use Compatibility:**

The approximate 0.25-acre site is currently undeveloped, but according to Building Inspections' records, it previously was developed with a two-story, three-unit multifamily building that was demolished in 2018 after a demolition permit was issued and completed.

Uses surrounding the area of request include primarily residential uses. Traveling north along North Beckley Avenue, properties on both sides of the street are developed with single family uses. The property abutting the site to the south and that also borders the site to the west, is currently under construction and according to Building Inspections' records, the new construction is for a multifamily use with live/work units on the ground floor. Further south of the subject site, there is a medical clinic use, and to the southeast, on the east side of North Beckley Avenue, there is a combination of single family and duplex uses.

A mix of multifamily, medical clinic, child care facility and office uses are found along North Zang Boulevard, located further northwest, west and southwest of the area of request.

The area of request is zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District with Shopfront Overlay No. 7 and existing deed restrictions [Z867-185 No 2].

The purpose of the request is to 1) terminate existing deed restrictions and 2) remove the Shopfront Overlay No. 7 over the subject site to allow for the redevelopment of the property with four three-story townhouse units.

Termination of existing deed restrictions.

The existing deed restrictions [Z867-185 No. 2] were volunteered in conjunction with a request for an LO-1 Limited Office District approved by City Council on August 12, 1987. With the amendment and the expansion of Planned Development District No. 468 approved by City Council on May 13, 2015, the area of request transitioned from LO-1 Limited Office District, to Subdistrict E (WMU-8) within PD No. 468 with retention of the volunteered deed restrictions.

The deed restrictions limit uses on the property to those uses permitted in the NO(A) Neighborhood Office District and drug store as a limited use; and restricts all development on the property to conform to the yard, lot and space regulations for the NO(A) district. These regulations are shown in the chart below.

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Lot Size</b>	<b>Stories</b>	<b>Special Standards</b>	<b>Primary Uses</b>
	<b>Front</b>	<b>Side/Rear</b>							
NO(A) Neighborhood Office	15'	20' adjacent to residential OTHER: No Min.	No max. dwelling density. Max FAR 0.5	35' for structure with a gable, hip or gambrel roof; and 30' other	50%	No min.	Max. 2 stories	Proximity Slope Visual Intrusion	Office

The NO(A) regulations correspond to a more traditional zoning than the current Form Based Code governing PD No. 468. Under the existing zoning, the development standards vary depending on the development type, and while some development types may be able to comply with these regulations, some others may present challenges to comply with both sets of regulations.

With regard to the allowed uses, the only residential use allowed in the NO(A) district is college dormitory, fraternity or sorority. The applicant's request for the termination of the existing deed restrictions seeks to allow for the redevelopment of the site to construct four three-story townhouse units.

Staff supports this part of the request because while the majority of the uses currently allowed in the NO(A) District may also be allowed under the use regulations for the WMU-8 District; the proposed multifamily development [not allowed because of the existing deed restrictions] is more consistent with the surrounding uses. A list of the uses allowed in the Neighborhood Office District are listed below:

- Crop Production
- Gas drilling and production [SUP]
- Temporary concrete or asphalt batching plant
- Adult day care facility [Limited use]
- Cemetery or mausoleum [SUP]
- Child-care facility [Limited use]
- Church
- Community Service Center [SUP]
- Library, art gallery, or museum
- Open-enrollment charter school [SUP]
- Public School other than open-enrollment charter school [RAR]
- Attached non-premise sign [SUP]
- Carnival or circus (temporary)

- Temporary construction or sales office
- Financial Institution without drive-in window
- Medical clinic or ambulatory surgical center
- Office
- Country club with private membership
- Private recreation center, club, or area [SUP]
- Public park, playground or golf course
- College dormitory, fraternity or sorority house [SUP]
- Business school [SUP]
- Personal service use up to 1,000 square feet in floor area [Limited use]
- Restaurant without drive-in or drive-thru service [SUP]
- Transit passenger shelter
- Transit passenger station or transfer center
- Electrical substation [SUP]
- Local utilities [SUP or RAR]
- Police or fire station [SUP]
- Radio, television, or microwave tower [SUP]
- Tower/antenna for cellular communication
- Utility or government installation other than listed [SUP]
- Recycling drop-off container
- Recycling drop-off for special occasion collection

The uses allowed in the WMU-8 District are subject to the Principal Use and Use Category allowed in each Development Type. The chart below includes the principal uses and use categories allowed per development type in Article XIII. The columns with thicker borders represent the development types allowed in the WMU-8 District.

It is important to note that since the development types allowed in a WMU-8 District with Shopfront Overlay are limited to Mixed Use Shopfront, Single-story Shopfront, Civic Building and Open Space Lot, the uses allowed on the property are also limited to those allowed in such development types.

## Use Chart.

		Mixed Use Shopfront		Single-Story Shopfront	General Commercial	Apartment	Townhouse Stacked		Townhouse	Manor House	Single-family House	Civic Building	Open Space Lot
		Mu		Ss	Gc	Apt	Ts	Th	Mh	Sf	Civ	O	
PRINCIPAL USE	USE CATEGORY	Ground Story	Upper Stories	Ground Story	All Stories	All Stories	Ground Story	Upper Stories	All Stories	All Stories	All Stories	All Stories	...
Residential	Single-family living		■				■	■	■	■	■		
	Multifamily living		■			■	■	■	■	■			
	Group living		■			■	■	■	■	■			
Civic	Community service, except as listed below:	□	□	□	□		□					□	
	<i>Museum, library</i>	■	■	■	■		■					■	
	Day care	■	■	■	■							■	
	Educational	■	■	■	■							■	
	Government service, except as listed below:	■	■	■	■							■	
	<i>Detention center, jail, or prison</i>				□							□	
	Park or Open space												■
	Social service	□	□	□	□								
	Transit station	■	■	■	■							■	
	Utilities												■
Place of Worship	Place of Worship	■	■	■	■						■		
Office	Medical	■	■	■	■								
	Office	■	■	■	■		■						
Retail	Drive-thru facility	□		□	□								
	Restaurant or Bar	■		■									
	Retail sales	■		■									
	Vehicle sales	■		■									
Service and Entertainment	Commercial amusement (inside)	□	□	□	□								
	Indoor recreation	■	■	■	■								
	Personal service, except as listed below:	■	■	■	■								
	<i>Animal care</i>	■	■	■	■								
Commerce	Commercial parking	■	■		■								□
	Passenger terminal limited to a Helistop		□		□								
	Overnight lodging		■		■								
	Self-service storage		■		■								
Fabrication	Light manufacturing				■								
	Research and development				■								
	Vehicle service				■								

Key: ■ = Permitted □ = Specific Use Permit Blank Cell = Not Permitted



### Removal of a portion of the Shopfront Overlay No. 7

As previously stated, the area of request is zoned Subdistrict E within Planned Development District No. 468. Subdistrict E is a Walkable Urban Mixed Use District 8 (WMU-8), which is intended to accommodate a mix of compatible uses in close proximity to one another in a pedestrian-friendly environment; and it is subject to the regulations and development standards in Article XIII of the Dallas City Code. Additionally, the area of request is also within a Shopfront Overlay.

The Shopfront (-SH) Overlay is intended to create pedestrian shopping streets through the designation of specific street frontages with development types that support active uses, and it may be applied over any walkable mixed use district or walkable urban residential district. The SH Overlay is also intended to accommodate a limited set of development types.

Below is a chart that shows the Development Types allowed by District. The rows with thicker border indicate the development types allowed in a WMU-8 District and the limited set of development types allowed in a Shopfront Overlay over any WMU or WR district.

**Development types by district**

	Mixed Use Shopfront	Single-Story Shopfront	General Commercial	Apartment	Townhouse Stacked	Townhouse	Manor House	Single-Family House	Civic Building	Open Space Lot
District	Mu	Ss	Gc	Apt	Ts	Th	Mh	Sf	Civ	O
Walkable Urban Mixed Use (WMU)										
Low (WMU-3, WMU-5)	■	■	■	■	■	■	■		■	■
Medium (WMU-8, WMU-12)	■		■	■	■	■			■	■
High (WMU-20, WMU-40)	■		■	■					■	■
Walkable Urban Residential (WR)										
Low (WR-3, WR-5)				■	■	■	■		■	■
Medium (WR-8, WR-12)				■	■	■			■	■
High (WR-20, WR-40)				■					■	■
Residential Transition (RTN)						■	■	■	■	■
Shopfront (-SH) Overlay over any WMU or WR district	■	■							■	■

As indicated in the chart, the only development types allowed in the WMU-8 District with a Shopfront Overlay are Mixed Use Shopfront, Single Story Shopfront, Civic Building and Open Space Lot for at least the first 30 feet of a building measured inward from the street-facing façade.

While the Shopfront Overlay allows for the Single Story Shopfront development type that otherwise is not allowed in the WMU-8 District, the overlay eliminates the following development types: General Commercial, Apartment, Townhouse Stacked, and Townhouse.

The purpose of requesting the removal of the shopfront overlay is to allow for the site to be subject to the development type regulations of the WMU-8 District and allow for the development of the four townhouse units [Townhouse development type].

Understanding the limitations the small area of request may present to accommodate a mix of uses in a Mixed Use Shopfront development type, or non-residential uses in a Single Story Shopfront development type, staff supports the request to remove a portion of the Shopfront Overlay No. 7 to allow for the proposed residential development.

It is staff's opinion that, except for the Open Space Lot, the limited development types allowed with the Shopfront Overlay are not compatible with the surrounding area that is mostly developed with single family uses located particularly along North Beckley Avenue and extending further east in a RTN Residential Transition District.

### **Development Standards.**

Below is a chart containing the regulations applicable to the development types allowed under the WMU-8. The columns with shading represent those development types allowed only in the WMU-8 district with the Shopfront Overlay. The regulations under the TH [Townhouse] development type are those applicable to the proposed multifamily development.

DISTRICT	WMU with Shopfront Overlay No. 7							
	EXISTING SUBDISTRICT E (WMU-8)							
REGULATION/ DEV. TYPE	MU	GC	APT	TS	TH	CIV	O	SS
LOT								
Area per unit or bldg (min sf)	none	none	none	1,200	1,200	3,000	2,000	none
Area per building (max sf)	none	none	none	none	none	none	none	none
Width (min ft)	none	none	none	16	16	30	30	none
Width (max ft)	none	none	none	none	none	none	none	none
Lot coverage (max)	100%	80%	80%	80%	80%	60%	60%	80%
FRONT SETBACK								
Primary Street (min/max)	5/15	5/15	5/15	5/15	5/15	20/none	10/none	5/15
Side Street (min/max)	5/15	5/15	5/15	5/15	5/15	10/none	10/none	5/15
Service street (min/max)	none	none	none	none	none	none	10/none	none
STREET FRONTAGE								
Primary Street (min/max)	90%	70%	70%	70%	70%	none	none	90%
Side Street (min/max)	40%	40%	40%	40%	40%	none	none	40%
Service Street (min/max)	none	none	none	none	none	none	none	none
PARKING SETBACK								
Primary Street (min)	30	30	30	30	30	20	none	30
Side Street (min)	5	5	5	5	5	5	none	5
Service Street (min)	5	5	5	5	5	5	none	5
Abutting SFD district (min)	10	10	10	10	10	10	none	10
Abutting MFD and non-res dist. or alley (min)	5	5	5	5	5	5	none	5

DISTRICT	WMU with Shopfront Overlay No. 7							
	EXISTING SUBDISTRICT E (WMU-8)							
<b>SIDE SETBACK</b>								
Abutting SFD district (min)	15	15	15	10	10	10	10	15
Abutting MFD and non-res dist. (min)	0 or 15	0 or 15	0 or 15	0 or 15	0 or 15	10	10	0 or 15
Abutting Alley(min)	5	5	5	5	5	10	10	5
<b>REAR SETBACK</b>								
Abutting SFD district (min)	15	15	15	24	24	10	10	15
Abutting MFD and non-res dist. (min)	5	5	5	24	24	10	10	5
Abutting Alley	5	5	5	3/20+	3/20+	10	10	5
Abutting service street	10	10	10	3/20+	3/20+	10	10	10
<b>HEIGHT</b>								
Building Ht. (min stories)	District Dependent	District Dependent	District. Dependent	2	District. Dependent	1	none	1
Building Ht. (max stories/ft)				3-1/2 / 50		Dist. Dep.	35	1/30
<b>STORY HEIGHT</b>								
Ground (min/max ft)	15/30	11/22	10/15	10/15	10/15	none	none	15/30
Upper Story (min/max ft)	10/15	10/15	10/15	10/15	10/15	none	none	none
<b>GROUND STORY TRANSPARENCY</b>								
Primary street façade (min)	50%	30%	30%	30%	30%	none	none	50%
Side street façade (min)	25%	25%	25%	25%	25%	none	none	25%
Service Street façade (min)	none	none	none	none	none	none	none	none
<b>UPPER STORY TRANSPARENCY</b>								
Primary street façade (min)	20%	20%	20%	20%	20%	none	none	none
Side street façade (min)	20%	20%	20%	20%	20%	none	none	none
Service Street façade (min)	none	none	none	none	none	none	none	none
<b>ENTRANCE</b>								
Primary street entrance	req'd	req'd	req'd	req'd	req'd	none	none	req'd
Entrance spacing (max lf)	100	none	none	none	none	none	none	100
Side street entrance	allowed	allowed	allowed	allowed	allowed	none	none	allowed
Service Street entrance	allowed	allowed	allowed	allowed	allowed	none	none	allowed
<b>BLANK WALL AREA</b>								
Primary Street (max lf)	20	30	30	30	31	none	none	20
Side street (max lf)	none	none	none	none	none	none	none	none
Service Street (max lf)	none	none	none	none	none	none	none	none

Legend:

MU = Mixed Use Shopfront

GC = General Commercial

APT = Apartment

TS = Townhouse Stacked

TH = Townhouse

CIV = Civic Building

O = Open Space Lot

SS = Single Story Shopfront.

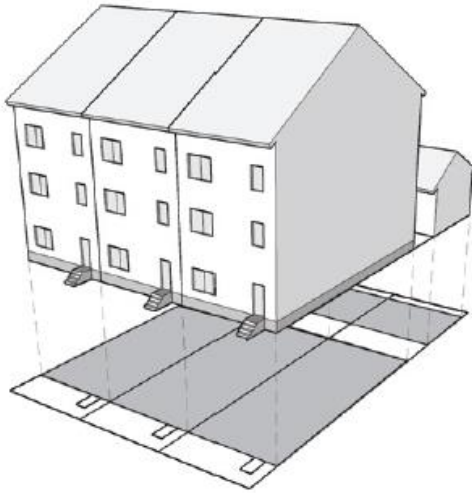
The pages below include the proposed Townhouse Development Type regulations.

**Th**

townhouse

**(g) Townhouse.**

**(1) Definition.**



A development type with three or more attached dwelling units consolidated into a single structure.

Each unit must be separated by a common side wall. A townhouse unit must be more than one story in height, however, units must not be vertically mixed. Each unit must have its own external entrance. No on-site surface parking is permitted between the building and the street. Garages facing the primary street are prohibited. In the RTN district, only one unit per lot is permitted. An elevated ground floor for residential uses is recommended to ensure privacy.

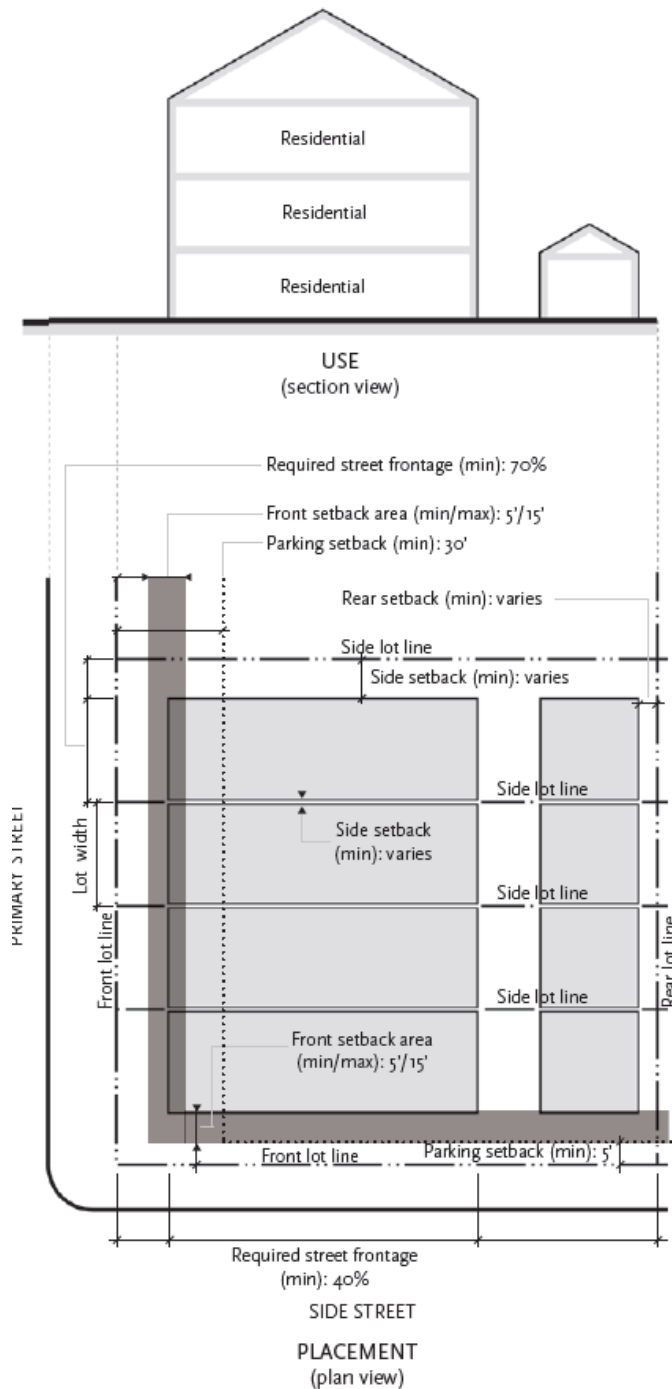
**(2) Character Examples.**

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.



**(3) Districts Permitted.**

LOW:	WMU-3, WMU-5	WR-3, WR-5	RTN
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12	

**(4) Use and Placement.****BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

**BUILDING PLACEMENT****LOT**

Area (min sf)	1,200
Area (max sf)	none
Width (min ft)	16
Width (max ft)	none
Lot coverage (max)	80%

**FRONT SETBACK AREA**

Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

**REQUIRED STREET FRONTAGE**

Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

**PARKING SETBACK**

From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

**SIDE SETBACK**

Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

**REAR SETBACK**

Abutting single-family district (min ft)	24
Abutting multifamily or nonresidential district (min ft)	24
Abutting alley (ft)	3 or 20 or more
Abutting service street (ft)	3 or 20 or more

The chart below indicates the maximum height [in stories and feet] allowed in each district. The applicant proposes to construct four three-story dwelling units.

Intensity	District	Height in Stories (max)	Height in Feet (max)
LOW	RTN	2½	35
	WMU-3, WR-3	3½	50
	WMU-5, WR-5	5	80
MEDIUM	WMU-8, WR-8	8	125
	WMU-12, WR-12	12	180
HIGH	WMU-20, WR-20	20	300
	WMU-40, WR-40	40	600

The chart below indicates the minimum height [in stories] allowed in each district.

Intensity	District	Height in Stories (min)
LOW	RTN	1
	WMU-3, WR-3	1
	WMU-5, WR-5	1
MEDIUM	WMU-8, WR-8	2
	WMU-12, WR-12	2
HIGH	WMU-20, WR-20	4
	WMU-40, WR-40	5

### **Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however is in proximity to an “F” MVA Cluster to the east across North Beckley Avenue, and a “C” MVA Cluster to the north across West 6<sup>th</sup> Street.



**Parking:**

The parking regulations in PD No. 468 establish that in Subdistrict E, required parking must be provided in accordance with the *Subdistrict B-G required parking*” chart in Exhibit 468 C.

For the proposed residential development, parking will have to be provided at a ratio of one space per one-bedroom or smaller multifamily unit, and/or two spaces per two-bedroom or larger multifamily unit. The overall parking ratio for the proposed development will depend on the number of bedrooms up to a maximum of eight parking spaces.

**Landscaping:**

The proposed development will be required to comply with the general landscaping regulations in Article XIII and with the specific landscaping regulations for the proposed development type.

**CPC Action**  
**August 15, 2019**

**Motion:** In considering an application for 1) the termination of existing deed restrictions [Z867-185 No. 2]; and, 2) an amendment to Planned Development District No. 468 to reduce a portion of Shopfront Overlay No. 7 on property zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with SH Shopfront Overlay No. 7, and deed restrictions [Z867-185 No 2], on the southwest corner of North Beckley Avenue and West 6<sup>th</sup> Street, it was moved to **hold** this case under advisement until September 5, 2019.

Maker: MacGregor  
Second: Schultz  
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 500 Mailed: 73  
**Replies:** For: 4 Against: 1

**Speakers:** For: None  
For (Did not speak): Charles Baker, 1405 Plowman Ave., Dallas, TX, 75203  
Against: None



**CPC Action**  
**September 5, 2019**

**Motion:** In considering an application for 1) the termination of existing deed restrictions [Z867-185 No. 2]; and, 2) an amendment to Planned Development District No. 468 to reduce a portion of Shopfront Overlay No. 7 on property zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with SH Shopfront Overlay No. 7, and deed restrictions [Z867-185 No 2], on the southwest corner of North Beckley Avenue and West 6<sup>th</sup> Street, it was moved to **hold** this case under advisement until October 3, 2019.

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

For: 12 - MacGregor, Schulte, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy\*, Ridley, Tarpley  
Against: 0  
Absent: 1 - Criss  
Vacancy: 2 - District 8, District 12

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 73  
**Replies:** For: 5 Against: 1

**Speakers:** None

**CPC ACTION**  
**October 3, 2019**

**Motion:** It was moved to recommend **approval** of 1) the termination of existing deed restrictions [Z867-185 No. 2]; and, **approval** of 2) an amendment to Planned Development District No. 468 to reduce a portion of Shopfront Overlay No. 7 on property zoned Subdistrict E (WMU-8) within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, with SH Shopfront Overlay No. 7, and deed restrictions [Z867-185 No. 2], on the southwest corner of North Beckley Avenue and West 6<sup>th</sup> Street.

Maker: MacGregor  
Second: Carpenter  
Result: Carried: 9 to 0

For: 9 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Jung, Housewright, Schultz, Ridley

Against: 0  
Absent: 3 - Criss, Brinson, Murphy  
Vacancy: 3 - District 8, District 12, Place 15

**Notices:** Area: 500 Mailed: 73  
**Replies:** For: 5 Against: 1

**Speakers:** For: None  
For (Did not speak): Mark Tolocko, Address not given  
Against: None

**EXISTING DEED RESTRICTIONS  
(To be Terminated)**

872517

RECEIVED

1983 JUN -9 AM 10:11

DEED RESTRICTIONSCITY SECRETARY  
DALLAS TEXAS

THE STATE OF TEXAS   X  
                          X  
COUNTY OF DALLAS    X

KNOW ALL MEN BY THESE PRESENTS:

A

0283

2

7.00 DEED  
1 05/17/88

That the undersigned, Robert C. Tuthill, is the owner of the following described property situated in Dallas County, Texas, being in particular the north 50 feet of Lot 6 in City Block F/3372, in the City of Dallas, Dallas County, Texas, which property was conveyed by James H. Fee on October 10, 1980, and is recorded in Volume 80201, page 926 of the Dallas County Deed Records.

That the undersigned, Robert C. Tuthill, does hereby impress all of the above described property with the following deed restrictions, to-wit:

Uses on this property are limited to those uses permitted in the Neighborhood Office [NO(A)] district and drug store (as a limited use) as those uses are defined in the Dallas Development Code - Chapter 51-A.

All development on this property must conform to the Yard, Lot and Space Regulations for the NO(A) district.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

88096

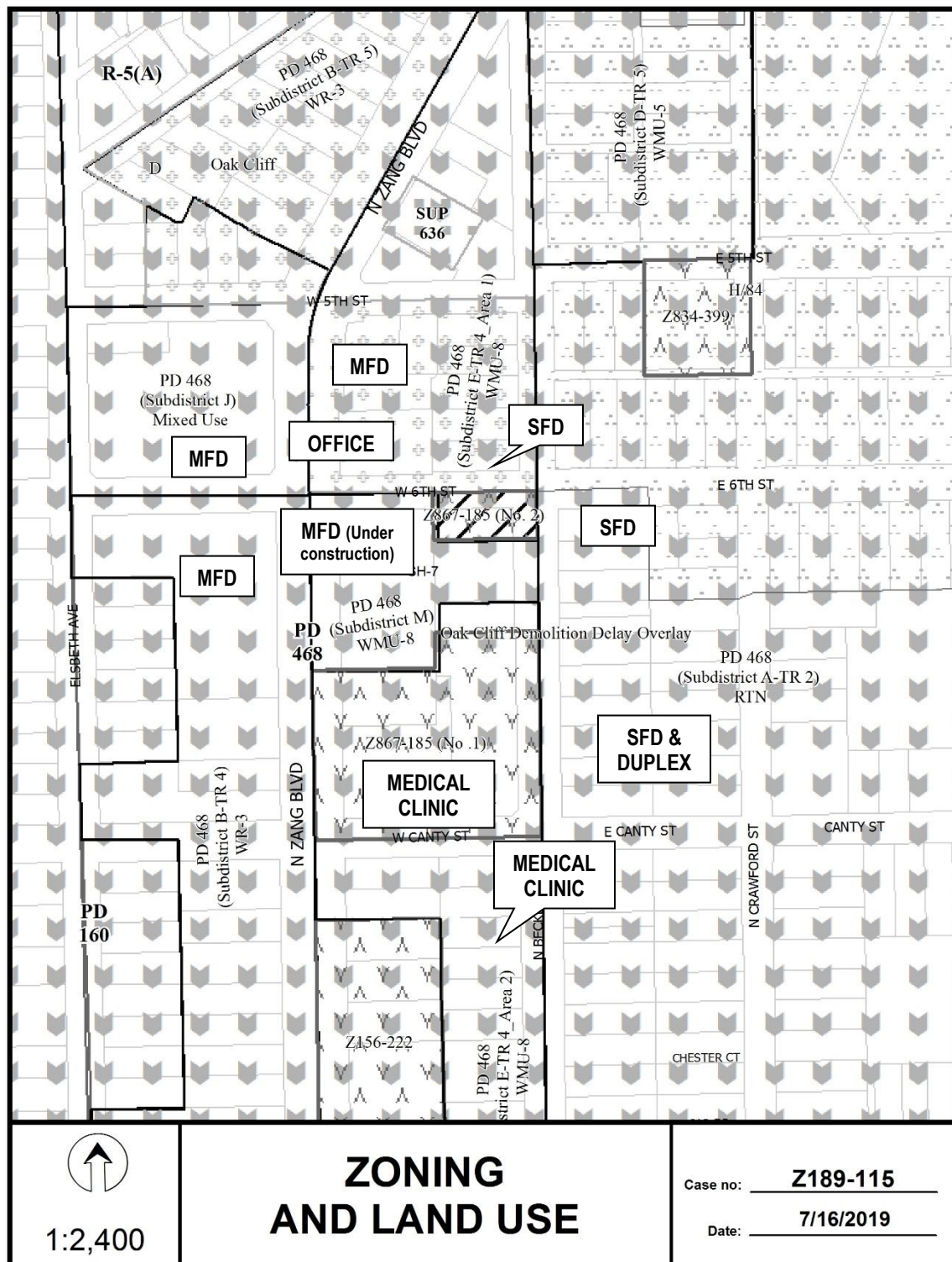
2084

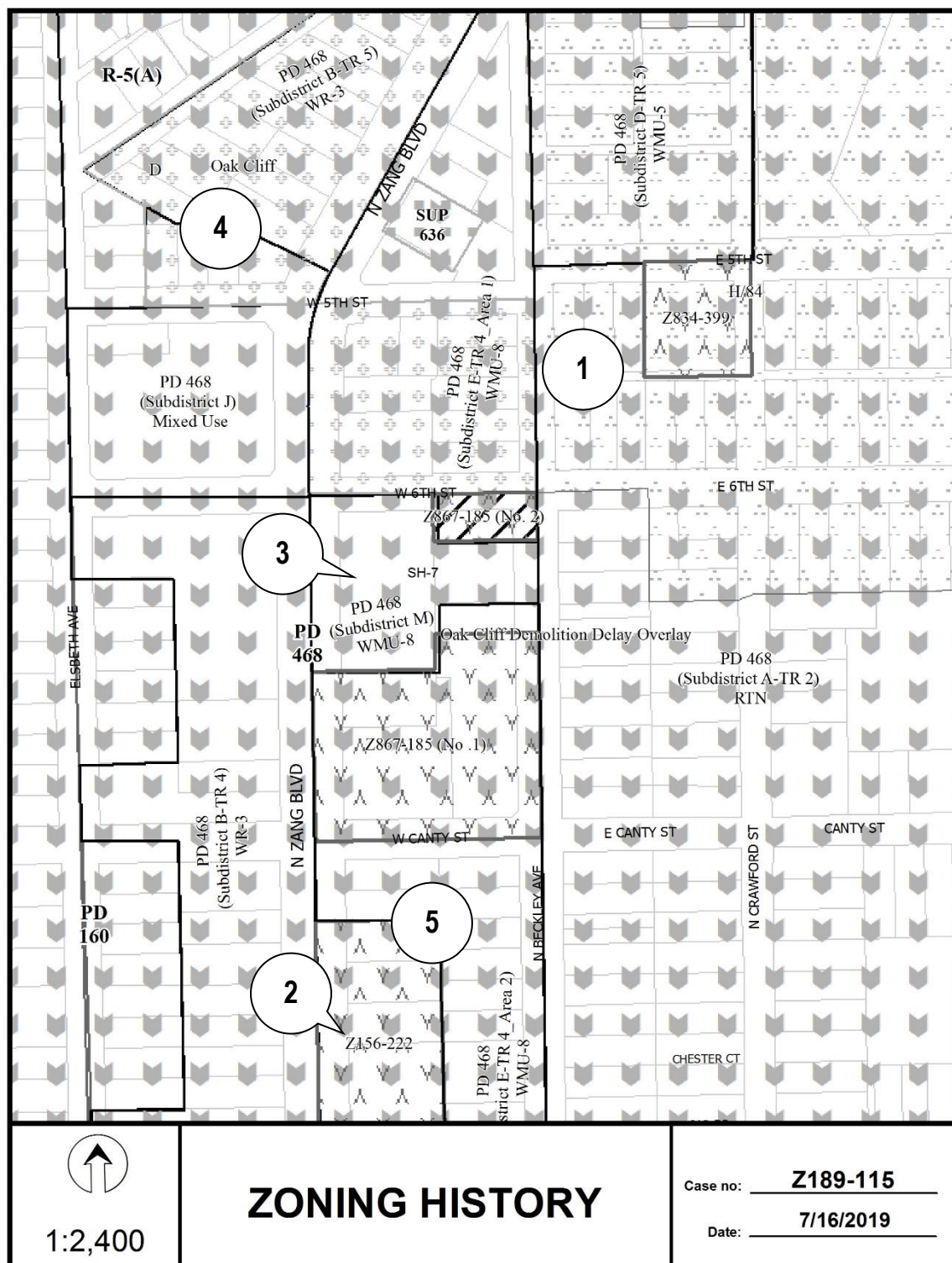
Z867-185/1014-5



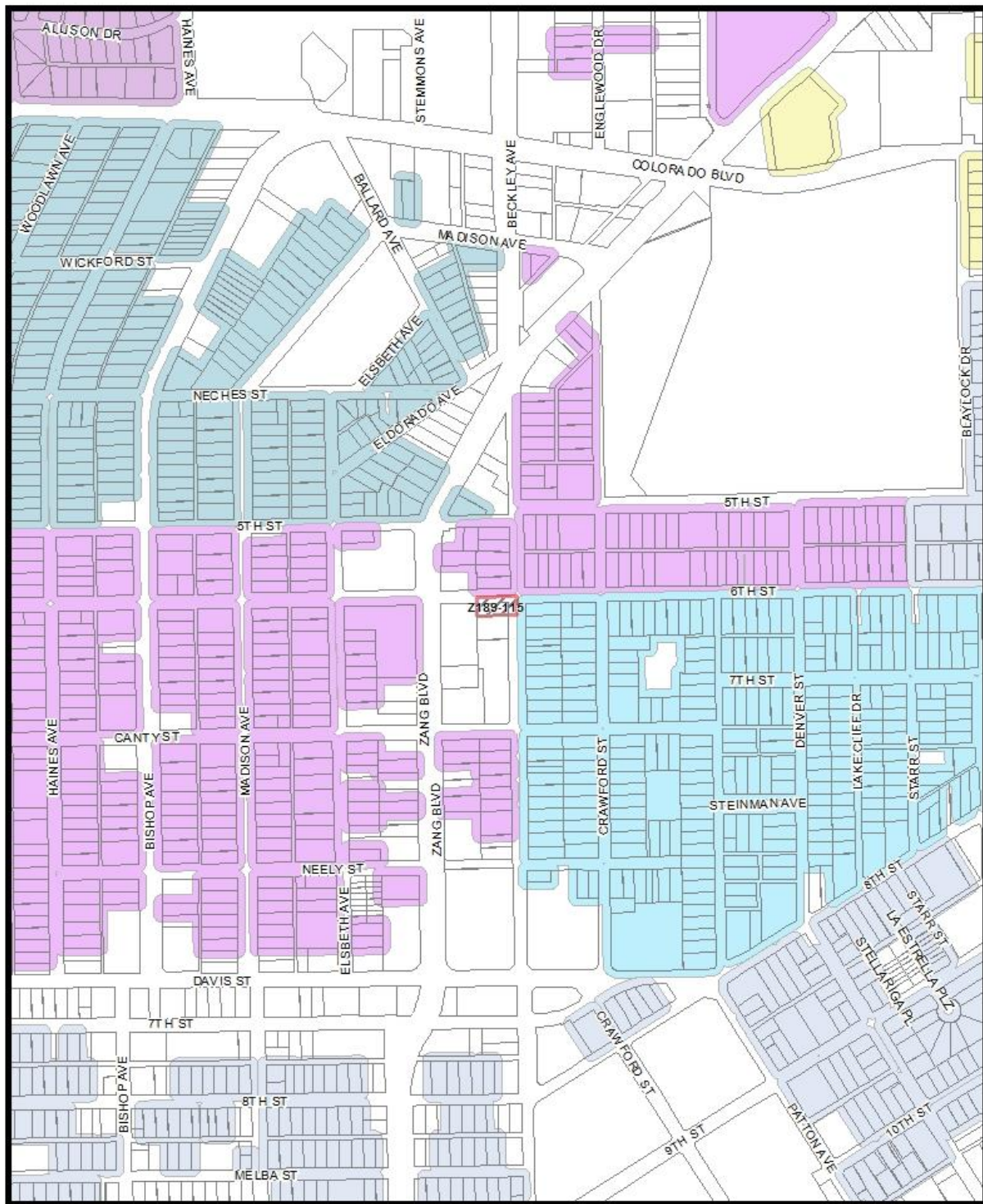












MVA Cluster A B C D E F G H I NA

 1:6,000

# Market Value Analysis

Printed Date: 7/16/2019





10/02/2019

***Reply List of Property Owners******Z189-115******73 Property Owners Notified******5 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	839	N BECKLEY AVE	VINES DAN &
2	814	ELSBETH ST	LOPEZ BENITO JR
3	818	ELSBETH ST	ELAINE S GORENSTEIN
4	820	ELSBETH ST	TOVAR MARTIN
5	828	ELSBETH ST	TUCKER MICHAEL BRITT &
6	835	N ZANG BLVD	GEMSK LLC
7	813	N ZANG BLVD	ARELLANO MIGUEL
8	801	N ZANG BLVD	RSRG INVESTMENTS LLC
9	900	N ZANG BLVD	MONTSERRAT LUISA
10	908	N ZANG BLVD	SALAZAR JOSE
11	112	W 5TH ST	SALDIVAR FAMILY I LIMITED PARTNERSHIP
12	912	N ZANG BLVD	VALPARAISO HOLDINGS LLC
13	917	N BECKLEY AVE	SALDIVAR FAMILY I LTD PS
14	909	N BECKLEY AVE	SALDIVAR FAMILY 1 LP
15	907	N BECKLEY AVE	DELGADILLO JOSE LUIS
16	903	N BECKLEY AVE	TORRES LUIS & MARIA G
17	1006	N ZANG BLVD	GARCIA MAGDALENA &
18	918	ELSBETH ST	MAC LUU HONG
19	1007	N ZANG BLVD	BKN REALTY LLC
20	1011	N ZANG BLVD	ZANG CRYSTAL HILL LLC
21	143	W 5TH ST	ALATORRE DANIEL &
22	1003	N ZANG BLVD	FISCAL GABRIEL AND MARIA DE LA LUZ FISCAL
23	139	W 5TH ST	SKITT TROY JD
24	838	N BECKLEY AVE	WILSON ZAMORA INVESTMENTS
25	818	N BECKLEY AVE	MP KING CAPITAL LLC
26	812	N BECKLEY AVE	TORRES MARTIN

10/02/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	800 N BECKLEY AVE	OCASIO ANGEL PEREZ
	28	808 N BECKLEY AVE	SAUCEDO NICOLAS & MARIA
	29	832 N BECKLEY AVE	BAEZA LORENA
	30	828 N BECKLEY AVE	JOINER FAITH RENEE &
	31	820 N BECKLEY AVE	GARCIA RAFAEL QUEVEDO &
	32	824 N BECKLEY AVE	CHRISTENSEN JANELLE M
	33	826 N BECKLEY AVE	MCNUTT CHRIS
	34	804 N BECKLEY AVE	MOZIK VINCE
	35	809 N CRAWFORD ST	MENDEZ MANUEL
	36	811 N CRAWFORD ST	ESTRADA FEDERICO &
	37	817 N CRAWFORD ST	MOONEY MICHAEL
	38	823 N CRAWFORD ST	MOONEY RICHARD LEE
	39	825 N CRAWFORD ST	FAZDUARTE CRISOFORO &
	40	829 N CRAWFORD ST	COLLIE LUIS R
	41	112 E 6TH ST	RAMOS TONY M &
	42	835 N CRAWFORD ST	ADAME MARIA
O	43	210 E 6TH ST	GENA NORTH LLC
	44	824 N CRAWFORD ST	VASQUEZ MARIA Z CADENA
	45	820 N CRAWFORD ST	COUCH KEDRIC &
	46	816 N CRAWFORD ST	JONES EDWARD M III
	47	812 N CRAWFORD ST	COUCH KEDRIC & PAT COUCH
X	48	800 N CRAWFORD ST	CHUPA JAMES EDWARD &
	49	1006 N BECKLEY AVE	COFER WILLIE R
	50	1002 N BECKLEY AVE	WISTERIA HILLS 5 LLC
	51	1001 N CRAWFORD ST	STOFOROPOULOS EUTHYMOS
	52	123 E 6TH ST	GUFFEY TYLER H
	53	119 E 6TH ST	VICTOR PPTIES LLC
	54	113 E 6TH ST	SEGOVIA RAFAEL
	55	107 E 6TH ST	GUAJARDO LEO II
	56	111 E 6TH ST	GASPER PASTOR & MARIA
	57	103 E 6TH ST	BAEZA IGNACIO & MARIA

10/02/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	102 E 5TH ST	PARR CATHERINE
O	59	106 E 5TH ST	WISTERIA HILLS 17 LLC
O	60	108 E 5TH ST	WISTERIA HILLS 6 LLC
	61	122 E 5TH ST	WHITLOCK NEILL DAVIDSON
O	62	204 E 5TH ST	LUGO ELPIDIO
O	63	202 E 5TH ST	WISTERIA HILLS 23 LLC
	64	205 E 6TH ST	SAVALA SANTOS R EST OF
	65	209 E 6TH ST	WISTERIA HILLS 8 LLC
	66	810 N ZANG BLVD	AHA GROUP LP
	67	820 N ZANG BLVD	SBK INVESTMENT LLC
	68	830 N ZANG BLVD	MPC ZANG III LLC
	69	835 N BECKLEY AVE	MPC ZANG III LLC
	70	815 N BECKLEY AVE	SHERRY IRWIN H & DALIA D TRUST NO 1
	71	1018 N ZANG BLVD	NABUA PROPERTY HOLDINGS
	72	1026 N ZANG BLVD	MILLER DONALD W. & DONNA
	73	901 N ZANG BLVD	MPC ZANG LLC



## Agenda Information Sheet

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**File #:** 19-2004

**Item #:** Z2.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a TH-2 (A) Townhouse District and a resolution accepting the deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z189-238(CY)

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<b>FILE NUMBER:</b>	Z189-238(CY)	<b>DATE FILED:</b>	April 9, 2019
<b>LOCATION:</b>	South side of Falls Drive and north side of Wright Street, east of South Franklin Street		
<b>COUNCIL DISTRICT:</b>	1	<b>MAPSCO:</b>	53 R
<b>SIZE OF REQUEST:</b>	Approx. 1.37 acres	<b>CENSUS TRACT:</b>	64.01

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**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**OWNER/APPLICANT:** William M. Velasco, sole owner

**REQUEST:** An application for a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of the request is to develop the site with a shared access development. The volunteered deed restrictions will limit the number of dwelling units to ten units, limit the maximum height allowed to 30 feet, require that parking spaces provided must be unenclosed, and require that the unit on the northern-most portion of the site provides a front porch facing Falls Drive.

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

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

## **BACKGROUND INFORMATION:**

- The area of request is zoned an R-7.5(A) Single Family District and is currently undeveloped.
- The applicant initially proposed to develop the site with a shared access development with a maximum of 12 single family dwellings. At the November 7, 2019 City Plan Commission hearing, the applicant was amenable to modify the volunteered deed restrictions to limit the number of dwelling units to ten and include additional restrictions.
- The volunteered deed restrictions will limit the number of dwelling units to ten units, limit the maximum height allowed to 30 feet, require that parking spaces provided be unenclosed, and require that the unit on the northern-most portion of the site provides a front porch facing Falls Drive.
- Staff was not in support of the initially proposed density of 12 units; however, given that the applicant amended the deed restrictions at the CPC hearing to reduce the number of units, staff is now in support of the request.
- The townhouse districts are established in an effort to provide a denser single family residential character by providing minimum standards for lot area, yards, lot coverage and lot frontage.

**Zoning History:** There has been one zoning change request in the vicinity in the past five years.

1. **Z145-158** On May 5, 2015, an automatic renewal of Specific Use Permit No. 1801 for an open-enrollment charter school was approved for an additional five-year period on property located on the west line of South Hampton Road, between Falls Drive and Wright Street, east of the area of request.

## **Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Required ROW</b>
Falls Drive	Minor arterial	50 ft.	50 ft.
Wright Street	Minor Arterial	60 ft.	56 ft.

## **Traffic:**

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined it will not significantly impact the surrounding street system.

An evaluation of sight distance at the intersection of any proposed drive with Wright Avenue will be required at the time of plan review for permitting.

## 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 request with the volunteered deed restrictions complies with the following land use goals and policies of the Comprehensive Plan:

## ECONOMIC ELEMENT

### GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS.

**Policy 2.5.1** Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

## URBAN DESIGN ELEMENT

### GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.

**Policy 5.2.1** Maintain neighborhood scale and character.

## NEIGHBORHOOD PLUS

### GOAL 5 EXPAND HOMEOWNERSHIP

**Policy 5.1** Encourage a wider range of well designed and affordable housing types as a response to emerging homeownership preferences.

### Surrounding Land Uses:

	Zoning	Land Use
Site	R-7.5(A) Single family District.	Undeveloped land
North	R-7.5(A) Single family District.	Single family
East	R-7.5(A) Single Family District, SUP No.1801 and SUP No. 506	Church, open enrollment charter school.
South	R-7.5(A) Single Family District, PD No. 419	DART rail line, public school
West	R-7.5(A) Single family District.	Single family



**Land Use Compatibility:**

The approximate 1.37-acre site is zoned R-7.5(A) Single Family District and is currently undeveloped. Historical aerial images from 1952 and subsequent years show the area of request undeveloped with no indication of any past construction.

The area of request is surrounded by traditional detached single family uses to the north and to the west in a neighborhood that extends for several blocks in both directions. To the east, there is a church use abutting the site, followed by a charter school use further west. To the southeast, at the corner of South Hampton Road and Wright Street, there is the Dallas Area Rapid Transit (DART) Hampton Rail Station. To the south of the subject site, and across the rail lines, there is a public school use followed by additional nonresidential uses extending further south along South Hampton Road. Additional single family uses are to the southwest.

The purpose of requesting a TH-2(A) Townhouse District, is to allow for the site to be developed with a shared access development with up to 10 units. The Dallas Development Code, as amended, provides for three Townhouse Districts that are established in an effort to provide a denser single family residential character by providing minimum standards for lot area, yards, lot coverage and lot frontage. Each one of these districts have the same development standards, except for the maximum allowable dwelling density that increases from six units per acre in the TH-1(A) district, to 12 units per acre in TH-3(A).

With a maximum density of nine units per acre, the proposed TH-2(A) district would allow for the development of the 1.37-acre area of request with a maximum of 12 dwelling units<sup>1</sup>.

Staff is in support of an increase in density in this area which is designated in the Comprehensive Plan as an urban neighborhood. The proximity of the site to the Hampton Rail Station, which is served by the Oak Cliff Segment of the DART Rail Red Line with connection to bus routes, also promotes increase in density in the area. However, the initially proposed density of 12 units in the 1.37-acre site exceeded what staff considered was appropriate for the area. As previously stated, with the modification of the initial request to reduce the number of units from 12 to ten, staff considers that the proposed increase in density is more consistent with the already established single family uses that surrounds the area of request.

In addition to limiting the number of units, the deed restrictions volunteered by the applicant will limit the maximum height allowed to 30 feet, require that parking spaces provided be unenclosed, and require that the unit on the northern-most portion of the site provides a front porch facing Falls Drive. It is staff opinion that these restrictions offer a development more consistent with the surrounding zoning and provide for an adequate transition from the existing single family neighborhood that extends to the north and west, to a desirable denser area approaching the nonresidential corridor established along South Hampton Road.

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<sup>1</sup> 1.37 acres x 9 units/acre = 12.33 units

Additionally, it is staff's opinion that the reduction in the maximum number of units to ten, will allow the development to provide for adequate shared access area width, sufficient landscape areas, sufficient separation between units, and lot sizes more consistent with the R-7.5(A) District.

### **Development Standards**

The table below is a comparative chart between the development standards in the existing single family district and those in the proposed townhouse district.

While the proposed zoning provides for minimum standards for lot area, yards, lot coverage, and lot frontage; due to the location of the site, the proposed shared access development will be required to provide standards more consistent with the existing R-7.5(A) Single Family District.

Regarding the front yard regulations, though the proposed TH-2(A) Townhouse District does not require a minimum front yard, the proposed development will have to maintain the block face continuity along Falls Drive and Wright Street and provide a minimum of 25-foot setback on both frontages.

In a similar way, and due to the site being surrounded by the R-7.5(A) Single Family District that requires a greater side yard than the one required for single family structures in the proposed TH-2(A) District, all proposed structures will require a minimum five-foot side yard along the east and west property boundaries.

It is important to note that the shared access development is treated as one lot for purposes of compliance with the front, side and rear yard regulations [Section 51A-4.411(f)(2) of the Dallas Development Code].

These regulations, in addition to the height restriction in the volunteered deed restrictions, allow for the proposed shared access development to be more consistent with the existing zoning.

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Minimum Lot Size</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>						
<b>Existing</b> R-7.5(A)	25'	5' for SFD, 10' side for other, 15' rear for other	No maximum	30'	45% for res, 25% for nonres	7,500 sf	Electrical Service for SFD	Single Family
<b>Proposed</b> TH-2(A)	No min.*	No min for SFD, 10' for other; 5' side for duplex, 10' rear for duplex**	<b>Maximum 10 units</b>	<b>30'</b>	60% for res. 25% other	2,000 sf for SFD, 6,000 for duplex	SFD spacing***	Single Family.
<b>Reference</b> TH-2(A)	No min.	No min for SFD, 10' for other; 5' side for duplex, 10' rear for duplex**	9 units /acre	36'	60% for res. 25% other	2,000 sf for SFD, 6,000 for duplex	SFD spacing***	Single Family.

\* Required to maintain block-face continuity, therefore, 25 feet along Falls Drive and Wright Street.

\*\*If abutting a district with greater side yard requirement, the most restrictive side yard setback applies.

\*\*\* Min. 15' between each group of 8 units must be provided by plat

### **Parking:**

The Dallas Development Code, as amended, requires that for single family uses in a TH district, one off-street parking space be provided for each dwelling unit [Sec. 51A-4.209(b)(6)(C)]. Per this requirement, a total of 10 parking spaces would be required for the proposed 12 units.

In addition to this requirement, the development code also requires that shared access developments provide 0.25 unassigned spaces for each dwelling unit available for use by visitors and residents. This adds 3 off-street parking spaces to the overall requirement for the development for a total of 13 spaces.

### **Landscaping:**

Landscaping will be required to be provided in accordance with Article X, as amended.

### **Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets.

Z189-238(CY)

The site is not within an identifiable MVA Category; however, it is in proximity to an “F” MVA Cluster to the north and west; also a “D” MVA Cluster is further northeast, across South Hampton Road, and a “G” MVA Cluster is to the south across the rail line.

**CPC Action**  
**June 20, 2019**

**Motion:** In considering an application for a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned ab R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street, it was moved to **hold** this case under advisement until August 1, 2019.

Maker: MacGregor  
Second: Schultz  
Result: Carried: 11 to 0

For: 11 - MacGregor, Criss, Shidid, Carpenter, Brinson,  
Lewis, Jung, Housewright, Schultz, Murphy,  
Ridley

Against: 0  
Absent: 3 - Schulte, Johnson, Tarpley  
Vacancy: 1 - District 12

**Notices:** Area: 300 Mailed: 46  
**Replies:** For: 0 Against: 9

**Speakers:** For: Rob Baldwin, 3904 elm St., Dallas, TX, 75226  
William Velasco, 1104 W. Jefferson Blvd., Dallas, TX, 75208  
Against: Joel Castillo, 2433 Falls Dr., Dallas, TX, 75211  
Travis Valderas, 2441 Falls Dr., Dallas, TX, 75211  
Diana Alaniz, 1824 S. Franklin St., Dallas, TX, 75211  
Addy Pino, 1902 S. Franklin St., Dallas, TX, 75211  
Giovanni Valderas, 427 Marshall Dale Dr., Arlington, TX, 76013  
Against (Did not speak): Margarita Turner, 2508 Falls Dr., Dallas, TX, 75211  
Melissa Rivera, 2509 Poinsettia Dr., Dallas, TX, 75211  
Camille Hardy, 2505 Poinsettia Dr., Dallas, TX, 75211  
Ryan Hardy, 2505 Poinsettia Dr., Dallas, TX, 75211

**CPC Action**  
**August 1, 2019**

**Motion:** In considering an application for a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street, it was moved to **hold** this case under advisement until September 5, 2019.

Maker: MacGregor  
Second: Schultz  
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 300 Mailed: 46  
**Replies:** For: 1 Against: 16

**Speakers:** For: Jennifer Hiromoto, 3904 Elm St., Dallas, TX, 75226  
Against: None

**CPC Action**  
**September 5, 2019**

**Motion:** In considering an application for a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street, it was moved to **hold** this case under advisement until September 19, 2019.

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

For: 12 - MacGregor, Schulte, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy\*, Ridley, Tarpley  
Against: 0  
Absent: 1 - Criss  
Vacancy: 2 - District 8, District 12

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 46  
**Replies:** For: 1 Against: 17

**Speakers:** For: None  
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**CPC Action**  
**September 19, 2019**

**Motion:** In considering an application for a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street, it was moved to **hold** this case under advisement until October 3, 2019.

Maker: MacGregor  
Second: Schultz  
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley

Against: 0  
Absent: 2 - Criss, Tarpley  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 300 Mailed: 46  
**Replies:** For: 1 Against: 17

**Speakers:** For: None  
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None



**CPC Action**  
**October 3, 2019**

**Motion:** In considering an application for a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: MacGregor  
Second: Schultz  
Result: Carried: 9 to 0

For: 9 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Jung, Housewright, Schultz, Ridley

Against: 0  
Absent: 3 - Criss, Brinson, Murphy  
Vacancy: 3 - District 8, District 12, Place 15

**Notices:** Area: 300 Mailed: 46  
**Replies:** For: 1 Against: 17

**Speakers:** For: None  
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

**CPC ACTION**  
**November 7, 2019**

**Motion:** It was moved to recommend **approval** of a TH-2(A) Townhouse District, subject to amended deed restrictions volunteered by the applicant to include the following: 1) maximum of 10 units; 2) orientation of build near Falls Drive must face Falls Drive; require carports; and 3) maximum structure height of 30 feet on property zoned an R-7.5(A) Single Family District, on the south side of Falls Drive and the north side of Wright Street, east of South Franklin Street.

Maker: MacGregor  
Second: Housewright  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 46  
**Replies:** For: 1 Against: 17

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: Almo Galindo, 2503 Searcy Dr., Dallas, TX, 75211  
Addy Pino, 1902 S. Franklin St., Dallas, TX, 75211  
Irene Delgado, 2434 Searcy Dr., Dallas, TX, 75211  
Against (Did not speak): Daniel Laureano, 2504 Poinsettia Dr., Dallas, TX, 75211

## VOLUNTEERED DEED RESTRICTIONS

### DEED RESTRICTIONS

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

#### I.

The undersigned, William M. Velasco II ("the Owner"), is the owner of the following described property ("the Property"), being a tract in City Block No. 5969, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Barbara Sue Searcy, by deed dated March 15, 2017, and recorded in Instrument Number 201700077290, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

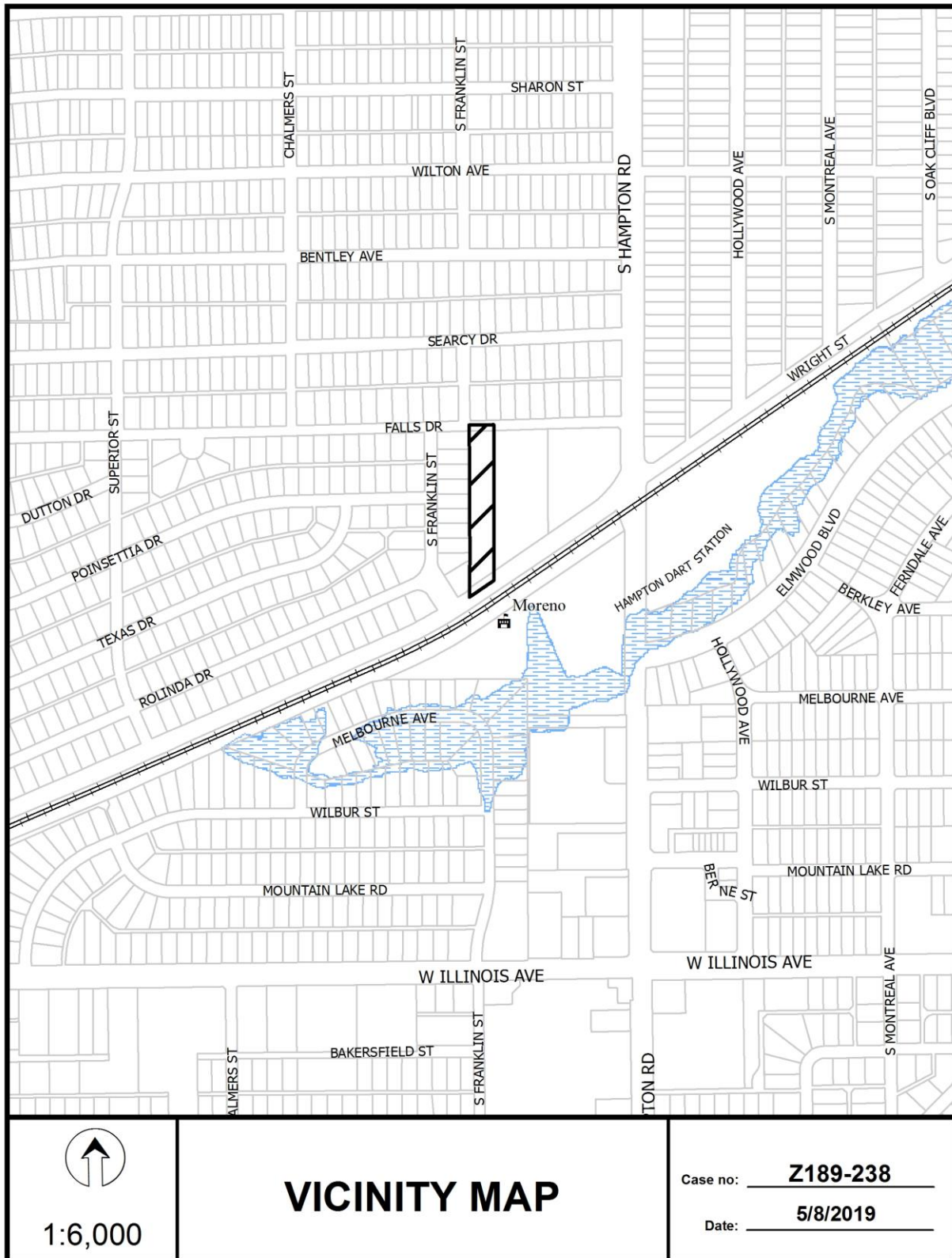
#### II.

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

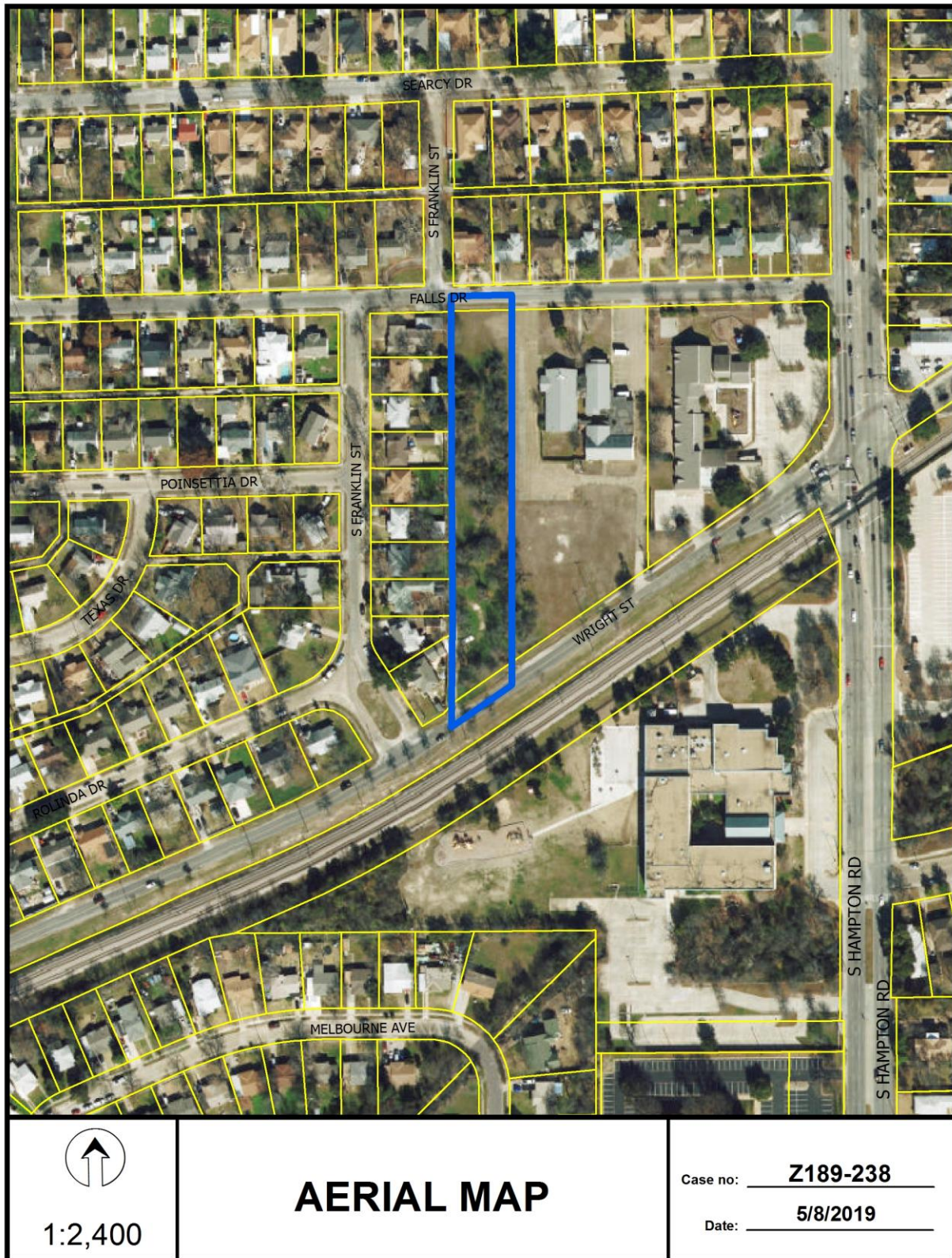
1.     Maximum number of single family lots is 10.
2.     Maximum structure height is 30 feet.
3.     For single family uses, the northern-most dwelling unit must provide a front porch that faces Falls Drive.
4.     For single family uses, parking spaces provided must be unenclosed.

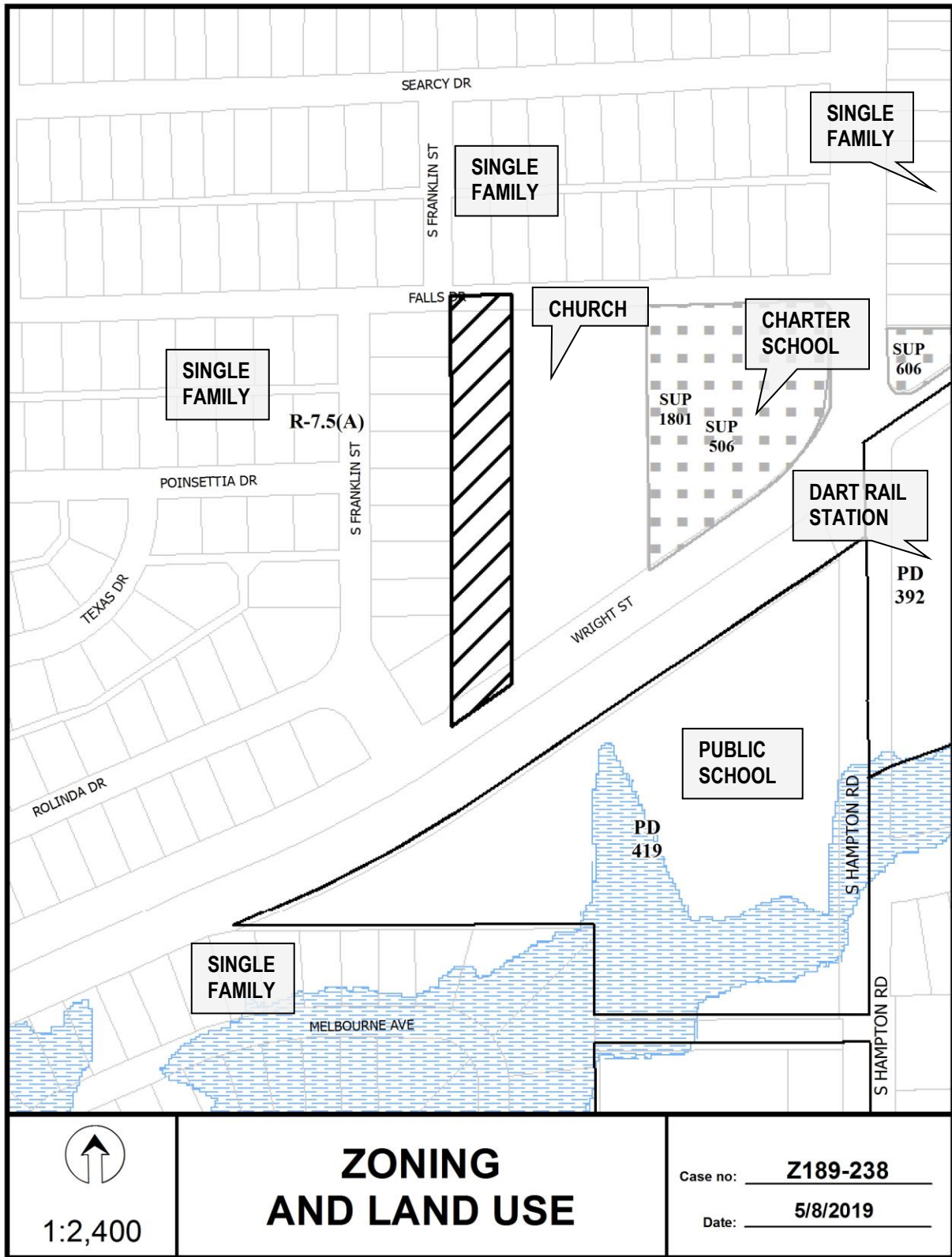
#### III.

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.

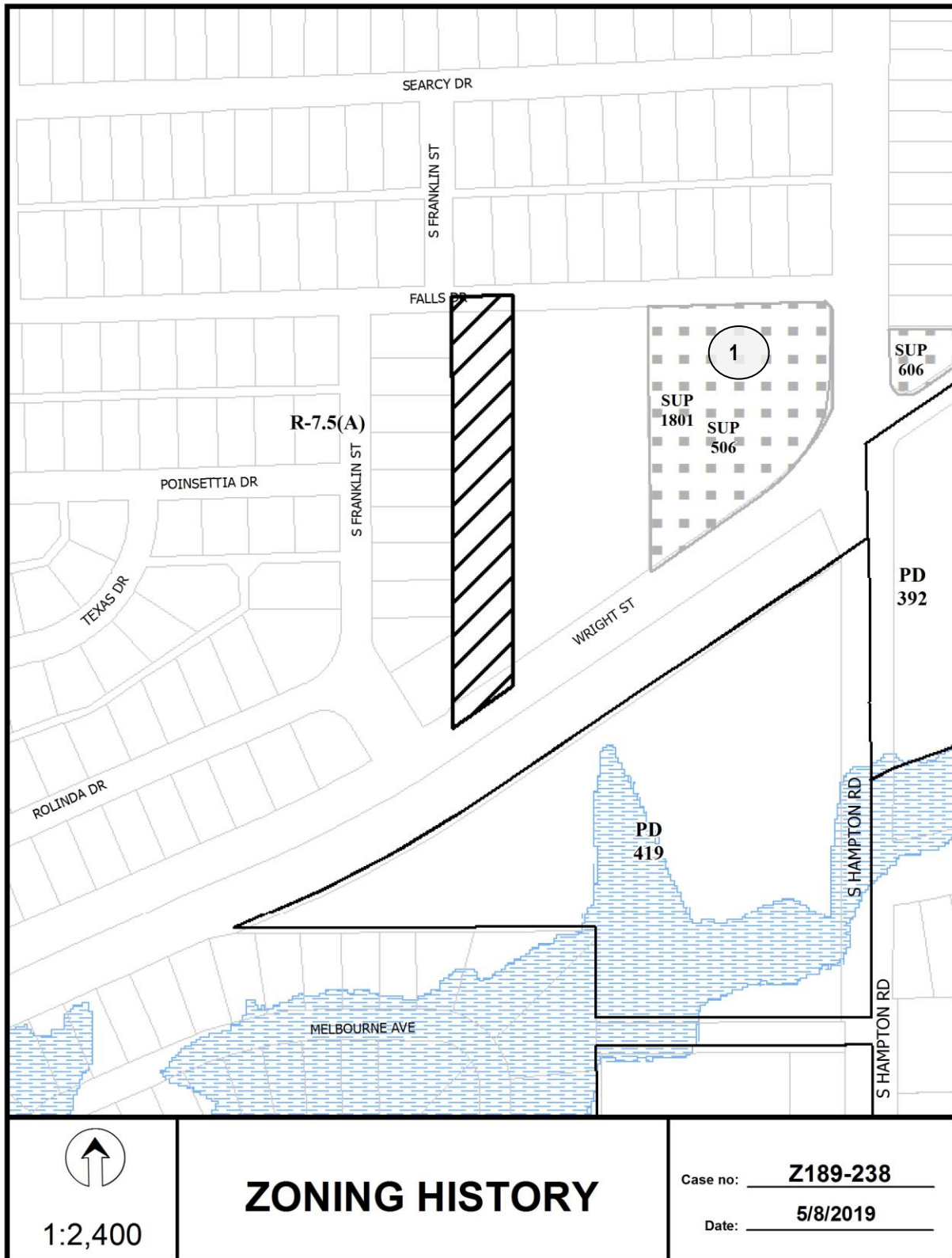


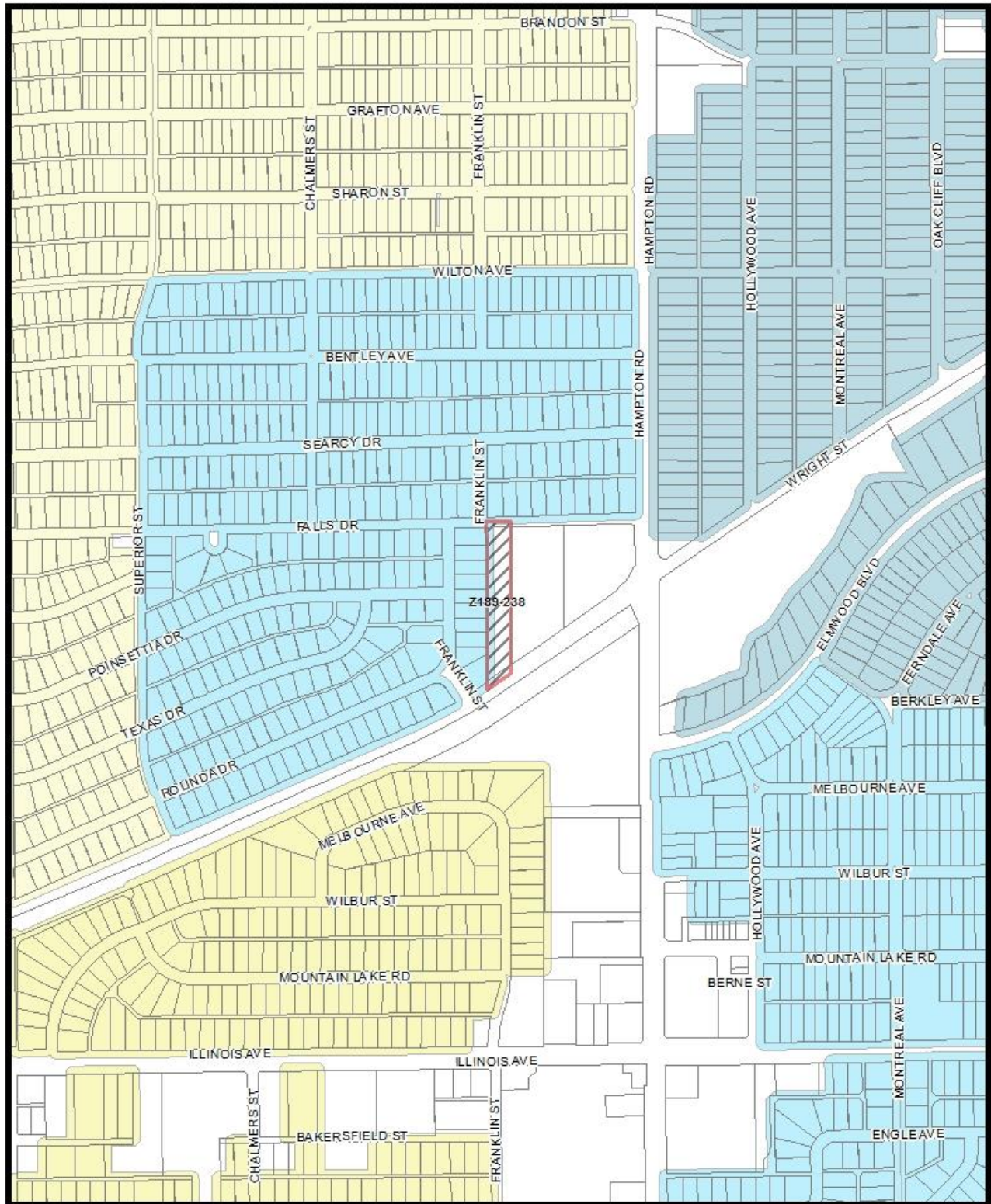












**MVA Cluster**    A    B    C    D    E    F    G    H    I    NA



1:6,000

# Market Value Analysis

Printed Date: 5/8/2019



# CPC RESPONSES



<u>46</u>	Property Owners Notified (47 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>17</u>	Replies in Opposition (17 parcels)
<u>300'</u>	Area of Notification
<u>11/7/2019</u>	Date

**Z189-238**  
**CPC**



1:2,400

11/06/2019

***Reply List of Property Owners*****Z189-238*****46 Property Owners Notified******1 Property Owners in Favor******17 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2438 FALLS DR	VELASCO WILLIAM M II
	2	2519 FALLS DR	TOLIVER PAUL ALAN
	3	2515 FALLS DR	FLORES ROGER J & ERICA
X	4	2509 FALLS DR	BARRON JOEL ETAL
	5	2505 FALLS DR	VEGA JAMES & AMANDA
X	6	2508 FALLS DR	TURNER MARGARITA
	7	2504 FALLS DR	PORCHE ANTIGUO PROPERTIES LLC
X	8	2505 POINSETTIA DR	HARDY RYAN
	9	2509 POINSETTIA DR	MARTINEZ YOLANDA
	10	2510 POINSETTIA DR	KINGSBURY MARILEE E
	11	2504 POINSETTIA DR	LAUREANO DANIEL &
X	12	1915 S FRANKLIN ST	DELUNA ALICE
	13	2505 ROLINDA DR	FERNANDEZ FELIPE J &
	14	2509 ROLINDA DR	MARTINEZ MELITON
	15	2510 ROLINDA DR	JAUREGUI JOSHUA A
	16	2504 ROLINDA DR	BARRON VELMA
X	17	1804 S FRANKLIN ST	ORTIZ JOSE L & MARIA E L
	18	1808 S FRANKLIN ST	FERNANDEZ RODOLFO
X	19	1814 S FRANKLIN ST	PARRA ALFREDO
X	20	1818 S FRANKLIN ST	GONZALES ANTIOCO ARTURO
X	22	1902 S FRANKLIN ST	PINO ADDY BEATRIZ &
	23	1906 S FRANKLIN ST	HUNDLEY RONALD LEE &
	24	1912 S FRANKLIN ST	RANGEL MARGARITO & TRINIDAD &
X	25	2020 S FRANKLIN ST	MORALES ADRIANA
	26	2006 S FRANKLIN ST	WHITE BILLY JACK
	27	2428 FALLS DR	CHURCH OF PENTECOSTES OF JESUCRISTO INC

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	28	2445 FALLS DR	JUAREZ NICOLAS & ELISIA
X	29	2441 FALLS DR	VALDERAS TRAVIS RYAN & ESMERALDA
X	30	2437 FALLS DR	DIAS ROGELIA
X	31	2433 FALLS DR	CASTILLO JOEL ANDRES
O	32	2429 FALLS DR	SANDERS MAX O
	33	2423 FALLS DR	GARCIA OCTAVIO
	34	2419 FALLS DR	LUNA ALEJANDRO &
X	35	2502 SEARCY DR	CARDENAS RICHARD & AMELIA
	36	2506 SEARCY DR	VILLANUEVA JORGE A
	37	2514 SEARCY DR	VERA FAMILY TRUST
	38	2418 SEARCY DR	HERNANDEZ LETICIA
	39	2422 SEARCY DR	GORROSTIETA SANTOS
	40	2426 SEARCY DR	RIZO JUVENTINO &
	41	2430 SEARCY DR	MUNOZ JOSE & MARIA
X	42	2434 SEARCY DR	DELGADO TERESITA I
X	43	2438 SEARCY DR	RAMIREZ FELICIA A
	44	2115 S HAMPTON RD	Dallas ISD
	45	1811 S HAMPTON RD	LA ACADEMIA DE ESTELLAS
	46	401 S BUCKNER BLVD	DART
X	A1	1824 S FRANKLIN ST	ALANIZ ABEL RUIZ



## Agenda Information Sheet

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**File #:** 19-2005

**Item #:** Z3.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 391, on the northeast and southeast corners of Newkirk Street and Joe Field Road

Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions Z189-295(AU)

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<b>FILE NUMBER:</b>	Z189-295(AU)	<b>DATE FILED:</b>	June 26, 2019
<b>LOCATION:</b>	Northeast and southeast corners of Newkirk Street and Joe Field Road		
<b>COUNCIL DISTRICT:</b>	6	<b>MAPSCO:</b>	22 G; L
<b>SIZE OF REQUEST:</b>	20.974 Acres	<b>CENSUS TRACT:</b>	99.00

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**REPRESENTATIVE:** Robert Reeves, Robert Reeves & Associates

**APPLICANT/OWNER:** Hensley Industries

**REQUEST:** An application for an amendment to Planned Development District No. 391.

**SUMMARY:** The applicant proposes to increase the maximum allowable height for baghouse stacks or similar structures from 100 feet to 150 feet, and to update and amend the development plan to allow for an increase in floor area for future expansion and to increase the number of parking spaces.

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

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

## **BACKGROUND INFORMATION**

- The 20.974-acre area of request is currently developed with an industrial (inside) potentially incompatible use and is operated as a foundry facility (metal casting) by Hensley Industries. The foundry operation was in existence at the time the Planned Development District was established. According to the applicant, Hensley Industries has operated in North Dallas since the mid-1960s.
- Planned Development District No. 391 was established by City Council on October 27, 1993 for industrial uses and with standards similar to IM Industrial Manufacturing District. The district comprises the 20.97-acre area of request. PD No. 391 was established with a conceptual plan. A development plan for the industrial (inside) use was approved in January 1995. Since then, the development plan was amended through the minor amendment process in 2006, 2008, 2011, 2017, and 2018, to reflect expansions and additions to the warehouses in conjunction with the foundry operation and the construction of a new office building.
- The purpose of the request is to amend PD No. 391 to allow an increase in the maximum allowable height for a baghouse stack or a similar structure from 100 feet to 150 feet. The applicant seeks to increase the height of existing stacks to better serve the needs for ventilation and air quality of the current operation.
- The request also includes an update and an amendment to the development plan to include an area for a future office expansion and increase of a parking lot.
- Some areas of the request site are built on a former city landfill. The land owner has the obligation to maintain an undisturbed clay cap to protect the former landfill portion and submit annual reports to the Texas Commission of Environmental Quality (TCEQ) and City departments.

### **Zoning History:**

There has been one zoning change request in the area in the last five years.

- 1. Z189-202:** On April 5, 2019, the Current Planning Department approved the automatic renewal of Specific Use Permit No. 1386 for potentially incompatible industrial (outside) uses limited to concrete crushing for additional twenty-year period, on property zoned IM Industrial Manufacturing District, located south of Newkirk Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing / Proposed ROW/Width
Newkirk Street	Community Collector	60 feet Bike Plan Not built to designation
Joe Field Road	Local	60 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.

**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 applicant's request is consistent with the following goals and policies.

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

**Policy 1.1.1** Implement the Trinity River Corridor Plan.

**Area Plan**

*Trinity River Corridor Comprehensive Land Use Study* was adopted by City Council in March 2005, and then revised in December 2009.

The 2050 Vision Statement for the Trinity River Corridor in Dallas the Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City's model for economic growth without physical, social or economic barriers, which attracts residents and visitors to live, learn, work, shop and play within a cosmopolitan urban core, and alongside the river's meandering environment.

The subject site is located within the Elm Fork district which is recommended for light and heavy industrial uses. The Preferred Land Use Plan for the Elm Fork District affirms its role as a location for industrial activities and businesses in Dallas. The request site is also located within Study Area 22: Luna Road / Walnut Hill. The Land Use Opportunity Plan for this area includes a central area for Heavy Industrial use surrounded by areas of Light Industrial use. Heavy industrial uses should be allowed to remain and expand in these areas. Since many businesses today combine activities that traditionally were defined as 'light' or 'heavy' industrial, the appropriate intensity of developments in this area should consider issues of compatibility with adjacent properties. The request is consistent with the recommendations of the Area Plan.

### **Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 391	Industrial (inside) potentially incompatible use limited to a foundry
<b>North</b>	IR	Vehicle sales Commercial amusement inside
<b>East</b>	PD No. 554 w/ DR Z045-241	Industrial outside, outside storage
<b>South</b>	IR w/ SUP No. 920	Industrial (outside) not potentially incompatible use – concrete batch plant
<b>West</b>	IM w/ SUP No. 1386 IR	Industrial (outside) not potentially incompatible use – concrete crushing plant Office, warehouse, outside storage
<b>Northwest</b>	MU-2	Multifamily

### **Land Use Compatibility:**

The 20.974-acre area of request is currently developed with an industrial (inside) potentially incompatible use and is operated as a foundry facility (metal casting) by Hensley Industries. The foundry operation was in existence at the time the Planned Development District was established. According to the applicant, Hensley Industries has operated in North Dallas since the mid-1960.

The request site is located on the southeast corner of Joe Field Road and Newkirk Street and has access from both streets with an additional restricted access from Goodnight Lane through an access easement along the southern side of the property. The site currently contains five special foundry facilities, one office building, and four parking lots. The main parking lot, for employee parking, is accessed through the southern access easement from Goodnight Lane.

The request area is surrounded by similar industrial type of uses on all sides. To the northwest there is a multifamily community that was developed in 1970.



Planned Development District No. 391 was established by City Council on October 27, 1993 for industrial uses and standards similar to IM Industrial Manufacturing District and is comprised of the 20.974-acre area of request. PD No. 391 was established with a conceptual plan. A development plan for the industrial (inside) use was approved in January 1995. Since then, the development plan was amended through the minor amendment process in 2006, 2008, 2011, 2017, and 2018, to reflect expansions and additions to the warehouses in conjunction with the foundry operation and the construction of a new office building.

The purpose of the request is to amend PD No. 391 to allow for an increase in the maximum allowable height for a baghouse stack<sup>1</sup> or a similar structure from 100 feet to 150 feet. The applicant seeks to increase the height of existing stacks to better serve the needs for ventilation and air quality of the current operation.

PD No. 391 currently allows a maximum height for uses other than a special foundry facility to 70 feet and allows a maximum height of 100 feet for a special foundry facility in the locations shown on the development plan. The applicant is requesting to include language to address the height of baghouse stacks specifically to allow a maximum height of 150 feet in the area highlighted on the development plan.

Currently, there are 24 stacks on the property with heights varying from approximately 27 to 105 feet and are located at a minimum distance of 500 feet from the nearby residential use. With this request, the applicant is proposing to increase the height of existing stacks up to 150 feet, on the southern portion of the property. The area, as identified on the proposed development plan, is located approximately 330 feet from the northern property line and it currently contains 14 stacks.

Per the applicant's supplemental information regarding the environmental aspects of the proposal, a taller stack will allow for a better dispersion of the plume before it reaches the ground and will minimize the downwash effects caused by nearby buildings, thus reducing the concentration of plume at ground level. The stacks are functioning as vents for the existing air cleaners that filter the particles emitted through the metal casting process.

In addition, the request includes an update and amendment to the development plan to include an area for a future office expansion and increase of a parking lot area. On the northeast corner of the property, facing Joe Filed Road, there is an existing two-story office building, 25,000 square feet in area. The applicant is proposing a future expansion for the office, to the west of the existing building, to be 42,000 square feet and 52 feet in height. On the northwest corner of the property, at the corner of Joe Filed Road and Newkirk Street, the applicant is proposing to reserve an area for a future expansion of the existing parking lot by demolishing the existing building. At the time of

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<sup>1</sup> **baghouse stack** "also known as a baghouse filter, bag filter, or fabric filter is an air pollution control device and dust collector that removes particulates or gas released from commercial processes out of the air. Power plants, steel mills, pharmaceutical producers, food manufacturers, chemical producers and other industrial companies often use baghouses to control emission of air pollutants." [source: Wikipedia]

development, a minor amendment to the development plan will be needed to show the proposed configuration of the expanded parking lot.

The last minor amendment to the development plan, approved in 2018, shows the area for the office and future office expansion, and the northwest corner as potential expansion of the existing parking lot.

Considering the location within a heavy industrial area of the city and the environmental benefits that the increase in height of the stacks may bring to the area, that contains residential uses, staff supports the request.

### **Parking**

PD No. 391 requires one parking space per 1,000 square feet of floor area for a special foundry facility, and one parking space per 700 square feet of floor area for other structures, with a minimum of 250 spaces.

The development plan includes approximately 134,533 square feet of building other than special foundry facility, requiring 193 parking spaces, and approximately 220,366 square feet of special foundry facility, requiring 221 parking spaces; the total requirement being 414 parking spaces. The development plan includes 433 parking spaces in four parking lots throughout the request site.

### **Landscaping**

All landscaping provided must comply with provisions of Article X of Dallas Development Code.

### **Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not categorized as being within an MVA cluster, properties located to the northwest and further northeast and south are designated a Category “E”.

## LIST OF PARTNERS

### **Hensley Industries, Inc.** **Board of Directors**

**John Fielder** – President

**Dan Pizzuto** – Executive Vice President, Sales and Marketing

**Tsuyoshi Yoshida** – Executive Vice President, Engineering, Quality and Global Planning

**Hideyuki Takatsukiz** – President and Chief Operation Officer, Komatsu America Corp.

**Hiroshi Higashide** – President, Aftermarket Business Division Komatsu LTD.

Z189-295(AU)

**CPC Action**  
**November 21, 2019**

**Z189-295(AU)**

Planner: Andreea Udrea

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 391, subject to a development plan and conditions on the northeast and southeast corners of Newkirk Street and Joe Field Road.

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

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 23

**Replies:** For: 5 Against: 1

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Tom McCormack, 2108 Joe Field Rd., Dallas, TX, 75229

Against: None

## **CPC RECOMMENDED PD CONDITIONS**

### **ARTICLE 391.**

#### **PD 391.**

##### **SEC. 51P-391.101. LEGISLATIVE HISTORY.**

PD 391 was established by Ordinance No. 21871, passed by the Dallas City Council on October 27, 1993. Ordinance No. 21871 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 21871; 25850)

##### **SEC. 51P-391.102. PROPERTY LOCATION AND SIZE.**

PD 391 is established on property generally located at the southeast and northeast corners of Joe Field Road and Newkirk Street. The size of PD 391 is approximately 20.974 acres. (Ord. Nos. 21871; 25850)

##### **SEC. 51P-391.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Definitions. Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In this district, SPECIAL FOUNDRY MANUFACTURING FACILITY means a facility for the casting, processing, and assembling of metal components of heavy earth-digging equipment.

(b) Interpretations.

(1) Unless otherwise stated, all references to code articles, divisions, or sections in this article refer to articles, divisions, or sections in Chapter 51A.

(2) Section 51A-2.101, “Interpretations,” applies to this article.

(3) The following rules apply in interpreting the use regulations in this article:

(A) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(B) The symbol *[L]* appearing after a listed use means that the use is

(C) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(D) 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.)

(E) 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.)

(4) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800, this district is considered to be a nonresidential zoning district. (Ord. Nos. 21871; 25850; 26426)

#### **SEC. 51P-391.104. CONCEPTUAL AND DEVELOPMENT PLANS.**

(a) Conceptual plan. Development and use of the Property must comply with the conceptual plan (Exhibit 391A). Tracts A (Phase I), B (Phase II), and C (Phase III) are shown on the conceptual plan. In the event of a conflict between the text of this article and the conceptual plan, the text of this article controls.

(b) Development plan. Development and use of the Property must comply with the development plan (Exhibit 391B). In the event of a conflict between the text of this article and the development plan, the text of this article controls. In the event of a conflict between the conceptual plan and the development plan, the conceptual plan controls. (Ord. Nos. 21871; 25850; 26426)

#### **SEC. 51P-391.105. MAIN USES PERMITTED.**

(a) Agricultural uses.  
-- Crop production.

(b) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Bus or rail transit vehicle maintenance or storage facility. [RAR]
- Catering service.
- Commercial cleaning or laundry plant. [RAR]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP required if spacing component of Section 51A-4.202(8.1) is not met.]
- Machine or welding shop. [RAR]
- Machinery, heavy equipment, or truck sales and services. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. [RAR]

(c) Industrial uses.

- Industrial (inside) for light manufacturing.
- Industrial (inside) not potentially incompatible. [RAR]
- Industrial (inside) potentially incompatible operated as a foundry.
- Industrial (inside) potentially incompatible. [SUP]
- Industrial (outside) not potentially incompatible. [RAR]
- Industrial (outside) potentially incompatible. [SUP]
- Medical/infectious waste incinerator. [SUP]
- Metal salvage facility. [SUP]
- Mining. [SUP]
- Municipal waste incinerator. [SUP]
- Outside salvage or reclamation. [SUP]
- Pathological waste incinerator.
- Special foundry manufacturing facility.
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(d) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Hospital. [SUP]
- Public or private school. [SUP]

(e) Lodging uses.

- Hotel or motel. [RAR]
- Lodging or boarding house. [SUP]

(f) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Hazardous waste management facility.
- Temporary construction or sales office.

(g) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. [RAR]
- Medical clinic or ambulatory surgical center.
- Office.

(h) Recreation uses.

- Country club with private membership.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(i) Residential uses.

- None permitted.

(j) Retail and personal service uses.

- Auto service center. [RAR]
- Bar, lounge, or tavern. [RAR]
- Car wash. [RAR]
- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210(b)(7)(B).]

- Commercial parking lot or garage. [RAR]
- Drive-in theater. [SUP]
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- Home improvement center, lumber, brick, or building materials sales yard.

[RAR]

- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [RAR]

(k) Transportation uses.

- Airport or landing field. [SUP]
- Commercial bus station and terminal. [RAR]
- Heliport. [RAR]
- Helistop. [RAR]
- Railroad passenger station. [SUP]
- Railroad yard, roundhouse, or shops. [RAR]
- STOL (short takeoff or landing) port. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center. [By SUP or city council resolution.

See Section 51A-4.211.]

(l) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical generating plant. [SUP]



- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [RAR]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
- Utility or government installation other than listed. [SUP]
- Water treatment plant. [RAR]

(m) Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Building mover's temporary storage yard. [SUP]
- Contractor's maintenance yard. [RAR]
- Freight terminal. [RAR]
- Livestock auction pens or sheds. [SUP]
- Manufactured building sales lot. [RAR] Mini-warehouse.
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening). [RAR]
- Outside storage (without visual screening). [RAR]
- Petroleum product storage and wholesale. [RAR]
- Recycling buy-back center. [See Section 51A-4.213(11).]
- Recycling collection center. [See Section 51A-4.213(11.1).]
- Recycling drop-off container. [SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]
- Recycling drop-off for special occasion collection. [SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.]
- Sand, gravel, or earth sales and storage. [RAR]
- Trade center.
- Vehicle storage lot.
- Warehouse. [RAR]

(Ord. Nos. 21871; 25850; 26426)

**SEC. 51P-391.106. 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 contained 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 district:

- Accessory community center (private).
- Accessory pathological waste incinerator.
- Home occupation.
- Private stable.

(c) An SUP is required for the accessory medical/infectious waste incinerator use if the facility is used to incinerate more than 225 pounds of waste per hour. (Ord. Nos. 21871; 25850)

## **SEC. 51P-391.107. 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 contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard.

(1) Tract A.

(A) Minimum front yard setback from Joe Field Road is 15 feet, except as shown on the conceptual plan.

(B) No minimum setback is required along Newkirk Street.

(2) Tract B. No minimum setback is required.

(3) Tract C. Minimum setback is 15 feet.

(b) Side and rear yard. Minimum side and rear yard is:

(1) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(2) no minimum in all other cases.

(c) Dwelling unit density. No maximum dwelling unit density.

(d) Floor area ratio. Maximum floor area ratio is 0.5.

(e) Height.

(1) 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. (See Section 51A-4.412.) 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.

(2) Maximum height. Maximum structure height for uses other than a special foundry manufacturing facility is 70 feet. Maximum structure height for a special foundry manufacturing facility other than stacks or similar structures, which emit particles into the air, is 100 feet in the locations shown on the attached development plan (Exhibit 391B). Maximum structure height for stacks or similar structures, which emit particles into the air, is 215 feet in the locations shown on the attached development plan (Exhibit 391B).

(f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. No maximum number of stories. (Ord. Nos. 21871; 25850; 26426)

**SEC. 51P-391.108. OFF-STREET PARKING AND LOADING.**

(a) Off-street parking.

(1) Except as provided in Paragraphs (2) and (3) below, one space per 700 square feet of floor area; a minimum of 250 spaces is required.

(2) For a special foundry manufacturing facility, one space per 1,000 square feet of floor area is required.

(3) Tracts A, B, and C are considered one lot for the purpose of determining compliance with off-street parking requirements.

(b) Off-street loading. Consult the use regulations contained in Division 51A-4.200 for the specific off-street loading requirements for each use. (Ord. Nos. 21871; 25850; 26426)

**SEC. 51P-391.109. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. Nos. 21871; 25850)

**SEC. 51P-391.110. LANDSCAPING.**

All landscaping must be provided and installed in accordance with Article X. All plant material must be maintained in a healthy, growing condition at all times. (Ord. Nos. 21871; 25850)

**SEC. 51P-391.111. SIGNS.**

Signs must comply with the provisions for business zoning districts contained in Article VII. (Ord. Nos. 21871; 25850)

**SEC. 51P-391.112. MAINTENANCE.**

The entire premises must be properly maintained in a state of good repair and neat appearance at all times. (Ord. Nos. 21871; 25850)

**SEC. 51P-391.113. ADDITIONAL PROVISIONS.**

Development and use of the Property must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. (Ord. Nos. 21871; 25850)

**SEC. 51P-391.114. PAVING.**

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. 21871; 25850)

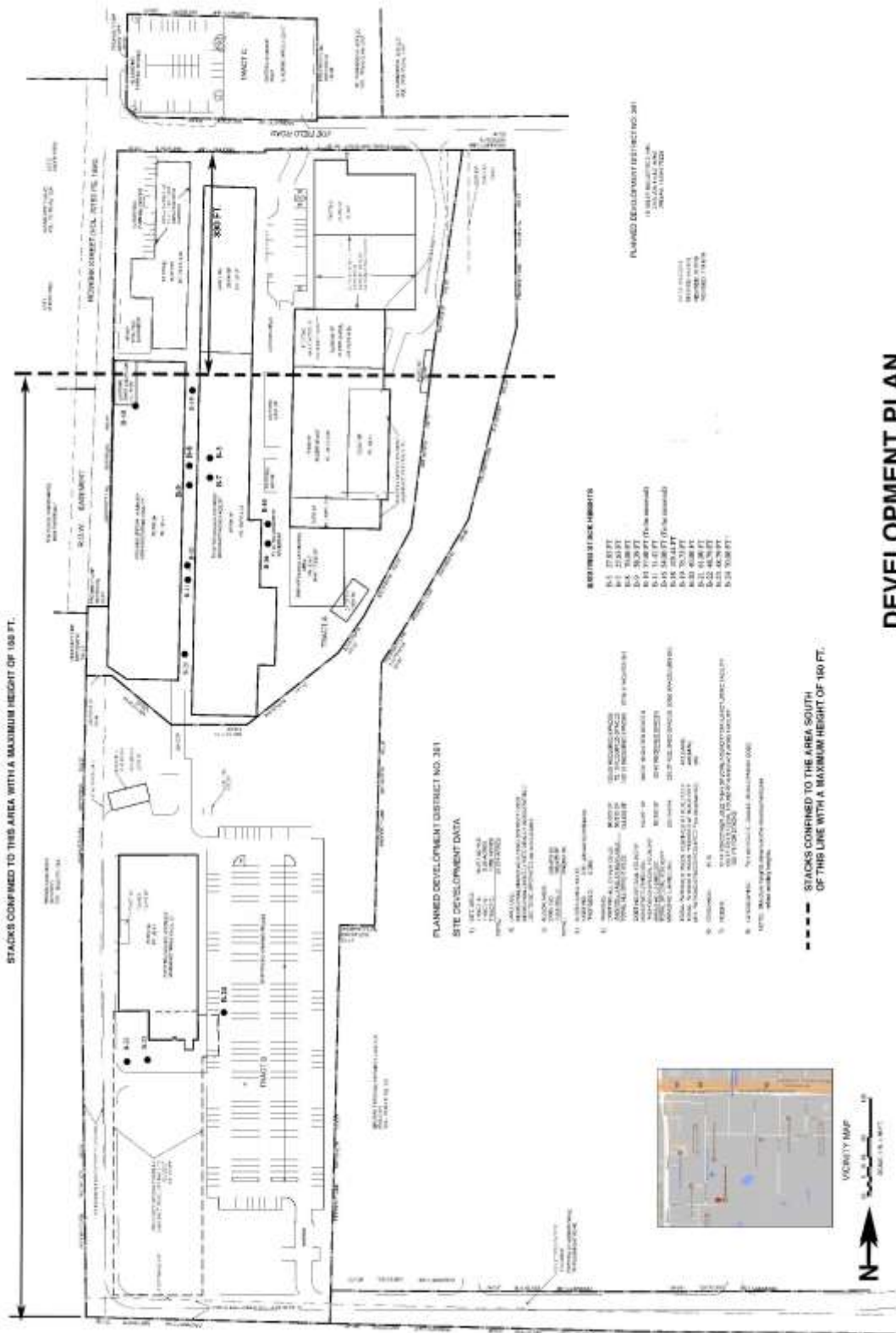
**SEC. 51P-391.115. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 21871; 25850)

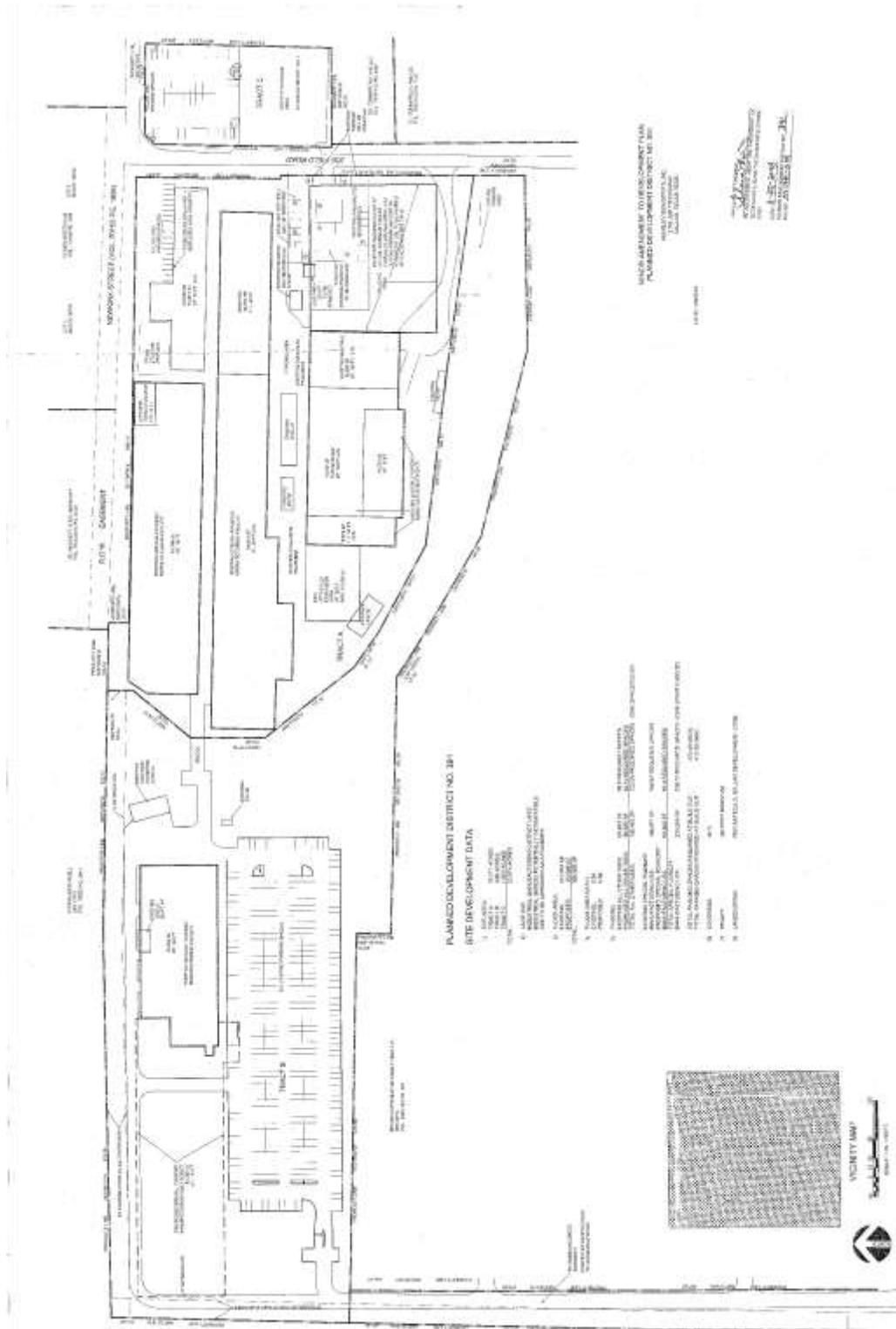
**SEC. 51P-391.116. ZONING MAP.**

PD 391 is located on Zoning Map No. E-4. (Ord. Nos. 21871; 25850)

# CPC RECOMMENDED DEVELOPMENT PLAN



## EXISTING DEVELOPMENT PLAN

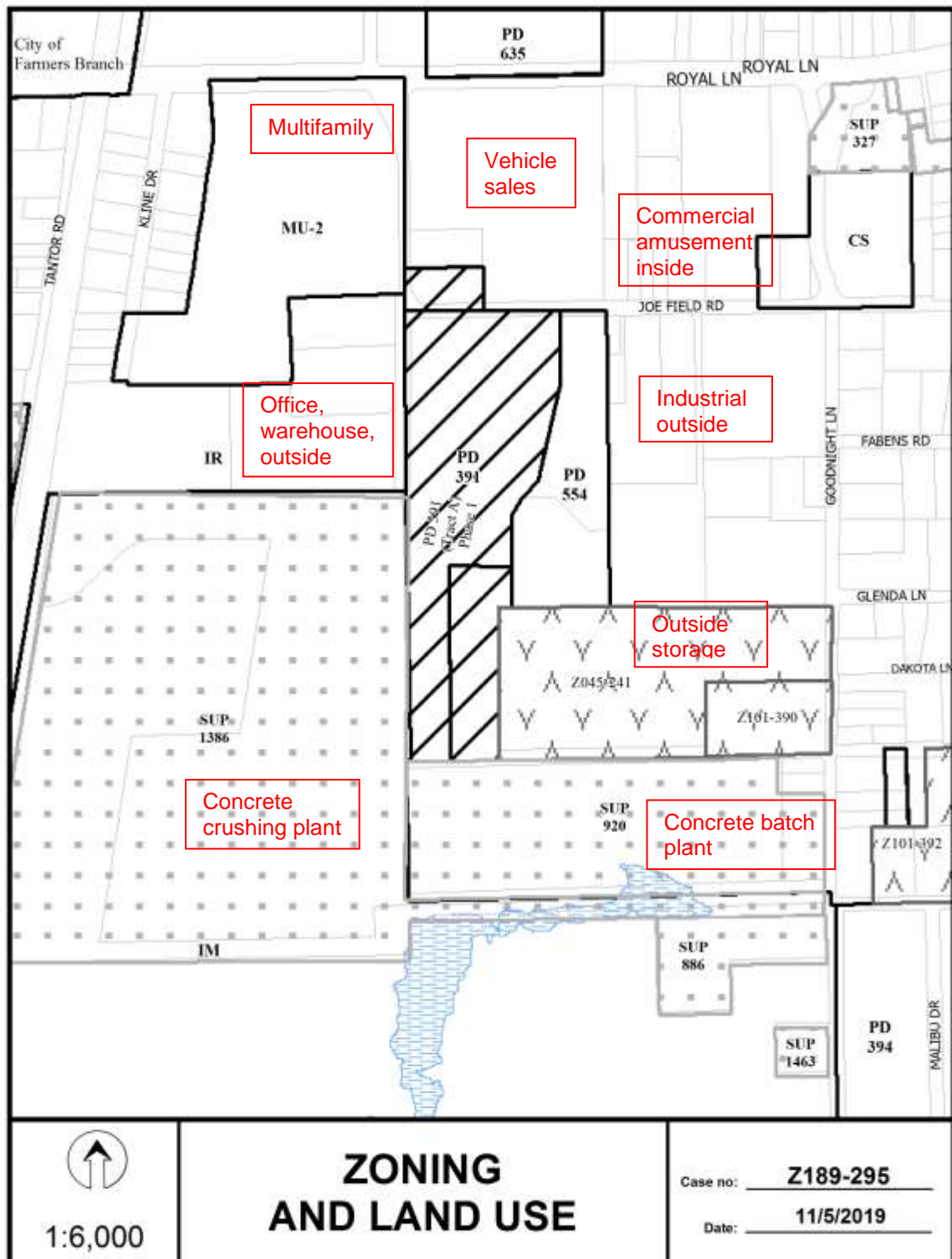


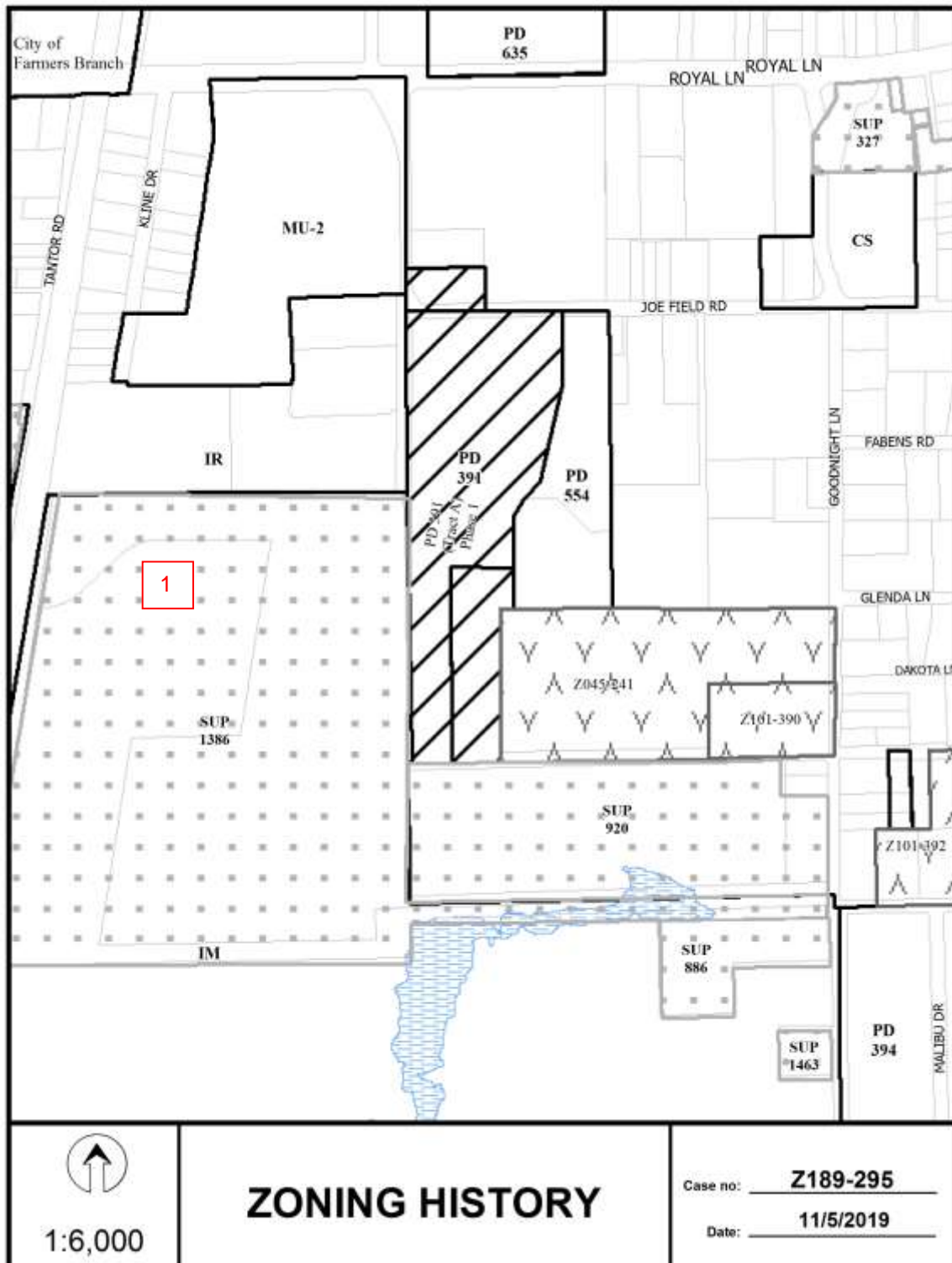


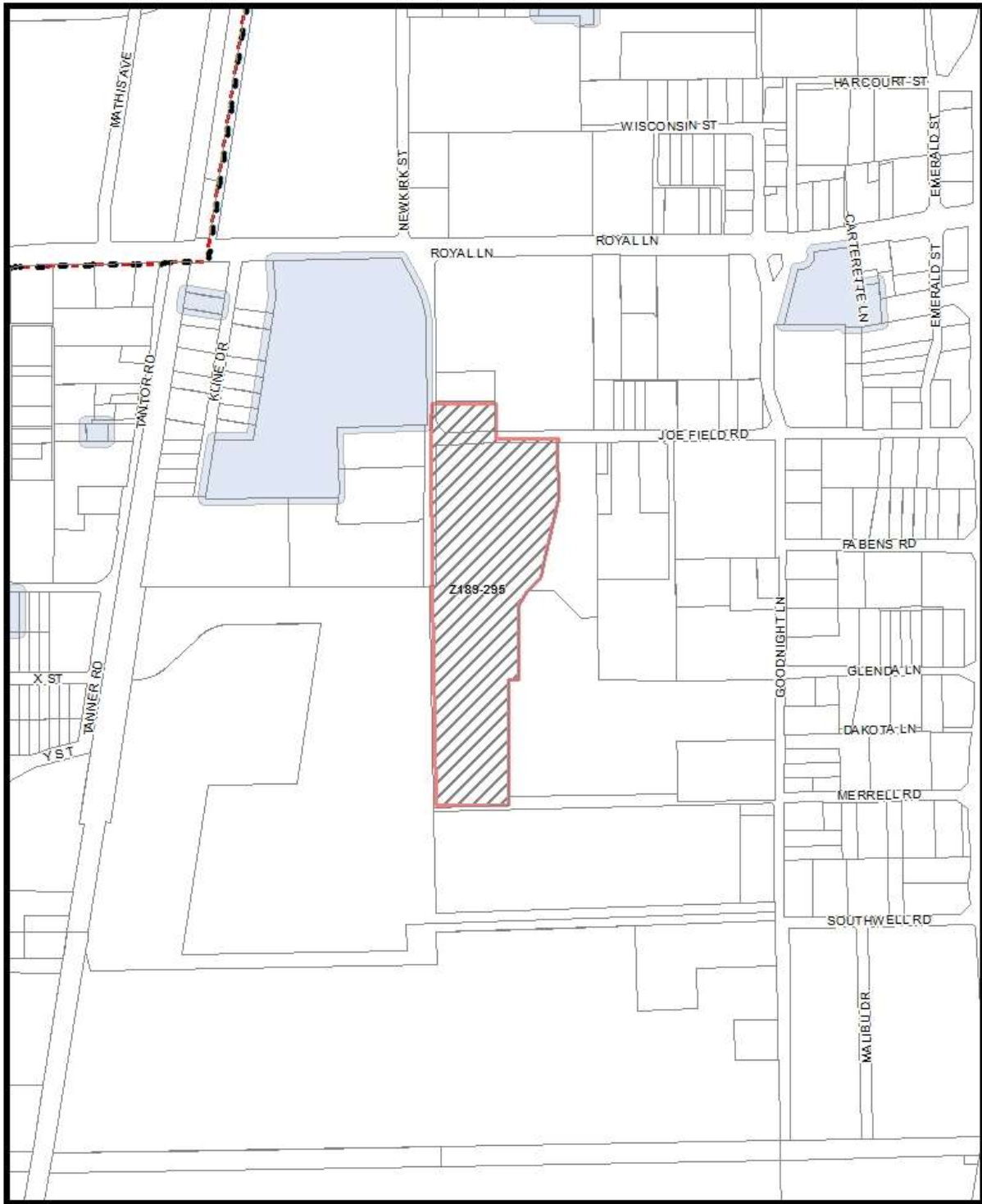












Market Value Analysis

A B C D E F G H I NA

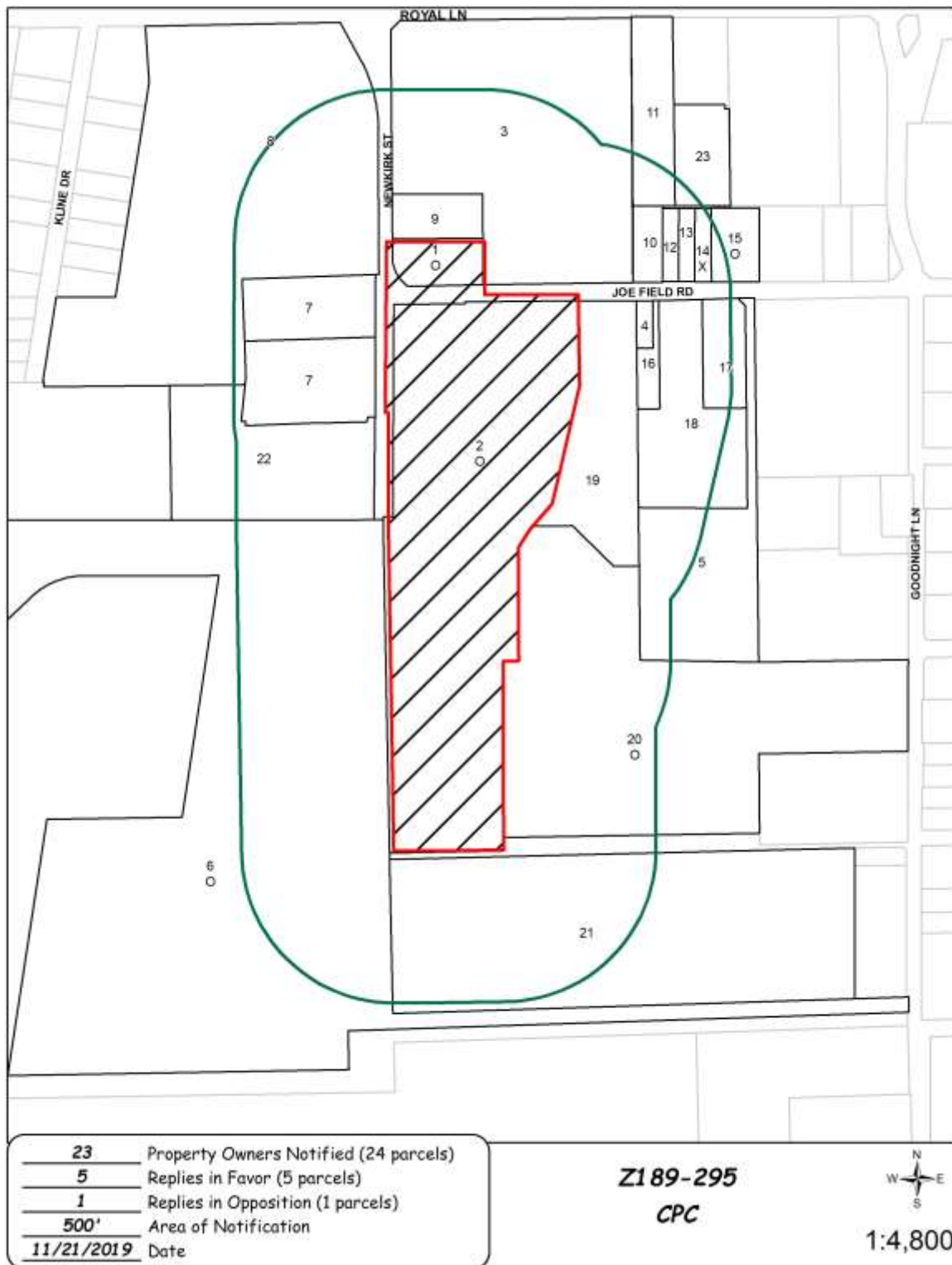


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Market Value Analysis

Printed Date: 11/5/2019

CPC RESPONSES



11/20/2019

***Reply List of Property Owners******Z189-295******23 Property Owners Notified******5 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	11306 NEWKIRK ST	HENSLEY INDUSTRIES INC
O	2	2108 JOE FIELD RD	HENSLEY G H
	3	2144 ROYAL LN	321 COMMERCIAL AVE LLC &
	4	2204 JOE FIELD RD	HYDRATECH SALES&LEAS CO
	5	2226 JOE FIELD RD	UNITED STATES OF AMERICA
O	6	11101 NEWKIRK ST	BROWN SOUTHWELL PPTIES
	7	11301 NEWKIRK ST	COHEN CHARLES INC
	8	11349 NEWKIRK ST	ROYAL LANE VILLAGE LTD
	9	11310 NEWKIRK ST	AMINI KUROSH H
	10	2203 JOE FIELD RD	TODD & JAN HOLDINGS LTD
	11	2208 ROYAL LN	MAHESHWARI DALLAS LP
	12	2207 JOE FIELD RD	SMITH GREGORY ETUX
	13	2215 JOE FIELD RD	SMITH GREGORY & CATHY
X	14	2219 JOE FIELD RD	BARBARA DAVID M
O	15	2223 JOE FIELD RD	MAYRIE PROPERTIES LLC
	16	2206 JOE FIELD RD	ARNIM TOOL CO INC
	17	2238 JOE FIELD RD	EMKAY REAL EST DEV LP
	18	2230 JOE FIELD RD	JOEFIELD INC
	19	2184 JOE FIELD RD	METRO BRICK & STONE CO
O	20	11200 GOODNIGHT LN	BROWN LEWISVILLE RAILROAD
	21	11143 GOODNIGHT LN	AUSTIN INTERNATIONAL
	22	11235 NEWKIRK ST	M & H CHOI INVESTMENTS
	23	2216 ROYAL LN	DALLAS PACIFIC INV LTD



## Agenda Information Sheet

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**File #:** 19-2006

**Item #:** Z4.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned Planned Development District No. 85, on the northeast corner of Greenville Avenue and Pineland Drive, south of Walnut Hill Lane  
Recommendation of Staff and CPC: Approval  
Z189-323(AU)

**FILE NUMBER:** Z189-323(AU)

**DATE FILED:** July 29, 2019

**LOCATION:** Northeast corner of Greenville Avenue and Pineland Drive, south of  
Walnut Hill Lane

**COUNCIL DISTRICT:** 13

**MAPSCO:** 26 Q

**SIZE OF REQUEST:** +/- 24.47 Acres

**CENSUS TRACT:** 0078.15

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**REPRESENTATIVE:** Suzan Kedron, Jackson Walker LLP

**OWNER/APPLICANT:** Venue Real Estate Holdings PO LLC, 3 Hombres LP,  
Vickery Meadow Real Estate Holdings PO LLC, Old Vickery  
Park Holdings LLC

**REQUEST:** An application for an MU-2 Mixed Use District on property  
zoned Planned Development District No. 85

**SUMMARY:** The applicant proposes to redevelop the property with a mix  
of uses to include retail, restaurant, multifamily, and hotel  
uses.

**CPC RECOMMENDATION:** Approval.

**STAFF RECOMMENDATION:** Approval.

## **BACKGROUND INFORMATION**

- The 24.47-acre request site is comprised of eight parcels generally located on the northwest corner of Greenville Avenue and Pineland Drive, west of Southern Pacific Trail (SoPAC). The request site is crossed by Jenkins Branch Creek that further connects with White Rock Creek and Harry S. Moss Park to the west. Belco Drive, an internal publicly accessible private street, connects the interior parcels from Pineland Drive.
- The area of request is zoned Planned Development District No. 85 and is partly occupied with a multifamily development (The Venue at Greenville, Phase 1 and Phase 2), located south of Belco Drive, and a retail use (Calloway's Nursery) located on the northeast corner of the request site, along Greenville Avenue. The rest of the site was recently demolished and is currently undeveloped.
- Planned Development District No. 85 was established on September 22, 1975 and is comprised of 28.098 acres. PD No. 85 is divided in a retail area for Shopping Center District uses in Chapter 51, an office area, for O-2 Office District uses in Chapter 51, and an apartment area for MF-3 Multiple-family District uses in Chapter 51.
- The parcels south of Belco Drive, comprising the west part of the request site, are located within the apartment area of PD No. 85, the parcels along Greenville Avenue and on the northwest side of Belco Drive, are located within the retail area, and the parcels northeast of Belco Drive are located within the office area of PD No. 85.
- The applicant proposes to redevelop the property with a mix of uses to include retail, restaurant, multifamily, and hotel uses.

## **Zoning History**

There has been one zoning request in the area within the last five years.

1. **Z167-161:** On October 24, 2018, the City Council approved the renewal of Specific Use Permit No. 1343 for a drive-through restaurant, for a twenty-year period, on property zoned Planned Development District No. 76, located north of Walnut Hill Lane, west of Greenville Avenue.



**Thoroughfares/Streets**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Greenville Avenue	Principal Arterial	120 feet	100 feet Bike plan
Pineland Drive	Community Collector	57 feet	60 feet Bike Plan

**Traffic**

The applicant submitted a Traffic Impact Analysis (TIA) that identifies the traffic generation characteristics and potential traffic related impacts on the adjacent street system.

The TIA estimates that the development is expected to generate approximately 850 new weekday AM peak hour one-way vehicle trips and 1,148 new weekday PM peak one-way vehicle trips at buildout. The proposal does not include the redevelopment of the existing multifamily on the southern and southeastern portions of the request site, therefore the TIA estimates that there will be no additional traffic generated by the multifamily portions.

The TIA indicates that, based on the analysis, the proposed mixed-use development can be successfully incorporated into the surrounding roadway network and the site-generated traffic will not significantly affect the existing vehicle traffic operations.

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.

**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 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. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

**GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

**Policy 1.3.1** Create housing opportunities throughout Dallas.

**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 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

**Policy 2.5.2** Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

**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.

**Surrounding Land Uses**

Area	Zoning	Use
<b>Site</b>	PD No. 85	Retail, multifamily, undeveloped
<b>North</b>	PD No. 453 PD No. 85	Hospital, office, medical office, undeveloped
<b>East</b>	R-7.5(A) with SUP No. 391	Southern Pacific Trail (SoPAC Trail), transfer refuse station, park
<b>South Southeast</b>	MF-1(A), TH-3(A)	Multifamily
<b>Southwest</b>	MF-1(A), GO(A) with Deed Restrictions, PD No. 96	Multifamily, community center, office, medical office
<b>West Northwest</b>	PD No. 453	Hospital

### **Land Use Compatibility**

The 24.47-acre request site is comprised of eight parcels generally located on the northwest corner of Greenville Avenue and Pineland Drive, west of Southern Pacific Trail (SoPAC). The request site is crossed by Jenkins Branch Creek that further connects with White Rock Creek and Harry S. Moss Park to the west. Belco Drive, an internal publicly accessible private street, connects the interior parcels from Pineland Drive.

The area of request is partly occupied with a multifamily development (The Venue at Greenville, Phase 1 and Phase 2), located south of Belco Drive, and a retail use (Calloway's Nursery) located on the northeast corner of the request site, along Greenville Avenue. The rest of the site was recently demolished and is currently undeveloped.

The area of request is surrounded by Texas Health Presbyterian Hospital campus and medical offices to the north and west; by residential uses, mainly multifamily, to the south, and by Jenkins Branch Creek with Harry S Moss Park and Southern Pacific Trail (SoPAC) to the east. Walnut Hill DART rail station is approximately 2 miles northwest of the request site.

The site is zoned Planned Development District No. 85, which was established on September 22, 1975 and refers to Chapter 51, which was replaced by the current Development Code, Chapter 51A. PD No. 85 is divided in three areas. The parcels south of Belco Drive, comprising the west part of the request site, are located within the apartment area (MF-3) of PD No. 85. The parcels along Greenville Avenue and on the northwest side of Belco Drive, are located within the retail area (SC). The parcels northeast of Belco Drive are located within the office area (O-2) of PD No. 85.

The applicant is proposing to rezone the entire site to an MU-2 Mixed Use District and to redevelop the property with a mix of uses to include retail, restaurant, multifamily, and hotel uses. The MU-2 District is intended to provide for the development of medium density retail, office, hotel, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel.

The following chart compares the uses as allowed by the existing PD 85 with the uses allowed by the proposed MU-2 district.

**P** indicates permitted by right.

**SUP** indicates permitted with a Specific Use Permit.

**RAR** indicates permitted, but subject to Residential Adjacency Review.

**LMTD** indicates permitted, but subject to limitations; or by special authorization of the building official; or director approval

*Italic font indicated use as mentioned in Development Code Chapter 51 per PD 85.*

	<b>EXISTING</b> PD No. 85 (Standards per Chapter 51)			<b>PROPOSED</b> <b>MU-2</b> (Standards per Chapter 51A)
	<b>Shopping Center SC Area</b>	<b>Office O-2 Area</b>	<b>Apartment MF-3 Area</b>	<b>MU-2</b>
<b>Agricultural Uses</b>				
Crop production				P
<i>Farm or ranch</i>	P	P	P	
<b>Commercial and business service uses</b>				
Catering service	P			P
Custom business service				P
Electronics service center				P
Labor hall				SUP
Medical or scientific laboratory				P
Tool or equipment rental				P
<b>Industrial uses</b>				
Gas drilling and production				SUP
Temporary concrete or asphalt batching plant				LMTD
<i>Mining</i>	SUP	SUP		
<b>Institutional and community service uses</b>				
Adult day-care facility	P	SUP	SUP	P
Cemetery or mausoleum	SUP	SUP	SUP	SUP
Child-care facility	P	SUP	SUP	P
Church	P	P	P	P
College, university or seminary	P	P	P	P
Community service center				SUP
Convalescent and nursing homes, hospice care, and related institutions			P	RAR
Covent or monastery	P	P	P	P
Foster home	P	SUP	SUP	P
Halfway house				SUP
Hospital	P	SUP	SUP	SUP
Library, art gallery, or museum	P	P	P	P
Open-enrollment charter school or private school				SUP
Public school other than open-enrollment charter school	P	P	SUP	RAR
<i>Rectory</i>	P	P	P	
<b>Lodging uses</b>				
Extended stay hotel or motel	SUP			SUP
Hotel or motel	LMTD	LMTD		RAR
Overnight general purpose shelter	SUP			LMTD
<i>Lodging or boarding house</i>			P	
<b>Miscellaneous uses</b>				
Attached non-premise sign				SUP
Carnival or circus (temporary)				LMTD
Temporary construction or sales office				P

	<b>EXISTING</b> PD No. 85 (Standards per Chapter 51)			<b>PROPOSED</b> <b>MU-2</b> (Standards per Chapter 51A)
	<b>Shopping Center SC Area</b>	<b>Office O-2 Area</b>	<b>Apartment MF-3 Area</b>	<b>MU-2</b>
<b>Office uses</b>				
Alternative financial establishment				SUP
Financial institution without drive-in window	P	P		P
Financial institution with drive-in window	P	P		LMTD
Medical clinic or ambulatory surgical center	P	P		P
Office	P	P		P
<i>Medical or scientific laboratory</i>	P	P		
<i>Temporary construction or sales office</i>	P	P	P	
<b>Recreation uses</b>				
Country club with private membership			SUP	P
Private recreation center, club, or area	P	SUP	SUP	P
Public park, playground, or golf course	P	P	P / SUP for gold course	P
<i>Community, welfare, or health center</i>	P	SUP	SUP	
<i>Game court center</i>	P			
<b>Residential uses</b>				
College, dormitory, fraternity, or sorority house	P	P	P	P
Duplex	P	P	P	P
Group residential facility			LMTD	P
Multifamily	P	P	P	P
Residential hotel				P
Retirement housing			P	P
<i>Single-family</i>	P	P	P	P
<i>Handicapped group dwelling unit</i>	LMTD	LMTD	LMTD	
<b>Retail and personal service uses</b>				
Alcoholic beverage establishments	SUP		SUP	P
Animal shelter or clinic without outside runs	P	P		RAR
Auto service center	P	LMTD		RAR
Business school	P	P		P
Car wash	P			RAR
Commercial amusement (inside)	P			SUP may be req.
Commercial amusement (outside)	SUP			SUP
Commercial parking lot or garage				RAR
Convenience store with drive-through				SUP
Dry cleaning or laundry store	P		LMTD	P
Furniture store				P
General merchandise or food store 3,500 square feet or less	P			P
General merchandise or food store 3,500 square feet or more	P			SUP
Household equipment and appliance repair				P

	<b>EXISTING</b> PD No. 85 (Standards per Chapter 51)			<b>PROPOSED</b> <b>MU-2</b> (Standards per Chapter 51A)
	<b>Shopping Center SC Area</b>	<b>Office O-2 Area</b>	<b>Apartment MF-3 Area</b>	<b>MU-2</b>
Liquor store				P
Mortuary, funeral home, or commercial wedding chapel				P
Motor vehicle fueling station				P
Nursery, garden shop, or plant sales				P
Paraphernalia shop				SUP
Personal service uses				P
Restaurant without drive-in or drive-through service	P	LMTD	LMTD	RAR
Restaurant with drive-in or drive-through service				LMTD
Swap or buy shop				SUP
Temporary retail use				P
Theater	P		SUP	P
Optical shop	P	P		
Medical appliance fitting sales	P	P		
Wax museum	P	SUP		
Carnival or circus (temporary)	LMTD			
Private club	P	LMTD	LMTD	
Barber and beauty shop	P	LMTD	LMTD	
Health studio	P	LMTD	LMTD	
Custom cleaning shop	P	LMTD	LMTD	
Key shop	P			
Shoe repair	P			
Tailor, custom sewing, and millinery	P			
Travel bureau	P	LMTD		
Broadcasting or recording studio	P	P		
Instructional art studio	P	P		
Handcrafted art work studio	P			
Handcrafted bookbinding	P			
Photography studio	P	LMTD		
Safe deposit boxes	P			
Commercial wedding chapel	P			
Antique shop	P			
Retail food store	P		LMTD	
Bakery or confectionary shop	P			
Book and stationary store	P		LMTD	
Camera shop	P			
Cigar, tobacco, and candy store	P	LMTD	LMTD	
Clothing store	P			
Drug store	P	LMTD	LMTD	
Liquor store	P		P	
Florist store	P			
Pet shop	P			
Furniture store	P			

	<b>EXISTING</b> PD No. 85 (Standards per Chapter 51)			<b>PROPOSED MU-2</b> (Standards per Chapter 51A)
	<b>Shopping Center SC Area</b>	<b>Office O-2 Area</b>	<b>Apartment MF-3 Area</b>	<b>MU-2</b>
<i>Second hand store</i>	P			
<i>Pawn shop</i>	P			
<i>Hardware or sporting goods store</i>	P			
<i>Home improvement center</i>	P			
<i>Hobby and art supplies store</i>	P			
<i>Paint and wallpaper store</i>	P			
<i>Auto glass, muffler, or seat cover shop</i>	P			
<i>Auto part sales (inside only)</i>	P			
<i>Auto repair garage (inside)</i>	P			
<b>Transportation uses</b>				
Helistop	SUP	SUP	SUP	SUP
Railroad passenger station				SUP
Transit passenger shelter	P	P	P	P
Transit passenger station or transfer center				SUP
<i>Airport or landing field</i>	P	P	P	
<i>STOL (short takeoff or landing) port</i>	P			
<b>Utility and public service uses</b>				
Commercial radio or television transmitting station				P
Electrical substation	SUP	SUP	SUP	P
Local utilities	LMTD	LMTD	LMTD	SUP or RAR
Police or fire station				P
Post office	P	P	SUP	P
Radio, television, or microwave tower	P	P	SUP	SUP
Tower/antenna for cellular communication	LMTD	LMTD	LMTD	P
Utility or government installation, other than listed	SUP	SUP	SUP	SUP
<i>Sewage pump station</i>	P	P	P	
<i>Sewage treatment plant</i>	SUP	SUP		
<i>Telephone exchange, switching, and transmitting equipment</i>	P	P	P	
<i>Water reservoir, well, or pumping station</i>	P	P	P	
<i>Water treatment plant</i>	P	SUP		
<b>Wholesale, distribution, and storage uses</b>				
Mini-warehouse				SUP
Recycling buy-back center				P
Recycling collection center	P (aluminum collection)			P
Recycling drop-off container				P
Recycling drop-off for special occasion collection				P
<i>Diamond and precious stone sales (wholesale only)</i>	P	P		

The most significant change regarding the uses is the creation of a single district that will allow the mix of uses throughout the area of request instead of separating them into subdistricts dedicated to multifamily, retail and office, as they are now.

There is also a difference between how uses were categorized by Chapter 51 versus the categories in Chapter 51A. Chapter 51 detailed and identified the retail and personal service uses, Chapter 51A is more general regarding the retail and personal service uses, recognizing the dynamic and changes of these types of uses in general.

More explicitly, the following uses will no longer be allowed: farm or ranch, mining, lodging or boarding house, airport or landing field and STOL (short takeoff or landing) port. Also, regarding residential uses, single-family, handicapped group dwelling unit, and foster home, will not be allowable uses either.

Considering the necessity for a diverse mix of uses in the area and the benefits of bringing this area to the regulations and standards of the current Development Code, Chapter 51 A, staff supports the proposed zoning change.

### **Development Standards**

The following chart compares the standards as allowed by the existing PD No. 85 with the standards allowed by the proposed MU-2 district.

STANDARDS CHAPTER 51	PD No. 85 (Standards per Chapter 51)			MU-2 (Standards per Chapter 51A)
	Retail area Shopping Center / SC	Office area O-2	Apartment area MF-3	
Yard				
Front (min)	30'	25'	15'	15' <b>Urban form setback:</b> Additional 20' for any portion over 45' high
Side (min)	5' for Duplex 10' otherwise			20' if adj or across R, D, TH, CH, MF Otherwise: none <b>Tower spacing requirements:</b> Additional 1' for each 2' above 45' – for the portions above 45'. To a total setback of 30'.
Rear (min)				
Duplex	10'	10'	10'	
MF less than 36' high	15'	15'	15'	
MF more than 36'	25'	25'	25'	
Other	NA	10'	25'	



STANDARDS CHAPTER 51	PD No. 85 (Standards per Chapter 51)			MU-2 (Standards per Chapter 51A)
	Retail area Shopping Center / SC	Office area O-2	Apartment area MF-3	
Density				Varies depending on being a mixed use project: Base: 50 DU/Acre Mix of 2: 75 DU/Acre Mix of 3: 100 DU/Acre MU-2 SAH (affordable) has different density scheme depending on number of affordable units provided; to a max of 180 DU/Acre
Lot Coverage (max)	60% for residential 40% non-r		60% for residential 50% non-r	80% (aboveground parking is included; surface and garage parking are not)
Lot area per DU (min)				
SF	1,000 sf		1,000 sf	No min.
Duplex	3,000 sf		2,500 sf	
No separate bedrooms	100 sf		100 sf	
One bedroom	125 sf		125 sf	
Two bedrooms	150 sf		150 sf	
More than 2 bedrooms (+/each bedroom)	25 sf		25 sf	
Lot width (min)				
SF	18'			No min.
Duplex	50'			
MF less than 36' high	60'	50'		
MF more than 36'	100'			
Lot depth for residential uses (min)	100'			
Height (max)	48'			Base: 135' / 10 stories MUP (with retail): 180' / 14 stories Parking garages are exempt. RPS for portions over 26'
FAR (max)	1:1	4:1		Varies depending on being a mixed-use project, per the uses to be mixed: 1.6:1 1.8:1 2.0:1 2.25:1

STANDARDS CHAPTER 51	PD No. 85 (Standards per Chapter 51)			MU-2 (Standards per Chapter 51A)
	Retail area Shopping Center / SC	Office area O-2	Apartment area MF-3	
Other	All retail must front or be oriented towards the creek. No frontage on Greenville for liquor or food stores.			<b>Development impact review:</b> if the estimated trip generation for all uses collectively $\geq 6,000$ trips/day and 500 trips/acre/day <b>Visual intrusion:</b> for facing single family, duplex, townhome, and multifamily districts.

The most significant change is the increase in height that would be allowed under the MU-2 District as compared to PD-85. PD-85 allows a maximum height of 48 feet, MU-2 allows a base of 135 feet with the possibility of increase under a bonus for mixed uses. Staff supports this change, considering the overall benefits of an MU-2 District.

The MU-2 District contains the standards for a denser urban form with a better street presence and urban design. These standards include narrower front yard, larger side and rear yards with specifications for tower spacing, while being more restrictive on the intensity of development and limiting the FAR and height compared to PD No. 85. A key component of the MU-2 District standard is the provision for the above-ground parking garage to count towards the lot coverage, thus encouraging the underground parking.

The bonus schemes available within an MU-2 District to encourage the mix of uses and affordable housing, are also an overall update that is ensuring that development will accomplish the desired vision for the city overall. The MU-2 District bonus scheme is allowing an increase in density without increasing the height and FAR. It is important to note that the Dallas Development Code, Chapter 51A, is also including urban design standards for obtaining the desired density bonuses.

Considering the necessity for a denser and more walkable urban form, especially in areas in the vicinity of public transit, denser residential, and recreation areas, and appreciating the benefits of bringing this area to the regulations and standards of the actual and updated Chapter 51A, staff supports the proposed zoning change.

### **Parking**

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200.

### **Landscaping**

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

### **Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The southeastern portion of the request area is located within a Category “E”, the rest being not categorized. The area surrounding the request site to the south and southeast is also located within a Category “E”.

**LIST OF PARTNERS**

**Venue Real Estate Holdings PO, LLC (land owner)**

**Anson Reilly** – Sole Manager, Senior Vice President, Secretary, Treasurer

**3 Hombres, LP (land owner)**

**G-Whis Company, Inc.** – General Partner

**David Whisenant** - President

**Guion Gregg III** – Secretary

**Vickery Meadow Real Estate Holdings PO, LLC (land owner and applicant)**

**Anson Reilly** – Sole Manager, Senior Vice President, Secretary, Treasurer

**Old Vickery Park Holdings, LLC (land owner)**

**Michael Nazarian** – President

**Rachel Nazarian** – Officer

**Rebekah Nazarian** – Officer

**Greenville Ave RE Holdings PO, LLC (ground lessee)**

**Anson Reilly** – Sole Manager, Senior Vice President, Secretary, Treasurer

**Greenville Ave RE Holdings II PO, LLC (ground lessee)**

**Anson Reilly** – Sole Manager, Senior Vice President, Secretary, Treasurer

Z189-323(AU)

**CPC Action**  
**October 17, 2019**

**Z189-323(AU)**

Planner: Andreea Udrea

**Motion:** In considering an application for an MU-2 Mixed Use District on property zoned Planned Development District No. 85, on the northeast corner of Greenville Avenue and Pineland Drive, south of Walnut Hill Lane, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: Murphy  
Second: MacGregor  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley

Against: 0  
Absent: 0  
Vacancy: 2 - District 3, Place 15

<b>Notices:</b> Area:	400	<b>Mailed:</b>	253
<b>Replies:</b> For:	5	<b>Against:</b>	0

**Speakers:** None

Z189-323(AU)

**CPC Action**  
**November 7, 2019**

**Z189-323(AU)**

Planner: Andreea Udrea

**Motion:** It was moved to recommend **approval** of an MU-2 Mixed Use District on property zoned Planned Development District No. 85, on the northeast corner of Greenville Avenue and Pineland Drive, south of Walnut Hill Lane.

