

**FEBRUARY 12, 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 February 12, 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

for Elizabeth Reich
Chief Financial Officer

Date

Memorandum



CITY OF DALLAS

DATE February 7, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **February 12, 2020 City Council FINAL Agenda - Additions/Revisions/Deletions**

On January 31, 2020, a DRAFT City Council Agenda for February 12, 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:

30. 20-224 Authorize a ratification of the fourth amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the third amendment to the Community Development Block Grant development loan agreement with the City of Dallas Housing Finance Corporation (DHFC) for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street to: **(1)** amend the loan maturity to the 15th anniversary from the date of conversion from construction financing to permanent financing plus 6 months or 6 months from the maturity date of the senior lender note, whichever is later; and **(2)** increase the minimum investment requirement by DHFC and 2400 Bryan Street, LLC from \$45,000,000.00 to \$45,500,000.00 - Financing: No cost consideration to the City
31. 20-225 Authorize **(1)** the adoption of a Resolution of Support for Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of the Dallas Sorcey Road Apartments; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
32. 20-226 Authorize **(1)** the adoption of a Resolution of Support for Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Dallas

DATE February 7, 2020

SUBJECT **February 12, 2020 City Council FINAL Agenda - Additions/Revisions/Deletions**

Stemmons Apartments; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

33. 20-227 Authorize **(1)** the adoption of a Resolution of Support for Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Dallas Stemmons Apartments; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
34. 20-229 Authorize **(1)** the adoption of a Resolution of Support for Juliette Fowler Senior Affordable Housing, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Juliette Fowler Residences; and **(2)** authorize an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
35. 20-230 Authorize **(1)** the adoption of a Resolution of Support for The Magenta, LLC, an affiliate of Saigebrook Development, LLC (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of The Magenta; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
36. 20-231 Authorize **(1)** the adoption of a Resolution of Support for Villas at WH 20, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Villas at Western Heights; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
- PH2. 20-232 A public hearing to receive comments regarding an application by Murdeaux Rehab Development, LP to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the Sphinx at Murdeaux Villas located at 125 South Murdeaux Lane; and, at the close of the public hearing adopt a Resolution

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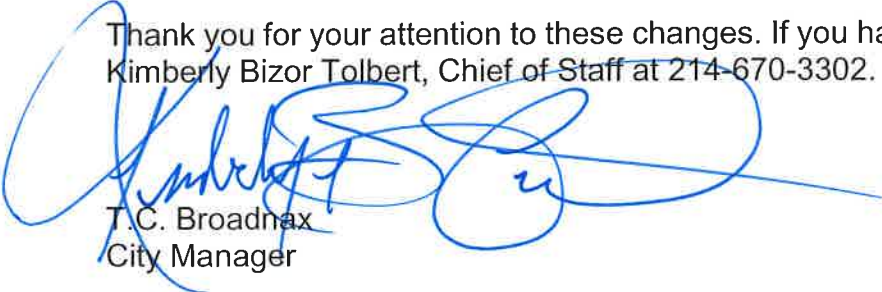
SUBJECT **February 12, 2020 City Council FINAL Agenda - Additions/Revisions/Deletions**

of No Objection for Murdeaux Rehab Development, LP, or its affiliate, related to its application to TDHCA for the acquisition and rehabilitation of the Sphinx at Murdeaux Villas - Financing: No cost consideration to the City

Revisions:

18. 20-191 Authorize **(1)** the acceptance of a donation of the sculpture “Adelfa Callejo,” by German Michel Leal, valued at \$100,000.00, from the Callejo-Botello Foundation (Foundation) to be installed by the Foundation at Main Street Garden Park located at 1902 Main Street; **(2)** the acceptance of a monetary donation in an amount not to exceed \$10,000.00 from the Foundation for maintenance and conservation of the sculpture; **(3)** the receipt and deposit of funds from the Foundation in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; **(4)** an increase in appropriations in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; and **(5)** a contract with the Foundation to make the donations and install the sculpture, approved as to form by the City Attorney - Not to exceed \$10,000.00 - Financing: Office of Cultural Affairs Gifts and Donations Fund

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

CC: Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Elizabeth Reich, Chief Financial Officer

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
Michael Mendoza, Chief of Economic Development and Neighborhood Services
Laila Alequresh, Chief Innovation Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

RECEIVED

2020 FEB -7 PM 5:29

City of Dallas

CITY SECRETARY
DALLAS, TEXAS

1500 Marilla Street
Dallas, Texas 75201



COUNCIL AGENDA

February 12, 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, FEBRUARY 12, 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 2-26

3:15 p.m. ITEMS FOR INDIVIDUAL CONSIDERATION

Items 27-29

ADDITIONS

Items 30-36

6:00 p.m. ZONING

Items Z1-Z13

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. [20-170](#) Approval of Minutes of the January 22, 2020 City Council Meeting

CONSENT AGENDA

City Attorney's Office

2. [20-165](#) Authorize settlement of the lawsuit styled Adriel Santos v. The City of Dallas, Cause No. DC-19-08555 - Not to exceed \$45,000.00 - Financing: Risk Management Funds

Attachments: [Resolution](#)

3. [20-169](#) Authorize settlement of the lawsuit styled Robert Keating v. The City of Dallas, Cause No. DC-19-04624 - Not to exceed \$59,500.00 - Financing: Risk Management Funds

Attachments: [Resolution](#)

4. [20-195](#) Authorize Supplemental Agreement No. 5 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443 - Not to exceed \$300,000.00, from \$875,000.00 to \$1,175,000.00 - Financing: Risk Management Funds

Attachments: [Resolution](#)

City Controller's Office

Note: Agenda Item Nos. 5 and 6 must be considered collectively

5. [20-187](#) A resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuances of **(1)** General Obligation Refunding and Improvement Bonds, Series 2020 in an amount not to exceed \$280,000,000; **(2)** Certificates of Obligation, Series 2020 in an amount not to exceed \$16,000,000; and **(3)** Equipment Notes, Series 2020 in an amount not to exceed \$33,000,000 - Total not to exceed \$329,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

Attachments: [Resolution](#)
[Attachment I](#)

6. [20-188](#) A resolution of the City Council of the City of Dallas, Texas, authorizing the publication of Notice of Intention to Issue Certificates of Obligation; approving the preparation of a preliminary official statement and a Notice of Sale; and providing for the effective date thereof - Financing: No cost consideration to the City

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

Department of Aviation

7. [20-14](#) Authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. for additional services including electrical re-design, entry signage design, public art installation coordination, increased project management, project and bid phasing services, additional construction management and traffic signal modifications at pedestrian crossings for the Dallas Love Field Entry Road - Not to exceed \$331,400.00, from \$1,095,000.00 to \$1,426,400.00 - Financing: Aviation Construction Fund

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

Department of Public Works

8. [20-88](#) Authorize a professional services contract with Alpha Testing, Inc. to provide construction material testing services during the construction of the Alley Reconstruction Groups 17-1204, 17-2004, 17-5005, and 17-10001 (list attached to the Agenda Information Sheet) - Not to exceed \$149,975.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund)

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

9. [20-46](#) Authorize a construction contract for the exterior restoration of the Sammons Center for the Arts located at 3630 Harry Hines Boulevard - Phoenix I Restoration and Construction, Ltd., best value proposer of four - Not to exceed \$734,000.00 - Financing: Cultural Arts (F) Fund (2017 General Obligation Bond Fund)

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

Department of Sustainable Development and Construction

10. [20-143](#) Authorize settlement in lieu of proceeding with condemnation from Plains Capital Bank, of approximately 16,022 square feet of land for right-of-way and 14,167 square feet of land for a temporary working space easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$346,578.00, increased from \$202,976.00 (\$199,976.00, plus closing costs and title expenses not to exceed \$3,000.00) to \$549,554.00 (\$543,554.00, plus closing costs and title expenses not to exceed \$6,000.00) - Financing: Water Capital Improvement E Fund

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

11. [19-531](#) A resolution authorizing (1) the conveyance of a tract of land for approximately 8,495 square feet of City-owned land to the State of Texas located in Dallas County; (2) a Possession and Use Agreement; and (3) a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$122,203.90) and General Fund (\$6,000.00)

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

12. [19-826](#) A resolution authorizing (1) the conveyance of a tract of land for approximately 49,122 square feet of City-owned land to the State of Texas located in Dallas County; (2) a Possession and Use Agreement; and (3) a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$561,065.00) and General Fund (\$6,000.00)

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

13. [19-1020](#) A resolution authorizing (1) the conveyance of a tract of land for approximately 4,286 square feet of City-owned land to the State of Texas located in Dallas County; (2) a Possession and Use Agreement; and (3) a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$65,898.20) and General Fund (\$6,000.00)

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

14. [19-1305](#) An ordinance abandoning a portion of an alley to PSREG Ross Avenue Owner, LLC, the abutting owner, containing approximately 4,920 square feet of land, located near the intersection of Peak Street and Ross Avenue; and authorizing the quitclaim; and providing for the dedication of approximately 2,410 square feet of land needed for a sidewalk easement - Revenue: General Capital Reserve Fund (\$260,440.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee

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

15. [19-1840](#) An ordinance abandoning portions of a sanitary sewer with temporary working space easement and wastewater easement to Presbyterian Village North, the abutting owner, containing a total of approximately 9,034 square feet of land, located near the intersection of Landa Lane and Skyline Drive - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

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

16. [20-13](#) An ordinance abandoning a portion of a utility easement to C/T Prestonwood Creek JV LLC, the abutting owner, containing approximately 2,406 square feet of land, located near the intersection of Prestonwood Boulevard and Beltline Road - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

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

Department of Transportation

17. [19-1526](#) Authorize payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System from Union Station to Bishop Arts District for Fiscal Year 2020 - Not to exceed \$1,602,000.00 - Financing: Streetcar Developer Fund (\$370,100.00) and General Fund (\$1,231,900.00)

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

Office of Arts and Culture

18. [20-191](#) Authorize **(1)** the acceptance of a donation of the sculpture “Adelfa Callejo,” by German Michel Leal, valued at \$100,000.00, from the Callejo-Botello Foundation (Foundation) to be installed by the Foundation at Main Street Garden Park located at 1902 Main Street; **(2)** the acceptance of a monetary donation in an amount not to exceed \$10,000.00 from the Foundation for maintenance and conservation of the sculpture; **(3)** the receipt and deposit of funds from the Foundation in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; **(4)** an increase in appropriations in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; and **(5)** a contract with the Foundation to make the donations and install the sculpture, approved as to form by the City Attorney - Not to exceed \$10,000.00 - Financing: Office of Cultural Affairs Gifts and Donations Fund

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

19. [20-192](#) Authorize a contract with Jennifer Monet Cowley for the fabrication and installation of a site-specific, free-standing, outdoor sculpture to celebrate the life and art of Dallas artist Arthello Beck, Jr., at Twin Falls Park located at 6300 South Polk Street - Not to exceed \$81,000.00 - Financing: Park and Recreation Fund (2006 General Obligation Bond Fund)

Attachments: [Attachment A](#)
[Map](#)
[Resolution](#)

Office of Homeless Solutions

20. [19-2001](#) Authorize **(1)** an Interlocal Agreement with Dallas County to accept **(a)** FY 2018 Emergency Solutions Grant Funds (Federal Grant No. E17-UC-48-0003, CFDA No. 14.231) for emergency shelter operations and utilities reimbursement at The Bridge in the amount of \$91,181.00 for the period April 3, 2018 through March 31, 2020; and **(b)** FY 2019 Emergency Solutions Grant Funds (Federal Grant No. E18-UC-48-0003, CFDA No. 14.231) for emergency shelter operating utilities reimbursement at The Bridge in the amount of \$102,624.00 for the period April 1, 2020 through September 30, 2020; **(2)** Supplemental Agreement No. 3 to the amended and restated Management Services Contract, Phase II, with Bridge Steps, to add Dallas County FY 2018 Emergency Solutions Grant Funds in the amount of \$91,181.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 3, 2018 through October 30, 2019 and Dallas County FY 2019 Emergency Solutions Grant Funds in the amount of \$102,624.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 1, 2020 through September 30, 2020, with a corresponding increase in the diversification of funding percentage from 55.0 to 56.2 percent to allow for this addition of funds to the contract; **(3)** the receipt and deposit of grant funds in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund and in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund; and **(4)** the establishment of appropriations in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund and in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund - Total not to exceed \$193,805.00 - Financing: Dallas County FY 2018 Emergency Solutions Grant Funds (\$91,181.00) and Dallas County FY 2019 Emergency Solutions Grant Funds (\$102,624.00)

Attachments: [Resolution](#)

Office of Procurement Services

21. [20-150](#) Authorize a five-year master agreement for personal protective bunker gear for Dallas Fire-Rescue with Casco Industries, Inc. through the Texas Association of School Boards cooperative agreement - Estimated amount of \$8,965,950 - Financing: General Fund

Attachments: [Resolution](#)

Park & Recreation Department

22. [20-6](#) Authorize an Interlocal Cooperation Agreement with Dallas Independent School District (DISD) to maximize resources and programming opportunities for both City of Dallas (City) Park and Recreation Department and DISD students by ensuring mutual use of City and DISD athletic facilities through July 31, 2022 - Financing: No cost consideration to the City

Attachments: [Resolution](#)

23. [20-194](#) Authorize a construction contract for six prefabricated restroom buildings at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue, and Timberglen Park located at 3900 Timberglen Road with Restroom Facilities Ltd. through the Texas Association of School Boards cooperative agreement - Not exceed \$867,786.00 - Financing: Park and Recreation Facilities Fund (2006 General Obligation Bond Fund) (\$64,631.00), Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund) (\$658,524.00) and Elgin B. Robertson Land Sale Fund (\$144,631.00)

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

24. [20-110](#) Authorize a construction contract for the Martin Weiss Park Loop Trail located at 3400 West Clarendon Drive - North Rock Construction, LLC, lowest responsible bidder of seven - Not to exceed \$582,480.50 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

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

25. [20-109](#) Authorize Supplemental Agreement No. 1 to the professional services contract with JBI Partners, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Glendale Park Master Plan Phase 1 Implementation Project located at 1515 East Ledbetter Drive - Not to exceed \$231,800.00, from \$47,447.62 to \$279,247.62 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

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

Police Department

26. [20-44](#) Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2019 through September 30, 2022 - Not to exceed \$1,800,000.00 - Financing: General Fund (subject to appropriations)

Attachments: [Resolution](#)

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

27. [20-171](#) 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)

Department of Sustainable Development and Construction

28. [20-152](#) Authorize the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Clams Casino, LLC, of approximately 2,257 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project - Not to exceed \$104,565.00 (\$101,565.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement D Fund

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

29. [20-159](#) Authorize the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Market Center Boulevard, LLC, of approximately 2,724 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project - Not to exceed \$114,684.00 (\$111,684.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement D Fund

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

ADDITIONS:

Closed Session

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

- Mary Dawes, et al. v. City of Dallas, et al.

- Trinity East Energy, LLC v. City of Dallas, Texas

- Charlotte Barner et al, v. City of Dallas and Reverchon Park Sports and Entertainment, LLC

Personnel (Sec. 551.074 T.O.M.A.)

Consideration of appointments to boards and commission members:

- Jonathan E. Maples and Ronald Wright, Community Police Oversight Board

OTHER ITEMS FOR INDIVIDUAL CONSIDERATION**Office of Economic Development**

30. [20-224](#) Authorize a ratification of the fourth amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the third amendment to the Community Development Block Grant development loan agreement with the City of Dallas Housing Finance Corporation (DHFC) for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street to: **(1)** amend the loan maturity to the 15th anniversary from the date of conversion from construction financing to permanent financing plus 6 months or 6 months from the maturity date of the senior lender note, whichever is later; and **(2)** increase the minimum investment requirement by DHFC and 2400 Bryan Street, LLC from \$45,000,000.00 to \$45,500,000.00 - Financing: No cost consideration to the City

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

31. [20-225](#) Authorize **(1)** the adoption of a Resolution of Support for Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of the Dallas Sorcey Road Apartments; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

Attachments: [Resolution](#)

32. [20-226](#) Authorize **(1)** the adoption of a Resolution of Support for Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Dallas Stemmons Apartments; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

Attachments: [Resolution](#)

33. [20-227](#) Authorize **(1)** the adoption of a Resolution of Support for Gateway Oak Cliff, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of the Gateway Oak Cliff; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

Attachments: [Resolution](#)

34. [20-229](#) Authorize **(1)** the adoption of a Resolution of Support for Juliette Fowler Senior Affordable Housing, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Juliette Fowler Residences; and **(2)** authorize an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

Attachments: [Resolution](#)

35. [20-230](#) Authorize **(1)** the adoption of a Resolution of Support for The Magenta, LLC, an affiliate of Saigebrook Development, LLC (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of The Magenta; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

Attachments: [Resolution](#)

36. [20-231](#) Authorize **(1)** the adoption of a Resolution of Support for Villas at WH 20, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Villas at Western Heights; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

Attachments: [Resolution](#)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

- Z1. [20-172](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1817 for an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District, on the north side of Bruton Road, east of North Masters 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, traffic management plan, and conditions
[Z189-268\(AU\)](#)

Attachments: [Case Report](#)

- Z2. [20-173](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and the renewal of Specific Use Permit No. 2108 for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use on property zoned an LC-D-1 Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D-1 Liquor Control Overlay, on the south corner of McKinnon Street and Ivan Street
Recommendation of Staff and CPC: [Approval](#) for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
[Z189-287\(PD\)](#)

Attachments: [Case Report](#)

- Z3. [20-174](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Historic Overlay No. 31, Old Parkland Hospital, and to Planned Development District No. 262 by amending Section 51P-262.112 "Preservation Criteria" on property zoned Tract 3 within Planned Development District No. 262, on the east side of Dallas North Tollway, north of Oak Lawn Avenue and west of Maple Avenue
Recommendation of Staff and CPC: Approval, subject to revised preservation criteria, a revised development plan, and revised exhibits
Recommendation of Landmark Commission: Approval, subject to revised preservation criteria
Z189-299(LC)

Attachments: [Case Report](#)

- Z4. [20-175](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 824 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned Planned Development District No. 824, on the northwest corner of Lingo Lane and Millmar Drive
Recommendation of Staff and CPC: Approval, subject to a revised development plan, traffic management plan, and conditions
Z189-320(PD)

Attachments: [Case Report](#)

- Z5. [20-177](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with existing deed restrictions [Z056-308], on the north side of Manana Drive, east of Spangler Road
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions
Z189-343(AU)

Attachments: [Case Report](#)

- Z6. [20-178](#) A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses and a public school use and an ordinance granting the repeal of Specific Use Permit No. 893 for a public school use on property zoned MF-2 Multifamily Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with Historic Overlay No. 111 North Dallas High School, on the north corner of McKinney Avenue and North Haskell Avenue
Recommendation of Staff and CPC: Approval of a planned development subdistrict, subject to a development plan, traffic management plan, and conditions and approval of the repeal of Specific Use Permit No. 893
Z189-354(SM)

Attachments: [Case Report](#)

- Z7. [20-179](#) A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2119 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 808, on the south corner of Gaston Avenue and Tucker Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z189-369(CT)

Attachments: [Case Report](#)

- Z8. [20-180](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) use on property zoned Subdistrict 3 (Tract 2), Midtown Green Walkable Urban Mixed Use District (WMU-20) within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the southwest corner of Montfort Drive and James Temple Drive
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z190-106(CT)

Attachments: [Case Report](#)

ZONING CASES - INDIVIDUAL

- Z9. [20-53](#) 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](#)

- Z10. [20-181](#) A public hearing to receive comments regarding an application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street

Recommendation of Staff: Approval, subject to a revised Existing Land Use Map

Recommendation of CPC: Denial
Z189-292(CY)

Attachments: [Case Report](#)

- Z11. [20-182](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 2 within Planned Development District No. 610, on the northeast corner of Greenville Avenue and Milton Street

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to conditions
Z190-109(AU)

Attachments: [Case Report](#)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

- Z12. [20-134](#) 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)

Note: This item was deferred by the City Council before opening the public hearing on January 8, 2020, and is scheduled for consideration on February 12, 2020

Attachments: [Case Report](#)

- Z13. [20-16](#) A public hearing to receive comments regarding an application for and an ordinance granting a new tract on property zoned Tract 1A within Planned Development District No. 751 with existing deed restrictions [Z834-368], on the northeast side of the westbound service road of Lyndon B. Johnson Freeway (IH-20), and the southwest side of Cliff Creek Crossing Drive, between Bainbridge Drive and Chrysalis Drive

Recommendation of Staff and CPC: Approval, subject to a revised development/conceptual plan, a revised landscape plan and conditions

Z189-315(PD)

Note: This item was deferred by the City Council before opening the public hearing on December 11, 2019, and is scheduled for consideration on February 12, 2020

Attachments: [Case Report](#)

MISCELLANEOUS HEARINGS**Office of Environmental Quality & Sustainability**

- PH1. [20-189](#) A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by local businesses and individuals (list attached to the Agenda Information Sheet) generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Virtuolotry, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

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

Office of Economic Development

- PH2. [20-232](#) A public hearing to receive comments regarding an application by Murdeaux Rehab Development, LP to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the Sphinx at Murdeaux Villas located at 125 South Murdeaux Lane; and, at the close of the public hearing adopt a Resolution of No Objection for Murdeaux Rehab Development, LP, or its affiliate, related to its application to TDHCA for the acquisition and rehabilitation of the Sphinx at Murdeaux Villas - Financing: No cost consideration to the City

Attachments: [Resolution](#)

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: February 12, 2020

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the January 22, 2020 City Council Meeting
2.	N/A	C	ATT	\$45,000.00	Authorize settlement of the lawsuit styled Adriel Santos v. The City of Dallas, Cause No. DC-19-08555 - Not to exceed \$45,000.00 - Financing: Risk Management Funds
3.	N/A	C	ATT	\$59,500.00	Authorize settlement of the lawsuit styled Robert Keating v. The City of Dallas, Cause No. DC-19-04624 - Not to exceed \$59,500.00 - Financing: Risk Management Funds
4.	N/A	C	ATT	\$300,000.00	Authorize Supplemental Agreement No. 5 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443 - Not to exceed \$300,000.00, from \$875,000.00 to \$1,175,000.00 - Financing: Risk Management Funds
5.	N/A	C	CCO	NC	A resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuances of (1) General Obligation Refunding and Improvement Bonds, Series 2020 in an amount not to exceed \$280,000,000; (2) Certificates of Obligation, Series 2020 in an amount not to exceed \$16,000,000; and (3) Equipment Notes, Series 2020 in an amount not to exceed \$33,000,000 - Total not to exceed \$329,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)
6.	All	C	CCO	NC	A resolution of the City Council of the City of Dallas, Texas, authorizing the publication of Notice of Intention to Issue Certificates of Obligation; approving the preparation of a preliminary official statement and a Notice of Sale; and providing for the effective date thereof - Financing: No cost consideration to the City
7.	2	C	AVI	\$331,400.00	Authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. for additional services including electrical re-design, entry signage design, public art installation coordination, increased project management, project and bid phasing services, additional construction management and traffic signal modifications at pedestrian crossings for the Dallas Love Field Entry Road - Not to exceed \$331,400.00, from \$1,095,000.00 to \$1,426,400.00 - Financing: Aviation Construction Fund
8.	2, 5, 10, 12	C	PBW	\$149,975.00	Authorize a professional services contract with Alpha Testing, Inc. to provide

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					construction material testing services during the construction of the Alley Reconstruction Groups 17-1204, 17-2004, 17-5005, and 17-10001 (list attached to the Agenda Information Sheet) - Not to exceed \$149,975.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund)
9.	2	C	PBW	\$734,000.00	Authorize a construction contract for the exterior restoration of the Sammons Center for the Arts located at 3630 Harry Hines Boulevard - Phoenix I Restoration and Construction, Ltd., best value proposer of four - Not to exceed \$734,000.00 - Financing: Cultural Arts (F) Fund (2017 General Obligation Bond Fund)
10.	Outside	C	DEV	\$346,578.00	Authorize settlement in lieu of proceeding with condemnation from Plains Capital Bank, of approximately 16,022 square feet of land for right-of-way and 14,167 square feet of land for a temporary working space easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$346,578.00, increased from \$202,976.00 (\$199,976.00, plus closing costs and title expenses not to exceed \$3,000.00) to \$549,554.00 (\$543,554.00, plus closing costs and title expenses not to exceed \$6,000.00) - Financing: Water Capital Improvement E Fund
11.	Outside	C	DEV	REV \$128,203.90	A resolution authorizing (1) the conveyance of a tract of land for approximately 8,495 square feet of City-owned land to the State of Texas located in Dallas County; (2) a Possession and Use Agreement; and (3) a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$122,203.90) and General Fund (\$6,000.00)
12.	Outside	C	DEV	REV \$567,065.00	A resolution authorizing (1) the conveyance of a tract of land for approximately 49,122 square feet of City-owned land to the State of Texas located in Dallas County; (2) a Possession and Use Agreement; and (3) a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$561,065.00) and General Fund (\$6,000.00)
13.	Outside	C	DEV	REV \$71,898.20	A resolution authorizing (1) the conveyance of a tract of land for approximately 4,286 square feet of City-owned land to the State of Texas located in Dallas County; (2) a Possession and Use Agreement; and (3) a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$65,898.20) and General Fund (\$6,000.00)
14.	2	C	DEV	REV \$280,440.00	An ordinance abandoning a portion of an alley to PSREG Ross Avenue Owner, LLC, the abutting owner, containing approximately 4,920 square feet of land, located near the intersection of Peak Street and Ross Avenue; and authorizing the quitclaim; and providing for the dedication of approximately

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					2,410 square feet of land needed for a sidewalk easement - Revenue: General Capital Reserve Fund (\$260,440.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee
15.	10	C	DEV	REV \$5,400.00	An ordinance abandoning portions of a sanitary sewer with temporary working space easement and wastewater easement to Presbyterian Village North, the abutting owner, containing a total of approximately 9,034 square feet of land, located near the intersection of Landa Lane and Skyline Drive - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee
16.	11	C	DEV	REV \$5,400.00	An ordinance abandoning a portion of a utility easement to C/T Prestonwood Creek JV LLC, the abutting owner, containing approximately 2,406 square feet of land, located near the intersection of Prestonwood Boulevard and Beltline Road - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee
17.	1, 2	C	TRN	\$1,602,000.00	Authorize payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System from Union Station to Bishop Arts District for Fiscal Year 2020 - Not to exceed \$1,602,000.00 - Financing: Streetcar Developer Fund (\$370,100.00) and General Fund (\$1,231,900.00)
18.	14	C	OCA	GT	Authorize (1) the acceptance of a donation of the sculpture "Adelfa Callejo," by German Michel Leal, valued at \$100,000.00, from the Callejo-Botello Foundation (Foundation) to be installed by the Foundation at Main Street Garden Park located at 1902 Main Street; (2) the acceptance of a monetary donation in an amount not to exceed \$10,000.00 from the Foundation for maintenance and conservation of the sculpture; (3) the receipt and deposit of funds from the Foundation in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; (4) an increase in appropriations in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; and (5) a contract with the Foundation to make the donations and install the sculpture, approved as to form by the City Attorney - Not to exceed \$10,000.00 - Financing: Office of Cultural Affairs Gifts and Donations Fund
19.	3	C	OCA	\$81,000.00	Authorize a contract with Jennifer Monet Cowley for the fabrication and installation of a site-specific, free-standing, outdoor sculpture to celebrate the life and art of Dallas artist Arthello Beck, Jr., at Twin Falls Park located at 6300 South Polk Street - Not to exceed \$81,000.00 - Financing: Park and Recreation Fund (2006 General Obligation Bond Fund)
20.	All	C	OHS	GT	Authorize (1) an Interlocal Agreement with Dallas County to accept (a) FY

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					2018 Emergency Solutions Grant Funds (Federal Grant No. E17-UC-48-0003, CFDA No. 14.231) for emergency shelter operations and utilities reimbursement at The Bridge in the amount of \$91,181.00 for the period April 3, 2018 through March 31,2020; and (b) FY 2019 Emergency Solutions Grant Funds (Federal Grant No. E18-UC-48-0003, CFDA No. 14.231) for emergency shelter operating utilities reimbursement at The Bridge in the amount of \$102,624.00 for the period April 1, 2020 through September 30, 2020; (2) Supplemental Agreement No. 3 to the amended and restated Management Services Contract, Phase II, with Bridge Steps, to add Dallas County FY 2018 Emergency Solutions Grant Funds in the amount of \$91,181.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 3, 2018 through October 30, 2019 and Dallas County FY 2019 Emergency Solutions Grant Funds in the amount of \$102,624.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 1, 2020 through September 30, 2020, with a corresponding increase in the diversification of funding percentage from 55.0 to 56.2 percent to allow for this addition of funds to the contract; (3) the receipt and deposit of grant funds in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund and in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund; and (4) the establishment of appropriations in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund and in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund - Total not to exceed \$193,805.00 - Financing: Dallas County FY 2018 Emergency Solutions Grant Funds (\$91,181.00) and Dallas County FY 2019 Emergency Solutions Grant Funds (\$102,624.00)
21.	All	C	POM	\$8,965,950.00	Authorize a five-year master agreement for personal protective bunker gear for Dallas Fire-Rescue with Casco Industries, Inc. through the Texas Association of School Boards cooperative agreement - Estimated amount of \$8,965,950 - Financing: General Fund
22.	All	C	PKR	NC	Authorize an Interlocal Cooperation Agreement with Dallas Independent School District (DISD) to maximize resources and programming opportunities for both City of Dallas (City) Park and Recreation Department and DISD students by ensuring mutual use of City and DISD athletic facilities through July 31, 2022 - Financing: No cost consideration to the City
23.	2, 6, 8, 12	C	PKR	\$867,786.00	Authorize a construction contract for six prefabricated restroom buildings at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue, and Timberglen Park located at 3900 Timberglen Road with Restroom Facilities Ltd. through the Texas Association of School Boards cooperative agreement - Not exceed \$867,786.00 - Financing: Park and Recreation Facilities Fund (2006 General Obligation Bond Fund) (\$64,631.00), Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund) (\$658,524.00) and Elgin B. Robertson Land Sale Fund (\$144,631.00)
24.	1	C	PKR	\$582,480.50	Authorize a construction contract for the Martin Weiss Park Loop Trail located at 3400 West Clarendon Drive - North Rock Construction, LLC, lowest responsible bidder of seven - Not to exceed \$582,480.50 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)
25.	3	C	PKR	\$231,800.00	Authorize Supplemental Agreement No. 1 to the professional services contract with JBI Partners, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Glendale Park Master Plan Phase 1 Implementation Project located at 1515 East Ledbetter Drive - Not to exceed \$231,800.00, from \$47,447.62 to \$279,247.62 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)
26.	1, 2, 3, 4, 5, 6, 7, 8, 14	C	DPD	\$1,800,000.00	Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2019 through September 30, 2022 - Not to exceed \$1,800,000.00 - Financing: General Fund (subject to appropriations)
27.	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)
28.	6	I	DEV	\$104,565.00	Authorize the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Clams Casino, LLC, of approximately 2,257 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project - Not to exceed \$104,565.00 (\$101,565.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement D Fund
29.	6	I	DEV	\$114,684.00	Authorize the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Market Center Boulevard,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					LLC, of approximately 2,724 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project - Not to exceed \$114,684.00 (\$111,684.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement D Fund
30.	14	I	ECO	NC	Authorize a ratification of the fourth amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the third amendment to the Community Development Block Grant development loan agreement with the City of Dallas Housing Finance Corporation (DHFC) for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street to: (1) amend the loan maturity to the 15th anniversary from the date of conversion from construction financing to permanent financing plus 6 months or 6 months from the maturity date of the senior lender note, whichever is later; and (2) increase the minimum investment requirement by DHFC and 2400 Bryan Street, LLC from \$45,000,000.00 to \$45,500,000.00 - Financing: No cost consideration to the City
31.	3	I	ECO	\$500.00	Authorize (1) the adoption of a Resolution of Support for Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of the Dallas Sorcey Road Apartments; and (2) an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
32.	6	I	ECO	\$500.00	Authorize (1) the adoption of a Resolution of Support for Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Dallas Stemmons Apartments; and (2) an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
33.	1	I	ECO	\$500.00	Authorize (1) the adoption of a Resolution of Support for Gateway Oak Cliff, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of the Gateway Oak Cliff; and (2) an agreement with the Applicant for a line of credit in an amount not to exceed

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					\$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
34.	2	I	ECO	\$500.00	Authorize (1) the adoption of a Resolution of Support for Juliette Fowler Senior Affordable Housing, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Juliette Fowler Residences; and (2) authorize an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
35.	6	I	ECO	\$500.00	Authorize (1) the adoption of a Resolution of Support for The Magenta, LLC, an affiliate of Saigebrook Development, LLC (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of The Magenta; and (2) an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
36.	6	I	ECO	\$500.00	Authorize (1) the adoption of a Resolution of Support for Villas at WH 20, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Villas at Western Heights; and (2) an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund
Z1.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1817 for an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District, on the north side of Bruton Road, east of North Masters 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, traffic management plan, and conditions Z189-268(AU)
Z2.	2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and the renewal of Specific Use Permit No. 2108 for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use on property zoned an LC-D-1 Light Commercial Subdistrict within Planned Development District No. 193, the

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>Oak Lawn Special Purpose District and a D-1 Liquor Control Overlay, on the south corner of McKinnon Street and Ivan Street</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>Z189-287(PD)</p>
Z3.	2	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Historic Overlay No. 31, Old Parkland Hospital, and to Planned Development District No. 262 by amending Section 51P-262.112 "Preservation Criteria" on property zoned Tract 3 within Planned Development District No. 262, on the east side of Dallas North Tollway, north of Oak Lawn Avenue and west of Maple Avenue</p> <p>Recommendation of Staff and CPC: Approval, subject to revised preservation criteria, a revised development plan, and revised exhibits</p> <p>Recommendation of Landmark Commission: Approval, subject to revised preservation criteria</p> <p>Z189-299(LC)</p>
Z4.	9	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. 824 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned Planned Development District No. 824, on the northwest corner of Lingo Lane and Millmar Drive</p> <p>Recommendation of Staff and CPC: Approval, subject to a revised development plan, traffic management plan, and conditions</p> <p>Z189-320(PD)</p>
Z5.	6	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with existing deed restrictions [Z056-308], on the north side of Manana Drive, east of Spangler Road</p> <p>Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions</p> <p>Z189-343(AU)</p>
Z6.	14	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses and a public school use and an ordinance granting the repeal of Specific Use Permit No. 893 for a public school use on property</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>zoned MF-2 Multifamily Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with Historic Overlay No. 111 North Dallas High School, on the north corner of McKinney Avenue and North Haskell Avenue</p> <p>Recommendation of Staff and CPC: Approval of a planned development subdistrict, subject to a development plan, traffic management plan, and conditions and approval of the repeal of Specific Use Permit No. 893 Z189-354(SM)</p>
Z7.	14	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2119 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 808, on the south corner of Gaston Avenue and Tucker Street</p> <p>Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions</p> <p>Z189-369(CT)</p>
Z8.	11	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) use on property zoned Subdistrict 3 (Tract 2), Midtown Green Walkable Urban Mixed Use District (WMU-20) within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the southwest corner of Montfort Drive and James Temple Drive</p> <p>Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions</p> <p>Z190-106(CT)</p>
Z9.	13	PH	DEV	NC	<p>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</p> <p>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</p> <p>Recommendation of CPC: Approval of a Planned Development District, subject to a conceptual plan, development plans, height and setbacks</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					diagram, mixed use development parking chart, and conditions; and approval of the termination of Specific Use Permit No. 1172 Z178-358(JM/AU)
Z10.	2	PH	DEV	NC	A public hearing to receive comments regarding an application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street Recommendation of Staff: Approval, subject to a revised Existing Land Use Map Recommendation of CPC: Denial Z189-292(CY)
Z11.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 2 within Planned Development District No. 610, on the northeast corner of Greenville Avenue and Milton Street Recommendation of Staff: Denial Recommendation of CPC: Approval, subject to conditions Z190-109(AU)
Z12.	7	PH	DEV	NC	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

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>period, subject to a site plan and conditions</p> <p>Z189-221(CT)</p> <p>Note: This item was deferred by the City Council before opening the public hearing on January 8, 2020, and is scheduled for consideration on February 12, 2020</p>
Z13.	8	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a new tract on property zoned Tract 1A within Planned Development District No. 751 with existing deed restrictions [Z834-368], on the northeast side of the westbound service road of Lyndon B. Johnson Freeway (IH-20), and the southwest side of Cliff Creek Crossing Drive, between Bainbridge Drive and Chrysalis Drive</p> <p>Recommendation of Staff and CPC: Approval, subject to a revised development/conceptual plan, a revised landscape plan and conditions</p> <p>Z189-315(PD)</p> <p>Note: This item was deferred by the City Council before opening the public hearing on December 11, 2019, and is scheduled for consideration on February 12, 2020</p>
PH1.	2	PH	OEQ	NC	<p>A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by local businesses and individuals (list attached to the Agenda Information Sheet) generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Virtuolotry, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City</p> <p>Recommendation of Staff: Approval</p>
PH2.	8	PH	ECO	NC	<p>A public hearing to receive comments regarding an application by Murdeaux Rehab Development, LP to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the Sphinx at Murdeaux Villas located at 125 South Murdeaux Lane; and, at the close of the public hearing adopt a Resolution of No Objection for Murdeaux Rehab Development, LP, or its affiliate, related to its application to TDHCA for the acquisition and rehabilitation of the Sphinx at Murdeaux Villas - Financing: No cost consideration to the City</p>

TOTAL \$16,319,718.50



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-170

Item #: 1.

SUBJECT

Approval of Minutes of the January 22, 2020 City Council Meeting



Agenda Information Sheet

File #: 20-165

Item #: 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled Adriel Santos v. The City of Dallas, Cause No. DC-19-08555 - Not to exceed \$45,000.00 - Financing: Risk Management Funds

BACKGROUND

Plaintiff Adriel Santos filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on April 12, 2018, involving a Sanitation Services Department vehicle. The City and Mr. Santos have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Jim S. Adler & Associates.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on February 7, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Risk Management Funds	\$45,000.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, a lawsuit styled Adriel Santos v. The City of Dallas, Cause No. DC-19-08555, was filed by the plaintiff, Adriel Santos, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on April 12, 2018, involving a Sanitation Services Department vehicle; and

WHEREAS, the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Adriel Santos, Jim S. Adler & Associates, and all other persons having an interest in the settlement proceeds, the total amount of \$45,000.00; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled Adriel Santos v. The City of Dallas, Cause No. DC-19-08555, in an amount not to exceed \$45,000.00, is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Adriel Santos, Jim S. Adler & Associates, and all other persons having an interest in the settlement proceeds, the amount of \$45,000.00 from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

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.



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-169

Item #: 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled Robert Keating v. The City of Dallas, Cause No. DC-19-04624 - Not to exceed \$59,500.00 - Financing: Risk Management Funds

BACKGROUND

Plaintiff Robert Keating filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on April 13, 2018, involving a Dallas Public Works Department cement truck. The City and Mr. Keating have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Chalaki Law, P.C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on February 7, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Risk Management Funds	\$59,500.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, a lawsuit styled Robert Keating v. The City of Dallas, Cause No. DC-19-04624, was filed by the plaintiff, Robert Keating, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on April 13, 2018, involving a Dallas Public Works Department cement truck; and

WHEREAS, the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Robert Keating, Chalaki Law, P.C., and all other persons having an interest in the settlement proceeds, the total amount of \$59,500.00; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit styled Robert Keating v. The City of Dallas, Cause No. DC-19-04624, in an amount not to exceed \$59,500.00, is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Robert Keating, Chalaki Law, P.C., and all other persons having an interest in the settlement proceeds, the amount of \$59,500.00 from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

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 #: 20-195

Item #: 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize Supplemental Agreement No. 5 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443 - Not to exceed \$300,000.00, from \$875,000.00 to \$1,175,000.00 - Financing: Risk Management Funds

BACKGROUND

Supplemental Agreement No. 5 will authorize Moses, Palmer & Howell, L.L.P., to provide additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 19, 2013, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal advice regarding laws pertaining to mineral rights and potential litigation by Resolution No. 13-1036.

City Council was briefed by memorandum regarding this matter on November 9, 2018.

On November 14, 2018, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, by Resolution No. 18-1585.

City Council was briefed by memorandum regarding this matter on April 5, 2019.

On April 10, 2019, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, by Resolution No. 19-0487.

City Council was briefed by memorandum regarding this matter on November 8, 2019.

On November 13, 2019, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, by Resolution No. 19-1747.

City Council will be briefed by memorandum regarding this matter on February 7, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Risk Management Funds	\$300,000.00	\$0.00	\$0.00

Original Contract	\$ 50,000.00
Supplemental Agreement No. 1	\$ 150,000.00
Supplemental Agreement No. 2	\$ 100,000.00
Supplemental Agreement No. 3	\$ 275,000.00
Supplemental Agreement No. 4	\$ 300,000.00
Supplemental Agreement No. 5 (this action)	<u>\$ 300,000.00</u>
Total	\$1,175,000.00

February 12, 2020

WHEREAS, the City of Dallas has engaged Moses, Palmer & Howell, L.L.P. to provide legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443; and

WHEREAS, on April 8, 2013, Administrative Action No. 13-5401, authorized a professional services contract with Moses, Palmer & Howell, L.L.P., to provide legal advice regarding laws pertaining to mineral rights and potential litigation, in an amount not to exceed \$50,000.00; and

WHEREAS, on June 19, 2013, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal advice regarding laws pertaining to mineral rights and potential litigation, in an amount not to exceed \$150,000.00, from \$50,000.00 to \$200,000.00, by Resolution No. 13-1036; and

WHEREAS, on November 14, 2018, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$100,000.00, from \$200,000.00 to \$300,000.00, by Resolution No. 18-1585; and

WHEREAS, on April 10, 2019, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$275,000.00, from \$300,000.00 to \$575,000.00, by Resolution No. 19-0487; and

WHEREAS, on November 13, 2019, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Moses, Palmer & Howell, L.L.P., for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$300,000.00, from \$575,000.00 to \$875,000.00, by Resolution No. 19-1747; and

WHEREAS, the professional legal services of Moses, Palmer & Howell, L.L.P., continue to be necessary.

Now, Therefore,

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

February 12, 2020

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with Moses, Palmer & Howell, L.L.P., approved as to form by the City Attorney, for additional legal services in the lawsuit styled Trinity East Energy, LLC v. City of Dallas, Texas, Cause No. DC-14-01443, in an amount not to exceed \$300,000.00, increasing the contract amount from \$875,000.00 to \$1,175,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$300,000.00 in periodic payments to Moses, Palmer & Howell, L.L.P., Fund 0192, Department ORM, Unit 3890, Object 3033, Encumbrance CT-ATT389013J287, Vendor VS0000023531.

SECTION 3. That this contract is designated as Contract No. ATT-2019-00008440.

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 #: 20-187

Item #: 5.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

A resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuances of **(1)** General Obligation Refunding and Improvement Bonds, Series 2020 in an amount not to exceed \$280,000,000; **(2)** Certificates of Obligation, Series 2020 in an amount not to exceed \$16,000,000; and **(3)** Equipment Notes, Series 2020 in an amount not to exceed \$33,000,000 - Total not to exceed \$329,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

Pursuant to elections held in November 2017, the residents of Dallas voted and authorized the City to issue general obligation bonds for the purpose of providing funds for permanent public improvements. The adopted FY 2019-20 capital budget assumed the issuance of approximately \$232 million in General Obligation bonds and \$30 million in equipment acquisition notes in FY 2019-20. Additional monies are needed to finance restoration of City facilities damaged by severe storms. The City's financial advisors, PFM Financial Advisors LLC, recommend: **(1)** issuance of refunding and improvement bonds to refund a portion of Series 2010C bonds and to finance capital improvement projects at the City, in an amount not to exceed \$280,000,000; **(2)** issuance of certificates of obligation to finance restoration of damages to City facilities following severe storms, in an amount not to exceed \$16,000,000; and **(3)** issuance of equipment notes to finance the purchase of City equipment, in an amount not to exceed \$33,000,000.

The City's financial advisors recommend collectively issuing up to \$329,000,000 in bonds, certificates of obligation, and equipment notes for the purpose of funding capital improvements, repairing structural damage to the City, and for the purchase of necessary equipment to maintain City services. The issuance and sale of the bonds, certificates of obligation, and equipment notes is contingent upon City Council's approval to begin preparations of the issuances, approval of a Notice of Intent to issue Certificates of Obligation concurrently with this item, and parameters Ordinances currently scheduled for consideration and approval by the City Council in April 2020.

ESTIMATED SCHEDULE OF PROJECT

Authorize Preparation for Issuance of Bonds	February 2020
Authorize Notice of Intent	February 2020
Approval of Parameters Ordinances	April 2020
Pricing	April 2020
Delivery of Proceeds	May 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on February 7, 2020.

FISCAL INFORMATION

This action has no cost consideration to the City. The anticipated cost of issuance is \$890,000 from Series 2020 General Obligation Refunding and Improvement Bond Funds, \$110,000 from 2020 Certificates of Obligation Funds, and \$145,000 from 2020 Equipment Acquisition Notes Funds; for a total estimated amount of \$1,145,000. See Attachment I.

Attachment I provides an estimate of bond issuance costs for the proposed bonds, certificates of obligation, equipment notes, and the M/WBE participation. Payment of fees and expenses is contingent upon the issuance and sale of the General Obligation Refunding and Improvement Bonds, Series 2020; Certificates of Obligation, Series 2020; and Equipment Notes, Series 2020.

February 12, 2020

WHEREAS, the adopted Capital Improvement Program, currently underway and scheduled, requires issuance of an amount not to exceed \$280,000,000 of General Obligation Refunding and Improvement Bonds, Series 2020; for the purpose of financing capital improvement projects at the City; and

WHEREAS, the adopted Capital Improvement Program, currently underway and scheduled, requires issuance of an amount not to exceed \$33,000,000 of Equipment Notes, Series 2020; for the purpose of financing the purchase of City equipment; and

WHEREAS, the City will issue the proposed Certificates of Obligation, Series 2020 in an amount not to exceed \$16,000,000 for the purpose of financing capital improvements to City facilities damaged by severe storms, pursuant to the authority granted by Subchapter C of Chapter 271, Texas Local Government Code (the "Certificate of Obligation Act of 1971"), as amended; and

WHEREAS, the General Obligation Refunding and Improvement Bonds, Series 2020; Equipment Notes, Series 2020; and Certificates of Obligation, Series 2020 are collectively referenced herein as the "Bonds;" and

WHEREAS, the City Council hereby finds that, in order to accomplish the Issuances in a timely and cost-efficient manner, the City Manager, the City Attorney, the City's Financial Advisors, the City's Co-Bond Counsel, and the City's Disclosure Counsel (collectively, the "Necessary Parties") should be authorized and directed to take such action and prepare documents as necessary in order to accomplish the sale of the Bonds.

Now, Therefore,

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

SECTION 1. That the Necessary Parties are hereby authorized to take action and prepare documents, including, without limitation, the actions specified in this resolution, needed to accomplish the sale of the Bonds, in a collective principal amount not to exceed \$329,000,000, with the sale of the Bonds scheduled to occur in a timely manner.

SECTION 2. That the Necessary Parties are hereby authorized and directed to prepare an Official Statement with respect to such obligations and to take such other action and prepare such other documents as are necessary and incidental to the issuance, sale, and delivery of the Bonds.

SECTION 3. That the City Manager is hereby authorized to use the previously contracted professional services of PFM Financial Advisors LLC as financial advisors for the sale of the Bonds. Payment for the advisory services of PFM (VC16222) is estimated to

SECTION 3. (continued)

be \$314,350 and shall be made from proceeds after delivery of the Bonds.

SECTION 4. That the City Manager is hereby authorized to use the previously contracted professional services of Bracewell L.L.P. and West & Associates, P.C. as co-bond counsel in connection with the sale and delivery of the Bonds. If Bonds are issued, payment for the opinion of Bracewell L.L.P. (VS0000056820) shall be at the rate of \$0.30 per \$1,000 increment of obligations issued plus an hourly rate of \$150 to \$475 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$271,850), and shall be made from the bond proceeds.

If Bonds are issued, payment for the opinion of West & Associates L.L.P., P.C. (330805) shall be at the rate of \$0.20 per \$1,000 increment of obligations issued plus an hourly rate of \$150 to \$475 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$163,600), and shall be made from bond proceeds.

SECTION 5. That the City Manager is hereby authorized to use contracted professional services of Norton Rose Fulbright US LLP (VC0000006239) as Disclosure Counsel in connection with the sale and delivery of the Bonds. Payment for the opinion of Norton Rose Fulbright US LLP shall be at the rate of \$0.20 per \$1,000 increment of obligations issued plus an hourly rate of \$475 and lower for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$150,000) and shall be made from the proceeds after delivery of the Bonds.

SECTION 6. That the City Manager is hereby authorized to obtain bond ratings from Fitch Ratings (VC14720) and from Standard & Poor's, Inc. (954974) in connection with the sale of the Bonds. Payment for the bond ratings is estimated to be \$197,825 and shall be made from proceeds after delivery of the Bonds.

SECTION 7. That the Chief Financial Officer is hereby authorized to make payments for printing services to print and mail official statements. Payment for printing services is estimated to be \$5,000 and shall be made from the proceeds after delivery of the Bonds.

SECTION 9. That the Chief Financial Officer is hereby authorized to make payment to UMB Bank, N.A. for services provided as paying agent/registrar with respect to the Bonds at an annual cost of \$600 plus mailing expenses from the General Fund 0001, Department CCO, Unit 1126, Object 3537, (VS92247) upon issuance of the Bonds.

SECTION 10. That the proceeds received from the sale of the Bonds shall be deposited by type in Series 2020 General Obligation Refunding and Improvement Bond Funds, Fund 0682, Department BMS, Unit 0640, Revenue Code 8448; 2020 Certificates of Obligation Funds, Fund 0792, Department BMS, Unit 0644, Revenue Code 8448; 2020 Equipment Acquisition Notes Fund, Fund 0770, Department BMS, Unit 0643,

February 12, 2020

SECTION 10. (continued)

Revenue Code 8448. Any accrued interest from these proceeds will be deposited in the Debt Service Fund, Fund 0981, Department BMS, Revenue Code 8438.

SECTION 11. That the City Manager is hereby authorized and directed to file an Official Statement with respect to such Bonds and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the Bonds with the Attorney General; and that the Chief Financial Officer be and is hereby authorized to make the payment for filing with the Attorney General's office (344989) prior to receiving the Bond proceeds. The cost is estimated to be \$28,500 and shall be made from the General Fund 0001, Department CCO, Unit 1126, Object 3537 and shall be reimbursed from Bond proceeds.

SECTION 12. That the Chief Financial Officer is hereby authorized to make payments for miscellaneous services relating to the sale of the Bonds. Payments for the miscellaneous services are estimated to be \$13,275 and shall be made after delivery of the Bonds.

SECTION 13. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Attachment I

Estimate of Total Issuance Costs and M/WBE Participation

	<u>Fees</u>	<u>Percent of Total Costs</u>
Co-Bond Counsel		
Bracewell (Vendor VS0000056820)	\$271,850	24%
West & Associates (Vendor 330805)	\$163,600	14%
Disclosure Counsel		
Norton Rose Fulbright US LLP (Vendor VC0000006239)	\$150,000	13%
Financial Advisor		
PFM (Vendor VC16222)	\$314,350	27%
Printing Fee		
TBD	\$5,000	0%
Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	\$600	0%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	\$90,000	8%
S&P Global (Vendor 954974)	\$107,825	9%
Attorney General Filing Fee	\$28,500	2%
Misc. Expenses	<u>\$13,275</u>	<u>1%</u>
Total Issuance Costs	<u><u>\$1,145,000</u></u>	<u><u>100%</u></u>
Total M/WBE Participation as % of Total Issuance Costs:	\$168,600	15%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the General Obligation Refunding & Improvement Bonds, Series 2020; Certificates of Obligation, Series 2020; and Equipment Notes, Series 2020.

General Obligation Refunding & Improvement Bonds, Series 2020
\$280,000,000

Estimate of Issuance Costs and M/WBE Participation

	<u>Fees</u>	<u>Percent of Total Costs</u>
Co-Bond Counsel		
Bracewell (Vendor VS0000056820)	\$207,500	23%
West & Associates (Vendor 330805)	124,000	14%
Disclosure Counsel		
Norton Rose Fulbright US LLP (Vendor VC0000006239)	128,834	14%
Financial Advisor		
PFM (Vendor VC16222)	241,650	27%
Printing Fee		
TBD	4,294	0%
Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	200	0%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	77,301	9%
S&P Global (Vendor 954974)	92,610	10%
Attorney General Filing Fee	9,500	1%
Misc. Expenses	<u>4,110</u>	<u>0%</u>
Total Issuance Costs	<u><u>\$890,000</u></u>	<u><u>100%</u></u>
 Total M/WBE Participation as % of Total Issuance Costs:	 \$128,294	 14%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the General Obligation Refunding & Improvement Bonds, Series 2020.

Certificates of Obligation, Series 2020 - \$16,000,000

Estimate of Issuance Costs and M/WBE Participation

	<u>Fees</u>	<u>Percent of Total Costs</u>
Co-Bond Counsel		
Bracewell (Vendor VS0000056820)	\$28,600	26%
West & Associates (Vendor 330805)	17,600	16%
Disclosure Counsel		
Norton Rose Fulbright US LLP (Vendor VC0000006239)	7,362	7%
Financial Advisor		
PFM (Vendor VC16222)	32,150	29%
Printing Fee		
TBD	245	0%
Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	200	0%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	4,417	4%
S&P Global (Vendor 954974)	5,292	5%
Attorney General Filing Fee	9,500	9%
Misc. Expenses	<u>4,633</u>	<u>4%</u>
Total Issuance Costs	<u><u>\$110,000</u></u>	<u><u>100%</u></u>
 Total M/WBE Participation as % of Total Issuance Costs:	 \$17,845	 16%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the Certificates of Obligation, Series 2020.

Equipment Notes, Series 2020 - \$33,000,000

Estimate of Issuance Costs and M/WBE Participation

	<u>Fees</u>	<u>Percent of Total Costs</u>
Co-Bond Counsel		
Bracewell (Vendor VS0000056820)	\$35,750	25%
West & Associates (Vendor 330805)	22,000	15%
Disclosure Counsel		
Norton Rose Fulbright US LLP (Vendor VC0000006239)	13,804	10%
Financial Advisor		
PFM (Vendor VC16222)	40,550	28%
Printing Fee		
TBD	460	0%
Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	200	0%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	8,282	6%
S&P Global (Vendor 954974)	9,923	7%
Attorney General Filing Fee	9,500	7%
Misc. Expenses	<u>4,531</u>	<u>3%</u>
Total Issuance Costs	<u><u>\$145,000</u></u>	<u><u>100%</u></u>
Total M/WBE Participation as % of Total Issuance Costs:	\$22,460	15%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the Equipment Notes, Series 2020.



Agenda Information Sheet

File #: 20-188

Item #: 6.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): All

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

A resolution of the City Council of the City of Dallas, Texas, authorizing the publication of Notice of Intention to Issue Certificates of Obligation; approving the preparation of a preliminary official statement and a Notice of Sale; and providing for the effective date thereof - Financing: No cost consideration to the City

BACKGROUND

The City's financial advisors recommend the issuance of certificates of obligation to finance restoration and capital improvements of City facilities damaged by severe storms, in an amount not to exceed \$16,000,000. Federal tax regulations allow for the reimbursement of capital expenditures from bond or short-term debt proceeds. These regulations can be used to begin implementation prior to issuance of bonds or commercial paper.

Additionally, State law requires City Council approval of a Notice of Intention to Issue Certificates of Obligation under and pursuant to the provisions of the Texas Local Government Code, Section 271.049, as amended.

Passage of this resolution will authorize the publication of the Notice of Intention to Issue Certificates of Obligation and allow for expenditures in advance of the certificates of obligation, scheduled in April 2020.

ESTIMATED SCHEDULE OF PROJECT

Authorize Preparation for Issuance of Bonds	February 2020
Authorize Notice of Intent	February 2020
Approval of Parameters Ordinances	April 2020
Pricing	April 2020
Delivery of Proceeds	May 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on February 7, 2020.

FISCAL INFORMATION

No cost consideration to the City.

February 12, 2020

WHEREAS, the City Council (the “City Council”) of the City of Dallas, Texas (the “City”), deems it advisable to issue certificates of obligation (the “Certificates”) of the City for the purpose of financing capital improvements to City Facilities and infrastructure and restoration of damages resulting from severe storms in an amount not to exceed \$16,000,000 and in accordance with the notice hereinafter set forth; and

WHEREAS, the City desires to approve the preparation of a preliminary official statement (the “Preliminary Official Statement”) and the preparation of a notice of sale (“Notice of Sale”), in anticipation of its issuance of the Certificates; and

WHEREAS, the City Council has found and determined that a notice of intention to issue certificates of obligation should be published in accordance with the requirements of Section 271.049 of the Texas Local Government Code; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code.

Now, Therefore,

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

SECTION 1. That the findings, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

SECTION 2. That the City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

SECTION 3. That the Notice shall be published once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

February 12, 2020

SECTION 4. That for purposes of section 1.150-2(d) of the Treasury Regulations, this Notice serves as the City's official declaration of intent to use proceeds of the Certificates to reimburse itself from Certificates issued in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than sixty (60) days prior to the date hereof and (ii) not later than eighteen (18) months after the later of (A) the date the original expenditure is paid or (B) the date of with the project to which such expenditure relates is placed in service or abandoned, but in to event more than three (3) years after the original expenditure is paid.

SECTION 5. That the Mayor, City Manager, any Assistant City Manager, the Chief Financial Officer, City Secretary and other appropriate officials of the City, the City's financial advisor, PFM Financial Advisors LLC, disclosure counsel, Norton Rose Fulbright LLP and co-bond counsel, Bracewell LLP and West & Associates, LLP, are authorized and directed to proceed with the preparation of the Preliminary Official Statement and the Notice of Sale, if any, and to make other necessary arrangements for the sale of the Certificates at a future meeting of the City Council of the City.

SECTION 6. That the City hereby authorizes the preparation and distribution of a Notice of Sale and Preliminary Official Statement relating to the Certificates and authorizes the Chief Financial Officer or City Manager to approve the final form of and deem final such Preliminary Official Statement within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 of the United States Securities and Exchange Commission.

SECTION 7. That the Mayor, City Manager, any Assistant City Manager or the Chief Financial Officer, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

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.

(Signature page follows)

February 12, 2020

INTRODUCED, READ AND PASSED by the affirmative vote of the City Council of the City of Dallas, Texas this 12th day of February, 2020.

By: _____
Name: Eric Johnson
Title: Mayor

ATTEST:

By: _____
Name: Bilierae Johnson
Title: City Secretary

[SEAL]

APPROVED AS TO FORM

Christopher J. Caso
Interim City Attorney

By: _____
Name: Christopher J. Caso
Title: Interim City Attorney

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Dallas, Texas (the "City"), will meet in the Council Chambers at the City Hall, 1500 Marilla Street, Dallas, Texas, 75201 the regular meeting place of the City Council, at 9:00 a.m. on the 8th day of April 2020, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation (the "Certificates"), in the maximum aggregate principal amount not to exceed \$16,000,000, payable from the levy of a direct and continuing ad valorem tax against all taxable property within the City sufficient to pay the interest on this series of Certificates as due and to provide for the payment of the principal thereof as the same matures, as authorized by Chapter 271, Subchapter C, Texas Local Government Code, as amended, and from all or a part of the surplus revenues of the City's municipal drainage revenue system, such pledge of surplus revenues being limited to \$1,000, bearing interest at any rate or rates not to exceed the maximum interest rate authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the Certificates, and maturing over a period not to exceed ten (10) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with (i) designing, constructing, improving, equipping and furnishing fire station facilities for stations #41 and #19; and (ii) professional services incurred in connection with items (i) and (ii), and to pay the costs incurred in connection with the issuance of the Certificates. The estimated combined principal and interest required to pay the Certificates on time and in full is \$18,000,993.75. Such estimate is provided for illustrative purposes only, and is based on an assumed interest rate of 2.26%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City is \$2,060,812,115, and based on the City's expectations, as of the date of this notice the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City on time and in full is \$3,163,467,690.96.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 12th day of February, 2020.

/s/Biliera Johnson, City Secretary

City of Dallas, Texas



Agenda Information Sheet

File #: 20-14

Item #: 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. for additional services including electrical re-design, entry signage design, public art installation coordination, increased project management, project and bid phasing services, additional construction management and traffic signal modifications at pedestrian crossings for the Dallas Love Field Entry Road - Not to exceed \$331,400.00, from \$1,095,000.00 to \$1,426,400.00 - Financing: Aviation Construction Fund

BACKGROUND

The 2015 Dallas Love Field, Airport Master Plan Update adopted by City Council identified several strategic development programs for safe, efficient, economically vibrant and responsive operations of the airport. The Dallas Love Field Entry Road was one of several projects undertaken in response to the recommendations in the Airport Master Plan Update.

The project will install enhanced pedestrian pathways, landscaping, street and pedestrian lighting, and signage along Herb Kelleher Way, which is the entry road to the airport. Improvements will also include installation of major public art sculpture as a placemaking symbol of the airport.

On April 11, 2018, City Council authorized a professional services contract with Freese and Nichols, Inc. for design and engineering services for improvements to the Dallas Love Field Entry Road, in an amount not to exceed \$1,095,000.00, by Resolution No. 18-0517.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. for additional services beyond the scope of the original contract, including, but not limited to:

- Additional design efforts to incorporate public art sculpture
- Electrical engineering design efforts to install "smart" streetlights of three different heights
- Traffic signal modifications to add pedestrian phasing at new crosswalk

- Additional Air Space study per Federal Aviation Administration requirements
- Signage and wayfinding features
- Additional bid phasing services
- Additional construction phasing services

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2018
Complete Design	March 2020
Begin Construction	October 2020
Complete Construction	November 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 11, 2018, City Council authorized a professional services contract with Freese and Nichols, Inc. for design and engineering services for improvements to the Dallas Love Field Entry Road by Resolution No. 18-0517.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Aviation Construction Fund	\$331,400.00	\$0.00	\$0.00

Original Contract	\$1,095,000.00
Supplemental Agreement No. 1 (this action)	<u>\$ 331,400.00</u>
Total Contract Cost	\$1,426,400.00

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 \$
\$331,400.00	Architectural & Engineering	25.66%	25.66%	\$85,040.00
• This contract meets the M/WBE goal.				
• Supplemental Agreement No. 1 - 27.18% Overall M/WBE participation				

OWNER

Freese and Nichols, Inc.

Chris Bosco, P.E., Vice President

MAP

Attached



ENTRY ROAD ENHANCEMENTS PROJECT



February 12, 2020

WHEREAS, the 2015 Dallas Love Field, Airport Master Plan Update adopted by City Council identified several strategic development programs for safe, efficient, economically vibrant and responsive operations of the airport; and

WHEREAS, the Dallas Love Field Entry Road was one of several projects undertaken in response to the recommendations in the Airport Master Plan Update; and

WHEREAS, on April 11, 2018, City Council authorized a professional services contract with Freese and Nichols, Inc. for design and engineering services for improvements to the Dallas Love Field Entry Road, in an amount not to exceed \$1,095,000.00, by Resolution No. 18-0517; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. for additional services including electrical re-design, entry signage design, public art installation coordination, increased project management, project and bid phasing services, additional construction management and traffic signal modifications at pedestrian crossings for the Dallas Love Field Entry Road, in an amount not to exceed \$331,400.00, increasing the contract amount from \$1,095,000.00 to \$1,426,400.00.

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 Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc., approved as to form by the City Attorney, for additional services including electrical re-design, entry signage design, public art installation coordination, increased project management, project and bid phasing services, additional construction management and traffic signal modifications at pedestrian crossings for the Dallas Love Field Entry Road, in an amount not to exceed \$331,400.00, increasing the contract amount from \$1,095,000.00 to \$1,426,400.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$331,400.00 to Freese and Nichols, Inc. in accordance with the terms and conditions of the contract from the Aviation Construction Fund, Fund 0131, Department AVI, Unit W167, Object 4111, Activity AAIP, Program AVIW167, Commodity 92500, Encumbrance/Contract No. CX-EBS-2017-00001667, Vendor 347200.

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 #: 20-88

Item #: 8.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 2, 5, 10, 12

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Alpha Testing, Inc. to provide construction material testing services during the construction of the Alley Reconstruction Groups 17-1204, 17-2004, 17-5005, and 17-10001 (list attached to the Agenda Information Sheet) - Not to exceed \$149,975.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund)

BACKGROUND

The Request for Qualifications (CIZ1728) was issued on August 27, 2018 for the 2018 Construction Material Testing Services. The consulting firm, Alpha Testing Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract for the construction material testing services for construction of the Alley Reconstruction Groups 17-1204, 17-2004, 17-5005, and 17-10001. These testing services are required to assure that the material utilized during construction is in conformance with the quality required by the project specifications.

Following are the locations and construction costs for each project:

Alley Reconstruction Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Briar Cliff Road (1503-1551) and Mesa Circle (5503-5537)	2	\$ 2,430.00
West Lovers Lane (2503-2623) and West Amherst Avenue (2502-2614)	2	\$ 2,708.50

Hawick Lane (3805-3945) and Eaton Drive (3804-3858)	2	\$ 8,324.50
Live Oak Street (4503-4535) and Bryan Street (4514-4522)	2	\$ 2,397.50
Thrush Street (4902-5032) and Wenonah Drive (4903-5033)	2	\$ 7,782.50
North Prairie Avenue (503-511) and Tremont Street (4721-4721)	2	\$ 1,787.00
Lahoma Street (5100-5152) and North Hall Street (5101-5147)	2	\$ 7,028.50
Willis Avenue (5300-5358) and Richard Avenue (5303-5355)	2	\$11,110.50
Shayna Drive (10005 - 10119) and Hymie Circle (10002-10106)	5	\$ 8,356.50
Castlerock Drive (10315-10542) and Checota Drive (10315-10529) and Gardenside Drive (1608-1604)	5	\$ 9,597.00
Red Cloud Drive (1611-1727) and Faircloud Drive (9704-9780)	5	\$ 5,037.00
Red Cloud Drive (1830-1886) and Glengreen Drive (9803-9851)	5	\$ 6,577.00
Red Cloud Drive (1885-2025) and Corvette Drive (2002-2080)	5	\$ 6,804.00
Webb Kay Drive (9003-9131) and Windy Crest Drive (9006-9132)	10	\$ 9,614.00
Dartridge Drive (9506-9650) and Covemeadow Drive (9605-9679)	10	\$ 7,657.00
Greensprint Drive (9603-9616) and Church Road (9626-9626)	10	\$ 2,588.50
Shady Dale Lane (9606-9734) and Shoreview Road (9709-9733)	10	\$ 4,322.00

Buxhill Drive (9805-8805) and Chiswell Road (9804-9846) and Fenchurch Road (8805-8817)	10	\$ 4,011.00
La Sobrina Drive (7607-7777) and Querida Lane (7624-7772)	12	\$10,749.00
La Manga Drive (7620-7768) and Querida Lane (7625-7771)	12	\$ 9,807.00
La Verdura Drive (7805-7871) and El Pastel Drive (7806-7846)	12	\$ 6,691.00
Querida Lane (7805-7887) and La Manga Drive (7808-7858)	12	\$ 6,691.00
Querida Lane (7806-7870) and La Sobrina Drive (7807-7867)	12	\$ 7,904.00

ESTIMATED SCHEDULE OF PROJECT

Begin Testing	March 2020
Complete Testing	March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$149,975.00	\$0.00	\$0.00

<u>Council District</u>	<u>Amount</u>
2	\$ 43,569.00
5	\$ 36,371.50
10	\$ 28,192.50
12	<u>\$ 41,842.00</u>
Total	\$149,975.00

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 \$
\$149,975.00	Architectural & Engineering	25.66%	25.66%	\$38,483.59
• This contract meets the M/WBE goal.				

OWNER

Alpha Testing, Inc.

Ken Combs, Vice President

MAPS

Attached

Alley Reconstruction Groups 17-1204, 17-2004, 17-5005 and 17-10001

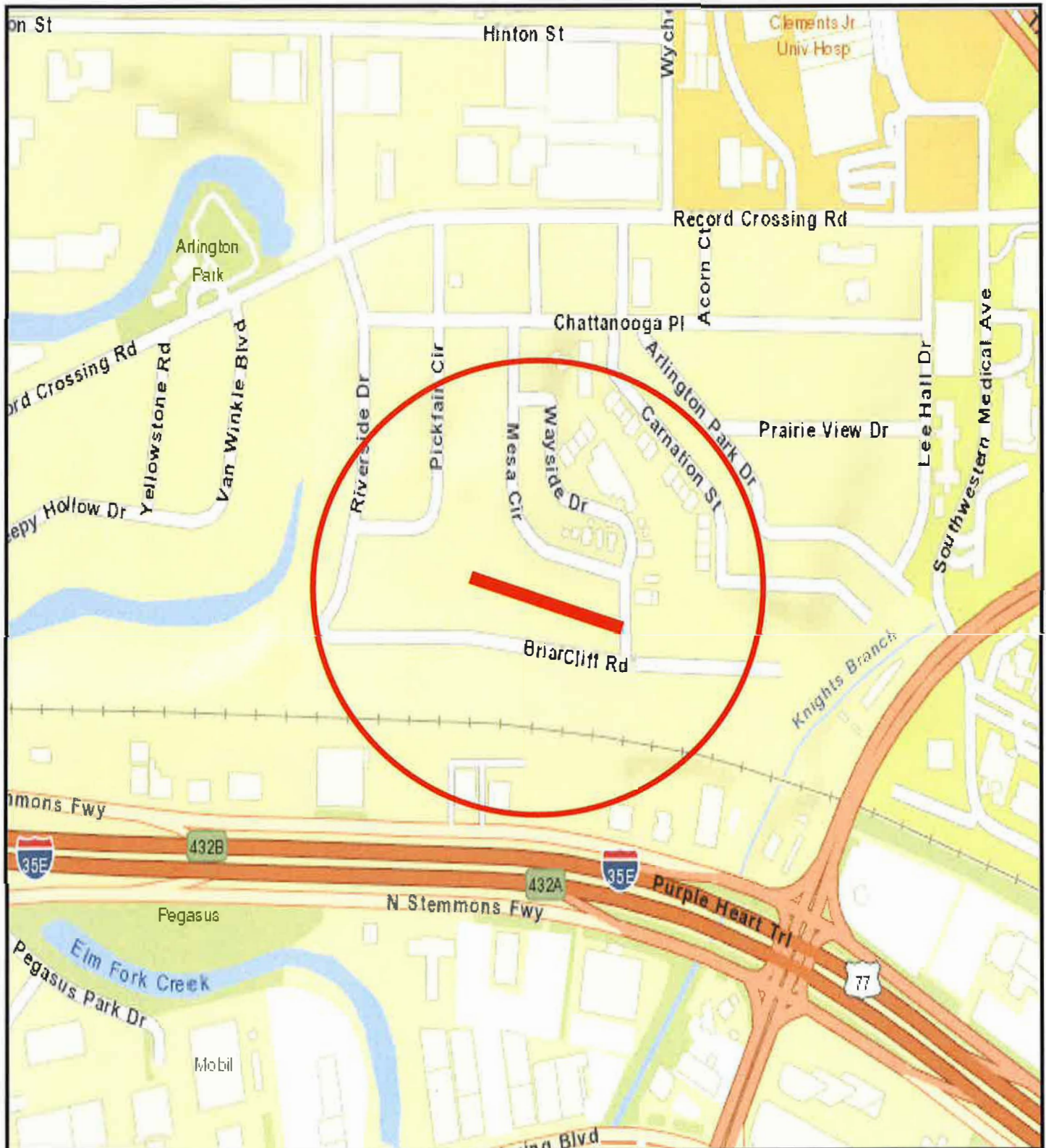
Alley Reconstruction Improvements

<u>Project</u>	<u>Council District</u>
Briar Cliff Road (1503-1551) and Mesa Circle (5503-5537)	2
West Lovers Lane (2503-2623) and West Amherst Avenue (2502-2614)	2
Hawick Lane (3805-3945) and Eaton Drive (3804-3858)	2
Live Oak Street (4503-4535) and Bryan Street (4514-4522)	2
Thrush Street (4902-5032) and Wenonah Drive (4903-5033)	2
North Prairie Avenue (503-511) and Tremont Street (4721-4721)	2
Lahoma Street (5100-5152) and North Hall Street (5101-5147)	2
Willis Avenue (5300-5358) and Richard Avenue (5303-5355)	2
Shayna Drive (10005 – 10119) and Hymie Circle (10002-10106)	5
Castlerock Drive (10315-10542) and Checota Drive (10315-10529) and Gardenside Drive (1608-1604)	5
Red Cloud Drive (1611-1727) and Faircloud Drive (9704-9780)	5
Red Cloud Drive (1830-1886) and Glengreen Drive (9803-9851)	5
Red Cloud Drive (1885-2025) and Corvette Drive (2002-2080)	5

Webb Kay Drive (9003-9131) and Windy Crest Drive (9006-9132)	10
Dartridge Drive (9506-9650) and Covemeadow Drive (9605-9679)	10
Greensprint Drive (9603-9616) and Church Road (9626-9626)	10
Shady Dale Lane (9606-9734) and Shoreview Road (9709-9733)	10
Buxhill Drive (9805-8805) and Chiswell Road (9804-9846) and Fenchurch Road (8805-8817)	10
La Sobrina Drive (7607-7777) and Querida Lane (7624-7772)	12
La Manga Drive (7620-7768) and Querida Lane (7625-7771)	12
La Verdura Drive (7805-7871) and El Pastel Drive (7806-7846)	12
Querida Lane (7805-7887) and La Manga Drive (7808-7858)	12
Querida Lane (7806-7870) and La Sobrina Drive (7807-7867)	12

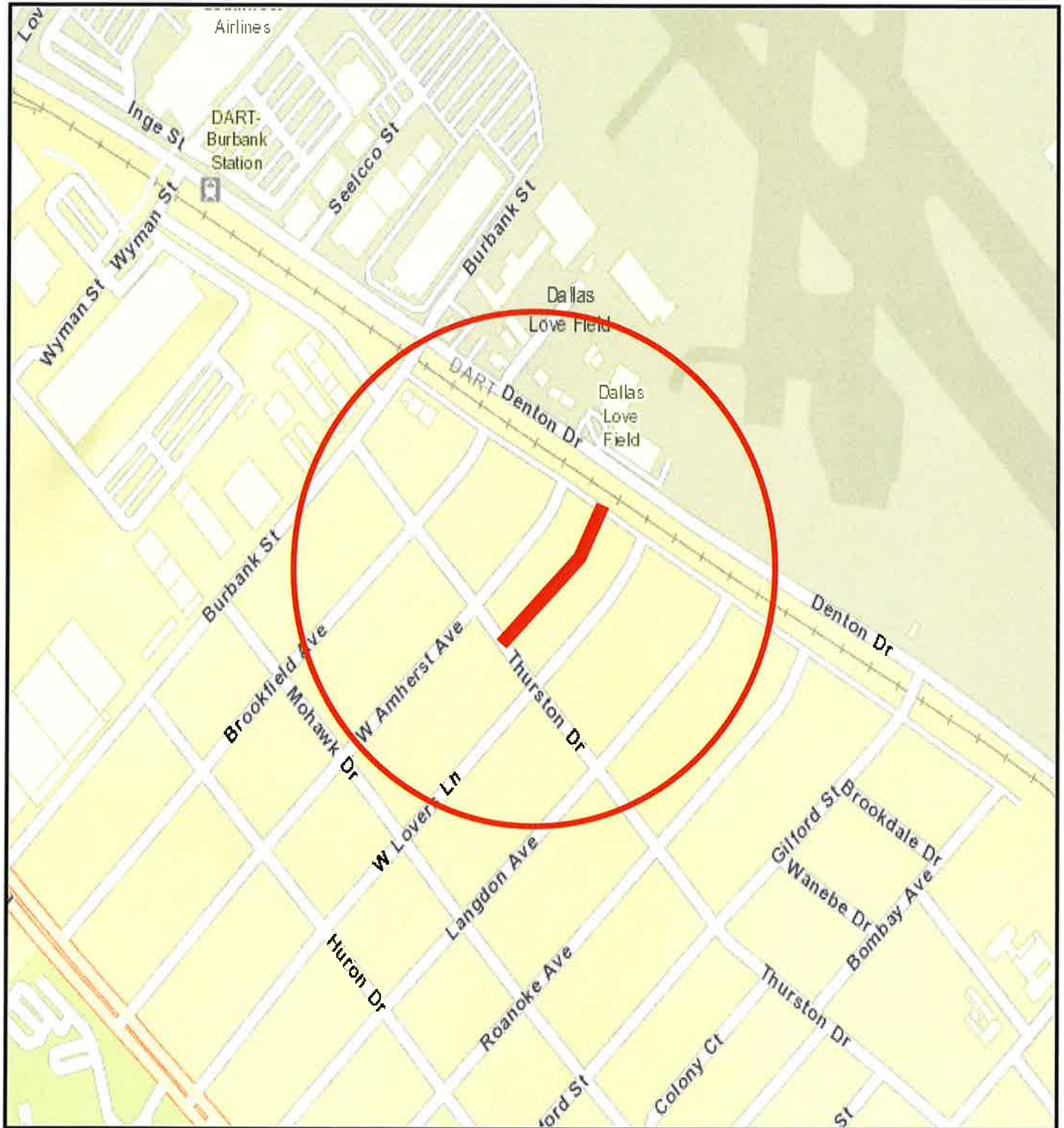
ALLEY RECONSTRUCTION

1503 - 1551 BRIARCLIFF ROAD & 5503 - 5537 MESA CIRCLE



COUNCIL DISTRICT 2

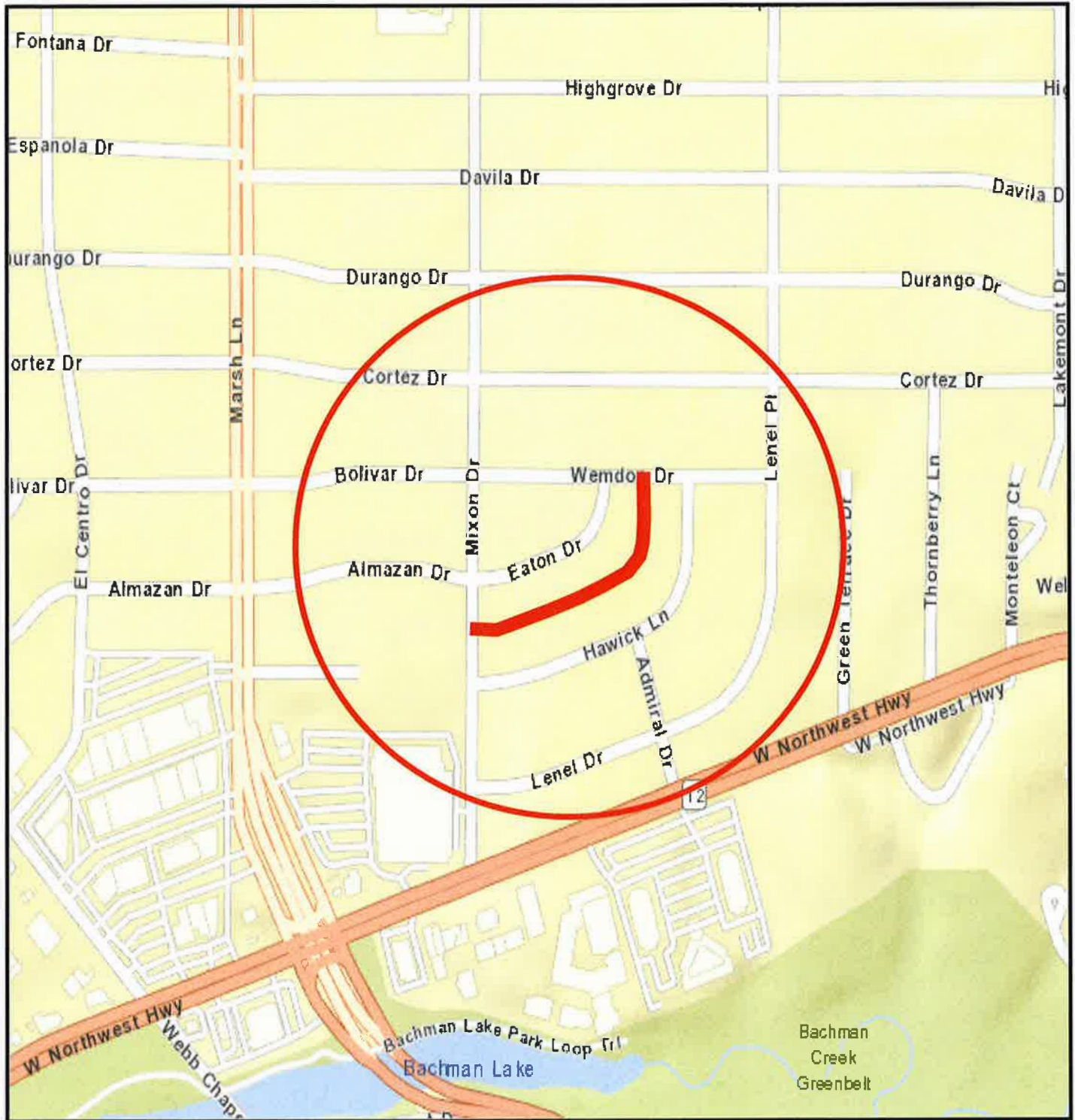
**ALLEY RECONSTRUCTION
2503 - 2623 W. LOVERS LANE &
2502 - 2614 W. AMHERST AVENUE**



COUNCIL DISTRICT 2

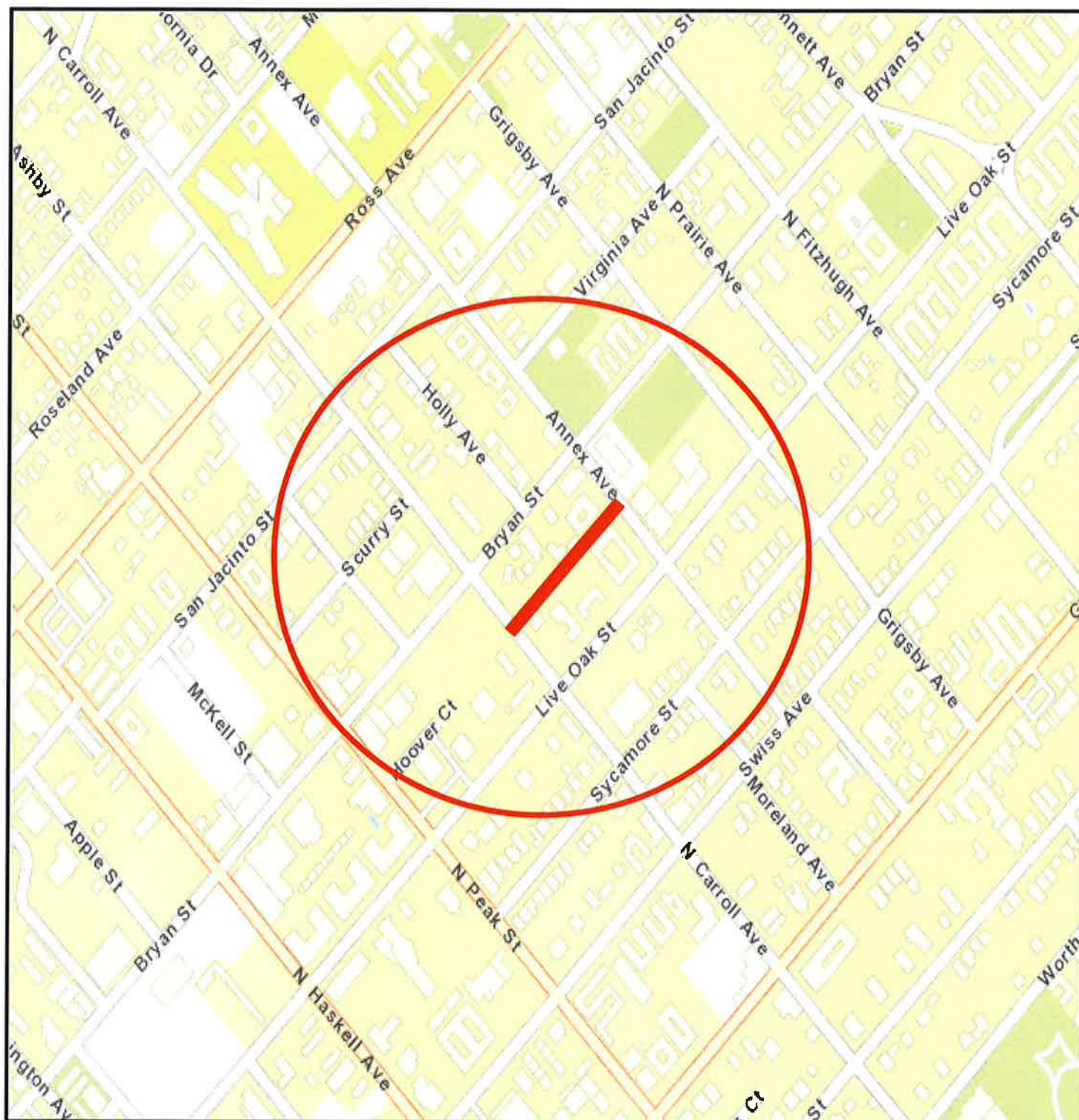
ALLEY RECONSTRUCTION

3805-3945 HAWICK LANE & 3804-3858 EATON DRIVE



COUNCIL DISTRICT 2

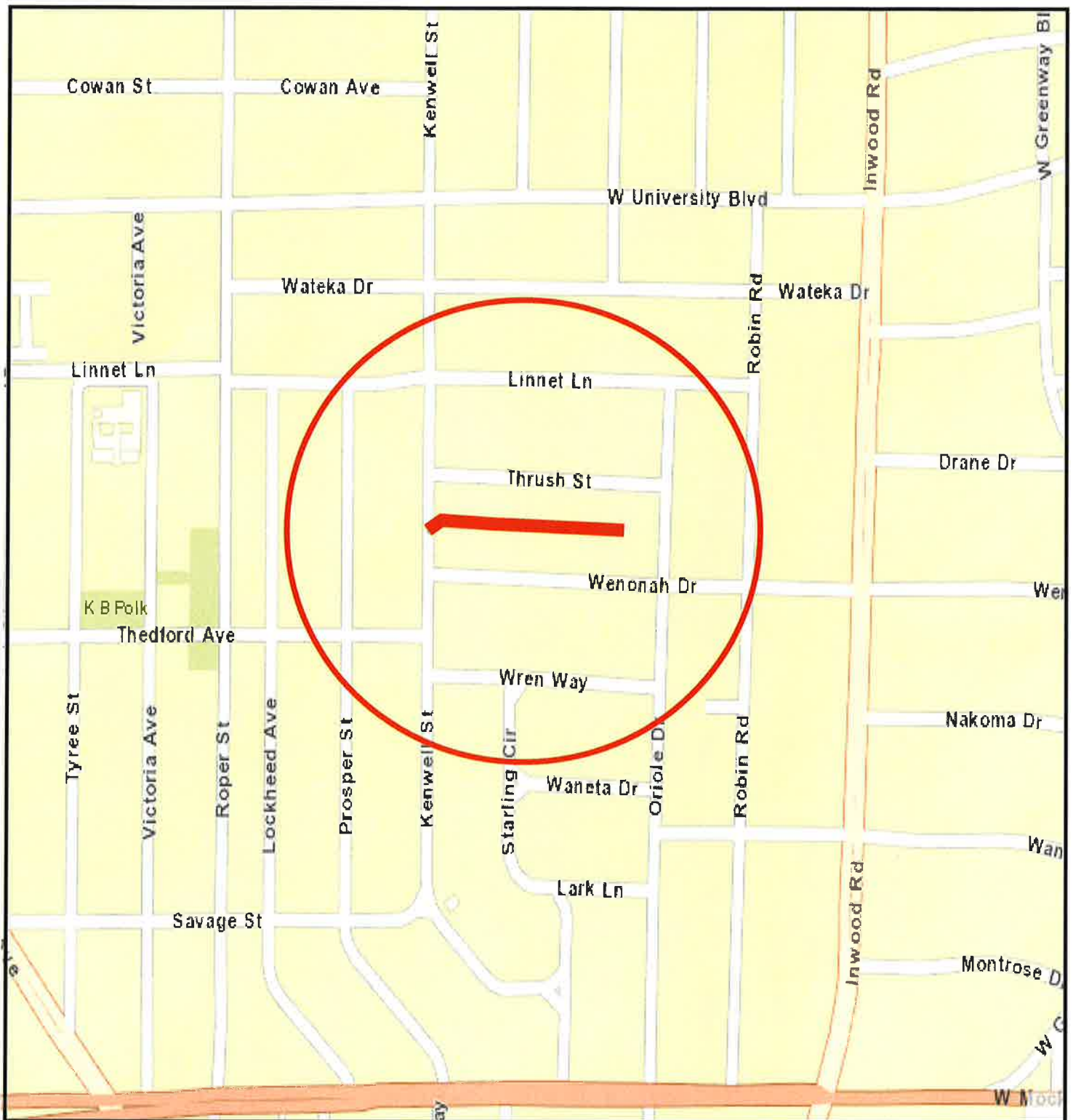
ALLEY RECONSTRUCTION



COUNCIL DISTRICT 2

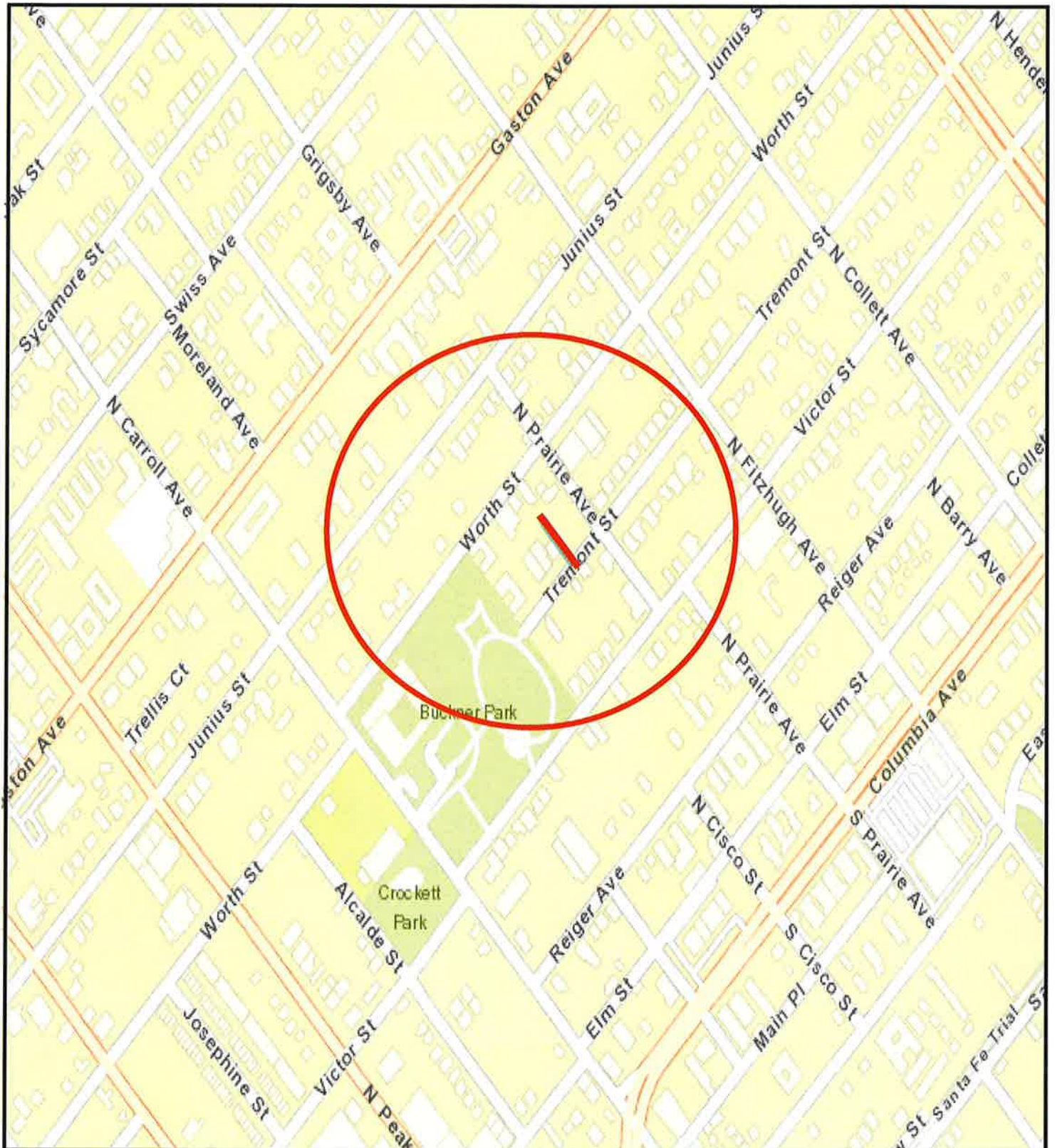
ALLEY RECONSTRUCTION

4902 - 5032 THRUSH STREET & 4903 - 5033 WENONAH DRIVE



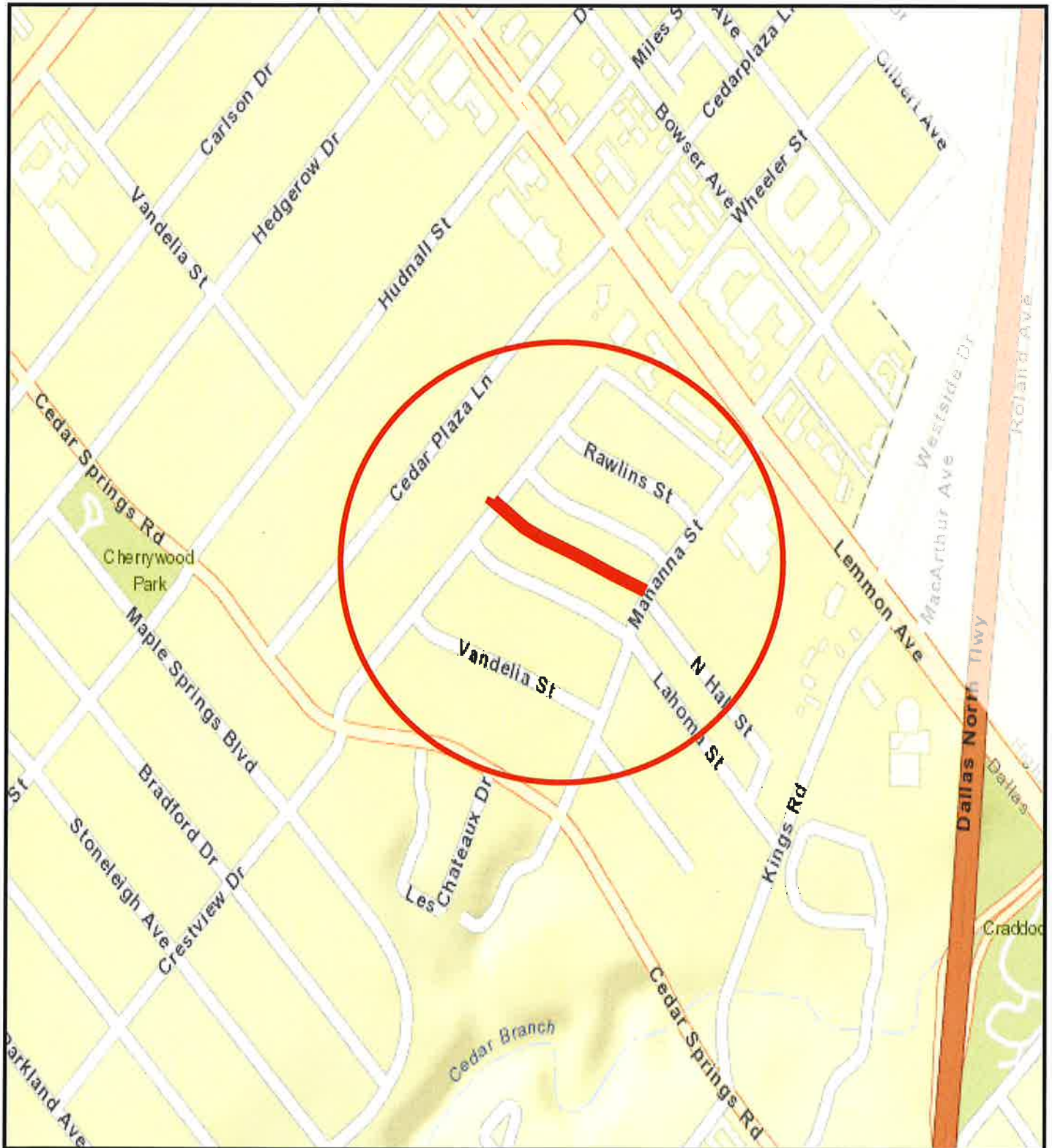
COUNCIL DISTRICT 2

**ALLEY RECONSTRUCTION
503 - 511 N. PRAIRIE AVENUE & 4721 - 4721 TREMONT STREET**



COUNCIL DISTRICT 2

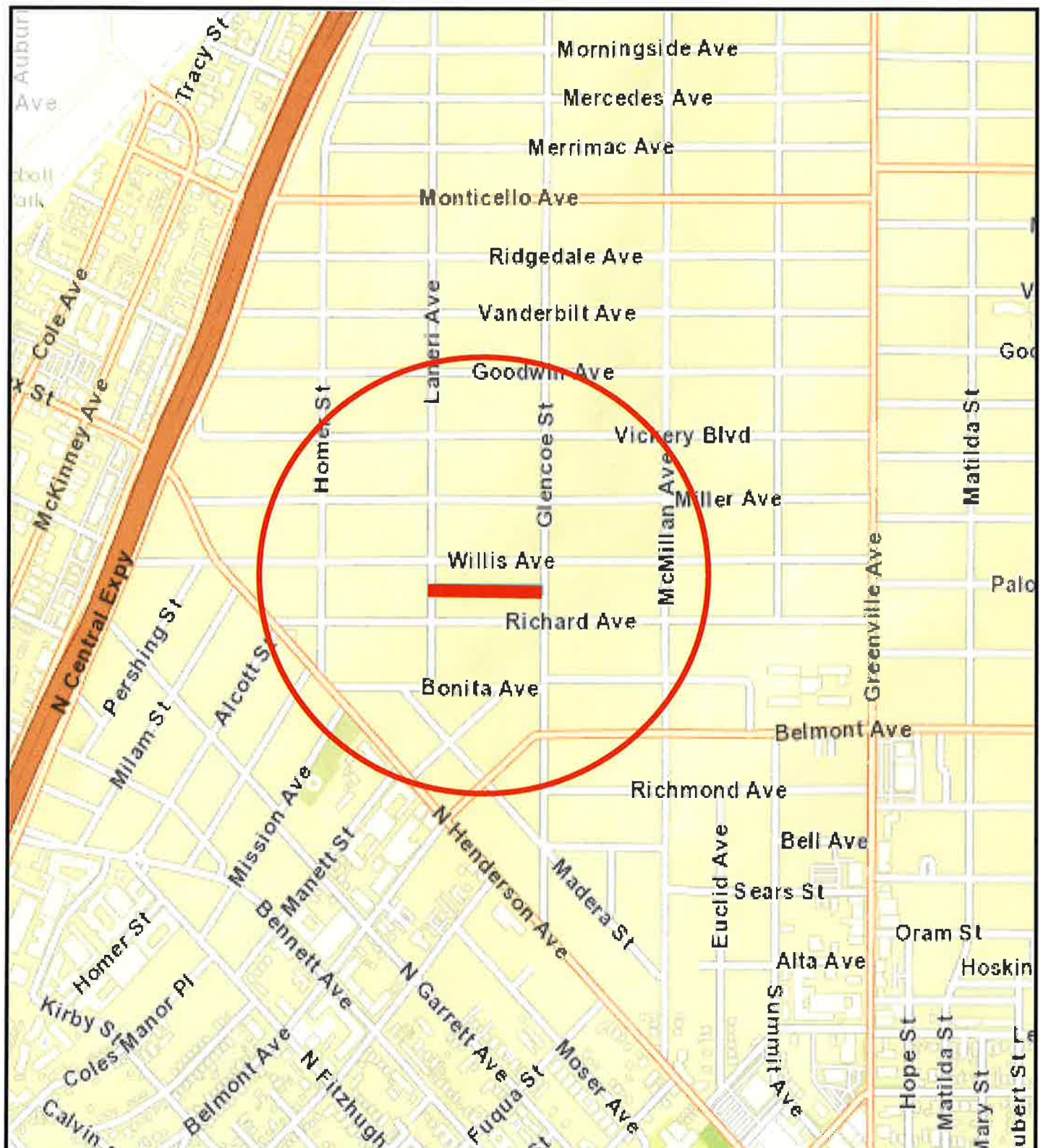
**ALLEY RECONSTRUCTION
5100 - 5152 LAHOMA STREET & 5101 - 5147 N. HALL STREET**



COUNCIL DISTRICT 2

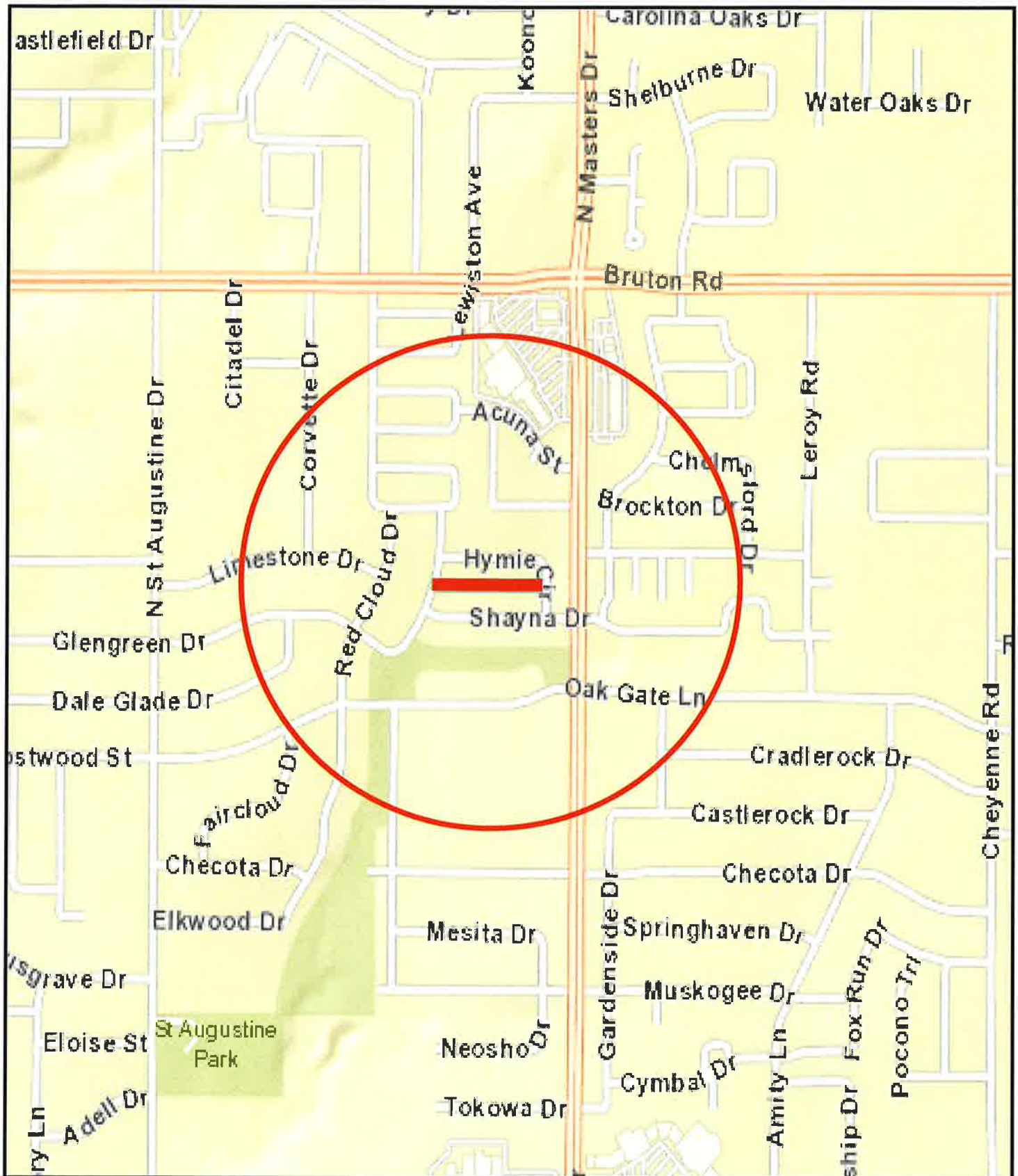
ALLEY RECONSTRUCTION

5300 - 5358 WILLIS AVENUE & 5303 - 5355 RICHARD AVENUE



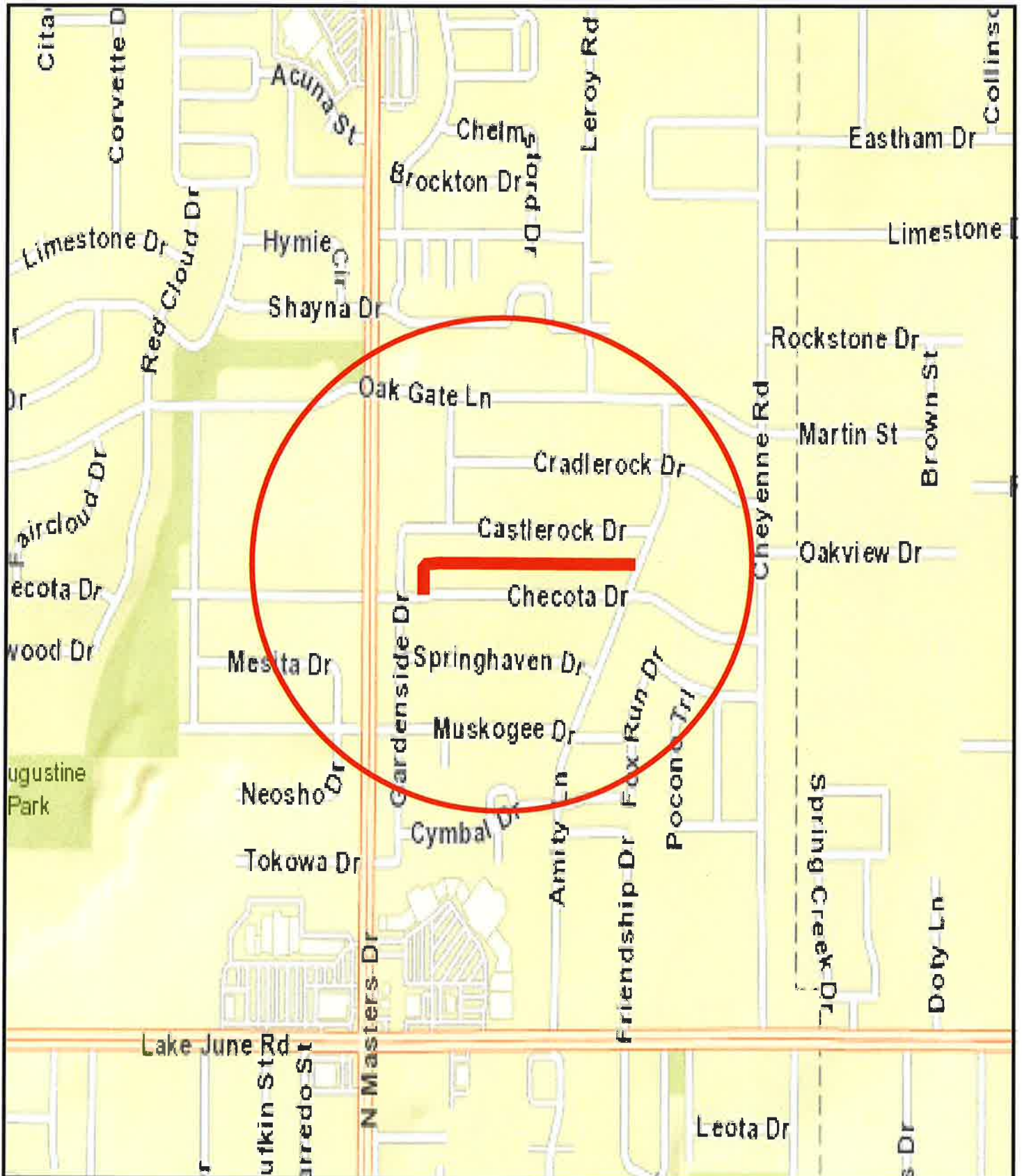
COUNCIL DISTRICT 2

**ALLEY RECONSTRUCTION
10005-10119 SHAYNA DRIVE & 10002-10106 HYMIE CIRCLE**



COUNCIL DISTRICT 5

ALLEY RECONSTRUCTION
10315-10542 CASTLEROCK DRIVE & 10315-10529
CHECOTA DRIVE & 1608-1604 GARDENSIDE DRIVE

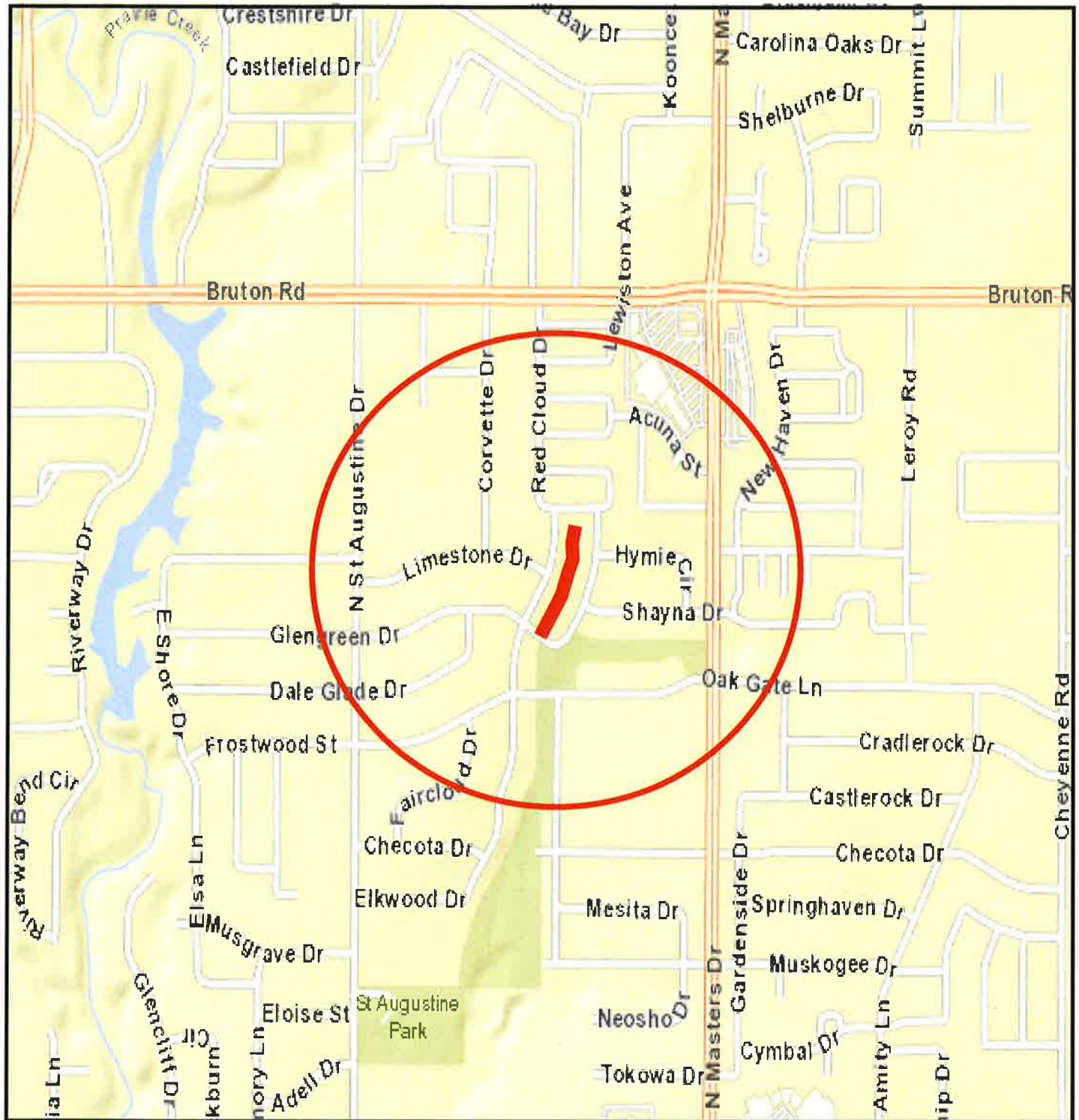


COUNCIL DISTRICT 5

COUNCIL DISTRICT 5

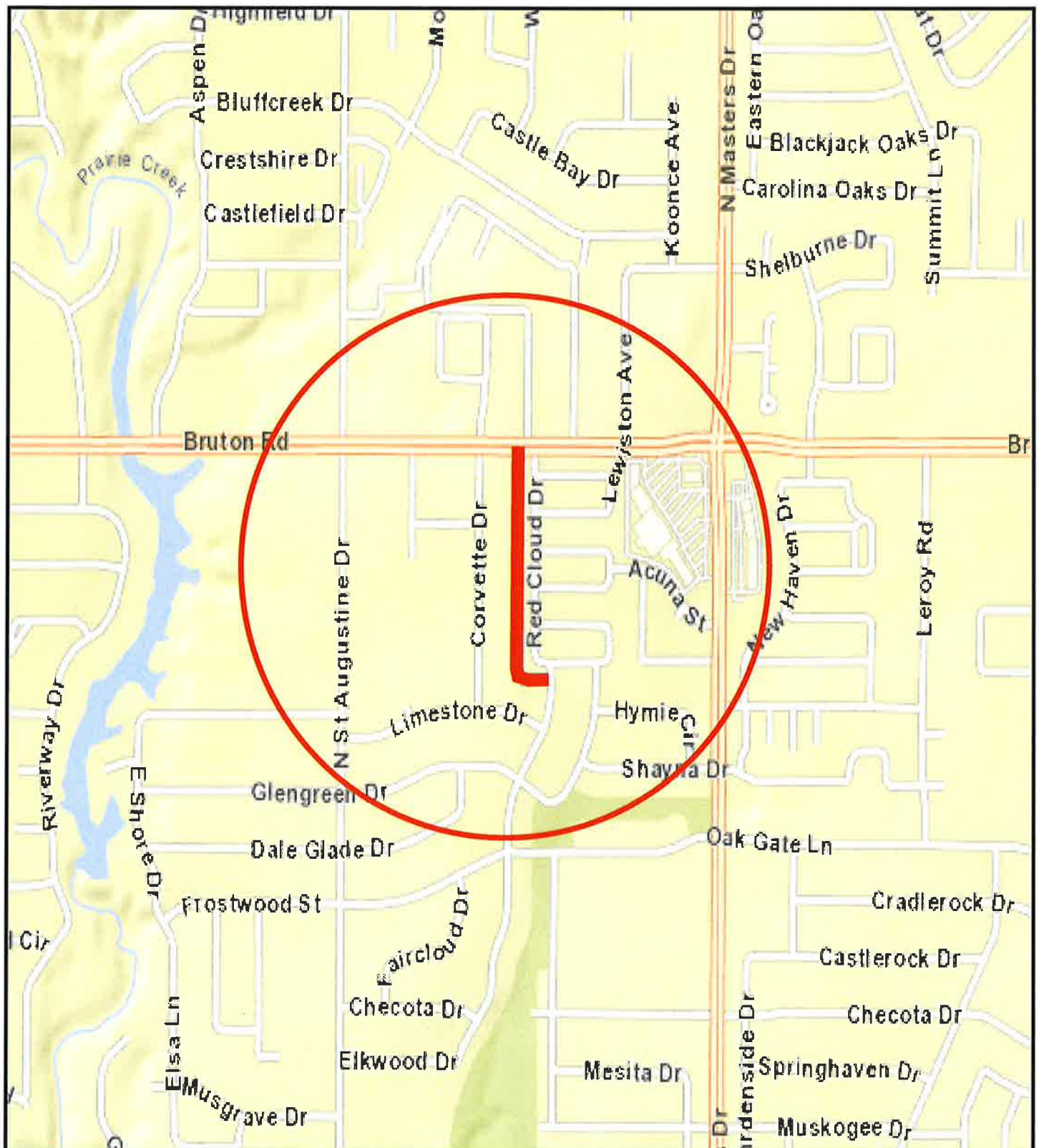
ALLEY RECONSTRUCTION

1830 - 1886 RED CLOUD DRIVE & 9803 - 9851 GLENGREEN DRIVE



COUNCIL DISTRICT 5

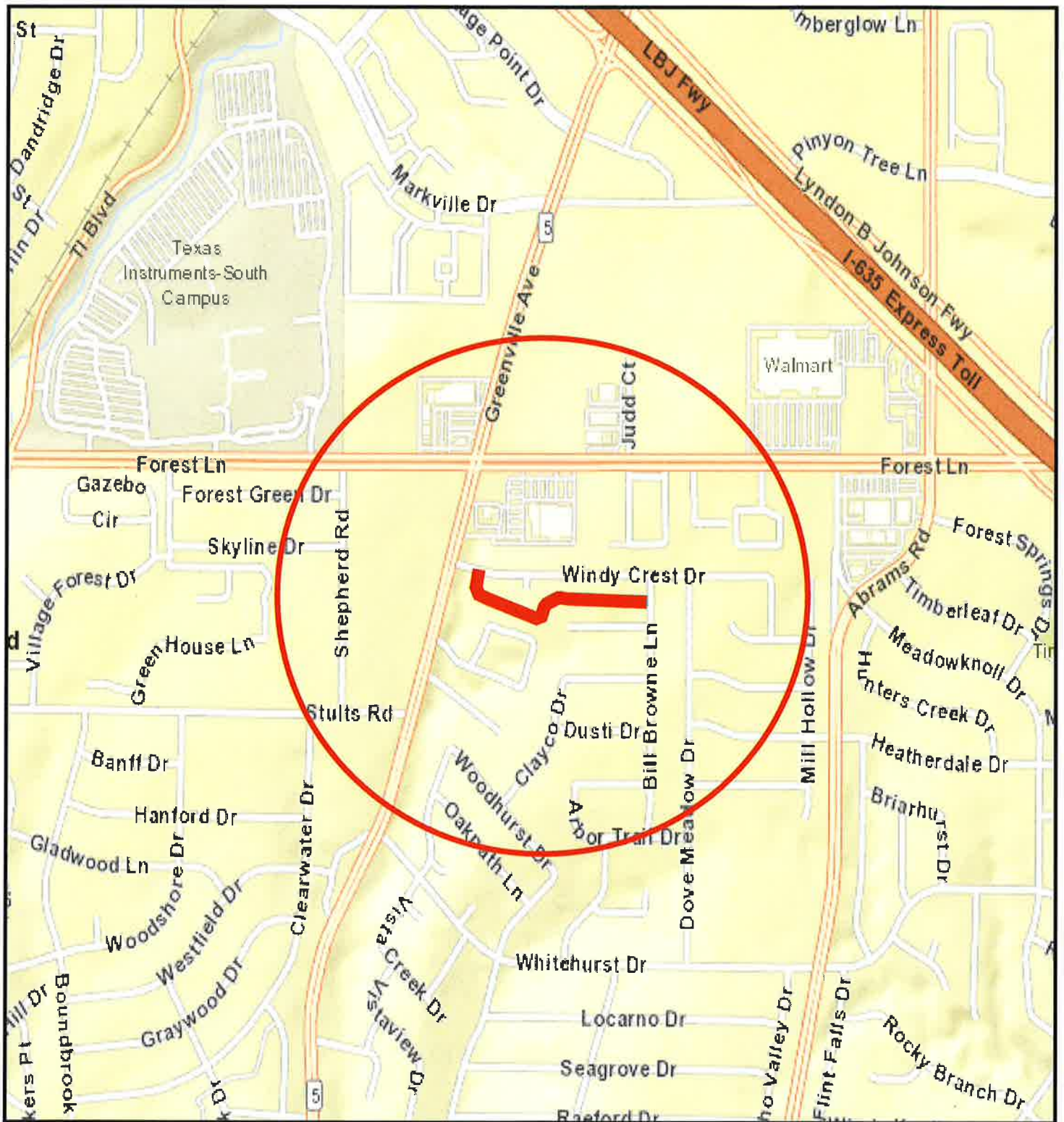
ALLEY RECONSTRUCTION
1885 - 2025 RED CLOUD DRIVE & 2002 - 2080 CORVETTE DRIVE



COUNCIL DISTRICT 5

ALLEY RECONSTRUCTION

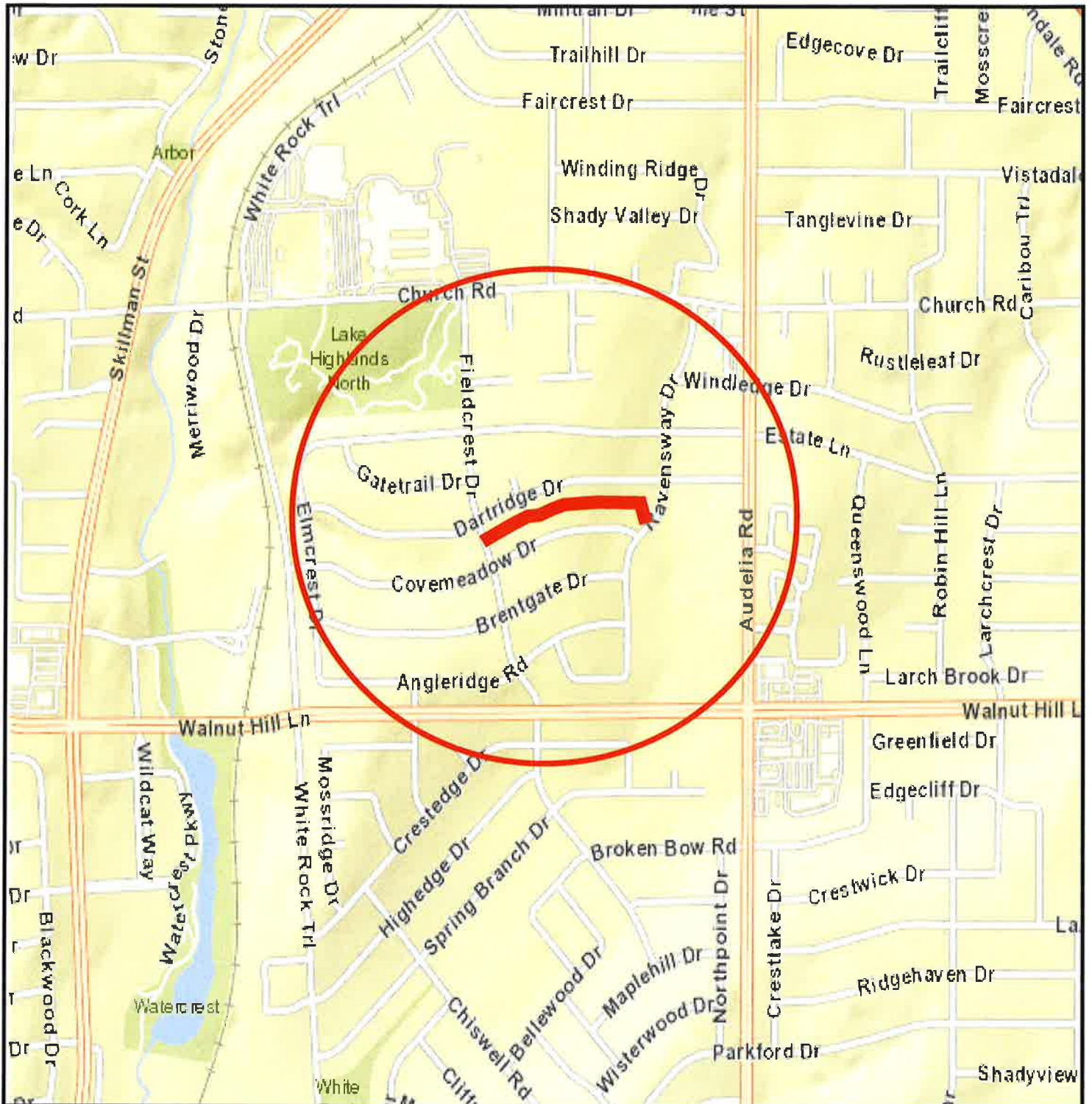
9003 - 9131 WEBB KAY DRIVE & 9006 - 9132 WINDY CREST DRIVE



COUNCIL DISTRICT 10

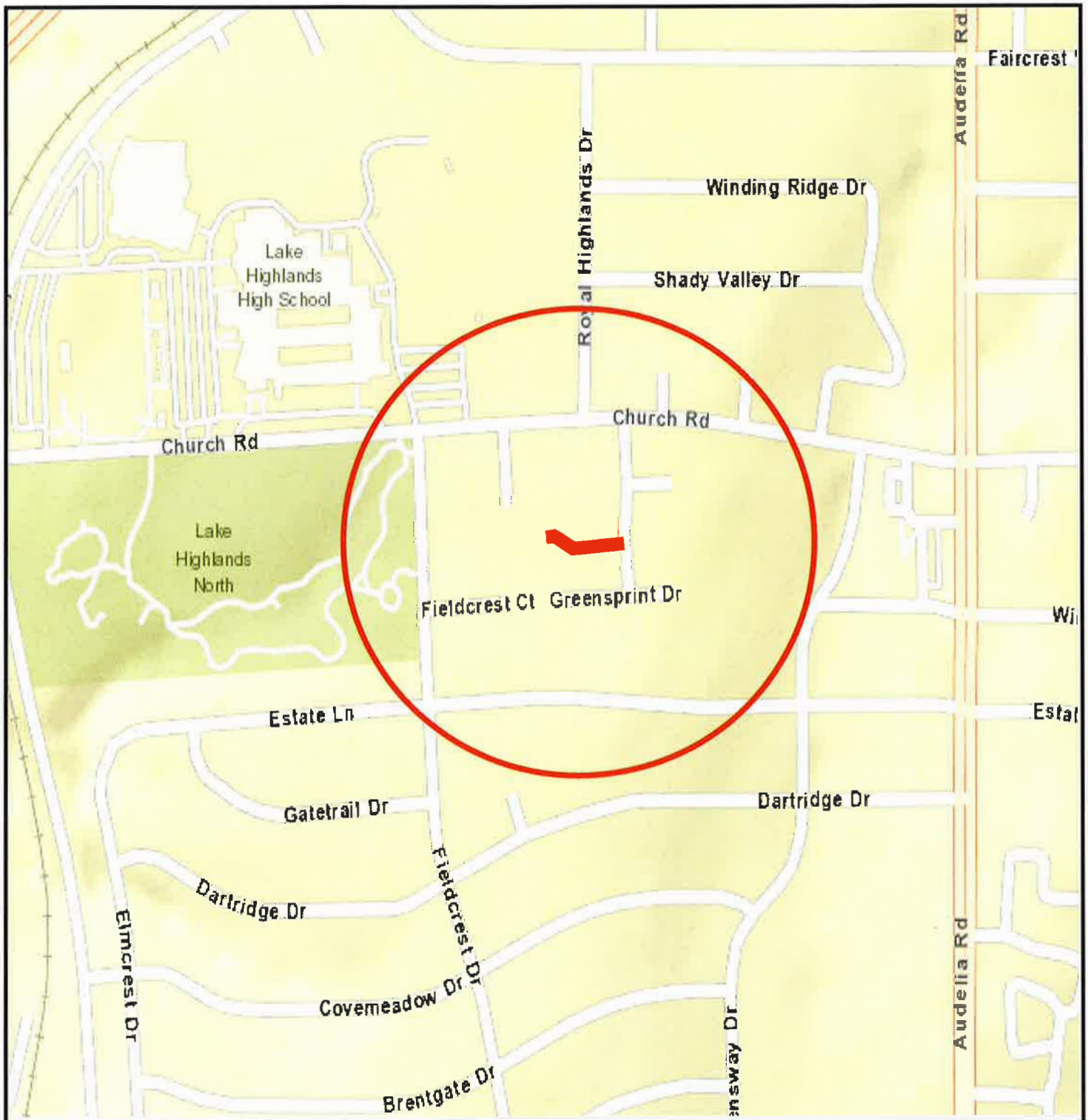
ALLEY RECONSTRUCTION

9506 - 9650 DARTRIDGE DRIVE & 9605 - 9679 COVEMEADOW DRIVE



COUNCIL DISTRICT 10

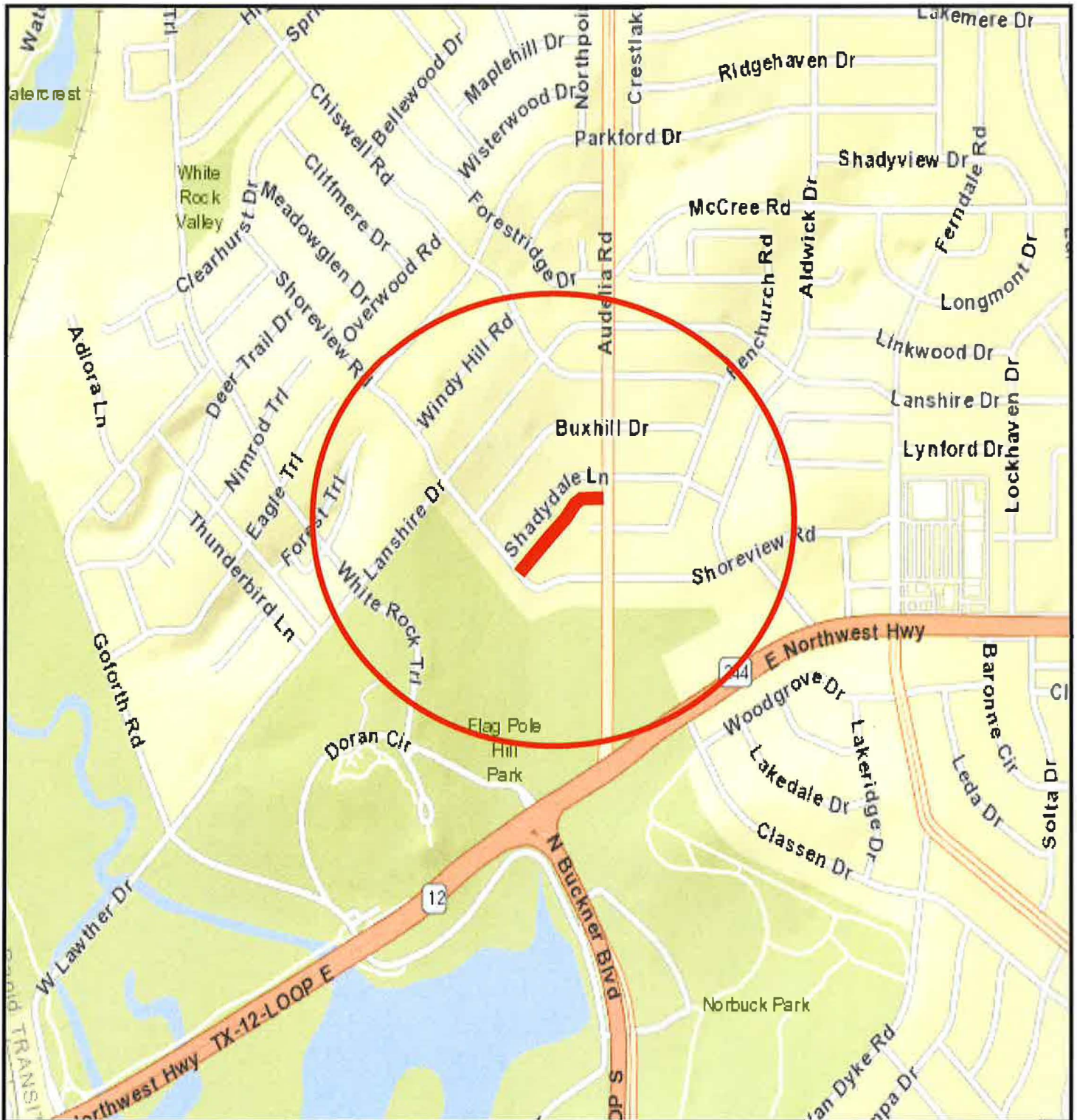
ALLEY RECONSTRUCTION
9603 - 9616 GREENSPRINT DRIVE & 9626 - 9626 CHURCH ROAD



COUNCIL DISTRICT 10

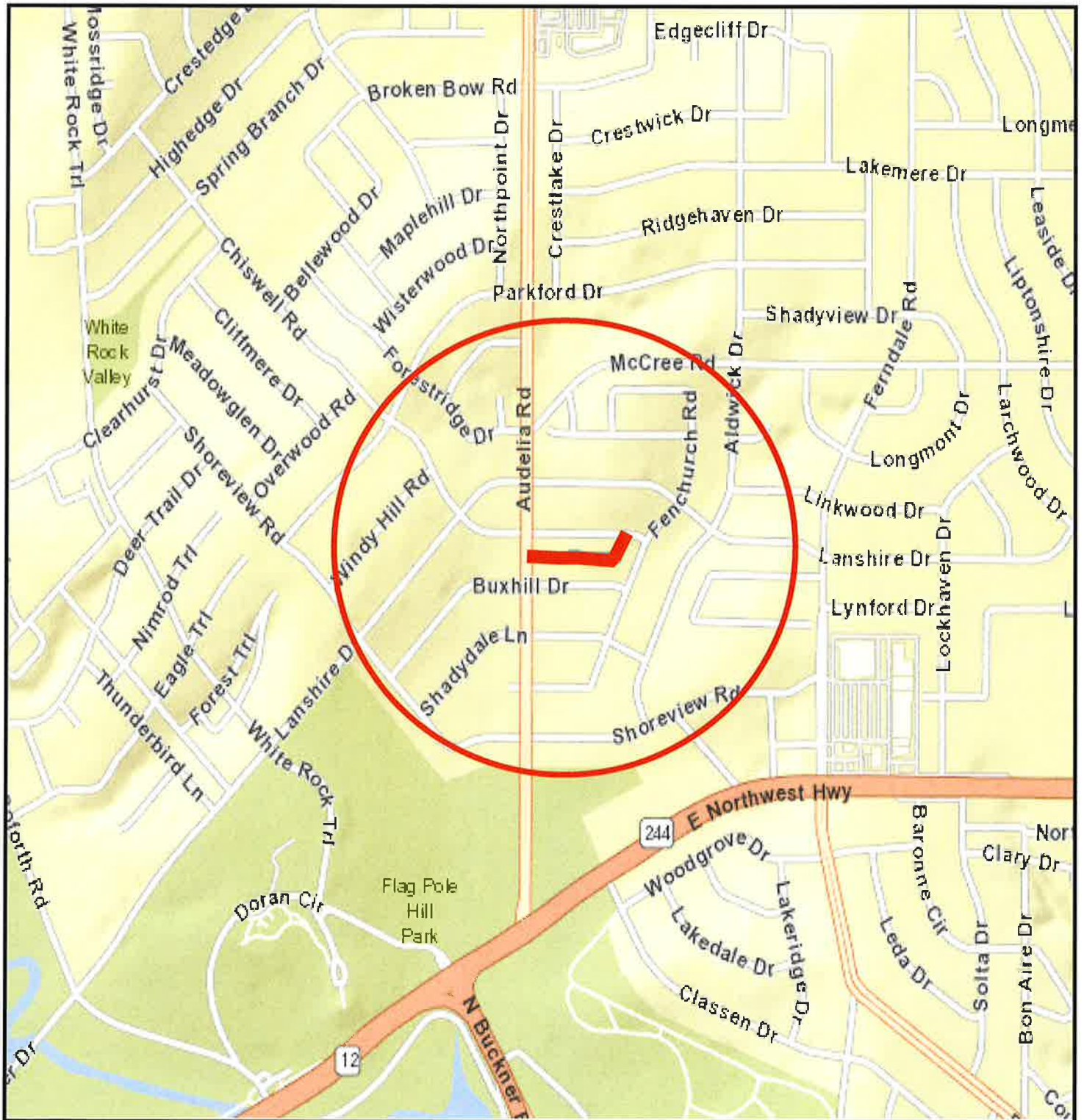
ALLEY RECONSTRUCTION

9606 - 9734 SHADYDALE LANE & 9709 - 9733 SHOREVIEW ROAD



COUNCIL DISTRICT 10

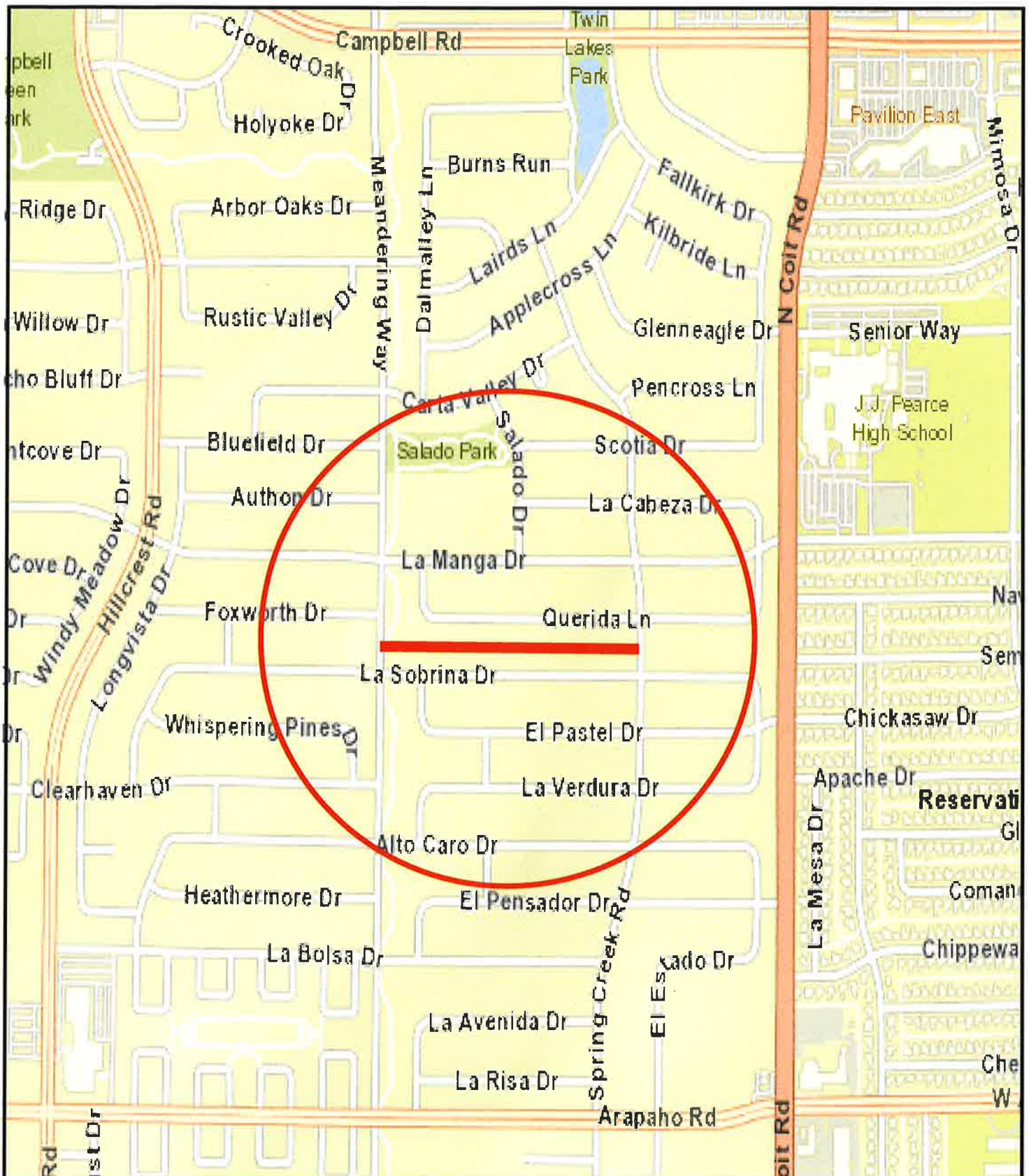
**ALLEY RECONSTRUCTION
9805 - 8805 BUXHILL DRIVE & 9804 - 9846 CHISWELL
ROAD & 8805 - 8817 FENCHURCH ROAD**



COUNCIL DISTRICT 10

ALLEY RECONSTRUCTION

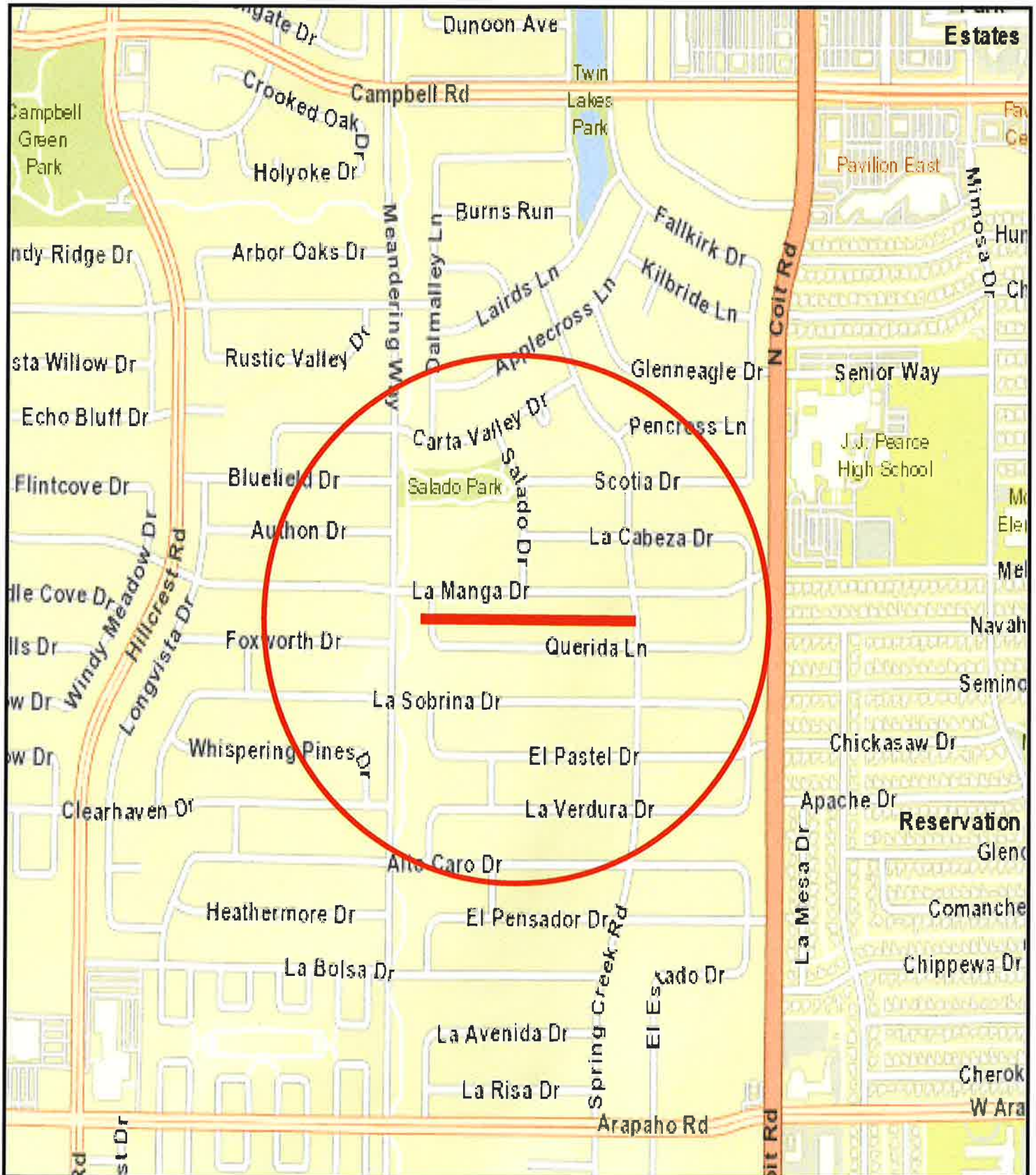
7607-7777 LA SOBRINA DRIVE & 7624-7772 QUERIDA LANE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

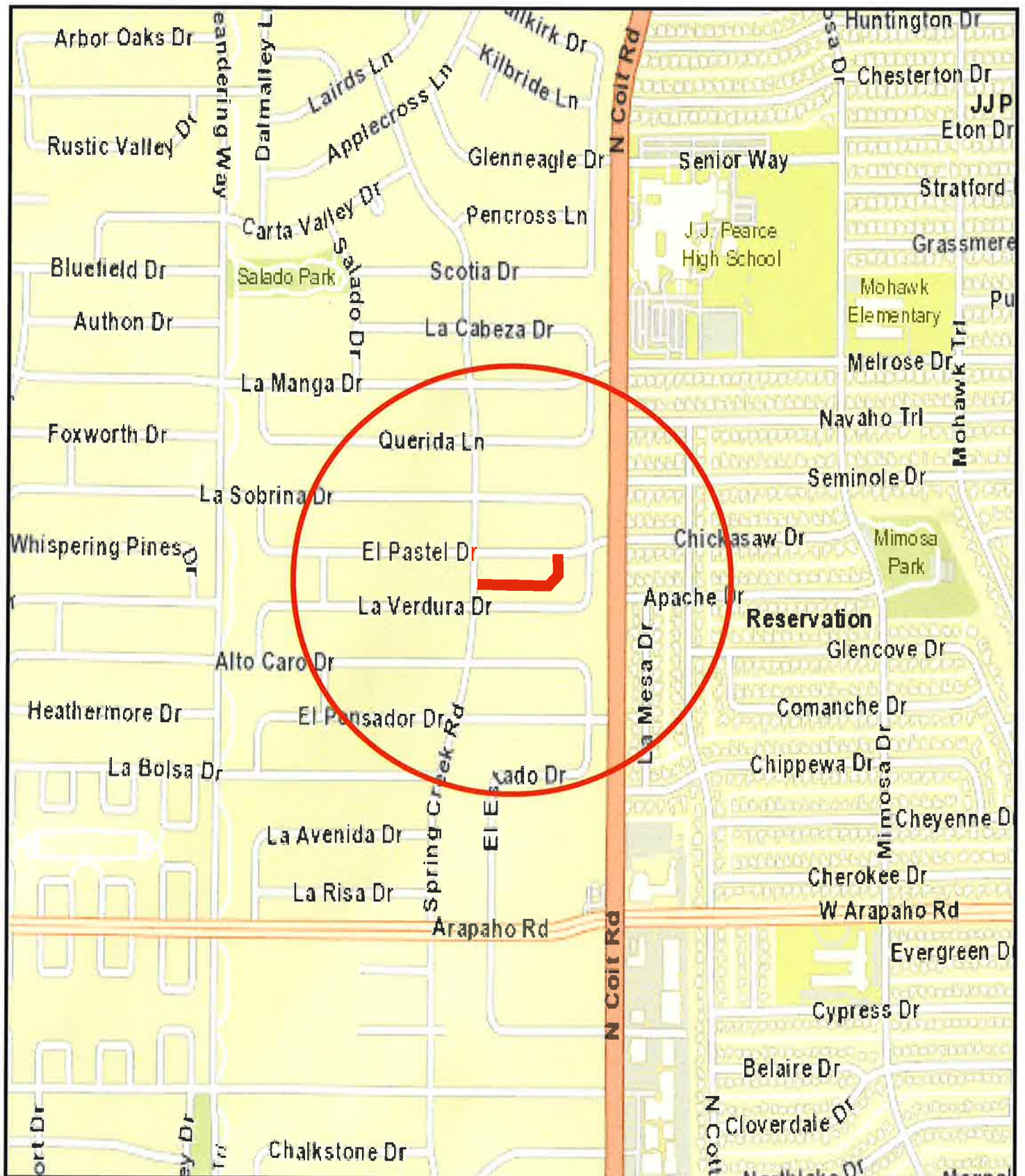
7620-7768 LA MANGA DRIVE & 7625-7771 QUERIDA LANE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

7805-7871 LA VERDURA DRIVE & 7806-7846 EL PASTEL DRIVE



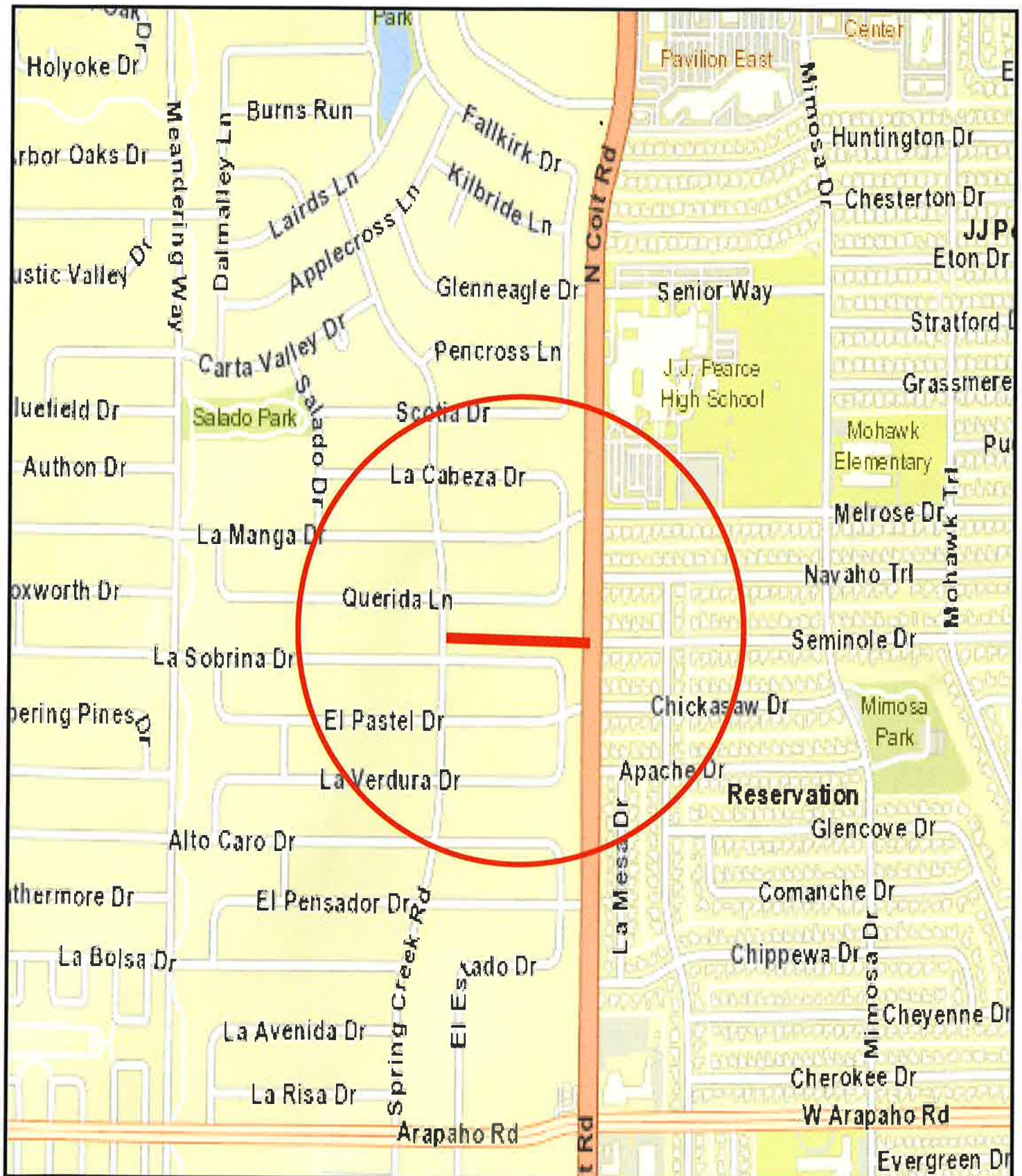
COUNCIL DISTRICT 12

7805-7887 QUERIDA LANE & 7808-7858 LA MANGA DRIVE



ALLEY RECONSTRUCTION

7806-7870 QUERIDA LANE & 7807-7867 LA SOBRINA DRIVE



COUNCIL DISTRICT 12

February 12, 2020

WHEREAS, Alpha Testing, Inc., was selected to provide construction material testing services during the construction of the Alley Reconstruction Groups 17-1204, 17-2004, 17-5005, and 17-10001.

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 Alpha Testing, Inc., approved as to form by the City Attorney, to provide construction material testing services during the construction of the Alley Reconstruction Groups 17-1204, 17-2004, 17-5005, and 17-10001, in an amount not to exceed \$149,975.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$149,975.00 in accordance with the terms and conditions of the contract:

Alpha Testing, Inc. for the professional services of alley reconstruction projects on: Briar Cliff Road (1503-1551) and Mesa Circle (5503-5537); West Lovers Lane (2503-2623) and West Amherst Avenue (2502-2614); Hawick Lane (3805-3945) and Eaton Drive (3804-3858); Live Oak Street (4503-4535) and Bryan Street (4514-4522); Thrush Street (4902-5032) and Wenonah Drive (4903-5033); North Prairie Avenue (503-511) and Tremont Street (4721-4721); Lahoma Street (5100-5152) and North Hall Street (5101-5147); Willis Avenue (5300-5358) and Richard Avenue (5303-5355); Shayna Drive (10005-10119) and Hymie Circle (10002-10106); Castlerock Drive (10315-10542) and Checota Drive (10315-10529) and Gardenside Drive (1608-1604); Red Cloud Drive (1611-1727) and Faircloud Drive (9704-9780); Red Cloud Drive (1830-1886) and Glengreen Drive (9803-9851); Red Cloud Drive (1885-2025) and Corvette Drive (2002-2080); Webb Kay Drive (9003-9131) and Windy Crest Drive (9006-9132); Dartridge Drive (9506-9650) and Covemeadow Drive (9605-9679); Greensprint Drive (9603-9616) and Church Road (9626-9626); Shady Dale Lane (9606-9734) and Shoreview Road (9709-9733); Buxhill Drive (9805-8805) and Chiswell Road (9804-9846) and Fenchurch Road (8805-8817); La Sobrina Drive (7607-7777) and Querida Lane (7624-7772); La Manga Drive (7620-7768) and Querida Lane (7625-7771); La Verdura Drive (7805-7871) and El Pastel Drive (7806-7846); Querida Lane (7805-7887) and La Manga Drive (7808-7858); and Querida Lane (7806-7870) and La Sobrina Drive (7807-7867):

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V008, Activity AREC
Object 4113, Program PB17V008
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532

\$ 2,430.00

February 12, 2020

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V009 Activity AREC Object 4113, Program PB17V009 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 2,708.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V011, Activity AREC Object 4113, Program PB17V011 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 8,324.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V012, Activity AREC Object 4113, Program PB17V012 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 2,397.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V013, Activity AREC Object 4113, Program PB17V013 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 7,782.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V014, Activity AREC Object 4113, Program PB17V014 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 1,787.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V015, Activity AREC Object 4113, Program PB17V015 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 7,028.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V016, Activity AREC Object 4113, Program PB17V016 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 11,110.50

February 12, 2020

SECTION 2. (continued)

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V032, Activity AREC
Object 4113, Program PB17V032
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532 \$ 8,356.50

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V033, Activity AREC
Object 4113, Program PB17V033
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532 \$ 9,597.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V034, Activity AREC
Object 4113, Program PB17V034
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532 \$ 5,037.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V035, Activity AREC
Object 4113, Program PB17V035
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532 \$ 6,577.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V036, Activity AREC
Object 4113, Program PB17V036
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532 \$ 6,804.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V081, Activity AREC
Object 4113, Program PB17V081
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532 \$ 9,614.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V082, Activity AREC
Object 4113, Program PB17V082
Encumbrance/Contract No. CX-PBW-2020-00012229
Vendor 134532 \$ 7,657.00

February 12, 2020

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V083, Activity AREC Object 4113, Program PB17V083 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 2,588.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V084, Activity AREC Object 4113, Program PB17V084 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 4,322.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V085, Activity AREC Object 4113, Program PB17V085 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 4,011.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V108, Activity AREC Object 4113, Program PB17V108 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 10,749.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V109, Activity AREC Object 4113, Program PB17V109 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 9,807.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V110, Activity AREC Object 4113, Program PB17V110 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 6,691.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V111, Activity AREC Object 4113, Program PB17V111 Encumbrance/Contract No. CX-PBW-2020-00012229 Vendor 134532	\$ 6,691.00

February 12, 2020

SECTION 2. (continued)

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V112, Activity AREC	
Object 4113, Program PB17V112	
Encumbrance/Contract No. CX-PBW-2020-00012229	
Vendor 134532	<u>\$ 7,904.00</u>
 Total amount not to exceed	 \$149,975.00

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 #: 20-46

Item #: 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the exterior restoration of the Sammons Center for the Arts located at 3630 Harry Hines Boulevard - Phoenix I Restoration and Construction, Ltd., best value proposer of four - Not to exceed \$734,000.00 - Financing: Cultural Arts (F) Fund (2017 General Obligation Bond Fund)

BACKGROUND

On October 25, 2019, four proposals were received for exterior renovation of the Sammons Center for the Arts. This action will authorize a construction contract with Phoenix I Restoration and Construction, Ltd. for the Sammons Center for the Arts exterior restoration, a project approved by the citizens of Dallas in the 2017 Bond Program. This contract will include waterproofing repairs to the interior and selected exterior brick, replacement of three sets of exterior double doors, repairs to the main entrance canopy, and the installation of two exterior entrance canopies at the assembly room doors.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction February 2020
Complete Construction June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Cultural Arts (F) Fund (2017 General Obligation Bond Fund)	\$734,000.00	\$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 \$
\$734,000.00	Construction	25.00%	27.44%	\$201,440.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

A Request for Competitive Sealed Proposal was issued on September 25, 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. Four competitive sealed proposals were received on October 25, 2019. Following independent review of each submitted proposal, members of the Selection Committee met to determine a cumulative final ranking order of all proposals submitted. The Committee's recommendation of the Best Value Proposal for this construction contract was submitted by Phoenix I Restoration and Construction, Ltd.

*Denotes successful proposer

<u>Proposers</u>	<u>Base Bid</u>	<u>**Alter. No. 6</u>	<u>Total Bid</u>	<u>Ranking</u>
*Phoenix I Restoration and Construction, Ltd. 14032 Distribution Way Farmers Branch, Texas 75234	\$696,600.00	\$38,900.00	\$735,500.00	1
Northridge Construction Group	\$963,500.00	\$22,200.00	\$985,700.00	2
Structural Concrete Systems	\$669,953.00	\$12,890.00	\$682,843.00	3
Mobile Enterprises Inc.	\$845,000.00	\$15,000.00	\$860,000.00	4

**Alternate No. 6 - provide replacement of existing pole mounted light fixtures at the exterior entrances to the assembly room.

Note: After further negotiations with Phoenix I Restoration and Construction, Ltd. and the addition of Alternate No. 6, the Best and Final Offer was \$734,000.00.

OWNER

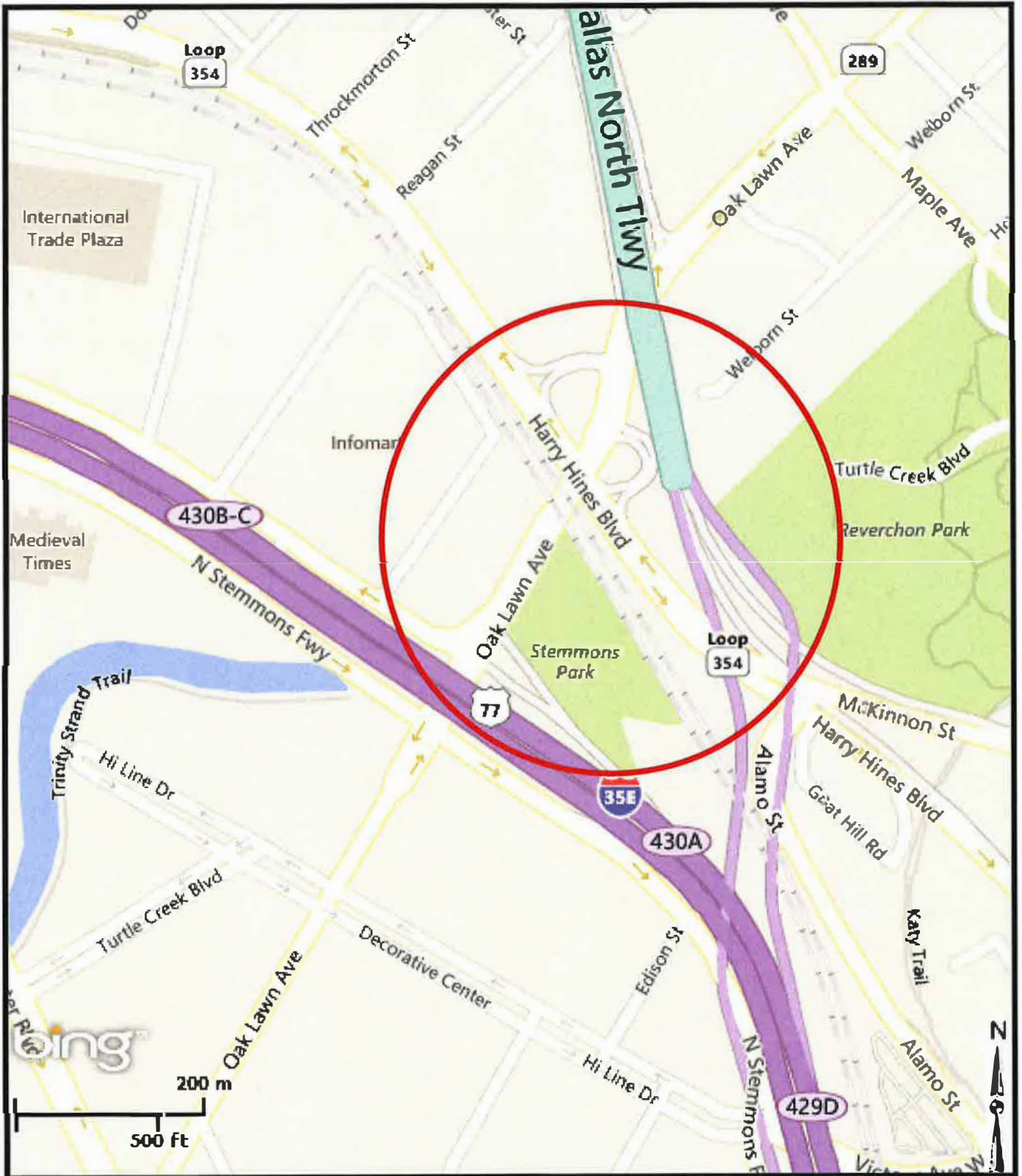
Phoenix I Restoration and Construction, Ltd.

Dale Sellers, President

MAP

Attached

SAMMONS CENTER
3630 HARRY HINES BOULEVARD



COUNCIL DISTRICT 2

February 12, 2020

WHEREAS, the citizens of Dallas approved funding in the 2017 Bond Program for the design and construction of improvements for the Sammons Center; and

WHEREAS, on October 25, 2019, four competitive sealed proposals were received and opened; and

WHEREAS, the four responsive proposers were evaluated and ranked as follows:

<u>Proposers</u>	<u>Base Bid</u>	<u>**Alter. No. 6</u>	<u>Total Bid</u>	<u>Ranking</u>
Phoenix I Restoration and Construction, Ltd.	\$696,600.00	\$38,900.00	\$735,500.00	1
Northridge Construction Group	\$963,500.00	\$22,200.00	\$985,700.00	2
Structural Concrete Systems	\$669,953.00	\$12,890.00	\$682,843.00	3
Mobile Enterprises Inc.	\$845,000.00	\$15,000.00	\$860,000.00	4

**Alternate No. 6 – provide replacement of existing pole mounted light fixtures at the exterior entrances to the assembly room.

Note: After further negotiations with Phoenix I Restoration and Construction, Ltd. and the addition of Alternate No. 6, the Best and Final Offer was \$734,000.00; and

WHEREAS, Phoenix I Restoration and Construction, Ltd. provided an original base proposal of \$696,600.00 and after further negotiations with the contractor and the addition of Alternate No. 6, the final contract amount is \$734,000.00; and

WHEREAS, Phoenix I Restoration and Construction, Ltd. was selected as the best value proposer of the four responsive proposers; and

WHEREAS, it is now desirable to authorize a construction contract with Phoenix I Restoration and Construction, Ltd. for the exterior restoration of the Sammons Center located at 3630 Harry Hines Boulevard, in an amount not to exceed \$734,000.00.

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 construction of exterior restoration for the Sammons Center located at 3630 Harry Hines Boulevard, in an amount not to exceed \$734,000.00.

February 12, 2020

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$734,000.00 to Phoenix I Restoration and Construction, Ltd. in accordance with the terms and conditions of the Sammons Center contract from the Cultural Arts (F) Fund, Fund 1V49, Department OCA, Unit VF07, Activity CULF, Object 4310, Program EB17VF07, Encumbrance/Contract No. BON-2020-00012240, 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 #: 20-143

Item #: 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize settlement in lieu of proceeding with condemnation from Plains Capital Bank, of approximately 16,022 square feet of land for right-of-way and 14,167 square feet of land for a temporary working space easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$346,578.00, increased from \$202,976.00 (\$199,976.00, plus closing costs and title expenses not to exceed \$3,000.00) to \$549,554.00 (\$543,554.00, plus closing costs and title expenses not to exceed \$6,000.00) - Financing: Water Capital Improvement E Fund

BACKGROUND

This item authorizes a settlement in lieu of proceeding with condemnation from Plains Capital Bank, of approximately 16,022 square feet of land for right-of-way and 14,167 square feet of land for a temporary working space easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the south and southwest portions of Dallas and its customer cities. Installation of approximately 32 miles of 96-inch and 120-inch water transmission pipeline is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 11, 2013, City Council authorized acquisition from First National Bank, of approximately 16,022 square feet of land and a temporary construction easement containing approximately 14,167 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project by Resolution No. 13-2079.

On September 22, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from First National Bank, of a tract of land containing approximately 16,022 square feet and approximately 14,167 square feet of land for a temporary working space easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project by Resolution No. 15-1794.

On September 13, 2017, City Council authorized deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Plains Capital Bank, et al., Cause No. CC-17-00127-B, pending in Dallas County Court at Law No. 2, to acquire a total of approximately 16,022 square feet of land for right-of-way and approximately 14,167 square feet of land for a temporary working space easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project; and settlement for the condemnation proceeding for an amount not to exceed the award by Resolution No. 17-1441.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Water Capital Improvement E Fund	\$346,578.00	\$0.00	\$0.00

Resolution No. 13-2079 & 15-1794 \$148,177.00

Resolution No. 17-1441 \$ 54,799.00

Additional Amount (this action) \$346,578.00

Total Authorized Amount \$549,554.00

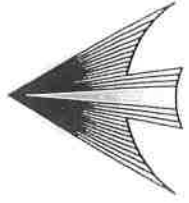
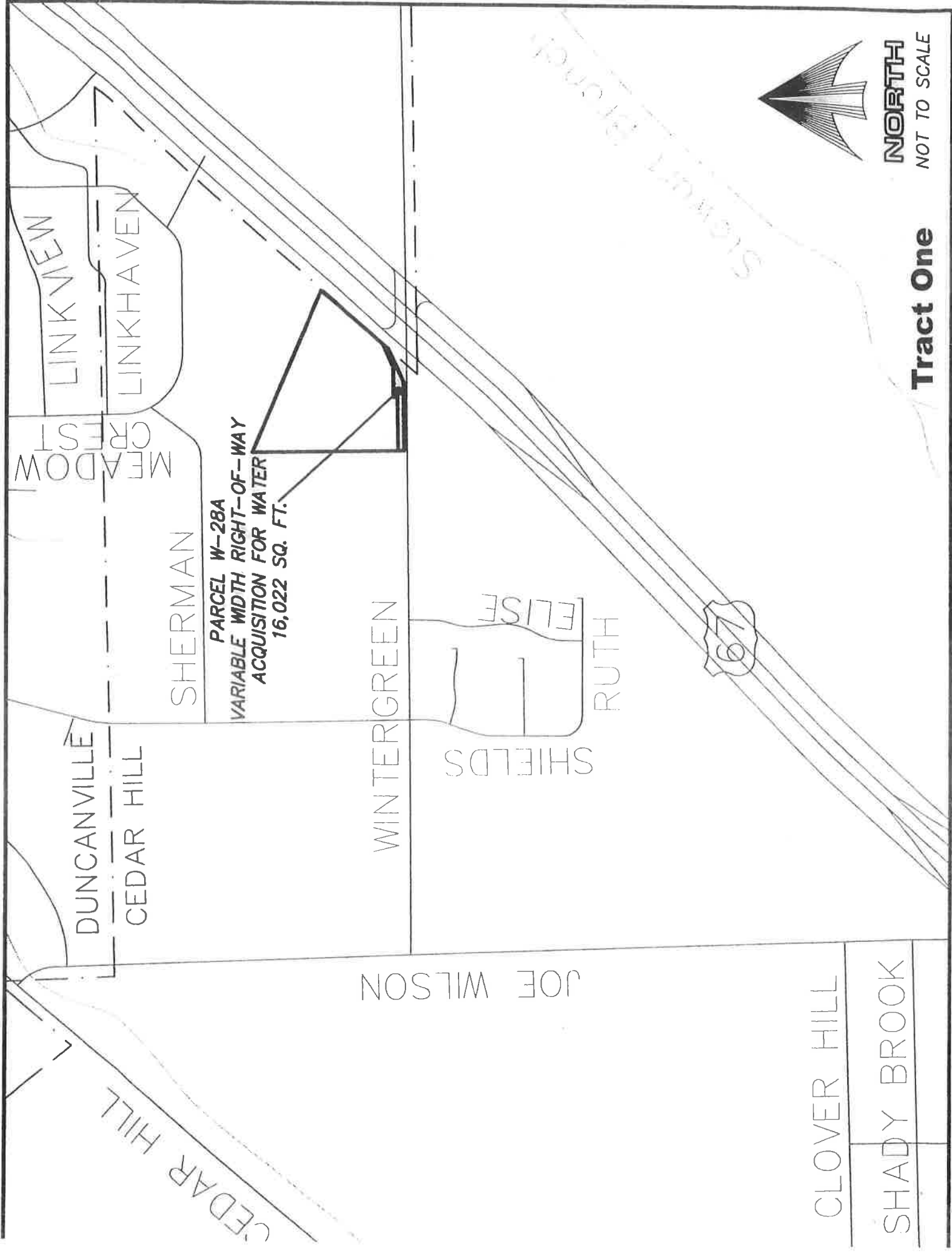
OWNER

Plains Capital Bank

Alan B. White, Chairman and Chief Executive Officer

MAPS

Attached



NORTH
NOT TO SCALE

Tract One

JOE WILSON

CLOVER HILL

SHADY BROOK

DUNCANVILLE
CEDAR HILL

SHERMAN

PARCEL W-28A
VARIABLE WIDTH RIGHT-OF-WAY
ACQUISITION FOR WATER
16,022 SQ. FT.

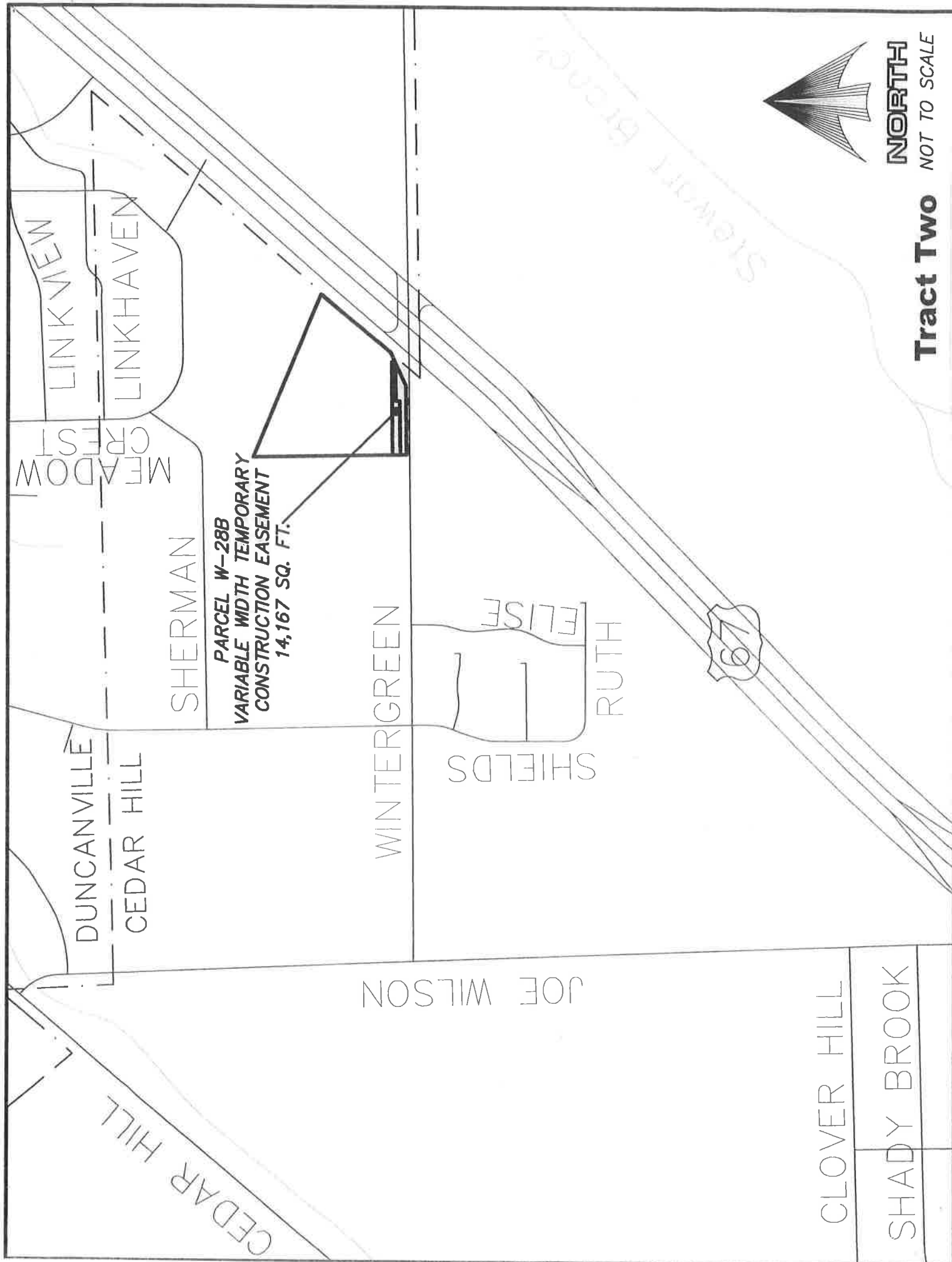
WINTERGREEN

SHIELDS
ELISE
RUTH

MEADOW CREST
LINKVIEW
LINKHAVEN

Stewart Branch





NORTH
NOT TO SCALE

Tract Two

February 12, 2020

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

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

WHEREAS, the Dallas City Council by the SECOND RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation, or in any other manner provided by law; and

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

WHEREAS, the Dallas City Council by the THIRD RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

WHEREAS, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

WHEREAS, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

February 12, 2020

Now, Therefore,

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

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

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 13-2079 approved by the Dallas City Council on December 11, 2013, authorizing negotiations, which is incorporated herein by reference.

"SECOND RESOLUTION": Resolution No. 15-1794 approved by the Dallas City Council on September 22, 2015, authorizing filing of a condemnation proceeding, which is incorporated herein by reference.

"CONDEMNATION PROCEEDING/LAWSUIT": Cause No. CC-17-00127-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. Plains Capital Bank, et al., filed pursuant to the SECOND RESOLUTION.

"THIRD RESOLUTION": Resolution No. 17-1441 approved by the Dallas City Council on September 13, 2017, authorizing deposit of the SPECIAL COMMISSIONERS' AWARD AMOUNT, which is incorporated herein by reference.

"PROPERTY": Approximately 16,022 square feet of land for right-of-way and 14,167 square feet of land for a temporary working space easement, in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROPERTY INTEREST": Fee and Easement

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

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

"OFFICIAL OFFER AMOUNT": \$145,177.00, as approved in the FIRST RESOLUTION.

February 12, 2020

SECTION 1. (continued)

“SPECIAL COMMISSIONERS’ AWARD AMOUNT”: \$199,976.00, the same having been previously deposited pursuant to the THIRD RESOLUTION.

“SETTLEMENT AMOUNT”: \$543,554.00, which includes the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“ADDITIONAL AMOUNT”: \$343,578.00, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$6,000.00

“AUTHORIZED AMOUNT”: Not to exceed \$549,554.00 (ADDITIONAL AMOUNT plus CLOSING COSTS AND TITLE EXPENSES).

“DESIGNATED FUNDS”:

\$150,000.00 from Water Capital Improvement E Fund, Fund 3115, Department DWU, Unit PW40, Activity MPSA, Program 706035, Object 4210, Encumbrance/Contract No. CX-DWU706035CPBM.

\$52,976.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706035, Object 4210, Encumbrance/Contract No. CX-DWU-2017-00003052.

\$346,578.00 from Water Capital Improvement E Fund, Fund 3115, Department DWU, Unit PW40, Activity MPSA, Program 706035, Object 4210, Encumbrance/Contract No. CX-DWU-2020-00012597.

SECTION 2. That the City Attorney and the City Manager are authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

SECTION 3. That the City Attorney and the City Manager are authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

SECTION 4. That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check,

February 12, 2020

SECTION 4. (continued)

paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: 
Assistant City Attorney



Agenda Information Sheet

File #: 19-531

Item #: 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A resolution authorizing **(1)** the conveyance of a tract of land for approximately 8,495 square feet of City-owned land to the State of Texas located in Dallas County; **(2)** a Possession and Use Agreement; and **(3)** a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$122,203.90) and General Fund (\$6,000.00)

BACKGROUND

This item authorizes **(1)** the conveyance of a tract of land for approximately 8,495 square feet of City-owned land to the State of Texas, located in Dallas County; **(2)** a Possession and Use Agreement; and **(3)** a Utility Joint Use Agreement for the Interstate Highway 35E Construction Project. The State of Texas is an entity with the power of eminent domain. The City may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bid requirements pursuant to Chapter 272 of the Local Government Code. The purchase price is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

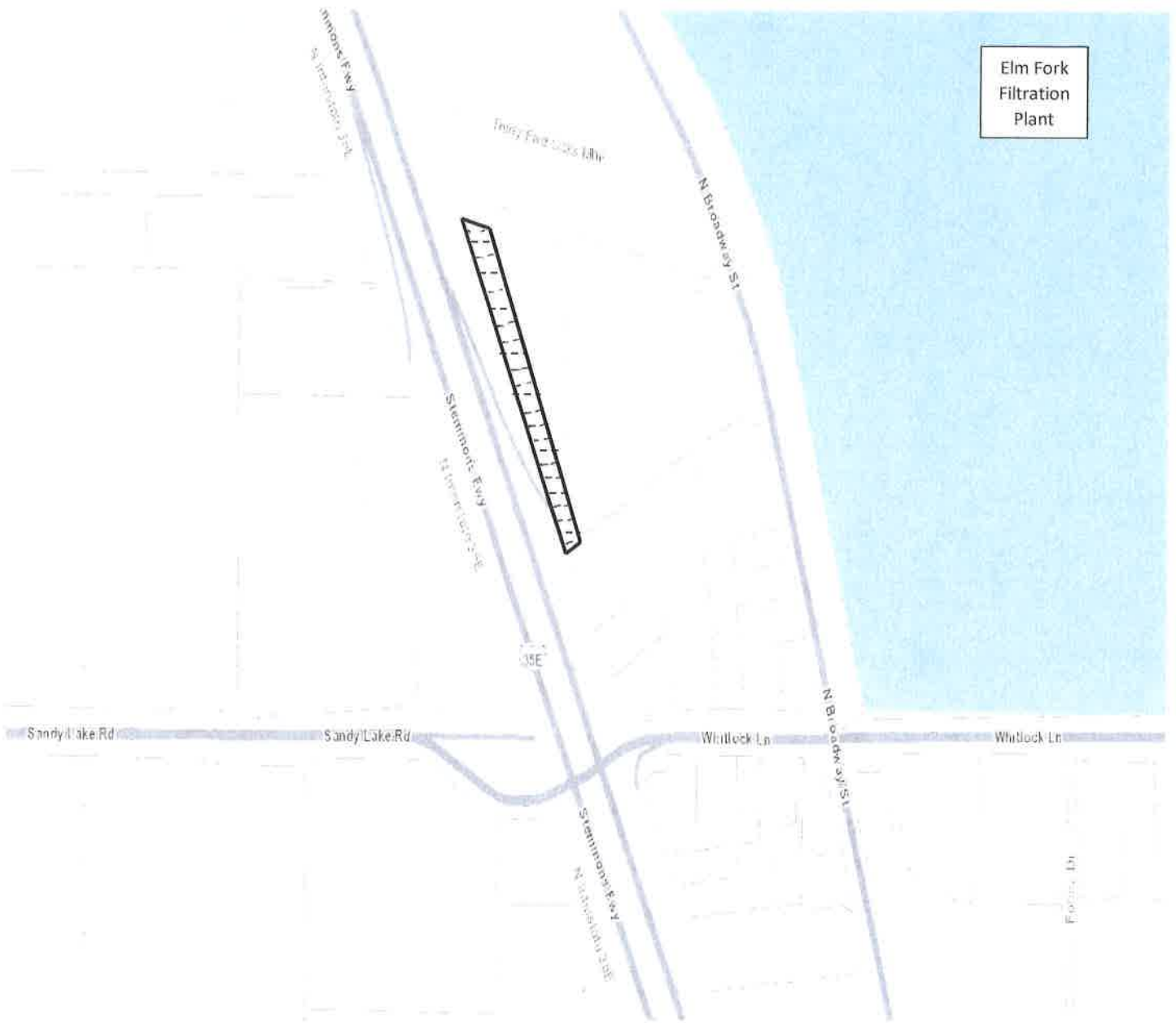
This item has no prior action.

FISCAL INFORMATION

Revenue: Dallas Water Utilities Fund (\$122,203.90) and General Fund (\$6,000.00)

MAP

Attached



Elm Fork
Filtration
Plant



Approx 8,495 sq ft of 1400 Whitlock Ln (TxDOT acquisition Parcel 4)



February 12, 2020

WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 8,495 square feet of land located in the City of Carrollton, Dallas County, Texas (the "Property") as described in Exhibit "A", attached herein and incorporated by reference; and

WHEREAS, the Texas Department of Transportation, a State of Texas agency, has the power of eminent domain and proposes to purchase the property at fair market value for redevelopment and improvement of Interstate Highway 35E; and

WHEREAS, the City of Dallas may sell or exchange its property to a governmental entity that has the power of eminent domain for fair market value as determined by an appraisal, without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code; and

WHEREAS, certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by the City of Dallas to other governmental entities as contemplated and authorized herein.

Now, Therefore,

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

SECTION 1. That upon receipt of **ONE HUNDRED TWENTY EIGHT THOUSAND TWO HUNDRED THREE AND 90/100 DOLLARS (\$128,203.90)** from the State of Texas, acting by and through the Texas Transportation Commission, the City Manager or designee is authorized to execute a Deed Without Warranty, a Possession and Use Agreement, and a Utility Joint Use Agreement to be attested by the City Secretary, approved as to form by the City Attorney.

SECTION 2. That the Deed Without Warranty, the Possession and Use Agreement, and the Utility Joint Use Agreement shall provide that the conveyance to the State of Texas, acting by and through the Texas Transportation Commission, ("**GRANTEE**") are subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the property; and
- (b) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and
- (c) any visible and apparent easements and any encroachments whether of record or not; and

SECTION 2. (continued)

- (d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and
- (e) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (f) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et.

February 12, 2020

SECTION 2. (continued)

seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations; and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal.

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

SECTION 3. That the proceeds (\$116,549.00 for the deed and \$11,654.90 for immediate possession and use of the Property) 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. The reimbursement proceeds shall be deposited in the General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 8416.

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

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

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

SECTION 7. That this resolution is designated for City purposes as Contract No. DEV-2019-00010919.

February 12, 2020

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

EXHIBIT "A"

County: Dallas
Parcel No. 4
Highway: Interstate Highway 35 East
R.O.W. CSJ: 0196-03-247

Description for Parcel 4

BEING a 0.195 acre tract of land in the Weston Perry Survey, Abstract Number 1151, City of Carrollton, Dallas County, Texas, being part of Lot 1, Block A, Elm Fork Water Treatment Plant Low Lift Pump Station, an Addition to the City of Carrollton as recorded in Volume 92111, Page 1955, Plat Records Dallas County Texas (PRDCT), said 0.195 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found for an angle point in the north line of said Lot 1, same being a point in the south line of a called 1.01 acre tract described as Part A in a deed to Texas Power & Light Company as recorded in Volume 5914, Page 616, Deed Records Dallas County Texas (DRDCT);

THENCE North 77°55'17" West with the line common to said tracts, a distance of 835.69 feet to a set 5/8-inch iron rod with a standard Texas Department of Transportation 3" aluminum cap (set TXDOT cap) for the intersection of said common line and the proposed east right-of-way line for Interstate Highway 35 East for the **POINT OF BEGINNING**;**

THENCE south with said proposed east right-of-way line as follows:

- 1) South 23°07'20" East for a distance of 481.17 feet to a set TXDOT cap for the beginning of a curve to the left;**
- 2) Along the arc of said curve to the left, having a central angle of 01°01'30", a radius of 3978.00 feet, an arc length of 71.17 feet, and a chord of South 23°38'05" East, 71.17 feet to a set TXDOT cap;**
- 3) South 25°43'23" East, a distance of 301.62 feet to a set TXDOT cap on the south line of the said Lot 1, same being on the north line of a called 4.221 acre tract described in a deed to DJK, Inc. as recorded in Volume 91234, Page 2309, DRDCT;**
- 4) THENCE South 58°48'43" West with the line common to said Lot 1 and 4.221 acre tract, a distance of 0.52 feet to a corner on the existing east right-of-way line for Interstate Highway 35 East, as described in a deed to the State of Texas as recorded in Volume 2167, Page 298, DRDCT;



FIELD NOTES APPROVED:

[Signature] 7/12/19

EXHIBIT "A"

County: Dallas
Parcel No. 4
Highway: Interstate Highway 35 East
R.O.W. CSJ: 0196-03-247

Description for Parcel 4

- 5) THENCE North 25°54'29" West with the existing right-of-way line for Interstate Highway 35 East, a distance of 875.02 feet to the northwest corner of the said Lot 1 and the southwest corner of the said Texas Power & Light Company tract described as Part A;
- 6) THENCE South 77°55'17" East with the line common to said tracts, a distance of 35.15 feet to the **POINT OF BEGINNING**, and containing 0.195 acre (8,495 square feet) of land.

This property description is accompanied by a separate plat of even date.


All bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD 83(CORS 2002) GEOID 03.

All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.000136506 (0.99986351263).

**The monument described and set in this call, if destroyed during construction, may be replaced with a TXDOT Type II Right-of-way Marker upon completion on the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TXDOT.

***The calculated point described in this call, may be replaced with a TXDOT Type II Right-of-way Marker upon either acquisition or completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TXDOT.

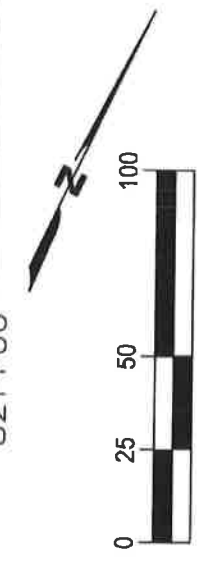
I hereby declare that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.


Dustin D. Davison, R.P.L.S. 6-24-19
Texas Registration No. 6451 Date

Texas Department of Transportation
4777 E. Highway 80
Mesquite, Texas 75150



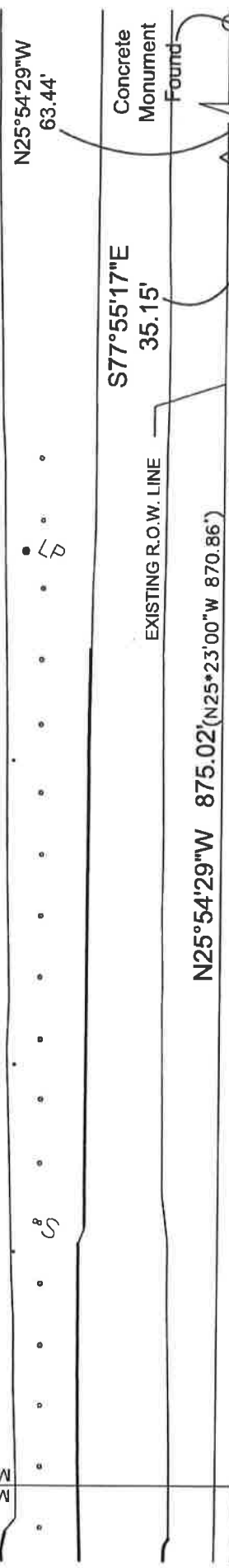
MATCH LINE SHEET 3 OF 4
MATCH LINE SHEET 4 OF 4



GRAPHIC SCALE
1" = 50'

INTERSTATE HIGHWAY NO. 35 EAST (VARIABLE WIDTH ROW)

STATE OF TEXAS
VOL. 2167, PG. 298
D.R.D.C.T.
WESTON PERRY SURVEY
ABSTRACT NO. 1151



0.195 ACRE
8,495 SQ.FT.

LEGEND

- 5/8" IRON ROD W/TXDOT ALUMINUM CAP SET UNLESS NOTED OTHERWISE
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- N.T.S. NOT TO SCALE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- P.U.E. PUBLIC UTILITY EASEMENT
- OU— OVERHEAD UTILITY
- DRDCT. DEED RECORDS DALLAS COUNTY, TX.
- PRDCT. PLAT RECORDS DALLAS COUNTY, TX.
- QDRDCT. OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TX.
- X— WIRE FENCE
- W— WOOD FENCE
- ||— DENIAL OF ACCESS LINE (00A)

PROPOSED R.O.W. LINE
S23°07'20"E 481.17'
CALLED 9.0314 ACRE
LOT 1, BLOCK A
ELM FORK WATER TREATMENT PLANT
LOW LIFT PUMP STATION
VOL. 92111, PG. 1955
P.R.D.C.T.

EXHIBIT "B" - PAGE 4 OF 4
A PLAT OF A SURVEY OF
PARCEL 4

DICKERSON PARKWAY EXTENSION
A 0.195 ACRE TRACT OF LAND IN THE
WESTON PERRY SURVEY
ABSTRACT NO. 1151
CITY OF CARROLLTON
DALLAS COUNTY, TEXAS

* THIS PARCEL PLAT IS ACCOMPANIED BY A SEPARATE PROPERTY DESCRIPTION OF EVEN DATE.

* THE MONUMENT DESCRIBED AND SET IN THIS CALL, IF DESTROYED DURING CONSTRUCTION MAY BE REPLACED WITH A TXDOT TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TXDOT.



Dustin D. Davison
DUSTIN D. DAVISON
R.P.L.S. NO. 6451

CSJ 0196-03-247
CONTRACT NO. 18-548P5001

3/4/2019
REV: 6/20/19

P.O.B. 1/2" IRF
N25°54'29"W 875.02' (N25°23'00"W 870.86')
S23°07'20"E 481.17'
CALLED 1.01 ACRE
TEXAS POWER & LIGHT COMPANY
VOL. 5914, PG. 676, D.R.D.C.T.
CALLED 18.9644 ACRE
THIRTY-FIVE OAKS, LTD.
VOL. 9107, PG. 1995
D.R.D.C.T.
STA: 824+53.06
OFFSET: 184.16 R
N 7041106.94
E 2453113.48**
(S77°39'31"E / 865.43)
P.O.C. 1/2" IRF

S77°55'17"E
35.15'
Concrete Monument Found

N25°54'29"W
63.44'



Agenda Information Sheet

File #: 19-826

Item #: 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A resolution authorizing **(1)** the conveyance of a tract of land for approximately 49,122 square feet of City-owned land to the State of Texas located in Dallas County; **(2)** a Possession and Use Agreement; and **(3)** a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$561,065.00) and General Fund (\$6,000.00)

BACKGROUND

This item authorizes **(1)** the conveyance of a tract of land for approximately 49,122 square feet of City-owned land to the State of Texas, located in Dallas County; **(2)** a Possession and Use Agreement; and **(3)** a Utility Joint Use Agreement for the Interstate Highway 35E Construction Project. The State of Texas is an entity with the power of eminent domain. The City may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bid requirements pursuant to Chapter 272 of the Local Government Code. The purchase price is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

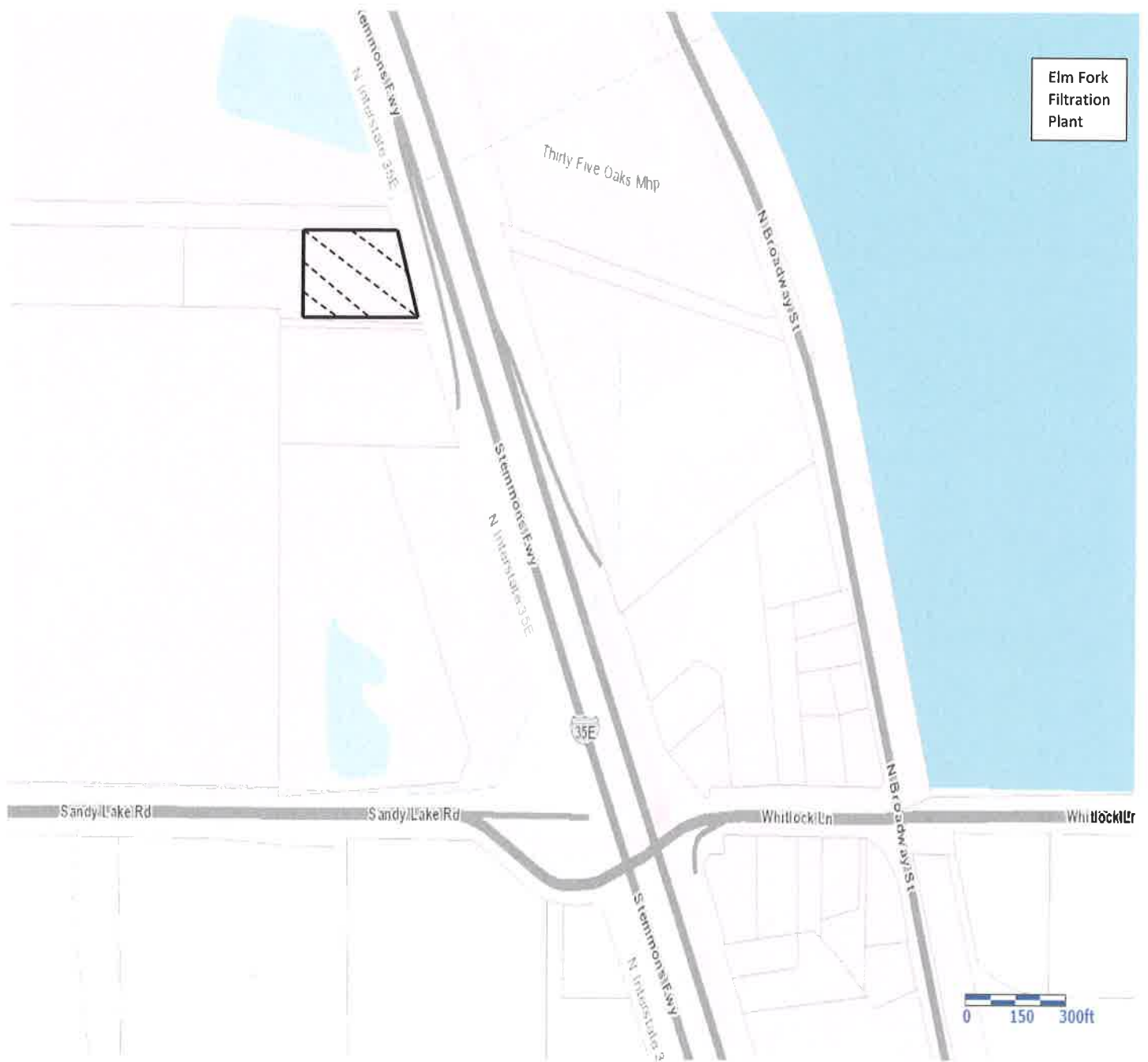
This item has no prior action.

FISCAL INFORMATION

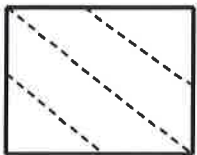
Revenue: Dallas Water Utilities Fund (\$561,065.00) and General Fund (\$6,000.00)

MAP

Attached



Elm Fork
Filtration
Plant



Approx 49,122 sq ft of 2113 N Interstate 35 E (TxDOT acquisition Parcel 6)



February 12, 2020

WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 49,122 square feet of land located in the City of Carrollton, Dallas County, Texas (the "Property") as described in Exhibit "A", attached herein and incorporated by reference; and

WHEREAS, the Texas Department of Transportation, a State of Texas agency, has the power of eminent domain and proposes to purchase the property at fair market value for the redevelopment and improvement of Interstate Highway 35E; and

WHEREAS, the City of Dallas may sell or exchange its property to a governmental entity that has the power of eminent domain for fair market value as determined by an appraisal, without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code; and

WHEREAS, certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by the City of Dallas to other governmental entities as contemplated and authorized herein.

Now, Therefore,

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

SECTION 1. That upon receipt of **FIVE HUNDRED SIXTY SEVEN THOUSAND SIXTY-FIVE AND NO/100 DOLLARS (\$567,065.00)** from the State of Texas, acting by and through the Texas Transportation Commission, the City Manager or designee is authorized to execute a Deed Without Warranty, a Possession and Use Agreement and a Utility Joint Use Agreement to be attested by the City Secretary, approved as to form by the City Attorney.

SECTION 2. That the Deed Without Warranty, the Possession and Use Agreement and the Utility Joint Use Agreement shall provide that the conveyance to the State of Texas, acting by and through the Texas Transportation Commission, ("**GRANTEE**") are subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the property; and
- (b) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and
- (c) any visible and apparent easements and any encroachments whether of record or not; and

SECTION 2. (continued)

- (d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and
- (e) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (f) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et.

February 12, 2020

SECTION 2. (continued)

seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations; and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal.

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

SECTION 3. That the proceeds (\$542,065.00 for the deed and \$25,000.00 for immediate possession and use of the Property) 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. The reimbursement proceeds shall be deposited in the General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 8416.

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

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

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

SECTION 7. That this resolution is designated for City purposes as Contract No. DEV-2019-00010919.

February 12, 2020

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

EXHIBIT "A"

County: Dallas
Highway: Interstate Highway No. 35 (East)
Parcel 6
STA. 824+89.16 to STA. 827+12.74
ROW CSJ: 0196-03-247

Page 1 of 3
Rev: December 7, 2018
Rev: June 20, 2019

Description for Parcel 6

BEING 49,122 square feet of land situated in the Weston Perry Survey, Abstract Number 1151 in the City of Carrollton, Dallas County, Texas, and being part of a tract of land described as Tract No. 4 in a deed to the City of Dallas, as recorded in Volume 3343, Page 406, Deed Records, Dallas County, Texas (D.R.D.C.T.), said 49,122 square feet (1.128 acres) of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found for the northwest corner of Lot 1, Block 1, Wildes Addition, an Addition to the City of Carrollton as recorded in Volume 88216, Page 3853, Plat Records Dallas County Texas (P.R.D.C.T.), said point being the north east corner of that tract described in a deed to SANDY LAKE AMUSEMENT PARK, INC., a Texas Corporation, as recorded in Volume 81006, Page 2065, D.R.D.C.T., and on the south line of the said Tract No. 4;

THENCE North 89 Degrees 49 Minutes 43 Seconds East with the common line between said Lot 1 and said Tract No. 4, a distance of 189.71 feet to a set 5/8-inch iron rod with a pink plastic cap stamped, "TXDOT SURVEY MARKER, RIGH-OF-WAY MONUMENT" (set TXDOT cap) for the **POINT OF BEGINNING** at the intersection of said common line and proposed west right-of-way line for Interstate Highway 35 East, at Station 824+89.16, 371.17 feet left, having Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (NAD83) 2011 Adjustment, Epoch 2010.00 surface coordinates of North=7,040,896.66 feet, East=2,452,598.23 feet;**

- 1) **THENCE** North 26 Degrees 44 Minutes 34 Seconds West with said proposed right-of-way line, a distance of 223.60 feet to a set TXDOT cap for corner on the common north line of said tract No. 4 and the south line of that tract of land described as "Part B" in a deed to Texas Power & Light Company as recorded in Volume 5914, Page 616, D.R.D.C.T.;**
- 2) **THENCE** North 89 Degrees 49 Minutes 43 Seconds East with said common line, a distance of 247.51 feet to a corner in the existing west right-of-way line for Interstate Highway No. 35 East;
- 3) **THENCE** South 25 Degrees 52 Minutes 17 Seconds East with said west right-of-way line and east line of said tract No. 4, a distance of 221.94 feet to a 1/2-inch iron rod found for the northeast corner of said Lot 1, Block 1, and southeast corner of said tract No. 4;

 FIELD NOTES APPROVED:
[Signature] 7/12/19

EXHIBIT "A"

County: Dallas
Highway: Interstate Highway No. 35 (East)
Parcel 6
STA. 824+89.16 to STA. 827+12.74
ROW CSJ: 0196-03-247

Page 2 of 3
Rev: December 7, 2018
Rev: June 20, 2019

- 4) **THENCE** South 89 Degrees 49 Minutes 43 Seconds West, along the common north line of said Lot 1, Block 1 and south line of said tract No. 4, a distance of 243.74 feet to the **POINT OF BEGINNING**, and containing 1.128 acres (49,122 square feet) of land.

** The monument described in this call, if destroyed or damaged during construction, may be replaced with a TxDOT Type II Right-of-Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

NOTES:

1. The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (NAD83) 2011 Adjustment, Epoch 2010.00.
2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (TxDOT Dallas County Scale Factor).
3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, 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.

Dustin D. Davison 6-24-19
Dustin D. Davison, R.P.L.S. Date
Texas Registration No. 6451

Texas Department of Transportation
4777 E. Highway 80
Mesquite, Texas 75150





GRAPHIC SCALE
1" = 100'

LEGEND

- 0 SET 5/8-INCH IRON ROD WITH PINK PLASTIC CAP STAMPED, "TXDOT SURVEY MARKER, RIGHT-OF-WAY MONUMENT", UNLESS OTHERWISE NOTED.
- ▲ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- N.T.S. NOT TO SCALE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- P.U.E. PUBLIC UTILITY EASEMENT
- OU— OVERHEAD UTILITY
- D.R.D.C.T. DEED RECORDS DALLAS COUNTY, TX.
- P.R.D.C.T. PLAT RECORDS DALLAS COUNTY, TX.
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TX.
- X— WIRE FENCE
- W— WOOD FENCE
- A— DENIAL OF ACCESS LINE

ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NAD 83 (COGS 2002). GEOID 03 ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED SCALE FACTOR OF 1.000136506 (0.99986351263).

THIS PARCEL PLAT IS ACCOMPANIED BY A SEPARATE PROPERTY DESCRIPTION OF EVEN DATE.

** THE MONUMENT DESCRIBED AND SET IN THIS CALL, IF DESTROYED DURING CONSTRUCTION, MAY BE REPLACED WITH A TXDOT TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TXDOT.

(CALLED 2.26 ACRE)
PART B
TEXAS POWER & LIGHT COMPANY
VOL. 5914, PG. 616, D.R.D.C.T.

STA: 827+12.74
OFFSET: 374.18 L
N 7041096.35
E 2452497.61

(CALLED 4.37 ACRE)
TRACT NO. 4
CITY OF DALLAS
VOL. 3343, PG. 406
D.R.D.C.T.

STATE OF TEXAS
VOL. 4191, PG. 445

N89°49'43"E 247.51'

STATE OF TEXAS
VOL. 4279, PG. 484

(6)

1.128 Ac.
(49,122 Sq. Ft.)

PROPOSED R.O.W. LINE
N26°44'34"W 223.60'

S25°52'17"E 221.94'

P.O.C.
1/2"IRF
STA: 824+89.16
OFFSET: 371.17 L
N 7040896.66
E 2452598.23

S89°49'43"W 243.74'
(S89°17'E 433.45')

(49.509 ACRES)
SANDY LAKE
AMUSEMENT PARK, INC.
VOL. 81006, PG. 2065
D.R.D.C.T.

(CALLED 116,520 SQ.FT.)
BRIAN H. WILDES,
CHRISTOPHER K. WILDES,
AND KATHLEEN W. HART
VOL. 93187, PG. 2968
D.R.D.C.T.

(CALLED 2.675 ACRE)
LOT 1, BLOCK 1
WILDES ADDITION
VOL. 88216, PG. 3853
D.R.D.C.T.

STATE OF TEXAS
VOL. 4091, PG. 508

EXISTING R.O.W. LINE

WESTON PERRY SURVEY
ABSTRACT NO. 1151

EXHIBIT "A" - PAGE 3 OF 3 A PLAT OF A SURVEY OF PARCEL 6

DICKERSON PARKWAY EXTENSION
A 1.128 ACRE TRACT OF LAND IN THE
WESTON PERRY SURVEY

ABSTRACT NO. 1151
CITY OF CARROLLTON
DALLAS COUNTY, TEXAS
RCSJ: 0196-03-247
Revised 12/07/2018
Revised 6/20/2019



I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION AND, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

Dustin D. Davison
DUSTIN D. DAVISON, R.P.L.S., TEXAS NO. 6451



Agenda Information Sheet

File #: 19-1020

Item #: 13.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A resolution authorizing **(1)** the conveyance of a tract of land for approximately 4,286 square feet of City-owned land to the State of Texas located in Dallas County; **(2)** a Possession and Use Agreement; and **(3)** a Utility Joint Use Agreement - Revenue: Dallas Water Utilities Fund (\$65,898.20) and General Fund (\$6,000.00)

BACKGROUND

This item authorizes **(1)** the conveyance of a tract of land for approximately 4,286 square feet of City-owned land to the State of Texas located in Dallas County; **(2)** a Possession and Use Agreement; and **(3)** a Utility Joint Use Agreement for the Interstate Highway 35E Construction Project. The State of Texas is an entity with the power of eminent domain. The City may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bid requirements pursuant to Chapter 272 of the Local Government Code. The purchase price is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

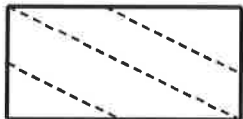
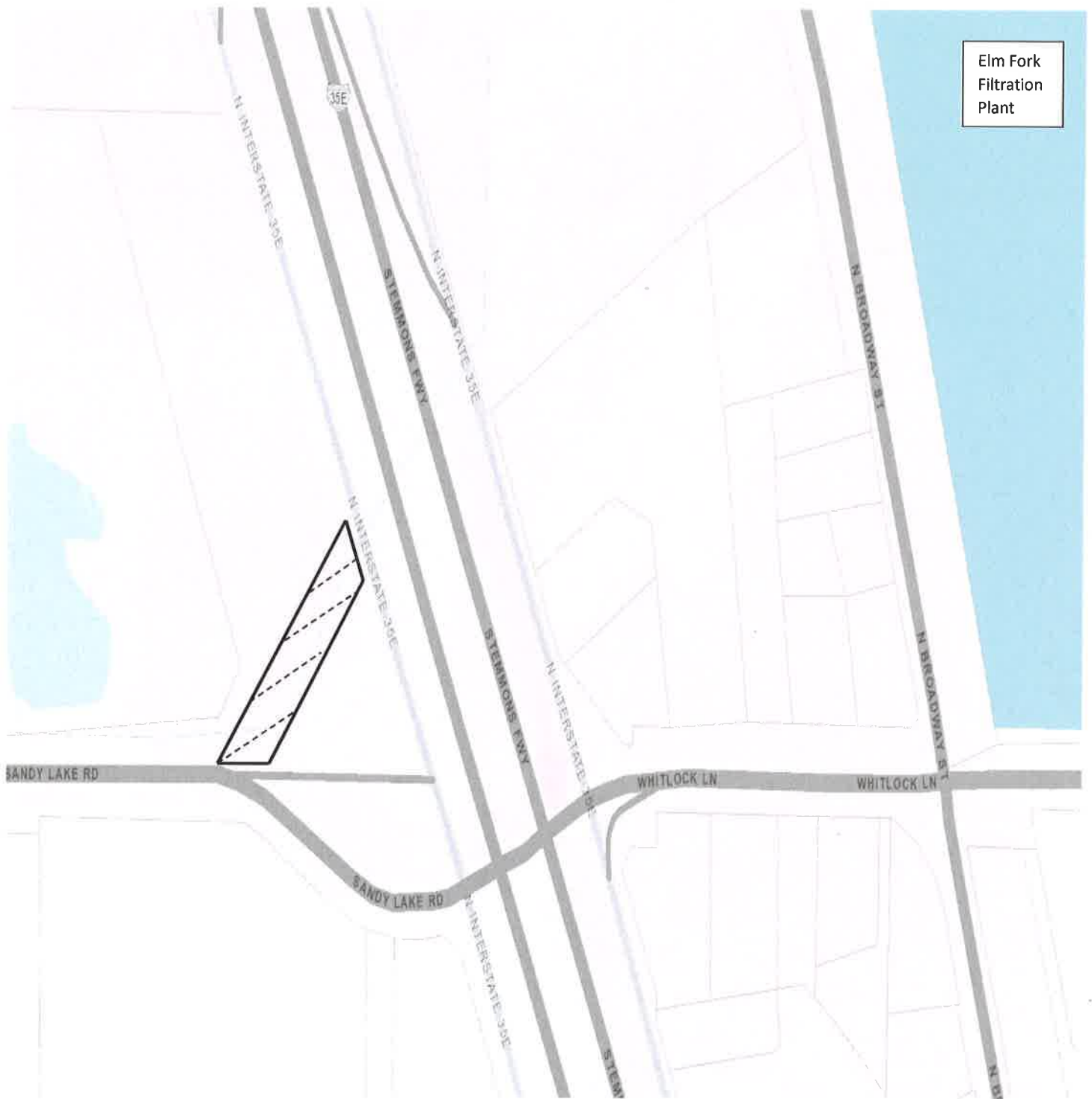
FISCAL INFORMATION

Revenue: Dallas Water Utilities Fund (\$65,898.20) and General Fund (\$6,000.00)

MAP

Attached

Elm Fork
Filtration
Plant



Approx. 4,286 sq ft Corner Clip at the intersection of Sandy Lake Rd and N Interstate 35 E
(TxDOT acquisition Parcel 29)



February 12, 2020

WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 4,286 square feet of land located in the City of Carrollton, Dallas County, Texas (the "Property") as described in Exhibit "A", attached herein and incorporated by reference; and

WHEREAS, the Texas Department of Transportation, a State of Texas agency, has the power of eminent domain and proposes to purchase the property at fair market value for the redevelopment and improvement of Interstate Highway 35E; and

WHEREAS, the City of Dallas may sell or exchange its property to a governmental entity that has the power of eminent domain for fair market value as determined by an appraisal, without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code; and

WHEREAS, certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by the City of Dallas to other governmental entities as contemplated and authorized herein.

Now, Therefore,

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

SECTION 1. That upon receipt of **SEVENTY ONE THOUSAND EIGHT HUNDRED NINETY-EIGHT AND 20/100 DOLLARS (\$71,898.20)** from the State of Texas, acting by and through the Texas Transportation Commission, the City Manager or designee is authorized to execute a Deed Without Warranty, a Possession and Use Agreement and a Utility Joint Use Agreement to be attested by the City Secretary, approved as to form by the City Attorney.

SECTION 2. That the Deed Without Warranty, the Possession and Use Agreement and the Utility Joint Use Agreement shall provide that the conveyance to the State of Texas, acting by and through the Texas Transportation Commission, ("**GRANTEE**") are subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the property; and
- (b) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and
- (c) any visible and apparent easements and any encroachments whether of record or not; and

SECTION 2. (continued)

- (d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and
- (e) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (f) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et.

February 12, 2020

SECTION 2. (continued)

seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations; and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal.

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

SECTION 3. That the proceeds (\$65,362.00 for the deed and \$6,536.20 for immediate possession and use of the Property) 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. The reimbursement proceeds shall be deposited in the General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 8416.

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

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

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


SECTION 7. That this resolution is designated for City purposes as Contract No. DEV-2019-00010919.

February 12, 2020

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

EXHIBIT "A"

County: Dallas
Highway: Interstate Highway 35E
Parcel No.: 29
R.O.W. CSJ: 0196-03-247

Description for Parcel 29

Being a 0.098 acre tract of land in the Weston Perry Survey, Abstract Number 1151, City of Carrollton, Dallas County, Texas, being part of a called 0.16 acre tract of land described as Tract No. 1 in deed to the City of Dallas, as recorded in Volume 3343, Page 406, Deed Records of Dallas County, Texas (DRDCT) and being more particularly described by metes and bounds as follows:

COMMENCING at the south southeast corner of a called 0.290 acre tract of land described as Tract No. 2 in deed to Horace Thompson Ardinger, Jr., as recorded in Volume 95064, Page 4721 DRDCT, a 1/2-inch iron rod found on the north right-of-way line of Sandy Lake Road (a variable width right-of-way) and being the west corner of a tract of land as described in a deed to the State of Texas as recorded in Volume 4230, Page 147, DRDCT;

THENCE North 89°56'17" West along the south line of said Tract No. 2 and said north right-of-way line of Sandy Lake Road, a distance of 161.36 feet to the common south corner of said Tract No. 1 and of said Tract 2 said point being the POINT OF BEGINNING;

1) THENCE North 89°56'17" West along the south line of said Tract No. 1 and said north right-of-way line of Sandy Lake Road, a distance of 23.76 feet to the southwest corner of said Tract No. 1 and the southeast corner of a tract described to the State of Texas as recorded in Volume 4165, Page 258, DRDCT;

2) THENCE North 32°44'17" East along the west line of said Tract No. 1 and the east line of said State of Texas tract a distance of 226.84 feet to the existing west right-of-way for Interstate Highway 35 East (variable width right-of-way) as described in a deed to the State of Texas as recorded in Volume 4091, Page 510, DRDCT;

3) THENCE South 25°52'17" East along the common line of said Tract No. 1 and said State of Texas tract, a distance of 23.43 feet to the north corner of said Tract No. 2, same being the east corner of said Tract No. 1;



FIELD NOTES APPROVED:

AK 7/12/19

EXHIBIT "A"

County: Dallas
Highway: Interstate Highway 35E
Parcel No.: 29
R.O.W. CSJ: 0196-03-247

Description for Parcel 29

4) THENCE South 32°44'17" West along the common line of said Tract No.1 and said Tract No. 2, a distance of 201.81 feet to the POINT OF BEGINNING and containing 0.098 acre of land (4,286 square feet)

This property description is accompanied by a separate plat of even date.

All bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD 83(CORS 2002) GEOID 03.

All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.000136506 (0.99986351263).

I hereby declare that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

Dustin D. Davison 6/24/19

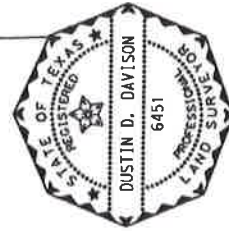
Dustin D. Davison, R.P.L.S. Date
Texas Registration No. 6451
Texas Department of Transportation
4777 E. Highway 80
Mesquite, Texas 75150





STATE OF TEXAS
L. 4091, PG. 51
D.R.D.C.T.

P. O. Box



- CALLED 0.16 ACRE
 TRACT NO. 1
 CITY OF DALLAS
 VOL. 3343, PG. 406
 D.R.D.C.T.

EXHIBIT "B" - PAGE 3 OF 3
A PLAT OF A SURVEY OF
PARCEL 29

INTERSTATE 35E
A 0.098 ACRE TRACT OF LAND IN THE
WESTON PERRY SURVEY
ABSTRACT NO. 1151
CITY OF CARROLLTON
DALLAS COUNTY, TEXAS

REV: 6/20/19

ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS
STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE
(4202), NAD 83 (CORS 2002) GEOID 03.

ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED SCALE FACTOR OF 1.000136506 (0.99986351263)

Dustin D. Davison, R.P.L.S. No. 6451 Date 06/11

En Di Di 6-24-19

LEGEND

- MONUMENT FOUND AS NOTED

- ▲ P.O.B. CALCULATED POINT
P.O.C. POINT OF BEGINNING
P.O.C. POINT OF COMMENCING
N.T.S. NOT TO SCALE
IRF IRON ROD FOUND
IPF IRON PIPE FOUND
P.U.E. PUBLIC UTILITY EASEMENT
—OU— OVERHEAD UTILITY
D.R.D.C. DEED RECORDS DALLAS COUNTY, TX.
P.R.D.C. PLAT RECORDS DALLAS COUNTY, TX.
O.P.R.D.C. OFFICIAL PUBLIC RECORDS
DALLAS COUNTY, TX.
- X — WIRE FENCE
— H — WOOD FENCE
— # — DENIAL OF ACCESS LINE

* THIS PARCEL PLAT IS ACCOMPANIED BY A SEPARATE PROPERTY DESCRIBED OF EVEN DATE.

*** THE MONUMENT DESCRIBED AND SET IN THIS CALL, IF DESTROYED DURING CONSTRUCTION MAY BE REPLACED WITH A TXDOT TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TXDOT



Agenda Information Sheet

File #: 19-1305

Item #: 14.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of an alley to PSREG Ross Avenue Owner, LLC, the abutting owner, containing approximately 4,920 square feet of land, located near the intersection of Peak Street and Ross Avenue; and authorizing the quitclaim; and providing for the dedication of approximately 2,410 square feet of land needed for a sidewalk easement - Revenue: General Capital Reserve Fund (\$260,440.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to PSREG Ross Avenue Owner, LLC, the abutting owner, containing approximately 4,920 square feet of land. The area will be included with the property of the abutting owner for mixed-use development. The owner will dedicate approximately 2,410 square feet of land needed for a sidewalk easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 23 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: General Capital Reserve Fund (\$260,440.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee

OWNER

PSREG Ross Avenue Owner, LLC

PSREG Ross Avenue Venture, LLC

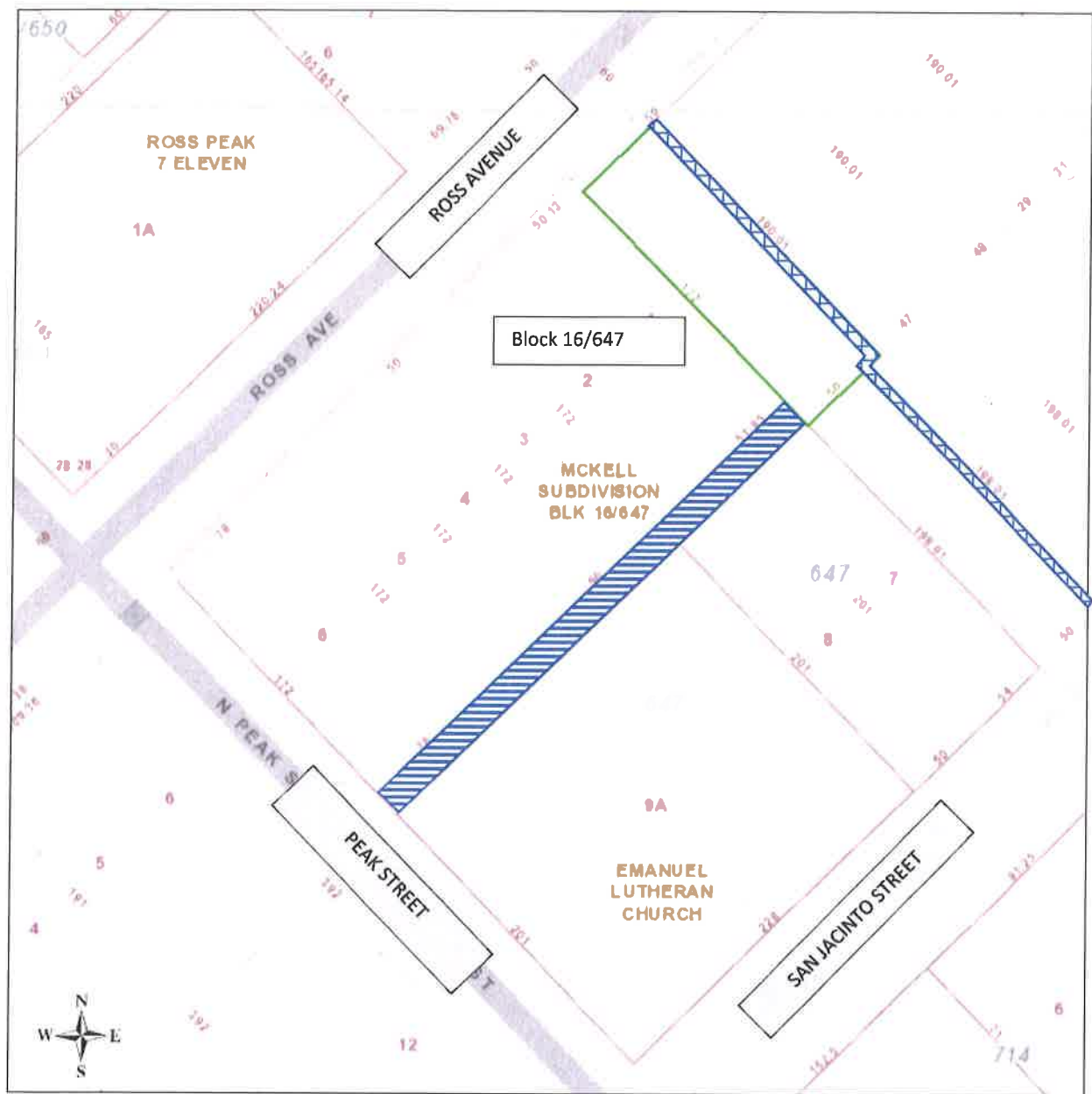
PSREG Ross Avenue, LLC

Pollack Shores Real Estate Group, LLC

Steven Shores, President

MAP

Attached



Alley Abandonment Area:



Sidewalk Easement Dedication Area:



ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Block 16/647 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to PSREG Ross Avenue Owner, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of PSREG Ross Avenue Owner, LLC, a Delaware limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of alley is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED EIGHTY THOUSAND FOUR HUNDRED FORTY AND NO/100 DOLLARS (\$280,440.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, and 11 the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE**, its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance, but no later than the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

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

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

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

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

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

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, 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

SECTION 8. (continued)

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 ensure construction and certificate of acceptance to be completed for Contract 19-527/528-P. This abandonment shall not be effective unless and until the terms of Contract 19-527/528-P are satisfied and failure to satisfy said terms in accordance with this section shall render this ordinance null and void and of no further effect.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within eighteen months of the effective date of this ordinance showing the

SECTION 10. (continued)

dedication of a sidewalk easement of not less than 2,410 square feet of needed sidewalk right-of-way, providing a mid-block connection between Ross Avenue and San Jacinto Street in City Block 16/647. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 10, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be

SECTION 12. (continued)

executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00008913.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY:


Assistant City Attorney

BY:


Assistant Director

Passed _____.

ALLEY ABANDONMENT
McKELL'S SUBDIVISION
BLOCK 16/647
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 4,920 square foot (0.113 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, being all of a 15 foot alley in Block 16/647 in the Final Plat of McKell's Subdivision, an addition to the City of Dallas, Dallas County, Texas, recorded in Volume 241, Page 96 Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a PK Nail found in the easterly right of way line of Peak Street formerly Martha Street (60' right of way), as established by Peak's Suburban Addition an addition to City of Dallas as recorded in Volume 45, Page 56, D.R.D.C.T. and being the southerly corner of Lot 6, Block 16/647, of said McKell's Subdivision;

THENCE North 44°37'46" East with the southeast line of Lots 1 through 6 of said Addition, a distance of 328.00 feet to a "X" Cut found, being the easterly corner of said Lot 1;

THENCE South 45°22'14" East, a distance of 15.00 feet to a "X" Cut found, being the northerly corner of Lot 7, Block 16/647 of said McKell's Subdivision;

THENCE South 44°37'46" West, with the northeasterly line of Lots 7 through 8 of said Addition, and Lot 9A of the Emanuel Lutheran Church Addition as recorded in Instrument Number 200503552871, Official Public Record Dallas County, Texas, a distance of 328.00 feet to a "X" Cut Set for the northerly corner of said Lot 9A, and being in the said easterly right of way of said for Peak Street;

THENCE North 45°22'14" West with the said easterly right of way of said for Peak Street, a distance of 15.00 feet to the POINT OF BEGINNING and containing an area of 4,920 square feet (0.113 acre) of land, more or less.

LEGEND

O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

D.R.D.C.T.= DEED RECORDS, DALLAS COUNTY, TEXAS

XF= "X" CUT FOUND

XS= "X" CUT SET

PKF= PK NAIL FOUND

C.M.= CONTROLLING MONUMENT

INST. NO.= INSTRUMENT NUMBER

VOL.= VOLUME

PG.= PAGE

SQ. FT.= SQUARE FEET

R.O.W. RIGHT OF WAY

The Basis of Bearing is based on the east line of Peak Street as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).



Adams
Surveying
Company, LLC

TXPLS Firm Registration No. 10177500

P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844

(For SPRG use only)

REVIEWED BY: G.S.

DATE: 12-19-18

S.P.R.G. NO: 4706

PAGE 1 OF 3



DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 30'	12/11/18	18083

ALLEY ABANDONMENT
McKELL'S SUBDIVISION BLOCK 16/647
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LINE	BEARING	DISTANCE
L1	S 45°22'14" E	15.00'
L2	N 45°22'14" W	15.00'

(TRACT 1)
SAFEBUY PROPERTIES, LLC.
INST. NO. 201300178707
O.P.R.D.C.T.

(TRACT 2)
SAFEBUY PROPERTIES, LLC.
INST. NO. 201300178708
O.P.R.D.C.T.

BLOCK 16/647
McKELL'S SUBDIVISION
VOL. 241, PG. 96
D.R.D.C.T.
(TRACT 3)
SAFEBUY PROPERTIES, LLC.
INST. NO. 201300178707
O.P.R.D.C.T.

POINT OF
BEGINNING
PKF (C.M.)

N 44°37'46" E 328.00'

15' ALLEY
4,920 SQ. FT.
0.113 ACRE

S 44°37'46" W 328.00'

15' SIGHT EASEMENT
INST. NO. 200503552871
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY
ABSTRACT NO. 495
LOT 9A, BLK 16/647
EMANUEL LUTHERAN CHURCH ADDITION
INST. NO. 200503552871
O.P.R.D.C.T.

PEAK STREET

(60' RIGHT OF WAY)
VOL. 45, PG. 56
D.R.D.C.T.

The Basis of Bearing is based on the east line of Peak Street as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).



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Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

SCALE	1" = 30'
DRAWN BY	BT
CHECKED BY	PH
DATE	12/11/18
JOB NO.	18083

(For SPRG use only)
REVIEWED BY: G.S.
DATE: 12-19-18
S.P.R.G. NO: 4706
PAGE 2 OF 3

ALLEY ABANDONMENT
McKELL'S SUBDIVISION BLOCK 16/647
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LINE	BEARING	DISTANCE
L1	S 45°22'14" E	15.00'
L2	N 45°22'14" W	15.00'

BLOCK 16/647
McKELL'S SUBDIVISION
VOL. 241, PG. 96
D.R.D.C.T.

JOHN GRIGSBY SURVEY
ABSTRACT NO. 495

(TRACT 3)
SAFEBUY PROPERTIES, LLC.
INST. NO. 201300178707
O.P.R.D.C.T.

SAFEBUY PROPERTIES, LLC.
INST. NO. 201500082861
O.P.R.D.C.T.

LOT 4

LOT 3

LOT 2

LOT 1

PAGE
PAGE

N 44°37'46" E 328.00'
15' ALLEY
4,920 SQ. FT.
0.113 ACRE

S 44°37'46" W 328.00'

XF

LOT 9A, BLK 16/647
EMANUEL LUTHERAN
CHURCH ADDITION
INST. NO. 200503552871
O.P.R.D.C.T.

BLOCK 16/647
McKELL'S SUBDIVISION
VOL. 241, PG. 96
D.R.D.C.T.

SAFEBUY PROPERTIES, LLC.
INST. NO. 201500082862
O.P.R.D.C.T.

LOT 8

LOT 7

The Basis of Bearing is based on the east line of Peak Street as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).



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SCALE	1" = 30'
DRAWN BY	BT
CHECKED BY	PH
DATE	12/11/18
JOB NO.	18083

(For SPRG use only)
REVIEWED BY: G.S.
DATE: 12-19-18
S.P.R.G. NO: 4706
PAGE 3 OF 3



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EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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



Agenda Information Sheet

File #: 19-1840

Item #: 15.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 10
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning portions of a sanitary sewer with temporary working space easement and wastewater easement to Presbyterian Village North, the abutting owner, containing a total of approximately 9,034 square feet of land, located near the intersection of Landa Lane and Skyline Drive - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of a sanitary sewer with temporary working space easement and wastewater easement to Presbyterian Village North, the abutting owner, containing a total of approximately 9,034 square feet of land. The areas will be included with the property of the abutting owner to construct an independent living facility. 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

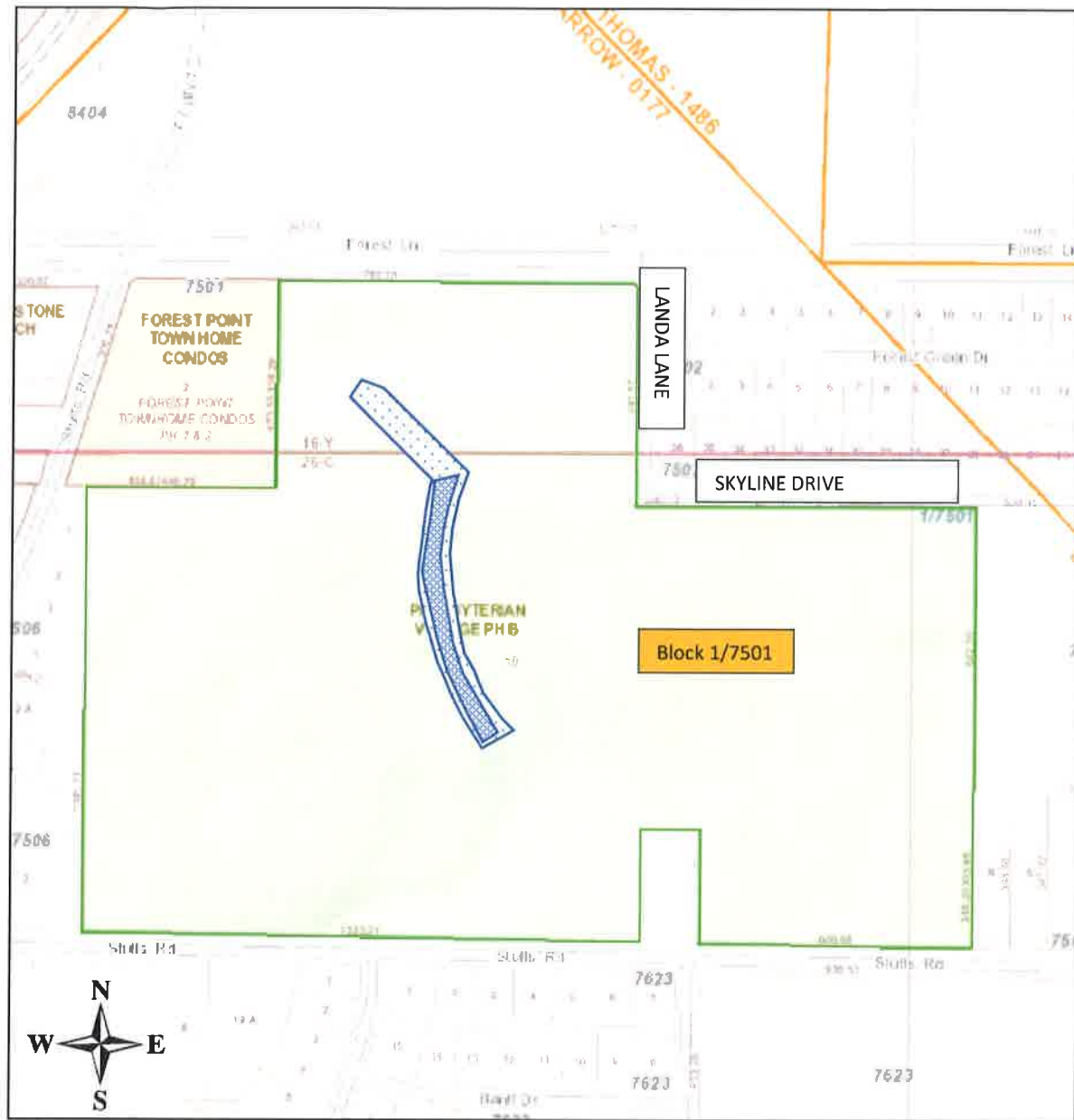
OWNER

Presbyterian Village North

Ron Kelly, President

MAP

Attached



48239

Abandonment Areas

	Sanitary Sewer Easement Abandonment
	Wastewater Easement Abandonment

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portions of a sanitary sewer with temporary working space easement and wastewater easement, located in City Block 1/7501 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Presbyterian Village North; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Presbyterian Village North, a Texas non-profit Corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the 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** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, 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 areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall provide approved water and wastewater engineering plans to City Engineering department (P-Contracts executed, and plans signed from PID 8579) prior to the effectiveness of abandonment.

SECTION 10. 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 11. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00011296.

SECTION 12. 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: _____

Assistant City Attorney

BY: _____

Assistant Director

Passed _____.

SANITARY SEWER EASEMENT ABANDONMENT
LOT 1B, BLOCK 1/7501, PRESBYTERIAN VILLAGE, PHASE B ADDITION
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 2,377 square foot (0.055 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, and City of Dallas Block 1/7501, Dallas County, Texas; being all of a 10' Sanitary Sewer Easement conveyed to the City of Dallas by deed recorded in Volume 83167, Page 3718, Deed Records, Dallas County, Texas, as it crosses Lot 1B, Block 1/7501 of Presbyterian Village, Phase B Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument No. 201700204341, Official Public Records, Dallas County, Texas as conveyed to Presbyterian Village North by Correction Special Warranty Deed recorded in Instrument No. 201400313004, Official Public Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1-inch iron pipe found for corner in the north right-of-way line of Stults Road (a 60-foot wide right-of-way; Volume 1895, Page 182, Deed Records, Dallas County, Texas) at the southwest corner of said Lot 1B;

THENCE N 89° 54' 58" E, with said north right-of-way line of Stults Road and said south line of Lot 1B, a distance of 1170.54 feet to a point from corner, from which a 5/8-inch iron rod found bears N 89° 54' 58" E, a distance of 152.67 feet;

THENCE N 00° 05' 02" W, departing said north right-of-way line of Stults Road, over and across said Lot 1B, a distance of 477.85 feet to the POINT OF BEGINNING; being the southwest corner of said 10' Sanitary Sewer Easement;

THENCE with the west line of said 10' Sanitary Sewer Easement, the following courses and distances:

N 00° 33' 52" W, a distance of 2.25 feet to a point at the beginning of a non-tangent curve to the right;
In a northwesterly direction with said curve to the right, having a radius of 205.00 feet, a central angle of 28° 44' 07", a chord that bears N 14° 55' 56" W, 101.74 feet, an arc distance of 102.81 feet to a point for corner;
N 00° 33' 52" W, a distance of 27.47 feet to a point for the beginning of a tangent curve to the right;
In a northeasterly direction with said curve to the right, having a radius of 205.00 feet, a central angle of 28° 44' 07", a chord that bears N 13° 48' 11" E, 101.74 feet, an arc distance of 102.81 feet to a point for corner;
N 00° 33' 52" W, a distance of 2.25 feet to the northwest corner of said 10' Sanitary Sewer Easement;

THENCE N 89 26' 08" E, with said north line of the 10' Sanitary Sewer Easement, a distance of 10.00' feet to the northeast corner of said 10' Sanitary Sewer Easement;

THENCE with the east line of said 10' Sanitary Sewer Easement, the following courses and distances:

S 00° 33' 52" E, a distance of 4.85 feet to a point for the beginning of a non-tangent curve to the left;
In a southwesterly direction with said curve to the left, having a radius of 195.00 feet, a central angle of 29° 28' 45", a chord that bears S 14° 10' 30" W, 99.23 feet, an arc distance of 100.33 feet to a point for corner;
S 00° 33' 52" E, a distance of 27.47 feet to a point at the beginning of a tangent curve to the left;
In a southeasterly direction with said curve to the left, having a radius of 195.00 feet, a central angle of 29° 28' 45", a chord that bears S 15° 18' 15" E, 99.23 feet, an arc distance of 100.33 feet to a point for corner;
S 00° 33' 52" E, a distance of 4.85 feet to the southeast corner of said 10' Sanitary Sewer Easement;

THENCE S 89° 26' 08" W, with the south line of said 10' Sanitary Sewer Easement, a distance of 10.00 feet to the POINT OF BEGINNING and containing 2,377 square feet or 0.055 acres of land, more or less.

The basis of bearings for this survey is The State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment realization 2011.

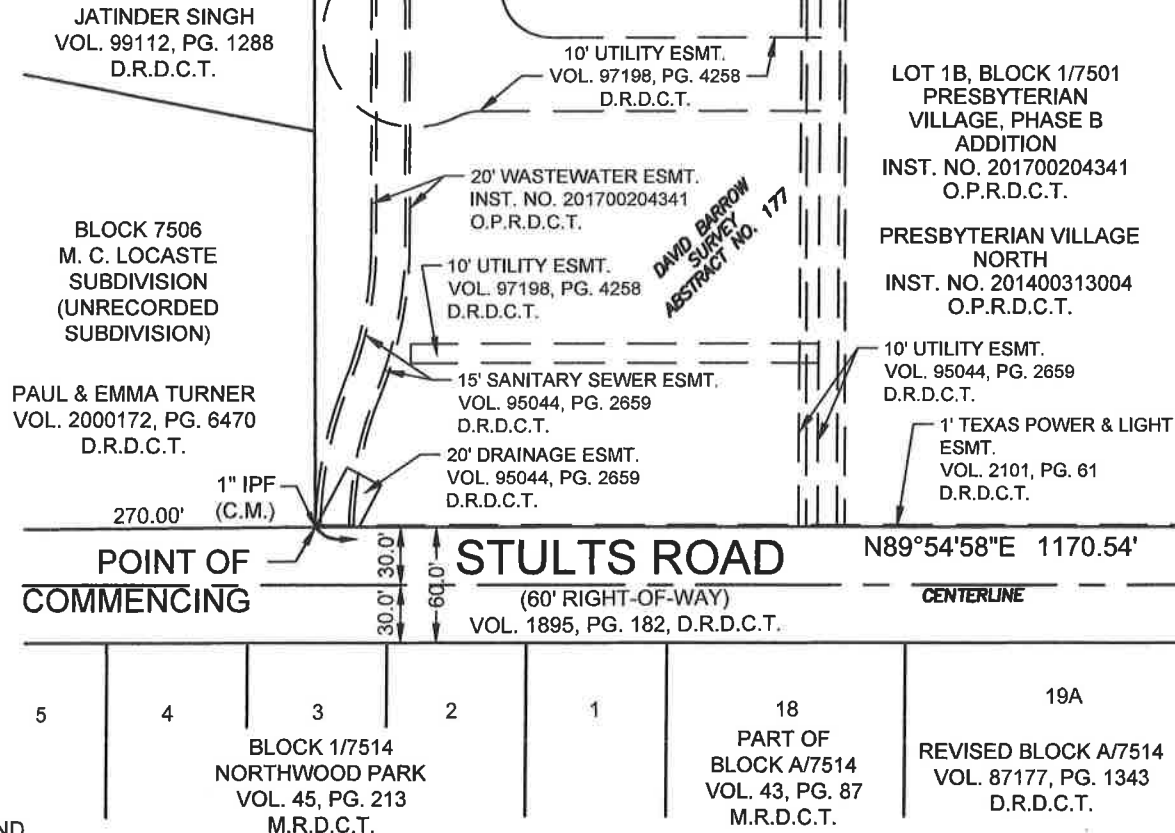
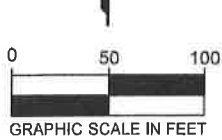


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Reviewed By: JL
Date: 9-19-19
SPRG NO: 5013

Candy Hone, RPLS 9/10/2019
Candy Hone
Registered Professional Land Surveyor, No. 5867

VOTEX SURVEYING COMPANY - TBPLS FIRM NO. 10013600
10440 N. CENTRAL EXPWY, STE 800 DALLAS, TEXAS 75231
PH. (469) 333-8831; candy@votexsurveying.com
PROJECT NO. 2019-004
SHEET 1 OF 5

SANITARY SEWER EASEMENT ABANDONMENT
LOT 1B, BLOCK 1/7501, PRESBYTERIAN VILLAGE, PHASE B ADDITION
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**LEGEND**

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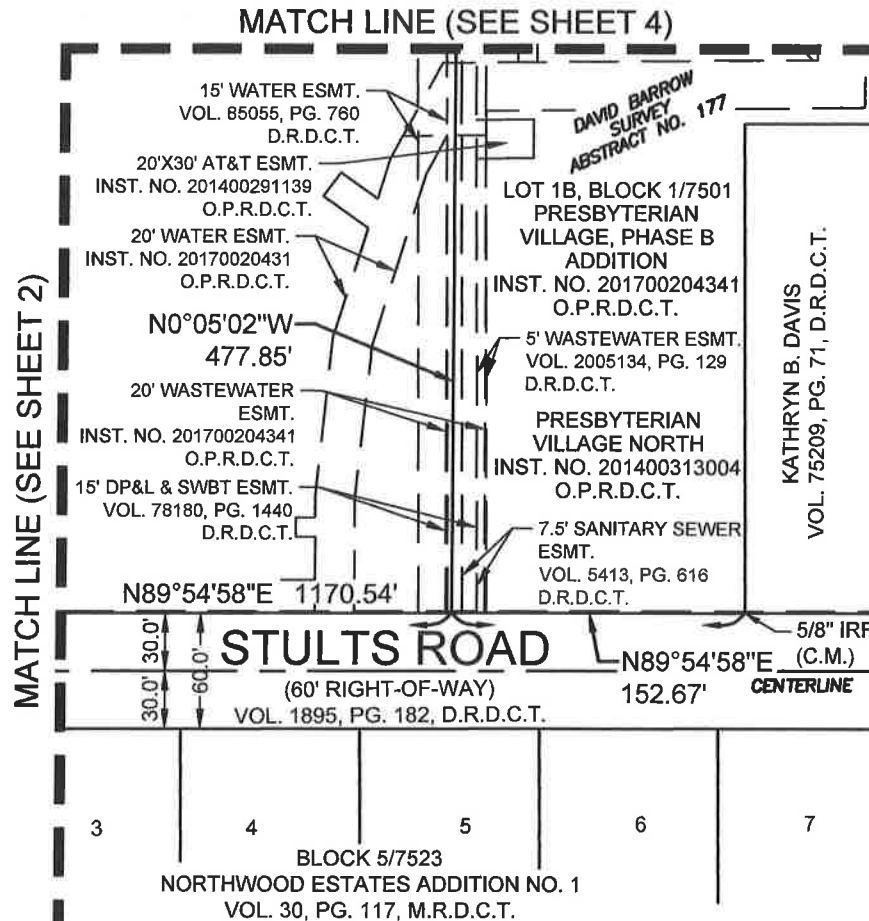
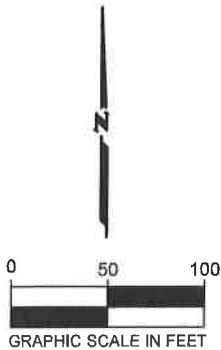
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 PROJECT NO. 2019-004
 SHEET 2 OF 5



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 Candy Hone
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SANITARY SEWER EASEMENT ABANDONMENT
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 DAVID BARROW SURVEY, ABSTRACT NO. 177
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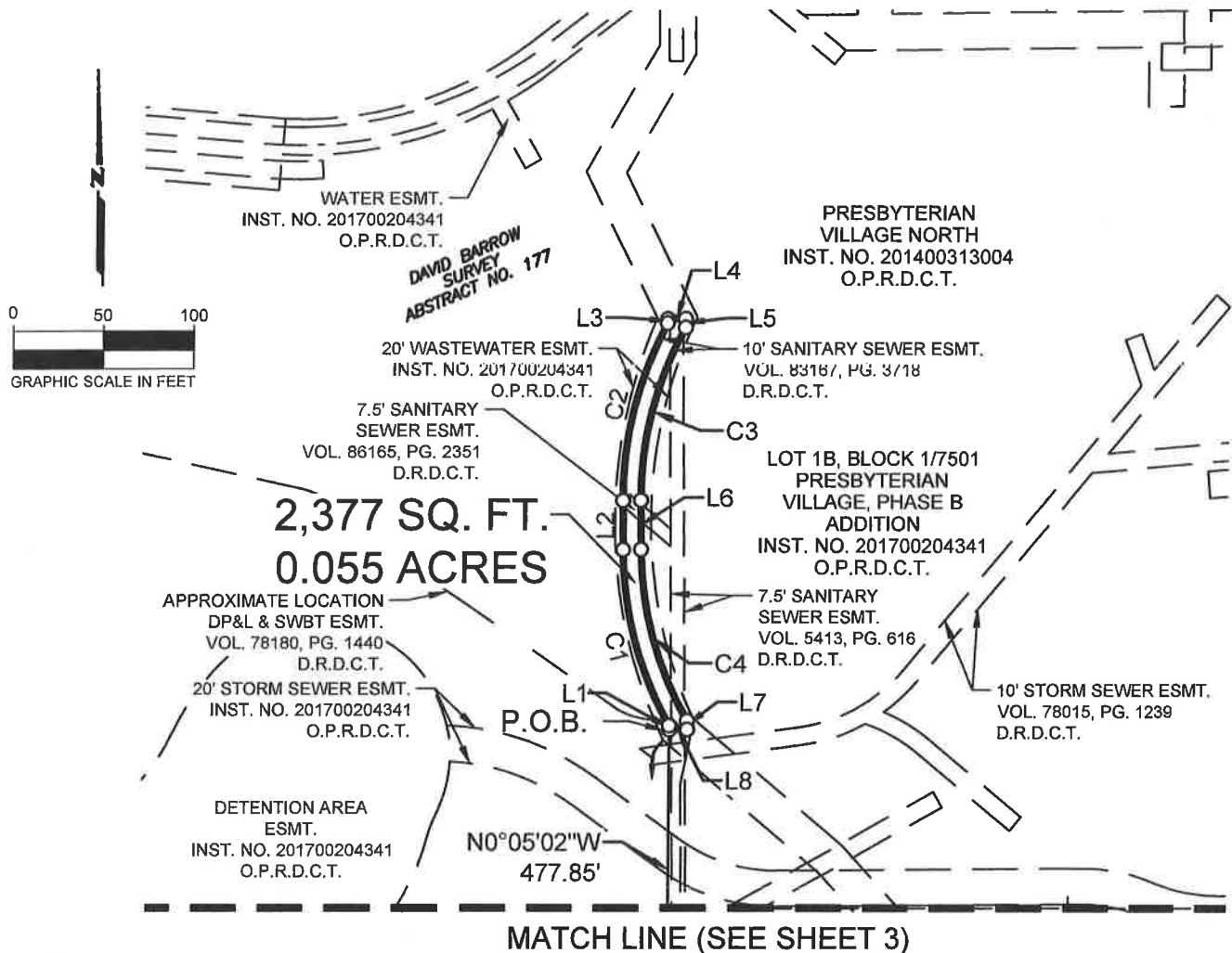
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 SHEET 3 OF 5



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SANITARY SEWER EASEMENT ABANDONMENT
LOT 1B, BLOCK 1/7501, PRESBYTERIAN VILLAGE, PHASE B ADDITION
DAVID BARROW SURVEY, ABSTRACT NO. 177
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See Sheet 5 for Line and Curve Tables.



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 PROJECT NO. 2019-004
 SHEET 4 OF 5

SANITARY SEWER EASEMENT ABANDONMENT
 LOT 1B, BLOCK 1/7501, PRESBYTERIAN VILLAGE, PHASE B ADDITION
 DAVID BARROW SURVEY, ABSTRACT NO. 177
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°33'52"W	2.25'
L2	N00°33'52"W	27.47'
L3	N00°33'52"W	2.25'
L4	N89°26'08"E	10.00'
L5	S00°33'52"E	4.85'
L6	S00°33'52"E	27.47'
L7	S00°33'52"E	4.85'
L8	S89°26'08"W	10.00'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	28°44'07"	205.00'	102.81'	N14°55'56"W	101.74'
C2	28°44'07"	205.00'	102.81'	N13°48'11"E	101.74'
C3	29°28'45"	195.00'	100.33'	S14°10'30"W	99.23'
C4	29°28'45"	195.00'	100.33'	S15°18'15"E	99.23'



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 PH. (469) 333-8831; candy@votexsurveying.com
 PROJECT NO. 2019-004
 SHEET 5 OF 5

WASTEWATER EASEMENT ABANDONMENT
 LOT 1B, BLOCK 1/7501, PRESBYTERIAN VILLAGE, PHASE B ADDITION
 DAVID BARROW SURVEY, ABSTRACT NO. 177
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 6,657 square foot (0.153 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, and City of Dallas Block 1/7501, Dallas County, Texas; being a portion of a 20' Wastewater Easement as created by plat of Lot 1B, Block 1/7501 of Presbyterian Village, Phase B Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument No. 201700204341, Official Public Records, Dallas County, Texas as conveyed to Presbyterian Village North by Correction Special Warranty Deed recorded in Instrument No. 201400313004, Official Public Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1-inch iron pipe found for corner in the north right-of-way line of Stults Road (a 60-foot wide right-of-way; Volume 1895, Page 182, Deed Records, Dallas County, Texas) at the southwest corner of said Lot 1B;

THENCE N 89° 54' 58" E, with said north right-of-way line of Stults Road and said south line of Lot 1B, a distance of 1167.39 feet to a point from corner, from which a 5/8-inch iron rod found bears N 89° 54' 58" E, a distance of 155.82 feet;

THENCE N 00° 05' 02" W, departing said north right-of-way line of Stults Road, over and across said Lot 1B, a distance of 471.77 feet to the **POINT OF BEGINNING**; being in the west line of said 20' Wastewater Easement at the beginning of a non-tangent curve to the right;

THENCE with said west line of the 20' Wastewater Easement, the following courses and distances:

In a northwesterly direction with said curve to the right, having a radius of 287.79 feet, a central angle of 48° 24' 20", a chord that bears N 01° 10' 37" W, 235.97 feet, an arc distance of 243.14 feet to a point for corner;
 N 26° 26' 44" W, a distance of 90.79 feet to a point for corner;
 N 29° 55' 32" E, a distance of 11.21 feet to a point for corner;

THENCE S 58° 39' 13" E, departing said west line of the 20' Wastewater Easement, a distance of 20.01 feet to an angle point in the east line of said 20' Wastewater Easement;

THENCE with said east line of the 20' Wastewater Easement, the following courses and distances:

S 26° 26' 44" E, a distance of 89.49 feet to a point for the beginning of a non-tangent curve to the left;
 In a southwesterly direction with said curve to the left, having a radius of 267.79 feet, a central angle of 49° 27' 04", a chord that bears S 00° 14' 38" W, 224.02 feet, an arc distance of 231.13 feet to a point for corner;

THENCE S 52° 47' 08" W, departing said east line of the 20' Wastewater Easement, a distance of 20.47 feet to the **POINT OF BEGINNING** and containing 6,657 square feet or 0.153 acres of land, more or less.

The basis of bearings for this survey is The State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment realization 2011.