Maker: Murphy  
Second: MacGregor  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope\*, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

\*out of the room, shown voting in favor

**Notices:** Area: 400 Mailed: 253  
**Replies:** For: 12 Against: 0

**Speakers:** For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201  
Against: None

**EXISTING REGULATIONS  
PLANNED DEVELOPMENT DISTRICT NO 85.**

**ARTICLE 85.  
PD 85.**

**SEC. 51P-85.101. LEGISLATIVE HISTORY.**

PD 85 was established by Ordinance No. 14991, passed by the Dallas City Council on September 22, 1975. Ordinance No. 14991 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas, as amended. Ordinance No. 14991 was amended by Resolution No. 76-1765, passed by the Dallas City Council on July 6, 1976; Resolution No. 76-2937, passed by the Dallas City Council on November 8, 1976; Resolution No. 77-1114, passed by the Dallas City Council on April 25, 1977; Resolution No. 77-1278, passed by the Dallas City Council on May 9, 1977; Ordinance No. 15838, passed by the Dallas City Council on May 31, 1978; Resolution No. 78-1527, passed by the Dallas City Council on May 31, 1978; Resolution No. 78-1599, passed by the Dallas City Council on June 7, 1978; Resolution No. 83-0764, passed by the Dallas City Council on March 2, 1983; Resolution No. 90-1944, passed by the Dallas City Council on June 13, 1990; Ordinance No. 20855, passed by the Dallas City Council on January 9, 1991; and Ordinance No. 21536, passed by the Dallas City Council on January 13, 1993. (Ord. Nos. 10962; 14991; 15838; 20855; 21536; 25423; Res. Nos. 76-1765; 76-2937; 77-1114; 77-1278; 78-1527; 78-1599; 83-0764; 90-1944)

**SEC. 51P-85.102. PROPERTY LOCATION AND SIZE.**

PD 85 is established on property generally located at the northeast corner of Greenville Avenue and Pineland Drive. The size of PD 85 is approximately 28.098 acres. (Ord. Nos. 14991; 25423)

**SEC. 51P-85.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 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 51. (Ord. 25423)

**SEC. 51P-85.104. CONCEPTUAL PLAN.**

A conceptual plan (Exhibit 85A) indicating use districts by tracts, as approved by the city plan commission on March 9, 1978, replaces and supersedes any previously adopted conceptual plans. (Ord. Nos. 15838; 25423)

**SEC. 51P-85.105. DEVELOPMENT PLAN.**

(a) A detailed development plan for the area designated as Phase I on the conceptual plan must be submitted to the city plan commission within six months after the passage of Ordinance No. 14991. A plan may be submitted on either Area "A" or Area "B" or Areas "A" and "B" of Phase I. A Phase I plan must be approved by the city plan commission, signed by the director of development services, and attested by the chair of the city plan commission prior to the issuance of a building permit within the boundaries of the designated phase.

(b) A detailed development plan must also be submitted and approved by the city plan commission, signed by the director of development services and attested by the chair of the city plan commission on each subsequent phase of development prior to the issuance of a building permit within that phase.

(c) Each approved development plan must be attached to and made a part of the ordinance through resolution of the city council. Development within this PD must comply with the approved development plans.

(d) A development plan for Phase I, Area "A" is labelled Exhibit 85B. A development plan for Phase I, Area "B" is labelled Exhibit 85C. A development plan for the first phase of the retail area is labelled Exhibit 85D. A development plan for the second phase of the retail area is labelled Exhibit 85E. A development plan for the first phase of the office area is labelled Exhibit 85F. A development plan for the second phase of the office area is labelled Exhibit 85G. (Ord. Nos. 14991; 20855; 25423; 26782; Res. Nos. 76-2937; 77-1114; 77-1278; 78-1599; 83-0764)

**SEC. 51P-85.106. USES.**

(a) In general. Uses permitted within this PD must comply with the following provisions.

(b) Retail area. All uses permitted in the Shopping Center District of the Comprehensive General Zoning Ordinance of the city are permitted, except as noted below. Uses not permitted are as follows:

(1) Convenience or major grocery stores (specialty stores selling groceries as a side line and where the main items for sale are not groceries are permitted).

(2) Motor vehicles and related uses as referenced in Section 10-213 of the Comprehensive General Zoning Ordinance of the city.

(3) Stores where the sale of alcoholic beverages is the primary item sold (specialty stores featuring wine or cheese and stores selling alcoholic beverages as a side line are permitted subject to Paragraph (b)(4) of this section).

(4) A specific use permit is required to locate any use in this area if the sale or service of alcohol is part of the operation of the use.



(c) Office area. Except as otherwise provided in this subsection, the only main uses permitted in this area are those main uses permitted in the O-2 Office District, subject to the same conditions applicable in the O-2 Office District, as set out in Chapter 51. For example, a use permitted in the O-2 Office District only by specific use permit (SUP) is permitted in this area only by SUP; a use subject to a development impact review (DIR) in the O-2 Office District is subject to DIR in this area. The hospital and ambulatory surgical center uses are permitted by right in Phase I of the office area.

(d) Apartment area. All uses permitted within the Multiple-Family-3 District of the Comprehensive General Zoning Ordinance of the city as well as private community center uses including related recreational facilities such as swimming pools, tennis courts, club house, cabanas, etc., are permitted. (Ord. Nos. 21536; 25423; 26102; 26782)

#### **SEC. 51P-85.107. LANDSCAPE PLAN.**

(a) A landscape plan must be submitted along with each development plan for approval by the city plan commission, and landscaping must be provided and maintained in a healthy growing condition in accordance with the landscape plans. The landscape plan must be attached to and made a part of Ordinance No. 14991 by resolution of the city council. Detailed landscaping may be shown only in conjunction with each development plan submitted; however, any landscape plan submitted must indicate all existing trees to be retained on the entire site.

(b) A landscape plan for Phase I, Area “A” is labelled Exhibit 85H. A landscape plan for Phase I, Area “B” is labelled Exhibit 85I. A landscape plan for the first phase of the retail area is labelled Exhibit 85J. A landscape plan for the second phase of the retail area is labelled Exhibit 85K. A landscape plan for the first phase of the office area is labelled Exhibit 85L. A landscape plan for the second phase of the office area is labelled Exhibit 85M. (Ord. Nos. 14991; 20855; 25423; 26782; Res. Nos. 76-1765; 77-1114; 77-1278; 78-1527; 78-1599)

#### **SEC. 51P-85.108. INGRESS AND EGRESS.**

All means of ingress and egress to property within the boundaries of this PD must be approved by the traffic design section of the department of public works and transportation. (Ord. Nos. 14991; 25423)

#### **SEC. 51P-85.109. APARTMENT UNITS.**

Apartment development within the area designated for apartment uses are limited to a maximum of 310 units. (Ord. Nos. 14991; 25423)

#### **SEC. 51P-85.110. PARKING.**

Off-street parking must be provided for each use in accordance with the requirements of Section 20 of the Comprehensive Zoning Ordinance. (Ord. Nos. 14991; 25423)

**SEC. 51P-85.111. SIGNS.**

All signs in office and apartment areas must comply with the non-business category of Chapter 41 of the 1960 Revised Code of Civil and Criminal Ordinances of the city. All signs in retail areas must comply with the business category of Chapter 41 of the 1960 Revised Code of Civil and Criminal Ordinances of the city except that all detached signs are limited to a maximum effective area of 200 square feet, and that no non-premise signs are permitted. (Ord. Nos. 14991; 25423; 26102)

**SEC. 51P-85.112. SUBDIVISION PLAT.**

Prior to the issuance of a building permit for any construction within the boundaries of this PD, a subdivision plat must be approved by the city plan commission and filed for record with the county clerk's office. (Ord. Nos. 14991; 25423)

**SEC. 51P-85.113. HEIGHT.**

Buildings in the office area, the retail area and the apartment area may not exceed 48 feet in height as measured from finished grade to the peak of the roof. (Ord. Nos. 15838; 25423)

**SEC. 51P-85.114. RETAIL AND OFFICE DEVELOPMENT.**

As indicated on the conceptual plan, all retail uses must either front toward the creek or be oriented toward the creek. Any specialty store handling liquor or food items must be located toward the middle or eastern portion of the retail area, with no frontage of these type uses permitted to front Greenville Avenue. (Ord. Nos. 14991; 25423)

**SEC. 51P-85.115. GENERAL REQUIREMENTS.**

(a) Development of the property must comply with the requirements of all departments of the city.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications adopted for such purpose to the satisfaction of the director of public works and transportation.

(c) No certificate of occupancy shall be issued by the building official until there has been full compliance with this article in accordance with the requirements of the building for which the certificate is issued, and any applicable provisions of the zoning ordinance and the building codes. (Ord. Nos. 14991; 25423; 26102)

**SEC. 51P-85.116. FLOOD PLAIN.**

Any use of property determined to be within the flood plain within this PD must meet the requirements of Section 10-1100 (Flood Plain) of the Comprehensive Zoning Ordinance prior to

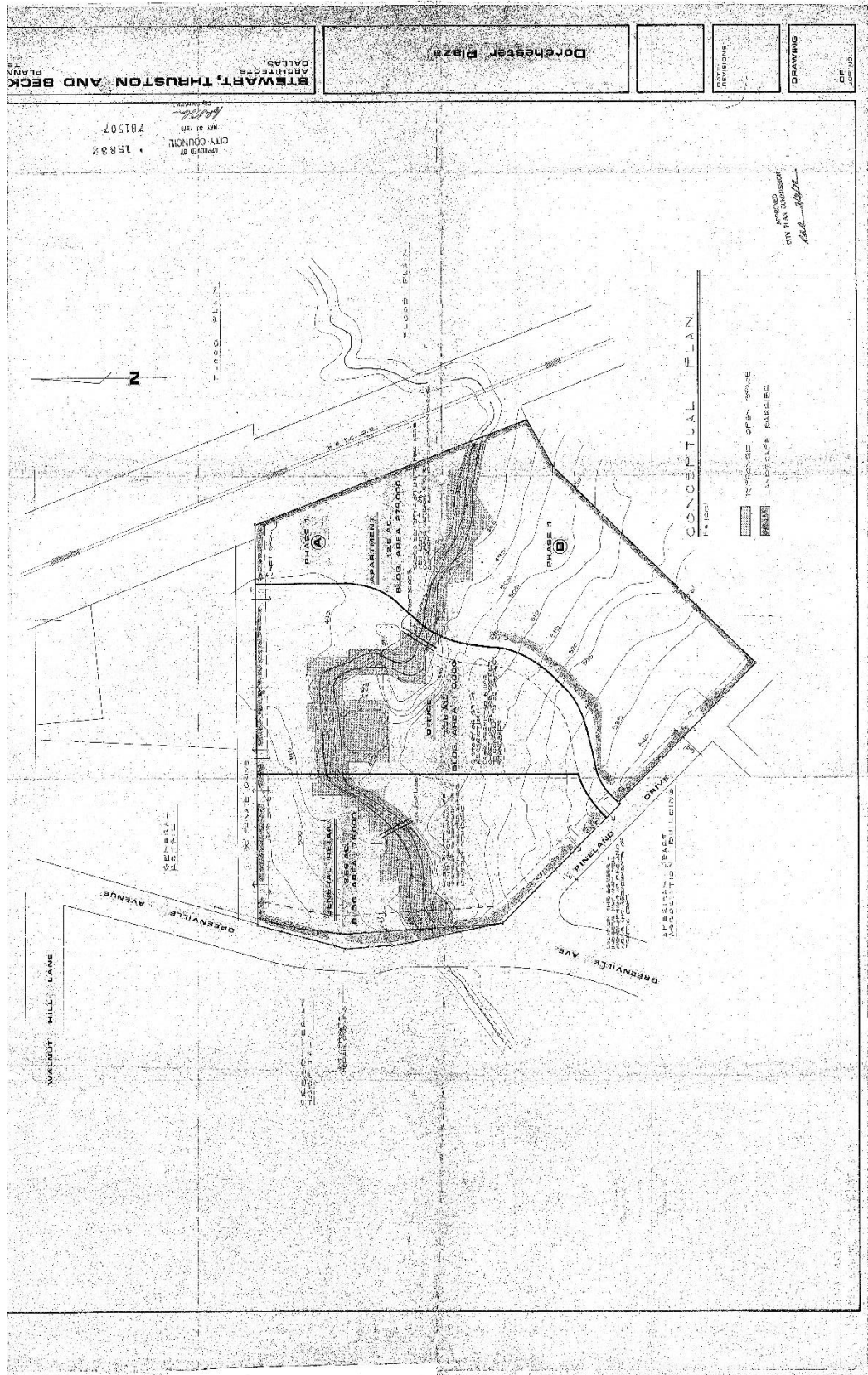
Z189-323(AU)

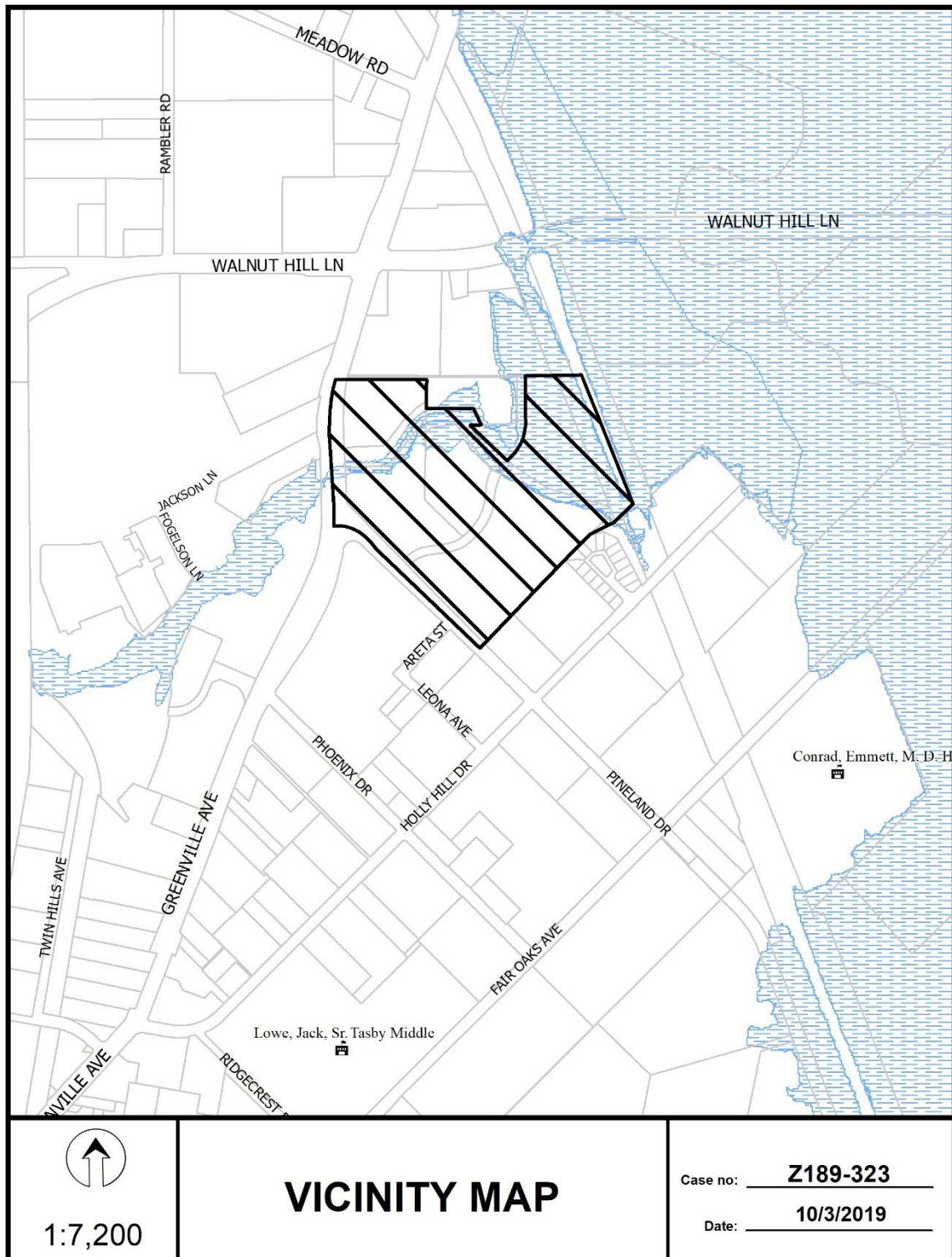
the issuance of a building permit for any improvements within the flood plain district. (Ord. Nos. 14991; 25423)

**SEC. 51P-85.117. ZONING MAP.**

PD 85 is located on Zoning Map No. F-8. (Ord. Nos. 20855; 25423)

# PLANNED DEVELOPMENT DISTRICT NO 85. CONCEPTUAL PLAN

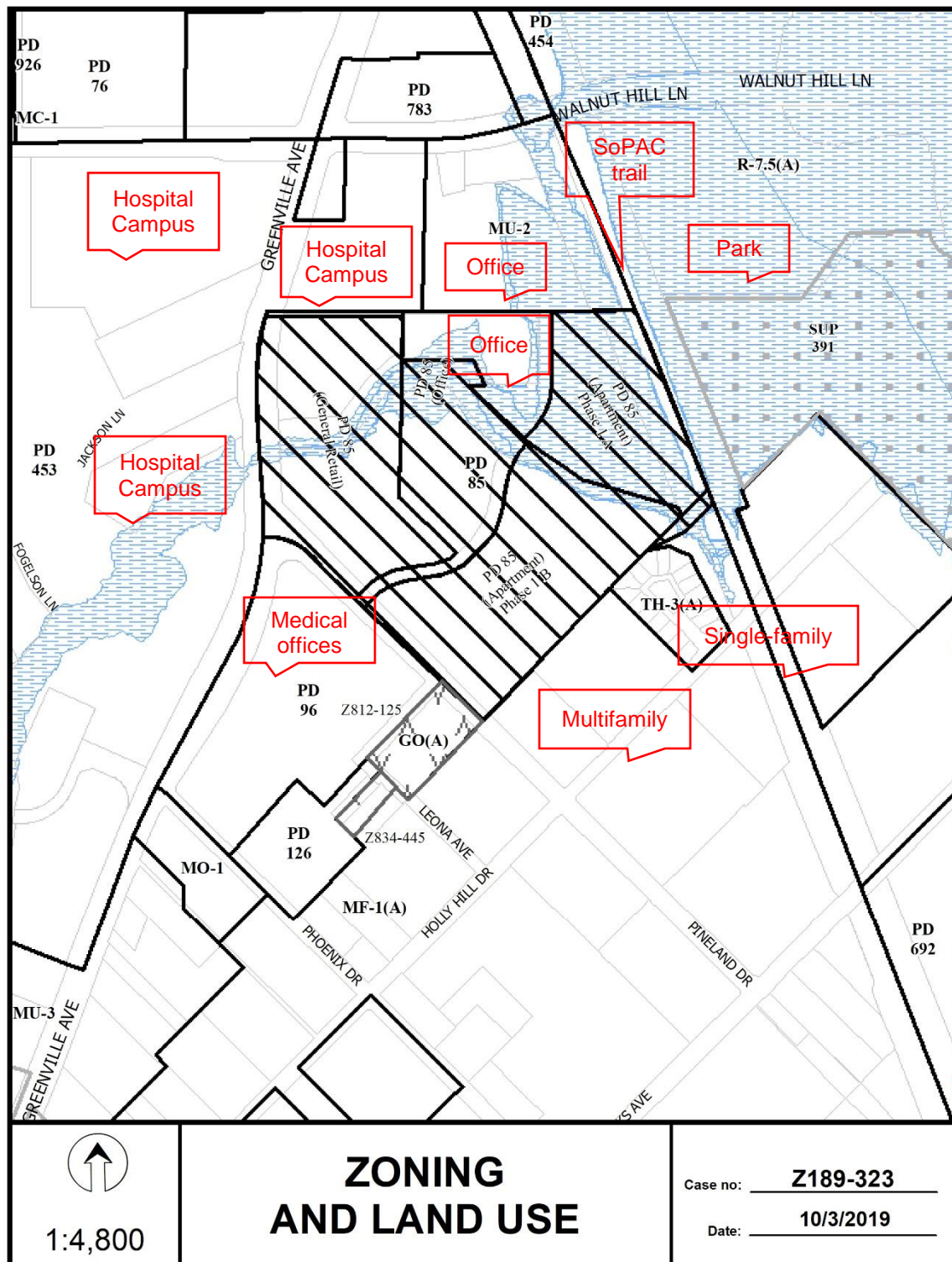


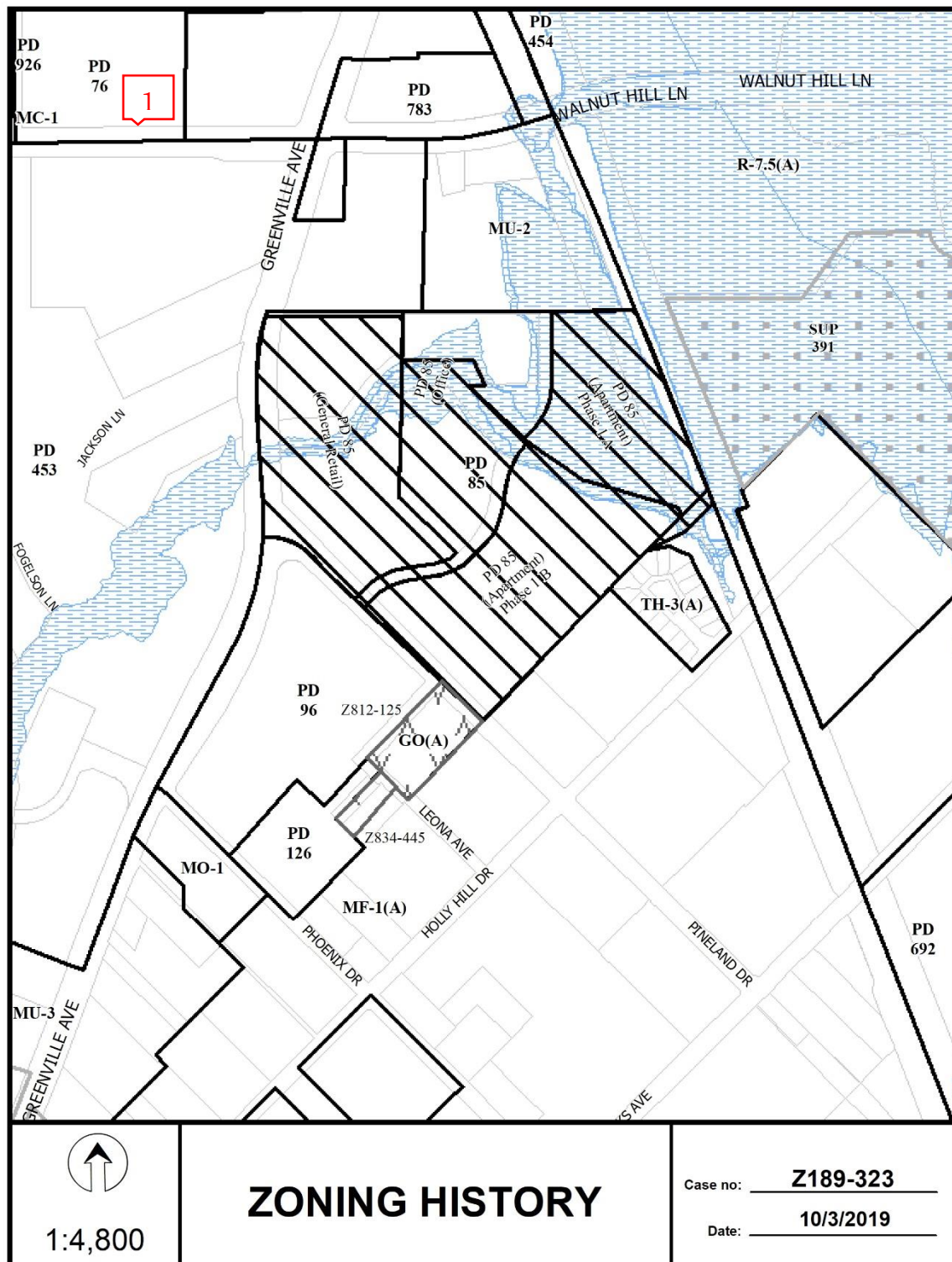






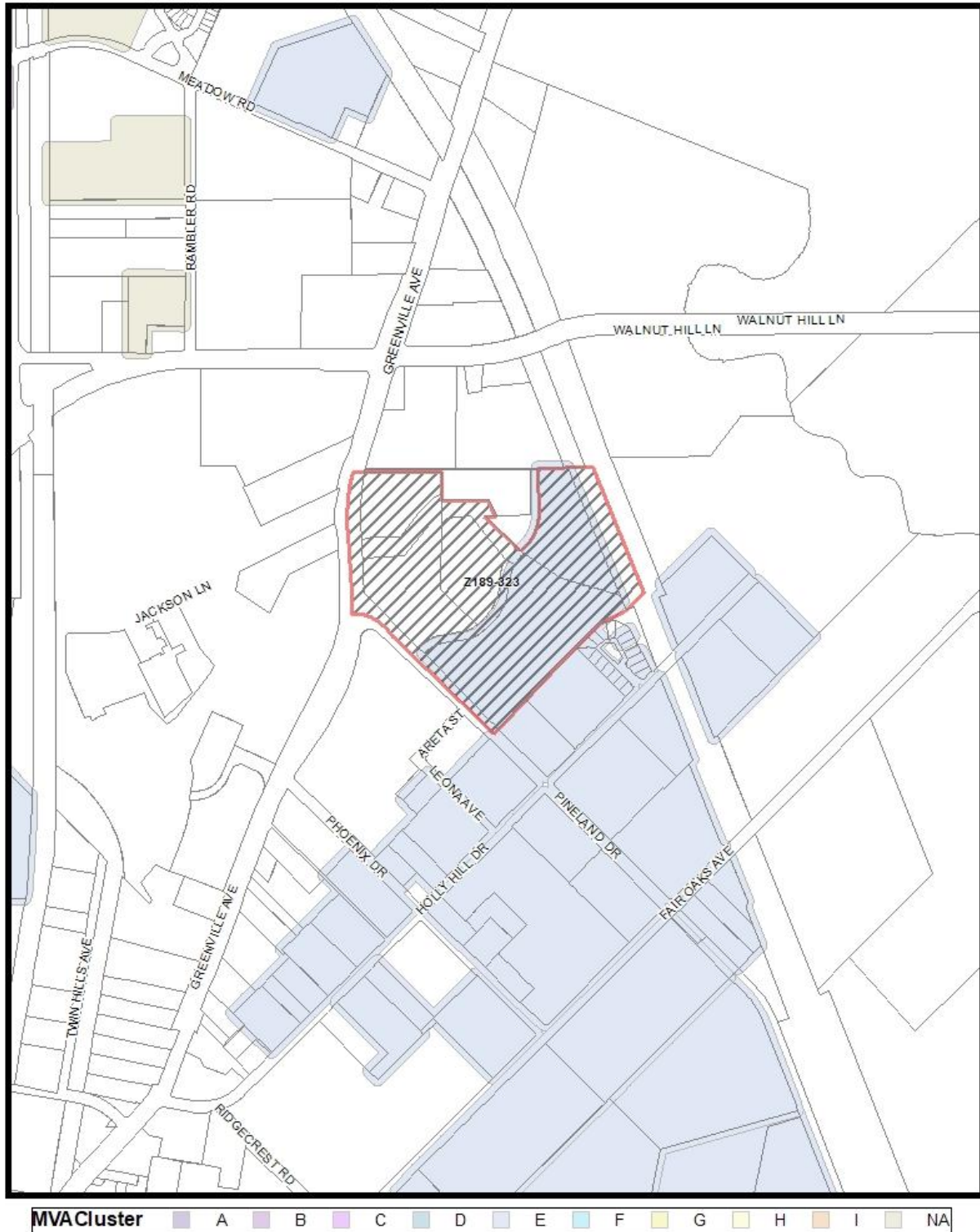








Z189-323(AU)



1:7,200

## Market Value Analysis

Printed Date: 10/3/2019

**CPC RESPONSES**



11/06/2019

***Reply List of Property Owners******Z189-323******253 Property Owners Notified    12 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	7459 HOLLY HILL DR	OFFICE MART INC
O	2	5759 PINELAND DR	VENUE REAL ESTATE HOLDINGS PO LLC
O	3	7402 GREENVILLE AVE	OLD VICKERY PARK HOLDINGS LLC
O	4	7400 GREENVILLE AVE	3 HOMBRES LP
	5	7430 GREENVILLE AVE	ST JOSEPH HELPERS OF DALLAS TEXAS INC
O	6	5735 PINELAND DR	VICKERY MEADOW REA ESTATE
	7	401 S BUCKNER BLVD	DART
	8	7229 HOLLY HILL DR	NURAN INC
	10	5701 HOLLY HILL CIR	HAILEGEBRIEL DAWIT W
	11	5705 HOLLY HILL CIR	JALITT ROBERTO E
	12	5711 HOLLY HILL CIR	ICE MASON W
	13	5715 HOLLY HILL CIR	BOEHK LOUIS & RUTH ANN
	14	5719 HOLLY HILL CIR	HHC SERIES
O	15	5723 HOLLY HILL CIR	MULLINS SEAN LEON
	16	5727 HOLLY HILL CIR	GUTHRIE RUTH S
	17	5731 HOLLY HILL CIR	GUTHRIE RUTH S &
	18	5735 HOLLY HILL CIR	TERRILL BRUCE S JR &
	19	5734 HOLLY HILL CIR	TRI DEVELOPMENT COPMANY
	20	5726 HOLLY HILL CIR	TRI DEVELOPMENT COMPANY
	21	5722 HOLLY HILL CIR	MADDOX MARTHA RUTH
	22	5718 HOLLY HILL CIR	GUTHRIE BILLY &
	23	5714 HOLLY HILL CIR	GUTHRIE WILLIAM M & RUTH S
	24	5710 HOLLY HILL CIR	PARTSXTREME LLC
	25	5706 HOLLY HILL CIR	SUNSIN JAIRO
	26	5702 HOLLY HILL CIR	PENIX JIMMY LEE &
	27	5750 PINELAND DR	TEXAS HEALTH RESOURCES

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	28	8200 WALNUT HILL LN	PRESBYTERIAN HEALTHCARE
O	29	8200 WALNUT HILL LN	ONPOINTE TRANSITIONAL CARE
O	30	8200 WALNUT HILL LN	TEXAS HEALTH RESOURCES
O	31	8230 WALNUT HILL LN	PRESBYTERIAN HOSP OF DAL
	32	8210 WALNUT HILL LN	TEXAS HEALTH RESOURCES
	33	8230 WALNUT HILL LN	TEXAS HEALTH RESOURCES
	34	7448 GREENVILLE AVE	SOKOL ZIZKA SCHOOL
	35	7424 GREENVILLE AVE	PLANNED PARENTHOOD OF GREATER TEXAS
	36	7424 GREENVILLE AVE	DORCHESTER DEV CORP
	37	7424 GREENVILLE AVE	PLANNED PARENTHOOD OF GREATER TEXAS
O	38	7320 GREENVILLE AVE	PRESBYTERIAN MEDICAL
	39	5754 LEONA ST	JONES LANCE
	41	8440 WALNUT HILL LN	TEXAS HELATH RESOURCES
	42	7450 GREENVILLE AVE	TEXAS HEALTH RESOURCES
	43	8440 WALNUT HILL LN	TEXAS HEALTH RESOURCES
	44	7470 GREENVILLE AVE	GREENVILLE AVE FUEL
	45	401 S BUCKNER BLVD	DART
	46	7450 HOLLY HILL DR	LEWIS CYNTHIA S
	47	7450 HOLLY HILL DR	BOROWICZ MICHAL L
	48	7450 HOLLY HILL DR	LIRA GABRIELA KIMBERLY BERLANGA
	49	7450 HOLLY HILL DR	ELKHOURY CHADI
	50	7450 HOLLY HILL DR	WEATHERLY ALICIA
	51	7450 HOLLY HILL DR	KNOBLER DONALD RICHARD
	52	7450 HOLLY HILL DR	KNOBLER DONALD RICHARD
	53	7450 HOLLY HILL DR	BROWN GREGORY R
	54	7450 HOLLY HILL DR	PALISE MICHAEL D
	55	7450 HOLLY HILL DR	PURDOM MONA S
	56	7450 HOLLY HILL DR	BERLANGALIRA GILMA VANESSA
	57	7450 HOLLY HILL DR	LAWSON ELIZABETH G
	58	7450 HOLLY HILL DR	WEATHERLY ALICIA D
	59	7450 HOLLY HILL DR	SEBOLD BRIAN

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	60	7450 HOLLY HILL DR	SEBOLD BRIAN
	61	7450 HOLLY HILL DR	GARRETT SANDI L
	62	7450 HOLLY HILL DR	MARES NANCY JANE DEATON
	63	7450 HOLLY HILL DR	ABLEMAN GUS C & FARAH Y
	64	7450 HOLLY HILL DR	LABATE DOMINICK A
	65	7450 HOLLY HILL DR	MARTIN BRENDA J
	66	7450 HOLLY HILL DR	BRYANT JAMES E
	67	7450 HOLLY HILL DR	WESTBROOK DEVIN GANTZ
	68	7450 HOLLY HILL DR	MANSUR BLANCA
	69	7450 HOLLY HILL DR	JOHNSON ROBERT A &
	70	7450 HOLLY HILL DR	WILLIS MELEAH A
	71	7431 HOLLY HILL DR	CARRIEDO MARIO ANAYA
	72	7431 HOLLY HILL DR	SHARMA NITIN
	73	7431 HOLLY HILL DR	ABM INVESTMENTS INC
	74	7431 HOLLY HILL DR	TRIPP TIMOTHY N & PAMELA
	75	7431 HOLLY HILL DR	DESCHIAVE CARLOS E
	76	7431 HOLLY HILL DR	FERNANDEZ SERGIO JR
	77	7431 HOLLY HILL DR	YOUNG PATRICIA
	78	7431 HOLLY HILL DR	BARLAS OZAIR &
	79	7431 HOLLY HILL DR	MYLES WINNFORT J & DEBORAH F
	80	7431 HOLLY HILL DR	HISKIYAHU LIAT
	81	7431 HOLLY HILL DR	EAST MIDTOWN CORPORATION
	82	7431 HOLLY HILL DR	BARLAS OZAIR & FALUK
	83	7431 HOLLY HILL DR	ROCHA JACOB J
	84	7431 HOLLY HILL DR	PETTTT SANDRA KAY MCVEY
	85	7431 HOLLY HILL DR	GRZYWINSKI VALENTINE EST OF
	86	7431 HOLLY HILL DR	BRT SOLUTIONS LLC
	87	7431 HOLLY HILL DR	SHULOMON INC
	88	7431 HOLLY HILL DR	GRZYWINSKI VALERIE
	89	7431 HOLLY HILL DR	VALERIANO DAGOBERTO & NOSLY MOLINA
	90	7431 HOLLY HILL DR	LAM PHUONG TU

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	91	7431 HOLLY HILL DR	GANON OREN
	92	7431 HOLLY HILL DR	AMERIWEST HOLDINGS INC
	93	7431 HOLLY HILL DR	JABBOUR JOHNNY
	94	7431 HOLLY HILL DR	GUADARRAMA JOSE
	95	7431 HOLLY HILL DR	GARCIA AMERICO
	96	7431 HOLLY HILL DR	FORT JOHN T
	97	7431 HOLLY HILL DR	LAGER DOROTHY M
	98	7431 HOLLY HILL DR	FRIEDMAN GARY V
	99	7431 HOLLY HILL DR	CONSTANT CHRIS T
	100	7431 HOLLY HILL DR	TEBONG ALEXANDER W
	101	7431 HOLLY HILL DR	BLOMENKAMP JOEL
	102	7431 HOLLY HILL DR	VENCES VANESSA G
	103	7431 HOLLY HILL DR	RIKLIN IDO
	104	7431 HOLLY HILL DR	CAMARENA HECTOR I
	105	7431 HOLLY HILL DR	EGGERS KIMBERLY
	106	7431 HOLLY HILL DR	ARROYO SENORINA
	107	7431 HOLLY HILL DR	PEREZ ELVA
	108	7431 HOLLY HILL DR	DAN YARON MOSHE MOSES
	109	7431 HOLLY HILL DR	TENG CLARENCE W
	110	7431 HOLLY HILL DR	DEBEBE NEGUSSIE &
	111	7431 HOLLY HILL DR	DA LAETITIA
	112	7431 HOLLY HILL DR	PAVEY ANDREW
	113	7431 HOLLY HILL DR	REUBEN LOUISE D
	114	7431 HOLLY HILL DR	BARNES ANTHONY
	115	7431 HOLLY HILL DR	ASHE JOHN P
	116	7431 HOLLY HILL DR	THOMAS PARACKAL OOMMEN &
	117	7431 HOLLY HILL DR	ANDRES RUTH
	118	7431 HOLLY HILL DR	COPPERRUN CONDOMINIUM ASSN
	119	7431 HOLLY HILL DR	ZACHA JOE B
	120	7431 HOLLY HILL DR	RENDON ERNESTO
	121	7431 HOLLY HILL DR	HERNANDAZ REGULO VENCES

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	122	7431 HOLLY HILL DR	ESPARZA NATIVIDAD
	123	7525 HOLLY HILL DR	PENSCO TRUST COMPANY LLC
	124	7525 HOLLY HILL DR	HH 2 SERIES OF OLIVER AVENUE REALTY LLC
	125	7525 HOLLY HILL DR	HH3 SERIES OF OLIVER AVENUE REALTY LLC
	126	7525 HOLLY HILL DR	HH 4 SERIES
	127	7525 HOLLY HILL DR	PENSCO TRUST COMPANY LLC
	128	7525 HOLLY HILL DR	HH 6 SERIES
	129	7525 HOLLY HILL DR	DRAKE CHARLES D
	130	7525 HOLLY HILL DR	HH 8 SERIES
	131	7525 HOLLY HILL DR	HH9 SERIES OF OLIVER AVE REALTY LLC
	132	7525 HOLLY HILL DR	TESFAYE HILINA &
	133	7525 HOLLY HILL DR	BENTON TINA M
	134	7525 HOLLY HILL DR	HH 12 SERIES
	135	7525 HOLLY HILL DR	JORDAN GEORGE E & YVONNE S
	136	7525 HOLLY HILL DR	HH 14 SERIES
	137	7525 HOLLY HILL DR	CARVER RICHARD L
	138	7525 HOLLY HILL DR	DOMINGO TELLY L
	139	7525 HOLLY HILL DR	HH 20 SERIES
	140	7525 HOLLY HILL DR	HH 22 SERIES
	141	7525 HOLLY HILL DR	WEATHERFORD WILSON TRUSTEE
	142	7525 HOLLY HILL DR	HOLLY HILL 7525 25 LAND TR
	143	7525 HOLLY HILL DR	HARDY PAUL & TAMMY
	144	7525 HOLLY HILL DR	SPRIGGS RICHARD
	145	7525 HOLLY HILL DR	MCMANUS SCOTT
	146	7525 HOLLY HILL DR	MARTIN DIANE LYNN
	147	7525 HOLLY HILL DR	LONG SHERI L
	148	7525 HOLLY HILL DR	WEATHERFORD WILSON TRUSTEE
	149	7525 HOLLY HILL DR	RAY STEVEN &
	150	7525 HOLLY HILL DR	ESTRERA AARON S & MARIA T
	151	7525 HOLLY HILL DR	HARDEN GAYLE
	152	7525 HOLLY HILL DR	SEIBOLD KATHERINE C

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	153	7525 HOLLY HILL DR	HOLLY HILL 38 SERIES LLC
	154	7525 HOLLY HILL DR	HOCKERSMITH KATHY DIANE
	155	7525 HOLLY HILL DR	HH 40 SERIES OF OLIVER AVENUE REALTY LLC
	156	7525 HOLLY HILL DR	HH 41 SERIES
	157	7525 HOLLY HILL DR	BARTOSIEWICZ BOB B
	158	7525 HOLLY HILL DR	HH 43 SERIES
	159	7525 HOLLY HILL DR	HH 44 SERIES OF OLIVER AVENUE REALTY LLC
	160	7525 HOLLY HILL DR	HH 45 SERIES
	161	7525 HOLLY HILL DR	MARGOL JOYCE
	162	7525 HOLLY HILL DR	LINN SARAH R
	163	7525 HOLLY HILL DR	NICHOLS LINDA DIANN
	164	7525 HOLLY HILL DR	MATTHEWS ELOISE KAY
	165	7525 HOLLY HILL DR	HH50 SERIES OF OLIVER AVENUE
	166	7525 HOLLY HILL DR	QUEST IRA INC
	167	7525 HOLLY HILL DR	HH 52 SERIES OLIVER AVE REALTY LLC
	168	7525 HOLLY HILL DR	JENNINGS RAY
	169	7525 HOLLY HILL DR	SPAHALIC RABIJA
	170	7525 HOLLY HILL DR	LEWIS BEVERLY L &
	171	7525 HOLLY HILL DR	HOCKERSMITH DIANE
	172	7525 HOLLY HILL DR	LEWIS BEVERLY L &
	173	7525 HOLLY HILL DR	WANKE ROBERT
	174	7525 HOLLY HILL DR	ALLEN ELANE
	175	7525 HOLLY HILL DR	HH61 SERIES OF OLIVER AVE REALTY LLC
	176	7525 HOLLY HILL DR	CORNWELL GREGORY S &
	177	7525 HOLLY HILL DR	HH 63 SERIES
	178	7525 HOLLY HILL DR	HH 64 SERIES OLIVER AVE
	179	7525 HOLLY HILL DR	HANNA CLETUS KAY
	180	7525 HOLLY HILL DR	HH 66 SERIES
	181	7525 HOLLY HILL DR	7525 HOLLY HILL 67
	182	7525 HOLLY HILL DR	HILL HOLLY 68 SERIES LLC
	183	7510 HOLLY HILL DR	RHODES GLADYS A & RICHARD



11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	184	7510 HOLLY HILL DR	CHRISTOPHERSON HEBER JOHN &
	185	7510 HOLLY HILL DR	ANDRADE GEORGE & LIUBOV
	186	7510 HOLLY HILL DR	RIZVANOVIC HUSEIN
	187	7510 HOLLY HILL DR	GUZMAN MARIA
	188	7510 HOLLY HILL DR	MORRIS WANETTA KAYE
	189	7510 HOLLY HILL DR	WONG HSI SHIH
	190	7510 HOLLY HILL DR	KALAJDZIC CVIJAN &
	191	7510 HOLLY HILL DR	ANDRADE GEORGE & LIUBOV
	192	7510 HOLLY HILL DR	RUFCA EMILY
	193	7510 HOLLY HILL DR	ANDRADE GEORGE & LIUBOV
	194	7510 HOLLY HILL DR	HECK JAMES II
	195	7510 HOLLY HILL DR	ABIODUN ENILARI &
	196	7510 HOLLY HILL DR	MCDANIEL EVAN ROBERT
	197	7510 HOLLY HILL DR	ZHANG JINGJING &
	198	7510 HOLLY HILL DR	WEAVER JOACHIM DAVID
	199	7510 HOLLY HILL DR	DESTA DAWIT A & ABENET A
	200	7510 HOLLY HILL DR	TURBEVILLE ROBERT
	201	7510 HOLLY HILL DR	INVESTMENT PPTY VENTURES LLC
	202	7510 HOLLY HILL DR	NGUYEN HIEU THI
	203	7510 HOLLY HILL DR	OXENREIDER RAY DAVID
	204	7510 HOLLY HILL DR	GUYTON THEODORE E &
	205	7510 HOLLY HILL DR	MCCARTHY SHARON A
	206	7510 HOLLY HILL DR	WONDIMU GENET
	207	7510 HOLLY HILL DR	PENA EFRAIN &
	208	7510 HOLLY HILL DR	SOUTHWEST CONDOMINIUM
	209	7510 HOLLY HILL DR	FLEMING MARTHA B
	210	7510 HOLLY HILL DR	ABELL JAMES S JR &
	211	7510 HOLLY HILL DR	ALEXANDER KARI L
	212	7510 HOLLY HILL DR	BOTTS ALLISON A
	213	7510 HOLLY HILL DR	HEBO ABDULAH
	214	7510 HOLLY HILL DR	HARRIS JAMES B &

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	215	7510 HOLLY HILL DR	BUCHHOLZ RON & PENNY FAMILY
	216	7510 HOLLY HILL DR	TEKLEAREGAY DEREJE
	217	7510 HOLLY HILL DR	SHAW DAVID S
	218	7510 HOLLY HILL DR	FLORES KRISTY E
	219	7510 HOLLY HILL DR	WONG HSI SHIH & MICHAEL LEE
	220	7510 HOLLY HILL DR	CHANG OTTO
	221	7510 HOLLY HILL DR	ALVAREZ-LOPEZ MARIA DEL CARMEN
	222	7510 HOLLY HILL DR	LOVELL WYN
	223	7510 HOLLY HILL DR	LEWIS BEVERLY L &
	224	7510 HOLLY HILL DR	SOUTHWEST CONDOMINIUM INV LLC
	225	7510 HOLLY HILL DR	OSWALT DELLA M
	226	7510 HOLLY HILL DR	TREADWELL CRUCITA
	227	7510 HOLLY HILL DR	GENA SHEMELES A & DESTA MELKAM
	228	7510 HOLLY HILL DR	VARNADO MATT ADRIAN & SHANNON LEIGH
	229	7510 HOLLY HILL DR	WILLIS MELEAH
	230	7510 HOLLY HILL DR	RAMIREZ LINA D
	231	7510 HOLLY HILL DR	SALLADE ALEXANDRA L & JAMES E SALLADE
	232	7510 HOLLY HILL DR	BROWN JEAN ANNE
	233	7510 HOLLY HILL DR	TENRREIRO ALBERTO
	234	7510 HOLLY HILL DR	BOSQUE MARIA CONCEPCION
	235	7510 HOLLY HILL DR	SERNA NOHEMI GONZALEZ &
	236	7510 HOLLY HILL DR	CEASAR GREGORY J
	237	7510 HOLLY HILL DR	WOLDU YACOB
	238	7510 HOLLY HILL DR	FLEMING ANGELA
	239	7510 HOLLY HILL DR	LOPEZ VANESSA
	240	7510 HOLLY HILL DR	MUNCASTER FAMILY TRUST
	241	7510 HOLLY HILL DR	SMITH MICHAEL SEWELL & CLAIR
	242	7510 HOLLY HILL DR	AVALON LOUIS
	243	5710 LEONA AVE	SMITH DONALD R JR
	244	5710 LEONA AVE	ALEMAN CARLOS HERNANDEZ &
	245	5710 LEONA AVE	5710 LEONA LLC

Z189-323(AU)

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	246	5710 LEONA AVE	JONES KAREN
	247	5710 LEONA AVE	DENARDO VINCENZO E
	248	5710 LEONA AVE	LONG BRYAN KENNETH
	249	5710 LEONA AVE	CLAY LATWAN L &
	250	5710 LEONA AVE	GAO SARAH
	251	5710 LEONA AVE	CARROLL RAYMOND L
	252	5710 LEONA AVE	AZENNEST LLC SERIES J
	253	5710 LEONA AVE	TAYLOR DANIEL E
O	A1	8484 WALNUT HILL LN	WRT PARTNERS II LP
O	A2	5811 PINELAND DR	METRO TP PARTNERS II LP



## Agenda Information Sheet

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**File #:** 19-2007

**Item #:** Z5.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and a resolution accepting an amendment to the existing deed restrictions [Z134-198] on property zoned a TH-1(A) Townhouse District with deed restrictions, on the southeast corner of North Denley Drive and May Hall Street  
Recommendation of Staff and CPC: Approval, subject to amended deed restrictions volunteered by the applicant  
Z189-324(JM)

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<b>FILE NUMBER:</b>	Z189-324(JM)	<b>DATE FILED:</b>	July 31, 2019
<b>LOCATION:</b>	Southeast corner of North Denley Drive and May Hall Street		
<b>COUNCIL DISTRICT:</b>	4	<b>MAPSCO:</b>	55 B
<b>SIZE OF REQUEST:</b>	± 0.4 acres	<b>CENSUS TRACT:</b>	41.00

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**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT/OWNER:** Texas Heavenly Homes, LTD

**REQUEST:** An application to amend existing deed restrictions [Z134-198] on property zoned a TH-1(A) Townhouse District with deed restrictions.

**SUMMARY:** The purpose of the request is to amend the existing deed restrictions which 1) require a minimum lot size of 5,000 square feet; 2) require a minimum front yard setback of 20 feet with an allowable encroachment of a front porch of up to eight feet; 3) require a minimum side and rear yard setback of five feet; 4) provide a maximum of one single-family dwelling unit per lot; 5) require a maximum height of 30 feet; 6) require that not more than two sides of a front porch may be enclosed by a solid wall; 7) provide a maximum drive approach width of 16 feet; and, 8) prohibit carports as defined by Dallas Building Code, as amended. The applicant proposes to modify the existing deed restrictions on a portion of the original lot area by eliminating: **1)** the minimum lot size requirement; **2)** the front yard setback; **3)** the side and rear yard setback; and, **4)** requiring single family structures to be detached.

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

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

## BACKGROUND INFORMATION:

- On August 27, 2015, the City Council approved a zoning change for the subject site from an R-5(A) Single Family District to a TH-1(A) Townhouse District with deed restrictions volunteered by the applicant. The deed restrictions reverted the yard, lot, and space regulations to the original R-5(A) District standards while allowing front porches to encroach into the front yard, providing porch design requirements, driveway standards, and prohibiting carports.
- The property is located in The Bottom, a 126-acre area with direct connections to Downtown Dallas. The area is largely vacant and in the process of revitalization.
- The subject site contains seven undeveloped lots with approximately 0.4 acres of land, or 2,500 square feet each.

**Zoning History:** There has been one recent zoning request in the area within the last five years.

1. **Z134-198:** On August 27, 2015, the City Council approved a TH-1(A) Townhouse District with deed restrictions volunteered by the applicant, on property zoned an R-5(A) Single Family District, located on the southeast corner of North Denley Drive and May Hall Street. *(The subject site is a portion of this area.)*

## **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Denley Drive	Community Collector	60 feet	--
May Hall Street	Community Collector	Varies	--

## **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.

## 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 request complies with land use goals and policies of the Comprehensive Plan:

## **URBAN DESIGN**

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

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

### **GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

Policy 5.2.1 Maintain neighborhood scale and character.

## **NEIGHBORHOOD PLUS PLAN**

**GOAL 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

### **Area Plans:**

The request complies with the recommendation of the Trinity River Corridor Comprehensive Land Use Plan, March 2005, which displays 'Residential—Neighborhood Infill' to reflect continued single family use within the area.

The Bottom Urban Structure and Guidelines was adopted by City Council on April 8, 2015. Located on a low-lying stretch of land adjacent to the Trinity River, The Bottom is geographically among the closest areas to downtown. The Bottom is comprised of 126 acres with direct connections to Downtown Dallas by I-35 and to The Cedars by the Corinth Street Bridge. It is bounded by I-35 to the west, Eighth Street to the south, Corinth Street to the east, and Trinity River Levee to the north. The Bottom is also among a growing number of river edge communities discussing revitalization as the city re-focuses its center back to the Trinity River.

### **The Bottom Urban Structure and Guidelines have nine fundamental objectives:**

1. Create vehicular and pedestrian connections linking existing streets;
2. Preserve and enhance existing single family neighborhood;
3. Develop quality market and affordable infill single family housing;
4. Introduce diverse housing choices west of Denley Drive, including townhomes, live-work, and multi-family increasing density toward IH35;
5. Mixed-use development along 8th Street from I-35 to Brackins Village and along I-35 from 8th to the Trinity River;
6. Enhance existing and add new pedestrian infrastructure and amenities;
7. Make 8th Street a great street;

8. Convert existing open area along 8th Street at Townview into a community plaza;
9. Develop access paths into the river and invest in public spaces, such as an amphitheater and major entry features.

The proposed amendment to the existing deed restrictions will allow for the existing configuration of seven lots to be developed with detached single family units. While the subject site is located east of Denley Drive, not west as iterated in objective number four, the general zoning of a TH-1(A) Townhouse District was approved months after passing the neighborhood plan. Staff believes the zone change at this site in 2015 lends to the idea of flexibility in using Denley Drive as the divider for adding housing diversity. Finally, an amendment to existing deed restrictions combined with general zoning does not provide an opportunity to address the nine objectives above, since many have to do with the dedication of right-of-way and use of public spaces.

#### **Surrounding Land Uses:**

<b>Area</b>	<b>Zoning</b>	<b>Use</b>
<b>Site</b>	TH-1(A) w/DRs	Undeveloped
<b>North</b>	R-5(A) and Subdistrict 2 w/in PD No. 571	Single family and undeveloped
<b>East</b>	TH-1(A) w/DRs and R-5(A)	Single family and undeveloped
<b>South</b>	TH-1(A) w/DRs, Subdistrict 2 w/in PD No. 571, and R-5(A)	Single family and undeveloped
<b>West</b>	Subdistrict 2 w/in PD No. 571	Single family and undeveloped

#### **Land Use Compatibility:**

The property contains seven lots with approximately 0.4 acres of undeveloped land. According to historic aerials, the site and surrounding neighborhood was a fully developed and thriving single family neighborhood from 1952 (earliest available aerial) through the 1990s when lots quickly became vacant.

Surrounding land uses consist of single family and mostly undeveloped or vacant lots in all directions. Farther northwest is the Eloise Lundy Recreation Center. Southwest of Hutchins Avenue lies the Townview Magnet School in an area generally more developed which serves as the southern end of The Bottom neighborhood.

The existing deed restrictions contain the following requirements: 1) a minimum lot size of 5,000 square feet; 2) a minimum front yard setback of 20 feet with an allowable encroachment of a front porch of up to eight feet; 3) a minimum side and rear yard setback of five feet; 4) a maximum of one single-family dwelling unit per lot; 5) a maximum height of 30 feet; 6) that not more than two sides of a front porch may be



enclosed by a solid wall; 7) a maximum drive approach width of 16 feet; and, 8) prohibit carports as defined by Dallas Building Code, as amended.

The applicant proposes to modify the existing deed restrictions on a portion of the original lot area by eliminating: **1)** the minimum lot size requirement; **2)** the front yard setback; **3)** the side and rear yard setback; and, **4)** requiring single family structures to be detached.

Staff found that the original deed restriction, which allowed an encroachment into the 20-foot front yard (more restrictive than the TH-1(A) Townhouse District), was negated by the Dallas Development Code Sec.4.401(a)(6) which requires block face continuity. The block face continuity standard effectively makes the minimum front yard in this case 20 feet due to the remainder of the block maintaining the R-5(A) District requirements. This element of the deed restrictions was stricken at the recommendation of staff. Reinstating the TH Districts lot size and side and rear setbacks could lead to the development of the seven lots, which have approximately 2,500 square feet each, with double the density of the prescribed deed restrictions.

Staff cautiously supports this request as an effort to draw a mix of single family housing units to the area. While the area plan for The Bottom identified the need for low density single family infill east of Denley Drive and greater density and mix of housing units to the west of Denley Drive, staff believes that the passing of the TH-1(A) District zoning months after adopting the area plan shows a flexibility in boundaries in support of the overall goal of achieving greater infill within the once thriving single family neighborhood.

### **Development Standards:**

DISTRICT	SETBACKS		Height	Lot Coverage	Density	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing:</b> TH-1 w/Volunteered Deed Restrictions*	20'*	5'*	30'* No max stories	60% res 25% nonres	1 unit per lot, min lot size 5,000 square feet*	Proximity Slope	Single family, duplex, and institutional.
<b>Proposed:</b> TH-1 w/Amended Deed Restrictions**	0'***	0' SF 5'/10' Duplex 10' Others	<b>30'*</b> No max stories	60% res 25% nonres	1 unit per lot <b>Min lot size 2,000 square feet**</b>	Proximity Slope	Single family, duplex, and institutional.

\*\*\*Sec.4.401(a)(6) requires block continuity, thereby making the minimum front yard in this case, 20 feet due to adjacency and remainder of the block maintaining the R-5(A) District requirements.

**Parking:**

Parking will be in accordance with the parking regulations the Dallas Development Code, as amended. For a single family use in a TH-1(A) District, one space is required per dwelling unit.

**Landscaping:**

Landscaping will be in accordance with Article X, as amended.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request and surrounding properties are located within an “E” MVA cluster.

<b>List of Officers</b>
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List of officers

Texas Heavenly Homes, LTD

Richard E. LeBlanc, President

**CPC Action**  
**November 21, 2019**

**Motion:** It was moved to recommend **approval** of an amendment to the existing deed restrictions [Z134-198], subject to amended deed restrictions on property zoned a TH-1(A) Townhouse District with deed restrictions, on the southeast corner of North Denley Drive and May Hall Street.

Maker: Johnson  
Second: MacGregor  
Result: Carried: 11 to 0

For: 11 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3  
Abstain: 1 - Garcia\*\*\*

\*\*\*abstained due to absence from bus tour

**Notices:** Area: 200 Mailed: 29  
**Replies:** For: 0 Against: 1

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: Diane Wynn, 452 Sparks St., Dallas, TX, 75203  
Bradyn Boone, 3025 Allister St., Dallas, TX, 75229  
Staff: David Noguera, Director, Housing and Neighborhood Revitalization Department  
Luis Tamayo, Chief Planner, Planning and Urban Design Department

**Amending Deed Restrictions**

AMENDMENT TO DEED RESTRICTIONS

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

I.

The undersigned, Texas Heavenly Homes, Ltd. ("the Owner"), is the owner of the following described property ("the Property"), being in particular Lots 1 thru 7 in Block 1/7675 of the Dewberry Addition out of the W.S. Beatty Survey, Abstract No. 57 in the City of Dallas, Dallas County, Texas and being that same tract of land conveyed to the Owner by Instrument Numbers: 200900259741 (200900259015), 201000185526, 200503565221, and Volume 2004214, Page 7262 of O.P.R.D.C.T., and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated August 27, 2014, signed by Texas Heavenly Homes, Ltd. and recorded in Instrument Number 201400236366 of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

III.

That the Owner does hereby amend restriction numbers 1, 2, 3, and 4 of the Original Restrictions to read as follows:

- 1) ~~Minimum lot size of 5,000 square feet.~~
- 2) ~~Front yard set back of a minimum of 20 feet, with an allowable encroachment of a front porch of up to 8 feet.~~  
~~Porches shall be noted on house plans submitted for building permit.~~
- 3) ~~Side and rear yard set backs of a minimum of 5 feet.~~
- 4) A maximum of one detached single-family dwelling unit per lot.

IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City as required in the Original Restrictions and notice of such public hearing 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 amendment becomes effective.

**Existing Deed Restrictions**

DEED RESTRICTIONS

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

I.

The undersigned, Texas Heavenly Homes, Ltd., a Texas limited partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the W.S. Beatty Survey, Abstract No. 57, City Block 1/7675, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Instrument Numbers: 201000185526; 200900259741; 200503565221; 200503568367; 200900335783 of the O.P.R.D.C.T. and Volume 2004214, Page 7262 of O.P.R.D.C.T and being more particularly described as follows:

Lots 1 thru 8, 45 & 46 in Block 1/7675 of the Dewberry Addition out of the W.S. Beatty Survey, Abstract No. 57 in the City of Dallas, Dallas County, Texas having the addresses of 514 N. Denley Drive, 512 N. Denley Drive, 432 N. Denley Drive, 430 N. Denley Drive, 428 N. Denley Drive, 426 N. Denley Drive, and 449 Sparks Street Dallas, TX 75203.

II.

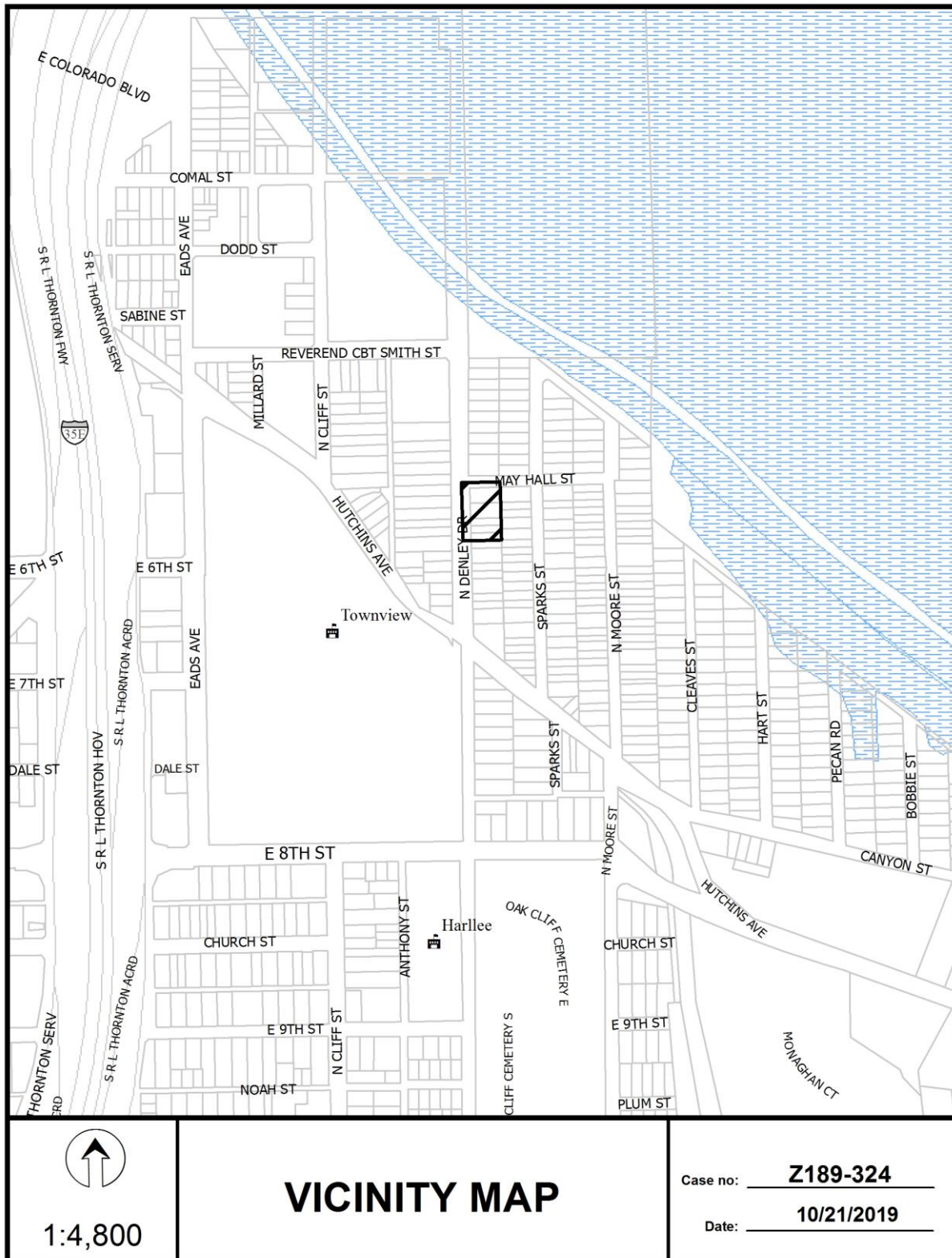
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- 1) Minimum lot size of 5,000 square feet.
- 2) Front yard set-back of a minimum of 20 feet, with an allowable encroachment of a front porch of up to 8 feet.  
Porches shall be noted on house plans submitted for building permit.
- 3) Side and rear yard set-backs of a minimum of 5 feet.
- 4) A maximum of one single-family dwelling unit per lot.
- 5) A maximum height of 30 feet.
- 6) No more than two sides of a front porch shall be enclosed by a solid wall.
- 7) Maximum drive approach of 16 feet.
- 8) No carports are permitted as defined by Dallas Building Code as amended.

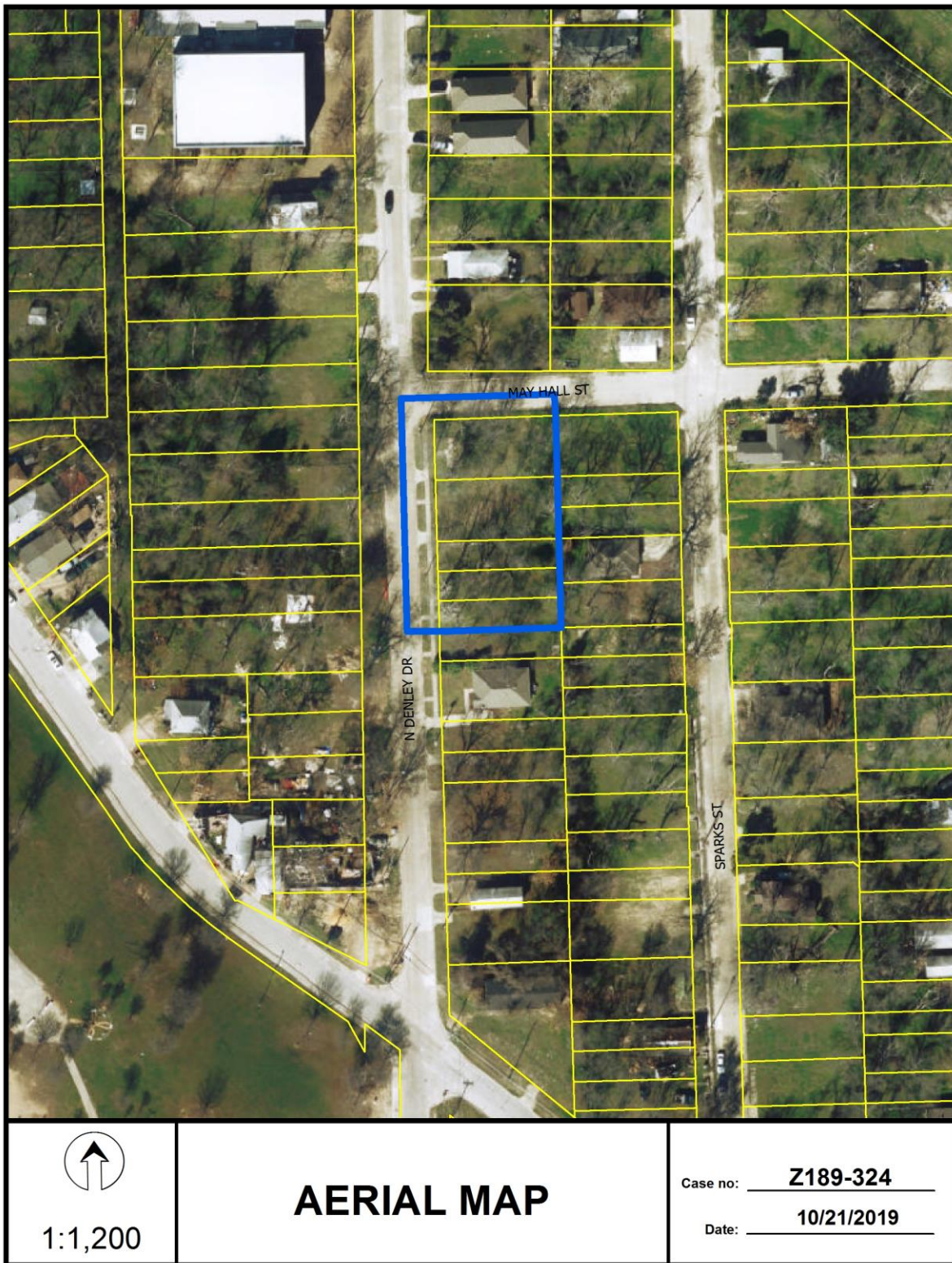
III.

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.

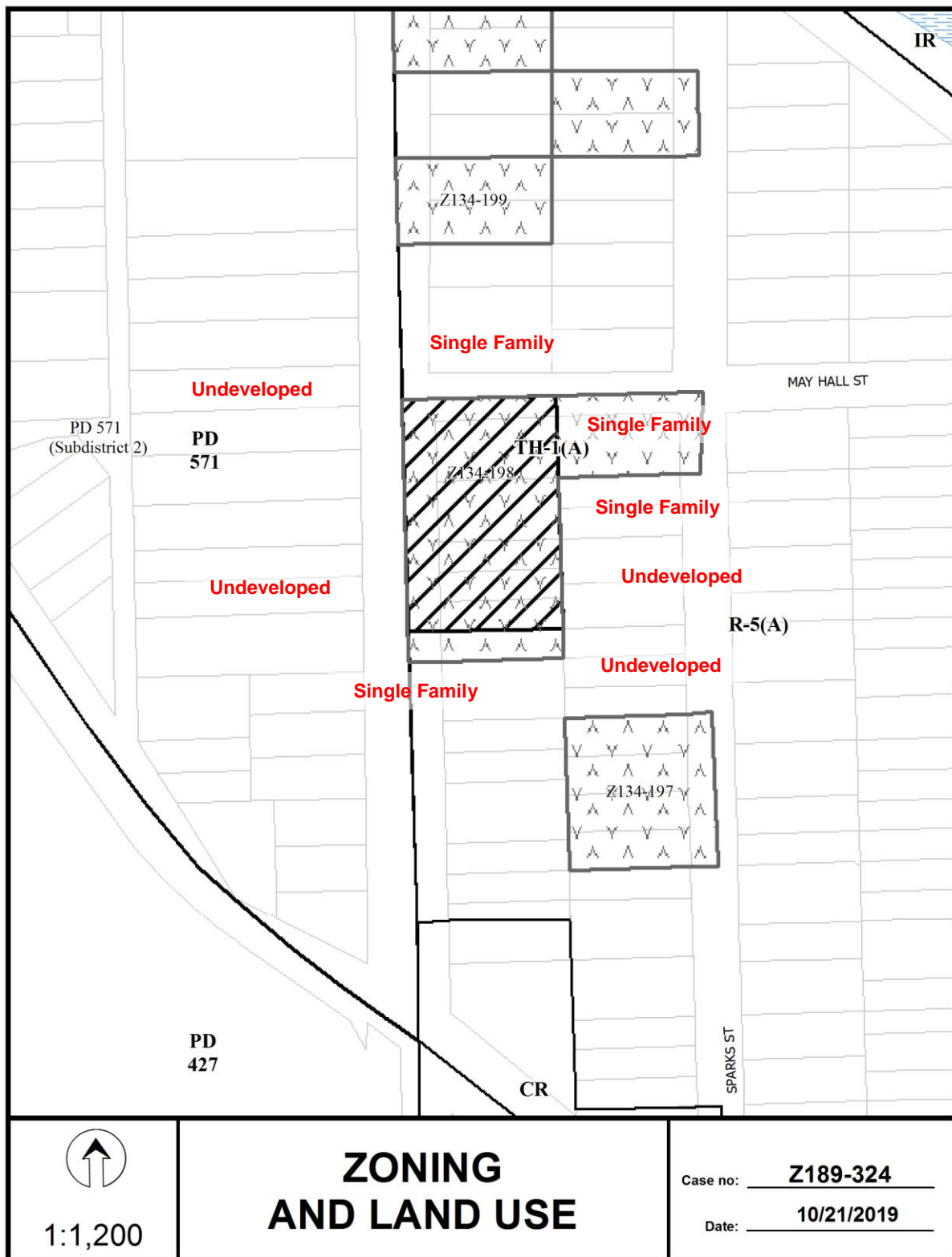
IV.

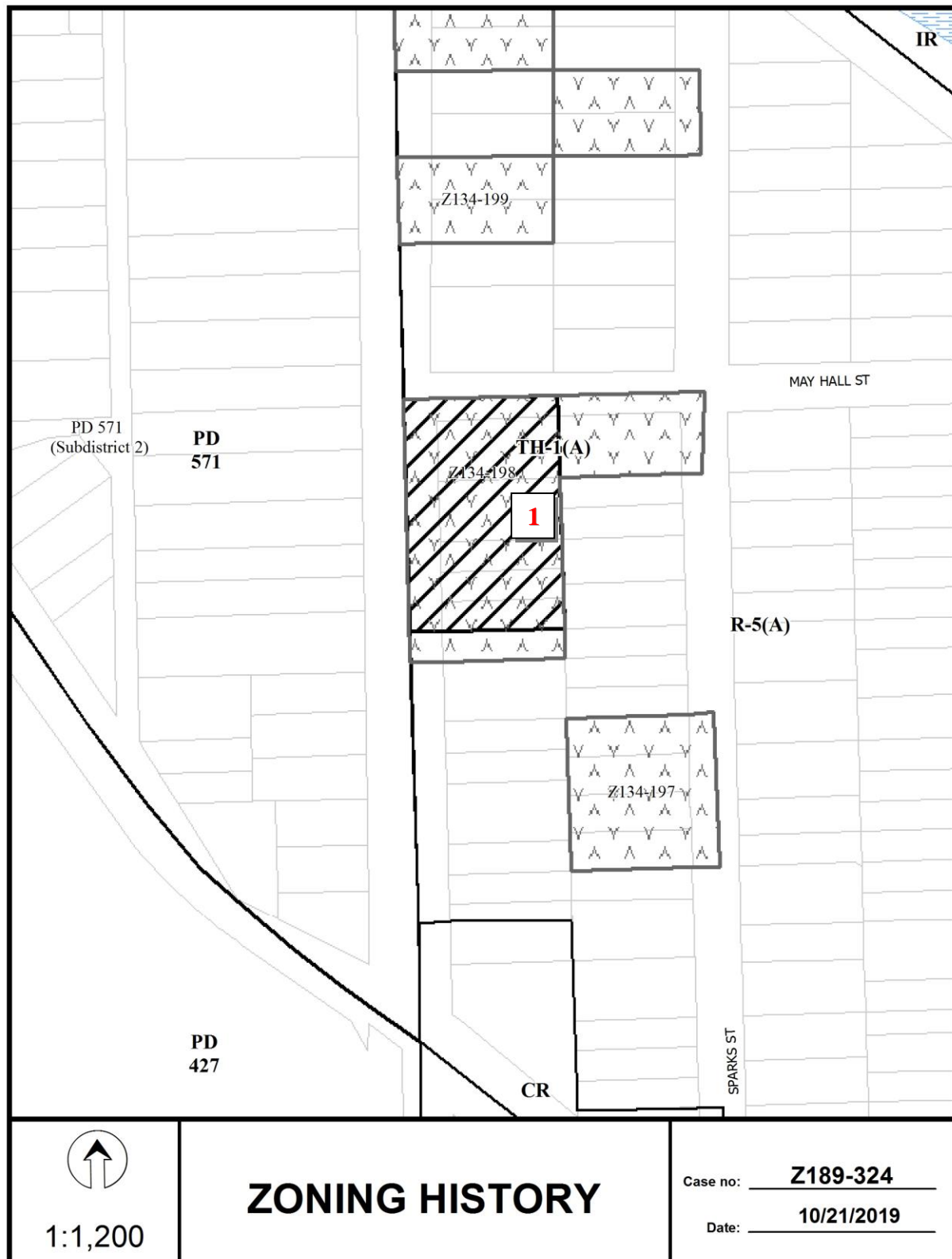






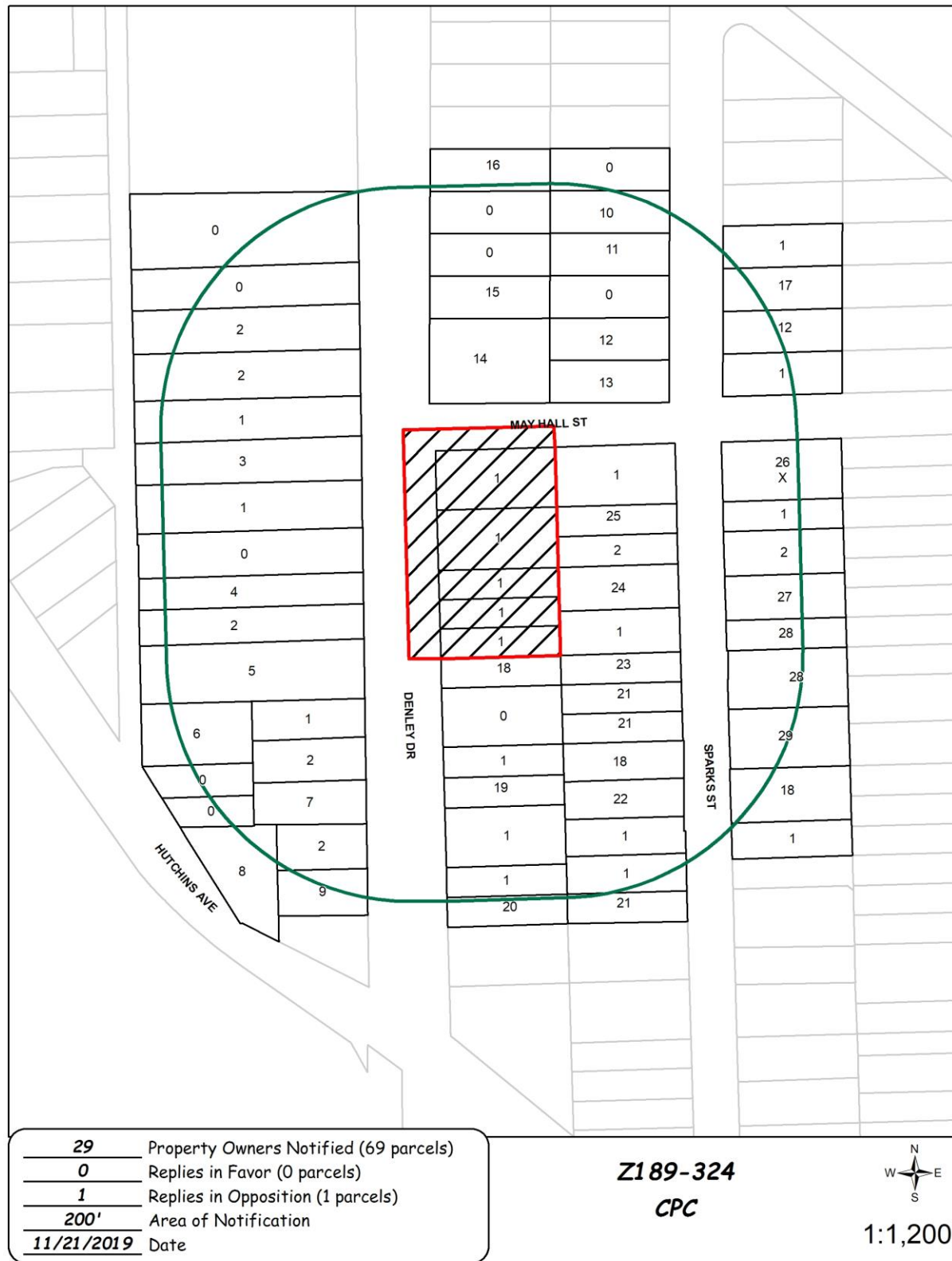








## CPC Responses



11/20/2019

***Reply List of Property Owners******Z189-324******29 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	523 N DENLEY DR	TEXAS HEAVENLY HOMES LTD
	2	603 N DENLEY DR	DALLAS HOUSING ACQUISITION & DEV CORP
	3	521 N DENLEY DR	JOHNSON SIRDELLIA EST OF
	4	507 N DENLEY DR	GLOBAL HARVESTERS FDN
	5	501 N DENLEY DR	SPARKS FANNIE
	6	1223 HUTCHINS AVE	EDWARDS NELLA DELOIS
	7	425 N DENLEY DR	CARTER JAMES
	8	1239 HUTCHINS AVE	WALKER ELMORE L
	9	419 N DENLEY DR	MEEKS JAMES
	10	613 SPARKS ST	HOPKINS AUGUSTINE
	11	509 SPARKS ST	SCOTT DORIS
	12	503 SPARKS ST	EDWARDS NELLA D
	13	501 SPARKS ST	HOPKINS OLISTENE
	14	604 N DENLEY DR	GRAVES MICHAEL
	15	608 N DENLEY DR	HILL VERLINE
	16	616 N DENLEY DR	BURKS MARVIN
	17	508 SPARKS ST	TEXAS HEAVENLY HOMES, LTD
	18	426 N DENLEY DR	DALLAS HOUSING ACQUISITION & DEV CORP
	19	418 N DENLEY DR	HAYNES EMMA ET AL
	20	410 N DENLEY DR	MANUEL BERNET
	21	423 SPARKS ST	FELDER ROBERT CARL
	22	429 SPARKS ST	TEXAS HEAVENLY HOMES
	23	435 SPARKS ST	WACHE LLC
	24	439 SPARKS ST	LOWERY TASHA M
	25	443 SPARKS ST	JONES CHARLES E
X	26	452 SPARKS ST	WYNN DIANE

Z189-324(JM)

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	438	SPARKS ST	COBBS CLYDE B SR
28	436	SPARKS ST	MOORE MRS LORAIN
29	432	SPARKS ST	NEDD ETHEL



## Agenda Information Sheet

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**File #:** 19-2008

**Item #:** Z6.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and an electrical substation use on property zoned an R-7.5(A) Single Family District, on the west line of Southeast 14th Street, south of Skyline Road

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

Z189-330(SM)

ACM: Majed Al-Ghafry

**FILE NUMBER:** Z189-330(SM)

**DATE FILED:** August 12, 2019

**LOCATION:** West line of Southeast 14th Street, south of Skyline Road

**COUNCIL DISTRICT:** 3

**MAPSCO:** 51 A-K

**SIZE OF REQUEST:** 5.82 acres

**CENSUS TRACT:** 159.00

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**REPRESENTATIVE:** Thomas Fletcher, Kimley-Horn and Associates, Inc.

**APPLICANT:** Seth Sampson, Oncor Electric Delivery Company

**OWNER:** Oncor Electric Delivery Company

**REQUEST:** An application for a Planned Development District for R-7.5(A) Single Family District uses and an electrical substation use on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The applicant [Oncor] proposes to expand the existing electrical substation, Oncor Lakecrest Substation, to the north.

**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 area of request is currently developed with an electrical substation in the southern portion of the site and the northern portion is undeveloped.
- Aerial photography shows the existing electrical substation was constructed between 1972 and 1979.

**Zoning History:** There have been no recent zoning cases requested in the area in the past five years.

## **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Dimension and ROW
Southeast 14th Street	Major Arterial	Standard-6 lanes-Divided; 107 feet

**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.

**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.

There are no goals or policies that support or oppose this request.

## STAFF ANALYSIS:

### **Surrounding Land Uses:**

Location	Zoning	Land Use
Site	R-7.5(A)	Undeveloped and electrical substation
North	MF-1(A) with DR No. Z045-123	Multifamily
East	R-7.5(A)	Undeveloped and electrical substation
South	R-7.5(A)	Undeveloped and Single Family
West	R-7.5(A)	Undeveloped, Single Family, and Multifamily

**Land Use Compatibility:**

The applicant proposes to expand the existing electrical substation to the north. The site is surrounded by a multifamily development to the north and west and single family and undeveloped land to the south and west. Additional undeveloped land and the original electrical substation in this area is located to the east, across Southeast 14th Street.

The continuance and expansion of the existing electrical substation is considered compatible with surrounding land uses because it will allow electricity service to be improved and support the electricity needs of the area as it increases in population.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing: R-7.5(A) Single Family	25'	5' SFD 10'/15' Other/	1 Dwelling Unit/ 7,500 sq. ft.	30* ft.	45%		Single family
Proposed: PDD	25' <b>15' for elect sub</b>	5' SFD 10'/15' Other <b>10'/20' elect sub</b>	1 Dwelling Unit/ 7,500 sq. ft.	30* ft.	45%		Single family, electrical substation

\* Section 51A-4.408 of the DDC provides an exception to height for utility and public service uses

The applicant requests a reduction of the R-7.5(A) Single Family District front yard setback from 25 feet to 15 feet, an increase in the rear yard setback from 15 to 20 feet, and modified fence standards for security and safety purposes. Staff supports the applicant's requests because the site abuts an MF-1(A) District to the north, which also requires a 15-foot front yard and allows fences to exceed four feet in height in the front yard. Staff also supports the increased rear yard setback, which would apply to the west property line, because the additional setback would further separate the electrical equipment from the abutting single family property owners.

The proposed expansion of the existing electrical substation consists of two types of taller metal structures. First, there are two 58-foot tall A-frame dead end structures which form the ends of and provide structural support for the horizontal electrical lines. Second, there are three 65-foot tall static masts which act as lightning rods to divert lightning away from the electrical substation equipment.

The R-7.5(A) Single Family District only specifies that maximum structure height is 30 feet and does not specify an additional limitation to height in the form of a residential proximity slope (RPS). Therefore, RPS does not apply to the subject site. Additionally,

Section 51A-4.408 of the Dallas Development Code provides an exception of maximum structure height for utility and public service uses. Therefore, the maximum structure height of 30 feet in the R-7.5(A) Single Family District also does not apply to an electrical substation.

However, a one-to-three slope, similar to RPS, can be utilized as a tool to consider height compatibility with surrounding uses and structures. For the proposed 58-foot tall A-frame dead-end structure and 65-foot tall static mast to comply with a spacing of one foot in height for every three feet in distance, they must be placed 174 and 195 feet, respectively, away from the nearest single family zoned private property. Since the closest residential property line, which abuts the site to the west, to the nearest proposed A-frame dead-end structure and static mast is approximately 87 and 240 feet away, respectively, if RPS spacing is applied, the proposed A-frame dead-end structure would not comply but the static mast would comply. Although the proposed A-frame dead-end structure would not comply with a one-to-three slope, staff can support the proposed electrical substation expansion because the proposed use is a public utility and they are unmanned static structures.

**Parking:**

Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is two spaces. The applicant is providing at least two spaces through the two vehicular entrances shown to access the property from Southwest 14th Street.

**Landscaping:**

In general, landscaping must be provided in accordance with the landscaping proposed in the landscape plan. Per the most recent proposal, the area of request that contains the existing electrical substation will not be required to provide landscaping because it is nonconforming to landscaping standards except that a hedgerow which surrounds the existing substation was recently added to provide screening for adjacent property owners and because deep root plants would not be acceptable in areas with underground feeder lines, so only shrubs are proposed in these areas.

The expansion to the north will provide landscaping as shown in the proposed landscape plan, which generally conforms to Article X's street tree and perimeter landscape buffer strip requirements and provides a seven-foot tall screening hedge to the north and west. The most recent proposal increases the number of residential buffer zone trees on the west side from 13 to 17 trees. Additionally, utility conflicts were discovered on the north property line and therefore, the applicant has substituted those trees from maple trees to

eastern red bud ornamental trees and has increased the number of trees on the north side from 11 trees to 14 trees

A comparison of the applicant's proposal to Article X standards is provided below. Staff supports the applicant's proposed landscape plan because it provides almost all of the Article X landscaping conditions with the exception of an enlarged street buffer zone, which enlarges from five feet to ten feet when adjacent to a thoroughfare, and the site does not provide site trees because mature site trees would interfere with the public utility of the overhead electricity lines and equipment on the subject site.

DALLAS, TEXAS CODE - LANDSCAPE CALCULATIONS (ARTICLE X)		
SITE LANDSCAPING	REQUIRED	PROVIDED
STREET BUFFER ZONE (SBZ) 1 TREE PER 30' OF FRONTAGE SOUTHEAST 14TH STREET (677 - EXISTING/UTILITIES = 210 210 LF / 30 = 7 TREES)	10' BUFFER  7 TREES	5' BUFFER  7 TREES
RESIDENTIAL BUFFER ZONE (RBZ) SCREENING REQUIRED: 1 TREE PER 30' OF ADJACENCY NORTH SIDE 419 LF / 30 = 14 TREES	10' BUFFER  14 TREES	10' BUFFER  14 TREES
WEST SIDE (677 - EXISTING = 510 510 LF / 30 = 17 TREES)	17 TREES	17 TREES
SITE SCREENING 6' SCREEN	6' SCREEN	7' SCREEN
6' HEDGE (SIDE, REAR AND FRONT OF PROPERTY)	YES	YES

### **Lighting:**

Lighting provisions have also been added as part of the PDD conditions for an electrical substation. The proposed lighting provisions are considered to be an improvement upon the glare provisions in Section 51A-6.104 of the Dallas Development Code's Environmental Performance Standards and therefore staff supports the proposed lighting provisions.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it abuts an “E” MVA cluster to the north and west.



## List of Officers

### Memorandum

*To: City of Dallas Planning Department*

*From: Thomas L. Fletcher, PE  
Rob Myers, PE*

*Date: September 24, 2019*

*Subject: Oncor Lakecrest Substation – SUP List of Partners/Principals/Officers*

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- Board of Directors:
  - James R. Adams
  - George W. Bilicic
  - Thomas M. Dunning
  - Robert A. Estrada
  - Printice L. Gary
  - William T. Hill, Jr.
  - Timothy A. Mack
  - Jeffrey W. Martin
  - Helen M. Newell
  - Allen Nye
  - Robert S. Shepard
  - Richard W. Wortham, III
  - Steven J. Zucchet
- Transmission Manager III
  - Jill Alvarez, P.E.
- ROW Siting Specialist
  - Seth Sampson

**CPC Action**

**October 17, 2019**

**Motion:** In considering an application for a Planned Development District for R-7.5(A) Single Family District uses and electrical substation use on property zoned an R-7.5(A) Single Family District, on the west line of Southeast 14th Street, south of Skyline Road, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: Schultz  
Second: Housewright  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley

Against: 0  
Absent: 0  
Vacancy: 2 - District 3, Place 15

**Notices:** Area: 500 Mailed: 53  
**Replies:** For: 0 Against: 0

**Speakers:** For: Seth Sampson, 113 W. 2<sup>nd</sup> St., Ft. Worth, TX, 76049  
Thomas Fletcher, 6160 Warren Parkway, Frisco, TX, 75034  
Against: James Johnson, 1327 Macaw Ct., Grand Prairie, TX, 75060

**CPC Action**  
**November 7, 2019**

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District uses and electrical substation use, subject to a development plan, landscape plan, and conditions on property zoned an R-7.5(A) Single Family District, on the west line of Southeast 14th Street, south of Skyline Road.

Maker: Schultz  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 53  
**Replies:** For: 0 Against: 1

**Speakers:** For: None  
For (Did not speak): Seth Sampson, 115 W. 2<sup>nd</sup> St., Ft. Worth, TX, 76049  
Thomas Fletcher, 6160 Warren Parkway, Frisco, TX, 75034  
Against: None



**CPC RECOMMENDED PDD CONDITIONS**

**ARTICLE \_\_\_\_.**

**PD \_\_\_\_.**

**SEC. 51P- \_\_\_\_ .101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_, passed by the Dallas City Council on \_\_\_\_.

**SEC. 51P- \_\_\_\_ .102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property located on the west line of Southeast 14th Street, south of Skyline Road. The size of PD \_\_\_\_ is approximately 5.82 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 residential zoning district.

**SEC. 51P- \_\_\_\_ .104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_\_\_A: development plan.
- (2) Exhibit \_\_\_\_B: landscape plan.

**SEC. 51P- \_\_\_\_ .105. DEVELOPMENT PLAN.**

- (a) For an electrical substation, development and use of the Property must comply with the development plan (Exhibit \_\_\_\_A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

**SEC. 51P- \_\_\_\_\_.106. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

(b) The following main use is permitted by right:

-- Electrical substation.

**SEC. 51P- \_\_\_\_\_.107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P- \_\_\_\_\_.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) For an electrical substation, minimum front yard is 15 feet.

(c) For an electrical substation, minimum rear yard is 20 feet.

**SEC. 51P- \_\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

**SEC. 51P- \_\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-\_\_\_\_\_.111. LANDSCAPING.**

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

(b) For an electrical substation, landscaping must be provided as shown on the landscape plan (Exhibit \_\_\_\_\_.B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

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

**SEC. 51P- \_\_\_\_\_.112. SIGNS.**

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

**SEC. 51P- \_\_\_\_\_.113. ADDITIONAL PROVISIONS.**

(a) Fences for an electrical substation.

(1) Fences in a required front yard may be erected up to a maximum height of nine feet in height.

(2) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

(3) Except as provided in this subparagraph, fence materials must comply with Section 51A-4.602 (a)(9). Barbed wire and razor ribbon (concertina wire) is prohibited unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.

(b) Lighting provisions for an electrical substation.

(1) Light poles may not exceed 18 feet in height.

(2) Light poles or light fixtures shall be no closer than 25 feet from all common adjacent residential property boundaries.

(3) Exterior lighting must be directed away from adjoining properties.

(4) All light poles must be shielded fixtures.

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

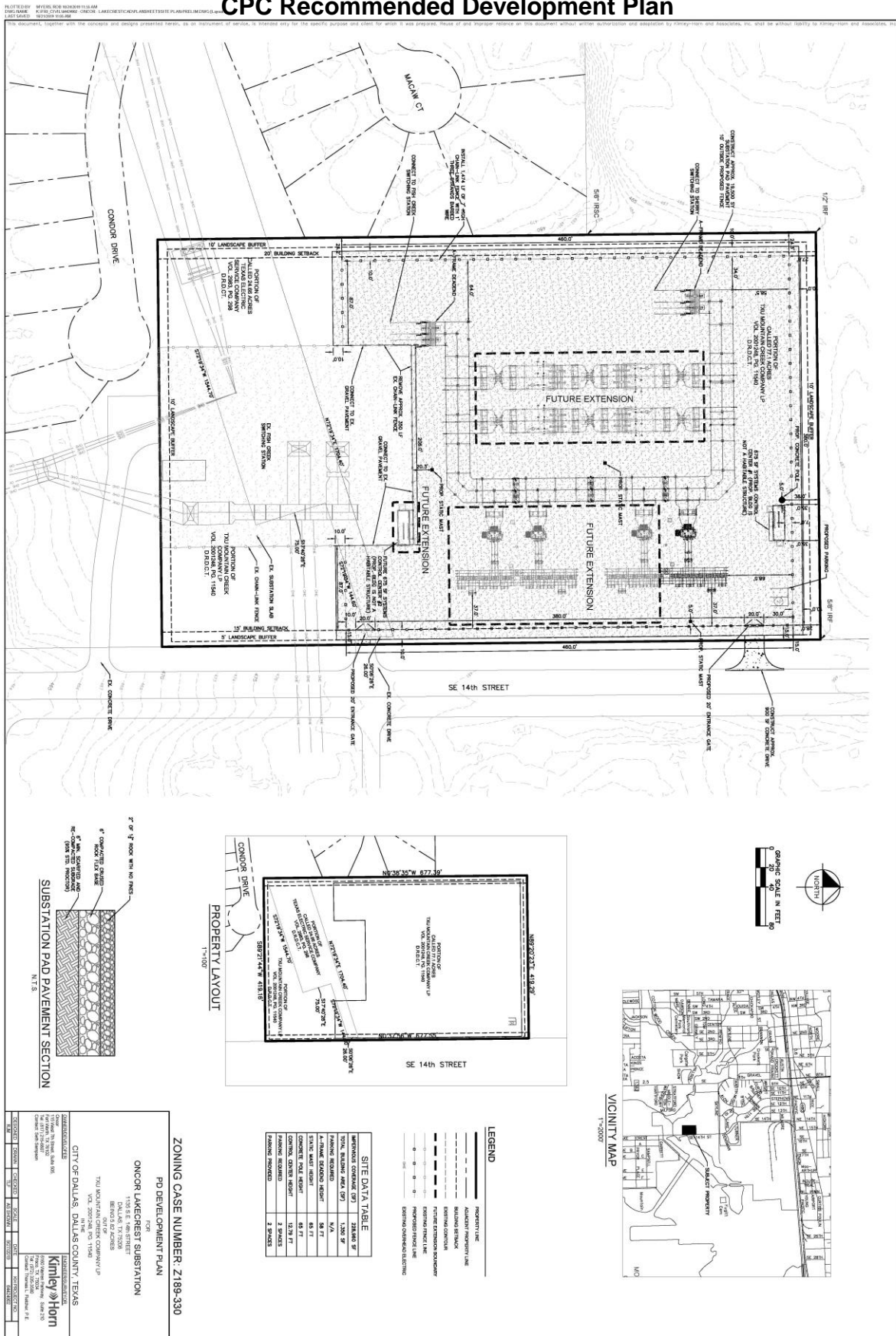
(d) Compliance. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-\_\_\_\_.114. COMPLIANCE WITH CONDITIONS.**

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

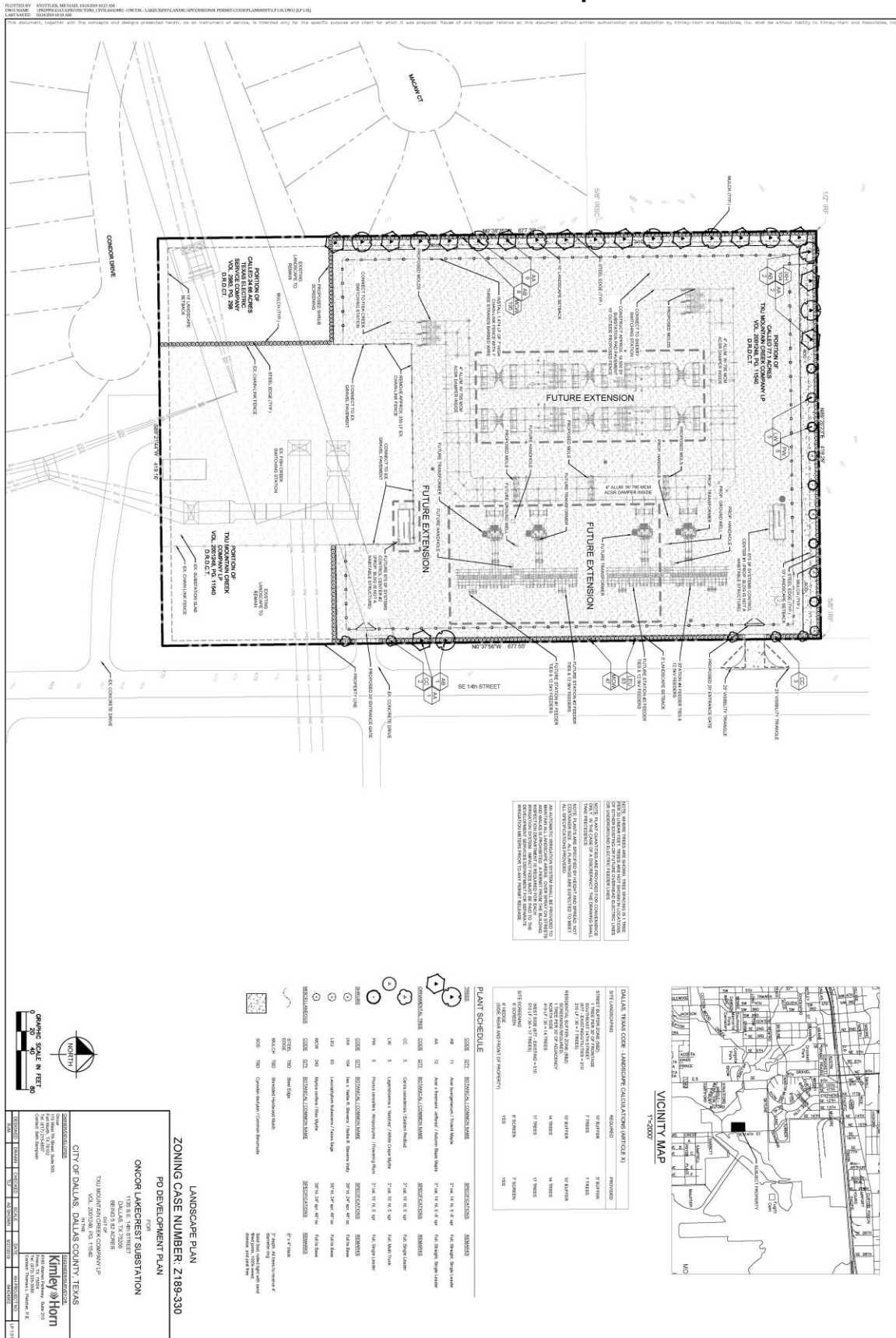
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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

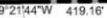
## CPC Recommended Development Plan



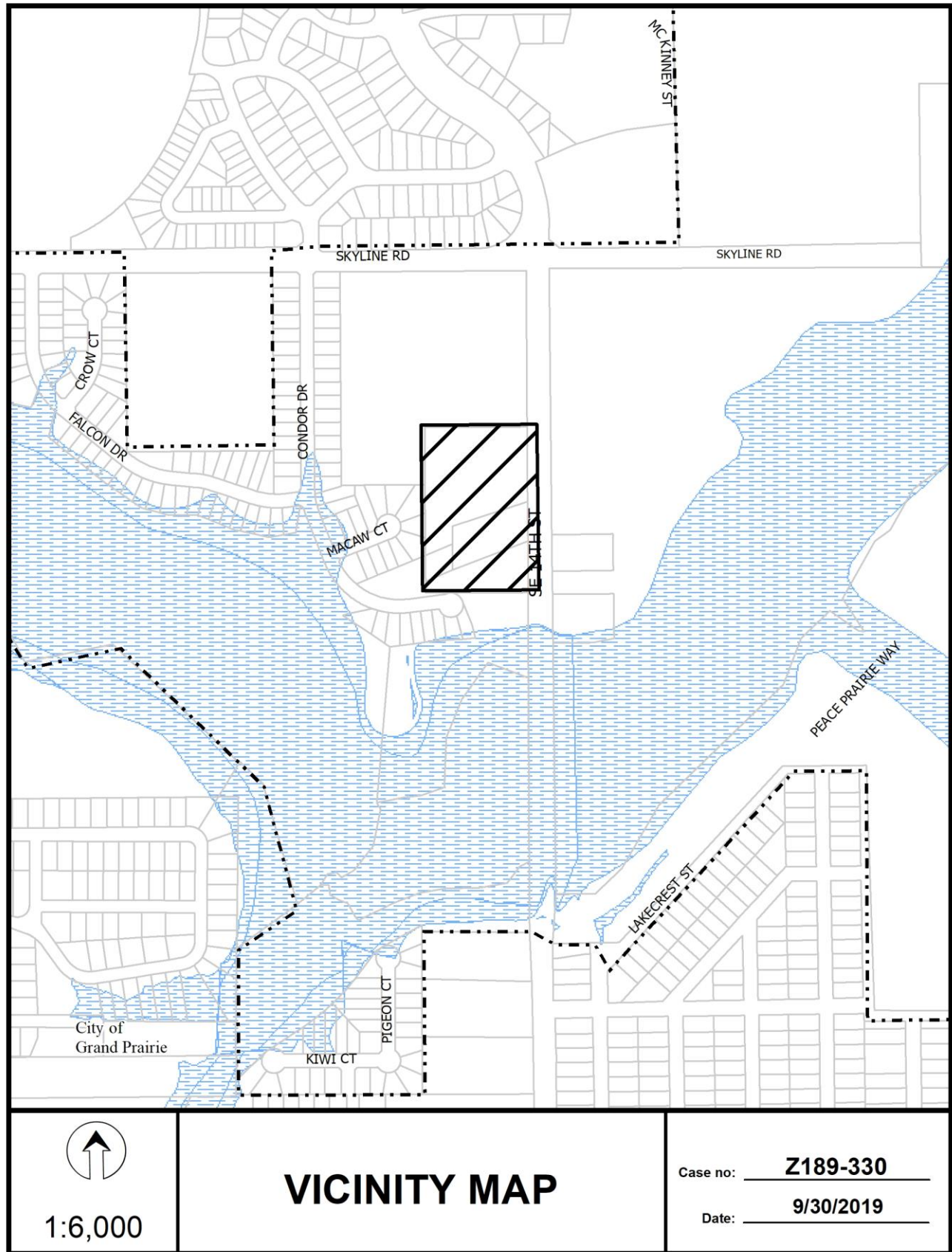


# CPC Recommended Landscape Plan

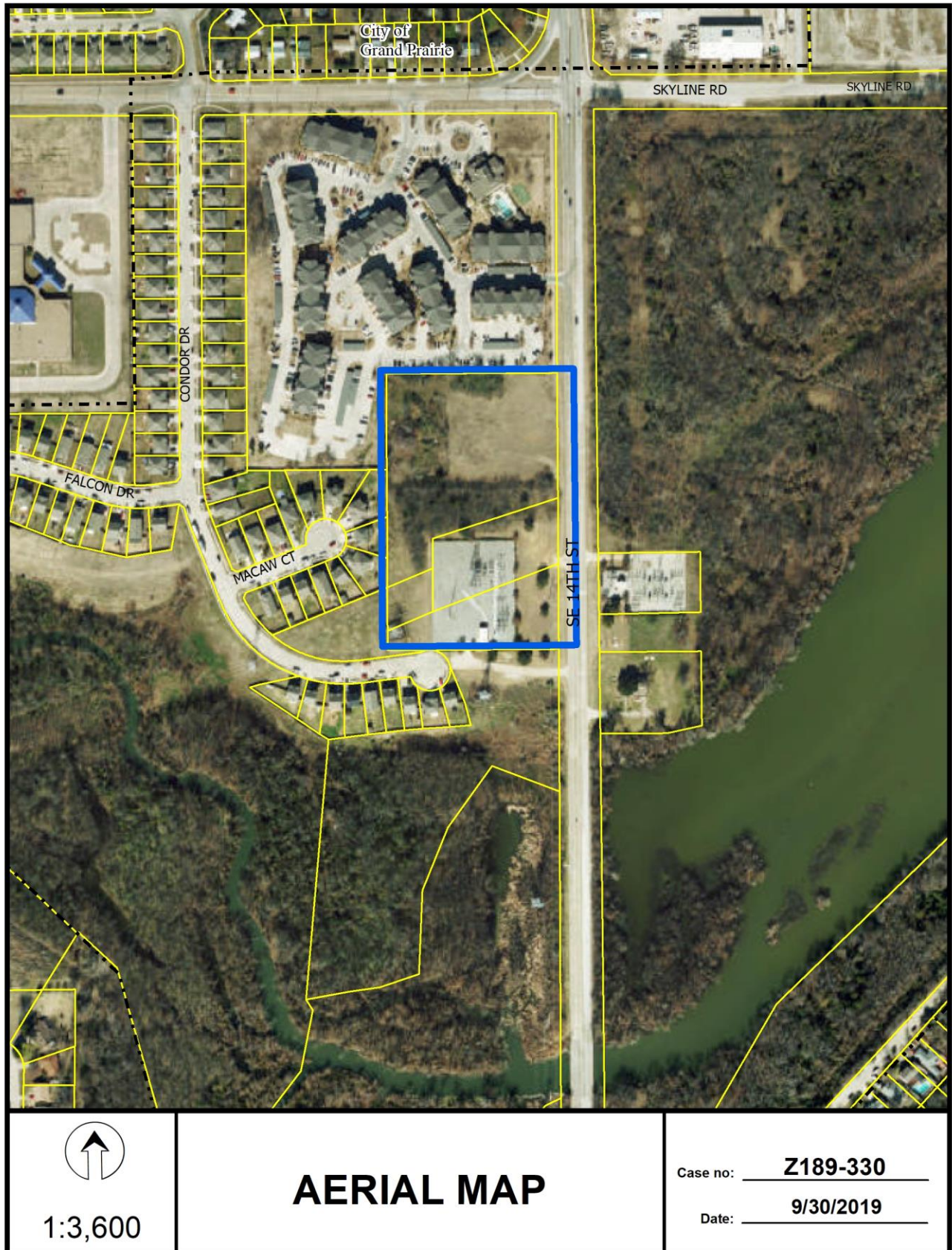




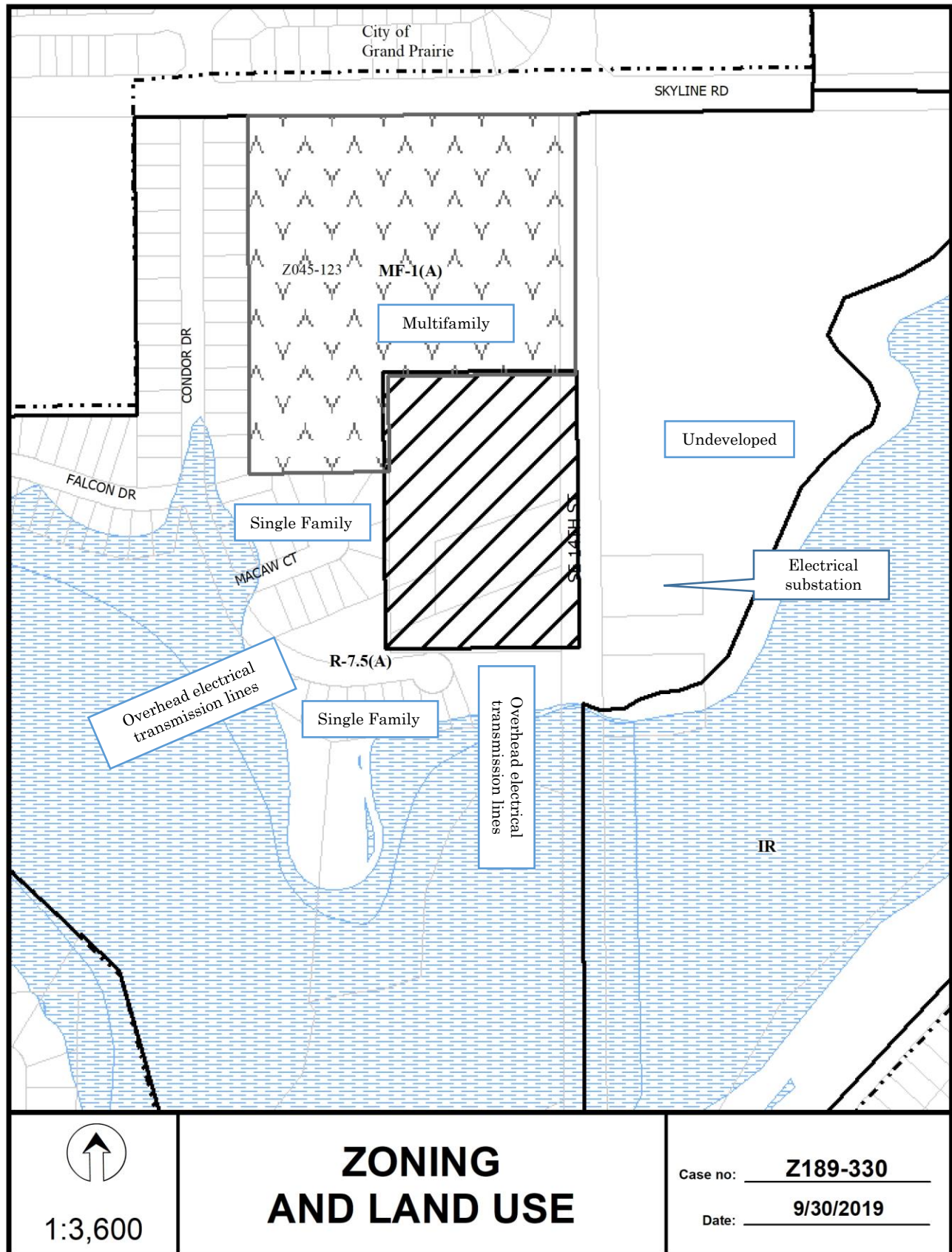




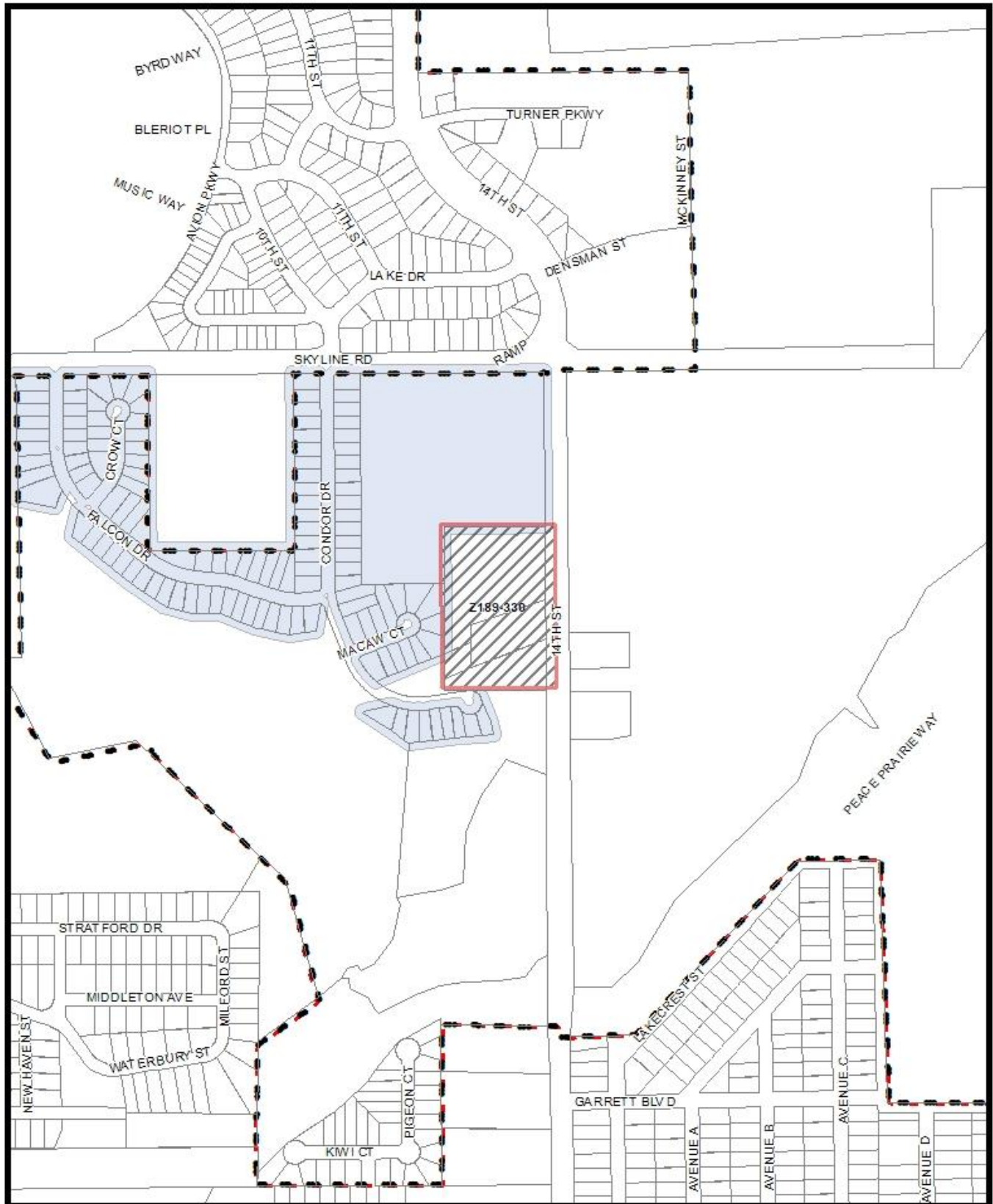








Z189-330(SM)



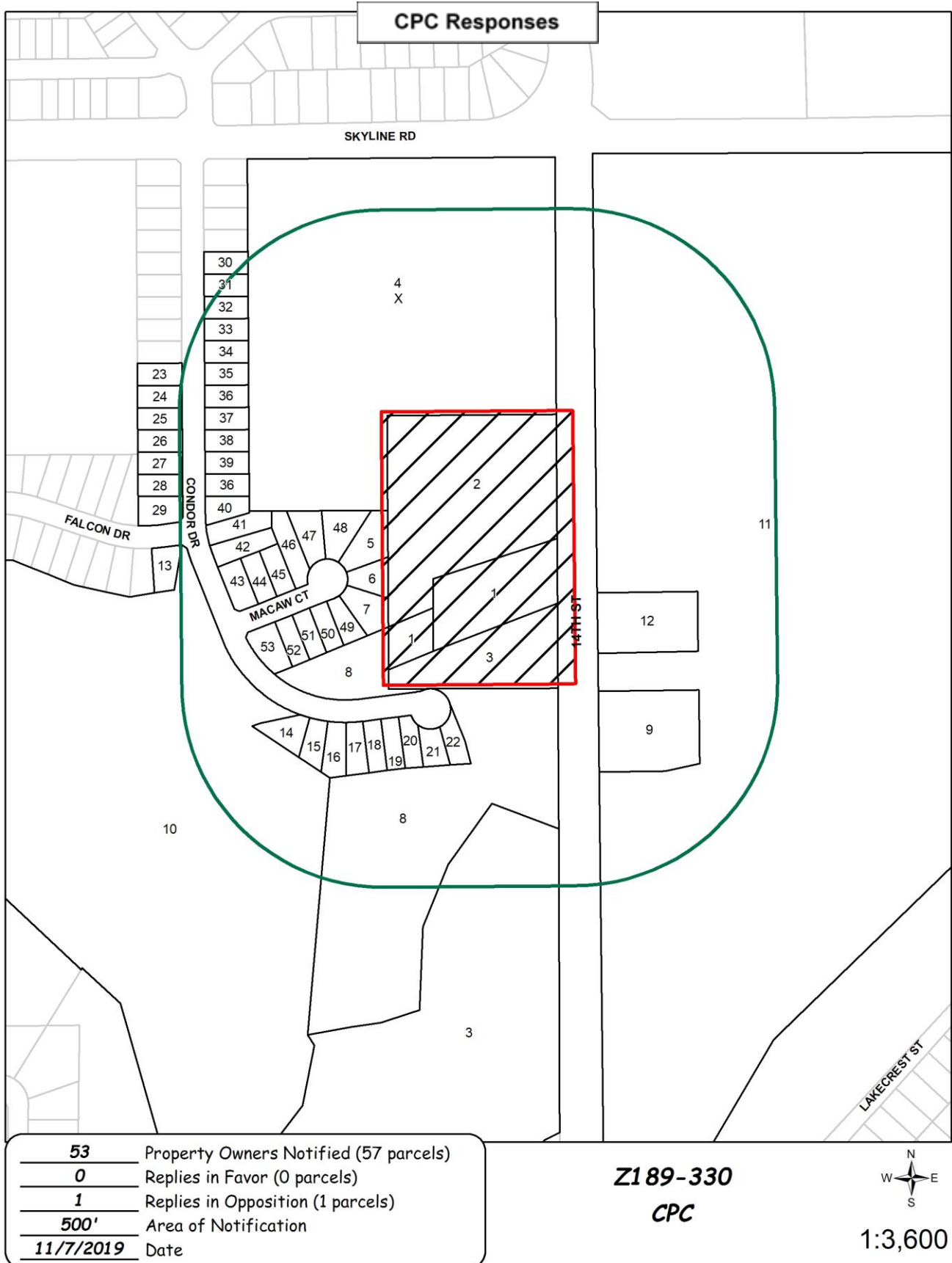
MVACluster A B C D E F G H I NA



1:6,000

## Market Value Analysis

Printed Date: 10/1/2019



11/06/2019

***Reply List of Property Owners******Z189-330******53 Property Owners Notified   0 Property Owners in Favor   1 Property Owner Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1200 SE 14TH ST	ONCOR ELECRCIC DELIVERY COMPANY
	2	1101 SE 14TH ST	ONCOR ELECTRIC DELIVERY CO
	3	1318 W JEFFERSON BLVD	ONCOR ELECRTCIC DELIVERY COMPANY
X	4	1350 SKYLINE RD	MOUNTAIN CREEK APTS LP
	5	1327 MACAW CT	JOHNSON FAMILY REVOCABLE LIVING TRUST THE
	6	1328 MACAW CT	CEDERSTROM MARTA M &
	7	1324 MACAW CT	LANSDOWNE MARGARET A
	8	1350 SKYLINE RD	ONE PRIME PROPERTY INC
	9	1100 SE 14TH ST	TRINITY RIVER AUTHORITY
	10	1350 SKYLINE RD	ONE PRIME PROPERTY INC
	11	1250 SE 14TH ST	AMERICAN BROWNFIELD MCIC LLC
	12	1225 SE 14TH ST	UNITED STATES OF AMERICA
	13	1381 FALCON DR	COSTILLA HORACIO G &
	14	1129 CONDOR DR	MUNOZ FEDERICO
	15	1133 CONDOR DR	CARTER CHERYL JANEL
	16	1137 CONDOR DR	BROWN PIERRE C & TAMARA L
	17	1141 CONDOR DR	VENZOR MARTIN
	18	1145 CONDOR DR	RAMIREZ ALMA R &
	19	1149 CONDOR DR	ENGLISH SHELIA H
	20	1153 CONDOR DR	JOHNSON JONATHAN
	21	1157 CONDOR DR	METZGER ANDREW E & JASMINE M
	22	1161 CONDOR DR	PERICAZ MARIA & ALEJANDRO J
	23	1039 CONDOR DR	SANTELICES ARMEL
	24	1043 CONDOR DR	SCOTT MELISSA A
	25	1047 CONDOR DR	HERNANDEZ MARIA
	26	1051 CONDOR DR	MATTHEWS SOWMI J & JAYAN

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1055	CONDOR DR	ORTIZ JOSE
28	1059	CONDOR DR	MINOTTI ERADIO & RUTH GONZALEZ
29	1063	CONDOR DR	FLORES CARLOS
30	1018	CONDOR DR	MENDOZA JESSICA
31	1022	CONDOR DR	VENTURA NELSON & ADRIANA ANDRADE
32	1026	CONDOR DR	MARTINEZ FERNANDO &
33	1030	CONDOR DR	BOSCCO MARIO A &
34	1034	CONDOR DR	AH4R TX2 LLC
35	1038	CONDOR DR	GARZA RUBEN
36	1042	CONDOR DR	TAH HOLDING LP
37	1046	CONDOR DR	WALLACE ROBERT E
38	1050	CONDOR DR	PHUYAL RAMESH P & BINDA ARYAL
39	1054	CONDOR DR	LOPEZ JUANA
40	1062	CONDOR DR	PLATA OSCAR &
41	1104	CONDOR DR	MONTALBO JOHN C &
42	1108	CONDOR DR	LEONARD SHKAYIA K
43	1303	MACAW CT	PMC SFR BORROWER LLC
44	1305	MACAW CT	PORTILLO ELMER & FLOR
45	1309	MACAW CT	RODRIGUEZ VIRGINIA DONNA
46	1313	MACAW CT	LEIJA LEONARDO
47	1319	MACAW CT	FUENTES YOLANDA L
48	1323	MACAW CT	NAVARRETE DOUGLAS A & CLAUDIA M
49	1320	MACAW CT	FONSECA ANNETTE
50	1316	MACAW CT	2018 1 IH BORROWER LP
51	1312	MACAW CT	AHMED RASHED IBNE & ATIFA
52	1308	MACAW CT	CRUZ JESUS
53	1304	MACAW CT	TAPIA ANTONIO G





## Agenda Information Sheet

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**File #:** 19-2009

**Item #:** Z7.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, between Prospect Avenue and Oram Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions Z189-333(PD)



**ACM: Majed Al-Ghafry****FILE NUMBER:** Z189-333(PD)**DATE FILED:** August 14, 2019**LOCATION:** East line of Greenville Avenue, between Prospect Avenue and Oram Street**COUNCIL DISTRICT:** 14**MAPSCO:** 36 X**SIZE OF REQUEST:** ± 22,204 sq.ft.**CENSUS TRACT:** 11.01**REPRESENTATIVE:** Rob Baldwin, Baldwin and Associates**OWNER/APPLICANT:** Lavo Properties, LLC

**REQUEST:** An application for the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay.

**SUMMARY:** The purpose of the request is to allow the existing restaurant use [Gung Ho] to continue to operate as a late-hours establishment per PDD No. 842 and remain open past 12:00 a.m. (midnight).

**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 January 26, 2011, the City Council approved Planned Development District No. 842 for CR Community Retail District uses, which requires a Specific Use Permit for any retail and personal service uses operating after 12:00 a.m. (midnight).
- The site lies within the Tract 3 portion of Modified Delta Overlay No. 1.
- A Certificate of Occupancy was approved and issued on January 30, 2018, for the existing restaurant use [Gung Ho] at the subject site.
- On December 13, 2017, City Council granted Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service use, for a one-year time period. Subsequently, on November 14, 2018, City Council approved the renewal of the SUP for an additional one-year time period.
- The applicant is requesting the renewal of the SUP for late hours to provide for continued daily operations between the hours of 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday.

**Zoning History:** There have been eleven zoning change requests in the area within the last five years.

1. Z189-206: On August 28, 2019, the City Council approved the creation of a new subdistrict within Planned Development District No. 842 with an MD-1 Modified Delta Overlay.
2. Z178-272: On October 24, 2018, the City Council approved the creation of a new subdistrict within Planned Development District No. 842 with an MD-1 Modified Delta Overlay.
3. Z178-304: On November 14, 2018, the City Council approved the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year time period, subject to a site plan and conditions. (subject site)
4. Z167-367: On December 13, 2017, the City Council approved Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year time period, subject to a site plan and conditions. (subject site)

5. Z156-300: On October 26, 2016, the City Council approved the renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through for a four-year period subject to a site plan and conditions.
6. Z156-294: On October 26, 2016 the City Council approved the renewal of Specific Use Permit No. 1912 for a late-hours establishment limited to a bar, lounge or tavern for a three-year period subject to a site plan and conditions.
7. Z134-262: On October 8, 2014, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive through service for a three-year period subject to a site plan and conditions.
8. Z134-177: On August 13, 2014, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period subject to a site plan and conditions.
9. Z123-304: On November 12, 2013, the City Council approved the renewal of SUP No. 1904 for a late-hours establishment limited to a restaurant without drive-in or drive-through service.
10. Z134-204: On August 28, 2013 the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in service for a three-year period with eligibility for automatic renewals for additional two year periods, subject to conditions.
11. Z123-262: On August 28, 2013, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in service for a one-year period subject to a site plan and conditions.

**Thoroughfare/Street**

Thoroughfare/Street	Type	Existing/Proposed ROW
Greenville Avenue	Collector	56 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined it will not negatively impact 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.

**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.

**Area Plans:**

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

**Modified Delta Overlay No. 1:**

Modified Delta Overlay (MD-1) was adopted by the City Council on October 1, 1987 in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. The Overlay consists of three Areas. The subject site lies within Area 3 of the Modified Delta Overlay No. 1 (MD-1).

The modified delta overlay, in effect, prohibits the application of the delta theory due to the ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

In general terms, 'delta theory' means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded.

A June 14, 1995, City Council resolution provided for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area at a ratio of 1 space per 300 square feet of public dining space.

Lastly, a June 28, 1995, amendment to the ordinance provide for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50 percent of required parking for a use.

### **STAFF ANALYSIS:**

#### **Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 842	Restaurant
<b>North</b>	PDD No. 842	Restaurant
<b>East</b>	PDD No. 167, CR SUP No. 285	Surface Parking Lot, Electric Substation
<b>South</b>	PDD No. 842	Personal Service
<b>West</b>	PDD No. 842	Retail

#### **Land Use Compatibility:**

The 22,204-square-foot request site is developed with an approximately 7,300-square-foot structure with an 800-square-foot uncovered patio area. The application is for the renewal of SUP No. 2272, for a late-hours establishment limited to a restaurant without drive-in or drive-through service use.

The applicant is requesting the renewal of the SUP for a late-hours establishment to permit the continued operation of the restaurant beyond 12:00 a.m. to 2:00 a.m., Monday through Sunday, consistent with other retail and personal service uses in the area.

The site is surrounded by retail uses to the north, south and west, and surface parking lots and an electric substation to the east.

The purpose of PDD No. 842 is to 'ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.' As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m. A specific use permit is required for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011, for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

- (1) the number of citations issued by police to patrons of the establishment;
- (2) the number of citations issued by police for noise ordinance violations by the establishment;
- (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
- (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
- (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP, which 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 purposes of promoting the health, safety, morals, and general welfare of the city.

The proposed use is oriented along the north-south alignment of Greenville Avenue with no direct access to the residential areas that are found beyond those uses along this

street. Therefore, staff supports the renewal of SUP No. 2272 for a two-year period, subject to the attached conditions.

### **Reported incidents and calls requiring police activity within the year:**

The crime statistics covers the period of November 14, 2018 through October 24, 2019. The crime statistics reflects a total of seven calls with no arrest or offenses reported.

Master_Incident_Number	Response_Date	Response_Time	Watch	Division	Sector	Beat	RA	Problem	Priority_Description	Location_Name	Address	Apt
19-0002610	1/1/2019	1:57:00 AM	1	CENTRAL	140	144	1164	6X - Major Dist (Violence)	2 - Urgent	gungho	2010 Greenville Ave	
19-0079771	1/14/2019	1:49:00 AM	1	CENTRAL	140	144	1164	21B - Business Hold	2 - Urgent		2010 Greenville Ave	B
19-0396433	3/7/2019	2:05:00 AM	1	CENTRAL	140	144	1164	12B - Business Alarm	3 - General Service	REMEDY	2010 Greenville Ave	
19-0425990	3/11/2019	12:13:00 PM	2	CENTRAL	140	144	1164	16 - Injured Person	3 - General Service	HG SUPPLY	2010 Greenville Ave	
19-0632297	4/11/2019	2:51:00 AM	1	CENTRAL	140	144	1164	12B - Business Alarm	3 - General Service	THE REMEDY	2010 Greenville Ave	B
19-1231394	7/4/2019	6:14:00 PM	3	CENTRAL	140	144	1164	6X - Major Dist (Violence)	2 - Urgent	GUNG HO	2010 Greenville Ave	NULL
19-1238605	7/5/2019	8:42:00 AM	2	CENTRAL	140	144	1164	12B - Business Alarm	3 - General Service	REMEDY	2010 Greenville Ave	NULL

### **Landscaping:**

The existing development is void of landscape materials and the request will not trigger compliance with Article X.

### **Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to a "C" MVA Cluster to the northeast across Prospect Avenue.

### **Parking:**

Since 1979, the use of the property has been for retail and personal services uses. For a restaurant without drive-in or drive-through use, the requirement for off-street parking is calculated at one space per 100 square feet of floor area. Additionally, required parking for the public dining area is calculated at a ratio of 1 space per 300 square feet of public dining space which requires an additional 3 off-street parking spaces; however, the patio is exempt because it is uncovered. While no delta credits exist for the request site, staff verified a parking agreement of 169 spaces with 5711,

Z189-333(PD)

5716, 5720, and 5724 Prospect Avenue and 2026 Greenville Avenue and 5602-06 Sears Street to satisfy the requirement of 53 off-street parking spaces for the applicant's request.



Z189-333(PD)

**Partners/Principals/Officers:**

**Lavo Properties, LLC**

**Wonderful Seven GP**

Marc Andres, President  
Roger Andres, Director

Z189-333(PD)

**CPC ACTION:**  
**November 7, 2019**

**Z189-333(PD)**

Planner: Pamela Daniel

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service use for a two-year period, subject to revised conditions with a modification to Condition #6, OUTDOOR SPEAKERS to read as follows: "Use of loudspeakers or any amplified sound outdoors is prohibited between the hours of 12:00 a.m. and 2:00 a.m." on property zoned Planned Development District No. 842 for CR Community Retail District uses with an MD-1 Modified Delta Overlay on the east line of Greenville Avenue, between Prospect Avenue and Oram Street.