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Reviewed By: JL

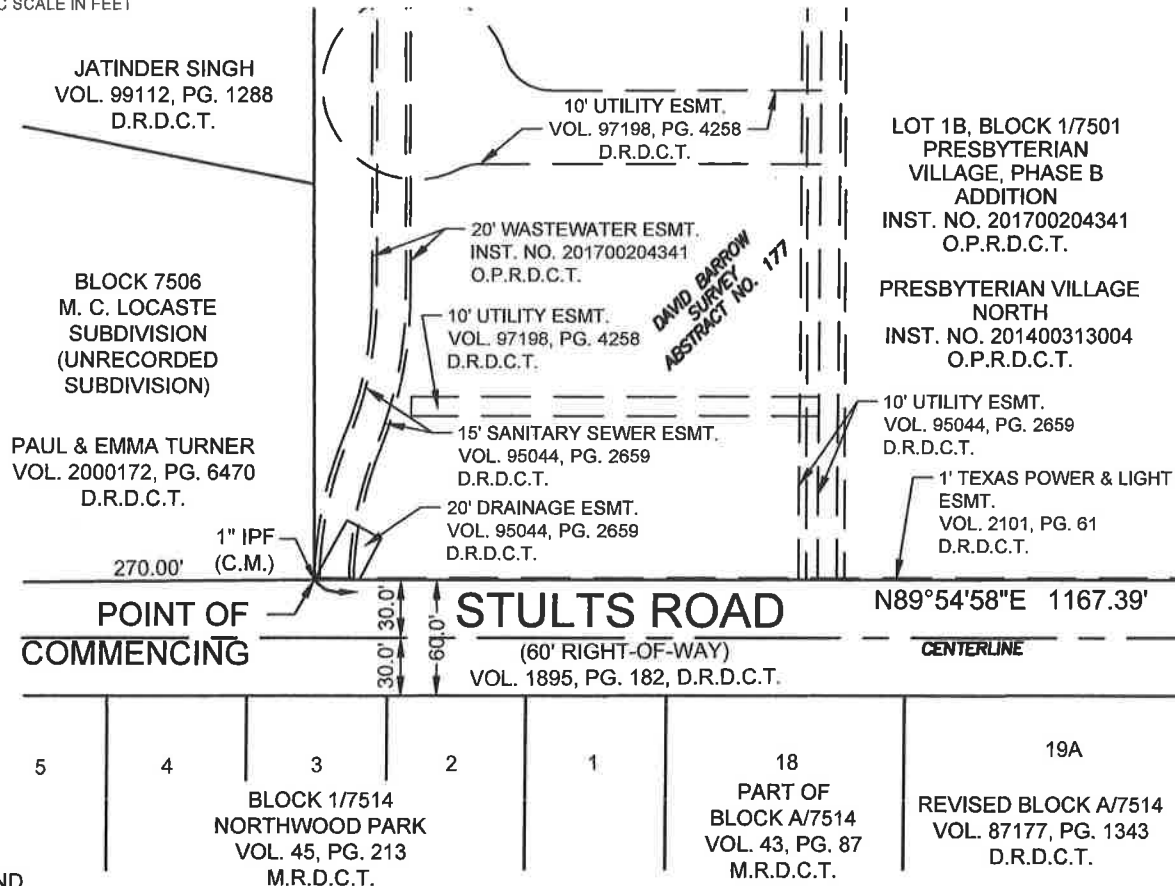
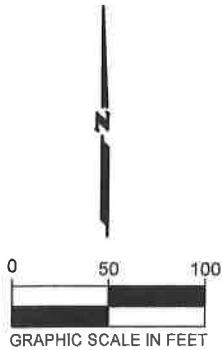
Date: 9-19-19

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VOTEX SURVEYING COMPANY - TBPLS FIRM NO. 10013600
 10440 N. CENTRAL EXPWY, STE 800 DALLAS, TEXAS 75231
 PH. (469) 333-8831; candy@votexsurveying.com
 PROJECT NO. 2019-004
 SHEET 1 OF 5

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WASTEWATER EASEMENT ABANDONMENT
 LOT 1B, BLOCK 1/7501, PRESBYTERIAN VILLAGE, PHASE B ADDITION
 DAVID BARROW SURVEY, ABSTRACT NO. 177
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



MATCH LINE (SEE SHEET 3)

LEGEND

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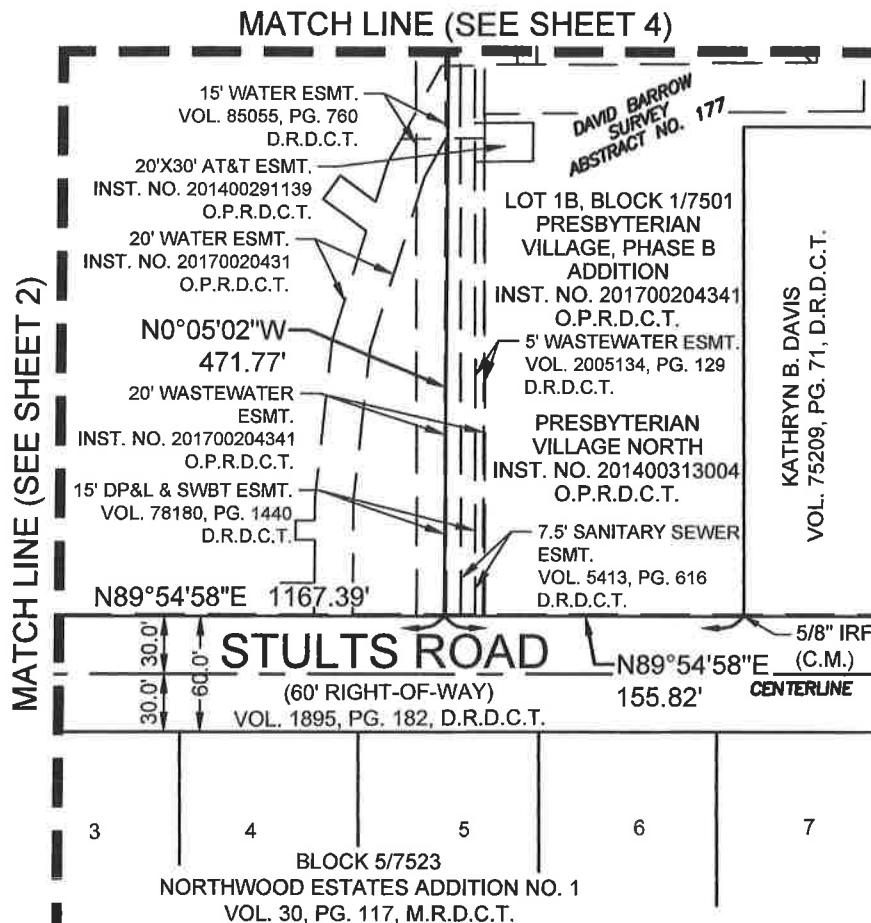
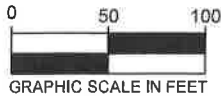
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 SHEET 2 OF 5

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WASTEWATER EASEMENT ABANDONMENT
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 DAVID BARROW SURVEY, ABSTRACT NO. 177
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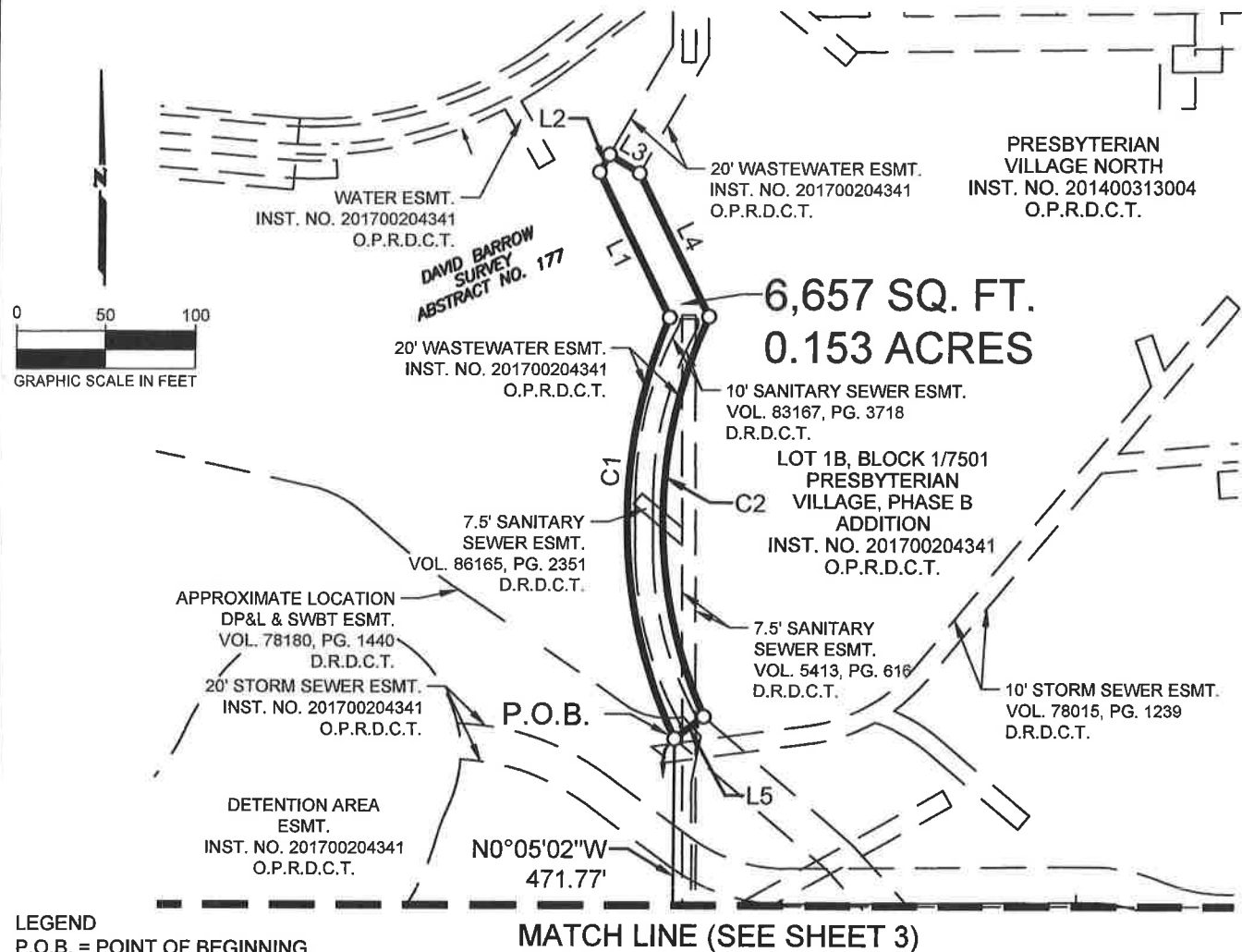
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 DAVID BARROW SURVEY, ABSTRACT NO. 177
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	N26°26'44"W	90.79'
L2	N29°55'32"E	11.21'
L3	S58°39'13"E	20.01'
L4	S26°26'44"E	89.49'
L5	S52°47'08"W	20.47'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	48°24'20"	287.79'	243.14'	N01°10'37"W	235.97'
C2	49°27'04"	267.79'	231.13'	S00°14'38"W	224.02'



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 PROJECT NO. 2019-004
 SHEET 5 OF 5



Agenda Information Sheet

File #: 20-13

Item #: 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 11
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of a utility easement to C/T Prestonwood Creek JV LLC, the abutting owner, containing approximately 2,406 square feet of land, located near the intersection of Prestonwood Boulevard and Beltline Road - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a utility easement to C/T Prestonwood Creek JV LLC, the abutting owner, containing approximately 2,406 square feet of land. The area will be included with the property of the abutting owner for 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

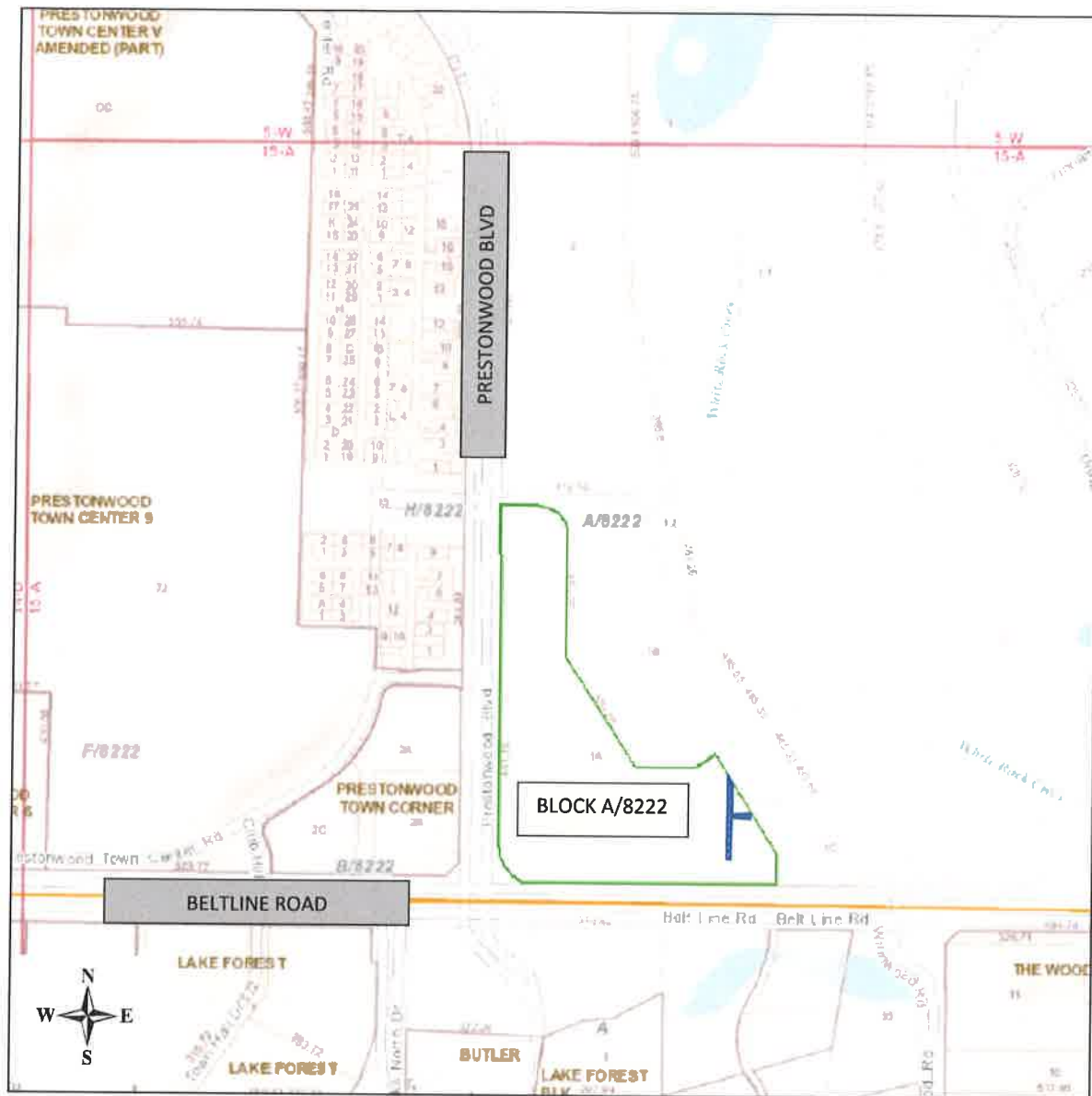
OWNER

C/T Prestonwood Creek JV LLC

John S. Arnold Jr., Manager

MAP

Attached



Utility Easement

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement, located in City Block A/8222 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to C/T Prestonwood Creek JV LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; 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 C/T Prestonwood Creek JV LLC, a Texas limited liability company; 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 and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all 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 to **GRANTEE** herein, **GRANTEE** shall prior to effectiveness of abandonment ensure water and wastewater engineering plans are approved, Private Development Contracts (P-Contracts) are executed and plans signed from WW19-091. Failure to comply with the terms and conditions of this section shall render this ordinance null and void.

SECTION 10. 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 11. That this ordinance is also designated for City purposes as Contract No. DEV-2020-00011779.

SECTION 12. 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

BY: _____

Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY: _____

Assistant Director

Passed _____.

UTILITY EASEMENT ABANDONMENT
REVISED PRESTONWOOD CREEK MULTI-USE DEVELOPMENT PHASE I
LOT 1-A, BLOCK A/8222
ROBERT WILBURN SURVEY, ABSTRACT NO. 1580
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

Description of a 2,406 square foot tract of land situated in the Robert Wilburn Survey, Abstract No. 1580, City of Dallas, Dallas County, Texas and being a portion of Lot 1-A, Block A/8222, Prestonwood Creek Multi-Use Development Phase I, an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 96199, Page 2095, Deed Records of Dallas County, Texas, said Lot 1-A having been conveyed to C/T Prestonwood Creek JV, LLC by Special Warranty Deed recorded in Instrument Number 201900109964, Official Public Records, Dallas County, Texas; and being more particularly described by metes and bounds as follows:

COMMENCING, at a cut "+" in concrete found for the southwest corner of Lot 1-C, Block A/8222 of said Prestonwood Creek, and the southeast corner of said Lot 1-A, Block A/8222; said point being also on the north right-of-way line of Belt line Road (a variable width public right-of-way);

THENCE, South 89 degrees 30 minutes 00 seconds West, with said north right-of-way line, a distance of 111.01 feet to a point for corner; said point also being on the east line of the 10' utility easement recorded in Volume 96199, P. 2095, Deed Records, Dallas, County, Texas;

THENCE, North 00 degrees 30 minutes 00 seconds West, leaving said north right-of-way line, distance of 44.00 feet to a point on a 10' Utility Easement line recorded in Volume 96199, Page 2095, Deed Records, Dallas County, Texas; said point being also the POINT OF BEGINNING;

THENCE, South 89 degrees 30 minutes 00 seconds West, a distance of 10.00 feet to a point for corner;

THENCE, North 00 degrees 30 minutes 00 seconds West, a distance of 193.78 feet to a point for corner;

THENCE, North 34 degrees 11 minutes 24 seconds West, a distance of 4.85 feet to a point for corner;

THENCE, North 55 degrees 48 minutes 36 seconds East, a distance of 5.00 feet to a point for corner;

THENCE, South 34 degrees 12 minutes 45 seconds East, a distance of 15.37 feet to a point for corner;

THENCE, South 00 degrees 30 minutes 00 seconds East, a distance of 80.00 feet to a point for corner;

THENCE North 89 degrees 30 minutes 00 seconds East, a distance of 41.43 feet to a point for corner;

THENCE, South 34 degrees 15 minutes 00 seconds East, a distance of 12.03 feet to a point for corner;

THENCE, South 89 degrees 30 minutes 00 seconds West, a distance of 48.11 feet to a point for corner;

THENCE, South 00 degrees 30 minutes 00 seconds East, a distance of 97.80 feet to the POINT OF BEGINNING;

CONTAINING, 2,406 square feet, 0.055 acres of land, more or less.

Bearing system for this survey is based upon the north line of Belt Line Road, bearing S 89°30'00" W, according to the plat of Prestonwood Creek Multi-use Development Phase I recorded in Volume 96199, Page 2095, Deed Records, Dallas County, Texas.

(For SPRG use only)	
Reviewed by:	5106 JL
Date:	11-11-19
SPRG NO:	5106



BLOCK B/8221
PRESTONWOOD GOLF
CLUB CORP.
V. 8825, P. 3641
D.R.D.C.T.

S 35°20'01" E

LOT 1-B
REVISED PRESTONWOOD CREEK
BLOCK A/8222
MULTI-USE DEVELOPMENT PHASE I
V. 96199, P. 2095
D.R.D.C.T.

ROBERT WILBURN SURVEY
ABSTRACT No. 1580

10'x10' UTILITY
EASEMENT
V. 96199, P. 2095
D.R.D.C.T.

20' UTILITY
EASEMENT
V. 96199, P. 2095
D.R.D.C.T.

5495 BELT LINE RD
V. 96199, P. 2095
D.R.D.C.T.

C/T PRESTONWOOD CREEK JV, LLC
O.P.R.D.C.T.

15' D.P. & L. ESMT.
V. 82221, P. 5036
D.R.D.C.T.

10' UTILITY EASEMENT
V. 96199, P. 2095
D.R.D.C.T.

EXCLUDED REPLACEMENT
PARKING AREA
INST. NO. 201200060536
O.P.R.D.C.T.

20' UTILITY EASEMENT
V. 96199, P. 2095
D.R.D.C.T.

LOT 1-A
5409 BELT LINE RD
INST. NO. 201900109964
O.P.R.D.C.T.

C/T PRESTONWOOD CREEK JV, LLC
O.P.R.D.C.T.

RESERVED PARKING
SPACES FOR LOT 1-A
INST. NO. 201200060536
O.P.R.D.C.T.

10' RESEARCH ESMT.
V. 91228, P. 6337
D.R.D.C.T.

15' BUILDING SETBACK
(BY ZONING)

794.00' PROTECTED DRIVING
LANES
INST. NO. 201200060536
O.P.R.D.C.T.

20' R.O.W.
DEDICATION
TO DALLAS COUNTY
V. 3495, P. 581
D.R.D.C.T.

20' R.O.W.
DEDICATION
V. 70041, P. 1922
D.R.D.C.T.

20' R.O.W.
DEDICATION
V. 80104, P. 758
D.R.D.C.T.

(For SPRG use only)
Reviewed by: 5406 JY
Date: 11-11-19
SPRG NO.: 5106



Therw. Schneider
11/11/19

LEGEND

Bearing system for this survey is based upon the north line of Belt Line Road, bearing S 89°30'00" W, according to the plat of Prestonwood Creek Multi-use Development Phase I, recorded in Volume 96199, Page 2095, Mar Records, Dallas County, Texas.

PK - P K Nail with brass washer stamped "Gonzalez & Schneeberg Engineers & Surveyors TX RPLS 4804"

SQ.FT. - Square Feet

**LINE TABLE LOCATED
ON SHEET 3 OF 3**

NOTES:

M.R.D.C.T. - Map Records, Dallas County, Texas
D.R.D.C.T. - Deed Records, Dallas County, Texas
O.P.R.D.C.T. - Official Public Records, Dallas County, Texas

P.O.B. - Point of Beginning
P.O.C. - Point of Commencing
(ICM) - Controlling Monument
Inst. No. - Instrument Number
V. - Volume
P. - Page

PK - P K Nail with brass washer stamped "Gonzalez & Schneeberg Engineers & Surveyors TX RPLS 4804"

SQ.FT. - Square Feet



UTILITY EASEMENT ABANDONMENT

REVISED PRESTONWOOD CREEK MULTI-USE
DEVELOPMENT, PHASE I

LOT 1-A, BLOCK A/8222

ROBERT WILBURN SURVEY, ABSTRACT NO. 1580

CITY OF DALLAS, DALLAS COUNTY, TEXAS

Gonzalez & Schneeberg

engineers & surveyors

2100 Lakeside Boulevard
Suite 200, Richardson, Texas 75082
(972) 516-8855

TX ENGINEERING FIRM REG. NO. F-3376
PROJ. NO.: 4954-18-11-09 DWG. NO.: 4954 ESMT-ABANDONMENT-WATER

Exhibit A

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°30'00" W	111.01'
L2	N 00°30'00" W	44.00'
L3	S 89°30'00" W	10.00'
L4	N 00°30'00" W	193.78'
L5	N 34°11'24" W	4.85'
L6	N 55°48'36" E	5.00'
L7	S 34°12'45" E	15.37'
L8	S 00°30'00" E	80.00'
L9	N 89°30'00" E	41.43'
L10	S 34°15'00" E	12.03'
L11	S 89°30'00" W	48.11'
L12	S 00°30'00" E	97.80'

NOTES:

Bearing system for this survey is based upon the north line of Belt Line Road, bearing S 89°30'00" W, according to the plat of Prestonwood Creek Multi-use Development Phase I, recorded in Volume 96199, Page 2095, Mar Records, Dallas County, Texas.

(For SPRG use only)	
Reviewed by:	5400 JL
Date:	11-11-19
SPRG NO:	5106



UTILITY EASEMENT ABANDONMENT REVISED PRESTONWOOD CREEK MULTI-USE DEVELOPMENT, PHASE I LOT 1-A, BLOCK A/8222

ROBERT WILBURN SURVEY, ABSTRACT NO. 1580
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Gonzalez & Schneeberg
engineers ■ surveyors

2100 Lakeside Boulevard
Suite 200, Richardson, Texas 75082
(972) 516-8855

TX ENGINEERING FIRM REG. NO. F-3376
DATE: NOVEMBER, 2019 PROJ. NO.: 4954-18-11-09

TX SURVEYING FIRM REG. NO. 100752-00
DWG. NO.: 4954 ESMT-ABANDONMENT-WATER



Agenda Information Sheet

File #: 19-1526

Item #: 17.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 1, 2

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System from Union Station to Bishop Arts District for Fiscal Year 2020 - Not to exceed \$1,602,000.00 - Financing: Streetcar Developer Fund (\$370,100.00) and General Fund (\$1,231,900.00)

BACKGROUND

The Dallas Modern Streetcar is a City owned facility that links the downtown Central Business District to the Methodist Hospital in Oak Cliff and the Bishop Arts District. The system includes six stops on 2.3 miles of track all within the City street network. The system was constructed using \$81M in State and Federal grant funds with the expectation of providing an economic stimulus, neighborhood revitalization, and an alternate mode of public transportation for at least a 30-year period.

The City maintains Interlocal Agreements (ILA) with the North Central Texas Council of Governments, Federal Transit Administration, Texas Department of Transportation, and with Dallas Area Rapid Transit (DART) pertaining to the Dallas Streetcar System. These ILA's established the City of Dallas as the owner of the Dallas Streetcar and allow for the City to rely on technical expertise from DART to operate and maintain the Dallas Streetcar.

On April 25, 2018, City Council authorized an amendment to the ILA with DART to establish a \$1.00 fare for riding the streetcar by Resolution No. 18-0625. Holding the public hearing required by federal regulations and installing the equipment to implement this fare is in progress. It is anticipated that the fare will be in effect by September 2020.

On August 28, 2019, City Council authorized the City Manager to execute a consolidated Master Streetcar ILA with DART for the Operation and Maintenance (O&M) of the Dallas Streetcar System from Union Station to the Bishop Arts District by Resolution No. 19-1235. This consolidated ILA concisely restates the roles and responsibilities from eight previously approved ILA's (Streetcar Foundation Agreements) for the ongoing O&M of the streetcar system.

If approved, this action will authorize the payment of funds to DART for O&M in Fiscal Year (FY) 2020 up to the allocated amounts of \$370,100.00 in Streetcar Developer Fund and \$1,231,900.00 in General Fund totaling \$1,602,000.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 15, 2016, City Council authorized payment to DART for O&M costs for the Dallas Streetcar System (Union Station to North Oak Cliff) for FY 2016, by Resolution No. 16-0981.

On March 22, 2017, City Council authorized payment to DART for O&M costs for the Dallas Streetcar System (Union Station to Bishop Arts District) for FY 2017, by Resolution No. 17-0489.

On April 25, 2018, City Council authorized payment to DART for O&M costs for the Dallas Streetcar System for FY 2018, by Resolution No. 18-0624.

On April 25, 2018, City Council authorized an amendment to the ILA with DART to establish a \$1.00 fare for the Dallas Streetcar by Resolution No. 18-0625.

On August 28, 2019, City Council authorized a Master Streetcar ILA with DART for the purpose of restating and consolidating the provisions in the Streetcar Foundation Agreements that describe the respective duties, responsibilities and ownership of the City of Dallas and DART in relation to the Dallas Streetcar System by Resolution No. 19-1235.

On August 28, 2019, City Council authorized payment to DART for O&M costs for the Dallas Streetcar System (Union Station to Bishop Arts District) for FY 2018 and 2019, by Resolution No. 19-1239.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Streetcar Developer Fund	\$ 370,100.00	\$0.00	\$0.00
General Fund	\$1,231,900.00	\$0.00	\$0.00
Total	\$1,602,000.00	\$0.00	\$0.00

FY 2020

Streetcar Developer Fund	\$ 370,100.00
General Fund	<u>\$1,231,900.00</u>

Total City of Dallas Funds	\$1,602,000.00
----------------------------	----------------

DART	\$ 615,119.00
------	---------------

Total O&M	\$2,217,119.00
-----------	----------------

<u>Council District</u>	<u>Amount</u>
1	\$1,441,800.00
2	<u>\$ 160,200.00</u>
Total	\$1,602,000.00

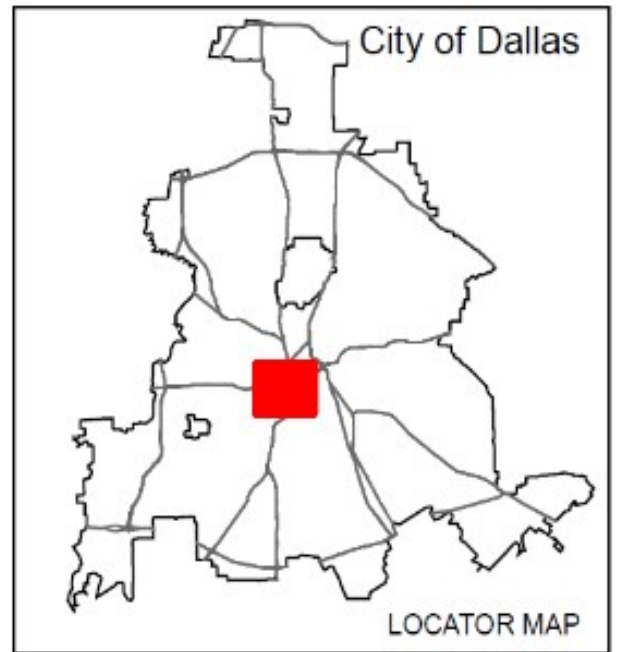
MAP

Attached


Dallas Modern Streetcar Extensions

Districts: 1, 2

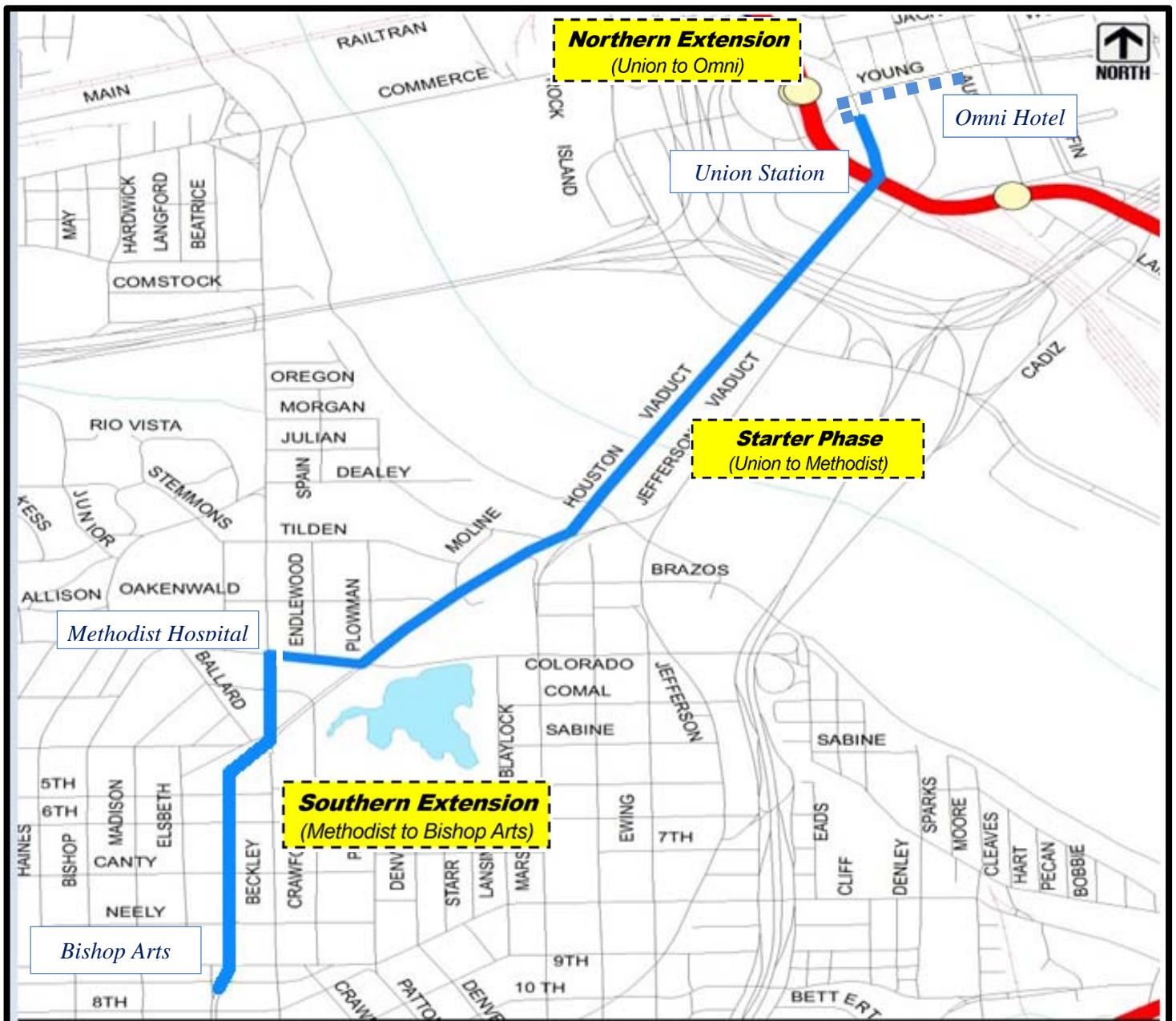
MAPSCO: 44Z, 45P, S, T, W, 54D



LEGEND

STREETCAR ROUTE = 

DART TRAIN ROUTE =



February 12, 2020

WHEREAS, the City of Dallas, Dallas Area Rapid Transit (DART), North Central Texas Council of Governments and Texas Department of Transportation have entered into Interlocal Agreements (ILA) related to the funding, construction, and operation of the Dallas Streetcar System; and

WHEREAS, on June 15, 2016, City Council authorized payment to DART for operation and maintenance (O&M) cost for the Dallas Streetcar System (Union Station to North Oak Cliff) for Fiscal Year (FY) 2016, in an amount not to exceed \$875,000.00, by Resolution No. 16-0981; and

WHEREAS, on March 22, 2017, City Council authorized payment to DART for O&M cost for the Dallas Streetcar System (Union Station to Bishop Arts District) for FY 2017, in an amount not to exceed \$975,000.00, by Resolution No. 17-0489; and

WHEREAS, on April 25, 2018, City Council authorized payment to DART for O&M cost for the Dallas Streetcar System for FY 2018, in an amount not to exceed \$1,510,000.00, by Resolution No. 18-0624; and

WHEREAS, on April 25, 2018, City Council authorized an amendment to the ILA with DART to establish a \$1.00 fare for the Dallas Streetcar by Resolution No. 18-0625.

WHEREAS, on August 28, 2019, City Council authorized a Master Streetcar ILA with DART for the purpose of restating and consolidating the provisions contained in the eight previously approved ILAs between the City and DART that describe the respective duties, responsibilities and ownership in interest of the City of Dallas and DART in relation to the Dallas Streetcar System by Resolution No. 19-1235; and

WHEREAS, on August 28, 2019, City Council authorized payment to DART for O&M costs for the Dallas Streetcar System (Union Station to Bishop Arts District) for FY 2018 and 2019, in an amount not to exceed \$2,721,000.00, by Resolution No. 19-1239; and

WHEREAS, it is now necessary to appropriate funding for the O&M of the Dallas Streetcar System for the current fiscal year; said funding having been budgeted for the current fiscal year.

Now, Therefore,

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

SECTION 1. That the Chief Financial Officer is hereby authorized to make a payment to DART for O&M costs for the Dallas Streetcar System from Union Station to Bishop Arts District for FY 2020, in an amount not to exceed \$1,602,000.00.

February 12, 2020

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,602,000.00 to DART in accordance with the terms and conditions of the contract, as follows:

Streetcar Developer Fund
Fund 0988, Department TRN, Unit 3705, Activity PB13
Object 3099, Program PBPRP629
Encumbrance/Contract No. MASC-TRN-2017-00003478
Vendor 232802 \$ 370,100.00

General Fund
Fund 0001, Department TRN, Unit 3036, Activity PB13
Object 3099, Program No. PBPRP629
Encumbrance/Contract No. MASC-TRN-2017-00003478
Vendor 232802 \$1,231,900.00

Total amount not to exceed \$1,602,000.00

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 #: 20-191

Item #: 18.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 14
DEPARTMENT: Office of Arts and Culture
EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** the acceptance of a donation of the sculpture "Adelfa Callejo," by German Michel Leal, valued at \$100,000.00, from the Callejo-Botello Foundation (Foundation) to be installed by the Foundation at Main Street Garden Park located at 1902 Main Street; **(2)** the acceptance of a monetary donation in an amount not to exceed \$10,000.00 from the Foundation for maintenance and conservation of the sculpture; **(3)** the receipt and deposit of funds from the Foundation in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; **(4)** an increase in appropriations in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund; and **(5)** a contract with the Foundation to make the donations and install the sculpture, approved as to form by the City Attorney - Not to exceed \$10,000.00 - Financing: Office of Cultural Affairs Gifts and Donations Fund

BACKGROUND

The Callejo-Botello Foundation would like to donate the sculpture "Adelfa Callejo," created by artist German Michel Leal and shown in Attachment A, valued at \$100,000.00, to be installed at Main Street Garden located at 1902 Main Street. In accordance with the City of Dallas Cultural Policy, the donor is also providing a \$10,000.00 donation for future conservation and maintenance costs.

Adelfa Callejo was the first Latina to graduate from Southern Methodist University School of Law in 1961, the first Latina to practice law in Dallas, and one of the first Latinas nationwide to receive a law degree. Callejo represented the disadvantaged as an acclaimed civil rights lawyer. Among her many accomplishments, she served as regional president of the Hispanic National Bar Association, director of the State Bar of Texas, and founder and past president of the Mexican-American Bar Association of Texas.

The sculpture will be installed by the Foundation at Main Street Garden Park, as recommended by the Quality of Life, Arts and Culture Committee of the City Council.

For donations and loans of works of art to the City of Dallas, the City of Dallas Cultural Policy states:

- (i) The City of Dallas encourages donations and loans of works of art for public places. When gifts or donations of major artworks are proposed for placement with any City agency or department, the proposal shall be reviewed by the Public Art Committee and the Arts and Culture Advisory Commission. This policy shall also apply to works of art proposed for long-term loan to the City. The objectives of this policy are:
 - (1) To maintain high artistic standards in works of art displayed by the City of Dallas.
 - (2) To vest in a single City agency the responsibility for ensuring the management and maintenance of the City's public artworks.
 - (3) To facilitate planning for the placement of works of art in City facilities.
 - (4) To provide for appropriate recognition of artists and of donors of works of art to the City of Dallas.
 - (5) To provide for conservation and maintenance plans and funds for the artwork.
- (ii) The City may accept donated artworks only when accompanied by a legal instrument of conveyance of title, enumerating any conditions of the gift that the City has agreed to accept, and the appropriate warranty of originality, approved as to form the City Attorney. In general, gifts shall be accepted without restrictions as to future use or disposition and may require City Council approval in accordance with Administrative Directive 2-13.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 10, 2019, the Public Art Committee (PAC) recommended acceptance of this donation for placement at Dallas Love Field.

On September 17, 2019, the Arts and Culture Advisory Commission approved the PAC recommendation.

On November 13, 2019, City Council remanded this item to the Quality of Life, Arts and Culture Committee by Resolution No. 19-1769.

The Quality of Life, Arts and Culture Committee recommended acceptance of this donation for placement at Main Street Garden on January 21, 2020.

On February 6, 2020, the Park & Recreation Board ~~will consider the location of this donation on parkland at Main Street Garden~~ [voted to defer the site approval for the donation of the sculpture of Adelfa Callejo to April 16, 2020.](#)

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Office of Cultural Affairs Gifts and Donations Fund	\$0.00	\$0.00	\$10,000.00

Attachment A

Image of proposed *Adelfa Callejo* sculpture donation, by German Michel Leal



February 12, 2020

WHEREAS, Chapter 2, Article X, Section 2-105 of the Dallas City Code directs the Office of Arts and Culture to encourage the donation of high quality artworks to the City; and

WHEREAS, City of Dallas Cultural Policy Section 7 G (iii) directs “Whenever artwork is proposed as a donation, the donor must provide not less than 10% of the currently appraised value of the artwork for future conservation and maintenance costs. In extraordinary circumstances, the Director may choose to waive this policy following review by the Public Art Committee and the Arts and Culture Advisory Commission”; and

WHEREAS, the Callejo-Botello Foundation, a 501(c)(3) non-profit corporation, desires to donate the sculpture “Adelfa Callejo,” by German Michel Leal, which honors Adelfa Callejo, to be located at the Main Street Garden Park located at 1902 Main Street and \$10,000.00 for the maintenance and conservation of the sculpture, to the City of Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a contract with the Callejo-Botello Foundation, approved as to form by the City Attorney, accepting **(1)** the donation of the sculpture “Adelfa Callejo,” created by artist German Michel Leal, valued at \$100,000.00, from the Callejo-Botello Foundation (Foundation) to be installed by the Foundation at Main Street Garden Park located at 1902 Main Street; and **(2)** a monetary donation in an amount not to exceed \$10,000.00 from the Foundation for maintenance and conservation of the sculpture.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds from the Foundation in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund, Fund 0388, Department OCA, Unit 5029, Revenue Code 8411.

SECTION 3. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$10,000.00 in the Office of Cultural Affairs Gifts and Donations Fund, Fund 0388, Department OCA, Unit 5029, Object 3070.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$10,000.00 from the Office of Cultural Affairs Gifts and Donations Fund, Fund 0388, Department OCA, Unit 5029, Object 3070.

SECTION 5. That this contract is designated as Contract No. OCA-2019-00011692.

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



Agenda Information Sheet

File #: 20-192

Item #: 19.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 3
DEPARTMENT: Office of Arts and Culture
EXECUTIVE: Joey Zapata

SUBJECT

Authorize a contract with Jennifer Monet Cowley for the fabrication and installation of a site-specific, free-standing, outdoor sculpture to celebrate the life and art of Dallas artist Arthello Beck, Jr., at Twin Falls Park located at 6300 South Polk Street - Not to exceed \$81,000.00 - Financing: Park and Recreation Fund (2006 General Obligation Bond Fund)

BACKGROUND

As established in Chapter 2, Article X, of Dallas City Code, the City of Dallas Public Art Program puts works of art by visual artists in public places using a percentage of funds from capital improvement projects. Under this program, a public art project was initiated to pay tribute to the life and art of Dallas artist Arthello Beck, Jr., at Twin Falls Park.

Artist Jennifer Monet Cowley and her team were recommended for the Arthello Beck, Jr., public art project by a selection panel composed of artists, community members, and a representative from the Park and Recreation Department.

Arthello Beck, Jr., was born in Dallas on July 17, 1941. He was the first African-American to own and operate an art gallery in Dallas. Mr. Beck believed his art was a means of communication, a vital therapeutic form of expression for the young and old. His paintings reflected positive images of African-American people and culture, including everyday scenes of congregations at river baptisms, ladies at beauty shops, children learning, sports scenes and dads reading to their babies. The selected location at Twin Falls Park is in City Council District 3, since this neighborhood park was close to Arthello Beck, Jr.'s residence and would be of significance to the community.

Artist Background

Jennifer Monet Cowley has been a visual artist and curator since 1994. She curated *#ustoo: Phenomenal Women*, an exhibition featuring local emerging female African-American artists using their artistic voices and media of their choice to express the sisterhood, the validation, the equality, the empowerment, the strength, the love, the genius, the sheer power of African-American women.

Project Description

The project is comprised of the image of two African-American boys seated on top of a limestone box (see Attachment A). The figures are inspired by a painting by Arthello Beck, Jr., and will be painted/enamelled on both the front and back of an aluminum cutout with a sealant and anti-graffiti coating. There will be additional limestone benches in front of the two figures to create a gathering place in the park on the side facing West Red Bird Lane. The figures will be highly visible from the street and are easily accessible from the sidewalk on the street and in the park.

ESTIMATED SCHEDULE OF PROJECT

Begin final design and fabrication of artwork	February 2020
Complete installation of artwork	September 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 17, 2016, the Park and Recreation Board approved the location for the project at Twin Falls Park.

On March 7, 2017, the Public Art Committee (PAC) recommended the initiation of the project.

On March 16, 2017, the Cultural Affairs Commission (ACAC) recommended the initiation of the project.

On May 7, 2019, the PAC recommended a revised scope of work.

On May 16, 2019, the ACAC recommended the revised scope of work and a short-list call for artists.

On January 7, 2020, the PAC recommended an artist team led by Jennifer Monet Cowley for the commission of the public art project.

On January 16, 2020, the ACAC approved the PAC recommendation.

On January 21, 2020, the Quality of Life, Arts & Culture Committee supported the PAC recommendation.

FISCAL INFORMATION

The fabrication and installation of this public art project is funded by Park and Recreation Fund (2006 General Obligation Bond Fund). All maintenance for public art is currently funded by the General Fund.

Fund	FY 2020	FY 2021	Future Years
Park and Recreation Fund (2006 General Obligation Bond Fund)	\$81,000.00	\$0.00	\$0.00

OWNER

Jennifer Monet Cowley, Artist

MAP

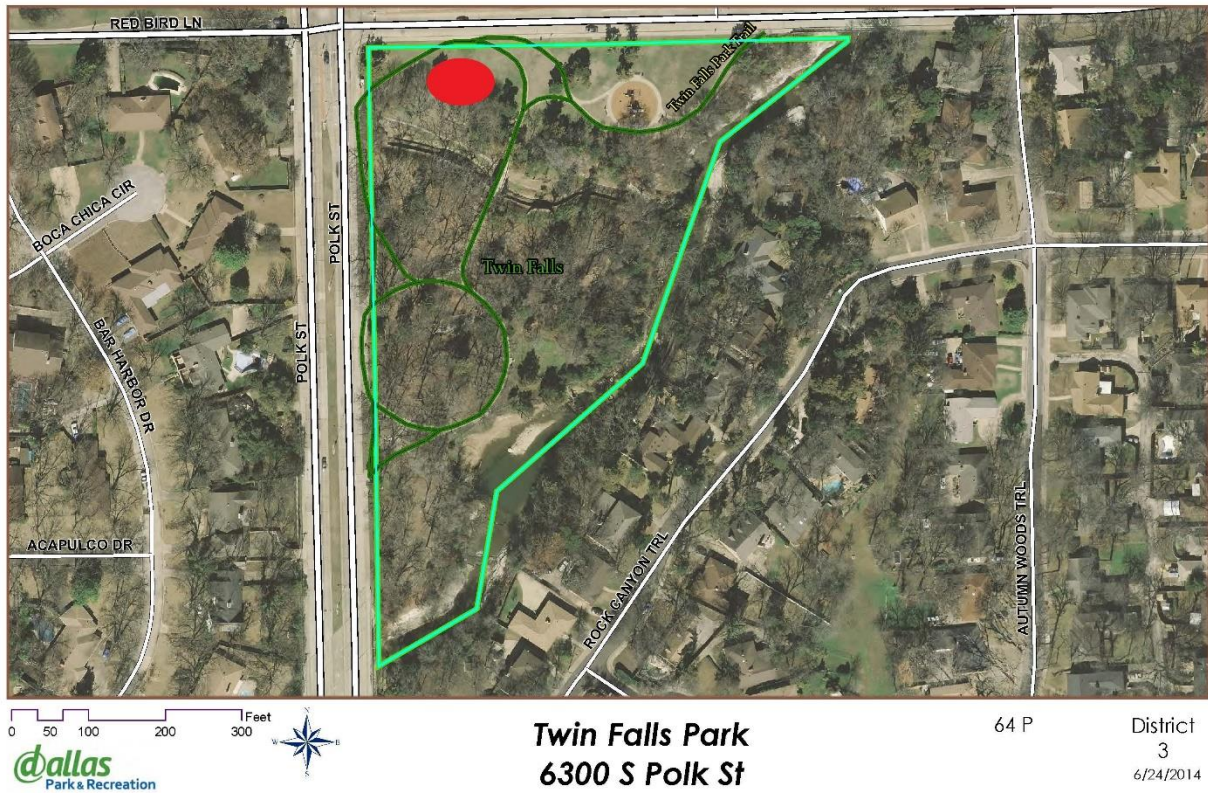
Attached

Attachment A

Image of proposed artwork at Twin Falls Park, by artist team led by Jennifer Cowley



Map



February 12, 2020

WHEREAS, Chapter 2, Article X of the Dallas City Code establishes a Public Art Program to include works of art and design services of artists in certain City capital improvement projects; and

WHEREAS, in carrying out the intent of the Public Art Program, the Office of Arts and Culture, working with the Public Art Committee, has identified a public art project to be fabricated and installed at Twin Falls Park located at 6300 South Polk Street; and

WHEREAS, Jennifer Monet Cowley was selected for the project and was recommended by the Public Art Committee and the Arts and Culture Advisory Commission; and

WHEREAS, \$81,000.00 is now currently available from the 2006 Bond Funds to support the fabrication and installation of a site-specific, free-standing, outdoor sculpture at Twin Falls Park located at 6300 South Polk Street.

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 Jennifer Monet Cowley, approved as to form by the City Attorney, for the fabrication and installation of a site-specific, free-standing, outdoor sculpture to celebrate the life and art of Dallas artist Arthello Beck, Jr., at Twin Falls Park located at 6300 South Polk Street, in an amount not to exceed \$81,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$81,000.00 to Jennifer Monet Cowley from the Park and Recreation Fund, Fund 3T00, Department PKR, Unit N810, Object 4425, Program PKTWFLPA, Encumbrance/Contract No. MASC-OCA-2020-00012415, Vendor VC17405.

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 #: 19-2001

Item #: 20.

STRATEGIC PRIORITY: Human and Social Needs
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Homeless Solutions
EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize **(1)** an Interlocal Agreement with Dallas County to accept **(a)** FY 2018 Emergency Solutions Grant Funds (Federal Grant No. E17-UC-48-0003, CFDA No. 14.231) for emergency shelter operations and utilities reimbursement at The Bridge in the amount of \$91,181.00 for the period April 3, 2018 through March 31, 2020; and **(b)** FY 2019 Emergency Solutions Grant Funds (Federal Grant No. E18-UC-48-0003, CFDA No. 14.231) for emergency shelter operating utilities reimbursement at The Bridge in the amount of \$102,624.00 for the period April 1, 2020 through September 30, 2020; **(2)** Supplemental Agreement No. 3 to the amended and restated Management Services Contract, Phase II, with Bridge Steps, to add Dallas County FY 2018 Emergency Solutions Grant Funds in the amount of \$91,181.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 3, 2018 through October 30, 2019 and Dallas County FY 2019 Emergency Solutions Grant Funds in the amount of \$102,624.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 1, 2020 through September 30, 2020, with a corresponding increase in the diversification of funding percentage from 55.0 to 56.2 percent to allow for this addition of funds to the contract; **(3)** the receipt and deposit of grant funds in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund and in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund; and **(4)** the establishment of appropriations in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund and in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund - Total not to exceed \$193,805.00 - Financing: Dallas County FY 2018 Emergency Solutions Grant Funds (\$91,181.00) and Dallas County FY 2019 Emergency Solutions Grant Funds (\$102,624.00)

BACKGROUND

The Bridge opened on May 20, 2008, providing a centralized entry point for homeless persons to access multiple services at one location through on-site services and co-located agencies. The facility is owned by the City of Dallas and operated by Bridge Steps, a private non-profit organization, under the amended and restated Management Services Contract, Phase II (the "Restated Contract").

The Bridge serves almost 7,000 adult individuals experiencing homelessness per year, the majority of whom transition out of the agency's collaborative network rapidly. For adults experiencing episodes of homelessness, The Bridge provides triage services, jail diversion/reentry services, medical/behavioral health care services, and day shelter services. For adults experiencing or at-risk of long-term homelessness, The Bridge provides night shelter and recreational/education services and assists clients in obtaining employment/disability income and affordable/supportive housing.

On September 25, 2019, City Council authorized Supplemental Agreement No. 2 to the Restated Contract with Bridge Steps for continued operation, programming, and services at The Bridge for the period October 1, 2019 through September 30, 2020; funding from the City of Dallas General Fund for the period October 1, 2019 through September 30, 2020; funding from the City of Dallas General Fund for up to 50 pay-to-stay shelter beds for stays of up to 90 days per person at a rate of \$12.00 per person per night for the period October 1, 2019 through September 30, 2020; and funding from the Texas Department of Housing and Community Affairs ("TDHCA") Homeless Housing and Services Program ("HHSP") Grant Funds from the FY 2020 TDHCA-Homeless Housing and Services Program 19-20 Fund for the period September 1, 2019 through August 31, 2020, by Resolution No. 19-1512.

On September 25, 2019, City Council authorized an Interlocal Agreement with Dallas County to accept funds for homeless assistance services at The Bridge for the period October 1, 2019 through September 30, 2020, by Resolution No. 19-1511.

On or about October 2, 2019, Dallas County informed the City of Dallas that FY 2018 Emergency Solutions Grant Funds received by Dallas County from the U.S. Department of Housing and Urban Development ("HUD") in the amount of \$91,181.00 has been awarded and authorized by Dallas County Commissioners Court for reimbursement of operating utilities at The Bridge for the period April 3, 2018 through March 31, 2020. In addition, FY 2019 Emergency Solutions Grant Funds received by Dallas County from HUD in the amount of \$102,624.00 were preliminarily awarded for reimbursement of operating utilities at The Bridge for the period April 1, 2020 through September 30, 2020. Despite earlier inquiries, Dallas County confirmed that, due to department transitions, they have no record that the City or Bridge Steps was notified of the awards.

The Restated Contract includes a diversification of funding provision that limits the percentage of City of Dallas funding under the Restated Contract (including Dallas County pass-through funds) toward the FY 2019-20 operating budget at The Bridge to 55.0 percent of the budget. Adding the Dallas County FY 2018 and FY 2019 Emergency Solutions Grant Funds would cause the diversification percentage to increase to 56.2 percent. Staff recommends a small increase in the diversification of funding percentage, from 55.0 to 56.2 percent, to allow for this addition of funds to the contract, since the increase is minimal and information about these awards was received after the FY 2019-20 contract with Bridge Steps was approved.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 13, 2017, City Council authorized the amended and restated Management Services Contract, Phase II (the "Restated Contract") with Bridge Steps, for continued operation, programming, and management of The Bridge, as a low-barrier, housing-focused shelter committed to ending and preventing homelessness, with continued emphasis on using Homeless Management Information System to record and report client and services data, and increased emphasis on

fundraising and financial sustainability, and by floor amendment, accelerated the end date of the first renewal term from September 30, 2020 to September 30, 2018, with a second renewal term, at the City's election, to begin on October 1, 2018 and end of September 30, 2023, by Resolution No. 17-1865.

On September 26, 2018, City Council authorized the second renewal option to the Restated Contract with Bridge Steps for continued operation of The Bridge for a renewal term beginning October 1, 2018 and by floor amendment, accelerated the end date of the second renewal term from September 30, 2023 to September 30, 2020; funding for the period October 1, 2018 through September 30, 2019; new good neighbor provisions relating to community engagement and internal and external operations; and up to 50 pay-to-stay shelter beds for stays of up to 90 days per person at a rate of \$12.00 per person per night, for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1410.

On September 25, 2019, City Council authorized an Interlocal Agreement with Dallas County to accept funds for homeless assistance services at The Bridge for the period October 1, 2019 through September 30, 2020, by Resolution No. 19-1511.

On September 25, 2019, City Council authorized Supplemental Agreement No. 2 to the Restated Contract with Bridge Steps for continued operation, programming, and services at The Bridge for the period October 1, 2019 through September 30, 2020, funding from the City of Dallas General Fund for the period October 1, 2019 through September 30, 2020; funding from the City of Dallas General Fund for up to 50 pay-to-stay shelter beds for stays of up to 90 days per person at a rate of \$12.00 per person per night for the period October 1, 2019 through September 30, 2020; and funding from the TDHC HHSP Grant Funds from the FY 2020 TDHCA-Homeless Housing and Services Program 19-20 Fund for the period September 1, 2019 through August 31, 2020, by Resolution No. 19-1512.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Dallas County FY 2018 Emergency Solutions Grant Funds	\$ 91,181.00	\$0.00	\$0.00
Dallas County FY 2019 Emergency Solutions Grant Funds	\$102,624.00	\$0.00	\$0.00
Total	\$193,805.00	\$0.00	\$0.00

OWNER

Bridge Steps

Board of Directors

Casey McManemin, Chair
Nafees Alam
Bill Barnett
John Castle
Jennifer LeBlanc

Timothy Leahy
Lynn McBee
Ikenna Mogbo
Reverend Donald R. Parish, Sr.
Michael Peterson, Ex-Officio
Kristie Ramirez
David Woody, III, Ph.D., LCSW-S
Shannon Wynne

February 12, 2020

WHEREAS, on December 13, 2017, City Council authorized the amended and restated Management Services Contract, Phase II (the "Restated Contract") with Bridge Steps, for continued operation, programming, and management of The Bridge, as a low-barrier, housing-focused shelter committed to ending and preventing homelessness, with continued emphasis on using Homeless Management Information System to record and report client and services data, and increased emphasis on fundraising and financial sustainability, and by floor amendment, accelerated the end date of the first renewal term from September 30, 2020 to September 30, 2018, with a second renewal term, at the City's election, to begin on October 1, 2018 and end of September 30, 2023, by Resolution No. 17-1865; and

WHEREAS, on September 26, 2018, City Council authorized the second renewal option to the Restated Contract with Bridge Steps for continued operation of The Bridge for a renewal term beginning October 1, 2018 and by floor amendment, accelerated the end date of the second renewal term from September 30, 2023 to September 30, 2020; funding for the period October 1, 2018 through September 30, 2019; new good neighbor provisions relating to community engagement and internal and external operations; and up to 50 pay-to-stay shelter beds for stays of up to 90 days per person at a rate of \$12.00 per person per night, for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1410; and

WHEREAS, on September 25, 2019, City Council authorized an Interlocal Agreement with Dallas County to accept funds for homeless assistance services at The Bridge for the period October 1, 2019 through September 30, 2020, by Resolution No. 19-1511; and

WHEREAS, on September 25, 2019, City Council authorized Supplemental Agreement No. 2 to the Restated Contract with Bridge Steps for continued operation, programming, and services at The Bridge for the period October 1, 2019 through September 30, 2020, funding from the City of Dallas General Fund for the period October 1, 2019 through September 30, 2020; funding from the City of Dallas General Fund for up to 50 pay-to-stay shelter beds for stays of up to 90 days per person at a rate of \$12.00 per person per night for the period October 1, 2019 through September 30, 2020; and funding from the Texas Department of Housing and Community Affairs Homeless Housing and Services Program Grant Funds for the period September 1, 2019 through August 31, 2020, by Resolution No. 19-1512; and

February 12, 2020

WHEREAS, on or about October 2, 2019, Dallas County informed the City of Dallas that FY 2018 Emergency Solutions Grant Funds received by Dallas County from the U.S. Department of Housing and Urban Development (“HUD”) in the amount of \$91,181.00 has been awarded and authorized by Dallas County Commissioners Court for reimbursement of operating utilities at The Bridge for the period April 3, 2018 through March 31, 2020, and that FY 2019 Emergency Solutions Grant Funds received by Dallas County from HUD in the amount of \$102,624.00 were preliminarily awarded for reimbursement of operating utilities at The Bridge for the period April 1, 2020 through September 30, 2020; and

WHEREAS, The Bridge serves almost 7,000 persons experiencing homelessness per year, and Dallas County requires that the FY 2018 and FY 2019 Emergency Solutions Grant Funds be used by the City of Dallas for reimbursement of operating utilities at The Bridge.

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: **(1)** an Interlocal Agreement with Dallas County to accept **(a)** FY 2018 Emergency Solutions Grant Funds (Federal Grant No. E17-UC-48-0003, CFDA No. 14.231) for emergency shelter operations and utilities reimbursement at The Bridge in the amount of \$91,181.00 for the period April 3, 2018 through March 31, 2020; and **(b)** FY 2019 Emergency Solutions Grant Funds (Federal Grant No. E18-UC-48-0003, CFDA No. 14.231) for emergency shelter operating utilities reimbursement at The Bridge in the amount of \$102,624.00 for the period April 1, 2020 through September 30, 2020; and **(2)** Supplemental Agreement No. 3, to the amended and restated Management Services Contract, Phase II, with Bridge Steps, to add Dallas County FY 2018 Emergency Solutions Grant Funds in the amount of \$91,181.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 3, 2018 through October 30, 2019 and Dallas County FY 2019 Emergency Solutions Grant Funds in the amount of \$102,624.00 to be used for emergency shelter operating utilities reimbursement at The Bridge for the period April 1, 2020 through September 30, 2020, with a corresponding increase in the diversification of funding percentage from 55.0 to 56.2 percent to allow for this addition of funds to the contract, approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit the FY 2018 Emergency Solutions Grant Funds from Dallas County in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund, Fund F615, Department MGT, Unit 4168, Revenue 6506.

February 12, 2020

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit the FY 2019 Emergency Solutions Grant Funds from Dallas County in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund, Fund F616, Department MGT, Unit 4178, Revenue 6506.

SECTION 4. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$91,181.00 in the Dallas County FY 2018 Emergency Solutions Grant Fund, Fund F615, Department MGT, Unit 4168, Object 3070.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$102,624.00 in the Dallas County FY 2019 Emergency Solutions Grant Fund, Fund F616, Department MGT, Unit 4178, Object 3070.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$91,181.00 to Bridge Steps (VS0000067075) from the Dallas County FY 2018 Emergency Solutions Grant Fund, Fund F615, Department MGT, Unit 4168, Object 3070, MASC Service Contract No. OHS-2017-00003150, for emergency shelter operating utilities reimbursement at the Bridge.

SECTION 7. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$102,624.00 to Bridge Steps (VS0000067075) from the Dallas County FY 2019 Emergency Solutions Grant Fund, Fund F616, Department MGT, Unit 4178, Object 3070, MASC Service Contract No. OHS-2017-00003150, for emergency shelter operating utilities reimbursement at the Bridge.

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 #: 20-150

Item #: 21.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year master agreement for personal protective bunker gear for Dallas Fire-Rescue with Casco Industries, Inc. through the Texas Association of School Boards cooperative agreement - Estimated amount of \$8,965,950 - 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 for the purchase of personal protective bunker gear for Dallas Fire-Rescue. Bunker gear, also referred to as structural and proximity gear, provides flame resistant apparel that allows fire fighters the ability to combat fire at close proximity. This agreement will allow for the issuance of a second set of gear in 2020 to all personnel active in field operations. The current set of gear will be replaced in subsequent years on an as needed basis.

Bunker gear is made from unique materials resistant to burning, melting, scorching, and hazardous materials and is equipped with thermal insulated lining. Due to the critical purpose bunker gear serves, all materials must be compliant with the National Fire Protection Association and the Texas Commission on Fire Protection standards for structural fire fighter protective clothing.

The Texas Association of School Boards 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 which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 26, 2018, City Council authorized a one-year master agreement for the purchase of bunker gear for the Fire-Rescue Department with Casco Industries, Inc. through the Texas Association of School Boards cooperative agreement by Resolution No. 18-1396.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
General Fund	\$6,237,525.00	\$682,106.25	\$2,046,318.75

M/WBE INFORMATION

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

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$8,965,950.00	CO-OP	N/A	N/A	N/A
<ul style="list-style-type: none"> The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs). 				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative Purchasing Agreement	<ul style="list-style-type: none"> 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 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
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OWNER

Casco Industries, Inc.

Doug Schaumburg, President
Coleman Brown, Secretary

February 12, 2020

WHEREAS, on September 26, 2018, City Council authorized a one-year master agreement for the purchase of bunker gear for the Fire-Rescue Department with Casco Industries, Inc. through the Texas Association of School Boards cooperative agreement, in an amount not to exceed \$1,336,064, by Resolution No. 18-1396.

Now, Therefore,

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

SECTION 1. That a master agreement for the purchase of personal protective bunker gear for Dallas Fire-Rescue is authorized with Casco Industries, Inc. (082798) through the Texas Association of School Boards cooperative agreement, approved as to form by the City Attorney, for a term of five years, in the estimated amount of \$8,965,950. 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 agreement 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 personal protective bunker gear for Dallas Fire-Rescue. If a written contract is required or requested for any or all purchases of personal protective bunker gear for Dallas Fire-Rescue 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 \$8,965,950, but not more than the amount of budgetary appropriations for this master agreement during its term to Casco Industries, Inc. from Master Agreement Contract No. DFD-2020-00012565.

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 #: 20-6

Item #: 22.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): All
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize an Interlocal Cooperation Agreement with Dallas Independent School District (DISD) to maximize resources and programming opportunities for both City of Dallas (City) Park and Recreation Department and DISD students by ensuring mutual use of City and DISD athletic facilities through July 31, 2022 - Financing: No cost consideration to the City

BACKGROUND

The City and DISD have partnered since 1982 to share in the use of athletic facilities for the purpose of conducting athletic and recreational programs; specifically, DISD utilizes the City's golf courses, tennis centers and other athletic facilities for the purpose of conducting golf and tennis practice sessions for their University Interscholastic League teams as well as hosting district tournaments within both of these sports. The City utilizes DISD facilities such as the natatorium, athletic fields and gyms to host swim lessons, conduct afterschool programs, youth athletic leagues and summer camps.

The use of DISD facilities by the City allows the Park and Recreation Department (PKR) access to facilities it does not currently have (e.g., natatorium) and allows PKR to meet the needs of its program participants by having access to multiple program sites. DISD does not have golf courses or large tennis center complexes and therefore, DISD is able to practice on City golf courses and tennis centers while also hosting district tournaments on facilities they do not have within their system.

Through this Interlocal Cooperation Agreement, the City and DISD agree to waive fees associated with the use of their respective athletic facilities and by doing so, allows the City and DISD to minimize costs associated with the use of these athletic facilities. The waiver of fees does not include hard costs (i.e., security costs, utilities) associated with the use of City and DISD athletic facilities.

PKR utilizes the facilities of other school districts (e.g., Richardson ISD) for summer programs and PKR also provides after school programs as well as other youth programs. These programs are managed through a separate Interlocal Cooperation Agreement.

The Interlocal Cooperation Agreement shall begin upon execution and end on July 31, 2022 and include the following provisions:

- The City shall waive green fees and tournament reservation fees of district participants for the following golf activities, scheduled in late March and April annually:
 - District 12-4A (boys and girls)
 - District 11-5A (boys and girls)
 - District 12-5A (boys and girls) tournaments
- DISD shall waive fees associated with the use of their athletic facilities, gymnasiums and natatorium
- DISD shall pay the following tennis fees for district tournaments at the tennis centers listed below:
 - Fair Oaks Tennis Center \$2.50 per court
 - Samuell Grand Tennis Center \$2.50 per court
 - Kiest Tennis Center \$2.50 per court
 - Fretz Tennis Center \$3.00 per court
 - L.B. Houston Tennis Center \$3.00 per court
- DISD shall pay the following junior green fee rate for tournaments between October and February at the golf courses listed below:
 - Cedar Crest Golf Course \$3.00 per player
 - Keeton Golf Course \$3.00 per player
 - Luna Vista Golf Course \$3.00 per player
 - Tenison Golf Course \$3.00 per player
 - Stevens Golf Course \$3.00 per player

DISD and the City will track and report annual usage as part of the Interlocal Cooperation Agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2019, the Park and Recreation Board authorized an Interlocal Cooperation Agreement with the Dallas Independent School District.

FISCAL INFORMATION

No cost consideration to the City.

February 12, 2020

WHEREAS, the City of Dallas (City) and Dallas Independent School District (DISD) desire to enter into an Interlocal Cooperation Agreement to maximize resources and programming opportunities for both City Park and Recreation Department and DISD students by ensuring mutual use of City and DISD athletic facilities through July 31, 2022.

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 an Interlocal Cooperation Agreement with Dallas Independent School District, approved as to form by the City Attorney, to maximize resources and programming opportunities for both City Park and Recreation Department and DISD students by ensuring mutual use of City and DISD athletic facilities through July 31, 2022.

SECTION 2. That the Interlocal Cooperation Agreement shall begin upon execution and end on July 31, 2022 and include the following provisions:

- The City shall waive green fees and tournament reservation fees of district participants for the following golf activities, scheduled in late March and April annually:
 - District 12-4A (boys and girls)
 - District 11-5A (boys and girls)
 - District 12-5A (boys and girls) tournaments
- DISD shall waive fees associated with the use of their athletic facilities, gymnasiums and natatorium
- DISD shall pay the following tennis fees for district tournaments at the tennis centers listed below:
 - Fair Oaks Tennis Center \$2.50 per court
 - Samuell Grand Tennis Center \$2.50 per court
 - Kiest Tennis Center \$2.50 per court
 - Fretz Tennis Center \$3.00 per court
 - L.B. Houston Tennis Center \$3.00 per court

February 12, 2020

SECTION 2. (continued)

- DISD shall pay the following junior green fee rate for tournaments between October and February at the golf courses listed below:
 - Cedar Crest Golf Course \$3.00 per player
 - Keeton Golf Course \$3.00 per player
 - Luna Vista Golf Course \$3.00 per player
 - Tenison Golf Course \$3.00 per player
 - Stevens Golf Course \$3.00 per player

DISD and the City will track and report annual usage as part of the Interlocal Cooperation Agreement.

SECTION 3. That this Interlocal Cooperation Agreement is designated as Contract No. PKR-2020-00012372.

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 #: 20-194

Item #: 23.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 2, 6, 8, 12
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize a construction contract for six prefabricated restroom buildings at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue, and Timberglenn Park located at 3900 Timberglenn Road with Restroom Facilities Ltd. through the Texas Association of School Boards cooperative agreement - Not exceed \$867,786.00 - Financing: Park and Recreation Facilities Fund (2006 General Obligation Bond Fund) (\$64,631.00), Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund) (\$658,524.00) and Elgin B. Robertson Land Sale Fund (\$144,631.00)

BACKGROUND

On November 22, 2019, a proposal was received from Restroom Facilities Ltd., a Texas Association of School Boards (BuyBoard) vendor, for the construction of six prefabricated restroom buildings at Grauwyler Park, Jaycee/Zaragoza Park, Kleberg Park, Nash/Davis Park, K.B. Polk Park and Timberglenn Park. These restrooms were included in the design of the new spraygrounds at the six locations, which were opened for the 2019 pool season. The construction of the spraygrounds was also performed by a BuyBoard contractor, which offers competitive pricing and allows the work to be expedited.

This action will authorize a construction contract with Restroom Facilities Ltd. for six prefabricated restroom buildings at Grauwyler Park, Jaycee/Zaragoza Park, Kleberg Park, Nash/Davis Park, K.B. Polk Park, and Timberglenn Park, in an amount not to exceed \$867,786.00.

The scope of work for the each of the restroom buildings includes:

- Restroom building of approximately 170 square feet
- Two all gender, Americans with Disabilities Act (ADA) accessible toilet rooms with a toilet, a sink, a baby changing station and a hand dryer in each
- ADA accessible water fountain with bottle filler

- Exterior and interior lighting
- Room signage
- Remote monitoring for security and water usage

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 February 2020
Complete Construction May 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2019, the Park and Recreation Board authorized a contract with Restroom Facilities Ltd., through the Texas Association of School Boards, for construction of six prefabricated restroom buildings at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue, and Timberglen Park located at 3900 Timberglen Road.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Park and Recreation Facilities Fund (2006 General Obligation Bond Fund)	\$ 64,631.00	\$0.00	\$0.00
Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)	\$658,524.00	\$0.00	\$0.00
Elgin B. Robertson Land Sale Fund	\$144,631.00	\$0.00	\$0.00
Total	\$867,786.00	\$0.00	\$0.00

<u>Council District</u>	<u>Amount</u>
2	\$289,262.00
6	\$289,262.00
8	\$144,631.00
12	<u>\$144,631.00</u>
Total	\$867,786.00

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:

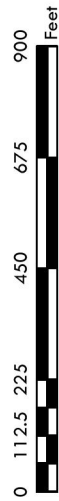
Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$867,786.00	CO-OP	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).				

OWNER**Restroom Facilities Ltd.**

John Putman, President

MAPS

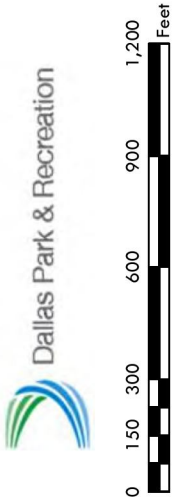
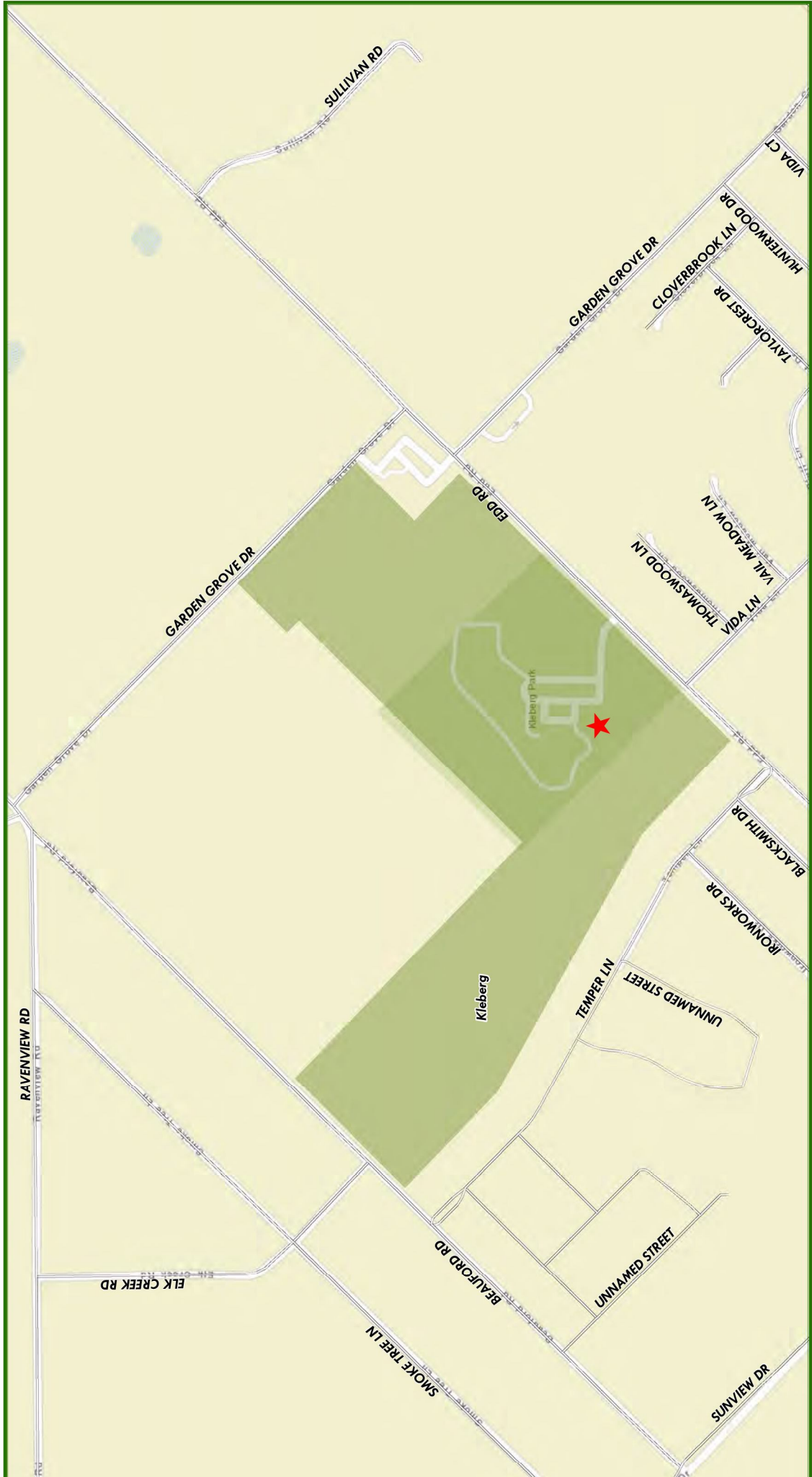
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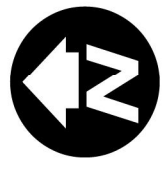
Jaycee/Zaragoza Park

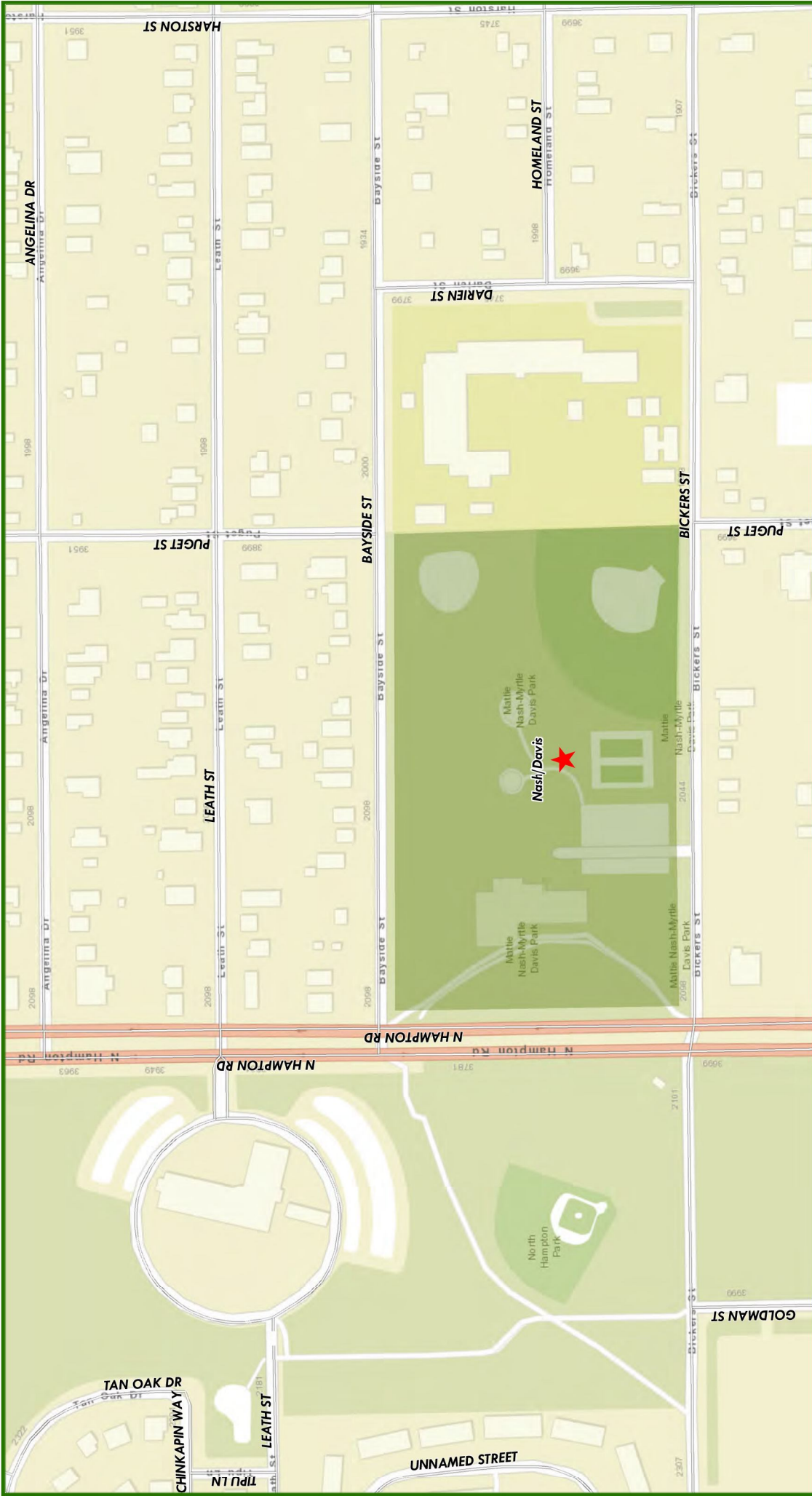
3114 Clymer Street



Kleberg Park

1515 Edd Road

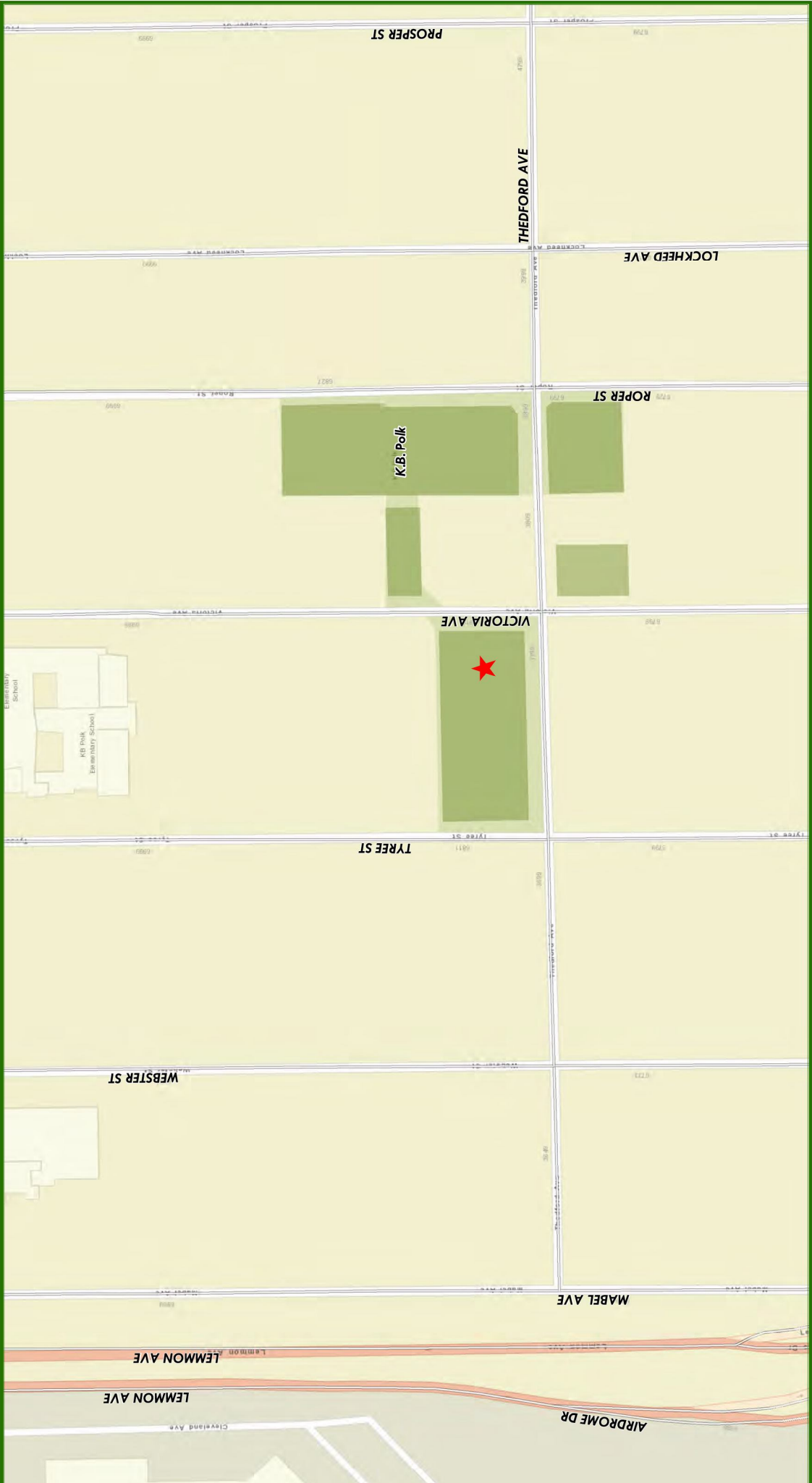




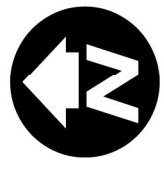
Nash Davis Park

3700 North Hampton Road

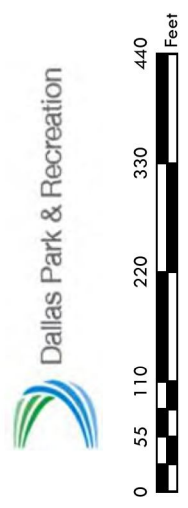


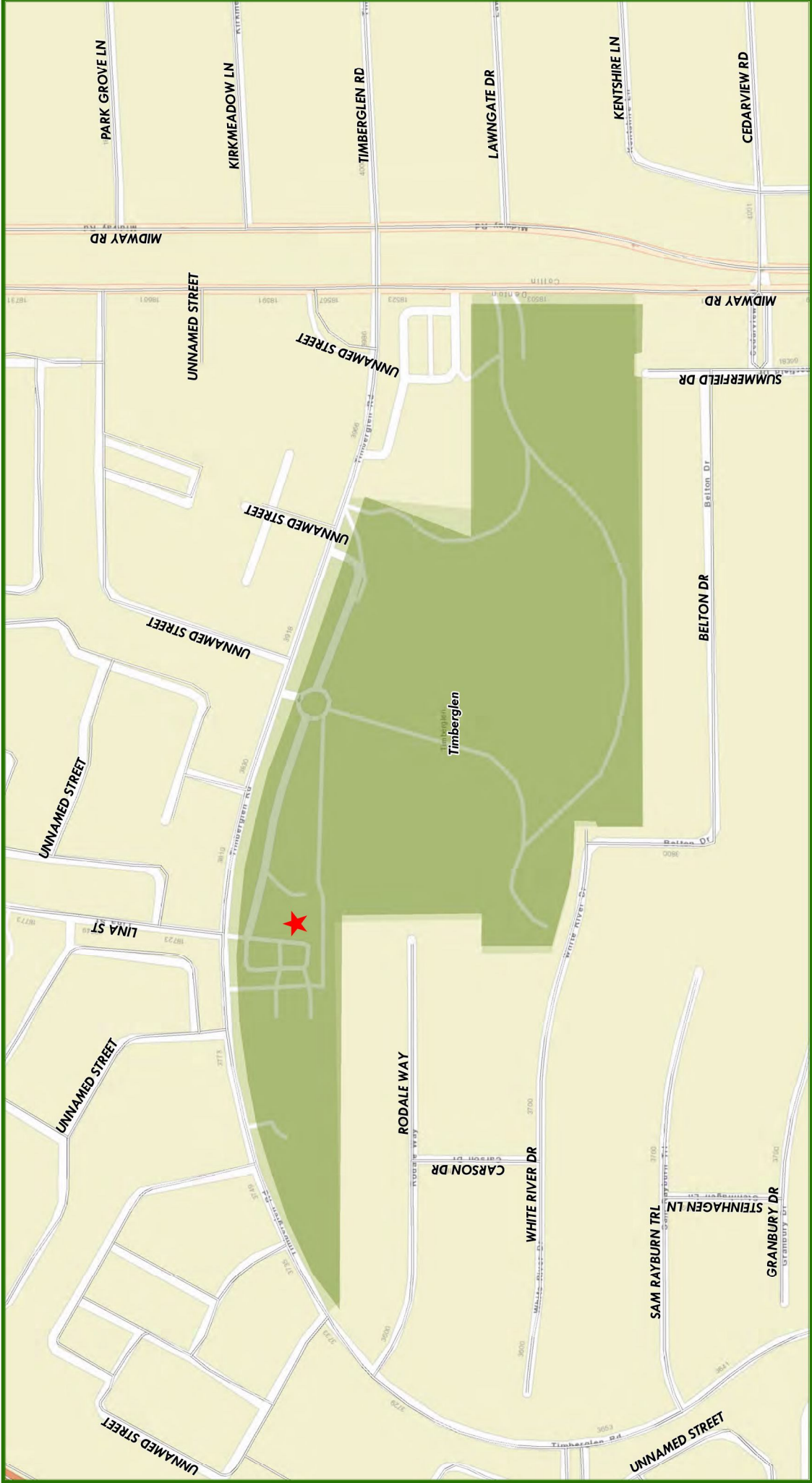


CD 2
Mapsc 34 G



K. B. Polk Park 3860 Theford Avenue





Timberglen Park

3900 Timberglen Road



February 12, 2020

WHEREAS, the City desires to enter into a construction contract for six prefabricated restroom buildings at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue, and Timberglen Park located at 3900 Timberglen Road with Restroom Facilities Ltd. through the Texas Association of School Boards cooperative agreement, in an amount not to exceed \$867,786.00.

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 contract with Restroom Facilities Ltd. through the Texas Association of School Boards cooperative agreement, approved as to form by the City Attorney, for six prefabricated restroom buildings at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue; and Timberglen Park located at 3900 Timberglen Road, in an amount not to exceed \$867,786.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$867,786.00 to Restroom Facilities Ltd. as follows:

Grauwyler Park

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VB42
Object 4599, Activity AQFC, Program PK17VB42
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$144,631.00

Jaycee/Zaragoza Park

Elgin B. Robertson Land Sale Fund
Fund 0467, Department PKR, Unit W109
Object 4599, Activity AQFC, Program PK06W109.6
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$144,631.00

February 12, 2020

SECTION 2. (continued)

Kleberg Park

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VK14
Object 4599, Activity AQFC, Program PK17VK14
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$ 80,000.00

Park and Recreation Facilities Fund
Fund 8T00, Department PKR, Unit W109
Object 4599, Activity AQFC, Program PK06W109.1
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$ 276.69

Park and Recreation Facilities Fund
Fund 9T00, Department PKR, Unit W109
Object 4599, Activity AQFC, Program PK06W109.1
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$ 7,583.47

Park and Recreation Facilities Fund
Fund BT00, Department PKR, Unit W109
Object 4599, Activity AQFC, Program PK06W109.1
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$ 56,770.84

Nash/Davis Park

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VB77
Object 4599, Activity AQFC, Program PK17VB77
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$144,631.00

K.B. Polk Park

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VB44
Object 4599, Activity AQFC, Program PK17VB44
Encumbrance/Contract No. PKR-2020-00012203
Commodity 15510, Vendor VS0000069409 \$144,631.00

February 12, 2020

SECTION 2. (continued)

Timberglen Park

Park and Recreation Facilities (B) Fund

Fund 1V00, Department PKR, Unit VK66

Object 4599, Activity AQFC, Program PK17VK66

Encumbrance/Contract No. PKR-2020-00012203

Commodity 15510, Vendor VS0000069409 \$144,631.00

Total amount not to exceed \$867,786.00

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 #: 20-110

Item #: 24.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 1
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize a construction contract for the Martin Weiss Park Loop Trail located at 3400 West Clarendon Drive - North Rock Construction, LLC, lowest responsible bidder of seven - Not to exceed \$582,480.50 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

BACKGROUND

On November 8, 2019, seven bids were received for the construction of the Martin Weiss Park Loop Trail. This item will authorize a construction contract with North Rock Construction, LLC, lowest responsible bidder of seven for the Base Bid and Alternate No. 1, in an amount not to exceed \$582,480.50. Funding for this project was included in the 2017 Bond Program.

The scope of work for the construction of the Martin Weiss Park Loop Trail includes a park loop trail extension with standard retaining walls and pedestrian rails; miscellaneous drainage and paving improvements; and a prefabricated steel truss pedestrian bridge which replaces the previously removed bridge.

North Rock Construction, LLC has had no contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	March 2020
Complete Completion	October 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 1, 2019, the Park and Recreation Board was briefed on construction procurement for the Martin Weiss Park Loop Trail.

On January 9, 2020, the Park and Recreation Board authorized a construction contract with North Rock Construction, LLC for the Martin Weiss Park Loop Trail.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Park and Recreation (B) Fund (2017 General Obligation Bond Fund)	\$582,480.50	\$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 \$
\$582,480.50	Construction	25.00%	25.98%	\$151,313.10
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

On November 8, 2019, the following seven bids were received and opened:

*Denotes the successful bidder

<u>Bidders</u>	<u>Base Bid</u>	<u>**Alter. No. 1</u>	<u>Total Bid</u>
*North Rock Construction, LLC 525 South Loop 288, Ste. 105 Denton, Texas 76205	\$ 561,633.03	\$20,847.47	\$ 582,480.50
Northstar Construction	\$ 597,737.00	\$13,000.00	\$ 610,737.00
VA Construction	\$ 700,258.50	\$14,024.00	\$ 714,282.50
Roeschco Construction	\$ 719,106.00	\$ 9,894.00	\$ 729,000.00
Joe Funk Construction	\$ 818,896.00	\$21,450.00	\$ 840,346.00
Axis Contracting	\$1,233,631.00	\$27,923.00	\$1,261,554.00
F. Estrada Construction	\$1,293,731.00	\$55,778.00	\$1,349,509.00

**Alternate No. 1 - provides an additional connection to an existing trail.

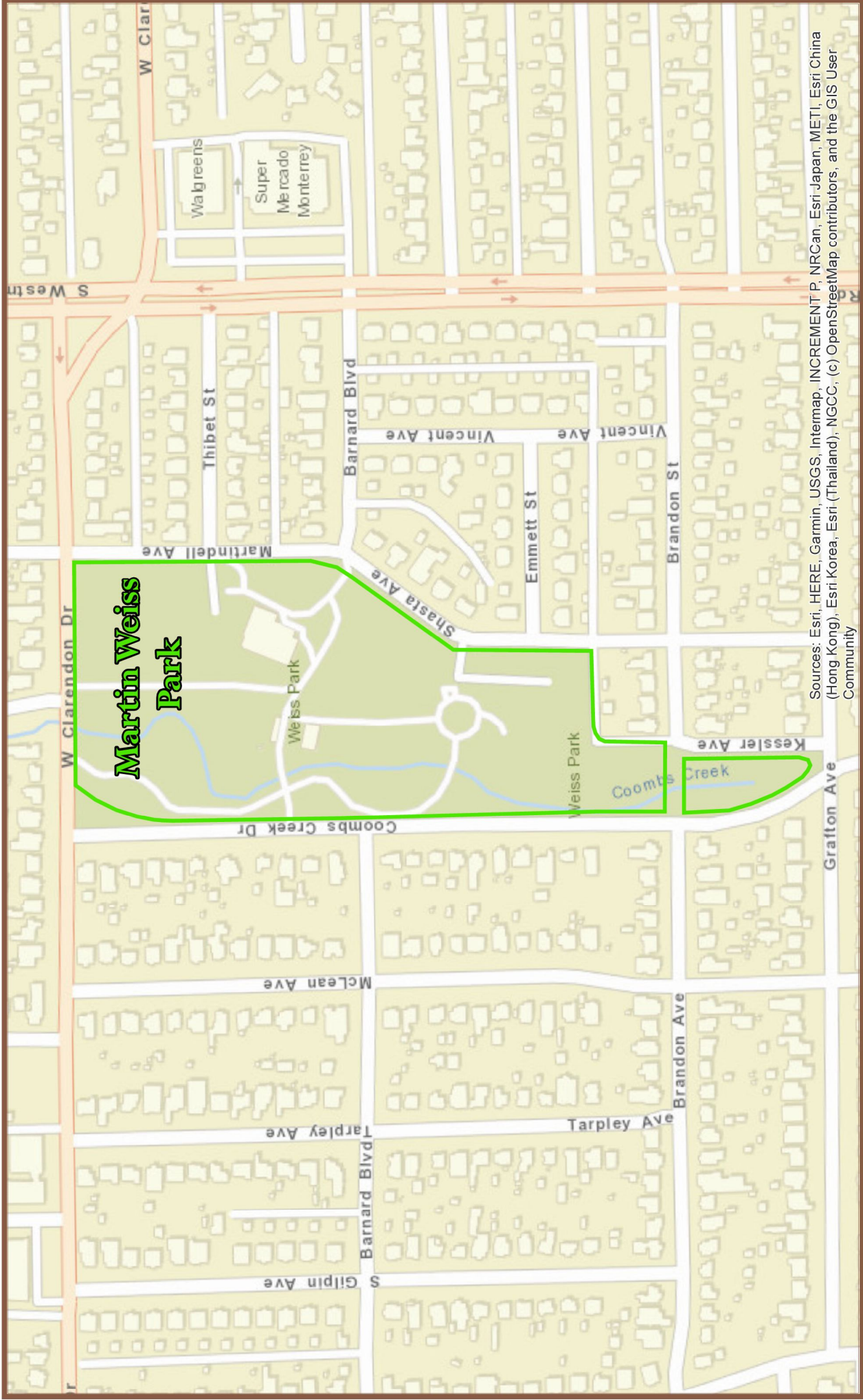
OWNER

North Rock Construction, LLC

John F. Gann, II, President

MAP

Attached



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Martin Weiss Park

(3400 W. Clarendon Drive)

District
1

0 200 400 600 Feet

N
W E
S

Dallas
Park & Recreation

February 12, 2020

WHEREAS, on November 8, 2019, seven bids were received for the construction of the Martin Weiss Park Loop Trail located at 3400 West Clarendon Drive; and

<u>Bidders</u>	<u>Base Bid</u>	<u>**Alter. No. 1</u>	<u>Total Bid</u>
North Rock Construction, LLC	\$ 561,633.03	\$20,847.47	\$ 582,480.50
Northstar Construction	\$ 597,737.00	\$13,000.00	\$ 610,737.00
VA Construction	\$ 700,258.50	\$14,024.00	\$ 714,282.50
Roeschco Construction	\$ 719,106.00	\$ 9,894.00	\$ 729,000.00
Joe Funk Construction	\$ 818,896.00	\$21,450.00	\$ 840,346.00
Axis Contracting	\$1,233,631.00	\$27,923.00	\$1,261,554.00
F. Estrada Construction	\$1,293,731.00	\$55,778.00	\$1,349,509.00

**Alternate No. 1 - provides an additional connection to an existing trail.

WHEREAS, it has been determined that acceptance of the best and final offer from North Rock Construction, LLC for the construction of the Martin Weiss Park Loop Trail located at 3400 West Clarendon Drive, in an amount not to exceed \$582,480.50 is most advantageous for the City of Dallas.

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 contract with North Rock Construction, LLC, approved as to form by the City Attorney, for the Martin Weiss Park Loop Trail located at 3400 West Clarendon Drive, in an amount not to exceed \$582,480.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$582,480.50 to North Rock Construction, LLC from the Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB38, Object 4599, Activity HIBT, Program PK17VB38, Commodity 91200, Encumbrance/Contract No. CX-PKR-2020-00012214, Vendor VC20643.

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 #: 20-109

Item #: 25.

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 3
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with JBI Partners, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Glendale Park Master Plan Phase 1 Implementation Project located at 1515 East Ledbetter Drive - Not to exceed \$231,800.00, from \$47,447.62 to \$279,247.62 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

BACKGROUND

On September 20, 2018, Administrative Action No. 18-6588 authorized a professional services contract with JBI Partners, Inc. to prepare a Master Plan for Glendale Park located at 1515 East Ledbetter Drive.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with JBI Partners, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Glendale Park Master Plan Phase 1 Implementation Project located at 1515 East Ledbetter Drive, in an amount not to exceed \$231,800.00, increasing the contract amount from \$47,447.62 to \$279,247.62.

The scope of work will include a new catalog pavilion, all-abilities playground, parking lot reconfiguration, site lighting, picnic area with a shelter, new prefabricated rest room, site furnishings and connections to the existing trails.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 1, 2019, the Park and Recreation Board authorized the Master Plan for Glendale Park located at 1515 East Ledbetter Drive.

On January 9, 2020, the Park and Recreation Board authorized Supplemental Agreement No. 1 to the professional services contract with JBI Partners, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Glendale Park Master Plan Phase 1 Implementation Project located at 1515 East Ledbetter Drive.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Park and Recreation (B) Fund (2017 General Obligation Bond Fund)	\$231,800.00	\$0.00	\$0.00

Original Professional Services Contract \$ 47,447.62
Supplemental Agreement No. 1 (this action) \$231,800.00

Total not to exceed \$279,247.62

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 \$
\$231,800.00	Architectural & Engineering	25.66%	100.00%	\$231,800.00
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 1 - 100.00% Overall M/WBE participation.				

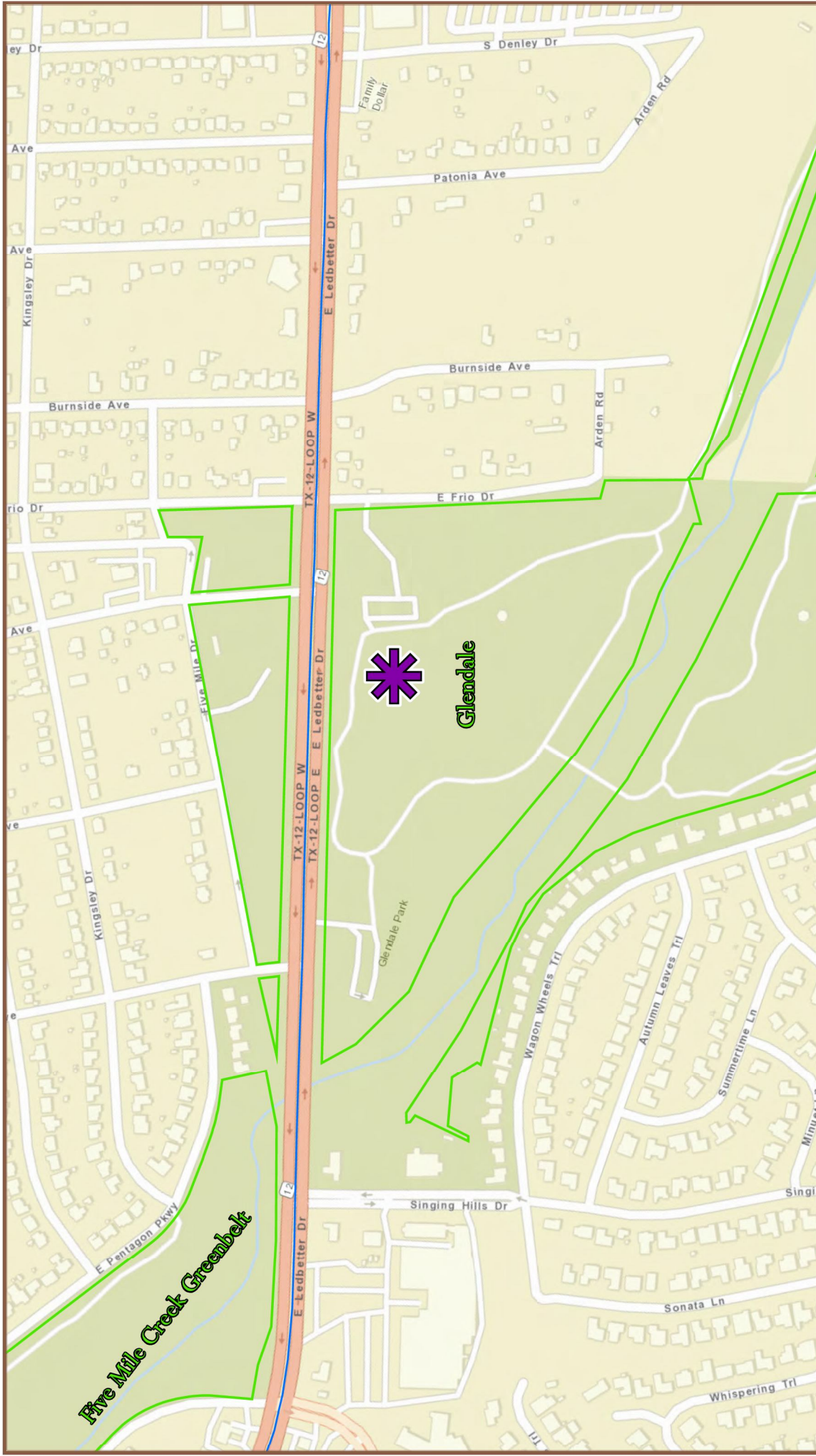
OWNER

JBI Partners, Inc.

Chuck McKinney, ASLA, Executive Vice President

MAP

Attached



0 150 300 600 900 Feet

1 in = 300 ft



Glendale Park (1515 East Ledbetter Dr)

February 12, 2020

WHEREAS, on September 20, 2018, Administrative Action No. 18-6588 authorized a professional services contract with JBI Partners, Inc. to prepare a Master Plan for Glendale Park located at 1515 East Ledbetter Drive, in an amount not to exceed \$47,447.62; and

WHEREAS, this action will authorize Supplemental Agreement No. 1 to the professional services contract with JBI Partners, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Glendale Park Master Plan Phase 1 Implementation Project located at 1515 East Ledbetter Drive, in an amount not to exceed \$231,800.00, increasing the contract amount from \$47,447.62 to \$279,247.62.

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. 1 to the professional services contract with JBI Partners, Inc., approved as to form by the City Attorney, for schematic design, design development, construction documents, procurement and construction observation phases for the Glendale Park Master Plan Phase 1 Implementation Project located at 1515 East Ledbetter Drive, in an amount not to exceed \$231,800.00, increasing the contract amount from \$47,447.62 to \$279,247.62.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$231,800.00 to JBI Partners, Inc. from the Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB52, Object 4112, Activity RFSI, Program PK17VB52, Commodity 90607, Encumbrance/Contract No. PKR-2018-00007380, Vendor VS0000040106.

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 #: 20-44

Item #: 26.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 6, 7, 8, 14
DEPARTMENT: Police Department
EXECUTIVE: Jon Fortune

SUBJECT

Authorize an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2019 through September 30, 2022 - Not to exceed \$1,800,000.00 - Financing: General Fund (subject to appropriations)

BACKGROUND

In January 2008, the Dallas County Sheriff's Office assumed primary freeway coverage responsibility in Southern Dallas County allowing Dallas Police Department to reallocate resources to focus more intently on neighborhoods, while the Dallas County Sheriff's Office provides a targeted regional response on the highways to achieve greater response times and enhanced response capabilities.

From the inception of the program in 2008 through FY 2010-11, the City did not contribute funding towards the operation of the program.

In FY 2011-12, the City of Dallas assisted Dallas County in meeting budgetary shortfalls for the Dallas County Highway Program by contributing \$1M in financing toward the program. In addition, the agreement modified the traffic management coverage areas for the Dallas Police Department and the Dallas County Sheriff's Office.

The program has had an operating deficit in prior years that was funded by Dallas County. The estimated FY 2019-20, FY 2020-21 and FY 2021-22 program expenses are \$42M while the program revenues and funding contributions account for \$12.5M.

Below is a summary of funding contributions by the City:

During FY 2012-13 and FY 2013-14, highway coverage remained the same and the City contributed \$800,000.00 to program expenses in FY 2012-13 and \$600,000.00 in FY 2013-14.

During FY 2014-15, FY 2015-16, FY 2016-17 and FY 2018-19 highway coverage remained the same and the City contributed \$600,000.00 to cover program expenses.

For FY 2019-20, FY 2020-21 and FY 2021-22, highway coverage has and will remain the same and the City is being asked to contribute \$600,000.00 annually to cover program expenses.

Under this agreement, the Dallas County Sheriff's Office manages traffic coverage in the following locations:

<u>Loop 12</u>	Trinity River to Interstate Highway (IH) 35/Loop 12 (Walton Walker) split
<u>Woodall Rodgers Freeway</u>	from Central Expressway to Riverfront Boulevard
<u>U.S. Highway 175</u>	from IH 45 to City of Seagoville city limits
<u>Interstate Highway 45</u>	Woodall Rodgers Freeway to U.S. Highway 175
<u>Interstate Highway 30</u>	from the City of Irving city limits to the City of Mesquite city limits
<u>Interstate Highway 35</u>	from Woodall Rodgers Freeway to the city limits (north of IH 635) and from the IH 35/U.S. Highway 67 split to Woodall Rodgers Freeway
<u>Interstate Highway 20</u>	from the City of Balch Springs city limits to the City of Grand Prairie city limits

The below table represents metrics from the services provided by Dallas County under this agreement for FY 2018-19:

<u>Dallas County Sheriff</u>	<u>FY 2018-19</u>
Calls for Service	104,416
Traffic Accident Responses	7,949
Persons Arrested	716
Traffic Warning Issued	9,247
Speeding Tickets	5,715
DWI/DUI	207

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 17, 2015, City Council authorized a payment to the Dallas County Sheriff's Office to reimburse Dallas County for program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2014 through September 30, 2015, by Resolution No. 15-1244.

On May 11, 2016, City Council authorized a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2015 through September 30, 2016, by Resolution No. 16-0731.

On June 14, 2017, City Council authorized a payment to the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2016 through September 30, 2017, by Resolution No. 17-0939.

On September 26, 2018, City Council authorized an Interlocal Agreement with the Dallas County Sheriff's Office for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2017 through September 30, 2019, by Resolution No. 18-1402.

FISCAL INFORMATION

Fund	FY 2019-20	FY 2020-21	FY 2021-22
General Fund	\$600,000.00	\$600,000.00	\$600,000.00

Subject to appropriations

<u>Council District</u>	<u>Amount</u>
1	\$ 200,000.00
2	\$ 200,000.00
3	\$ 200,000.00
4	\$ 200,000.00
5	\$ 200,000.00
6	\$ 200,000.00
7	\$ 200,000.00
8	\$ 200,000.00
14	\$ 200,000.00
Total	\$1,800,000.00

February 12, 2020

WHEREAS, Dallas County maintains a highway traffic program for limited-access facilities in portions of Dallas County Highway Traffic Program; and

WHEREAS, the Parties previously agreed upon a funding strategy for the Dallas County Highway Traffic Program to address an expected shortfall for FY 2012 through FY 2019; and

WHEREAS, given the success of the funding strategy for FY 2012 through FY 2019, the Parties now desire to enter into an Interlocal Agreement concerning the funding for the Dallas County Highway Traffic Program for FY 2020 through FY 2022; and

WHEREAS, in consideration of these premises, Dallas County and the City of Dallas, agree to reimburse program expenses associated with the Dallas County Highway Traffic Program.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with the Dallas County Sheriff's Office, approved as to form by the City Attorney, for reimbursement of program expenses associated with the Dallas County Highway Traffic Program for the period October 1, 2019 through September 30, 2022, in an amount not to exceed \$1,800,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay the Dallas County Sheriff's Office an amount not to exceed \$1,800,000.00 (subject to appropriations) from the General Fund, Fund 0001, Department DPD, Unit 2121, Object 3070, Encumbrance/Contract No. MASC-DPD-2020-00012483, Vendor 014003.

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.



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-171

Item #: 27.

AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Secretary's Office

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

File #: 20-152

Item #: 28.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 6
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Clams Casino, LLC, of approximately 2,257 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project - Not to exceed \$104,565.00 (\$101,565.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement D Fund

BACKGROUND

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Clams Casino, LLC, of approximately 2,257 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project. An offer was presented to the property owners on September 18, 2019 reflecting the appraised value of \$101,565.00. The owner refused the City's offer.

The first resolution approved on September 11, 2019, by Resolution No. 19-1394, authorized the purchase in the amount of \$101,565.00.

This property will be used for the construction of approximately 7,700 linear foot of a 104-inch diameter wastewater main and two 72-inch diameter wastewater mains. The consideration is based on an independent appraisal. No relocation benefits are associated with this acquisition. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 11, 2019, City Council authorized acquisition from Clams Casino, LLC of approximately 2,257 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project by Resolution No. 19-1394.

FISCAL INFORMATION

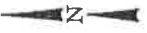
Fund	FY 2020	FY 2021	Future Years
Wastewater Capital Improvement D Fund	\$104,565.00	\$0.00	\$0.00

OWNER**Clams Casino, LLC**

Heidar Pasha, Manager

MAP

Attached



Gresham Smith	DATE: 10/1/03
CONTRACT NO. 40-357230-6	PLAN: 2003
EASEMENT EXHIBIT 2	
FBDWILL Partners, LP	
DALLAS WATER UTILITIES	
CITY OF DALLAS, TEXAS	

BLK 36/7888

Prop. Easement

Turtle Creek Blvd

Old Channel Trinity River

Market Center Blvd



SUBJECT:

February 12, 2020

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

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

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein.

Now, Therefore,

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

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

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 19-1394 approved by the Dallas City Council on September 11, 2019, which is incorporated herein by reference.

“PROPERTY”: Approximately 2,257 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROPERTY INTEREST”: Easement Interest

“PROJECT”: Lower East Bank Interceptor Project

February 12, 2020

SECTION 1. (continued)

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater 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.

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

"OFFICIAL OFFER AMOUNT": \$101,565.00

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

"AUTHORIZED AMOUNT": \$104,565.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$104,565.00, from Wastewater Capital Improvement D Fund, Fund 2116, Department DWU, Unit PS40, Activity MPSA, Program 716358, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00010997.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount.

February 12, 2020

SECTION 5. (continued)

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: 
Assistant City Attorney

**2,257 SQUARE FOOT (0.052 ACRES)
PERMANENT WASTE WATER EASEMENT
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817**

Being a 2,257 square foot or 0.052 acre permanent waste water easement situated in the Samuel Lockhart Survey, Abstract No. 817, City of Dallas, Dallas County, Texas, said permanent waste water easement being a portion of Lot 1, Block 36/7888 of Trinity Industrial District Installment No. 13, an addition to the City of Dallas, Texas, as recorded in Volume 23, Page 165 of the Map Records of Dallas County, Texas, and being a portion of a tract of land conveyed to FBDWLL Partners, LP as recorded in Instrument No. 201500342417 of the Official Public Records of Dallas County, Texas, said 0.052 acre permanent waste water easement being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap stamped "Gorronдона & Associates" found (controlling monument) for the southeasterly corner of said Lot 1 and the southwesterly corner of Lot 7, Block 36/7888 of said Trinity Industrial District Installment No. 13 Addition, said 5/8 inch iron rod with plastic cap stamped "Gorronдона & Associates" also being in the northwesterly right-of-way line of Turtle Creek Boulevard (a variable width right-of-way);

THENCE South 55 degrees 50 minutes 31 seconds West, with the southeasterly line of said Lot 1 and with the northwesterly right-of-way line of said Turtle Creek Boulevard, a distance of 54.04 feet to point for corner;

THENCE North 20 degrees 50 minutes 30 seconds East, a distance of 84.60 feet to a point for corner;

THENCE North 60 degrees 16 minutes 39 seconds West, a distance of 28.89 feet to a "X" cut set for corner in the northwesterly line of said Lot 1 and the southeasterly line of the old channel of the Trinity River;

THENCE North 35 degrees 40 minutes 21 seconds East, with the northwesterly line of said Lot 1 and with the southeasterly line of said old channel of the Trinity River, a distance of 14.30 feet to a 1/2 inch iron rod found (controlling monument) for the most northerly northeast corner of said Lot 1 and the southwesterly corner of Lot 6 of said Trinity Industrial District Installment No. 13 Addition;



FIELD NOTES APPROVED:

Scott Holt
6/20/2019

THENCE South 78 degrees 21 minutes 54 seconds East, with the northerly line of said Lot 1 and with the southerly line of said Lot 6, passing at a distance of 26.26 feet, a 5/8 inch iron rod with plastic cap stamped "Gorron dona & Associates" set for southeast corner of a 0.3373 acre (by deed) tract of land conveyed to The City of Dallas as recorded in Instrument No. 201100174952 of said Official Public Records of Dallas County, Texas, and continuing in all a total distance of 31.30 feet to a 5/8 inch iron rod with plastic cap stamped "Gorron dona & Associates" set for the northeasterly corner of said Lot 1 and the southeasterly corner of said Lot 6, said 5/8 inch iron rod with plastic cap stamped "Gorron dona & Associates" being in the westerly line of said Lot 7 and also being the beginning of a non-tangent curve to the left having a radius of 309.44 feet, a central angle of 12 degrees 40 minutes 54 seconds, and whose chord bears South 00 degrees 36 minutes 08 seconds East, a distance of 68.35 feet;

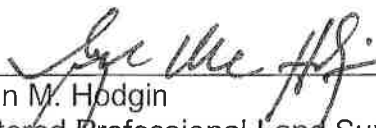
THENCE Southeasterly with said non-tangent curve to the left, with the easterly line of said Lot 1 and with the westerly line of said Lot 7, an arc distance of 68.49 feet to the **POINT OF BEGINNING**, and containing 2,257 square feet or 0.052 acres of land, more or less.

NOTE: All bearings and coordinates are referenced to the Texas State Plane Coordinate System, North Central Zone 4202, with horizontal datum of NAD83, with a Surface Factor for this project of 1.000136506. Distances and areas shown are surface.

* SURVEYOR'S CERTIFICATE *

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

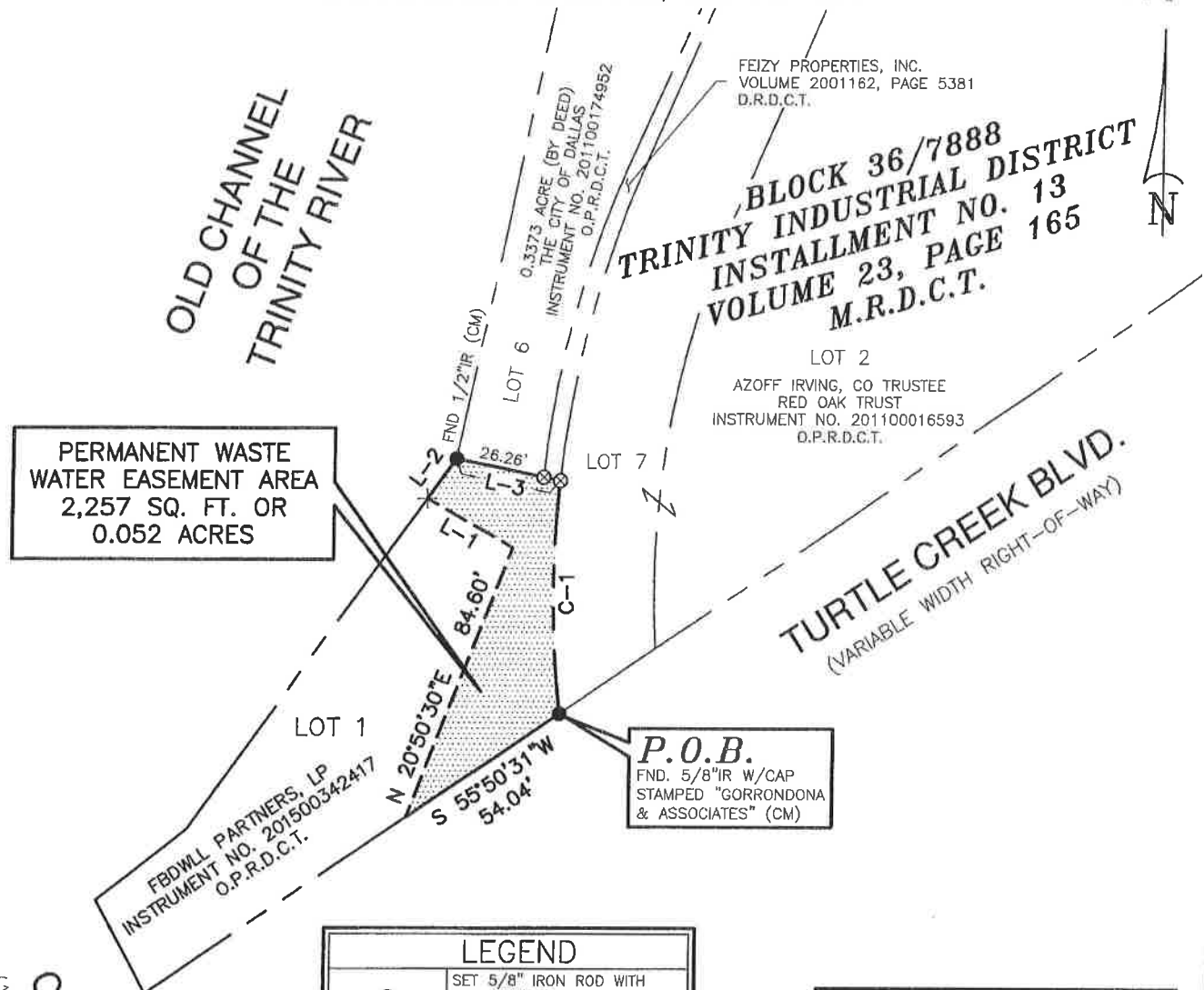
Date of Survey: October 17, 2018


 Lyndon M. Hodgins
 Registered Professional Land Surveyor,
 Texas No. 4584
 Texas Firm No. 10106903



2,257 SQUARE FOOT (0.052 ACRES)
PERMANENT WASTE WATER EASEMENT
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817

Exhibit A



LEGEND	
⊗	SET 5/8" IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES"
●	MONUMENT FOUND (AS NOTED)
□	MAGNAIL SET
×	"X" CUT SET
---	EASEMENT LINE (AS NOTED)
---	PROPOSED EASEMENT LINE
---	PROPERTY LINE (AS NOTED)
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS

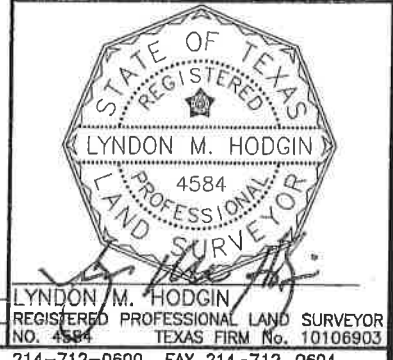
LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N 60°16'39"W	28.89'
L-2	N 35°40'21"E	14.30'
L-3	S 78°21'54"E	31.30'



CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C-1	309.44'	12°40'54"	S 00°36'08"E	68.35'	68.49'



NOTES:
1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, WITH HORIZONTAL DATUM OF NAD83, WITH A SURFACE FACTOR FOR THIS PROJECT OF 1.000136506. DISTANCES AND AREAS SHOWN ARE SURFACE.





Agenda Information Sheet

File #: 20-159

Item #: 29.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 6
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Market Center Boulevard, LLC, of approximately 2,724 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project - Not to exceed \$114,684.00 (\$111,684.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Wastewater Capital Improvement D Fund

BACKGROUND

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a wastewater easement from Market Center Boulevard, LLC, of approximately 2,724 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project. An offer was presented to the property owners on September 18, 2019 reflecting the appraised value of \$101,565.00. The owner refused the City's offer.

The first resolution approved on September 11, 2019, by Resolution No. 19-1395, authorized the purchase in the amount of \$111,684.00.

This property will be used for the construction of approximately 7,700 linear foot of a 104-inch diameter wastewater main and two 72-inch diameter wastewater mains. The consideration is based on an independent appraisal. No relocation benefits are associated with this acquisition. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 11, 2019, City Council authorized acquisition from Market Center Boulevard, LLC, of approximately 2,724 square feet of land located near the intersection of Turtle Creek Boulevard and Market Center Boulevard for the Lower Eastbank Interceptor Project by Resolution No. 19-1395.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Wastewater Capital Improvement D Fund	\$114,684.00	\$0.00	\$0.00

OWNER

Market Center Boulevard, LLC

Peter von Gontard, Manager

MAP

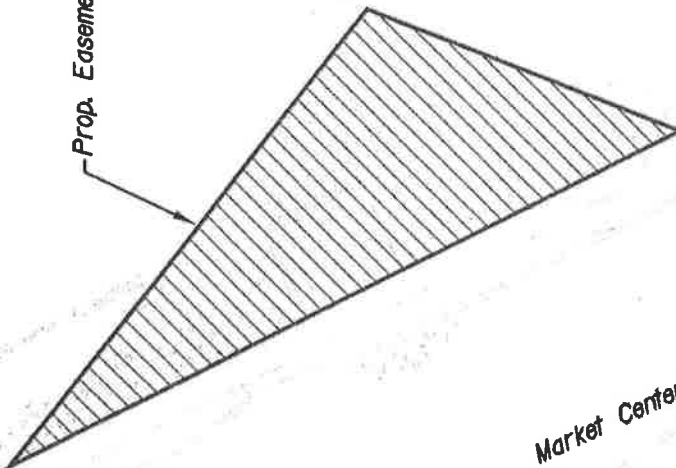
Attached



Old Channel Trinity River

BLK A/7894

Prop. Easement



Market Center Blvd

Gresham Smith	DATE PREPARED APR 2000
CONTRACT NO. 45-52/358	DATE APR 2000
EASEMENT EXHIBIT 5	
Market Center Boulevard, LLC	
DALLAS WATER UTILITIES	
CITY OF DALLAS, TEXAS	

SUBJECT:



February 12, 2020

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

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

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein.

Now, Therefore,

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

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

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 19-1395 approved by the Dallas City Council on September 11, 2019, which is incorporated herein by reference.

“PROPERTY”: Approximately 2,724 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROPERTY INTEREST”: Easement Interest

“PROJECT”: Lower East Bank Interceptor Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater 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.

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

"OFFICIAL OFFER AMOUNT": \$111,684.00

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

"AUTHORIZED AMOUNT": \$114,684.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$114,684.00, from Wastewater Capital Improvement D Fund, Fund 2116, Department DWU, Unit PS40, Activity MPSA, Program 716358, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00011003.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of

February 12, 2020

SECTION 5. (continued)

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: 

Assistant City Attorney

**2,724 SQUARE FOOT (0.063 ACRES)
PERMANENT WASTE WATER EASEMENT
CALVIN G. COLE SURVEY, ABSTRACT NO. 270**

Exhibit A

Being a 2,724 square foot or 0.063 acre permanent waste water easement situated in the Calvin G. Cole Survey, Abstract No. 270, City of Dallas, Dallas County, Texas, said 0.063 acre permanent waste water easement being a portion of Lot 1, Block A/7894 of Market Center Restaurant Addition, an addition to the City of Dallas, Texas, as recorded in Instrument No. 201700097456 of the Official Public Records of Dallas County, Texas, and being a portion of a tract of land conveyed to Market Center Boulevard, LLC as recorded in Instrument No. 201200060286 of said Official Public Records of Dallas County, Texas, said 0.063 acre permanent waste water easement being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "Surveying Assoc." found (controlling monument) for the southerly corner of said Lot 1, said 1/2 inch iron rod with plastic cap stamped "Surveying Assoc." being the intersection of the northeasterly right-of-way line of Market Center Boulevard (a 100' width right-of-way) with the northwesterly line of the old channel of the Trinity River;

THENCE North 26 degrees 37 minutes 37 seconds West, with the southwesterly line of said Lot 1 and the northeasterly right-of-way line of said Market Center Boulevard, a distance of 127.74 feet to an "X" cut set for corner, from which a Magnail with washer stamped "Votex RPLS 4813" found (controlling monument) for the westerly corner of said Lot 1 and the southerly corner of a tract of land conveyed to Faye Charalambopoulos as recorded in Volume 96140, Page 661 of the Deed Records of Dallas County, Texas, bears North 26 degrees 37 minutes 37 seconds West, a distance of 164.41 feet;

THENCE South 52 degrees 09 minutes 30 seconds East, a distance of 98.95 feet to a 5/8 inch iron rod with cap stamped "Gorron dona & Associates" set for corner in the southeasterly line of said Lot 1 and in the northwesterly line of said old channel of the Trinity River;

THENCE South 21 degrees 19 minutes 53 seconds West, with the southeasterly line of said Lot 1 and with the northwesterly line of said old channel of the Trinity River, a distance of 57.43 feet to the **POINT OF BEGINNING**, and containing 2,724 square feet or 0.063 acres of land, more or less.;


FILED OCT 14 2018
JSK 11/14/18

Exhibit A

NOTE: All bearings and coordinates are referenced to the Texas State Plane Coordinate System, North Central Zone 4202, with horizontal datum of NAD83, with a Surface Factor for this project of 1.000136506. Distances and areas shown are surface.

* SURVEYOR'S CERTIFICATE *

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Date of Survey: September 25, 2018



Lyndon M. Hodgins
Registered Professional Land Surveyor,
Texas No. 4584
Texas Firm No. 10106903

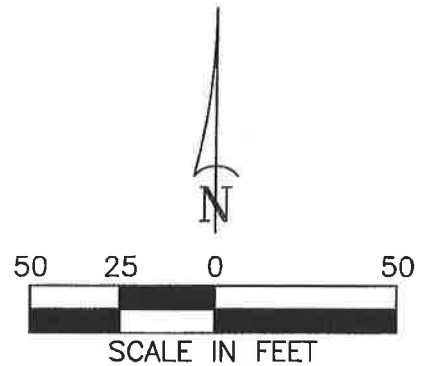


2,724 SQUARE FOOT (0.063 ACRES)
PERMANENT WASTE WATER EASEMENT
CALVIN G. COLE SURVEY, ABSTRACT NO. 270

Exhibit A

FAYE CHARALAMBOPOULOS
VOLUME 96140, PAGE 661
D.R.D.C.T.

FND. MAGNAIL W/WASHER
"VOTEX RPLS 4813"
(CM)



BLOCK A/7894
MARKET CENTER
RESTAURANT ADDITION
INSTRUMENT NO. 201700097456
O.P.R.D.C.T.

LOT 1

MARKET CENTER BOULEVARD, LLC
INSTRUMENT NO. 201200060286
O.P.R.D.C.T.

MARKET CENTER BLVD.
(100' WIDTH RIGHT-OF-WAY)

OLD CHANNEL
OF THE TRINITY RIVER

PERMANENT WASTE
WATER EASEMENT AREA
2,724 SQ. FT. OR
0.063 ACRES

P.O.B.
FND. 1/2" IR W/ CAP
"SURVEYING ASSOC."
(CM)

LEGEND	
⊗	SET 5/8" IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES"
●	MONUMENT FOUND (AS NOTED)
□	MAGNAIL SET
×	"X" CUT SET
---	EASEMENT LINE (AS NOTED)
---	PROPOSED EASEMENT LINE
---	PROPERTY LINE (AS NOTED)
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS



- NOTES:
1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, WITH HORIZONTAL DATUM OF NAD83, WITH A SURFACE FACTOR FOR THIS PROJECT OF 1.000136506. DISTANCES AND AREAS SHOWN ARE SURFACE.



LYNDON M. HODGIN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4584 TEXAS FIRM No. 10106903

GS&P1701.00

DRAWN BY: BD

GS&P1701.00_RIVERFRONT_4E_R00.DWG

DATE: SEPTEMBER 25, 2018

PAGE 3 OF 3

SCALE: 1:50'

GORRONDONA & ASSOCIATES, INC. • 1701 NORTH MARKET STREET, SUITE 450, LB 5, DALLAS, TX. 75202 • 214-712-0600 FAX 214-712-0604



Agenda Information Sheet

File #: 20-224

Item #: 30.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize a ratification of the fourth amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the third amendment to the Community Development Block Grant development loan agreement with the City of Dallas Housing Finance Corporation (DHFC) for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street to: **(1)** amend the loan maturity to the 15th anniversary from the date of conversion from construction financing to permanent financing plus 6 months or 6 months from the maturity date of the senior lender note, whichever is later; and **(2)** increase the minimum investment requirement by DHFC and 2400 Bryan Street, LLC from \$45,000,000.00 to \$45,500,000.00 - Financing: No cost consideration to the City

BACKGROUND

On February 27, 2019, City Council authorized a development loan and conditional grant agreement with 2400 Bryan Street, LLC (Borrower) or its affiliate to develop a 15-story mixed-use development with approximately 10,000 square feet of retail space and a mixed-income multifamily rental residential with 217 units in downtown by Resolution No. 19-0360. The retail space will include an early childhood education or childcare facility. The proposed development includes structured parking with approximately 312 spaces. Planned amenities for the development include a multipurpose room with fitness center and swimming pool. RMGM Bryan Street, LLC or RMGM Developers, LLC, both affiliates of Matthews Southwest, Inc. (MSW) will serve as the Developer for the development. MSW redeveloped the historic Old Dallas High School in partnership with the City using tax increment financing (TIF) Funds from Deep Ellum TIF District which is adjacent to the proposed development.

On June 12, 2019, City Council authorized a first amendment to Resolution No. 19-0360 to amend the development loan amount to \$6,000,000.00 to Borrower, to authorize a development loan agreement with the DHFC in an amount not to exceed \$7,026,943.00, to allow the closing of the loans and grant to occur prior to closing on the equity and all other financing for the development, to allow Borrower and DHFC to be reimbursed for costs associated to acquisition at closing, and to allow the City to maintain no less than a 3rd lien position by Resolution No. 19-0943.

On September 25, 2019, City Council authorized a second amendment to Resolution No. 19-0360, as amended, and the first amendment to the development loan agreement with the DHFC to remove the permanent repayment guaranty requirement of RMGM Bryan Street, LLC (Guarantor), to add the requirement that the City only be added as an additional obligee on the payment and performance bonds furnished by Borrower to its senior construction lender; if allowed by the permanent lender, and to add a \$45,000,000.00 minimum investment requirement by Resolution No. 19-1509.

On November 13, 2019, City Council authorized the third amendment to Resolution No. 19-0360, and the second amendment to the development loan with DHFC to: (1) authorize a conditional grant agreement in an amount not to exceed \$973,057.00 in 2012 General Obligation Bond Funds with a nonprofit entity, subject to approval by the Director of the Office Economic Development, allow the nonprofit entity to assign certain obligations under conditional grant agreement to Borrower and for the loan to be collaterally assigned to the City; (2) clarify that the loans with the DHFC and Borrower shall be nonrecourse; (3) that the City shall maintain no less than 4th lien position, subordinate only to a senior construction lender for a loan in a greater amount; (4) in the event of an uncured default by the Borrower and DHFC, the City's remedies shall be limited to foreclosure only; in such instance, the City cannot sue Borrower and DHFC for repayment of the loan and will not be entitled to damages and/or deficiency judgments; and (5) increase the voucher unit set aside, as required in Chapter 20A of the Dallas City Code, from 10% to 15% as additional consideration by Resolution No. 19-1770.

Under the original terms authorized by City Council on February 27, 2019, the term for the City's loans were intended to be coterminous with the senior permanent lender, Freddie Mac, but the term sheet defined coterminous as 15 years from the beginning of the date of the City's loan documents and ending on the maturity date defined in the loan documents. However, during review and comment of the City's loan documents by Freddie Mac it was noted that the City's loan cannot mature earlier than the senior lender.

Freddie Mac requires subordinate debt, which City Council authorized the City's loans to be subordinate to the senior lender, to not mature any earlier than 6 months after the loan maturity of its loan. In order to close the transaction timely and resolve the issue, which closing occurred not later than January 31, 2020, staff added the following language to the City's loan documents:

*"The final payment date shall be: **15th** anniversary date from the conversion date plus 6 months or ii) **6** months from the maturity date of the senior lender note, whichever is later. The Final Payment Date is subject to City Council ratification and approval. If City Council does not ratify and approve the final payment date, described above, the final payment date shall be the **15th** anniversary date from the effective date of the loan documents."*

This item is a ratification for the amendment of the City's loan maturity as defined above to meet Freddie Mac's requirements for subordinate debt and to increase the minimum investment requirement by DHFC and 2400 Bryan Street, LLC from \$45,000,000.00 to \$45,500,000.00 as additional consideration for such amendment.

Staff recommends the ratification and approval of the amendments to both the CDBG development loan agreement and the P/PP development loan agreement to extend the maturity and to include the additional consideration, since it was the intent to have the City's loans be subordinate and coterminous with the senior permanent lender and it's a Freddie Mac requirement for subordinate debt.

All other terms and conditions from Resolution No. 19-0360, previously approved on February 27, 2019, Resolution No. 19-0943, previously approved on June 12, 2019, Resolution No. 19-1509, previously approved on September 25, 2019, and by Resolution No. 19-1770, previously approved on November 13, 2019, shall remain unchanged and in full force and effect.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 24, 2018, City Council supported the 2018 Texas Department of Housing and Community Affairs' TDHCA 9% low-income housing tax credit application for the development at 2400 Bryan Street and authorized a line of credit agreement in the amount of \$500.00 for a commitment of development funding by Resolution No.18-0219.

On February 27, 2019, City Council authorized (1) a development loan agreement with 2400 Bryan Street, LLC (2400 Bryan) or an affiliate thereof in an amount not to exceed \$13,026,943.00 (comprised of \$3,605,570.00 in HOME Investment Partnerships Program Funds, \$6,000,000.00 in Public/Private Partnership Funds, and \$3,421,373.00 of CDBG Funds); (2) a conditional grant agreement with 2400 Bryan or an affiliate thereof for the development of a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street in an amount not to exceed \$973,057.00 in 2012 General Obligation Bond Funds; and (3) the DHFC to purchase and own the land and to enter into a long-term ground lease with 2400 Bryan by Resolution No. 19-0360.

On June 12, 2019, City Council authorized the first amendment to Resolution No. 19-0360, previously approved on February 27, 2019, for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street to: (1) amend the development loan amount with 2400 Bryan or an affiliate to only include an amount not to exceed \$6,000,000.00 in Public/Private Partnership funds for construction; (2) authorize a development loan agreement with the DHFC, instead of 2400 Bryan, for acquisition of land and construction, subject to DHFC Board of Directors' approval, in amount not to exceed \$7,026,943.00 in CDBG funds; (3) allow the closing of the 2400 Bryan and DHFC grant/loan to occur prior to closing on the equity and all other financing for the development; (4) allow 2400 Bryan and DHFC to be reimbursed for costs associated to acquisition at closing, but must meet all other requirements under Resolution No.19-0360 to be reimbursed the remaining loan and grant amounts; and (5) allow the City to maintain no less than 3rd lien position by Resolution No. 19-0943.

On September 25, 2019, City Council authorized the second amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the first amendment to the development loan with DHFC for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street (Development) to: (1) remove the permanent repayment guaranty requirement of RMGM Bryan Street, LLC; (2) add to the requirement that the City only be added as an additional obligee on payment and performance bonds furnished by 2400 Bryan to its senior construction lender, if allowed by the permanent lender; and (3) add a minimum investment requirement for DHFC and 2400 Bryan of \$45,000,000.00 to construct the improvements for the Development by Resolution No. 19-1509.

On November 13, 2019, City Council authorized the third amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the second amendment to the development loan with DHFC for the Development: (1) authorize a conditional grant agreement in an amount not to exceed \$973,057.00 in 2012 General Obligation Bond Funds with a nonprofit entity, subject to approval by the Director of the Office Economic Development, allow the nonprofit entity to assign certain obligations under conditional grant agreement to 2400 Bryan Street, LLC (Borrower) and for the loan to be collaterally assigned to the City; (2) that the loans with the DHFC and Borrower shall be nonrecourse; (3) that the City shall maintain no less than 4th lien position, subordinate only to a senior construction lender for a loan in a greater amount; (4) In the event of an uncured default by the Borrower and DHFC, the City's remedies shall be limited to foreclosure only. In such instance, the City cannot sue Borrower and DHFC for repayment of the loan and will not be entitled to damages and/or deficiency judgments; and (5) Increase the voucher unit set aside, as required in Chapter 20A of the Dallas City Code, from 10% to 15% as additional consideration by Resolution No. 19-1770.

Information about this item was provided to the Economic Development Committee on February 3, 2020.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

2400 Bryan Street, LLC

2400 Bryan Street GP, LLC is the general partner, City of Dallas Housing Finance Corporation the sole member of the GP

2400 Bryan Street SLP, LLC a formed entity with The Community Project, BETCO Consulting, LLC, and RMGM Bryan Street, LLC (RMGM Bryan Street) as members

AHP Housing Fund 95, LLC, a Delaware limited liability company as Investor Member

RMGM Bryan Street or RMGM Developers, LLC, both affiliates of Matthews Southwest Inc. will serve as the Guarantor and Developer.

Jack Matthews, President

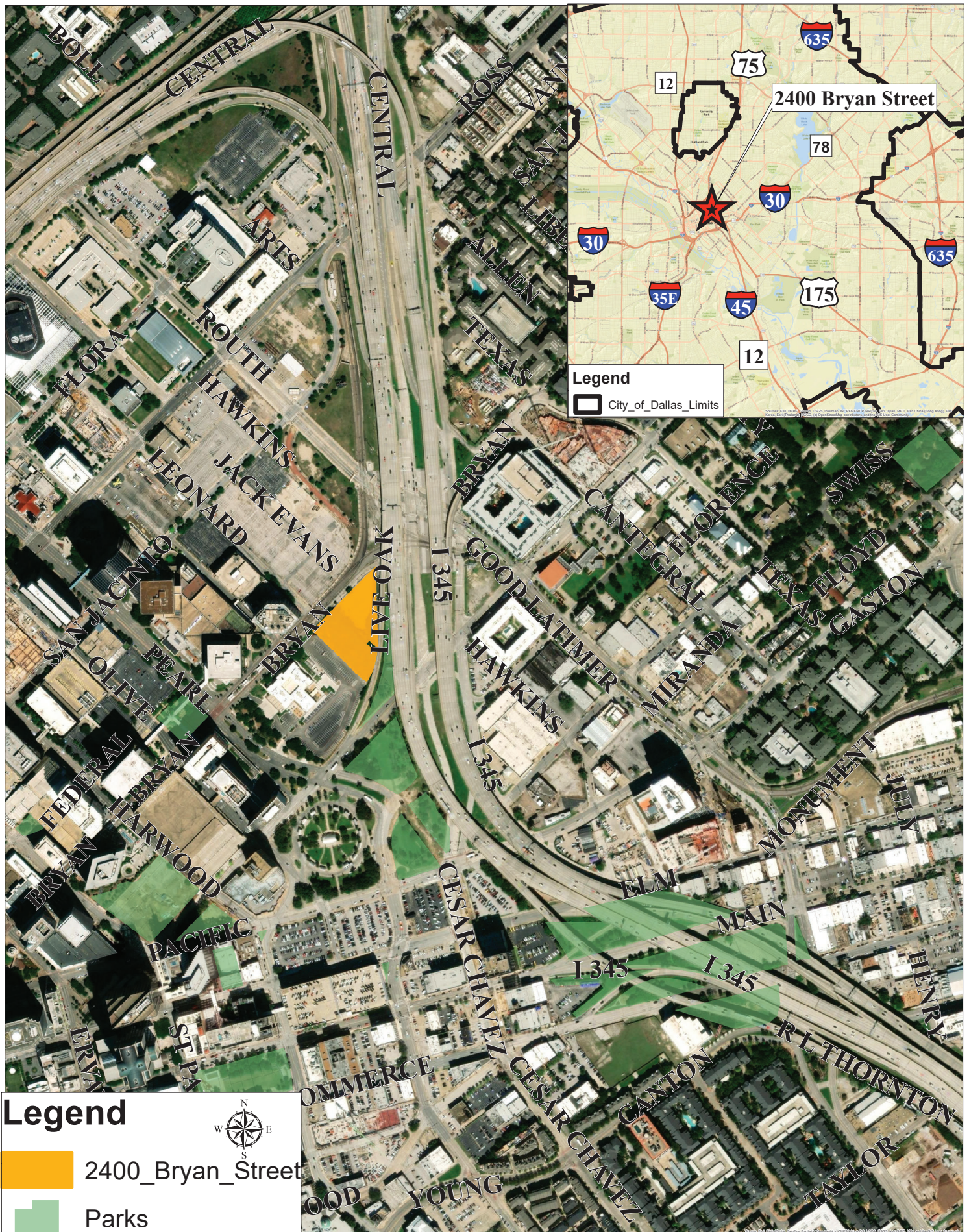
City of Dallas Housing Finance Corporation

MAP

Attached

2400 Bryan Street

Council District 14 - Councilmember Blewett



February 12, 2020

WHEREAS, on January 24, 2018, City Council supported the 2018 Texas Department of Housing and Community Affairs' (TDHCA) 9% low-income housing tax credit application for the development at 2400 Bryan Street and authorized a line of credit agreement in the amount of \$500.00 for a commitment of development funding by Resolution No.18-0219; and

WHEREAS, on May 9, 2018, City Council authorized the adoption of a Comprehensive Housing Policy Manual (Policy) by Resolution No. 18-0704, as amended, that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation; and

WHEREAS, on August 30, 2018, the City issued a Notice of Funding Availability in accordance with the Policy and 2400 Bryan Street, LLC (2400 Bryan), submitted an application for gap financing, and received a fundable score; and

WHEREAS, on February 27, 2019, City Council authorized (1) a development loan agreement with 2400 Bryan Street, LLC (2400 Bryan) or an affiliate thereof in an amount not to exceed \$13,026,943.00 (comprised of \$3,605,570.00 in HOME Investment Partnerships Program Funds, \$6,000,000.00 in Public/Private Partnership Funds, and \$3,421,373.00 in Community Development Block Grant Funds (CDBG); (2) a conditional grant agreement with 2400 Bryan or an affiliate thereof for the development of a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street in an amount not to exceed \$973,057.00 in 2012 General Obligation Bond Funds; and (3) the City of Dallas Housing Finance Corporation (DHFC) to purchase and own the land and to enter into a long-term ground lease with 2400 Bryan by Resolution No. 19-0360; and

WHEREAS, on June 12, 2019, City Council authorized the first amendment to Resolution No.19-0360, previously approved on February 27, 2019, for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street to: (1) amend the development loan amount with 2400 Bryan or an affiliate to only include an amount not to exceed \$6,000,000.00 in Public/Private Partnership funds for construction; (2) authorize a development loan agreement with the DHFC, instead of 2400 Bryan, for acquisition of land and construction; subject to DHFC Board of Directors' approval, in amount not to exceed \$7,026,943.00 in CDBG funds; (3) allow the closing of the 2400 Bryan and DHFC grant/loan to occur prior to closing on the equity and all other financing for the development; (4) allow 2400 Bryan and DHFC to be reimbursed for costs associated to acquisition at closing, but must meet all other requirements under Resolution No.19-0360 to be reimbursed the remaining loan and grant amounts; and (5) allow the City to maintain no less than 3rd lien position; and by Resolution No. 19-0943; and

February 12, 2020

WHEREAS, on September 25, 2019, City Council authorized the second amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the first amendment to the development loan with DHFC for a mixed-use and mixed-income multifamily residential development to be located at 2400 Bryan Street (Development) to: (1) remove the permanent repayment guaranty requirement of RMGM Bryan Street, LLC; (2) add to the requirement that the City only be added as an additional obligee on payment and performance bonds furnished by 2400 Bryan to its senior construction lender, if allowed by the permanent lender; and (3) add a minimum investment requirement for DHFC and 2400 Bryan of \$45,000,000.00 to construct the improvements for the Development by Resolution No. 19-1509; and

WHEREAS, on November 13, 2019, City Council authorized the third amendment to Resolution No. 19-0360, previously approved on February 27, 2019, as amended, and the second amendment to the development loan with DHFC for the Development: (1) authorize a conditional grant agreement in an amount not to exceed \$973,057.00 in 2012 General Obligation Bond Funds with a nonprofit entity, subject to approval by the Director of the Office Economic Development, allow the nonprofit entity to assign certain obligations under conditional grant agreement to 2400 Bryan Street, LLC (Borrower) and for the loan to be collaterally assigned to the City; (2) that the loans with the DHFC and Borrower shall be nonrecourse; (3) that the City shall maintain no less than 4th lien position, subordinate only to a senior construction lender for a loan in a greater amount; (4) In the event of an uncured default by the Borrower and DHFC, the City's remedies shall be limited to foreclosure only. In such instance, the City cannot sue Borrower and DHFC for repayment of the loan and will not be entitled to damages and/or deficiency judgments; and (5) Increase the voucher unit set aside, as required in Chapter 20A of the Dallas City Code, from 10% to 15% as additional consideration by Resolution No. 19-1770; and

WHEREAS, the senior permanent lender, Freddie Mac, requested the City's loans mature 6 months after the senior loan maturity date and it was the intent of the City's loans to be coterminous and subordinate to the senior permanent lender; and

WHEREAS, the City desires to move forward with the 2400 Bryan Street development to complete the project.

Now, Therefore,

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

February 12, 2020

SECTION 1. That the City Manager is authorized to execute an amendment to the CDBG development loan agreement with the DHFC in an amount not to exceed \$7,026,943.00, and the P/PP development loan agreement with the Borrower and that the terms and conditions of Resolution No. 19-0360, as amended, are hereby amended to: (1) amend the City's loan maturity to the 15th anniversary from the date of conversion from construction financing to permanent financing plus 6 months or 6 months from the maturity date of the senior lender note, whichever is later; and (2) increase the minimum investment requirement by DHFC and 2400 Bryan Street, LLC from \$45,000,000.00 to \$45,500,000, approved as to form by the City Attorney.

SECTION 2. That the ratification described in Section 1 is expressly conditioned upon the DHFC's execution of an amendment to the CDBG development agreement and Borrower's execution of an amendment to the P/PP development loan agreement to include the additional consideration described in Section 1, approved as to form by the City Attorney. Until the DHFC and Borrower execute the amended documents, the ratification shall be deemed to be not approved by the City Council and the maturity date will remain the same, as previously approved.

SECTION 3. That with the exception of the changes above, all other requirements of Resolution Nos. 19-0360, 19-0943, 19-1509, and 19-1770 shall remain in full force and effect.

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 #: 20-225

Item #: 31.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** the adoption of a Resolution of Support for Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of the Dallas Sorcey Road Apartments; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

BACKGROUND

Dallas Sorcey Road, Ltd. (Applicant) submitted a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) for 2020 9% Competitive Housing Tax Credits (HTC) (9% HTC) for the development of Dallas Sorcey Road Apartments, the ground-up development of a 90-unit mixed income multifamily complex located at 8605 Sorcey Road Dallas, Texas 75249. Palladium USA International, Inc. has executed a purchase contract with Waxahachie Blacklands Property Trust, the current property owner.

In the administration of its **9%** HTC Program, TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- **17** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the application or development; or
- **14** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- **8.5** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the Application or Development; or
- **7** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the Application or Development

The Applicant, a to be formed Texas limited partnership, is proposing to develop Dallas Sorcey Road Apartments. Dallas Sorcey Road GP, LLC will act as the General Partner of Dallas Sorcey Road, Ltd. Dallas Sorcey Road GP, LLC will include Dallas Sorcey Road GP MGR, LLC, or its affiliate, as partial owner and a to be determined Historically Underutilized Business (HUB) as partial owner. The Applicant will also admit a to be determined investor limited partner to the limited partnership. Palladium USA International, Inc. will act as developer of the project.

The proposed property manager is Omnium Management Company (Omnium), a United States subsidiary of the Palladium Group. Palladium has been developing, building, and managing quality multifamily and senior rental communities throughout Texas since 1992. Palladium has expertise in market rate, workforce housing, 9% Housing Tax Credits, and senior independent living.

The Applicant proposes to develop 90 units. The 90 units will be comprised of 27 1-bedrooms, 45 2-bedrooms, and 18 3-bedrooms ranging from 725 square feet to 1,160 square feet. Planned amenities include outdoor pool, dog park, fitness center, granite countertops, and covered patios/balconies.

Total development costs are anticipated to be approximately \$18,742,041.00 which includes the acquisition price for the land. The hard cost construction budget is anticipated to be \$12,629,189.00 which is \$140,324.00 per unit. The total construction amount includes a 4.74% contingency.

Proposed Financing Sources	Estimated Amount
Permanent Loan	\$5,093,600.00
Housing Tax Credits Equity	\$12,567,727.00
Deferred Developer Fee	\$1,080,214.00
City LPS Funding	\$500.00
Total	\$18,742,041.00

Proposed Uses	Estimated Costs
Acquisition	\$782,265.00
Hard Construction Costs	\$12,629,189.00
Soft Costs & Financing Fees	\$2,478,462.00
Developer Fees	\$2,159,756.00
Reserves	\$692,369.00
Total	\$18,742,041.00

After the development is complete, 9 of the 90 units will be made available to households earning 0% -30% of Area Median Income (AMI), 34 of the 90 units will be made available to households earning between 31%-50% of AMI, 41 of the 90 units will be made available to households earning between 51%-60% of AMI, and 6 of the 90 units will be market rate.

The Dallas City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP) by Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking HTC through TDHCA. On June 12, 2019, City Council authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking HTC through TDHCA by Resolution No. 19-0884. The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

The evaluation criteria for 9% HTC applications seeking a Resolution of Support also requires applications meet a priority housing need of the City. The applications must meet at least one of the following six priorities:

- The project has been selected to receive City funding such as Community Development Block Grant, Housing and Urban Development HOME Funds, or General Obligation Bond Funding;
- The applicant intends to partner with the Dallas Housing and Finance Corporation or Public Facility Corporation (if created),
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE IV, or other similar Housing and Urban Development programs that may be created;
- The project is located in a census tract with a poverty rate below 20%;
- The project located in a Redevelopment Reinvestment Strategy Area (RSA) or Stabilization RSA; and
- A 50-unit project dedicating 20% of the units for tenants referred from the Continuum of Care list.

Applications that do not qualify as a priority housing need must score at least 50 points based on if the proposed project is mixed income, includes a non-profit or HUB, its proximity of amenities to the development site, and resident services to be provided.

Dallas Sorcey Road Apartments is qualified to receive a staff recommendation for a resolution of support as it is a priority housing need development located in a census tract with a poverty rate less than 20% (Census Tract 48113016510) and met the required application thresholds. The proposed site is market type F per the Market Value Analysis and is surrounded by F market types.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee was briefed regarding this matter on February 4, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Public/Private Partnership Fund	\$500.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP by Resolution No. 18-1680; and

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1864; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc. (Applicant) has proposed the development of a mixed income multifamily complex to be known as Dallas Sorcey Road Apartments located at 8605 Sorcey Road in the City of Dallas, Texas; and

WHEREAS, the Applicant proposes to develop 90 units, to include 27 1-bedrooms, 45 2-bedrooms, and 18 3-bedrooms; and will include amenities; and

WHEREAS, upon completion of the development, the Applicant proposes to make 9 of the 90 units will be made available to households earning 0%-30% of Area Median Income (AMI), 34 of the 90 units will be made available to households earning between 31%-50% of AMI, 41 of the 90 units will be made available to households earning between 51%-60% of AMI, and 6 of the 90 units will be market rate; and

WHEREAS, the Applicant has advised the City that it submitted a pre-application to the TDHCA for 2020 9% Competitive HTC for the proposed acquisition and redevelopment of a property to be known as Dallas Sorcey Road Apartments (TDHCA #20022); and

WHEREAS, the expenditure of Public/Private Partnership funds supporting this development project is consistent with the City's revised Public/Private Partnership Guidelines and Criteria; and

February 12, 2020

WHEREAS, pursuant to Section 11.9 of the Qualified Allocation Plan and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of Support to the Applicant for the 2020 9% Competitive HTC application for Dallas Sorcey Road Apartments located at 8605 Sorcey Road, Dallas, Texas 75249.

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it supports the proposed development to be located at 8605 Sorcey Road, Dallas, Texas 75249, the development's application for 2020 9% HTC, and any allocation by the TDHCA of 2020 9% HTC for the proposed development.

SECTION 2. That the City Manager or their designee is hereby authorized to execute a line of credit agreement in the amount of \$500.00 with Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc. approved as to form by the City Attorney, for the construction of the proposed development. The agreement will have the following terms:

- a. Dallas Sorcey Road, Ltd., or its affiliate must be awarded 2020 9% HTC by TDHCA;
- b. The line of credit will have an interest rate of 1%. Interest will not be incurred or accrue until and unless funds are drawn; and
- c. The line of credit must be repaid in full on expiration or termination of the Land Use Restriction Agreement recorded by TDHCA.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500.00 to Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc. from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2020-00012762, Vendor VC21120, in accordance with this resolution.

SECTION 4. That the Chief Financial Officer is hereby authorized to set up a Receivable Balance Sheet Account in Public/Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet 033F and a Deferred Revenue Balance Sheet, Account 0898, in the amount of \$500.00.

SECTION 5. That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from Dallas Sorcey Road, Ltd., an affiliate of Palladium USA International, Inc., in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 847H, and debit Balance Sheet 0001 (Cash); as well as debit Deferred Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet Account 033F.

February 12, 2020

SECTION 6. That this formal action has been taken to put on record the opinion expressed by the City of Dallas on February 12, 2020, and that for and on behalf of the Governing Body, the Mayor or City Manager, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the TDHCA.

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.



Agenda Information Sheet

File #: 20-226

Item #: 32.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** the adoption of a Resolution of Support for Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Dallas Stemmons Apartments; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

BACKGROUND

Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. (Applicant) submitted a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) for 2020 9% Competitive Housing Tax Credits (HTC) (9% HTC) for the development of Dallas Stemmons Apartments, a ground-up development of an 87-unit mixed income multifamily complex located at 11070 North Stemmons Freeway, Dallas, Texas 75229. Palladium USA International, Inc., an affiliate of applicant, has executed a purchase contract with RWS Land Company, LLC, the current property owner.

In the administration of its **9% HTC Program**, TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- **17 points** for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the application or development; or
- **14 points** for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- **8.5** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the Application or Development; or
- **7** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the Application or Development.

The Applicant, a to be formed Texas limited partnership, is proposing to develop Dallas Stemmons Apartments. The Applicant proposes to have the City of Dallas Housing Finance Corporation (DHFC) serve as 65% owner of the general partner entity and a to be determined company certified as a Texas Historically Underutilized Business (HUB) as 35% owner of the general partner entity, subject to the approval of the DHFC Board of Directors. The Applicant proposes the limited partnership include Dallas Stemmons SLP, LLC, a to be formed limited liability company with Palladium USA International, Inc. (Palladium) as 100% owner of the Special Limited Partner (SLP). Additionally, a limited partner will be admitted to the partnership once a tax credit investor is identified. Palladium, DHFC, and HUB will serve as co-developers.

The proposed property manager is Omnium Management Company, a United States subsidiary of the Palladium Group. Palladium has been developing, building, and managing quality multifamily and senior rental communities throughout Texas since 1992. Palladium has expertise in market rate, workforce housing, 9% Housing Tax Credits, and senior independent living.

The Applicant proposes to develop 87 units. The 87 units will be comprised of 42 1-bedrooms, 36 2-bedrooms, and 9 3-bedrooms. The interior will include 9-foot ceilings and granite countertops. Planned amenities feature a swimming pool, fitness center, business center, and controlled access gates.

Total development costs are anticipated to be approximately \$20,020,169.00 which includes the acquisition price for the land. The hard cost construction budget is anticipated to be \$12,607,941.00 which is \$144,919.00 per unit. The total construction amount includes a 4.58% contingency.

Proposed Financing Sources	Estimated Amount
Permanent Loan	\$5,919,000.00
Housing Tax Credits Equity	\$13,028,358.00
Deferred Developer Fee	\$1,072,811.00
Total	\$20,020,169.00

Proposed Uses	Estimated Costs
Acquisition	\$2,225,000.00
Hard Construction Costs	\$12,607,941.00
Soft Costs & Financing Fees	\$2,361,978.00
Developer Fees	\$2,141,133.00
Reserves	\$684,117.00
Total	\$20,020,169.00

After the development is complete, 9 of the 87 units will be made available to households earning 0%-30% of Area Median Income (AMI), 35 of the 87 units will be made available to households earning between 31%-50% of AMI, and 43 of the 87 units will be made available to households earning between 51%-60% of AMI.

The Dallas City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP) by Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking Housing Tax Credits through TDHCA. On June 12, 2019, City Council authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking HTC through TDHCA by Resolution No. 19-0884. The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

The evaluation criteria for 9% HTC applications seeking a Resolution of Support also requires applications meet a priority housing need of the City. The applications must meet at least one of the following six priorities:

- The project has been selected to receive City funding such as Community Development Block Grant, Housing and Urban Development HOME Funds, or General Obligation Bond Funding;
- The applicant intends to partner with the Dallas Housing and Finance Corporation or Public Facility Corporation (if created);
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE IV, or other similar Housing and Urban Development programs that may be created;
- The project is located in a census tract with a poverty rate below 20%;
- The project located in a Redevelopment Reinvestment Strategy Area (RSA) or Stabilization RSA; and
- A 50-unit project dedicating 20% of the units for tenants referred from the Continuum of Care list.

Applications that do not qualify as a priority housing need must score at least 50 points based on if the proposed project is mixed income, includes a non-profit or HUB, its proximity of amenities to the development site, and resident services to be provided.

Dallas Stemmons Apartments is qualified to receive a staff recommendation for a resolution of support as it is a priority housing need development located in a census tract with a poverty rate less than 20% (Census Tract 48113009900) and met the required application thresholds. The proposed site has insufficient data to provide a Market Value Analysis market type, but is surrounded by B, D, and E market types.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee was briefed regarding this matter on February 4, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Public/Private Partnership Fund	\$500.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP by Resolution No. 18-1680; and

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1864; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. (Applicant) has proposed the development of a mixed income multifamily complex to be known as Dallas Stemmons Apartments located at 11070 North Stemmons Freeway in the City of Dallas, Texas; and

WHEREAS, the Applicant proposes to redevelop 87 units, to include 42 1-bedrooms, 36 2-bedrooms, and 9 3-bedrooms; and will include amenities; and

WHEREAS, upon completion of the development, the Applicant proposes to make 9 of the 87 units available to households earning 0%-30% of Area Median Income (AMI), 35 of the 87 units available to households earning between 31%-50% of AMI, and 43 of the 87 units available to households earning between 51%-60% of AMI; and

WHEREAS, the Applicant has advised the City that it submitted a pre-application to the TDHCA for 2020 9% Competitive HTC for the proposed acquisition and redevelopment of a property to be known as Dallas Stemmons, Ltd. (TDHCA #20024); and

WHEREAS, the expenditure of Public/Private Partnership funds supporting this development project is consistent with the City's revised Public/Private Partnership Guidelines and Criteria; and

February 12, 2020

WHEREAS, pursuant to Section 11.9 of the Qualified Allocation Plan and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of Support to the Applicant for the 2020 9% Competitive HTC application for Dallas Stemmons Apartments located at 11070 North Stemmons Freeway, Dallas, Texas 75229.

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it supports the proposed development by Dallas Stemmons, Ltd., or its affiliate, to be located at 11070 North Stemmons Freeway, Dallas, Texas 75229, the development's application for 2020 9% HTC, and any allocation by the TDHCA of 2020 9% HTC for the proposed development.

SECTION 2. That the City Manager or their designee is hereby authorized to execute a line of credit agreement in the amount of \$500.00 with Dallas Stemmons, Ltd., an affiliate of Palladium USA International Inc., approved as to form by the City Attorney, for the construction of the proposed development. The agreement will include, but is not limited to, the following terms:

- a. Dallas Stemmons, Ltd., or its affiliate must be awarded 2020 9% HTC by TDHCA; and
- b. The line of credit will have an interest rate of 1%. Interest will not be incurred or accrue until and unless funds are drawn; and
- c. The line of credit must be repaid in full on expiration or termination of the Land Use Restriction Agreement recorded by TDHCA.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500.00 to Dallas Stemmons, Ltd., an affiliate of Palladium USA International, Inc. from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2020-00012763, Vendor VC21120, in accordance with this resolution.

SECTION 4. That the Chief Financial Officer is hereby authorized to set up a Receivable Balance Sheet Account in Public/Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet 033F and a Deferred Revenue Balance Sheet, Account 0898, in the amount of \$500.00.

February 12, 2020

SECTION 5. That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from Dallas Stemmons, Ltd. an affiliate of Palladium USA International in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 847H, and debit Balance Sheet 0001 (Cash); as well as debit Deferred Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet Account 033F.

SECTION 6. That this formal action has been taken to put on record the support expressed by the City of Dallas on February 12, 2020, and that for and on behalf of the Governing Body, the Mayor or City Manager, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the TDHCA.

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.



Agenda Information Sheet

File #: 20-227

Item #: 33.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 1

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** the adoption of a Resolution of Support for Gateway Oak Cliff, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of the Gateway Oak Cliff; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

BACKGROUND

Gateway Oak Cliff, LP, or its affiliate (Applicant) submitted a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) for 2020 9% Competitive Housing Tax Credits (HTC) (9% HTC) for the development of Gateway Oak Cliff, the ground-up development of a 130-unit mixed income multifamily complex located at 400 South Beckley Avenue, Dallas, Texas 75203. St. Margaret, Inc., a member of the Catholic Housing Initiative, has a ground lease arrangement negotiated with Dallas County, the current property owner.

In the administration of its **9%** HTC Program, TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- **17** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the application or development; or
- **14** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- **8.5** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the Application or Development; or
- **7** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the Application or Development.

The Applicant, a to be formed Texas limited partnership, is proposing to develop Gateway Oak Cliff. The Applicant proposes a limited partnership consisting of a general partnership with Dallas County, or its affiliate, as owner of land and member of the general partnership, and St. Margaret, Inc., or its affiliate, as ground lessee and managing member of the general partnership. The Applicant will also admit a to be determined investor limited partner to the limited partnership. St. Margaret, Inc. and Carleton Construction will serve as co-developers.

The property will be managed by Pace Realty Corporation which manages all of Catholic Housing Initiative's multifamily units. Catholic Housing Initiative and St. Margaret, Inc. have developed and financed 768 units of quality, affordable, service enriched senior and multifamily housing throughout the City and DFW Metroplex.

The Applicant proposes to develop 130 units. The 130 units will be comprised of 13 0-bedrooms, 39 1-bedrooms, 52 2-bedrooms, and 26 3-bedrooms ranging from 500 square feet to 1,055 square feet. Planned amenities and services feature garage parking, fitness and community room, career training and job placement, food pantry, and case management for at risk residents.

Total development costs are anticipated to be approximately \$26,248,013.00 which includes the total amount of all ground lease payments. The hard cost construction budget is anticipated to be \$21,646,013.00 which is \$166,508.00 per unit. The total construction amount includes a 5% contingency.

Proposed Financing Sources	Estimated Amount
Permanent Loan	\$7,805,829.00
Housing Tax Credits Equity	\$14,248,575.00
Owner Equity/Developer Fee	\$4,193,609.00
Total	\$26,248,013.00

Proposed Uses	Estimated Costs
Acquisition	\$200,000.00
Hard Construction Costs	\$21,646,013.00
Soft Costs & Financing Fees	\$2,337,257.00
Developer Fees	\$1,776,330.00
Reserves	\$288,413.00
Total	\$26,248,013.00

After the development is complete, 30 of the 130 units will be made available to households earning 0%-30% of Area Median Income (AMI), 52 of the 130 units will be made available to households earning between 31%-50% of AMI, 42 of the 130 units will be made available to households earning between 51%-60% of AMI, and 6 of the 130 units will be made available to households earning between 61%-80% of AMI.

The Dallas City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP) by Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking HTC through TDHCA. On June 12, 2019, City Council authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking HTC through TDHCA by Resolution No. 19-0884. The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

The evaluation criteria for 9% HTC applications seeking a Resolution of Support also requires applications meet a priority housing need of the City. The applications must meet at least one of the following six priorities:

- The project has been selected to receive City funding such as Community Development Block Grant, Housing and Urban Development HOME Funds, or General Obligation Bond Funding;
- The applicant intends to partner with the Dallas Housing and Finance Corporation or Public Facility Corporation (if created);
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE IV, or other similar Housing and Urban Development programs that may be created;
- The project is located in a census tract with a poverty rate below 20%;
- The project located in a Redevelopment Reinvestment Strategy Area (RSA) or Stabilization RSA; and
- A 50-unit project dedicating 20% of the units for tenants referred from the Continuum of Care list.

Applications that do not qualify as a priority housing need must score at least 50 points based on if the proposed project is mixed income, includes a non-profit or Historically Underutilized Business, its proximity of amenities to the development site, and resident services to be provided.

Gateway Oak Cliff is not a priority housing need development; however, staff determined its application score was over 50, met all application thresholds, and is qualified to receive a staff recommendation for a resolution of support. The development site is an E market type adjacent to C, D, E, H and I market types per the Market Value Analysis. It is located in the Southern Gateway emerging market area.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee was briefed regarding this matter on February 4, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Public/Private Partnership Fund	\$500.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP by Resolution No. 18-1680; and

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1864; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, The Gateway Oak Cliff, LP, or its affiliate (Applicant) has proposed the development of a mixed income multifamily complex to be known as Gateway Oak Cliff located at 400 South Beckley Avenue in the City of Dallas, Texas; and

WHEREAS, the Applicant proposes to develop 130 units, to include 13 0-bedrooms, 39 1-bedrooms, 52 2-bedrooms, and 26 3-bedrooms; and will include amenities; and

WHEREAS, upon completion of the development, the Applicant proposes to make 30 of the 130 units available to households earning 0%-30% of Area Median Income (AMI), 52 of the 130 units available to households earning between 31%-50% of AMI, 42 of the 130 units available to households earning between 51%-60% of AMI, and 6 of the 130 units available to households earning between 61%-80% of AMI; and

WHEREAS, the Applicant has advised the City that it submitted a pre-application to the TDHCA for 2020 9% Competitive HTC for the proposed acquisition and redevelopment of a property to be known as Gateway Oak Cliff (TDHCA #20303); and

WHEREAS, the expenditure of Public/Private Partnership funds supporting this development project is consistent with the City's revised Public/Private Partnership Guidelines and Criteria; and

February 12, 2020

WHEREAS, pursuant to Section 11.9 of the Qualified Allocation Plan and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of Support to the Applicant for the 2020 9% Competitive HTC application for Gateway Oak Cliff located at 400 South Beckley Avenue, Dallas, Texas 75203.

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it supports the proposed development by Gateway Oak Cliff, LP, or its affiliate, to be located at 400 South Beckley Avenue, Dallas, Texas 75203, the development's application for 2020 9% HTC, and any allocation by the TDHCA of 2020 9% HTC for the proposed development.

SECTION 2. That the City Manager or their designee, is hereby authorized to execute a line of credit agreement in the amount of \$500.00 with Gateway Oak Cliff, LP, or its affiliate, approved as to form by the City Attorney, for the construction of the proposed development. The agreement will include, but is not limited to the following terms:

- a. Gateway Oak Cliff, LP, or its affiliate must be awarded 2020 9% HTC by TDHCA;
- b. The line of credit will have an interest rate of 1%. Interest will not be incurred or accrue until and unless funds are drawn; and
- c. The line of credit must be repaid in full on expiration or termination of the Land Use Restriction Agreement recorded by TDHCA.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500.00 to Gateway Oak Cliff, LP, or its affiliate from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2020-00012764, Vendor VC21129, in accordance with this resolution.

SECTION 4. That the Chief Financial Officer is hereby authorized to set up a Receivable Balance Sheet Account in Public/Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet 033F and a Deferred Revenue Balance Sheet, Account 0898, in the amount of \$500.00.

SECTION 5. That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from Gateway Oak Cliff, LP, or its affiliate in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 847H, and debit Balance Sheet 0001 (Cash); as well as debit Deferred Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet Account 033F.

February 12, 2020

SECTION 6. That this formal action has been taken to put on record the support expressed by the City of Dallas on February 12, 2020, and that for and on behalf of the Governing Body, the Mayor or City Manager, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the TDHCA.

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.



Agenda Information Sheet

File #: 20-229

Item #: 34.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** the adoption of a Resolution of Support for Juliette Fowler Senior Affordable Housing, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Juliette Fowler Residences; and **(2)** authorize an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

BACKGROUND

Juliette Fowler Senior Affordable Housing, LP, or its affiliate (Applicant) submitted a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) for 2020 9% Competitive Housing Tax Credits (HTC) (9% HTC) for the development of Juliette Fowler Residences, the ground-up development of a 144-unit mixed income multifamily complex for seniors located at the northeast corner of South Fulton Street and Eastside Avenue or 5714 Eastside Avenue, Dallas, Texas 75214. Juliette Fowler Properties, Inc. owns the land and will contribute the development site to the partnership.

In the administration of its **9%** HTC Program, TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- **17** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the application or development; or
- **14** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- **8.5** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the Application or Development; or
- **7** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the Application or Development

The Applicant, a Texas limited partnership, is proposing to develop Juliette Fowler Residences. Juliette Fowler Communities, Inc. (JFC), a Texas non-profit corporation, will serve as the sole member of the general partner Juliette Fowler Senior Affordable Housing GP, LLC, a Texas limited liability company. The Applicant will also admit a to be determined investor limited partner to the limited partnership. JFC will act as developer of the project.

The property will be managed by JFC which manages its existing properties that include senior living, transitional, and foster care units. JFC has operated and provided housing and supportive services for over 125 years.

The Applicant proposes to develop 144 units. The 144 units will be comprised of 18 0-bedrooms, 84 1-bedrooms, and 42 2-bedrooms ranging from 575 square feet to 860 square feet. Planned amenities include outdoor pools, dog park, fitness and community center, controlled access gates, library, and camera monitoring.

Total development costs are anticipated to be approximately \$23,483,750.00 which includes a zero dollar contribution of the land to the partnership from Juliette Fowler Properties, Inc. The hard cost construction budget is anticipated to be \$17,527,000.00 which is \$121,715.00 per unit. The total construction amount includes a 4% contingency.

Proposed Financing Sources	Estimated Amount
FHA Loan	\$7,900,000.00
Housing Tax Credits Equity	\$13,798,620.00
Deferred Developer Fee	\$1,200,000.00
JFC, Inc. Match	\$585,130.00
Total	\$23,483,750.00

Proposed Uses	Estimated Costs
Acquisition	\$0.00
Hard Construction Costs	\$17,527,000.00
Soft Costs & Financing Fees	\$2,519,750.00
Developer Fees	\$2,754,620.00
Reserves	\$682,380.00
Total	\$23,483,750.00

After the development is complete, 15 of the 144 units will be made available to households earning 0%-30% of Area Median Income (AMI), 57 of the 144 units will be made available to households earning between 31%-50% of AMI, and 72 of the 144 units will be made available to households earning between 51%-60% of AMI.

The Dallas City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP) by Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking HTC through TDHCA. On June 12, 2019, City Council authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking HTC through TDHCA by Resolution No. 19-0884. The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

The evaluation criteria for 9% HTC applications seeking a Resolution of Support also requires applications meet a priority housing need of the City. The applications must meet at least one of the following six priorities:

- The project has been selected to receive City funding such as Community Development Block Grant, Housing and Urban Development HOME Funds, or General Obligation Bond Funding;
- The applicant intends to partner with the Dallas Housing and Finance Corporation or Public Facility Corporation (if created);
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE IV, or other similar Housing and Urban Development programs that may be created;
- The project is located in a census tract with a poverty rate below 20%;
- The project located in a Redevelopment Reinvestment Strategy Area (RSA) or Stabilization RSA; and
- A 50-unit project dedicating 20% of the units for tenants referred from the Continuum of Care list.

Applications that do not qualify as a priority housing need must score at least 50 points based on if the proposed project is mixed income, includes a non-profit or Historically Underutilized Business, its proximity of amenities to the development site, and resident services to be provided.

Juliette Fowler Residences is qualified to receive a staff recommendation for a resolution of support as it is a priority housing need development located in a census tract with a poverty rate less than 20% (Census Tract 48113001301) and met the required application thresholds. The proposed site is market type E per the Market Value Analysis and is surrounded by B, C, D, and H market types.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee was briefed regarding this matter on February 4, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Public/Private Partnership Fund	\$500.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP by Resolution No. 18-1680; and

WHEREAS, on June 12, 2019, City Council authorized amendments the CHP by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments the CHP by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments the CHP by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments the CHP by Resolution No. 19-1864; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, Juliette Fowler Senior Affordable Housing, LP (Applicant) has proposed the development of a mixed income multifamily complex for seniors to be known as Juliette Fowler Residences located at the northeast corner of South Fulton Street and Eastside Avenue or 5714 Eastside Avenue in the City of Dallas, Texas; and

WHEREAS, the Applicant proposes to develop 144 units, to include 18 0-bedrooms, 84 1-bedrooms, and 42 2-bedrooms; and will include amenities; and

WHEREAS, upon completion of the development, the Applicant proposes to make 15 of the 144 units available to households earning 0%-30% of Area Median Income (AMI), 57 of the 144 units available to households earning between 31%-50% of AMI, and 72 of the 144 units available to households earning between 51%-60% of AMI; and

WHEREAS, the Applicant has advised the City that it submitted a pre-application to the TDHCA for 2020 9% Competitive HTC for the proposed acquisition and redevelopment of a property to be known as Juliette Fowler Residences (TDHCA #20264); and

WHEREAS, the expenditure of Public/Private Partnership funds supporting this development project is consistent with the City's revised Public/Private Partnership Guidelines and Criteria; and

February 12, 2020

WHEREAS, pursuant to Section 11.9 of the Qualified Allocation Plan and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of Support to the Applicant for the 2020 9% Competitive HTC application for Juliette Fowler Residences located at the northeast corner of South Fulton Street and Eastside Avenue or 5714 Eastside Avenue, Dallas, Texas 75214.

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it supports the proposed development by Juliette Fowler Senior Affordable Housing, LP or its affiliate, to be located at the northeast corner of South Fulton Street and Eastside Avenue or 5714 Eastside Avenue, Dallas, Texas 75214, the development's application for 2020 9% HTC, and any allocation by the TDHCA of 2020 9% HTC for the proposed development.

SECTION 2. That the City Manager or their designee is hereby authorized to execute a line of credit agreement in the amount of \$500.00 with Juliette Fowler Senior Affordable Housing, LP or its affiliate, approved as to form by the City Attorney, for the construction of the proposed development. The agreement will include, but is not limited to, the following terms

- a. Juliette Fowler Senior Affordable Housing, LP or its affiliate must be awarded 2020 9% HTC by TDHCA;
- b. The line of credit will have an interest rate of 1%. Interest will not be incurred or accrue until and unless funds are drawn; and
- c. The line of credit must be repaid in full on expiration or termination of the Land Use Restriction Agreement recorded by TDHCA.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500.00 to Juliette Fowler Senior Affordable Housing, LP or its affiliate from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2020-00012766, Vendor VC18603, in accordance with this resolution.

SECTION 4. That the Chief Financial Officer is hereby authorized to set up a Receivable Balance Sheet Account in Public/Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet 033F and a Deferred Revenue Balance Sheet, Account 0898, in the amount of \$500.00.

February 12, 2020

SECTION 5. That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from Juliette Fowler Senior Affordable Housing, LP in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 847H, and debit Balance Sheet 0001 (Cash); as well as debit Deferred Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet Account 033F.

SECTION 6. That this formal action has been taken to put on record the support expressed by the City of Dallas on February 12, 2020, and that for and on behalf of the Governing Body, the Mayor or City Manager, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the TDHCA.

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.



Agenda Information Sheet

File #: 20-230

Item #: 35.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** the adoption of a Resolution of Support for The Magenta, LLC, an affiliate of Saigebrook Development, LLC (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of The Magenta; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

BACKGROUND

The Magenta, LLC, an affiliate of Saigebrook Development, LLC (Applicant) submitted a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) for 2020 9% Competitive Housing Tax Credits (HTC) (9% HTC) for the development of The Magenta, a ground-up development of a 78-unit mixed income multifamily complex located at 1508 Fort Worth Avenue, Dallas, Texas 75208. Saigebrook Development, LLC has executed a purchase contract with SLJ Company, LLC, the current property owner.

In the administration of its **9%** HTC Program, TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- **17** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the application or development; or
- **14** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- **8.5** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the Application or Development; or
- **7** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the Application or Development

The Applicant, a Texas limited liability company, is proposing to develop The Magenta. The Applicant proposes to form a limited liability company to act as managing member of The Magenta, LLC. The Magenta, LLC will also include a to be determined investment member to the limited liability company. Saigebrook Development, LLC (Saigebrook) and O-SDA Industries, Inc. (OSDA) will serve as co-developers of the project.

The property will be managed Saigebrook and OSDA. Saigebrook and OSDA have secured 23 9% HTC in the last 10 application cycles in Texas. Saigebrook and OSDA have financed and closed approximately 5,000 units in the southeastern United States.

The Applicant proposes to develop 78 units. The 78 units will be comprised of 18 1-bedrooms, 34 2-bedrooms, and 26 3-bedrooms ranging from 650 square feet to 1,050 square feet. Planned amenities feature an on-site leasing center, cybercafé, community room with kitchen, barbeque grills, and commercial space.

Total development costs are anticipated to be approximately \$19,768,599.00 which includes the acquisition price for the apartment complex. The hard cost construction budget is anticipated to be \$10,129,927.00 which is \$129,871.00 per unit. The total construction amount includes 7% contingency.

Proposed Financing Sources	Estimated Amount
Permanent Loan	\$4,100,000.00
Housing Tax Credits Equity	\$13,798,620.00
Deferred Developer Fee	\$869,979.00
TIF Funding	\$1,000,000.00
Total	\$19,768,599.00

Proposed Uses	Estimated Costs
Acquisition	\$3,125,000.00
Hard Construction Costs	\$10,129,927.00
Soft Costs & Financing Fees	\$4,177,316.00
Developer Fees	\$1,972,939.00
Reserves	\$363,417.00
Total	\$19,768,599.00

After the development is complete, 8 of the 78 units will be made available to households earning 0%-30% of Area Median Income (AMI), 29 of the 78 units will be made available to households earning between 31%-50% of AMI, 36 of the 78 units will be made available to households earning between 51%-60% of AMI, and 5 market rate units.

The Dallas City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP) by Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking HTC through TDHCA. On June 12, 2019, City Council authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking HTC through TDHCA by Resolution No. 19-0884. The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

The evaluation criteria for 9% HTC applications seeking a Resolution of Support also requires applications meet a priority housing need of the City. The applications must meet at least one of the following six priorities:

- The project has been selected to receive City funding such as Community Development Block Grant, Housing and Urban Development HOME Fund, or General Obligation Bond Funding;
- The applicant intends to partner with the Dallas Housing and Finance Corporation or Public Facility Corporation (if created);
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE IV, or other similar Housing and Urban Development programs that may be created;
- The project is located in a census tract with a poverty rate below 20%;
- The project located in a Redevelopment Reinvestment Strategy Area (RSA) or Stabilization RSA; and
- A 50-unit project dedicating 20% of the units for tenants referred from the Continuum of Care list.

Applications that do not qualify as a priority housing need must score at least 50 points based on if the proposed project is mixed income, includes a non-profit or Historically Underutilized Business, its proximity of amenities to the development site, and resident services to be provided.

The ongoing investment and redevelopment of the West Dallas area requires the City support affordable housing development to ensure low-to moderate-income residents are not displaced. The Magenta is qualified to receive a staff recommendation for a resolution of support as it is a priority housing need development located in the West Dallas Stabilization area and met all application thresholds. The development site is an H market type adjacent to B, C, D, and E market types per the Market Value Analysis.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee was briefed regarding this matter on February 4, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Public/Private Partnership Fund	\$500.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP by Resolution No. 18-1680; and

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1864; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, The Magenta, LLC, an affiliate of Saigebrook Development, LLC (Applicant) has proposed the development of a mixed income multifamily complex to be known as The Magenta located at 1508 Fort Worth Avenue in the City of Dallas, Texas; and

WHEREAS, the Applicant proposes to develop 78 units, to include 18 1-bedrooms, 34 2-bedrooms, and 26 3-bedrooms; and will include amenities; and

WHEREAS, upon completion of the development, the Applicant proposes to make 8 of the 78 units available to households earning 0%-30% of Area Median Income (AMI), 29 of the 78 units available to households earning between 31%-50% of AMI, 36 of the 78 units available to households earning between 51%-60% of AMI, and 5 market rate units; and

WHEREAS, the Applicant has advised the City that it submitted a pre-application to the TDHCA for 2020 9% Competitive HTC for the proposed acquisition and redevelopment of a property to be known as The Magenta (TDHCA #20143); and

WHEREAS, the expenditure of Public/Private Partnership funds supporting this development project is consistent with the City's revised Public/Private Partnership Guidelines and Criteria; and

February 12, 2020

WHEREAS, pursuant to Section 11.9 of the Qualified Allocation Plan and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of Support to the Applicant for the 2020 9% Competitive HTC application for The Magenta located at 1508 Fort Worth Avenue, Dallas, Texas 75208.

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it supports the proposed development by The Magenta, LLC, an affiliate of Saigebrook Development, LLC, to be located at 1508 Fort Worth Avenue, Dallas, Texas 75208, the development's application for 2020 9% HTC, and any allocation by the TDHCA of 2020 9% HTC for the proposed development.

SECTION 2. That the City Manager or their designee is hereby authorized to execute a line of credit agreement the amount of \$500.00 with The Magenta, LLC, an affiliate of Saigebrook Development, LLC, approved as to form by the City Attorney, for the construction of the proposed development. The agreement will include, but is not limited to, the following terms:

- a. The Magenta, LLC, an affiliate of Saigebrook Development, LLC must be awarded 2020 9% HTC by TDHCA;
- b. The line of credit will have an interest rate of 1%. Interest will not be incurred or accrue until and unless funds are drawn; and
- c. The line of credit must be repaid in full on expiration or termination of the Land Use Restriction Agreement recorded by TDHCA.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500.00 to The Magenta, LLC, an affiliate of Saigebrook Development, LLC from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2020-00012761, Vendor VC21121, in accordance with this resolution.

SECTION 4. That the Chief Financial Officer is hereby authorized to set up a Receivable Balance Sheet Account in Public/Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet 033F and a Deferred Revenue Balance Sheet, Account 0898, in the amount of \$500.00.

SECTION 5. That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from The Magenta, LLC, an affiliate of Saigebrook Development, LLC, in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 847H, and debit Balance Sheet 0001 (Cash); as well as debit Deferred Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet Account 033F.

February 12, 2020

SECTION 6. That this formal action has been taken to put on record the support expressed by the City of Dallas on February 12, 2020, and that for and on behalf of the Governing Body, the Mayor or City Manager, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the TDHCA.

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.



Agenda Information Sheet

File #: 20-231

Item #: 36.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** the adoption of a Resolution of Support for Villas at WH 20, LP, or its affiliate (Applicant), related to its application to the Texas Department of Housing and Community Affairs for 9% Low Income Housing Tax Credits for the development of Villas at Western Heights; and **(2)** an agreement with the Applicant for a line of credit in an amount not to exceed \$500.00 for the proposed multifamily development - Not to exceed \$500.00 - Financing: Public/Private Partnership Fund

BACKGROUND

Villas at WH 20, LP (Applicant) submitted a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) for 2020 9% Competitive Housing Tax Credits (HTC) (9% HTC) for the development of Villas at Western Heights, the ground-up development of a 130-unit mixed income multifamily complex for seniors located at 1515 Fort Worth Avenue, Dallas, Texas 75208. HTC Land Holdings, LLC, an entity of the development team, has executed a purchase contract with ADC Fort Worth, LLC the current property owner.

In the administration of its **9%** HTC Program, TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- **17** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the application or development; or
- **14** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the application or development.

- **7** points if the development is located in an area with a Concerted Revitalization Plan (CRP) such as a Tax Increment Finance (TIF) district or Land Use Plan and receives (1) a letter from a local official documenting measurable improvements within the area and (2) a resolution by the municipality that affirms the development contributes more than any other development to the concerted revitalization efforts of area.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- **8.5** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports (Resolution of Support) the Application or Development; or
- **7** points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection (Resolution of No Objection) to the Application or Development

The Applicant, a to be formed Texas limited partnership, is proposing to develop Villas at Western Heights. The Applicant will include a to be determined limited liability company as general partner to be owned by a to be determined entity or entities. The Applicant will also admit a to be determined investor limited partner to the limited partnership. Sycamore Strategies, LLC and Texas Grey Oaks, LLC will act as co-developers of the project.

The proposed property manager is Alpha Barnes Real Estate Service, a full-service real estate firm with over 30 years of property management experience. The development team has extensive experience in developing, building, and managing quality multifamily and senior rental communities throughout Texas totaling over \$320,000,000.00 in tax credits since 2006 which has generated over 3,600 units.

The Applicant proposes to develop 130 units. The 130 units will be comprised of 88 1-bedrooms and 42 2-bedrooms ranging from 650 square feet to 1,050 square feet. Planned amenities include outdoor pool, clubhouse, fitness center, and community a room with kitchen.

Total development costs are anticipated to be approximately \$32,888,449.00 which includes the acquisition price for the land. The hard cost construction budget is anticipated to be \$17,951,065.00 which is \$138,085.00 per unit. The total construction amount includes a 5.7% contingency.

Proposed Financing Sources	Estimated Amount
Permanent Loan	\$8,700,000.00
Housing Tax Credits Equity	\$13,948,605.00
Deferred Developer Fee	\$1,343,156.00
Fort Worth Avenue TIF Funds	\$8,896,688.00
Total	\$32,888,449.00

Proposed Uses	Estimated Costs
Acquisition	\$7,500,000.00
Hard Construction Costs	\$17,951,065.00
Soft Costs & Financing Fees	\$3,797,685.00
Developer Fees	\$2,984,792.00
Reserves	\$654,907.00
Total	\$32,888,449.00

After the development is complete, 11 of the 130 units will be made available to households earning 0%-30% of Area Median Income (AMI), 42 of the 130 units will be made available to households earning between 31%-50% of AMI, 51 of the 130 units will be made available to households earning between 51%-60% of AMI, and 26 of the 130 units will be market rate.

The Dallas City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP), Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking HTC through TDHCA. On June 12, 2019, City Council authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking Housing Tax Credits through TDHCA by Resolution No. 19-0884. The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

The evaluation criteria for 9% HTC applications seeking a Resolution of Support also requires applications meet a priority housing need of the City. The applications must meet at least one of the following six priorities:

- The project has been selected to receive City funding such as Community Development Block Grant, Housing and Urban Development HOME Funds, or General Obligation Bond Funding;
- The applicant intends to partner with the Dallas Housing and Finance Corporation or Public Facility Corporation (if created);
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE IV, or other similar Housing and Urban Development programs that may be created;
- The project is located in a census tract with a poverty rate below 20%;
- The project located in a Redevelopment Reinvestment Strategy Area (RSA) or Stabilization RSA; and
- A 50-unit project dedicating 20% of the units for tenants referred from the Continuum of Care list.

Applications that do not qualify as a priority housing need must score at least 50 points based on if the proposed project is mixed income, includes a non-profit or historically underutilized business, its proximity of amenities to the development site, and resident services to be provided.

The ongoing investment and redevelopment of the West Dallas area requires the City support affordable housing development to ensure low- to moderate-income residents are not displaced. Villas at Western Heights is qualified to receive a staff recommendation for a resolution of support as it is a priority housing need development located in the West Dallas Stabilization area and met all application thresholds. The development site is an H market type adjacent to B, C, D, and E market types per the Market Value Analysis. The Applicant also scored over 50 points using non-priority housing criteria.

Villas at Western Heights is located in the Fort Worth Avenue TIF District, adopted by City Council on June 13, 2007 by Resolution No. 07-1805; Ordinance No. 26798, as amended, and is qualified to receive additional CRP points from TDHCA. Staff also recommend Council affirms within the Resolution of Support that the development contributes most significantly to the concerted revitalization efforts of the area.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee will be briefed regarding this matter on February 4, 2020.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Public/Private Partnership Fund	\$500.00	\$0.00	\$0.00

February 12, 2020

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP by Resolution No. 18-1680; and

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1864; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, Villas at WH 20, LP (Applicant) has proposed the development of a mixed income multifamily complex for seniors to be known as Villas at Western Heights located at 1515 Fort Worth Avenue in the City of Dallas, Texas; and

WHEREAS, the development is part of a concerted revitalization plan area, meaning in a Tax Increment Reinvestment Zone, in a Tax Increment Finance district plan or similar plan, as more specifically outlined in the Fort Worth Avenue Tax Increment Finance District Project Plan and Reinvestment Zone Financing Plan; and

WHEREAS, such plan was adopted by the city council on June 13, 2007 by resolution No. 07-1805: Ordinance No. 26798, as amended; and

WHEREAS, the Applicant proposes to develop 130 units, to include 88 1-bedrooms and 42 2-bedrooms; and will include amenities; and

WHEREAS, upon completion of the development, the Applicant proposes to make 11 of the 130 units available to households earning 0%-30% of Area Median Income (AMI), 42 of the 130 units available to households earning between 31%-50% of AMI, 51 of the 130 units available to households earning between 51%-60% of AMI, and 26 of the 130 units will be market rate; and

February 12, 2020

WHEREAS, the Applicant has advised the City that it submitted a pre-application to the TDHCA for 2020 9% Competitive HTC for the proposed acquisition and redevelopment of a property to be known as Villas at Western Heights (TDHCA #20197); and

WHEREAS, the expenditure of Public/Private Partnership funds supporting this development project is consistent with the City's revised Public/Private Partnership Guidelines and Criteria; and

WHEREAS, pursuant to Section 11.9 of the Qualified Allocation Plan and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of Support to the Applicant for the 2020 9% Competitive HTC application for Villas at Western Heights located at 1515 Fort Worth Avenue, Dallas, Texas 75208.

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it supports the proposed development by Villas at WH 20, LP, or its affiliate, to be located at 1515 Fort Worth Avenue, Dallas, Texas 75208, the development's application for 2020 9% HTC, and any allocation by the TDHCA of 2020 9% HTC for the proposed development.

SECTION 2. That the City Manager or their designee is hereby authorized to execute a line of credit agreement in the amount of \$500.00 with Villas at WH 20, LP, or its affiliate, approved as to form by the City Attorney, for the construction of the proposed development. The agreement will include, but is not limited to, the following terms:

- a. Villas at WH 20, LP, or its affiliate must be awarded 2020 9% HTC by TDHCA;
- b. The line of credit will have an interest rate of 1%. Interest will not be incurred or accrue until and unless funds are drawn; and
- c. The line of credit must be repaid in full on expiration or termination of the Land Use Restriction Agreement recorded by TDHCA.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$500.00 to Villas at WH 20, LP, or its affiliate from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2020-00012759, Vendor VC21128, in accordance with this resolution.

SECTION 4. That the Chief Financial Officer is hereby authorized to set up a Receivable Balance Sheet Account in Public/Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet 033F and a Deferred Revenue Balance Sheet, Account 0898, in the amount of \$500.00.

February 12, 2020

SECTION 5. That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from Villas at WH 20, LP in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 847H, and debit Balance Sheet 0001 (Cash); as well as debit Deferred Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet Account 033F.

SECTION 6. That this formal action has been taken to put on record the support expressed by the City of Dallas on February 12, 2020, and that for and on behalf of the Governing Body, the Mayor or City Manager, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the TDHCA.

SECTION 7. That this resolution affirms that the above-named development has been identified as contributing most significantly to the concerted revitalization efforts of the city as outlined in the Fort Worth Avenue Tax Increment Finance District Project Plan and Reinvestment Zone Financing Plan.

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 #: 20-172

Item #: Z1.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 7
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 and an amendment to Specific Use Permit No. 1817 for an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District, on the north side of Bruton Road, east of North Masters 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, traffic management plan, and conditions

Z189-268(AU)

FILE NUMBER: Z189-268(AU)

DATE FILED: September 7, 2019

LOCATION: North side of Bruton Road, east of North Masters Drive

COUNCIL DISTRICT: 7

MAPSCO: 59 D

SIZE OF REQUEST: ± 5.69 Ac

CENSUS TRACT: 176.05

REPRESENTATIVE: Callaway Architecture

APPLICANT: Dr. Vicente Delgado, Golden Rule Schools

OWNER: Arturo Garcia

REQUEST: An application for the renewal of and an amendment to Specific Use Permit No. 1817 for an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District

SUMMARY: The purpose of this request is to allow for the construction of a new building on the eastern portion of the site. The expansion will increase the number of classrooms from 15 to 23. The school will continue to serve students from pre-kindergarten through sixth grade.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, traffic management 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, traffic management plan, and conditions.

BACKGROUND INFORMATION

- The 5.69-acre area of request consists of two lots. There is a 1.85-acre southwestern lot fronting Bruton Road which is currently developed with a 14,993-square-foot building that contains a church use [Nueva Vida / New Life Assembly] and an open-enrollment charter school [Golden Rule Schools]. The existing school currently contains 15 classrooms, pre-kindergarten through sixth grade. The lot also contains two portable classroom buildings, 1,552 square feet and 807 square feet in area.
- The 3.84-acre northeastern lot is a flag lot that has access from Bruton Road and is currently developed with a parking lot that is serving additional parking needs for the existing school and church.
- On November 10, 2010, the City Council approved Specific Use Permit No. 1817 for an open-enrollment charter school, for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, traffic management plan and conditions. On September 10, 2014, City Council approved an amendment and renewal of SUP No. 1817 for a five-year period with eligibility for automatic renewal for additional five-year periods. The amendment included two new portable buildings for additional classroom space, but the number of classrooms remained 15 as approved with the initial SUP.
- A Certificate of Occupancy for the Nueva Vida / New Life Assembly church was issued on March 2010. A Certificate of Occupancy for the Golden Rule Charter School was issued on January 2016.
- The applicant is proposing the construction of another building for the school on the northeastern lot. The building will be approximately 15,283 square feet in area and will contain eight additional classrooms.

Zoning History

There have been no zoning change requests in the surrounding area in the past five years.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing / Proposed ROW
Bruton Road	Principal Arterial	100 feet Bike plan

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 proposed request together with the TMP and determined that the request will not have a negative impact on the existing street system. Compliance with the TMP will be required as part of the Specific Use Permit conditions.

STAFF ANALYSIS

Comprehensive Plan

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The 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

	Zoning	Land Use
Site	R-7.5(A) Single Family	Church, open enrollment charter school
North	TH-2(A) Townhouse	Single family
East	R-7.5(A) Single Family with deed restrictions Z845-226	Single family
South	R-7.5(A) Single Family	Single family
West	R-7.5(A) Single Family	Single family

Land Use Compatibility

The 5.69-acre area of request consists of two lots and is zoned an R-7.5(A) Single Family district. The 1.85-acre southwestern lot is fronting Bruton Road and is currently developed with a 14,993-square-foot building that contains a church [Nueva Vida / New Life Assembly] and an open-enrollment charter school [Golden Rule Schools]. The school currently contains 15 classrooms, pre-kindergarten through sixth grade. The lot also contains two portable classroom buildings, 1,552 square feet and 807 square feet in area.

The 3.84-acre northeastern lot is a flag lot and has access from Bruton Road. The lot is currently developed with a parking lot that is serving additional parking needs for the school and church. The applicant is proposing the construction of an additional building to expand the school use on this lot. The building will be approximately 15,283 square feet in area and will contain eight additional classrooms.

The Dallas Development Code prohibits the use of access and parking agreements between two lots in a residential district [Section 51A-4.324(b)(1)]. Therefore, the two lots will be required to provide access and parking separately, as required by code.

Surrounding land uses consist of single family uses on all sides.

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 existing open-enrollment charter school has been operating at this location since 2016 with no indication of having an adverse impact on the surrounding neighborhood. Staff supports the request to renew and amend the existing SUP.

Development Standards

DISTRICT	SETBACKS			Height	Lot Coverage	Special Standards
	Front	Side	Rear			
R-7.5(A) and standards for open enrollment schools	25'	5' 10' other permitted structures	5' 15' other permitted structures	30' Any height for institutional uses (subject to FAA, RPS and building code)	45% 60% for institutional uses	RPS

Parking

Parking will be provided pursuant to the Dallas Development Code, as amended. The requirement for off-street parking for the school is derived by two criteria: 1) the number of classrooms, and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The total number of proposed classrooms determines the number of required parking spaces. The Dallas Development Code requirement for off-street parking for this school is as follows:

- one- and one-half space for each kindergarten/elementary school classroom, and
- three and one-half spaces for each junior high/middle school classroom.

The requirement for off-street parking for church uses is 1 space per 4 fixed seats in the sanctuary or auditorium.

For the southwestern lot, the school is required to provide 23 parking spaces and the church is required to provide 34 parking spaces, thus 73 spaces are required for both uses on this lot. The Dallas Development Code allows institutional uses to share parking in residential districts on the same lot where both uses are located. And specifies that special parking may not account for more than 50 percent of the off-street parking required for each use. According to the site plan, there are currently 52 parking spaces on this lot, thus meeting the code requirements for parking for both uses. The applicant will provide information regarding a parking agreement filed with the Building Official between the school and church.

For the northeastern lot, the school is required to provide 12 parking spaces. According to the site plan, there are currently 33 parking spaces on this lot, thus meeting the code requirements for parking.

Landscaping

Landscaping must be provided in accordance with the landscaping requirements in 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. While, the subject site is uncategorized, adjacent properties to the north, west, south and southeast are located within Category H.

List of Officers

Golden Rule Schools, Inc.

Darrell Pilcher – **Board President**
Gamaliel Solares – **Board Vice President**
Sarah Elizondo – **Board Secretary**
Yolanda Mata – **Board Member**
Lupita Kassi – **Board Member**
Dr. Vicente Delgado – **Superintendent / CEO**
Cesar Hernandez – **Principal**

Nueva Vida / New Life Assembly

Arturo Garcia – **Church Pastor**
Uziel Garcia – **Deacon Board**
Arturo Villalba – **Deacon Board**

CPC Action
January 9, 2020

Motion: It was moved to recommend **approval** of the renewal of and an amendment to Specific Use Permit No. 1817 for an open-enrollment charter school use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, traffic management plan and conditions on property zoned an R-7.5(A) Single Family District, on the north side of Bruton Road, east of North Masters Drive.

Maker: MacGregor
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 400 Mailed: 63
Replies: For: 1 Against: 2

Speakers: None

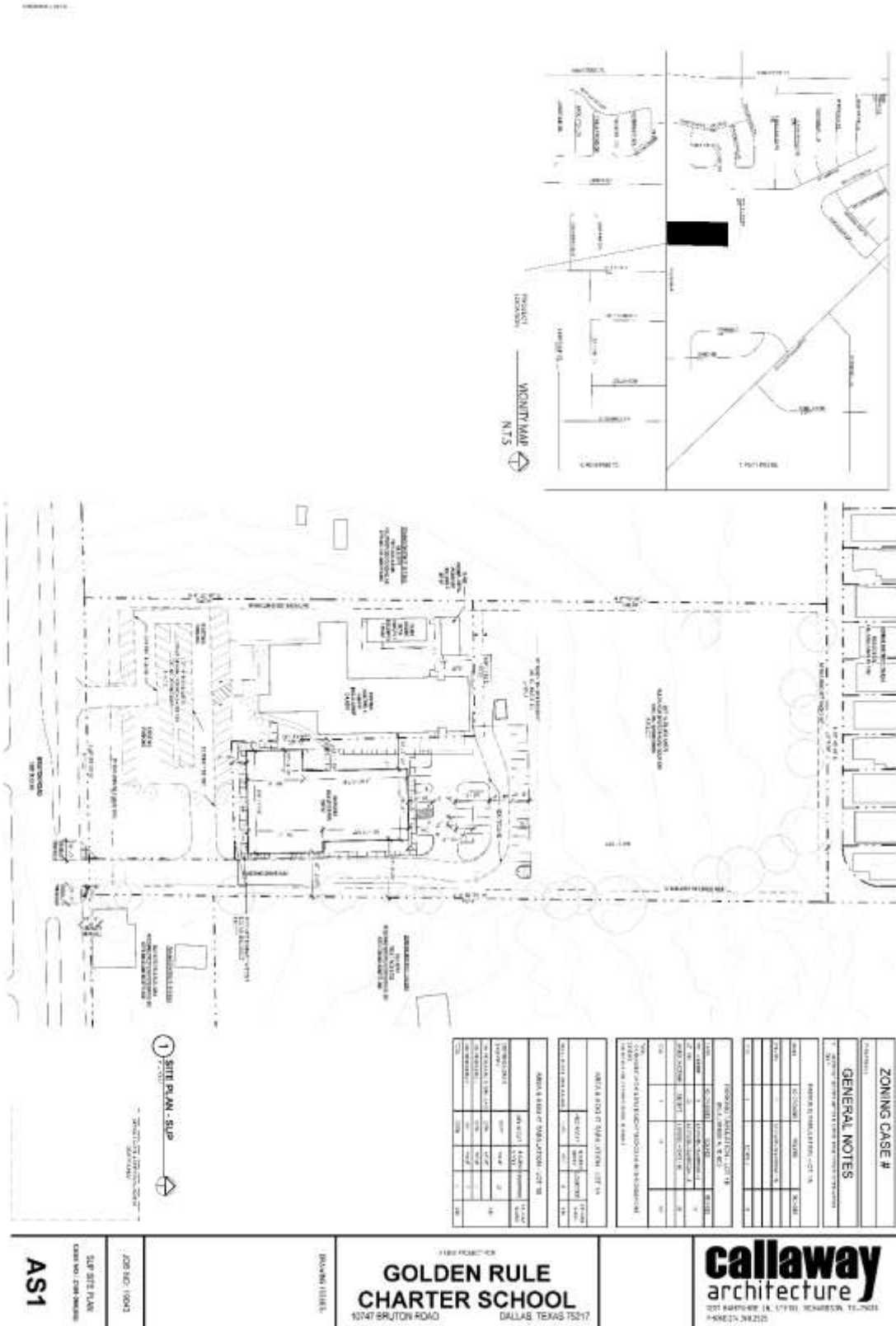
CITY PLAN COMMISSION RECOMMENDED
AMENDED SUP CONDITIONS

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 / traffic management plan
3. TIME LIMIT: This specific use permit expires on [September 10, 2019], (five-years from the passage of the 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 application for automatic renewal is strictly enforced.)
4. CLASSROOMS: The maximum number of classrooms is 15 23.
5. DROP-OFF/PICK-UP: Drop-off and pick-up areas for students must be provided in the locations shown on the attached site plan.
6. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7:00 a.m. and 4:30 p.m. Monday through Friday, except for school-related administrative meetings.
7. INGRESS/EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan.
8. PARKING: Parking must be provided in the locations shown on the attached site plan.
9. TRAFFIC MANAGEMENT PLAN:
 - A. In general. The operation of an open-enrollment charter school 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 in the city rights-of-way.
 - C. Traffic study.

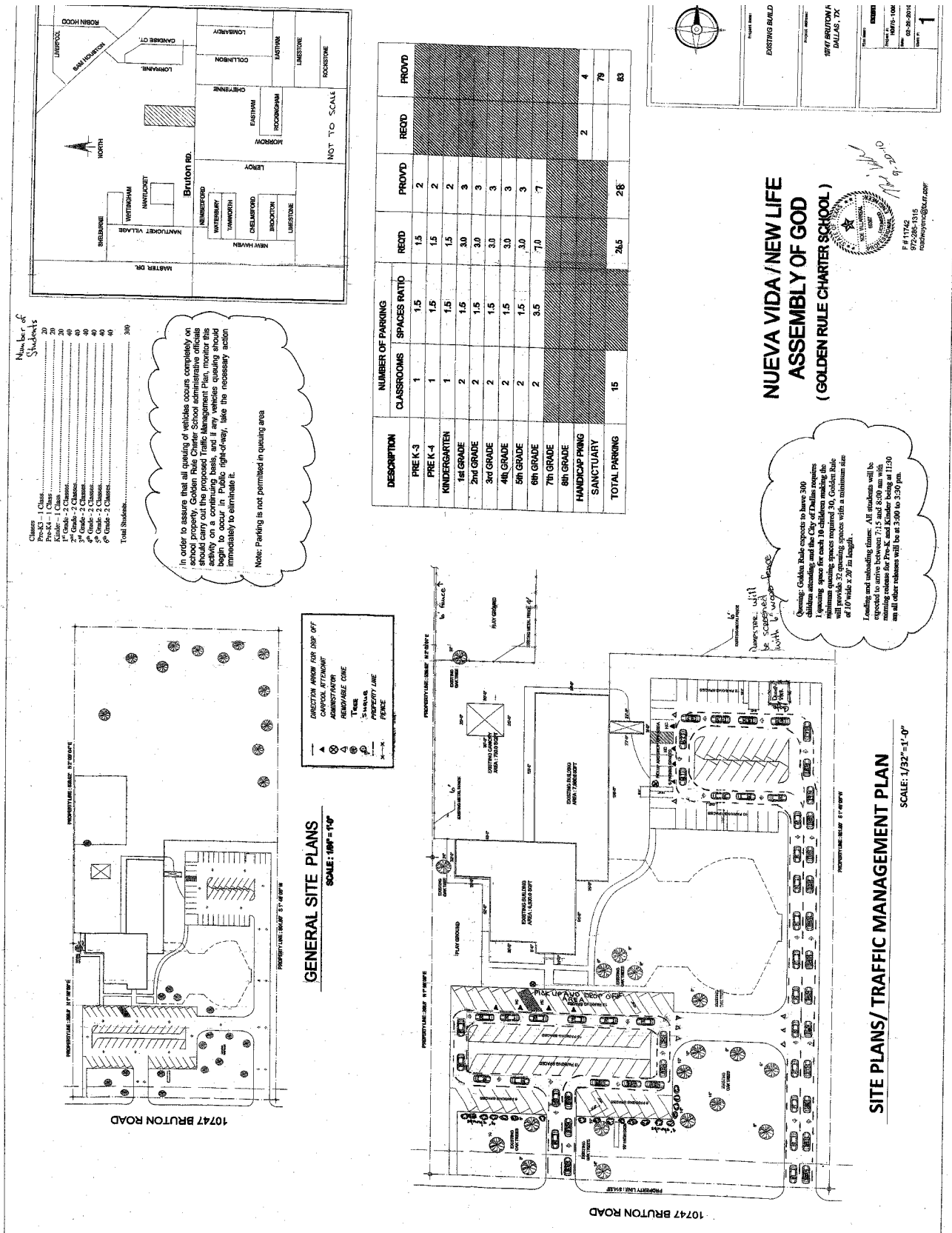
- i. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by November 1, ~~2012~~ 2021. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the Director by November 1st of each year.
 - ii. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four sample taken on different school days at different drop-off and pick-up times over a two-year 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.
 - iii. 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.
- i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

- ii. 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.
- 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.

CITY PLAN COMMISSION RECOMMENDED AMENDED SITE PLAN



EXISTING SITE PLAN



CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

KCI Technologies, Inc. | 5021 Lakawana Street, Suite 501 | Dallas, TX 75247 | main: 927.957.3016 | www.kci.com

MEMORANDUM

To: David Nevarez, P.E., City of Dallas

From: Beth Ostrowski, P.E. (Tennessee), KCI Technologies, Inc.
Kyle Jones, P.E., KCI Technologies, Inc. (TBPE Firm #10573)

Re: **Golden Rule – Pleasant Grove – Traffic Management Plan**

Date: December 16, 2019



Introduction

This purpose of this memo is to provide a traffic management plan (TMP) for the Golden Rule School – Pleasant Grove campus. The school is located on Bruton Road, west of Cheyenne Road in Dallas, Texas. Specifically, the school is located at 10747 Bruton Road, Dallas, TX 75217, and their phone number is 469-341-5780. The school is currently planned to expand by 176 middle school students. The Pleasant Grove campus includes two vehicular access points on Bruton Road.

The TMP exhibit, attached, consists of a site-specific plan providing guidelines to coordinate traffic circulation during school peak hours. Specifically, this TMP is intended to promote strategies to manage all modes of transportation and maintain student safety at all times.

Existing Conditions

The following roadway provides access to the Pleasant Grove campus:

- Bruton Road is a two-way roadway that travels in an east-west direction with three lanes in each direction. Bruton Road is divided by a center median in the vicinity of the school. Bruton Road provides connection between Interstate 635 to the east and C.F. Hawn Freeway to the west. The posted speed limit on Bruton Road near the school is 35 mph.

The Golden Rule School – Pleasant Grove campus has a current enrollment of 216 full-time students. The existing enrollment includes 46 Pre-K students either during the morning hours (arrive at 8:00 AM, dismiss at 12:00 PM) or the afternoon hours (arrive at 12:00 PM and dismiss at 3:00 PM). The remainder of the existing enrollment consists

CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

MEMORANDUM

Date: December 16, 2019

Re: Golden Rule School – Pleasant Grove – Traffic Management Plan

of elementary students. Elementary school students arrive at 7:30 AM and dismiss at 3:00 PM. The 176 new middle school students will arrive and dismiss on a schedule, staggered from the elementary school, beginning at 8:00 AM and 3:30 PM, respectively. There are no school buses associated with the school, and students arriving on alternative modes of travel are minimal and discouraged by the school.

Field observations of the existing traffic management system at the school were made on a typical weekday during arrival and dismissal periods. The field observations indicate that the majority of traffic entering the school for drop-off/pick-up travel through the eastern access point. These vehicles travel to the northern parking lot, circulate through the parking lot, and exit out the same travel path after drop-off/pick-up. A portion of the exiting vehicles turn toward the southern parking lot and travel through the western access point. This driver behavior is likely due to the southbound egress queue, utilizing the western egress point may reduce egress delay for right-turners; however, it creates conflict between the two travel paths. Additionally, some vehicles enter through the western access point, park in the southern parking lot, and students/parents walk into the school from that location.

Field observations also indicate that existing queuing remains within the internal drives on campus during the arrival period in the morning. Before the dismissal period in the afternoon, vehicles queue along Bruton Road as they wait for students to be dismissed. Field measurements indicate that the maximum queue along Bruton Road spanned from the eastern access drive to a point approximately 575 feet to the east. Photos of existing queues are presented at the end of the report.

According to information provided by school officials, an identification system is in place for dismissal that involves student name signs displayed in vehicles and walkie-talkie communications in order to coordinate students with their vehicles as they arrive. There are two traffic control officers that direct traffic along Bruton Road during arrival and dismissal periods. Four school staff members assist in walking students to/from vehicles during arrival and dismissal periods.

Turning Movement Counts

In order to provide data for the traffic impact analysis, traffic counts were conducted at the following locations:

- Bruton Road and Leroy Road
- Bruton Road and West School Access

CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

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Date: December 16, 2019

Re: Golden Rule School – Pleasant Grove – Traffic Management Plan

- Bruton Road and East School Access
- Bruton Road and Cheyenne Road

Turning movement counts were conducted from 6:30 – 8:30 AM and 3:00 – 6:00 PM on a typical weekday in September 2019 by Marr Traffic. From the counts, it was determined that the peak hours of traffic flow occurred from 7:15 – 8:15 AM and 3:15 – 4:15 PM. The existing peak hour traffic volumes are presented on a figure at the end of the report.

Sight Distance

Sight distance measurements were conducted on Bruton Road at the site access drives to determine if adequate sight distance would be available for motorists making left or right turns from the site accesses. For a 35 mph speed on Bruton Road, the guidelines from *A Policy on Geometric Design of Highways and Streets*, by the American Association of State Highway and Transportation Officials (AASHTO), call for a minimum stopping sight distance of 250 feet as a design value. This is the distance required for a motorist to detect an object in the roadway necessitating a stop and be able to stop before reaching the object.

Subsequently, AASHTO also provides minimum design values for intersection sight distance. For example, the intersection sight distance allows enough time gap for a motorist to turn from the site access drives onto Bruton Road without requiring a motorist on Bruton Road to significantly reduce speed. For example, for a speed of 35 mph, the design value for intersection sight distance for a motorist turning right from a stop is 335 feet. Therefore, it is desirable to provide a minimum of 335 feet looking to the east of the site accesses onto Bruton Road. For a speed of 35 mph, the design value for intersection sight distance for a motorist turning left (across 3 lanes) from a stop is 440 feet. Therefore, it is desirable to provide a minimum of 440 feet looking to the west of the site accesses onto Bruton Road.

According to field measurements, adequate intersection sight distance is available for all turning movements from the site access drives, with one exception. Adequate sight distance is not available for motorists turning right from the East School Access onto Bruton Road. Specifically, approximately 80 feet of sight distance is available due to an existing house located east of the property.

It should be noted that this driveway is existing. Furthermore, during arrival and dismissal periods a traffic control officer will mitigate this issue by directing traffic.

CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

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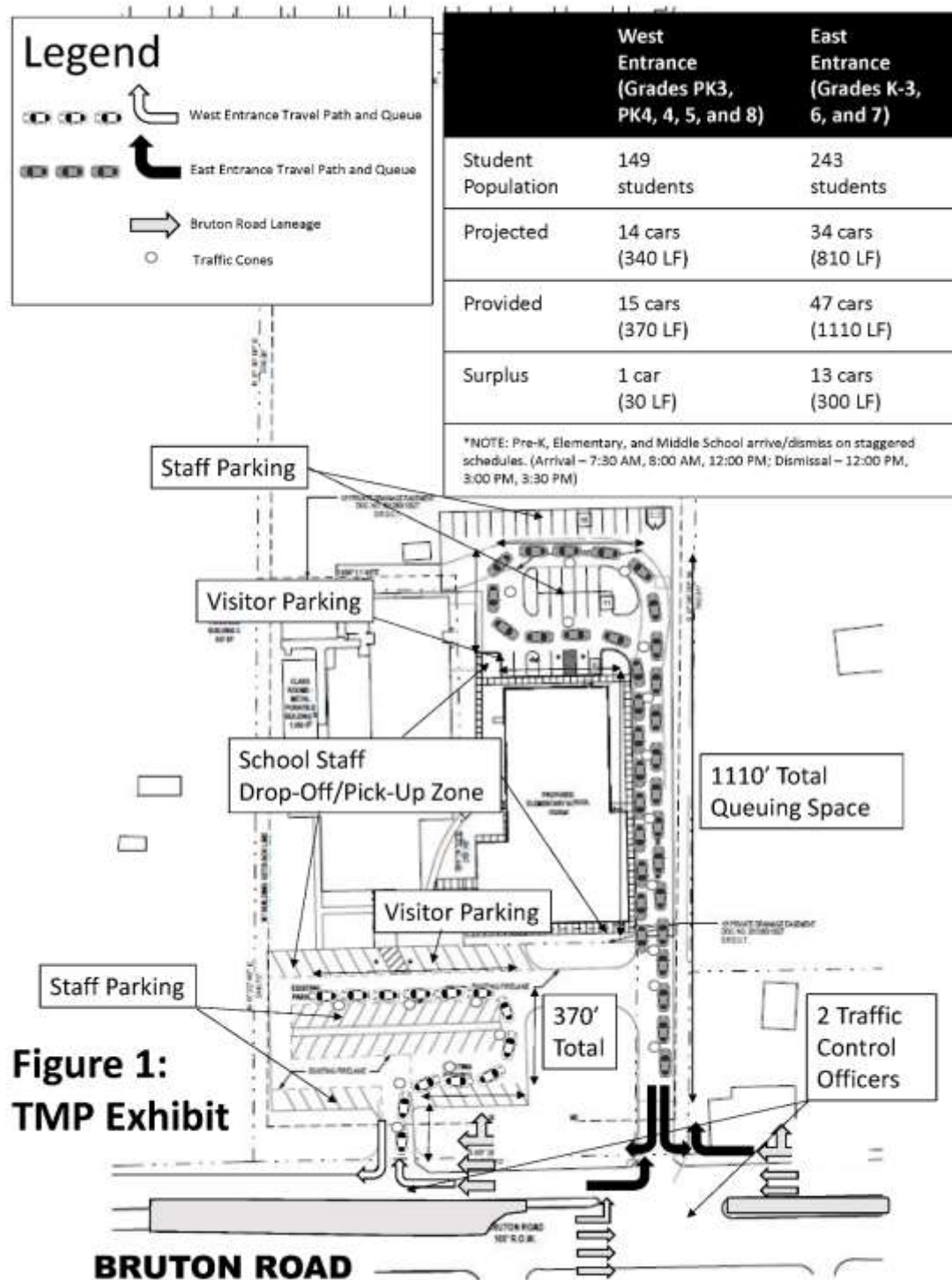
During non-peak hours, motorists turning right have the option of exiting out of the western site access point.

TMP Exhibit

The TMP exhibit is shown on the next page. The TMP exhibit shows the following features of the Pleasant Grove campus:

- Building footprints, curbs, parking, pavement markings, designated student drop-off and pick-up locations.
- School site location and all ingress and egress points of access for motor vehicles or pedestrians.
- On-site traffic circulation, including any temporary traffic control devices.
- Location of school staff assisting with unloading and loading students, as well as location of school crossing guards and/or off-duty deputized officers.

CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN



CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

MEMORANDUM

Date: December 16, 2019

Re: Golden Rule School – Pleasant Grove – Traffic Management Plan

Summary Table

TABLE 1: SUMMARY OF TMP

FEATURE	Existing Conditions	Projected Conditions
Student Arrival Time:	Elementary - 7:30 AM, 12:00 PM (Pre-K only)	Elementary - 7:30 AM, 12:00 PM (Pre-K only) Middle School - 8:00 AM
Student Dismissal Time:	Elementary - 12:00 PM (Pre-K only), 3:00 PM	Elementary - 12:00 PM (Pre-K only), 3:00 PM Middle School - 3:30 PM
School Enrollment:	PK3 - 21 students PK4 - 25 students KG - 37 students Gr. 1 - 29 students Gr. 2 - 35 students Gr. 3 - 25 students Gr. 4 - 21 students Gr. 5 - 23 students	PK3 - 21 students PK4 - 25 students KG - 37 students Gr. 1 - 29 students Gr. 2 - 35 students Gr. 3 - 25 students Gr. 4 - 21 students Gr. 5 - 23 students Gr. 6,7,8 - 176 students
Number of School Staff Assisting Loading/Unloading:	4	4
Number of Crossing Guards and/or Off-Duty Officers:	2	2
Storage Capacity:	530 feet (Eastern Entrance) 270 feet (Western Entrance - Not Utilized)	1,110 feet (Eastern Entrance) 370 feet (Western Entrance)

As shown in the TMP Exhibit, during arrival and dismissal periods, traffic follows two separate travel paths. The first path is planned to travel through the western site access point and circulate through the southern parking lot. This path provides 370 feet of queuing space that is underutilized in existing conditions. The second path is planned to travel through the eastern site access point and circulate through the northern parking lot. As shown in Table 1, the expansion project will provide 580 feet of added storage capacity for the travel path that enters the eastern site access point. This is due to the northern parking lot being shifted further north than its existing location. The staggered arrival/dismissal schedule (elementary school at 3:00PM and middle school at 3:30PM) along with the added storage capacity should help mitigate existing queueing issues. The existing queueing

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Re: Golden Rule School – Pleasant Grove – Traffic Management Plan

extended onto Bruton Road for 575 feet, therefore the additional storage exceeds the existing off-site queue.

Further mitigating the existing queues, it is recommended that Golden Rule Charter School implement a standard practice to fully utilize both the east and west entrance during dismissal. The west travel path is currently underutilized. Ideal utilization for each entrance would be thirty percent of parents using the west travel path and 70 percent of parents using the east travel path. Table 2, below illustrates how parents would be distributed:

TABLE 2: DISTRIBUTION OF PARENTS FOR DISMISSAL

Method and School		West Travel Path		East Travel Path	
		Group	Approximate Percent	Group	Approximate Percent
Sort by Grade*	Elementary School	4th and 5th Grade	26%	K-3rd Grade	74%
	Middle School	8th Grade	33%	6th and 7th Grade	67%
* This may result in siblings being separated, in this scenarios, older siblings should join younger siblings in the East Travel Path.					

It should be noted that the eastbound left-turn lane on Bruton Road into the East Entrance has approximately 60 feet of storage. Per the September 2019 Traffic Impact Study for this school expansion, the maximum peak hour queue is anticipated to be two vehicles (40-50 feet), therefore, the existing storage bay is anticipated to be sufficient to accommodate the projected traffic volumes.

In the event of an emergency occurring during peak arrival/dismissal periods, the school plans to utilize existing procedures to allow emergency vehicles onto the campus. School staff and traffic control officers will direct traffic either off-site, into parking spaces, or off the side of the internal drives in order to clear a path for emergency vehicles to travel.

Due to the relatively low traffic volumes observed making the eastbound u-turning movement at the intersection of Bruton Road at the site access drive, it is not recommended that u-turning movements be restricted at this location. The impact of u-

CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

MEMORANDUM

Date: December 16, 2019

Re: Golden Rule School – Pleasant Grove – Traffic Management Plan

turning movements on traffic operations at an intersection differs minimally from left turn movements. Therefore, traffic operations at the intersection should remain acceptable with the presence of u-turning movements at the observed rate.

Conclusions and Recommendations

The analyses presented in this memo that safe and efficient traffic operations can be achieved by implementing the following recommendations:

- Maintain existing traffic management plan characteristics, including 4 school staff members, 2 crossing guards, temporary traffic control equipment, and student identification system.
- Maintain and utilize the existing travel paths for both the eastern and western entrance points, as shown in the TMP Exhibit.
- Implement a standard practice to control utilization of each travel path by assigning students to each path by grade level. The recommended distribution strategy is identified above. Goal utilization should be 30% for the west travel path and 70% for the east travel path.
- Shift the front of the dismissal queue for each travel path to maximize storage. For the west path this pushes the front of queue to the west corner of the existing building. For the east path, this pushes the front of the queue to the northeast corner of the building expansion.
- Stagger arrival and dismissal times with as much time between phases as possible to avoid queueing issues.
- Place traffic cones between eastern and western travel paths to separate traffic.
- No parking, standing, or stopping on Bruton Road is allowed. Any observed vehicular queue on Bruton Road should be immediately mitigated.

CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

MEMORANDUM

Date: December 16, 2019

Re: Golden Rule School – Pleasant Grove – Traffic Management Plan

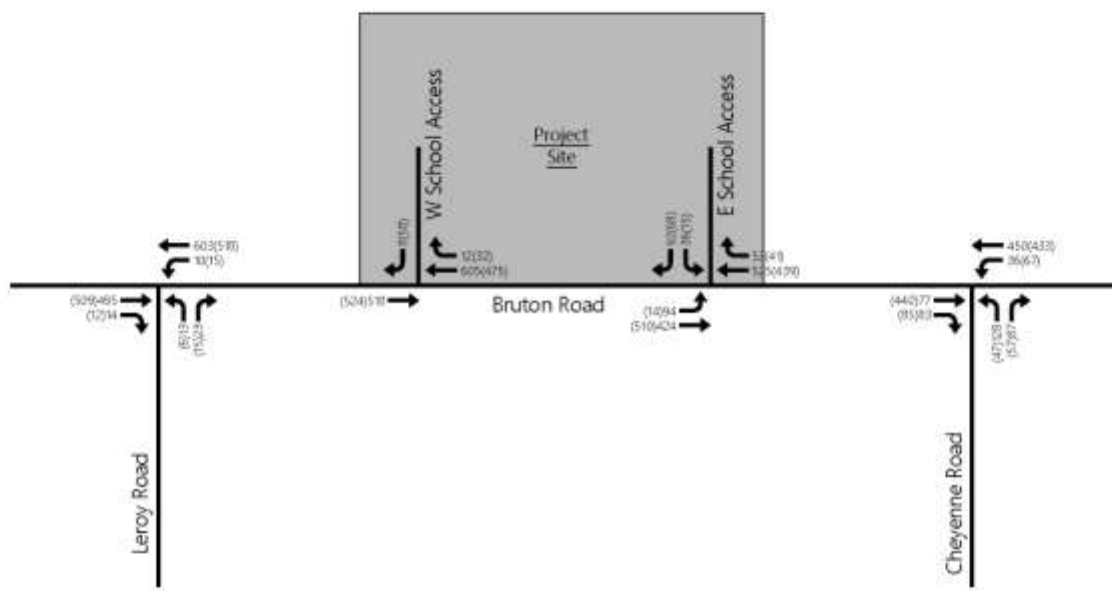
Existing Conditions Photos



CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

Golden Rule Dallas Schools - Pleasant Grove - Traffic Impact Study

September 2019



XXX - AM Peak Hour
Traffic Volumes
0000 - PM Peak Hour
Traffic Volumes



Existing Peak Hour Traffic Volumes
(Not to Scale)

Figure 3.

CITY PLAN COMMISSION RECOMMENDED TRAFFIC MANAGEMENT PLAN

SCHOOL TMP REVIEW AND COMMITMENT

The school traffic management plan (TMP) for <School_Name> 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. A concerted effort and full participation of the school administration are essential to maintain safe and efficient traffic operations.

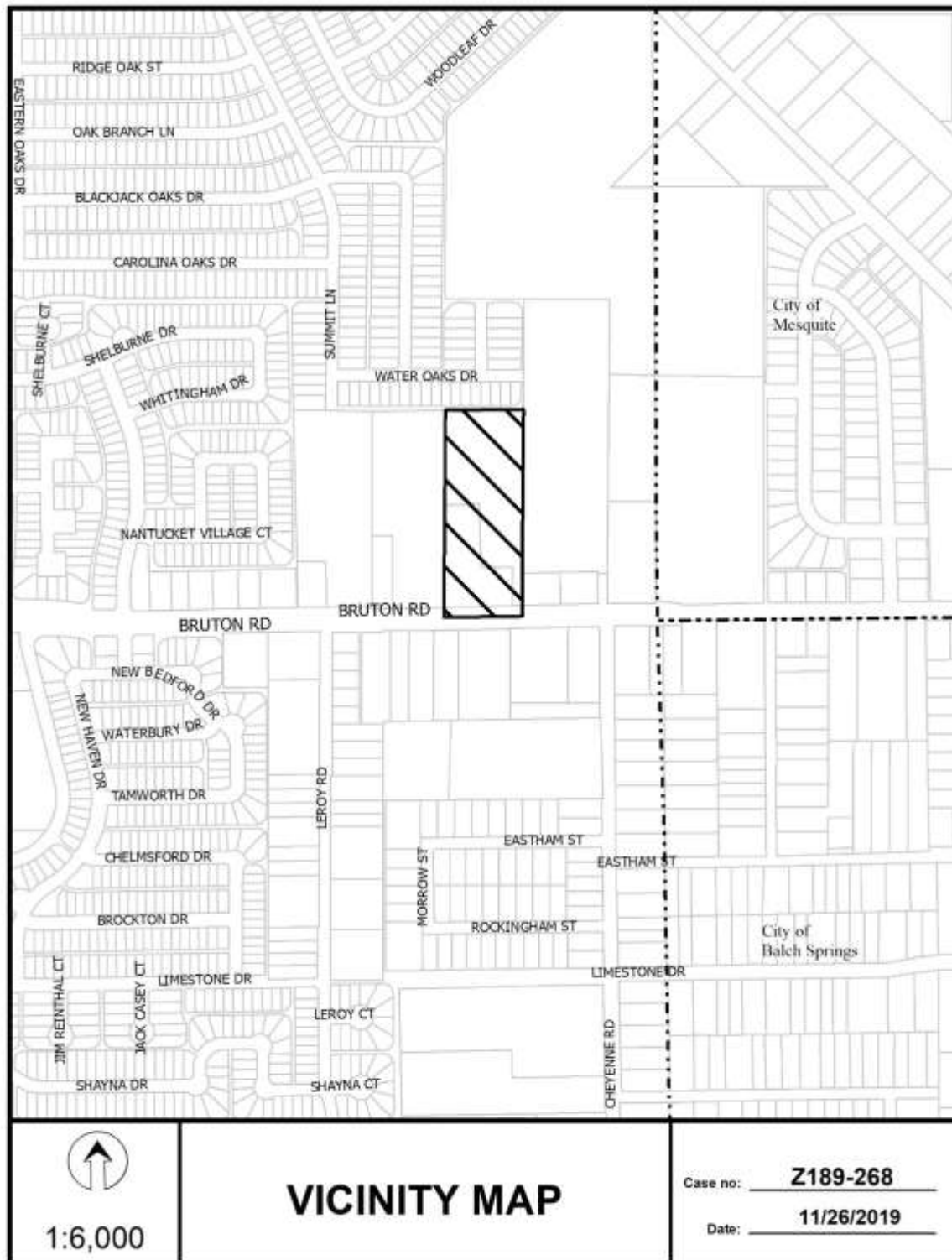
By consent of this submittal, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary through a minor amendment.



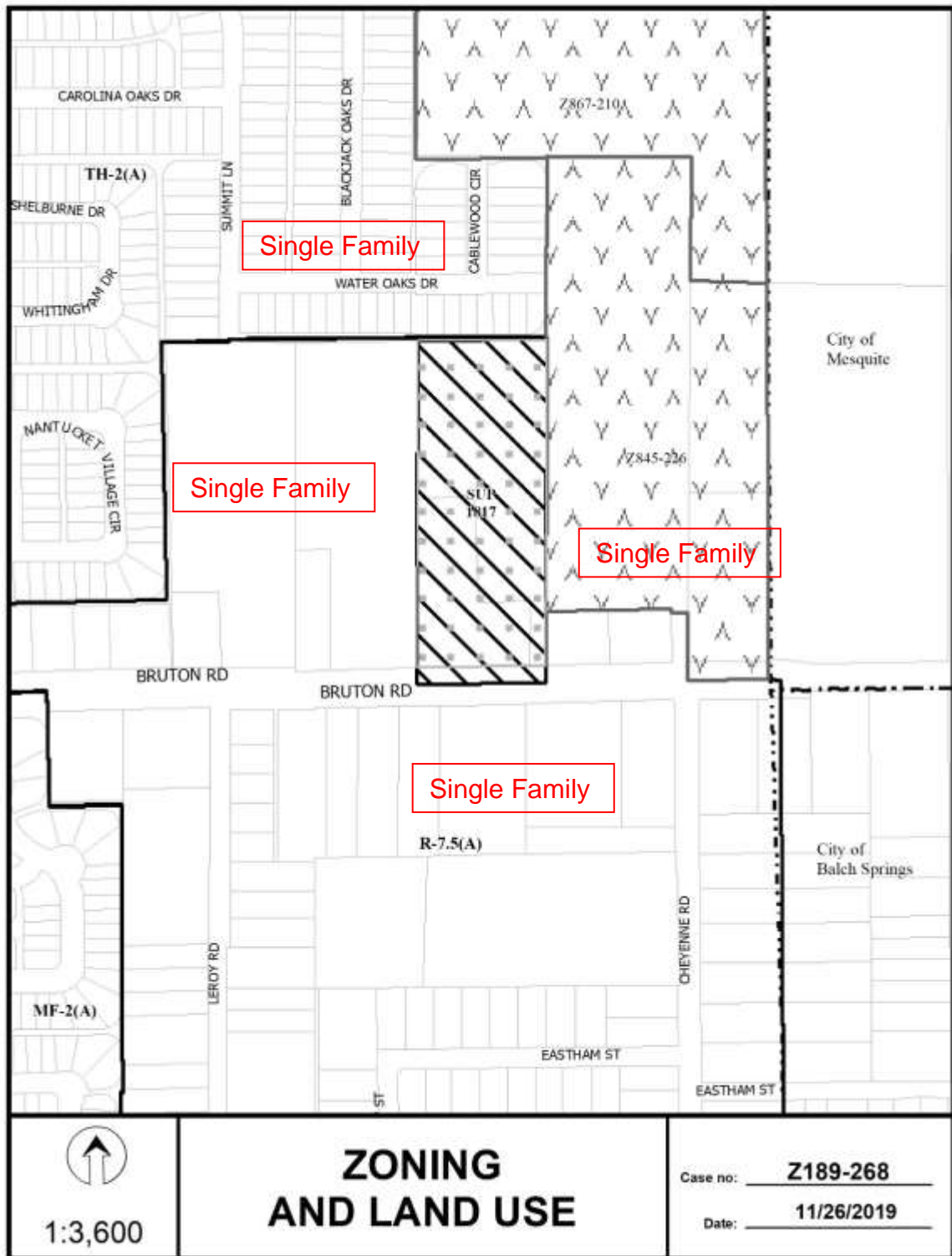
Signature

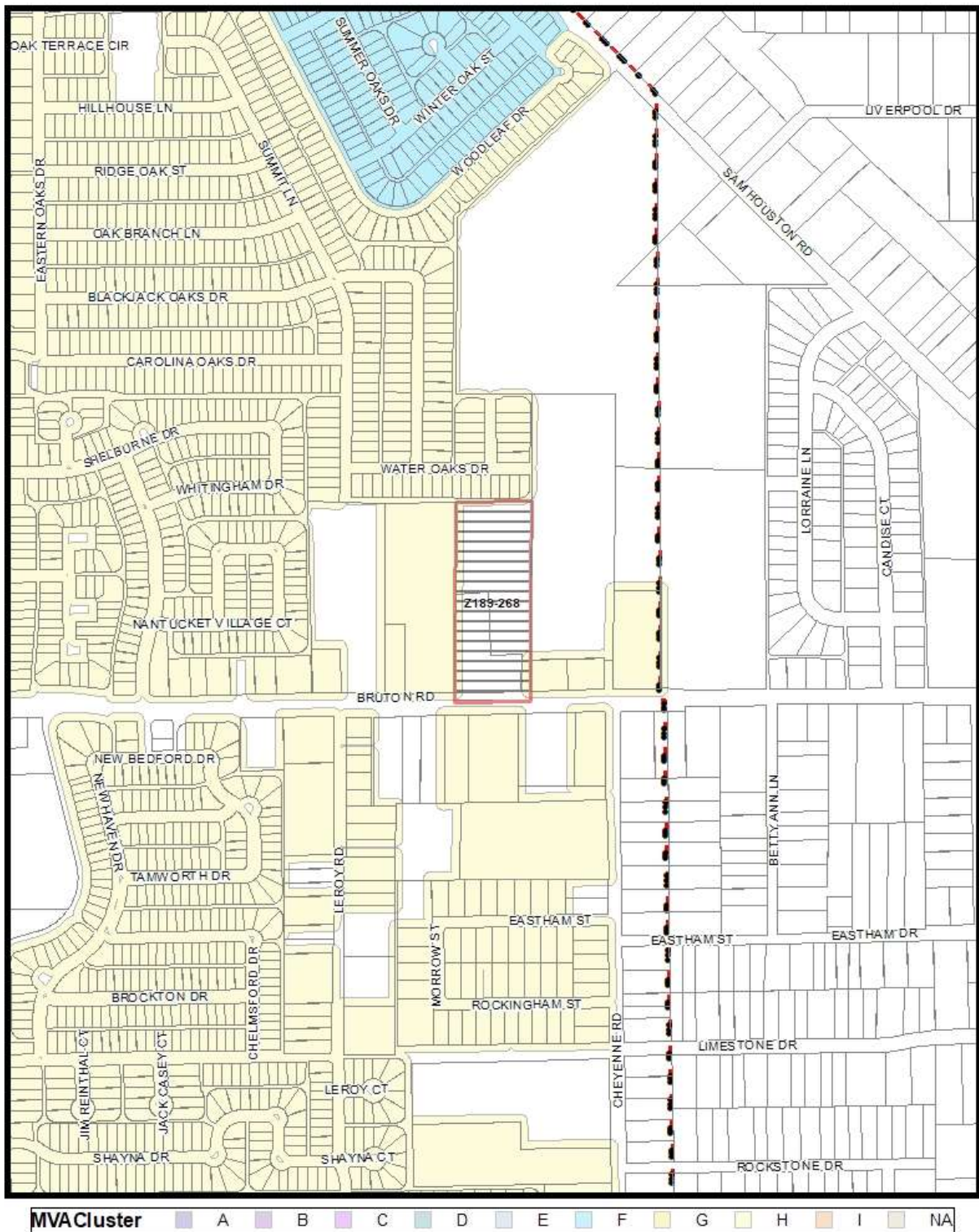
11/18/19
Date

Name: Cesar Hernandez
Title: Campus Principal





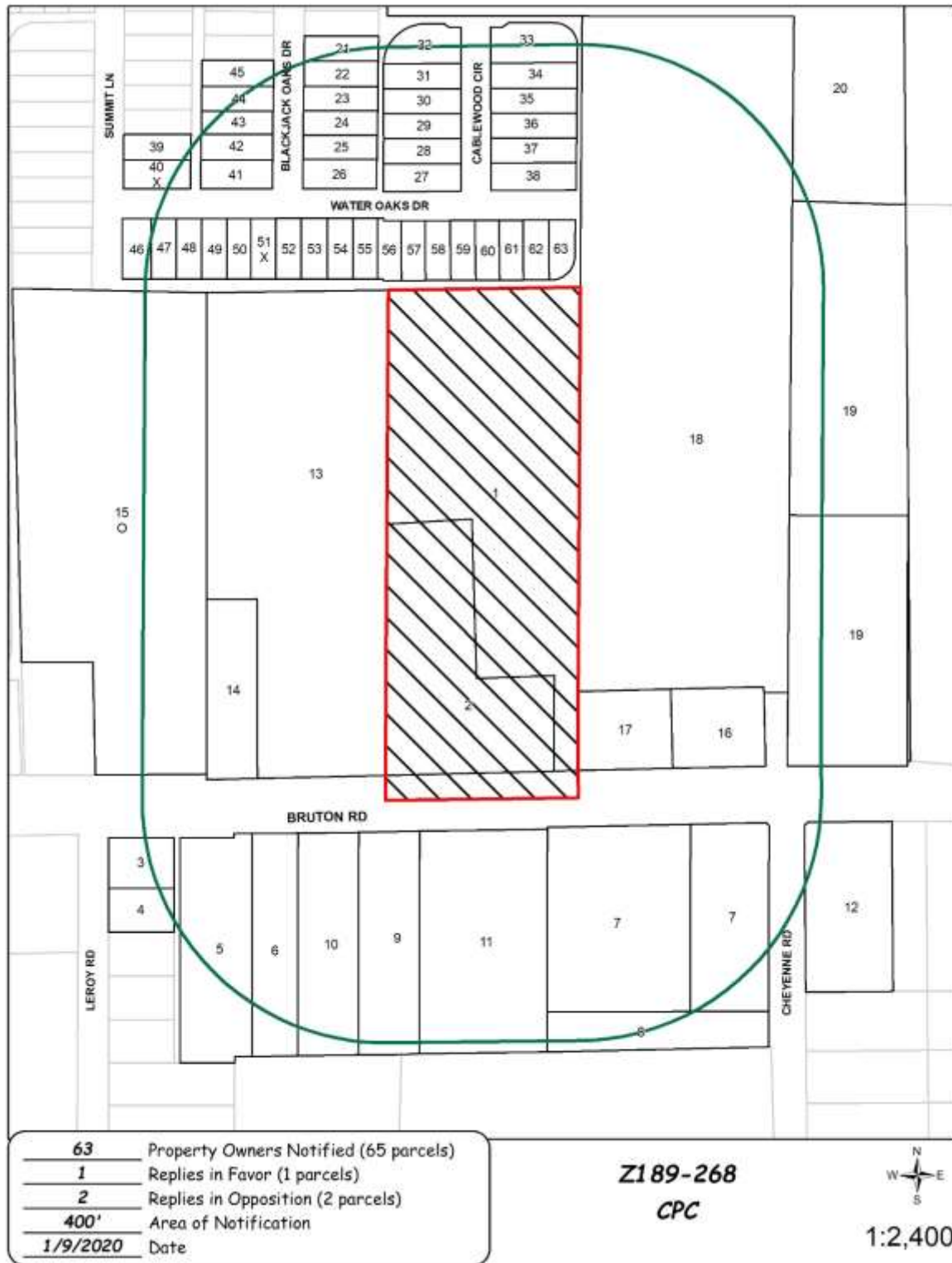




Market Value Analysis

Printed Date: 11/26/2019

CPC RESPONSES



01/08/2020

Reply List of Property Owners**Z189-268****63 Property Owners Notified 1 Property Owners in Favor 2 Property Owners Opposed**

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	10747 BRUTON RD	GOLDEN RULE SCHOOLS INC
	2	10747 BRUTON RD	NUEVA VIDA NEW LIFE ASSEMBLY INC
	3	2048 LEROY RD	TURNER THERESA A
	4	2042 LEROY RD	HILL CHARLES RAY ESTATE
	5	10612 BRUTON RD	SAENZ ADALBERTO
	6	10618 BRUTON RD	GALLEGOS COSME G &
	7	10822 BRUTON RD	MACIEL GUADALUPE & PABLO
	8	10822 BRUTON RD	CARBAJAL AUGUSTINE & VERONICA
	9	10708 BRUTON RD	RODRIGUEZ JOSE JUAN
	10	10622 BRUTON RD	FLORES JOSE B &
	11	10726 BRUTON RD	RIOS MARTHA M
	12	10910 BRUTON RD	GODS WAY NEHEMIAH M B C
	13	10631 BRUTON RD	ROBERTSON MARY ELLEN
	14	10625 BRUTON RD	HOLMES JOHNNY & ALICE G
O	15	10601 BRUTON RD	RICO MARCO A & SARITA
	16	10825 BRUTON RD	PERALTA FIDELINA CHAIDEZ DE
	17	10807 BRUTON RD	JENNINGS ALISHA
	18	10807 BRUTON RD	HERNANDEZ GERARDO P &
	19	10901 BRUTON RD	DALLAS DIRECTIONAL DRILLING INC
	20	2501 SAM HOUSTON RD	MESQUITE CITY OF
	21	10556 BLACKJACK OAKS DR	GUIDO JUSTO P& DINORA J
	22	10560 BLACKJACK OAKS DR	GIPSON JAMES EARL JR &
	23	10564 BLACKJACK OAKS DR	JONES MARKIANNA
	24	10568 BLACKJACK OAKS DR	MIMS ALICE M
	25	10572 BLACKJACK OAKS DR	REYES GUELLERMO & MARIANA
	26	10576 BLACKJACK OAKS DR	OPENDOOR PROPERTY D LLC

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2303 CABLEWOOD CIR	MAYORAL ALBERTO
	28	2307 CABLEWOOD CIR	DOMINGUEZ BERTOLDO &
	29	2311 CABLEWOOD CIR	ESTRADA DEMETRIO
	30	2315 CABLEWOOD CIR	RODRIGUEZ MERCEDES EST OF
	31	2319 CABLEWOOD CIR	WATTS MICHAEL D & WILLETTE B
	32	2323 CABLEWOOD CIR	WASHINGTON ANNETTE J
	33	2324 CABLEWOOD CIR	WHITE ABIGALE CROSS
	34	2320 CABLEWOOD CIR	MONCIBAIS MARTA
	35	2316 CABLEWOOD CIR	DELAROSAMORALES PEDRO ANTONIO &
	36	2312 CABLEWOOD CIR	WILLIAMS LAKENDRA
	37	2308 CABLEWOOD CIR	SOWELL D E
	38	2304 CABLEWOOD CIR	ALEGRIA MAX A & SANDRA E
	39	2308 SUMMIT LN	ARNOLD DONALD W & JOY
X	40	2304 SUMMIT LN	RIZO FOSTER MORALES &
	41	10575 BLACKJACK OAKS DR	WILSON MARION E &
	42	10571 BLACKJACK OAKS DR	WOODRUFF CLAUDIA WHITE
	43	10567 BLACKJACK OAKS DR	HALL DORRIS JEAN
	44	10563 BLACKJACK OAKS DR	GONZALEZ FRANCISCO E &
	45	10559 BLACKJACK OAKS DR	KELLY MILTON CARDELL
	46	10704 WATER OAKS DR	MUNIZ MARIA GUADALUPE
	47	10708 WATER OAKS DR	PARKER CARLA
	48	10712 WATER OAKS DR	EUCEDA INVESTMENT CORP
	49	10716 WATER OAKS DR	MENDOZA PABLO JR
	50	10720 WATER OAKS DR	ALFARO JOSE LUIS
X	51	10724 WATER OAKS DR	PATTON CHESTER R & DOLLY
	52	10728 WATER OAKS DR	SHAW CAROLYN
	53	10732 WATER OAKS DR	JONES BYRON L
	54	10736 WATER OAKS DR	NEIMETZ RANDOLPH S
	55	10740 WATER OAKS DR	GAMBLE BRUCE L
	56	10744 WATER OAKS DR	GONZALES ORALIA TUDON &
	57	10748 WATER OAKS DR	HEBRON DELORES MAE &

Z189-268(AU)

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	10752 WATER OAKS DR	COOPER ANGELA
	59	10756 WATER OAKS DR	ESTRADA ANDRES LOPEZ &
	60	10804 WATER OAKS DR	CORLEY ROBERT
	61	10808 WATER OAKS DR	BATTLE TRAVIS J
	62	10812 WATER OAKS DR	MOORE SARAH J
	63	10816 WATER OAKS DR	REEVES MAE JEWELL



Agenda Information Sheet

File #: 20-173

Item #: Z2.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 2
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 an amendment to and the renewal of Specific Use Permit No. 2108 for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use on property zoned an LC-D-1 Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D-1 Liquor Control Overlay, on the south corner of McKinnon Street and Ivan Street
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z189-287(PD)

FILE NUMBER: Z189-287(PD) **DATE FILED:** June 7, 2019**LOCATION:** South corner of McKinnon Street and Ivan Street**COUNCIL DISTRICT:** 2 **MAPSCO:** 45 E**SIZE OF REQUEST:** ±16,774 sq. ft. **CENSUS TRACT:** 19.00

REPRESENTATIVE: Melody Paradise**APPLICANT/OWNER:** One Harwood Boulevard, Ltd.

REQUEST: An application for an amendment to and the renewal of Specific Use Permit No. 2108 for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use on property zoned an LC-D-1 Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow for the continued operation of the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use and an amendment to allow for the following changes: 1) the removal and relocation of a drive approach, drive-way, and parking orientation, 2) a revised parking data table, 3) the addition of a permeable shade structure, and 4) the addition of shade trees.

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 request site is currently developed with an existing 1,775-square-foot single-story structure subdivided with two suites.
- Previously the site was developed with a second single-story structure that was demolished in 2017 due to the structural integrity having been compromised.
- On October 8, 2014, the City Council approved a zoning change and SUP No. 2108 for alcoholic beverages in conjunction with a restaurant without drive-through service use for a five-year period with eligibility of automatic renewal for additional five-year periods [Z134-274] on the subject site.
- The purpose of the request is to continue the operation of the business for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use and amend the following: 1) remove and relocate a drive approach, 2) remove a drive-way, 3) remove remote parking spaces shown on an adjacent parcel, 4) re-orient parking, 5) revise a parking data table, 6) add a permeable shade structure, and 7) add shade trees.

Zoning History: There has been one recent zoning change requested in the area within the past five years.

1. **Z134-274** On October 8, 2014, the City Council recommended approval of LC Light Commercial Subdistrict within Planned Development District No. 193, a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service on property zoned an MF-3 Multiple-Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
McKinnon Street aka Dallas North Tollway	Freeway	Variable right-away width	Variable right-away width
N. Harwood Street	Local Street	60 ft.	60 ft.
Ivan Street	Local Street	45 ft.	45 ft.

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 surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

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

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:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.

The objective does not apply due to the structure being existing.

- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

The objective does not apply due to the request site not being in a retail area.

- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

The structure and off-street parking spaces are existing, and no enlargements are proposed.

- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

While an enlargement is proposed, the enlargement is for an open air pergola which does not constitute increased floor area and will not affect standards sensitive to scale and adjacency.

(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 is not residential in nature and does not propose any significant enlargements that could be considered for bonuses.

(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 request does not seek any deviations from the Code or up-zoning. Other than the proposed amendment to the existing Site Plan, the site is in compliance with the Specific Use Permit conditions.

(7) To promote landscape/streetscape quality and appearance.

The applicant is proposing to close a drive approach, eliminating a driveway and emphasizing a pedestrian-friendly environment.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning with PDS No. 193	Land Use
Site	LC -D-1	Restaurant without drive-through service.
North	O-2	Undeveloped
Northeast	O-2	Multifamily
Southeast	PDS No. 83	Undeveloped
South	PDS No. 83	Undeveloped
West	PDS No. 77	Multifamily

Land Use Compatibility:

The request site is within Oak Lawn, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses. Considered to be one of Dallas' first commercial districts, Oak Lawn is within close proximity to three major highways, North Stemmons Freeway, Dallas North Tollway, and Harry Hines.

The request site consists of a one-story, 1,775-square-foot structure fronting on the south corner of Ivan Street and McKinnon Street. The 1,775-square-foot structure

consists of two suites, suite 1 is 799 square feet and is occupied with a restaurant without drive-through service use [The Grove] with an outdoor seating area. Suite 2 is 976 square feet and is currently vacant and proposed to be designated as a warehouse use. The request will allow for the continued operation of the sale of alcoholic beverages in conjunction with a restaurant without drive-through service use and amend the following: 1) remove and relocate a drive approach, 2) remove a drive-way, 3) remove remote parking spaces shown on an adjacent parcel, 4) re-orient parking, 5) revise a parking data table, 6) add a permeable shade structure, and 7) add shade trees.

Surrounding land uses include vacant tracts to the northwest, east and south, and multifamily to the west across Ivan Street and to the north across McKinnon Street.

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 supports the request and recommends approval of the amendment to and renewal of SUP No. 2108 because the continued sale of alcoholic beverages in conjunction with a restaurant without drive-through service will contribute to the character of the neighborhood and promote further tourism and reinvestment in the area.

Parking:

PDD No. 193 requires one space for every 100 square feet of floor area for a restaurant use. At a total square footage of 799 square feet, the proposed use requires eight spaces. The additional 976 square feet is intended to be utilized as a warehouse use. At a total square footage of 976 square feet, the proposed use requires one space for a total of nine spaces required. The request site will provide two spaces on-site with seven spaces being provided on an adjacent site.

Landscaping:

The request will not trigger landscape requirements per Part 1 of Planned Development District No. 193.

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 west across Ivan Street and to the northeast across McKinnon Street.

CPC ACTION
January 9, 2020

Motion: It was moved to recommend **approval** of an amendment to and the renewal of Specific Use Permit No. 2108 for the sale of alcoholic beverages in conjunction with a restaurant without 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 an LC-D1 Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D-1 Liquor Control Overlay, on the south corner of McKinnon Street and Ivan Street.