Maker: Ridley  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - MacGregor, Schulte, Schwope, Johnson,  
Shidid, Carpenter, Blair, Jung, Housewright,  
Schultz, Murphy, Ridley, Brinson, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 200 Mailed: 23  
**Replies:** For: 4 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

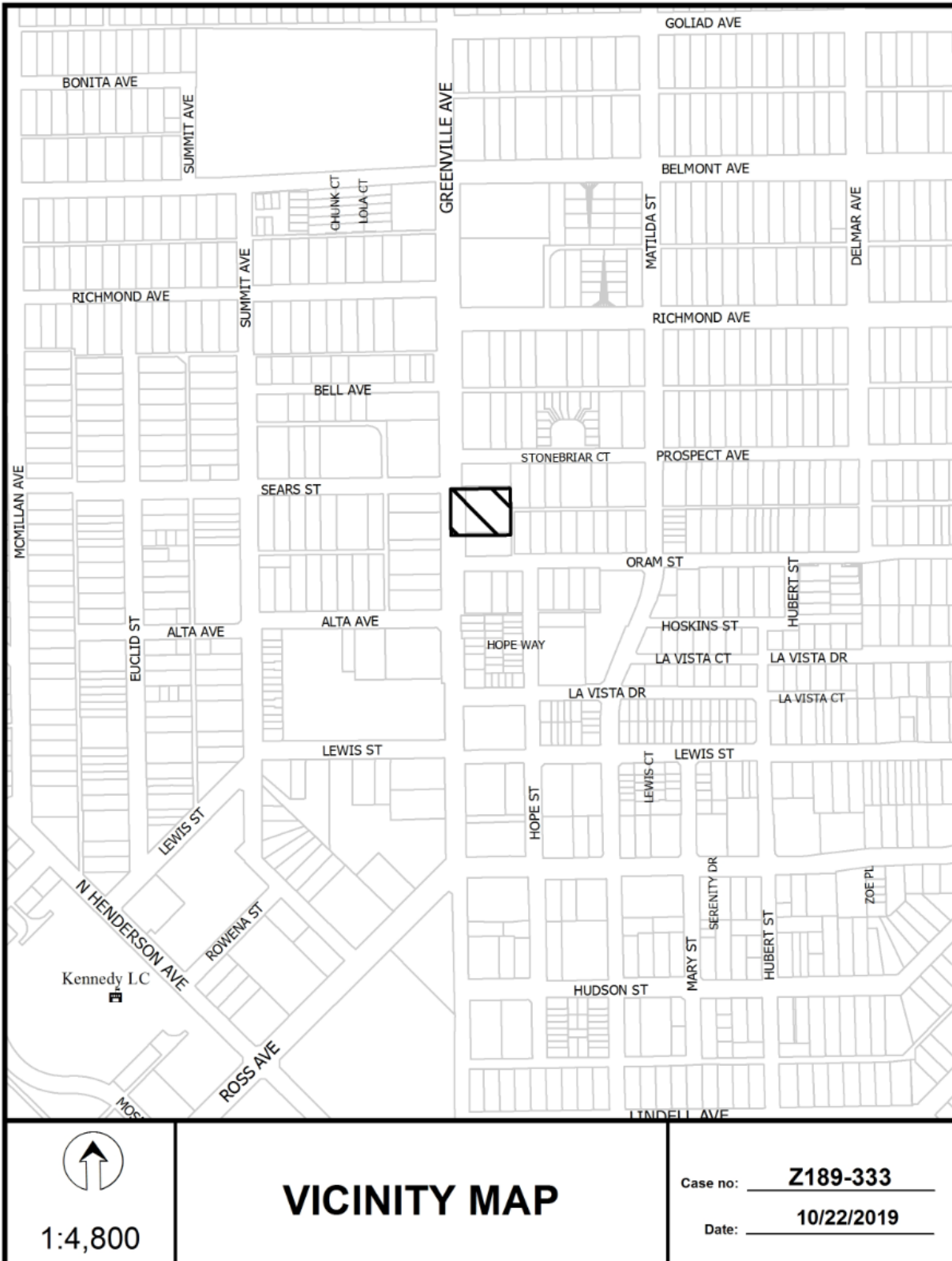
### **CPC Recommended Conditions**

1. USE: The only use authorized by this specific use permit is late hours establishment limited to a restaurant without drive-in or drive-through service.
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 ~~November 14, 2019~~ (two-year period from passage of the ordinance).
4. FLOOR AREA: The maximum floor area is 7,300 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION:
  - A. The late-hours establishment limited to a restaurant without drive-in or drive-through service may not operate between 2:00 a.m. and 6:00 a.m., Monday through Sunday.
  - B. The rooftop must cease operation by 12:00 a.m., Monday through Sunday.
  - C. All customers must be removed from the Property by 2:15 a.m.
6. OUTDOOR SPEAKERS, AMPLIFICATION, AND LIVE MUSIC: Speakers, amplification, or live music are prohibited on the rooftop and front patio between the hours of 12:00 a.m. and 6:00 a.m.
7. PATIO:
  - A. An outdoor patio is only allowed in the location shown on the attached site plan.
  - B. The patio may not exceed 800 square feet in area.
  - C. The patio must be uncovered.
  - D. The Property owner or operator must obtain a private license for an outdoor patio, with a copy provided to the building official before the outdoor patio may be used by customers.
8. REAR WALK-UP WINDOW: A rear walk-up window for take-out orders is prohibited between the hours of 12:00 a.m. and 6:00 a.m.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

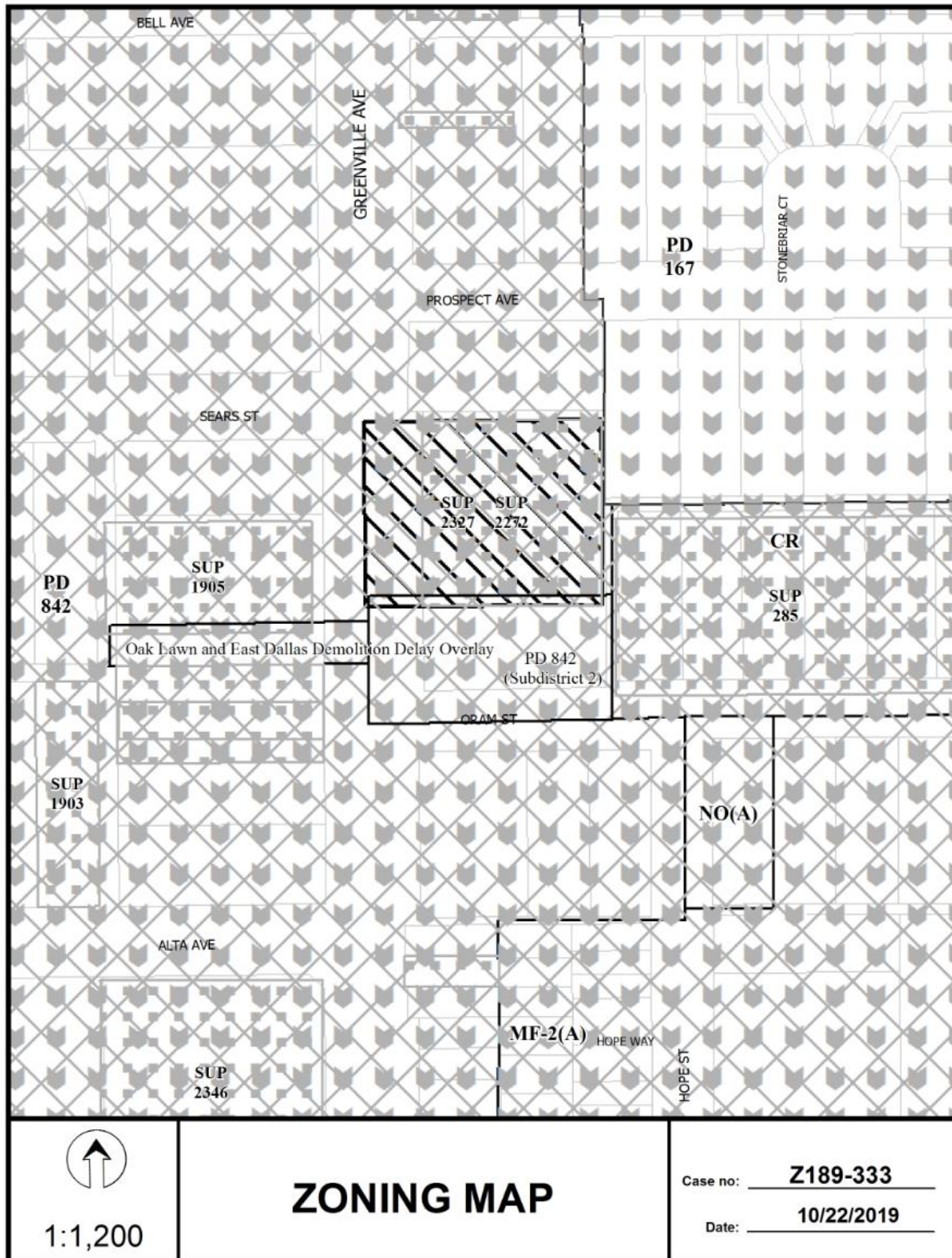
**Existing Site Plan  
(No Changes)**



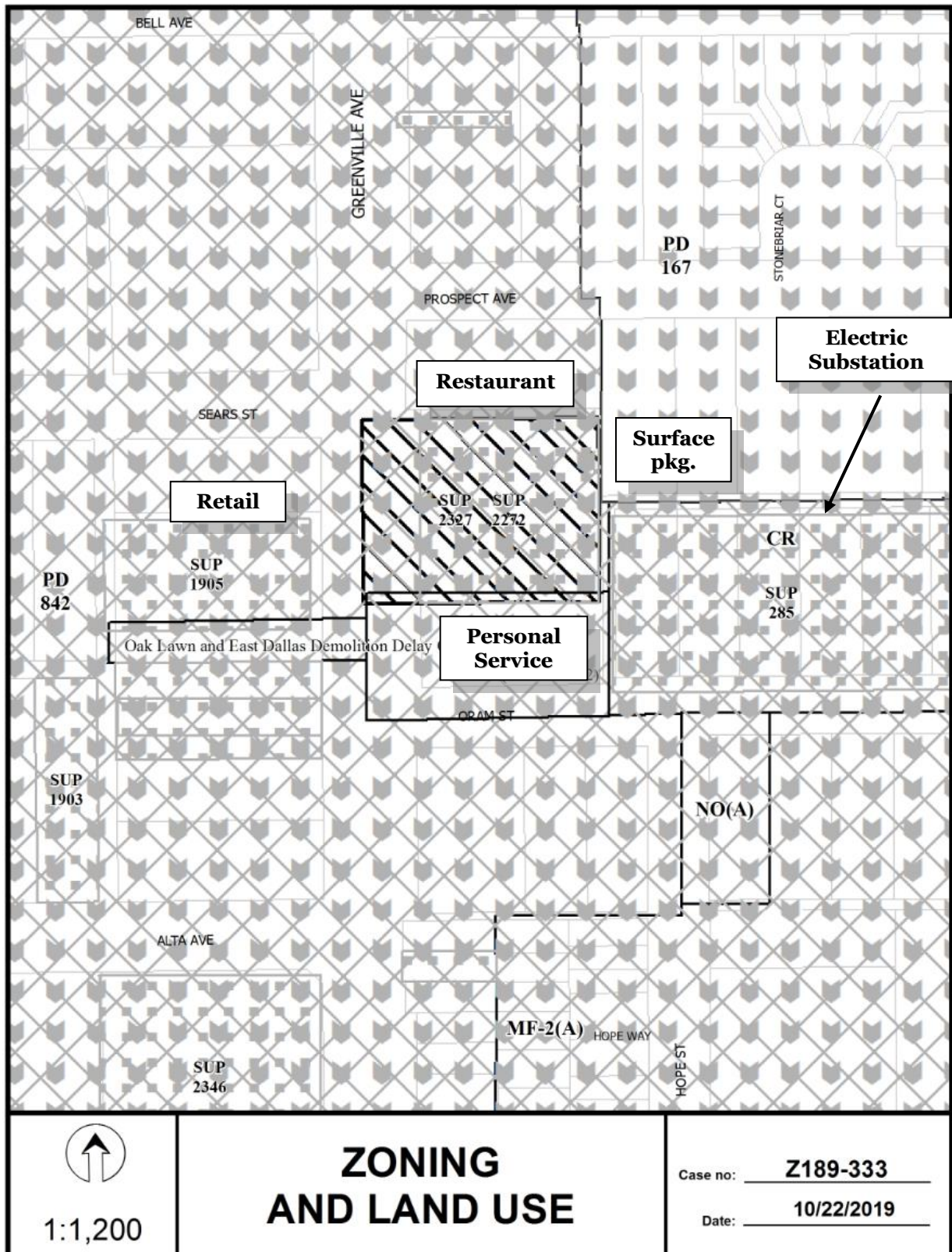


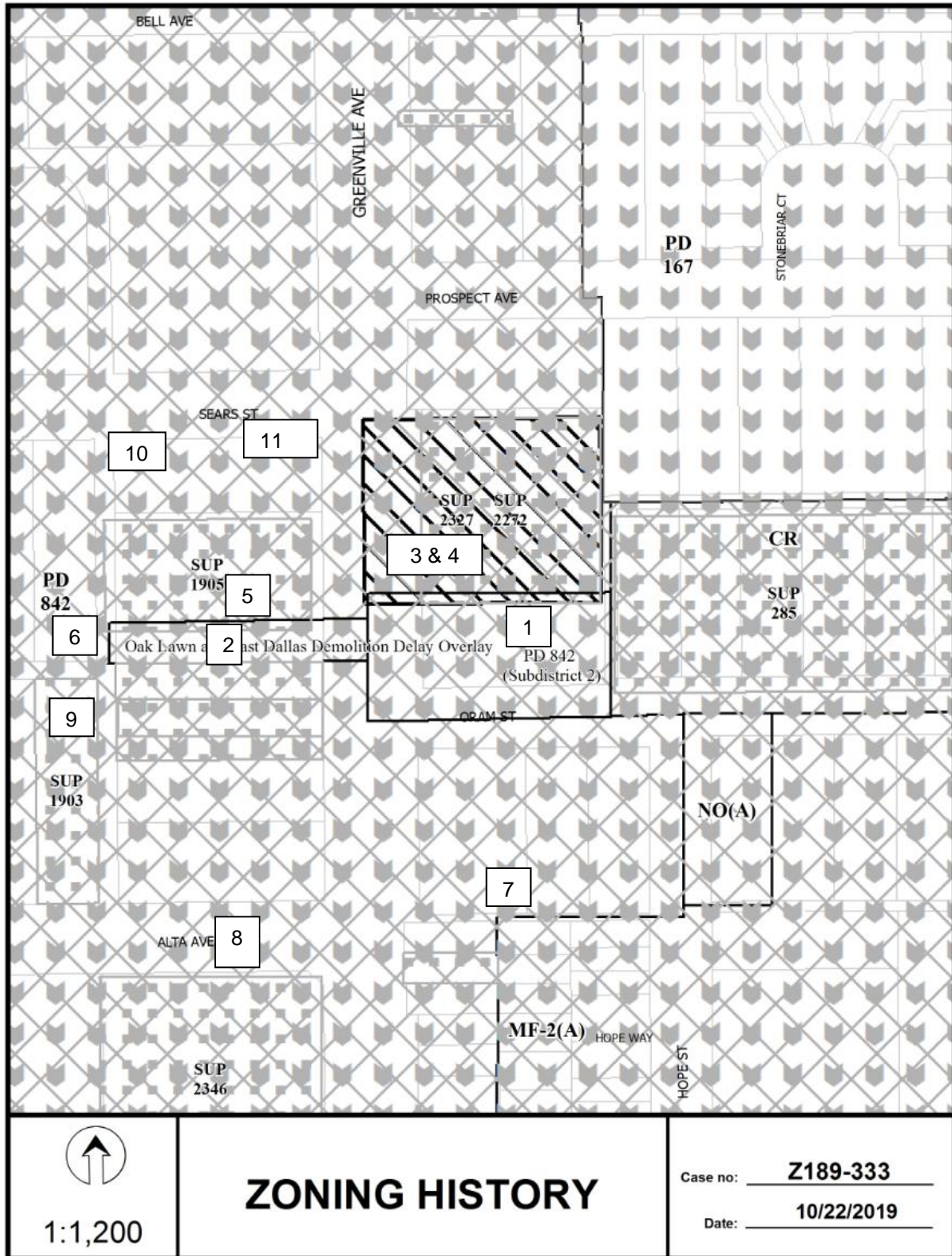




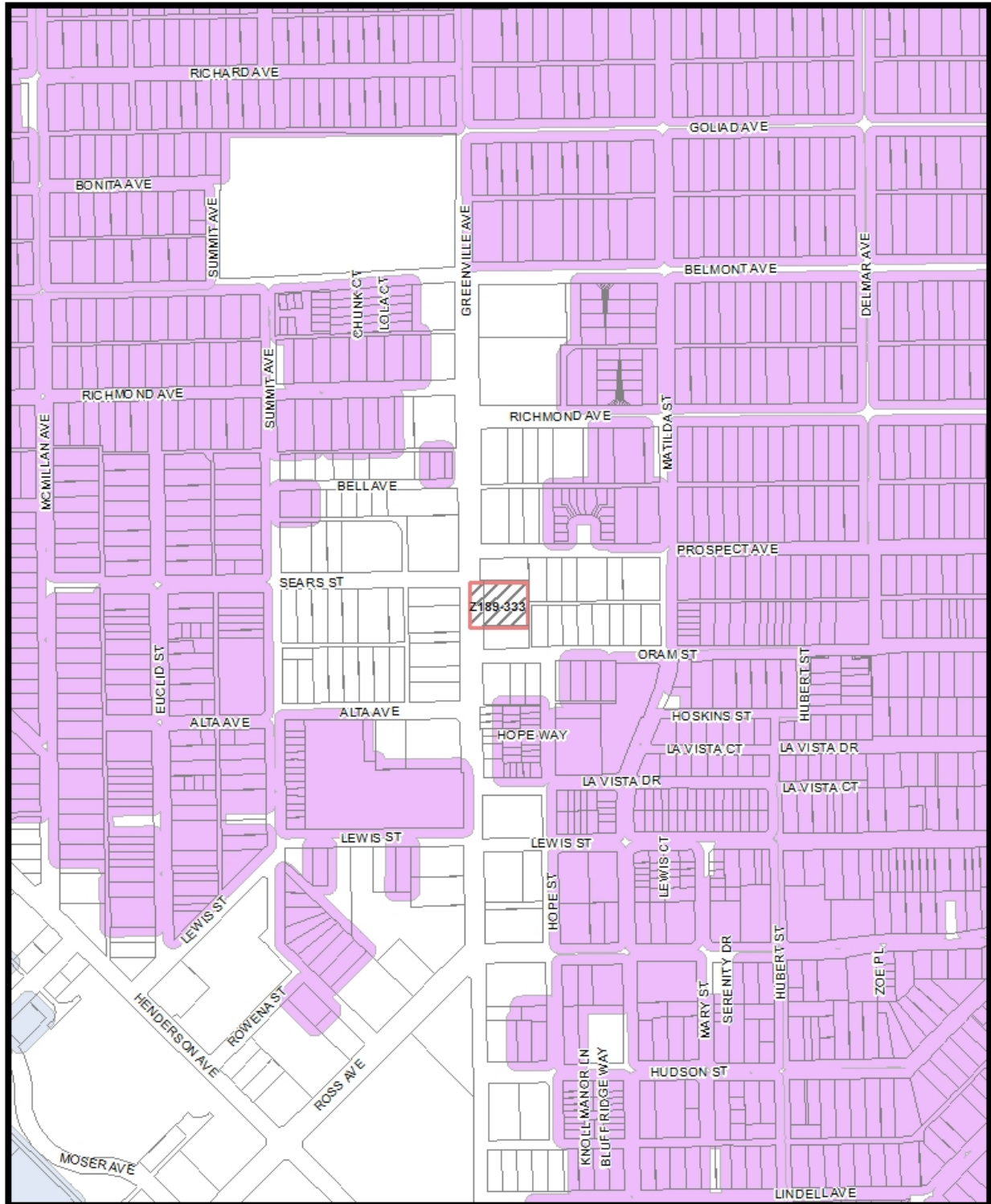












**Market Value Analysis**    A    B    C    D    E    F    G    H    I    NA

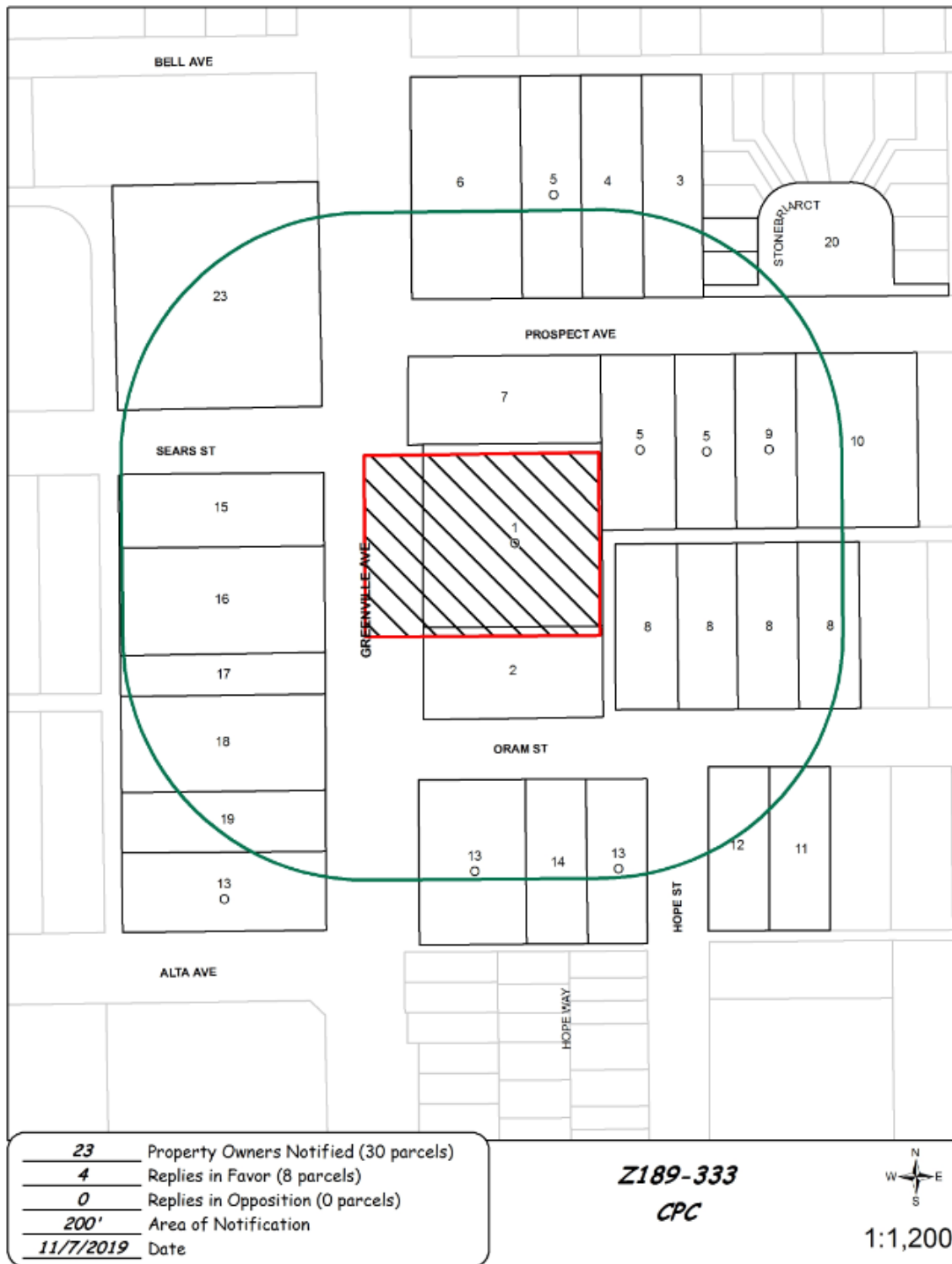


1:4,800

# Market Value Analysis

Printed Date: 10/22/2019

**CPC RESPONSES**



11/06/2019

***Reply List of Property Owners*****Z189-333****23 Property Owners Notified****4 Property Owners in Favor****0 Property Owners Opposed**

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	2008 GREENVILLE AVE	LAVO PROPERTIES LLC
	2	2000 GREENVILLE AVE	LANDE PAUL &
	3	5719 PROSPECT AVE	MADISON PACIFIC DEV COM
	4	5715 PROSPECT AVE	REESE GRANDCHILDRENS
O	5	5711 PROSPECT AVE	ANDRES FAMILY TRUST
	6	2100 GREENVILLE AVE	GREENVILLE 2100 LTD
	7	2026 GREENVILLE AVE	ANDRES FAMILY TRUSTS THE
	8	5715 ORAM ST	ONCOR ELECRCIC DELIVERY COMPANY
O	9	5724 PROSPECT AVE	ANDRES FAMILY TRUST
	10	5728 PROSPECT AVE	WALL JOHN E JR
	11	5726 ORAM ST	TARL CABOT LLC &
	12	5722 ORAM ST	MCKINNEY FEARGAL &
O	13	5712 ORAM ST	LOWGREEN PS
	14	5710 ORAM ST	SOURIS GEORGIA REVOCABLE TRUST
	15	1931 GREENVILLE AVE	GREENWAY SEARS LP
	16	1919 GREENVILLE AVE	1919 27 GREENVILLE LTD
	17	1917 GREENVILLE AVE	SEB GROUP LLC
	18	1911 GREENVILLE AVE	INTERCITY INVESTMENT PROP
	19	1909 GREENVILLE AVE	WORLDWIDE FOOD INC
	20	2100 STONEBRIAR CT	STONEBRIAR CT H O A
	21	2 STONEBRIAR CT	GERDES ANDREW KIRK
	22	1 STONEBRIAR CT	HOOPER NICOLE E
	23	2001 GREENVILLE AVE	2001 GREENVILLE VENTURE LTD



## Agenda Information Sheet

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**File #:** 19-2010

**Item #:** Z8.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Howell Street and Routh Street  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, Tract I development plan, Tract I landscape plan, and conditions  
Z189-337(JM)

**FILE NUMBER:** Z189-337(JM) **DATE FILED:** August 25, 2019**LOCATION:** North corner of Howell Street and Routh Street**COUNCIL DISTRICT:** 14 **MAPSCO:** 7 I**SIZE OF REQUEST:** ± 3.84 acres **CENSUS TRACT:** 18.00

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**REPRESENTATIVE:** Suzan Kedron, Jackson Walker LLP**APPLICANT/OWNER:** SRPF B/Quadrangle Property LLC**REQUEST:** An application for a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.**SUMMARY:** The purpose of this request is to maintain the GR General Retail Subdistrict uses while increasing the allowable height from 120 feet to 230 feet, increasing the floor area ratio from 2.0:1 to 4.5:1, providing additional landscaping and open space, reducing lot coverage from 80 percent to 60 percent, and reducing the required off-street parking requirements with all parking provided below grade.**CPC RECOMMENDATION:** Approval, subject to a conceptual plan, Tract I development plan, Tract I landscape plan, and conditions.**STAFF RECOMMENDATION:** Approval, subject to a conceptual plan, Tract I development plan, Tract I landscape plan, and conditions.

## **BACKGROUND INFORMATION:**

- On February 8, 1985, the City Council approved Planned Development District No. 193, the Oak Lawn Special Purpose District. The PD is comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the objectives outlined in the PD.
- The subject site is proposed to be split into two tracts. The northern portion is not planned for redevelopment at this time and contains over 150,000 square feet of office and 21,000 square feet of theater, restaurant, and retail uses in an eight-story building and other structures. The southern portion is proposed as Tract I and is planned for redevelopment. The southwest corner of Tract I will be limited to 36 feet in height, and the southeast portion of the site will contain a new tower, up to 230 feet in height with 350,000 square feet of office floor area.
- The proposed variations from the GR General Retail Subdistrict standards will apply to Tract I when the following additional provisions are met: requiring 20 percent open space, additional landscaping, enhanced pedestrian features such as eight-foot sidewalks, pedestrian linkages, pedestrian amenities, façade enhancements, and reduced lot coverage.

**Zoning History:** There have been seven recent zoning requests at six locations in the area within the last five years.

1. **Z189-358:** An application for a Specific Use Permit for a bank or savings and loan office with a drive-in window use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by Cedar Springs Road, Fairmount Street and Howell Street. *Pending Council action on January 8, 2020.*
2. **Z189-145:** On April 4, 2019, the City Council approved Planned Development Subdistrict No. 149 for LC Light Commercial uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located at the northwest corner of Cedar Springs Road and Maple Avenue.
3. **Z178-333:** On January 9, 2019, the City Council approved Planned Development Subdistrict No. 146 for nonresidential uses on property zoned an O-2 Office Subdistrict, an LC Light Commercial Subdistrict, and an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the west line of Cedar Springs Road, the northeast line of Bookhout Street, and the southwest line of Maple Avenue.



4. **Z178-313:** On March 27, 2019, the City Council approved an amendment to Planned Development Subdistrict No. 45 for a public school use on property zoned within Planned Development District No. 193, the Oak Lawn Special Purpose District, located in an area generally bounded by Allen Street, McKinney Avenue, Sneed Street, and Cole Avenue.
5. **Z167-134 & Z189-151:** On May 10, 2017, the City Council approved Planned Development Subdistrict No. 131 for GR General Retail Subdistrict uses and hotel use by right on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property located on the south corner of Fairmount Street and Carlisle Street. On February 21, 2019, the City Plan Commission recommended approval of an amendment to PDS No. 131. *The case was withdrawn.*
6. **Z156-254:** On January 25, 2017, the City Council approved Planned Development Subdistrict No. 127 for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of McKinney Avenue and Boll Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Laclede Street	Community Collector	50 feet	--
Routh Street	Community Collector	Varies	--
Howell Street	Community Collector	50 feet	--

**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.

**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 request complies with land use goals and policies of the Comprehensive Plan:

## **LAND USE ELEMENT**

### **GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

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

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

### **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.

### **GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

## **URBAN DESIGN**

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

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

### **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.

Policy 5.1.2 Define urban character in Downtown and urban cores.

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

## **NEIGHBORHOOD PLUS PLAN**

**GOAL 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

### **Area Plans:**

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.

The proposed PDS increased development standards for Tract I would allow for a tower up to 230 feet-in-height.

- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

The property is located within a General Retail Subdistrict, yet the existing buildings are entirely surrounded by surface parking with all pedestrian attractions being located at the center of the site, away from the pedestrian realm and street frontages. The proposed development plan for Tract I will create a tower closer to the street with wider sidewalks, greater landscaping, and open space for public gathering.

- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

Tract I will be entirely served by underground parking, removing all existing surface parking currently wrapping the street frontages along Routh Street and Howell Street.

- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

The area primarily contains GR Subdistrict zoning in the immediate block, with LC and O-2 Subdistricts one block over to the northwest and southeast. The proposed PDS will maintain the GR Subdistrict standards only offering increased development standards including additional height, floor area ratio, and reduced lot coverage, when urban design standards are incorporated. These include providing wider sidewalks, pedestrian amenities, public open space, architectural elements, and façade improvements.

- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

The request does not contain a residential component; therefore, no additional dwelling density is requested. Additionally, an increase in FAR is requested, which will add to the commercial nature of the area.

- (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.

The requests to increase the height and FAR in return for providing pedestrian and public realm improvements to produce a more urban form, and provide shared parking are minimal in nature. The purpose of allowing a PDS is to ensure flexibility in site design/development. The project generally complies with the standards for the GR Subdistrict.

- (7) To promote landscape/streetscape quality and appearance.

The proposed improvements will add significant aesthetic and functional design to the property.

#### **Surrounding Land Uses:**

<b>Area</b>	<b>Zoning</b>	<b>Use</b>
<b>Site</b>	GR Subdistrict	Office, Restaurants, Liquor Store
<b>North</b>	GR Subdistrict	Office, Restaurant, Church, Multifamily
<b>East</b>	GR and LC Subdistricts	Restaurant, Multifamily, Financial Institution
<b>South</b>	PD No. 9 (Nonres)	Alcoholic Beverage Establishment, Office, Surface Parking Lot
<b>West</b>	PD No. 9 (Nonres) and GR Subdistrict	Surface Parking Lot, Medical Office, Office, Restaurant

#### **Land Use Compatibility:**

The 3.84-acre site was developed before 1968, according to historic aerials. The northwestern portion of the site contains an eight-story building with over 150,000 square feet of office space. The office building was erected in 1985, per DCAD. Adjacent to the office building to the east is a theater, restaurant, and retail uses totaling an additional 21,000 square feet. These structures located in the proposed Tract II, will remain. All structures on the south end of the site, which are currently wrapped in surface parking, will be demolished. Proposed structures include a 36-foot building at

the southwest corner of the site, and a 230-foot tower at the southeast portion of the site. Overall, an additional 350,000 square feet of office and 15,000 square feet of restaurant uses are planned.

Surrounding land uses consist of office, restaurant, church, and multifamily to the north; restaurant, multifamily, and financial institution to the east; alcoholic beverage establishment, office, and surface parking to the south; and, surface parking, medical office, office, and restaurant to the west.

The applicant proposes to create a PD Subdistrict (PDS) to allow for the following modifications from the existing GR General Retail Subdistrict standards within Tract I when certain conditions are met: (1) to increase the maximum allowable floor area from 2.0:1 to 4.5:1; (2) increase the maximum allowable height (all inclusive) to 230 feet for the southwest portion of Tract I; and, (3) to reduce the lot coverage in Tract I from 80 percent to 60 percent.

The increased development standards will be allowed when urban design standards are provided to (1) increase the width of sidewalks from six feet, to an unobstructed width of eight feet; (2) provide pedestrian connectivity through the site from Howell Street to Routh Street; (3) screen mechanical equipment from the public right-of-way; (4) provide pedestrian lighting at no greater than one lighting standard per 100 feet along all street-facing facades; (5) provide 17,075 square feet of open space; (6) provide architectural elements to the street facing facades; (7) recess and screen service and loading areas; and, (8) prohibit surface parking.

Additionally, overall off-street parking reductions are requested to reduce the required off-street parking requirements for office uses; and, to provide a mixed-use parking chart for all uses at the site.

Overall, the surrounding properties within the block contain GR Subdistrict development rights; however, properties located one block farther northwest and southeast are O-2 Office and LC Light Commercial Subdistricts which allow up to 240 feet-in-height and 4.0:1 FAR with 75-80 percent lot coverage. The tower will be singular on the existing block, but not entirely out of place since the pocket of GR Subdistrict zoning and PD-Subdistricts with GR or less development rights lie within the immediate vicinity. Staff believes that the proposed project captures the importance of the pedestrian experience and public open spaces; therefore, staff supports the request.

**Development Standards:**

SUBDISTRICT	SETBACKS			FAR	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear					
<b>Existing</b> —GR General Retail	10 feet for 1 <sup>st</sup> 36 feet 25 feet above 36 feet	10' adjacent to residential* OTHER: No Min.		2.0:1 2.5:1**	120'	80%	Retail, restaurant, office, multiple family
<b>Proposed</b> — PDS for GR	10' for first 36 ft 0-20 ft above 36 ft	10' adjacent to residential* OTHER: No Min.	Tr. II	2.0:1 2.5:1**	120' plus 12' for mechanical	80%	Retail, restaurant, office, multiple family
			Tr. I	4.5.	230' per plan	60%	

\*An additional setback required for portions of a structure over 36 feet in height.

\*\*When the floor area for residential uses is equal to or greater than lot area.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not located within an MVA cluster, properties immediately adjacent to the site are sporadically categorized as being within an “E” MVA cluster surrounding the site and within a “C” MVA cluster further out.

**Parking:**

Parking will be in accordance with the parking regulations of Part I of PD No. 193, with the addition of allowing shared parking and a reduced parking rate for office uses based on observations of the existing office uses on-site.

Office uses require one parking space per 333 square feet of floor area. Observations made of parking demand at the subject site indicate a far lesser need for parking, likely due to the mixed-use nature of the area. Two parking reductions are requested. The recommended parking ratio for office uses is one space per 480 square feet of floor area. Additionally, a mixed-use development parking reduction table is provided. The

Z189-337(JM)

Engineering Division has reviewed the requested reductions and agrees with the recommendations.

**Landscaping:**

Landscaping will be in accordance with the landscape regulations of Part I of PD No. 193 except for Tract I, which will have a landscape plan. The plan indicates double the normally required total landscape area will be provided, over 17,000 square feet, rather than 8,500 square feet.

<b>List of Officers</b>
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**LIST OF PARTNERS/PRINCIPALS/OFFICERS**  
**APPLICANT/OWNER**  
**SRPF B/QUADRANGLE PROPERTY, LLC**

Lee C. Belland - President  
Michael J. McVean – Vice President  
Chris Jackson – Vice President  
Adam Jackson – Vice President



**CPC Action**  
**November 21, 2019**

**Motion:** It was moved to recommend **approval** of a Planned Development Subdistrict for GR General Retail uses, subject to a conceptual plan, Tract I development plan, Tract I landscape plan, and conditions on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Howell Street and Routh Street.

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

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwoppe,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 58  
**Replies:** For: 39 Against: 0

**Speakers:** For: Charles Beavers, 2800 Routh St., Dallas, TX, 75201  
Ramsey March, 3813 Marquette St., Dallas, TX, 75225  
For (Did not speak): Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201  
Cricket Griffin, 2300 Wolf St., Dallas, TX, 75201  
Against: None

<p style="text-align: center;"><b>CPC Recommended Proposed PDS Conditions</b></p>
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**Division S-\_\_\_\_. PD Subdistrict \_\_\_\_.**

**SEC. S-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD Subdistrict \_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. S-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict \_\_\_\_ is established on property located at the northeast corner of Howell Street and Routh Street. The size of PD Subdistrict \_\_\_\_\_ is 3.84 acres.

**SEC. S-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

**SEC. S-\_\_\_\_.104. EXHIBITS.**

The following exhibits are incorporated into this division:

- (1) Exhibit S-\_\_\_\_A: conceptual plan.
- (2) Exhibit S-\_\_\_\_B: development plan.
- (3) Exhibit S-\_\_\_\_C: landscape plan.
- (4) Exhibit S-\_\_\_\_D: mixed use development parking chart.

**SEC. 51P-\_\_\_\_.105. CREATION OF TRACTS.**

(a) This district is divided into two tracts: Tract I and II.

(b) The tracts may, but are not required to, correspond to platted lot lines.

**SEC. S-\_\_\_\_.106. DEVELOPMENT PLAN.**

(a) Tract I. Development and use of the Property must comply with the development plan (Exhibit S-\_\_\_\_A). If there is a conflict between the text of this division and the development plan, text of this division controls.

(b) Tract II. A development plan, for all or a portion of Tract II, must be approved by the city plan commission before the issuance of any building permit to authorize work in Tract II that increases the existing building height, floor area ratio, or nonpermeable coverage of Tract II, unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind. If there is conflict between the text of this article and the development plan, the text of this article controls.

**SEC. S-\_\_\_\_.107. MAIN USES PERMITTED.**

The only main uses permitted in this subdistrict are those main uses permitted in the GR General Retail Subdistrict, subject to the same conditions applicable in the GR General Retail Subdistrict, as set out in Part I of this article. For example, a use permitted in the GR General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR General Retail Subdistrict is subject to DIR in this subdistrict; etc.

**SEC. S-\_\_\_\_.108. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

**SEC. S-\_\_\_\_.109. 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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general.

(1) Except as provided in this section, the yard, lot, and space regulations for the GR General Retail Subdistrict apply.

(2) For purposes of yard, lot, and space regulations, each tract is considered one lot.

(b) Increased development standards in Tract I. When the provisions of S-\_\_\_\_.114 are met, the following modifications to the GR General Retail Subdistrict apply.

- (1) Floor area ratio. This district is considered one lot for purposes of calculating floor area ratio. Maximum floor area ratio is 4.5:1.
- (2) Height. Maximum structure height is 230 feet inclusive of mechanical equipment.
- (3) Lot coverage. Maximum lot coverage is 60 percent.
- (4) Stories. No maximum number of stories.

**SEC. S-\_\_\_\_.110. OFF-STREET PARKING AND LOADING.**

(a) In general.

- (1) Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.
- (2) This district is considered one lot for purposes of required off-street parking and loading.
- (3) For office uses, one space for each 480 square feet of floor area is required.
- (4) For Tract I, all parking must be below ground.

(b) Mixed use development parking reduction.

(1) In general.

(A) The off-street parking requirement for a mixed use development (MUD) may be reduced in accordance with the mixed use development parking chart (Exhibit S-\_\_\_\_C). Shared parking facilities for all other uses must be available to all residents, employees, guests, and visitors.

(B) For purposes of this subsection, mixed use development means a tract with more than one main use, where the parking for those uses are contained within a single, contiguous parking area or garage.

(C) The off-street parking reduction may be used in combination with other parking reductions, except that the required parking for a mixed use development may not be reduced by more than 30 percent. For the purposes of this subsection, the required parking for theatre uses in a mixed use development will not be included in the calculation for the off-

street parking reduction, nor will the required parking for theater uses be reduced pursuant to this subsection.

(2) Calculation of adjusted standard off-street parking requirement. The adjusted off-street parking requirement for a mixed use development is calculated as follows:

(A) First, the standard parking requirements for each of the uses in the mixed use development must be ascertained.

(B) Next, the parking demand for each use is determined for each of the five times of day shown in the MUD parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the MUD parking chart, the percentage assigned to that use is 100 percent for all five times of day.

(C) Finally, the “time of day” columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted off-street parking requirement for the development.

(3) Minimum parking requirement. If one or more of the main uses in a mixed use development is a retail or personal service use, the minimum parking requirement for the mixed use development cannot be reduced to a number of spaces that is less than the sum of the standard parking spaces required for each of the retail and personal service uses in the mixed use development.

**SEC. S-\_\_\_\_.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-\_\_\_\_.112. LANDSCAPING.**

(a) In general.

(1) Except as provided in this section, the landscaping requirements for Part I of this article apply.

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

(b) Tract I.

(1) Landscaping must be provided as shown on the landscape plan (Exhibit S-\_\_\_\_B).

(2) Subterranean parking garage air intakes and exhausts extending above grade shall be screened from adjacent public streets. Required screening must not be less than six feet in height and must be constructed of:

- (A) brick, stone, concrete masonry, concrete, or wood;
- (B) earthen berm planted with turf grass or ground cover recommended for local area use by the building official. The berm may not have a slope that exceeds one foot of height for each two feet of width;
- (C) evergreen plant materials recommended for local area use by the building official;
- (D) structures or other architectural features; or
- (E) any combination of the above.

(c) Tract II. A landscaping plan for Tract II must be approved by the city plan commission before the issuance of any building permit if work is performed on Tract II that increases the existing building height, floor area ratio, or nonpermeable coverage of Tract II, unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy or accident of any kind. Once a landscaping plan becomes applicable to Tract II, the following exceptions to Part I of this article apply:

- (1) All site triangles and entry/exit driveways are excluded from the street frontage tabulation.
- (2) Where existing parking remains, street trees, site landscape area, and parking lot screening are not required.
- (3) Street trees are not required where existing utilities are in conflict within the right-of-way.

#### **SEC. S-\_\_\_.113. SIGNS.**

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

#### **SEC. S-\_\_\_.114. URBAN DESIGN STANDARDS FOR TRACT I.**

(a) Applicability. For a project to qualify for the increased density in Section S-\_\_\_.108(d), it must comply with all requirements in this section. If the increased development standards are not applied, the provisions of this section do not apply.

(b) Public realm design.

(1) Sidewalks.

(A) A minimum unobstructed sidewalk clear zone width of eight feet must be provided. Except for valet, lay-by-lanes, and the perpendicular intersection Routh and

Howell Streets, an additional minimum landscape buffer of five feet must be provided between the back of curb and the sidewalk. The required landscape buffer should implement the strategy of tree grates, planters, or a parkway area.

(B) Sidewalks must be located in an area between zero and 20 feet of the back of the projected street curb.

(C) Sidewalks should be continuous across all driveways.

(D) If a portion of a sidewalk is located on private property, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way.

(2) Pedestrian amenities. Pedestrian public connectivity shall be provided with an unobstructed path that connects through the interior of the property from Howell Street to Routh Street must be provided. The path shall be a minimum of six and an average of eight feet extending from Howell Street and eight feet extending from Routh Street.

(3) Mechanical equipment. Aboveground utility boxes, generators, and other large mechanical equipment should be located out of view from the public right-of-way. When conditions do not permit, equipment shall be screened from view by a solid wood or masonry fence, wall, or building element at least six feet in height and shall be screened with landscaping such as shrubs, bushes, and trees.

(4) Lighting.

(A) Lights should be provided at regular intervals with a spacing of no greater than 100 feet along all street-facing facades, with the exception of visibility triangles and vehicular drives, in order to provide lighting on sidewalks, streets, walkways and plazas to enhance pedestrian safety. Spacing may be adjusted to achieve optimal photometric performance of a minimum of 0.2 foot candles between fixtures.

(B) The foundation for street lighting shall be two to three feet from the back of curb.

(C) Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(c) Open space.

(1) A cumulative minimum 17,075 square feet must be provided as at grade on-site open space.

(2) Each on-site open space must be a minimum of 1,000 contiguous square feet and contain a minimum 10 percent general planting areas as defined in Part I.

(3) Architectural elements, such as, but not limited to, garage ventilation shafts; raised planters; seat walls and retaining walls; stairs, stoops and railings; playground equipment; signage; sculpture and art; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed in the open space.

(4) Open space may contain items such as grass, vegetation, pavers, paths, concrete sidewalks, seating areas, water features, public art, open shelters, stairs, elevators, pedestrian amenities such as fountains, benches, and shade structures.

(5) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(6) Parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(7) Except for emergency vehicles, on-site open space cannot be parked or driven upon.

(d) Building design.

(1) Routh Street facade.

(A) Variations in the façade plane must be provided, which may include wall recesses and projections, bays, offsets, and reveals. Façade articulation of two feet in depth must be provided for every 100 feet of façade length.

(B) Green walls are permitted.

(C) Blank walls longer than 30 feet in length are not permitted.

(2) Howell Street facade.

(A) Variations in the façade plane must be provided, which may include wall recesses and projections, bays, offsets, and reveals. Façade articulation of two feet in depth must be provided for every 100 feet of façade length.

(B) Green walls are permitted.

(C) Blank walls longer than 30 feet in length are not permitted.



(e) Service and loading.

(1) Service entries and back of house functions must be located away from or recessed within primary facades and should be visually screened by a solid wood, metal or masonry fence or wall at least 6 feet in height where visible from the public realm and shall be screened with roll down gates or landscaping such as shrubs, bushes, and trees.

(2) Loading areas and loading docks: (i) should be located away from primary street facades and pedestrian routes; (ii) should be a maximum of 30 feet wide; and (iii) should provide a closable opaque gate or door that can block the loading area from the sidewalk during times when it is not in use.

(f) Parking.

(1) Surface parking.

(A) Surface parking is prohibited.

**SEC. S-\_\_\_\_.115. ADDITIONAL PROVISIONS.**

(a) In Tract I, posted hours of operation for restaurant uses is no later than midnight.

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

(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.

(d) Development and use of the Property must comply with Part I of this article.

**SEC. S-\_\_\_\_.116. 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, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

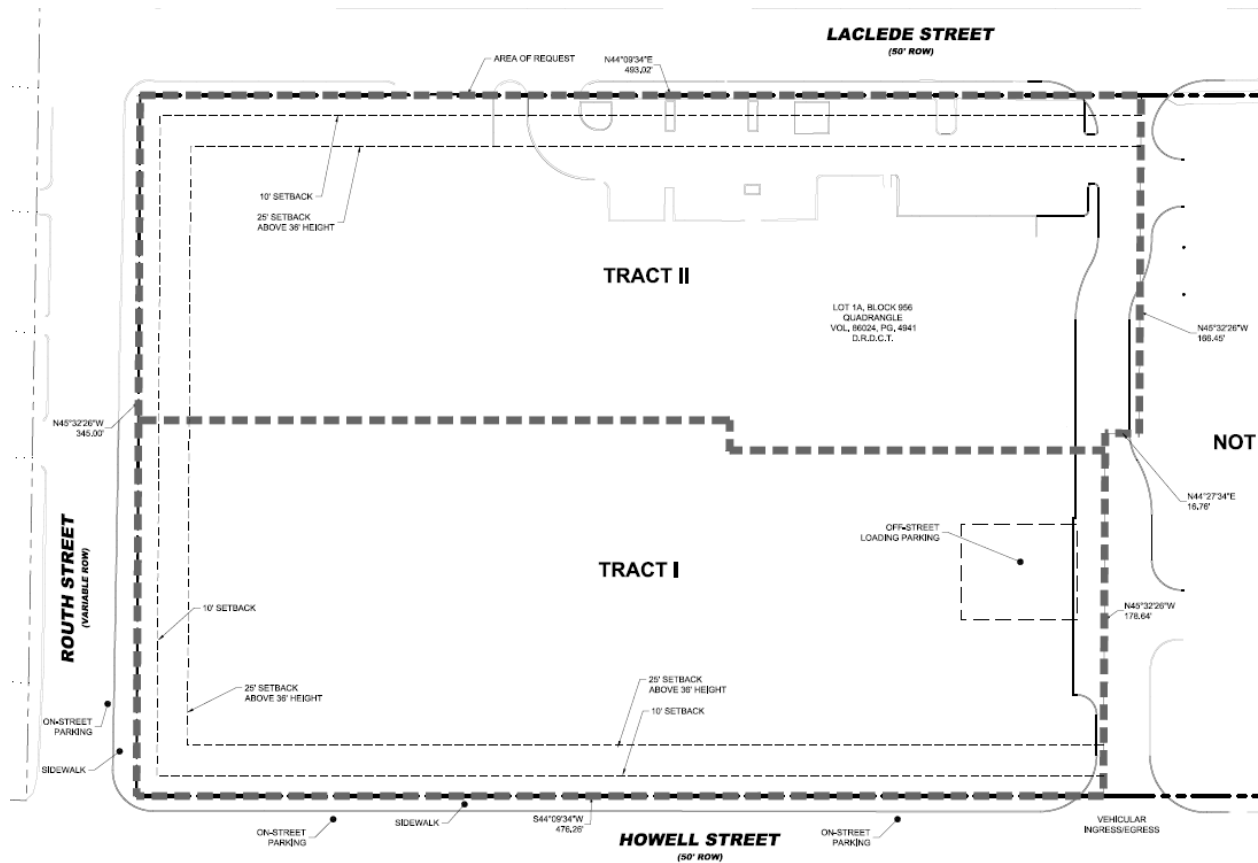
EXHIBIT S-\_\_\_D  
Mixed Use Development Parking Chart  
(for calculating standard parking requirement)

USE CATEGORIES	STANDARD PARKING REQUIREMENT	PARKING ADJUSTMENT THE TIME OF DAY (weekday)				
		Morning	Noon	After- noon	Late After Noon	Evening
Office-related Uses	(1/480 sq. ft.)	100%	80%	100%	85%	35%
Retail & personal service uses	(1/220 sq. ft.)	60%	75%	70%	65%	70%
Bar & restaurant uses	(1/100 sq. ft.)	20%	100%	30%	30%	100%
Theater	(1/28 sq.ft.)	0%	0%	0%	20%	100%
Any other use	Must be ascertained	100%	100%	100%	100%	100%

The adjusted standard off-street parking requirements for the development are the largest of the five “time of day” column sums.

Note: If the use does not fit into one of the first five categories listed above, 100 percent assignment must be used in each of the “time of day” columns. If one or more of the main uses in the development is a retail and personal service use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirements for each of the retail and personal service uses in the development.

## Proposed Conceptual Plan



### TRACT I DATA

<b>ALLOWABLE USES</b>	SEE PD 193 (GR)
<b>PROPOSED USE</b>	COMMERCIAL
<b>SUBDISTRICT AREA</b>	85,378 SF 1.96 AC
<b>MAX. BUILDING HEIGHT</b>	230 FEET*
<b>MAX. LOT COVERAGE</b>	60%
<b>MAX. FAR</b>	2:1**

\* MAXIMUM HEIGHT OF STRUCTURE IS INCLUSIVE OF MECHANICAL EQUIPMENT.

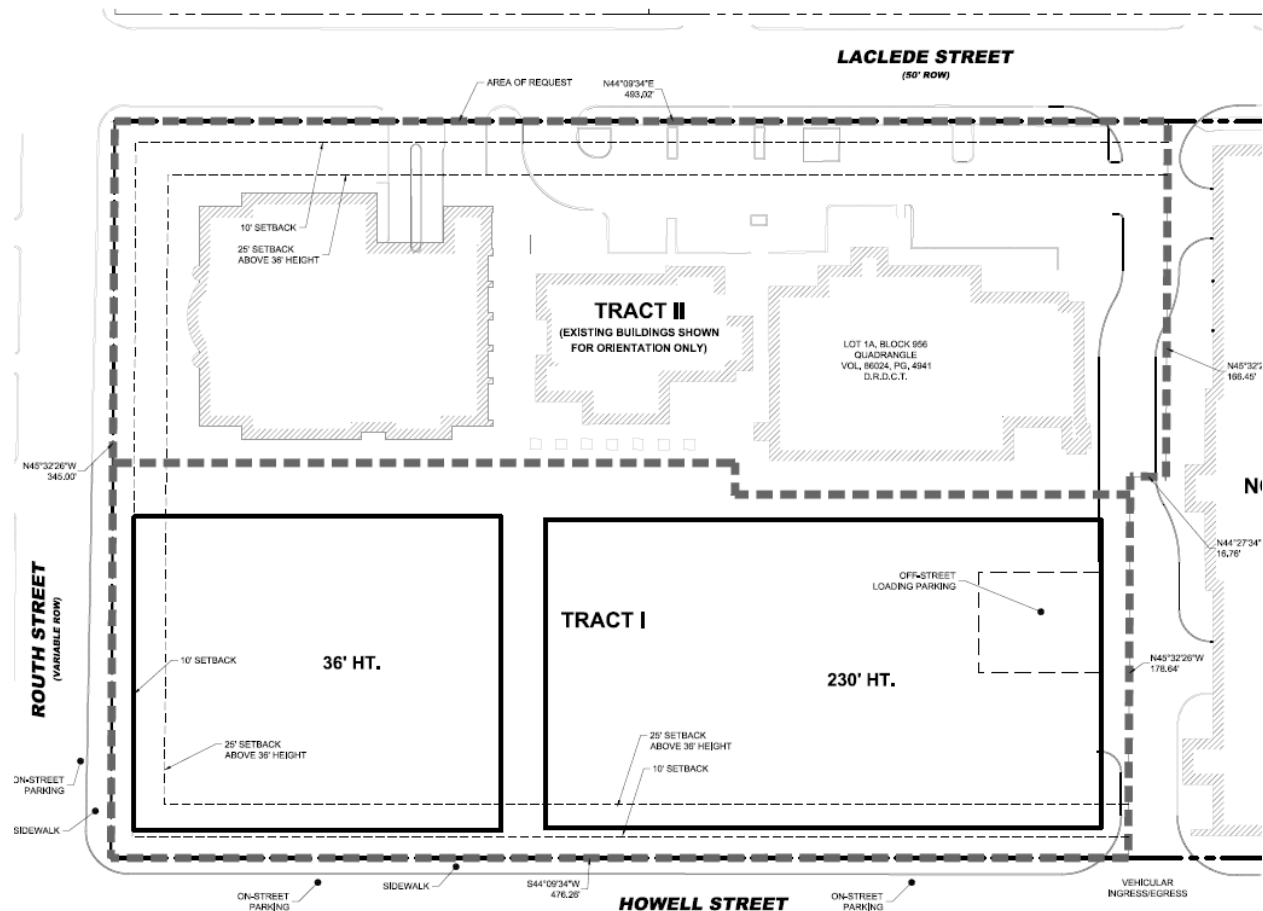
\*\* IF THE FLOOR AREA OF RESIDENTIAL USES ON THE LOT IS EQUAL TO OR GREATER THAN THE LOT AREA, THE MAXIMUM FAR IS 2.5:1. IF THE PROVISIONS OF S-\_\_\_\_\_, 114 ARE MET, THE MAXIMUM FAR IS 4.5:1.

### TRACT II DATA

<b>ALLOWABLE USES</b>	SEE PD 193 (GR)
<b>SUBDISTRICT AREA</b>	81,892 SF 1.88 AC
<b>MAX. BUILDING HEIGHT</b>	120 FEET
<b>MAX. LOT COVERAGE</b>	80%
<b>MAX. FAR</b>	2:1*

\* IF THE FLOOR AREA OF RESIDENTIAL USES ON THE LOT IS EQUAL TO OR GREATER THAN THE LOT AREA, THE MAXIMUM FAR IS 2.5:1.

# Proposed Development Plan for Subdistrict I



TRACT I DATA	
ALLOWABLE USES PER PD 193 (GR)	
PROPOSED USE: COMMERCIAL	
PLANNED DEVELOPMENT AREA	1.96 ACRES
MAX. BUILDING HEIGHT	230 FEET*
FLOOR AREA RATIO (FAR)	2:1**
LOT COVERAGE	60% MAXIMUM

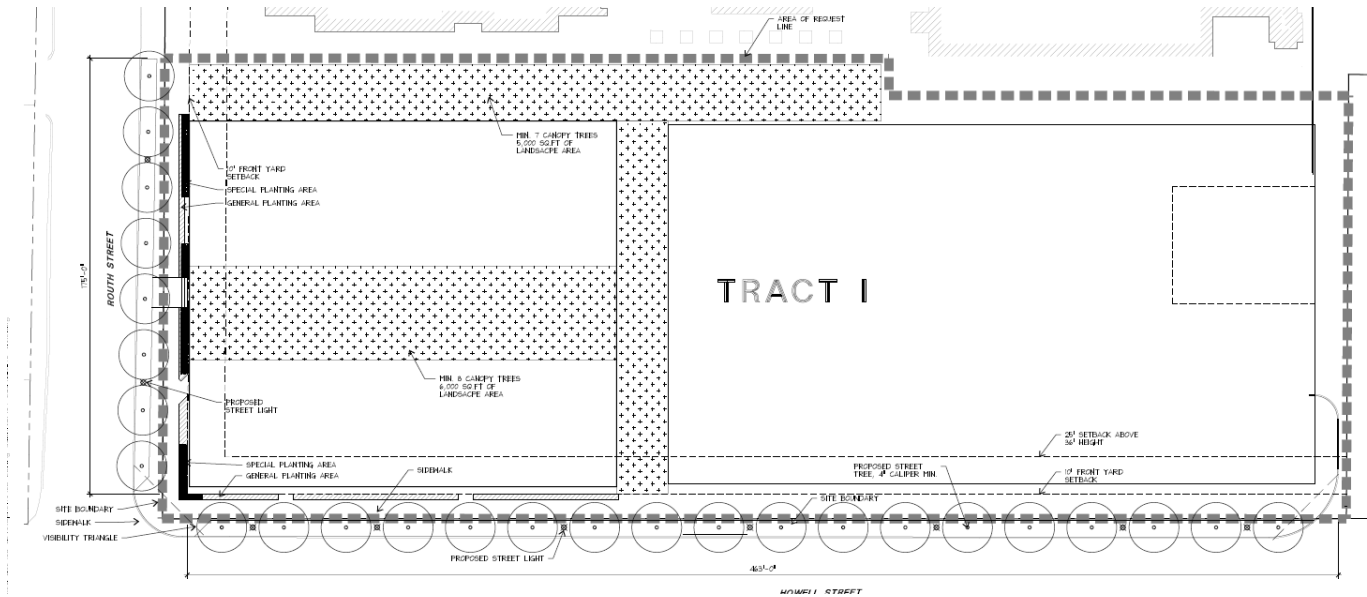
\* MAXIMUM HEIGHT OF STRUCTURE IS INCLUSIVE OF MECHANICAL EQUIPMENT.

\*\* IF THE FLOOR AREA OF RESIDENTIAL USES ON THE LOT IS EQUAL TO OR GREATER THAN THE LOT AREA, THE MAXIMUM FAR IS 2.5:1. IF THE PROVISIONS OF S-\_\_\_\_\_.114 ARE MET, THE MAXIMUM FAR IS 4.5:1.

LEGEND	
	PROPERTY LINE
	PROPOSED BUILDING AREA
	AREA OF REQUEST

- NOTES**
1. OFFICE PARKING REQUIREMENT IS 1 SPACE PER 480 SQUARE FEET AND CAN BE FURTHER MODIFIED BY THE MIXED USE DEVELOPMENT PARKING CHART. FOR TRACT I, ALL PARKING MUST BE UNDERGROUND.

## Proposed Landscape Plan for Subdistrict I



### PD-193 'GR' TOTAL LANDSCAPE TABULATIONS

<b>TOTAL SITE AREA:</b> 85,376 SF	<b>REQUIRED</b>	<b>PROVIDED</b>
10% OF TOTAL SITE TO BE LANDSCAPE	8,538 SF	17,471 SF
<b>20% OPEN SPACE:</b> 17,075 SF		
20% TO BE LANDSCAPE AREA	17,075 SF	17,471 SF
<b>FRONT YARD AREA:</b> 6,546 SF		
60% TO BE LANDSCAPE AREA	3,928 SF	6,471 SF
<b>GENERAL PLANTING AREA:</b> 12% OF FRONT YARD		
FRONT YARD - 12%	471 SF	888 SF
<b>SPECIAL PLANTING AREA:</b> 6% FRONT YARD		
FRONT YARD - 6%	236 SF	314 SF
<b>STREET TREES:</b> 1 TREE PER EVERY 25' OF FRONTAGE		
TOTAL FRONTAGE LENGTH: 638' / 25'	26 TREES	26 TREES
<b>LIGHTING:</b> 1 LIGHT PER EVERY 75' OF FRONTAGE		
TOTAL FRONTAGE LENGTH: 638' / 25'	9 LIGHTS	9 LIGHTS

### STREET TREES

ONE LARGE CANOPY TREE MUST BE PROVIDED FOR EVERY 25 FEET OF FRONTAGE, WITH A MINIMUM OF TWO TREES REQUIRED.

### PLANT MATERIAL SELECTIONS

ALL PLANT MATERIAL SELECTIONS TO BE APPROVED BY CITY OF DALLAS BUILDING OFFICIAL. REFER TO PD-193 FOR APPROVED TREE SELECTION.

### GENERAL PLANTING

IS DEFINED AS LIVING TREES, SHRUBS, VINES, FLOWERS, OR GROUNDCOVER VEGETATION.

### SPECIAL PLANTING

IS DEFINED AS LIVING TREES, SHRUBS, OR VINES. TURF GRASS AND GROUNDCOVER ARE NOT COUNTED AS SPECIAL PLANTING.

### LEGEND



PROPOSED STREET TREE 4" CAL. MIN



GENERAL PLANTING AREA

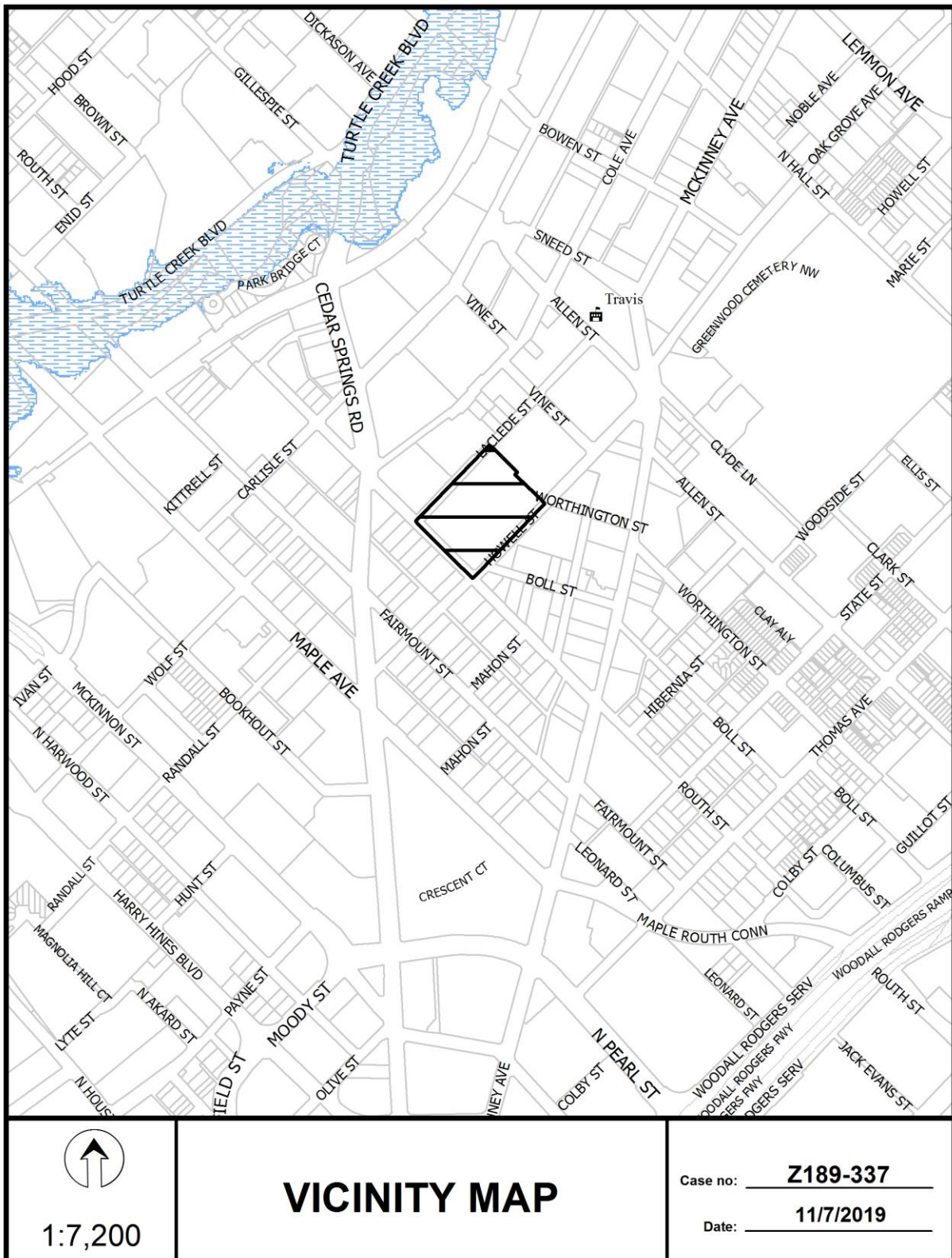


SPECIAL PLANTING AREA

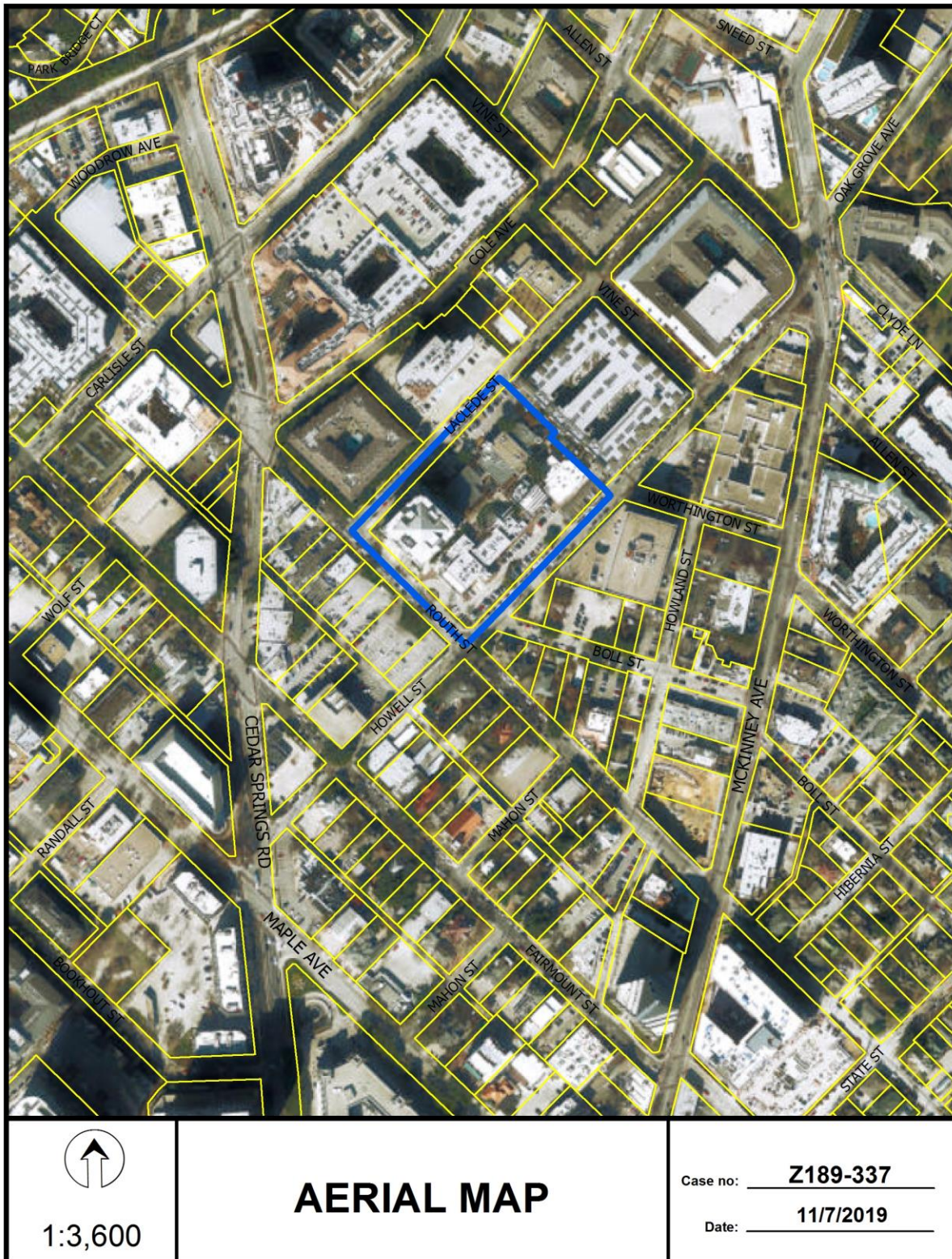


DESIGNATED LANDSCAPE ZONE

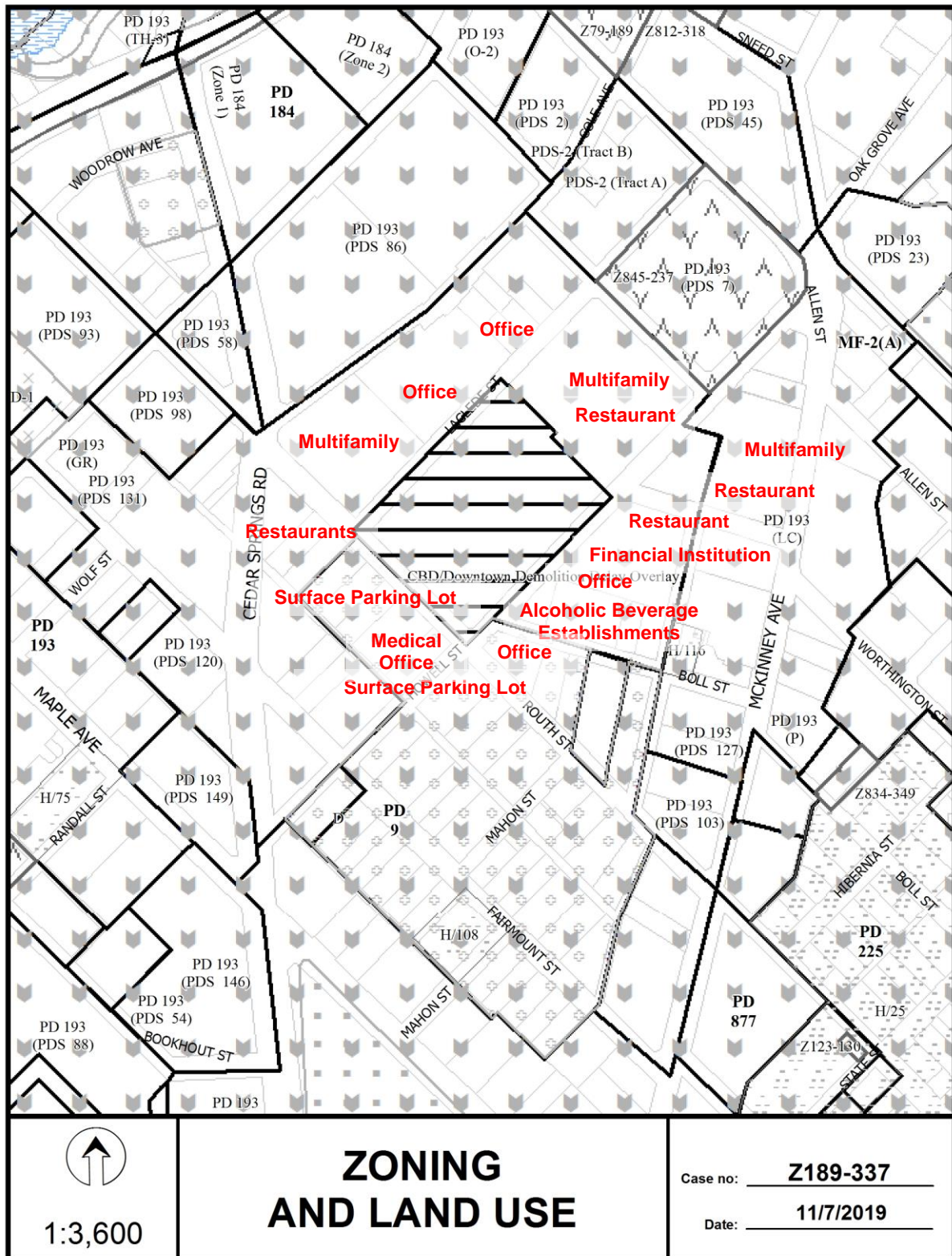
NOTE: BUILDING(S) MAY ENCROACH THIS AREA IF MIN. LANDSCAPE REQ. ARE PROVIDED



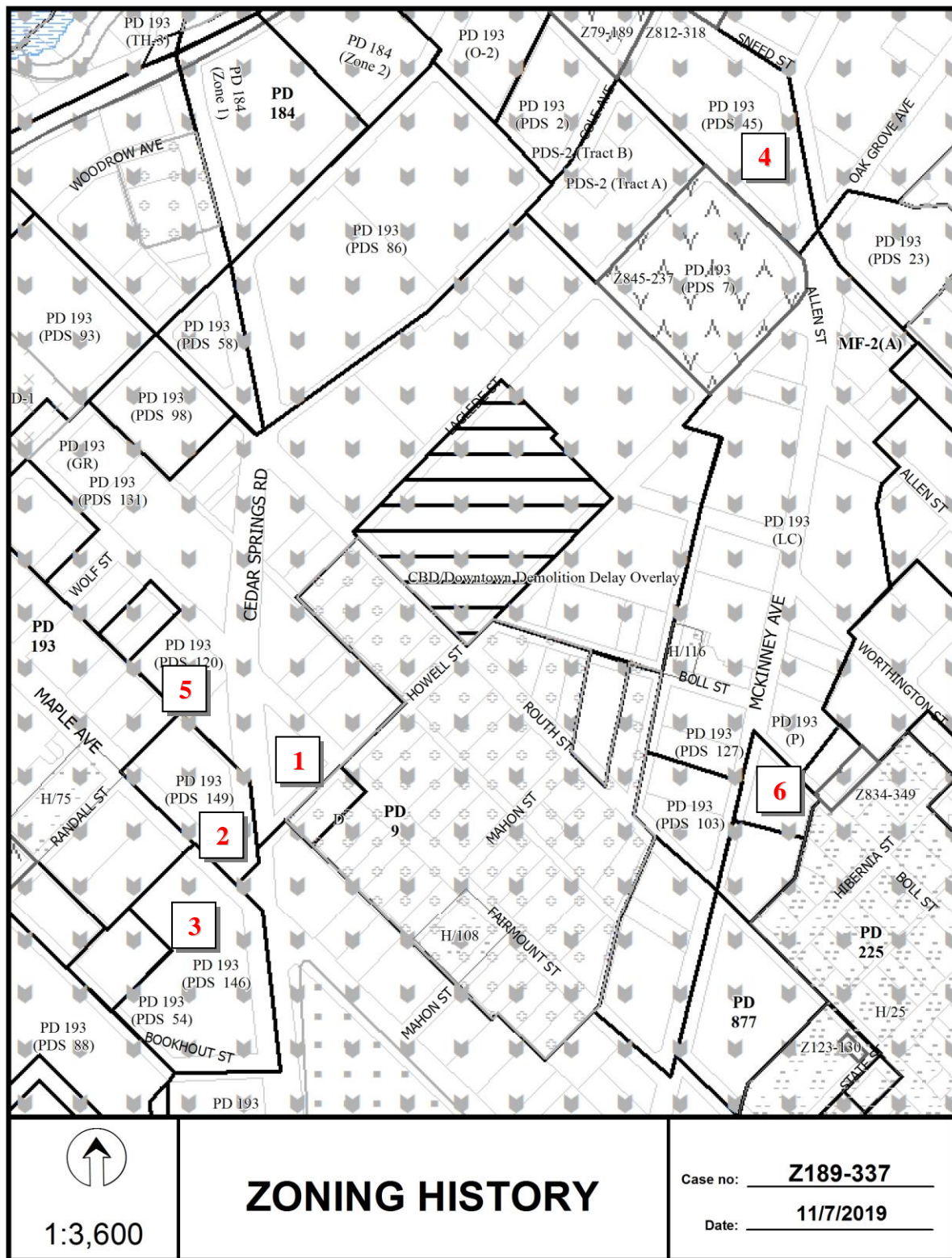




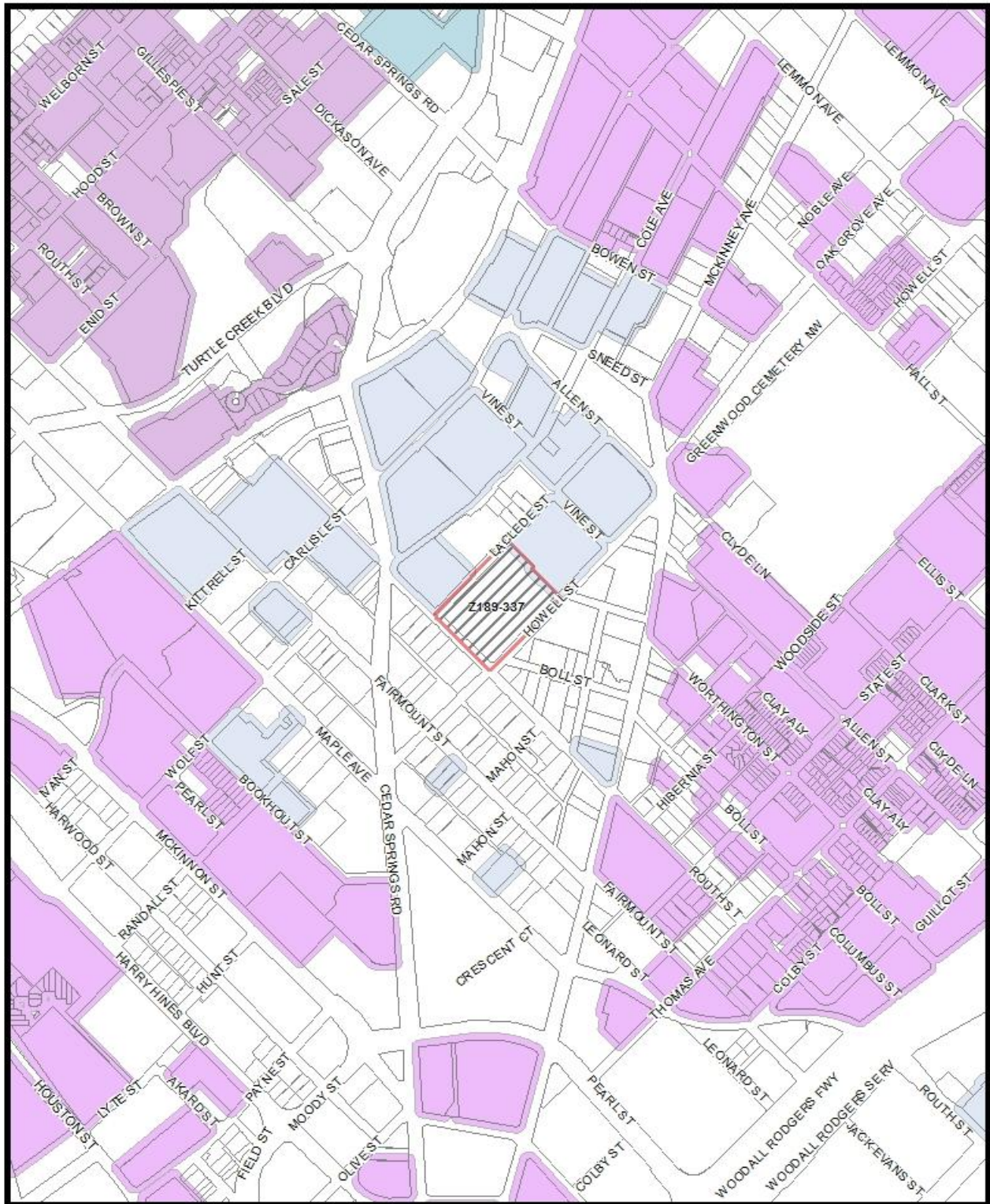






















**MVACluster**  A  B  C  D  E  F  G  H  I  NA

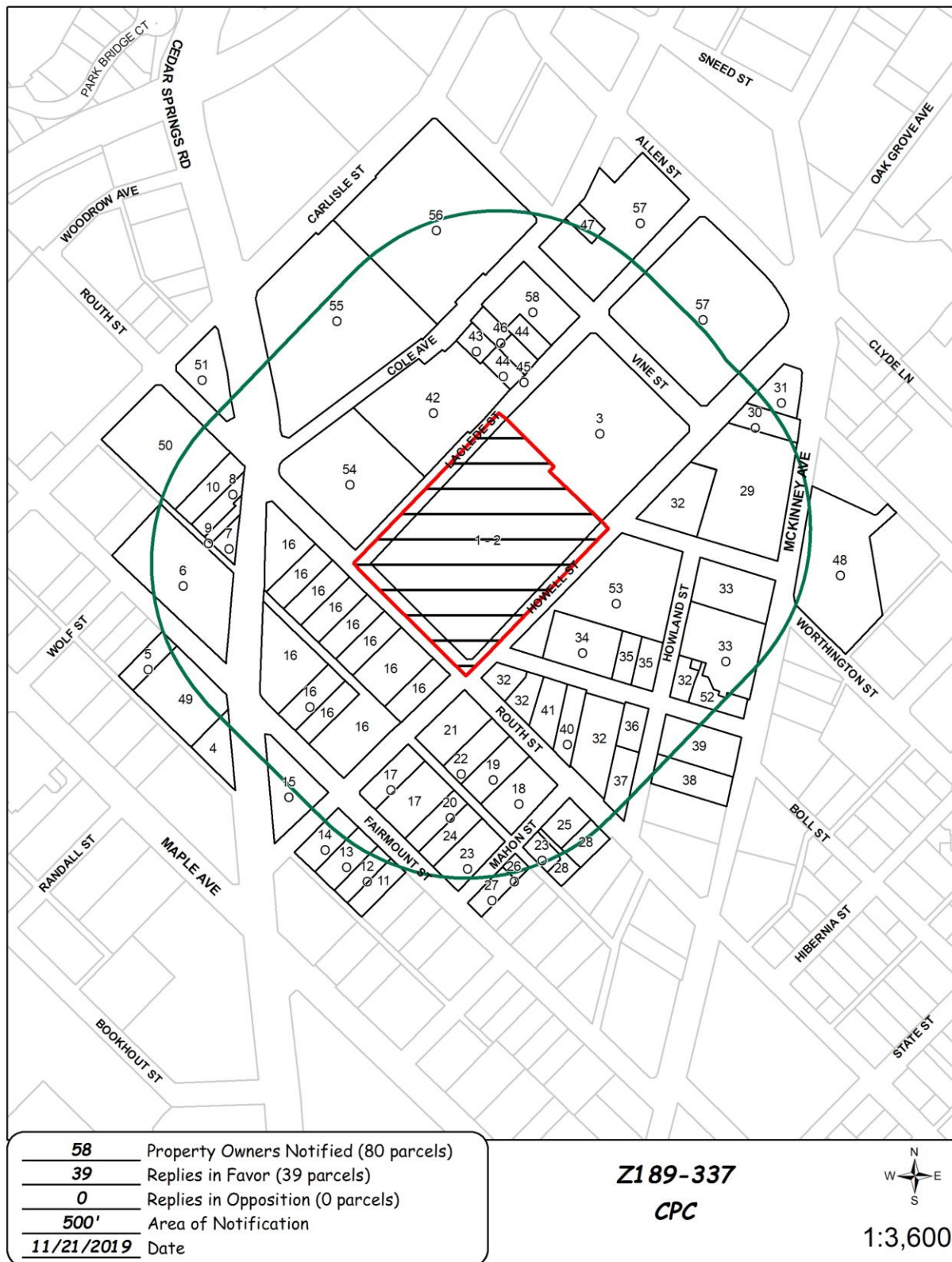


1:7,200

## Market Value Analysis

Printed Date: 11/7/2019

**CPC Responses**





11/20/2019

***Reply List of Property Owners******Z189-337******58 Property Owners Notified******39 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	2	2800 ROUTH ST	THEATRE THREE INC
	4	2425 CEDAR SPRINGS RD	MARLETT CHRISTOPHER A &
O	6	2501 CEDAR SPRINGS RD	GH CEDAR SPRINGS INC
	10	3005 ROUTH ST	JEH FAMILY TRUST
	11	2711 FAIRMOUNT ST	STRICKLAND PETER R LF EST
	16	2816 FAIRMOUNT ST	GREENWAY CEDAR SPRINGS LP
	17	2718 FAIRMOUNT ST	2718 FAIRMOUNT LP
	21	2727 ROUTH ST	2727 PARTNERSHIP LP
	24	2706 FAIRMOUNT ST	FAIRMOUNT OFFICE LLC
	25	2707 ROUTH ST	TURTLE CREEK MANOR INC
	28	2703 ROUTH ST	DAYTON JOHN W
	29	2811 MCKINNEY AVE	PJO 2811 LLC &
	32	2704 WORTHINGTON ST	PASHA & SINA INC
	33	2611 WORTHINGTON ST	MCKINNEY AVENUE PARTNERS LTD
	35	2706 BOLL ST	STORY HERBERT B JR &
	36	2703 BOLL ST	OGLE LINDA K ET AL
	37	2704 ROUTH ST	SC ONE DALLAS LLC
	38	2621 MCKINNEY AVE	AA PLAZA LLC
	39	2633 MCKINNEY AVE	CH RETAIL FUND I DALLAS MCKINNEY AVENUE LP
O	40	2714 ROUTH ST	2714 ROUTH STREET LTD
	41	2724 ROUTH ST	FREESTONE HOLDINGS LLC
	44	2719 LACLEDE ST	AMERICAN BOARD OF OBSTETRICS & GYNECOLOGY INC THE
	47	2808 COLE AVE	DALLAS SKYFALL LLC
	49	2913 FAIRMOUNT ST	2913 FAIRMOUNT LLC
	50	3033 ROUTH ST	HARVEY 56 EXCHANGE LLC &
	52	2701 MCKINNEY AVE	STORY HERBERT B JR

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	53	2626 HOWELL ST	TRINITY BELL APARTMENTS LLC
	A1	2800 ROUTH ST	SRPF BQUADRANGLE PROPERTY LLC
O	A2	2917 FAIRMOUNT ST	MIRAMAR FAIRMOUNT PARTNERS LLC
O	A3	2521 CEDAR SPRINGS RD	THORNTON LAURIE L &
O	A4	2537 CEDAR SPRINGS RD	SPURGIN ROBERT B & SALLY
O	A5	2535 CEDAR SPRINGS RD	SPURGIN ROBERT B
O	A6	2715 FAIRMOUNT ST	KORNYE GEORGE W
O	A7	2719 FAIRMOUNT ST	SHAW EVAN L
O	A8	2723 FAIRMOUNT ST	SHAW EVAN LANE
O	A9	2408 CEDAR SPRINGS RD	GREENWAY MAPLE LP
O	A10	2812 FAIRMOUNT ST	GREENWAY CEDAR SPRINGS LP
O	A11	2722 FAIRMOUNT ST	2718 FAIRMOUNT LP
O	A12	2711 ROUTH ST	PEGASUS FOUNDATION THE
O	A13	2719 ROUTH ST	PEGASUS FDN
O	A14	2708 FAIRMOUNT ST	VICEROY FAIRMOUNT LP
O	A15	2723 ROUTH ST	PEGASUS FOUNDATION THE
O	A16	2700 FAIRMOUNT ST	MORTON PRODUCTION INC &
O	A17	2518 MAHON ST	MORTON PRODUCTION INC &
O	A18	2512 MAHON ST	GINSBURG BROOKE &
O	A19	2610 FAIRMOUNT ST	GINSBURG BROOKE MINORS
O	A20	2821 MCKINNEY AVE	MCKINNEY NEW VENTURES LLC
O	A21	2909 MCKINNEY AVE	MCKINNEY NEW VENTURES LLC
O	A22	2705 MCKINNEY AVE	MCKINNEY AVENUE PARTNERS LTD
O	A23	2626 COLE AVE	BRI 1853 2626 COLE LLC
O	A24	2708 COLE AVE	AMERICAN BOARD OF OBGYN EDUCATIONAL FOUNDATION
O	A25	2712 COLE AVE	AMERICAN BOARD OF OBGYN
O	A26	2709 LACLEDE ST	AMERICAN BOARD OF OBSTETRICS & GYNECOLOGY INC THE
O	A27	2713 LACLEDE ST	AMERICAN BOARD OF OBSTETRICS &GYNECOLOGY INC THE

Z189-337(JM)

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A28	2808 MCKINNEY AVE	POST WORTHINGTON LP
O	A29	2605 CEDAR SPRINGS RD	GREENWAY-CARLISLE LP
O	A30	2600 COLE AVE	GABLES MIRABELLA LP
O	A31	2650 CEDAR SPRINGS RD	LG VILLA ROSA II LP
O	A32	2707 COLE AVE	COLE APARTMENTS
O	A33	2801 ALLEN ST	POST APARTMENT HOMES LP
O	A34	2800 COLE AVE	POST APARTMENT HOMES LP
O	A35	2915 VINE ST	AMERICAN BOARD OF OBGYN EDUCATIONAL FOUNDATION INC
O	A36	2718 BOLL ST	PUBS LAND LTD
O	A37	2717 HOWELL ST	PPF AMLI 2717 HOWELL ST



## Agenda Information Sheet

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**File #:** 19-2011

**Item #:** Z9.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 619 with Historic Overlay No. 87 [Republic National Bank (Davis) Building], on the northwest corner of Main Street and Four Way Place Mall  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Z189-340(AU)

**FILE NUMBER:** Z189-340(AU)

**DATE FILED:** August 26, 2019

**LOCATION:** Northwest corner of Main Street and Four Way Place Mall

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45 P

**SIZE OF REQUEST:** +/- 0.334 Square feet

**CENSUS TRACT:** 31.01

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**REPRESENTATIVE:** Karl Crawley, Masterplan

**OWNER/APPLICANT:** Davis 1309 Main LLC

**REQUEST:** An application for an amendment to Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service use on property zoned Planned Development District No. 619 with Historic Overlay No. 87 [Republic National Bank (Davis) Building]

**SUMMARY:** The applicant proposes to add a personal service use to the existing SUP No. 2127 and amend the associated site plan to reflect the proposal.

**CPC RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.



## **BACKGROUND INFORMATION**

- The 0.334-acre request site is developed with a 21-story above ground mixed-use building (Davis Building) with residential uses on the upper levels and An 11,000-square-foot restaurant use on the southwest corner, on the street-level floor and the basement.
- The request site is located within Subdistrict A, B, and C within Planned Development District No. 619. Subdistrict B contains the property below street level and it requires a Specific Use Permit for restaurant and personal service uses.
- A Certificate of Occupancy for the restaurant use [Frankie's Downtown] was issued in August 2014.
- SUP No. 2127 for a restaurant use in the basement portion of the area of request was granted by City Council on December 10, 2014 and renewed on January 24, 2018.
- The previously approved SUP Site Plan included an entire 0.78-acre, block bounded by Main Street, Four Way Place, Elm Street and North Field Street within the SUP for the restaurant; however, only a portion of the basement is occupied by this use.
- The purpose of the request is to amend the existing SUP No. 2127 to include the personal service use in the basement level in addition to the restaurant use.
- On August 14, 2019, City Council approved a waiver for the two-year waiting period that allows the applicant to submit this application for an SUP amendment on the request site.
- The request site is also located within the Historic Overlay No. 87 [Republic National Bank (Davis) Building]. Any interventions on the façade of the building will require a Certificate of Appropriateness approved by the Landmark Commission.

## **Zoning History**

There have been eleven zoning change requests in the area within the last five years.

1. **Z134-254:** On December 10, 2014, the City Council approved the renewal of Specific Use Permit No. 1887 for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a Class A dance hall on property

within Planned Development District No. 619, located on the south side of Main Street, east of South Field Street.

- 2. Z134-322:** On September 9, 2015, the City Council approved the expansion of Historic Overlay District No. 36 (the Adolphus), on property zoned Planned Development District No. 619, located on the south line of Main Street between Akard Street and Field Street.
- 3. Z134-335:** On December 10, 2014, the City Council approved Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service, on property within Planned Development District No. 619, located on the northwest corner of Main Street and Four Way Place.
- 4. Z145-276:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619, located on the north side of Main Street and the east side of Four Way Place.
- 5. Z145-277:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district videoboard sign for a six-year period, on property zoned Planned Development District No. 619, located on the north line of Commerce Street, the west line of Akard Street, and the south line of Filed Street.
- 6. Z145-278:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district videoboard sign for a six-year period, on property zoned Planned Development District No. 619, located on the south line of Elm Street, the east line of Akard, and the north line of Main Street.
- 7. Z145-342:** On November 10, 2015, the City Council established the demolition delay overlay on property generally bounded by Haskell Avenue, R.L. Thornton Freeway, 2<sup>nd</sup> Avenue, Al Lipscomb Way, the Trinity River, Express Street, Stemmons Freeway, and Cole Avenue.
- 8. Z156-249:** On August 4, 2016, the City Plan Commission approved a request for a Specific Use Permit for installation of a non-premise district activity videoboard on property zoned Planned Development District No. 619 on the northwest corner of Main Street and North Field Streets. (No CC action found and no SUP issued)
- 9. Z167-130:** On June 28, 2017, the City Council approved Historic Overlay District No. 150 (One Main Place) on property zoned Planned

Development District No. 619, an area bounded by Main Street, Griffin Street, Elm Street, and North Field Street with the exception of the northwest corner of North Field Street and Main Street.

**10. Z167-398:** On January 24, 2018, the City Council approved the renewal of Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service, on property within Planned Development District No. 619, located on the northwest corner of Main Street and Four Way Place.

**11. Z178-214:** On June 27, 2018, the City Council approved the renewal and amendment of Specific Use Permit No. 1959 for an attached projecting non-premise district videoboard sign for a six-year period, on property zoned Planned Development District No. 619, located on the north line of Main Street, east of Akard Street.

### **Thoroughfares/Streets**

Thoroughfare/Street	Type	Existing / Proposed ROW
Main Street	Two-way in two directions, on the Central Business District (CBD) Plan	80 feet

### **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.

### **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 that 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.

### **ECONOMIC 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.

## URBAN DESIGN ELEMENT

GOAL 5.2 Promote a sense of place, safety and walkability

POLICY 5.1.2 Define urban character in Downtown and urban cores.

GOAL 5.3 Establishing walk-to convenience

POLICY 5.3.1 Encourage a balance of land uses within walking distance of each other.

### **Area Plan:**

The Downtown Dallas 360 Plan was adopted in April 2011 and updated in December 2017. The Plan was adopted as a guide to future City Council actions concerning land use and development regulations, transportation and economic development, and capital improvement expenditures in the area generally bounded by a two-and-a-half-mile radius centered on the intersection of Main Street and Akard Street.

The area of request is located within the Main Street District, one of the core-supporting districts, as identified by the Plan.

As Downtown's historic heart of commerce, the Main Street District remains the geographic center and primary gathering space for a large, expansive city core. New residential towers and adaptive re-use projects also help to make Main Street a vibrant mixed-use district.

The separate detailed Main Street District Retail Activation Strategy focuses on the core area of Main Street between Harwood and Field. This core of activity is also one of the five Focus Areas studied in greater depth in the 360 Plan. As the Main Street District implements components of the Retail Activation Strategy, the district is envisioned to continue its evolution into a contemporary, dynamic retail destination. Boutique retailers, unique restaurants, and a lively, artistic public realm will complement each other in an exciting environment that is second to none in the region. As the core Retail Activation Area is fully revitalized, blocks in other parts of the Main Street District should embrace improvements to the public realm to spark additional investment along streets such as Commerce and Elm.

Furthermore, the area of request is located the within the Primary Retail Area / Activity Node as identified by the Main Street District Retail Activation Strategy proposed by the 360 Plan.

By proposing the redevelopment and activation of a retail space currently used, thus activating vacant retail space, the applicant's request is consistent with the Downtown Dallas 360 Plan.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 619; H/87	Multifamily and restaurant
<b>North</b>	PDD No. 619 w SUP No. 1959	Restaurants, office, and retail Parking garage
<b>East</b>	PDD No. 619 w SUP No. 1755	Hotel, offices, and retail
<b>South</b>	PDD No. 619 H/36 w SUP No. 1788	Restaurant, retail, and parking garage
<b>West</b>	PDD No. 619	Restaurant and office

**Land Use Compatibility:**

The 0.334-acre request site is developed with a 21-story above ground mixed-use building (Davis Building) with residential uses on the upper levels and an 11,000-square-foot restaurant use on the southwest corner on the street-level floor and the basement.

The request site is located in the Downtown area and is surrounded by different uses in high-rise buildings with first floor retail and personal services, parking garages, and office buildings.

The request site is located within Subdistrict A, B, and C within Planned Development District No. 619. Subdistrict B contains the property below street level and requires a Specific Use Permit for restaurant and personal service uses. SUP No. 2127 for a restaurant use on the basement portion of the area of request was granted by City Council on December 10, 2014 and renewed on January 24, 2018.

The previously approved SUP Site Plan included an entire 0.78-acre, block bounded by Main Street, Four Way Place, Elm Street and North Field Street within the SUP for the restaurant; however, only a 4,730 square-foot portion of the basement is occupied by this use.

The applicant is proposing an 8,025 square-foot portion of the basement to be occupied with a personal service use (fitness center), therefore an SUP amendment is required to allow this additional use at the basement level.

On August 14, 2019, City Council approved a waiver for the two-year waiting period that allows the applicant to submit this application for an SUP amendment on the request site.

The applicant has submitted a two-part Site Plan for the SUP, one showing the street level and another one showing the basement level to better clarify the request. Each use within the building will have a separate direct access from the Main Street sidewalk.

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.

Considering the location in Dallas Downtown, the surrounding uses similar and compatible to the proposal, the fact that it is activating a vacant retail space with a personal service use, and the proposed SUP Site Plan and Conditions, staff supports this request.

#### **Parking:**

The proposed development will comply with the requirements of the Dallas Development Code for parking. Planned Development District No. 619 requires off-street parking to be provided per the CA-1(A) Central Area District standards, which has no parking requirements for a personal service use.

For the restaurant use and per the CA-1(A) district regulations, no parking is required for the first 5,000 square feet of ground-floor floor area for a restaurant without a drive-in or drive-through service. The rest of the floor area (6,000 square feet) will have to comply with the parking requirements for a restaurant use, being one space per 100 square feet of floor area. Therefore 60 parking spaces for the restaurant are required. All the required parking for the restaurant use is provided in the adjacent parking garage, north of the request site.

#### **Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the

Z189-340(AU)

colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA Category; however, it is in proximity to an "E" MVA Cluster to the northeast.

## **LIST OF PARTNERS**

### **Davis 1309 Main LLC**

**Michael E Tregoning** – President  
**Timothy C Headington** – CEO  
**R Keith Bunch** – Treasurer



Z189-340(AU)

**CPC Action**  
**November 21, 2019**

**Z189-340(AU)**

Planner: Andreea Udrea

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned Planned Development District No. 619 with Historic Overlay No. 87 [Republic National Bank (Davis) Building], on the northwest corner of Main Street and Four Way Place Mall.

Maker: Brinson  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 200 Mailed: 286  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

### **CPC RECOMMENDED SUP CONDITIONS**

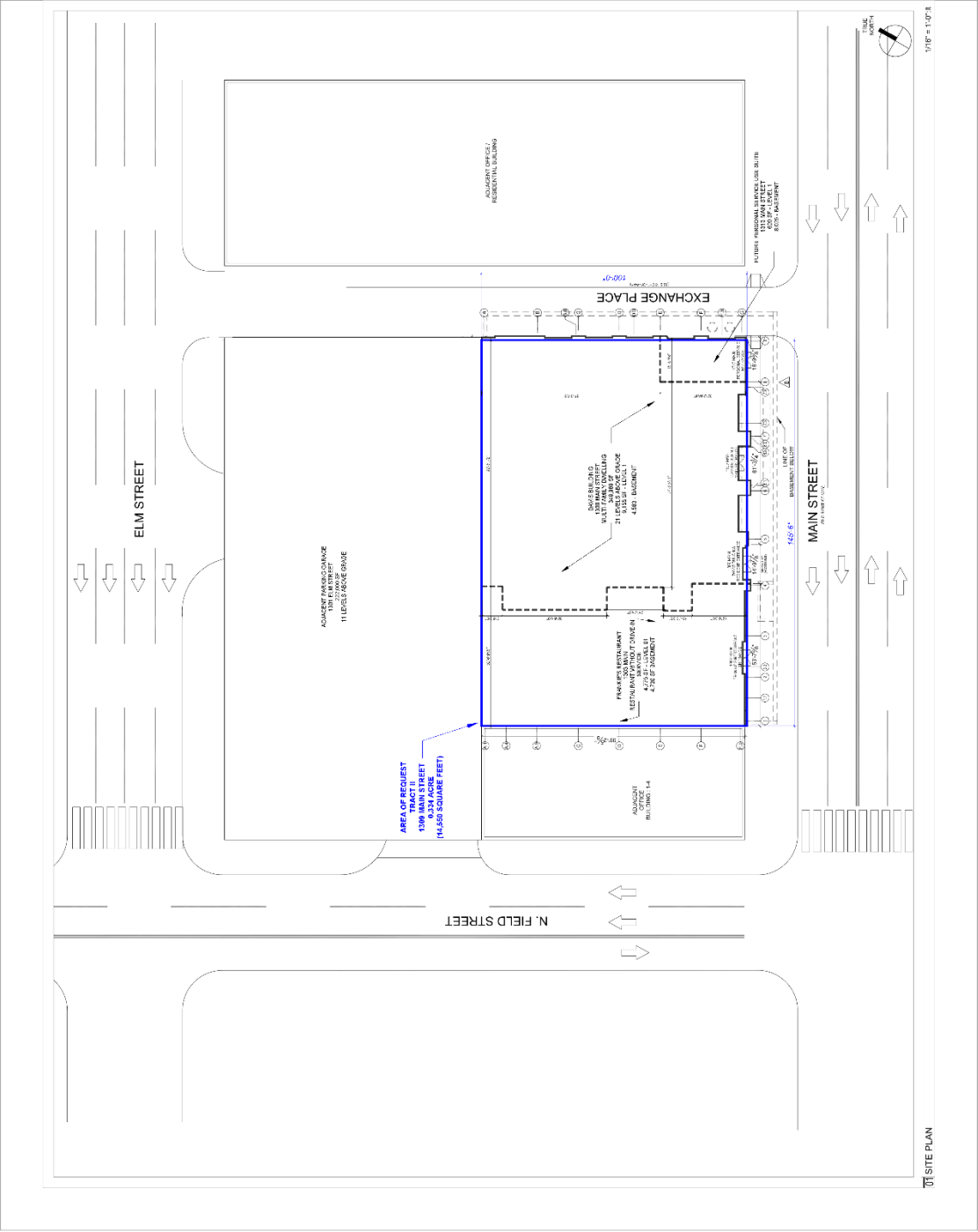
1. USE: The only uses authorized by this specific use permit ~~is~~ are a restaurant without drive-in or drive-through service and a personal service use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
  1. TIME LIMIT: This specific use permit expires on ~~January 24, 2021,~~ (five-year period from passage of this Ordinance) but is eligible for automatic renewals for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
3. HOURS OF OPERATION:
  - (a) The restaurant without drive-in or drive-through service may only operate between 10:00 a.m. and 2:00 a.m. (the next day) Monday through Sunday.
  - (b) The personal service use may operate between 5:30 a.m. and 9:00 p.m. Monday through Friday, and between 8:00 a.m. and 2:00 p.m. Saturday and Sunday.
4. FLOOR AREA: Maximum floor area for a restaurant without drive-in or drive-through service is 4,730 square feet. Maximum floor area floor the personal service use is 8,025 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 RECOMMENDED SITE PLAN  
STREET LEVEL

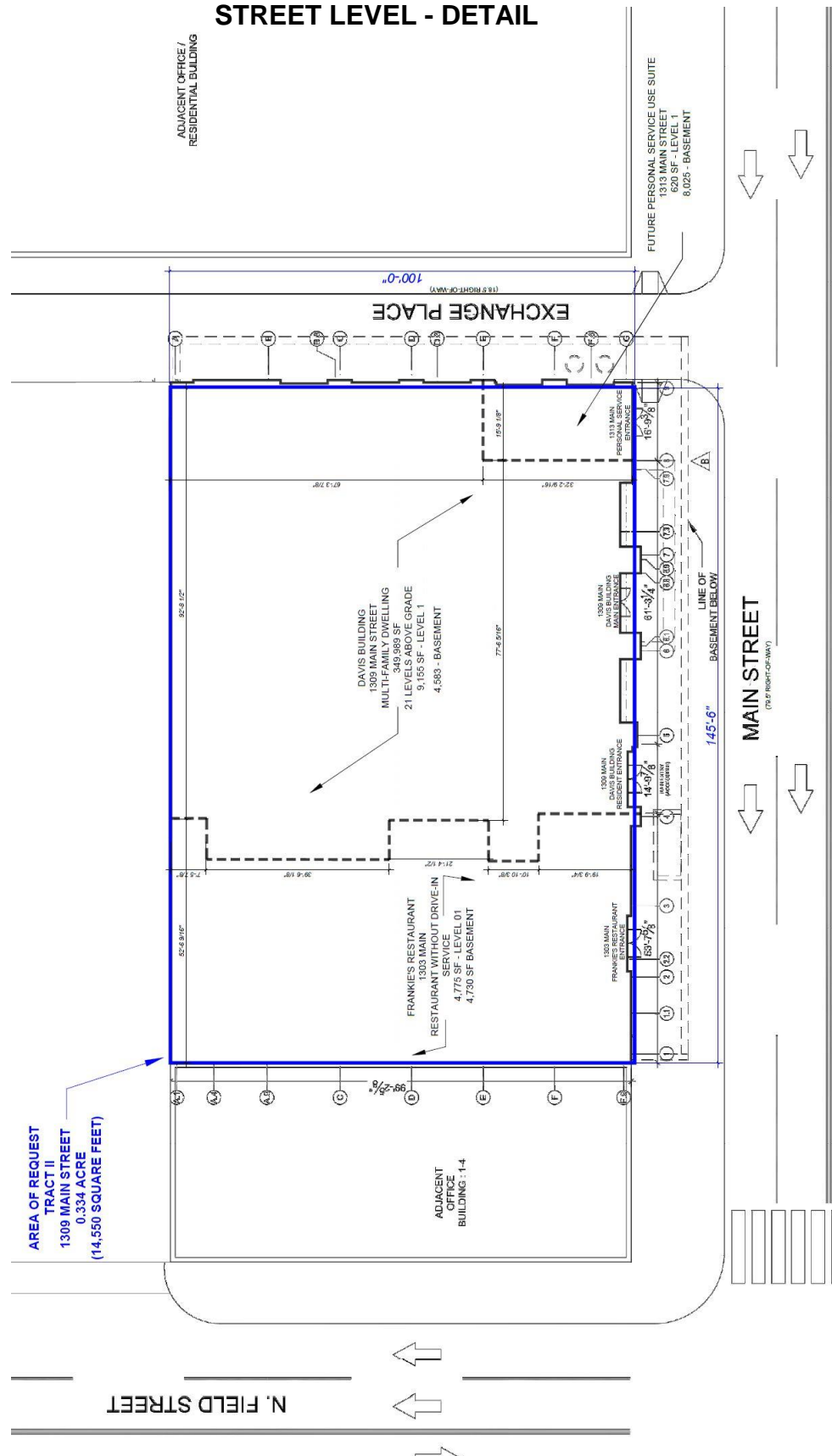
REDINGTON COMPANIES  
2711 N. HASKELL, SUITE 2000  
DALLAS, TEXAS 75201  
PHONE 738-364-1197

DAVIS BUILDING  
1300 MAIN STREET  
DALLAS, TEXAS 75202

STREET LEVEL  
SITE PLAN



## CPC RECOMMENDED SITE PLAN STREET LEVEL - DETAIL

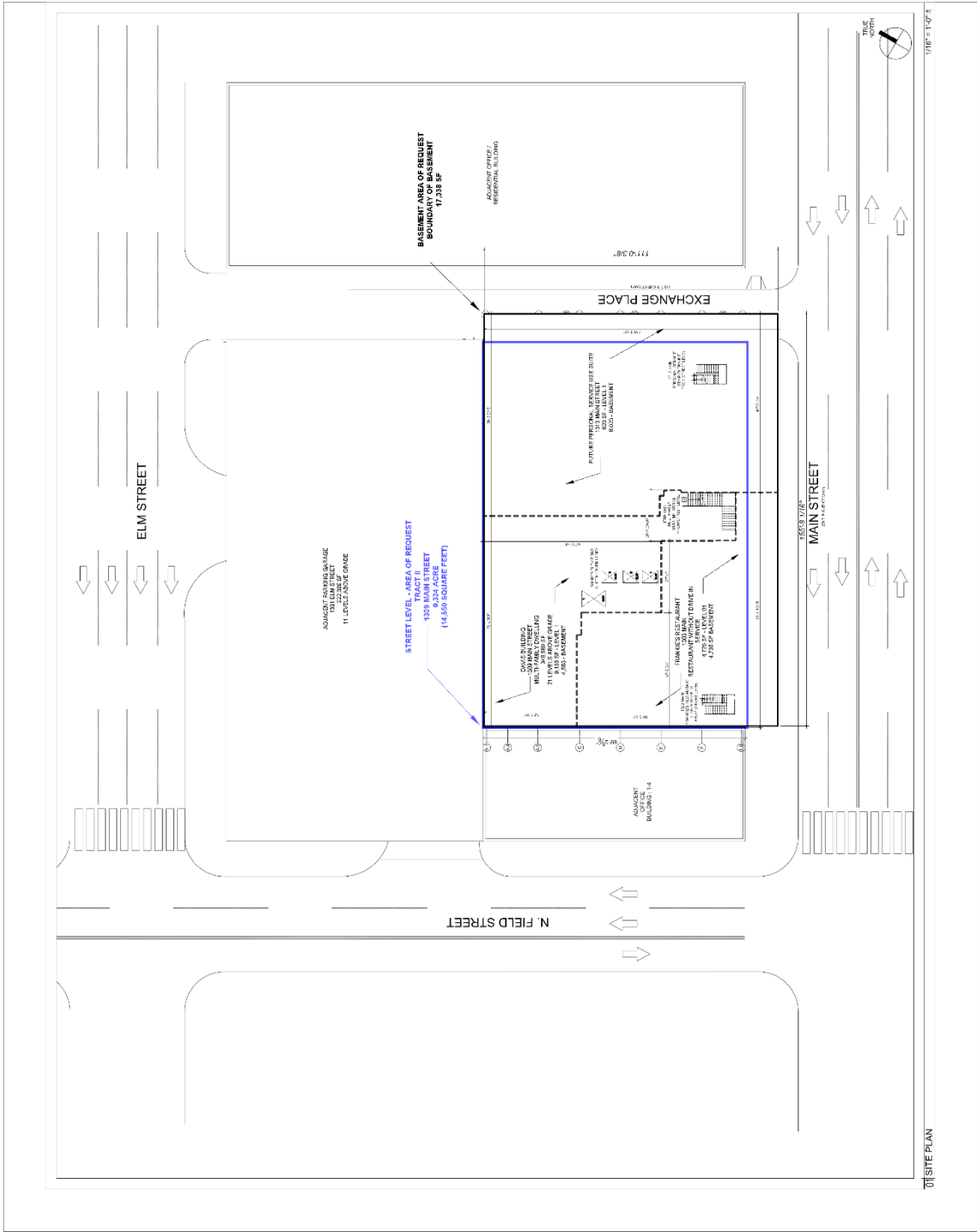


CPC RECOMMENDED SITE PLAN  
BASEMENT LEVEL

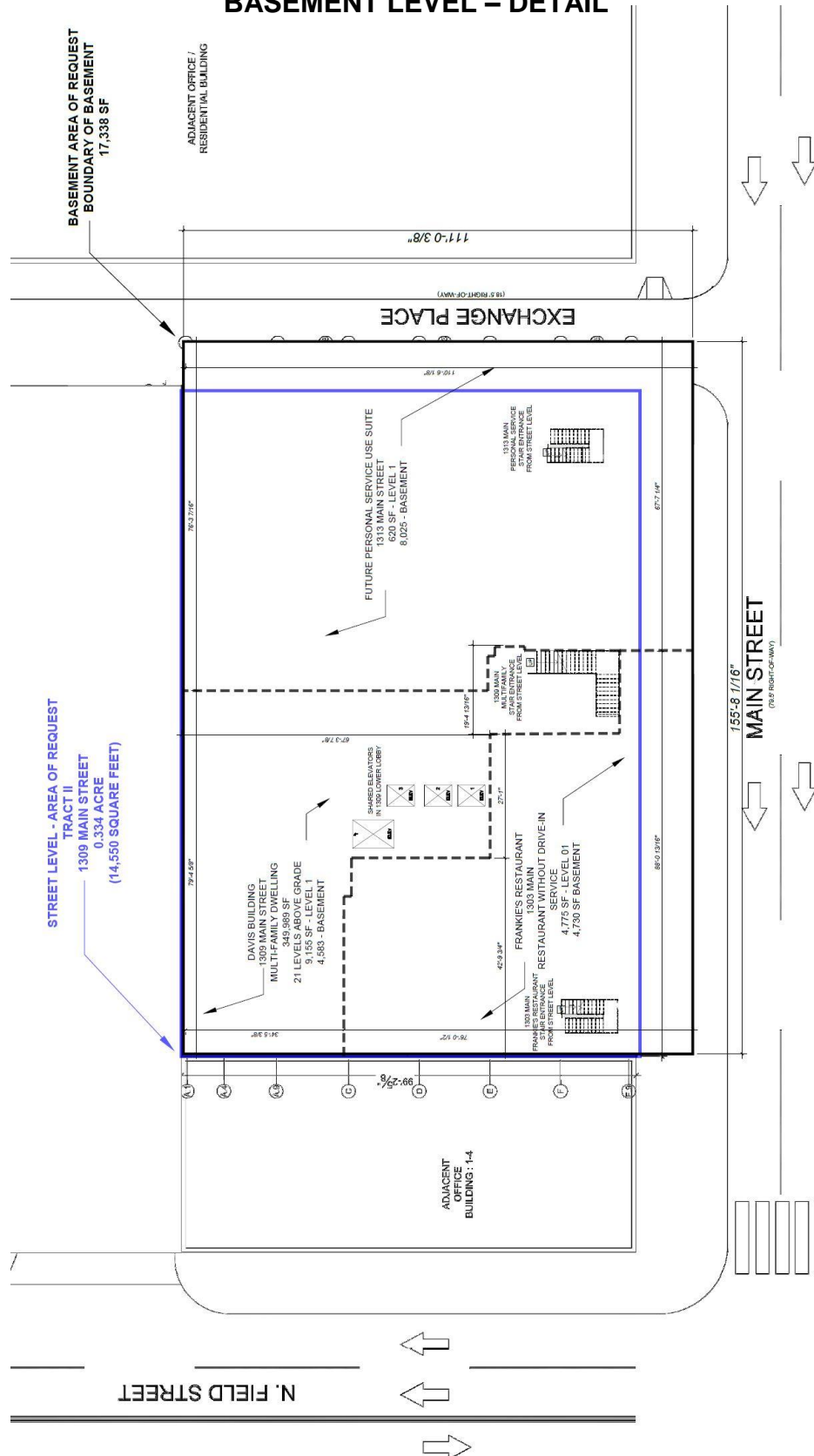
HEADQUARTER COMPANIES  
2711 N. FIELD STREET, SUITE 1000  
DALLAS, TEXAS 75204  
CONTACT: JOSEPH RYS  
PHONE: 754-384-4377

DAVIS BUILDING  
1001 N. FIELD STREET, SUITE 1000  
DALLAS, TEXAS 75202

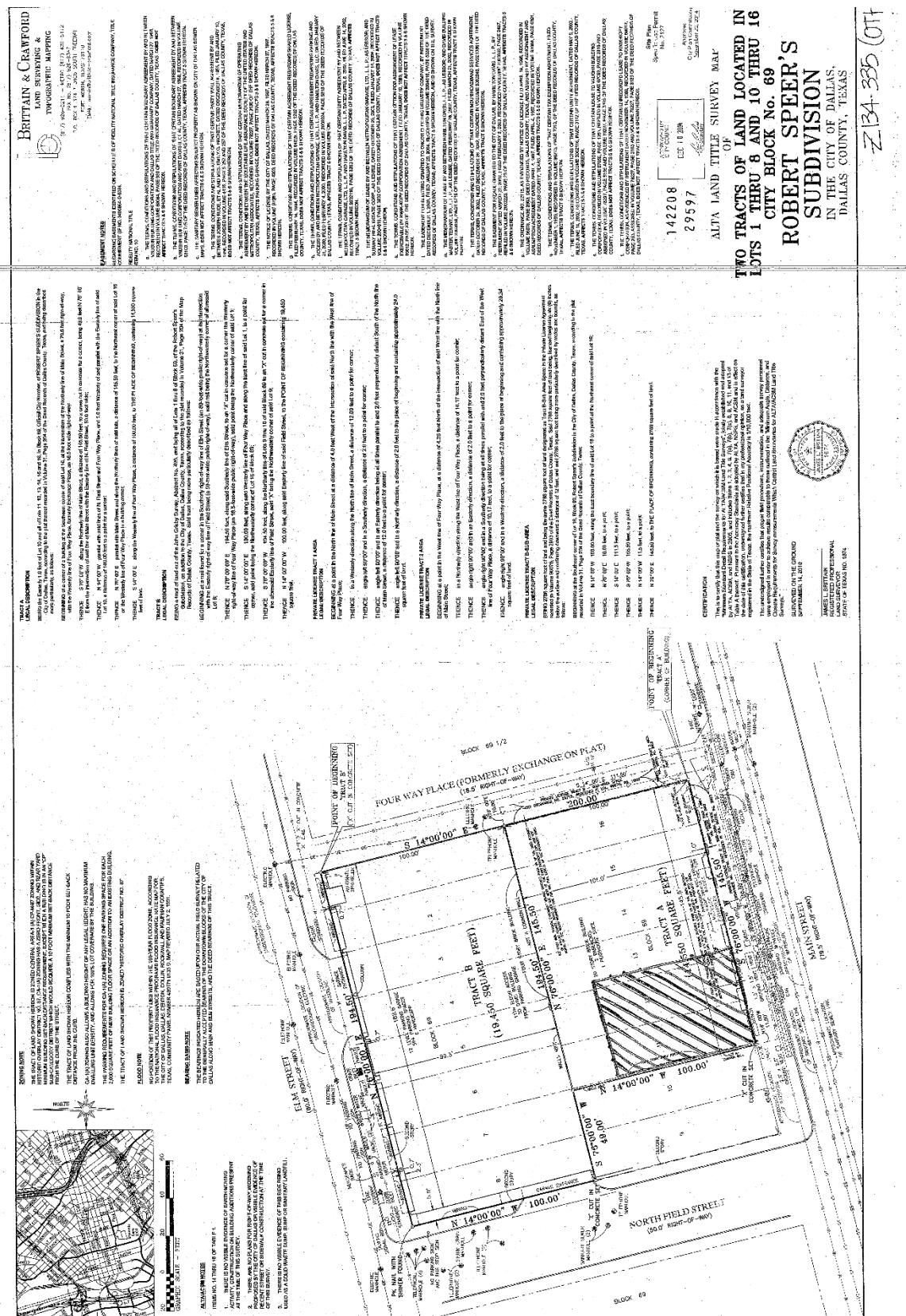
**BASEMENT  
SITE PLAN**

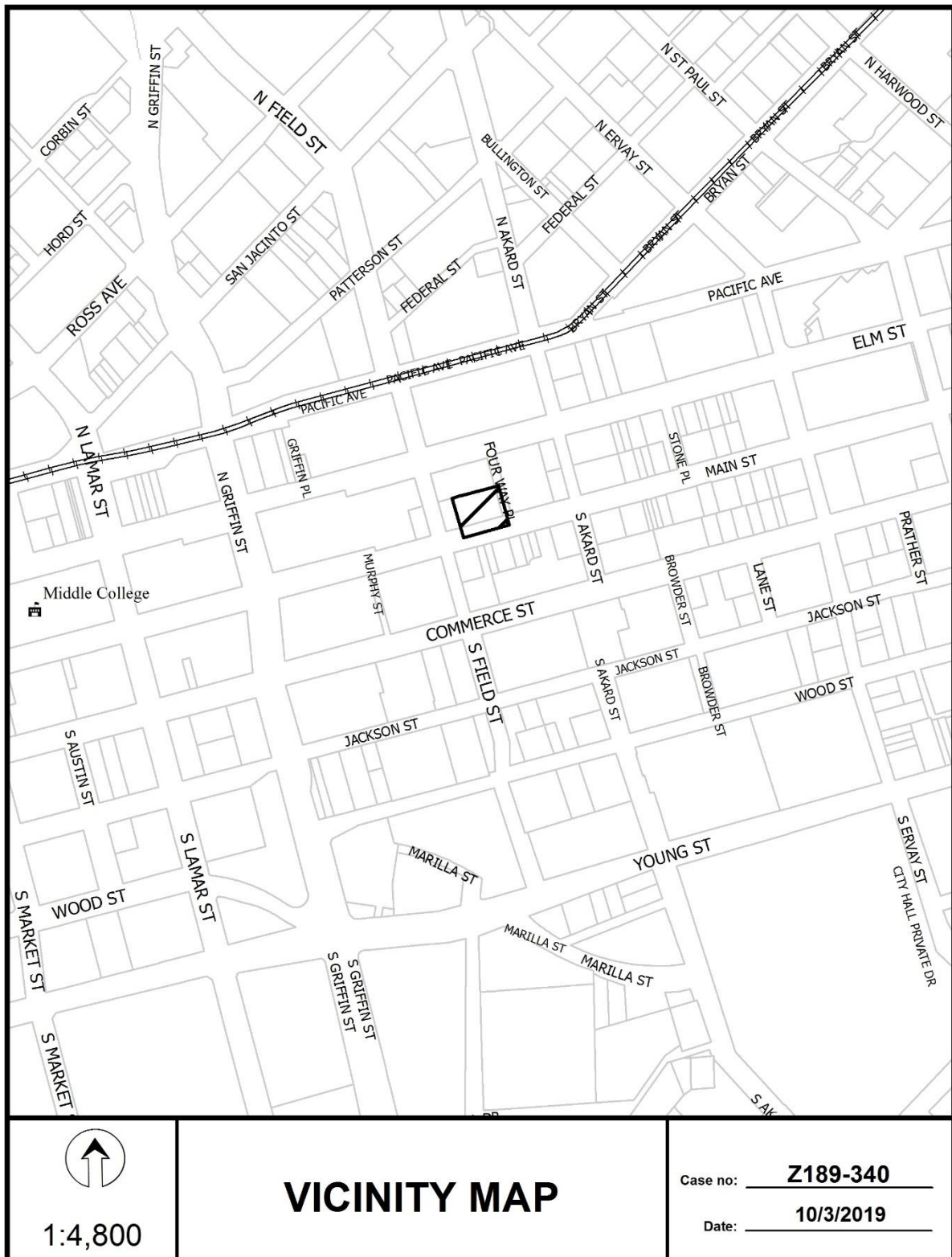


# CPC RECOMMENDED SITE PLAN BASEMENT LEVEL – DETAIL

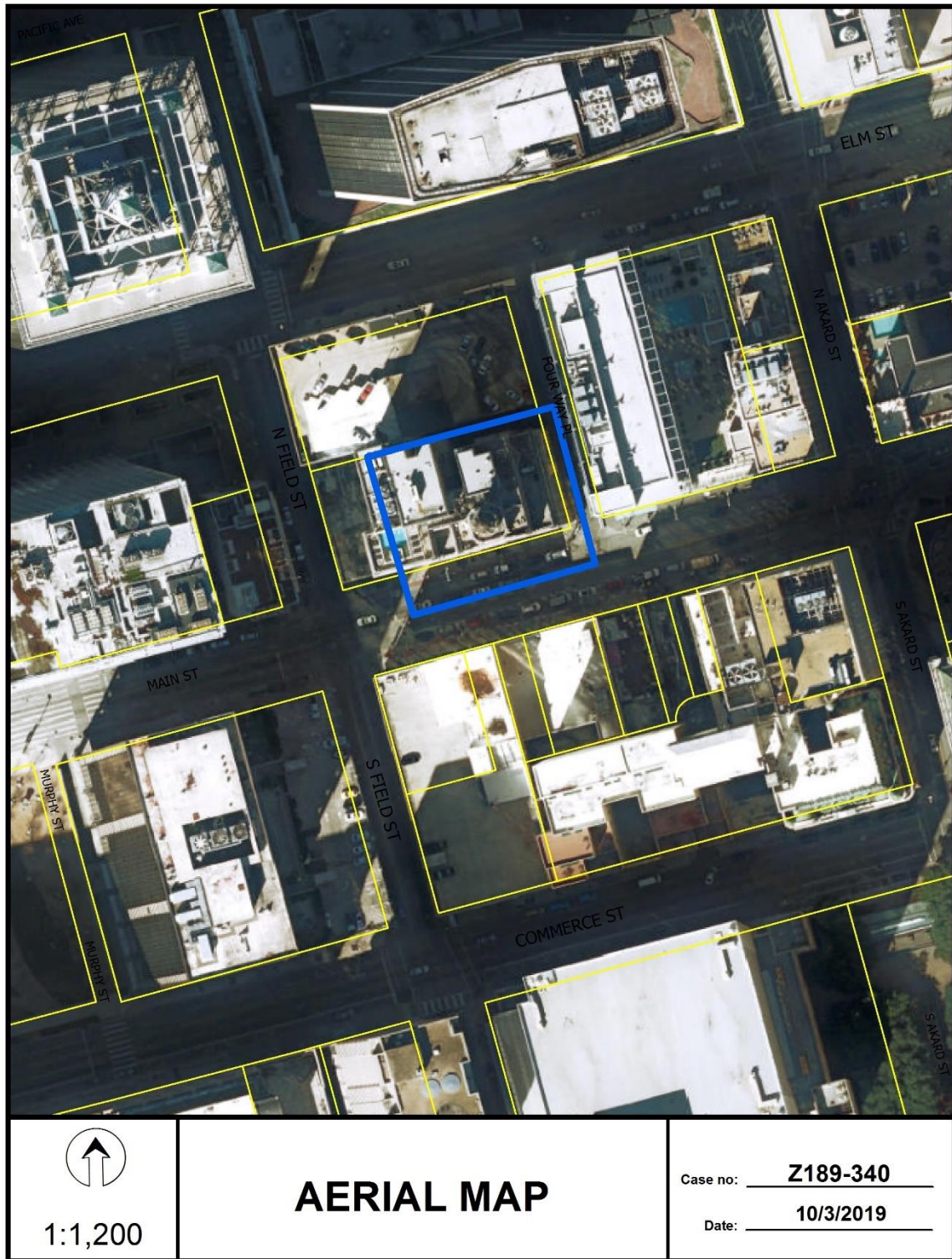


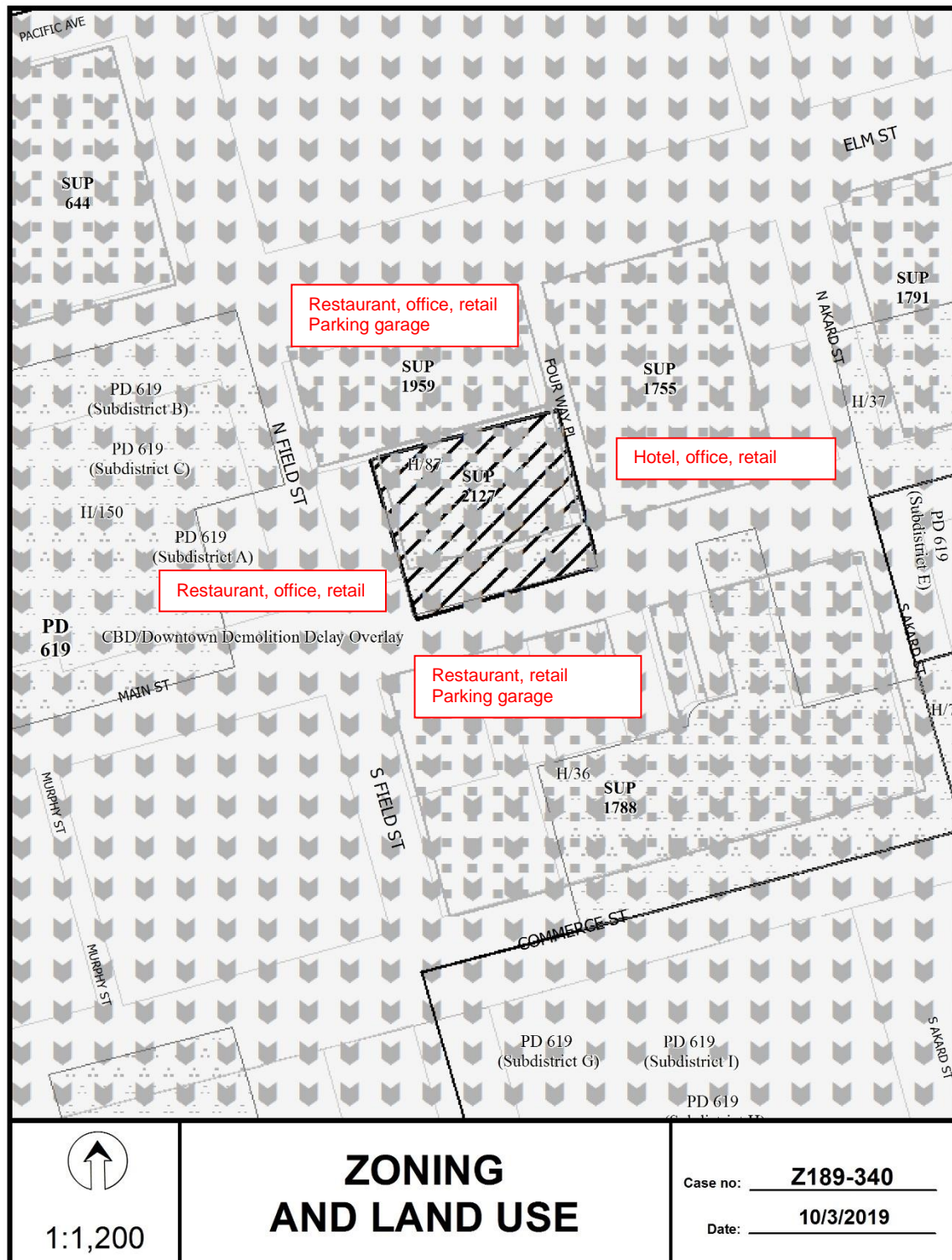
## EXISTING SITE PLAN



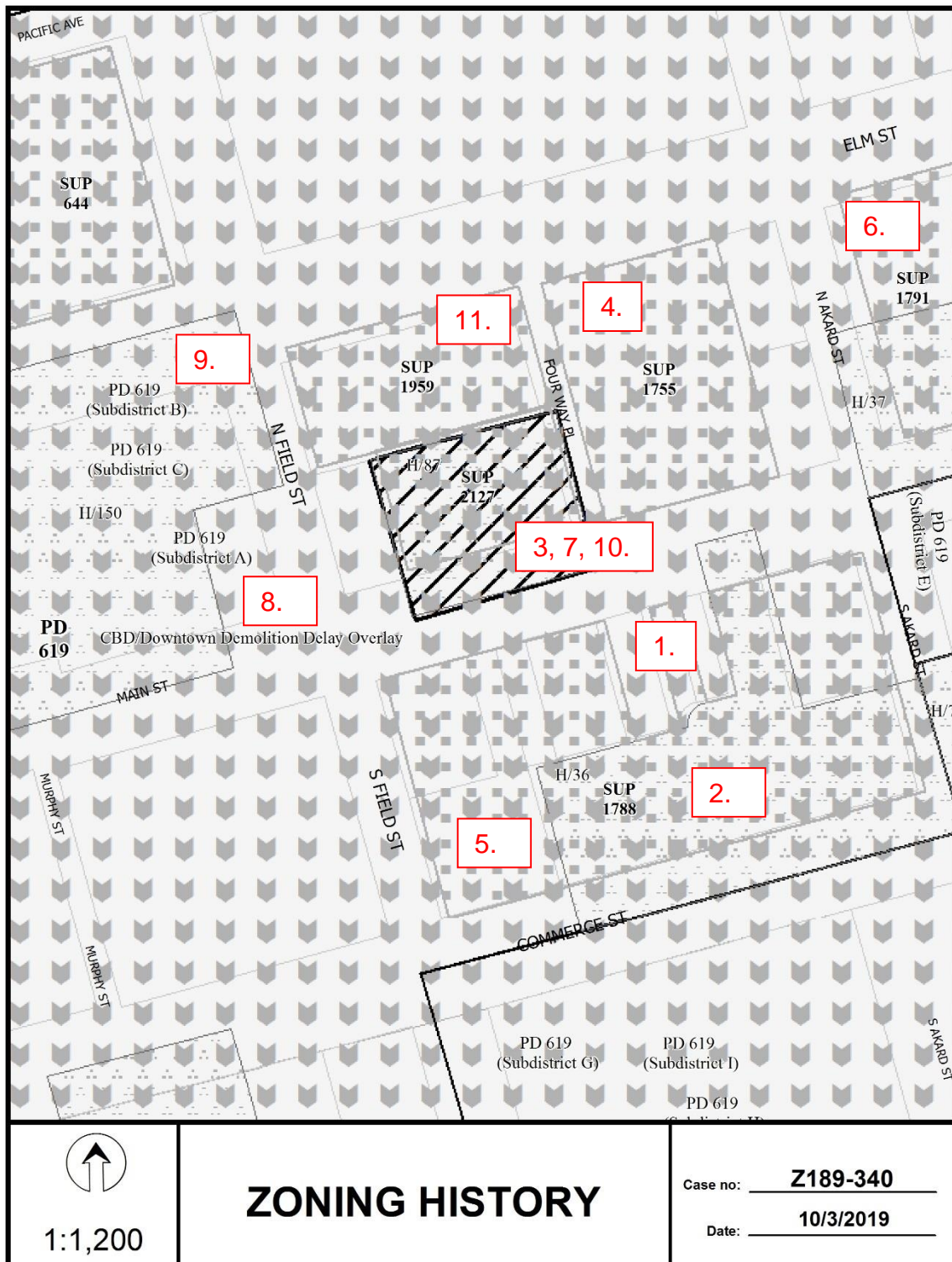


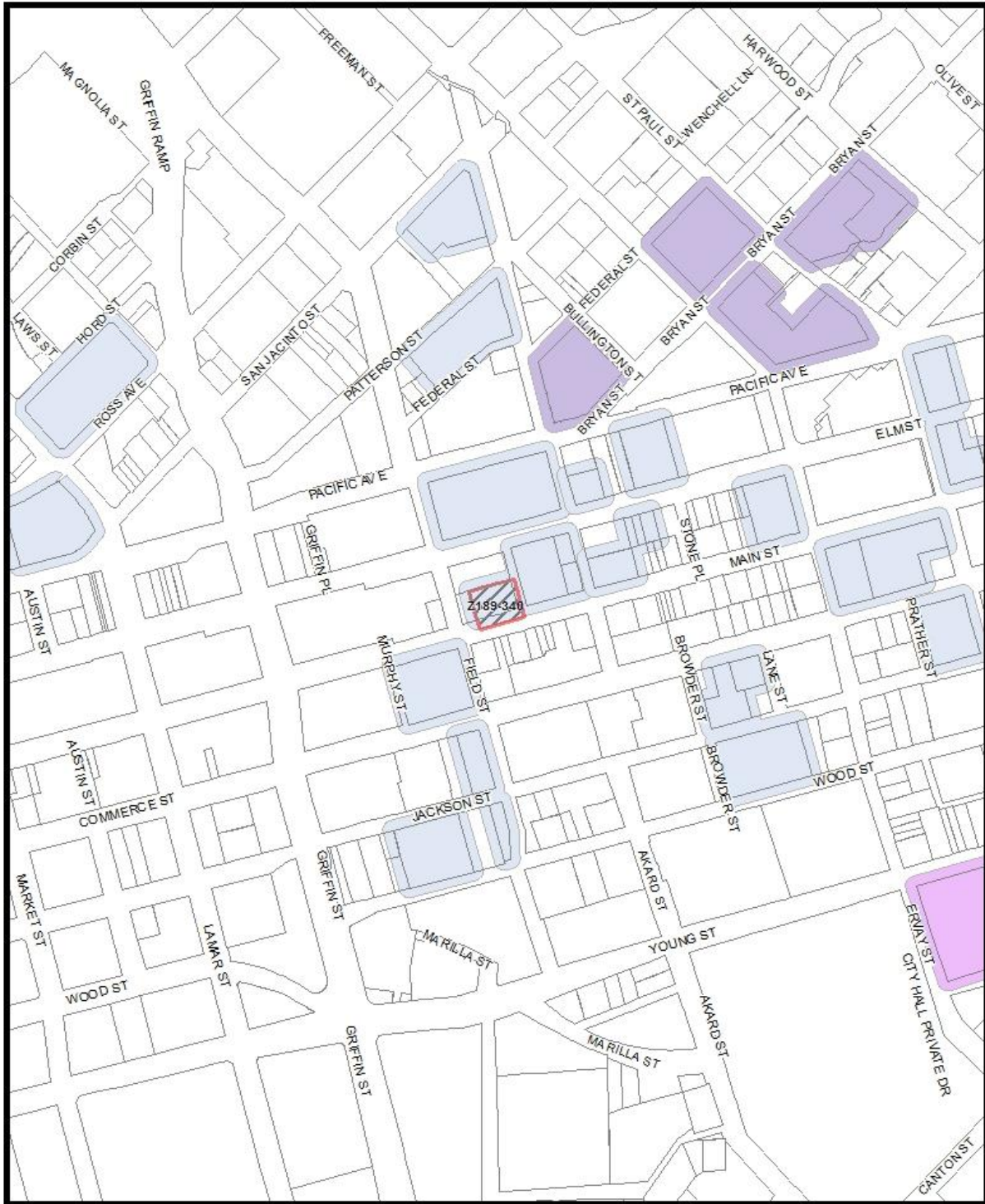












MVA Cluster   A   B   C   D   E   F   G   H   I   NA

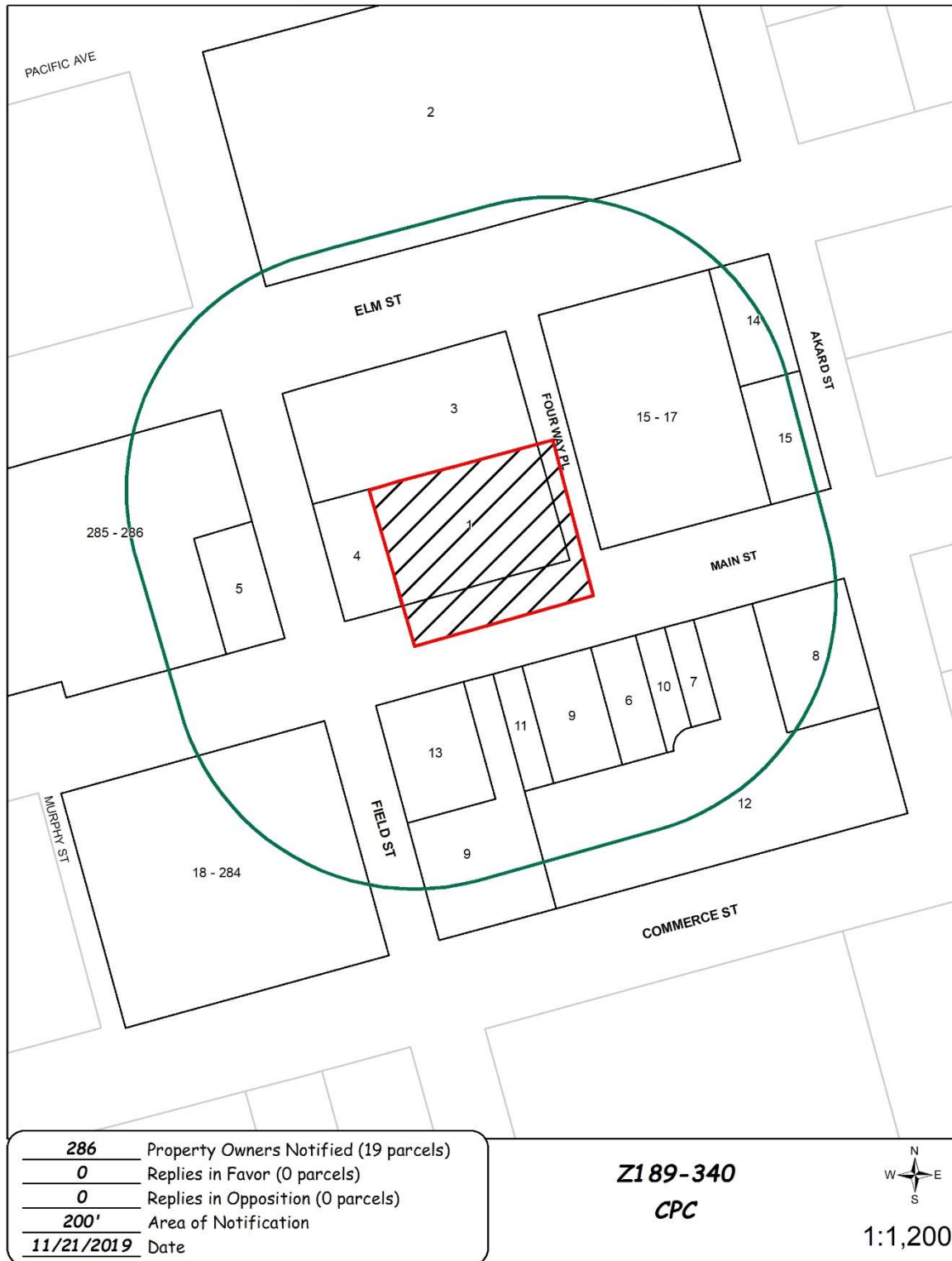


1:4,800

# Market Value Analysis

Printed Date: 10/3/2019

**CPC RESPONSES**



11/20/2019

***Reply List of Property Owners******Z189-340******286 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1309 MAIN ST	DAVIS 1309 MAIN LLC
	2	1401 ELM ST	DREVER 1401 ELM LLC
	3	1302 ELM ST	HEADINGTON REALTY & CAPITAL LLC
	4	1301 MAIN ST	HEADINGTON REALTY &
	5	1217 MAIN ST	1217 MAIN LLC
	6	1400 MAIN ST	RBP ADOLPHUS LLC
	7	1404 MAIN ST	APAL CO LLC
	8	1412 MAIN ST	1412 MAIN STREET LLC
	9	1300 MAIN ST	RBP ADOLPHUS LLC
	10	1402 MAIN ST	APAL LLC
	11	1306 MAIN ST	RBP ADOLPHUS LLC
	12	1315 COMMERCE ST	RBP ADOLPHUS LLC
	13	1300 MAIN ST	RBP 1400 MAIN LLC
	14	1414 ELM ST	LICGF DALLAS LOFTS INC
	15	1407 MAIN ST	LICGF DALLAS LOFTS INC
	16	1407 MAIN ST	DRED PROPERTIES LTD
	17	1407 MAIN ST	DCAR PROPERTIES LTD
	18	1200 MAIN ST	TONOLI FRANK E &
	19	1200 MAIN ST	FISCHER JOSHUA A
	20	1200 MAIN ST	ANDERSON SCOTT ERIC
	21	1200 MAIN ST	FUGITT JOHN R W
	22	1200 MAIN ST	ALEXANDER KARA
	23	1200 MAIN ST	FARHART GEORGE R & ALICIA E
	24	1200 MAIN ST	ORTIZ GUILLERMINA
	25	1200 MAIN ST	FONTENOT TOMMY JAMES
	26	1200 MAIN ST	RAFF GEORGE JR



11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1200 MAIN ST	SMITH DANIEL E & HERMA A
	28	1200 MAIN ST	FONK ANTHONY N & KATHRYN L
	29	1200 MAIN ST	FREEMAN SCOTT
	30	1200 MAIN ST	EADS LORI A
	31	1200 MAIN ST	JUAREZ GERARDO
	32	1200 MAIN ST	KIRKLAND MYRA EDITH &
	33	1200 MAIN ST	AMONGKOL JITTADA KITTY
	34	1200 MAIN ST	HART STANLEY L &
	35	1200 MAIN ST	SMITH SHERIA D
	36	1200 MAIN ST	BRANCELA JOHN
	37	1200 MAIN ST	TERESI MARK A & JEANNE N
	38	1200 MAIN ST	CWALINO PETER
	39	1200 MAIN ST	SULLIVAN COLLIN &
	40	1200 MAIN ST	SANADI NISAR & THU NGUYET
	41	1200 MAIN ST	CARPENTER ROBIN N
	42	1200 MAIN ST	MASTAGLIO LINDA R
	43	1200 MAIN ST	LOPEZ DENNIS A
	44	1200 MAIN ST	CLARK TAMPA CATHERINE
	45	1200 MAIN ST	MIDLAND TRUST CO &
	46	1200 MAIN ST	PERRI ANTHONY J &
	47	1200 MAIN ST	KANTELADZE ANNA &
	48	1200 MAIN ST	FAYE WILLIS DESIGNS INC
	49	1200 MAIN ST	BAGARIA SAPNA & SURESH
	50	1200 MAIN ST	PARKER MARK GRAHAM
	51	1200 MAIN ST	NEMES SONY SHAI
	52	1200 MAIN ST	RAO SHASHANK A &
	53	1200 MAIN ST	CHATTERJEE ARUNABHA
	54	1200 MAIN ST	CRIST EUGENE SCOTT
	55	1200 MAIN ST	SALVANT WAYNE
	56	1200 MAIN ST	ELLER TOM J & ROBYN
	57	1200 MAIN ST	MASSEY LINDA

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1200 MAIN ST	DASH PRIYARANJAN &
	59	1200 MAIN ST	ROSALERTZ LLC
	60	1200 MAIN ST	CUEVAS ISRAEL F
	61	1200 MAIN ST	EDWARDS JAMES & BARBARA
	62	1200 MAIN ST	NORRED J WESLEY III
	63	1200 MAIN ST	JIA YUEMENG
	64	1200 MAIN ST	BIERMAN SYDNEY GRACE
	65	1200 MAIN ST	FANNING MICHAEL JAMES
	66	1200 MAIN ST	ERLICH CRAIG J
	67	1200 MAIN ST	ADAMS WILHELMINA J
	68	1200 MAIN ST	COMBS DAMETIA
	69	1200 MAIN ST	YAVANZA LLC
	70	1200 MAIN ST	ALCANTARA PEDRO
	71	1200 MAIN ST	HERICKS JAMES &
	72	1200 MAIN ST	BAKER WILLIAM H III
	73	1200 MAIN ST	SZABALA SARA &
	74	1200 MAIN ST	PAPA RODINO CHRISTOPHER CRUZ
	75	1200 MAIN ST	HUGHES CYNTHIA M
	76	1200 MAIN ST	BLACK PAUL
	77	1200 MAIN ST	HAQUE NAZ &
	78	1200 MAIN ST	ALMOHSEN MUQDAD
	79	1200 MAIN ST	LINDSAY HAWNIE E
	80	1200 MAIN ST	NGUYEN MICHAEL
	81	1200 MAIN ST	BENEVENTI MARK FRANCIS
	82	1200 MAIN ST	DU YALI
	83	1200 MAIN ST	PATOINE TERESA SUSAN
	84	1200 MAIN ST	SAIED ANNA M
	85	1200 MAIN ST	FAIRCHILD MELISSA
	86	1200 MAIN ST	CANON JOSEPH & ELIZABETH
	87	1200 MAIN ST	DEMPSEY MICHAEL THOMAS
	88	1200 MAIN ST	HARRIS KENDRICK LASALLE



11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	1200 MAIN ST	PATEL JAYSHREE &
	90	1200 MAIN ST	NEMA REALTY GROUP LLC
	91	1200 MAIN ST	KAHANE DENNIS SPENCER
	92	1200 MAIN ST	RODRIGUEZ JOSE A
	93	1200 MAIN ST	SALEEM ADEEL
	94	1200 MAIN ST	ANTAO RYAN TRISTEN
	95	1200 MAIN ST	MOBLEY HENRY B JR
	96	1200 MAIN ST	COWAN MICHAEL & MARTHA
	97	1200 MAIN ST	GHODSI YEGANEH &
	98	1200 MAIN ST	HOFFMAN YOLANDA & JAMES
	99	1200 MAIN ST	IPPOLITO MARTA
	100	1200 MAIN ST	CIN ALBERTO DAL
	101	1200 MAIN ST	BROWN GLENN ALAN
	102	1200 MAIN ST	ROMERO GERALD & LOURDES
	103	1200 MAIN ST	BEANEY STEVEN LEE
	104	1200 MAIN ST	SCARBOROUGH DONALD D
	105	1200 MAIN ST	YASSIN RONY
	106	1200 MAIN ST	BROWN NOLLEY LEON CLEMON &
	107	1200 MAIN ST	LUMME DONALD GUY JR
	108	1200 MAIN ST	XIE JIMIN
	109	1200 MAIN ST	OROZCO CARLOS A
	110	1200 MAIN ST	BABAKHANIAN ROUBEN
	111	1200 MAIN ST	DOMINGUEZ JOSE R
	112	1200 MAIN ST	PURNELL KENNETH
	113	1200 MAIN ST	BYRD CAMERON
	114	1200 MAIN ST	MA MAU & JUYEI
	115	1200 MAIN ST	THOMAS BIJU
	116	1200 MAIN ST	HAZLITT RYAN ZEDRICK
	117	1200 MAIN ST	MITCHELL CATHERINE MARIE &
	118	1200 MAIN ST	MADDERRA RHONDA & FARON
	119	1200 MAIN ST	HONRALES MARK &

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	1200 MAIN ST	CRAIG TERRY E &
	121	1200 MAIN ST	BALUCH HOLDINGS LLC
	122	1200 MAIN ST	ADROVIC ARMIN
	123	1200 MAIN ST	ROMIG RANDALL
	124	1200 MAIN ST	TAUSCH JOHANNES &
	125	1200 MAIN ST	MORAIS JUSTIN
	126	1200 MAIN ST	MATHEWS AMIT &
	127	1200 MAIN ST	MCCANS WILLIAM
	128	1200 MAIN ST	LOPEZ ADAN FRANCISCO
	129	1200 MAIN ST	JUDAH JOHN K
	130	1200 MAIN ST	HANNA IHAB
	131	1200 MAIN ST	MORENO KRISTINE M
	132	1200 MAIN ST	BAKER ARIANNE &
	133	1200 MAIN ST	MOORE ROBERT W
	134	1200 MAIN ST	SANTAMARIA ARTHUR &
	135	1200 MAIN ST	DIPENTI CARMEN
	136	1200 MAIN ST	BOSE RANAVIR & SARMILA
	137	1200 MAIN ST	FUNG DAVID KARL & KATHY LEE FUNG
	138	1200 MAIN ST	FLORES GEORGINA E
	139	1200 MAIN ST	LI LIETAO
	140	1200 MAIN ST	HOLBERT DAVID
	141	1200 MAIN ST	JC GOODMAN INVESTMENT GROUP INC
	142	1200 MAIN ST	MICHULKA GEORGE &
	143	1200 MAIN ST	BYRUM TADD A &
	144	1200 MAIN ST	HUTCHINSON ANDREW F II
	145	1200 MAIN ST	BRISTOW PAUL & YOLANDA
	146	1200 MAIN ST	SUTTONDEABREU ILA I
	147	1200 MAIN ST	BENTLEY BRIAN D
	148	1200 MAIN ST	CLARK CHRISTIAN
	149	1200 MAIN ST	DAIYA NAMRATA
	150	1200 MAIN ST	JACKSON JAN B & ROGER

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	1200 MAIN ST	SALVANT WAYNE F &
	152	1200 MAIN ST	LIN HUANG SHENG
	153	1200 MAIN ST	ENGEL DAVID EISAIAH
	154	1200 MAIN ST	HIBSID 1 LLC
	155	1200 MAIN ST	QUARTOS VACA LLC
	156	1200 MAIN ST	KOKES KEVIN K
	157	1200 MAIN ST	HARRIS CARLOS
	158	1200 MAIN ST	GILL FAMILY TRUST
	159	1200 MAIN ST	KAMEO JOHN
	160	1200 MAIN ST	BRYANT CHRIS
	161	1200 MAIN ST	BROWN KIMBERLY DAWN &
	162	1200 MAIN ST	KLAMM CYNTHIA B &
	163	1200 MAIN ST	ADDESO CAROL J & ROBERT P
	164	1200 MAIN ST	JACKSON CAROL
	165	1200 MAIN ST	MCCONNELL KIMBERLI
	166	1200 MAIN ST	
	167	1200 MAIN ST	LANCASTER PHILLIP & IRENE
	168	1200 MAIN ST	AN JOSHUA DON ALLEN
	169	1200 MAIN ST	POLANCO PAUL
	170	1200 MAIN ST	DAMANI ANIRUDH A
	171	1200 MAIN ST	DOCKTER BRYAN
	172	1200 MAIN ST	UNDERHILL JAMES S
	173	1200 MAIN ST	MELONI GABRIELE &
	174	1200 MAIN ST	DEAR CORY & CLARK MEREDITH
	175	1200 MAIN ST	DUMENE RICHARD L &
	176	1200 MAIN ST	STROTHMAN RHONDA K
	177	1200 MAIN ST	REMPHREY BRYAN S
	178	1200 MAIN ST	DYNKIN ANTHONY
	179	1200 MAIN ST	BROWNELL SUSAN K &
	180	1200 MAIN ST	LANCASTER PHILLIP GEOFFREY &
	181	1200 MAIN ST	HARDIN LAURA C & KELLY C

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	1200 MAIN ST	AHUMADA MUCIO
	183	1200 MAIN ST	LIN MILO M &
	184	1200 MAIN ST	GARNER SUSAN
	185	1200 MAIN ST	MOORE ROBERT W
	186	1200 MAIN ST	CHAFFIN LYNDAL A
	187	1200 MAIN ST	HAWLEY LEE ANN MURPHREE &
	188	1200 MAIN ST	VIRANI ASIF
	189	1200 MAIN ST	PRIBADI LILIANA
	190	1200 MAIN ST	DIXON ADAM
	191	1200 MAIN ST	XIE JIMIN & WEIYAN JEANNE LI
	192	1200 MAIN ST	JHAVERI SATYEN DHIREN
	193	1200 MAIN ST	ABDULWAHAB MANNIE
	194	1200 MAIN ST	GODOY DULCE MARIA RIVAS
	195	1200 MAIN ST	BHAGAT SALMAN JUMA &
	196	1200 MAIN ST	ZOLLER ROBERT W
	197	1200 MAIN ST	KOERBER ELLEN &
	198	1200 MAIN ST	GREENSTREET TROY A
	199	1200 MAIN ST	RICHARDS GILL & ELIZABETH ANN
	200	1200 MAIN ST	VALENTIS VENTURES LLC
	201	1200 MAIN ST	NATHAL JULIO
	202	1200 MAIN ST	NGUYEN MICHAEL
	203	1200 MAIN ST	VERITY ANDREW
	204	1200 MAIN ST	POON PHILIP
	205	1200 MAIN ST	ROMERO ROBERT R &
	206	1200 MAIN ST	HAYES MONIQUE C
	207	1200 MAIN ST	TINSLEY GARY A
	208	1200 MAIN ST	HAGLER TRENT L
	209	1200 MAIN ST	JONES CLEVELAND JR
	210	1200 MAIN ST	CRIST EUGENE SCOTT
	211	1200 MAIN ST	FLANAGAN MICHAEL
	212	1200 MAIN ST	OLTMAN GREGG

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	1200 MAIN ST	WILSON TAYLOR V &
	214	1200 MAIN ST	MALHOTRA MANISH
	215	1200 MAIN ST	MEADOWS TAYLOR
	216	1200 MAIN ST	FICKEL MATTHEW & MARY BETH
	217	1200 MAIN ST	SHAFFNER GLORIA
	218	1200 MAIN ST	GOLNABI ROSITA NINA & NEIMA
	219	1200 MAIN ST	CAMPBELL W DONALD &
	220	1200 MAIN ST	COLMENERO MANUEL &
	221	1200 MAIN ST	MCCLAIN JONI L MD FAMILY TRUST
	222	1200 MAIN ST	REVIS MARK
	223	1200 MAIN ST	NAZARUK ALEKSANDER
	224	1200 MAIN ST	YING KEN W
	225	1200 MAIN ST	PENNEY CHRISTOPHER R
	226	1200 MAIN ST	AMEHAYES AMDETSION
	227	1200 MAIN ST	SHALLENBERGER PUNAM & DAVID
	228	1200 MAIN ST	KEANE JUSTIN
	229	1200 MAIN ST	BODLEY GABRIELLE
	230	1200 MAIN ST	MCBRIDE KAREN & GEORGE S
	231	1200 MAIN ST	WILSON GLEN TAYLOR &
	232	1200 MAIN ST	HARDIN LAURA & KELLY C
	233	1200 MAIN ST	PHILLIPS DAVID G
	234	1200 MAIN ST	EZEIZA JULIETA &
	235	1200 MAIN ST	SOLITARE RICHARD & JEANNE
	236	1200 MAIN ST	GRANT JASON A & MARIA
	237	1200 MAIN ST	PIERCE KEVIN G
	238	1200 MAIN ST	WEINSTEIN PAUL D
	239	1200 MAIN ST	POWERS A MARKS
	240	1200 MAIN ST	WERLE LESLEY
	241	1200 MAIN ST	BERMAN DANIEL
	242	1200 MAIN ST	PERRI VINEYARDS & REAL ESTATE
	243	1200 MAIN ST	RANDOLPH HEATHER ELAINE &

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	1200 MAIN ST	FISCHER FAMILY TRUST
	245	1200 MAIN ST	INDIGO CAPITAL GROUP LLC
	246	1200 MAIN ST	KNIPE LUTHER DASSON III
	247	1200 MAIN ST	LOPEZ MARCO A & ISABEL
	248	1200 MAIN ST	CURTIS TRENT P
	249	1200 MAIN ST	BASH DAMIEN
	250	1200 MAIN ST	MIRO VIKTOR
	251	1200 MAIN ST	FIELDS FOSTER LAND TRUST
	252	1200 MAIN ST	SHIPP RONALD B
	253	1200 MAIN ST	ALCANTARA PEDRO
	254	1200 MAIN ST	COX JOHN VERNON TR & GAY GAYLE TR
	255	1200 MAIN ST	COX JOHN VERNON TR &
	256	1200 MAIN ST	SMITH LAURA
	257	1200 MAIN ST	MAHDAVI ARAD
	258	1200 MAIN ST	ONU ADISA M
	259	1200 MAIN ST	OQUIN RUTH
	260	1200 MAIN ST	MAYORGA LUIS A
	261	1200 MAIN ST	MUSABASIC MEMSUD
	262	1200 MAIN ST	GILMAN ALEX
	263	1200 MAIN ST	MOTGI GURUBASAPPA V & SHASHI R MOTGI
	264	1200 MAIN ST	SARDARABADI ABDOL M &
	265	1200 MAIN ST	WATTS FAMILY TRUST
	266	1200 MAIN ST	KORNEGAY FAMILY TRUST
	267	1200 MAIN ST	TRAMMELL DUANE &
	268	1200 MAIN ST	DUNCAN ROBERT J &
	269	1200 MAIN ST	JHAVERI SATYEN DHIREN
	270	1200 MAIN ST	WALSH WILLIAM ANTHONY
	271	1200 MAIN ST	REAGANS KIMBERLY
	272	1200 MAIN ST	KRISHNA SHAIENDRA &
	273	1200 MAIN ST	PONZIO JOHN &
	274	1200 MAIN ST	NAGAPPA PRAKASH &

Z189-340(AU)

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	275	1200 MAIN ST	DAVIS WALKER L
	276	1200 MAIN ST	HERNDON CYNTHIA A
	277	1200 MAIN ST	PERRI VINEYARDS &
	278	1200 MAIN ST	GARCIA CASSANDRA
	279	1200 MAIN ST	BARBATO CRISTINA COSTA
	280	1200 MAIN ST	ANTEE CHRISTINE R
	281	1200 MAIN ST	GALAL PHILLIPE & NIKI M STOLIS
	282	1200 MAIN ST	WILKINSON EARL J
	283	1200 MAIN ST	CALDWELL ROGER W & KIMBERLY S
	284	1200 MAIN ST	BELGAUM LLC
	285	1201 MAIN ST	ONE MAIN PLACE HOTEL LLC
	286	1201 MAIN ST	ONE MAIN PLACE OFFICE LLC



# City of Dallas

1500 Marilla Street  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 19-2012  
Z10.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an IR Industrial Research District on property zoned Planned Development District No. 798, on the northeast side of Redfield Street and northwest side of Butler Street

Recommendation of Staff and CPC: Approval  
Z189-344(JM)



<b>FILE NUMBER:</b>	Z189-344(JM)	<b>DATE FILED:</b>	August 30, 2019
<b>LOCATION:</b>	Northeast side of Redfield Street and northwest side of Butler Street		
<b>COUNCIL DISTRICT:</b>	2	<b>MAPSCO:</b>	6 I
<b>SIZE OF REQUEST:</b>	± 7.8 acres	<b>CENSUS TRACT:</b>	4.01

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**REPRESENTATIVE:** Suzan Kedron, Jackson Walker, LLP

**APPLICANT/OWNER:** Dallas County Hospital District

**REQUEST:** An application for an IR Industrial Research District on property zoned Planned Development District No. 798.