Maker: Hampton
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

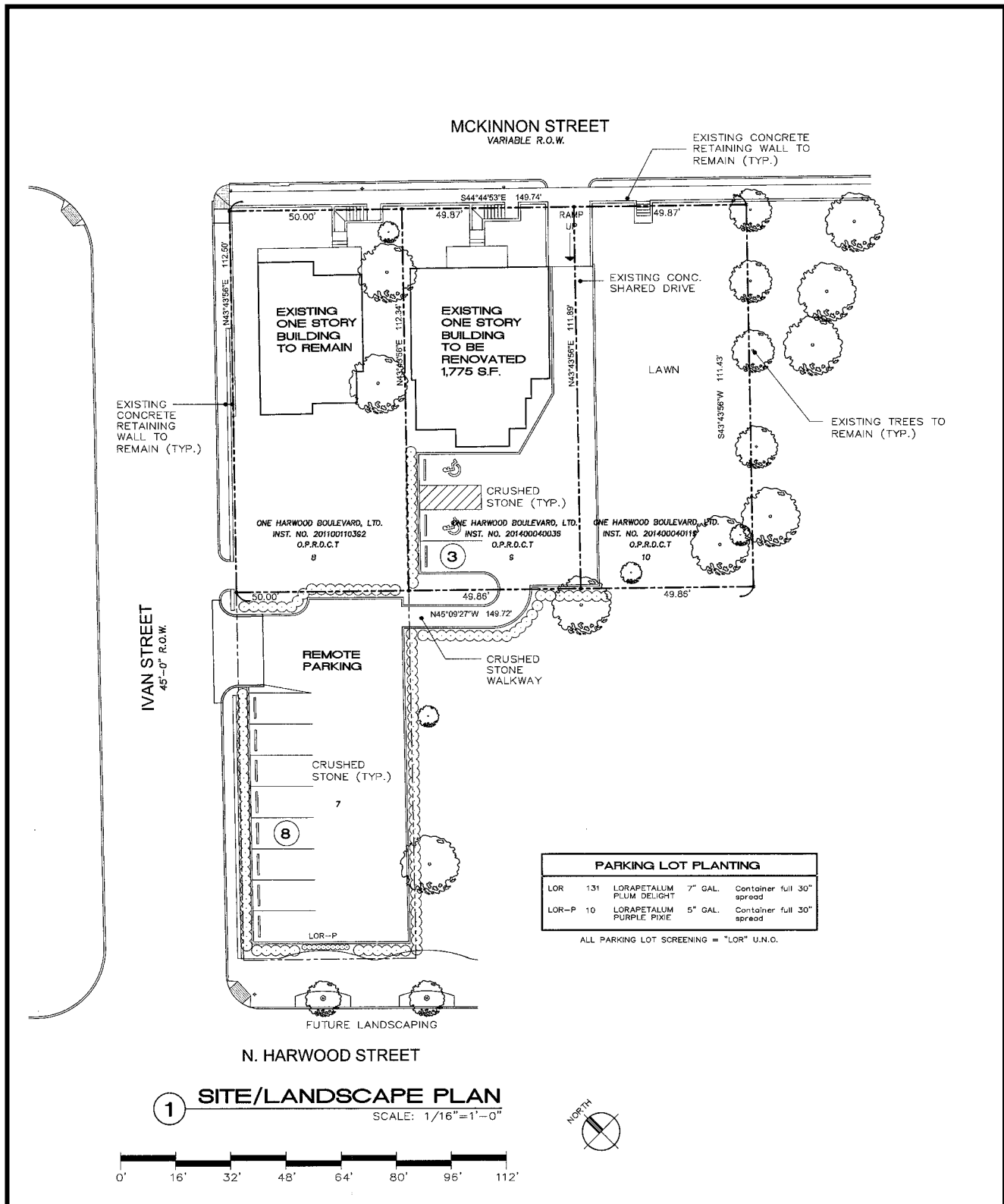
Notices: Area: 200 Mailed: 148
Replies: For: 4 Against: 0

Speakers: None

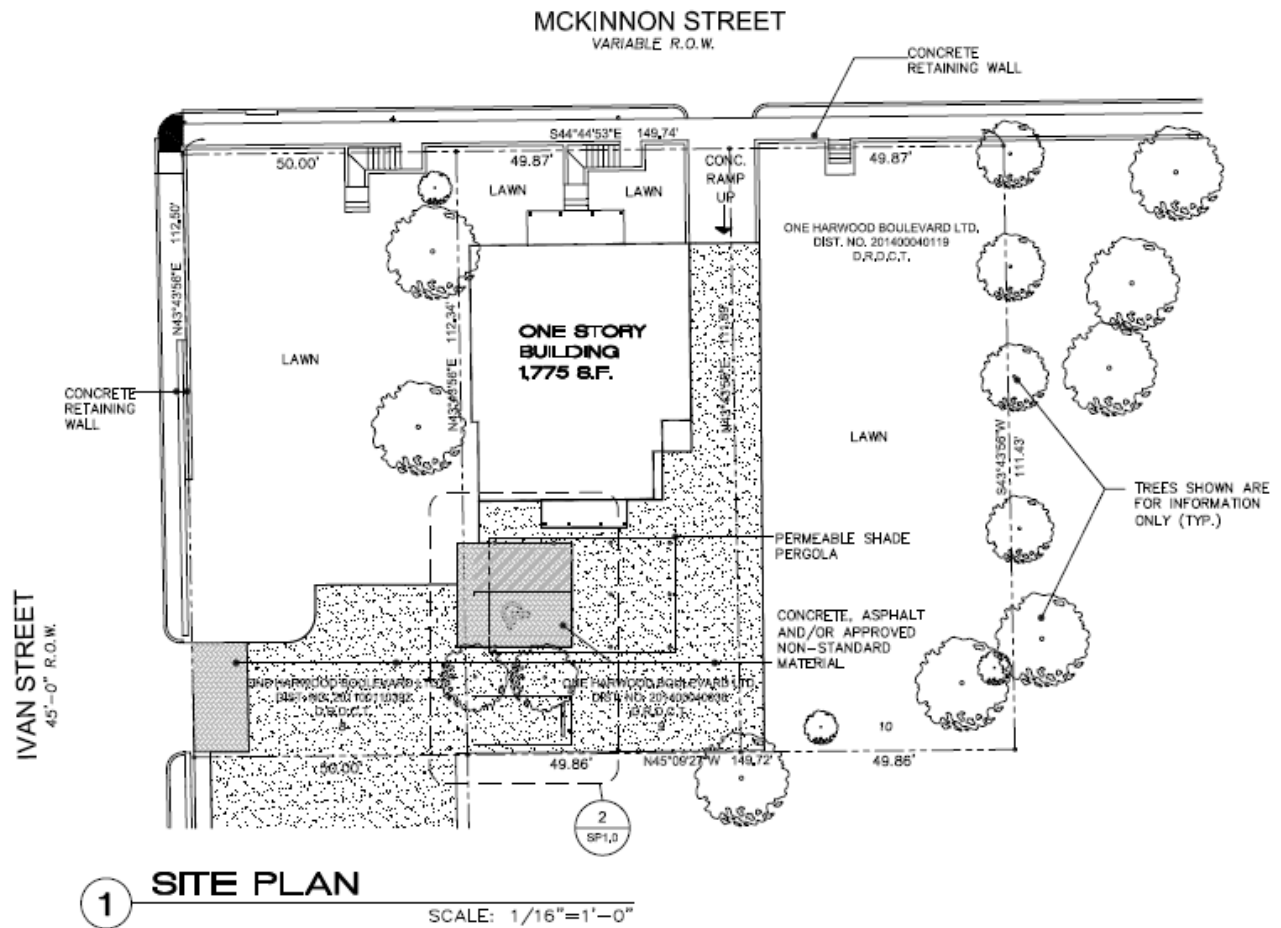
CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without 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 (five years from the passage of the 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 application 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.

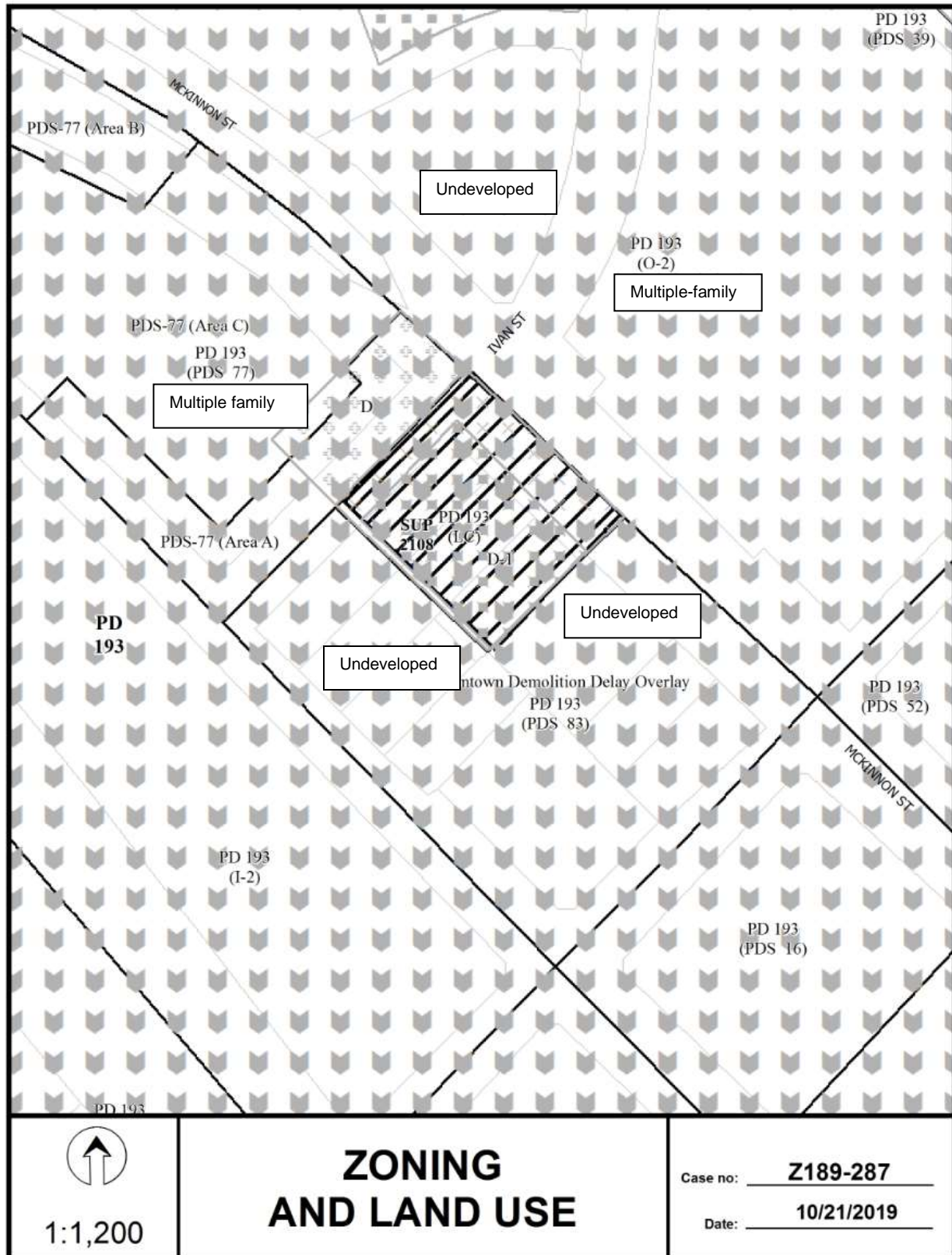
EXISTING SITE PLAN

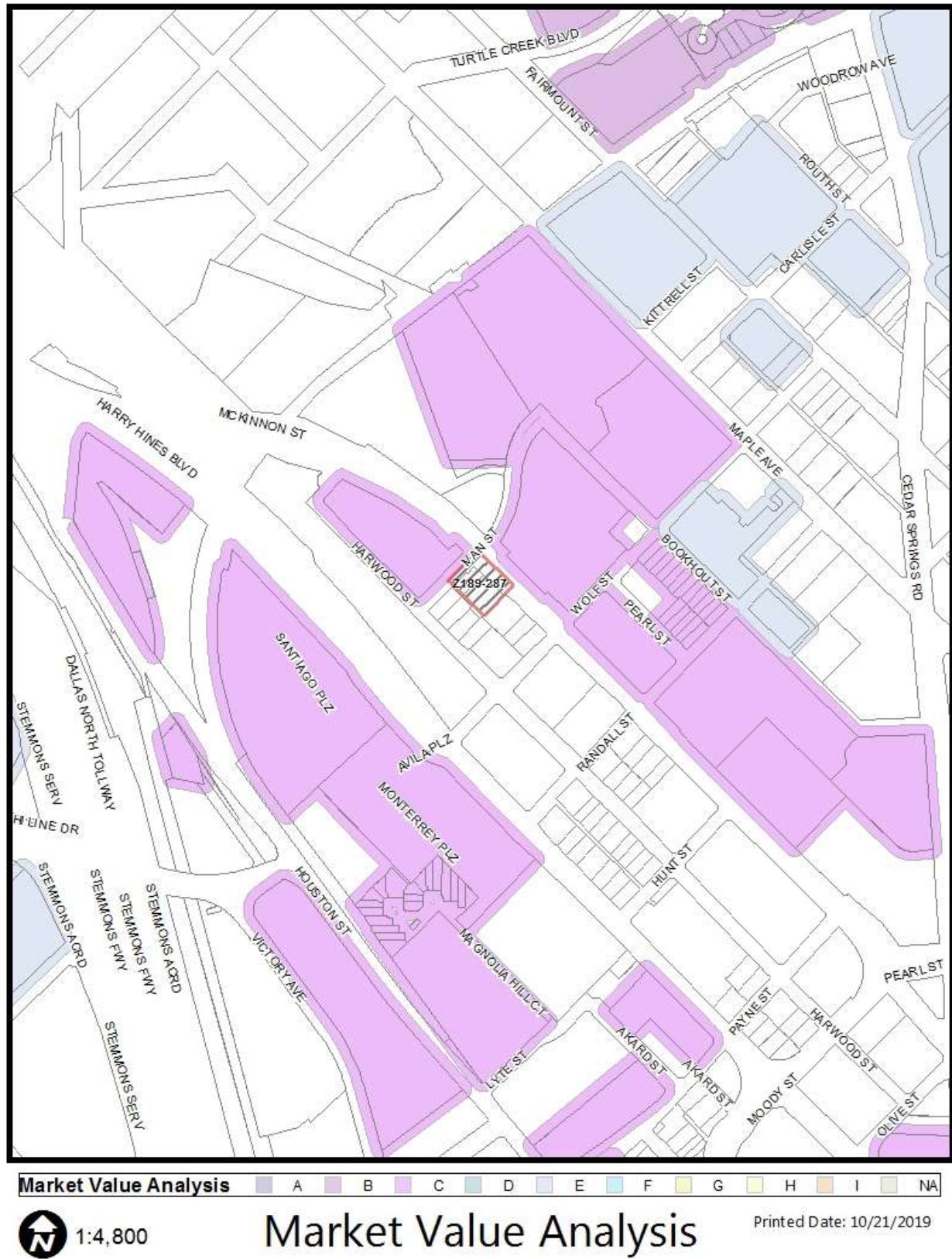


PROPOSED SITE PLAN









CPC Responses



01/08/2020

Reply List of Property Owners***Z189-287******148 Property Owners Notified 4 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3015 MCKINNON ST	ONE HARWOOD BLVD LTD
O	2	3009 MCKINNON ST	ONE HARWOOD BLVD LTD
O	3	3019 MCKINNON ST	ONE HARWOOD BOULEVARD LTD
O	4	3023 MCKINNON ST	ONE HARWOOD BOULEVARD LTD
	5	3000 HARRY HINES BLVD	NORTH TEXAS PUBLIC
	6	1902 IVAN ST	3100 MCKINNON LP
	7	3130 N HARWOOD ST	ONTIVEROS GREG
	8	3130 N HARWOOD ST	UPHOFF LINDA A & BARRY J
	9	3130 N HARWOOD ST	BLEU CIEL TOWER DEVELOPMENT LTD
	10	3130 N HARWOOD ST	SETHI FAMILY TRUST THE
	11	3130 N HARWOOD ST	PONTES CRISTINA & LUCAS
	12	3130 N HARWOOD ST	FEDORKO JOHN M &
	13	3130 N HARWOOD ST	HOMEWOOD PROPERTIES LLC
	14	3130 N HARWOOD ST	VAUGHN JAMES SCOTT & BRENDA
	15	3130 N HARWOOD ST	DUWAJI EMAD
	16	3130 N HARWOOD ST	GREEN SET LLC SERIES R
	17	3130 N HARWOOD ST	ALLEY ESSA K &
	18	3130 N HARWOOD ST	DUWAJI IYAD
	19	3130 N HARWOOD ST	TERRY SHAWN D
	20	3130 N HARWOOD ST	REINHARDT JEFF
	21	3130 N HARWOOD ST	WOODWARD STEVE & TERRI
	22	3130 N HARWOOD ST	GHOSH PRITAM
	23	3130 N HARWOOD ST	PADDON STEVEN &
	24	3130 N HARWOOD ST	GUNTIPALLI PRAVEEN KUMAR
	25	3130 N HARWOOD ST	KATEB MARY CAMILLE & MEHDI
	26	3130 N HARWOOD ST	SANDERS ANTHONY L & SUE B

01/08/2020

<i>Reply Label #</i>	<i>Address</i>	<i>Owner</i>
27	3130 N HARWOOD ST	ALLEN BRADY LEE
28	3130 N HARWOOD ST	MAGNET LLC
29	3130 N HARWOOD ST	GARCIA ISRAEL BRISENO
30	3130 N HARWOOD ST	WIGGINS PHILLIP F &
31	3130 N HARWOOD ST	TANAM LLC
32	3130 N HARWOOD ST	BOUTTE MATT &
33	3130 N HARWOOD ST	PETO GARY D & DIANE L
34	3130 N HARWOOD ST	PETO GARY D & DIANE L
35	3130 N HARWOOD ST	MOON SAMUEL S
36	3130 N HARWOOD ST	MOON DESCENDANTS 2012 TRUST &
37	3130 N HARWOOD ST	GRABHAM RICHARD H & JAN Q
38	3130 N HARWOOD ST	JOHNSON EDWARD A & MARY
39	3130 N HARWOOD ST	PATEL KIRIT N & ARCHNA
40	3130 N HARWOOD ST	INVESMART DFW LLC
41	3130 N HARWOOD ST	NILTA PROPERTY HOLDINGS LP
42	3130 N HARWOOD ST	PANDIAN PAUL & GEETHA
43	3130 N HARWOOD ST	GROJEAN THOMAS FRANCIS JR &
44	3130 N HARWOOD ST	GRILLO JOSEPH J
45	3130 N HARWOOD ST	ANDREWS STEPHEN J
46	3130 N HARWOOD ST	GENETELLI RICHARD JR
47	3130 N HARWOOD ST	BLANKENSHIP BILL
48	3130 N HARWOOD ST	HUMPHREYS DANIEL STUART
49	3130 N HARWOOD ST	PEMBERTON MATTHEW A &
50	3130 N HARWOOD ST	VALZ JONATHAN & JAMIE
51	3130 N HARWOOD ST	STEPHANIAN EDIC & KERRIE
52	3130 N HARWOOD ST	RIGLEY NOEL J & PRATIKSHA
53	3130 N HARWOOD ST	DENNIS & ANGELA MULLAHY 2017
54	3130 N HARWOOD ST	COLON RAMON ESTEBAN &
55	3130 N HARWOOD ST	FUSCO MANAGEMENT TRUST
56	3130 N HARWOOD ST	KARNABY ZIAD M
57	3130 N HARWOOD ST	STEVENS FAMILY 2011 REVOCABLE TRUST

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3130	N HARWOOD ST	FLORIN COMPANY LTD
59	2201	WOLF ST	COBB MOLLY J
60	2201	WOLF ST	MOORE MALIA & STEVEN GANNON &
61	2201	WOLF ST	SOHN TED
62	2201	WOLF ST	MEADE KRISTYN L
63	2201	WOLF ST	OVERTON KATHERINE
64	2201	WOLF ST	HARPER HOLLY
65	2201	WOLF ST	FLEMING JEFFREY H
66	2201	WOLF ST	MIKKILINENI ANUPAMA
67	2201	WOLF ST	BIGELOW CHRISTOPHER
68	2201	WOLF ST	KEELER DOCTOR
69	2201	WOLF ST	PG ALPHA LLC
70	2201	WOLF ST	SALAZAR MONICA
71	2201	WOLF ST	HOFKER BEATRIX
72	2201	WOLF ST	LUU MYDA
73	2201	WOLF ST	TRORB INC
74	2201	WOLF ST	DEMELO BRUNO BANDEIRA
75	2201	WOLF ST	THOMAS CHRISTINA M
76	2201	WOLF ST	LEEDS JESSICA BONNIE
77	2201	WOLF ST	KUBICKI ROBERT P
78	2201	WOLF ST	LE BETSY
79	2201	WOLF ST	BARANSI RAMZI
80	2201	WOLF ST	NECKELS JOHN PAUL
81	2201	WOLF ST	BIDA DAN F
82	2201	WOLF ST	SULLIVAN PATRICK E
83	2201	WOLF ST	NEMATI MEHDI & SHAHIN
84	2201	WOLF ST	BUNN IAN
85	2201	WOLF ST	KIM JUNG O
86	2201	WOLF ST	MANCENIDO PATRICK
87	2201	WOLF ST	RAJAGOPALAN SRIDHARAN &
88	2201	WOLF ST	SHAPOURI AZIZOLLAH

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2201	WOLF ST	SMITH NATALIE
90	2201	WOLF ST	BREKKE CORTNEE E
91	2201	WOLF ST	PEARSON REBECCA NORTHERN
92	2201	WOLF ST	BROEKHOFF KATELYN & RYAN
93	2201	WOLF ST	VOISSEM MEGAN & PHILIP
94	2201	WOLF ST	BENNY R VALEK 401K PLAN
95	2201	WOLF ST	KARIMI AKHTAR
96	2201	WOLF ST	PARK JUSTIN & SAMANTHA
97	2201	WOLF ST	DIAZ SAMUEL
98	2201	WOLF ST	KINDRED INVESTMENTS INC
99	2201	WOLF ST	PRUNISKI LINDSAY ANN
100	2201	WOLF ST	PUPKO INVESTORS LLC
101	2201	WOLF ST	URIOSTE JOSE RAFAEL
102	2201	WOLF ST	NAQUIN JOSHUA P & SANJA PISAC NAQUIN
103	2201	WOLF ST	SOLOMON COURTNEY
104	2201	WOLF ST	LANGHENRY WILLARD H IV
105	2201	WOLF ST	VISITACION EUNKYUNG P
106	2201	WOLF ST	VICK JEFFREY B
107	2201	WOLF ST	TRORB INC
108	2201	WOLF ST	MORDECAI MATTHEW L
109	2201	WOLF ST	HOFFMANN DONNA
110	2201	WOLF ST	HOPSON CHRIS
111	2201	WOLF ST	HILL JEAN
112	2201	WOLF ST	PHAN JENNY
113	2201	WOLF ST	EDIGER BENJAMIN NEAL &
114	2201	WOLF ST	MOORE KELLY ANNE
115	2201	WOLF ST	BRILL BRIAN ERIC & KELLY MOORE
116	2201	WOLF ST	WANG RUINA
117	2201	WOLF ST	DAVIDSON DUSTIN A
118	2201	WOLF ST	GANT MADELINE J
119	2201	WOLF ST	CAVAZOS CORINA A

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	2201 WOLF ST	LASSEN ANN ALIZABETH &
	121	2201 WOLF ST	KJT GROUP
	122	2201 WOLF ST	EDWARDS RODERICK
	123	2201 WOLF ST	SMITH MELODY
	124	2201 WOLF ST	WULKE NICHOLAS
	125	2201 WOLF ST	LITTLE BRADLEY C & LAURA L
	126	2201 WOLF ST	NOWICKI MILOSZ
	127	2201 WOLF ST	ROBLES CHRISTINE
	128	2201 WOLF ST	WILSON SKYE
	129	2201 WOLF ST	PENSCO TRUST CO
	130	2201 WOLF ST	SAM JANAY M
	131	2201 WOLF ST	SOURS MELODY
	132	2201 WOLF ST	AKINTOLA OMOLOLA E &
	133	2201 WOLF ST	ADDO TAYO A
	134	2201 WOLF ST	CARADONNA NICHOLAS
	135	2201 WOLF ST	KORB RONALD DEAN & NICKI
	136	2201 WOLF ST	BEADLING PETER J & CAROLYN P
	137	2201 WOLF ST	RAMEY ISABEL ZAINA
	138	2201 WOLF ST	TERRY TODD
	139	2201 WOLF ST	REEVES GEORGE WP
	140	2201 WOLF ST	RUIZGARCIA ERIKA PATRICIA
	141	2201 WOLF ST	YAZHARI MONA &
	142	2201 WOLF ST	MEHTA SATISH & HEMLATA
	143	2201 WOLF ST	KEITH KRISTY
	144	2201 WOLF ST	CULLUM PAMELA G
	145	2201 WOLF ST	ROY DAVE A
	146	2201 WOLF ST	OSBURN KEVIN A
	147	2201 WOLF ST	KOUZBARI MAHMOOD
	148	2201 WOLF ST	OUZTS SUSAN &



Agenda Information Sheet

File #: 20-174

Item #: Z3.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 2
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 an amendment to Historic Overlay No. 31, Old Parkland Hospital, and to Planned Development District No. 262 by amending Section 51P-262.112 "Preservation Criteria" on property zoned Tract 3 within Planned Development District No. 262, on the east side of Dallas North Tollway, north of Oak Lawn Avenue and west of Maple Avenue
Recommendation of Staff and CPC: Approval, subject to revised preservation criteria, a revised development plan, and revised exhibits
Recommendation of Landmark Commission: Approval, subject to revised preservation criteria
Z189-299(LC)

FILE NUMBER: Z189-299(LC)

DATE FILED: October 7, 2019

LOCATION: On the east side of Dallas North Tollway, north of Oak Lawn Avenue and west of Maple Avenue

COUNCIL DISTRICT: 2

MAPSCO: 45 A

SIZE OF REQUEST: 9.451 acres

CENSUS TRACT: 5.00

REPRESENTATIVE: Rob Baldwin

APPLICANT/OWNER: CH Woodlawn Office LLC

REQUEST: An application for an amendment to Historic Overlay No. 31, Old Parkland Hospital, and to Planned Development District No. 262 by amending Section 51P-262.112 "Preservation Criteria" on property zoned Tract 3 within Planned Development District No. 262.

SUMMARY: Old Parkland Hospital is located at 3819 Maple Avenue in central Dallas, Oak Lawn area. The property owner has requested to amend the preservation criteria to allow for construction of a clock tower structure in Tract 3 that would be taller than the preservation criteria currently allows.

CPC RECOMMENDATION: Approval, subject to revised preservation criteria, a revised development plan, and revised exhibits.

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to revised preservation criteria.

STAFF RECOMMENDATION: Approval, subject to revised preservation criteria, a revised development plan, and revised exhibits.

BACKGROUND INFORMATION:

- Old Parkland Hospital, designed by Dallas architects Hubbell and Greene, is an early 20th Century Classical Revival Style complex of hospital buildings. It is one of only a few such hospitals still remaining in the entire state of Texas. Construction was completed in 1913.
- Old Parkland Hospital was designated a City of Dallas Landmark on January 7, 1987. It was listed on the National Register of Historic Places in October 1990.
- Planned Development District No. 262 was established on January 7, 1987, and comprises approximately 9.451 acres, and is divided into three tracts. The preservation criteria for Old Parkland Hospital is located within the PD No. 262 regulations.
- The property owner would like to construct a clock tower on the Old Parkland Hospital Campus in Tract 3. The proposed clock tower would be taller than the existing historic structures on the site, which is typical of clock towers on similar campus settings. However, the preservation criteria states in Section 51P-262.112(c)(8)(F) that the height of new construction may not exceed the height of the adjacent historic structure.
- The owner has proposed an amendment to Section 51P-262.112(c)(8)(F) that would allow the additional height (240 feet) for this clock tower structure only. It would not allow any other new structures or additions to exceed the height of the historic structure. No other preservation criteria sections are to be amended.
- A Certificate of Appropriateness (CA) from the Landmark Commission will be required for the design and construction of this clock tower. This may not be applied for until the proposed amendment has been approved by City Council.
- The design of this proposed clock tower must comply with the preservation criteria for new construction in Tract 3 which states that the color, details, forms, materials and general appearance of new construction must be compatible with the existing historic structures on site. It further states that new construction must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.
- The Designation Committee approved the amendment on October 16, 2019.
- The Landmark Commission approved the amendment on November 4, 2019.
- The current land use is office/retail. This amendment to PD No. 262 and the preservation criteria will not change the land use.

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with the Land Use Element of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation of open spaces that are historically and environmentally significant creates a direct, visual link to the past, contributing to a "sense of place."

LAND USE ELEMENT

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.2 Promote Desired Development

Policy 1.2.2 Establish clear and objective standards for land use planning.

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.

CPC ACTION:

January 9, 2020

Motion: It was moved to recommend approval of an amendment to Historic Overlay No. 31, Old Parkland Hospital, and to Planned Development District No. 262 by amending Section 51P-262.112 "Preservation Criteria", subject to revised preservation criteria, a revised development plan and exhibits (as briefed) on property zoned Tract 3 within Planned Development District No. 262, on the east side of Dallas North Tollway, north of Oak Lawn Avenue and west of Maple Avenue.

Maker: MacGregor

Second: Murphy

Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0

Absent: 0

Vacancy: 1 - District 3

Notices: Area: 500 Mailed: 59

Replies: For: 1 Against: 0

Speakers: None

LANDMARK COMMISSION ACTION: (November 4, 2019)

This item appeared on the Commission's discussion agenda.

Motion: Approval, subject to preservation criteria.

Maker: Montgomery

Second: Sherman

Results: 14/0

Ayes: Childers, De La Harpe, Hinojosa,
Montgomery, Payton, Richter, Sherman,
Slade, Spellicy, Stone, Swann, Quintans,
Velvin, Williams

Against: None

Absent: Haskel, Mast

Vacancies: District 10, District 15

Proposed PD Conditions:**ARTICLE 262.****PD 262.****SEC. 51P-262.101. LEGISLATIVE HISTORY.**

PD 262 was established by Ordinance No. 19432, passed by the Dallas City Council on January 7, 1987. Ordinance No. 19432 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 19432 was amended by Ordinance No. 19459, passed by the Dallas City Council on February 11, 1987, and Ordinance No. 22379, passed by the Dallas City Council on April 12, 1995. (Ord. Nos. 10962; 19432; 19459; 22379; 25711; 26590)

SEC. 51P-262.102. PROPERTY LOCATION AND SIZE.

PD 262 is established on property generally located at the west corner of Maple Avenue and Oak Lawn Avenue. The size of PD 262 is approximately 8.9522 acres. (Ord. Nos. 19432; 19459; 25711; 26590)

SEC. 51P-262.103. 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. Nos. 25711; 26590)

SEC. 51P-262.104. CONCEPTUAL PLAN.

A conceptual plan dividing the Property into Tracts 1, 2, and 3 is labeled Exhibit 262A. The Property descriptions for Tracts 1, 2, and 3 are described in Exhibit A attached to this ordinance. If there is a conflict between the conceptual plan and the Property description, the Exhibit A Property description controls. Development and use of the Property must comply with the conceptual plan. (Ord. Nos. 19432; 25711; 26590; 27952)

SEC. 51P-262.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 262B). If there is a conflict between the text of this article and the development plan, the text of this article controls. If there is a conflict between the conceptual plan and the development plan, the development plan controls. (Ord. Nos. 19432; 25711; 26590; 27952)

SEC. 51P-262.106. LANDSCAPE PLAN.

(a) In general.

(1) Except as provided in this subsection, landscaping must be provided as shown on the landscape plan (Exhibit 262D). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(2) Landscaping in the area labeled “future development” on the landscape plan must be provided in accordance with Part I of Article 193.

(3) Landscaping along Oak Lawn Avenue must be provided as shown on the landscape plan.

(b) Timing of installation. Except as provided in this subsection, landscaping must be installed in accordance with the landscape plan within six months after the issuance of a certificate of occupancy for any structure on the portion of the Property covered by the landscape plan. Landscaping shown on the landscape plan that is within 10 feet of a structure must be installed within six months after the issuance of a certificate of occupancy for that structure.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. 19432; 25711; 26590; 27952)

SEC. 51P-262.107. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 262A: conceptual plan.
- (2) Exhibit 262B: development plan.
- (3) Exhibit 262C: inventory of existing trees.
- (4) Exhibit 262D: landscape plan.
- (5) Exhibit 262E: preservation plan.
- (6) Exhibit 262F: elevations. (Ord. Nos. 19432; 25711; 26590; 27952)

SEC. 51P-262.108. USES, FLOOR AREA, HEIGHT, AND SETBACKS.

(a) Tract 1.

(1) Uses. The only uses permitted are those uses permitted by right in a GR General Retail Subdistrict, as defined in Part I of Article 193, except that:

- (A) motor vehicle related uses are not permitted, and
- (B) a utility or government installation other than listed use is permitted only by specific use permit.

(2) Floor area. Minimum permitted floor area is 53,534 square feet.

(3) Height. No additional height to any portion of the existing structures is permitted.

(4) Setbacks. Setbacks for any portion of the existing structures must be maintained, except that the installation of a perimeter fence, chillers, and a screening wall on the south side of the building near the 1935 addition facing Oak Lawn Avenue are permitted as shown on the conceptual plan. The screening wall must match the first floor façade of the current adjacent structure in height and materials.

(5) Open space. The existing trees and open space must remain as indicated on the conceptual plan.

(b) Tract 2.

(1) Uses. The only uses permitted are those uses permitted by right in a GR General Retail Subdistrict, as defined in the Part I of Article 193, except that:

(A) motor vehicle related uses are not permitted, and

(B) a utility or government installation other than listed use is permitted only by specific use permit.

(2) Floor area. Maximum permitted floor area is 701,740 square feet.

(3) Height. No structure may exceed 240 feet in height, as defined in the Dallas Development Code, except that no additional height to any portion of the existing structures is permitted.

(4) Setbacks.

(A) Oak Lawn Avenue. Except for fences, and except as shown on the conceptual plan, any new construction adjacent to Oak Lawn Avenue must be set back at least as far from the property line as Existing Building A as shown on the conceptual plan for that portion of Tract 2 that abuts Oak Lawn Avenue.

(B) Dallas North Tollway and Reagan Street. Except for fences, and except as shown on the conceptual plan, any new structures must be setback from the Dallas North Tollway and Reagan Street pursuant to the provisions of Part I of Article 193 for structures in a General Retail Subdistrict. The urban form setback is not triggered by the Dallas North Tollway.

(c) Tract 3.

(1) Uses. The only uses permitted are those uses permitted by right in the GR General Retail Subdistrict, as defined in Part I of Article 193, except that:

(A) motor vehicle related uses are not permitted; and

(B) a utility or government installation other than listed use is permitted only by a specific use permit.

(2) Floor area. The minimum permitted floor area is 24,644 square feet.

(3) Yard, lot, and space regulations. New construction and additions must comply with Sections 51P-262.112(c).

(d) Tracts 1, 2, and 3.

(1) Floor area ratio (FAR).

(A) Maximum permitted floor area ratio for Tracts 1, 2, and 3 combined is 2.0.

(B) Any property dedicated for right-of-way pursuant to this article is included for purposes of computing maximum permitted floor area.

(2) Lot coverage. Maximum permitted lot coverage for Tracts 1, 2, and 3 combined is 80 percent, including above-grade parking structures. (Ord. Nos. 22379; 25711; 26341; 26590; 27952; 28872)

SEC. 51P-262.109. OFF-STREET PARKING.

(a) In general. Except as provided in this section, off-street parking on the Property must be provided for each use in accordance with the provisions of Part I of Article 193.

(b) Basements. The basement area is exempt from parking requirements when devoted to support uses including storage, mail room, break rooms, and workout facilities. For the purpose of this section, a basement is a story that is primarily below grade.

(c) Office uses. For an office use, the minimum off-street parking requirement is one space for every 400 square feet of floor area.

(d) Parking reductions. Any reduction in the required parking provided for in Part I of Article 193 must occur in the following sequence:

(1) Contributions to the Oak Lawn Transit Management Organization Fund, for a maximum reduction of 10 percent.

(2) Implementation of a Transportation Management Plan and/or mixed use parking pursuant to a provision of the mixed use development parking chart contained in Part I of Article 193. (Ord. Nos. 19432; 25711; 26590; 28872)

SEC. 51P-262.110. RESERVED. (Ord. Nos. 19292; 25711; 26590)

SEC. 51P-262.111. ROADWAY IMPROVEMENTS.

The owner(s) must dedicate the necessary right-of-way for a right-turn lane from southbound Maple Avenue to westbound Oak Lawn Avenue to the extent the dedication is roughly proportional to the need for the right-of-way created by the development of the Property. (Ord. Nos. 19432; 25711; 26590)

SEC. 51P-262.112.

PRESERVATION CRITERIA.

(a) Tract 1. All buildings and facades are subject to the following preservation criteria and any changes to such buildings and facades must be approved through the certificate of appropriateness process contained in the Dallas Development Code.

(1) Surface materials.

(A) Any renovations or reconstruction of the facades must employ a brick similar in color, module size, and texture to the existing brick. Existing brick may not be painted unless the brick and mortar joints have deteriorated to a point where they must be replaced and the new brick color cannot reasonably match the old color.

(B) Any renovations or reconstruction of existing trim and detailing on protected facades must employ materials (concrete, cut stone, etc.) similar in color, module size, and texture to the existing trim and detailing. Existing masonry elements may not be painted.

(2) Fenestrations and opening.

(A) Existing window and door openings in the facades must be preserved.

(B) Reflective, mirrored, or tinted glass is not permitted in openings in the facades. Existing wooden windows should be preserved and reconditioned if at all possible. They may be replaced with metal or vinyl clad frame windows if they express previous colors, mullion patterns, window lights, and frame profile. New window openings may be created only in order to comply with health and safety code provisions.

(C) Existing door openings in facades must be preserved as door openings unless they are not part of the original design. New door openings may be created only in order to comply with health and safety code provisions. Doors must be compatible with the character of the building, and may not be made entirely of glass. Solid wood or a mixture of wood and glass doors are required.

(3) Roof.

(A) The character, configuration, and slope of the existing roofs must be maintained and preserved.

(B) No new vertical addition is allowed above the existing buildings. All existing gables and parapets on the protected facades must be preserved. Mechanical equipment may be placed on the roofs if the placement, configuration, and color is reviewed and approved through the certificate of appropriateness process.

(4) Porches and balconies.

(A) Existing porches and balconies must be maintained and preserved. Porches and balconies may not be enclosed except by mesh screening. Canvas and other fabric awnings are permitted, within the acceptable color range.

(B) All columns or railings that are part of a porch or balcony configuration must be preserved.

(5) Embellishments and detailing. The following embellishments and detailing must be preserved and maintained. Any reconstruction, renovation, or replacement of these items, due to irreversible damage, must be as similar in composition, texture, color, and size as practicable.

- (A) Window mullions.
- (B) Cornices.
- (C) Parapets and gables.
- (D) Columns and railings.
- (E) Window sills.
- (F) Decorative detailing.

(6) Color.

(A) Existing brick and trim detailing must remain unpainted. Brick may be painted a compatible color only if existing brick and mortar joints are beyond repair and the new brick color cannot reasonably match the old color. The color of any additions, repairs, or alterations to the buildings must coincide as nearly as practicable to the original brick color.

(B) Any cleaning of the brick and trim must follow United States Department of the Interior guidelines, as stated in the Secretary of the Interior's "Standards for Rehabilitation."

(C) Accent colors may be used on window frames, mullions, and doors, but must comply with the hue, value, and chroma content of the Munsell Color System as outlined in the Munsell Book of Color, Neighboring Hues Collection, 1973.

(7) Signs. All exterior signs and graphics must be reviewed and approved for compatibility through the certificate of appropriateness process. Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

(8) New construction.

(A) Existing front and side yard setbacks must be preserved and no new building construction is allowed, except:

- (i) the installation of chillers;
- (ii) erection of a screening wall on the south side of the building near the 1935 addition facing Oak Lawn Avenue as shown on the conceptual plan; and
- (iii) construction of a maximum six-foot-tall security fence that is 70 percent open in the location shown on the development plan.

(B) The existing courtyards that face the protected public space must be preserved and maintained.

(9) Tree preservation.

(A) The existing mature tree cover must be preserved.

(B) Surface parking lots are prohibited to protect the existing tree root systems. A circular drive for access to the Old Parkland Building as shown on the development plan is permitted if it will not adversely affect the tree root systems; limited parking may occur along the drive. Grass or groundcover must be provided to further protect the trees. Any paving surface used to preserve the trees must be approved by the building official.

(C) Any tree listed in the inventory of existing trees (Exhibit 262C) must be replaced with one of the same variety within six months of its loss, with a four-inch minimum caliper dimension for any single tree. Replacements must be placed within the original tree canopy area.

(D) Before the issuance of a building permit, a plan for maximum protection of all the trees must be submitted to and approved by the city plan commission and filed with the landmark commission.

(b) Tract 2.

(1) New construction that is physically attached to existing structures located in Tract 1 will affect the structures located in Tract 2. Therefore, a certificate of appropriateness is required for the following items and must be reviewed by the landmark commission using only the Secretary of the Interior's Standards for Rehabilitation:

(A) Facade materials for new construction that is physically attached to existing structures located in Tract 1.

(B) The relationship of glass to opaque areas of new facades.

(C) Window articulation.

(D) The cornice lines articulated on existing structures located in Tract 1 must also be reflected in any new construction fronting Reagan, Maple, or Oak Lawn Avenues and attached to the buildings located in Tract 1.

(E) Detailing, materials, and solid-to-void relationships for any new construction that is physically attached to existing structures located in Tract 1.

(2) Any new construction not a part of a structure that is physically attached to a structure located in Tract 1 is exempt from the certificates of appropriate process.

(c) Tract 3.

(1) All buildings and facades are subject to the following preservation criteria and any changes to such buildings and facades must be approved through the certificate of appropriateness process in the Dallas Development Code.

(2) Building site and landscaping.

(A) New construction is prohibited in the no-build zone shown on the preservation plan (Exhibit 262E).

- (B) The nurses' building shown on the preservation plan, is protected.
 - (C) New driveways, parking areas, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, or other appropriate material.
 - (D) Artificial grass, asphalt, and exposed aggregate are not permitted.
 - (E) Driveways and parking areas are not permitted in the front yard, except as shown on the preservation plan.
 - (F) Garages are permitted only behind the nurses' building: carports are not permitted.
 - (G) New mechanical equipment may be erected in the mechanical yard area as approximately shown on the preservation plan, and must be screened.
 - (H) Water pumps and related equipment may be located in the area behind a line parallel to Maple Avenue along the front facade of the building: pumps and equipment must be less than four feet in height and screened by landscaping or a wall that is less than four feet in height.
 - (I) Landscaping.
 - (i) Outdoor lighting must be appropriate and enhance the structure.
 - (ii) Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
 - (iii) It is recommended that landscaping reflect the historic landscape design.
 - (iv) Existing trees are protected, except that unhealthy or damaged trees may be removed.
 - (v) A six-foot-tall security fence that is 70 percent open may be built in the location shown on the development plan.
- (3) Facades.
- (A) Protected facades.
 - (i) The facades shown on the preservation plan are protected.
 - (ii) Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
 - (iii) Historic solid-to-void ratios of protected facades must be maintained.
 - (iv) Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.

(v) Brick, cast stone, terra cotta, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted before the effective date of this ordinance may remain painted.

(B) Reconstruction, renovation, repair, or maintenance of non-protected facades must be compatible with protected features.

(C) Wood siding, trim, and detailing must be restored wherever practical.

(D) All exposed wood must be painted, stained, or otherwise preserved.

(E) Historic materials must be repaired if possible; they may be replaced only when necessary.

(F) Paint must be removed in accordance with the Secretary of the Interior's Standards and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before refinishing.

(G) Aluminum siding, stucco, and vinyl cladding are not permitted.

(H) Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.

(I) Exposing and restoring historic finish materials is recommended.

(J) Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

(4) Fenestration and openings.

(A) Existing door and window openings on protected facades must be preserved.

(B) Replacement of doors and windows which have been altered and no longer match the historic appearance is recommended.

(C) Doors and windows that have been altered and no longer match the historic appearance of the building should be replaced using available historical, pictorial, and physical documentation, or be compatible with the window openings and the historic character of the building.

(D) Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades unless they were there historically. Interior mounted burglar bars are permitted if appropriate.

(E) Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass. New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.

(F) The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

(5) Roofs.

(A) The historic slope, character, and configuration of the roof must be preserved and maintained.

(B) Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.

(C) Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level directly across Maple Avenue from the nurses' building.

(6) Porches and balconies.

(A) The front porch and balcony are protected.

(B) The front porch and balcony may not be enclosed.

(C) Historic columns, stairs, detailing, metal railings, and trim on the front porch and balcony are protected.

(D) The historic concrete porch floor with tile finishes must be maintained. It must not be painted or covered in brick, concrete, stone, or wood. A clear sealant is acceptable on porch floors.

(7) Embellishments and detailing. The following architectural elements are considered important features and are protected:

(A) Front porch and balcony and metal railings.

(B) Door openings and doors at the front porch and balcony.

(C) Window openings at protected facades.

(D) Door openings at protected facades.

(E) Brick and brick quoins at corners of the exterior facades.

(F) Terra cotta detailing and trim.

(G) Brick and terra cotta parapet and arched parapet gable at the front facade.

(H) Terra cotta parapet cap.

(8) New construction and additions.

(A) Stand-alone new construction is not permitted in the no-build zone shown on the preservation plan.

(B) Except for mechanical equipment and screening, vertical additions to the nurses' building are not permitted.

(C) Horizontal additions to the nurses' building are permitted only in the areas shown on the preservation plan.

(D) The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure.

(E) New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.

(F) The height of new construction and additions must not exceed the height of the historic structure with the exception that the height of the parapet at a rear addition may be three feet higher than the existing parapet and include a parapet gable (similar to the historic gable at the front facade) that may extend an additional four feet in height above the top of the parapet as shown on the elevations (Exhibit 262F). For a clock tower structure that only contains floor area for maintenance purposes, maximum height is 240 feet.

(G) Aluminum siding, stucco, and vinyl cladding are not permitted.

(H) New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions. (Ord. Nos. 19432; 25711; 26590; 27952)

SEC. 51P-262.113. SIGNS.

All signs must comply with the provisions for business zoning districts contained in Article VII. No non-premise signs are permitted. (Ord. Nos. 19432; 25711; 26590)

SEC. 51P-262.114. RESERVED. (Ord. Nos. 19432; 25711; 26590)

SEC. 51P-262.115. GENERAL REQUIREMENTS.

Utilization of the Property must comply with the requirements of the Oak Lawn Special Purpose District (Article 193) and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 19432; 25711; 26590)

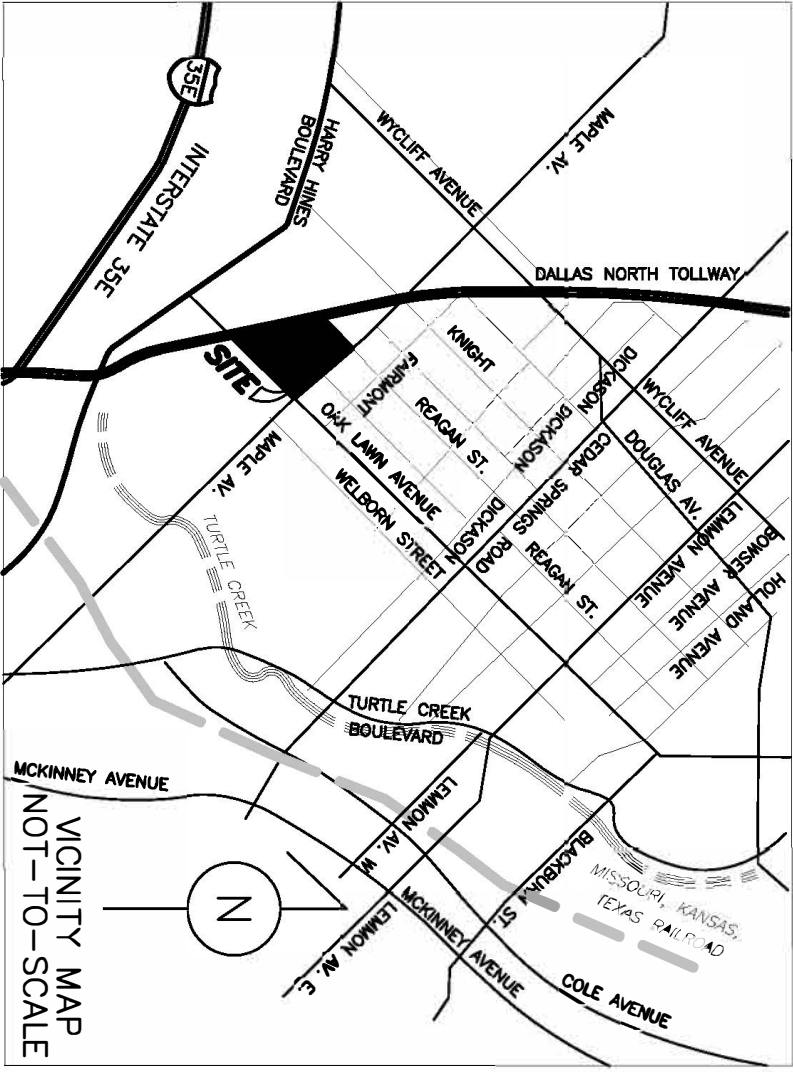
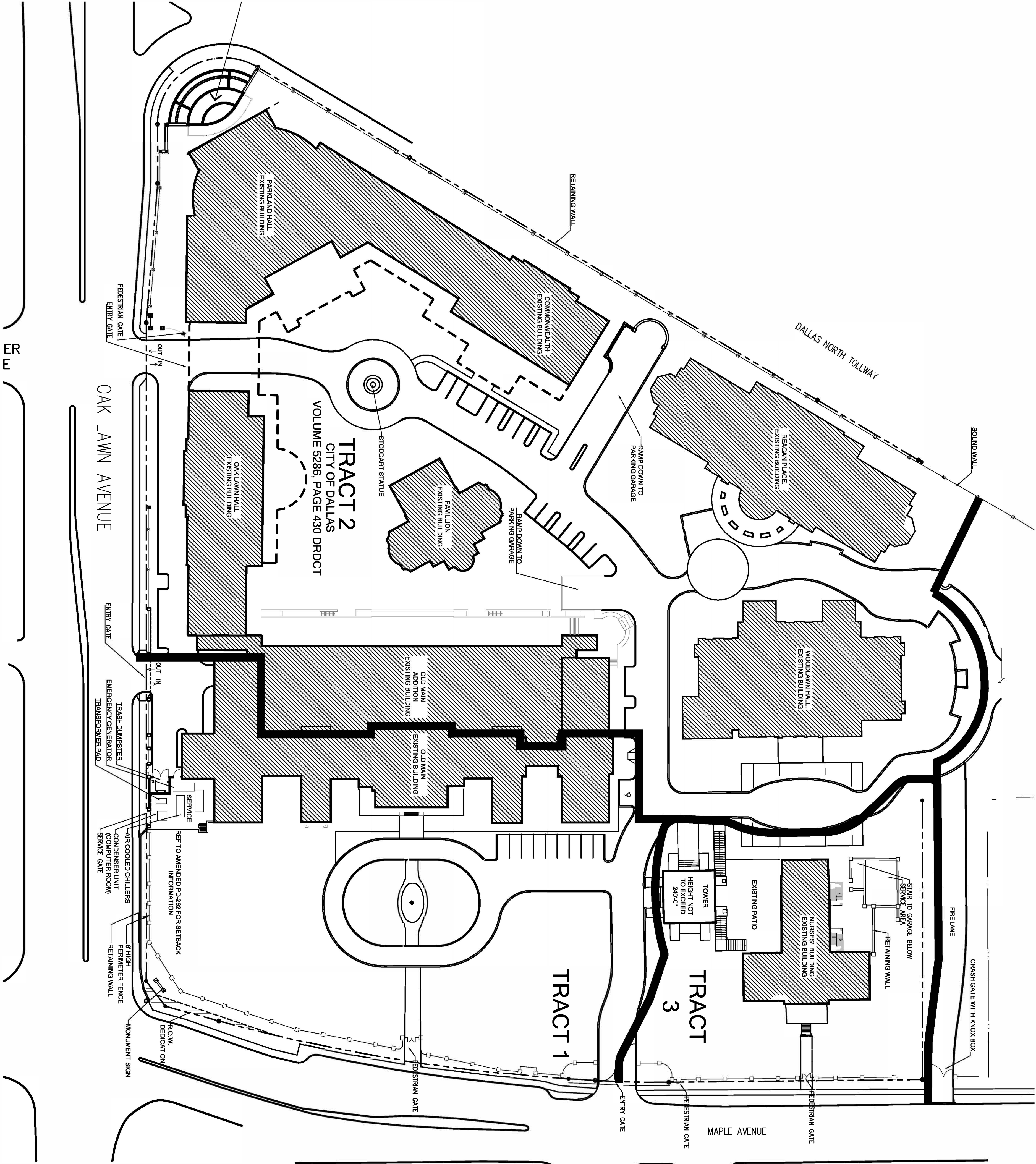
SEC. 51P-262.116. PAVING.

Except as provided in this section, 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. Alternative materials, including crushed granite, may be used for drives and parking areas in the environmental zone, subject to the approval of the director of development services as routine maintenance. The director may require a report from the city arborist and an engineering analysis to support any request for alternative materials. (Ord. Nos. 22379; 25711; 26590)

SEC. 51P-262.117. COMPLIANCE WITH CONDITIONS.

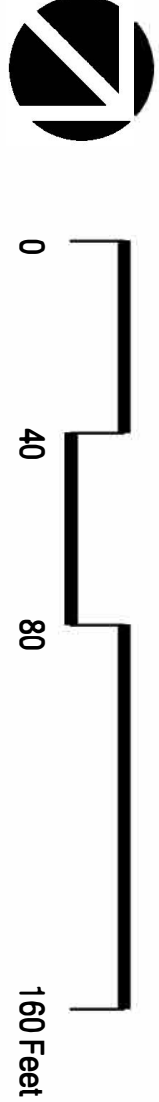
The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 22379; 25711; 26590)

EXHIBIT 262-A
CONCEPTUAL PLAN
Old Parkland Campus
Dallas, Texas

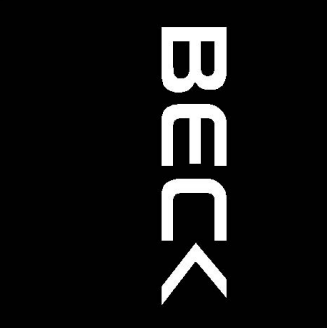


OLD PARKLAND CAMPUS
3819 MAPLE AVENUE &
2215 OAK LAWN AVENUE
DALLAS, TEXAS

CONCEPTUAL PLAN
PREPARED 10/09/19



CASE Z189-299



SITE ANALYSIS: REVISED

TOTAL SITE AREA = APPROX. 389,959 SF OR 8.95 ACRES
TOTAL SITE F.A.R. = 2.1

PARKING AND LANDSCAPE REQUIREMENTS TO BE PROVIDED PURSUANT TO THE REQUIREMENTS OF P.D. 193 EXCEPT THAT TRACT 1 IS TO BE PRESERVED AS A HISTORIC LANDSCAPE UNDER LANDMARK COMMISSION REVIEW
FOR TREE SPECIE AND CALIPER REFER TO SURVEY BY COUNTY OF DALLAS, TEXAS DEPARTMENT OF PUBLIC WORKS, DATED 10/9/86.

TRACT 1: APPROX. 98,138 SF OR 2.25 ACRES

1. EXISTING BUILDING TO REMAIN. ALTERATIONS REQUIRE LANDMARK COMMISSION APPROVAL

2. LIMITED ACCESS DRIVE WITH LANDMARK COMMISSION APPROVAL

3. NO ADDITIONAL HEIGHT.

TRACT 2: APPROX. 237,264 SF OR 5.4 ACRES

1. LANDMARK COMMISSION APPROVAL NOT REQUIRED, EXCEPT WHERE NEW CONSTRUCTION IS PHYSICALLY CONNECTED TO EXISTING STRUCTURE.

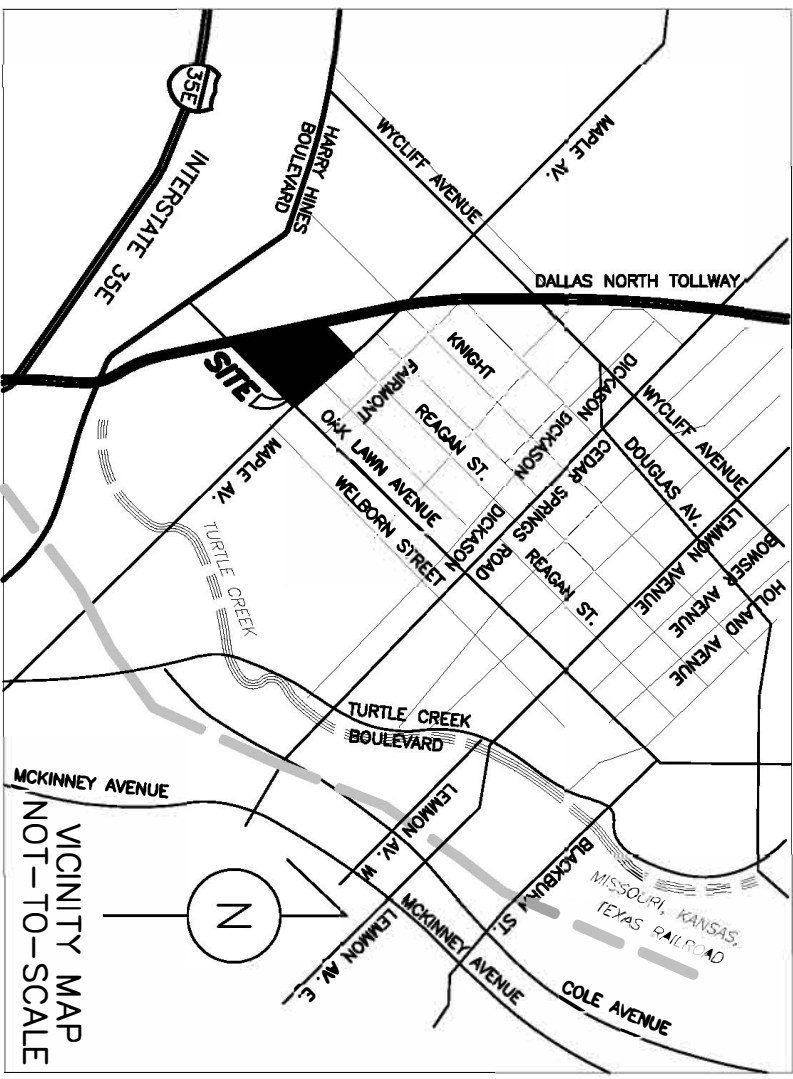
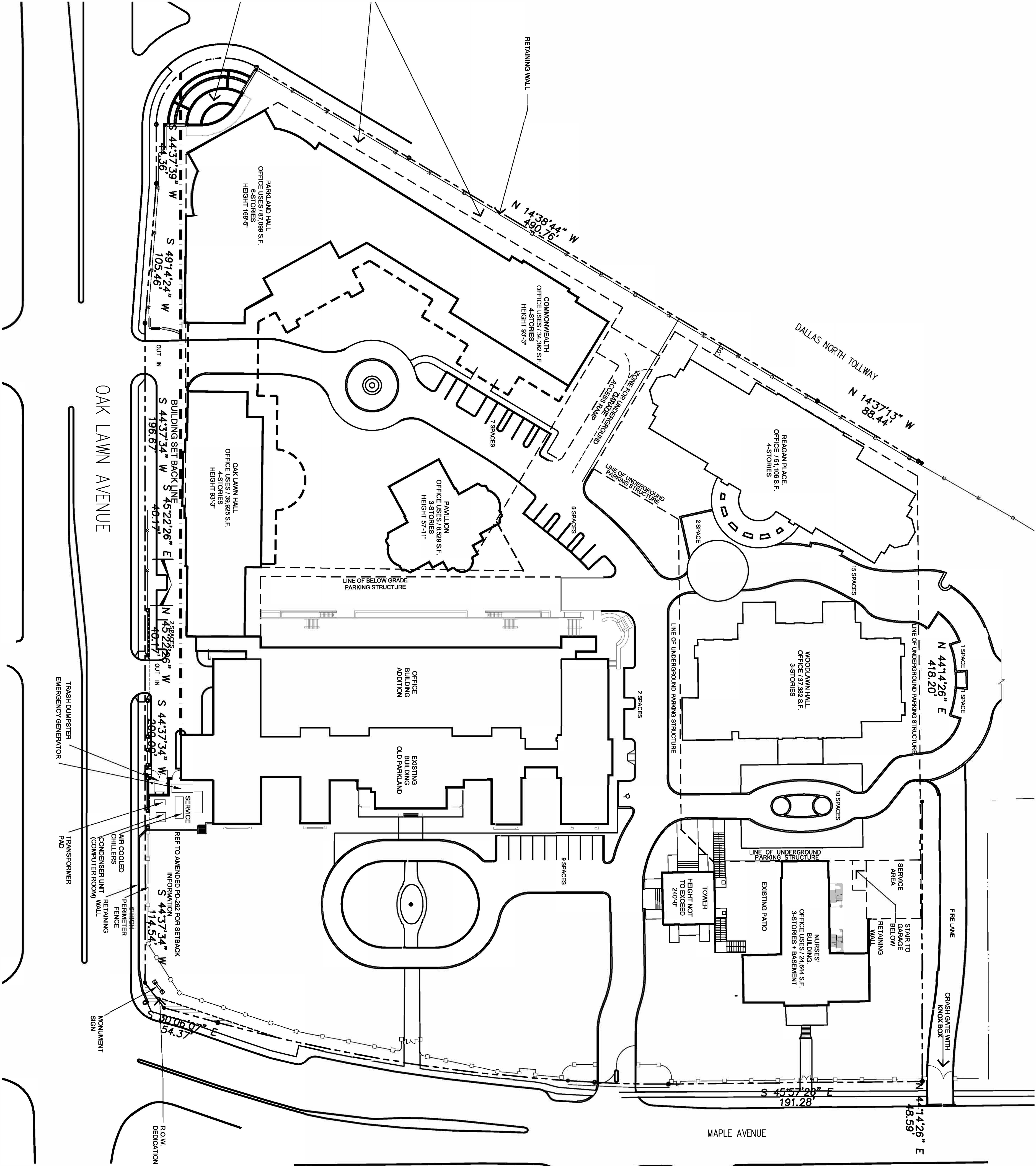
2. HEIGHT: 24'0"

3. LOT COVERAGE: 80% OF TRACT 1 & 2, INCLUDING STRUCTURED PARKING.

TRACT 3: APPROX. 38,648 SF OR 0.89 ACRES

1. EXISTING BUILDING TO REMAIN. ALTERATIONS REQUIRE LANDMARK COMMISSION APPROVAL.

EXHIBIT 262-B
DEVELOPMENT PLAN
Old Parkland Campus
Dallas, Texas

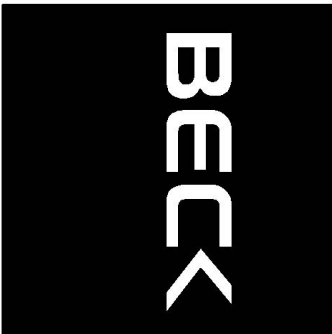


OLD PARKLAND CAMPUS
3819 MAPLE AVENUE &
2215 OAK LAWN AVENUE
DALLAS, TEXAS

DEVELOPMENT PLAN
PREPARED 10/09/19

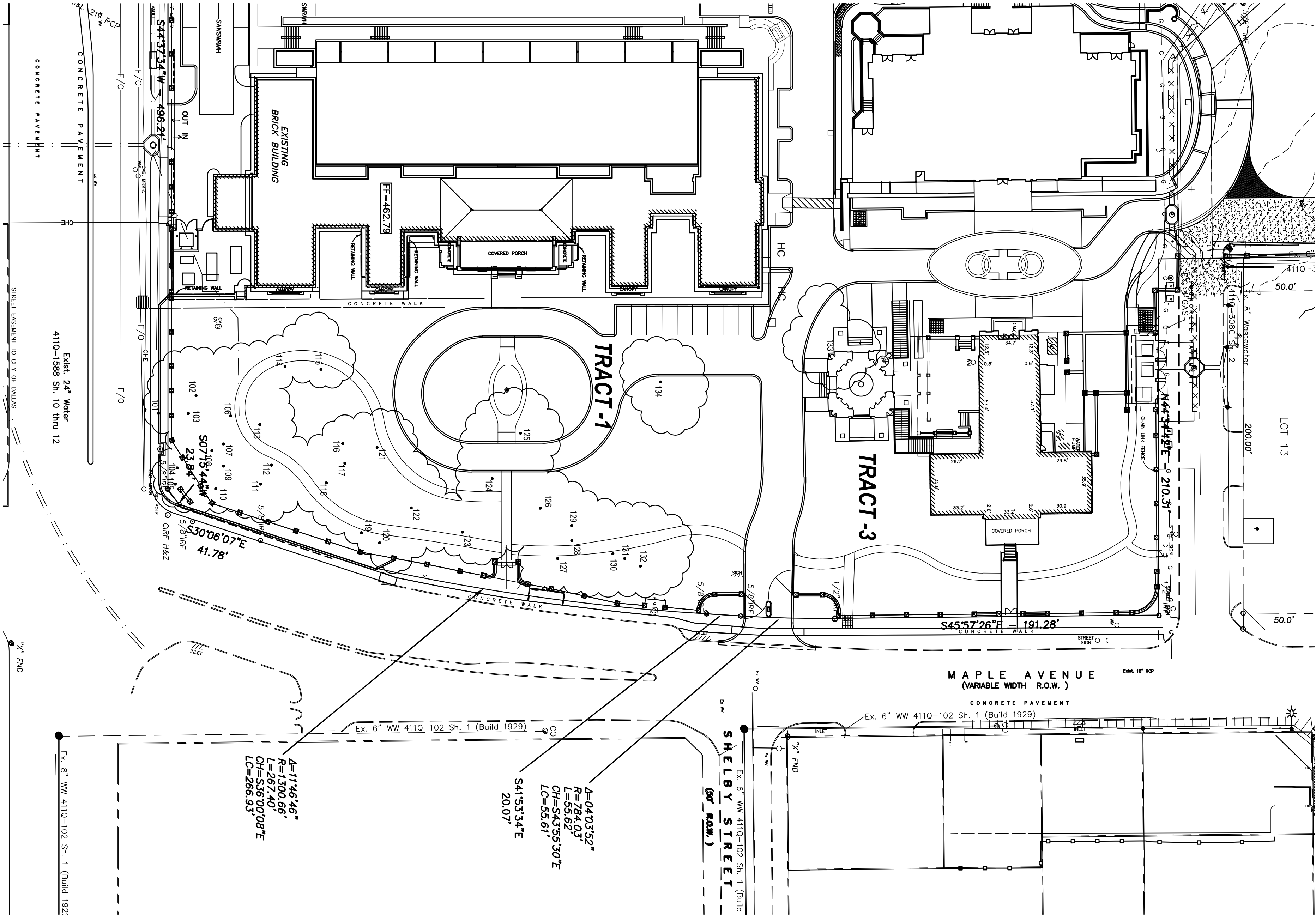


CASE Z189-299



PROJECT DATA	
ORIGINAL BUILDING / OLD PARKLAND	53,534 S.F.
BASEMENT LEVEL, OLD PARKLAND	(18,597 S.F. **)
OFFICE BUILDING ADDITION	16,326 S.F.
SUB-TOTAL	51,263 S.F.
**18,597 S.F. BASEMENT NOT INCLUDED IN PARKING RECORD PER PD022	
ORIGINAL BUILDING / NURSES' QUARTERS	24,644 S.F.
BASEMENT LEVEL, NURSES' BUILDING	(6,537 S.F. **)
**6,537 S.F. BASEMENT NOT INCLUDED IN PARKING RECORD PER PD022	
WOODLAWN HALL	37,382 S.F.
REAGAN PLACE	51,106 S.F.
PARKLAND HALL	145,000 S.F.
SUB-TOTAL	233,968 S.F.
* ALL BUILDING USES ARE OFFICE USES	
PROJECT TOTAL BUILDING AREA	302,858 S.F.
PARKING ANALYSIS	
ORIGINAL BUILDING / BELOW GRADE PARKING	108 SPACES
ORIGINAL BUILDING / SURFACE PARKING	11 SPACES
WOODLAWN HALL / NURSES' QUARTERS / REAGAN PLACE	306 SPACES
BELOW GRADE PARKING	4 SPACES
WOODLAWN HALL / NURSES' QUARTERS / REAGAN PLACE	314 SPACES
PARKLAND HALL	743 SPACES
TOTAL CAMPUS PARKING PROVIDED	743 SPACES
PARKING REQUIRED PER PD	719 REQUIRED
302,858 S.F. X 1 SP/6000 S.F.	

EXHIBIT 262-C
TREE PRESERVATION PLAN
Old Parkland Campus
Dallas, Texas



TREE SURVEY FIELD DATA- TRACT-1

NO.	DIA. INCHES	SPECIES (COMMON NAME)	REMARKS
101	15	POST OAK	TO REMAIN
102	20	POST OAK	TO REMAIN
103	18	POST OAK	TO REMAIN
104	13	POST OAK	TO REMAIN
105	12	POST OAK	TO REMAIN
106	22	POST OAK	TO REMAIN
107	19	POST OAK	TO REMAIN
108	21	POST OAK	TO REMAIN
109	15	POST OAK	TO REMAIN
110	12	POST OAK	TO REMAIN
111	20	POST OAK	TO REMAIN
112	20	POST OAK	TO REMAIN
113	18	POST OAK	TO REMAIN
114	20	POST OAK	TO REMAIN
115	19	POST OAK	TO REMAIN
116	20	POST OAK	TO REMAIN
117	23	POST OAK	TO REMAIN
118	33	POST OAK	TO REMAIN
119	37	POST OAK	TO REMAIN
120	15	POST OAK	TO REMAIN
121	15	POST OAK	TO REMAIN
122	28	POST OAK	TO REMAIN
123	13	POST OAK	TO REMAIN
124	24	POST OAK	TO REMAIN
125	21	POST OAK	TO REMAIN
126	15	POST OAK	TO REMAIN
127	28	POST OAK	TO REMAIN
128	21	POST OAK	TO REMAIN
129	21	POST OAK	TO REMAIN
130	28	POST OAK	TO REMAIN
131	17	POST OAK	TO REMAIN
132	17	POST OAK	TO REMAIN
133	26	POST OAK	TO REMAIN
134	26	PECAN	TO REMAIN

TREE SURVEY FIELD DATA- TRACT-3

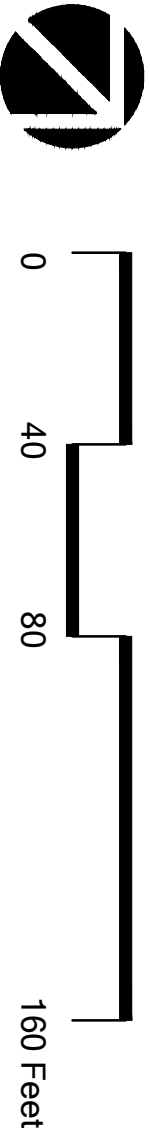
NO.	DIA. INCHES	SPECIES (COMMON NAME)	REMARKS
133	32	POST OAK	TO BE REMOVED

TOTAL CALIPER INCHES ON SITE: 32"
TOTAL CALIPER INCHES REMOVED: 32"
MITIGATION TO BE PROVIDED PER THE CITY OF DALLAS ARTICLE
X TREE REPLACEMENT REQUIREMENTS

TOTAL CALIPER INCHES ON SITE: 699"
NO ORIGINAL POST OAK TREES TO BE REMOVED. PROTECTED TREES WILL BE MAINTAINED AND PROTECTED BY THE CITY OF DALLAS ARTICLE X TREE REPLACEMENT REQUIREMENTS

OLD PARKLAND CAMPUS
3819 MAPLE AVENUE &
2215 OAK LAWN AVENUE
DALLAS, TEXAS

TREE PRESERVATION PLAN
PREPARED 10/09/19



CASE Z189-299



28872

Exhibit 262D

130126

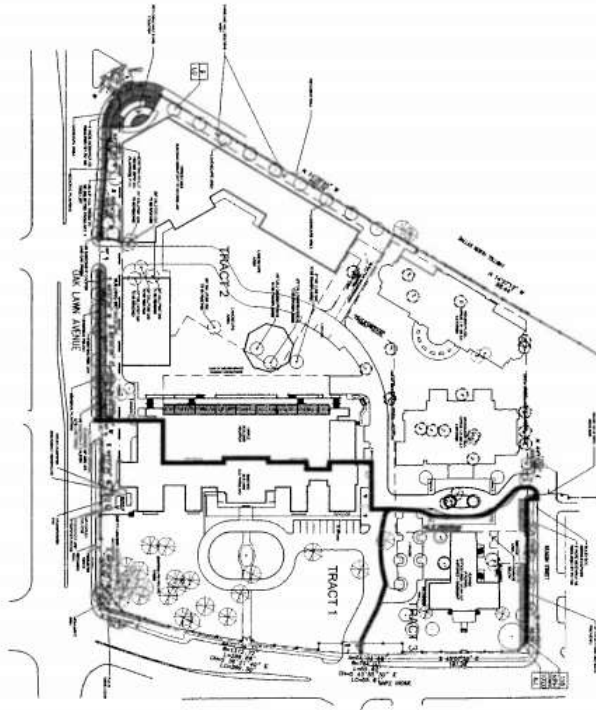


EXHIBIT 262-D
LANDSCAPE PLAN
 Old Parkland Campus
 Dallas, Texas

OLD PARKLAND CAMPUS
 3819 MAPLE AVENUE &
 2215 OAK LAWN AVENUE
 DALLAS, TEXAS
 LANDSCAPE PLAN
 PREPARED 11/08/12



CASE 2112-286



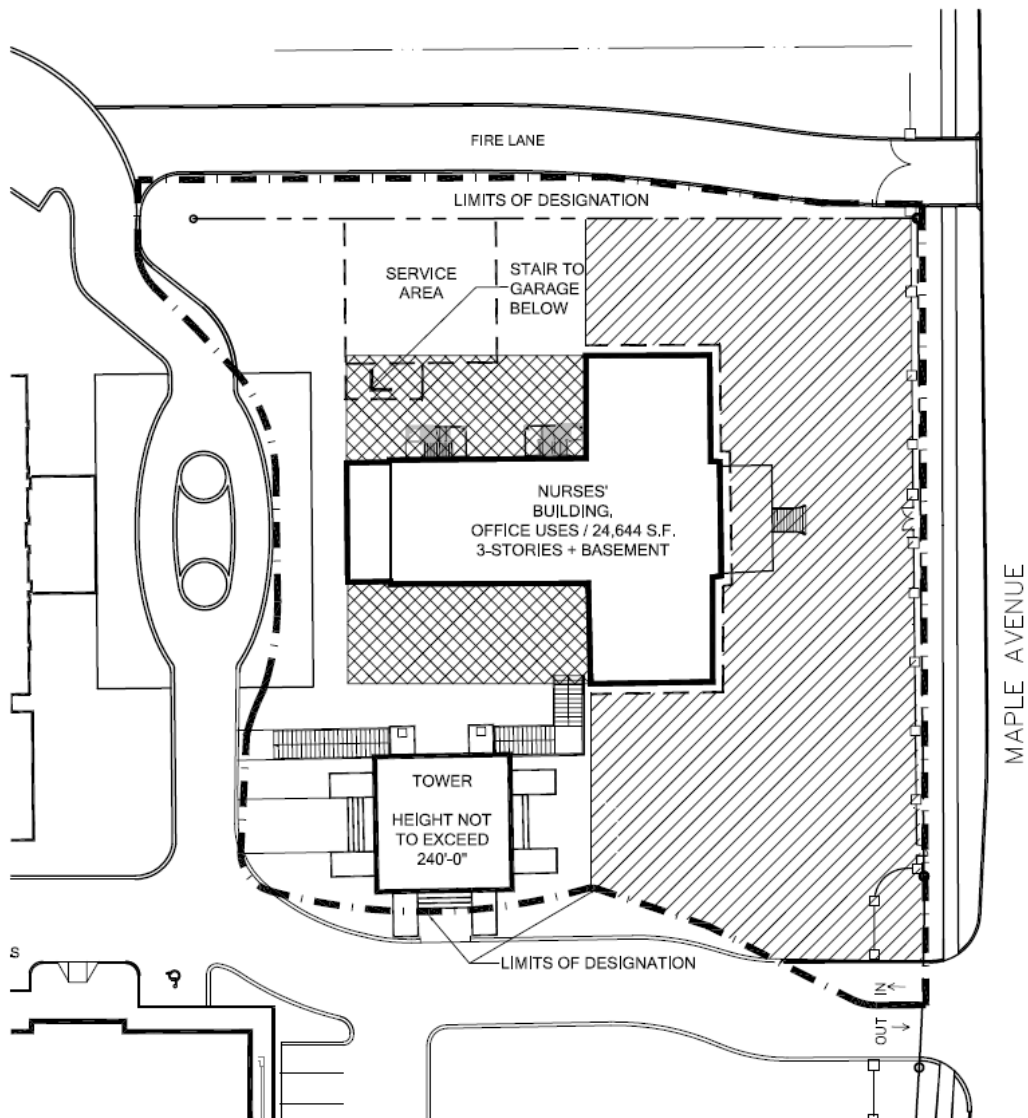
PLANT LIST

PLANT LIST	QUANTITY	REMARKS
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100. PLANT LIST	1	PLANT LIST

Planned Development
 District No. 262

Approved
 City Plan Commission
 November 15, 2012

CPC RECOMMENDED TRACT 3 PRESERVATION PLAN



LEGEND

- · — LIMITS OF DESIGNATION
- - - PROTECTED FACADE
-  NO BUILD ZONE
-  BUILDABLE AREA



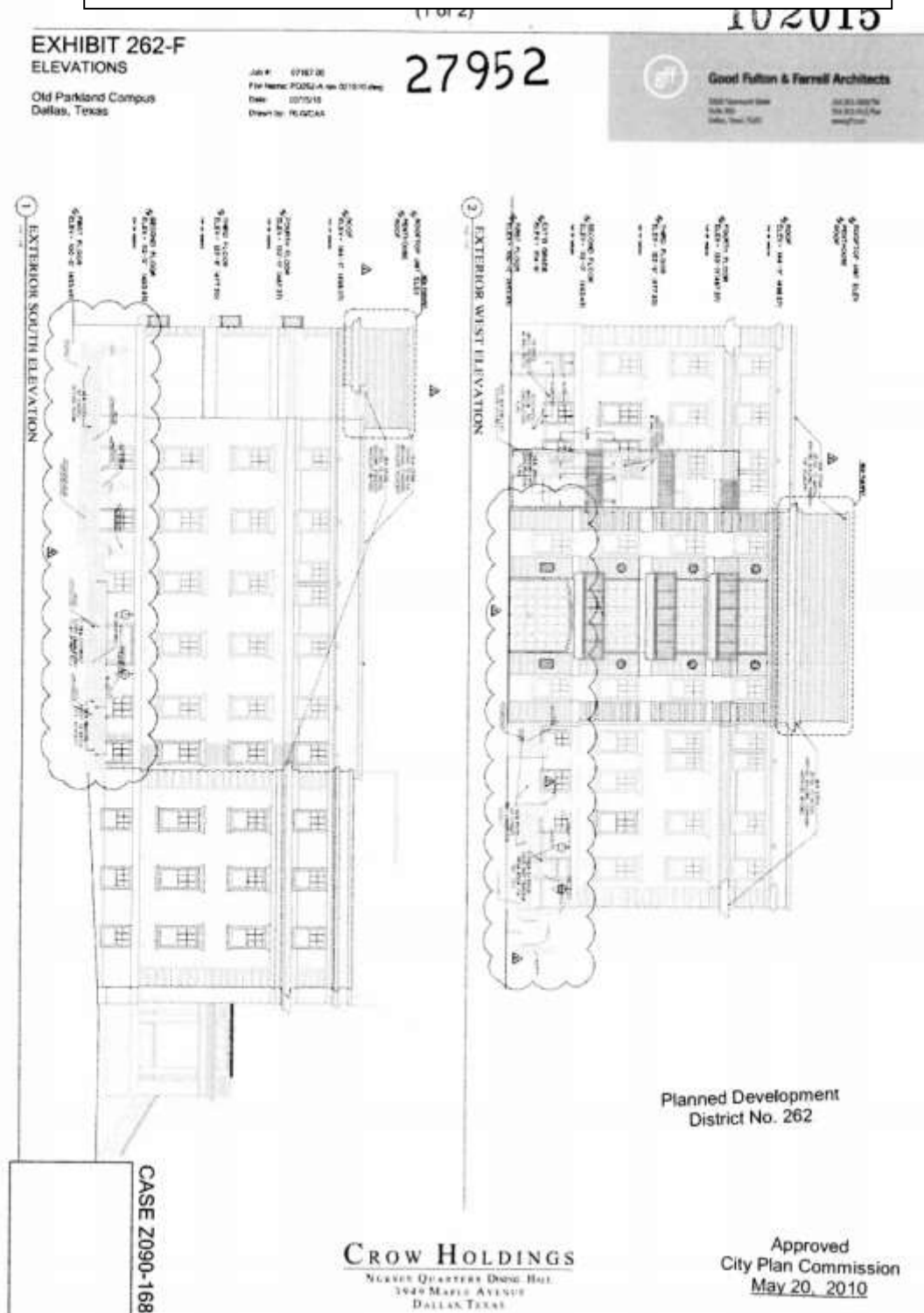
CASE Z189-299

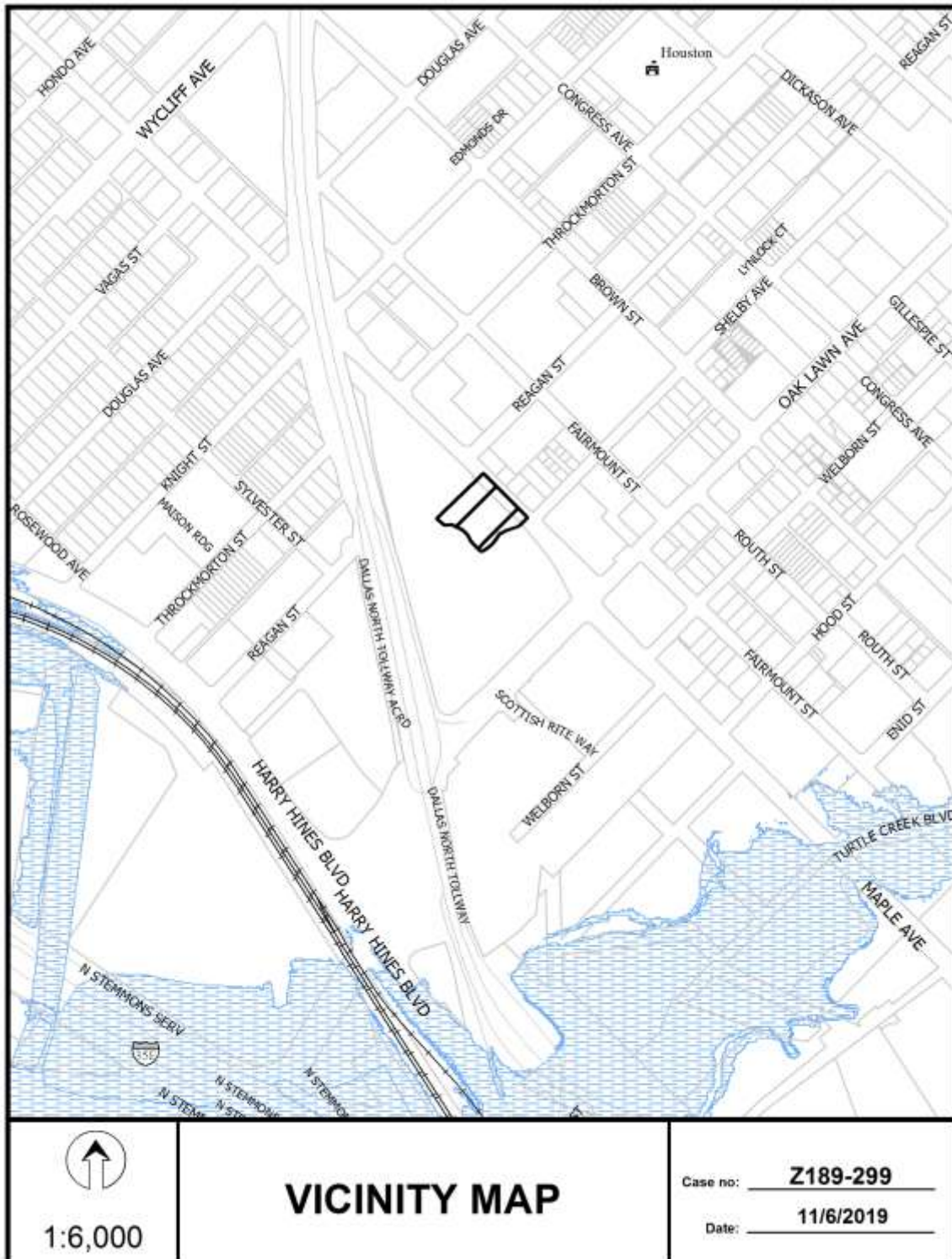
EXHIBIT 262-E
Tract 3
Old Parkland Campus
Dallas, Texas

Job #: 171588
File Name: 262E.dwg
Date: 10/10/2019

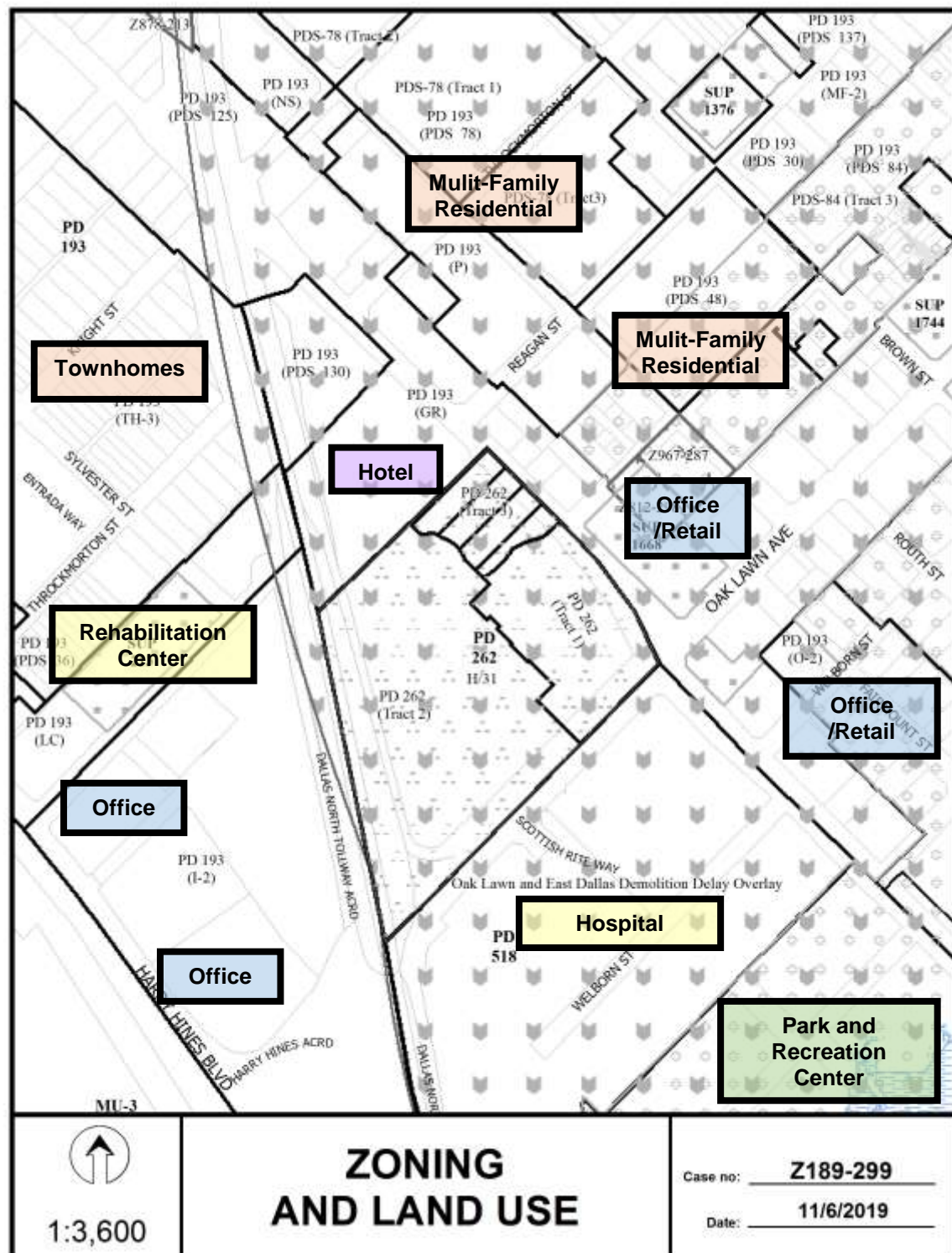


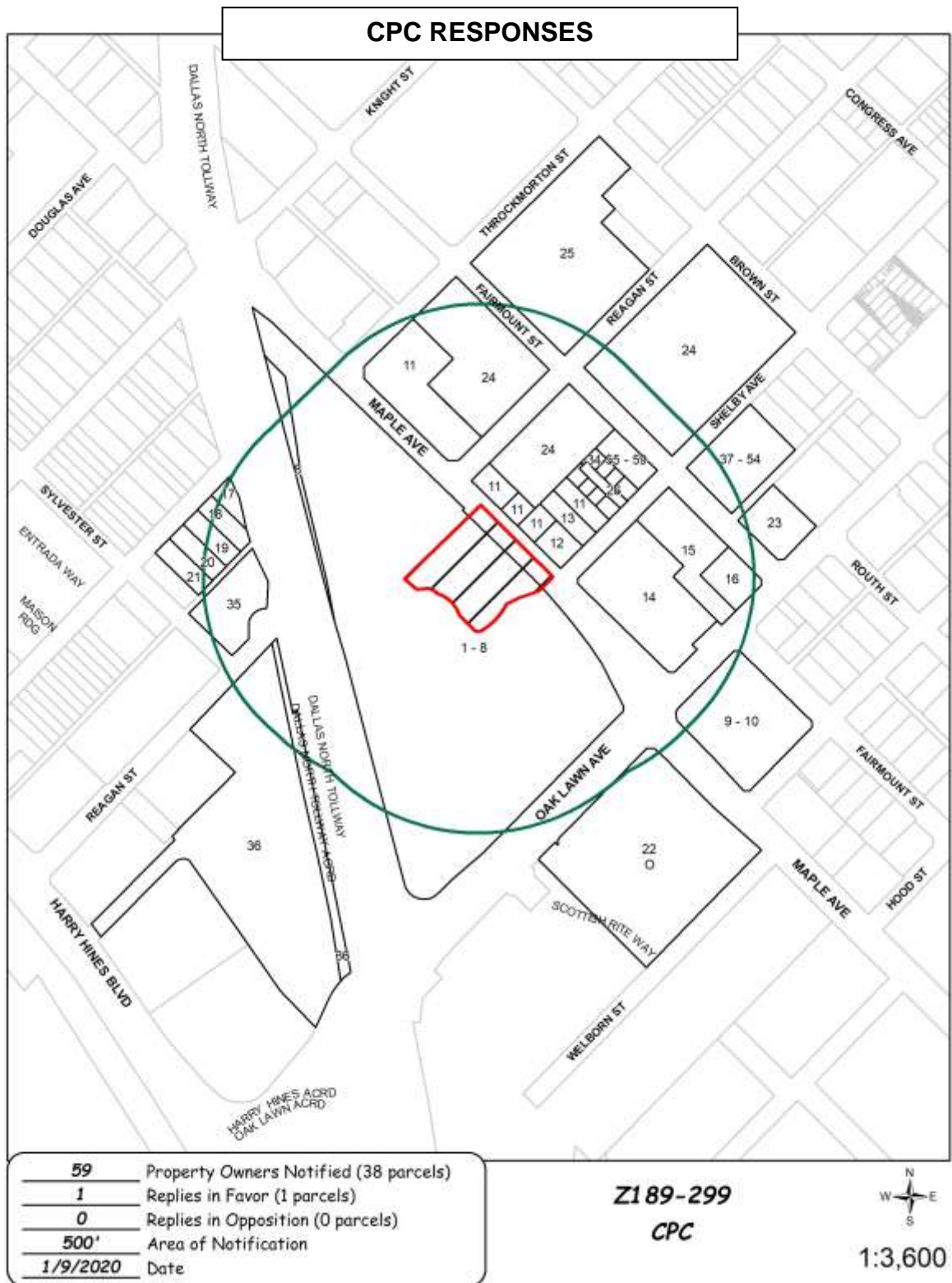
EXISTING ELEVATIONS (NO CHANGE)











01/08/2020

Reply List of Property Owners***Z189-299******59 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3953 MAPLE AVE	OLD PARKLAND UNIT C LLC
	2	3963 MAPLE AVE	OLD PARKLAND UNIT D LLC
	3	4001 MAPLE AVE	TRT OLD PARKLAND LLC
	4	2215 OAK LAWN AVE	OLD PARKLAND UNIT F LLC
	5	2215 OAK LAWN AVE	OLD PARKLAND UNIT G LLC
	6	2215 OAK LAWN AVE	OLD PARKLAND UNIT H LLC
	7	2215 OAK LAWN AVE	OLD PARKLAND UNIT A LLC
	8	3819 MAPLE AVE	OLD PARKLAND UNIT K LLC
	9	3716 MAPLE AVE	EXXON CORPORATION
	10	3720 OAK LAWN AVE	TEXAS SCOTTISH RITE HOSPITAL
	11	3920 MAPLE AVE	SOUTH TOLLWAY 3920 LP
	12	3902 MAPLE AVE	PAPPAS JASON &
	13	2507 SHELBY AVE	PAPPAS HARRIS PROPERTIES LLC
	14	2501 OAK LAWN AVE	INTERNATIONAL BANK OF COMMERCE
	15	2519 OAK LAWN AVE	WEISFELD HERSCHEL A
	16	2529 OAK LAWN AVE	SOUTHLAND CORP
	17	2422 THROCKMORTON ST	SKALSKI STEVEN
	18	2418 THROCKMORTON ST	PALETTI JUDITH R
	19	2414 THROCKMORTON ST	RAMOS CLEMENTINA M
	20	2410 THROCKMORTON ST	MANZANARES MARY L
	21	2406 THROCKMORTON ST	PINEDA JOSEPHINE EST OF
O	22	3721 MAPLE AVE	TEXAS SCOTTISH RITE HOSPITAL
	23	2603 OAK LAWN AVE	2603 OAK LAWN INC
	24	2626 REAGAN ST	SEVILLE UPTOWN LP
	25	2626 THROCKMORTON ST	DRI/MAPLE AF3 APT LLC
	26	2517 SHELBY AVE	SHELBY TOWNHOMES OWN ASSO

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2517	SHELBY AVE	NAIK MAYUR
28	2517	SHELBY AVE	HALL DAVID M
29	2517	SHELBY AVE	AUSTIN TANGULAR
30	2517	SHELBY AVE	GARZA LORI A
31	2519	SHELBY AVE	DESAI SAGAR & POONAM
32	2519	SHELBY AVE	BATES SAM
33	2519	SHELBY AVE	KINSER EVAN W
34	2519	SHELBY AVE	HOEDEBECK CHARLES E
35	2363	REAGAN ST	PRESCOTT INTERESTS LTD
36	2338	REAGAN ST	NORTH TEXAS TOLLWAY
37	2606	SHELBY AVE	AMUNDSON LUCAS 2003 ASSET MGMT TRUST
38	2606	SHELBY AVE	HORSESHOE BUILDERS LP
39	2606	SHELBY AVE	STAFFORD MARK ALEXANDER
40	2606	SHELBY AVE	HOLM SUZANNE
41	2606	SHELBY AVE	LEAL MARCIAL III &
42	2606	SHELBY AVE	BADER KATIE LEE & STEVEN
43	2606	SHELBY AVE	BARGEN JUSTIN VON
44	2606	SHELBY AVE	MEIER MICHAEL J &
45	2606	SHELBY AVE	SMART BRITTANY A
46	2606	SHELBY AVE	GANNAWAY KERRY G &
47	2606	SHELBY AVE	SORDELLI ALDO E JR &
48	2606	SHELBY AVE	OSPINA ESNEYDER
49	2606	SHELBY AVE	MACARAEG MARLOU &
50	2606	SHELBY AVE	STRICKLAND JEREMY K
51	2606	SHELBY AVE	BALTER JEFFREY C &
52	2606	SHELBY AVE	WAITE SARA A
53	2606	SHELBY AVE	VO HELEN
54	2606	SHELBY AVE	JUBANG MICHAEL J
55	3911	FAIRMOUNT ST	BUTSUAMLAK AMANUEL
56	3911	FAIRMOUNT ST	HUNTER BRYAN
57	3911	FAIRMOUNT ST	CULBERT SHERRY

Z189-299(LC)

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3911	FAIRMOUNT ST	BUTSUAMLAK AMANUEL &
59	3911	FAIRMOUNT ST	TSEGGAY HADDAS &



Agenda Information Sheet

File #: 20-175

Item #: Z4.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 9
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 an amendment to Planned Development District No. 824 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned Planned Development District No. 824, on the northwest corner of Lingo Lane and Millmar Drive
Recommendation of Staff and CPC: Approval, subject to a revised development plan, traffic management plan, and conditions
Z189-320(PD)

ACM: Majed Al-Ghafry**FILE NUMBER:** Z189-320(PD) **DATE FILED:** July 26, 2019**LOCATION:** Northwest corner of Lingo Lane and Millmar Drive**COUNCIL DISTRICT:** 9 **MAPSCO:** 38 Q**SIZE OF REQUEST:** ±24.803 acres **CENSUS TRACT:** 124.00**REPRESENTATIVE:** Karl A. Crawley, Masterplan Consultants**APPLICANT/OWNER:** Dallas Independent School District

REQUEST: An application for an amendment to Planned Development District No. 824 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school use on property zoned Planned Development District No. 824.

SUMMARY: The applicant proposes an 80,700-square-foot building addition and a future expansion area to the existing school [Bryan Adams High School] for a total floor area of 291,739 square feet. The addition will accommodate a fine arts addition and a competition gymnasium/storm shelter. Additionally, the applicant proposes to amend the yard, lot, and space regulations by increasing the maximum allowable floor area, the maximum height; and to modify the landscape regulations to allow for the creation of an artificial lot.

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

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

BACKGROUND INFORMATION:

- The 24.803-acre request site is developed with a high school use [Bryan Adams High School] and contains approximately 230,513 square feet.
- The existing school was originally constructed in 1956 and located in the Casa View neighborhood of East Dallas.
- The existing school currently provides social, recreational, referral, or out-patient medical, dental, and optical treatment services to students and parents. The service is an accessory use to the main school use and is located in the “Youth and Family Center”.
- The request site is zoned Planned Development District No. 824. PDD No. 824 was established by the City Council on May 12, 2010 and allows a public school other than an open-enrollment charter school and R-7.5(A) Single Family District uses.
- The applicant is proposing an 80,700-square-foot building addition and a future expansion area to the existing school [Bryan Adams High School], for a total floor area of 291,739 square feet and an expansion area totaling 30,700 square feet. The addition will accommodate a fine arts addition and a competition gymnasium/storm shelter. Additionally, the applicant proposes to amend the yard, lot, and space regulations by increasing the maximum allowable floor area, the maximum height; and to modify the landscape regulations to allow for the creation of an artificial lot.

Zoning History: There have been no recent zoning change requests in the vicinity within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Millmar Dr.	Local	60 ft.	60 ft.
Lingo Lane	Local	60 ft.	60 ft.
Peavv Road	Local	60 ft.	60 ft.
Highwood Drive	Local	60 ft.	60 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 the high school use. The Engineering Division of the Sustainable Development and Construction Department reviewed the request and determined 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:

	Zoning	Land Use
Site	PDD No. 824	High School
North	R-7.5(A)	Single Family
South	R-7.5(A)	Single Family
East	R-7.5(A)	Single Family
West	R-7.5(A)	Single Family

Land Use Compatibility

The 24.803-acre request site is the location of the Bryan Adams High School and developed with one and two-story structures with a total floor area of 230,513-square-

feet. The applicant's request for an amendment to Planned Development District No. 824 will facilitate the following: 1) an 80,700-square-foot building addition to accommodate a Fine Arts and a competition gymnasium/storm shelter, 2) 30,700-square-foot future expansion area, 3) increase the maximum height from 30 feet to 45 feet only for certain structures, 4) restrict the maximum 60-foot fly space to the theater only, 5) include a definition of fly space, 6) and create an artificial lot to comply with the landscape requirements of Article X, as amended.

Recent state regulations requiring schools to provide storm shelters is the basis for this request. The 80,632-square-foot addition housing the proposed gymnasium/storm shelter and Fine Arts structure will allow a maximum overall floor area of 284,990 square feet serving 2,046 students and 80 classrooms for grades 9 through 12.

Surrounding land uses consist of single family to the north, south, east, and west.

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-7.5(A) district. This protects the neighborhood in the event of a possible replat or change of use in the property.

Staff supports the amendment because the school has operated within the community at this location for over 60 years, the proposed addition will facilitate compliance with state laws, the proposed increase in height will only apply to the additions, and the proposed additions will facilitate the removal of 16 portable classrooms. Staff considers the requested amendment 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.

Parking:

The requirement for off-street parking for the school is derived from three criteria: 1) the number of classrooms, 2) the type of institution that serves the students (e.g., elementary, middle or high school), and 3) the parking requirement established by the PD. The requirements for off-street parking requires nine and one-half spaces for each high school classroom. At this ratio, the school is required to provide 760 off-street spaces for the existing 80 classrooms. According to the PDD, the site requires 343 spaces on-site. While the PDD requires only 343 spaces be provided, the amendment proposes 360 spaces on-site. Staff supports the reduction in the required off-parking because the high school has been in operation since 1960s and the parking requirement was established by the PD in 2010.

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 north is located within an “F” Category. Properties located immediately south is designated within an “E” Category.

Landscaping

Landscaping must be provided in accordance with Article X, as amended. The Building Official may approve an artificial lot to apply the Article X, as amended landscape requirements solely to the new development to satisfy the requirements of Article X, as amended. The artificial lot to be created: (1) wholly include the area on which the construction work is to be done; and (2) have an area that does not exceed 50 percent of the area of the building site.

LIST OF OFFICERS

**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
January 9, 2020

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 824 for R-7.5(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 Planned Development District No. 824, on the northwest corner of Lingo Lane and Millmar Drive.

Maker: Jung
Second: Housewright
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 500 Mailed: 234
Replies: For: 23 Against: 6

Speakers: For: Karl Crawley, 2201 Main St., Dallas, TX, 75201
Against: Nathan Yockey, 2125 Highwood Dr., Dallas, TX, 75228
Against (Did not speak): Rachel Yockey, 2125 Highwood Dr., Dallas, TX, 75228

CPC RECOMMENDED CONDITIONS

ARTICLE 824.

PD 824.

SEC. 51P-824.101. LEGISLATIVE HISTORY.

PD 824 was established by Ordinance No. 27872, passed by the Dallas City Council on May 12, 2010. (Ord. 27872)

SEC. 51P-824.102. PROPERTY LOCATION AND SIZE.

PD 824 is established on property located at the northwest corner of Lingo Lane and Millmar Drive. The size of PD 824 is approximately 24.803 acres. (Ord. 27872)

SEC. 51P-824.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, YOUTH AND FAMILY CENTER means a multi-functional facility sponsored or operated by a school as an accessory use to the school use where a combination of social, recreational, referral, or out-patient medical, dental, or optical treatment services are provided to students and family members.

(b) **Fly Space means the empty space above the theater used to attach and house flying scenery.**

(c) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(d) This district is considered to be a residential zoning district. (Ord. 27872)

SEC. 51P-824.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 824A: development plan.
- (2) Exhibit 824B: traffic management plan. (Ord. 27872)

SEC. 51P-824.105. DEVELOPMENT PLAN.

(a) For a public school other than an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit 824A). 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. (Ord. 27872)

SEC. 51P-824.106. 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) A public school other than an open-enrollment charter school is permitted by right. (Ord. 27872)

SEC. 51P-824.107. 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) A youth and family center is permitted by right. (Ord. 27872)

SEC. 51P-824.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Front yard. For a public school other than an open-enrollment charter school:

(1) minimum front yard is 25 feet on Millmar Drive and Highwood Drive and 15 feet on Lingo Lane; and

(2) parking is allowed in the front yards on Lingo Lane and Millmar Drive.

(c) Side and rear yard. Minimum side yard is 10 feet and minimum rear yard is 15 feet.

(d) Floor area. For a public school other than an open-enrollment charter school, maximum floor area is ~~197,700~~ **322,500** square feet.

(e) Height. For a public school other than an open-enrollment charter school, maximum structure height is ~~30~~ **45** feet, except for a 60-foot fly space **as shown on the attached development plan.**

(f) Lot coverage. Maximum lot coverage is 45 percent for residential structures and 30 percent for nonresidential structures. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size.

(1) Except as provided in this subsection, minimum lot size is 7,500 square feet.

(2) For a public school other than an open-enrollment charter school, no minimum lot size. (Ord. 27872)

SEC. 51P-824.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For a public school other than an open-enrollment charter school, a minimum of 343 off-street parking and loading spaces must be provided as shown on the development plan. Future expansion of the public school other than an open-enrollment charter school must adhere to the off-street parking requirements in Division 51A-4.200. (Ord. 27872)

SEC. 51P-824.110. ENVIRONMENTAL PERFORMANCE

STANDARDS. See Article VI. (Ord. 27872)

SEC. 51P-824.111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X, with the following exception. **The maximum total points required for any given artificial lot is 20 points.**
- (b) Plant materials must be maintained in a healthy, growing condition. (Ord. 27872)

SEC. 51P-824.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII. (Ord. 27872)

SEC. 51P-824-113. 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 824B).

(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, **2021**. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1st of each 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 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) Expansion area. Before issuance of a building permit for the expansion area, as shown on the development plan, the Property owner or operator shall:

(1) submit additional data to the director showing the number of students who live within walking distance of the school, how many students actually walk to school, and how many students use public transportation; and

(2) submit an amended traffic management plan.

(d) 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) In order to amend a traffic management plan, the Property owner or operator must provide data showing the number of students who live within walking distance of the school, how many students actually walk to school, and how many students use public transportation.

(3) 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. (Ord. 27872)

SEC. 51P-824.114.

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. (Ord. 27872)

SEC. 51P-824.115. 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.

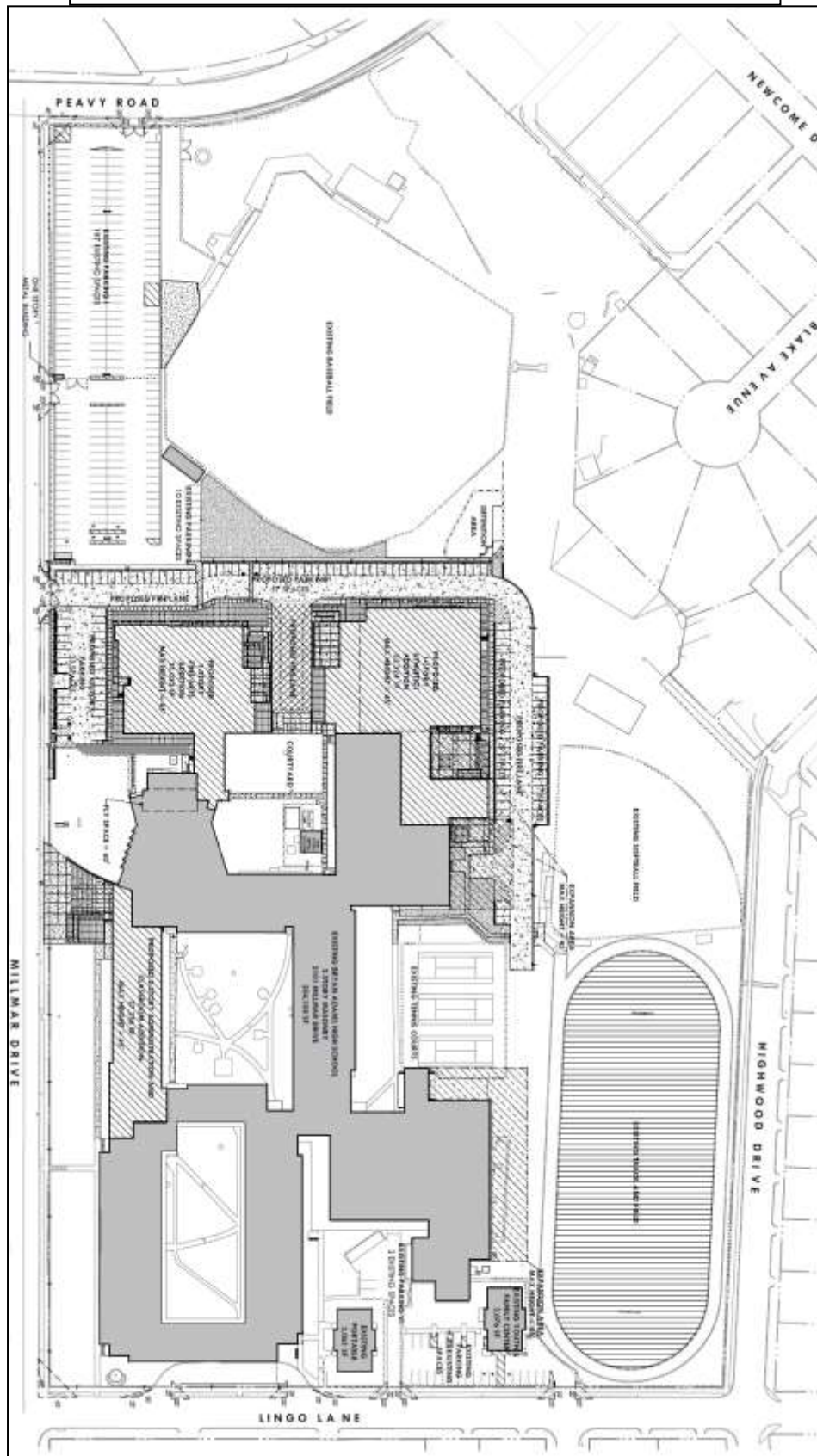
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 27872)

SEC. 51P-824.116. ZONING MAP.

PD 824 is located on Zoning Map No. H-10. (Ord. 27872)



ENLARGED PROPOSED DEVELOPMENT PLAN



PROPOSED TRAFFIC MANAGEMENT PLAN

October 17, 2019

PK# 2504-19.165

Z189-320

TRAFFIC MANAGEMENT PLAN

Project:

DISD Bryan Adams High School

In Dallas, Texas

Prepared for:

City of Dallas

On behalf of:

Dallas Independent School District

Prepared by:



Hunter W. Lemley, P.E.



7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
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TX. REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

October 17, 2019



TRAFFIC MANAGEMENT PLAN
DISD Bryan Adams High School
Dallas, Texas

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Exhibit 1. Recommendations/Proposed Conditions

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INTRODUCTION

The services of Pacheco Koch (PK) were retained by Masterplan, on behalf of Dallas Independent School District, to prepare a Traffic Management Plan (TMP) for the Bryan Adams High School (the "School") located at 2101 Millmar Dr in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking amend the Planned Development District for the property from the City of Dallas (the "Approving Agency") to facilitate proposed site improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

School Description

The site currently consists of an existing public high school. Current enrollment is summarized below in Table 1. The School is not anticipating an increase enrollment as a result of the Project. School starts at 9:05 AM and ends at 4:15 PM. Calculations for vehicle accumulation and parking numbers are based upon previously city-staff-approved ratios and validated by on-site dismissal observations conducted on Tuesday, April 23rd, 2019. Pacheco Koch performed two on-site observations each for the morning and afternoon periods. Present day school traffic characteristics has not changed since previous year's observations.

Table 1. Current Enrollment

LEVEL	STUDENTS ENROLLED
9th Grade	643
10th Grade	528
11th Grade	453
12th Grade	422
TOTAL	2,046

*Enrollment Data provided by DISD

Access to the campus is via Millmar Drive, a two-lane, undivided local street. School traffic accesses Millmar Drive via Ferguson Road. The intersection of Ferguson Road and Millmar Drive is signalized. The school is located in a predominately residential area.

TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity,

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and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

NOTE: It is generally recommended that all applicable crosswalks and barrier free ramps comply with current ADA Accessibility requirements. All city approved pavement markings, traffic signs, and school zones are recommended to provide hardware that meets city's current standards.

Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

Expectations

NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the

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School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "Exhibit 1"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibit. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

Changes to TMP

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

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TRAFFIC MANAGEMENT PLAN

NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.

A summary of general guidance for additional practices is provided below:

- Parent drop-off/pick-up activity within public right-of-way should always be avoided to maximize personal safety. All queuing, parking, and loading/unloading should be accommodated within the school property boundaries.
- Within the school property, school employees may implement all measures identified in the Traffic Management Plan but shall not interact with motorists or manipulate traffic within the public right-of-way. Only deputized officers of the law may engage or attempt to influence traffic operations in public right-of-way.

A summary of existing conditions is provided below:

- Parent pick-up activity currently occurs on Millmar Drive and Lingo Lane. School buses also load and unload students from Millmar Drive and Lingo Lane.
- Student parking is located in the farthest parking lot west of the school building.

A graphical summary of specific recommendations and proposed conditions is provided below and depicted in Exhibit 1:

1. Convert from "No Parking" Area to Queuing/Standing Allowing Area by Installing City Approved Passenger Loading Signs – Convert the "No Parking" Areas shown on Exhibit 1 to an area for parents to queue/stand/wait for students to be picked up.
2. Convert from "Parking Allowed" to "Bus Lane Only" – Provide an area as shown on Exhibit 1 to allow for bus standing to wait and load/unload students.
3. Evaluate the Need for a Traffic Officer to Assist Exiting Buses from Lingo Drive to Millmar Avenue – A Traffic Officer is recommended to be evaluated to

October 17, 2019



give the opportunity of a safe and efficient path for existing buses from Lingo Drive onto Millmar Avenue.

4. **Remove East Leg Crosswalk at the Intersection of Millmar Avenue and Clarksdale Drive** – Remove the east leg crosswalk at the intersection of Millmar and Clarksdale Drive to improve safety by minimizing the number of Millmar Avenue crossing areas.

October 17, 2019



Acknowledgement Statement

REVIEW AND COMMITMENT

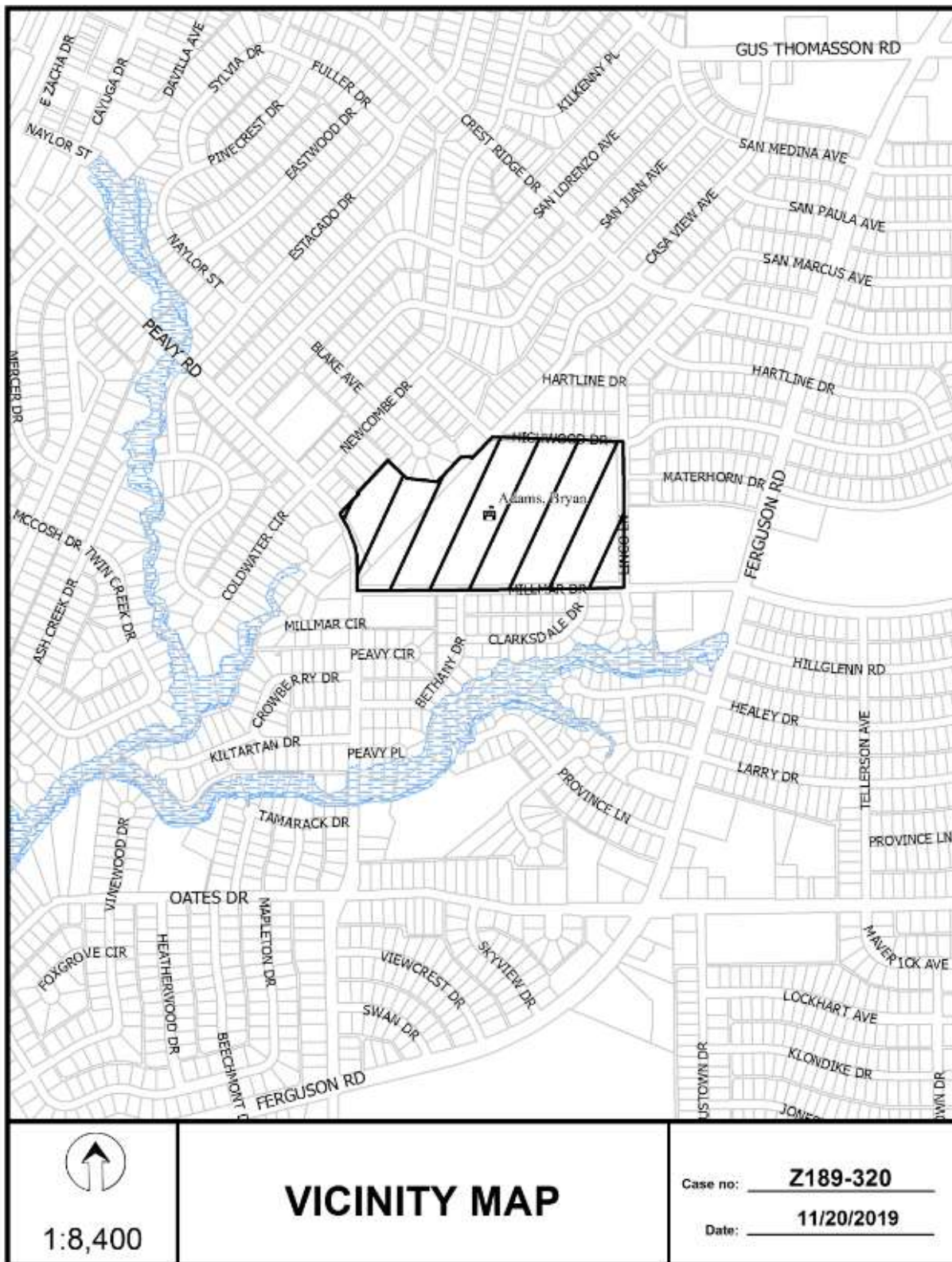
This school traffic management plan (TMP) for Bryan Adams High School was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals.

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.