**SUMMARY:** The purpose of this request is to return the property to its previous zoning district of an IR Industrial Research District. The site is currently being used for construction materials storage and parking. The applicant proposes to maintain the site for surface/commercial parking uses.

**CPC RECOMMENDATION:** Approval.

**STAFF RECOMMENDATION:** Approval.

**BACKGROUND INFORMATION:**

- PD No. 798 contains 7.8 acres in its entirety and was established by City Council on September 24, 2008 for a few specific uses. A development plan approved with the PD indicates a multifamily project with over 450 units and above ground parking was proposed.
- The purpose of the current zoning case is to return the property to its previous zoning of an IR Industrial Research District.
- The site is currently being used for construction materials storage and parking. The applicant would like to maintain the site for surface/commercial parking uses.

**Zoning History:** There has been one recent zoning change request in the area within the last five years.

1. **Z178-139:** On May 23, 2016, the City Council approved Planned Development District No. 955 for IR Industrial/Research District and domestic violence facility uses on property zoned an IR Industrial/Research District on the north corner of Redfield Street and Butler Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Butler Street	Local	50 feet	50 feet
Redfield Street	Local	50 feet	50 feet

**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.

**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 request complies with the following land use goals and policies of the Comprehensive Plan:

## URBAN DESIGN

### GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

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

### GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

#### **Stemmons Corridor - Southwestern Medical District Area Plan**

The request site is within the Stemmons Corridor - Southwestern Medical District Area Plan and primarily complies with the intent of this plan. In June 2010, the City Council adopted the Stemmons Corridor - Southwestern Medical District Area Plan which identifies the request site as being in the Medical Campus Development Block. The Plan recommends this development block to be predominately medical related offices and facilities; however, it is also envisioned to be home to a highly walkable mix of residential and mixed-use developments accommodating medical district employees.

The return of the site to IR Industrial Research District zoning is consistent with surrounding zoning. The allowable land uses and the proposed continued use of the site for the Dallas County Hospital District are supportive of the Medical District.

#### **Surrounding Land Uses:**

Area	Zoning	Use
Site	PD No. 798	Undeveloped and surface parking
North	PD No. 337 for IR Uses	Office showroom warehouse, Hospital, Liquor store
East	IR Industrial Research District	Office showroom warehouse and car wash
South	PD No. 955 for IR Uses and IR Industrial Research District	Community service center and Office, Hospital, Commercial parking lot, and Restaurant
West	IR Industrial Research District and SUP No. 524 for Chronic-Care Hospital	Office, Office showroom warehouse, and Commercial parking lot

**Land Use Compatibility:**

PD No. 798 contains 7.8 acres in its entirety and was established by City Council on September 24, 2008 for a few specific uses. A development plan approved with the PD indicates a multifamily project with over 450 units and above ground parking was proposed. The purpose of the current zoning case is to return the property to its previous zoning of an IR Industrial Research District. The site is currently being used for construction materials storage and parking. The applicant would like to maintain the site for surface/commercial parking uses in support of Parkland Hospital.

Surrounding land uses consist of office showroom warehouse, hospital, and liquor store to the north; office showroom warehouse and car wash to the east; community service center, office, hospital, commercial parking lot, and restaurant to the south; and, office, office showroom warehouse, and commercial parking lot to the west.

Staff supports the request to return the site to IR Industrial Research District zoning. Surrounding zoning adjacent to the west, east, and southeast is an IR District. PD No. 337 to the northwest has a base of an IR District. PD No. 955 to the south also has a base of an IR District and a domestic violence facility. All surrounding properties maintain the land uses and development rights provided by the IR District. The subject site should be allowed to return to the original zoning to allow for development consistent with the neighborhood standards.

**Development Standards:**

Zoning	SETBACKS		FAR	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
Existing: PD No. 798	Butler: 35' for 40% and 15' for rest Redfield: 35' for 40% and 25' for rest All others: 10'	10'	1.6 Total 0.72 for Parking Structures	60'4 Stories  Parking Structures: 48'5 Stories RPS	80%	Light industrial, office, and supporting commercial uses.
Proposed: IR Industrial Research District	15'	Res adj: 30' Others: 0'	0.5 Ret.PS 0.75 Mix 2.0 All Combo	200' RPS 15 Stories	80%	Light industrial, office, and supporting commercial uses.

The current request for an IR Industrial Research District would garner a significant change in development rights compared to the existing PD No. 798 allowable land uses and yard, lot, and space allocations. However, in this unique case, the request is to return the site to the original zoning district. Additionally, the IR District exists surrounding most of the site. Since the proposed multifamily development established in the existing PD zoning and development plan is no longer an ongoing project for the property owner,

returning to the original zoning district seems reasonable. The area has not changed in a manner which would no longer support the IR District standards and uses.

PD No. 798 limited allowable uses to the following:

- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Multifamily.
- Office.
- Private recreation center, club, or area.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary construction or sales office.

The proposed IR District allows all the existing PD No. 798 uses, except general merchandise or food store greater than 3,500 square feet and multifamily uses. Returning the site to the IR District zoning reintroduces a bevy of uses including commercial and business service; industrial; institutional and community service; lodging; miscellaneous; office; recreation; retail and personal service; transportation; utility and public service; wholesale, distribution, and storage; and, accessory uses. Staff supports this change since surrounding properties carry the same land use and development rights.

**Parking:**

Parking will be in accordance with the Dallas Development Code.

**Landscaping:**

Landscaping will be in accordance with Article X, as amended

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not located within an MVA cluster, surrounding properties are sporadically categorized as being within an “E” MVA cluster to the northeast and northwest.

<b>List of Officers</b>
-------------------------

**Dallas County Hospital District**

Frederic Cerise, President and Chief Executive Officer

David Lopez, Executive Vice President and Chief Operating Officer

Richard Humphrey, Executive Vice President & Chief Financial Officer

Steven Roth, Executive Vice President and General Counsel

**CPC Action**  
**November 7, 2019**

**Motion:** It was moved to recommend **approval** of an IR Industrial Research District on property zoned Planned Development District No. 798, northeast of Redfield Street and northwest of Butler Street.

Maker: Schultz  
Second: Housewright  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 400 Mailed: 30  
**Replies:** For: 1 Against: 0

**Speakers:** None

**EXISTING PD CONDITIONS TO BE REPEALED**

**ARTICLE 798.**

**PD 798.**

**SEC. 51P-798.101. LEGISLATIVE HISTORY.**

PD 798 was established by Ordinance No. 27323, passed by the Dallas City Council on September 24, 2008. (Ord. 27323)

**SEC. 51P-798.102. PROPERTY LOCATION AND SIZE.**

PD 798 is established on property located at the north corner of Butler Street and Redfield Street. The size of PD 798 is approximately 7.8 acres. (Ord. 27323)

**SEC. 51P-798.103. DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district. (Ord. 27323)

**SEC. 51P-798.104. EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit 798A: development plan. (Ord. 27323)

**SEC. 51P-798.105. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit 798A). If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 27323)

**SEC. 51P-798.106. MAIN USES PERMITTED.**

The following uses are the only main uses permitted:

- General merchandise or food store 3,500 square feet or less.



- General merchandise or food store greater than 3,500 square feet.
- Multifamily.
- Office.
- Private recreation center, club, or area.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary construction or sales office.

(Ord. 27323)

**SEC. 51P-798.107. ACCESSORY USES.**

(a) 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.

(b) The following accessory use is permitted by SUP only:

- Accessory helistop.

(Ord. 27323)

**SEC. 51P-798.108. 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) Setback from street frontage.

(1) Butler Street. Minimum setback from Butler Street is 35 feet for a distance equal to at least 40 percent of the length of street frontage. Minimum setback for the remaining length of street frontage is 15 feet. This setback shall be treated as a front yard.

(2) Redfield Street. Minimum setback from Redfield Street is 35 feet for a distance equal to at least 40 percent of the length of street frontage. Minimum setback for the remaining length of street frontage is 25 feet. This setback shall be treated as a front yard.

(b) Front, side, and rear yard. Except as provided in Subsection (a), minimum front, side, and rear yard is 10 feet.

(c) Density. Maximum dwelling unit density is 60 units per acre.

(d) Floor area ratio.

(1) Except as provided in this subsection, maximum floor area ratio is 1.6.

(2) For aboveground parking structures, maximum floor area ratio is 0.72, including any area used for off-street parking.

(e) Height.

- (1) Except as provided in this subsection, maximum structure height is 60 feet.
- (2) For aboveground parking structures, maximum structure height is 48 feet.
- (3) Except as provided in this subsection, any portion of a structure over 26 feet in height may not be located above the residential proximity slope. See Section 51A-4.412 for the site of origination.
- (4) Chimneys and structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height or 12 feet above the residential proximity slope, whichever is less.

(f) Lot coverage. Maximum lot coverage is 70 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories.

- (1) For aboveground parking structures, maximum number of stories above grade is five.
- (2) For all other structures, maximum number of stories above grade is four. (Ord. 27323)

**SEC. 51P-798.109. OFF-STREET PARKING AND LOADING.**

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. (Ord. 27323)

**SEC. 51P-798.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 27323)

**SEC. 51P-798.111. LANDSCAPING.**

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition. (Ord. 27323)

**SEC. 51P-798.112. SCREENING AND FENCING.**

(a) Roof-mounted mechanical equipment must be screened or set back so that it is not visible from a point five-and-a-half-feet above grade at the property line. Screening materials must match the facade materials of the main building.

(b) Fences must be set back a minimum of two feet from a sidewalk that is within a public right-of-way. Fencing must be in accordance with the development plan. (Ord. 27323)

**SEC. 51P-798.113. SIGNS.**

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Detached signs:

- (1) must be monument signs;
- (2) may not exceed six feet in height and 30 square feet in effective area;
- (3) may be back-lit; and

(4) must not have a changeable message, have any components that flash, or use LED or video-streaming technology.

(c) The board of adjustment may not grant a special exception to allow additional detached premise signs. (Ord. 27323)

**SEC. 51P-798.114. 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) Vehicular-access security gates must be set back at least 40 feet from a public right-of-way. (Ord. 27323)

**SEC. 51P-798.115. COMPLIANCE WITH CONDITIONS.**

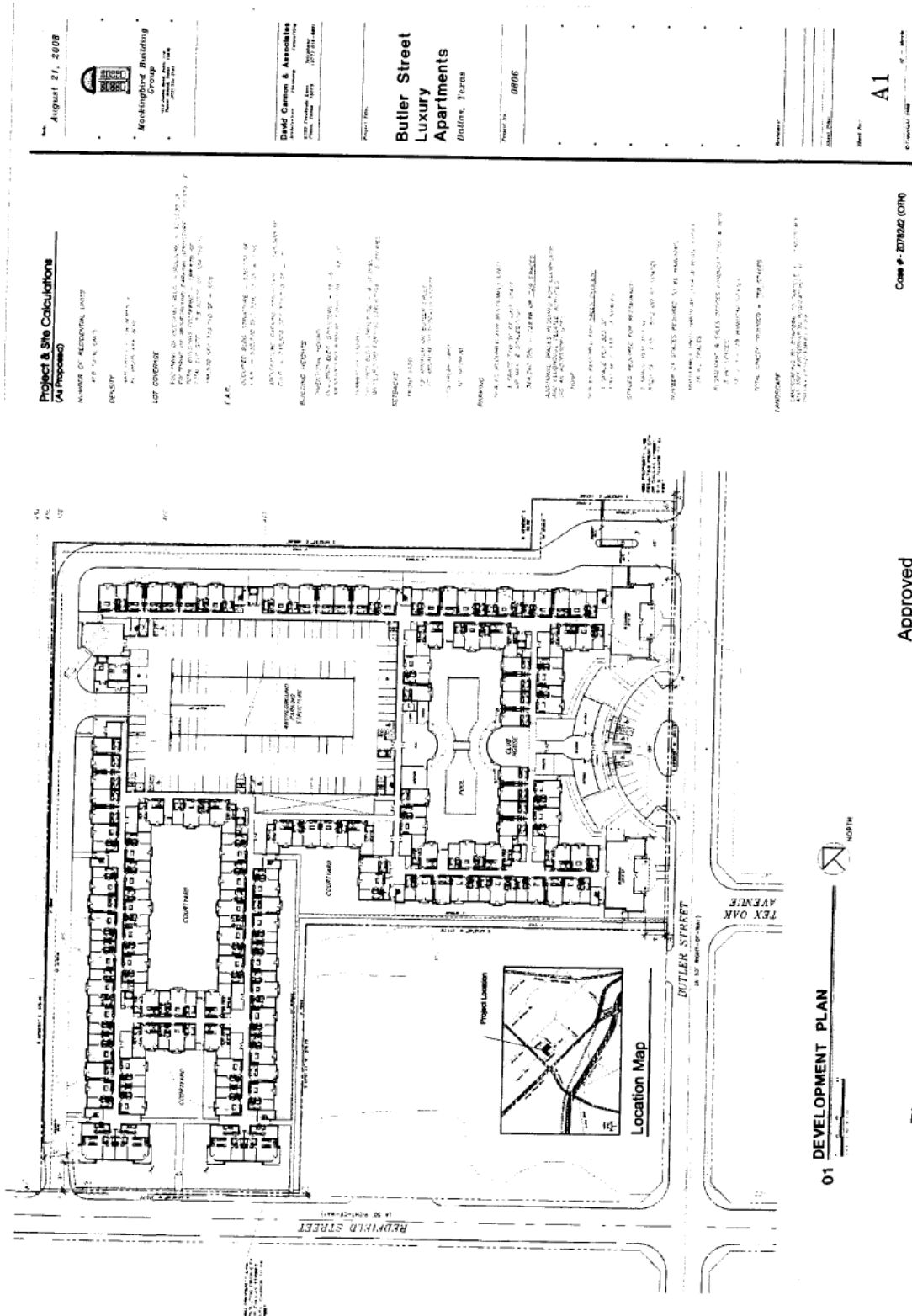
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

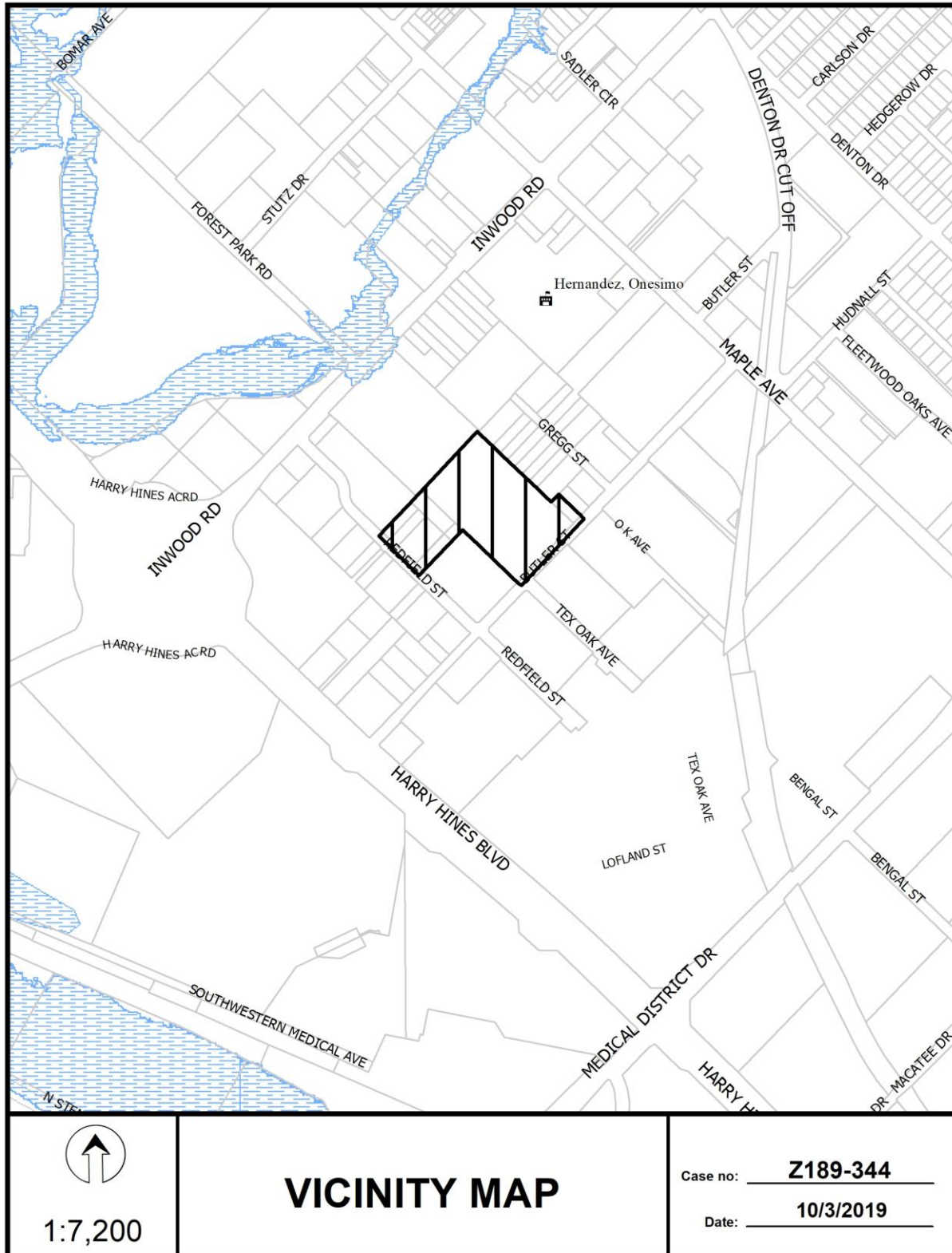
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 27323)

**SEC. 51P-798.116. ZONING MAP.**

PD 798 is located on Zoning Map No. I-6. (Ord. 27323)

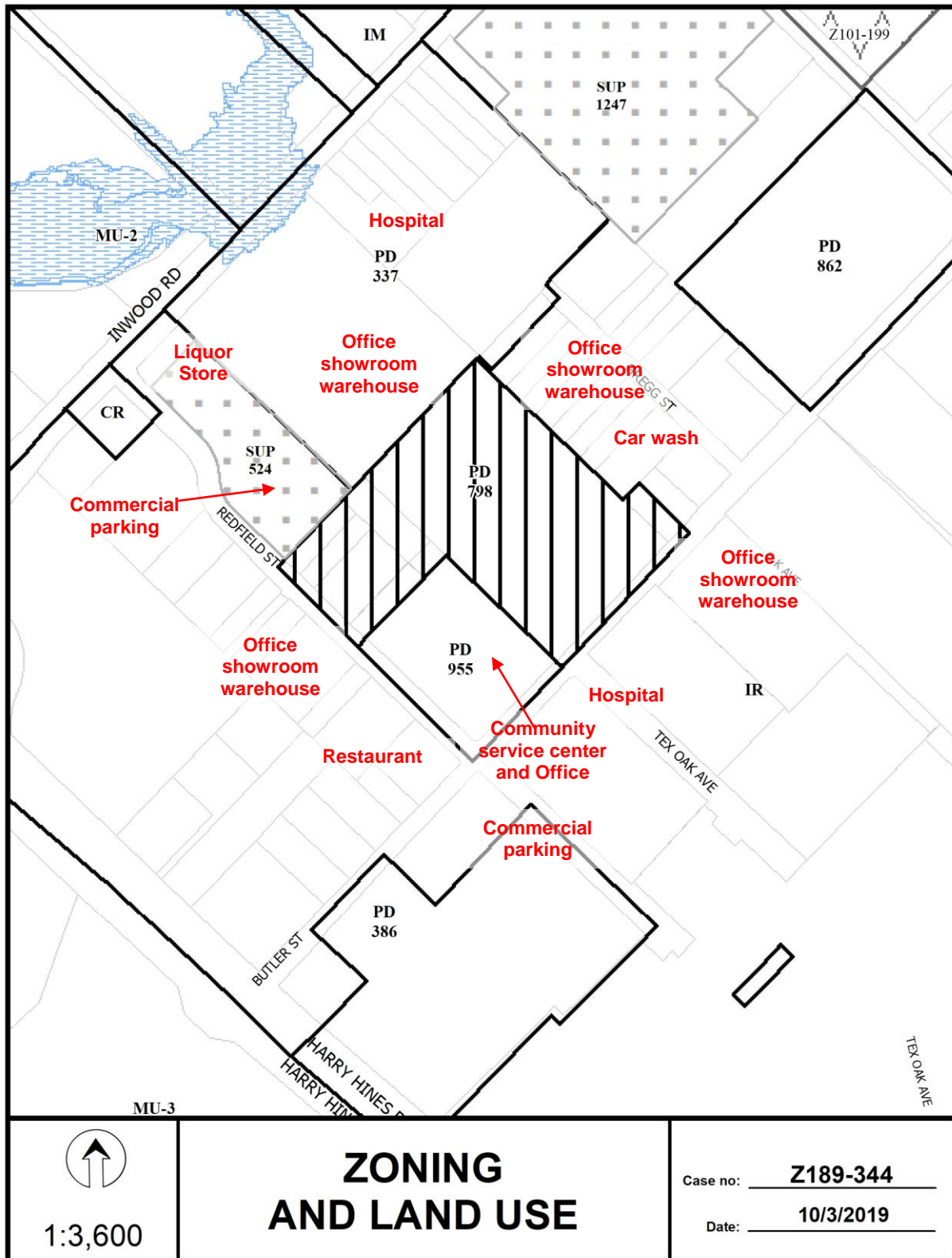
# Existing Development Plan



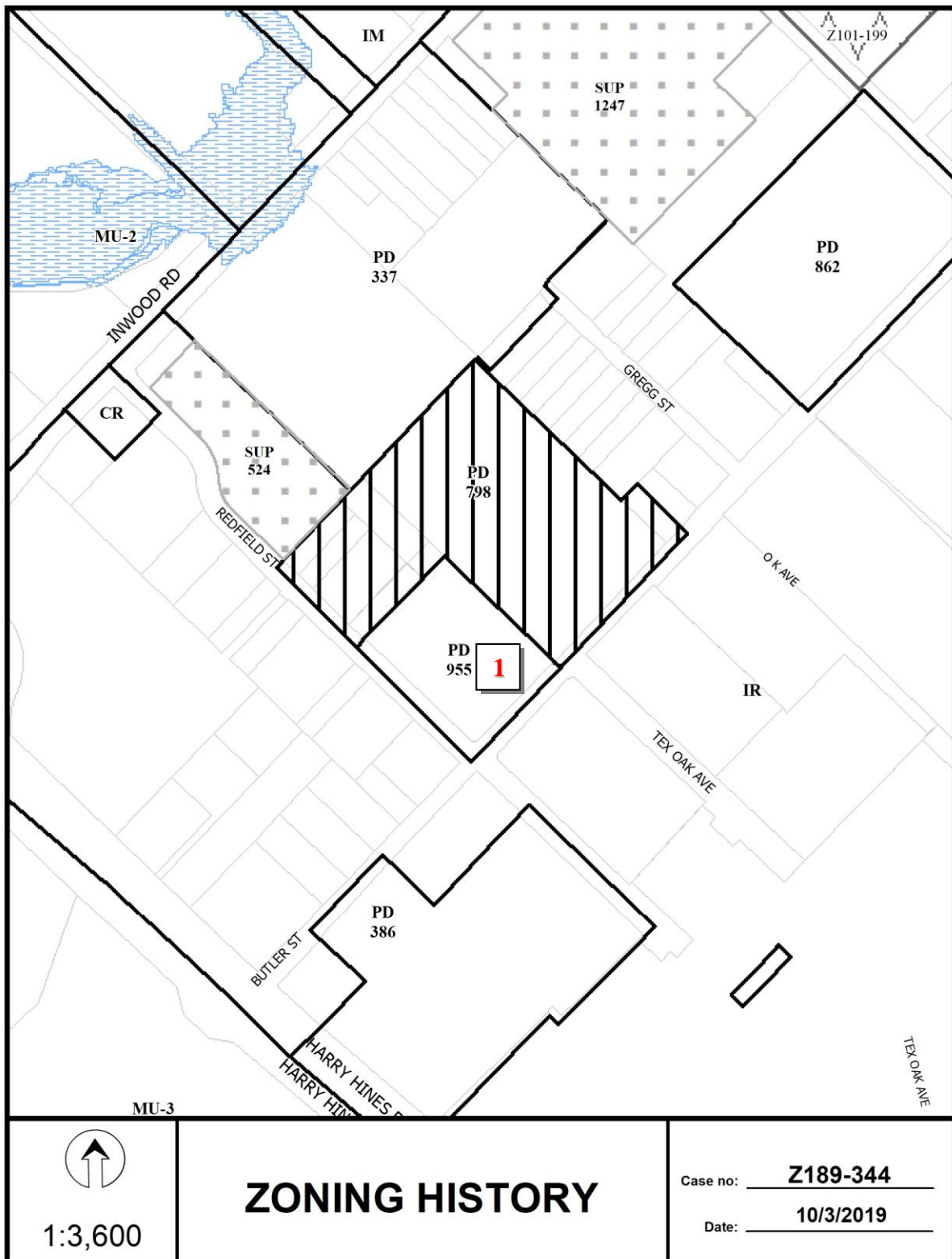




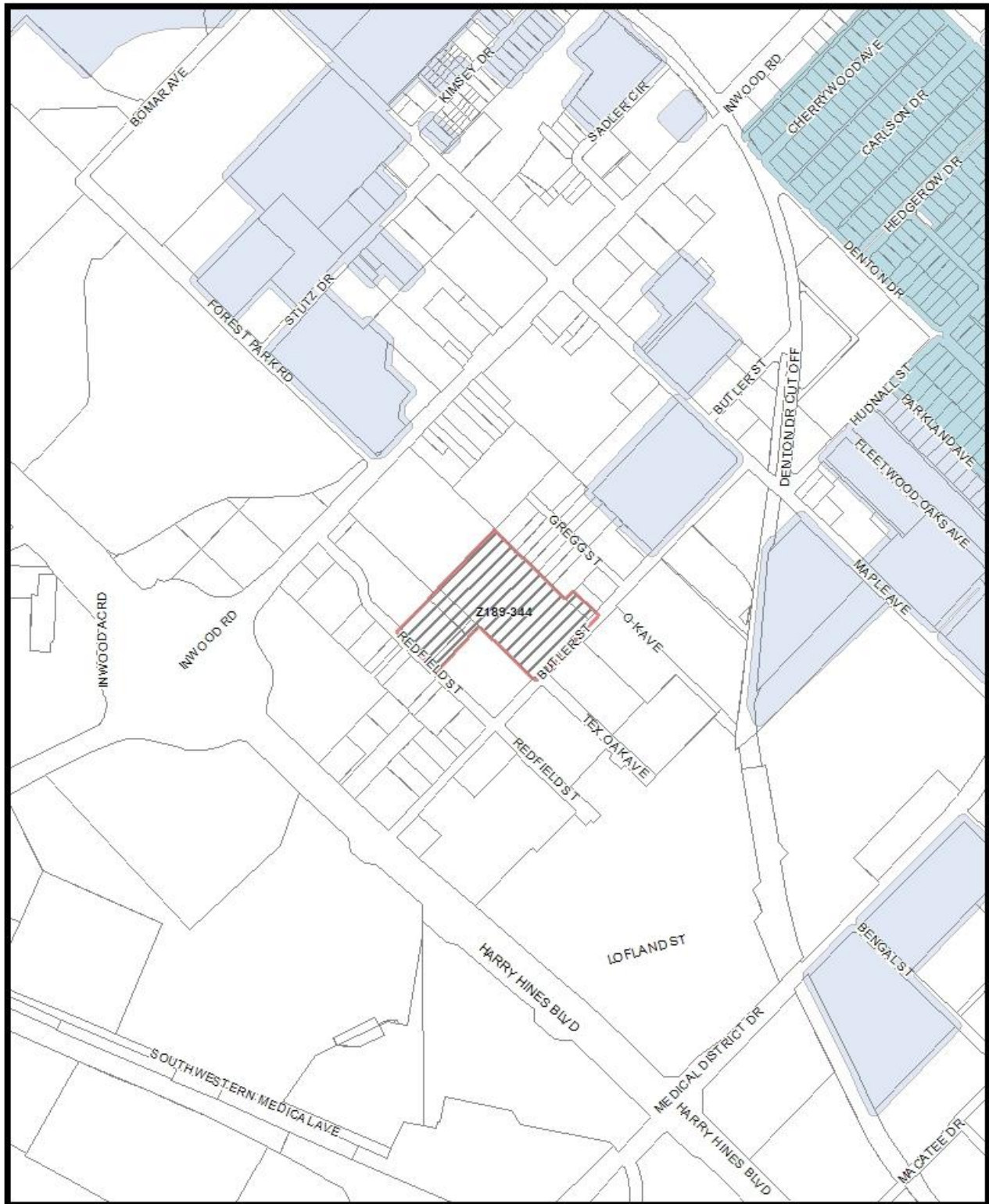












MVACluster A B C D E F G H I NA

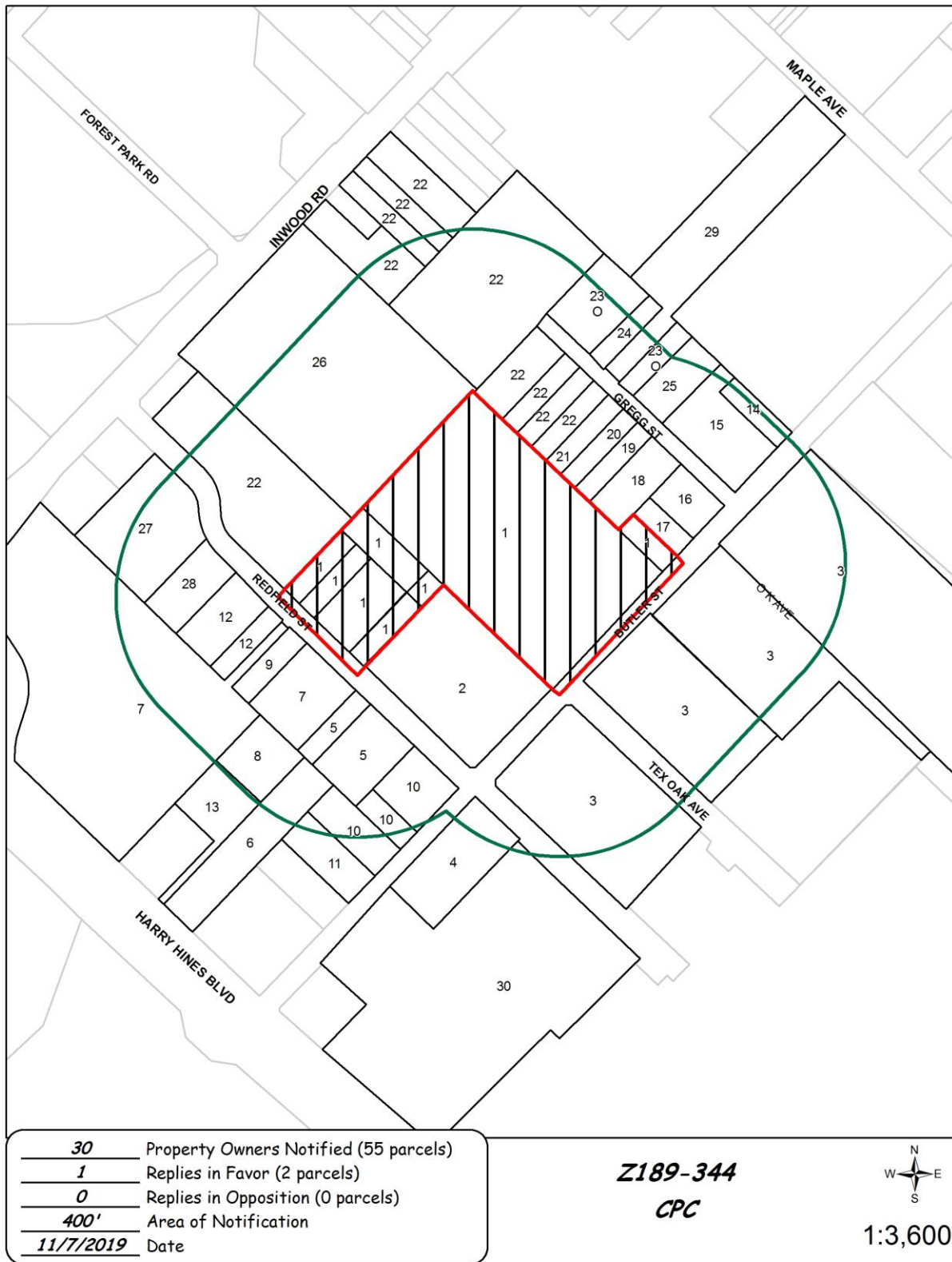


1:7,200

## Market Value Analysis

Printed Date: 10/3/2019

**CPC Responses**



11/06/2019

***Reply List of Property Owners******Z189-344******30 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2311 BUTLER ST	DALLAS COUNTY HOSPITAL DISTRICT
	2	2231 BUTLER ST	FAMILY PLACE DALLAS REAL ESTATE INC THE
	3	2420 BUTLER ST	DALLAS COUNTY HOSPITAL DISTRICT
	4	2210 BUTLER ST	PAPPAS HARRIS PROPERTIES LLC
	5	5427 REDFIELD ST	LONG TERM REALTY CAPITAL LLC
	6	5422 HARRY HINES BLVD	CRADDOCK LUMBER CO
	7	5503 REDFIELD ST	SALVATION ARMY
	8	5503 REDFIELD ST	SALVATION ARMY
	9	5511 REDFIELD ST	WORKS GEORGE W IV &
	10	2213 BUTLER ST	REDFIELDS TAVERN PRTNRSH LP
	11	2133 BUTLER ST	DALLAS COUNTY HOSPITAL DISTRICT
	12	5527 REDFIELD ST	MOUNT OLYMPUS TRIAD LLC
	13	5400 HARRY HINES BLVD	YEUNG EDWINA
	14	2415 BUTLER ST	EJIGU LULITE
	15	2411 BUTLER ST	EIJGU HAILU ENANU & ENANU EJIGU &
	16	2339 BUTLER ST	STAFFIN JEFF INC
	17	2333 BUTLER ST	SANCHEZ JOSE
	18	5415 GREGG ST	DOOLEY DAVID M
	19	5423 GREGG ST	STRAUBMUELLER FAMILY LIVING TR &
	20	5427 GREGG ST	STRAUBMUELLER DOUGLAS K &
	21	5431 GREGG ST	BAKER ALBERT L JR
	22	5511 GREGG ST	BOARD OF REG OF UNIV OF TX SYSTEM
O	23	5514 GREGG ST	LEE J KENNETH
	24	5506 GREGG ST	JPBT INVESTMENTS LLC
	25	5424 GREGG ST	PORRAS PONCIANO V
	26	2330 INWOOD RD	BOARD OF REG OF UNIV OF TX SYSTEM

Z189-344(JM)

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5601	REDFIELD ST	SALVATION ARMY
28	5529	REDFIELD ST	AMJ GROUP LLC
29	5505	MAPLE AVE	5505 MAPLE AVE LLC
30	5320	HARRY HINES BLVD	SALVATION ARMY



## Agenda Information Sheet

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**File #:** 19-2013

**Item #:** Z11.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict and a resolution accepting the deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, west of the intersection of Metropolitan Avenue at South Malcolm X Boulevard  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z189-345(JM)

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<b>FILE NUMBER:</b>	Z189-345(JM)	<b>DATE FILED:</b>	September 4, 2019
<b>LOCATION:</b>	West of the intersection of Metropolitan Avenue at South Malcolm X Boulevard		
<b>COUNCIL DISTRICT:</b>	7	<b>MAPSCO:</b>	8 K
<b>SIZE OF REQUEST:</b>	± 0.45 acres	<b>CENSUS TRACT:</b>	37.00

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**APPLICANT/OWNER:** Fernando Muñoz, Max Urban Development

**REQUEST:** An application for an MF-2(A) Multifamily Subdistrict with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

**SUMMARY:** The purpose of this request is to allow for the construction of nine townhouses as a condo-style development. Proposed deed restrictions volunteered by the applicant include: 1) restrict the land uses to allow R-5(A) Single Family Subdistrict uses plus multifamily use with a maximum dwelling unit density of nine units; 2) limit the maximum allowable height to 30 feet; and, 3) limit the lot coverage for other (nonresidential) uses to 25 percent.

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

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

## **BACKGROUND INFORMATION:**

- PD No. 595, the South Dallas/Fair Park Special Purpose District was established by City Council on September 26, 2001 and contains over 3,363 acres of land.
- The undeveloped site consists of three lots platted in 1952 and zoned for R-5(A) Single Family Subdistrict uses. The applicant proposes to construct nine townhouses in a condo style multifamily development on the 0.45-acre site, which equals about one unit per 2,178 square feet.
- The MF-2(A) Multifamily Subdistrict would allow several residential uses including single family, both attached and detached, and multifamily units. The applicant has offered deed restrictions which: 1) restrict the land uses to allow R-5(A) Single Family Subdistrict uses plus multifamily use with a maximum dwelling unit density of nine units; 2) limit the maximum allowable height to 30 feet; and, 3) limit the lot coverage for other (nonresidential) uses to 25 percent.
- A replat will be required to proceed with a higher density single family (anything more than the three units allowed by the three existing lots) or a shared access development. Any development is subject to right-of-way dedication and continuity of block for setbacks from the two street frontages (both front yards).

**Zoning History:** There have not been any recent zoning requests in the area within the last five years.

## **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Malcolm X Boulevard	Community Collector	40 feet	60 feet
Metropolitan Avenue	Residential Collector	40 feet	50 feet

## **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.

## 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 applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

## URBAN DESIGN

### GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

### NEIGHBORHOOD PLUS

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

The proposed townhouse style multifamily development adds diversity in housing options. The modifications to the district standards with volunteered deed restrictions are fitting for the site and maintain the overall scale and character of the neighborhood, while adding a modest amount of density.

### **Surrounding Land Uses:**

Area	Zoning	Land Use
Site	R-5(A) w/in PD No. 595	Undeveloped
North	R-5(A) w/in PD No. 595 and H/100 Wheatley Place Historic District	Single family
East	R-5(A) w/in PD No. 595	Single family and Barber shop
South	R-5(A) w/in PD No. 595 and PD No. 806	Single family, Church, Private school
West	R-5(A) w/in PD No. 595	Single family



**Land Use Compatibility:**

The undeveloped site consists of three lots platted in 1952 and zoned for R-5(A) Single Family Subdistrict uses. The applicant proposes to construct nine townhouses in a condo style multifamily development on the 0.45-acre site, which equals about one unit per 2,178 square feet.

The MF-2(A) Multifamily Subdistrict would allow several residential uses including single family, both attached and detached, and multifamily units. The applicant has offered deed restrictions which: 1) restrict the land uses to allow R-5(A) Single Family Subdistrict uses plus multifamily use with a maximum dwelling unit density of nine units; 2) limit the maximum allowable height to 30 feet; and, 3) limit the lot coverage for other (nonresidential) uses to 25 percent.

Surrounding land uses consist of single family uses to the north and west; single family and barber shop uses to the east; and, single family, church, and private school uses to the south.

Staff supports the request, subject to volunteered deed restrictions which largely return the site to R-5(A) Single Family Subdistrict development standards, except for allowing a moderate increase in dwelling unit density. A replat is required to proceed with a higher density single family (anything more than the three units allowed by the three existing lots) or a shared access development. Any development is subject to right-of-way dedication and continuity of block for setbacks from the two street frontages (both front yards). The overall increase in density at the intersection of South Malcolm X Boulevard will add variety to housing options in the neighborhood, which contains mostly single family and institutional uses with a few NC Neighborhood Commercial Subdistrict areas directly across the street and farther southeast of the site.

**Development Standards:**

DISTRICT	SETBACKS		Height	Lot Coverage	Density	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing:</b> R-5(A) - Single Family	20'	5' SF 10'/0' Other	30' No max stories	45% res 25% nonres	1 unit per lot, min lot size 5,000 square feet	Proximity Slope	Single family and institutional.
<b>Proposed:</b> MF-2(A) w/Volunteered Deed Restrictions**	15'***	0' SF 5'/10' Duplex 10'/10'-15' adjacent to certain districts.	30'*** No max stories	60% res 25% nonres**	9 dwelling units**	Proximity Slope Visual Intrusion	Multifamily, residential, institutional.

\*Sec.4.401(a)(6) requires block continuity, thereby making the minimum front yard in this case, 20 feet due to adjacency and remainder of the block maintaining the R-5(A) Subdistrict requirements.

The front yard setback in the existing single family zoning district is 20 feet. The subject site, with 175 feet of frontage along Metropolitan Avenue and 115 feet of frontage along South Malcolm X Boulevard has two front yards. Block continuity requires the development to conform to front yard setbacks established by the most restrictive zoning district within the block. The front yard setback would be 20 feet along both streets. In addition, Metropolitan Avenue requires a dedication of right-of-way requiring an additional setback of five feet. The total setback from the centerline of the street is 25 feet. South Malcolm X Boulevard requires a dedication of right-of-way requiring an additional setback of ten feet. The total setback from the centerline of the street is 30 feet.

**Parking:**

Parking will be in accordance with the parking regulations of the Dallas Development Code. The proposed MF-2(A) District allows multiple types of residential and institutional development. If the project is developed as three condo units per lot, one parking space will be required per bedroom with a minimum of one parking space per unit. No information on the number of bedrooms and no guarantee is available to determine the number of required parking spaces.

**Landscaping:**

Landscaping will be in accordance Article X, as amended. For a multifamily development, a street buffer zone of varying average depth depending on the type of street, urban streetscape, right-of-way planting, one three-inch caliper tree for every 40 linear feet of street frontage, residential buffer zone, and surface parking lots are required.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not located within an MVA cluster, surrounding properties are categorized as being within an "I" MVA cluster in all directions.

Z189-345(JM)

<b>List of Officers</b>
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**Max Urban Development, LLC**

Fernando Muñoz, Managing Member

**CPC Action**  
**November 7, 2019**

**Motion:** It was moved to recommend **approval** of an MF-2(A) Multifamily Subdistrict, subject to deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, west of the intersection of Metropolitan Avenue at South Malcolm X Boulevard.

Maker: Schultz  
Second: Housewright  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 200 Mailed: 33  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Rafael Peña-Costa, 3704 Atlanta St., Dallas, TX, 75215  
Fernando Muñoz, 3704 Atlanta St., Dallas, TX, 75215  
Against: None

**Volunteered Deed Restrictions**

DEED RESTRICTIONS

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

I.

The undersigned, Max Urban Development, LLC , a Texas limited liability corporation ("the Owner"), is the owner of the following described property ("the Property"), being in particular Lots 5A and all that remains of 5B and 5C out of Marshall's Subdivision, City Block A/1700, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by deeds dated June 4 and 5, 2019, and recorded in instrument numbers 201900142567, 201900143355, and 201900143362, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

See Exhibit "A" attached hereto.

II.

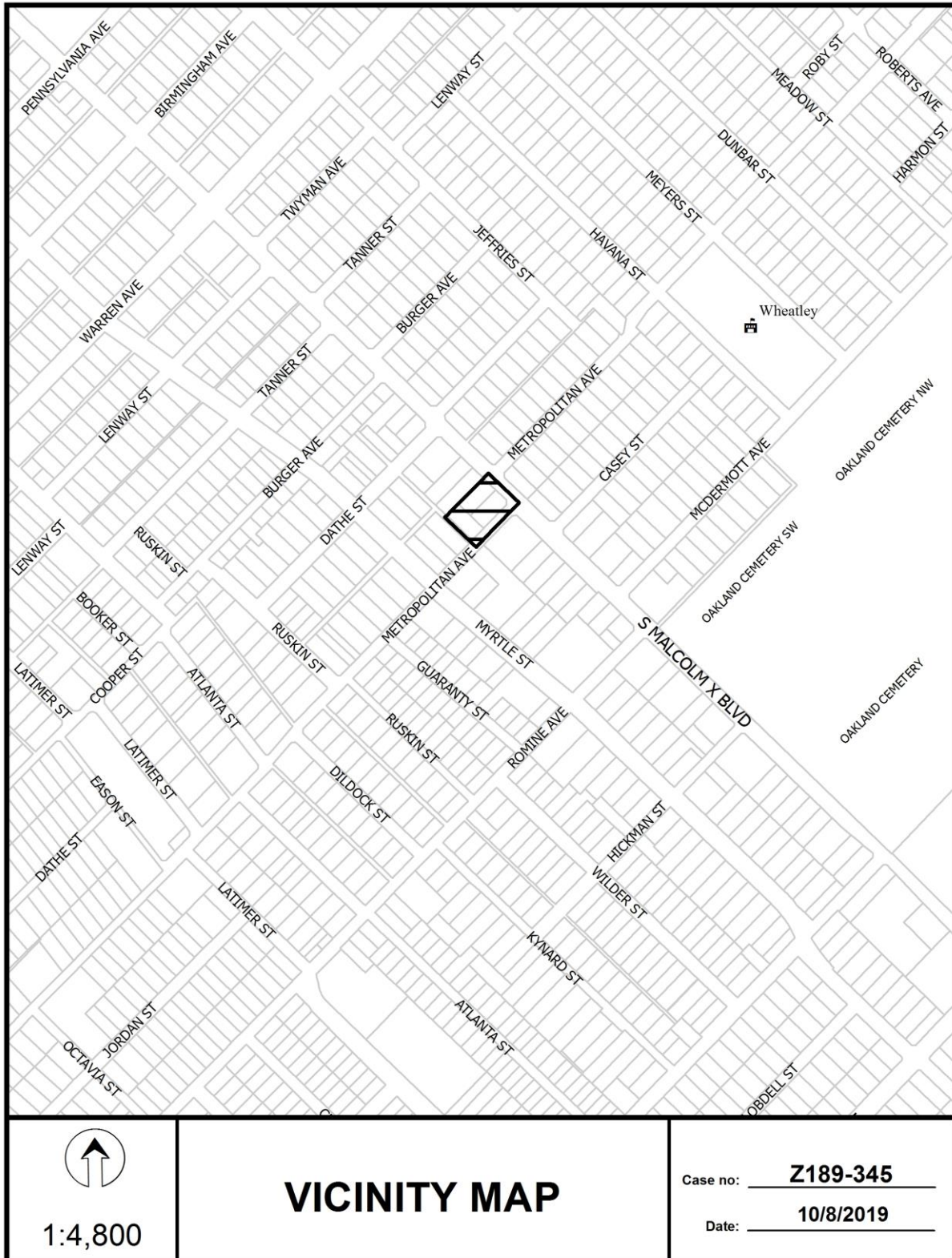
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- 1) For a multifamily use, maximum number of dwelling units is nine.
- 2) Maximum height is 30 feet.
- 3) For nonresidential uses, maximum lot coverage is 25 percent.
- (4) The following uses are prohibited:
  - Convalescent and nursing homes, hospice care, and related institutions.
  - Hospital.
  - Lodging or boarding house.
  - College dormitory, fraternity, or sorority house.
  - Duplex.
  - Group residential facility.
  - Residential hotel.
  - Retirement housing.
  - Accessory helistop.
  - Accessory medical/infectious waste incinerator.

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.

Z189-345(JM)





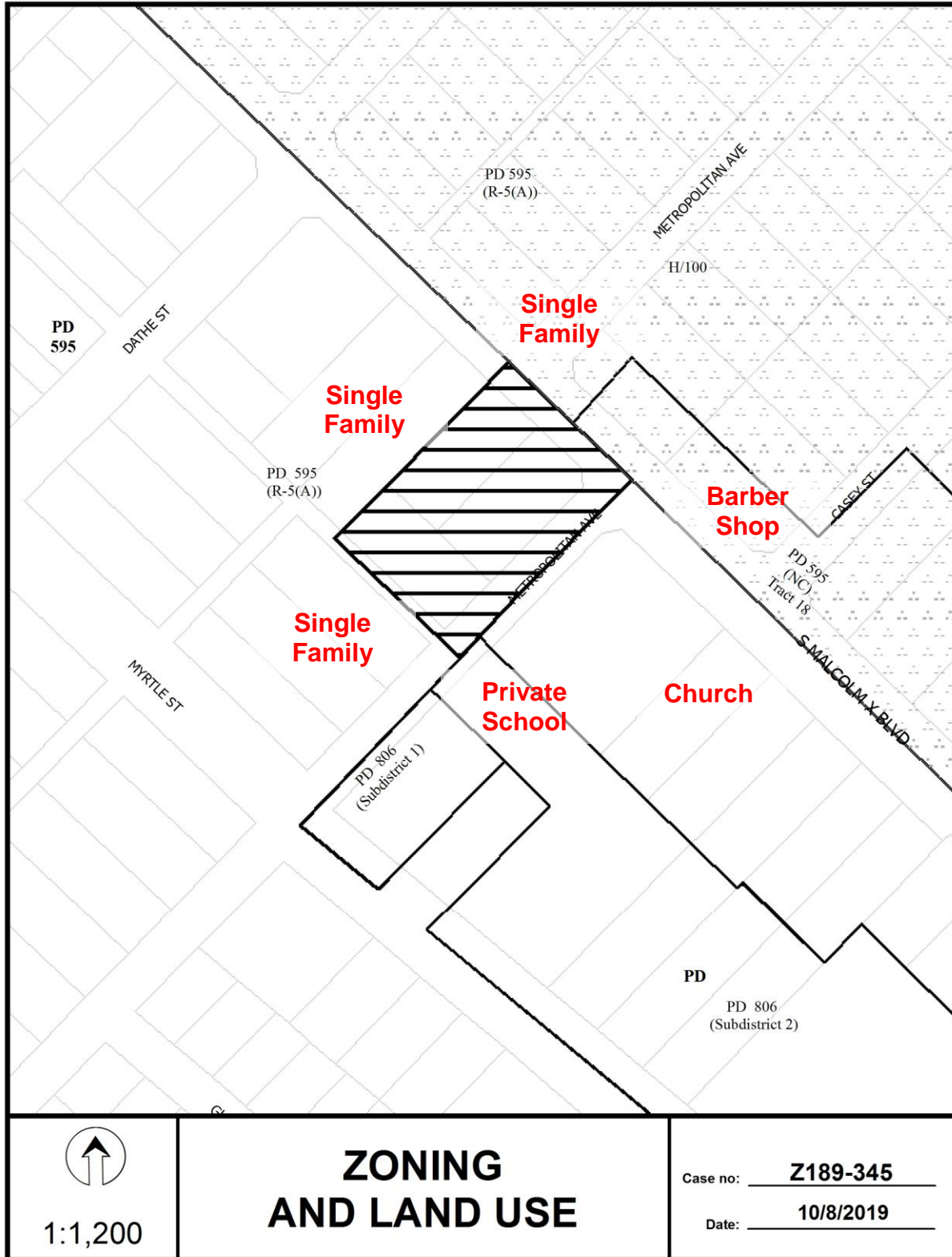


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## AERIAL MAP

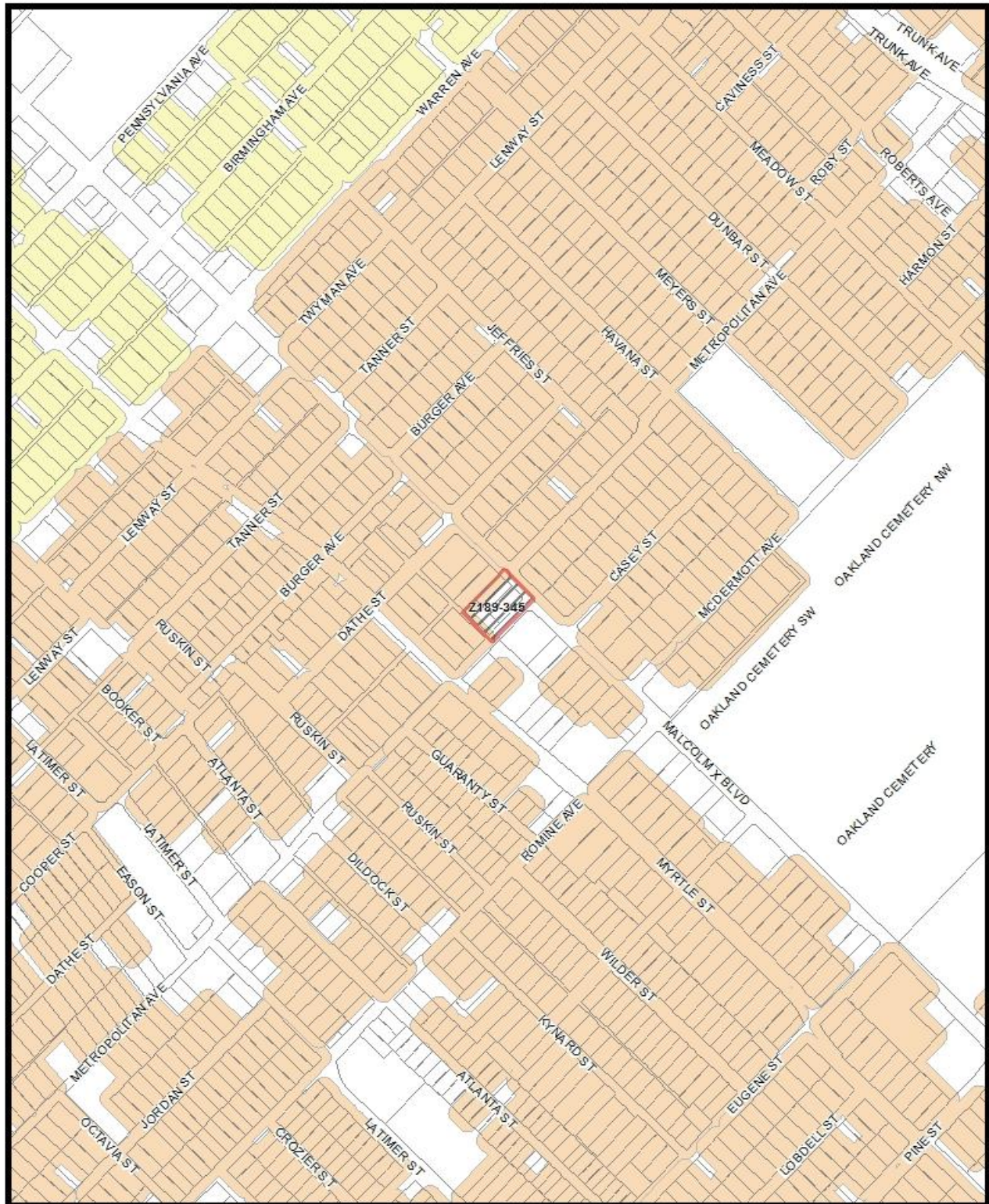
Case no: **Z189-345**

Date: **10/8/2019**





Z189-345(JM)



MVA Cluster   A   B   C   D   E   F   G   H   I   NA

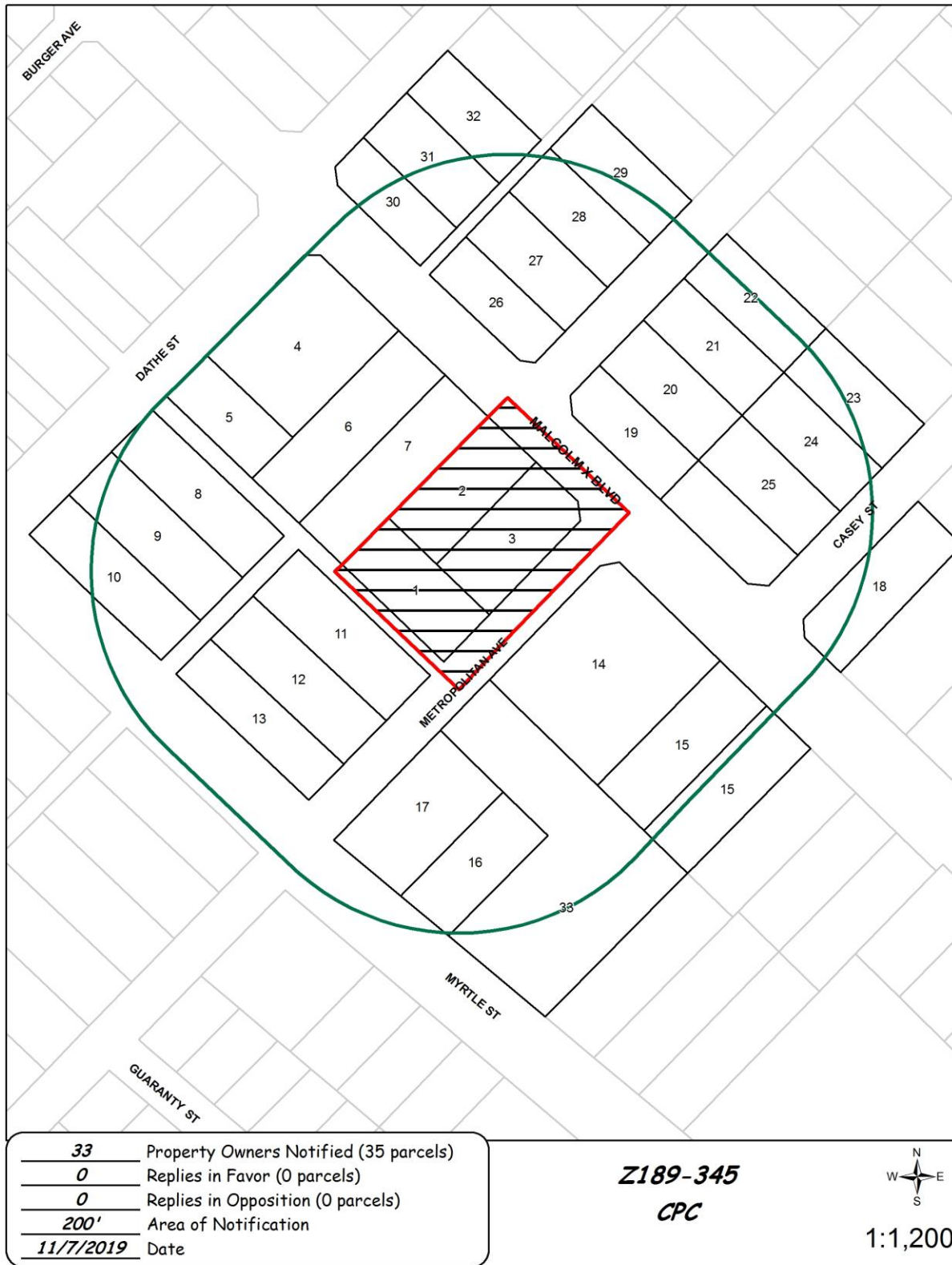


## Market Value Analysis

Printed Date: 10/8/2019



**CPC Responses**



11/06/2019

***Reply List of Property Owners******Z189-345******33 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2715	METROPOLITAN AVE	PLEASANT GROVE MISSIONARY BAPTIST CHURCH
2	3635	S MALCOLM X BLVD	MAX URBAN DEVELOPMENT
3	3639	S MALCOLM X BLVD	MAX URBAN DEVELOPMENT LLC
4	3605	S MALCOLM X BLVD	HUNT TOMMIE
5	2714	DATHE ST	FAITHSEED & HARVEST INC
6	3625	S MALCOLM X BLVD	HIBBERT COLLIN
7	3631	S MALCOLM X BLVD	THAMES REAL ESTATE INC
8	2710	DATHE ST	ZOLARA LLC
9	2706	DATHE ST	CHATTON MAXINE
10	2700	DATHE ST	LOPEZFLORES MARIA A
11	2711	METROPOLITAN AVE	HENDERSON WILLIE TR &
12	2707	METROPOLITAN AVE	GONZALEZ VICENTE G &
13	2703	METROPOLITAN AVE	LOPEZ NELSON ADALI P &
14	3701	S MALCOLM X BLVD	MIDPARK PROPERTIES LLC
15	3711	S MALCOLM X BLVD	PLEASANT GROVE BAPTIST CHURCH
16	3706	MYRTLE ST	MATHIS MAE E
17	3700	MYRTLE ST	ST ANTHONY FOUNDATION
18	3700	S MALCOLM X BLVD	PLEASANT GROVE MISSIONARY BAPTIST CHURCH
19	2800	METROPOLITAN AVE	CROWDER CLAUDE CHARLES JR
20	2806	METROPOLITAN AVE	MARTIN RONALD & CHANTEL
21	2810	METROPOLITAN AVE	LUCAS EUNICE MAE EST OF
22	2814	METROPOLITAN AVE	ALEXANDER JOE N
23	2815	CASEY ST	5171 INVESTMENTS GROUP LP
24	2811	CASEY ST	ADVANCED INC INV
25	2807	CASEY ST	D&D PPTIES
26	2803	METROPOLITAN AVE	ORNELAS ALAN

Z189-345(JM)

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2807	METROPOLITAN AVE	JACKSON ALGERNON JR &
28	2811	METROPOLITAN AVE	LARK ROBERT E
29	2815	METROPOLITAN AVE	MARTIN J R & NANCY
30	2802	DATHE ST	LACY ELEZENE
31	2806	DATHE ST	DICKENS VALERERIA EST OF
32	2810	DATHE ST	PENA FRANCISCO CRUZ &
33	2800	METROPOLITAN AVE	ROMAN CATHOLIC DIOCESE DALLAS



## Agenda Information Sheet

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**File #:** 19-2014  
Z12.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building, on the southeast corner of Commerce Street and Browder Street

Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions

Z189-351(JM)

**FILE NUMBER:** Z189-351(JM) **DATE FILED:** September 11, 2019**LOCATION:** Southeast corner of Commerce Street and Browder Street**COUNCIL DISTRICT:** 14 **MAPSCO:** 7 J**SIZE OF REQUEST:** ± 5,142 square feet **CENSUS TRACT:** 31.01

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**APPLICANT:** Bradley Eubanks, Pegasus City Brewery**OWNER:** DPL Loan Holdings, LLC**REQUEST:** An application for a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building.**SUMMARY:** The applicant proposes to operate a microbrewery within 4,804 square feet of the building and 5,385 square feet of uncovered patio area, both at street level.**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

## **BACKGROUND INFORMATION:**

- Planned Development District No. 619 was created on June 12, 2002, as a result of several public and private studies that developed retail strategies for the CBD area and promoted the Downtown core as a “full time” activity area. Moreover, the goal was to encourage the development of retail and personal service uses in the area and create a mixed-use urban activity center.
- PD No. 619 contains 34 acres of land divided into 11 subdistricts, including vertical subdistricts at, below, and above street level. A Specific Use Permit is required for an alcoholic beverage establishment use limited to a microbrewery, distillery, or winery use to operate on the upper and lower levels of a building.
- The subject site is developed with the historic Dallas Power and Light Building, circa 1903. The applicant proposes to operate a microbrewery within 4,804 square feet of the building and 5,385 square feet of uncovered patio area, both at street level, which requires an SUP in Subdistrict A (street level).

**Zoning History:** There have been five zoning cases within proximity of the subject site within a five-year time period.

1. **Z189-346:** An application for a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the north line of Commerce Street, west of Ervay Street. *Under ongoing staff review.*
2. **Z189-298:** On October 23, 2019, City Council approved the renewal of Specific Use Permit No. 1796 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 with Specific Use Permit No. 2025 for a personal service use limited to a spa, located on the south line of Main Street, west of South Ervay Street.
3. **Z189-147:** On April 10, 2019, City Council approved the renewal of Specific Use Permit No. 2008 for an attached projecting non-premise district activity videoboard sign on the southeast corner of Commerce Street and Lane Street.
4. **Z189-146:** On April 10, 2019, City Council approved the renewal of Specific Use Permit No. 2009 for an attached projecting non-premise district activity videoboard sign on property generally bound by Commerce Street, South Ervay Street, Jackson Street, and Lane Street.
5. **Z178-124:** On February 14, 2018, City Council approved the renewal of Specific Use Permit No. 1958 for an attached projecting non-premise district activity videoboard sign on property generally located on the north side of Main Street, east of North Akard Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Commerce Street	Major Arterial	80 feet	80 feet
Browder Street	Local	50 feet	50 feet

**Traffic:**

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

**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 as being in the Downtown Building Block.

The applicant's request 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 1.1.3 Build a dynamic and expanded Downtown

**ECONOMIC DEVELOPMENT**

**GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN**

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas

**URBAN DESIGN ELEMENT**

**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.

The applicant's proposal to operate an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use meets goals related to business expansion and retention within the Downtown area. Additionally, the newly renovated and uncovered outdoor patio will enhance the pedestrian experience and contribute to the character of Downtown.

**Surrounding Land Uses:**

Area	Zoning within PD No. 619	Use
Site	Subdistrict A, Historic Overlay No. 121	Retail and personal service uses, Multifamily
North	Subdistrict C	Restaurants, Hotel, General merchandise or food store
East	Subdistrict A, Historic Overlay No. 121	Restaurants and Hotel
South	Subdistrict A, Historic Overlay No. 121	Hotel, Multifamily, Office
West	Subdistrict H	Restaurants

**Land Use Compatibility:**

The subject site is developed with the historic Dallas Power and Light Building, circa 1903. The applicant proposes to operate a microbrewery within 4,804 square feet of the building and 5,385 square feet of uncovered patio area, both at street level, which requires an SUP in Subdistrict A (street level).

Surrounding land uses consist of restaurants, hotel, and general merchandise or food store to the north; restaurants and hotel to the east; hotel, multifamily, and office to the south; and, restaurants to the west. An alcohol survey was provided with this request. No protected uses were identified in the vicinity.

The applicant proposes to operate a microbrewery within the historic structure. This new use will add to the variety of uses in Downtown. The newly renovated patio will offer uncovered seating and gathering at street level, further enhancing the pedestrian and Downtown experience.

Staff supports the request for an initial and preliminary period of two-years. This allows staff and the neighborhood, especially with residences within the same historic structure, to gauge the compatibility of the proposed microbrewery use.

**Parking:**

PD No. 619 refers to CA Central Area District standards for parking. An alcoholic beverage establishment limited to a microbrewery, distillery, or winery use in a ground-floor does not require parking, per Sec.51A-4.124(5)(B)(ii). None is provided.

**Landscaping:**

No landscaping is required since there will not be any additions on the property.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is located within an “E” MVA cluster with a “C” located farther southeast of the site.

<b>List of Officers</b>
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**Pegasus City Brewery**

William Cotten, President

Adrian Cotten, Vice President

Chris Weiss, Co-Owner

David Busby, Co-Owner

Justin Ezell, Co-Owner

**CPC Action**  
**November 7, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use for a two-year period, subject to a site plan and conditions on property zoned Subdistrict A within Planned Development District No. 619, with Historic Overlay No. 121, the Dallas Power and Light Building, on the southeast corner of Commerce Street and Browder Street.

Maker: Ridley  
Second: MacGregor  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson\*, Blair, Housewright,  
Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3  
Conflict: 1 - Jung\*\*

\*out of the room, shown voting in favor

\*\*out of the room, when vote taken

**Notices:** Area: 200 Mailed: 14

**Replies:** For: 0 Against: 0

**Speakers:** None

**CPC Recommended  
SUP CONDITIONS  
Z189-351**

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery.
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 passage of this ordinance).
4. FLOOR AREA: Maximum floor area allowed for the alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery is 4,804 square feet in the location shown on the attached site plan. Maximum floor area allowed for an uncovered patio to the alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery is 5,385 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery may only be open to the public between 11:00 a.m. and 12:00 a.m. (midnight), Monday through Sunday.
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

Project  
**DP&L Building**  
 1508 COMMERCE ST.  
 DALLAS, TX 75201

Prepared for  
**PEGASUS CITY BREWERY**  
**WILL & ADRIAN COTTEN**

ing:

PD 619, Subdistrict A

Land Use: Microbrewery

### Key Points

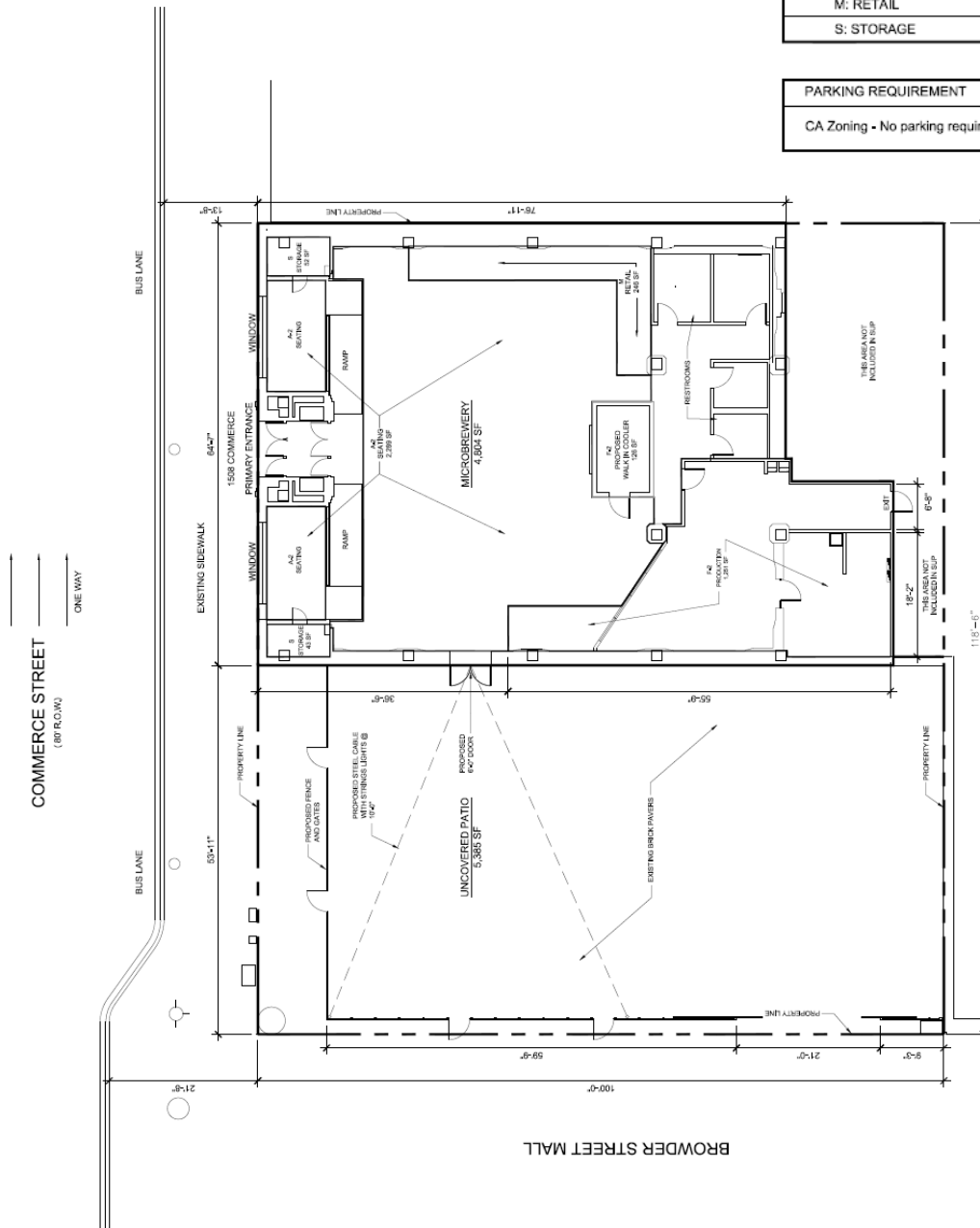
Professional media

Alt.	Description	Date
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Use:	MICROBREWERY
Zoning:	PD 619, Subdistrict A
Site Information:	
Total Existing Building Square Footage	4,804
Uncovered Patio Square Footage	5,385
SUP Lot Area (SF)	10,189
Lot Coverage	100%

OCCUPANCY GROUPS	
A-2: SEATING	2,289 SF
F-2: PRODUCTION	1,251 SF
M: RETAIL	246 SF
S: STORAGE	95 SF

PARKING REQUIREMENT
CA Zoning - No parking required per Sec. 51A-4.210 (b) (4)



**1** SUP SITE PLAN  
SCALE: 1/8" = 1'-0"

ZONING CASE # ZZ189-351

THIS LOCATION EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY. THE BOUNDARY SHOWN IS BASED ON APPROXIMATE FIELD OBSERVATIONS AND/OR RECORD DATA AND MAY NOT BE SHOWN IN ITS TRUE LOCATION.

SITE ADDRESS:  
1508 COMMERCE STREET  
DALLAS TX 75201

## Alcohol Survey

**LOCATION EXHIBIT**  
FOR THIS  
**ALCOHOL MEASUREMENT**  
**CERTIFICATION APPLICATION**  
"PEGASUS CITY BREWERY"  
BEING ALL OF LOTS 2 THROUGH 4, BLOCK 78 1/4 OF THE ORIGINAL CITY OF DALLAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO DPL LOAN HOLDINGS LLC RECORDED IN INSTRUMENT NUMBER 201204289337 OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS  
CITY BLOCK 78 1/4  
JOHN CRISBY SURVEY, ABSTRACT NO. 495  
IN THE  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**SURVEYOR'S STATEMENT**

I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code Section 6-4.

*ESR* 7/24/19  
Brian R. Wade  
Texas Registered Professional Land Surveyor No. 6098

**APPLICANT:**  
PEGASUS CITY BREWERY  
2222 VANTAGE STREET  
DALLAS, TX 75207  
(972)366-7722

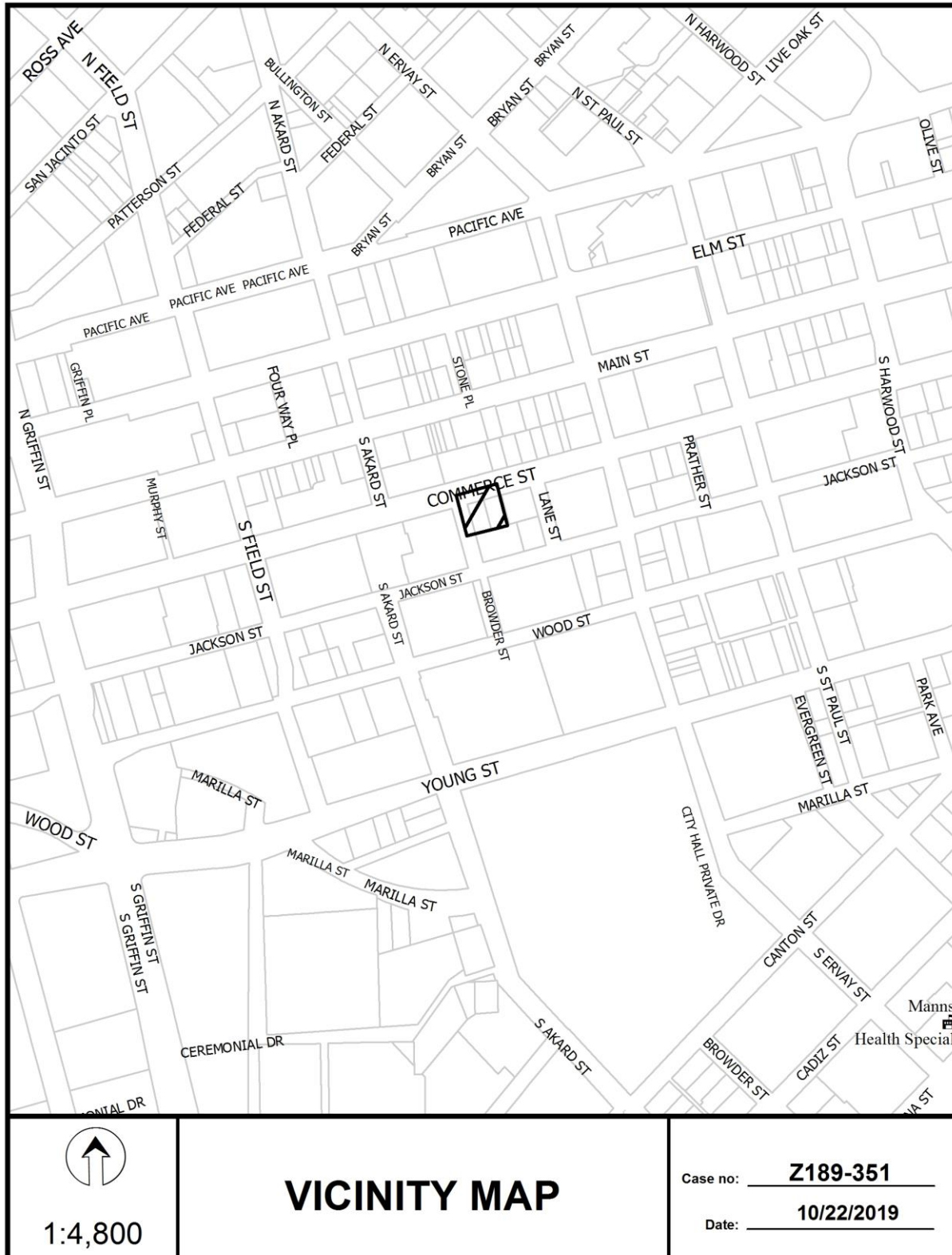
**PROPERTY OWNER:**  
DPL LOAN HOLDINGS LLC  
311 S. HARWOOD STREET  
DALLAS, TX 75201  
(214)741-6100

**SURVEYOR:**  
RAYMOND L. GOODSON JR., INC.  
12001 N. CENTRAL EXPY, STE 300  
DALLAS, TX 75243  
214-739-8100  
rlg@rlginc.com  
TX PE REG #P-493  
TBPLS REG #100341-00

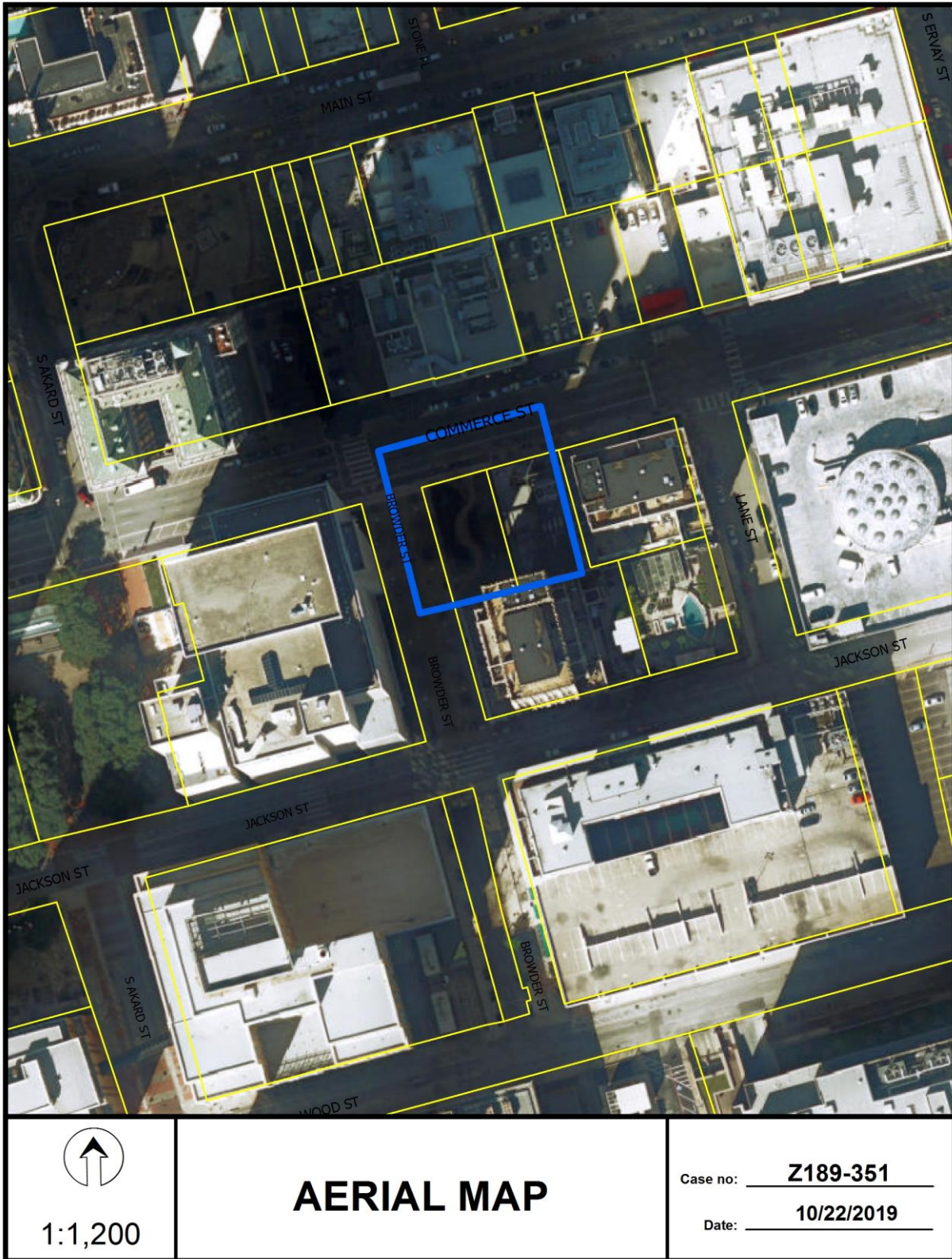
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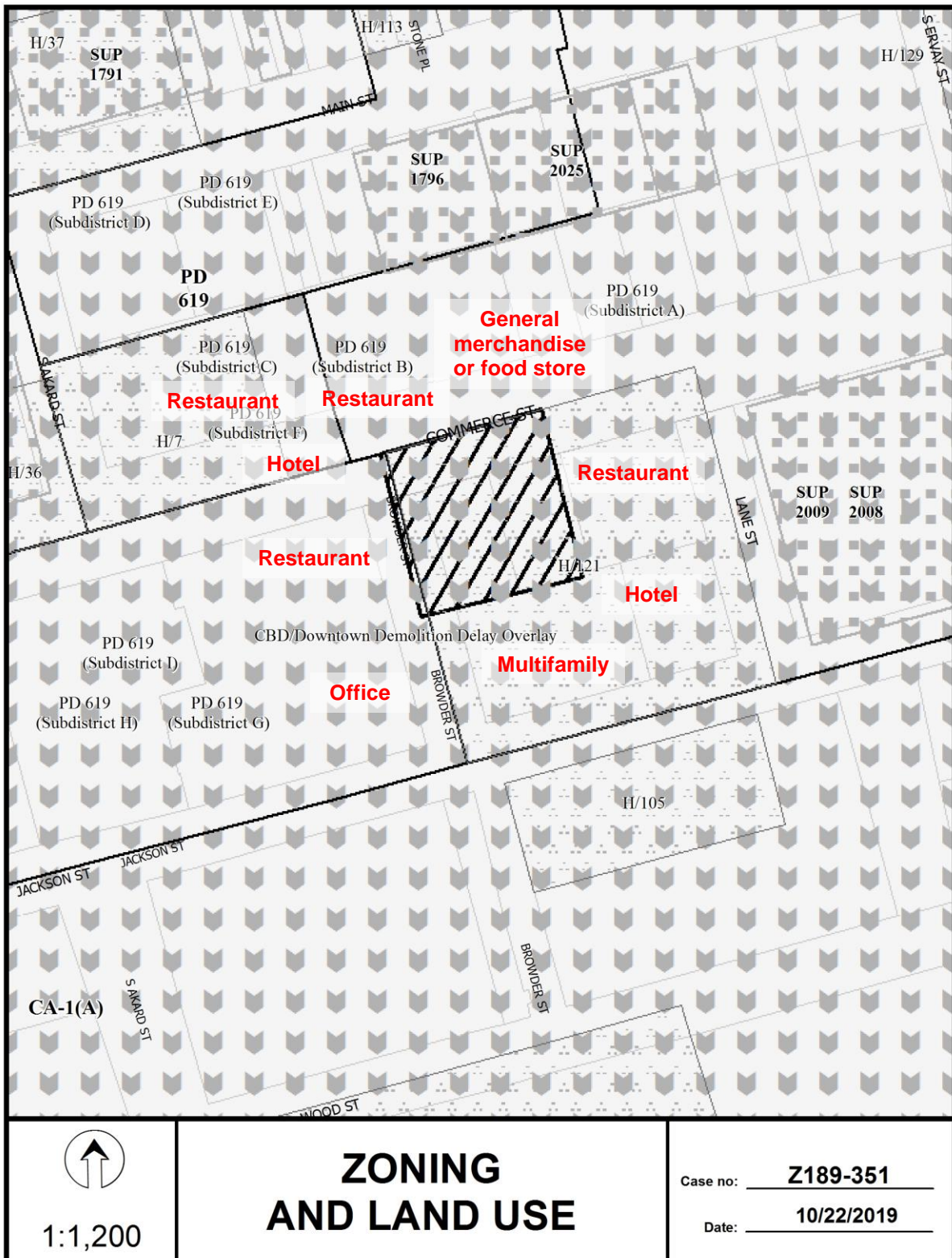
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SCALE 1" = 100' DATE 07/23/2019 SHEET 1 OF 1  
JOB NO. 1911.084 E-FILE 1911.084 DWG NO.

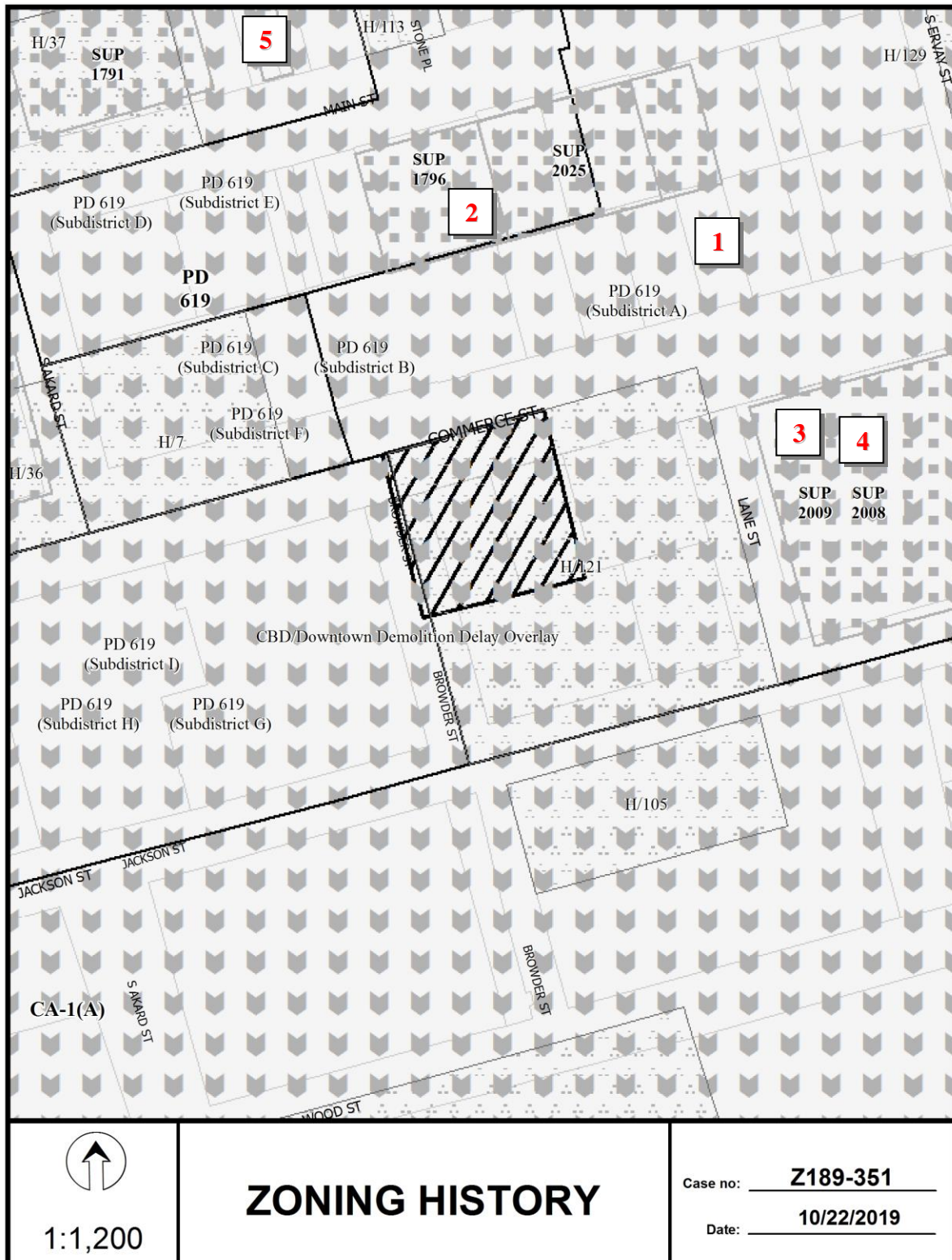


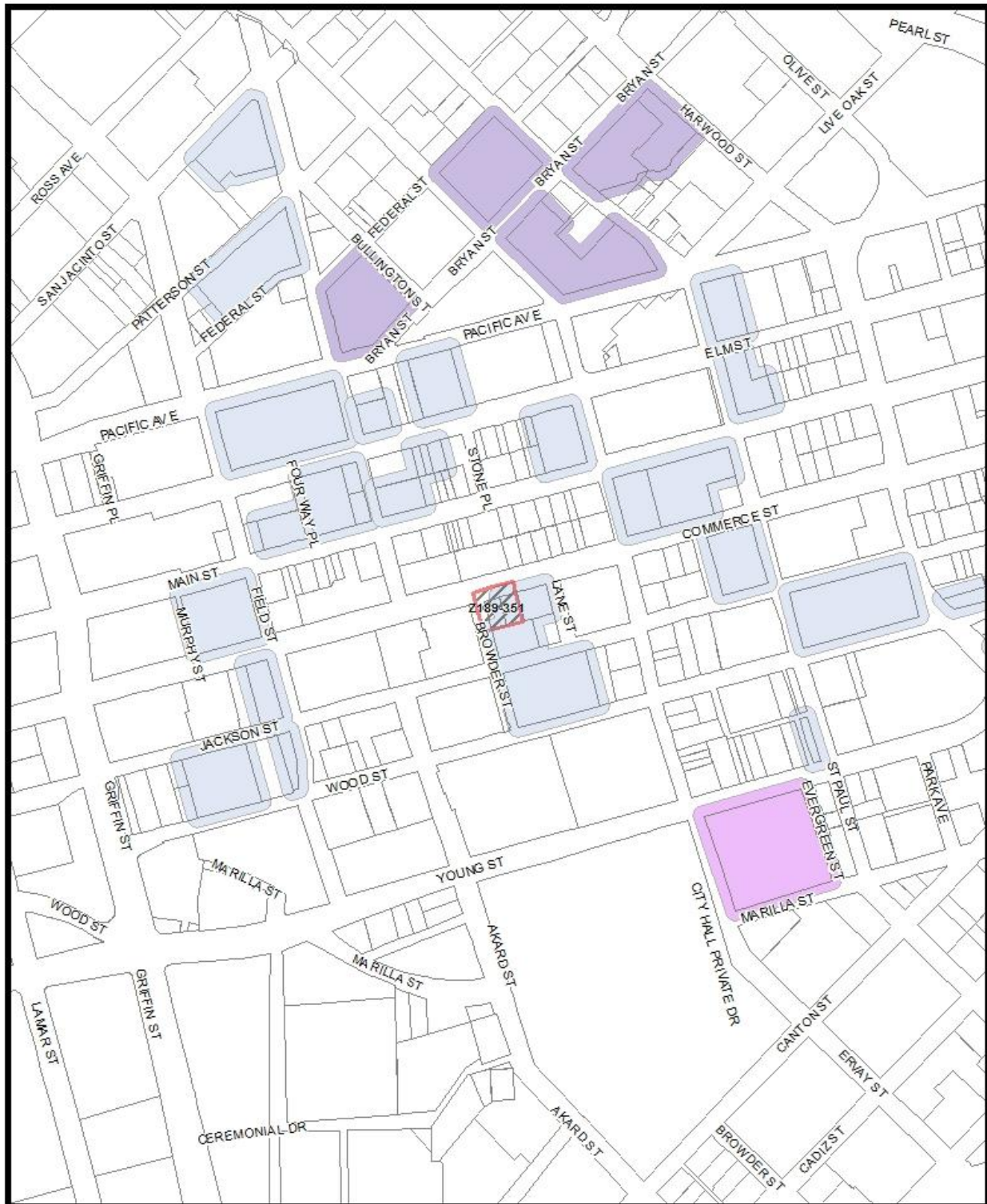












**Market Value Analysis** A B C D E F G H I NA



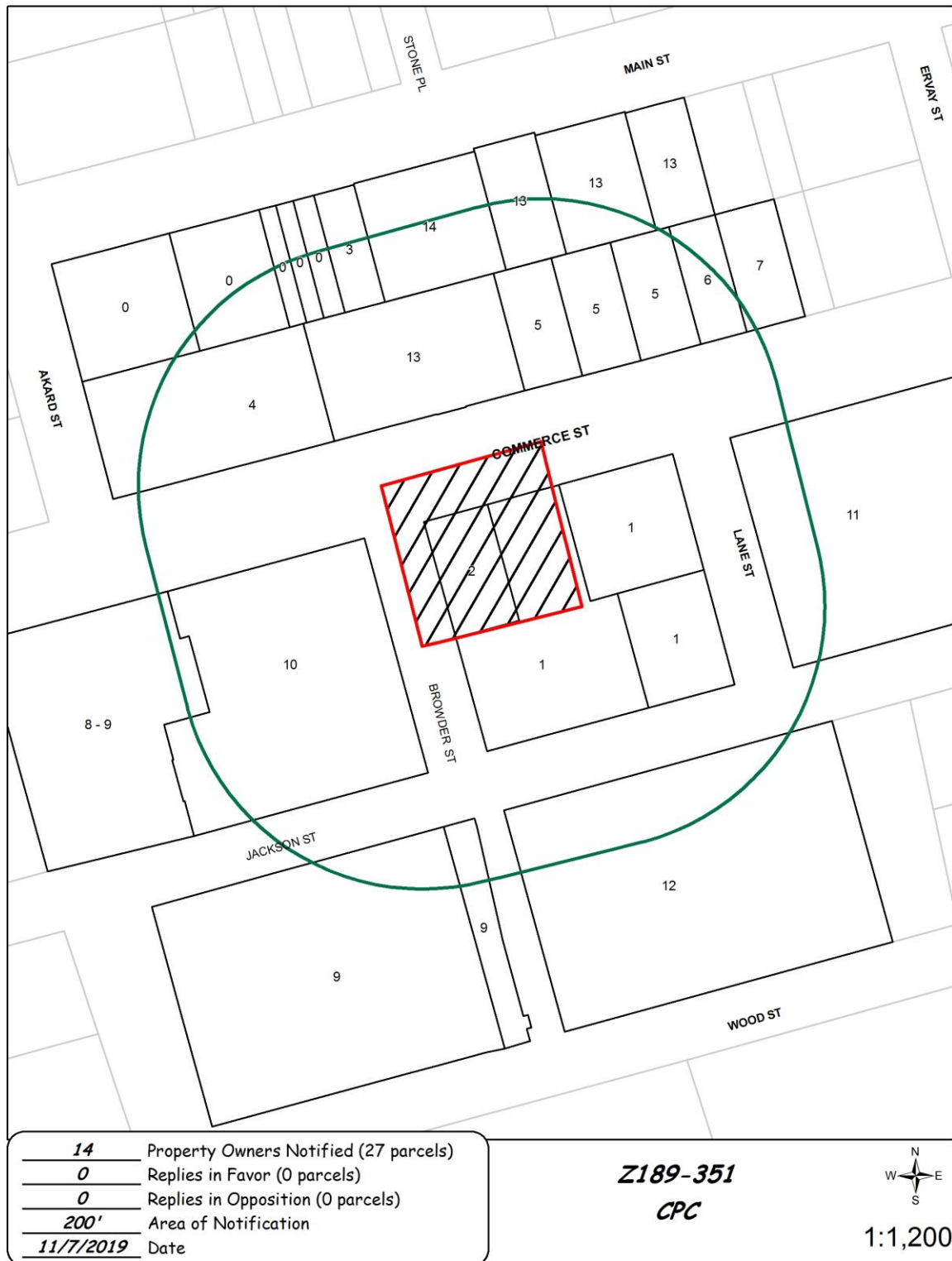
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## Market Value Analysis

Printed Date: 10/22/2019



**CPC Responses**



11/06/2019

## ***Reply List of Property Owners***

***Z189-351***

***14 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1512	COMMERCE ST	DPL LOAN HOLDINGS LLC
2	1500	COMMERCE ST	DPL LAND LLC
3	1520	MAIN ST	MAIN STREET INVESTORS JV
4	1401	COMMERCE ST	HOLTZE MAGNOLIA LLLP
5	1513	COMMERCE ST	1530 MAIN LP
6	1525	COMMERCE ST	POLLOCK ROBERT ETAL
7	1603	COMMERCE ST	KEATING PROPERTIES LLC
8	208	S AKARD ST	SOUTHWESTERN BELL TELEPHONE
9	1400	JACKSON ST	SOUTHWESTERN BELL
10	208	S AKARD ST	WHITACRE TOWER HOLDINGS LP
11	1600	COMMERCE ST	DALPARK LAND LEASE LTD
12	1500	JACKSON ST	1500 JACKSON STREET LLC
13	1501	COMMERCE ST	1600 MAIN STREET HOLDINGS LP
14	1530	MAIN ST	DUNHILL 1530 MAIN LP



## Agenda Information Sheet

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**File #:** 19-2015  
Z13.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District with Historic Overlay District No. 62, James Madison High School, on the south corner of Martin Luther King Jr. Boulevard and Meadow Street

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

Z189-352(PD)

**ACM: Majed Al-Ghafry****FILE NUMBER:** Z189-352(PD) **DATE FILED:** September 16, 2019**LOCATION:** South corner of Martin Luther King Jr. Boulevard and Meadow Street**COUNCIL DISTRICT:** 7 **MAPSCO:** 46 T**SIZE OF REQUEST:** ±7.245 acres **CENSUS TRACT:** 203.00**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates**APPLICANT/OWNER:** Dallas Independent School District

**REQUEST:** An application for a Planned Development District for R-5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District with Historic Overlay District No. 62, James Madison High School.

**SUMMARY:** The applicant proposes to construct a two-story storm shelter at the existing school [James Madison High School]. The purpose of requesting a Planned Development District is to allow for deviations from yard, lot and space regulations, and off-street parking requirements.

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

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



**BACKGROUND INFORMATION:**

- The 7.245-acre request site is developed with a high school use [James Madison High School] and contains approximately 181,000 square feet.
- The existing school was originally constructed in 1916 as Forest Avenue High School.
- The request site is zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, South Dallas/Fair Park Special Purpose District. The R-5(A) District requires a Specific Use Permit for a public school other than open enrollment or charter school to operate. The school has been operating as a nonconforming use.
- The Dallas Development Code specifies that a nonconforming use ceases when the structure housing the use is enlarged without board approval.
- The applicant is proposing a new Planned Development District for R-5(A) uses that will allow a public school use by right, reduce the yard lot and space requirement, reduce the off-street parking requirement, and construct a two-story, 12,800-square-foot storm shelter.

**Zoning History:** There has been no recent zoning requests in the vicinity within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Martin Luther King Jr. Blvd.	Principal Arterial	Variable width lanes	Variable width lanes
Meadow Street	Collector	60 ft.	90 ft.

**Traffic:**

The applicant submitted a Traffic Management Plan with this request that includes recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity and travel by all other modes during peak demand conditions for a planned event. The Engineering Division of the Sustainable Development and Construction Department reviewed the request and made a determination that the proposed request 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.

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. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

**1.1.5.7** Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools.

### **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

**Policy 5.3.2** Direct pedestrian routes to home, school or work.

### **Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-5(A) Subdistrict in PDD No. 595, H/62	High School
<b>North/ Northwest</b>	MF-2(A) Subdistrict in PDD No. 595	Office, general merchandise or food store, Restaurant w/drive-thru service
<b>Northeast</b>	CC and R-5(A) Subdistricts in PDD No. 595	Church, single family
<b>South/ Southeast</b>	R-5(A) Subdistrict in PDD No. 595	Single Family
<b>East</b>	R-5(A) Subdistrict in PDD No. 595	Single Family
<b>West/ Southwest</b>	CC Subdistrict in PDD No. 595 and PDD No. 320	Office, community center

### **Land Use Compatibility**

The 7.245-acre request site is the location of the James Madison High School. The subject site was developed in its current configuration in 1916 as Forest Avenue High School and contains approximately 181,000 square feet of floor area. Recent state regulations requiring schools to provide storm shelters is the basis for this request. The 12,800-square-foot addition housing the proposed storm shelter will allow a maximum overall floor area of 193,800 square feet serving 514 students with a projected or future enrollment of 910 high school students in grades 9 through 12.

Surrounding land uses consist of single family to the south, and east, a community service center use to the southwest, and retail and personal uses to the northwest and north across Martin Luther King Boulevard; and a church use is to the northeast.

The applicant is proposing a new Planned Development District for R-5(A) uses that will allow public school, other than an open enrollment charter school by right, and proposes development standards and a Development Plan for the school. The proposed provisions amend regulations for a public school other than an open-enrollment charter school use, but not for other allowable uses within the R-5(A) district. This protects the neighborhood in the event of a possible replat or change of use in the property.

Staff supports the applicant's request to allow a public school other than an open-enrollment charter school use by right because the school has operated within the community at this location for over 100 years. Staff considers the use to be compatible with the surrounding single-family neighborhood because compliance with the proposed PD conditions, a development plan, and a Traffic Management Plan requiring periodic updates will ensure the operation runs optimally in the future.

Further, staff supports the applicant's request to allow a maximum height of 85 feet as the existing school is currently built to the requested height. Staff supports the reduction in front, side and rear yard setbacks with encroachments including game courts and fencing because the school was constructed with the requested deviations and has no intentions to further increase the encroachments. Additionally, reductions in required setbacks and encroachments are typical to a school sites and pose no potential harm to surrounding properties or neighborhoods. A PDD request allows the opportunity to rectify nonconforming regulations which this request seeks.

**Development Standards:**

DISTRICT	SETBACKS		Density	Lot Size	FAR/ Max Floor Area	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear						
<b>Existing:</b> PD 595 R-5(A) Single Family	20'	5' SF 10' Others	1 DU/lot	5,000 SF	--	30'	45% SF 25% Nonres 60% Institutional	Single family
<b>Proposed:</b> PD for R-5(A) and public school	*5' 20' SF	*0' for public school 5' SF 10' Others	1DU/lot	5,000 SF	193,800sqft for public school	30' *85' for public school	45% SF 25% Nonres 60% Institutional	Single family and public school other than

\*PDD requested deviations

**Parking:**

The requirement for off-street parking for the school is derived from two criterions: 1) the number of classrooms and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The requirements for off-street parking for a high school is nine and one-half spaces for each classroom. At this ratio, the school is required to provide 523 off-street spaces for the existing 55 classrooms. According to the development plan, the site will provide 102 spaces on-site. While, it appears that the site is operating at a deficit of 421 spaces, Building Inspections has confirmed that the site does have 300 delta credits (hypothetical parking spaces) to be applied to the site. Additionally, on-street parking surrounds the site. The use intends to continue utilization of those spaces as well as adjacent parking available in the community center to the west and the general merchandise or food store parking to the north. The applicant has a separate agreement with both uses to satisfy the deficit of the remaining 121 spaces required. Since, the school has operated with this parking capacity for more than 100 years no impact to the surrounding uses and streetscape is foreseen, staff is supportive of the requested parking.

**Landscaping**

Landscaping must be provided in accordance with PDD No. 595 and Historic Overlay District No. 62.

**Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target

intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not categorized as being within an MVA cluster, surrounding properties to the northeast and southeast are located within a Category "G". Properties located immediately east, are designated a Category "I".

<b>LIST OF OFFICERS</b>
-------------------------

**Dallas Independent School District  
Board of Trustees**

Edwin Flores, District 1  
Dustin Marshall, District 2  
Dan Micciche, District 3  
Karla Garcia, District 4  
Maxie Johnson, District 5  
Joyce Foreman, District 6  
Ben Mackey, District 7  
Miguel Solis, District 8  
Justin Henry, District 9

**CPC ACTION:**  
**November 21, 2019**

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-5(A) Single Family District uses and a public school other than an open-enrollment charter school use, subject to a revised development plan, traffic management plan and conditions on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District with Historic District Overlay No. 62, James Madison High School, on the south corner of Martin Luther King Jr. Boulevard and Meadow Street.

Maker: Brinson  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 135  
**Replies:** For: 0 Against: 1

**Speakers:** For: None  
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None

<b>CPC RECOMMENED CONDITIONS</b>
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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 located at the south corner of Martin Luther King, Junior Boulevard and Meadow Street. The size of PD \_\_\_\_ is approximately 7.245 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 residential zoning district.

**SEC. 51P- \_\_\_\_.****104.**

**EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit \_\_\_\_A: development plan.

(2) Exhibit \_\_\_\_B: traffic management plan.

**SEC. 51P- \_\_\_\_.****105.**

**DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit \_\_\_\_). If there is a conflict between the text of this article and the development plan, the text of this article controls.



**SEC. 51P- \_\_\_\_ .106.                      MAIN USES PERMITTED.**

(a) Except as provided, the only main uses permitted are those main uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this district; etc.

(b) The following use is also permitted:

-- Public school other than an open enrollment charter school.

**SEC. 51P- \_\_\_\_ .107.                      ACCESSORY USES.**

(a) 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.

(b) An accessory recreation area may be located on a separate lot from a public school other than an open enrolment charter school.

**SEC. 51P- \_\_\_\_ .108.                      YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Except as provided in this section, the yard, lot, and space regulations for the R-5(A) Single Family District apply.

(b) For a public school other than an open enrolment charter school.

(1) Front yard. Minimum front yard is five feet. Existing game courts and fencing are permitted in the required front yard as shown on the development plan.

(2) Side and rear yard. No side or rear yard is required.

(3) Height. Maximum structure height is 85 feet.

**SEC. 51P- \_\_\_\_ .109. OFF-STREET PARKING AND LOADING.**

(a) Except as provided, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For a public school use, parking may be provided in the front yard as shown on the development plan.

(c) For a public school other than an open enrolment charter school, 102 spaces are required.

(d) For all other uses, consult the use regulations (Section 51A-4.300) for the specific off-street parking and loading for each use.

**SEC. 51P- \_\_\_\_ .110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_ .111. LANDSCAPING.**

(a) Landscaping must be provided in accordance with H/62.

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

**SEC. 51P- \_\_\_\_ .112. TRAFFIC MANAGEMENT PLAN.**

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit \_\_\_\_B).

(b) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by **March 1, 2020**. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each **even-numbered year**.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of students;
- (D) drop-off and pick-up locations;
- (E) drop-off and pick-up hours for each grade level;
- (F) hours for each grade level; and
- (G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

**SEC. 51P- \_\_\_\_\_.113.**

**SIGNS.**

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

**SEC. 51P- \_\_\_\_ .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.

**SEC. 51P- \_\_\_\_ .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.



## PROPOSED TRAFFIC MANAGEMENT PLAN



### Traffic Management Plan James Madison High School

Dallas #Z189-352 (PD)

September 30, 2019



### Introduction

The services of Lambeth Engineering Associates, PLLC (herein Lambeth Engineering) were retained to conduct a traffic management plan (TMP) for James Madison High School (Madison). The purpose of this TMP is to ensure safe vehicular and pedestrian circulation during peak morning drop-off and afternoon pick-up periods. Below is general information about James Madison High School.

#### School:

- Location: 3000 Martin Luther King Jr. Boulevard (MLK), Dallas
- School District: Dallas Independent School District
- School Times: 9:00 AM – 4:20 PM

#### Zoning:

- Existing Zoning: PD 595 (South Dallas/Fair Park Special Purpose District)
- Proposed Zoning: New PD
- Project: Adding a storm shelter to Madison that will be used for locker rooms and other uses to support athletics. No new homerooms will be added and enrollment will not increase as a result of this project. The school is not currently at capacity; therefore, while the school attendance may increase, the additional students can be accommodated within the existing school facilities.

#### Students:

- Existing Student Enrollment: 514 students in 9<sup>th</sup> – 12<sup>th</sup> grades
- Student Capacity: 910 students (within existing classroom space)
- Travel Modes: Bus: ~35%      Students Drive: ~5%      Parents: ~15%  
Walk: ~35%      Stay for After School Activities: ~10%

#### School Access:

- Surrounding Roadways:
  - Martin Luther King Jr. Boulevard: Four-lane, divided with shared bike lanes.
  - Meyers Street: Two-lane, undivided roadway. During observations, vehicles were parked on both sides of the road and traffic was able to proceed in both directions.
  - Meadow Street: Two-lane, undivided roadway. During observations, vehicles were parked on both sides of the road and traffic was able to proceed in both directions.



- Pennsylvania Avenue: Two-lane, undivided roadway. Wide enough to accommodate parking adjacent to the site.
- Sidewalks are provided on all streets adjacent to the school.
- There are four DART bus stops around the school, and the MLK Jr. light rail station off of MLK Boulevard is about 500 feet north of the school.

## Traffic Management Plan

### Queue

Traffic observations were conducted on the following dates and times. Lambeth Engineering met with Ms. Willard, Principal, and Officer Davis during the process of developing the TMP.

- Thursday, September 5, 2019 – PM Dismissal
- Monday, September 10, 2019 – AM Arrival and PM Dismissal
- Thursday, September 12, 2019 – PM Dismissal

The peak queue of parent vehicles picking up students was observed to be 39. Most of the traffic clears the campus in about ten (10) minutes once school is dismissed. The current traffic pattern is summarized in the **Appendix**.

As expected, the peak period of parent vehicles accumulating at the school occurred during the afternoon dismissal period. This existing and projected vehicular accumulations are summarized in **Table 1** below. As shown, there is a surplus of space.

**Table 1. Vehicular Accumulation of Parent Vehicles**

Existing (514 Students)		Projected (910 Students)		Provided		Surplus	
Vehicles	Feet	Vehicles	Feet	Vehicles	Feet	Vehicles	Feet
39	917	69	1,623	76	1,795	7	172

### Recommendations

The TMP recommendations are described below and shown in **Exhibit 1** for current enrollment; **Exhibit 2** depicts TMP recommendations when student enrollment exceeds about 700 students, or when parents' vehicles can no longer be accommodated within the areas shown in **Exhibit 1** and the back parking lot needs to be used.

### **Students**

1. There is a high number of students crossing midblock on MLK Boulevard.
  - a. It is recommended that the City study the number of students crossing MLK Boulevard midblock. A midblock crosswalk and rectangular rapid-flashing beacons (RRFB) may be warranted at this location due to the high crossings.
  - b. Without a midblock crosswalk, students should be reminded to cross at the crosswalks and not cross midblock without assistance of licensed peace officer on MLK Boulevard.



#### **Parents**

2. Parents pick up students in the following locations.
  - a. On-site: In the staff parking lot.
  - b. On-street: On both sides of Meyers Street. Parents also currently pick up on MLK Boulevard, adjacent to the school, when buses are not present, as well as on Meadow Street.
    - i. During observations the unmanaged on-street queue/parking flowed well and did not block traffic flow. Two-way traffic flowed well even with parking on both sides of Meyers Street and Meadow Street.
    - ii. It is important to continue to queue on the outside of the roadway only and not park next to a vehicle already parked, thereby creating congestion for through vehicles.
    - iii. Barrier-free ramps are provided at the Meyers Street/MLK Boulevard intersection. Sidewalks are in good condition on both sides of Meyers Street. Students can safely walk from the school to the parking on-street spaces on Meyers across from the school.
3. Before student enrollment reaches 700 students, parents will need to queue in the parking lot between the school and athletic fields in addition to the staff parking lot and on-street.

#### **Buses**

4. Buses should continue picking up students on MLK Boulevard. As shown on **Exhibit 1** and **Exhibit 2**, they should pull forward to the area past the school's main entrance to allow more buses to queue instead of stopping at the entrance point.
5. In the morning, buses may drop students off on Meyers Street, adjacent to the school.

#### **Staff**

6. Staff should continue monitoring students until they are dismissed in front of the building.
7. When student capacity reaches the point that parents need to queue in the rear parking lot, a staff member should monitor the rear lot as well.

#### **Licensed Peace Officers**

8. A licensed peace officer should continue to be stationed in front of the school during both dismissal and arrival operations.
9. The officer should remind students to use the cross walks or assist them crossing MLK midblock since there is no midblock crosswalk and RRFB.
10. The licensed peace officer should remind parents not to park/queue near driveway and street intersections so that visibility is not blocked.

#### **Parking Restrictions**

11. Parking should be prohibited on MLK Boulevard between Meyers Street and the school's parking lot exit. When vehicles are parked on MLK Boulevard, drivers exiting the parking lot have difficulty safely navigating onto MLK. The City should install No Parking signs.
12. Parents should not park/queue near driveway and street intersections so that visibility is not blocked (do not park in the visibility triangle).





### **School Zones**

13. There is currently a school zone on MLK Boulevard and Pennsylvania Avenue.
14. Many students cross Meyers Street to go to their parents' vehicles waiting on the south side of Meyers Street (adjacent to the library). A school zone is not currently provided on Meyers Street. The traffic on Meyers is very light and primarily school-related. The City may want to evaluate the installation of a school zone on Meyers Street adjacent to the school.

### **Off-Site Improvements**

15. As recommended in the separate traffic assessment memo, crosswalks should be added/restriped at the following intersections: MLK Boulevard/Meadow Street, Pennsylvania Avenue/Meadow Street, and Pennsylvania/Meyers Street.
16. School crossing advisory signs should be added around the site.
17. Pedestrian countdown signal should be installed at the MLK Boulevard/Meadow Street signal.
18. The trees should be trimmed in front of the school zone flashing light located on the eastbound side of MLK Boulevard, west of Jeffries Street.
19. As described under the previous Students section, the City should evaluate a midblock crosswalk on MLK Boulevard due to the high number of students crossing before and after school.

### **On-Site Improvements**

20. The entrance to the parking lot on Meyers Street has two signs. The sign on the left of the entrance reads "Teacher Parking Only" and the sign on the right of the entrance reads "Teachers & Visitors Parking." Since visitors may park in this parking lot, the sign on the left of the entrance should be updated to match the sign on the right.
21. Post a No Exit sign inside of the Meyers Street parking lot entrance to remind motorists not to exit via the entrance.
22. The following improvements should be made when the back parking lot is used for parents to queue to pick up students (approximately 700 student enrollment).
  - a. Post signs at the back parking lot indicating the parking lot is one-way from Meadow Street during school arrival and dismissal time periods.
  - b. Post a Do Not Enter sign at the back parking lot intersection of Meyers Street and the parking lot so that motorists do not enter the parking lot at this point during school arrival and dismissal periods.

## **Summary**

The James Madison High School Traffic Management Plan is designed to provide safe vehicular and pedestrian movement to and from school and can accommodate the projected vehicular queues on the streets surrounding the school without blocking through traffic.

The school enrollment is currently 514 students. The site has room to accommodate approximately 910 students. A summary of the school data and queues is provided below in **Table 2**.



Table 2 . TMP Summary

Grade	Students	Times	Travel Modes		Vehicle Accumulation		
						Veh	Feet
9 <sup>th</sup> -12 <sup>th</sup>	Current: 514	Beginning: 9:00 AM	Buses	~35%			
			Parents	~15%	Existing	39	917
			Student Drivers	~5%	Projected	69	1,623
	Capacity: 910	Dismissal: 4:20 PM	Walkers	~35%	Provided	76	1,795
			After School	~10%	Surplus	7	172

If traffic congestion or unsafe movements are noticed, the plan should be reviewed and updated promptly.

#### REVIEW AND COMMITMENT

The James Madison High School traffic management plan (TMP) for was developed with the intent of optimizing safety and accommodating vehicular traffic queues generated during school peak hours. A concerted effort and full participation by the school administration are essential to maintain safe and efficient traffic operations.

By consent of this TMP submittal, the school administration agrees to the strategies presented herein for which the school is held responsible unless the City of Dallas deems further measures are appropriate.

The school is also committed to continually review and assess the effectiveness of this plan and if warranted, implement changes in the interest of increasing safety and minimizing impacts on the surrounding community.

  
Signature

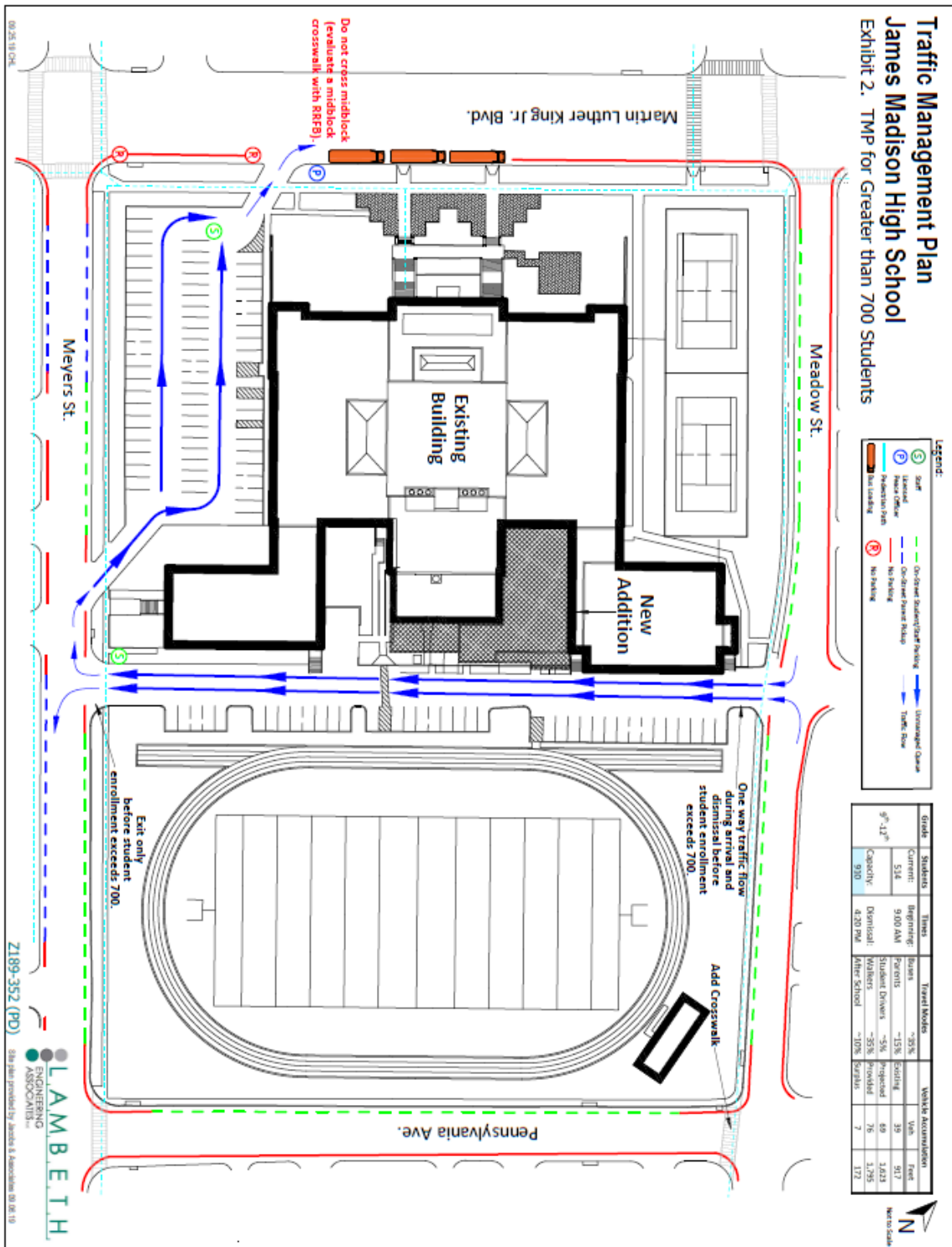
Marian A. Willard  
Name

9-30-19  
Date

Principal  
Title

END





# Appendix

## Queue and Parking Summary

### James Madison High School

Dallas #Z189-352 (PD)

September 30, 2019

#### Parking Observations

Lambeth Engineering conducted parking observation at James Madison High School. As shown below in **Table A**, the parking demand was relatively consistent, with a peak parking demand of 100 vehicles.

**Table A. Observed Parking Demand**

Day	Date	Time	Staff	Back	Community	Total
Thursday	09.06.19	4:00 PM	51	36	12	99
Monday	09.09.19	9:00 AM	54	34	11	99
Monday	09.09.19	4:00 PM	45	35	11	91
Wednesday	09.11.19	10:00 AM	48	40	12	100
Wednesday	09.11.19	1:00 PM	49	38	12	99
Peak Parking Demand:						100

Madison has permission from the MLK Community Center for students to park in their parking lot located in the northwest corner of the Pennsylvania Avenue/Meyers Street intersection (per Principal Willard). The community center parking supply was not included in this review or assumed to be available when preparing the TMP, however the parking demand of students that were parked there were taken into consideration.

#### Available Parking and Queue Spaces

There are currently 103 parking spaces on-site, 55 spaces adjacent to the school (without parking in visibility triangles), and additional queue space adjacent to the school and on the other side of Meyers Street, adjacent to the library and community center. As shown in **Table B**, 234 vehicles maybe accommodated on and around the site without blocking traffic flow around the site.

**Table B. Available Parking and Queue Spaces**

Location	Vehicles
On-Site Parking	103
On-Street Parking, Adjacent to school	55
On-Street Queue, Adjacent to school	5
On-Site Queue	58
On-Street Queue, Across St on Meyers	13
Total Vehicle Availability:	234

### Projected Parking and Queue Demand

Madison currently has 514 students enrolled. The existing school facilities have capacity for additional students, therefore future parking demand was projected for school scenarios as described below. This future student growth is not result of the proposed new storm shelter addition.

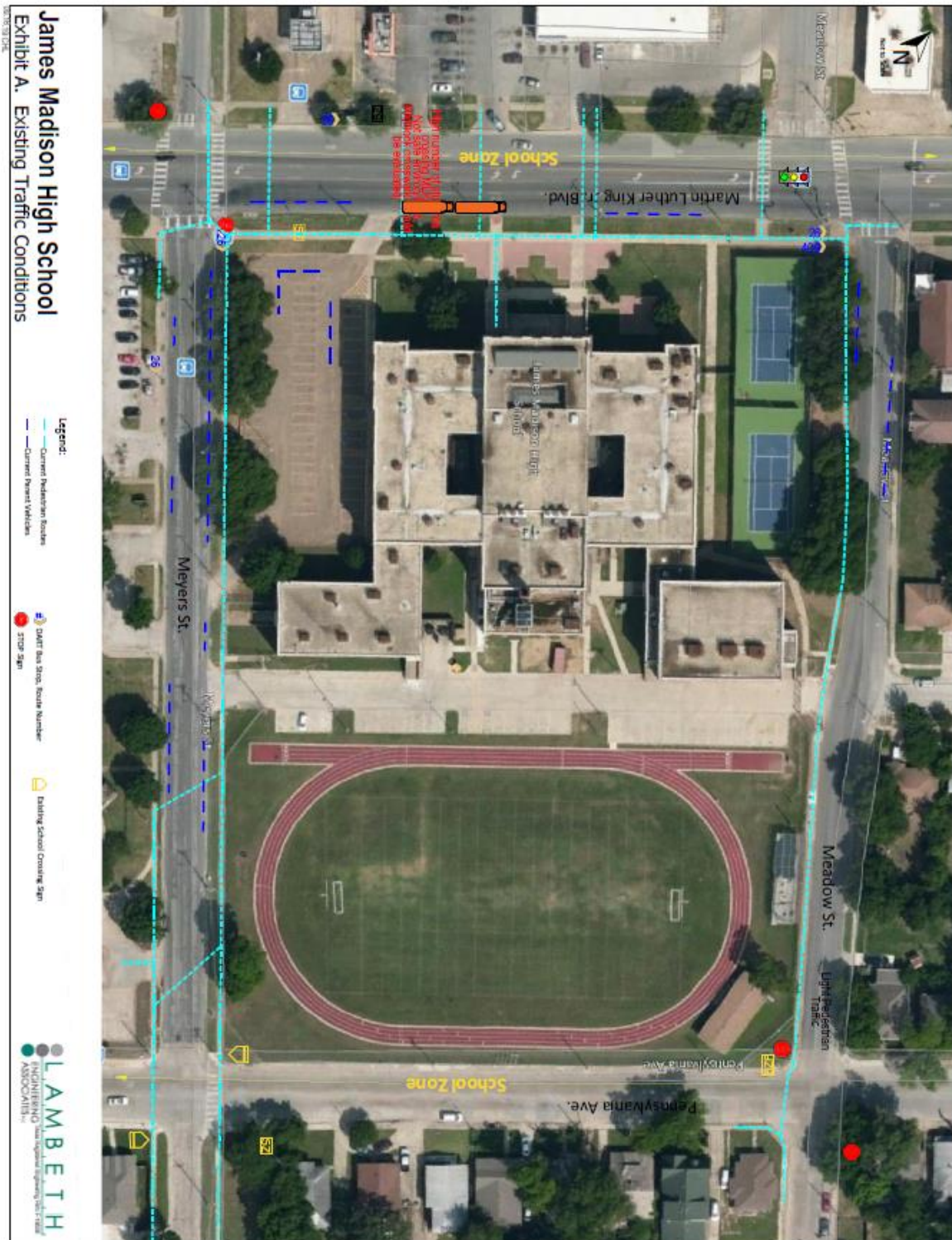
- Existing – 514 students
- Future Scenario A – 700 students
- Future Scenario B – 910 students

As shown in **Table C**, there is surplus capacity to accommodate the projected parking and parent accumulation with the 910-student capacity scenario.