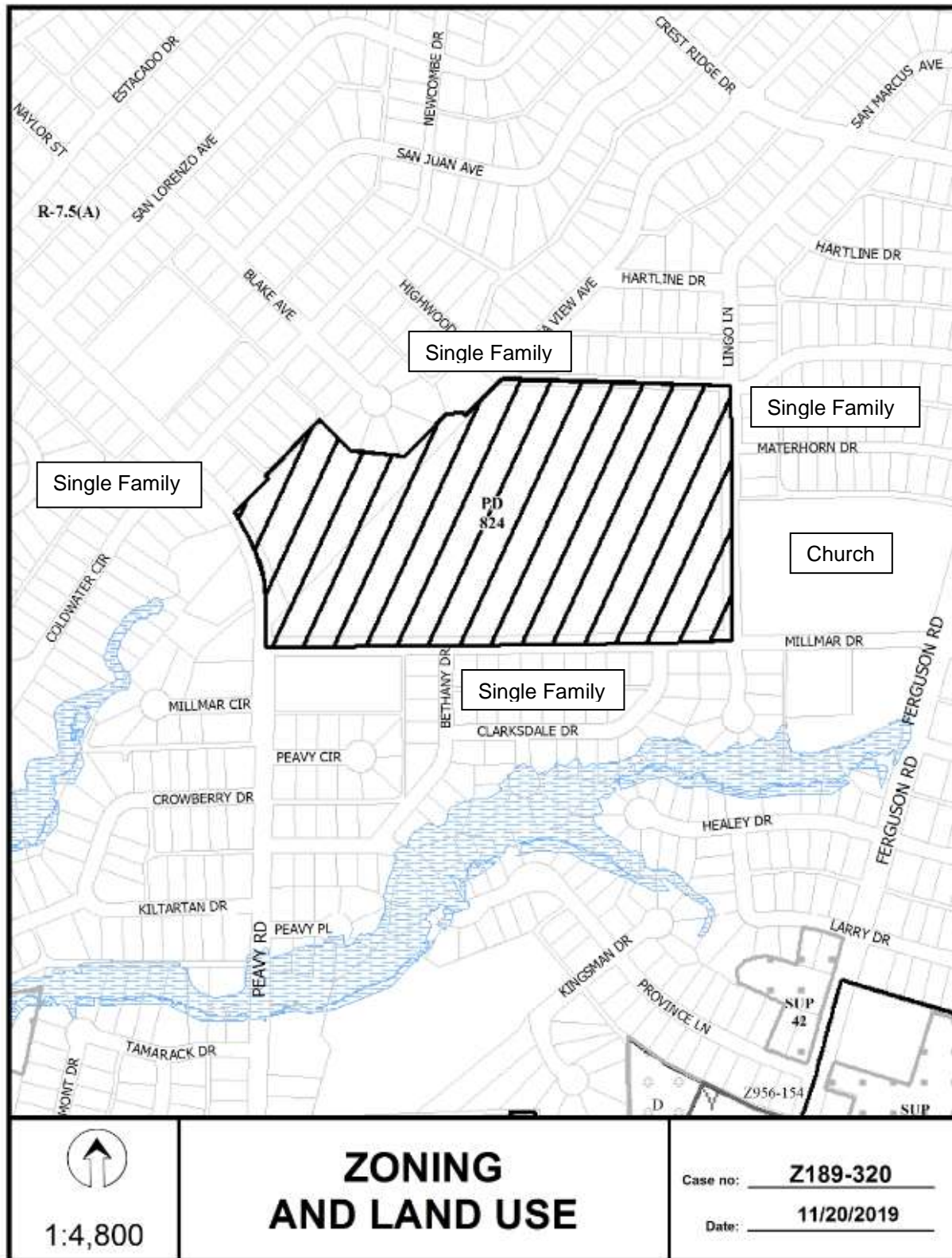
 Signature	<u>10/30/2019</u> Date
Name: <u>Ryan Beck</u>	
Title: <u>Principal</u>	

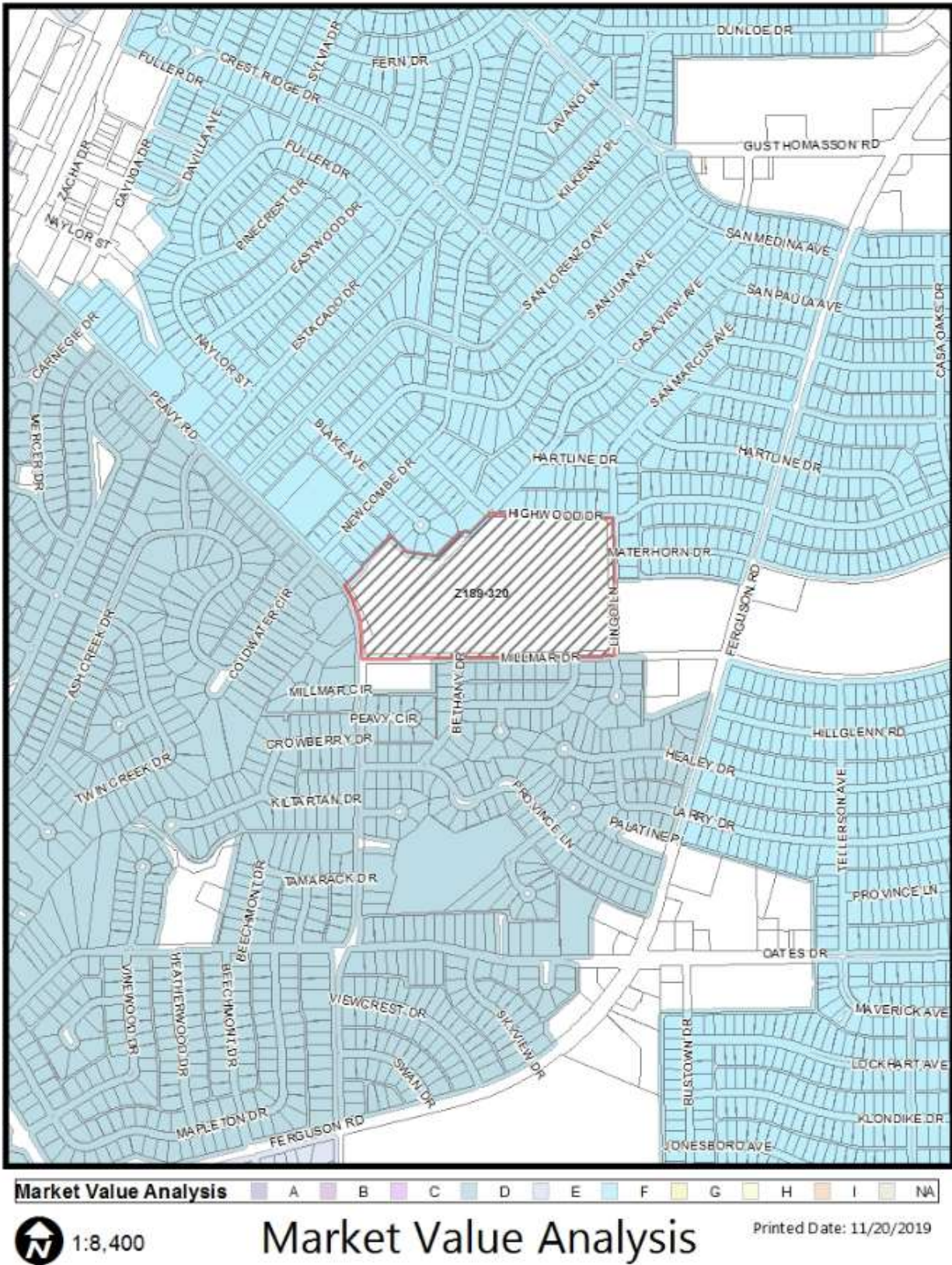
END OF MEMO



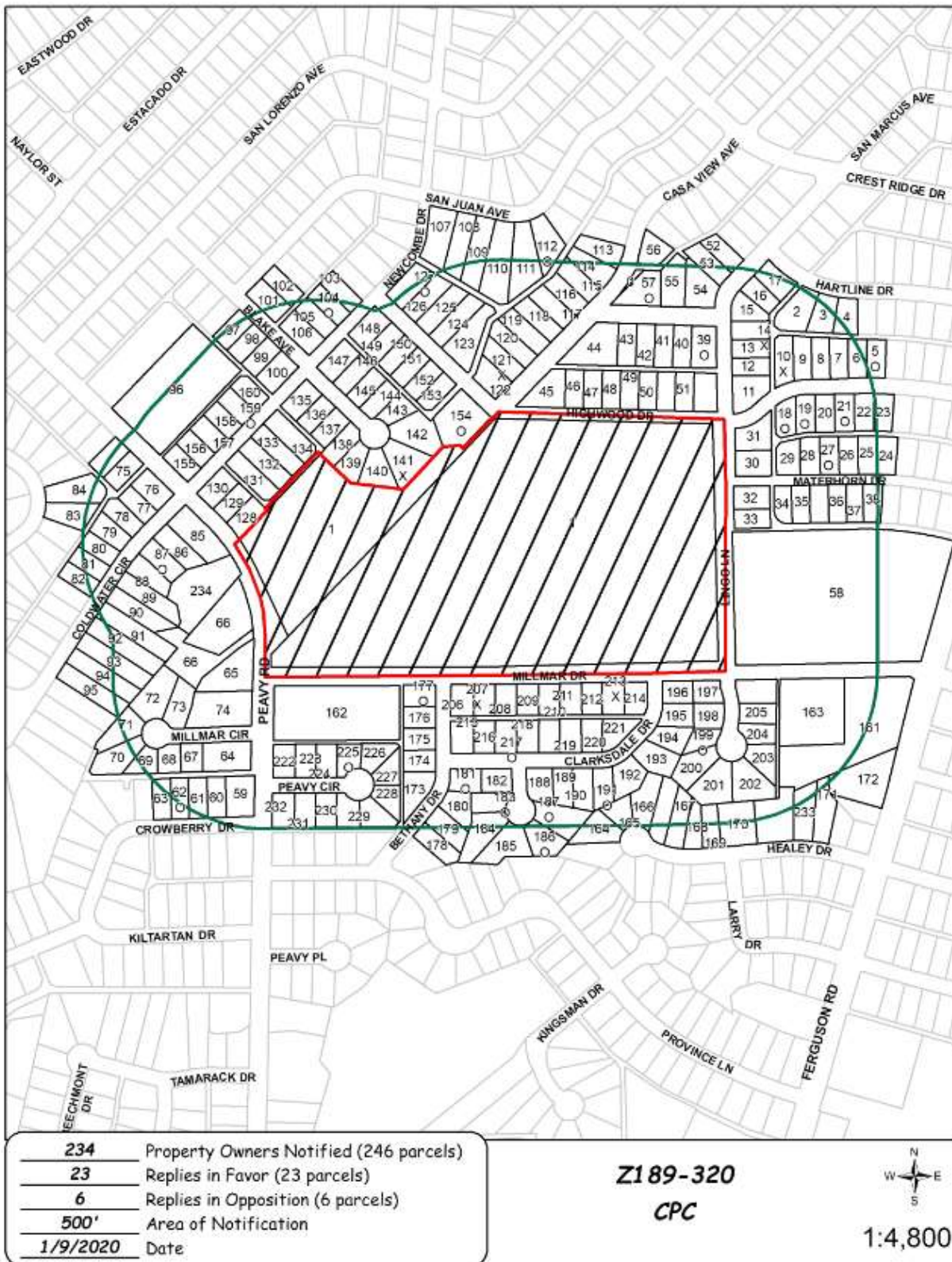








CPC Responses



01/08/2020

Reply List of Property Owners***Z189-320******234 Property Owners Notified******23 Property Owners in Favor******6 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2101 MILLMAR DR	Dallas ISD
	2	2312 HARTLINE DR	SIZEMORE ALEXANDRA & BENJAMIN
	3	2316 HARTLINE DR	RICHMOND LINDSEY & JOSHUA
	4	2320 HARTLINE DR	CAMPOS RENE
O	5	2343 HIGHWOOD DR	RIEGER JOERG M
	6	2337 HIGHWOOD DR	CAMPOS CHRISTINA
	7	2333 HIGHWOOD DR	SOSA ESTELA
	8	2327 HIGHWOOD DR	HOOPER SUSAN
	9	2323 HIGHWOOD DR	DOAN DAO ANH
X	10	2317 HIGHWOOD DR	DANIEL BILLIE JEAN EST OF
	11	10026 LINGO LN	REGIER DONALD P &
	12	10030 LINGO LN	FIELD WILLIAM L
	13	10036 LINGO LN	SMITH BILLY W
X	14	10040 LINGO LN	MAY LAURA LYNN
	15	10104 LINGO LN	KOSTER PPTIES LTD
	16	10110 LINGO LN	FERRUSCA NORA H
	17	10116 LINGO LN	ERCANBRACK JIMMY
O	18	2318 HIGHWOOD DR	WESTMORELAND RICKY R
O	19	2324 HIGHWOOD DR	HEIDEMAN HEIDI VALENTINA
	20	2328 HIGHWOOD DR	MICHALOWSKI DEBRA M
O	21	2334 HIGHWOOD DR	NOBLEHAUCH INVESTMENTS LLC
	22	2338 HIGHWOOD DR	LAMB TONI
	23	2344 HIGHWOOD DR	WILSON NATHAN & MARINA ZERDELIJA
	24	2341 MATERHORN DR	CANO JOSE LUIS & TOMASA
	25	2337 MATERHORN DR	GARCIA JOSE ANGEL &
	26	2331 MATERHORN DR	BARILLAS JOSE & DEYSI

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	27	2327 MATERHORN DR	2327 MATERHORN DRIVE LLC
	28	2321 MATERHORN DR	PARSLEY RICHARD LEE
	29	2317 MATERHORN DR	ERRISURIZ NELLYDA
	30	10006 LINGO LN	PIMIENTA ADAN & JUANA
	31	10012 LINGO LN	FURR STEVEN B
	32	9942 LINGO LN	KUBAN TARA K
	33	9936 LINGO LN	SANCHEZ BENJAMIN
	34	2316 MATERHORN DR	COOKE BREANNA M
	35	2320 MATERHORN DR	WAGNER LYNN MARIE
	36	2328 MATERHORN DR	KIEFER LARISSA
	37	2332 MATERHORN DR	SNODDERLEY SABRINA
	38	2336 MATERHORN DR	FRANCO ROXANNE
O	39	2250 HARTLINE DR	RIEGER JOERG M &
	40	2244 HARTLINE DR	HOLGUIN JAIME &
	41	2240 HARTLINE DR	SHEVES ENTERPRISE LLC
	42	2236 HARTLINE DR	MORENO NICOLE ELENA TRUST
	43	2230 HARTLINE DR	KIRBY BRENDA JO
	44	2226 HARTLINE DR	SHRIVER BROCK & ALEXANDRA
	45	2211 HIGHWOOD DR	CARTER BEATRICE GUERRA
	46	2215 HIGHWOOD DR	GARCIA HUMBERTO
	47	2221 HIGHWOOD DR	JAMES ROBERT
	48	2225 HIGHWOOD DR	CANNON PHILIP V
	49	2231 HIGHWOOD DR	HUNT DEBRA M
	50	2235 HIGHWOOD DR	ACKERT JAMES DOUGLAS
	51	2245 HIGHWOOD DR	COLLEY JASON B
	52	10111 LINGO LN	VILLARRUEL FERNANDO &
	53	10107 LINGO LN	BEESON REBECCA L
	54	2251 HARTLINE DR	AGUIRRE EDWARD &
	55	2241 HARTLINE DR	LOPOSER LESLIE &
	56	10152 CASA VIEW AVE	DALLAS METRO HOLDING LLC
O	57	2233 HARTLINE DR	THOMAS TRAMON & MAYRA

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	9999 FERGUSON RD	ST MARK PRESBYTERIAN CHURCH
	59	1759 CROWBERRY DR	GREEN ROBERT F & ELIZABETH
	60	1753 CROWBERRY DR	SALYMINAHOLDINGSINC
	61	1749 CROWBERRY DR	KING GERALD & SHERRY
O	62	1745 CROWBERRY DR	RODRIGUEZ JOSEPH
	63	1739 CROWBERRY DR	HINTON LEILANI & INDIA STEWART
	64	2313 PEAUVY RD	ADAMS ERIN JOANNA
	65	2115 PEAUVY RD	SEMARIER MONICA
	66	2031 PEAUVY RD	MARLEY ELISABETH A
	67	1726 MILLMAR CIR	GONZALES CARLOS S &
	68	1718 MILLMAR CIR	LUBINSKI REBECCA
	69	1712 MILLMAR CIR	RODRIGUEZ ANGEL & JANNA
	70	1706 MILLMAR CIR	ANDREWS JESSICA R
	71	1705 MILLMAR CIR	KEBODEAUX RICHARD
	72	1715 MILLMAR CIR	CARVALHO JESSICA M &
	73	1725 MILLMAR CIR	SINAPI KEVIN G
	74	2125 PEAUVY RD	TOOMER GEORGE R JR
	75	1953 PEAUVY RD	POTHEN PAUL NICHOLAS
	76	9943 COLDWATER CIR	GILLEY JONNIE
	77	9937 COLDWATER CIR	HOUSING AUTHORITY OF THE
	78	9931 COLDWATER CIR	ANGELL MICHAEL L
	79	9927 COLDWATER CIR	JERNIGAN MURIEL M
	80	9921 COLDWATER CIR	OTERO HECTOR ORLANDO PEREZ &
	81	9917 COLDWATER CIR	NORTHCUTT DEANA RENEE &
	82	9911 COLDWATER CIR	Y&Y ASSOCIATE COMPANIES LLC
	83	9858 ESTACADO DR	ODONNELL JAMES P
	84	9862 ESTACADO DR	SPEER ALLAN B
	85	9944 COLDWATER CIR	RUDOLPH MARY R
	86	9938 COLDWATER CIR	REINKING KEVIN
O	87	9930 COLDWATER CIR	NIGRELLI CHARLES F
	88	9924 COLDWATER CIR	RITVO MATTHEW W

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	9918 COLDWATER CIR	CALDWELL SEAN
	90	9912 COLDWATER CIR	SCHUERENBERG JANA RAE
	91	9908 COLDWATER CIR	AVERY ALISA LYNN
	92	9902 COLDWATER CIR	GILLETTE SHANE EVERETT
	93	9840 COLDWATER CIR	KRAUS JAMES M
	94	9836 COLDWATER CIR	HANNA DOUGLAS & SONYA
	95	9830 COLDWATER CIR	SACKS ERIC S
	96	1960 PEAVY RD	GALLEY MATTHIAS
	97	2030 BLAKE AVE	SCOGGINS SUE E
	98	2034 BLAKE AVE	BLANKENSHIP STEPHANIE
	99	2038 BLAKE AVE	PATINO CRISTIAN I
	100	2044 BLAKE AVE	LOYD JANICE
	101	10050 SAN JUAN AVE	WALLACE TWILA F
	102	10054 SAN JUAN AVE	BROWNRIGG MAEGAN ALLEN
	103	10119 NEWCOMBE DR	MCCULLOUGH NANCY KAYE TRANTHAM
O	104	10115 NEWCOMBE DR	VARGAS NORMA L
	105	10109 NEWCOMBE DR	GARCIA REFUGIO JR &
	106	10105 NEWCOMBE DR	EVARTS WALTER RICHARD &
	107	10108 SAN JUAN AVE	MARTIN JEFFREY W
	108	10114 SAN JUAN AVE	TERAN LUIS
	109	10120 SAN JUAN AVE	HENDERSON HOLLY ANN
	110	10126 SAN JUAN AVE	HALL ROBERT & COURTNEY
	111	10132 SAN JUAN AVE	BURRIS DON W II &
O	112	10136 SAN JUAN AVE	ADRIAN LARRY M &
	113	10149 CASA VIEW AVE	DAGATE DARVA L
	114	10145 CASA VIEW AVE	WALTERS WILLA JEAN LIFE ESTATE
	115	10141 CASA VIEW AVE	ROMERO NORBERTO JR &
	116	10137 CASA VIEW AVE	RABALAIS PATRICK DAVID
	117	10133 CASA VIEW AVE	RAMOS LIDIA E &
	118	10129 CASA VIEW AVE	CASTRO JOSE A
	119	10123 CASA VIEW AVE	GUERRA BEATRICE

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	10117 CASA VIEW AVE	JONES BOBBY J &
X	121	10111 CASA VIEW AVE	RUSSELL JEAN
	122	10105 CASA VIEW AVE	HAJDUK JENNIFER
	123	2125 HIGHWOOD DR	YOCKEY RACHEL & NATHAN
	124	2119 HIGHWOOD DR	WIRTZ GREGORY L
	125	2115 HIGHWOOD DR	WILHITE KERRY JANE
	126	2109 HIGHWOOD DR	KOEHLER ELIZABETH M
O	127	2105 HIGHWOOD DR	ROCHE JACQUES J & MARGARITA A
	128	2014 PEAVY RD	SALAS VICTOR &
	129	2008 PEAVY RD	SOTO VERONICA M
	130	2004 PEAVY RD	EDWARDS MEAGAN MCCRAE
	131	10014 NEWCOMBE DR	MCMILLIN MARSHALL CRAIG &
	132	10020 NEWCOMBE DR	DETRIXHE DAVID
	133	10024 NEWCOMBE DR	AKINS SUSAN L
	134	10030 NEWCOMBE DR	COLLINS MICHAEL D & DONNA
	135	2104 BLAKE AVE	ROBERTS LORI LYNN
	136	2108 BLAKE AVE	EPSTEIN PATRICIA F & MARK
	137	2114 BLAKE AVE	PADILLA RENE PAUL
	138	2118 BLAKE AVE	GREUEL JON HOWARD &
	139	2122 BLAKE AVE	RAMIREZ JANIE Z & HILARIO
	140	2126 BLAKE AVE	LEONARD KRISTI KERR
X	141	2131 BLAKE AVE	JOHNSON NORDA
	142	2127 BLAKE AVE	STEVENS ELIZABETH &
	143	2123 BLAKE AVE	ODOM MICHAEL &
	144	2119 BLAKE AVE	MILLER VALERIE MADZIAR
	145	2115 BLAKE AVE	KORNEGAY BRITTINIE J
	146	2109 BLAKE AVE	PARKER KATY
	147	2105 BLAKE AVE	SHAFFER FLORENCE I
	148	2104 HIGHWOOD DR	JIRASEK NICK &
	149	2108 HIGHWOOD DR	MCCULLOUGH ANN M
	150	2114 HIGHWOOD DR	PALMER MARY LOU

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	2118 HIGHWOOD DR	BIGGERSTAFF BELINDA A
	152	2122 HIGHWOOD DR	ARRIAGA EDWARD
	153	2126 HIGHWOOD DR	RIES JAMES P JR
O	154	2134 HIGHWOOD DR	TUTTLE KAREN S
	155	10005 NEWCOMBE DR	CAGLE KATY
	156	10009 NEWCOMBE DR	IVANOVSKIS CHRISTOPHER
	157	10015 NEWCOMBE DR	DEREGGE MARC
	158	10019 NEWCOMBE DR	DEREGGE AMIE & ANDREW
O	159	10025 NEWCOMBE DR	DUPREE LAURA J LF EST &
	160	10029 NEWCOMBE DR	COSTELLO DENECE
	161	9949 FERGUSON RD	CASA VIEW ASSEMBLY OF GOD
	162	2120 PEAVY RD	ALAN HOFFMANN LLC
	163	2250 MILLMAR DR	CASA VIEW ASSEMBLY
	164	2102 HEALEY DR	PATZKE SANDRA AGNES MOORE
	165	2103 HEALEY DR	RIDDLES ARTHUR T & MARISSA B
	166	2107 HEALEY DR	BREEZESTONE LLC
	167	2115 HEALEY DR	CLOUD JARED
	168	2119 HEALEY DR	PICKETT ADDIE MAE EST OF
	169	2123 HEALEY DR	CRITTENDEN ELAINE H
	170	2203 HEALEY DR	BEATON MYRNA P
	171	2219 HEALEY DR	NEWMAN CONNOR &
	172	9915 FERGUSON RD	HOLLAND MARTHA
	173	9919 BETHANY DR	AISSAOUI ABDELKADER
	174	9929 BETHANY DR	ELEGANT INVESTMENT GROUP INC &
	175	9933 BETHANY DR	TOTSUKA BEATRIZ &
	176	9939 BETHANY DR	BOLTEX HOLDINGS LTD
O	177	9943 BETHANY DR	LONG OUIDA J
	178	9914 BETHANY DR	FLOWERS JENNIFER & ROY
	179	9918 BETHANY DR	MCDONALD LOUIS G
	180	9922 BETHANY DR	WALLS BOBBY LEE
O	181	9926 BETHANY DR	MILLER NATALIE

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	2012 CLARKSDALE PL	KITZMILLER KATHY
O	183	2014 CLARKSDALE PL	POMEROY SANDRA
	184	2018 CLARKSDALE PL	SANCHEZ GEORGE & BRENDA
	185	2022 CLARKSDALE PL	COLEMAN GARY
O	186	2026 CLARKSDALE PL	SNIDER RONALD J
O	187	2030 CLARKSDALE PL	GRAHAM JUDY E &
	188	2036 CLARKSDALE DR	BROOKS SHERI R
	189	2106 CLARKSDALE DR	HOLMAN EILEEN
	190	2112 CLARKSDALE DR	JOHNSON MARY AUDINE
O	191	2118 CLARKSDALE DR	HEMPELMANN CHRISTIAN &
	192	2126 CLARKSDALE DR	DILLINGHAM PATRICIA J
	193	2132 CLARKSDALE DR	MASHBURN LORETTA
	194	2138 CLARKSDALE DR	LOSSCUTLER CAROLYN A
	195	2144 CLARKSDALE DR	MARTINEZ ISIDRO &
	196	2150 CLARKSDALE DR	FERRETIZ GELASIO &
	197	9917 LINGO LN	HARRIS JUDITH YVONNE &
	198	9915 LINGO LN	DUNSTON MARKESHIA & RALPH
O	199	9909 LINGO LN	FRANCIS AIMEE
	200	9907 LINGO LN	EARNEST BUYERS LLC
	201	9903 LINGO LN	KINDER IRMA D
	202	9904 LINGO LN	SOCH SUSAN
	203	9908 LINGO LN	MAYS BILLY E EST OF
	204	9910 LINGO LN	JEFFRIES CYNTHIA K
	205	9914 LINGO LN	MURILLO OSCAR &
	206	2006 MILLMAR DR	REID BRIAN K & JANAL REID
X	207	2010 MILLMAR DR	ROBERTS JASON M &
	208	2016 MILLMAR CIR	QUINTANILLA CLUSKAYA &
	209	2020 MILLMAR DR	NGUYEN KINH VAN &
	210	2104 MILLMAR CIR	TRISTAN MARIO
	211	2108 MILLMAR CIR	TAYLOR JANET I
	212	2112 MILLMAR CIR	HESTER MARY REID

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	213	2118 MILLMAR DR	BLUE JEAN FUNDING SOLUTIONS
	214	2122 MILLMAR DR	NELSON SHERRIE MAE
	215	2005 CLARKSDALE DR	KIOWSKI JAMES R
	216	2011 CLARKSDALE DR	MENJIVAR XIOMARA
O	217	2021 CLARKSDALE DR	MOORE DOROTHY
	218	2027 CLARKSDALE DR	KORNEGAY TINA E
	219	2107 CLARKSDALE DR	COKER MASON MARCH
	220	2117 CLARKSDALE DR	GATLIN WILLIAM C & NANCY
	221	2127 CLARKSDALE DR	CANNADY GRAHAM S & MOLLY E
	222	2206 PEAUVY CIR	KRUGJOHANN CATHY &
	223	2210 PEAUVY CIR	LEAL LUPE S
	224	2216 PEAUVY CIR	PHILLIPS KERRY R
O	225	2222 PEAUVY CIR	BUCKEL BRET DANIEL
	226	2226 PEAUVY CIR	KEYS DENNIS LYNN
	227	2230 PEAUVY CIR	YOUNG RICHARD A & RENEE M
	228	2234 PEAUVY CIR	PRESTIDGE S W JR
	229	2244 PEAUVY CIR	REYNOLDS COREY H &
	230	2250 PEAUVY CIR	GOOCH JANE PATRICIA
	231	2256 PEAUVY CIR	CHURCHWELL LINDA SUE
	232	2260 PEAUVY CIR	SULLIVAN MARION T
	233	2215 HEALEY DR	KETO JENNIFER DANIELLE
	234	2015 PEAUVY RD	GRAY MELISSA A



Agenda Information Sheet

File #: 20-177

Item #: Z5.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 6
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. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with existing deed restrictions [Z056-308], on the north side of Manana Drive, east of Spangler Road
Recommendation of Staff and CPC: [Approval](#) for a five-year period, subject to conditions Z189-343(AU)

FILE NUMBER: Z189-343(AU)

DATE FILED: August 29, 2019

LOCATION: North side of Manana Drive, east of Spangler Road

COUNCIL DISTRICT: 6

MAPSCO: 22 P

SIZE OF REQUEST: +/- 6.76 Acres

CENSUS TRACT: 99.00

REPRESENTATIVE/

APPLICANT: Steven M. Free

OWNER: Steven M. Free, LP

REQUEST: An application for the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District with existing deed restrictions [Z056-308].

SUMMARY: The purpose of the request is to continue the operation of an existing wood or lumber processing use. The existing deed restrictions on the property include limiting the permitted uses, and more specifically, restricting potentially incompatible industrial (outside) uses to only allow wood or lumber processing by Specific Use Permit.

CPC RECOMMENDATION: Approval for a five-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a five-year period, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently being used for an outside wood processing facility as allowed by SUP No. 1653 and is surrounded by undeveloped land and industrial uses.
- On February 14, 2007, the City accepted deed restrictions on the property to limit the uses to those in the IR Industrial Research District, allow all industrial (outside) not potentially incompatible uses, and allow the potentially incompatible industrial (outside) use limited to wood or lumber processing by Specific Use Permit. SUP No. 1653 for a potentially incompatible industrial (outside) use, limited to a wood or lumber processing use was first approved by City Council on February 14, 2007, for a two-year period.
- SUP No. 1653 was amended to clarify parking requirements and renewed for a three-year period on January 28, 2009 and February 8, 2012 respectively. Subsequently, the SUP was renewed for a two-year period on January 14, 2015, and for a three-year period on January 2017. The SUP will expire on January 11, 2020. The applicant submitted the request for renewal on August 29, 2019.
- A Certificate of Occupancy for the industrial (outside) potentially incompatible use was issued on November 4, 2019.

Zoning History

There have been three zoning requests in the area within the last five years.

- 1. Z134-338:** On January 14, 2015, the City Council approved the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing, located on the north side of Mañana Drive, west of Newkirk Street (subject site).
- 2. Z156-188:** On May 25, 2016, an automatic renewal of Specific Use Permit No. 1446 for an alcoholic beverage establishment limited to a bar, lounge, or tavern was approved, on property zoned an IR Industrial Research District, located on the west line of Spangler Road and Manana Drive.
- 3. Z156-331:** On January 11, 2017, the City Council approved the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned an IM Industrial Manufacturing, located on the north side of Mañana Drive, west of Newkirk Street.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing / Proposed ROW
Mañana Drive	Minor Arterial	30 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 is consistent with the following goals and policies of the Comprehensive Plan.

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 Plans:

The subject site is located within the Elm Fork planning district of the Trinity River Corridor Land Use Plan adopted in March 2005 and revised in December 2009.

The Preferred Land Use Plan for the corridor serves as the long-range land use and development plan for the Corridor. In this capacity, the comprehensive land use plan is the policy reference for City staff, the City Plan Commission, and the Dallas City Council when they consider decisions affecting land use in the corridor. The future land use plan recommends this area for heavy industrial uses module. Within this module, the primary land use recommended is industrial - manufacturing, the secondary land uses are recommended to be a combination of industrial-flex office, industrial-distribution, and civic uses. The plan also includes optional land uses, as parks and open spaces and retail-neighborhood uses.

The Trinity River Corridor Land Use Plan also recognizes certain areas within the Trinity River Corridor play particularly valuable roles in achieving the 2050 Vision. The

development visions for these areas are part of the framework for land use planning of the entire corridor. The request site is located within the Elm Fork Employment Center. The Trinity River Corridor Land Use Plan's recommendations for this area include: primary land use is multi-use, proposed development pattern is light and heavy industrial with limited opportunities for commercial, open space allows for golf, environmental protection, flood control, and active recreation uses.

The corridor is divided into seven Planning Districts in order to communicate the appropriate land use plan and design policies for each part of the corridor. The area plan also includes Land Use Opportunity Plans that reflect specific opportunities that can be expected in the Trinity River Corridor based upon a market response to the capital improvements in the Trinity River Corridor Project. The maps also express the land uses desired for the corridor by stakeholders who participated in the study.

The Preferred Land Use Plan for the Elm Fork District affirms its role as a location for industrial activities and businesses in Dallas. North of Northwest Highway and west of IH-35, areas are planned for Heavy Industrial and Light Industrial uses.

The request is consistent with the recommendation of the Area Plan.

Surrounding Land Uses:

	Zoning	Land Use
Site	IM with Deed Restrictions [Z056-308] and SUP No. 1653	Industrial (outside) potentially incompatible use limited to wood or lumber processing
North	IM	Industrial railroad, undeveloped wooded area, athletic complex
East	IR	Creek, undeveloped
South	IM with SUP No. 563 IM with SUP No. 817	Creek, salvage yard, concrete batch plant
West	IR	Warehouse, distribution

Land Use Compatibility:

The 6.76-acre request site is currently being used for an outside wood processing facility that includes a 5,000 square-foot manufacturing area and four outside storage areas totaling an approximately 56,225 square feet.

On February 14, 2007, the City accepted deed restrictions on the property to limit the uses to those in the IR Industrial Research District, allow all industrial (outside) not potentially incompatible uses, and allow the potentially incompatible industrial (outside) use limited to wood or lumber processing by Specific Use Permit.

SUP No. 1653 for a potentially incompatible industrial (outside) use, limited to a wood or lumber processing use was first approved by City Council on February 14, 2007 respectively. Subsequently, the SUP was renewed for a two-year period on January 14, 2015, and for a three-year period on January 2017. The SUP will expire on January 11, 2020. The applicant submitted the request for renewal on August 29, 2019.

The request site is generally located within a larger industrial and commercial service area. The site is surrounded by industrial uses, warehouses, and undeveloped land. There are two Specific Use Permits for a concrete batching plant (SUP No. 817) and a salvage yard (SUP No. 563) located to the south of the subject site. The Elm Fork soccer complex is located north of the site and is buffered by a heavily wooded undeveloped area.

An outside wood processing facility is defined as an industrial (outside) potentially incompatible use per the Dallas Development Code. This use is allowed by SUP only in the IM District.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The existing wood and lumber processing use is compatible with the surrounding industrial uses in the area. The SUP conditions help limit any detrimental aspects of the use by limiting the hours of operation to provide relief for surrounding uses on nights and weekends. The conditions also limit the height of the stacking areas to prevent visual intrusion to the surrounding area. The subject site is screened along Mañana Drive by fencing and trees and is surrounded by a heavily wooded area to the north and east.

In general, the applicant's request for a Specific Use Permit for the industrial (outside) potentially incompatible use is consistent with the general provisions for a Specific Use Permit and with the surrounding zoning that is intended to be maintained as an industrial area.

Staff supports the applicant's request of an increase in the time period from three years to five years, however staff does not support the request for eligibility for automatic renewal for additional five-year periods because of the potential for change in the area due to the new soccer park to the north of the site.

Parking:

Pursuant to the Dallas Development Code, off-street parking is required at a ratio of one space per every 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area.

There are no buildings on site and the outside manufacturing area is 5,000 square feet in area as indicated on the site plan. Eight parking spaces are provided in the covered parking area included on the site plan.

Landscaping:

No changes to the existing site are proposed with this SUP renewal. Landscape is required per Article X of the Dallas Development Code.

CPC Action
January 9, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing for a five-year period, subject to conditions on property zoned an IM Industrial Manufacturing District with existing deed restrictions [Z056-308], on the north side of Manana Drive, east of Spangler Road.

Maker: MacGregor
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 400 Mailed: 6
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Steven Free, 2101 Manana Rd., Irving, TX, 75220
Tami Free, 2101 Manana Rd., Irving, TX, 75220
Against: None

**CITY PLAN COMMISSION RECOMMENDED
AMENDING SUP CONDITIONS
SUP NO. 1653**

1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial (outside) use limited to wood or lumber processing.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

City Plan Commission recommendation:

3. TIME LIMIT: This specific use permit expires on ~~January 11, 2020~~ (five-year period from passage of this ordinance).

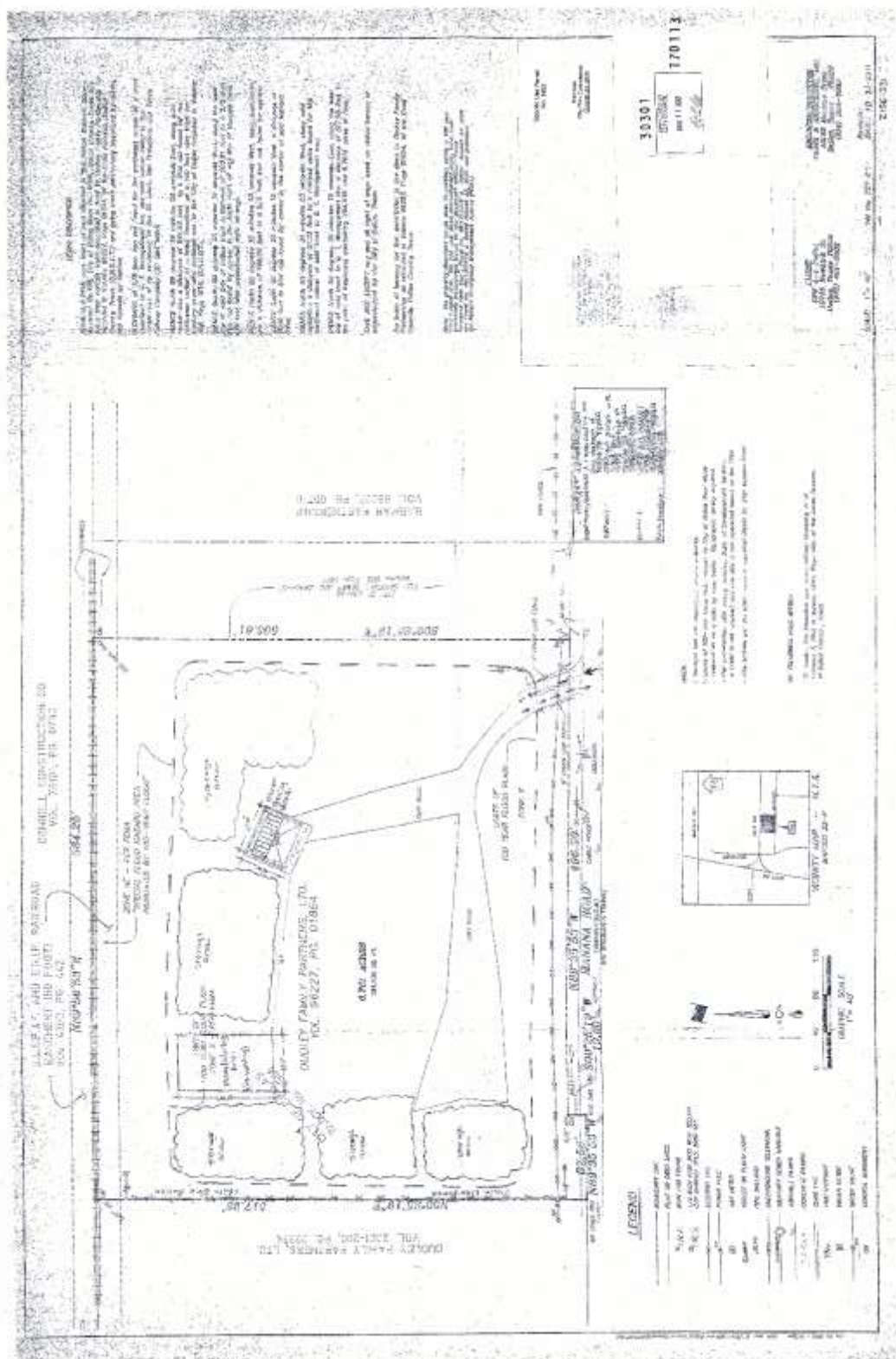
Applicant's request:

3. TIME LIMIT: This specific use permit expires on ~~January 11, 2020~~ (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).

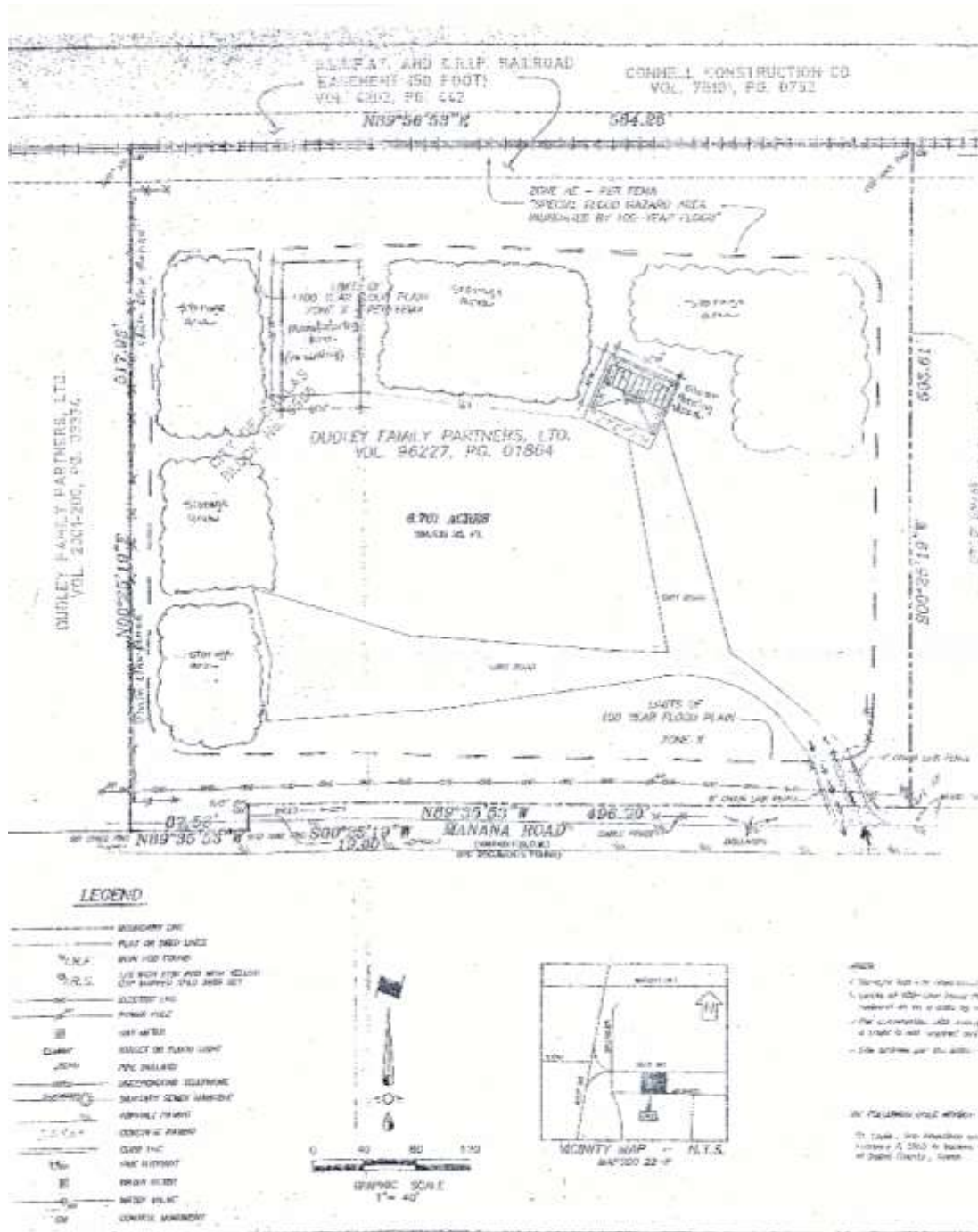
4. PARKING: A minimum of eight parking spaces must be provided in the location shown on the attached site plan. All parking, driveways that connect to a street or alley, and vehicle maneuvering areas must comply with Division 51A-4.300, "Off-Street Parking and Loading Regulations," of the Dallas Development Code, as amended.
5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. HOURS OF OPERATION: The wood or lumber processing use may only operate between 6:00 a.m. and 5:00 p.m., Monday through Friday, and between 6:00 a.m. and 12:00 p.m., Saturday.

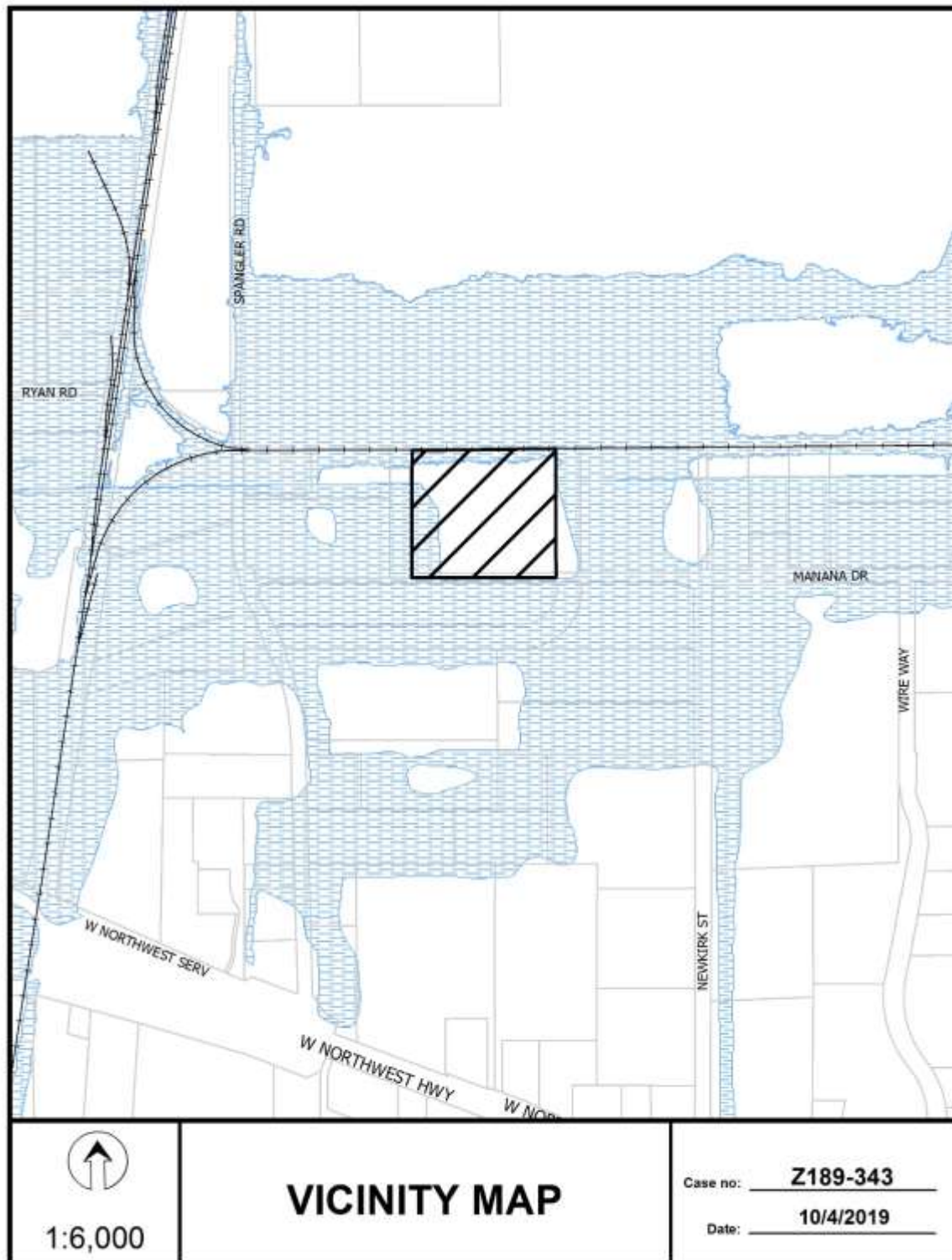
7. STACKING: The maximum stacking height of materials stored outside is 18 feet in the locations shown on the attached site plan.
8. MANUFACTURING AREA: The maximum area for wood or lumber processing is 5,000 square feet in the location shown on the attached site plan as "Manufacturing Area."
9. MAINTENANCE: 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)

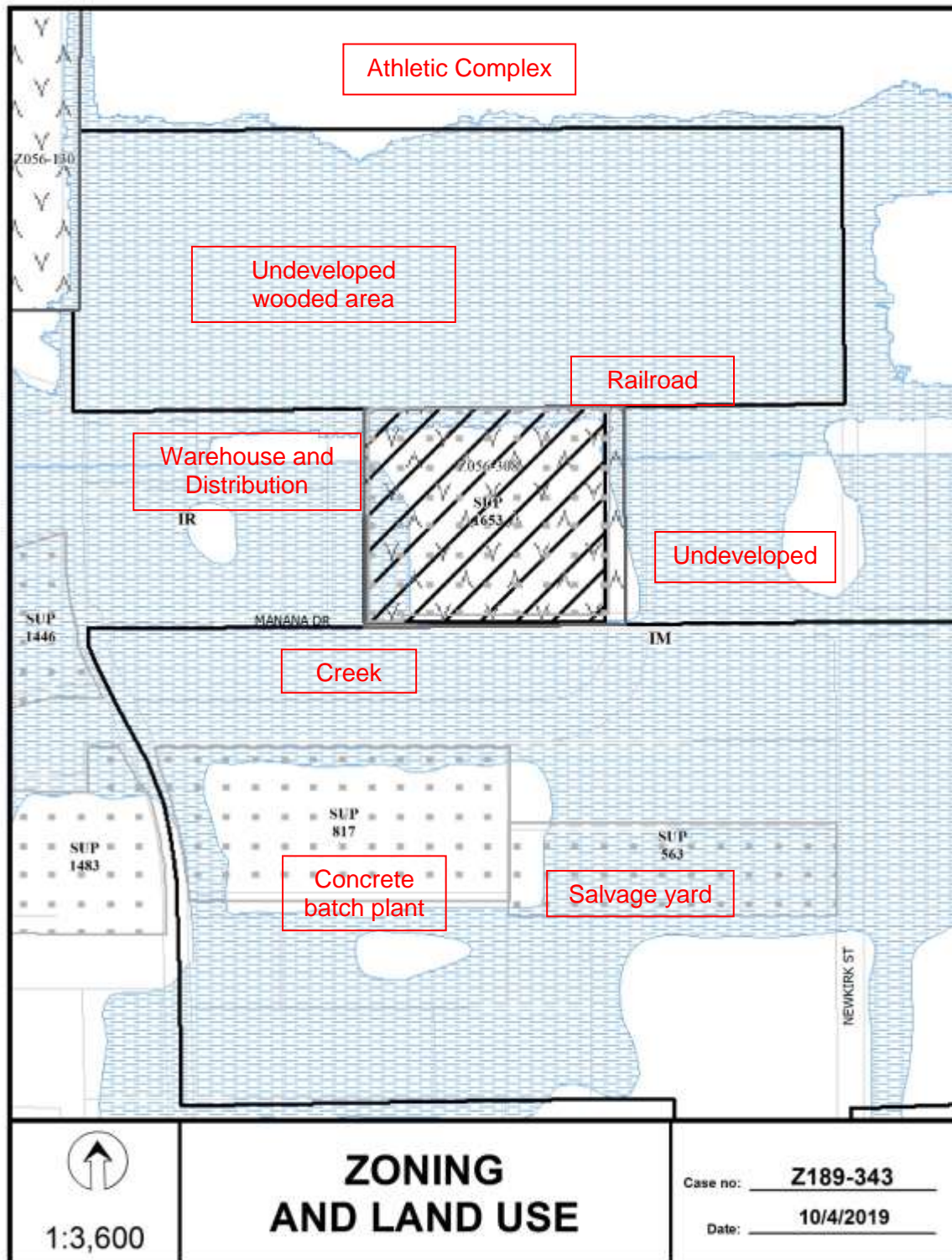


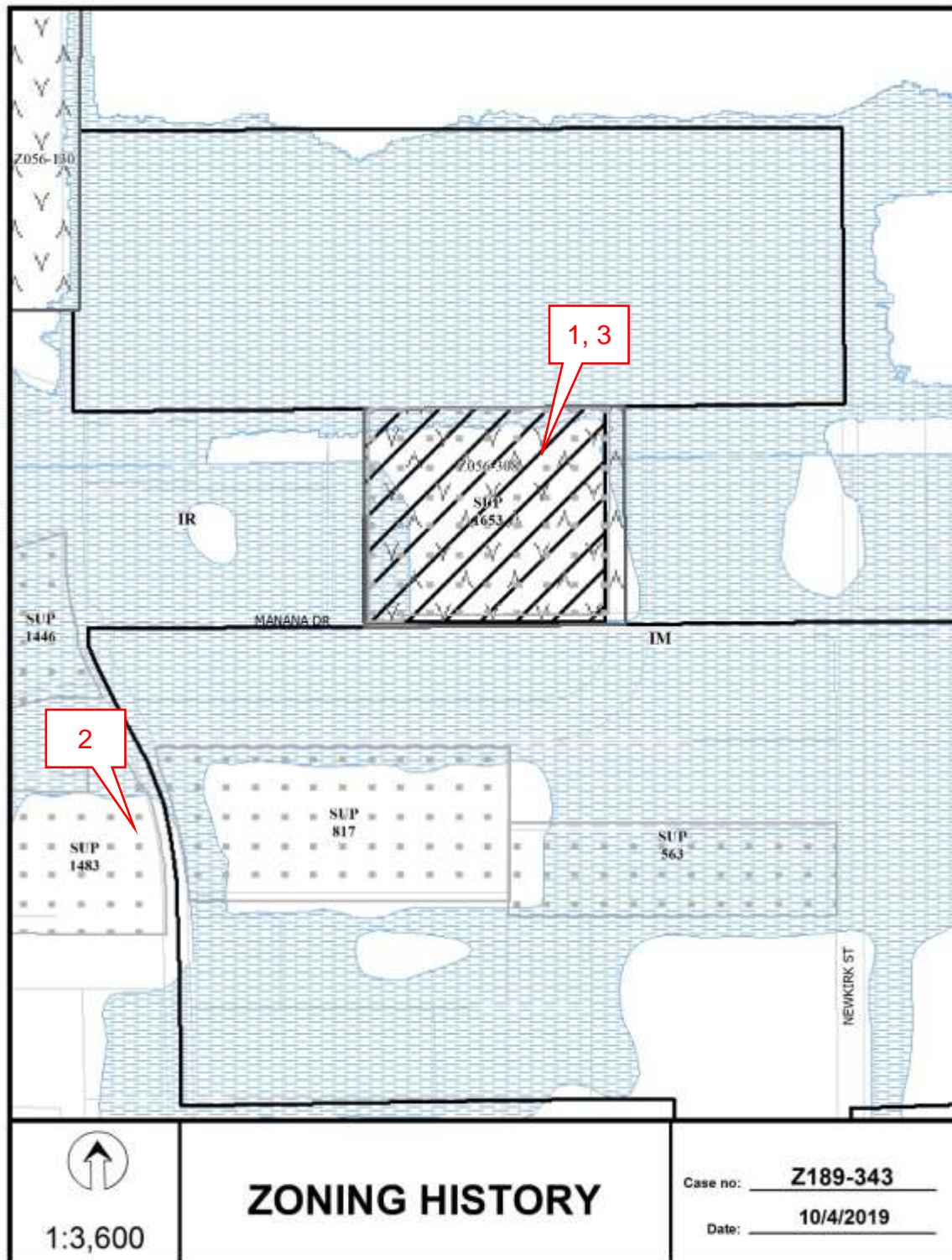
EXISTING SITE PLAN (ENLARGED)
(no changes)



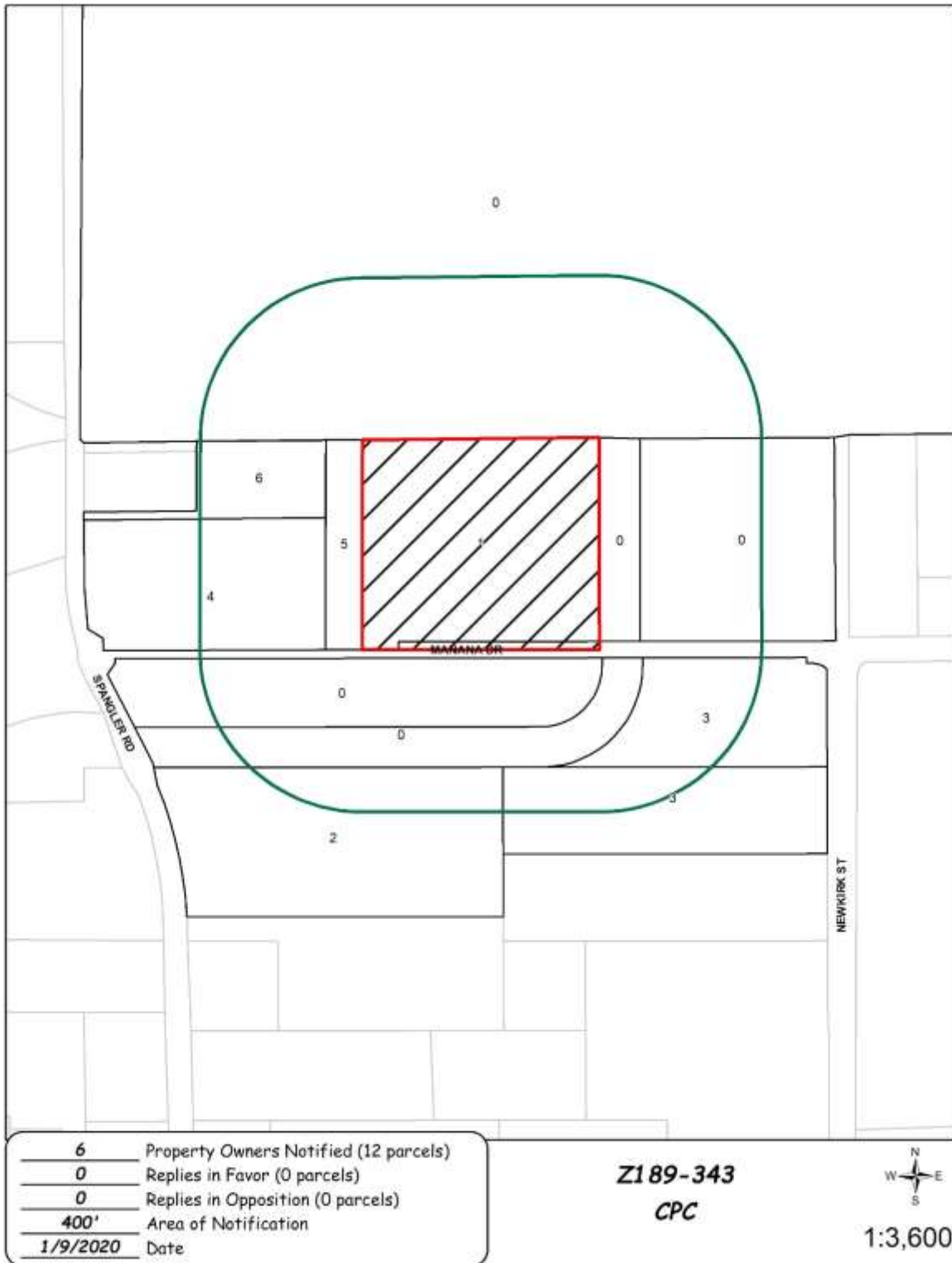








CPC RESPONSES



Z189-343(AU)

01/08/2020

Reply List of Property Owners

Z189-343

6 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2101 MANANA RD	STEVEN M FREE LIMITED PARTNERSHIP
	2	10610 SPANGLER RD	TXI OPERATIONS LP
	3	10733 NEWKIRK ST	BARKER & BRATTON STEEL
	4	2001 MANANA DR	GT MGMT INC
	5	2001 MANANA DR	STEVEN M FREE FAMILY LTD PS
	6	2001 MANANA DR	SANCHEZ FOOD & CO INC



Agenda Information Sheet

File #: 20-178

Item #: Z6.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 14
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 a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses and a public school use and an ordinance granting the repeal of Specific Use Permit No. 893 for a public school use on property zoned MF-2 Multifamily Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with Historic Overlay No. 111 North Dallas High School, on the north corner of McKinney Avenue and North Haskell Avenue

Recommendation of Staff and CPC: Approval of a planned development subdistrict, subject to a development plan, traffic management plan, and conditions and approval of the repeal of Specific Use Permit No. 893

Z189-354(SM)

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-354(SM) **DATE FILED:** September 16, 2019
LOCATION: North corner of McKinney Avenue and North Haskell Avenue
COUNCIL DISTRICT: 14 **MAPSCO:** 35 Y
SIZE OF REQUEST: Approx. 7.14 acres **CENSUS TRACT:** 7.01

REPRESENTATIVE: Karl Crawley, Masterplan

APPLICANT/OWNER: Dallas ISD

REQUEST: An application for a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses and a public school use and to repeal Specific Use Permit No. 893 for a public school use on property zoned MF-2 Multifamily Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with Historic Overlay No. 111 North Dallas High School.

SUMMARY: The applicant [Dallas ISD] proposes to remove existing portable classrooms adjacent to Cole Avenue and construct an addition with approximately 50,000 square feet of floor area on the north side of the existing school building [North Dallas High School]. The addition will also necessitate the reconfiguration of the outdoor playing fields and the applicant proposes to add street trees around the playing fields.

CPC RECOMMENDATION: Approval of a planned development subdistrict, subject to a development plan, traffic management plan, and conditions and approval of the repeal of Specific Use Permit No. 893.

STAFF RECOMMENDATION: Approval of a planned development subdistrict, subject to a development plan, traffic management plan, and conditions and approval of the repeal of Specific Use Permit No. 893.

BACKGROUND INFORMATION:

- The site was constructed in 1920 with a public school use, North Dallas High School, and is now the oldest operating high school in Dallas ISD.
- On December 14, 1983, the City Council approved Specific Use Permit No. 893 for a public school use for a permanent time period, subject to a site plan and conditions.
- On November 4, 2019, the Landmark Commission approved two applications for North Dallas High School. One was a Certificate of Demolition (CD) application for the removal of three temporary non-historic classroom buildings – located at the rear of the school. The second was a Certificate of Appropriateness (CA) application for removal of a non-historic rear addition, construction of a new gym/storm shelter rear addition, reconfiguration of the parking lot and service area, reconfigure the sports field, new landscaping (associated with new addition and parking lot reconfiguration), new fencing, and replacement of the sign at the front of the school. Both Staff and Task Force have recommended approval of both applications as submitted.

Zoning History: There have been four zoning cases in the area within the last five years.

1. **Z189-311:** On October 23, 2019, the City Council approved an amendment to Planned Development Subdistrict No. 102 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of North Central Expressway and Cambrick Street.
2. **Z178-223:** On August 14, 2019, the City Council approved an amendment to Planned Development District No. 305, Cityplace; generally located on both sides of North Central Expressway with Carroll Avenue to the north, Hall Street to the south, Turtle Creek Boulevard to the west, and Ross Avenue to the east and consisting of approximately 116.62 acres.
3. **Z178-225:** On October 23, 2019, the City Council approved an amendment to Subdistrict E2 within Planned Development District No. 305, Cityplace, located on the northeast corner of North Central Expressway and Haskell Avenue.
4. **Z156-333:** On January 11, 2017, the City Council approved a WR-20 Walkable Urban Residential District with a Height Map Overlay on property zoned Subdistrict B-1, West Residential Subzone within Planned Development District No. 305 bounded by Blackburn Street, Cole Avenue, Travis Street, and Lemmon Avenue East.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Description; ROW
McKinney Avenue	Major Arterial	3 lanes undivided; 60-80 ft
Cole Avenue	Major Arterial	3 lanes undivided; 60-80 ft
North Haskell Avenue	Local	60 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department made the following comments and recommendations regarding the applicant's proposed traffic management plan (TMP).

1. The proposed TMP for DISD's North Dallas High School shows that all drop-off and pick-up traffic will accumulate on site but leaves little to no flexibility to accommodate the challenges of the planned two-way conversion of both McKinney and Cole. The planned two-way conversions will provide only one travel lane in each direction adjacent to the school; any stopping, standing or parking in this lane will obstruct the one travel lane.
2. Also, the proposed TMP does not provide details on how school staff should assign pick-up locations. As a result, parents and staff will still need to coordinate so that all areas are managed and fully utilized as shown on the plan. Internal queuing is also not shown to be facilitated by staff, temporary control signs (like traffic cones) or pavement markings.
3. The relocation of buses to Haskell Avenue eliminates an existing midblock crosswalk while creating loading areas on both sides of the street. Students are likely to cross in between buses.
4. Staff recommends a reconfiguration of the intersection of Cole at Haskell to eliminate an existing dead triangular space abutting the school property with proper sidewalk, barrier free ramps, curb and gutter. The applicant is not interested in following this recommendation at this time.

The proposed TMP for DISD's North Dallas High School will be challenging to enforce and therefore staff recommends approval of the request with required annual updates followed by biennial updates following the implementation of the two-way conversion of McKinney and Cole.

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. 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:

	Zoning	Land Use
Site	PDD No. 193 (MF-2) with SUP No. 893 and H No. 111	Public School
Northeast	PDD No. 193 (MF-2)	Park
Southeast	PDD No. 193 (PDS No. 102) and PDD No. 305 (West Mixed Use Subarea D-1)	Church and Multiple Family
Southwest	PDD No. 193 (PDS No. 65) and PDD No. 305 (West MU Subareas C and C-1)	Public School and Mixed uses
Northwest	PDD No. 193 (MF-2)	Multiple Family

Land Use Compatibility:

Surrounding land uses consist of a mix of residential, institutional, and recreational uses as noted in the table above which are considered compatible with the existing school that has been serving the community for 99 years. The school has operated under SUP No. 893 since 1983; however, since PDD No. 193 does not allow an SUP to alter the parking requirements for a public school, staff supports the applicant's request for a new PDD.

Parking:

North Dallas High School operates on two parcels of land separated by Haskell Avenue. The portion of the school on the south line of Haskell Avenue will remain unchanged and is not a part of this request. This application is limited to the portion of the school campus which is north of Haskell Avenue, where the addition is proposed. The existing school campus has parking and classrooms on both sides of Haskell Avenue for students and therefore, the cumulative number of parking spaces and classrooms on both sides of Haskell Avenue should be considered for the applicant's requested parking reduction.

Although approximately 10 classrooms for the school's Early Collegiate program for all grade levels is located southwest of the subject site, that portion of the campus contains a parking lot that is also utilized for drivers who teach or attend classes on the subject site. The 96 parking spaces on the southern campus, outside of the subject site, are required to be provided for the 10-classroom school through PDS No. 65 parking regulations and equate to 9.6 spaces per classroom and cannot be altered as part of this request. The supply of parking spaces is proposed to increase from 128 to 138 on the northern campus which contains approximately 35 classrooms, and thus equates to approximately 3.94 spaces per classroom. For the entire high school campus, on both sides of Haskell Avenue, the total average parking supply equates to 5.2 spaces per high school classroom.

The Dallas Development Code requires nine and one-half spaces for each high school classroom or 428 parking spaces for the existing high school campus with approximately 45 classrooms on both sides of Haskell Avenue while only 234 parking will be provided. The applicant has provided a parking demand study which observed the overall parking provided on both sides of Haskell Avenue had a surplus of 50 spaces provided. The study therefore expects a surplus of 60 spaces once the addition is complete because an additional 10 spaces will be constructed and enrollment is not expected to increase. Based upon the parking demand analysis provided by the applicant, staff does not object to the requested parking requirement.

Landscaping:

Historic Overlay No. 111 for North Dallas High School has landscape regulations which supersede zoning landscape regulations; therefore, landscaping for a public school in the proposed PDS is focused on the rear or northern portion of the existing school campus.

Additionally, since the northern portion of the existing school campus has no street trees, the proposed addition will require a reduction of the playing field areas. Because there are utility conflicts along McKinney Avenue and Cole Avenue which prevent the planting of large trees, staff is supportive of the applicant's to limit landscaping to small street trees spaced approximately 25 feet apart.

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 a "C" MVA cluster to the east, south, and west.

List of DISD Trustees

DALLAS INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

District 1	Edwin Flores, 2 nd Vice President
District 2	Dustin Marshall
District 3	Dan Micciche, 1 st Vice President
District 4	Karla Garcia, Board Secretary
District 5	Maxie Johnson
District 6	Joyce Foreman
District 7	Ben Mackey
District 8	Miguel Solis
District 9	Justin Henry, President

CPC Action
January 9, 2020

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses and a public school use, subject to a development plan, traffic management plan, and conditions; and **approval** of the repeal of Specific Use Permit No. 893 for a public school use on property zoned MF-2 Multifamily Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with Historic Overlay No. 111 North Dallas High School, on the north corner of McKinney Avenue and North Haskell Avenue.

Friendly Amendment: Commissioner Jung offered a friendly amendment to change SEC. 51P--____.112. TRAFFIC MANAGEMENT PLAN. (c) Traffic study. (1) to read as follows: "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, 2022. 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 year until two years after the two-way conversion of McKinney Avenue and Cole Avenue is complete, after such time submit updates to the director by March 1 of each even-numbered year." Commissioner Garcia, the maker of the motion, along with Commissioner MacGregor, the seconder of the motion, accepted the friendly amendment.

Maker: Garcia
Second: MacGregor
Result: Carried: 11 to 3

For: 11 - MacGregor, Johnson, Shidid, Carpenter,
Brinson, Blair, Jung, Schultz, Schwope, Garcia,
Rubin

Against: 3 - Hampton, Housewright, Murphy
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 500 Mailed: 357
Replies: For: 7 Against: 1

Speakers: For: Karl Crawley, 2201 Main St., Dallas, TX, 75201
Against: None
Staff: David Nevarez, Traffic Engineer, Sustainable Development & Construction

Specific use Permit No. 893
(to be repealed)

834051

12/13/83

3120 N. HASKELL AVE

ORDINANCE NO. 18085

An ordinance amending CHAPTER 51, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, by permitting the following described property, which is presently zoned as an MF-2 Multiple Family District, to-wit:

Being all of City Block 3/1512 bounded by North Haskell Avenue, Cole Avenue, Cambrick Street and McKinney Avenue, and containing 7.75 acres of land,

to be used under Specific Use Permit No. 893 for a public school; providing that this specific use permit is granted subject to certain conditions; providing a penalty not to exceed \$1000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

CHECKED BY

JCX

1

18085

834051

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

SECTION 1. That CHAPTER 51, "DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, is amended insofar as it applies to the property hereinafter described ("the Property"), which is presently zoned as an MF-2 Multiple Family District, and which shall be used under Specific Use Permit No. 893 for a public school, to-wit:

SUP site plan could not be located in files.

Block 3/1512 bounded by North Haskell Avenue, Embick Street and McKinney Avenue, and acres of land.

SECTION 2. That this specific use permit is granted upon the following conditions:

1. SITE PLAN: Development and utilization of the Property must conform to a city plan commission approved site plan which is attached to and made a part of this ordinance.
2. PARKING: Off-street parking must be provided at the ratio of nine and one-half (9 1/2) spaces for each classroom.
3. PAVING: All parking spaces, aisles, maneuvering areas, and driveway connections to streets or alleys, whether enclosed or unenclosed, must be surfaced with non-combustible materials such as asphaltic paving materials or concrete. The surface must consist of compacted subgrade covered by: (1) concrete paving; (2) hot asphaltic paving consisting of a binder course and a surface course; or (3) an approved equivalent. The surface must be maintained so as to be continuously hard, dustless, and suitable for use under all weather conditions.
4. FENCING: The outdoor play area must be totally enclosed by a minimum four-foot high fence as shown on the approved site plan.
5. TIME LIMIT: This specific use permit has no time limit.

18085 834051

6. MAINTENANCE: All of the Property must be properly maintained in a state of good repair and neat appearance at all times.
7. SIGNS: All signs must comply the provisions for non-business zoning districts contained in Article VII of the Dallas Development Code, as amended.
8. GENERAL REQUIREMENTS: Utilization of the property must comply with the requirements of all applicable codes and regulations of the City of Dallas.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with the standard City of Dallas specifications adopted for such purpose, and that the same shall be done to the satisfaction of the director of public works.

SECTION 4. That the building official shall not issue a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance and with the construction codes and all other applicable ordinances of the City of Dallas.

SECTION 5. That the director of planning and development shall correct Zoning District Map No. I-7 in the offices of the city secretary, the building official, and the department of planning and development to reflect the changes in zoning made by this ordinance.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$1000.

18085 834051

SECTION 7. That CHAPTER 51 of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

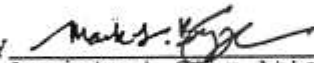
SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Sections 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

ANALESLIE MUNCY, City Attorney

By



Assistant City Attorney

Passed and correctly enrolled

DEC 14 1983

Zoning File No. Z823-382/6271-N

1971D

CPC RECOMMENDED PDD NO. 193 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 north corner of McKinney Avenue and Haskell Avenue. The size of PD Subdistrict ____ is 7.15 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 residential zoning district.

SEC. S- ____ .104. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit ____A: development plan.

(2) Exhibit ____B: traffic management plan.

SEC. S-____.105. DEVELOPMENT PLAN.

(a) Except as provided in this section, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) For a public or private school, 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, the text of this division controls.

SEC. S-____.107. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple Family Subdistrict, subject to the same conditions applicable in the MF-2 Multiple Family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple Family 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 MF-2 Multiple Family Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following main use is permitted by right:

-- Public or private school. [*Limited to a public school other than an open-enrollment charter school.*]

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.)

The yard, lot, and space regulations for the MF-2 Multiple Family Subdistrict apply.

SEC. S-____.110. 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) For a public school other than an open-enrollment charter school use, off-street parking may be located within required yards.

(c) For a public school other than an open-enrollment charter school use with up to 35 classrooms, a minimum of 138 parking spaces must be provided. Additional parking in the amount required by Part I of this article must be provided for any classrooms beyond the initial 35 classrooms.

SEC. S-____.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-____.112. LANDSCAPING.

(a) In general. Except for a public or private school use, landscaping and screening must be provided in accordance with Part I of this article.

(b) Public school other than an open-enrollment charter school. Except for driveways and visibility triangles, a minimum of one tree for each 25 feet of lot frontage in the PDS Landscaping area shown on the development plan is required. Required trees must be located between the street curb and the sidewalk.

(c) Maintenance. 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) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within the city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by March 1, 2022. 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 year until two years after the two-way conversion of McKinney Avenue and Cole Avenue are complete, after such time submit updates 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.

(d) 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. S-____.114. SIGNS.

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

SEC. S-____.115. ADDITIONAL PROVISIONS.

(a) For a public or private school use, athletic field fencing may be a maximum height of 35 feet and located within the front yard.

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

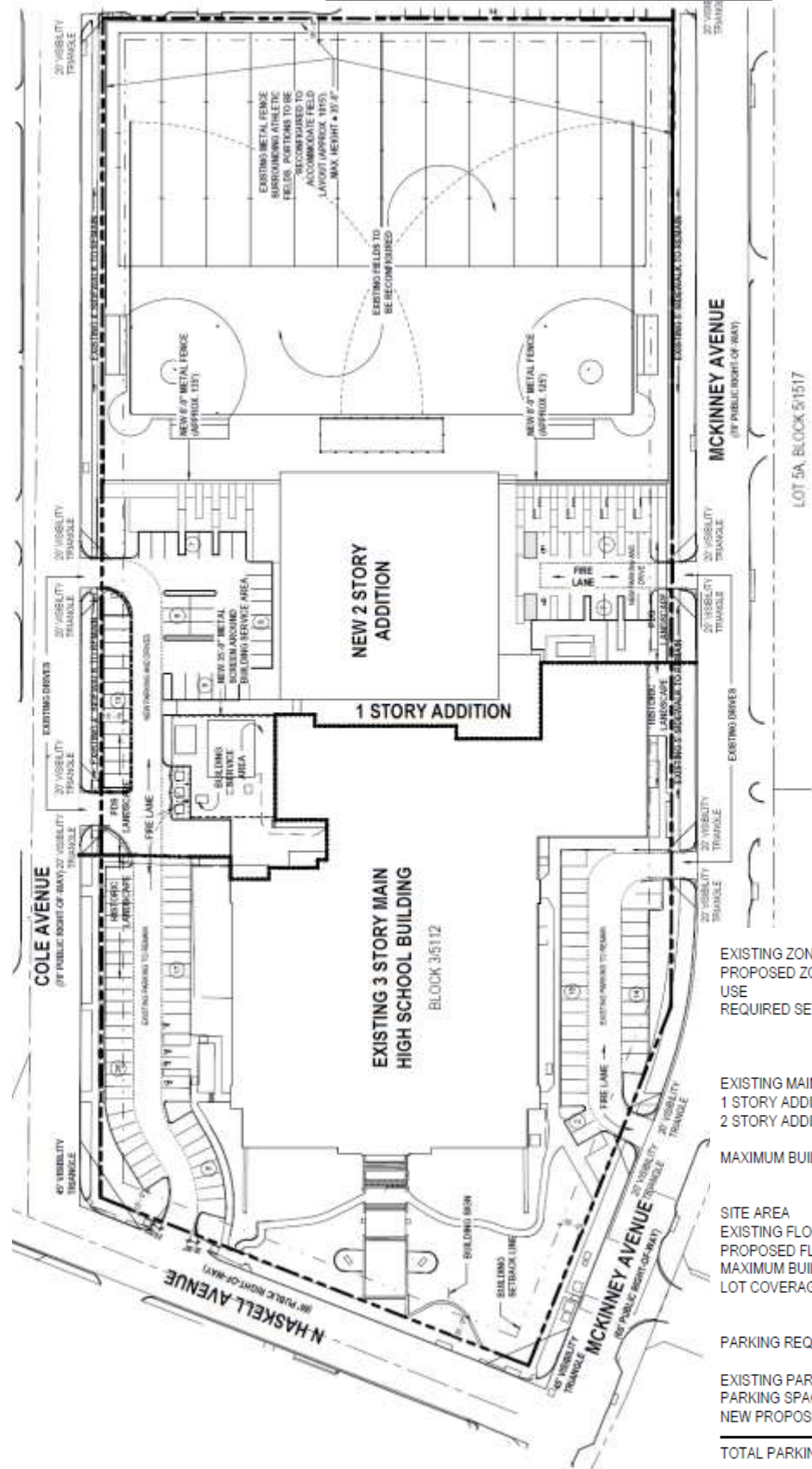
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(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.



EXISTING ZONING	R 7.5 (A)
PROPOSED ZONING	PD - FOR A PUBLIC SCHOOL
USE	PUBLIC HIGH SCHOOL
REQUIRED SETBACK	MCKINNEY AVE - 15' HASKELL AVE - 15' COLE AVE - 15'
EXISTING MAIN BUILDING	60 ft. (3 story)
1 STORY ADDITION	16' - 8"
2 STORY ADDITION	55'
MAXIMUM BUILDING HEIGHT	85 ft.
SITE AREA	330,535 sq. ft.
EXISTING FLOOR AREA	160,000 sq. ft.
PROPOSED FLOOR AREA	50,000 sq. ft.
MAXIMUM BUILDING HEIGHT	85 ft.
LOT COVERAGE	28%
PARKING REQUIREMENTS	
EXISTING PARKING	133
PARKING SPACES REMOVED	- 48
NEW PROPOSED PARKING	+ 53
<hr/>	
TOTAL PARKING ON SITE	138

CPC Recommended Traffic Management Plan

November 26, 2019

PK# 2592-19.162

Z189-354

TRAFFIC MANAGEMENT PLAN

Project:

DISD North Dallas High School

In Dallas, Texas

Prepared for:

City of Dallas

On behalf of:

Dallas Independent School District

Prepared by:



Hunter W. Lemley, P.E.



7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100060-00

November 26, 2019



TRAFFIC MANAGEMENT PLAN
DISD North Dallas High School
Dallas, Texas

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Exhibit 1. Recommendations/Proposed Conditions

Appendix

November 26, 2019



INTRODUCTION

The services of **Pacheco Koch** (PK) were retained by Masterplan, on behalf of **Dallas Independent School District**, to prepare a Traffic Management Plan (TMP) for North Dallas High School (the "School") located at 3120 N Haskell Ave in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking amend the Planned Development District for the property from the City of Dallas (the "Approving Agency") to facilitate proposed site improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

School Description

The site currently consists of an existing public high school. Current enrollment is summarized below in **Table 1**. The School is not anticipating an increase enrollment as a result of the Project. School starts at 9:05 AM and ends at 4:20 PM. Calculations for vehicle accumulation and parking numbers are based upon engineer recommended ratios and validated by on-site dismissal observations conducted on Thursday, April 25th, 2019. Pacheco Koch performed two on-site observations each for the morning and afternoon periods.

Table 1. Current Enrollment

LEVEL	STUDENTS ENROLLED
9th Grade	300
10th Grade	275
11th Grade	250
12th Grade	225
TOTAL	1,050

*Enrollment Data provided by DISD

The school building is located on N Haskell Avenue. Access to the campus is via McKinney Avenue and Cole Avenue, two three-lane, one-way, major thoroughfares. The school is located in a predominately urbanized area.

TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of 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 "Objectives" of a TMP are to:

November 26, 2019



1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

NOTE: It is generally recommended that all applicable crosswalks and barrier free ramps comply with current ADA Accessibility requirements. All city approved pavement markings, traffic signs, and school zones are recommended to provide hardware that meets city's current standards.

Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely up on published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

Expectations

NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.

November 26, 2019



Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "Exhibit 1"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibit. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

Changes to TMP

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

November 26, 2019

TRAFFIC MANAGEMENT PLAN

NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.

A summary of existing conditions is provided below:

- Parent pick-up activity currently occurs on the eastern curbside of Cole Avenue, the western curbside of McKinney Avenue, and within the visitor parking lot located on the western side of the school building.
- Currently, the bus loading area is located at the northern parking lot of the school building.
- Proper pedestrian amenities are available in the vicinity of the school, such as, sidewalks, crosswalks, ADA compliant barrier-free ramps, appropriate signage, etc.

A graphical summary of specific recommendations and proposed conditions is provided below and depicted in **Exhibit 1**:

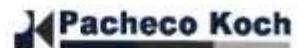
1. **Relocate School Bus Loading to New Bus Loading Area Located on Haskell Avenue** – As a result of the northern parking lot being removed, relocate the school bus loading area from the northern parking lot to the existing bus loading area along both curbsides on Haskell Avenue. Bus Loading Zone signs to be installed on the southern curbside of Haskell Avenue.
2. **Relocate Crosswalk on Cole Avenue to North Leg of Intersection With Appropriate Signage and Installation of ADA Compliant Ramp** – Crosswalk has been evaluated based on NCHRP 562 to recommend relocating the existing crosswalk on Cole Avenue at the intersection of Haskell Avenue to the north leg to minimize walking distance for pedestrians. It was observed that little to no school pedestrian traffic was utilizing the crosswalk, however, it is still necessary to provide access across Cole Avenue.
3. **Remove Crosswalk on Haskell Avenue** – In order to provide safety for students, remove the crosswalk on Haskell Avenue that would cause a hazard of students walking in between school buses.

November 26, 2019



- Vehicular traffic is to enter the area via Cole Avenue and McKinney Avenue. To enter the school site, driveways are located along Cole Avenue, McKinney Avenue, and Haskell Avenue. Ingress traffic from the west parking lot shall enter the southern-most driveway and queue starting at the driveway located on Haskell Avenue.
- Bus loading/unloading shall be located along both curbsides on Haskell Avenue at the southern side of the school building and separated from the queuing circulation.
- NOTE: McKinney Avenue is currently a one-way thoroughfare that will be converted to two-way in the immediate future. This plan was developed to take into this transition accordingly and does not need to be updated once McKinney Avenue is converted to two-way operational.

November 11, 2019

**Acknowledgement Statement****REVIEW AND COMMITMENT**

This school traffic management plan (TMP) for North Dallas High School 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.

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.


Signature

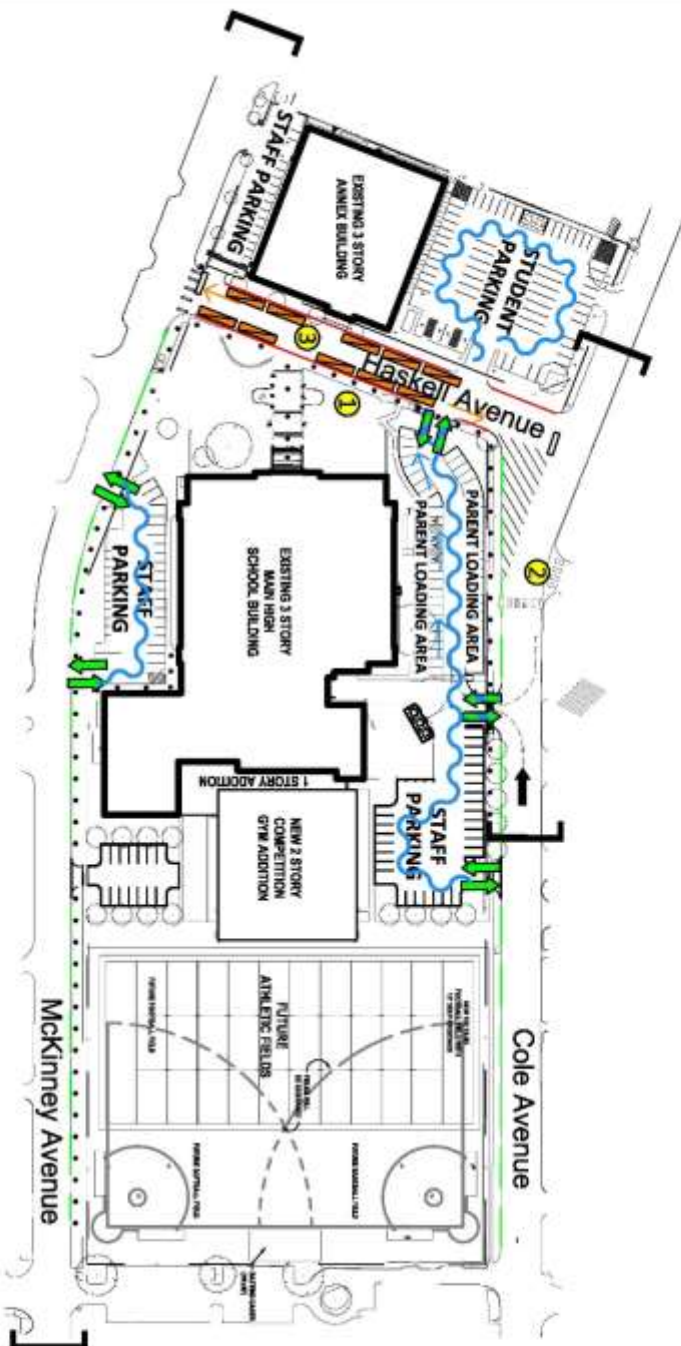
11/26/2019
Date

Name: K. Wanserski

Title: Principal

END OF MEMO

GENERAL NOTE: 1. The subject school administration shall issue a formal communication that summarizes the intent of the Traffic Management Plan at least once every school year.
2. The Traffic Management Plan is intended to function when McKinney Avenue is one-way operational AND two-way operational.



- Parking**
- No On-Street Parking Allowed (Existing)
 - On-Street Parking Allowed (Existing)
 - Access Point
- Queueing/Loading**
- Queue Area (Conventional Loading)
 - Circulation/Flow
 - School Bus Loading/Unloading
- Pedestrian/Other**
- Crosswalk
 - School Zone
 - Stop Line
 - Trail/Path

PR 2592-19-162 TX REB. ENGINEERING FROM F-409
(AUV-11/26/79) TX REB. SURVEYING FROM LS-100000-00

HUNTER W. LEMLEY
125343
PROFESSIONAL ENGINEER

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHENTICATED BY THE BOARD OF ENGINEERING, ARCHITECTURE & LAND SURVEYING, STATE OF TEXAS, ON 11/26/2019. ALTERATION OF A SEALED DOCUMENT WITHOUT NOTICE TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

Proposed Parking*	Vehicles
Parking Supply	234
Parking Demand	174
Surplus	+60

Vehicle Accumulation/Capacity	Notes
Projected Enrollment	1,280 Students
Deductions:	
By School Bus (20%)	256 Students (20% Estimated)
By Walking (55%)	704 Students (55% Estimated)
Other (45%)	576 Students (45% Estimated)
Students by Pick-up/Drop-off	1,280 Students
Estimated Recommended Space	1,280 Students
Estimated Length of Vehicle	13.5 ft of max queue per student
Projected Maximum Vehicle Accumulation*	48 Vehicles (1,280 ft)
On-Street Parking Capacity	47 Vehicles (1,176 ft)
Surplus	1

* Percentage assumptions are based on professional judgment. Surveys may not reflect actual school drop-off/pick-up characteristics.

- RECOMMENDATIONS**
- Relocate School Bus Loading to New Bus Loading Area located on Haskell Avenue
 - Relocate Crosswalk on Cole Avenue to North Leg of Intersection With Appropriate Signage and Installation of ADA Compliant Ramp
 - Remove Crosswalk on Haskell Avenue

BACKGROUND:

Client Information: City of Dallas
Project Name: Public School High School
Event/Type: DISD Public School
Event Organizer: DISD Public School
Event Time(s)/Date(s): Wednesday morning & evening (In-person)
Event Frequency: Recurring

NOTE: This drawing is conceptual only and does not reflect a detailed design. All plan dimensions are provided by others.

EXHIBIT 1 **Z189-354**
Traffic Management Plan
Proposed Conditions
DISD North Dallas High School
Dallas, Texas
Pacheco Koch

APPENDIX

DEFINITIONS:

Terms are used in this report:

“Event” – a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., “school day”)

“School” (a.k.a., “Event Organizer”) – the person, group, or organization responsible for the Event

“TMP Manager” – a person or persons designated by the School to implement the TMP (also see additional tasks in the Expectations section)

“Users” – guests/patrons attending the Event

“Analyst” – the person(s) preparing the TMP for the School

“Approving Agency” – the municipality or government agency requiring the Traffic Management Plan

“Traffic Department” – the department of the public agency responsible for traffic operations for a given right-of-way

“Site” – the property at which the Event is located (generally assumed to be occupied by the School)

“TMP Strategies” – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

“Queue Area” – the area for parent/guardian of a student to wait and load their student into the vehicle. (For a conventional loading protocol, the parent/guardian may wait curbside to load their student into the vehicle or may walk up to the school building to pick up their student. A conventional loading protocol does not require hang-tags, etc., however a by-pass lane is necessary in order to facilitate traffic.)

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.

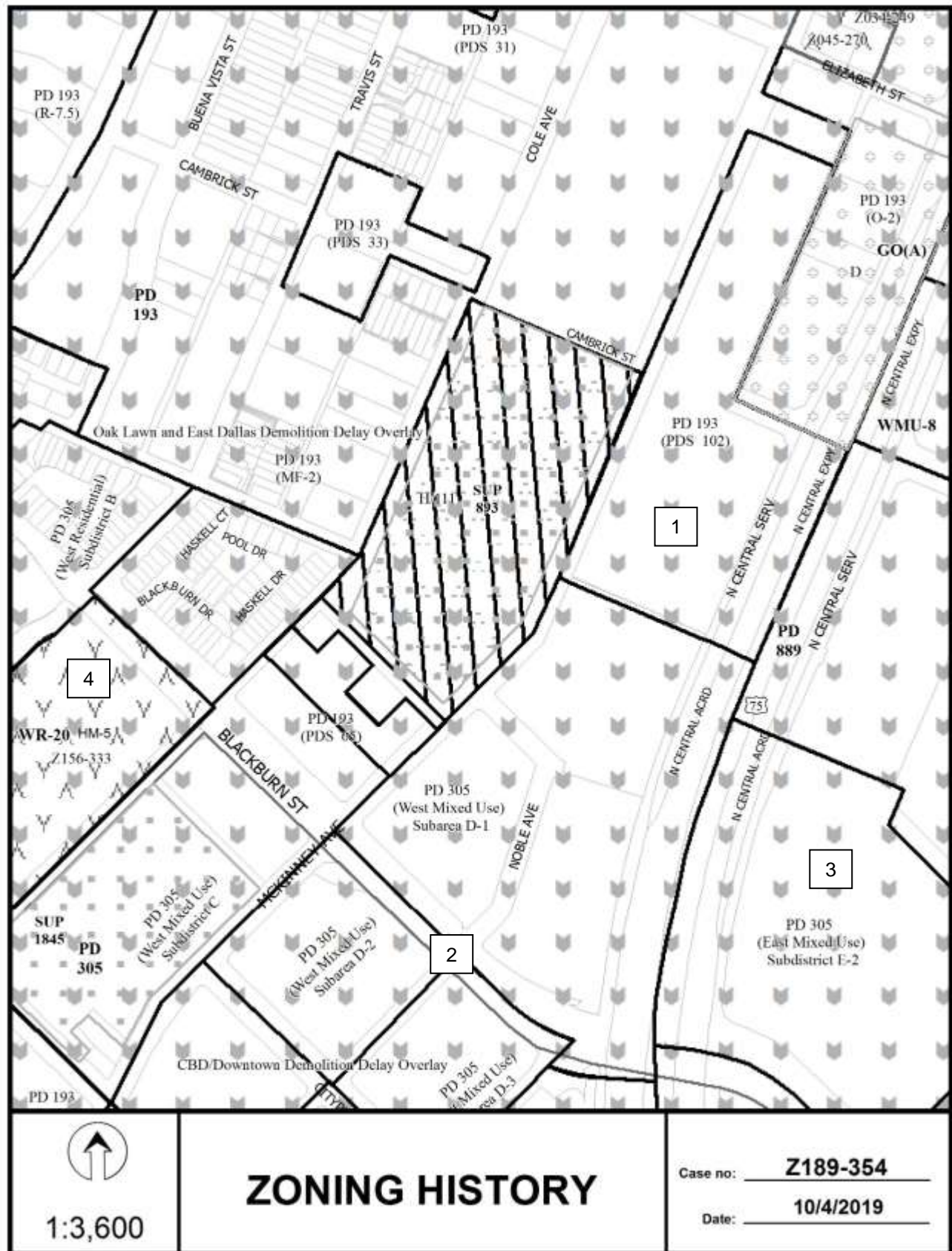
Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

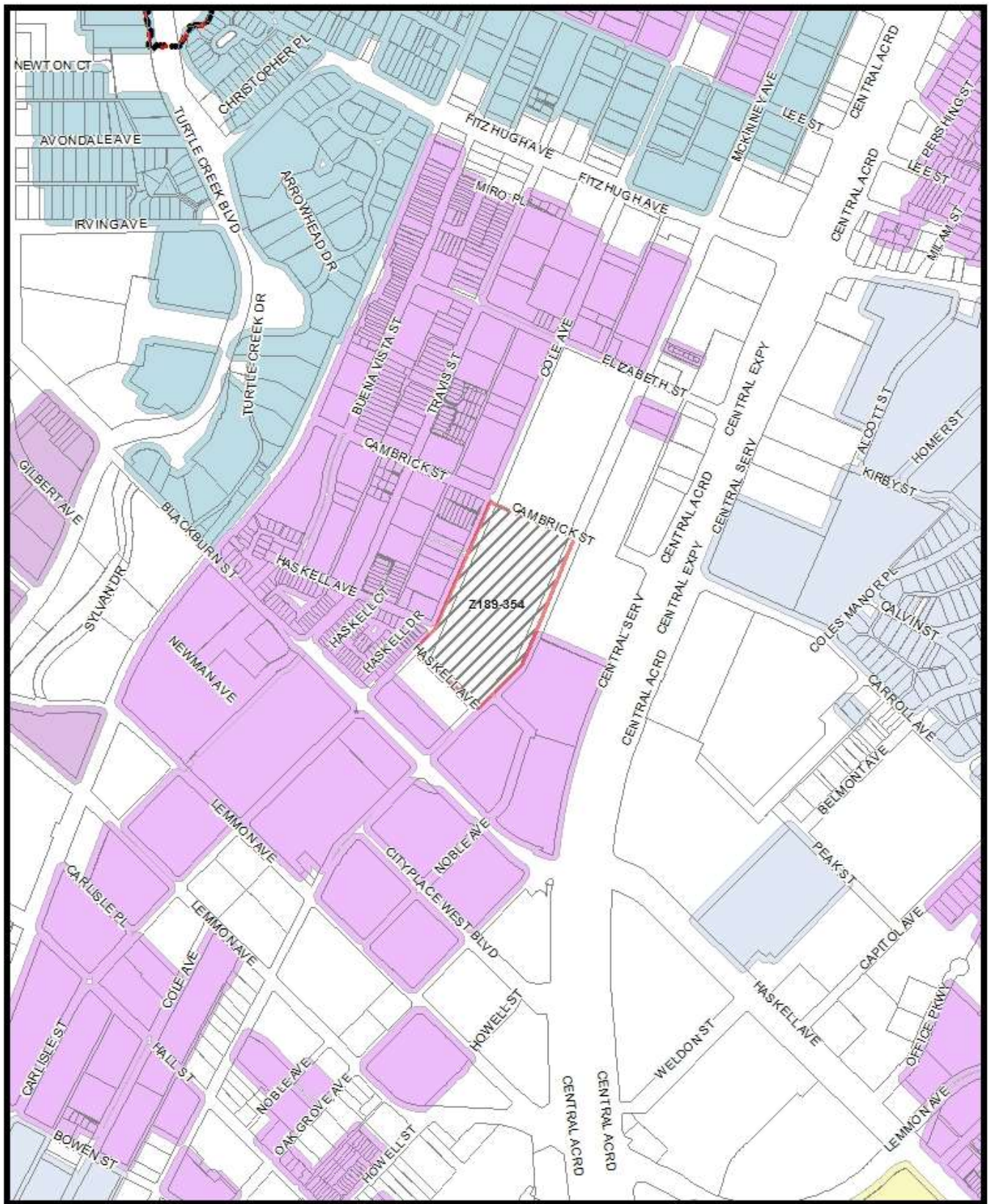
No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

The recommendations presented in this report reflect Pacheco Koch's assessment of current and projected traffic needs based on observations and professional judgment and incorporate feedback from DISD representatives. Pacheco Koch is not responsible for operations at the school; however, the recommendations have been presented to on-site school personnel with authority over implementation of the Plan (see **Exhibit 1** for on-site contact information). Pacheco Koch was not involved with site selection, site design, or the current operations for this project.





Z189-354(SM)



MVA Cluster A B C D E F G H I NA



Market Value Analysis

Printed Date: 10/4/2019



01/08/2020

Reply List of Property Owners***Z189-354******357 Property Owners Notified******7 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3120 N HASKELL AVE	Dallas ISD
	2	3210 N HASKELL AVE	COLE FLOYD O JR
	3	3927 COLE AVE	LUFESA INVESTMENT PROPERTIES LLC
	4	4011 TRAVIS ST	ALLEN JOHN M
O	5	4031 COLE AVE	VICEROY LIVING LLC
	6	4029 N CENTRAL EXPY	TEXAS CONFERENCE ASSOC SEVENTH DAY ADVENTISTS
	7	3700 MCKINNEY AVE	BLACKBURN CENTRAL
	8	3711 COLE AVE	LG CITYPLACE LP
	9	3201 HASKELL AVE	BLVD BLDRS/VALENCIA LP
	10	3810 TRAVIS ST	SANDERS ANGELA L
	11	3808 TRAVIS ST	BARNETT ROBERT TRACY
	12	3806 TRAVIS ST	METZLER JONATHAN
	13	3804 TRAVIS ST	MCKENDRY PATRICIA & MATTHEW
	14	3802 TRAVIS ST	CURLEY BRINDA HOLT
	15	3224 BLACKBURN DR	DELPINO CARLOS M & DEBORAH A
	16	3222 BLACKBURN DR	DOUD BRIAN &
	17	3220 BLACKBURN DR	BARRETT JOHN & LISA
	18	3218 BLACKBURN DR	MORTENSON TIMOTHY & KATHLEEN
	19	3216 BLACKBURN DR	DUNN JOHN R
	20	3214 BLACKBURN DR	TURNBULL JULIE & DERRICK J
	21	3212 BLACKBURN DR	LATHAM VAN & LYNN
	22	3210 BLACKBURN DR	FL DALLAS LLC
	23	3208 BLACKBURN DR	KUMAR RAJESWARI V
	24	3206 BLACKBURN DR	EDGERTON JAMES & LINDA L
	25	3223 POOL DR	HOA OF VALENCIA TOWNHOMES
	26	3839 COLE AVE	WOOMING GEORGE

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3837 COLE AVE	KOBETT PATRICK
	28	3835 COLE AVE	HARRIS DARRIUN & KRISTINA HARRIS
	29	3831 COLE AVE	HOFF NANCY A
	30	3829 COLE AVE	PARKER RONALD C
	31	3825 COLE AVE	OZBILEK LEVENT & ZEYNEP BURCU
	32	3823 COLE AVE	MINARYJOLANDAN MAJID &
	33	3821 COLE AVE	DE HAAN KAMERON
	34	3819 COLE AVE	BUCK MICHAEL A &
	35	3817 COLE AVE	BRYANT DAVID B
	36	3815 COLE AVE	CHRISTOPHERSON AARON M
	37	3811 COLE AVE	DOAN DUC
	38	3815 HASKELL DR	PRITCHARD JEFFREY M &
O	39	3817 HASKELL DR	CULLEN JOHN M & CONSTANCE L
	40	3819 HASKELL DR	WEIDE MARK
	41	3821 HASKELL DR	WALLACE CHRIS
	42	3823 HASKELL DR	HAUSER THOMAS M JR
O	43	3825 HASKELL DR	BALL JOHN G
	44	3820 HASKELL CT	VICK MICHAEL M & GRETCHEN G P
	45	3818 HASKELL CT	CONNERS CHRISTOPHER
	46	3816 HASKELL CT	MAH JEFFERY
	47	3814 HASKELL CT	TRUST PAM
	48	3812 HASKELL CT	ETHRIDGE JACOB J & AMANDA B
	49	3812 TRAVIS ST	SMITH TOBIAS
	50	3814 TRAVIS ST	KAMINSKI ANDRZEJ S
O	51	3816 TRAVIS ST	ASINOF PAULA
	52	3820 TRAVIS ST	HEPFER MAXINE
	53	3824 TRAVIS ST	MASON ASHLEY L
	54	3231 HASKELL AVE	OZBILEK LEVENT & ZEYNEP B
	55	3227 HASKELL AVE	VELING MARIA C
	56	3223 HASKELL AVE	BOLDRICK DAVID B & SUSAN B
	57	3219 HASKELL AVE	MESCIOGLU KUTLAY

01/08/2020

	<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
		58	3215 HASKELL AVE	HAMMETT DENNIS R
		59	3230 BLACKBURN DR	MAZUR ORLY & LEONARD
		60	3232 BLACKBURN DR	E&S JOSEPH FAMILY PARTNERSHIP LTD
		61	3234 BLACKBURN DR	FARROW PAUL
		62	3000 BLACKBURN ST	MEPT MONDRIAN CITYPLACE LLC
		63	2990 BLACKBURN ST	SVF BLACKBURN DALLAS CORP
		64	3900 TRAVIS ST	SHRI SONYA LIMITED PS
		65	3902 TRAVIS ST	NIDUMOLU VIJAY
		66	3904 TRAVIS ST	BLANKENSHIP MONICA L & LARRY D
		67	3238 N HASKELL AVE	OCONNOR JESSICA L
		68	3234 N HASKELL AVE	ARBOUR PAOLA M
		69	3230 N HASKELL AVE	RAUPERS GREGORY D
		70	3906 TRAVIS ST	NIREN LESLIE
		71	3908 TRAVIS ST	BONDS DOROTHEA
O		72	3910 TRAVIS ST	GRIMSHAW AIMEE M
		73	3250 N HASKELL AVE	KAVANAGH MARK ANTHONY
X		74	3246 N HASKELL AVE	MAGSTADT BRYAN MICHAEL &
		75	3912 TRAVIS ST	WHITE TRUST THE
		76	3914 TRAVIS ST	NELSON MITZI JEAN
		77	3262 N HASKELL AVE	SHAKOURIAN NIKKI
		78	3258 N HASKELL AVE	NYSEWANDER BEN
		79	3254 N HASKELL AVE	WOODARD RACHEL
		80	3983 COLE AVE	JOHNSTON KEVIN S &
		81	3979 COLE AVE	KLEIN BRYAN D
		82	3975 COLE AVE	PERNA DAVIID A
		83	3971 COLE AVE	MCARTHUR CLAIRE L III &
		84	3967 COLE AVE	NGUYEN QUANG KHOA
		85	3963 COLE AVE	MENDRYGAL KIPRIAN E &
		86	3959 COLE AVE	LIN CHUN M
		87	3955 COLE AVE	SPARROW TONI L
O		88	3951 COLE AVE	JENKINS KRISTIN M &

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	3947 COLE AVE	SARGENT JAMES M JR
	90	3943 COLE AVE	OWENS DERRICK CHASE
O	91	3939 COLE AVE	DOWELL MICHAEL B &
	92	3935 COLE AVE	MURRAY SARAH P & MARK C
	93	3931 COLE AVE	BROWN FREDERICK
	94	3930 MCKINNEY AVE	CRITERION MCKINNEY NOBEL APTS LP
	95	3947 TRAVIS ST	PIHAKARI KATIANNA
	96	3943 TRAVIS ST	SOTOBURAK KIMBERLY &
	97	3939 TRAVIS ST	MYERS PATRICK DAVID &
	98	3955 TRAVIS ST	ROGERS DEBBIE COFFMAN
	99	3971 TRAVIS ST	DEABREU IZABELLA DUTRA &
	100	3967 TRAVIS ST	MAY STEVEN D
	101	3963 TRAVIS ST	APONTE DUANE
	102	3975 TRAVIS ST	GOEKE GEORGE B
	103	3979 TRAVIS ST	KENNEDY BRYAN J
	104	3983 TRAVIS ST	VAMOS JOSE
	105	3817 TRAVIS ST	CORREA ANDRES & CLAUDIA VARGAS
	106	3819 TRAVIS ST	MAGNESS SUE ANN
	107	3821 TRAVIS ST	KENNEDY LESLIE A
	108	3823 TRAVIS ST	BERMAN GEORGE &
	109	3825 TRAVIS ST	BREVELLE JOHNALAIN ALMARIA
	110	3827 TRAVIS ST	DEAN GAIL L SURVIVORS TRUST
	111	3300 BLACKBURN ST	PORTOBELLO LTD
	112	4016 TRAVIS ST	KUTLER MARC D
	113	4016 TRAVIS ST	MEYER JASON & KRISTIN GREEN
	114	4016 TRAVIS ST	FISCHER CHRIS A
	115	4016 TRAVIS ST	RUCK DUANE SCOTT &
	116	4016 TRAVIS ST	STINSON STEWART
	117	4016 TRAVIS ST	ADAMS JAMES LOUIS &
	118	4030 TRAVIS ST	ROEMER JASON
	119	4022 TRAVIS ST	GRIGGS LEO II

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	4022	TRAVIS ST	DARIENZO VINCENZO &
121	4022	TRAVIS ST	FERRIS CYNTHIA ANN
122	4022	TRAVIS ST	HACKEN KEVIN T
123	4018	TRAVIS ST	GIVENS JENNY G
124	4018	TRAVIS ST	CAMPBELL JONATHAN &
125	4018	TRAVIS ST	OZTURK CIGDEM
126	4018	TRAVIS ST	WARDEN GARY
127	4014	TRAVIS ST	LOYOLA WALTER X JR
128	4014	TRAVIS ST	AUSTIN MILES J
129	4014	TRAVIS ST	BUSKER MITCHELL
130	3966	MCKINNEY AVE	CHURCH OF INCARNATION
131	11111	COLE AVE	CITY PLACE - DALLAS TIF 920
132	3340	CAMBRICK ST	NORFLEET GAIL
133	3330	CAMBRICK ST	JAMIESON JEFF
134	4003	TRAVIS ST	KARPIENSKI SAMANTHA
135	4003	TRAVIS ST	HUFFINES DEVIN
136	3919	COLE AVE	ROBEY SCOTT
137	3919	COLE AVE	COLE AVE 3919 102 LAND TR
138	3919	COLE AVE	HARTSELL NICOLE L
139	3919	COLE AVE	GORDON LAINEY ELIZABETH
140	3919	COLE AVE	CARMICHAEL WILLIAM JAMES JR
141	3919	COLE AVE	MOUTON ANDREW JAMES
142	3250	CAMBRICK ST	DAILEY GEORGE L JR & KATHARINE C
143	3250	CAMBRICK ST	KERSTEN EDWARD LAWRENCE
144	3250	CAMBRICK ST	KHARIV OKSANA
145	3250	CAMBRICK ST	BREWSTER ADRIAN
146	3250	CAMBRICK ST	BRYANT MONROE D JR
147	3250	CAMBRICK ST	DELEON ADRIAN
148	3250	CAMBRICK ST	SAIB AMINE
149	3250	CAMBRICK ST	BRAY RONALD A & SYLVIA H
150	3250	CAMBRICK ST	ABREL AMIR

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	3250	CAMBRICK ST	NEEMAN PATRICK RUSSELL
152	3250	CAMBRICK ST	HITTON WILLIAM
153	3250	CAMBRICK ST	NYENHUIS BRIAN KEITH
154	3250	CAMBRICK ST	JACOBSON JOHN D
155	3250	CAMBRICK ST	DAMERIS BRYAN V
156	3250	CAMBRICK ST	LAMSON INVESTMENTS LLC
157	3250	CAMBRICK ST	RYAN MEGHAN J
158	3250	CAMBRICK ST	SLOAN FREDERICK C
159	3230	CAMBRICK ST	CHEW SUSAN
160	3230	CAMBRICK ST	MCELROY ERIN
161	3230	CAMBRICK ST	LEVINE MARK
162	3230	CAMBRICK ST	DEAN JESSICA M
163	3230	CAMBRICK ST	BABCOCK JANE H
164	3230	CAMBRICK ST	SMITH CHARLES C
165	3251	CAMBRICK ST	WRIGHT JEANNA M TRUST
166	3251	CAMBRICK ST	CARRALES ANGELA L
167	3251	CAMBRICK ST	THIBODEAUX PAUL L
168	3251	CAMBRICK ST	SCHALL RYAN N
169	3251	CAMBRICK ST	FABIAN CHRIS
170	3251	CAMBRICK ST	PARRISH BRIAN MICHAEL &
171	3251	CAMBRICK ST	NAGELY NEAL MILTON
172	3251	CAMBRICK ST	PARIKH ANKUR
173	3251	CAMBRICK ST	MONACO ANDREW D
174	3251	CAMBRICK ST	SULLIVAN ESAU KENNETH
175	3251	CAMBRICK ST	KOO HE JIN
176	3251	CAMBRICK ST	SUSIE CATHERINE LEIGH
177	3251	CAMBRICK ST	KRUGER BRADLEY A
178	3251	CAMBRICK ST	CHEN KENNETH SUNGMAN &
179	3251	CAMBRICK ST	APPERTI-CHOA JENNIFER &
180	3251	CAMBRICK ST	BORG SANDRA J & JOSEPH D LIVING TR
181	3251	CAMBRICK ST	ARIAGNO CONSTANCE R

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	4011	COLE AVE	GARZA ANA L
183	4011	COLE AVE	WALKER JOHN H &
184	4011	COLE AVE	KAFTOUS SHARI
185	4011	COLE AVE	AHMED MUSTAQUE
186	4011	COLE AVE	MYERS SCOTT TIMOTHY
187	4011	COLE AVE	POLLARD CRAIG
188	4011	COLE AVE	FATTAHIYAR AHMAD
189	4011	COLE AVE	WILCHER MATTHEW
190	4011	COLE AVE	ADAMS JOHN
191	4011	COLE AVE	DIAMOS VIKKI &
192	4011	COLE AVE	VICEROY LIVING LLC
193	4011	COLE AVE	LOONEY JASON P
194	4011	COLE AVE	GRANDCHAMPT ROGER
195	4011	COLE AVE	REYESTOME ISRAEL
196	4011	COLE AVE	SOCALL PRISCILLA
197	4011	COLE AVE	BLUEROCK PROPERTIES LLC
198	4011	COLE AVE	TATE JOHN W &
199	4011	COLE AVE	RITTER ALMA ANGELINA
200	4021	COLE AVE	PETREE JASON
201	4021	COLE AVE	RAMOS VIVIANA
202	4021	COLE AVE	ORTEGA MARTHA
203	4021	COLE AVE	PURIFOY GROUP LLC THE
204	4021	COLE AVE	DELAMATA TOMAS
205	4021	COLE AVE	CASTRO NORA
206	4021	COLE AVE	HART DONALD R
207	4021	COLE AVE	FORBRICH D T
208	4021	COLE AVE	LAM BILLY M
209	4021	COLE AVE	SANCHEZ NICHOS MERAZ
210	4021	COLE AVE	CATHEY SAM C
211	3915	COLE AVE	UNIVERSITY CONSTRUCTION
212	3915	COLE AVE	DOYLE ROBERT

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	3915	COLE AVE	COLE FLOYD
214	3923	COLE AVE	SHEFFIELD KIT & VASILISA
215	3923	COLE AVE	KAPPELMANN JENNIFER LEE
216	3923	COLE AVE	DIWA TOMAS III & LETICIA
217	3923	COLE AVE	PAYNE CHANDRA L
218	3923	COLE AVE	COLEAVENUECONDOS LLC
219	3923	COLE AVE	PYTKA JACK & LORETA
220	3923	COLE AVE	LEHTOLA PATRICIA
221	3923	COLE AVE	GOHSMAN JOHN W & ANNETTE F
222	3923	COLE AVE	GOODRUM DAVID H
223	3923	COLE AVE	ROWE ALLEN EDWIN &
224	3923	COLE AVE	HENKIN HARVEY E & HELENE
225	3901	COLE AVE	MELLENDEZ MYRNA GEORGINA
226	3901	COLE AVE	HANSON KURT & PATRICA
227	3901	COLE AVE	TUCKER THOMAS A
228	3901	COLE AVE	FERGUSON ELIZABETH
229	3901	COLE AVE	ROWLAND COLIN
230	3901	COLE AVE	ROWLAND COLIN
231	3901	COLE AVE	BREWER EMILY M
232	3901	COLE AVE	SOKOLOVIC BENJAMIN S
233	3700	MCKINNEY AVE	FC 3700 MCKINNEY OWNER LLC
234	3700	MCKINNEY AVE	3700 MCKINNEY LTD
235	3901	TRAVIS ST	SIERS SCOTT A
236	3901	TRAVIS ST	GARCIA RYAN
237	3901	TRAVIS ST	HENNINGSSEN JOSEPH H JR
238	3901	TRAVIS ST	GILLETTE KRISTINE
239	3901	TRAVIS ST	JEON TINA
240	3901	TRAVIS ST	DILLOW DANIELLE LEIGH
241	3901	TRAVIS ST	KISSANE ERIN
242	3901	TRAVIS ST	WEINBERG ELANDRA B
243	3901	TRAVIS ST	GILG TERRANCE L

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
244	3901	TRAVIS ST	TSAI ROGER W & MARGARET S C
245	3901	TRAVIS ST	MCMANUS SEAN
246	3901	TRAVIS ST	BAKER JONATHAN A
247	3901	TRAVIS ST	MARTITS CHALANGARI KATALIN &
248	3901	TRAVIS ST	CCCC PROPERTY MGMT LLC
249	3901	TRAVIS ST	SULLIVAN JOHN P REVOCABLE TRUST
250	3901	TRAVIS ST	DOTLINK LLC
251	3901	TRAVIS ST	SHERIDAN THOMAS M
252	3901	TRAVIS ST	SHADLE KATHERINE A &
253	3901	TRAVIS ST	FRIEDMAN JASON
254	3901	TRAVIS ST	CAMERON AMANDA
255	3901	TRAVIS ST	CUARTELON ADELE S
256	3901	TRAVIS ST	WEEDMAN JONATHAN
257	3901	TRAVIS ST	TSAI TAI CHUN
258	3901	TRAVIS ST	PANGLE JONATHAN LOUIS
259	3901	TRAVIS ST	THOMAS DARIUS & FALLYN
260	3901	TRAVIS ST	HALAYDA STEPHEN J
261	3901	TRAVIS ST	PLEITEZ CLAUDIA
262	3901	TRAVIS ST	CCCC PPTY MGMT LLC
263	3901	TRAVIS ST	SENROR CHARLES DAVID & JANE ALLEN
264	3901	TRAVIS ST	ROUSSON GEORGE & BEATA
265	3901	TRAVIS ST	WOOD CHARLES MARK
266	3901	TRAVIS ST	MCALEAVEY DAVID J
267	3901	TRAVIS ST	REYES JOSHUA P
268	3901	TRAVIS ST	FULLER WILLIAM T
269	3901	TRAVIS ST	JOHNSON CARRIE L
270	3901	TRAVIS ST	SMITH SCOTT N & ALYSSA L
271	3901	TRAVIS ST	MELCHER MARIAH B
272	3901	TRAVIS ST	LUPTON CHAD ARTHUR &
273	3901	TRAVIS ST	FEATHERSTONE ALEXANDRIA N
274	3901	TRAVIS ST	BURNLEY ROBERT

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
275	3901	TRAVIS ST	KAISER KASS
276	3901	TRAVIS ST	WESTBROOK ASHLY
277	3901	TRAVIS ST	BITENCOURT NICOLE
278	3901	TRAVIS ST	GURKA STEPHANIE A &
279	3901	TRAVIS ST	SANCHEZ VICTOR G
280	3901	TRAVIS ST	IVCHENKO NATALIA A
281	3901	TRAVIS ST	CHEN SHYHDAH &
282	3901	TRAVIS ST	GOMEZ MARK D
283	3901	TRAVIS ST	VANLANDINGHAM SHARMAN J
284	3901	TRAVIS ST	FACCA THOMAS PAUL &
285	3901	TRAVIS ST	MILLER LINDSEY R
286	3901	TRAVIS ST	LOVATO CHRISTOPHER J
287	3901	TRAVIS ST	BEARIST GROUP LLC
288	3901	TRAVIS ST	TATUM JOHN & MARGARET
289	3901	TRAVIS ST	HERBST REBECCA
290	3901	TRAVIS ST	BUIE THOMAS M & CAROLINE P
291	3922	TRAVIS ST	FLAD JORDAN ELIZABETH
292	3922	TRAVIS ST	PATEL RAJAN P
293	3922	TRAVIS ST	STAFIRA JOHN
294	3922	TRAVIS ST	MURREY MATTHEW LYNN & HEATHER FOX
295	3922	TRAVIS ST	BURNS NICHOLS L
296	3922	TRAVIS ST	WIGGS BRUCE
297	3920	TRAVIS ST	KIM ERNEST YOON
298	3920	TRAVIS ST	CASSADY KAREN
299	3920	TRAVIS ST	BOYD TRACY J
300	3920	TRAVIS ST	CORPACO 1 LP
301	3920	TRAVIS ST	WENNING CONNOR
302	3920	TRAVIS ST	DAVIS LANE C & VIVIAN O
303	3920	TRAVIS ST	WINSTON NANCY A
304	3920	TRAVIS ST	GLENNON JASON NICHOLAS
305	3920	TRAVIS ST	FIROOZBAKHT BOBACK F

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
306	3920	TRAVIS ST	RODRIGUEZ HILDA M
307	3920	TRAVIS ST	MOUSEL MICHAEL A
308	3922	TRAVIS ST	SCHOENFELD BRENDA
309	3922	TRAVIS ST	JAMES RICHARD D & RONALD S
310	3920	TRAVIS ST	ESPINOSA LEIGH ANN
311	3920	TRAVIS ST	KING CLAUDINE
312	3920	TRAVIS ST	FARVARDIN ANOOSH
313	3920	TRAVIS ST	WILCHER JACQUELINE K
314	3920	TRAVIS ST	HOMSEY ANNA L
315	3936	TRAVIS ST	GUERRA ALEXANDER
316	3936	TRAVIS ST	VELAZQUEZ SOFIA ALEJANDRA M &
317	3936	TRAVIS ST	DAVILA HOLANDA &
318	3936	TRAVIS ST	THRAILKILL JESSICA
319	3936	TRAVIS ST	FURLOW DAVID
320	3936	TRAVIS ST	VAN HATTUM ROBERT
321	3936	TRAVIS ST	MCLENDON SHERRY A
322	3936	TRAVIS ST	SCSM CORPORATION LLC
323	3936	TRAVIS ST	CRISMAN THOMAS L
324	3936	TRAVIS ST	GRAVES ALEXANDRA L
325	3936	TRAVIS ST	HARPER HEIDI
326	3907	COLE AVE	HAMM PHILIP
327	3907	COLE AVE	ANDERL RICHARD M
328	3907	COLE AVE	SUTHERLAND SCOTT R &
329	3907	COLE AVE	HAEGELE JOSHUA S & SARAH J SPECK
330	3907	COLE AVE	SEARFOSS RALPH
331	3907	COLE AVE	CULBERTSON DAVID EVAN
332	3907	COLE AVE	STHRC REAL ESTATE TRUST
333	3907	COLE AVE	REINHEIMER MARK &
334	3907	COLE AVE	ABATE MATTHEW & ESTHER
335	3907	COLE AVE	SHAH JHEEL H
336	3907	COLE AVE	MASEK GEORGE E &

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
337	3907	COLE AVE	FENNEMA RICHARD E & MARIA E
338	3699	MCKINNEY AVE	WEST VILLAGE 2004 PO LTD
339	3699	MCKINNEY AVE	KAPORIS HELEN
340	3699	MCKINNEY AVE	WILLIAMSON ANA R
341	3699	MCKINNEY AVE	SAVAGE TAMARA ANN
342	3699	MCKINNEY AVE	JONES MIRANDA
343	3699	MCKINNEY AVE	MILLER OMARI
344	3699	MCKINNEY AVE	SHERWOOD STEVEN TRUST
345	3699	MCKINNEY AVE	KIA HAMID G & SHELIA F
346	3699	MCKINNEY AVE	SCHULZE MARK
347	3699	MCKINNEY AVE	JOHNSON GLENN
348	3699	MCKINNEY AVE	LIVINGSTON WILLIAM C &
349	3699	MCKINNEY AVE	LEMMA YONATAN SOLOMON
350	3699	MCKINNEY AVE	PHILZACH LLC
351	3699	MCKINNEY AVE	REBELLO EUPHRASON G
352	3699	MCKINNEY AVE	YOUNG FREDERICK C
353	3699	MCKINNEY AVE	BARRON JEFFERY ADAM
354	3699	MCKINNEY AVE	ALIBHAI HUSEIN F
355	3699	MCKINNEY AVE	SHAH SUMMIT J &
356	3839	MCKINNEY AVE	CPI POLLACK WEST VILLAGE 3839 OWNER LP
357	3839	MCKINNEY AVE	WV7 LP



Agenda Information Sheet

File #: 20-179

Item #: Z7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 14
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. 2119 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 808, on the south corner of Gaston Avenue and Tucker Street

Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions Z189-369(CT)

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY FEBRUARY 12, 2020**
ACM: Majed Al-Ghafry

FILE NUMBER: Z189-369(CT) **DATE FILED:** September 30, 2019

LOCATION: South corner of Gaston Avenue and Tucker Street

COUNCIL DISTRICT: 14 **MAPSCO:** 37 X

SIZE OF REQUEST: Approx. 4.27 acres **CENSUS TRACT:** 1.00

APPLICANT: Lindsay Sloan, On Rotation Brewhouse
(Craft Brew Labs, Inc.)

OWNER: 7324 Gaston Ave. Ltd.

REQUEST: An application for the renewal of Specific Use Permit No. 2119 for an acholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 808.

SUMMARY: The applicant proposes to continue the operation of an existing alcoholic beverage establishment limited to a bar, lounge, or tavern use on the subject site (On Rotation Brewhouse).

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a three-year period, subject to conditions.

BACKGROUND INFORMATION:

- The area of request is zoned Planned Development District No. 808 and is currently developed with two buildings housing retail and personal service uses.
- The applicant proposes to continue the operation of an existing alcoholic beverage establishment limited to a bar, lounge, or tavern use on the subject site (On Rotation Brewhouse).
- On March 26, 2014, City Council approved Specific Use Permit No.2119 for an acholic beverage establishment limited to a bar, lounge, or tavern use at the subject site.
- The Specific Use Permit was renewed by City Council on September 28, 2016 for a three-year period. [Expiration date: September 28, 2019]. The applicant filed the application within the time-frame of renewal.

Zoning History: There has been one zoning change for the area of request in the past five years.

- 1. Z145-216** On June 4, 2015, the City Council denied an application to create a new Planned Development District to allow a mini-warehouse use by right and increase floor area ratio on property generally located on the east line of East Grand Avenue south of Gaston Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Gaston Avenue	Community Collector	60 feet
Tucker Street	Local	30 feet
East Grand Avenue	Principal Arterial	100 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:

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Land Use:

	Zoning	Land Use
Site	PDD No. 808, SUP No. 2119	Restaurants, personal service, dry cleaners, medical office, UPS, veterinarian, etc.
North	CR & CR w/ Deed Restrictions	Retail and restaurants
East	MU-1 w/ Deed Restrictions	Liquor Store, pawn shop, and restaurant
South	R-7.5(A) & CR	Single family homes, restaurant
West	MF-2(A), R-7.5(A)	Multifamily units, single family homes

Land Use Compatibility:

The continued operation of the alcoholic beverage establishment use is consistent with the commercial uses within the immediate area. The use has been in operation for five years with no indication of having an adverse effect on surrounding uses.

No changes are being proposed to the site plan. The applicant plans to operate in the same manner. The existing alcoholic beverage establishment limited to a bar, lounge or tavern includes a 581-square-foot small scale beer manufacturing area. The Dallas Development Code establishes that a microbrewery, micro-distillery, or winery uses, and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use [(51A-4.217(a)(5).] The beer manufacturing area, which the applicant proposes to continue to use and occupy in this manner, represents a total of less than 20 percent of the overall square footage (3,200 sq. ft.).

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 shopping center which houses the use comprised of retail and personal service uses and the applicant's request is consistent with the existing zoning, the general provisions for a Specific Use Permit, and is not foreseen to have a negative impact on the surrounding properties. The existing bar, lounge, or tavern will continue to contribute to the character of the neighborhood and promote further reinvestment in the area. Staff recommends approval of the request for a three-year period to allow for a review of the use within a short time period and reevaluate the use's compatibility with surrounding uses.

Landscaping:

Landscaping of any development will be in accordance with Article X, as amended. There is no development proposed, therefore no additional landscaping is required.

Parking:

The bar, lounge, or tavern use requires one parking spaces per 100 square feet of floor area and one space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern. The 2,619-square foot building with 581-square-feet to be used to manufacture alcoholic beverages (brewery) would require 29 parking spaces. The subject site meets the required parking for the use.

Police Report:

Staff obtained reported offenses for the most recent three-year period during which the use has operated under SUP No. 2119. The list of offenses is provided below:

Date	Incident No.	Premise	Crime
4/8/2019	069845-2019	Parking (Business)	BMV
7/20/2019	146352-2019	Restaurant/Food Service/TABC Location	BURGLARY-BUSINESS
1/31/2019	020603-2019	Restaurant/Food Service/TABC Location	DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY
6/9/2019	116438-2019	Restaurant/Food Service/TABC Location	BURGLARY-BUSINESS
12/4/2017	275621-2017	Restaurant/Food Service/TABC Location	MISCELLANEOUS
1/28/2019	018482-2019	Restaurant/Food Service/TABC Location	BURGLARY-BUSINESS
1/28/2019	018594-2019	Restaurant/Food Service/TABC Location	BURGLARY-BUSINESS
5/14/2017	108260-2017	Restaurant/Food Service/TABC Location	MISCELLANEOUS

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 "C" MVA Cluster to the north, west, and south of the subject site.

PARTNERS/OFFICERS

List of Partners/Principals/Officers

CRAFT BREW LABS, INC. dba On Rotation Brewhouse

Jacob L Sloan, President and Secretary

Lindsay G Sloan, Director

Nancy H Greer, Director

David E Greer Jr, Director

7324 GASTON AVENUE, LTD.

LO/GP 7324 Gaston Avenue, Inc.

Mack A Pogue, Chairman, Director

William C Dovall, President

Nancy A Davis, Vice President, Secretary, Treasurer

Gregory S Courtwright, Vice President

Steve Seitz, Vice President

Robert Dozier, Vice President

Leigh Ann Everett, Assistant Secretary

CPC ACTION
January 9, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2119 for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a three-year period, subject to conditions (as briefed) on property zoned Planned Development District No. 808, on the south corner of Gaston Avenue and Tucker Street.

Maker: MacGregor
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

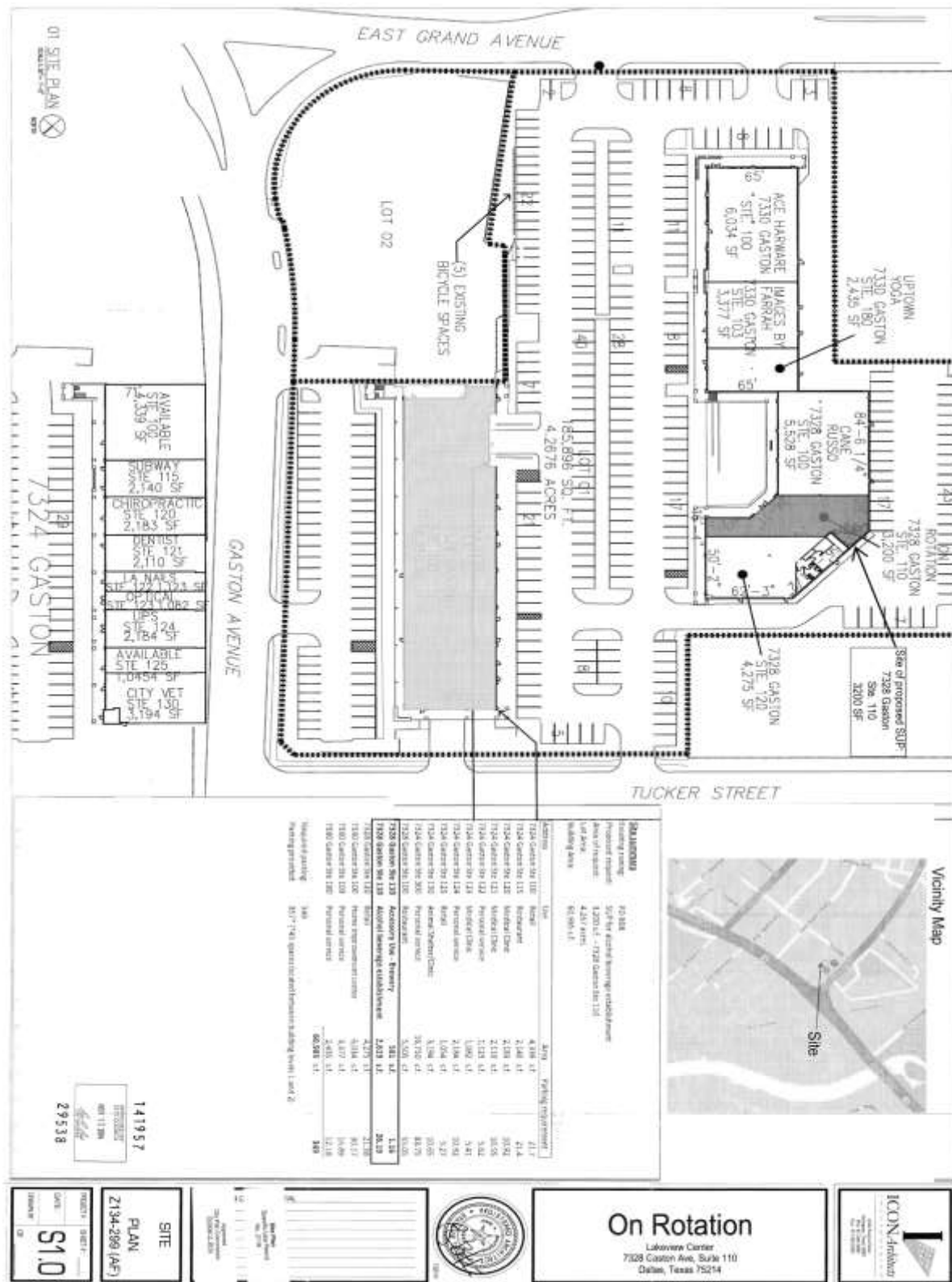
Notices: Area: 200 Mailed: 70
Replies: For: 2 Against: 0

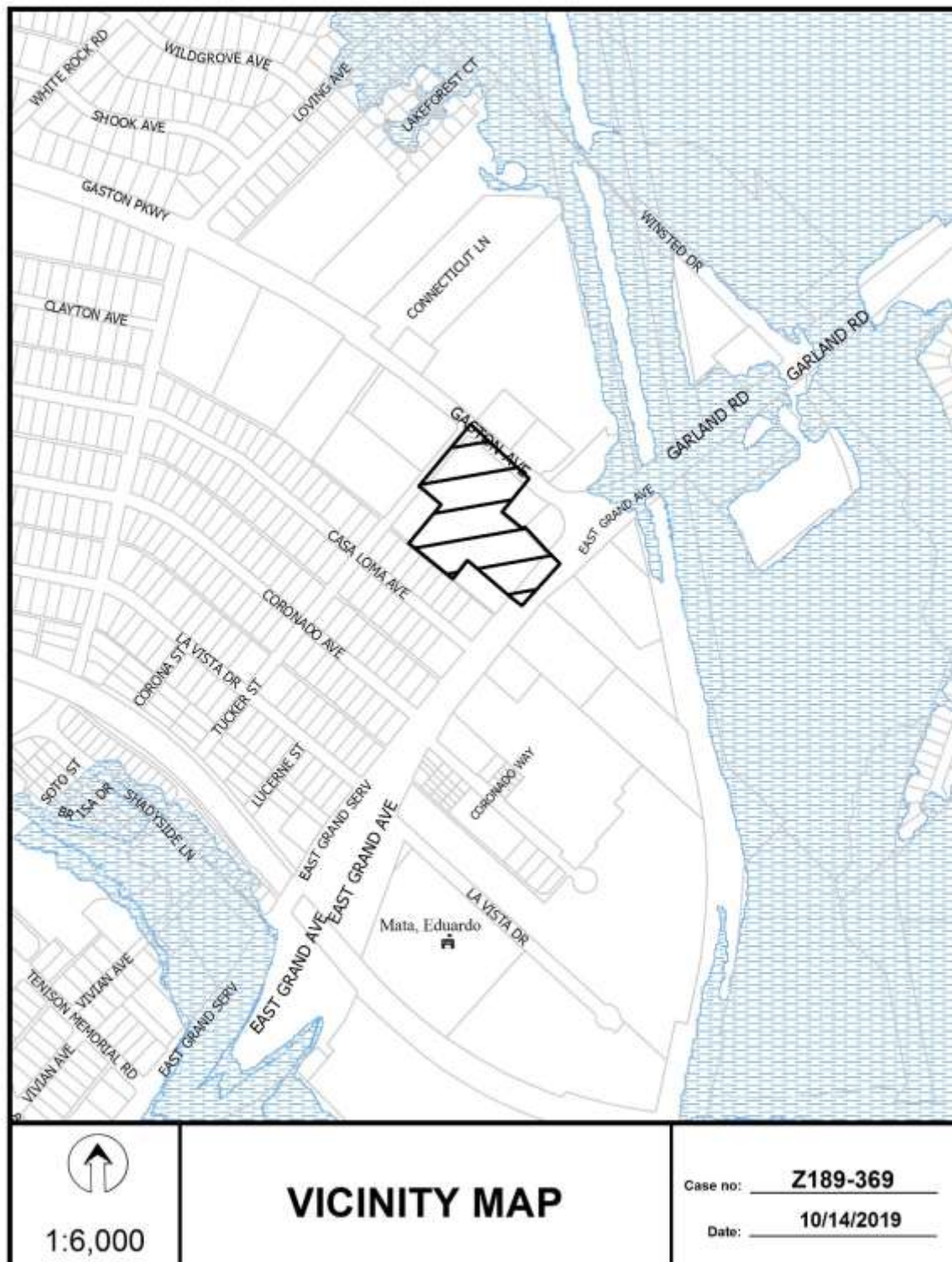
Speakers: None

CPC RECOMMENDED SUP CONDITIONS

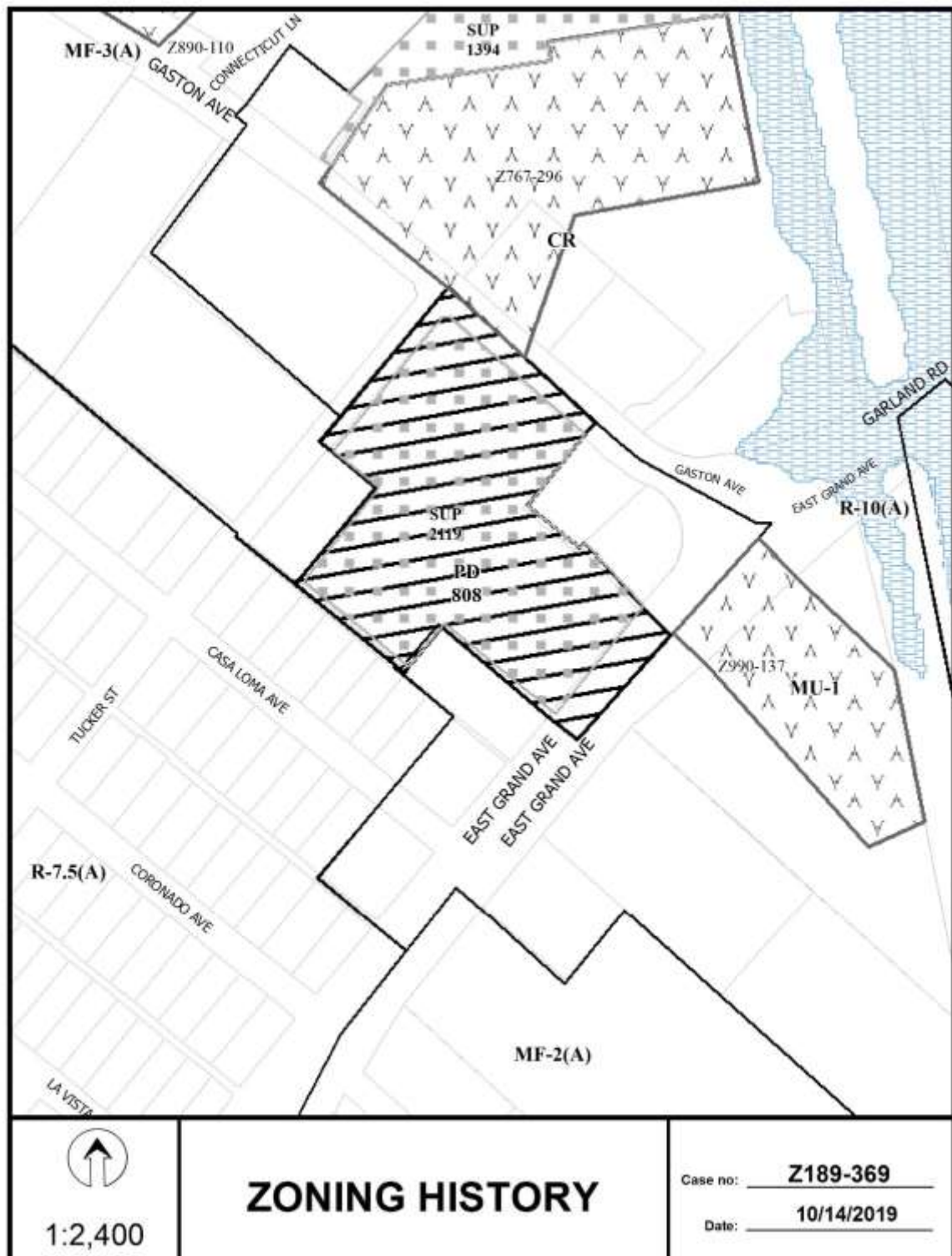
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance.
4. FLOOR AREA: Maximum floor area for the alcoholic beverage establishment limited to a bar, lounge, or tavern is 3,200 square feet.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern use may only operate between 12:00 p.m. (noon) and 10:00 p.m., Sunday through Thursday, and between 12:00 p.m. (noon) and 12:00 a.m. (midnight), Friday through Saturday.
6. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.
7. OUTSIDE STORAGE: Outside storage of silos or containers of spent grain is not permitted.
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.

EXISTING SUP SITE PLAN (NO CHANGE)

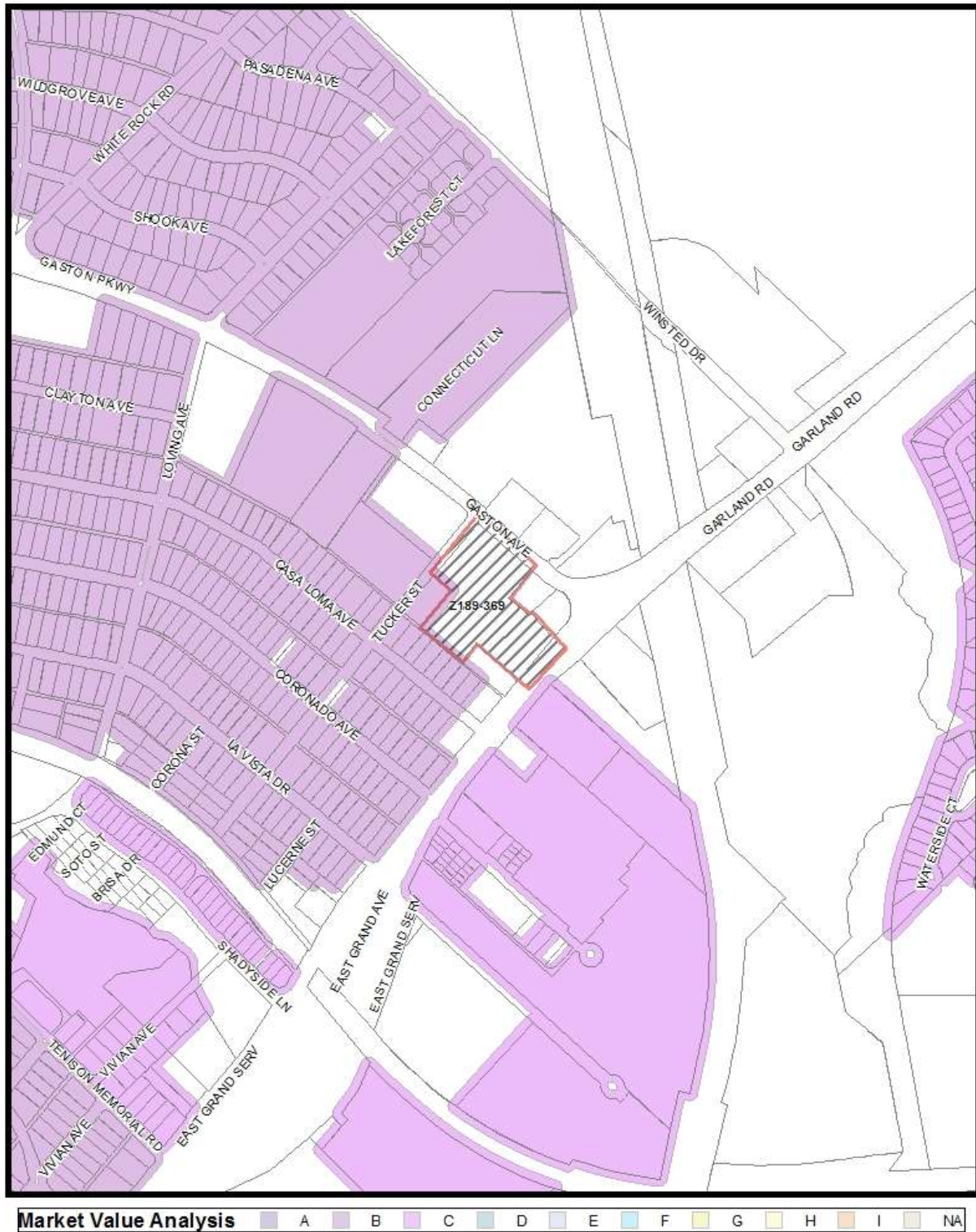








Z189-369(CT)



CPC Responses



01/08/2020

Reply List of Property Owners***Z189-369******70 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	7340 GASTON AVE	7324 GASTON AVENUE LTD
	2	7515 EAST GRAND AVE	SALES MEXICO LINDO
	3	7330 GASTON AVE	7324 GASTON AVE LTD
	4	7522 EAST GRAND AVE	WRSM NO 1 LP
	5	7530 EAST GRAND AVE	WRSM NO 1 LP
	6	7530 EAST GRAND AVE	WRSM NO 1 LP
	7	7326 CASA LOMA AVE	CAMPAGNA ANTHONY J
	8	7322 CASA LOMA AVE	MORRIS ALAN W
	9	7318 CASA LOMA AVE	MBA LESLIE OBINEGBO & OBI
	10	7310 CASA LOMA AVE	RICH HARRISON & HEATHER
	11	7306 CASA LOMA AVE	ALLEN DANA L & CHRISTINE E
	12	7302 CASA LOMA AVE	BIRDI KANU & MARISSA
	13	7303 CASA LOMA AVE	SPARKS CHRISTOPHER R &
	14	7307 CASA LOMA AVE	GRIFFIN DIANA DEE
	15	7315 CASA LOMA AVE	WAKS DAVID M & AMBER K
	16	7319 CASA LOMA AVE	CULLIVAN MARISSA T
	17	7323 CASA LOMA AVE	FUERTE ASHLYN
	18	7327 CASA LOMA AVE	GRANDE ERIK
	19	7331 CASA LOMA AVE	MITROFF TWILA J
	20	7243 CASA LOMA AVE	TUNCER ENIS
	21	2114 TUCKER ST	SHELTON SYLVIA KIRKWOOD
O	22	7446 EAST GRAND AVE	J & K INVESTMENTS LLC
	23	7500 E GRAND AVE	SALES MEXICO LINDO
	24	7317 GASTON AVE	CH REALTY VII R DALLAS ARBORETUM VILLAGE LP
	25	7347 GASTON AVE	GASTON GRAND CORNER LTD
O	26	7230 GASTON AVE	BROWN ARTHUR LUTHER ET AL

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2165 TUCKER ST	MDI LLC
	28	7510 EAST GRAND AVE	7510 E GRAND LLC
	29	7510 EAST GRAND AVE	ALVAREZ BEATRICE
	30	7510 EAST GRAND AVE	WILSON MAYDAY LLC
	31	7510 EAST GRAND AVE	HATCHETT JANAE
	32	7510 EAST GRAND AVE	ALLEN WALTER
	33	7510 EAST GRAND AVE	GUY DARRELL
	34	7510 EAST GRAND AVE	SILVA JOSE VICENTE
	35	7510 EAST GRAND AVE	WATSON LAWRENCE E
	36	7510 EAST GRAND AVE	BURKHARDT BARBARA
	37	7510 EAST GRAND AVE	MARTINDALE JOY ELAINE
	38	7510 EAST GRAND AVE	7510 E GRAND LLC
	39	7510 EAST GRAND AVE	CAO YE
	40	7510 EAST GRAND AVE	AMOY LLC
	41	7510 EAST GRAND AVE	BRENING JOHN E
	42	7510 EAST GRAND AVE	7510 E GRAND LLC
	43	7510 EAST GRAND AVE	ALLAH SUPREME SEVEN &
	44	7510 EAST GRAND AVE	ROHRMAN ELIZABETH
	45	7510 EAST GRAND AVE	CHUA AY HUA
	46	7510 EAST GRAND AVE	BOGAN TRUST
	47	7510 EAST GRAND AVE	WHITE MARLO Y
	48	7510 EAST GRAND AVE	COX RAYMOND F
	49	7510 EAST GRAND AVE	HILDRETH ALLEN
	50	7510 EAST GRAND AVE	ARDON RUTH J
	51	7510 EAST GRAND AVE	BERRY MARK
	52	7510 EAST GRAND AVE	MUSMAR MAJED
	53	7510 EAST GRAND AVE	NEW WORLD SERIES LLC SERIES X
	54	7510 EAST GRAND AVE	HARDAGE GEORGE
	55	7510 EAST GRAND AVE	MEDINA ERIN
	56	7510 EAST GRAND AVE	BORN MARK W &
	57	7510 EAST GRAND AVE	HARDAGE GEORGE

Z189-369(CT)

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	7510 EAST GRAND AVE	HARRIS JAMES B & DIANE B
	59	7510 EAST GRAND AVE	MORENO NICOLE CHRILDRENS TRUST
	60	7510 EAST GRAND AVE	SENITZ FAMILY HOME
	61	7510 EAST GRAND AVE	BADER GREG
	62	7510 EAST GRAND AVE	GRAY NANCY E
	63	7510 EAST GRAND AVE	HERNANDEZ EDELMIRO C &
	64	7510 EAST GRAND AVE	GALENBIA LLC
	65	7510 EAST GRAND AVE	HOWARD JOHN
	66	7510 EAST GRAND AVE	GULENG EMERSON E JR
	67	7510 EAST GRAND AVE	MEYERS KAREN
	68	7510 EAST GRAND AVE	KLS INVESTMENTS LLC
	69	7510 EAST GRAND AVE	CHUA AY HUA
	70	7510 EAST GRAND AVE	SILVA MICHAEL R



Agenda Information Sheet

File #: 20-180

Item #: Z8.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 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 a Specific Use Permit for a commercial amusement (inside) use on property zoned Subdistrict 3 (Tract 2), Midtown Green Walkable Urban Mixed Use District (WMU-20) within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the southwest corner of Montfort Drive and James Temple Drive
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z190-106(CT)

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, FEBRUARY 12, 2020
ACM: Majed Al-Ghafry

FILE NUMBER: Z190-106(CT) **DATE FILED:** September 7, 2019
LOCATION: Southwest corner of Montfort Drive and James Temple Drive
COUNCIL DISTRICT: 11 **MAPSCO:** 15 N
SIZE OF REQUEST: Approx. 1.88 acres **CENSUS TRACT:** 136.16

REPRESENTATIVE: Suzan Kedron, Jackson Walker L.L.P.

APPLICANT: Ryan Crow, TCHDallas1, LLC

OWNER: RH Three, LP

REQUEST: An application for a Specific Use Permit for a commercial amusement (inside) use on property zoned Subdistrict 3 (Tract 2), Midtown Green Walkable Urban Mixed Use District (WMU-20) within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District.

SUMMARY: The applicant proposes to operate a membership-based social club with activities to include card games, billiards, and sports lounges (Texas Card House).

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:

- The area of request is within subdistrict 3 (Tract 2) Midtown Green Walkable Urban Mixed Use District (WMU-20) within Planned Development District No. 887 and is currently developed with a one-story building, housing nine suites composed of retail and personal service uses.
- The applicant proposes to operate a commercial amusement (inside) use on the subject site [Texas Card House].
- The suite housing the commercial amusement (inside) use is 6,357-square-feet.

Zoning History: There has been one zoning change for the area of request in the past five years.

1. **Z167-307** On December 13, 2017, City Council approved an application to modify the boundaries of Subdistrict 1, 1A, 1B, and create subdistrict 1C within Planned Development District No. 887.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Montfort Drive	Minor Arterial	80 feet
James Temple Drive	Community Collector	50 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

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:

	Zoning	Land Use
Site	PDD No. 887 Subdistrict 3-Tract 2	Retail/Personal Service
North	NO-(A), PDD No. 250, RR	Retail/Personal Service, Multifamily
East	PDD No. 887, Subdistrict 1A-Tract 1 (WMU-20)	Retail/Personal Service
South	PDD No. 887, Subdistrict 2 (WMU-20)	Retail
West	PDD No. 887, Subdistrict 2 (WMU-20)	Retail

Land Use Compatibility:

The site is developed with a one-story retail building and a surface parking lot. The proposed location of the commercial amusement (inside) use is within the westernmost suite of the retail building. North, across James Temple Drive there is a multifamily development. Other surrounding uses to the proposed membership-based social club are a large retail store (Target), retail and personal service uses in the suites to the east, and a restaurant with drive-in or drive-through service to the south. Across Montfort Drive to the east, is the remnants of Valley View Mall, as it is being demolished.

The commercial amusement (inside) use is defined as a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to an adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, a children's amusement center, dance hall, motor track or skating rink. The applicant intends to offer card games, billiards, and other games of skill to the public as a part of a membership-based social club.

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 request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff supports the request and recommends approval for a two-year period because the applicant has agreed to comply with hours of operation restrictions, has added security measures as a condition of the use, and it is not foreseen to be detrimental to surrounding properties. Although the Valley View Galleria Plan vision includes office uses in the LBJ Gateway Corridor, the area is currently in early stages of transition and the Planned Development District currently allows for the use by applying for a Specific Use Permit. Additionally, a two-year period would allow for the use to be re-evaluated in a short period of time.

Landscaping:

Landscaping will be provided in accordance to the landscaping requirements in Article X, as amended.

Parking:

The off-street parking requirement for the commercial amusement (inside) use in a Walkable Urban Mixed Use District is one parking space per each 200 square feet of floor area. The applicant has proposed a floor area of 6,357 square feet for the use resulting in a minimum of 32 parking spaces required for the proposed use. The applicant also reports that the cumulative parking requirement for the entire shopping center site is 114 spaces and 123 parking spaces are provided.

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, the nearest MVA cluster is located to the north and is identified as an “E” MVA cluster and the area to the south of LBJ Freeway is identified as an “E” MVA cluster to the south and an “H” MVA cluster to the southeast.

CPC ACTION
January 9, 2020

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (inside) use for a two-year period, subject to a site plan and conditions on property zoned Subdistrict 3 (Tract 2), Midtown Green Walkable Urban Mixed Use District (WMU-20) within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the southwest corner of Montfort Drive and James Temple Drive.

Maker: Schultz
Second: Carpenter
Result: Carried: 13 to 1

For: 13 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Schultz,
Schwope, Murphy, Garcia, Rubin

Against: 1 - Housewright
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 300 Mailed: 6
Replies: For: 0 Against: 0

Speakers: For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Against: None

List of Partners/Principals/Officers

TCHDallas1, LLC

Ryan Crow, Owner/Manager and CEO

Darren Brown, Owner/ Manager

RH Three, LP

RH Three GP, LLC, General Partner

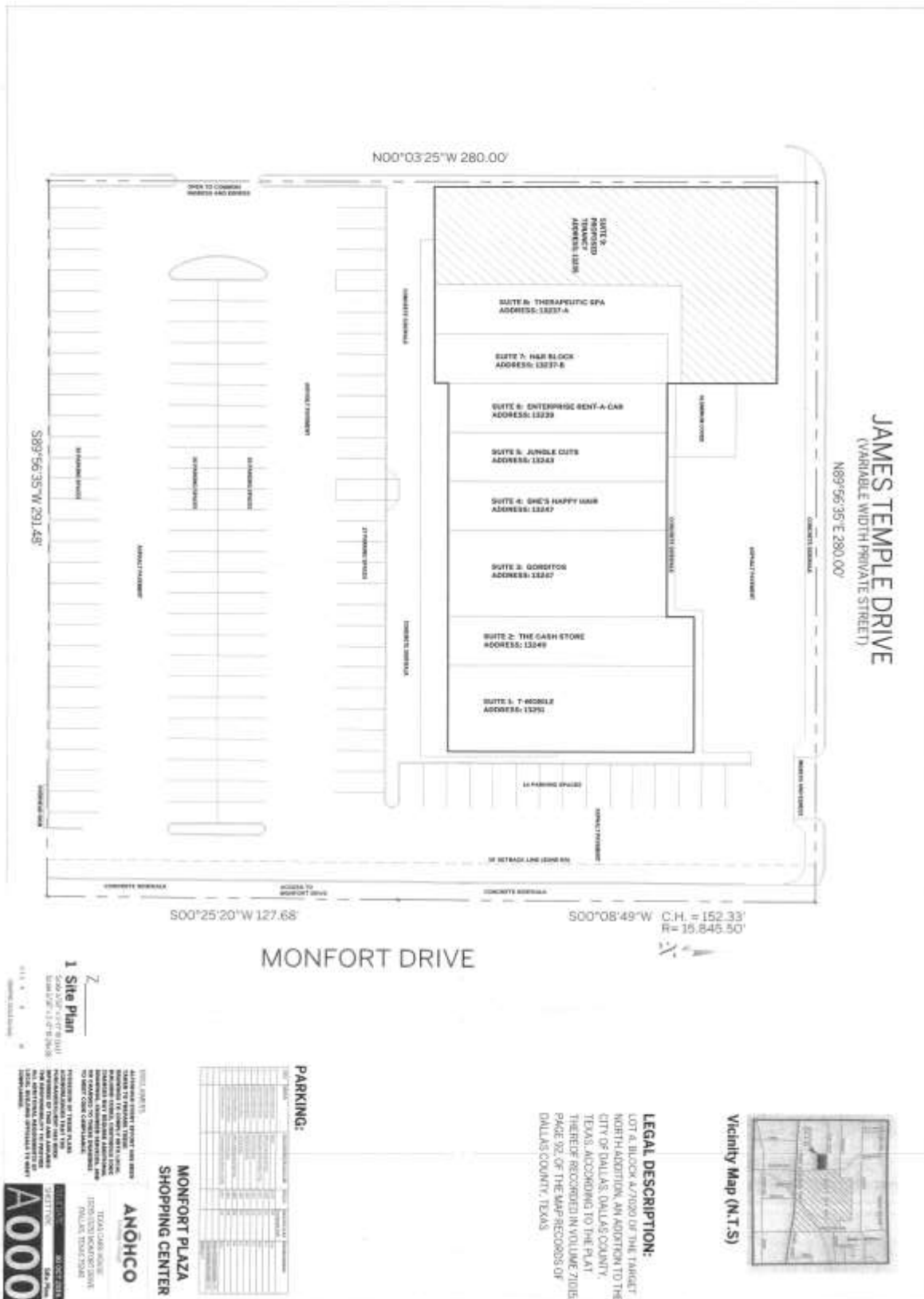
Judge McStay, Director/Manager of RH Three GP, LLC

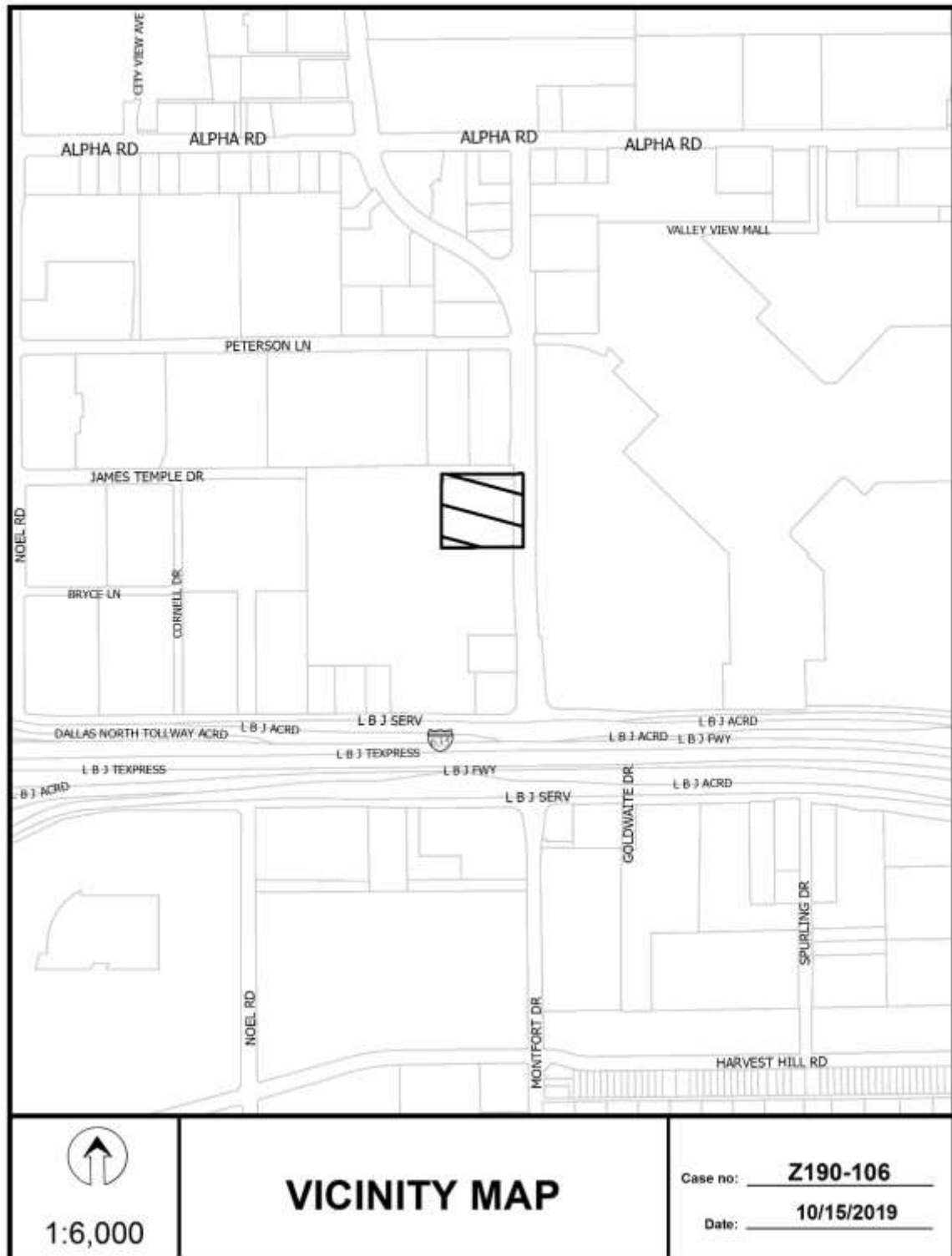
The Morning Star Family, LP Limited Partner

CPC RECOMMENDED SUP CONDITIONS

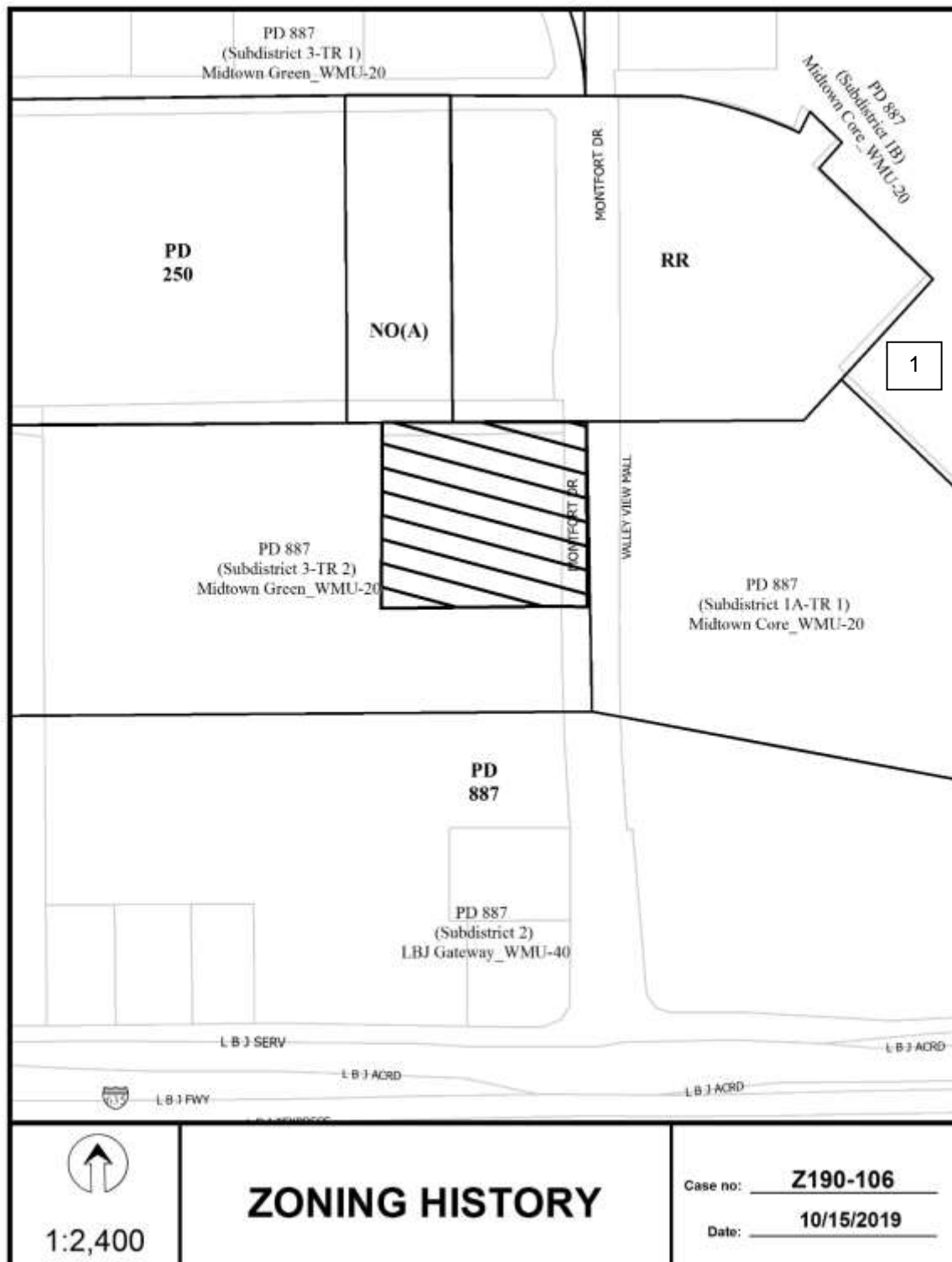
1. USE: The only use authorized by this specific use permit is commercial amusement (inside).
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance) _____.
4. HOURS OF OPERATION: A commercial amusement (inside) may only operate between 12:00 p.m. (noon) and 12:00 a.m. (midnight), Sunday through Thursday and between 12:00 p.m. (noon) and 2:00 a.m. (next day) on Friday and Saturday.
5. SECURITY: During the hours of operation, a minimum of two security officers must be stationed on the property, with at least one of the two stationed on the outside.
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.

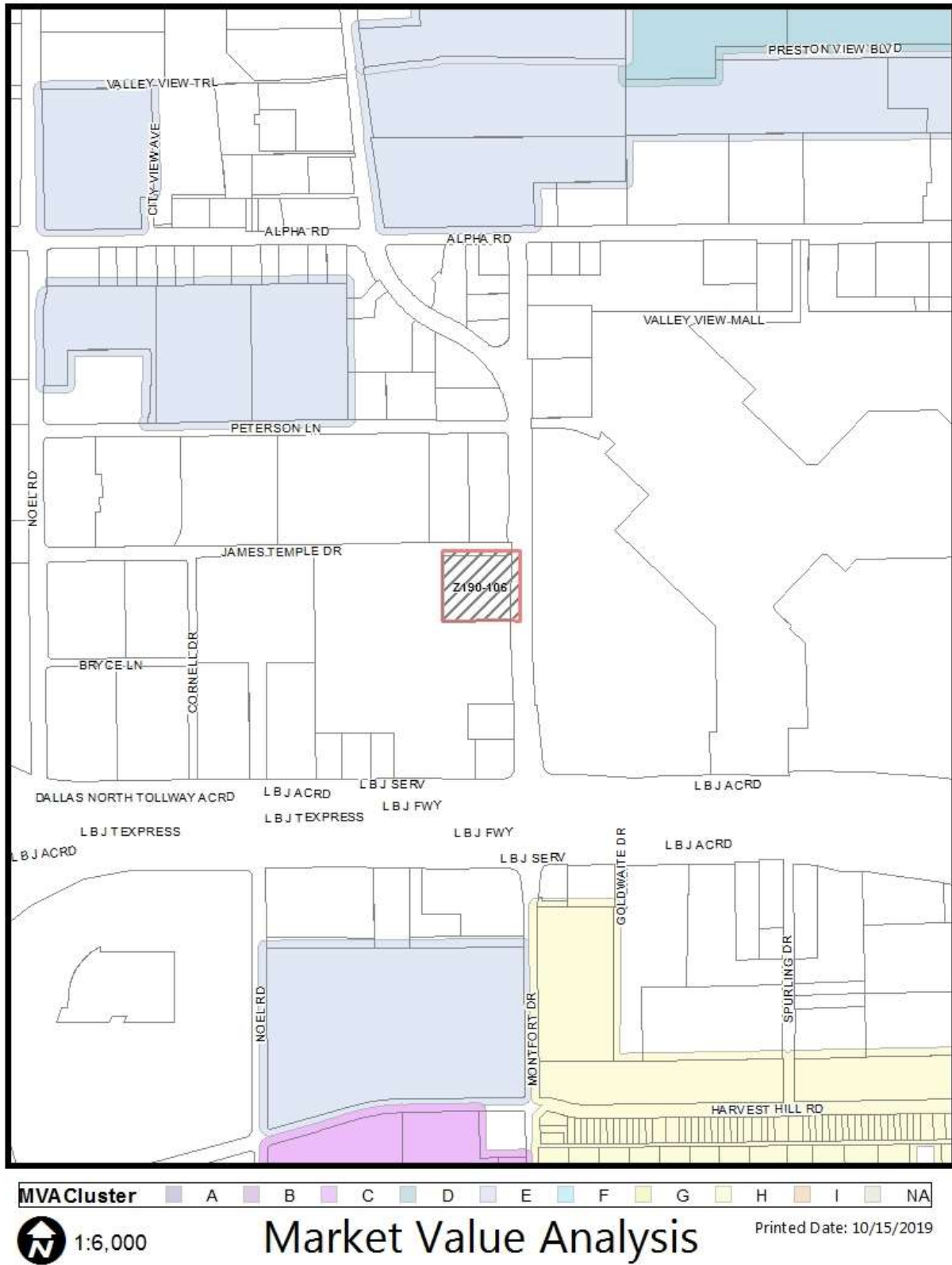
CPC RECOMMENDED SUP SITE PLAN











CPC RESPONSES



Z190-106(CT)

01/08/2020

Reply List of Property Owners

Z190-106

6 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13131	MONTFORT DR	DAYTON HUDSON CORP
2	13235	MONTFORT DR	RH THREE LP
3	13305	MONTFORT DR	MONTFORT VALLEY VIEW SHOPPING CTR LLC
4	5580	PETERSON LN	PETERSON LANE PARTNERS LLC
5	5454	PETERSON LN	ARTS AT MIDTOWN INVESTORS LP
6	13138	MONTFORT DR	EFK LBJ PARTNERS LP



Agenda Information Sheet

File #: 20-53

Item #: Z9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 13
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

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 on 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 II, 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.

	Zoning	Land Use
Site	R-7.5(A) with SUP No. 1172 MF-1(A) PDD No. 314, Tract 2	Church, Private school and child-care facility Parking lot, playground Office building
North	PDD No. 314, Tract 2 (Subarea B) PDD No. 314, Tract 2 (Subarea C)	Office Multifamily
Northeast	PDD No. 314, Tract 6	Office, Retail
East	PDD No. 314, Tract 5 with SUP No. 744 PDD No. 314, Tract 7	Bank (with drive-through), Office Community Center Single family residential
South	R-7.5(A)	Single family residential
West	R-7.5(A) PDD No. 33	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
Agricultural Uses							
Crop production (limited to community and urban gardens)	P	P	P	P	P	P	P
Commercial and business service uses							
Catering services						P	P
Technical school						P	P
Institutional and community service uses							
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
Lodging uses							
Hotel or motel			RAR			P	P
Miscellaneous uses							
Temporary constr. or sales office	P	P	P	P	P	P	P
Office uses							
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	
Recreational uses							
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
Residential uses							
Multifamily		P	RESTR.	P		P	P
Residential hotel				1MILE		P	P
Retirement housing		P	P	P		P	P
Retail and personal service uses							
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)	SUBDISTRICT I	SUBDISTRICT II	SUBDISTRICT 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
Transportation uses							
Transit passenger shelter	SUP	SUP	SUP	SUP		P	P
Utility and public service uses							
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
Setbacks (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			
Density (max)			No max	NA	For multifamily: max 235 DU	
					For multifamily: max 365 DU for both subdistricts combined	
Floor area					Overall: 586,157 sf	
					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)
FAR (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
Height (max)	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'
RPS			For over 26' Exceptions: - 12' projections - special RPS for facing districts across DNT – 1/2.56 - otherwise 1/3	CPC recommendation: Exceptions for projections only: 12' Otherwise 1:3 Staff does not support any projections in the RPS		
				55' projections for church architectural elements		
				CPC recommendation: SI will continue to generate RPS as R district outside of the PD Staff does not support this proposal.	CPC recommendation: SI will continue to generate RPS as MF district outside of the PD Staff does not support this proposal.	
Lot coverage (max)	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%
Landscaping	Art X		Art X + Special landscaping	Art X + Additional open space requirements		
Parking	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.		
Signs	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)	SUBDISTRICT I	SUBDISTRICT II	SUBDISTRICT III
Design standards	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 for 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.

	Proposed Subdistrict II	Proposed with bonus	
Percentage of units reserved at percentage of median income		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**

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: 500 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 Lomo Alto 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 Desco 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 Caruth 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 Nevarez, 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, Jung, 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 (Did 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 Lomo 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	Mailed: 179
Replies: For: 31	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

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 or 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, Brinson, Blair, Jung, Housewright,
 Schultz, Schwope, Murphy, Ridley, Rubin

Against: 0
 Absent: 0
 Vacancy: 1 - District 3

Notices: Area: 500 Mailed: 179
Replies: For: 31 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

Z178-358(JM/AU)

Kathy Stewart, 4233 Colgate Ave., Dallas, TX, 75225
Staff: David Nevarez, Traffic Engineer, Sustainable Development &
Construction

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 area is 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 zoning 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 height 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 on 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 II, 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

(ii) 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

(1) 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 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.

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 affixed 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)

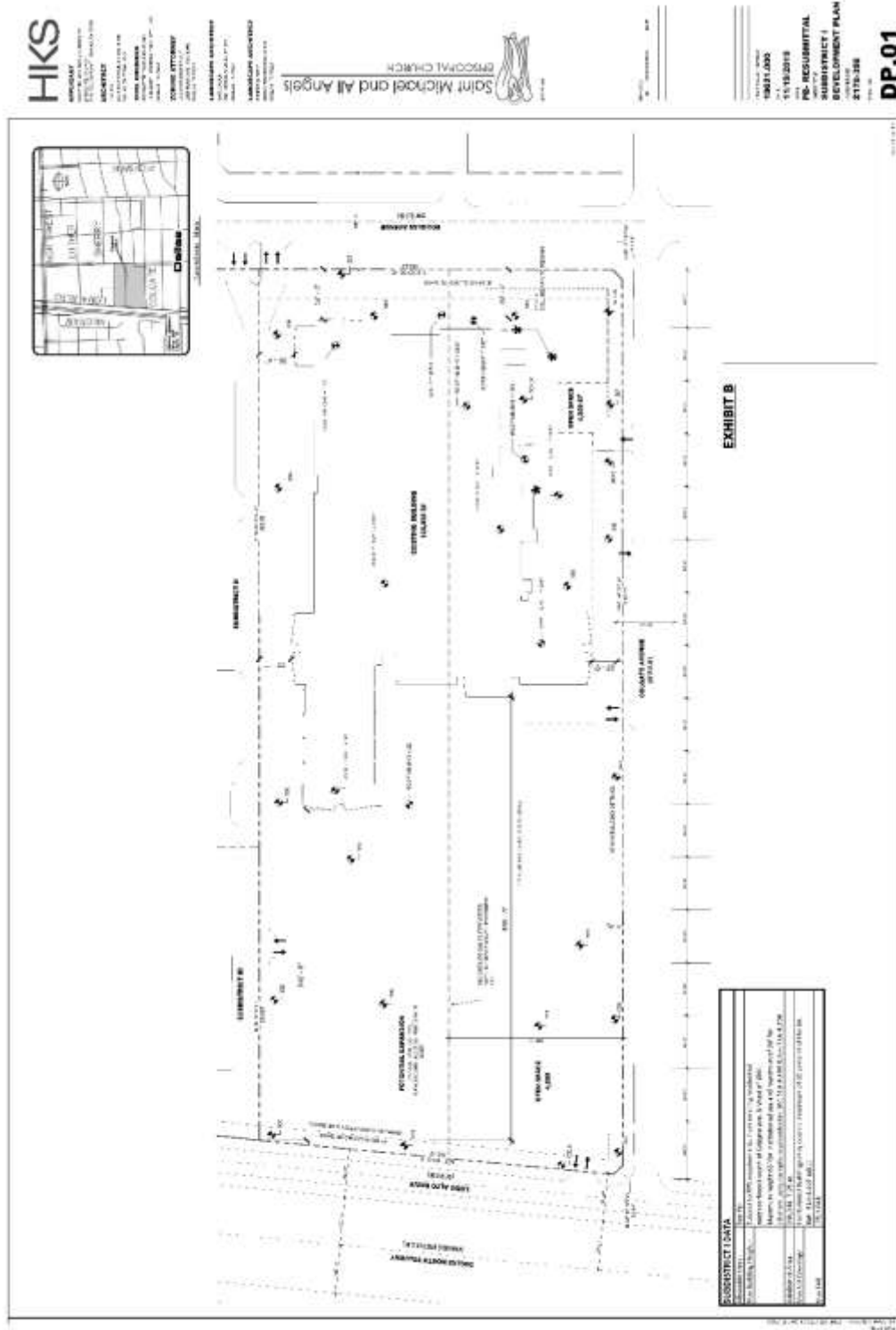
<u>USE CATEGORIES</u>	<u>STANDARD PARKING REQUIREMENT</u>	<u>PARKING ADJUSTMENT THE TIME OF DAY (weekday)</u>				
		Morning	Noon	After- noon	Late After Noon	Evening
<u>Residential Uses</u>	<u>per Code</u>	<u>80%</u>	<u>60%</u>	<u>60%</u>	<u>70%</u>	<u>100%</u>
<u>Office Uses</u>	<u>per Code</u>	<u>100%</u>	<u>80%</u>	<u>100%</u>	<u>85%</u>	<u>35%</u>
<u>Retail & 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.

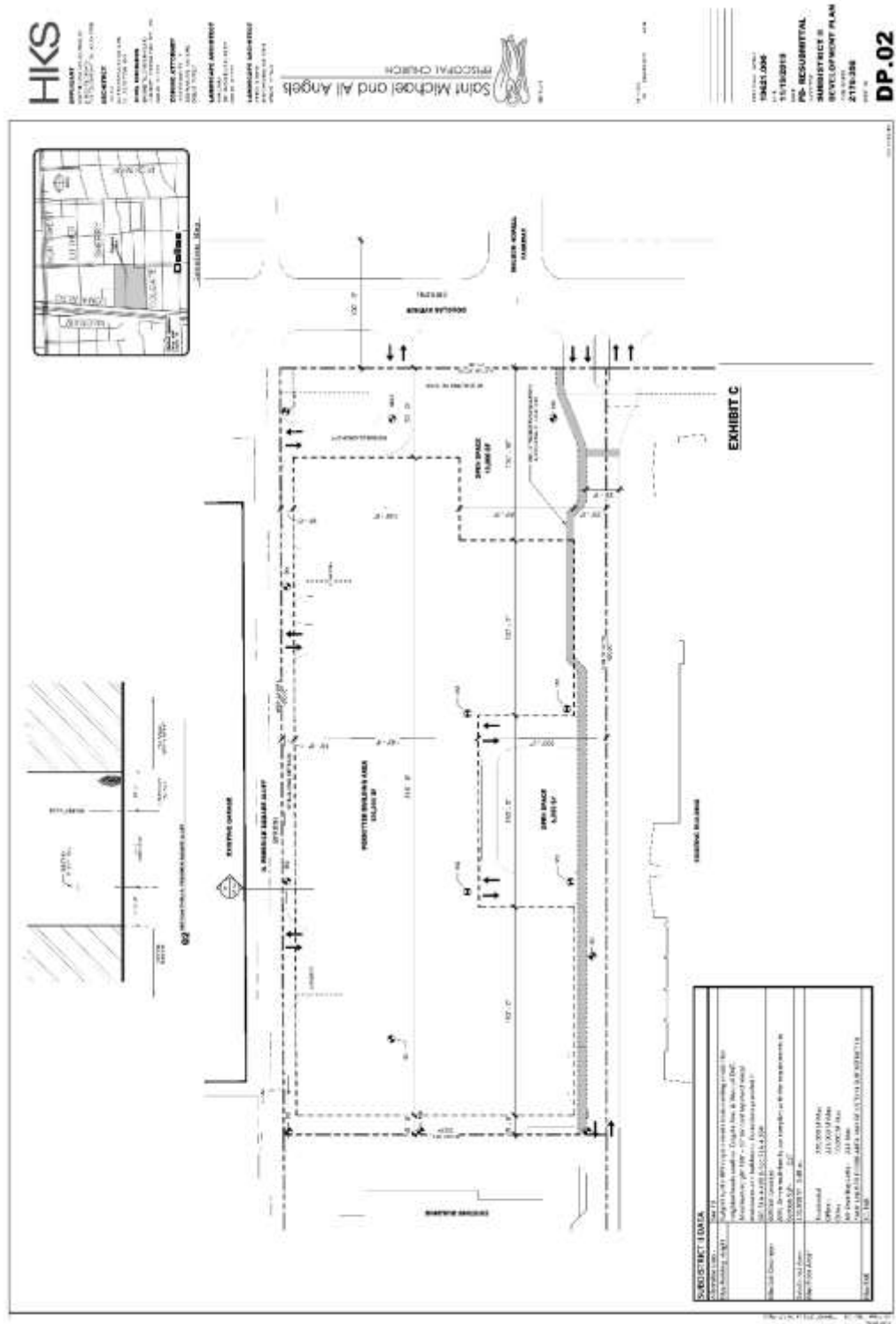
Note: If the use does not fit into one of the first four categories listed above, 100 percent assignment must be used in each of the “time of day” columns. If one or more of the main uses in the development is a retail and personal service use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirements for each of the retail and personal service uses in the development.



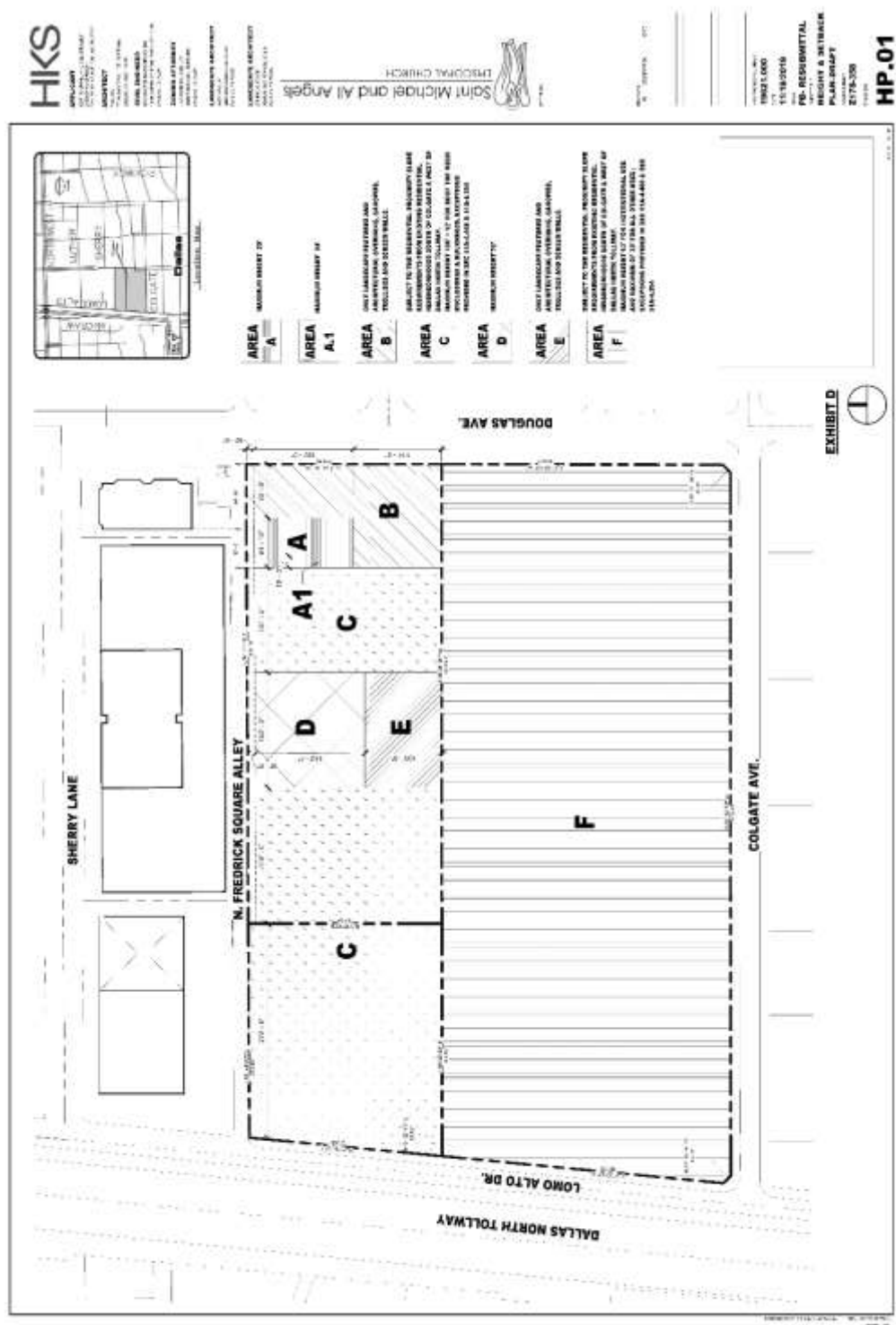
CPC RECOMMENDED DEVELOPMENT PLAN SUBDISTRICT I

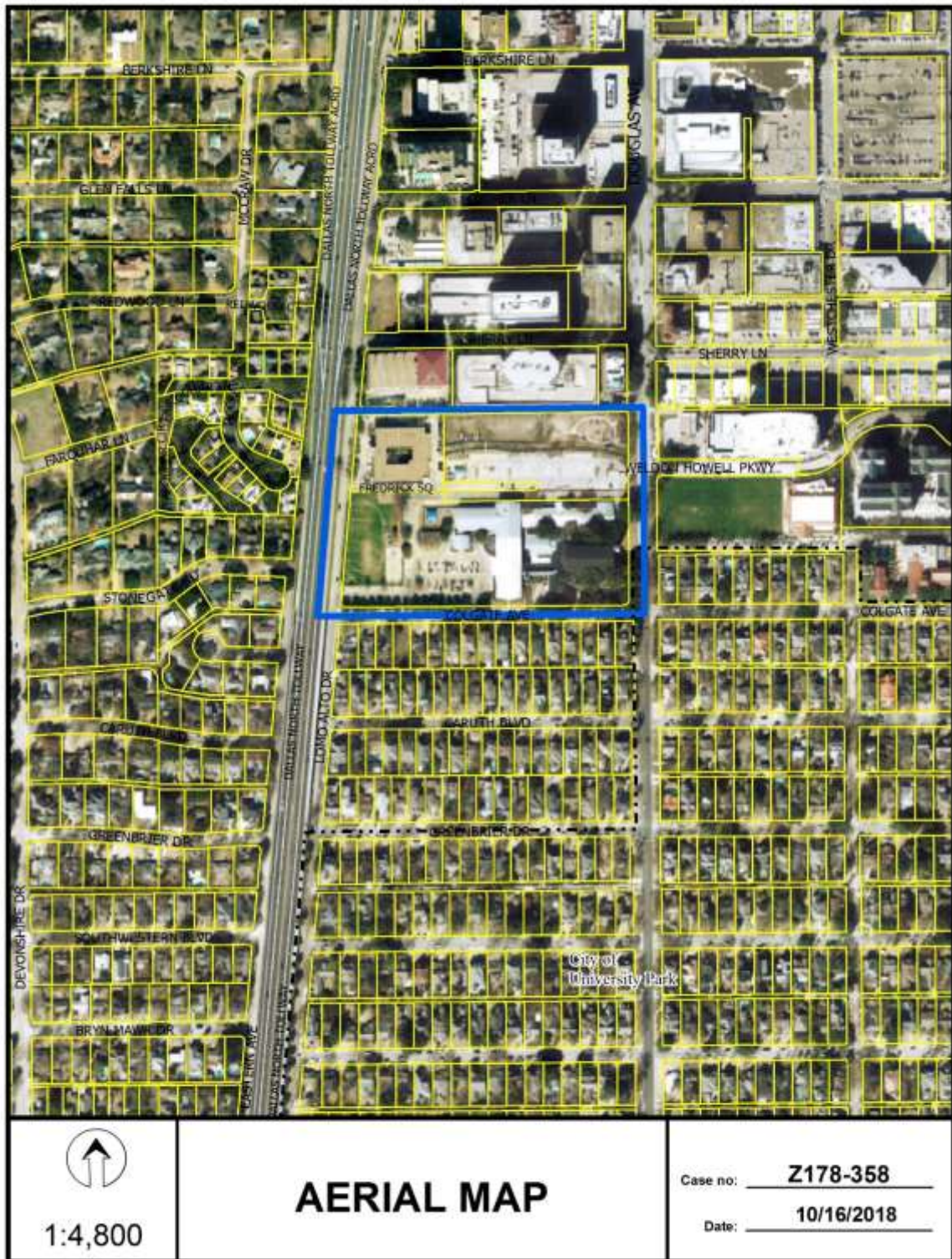


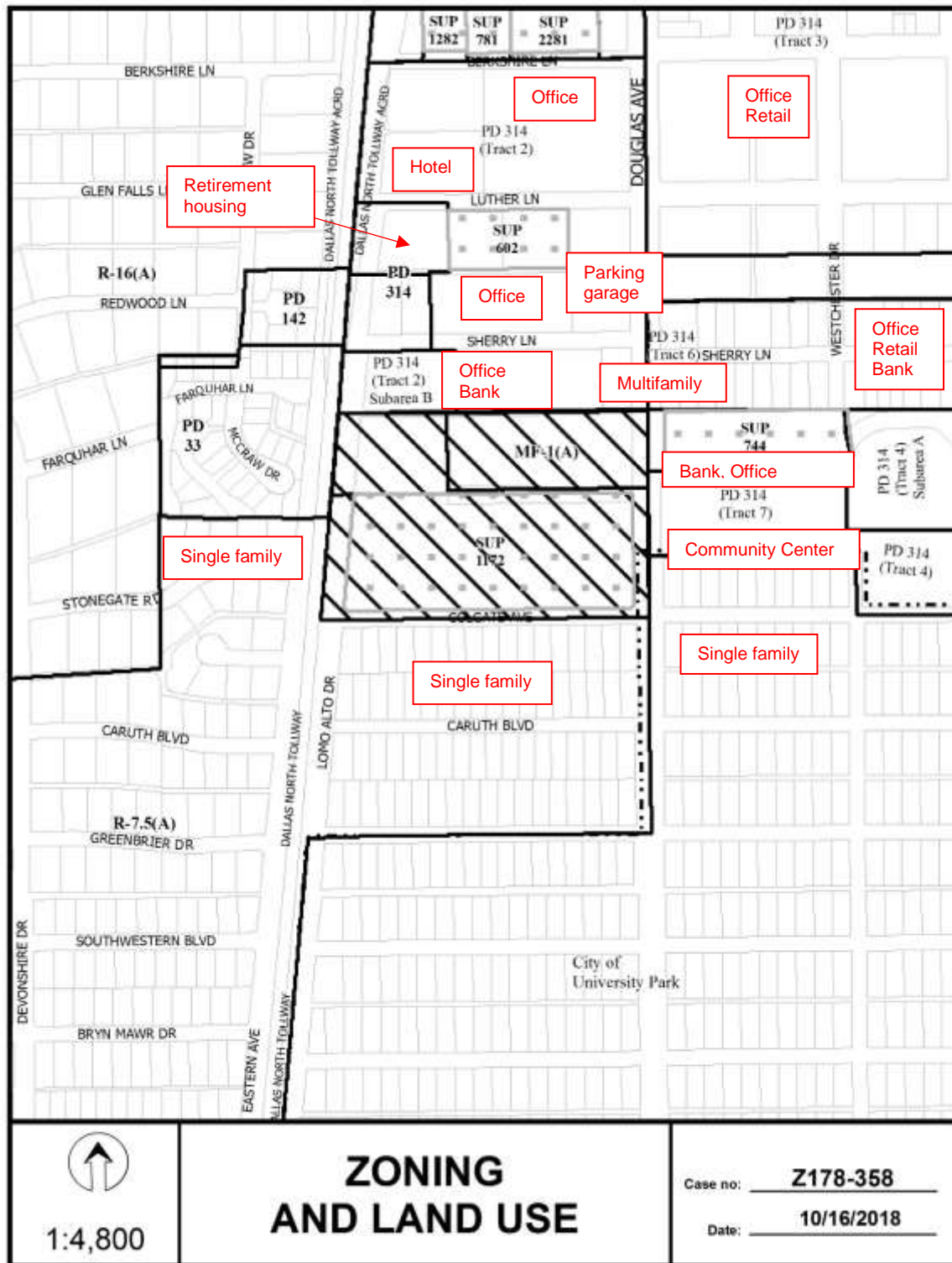
CPC RECOMMENDED DEVELOPMENT PLAN SUBDISTRICT II



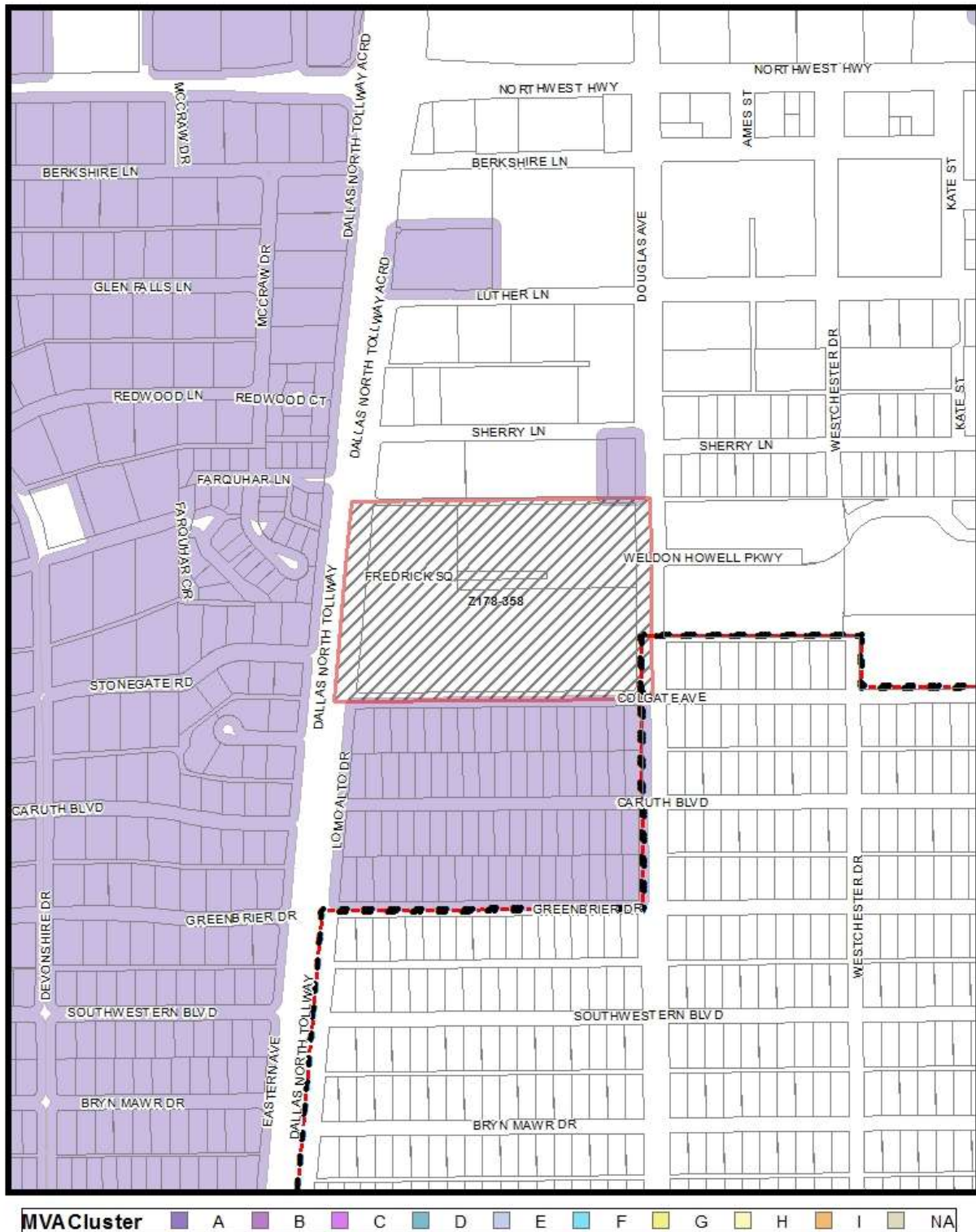
CPC RECOMMENDED HEIGHT AND SETBACKS PLAN







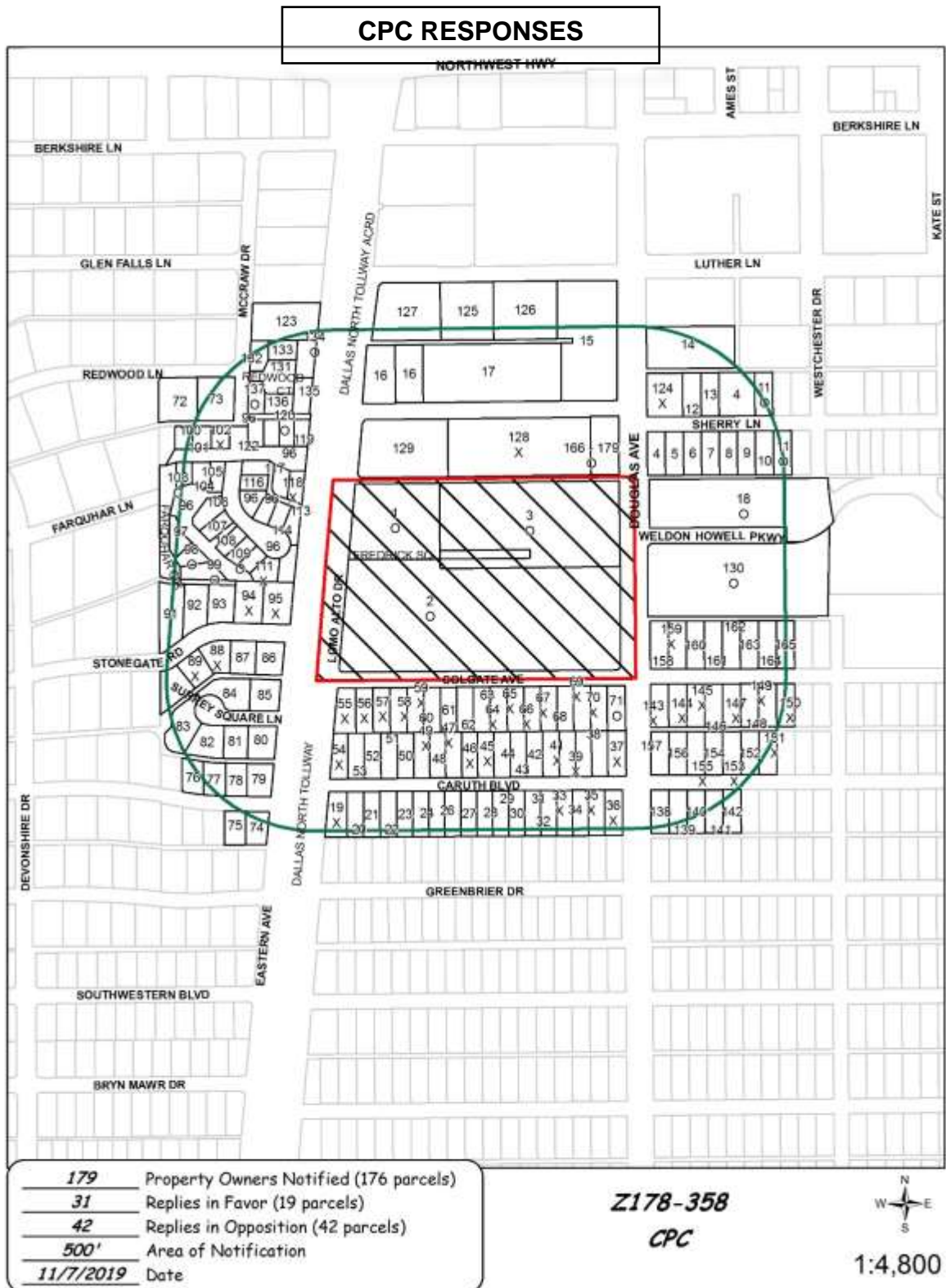




1:4,800

Market Value Analysis

Printed Date: 10/16/2018



11/06/2019

Reply List of Property Owners***Z178-358******179 Property Owners Notified 31 Property Owners in Favor 42 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
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	SRK SHERRY LLC
	9	6044 SHERRY LN	PRESTON GRAND INC
	10	6050 SHERRY LN	J & J 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 JERRY L &
O	40	4312 CARUTH BLVD	FOX ANN &
X	41	4316 CARUTH BLVD	SAVAGE 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 ELLIOT L
	80	5728 SURREY SQUARE LN	HELLER RIDLEY &
	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	CJB 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	5743 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 BEAU K
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	LEDYARD 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	8200 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	WALZ MELANIE CALAHAN
X	150	4209 COLGATE AVE	SMITH HARRY & ADINA
X	151	4212 CARUTH BLVD	OCONNOR ROBERT M & MARCY A
	152	4216 CARUTH BLVD	JONCO 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 STEFAN C & CLAIRE S
X	A5	4317 COLGATE AVE	SNADON COLE W & HEIDI F
X	A6	4309 COLGATE AVE	PETTIJOHN JOANNE P
X	A7	4412 CARUTH BLVD	LOEWEN BRYAN & JULIE P
X	A8	4325 COLGATE AVE	TESFAELASSIE 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	4329 COLGATE AVE	MIRCHANDANI SATIN H & GITA
X	A14	5876 FARQUHAR 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

File #: 20-181
Z10.

Item #:

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street

Recommendation of Staff: Approval, subject to a revised Existing Land Use Map

Recommendation of CPC: Denial

Z189-292(CY)

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-292(CY) **DATE FILED:** June 19, 2019

LOCATION: East side of Tyree Street, north of Savage Street

COUNCIL DISTRICT: 2 **MAPSCO:** 34 L

SIZE OF REQUEST: ± 0.14 acres **CENSUS TRACT:** 71.02

REPRESENTATIVE: Parvez Malik, Business Zoom

APPLICANT/OWNER: 4901-4903 Newmore, LLP

REQUEST: An application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67.

SUMMARY: The purpose of this request is to allow for a duplex use to be developed on a property currently designated for a single family use, according to the Existing Land Use Map (Exhibit 67A) for the planned development district.

CPC RECOMMENDATION: **Denial.**

STAFF RECOMMENDATION: **Approval,** subject to a revised Existing Land Use Map.

BACKGROUND INFORMATION:

- PD No. 67 was approved by City Council on May 24, 1976, is comprised of approximately 92.22 acres, and is divided into five tracts.
- The area of request is zoned Tract III within PD No. 67. Tract III allows R-5 Single Family uses, duplex uses and other permitted uses [parking, school, church] regulated by the requirements of Chapter 51.
- The Tract III use and development standard regulations indicate that land use must remain as indicated on the Existing Land Use Map (Exhibit 67A).
- The Existing Land Use Map indicate the subject site's land use is single family.
- The area of request is currently undeveloped, but Building Inspections' records indicate that it previously contained a single family structure that was demolished in 2009.
- The purpose of this request is to change the designation on the Existing Land Use Map Exhibit 67A and to develop the site with a duplex use.

Zoning History: There have been three recent zoning requests in the area within the last five years. All three sites are south of the area shown on the Zoning History Map.

1. **Z189-110:** On March 21, 2019, the City Plan Commission recommended denial without prejudice of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67 on property located on the east side of Victoria Avenue, north of West Mockingbird Lane, southeast of the area of request.
2. **Z189-117** On March 21, 2019, the City Plan Commission recommended denial without prejudice of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67 on property located on the west side of Roper Street, south of Thedford Avenue, northeast of the area of request.
3. **Z189-119:** On March 21, 2019, the City Plan Commission recommended denial without prejudice of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67 on property located on the west side of Victoria Avenue, north of West Mockingbird Lane, southeast of the area of request.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Tyree Street	Minor Arterial	50 ft.	50 ft

Traffic:

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

Surrounding Land Uses:

Area	Zone	Use
Site	PD No. 67 Tract III	Undeveloped
North	PD No. 67 Tract III	Single Family
East	PD No. 67 Tract III	Single Family
South	PD No. 67 Tract III	Child care facility and Single Family
West	PD No. 67 Tract III	Church

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.

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.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

NEIGHBORHOOD PLUS PLAN

GOAL 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

GOAL 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

Land Use Compatibility:

PD No. 67 was approved by City Council on May 24, 1976 and contains five tracts. The area of request is a 0.14-acre undeveloped lot and is zoned Tract III within PD. No. 67.

Tract III allows R-5 Single Family uses, duplex uses and other permitted uses (parking, school, church) regulated by Chapter 51. However, the use and development standard regulations for Tract III, indicate that land use must remain as indicated on the Existing Land Use Map (Exhibit 67A). This Exhibit identifies allowable land uses for each property within each tract.

In the Land Use Map, the subject site is designated for single family uses. The purpose of this request is to change the designation on the Existing Land Use Map for the area of request from a single family use to a duplex use.

According to the PD regulations, single family uses, and other permitted uses are regulated by the requirements of the appropriate zoning district (i.e. single-family uses regulated by the R-7.5 or R-5 Districts, duplex uses regulated by the requirements of the Duplex Dwelling District). For Tract III, a single family use would have to comply with the regulations of the R-5 District, and the proposed duplex would have to comply with the regulations of the D District.

Additionally, the PD regulations establish that in Tracts I, III and V, vacant property may be developed in accordance with the provisions of the zoning district classification designated for the property. [Section 51P-67.110]. Approval of any use of vacant property not permitted by the zoning district classification designated for the property must be determined by a public hearing before the city plan commission and the city council in accordance with Section 34 of the Comprehensive Zoning Ordinance. This means that a PD amendment is required to change the allowable use on a property.

Surrounding land uses include single family contiguous to the site to the north and east. Directly adjacent to the south there is a child care facility and to the west, across Tyree Street, there is a church use.

The “Existing Land Use Map” for the PD shows the neighborhood as an area largely identified as single family but including intermittent duplex, church, and parking lot uses. Since the exhibit clearly indicates that from the creation of the PD, duplex uses were allowed to be scattered throughout the single family areas, staff supports the request to convert the subject site from single family to duplex uses.

Development Standards:

DISTRICT	SETBACKS		Density	Lot Size	Lot Width	Lot Depth	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear							
Existing: PD No. 67 Tract III Single Family (R-5)	20'	5'	One dwelling unit per lot.	5,000 SF	50'	100'	30'	45%	Single family.
Proposed: PD No. 67 Tract III Duplex	25'	10'	Two dwelling units per lot.	6,000 SF	60'	100'	36'	60%	Duplex and single family.

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 categorized as being within a “D” MVA cluster, as well as all surrounding properties to the north, south, and east. Properties located across Roper Street [approximately two blocks] further to the east, are designated a Category “B”.

Parking:

Parking will be in accordance with the parking regulations of Chapter 51. A duplex use is required to provide a minimum of two parking spaces for each dwelling unit. Four off-street parking spaces will be required for the proposed duplex use.

Z189-292(CY)

Landscaping:

Landscaping will be in accordance with the landscape regulations of Chapter 51.

LIST OF OFFICERS
4901-4903 Newmore, LLP

- Akber Meghani Manager
- Zitoon Meghani Member

CPC Action
September 19, 2019

Motion: In considering an application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street, it was moved to **hold** this case under advisement until October 17, 2019.

Maker: Schulte
Second: Carpenter
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: 200 Mailed: 28
Replies: For: 2 Against: 0

Speakers: For: Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
For (Did not speak): Akber Meghani, 5329 Northmoor Dr., Dallas, TX, 75229
Clay Stapp, 3404 Greenville Ave., Dallas, TX, 75206
Against: None

CPC Action
October 17, 2019

Motion: In considering an application for an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street, it was moved to **hold** this case under advisement until November 7, 2019.

Maker: Hampton
Second: Carpenter
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: 200 Mailed: 28
Replies: For: 3 Against: 1

Speakers: None

CPC Action
November 7, 2019

Motion: It was moved to recommend **denial** of an amendment to the Existing Land Use Map to allow a duplex use on property zoned Tract III within Planned Development District No. 67, on the east side of Tyree Street, north of Savage Street.

Maker: Hampton
Second: Carpenter
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: 28
Replies: For: 3 Against: 1

Speakers: For: Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
Against: Jonathan Maples, 6525 Oriole Dr., Dallas, TX, 75209
Against (Did not speak): Pattie Walker, 4619 W. University Blvd., Dallas, TX, 75209
Zac Thompson, 4715 University Blvd., Dallas, TX, 75209

EXISTING REGULATIONS FOR TRACT III WITHIN PD No. 67

SEC. 51P-67.107. TRACT III USES AND DEVELOPMENT STANDARDS.

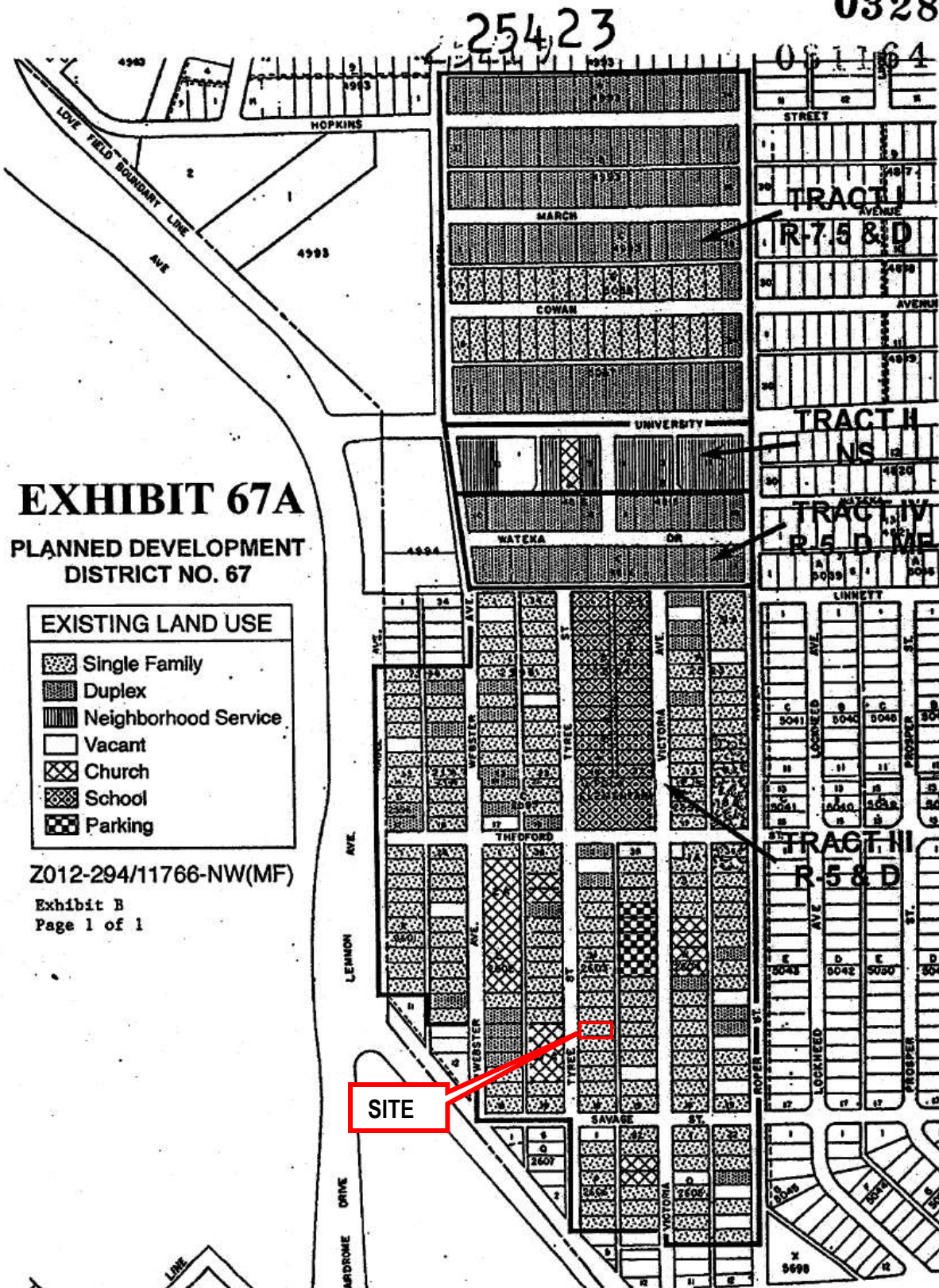
Land use must remain as indicated on the "Existing Land Use" map with single-family uses and other permitted uses regulated by the requirements of the Single-Family Dwelling District 5,000 Square Feet and with duplex uses and other permitted uses regulated by the requirements of the Duplex Dwelling District and with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below. Lots 27 through 31 of City Block M/2603 may be used for P Parking District uses subject to the approved site plan (Exhibit 67C). (Ord. Nos. 25219; 25423; 29890)

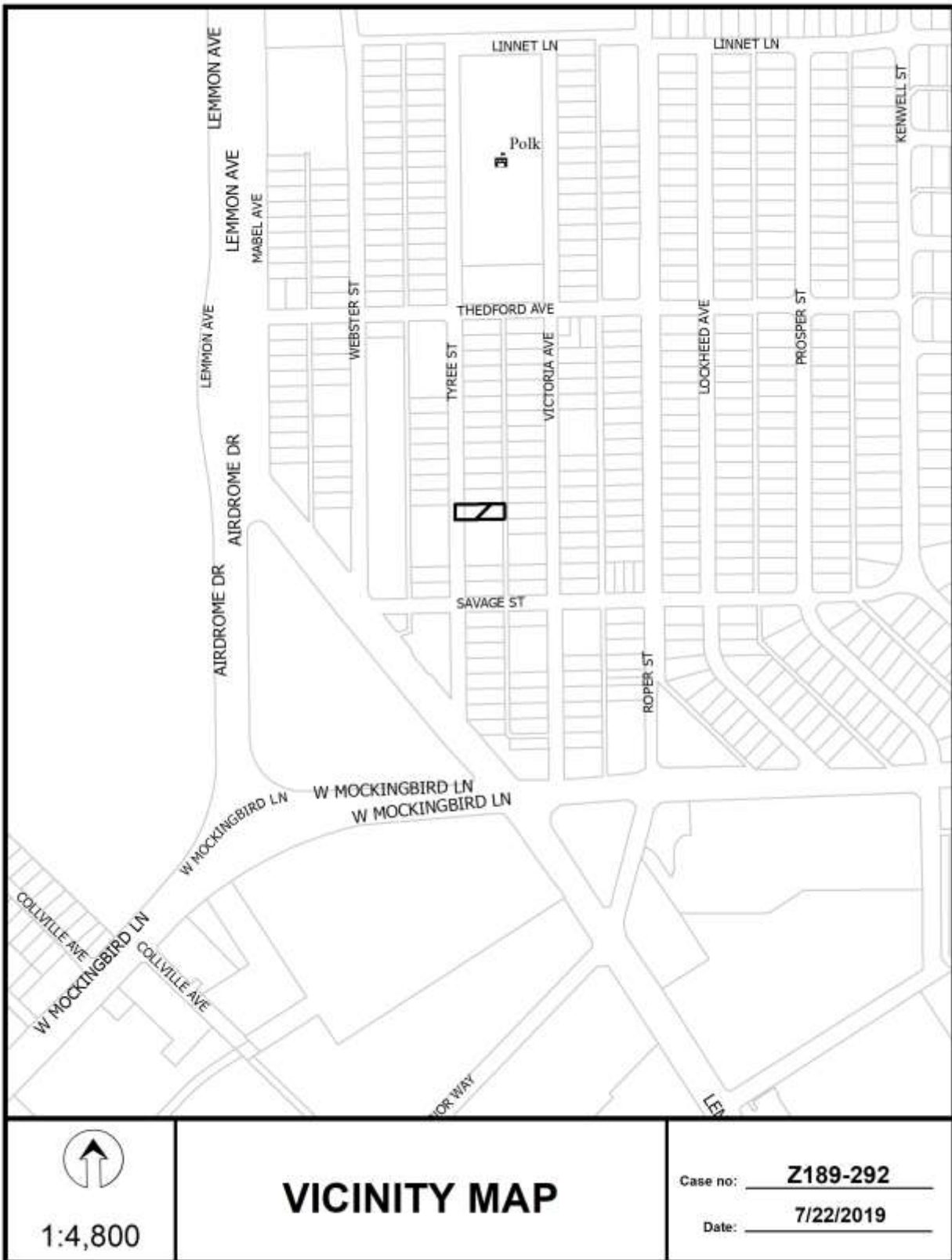
SEC. 51P-67.110. DEVELOPMENT OF VACANT AREA AND REDEVELOPMENT OF EXISTING STRUCTURES ON TRACTS I, III, AND V.

Any vacant property may be developed in accordance with the provisions of the zoning district classification designated for the property. Approval of any use of vacant property not permitted by the zoning district classification designated for the property must be determined by a public hearing before the city plan commission and the city council in accordance with Section 34 of the Comprehensive Zoning Ordinance. The filing fee, however, will be based on the amount of land area involved in the amendment in accordance with the fee schedule established for zoning changes. Redevelopment of existing structures on Tract V may be permitted with an approved development plan. (Ord. Nos. 25283; 25423)

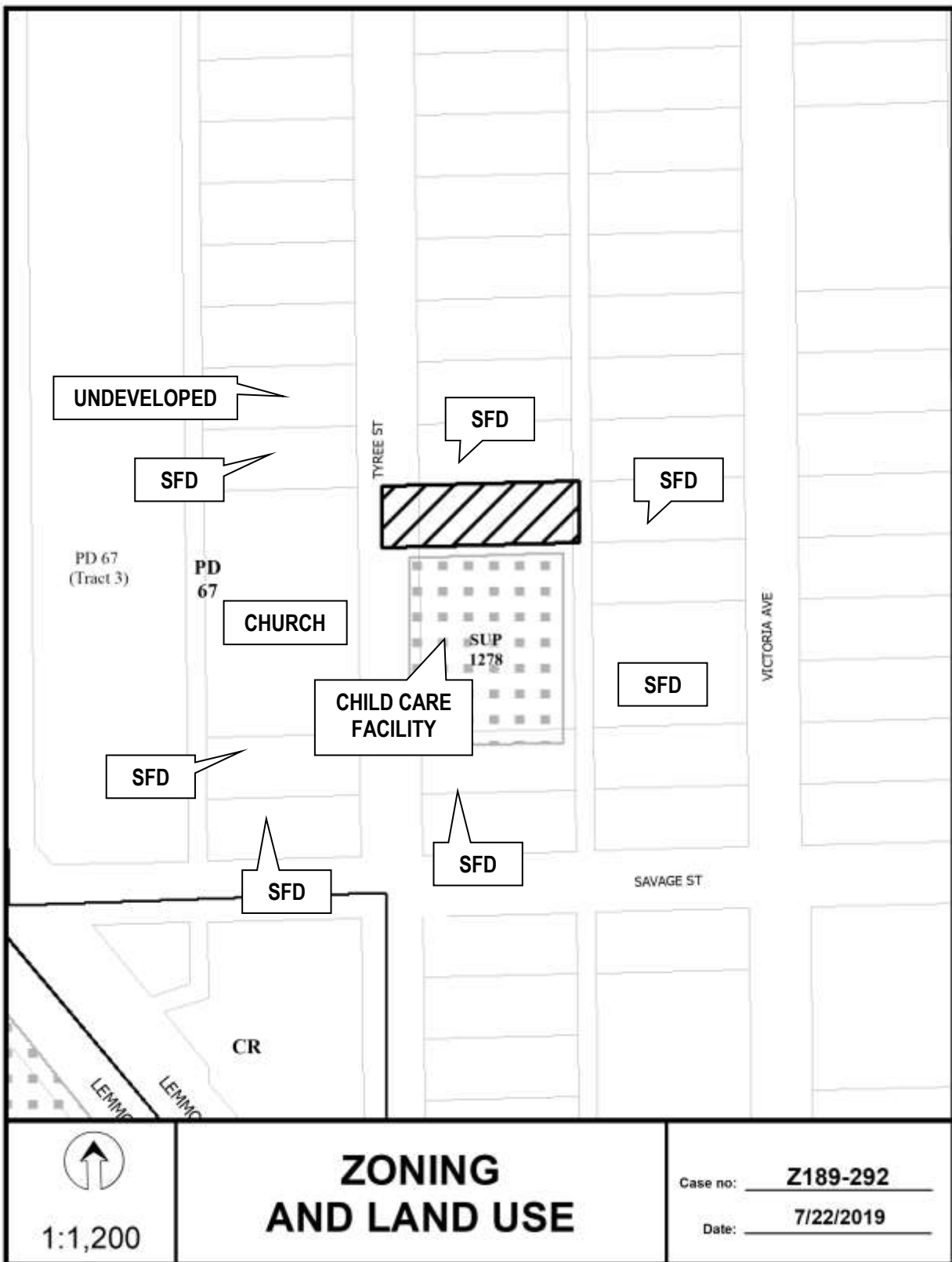
EXISTING LAND USE MAP (EXHIBIT 67A)

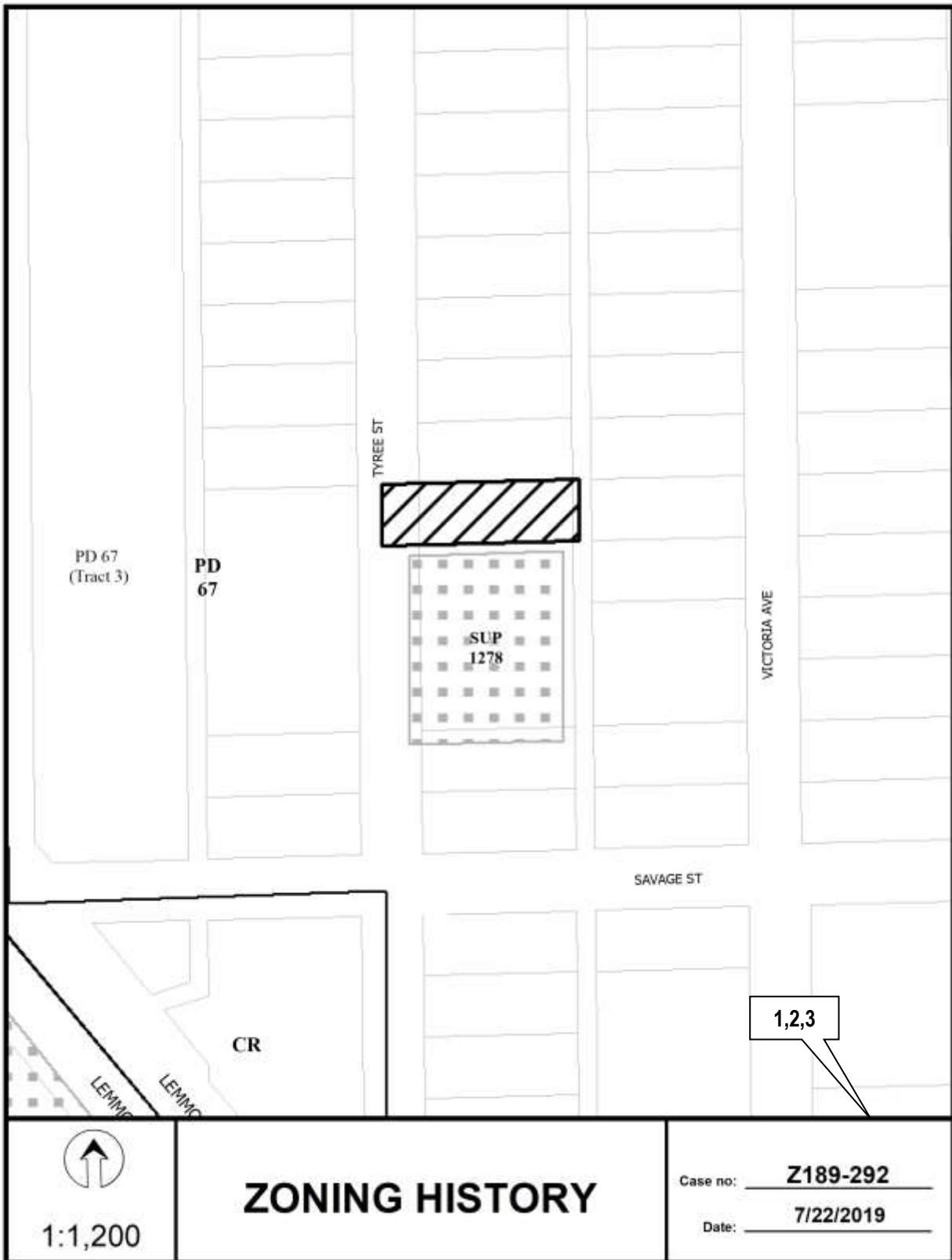
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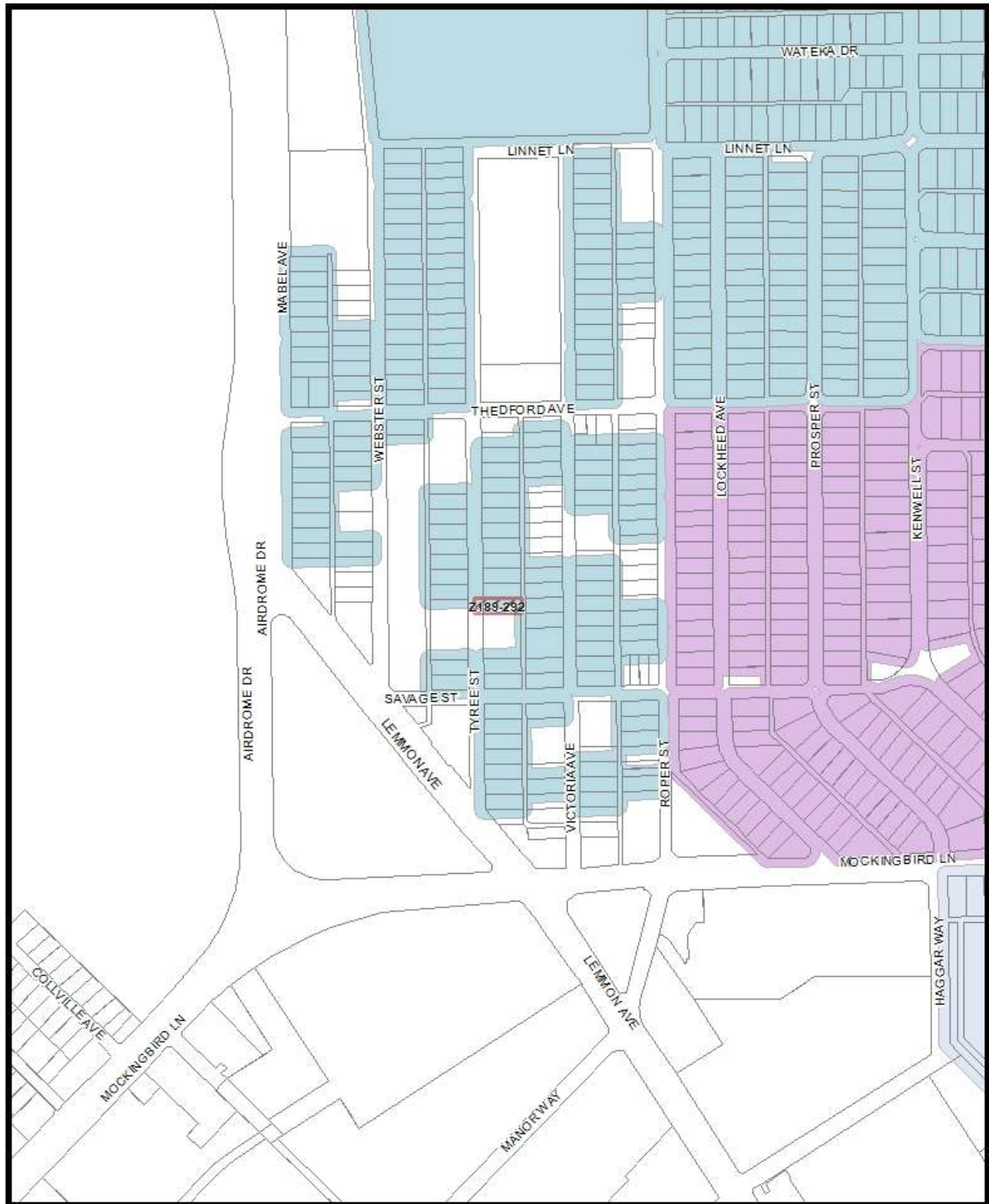












MVACluster A B C D E F G H I NA

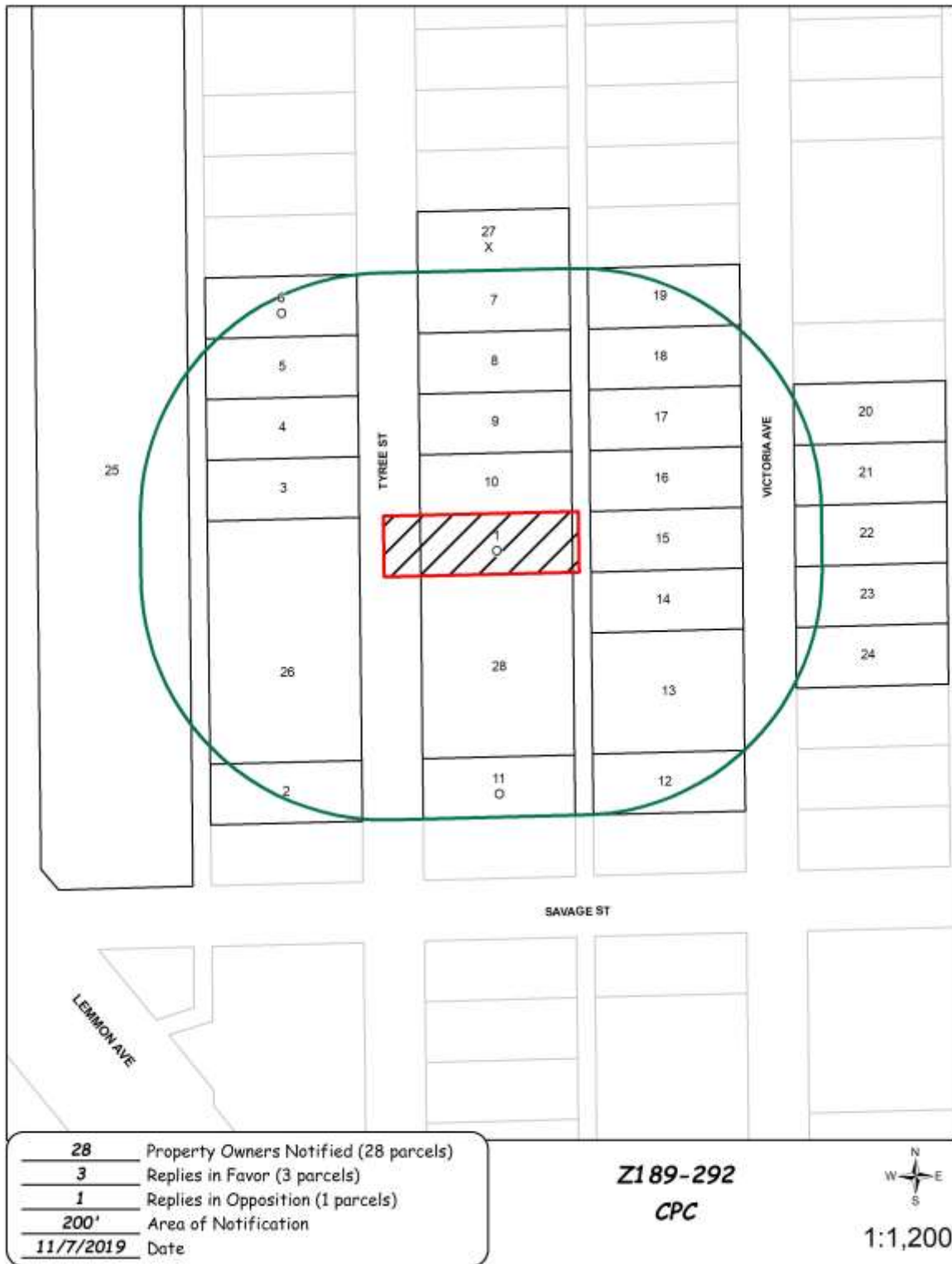


1:4,800

Market Value Analysis

Printed Date: 7/22/2019

CPC RESPONSES



11/06/2019

Reply List of Property Owners***Z189-292******28 Property Owners Notified******3 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	6622 TYREE ST	4901 4903 NEWMORE LLP
	2	6607 TYREE ST	JOHNSON OLLIE MARIE
	3	6627 TYREE ST	BLAIR DONALD L
	4	6631 TYREE ST	LANCER CONSTRUCTION & DEVELOPMENT LLC
	5	6635 TYREE ST	CARRILLO SALVADOR
O	6	6703 TYREE ST	WILLIAMS DON
	7	6702 TYREE ST	GREER JOHN S &
	8	6634 TYREE ST	MARTIN TONI
	9	6630 TYREE ST	NGUYEN HOANG & HUONG
	10	6626 TYREE ST	GS INVESTMENTS LLC
O	11	6606 TYREE ST	WINN ELBERT
	12	6607 VICTORIA AVE	LE DAVID V
	13	6615 VICTORIA AVE	LOVE MAVIS Y
	14	6619 VICTORIA AVE	TRAN QUYNH NHU THI
	15	6623 VICTORIA AVE	NGUYEN HEIN CONG
	16	6627 VICTORIA AVE	ARREOLO FERNANDO
	17	6629 VICTORIA AVE	BEAMON BILL
	18	6635 VICTORIA AVE	SAINT LUKE MISSIONARY BAPTIST
	19	6703 VICTORIA AVE	SAINT LUKE MISSIONARY
	20	6630 VICTORIA AVE	WRIGHT PAUL C
	21	6626 VICTORIA AVE	NGUYEN BAO
	22	6622 VICTORIA AVE	VI PHONG VAN
	23	6618 VICTORIA AVE	BENAVIDES HENRY &
	24	6614 VICTORIA AVE	IBARRA J MARCIAL &
	25	6710 WEBSTER ST	BETHANY BAPTIST CHURCH
	26	6615 TYREE ST	NEW JERUSALEM AFRICAN METHODIST EPISCOPAL CHURCH

Z189-292(CY)

11/06/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27 6706	TYREE ST	NEW WORLD SERIES LLC SERIES W
	28 6610	TYREE ST	LANGRUM ALMA JEAN



Agenda Information Sheet

File #: 20-182

Item #: Z11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 14
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 an amendment to Tract 2 within Planned Development District No. 610, on the northeast corner of Greenville Avenue and Milton Street

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to conditions
Z190-109(AU)

FILE NUMBER: Z190-109(AU)

DATE FILED: October 14, 2019

LOCATION: Northeast corner of Greenville Avenue and Milton Street

COUNCIL DISTRICT: 14

MAPSCO: 36 B

SIZE OF REQUEST: Approximately 0.87 acres

CENSUS TRACT: 79.13

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT/OWNER: Greenville Milton Retail Associates, LLC

REQUEST: An application for an amendment to Tract 2 within Planned Development District No. 610

SUMMARY: The applicant proposes new sign regulations for Tract 2 to allow for modified setback standards for detached, non-monument premise signs.

CPC RECOMMENDATION: Approval, subject to conditions.

STAFF RECOMMENDATION: Denial.

BACKGROUND INFORMATION:

- The 0.87-acre request site is currently developed with a one-story building containing a financial institution with a drive-in window. The property is located in Tract 2 within Planned Development District No. 610.
- PD No. 610 was established in 2001 on property generally located at the southwest corner of Matilda Street and Lovers Lane and it comprises approximately 10.23 acres. Tract 2 within PD No. 610 contains only the request site.
- Currently there is a monument sign on the southwest corner of the property. The existing monument signs is approximately 7 feet in height and is 45 square feet in area and is setback approximately 16 feet from Milton Street and 22 feet from Greenville Avenue.
- The property previously had a 30-foot high legal non-conforming detached non-monument sign that did not meet the 45 feet setback requirement per Article VII of the Dallas Development Code. Per the City's records, the sign was built in November 2004. In April 2018, a demolition and sign permit were issued, and the non-monument sign was removed and replaced with a monument sign meeting Article VII requirements.
- The applicant proposes new sign regulations for Tract 2 to allow for modified setback standards for detached non-monument premise signs. PD No. 610 does not include sign regulations, but it is considered a nonresidential district, therefore being regulated by the business district sign regulations in Article VII.
- The applicant is intending to replace the existing monument sign with a 30-foot tall detached non-monument sign, replicating the previous sign, on the same location. Per Article VII, a 30-foot tall detached non-monument sign is required to be placed at a 45 feet setback from a public street.
- The applicant is requesting to amend PD No. 610 and introduce sign regulations for detached non-monument signs to a maximum height of 30 feet, maximum 100 square feet of sign effective area, and with a minimum setback of 15 feet.

Zoning History

There have been two zoning changes requested in the area in the past five years:

- 1. Z167-121:** On September 13, 2017, City Council approved an MU-1 Mixed-Use District on property zoned an MF-1(A) Multifamily District, located on the west line of Matilda Street, south of East Lovers Lane.
- 2. Z145-326:** On March 28, 2018, City Council approved an amendment to Planned Development District No. 799, on property zoned Subareas I and II within Planned Development District No. 799, located on the north line of Milton Street, east line of Matilda Street, south line of East Lovers Lane, and west line of Amesbury Drive.

Thoroughfares/Streets

Thoroughfares/Street	Type	Existing ROW / Proposed ROW
Greenville Avenue	Principal Arterial	100 ft. Bike Plan
Milton Street	Local	60 ft.

Traffic

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

Comprehensive Plan

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The 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 not consistent with the following goals and policies of the comprehensive plan.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

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

Policy 5.1.4 Enhance visual enjoyment of public space.

STAFF ANALYSIS**Surrounding Land Uses**

	Zoning	Land Use
Site	PD No. 610, Tract 2	Financial institution with a drive-in window
North	MU-3 Mixed Use	Restaurant with drive-through window
East	PD No. 610, Tract 1	General merchandise or food store greater than 3,500 square feet
Southeast	PD No. 333	Self-storage
South	PD No. 610, Tract 3	Restaurant with drive-through window
West Southwest	MU-3 Mixed Use	Retail, office

Land Use Compatibility

The 0.87-acre request site is currently developed with a one-story building containing a financial institution with a drive-in window use.

The site is surrounded by restaurants with drive-through window to the north and south, by a grocery store to the east, a self-storage facility to the southeast and office and retail facilities to the west, across Greenville Avenue. The adjacent restaurants and the retail facilities have detached non-monument premise signs that comply with Article VII of the Dallas Development Code.

The property is located in Tract 2 within Planned Development District No. 610, which was established in 2001 and contains approximately 10.23 acres. Tract 2 within PD No. 610 contains only the request site. PD No. 610 does not include sign regulations, but it is considered a nonresidential district, therefore being regulated by the business district sign regulations per Article VII of the Dallas Development Code. The applicant proposes new sign regulations for Tract 2 to allow for modified setback standards for detached non-monument premise signs.

Article VII specifies that the minimum setback for a single-tenant non-monument sign is 15 feet and the height of a single-tenant sign may not exceed a 2:1 setback-to-height slope or 35 feet, whichever is less. The setback-to-height slope, as defined by Article VII, is a plane projected upward and inward from a point of beginning located at the property line 7.5 feet above a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way other than an alley

and extending infinitely. A 2:1 setback-to-height slope moves two feet away from the point of beginning for every one foot the slope rises, resulting in a 26.5651 degree slope.

Article VII also specifies that the effective area of a single-tenant sign may not exceed an 8:1 effective-area-to-height ratio or 200 square feet, whichever is less. The effective-area-to-height ratio, as defined by Article VII, is the ratio of the effective area of signs to its height.

Currently there is a monument sign on the southwest corner of the property. The existing monument signs is approximately 7 feet in height and is 45 square feet in area and is located approximately 16 feet setback from Milton Street and 22 feet from Greenville Avenue which complies with the sign regulations in Article VII.

The applicant is intending to replace the existing monument sign with a 30-foot tall detached non-monument sign, replicating a previously existing non-conforming sign at the same location. The proposed setbacks for the requested sign are approximately 16 feet setback from Milton Street and 22 feet from Greenville Avenue. Per Article VII, a 30-foot tall detached non-monument sign is required to be placed at a 45 feet setback from a public street and may have an effective area of 200 square feet.

The applicant is requesting to amend PD No. 610 and introduce sign regulations to allow for a detached non-monument sign with a maximum height of 30 feet, maximum 100 square feet of sign effective area, and with a minimum setback of 15 feet from a public street.

Considering that:

- The current signage provisions are appropriate for retail and office uses throughout the city, and that the request site does not present any particularity to require different sign regulations, staff finds that the request is only to allow signage closer to public streets;
- Staff could not find a land use or urban form rationale to support the need for signage closer to public streets at this location;
- The Greenville Avenue corridor has sections cluttered with non-conforming detached non-monument signs located closer to the public streets than Article VII permits. Therefore, the urban form, silhouette, and rhythm of the street frontage is maintaining a car-oriented character that is currently preventing a full transition to a complete street design that requires a human-scale urban form and good pedestrian activation.

Based on this analysis, staff does not support the request.

Parking

No changes to the building or site are proposed, therefore no additional parking is required. The site must comply with parking standards contained in PD. No. 610.

Landscaping

No changes to the building or site are proposed, therefore no landscape requirements will be triggered by this request. The site must comply with landscape standards contained in PD. No. 610. However, considering that the existing monument sign is located within a landscape island with large canopy trees, staff is recommending taking into the account the existing trees and the requirements to protect the site trees as required by Article X of Dallas Development Code. Staff also considers that the visibility of a tall non-moment sign at the proposed location will be affected by the existing large canopy trees.

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). While the request site is uncategorized, surrounding properties located further southeast are located within an “E” MVA cluster and properties located further northwest are located within an “B” MVA cluster.

LIST OF PARTNERS

Greenville Milton Retail Associates, LLC

Leland R. Burk - **Manager**

CPC Action
January 9, 2020

Motion: It was moved to recommend **approval** of an amendment to Tract 2, subject to conditions within Planned Development District No. 610, on the northeast corner of Greenville Avenue and Milton Street.

Maker: Garcia
Second: MacGregor
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair*, Housewright,
Schultz, Schwope, Murphy, Garcia, 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: 500 Mailed: 164
Replies: For: 0 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Leland Burk, 8215 Westchester Dr., Dallas, TX, 75225
Against: None

**CITY PLAN COMMISSION RECOMMENDED
AMENDED PLANNED DEVELOPMENT CONDITIONS**

ARTICLE 610.

PD 610.

SEC. 51P-610.101. LEGISLATIVE HISTORY.

PD 610 was established by Ordinance No. 24691, passed by the Dallas City Council on August 22, 2001. (Ord. 24691)

SEC. 51P-610.102. PROPERTY LOCATION AND SIZE.

PD 610 is established on property generally located at the southwest corner of Matilda Street and Lovers Lane. The size of PD 610 is approximately 10.23 acres. (Ord. Nos. 24691; 24704)

SEC. 51P-610.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a nonresidential zoning district.
- (d) The following rules apply in interpreting the use regulations in this article:
 - (1) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.
 - (2) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.
 - (3) The symbols *[L]* and *[SUP]* appearing together after a listed use mean that the use is permitted by right as a limited use; otherwise it is permitted by specific use permit only.
 - (4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, 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.) (Ord. 24691)

SEC. 51P-610.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan dividing the Property into three tracts of land (Exhibit 610A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control. (Ord. 24691)

SEC. 51P-610.105. DEVELOPMENT PLAN.

In the event Tract 1 is developed as a “food store greater than 3,500 square feet,” Tract 1 must comply with the development plan (Exhibit 610B). All amendments to the development plan must comply with the conceptual plan. No development plan is required for Tract 2 or Tract 3, or for the development of Tract 1 for any use other than a “food store greater than 3,500 square feet.” In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control. (Ord. 24691)

SEC. 51P-610.106. MAIN USES PERMITTED.

The following uses are the only main uses permitted in this district:

(a) Agricultural uses.

-- Crop production.

(b) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Labor hall. *[SUP]*
-- Medical or scientific laboratory.
-- Tool or equipment rental.

(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.
- Cemetery or mausoleum. [SUP]
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
- Convent or monastery.
- Foster home.
- Halfway house. [SUP]
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open enrollment charter school or private school. [SUP]
- Public school other than open enrollment charter school. [RAR]

(e) Lodging uses.

- Hotel or motel. [RAR]
- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(f) Miscellaneous uses.

- Attached non-premise sign. [SUP]
- Carnival or circus (temporary). [By special authorization of the building official.]
- ✓ -- Temporary construction or sales office.

(g) Office uses.

- Ambulatory surgical center.
- Financial institution without drive-in window.
- Financial institution with drive-in window. [DIR]
- Medical clinic.
- Office.

(h) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(i) Residential uses.

- College dormitory, fraternity, or sorority house.
- Duplex.

- Group residential facility. *[See Section 51A-4.209(b)(3).]*
- Multifamily.
- Residential hotel.
- Retirement housing.

(j) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside run. *[RAR]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[RAR]*
- Commercial amusement (inside). *[Dance halls prohibited in Tract 1. SUP may be required for other commercial amusement (inside) uses. See Section 51A-4.210(b)(7)(B).]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Household equipment and appliance repair.
- Liquor store.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Surface parking.
- Swap or buy shop. *[SUP]*
- Temporary retail use.
- Theater.

(k) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Railroad passenger station. *[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 substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP]*

(m) Wholesale, distribution, and storage uses.

- Mini-warehouse. *[SUP]*
- Office showroom/warehouse.
- Recycling buy-back center. *[See Section 51A-4.213(11).]*
- Recycling collection center. *[See Section 51A-4.213(11.1).]*
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
- Trade center.

(Ord. Nos. 24691; 24787)

SEC. 51P-610.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific 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 use is not permitted in this district:

- Private stable.

(c) In this district, the following accessory use is permitted by SUP only:

- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217(b)(3.1).]*

(Ord. 24691)

SEC. 51P-610.108. 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. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard.

(1) The minimum front yard is 15 feet.

(2) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.(b) Side and rear yard. The minimum side and rear yard is:

(1) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(2) no minimum in all other cases.

(c) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 in height up to a total setback of 30 feet. This subsection does not require a total side or rear yard setback greater than 30 feet.(d) Density. There is no maximum dwelling unit density.(e) Floor area ratio. The maximum floor area ratio (FAR) varies depending on whether the development is a “mixed use project” as follows:

[Note: The first column is the base FAR, which applies when there is no mixed use project (MUP). The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is “residential.” The third column (MUP=2/with Res) is the FAR for an MUP with a mix of “residential” plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which are “residential.” The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of “residential” plus two or more other use categories.]

Use Category	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	3.2	3.4	3.6	3.6	3.8
Office	3.2	3.4	3.6	3.6	3.8
Residential	3.2	-	3.8	-	3.8
Retail and personal service	2.0	2.6	3.0	3.2	3.75
TOTAL DEVELOPMENT	3.2	3.6	4.0	4.0	4.5

(f) Height.

(1) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height of 12 feet above the slope and 12 feet above the maximum structure height.

(2) Maximum height. Unless further restricted under Subsection (f)(1), the maximum structure height is 270 feet.

(g) Lot coverage. The maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(h) Lot size. There is no minimum lot size.

(i) Stories. The maximum number of stories above grade is 20. Parking garages are exempt from this requirement but must comply with the height regulations of Subsection (f). (Ord. 24691)

SEC. 51P-610.109. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use. Consult the off-street parking and loading regulations in Division 51A-4.300 for information regarding off-street parking and loading generally.

(b) Off-street parking for uses on Tract 3 may be provided on Tract 2 without executing and filing a special parking agreement that would otherwise be required under Section 51A-4.328. (Ord. 24691)

SEC. 51P-610.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 24691)

SEC. 51P-610.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) All plant materials must be maintained in a healthy, growing condition. (Ord. 24691)

SEC. 51P-610.111.1 SIGNS FOR TRACT 2.

(a) Except as provided in this section, signs in Tract 2 must comply with the provisions for business zoning districts in Article VII.

(b) One detached premise sign is allowed at maximum height of 30 feet and maximum 100 square feet effective area with a minimum setback of 15 feet.

SEC. 51P-610.112. ADDITIONAL PROVISIONS.

(a) Development impact review. A site plan submitted and approved in accordance with the requirements of Section 51A-4.803 is required before an application is made for a permit for work in this district if the estimated trip generation for all uses in this district collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day. See Table 1 in Section 51A-4.803 to calculate estimated trip generation.

(b) Visual intrusion. No portion of any balcony or opening that faces an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district may penetrate or be located above a residential proximity slope that originates in that district. (See Section 51A-4.412.) For purposes of this subsection, the term, “opening” means an open and unobstructed space or a transparent panel in an exterior wall or door from which there can be visual surveillance into the yard of a residential use.

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

(d) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 24691; 26102)

SEC. 51P-610.113. COMPLIANCE WITH CONDITIONS.

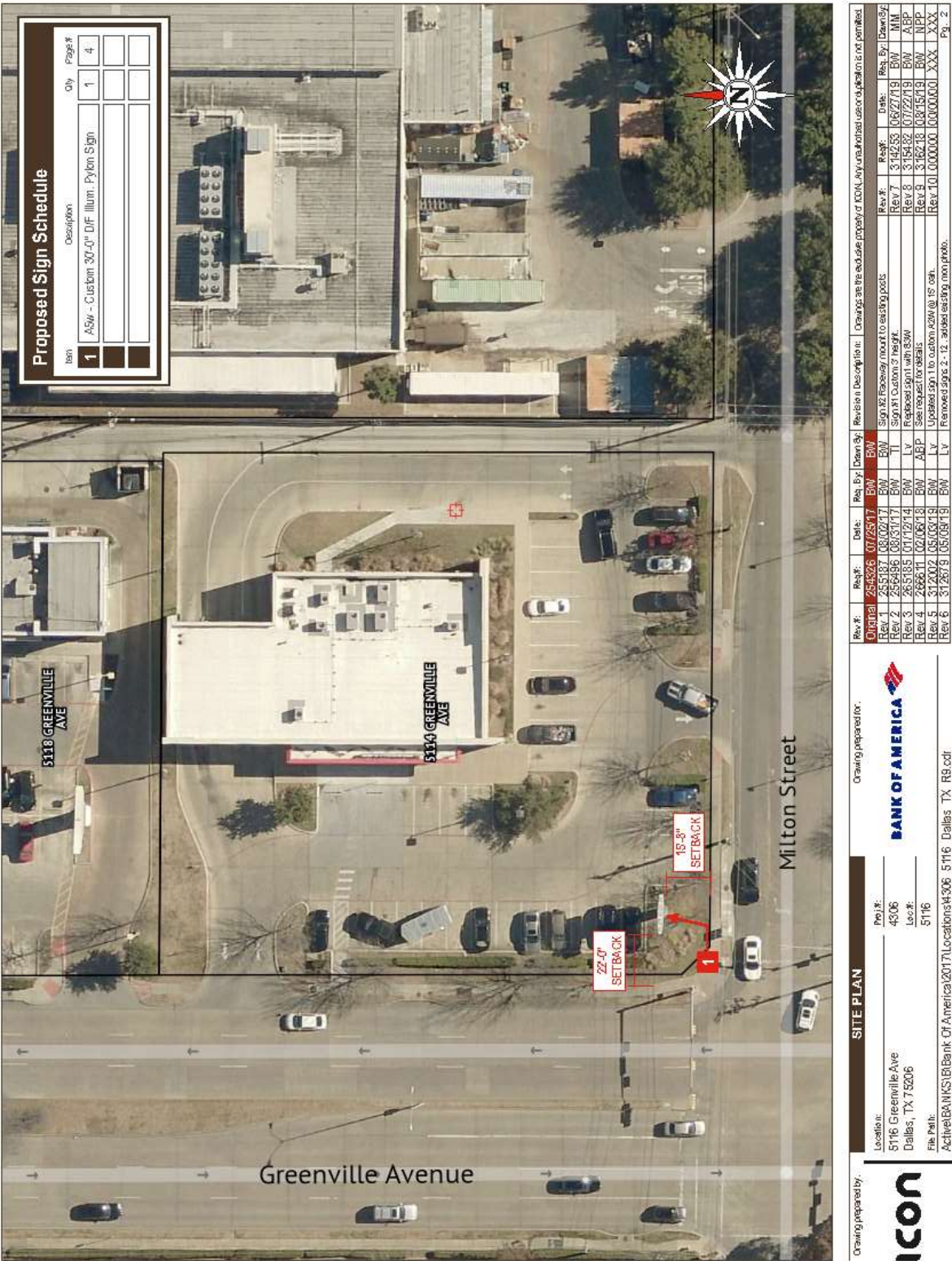
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this district until there has been full compliance with this article, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24691; 26102)

SEC. 51P-610.114. ZONING MAP.