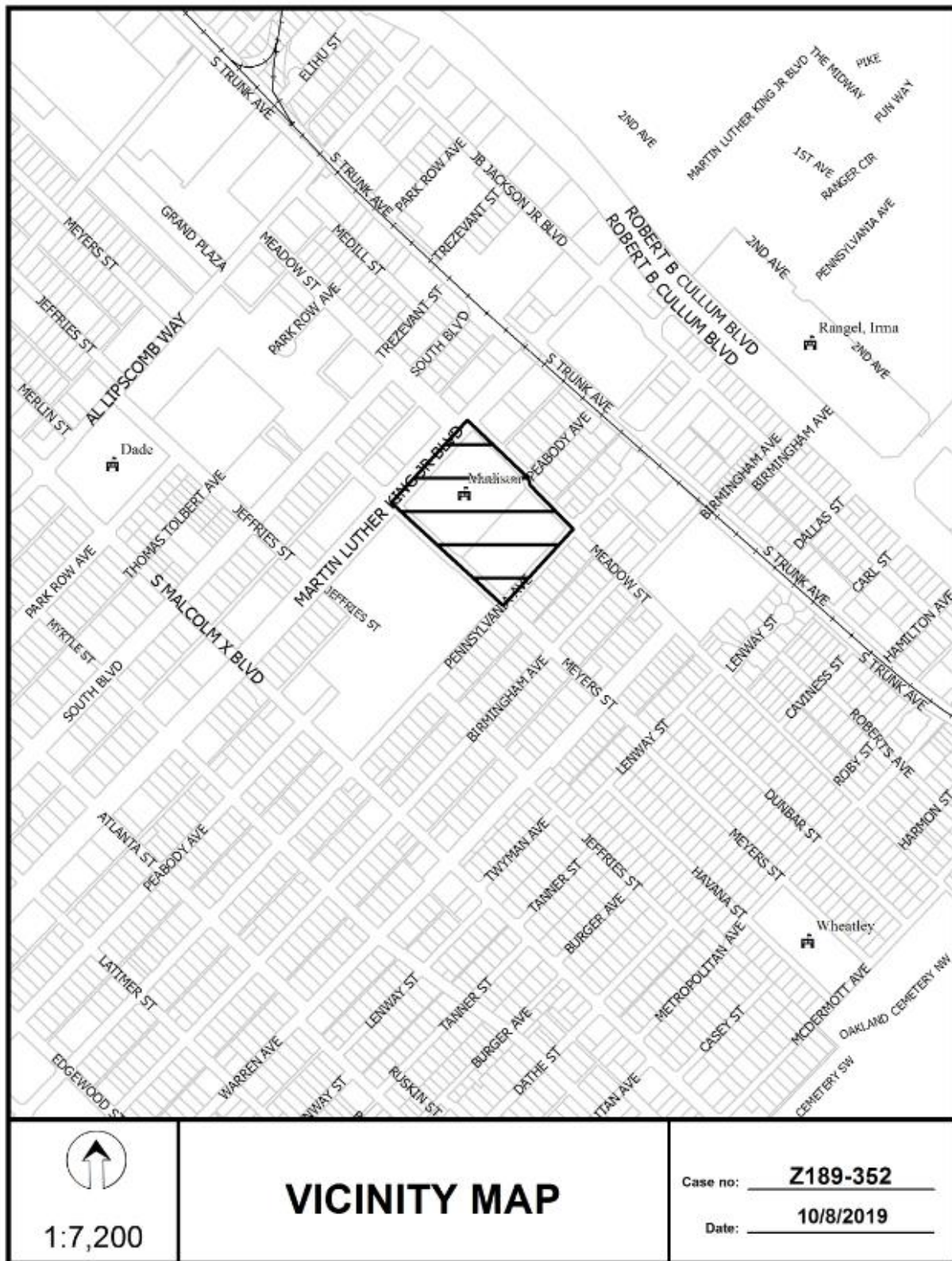
**Table C. Parking and Queue Summary**

	Students	Parking Demand	Parent Accumulation	Total Vehicles	Total Vehicle Availability	Surplus
Existing	514	100	39	139	234	95
Scenario A	700	127	39	166	234	68
Scenario B	910	158	69	227	234	7





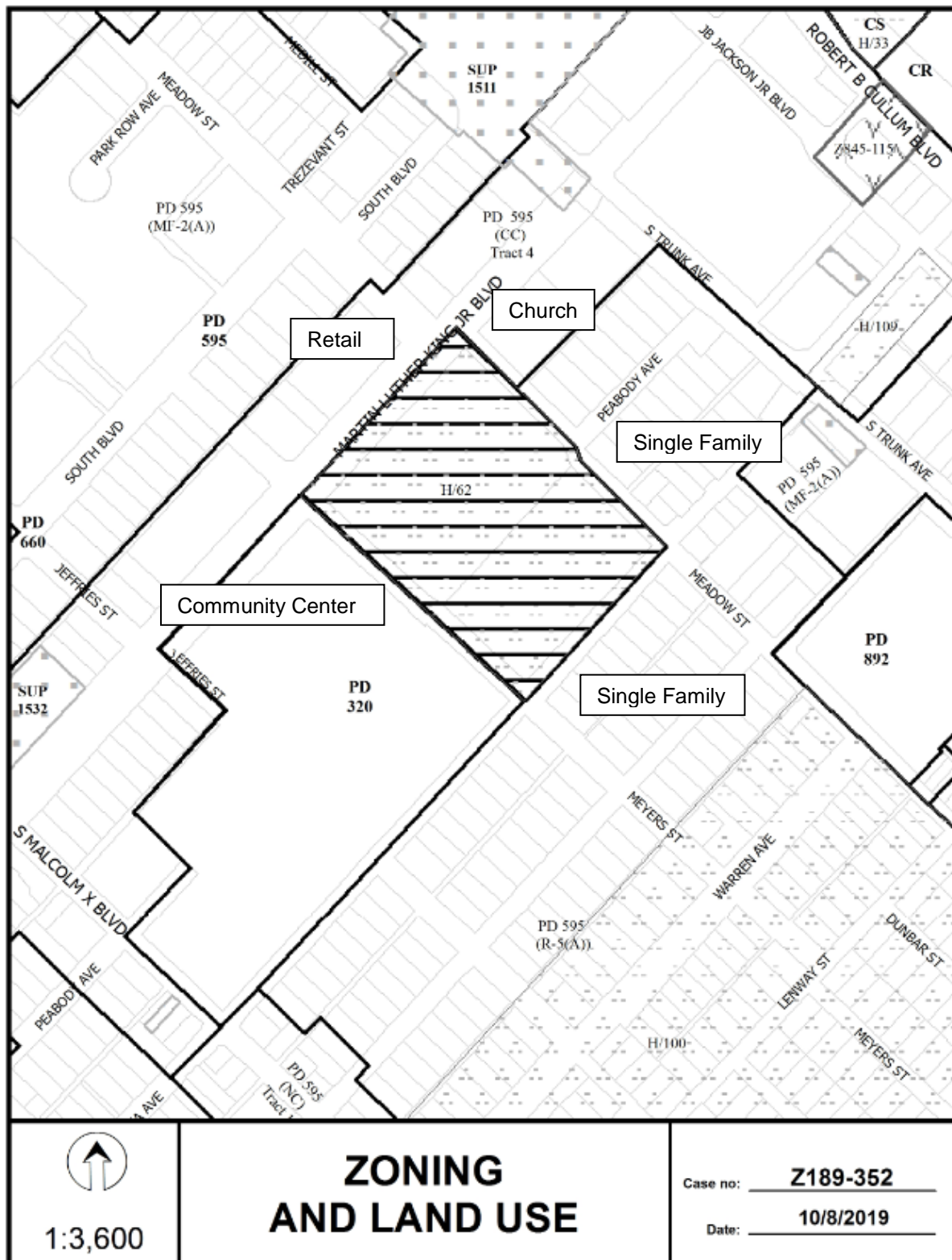


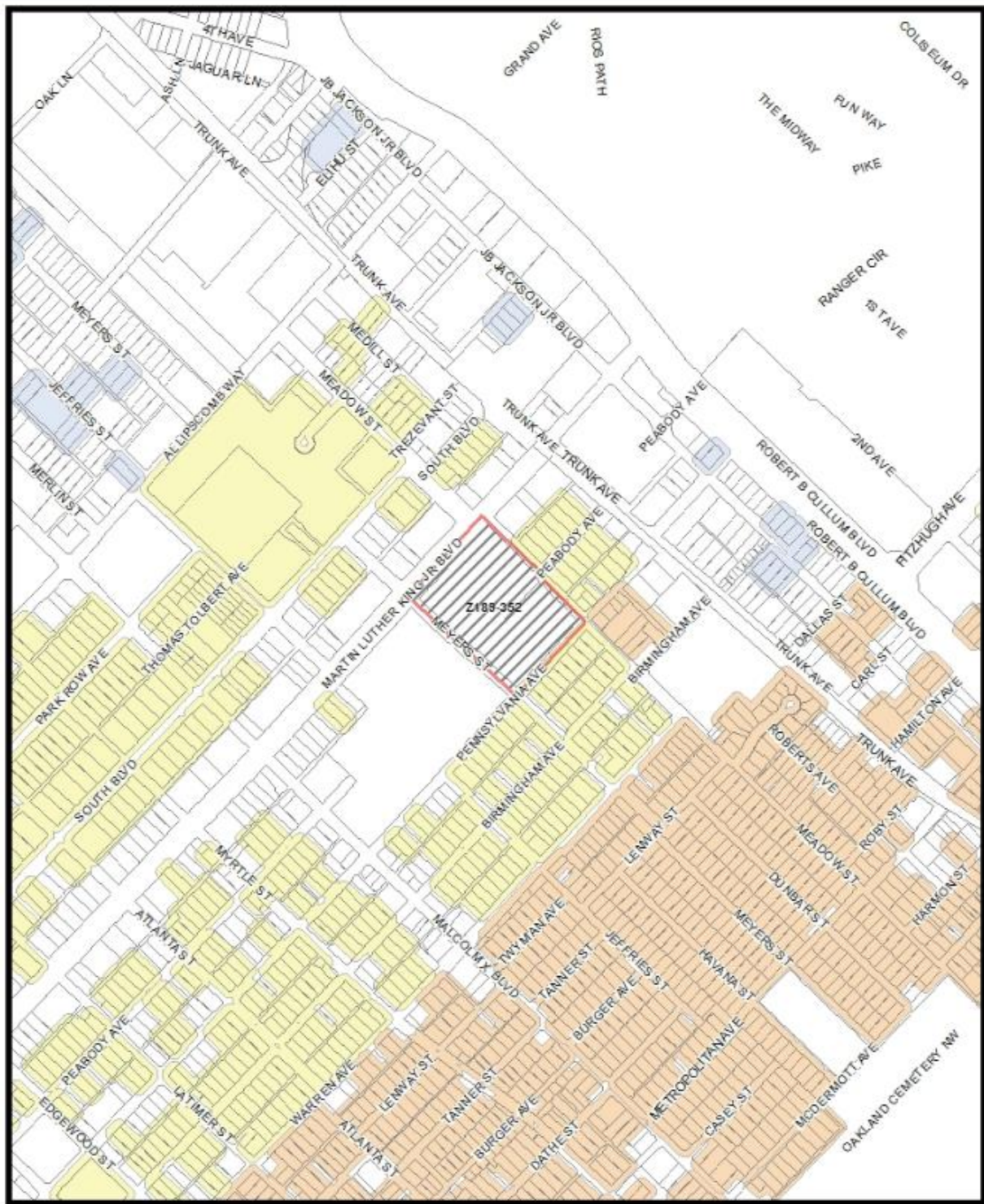












MVA Cluster    A    B    C    D    E    F    G    H    I    NA

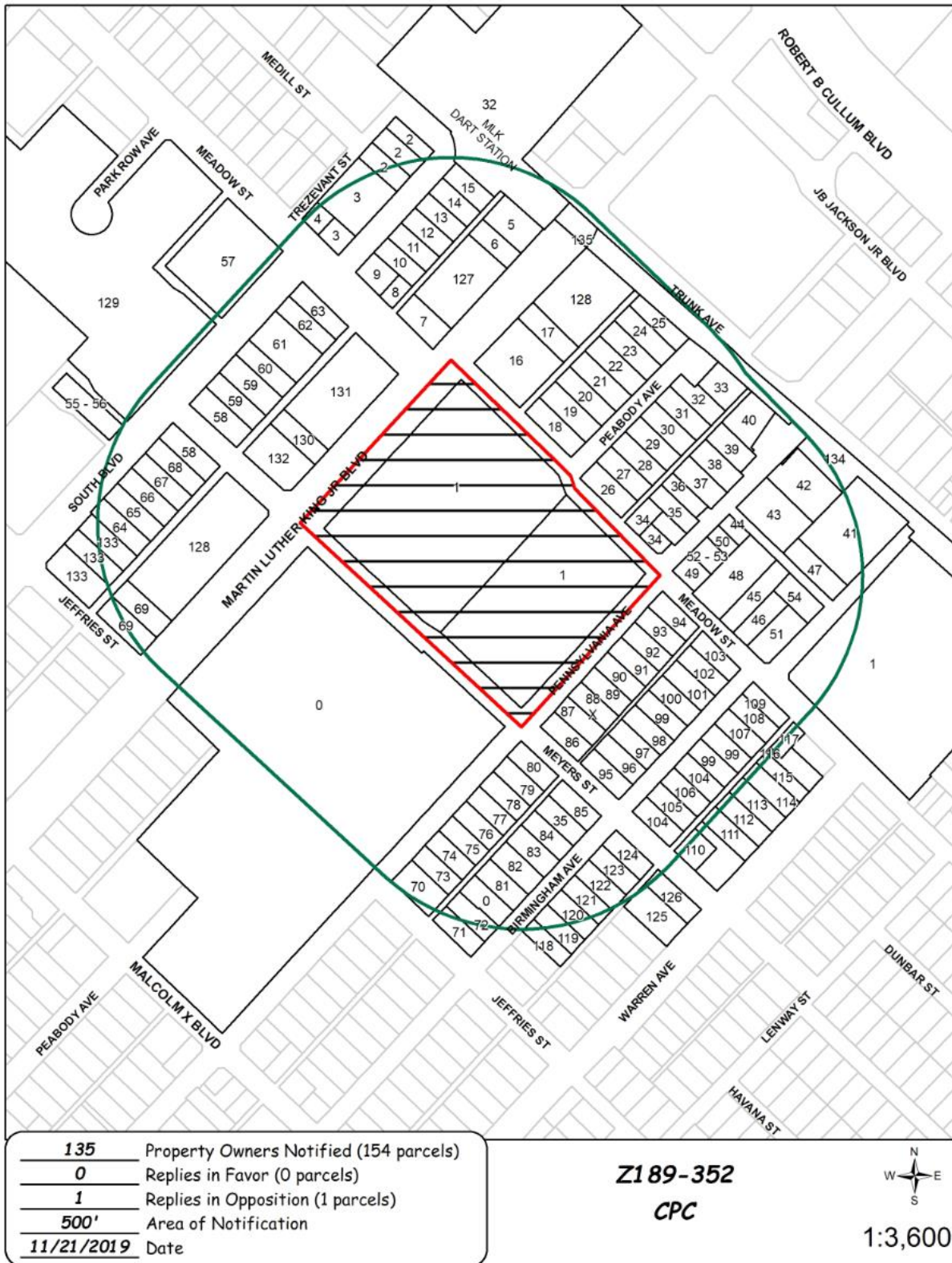
 1:7,200

# Market Value Analysis

Printed Date: 10/8/2019



# CPC Responses



11/20/2019

***Reply List of Property Owners******Z189-352******135 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3000	MARTIN LUTHER KING JR BLVD	Dallas ISD
2	3125	SOUTH BLVD	GOLDBERG ALEXANDER J
3	3107	SOUTH BLVD	WATTS CAPITAL GROUP LLC
4	2900	MEADOW ST	WALLACE JEAN SANDERS
5	3125	MARTIN LUTHER KING JR BLVD	RESOURCES ASSISTANTS
6	3121	MARTIN LUTHER KING JR BLVD	RESOURCES ASSISTANTS
7	3101	MARTIN LUTHER KING JR BLVD	WARE JANIS L
8	2904	MEADOW ST	VALDIVIA JACQUELINE
9	3100	SOUTH BLVD	CRUZ MARIA MATILDA C
10	3104	SOUTH BLVD	JOHNSON ALLEN ESTATE OF &
11	3108	SOUTH BLVD	ELIGU HAILU
12	3112	SOUTH BLVD	JONES MARY L
13	3116	SOUTH BLVD	HARVARD FINANCE NORTH AMERICA LLC
14	3120	SOUTH BLVD	WHITE MARY A
15	3124	SOUTH BLVD	RESOURCES ASSISTANCE CORP
16	3100	MARTIN LUTHER KING JR BLVD	MOUNT OLIVE LUTHERAN CHURCH
17	3114	MARTIN LUTHER KING JR BLVD	JORDAN HARRY
18	3101	PEABODY AVE	K & C SCOTT INVESTMENTS LLC
19	3105	PEABODY AVE	HARMON PROPERTY SERVICES LLC
20	3109	PEABODY AVE	NASH DAMON L
21	3113	PEABODY AVE	JBIII INVESTMENT INC
22	3117	PEABODY AVE	JONES EMMA M
23	3121	PEABODY AVE	BLANCO ROSA
24	3125	PEABODY AVE	BLOW DON
25	3131	PEABODY AVE	BLOW DON WAYNE
26	3100	PEABODY AVE	LEMONS LARRY CHARLES &

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3104 PEABODY AVE	BEVES JOSEPH III
	28	3110 PEABODY AVE	STANTON PHILLIP
	29	3112 PEABODY AVE	DAVIS GERALDINE V
	30	3116 PEABODY AVE	PERALTA JUAN BENITEZ
	31	3122 PEABODY AVE	DECKARD ROSETTA & NATHANIEL
	32	3126 PEABODY AVE	DALLAS AREA RAPID TRANSIT
	33	3130 PEABODY AVE	DART
	34	3112 MEADOW ST	FOREMAN SANDRA V
	35	3105 PENNSYLVANIA AVE	DALLAS HOUSING ACQUISITION & DEV CORP
	36	3109 PENNSYLVANIA AVE	BLACK DORIS LINELL
	37	3113 PENNSYLVANIA AVE	LEWIS JOHN A SR
	38	3117 PENNSYLVANIA AVE	MCMILLAN WILLIE EDWARD
	39	3121 PENNSYLVANIA AVE	GUERRA EMMANUEL
	40	3125 PENNSYLVANIA AVE	HUNTER DANNY J
	41	3131 BIRMINGHAM AVE	MULTIPLE STREAMS OF GRACE
	42	3128 PENNSYLVANIA AVE	TEXAS CREST INVESTMENTS LLC
	43	3116 PENNSYLVANIA AVE	TWO PODNERS
	44	3112 PENNSYLVANIA AVE	TOPLETZ INVESTMENTS
	45	3214 MEADOW ST	RAMIREZ JOSE E
	46	3220 MEADOW ST	SYKES DESTAINE L
	47	3119 BIRMINGHAM AVE	RAMIREZ JOSE
	48	3210 MEADOW ST	RAMIREZ JOSE &
	49	3104 PENNSYLVANIA AVE	HARRIS & HARRIS PPTIES LLC
	50	3110 PENNSYLVANIA AVE	WEEKLEY WILBERT JR
	51	3222 MEADOW ST	SYKES DESTANIE
	52	3106 PENNSYLVANIA AVE	TAYLOR ROCKY ET AL
	53	3108 PENNSYLVANIA AVE	TAYLOR ROCKY
	54	3115 BIRMINGHAM AVE	SANDERS ELLIS JR &
	55	2929 SOUTH BLVD	WILKINS SHARON D LIFE EST
	56	2927 SOUTH BLVD	SEXTON SHEILA
	57	3019 SOUTH BLVD	VISTA FORRENT LLC

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3000 SOUTH BLVD	HARRIS & HARRIS PROPERTIES LLC
	59	3008 SOUTH BLVD	STEPHENS CALVIN W
	60	3020 SOUTH BLVD	RYB DEVELOPEMENT GROUP LLC
	61	3022 SOUTH BLVD	EJIGU ENANU
	62	3028 SOUTH BLVD	JOHNSON VERTA MAE
	63	3032 SOUTH BLVD	DONALDSON VERTA M
	64	2916 SOUTH BLVD	CHRISTIAN COMMUNITY CTR
	65	2918 SOUTH BLVD	EVANS JERALD DON
	66	2922 SOUTH BLVD	GILMORE RALPH CURTIS
	67	2928 SOUTH BLVD	PEREZ JOSE ALFREDO BONILLA &
	68	2932 SOUTH BLVD	SOUTHFAIR COMMUNITY DEV CORP
	69	2903 MARTIN LUTHER KING JR BLVD	TH & S ENTERPRISES LLC
	70	2904 PENNSYLVANIA AVE	CERDA SALVADOR
	71	2901 BIRMINGHAM AVE	AUSTIN STEPHEN II
	72	2905 BIRMINGHAM AVE	KOLOBOTOS PPTIES LLC
	73	2906 PENNSYLVANIA AVE	GREEN ROSE
	74	2908 PENNSYLVANIA AVE	DALLAS CITY OF COUNTY OF
	75	2914 PENNSYLVANIA AVE	WHEELER BOBBY
	76	2918 PENNSYLVANIA AVE	TEFFERA BINIAM &
	77	2922 PENNSYLVANIA AVE	MADKINS WILLIE
	78	2926 PENNSYLVANIA AVE	BOOTH BEATRICE EST OF
	79	2930 PENNSYLVANIA AVE	VENSON NAOMI EST OF
	80	2936 PENNSYLVANIA AVE	PORTILLO GREGORIO LIFE ESTATE
	81	2915 BIRMINGHAM AVE	WATSONTILLIS LINDA GAYLE
	82	2917 BIRMINGHAM AVE	SELMA VENTURES LTD
	83	2921 BIRMINGHAM AVE	WHITE RODDELL
	84	2929 BIRMINGHAM AVE	MINSK FINANCE LLC
	85	2933 BIRMINGHAM AVE	BELL INETTA RUTH EST OF
	86	3002 PENNSYLVANIA AVE	LOCHHEAD RANDY A
	87	3008 PENNSYLVANIA AVE	COMMON GROUND COMMUNITY
X	88	3010 PENNSYLVANIA AVE	DAVIS SHELLIE A JACKSON



11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	3012 PENNSYLVANIA AVE	CHAMBERS JOAN E
	90	3014 PENNSYLVANIA AVE	AYERS EVERLINE B
	91	3016 PENNSYLVANIA AVE	BUCKNER MARQUIES RAYMOND
	92	3018 PENNSYLVANIA AVE	ROBY FREDDIE J
	93	3028 PENNSYLVANIA AVE	DEARMAN EDWARD
	94	3032 PENNSYLVANIA AVE	RAMIREZ JOSE
	95	3001 BIRMINGHAM AVE	SOUTH DALLAS FAITH BASED
	96	3007 BIRMINGHAM AVE	TUCK CLARA ESTATE OF
	97	3011 BIRMINGHAM AVE	ROBINSON JIMMIE GEORGE &
	98	3015 BIRMINGHAM AVE	ROBINSON JIMMIE & STEPHANIE
	99	3017 BIRMINGHAM AVE	ROBINSON HARRIETT
	100	3021 BIRMINGHAM AVE	MOORE CHAD EVERETTE
	101	3025 BIRMINGHAM AVE	FREDERICK LOUIS EST
	102	3031 BIRMINGHAM AVE	BROWN JERRY B
	103	3033 BIRMINGHAM AVE	HAWK BRIAN & NATOSHA
	104	3000 BIRMINGHAM AVE	SAFNA REALTY LLC
	105	3006 BIRMINGHAM AVE	RODRIGUEZ JOSE RITO
	106	3008 BIRMINGHAM AVE	PEREZ CIPRIANO &
	107	3020 BIRMINGHAM AVE	ROUTE HATTIE L
	108	3022 BIRMINGHAM AVE	SOWELS GLADYS H &
	109	3034 BIRMINGHAM AVE	AMERITEX HOMES LLC
	110	3314 MEYERS ST	DAVIS KEVIN E & LA SHAN &
	111	3011 WARREN AVE	KINNEY ALICE
	112	3015 WARREN AVE	FAZ ISMAEL
	113	3019 WARREN AVE	STARKE ADINA A
	114	3021 WARREN AVE	DALLAS CITY & DALLAS COUNTY & DISD ET AL
	115	3027 WARREN AVE	MANNING DAVID INC
	116	3033 WARREN AVE	GAINES ROY
	117	3313 MEADOW ST	MYERS KIRK
	118	2912 BIRMINGHAM AVE	HOMEX CHANGE LLC DBA
	119	2916 BIRMINGHAM AVE	MIKE BETTY

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	2920	BIRMINGHAM AVE	CHANEY LEO V SR TRUSTEE &
121	2924	BIRMINGHAM AVE	DAVIS INEZ &
122	2926	BIRMINGHAM AVE	BROWNDUGLASS EDWARD A
123	2932	BIRMINGHAM AVE	TARTIBI MOHSEN
124	2936	BIRMINGHAM AVE	ACOSTA JOVANNY FACUNDO
125	2929	WARREN AVE	SANCHEZ INEZ CRUZ
126	2937	WARREN AVE	LE LUAN VAN
127	3109	MARTIN LUTHER KING JR BLVD	ENEA ROBERT S SEPARATE &
128	3116	MARTIN LUTHER KING JR BLVD	RESOURCES ASSISTANTS CORP
129	2900	AL LIPSCOMB WAY	HHF EBAN VILLAGE I & II LLC
130	3009	MARTIN LUTHER KING JR BLVD	PARK CHAN KYU &
131	3021	MARTIN LUTHER KING JR BLVD	MORAN FOODS INC
132	3007	MARTIN LUTHER KING JR BLVD	DOAN TIEN
133	2904	SOUTH BLVD	SOUTHFAIR COMMUNITY DEV CORP
134	401	S BUCKNER BLVD	DART
135	555	2ND AVE	DART



## Agenda Information Sheet

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**File #:** 19-2016  
Z14.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bank or savings and loan office with a drive-in window use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by Cedar Springs Road, Fairmount Street and Howell Street  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions  
Z189-358(PD)

**FILE NUMBER:** Z189-358(PD)

**DATE FILED:** March 4, 2013

**LOCATION:** Bounded by Cedar Springs Road, Fairmount Street and Howell Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45 F

**SIZE OF REQUEST:** ±0.5208 acres

**CENSUS TRACT:** 0018.00

**REPRESENTATIVE:** Kendra Larach, Masterplan

**APPLICANT/OWNER:** Greenway Maple LP

**REQUEST:** An application for a Specific Use Permit for a bank or savings and loan office with a drive-in window use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The purpose of the request is to allow an existing bank [Veritex Bank] to utilize existing stacking lanes and drive-in windows (i.e., a teller window, a teller station, and an unmanned transaction station).

**CPC RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

## BACKGROUND INFORMATION:

- The ±0.52-acre request site is developed with a ±2,944-square foot bank [Veritex Bank] which was constructed in 2007.
- A bank or saving and loan office is permitted by right in the GR General Retail Subdistrict but requires a Specific Use Permit if the use includes drive-in window service.
- On April 25, 2007, SUP No. 1660 for a bank or savings and loan office with a drive-in window [Wachovia Bank] was approved for a ten-year period on the subject site. The SUP expired on April 25, 2017.
- Internal records show a Certificate of Occupancy was issued for the current operator [Veritex Bank] on June 18, 2019.

**Zoning History:** There has been one recent zoning request in the vicinity within the last five years.

1. **Z167-266:** On May 10, 2017, the City Council approved Planned Development Subdistrict No. 131 for GR General Retail uses within Planned Development District No. 193, the Oak Lawn Special Purpose District.

## **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Cedar Springs	Principal Arterial	Variable width
Howell Street	Collector	60 feet
Fairmount Street	Collector	60 feet

## **Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed request will not significantly impact the surrounding roadway 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 evaluation the applicant's request. The request complies with the following goals and policies.

## **URBAN DESIGN ELEMENT**

### **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

#### **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 above referenced objectives do not apply since the use is existing. Additionally, the drive-in windows and stacking lanes exist.

**STAFF ANALYSIS:****Surrounding Land Use:**

	<b>Subdistricts in PDD No. 193</b>	<b>Land Use</b>
<b>Site</b>	GR Subdistrict	Bank w/o drive-in window
<b>East</b>	GR Subdistrict	Office
<b>West</b>	PDS 149	Office, Restaurant
<b>South</b>	PDD No. 9, HC Subdistrict	Bank & Office
<b>North</b>	GR Subdistrict, PDS No. 120	Office

**Land Use Compatibility:**

The ±0.52-acre request site is developed with a ±2,944-square foot bank with drive-in window use constructed in 2007. The applicant intends to continue operation of the site with a bank with drive-in window use. Previously, SUP No. 1660 existed on the site allowing the requested use; however, the SUP expired on April 25, 2017. The applicant is a new tenant [Vertex Bank] requesting to operate the bank use within the same capacity as previously operated.

The request site is surrounded by office uses to the east, north and south with additional office and a restaurant uses 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 proposal is considered compatible with the existing development pattern of the area; therefore, staff recommends approval for a for a five-year period with eligibility for automatic renewal for additional ten-year periods; subject to a site plan and conditions.

**Landscaping:**

Landscaping must be provided in accordance the GR General Retail Subdistrict landscaping requirements of PDD No. 193, the Oak Lawn Special Purpose District.

**Parking:**

Pursuant to PDD No. 193, bank or saving and loan office with a drive-in window requires one (1) space per 366 square feet of floor area. Therefore, the proposed ±2,944-square foot bank requires eight spaces; 22 spaces will be provided as depicted on the proposed site plan.

PDD No. 193 does not dictate specific stacking requirements. However, the stacking depicted on the site plan complies with the requirements of Chapter 51A; five spaces per teller window or station and two spaces per unmanned transaction station.

**Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to a “E” MVA Cluster to the southeast across Howell Street.



**List of Partners/Principals/Officers**

**Greenway Investments**

Gerald Harris Stool,	President
Todd Petty,	COO
Christy Hammons,	Vice President
Mark Hardaway,	Vice President
Travis Bond,	Analyst
John Erspamer,	Senior Controller
Joel Maten,	Asset Management
Ryan Petty,	Associate
Brian Randleman,	Senior Property Accountant
LaRee Stein,	Director of Asset Management
Mike Hanna,	Assistant Property Manager

**Veritex Bank**

Board of Directors:

C. Malcolm Holland, III  
Mark Griege  
Greg Morrison  
John Sughrue  
Ned Fleming  
Pat Bolin  
Mauel J. Mehos  
Steven D. Lerner  
William Donald Ellis

**CPC ACTION:**  
**November 21, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a bank or savings and loan office with a drive-in window use for a five-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, bounded by Cedar Springs Road, Fairmount Street and Howell Street.

Maker: Brinson  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 200 Mailed: 15  
**Replies:** For: 2 Against: 0

**Speakers:** None

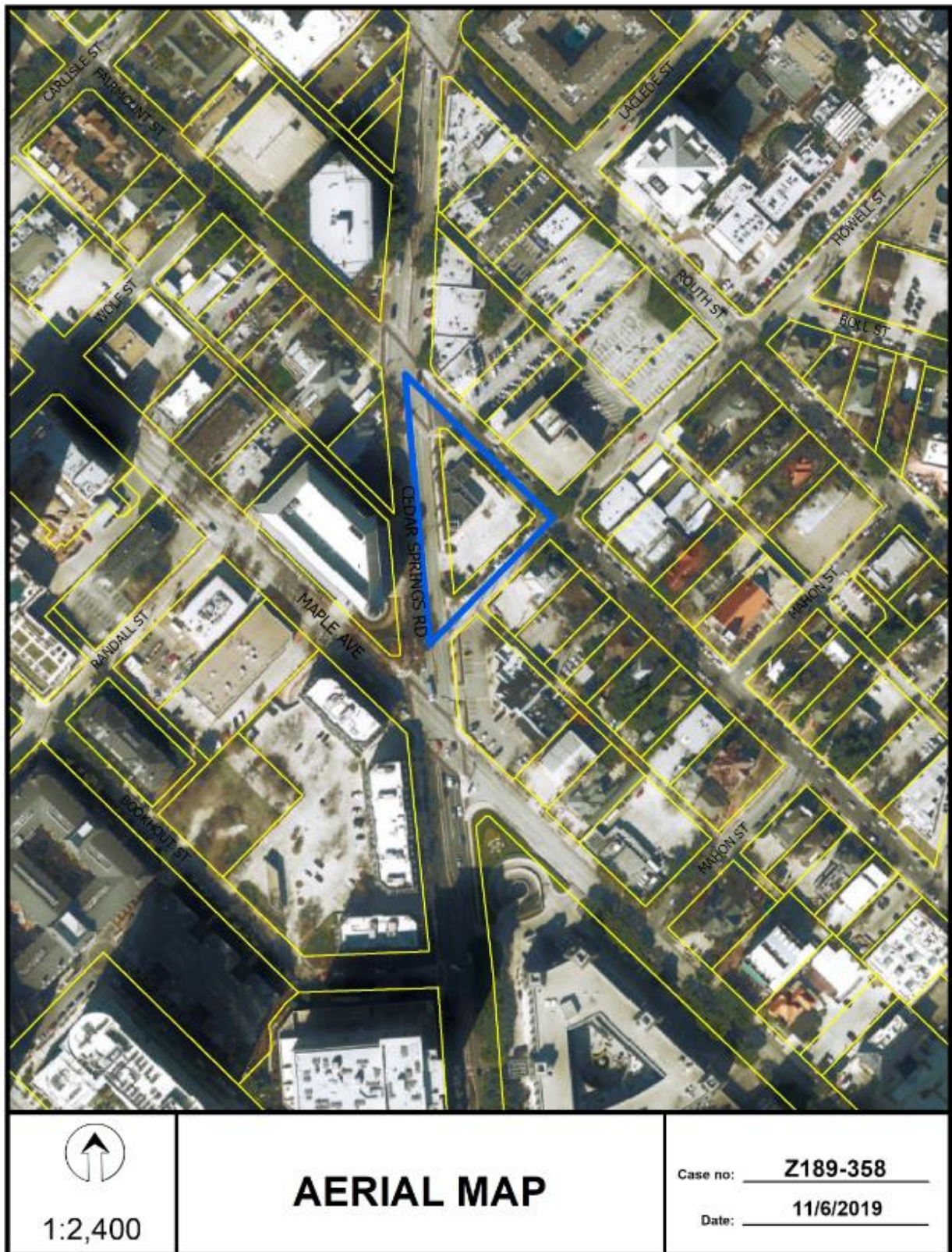
### **CPC Recommended Conditions**

1. USE: The only use authorized by this specific use permit is a bank or savings and loan office with drive-in window.
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), 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 180<sup>th</sup> but before the 120<sup>th</sup> 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. LANDSCAPING: Landscaping must be provided and maintained in accordance with Part 1 of PDD No. 193 requirements.
5. DIRECTIONAL SIGNAGE: Directional signage and pavement markings must be provided and must clearly indicate ingress to and egress from the drive-in lanes. Final design of the signage and pavement markings must be approved by the Director before the issuance of a certificate of occupancy for a bank or savings and loan office with drive-in window.
6. DRIVE-IN WINDOW: A maximum of three drive-in window lanes are permitted in the locations shown on the attached site plan.
7. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan.
8. STACKING: A minimum of five stacking spaces must be provided for each drive-in window for teller service in the locations shown on the attached site plan. The drive-in window for automated teller machine (ATM) service must have a minimum of two stacking spaces 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.

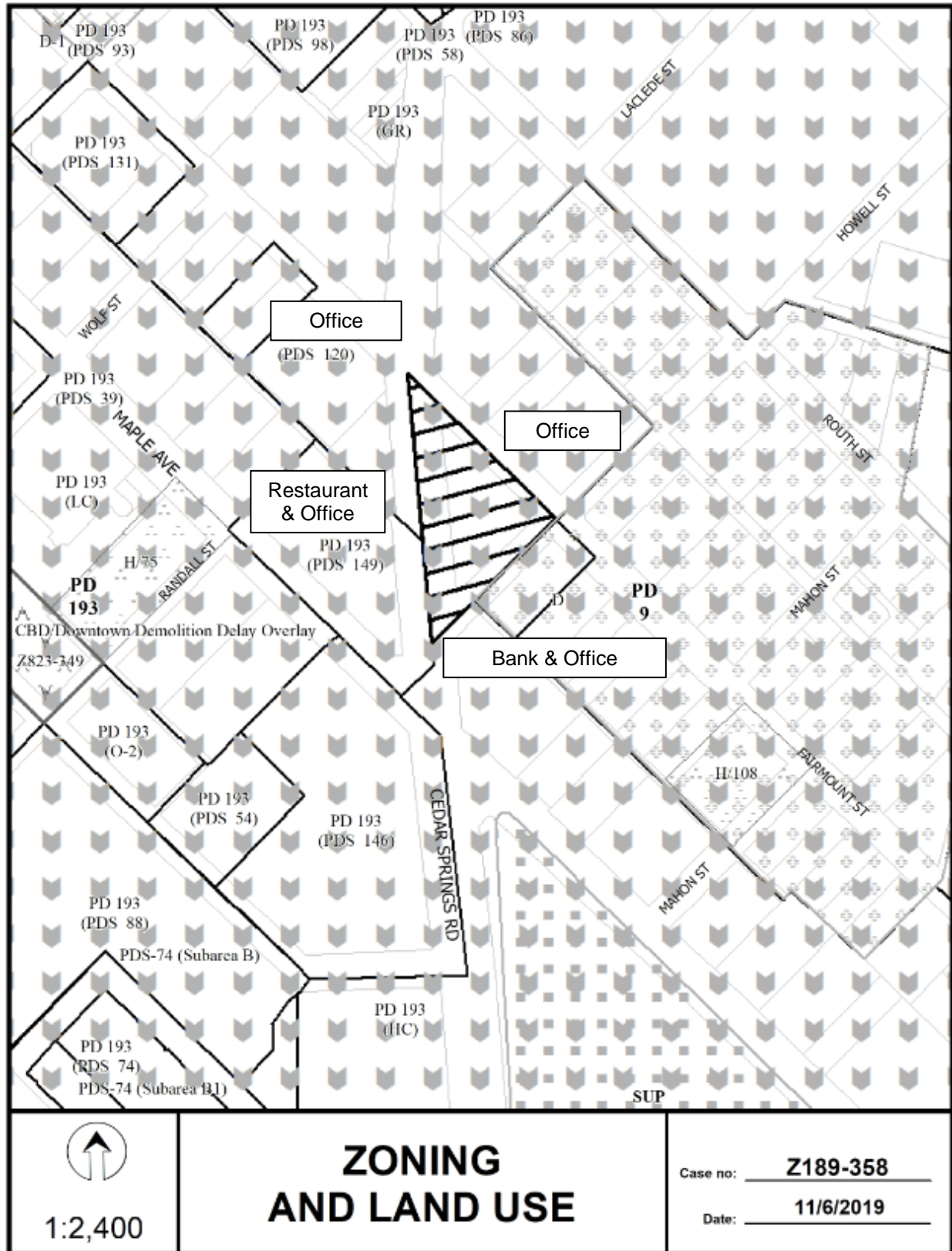


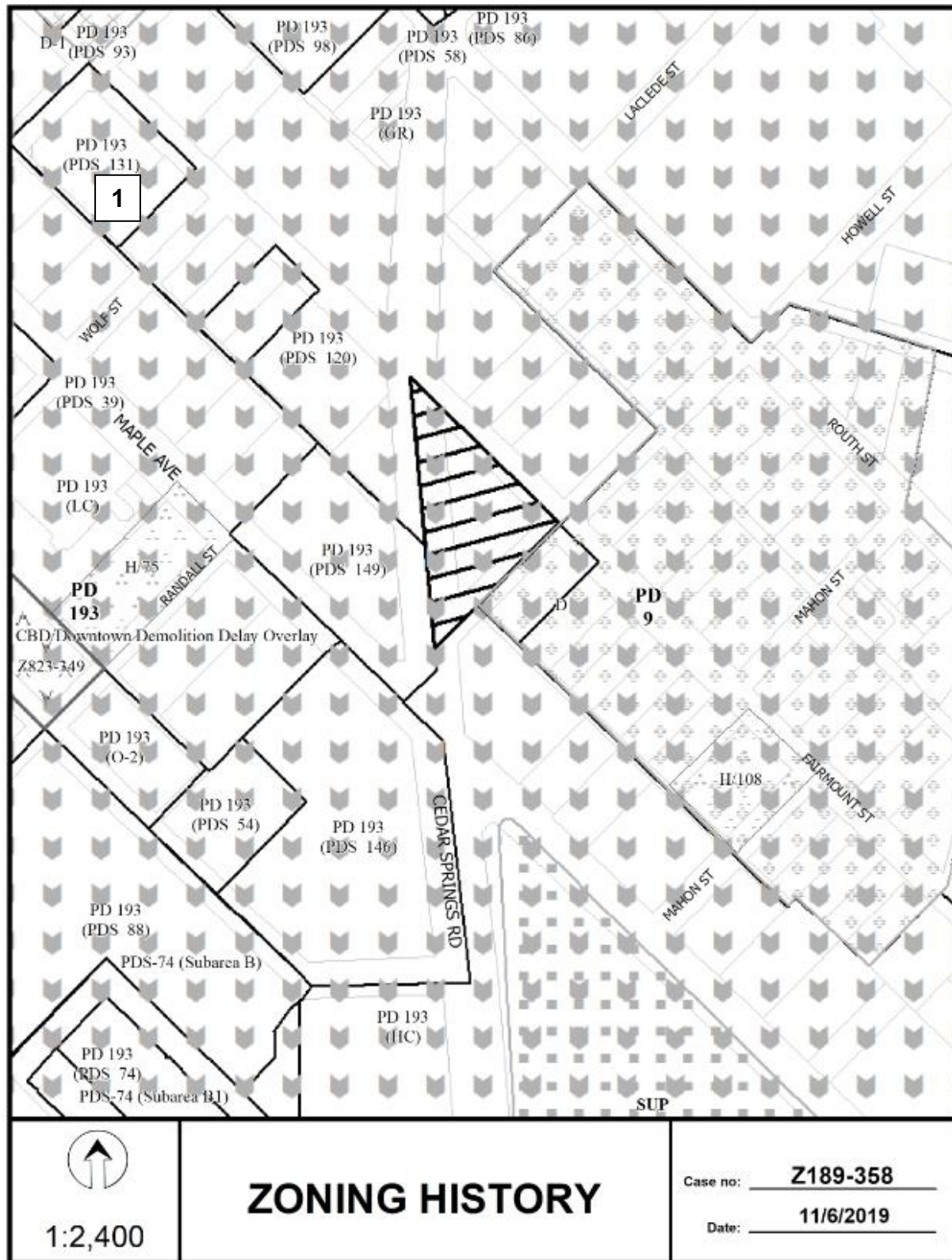




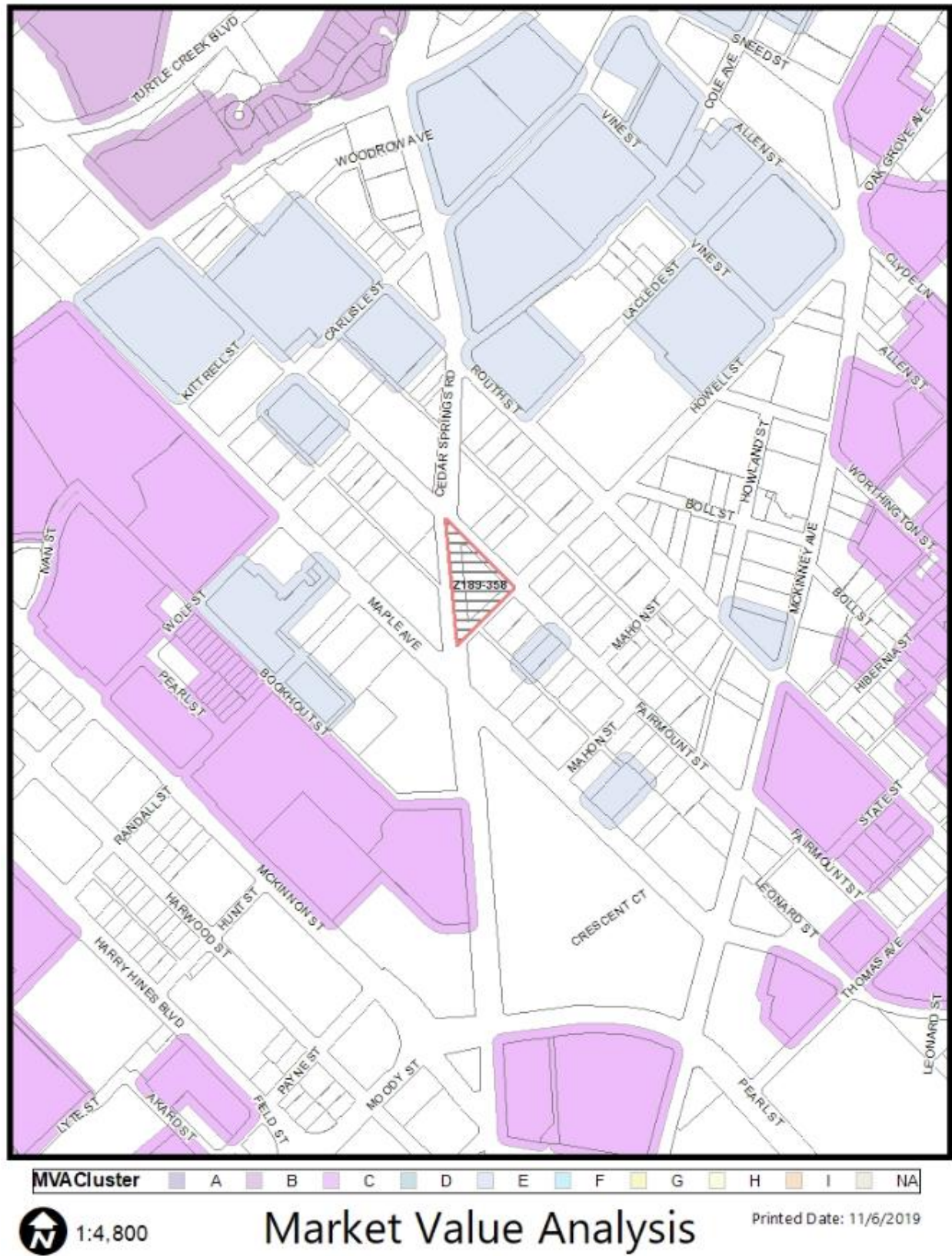












**CPC Responses**



11/20/2019

***Reply List of Property Owners******Z189-358******15 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2408 CEDAR SPRINGS RD	GREENWAY MAPLE LP
	2	2425 CEDAR SPRINGS RD	MARLETT CHRISTOPHER A &
O	3	2902 MAPLE AVE	2902 MAPLE LP
	4	2501 CEDAR SPRINGS RD	GH CEDAR SPRINGS INC
	5	2628 MAPLE AVE	GREENWAY MAPLE LP
	6	2715 FAIRMOUNT ST	KORNYE GEORGE W
	7	2719 FAIRMOUNT ST	SHAW EVAN L
	8	2723 FAIRMOUNT ST	SHAW EVAN LANE
	9	2812 FAIRMOUNT ST	GREENWAY CEDAR SPRINGS LP
	10	2722 FAIRMOUNT ST	2718 FAIRMOUNT LP
	11	2708 FAIRMOUNT ST	VICEROY FAIRMOUNT LP
	12	2305 CEDAR SPRINGS RD	GPI CEDAR MAPLE LP
	13	2811 MAPLE AVE	GPIF 2811 MAPLE LLC
	14	2401 CEDAR SPRINGS RD	GPIF 2401 CS LLC
O	15	2913 FAIRMOUNT ST	2913 FAIRMOUNT LLC



## Agenda Information Sheet

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**File #:** 19-2017  
Z15.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 590 for a mix of uses on property zoned Planned Development District No. 590, on the northwest corner of Whitehurst Drive and Meadowknoll Drive  
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions  
Z189-361(PD)

**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z189-361(PD)

**DATE FILED:** September 20, 2019

**LOCATION:** Northwest corner of Whitehurst Drive and Meadowknoll Drive

**COUNCIL DISTRICT:** 10

**MAPSCO:** 27 B

**SIZE OF REQUEST:** ±9.54 acres

**CENSUS TRACT:** 78.10

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**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT/OWNER:** Richardson Independent School District

**REQUEST:** An application for an amendment to Planned Development District No. 590 for a mix of uses on property zoned Planned Development District No. 590.

**SUMMARY:** The applicant proposes a 4,000-square-foot expansion to an existing school [Skyview Elementary School] for a total floor area of 86,220 square feet. The proposed addition will accommodate a corridor and student collaboration work space to connect the main building to the annex building.

**CPC RECOMMENDATION:** Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- The site is currently developed with an 82,460-square-foot structure [Skyview Elementary] originally constructed in 1970.
- On November 8, 2000, the City Council approved PDD No. 590 for a mix of uses and a public school use.
- The applicant requests the amendment to PDD No. 590 to increase the maximum floor area for the school from 82,460 square feet to 86,220 square feet to allow the construction of a corridor to connect the main building to the annex building.

**Zoning History:** There have been no zoning changes in the area within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
Meadowknoll Drive	Principal Arterial	100 feet
Whitehurst Drive	Principal Arterial	90 feet
Briarhurst Drive	Local	50 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the proposed traffic management plan and determined that the operational use will not significantly impact the surrounding roadway system.

**COMPREHENSIVE PLAN:**

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

**LAND USE ELEMENT**

GOAL 1.1      Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5      Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

**URBAN DESIGN**

GOAL 5.2      Strengthen Community and Neighborhood Identity

Policy 5.2.1      Maintain neighborhood scale and character.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 590	Elementary School
<b>North</b>	R-7.5(A)	Single Family
<b>East</b>	R-7.5(A)	Single Family
<b>South</b>	R-7.5(A)	Single Family
<b>West</b>	R-7.5(A)	Single Family

**Land Use Compatibility:**

The request site is currently developed with a public school use built in 1970 and totals approximately 82,460 square feet. The subject site is surrounded by single family uses to the north, across Heatherdale Drive, to the east across Meadowknoll Drive, and to the south and west across Whitehurst Drove.

The applicant requests the amendment to PDD No. 590 to increase the maximum floor area for the school from 82,460 square feet to 86,220 square feet to allow the construction of a corridor to connect the main building to the annex building.

Staff considers the proposed amendment to the public school are compatible with surrounding land uses because compliance with a revised development/landscape plan and traffic management plan will be used as tools to mitigate potential negative impacts of the use on surrounding properties.

**Development Standards:**

The applicant requests modifications to the yard, lot, and space regulations of the existing PDD, which refers to the R-7.5(A) Single Family District standards except as modified, and to regulate setbacks for the public school use rather than defer to the development/landscape plan as the text controls over the development/landscape plan.

The site is limited to a maximum 82,460 square feet of floor area in the existing PDD and the applicant requests to increase this number to a maximum 86,220 square feet for the proposed new construction. Staff supports this request because it is considered more restrictive than the underlying zoning which does not limit floor area or floor area ratio and would allow up to 60 percent lot coverage for institutional uses in single family districts.

Second, the applicant requests to strike language that defers to the development/landscape plan and specify the regulations in the text. Staff supports this request because it is preferred that the text controls.

**Parking:**

Pursuant to the Dallas Development Code, the parking requirement for an elementary, middle, and high school is one and one-half, three and one-half, and nine and one-half parking spaces per classroom, respectively. The school is not proposing additional off-street spaces as no new classrooms are proposed with the request. Currently, the school requires only 66 spaces and provides 120 parking spaces.

Additionally, since parking in the front yards of all three roadways was previously granted to the site, staff does not object to maintaining this condition.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. Although the subject site is not depicted as within an MVA cluster, the area of request is immediately adjacent to an “F” MVA cluster to the west across Briarhurst Drive, to the north across Heatherdale Drive, to the east across Meadowknoll Drive and a “C” MVA cluster to the south.

**Landscaping:**

Landscaping will be provided in accordance with the approved landscape plan. Further, the request will not trigger landscape requirements per PDD No. 590.



## **List of Officers**

### **Richardson Independent School District**

#### **Board of Trustees**

Jean Bono, Place 1

Kim Caston, Place 2

Karen Clardy, Place 3

Katie Patterson, Place 4

Eron Linn, Place 5

Justin Bono, Place 6

Kristin Kuhne, Place 7

### **Administration**

Dr. Jeannie Stone, Superintendent

Tabitha Branum, Deputy Superintendent

Dr. Chris Goodson, Assistant Superintendent

Dr. Kristin Byno, Assistant Superintendent

David Pate, CFO

Brenda Payne, Assistant superintendent

Chris Moore, CCO

Sandra Hayes, Assistant Superintendent

Michael Longnecker, Executive Director

**CPC ACTION:**  
**November 21, 2019**

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development District No. 590 for a mix of uses, subject to a revised development/landscape plan, a traffic management plan, and conditions (as briefed) on property zoned Planned Development District No. 590, on the northwest corner of Whitehurst Drive and Meadowknoll Drive.

Maker: Brinson  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter, Brinson,  
Blair, Jung, Schultz, Schwope, Murphy, Garcia,  
Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

<b>Notices:</b>	Area: 500	Mailed: 199
<b>Replies:</b>	For: 6	Against: 1

**Speakers:** None

**CPC Recommended Amendment to:  
ARTICLE 590.**

**PD 590.**

**SEC. 51P-590.101.                    LEGISLATIVE HISTORY.**

PD 590 was established by Ordinance No. 24450, passed by the Dallas City Council on November 8, 2000. Ordinance No. 24450 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 24450; 25163)

**SEC. 51P-590.102.                    PROPERTY LOCATION AND SIZE.**

PD 590 is established on property located at the northwest corner of Whitehurst Drive and Meadowknoll Drive. The size of PD 590 is approximately 9.5437 acres. (Ord. Nos. 24450; 25163)

**SEC. 51P-590.103.                    DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district. (Ord. Nos. 24450; 25163)

**SEC. 51P-590.104.                    EXHIBITS.**

- (1) Exhibit        A: development/landscape plan.
- (2) Exhibit        B: traffic management plan.

**SEC. 51P-590.104.                    MAIN USES PERMITTED.**

- (a) Agricultural uses.
  - Crop production.
- (b) Commercial and business service uses.
  - None permitted.
- (c) Industrial uses.
  - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [Limited use with no maximum floor area; separate main entrance permitted.]
- Church.
- College, university, or seminary. [SUP]
- Community service center. [SUP]
- Convent or monastery. [SUP]
- Foster home. [SUP]
- Library, art gallery, or museum. [SUP]
- Private school. [SUP]
- Public school.

(e) Lodging uses.

- None permitted.

(f) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(g) Office uses.

- None permitted.

(h) Recreation uses.

- Country club with private membership. [SUP]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course. [SUP]

(i) Residential uses.

- Handicapped group dwelling unit. [Consider as if in an R-7.5(A) Single Family District.]
- Single family.

(j) Retail and personal service uses.

- None permitted.

(k) Transportation uses.

- Private street or alley. [SUP]
- Transit passenger shelter. [Consider as if in an R-7.5(A) Single Family District.]
- Transit passenger station or transfer center. [SUP]

(l) Utility and public service uses.

- Electrical substation. *[SUP]*
- Local utilities.
- Police or fire station. *[SUP]*
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[Consider as if in an R-7.5(A) Single Family District.]*
- Utility or government installation other than listed. *[SUP]*

(m) Wholesale, distribution, and storage uses.

- Recycling drop-off container. *[Consider as if in an R-7.5(A) Single Family District.]*
- Recycling drop-off for special occasion collection. *[Consider as if in an R-7.5(A) Single Family District.]*

(Ord. Nos. 24450; 25163)

**SEC. 51P-590.105. 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 district:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

(c) In this district, the following accessory use is permitted by SUP only:

- Accessory community center (private). (Ord. Nos. 24450; 25163)

**SEC. 51P-590.106. DEVELOPMENT PLAN.**

(a) For a public school, development and use of the Property must comply with the development and landscape plan (Exhibit 590A). In the event of a conflict between the provisions of this article and the development/landscape plan, the provisions of this article control.

(b) For all other uses permitted, 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. 24450; 25163)

**SEC. 51P-590.107.**

**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.)

(a) Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Front yard.

~~(1) For a public school, minimum front yard is as shown on the development and landscape plan.~~

~~(2) For all other permitted uses, minimum front yard is 25 feet.~~

(c) Side and rear yard.

~~(1) For a public school, minimum side and rear yard is as shown on the development plan.~~

~~(2) For all other permitted uses, minimum side and rear yard for single family structures is five feet; minimum side yard for other permitted structures is 10 feet; and minimum rear yard for other permitted structures is 15 feet.~~

(d) Density. No maximum dwelling unit density.

(e) Height.

~~(1) For a public school, maximum structure height is as shown on the development and landscape plan~~ 25 feet.

~~(2) Maximum height for the light poles shown on the development and landscape plan is 30 feet.~~

~~(3) Except as provided in Section 51A 4.408, maximum structure height for all other permitted uses is 30 feet.~~

(f) Lot coverage.

~~(1) For a public school, maximum lot coverage is as shown on the development and landscape plan~~ 60 percent.

~~(2) For all other permitted uses, maximum lot coverage is 45 percent for residential structures and 25 percent for nonresidential structures.~~

~~(3) Surface parking lots and underground parking garages are not included in lot~~

~~coverage calculations.~~

(g) ~~Lot size.~~ Minimum lot size for a residential use is 7,500 square feet.

(h) ~~Stories.~~

(1) For a public school, maximum number of stories is ~~as shown on the development and landscape plan~~ one.

(2) ~~For all other permitted uses, no maximum number of stories.~~

(i) ~~Floor area.~~

(1) For a public school, maximum floor area is ~~82,460~~ 86,220 square feet.

(2) ~~For all other uses permitted, no maximum floor area. (Ord. Nos. 24450; 25163)~~

#### **SEC. 51P-590.108.**

#### **OFF-STREET PARKING AND LOADING.**

(a) For a public school, off-street parking spaces must be provided in accordance with Section 51A-4.301. No less than ~~66~~ 120 off-street parking spaces must be provided in the locations shown on the development and landscape plan.

(b) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use.

(c) For all permitted uses, off-street loading must be provided in accordance with the Dallas Development Code, as amended. (Ord. Nos. 24450; 25163)

(d) Parking may be provided in the required front yards as shown on the development plan.

(e) A person shall not construct or maintain a parking lot or garage that has access to a public alley that abuts a residential district.

#### **SEC. 51P-590.108.1.**

#### **TRAFFIC MANAGEMENT PLAN.**

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit 590B).

(b) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by March 1, 2020. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-

week period, and must contain an analysis of the following:

\_\_\_\_\_ (A) ingress and egress points;

\_\_\_\_\_ (B) queue lengths;

\_\_\_\_\_ (C) number and location of personnel assisting with loading and unloading of students;

\_\_\_\_\_ (D) drop-off and pick-up locations;

\_\_\_\_\_ (E) drop-off and pick-up hours for each grade level;

\_\_\_\_\_ (F) hours for each grade level; and

\_\_\_\_\_ (G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

\_\_\_\_\_ (c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

#### **SEC. 51P-590.109.**

#### **ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. Nos. 24450; 25163)

#### **SEC. 51P-590.110.**

#### **LANDSCAPING.**

(a) For a public school, ~~exclusive of the area identified as "Proposed Addition,"~~ landscaping must be provided as shown on the development/landscape plan.

(b) ~~For the area identified as "Proposed Addition," a minimum of seven trees must be provided as shown on the development and landscape plan prior to a final building inspection for the structure.~~



(c) All plant material must be maintained in a healthy, growing condition.

(d) For all other permitted uses, landscaping must be provided in accordance with Article X. (Ord. Nos. 24450; 25163)

**SEC. 51P-590.111. SIGNS.**

(a) Except as provided below, signs must comply with the provisions for non-business zoning districts contained in Article VII.

(b) A detached premise sign may be maintained in the location shown on the development and landscape plan and may not exceed 90 square feet in effective area and nine feet in height. (Ord. Nos. 24450; 25163)

**SEC. 51P-590.112. ADDITIONAL PROVISIONS.**

(a) The entire 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) In this planned development district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this planned development district when, in the opinion of the board, the special exception will:

(1) not be contrary to the public interest;

(2) not adversely affect neighboring properties; and

(3) not be used to conduct a use not permitted in this district. (Ord. Nos. 24450;25163; 26102)

**SEC. 51P-590.113. COMPLIANCE WITH CONDITIONS.**

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

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this 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. 24450; 25163; 26102)

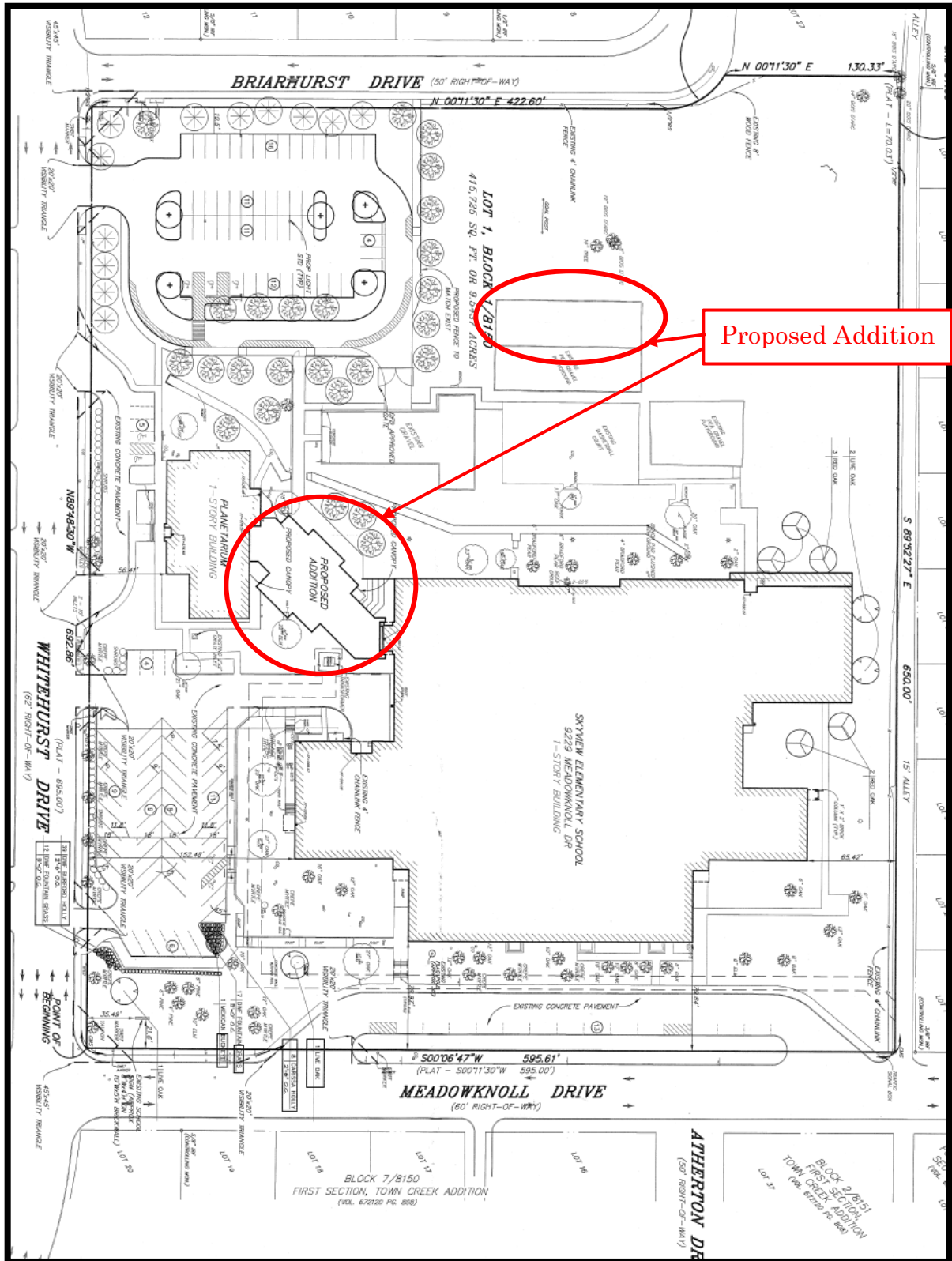
Z189-361(PD)

**~~SEC. 51P-590.114. \_\_\_\_\_ ZONING MAP.~~**

~~PD 590 is located on Zoning Map No. E 9. (Ord. Nos. 24450; 25163)~~

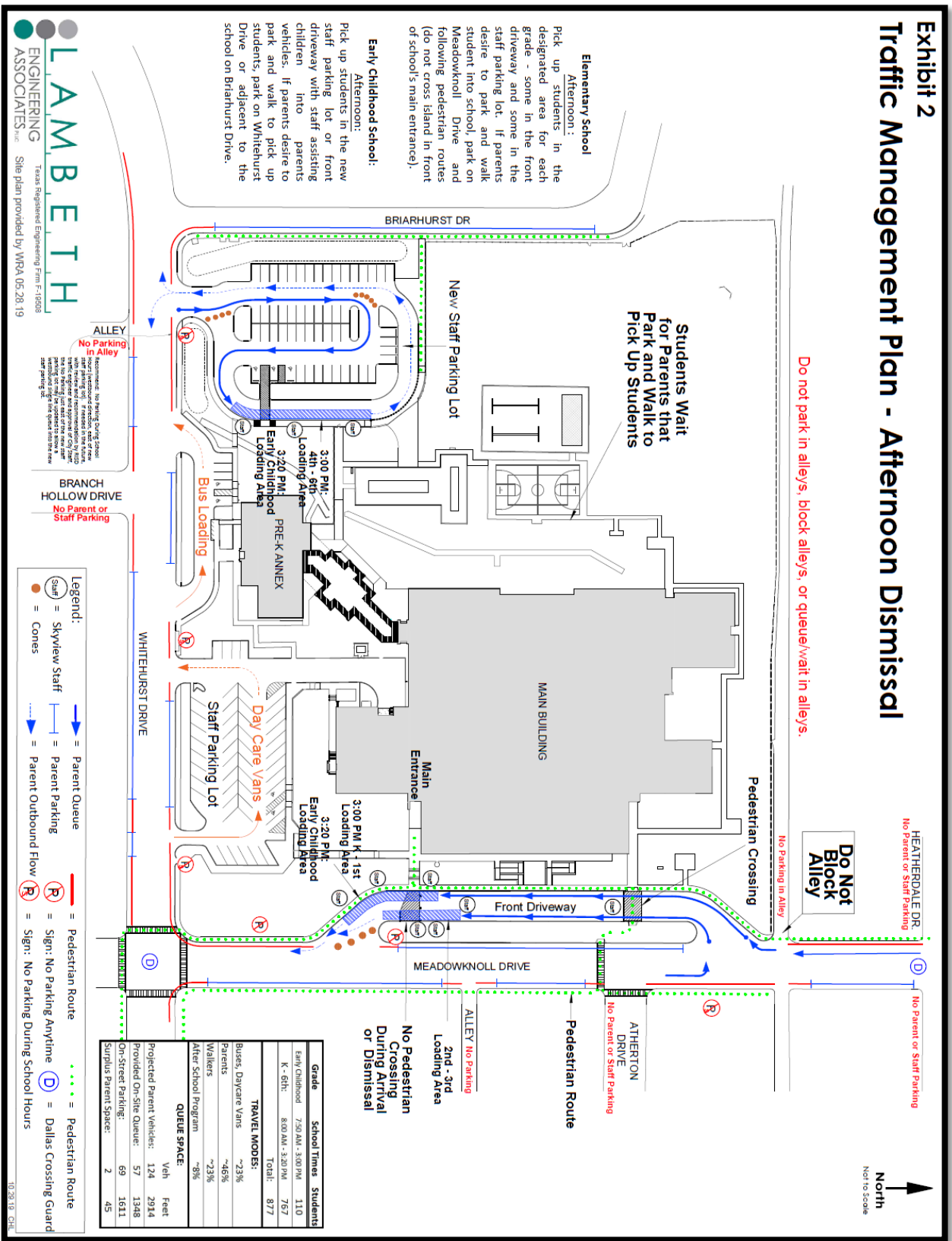


# PROPOSED DEVELOPMENT/LANDSCAPE PLAN



PROPOSED TRAFFIC MANAGEMENT PLAN

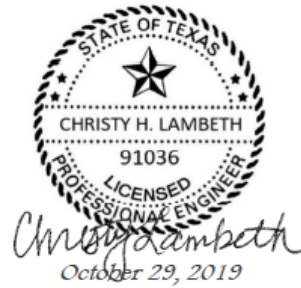
Exhibit 2  
Traffic Management Plan - Afternoon Dismissal



## PROPOSED TRAFFIC MANAGEMENT PLAN



### Traffic Management Plan



**To:** Michael Longanecker, AIA  
Richardson Independent School District

**From:** Christy Lambeth, P.E., PTOE  
Lambeth Engineering Associates, PLLC  
Texas Registered Engineering Firm F-19508

**Date:** October 29, 2019

**Re:** Parking Study and TMP for Skyview Elementary School in Dallas, Texas  
(Lambeth #012DAL)

## Introduction

The services of Lambeth Engineering Associates, PLLC (herein Lambeth) were retained by Richardson Independent School District (RISD) to review the current drop-off and pick-up procedures, and create a traffic management plan (TMP) for Skyview Elementary School (Skyview). Skyview is located at 9229 Meadowknoll Drive, northwest of the Meadowknoll Drive/Whitehurst Drive intersection in the city of Dallas and zoned PD 590.

Skyview currently serves Pre-K through sixth-grade students in the main school building. The Annex Building contained classrooms for the RISD Gifted and Talented (GT) program prior to the 2019-2020 school year; the classrooms will be used for an Early Childhood School for the 2019-2020 school year. On-site parking does not currently satisfy the demand of staff; a new 54-space staff parking lot is planned for construction.

The purpose of the TMP is to ensure safe vehicular and pedestrian circulation during peak morning drop-off and afternoon pick-up periods by reviewing current operations and making recommendations to for both the existing elementary school and the new Early Childhood School families.

The new staff parking lot will relieve the on-street queueing and parking. The TMP is expected to operate well traffic flow well around the school.

## School Description

Skyview currently has 806 students in Pre-K through 6<sup>th</sup>-grade and 127 staff. There are about 767 students dismissed during the afternoon period. No school growth is planned.

School begins at 7:50 AM and classes are dismissed at 3:00 PM. Approximately 23% of the students walk, 13% ride the bus, 10% ride in daycare vans and others are transported by parents. About 8% of the students attend the afterschool program. Approximately 150-200 students stay for tutoring after school on Tuesdays.

The Annex Building, located on Whitehurst Drive, hosted RISD GT students in 3<sup>rd</sup> – 6<sup>th</sup> grades prior to the 2019-2020 school year. These students were bused to/from their homeschool sites; therefore, they



do not create additional traffic during Skyview's arrival/dismissal periods. The GT program had eight (8) RISD staff who parked at Skyview.

Beginning in the 2019-2020 school year, the Annex Building classrooms will be used for the Skyview Early Childhood School. The Early Childhood School is planned to have 137 full-day Pre-K students. Two of the Pre-K classes are in the main elementary building. The Early Childhood School is scheduled to begin at 8:00 AM and be dismissed at 3:20 PM.

There are currently two school buses providing service at Skyview Elementary. At this time, bus transportation is not planned to be provided for the Early Childhood School.

Skyview currently has 69 parking spaces on site, which is not enough to accommodate the current Skyview staff. Therefore, a new 54-space parking lot is being constructed. Existing parking supply is described below.

**Existing Parking Supply:**

- Existing staff lot: 49 spaces
- Annex Parking Lot: 5 spaces
- Front Driveway Visitor Spaces: 15 spaces (available after arrival and before dismissal)

## **Site Access**

The school is bordered by Meadowknoll Drive, Whitehurst Drive, and Briarhurst Drive. The driveways into the school parking lots are located on Meadowknoll Drive and Whitehurst Drive.

Sidewalks are provided on both sides of Meadowknoll Drive, Whitehurst Drive and Briarhurst Drive around the school.

The school zone on Meadowknoll Drive extends from just south of Meadowknoll Drive to Millridge Drive. The school zone on Whitehurst Drive extends from Glen Springs Drive to east of Briarhurst Drive.

A new parking lot is planned to be constructed on the west side of campus to accommodate staff that currently park on street and provide additional on-site queue space for unloading/loading students. The new parking lot will have access on Whitehurst Drive.

# **Traffic Management Plan**

## **Background**

Prior to beginning the project, Lambeth met with the City of Dallas traffic engineering staff<sup>1</sup> to discuss any concerns the City might have with the school. The staff provided Lambeth with a background of the school and recent improvements—including the new all-way STOP and barrier-free ramps—and discussed opportunities to provide more walkable options for the high number of pedestrians. Other than parents blocking the alley north of the school, the staff does not have any specific concerns regarding vehicular queuing.

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<sup>1</sup> On February 28, 2019, Christy Lambeth met with the City of Dallas staff: David Nevarez, Bahman Bahramnejad and Kierra Williams.

Below are notes of observations and recommendations to facilitate traffic flow.

## Observations

Traffic observations were conducted at Skyview Elementary School<sup>2</sup>. As expected, the peak queue and on-street parking occurred during the PM dismissal period. A peak queue of 48 vehicles along with 76 parent vehicles parked on the street was observed for a total of 124 vehicles. This equates to a ratio of 5.9 students per vehicle that were picking up students during the PM peak period. Observation notes are provided in the **Appendix**.

**Table 1** summarizes the peak observed vehicles—both queued and parked—picking up students.

**Table 1. Peak Observed Parent Vehicles**

Vehicles Picking Up Students (Excludes Staff On-street Parking)	Peak Vehicles Observed
Queued Vehicles (In School Driveway and on Meadowknoll)	48
Parked On-street in Front of School (On Meadowknoll and Site Streets)	25
Parked On-street Behind/Next to School (On Whitehurst and Briarhurst)	51
<b>Total Vehicles:</b>	<b>124</b>

## On-Site Recommendations:

Below is a summary of recommendations on site that are also illustrated in the TMP shown in **Exhibit 1** and **Exhibit 2**.

### Recommendations for Elementary School:

#### Elementary School Morning Arrival Period:

- All vehicles should pull forward in the lane adjacent to the school to the designated unloading area and students should unload from only one lane.
- School staff should assist students out of vehicles by opening/then closing doors for them.
- Parents should be prohibited from parking in the drop-off lanes; they must remain in their vehicles and continue pulling forward to the unloading area.
- Parents desiring to park on the street and accompany their child(ren) to the school should use either the northern crosswalk on Meadowknoll Drive or the crosswalk at the Meadowknoll Drive/Whitehurst Drive intersection. If pedestrians cross Meadowknoll Drive between these two locations and come to the area adjacent to the unloading area, they should be directed to cross the school's driveway at the northern crosswalk where a crossing guard will assist them. This will enable vehicles to leave the queue line more promptly since they do not have to wait for crossing pedestrians.

<sup>2</sup> Skyview traffic observations conducted on March 18, 2019 (PM), March 21, 2019 (AM and PM), March 26, 2019 (PM), March 27, 2019 (AM and PM), April 1, 2019 (PM), May 27, 2019 (PM), August 21, 2019 (PM), and September 3, 2019 (PM).





- e. Cones should continue to be placed at the driveway's exit so that motorists turn right out of the school's front driveway.

#### **Elementary School Afternoon Dismissal Period:**

##### Parents Picking Up Students

- a. Parking should be prohibited in the school's driveway from 7:30 AM – 8:30 AM and from 2:00 PM – 4:00 PM. Signs should be posted and the parking lot should be checked at 2:00 PM to ensure that no vehicles are parked in the parallel parking spaces. If there are parked vehicles, they need to be moved.
- b. Currently, K through second grade students (and older siblings) are picked up in the queue lane adjacent to the school, and third- through sixth-grade students are picked up in the queue lane adjacent to the island (located between the school's front driveway and Meadowknoll Drive). After the new parking lot is constructed, it is recommended to consider K through 1<sup>st</sup> grades be picked up in the front driveway adjacent to the school, 2<sup>nd</sup> and 3<sup>rd</sup> grades be picked up in the front driveway adjacent to the island, and 4<sup>th</sup> through 6<sup>th</sup> graders be picked up in the new staff parking lot. The distribution of parents should be validated with the parent information cards before the new parking lot opens and redistributed when necessary.
- c. All students should wait at the front of the driveway near the designated loading areas and not be dismissed at different locations along the entire driveway. School staff should wait with the students and help alert them when their parent is arriving.
- d. Staff should guide parents to continually pull forward into the loading area (and not allow students to load into parents' vehicles outside of the loading area).
- e. Parents should be prohibited from parking in the queue lanes; they must remain in their vehicles and continue pulling forward to the loading area.
- f. School staff should assist students into their vehicles.
- g. School staff should continually remind parents to pull forward and proceed to the loading area.
- h. If additional improvements are needed, a "walkie talkie" system could be implemented with a staff member standing at the entrance of the driveway to announce to another staff member at the loading area the parents who have arrived, who would then use a megaphone to announce that information to the students so that they are in the same order as their parents in the queue line. The queue on Meadowknoll Drive did not last more than 10-15 minutes after dismissal. Therefore, the walkie-talkie/megaphone system will likely not need to be implemented, but it is presented as an option.

##### Pedestrians

- i. School staff should continue to help students to cross at the crosswalk in the northern portion of the school's driveway as well as ensure that parents are not parking, and students are not loading into vehicles outside of the designated loading area.
- j. Parents who want to park and pick up their student(s) should park on Whitehurst Drive, Briarhurst Drive or Meadowknoll Drive and walk to the area behind the school (by the playground) to pick up their student(s).

- k. Students should not be permitted to walk by themselves to/from vehicles parked on the street. Parents should walk up to their student(s) rather than honk to announce their arrival.
- l. Parents who park on Meadowknoll Drive should cross the school's driveway at the northern crosswalk area where a crossing guard will assist them or utilize the crosswalks at the Meadowknoll Drive/Whitehurst Drive intersection. Pedestrians should not be permitted to cross the school's driveway at the loading area. This will enable vehicles to leave the queue line more promptly since they do not have to wait for crossing pedestrians.

#### School Traffic Control

- m. Cones should continue to be placed at the driveway's exit so that motorists are forced to turn right out of the school's driveway on Meadowknoll Drive.
- n. Parents should be reminded not to park within 20 feet of a driveway opening of where No Parking signs are posted so that visibility is not blocked for parents leaving the driveways.

#### City Traffic Control

- o. Parking should be prohibited during school arrival and dismissal on the west side of Meadowknoll Drive between the alley and Heatherdale Drive so that the queued vehicles can form a line on Meadowknoll Drive without blocking through traffic if/when the vehicular queue extends past school driveway.
- p. Parking should be prohibited during school arrival and dismissal hours on the east side of Meadowknoll Drive between Atherton Drive and the alley so that through traffic can continue to navigate along Meadowknoll Drive while vehicles are waiting to turn left into the site. (No Parking Anytime sign is in place, if residences wanted, could be changed to during school hours.)
- q. Parking should be prohibited around the new parking lot entrance as noted on the TMP. If needed in the future and the queue from the new parking lot extends out into the street, with review and recommendation by RISD traffic engineer and approval by City Staff, the No Parking just east of the new parking lot entrance may be used for a westbound, single line queue into the new staff parking lot.
- r. Parents and staff should not park on Branch Hollow Drive, Atherton Drive, Heatherdale Drive or in alleys.

#### Other

- s. Continue to dismiss students in a manner that separates queued vehicles, parents parking, and students walking home.
- t. Continue to have designated loading areas for buses and daycare vans separated from the queue of parents.

#### Recommendations for Early Childhood School:

- 1. Early Childhood Students should be dropped-off/picked up in the new parking lot for students located in the annex building and in the front driveway for students located in the main building.
- 2. The loading area should be a single queue line. The same drop-off/pick-up procedures should be used for the Early Childhood parents – all parents should pull forward to a designated unloading/loading area and staff should assist students exiting/entering vehicles.

3. The Early Childhood School should be dismissed staggered from the elementary school with a minimum of 20 minutes apart so that the new parking lot can also be used for parents picking up both Elementary and Early Childhood students.

#### **Other Recommendations:**

1. Three school buses can be accommodated in the driveway in front of the Annex Building. Even though the Early Childhood School will not provide bus transportation in the 2019-2020 school year, it is recommended that the site continue to be able to accommodate three buses so that an additional bus can be added if/when needed in the future.
2. Daycare vans currently drop off and pick up students in the existing staff parking lot. It is recommended that they continue to utilize this area.

## Summary

This study evaluated Skyview Elementary School's traffic flow and provided recommendations to accommodate the new Early Childhood School, which will be located in the Annex Building that hosted GT classrooms in prior years.

Overall, traffic flows relatively smoothly other than during the first few minutes of the dismissal period when the queue is extended onto Meadowknoll Drive and vehicles are parked on both sides of the street—sometimes blocking through movements for a short time. School is released at 3:00 PM, the on-street queue was dispersed by 3:10 PM and the on-site queue was dispersed by 3:15-3:20 PM.

Recommendations to improve the morning drop-off and afternoon pick-up procedures are provided in this memo. Even with maximizing the queuing process and providing an additional parking lot, parents will still need to be able to park on the street to pick up students. It is recommended that these parents continue to park and walk up to the school to pick up their student(s); students should not be permitted to walk to vehicles parked on the street.

Early Childhood School students should be dismissed at least 20 minutes apart from the Elementary School so that the new parking lot may be used to pick up both the Early Childhood and Elementary students. Providing this queue space will significantly reduce on-street parking during the PM dismissal periods if the queue lines are operated efficiently.

It is recommended that staff assist students exiting/entering their vehicles during arrival and dismissal periods, that parents pull forward to the loading/unloading area, students be unloaded/loaded at one location near the front of the driveway instead of locations along the queue, and that parents not be permitted to park in queue lines during arrival/dismissal times. It is recommended that pedestrians do not cross the queue lines where parents are loading/unloading students.

The new parking lot will relieve both staff on-street parking and parents parking on-street to pick up students. Since the Early Childhood students are being dismissed at a separate time from the Elementary School students, they are not expected to have a significant impact to school traffic once the new parking lot is in place.

After updating the traffic procedures in accordance with these recommendations, the plan should be reviewed and updated promptly if traffic congestion or unsafe movements are present.

Table 2. Queue Summary

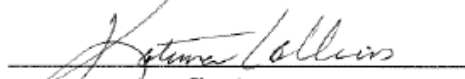
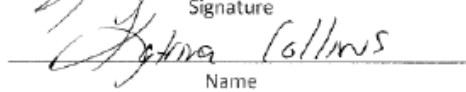
Grade	School Times	Students
Early Childhood	7:50 AM - 3:00 PM	110
K - 6th:	8:00 AM - 3:20 PM	767
Total:		877
TRAVEL MODES:		
Buses, Daycare Vans	~23%	
Parents	~46%	
Walkers	~23%	
After School Program	~8%	
QUEUE SPACE:		
	Veh	Feet
Projected Parent Vehicles:	124	2914
Provided On-Site Queue:	57	1348
On-Street Parking:	69	1611
Surplus Parent Space:	2	45

**REVIEW AND COMMITMENT**

The school traffic management plan for Skyview Elementary School was developed with the intent of optimizing safety and accommodating vehicular traffic queues generated during school peak hours. A concerted effort and full participation by the school administration are essential to maintain safe and efficient traffic operations.

By consent of this TMP submittal, the school administration agrees to the strategies presented herein for which the school is held responsible unless the City of Dallas deems further measures are appropriate.

The school is also committed to continually review and assess the effectiveness of this plan and if warranted, implement changes in the interest of increasing safety and minimizing impacts on the surrounding community.

  
 Signature  
  
 Name

9/25/2017  
 Date  
 Principal  
 Title

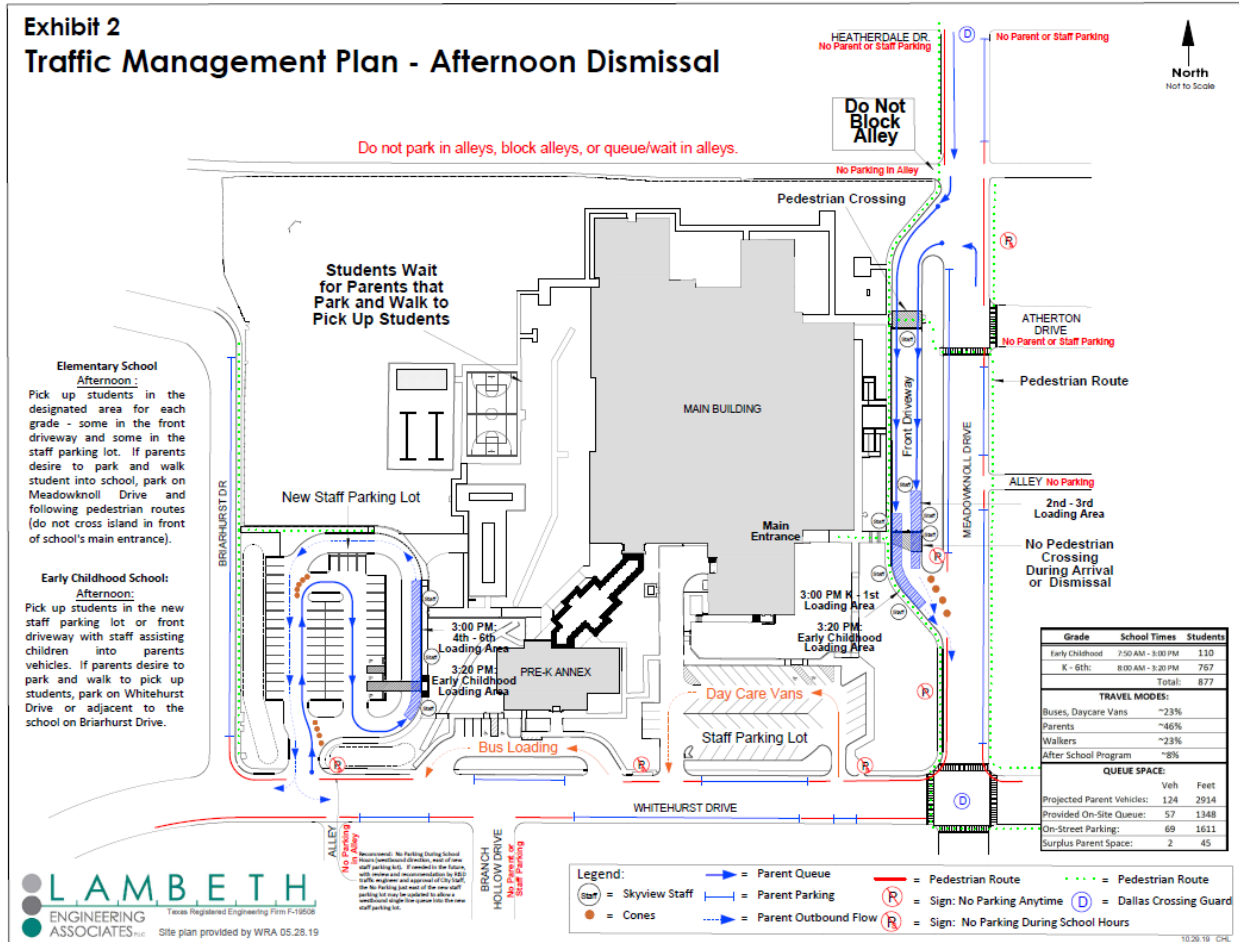
**END**





## Exhibit 2

## Traffic Management Plan - Afternoon Dismissal



# Appendix

## Queue Space

Location	Linear Feet	Provided Queue (Vehicles)	On-Street Parking (Vehicles)
Front Driveway			
Outer Lane	340	14	
Inner Lane	436	19	
New Parking Lot			
Inside Parking Lot	572	24	
Meadowknoll Dr.			
W. Side, Adjacent to Front Driveway	287		12
E. Side, South of Heatherdale, North of Alley	103		4
E. Side, South of Atherton and North of Alley	88		4
E. Side, North of Whitehurst Dr., South of Alley	235		10
Whitehurst Dr.			
N. Side, Adjacent to Staff Lot	106		5
N. Side, Adjacent to Annex Lot	90		4
S. Side, West of Meadowknoll, East of Branch Hollow	251		11
S. Side, West of Branch Hollow, East of Alley	69		3
Briarhurst Dr.			
Adjacent to School	382		16
<b>Subtotal:</b>	<b>2,959</b>	<b>57</b>	<b>69</b>
<b>Total:</b>		<b>126</b>	
<b>Projected Queue Demand For Elementary School:</b>		<b>124</b>	
<b>Surplus Queue/On-Street Parking :</b>		<b>2</b>	

**School Times:**Elementary (K- 6<sup>th</sup>): 7:50 AM – 3:00 PM

Early Childhood (Full Day Pre-K): 8:00 AM – 3:20 PM

**Enrollment:**Elementary School: 727 K-6<sup>th</sup>

Early Childhood School (Pre-K): 137



### On-Site Observations/Recommendations:

Below are observations and recommendations directly relating the school's current traffic management.

1. Students were polite and respectful. Students who walked home left the campus walking together—not running or acting disrespectfully. For the most part, the students followed the directions of the crossing guard.
2. The staff carefully watched over and were engaged with the students.
3. The school driveway on Meadowknoll Drive was primarily used for two queue lanes plus a middle “escape” lane. The parallel parking spaces are used for the second queue lane during afternoon pick-up period. A peak of 48 vehicles was observed queued both on the site and waiting to enter the front driveway queue line. Some afternoons it was observed that vehicles were still parked in the parallel parking spaces, creating difficulty maneuvering through the driveway during the pick-up process.
4. Many parents pulled into the driveway, parked their vehicle, and got out to help their student out of/into the vehicle. *TMP recommends staff assist students into/out of vehicles and parents remain in vehicles.*
5. Some grades were dismissed at the northern and middle sections of the driveway causing parents to navigate into/out of the middle lane to reach their destination point and pick up their child(ren). *TMP recommends all students be picked up in designated loading areas.*
6. Two Skyview staff were present in the front driveway during arrival and dismissal periods to primarily facilitate pedestrians crossing the driveway and sometimes control the traffic flow.
7. Students were dismissed at the back of the school for those parents who parked on the street and walked to pick up students. A peak of 76 parked vehicles was observed of parents picking up their student(s) in this manner.
8. Vehicles were parked in front of the school on Meadowknoll Drive and the side streets off of Meadowknoll to pick up students who were waiting in front of the school to be picked up in the carpool line. *New staff parking lot will provide additional on-site queue space. Implementing TMP recommendations to expedite queue lanes will help queue to disperse more quickly. The combination of these items is expected to alleviate parents parking on these side streets.*
9. A peak of 51 vehicles were parked behind/south of school on Whitehurst and Briarhurst.
10. Some parents parked on the west side of Meadowknoll Drive, just north of the front driveway. This makes it difficult to have clear visibility of oncoming traffic for exiting vehicles. *TMP recommends No Parking allowed here, enforce existing signs.*
11. Buses pick up in front of the building on Whitehurst Drive and daycare vans pick up in the staff parking lot on Whitehurst Drive.
12. The queue extended from the front driveway onto Meadowknoll Drive for a short time period. During this time, vehicles blocked the alley north of the school. Vehicles were also parked on Meadowknoll north of the front driveway. *TMP recommends prohibiting parking north of the school's front driveway so that queued vehicles do not block traffic flow.*
13. On-street queue from the front driveway was generally dispersed by 3:10.
14. Queue in front driveway was dispersed by 3:15 - 3:20.



### Off-Site Observations/Recommendations<sup>3</sup>:

Skyview neighbors brought up several traffic and safety concerns. For reference, below are observations and recommendations.

#### A. Meadowknoll Drive/Whitehurst Intersection:

1. The crossing guard facilitating pedestrians should remain in place at the Whitehurst Drive/Meadowknoll Drive intersection during the arrival and dismissal periods.

#### B. Meadowknoll Drive/Forest Springs Drive Intersection:

1. Request that the City provide a crossing guard at the Meadowknoll Drive/Forest Springs Drive intersection to guide the 127 students that were observed walking through this intersection—many of which were unaccompanied by an adult.
  - In June 2019, the City of Dallas approved a crossing guard to be provided at the Meadowknoll Drive/Forest Springs intersection and the crossing guard is now in place.
2. Request that the City install a pedestrian crossing sign in advance of the Meadowknoll Drive/Forest Springs intersection to the north (to alert southbound vehicles).
  - City is evaluating.
3. Request that the City extend the Meadowknoll Drive School Zone through Forest Springs Drive due to the high number of pedestrians crossing the street and southbound vehicular speeds. Consideration should also be given to reducing the length of time the school zone is in effect. Lambeth understands that this would create a school zone that is longer than the City's preferred length. However, there were many young students observed crossing the street and southbound vehicles were driving faster than desired for pedestrians crossing (a speed study was not conducted; however, southbound vehicles were observed stopping abruptly to allow pedestrians to cross and upcoming vehicles were not prepared for a prompt stop).
  - City of Dallas will consider evaluating the speed issue on Meadowknoll after the new crossing guards are in place.
  - City is aware of speeds and requested evaluation.
4. Request that the City add a barrier-free ramp on Meadowknoll for pedestrians crossing to/from Forest Spring Drive to accommodate parents with strollers and pedestrians needing a ramp for accessibility.
  - A barrier free ramp is planned to be installed by the City of Dallas.

#### C. Meadowknoll Drive/Heatherdale Drive Intersection:

1. It is preferable for all students to cross Meadowknoll Drive at one point. However, when a crossing guard is not present at Heatherdale Drive to remind them to continue to Forest Springs Drive, it is natural that they desire to cross beforehand when they think there are appropriate gaps in traffic. Young children, however, are not able to safely make this decision. Therefore, it is recommended that the City provide a crossing guard on Meadowknoll Drive at Heatherdale Drive as well as at the crosswalks and barrier-free ramps.
2. If a crossing guard is provided at only Heatherdale Drive and not at Forest Springs Drive, unaccompanied elementary students will likely cross Meadowknoll Drive prior to reaching

<sup>3</sup> Lambeth assisted Ms. Collins, Skyview Elementary Principal, in requesting the City of Dallas to implement the above off-site improvements. Request initially submitted to the City on April 25, 2019.



Heatherdale Drive during the morning period. Therefore, it is recommended that a crossing guard be provided on Meadowknoll Drive at both Heatherdale Drive and Forest Springs Drive.

- In June 2019, the City of Dallas approved a crossing guard to be provided at the Meadowknoll Drive/ Heatherdale Drive and Meadowknoll Drive/Forest Spring Drive intersections. Crossing guards are now in place.

**D. Meadowknoll Drive/Millridge Drive Intersection:**

1. It was observed during the afternoon period that approximately 74 of the 127 students walking from the school to reach Forest Springs Drive crossed Meadowknoll Drive prior to reaching Forest Springs Drive. Many were also observed crossing near Millridge Drive. Therefore, a crossing guard should be provided at Meadowknoll Drive/Millridge Drive if the City does not provide a crossing guard on Meadowknoll Drive/Heatherdale Drive.
  - In June 2019, the City of Dallas approved a crossing guard to be provided at the Meadowknoll Drive/ Heatherdale Drive intersection and a crossing guard is now in place.

**E. Forest Springs/Timberleaf Drive:**

1. Request that the City install crosswalks at the following locations.
  - a. Crossing Forest Springs Drive: North of the alley and just south of the pedestrian gate to the apartments
  - b. Crossing Timberleaf Drive: On the east side of Forest Springs Drive
2. Request that the City install barrier-free ramps at the crosswalk locations noted above and at the alley intersecting with Forest Springs Drive in order to accommodate parents walking with strollers and pedestrians needing accessibility.
  - Barrier free ramps are being installed at time of this TMP update (October 28, 2019). Crosswalks should be installed after BFRs are in place.

**F. Whitehurst Drive/Arbor Park Drive Intersection:**

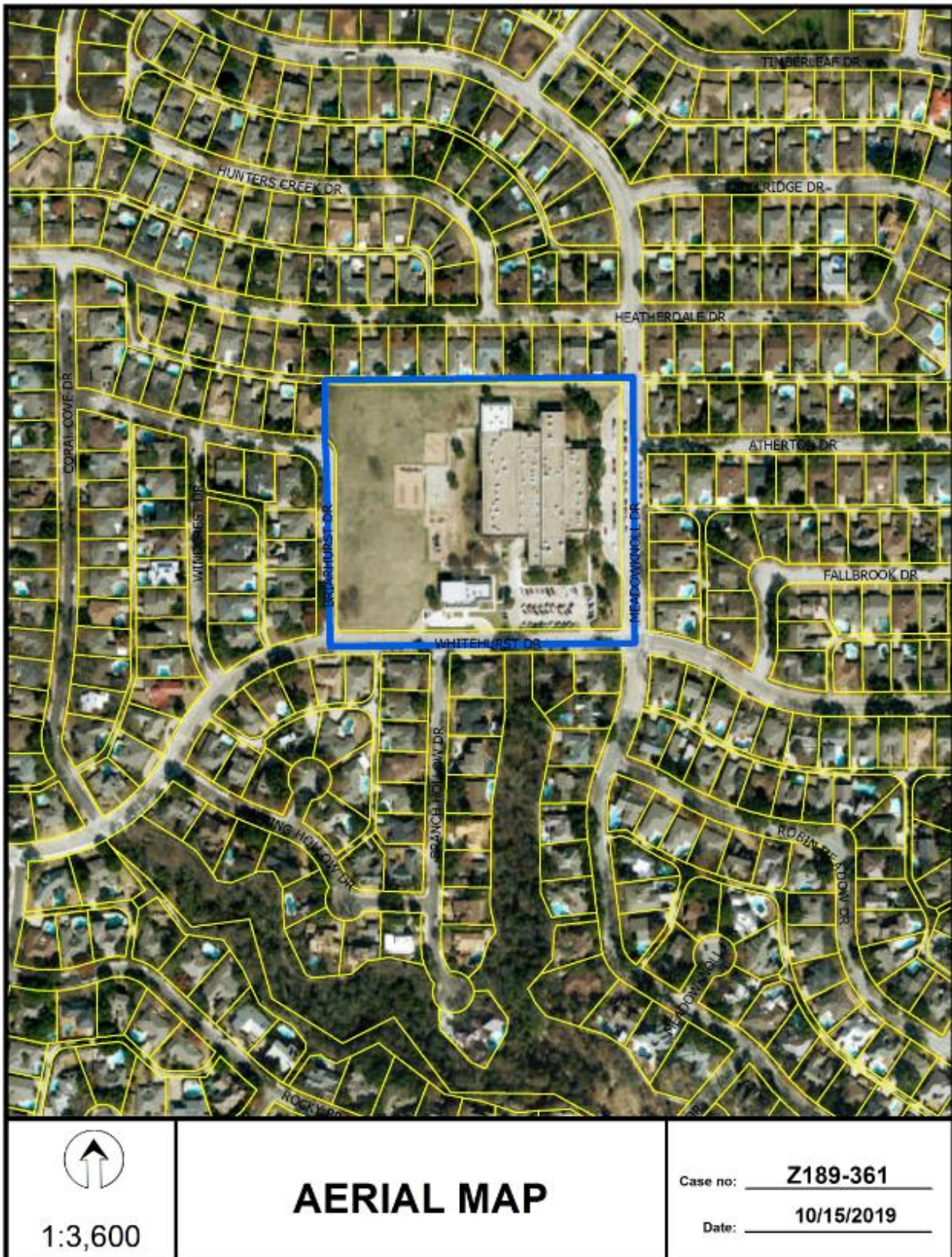
1. Request that the City evaluate providing a crossing guard for the 40 students that were observed on Whitehurst Drive crossing Arbor Park Drive. The intersection has a four-way STOP and traffic volumes were very low; however, students observed were walking through the intersection without properly watching for vehicles, and many students were unsupervised.
  - In June 2019, the City of Dallas approved a crossing guard to be provided at the Whitehurst Drive/ Arbor Park Drive intersection and the crossing guard is now in place.

**G. Meadowknoll/Alley north of School:**

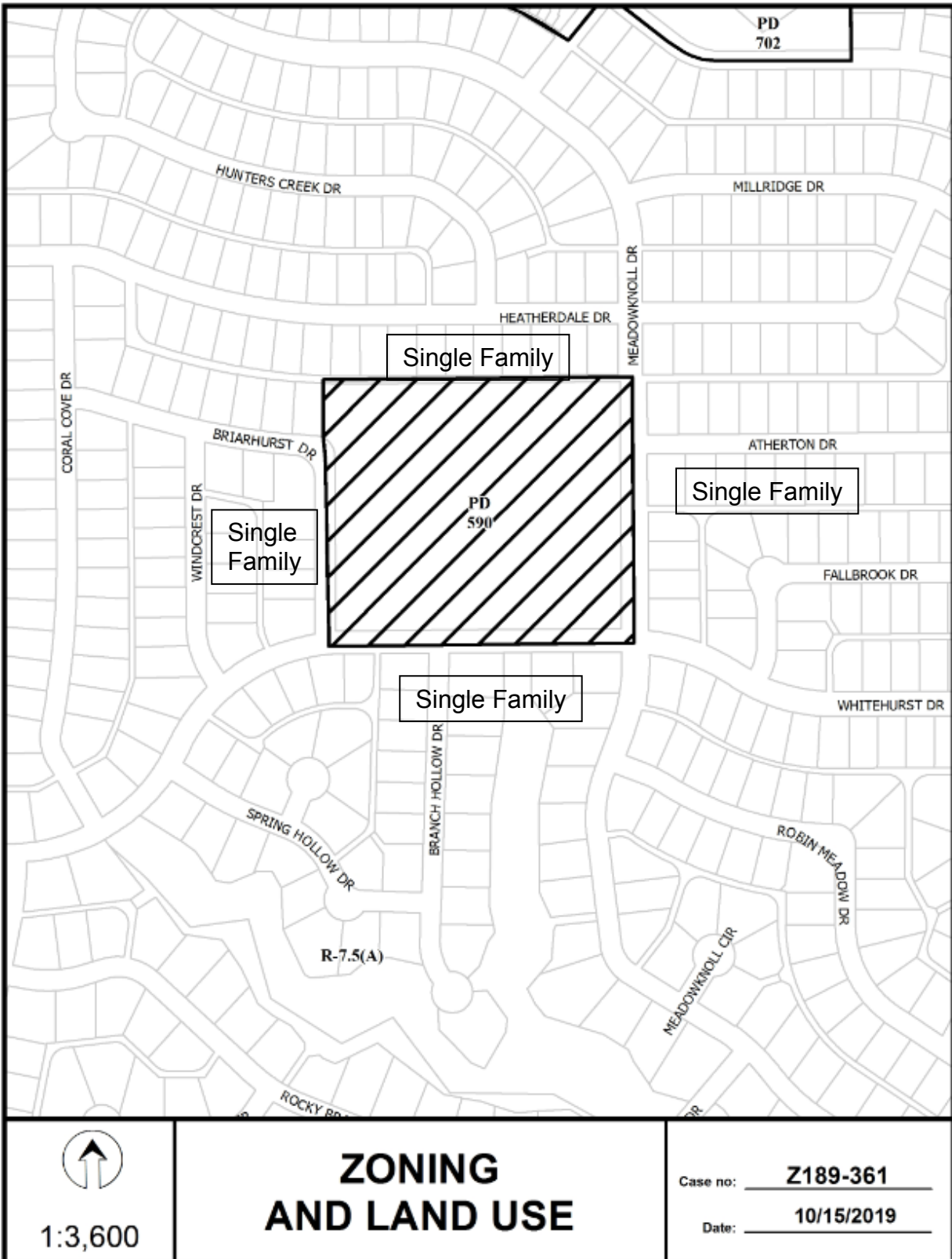
1. Request the City install a sign north of the alley prohibiting blocking the alley.
  - Requested in April and July 2019. No Parking signs are in place at this location.

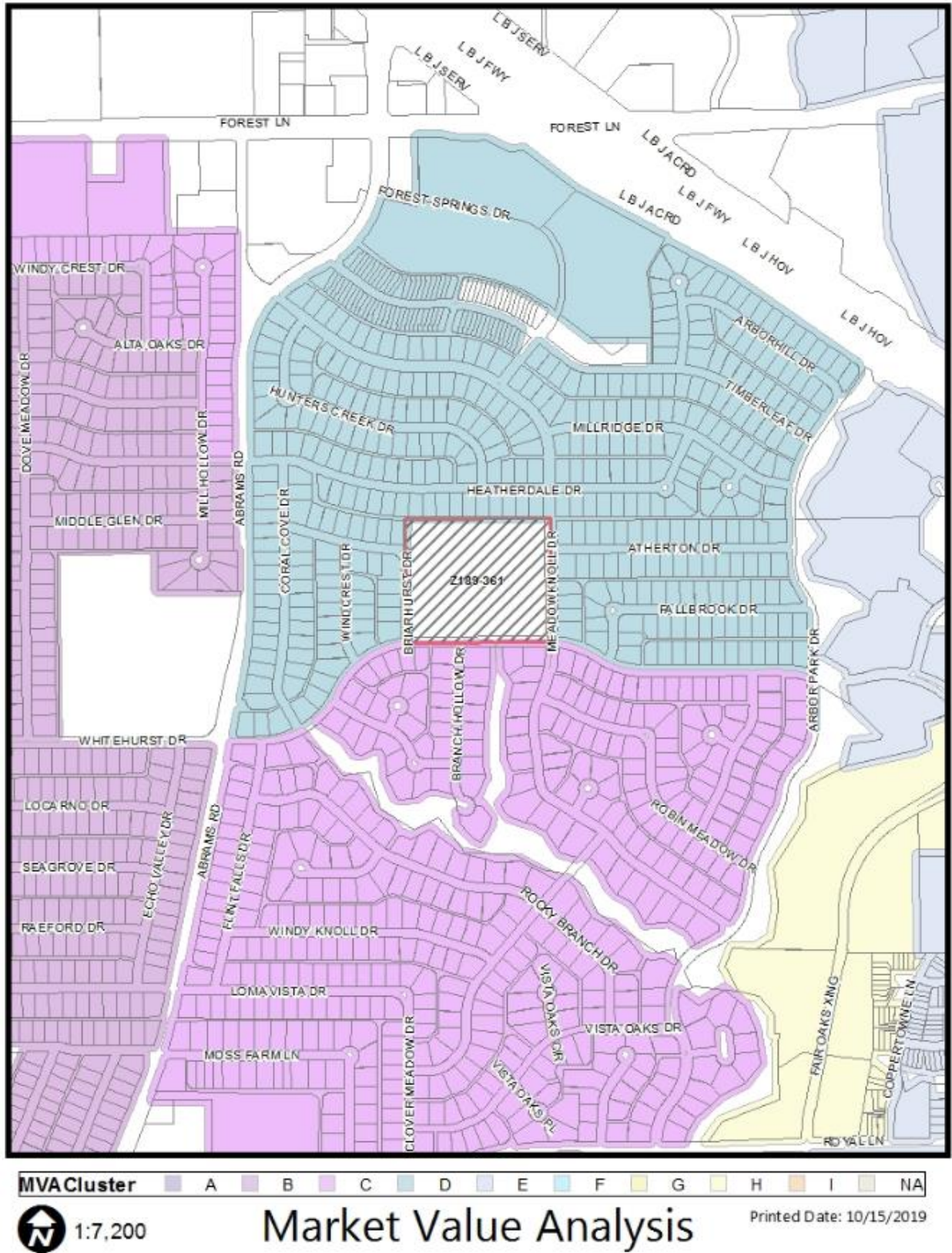




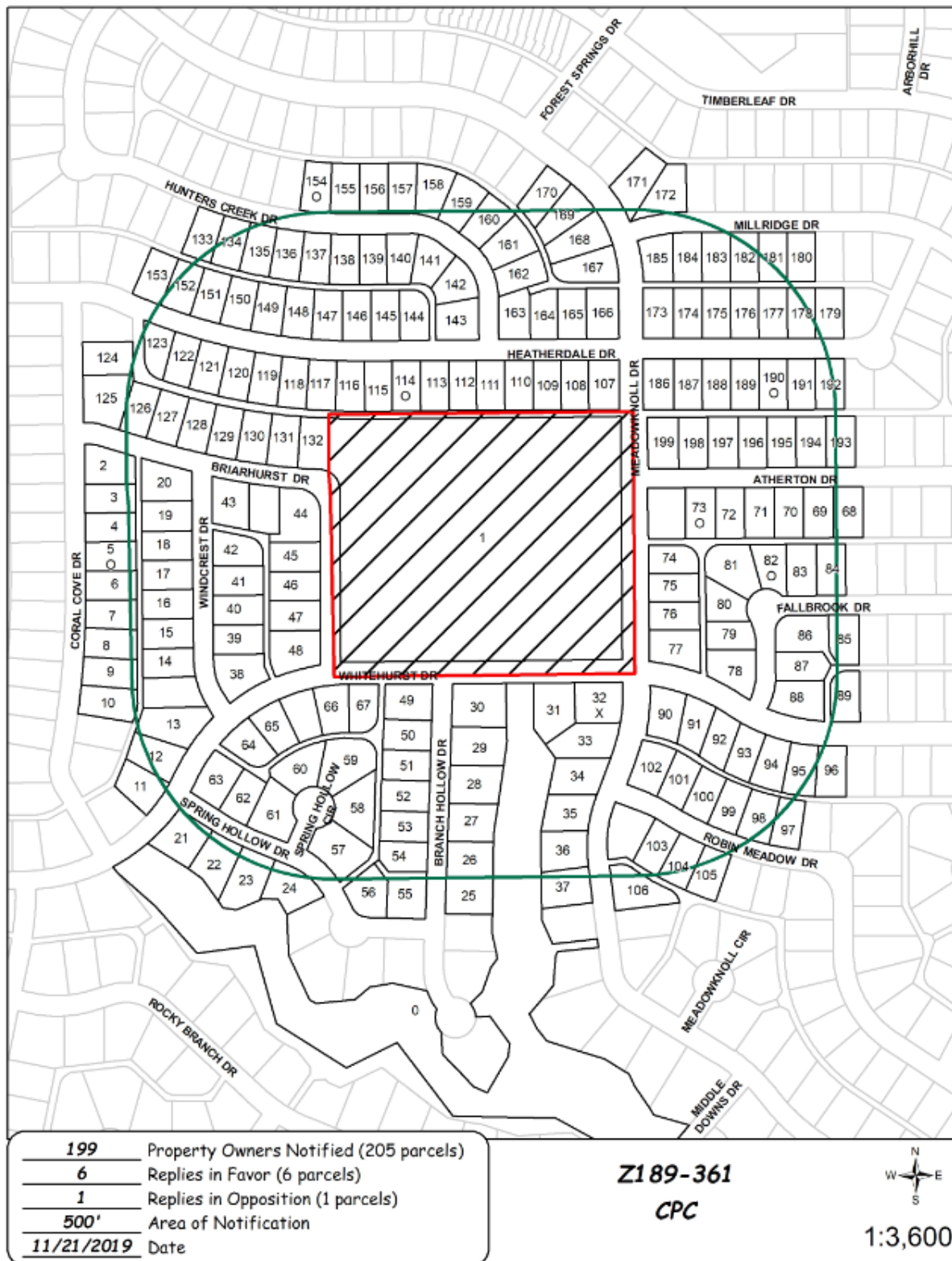








## CPC Responses





11/20/2019

***Reply List of Property Owners******Z189-361******199 Property Owners Notified    6 Property Owners in Favor    1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	9229 MEADOWKNOLL DR	RICHARDSON ISD
	2	9230 CORAL COVE DR	HOSSLER BEAU E JR
	3	9224 CORAL COVE DR	MCCRARY ANN K & RONALD L
	4	9218 CORAL COVE DR	PAULSEN JOAN
O	5	9212 CORAL COVE DR	CONNER THOMAS S &
	6	9142 CORAL COVE DR	GLASSON MARY HARRIET
	7	9136 CORAL COVE DR	SELLERS VALLI &
	8	9130 CORAL COVE DR	DARBY HOWARD E
	9	9124 CORAL COVE DR	POLVADO WENDI
	10	9118 CORAL COVE DR	KEY COURTNEY
	11	9435 WHITEHURST DR	LEDFOORD H BENNY
	12	9441 WHITEHURST DR	TIDWELL KATRINA
	13	9447 WHITEHURST DR	SOTO HENRIETTA
	14	9117 WINDCREST DR	THORNE ADRIANNE E & DAVID R MORROW
	15	9123 WINDCREST DR	ROBINSON RICHARD C ETAL
	16	9129 WINDCREST DR	SOLIS MICHAEL R & ROBBIN R
	17	9135 WINDCREST DR	CONNOLLY STEVEN M &
	18	9211 WINDCREST DR	WOOD PETER A &
	19	9217 WINDCREST DR	MOIOLA RICHARD J
	20	9223 WINDCREST DR	HICKEY MATTHEW A &
	21	9402 SPRING HOLLOW DR	PARKER LANCE & TIJANA N
	22	9408 SPRING HOLLOW DR	DOGGER ALLEN J TR &
	23	9414 SPRING HOLLOW DR	RATLIFF JAMES BRETT &
	24	9428 SPRING HOLLOW DR	STRINGER PETER J &
	25	9102 BRANCH HOLLOW DR	KEOUN DIANE
	26	9108 BRANCH HOLLOW DR	GAISFORD NORMA C LIFE EST

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	9114	BRANCH HOLLOW DR MOSS MARILYN S
	28	9120	BRANCH HOLLOW DR FALCO JOHN MAWDSLEY &
	29	9126	BRANCH HOLLOW DR HARRIS ELLIOTT & MEREDITH
	30	9132	BRANCH HOLLOW DR BARAB STUART & ANNE
	31	9494	WHITEHURST DR LITTRELL SHERI CRAVENS & VAN P
X	32	9117	MEADOWKNOLL DR SANDERS NITA
	33	9109	MEADOWKNOLL DR BROWN HUBBERT GLEN
	34	9103	MEADOWKNOLL DR EVERETT GARY L & CAROL L
	35	9049	MEADOWKNOLL DR PECK WILLIAM F & ELOISE G
	36	9045	MEADOWKNOLL DR ARAGONA ANTHONY J
	37	9041	MEADOWKNOLL DR BROWND ROBERT N II&
	38	9100	WINDCREST DR HOVEY DAVID MARCUS &
	39	9118	WINDCREST DR LILAND AMBER L
	40	9124	WINDCREST DR COALSON DAMON L &
	41	9130	WINDCREST DR KIDDER ROBERT BRUCE &
	42	9212	WINDCREST DR GORE CYNTHIA ELLEN
	43	9353	BRIARHURST DR MERRITT WENDELL C III T & CHERYLLYNN
	44	9235	BRIARHURST DR KINARD MATTHEW M & SARAH W
	45	9229	BRIARHURST DR DARDEN DIANA R & CHRISTOPHER M
	46	9223	BRIARHURST DR WILLIAMS CYNTHIA JILL
	47	9217	BRIARHURST DR KAZEROONIAN SHAHIN TAJ
	48	9211	BRIARHURST DR COKER MICHAEL W & ANDREA L
	49	9127	BRANCH HOLLOW DR COPELAND STANLEY R &
	50	9123	BRANCH HOLLOW DR LADEWIG JASON
	51	9119	BRANCH HOLLOW DR JOHNSON ROBERT S JR &
	52	9115	BRANCH HOLLOW DR HARLAN RAYMOND D
	53	9111	BRANCH HOLLOW DR HAYMAN L WAYNE &
	54	9107	BRANCH HOLLOW DR SMITH JAMES & JOYCE
	55	9445	SPRING HOLLOW DR PARMA WESLEY E
	56	9435	SPRING HOLLOW DR MARGOLIS RENATE
	57	9427	SPRING HOLLOW CIR JCCH TRUST

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	9423 SPRING HOLLOW CIR	OBRIEN TERRENCE & MARY K
	59	9419 SPRING HOLLOW CIR	MOORE RUSSELL & HEIDI
	60	9415 SPRING HOLLOW CIR	NEATHERY CHARLES M
	61	9409 SPRING HOLLOW CIR	SEWELL VIRGIL L & JANE H
	62	9405 SPRING HOLLOW DR	WILLIAMS CINDY S
	63	9401 SPRING HOLLOW DR	GIRTON KENNETH W &
	64	9442 WHITEHURST DR	WILLIAMS DEEDRA S
	65	9448 WHITEHURST DR	WILSON LARRY W
	66	9458 WHITEHURST DR	FANTINI NICHOLAS & JENNIFER
	67	9464 WHITEHURST DR	ESSLEY DAVID D EST OF &
	68	9630 ATHERTON DR	SCHONWALD KERRY &
	69	9624 ATHERTON DR	CAVENDER NATHANIEL D &
	70	9618 ATHERTON DR	SWIMM TRACY &
	71	9612 ATHERTON DR	LEMONS BARBARA K
	72	9566 ATHERTON DR	FLOREY LYNETTE
O	73	9560 ATHERTON DR	FINCHER CHARLES J
	74	9230 MEADOWKNOLL DR	EDWARDS ELIZABETH A
	75	9224 MEADOWKNOLL DR	WERTHER KATHLEEN FARLEY
	76	9218 MEADOWKNOLL DR	BROWN AMY L
	77	9212 MEADOWKNOLL DR	ARNOLD ALVIN B
	78	9511 FALLBROOK DR	WALLING DAVID CRAIG JR
	79	9517 FALLBROOK DR	CARTER JOHN H & JENNIFER W
	80	9523 FALLBROOK DR	FAVOUR DONNA
	81	9529 FALLBROOK DR	BURDS ROBERT F
O	82	9611 FALLBROOK DR	HYLAND DELONNA E
	83	9617 FALLBROOK DR	FELTENBERGER JAMES C &
	84	9623 FALLBROOK DR	NEWTOWN JOSEPH C & TERESA M
	85	9624 FALLBROOK DR	COUGHLIN THOMAS J &
	86	9618 FALLBROOK DR	LENEVEU DIANN MARIE
	87	9518 FALLBROOK DR	PEELER LAWRENCE F &
	88	9512 FALLBROOK DR	BRADY DAVID DEAN &

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	9617 WHITEHURST DR	WHITE JON B &
	90	9512 WHITEHURST DR	SHOCKLEY MICAH & MEAGEN
	91	9518 WHITEHURST DR	KUHNER CHRISTOPHER &
	92	9524 WHITEHURST DR	MAHONEY SHANNON R & PETER A KUPFER
	93	9530 WHITEHURST DR	CASTRO STANLEY T
	94	9612 WHITEHURST DR	SCHUTTNER KIMBERLY
	95	9618 WHITEHURST DR	ESTES JOE LYNN & CATHY D
	96	9624 WHITEHURST DR	ZETTERHOLM BERT & AMPARO
	97	9523 ROBIN MEADOW DR	COUCH VERNON E & CATHERINE D
	98	9519 ROBIN MEADOW DR	WEBB STEPHEN M & TONI S
	99	9515 ROBIN MEADOW DR	CARTER RYAN CLAY &
	100	9511 ROBIN MEADOW DR	FARRELL MICHAEL & REBEKAH
	101	9507 ROBIN MEADOW DR	SKINNER STEPHEN D &
	102	9503 ROBIN MEADOW DR	TANOURY KENNETH
	103	9506 ROBIN MEADOW DR	GREEN LISA & BENJAMIN
	104	9510 ROBIN MEADOW DR	THOMAS MAXIE K
	105	9514 ROBIN MEADOW DR	SHIFLETTE ELISA M
	106	9034 MEADOWKNOLL DR	APPLEQUIST CHRISTOPHER
	107	9466 HEATHERDALE DR	TENPENNY STEPHEN &
	108	9460 HEATHERDALE DR	DOUTHIT DAVID W & MARY
	109	9454 HEATHERDALE DR	ALBAIDI AHMED M
	110	9448 HEATHERDALE DR	DEBUSK ANGELA LYNN
	111	9442 HEATHERDALE DR	GOODALL JARRED M & CHEREE D
	112	9436 HEATHERDALE DR	HUGHES SANDRA
	113	9430 HEATHERDALE DR	OWEN RICHARD D
O	114	9424 HEATHERDALE DR	MITCHELL HAZLE I
	115	9418 HEATHERDALE DR	OCONNOR CHRISTOPHER A
	116	9412 HEATHERDALE DR	DUFFY RANDY A & KORTNIE
	117	9406 HEATHERDALE DR	WILLARD BRETT S & POLLY T
	118	9362 HEATHERDALE DR	POKLADNIK CHARLES & ROBIN
	119	9358 HEATHERDALE DR	ACKELS HANNAH M & JOSEPH E JR

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	9352	HEATHERDALE DR	WALLACH ELICIA A
121	9348	HEATHERDALE DR	BRYANT KEVIN F & ALISON N
122	9342	HEATHERDALE DR	PENDLETON TOM E & DEBRA S
123	9336	HEATHERDALE DR	CAMPBELL JORDAN CHRISTIAN & KATHRYN TAYLOR
124	9324	CORAL COVE DR	MONROE JENNIFER & MATTHEW
125	9312	CORAL COVE DR	WATTERSON BLAKE & CASEY
126	9376	BRIARHURST DR	KRUEGER D EDWARD & ASHLEY
127	9370	BRIARHURST DR	MCWHORTER DAVID R &
128	9364	BRIARHURST DR	BEDENKOP GREGORY S &
129	9358	BRIARHURST DR	EVERHEART JAMES R
130	9352	BRIARHURST DR	ARKFELD MICHAEL E & KELLY A
131	9346	BRIARHURST DR	RODRIGUEZ IVAN PATRICIO & MARIA ELENA SANCHEZ
132	9340	BRIARHURST DR	ROACH ADAM B & JULIA C
133	9374	HUNTERS CREEK DR	STEBBINS MARTHA E &
134	9380	HUNTERS CREEK DR	SEELEY PETER C & ELINOR
135	9386	HUNTERS CREEK DR	STANFORD ADAM DAVID
136	9392	HUNTERS CREEK DR	KENNEDYBATTLE DANNIELLE
137	9406	HUNTERS CREEK DR	ODELL BRAD M &
138	9412	HUNTERS CREEK DR	TRAN DANIEL & DENISE
139	9418	HUNTERS CREEK DR	SIMMONS CAMISHA LASHUN
140	9424	HUNTERS CREEK DR	RIGGINS JASON &
141	9432	HUNTERS CREEK DR	FRENKEL SCOTT B III
142	9442	HUNTERS CREEK DR	GUARINO CARMINE & ADRIANNE
143	9450	HUNTERS CREEK DR	SODEK LIVING TRUST
144	9427	HEATHERDALE DR	MAYES C ROBERT &
145	9421	HEATHERDALE DR	WELLS SEAN D
146	9415	HEATHERDALE DR	MILLS MELANIE E
147	9407	HEATHERDALE DR	HILL KRYSTA MICHELLE
148	9363	HEATHERDALE DR	ESKRIDGE ANDREW THOMAS &
149	9357	HEATHERDALE DR	KIRKPATRICK KEITH L &

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	150	9351 HEATHERDALE DR	SMITH LARRY P &
	151	9345 HEATHERDALE DR	MANTROM ELEANOR N
	152	9339 HEATHERDALE DR	BRUCK SUSAN E
	153	9333 HEATHERDALE DR	WOODSON SARA J
O	154	9405 HUNTERS CREEK DR	CHILIAN RONALD D &
	155	9411 HUNTERS CREEK DR	CONDER KYLE
	156	9419 HUNTERS CREEK DR	LANTZ JOHN CHRISTOPHER &
	157	9425 HUNTERS CREEK DR	MILES TONY &
	158	9431 HUNTERS CREEK DR	ALLEN OSCAR W &
	159	9435 HUNTERS CREEK DR	DIAZ ROLDAN III &
	160	9441 HUNTERS CREEK DR	RASHTI JEANETTE AUGUSTA
	161	9445 HUNTERS CREEK DR	BUNDREN JOHN
	162	9449 HUNTERS CREEK DR	MORRIS LUCAS J
	163	9447 HEATHERDALE DR	ACCIARDO RAYMOND & ESTELA
	164	9453 HEATHERDALE DR	LAMBLUNSFORD GLENNA LIVING
	165	9459 HEATHERDALE DR	WILSON RICHARD D
	166	9465 HEATHERDALE DR	STEINBAUER MARTHA J
	167	9331 MEADOWKNOLL DR	JAQUA JOYCE
	168	9339 MEADOWKNOLL DR	MITCHELL R L
	169	9407 MEADOWKNOLL DR	GUTIERREZ JOSE JR & RACHEL K
	170	9415 MEADOWKNOLL DR	GRAYSON KATHERINE M
	171	9342 MEADOWKNOLL DR	WILEY JEREMY P &
	172	9507 MILLRIDGE DR	PECHT JENNIFER &
	173	9507 HEATHERDALE DR	HARRIS JUSTIN
	174	9515 HEATHERDALE DR	ABEL DEREK
	175	9521 HEATHERDALE DR	PRINE REBECCA A
	176	9527 HEATHERDALE DR	COBB ERIC M & ROBYN M
	177	9535 HEATHERDALE DR	WIRTH DAVID D
	178	9543 HEATHERDALE DR	LUCERN ASSETS LLC
	179	9551 HEATHERDALE DR	VENUTO JOHN & ALLISON
	180	9544 MILLRIDGE DR	MCKIBBIN JAMES & DOLORES
	181	9536 MILLRIDGE DR	HESS DAVID K & KELLY C

11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	9528 MILLRIDGE DR	RUZO ANDRES
	183	9522 MILLRIDGE DR	MCGUIRE JIM & GAY
	184	9514 MILLRIDGE DR	BRITTON EMILY LYNN
	185	9506 MILLRIDGE DR	WALSH JAMES D & PAMELA J
	186	9506 HEATHERDALE DR	SKINNER ROBERT P &
	187	9514 HEATHERDALE DR	KRONBECK ARLAN P
	188	9522 HEATHERDALE DR	GARCIA JEFFREY A & LAURA W
	189	9528 HEATHERDALE DR	REED MARK & CLAUDIA RAMIREZ
O	190	9536 HEATHERDALE DR	NOEL JULIAN R JR &
	191	9544 HEATHERDALE DR	BATTS RONALD N & MARTHA HOLLYDAY
	192	9552 HEATHERDALE DR	ROBLEDO ANTHONY & BERTHA
	193	9629 ATHERTON DR	PACHECO FERNANDO A &
	194	9623 ATHERTON DR	LEBLANC RAYMOND A & ALISON M
	195	9617 ATHERTON DR	EVILSIZER RICHARD L & LOU A
	196	9611 ATHERTON DR	WEST DAVID L &
	197	9565 ATHERTON DR	SARGENT JAMES M SR
	198	9559 ATHERTON DR	MILLER JOE ZACHARY & REBECCA L
	199	9553 ATHERTON DR	POLEMENAKOS CHRISTOS A & LORIE A



## Agenda Information Sheet

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**File #:** 19-2018  
Z16.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 12  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an animal shelter or clinic without outside runs use on property zoned Tract 6A within Planned Development District No. 170, on the southwest corner of Preston Road and Lloyd Drive

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Z189-364(SM)



ACM: Majed Al-Ghafry

**FILE NUMBER:** Z189-364(SM) **DATE FILED:** September 25, 2019**LOCATION:** Southwest corner of Preston Road and Lloyd Drive**COUNCIL DISTRICT:** 12 **MAPSCO:** 5 C**SIZE OF REQUEST:** Approx. 4.25 acres **CENSUS TRACT:** 317.17**REPRESENTATIVE:** Shinpei Kuo, CDS Development**APPLICANT:** Paws North Preston Lloyd PLLC dba Vetsavers Pet Hospital**OWNER:** Preston Lloyd Shopping Center Dallas TX LLC**REQUEST:** An application for a Specific Use Permit for an animal shelter or clinic without outside runs use on property zoned Tract 6A within Planned Development District No. 170.**SUMMARY:** The purpose of the request is to open a pet hospital within an approximately 3,300-square-foot suite in a multi-tenant building that was previously occupied by a dog day-care, which was 13,040 square feet. Overnight boarding will be limited to animals recovering from surgery.**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The structure was originally constructed in 1994, according to Collin Central Appraisal District records.
- On August 27, 2008, Council approved SUP No. 1724 for an animal clinic without outside runs for a two-year period with eligibility for automatic renewals for additional three-year periods, subject to a site plan and conditions at the subject site.
- On November 12, 2008, a Certificate of Occupancy for a 13,040-square-foot dog day care tenant named, “Classy Canine Daycare” was issued.
- On September 22, 2010, City Council renewed and amended SUP No. 1724 for a three-year period with eligibility for three-year automatic renewals and extended the hours of operation.
- On September 9, 2013, staff automatically renewed SUP No. 1724 for an animal shelter or clinic without outside runs use. The applicant did not apply for subsequent automatic renewals and therefore, SUP No. 1724 expired on September 22, 2016.
- On October 31, 2013, a permit to clean and show the suite where Classy Canine Daycare once operated was issued. The applicant is a new tenant seeking to occupy an approximately 3,300-square-foot portion of the original tenant space to operate a pet hospital.

**Zoning History:** There has been no recent zoning requests in the area within the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing Dimension
Preston Road	Major Arterial	Minimum-6 lane-divided; 100 feet
Lloyd Circle	Private access easement	60 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed request will not have a negative impact on the current state of the surrounding roadway system.

**Comprehensive Plan:**

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

The applicant's request is consistent with the following goal and policy of the Comprehensive Plan.

**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.

**STAFF ANALYSIS:**

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 170 (Tract 6A)	Shopping center
<b>North</b>	PDD No. 170 (Tract 7 and 7A)	Hotel and Gas station
<b>East</b>	PDD No. 765 and PDD No. 202 with DR No. Z845-102	Retail, Offices, and Animal clinic without outside runs
<b>South</b>	PDD No. 170 (Tract 1A)	Single family
<b>West</b>	PDD No. 170 (Tract 6B)	Multifamily

**Land Use Compatibility:**

The applicant requests to occupy a portion of a shopping center for an animal clinic or shelter without outside runs use. The site is located along a retail corridor on Preston

Road and abuts a single family neighborhood to the south and a multifamily development to the west. Another animal clinic or shelter without outside runs is also located across Preston Road to the southeast.

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 recommends approval because the proposed use is considered compatible with the area and because it provides a service to surrounding residences that is appropriate along a major thoroughfare in an existing nonresidential building. Staff supports an approval period of five-years with eligibility for automatic renewals for additional five-year periods because the previously approved SUP for an animal clinic or shelter without outside runs was approved with eligibility for automatic renewals for additional five-year periods.

**Landscaping:**

Landscaping requirements of Article X, as amended of the Dallas Development Code will be triggered if additional impervious surface is added to the site; however, no additions or improvements are requested.

**Parking:**

Pursuant to the Dallas Development Code, off-street parking and loading is provided in accordance with Division 51A-4.200. One parking space is required per 300 square feet of floor area. The proposed reduced suite will be approximately 3,300 square feet, which requires 11 parking spaces. The site has 310 parking spaces. No additional parking is required for the request.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. Although the area of request is not within an identifiable MVA category, it abuts an “E” MVA cluster to the south and west.

**List of Partners**

**APPLICANT:** Paws North Preston Lloyd PLLC dba Vetsavers Pet Hospital.

Sue Lee Mace, DVM, Partner

Soyang Bak Lum, DVM, Partner

**OWNER:** Preston Lloyd Shopping Center Dallas TX LLC

First Allied America, LLC

Avram Glazer, sole member

**CPC Action**

**November 21, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an animal shelter or clinic without outside runs use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and revised conditions (as briefed) on property zoned Tract 6A within Planned Development District No. 170, on the southwest corner of Preston Road and Lloyd Drive.

Maker: Brinson  
Second: Carpenter  
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 42

**Replies:** For: 0 Against: 2

**Speakers:** For: None

For (Did not speak): Shinpei Kuo, 14901 Quorum Dr., Dallas, TX, 75254

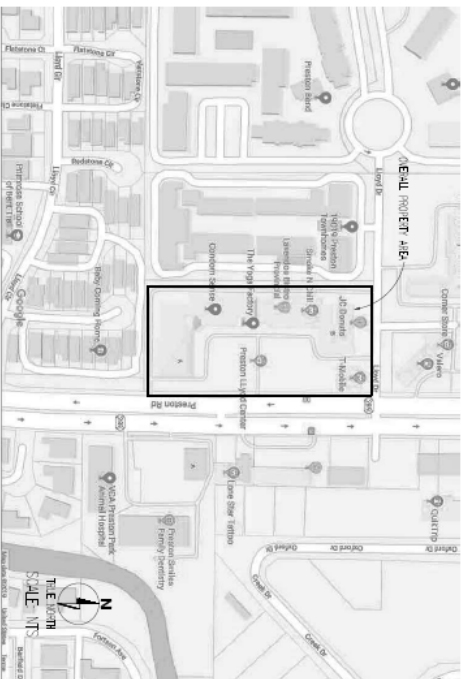
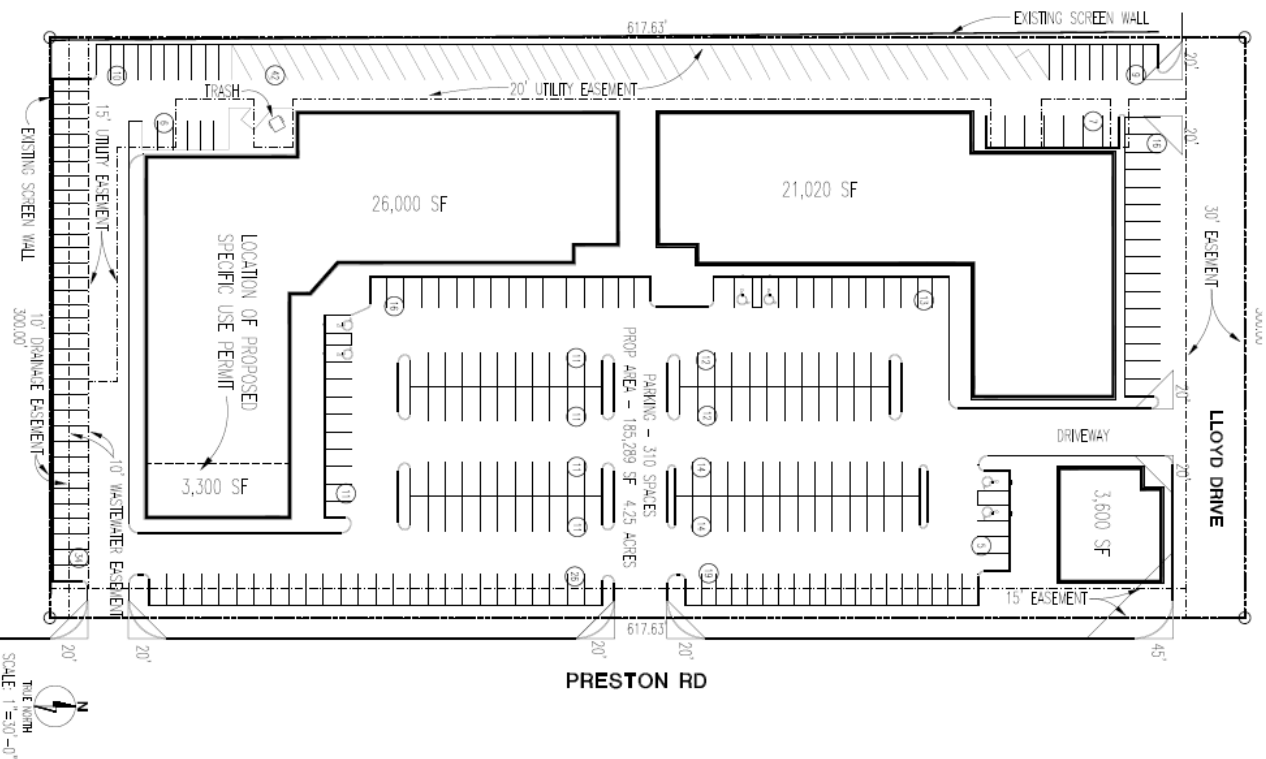
Against: None

### **CPC RECOMMENDED SUP Conditions**

1. USE: The only use authorized by this specific use permit is an animal clinic without outside runs.
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 date 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.) (For temporary renewable SUP.)
4. AIR QUALITY: HVAC equipment must include filtration systems designed to eliminate airborne bacteria, particulate matter, and noxious odors.
5. DUMPSTERS:
  - A. Dumpsters must be provided in the locations shown on the attached site plan.
  - B. Dumpsters must be monitored for noxious odors and treated to eliminate odors if noxious odors are present.
6. FLOOR AREA: The maximum floor area is 3,300 square feet.
7. HOURS OF OPERATION: The animal clinic without outside runs may only operate between 8:00 a.m. and 7:00 p.m., Monday through Sunday.
8. OPERATIONAL REQUIREMENTS:
  - A. All animals must remain indoors except when being dropped off or picked up.
  - B. Public access is only permitted through the north facing door. Animals may only enter or leave the facility through the north facing door.
9. SERVICES: The only services permitted by this use are diagnosis, treatment, or hospitalization of animals. Except for hospitalization, overnight harboring and grooming is not permitted.
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.



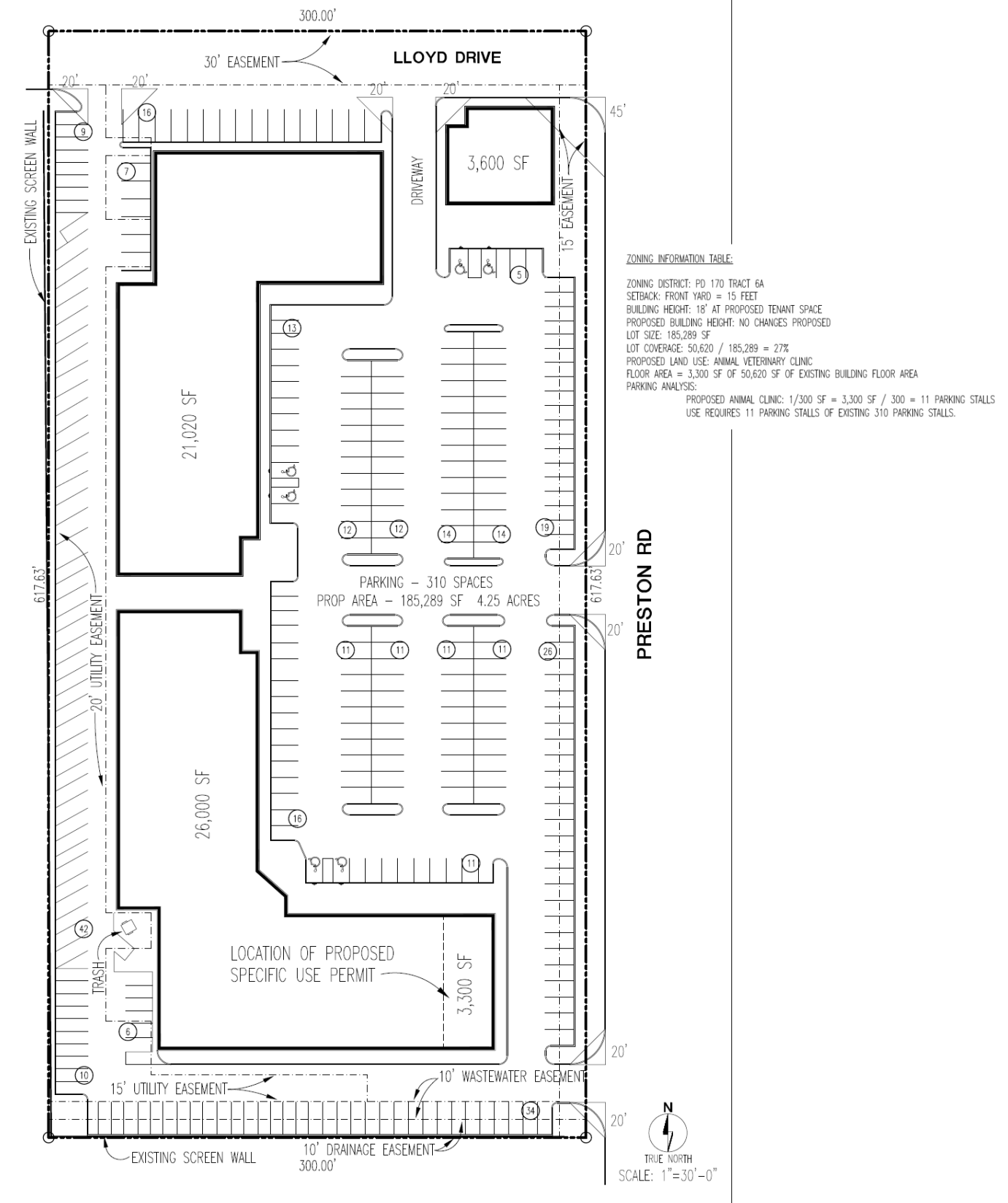
CPC RECOMMENDED Site Plan

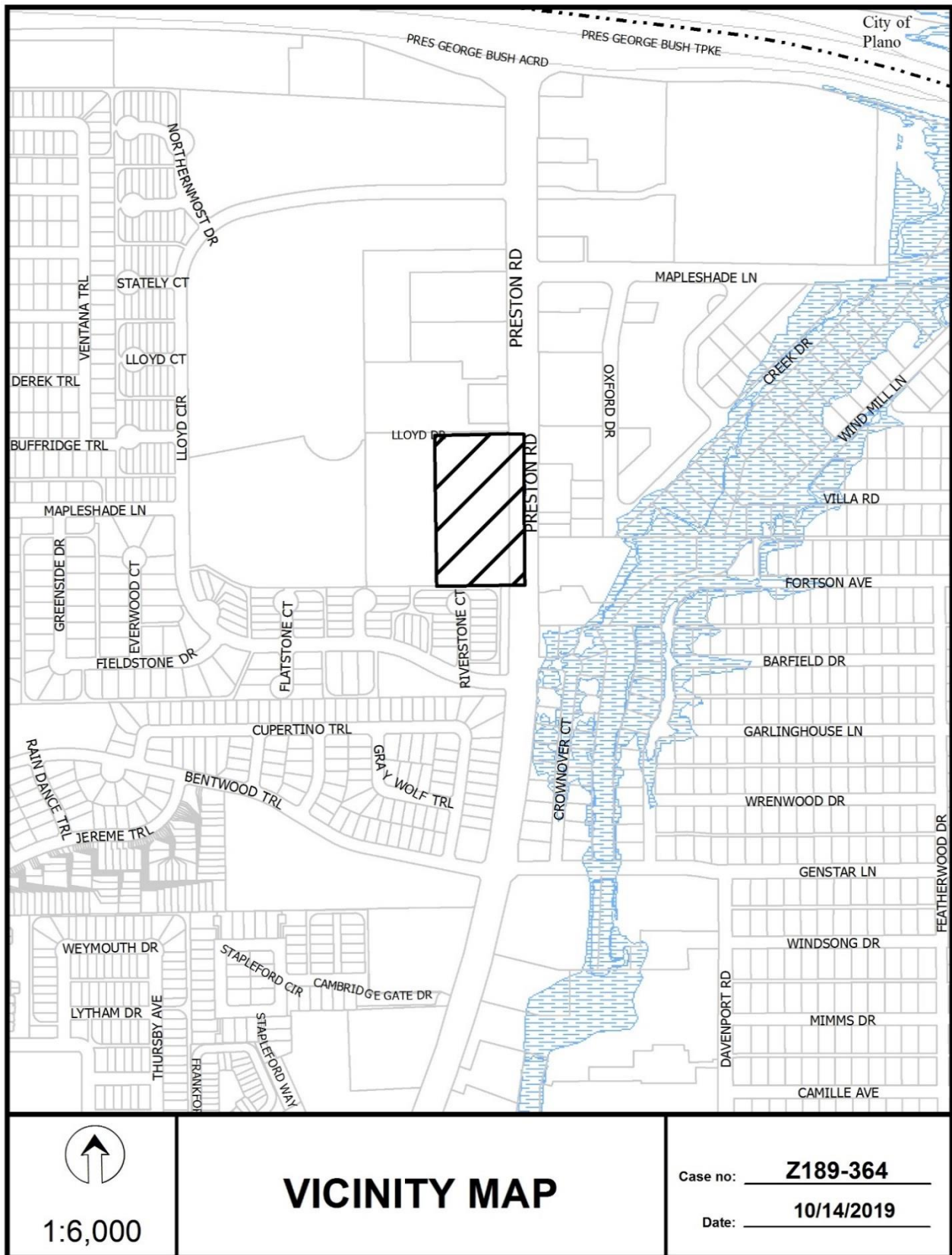


**ZONING INFORMATION TABLE**

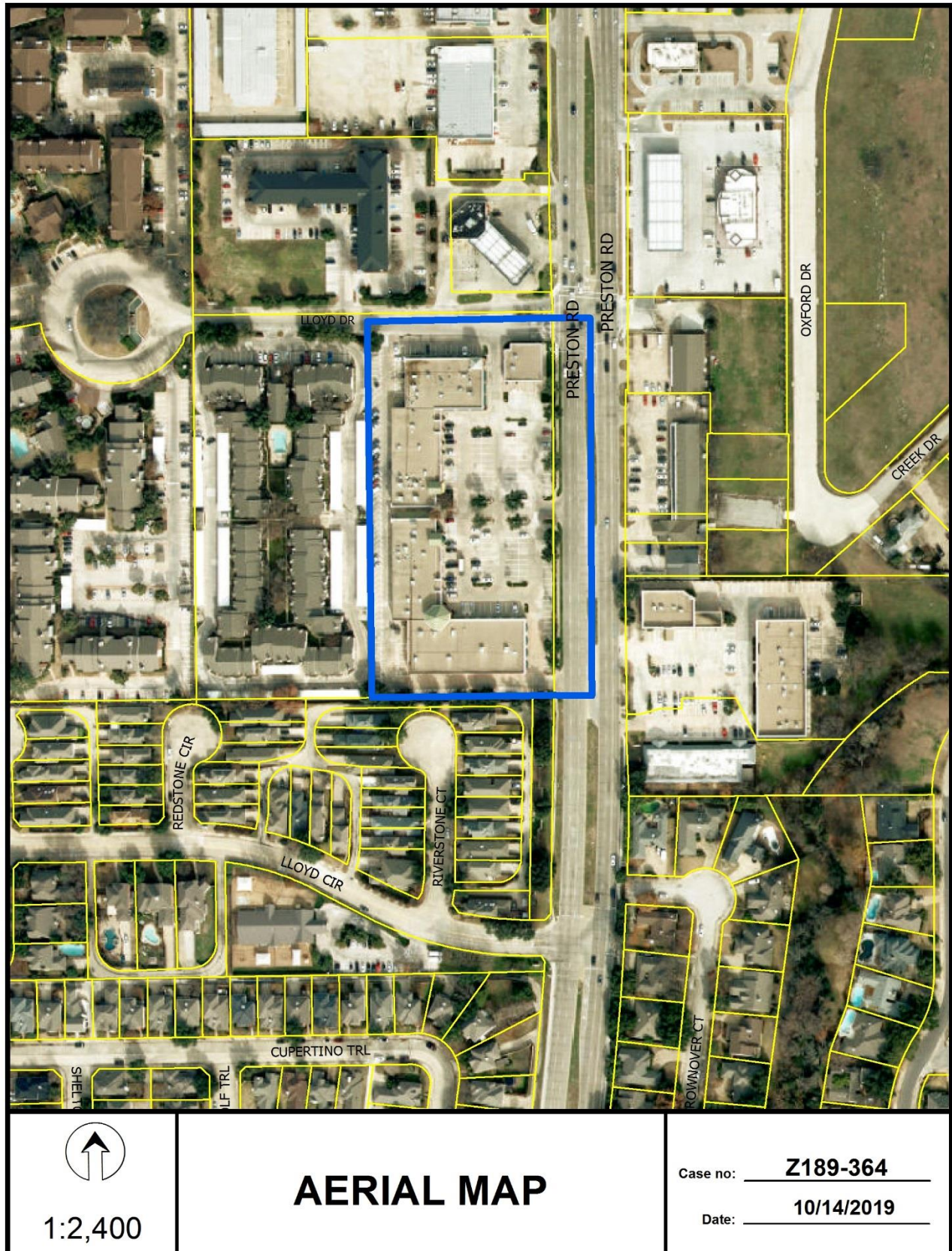
Zone	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Building Height	Min. Building Footprint	Min. Building Coverage	Min. Building Setback	Min. Building Footprint	Min. Building Coverage	Min. Building Setback
Commercial	10,000	100	100	10	10	10	10	10,000	10%	10	10,000	10%	10
Industrial	20,000	100	100	10	10	10	10	20,000	20%	10	20,000	20%	10
Residential	5,000	50	50	5	5	5	5	5,000	5%	5	5,000	5%	5

# CPC RECOMMENDED Enlarged Site Plan



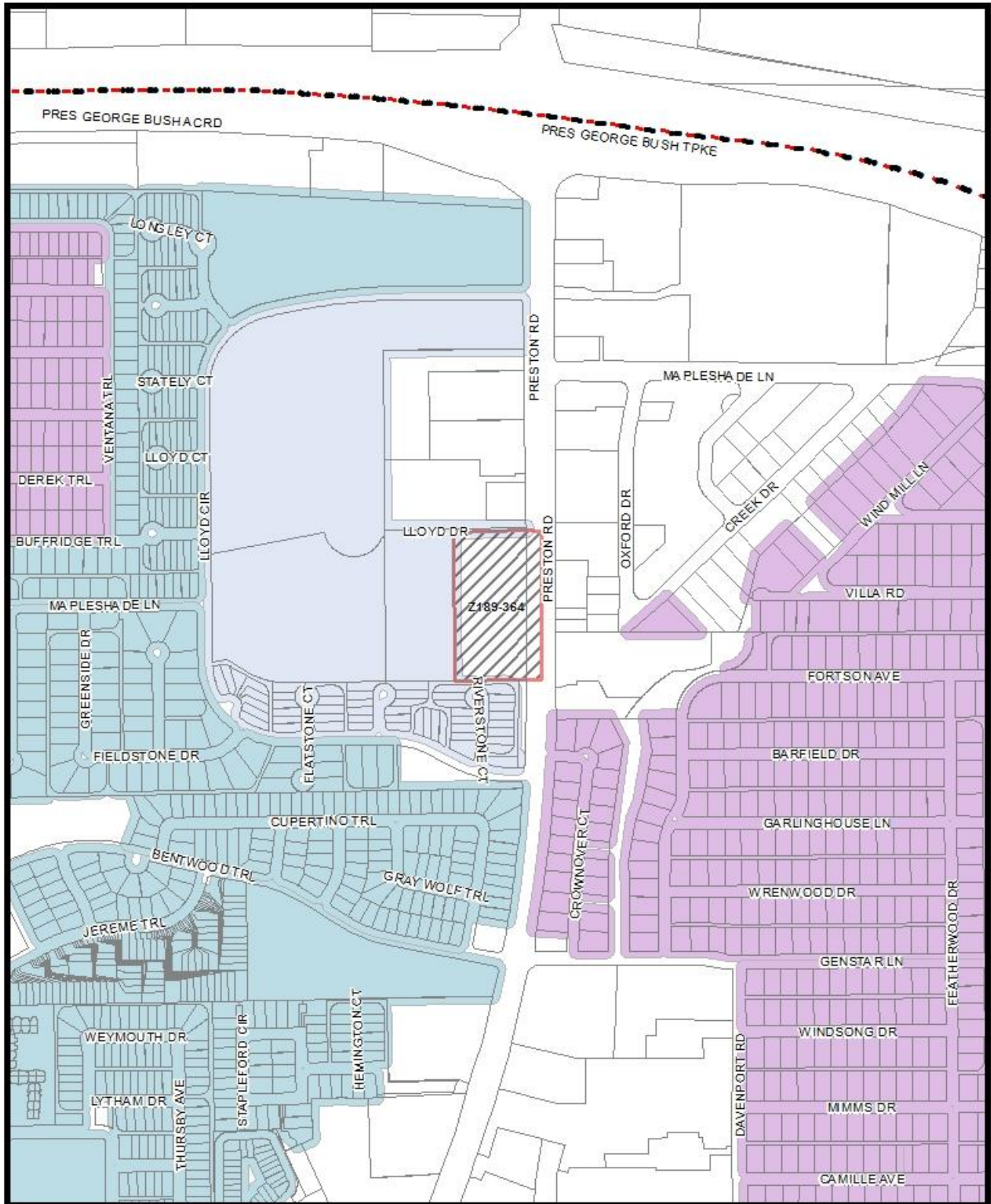












**MVACluster** 1:6,000

# Market Value Analysis

Printed Date: 10/24/2019



11/20/2019

***Reply List of Property Owners******Z189-364******42 Property Owners Notified   0 Property Owners in Favor   2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	19019 PRESTON RD	GOLDEN SUNSHINE USA INC
	2	19009 PRESTON RD	PRESTON LLOYD SHOPPING CENTER DALLAS TX LLC
	3	19109 PRESTON RD	ASHITA LLC
	4	18628 CROWNOVER CT	HONG COLIN ZEMENG &
	5	18632 CROWNOVER CT	TAYLOR CAROLE JUNE &
	6	18636 CROWNOVER CT	DAVI TED W
	7	19105 OXFORD DR	18810 PRESTON ROAD NORTH V LP
	8	19103 OXFORD DR	18810 PRESTON RD N V LP
	9	19101 OXFORD DR	NOSHAHI MOHAMMAD HAMID
	10	18790 LLOYD CIR	BROWN PRESTON BEND LLC
	11	19251 PRESTON RD	LC PROPERTY OWNER LP
	12	18723 REDSTONE CIR	WU JEANETTE
	13	18724 REDSTONE CIR	MALARTA INVESTMENTS
	14	18720 REDSTONE CIR	WU ESTHER F
	15	18716 REDSTONE CIR	BURNS LEIGH M
X	16	18712 REDSTONE CIR	KLECKNER DAVID MARION
	17	18708 REDSTONE CIR	WATSON JOHN STUART
	18	18704 REDSTONE CIR	ANCELL SUSAN
	19	18714 LLOYD CIR	GRUNDMAN GAIL CLEAVER
	20	18710 LLOYD CIR	FERGUSON HEATHER A
	21	18704 LLOYD CIR	GRACE STEPHEN M
	22	18703 RIVERSTONE CT	HOVERCRAFT SPORTS LLC
	23	18707 RIVERSTONE CT	PROGRESS RESIDENTIAL 2015-2 BORROWER LLC
	24	18711 RIVERSTONE CT	NAZARI HOSSEIN N
	25	18715 RIVERSTONE CT	BLOSS NANCY E
	26	18719 RIVERSTONE CT	FENG BIN & JIAMENG CHEN



11/20/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	18723 RIVERSTONE CT	BARNES BILLIE J
	28	18727 RIVERSTONE CT	WILLIAMS CAROLYN KAY
	29	18731 RIVERSTONE CT	HERMAN CATHERINE CLARE
	30	18734 RIVERSTONE CT	MOOSAVI MOHSEN & ZAHRA BARATI
	31	18730 RIVERSTONE CT	VU NGAN
	32	18726 RIVERSTONE CT	DRAKE PHYLLIS S
	33	18718 RIVERSTONE CT	BANGALORE GANESHAIAH VISHWA KUMAR &
	34	18714 RIVERSTONE CT	VAN ARNAM GERALDYNE G
	35	18710 RIVERSTONE CT	BINDER VICTORIA
	36	18706 RIVERSTONE CT	BARRIO MATTHEW R
	37	LLOYD CIR	PLANO ISD & ETAL
X	38	18770 PRESTON RD	ADOLPH SCHERER PRESTON I LTD
	39	19059 PRESTON RD	INTOWN SUITES NORTH DALLAS LLC
	40	19129 PRESTON RD	EVANS & WATSON RETAIL LP
	41	19020 PRESTON RD	PRESTON ROAD QT LLC
	42	19008 PRESTON RD	R&F PARTNERS LTD &



## Agenda Information Sheet

**File #:** 19-2019  
Z17.

**Item #:**

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**STRATEGIC PRIORITY:** ~~Mobility Solutions, Infrastructure, and Sustainability~~

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for ~~(1)~~ an ordinance granting a Planned Development District for mixed uses; and ~~(2)~~ an ordinance terminating Specific Use Permit No. 1172 for a private school and child-care facility on property zoned Planned Development District No. 314, the Preston Center Special Purpose District; an MF-1(A) Multifamily District; and an R-7.5 (A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue

Recommendation of Staff: ~~Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and staff's recommended conditions; and approval of the termination of Specific Use Permit No. 1172~~

Recommendation of CPC: ~~Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and conditions; and approval of the termination of Specific Use Permit No. 1172~~

Z178-358(JM/AU)

**FILE NUMBER:** Z178-358(JM/AU)

**DATE FILED:** August 6, 2018

**LOCATION:** North side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue

**COUNCIL DISTRICT:** 13

**MAPSCO:** 25 W

**SIZE OF REQUEST:** +/- 13.126 acres

**CENSUS TRACT:** 73.01

**REPRESENTATIVE:** Suzan Kedron, Jackson Walker LLP

**OWNER/APPLICANT:** Corporation of Episcopal Diocese

**REQUEST:** An application for 1) a Planned Development District for mixed uses; and, 2) the termination of Specific Use Permit No. 1172 for a private school and child-care facility on property zoned Planned Development District No. 314, the Preston Center Special Purpose District; an MF-1(A) Multifamily District; and an R-7.5(A) Single Family District with Specific Use Permit No. 1172

**SUMMARY:** The applicant is proposing a new Planned Development District in order to create a more unified campus plan to serve the existing Saint Michael and All Angels Episcopal Church. The proposed mixed-use development will be comprised of three distinct subdistricts. The existing church currently located in Subdistrict I will remain. The existing office building located in Subdistrict III will also remain; however the proposed uses for subdistricts II and III are intended to allow the redevelopment with a higher density mix of uses

**CPC RECOMMENDATION:** Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and conditions; and approval of the termination of Specific Use Permit No. 1172

**STAFF RECOMMENDATION:** Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart, and staff's recommended conditions; and approval of the termination of Specific Use Permit No. 1172

## **BACKGROUND INFORMATION**

- The 13.126-acre request site is comprised of three parcels, each having a different zoning classification:
  - The 7.953-acre southern parcel is currently zoned an R-7.5(A) single family district.
  - The 3.489-acre northeastern parcel is currently zoned an MF-1(A) Multifamily District.
  - The 1.684-acre northwestern parcel is currently within Tract 2 of Planned Development District No. 314.
- The applicant is proposing a Planned Development District to create a more unified campus plan to serve the existing Saint Michael and All Angels Episcopal Church and to redevelop the northern portion of the request area with a mix of office, multifamily and retail uses. The existing church and private school will be maintained in the current configuration.
- The request area is surrounded by office, multifamily, commercial uses, and a community center to the north and east, and by single family residential to the south. To the west is the Dallas North Tollway and additional single family uses across the tollway.

## **Zoning History**

There have been two zoning cases requested in the area in the past five years.

- 1. Z167-326:** On November 8, 2017, City Council approved a zoning change to create Subdistrict C within Tract II of Planned Development District No. 314, the Preston Center Special Purpose District, on property zoned Subarea A within Tract II of Planned Development District No. 314 (the Preston Center Special Purpose District), located at the southeast corner of Sherry Lane and Lomo Alto Drive.
- 2. Z178-116:** On March 28, 2018, City Council approved a zoning change to create Subarea C within Tract I of Planned Development District No. 314, the Preston Center Special Purpose District, on property zoned Tract I within Planned Development District No. 314, the Preston Center Special Purpose District, located on the south line of Northwest Highway, and on the north line of Berkshire Lane, west of Douglas Avenue.

**Thoroughfares/Streets**

Thoroughfare/Street	Type	Existing/Proposed ROW
Douglas Avenue	Community Collector	100 feet Bike Plan
Colgate Avenue	Minor Arterial	50 feet
Lomo Alto Drive	Local	50 feet

**Traffic**

The applicant submitted a Traffic Impact Analysis that identifies traffic generation characteristics and potential traffic related impacts on the adjacent street system.

**Trip Generation:**

According to the study, the proposed development at the subject site is expected to generate approximately 4,175 new daily trip ends on weekdays, 300 at AM peak hour and 370 at PM peak hour. The trip generation presented in the study is based on the development of the northern portion of the site with office, retail / restaurant, and multifamily uses, in addition to maintaining the existing church and school operation. The distribution of the site-generated traffic volumes onto the street system was based on the prevailing background traffic conditions and the trip generation characteristics of the proposed development.

**Traffic Operational Analysis:**

The level of performance to describe the efficiency of civil infrastructure is the Level of Service (LOS) description. Generally, LOS can be described as follows:

- LOS A – free, unobstructed flow
- LOS B – reasonable free flow
- LOS C – stable flow
- LOS D – approaching unstable flow
- LOS E – unstable flow, operating at design capacity
- LOS F – operating over design capacity

The signalized intersection capacity analysis for LOS is provided in the summary below:

Intersection	Existing conditions		Buildout Conditions		Horizon Conditions	
	AM	PM	AM	PM	AM	PM
Northwest Highway @ Douglas Avenue	D	C	D	C	E	D
Douglas Avenue @ Sherry Lane	C	C	C	D	C	D
Preston Road @ Sherry Lane	A	C	A	C	A	D

The applicant submitted a Traffic Management Plan for the existing Mother's Day Out, a kindergarten primer school that is currently operating within the church. The operation of the church is also included in the Traffic Impact Analysis. If this use is expanded, a new Traffic Management Plan will have to be provided.

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and the Traffic Impact Analysis submitted with the application and albeit the study finds the intersections of Douglas Avenue and Sherry Lane and Douglas Avenue and Luther Lane currently functioning within a range of theoretical; acceptable levels of service, both intersections should be upgraded to accommodate the anticipated additional traffic (both motor and foot). The proposed conditions include a requirement for the installation of detection equipment and accessible pedestrian signal system and striping of the intersection of Douglas Avenue and Sherry Lane.

Additionally, the Engineering Division also reviewed the Traffic Impact Analysis in respect to North Frederick Square Alley. Staff supports the applicant's proposed access points for Subdistrict 1, in addition to any loading spaces or docks already shown on the proposed development plan.

### **Comprehensive Plan**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that 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.

## **ECONOMIC ELEMENT**

### **Goal 2.1 PROMOTE BALANCED GROWTH**

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

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities

## **URBAN DESIGN ELEMENT**

### **Goal 5.2 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.1** Promote pedestrian-friendly streetscapes.

**Policy 5.1.2** Define urban character in Downtown and urban cores.

**Policy 5.1.3** Encourage complementary building height, scale, design 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.

**Policy 5.3.2** Direct pedestrian routes to home, school or work.

## **Area Plans**

The *Northwest Highway and Preston Road Area Plan* was approved by Council on January 25, 2017. The community vision statement includes a reference to Preston Center as a renewed, walkable center that will serve as an urban core for the surrounding neighborhoods, with a balanced mixture of office, retail, residential, hospitality and entertainment facilities, making it possible to live, work and play without getting into an automobile.

The Plan is comprised of seven study areas and approximately 1,370 acres. The area of request is located within Zone 1, Preston Center. In Preston Center, the Plan envisions the core of Preston Center as a vibrant, mixed-use concept with retail space located on the ground floor and office or residential spaces located on the upper floors. The Plan recommends the City of Dallas to support more density, building height, floor to area ratios (FAR) and other land use concessions through the zoning process to encourage Zone 1 property owners to develop residential projects where commercial office could be built by right. This should be done without compromising proximity slope protections for surrounding neighborhoods.

Furthermore, the Long-Term Framework Plan indicates the intersections at Douglas Avenue and Sherry Lane and Douglas Avenue and Luther Lane not functioning properly and needing crosswalk improvements. The Plan includes pedestrian recommendations for Zone 1, among them being:

- Provide publicly accessible open space areas integrated into development;
- Provide public realm enhancements including seating areas, small planting areas, etc.;
- Provide streetscape enhancements such as outdoor seating areas, landscape zones, street trees, shade structures and lighting;
- Provide bicycle parking and bicycle rack zones.

The proposed development is for a mix of uses that distributes more evenly the office and residential uses and introduces the requirement for ground floor retail, in an urban form that enhances pedestrian connections and supports walkability. Street and intersection improvements are also part of this proposal. While the proposed PD removes the RPS requirement from the Subdistrict I, it imposes use and height restrictions in this subdistrict to ensure a gradual transition from the single-family neighborhoods to the more intense mixed-use development in Preston Center. Additionally, the PD also proposes to maintain the RPS requirements from the existing residential neighborhood south of Colgate Avenue and west of the Dallas North Tollway. The proposed PD also includes requirements for publicly accessible open space, sidewalks, pedestrian amenities, streetscape enhancements and bicycle parking.

Considering that the area of request is actually the area of transition between the single-family neighborhoods and Preston Center and the fact that the PD maintains the existing church as a community catalyst and a low intensity development, the proposal is consistent with the vision established by the Area Plan.



**STAFF ANALYSIS:****Surrounding Land Uses:**

The table below shows the uses surrounding the area of request.

	<b>Zoning</b>	<b>Land Use</b>
Site	<b>R-7.5(A) with SUP No. 1172 MF-1(A) PDD No. 314, Tract 2</b>	Church, Private school and child-care facility Parking lot, playground Office building
North	<b>PDD No. 314, Tract 2 (Subarea B) PDD No. 314, Tract 2 (Subarea C)</b>	Office Multifamily
Northeast	<b>PDD No. 314, Tract 6</b>	Office, Retail
East	<b>PDD No. 314, Tract 5 with SUP No. 744 PDD No. 314, Tract 7</b>	Bank (with drive-through), Office Community Center Single family residential
South	<b>R-7.5(A)</b>	Single family residential
West	<b>R-7.5(A) PDD No. 33</b>	Dallas North Tollway Single family residential

**Land Use Compatibility:**

The 13.126-acre request site is comprised of three parcels, each having a different zoning classification. The site is bounded by Colgate Avenue to the south, Douglas Avenue to the east, North Fredrick Square Alley to the north, and Lomo Alto Drive to the west. The site is located within a 0.5 mile walk from Preston Center.

The request area is surrounded by office, multifamily, commercial uses, and a community center to the north and east, and by single family residential to the south. To the west there is the Dallas North Tollway and additional single family further west, across the tollway.

The applicant is proposing to rezone the entire site into a Planned Development District for mixed-uses and create three subdistricts as follows:

- Subdistrict I is the 7.953-acre southern parcel, currently zoned an R-7.5(A) single family district. The property is currently developed with a church, a school and a child-care facility. According to DCAD, the church, approximately 129,000 square feet in area, was built in 1948 and was improved several times, the last being in 2002. This parcel also has a permanent Specific Use Permit, SUP No. 1172 for a private school and child-care facility. The Episcopal School of Dallas which was operating on the western wing of the church building, left this location earlier this

year, leaving only the Mother's Day Out program operating within the church building. Saint Michael Episcopal School (Mother's Day Out) serves 211 students, Pre-k and kindergarten.

- Subdistrict II is 3.489 acres in area and is currently zoned an MF-1(A) Multifamily District. A channeled creek tributary crosses the property west to east. The property south of the creek is currently developed as a parking lot for the church and school. During the weekends, this property is being used for St. Michael's Farmers Market. North of the creek there is an open space with a playground for the school and child-care facility.
- Subdistrict III is 1.684 acre in area and is currently within Tract 2 of Planned Development District No. 314. The property is currently developed with a two-story office building. According to DCAD, the office is 49,081 square feet in area and was built in 1983.

The applicant is proposing to maintain the existing church, with the current private school and child-care facility (Mother's Day Out) in Subdistrict I in the current configuration and develop the northern parcels (Subdistricts II and III) with a mix of office, multifamily and retail uses. An internal drive with sidewalks connecting Douglas Avenue with Lomo Alto Drive will connect Subdistrict I with Subdistricts II and III. The applicant is proposing additional open space along Douglas Avenue, in Subdistrict II, to continue and enhance the existing public realm along the street.

The proposed uses within the three subdistricts are as follows:

*P* indicates permitted by right.  
**SUP** indicates permitted with a Specific Use Permit.  
**RAR** indicates permitted, but subject to Residential Adjacency Review.  
**LMTD** indicates permitted, but subject to limitations

	EXISTING				PROPOSED		
	R-7.5 (to S I)	MF-1 (to S II)	PD 314 Tract II GO (to S III)	PD 314 Tract II MF-4 (to S III)	SUBDISTR I	SUBDISTR II	SUBDISTR III
<b>Agricultural Uses</b>							
Crop production (limited to community and urban gardens)	P	P	P	P	P	P	P
<b>Commercial and business service uses</b>							
Catering services						P	P
Technical school						P	P
<b>Institutional and community service uses</b>							
Adult day-care facility	SUP	SUP	LMTD	SUP, LMTD	SUP		P
Cemetery or mausoleum	SUP	SUP	SUP	SUP	P		

	EXISTING				PROPOSED		
	R-7.5 (to S I)	MF-1 (to S II)	PD 314 Tract II GO (to S III)	PD 314 Tract II MF-4 (to S III)	SUBDISTR I	SUBDISTR II	SUBDISTR III
Child-care facility	SUP	SUP	LMTD	S, LMTD	P	P	P
Church	P	P	P	P	P	P	P
Community service center	SUP	SUP	SUP	SUP	SUP		P
Convalescent and nursing homes, hospice care, and related institutions		R		R		P	P
Library, art gallery, or museum	SUP	SUP	P	SUP	SUP	P	P
Private school	SUP	SUP	SUP	SUP	P	P	P
<b>Lodging uses</b>							
Hotel or motel			RAR			P	P
<b>Miscellaneous uses</b>							
Temporary constr. or sales office	P	P	P	P	P	P	P
<b>Office uses</b>							
Financial institutions without drive-in window			P			P	P
Financial institutions with drive-in window			DIR			P LMTD	P LMTD
Medical clinic or ambulatory surgical center			P			P	P
Office			P			P	
<b>Recreational uses</b>							
Private recreation center, club, or area	SUP	SUP	P	SUP	SUP	P	P
Public park, playground, or golf course	P	P	P	P	P	P	P
<b>Residential uses</b>							
Multifamily		P	RESTR.	P		P	P
Residential hotel				1MILE		P	P
Retirement housing		P	P	P		P	P
<b>Retail and personal service uses</b>							
Business school			RESTR.			P	P
Car wash						P LMTD	P LMTD
Commercial amusement (inside)						SUP	SUP
Commercial parking lot or garage							P
Dry cleaning or laundry store			RESTR.	LMTD		P LMTD	P LMTD
Furniture store			RESTR.			P	P
GMFS 3,500sf or less				LMTD		P	P

	EXISTING				PROPOSED		
	R-7.5 (to S I)	MF-1 (to S II)	PD 314 Tract II GO (to S III)	PD 314 Tract II MF-4 (to S III)	SUBDISTR I	SUBDISTR II	SUBDISTR III
Electric fueling station						P	P
Personal service uses			LMTD	LMTD		P	P
Restaurant without drive-in or drive-through service			LMTD	RAR LMTD		P	P
Surface parking (temporary)						P	P
Temporary retail use						P	P
Vehicle display and sales						P LMTD	P LMTD
<b>Transportation uses</b>							
Transit passenger shelter	SUP	SUP	SUP	SUP		P	P
<b>Utility and public service uses</b>							
Police or fire station	SUP	SUP	P	SUP	SUP	P	P
Post office			P	SUP		P	P
Tower/antenna for cellular communication	P LMTD					P LMTD	P LMTD
Utility or government installation other than listed	SUP	SUP	SUP	SUP	SUP	SUP	SUP

The proposed list of uses further restricts the uses allowed in Subdistrict I, as compared with R-7.5(A), by not allowing any residential uses; however, the applicant proposes to allow by right the existing uses, church-related uses, private school and child-care facility to ensure the continuity of the existing operation of this property. The proposed PD includes the requirement for a Traffic Management Plan for a private school use.

The proposed uses for Subdistricts II and III include additional uses than those allowed in PD 314 and MF-1(A). The applicant proposes to add the use types for residential for aged population, as well as more retail and personal service uses.

The conditions submitted by the applicant further restrict uses allowed by eliminating: custom business services, general merchandise or food store greater than 3,500 square feet, theater, helistop, radio, television, or microwave tower. The proposed conditions also eliminate the office use as an allowable use within Subdistrict III. These restriction in allowable uses are an effort to further limit the potential higher traffic generating uses.

Considering the existing mix of uses to the north and east of the site, the necessity for a diverse mix of housing in the area, and the fact that Subdistrict I will remain a low intensity institutional use and will mimic the allowable uses within R-7.5(A) district, staff supports the proposed use combination.

**Development Standards:**

	Existing			Proposed		
	R-7.5 (to S I)	MF-1 (to S II)	PD 314 - Tract 2 GO, MF-4 (to S III)	SUBDISTR I	SUBDISTR II	SUBDISTR III
<b>Setbacks</b> (min)						
Front	25'	15'	If adjacent to Lomo Alto: 15' + 20' urban form setback for above 45' Elsewhere: no min	Douglas: 20'; and additional setbacks for S II Colgate: 15' Lomo Alto: 15' North Frederick Square Alley: 10'		
Side	5'/10'	5'/10'	No min	No min Overhang encroachments over interior subdistrict lines are permitted with restrictions. North Frederick Square Alley: 10'		
Rear	5'/15'	10'/15'	No min			
<b>Density</b> (max)			No max	NA	For multifamily: max 235 DU	
					For multifamily: max 365 DU for both subdistricts combined	
					Overall: 586,157 sf	
<b>Floor area</b>					Max area for all uses combined: 455,000sf Residential: 220,000sf Office: 225,000sf Other: 10,000sf	Multifamily: 140,00sf Retirement housing or convalescent and nursing homes, hospice care and related: 160,000f Lodging: 150,00sf (+10,000sf bonus if no meeting room exceeding 1,900sf)
<b>FAR</b> (max)			4	0.75:1	3:1	2.5:1
				Overall 1.6:1		

	Existing			Proposed		
	R-7.5 (to S I)	MF-1 (to S II)	PD 314 - Tract 2 GO, MF-4 (to S III)	SUBDISTR I	SUBDISTR II	SUBDISTR III
<b>Height (max)</b>	30'	36'	180' 14 stories	Church shall follow institutional uses, 30' for all other uses	180' + possibility of bonus for max. 200' in exchange of mixed-income housing units	180'
<b>RPS</b>			For over 26' Exceptions: - 12' projections - special RPS for facing districts across DNT – 1/2.56 - otherwise 1/3	<b>CPC recommendation:</b> Exceptions for projections only: 12' Otherwise 1:3 <b>Staff</b> does not support any projections in the RPS		
				55' projections for church architectural elements		
				<b>CPC recommendation:</b> SI will continue to generate RPS as R district outside of the PD <b>Staff</b> does not support this proposal.	<b>CPC recommendation:</b> SI will continue to generate RPS as MF district outside of the PD <b>Staff</b> does not support this proposal.	
<b>Lot coverage (max)</b>	45% 25% non-r	60% 25% non-r	100%	45% in general 60% for institutional buildings	60% + possibility of bonus for max of 80% in exchange of mixed-income housing units	100%
<b>Landscaping</b>	Art X		Art X + Special landscaping	Art X + Additional open space requirements		
<b>Parking</b>	Dallas Development Code		Reduction options for office uses	Reduction for hotel, motel, retirement housing, urban garden; Bike parking (for reduction); Mixed-use parking reduction; Valet parking standards. Limited administrative parking reduction standards. Underground parking: 50% for Subdistrict II. Limits the access points from S II to N. Frederick Square Alley to two. No access points from S III into the Alley. Standards for loading and service areas.		
<b>Signs</b>	Art VII		Art VII for non-business + Additional attached signs	Art VII for non-business + 1 monument sign on Douglas Av. and Lomo Alto Dr. for inst. use only	Art VII for non-business + Additional attached signs for restaurant use, with limitations	

	Existing			Proposed		
	R-7.5 (to S I)	MF-1 (to S II)	PD 314 - Tract 2 GO, MF-4 (to S III)	SUBDISTR I	SUBDISTR II	SUBDISTR III
<b>Design standards</b>	none		Front yard landscape area Pavement enhancement Pedestrian facilities Covered walkways Fountains Seating area	Pedestrian amenities and streetscape Building Architectural Design Screening for parking structures		

\* Underground parking may be located within the required setback

The proposed conditions also include urban design standards, blank wall area restrictions, required architectural elements, sidewalks and pedestrian amenities, and requirements for ground-level activating uses, traffic improvements and non-conformity standards. Due to recent state legislation that will have implications on city regulations and development standards, changes to the proposed conditions for architectural standards may be contemplated.

#### Front setbacks:

The applicant is proposing increased setbacks along Douglas Avenue and North Frederick Square Alley to allow front yard landscaping and improve the proposed streetscape while preserving the neighborhood character. The setback along Colgate Avenue is decreased from 25 feet to 15 feet per the existing church building. Additionally, the conditions proposed by the applicant further increase the front setback along Douglas Avenue in Subdistrict II to a minimum of 70 feet for a portion of the building and 134 feet for the rest of the building.

#### Density:

The applicant proposes a maximum of 365 multifamily dwelling units combined for Subdistrict II and III, and a maximum of 235 multifamily dwelling units for Subdistrict II, in an effort to further limit the traffic-generating uses.

#### Floor area:

The applicant proposes maximum allowable floor area for Subdistricts II and III combined and for certain types of uses within each proposed Subdistrict in an effort to further limit the traffic-generating uses.

### **Floor to ratio area (FAR):**

For Subdistrict I, the applicant is not including a maximum floor area but is proposing a maximum FAR of 0.75:1. For Subdistrict II, the applicant is proposing a maximum FAR of 3:1, and for Subdistrict III, 2.5:1. The applicant also proposes a maximum overall FAR for the entire PD District of 1.6:1.

Considering the overall proposed standards and the intent to limit the traffic-generating uses, staff is supporting the proposed density, maximum floor area, and FAR.

### **Height:**

The request includes 180 feet maximum height for certain areas within Subdistricts II and III, subject to RPS. A height plan is included with the request. The most significant height increase is proposed in Subdistrict II, from the existing allowable 36 feet to 180 feet, and Subdistrict III being a reiteration of the existing allowable height. However, the maximum allowable height must be understood together with the proposed changes to the existing Residential Proximity Slope (RPS) that will enable an overall increase in height for Subdistrict III.

Staff supports the proposed height, considering the following:

- the proposed height plan includes an area limited to 20 feet with an open space along Douglas Avenue, and an area limited to 70 feet with an internal open space, in the central part of the site; and
- the RPS generated from the single-family neighborhoods across the Dallas North Tollway that will further limit the northwest corner building,

### **Residential Proximity Slope**

The Residential Proximity Slope (RPS) is a slope that emanates at a one foot in height for each three feet in distance of separation, at an 18.4 angle, infinitely, from the nearest private property within a single-family zoning district, which in this case is the 7.953-acre parcel in the proposed Subdistrict I [currently zoned R-7.5(A) district] which is developed with the church use.

Currently, without taking into consideration the existing height limitations and with the RPS requirements being generated from the northern line of the proposed Subdistrict I, the maximum potential height at the north property line of the proposed Subdistrict III would be approximately 88 feet. If the RPS generating line is moved south, along Colgate Avenue, the maximum potential height at the north property line of the proposed Subdistrict III would be approximately 210 feet.

The proposed PD conditions limit the maximum height for Subdistrict I to 30 feet but maintains the height exceptions for institutional uses per Dallas Development Code, all matching the existing regulations in the R-7.5(A) district.



For multifamily districts, the RPS slope emanates at a one foot in height for every one foot in distance of separation, at a 45 angle and terminates at a 50 feet distance from the site of origination, which in this case is the 3.489-acre parcel in the proposed Subdistrict II, currently zoned an MF-1(A) Multifamily District and developed with the church's parking lot.

The applicant is proposing that, for purposes of RPS, Subdistrict I will be considered a single-family district and Subdistrict II will be considered a multifamily district, thus will generate respective RPS for areas outside the proposed PD. Considering the initial rationale for establishing RPS throughout the City as to protect single-family neighborhoods from visual intrusion, and the proposed height for Subdistrict II and III that will be exempt from the RPS line, staff does not support this change.

Staff supports moving the RPS-generating line to the single-family district south of Colgate Avenue considering the height and use limitations proposed for Subdistrict I, that ensure an appropriate transition in form and density from the single-family neighborhood to the more intense Preston Center.

The proposed PD also includes projections into the residential proximity slope that are restricted to 12 feet above the existing residential proximity slope and are limited to general architectural features and unoccupiable structures. Staff does not support this request.

The proposal also includes allowable projections of 55 feet for architectural features specific to a church, such as cupola, steeple, spire, belfry or carillon, as to allow the existing church features. Staff supports the request because are architectural elements specific to churches and are unoccupiable structures that will not interfere with the residential privacy.

#### **Lot Coverage:**

The request includes proposed lot coverage for Subdistrict I to mimic the requirements for R-7.5(A) districts, 45 percent in general with an exception for institutional building that may be allowed to 60 percent lot coverage.

The proposed lot coverage for Subdistrict II is 60 percent with the possibility of an increase to 80 percent in exchange for mixed-income housing as detailed below.

The proposal for Subdistrict III is to maintain the currently allowed 100 percent lot coverage. Staff supports the proposed lot coverage for Subdistrict III, considering the location and limited area of this subdistrict.

**Mixed-income housing:**

Considering the opportunity for mixed-income housing in this area of the city, the proposed PD Conditions are including additional bonuses applicable to Subdistrict II for lot coverage and height per the chart below. The conditions include a percentage of the total number of units as mixed-income housing units based on the Adjusted Median Family Income for a 15-year period. Staff appreciates that the additional lot density and height will result in a more diverse urban form, while limiting the concentration of high-rise buildings. The overall density is further constrained by the applicant's proposed height plan, the RPS and, the proposed floor area cap.

	<b>Proposed Subdistrict II</b>	<b>Proposed with bonus</b>	
<b>Percentage of units reserved at percentage of median income</b>		5% at 51-60%	5% at 51%-60% & 5% at 61-80%
Lot Coverage	60%	80%	80%
Height	180'		200'

**Parking:**

Except for the items stated below, parking will be in accordance with the parking regulations of Chapter 51A.

The applicant is proposing to provide 50 percent of the required parking for Subdistricts II and III in an underground parking structure, with the remainder either in an aboveground parking structure up to 50 percent of total required parking, or surface parking, up to ten percent of total required parking. This will not apply to Subdistrict I. Staff supports this proposal, taking into consideration the fact that Subdistrict I is already built and has a surface parking lot that would become nonconforming if the new restrictions are applied.

The applicant is proposing to reduce the required minimum off-street parking for hotel to 0.75 spaces for each unit. The current regulations require one space for unit for less than 250 units, three fourths space for between 251-500 units and half for over 500 units. The proposed ratio for retirement housing is reduced from one space per unit to 0.75 spaces per dwelling unit or suite, and for urban gardens and outside sales from one off-street parking space per 200 square feet of sales area to no required parking.

The applicant also proposes a mixed-use parking reduction for up to 30 percent and includes a mixed-use parking demand chart that contains residential, office, retail and personal service, church, and other uses.

Additionally, the applicant is proposing limited parking reduction in exchange for providing bicycle parking per the City's Development Code.

After reviewing the proposed parking reduction options correlated with the overall mix of uses, caps on floor area, and different times of day for operation of some of the uses and considering the traffic impact analysis submitted by the applicant, the Engineering Division supports the proposed parking reductions.

Furthermore, the proposed conditions contain operational limitation to valet parking, specify the number of ingress/egress points into the proposed parking garage from the internal driveway and from North Frederick Square Alley, and allows only loading access from North Frederick Square Alley for proposed Subdistrict III, in an effort to evenly distribute the traffic generated by the proposed development.

**Additional provisions:**

The proposed conditions further limit the operation of private school uses, restaurant uses, commercial amusement (inside) uses, tower/antenna for cellular communication uses, and include additional regulations for noise, garbage collection, and outdoor illumination. Staff generally does not support the additional proposed provisions considering that: not all are supported by a land use rationale, are interfering with other city codes, are regulating the operation rather than the land use or urban form, and/or are not aligned with staff position in general.

The additional provisions also include requirements for North Frederick Square Alley to be improved to a minimum paving width of 20 feet and allows the permitting process to alter existing ingress and egress points into the Alley.

**Landscaping:**

Landscaping will be in accordance with Article X of Dallas Development Code. In addition to the Article X landscape requirements, the proposed PD includes requirements for additional street trees, pedestrian amenities, and publicly accessible open space. Minimum 10 percent of the site is proposed to be publicly-accessible open space and must be provided as a contiguous space of minimum 20,000 square feet for each subdistrict, with the possibility to be combined at one single location. The proposed exhibits indicate the areas for publicly accessible open space along Douglas Avenue and the interior driveway.

The existing landscaping and mature large canopy trees along Colgate Avenue and Douglas Avenue in Subdistrict I are currently nonconforming with the requirements of Article X and PD proposal for street trees, therefore, per the City Arborist recommendation, the proposed PD conditions include provisions to allow the non-conforming landscape to be maintained and preserved.

### **Signs:**

The PD proposal includes the standards for signs as per the non-business zoning districts within Article VII. This proposal is aligned with the surrounding districts standards for signs.

Additionally, for Subdistrict I only, the proposed PD conditions include the possibility of two monument signs, maximum 50 square feet in area and five feet in height, along Douglas Avenue and Lomo Alto Drive for institutional uses. This request will allow the applicant to change the existing nonconforming monument signs for the church. Staff is in support of this request for institutional uses only, considering the proposed size and location limitations.

For Subdistricts II and III, the proposed PD includes additional signage for restaurant uses only, limited in size, to a maximum 75 square feet, and location per building façade and limited to the first two levels. Staff is in support of this request considering the limited street frontage of Subdistricts II and III along Douglas Avenue and Lomo Alto Drive, that will allow the additional signs mostly on the interior drive and will not clutter the public streetscape.

### **Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not within an identified MVA cluster, surrounding properties to the north, east, south, and west are within Category "A".

## **LIST OF PARTNERS**

### **Corporation of the Episcopal Diocese of Dallas**

The Rt. Rev. George R. Sumner – **Chair**

Timothy A. Mack – **President**

Will C. Beecherl – **Vice President**

G. Thomas Graves III – **Treasurer**

### **SMAA Northeast Title Holding Company**

Margaret Spellings – **President**

James Skochdopole – **Secretary**

Kathy Kelley – **Treasurer**

### **Fredericks Square Title**

Blair Oden – **Chair and President**

Kim Brooks – **Secretary**

**DELETED**

**CPC Action**  
**August 15, 2019**

**Z178-358(JM AU)**

Planner: Andreea Udrea

**Motion:** In considering an application for 1) a Planned Development District for mixed uses, and 2) the termination of Specific Use Permit No. 1172 for a private school and child-care facility, on property zoned Planned Development District No. 314, an MF-1(A) Multifamily District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue, it was moved to **hold** this case under advisement until September 5, 2019.

Maker: Murphy  
Second: Schultz  
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley, Tarpley\*

Against: 0  
Absent: 0  
Vacancy: 2 - District 8, District 12

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 179  
**Replies:** For: 13 Against: 44

**Speakers:** For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201  
Against: None

**CPC Action**  
**September 5, 2019**

**Z178-358(JM AU)**

Planner: Andreea Udrea

**Motion:** In considering an application for 1) a Planned Development District for mixed uses, and 2) the termination of Specific Use Permit No. 1172 for a private school and child-care facility, on property zoned Planned Development District No. 314, an MF-1(A) Multifamily District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue, it was moved to hold this case under advisement until September 19, 2019.

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

For: 12 - MacGregor, Schulte, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Criss  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 500 Mailed: 179  
**Replies:** For: 16 Against: 49

**Speakers:** For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201  
Against: Misty Ventura, 9406 Biscayne Blvd., Dallas, TX, 75218  
**Against** (Did not speak): Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
Clinton Madison, 6627 Northwood Rd., Dallas, TX, 75225

**CPC Action**  
**September 19, 2019**

**Z178-358(JM AU)**

Planner: Andreea Udrea

***De minimus Significant Change Motion:*** In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the proposed change in the Commission's judgment is *de minimus* in nature.

Maker: Murphy  
Second: Ridley  
Result: Carried: 10 to 1

For: 10 - MacGregor, Schulte, Johnson, Shidid, Brinson,  
Jung, Housewright, Schultz, Murphy, Ridley

Against: 1 - Carpenter  
Absent: 2 - Criss, Tarpley  
Vacancy: 2 - District 8, District 12

**Motion:** In considering an application for 1) a Planned Development District for mixed uses, and 2) the termination of Specific Use Permit No. 1172 for a private school and child-care facility, on property zoned Planned Development District No. 314, an MF-1(A) Multifamily District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lemo Ave Drive and Douglas Avenue, it was moved to **hold** this case under advisement until October 3, 2019.

Maker: Murphy  
Second: Schultz  
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Johnson, Shidid,  
Carpenter, Brinson, Jung, Housewright,  
Schultz, Murphy, Ridley

Against: 0  
Absent: 2 - Criss, Tarpley  
Vacancy: 2 - District 8, District 12

**Notices:** Area: 500 Mailed: 179  
**Replies:** For: 17 Against: 56

**Speakers:** For: Christopher Girata, 5509 W. University Blvd., Dallas, TX, 75209  
Tricia Stewart, 7811 Bryn Mawr Dr., Dallas, TX, 75225  
Ben Leal, 1614 Jensen Ct., Dallas, TX, 75204



Ben McCrory, 9510 Rockbrook Dr., Dallas, TX, 75220  
Richard Wells, 4301 Colgate Ave., Dallas, TX, 75225  
Prabha Cinclair, 1800 Valley View Ln., Farmers Branch, TX, 75234  
Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201  
For (Did not speak): Bonner Allen, 5847 Palo Pinto Ave., Dallas, TX, 75206  
Nancy Wilbur, 7350 Lane Park Dr., Dallas, TX, 75225  
Steve McKenney, 8505 Edgemere Rd., Dallas, TX, 75225  
Mary McKenney, 8505 Edgemere Rd., Dallas, TX, 75225  
Stewart Thomas, 5108 Horseshoe Trl., Dallas, TX, 75209  
Christi Houser, 3915 Cobblestone Dr., Dallas, TX, 75229  
Warren Houser, 3915 Cobblestone Dr., Dallas, TX, 75229  
George Baldwin, 11711 St. Michaels Dr., Dallas, TX, 75230  
James Lipscomb, 5908 Waggoner Dr., Dallas, TX, 75230  
Kathryn Kelly, 4317 Purdue St., Dallas Park, TX, 75225  
Kenneth Brannon, 3443 Howell St., Dallas, TX, 75204  
R. J. Grogan Jr., 6331 Desoto Dr., Dallas, TX, 75225  
Matthew Waller, 5828 Colhurst St., Dallas, TX, 75230  
Steve Stiner, 7557 Rambler Rd., Dallas, TX, 75231  
Against: Misty Ventura, 9406 Biscayne Blvd., Dallas, TX, 75218  
Jane Kellogg, 5755 Canuth Blvd., Dallas, TX, 75209  
Stephen Manhart, 2740 Dallas Pkwy., Plano, TX, 75093  
Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
Clinton Madison, 6627 Northwood Rd., Dallas, TX, 75225  
Staff: David Nunez, Traffic Engineer, Sustainable Development &  
Construction

**CPC Action**  
**October 3, 2019**

**Z178-358(JM AU)**

Planner: Andreea Udrea

**Motion:** In considering an application for 1) a Planned Development District for mixed uses, and 2) the termination of Specific Use Permit No. 1172 for a private school and child-care facility, on property zoned Planned Development District No. 314, an MF-1(A) Multifamily District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue, it was moved to **hold** this case under advisement until October 17, 2019.

Maker: Schultz  
Second: MacGregor  
Result: Carried: 9 to 0

For: 9 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Song, Housewright, Schultz, Ridley

Against: 0

Absent: 3 - Criss, Brinson, Murphy

Vacancy: 3 - District 8, District 12, Place 15

**Notices:** Area: 500 Mailed: 179

**Replies:** For: 31 Against: 42

**Speakers:** For: None

For (Do not speak): Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201

Against: None

**CPC Action**  
**October 17, 2019**

**Z178-358(JM AU)**

Planner: Andreea Udrea

***De minimus Significant Change Motion:*** In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the proposed change to increase setbacks in the Commission's judgment is *de minimus* in nature.

Maker: Murphy  
Second: Jung  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley

Against: 0  
Absent: 0  
Vacancy: 2 - District 3, Place 15

**Motion:** In considering an application for 1) a Planned Development District for mixed uses, and 2) the termination of Specific Use Permit No. 1172 for a private school and child care facility, on property zoned Planned Development District No. 314, an MF-1(A) Multifamily District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Leno Alto Drive and Douglas Avenue, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: Murphy  
Second: MacGregor  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Ridley

Against: 0  
Absent: 0  
Vacancy: 2 - District 3, Place 15

**Notices:** Area: 500  
**Replies:** For: 31

Mailed: 179  
Against: 42

**Speakers:** For: Christopher Girata, 5509 W. University Blvd., Dallas, TX, 75209  
Owen McCrory, 9510 Rockbrook Dr., Dallas, TX, 75220  
Blair Oden, 5820 Norway Rd., Dallas, TX, 75230  
Steve Stoner, 7557 Rambler Rd., Dallas, TX, 75231  
Karen Wiley, 3900 Wentwood Dr., University Park, TX, 75225  
Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201

For (Did not speak): Matthew Waller, 5828 Colhurst St., Dallas, TX, 75230  
Warren Houser, 3915 Cobblestone Dr., Dallas, TX, 75229  
R. J. Grogan Jr., 6331 Desco Dr., Dallas, TX, 75225  
Kenneth Brannon, 3443 Howell St., Dallas, TX, 75204  
Bonner Allen, 5847 Palo Pinto Ave., Dallas, TX, 75206  
Kathryn Kelly, 4317 Purdue St., Dallas Park, TX, 75225  
Jennifer Pascal, 6723 Ellworth Ave., Dallas, TX, 75214

Against: Alan Stewart, 4233 Colgate Ave., Dallas, TX, 75225  
Phillip Carey, 4237 Colgate Ave., Dallas, TX, 75225  
Harry Criss, 5956 Sherry Ln., Dallas, TX, 75225  
Misty Ventura, 9406 Biscayne Blvd., Dallas, TX, 75218  
Clinton Madison, 6627 Northwood Rd., Dallas, TX, 75225

Against (Did not speak): Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218

Staff: David Nevarez, Traffic Engineer, Sustainable Development & Construction

DELETED

**CPC Action**  
**November 7, 2019**

**Z178-358(JM AU)**

Planner: Andreea Udrea

**Motion:** It was moved to recommend **approval** of 1) a Planned Development District for mixed uses; and, 2) the termination of Specific Use Permit No. 1172 for a private school and child-care facility, subject to a conceptual plan, development plans, height and setbacks diagram, mixed use development parking chart with **applicant's recommended conditions** including two modifications to applicants recommended conditions: 1) With regard to Section 118(d) Restaurant Uses, strike subsection 118(d)(4). Insert language in section 118(a) to clarify that as long as the mother's day out program exists, there can be no schools at the same location, and 2) the following conditions should be added: (i) Amendments to the development plan are permitted but in no event shall any extra height be awarded through the minor amendment process, even at the discretion of the director of CPC; (ii) The minimum front, rear or side setback on North Frederick Square Alley is 10 feet; (iii) No overhang or aboveground structure other than the paving may be placed in the required front, side or rear yard adjacent to the Frederick Square Alley; (iv) With regard to density: (1) In subdistricts II and III combined, the number of multifamily dwelling units may not exceed 365, (2) In subdistrict II, the number of multifamily dwelling units may not exceed 235, and (3) There is no density limit for retirement housing, or convalescent and nursing homes, hospice care, and related institutions uses, except as otherwise set forth in the PD; (v) With regard to floor area: (1) Within subdistrict II maximum floor area for all uses combined is 455,000 square feet, and (2) Within subdistrict III: (i) Maximum floor area for Multifamily uses is 140,000 square feet. However, this limitation does not apply to retirement housing or convalescent and nursing homes, hospice care and related institution uses; (ii) Maximum floor area for retirement housing or convalescent and nursing homes, hospice care and related institution uses is 160,000 square feet; (iii) Maximum floor area for lodging uses is 150,000 square feet plus an additional 10,000 square feet for lodging uses that do not have a meeting room exceeding 1,900 square feet; and (iv) In any event, the maximum allowed floor area in subdistricts II and III is 586,157 square feet; (iv) With regard to the Alley: (1) In subdistrict II: (i) Off-street loading spaces may be accessed from the Frederick Square North alley as shown on the development plan; (ii) One valet drop-off access point is permitted on the Frederick Square North alley provided that it is limited to 11 a.m. – 2 p.m. and after 6 p.m., Monday- Friday and is unlimited for Saturdays, Sundays and national holidays; and (iii) All parking spaces located in subdistrict II must have two ingress/egress points to the Frederick Square North alley and must also have equivalent access for both ingress and egress to the internal drive located on the south side of Subdistrict II, (2) In subdistrict III – the only future access to Frederick Square North alley from Subdistrict III shall be loading and is limited to one loading point, (3) The Director shall have

discretion to alter ingress/egress point to avoid a conflict with neighbors on the north side of Frederick Square North alley, (4) The Frederick Square North alley shall be improved to include a minimum paving width of 20 feet between Lomo Alto Drive and Douglas Avenue; (v) With regard to Mechanical Equipment: In subdistrict II, all rooftop mechanical equipment must be screened with a vertical screen; and (vi) With regard to infrastructure improvements, specifically in Section 119, the building official shall not issue a final certificate of occupancy for new construction unless there is an executed developer agreement or contract for striping of the intersection of Douglas Avenue and Sherry Lane as determined by the director on property zoned Planned Development District No. 314, an MF-1(A) Multifamily District, and an R-7.5(A) Single Family District with Specific Use Permit No. 1172, on the north side of Colgate Avenue, between Lomo Alto Drive and Douglas Avenue.

Maker: Murphy  
Second: MacGregor  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid, Carpenter, Lunsom, Blair, Jung, Housewright, Schmitz, Schwabe, Murphy, Ridley, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 500 Mailed: 179  
**Replies:** For: 34 Against: 42

**Speakers:** For: Christopher Girata, 5509 W. University Blvd., Dallas, TX, 75209  
Owen McCrory, 9510 Rockbrook Dr., Dallas, TX, 75220  
Steve Stoner, 7557 Rambler Rd., Dallas, TX, 75231  
Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201  
Steve Neuhoff, 4237 Greenbrier Dr., Dallas, TX, 75225  
Richard Wells, 4301 Colgate Ave., Dallas, TX, 75225  
For (Did not speak): Jennifer Pascal, 6723 Ellsworth Ave., Dallas, TX, 75214  
Warren Houser, 3915 Cobblestone Dr., Dallas, TX, 75229  
Matthew Waller, 5828 Colhurst St., Dallas, TX, 75230  
Bonner Allen, 5847 Palo Pinto Ave., Dallas, TX, 75206  
James Lipscomb, 5908 Waggoner Dr., Dallas, TX, 75230  
Against: Misty Ventura, 9406 Biscayne Blvd., Dallas, TX, 75218  
Alan Stewart, 4233 Colgate Ave., Dallas, TX, 75225  
Amy Carey, 4237 Colgate Ave., Dallas, TX, 75225  
Jacob Carey, 4237 Colgate Ave., Dallas, TX, 75225  
Ravi Natarajan, 4413 Colgate Ave., Dallas, TX, 75225  
Marny Blake, 4225 Colgate Ave., Dallas, TX, 75225

Brian Blake, 4225 Colgate Ave., Dallas, TX, 75225  
Kathy Stewart, 4233 Colgate Ave., Dallas, TX, 75225  
Staff: David Nevarez, Traffic Engineer, Sustainable Development &  
Construction

DELETED

**CPC RECOMMENDED CONDITIONS**

**“ARTICLE \_\_\_\_.**

**PD \_\_\_\_.**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_, passed by the Dallas City Council on \_\_\_\_.

**SEC. 51P-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property bounded by North Frederick Square Alley, Douglas Avenue, Colgate Avenue, and Lomo Alto Drive. The size of PD \_\_\_\_ is approximately 13.12 acres.

**SEC. 51P-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

1) **BLANK WALL AREA** means any portion of the exterior of a building that does not include windows or doors, or columns, pilasters, or other articulations greater than 12 inches in depth. Blank wall areas measured horizontally on each story.

(2) **FLOOR AREA SUBDISTRICT RATIO** means the ratio of floor area to subdistrict area (Note: A 1:1 floor area subdistrict ratio is stated as “1.0,” 2:1 is stated as “2.0,” “2.5:1 is stated as “2.5,” etc.)

(3) **GUN RANGE** means a specialized facility or area designated and used for firearms qualifications, training, or practice.

(4) **INTERIOR SIDE YARD** means a side yard that is not adjacent to a street.

(5) **QUIET AREA** means a garden, meditative, or gathering space screened from the public right-of-way.

**CPC’s recommendation:**

(6) **LIGHT SOURCE** means a flame, bulb, mantle, or other device, or any portion thereof, that produces visible light. The term “light source” does not include a device or fixture that serves to cover, direct, or control the distribution of light.



**Staff's recommendation:**

~~(6) — LIGHT SOURCE means a flame, bulb, mantle, or other device, or any portion thereof, that produces visible light. The term "light source" does not include a device or fixture that serves to cover, direct, or control the distribution of light.~~

(7) MONUMENT SIGN means a detached sign applied directly onto a ground-level support structure (instead of a pole support) with no separation between the sign and the ground or mounted on a fence.

(8) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space

(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 commercial district.

**SEC. 51P-\_\_\_\_.104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_\_\_A: Conceptual Plan
- (2) Exhibit \_\_\_\_B: Development Plan Subdistrict I
- (3) Exhibit \_\_\_\_C: Development Plan Subdistrict II
- (4) Exhibit \_\_\_\_D: Height and Setbacks Plan
- (5) Exhibit \_\_\_\_E: Mixed use development parking chart

**SEC. 51P-\_\_\_\_.105. CREATION OF SUBDISTRICTS.**

(a) This district is divided into three subdistricts: Subdistrict I, II, and III as shown on the conceptual plan (Exhibit \_\_\_\_A).

(b) The subdistricts may, but are not required to, correspond to platted lot lines.

(c) Structure must conform to the yard, lot, and space regulations for the respective subdistricts.

**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.**

(a) Subdistrict I. Development and use of the Property must comply with the development plan (Exhibit \_\_\_\_B). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) Subdistrict II. Development and use of the Property must comply with the development plan (Exhibit \_\_\_\_C). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(c) Subdistrict III. A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this zone. If there is a conflict between the text of this article and the development plan, the text of this article controls.

(d) In addition to the requirements set forth in the City of Dallas Development Code (Section 51A-4.702), the submittal of a development plan must also include the following:

(1) Cumulative floor area, lot coverage, open space and landscape totals, parking spaces count by use category for the building site, the subdistrict, the Property.

(2) Sufficient information to verify compliance with maximum floor area, lot coverage, parking.

(3) A Traffic Management Plan, if a private school use.

(e) Amendments to the development plan per Section 51A-4.702(h) are permitted but in no event shall any extra right be awarded through the minor amendment process, even at the discretion of the director or the City Plan Commission.

**SEC. 51P-\_\_\_\_.108. MAIN USES PERMITTED.**

The following uses are the only main uses permitted:

(1) Agricultural uses.

– Crop production. [*Limited to community and urban gardens.*]

(2) Commercial and business service uses.

- Catering service. *[Subdistricts II and III.]*
- Technical school. *[Subdistricts II and III.]*

(3) Institutional and community service uses.

- Adult day care facility. *[Subdistrict I with Specific Use Permit; by right in Subdistrict III.]*
- Cemetery or mausoleum. *[Subdistrict I.]*
- Child-care facility.
- Church.
- Community service center. *[Subdistrict I with Specific Use Permit; by right in Subdistrict III.]*
- Convalescent and nursing homes, hospice care, and related institutions. *[Subdistricts II and III.]*
- Library, art gallery, or museum. *[Subdistrict I by Specific Use Permit; by right in Subdistricts II and III.]*
- Private school.

(4) Lodging uses.

- Hotel or motel. *[Subdistricts II and III.]*

(5) Miscellaneous uses.

- Temporary construction or sales office.

(6) Office uses.

- Financial institution without drive-in window. *[Subdistricts II and III.]*
- Financial institution with drive-in window. *[Subdistricts II and III; drive-in must entirely be located in a building with a minimum of one additional use.]*
- Medical clinic or ambulatory surgical center. *[Subdistricts II and III.]*
- Office. *[Subdistrict II]*

(7) Recreation uses.

- Private recreation center, club, or area. *[Subdistrict I by Specific Use Permit; by right in Subdistricts II and III.]*
- Public park, playground, or golf course.

(8) Residential uses.

- Multifamily. *[Subdistricts II and III.]*
- Residential hotel. *[Subdistricts II and III.]*
- Retirement housing. *[Subdistricts II and III.]*

(9) Retail and personal service uses.

- Business school. *[Subdistricts II and III.]*
- Car wash. *[[Subdistricts II and III; must be entirely located in a building with a minimum of one additional use.]*
- Commercial amusement (inside). *[Subdistricts II and III by Specific Use Permit.]*
- Commercial parking lot or garage. *[Subdistrict III.]*
- Dry cleaning or laundry store. *[Subdistricts II and III; must be entirely located in a building with a minimum of one additional use.]*
- Furniture store. *[Subdistricts II and III.]*
- General merchandise or food store 3,500 square feet or less. *[Subdistricts II and III.]*
- Electric fuelling station. *[Subdistricts II and III.]*
- Personal service uses. *[Subdistricts II and III.]*
- Restaurant without drive-in or drive-through service. *[Subdistricts II and III; no exterior of cooking/smoking of food is allowed.]*
- Temporary surface parking. *[Subdistricts II and III.]*
- Temporary retail use. *[Subdistricts II and III.]*
- Vehicle display and sales. *[Subdistricts II and III; any vehicle display limited to five vehicles at one time and must be located in a building with a minimum of one additional use.]*

(10) Transportation uses.

- Transit passenger shelter. *[Subdistricts II and III.]*

(11) Utility and public service uses.

- Police or fire station. *[Subdistrict I by Specific Use Permit; by right in Subdistricts II and III.]*
- Post office. *[Subdistricts II and III.]*
- Tower/antenna for cellular communication. *[Subdistricts II and III; must be attached to a building with a minimum of one additional use.]*
- Utility or government installation other than listed. *[by Specific Use Permit.]*

**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 accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-\_\_\_\_.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. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Aboveground parking structures are included in lot coverage calculations; surface parking lots, underground structures, and structures that are permitted in the open space are not.

(b) Front yard.

- (1) Douglas Avenue. Minimum front yard is 20 feet.
- (2) Colgate Avenue and Lomo Alto Drive. Minimum front yard is 15 feet.
- (3) North Frederick Square Alley. Minimum front yard is 10 feet. No overhang or above-ground structure may be placed in the required yard.

(c) Side and rear yard.

- (1) No minimum side yard or rear yard.
- (2) No minimum interior side yard.
- (3) North Frederick Square Alley. Minimum side and rear yard is 10 feet. No overhang or above-ground structure may be placed in the required yard.
- (4) For purposes of encroachments in the interior subdistrict or lot lines, the property is considered as building site.
- (5) No more than one porte cochere, canopy, or overhang may encroach an interior subdistrict or lot line subject to the following conditions:
  - (A) Maximum 40 feet encroachment
  - (B) May only overhang Subdistrict I and II
  - (C) Maximum 40 feet in width; and
  - (D) Must have a minimum clearance of 12 feet.

(d) Additional Setbacks.

- (1) Area A as shown on the height and setback plan (Exhibit \_\_\_\_D) shall be setback a minimum of 70 feet west of the eastern boundary line of Subdistrict II.
- (2) Area A1 as shown on the height and setback plan (Exhibit \_\_\_\_D) shall be setback a minimum of 119 feet, 10 inches west of the eastern boundary line of Subdistrict II.

(3) Area C as shown on the height and setback plan (Exhibit \_\_\_\_D) shall be setback a minimum of 134 feet, 10 inches west of the eastern boundary line of Subdistrict II.

(e) Density.

(1) In Subdistricts II and III combined the number of multifamily dwelling units may not exceed 365.

(2) In Subdistrict II the number of multifamily dwelling units may not exceed 235.

(3) There is no density limit for retirement housing, or convalescent and nursing homes, hospice care, and related institutions uses, except as otherwise set forth in this Ordinance.

(f) Floor area subdistrict ratio. The following maximum floor area to subdistrict area ratios shall apply.

(1) Subdistrict I. Maximum floor area subdistrict ratio is 0.75.

(2) Subdistrict II. Maximum floor area subdistrict ratio is 3.0.

(3) Subdistrict III. Maximum floor area subdistrict ratio is 2.5.

(4) Notwithstanding (1), (2) and (3) the overall floor area in the district shall not exceed a ratio of floor area to district area of 1.6:1.

(g) Floor area limits for certain uses in Subdistrict II and III.

(1) Subdistrict II.

(A) Maximum floor area for all uses combined is 455,000 square feet.

(B) Maximum floor area for residential uses is 220,000 square feet.

(C) Maximum floor area for office uses is 225,000 square feet.

(D) Maximum floor area for all other uses is 10,000 square feet.

(2) Subdistrict III.

(A) Maximum floor area for multifamily uses is 140,000 square feet. This limitation does not apply to retirement housing or convalescent and nursing homes, hospice care and related institutional uses.

(B) Maximum floor area for residential uses and convalescent and nursing homes, hospice care, and related institutions uses is 160,000 square feet.

(C) Maximum floor area for lodging uses is 150,000 square feet, plus an additional 10,000 square feet for lodging uses that do not have a meeting room exceeding 1,900 square feet.

(3) Notwithstanding (1) and (2), the maximum allowed floor area in Subdistrict II and Subdistrict III combined is 586,157 square feet.

(h) Height.

(1) Except as shown on the height plan (Exhibit \_\_\_D), maximum structure height is:

(A) Subdistrict I.

(i) Structures for utility and public service uses and institutional uses per City of Dallas Development Code.

(i) For all other uses. Maximum structure height is 30 feet, subject to the residential proximity slope.

(B) Subdistrict II and III. Maximum structure height is 180 feet, subject to the residential proximity slope.

(C) In Subdistrict I, when a multifamily use complies with the requirements in Section 51P-...110, the proposed maximum structure height may be increased to a maximum of 200 feet if:

(i) five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices, and

(i) five percent of the units are available to households earning between 61 and 80 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(2) Residential proximity slope.

**CPC's recommendation:**

(A) The site of origination for the residential proximity slope shall be as determined by Section 51A-4.412, except that:

(i) No residential proximity slope shall originate within this district to restrict height of a structure within this district. For residential proximity slope purposes, this district shall be considered a single building site.

(ii) Subdistrict I shall be considered a single-family district and Subdistrict II shall be considered a multifamily district only for application of the residential proximity slope outside of this District.

**Staff's recommendation:**

(A) The site of origination for the residential proximity slope shall be as determined by Section 51A-4.412, except that:

- (i) No residential proximity slope shall originate within this district to restrict height of a structure within this district. For residential proximity slope purposes, this district shall be considered a single building site.
- (ii) ~~Subdistrict I shall be considered a single family district and Subdistrict II shall be considered a multifamily district only for application of the residential proximity slope outside of this District.~~

**CPC's recommendation:**

(B) Except as provided in this paragraph, the following structures may project a maximum of 12 feet above the maximum structure height:

- (i) Elevator penthouse or bulkhead.
- (ii) Mechanical equipment room.
- (iii) Cooling tower.
- (iv) Tank designed to hold liquids.
- (v) Visual screens which surround roof mounted mechanical equipment.
- (vi) Chimney and vent stacks.
- (vii) Tower antenna for cellular communications
- (viii) Parapet wall, limited to a height of four feet.

**Staff's recommendation:**

~~(B) Except as provided in this paragraph, the following structures may project a maximum of 12 feet above the maximum structure height:~~

- ~~(i) Elevator penthouse or bulkhead.~~
- ~~(ii) Mechanical equipment room.~~
- ~~(iii) Cooling tower.~~
- ~~(iv) Tank designed to hold liquids.~~
- ~~(v) Visual screens which surround roof mounted mechanical equipment.~~
- ~~(vi) Chimney and vent stacks.~~



~~(vii) Tower antenna for cellular communications~~

~~(viii) Parapet wall, limited to a height of four feet.~~

(D) Except as provided in this paragraph, in Subdistrict I, the following structures may project to a maximum of 55 feet above the residential proximity slope:

(i) Cupola.

(ii) Steeple.

(iii) Spire.

(iv) Belfry.

(v) Carillon.

(i) Lot coverage.

(1) For Subdistrict I, maximum lot coverage is 45 percent. Institutional buildings may cover a maximum of 60 percent of the lot.

(2) For Subdistrict II, maximum lot coverage is 60 percent in general.

(3) In Subdistrict II, when a multifamily use complies with the requirements in Section 51P-...110, the proposed lot coverage may be increased to a maximum of 80 percent if five percent of the units are available to households earning between 51 and 60 percent of the area median family income (AMFI) for the Dallas TX HUD Metro FMR Area and offered at affordable rent prices.

(4) For Subdistrict III, maximum lot coverage is 100 percent.

(5) Aboveground parking structures are included in the lot coverage calculations; surface parking lots and underground parking structures are not.

(j) Lot size. No minimum lot size.

(k) Stories. No maximum number of stories above grade.

#### **SEC. 51P- \_\_\_\_\_.111. 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) Spaces required.

- (1) Hotel or motel. Three quarters of a space for each room.
- (2) Retirement housing. Three quarters of a space per dwelling unit or suite.
- (3) Urban garden. None required.
- (4) Outside sales. None required.

(c) Tandem parking. Tandem parking is permitted for lodging uses, with a City of Dallas valet license. Tandem parking is permitted for residential uses.

(d) Valet parking. One valet drop-off access point is permitted on the North Frederick Square Alley provided that it is limited between 11 a.m. and 2 p.m. and after 6 p.m. Monday through Friday and is unlimited for Saturdays, Sundays and national holidays.

(e) Parking structures. Below-grade parking structures may project to the lot line.

(f) Location.

(1) The entire district is considered one lot for parking purposes.

(2) All parking spaces located in Subdistrict II must have two ingress/egress points to the North Frederick Square Alley and must also have equivalent access for both ingress and egress to the internal drive located on the south side of Subdistrict II.

(g) Mixed use development parking reduction.

(1) In general.

(A) The off-street parking requirement for a mixed-use development may be reduced in accordance with the mixed-use development (MUD) parking chart (Exhibit \_\_\_\_E).

(B) For purposes of this section, mixed use development means a lot with more than one main use.

(C) This reduction may be used in combination with other parking reductions, except that the required parking for a mixed-use development may not be reduced by more than 30 percent.

(2) Calculation of adjusted standard off-street parking requirement. The adjusted off-street parking requirement for a mixed-use development is calculated as follows:

(A) First, the standard parking requirements for each of the uses in the mixed-use development must be ascertained.

(B) Next, the parking demand for each use is determined for each of the five times of day shown in the MUD parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the MUD parking chart, the percentage assigned to that use is 100 percent for all five times of day.

(C) Finally, the “time of day” columns are totalled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted off-street parking requirement for the development.

(3) Minimum parking requirement. If one or more of the main uses in a mixed-use development is a retail or personal service use, the minimum parking requirement for the mixed-use development cannot be reduced to a number of spaces that is less than the sum of the standard parking spaces required for each of the retail and personal service uses in the mixed use development.

(h) Special exception. The board of adjustment may grant a parking special exception as specified in Chapter 51A before or subsequent to the approval of a development plan.

(j) Bicycle parking. Bicycle parking must be provided according to the City of Dallas Development Code. A maximum of 5% of the required parking may be reduced by providing five bicycle parking spaces in accordance with Sec. 51A-4.330 for each parking space removed.

(k) Underground parking for Subdistricts II and III. A minimum of 50 percent of all required parking must be provided below grade. The rest may be provided in aboveground parking structures. A maximum of 10 percent of all required parking may be provided as surface parking.

(l) Administrative parking reduction. The director may only grant an administrative parking reduction in accordance with Section 51A-4.313 for office and retail and personal service uses (except for restaurants and alcoholic beverage establishments) within a 1,200 feet walking distance of a platform of a rail transit station if such office and retail and personal uses are not located within 600 feet of a single-family or duplex district and such uses are connected to the rail transit station by a sidewalk with a minimum width of six feet. No other administrative parking reductions may be granted.

(m) Off-street loading and service areas.

(1) Subdistrict II. Off-street loading spaces may be accessed from the North Frederick Square Alley as shown on the development plan.

(2) Subdistrict III. The only future access to North Frederick Square Alley shall be loading and is limited to one loading point.

(n) Screening of off-street loading spaces and service areas.

(1) Off-street loading spaces and service areas for trash collection must be screened from all public streets, and from all adjoining property whether abutting or directly across a street or alley.

(2) The screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space to a public street or adjoining property and may be provided by using any of the methods for providing screening described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall.

**SEC. 51P- \_\_\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.113. LANDSCAPING.**

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

(c) Street trees shall be provided within the landscape buffer zone along all streets and should be spaced 30 feet on center, wherever utilities and other subsurface conditions do not prohibit.

(d) Publicly accessible open space.

(1) At least 10 percent of the building site must be reserved as publicly accessible open space for activities including active or passive recreation, playground activity, groundwater recharge, landscaping, quiet areas, or other such uses.

(2) A contiguous area of minimum 20,000 square feet must be provided as publicly accessible open space for the entire Property. The open space must be connected by pedestrian walkways minimum six feet in width.

(3) No structures except for architectural elements; quiet areas; walls; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed.

(4) Publicly accessible open space may contain primarily grass, gravel/stone, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, shade structures, or other such elements.

(5) Publicly accessible open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(6) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(7) Except for emergency vehicles, on-site open space cannot be parked or driven upon.

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

**SEC. 51P- \_\_\_\_ .114. SIGNS.**

(a) Except as provided, signs must comply with the non-business zoning districts in Article VII.

(b) Subdistrict I. For institutional uses, one detached monument sign a maximum of 50 square feet in effective sign area, not more than five feet in height, may be located within five feet of each public right-of-way on Douglas Avenue and Lomo Alto Drive. The monument signs must be placed outside of the visibility triangles.

(c) Subdistricts II and III.

(1) The exceptions in Sec. 51A-7.404(5) shall also apply to these subdistricts.

(2) Restaurant uses.

(A) May have two, additional, attached signs;

(B) Each attached sign must be on a different façade;

(C) Maximum 75 square feet in effective area per attached sign; and

(D) The sign must be located no higher than the first two stories of the building.

**SEC. 51P-\_\_\_\_.115. DESIGN STANDARDS.**

(a) The design standards required by this section must only apply to new construction of facades with frontage on Douglas Avenue, Colgate Avenue, and Lomo Alto Drive.

(b) Public realm design.

(1) Sidewalks.

(A) A minimum unobstructed sidewalk clear zone width of six feet must be provided. An additional minimum landscape buffer of five feet must be provided between the back of curb and the sidewalk along all public and private streets.

(B) Sidewalks must be located in an area parallel to and between five feet and 15 feet of the back of the projected street curb.

(C) Sidewalks should be continuous and level across all driveways and curb cuts and should be designed to be at the same grade as the existing sidewalk.

(D) If a portion of a required sidewalk is located on private property, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way.

(2) Pedestrian amenities.

(A) Except as provided, bicycle parking must be provided per Dallas Development Code.

(B) A minimum of one bicycle rack with minimum five spaces shall be provided for each subdistrict. Bicycle racks can be collocated in one central facility and location.

(3) Mechanical equipment.

(A) Except as provided in this paragraph, aboveground utility boxes, generators, and other large mechanical equipment should be located out of view from Douglas Avenue, Colgate Avenue, and Lomo Alto Drive. Items that cannot be located as required must be screened from view by a solid wood or masonry fence, wall, or building element at least six feet in height or must be screened with landscaping such as shrubs, bushes, and trees.

(B) No utilities other than franchise utilities may be placed within the required sidewalk planting zone or clear zone.

(C) In Subdistrict II, all rooftop mechanical equipment must be screened with a vertical screen.

(4) Lighting.

(A) Except as provided in this paragraph, lights must be provided at regular intervals with a spacing of no greater than 100 feet along all street-facing facades to provide lighting on sidewalks, streets, walkways and plazas to enhance pedestrian safety. Lights are not required to be placed in visibility triangles and vehicular drives.

(B) Lighting must be directed downward and away from adjacent properties.

(C) Except as provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(c) Building design.

(1) Architectural elements.

(A) Architectural elements, such as the following, must be provided at all building corners and at public entry points: architecturally prominent public entrances, canopies, awnings, variations in building massing, and variations in fenestration.

(B) For the first 20 feet in height of a building façade in Subdistrict II, every 50 feet of building facade length must provide changes within the vertical plane of a minimum of five feet.

(C) Where clearly visible from public view, blank walls must not exceed 30 linear feet. BLANK WALL AREA means any portion of the exterior of a building that does not include windows or doors; or columns, pilasters, or other articulations greater than 12 inches in depth. Blank wall area is measured horizontally on each story.

(2) Individual entries.

(A) A minimum of 60 percent of the street-level multifamily dwelling units adjacent to a street, if any, in each building must have individual entries that access the street with an improved path connecting to the sidewalk.

(B) A minimum of 50 percent of retail unit adjacent to a street in each building must have individual entries that access the street.

(3) Service and loading.

(A) Service entries and back of house functions must be located away from Colgate Avenue, Douglas Avenue, and Lomo Alto Drive, and should be visually screened by a solid wood or masonry fence or wall at least 6 feet in height where visible from the public realm or shall be screened with landscaping such as shrubs, bushes, and trees.

(B) Loading areas and loading docks: (i) should be located away from Colgate Avenue, Douglas Avenue, and Lomo Alto Drive; (ii) should be a maximum of 50 feet wide; and (iii) should provide a closable opaque gate or door that can block the loading area from the sidewalk during times when it is not in use.

(4) Architectural elements for parking lots and structures.

(A) Aboveground parking structures must be constructed so as to screen vehicles from pedestrians on adjacent public streets and diffuse vehicle headlights from shining directly into adjacent residential dwelling units.

(B) All non-entry openings in the aboveground parking structure facade must be screened. Screening may include architectural grillwork or other materials that provide ventilation.

(C) In Subdistrict II, along all public and private streets surface parking lot must be located behind the constructed building line.

(D) Aboveground parking structures are not permitted facing public streets and must be screened where clearly visible from public view.

**SEC 51P-\_\_\_\_.116. MIXED-INCOME HOUSING**

(a) Except as provided in this section, mixed-income housing compliance with Division 51A-4.1100 is required to obtain development bonuses in Section 51P-\_\_\_\_.

(b) Compliance with Section 51A-4.1107 is not required.

(c) Compliance with Section 20A-27 is not required.

**SEC 51P-\_\_\_\_.117. NONCONFORMING USES, STRUCTURES AND LANDSCAPE**

(a) Original nonconforming uses in Subdistrict III.

(1) Original nonconforming uses are defined as those uses made nonconforming by the passage of this ordinance.

(2) Section 51-4.704(a)(1), which specifies the procedures for establishing compliance dates for nonconforming uses, does not apply to original nonconforming uses Subdistrict III. The board shall not provide a compliance date for original nonconforming uses in Subdistrict III.



(b) A person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure or a nonconforming landscape if the work does not cause the structure to become more nonconforming as to the yard, lot, space and landscape regulations.

**SEC. 51P- \_\_\_\_ .118. ADDITIONAL PROVISIONS.**

(a) Private school use.

**CPC's recommendation:**

- (1) No more than one private school is permitted in this district. A Mother's Day Out program is considered a private school.
- (2) A private school shall not exceed an average daily attendance of 345 students or a maximum enrollment 460 students.

**Staff's recommendation:**

- ~~(1) No more than one private school is permitted in this district. A Mother's Day Out program is considered a private school.~~
- ~~(2) A private school shall not exceed an average daily attendance of 345 students or a maximum enrollment 460 students.~~

(b) Restaurant uses. In Subdistrict II the following additional conditions apply:

**CPC's recommendation:**

- (1) Only one (1) restaurant is allowed within Subdistrict II unless located within the interior of a Subdistrict II building.
- (2) No patrons may access the rooftop.
- (3) All restaurant service/loading will be located underneath or on the west side of the Subdistrict II office building footprint.
- (4) Subject to compliance with city construction codes, all restaurant cooking exhaust will be routed through the Subdistrict II building and not through the restaurant.
- (5) Any restaurant facing Douglas Avenue shall not have any openings allowing persons direct access to North Frederick Square Alley.

**Staff's recommendation:**

- ~~(1) Only one (1) restaurant is allowed within Subdistrict II unless located within the interior of a Subdistrict II building.~~

- (2) No patrons may access the rooftop.
- (3) All restaurant service/loading will be located underneath or on the west side of the Subdistrict II office building footprint.
- (4) ~~Subject to compliance with city construction codes, all restaurant cooking exhaust will be routed through the Subdistrict II building and not through the restaurant.~~
- (5) Any restaurant facing Douglas Avenue shall not have any openings allowing persons direct access to North Frederick Square Alley.

(c) Commercial amusement (inside) uses. The following additional conditions apply:

**CPC's recommendation:**

- (1) No part of this use may consist of dance hall, and gun range; and
- (2) The floor area may not exceed 5,000 square feet.

**Staff's recommendation:**

- (1) No part of this use may consist of dance hall and gun range; and
- (2) The floor area may not exceed 5,000 square feet.

(d) Tower/antenna for cellular communication uses. The following additional conditions apply:

- (1) Mounted cellular antennas as described in Section 51A-4.212(10.1)(A)(i) of the Dallas City Code may be installed; and
- (2) Each mounted cellular antenna must be integrated into the building façade or mounted on the roof of a main structure and not be visible from any street or located above residential proximity slope.

(e) Additional noise regulations:

**Applicant request:**

- (1) The use of an outside speaker as part of an intercom system must be approved by the director of sustainable development and construction of the City if the speaker is located within 250 feet of private property with a residential use. Review and approval of the speaker are governed by the procedures and standards for residential adjacency review in Division 51A-4.800 of the Dallas City Code;
- (2) In that area on the height and setback plan labeled A, A-1, B and C, the use of an outside public address, paging speaker, or sound amplifier is prohibited between 9:00 p.m. and 8:00 a.m.

(3) In the portion of Subdistrict I within 300 feet from Douglas Avenue, the use of an outside public address, paging speaker, or sound amplifier is prohibited between 10:30 p.m. and 6:00 a.m.;

(4) Subsections (1) thru (3) do not apply to special events for which a special events permit is issued under Chapter 42A of Dallas City Code.

**Staff's recommendation:**

~~(1) The use of an outside speaker as part of an intercom system must be approved by the director of sustainable development and construction of the City if the speaker is located within 250 feet of private property with a residential use. Review and approval of the speaker are governed by the procedures and standards for residential adjacency review in Division 51A-4.800 of the Dallas City Code;~~

~~(2) In that area on the height and setback plan labeled A, A-1, B and C, the use of an outside public address, paging speaker, or sound amplifier is prohibited between 9:00 p.m. and 8:00 a.m.~~

~~(3) In the portion of Subdistrict I within 300 feet from Douglas Avenue, the use of an outside public address, paging speaker, or sound amplifier is prohibited between 10:30 p.m. and 6:00 a.m.;~~

~~(4) Subsections (1) thru (3) do not apply to special events for which a special events permit is issued under Chapter 42A of Dallas City Code.~~

**CPC's recommendation:**

(f) Garbage collection. Garbage collection is prohibited between 10 p.m. and 7 a.m.

**Staff's recommendation:**

~~(f) Garbage collection. Garbage collection is prohibited between 10 p.m. and 7 a.m.~~

(g) Outdoor illumination:

**CPC's recommendation:**

(1) Light sources that are located outdoors must:

(A) Be indirect, diffused, or covered by shielded-type fixtures that control or direct the distribution of light;

(B) Be installed to reduce glare and the consequent interference with boundary streets and neighboring properties;

(C) Be oriented down and onto the property they light and away from any adjacent property with a residential use; and

(D) Be no more than 24 feet above grade;

(2) Light fixtures for outdoor light sources must be attached to buildings or mounted on poles made of metal or a material with similar durability except as provided in (6) (C) below.

(3) Shielded-type fixtures used with outdoor light sources must control the light beam so that it is not directed outside of this district.

(4) Strings of lamps or bare bulbs are prohibited outdoors, except in Subdistrict I.

(5) Exceptions. Notwithstanding subsections (2) through (5) above:

(A) The words on a sign may be illuminated by back lighting if:

(i) No part of the sign has a changeable message, moves, flashes, blinks, changes its illumination, or rotates; and

(ii) No light source is visible from a property north of Subdistrict II with a residential use that is located within 600 feet of the light source.

(B) A building may have a horizontal and vertical light-emitting diode (LED) lighting system that is affixed to the front of the building if:

(i) The lighting does not blink, flash, move, be animated, or change its illumination; and

(ii) The system is installed so that it outlines only the edges of the building's façades.

(C) Outdoor light sources used for Cross Tower, Steeple, Carillon or other similar church structures [collectively, "Church Elements"], may be ground mounted or located below or above 24 feet above grade, may be directed only upwards or downwards to illuminate such Church Elements, and shall be covered by shielded-type fixtures that control or direct the distribution of light.

(D) This section does not apply to light sources located indoors that have the sole purpose of providing illumination for one or more rooms, halls, or other spaces in the interior of a building.

**Staff's recommendation:**

~~(1) Light sources that are located outdoors must:~~

~~(A) Be indirect, diffused, or covered by shielded type fixtures that control or direct the distribution of light;~~

~~(B) — Be installed to reduce glare and the consequent interference with boundary streets and neighboring properties;~~

~~(C) — Be oriented down and onto the property they light and away from any adjacent property with a residential use; and~~

~~(D) — Be no more than 24 feet above grade;~~

~~(2) Light fixtures for outdoor light sources must be attached to buildings or mounted on poles made of metal or a material with similar durability except as provided in (6) (C) below.~~

~~(3) Shielded type fixtures used with outdoor light sources must control the light beam so that it is not directed outside of this district.~~

~~(4) Strings of lamps or bare bulbs are prohibited outdoors except in Subdistrict I.~~

~~(5) Exceptions. Notwithstanding subsections (2) through (5) above:~~

~~(A) — The words on a sign may be illuminated by back lighting if:~~

~~(i) No part of the sign has a changeable message, moves, flashes, blinks, changes its illumination, or rotates; and~~

~~(ii) No light source is visible from a property north of Subdistrict II with a residential use that is located within 600 feet of the light source.~~

~~(B) — A building may have a horizontal and vertical light-emitting diode (LED) lighting system that is attached to the fins of the building if:~~

~~(i) The lighting does not blink, flash, move, be animated, or change its illumination; and~~

~~(ii) The system is installed so that it outlines only the edges of the building's façades.~~

~~(C) — Outdoor light sources used for Cross Tower, Steeple, Carillon or other similar church structures [collectively, "Church Elements"], may be ground mounted or located below or above 24 feet above grade, may be directed only upwards or downwards to illuminate such Church Elements, and shall be covered by shielded type fixtures that control or direct the distribution of light.~~

~~(D) — This section does not apply to light sources located indoors that have the sole purpose of providing illumination for one or more rooms, halls, or other spaces in the interior of a building.~~

(h) North Frederick Square Alley.

(1) The Director shall have discretion to alter ingress/egress point to avoid a conflict with neighbors on the north side of North Frederick Square Alley.

(2) The Frederick Square North alley shall be improved to include a minimum paving width of 20 feet between Lomo Alto Drive and Douglas Avenue.

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

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

**SEC. 51P-\_\_\_\_.119. 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.”

(c) The building official shall not issue a final certificate of occupancy for new construction unless there is an executed developer agreement or contract for the installation of detection equipment and accessible pedestrian signal system at the intersection of Douglas Avenue and Sherry Lane as determined by the director.

(d) The building official shall not issue a final certificate of occupancy for new construction unless there is an executed developer agreement or contract for striping of the intersection of Douglas Avenue and Sherry Lane as determined by the director.

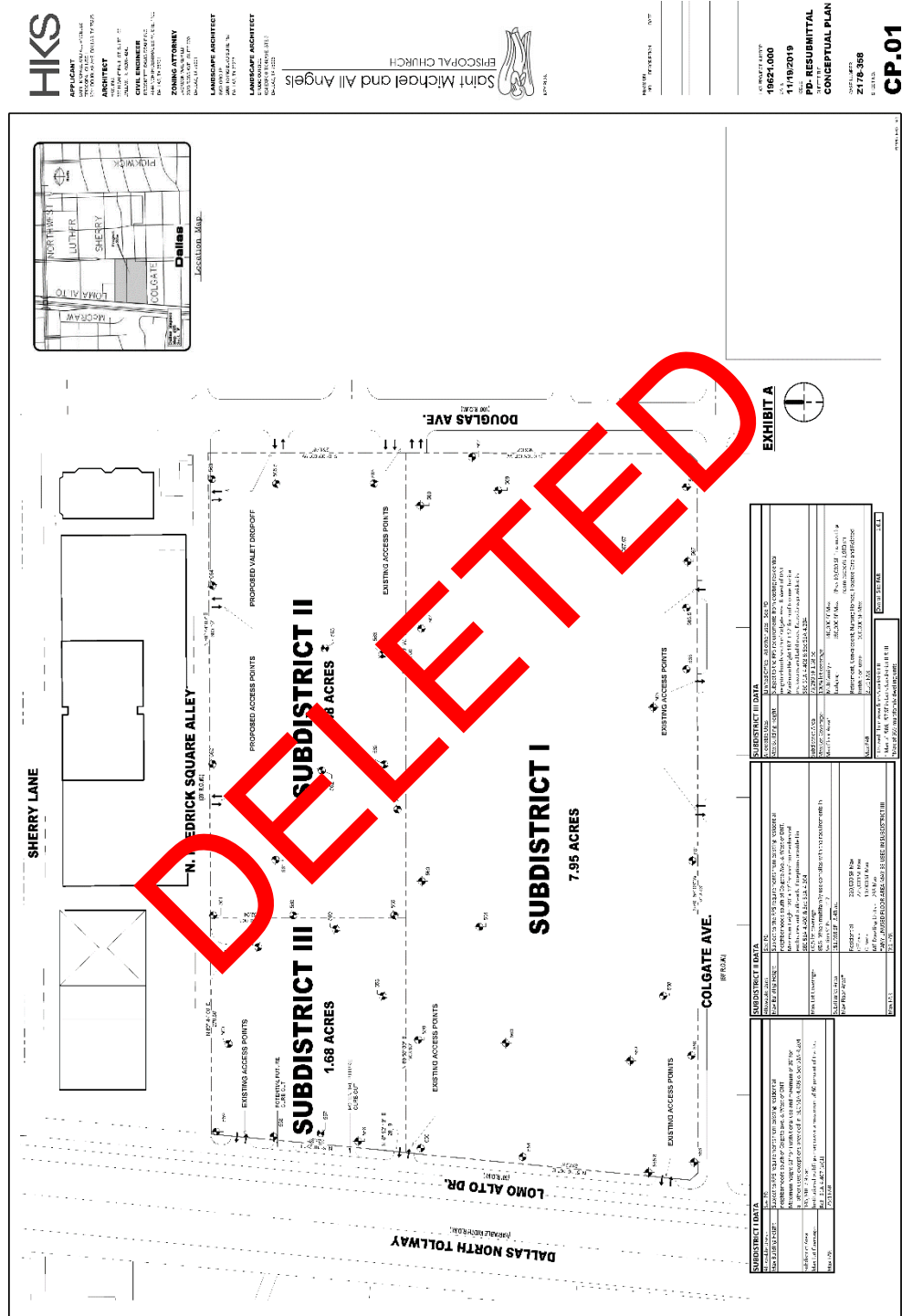
EXHIBIT \_\_\_\_ E  
Mixed Use Development Parking Chart  
 (for calculating standard parking requirement)

<u>USE CATEGORIES</u>	<u>STANDARD PARKING REQUIREMENT</u>	<u>PARKING ADJUSTMENT THE TIME OF DAY (weekday)</u>				
		Morning	Noon	After-noon	Late After Noon	Evening
<u>Residential Uses</u>	<u>per Code</u>	<u>80%</u>	<u>60%</u>	<u>60%</u>	<u>70%</u>	<u>100%</u>
<u>Office Uses</u>	<u>per Code</u>	<u>100%</u>	<u>80%</u>	<u>100%</u>	<u>85%</u>	<u>35%</u>
<u>Retail &amp; personal services uses</u>	<u>per Code</u>	<u>60%</u>	<u>75%</u>	<u>70%</u>	<u>65%</u>	<u>70%</u>
<u>Church uses</u>	<u>Per Code</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>20%</u>
<u>Any other use</u>	<u>per Code</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

The adjusted standard off-street parking requirements for the development are the largest of the five “time of day” column sums.

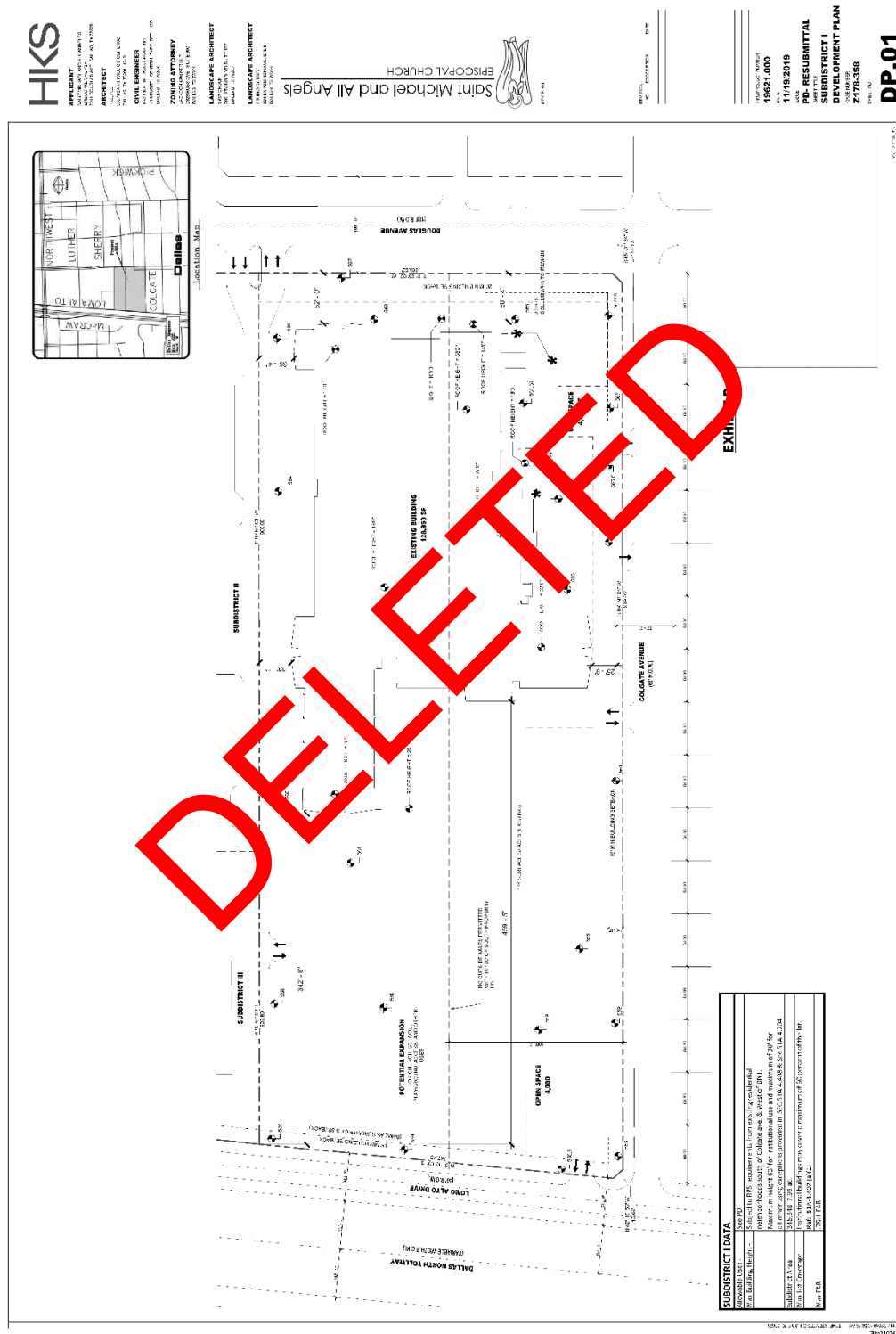
Note: If the use does not fit into one of the first four categories listed above, 100 percent assignment must be used in each of the “time of day” columns. If one or more of the main uses in the development is a retail and personal service use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirements for each of the retail and personal service uses in the development.

## CPC RECOMMENDED CONCEPTUAL PLAN





## CPC RECOMMENDED DEVELOPMENT PLAN SUBDISTRICT I

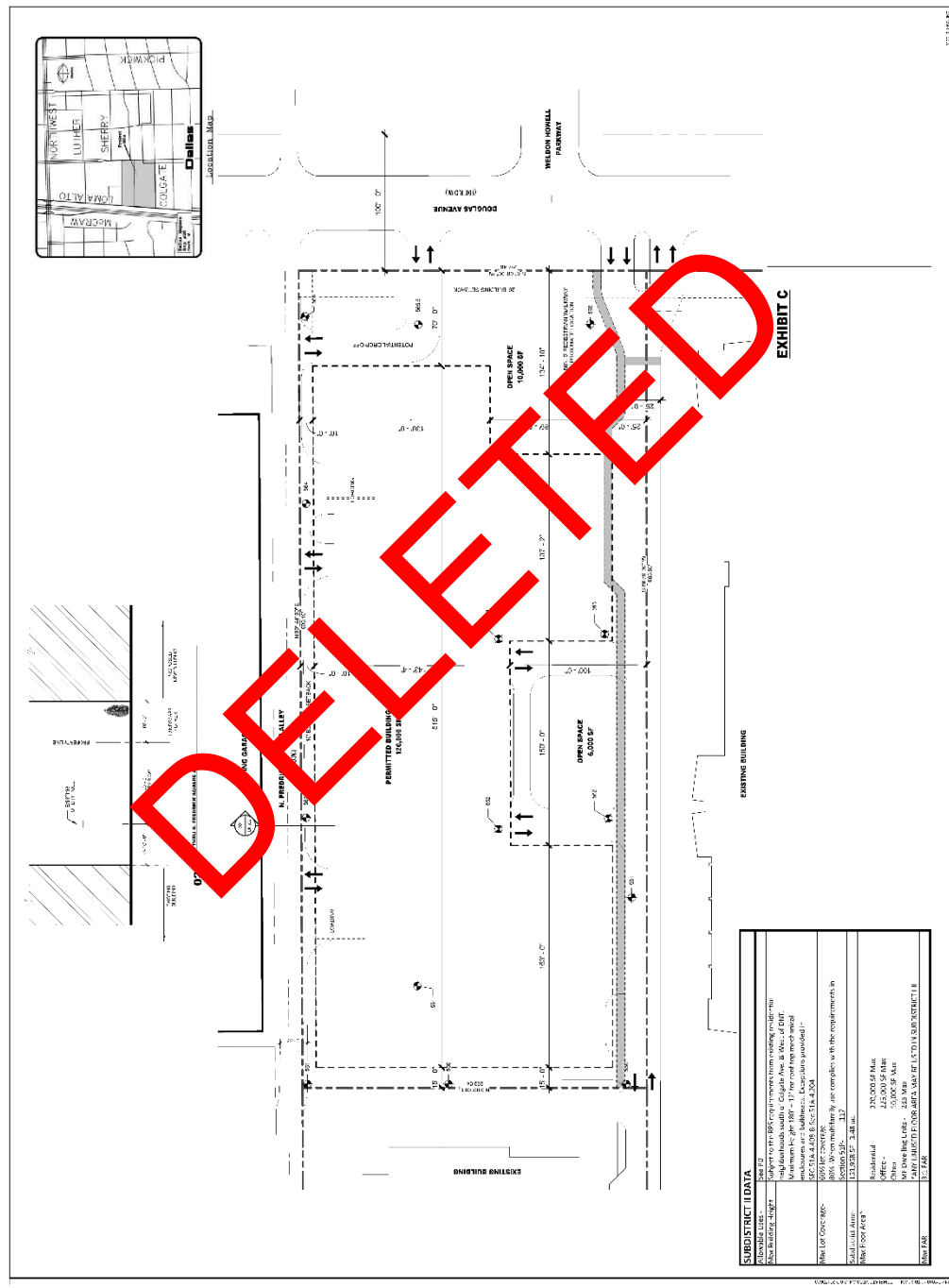


# CPC RECOMMENDED DEVELOPMENT PLAN SUBDISTRICT II

**HKS**  
APPLICANT  
10000 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75203  
ARCHITECT  
10000 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75203  
ZONING ATTORNEY  
10000 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75203  
LANDSCAPE ARCHITECT  
10000 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75203  
LANDSCAPE ARCHITECT  
10000 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75203

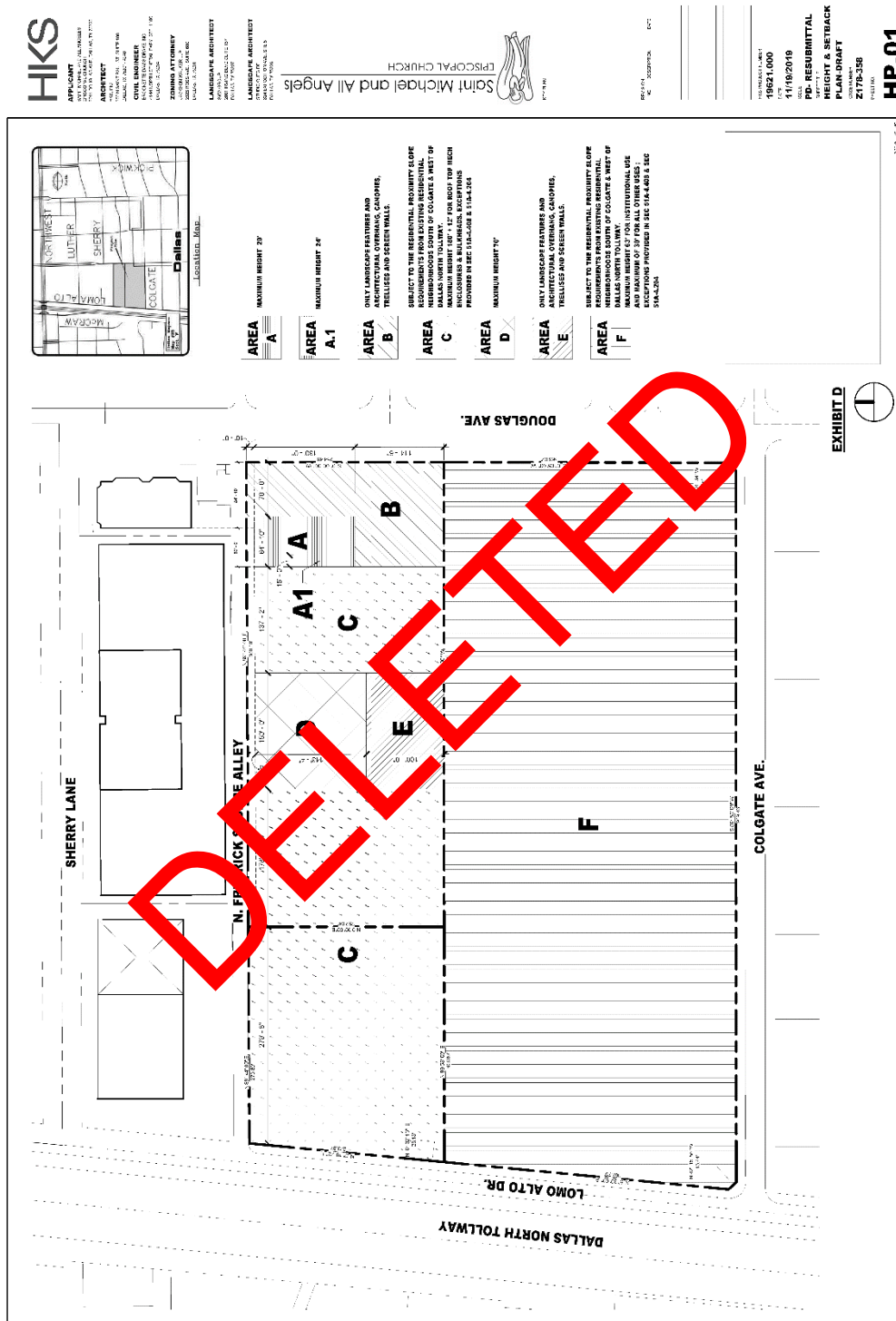
Saint Michael and All Angels  
EPISCOPAL CHURCH  
10000 N. CENTRAL EXPRESSWAY, SUITE 1000  
DALLAS, TEXAS 75203

DATE: 11/19/2019  
PROJECT: SUBDISTRICT II  
SUBDISTRICT II  
CPC RECOMMENDED DEVELOPMENT PLAN  
2778-358  
DP.02



SUBDISTRICT II DATA	
Minimum Area	10,000 sq. ft.
Maximum Area	100,000 sq. ft.
Minimum Lot Area	10,000 sq. ft.
Maximum Lot Area	100,000 sq. ft.
Minimum Lot Width	100 ft.
Maximum Lot Width	1000 ft.
Minimum Lot Depth	100 ft.
Maximum Lot Depth	1000 ft.
Minimum Lot Area Ratio	1.0
Maximum Lot Area Ratio	1.0
Minimum Lot Area Ratio	1.0
Maximum Lot Area Ratio	1.0
Minimum Lot Area Ratio	1.0
Maximum Lot Area Ratio	1.0
Minimum Lot Area Ratio	1.0
Maximum Lot Area Ratio	1.0
Minimum Lot Area Ratio	1.0
Maximum Lot Area Ratio	1.0

# CPC RECOMMENDED HEIGHT AND SETBACKS PLAN



**HKS**

**ARCHITECT**  
HKS ARCHITECTS, L.L.C.  
1100 N. DALLAS STREET, SUITE 1000  
DALLAS, TEXAS 75201  
PHONE: 214.760.1000  
FAX: 214.760.1001  
WWW.HKS.COM

**CIVIL ENGINEER**  
HKS ENGINEERS, L.L.C.  
1100 N. DALLAS STREET, SUITE 1000  
DALLAS, TEXAS 75201  
PHONE: 214.760.1000  
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**LANDSCAPE ARCHITECT**  
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**PLANNING**  
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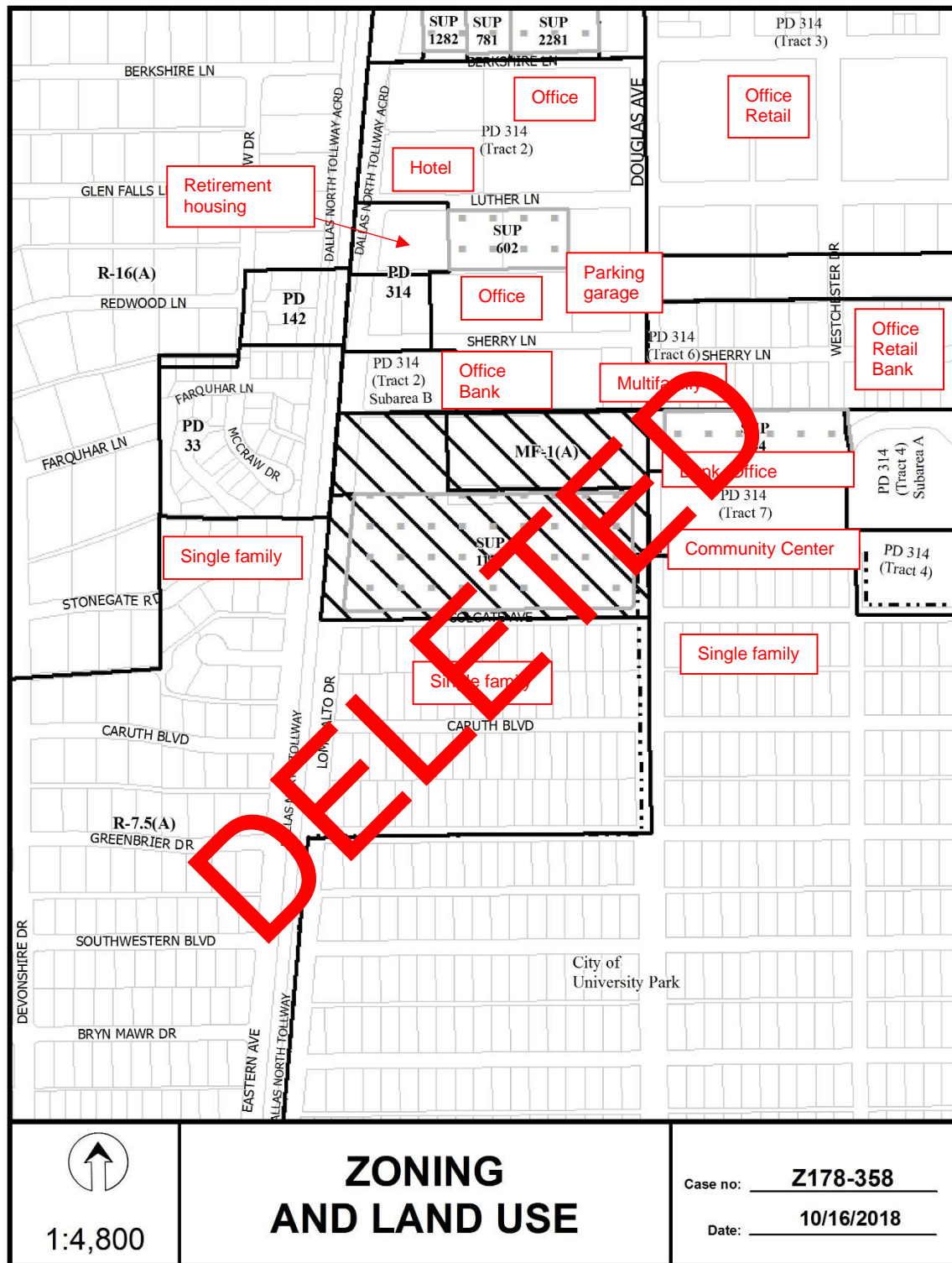
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11/06/2019

***Reply List of Property Owners******Z178-358******179 Property Owners Notified      31 Property Owners in Favor      42 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	8100 LOMO ALTO DR	FREDERICKS SQUARE TITLE
O	2	8011 DOUGLAS AVE	CORPORATION OF EPISCOPAL
	4	6010 SHERRY LN	TOMLIN FAMILY LTD
	5	6012 SHERRY LN	6012 SHERRY LANE LTD
	6	6020 SHERRY LN	KIDWELL JOHN M PROPERTIES INC
	7	6030 SHERRY LN	MOORE FAMILY PROPERTY CO NO 2 LTD
	8	6036 SHERRY LN	SRI SHERRY LLC
	9	6044 SHERRY LN	PRESTON GRAND INC
	10	6050 SHERRY LN	J & I AHN LP
O	11	6060 SHERRY LN	K & B SHERRY TX LTD &
	12	6023 SHERRY LN	BV SHERRY II LP
	13	6031 SHERRY LN	SHERRY LANE INV INC
	14	8222 DOUGLAS AVE	MP PRESTON CENTER OWNER LLC
	15	8235 DOUGLAS AVE	GPI DOUGLAS LP
	16	5905 SHERRY LN	SGD BV PARK CITIES LP
	17	5949 SHERRY LN	KBSIII STERLING PLAZA LLC
O	18	8111 WESTCHESTER DR	BV CP PRESTON CENTER LP
X	19	4429 CARUTH BLVD	DANZA ALEXANDER M & AMY P
	20	4427 CARUTH BLVD	WRAY ALAN W & KAREN E
	21	4425 CARUTH BLVD	JAMES CHRISTOPHER C &
	22	4421 CARUTH BLVD	JAMES CHRISTOPHER C &
	23	4417 CARUTH BLVD	HENDERSON WYATT & LONDON
	24	4413 CARUTH BLVD	SLAVEN RICHARD D & JESSICA C
	25	4409 CARUTH BLVD	VICTOR ENTERPRISES INC
	26	4405 CARUTH BLVD	BOND ROBERT & KASEY D
	27	4401 CARUTH BLVD	DEIS LOUIS P & NANCY J FAMILY LIVING TRUST

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	28	4333 CARUTH BLVD	TURFITT DENISE LARUE
	29	4329 CARUTH BLVD	MCNULTY GORDON MATTHEW & AMY
	30	4325 CARUTH BLVD	MJCB MANAGEMENT TRUST
	31	4321 CARUTH BLVD	OLIVO ERIC W & PIPER L
	32	4317 CARUTH BLVD	ZANTOP DAVID M & ELIZABETH A
X	33	4313 CARUTH BLVD	KITTMAN PAUL FAMILY TRUST
	34	4309 CARUTH BLVD	OBRIEN MICHAEL
X	35	4305 CARUTH BLVD	IDRIS AHAMED &
X	36	4301 CARUTH BLVD	COWDEN JOHN B III
X	37	4300 CARUTH BLVD	MARTIN CYNTHIA A
	38	4304 CARUTH BLVD	GRIFFIN DEBORAH A
X	39	4308 CARUTH BLVD	EWING GERRY L &
O	40	4312 CARUTH BLVD	FOX ANDY &
X	41	4316 CARUTH BLVD	SAMRAGE SCOTT M &
	42	4320 CARUTH BLVD	BOURGEOIS KIMBERLY A
	43	4324 CARUTH BLVD	KORAL KORGUN &
	44	4328 CARUTH BLVD	SHOWALTER BARTON E &
X	45	4332 CARUTH BLVD	MOREY ALLEN F &
X	46	4400 CARUTH BLVD	PHELPS BRIAN &
X	47	4404 CARUTH BLVD	HEARD DAVID N & KERI TONN
	48	4408 CARUTH BLVD	MEYER TRAVIS CHURCHMAN &
	50	4416 CARUTH BLVD	YOON DONGHI A & TRACEY HANG
	51	4420 CARUTH BLVD	MCDADE CHRISTOPHER LANCE
	52	4424 CARUTH BLVD	VICHYASTIT KEN &
	53	4428 CARUTH BLVD	PORTTEUS ANDREW M
X	54	4432 CARUTH BLVD	HARRIS SHERIL
X	58	4417 COLGATE AVE	WHISENANT PRESTON & KRISTEN
	60	4409 COLGATE AVE	BROOKS TAYLOR K & LAURA
	61	4405 COLGATE AVE	SEDBERRY GREGORY T
	62	4401 COLGATE AVE	VASSA NEAL &
	63	4333 COLGATE AVE	YSBRAND JOSEPH H

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	68	4313 COLGATE AVE	WEST JESSIE LEIGH EST OF
	72	5808 REDWOOD LN	RIEKE ROBERT D & MELISSA E
	73	5818 REDWOOD LN	COZORT DONNA
	74	5764 CARUTH BLVD	PATTERSON ELISE THAYER
	75	5756 CARUTH BLVD	GLASGOW HENRY C JR &
	76	5743 CARUTH BLVD	HUNTER SUSAN ELIZABETH
	77	5749 CARUTH BLVD	CONWAY TAYLOR G
	78	5755 CARUTH BLVD	KELLOGG JANE B
	79	5763 CARUTH BLVD	GERSON ELLIOTT
	80	5728 SURREY SQUARE LN	HELLER RIMLEY &
	81	5722 SURREY SQUARE LN	CASSON CAROL J
	82	5714 SURREY SQUARE LN	ROONEY MATTHEW &
	83	5708 SURREY SQUARE LN	FLIP SISTERS LLC
	84	5715 SURREY SQUARE LN	CJ REC LLC
	85	5729 SURREY SQUARE LN	AINI MATEEN
	86	5764 STONEGATE RD	DAVIS PETER
	87	5756 STONEGATE RD	MURPHY CHRISTOPHER JOHN & ASHLEY NESTOR
X	88	5750 STONEGATE RD	SHUTE BRENDA E & JAMES C
X	89	5744 STONEGATE RD	REAM JULEE A
	90	5736 STONEGATE RD	TEDDLIE ERIC A & JANET
	91	5745 STONEGATE RD	HAKIM RIMA
	92	5749 STONEGATE RD	JANSONIUS JOHN V &
	93	5753 STONEGATE RD	FOSTER DALE & VICTORIA
X	94	5757 STONEGATE RD	LASSITER JENNIFER R &
	96	8848 MCCRAW DR	TEALWOOD SQ HOME OWNERS
	97	8828 FARQUHAR CIR	THORNTON ROBERT LEE III &
O	98	8818 FARQUHAR CIR	NEC GS EXEMPT TRUST &
O	99	8808 FARQUHAR CIR	LOWE JOHN B JR & MARY P
	100	5815 FARQUHAR LN	BERRY SALLY B & BUFORD P
	101	5825 FARQUHAR LN	FRANKLIN JOHN CARRELL & BARBARA E
X	102	5835 FARQUHAR LN	JCB MANAGEMENT TRUST THE

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	103	8838 FARQUHAR CIR	TRAVIS KENNETH B & KAREN A
	104	5826 FARQUHAR LN	MITCHELL HARVEY R &
	105	8863 MCCRAW DR	PIERCE NANCY WATSON
	106	8859 MCCRAW DR	STAMMBERGER ERIC &
	107	8849 MCCRAW DR	WEINER FAMILY MINERAL INTEREST
	108	8839 MCCRAW DR	HAYNER WILLIAM M ETAL
O	109	8829 MCCRAW DR	MC FARLAND JOHN SAMUEL &
	110	8819 MCCRAW DR	ROOSEVELT ELLIOTT JR &
X	111	8809 MCCRAW DR	CAMPBELL BOBBY PIPKIN
	113	8818 MCCRAW DR	BRUTON CAROLE LOU
	114	8828 MCCRAW DR	BLACK BEAUTY
O	115	8838 MCCRAW DR	BIRNBAUM MARC A
	116	8858 MCCRAW DR	MYTINGER FRANK K &
	117	5866 FARQUHAR LN	BARNES WILLIAM R & MARY G
	119	5875 FARQUHAR LN	WINN PARIS BRUNET &
O	120	5865 FARQUHAR LN	EDYARD DOLORES T
	121	5855 FARQUHAR LN	STOREY HELEN S
	122	5845 FARQUHAR LN	NEWSOME THOMAS W & JANVRIN M
	123	9018 MCCRAW DR	HARDAWAY OSCAR O &
X	124	8700 DOUGLAS AVE	MILLCREEK SHERRY DOUGLAS
	125	5944 LUTHER LN	LUTHER PRESTON CENTER LLC
	126	5954 LUTHER LN	WOODBINE LEGACY
	127	5934 LUTHER LN	METROPOLITAN PRESTON CENTER
	129	5950 SHERRY LN	5950 SHERRY PROPERTY LLC
	131	5801 REDWOOD CT	REDWOOD COURT HOMEOWNERS
	132	5803 REDWOOD CT	PRITCHETT PHILIP H & MARTHA C
	133	5805 REDWOOD CT	LOEB MICHAEL E & RAYNA D
O	134	5811 REDWOOD CT	LARDNER ANN MARIE
	135	5810 REDWOOD CT	HUBACH FRANCIS P JR
	136	5804 REDWOOD CT	PITZER STARR LAMBERT & CHRISTINE H
O	137	5802 REDWOOD CT	COUSINS RALPH & HARRIET

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	138	4237 CARUTH BLVD	WANG CHIEN CHENG &
	139	4233 CARUTH BLVD	MALONE JAMES P JR &
	140	4229 CARUTH BLVD	CARDWELL CRAIG G & JENNIFER
	141	4225 CARUTH BLVD	FINNEY MARSHALL HOHMAN & MEREDITH COX
	142	4221 CARUTH BLVD	ACHARYA SUJEET S &
X	144	4233 COLGATE AVE	STEWART KATHY K
	146	4225 COLGATE AVE	BLAKE BRIAN K & MARNEY L
X	147	4221 COLGATE AVE	OBRIEN SEAN C &
	148	4217 COLGATE AVE	COUTU BRANDON & TAYLOR
X	149	4213 COLGATE AVE	WALTMELANE COLAHAN
X	150	4209 COLGATE AVE	SMITH HARRY & ADINA
X	151	4212 CARUTH BLVD	O'CONNOR ROBERT M & MARCY A
	152	4216 CARUTH BLVD	JOHNSON BUILDING CONSULTANTS LLC
X	153	4220 CARUTH BLVD	REGENBAUM DONNA
	154	4224 CARUTH BLVD	WEAVER CLAY & DAWN
X	155	4228 CARUTH BLVD	BANKS JASON A &
	156	4232 CARUTH BLVD	HARRIS HOUSTON E
	157	4236 CARUTH BLVD	GUY MARK GREGORY &
	158	4236 COLGATE AVE	WEAVER JOSEPH R JR &
	160	4228 COLGATE AVE	PALMER BENJAMIN S & LAUREN B
	161	4224 COLGATE AVE	STEELE CAROLE E
	162	4220 COLGATE AVE	NAIR ANJALI & MURALI
	163	4216 COLGATE AVE	DONAHOE JAMES S & DANA B
	164	4212 COLGATE AVE	SHERER SCOTT D & BLAIRE B
	165	4208 COLGATE AVE	LANE DAVID &
O	166	8181 DOUGLAS AVE	WILLIS LISA HART
O	168	8181 DOUGLAS AVE	DABKOWSKI JOHN G &
O	169	8181 DOUGLAS AVE	MABREY JAMES L
O	170	8181 DOUGLAS AVE	DECLEVA KATHIANN LEAKE
O	171	8181 DOUGLAS AVE	BURFORD SCOTT & PAULA
O	172	8181 DOUGLAS AVE	DEASON DARWIN TR &

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	173	8181 DOUGLAS AVE	CAMP BARBARA S
O	174	8181 DOUGLAS AVE	JAGMIN CHRIS L & LISA K
O	175	8181 DOUGLAS AVE	DORAN RESIDENCE TRUST
O	176	8181 DOUGLAS AVE	WILLIAMSON JOHN D JR &
O	177	8181 DOUGLAS AVE	JACKSON MELVIN
O	178	8181 DOUGLAS AVE	RILEY SANDRA A
O	179	8181 DOUGLAS AVE	DEASON DARWIN
X	A1	5956 SHERRY LN	SHERRY REALTY HOLDINGS
O	A2	8181 DOUGLAS AVE	ALHADEF GARY & LEESA
X	A3	5765 STONEGATE RD	MCGUIRE THOMAS & CATHERINE
X	A4	4321 COLGATE AVE	REDDICK STEPHEN & CLAIRE S
X	A5	4317 COLGATE AVE	SNADOM COLE W & HEIDI F
X	A6	4309 COLGATE AVE	RETTIJOHN & JOANNE P
X	A7	4412 CARUTH BLVD	LOEWEN BRYAN & JULIE P
X	A8	4325 COLGATE AVE	TESFASELA SIE NEGUSSIE
O	A9	8808 MCCRAW DR	CRUTCHER HARRY III &
O	A10	8011 DOUGLAS AVE	ST MICHAELS & ALL ANGELS EPISCOPAL CHURCH
O	A11	4301 COLGATE AVE	4301 COLGATE LLC
O	A12	8000 DOUGLAS AVE	ROMAN CATHOLIC DIOCESE DALLAS
X	A13	4229 COLGATE AVE	MIRCHANDANI SATIN H & GITA
X	A14	5876 FAIRQUHAR LN	GRANT ELISABETH W
X	A15	4305 COLGATE AVE	RAMEY KIMBALL PARKS
X	A16	4421 COLGATE AVE	LANDWEHR JEFFREY &
X	A17	4229 COLGATE AVE	PARDOE WILLIAM H
X	A18	4413 COLGATE AVE	RAJAGOPAL ARTHI &
X	A19	4425 COLGATE AVE	STEVENS BRYAN &
X	A20	4237 COLGATE AVE	CAREY PHILLIP & AMY
X	A21	4429 COLGATE AVE	MATTINGLY THOMAS U
X	A22	4232 COLGATE AVE	MARTIN SUZANNE



## Agenda Information Sheet

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**File #:** 19-2020  
Z18.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue  
Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions  
Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions  
Z189-190(PD)

**FILE NUMBER:** Z189-190(PD)

**DATE FILED:** February 4, 2019

**LOCATION:** West side of Greenville Avenue, southeast of Ross Avenue

**COUNCIL DISTRICT:** 2

**MAPSCO:** 36 X

**SIZE OF REQUEST:** ± .05 acres

**CENSUS TRACT:** 10.02

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**REPRESENTATIVE:** Audra Buckley, Permitted Development

**APPLICANT:** Ships Lounge

**OWNER:** Nayeb Family LP

**REQUEST:** An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses.

**SUMMARY:** The applicant requests to operate a bar, lounge, or tavern [Ships Lounge] with approximately 1,540 square feet of floor area past midnight

**CPC RECOMMENDATION:** Approval for a one-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a three-year period, subject to a site plan and conditions.



## **BACKGROUND INFORMATION:**

- The ±2,215-square foot area of request is comprised of approximately 1,179-square feet of floor area within a 24,215-square foot shopping center constructed in the 1940s and currently containing a mix of uses.
- On November 23, 1965, a Certificate of Occupancy (CO) was issued for a lounge use. The request site has not changed uses since the issuance of the CO; therefore, the lounge is considered legally nonconforming and allowed to operate without acquiring an SUP.
- The applicant began operating the lounge use in 1980.
- Pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight. The applicant proposes to operate from 11:00 am to 2:00 am (the next day), Monday through Sunday.
- On December 14, 2011, the City Council approved SUP No. 1922 for a late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge, or tavern for a four-year period with automatic termination on December 14, 2015 on the subject site.
- On December 5, 2015, the City Plan Commission denied the renewal of Specific Use Permit No. 1922.
- During staff's initial review of the request, staff noted concerns regarding discrepancies regarding the floor areas for the use. While staff does not have access to documentation that determines the accurate square footage, Building Inspections determined that the actual floor area of the request site is 1,540 square feet.

**Zoning History:** There have been two zoning requests in the area within the past five years.

1. **Z178-186:** On April 25, 2018, the City Council approved an authorized hearing to determine the proper zoning on an area generally bound by Live Oak Street, Bryan Parkway, Matilda Street, Martel Avenue, municipal boundary of Dallas and Highland Park, Lemmon Avenue, Dallas North Tollway, Turtle Creek Boulevard, Carlisle Street, Blackburn Street, and Haskell Avenue to Main Street, both sides of Main Street from North Haskell to South Carroll Avenue, Main Place, South Prairie Avenue, Columbia Avenue, and North Fitzhugh Avenue
2. **Z145-343:** On December 5, 2015, the City Plan Commission denied the renewal of Specific Use Permit No. 1922 for a late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge or tavern use on property zoned Planned Development District No. 842.

**Thoroughfares and Streets:**

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Major Arterial	Variable Width
Ross Avenue	Major Arterial	Variable Width

**Traffic:**

The Engineering Division of the Sustainable Construction and Development Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**Comprehensive Plan:**

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

The applicant's request is consistent with the following goals and policies of the comprehensive plan.

**ECONOMIC ELEMENT**

**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**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.

**Area Plans:**

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the

Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

### **Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 842, DDO Demolition Delay Overlay	Lounge
<b>North</b>	PDD No. 842, DDO Demolition Delay Overlay	Vacant
<b>East</b>	PDD No. 842, DDO Demolition Delay Overlay	Personal service
<b>South</b>	PDD No. 842, DDO Demolition Delay Overlay	Retail & Personal service
<b>West</b>	PDD No. 842, DDO Demolition Delay Overlay	Personal service

### **STAFF ANALYSIS:**

#### **Land Use Compatibility:**

The request site is improved with an approximately 1,540-square foot, one-story bar, lounge or tavern use [Ships Lounge] within a shopping center. On November 23, 1965, a Certificate of Occupancy for a lounge was issued for the request site reflecting a total square footage of 1,060 square feet. The request site has not changed uses since the issuance of the Certificate of Occupancy.

Over the years, while the use has not changed, staff found a discrepancy in the total floor area for the use. Records located by staff utilizing the City’s internal permitting system, Posse, reflect a Certificate of Occupancy with a total square footage of 1,060 square feet; however, the site plan and parking analysis provided with this application reflect an increase of 119 square feet. Because internal documents do not reflect a floor area of 1,179 square feet, the additional square footage of 119 square feet would require an additional SUP for a bar, lounge or tavern use or approval to increase a legally nonconforming use by the Board of Adjustments. To date, the applicant has provided resolution to the issue of enlarging a nonconforming use, per Sec. 51A-4.704(b)(5) of the Development Code by having Building Inspections update the floor area of the use and amending the Certificate of Occupancy to reflect the revised floor area.

Pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required for the establishment to operate after midnight. The applicant proposes to operate the bar, lounge or tavern use from 11:00 p.m. to 2:00 a.m. and is therefore requesting an SUP.

Surrounding land uses include a vacant structure to the north; personal service uses to the east and west, and, retail and personal service uses to the south. The closest residential development is more than 300 feet to the east of the request site.

The main uses permitted in PDD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PDD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. No establishments are required to cease operation per PDD No. 842; all businesses may continue to operate between the hours of 6:00 a.m. and 12:00 a.m. without having to obtain a Specific Use Permit. In order to operate between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. The owner or operator must obtain a certificate of occupancy for a late-hours establishment, in order to operate after 12:00 a.m. (midnight).

The PD gives additional criteria for evaluating a request for a specific use permit:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

(1) the number of citations issued by police to patrons of the establishment;

(2) the number of citations issued by police for noise ordinance violations by the establishment;

(3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use

except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject to a site plan and conditions, complies with the general provisions for consideration of an SUP but does not comply with the general provision of Sec. 51A-4.704(b)(2). Thus, because Building Inspections has resolved concerns associated with increasing a nonconforming use, staff is recommending approval of the request for a three-year period.

**Parking:**

Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±1,540-square foot lounge requires 15 spaces. As depicted on the site plan, 46 spaces are provided onsite, eight bicycle spaces are provided and delta credits designate 90 spaces for a total of 144 spaces for the use and shopping center.

Additionally, a parking analysis was provided and reviewed by staff in 2014 to determine the number of delta credits (hypothetical parking spaces) to be applied to the site. The site plan provided with the submission of this request utilized a parking analysis provided on April 12, 2017 and states that no changes have occurred as of February 1, 2019. The parking analysis reflects a total of 138 spaces with the following breakdown: 46 spaces on site, 8 bicycle spaces for a reduction in the number of on-site parking spaces, and 84 existing delta credits.

The revised plan reflects the following: a total of 144 spaces required and 90 "existing" delta credits. Additionally, the calculations on the revised site plan resulted in a reduction of 232 square feet for one of the personal service uses.

**Landscaping:**

Landscaping is required in accordance with Article X, as amended of the Dallas Development Code. However, the applicant's request will not trigger landscape requirements, as no new construction is proposed on the site.

**Crime Statistics:**

Crime statistics covering the period from June 18, 2012 to March 26, 2018 follows. The crime statistics reflect 22 calls and 5 arrests with no offenses.

**Calls:**

Arrest Number	ArArrest Date	ArArrest Time	ArLAddress	NIBRS_Crime	PClass	ChargeDesc
17-039754	9/28/2017	12:15:00 PM	1613 GREENVILLE AVE	DRUG/ NARCOTIC VIOLATIONS	FS	POSS CONT SUB PEN GRP 1 <1G
17-039754	9/28/2017	12:15:00 PM	1613 GREENVILLE AVE	ALL OTHER OFFENSES	M*	OTHER OFFENSE - MISDEMEANOR
17-039754	9/28/2017	12:15:00 PM	1613 GREENVILLE AVE	ALL OTHER OFFENSES	MA	RESIST ARREST SEARCH OR TRANSPORT
17-039754	9/28/2017	12:15:00 PM	1613 GREENVILLE AVE	WARRANT-DALLAS PD (ALIAS)	NA	WARRANT-DALLAS PD (ALIAS)
17-039754	9/28/2017	12:15:00 PM	1613 GREENVILLE AVE	WARRANT-DALLAS PD (CAPIAS)	NA	WARRANT-DALLAS PD (CAPIAS)

**Arrests:**

Response_ Date	Response_ Time	MDivision	MSector	MBeat	MRA	Problem	Priority_Description	Location_Name	Address
6/18/2012	4:49:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS BAR	1613 Greenville Ave
11/25/2012	3:47:00 AM	Central	140	145	4510	40/01 - Other	2 - Urgent		1613 Greenville Ave
1/20/2014	6:26:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
2/14/2014	8:13:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service		1613 Greenville Ave
4/20/2014	2:55:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS BAR	1613 Greenville Ave
9/8/2014	11:26:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS BAR	1613 Greenville Ave
9/21/2014	9:05:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
9/30/2014	7:37:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS BAR	1613 Greenville Ave
5/12/2015	7:34:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service		1613 Greenville Ave
6/9/2015	4:22:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
6/11/2015	9:55:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service		1613 Greenville Ave
8/8/2016	12:17:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
8/15/2016	12:47:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
9/15/2016	4:11:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
9/18/2016	12:38:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
4/5/2017	12:27:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
7/6/2017	10:13:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS	1613 Greenville Ave
7/13/2017	8:27:00 AM	Central	140	145	4510	40 - Other	3 - General Service	Ships Restaurent	1613 Greenville Ave
9/28/2017	12:12:00 AM	Central	140	145	4510	15 - Assist Officer	1 - Emergency	SHIPS LOUNGE	1613 Greenville Ave
10/8/2017	7:07:00 PM	Central	140	145	4510	40/01 - Other	2 - Urgent		1613 Greenville Ave
12/28/2017	12:36:00 AM	Central	140	145	4510	12B - Business Alarm	3 - General Service	SHIPS LOUNGE	1613 Greenville Ave
3/26/2018	10:47:00 PM	Central	140	145	1161	6M - Loud Music Disturbance	4 - Non Critical	SHIP'S BAR & GRILL	Greenville Ave / Ross Ave

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it is surrounded by "C" MVA clusters.

**Partners/Principals/Officers:**

Nayeb Family LP:

Farhad Nayeb, Principal

General Partner: Nayeb Real Estate, L.L.C

Naser Nayeb, Managing Member

Farhad Nayeb, Managing Member

Fawad Nayeb, Managing Member

**CPC Action**  
**April 4, 2019**

**Motion:** In considering an application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue, it was moved to **hold** this case under advisement until May 2, 2019.

Maker: Schulte  
Second: Carpenter  
Result: Carried: 13 to 0

For: 13 - MacGregor\*, Schulte, Criss, Johnson, Shidid,  
Carpenter, Lewis, Jung, Housewright, Schultz,  
Murphy, Ridley, Tarpley\*

Against: 0  
Absent: 0  
Vacancy: 2 - District 7, District 12

\*out of the room, shown voting in favor

<b>Notices:</b>	Area: 200	Mailed: 11
<b>Replies:</b>	For: 0	Against: 0

**Speakers:** None



**CPC Action**  
**May 2, 2019**

**Motion:** In considering an application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue, it was moved to **hold** this case under advisement until July 11, 2019.

Maker: Schulte  
Second: Lewis  
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss\*, Johnson, Shidid\*,  
Carpenter, Brinson, Lewis, Jung, Schultz,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 12

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Audra Buckley, 1414 Belleview St., Dallas, TX, 75215  
Against: None

**CPC Action**  
**July 11, 2019**

**Motion:** In considering an application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue, it was moved to **hold** this case under advisement until October 3, 2019.

Maker: Schulte  
Second: Lewis  
Result: Carried: 12 to 0

For: 12 - MacGregor, Schulte, Shidid, Carpenter,  
Brinson, Lewis, Jung, Housewright, Schultz,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 2 - Criss, Johnson  
Vacancy: 1 - District 12

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Audra Buckley, 1414 Belleview St., Dallas, TX, 75215  
Against: None

**CPC Action**  
**October 3, 2019**

**Motion:** In considering an application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: Hampton  
Second: Housewright  
Result: Carried: 9 to 0  
For: 9 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Jung, Housewright, Schultz, Ridley  
  
Against: 0  
Absent: 3 - Criss, Brinson, Murphy  
Vacancy: 3 - District 8, District 12, Place 15

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Audra Buckley, 1414 Belleview St., Dallas, TX, 75215  
Against: None

**CPC ACTION:**  
**November 7, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment operated as a bar, lounge or tavern use for a one-year period, subject to a site plan and revised conditions with a change to Condition #3, TIME LIMIT, to reflect a one-year period; without auto renewals on property zoned Planned Development District No. 842 for CR Community Retail District uses, on the west side of Greenville Avenue, southeast of Ross Avenue.

Maker: Hampton  
Second: Carpenter  
Result: Carried: 14 to 0

For: 14 - MacGregor, Schulte, Schwope, Johnson,  
Shidid, Carpenter, Blair, Jung, Housewright\*,  
Schantz, Murphy\*, Ridley, Brinson, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 0 Against: 0

**Speakers:** For: Audra Buckley, 1414 Belleview St., Dallas, TX, 75215  
Against: None

### **CPC Recommended Conditions**

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

*CPC Recommendation:*

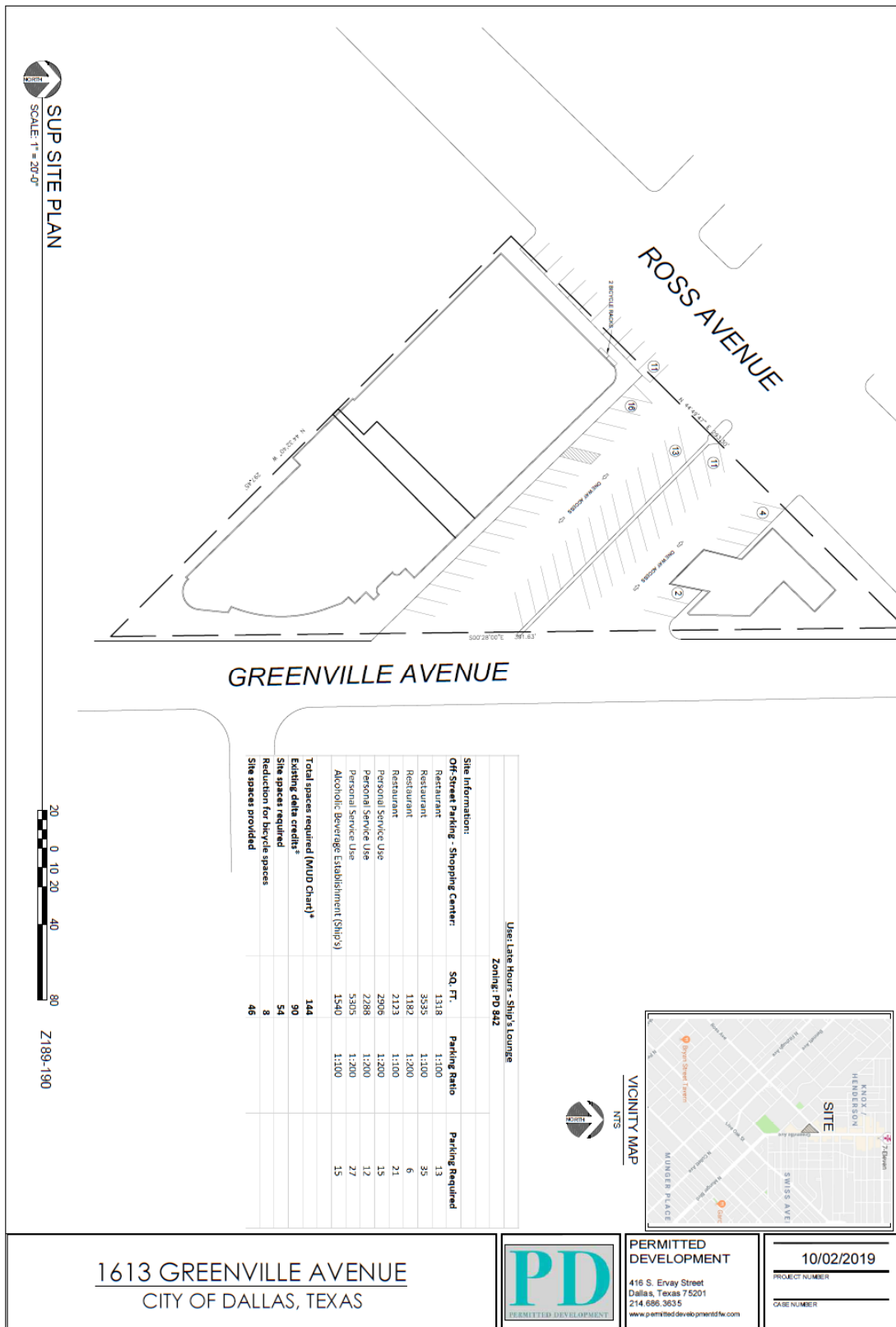
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|---|
| 3. <u>TIME LIMIT</u> : This specific use permit automatically terminates on (one year). |
|---|

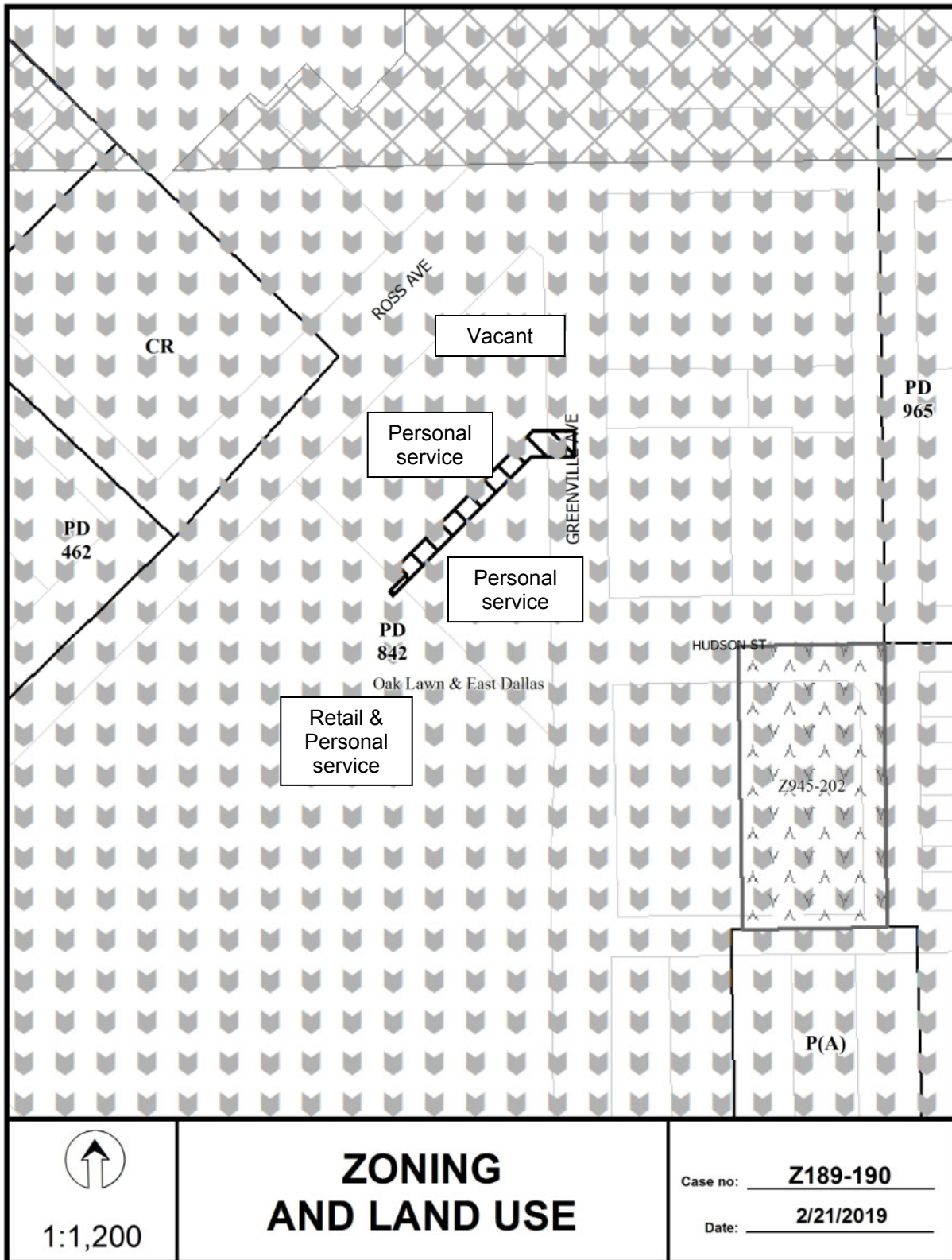
*Staff Recommendation:*

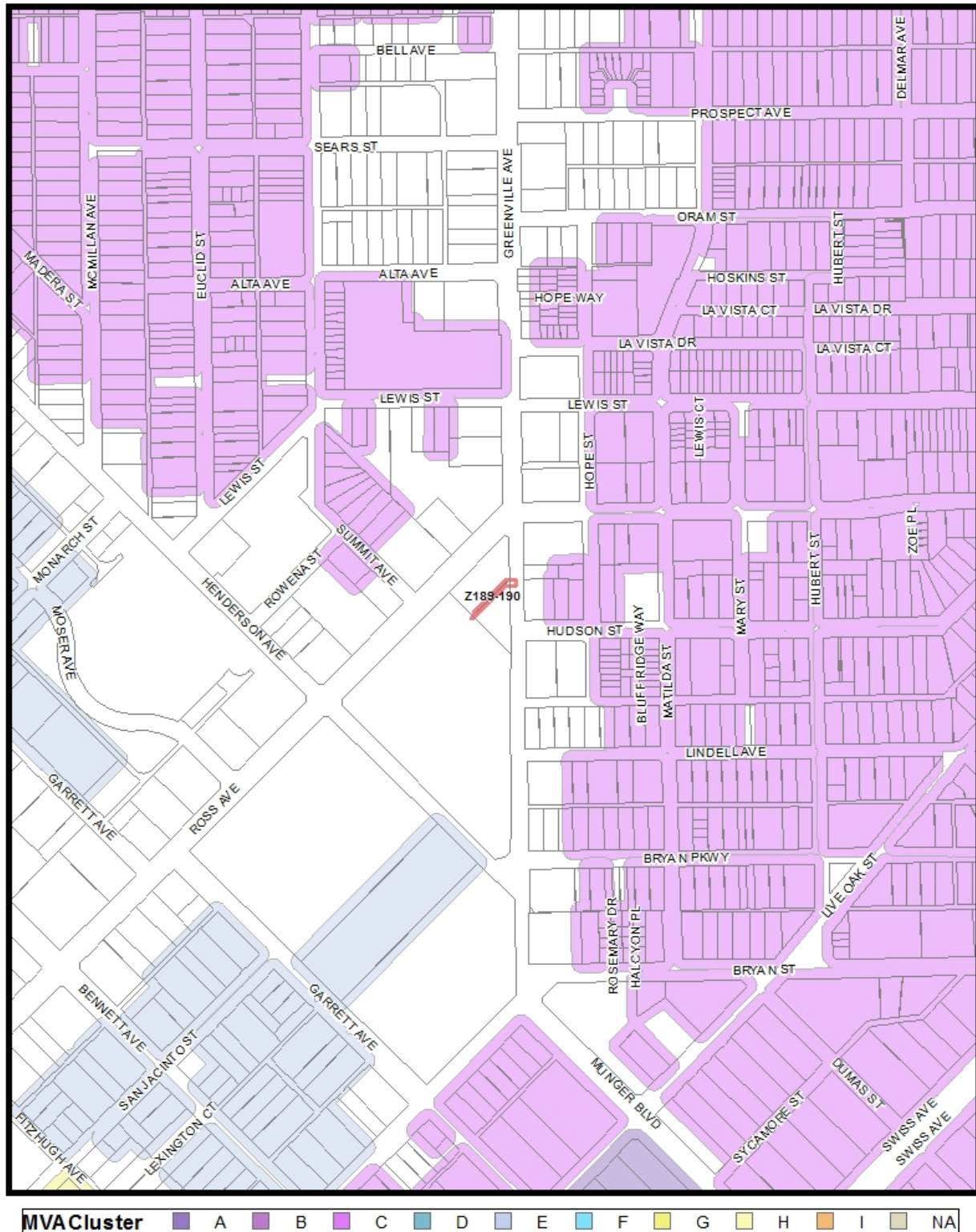
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| 3. <u>TIME LIMIT</u> : This specific use permit automatically terminates on (three years). |
|--|

4. FLOOR AREA: The maximum floor area is 1,540 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The late-hours establishment limited to an alcoholic beverage establishment limited to a bar, lounge or tavern may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.
6. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
8. PARKING: Parking must comply with the attached site plan
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENT: 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







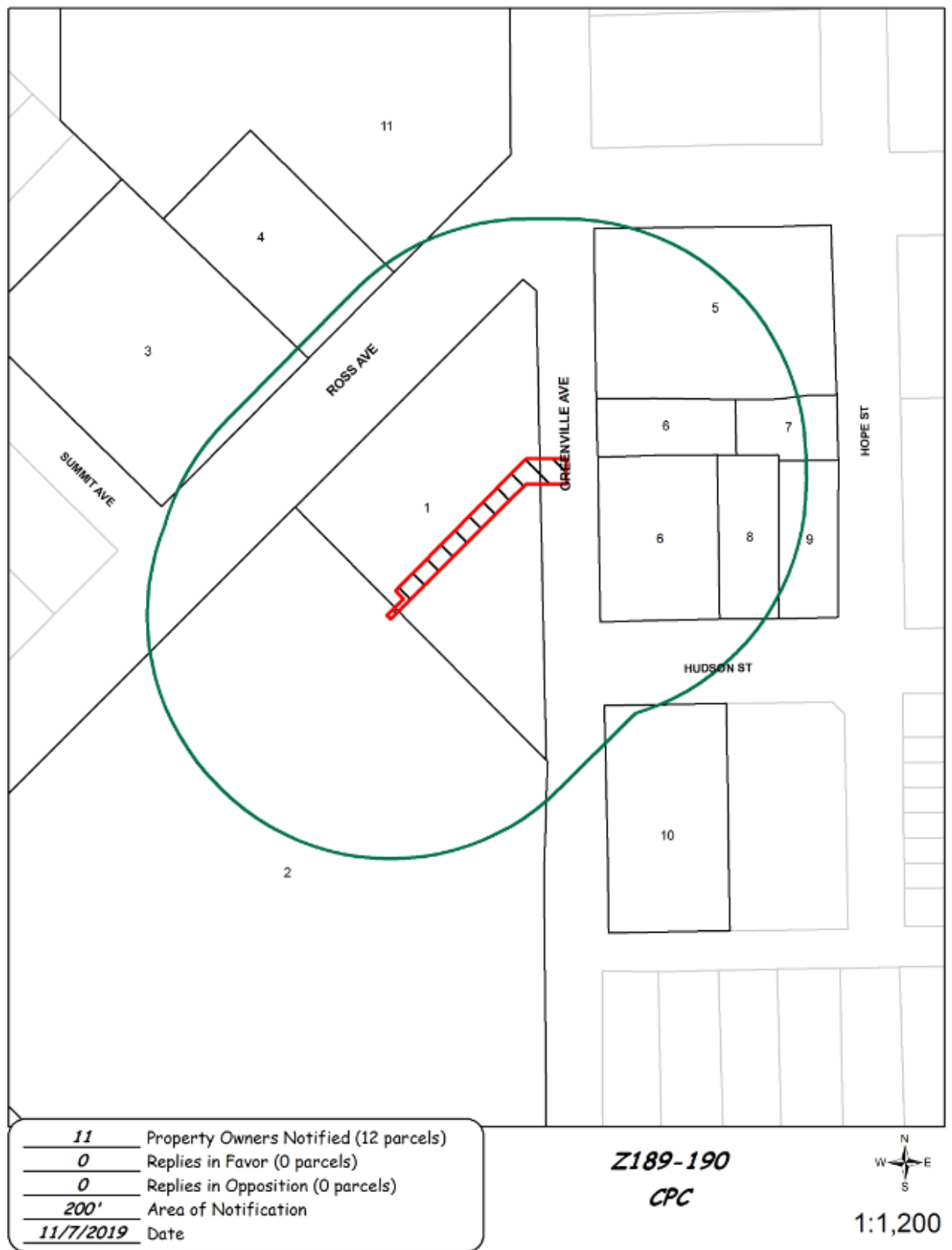
1:4,800

# Market Value Analysis

Printed Date: 2/21/2019



**CPC RESPONSES**



11/06/2019

## ***Reply List of Property Owners***

### ***Z189-190***

***11 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1 5434	ROSS AVE	NAYEB FAMILY LP
	2 5334	ROSS AVE	ROSS HENDERSON DEV GROUP
	3 5403	ROSS AVE	MCDONALDS CORP
	4 5415	ROSS AVE	GABERINO JAMES D ETAL LTD
	5 1616	GREENVILLE AVE	AMERCO REAL ESTATE CO
	6 1606	GREENVILLE AVE	GOODWILL INDUSTRIES OF
	7 1615	HOPE ST	POSPISIL BENJAMIN PAUL
	8 5509	HUDSON ST	CAMPBELL ROBIN LEE
	9 5513	HUDSON ST	HARBER CAROL
	10 1516	GREENVILLE AVE	MARS PARTNERS JOINT
	11 5429	ROSS AVE	CHAN ALVIN B INC



## Agenda Information Sheet

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**File #:** 19-2021  
Z19.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **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 use on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest 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 two-year period, subject to a site plan and conditions  
Z189-217(AU)

ACM: Majed Al-Ghafry

**FILE NUMBER:** Z189-217(AU) **DATE FILED:** February 26, 2019

**LOCATION:** Southwest corner of Forney Road and South Buckner Boulevard

**COUNCIL DISTRICT:** 7 **MAPSCO:** 48 Q

**SIZE OF REQUEST:** Approx. 0.616 acres **CENSUS TRACT:** 85.00

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**REPRESENTATIVE:** Julie Nalluri

**APPLICANT/OWNER:** Buckner Foods, Inc.

**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 use on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the sale of alcoholic beverages for off-premise consumption in conjunction with an existing general merchandise or food store.

**CPC RECOMMENDATION:** Approval for a two-year period, 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 0.616-acre request site is zoned a LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a convenience store 2,400 square feet and a gas station. The D-1 overlay requires a Specific Use Permit for the sale of alcoholic beverages.
- On October 23, 2013, the City Council approved 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 use, for a two-year period for the subject site. On November 10, 2015, the City Council approved the renewal of SUP No. 2052 for a three-year period [Expiration date: November 10, 2018.]
- On May 23, 2008, a certificate of occupancy for a general merchandise or food store 3,500 square feet or less use was issued to the applicant. On January 9, 2014 a certificate of occupancy for a general merchandise or food store 3,500 square feet or less use with beer and wine sales and a gas station was issued to the applicant.
- The applicant proposes to reinstate the sale of alcoholic beverages for off-premise consumption within the existing general merchandise or food store.

### **Zoning History:**

There have been two zoning change requested in the area in the past 5 years.

1. **Z145-284:** On November 10, 2015, City Council approved the 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, for a three-year period, on a property zoned LI-D1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest corner of Forney Road and South Buckner Boulevard. SUP No. 2052 expired on November 10, 2018 (subject site).
2. **Z167-359:** On March 28, 2018, City Council approved Specific Use Permit No. 2269 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 a property zoned Light Industrial (LI) District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing / Proposed ROW
South Buckner Boulevard	Principal Arterial	100 ft.
Forney Road	Community Collector	80 ft.

**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction 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. The request is consistent with the following Plan recommendations.

**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 ELEMENT**

**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.

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.

**STAFF ANALYSIS:****Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	LI w/ D-1 overlay	Convenience store with gas station
<b>North</b>	MC-1 w/ D-1 overlay	Undeveloped
<b>Northeast</b>	LI w/ D-1 overlay and SUP No. 2269	Convenience store with alcohol sales and gas station
<b>East</b>	LI w/ D-1 overlay	Office, warehouse, distribution
<b>South</b>	LI w/ D-1 overlay	Church
<b>Southwest</b>	LI w/ D-1 overlay	Office and personal services
<b>West</b>	LI w/ D-1 overlay	Auto related uses

**Land Use Compatibility:**

The approximately 0.616 acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a 2,400 square-foot general merchandise or food store and a motor vehicle fueling station.

On October 23, 2013, the City Council approved 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 use, for a two-year period for the subject site. SUP No. 2052 expired on November 10, 2018. The request for a Specific Use Permit will allow the applicant to reinstate the sale of alcoholic beverages in conjunction with the existing general merchandise store or food store 3,500 square feet or less use.

The general merchandise use is permitted by right. The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The adjacent land uses consist of an auto related use and office uses to the west, a large tract of undeveloped land to the north, retail and personal services to the west, industrial type of uses to the east, and a general merchandise or food store with alcohol sales and a fueling station to the northeast.

To the south and west there are church uses. Chapter 6 of City of Dallas Development Code for alcoholic beverages establishments specifies that no person may sell alcoholic beverages if the place of business is within 300 feet of a church. The measurement of the distance between the place of business where alcoholic beverages are sold and a church will be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The applicant submitted a distance survey that shows a distance of 305.6 feet door to door from the convenience store to the church located to the south, and 533.5 feet door to door from the convenience store to the church located 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 renewed the convenience store registration in October 2019.

Considering the location of the area of request on a corner between two major thoroughfares, the surrounding uses that are similar or complimentary to the proposed use, the fact that the request site had an SUP before, and the proposed SUP Conditions that include a shorter timeframe to allow staff to continue the periodical review of compliance, staff supports the applicant's request for an SUP for alcohol sales in conjunction with a convenience store.



**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. The development requires 24 spaces with 25 being provided per the attached site plan.

**Crime Report:**

From November 2015 to March 2019, 68 phone calls were placed to the Dallas Police Department (DPD) at the request site location, of which 33 calls were coded either a general service or non-critical, and 35 calls were coded urgent or emergency. DPD also reported the following 5 incidents and 1 arrest charges as detailed below within the same period since the previous SUP approval action.

**Offenses:**

Incident Number	Incident	Premise	Date	Offense
252536-2016	THEFT FROM PERSON	Gas or Service Station	10/20/2016	OTHER THEFTS
240731-2017	BURGLARY OF BUILDING - FORCED ENTRY	Convenience Store	10/20/2017	BURGLARY-BUSINESS
275847-2017	ROBBERY OF BUSINESS (AGG)	Gas or Service Station	12/4/2017	ROBBERY-BUSINESS
275847-2017	ROBBERY OF BUSINESS (AGG)	Gas or Service Station	12/4/2017	ROBBERY-BUSINESS
034958-2019	THEFT OF PROP <\$100 - SHOPLIFTING - (NOT BY EMPLOYEE)	Convenience Store	2/20/2019	SHOPLIFTING

**Arrests:**

Incident Number	Arrest Number	Arrest Date	Arrest Time	Crime	Description
071134-2017	17-012905	3/30/2017	9:10:00 PM	INTIMIDATION	ASSAULT FAM VIOL THREAT

### **Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is uncategorized, properties located in the general area surrounding the area of request are located within Category “H”, to the west and further southeast, and Category E to the northeast.

Z189-217(AU)

**CPC Action**  
**November 21, 2019**

**Z189-217(AU)**

Planner: Andreea Udrea

**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 use for a two-year period, 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 southwest corner of Forney Road and South Buckner Boulevard.

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

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 200 Mailed: 10  
**Replies:** For: 0 Against: 0

**Speakers:** For: Julie Nalluri, 810 Mill Creek Rd., Lancaster, TX, 75146  
Abi Nalluri, 810 Mill Creek Rd., Lancaster, TX, 75146  
Against: None

**CPC RECOMMENDED  
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.

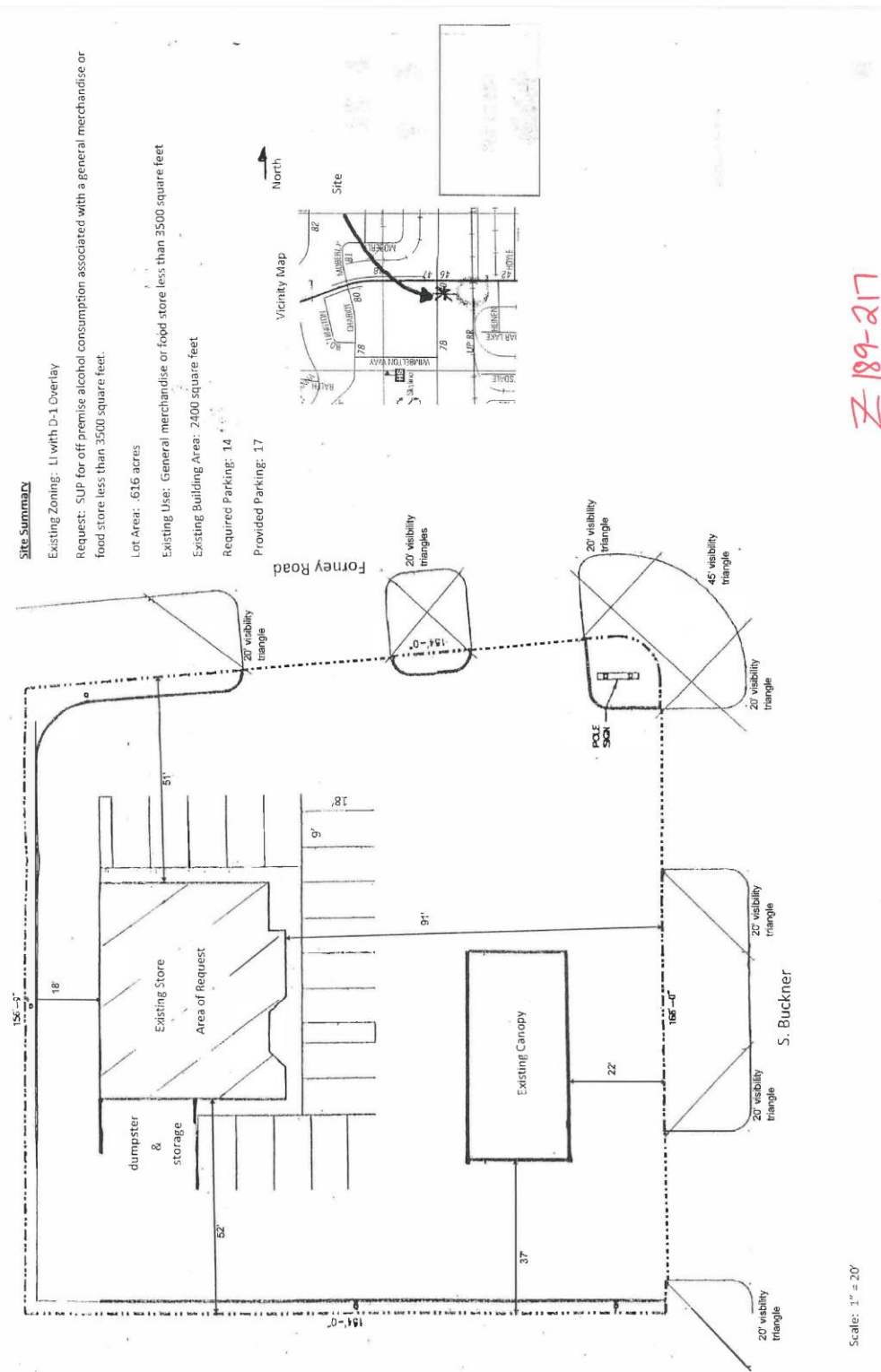
*CPC recommendation:*

3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (two-year period from the passage of this ordinance)

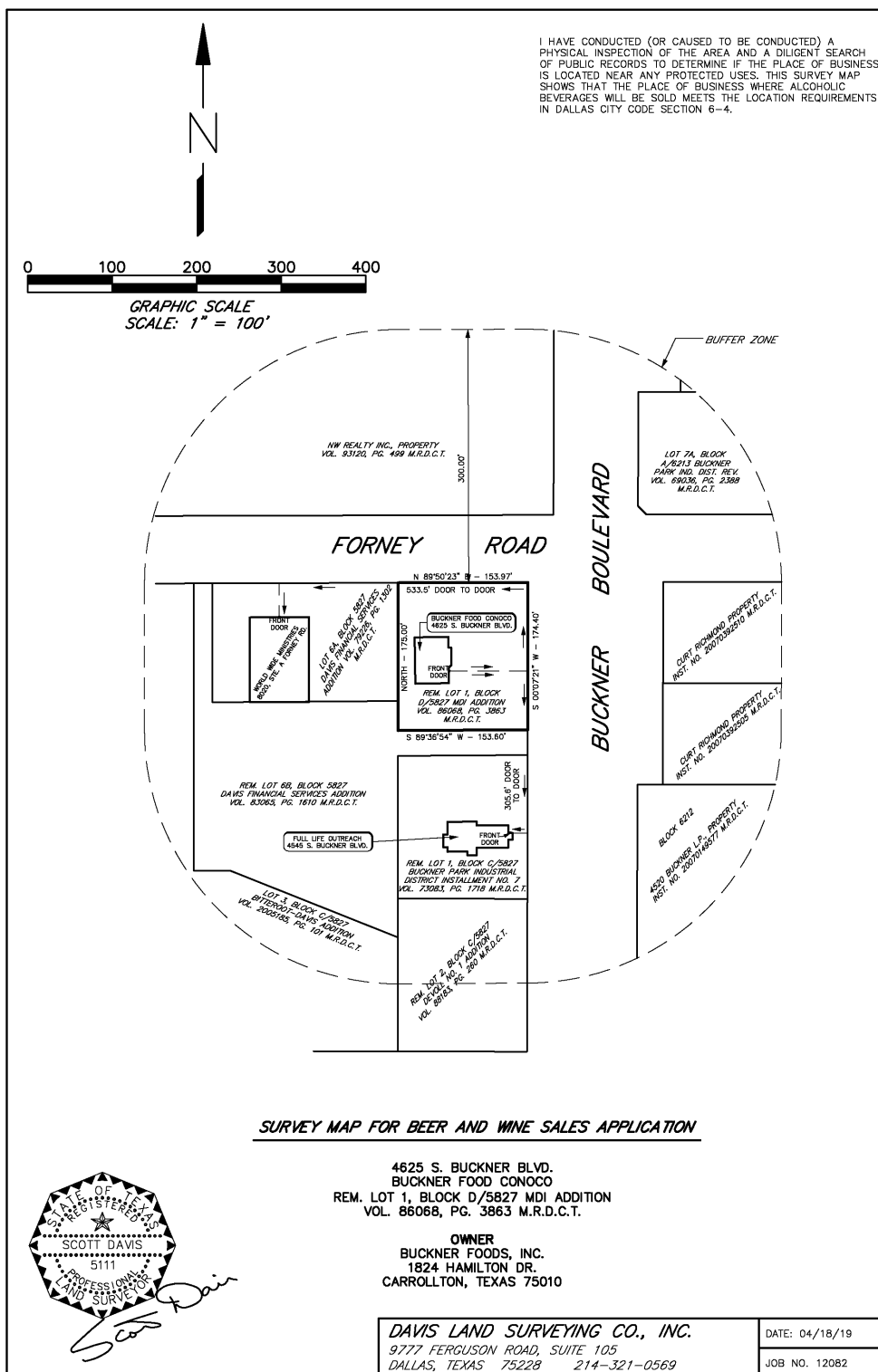
*Staff's recommendation:*

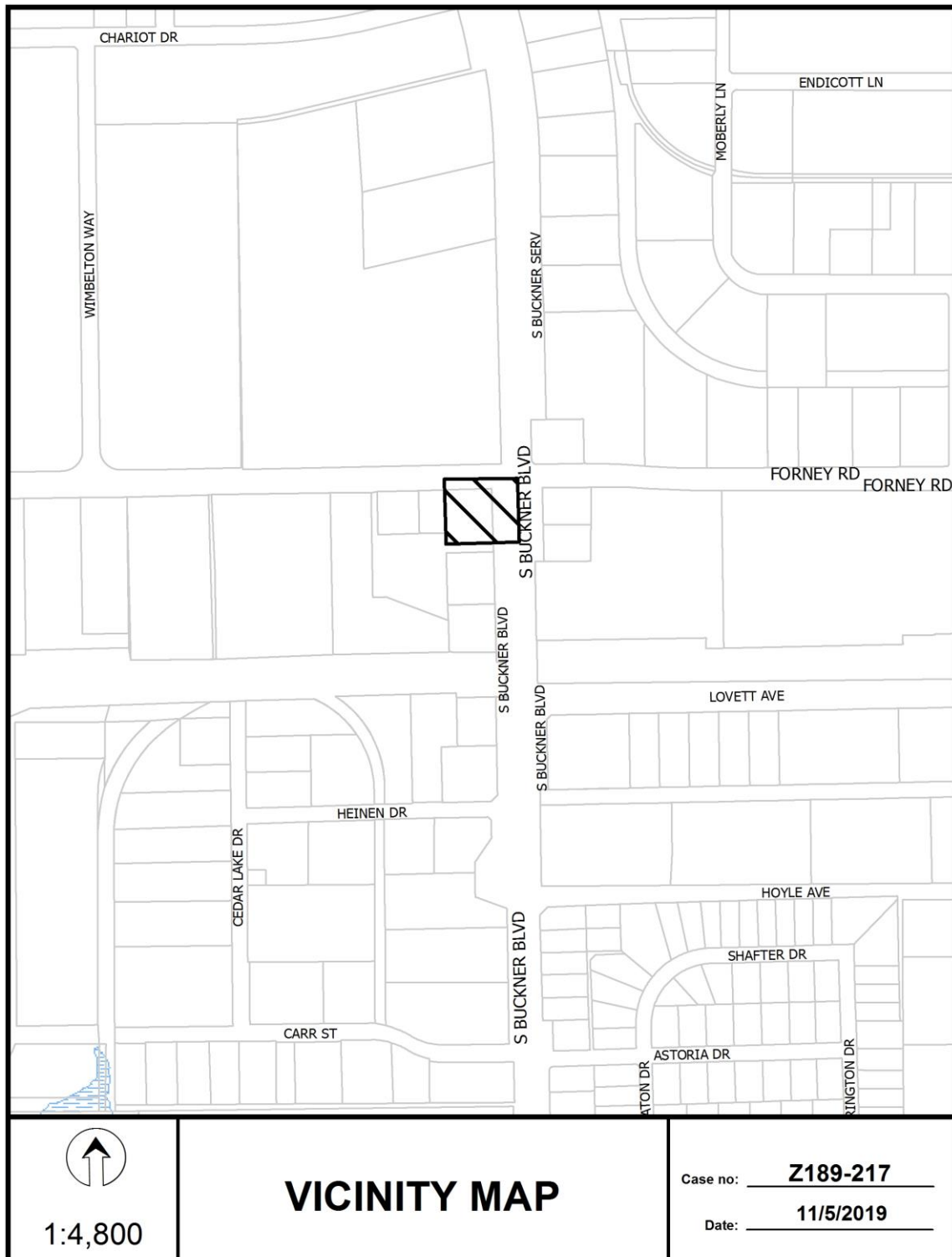
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (two-year period from the passage of this ordinance) but is eligible for automatic renewals for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## CPC RECOMMENDED SUP SITE PLAN



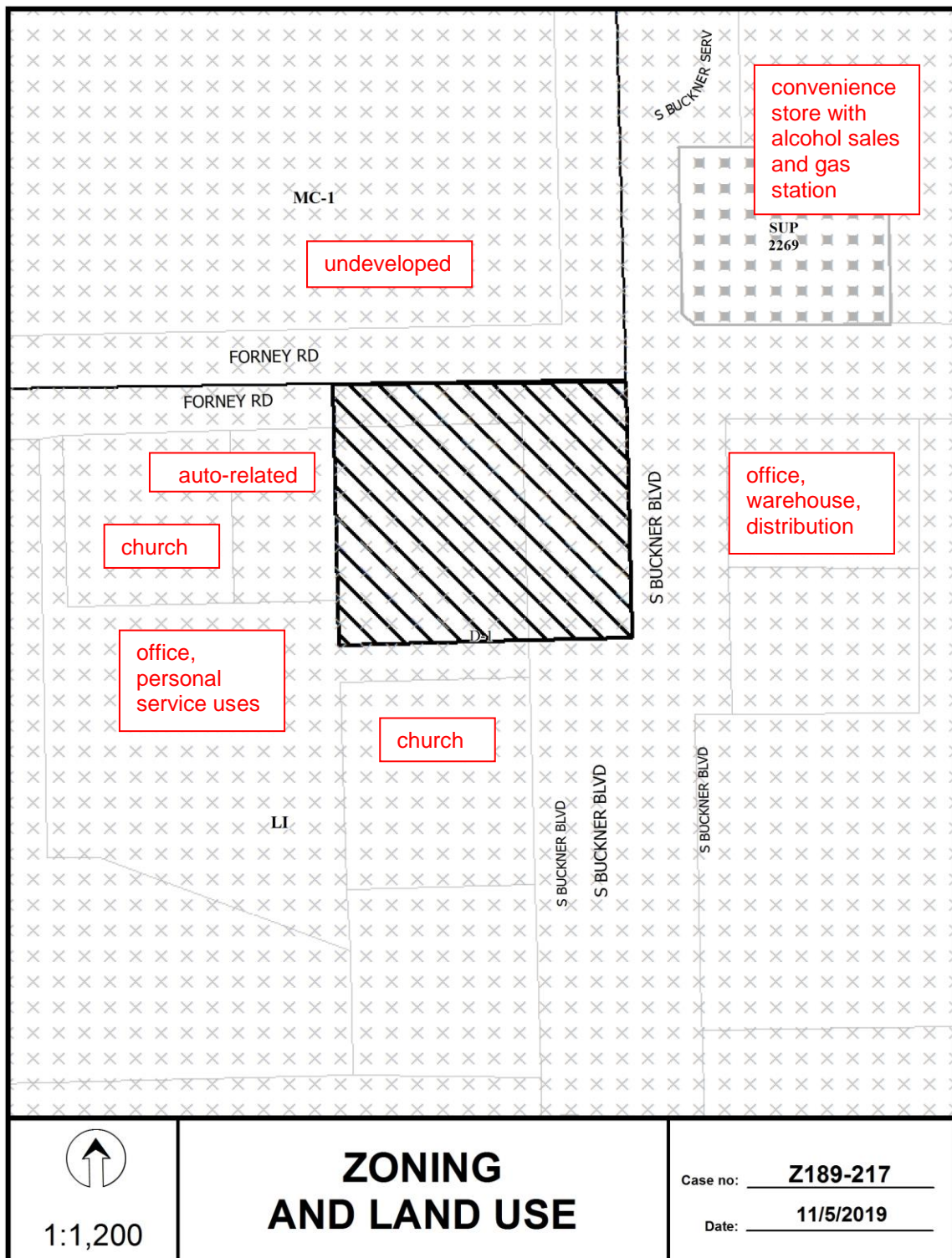
## DISTANCE SURVEY

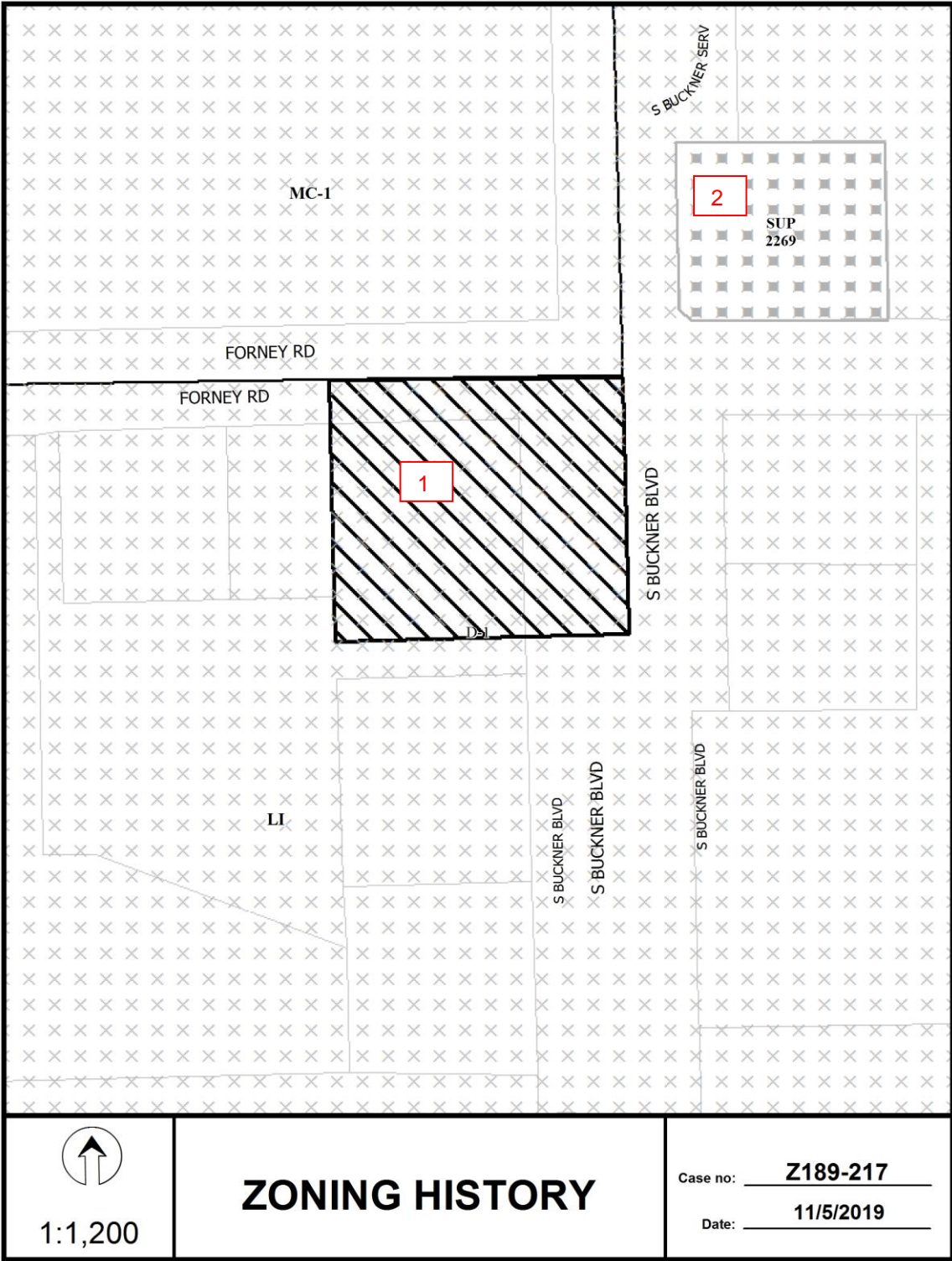




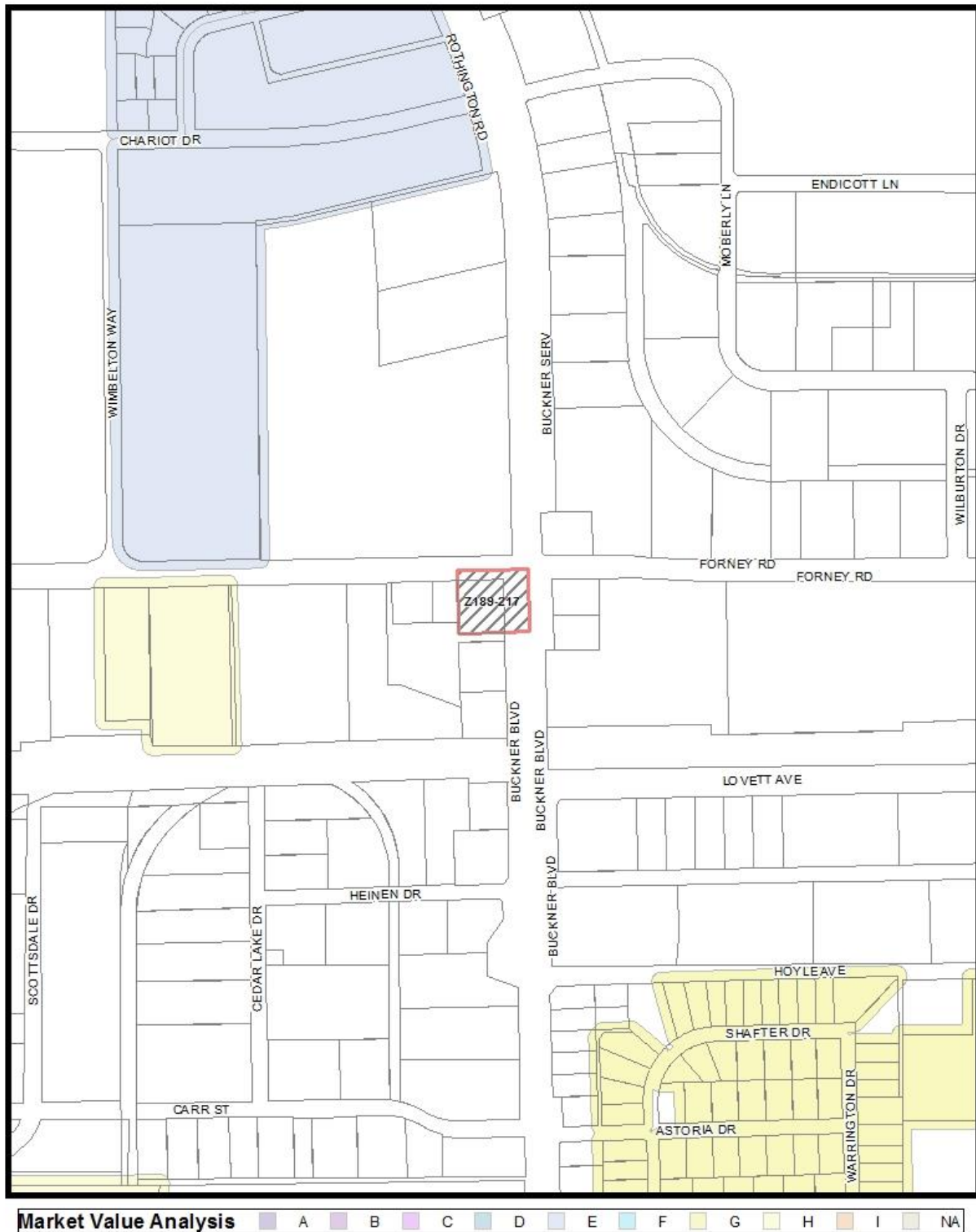








Z189-217(AU)

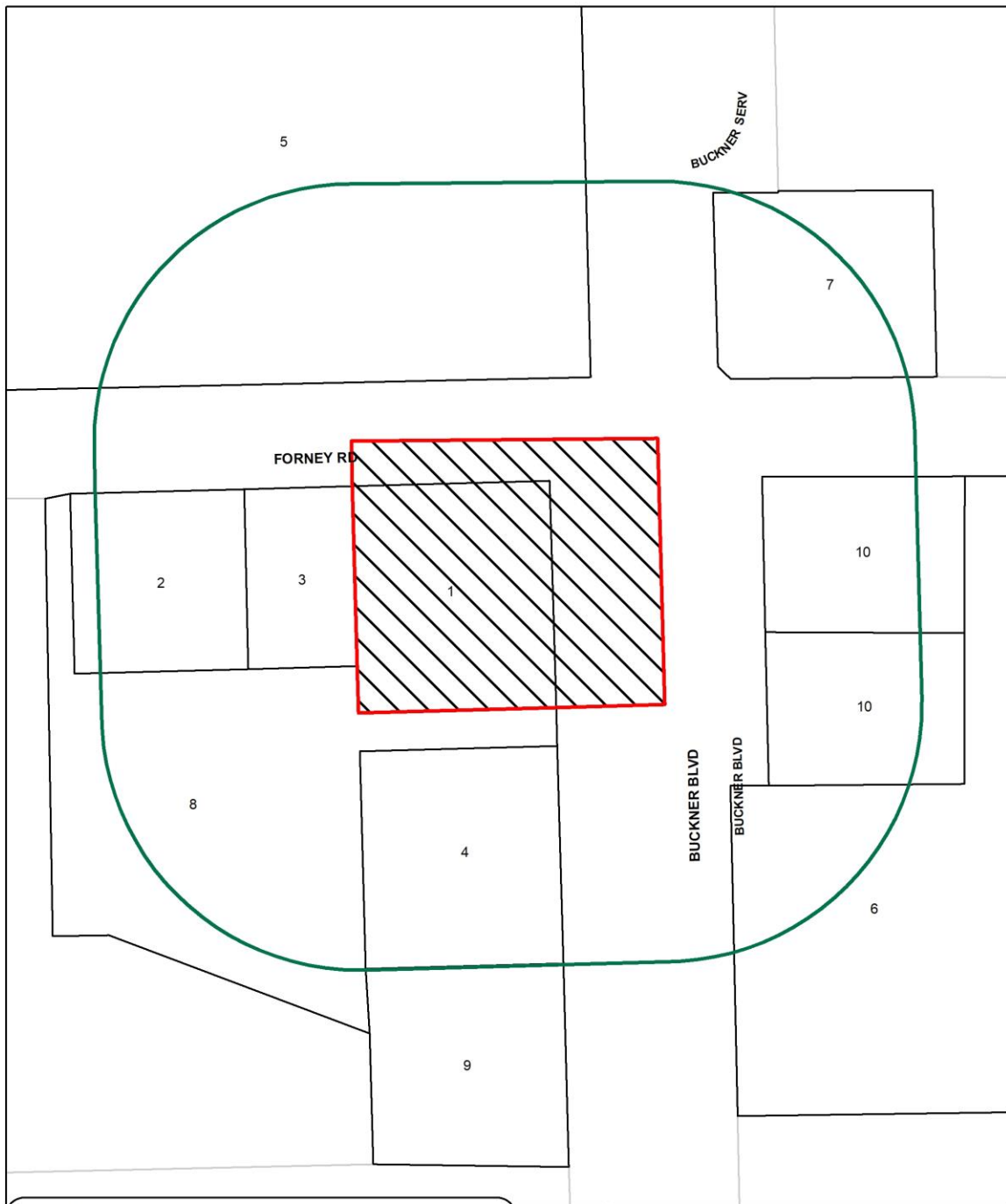


1:4,800

## Market Value Analysis

Printed Date: 11/5/2019

**CPC RESPONSES**



<u>10</u>	Property Owners Notified (11 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/21/2019</u>	Date

**Z189-217**  
**CPC**



1:1,200

11/20/2019

***Reply List of Property Owners***

***Z189-217***

***10 Property Owners Notified      0 Property Owners in Favor      0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	4625 S BUCKNER BLVD	BUCKNER FOODS INC
	2	8020 FORNEY RD	KINGDOM BUILDERS CHRISTIAN CENTER OF FAITH
	3	8050 FORNEY RD	SIX CONSTRUCT INC
	4	4545 S BUCKNER BLVD	FULL LIFE OUTREACH CENTER
	5	4700 S BUCKNER BLVD	MDJ BUCKNER LLC
	6	4520 S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE
	7	4710 S BUCKNER BLVD	BUCKNER CROSSING LP
	8	4617 S BUCKNER BLVD	PRUETT DARYL JEROME
	9	4509 S BUCKNER BLVD	TORRES JOSE IGNACIO
	10	4612 S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE





## Agenda Information Sheet

**File #:** 19-2022  
Z20.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for **(1)** an ordinance granting a D-1 Liquor Control Overlay; **(2)** an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; and **(3)** an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with D Liquor Control Overlay, on the southeast corner of Military Parkway and North St. Augustine Road

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and conditions

Z189-221(CT)

**FILE NUMBER:** Z189-221(CT) **DATE FILED:** March 6, 2019

**LOCATION:** Southeast corner of Military Parkway and North St. Augustine Road.

**COUNCIL DISTRICT:** 7 **MAPSCO:** 49 T

**SIZE OF REQUEST:** Approx. 2.92 acres **CENSUS TRACT:** 121.00

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**REPRESENTATIVE:** Santos Martinez, La Sierra Planning Group

**OWNER/APPLICANT:** Abdul Akram Alzoubi, sole owner

**REQUEST:** An application for 1) a D-1 Liquor Control Overlay, 2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use; and, 3) a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with D Liquor Control Overlay.

**SUMMARY:** The applicant proposes to develop the site with a one-story, approximately 8,150-square-foot multi-tenant building, a fueling station canopy, and approximately 14,800 square feet of mini-warehouse units. The purpose of the request is to allow for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store greater than 3,500 square feet to occupy one of the lease spaces, and to allow for the mini-warehouse use.

**CPC RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay, approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions; and approval of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The area of request is zoned CR-D Community Retail District with a D Liquor Control Overlay and is currently undeveloped.
- The applicant proposes to develop the site with an approximately 8,150-square-foot one-story multi-tenant building containing three lease spaces, a canopy for fueling station and a mini-storage use.
- The proposed general merchandise or food store will occupy an approximately 3,700-square-foot suite within the multi-tenant building. The mini-warehouse use will contain approximately 14,800 square feet of floor area, plus an approximately 1,000-square-foot accessory leasing office.
- The purpose of the request is to change the D Liquor Control Overlay to a D-1 Liquor Control Overlay and obtain an SUP for the sale of alcohol in conjunction with the general merchandise store and an SUP for the mini-warehouse use.

**Zoning History:** There has been one zoning change for the area of request in the past five years.

1. **Z156-270** On February 8, 2017, City Council denied an application for a Specific Use Permit for a mini-warehouse on property located on the southeast corner of Military Parkway and North St. Augustine Drive, the area of request.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Military Parkway	Major Arterial	160 feet	100 feet
North St. Augustine	Major Arterial	50 feet	60 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.



**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 request complies with the following land use goals and policies 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.

**URBAN DESIGN**

**GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE**

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR-D Community Retail District with D Liquor Control Overlay	Undeveloped land
<b>North</b>	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Freight terminal
<b>Northwest</b>	CS-D Commercial Service with D Liquor Control Overlay	Undeveloped land
<b>East</b>	MF-2(A) Multifamily District and SUP No. 538	Multifamily
<b>South</b>	PDD No. 413	Water tower
<b>West</b>	CR-D Community Retail District with D Liquor Control Overlay	Multifamily

**Land Use Compatibility:**

The approximate 2.92-acre site is zoned an CR-D Community Retail District with a D Liquor Control Overlay and is currently undeveloped. Historical aerial images from 1952 and subsequent years show the area of request undeveloped with no indication of any past construction.

The property located to the north of the area of request, across Military Parkway is zoned LI-D-1 Light Industrial District with D-1 Liquor Control Overlay and is developed with a freight terminal facility. To the northwest, at the northwest corner of North St. Augustine Road and Military Parkway, there is an undeveloped tract of land zoned CS-D Commercial Service District with D Liquor Control Overlay. A nonconforming multifamily use is located to the west of the area of request, across North St. Augustin Road in a CR Community Retail District.

Abutting the southern boundary of the area of request, there is a water tower use on property zoned Planned Development District No. 413. Directly adjacent to the east there is a multifamily use on property zoned an MF-2(A) Multifamily District and Specific Use Permit No. 538 for a day nursery use.

Single family uses are located further to the south and southwest along North St. Augustine Road, on property zoned Planned Development District No. 415 and TH-2(A) Townhouse District respectively. Both districts are medium density residential districts, allowing a maximum density of nine dwelling units per acre.

On February 8, 2017, City Council denied an application for a Specific Use Permit for a mini-warehouse use at the subject site. The applicant of this request is a new owner proposing to develop the site with a one-story multi-tenant building containing three lease spaces, a canopy for fueling station, and a mini-storage use.

The proposed general merchandise or food store will occupy an approximately 3,700-square-foot suite within the approximately 8,150-square-foot multi-tenant building. The mini-warehouse use will contain approximately 14,800 square feet of floor area, plus an approximately 1,000-square-foot accessory leasing office.

The CR Community Retail District provides for the development of community-servicing retail, personal service and office uses at a scale and intensity compatible with residential communities. This district allows for the proposed general merchandise or food store and fueling station uses by right; however, a Specific Use Permit is required for the proposed mini-warehouse use.

The "D" Overlay District is a Liquor Control Overlay District that prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises

The purpose of requesting the change from a D Liquor Control Overlay to a D-1 Liquor Control Overlay, is to allow for the applicant to obtain a Specific Use Permit for the sale of alcoholic beverages for off-premise consumption in conjunction with the proposed general merchandise or food store.

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.

In general, the applicant's request is consistent with the existing zoning and with the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties.

Additionally, the Development Code includes regulations such as residential proximity slope, and an increased setback to mitigate potential compatibility concerns with the adjoining residential uses, particularly with the multifamily use to the east. Staff recommends approval of the request.

**Development Standards:**

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Parking:**

Off-street parking and loading requirements must comply with the Dallas Development Code as amended.

According to the applicant, the general merchandise or food store will occupy an approximately 3,700-square-foot lease area within the multi-tenant building. A 1,200-square-foot restaurant with drive-thru and a prospective retail lease space of approximately 3,250 square feet of floor area are also proposed within the building.

At a ratio of one space for every 200 square feet of floor area, a total of 19 spaces will be required for the general merchandise store [ $3,700 / 200 = 18.5 \sim 19$  spaces]. The proposed restaurant will be required to provide 12 parking spaces calculated at a ratio of 1 space for every 100 square feet [ $1,200/100 = 12$  spaces]. The future retail space will require, a total of 16 spaces calculated at a ratio of 1 space for every 200 square feet of floor area [ $3,250/200 = 16.25 \sim 16$  spaces]. Additionally, the Development Code requires a minimum of two parking spaces for the motor vehicle fueling station use, and a minimum of six spaces for the mini-warehouse use. For all the proposed uses combined, a total of 55 spaces are required.

Since the request includes two different Specific Use Permits, two separate site plans have been provided, one for the sale of alcoholic beverages in conjunction with the general merchandise or food store greater than 3,500 square feet, and one for the mini-warehouse use. Each site plan indicates the parking calculations for each use and the parking being provided on site which complies with the Development Code.

**Landscaping:**

For the proposed development, compliance with Article X will be required.

**Dallas Police Department:**

Staff requested a report of site-related crime statistics for a time period from the denial of the previous zoning change request for the area in 2017 up to date. The list of reported crime obtained includes three calls, three offenses and two arrests; however, due to the site being currently undeveloped, the police report received is not related neither to the proposed uses nor the sale of alcohol for off-premise consumption.

### **Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request Site is not within an identifiable MVA Category; however, it is in proximity to a “G” MVA Cluster to the northwest, west, and southwest of the subject site and an “F” MVA Cluster to the southeast.

**CPC ACTION**  
**November 7, 2019**

**Motion:** It was moved to recommend 1) **approval** of a D-1 Liquor Control Overlay, 2) **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use for a two-year period, subject to a site plan and conditions; and 3) **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and conditions on property zoned a CR-D Community Retail District with D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road.

Maker: Brinson  
Second: Housewright  
Result: Carried: 12 to 2

For: 12 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Brinson, Blair, Jung, Housewright,  
Schultz, Schwope, Rubin

Against: 2 - Murphy, Ridley  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 44  
**Replies:** For: 1 Against: 1

**Speakers:** For: Santos Martinez, 12 Tangier Terrace, Angel Fire, NM, 87710  
Against: None

**CPC RECOMMENDED SUP CONDITIONS (sale of alcohol)**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

*CPC Recommendation:*

- |   |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (two years) _____. |
|---|

*Staff Recommendation:*

- |   |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (two years) _____ but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|---|

4. DRIVE-THROUGH WINDOW: Use of the drive-through window for retail sales of alcoholic beverages is prohibited.
5. FLOOR AREA: The maximum floor area is 3,700 square feet on the location shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.





**CPC PROPOSED SUP CONDITIONS (mini-warehouse use)**

1. USE: The only use authorized by this specific use permit is a mini-warehouse use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

*CPC Recommendation:*

- |   |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (ten years) _____. |
|---|

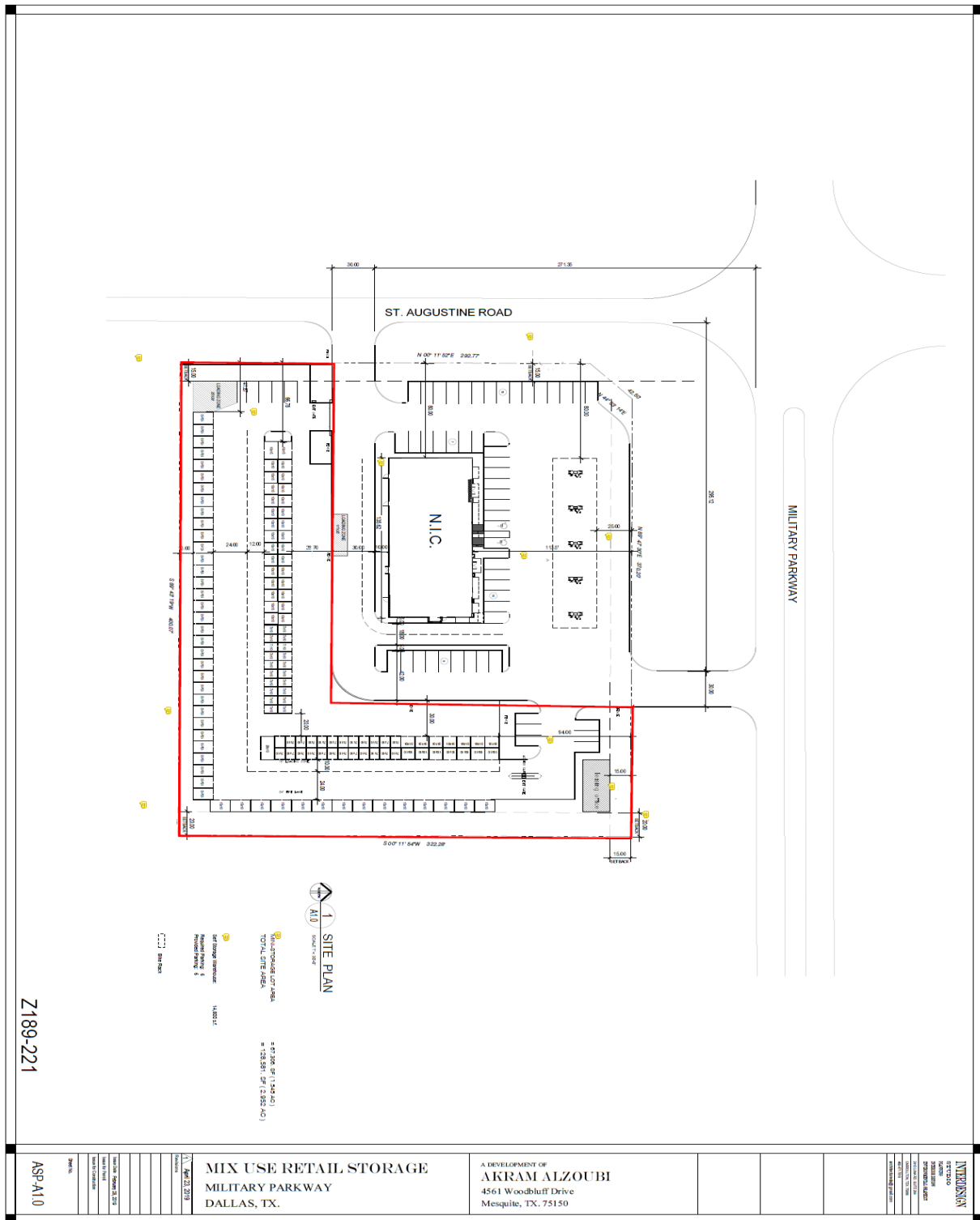
*Staff Recommendation:*

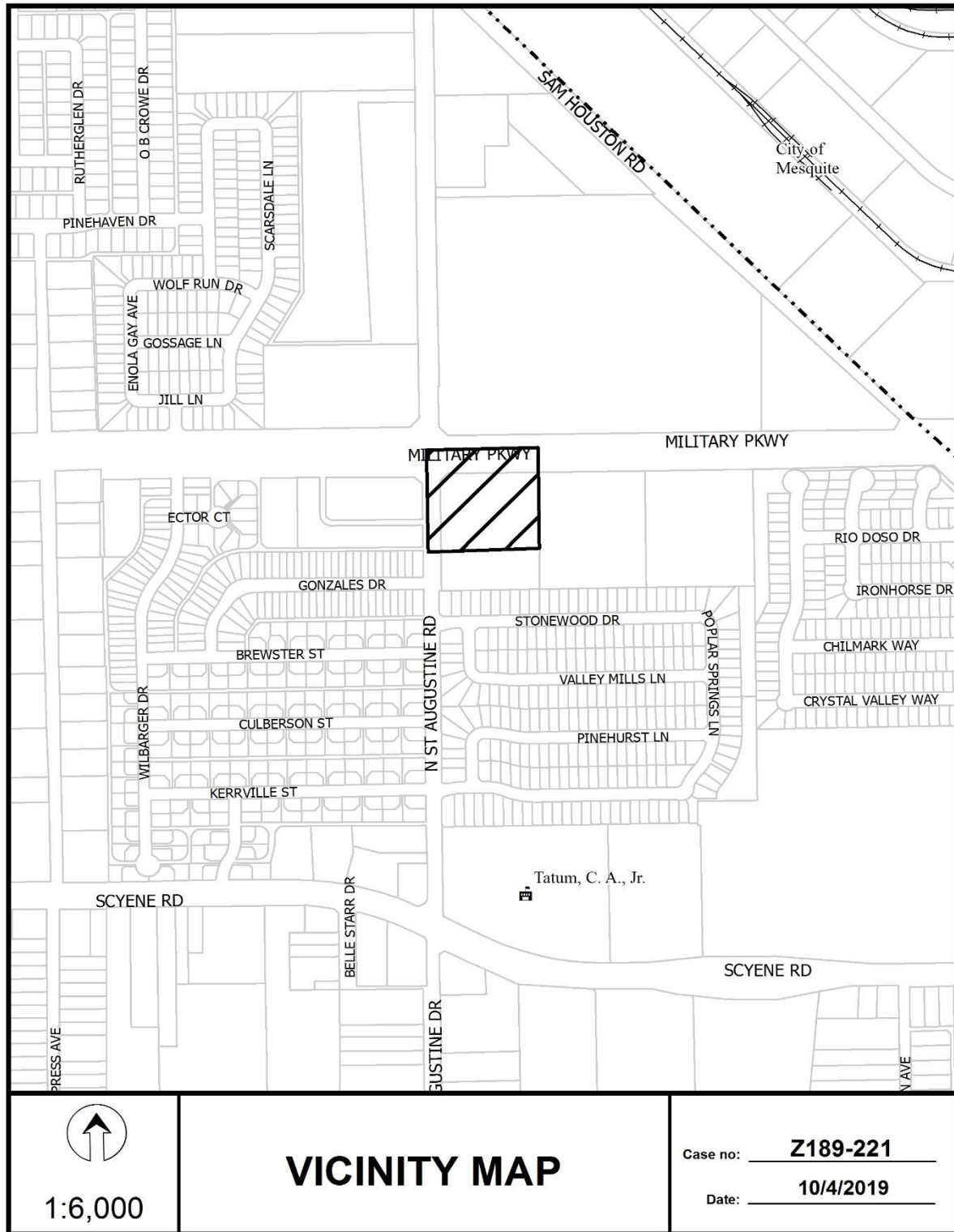
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|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on [ten-years from the passage of this ordinance] but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced. |
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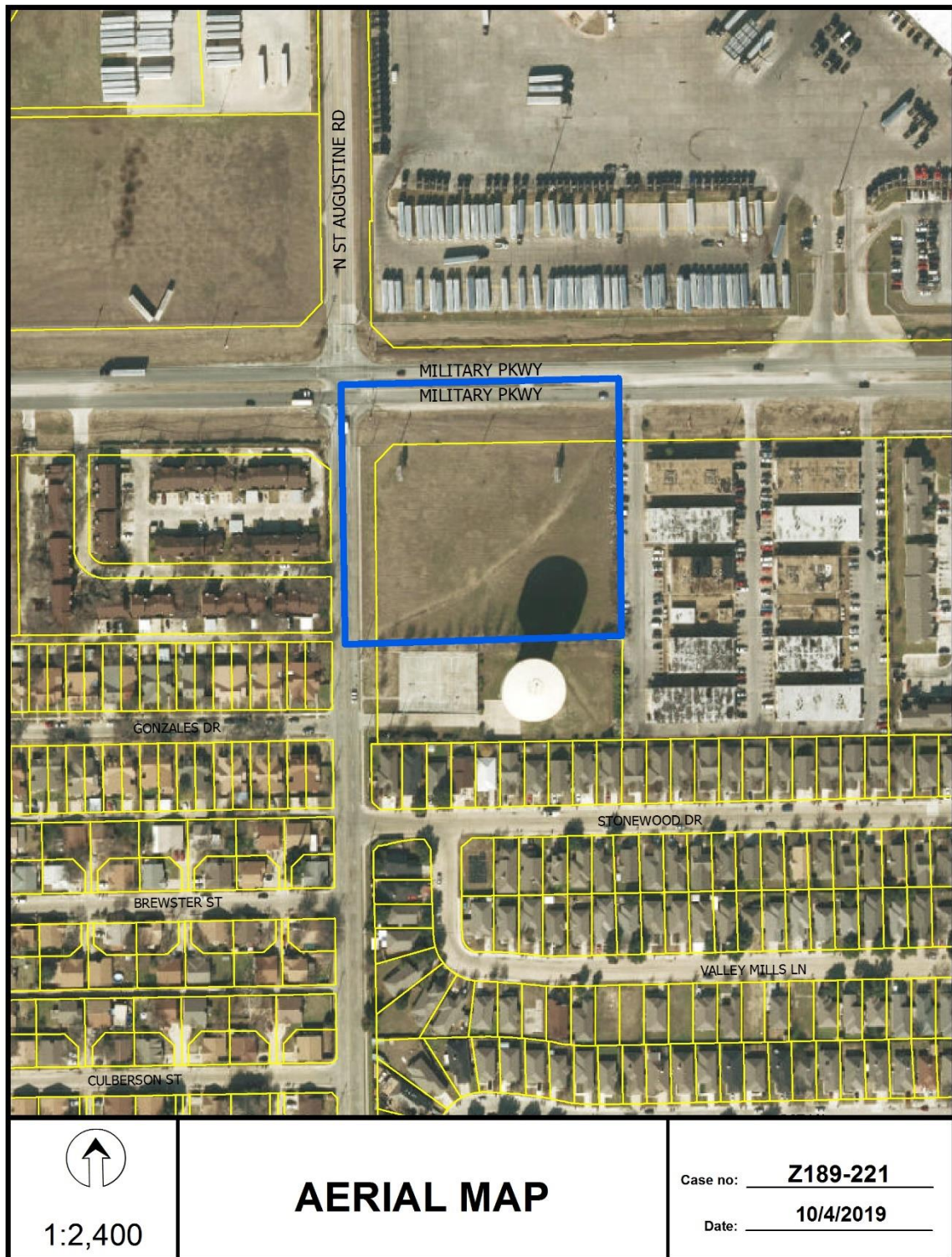
4. FLOOR AREA:
  - a. The maximum total floor area for a mini-warehouse use is 14,800 square feet.
  - b. Maximum floor area for the accessory office building for a mini-warehouse use is 1,000 square feet in the location shown on the attached site plan.
5. HEIGHT: The use authorized by this specific use permit may not exceed 26 feet in height.
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. OUTSIDE STORAGE: Outside storage of vehicles, outside parking of vehicles for rent, and outside parking of boats or equipment is prohibited.
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.

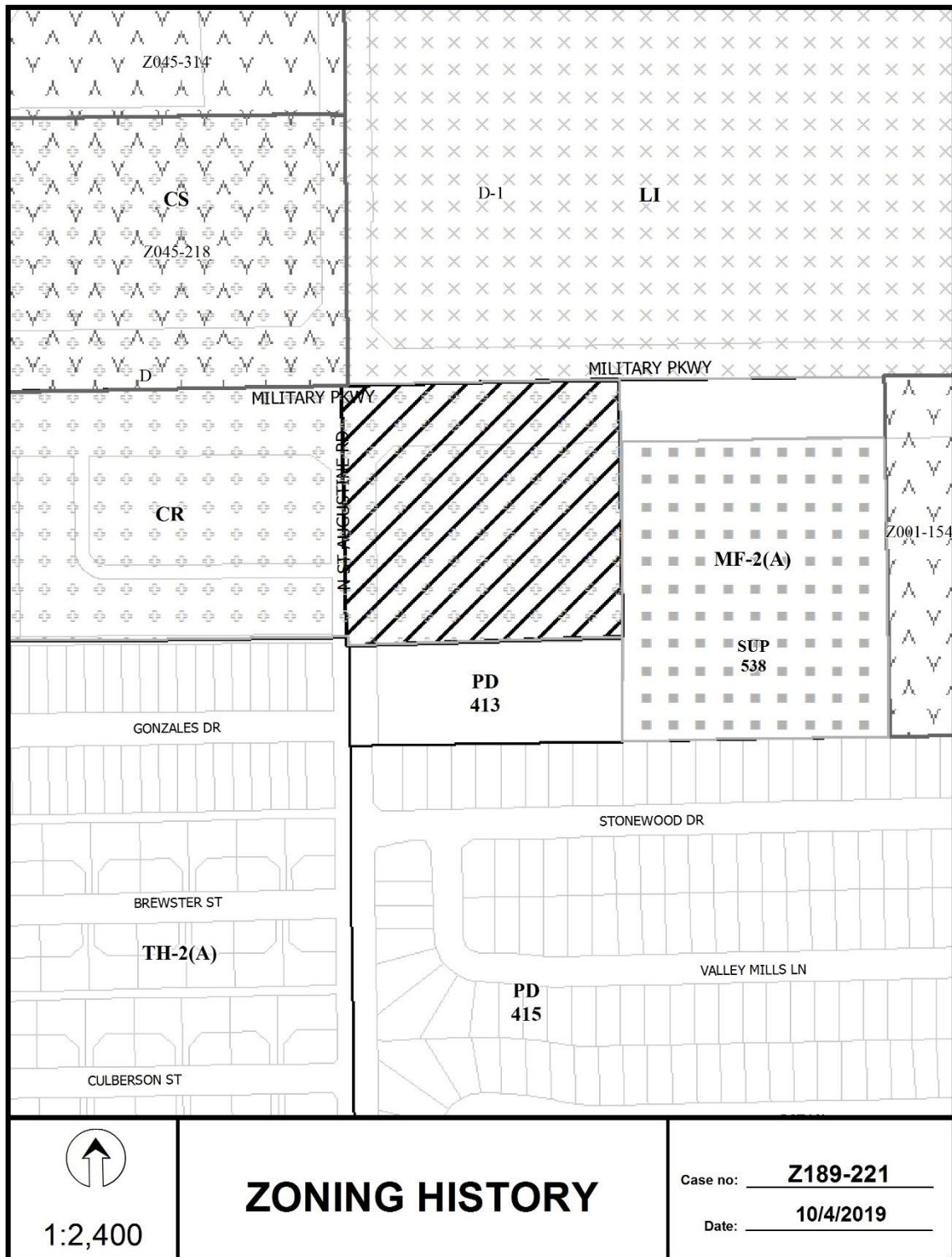
## PROPOSED SUP SITE PLAN (mini-warehouse use)

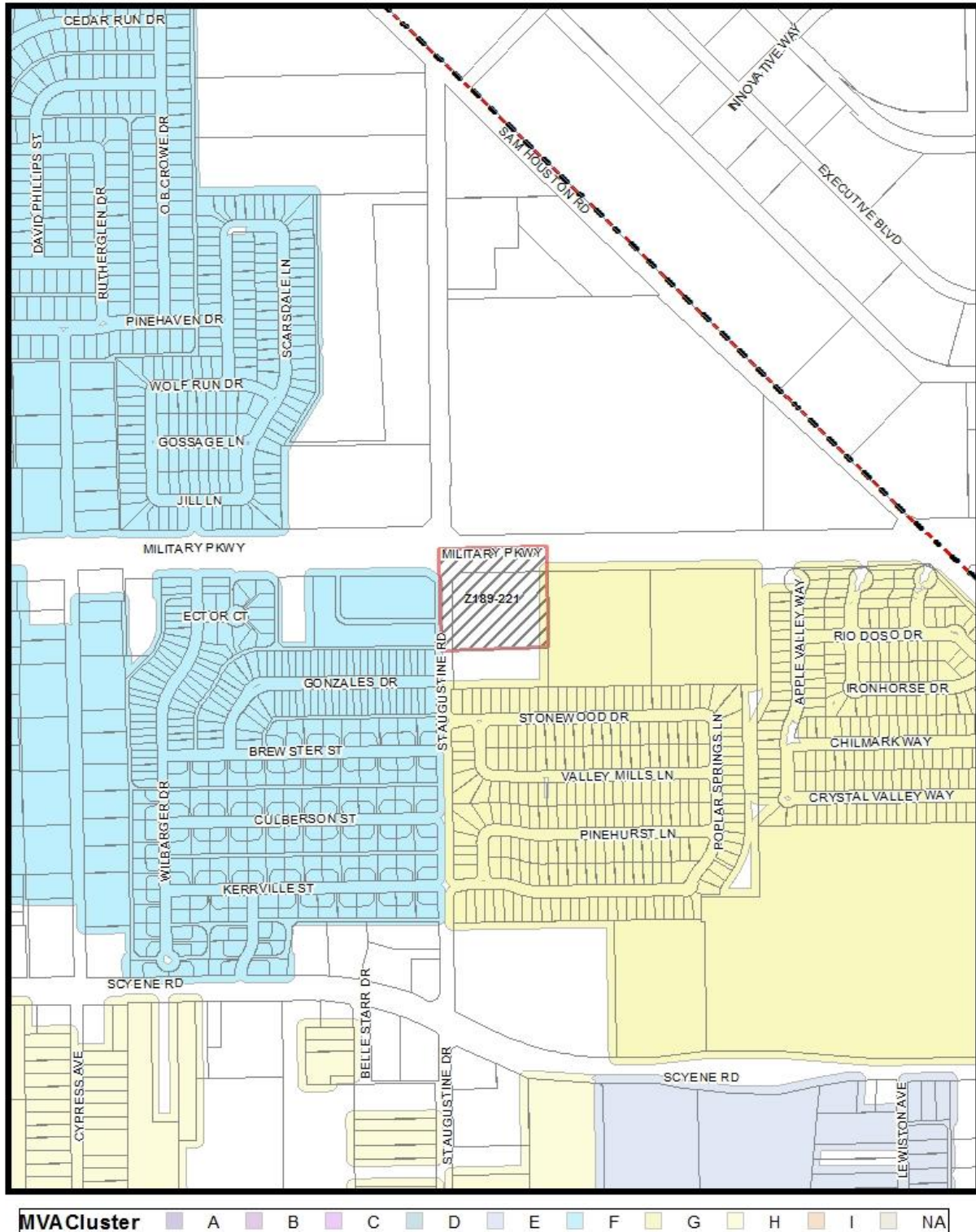


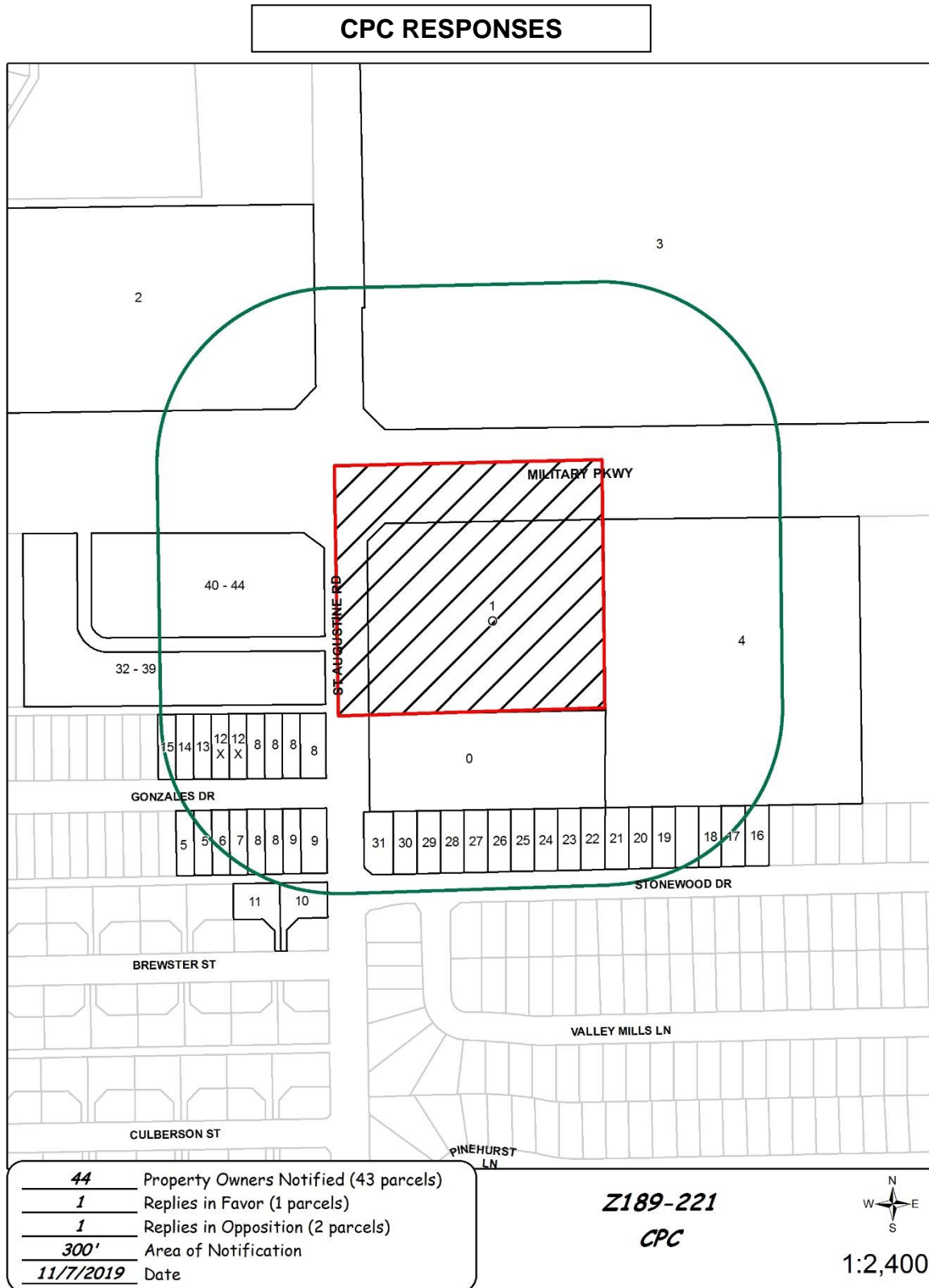














11/06/2019

***Reply List of Property Owners******Z189-221******44 Property Owners Notified    1 Property Owners in Favor    1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	9600 MILITARY PKWY	ALZOUBI AKRAM ABDUL
	2	3700 ST AUGUSTINE RD	BLACK LABEL PARTNERS LP
	3	9757 MILITARY PKWY	STEVENS TRANSPORT INC
	4	9710 MILITARY PKWY	NVTX2 APARTMENTS LLC
	5	9548 GONZALES DR	5405 REDWATER CT LLC
	6	9556 GONZALES DR	BELL TYRONE
	7	9560 GONZALES DR	ALMAZAN ISIS LOPEZ
	8	9564 GONZALES DR	CHAPA OSCAR
	9	9572 GONZALES DR	MAY 0507 LLC
	10	9555 BREWSTER ST	ANDRADE ESTABAN
X	11	9543 BREWSTER ST	JACKSON GARY C
	12	9559 GONZALES DR	CL CAPITAL PPTY MGMT LLC
	13	9551 GONZALES DR	DAVIS MONICA
	14	9547 GONZALES DR	BREWTON CHANDRIKA
	15	9543 GONZALES DR	MEBRAHTU SIMON N & MULE TSEGGAI ARAIA
	16	9707 STONEWOOD DR	ZELAYA HENRY ALEXIS VILLALOBOS &
	17	9703 STONEWOOD DR	EATON SONEK
	18	9659 STONEWOOD DR	BROWN BRENDA D
	19	9651 STONEWOOD DR	VIDALES BALTAZAR
	20	9647 STONEWOOD DR	DAVIS KARL E
	21	9643 STONEWOOD DR	JACKSON BRENDA
	22	9639 STONEWOOD DR	ALONSO LORENA
	23	9635 STONEWOOD DR	CARDOSO JOVITO &
	24	9631 STONEWOOD DR	TRAN CHANH &
	25	9627 STONEWOOD DR	SALAZAR FRANCISCO &
	26	9623 STONEWOOD DR	CARPENTER JOHN L &

11/06/2019

<i>Reply Label #</i>	<i>Address</i>	<i>Owner</i>
27	9619 STONEWOOD DR	RODRIGUEZ GERARDO &
28	9615 STONEWOOD DR	ROMERO JAMIE
29	9611 STONEWOOD DR	SHEPPARD COLIN I &
30	9607 STONEWOOD DR	HERNANDEZ DAVID A
31	9603 STONEWOOD DR	MARTINEZ YESENIA &
32	9524 MILITARY PKWY	FRITTS ENTERPRISES INC
33	9524 MILITARY PKWY	CHATTERJEE KALLOL
34	9524 MILITARY PKWY	RETANA JHOEM & PANORAMA
35	9524 MILITARY PKWY	FRAZIER JO HELLEN
36	9524 MILITARY PKWY	DOTT GREG
37	9524 MILITARY PKWY	MENDOZA GUADALUPE
38	9524 MILITARY PKWY	ALVARADO RICARDO A &
39	9524 MILITARY PKWY	BRYANT SHIRLEY VERNON
40	9524 MILITARY PKWY	FRITTS ENTERPRISES INC
41	9524 MILITARY PKWY	WILLIAMS EARNEST D
42	9524 MILITARY PKWY	DOTT GREG
43	9524 MILITARY PKWY	DAVIS VICKIE KAY
44	9524 MILITARY PKWY	BABKHANYAN ENTERPRISES LLC



## Agenda Information Sheet

**File #:** 19-1982  
Z21.

**Item #:**

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**STRATEGIC PRIORITY:** ~~Mobility Solutions, Infrastructure, and Sustainability~~

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** ~~Department of Sustainable Development and Construction~~

**EXECUTIVE:** ~~Majed Al-Ghafry~~

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Lemmon Avenue and Oak Lawn Avenue

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions Z189-316(PD)

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**FILE NUMBER:** Z189-316(PD) **DATE FILED:** July 24, 2019  
**LOCATION:** West corner of Lemmon Avenue and Oak Lawn Avenue  
**COUNCIL DISTRICT:** 14 **MAPSCO:** 35 X  
**SIZE OF REQUEST:** ± 2.20 acres **CENSUS TRACT:** 6.05

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**REPRESENTATIVE:** Suzan Kedron, Jackson Walker, LLP

**OWNER:** RP Lemmon Properties, L.P

**APPLICANT:** Greg Coutant, Street Lights Residential

**REQUEST:** An application for a Planned Development Subdistrict for GR General Retail uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The applicant proposes to develop the site with an urban mixed-use development, including an above ground parking garage, multiple family, retail, office and restaurant uses. The applicant requests to create a new Planned Development Subdistrict to allow for an increase in the maximum height, increase the floor area ratio, and modify the sign regulations.

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

**STAFF RECOMMENDATION:** Denial.

## BACKGROUND INFORMATION:

- On February 8, 1985, Planned Development District No. 193, the Oak Lawn Special Purpose District, was approved by the City Council. The PD is comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the objectives outlined in the PD.
- The request site consists of six parcels with one parcel being separated by an alley. Existing uses consist of a surface parking lot, a motor vehicle fueling station, a one-story restaurant without drive-through service use along Oak Lawn Avenue and Lemmon Avenue, and a one-story restaurant use with surface parking along Rawlins Street and Oak Lawn Avenue. All six parcels are located within a GR General Retail Subdistrict.
- The applicant proposes to raze the existing improvements at the intersection of Lemmon Avenue and Oak Lawn Avenue and redevelop the site with a mixed-use development including retail and multiple family uses while retaining the one-story restaurant use [Eatzi's] at the intersection of Rawlins Street and Oak Lawn Avenue.
- The applicant requests to create a new subdistrict within PDD No. 193. The proposed standards will deviate from the district regulations for GR Subdistricts as follows:
  - 1 increase the floor area ratio (FAR) from 2.0:1 or 2.5:1 to 3.9:1,
  - 2 increase the maximum allowable height from 120 feet to 199 feet,
  - 3 increase front yard setbacks from 10 feet for the first 36 in height and 25 feet above 36 feet along Oak Lawn Avenue to 25 feet for the first 30 feet in height and 50 feet for any portion above 30 feet. On Lemmon Avenue, 10 feet for the first 75 feet in height and per the development plan for any portion above 75 feet,
  - 4 increase the allowable number of signs and effective area in the district and increase the maximum projection width; and
  - 5 reduce the standard for landscaping.

**Zoning History:**

There has been one recent zoning case within the vicinity in the past five years.

1. **Z178-186:** On April 25, 2018, the City Council approved a City Plan Commission authorized hearing for a historic building demolition delay in an area generally bound by Live Oak Street, Bryan Parkway, Matilda Street, Martel Avenue, municipal boundary of Dallas and Highland Park, Lemmon Avenue, Dallas N. Tollway, Turtle Creek Boulevard, Carlisle Street, Blackburn Street, and Haskell Avenue to Main Street, both sides of Main Street from N. Haskell to S. Carroll Avenue, Main Place, S. Prairie Avenue, Columbia Avenue, and N. Fitzhugh Avenue

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Thoroughfare Plan Dimension; ROW
Lemmon Avenue	Principal Arterial	6 lanes divided; 100 feet
Oak Lawn Avenue	Principal Arterial	6 lanes divided; 100 ft.

**Traffic:**

A Traffic Impact Analysis (TIA) was submitted that identifies traffic generation characteristics and potential traffic-related impacts on the local street system.

**Trip Generation:**

The TIA only considered traffic generated on three of the six parcels, excluding two surface parking lots and an existing restaurant without drive-through use on a parcel anticipated to remain in its current configuration. The analysis while limited in its consideration and only considered the mixed-use development containing multiple family and retail uses concluded, “though the site traffic does not have a significant impact to the current traffic operations of the Lemmon Avenue-Oak Lawn Avenue intersection, the intersection does carry very high volumes of traffic during peak hour periods”. The proposed site plan removes some existing driveways that are very near the intersection, which increased inefficiency.

To determine the utilization of a roadway, the volume/capacity ratio was calculated at each roadway. According to the study, the proposed development at the subject site is expected to project the following daily volumes: on Lemmon Avenue from 36,385 volumes to 38,902 at site buildout with a capacity of 51,000; Oak Lawn Avenue from 28,060 volumes to 30,287 at site buildout with a capacity of 34,000; and Rawlins Street from 3,870 volumes to 4,497 at site buildout with 9,500 capacity.

#### Traffic Operational Analysis:

The level of performance to describe the efficiency of civil infrastructure is the Level of Service (LOS) description. Generally, LOS can be described as follows:

LOS A – free, unobstructed flow

LOS B – reasonable free flow

LOS C – stable flow

LOS D – approaching unstable flow

LOS E – unstable flow, operating at design capacity

LOS F – operating over design capacity

The signalized intersection capacity analysis for LOS is provided in the summary below and indicates the following:

- Existing traffic volumes during study peak hours
- Projected background traffic volumes at the site buildout year during study peak hours
- Projected site-generated traffic volumes during study peak hours
- Projected background-plus-Site-Generated traffic volumes at the Site Buildout Year during study peak hours, and
- Projected traffic volumes five (5) years after site buildout, including Site-Generated traffic during study peak hours

Intersection	Existing conditions		Buildout Conditions		Horizon Conditions	
	AM	PM	AM	PM	AM	PM
Lemmon Avenue @ Oak Lawn Avenue	D	E	D	E	E	E
Lemmon Avenue @ Wellborn Street	A	C	A	C	A	D
Rawlins Street @ Oak Lawn Avenue	A	B	A	B	A	B

The findings show that “existing traffic volumes on both roadways (Lemmon Avenue and Oak Lawn Avenue) utilize in excess of 70% and 80%, respectively, of the theoretical daily capacity. The addition of estimated background traffic growth and site-related traffic will increase the capacity utilization of each roadway by approximately 5-6 percent.”

Additionally, “during AM and PM peak hours, the traffic-signal-controlled intersections of Lemmon Avenue and Oak Lawn Avenue operates at marginal Level-of-Service conditions due to heavy traffic volumes. The addition of estimated background traffic growth and traffic related to the proposed development will increase the average delay per vehicle by a few seconds; however, the intersection operations remain at the existing LOS.” As outlined in the Traffic Impact Analysis, TIA the LOS during AM and PM peak hours operates at a D, approaching unstable flow capacity and E, unstable flow, operating at design capacity, however within five (5) years after site buildout for the new development at both the AM and PM peak hours operation will operate at an E, unstable flow capacity.

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and finds that the LOS is unacceptable, however the Division offered no recommendations for upgrades (striping, restriping, installation of detection equipment and accessible pedestrian signal system) to the intersections on Lemmon Avenue and Oak Lawn Avenue to accommodate the anticipated additional traffic (both motor and foot).

In an effort to mitigate/prevent unstable flow when operating at design capacity, the applicant proposes to make the existing single lane approach on Rawlins Street a right-turn only during PM peak hours and upgrade the barrier free ramps at the abutting corner of the intersection of Lemmon and Oak Lawn.

### **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 applicant’s request does not comply with the following goals and policies of the Comprehensive Plan.



## **ECONOMIC ELEMENT**

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

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

While staff does give credence to allowing latitude with requests that are appropriate in scale and intensity to surrounding zoning districts, staff cannot support a request that deviates from the existing built environment.

## **URBAN DESIGN**

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

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Implementation Measure 5.1.1.3 Apply urban design tools in pedestrian or transit-oriented districts when approving zoning cases and when developing Area Plans.

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

### **Area Plans:**

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.

The parcel containing Eatzi's is proposed to be unchanged. The current request proposes to transfer development rights from the site by way of "protection through tranference" thereby ensuring that the lot remains in its current configuration which does not lend itself to a more urban 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.

Per the proposal while all aboveground parking structures will be compatible to the mixed-use development, staff cannot ignore that a substantial number of off-street spaces will be contained in a surface parking lot fronting along Oak Lawn Avenue and Rawlins Street.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

Currently, the GR General Retail Subdistrict within PDD No. 193 allows a maximum height of 120 feet and a maximum FAR of 2.0:1 and 2.5:1. The proposed request seeks to increase the maximum allowable height by 79 feet for a maximum of 199 feet and increase the maximum FAR to 3.9:1. The requested heights and densities are not indicative of what is currently existing within proximity of the area of request.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

The underlining GR General Retail zoning currently allows residential development in a commercial area. The applicant proposes significant concessions to the existing zoning regulations that do not comply with the underlying zoning district. The requested deviations are as follows:

- increase the floor area ratio (FAR) from 2.0:1 or 2.5:1 to 3.9:1,
- increase the maximum allowable height from 120 feet to 199 feet,
- increase front yard setbacks from 10 feet for the first 36 in height and 25 feet above 36 feet in height along Oak Lawn Avenue to 25 feet for the first 30 feet and 50 feet for any portion above 30 feet. On Lemmon Avenue, 10 feet for the first 75 feet in height and per the development plan for any portion above 75 feet,
- increase the allowable number of signs and effective area in the district and increase the maximum projection width, and
- reduce the standard for landscaping.

(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.

The requested increase in density and height requested is inconsistent with the adjacent multiple family developments.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request for a PDS fails to meet many of the above objectives. While the request sets a base that primarily conforms to the existing GR development standards, the request seeks to increase height and FAR that is not within context of the surrounding areas. Additionally, the request proposes to ensure that one parcel remains in its current configuration which does not align with the vision of the Area Plan or lend itself to a more urban form.

#### **STAFF ANALYSIS:**

##### **Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 193 (GR Subdistrict)	Surface parking lot, fueling station, restaurant
<b>Northwest</b>	PDD No. 193 (GR Subdistrict), PDD No. 180, Ord. Z834-110	Restaurant, multiple family
<b>Northeast</b>	PDD No. 193 (GR Subdistrict), SUP No. 1149	Restaurant with drive through
<b>East</b>	PDD No. 193 (GR Subdistrict)	Surface parking lot, Retail, Office
<b>Southeast</b>	PDD No. 193 (GR Subdistrict)	Retail and personal service
<b>South</b>	PDD No. 193 (GR Subdistrict)	Retail and personal service
<b>Southwest</b>	PDD No. 193 (GR Subdistrict)	Restaurant without drive through
<b>West</b>	PDD No. 193 (GR Subdistrict)	Office

**Land Use Compatibility:**

The site has three right-of-way boundaries: Lemmon Avenue, Oak Lawn Avenue, and Rawlins Street. One multiple family use abuts the request site to the northwest. The three-story multiple family use contains 55 dwellings and a maximum permitted height of 46 feet. No other multiple family developments exist within immediate proximity of the request site.

The request site is zoned a GR General Retail Subdistrict within PDD No. 193, the Oak Lawn Special Purpose District, and is currently developed with a surface parking lot, a motor vehicle fueling station, a one-story restaurant without drive-through service use along Oak Lawn Avenue and Lemmon Avenue, and a one-story restaurant use with surface parking along Rawlins Street and Oak Lawn Avenue.

The applicant proposes to raze the existing improvements at the intersection of Lemmon Avenue and Oak Lawn Avenue and redevelop the site with a mixed-use development including retail and multiple family uses while retaining the one-story restaurant use [Eatzi's] at the intersection of Rawlins Street and Oak Lawn Avenue. The development is proposed to consist of an above-ground parking garage, one-story retail uses situated along Lemmon Avenue, and a surface parking lot. No improvements are proposed for the existing one-story restaurant use.

To promote a more walkable, pedestrian-friendly environment, the applicant is proposing: 1) sidewalks along Oak Lawn Avenue and Lemmon Avenue with a minimum width of eight feet and a five-foot landscape buffer, 2) a minimum of three access points with a minimum width of 10 feet along Oak Lawn frontage, 3) a minimum of one access point with a minimum width of six feet between the sidewalk clear zone and outdoor seating area along Oak Lawn frontage, 4) sidewalk will be enhanced with a minimum of two pedestrian amenities (i.e. bench, trash receptacles, bicycle racks) along Oak Lawn Avenue and Lemmon Avenue, and 5) 40 percent transparency for all street-facing facades. Consequently, no consideration for improvement is provided for the existing one-story restaurant use situated along Rawlins Street.

Staff believes that this development with modifications could be an opportunity to activate an area of the city that is transitioning into a more urban and walkable pedestrian friendly environment with complementary streetscapes. Considering the totality of the request, the current development rights within a GR General Retail Subdistrict and the rejection to consider the potential to redevelop the entire site rather than transfer the development rights on a portion of the site to utilize on that of another is not supported by staff.

Additionally, staff cannot impose recommendations on the application requiring downsizing the area of request or creating subareas/tracts because downsizing the request would require a revised legal description that would impact the required notification area. Further, the representative was not amenable to staff's recommendations.

**Height and Density:**

The applicant is requesting a maximum building height of 199 feet, with an additional 12 feet for projections or an additional four feet for parapet walls above the maximum structure height, allowing an overall maximum structure height of 211 feet or 203 feet, respectively. While staff believes a reasonable increased height is consistent with the objective of achieving buildings that are more urban in form; it is equally important for developments to ensure not only compatibility, but consistency, with the immediately adjacent structures with respect to building scale, intensity and density.

As such, staff does not support the requested height but could support a height that is more consistent with the underlining zoning subdistrict and the existing built environment without bonuses. Staff believes that redevelopment of the site fronting along Lemmon Avenue with a mixed-use development rather than the current uses is the highest and best use for the site. Staff also considered the adjacent developments and their permitted development standards when proposing a base and bonus(es) for increased development rights. All surrounding zoning, with exception to PDD No. 180 to the northeast, consist of GR General Retail Subdistrict zoning with a maximum height of 120 feet and a maximum FAR of 2.5:1 with contingencies.

The site is in MVA Category C which is representative of a strong real estate market. Additionally, increases to density and height were considered with a reduced area of request to 1.7 acres (replacing Eatzi's) and 297 total units averaging 175 dwellings per acre; staff can support this density with a height of 199 feet, a lot coverage of 85% and an FAR of 3.9:1 with the following mixed-income housing bonuses:

	Existing subdistrict	Applicant's proposed subdistrict	Staff's suggested Recommendations (Base)	Staff's suggested Recommendations (Bonus)		CPC Recommended Subdistrict
Percentage of units reserved at percentage of median income				5% at 51-60%	5% at 51%-60% & 5% at 61-80%	5% at 61%-80% & 3% at 101%-120%
Height	120 feet	199 feet	150 feet	180 feet	199 feet	199 feet
Lot Coverage	80%	80%	80%	80%	85%	80%
FAR	2.0:1 & 2.5:1 (When floor area for res. is equal to or greater than the lot area)	3.9:1	3.0:1	3.5:1	3.9:1	3.9:1
Buildable Area	148,104 sf & 185,130 sf	371,346 sf	222,156 sf	250,182 sf	371,346 sf	371,346 sf
Max DUs	No max (FAR)	297	160	200	297	297

In consideration of additional bonuses, staff also considered whether the proposed request is considered a Transit Oriented Development (TOD). Transit-Oriented Development is at the heart of the City of Dallas' long-range land use plan, *forwardDallas! Comprehensive Plan*. However, the request site is not considered a TOD due to the lack of proximity to a transit station. Specifically, CityPlace Station is situated approximately 6,804 feet to the east. Generally, consideration of increased development rights and the associated building massing for TOD's are situated within one-quarter mile walking distance (1,320 feet) from a transit station with reduced headways during peak hours. Due to the intensity of the proposed development, impact on adjacent properties (lighting, noise, traffic) will exist.

It should be noted that staff supports redevelopment on the parcels containing the surface parking lots and restaurant with the fueling station, inclusive of the enhanced streetscape requirements but has determined that the request can be accomplished on a slightly smaller scale excluding the parcel containing the restaurant use [Eatzi's].

Staff cannot substantiate a land use rationale that supports restricting the development rights of one property by transferring all of its development rights to another other than a legitimate protection of a structure such as a historic landmark. As discussed with the representative, staff could support creating two tracts or subareas within the proposed subdistrict that proposes development rights with a future plan for the adjacent parcel [Eatzi's].

Further supporting staff's denial for the transference of development rights is that although stated by the representative there is no true way to "protect" Eatzi's through the zoning process. Even if staff supported the request, an application to create a new subdistrict or an amendment could be sought in the future.

Additionally, including the parcel containing the restaurant use [Eatzi's] into the proposed subdistrict to satisfy the minimum off-street parking requirement is neither a land use rationale to support the request nor the appropriate instrument to do so. As suggested, a parking agreement rather than a zoning request that restricts the existing restaurant use in its existing configuration, density and height, is the best instrument to resolve compliance with the minimum off-street parking requirements. If Eatzi's remains part of the request in its current configuration, staff envisions negative long-term development implications that contradicts not only the Comprehensive Plan but also the Area Plan and the transforming neighborhood.

**Affordable Housing Bonus & Floor Area Ratio:**

The City Council approved the first ever Comprehensive Housing Policy that provides density bonuses for mixed-income developments. The ordinance is specifically intended to leverage land-use policies to incentivize developers to set aside a certain number or percentage of newly built units to rent below market rate; to provide bonuses in FAR and height to developments proposing affordable housing units at a minimum standard range of five (5) percent at the lowest Area-wide Median Family Income (AMFI) band of 51% to 60% to the highest AMFI band of 81% to 100%. It is important to note that according to 2019 HUD Income Limits AMFI bands for individuals in the lowest band/range (51%-60%) report an income limit between \$29,100.00 and \$34,920.00 while individuals in the middle/range (61%-80%) report an income limit between \$37,811 and \$46,550.00 for one person.

To ensure that the City of Dallas no longer contributes to this nexus of housing and productivity, policies such as zoning must strongly encourage an increase in supply by developers and demand by less-advantaged residents need to be seen as complementary strategies to be implemented together. Combined these strategies can serve to help deconcentrate areas of poverty and support the redevelopment efforts of areas that were long forgotten.

The Dallas Development Code has two pertinent definitions for this section. First, *floor area ratio (FAR)* means the ratio of floor area to lot area. Second, *floor area* means the total square feet of floor space in a building excluding area used solely for off-street parking.



The purpose of FAR is to uniformly limit the amount of building mass within the building envelope prescribed by setbacks, height, and lot coverage. However, since above-ground parking structures contribute to building mass but are not included in the calculation of floor area, developments that contain above-ground parking structures have more building mass without increasing floor area ratio.

Therefore, in seeking such an increase in development rights, staff does not support the additional floor area ratio increase from a possible 2.5:1 FAR, to a total of 3.9:1 with only the difference in FAR (1.4) being offered for affordable housing.

### **Development Standards:**

The applicant requests modification to the setbacks, height and additional floor area ratio (FAR). Staff does not support the applicant's request because the request seeks development rights that far exceed what is flexible, existing and envisioned. The applicant proposes transferring the development rights from the south portion to the north portion of the site thereby relegating the south portion in a configuration that does not comply with a more urban form or vision. Additionally, the applicant proposes to only commit a percentage of the parking garage underground, and an affordable housing bonus that falls far below the percentage encouraged by the Housing Division.

The mixed income housing bonus in the proposed conditions offer a minimal five percent affordable housing bonus that only applies to the middle income band of 61-80 percent of adjusted median family income rather than the lowest income band of 51-60 percent, with respective incomes between \$34,920.00 to \$46,550.00 and \$29,100.00 to \$34,920.00. It is important to note that the approved City of Dallas Comprehensive Housing Policy only provides density bonuses for mixed-income developments with the three income bands of 51%-60%, 61%-80%, and 81%-100%. However, the City Plan Commission elected to include an additional three percent of reserved units at an income band of 101 percent to 120 percent. This income band equates to an average income between \$58,170.00 and \$69,804.00, yearly. This is hardly the income demographic considered when examining the need for affordable housing within the City of Dallas. Furthermore, these percentages of reserved units are proposed to only apply to units that are attributed to the increased density and height rather than the overall number of units in the development. Again, this equates to five percent of 107 units [six units] and three percent of 107 units [three units] for a total of nine affordable units being offered. While staff acknowledges the added contribution of three percent by the Commission, staff can neither support such a low percentage of contribution nor the high income band at which it is offered.



The table below shows a comparison between the existing zoning and the proposed Planned Development Subdistrict.

SUBDISTRICT	SETBACKS		FAR	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
GR - Existing General Retail	10 feet for 1 <sup>st</sup> 36 feet 25 feet above 36 feet	10' adjacent to residential* OTHER: No Min.	2.0:1 2.5:1**	120'	80%	Retail, restaurant, office, multiple family
PDS - Proposed	10' for first 75 ft along Lemmon Ave; 25 feet for the 1 <sup>st</sup> 30 feet and 50 feet for any portion above 30 feet on Oak Lawn Avenue	10' adjacent to residential* OTHER: No. Min.	2.5:1 Up to 3.9:1*** with housing bonus	120' Up to 199 feet*** plus 12' for mechanical	80%	Retail, restaurant, office, multiple family

\*An additional setback required for portions of a structure over 36 feet in height.

\*\*When the floor area for residential uses is equal to or greater than the area.

\*\*\*When 4% of the total residential rental units exceeding a residential floor area ratio of 2.5:1 must be made available for lease at an affordable rent income band of 61-80 percent of adjusted median family income.

### **Parking:**

Off-street parking will be provided for each use in accordance with Part I of PD No. 193. The applicant proposes a mixed-use development with a mix of retail, restaurant (existing), and multiple family uses. Office uses require one space per 366 square feet of floor area. Retail related uses generally require one space per 220 square feet of floor area. Restaurant uses require one space per 100 square feet of floor area. Finally, multifamily uses require one space per 500 square feet of floor area, with a minimum of one space and a maximum of one and one-half spaces are required for each dwelling in a multiple-family structure over 36 feet in height. Multiple-family uses also require one unassigned space per every four dwelling units for use by visitors and residents.

The applicant proposes to provide the off-street parking and loading spaces in surface parking lots and within above-ground structures which is discouraged in the Oak Lawn Special Purpose District and the Oak Lawn Plan.

### **Signs:**

Attached signs within business zoning districts currently allow one premise and/or non-residential occupancy sign. Currently, within business zoning districts, each premise or

non-residential occupancy is allowed one attached sign to project between 18 inches and 48 inches from the vertical building plane, but not above the roof or over any ROW lines. These signs cannot exceed 20 square feet (or 60 square feet, if the sign only contains a registered trademark and no words), must maintain at least 10 foot clearance above grade, and no detached sign can be maintained on the premise.

The proposed request seeks to allow one additional attached sign on the Oak Lawn façade. The sign is not to exceed 120 square feet, project more than 5 feet from the vertical building plane, and can't be located more than 65 feet above grade or project above any roof.

### **Landscaping:**

The proposed landscape plan is an exception to the standard for PDD No. 193. The tree planting conditions along Lemmon Avenue are not sufficient with tree proximity to traffic in high intensity vehicle area and the planting schedule should be more detailed as to how it buffers in the planting zone on the north. No landscape improvements are proposed for the parcel containing the restaurant use [Eatzi's].

The request deviates from PDD No. 193 because it fails to provide for landscaping on 60% of the front yard for a total of 2,842 square feet. However, the request only seeks to provide 36% of the front yard for a total of 1,729 square feet.

Additionally, the proposed narrow planting bed of 3 feet is not appropriate along Lemmon Avenue, especially with the high traffic flow and large vehicle use. According to the Chief Arborist, this is not allowed in PD 193 and should not be applied here. Clear sidewalk widths should be reduced to accommodate a safer landscaped parkway. Further, a parkway exemption for trees along the Lemmon Avenue frontage should be considered.

Staff cannot support the applicant's request because while the proposed conditions are reasonable and consistent with the spirit and intent of Part I of PDD No. 193, the Oak Lawn Special Purpose District, tree planting areas are insufficient to support the proposed high intensity vehicular areas.

### **Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund.

Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, a “C” MVA cluster abuts the site to the northwest across the alley.

DELETED

**LISTS OF OFFICERS**

Street Lights Residential

Chief Executive Officer – Doug Chestnut

President – Tom Bakewell

Vice President – Bob Voelker

Vice President – Roger Beless

Director of Development – Greg Coutant

RP Lemmon Properties, L.P.

Manager/Director – Elizabeth J. Rader

DELETED

**CPC ACTION:**  
**October 17, 2019**

**Motion:** It was moved to recommend **approval** of a Planned Development Subdistrict for GR General Retail uses, subject to a development plan, landscape plan and staff's conditions with the following changes: 1) SEC. \_\_\_\_\_.102., **PROPERTY LOCATION AND SIZE.** add at the end of the sentence "(the "Property")", 2) SEC. S-\_\_\_\_.105. **DEVELOPMENT PLAN.** delete the entire second sentence and substitute with "If a project is not constructed on the portion of the Property north of the alley that depends on the increased floor area ratio in Section S-\_\_\_\_.108 (d) and height in Section S-\_\_\_\_.108 (e), the restriction on building height to one-story on the portion of the Property south of alley shall not apply.", 3) **SEC. S-\_\_\_\_.109. OFF-STREET PARKING AND LOADING.** add a sub point (c) to read as follows: "(c) Record an access easement across the south tract for the benefit of the north tract.", 4) **SEC. S-\_\_\_\_.113. URBAN DESIGN STANDARDS.** (1) Public realm design. (1) Sidewalks. delete "(A)" and "(B)" and follow and insert applicant's amendments to (A) and (B) to read as follows: "(A) On Oaklawn Avenue a minimum unobstructed sidewalk clear zone width of eight feet must be provided. An additional minimum landscape buffer of five feet must be provided between the back of curb and the sidewalk." and "(B) On Lemmon Avenue, a minimum unobstructed sidewalk clear zone of six feet must be provided. An additional minimum landscape buffer of three feet must be provided between the back of curb and sidewalk.", 5) **SEC. S-\_\_\_\_.113. URBAN DESIGN STANDARDS.** (d) Parking. (2) Parking structures. delete entire subsection "(B)", and 6) **SEC. S-\_\_\_\_.114. MIXED INCOME HOUSING.** (d) modify to reads as follows: "(d) During the rental affordability period, for any multifamily use that depends on the increased density in Section S-\_\_\_\_.108(d) and increased height in Section S-\_\_\_\_.108(e), five percent of the total residential rental units must be made available for lease at an affordable rent (as defined in Section 20A-24) with an income band of 61 to 80 percent of adjusted median family income and three percent at 101 to 120 percent of adjusted median family income. The mixed-income restrictive covenant in Section 20A-26 and the rental affordability period are for a term of 15 years." on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Lemmon Avenue and Oak Lawn Avenue.

Maker: Ridley  
Second: Murphy  
Result: Carried: 11 to 0

For: 11 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Ridley

Against: 0  
Absent: 0  
Vacancy: 2 - District 3, Place 15  
Conflict: 2 - Hampton\*\*, Housewright\*\*

\*\*out of the room, when vote taken

**Notices:** Area: 500 Mailed: 246  
**Replies:** For: 57 Against: 34

**Speakers:** For: Greg Coutant, 2300 N. Field St., Dallas, TX, 75201  
Matthew Acosta, 3800 Holland Ave., Dallas, TX, 75219  
Steve Stoner, 7557 Rambler Rd., Dallas, TX, 75231  
Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201  
Cameron Burk, 3416 Oak Lawn Ave., Dallas, TX, 75219  
For (Did not speak): Bill Robinson, 2300 N. Field St., Dallas, TX, 75201  
Elizabeth Bentley, 2300 N. Field St., Dallas, TX, 75201  
Scott Miller, 2300 N. Field St., Dallas, TX, 75201  
Against: Olga Pope, 4432 Rowles St., Dallas, TX, 75219  
Alissa Doll, 3230 Throckmorton St., Dallas, TX, 75219  
Bob Griffo, 3834 Bowser Ave., Dallas, TX, 75219  
Lydia Thomann, 3709 Reagan St., Dallas, TX, 75219  
Patrick Doll, 3230 Throckmorton St., Dallas, TX, 75219  
Adam Murphy, 3425 Dickerson Ave., Dallas, TX, 75219  
Patricia Perez, 4534 Holland Ave., Dallas, TX, 75219  
Mark Givens, 3320 Reagan St., Dallas, TX, 75219  
James Crindler, 3400 Welborn St., Dallas, TX, 75219  
Sandra Morales, 4410 Vandelia St., Dallas, TX, 75219  
Against (Did not speak): Jeff McLaughlin, 3818 Holland Ave., Dallas, TX, 75219  
Staff: David Nevarez, Engineer, Sustainable Development & Construction

**CPC Recommended PDS Conditions**

**Division S-\_\_\_\_. PD Subdistrict \_\_\_\_.**

**SEC. S-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD Subdistrict \_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. S-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict \_\_\_\_ is established on property located at the southwest corner of Lemmon Avenue and Oak Lawn Avenue (the Property). The size of PD Subdistrict \_\_\_\_ is 2.2 acres.

**SEC. S-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

**SEC. S-\_\_\_\_.104. EXHIBITS.**

The following exhibits are incorporated into this division:

(1) Exhibit S-\_\_\_\_A: development plan.

(2) Exhibit S-\_\_\_\_B: landscape plan.

**SEC. S-\_\_\_\_.105. DEVELOPMENT PLAN.**

For a project to qualify for the increased floor area ratio in Section S-\_\_\_\_.108(d) and height in Section S-\_\_\_\_.108(e), development and use of the Property must comply with the development plan (Exhibit S-\_\_\_\_A). If a project is not constructed on the portion of the Property north of the alley, that depends on the increased floor area ratio in Section S-\_\_\_\_.108(d) and height in Section S-\_\_\_\_.108(e), the restriction on building height to one-story on the portion of the

Property south of the alley shall not apply. If there is a conflict between the text of this division and the development plan, the text of this division controls.

**SEC. S-\_\_\_\_.106. MAIN USES PERMITTED.**

The only main uses permitted in this subdistrict are those main uses permitted in the GR General Retail Subdistrict, subject to the same conditions applicable in the GR General Retail Subdistrict, as set out in Part I of this article. For example, a use permitted in the GR General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR General Retail Subdistrict is subject to DIR in this subdistrict; etc.

**SEC. S-\_\_\_\_.107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

**SEC. S-\_\_\_\_.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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general.

(1) Except as provided in this section, the yard, lot, and space regulations for the GR General Retail Subdistrict apply.

(2) For purposes of yard, lot, and space regulations, the subdistrict is considered one lot. No additional setbacks applicable to the GR Subdistrict shall apply.

(b) Front yard. For a structure to qualify for the increased floor area ratio in Section S-\_\_\_\_.108(d) and height in Section S-\_\_\_\_.108(e), the following setbacks apply:

(1) Oak Lawn Avenue.

(A) 25 feet for the first 30 feet of structure height; and

(B) 50 feet for any portion of a structure above 30 feet in height.

(2) Lemmon Avenue.

(A) 10 feet for the first 75 feet of structure height; and



(B) As specified on the development plan for any portion of the structure above 75 feet in height

(c) Side and rear yard. The minimum side and rear yard is 10 feet.

(d) Floor area ratio. Except as otherwise provided, the maximum floor area ratio is 2.5:1. When the provisions of Section S-\_\_\_\_.114 are met, the maximum floor area may be increased to 3.9:1.

(e) Height. Except as otherwise provided, the maximum height is 120 feet. When the provisions of Section S-\_\_\_\_.114 are met, the maximum height is 199 feet.

(1) The following structures may project a maximum of 12 feet above the maximum building height:

(A) Elevator penthouse or bulkhead.

(B) Mechanical equipment room.

(C) Visual screens which surround roof mounted mechanical equipment.

(D) Parapet wall, limited to a height of four feet.

#### **SEC. S-\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) This district is considered one lot for purposes of required off-street parking and loading.

(c) An access easement shall be recorded for ingress/egress from the property north of the alley.

#### **SEC. S-\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

#### **SEC. S-\_\_\_\_.111. LANDSCAPING.**

(a) For a project to qualify for the increased density in Section S-\_\_\_\_.108(d) and height in Section S-\_\_\_\_.108(e), landscaping must be provided as shown on the landscape plan (Exhibit S-\_\_\_\_B).

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

**SEC. S-\_\_\_\_.112. SIGNS.**

(a) Except as provided, signs must comply with the provisions for business zoning districts in accordance with Article VII.

(b) One additional attached, premise sign is permitted along the facade facing Oak Lawn Avenue subject to the following restrictions:

- (1) The maximum effective area of the sign is 120 square feet per side.
- (2) The sign must be two-sided and display a message on both sides of the sign.
- (3) The sign may project up to 5 feet at an angle other than parallel from the vertical plane.
- (4) Letters must exceed 4 inches in height.
- (5) No portion of the sign may be located more than 65 feet above grade or project above any roof.

**SEC. S-\_\_\_\_.113. URBAN DESIGN STANDARDS.**

(a) Applicability. For a project to qualify for the increased density in Section S-\_\_\_\_.108(d), it must comply with all requirements in this section. If the increased development standards are not applied, the provisions of this section do not apply.

(b) Public realm design.

(1) Sidewalk

(A) On Oaklawn Avenue a minimum unobstructed sidewalk clear zone width of eight feet must be provided. An additional minimum landscape buffer of five feet must be provided between the back of curb and the sidewalk.

(B) On Lemmon Avenue, a minimum unobstructed sidewalk clear zone width of six feet must be provided. An additional minimum landscape buffer of three feet must be provided between the back of curb and sidewalk.

(C) Sidewalk must consist of concrete pavers or finished concrete surfaces.

(D) Sidewalks should be continuous and level across all driveways and curb cuts and should be designed to be at the same grade as the existing sidewalk.

(E) If a portion of a sidewalk is located on private property, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way.

(2) Pedestrian amenities.

(A) A minimum of two of each of the following pedestrian amenities must be provided along street facing facades, with the exception of visibility triangles and vehicular drives, in order to promote pedestrian activity and safety: i) benches, ii) bicycle racks, iii) trash receptacles.

(B) Pedestrian amenities may be located within the landscape buffer zone but shall not obstruct the required sidewalk clear zone.

(3) Street trees. Street trees should be provided within the landscape buffer zone and should be spaced 30 feet on center wherever utilities and other subsurface conditions do not prohibit.

(4) Mechanical equipment.

(A) Aboveground utility boxes, generators, and other large mechanical equipment should be located out of view from the public right-of-way. When conditions do not permit, equipment shall be screened from view by a solid wood or masonry fence, wall, or building element at least six feet in height and shall be screened with landscaping such as shrubs, bushes, and trees.

(B) No utilities may be placed within the required sidewalk planting zone or clear zone.

(5) Lighting.

(A) Lights should be provided at regular intervals with a spacing of no greater than 100 feet along street-facing facades, with the exception of visibility triangles and vehicular drives, in order to provide lighting on sidewalks, streets, walkways and plazas to enhance pedestrian safety.

(B) Lighting must be directed downward and away from adjacent properties.

(C) Unless otherwise provided, lighting must be spaced 75 to 100 feet apart, with the center of the foundation two to three feet from the back of curb. Spacing may be adjusted to achieve optimal photometric performance of a minimum of 0.5 foot candles between fixtures.

(D) Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(c) Architectural elements.

(A) Architectural elements, such as the following, must be provided at all building corners and at public entry points: architecturally prominent public entrances, canopies, awnings, variations in building massing, increased transparency, and variations in fenestration.

(B) Ground-level of building should provide a minimum of 40 percent transparency for all street-facing facades located within the first 20 feet of the building.

(C) Variations in façade plane shall be provided, which may include wall recesses and projections, bays, offsets, reveals. Façade articulation of 1 foot in depth must be provided for every 100 feet of façade length on all street facing façades.

(3) Service and loading.

(A) Service entries and back of house functions must be located away from primary facades and should be visually screened with landscaping such as shrubs, bushes, and trees.

(B) Loading areas and loading docks: (i) shall be located away from primary street facades and pedestrian routes; and (ii) should provide a closable gate or door that can block the loading area from the sidewalk during times when it is not in use.

(d) Parking.

(1) Surface parking.

(A) Surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(2) Parking structures.

(A) All aboveground parking structures must be wrapped by occupiable building area or have a facade that is compatible to the facade of the main structure the parking serves. The portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is compatible to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(B) All non-entry openings in the aboveground parking structure facade must be screened except for vehicle access. Screening may include architectural grill work or other materials that provide ventilation.

**SEC. S-\_\_\_\_.114. MIXED INCOME HOUSING.**

(a) Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the increased density in Section S-\_\_\_\_.108(d) and increased height in Section S-\_\_\_\_.108(e).

(b) Compliance with Section 51A-4.1107 is not required.

(c) Compliance with Section 20A-27(g) is not required.

***CPC Recommended:***

(d) During the rental affordability period, for any multifamily use that depends on the increased density in Section S-\_\_\_\_.108(d) and increased height in Section S-\_\_\_\_.108(e), five percent of the total residential rental units must be made available for lease at an affordable rent (as defined in Section 20A-24) with an income band of 61 percent to 80 percent of adjusted median family income and three percent of the total residential rental units must be made available for lease at an affordable rent (as defined in Section 20A-24) with an income band of 101 percent to 120 percent of adjusted median family income. The mixed-income restrictive covenant in Section 20A-26 and the rental affordability period are for a term of 15 years.

***Staff Recommended:***

(d) During the rental affordability period, for any multifamily use that depends on the increased density in Section S-\_\_\_\_.108(d) and increased height in Section S-\_\_\_\_.108(e), five percent of the total residential rental units must be made available for lease at an affordable rent (as defined in Section 20A-24) with an income band of 51 percent to 60 percent of adjusted median family income and five percent of the total residential rental units must be made available for lease at an affordable rent (as defined in Section 20A-24) with an income band of 61 percent to 80 percent of adjusted median family income. The mixed-income restrictive covenant in Section 20A-26 and the rental affordability period are for a term of 15 years.

**SEC. S-\_\_\_\_.115. 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) Development and use of the Property must comply with Part I of this article.

**SEC. S-\_\_\_\_.116. 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, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

DELETED

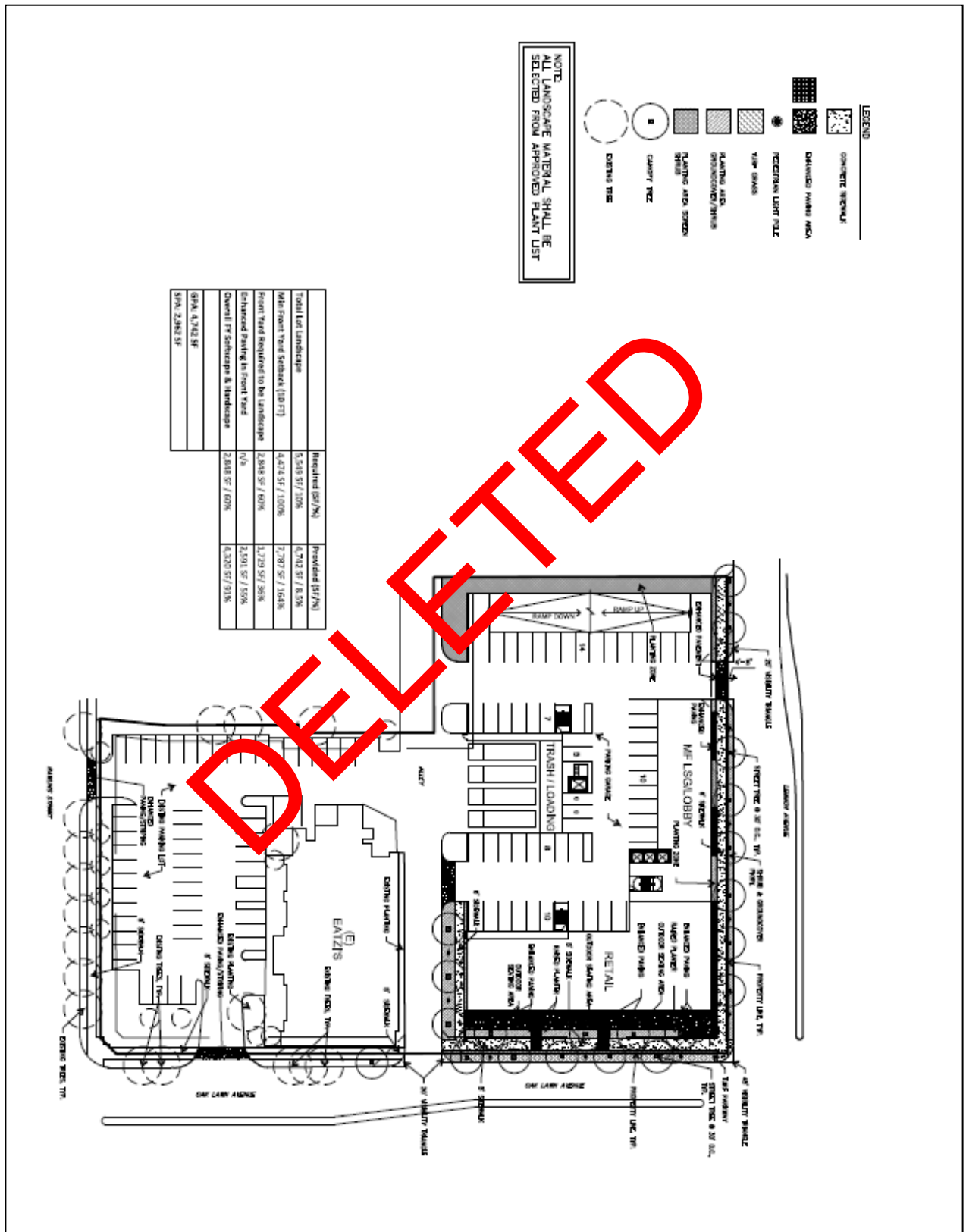
## PROPOSED DEVELOPMENT PLAN





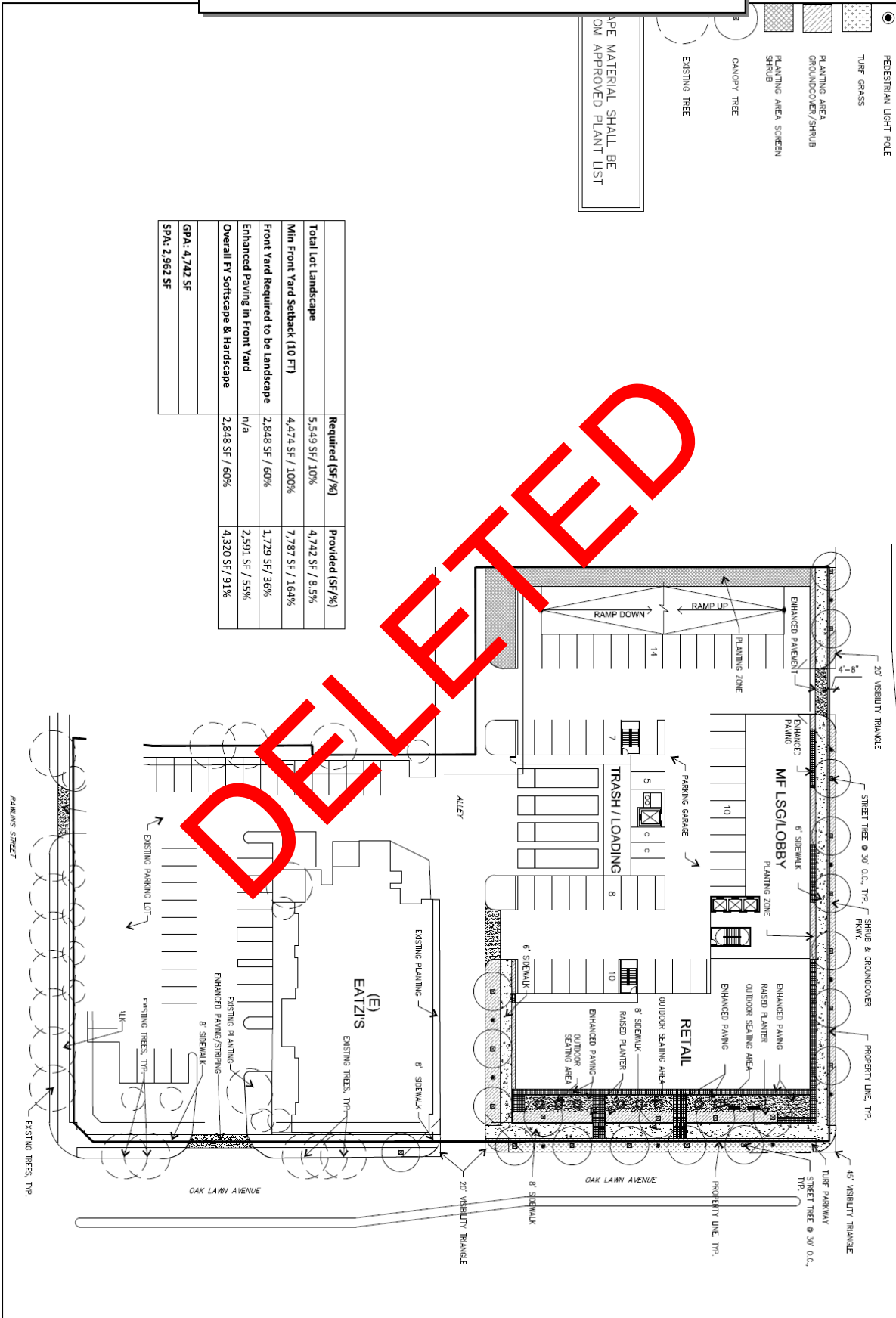


## PROPOSED LANDSCAPE PLAN



## ENLARGED PROPOSED LANDSCAPE PLAN

	Required (SF/%)	Provided (SF/%)
Total lot landscape	5,549 SF / 10%	4,742 SF / 8.5%
Min Front Yard Setback (10 FT)	4,474 SF / 100%	7,787 SF / 164%
Front Yard Required to be Landscape	2,848 SF / 60%	1,729 SF / 36%
Enhanced Paving in Front Yard	n/a	2,591 SF / 55%
Overall FY Softscape & Hardscape	2,848 SF / 60%	4,320 SF / 91%
GPA: 4,742 SF		
SPA: 2,962 SF		

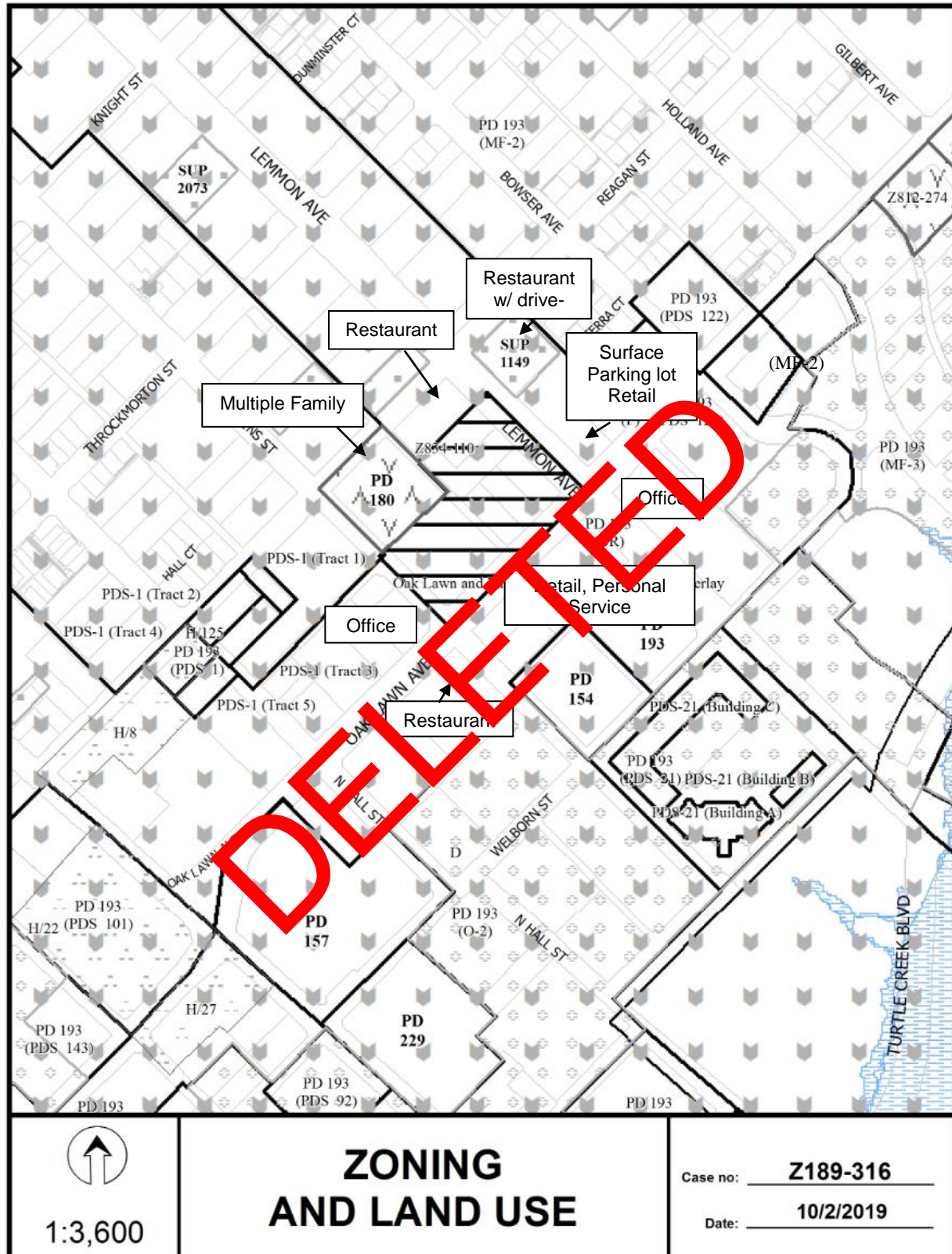


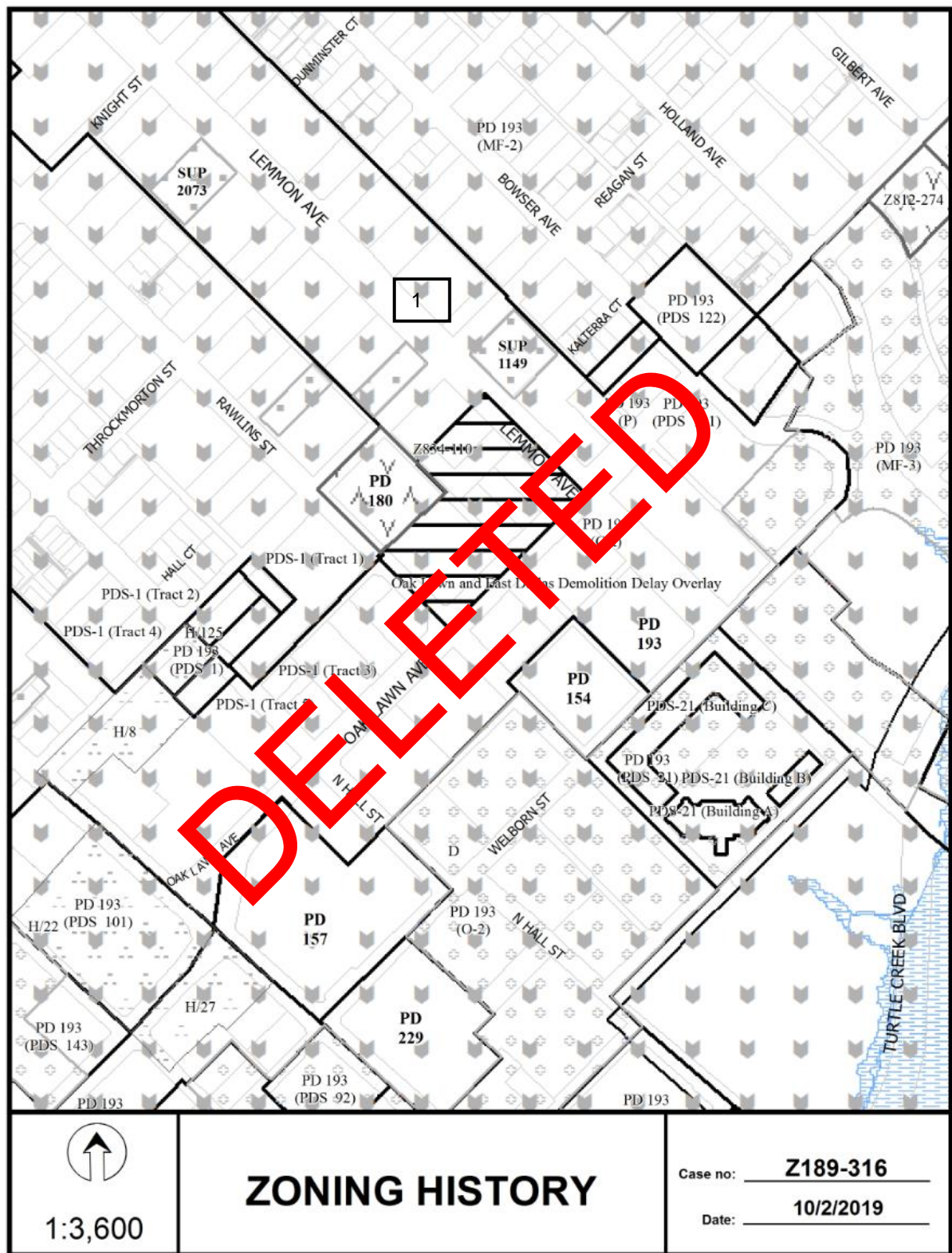




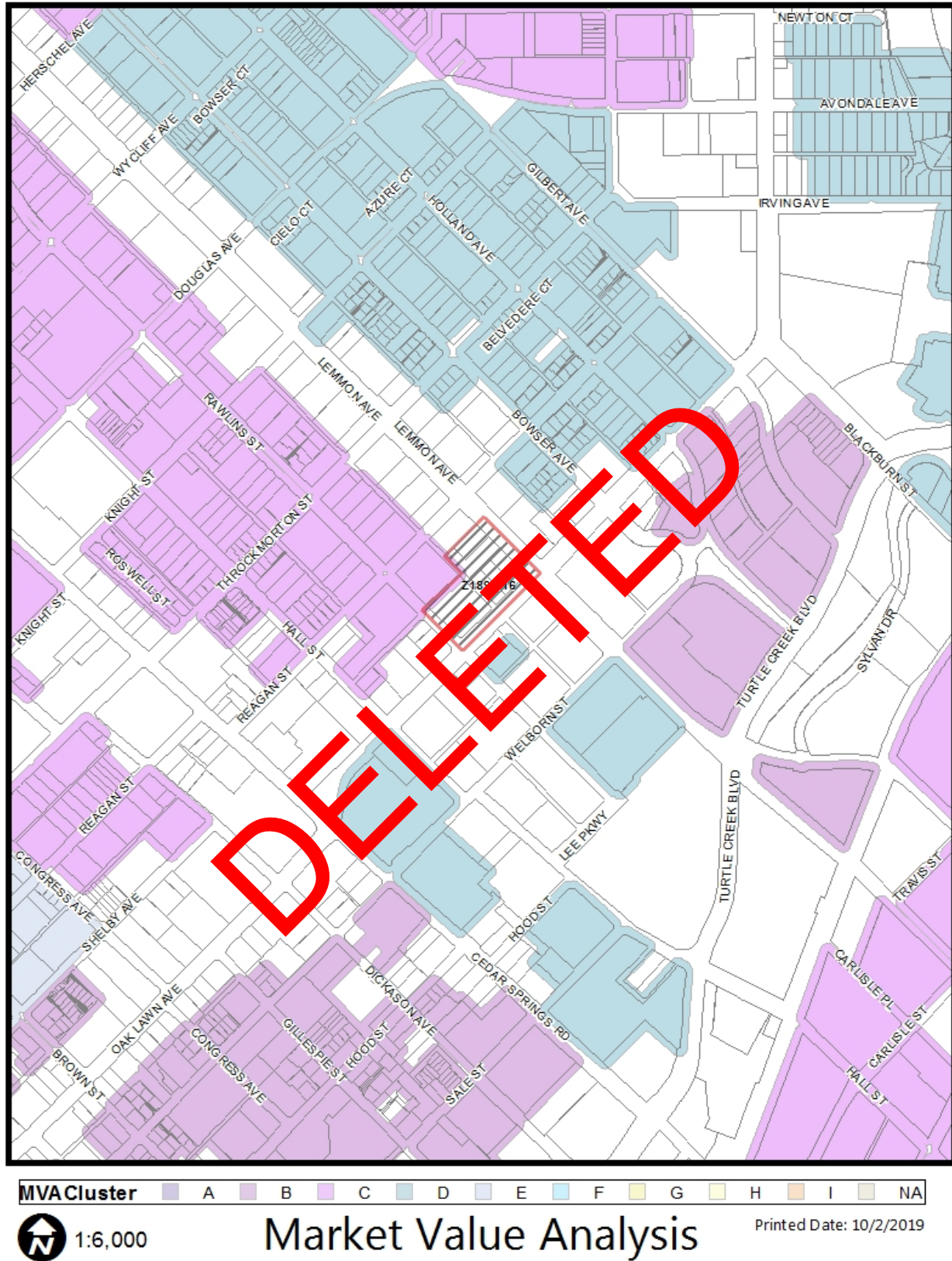




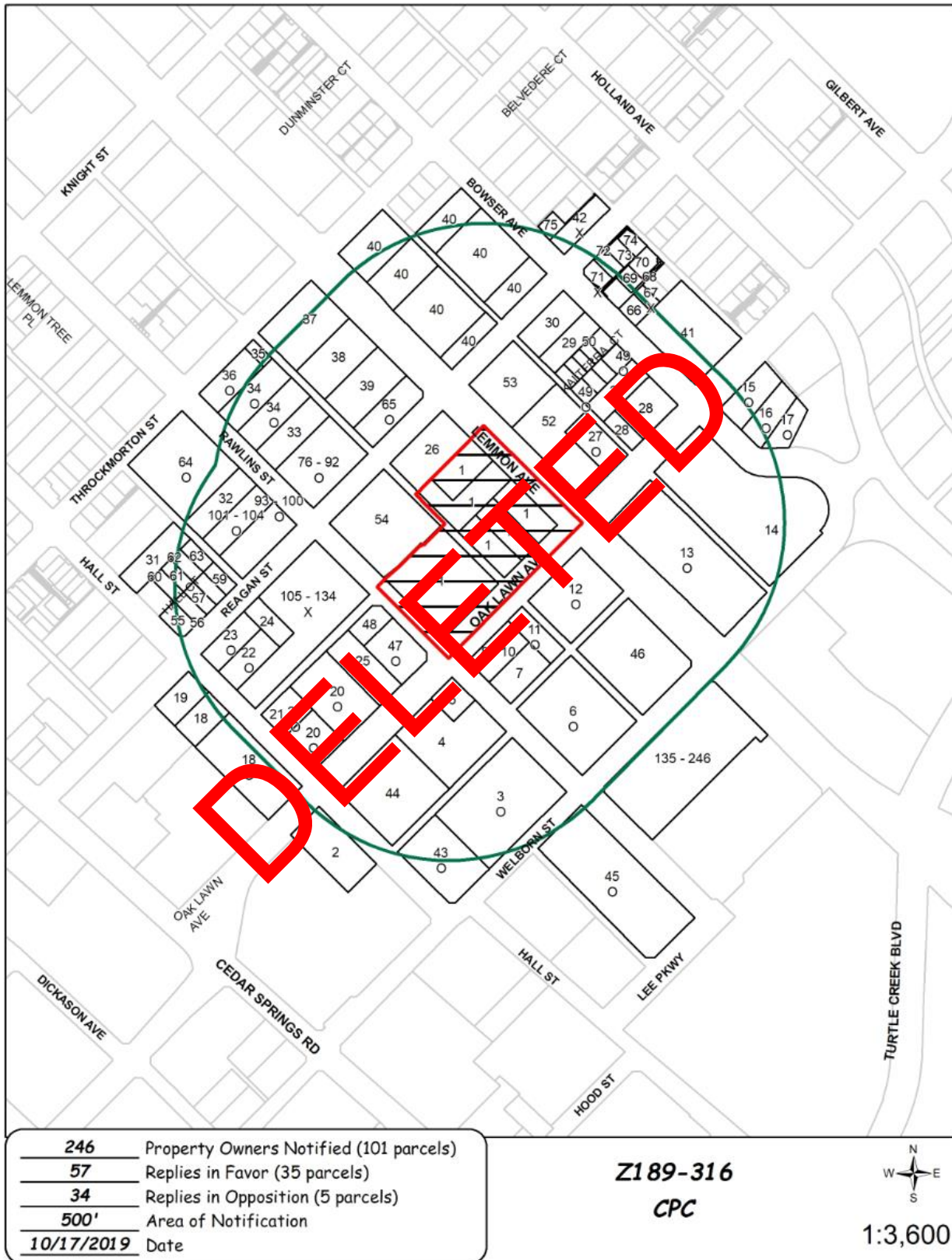








**CPC Responses**





10/16/2019

***Reply List of Property Owners******Z189-316******246 Property Owners Notified******57 Property Owners in Favor******34 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	3435 OAK LAWN AVE	RP LEMMON PPTIES LP
	2	3721 N HALL ST	IP ARGYLE LP
	4	3316 OAK LAWN AVE	3316 OAK LAWN PTNR LTD
	5	3330 OAK LAWN AVE	3330 OAK LAWN SERIES LLC
	7	3720 RAWLINS ST	RAWLINS INVESTMENT PPTY LLC
	9	3400 OAK LAWN AVE	RESIDUARY TESTAMENT TRUST
	10	3400 OAK LAWN AVE	BOKF N
O	11	3412 OAK LAWN AVE	COU TNEY A EXTRX
	14	3703 BOWSER AVE	PAPPAS RESTAURANTS INC
	18	3823 N HALL ST	MADISON PACIFIC DEV
	19	3829 N HALL ST	SAMPER OMAR D
O	20	3301 OAK LAWN AVE	3311 OAK LAWN PTNR LTD
	21	3812 N HALL ST	301 TEXAS STREET LLC
	24	3300 REAGAN ST	BROWER MANAGED ASSETS LLC
O	25	3317 OAK LAWN AVE	LGL OAK LAWN PROPERTIES LLC
	26	3827 LEMMON AVE	HASKELL LEMMON PTR LTD
	28	3519 OAK LAWN AVE	3519 OAKLAWN PARTNERS LTD
	29	3825 BOWSER AVE	BAYAT ALI & SARA EHSANI
	30	3827 BOWSER AVE	PHOL INVESTMENT INC
	31	3912 N HALL ST	CASA BONITA PLAZA INC
	32	3913 RAWLINS ST	M & O APARTMENTS INC
	33	3912 RAWLINS ST	ROCKAPR15 LLC
O	34	3922 RAWLINS ST	MALT INVESTMENTS INC
	35	3412 THROCKMORTON ST	CHANTLY CHRIS J ET AL
	37	3923 LEMMON AVE	BLUE PROPERTIES LLC
	38	3915 LEMMON AVE	STANLEY GAINES & VICKIE

10/16/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	39	3911 LEMMON AVE	WEST LLC
	40	3900 LEMMON AVE	HEB GROCERY COMPANY LP
	41	3607 OAK LAWN AVE	ASSET MANAGEMENT ASSOC
X	42	3900 BOWSER AVE	NEWCOMB ERIC B &
	44	3300 OAK LAWN AVE	OAK LAWN REALTY ASSOC L P
	46	3707 LEMMON AVE	DALLAS SHOWROOM REAL ESTATE LLC
	48	3811 RAWLINS ST	3811 RAWLINS LLC
O	49	3817 BOWSER AVE	SALYMINA HOLDINGS INC
	50	3553 KALTERRA CT	MOUZAF SARA
	52	3820 LEMMON AVE	GSSW LEMMON OAKLAWN LLC
	53	3826 LEMMON AVE	KLINE TRUST INV LTD
	54	3838 RAWLINS ST	NAKISH LINCOLN COURT LLC
	55	3302 HALL CT	COVERT MICHAEL A & JUNYAN SHAN
	56	3306 HALL CT	FANNING THERESA A &
	57	3308 HALL CT	OSULLIVAN JOSEPH &
X	58	3310 HALL CT	SPENCER GEOFFREY D & SUSAN E
	59	3312 HALL CT	CAREY ERNEST J & MARYLIN S
	60	3307 HALL CT	CONTRUCCI EMMA P
	61	3308 HALL CT	HORN DAN & MARY
	62	3311 HALL CT	HUDSON DAVID
	63	3303 HALL CT	KLANE SCOTT & KAREN
O	64	3921 RAWLINS ST	RAWLINS HOLDINGS LP
	66	3816 BOWSER AVE	SHIVER JAMES & MARGARET
X	67	3816 BOWSER AVE	WEINKAUF MARGARET
	68	3820 BOWSER AVE	CLARK JAMES DANA
	69	3822 BOWSER AVE	PATEL AMIT & AMISHA
	70	3824 BOWSER AVE	SANCHEZ FELIX & LOURDES
X	71	3834 BOWSER AVE	GRIFFO BOB C
	72	3608 REAGAN ST	HAMILTON BILL T & DEBBIE
	73	3610 REAGAN ST	CHELLGREN ZELDA &
	74	3612 REAGAN ST	BOYER LIVING TR

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	75	3902 BOWSER AVE	KIMMERLING AMY
O	76	3904 RAWLINS ST	SQUIRIC ELENA
O	77	3904 RAWLINS ST	LOHNER JACK E JR
O	78	3904 RAWLINS ST	WENHAM MARK &
O	79	3904 RAWLINS ST	SMITH JENNIFER L
O	80	3904 RAWLINS ST	LEE JONG WON
O	81	3904 RAWLINS ST	XU MENG YU
O	82	3904 RAWLINS ST	HAYLOCK DUNCAN & COURTNEY
O	83	3904 RAWLINS ST	DELANO JOHANNA M
O	84	3904 RAWLINS ST	JONES KRISTEN ALLEN
O	85	3904 RAWLINS ST	KRIVOTOS THEODORE
O	86	3904 RAWLINS ST	SMITH MALLORY
O	87	3904 RAWLINS ST	BERKLEY YEVA BALZHAM
O	88	3904 RAWLINS ST	TURNER ELIZABETH J
O	89	3904 RAWLINS ST	HUBBLE JONATHAN &
O	90	3904 RAWLINS ST	WEBB NATALIE L
O	91	3904 RAWLINS ST	TANG STEVEN
O	92	3904 RAWLINS ST	VILLARREAL ANA GABRIELA
O	93	3311 REAGAN ST	ELLIOTT MILES DAVIS
O	94	3315 REAGAN ST	KIRLEY JULIEANNA
O	95	3317 REAGAN ST	LESZINSKI SLAWOMIR
O	96	3319 REAGAN ST	LUEWELLYN ALEXIS M
O	97	3319 REAGAN ST	WU JOAN
O	98	3321 REAGAN ST	SMITH JOHANNA M
O	100	3905 RAWLINS ST	IPENEMA INVESTMENTS LTF
O	101	3909 RAWLINS ST	IPENEMA INVESTMENTS LTF
O	102	3909 RAWLINS ST	PENSCO TRUST COMPANY CUSTODIAN
O	103	3909 RAWLINS ST	BIRNBAUM MARC A
O	104	3909 RAWLINS ST	SANFORD EHTAN LANCE
X	105	3817 RAWLINS ST	PASSPORT MINISTRIES
X	106	3817 RAWLINS ST	ARDIZZONI HEATHER

10/16/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	107	3817 RAWLINS ST	TUESDAY REAL ESTATE LLC
X	108	3817 RAWLINS ST	MALIK GHAZALA
X	109	3817 RAWLINS ST	MIOT DANIEL &
X	110	3817 RAWLINS ST	MCGEHEE SOPHIE
X	111	3817 RAWLINS ST	BODINE BART R
X	112	3817 RAWLINS ST	HOLLEY NICK R
X	113	3320 REAGAN ST	HARROD JAMES M TRUST
X	114	3817 RAWLINS ST	MATHEWS MICHAEL G
X	115	3320 REAGAN ST	RICHARDSON LARRY W JR
X	116	3320 REAGAN ST	BENTLEY DANIEL ALAN
X	117	3320 REAGAN ST	HARROD JAMES MICHAEL TR
X	118	3320 REAGAN ST	PROPHET MARY M
X	119	3320 REAGAN ST	PAINES DALE EST OF &
X	120	3320 REAGAN ST	MULLER ERIC
X	121	3320 REAGAN ST	PEREZ PATRICIA
X	122	3817 RAWLINS ST	DAVIS DAVID PAUL
X	123	3320 REAGAN ST	FALCON ROSA I
X	124	3320 REAGAN ST	CHAMBERLAIN ERNEST DON
X	125	3320 REAGAN ST	CHUI WAI L
X	126	3818 N HALL ST	KELLY KIMBERLY ANN
X	127	3818 N HALL ST	STRONG D WALKER
X	128	3818 N HALL ST	SINGH GURPAL GILL &
X	129	3818 N HALL ST	PORTER DONOVAN
X	130	3818 N HALL ST	NASH KEVIN
X	131	3818 N HALL ST	FOLEY CHRISTOPHER
X	132	3818 N HALL ST	AMIN HIMA
X	133	3818 N HALL ST	KHALILI ASSAL MARY
X	134	3818 N HALL ST	MILLER STEPHEN E
	135	3400 WELBORN ST	DELIER MICHAEL
	136	3400 WELBORN ST	FLYNN TIMOTHY & ANNE
	137	3400 WELBORN ST	PAULSON PATRICIA

10/16/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
138	3400	WELBORN ST	HEARD HOLDINGS LLC
139	3400	WELBORN ST	MONTEMAYOR JAVIER
140	3400	WELBORN ST	NMV HOLDINGS LLC
141	3400	WELBORN ST	THOMAS AUDREY NICOLE
142	3400	WELBORN ST	HAWKINSBROWN LESLIE CARON &
143	3400	WELBORN ST	BORDELON JAMES M
144	3400	WELBORN ST	MORCHOWER KAREN R
145	3400	WELBORN ST	GEHI LAXMAN
146	3400	WELBORN ST	ROBERTS BRITT
147	3400	WELBORN ST	LOEFFER PHILIP W
148	3400	WELBORN ST	PARILLA MARY
149	3400	WELBORN ST	OLIVERA TANYA
150	3400	WELBORN ST	BECK MARGARET A
151	3400	WELBORN ST	CANLAHAN TARA
152	3400	WELBORN ST	HARDY SMITH PETER M REV TR
153	3400	WELBORN ST	ROBERTSON MELVIN TODD
154	3400	WELBORN ST	WAN LINDA K
155	3400	WELBORN ST	GOOD MARY & JAMES G GOOD
156	3400	WELBORN ST	BRATTAIN DAVID
157	3400	WELBORN ST	BUIDA WILLIAM T & PATSY L
158	3400	WELBORN ST	SOMES FAMILY TRUST A
159	3400	WELBORN ST	MILLER MATTHEW
160	3400	WELBORN ST	IGAMBERDIEVA INOBAT
161	3400	WELBORN ST	PALCHIK YEFIM & SOFYA
162	3400	WELBORN ST	ELLEFSON KRISTEN
163	3400	WELBORN ST	CARNE JAMES REVOCABLE TRUST
164	3400	WELBORN ST	WALKER PRISCILLA ALDEN
165	3400	WELBORN ST	MOAYYAD NATHAN
166	3400	WELBORN ST	STEWART WILLIAM A & RAVI D
167	3400	WELBORN ST	LU LE
168	3400	WELBORN ST	HATTON CAROLYN SUE

10/16/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	169	3400 WELBORN ST	PROEHL STEVE GOODWIN &
	170	3400 WELBORN ST	GRINDLER JAMES GREGORY
	171	3400 WELBORN ST	TEMKIN CAROLYN
	172	3400 WELBORN ST	RAMEY KENDAL N
	173	3400 WELBORN ST	PICARDI ALBERT & JAN
	174	3400 WELBORN ST	YU ADAM J & JUDY
	175	3400 WELBORN ST	WOOLDRIDGE ANN & JAMES
	176	3400 WELBORN ST	ETC CUSTODIAN
	177	3400 WELBORN ST	STROPEN NANCY
	178	3400 WELBORN ST	CAREY JEFFREY S & JULIE D
	179	3400 WELBORN ST	SALINAS KAREN
	180	3400 WELBORN ST	MCCURLEY SKYLER ROBERT & STACEY
	181	3400 WELBORN ST	LEE DEBRA
	182	3400 WELBORN ST	SWETSER WILLIAM & KELLY
	183	3400 WELBORN ST	CARTER GREGORY STERLING &
	184	3400 WELBORN ST	HARRIS MARILYN A REVOCABLE TRUST
	185	3400 WELBORN ST	FOSTER LILLIAN &
	186	3400 WELBORN ST	KAINTH MALVINDER SINGH & MONIQUE
	187	3400 WELBORN ST	MOOKERJEE SUBHRA JIT
	188	3400 WELBORN ST	
	189	3400 WELBORN ST	BELL RENEE
	190	3400 WELBORN ST	CARRINGTON ANGELA
	191	3400 WELBORN ST	LO JESSICA M
	192	3400 WELBORN ST	BENGHOZI TAWFIK
	193	3400 WELBORN ST	YOUNG ANGELA NICOLE
	194	3400 WELBORN ST	DILLARD LINDA
	195	3400 WELBORN ST	BOLEY TOMMY J
	196	3400 WELBORN ST	SANDERS WAYNE N & PENNY J
	197	3400 WELBORN ST	SONNENSCHN INVESTMENT LTD
	198	3400 WELBORN ST	REGGIARDO DIANA
	199	3400 WELBORN ST	YIP MICHAEL

10/16/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
200	3400	WELBORN ST	SYED NABEEL &
201	3400	WELBORN ST	MOORE BOBBY
202	3400	WELBORN ST	MOLAVILLE MGMT LTD P S
203	3400	WELBORN ST	SAADALLAH NURA &
204	3400	WELBORN ST	WAYNE FRANCES L
205	3400	WELBORN ST	WALTER WENDOLYN SMITH
206	3400	WELBORN ST	MEHTA MUKESH H &
207	3400	WELBORN ST	CAFFEY BARBARA ANN
208	3400	WELBORN ST	ZHANG NAN
209	3400	WELBORN ST	GONZALEZ MICHAEL GLENN
210	3400	WELBORN ST	REYES CHRISTINA
211	3400	WELBORN ST	SNOODON VICTORIA A &
212	3400	WELBORN ST	DELEU BRIAN S
213	3400	WELBORN ST	BREUNIER JANE
214	3400	WELBORN ST	WEATHRL MARTHA C
215	3400	WELBORN ST	BHATNAGER JOGINDER MOHAN &
216	3400	WELBORN ST	YU ADAM & JUDY
217	3400	WELBORN ST	HIPP JAMES D
218	3400	WELBORN ST	ZEAK SHAWN M
219	3400	WELBORN ST	NICHOLSON DON & ALICE
220	3400	WELBORN ST	PORRAS REBECCA L
221	3400	WELBORN ST	MOHAN ASHWATHI &
222	3400	WELBORN ST	PATEL ANAND N & SWATI
223	3400	WELBORN ST	FACCA STEVEN T
224	3400	WELBORN ST	MAXVILL ALISSA B
225	3400	WELBORN ST	REICHENBACH FAMILY TR
226	3400	WELBORN ST	WHITE ANNICK
227	3400	WELBORN ST	FUENTES MELISSA
228	3400	WELBORN ST	PRANGE BRETT P
229	3400	WELBORN ST	HASHEM ABRAHAM & SUSAN
230	3400	WELBORN ST	DEBNATH PRIYANKA

10/16/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	231	3400 WELBORN ST	OHEA LINDA L
	232	3400 WELBORN ST	TACCONI EUGENIO J &
	233	3400 WELBORN ST	OYSTER MICHAEL & STACY
	234	3400 WELBORN ST	WEBB ALBERT M
	235	3400 WELBORN ST	MUMMERT PEGGY L
	236	3400 WELBORN ST	HOANG MEGAN
	237	3400 WELBORN ST	WILLIAMS TOMMIE L
	238	3400 WELBORN ST	JONES FAMILY TRUST THE
	239	3400 WELBORN ST	STEPHENSON TIMOTHY R
	240	3400 WELBORN ST	MONTAGUE MAXWELL K &
	241	3400 WELBORN ST	BROOKHOLGA
	242	3400 WELBORN ST	MYERS DIANE
	243	3400 WELBORN ST	BALQUE DORSIN P JR &
	244	3400 WELBORN ST	GOMAR JORGE E &
	245	3400 WELBORN ST	DEMIRCI KEMAL SAFAK
	246	3400 WELBORN ST	PARENT GAYLE
O	A1	3710 RAWLINS ST	GAEDEKE HOLDINGS II LTD
	A2	3400 OAK LAWN AVE	BUZZINI LP
O	A3	3416 OAK LAWN AVE	MAIN STREET ROSS PARTNERS LTD &
O	A4	3500 OAK LAWN AVE	WESTDALE 3500 OAK LAWN LP
O	A5	3604 OAK LAWN AVE	LEWIS PAUL D NO 7
O	A6	3722 BOWSER AVE	LEWIS PAUL D LIMITED
O	A7	3716 BOWSER AVE	LEWIS PAUL D LIMITED PS # 7
O	A8	3822 N HALL ST	MADISON PACIFIC
O	A9	3828 N HALL ST	MADISON PACIFIC DEVELOPMENT COMPANY INC
O	A10	3509 OAK LAWN AVE	OAK LAWN RETAIL ASSO LTD
O	A11	3329 OAK LAWN AVE	ELEVEN OAKS PTNRS LP
O	A12	3541 KALTERRA CT	KCP BOWSER LLC
O	A13	3903 LEMMON AVE	3903 LEMMON AVE LLC
O	A14	3905 RAWLINS ST	ALVARADO ANDREW
O	A15	3505 KALTERRA CT	KCP BOWSER LLC



10/16/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A16	3517 KALTERRA CT	KCP BOWSER LLC
O	A17	3529 KALTERRA CT	KCP BOWSER LLC
O	A18	3916 RAWLINS ST	MALT INVESTMENTS INC
O	A19	3928 RAWLINS ST	MALT INVESTMENTS INC
O	A20	3211 OAK LAWN AVE	MADISON PACIFIC DEV
O	A21	3909 RAWLINS ST	IPENEMA INVESTMENTS LTF
O	A22	3333 WELBORN ST	ARABELLA RETIREMENT OF
O	A23	3301 WELBORN ST	ARABELLA RETIREMENT OF
O	A24	3333 LEE PKWY	GPI LEE PARKWAY LP

**DELETED**



## Agenda Information Sheet

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**File #:** 19-2023  
Z22.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 11  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

---

### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1454 for a detached non-premise sign use on property zoned MU -1(SAH) Mixed Use (Standard Affordable Housing) District with existing deed restrictions [Z934-241 and Z112-277], on the northeast corner of Meandering Way and Interstate Highway 635 [Lyndon B. Johnson Freeway]

Recommendation of Staff: Approval for a ten-year period, subject to conditions

Recommendation of CPC: Approval for a five-year period, subject to conditions  
Z189-317(AM)

**FILE NUMBER:** Z189-317(AM)

**DATE FILED:** July 24, 2019

**LOCATION:** Northeast corner of Meandering Way and Interstate Highway 635  
[Lyndon B. Johnson Freeway]

**COUNCIL DISTRICT:** 11

**MAPSCO:** 16 N

**SIZE OF REQUEST:** ± 2.6219 acres

**CENSUS TRACT:** 136.10

**REPRESENTATIVE:** Dallas Cothrum, Masterplan Consultants

**APPLICANT/OWNER:** Roger Lawler

**REQUEST:** An application for the renewal of Specific Use Permit No. 1454 for a detached non-premise sign use on property zoned MU-1(SAH) Mixed Use (Standard Affordable Housing) District with existing deed restrictions [Z934-241 and Z112-277].

**SUMMARY:**

The purpose of the request is to maintain the existing detached non-premise sign on the property.

**CPC RECOMMENDATION:** **Approval** for a five-year period, subject to conditions.

**STAFF RECOMMENDATION:** **Approval** for a ten-year period, subject to conditions.

## **BACKGROUND INFORMATION:**

- The ±2.62-acre area of request is zoned an MU-1(SAH) District with SUP No. 1454 for a detached non-premise sign and existing deed restrictions [Z934-214 and Z112-277].
- Deed restrictions Z934-241 were volunteered in conjunction with a request for an MU-1 (SAH) District which was approved by City Council on September 14, 1994 and limit the following:
  1. No buildings permitted within 65 feet of the north property line.
  2. No vehicular ingress to or egress from the property is permitted from Meandering Way or the alley north of the property.
  3. Require a minimum three-foot solid screening along Meandering Way which must be provided prior to an application for a Certificate of Occupancy.
  4. Require minimum six-foot solid fence along the north property line prior to an application for a Certificate of Occupancy.
  5. Prohibit the following uses: Auto service center, car wash, commercial amusement (inside), commercial amusement (outside), motor vehicle fueling station, food store 3,500 square feet or less, pawn shop, restaurant with drive-in or drive-through service, swap or buy shop, theater, post office, and radio, television, or microwave tower.
  6. No detached signs permitted except within 65 feet of the right-of-way line of LBJ freeway and not exceeding 36 feet in height.
  7. No attached illuminated signs are permitted on the north façade of any building.
  8. No attached illuminated signs are permitted on the west façade of any building at a height greater than 15 feet.
  9. No attached signs shall extend above the top of the façade on which it is attached.
- Deed restrictions Z112-277 amended deed restrictions Z934-241 modifying restrictions number 1, 2, and 5 of the original restrictions.
- The site is currently undeveloped except for the existing detached non-premise sign. The sign is a double-faced, 672-square-foot detached non-premise sign.
- On September 26, 2001, City Council approved SUP No. 1454 for a detached non-premise sign for a ten-year period.
- On October 10, 2011, the City Council approved the renewal of SUP No. 1454 for an additional eight-year period. [Expiration date: October 10, 2019].
- It is unclear when the sign was originally installed, but it was relocated to its present location in 2002. According to Building Inspections' records, the original sign was removed under Demolition Permit No. 0209241061 and issued a new permit under Sign Permit No. 0209061046.

- The purpose of the request is to renew SUP No. 1454. No changes are being proposed to the site plan, and the existing detached non-premise sign will be maintained in its present location and condition.

**Zoning History:** There has been one zoning change request in the vicinity within the last five years.

1. **Z156-174:** On August 10, 2016, the City Council approved the termination of Specific Use Permit No. 67 for a community building and church recreational area use and approved Specific Use Permit No. 2204 for a private school use on property located at the northwest corner off Interstate Highway 635 [Lyndon B. Johnson Freeway] and Blossomheath Lane, east of the area of request.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW	Required ROW
Meandering Way	Community Collector	65 ft.	56 ft.
IH-635 (LBJ Freeway)	Interstate Highway	variable	-

**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.

**STAFF ANALYSIS:**

**COMPREHENSIVE PLAN:**

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

There are no goals or policies that support or oppose this request.

**Surrounding land uses:**

The table below indicate the zoning and land uses of the properties surrounding the area of request.

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	MU-1(SAH); SUP 1454; Z934-241, Z112-277	Undeveloped ; Detached Non-Premise Sign
<b>North</b>	D(A)	Duplex
<b>South</b>	MU-3	Freeway; Hotel
<b>East</b>	R-7.5(A); SUP 2204	Church ; Private School
<b>West</b>	MF-2(A)	Multifamily

**Land Use Compatibility:**

The subject site is currently undeveloped apart from the detached non-premise sign. The request seeks to renew SUP 1454 and maintain the existing detached non-premise sign with no changes proposed to its location.

Uses surrounding the area of request are residential uses to the north and west including duplex uses and multifamily respectively. A church use and a private school use are located to the east, and a hotel use is to the south across LBJ Freeway. The detached non-premise sign has not adversely impacted the surrounding land uses since it was installed on the property in 2002, Staff does not consider the use would prove to be detrimental in the future for the residential and intuitional uses abutting the site.

Furthermore, the non-premise detached sign complies with the regulations in Article VII of the Development Code and with the existing deed restrictions that establish that no detached sign is permitted except within 65 feet of the right-of-way line of LBJ Freeway and shall not exceed 36 feet in height.

The applicant's request to renew SUP No.1454 is also appropriate in the context of its proximity to a major freeway (IH-635; LBJ Fwy.).

The general provisions for a Specific Use Permit in §51A-4.219 of the Dallas Development Code 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 zoning regulations and standards

Staff is supportive of granting the request to renew SUP No. 1454 for a detached non-premise sign as it has complied with the conditions set forth from its granting, continued operations in good standing, and has followed the standards set forth in the conditions.

**Parking:**

No parking is required for this use, per Dallas Development Code §51A-4.206(3).

**Landscaping:**

Landscaping will be provided per Article X of the Dallas Development Code, as amended.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA Category, however it is in proximity to a “C” MVA cluster to the west and north.

Z189-317(AM)

**List of Partners/Principals/Officers**

RL Trust  
Roger Lawler; Sole Trustee



**CPC Action**  
**November 21, 2019**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1454 for a detached non-premise sign use for a five-year period, subject to conditions on property zoned MU-1(SAH) Mixed Use-1 (Standard Affordable Housing) District with existing deed restrictions [Z934-241 and Z112-277], on the northeast corner of Meandering Way and Interstate Highway 635 [Lyndon B. Johnson Freeway].

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

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope, Murphy,  
Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 20  
**Replies:** For: 0 Against: 0

**Speakers:** For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202  
Against: None

City Plan Commission Approved SUP Conditions

1. USE: The only use authorized by this specific use permit is a detached non-premise sign.
2. SITE PLAN: Use and development of the Property must comply with attached site plan.

*CPC Recommendation:*

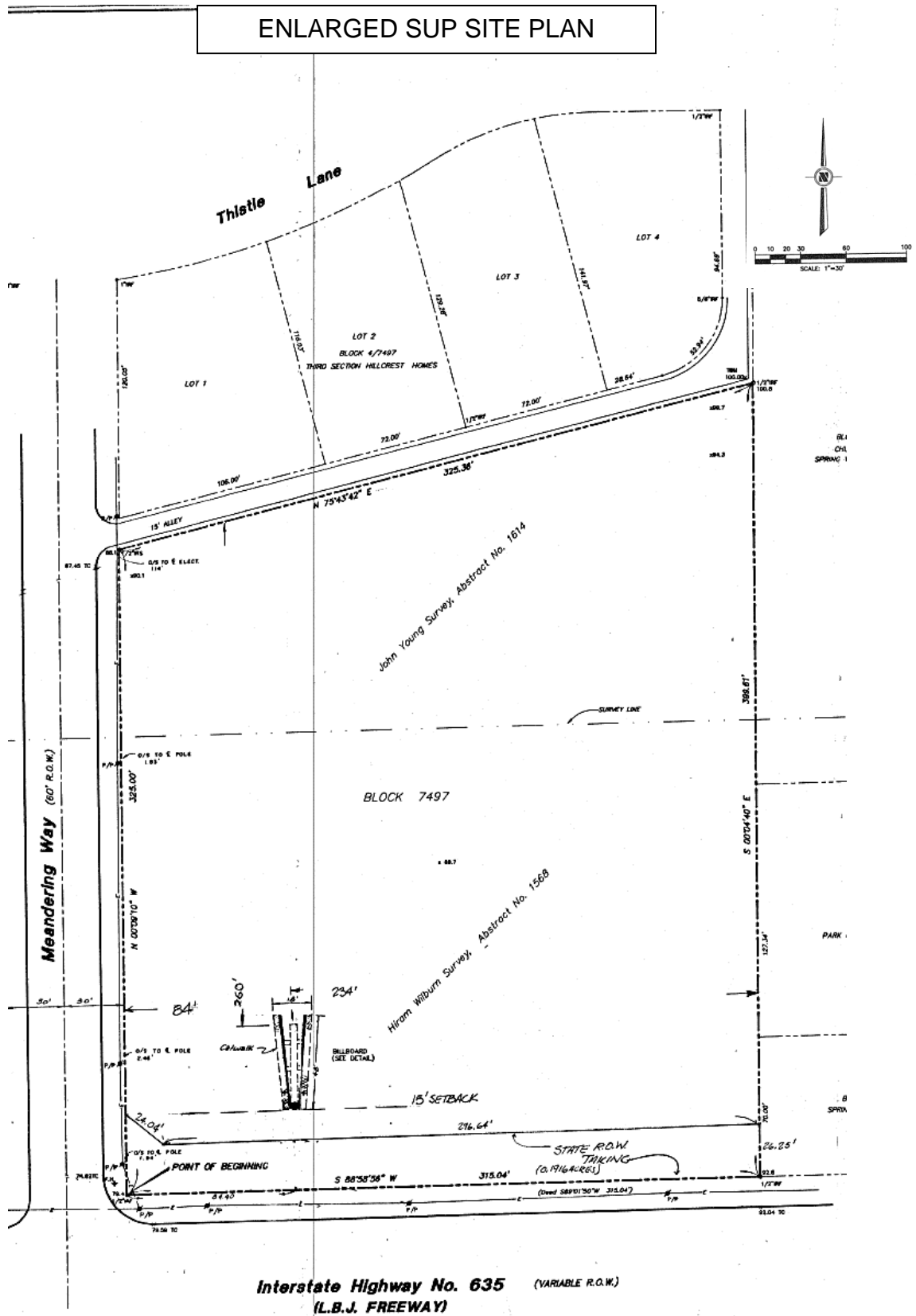
3. TIME LIMIT: This specific use permit automatically terminates on ~~October 10, 2019~~ [five-years from the passage of this ordinance].

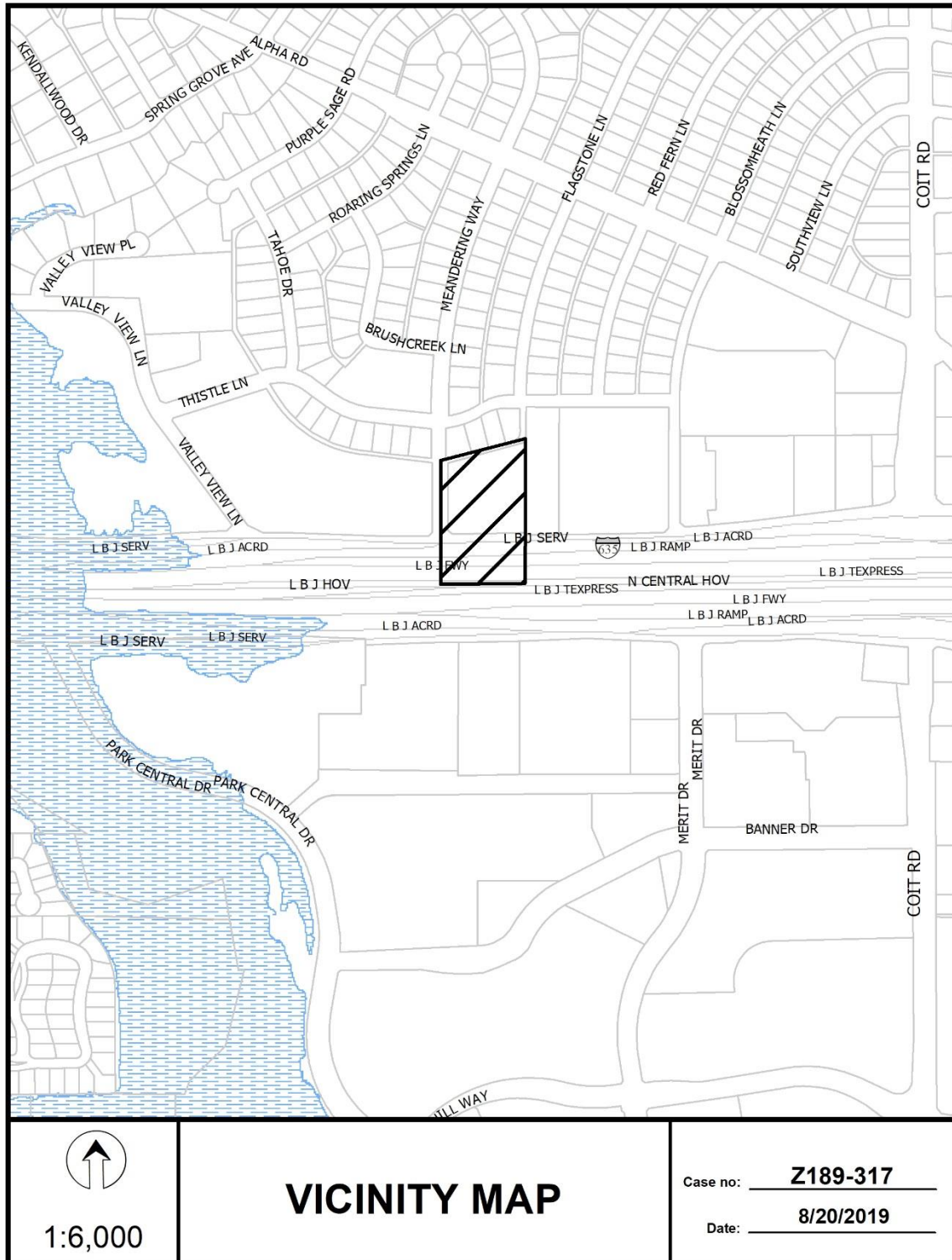
*Staff's recommendation*

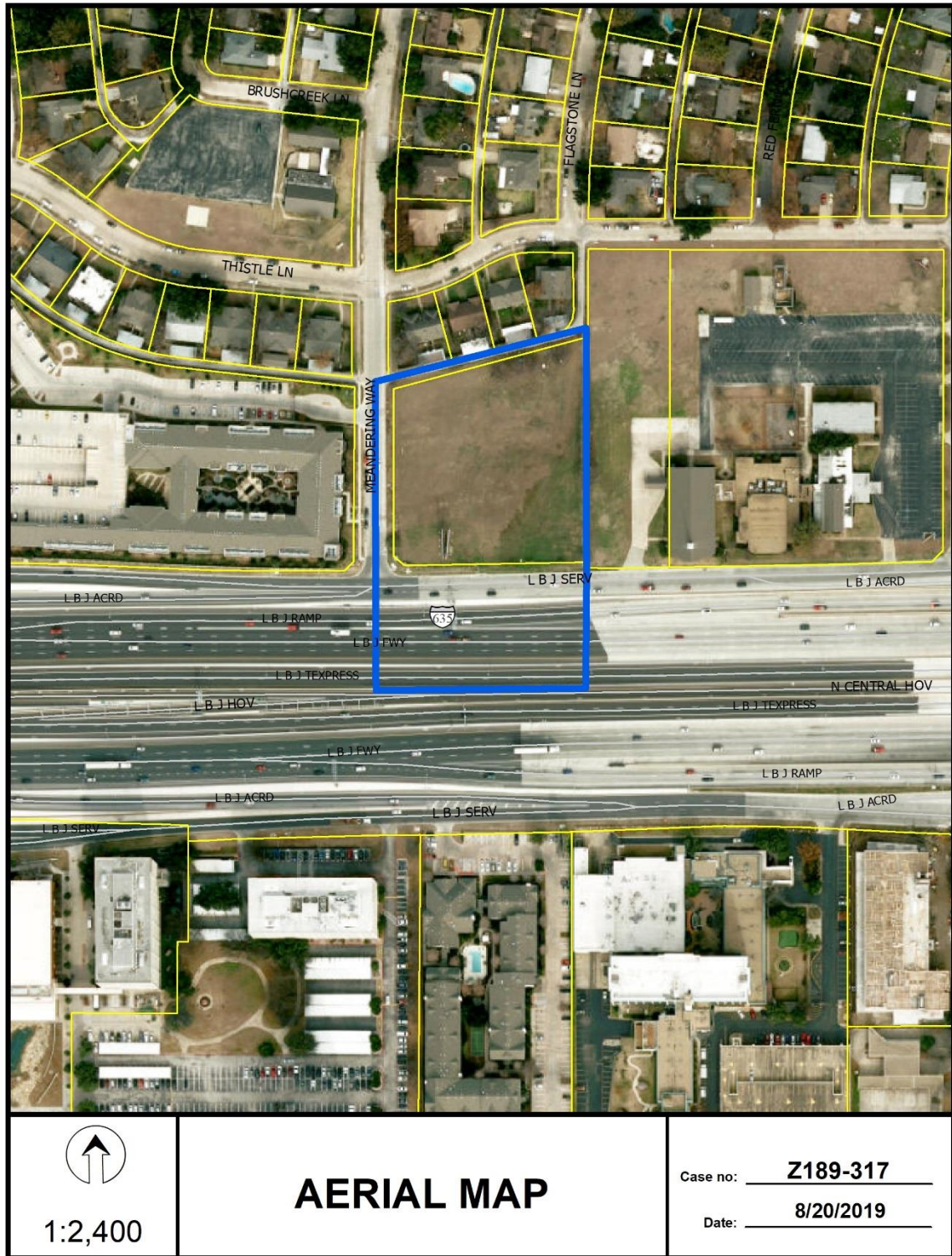
3. TIME LIMIT: This specific use permit automatically terminates on ~~October 10, 2019~~ [ten-years from the passage of this ordinance].

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

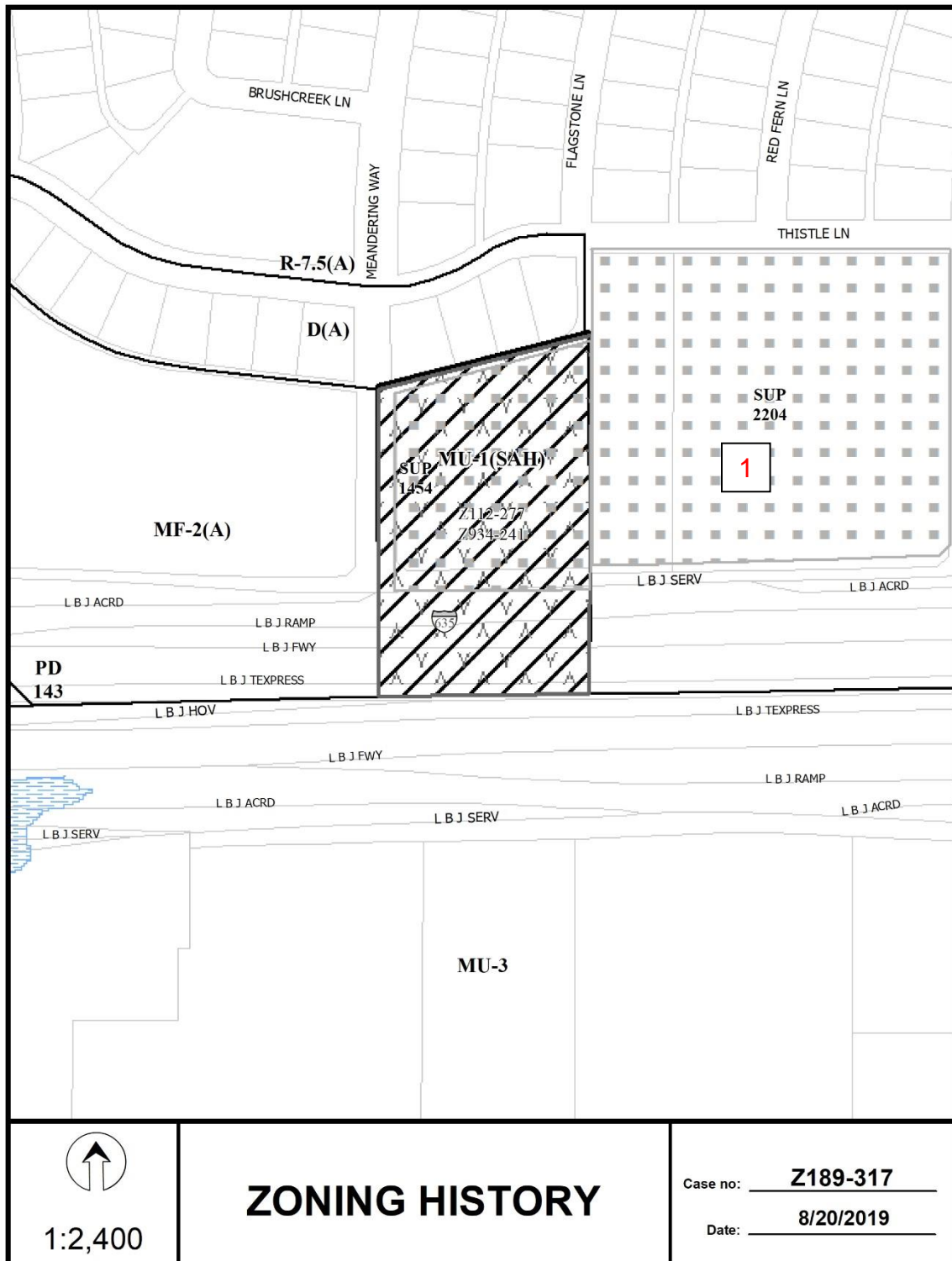


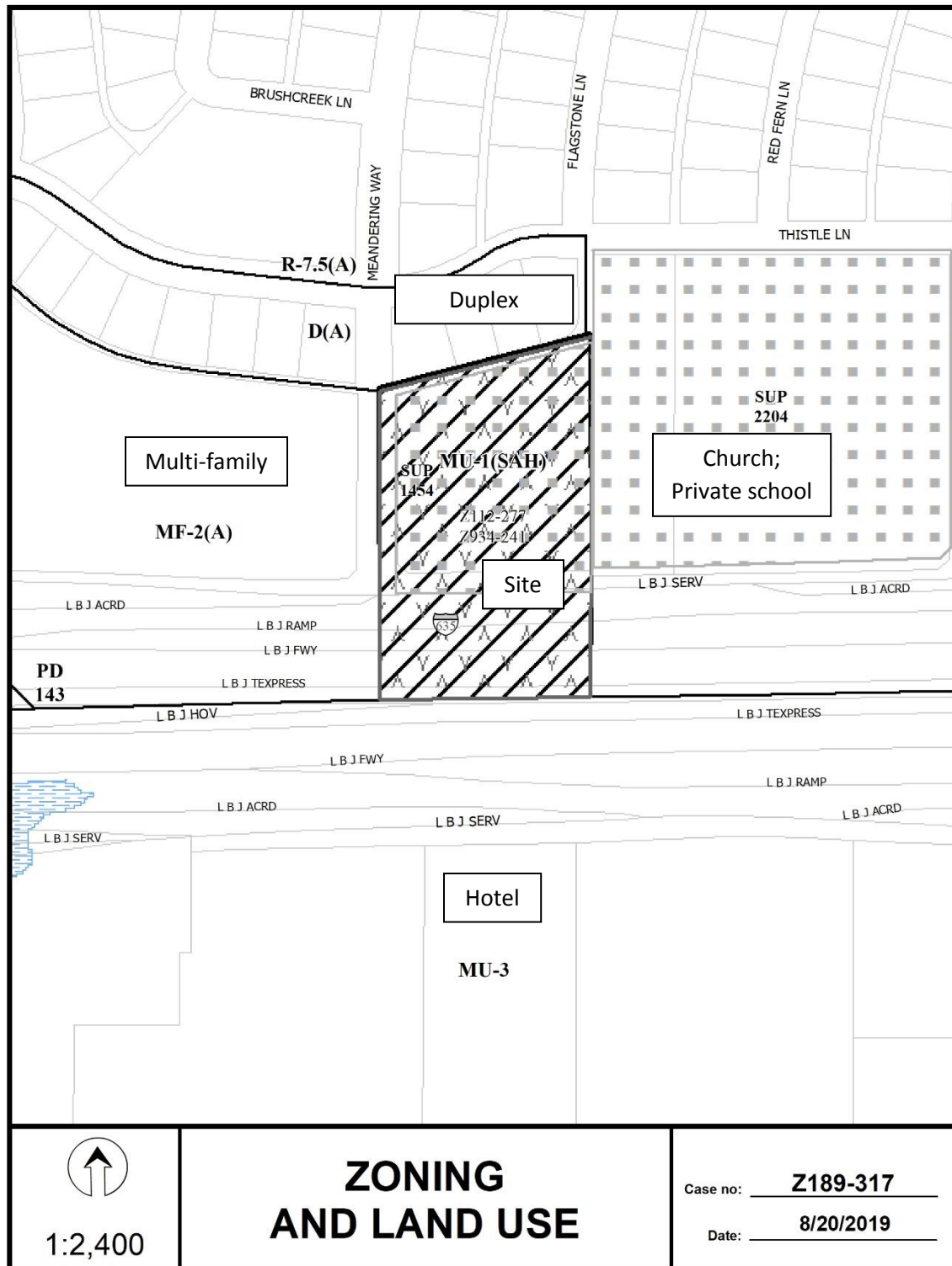




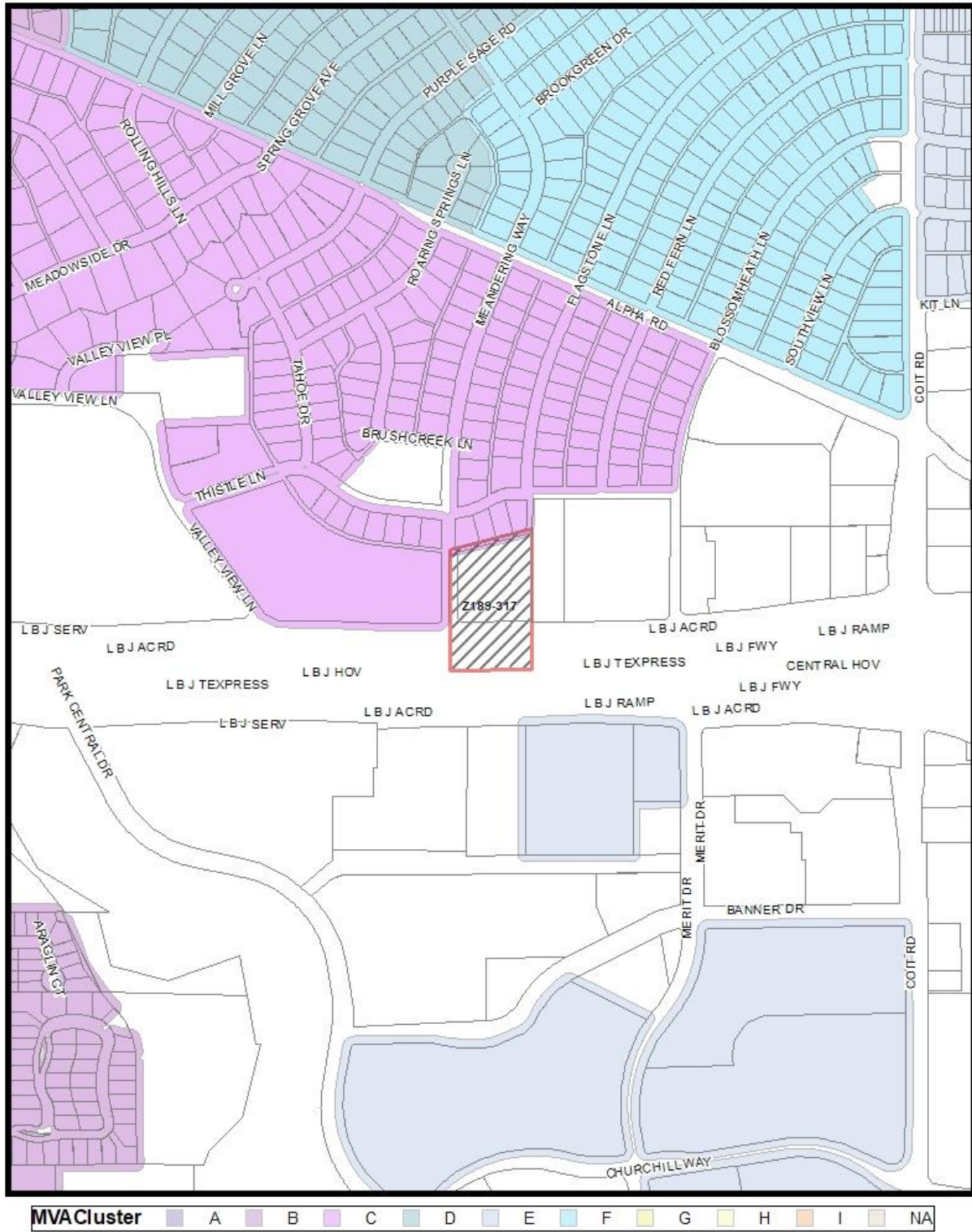




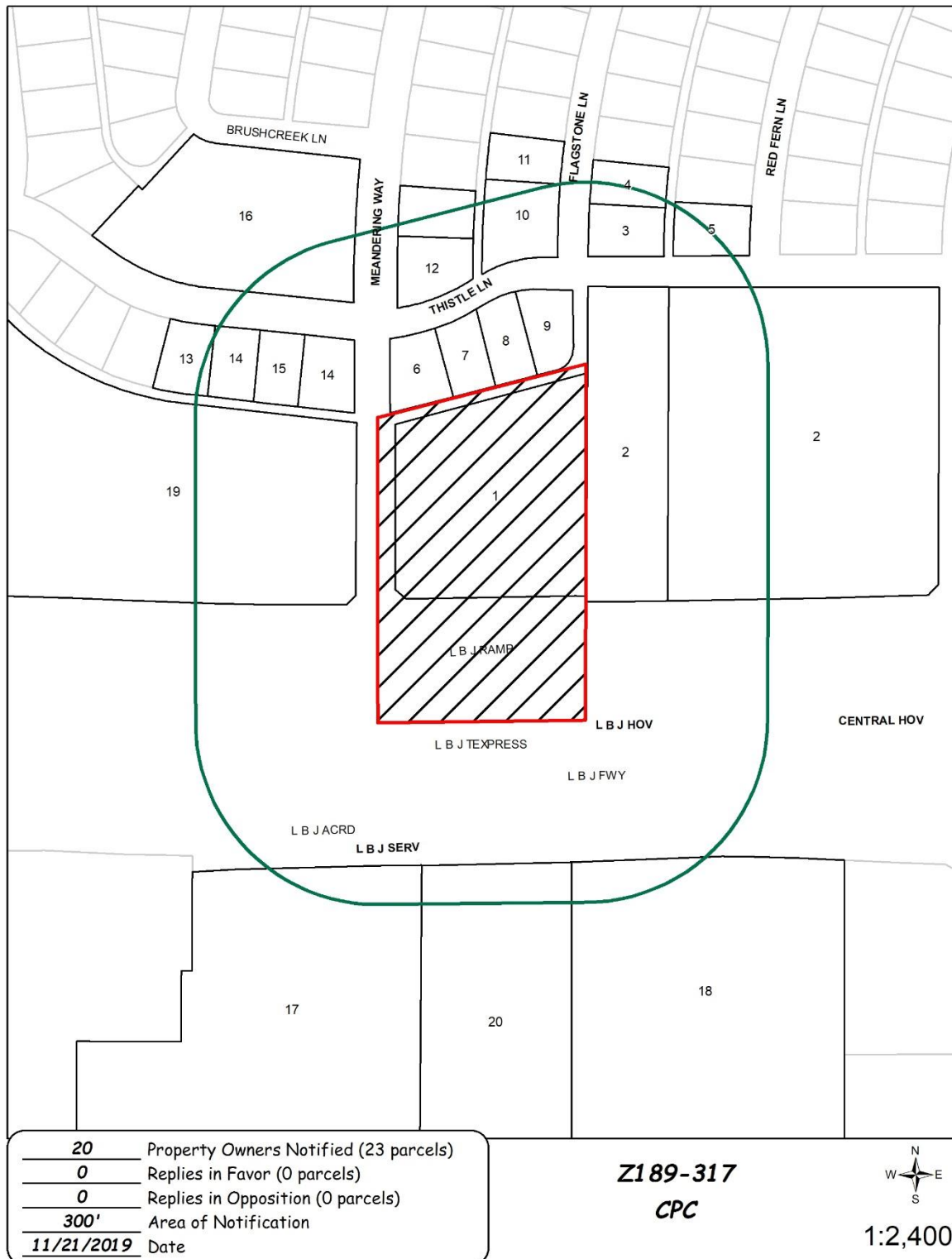








**CPC RESPONSES**



11/20/2019

***Reply List of Property Owners******Z189-317******20 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7701	LBJ FWY	LAWLER RL TRUST
2	7775	LBJ FWY	PARK CENTRAL BAPTIST CHURCH
3	13106	FLAGSTONE LN	ARIZ JOAQUIN P
4	13112	FLAGSTONE LN	AGUILERA MAURICIO
5	13105	RED FERN LN	MORGULOFF KAREN &
6	7606	THISTLE LN	FRAZIN LORRAINE
7	7612	THISTLE LN	ZAFAR SHADMAN
8	7616	THISTLE LN	HAQUE NAYEEM & KELCEY
9	7622	THISTLE LN	CARTER JEFFREY A &
10	13111	FLAGSTONE LN	TESSEMMA TADESSE &
11	13117	FLAGSTONE LN	GALLEGOS JOSEFINA
12	13084	MEANDERING WAY	MURY MOHAMMAD R
13	7552	THISTLE LN	BAJ LAND & TITLE CO INC
14	7560	THISTLE LN	GONSKY SHARON
15	7570	THISTLE LN	HELLER DOROTHY C
16	13093	MEANDERING WAY	CHURCH IN DALLAS THE
17	7616	LBJ FWY	WATERMARK COMMUNITY CHURCH
18	7750	LBJ FWY	NIC 17 WINDSOR OWNER LLC
19	7373	VALLEY VIEW LN	CITY NORTH LLC
20	7642	LBJ FWY	IHP DALLAS TX OWNER LLC



## Agenda Information Sheet

**File #:** 19-2024  
Z23.

**Item #:**

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned an MC-3 Multiple Commercial District, on the northwest corner of Frankford Road and Highland Springs Way

Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, traffic management plan, and conditions

Recommendation of CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions

Z189-359(SM)

ACM: Majed Al-Ghafry

**FILE NUMBER:** Z189-359(SM) **DATE FILED:** September 20, 2019

**LOCATION:** Northwest corner of Frankford Road and Highland Springs Way

**COUNCIL DISTRICT:** 12 **MAPSCO:** 6 F

**SIZE OF REQUEST:** Approx. 6.206 acres **CENSUS TRACT:** 318.04

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**REPRESENTATIVE:** Karl Crawley, Masterplan

**OWNER/APPLICANT:** Cosmos Foundation DBA Harmony Public Schools

**REQUEST:** An application for a Specific Use Permit for an open-enrollment charter school use on property zoned an MC-3 Multiple Commercial District.

**SUMMARY:** The applicant [Harmony Public Schools] requests to continue to operate the existing open-enrollment charter school. The previously approved Specific Use Permit expired on January 25, 2017.

**CPC RECOMMENDATION:** Approval for a five-year period, subject to a site plan, traffic management plan, and conditions.

**STAFF RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- On January 25, 2012, City Council approved Specific Use Permit No. 1937 for an open-enrollment charter school with 20 elementary school classrooms, 14 middle school classrooms, and 6 high school classrooms for a five-year period with eligibility for automatic renewals for additional ten-year periods for the subject site.
- On May 3, 2012, the City Plan Commission recommended approval of a minor amendment to the SUP site plan for various canopy structures attached to the main structure and a revised screened dumpster area.
- On April 21, 2016, the City Plan Commission recommended approval of a minor amendment to the SUP site plan for additional playing field area where excess parking was once planned, but not required.
- On June 7, 2016, the City of Dallas sent a letter to the property owner indicating the eligibility period to submit for an automatic renewal for SUP No. 1937 was between June 29 and September 27, 2016.
- On January 25, 2017, Specific Use Permit No. 1937 expired.
- In the Fall of 2017, the kindergarten through fifth grades moved to another campus in Plano. The campus currently operates with 14 classrooms for the sixth through eighth grades and 12 classrooms for the ninth through twelfth grades.

**Zoning History:** There have been no recent zoning changes requested in the vicinity within the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Thoroughfare Dimension; ROW
President George Bush Parkway	Tollway	Varies
Frankford Road	Principal Arterial	Minimum-six lanes-divided; 100 feet
Highland Springs Way	Minor Arterial	Two lanes-divided, 50 ft.

**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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

## **NEIGHBORHOOD PLUS**

Policy 4.2 Support and leverage emerging school quality and school choice programs.

## **STAFF ANALYSIS:**

### **Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	MC-3	Open-enrollment charter school
<b>North</b>	City of Plano	PGBT and Shopping center
<b>East</b>	MC-3	Hotel
<b>South</b>	PDD No 695 and SUP No. 764	Senior Community
<b>West</b>	MC-3	Auto service center and Funeral home

### **Land Use Compatibility:**

The area of request is developed with an existing open-enrollment charter school where prior authorization to operate under SUP No. 1937 expired because an application for renewal was not submitted before the deadline. Surrounding land uses are listed in the above table and are not foreseen to be in conflict with the existing school.

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 recommends a ten-year approval period with eligibility automatic renewals for additional ten-year periods because the school is an existing use with no proposed expansions and would have been on the ten-year automatic approval cycle if a renewal application was applied for by the deadline. Further, the number of classrooms in this request has decreased from 40 to 26 classrooms to be consistent with how the school classroom composition has changed since the original approval of SUP No. 1937 which ensures the use will not expand beyond its current operations.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the Traffic Management Plan (TMP) and determined that it will not significantly impact the surrounding street system for the proposed development.

**Parking:**

A Specific Use Permit can approve a reduction in the number of parking spaces for a public or private school. The applicant has requested a reduction in the number of off-street parking spaces and has provided a parking demand study for the proposed use. Pursuant to Section 51A-4.204(17), each middle school classroom requires three and one-half parking spaces and each high school classroom requires nine and one-half parking spaces. Since the existing school includes 14 middle school and 12 high school classrooms, the typical minimum parking requirement would be 163 parking spaces. The applicant requests to continue to only provide 157 parking spaces. Staff supports the requested reduction based upon the criteria discussed in the parking demand study provided which observed a surplus of 104 parking spaces for the existing school on a normal school day.



**Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code, as amended. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

**Market Value Analysis:**

Dallas Market Value Analysis (MVA) , is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster; however, it is in proximity to an "E" MVA cluster to the south, across Frankford Road.

**List of Partners/Principals/Officers**

HARMONY PUBLIC SCHOOLS

Fatih Ay, CEO

Dr. Oner Ulvi Celepcikay, Board Chair

Homer Stewart, Vice Chair

Daisy Morales, Second Vice Chair

Dr. Hakduran Koc, Secretary

Dr. Osman Kanlioglu, Treasurer

Mrs. Ellen MacDonald, Member

Huseyin Sari, Principal

**CPC Action**

**November 21, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an open-enrollment charter school use for a five-year period, subject to a site plan, traffic management plan, and conditions on property zoned an MC-3 Multiple Commercial District, on the northwest corner of Frankford Road and Highland Springs Way.

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

For: 12 - MacGregor, Johnson, Shidid, Carpenter,  
Brinson, Blair, Jung, Schultz, Schwope,  
Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Hampton, Housewright  
Vacancy: 1 - District 3

**Notices:** Area: 400 Mailed: 9

**Replies:** For: 0 Against: 0

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

### **CPC RECOMMENDED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

*CPC recommended:*

- |   |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (five years from the passage of this ordinance). |
|---|

*Staff recommended:*

- |  |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (ten years from the passage of this ordinance), but is eligible for automatic renewals 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 10 <sup>th</sup> but before the 120 <sup>th</sup> 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. CLASSROOMS: The maximum number of classrooms is 26.
5. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7:00 a.m. and 6:30 p.m., Monday through Friday.
6. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
7. PARKING: Parking must be provided in the location shown on the attached site plan. A minimum of 157 parking spaces must be maintained on the Property.
8. TRAFFIC MANAGEMENT PLAN:

A. In general. The operation of the uses must comply with the attached traffic management plan.

B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic study.

1. The Property owner or operator shall prepare a traffic study

evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2021. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1st of each odd-numbered year.

2. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

- a. ingress and egress points;
- b. queue lengths;
- c. number and location of personnel assisting with loading and unloading of students;
- d. drop-off and pick-up locations;
- e. drop-off and pick-up hours for each grade level;
- f. hours for each grade level; and
- g. circulation.

3. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

a. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

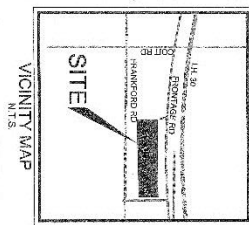
1. A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

2. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

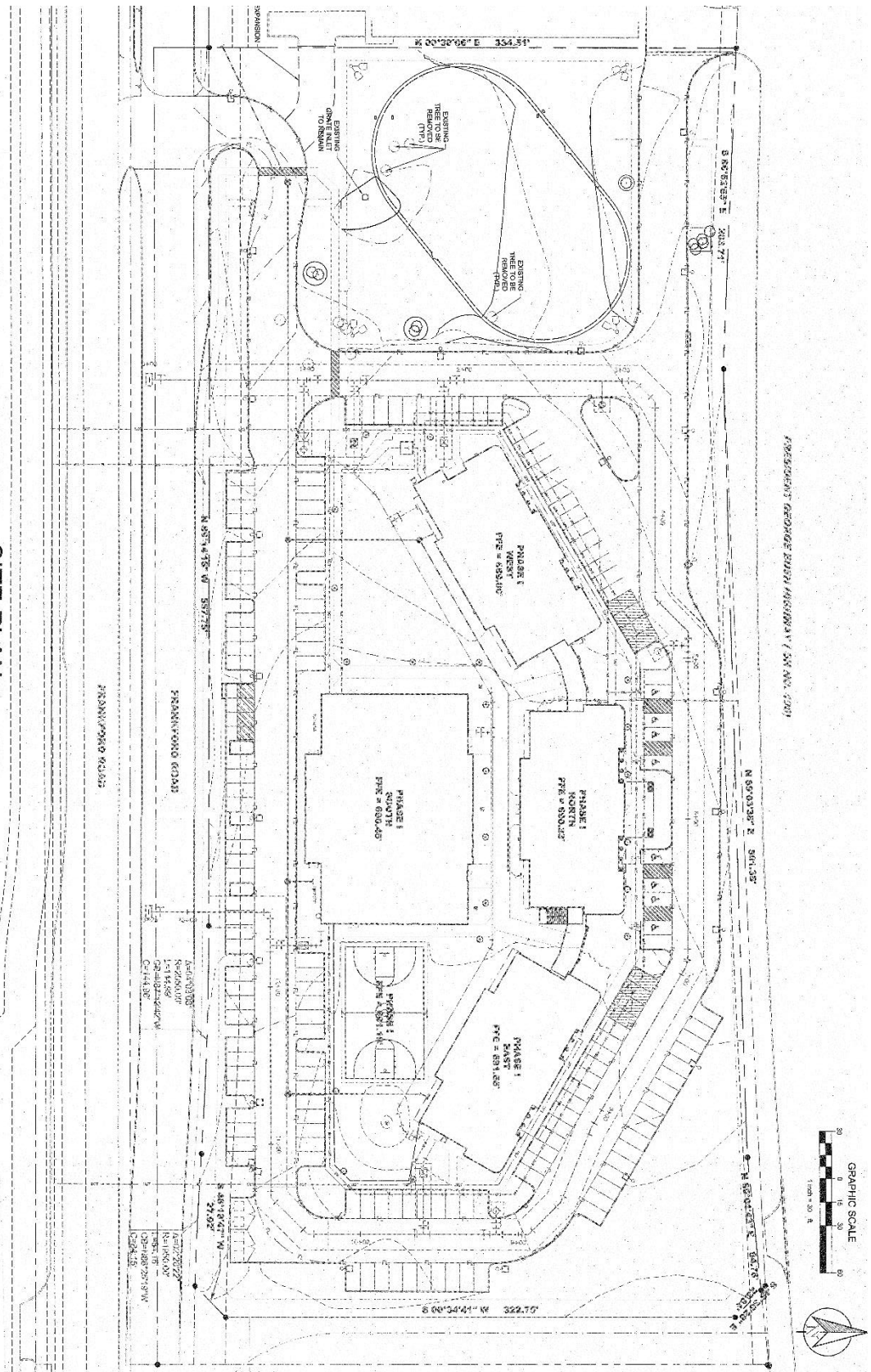
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

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 RECOMMENDED SITE PLAN



SITE DATA TABLE		PARKING DATA	
LOT #	LOT 1		
TOTAL SITE AREA (ACRES)	772.87 SF 0.02 AC		84.15 SQUARE FEET/ACRE (1.1) = 117.97 AC
TOTAL BUILDING 1 FLOOR AREA	15,300 SF 0.35 AC	PARKING REQUIRED	9.15 SQUARE FEET/ACRE (1.1) = 117.97 AC
TOTAL BUILDING 2 FLOOR AREA	15,700 SF 0.36 AC		TOTAL REQUIRED = 112.10 AC
TOTAL BUILDING 3 FLOOR AREA	15,700 SF 0.36 AC	LOADING BERTH	8,000 - 16,000 SF = 5
TOTAL BUILDING 4 FLOOR AREA	14,413 SF 0.33 AC		TOTAL REQUIRED = 1
TOTAL BUILDING PASSENGER VEH 1	696 SF 0.02 AC	PARKING PROVIDED	2.95 ACRES
TOTAL BUILDING PASSENGER VEH 2	888 SF 0.02 AC	STANDARD	(6.95) (8.9) (2.95)
TOTAL BUILDING PASSENGER VEH 3	653.52 SF 0.15 AC	HANDICAPED (2.00 AC)	LOT 35 ACRES
TOTAL BUILDING PASSENGER VEH 4	53,971 SF	TOTAL PARKING PROVIDED	LOT 35 ACRES
TOTAL SITE IMPERVIOUS AREA	461,114.13 SF 0.19 AC	TOTAL PARKING BERTHS PROVIDED	1 LOADING BERTH
ROAD	256		
LOT 1 COMPADS PER AC	156.82 SF 0.00 AC		
TOTAL SITE SERVICES AREA	156.82 SF 0.00 AC		



## CPC RECOMMENDED TRAFFIC MANAGEMENT PLAN



## TECHNICAL MEMORANDUM

**To:** Harmony School of Business, Dallas, Texas

**From:** Hunter W. Lemley, P.E. – Pacheco Koch

**Date:** August 29, 2019

**Subject:** **Traffic Management Plan Review: Harmony School of Business**  
PK#: 3979-19.351

### INTRODUCTION

Pursuant of the Specific Use Permit No. 1937, this study is the required traffic study to validate the initial Traffic Management Plan for Harmony School of Business issued in 2015. A copy of the original Traffic Management Plan Exhibit is attached for reference. NOTE: Since the creation of the original Traffic Management Plan in 2015, Harmony School of Business has reduced from grades Kindergarten through 12<sup>th</sup> to grades 6<sup>th</sup> through 12<sup>th</sup>.

The zoning conditions call for the traffic study to assess the following:

1. ingress and egress points;
2. queue lengths;
3. number and location of personnel assisting with loading and unloading of students
4. drop-off and pick-up locations
5. drop-off and pick-up hours for each grade level
6. hours for each grade level; and
7. circulation.

### OBSERVATIONS/ ANALYSIS

Pacheco Koch reviewed the initial Traffic Management Plan and conducted four site observations during the months of August-September of 2019. The following observations were made -- and only pertain to the afternoon pick-up period unless otherwise noted -- during the field visits for Harmony School of Business:

1. ingress and egress points:
  - a. The ingress and egress points shown on the Traffic Management Plan Exhibit were observed to work well. One driveway is located on W President George Highway



Frontage Road (Inbound only) and one driveway is located on Frankford Road (outbound only). Staff parking is generally reserved in the south parking lot, adjacent to Frankford Road. The rest of the parking is for visitors.

2. queue lengths:
  - a. The school's parent pick-up operations function as a managed queue protocol (with staff assistance). Parent pick-up queuing operations begin at the south side of the school building and circulates clockwise around the school building.
3. number and location of personnel assisting with loading and unloading of students
  - a. Personnel assistance was highly involved in the school's managed queue protocol operation during drop-off and pick-up activities. Communication was used between staff members from within the school building to other staff members outside the school building.
4. drop-off and pick-up locations
  - a. The school has a single drop-off area for all grades located south of the school building.
5. drop-off and pick-up hours for each grade level
  - a. Morning drop-off activities occurred as early as 7:00 am in the morning (lasting approximately 30 minutes) and 2:45 pm in the afternoon (lasting approximately 45 minutes for each pick-up period).
6. hours for each grade level
  - a. The school currently consists of grade levels 6<sup>th</sup> through 12<sup>th</sup>. Hours for 6<sup>th</sup> Grade through 12<sup>th</sup> Grade start at 7:35 am and end at 3:00 pm.
7. circulation
  - a. Traffic enters the site through the northern driveway on W President George Bush Highway Frontage Road and exits from the southern driveway on Frankford Road. School traffic accumulates adjacent to the school building and generally circulates clockwise throughout the site.

**STATUS OF ORIGINAL TRAFFIC MANAGEMENT PLAN RECOMMENDATIONS**

In conclusion, Harmony School of Business should continue using the system of pick-up and drop-off which has been used for a number of years at the school.

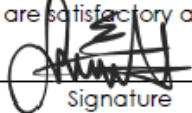
NOTE: The school has expressed interest in reducing the number of queue lines from two queue lines to a single queue line. Recently, Harmony School of Business has significantly reduced in enrollment as a result of the removal of grades K-5<sup>th</sup>. Based on this reason and observations performed by Pacheco Koch, it was found that plenty of available space is on-site for a single queue line to take effect from drop-off and pick-up activities. Should the enrollment ever increase and the queue line begins to encroach onto public right-of-way, a double queue line will need to be reinstated.

**ACKNOWLEDGEMENT STATEMENT****REVIEW AND COMMITMENT**

The original traffic management plan (TMP) for Harmony School of Business was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals.

Documented to which this acknowledgement statement is attended to is a review that indicates the assessment and performance of the original TMP. This TMP review contains the recommendations that apply to the subject site.

By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate. If, for any reason, the school is not adhering to the recommendations of the original TMP, the school administration hereby agrees that the current operations for student drop-off and pick-up are satisfactory at this point in time.

  
\_\_\_\_\_  
Signature

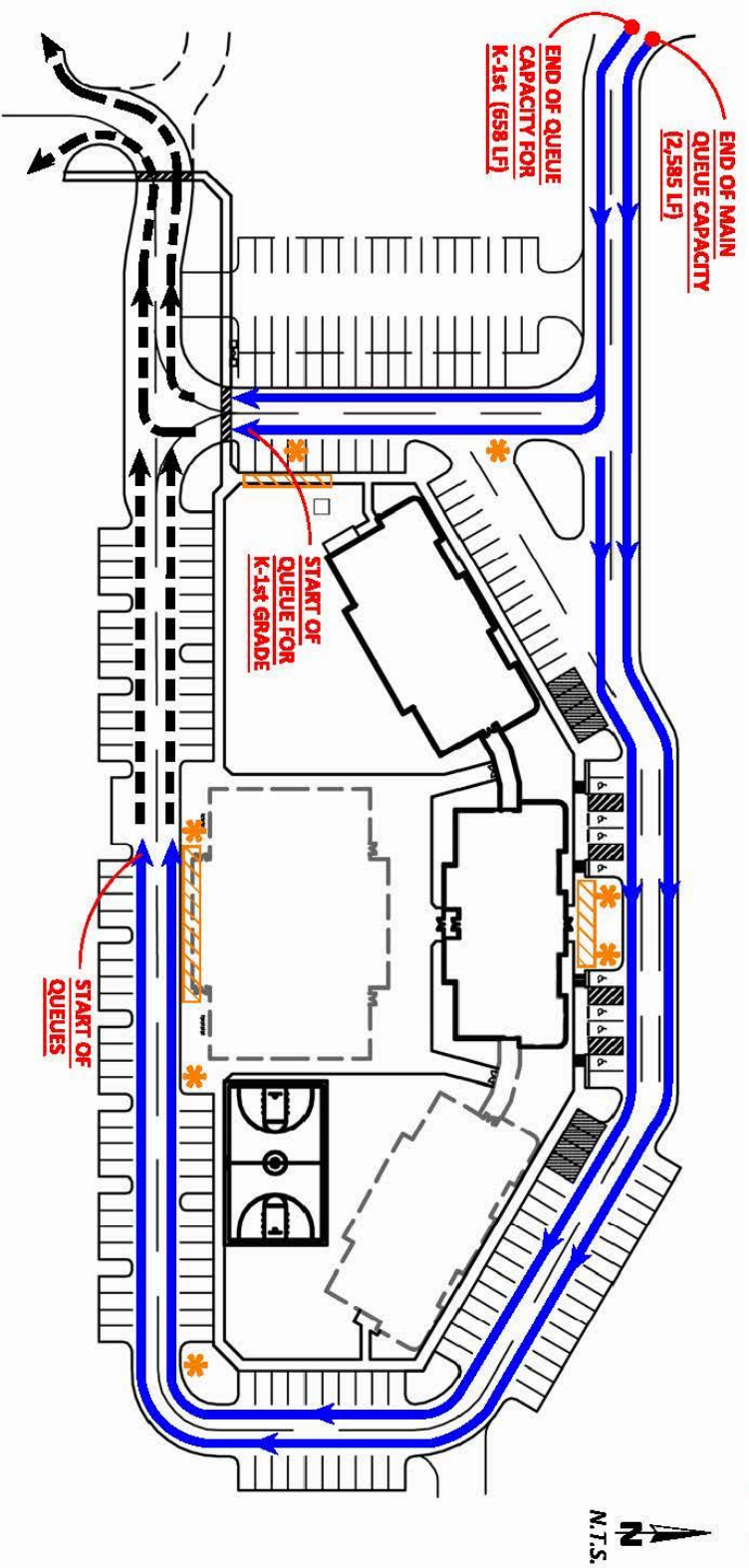
December 2, 2019

Date

Name: Huseyin SariTitle: Principal

\*NOTE: Traffic issues related to school traffic operations may be reported using 3-1-1 and the City of Dallas will address the situation accordingly.

END OF MEMO



NOTE: Background site plan prepared by Kinley Horn & Associates for illustration purpose only.

**Traffic Queuing Summary**

Loading Zone	Dismissal Times	Vehicular Queue
Loading Area 1 (K-1st Grade)	2:45 PM	Provided: 658 LF (78 cars) Required: 470 LF (20 cars) Surplus: 188 LF (8 cars)
Loading Areas 2 (2nd - 11th Grade)	3:40 PM	Provided: 2,585 LF (110 cars) Required: 1,880 LF (80 cars) Surplus: 705 LF (30 cars)

\*Vehicular queue calculated at 23.5 feet/passenger car based on field observations.

**Legend**

- School Staff
- Loading Area
- Queue Capacity
- Outbound Route

The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. This TMP was developed to prevent queuing of drop-off/pick-up related vehicles within the city rights-of-way. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.

I, David Nevenez, P.E. #106200, certify that the results of the queuing analysis upon complete enforcement of this Traffic Management Plan indicate that no queuing of vehicles will extend into City of Dallas rights-of-way as a result of internal queuing constraints during the study peak hours of school operation.



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 235-3031 www.pkco.com  
TX. REG. ENGINEERING FIRM F-469  
TX. REG. SURVEYING FIRM LS-100080-00

## MEMORANDUM

**To:** Karl Crawley – Masterplan  
**From:** Hunter W. Lemley, P.E.  
**Date:** August 29, 2019  
**Subject:** **Harmony School of Business**  
PK # 3979-19.351

Harmony School of Business consists of an existing school with grades 6<sup>th</sup> through 12<sup>th</sup>. Enrollment at the existing campus is approximately 450 students and is expected to remain at the existing level. The school is currently located at 8080 W President George Bush Highway. The request for a parking study is reference to Harmony School of Business validating the original Traffic Management Plan with a TMP Review study.

Per your request, this Parking Memorandum is only supplemental to the traffic management plan already performed and only contains information regarding parking data collected from on-site observations that were conducted. Any other pertinent information would be contained in the respective reports for those studies.

Parking counts for the existing site were collected during school hours and does not include parent traffic from drop-off and pick-up activities. These observations were conducted on Tuesday, April 27<sup>th</sup> and Wednesday, April 28<sup>th</sup>, 2019. The collected parking data was conducted on a typical school day and should reflect usual school day activities and conditions.

Changes to the school characteristics that would affect school traffic operations are not expected. Therefore, pedestrian, vehicle, and bus traffic characteristics are projected to be very similar to the respective current conditions. Parking characteristics are expected to be similar at the school, as well. **Table 1** shows the existing parking supply for the existing school site.



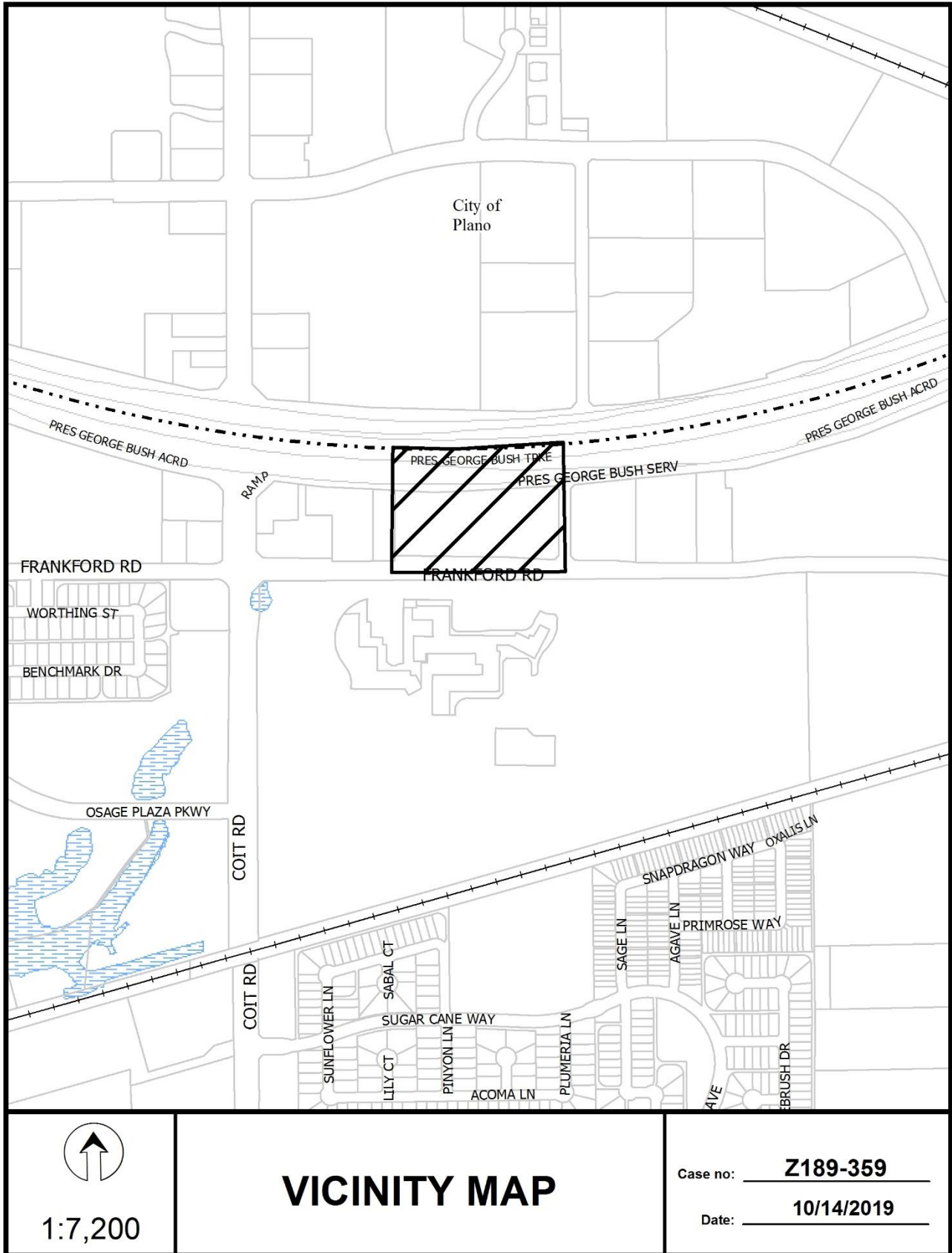
Table 1. Parking Supply Summary

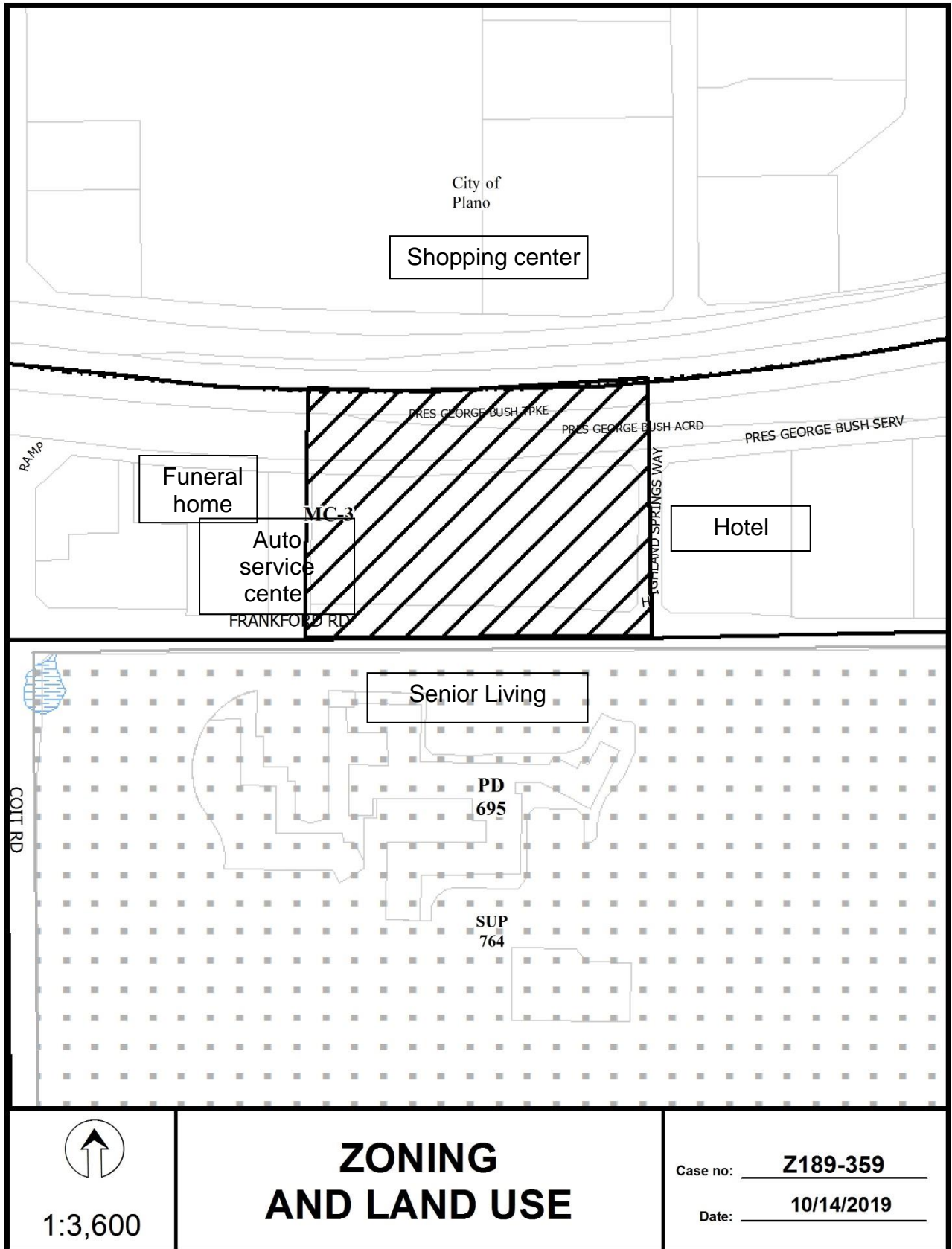
	<b>EXISTING</b>
School Parking Lot	157
<b>TOTAL</b>	<b>157</b>

**Table 2** shows the parking demand for the existing school site. Data collection was conducted during normal school hours (i.e. not during parent drop-off/pick periods). The existing parking demand is the observed amount of occupied parking spaces on site at the school building and the projected parking demand is the projected amount of occupied spaces on site. No change to the total supply in parking changes is expected. Therefore, the school will have excess parking supply available.

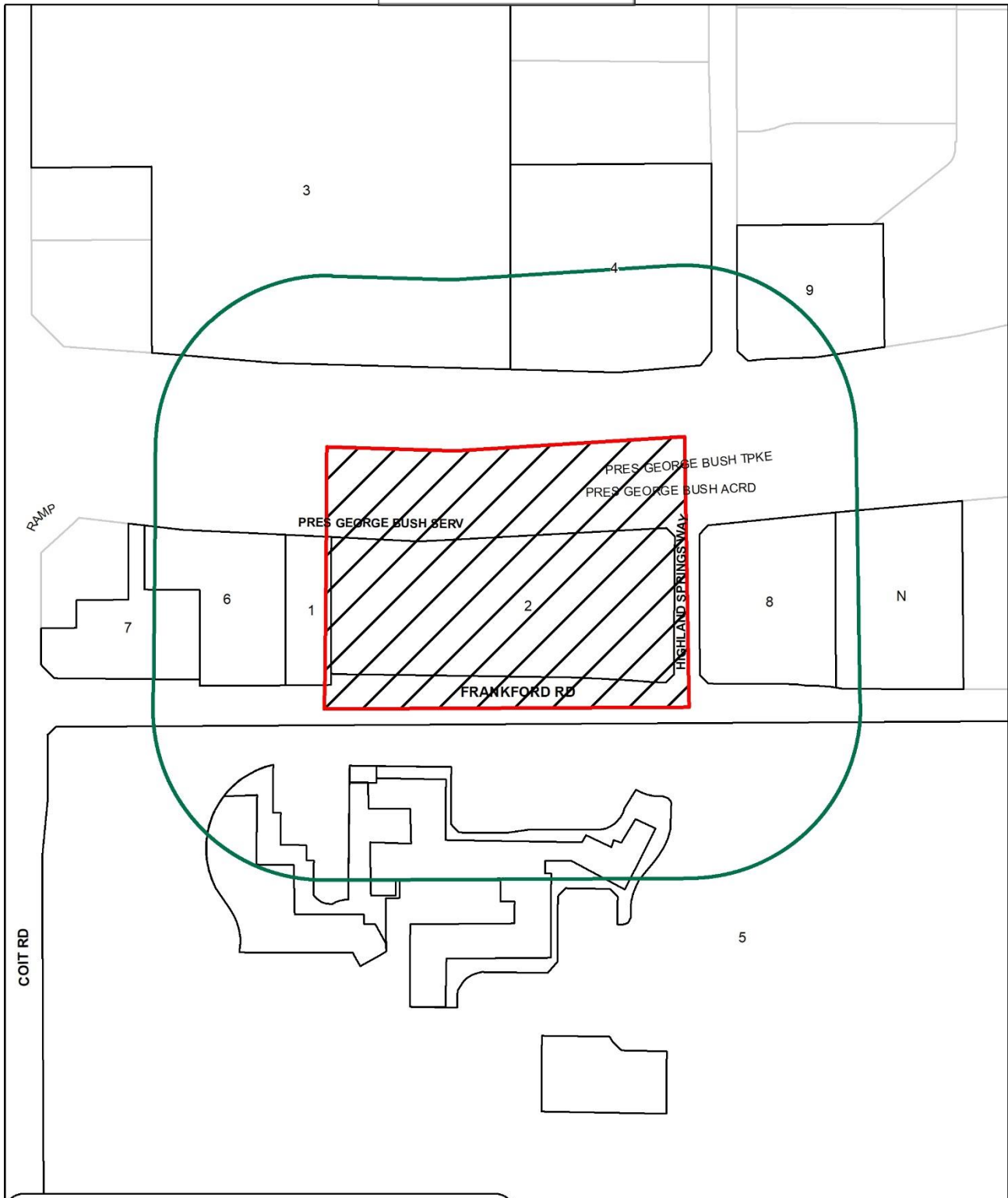
Table 2. Projected Parking Demand

	<b>EXISTING</b>
Parked Vehicles	53
Available Supply	157
Surplus	+104





**CPC Responses**



<u>9</u>	Property Owners Notified (14 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>11/21/2019</u>	Date

**Z189-359**  
**CPC**



1:3,600



11/20/2019

## ***Reply List of Property Owners***

***Z189-359***

***9 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8030	PRESIDENT GEORGE BUSH HWY	YEE FAMILY TRUST
2	8080	PRESIDENT GEORGE BUSH HWY	HARMONY PUBLIC SCHOOLS
3	200	COIT RD	CENTRO NP HOLDINGS 12 SPE LLC
4	3701	PRESIDENT GEORGE BUSH HWY	REALTY INCOME TX PROPERTIES LP
5	8000	FRANKFORD RD	REDWOOD-ERC DALLAS LLC
6	7990	PRESIDENT GEORGE BUSH HWY	SCI TEXAS FUNERAL SERVICES INC
7	18120	COIT RD	D F W DISTRIBUTOR PETROLEUM INC
8			SHINN N DALLAS HOSPITALITY LTD
9		SILVERGLEN DR	SILVERGLEN POND ASSOCIATION INC



## Agenda Information Sheet

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**File #:** 19-2003  
PH1.

**Item #:**

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**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Historic Preservation

**EXECUTIVE:** Michael Mendoza

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### **SUBJECT**

A public hearing to receive comments regarding consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Sections 51-4.500 and 51A-4.500 to amend existing language for historic designation initiation, designation, and appeal processes and procedures and an ordinance granting the amendments

DCA189-002

Recommendation of Staff: Approval of staff recommended amendments

Recommendation of Landmark Commission: Approval of LMC recommended amendments

Recommendation of CPC: Approval

**FILE NUMBER:** DCA189-002

**DATE INITIATED:** April 4, 2018

**TOPIC:** Historic Designation and Appeal Process

**COUNCIL DISTRICT:** All

**CENSUS TRACT:** All

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**PROPOSAL:** Consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to amend existing language for historic designation initiation, designation, and appeal processes and procedures.

**SUMMARY:** The purpose of the amendment is to add more due process for owner(s) of property being considered for historic designation. The proposed amendments extend the initiation notice periods by five days; include a Community Meeting for new districts and expansion of existing districts; provide more information, educational options, and the platform for the neighborhood to voice options at the Community Meetings; add five days to the appeal of an initiation; reduce by half the number of days to get an appeal to Council; and require specific information for Council to consider in an appeal.

On November 4, 2019, the Economic Development Committee recommended to move the item forward for consideration by the full Council. The amendments reviewed by the Committee included language that is compliant with recent State legislation.

**CPC RECOMMENDATION:** Approval.

**LANDMARK COMMISSION RECOMMENDATION:** Approval of LMC recommended amendments.

**STAFF RECOMMENDATION:** Approval of staff recommended amendments.

**BACKGROUND INFORMATION:**

- On April 4, 2018, as part of the City Council review of the Lake Cliff historic district appeals, Council directed the Landmark Commission to return within six months to the Mobility Solutions, Infrastructure, and Sustainability and Quality of Life, Arts and Culture Council Committees with proposed changes to the initiation of historic designation and initiation appeal processes and procedures.
- The Landmark Commission Chair appointed a committee of five Landmark Commissioners to review the current processes and procedures and make recommendations for improvement.
- The Historic Designation and Appeal Process Committee met six times in 2018: May 16, May 30, June 13, June 27, July 11, and July 25. In addition to the Committee members, other Landmark Commissioners, Designation Committee members, and interested citizens, including property owners within the proposed Lake Cliff expansion area, attended the meetings to listen and give feedback to the Committee.
- On August 6, 2018, the Landmark Commission was briefed on the Committee's recommendations and received public feedback about the proposed recommendations.
- September 4, 2018, the Landmark Commission recommended proposed changes to be presented to the respective Council committees.
- Mobility Solutions, Infrastructure and Sustainability and Quality of Life Council Committees were briefed on the recommendations during separate meetings on October 22, 2018, and moved to have the proposed amendments follow the appropriate process for adoption.
- On March 4, 2019, the Landmark Commission reviewed the draft changes to the enabling ordinance and recommended approval with proposed changes. (The City Plan Commission suspended their rules to allow LMC to make a recommendation on the Code Amendment in lieu of the Zoning Ordinance Advisory Committee).
- On April 18, 2019, the City Plan Commission considered the code amendments. Three people spoke during the public hearing, with one in support and two in opposition. CPC held the item under advisement to June 20, 2019, and suggested the Chair appoint an ad-hoc committee to review the points of contention.
- The CPC Historic Designation and Appeal Process Ad Hoc Committee met three times in 2019: May 21, May 28, and June 4. In addition to the Committee members, other Landmark Commissioners, Designation Committee members, and interested citizens, attended the meetings.

- On June 20, 2019, City Plan Commission recommended approval of the item. The CPC Ad Hoc Committee's recommendations were considered by CPC.
- On July 17, 2019, prior to review by the Economic Development Committee, staff recommended additional amendments pursuant to recent state law changes, H.B. 2496 passed by the 86<sup>th</sup> Texas Legislature on May 25, 2019.
- On November 4, 2019, the Economic Development Committee recommended to move the item forward to full Council.

### **STAFF ANALYSIS:**

The goal of the revisions to the historic designation initiation and appeal processes is to provide greater community engagement, especially for the creation of new or expansion of existing historic districts, and provide longer time periods for both notification of initiations and initiation appeals.

The current historic designation process is initiated by either property owners submitting a zoning change or one Landmark Commissioner, three City Plan Commissioners, or five City Council members requesting an item be placed on the agenda for consideration of authorization of a public hearing by the requesting body. A notification letter is sent to the property owner(s) at least 10 days prior to the public hearing to initiate.

The proposed change increases the number of Landmark Commissioners required to place an item for a district or expansion of an existing district on the Commission's agenda for consideration of initiation to three commissioners instead of one. One Landmark Commissioner could still request an item be placed on the agenda for consideration of the designation of an individual property.

The proposal increases the time period for sending a notification letter to the property owner(s) to at least 15 days prior to the public hearing to initiate. In addition, for an expansion of a district, the notification letter will be sent to the entire historic district proposed for expansion.

As part of this step, a statement of intent for historic designation, which provides the justification of action under consideration, will be generated for those properties or districts initiated by the members of the Landmark Commission, City Plan Commission, or City Council. The notice of intent will be presented at the first meeting of the respective body and must contain: the list of criteria that the building, site, district, or expansion meet; a brief history of the proposed location or district; purpose of the proposed designation. The CPC changed the LMC's wording from "a statement of intention for the initiation" to "purpose of the proposed designation." The Statement of Intent must be provided to the property owner(s) at the time the agenda for the meeting is posted.

For district expansions, CPC recommended a history and timeline of the existing district designation process and information on why the expansion area was not originally

included with the initial designation should be included with the revised Statement of Intent. Landmark Commission removed the requirement for proposed district expansions. Landmark Commission recommended that the statement include a history and timeline but not information on why the expansion area was not originally included. During both the Council appeal for Lake Cliff and subsequent Committee meetings where Lake Cliff residents were present, the importance of understanding why the area(s) for district expansions were not included in the original district was stressed.

The purpose of the initial public hearing is to determine whether sufficient information is presented to initiate the historic designation procedure. For an individual structure or site, if the Landmark Commission, City Plan Commission, or City Council determine that sufficient information has been presented in the Notice of Intent for Historic Designation, the property shall be initiated for historic designation at the respective body meeting.

For a new district or expansion of an existing district, a Community Meeting is required if the initiating body determines sufficient information was presented to consider the designation. The Community Meeting, organized by staff at a location within the neighborhood, will have the Statement of Intent for Historic Designation presented by the proposing body members, potential impacts of historic preservation, and neighborhood planning concerns and goals, and other relevant information. An opportunity for public comment is required.

After the Community Meeting, a revised Statement of Intent for Historic Designation is presented to the Landmark Commission, City Plan Commission, or City Council before the vote to initiate the district, subdistrict, or expansion. The revised Statement of Intent will include the original Statement of Intent, a transcription of the Community Meeting, benefits and incentives of preservation, additional neighborhood planning goals, concepts for additional development incentives paired with historic preservation, summary of concerns, and summary of economic incentives available. CPC added a statement reflecting the property owner(s) position, if available.

After the Community Meeting, a second public hearing will be conducted. The purpose of the second public hearing is for the Landmark Commission, the City Plan Commission, or City Council to review the revised statement of intent and determine whether sufficient information is presented to initiate the historic designation procedure for the new district or expansion of an existing district.

Currently the property owner(s) may appeal the initiation to City Council by sending a written notice to the director within 10 days after the action of the respective body that initiated. Staff has 180 days after the appeal is filed to prepare and present a designation report to the City Council. Council's sole issue on appeal is to make a determination whether Landmark Commission or City Plan Commission erred in evaluating the significance of the property based on the respective criteria.

The proposed changes increase the time period to submit an appeal to 15 days. The written notice of appeal by the property owner(s) must include why the property owner thinks the criteria used to justify the initiation does not apply. Staff and the Landmark Commission chair will have 90 days to present the Statement of Intent for Historic

Designation for individual properties or the Revised Statement of Intent for Historic Designation to the City Council. The proposed amendments do not require the full designation report, which includes proposed preservation criteria, to be presented to Council for an appeal because preparing proposed preservation criteria is not relevant to the standard on appeal. Council's review of the appeal remains to determine whether Landmark Commission or City Plan Commission erred in evaluating the significance of the property based on the criteria listed in the Development Code.

The CPC added a provision to allow the property owner(s) to request an additional 90 days, if requested within 45 days of the appeal, before the appeal is presented to City Council.

During the Lake Cliff appeal, a concern was raised regarding how to determine the deadline for filing an appeal. CPC recommended adding a section regarding the computation of time. The information mirrors the language in Chapter 1 of the Dallas City Code. Placing the language in Chapter 51A allows interested parties to have the information with the regulations for designation and appeals.

Staff included language to comply with a new state law regarding historic designation. The state law requires either the owner(s) consent to the designation or a three-fourths vote of the Landmark Commission, the City Plan Commission, and the City Council. The regulations indicate that the owner(s) may withdraw consent at any time during the process. The amendment further states if the property is owned by a religious organization as defined in Section 11.20 of the Texas Tax Code, the property may only be designed with the organizations consent. State law also requires the city to send a historic impact statement with the notice provided to property owners of the public hearing.

**Landmark Commission Action:**  
**March 4, 2019**

Discussion and consideration of City of Dallas historic designation initiation, designation and appeals procedures.

**Motion**

Approve with conditions:

1. Sec. 51A – 4.501 (c)(2)(A)(i) (dd) – remove “and information... district designations, ending statement at “process”
2. Sec. 51A-4.501 (c)(2)(A)(ii) (bb) – replace “may” with “must also include the following as applicable”
3. Sec. 51A-4.501 (c)(3) – add “the director, along with the chair of the Landmark Commission, shall...”

Maker:	Spellicy				
Second:	Flabiano				
Results:	15/0				
		Ayes:	-	15	Amonett, Childers, De La Harpe, Flabiano, Hinojosa, Montgomery, Payton, Peach, Richter, Seale, Slade, Spellicy, Strickland, Swann, Williams
		Against:	-	0	
		Absent:	-	0	
		Vacancies :	-	1	Dist. 3



CPC Action:  
June 20, 2019

**Motion:** It was moved to recommend **approval** of amending Chapter 51 and 51A of the Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to amend existing language for historic designation initiation, designation, and appeal processes and procedures, subject to the Ad Hoc Committee recommendations with a modification to the Statement of Intent to include “if available”.

Maker: Ridley  
Second: Schultz  
Result: Carried: 11 to 0

For: 11 - MacGregor, Criss, Shidid, Carpenter, Brinson,  
Lewis, Jung, Housewright, Schultz, Murphy,  
Ridley

Against: 0  
Absent: 3 - Schulte, Johnson, Tarpley  
Vacancy: 1 - District 12

**Speakers:** For: David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204  
Against: Herschel Weisfeld, 1508 Cadiz St., Dallas, TX, 75201  
Staff: Theresa Pham, Assistant City Attorney

## CPC Recommended Amendments

11/4/19

**SEC. 51A-4.501. HISTORIC OVERLAY DISTRICT.**(c) Historic designation procedure and predesignation moratorium.

(1) Purpose. Temporary preservation of the status quo upon initiation of the historic designation procedure is necessary to allow time to evaluate each proposed historic overlay district, to consider appropriate preservation criteria, and to prevent circumvention of the purposes of this section. Relief from the predesignation moratorium may be obtained by applying for a predesignation certificate of appropriateness or certificate for demolition or removal.

(2) Initiation of historic designation procedure.

Landmark Recommendation:

(A) The procedure for adopting an ordinance to establish or amend a historic overlay district may be initiated by five members of the city council, three members of the city plan commission, one member of the landmark commission for an individual structure or site and three members of the landmark commission for an expansion of an existing district or creation of a new district, or by the owner(s) of the property.

CPC Recommendation:

(A) The procedure for adopting an ordinance to establish or amend a historic overlay district may be initiated by five members of the city council, three members of the city plan commission, one member of the landmark commission for an individual property and three members of the landmark commission for an expansion of an existing district or creation of a new district, or by the owner(s) of the property.

Landmark Recommendation:

(i) Statement of Intent for Historic Designation. The five city council members, three city plan commissioners, or one landmark commissioner if it is an individual structure or site, or three landmark commissioners if it is an expansion of an existing district or creation of a new district, must prepare and present a statement of intent for historic designation at the public hearing to initiate the historic designation procedure. The purpose of the statement of intent for historic designation is to provide justification of the action under consideration. The statement of intent of historic designation must contain the following:

CPC Recommendation:

(i) Statement of Intent for Historic Designation. The five city council members, three city plan commissioners, or one landmark commissioner if it is an individual property, or three landmark commissioners if it is an expansion of an existing district or creation of a new district, must prepare and present a statement of intent for historic designation at the public hearing to initiate the historic designation procedure. The purpose of the statement of intent for historic designation is to provide justification of the action under consideration. The statement of intent must be provided to the property owner(s) at the time the agenda for the meeting is posted. The statement of intent of historic designation must contain the following:

(aa) List of characteristics on which the initiation is based;

(bb) A brief description of the historical significance of the potential building, site, district or expansion;

Landmark Recommendation:

(cc) A statement of intention for the initiation; and

CPC Recommendation:

(cc) Purpose of the proposed designation; and

Landmark Recommendation:

(dd) For district expansions, a statement including the history and timeline of the existing district designation process.

CPC Recommendation:

(dd) For district expansions, a statement including the history and timeline of the existing district designation process and information on why the expansion area was not originally included with the initial district designation, if available.

CPC Recommendation:

(ii) Procedure for individual properties. The procedure to designate an individual property requires a minimum of one public hearing of the initiating body. The purpose of the hearing is to determine whether sufficient information is presented to initiate the historic designation procedure.

(iii) Procedures for expansions and new districts.

(aa) The procedure to expand an existing district or create a new district involves a minimum of two public hearings and a community meeting. The purpose of the first public hearing is to determine whether enough information is presented to consider a historic designation. This first public hearing does not initiate the historic designation procedure. If the city council, the city plan commission, or the landmark commission determines that sufficient information has been presented in the statement of intent for historic designation for consideration, the department shall conduct a community meeting. The purpose of the community meeting is for the proposing commissioners or city council members to present the statement of intent for historic designation to the property owners, neighbors, and interested parties to the proposed initiation, and to provide an opportunity for public comment. The meeting must be held at a facility open to the public within the neighborhood of the proposed historic district. The information presented must include the following:

(I) Statement of intent for historic designation;

(II) List of potential impacts of historic preservation;

(III) List of neighborhood planning concerns and goals; and

11/4/19

(IV) Any other information that may be relevant.

(bb) Prior to the second public hearing to initiate the historic designation procedure, the proposing commissioners or city council members must revise the statement of the intent for historic designation. The revised statement of intent must include the following, as applicable:

(I) original statement of intent;

(II) transcription of the community meeting;

(III) benefits and incentives of preservation;

(IV) additional neighborhood planning goals;

(V) concepts for additional development incentives paired with historic preservation;

(VI) summary of concerns; and

(VII) summary of economic incentives available to the property owners such as city of Dallas historic tax exemption, tax increment financial districts, and federal or state opportunities.

CPC Recommendation:

(VIII) statement reflecting the property owner(s) position, if available.

The purpose of the second public hearing is to review the revised statement of intent and determine whether sufficient information is presented to initiate the historic designation procedure.

Landmark and CPC Recommendation:

(B) The director shall provide property owners with notice of a public hearing to initiate the historic designation procedure and information about the process at least 15 [40] days before the date set for the initial hearing using the procedure outlined in Section 51A-4.701(a)(1).

Staff Recommendation:

(B) The director shall provide property owners with notice of a public hearing to initiate the historic designation procedure, a statement that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property, and information about the process at least 15 [40] days before the date set for the initial hearing using the procedure outlined in Section 51A-4.701(a)(1). The historic designation impact statement must include the following:

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- (i) regulations that may be applied to any structure on the property after the designation;
- (ii) procedures for the designation;
- (iii) tax benefits that may be applied to the property after the designation; and
- (iv) rehabilitation or repair programs that the city offers for a property designated as historic.

Landmark Recommendation:

(C) No permits to alter or demolish the property may be issued after provision of this notice until action is taken at that hearing by the city council, city plan commission, or landmark commission.

CPC Recommendation:

(C) No permits to alter or demolish the property may be issued after provision of this notice until action is taken at that initial hearing by the city council, city plan commission, or landmark commission.

(D) The historic designation procedure is considered to be initiated immediately when the city council, the city plan commission, or the landmark commission votes to initiate it or, in the case of initiation by the property owner(s), when the zoning change application is filed with the director.

Landmark Recommendation:

(3) Appeal. If the historic designation procedure is initiated by the landmark commission or the city plan commission, the property owner may appeal the initiation to the city council by filing a written notice with the director within 15 [40] days after the action of the landmark commission or city plan commission. The written notice must include why the property owner thinks the criteria used to justify the initiation does not apply. Within 90 [180] days after the filing of the appeal, the director and the chair of the Landmark Commission shall present the statement of intent for historic designation if it is an individual property, or the revised statement of intent for historic designation if it is an expansion or new district [prepare, and the landmark commission shall adopt, a designation report and submit it] to the city council. After submission of the statement of intent for historic designation if it is an individual property, or revised statement of intent for historic designation if it is an expansion or new district [designation report], the city council shall hold a public hearing on the appeal. The sole issue on appeal is whether the landmark commission or city plan commission erred in evaluating the significance of the property based on the characteristics listed in Section 51A-4.501(b). Appeal to the city council constitutes the final administrative remedy.



## CPC Recommendation:

(3) Appeal. If the historic designation procedure is initiated by the landmark commission or the city plan commission, the property owner may appeal the initiation to the city council by filing a written notice with the director within 15 [40] days after the action of the landmark commission or city plan commission. The written notice must include why the property owner thinks the criteria used to justify the initiation does not apply. Within 90 [180] days after the filing of the appeal or 180 days after filing the appeal, if a 90 day extension is requested by the property owner within 45 days of filing the initial written notice of appeal with the director, the director and the chair of the Landmark Commission shall present the statement of intent for historic designation if it is an individual property, or the revised statement of intent for historic designation if it is an expansion or new district [prepare, and the landmark commission shall adopt, a designation report and submit it] to the city council. After submission of the statement of intent for historic designation if it is an individual property, or revised statement of intent for historic designation if it is an expansion or new district [designation report], the city council shall hold a public hearing on the appeal. The sole issue on appeal is whether the landmark commission or city plan commission erred in evaluating the significance of the property based on the characteristics listed in Section 51A-4.501(b). Appeal to the city council constitutes the final administrative remedy.

(4) Enforcement. Upon initiation of the historic designation procedure, the historic preservation officer shall immediately notify the building official. The building official shall not accept any application for a permit to alter, demolish, or remove the structure or site subject to the predesignation moratorium, unless a predesignation certificate of appropriateness or certificate for demolition or removal has been issued.

(5) Designation report. Upon initiation of the historic designation procedure, the historic preservation officer shall coordinate research to compile a written report regarding the historical, cultural, and architectural significance of the place or area proposed for historic designation. This report must include a statement on each of the following to the extent that they apply:

(A) A listing of the architectural, archaeological, paleontological, cultural, economic, social, ethnic, political, or historical characteristics upon which the nomination is based;

(B) A description of the historical, cultural, and architectural significance of the structures and site;

(C) A description of the boundaries of the proposed historic overlay district, including subareas and areas where new construction will be prohibited; and

(D) Proposed preservation criteria for the proposed historic overlay district.

(6) Designation procedure. For purposes of Section 51A-4.701, "Zoning Amendments," once the designation report has been voted on by the Landmark Commission, the designation shall be treated as a city plan commission authorized public hearing and may not be

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appealed to city council if the city plan commission recommends denial. The notice of authorization in Section 51A-4.701(a)(1) is not required.

Staff Recommendation:

- (7) Historic designation. The city may not designate a property a historic district unless:
- (A) the owner of the property consents to the designation; or
  - (B) the designation is approved by a three-fourths vote of:
    - (i) the landmark commission;
    - (ii) the city plan commission; and
    - (iii) the city council.
  - (C) The owner of the property may withdraw consent at any time during the designation process by filing a written notice with the director.
  - (D) If the property is owned by an organization that qualifies as a religious organization under Section 11.20 of the Texas Tax Code, the city may designate the property as a historic district only if the organization consents to the designation.

CPC Recommendation:

- (8) Computation of time.
- (A) Unless otherwise provided in this paragraph, computing any period of time prescribed in this subsection shall be in accordance with Section 1-5 of the Dallas City Code.
  - (B) If the last day of any period is a Saturday, Sunday, or official holiday observed by the city, the period is extended to include the next day that is not a Saturday, Sunday, or official holiday observed by the city.
  - (C) Except as otherwise specified, time periods will be calculated based on calendar days.

(9) Termination of the predesignation moratorium. The predesignation moratorium ends on the earliest of the following dates:

- (A) The day after the city council, city plan commission, or landmark commission that voted to initiate the historic designation procedure, votes to terminate the historic designation procedure.

11/4/19

(B) The day after the city council, in an appeal from an initiation by the city plan commission or landmark commission, votes to terminate the historic designation procedure.

(C) In the case of initiation by the property owner(s), the day after the zoning change application is withdrawn.

(D) If the proposed historic overlay district zoning change is approved, the effective date of the ordinance establishing the historic overlay district.

(E) If the proposed historic overlay district zoning change is denied, the day after either the city council makes its final decision denying the change or the expiration of the time period for appeal to the city council from a city plan commission recommendation of denial.

(F) Two years after the date the historic designation procedure was initiated, regardless of who initiated the procedure.





## Agenda Information Sheet

**File #:** 19-1888  
PH2.

**Item #:**

**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** January 8, 2020  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** John D. Jenkins

---

### **SUBJECT**

A public hearing to receive comments on the proposed use of a portion of Brownwood Park located at 3400 Walnut Hill Lane, totaling approximately 20,159 square feet of land, and temporary use of approximately 7,227 square feet of land by Dallas Water Utilities for the construction of a 36-inch wastewater main and a 10-inch wastewater line for the benefit of the public; and at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

### **BACKGROUND**

The City of Dallas owns municipal parkland known as Brownwood Park (approximately 15.5 acres) located at 3400 Walnut Hill Lane, on the northwest side of Dallas. The park is currently used for passive recreation.

Dallas Water Utilities (DWU) currently has wastewater lines in the section of Brownwood Park which is on the north side of Walnut Hill Lane. One line receives wastewater from the west across Joe's Creek to a manhole in the park. Another line receives wastewater from the east from Timber Trail Drive to the same manhole. From this manhole a single line transports wastewater south through the park to Walnut Hill Lane. DWU proposes to install a new 36-inch wastewater main from Bowman Boulevard north through the park to Timber Trail Drive. DWU also proposes to install a new 10-inch line along the same general alignment of the existing 27-inch line currently flowing from Timber Trail Drive to the existing manhole. This project will reverse the wastewater flow to Timber Trail Drive. DWU requires a new easement for the 36-inch water main totaling approximately 18,093 square feet (0.415 acres) and an additional easement for the 10-inch replacement wastewater line of 2,066 square feet (0.047 acres) in addition to the existing reservation or easement (Exhibit A). DWU also requires a temporary construction easement of approximately 7,227 square feet of land (0.166 acres) for the project (Exhibit A). In consideration for these conveyances by easement, DWU will pay \$28,086.00, the fair market value of these easements, as determined by an independent appraisal. Lastly, DWU proposes to abandon any reservation or easement for the existing 27-inch wastewater

line running north-south through the park, said reservation or easement will revert to parkland. This project is needed to meet the increased wastewater demand for Dallas residents in this area.

DWU agrees as condition of the conveyance of easements to:

- 1) Permit future construction of any park amenities and other improvements within the easements.
- 2) Future construction, maintenance, and operations of the utilities within the trail corridor will be coordinated with the Park and Recreation Department operations to minimize disruption of use and operation of the park.
- 3) DWU shall request approval from the Director of the Park and Recreation Department should DWU's operations, maintenance, or construction require DWU to disrupt, demolish, or modify any improvements, vegetation, or terrain within the easement or park, except for in a situation which affects the public's immediate health, safety, or welfare, in which case DWU shall notify the Director of the Park and Recreation Department as soon as possible of such activities. In any case, repair or replacement of park improvements or vegetation damaged or damage to terrain as the result of DWU activities, shall be at the discretion of the Director of the Park and Recreation Department, and shall be at DWU's sole cost with no cost to the Park and Recreation Department.

In compliance with the law, the City must determine that there is a need, that there is no feasible and prudent alternative, and that all reasonable care will be taken not to damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 21, 2019, the Park and Recreation Board authorized a public hearing to be held on January 8, 2020, to receive comments on the proposed use of a portion of Brownwood Park located at 3400 Walnut Hill Lane.

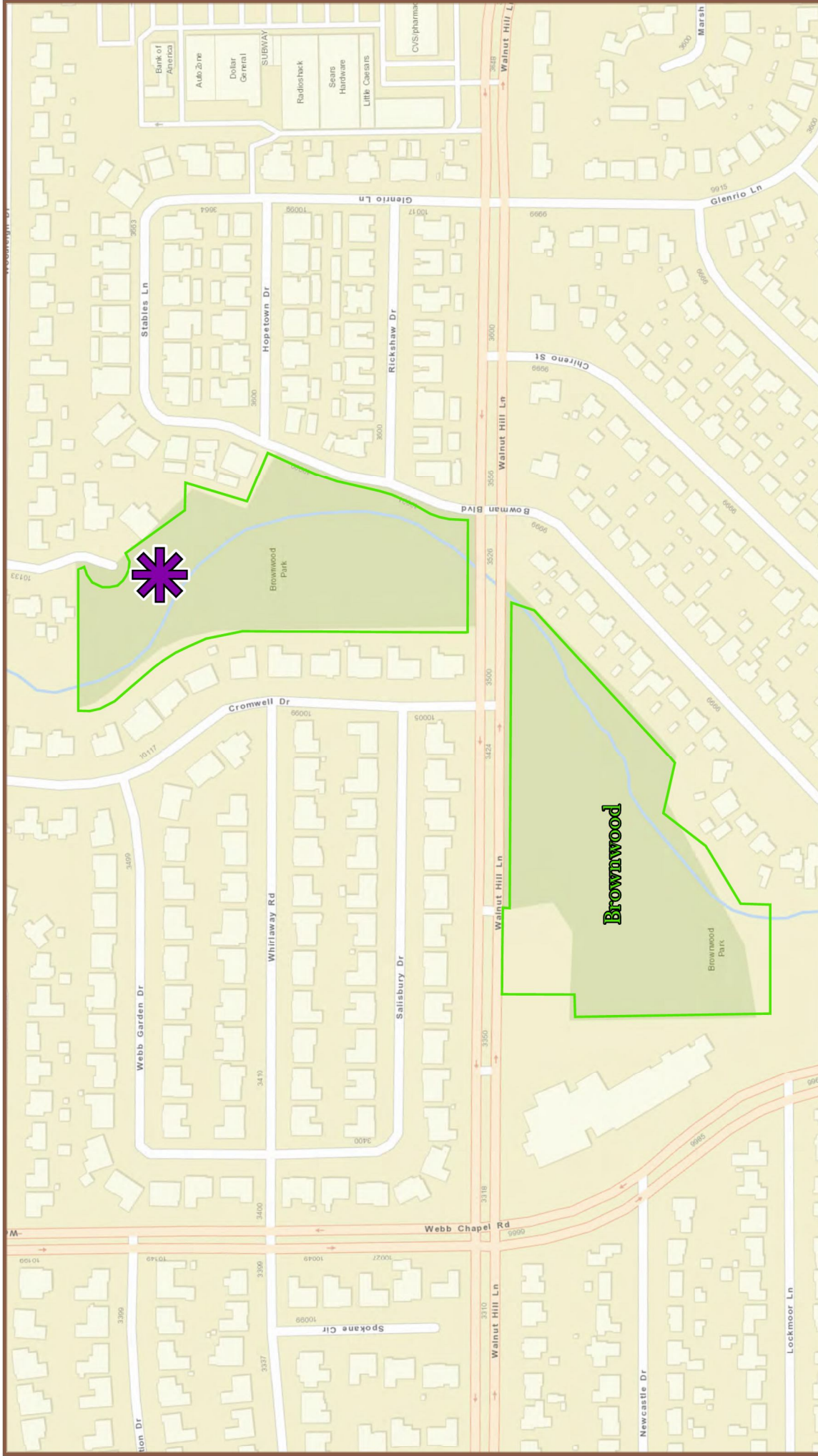
On December 11, 2019, City Council authorized a public hearing to be held on January 8, 2020, to receive comments on the proposed use of a portion of Brownwood Park located at 3400 Walnut Hill Lane by Resolution No. 19-1926.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **MAP**

Attached



Brownwood Park  
(3400 Walnut Hill Ln)

January 8, 2020

**WHEREAS**, the City of Dallas owns land in northwest Dallas known as Brownwood Park, which was acquired for park purposes and has been maintained as parkland; and

**WHEREAS**, a portion of Brownwood Park has been identified by Dallas Water Utilities (DWU) as necessary for the construction of a 36-inch wastewater main and a 10-inch wastewater line for the public benefit, and DWU must acquire approximately 20,159 square feet of land for such improvements and temporary use of approximately 7,227 square feet of land, as shown on Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

**WHEREAS**, DWU is agreeable to designing and constructing its improvements such that the City's ability to make future improvements to the park shall not be impaired; and

**WHEREAS**, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Brownwood Park has been taken.

**Now, Therefore,**

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

**SECTION 1.** That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

**SECTION 2.** That the City of Dallas hereby approves and authorizes the grant of utility easements, by form instrument as approved by the City Attorney, to DWU for purpose of construction of water and wastewater pipeline projects, said easement areas more fully described in Exhibit A, attached hereto and made a part hereof.

**SECTION 3.** That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute utility easements for the benefit of DWU for the purposes authorized herein, and to all of the following terms and conditions:

- a. DWU shall covenant to the City:
  1. To observe safety regulations;
  2. To not be detrimental to the park and to coordinate work with City staff so as to provide for the least disruption of City services;

January 8, 2020

**SECTION 3.** (continued)

3. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;
4. To keep the adjacent park area free from construction debris and waste;
5. To bear the cost of construction, operation, and maintenance of the sewer line and improvements;
6. To do all work within the park and surrounding areas in a good a workmanlike manner under the supervision of the Director of the Park and Recreation Department;
7. To permit future construction of the any park improvement, amenities, and other improvements within the easements;
8. DWU shall effect abandonment of existing utility easements no longer needed, at DWU's expense, and such land shall revert to parkland;
9. Future construction, maintenance, and operations of the utilities within the park will be coordinated with the Park and Recreation Department operations to minimize disruption of use and operation of the park; and
10. Any damage to or removal of any park improvements by DWU or its contractors, regardless of the reason, shall be repaired or replaced at DWU's sole cost with no cost consideration to the Park and Recreation Department.

**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.

# EXHIBIT A-TRACT 1

18,093 SQ.FT. (0.415 ACRES)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER EASEMENT  
CITY OF DALLAS (PUBLIC USE)

**BEING** a 18,093 square foot (0.415 acres) tract of land situated in the J.J. Mooneyham Survey, Abstract No. 929, Dallas County, Texas and being a part of City Block 6426 as dedicated to the City of Dallas for public use (Block 6426 Reservation) as shown on the Walnut Gardens Revised Plat as recorded in Volume 67119, Page 18 of the Deed Records, Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod stamped "HAYDEN" set on the west right of way line of Timber Trail Drive, a 50 foot right of way, at the southeast corner of Lot 25-A as shown on the Timberbrook 3<sup>RD</sup> Installment Revision Plat as recorded in Volume 29, Page 31 of said Map Records, said point being on the south line of said Timberbrook Plat and on the north line of said Walnut Gardens Revised Plat;

**THENCE** South 18 degrees 15 minutes 15 seconds East, along said west line of Timber Trail Drive, a distance of 15.35 feet to a calculated point at the beginning of a non-tangent curve to the left, said curve having a radius of 50.00 feet and a chord bearing and distance of South 09 degrees 41 minutes 34 seconds West— 97.66 feet.

**THENCE** continuing along said west line of Timber Trail Drive and along said curve an arc distance of 135.39 feet, a delta angle of 155° 09'01" to a ½ inch iron rod with cap stamped "Hayden" set at the **POINT OF BEGINNING** of the tract described herein and at the beginning of a tangent curve to the left, said curve having a radius of 50.00 feet, a delta angle of 57° 24' 04" and a chord bearing and distance of North 83 degrees 25 minutes 02 seconds East — 48.02 feet;

**THENCE** continuing along said right of way line and curve, an arc distance of 50.09 feet to a 1/2 inch iron rod found at the northwest corner of Lot 2, Block 6/6426 of said Walnut Gardens Revised Plat, being a northeast corner of said Block 6426 Reservation;

**THENCE** South 35 degrees 30 minutes 02 seconds East, along the west line of Lot 2 and east line of said Block 6426 Reservation, a distance of 3.97 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set on said west line;

**THENCE** South 00 degrees 20 minutes 42 seconds West, over and across said Block 6426 Reservation, a distance of 53.13 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set;

**THENCE** South 34 degrees 26 minutes 30 seconds East, continuing over and across said Block 6426 Reservation, a distance of 118.53 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set;

**THENCE** South 42 degrees 30 minutes 15 seconds East, over and across said Block 6426 Reservation, a distance of 91.49 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set the south line of a 20' wide alley as shown on said Walnut Gardens Revised Plat;

**THENCE** South 16 degrees 39 minutes 43 seconds West, along the west line of said alley, a distance of 54.97 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set at an angle point therein;

**THENCE** South 66 degrees 17 minutes 29 seconds East, along the south line of said alley, a distance of 117.67 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set on the west right of way line of Bowman Boulevard, a 50' right of way per said Walnut Gardens Revised Plat;





**EXHIBIT A-TRACT 1**  
18,093 SQ. FT. (0.415 ACRES)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER EASEMENT  
CITY OF DALLAS (PUBLIC USE)

**THENCE** South 23 degrees 42 minutes 31 seconds West, along said west right of way line, a distance of 54.92 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set on said west right of way;

**THENCE** North 42 degrees 30 minutes 15 seconds West, continuing over and across said Block 6426 Reservation, a distance of 253.03 feet, to a ½ inch iron rod with cap stamped "HAYDEN"

**THENCE** North 34 degrees 26 minutes 30 seconds West, continuing over and across said Block 6426 Reservation, a distance of 137.70 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set;

**THENCE** North 00 degrees 20 minutes 42 seconds East, a distance of 66.22 feet to the **POINT OF BEGINNING** and containing 18,093 square feet or 0.415 acres of land, more or less.

A Survey Plat of even date accompanies this legal description.

**BASIS OF BEARINGS:** All bearings and coordinates are based on the State Plane Coordinate System, Texas North Central Zone (4202), NAD 83.

I, Brian C. Wright, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Brian C. Wright      7/17/19

Brian C Wright, RPLS  
Registered Professional Land Surveyor  
Texas Registration No. 4560

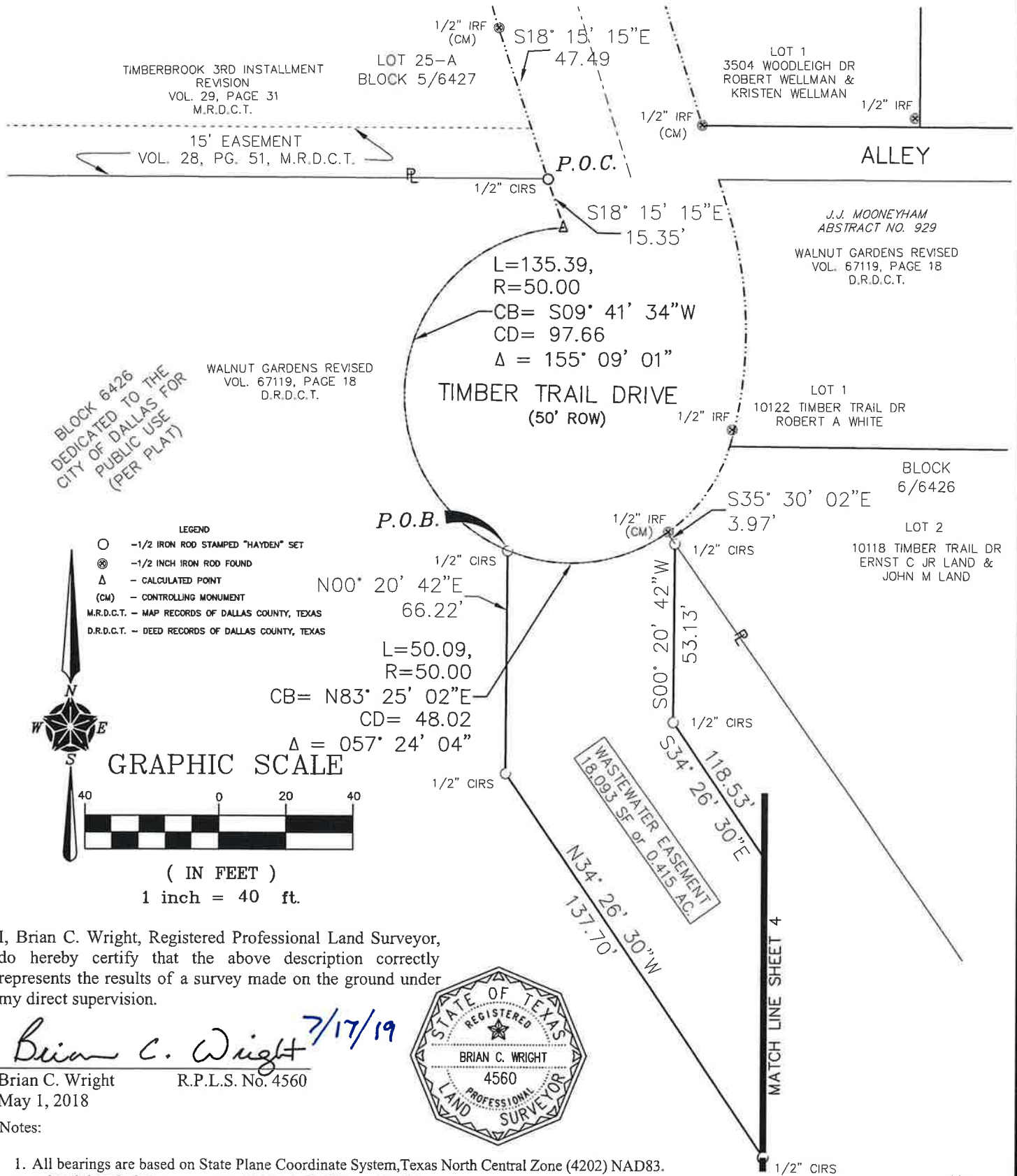
Date

Mayo-Wright Consultants, LLC  
123 Shenandoah Court  
Forney, Texas 75126  
TBPLS Firm No. 10194516

JQ Infrastructure, LLC  
100 Glass Street, Ste 201  
Dallas, Texas 75207  
Ph. (214) 752-9098  
TBPLS Firm No. 10193718



# EXHIBIT A-TRACT 1



I, Brian C. Wright, Registered Professional Land Surveyor, do hereby certify that the above description correctly represents the results of a survey made on the ground under my direct supervision.

*Brian C. Wright* 7/17/19

Brian C. Wright R.P.L.S. No. 4560  
May 1, 2018

Notes:

1. All bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) NAD83.
2. A legal description of even date accompanies this survey plat.

PAGE 3 OF 4

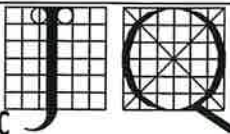
18,093 SQ.FT. (0.415 ACRES)  
CITY OF DALLAS BLOCK 6426  
WATERWATER EASEMENT  
CITY OF DALLAS (PUBLIC USE)

shaping the built environment

**JQ INFRASTRUCTURE, LLC**

100 GLASS STREET, STE 201  
214.752.9098

PROJECT NO: 4150017



DALLAS, TEXAS 75207

JQIENG.COM

TEXAS REGISTERED SURVEYING FIRM 10193718

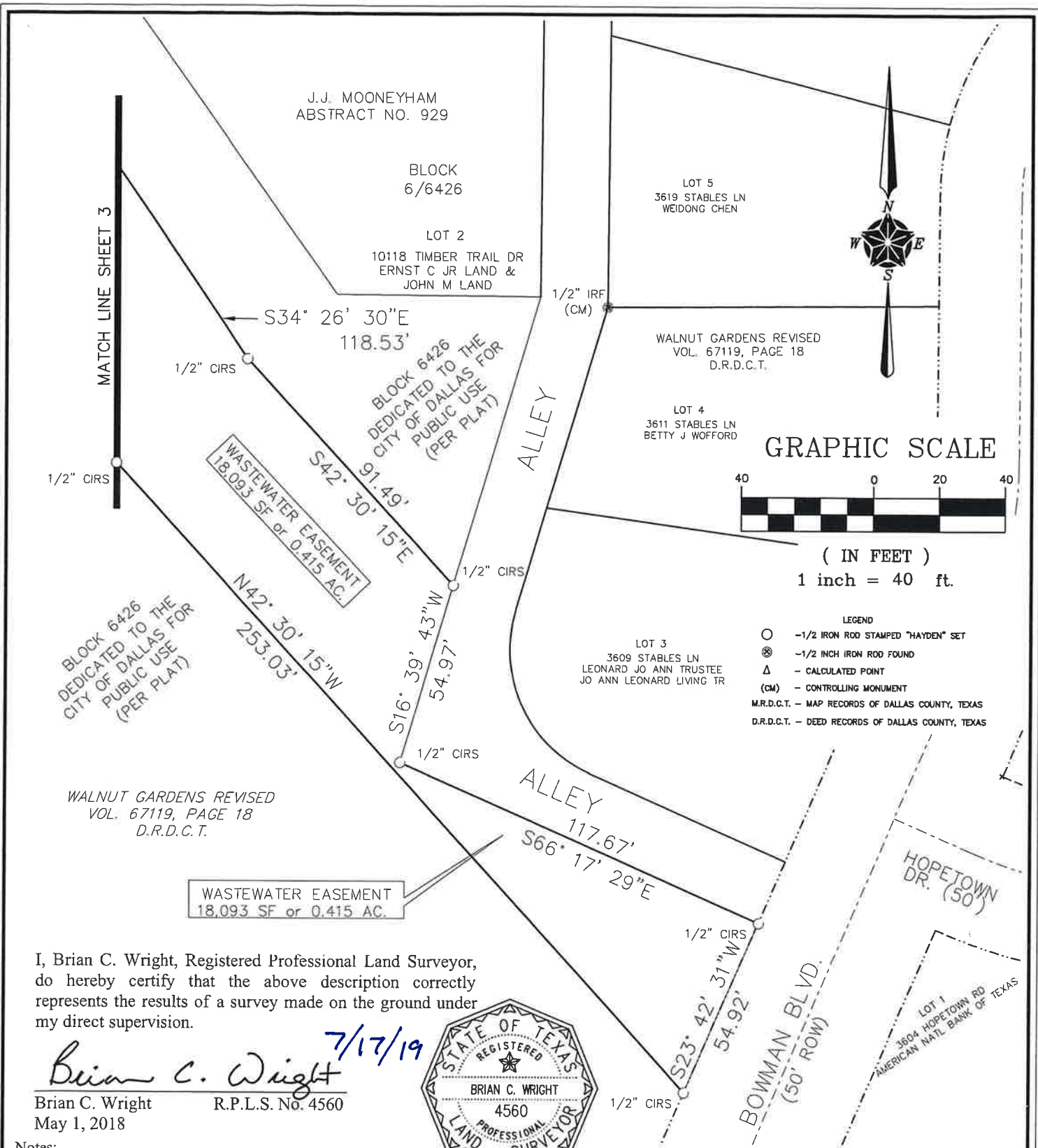


WWW.MAYO-WRIGHT.COM TEXAS REGISTERED SURVEYING FIRM 10194516

123 Shenandoah Court  
Forney, Tx 75126

Ph: 214 693 5284





I, Brian C. Wright, Registered Professional Land Surveyor, do hereby certify that the above description correctly represents the results of a survey made on the ground under my direct supervision.

*Brian C. Wright*  
Brian C. Wright R.P.L.S. No. 4560  
May 1, 2018



**Notes:**

1. All bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) NAD83.
2. A legal description of even date accompanies this survey plat.

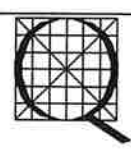
18,093 SQ.FT. (0.415 ACRES)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER EASEMENT  
CITY OF DALLAS (PUBLIC USE)

shaping the built environment

**JQ INFRASTRUCTURE, LLC**

100 GLASS STREET, STE 201  
214.752.9098

PROJECT NO: 4150017



DALLAS, TEXAS 75207  
JQENG.COM

TEXAS REGISTERED SURVEYING FIRM 10193718



CONSULTANTS  
WWW.MAYO-WRIGHT.COM

TEXAS REGISTERED SURVEYING FIRM 10194516

123 Shenandoah Court  
Forney, Tx 75126

Ph: 214 693 5284

## EXHIBIT A-TRACT 2

2,066 SQ.FT. (0.047 ACRES)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER EASEMENT  
CITY OF DALLAS (PUBLIC USE)

**BEING** a 2,066 square foot (0.047 acres) tract of land situated in the J.J. Mooneyham Survey, Abstract No. 929, Dallas County, Texas and being a part of City Block 6426 as dedicated to the City of Dallas for public use (Block 6426 Reservation) as shown on the Walnut Gardens Revised Plat as recorded in Volume 67119, Page 18 of the Deed Records, Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod found on the west right of way line of Timber Trail Drive as shown on the Timberbrook 3<sup>RD</sup> Installment Revision Plat as recorded in Volume 29, Page 31 of the Map Records of Dallas County, Texas, said point being the point of tangency in the east line of Lot 25-A of said Timberbrook Plat:

**THENCE** South 18 degrees 15 minutes 15 seconds East, along said west line of Timber Trail Drive and said east line of Lot 25-A, a distance of 47.49 feet to a ½ inch iron rod with cap stamped "HAYDEN" set at the southeast corner of said Lot 25-A, being on the south line of said Timberbrook Plat, the north line of said Walnut Gardens Revised Plat and the most northern northeast corner of said Block 6426 Reservation, being the **POINT OF BEGINNING**;

**THENCE** South 18 degrees 15 minutes 15 seconds East, continuing along said west line of Timber Trail Drive, a distance of 10.54 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set;

**THENCE** North 89 degrees 50 minutes 16 seconds West, over and across said Block 6426 Reservation, a distance of 208.30 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set;

**THENCE** NORTH, continuing over and across said Block 6426 Reservation, a distance of 10.00 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set on said south line of the Timberbrook Plat, and said north line of the Walnut Gardens Revised Plat;

**THENCE** South 89 degrees 50 minutes 16 seconds East, along said north and south lines, a distance of 204.97 feet to the **POINT OF BEGINNING** and containing 2,066 square feet or 0.047 acres of land, more or less.



FIELD NOTES APPROVED:

*Plr 8/6/17*

## EXHIBIT A-TRACT 2

2,066 SQ.FT. (0.047 ACRES)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER EASEMENT  
CITY OF DALLAS (PUBLIC USE)

A Survey Plat of even date accompanies this legal description.

**BASIS OF BEARINGS:** All bearings and coordinates are based on the State Plane Coordinate System, Texas North Central Zone (4202), NAD 83.

I, Brian C. Wright, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Brian C. Wright

7/17/19

Brian C Wright, RPLS  
Registered Professional Land Surveyor  
Texas Registration No. 4560

Date

Mayo-Wright Consultants, LLC  
123 Shenandoah Court  
Forney, Texas 75126  
TBPLS Firm No. 10194516

JQ Infrastructure, LLC  
100 Glass Street, Ste 201  
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Ph. (214) 752-9098  
TBPLS Firm No. 10193718



J.J. MOONEYHAM  
ABSTRACT NO. 929

LOT 24A  
10129 TIMBER TRAIL DR  
SEAN J LARKIN

TIMBERBROOK 2ND INSTALLMENT  
VOL. 26, PAGE 221  
M.R.D.C.T.

LOT 25-A  
10125 TIMBER TRAIL DR  
JOHN L RICHARDSON &  
BRUCE L TILLEY

TIMBERBROOK 3RD INSTALLMENT  
REVISION  
VOL. 29, PAGE 31  
M.R.D.C.T.

BLOCK 5/6427

15' EASEMENT  
VOL. 28, PG. 51, M.R.D.C.T.

WASTEWATER EASEMENT  
2,066 SQ.FT. OR 0.047 ACRES

WALNUT GARDENS REVISED  
VOL. 67119, PAGE 18  
D.R.D.C.T.

I, Brian C. Wright, Registered Professional Land Surveyor,  
do hereby certify that the above description correctly  
represents the results of a survey made on the ground under  
my direct supervision.

*Brian C. Wright*  
Brian C. Wright R.P.L.S. No. 4560  
July 16, 2019

GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.

2,066 SF (0.047 ac.)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER EASEMENT  
CITY OF DALLAS (PUBLIC USE)

shaping the built  
environment

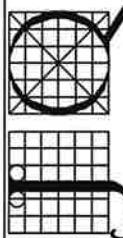
**IQ INFRASTRUCTURE, LLC**

100 GLASS STREET, Ste 201

214.752.9098

PROJECT NO: 4150017

TEXAS REGISTERED SURVEYING FIRM 10193718



DALLAS, TEXAS 75207

JQIENG.COM



CONSULTANTS  
WWW.MW-CONSULT.COM

TEXAS REGISTERED SURVEYING FIRM 10194516

*123 Shenandoah Court*

*Forney, Tx 75126*

*Ph: 214 693 5284*

1. All bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) NAD83.  
2. A legal description of even date accompanies this survey plat.

Notes:

7/17/19



TIMBER TRAIL DRIVE  
(50' ROW)

L=135.39, R=50.00  
Δ=155° 09' 01"

L=61.30, R=50.00  
Δ=070° 14' 38"  
CB=S 52° 08' 46" W  
CD=57.53

P.Q.B. (CM)

P.O.C. (CM)

S18° 15' 15"E  
47.49'

S89° 50' 16"E  
204.97'

N89° 50' 16"W  
208.30'

N00° 00' 00"E  
10.00'

1/2" IRF

1/2" IRF (CM)

S18° 15' 15"E  
10.54'

S18° 15' 15"E  
4.81'

1/2" IRF

1/2" IRF (CM)

1/2" CIRCS

1/2" CIRCS

LOT 2

10118 TIMBER TRAIL DR  
ERNEST C JR LAND &  
JOHN M LAND

BLOCK  
6/6426

LOT 1

10122 TIMBER TRAIL DR  
ROBERT A WHITE

LEGEND

○ - 1/2 IRON ROD STAMPED "HAYDEN" SET

⊗ - 1/2 INCH IRON ROD FOUND

Δ - CALCULATED POINT

(CM) - CONTROLLING MONUMENT

M.R.D.C.T. - MAP RECORDS OF DALLAS COUNTY, TEXAS

D.R.D.C.T. - DEED RECORDS OF DALLAS COUNTY, TEXAS

PAGE 3 OF 3

EXHIBIT A-TRACT 2

**EXHIBIT A-TRACT 3**  
7,227 SQ.FT. (0.166 ACRES)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER TEMPORARY EASEMENT  
CITY OF DALLAS (PUBLIC USE)

**BEING** a 7,227 square foot (0.166 acres) tract of land situated in the J.J. Mooneyham Survey, Abstract No. 929, Dallas County, Texas and being a part of City Block 6426 as dedicated to the City of Dallas for public use (Block 6426 Reservation) as shown on the Walnut Gardens Revised Plat as recorded in Volume 67119, Page 18 of the Deed Records, Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod stamped "HAYDEN" set on the west right of way line of Timber Trail Drive as shown on the Timberbrook 3<sup>RD</sup> Installment Revision Plat as recorded in Volume 29, Page 31 of the Map Records of Dallas County, Texas, said point being on the south line of said Timberbrook Plat and on the north line of said Walnut Gardens Revised Plat;

**THENCE** South 18 degrees 15 minutes 15 seconds East, along said west line of Timber Trail Drive, a distance of 10.54 feet to a 1/2" capped iron rod set and being the **POINT OF BEGINNING**;

**THENCE** South 18 degrees 15 minutes 15 seconds East, along said west line of Timber Trail Drive, a distance of 4.81 feet to the beginning of a non-tangent curve to the left, said curve having a radius of 50.00 feet, a delta angle of 70°14'38" and a chord bearing and distance of South 52 degrees 08 minutes 46 seconds West— 57.53 feet.

**THENCE** continuing along said west line of Timber Trail Drive and along said curve an arc distance of 61.30 feet to a point on the west line of said Timber Trail;

**THENCE** North 89 degrees 50 minutes 16 seconds West, departing said Timber Trail Drive and over and across said Block 6426 Reservation, a distance of 164.35 feet;

**THENCE** NORTH, continuing over and across said Block 6426 Reservation, a distance of 40.00 feet, to a ½ inch iron rod with cap stamped "HAYDEN" set;

**THENCE** South 89 degrees 50 minutes 16 seconds East, continuing over and across said Block 6426 Reservation, a distance of 208.30 feet to the **POINT OF BEGINNING** and containing 7,227 square feet or 0.166 acres of land, more or less.



FIELD NOTES APPROVED:

*DLR* 8/6/19



**EXHIBIT A-TRACT 3**  
7,227 SQ.FT. (0.166 ACRES)  
CITY OF DALLAS BLOCK 6426  
WASTEWATER TEMPORARY EASEMENT  
CITY OF DALLAS (PUBLIC USE)

A survey plat of even date accompanies this legal description.

**BASIS OF BEARINGS:** All bearings and coordinates are based on the State Plane Coordinate System, Texas North Central Zone (4202), NAD 83.

I, Brian C. Wright, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Brian C. Wright      7/17/19

Brian C Wright, RPLS  
Registered Professional Land Surveyor  
Texas Registration No. 4560

Date

Mayo-Wright Consultants, LLC  
123 Shenandoah Court  
Forney, Tx 75126  
TBPLS Firm No. 10194516

JQ Infrastructure, LLC  
100 Glass Street, Ste 201  
Dallas, Texas 75207  
Ph. (214) 752-9098  
TBPLS Firm No. 10193718