PD 610 is located on Zoning Map No. G-8. (Ord. 24691)

PROPOSED SIGN
(for information purposes only)



PROPOSED SIGN
(for information purposes only)



EXISTING D/F ILLUMINATED MONUMENT SIGN



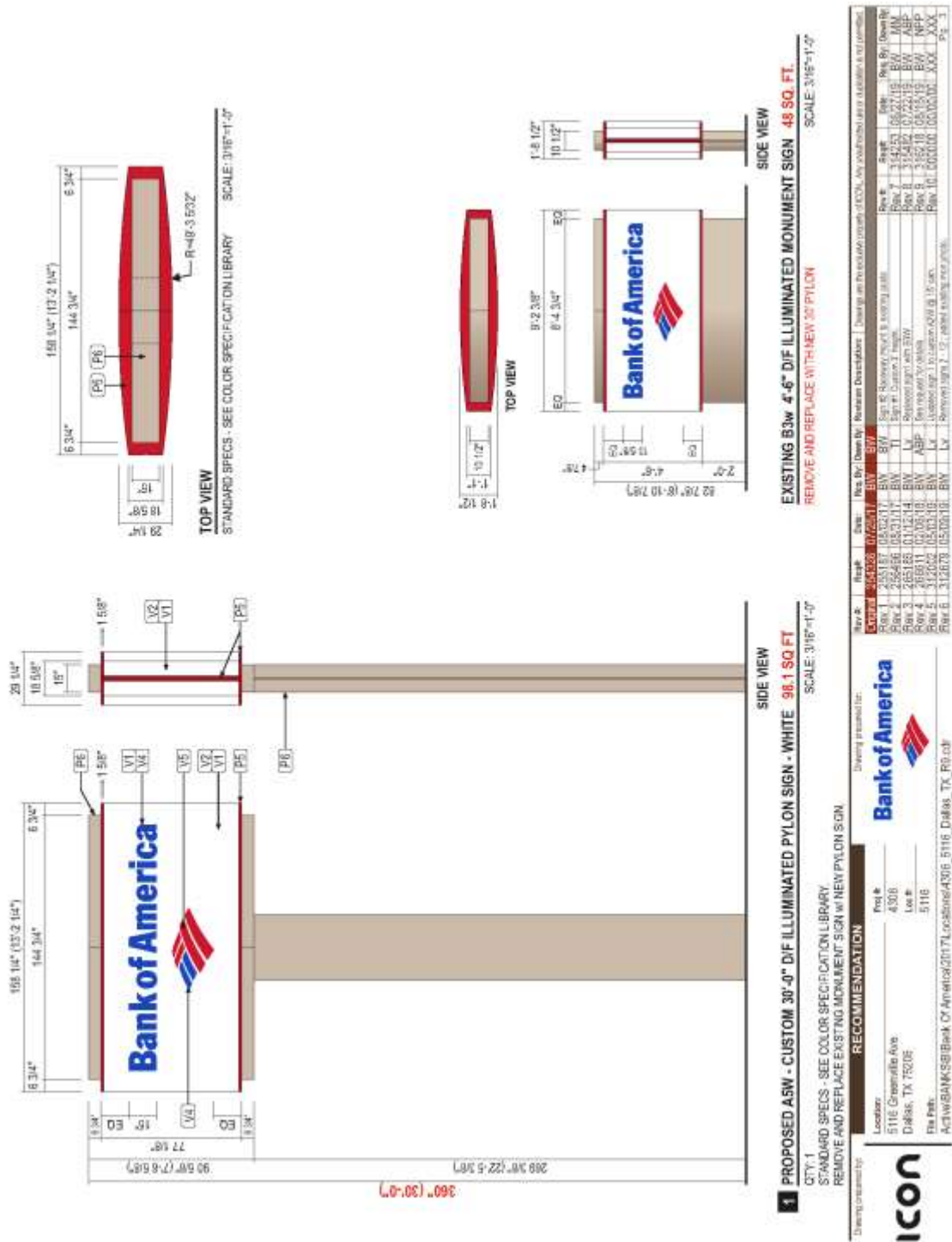
EXISTING D/F ILLUMINATED MONUMENT SIGN



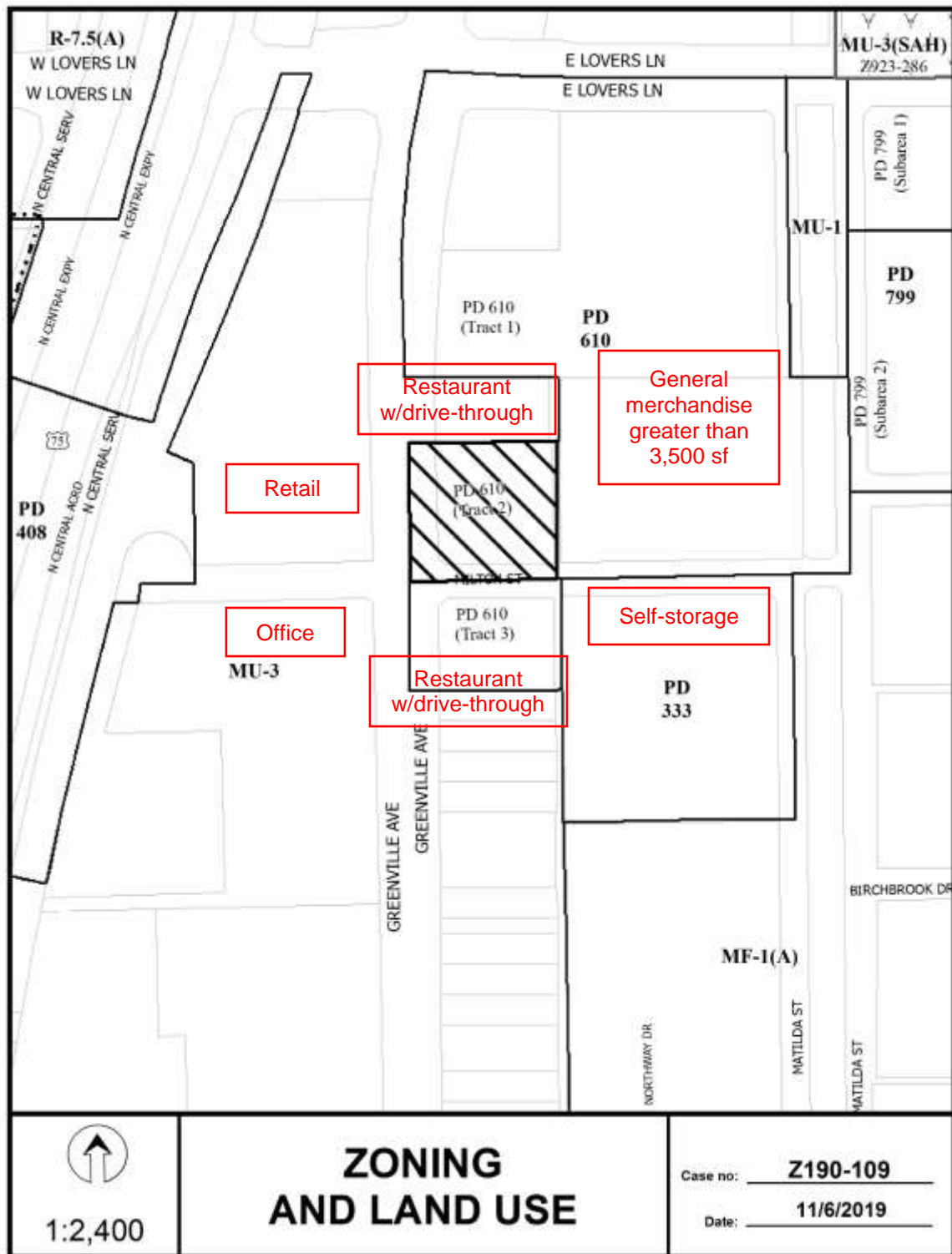
PROPOSED CUSTOM 30' D/F ILLUMINATED PYLON SIGN

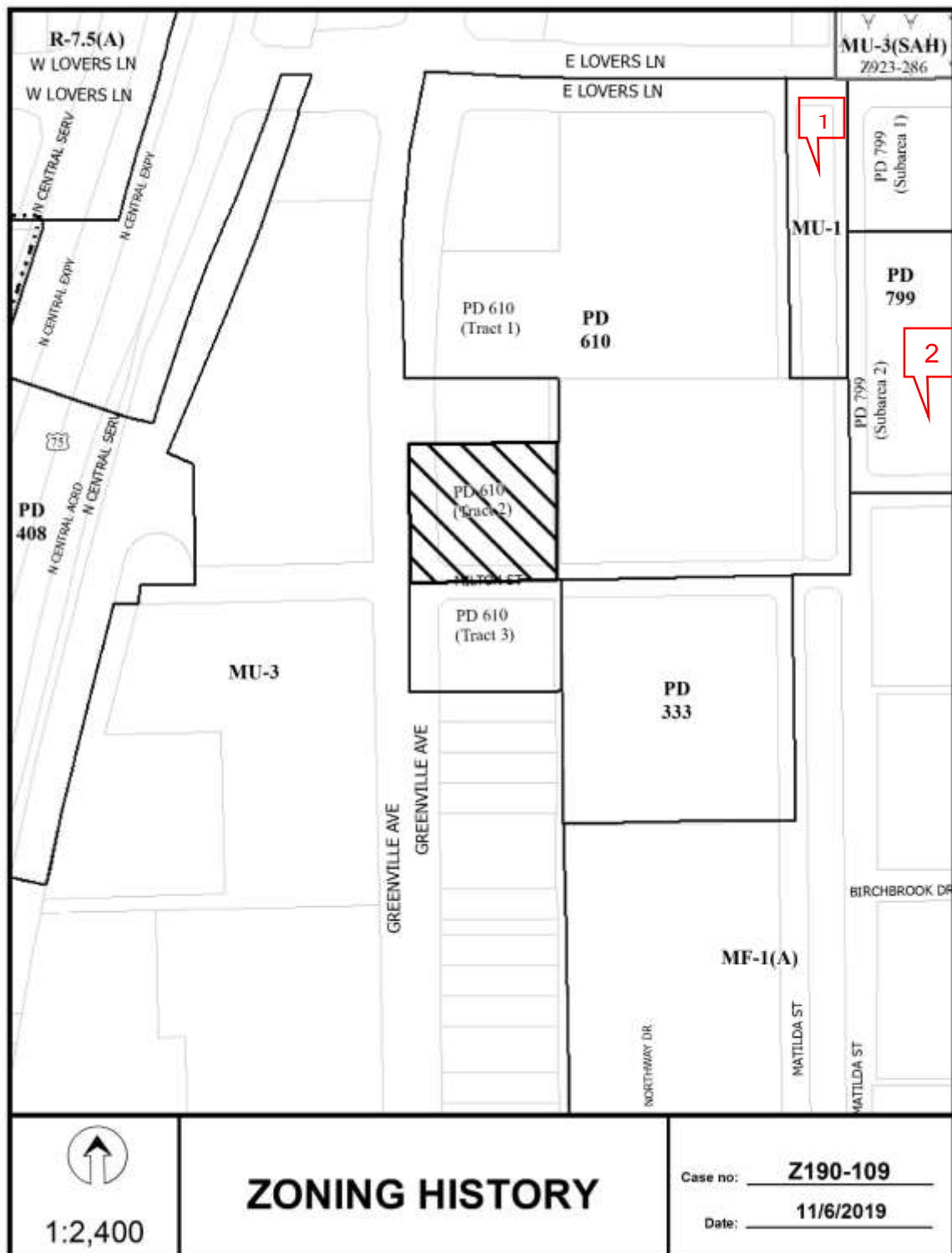
RECOMMENDATION																
Drawing prepared by:																
Drawing prepared for:																
Bank of America																
																
Project #																
5118 Greenville Ave																
4306																
Dallas, TX 75206																
Loc #																
5118																
File Path																
Active/BANK/BB Bank of America/2017/Locations/4306_5118_Dallas_TX_R6.cdr																
Row #	Rev #	Date	Rev. By	Drawn By	Revision Description	Drawn On	Rev. By	Drawn By	Rev. By	Drawn By	Rev. By	Drawn By	Rev. By	Drawn By	Rev. By	Drawn By
1	1	05/02/19	BW	BW	Rev. 10: Deleted project to existing table	Rev. 7	1	1	1	1	1	1	1	1	1	1
2	2	05/02/19	BW	BW	Rev. 10: Deleted project to existing table	Rev. 7	1	1	1	1	1	1	1	1	1	1
3	3	05/02/19	BW	BW	Rev. 10: Deleted project to existing table	Rev. 7	1	1	1	1	1	1	1	1	1	1
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6	6	05/02/19	BW	BW	Rev. 10: Deleted project to existing table	Rev. 7	1	1	1	1	1	1	1	1	1	1
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94	94	05/02/19	BW	BW	Rev. 10: Deleted project to existing table	Rev. 7	1	1	1	1						

PROPOSED SIGN
(for information purposes only)











Market Value Analysis

Printed Date: 11/6/2019

CPC RESPONSES



01/08/2020

Reply List of Property Owners***Z190-109******164 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	5116 GREENVILLE AVE	GREENVILLE MILTON RETAIL
	2	5116 GREENVILLE AVE	MUSSO & CIVELLO ET AL
	3	5233 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
	4	5111 GREENVILLE AVE	LOVERS LANE REDWOOD TEXAS
	5	5111 GREENVILLE AVE	OFFICE DEPOT
	6	4930 GREENVILLE AVE	BARRACO JOE
	7	5010 GREENVILLE AVE	5010 GREENVILLE LLC
	8	4500 GREENVILLE AVE	ONCOR ELECRCIC DELIVERY COMPANY
	9	4500 GREENVILLE AVE	ONCOR ELECRCIC DELIVERY COMPANY
	10	5005 GREENVILLE AVE	US MEADOWS LLC
	11	6688 N CENTRAL EXPY	US ENERGY SQUARE LLC
	12	6650 N CENTRAL EXPY	DALLAS AREA RAPID TRANSIT
	13	5030 GREENVILLE AVE	5030 GREENVILLE AVE LLC
	14	5720 MILTON ST	SH 710 LLC
	15	4924 GREENVILLE AVE	CH RETAIL FUND I DALLAS GREENVILLE SS LP
	16	5750 E LOVERS LN	LINCOLN LAG LTD
	17	5200 GREENVILLE AVE	HEDRICK L W TRUST
	18	5750 LOVERS LN	LINCOLN LAG LTD
	19	4500 GREENVILLE AVE	LINCOLN LAG LTD
	20	5118 GREENVILLE AVE	LINCOLN LAG TWO LTD
	21	4800 NORTHWAY DR	SAMUELSON DANA R
	22	4800 NORTHWAY DR	ARWINE HEIDI &
	23	4800 NORTHWAY DR	BALAKRISHNAN BALA & INDIRA
	24	4800 NORTHWAY DR	JORGENS JASON D
	25	4800 NORTHWAY DR	CLOUTIER ROGER A
	26	4800 NORTHWAY DR	COX YVETTE

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4800 NORTHWAY DR	JOHNSON TASHA B
	28	4800 NORTHWAY DR	AZPEITIA JUAN ANTONIO
	29	4800 NORTHWAY DR	CASTRO ELSA M
	30	4800 NORTHWAY DR	GONZALEZ ELVIRA
	31	4800 NORTHWAY DR	CLARK CHRISTAL
	32	4800 NORTHWAY DR	WARREN CALVIN
	33	4800 NORTHWAY DR	MCKINLEY STEPHANIE J
	34	4800 NORTHWAY DR	NEEL CHARLES D
	35	4800 NORTHWAY DR	MALONE DANIEL EMMETT
	36	4800 NORTHWAY DR	YOUNG DANA
	37	4800 NORTHWAY DR	HOLY KRISTEN M
	38	4800 NORTHWAY DR	ALVAREZ MARCO A &
	39	4800 NORTHWAY DR	GEORGES BRITT T & MICHELLE
	40	4800 NORTHWAY DR	PERIS STEVEN
	41	4800 NORTHWAY DR	HARMON GEORGE M III & MEREDITH
	42	4800 NORTHWAY DR	SOPRANZI DONALD F
	43	4800 NORTHWAY DR	HERMES REBECCA JANE &
	44	4800 NORTHWAY DR	HOUDE HOLDINGS LP
	45	4800 NORTHWAY DR	WENNERBOM M T &
	46	4800 NORTHWAY DR	DOTY MEITRA L
	47	4800 NORTHWAY DR	KIDD KEITH
	48	4800 NORTHWAY DR	KELLEY KRISTIN
	49	4800 NORTHWAY DR	WANG RUIJUAN
	50	4800 NORTHWAY DR	METSCHER JULIE & MIKE JR
	51	4800 NORTHWAY DR	4800 NORTHWAY DR LLC
	52	4800 NORTHWAY DR	LARSON PERRY K &
	53	4800 NORTHWAY DR	MACIAS OSCAR IVAN
	54	4800 NORTHWAY DR	TUNKS TIMOTHY & SARAH
	55	4800 NORTHWAY DR	KOWALSKY LOIS B REVOCABLE
	56	4800 NORTHWAY DR	CADENHEAD WILLIAM
	57	4800 NORTHWAY DR	LIEBBE WILLIAM H &

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4800 NORTHWAY DR	DYKMAN MELISSA A
	59	4800 NORTHWAY DR	WHITLEY MICHELLE
	60	4800 NORTHWAY DR	LIN QI & DAPENG QI
	61	4800 NORTHWAY DR	BETANCOURT LINA
	62	4800 NORTHWAY DR	SIMS JAYMIE LOUISE
	63	4800 NORTHWAY DR	FOERSTER MAXIME
	64	4800 NORTHWAY DR	MARTWIG JASON
	65	4800 NORTHWAY DR	WHITE PAMELA GAIL
	66	4800 NORTHWAY DR	KLEIN JOHN & EMILY
	67	4800 NORTHWAY DR	HARPER JAYNE MICHELLE
	68	4800 NORTHWAY DR	TORRES KARLA GABRIELA
	69	4800 NORTHWAY DR	PESCHKA STEPHANIE
	70	4800 NORTHWAY DR	BO LY INC
	71	4800 NORTHWAY DR	BOWEN HALEY B
	72	4800 NORTHWAY DR	ZHOU LI
	73	4800 NORTHWAY DR	MYERS LAURA L FRYE
	74	4800 NORTHWAY DR	DEMLER LARK A
	75	4800 NORTHWAY DR	LEWIS THOMAS HUNTER
	76	4800 NORTHWAY DR	CHACON EULISES A
	77	4800 NORTHWAY DR	BUEHRING MICHAEL BLAKE
	78	4800 NORTHWAY DR	SHAW DIANE M
	79	4800 NORTHWAY DR	WOODALL TIMOTHY R MGMT TRUST
	80	4800 NORTHWAY DR	MCDONALD MONA L
	81	4800 NORTHWAY DR	MACHUCAPRADO JESUS
	82	4800 NORTHWAY DR	GUTIERREZ CRISTHAL
	83	4800 NORTHWAY DR	KAMM BARBARA
	84	4800 NORTHWAY DR	JEFFERSON IVY N
	85	4800 NORTHWAY DR	RHODES DAVID G
	86	4800 NORTHWAY DR	HORAK CRISTINA R
	87	4800 NORTHWAY DR	SURBER MICHAEL G
	88	4800 NORTHWAY DR	TRW MANAGEMENT TRUST

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	4800 NORTHWAY DR	KAISER ADAM M & OKSANA S
	90	4800 NORTHWAY DR	MURPHY JANE L
	91	4800 NORTHWAY DR	ANJADHAVJI INVESTMENTS
	92	4800 NORTHWAY DR	GOLMAN WENDY M
	93	4800 NORTHWAY DR	KAINTHLA RAMESH & NEETU
	94	4800 NORTHWAY DR	OLIVI HENRY ALLEN
	95	4800 NORTHWAY DR	WILLIAMS THERESA M
	96	4800 NORTHWAY DR	NAYLOR RODNEY
	97	4800 NORTHWAY DR	BARRON GEOVANNI
	98	4800 NORTHWAY DR	PULLEN DAVID A & CAROL A FAMILY TRUST
	99	4800 NORTHWAY DR	STAMM CORY E &
	100	4800 NORTHWAY DR	KLOPPING MARSHA
	101	4800 NORTHWAY DR	RAMIREZ VICTOR J &
	102	4800 NORTHWAY DR	THAI DANIEL Q &
	103	4800 NORTHWAY DR	KEY PARKER M
	104	4800 NORTHWAY DR	JACOBI THOMAS M
	105	4800 NORTHWAY DR	MURPHY WILLIAM HICKS
	106	4800 NORTHWAY DR	MOHMED DALELL DIANE
	107	5757 E UNIVERSITY BLVD	PRICE MONTY
	108	5757 E UNIVERSITY BLVD	SOUTH EAST CAPITAL AND PRIVATE
	109	5757 E UNIVERSITY BLVD	TABBERT MARK
	110	5757 E UNIVERSITY BLVD	WALLACE JENTRY
	111	5757 E UNIVERSITY BLVD	MEYERS KAREN LINNET
	112	5757 E UNIVERSITY BLVD	MCCAFFERTY ELIZABETH L
	113	5757 E UNIVERSITY BLVD	WALKER THEODORE
	114	5757 E UNIVERSITY BLVD	ECKERT JUDY JORDAN
	115	5757 E UNIVERSITY BLVD	TRAYLOR JUSTIN
	116	5757 E UNIVERSITY BLVD	LYNCH ZACHARY CARSON
	117	5757 E UNIVERSITY BLVD	LARAWAY JEANETTE
	118	5757 E UNIVERSITY BLVD	EMERSON TARA MAUREEN
	119	5757 E UNIVERSITY BLVD	MEDALI INVESTMENTS INC

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	5757 E UNIVERSITY BLVD	UDOF A ANIEDI & FRED
	121	5757 E UNIVERSITY BLVD	RALSTON ANN I
	122	5757 E UNIVERSITY BLVD	NG HAGAN K
	123	5757 E UNIVERSITY BLVD	TNL INVESTMENTS LLC
	124	5757 E UNIVERSITY BLVD	BAJPAY PARITOSH & SHUBHA
	125	5757 E UNIVERSITY BLVD	A&D ENGINEERING
	126	5757 E UNIVERSITY BLVD	BLANTON JOHN R JR
	127	5757 E UNIVERSITY BLVD	JOHNSON KENDALL M
	128	5757 E UNIVERSITY BLVD	TALBERT TARYN
	129	5757 E UNIVERSITY BLVD	BARTON ALLISON N
	130	5757 E UNIVERSITY BLVD	HUERTA SERGIO
	131	5757 E UNIVERSITY BLVD	NEPOMUCENO ERWIN &
	132	5757 E UNIVERSITY BLVD	STACHOVIC JULIA A
	133	5757 E UNIVERSITY BLVD	SU TING & QING FENG
	134	5757 E UNIVERSITY BLVD	BROWN CHRISTOPHER
	135	5757 E UNIVERSITY BLVD	KIM JINHO
	136	5757 E UNIVERSITY BLVD	KAMM GINGER L
	137	5757 E UNIVERSITY BLVD	CANTERBURY JANELLE & LOUIS
	138	5757 E UNIVERSITY BLVD	PERRY NICHOLAS L
	139	5757 E UNIVERSITY BLVD	MANN DANIEL C
	140	5757 E UNIVERSITY BLVD	BONNEY ERIC J
	141	5757 E UNIVERSITY BLVD	TRIMBLE BRANDON LYLE
	142	5757 E UNIVERSITY BLVD	MANNING JULIE RUTH &
	143	5757 E UNIVERSITY BLVD	ZHANG SHUQI
	144	5757 E UNIVERSITY BLVD	DOAN JOHN A
	145	5757 E UNIVERSITY BLVD	FENLEY JILL M
	146	5757 E UNIVERSITY BLVD	PRADO LESLIE GALE & JOE S
	147	5757 E UNIVERSITY BLVD	ARNOLD WILLIAM V
	148	5757 E UNIVERSITY BLVD	EBERHART CARL &
	149	5757 E UNIVERSITY BLVD	PARHAM EUGENE B JR
	150	5757 E UNIVERSITY BLVD	TRIMBLE BRANDON

01/08/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	5757 E UNIVERSITY BLVD	SERGEYS TRUST
	152	5757 E UNIVERSITY BLVD	MAIZITIS JEFF
	153	5757 E UNIVERSITY BLVD	PARK HELEN
	154	5757 E UNIVERSITY BLVD	ANDERSON BYRON
	155	5757 E UNIVERSITY BLVD	EDOMWONYI EGHEOSA O
	156	5757 E UNIVERSITY BLVD	GONZALES MICHAEL
	157	5757 E UNIVERSITY BLVD	BIDDULPH BRENT
	158	5757 E UNIVERSITY BLVD	MOON WILLIAM &
	159	5757 E UNIVERSITY BLVD	HUFF TONYA &
	160	5757 E UNIVERSITY BLVD	PARRA GABRIEL
	161	5757 E UNIVERSITY BLVD	LIN SHUTE &
	162	5757 E UNIVERSITY BLVD	FOSTER ROY D
	163	5757 E UNIVERSITY BLVD	ZAPFFE PETER N
	164	5757 E UNIVERSITY BLVD	REUTHER KEVIN WILLIAM



Agenda Information Sheet

File #: 20-134
Z12.

Item #:

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 7
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

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)

Note: This item was deferred by the City Council before opening the public hearing on January 8, 2020, and is scheduled for consideration on February 12, 2020

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, FEBRUARY 12, 2020
ACM: Majed Al-Ghafry

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

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:

	Zoning	Land Use
Site	CR-D Community Retail District with D Liquor Control Overlay	Undeveloped land
North	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Freight terminal
Northwest	CS-D Commercial Service with D Liquor Control Overlay	Undeveloped land
East	MF-2(A) Multifamily District and SUP No. 538	Multifamily
South	PDD No. 413	Water tower
West	CR-D Community Retail District with D Liquor Control Overlay	Multifamily

Land Use Compatibility:

The approximate 2.92-acre site is zoned a 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:

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Density</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Special Standards</u>	<u>PRIMARY Uses</u>
	<u>Front</u>	<u>Side/Rear</u>					
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 $[3,700 / 200 = 18.5 \sim 19 \text{ spaces}]$. The proposed restaurant will be required to provide 12 parking spaces calculated at a ratio of 1 space for every 100 square feet $[1,200/100 = 12 \text{ spaces}]$. 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 $[3,250/200 = 16.25 \sim 16 \text{ spaces}]$. 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:

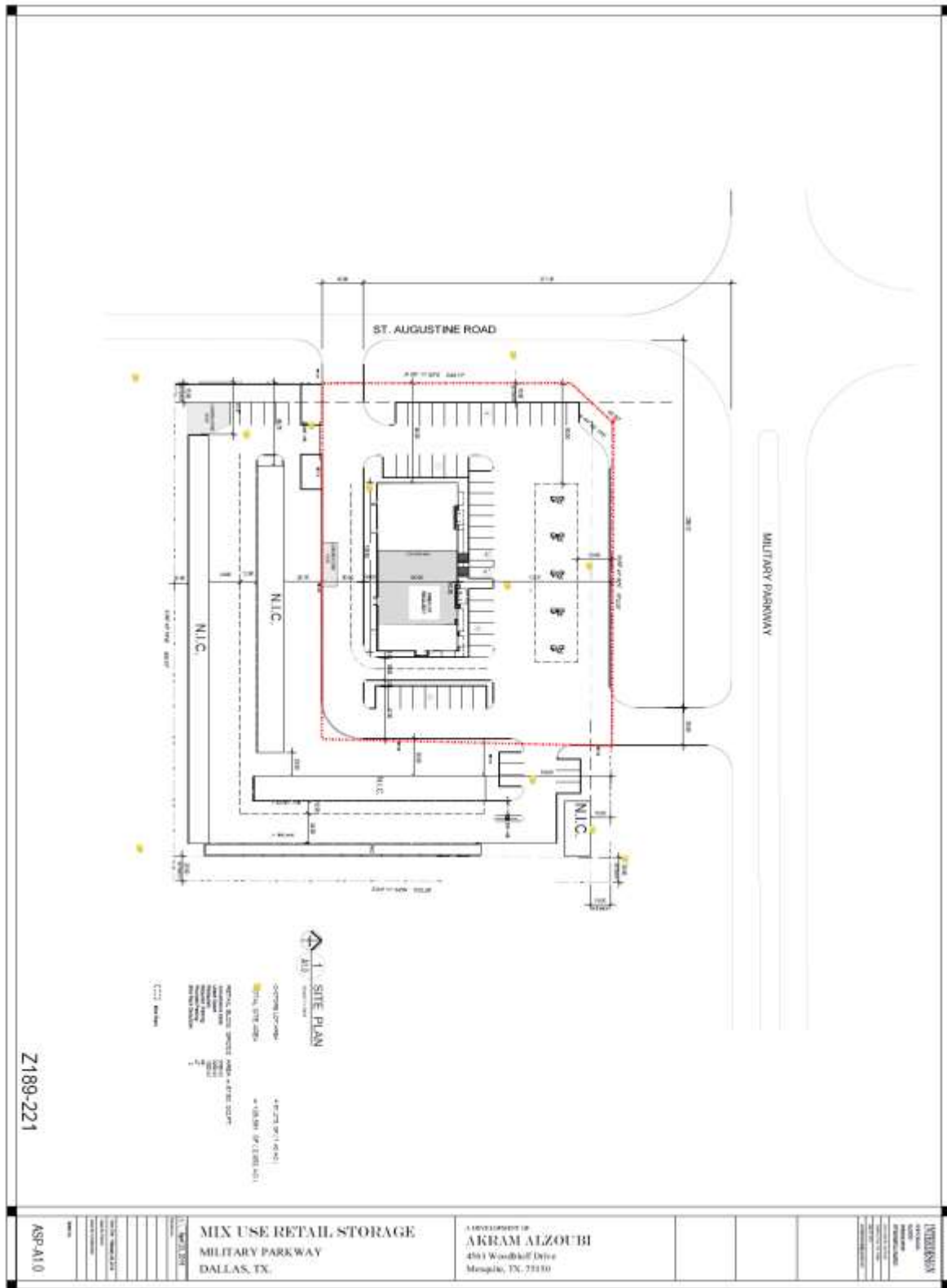
- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (two years) _____. |
|---|

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.

PROPOSED SUP SITE PLAN (sale of alcohol)



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) _____. |
|---|

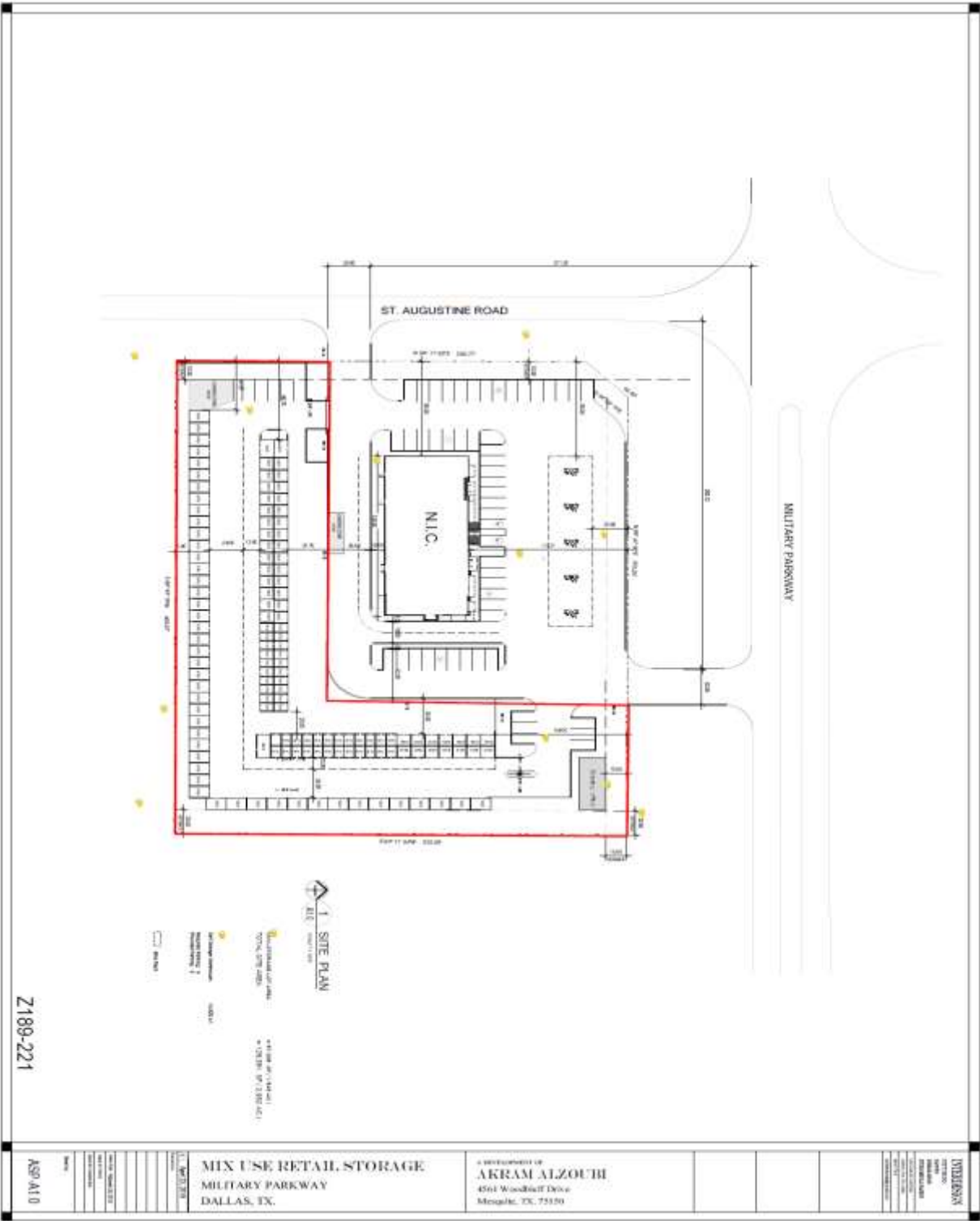
Staff Recommendation:

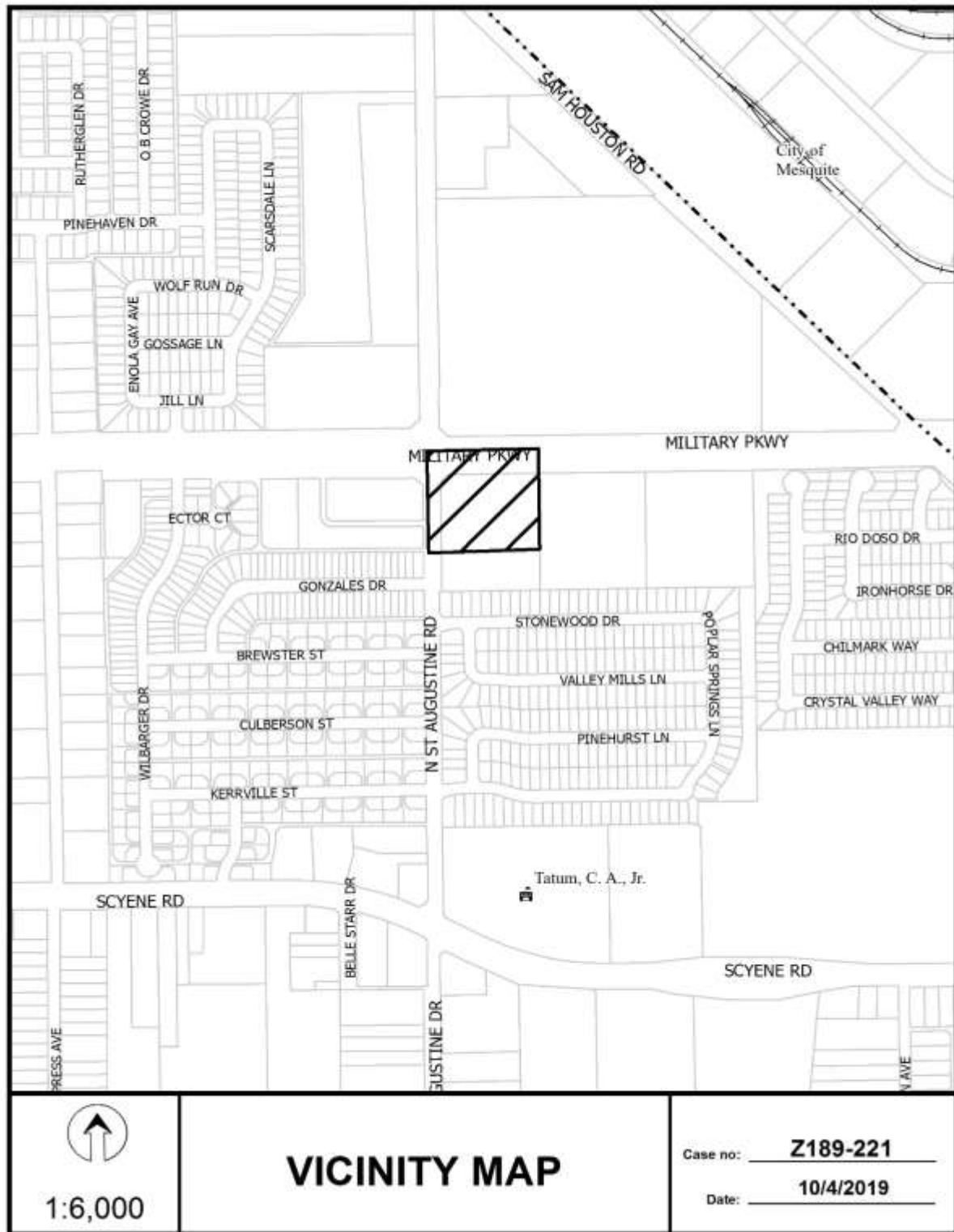
- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on [ten-years from the passage of this ordinance] but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, 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. |
|--|

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.

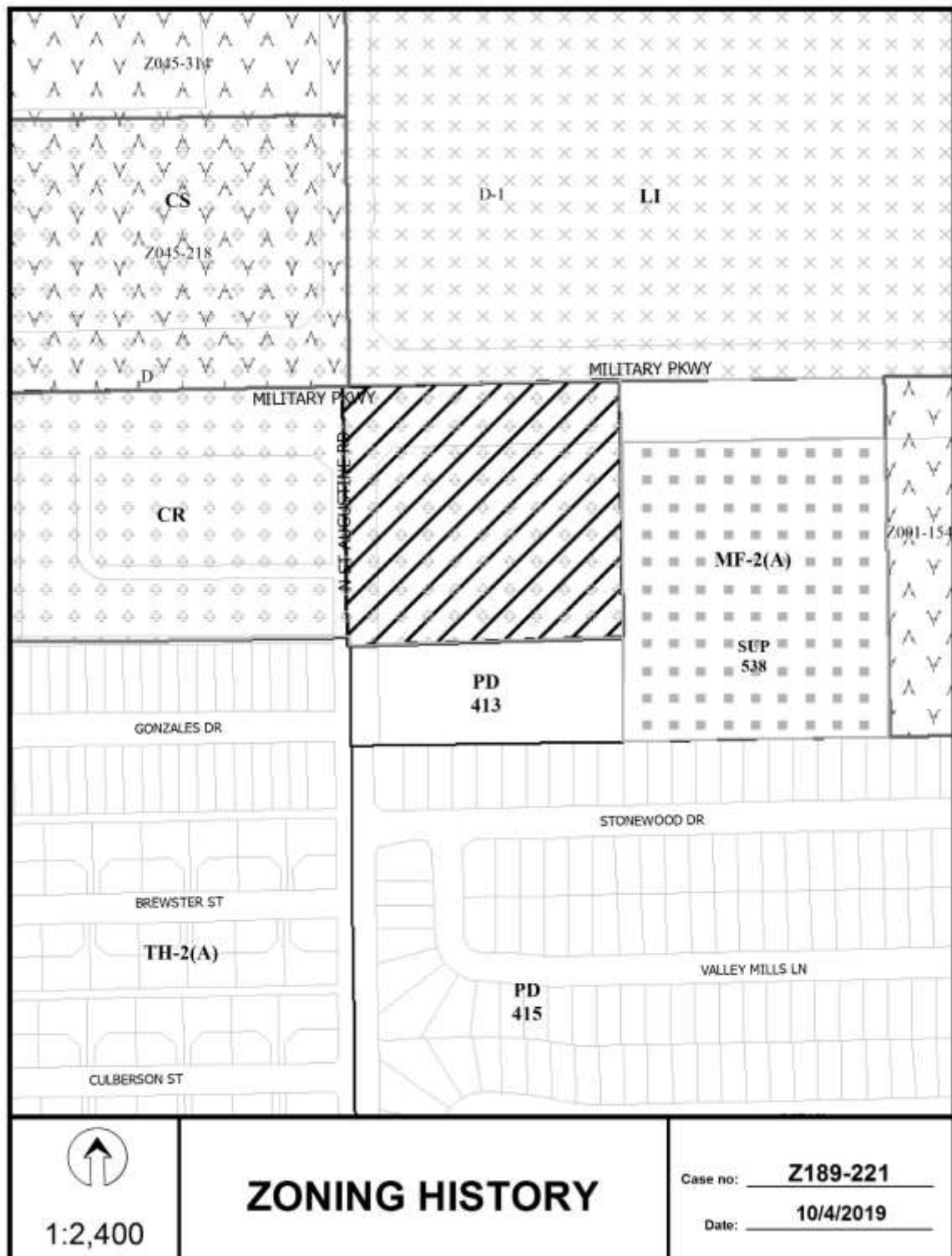
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

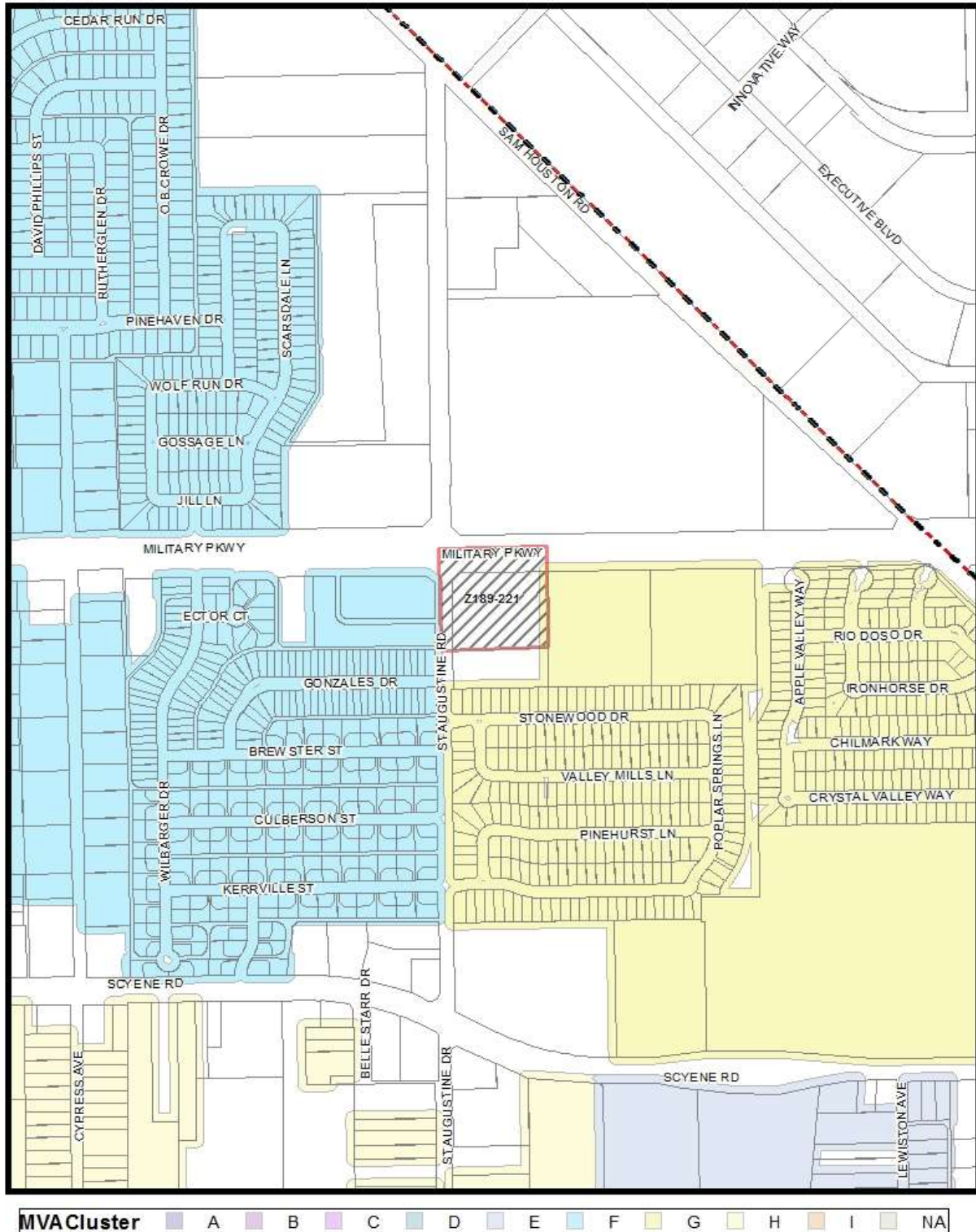
PROPOSED SUP SITE PLAN (mini-warehouse use)



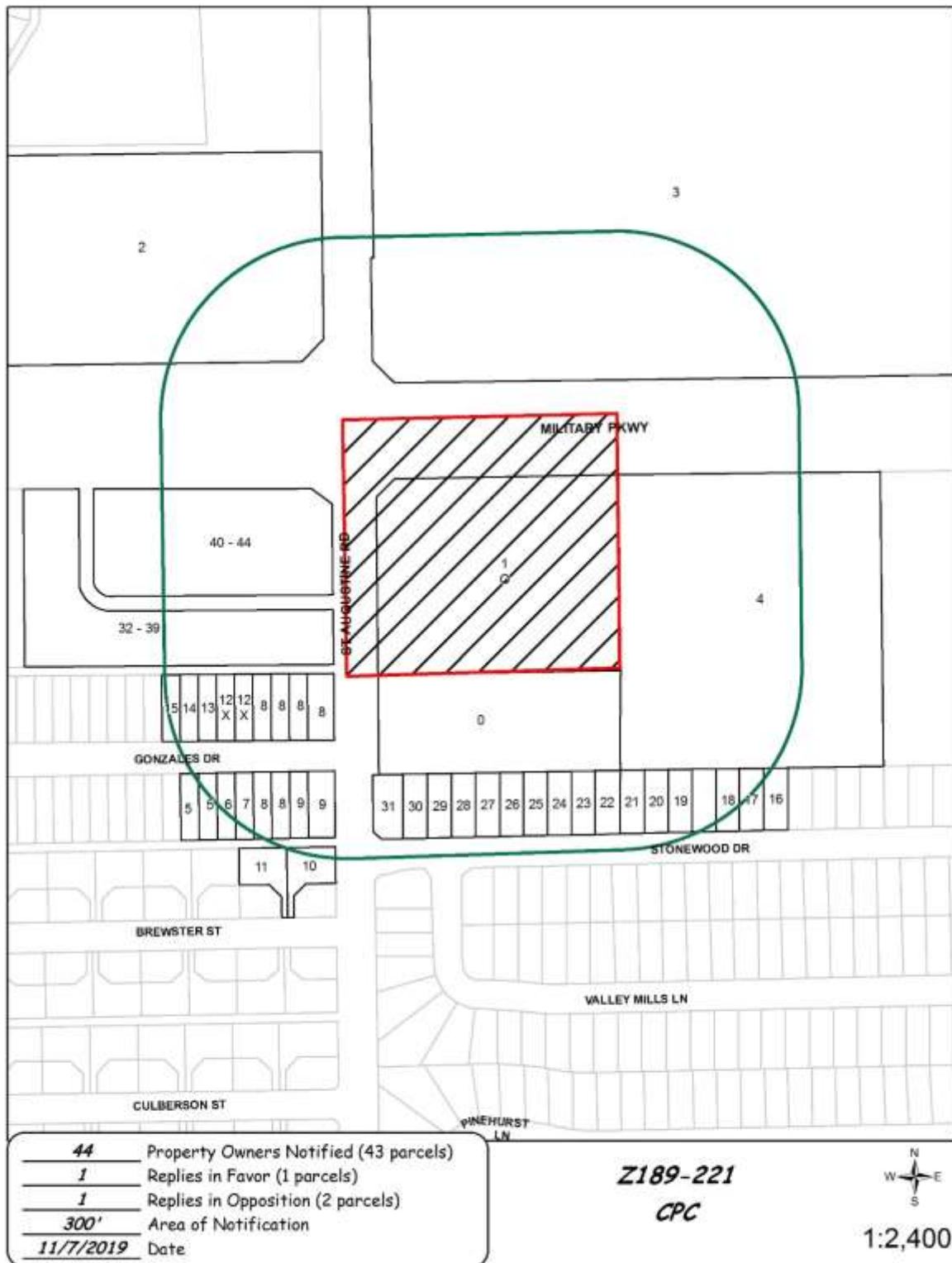








CPC RESPONSES



11/06/2019

Reply List of Property Owners***Z189-221******44 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	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
	11	9543 BREWSTER ST	JACKSON GARY C
X	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



City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 20-16
Z13.

Item #:

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 8
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 a new tract on property zoned Tract 1A within Planned Development District No. 751 with existing deed restrictions [Z834-368], on the northeast side of the westbound service road of Lyndon B. Johnson Freeway (IH-20), and the southwest side of Cliff Creek Crossing Drive, between Bainbridge Drive and Chrysalis Drive

Recommendation of Staff and CPC: Approval, subject to a revised development/conceptual plan, a revised landscape plan and conditions

Z189-315(PD)

Note: This item was deferred by the City Council before opening the public hearing on December 11, 2019, and is scheduled for consideration on February 12, 2020

FILE NUMBER: Z189-315(PD) **DATE FILED:** July 23, 2019

LOCATION: Northeast side of the westbound service road of Lyndon B. Johnson Freeway (IH-20), and the southwest side of Cliff Creek Crossing Drive, between Bainbridge Drive and Chrysalis Drive

COUNCIL DISTRICT: 8 **MAPSCO:** 73 C

SIZE OF REQUEST: ± 1.3 acres **CENSUS TRACT:** 109.02

APPLICANT: Panera Bread – PM: Rashad Palmer

OWNER: Target Corporation

REPRESENTATIVE: Ron Salamie, Cole & Associates

REQUEST: An application for a new tract on property zoned Tract 1A within Planned Development District No. 751 with existing deed restrictions [Z834-368].

SUMMARY: The purpose of this request is to create a new tract to allow for: 1) the addition of an approximately 4,425-square foot pad site, and 2) reduce the existing off-street parking and landscape requirements to accommodate the structure. No changes to the existing deed restrictions are being requested with this application.

CPC RECOMMENDATION: Approval, subject to a revised development/conceptual plan, a revised landscape plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised development/conceptual plan, a revised landscape plan and conditions.

BACKGROUND INFORMATION:

- Planned Development District No. 751 was approved by City Council on August 23, 2006 and permits retail uses.
- PDD No. 751 is comprised of two tracts: Tract 1 and Tract 2. Each tract is further divided into Tracts 1A through 1H and Tracts 2A through 2C.
- The request site contains deed restrictions [Z834-368] that limit the maximum floor area, structure height, and prohibit multifamily uses and, none of which pertain to Tract 1A. Additionally, the deed restrictions provide right-of-way dedication for street and intersection improvements.
- The request site is developed with a multi-tenant retail project. [Target, Five Below, Conn's Home Plus, Party City, Office Depot, Citi Trends, Wells Fargo, etc.]

Zoning History: There has been one recent zoning request in the area within the last five years.

1. Z178-346: On December 12, 2018, the City Council approved an Ordinance amending the conceptual/development plan And landscape plan to create a new tract, Subdistrict 1G.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Lyndon B. Johnson (IH-20)	Freeway	Variable Width ROW
Bainbridge Drive	Local Collector	64 ft.
Chrysalis Drive	Local Collector	64 ft.

Traffic:

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

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 5.3 ESTABLISHING WALK-TO CONVENIENCE**

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Uses:

	Zoning	Land Use
Site	Tract 1A within PDD No. 751; Z834-368	Multi-tenant retail
North	R-5(A)	Single family
East	Tract 1B & Tract 1E within PDD No. 751 Tract 1B	Multi-tenant retail
West	Tracts 1H & 1F within PDD No. 751	Multi-tenant retail

Land Use Compatibility:

The request will permit the creation of a new tract that will allow the addition of an approximately 4,425-square foot pad site for a drive-through restaurant [Panera Bread], thereby reducing the number of off-street parking by 106 spaces and reducing the landscape by 12 island/parking lot trees. While the site will have a net loss of 106 parking spaces, the Engineering Division has determined that the remaining 2,141 spaces will adequately support the functional parking demand on the site. As it pertains to the reduction of island/parking lot trees, the Arborist Division has determined that the addition of one large tree and one design standard must be identified to satisfy the landscape requirement of Article X, as amended for the building permit.

The request site is developed with a multi-tenant retail shopping center and is surrounded by multi-tenant retail uses to the east and west, and a residential district to the north. The site is also separated from another multi-tenant retail development by Lyndon B. Johnson Freeway (IH-20) to the south.

The proposed request is consistent with the underlying zoning as well as being compliant with the existing deed restrictions. Therefore, staff supports the request as the proposed request is envisioned to be in scale with the proposed development and compatible with existing uses and signage in the 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. The area of request is not within an identifiable MVA category; however, it is adjacent to an “E” MVA cluster to the north across Cliff Creek Crossing Drive.

Parking:

PDD No. 751 requires one parking space for every 100 square feet of floor area. At a total square footage of 4,425 square feet, the proposed use requires a total of 44 spaces. Tracts 1 and 2 are considered one lot for off-street parking purposes. The site provides 2,247 off-street parking spaces for the entire development. While there is a reduction of 106 off-street parking spaces, retail shoppers customarily walk within the shopping center to frequent specific destinations within multi-tenant developments. Therefore, the remaining 2,141 off-street parking spaces will provide sufficient off-street parking to accommodate all uses and satisfy parking functionality for the site.

Landscaping:

Landscaping will be in accordance with the landscape regulations of PDD No. 751; however, the request will not trigger additional landscape requirements.

CPC Action
October 3, 2019

Motion: It was moved to recommend **approval** of a new tract, subject to a revised development/conceptual plan, a revised landscape plan and conditions on property zoned Tract 1A within Planned Development District No. 751 with existing deed restrictions [Z834-368], on the northeast side of the westbound service road of Lyndon B. Johnson Freeway (IH-20), and the southwest side of Cliff Creek Crossing Drive, between Bainbridge Drive and Chrysalis Drive.

Maker: Carpenter
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: 500 Mailed: 91
Replies: For: 1 Against: 1

Speakers: None

CPC RECOMMENDED CONDITIONS

ARTICLE 751.

PD 751.

SEC. 51P-751.101. LEGISLATIVE HISTORY.

PD 751 was established by Ordinance No. 26433, passed by the Dallas City Council on August 23, 2006. (Ord. 26433)

SEC. 51P-751.102. PROPERTY LOCATION AND SIZE.

PD 751 is established on property generally bounded by Cliff Creek Crossing Drive, Hampton Road, Wheatland Road, IH-20, and Bainbridge Drive. The size of PD 751 is approximately 48.39 acres. (Ord. Nos. 26433; 27544)

SEC. 51P-751.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a nonresidential zoning district. (Ord. 26433)

SEC. 51P-751.104. TRACTS.

- (a) This district is comprised of Tract 1 and Tract 2.
- (b) Tract 1 is further divided into Tracts 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and 1H~~, and 1I.
- (c) Tract 2 is further divided into Tracts 2A, 2B, and 2C.
- (d) All tracts are shown on the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan (Exhibit 751A). (Ord. Nos. 26433; 27544)

SEC. 51P-751.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan. In the event of a conflict between the text of this article and the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan, the text of this article controls. (Ord. Nos. 26433; 27544)

SEC. 51P-751.106. DEVELOPMENT PLAN.

- (a) In Tract 1A, development and use of the Property must comply with the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan. In the event of a conflict between the text of this

article and the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan, the text of this article controls.

(b) In all other tracts, 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, development schedule, and landscape plan do not apply. (Ord. Nos. 26433; 27544)

SEC. 51P-751.107. MAIN USES PERMITTED.

(a) Except as otherwise provided in this section, the only main uses permitted in this district are those main uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail 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 RR Regional Retail District is subject to DIR in this district; etc.

(b) The following uses are prohibited:

- Labor hall.
- Medical or scientific laboratory.
- Temporary concrete or asphalt batching plant.
- Adult day care facility.
- Cemetery or mausoleum.
- Church.
- College, university, or seminary.
- Community service center.
- Convent or monastery.
- Halfway house.
- Hospital.
- Open-enrollment charter school or private school.
- Public school other than an open-enrollment charter school.
- Extended stay hotel or motel.
- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter.
- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.
- College, dormitory, fraternity, or sorority house.
- Animal shelter or clinic with outside runs.
- Commercial amusement (outside).
- Mortuary, funeral home, or commercial wedding chapel.
- Outside sales.
- Pawn shop.
- Swap or buy shop.
- Commercial bus station and terminal.
- Heliport.
- Helistop.
- Railroad passenger station.
- Transit passenger shelter.
- Transit passenger station or transfer center.
- Commercial radio or television transmitting station.

- Electrical substation.
- Radio, television, or microwave tower.
- Utility or government installation other than listed.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.
- Recycling drop-off container.
- Recycling drop-off for special occasion collection.

(Ord. 26433)

SEC. 51P-751.108. 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) In this district, the following accessory uses are prohibited:

- Accessory community center (private).
- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Home occupation.
- Private stable.

(Ord. 26433)

SEC. 51P-751.109. 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 Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as otherwise provided in this section, the yard, lot, and space regulations for an RR Regional Retail District apply.

(b) Floor area.

- (1) Maximum total floor area within Tract 1A is 137,000 square feet.
- (2) Maximum total floor area within Tracts 1B through 1H is 294,030 square feet.
- (3) Maximum total floor area within Tract 2 is 68,970 square feet.
- (4) Maximum total floor area within Tract II is 4,500 square**

feet.

(c) Height. Maximum structure height is 50 feet. (Ord. 26433)

SEC. 51P-751.110. OFF-STREET PARKING AND LOADING.

(a) Except as otherwise 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) Tract 1 and Tract 2 are each considered one lot for off-street parking purposes.

(c) One space per 220 square feet of floor area is required for general merchandise or food store uses less than 100,000 square feet. One space per 230 square feet of floor area is required for general merchandise or food store uses 100,000 square feet or more.

(d) In Tract 1A, off-street parking and loading must be provided as shown on the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan. Required off-street parking may ~~be located in the~~ front parking area, as defined in Section 51A-4.605(a)(3)(C). (Ord. Nos. 26433; 27544)

SEC. 51P-751.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 26433)

SEC. 51P-751.112. INGRESS/EGRESS.

(a) Ingress and egress must be provided in the locations shown on the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan.

(b) "No left turn" signs must be provided at the two ingress/egress points along Cliff Creek Crossing Drive between Bainbridge Drive and Chrysalis Drive, as shown on the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan. (Ord. 26433)

SEC. 51P-751.113. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit 751B).

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

(c) In all tracts except Tract 1A, in addition to any landscaping shown on the landscape plan, a minimum of one large tree and one design standard must be provided in accordance with Article X before issuance of a certificate of occupancy. (Ord. Nos. 26433; 27544)

SEC. 51P-751.114. DESIGN STANDARDS FOR LARGE RETAIL USES.

(a) Except as otherwise provided in this section, the design standards for large retail uses in Section 51A-4.605(a) apply.

(b) The facade wall design standards in Sections 51A-4.605(a)(4) do not apply to side facade walls.

(c) The facade wall changes design standards in Section 51A-4.605(a)(5) do not apply to side facade walls.

(d) The materials and colors design standards in Section 51A-4.605(a)(6) do not apply to side facade walls.

(e) The roof design standards in Section 51A-4.605(a)(7) apply only to roofs above a primary facade wall or rear facade wall.

(f) The parking lot and landscape design standards in Section 51A-4.605(a)(8)(A)-(D) do not apply. The parking lot and landscape design standards in Section 51A-4.605(a)(8)(F) do not apply to side facade walls.

(g) Shopping cart storage areas must be screened in accordance with Section 51A-4.605(a)(9)(F). A maximum of three shopping cart storage areas are permitted and each may exceed 20 feet in length. (Ord. 26433)

SEC. 51P-751.115. SIGNS.

(a) In general. Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Chapter 51A.

(b) Attached signs.

(1) Attached signs may contain up to 10 words for each sign.

(2) On Lot 1C, as shown on the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan, the following additional attached signs are permitted:

(A) One three-dimensional attached sign. The effective area of the sign is calculated based on a two-dimensional front elevation of the proposed sign. The maximum projection of the sign from the building face is 12 feet. The sign may be located on and above a roof, but not above the highest roof of the building.

(B) One attached sign projecting perpendicularly to the building facade. The sign may have two faces with a maximum effective area of 15 square feet for each face and may project a maximum of 60 inches from the building facade.

(c) Premises. Tract 1 is considered one premise, and Tract 2 is considered one premise.

(d) Detached signs.

(1) Detached signs must be located as shown on the Tract 1A Development Plan/Tract 1, Tract 2 Conceptual Plan. No other detached signs are allowed.

(2) Detached signs must be designed and constructed as shown on the signage elevation (Exhibit 751C).

(3) The minimum setback, maximum height, and maximum effective area of detached signs are follows:

(A) Sign MT-1. Minimum setback is 20 feet, maximum height is 35 feet, and maximum effective area is 200 square feet.

(B) Sign MT-2. Minimum setback is 20 feet, maximum height is 35 feet, and maximum effective area is 200 square feet.

(C) Signs S-1 through S-7. Minimum setback is 20 feet, maximum height is 20 feet, and maximum effective area is 48 square feet.

(D) Sign U-1. Minimum setback is 20 feet, maximum height is 50 feet, and maximum effective area is 418 square feet.

(E) Sign U-2. Minimum setback is 20 feet, maximum height is 50 feet, and maximum effective area is 407 square feet.

(F) Sign U-3. Minimum setback is 20 feet, maximum height is 40 feet, and maximum effective area is 300 square feet.

(e) Prohibited signs. Highway Beautification Act (HBA) signs are prohibited. (Ord. Nos. 26433; 27063)

SEC. 51P-751.116. ADDITIONAL PROVISIONS.

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

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinance, rules, and regulations of the city. (Ord. 26433)

SEC. 51P-751.117. COMPLIANCE WITH CONDITIONS.

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 26433)

SEC. 51P-751.118. ZONING MAP.

PD 751 is located on Zoning Map Nos. P-5 and P-6. (Ord. 26433)

List of Officers

Panera Bread Key Executives

Niren Chaudhary	President & CEO
Ronald M. Shaich	Co-Founder & Chairman
Michael J. Bufano	CFO & Senior Vice President
Charles J. Chapman III	COO & Executive Vice President
Scott G. Blair	Chief Legal & Franchise Officer & Senior Vice President

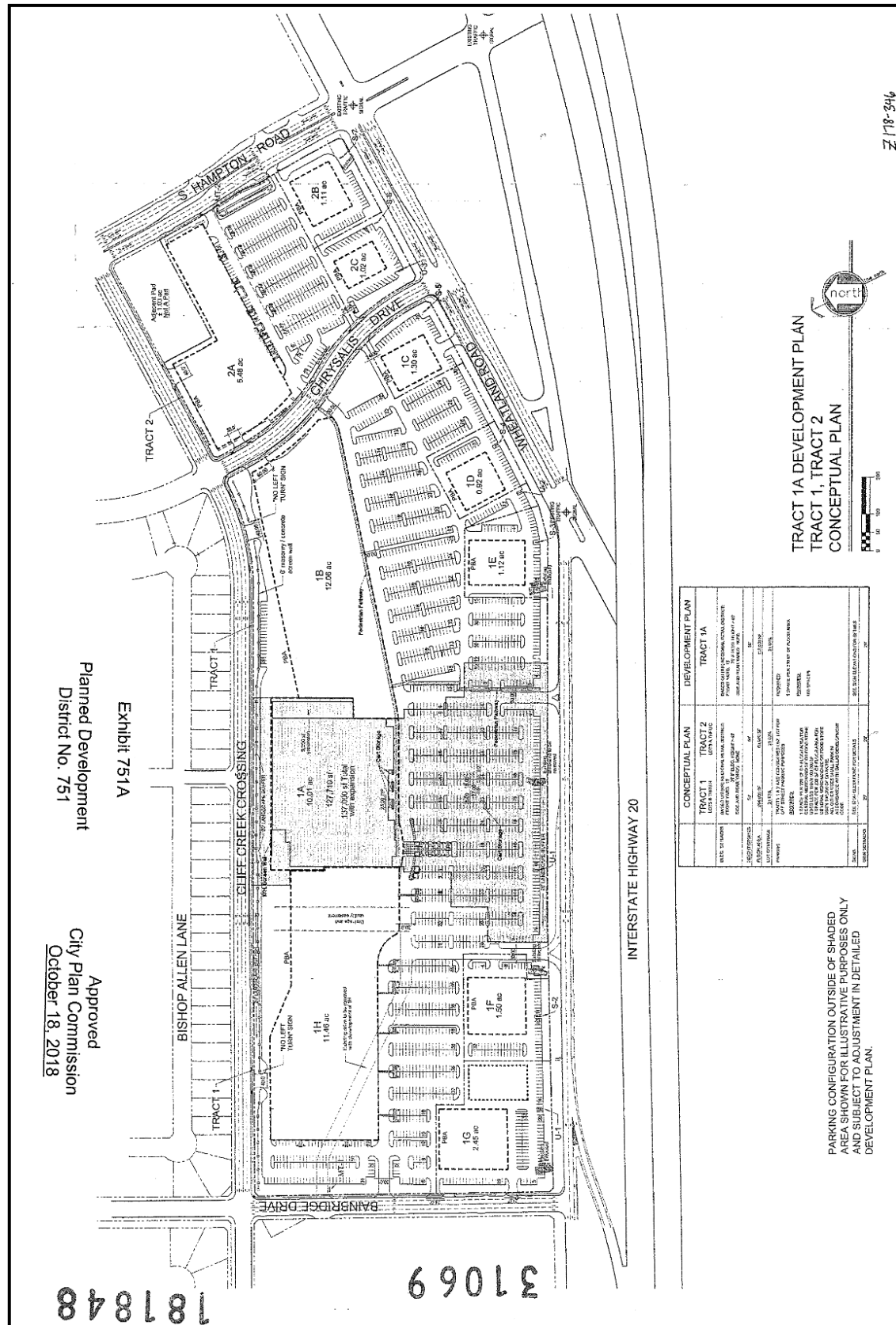
Panera Bread Company Board Members

Ronald M. Shaich
Oliver Goudet
Blaine E. Hurst
Thomas E. Lynch
Domenic Colasacco

Target Corporation

Brian Cornell,	Board Chairman & CEO
John Mulligan,	Executive Vice President & COO
Rick Gomez,	Executive Vice President & Chief Marketing & Digital Officer
Melissa Kremer,	Executive Vice President & Human Resources Officer
Don H. Liu,	Executive Vice President & Chief Legal and Risk Officer
Stephanie Lundquist,	Executive Vice President & President of Food & Beverages
Michael E. McNamara,	Executive Vice President, CIO
Minsok Pak,	Executive Vice President & Chief Strategy & Innovation Officer
Janna Potts,	Executive Vice President & Chief Stores Officer
Cathy Smith,	Executive Vice President & CFO
Mark Tritton,	Executive Vice President & Chief Merchandising Officer
Laysha Ward,	Executive Vice President & Chief External Engagement Officer

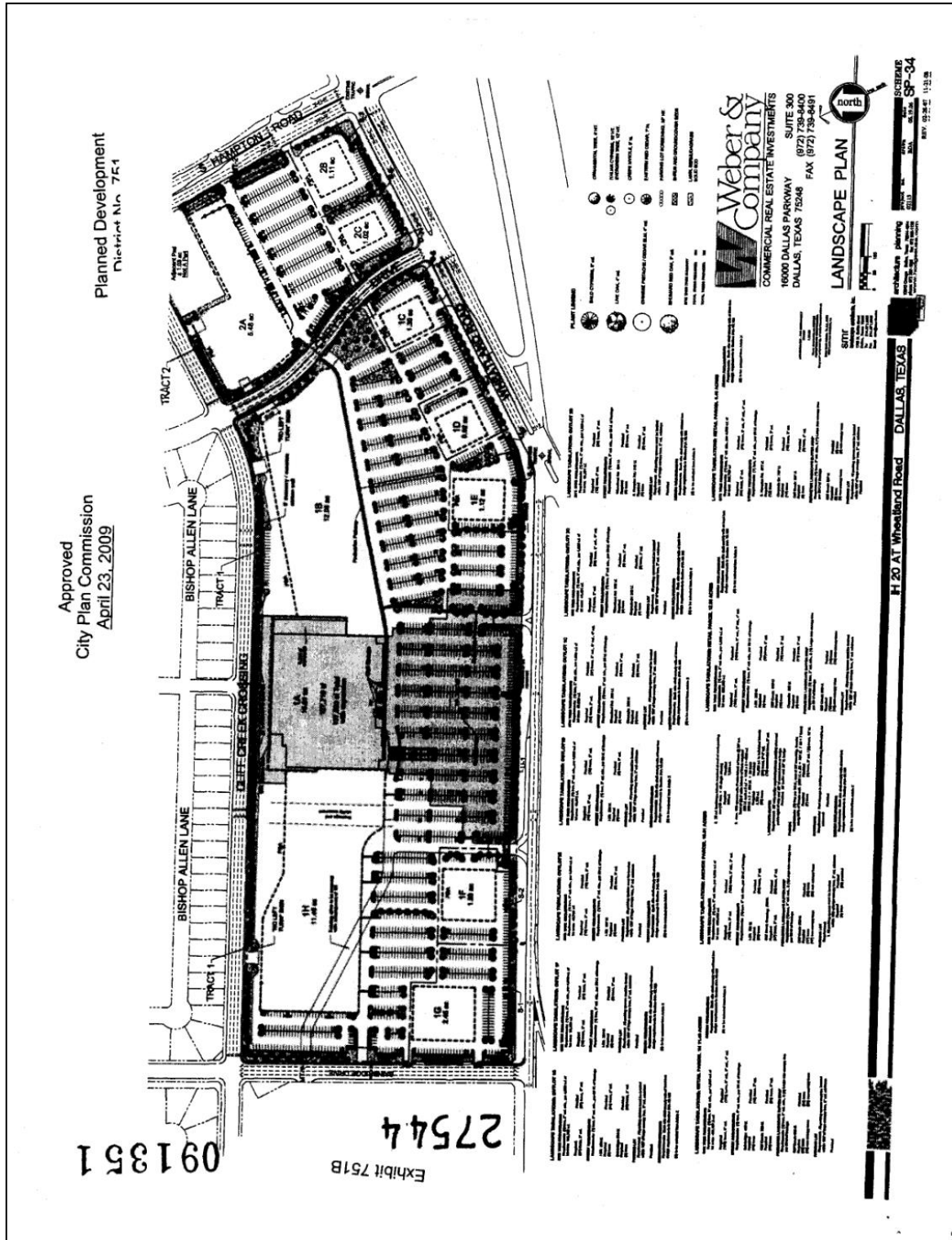
Existing Conceptual/Development Plan



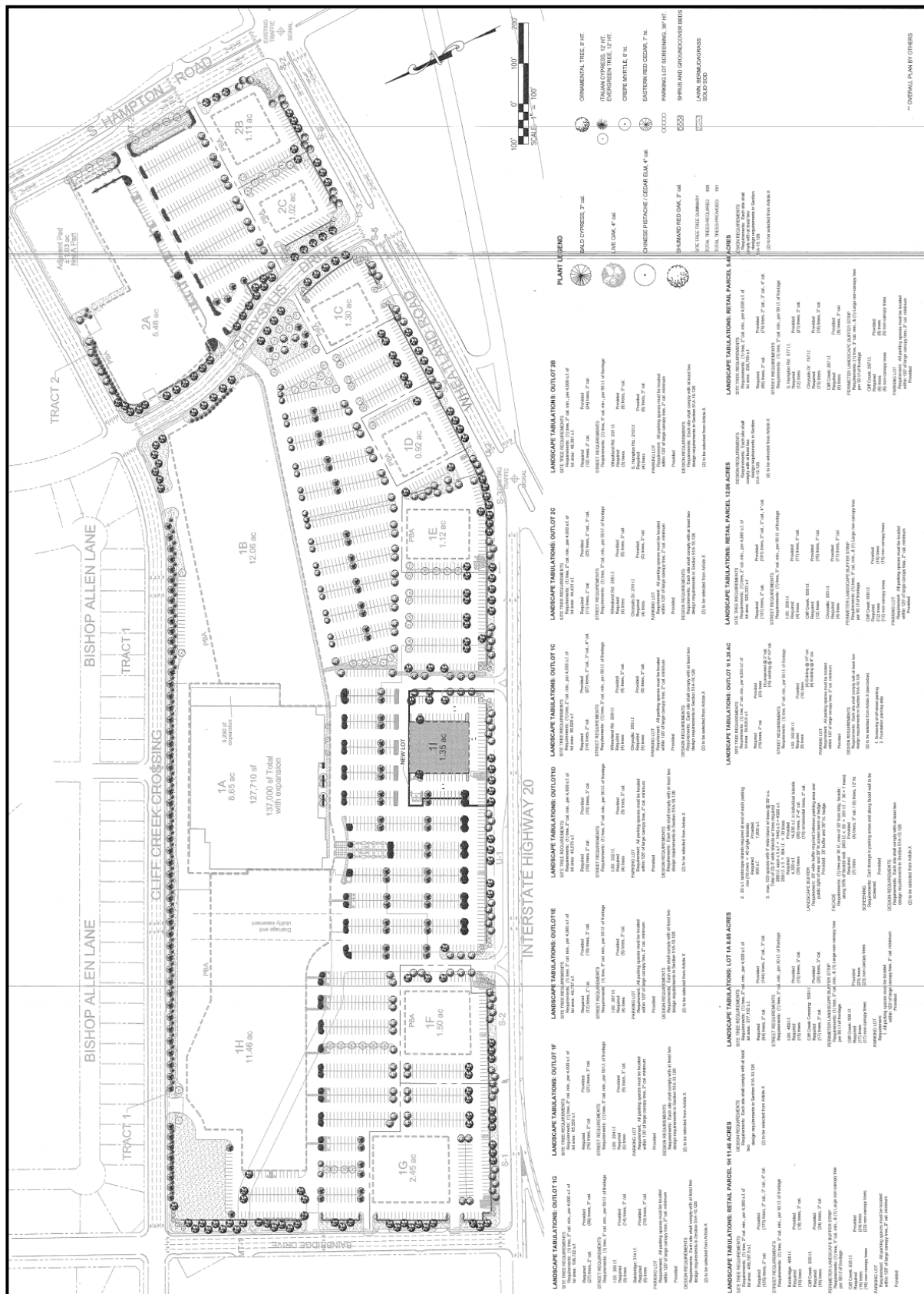
Proposed Conceptual/Development Plan



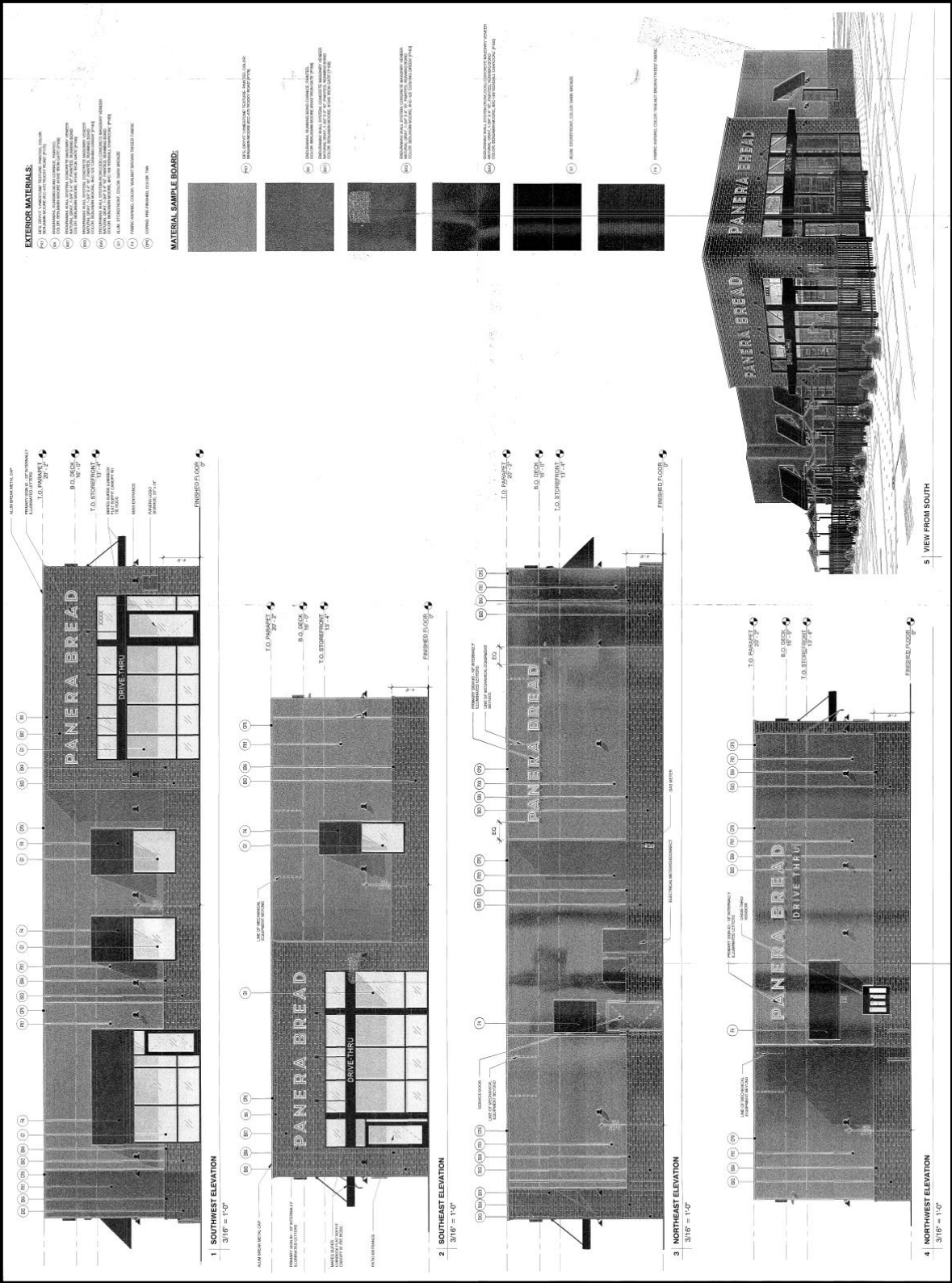
Existing Landscape Plan



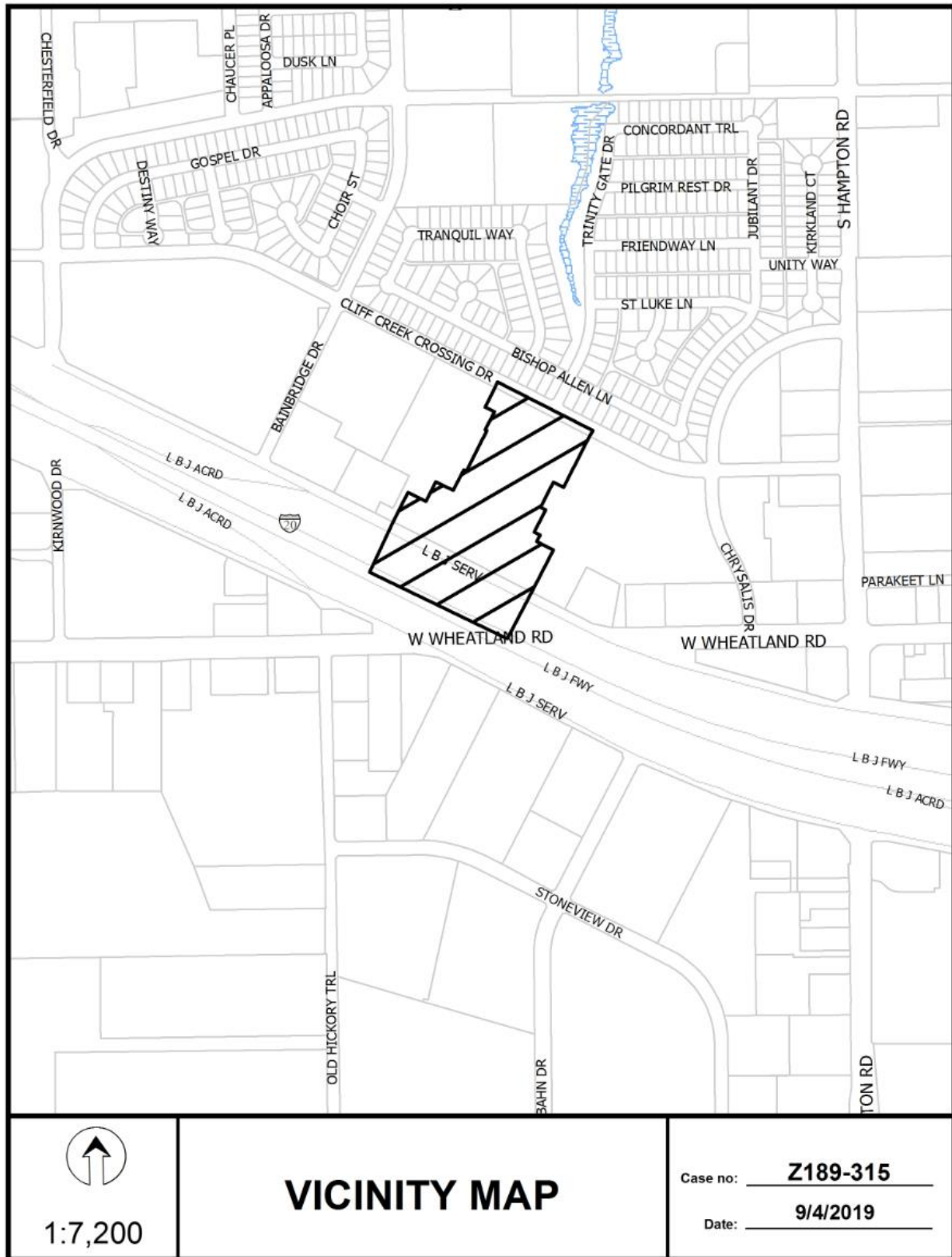
Proposed Landscape Plan

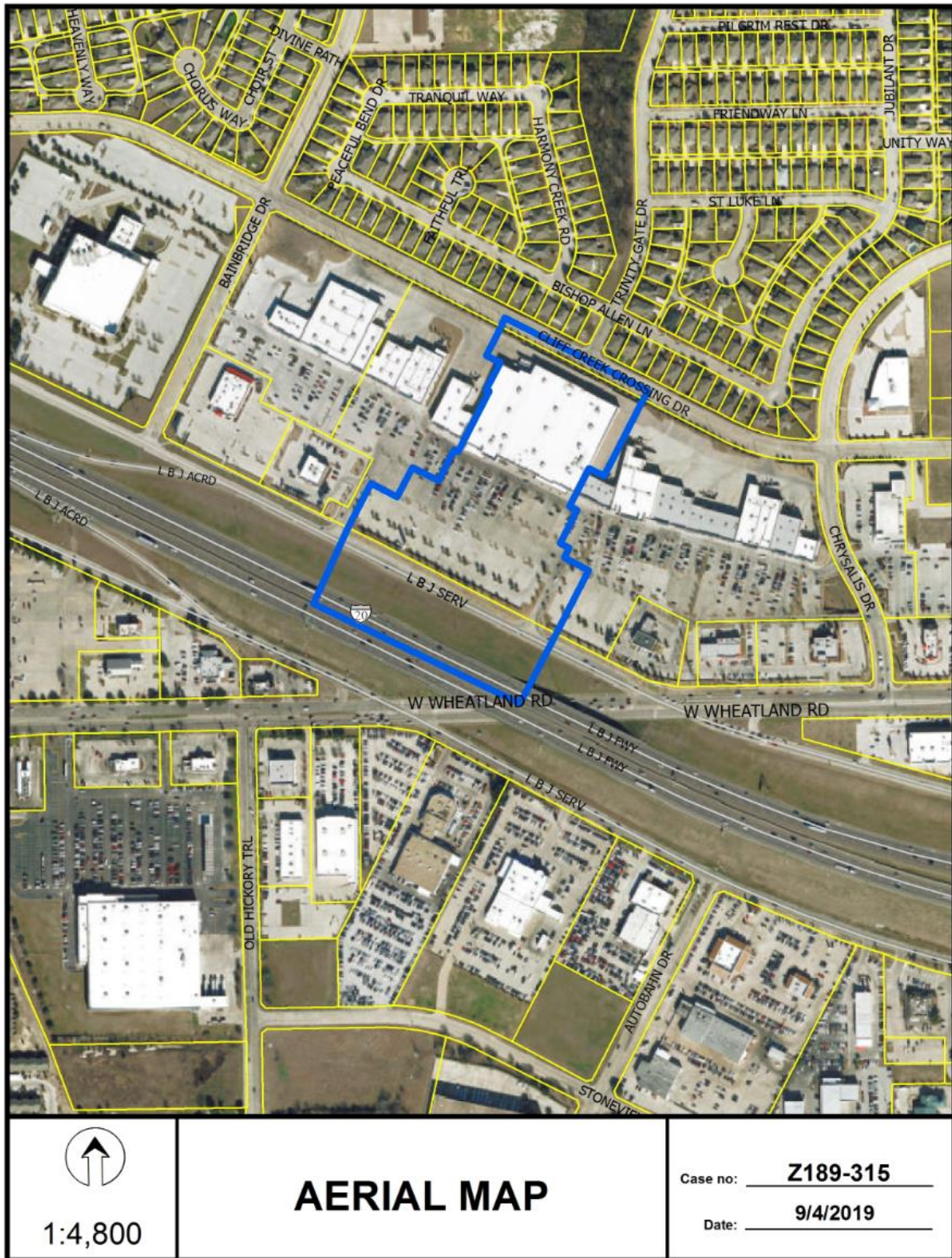


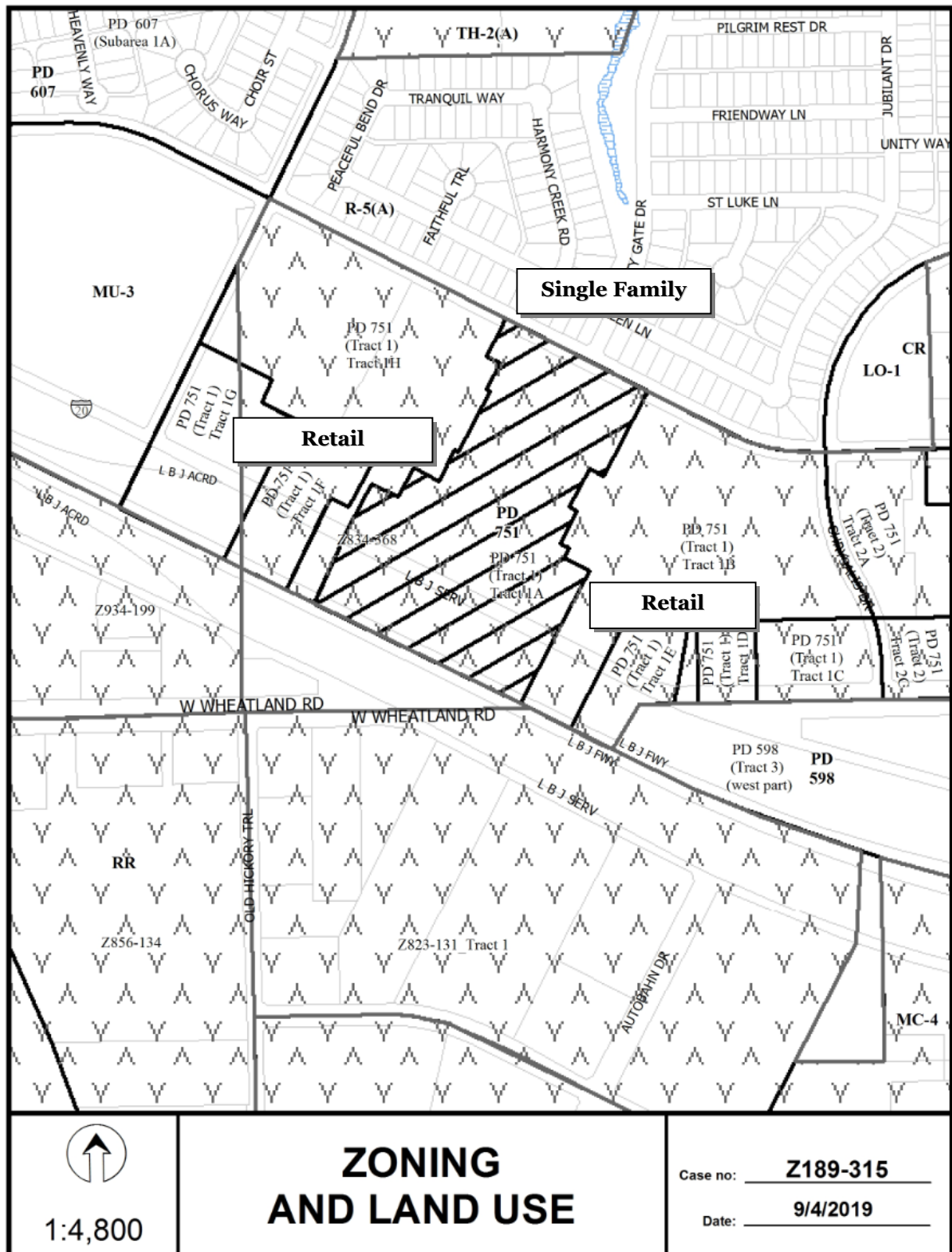
ELEVATIONS
(for illustrative purposes only)



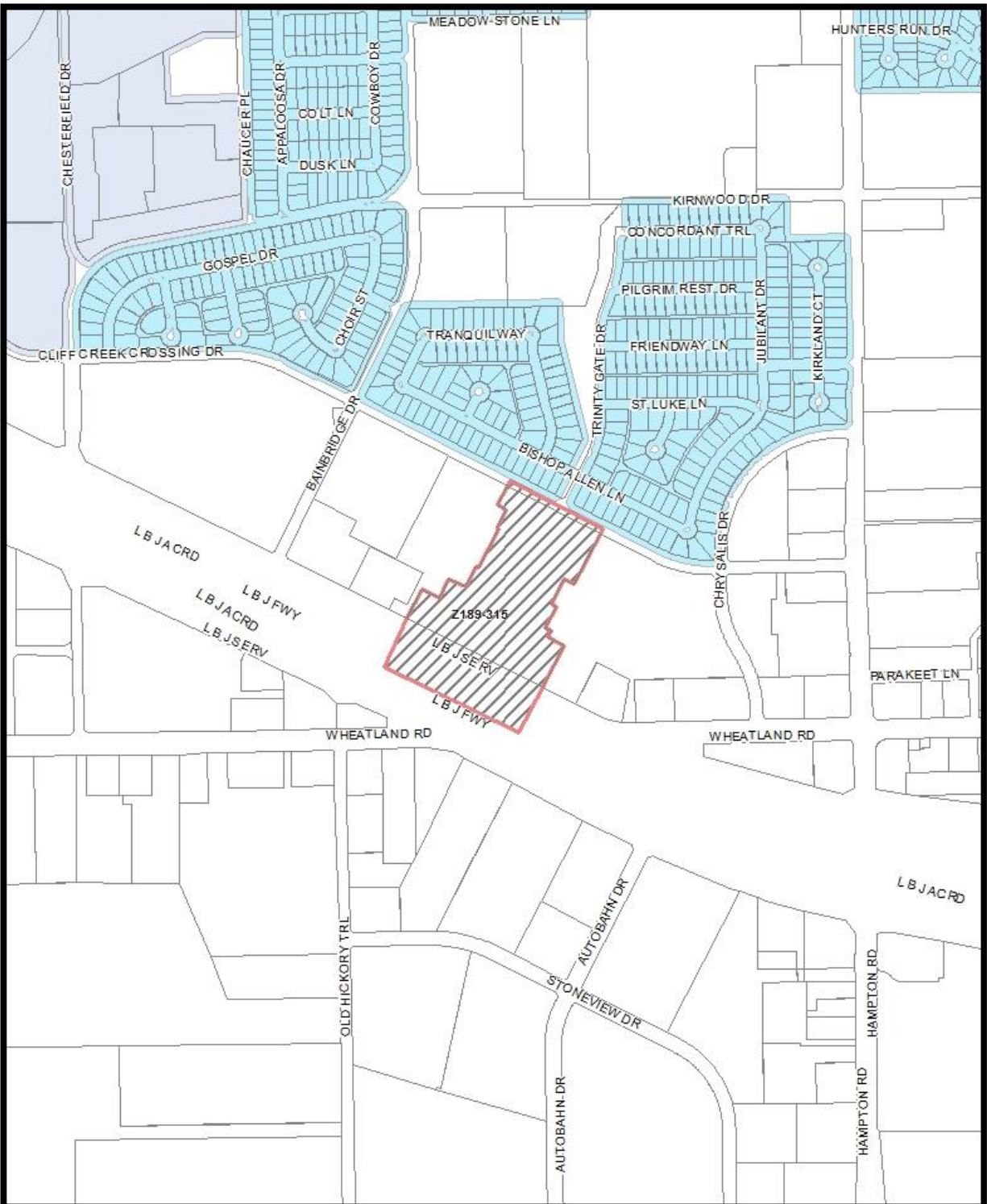












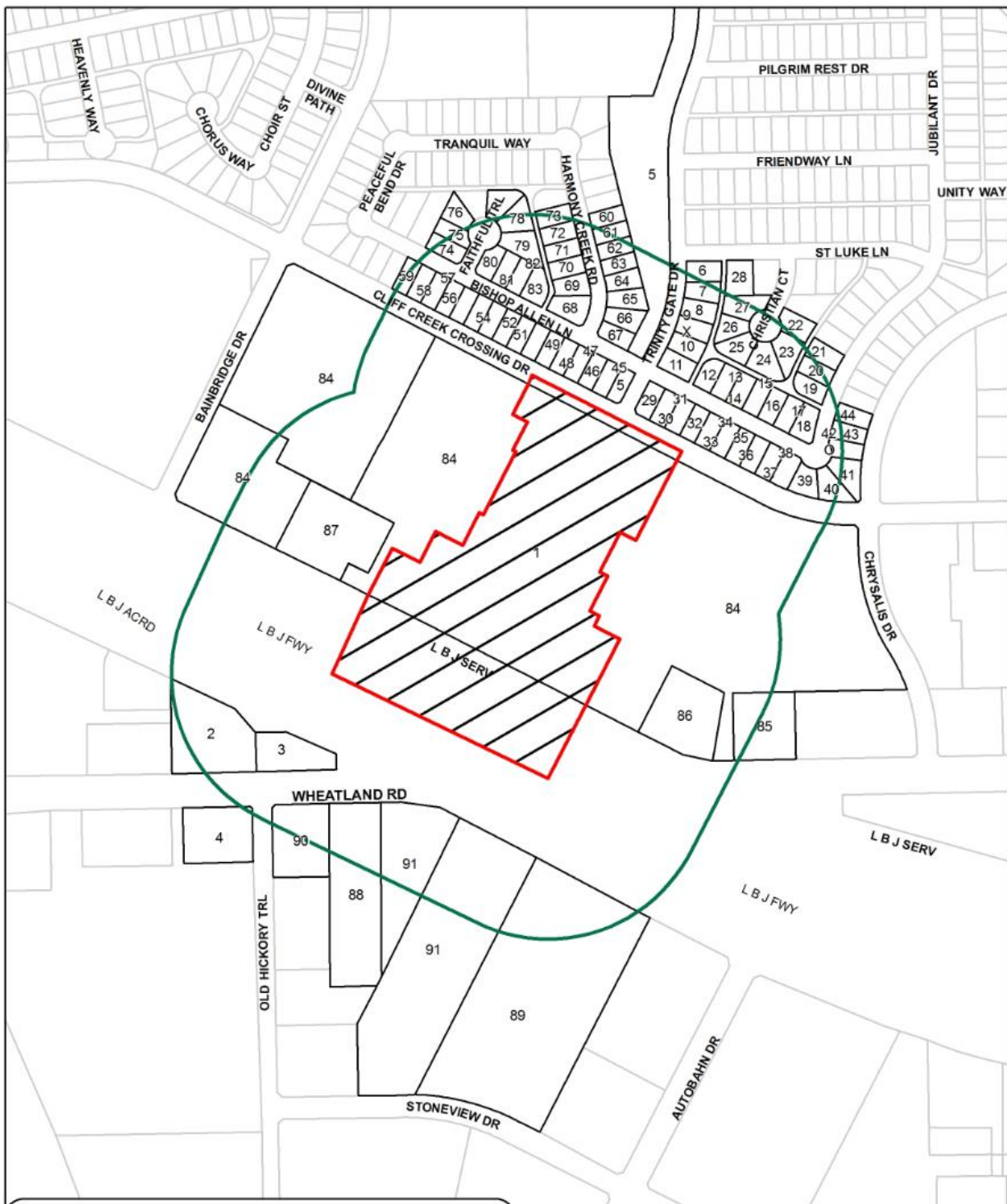
MVA Cluster A B C D E F G H I NA

1:7,200

Market Value Analysis

Printed Date: 9/4/2019

CPC Responses



<u>91</u>	Property Owners Notified (96 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>10/3/2019</u>	Date

Z189-315
CPC



1:4,800

10/02/2019

Reply List of Property Owners***Z189-315******91 Property Owners Notified******1 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	39739 LBJ FWY	TARGET CORP
	2	2827 W WHEATLAND RD	SPRING CREEK BARBEQUE
	3	2727 W WHEATLAND RD	ZAKI NAGI EDWARD & AMANI G
	4	2810 W WHEATLAND RD	TURBO RESTAURANT MANAGEMENT LLC
	5	3300 TRINITY GATE DR	UNITY ESTATES LTD
	6	7912 TRINITY GATE DR	MORRISON JOHN V &
	7	7916 TRINITY GATE DR	TRAMMELL CASANDRA TRUSTEE
	8	7920 TRINITY GATE DR	VU MINH & MYLINH
X	9	7924 TRINITY GATE DR	LOGAN LILLIE R
	10	7928 TRINITY GATE DR	HOUZE MAGELLA A
	11	7932 TRINITY GATE DR	HOLBERT NANCY
	12	2551 BISHOP ALLEN LN	MORRIS SHAMARY ELLEN
	13	2547 BISHOP ALLEN LN	KENNEDY SHONDRA L
	14	2543 BISHOP ALLEN LN	JONES PATRICIA A
	15	2539 BISHOP ALLEN LN	JONES SAMUEL E
	16	2535 BISHOP ALLEN LN	FIELDS ELISS D
	17	2531 BISHOP ALLEN LN	BROWN BEN & DOROTHY JEAN
	18	2527 BISHOP ALLEN LN	SALTO MIGUEL A
	19	7937 JUBILANT DR	JACKSON TANEICESAYA
	20	7933 JUBILANT DR	FOSTER BRAD
	21	7929 JUBILANT DR	BATES SHERRON
	22	7930 CHRISTIAN CT	TAYLOR ROBERT TROY F
	23	7934 CHRISTIAN CT	ROBERTS JOHN ROBERTS &
	24	7938 CHRISTIAN CT	SZULADZINSKI GREGORY
	25	7939 CHRISTIAN CT	WYNN BARBARA
	26	7935 CHRISTIAN CT	MARTINEZ MARIA D

10/02/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	7931 CHRISTIAN CT	SIMPSON ALISON P
	28	2562 ST LUKE LN	HAWKINS CLINTON JR
	29	2558 BISHOP ALLEN LN	WILLIAMS SEMETRA C
	30	2554 BISHOP ALLEN LN	FOWLER AUDREY P EST OF
	31	2550 BISHOP ALLEN LN	BROWN YOLANDA C
	32	2546 BISHOP ALLEN LN	ENGE BRUCE F &
	33	2542 BISHOP ALLEN LN	SHORTES STANLEY P
	34	2538 BISHOP ALLEN LN	PORTIS ARBIEZEAN R
	35	2534 BISHOP ALLEN LN	SOTO LUCINA
	36	2530 BISHOP ALLEN LN	DE LA CRUZ CARLOS LOPEZ &
	37	2526 BISHOP ALLEN LN	FERRELL LILLIONNA P
	38	2522 BISHOP ALLEN LN	KONG YANFENG & MING YOU WU
	39	2518 BISHOP ALLEN LN	COMEAX WANDA
	40	7962 JUBILANT DR	RENDON YANCY KELLY
	41	7958 JUBILANT DR	RAMOS DEONNE
O	42	7954 JUBILANT DR	SHUTT JOHN J SEPARATE PROPERTY TRUST
	43	7950 JUBILANT DR	CURRIE PAULA N
	44	7946 JUBILANT DR	LINNEAR DEBRA
	45	2616 BISHOP ALLEN LN	COY TAMIKA R
	46	2620 BISHOP ALLEN LN	ZARATE EFRAIN
	47	2624 BISHOP ALLEN LN	FRIPP WANDA T
	48	2628 BISHOP ALLEN LN	HALL BEVERLY ANN
	49	2632 BISHOP ALLEN LN	2018 1 IH BORROWER LP
	50	2636 BISHOP ALLEN LN	MELENDEZ JESUS I
	51	2640 BISHOP ALLEN LN	MARTINEZ MARIA GUADALUPE
	52	2644 BISHOP ALLEN LN	EATON HARVEY A JR
	53	2648 BISHOP ALLEN LN	HERNANDEZ YOVANI
	54	2652 BISHOP ALLEN LN	GRANGER BERNICE
	55	2656 BISHOP ALLEN LN	MARTINEZ ESTEBAN MONTOYA
	56	2710 BISHOP ALLEN LN	LIN MIN YAN
	57	2714 BISHOP ALLEN LN	PEER WANDA L

10/02/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2718	BISHOP ALLEN LN	HOPKINS KIMBERLY &
59	2722	BISHOP ALLEN LN	BROWN MICHAEL D
60	7952	HARMONY CREEK RD	ADAMS TODD GARRET
61	7956	HARMONY CREEK RD	SHORT HENRY
62	7960	HARMONY CREEK RD	MURRELL MARVIN
63	7964	HARMONY CREEK RD	WILSON GEORGIA
64	7968	HARMONY CREEK RD	MACHADO VICTOR &
65	7972	HARMONY CREEK RD	FLORES DAVID & BRENDA
66	7976	HARMONY CREEK RD	KOSHY BEN
67	7980	HARMONY CREEK RD	A&R TEXAS PROPERTIES LLC
68	7971	HARMONY CREEK RD	THOMAS CLARETTE
69	7967	HARMONY CREEK RD	MENDEZ ALBERTO &
70	7963	HARMONY CREEK RD	LANGUEZ OSCAR
71	7959	HARMONY CREEK RD	DICKSON BARBARA S
72	7955	HARMONY CREEK RD	HUGHEY CAROLYN
73	7951	HARMONY CREEK RD	SANCHEZ RICARDO L
74	7943	FAITHFUL TRL	PRETIUM SFR HOLDING LLC
75	7939	FAITHFUL TRL	WYATT JANICE M
76	7935	FAITHFUL TRL	TA JONATHAN LIVING TRUST
77	7930	FAITHFUL TRL	CARBALLO MARIO A &
78	7934	FAITHFUL TRL	SANCHEZ ROGELIO & NORA I
79	7938	FAITHFUL TRL	ROJAS AMPARO & IRMA
80	2657	BISHOP ALLEN LN	EDMOND CHURNCEY & BONITA
81	2653	BISHOP ALLEN LN	HAMMONDS KENNETH
82	2649	BISHOP ALLEN LN	BLAIR SHARON A
83	2645	BISHOP ALLEN LN	VILLARREAL RODOLFO &
84	2525	W WHEATLAND RD	RAINIER WHEATLAND ACQUISITIONS LLC
85	2535	W WHEATLAND RD	KERLEY KENNETH W TRUSTEE
86	39703	LBJ FWY	KERLEY MICHAEL K & CHRISTINE A TRUST
87	39769	LBJ FWY	POWELL REAL ESTATE II LLC
88	2728	W WHEATLAND RD	DUNCANVILLE L LLC

Z189-315(PD)

10/02/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	39680 LBJ FWY	OMEGA AUTOMOTIVE REAL
	90	2738 W WHEATLAND RD	UNLIMITED HORIZONS NORTH TEXAS LLC
	91	39690 LBJ FWY	DUNCANVILLE L LLC



Agenda Information Sheet

File #: 20-189
PH1.

Item #:

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: February 12, 2020
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Environmental Quality & Sustainability
EXECUTIVE: M. Elizabeth Cedillo-Pereira

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by local businesses and individuals (list attached to the Agenda Information Sheet) generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Virtuolotry, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by groundwater that is encountered at approximately 18 feet below ground surface (bgs) and extends to approximately 35 feet bgs at the top of the underlying Eagle Ford Group. The Eagle Ford Group is considered a regional aquitard and is comprised mainly of shale, sandstone, and limestone that is expected to be approximately 300 feet thick. The direction of groundwater flow beneath the designated property is localized and anticipated to flow towards the south. Portions of the shallow groundwater have been affected by benzene, cis-1,2-dichloroethene (cis-1,2-DCE), ethylbenzene, methyl tert-butyl ether (MTBE), naphthalene, tetrachloroethene (PCE), toluene, total petroleum hydrocarbons (TPH), trichloroethene (TCE), 1,2,4-trimethylbenzene (1,2,4-TMB), and vinyl chloride (VC) at concentrations above groundwater ingestion standards and appear to be associated with historical offsite and onsite operations. The probable onsite sources for PCE, TCE, cis-1,2-DCE, and TPH are likely from historical releases associated with an onsite former bulk solvent tank area, paint booth, metal fabrication shop, and abandoned in-place underground storage tank (UST) system located at 2221 West Mockingbird Lane; PCE, TCE, and VC are likely from onsite historical releases associated with a wash bay, maintenance shop, and former UST systems located at 2128, 2032, 2108, 2110, 2112, 2114, and 2116 Hawes Avenue. The probable historical offsite sources for TCE and cis-1,2-DCE located at 6124 Denton Drive are from an adjacent property to the north-northwest

at 6200 Denton Drive with documented releases of similar chemicals that have been addressed under the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program (VCP) and have received municipal setting designation (MSD) certification from TCEQ.

The applicant has requested that the City support its application for a MSD. A public meeting will be held on February 3, 2020 to receive comments and concerns. Notices of the meeting were sent to 2,443 property owners within 2,500 feet of the property and 136 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

Portions of the designated property were entered into the VCP administered by the TCEQ in August 2015, August 2017, and August 2017 and are designated as VCP Facility ID No. 2754, 2892, and 2893, respectively.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property is primarily developed with commercial and light industrial uses consisting of storage warehouses, office buildings, distribution warehouses, retail strip centers, restaurants and automotive showrooms. Other uses include vacant land, parks, and residential properties. The anticipated future use of the designated property will remain similar to the current uses; however, individual parcels may be redeveloped.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Dreki Capital, LLC

Mathew Marshal, Director

1250 WDT, LTD.

SLJ Company, LLC General Partner
Louis H. Lebowitz, President

1840 Mockingbird Joint Venture

Lawrence G. Moser, Manager

1850 Mockingbird, LLC

Lawrence G. Moser, Governing Person

2033 EC, LTD.

SLJ Company, LLC, General Partner
Louis H. Lebowitz, President

2115 Empire Central LLC

Philip M. Lang, Manager

2608 Inwood, LTD.

J Small Investments, L.C., General Partner
Justin A. Small, President

6211 Owens LLC

Phillip M. Lang, Manager

6627 Maple Avenue, LLC

Richard Boyd, President

7777 Hines Place LLC

Karen Rydman, Manager

Adler Property Companies, LLP

JRE Aquila II, LLC, General Partner
John R. Eagle, Managing Member

Ansonbrook, LLC

Red Barn Holdings, LP, Managing Member
Ithaca GP, LLC, General Partner
Justin Small, President

Autoscope Motorsports, LTD.

ASMS-GP, Inc., General Partner
Nerces Mavelian, President

Robert E. Bard

Maria G. Colmenero

BFH, LTD.

Empire Central, Inc., General Partner
Robert Jackson, President

Bright Sea Investments LLC

Trevor Pearlman, Manager

Burnett Brothers Trust

Robert W. Burnett, Trustee

Carder Chaney Properties LLC

Gary Young, Managing Member

Cooper Residential, LLC

Gene Cooper, President

Crockett Court Corporation

James H. Ezell, President

Czyca Properties, LLC

Andrea Gorczyca, Manager

City of Dallas

TC Broadnax, City Manager

Denton-Hines Properties, Inc.

Joe M. Graham, President

Deruta LLC

Robert Jackson, Manager

DLFI 75235, LTD.

MSV Acquisitions, LLC, General Partner
David R. Corrigan, Manager

Double E Properties

Gene Hart, Co-Partner

Gay D. Ford

Jorge Garcia

GIC-1820, L.P.

GIC-Mockingbird GP, LLC, General Partner
G. H. Stool, Manager

Girls Incorporated of Metropolitan Dallas

Freeman Carrie Parsons, Chairman

Ray Hallford

Harry Empire, LTD.

Ithaca GP, LLC, General Partner
Justin Small, President

Harry Hines Venture II, LP

S&W Properties, LLC, General Partner
Paul A. Whitman, Manager

Harry Hines Venture, LP

S&W Properties, LLC, General Partner
Paul A. Whitman, Manager

The Humane Society of Dallas County

Sandra Luhring, Director

Imprunetta LLC

Bomar Management, LLC, Member
Robert R. Jackson, Manager

Inwood Self Storage Family LP

Santa Fe Storage Properties, Inc., General Partner
Dean Cynthia Alexis, President

Kendrick Properties II Limited

Kendrick Interests, Inc., General Partner
Dorothy Percy, President

Kilpatrick Equipment Company

Steve Kilpatrick, President

Kimsey Stutz, LLC

Red Barn Holdings, LP, General Partner
Ithaca GP, LLC, General Partner
Justin Small, President

Larry Pryor

KKS, Inc.

Diana Pryor, President

Landlord, LLC

C. Dennis Lord, Managing Member

Maple Empire, LLC

Red Barn Holdings, LP, General Partner
Ithaca GP, LLC, General Partner
Justin Small, President

Maple Walk, LP

VPC GP, Inc., General Partner
Syd J. Hurley IV, Director

Maplebird, LP

42 A, LLC, General Partner
Scott Rohrman, Manager

Maplewood Partners, LTD.

Ithaca GP, LLC, General Partner
Justin Small, President

Margaret T. Moore Revocable Trust

Margaret T. Moore, Trustee

Melnic, LTD.

J. Small Investments, L.C., General Partner
Justin Small, President

Midbelt Properties, L.P.

Midbelt Investment Corporation, General Partner
Johua Ju, President

Mockingbird FP, LP

S&W Properties, LLC, General Partner
Warren C. Smith, Manager

Oncor Electric Delivery Company LLC

James R. Adams, Chairman

Pleasant Run/Lancaster, LTD.

SLJ Company, LLC, General Partner
Louis H. Lebowitz, President

RBH Anson, LLC

Red Barn Holdings, LP, Member
Ithaca GP, LLC, General Partner
Justin Small, President

RBH Hines, LLC

Ithaca GP, LLC, Governing Person
Justin Small, President

Rearden Investment Partners VI, Inc.

Sandra Owens, President

Red Barn Holdings, LP

Ithaca GP, LLC, General Partner
Justin Small, President

Candace Rubin

SLJ Company, LLC

Louis H. Lebowitz, President

SBLFT/OF 2016, LTD.

SLJ Company, LLC, General Partner
Louis H. Lebowitz, President

Leonard Sloan & Associates, Inc.

Leonard R. Sloan, President

Southwest Airlines Company

Gary C. Kelly, Director

SPC Mockingbird Depot LLC

South Plains Crossing LP, Managing Member
South Plains Crossing GenPar, LLC, General Partner
Collin Creek Village, L.P., Managing Member
CCV Management, Inc., General Partner
Anthony Ruggeri, President

Ollie Vernon Stark & Helen Marie Family Living Trust

Leslie Vernon Stark, Trustee

Maria C. Strattin

Thomas W. Taylor

Hugo V. Valdez et ux, et al Revocable Living Trust

Sonia C. Granoff, Trustee

Viceroy Davenport, L.P.

Viceroy Inwood Development, Inc., General Partner
Stephen J. Rogers, President

Viceroy Inwood, L.P.

Viceroy Inwood Development, Inc., General Partner
Stephen J. Rogers, President

Viceroy Post, L.P.

Inwood Post, Inc., General Partner
Stephen J. Rogers, President

Yego 6500 HH, LP

Yego 6500 HH GP, LLC, General Partner
Todd K. Ashbrook, Manager

MAP

Attached

PROPERTY OWNER INFORMATION TABLE

Property Owner	Street #	Street Name
DREKI CAPITAL, LLC	6124	DENTON DRIVE
1250 WDT, LTD.	2133	EMPIRE CENTRAL
1250 WDT, LTD.	2137	EMPIRE CENTRAL
1840 MOCKINGBIRD JOINT VENTURE	1840	W MOCKINGBIRD LN
1850 MOCKINGBIRD, LLC	1850	W MOCKINGBIRD LN
1850 MOCKINGBIRD, LLC	1860	W MOCKINGBIRD LN
1850 MOCKINGBIRD, LLC	1868	W MOCKINGBIRD LN
2033 EC, LTD.	2033	EMPIRE CENTRAL
2115 EMPIRE CENTRAL LLC	2115	EMPIRE CENTRAL
2608 INWOOD, LTD.	2608	INWOOD RD
6211 OWENS LLC	2707	BOMAR AVE
6211 OWENS LLC	2711	BOMAR AVE
6211 OWENS LLC	6211	DENTON DR
6627 MAPLE AVENUE, LLC	6627	MAPLE AVE
7777 HINES PLACE LLC	7777	HINES PL
ADLER PROPERTY COMPANIES, LLP	5760	MAPLE AVE
ANSONBROOK, LLC	1813	ANSON RD
ANSONBROOK, LLC	1815	ANSON RD
ANSONBROOK, LLC	1817	ANSON RD
ANSONBROOK, LLC	1819	ANSON RD
ANSONBROOK, LLC	1903	ANSON RD
ANSONBROOK, LLC	7700	BROOKHOLLOW RD
ANSONBROOK, LLC	7704	BROOKHOLLOW RD
ANSONBROOK, LLC	7800	BROOKHOLLOW RD
ANSONBROOK, LLC	7810	BROOKHOLLOW RD
ANSONBROOK, LLC	7818	BROOKHOLLOW RD
AUTOSCOPE MOTORSPORTS, LTD.	6134	DENTON DR
ROBERT E. BARD & MARIA G. COLMENERO	2102	EMPIRE CENTRAL (BLK A/5760)
ROBERT E. BARD & MARIA G. COLMENERO	2102	EMPIRE CENTRAL (BLK A/5760, Lots 5-9)
BFH, LTD.	2148	EMPIRE CENTRAL
BFH, LTD.	6930	FOREST PARK RD
BRIGHT SEA INVESTMENTS LLC	2304	W MOCKINGBIRD LN
BURNETT BROTHERS TRUST	1900	W MOCKINGBIRD LN
CARDER CHANEY PROPERTIES LLC	1878	W MOCKINGBIRD LN
COOPER RESIDENTIAL, LLC	2333	INWOOD RD
CROCKETT COURT CORPORATION	2737	W MOCKINGBIRD LN
CZYCA PROPERTIES, LLC	2702	MANOR WAY
CITY OF DALLAS	5700	CEDAR SRPINGS RD
CITY OF DALLAS	7511	HINES PL
CITY OF DALLAS	6904	MOHAWK DR
DENTON-HINES PROPERTIES, INC.	1777	EMPIRE CENTRAL
DENTON-HINES PROPERTIES, INC.	1789	EMPIRE CENTRAL
DERUTA LLC	2119	LANGSTON CT
DLFI 75235, LTD.	6700	DENTON DR
DLFI 75235, LTD.	2640	HAWES AVE
DLFI 75235, LTD.	2700	HAWES AVE
DLFI 75235, LTD.	2705	HAWES AVE
DLFI 75235, LTD.	2712	HAWES AVE
DLFI 75235, LTD.	2718	HAWES AVE
DOUBLE E PROPERTIES	6911	FOREST PARK RD
GAY D. FORD	6901	FOREST PARK RD

PROPERTY OWNER INFORMATION TABLE

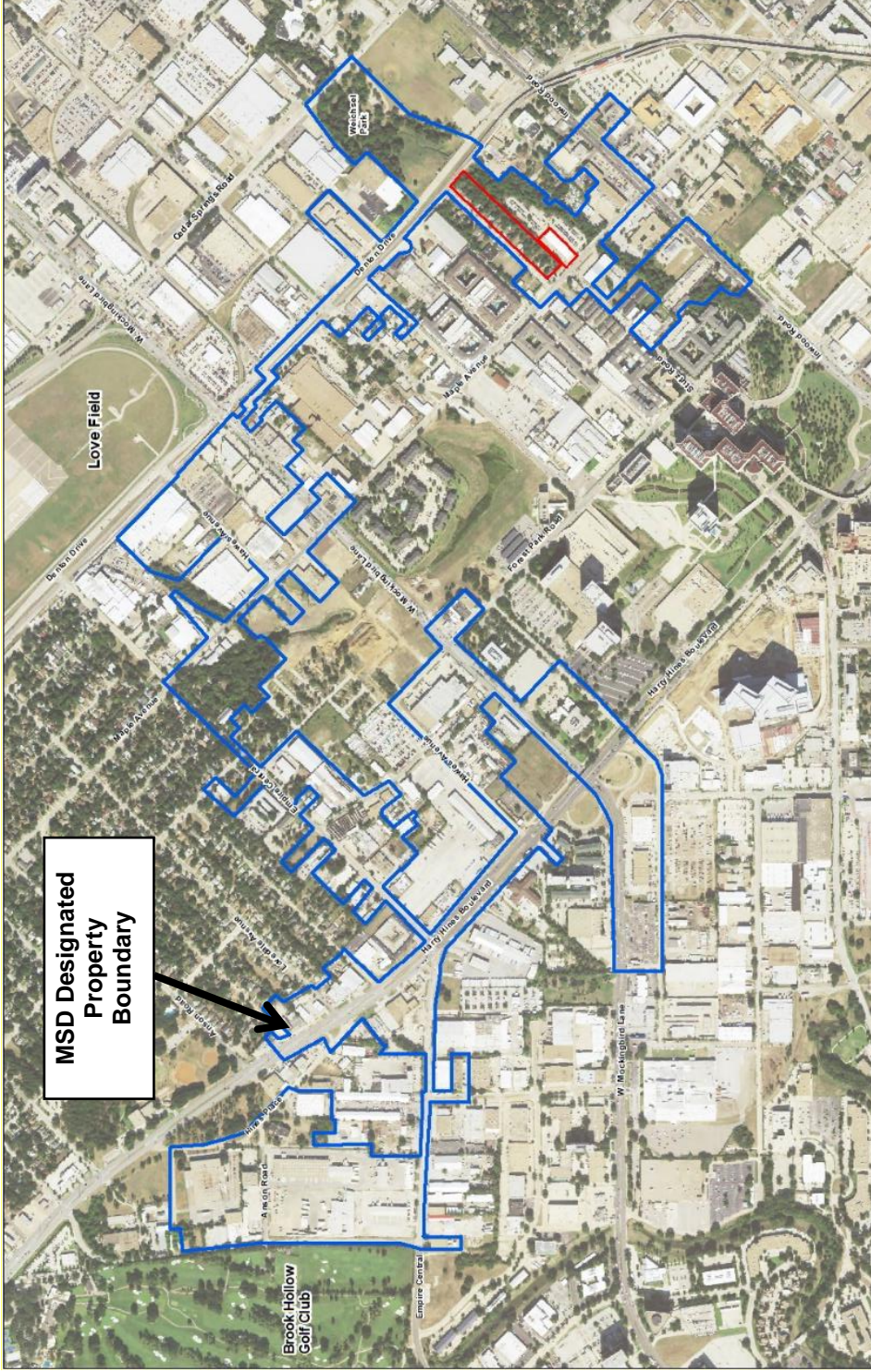
Property Owner	Street #	Street Name
JORGE GARCIA	6814	MAPLE AVE
JORGE GARCIA	6822	MAPLE AVE
GIC-1820, L.P.	1820	W MOCKINGBIRD LN
GIRLS INCORPORATED OF METROPOLITAN DALLAS	2040	EMPIRE CENTRAL
RAY HALLFORD	2626	FIELDER CT
RAY HALLFORD	2616	W MOCKINGBIRD LN
HARRY EMPIRE, LTD.	7125	HARRY HINES BLVD
HARRY HINES VENTURE II, LP	2032	HAWES AVE
HARRY HINES VENTURE II, LP	2108	HAWES AVE
HARRY HINES VENTURE II, LP	2110	HAWES AVE
HARRY HINES VENTURE II, LP	2112	HAWES AVE
HARRY HINES VENTURE II, LP	2114	HAWES AVE
HARRY HINES VENTURE II, LP	2116	HAWES AVE
HARRY HINES VENTURE II, LP	2128	HAWES AVE
HARRY HINES VENTURE, LP	6720	HARRY HINES BLVD
THE HUMANE SOCIETY OF DALLAS COUNTY	2719	MANOR WAY
IMPRUNETTA LLC	2053	EMPIRE CENTRAL
IMPRUNETTA LLC	2103	EMPIRE CENTRAL
IMPRUNETTA LLC	2122	EMPIRE CENTRAL
IMPRUNETTA LLC	2126	EMPIRE CENTRAL
IMPRUNETTA LLC	2130	EMPIRE CENTRAL
IMPRUNETTA LLC	6921	FOREST PARK RD
IMPRUNETTA LLC	6925	FOREST PARK RD
IMPRUNETTA LLC	6929	FOREST PARK RD
IMPRUNETTA LLC	6931	FOREST PARK RD
INWOOD SELF STORAGE FAMILY LP	2339	INWOOD RD
KENDRICK PROPERTIES II LIMITED	7111	MOHAWK DR
KILPATRICK EQUIPMENT COMPANY	2615	BOMAR AVE
KIMSEY STUTZ, LLC	2517	KIMSEY DR
KIMSEY STUTZ, LLC	2519	KIMSEY DR
KIMSEY STUTZ, LLC	5900	MAPLE AVE
KIMSEY STUTZ, LLC	5901	MAPLE AVE
KIMSEY STUTZ, LLC	5908	MAPLE AVE
LARRY PRYOR	7224	HARRY HINES BLVD
KKS, INC.	7218	HARRY HINES BLVD
LANDLORD, LLC	6740	OAKBROOK BLVD
MAPLE EMPIRE, LLC	2400	EMPIRE CENTRAL
MAPLE EMPIRE, LLC	2414	EMPIRE CENTRAL
MAPLE EMPIRE, LLC	6809	MAPLE AVE
MAPLE EMPIRE, LLC	6901	MAPLE AVE
MAPLE EMPIRE, LLC	6926	MOHAWK DR
MAPLE WALK, LP	2515	INWOOD RD
MAPLE WALK, LP	5740	MAPLE AVE
MAPLE WALK, LP	5715	SADLER CIR (BLK B/5710 LOT 6.2)
MAPLE WALK, LP	5715	SADLER CIR (BLK B/5710 LOT 6.1)
MAPLE WALK, LP	5715	SADLER CIR (BLK B/5710 LOT 7.1)
MAPLEBIRD, LP	2630	FIELDER CT
MAPLEBIRD, LP	2706	FIELDER CT
MAPLEBIRD, LP	2710	FIELDER CT
MAPLEBIRD, LP	2714	FIELDER CT
MAPLEBIRD, LP	2626	W MOCKINGBIRD LN

PROPERTY OWNER INFORMATION TABLE

Property Owner	Street #	Street Name
MAPLEBIRD, LP	2712	W MOCKINGBIRD LN
MAPLEWOOD PARTNERS, LTD,	2603	INWOOD RD (BLK A/5709 ABAND ALLEY)
MAPLEWOOD PARTNERS, LTD.	2603	INWOOD RD (LOTS 1 THRU 4)
MAPLEWOOD PARTNERS, LTD.	2603	INWOOD RD (LOTS 13 & 14)
MAPLEWOOD PARTNERS, LTD.	2615	INWOOD RD
MARGARET T. MOORE REVOCABLE TRUST	6614	MAPLE AVE
MARGARET T. MOORE REVOCABLE TRUST	2501	W MOCKINGBIRD LN
MARGARET T. MOORE REVOCABLE TRUST	2608	W MOCKINGBIRD LN (TR 19.1)
MELNIC, LTD.	2500	W MOCKINGBIRD LN
MELNIC, LTD.	2520	W MOCKINGBIRD LN
MIDBELT PROPERTIES, L.P.	7304	HARRY HINES BLVD
MIDBELT PROPERTIES, L.P.	7310	HARRY HINES BLVD
MIDBELT PROPERTIES, L.P.	2119	LOVEDALE AVE
MOCKINGBIRD FP, LP	2130	HAWES AVE
MOCKINGBIRD FP, LP	2221	W MOCKINGBIRD LN
ONCOR ELECTRIC DELIVERY COMPANY LLC	1726	EMPIRE CENTRAL
ONCOR ELECTRIC DELIVERY COMPANY LLC	6707	MAPLE AVE
PLEASANT RUN/LANCASTER, LTD.	2221	EMPIRE CENTRAL
RBH ANSON, LLC	1922	ANSON RD
RBH HINES, LLC	7411	HINES PL
REARDEN INVESTMENT PARTNERS VI, INC.	2608	W MOCKINGBIRD LN (TR 19.2)
RED BARN HOLDINGS, LP	6801	HARRY HINES BLVD
CANDACE RUBIN & 2033 EC, LTD.	7406	HARRY HINES BLVD
CANDACE RUBIN & 2033 EC, LTD.	7408	HARRY HINES BLVD
CANDACE RUBIN & SLJ COMPANY, LLC	5830	MAPLE AVE
CANDACE RUBIN & SLJ COMPANY, LLC	5850	MAPLE AVE
SBLFT/OF 2016, LTD.	7200	HARRY HINES BLVD
LEONARD SLOAN & ASSOCIATES, INC.	2720	MANOR WAY
SOUTHWEST AIRLINES COMPANY	2510	HAWES AVE
SOUTHWEST AIRLINES COMPANY	2608	HAWES AVE
SOUTHWEST AIRLINES COMPANY	6630	MAPLE AVE
SOUTHWEST AIRLINES COMPANY	6638	MAPLE AVE
SOUTHWEST AIRLINES COMPANY	6644	MAPLE AVE
SPC MOCKINGBIRD DEPOT LLC	2601	W MOCKINGBIRD LN
SPC MOCKINGBIRD DEPOT LLC	2608	W MOCKINGBIRD LN (TR 19)
SPC MOCKINGBIRD DEPOT LLC	2615	W MOCKINGBIRD LN
SPC MOCKINGBIRD DEPOT LLC	2621	W MOCKINGBIRD LN
SPC MOCKINGBIRD DEPOT LLC	2703	W MOCKINGBIRD LN
SPC MOCKINGBIRD DEPOT LLC	2707	W MOCKINGBIRD LN
SPC MOCKINGBIRD DEPOT LLC	2727	W MOCKINGBIRD LN
OLLIE VERNON STARK & HELEN MARIE FAMILY LIVING TRUST	5855	MAPLE AVE
MARIA C. STRATTIN	7316	HARRY HINES BLVD
MARIA C. STRATTIN	7318	HARRY HINES BLVD
MARIA C. STRATTIN	7320	HARRY HINES BLVD
MARIA C. STRATTIN	7322	HARRY HINES BLVD
THOMAS W.TAYLOR	6516	FOREST PARK RD
HUGO V. VALDEZ ET UX, ET AL REVOCABLE LIVING TRUST	2726	W MOCKINGBIRD LN
VICEROY DAVENPORT, L.P.	2419	INWOOD RD (D/2371, LT 32B)
VICEROY INWOOD, L.P.	2407	INWOOD RD
VICEROY INWOOD, L.P.	2419	INWOOD RD (BLK D/2371, PT LT 32)
VICEROY INWOOD, L.P.	2419	INWOOD RD (BLK D/2371, PT LT 32)

PROPERTY OWNER INFORMATION TABLE

Property Owner	Street #	Street Name
VICEROY INWOOD, L.P.	2402	STUTZ RD
VICEROY POST, L.P.	2310	STUTZ RD
YEGO 6500 HH, LP	6500	HARRY HINES BLVD



City of Dallas



Municipal Setting Designation
 Designated Property Boundary Map
 Applicant: Virtuolotry, LLC
 6124 Denton Drive and surrounding properties
 Dallas, TX 75235

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 1813, 1815, 1817, 1819, 1903, and 1922 Anson Road; 2615, 2707, and 2711 Bomar Avenue; 7700, 7704, 7800, 7810, and 7818 Brookhollow Road; 5700 Cedar Springs Road; 6124, 6134, 6211, and 6700 Denton Drive; 1726, 1777, 1789, 2033, 2040, 2053, 2102, 2103, 2115, 2122, 2126, 2130, 2133, 2137, 2148, 2221, 2400, and 2414 Empire Central; 2626, 2630, 2706, 2710, and 2714 Fielder Court; 6516, 6901, 6911, 6921, 6925, 6929, 6930, and 6931 Forest Park Road; 6500, 6720, 6801, 7125, 7200, 7218, 7224, 7304, 7310, 7316, 7318, 7320, 7322, 7406, and 7408 Harry Hines Boulevard; 2032, 2108, 2110, 2112, 2114, 2116, 2128, 2130, 2510, 2608, 2640, 2700, 2705, 2712, and 2718 Hawes Avenue; 7411, 7511, and 7777 Hines Place; 2333, 2339, 2407, 2419, 2515, 2603, 2608, and 2615 Inwood Road; 2517 and 2519 Kimsey Drive; 2119 Langston Court; 2119 Lovedale Avenue; 2702, 2719, and 2720 Manor Way; 5740, 5760, 5830, 5850, 5855, 5900, 5901, 5908, 6614, 6627, 6630, 6638, 6644, 6707, 6809, 6814, 6822, and 6901 Maple Avenue; 6904, 6926, and 7111 Mohawk Drive; 6740 Oakbrook Boulevard; 5715 Sadler Circle; 2310 and 2402 Stutz Road; 1820, 1840, 1850, 1860, 1868, 1878, 1900, 2221, 2304, 2500, 2501, 2520, 2601, 2608, 2615, 2616, 2621, 2626, 2703, 2707, 2712, 2726, 2727, and 2737 West Mockingbird Lane and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code:

Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned TCEQ Voluntary Cleanup Program Identification No. 2754, 2892, and 2893 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than February 12, 2022.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from the designated property no later than February 12, 2022. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedance zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with

required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have

been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation 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

By _____
Assistant City Attorney

Passed _____

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

BEING a 232.4 acre tract of land situated in the Miles Bennett Survey, Abstract Number 52, the Hiram Bennett Survey, Abstract Number 83, the Crawford Grigsby Survey, Abstract 532, the Crawford Grigsby Survey, Abstract 533, and the Eli Chandler Survey, Abstract Number 356, within the City of Dallas, Dallas County, Texas, being within or adjacent to Blocks A/2365, 2366, B/2366, 2367, A/2367, C/2367, D/2367, B/2368, D/2370, D/2371, 2/2449, 1/2450, 2/2451, 2570, 4492, 4493, 4699, 4723, A/5708, A/5709, B/5710, C/5711, D/5712, 5713, E/5713, 5720, A/5720, 5723, 5756, 5758, A/5758, 3A/5758, A/5760, B/5760, C/5760, 5761, 6060, B/6061, 6062, A/6064, B/6064, 6066, 7922, 7923, 7934, A/7934, 7936, A/7936, Official City Block Numbers, and being all of Lots 1, 2, 3 and the south 80 feet of Lot 4, Block 6066, of Brookhollow Place, an addition to the City of Dallas, recorded in Volume 2, Page 182, Map Records of Dallas County, Texas, (M.R.D.C.T.), and all of Lots 1-19, Block B/6064, and Lots 7-20, Block A/6064, of Holloway Addition, and unrecorded addition to the City of Dallas, and all of Lot 1A, Block A/6064 Custom Food Group Addition, an addition to the City of Dallas, recorded in Volume 2000096, Page 1685, Deed Records of Dallas County, Texas, (D.R.D.C.T.), and all of Tract S, Block 6062, of Sunset Motor Lines Subdivision, an addition to the City of Dallas, recorded in Volume 31, Page 123, M.R.D.C.T., and being part of Lot 6, Block A/7936, Empire Central Substation, an addition to the City of Dallas, recorded in Volume 83163, Page 1908, D.R.D.C.T., and all of Lot 2, Block A/7934, Mockingbird Business Park Addition, an addition to the City of Dallas, recorded in Volume 426, Page 1266, D.R.D.C.T., and being part of Lot 8, Block A/6061, Providence Mockingbird Addition, an addition to the City of Dallas, recorded in County Clerk's Instrument Number 200600038643, O.P.R.D.C.T, and being part of Lot 3 and part of Lot 4, Block A/5758, part of Lot 3, Block 3A/5758, and being Tract 5, and Lot 3, Block B/2368 and Lot 5, Block A/5758, Forest Park Addition, an addition to the City of Dallas, recorded in Volume 241, Page 41, M.R.D.C.T., and being Lots 2-7, Block 5761, and being Lots 12-14, Block A/2365, Lovedale Property Addition, an addition to the City of Dallas, recorded in Volume 71245, Page 38, D.R.D.C.T., and being Tracts 12, 13, 14 and 15, Block 2366, Melvin L. Smith Subdivision, an addition to the City of Dallas, as recorded in Volume 10, Page 43, M.R.D.C.T., and being part of Block B/2366, as recorded in Volume 15, Page 31, M.R.D.C.T., and being Lot A, Block 2366, Clyde L. Gleaves Subdivision, an addition to the City of Dallas, as recorded in Volume 10, Page 373, M.R.D.C.T., and being Lot 84C-1 and part of Lot 84C-2, Stringfellow Subdivision, an addition to the City of Dallas, recorded in Volume 612, Page 1980, M.R.D.C.T., and being Tract 17.1, Block 2366, and being Lot 2, Block A1/2367, G.H. Frost Subdivision, an addition to the City of Dallas, recorded in Volume 11, Page 95, M.R.D.C.T., and being Lot 1, Block D/2367, Jackson Pottery Wholesale, and addition to the City of Dallas, as recorded in County Clerk's Instrument Number 200900124249, O.P.R.D.C.T, being part of Lot 1, and Lots 2-9, Block A/5760, C. A. Hern Addition, an addition to the City of Dallas, recorded in Volume 9, Page 419, M.R.D.C.T., being Lots 14-29, Block B/5760, North Dallas Hills, an addition to the City of Dallas, recorded in Volume 8, Page 417, M.R.D.C.T., being Tract 2 and Tract 21, Block 2366, being Lots 1 and 4, Block A/2367, Hartsill Addition, an addition to the City of Dallas, as recorded in Volume 10, Page 269, M.R.D.C.T., being Lot 1, Block C/2367, Perry Marker Addition, an addition to the City of Dallas, as recorded in Volume 97138, Page 2708, D.R.D.C.T., being Lot 2, Block C/2367, Perry Marker Addition No. 2, an addition to the City of Dallas, as recorded in County Clerk's Instrument Number 200309500001, O.P.R.D.C.T., being Tract 9 and Lot 1, Block 5723, being all of Tracts 1 through 19.2, Block 2570, being all of Lots 1-3, Block 2570, Encino Commercial Addition, an addition to the City of Dallas, as recorded in Volume 93157, Page 5375,

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MSD SURVEY

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City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

D.R.D.C.T., being Lot 1, part of Lot 5, Lots 6-10, and Lot 12, Block 4492, part of Lot 15, Lots 16-18, and part of Lot 19, Block 4493, Maple Court, an addition to the City of Dallas, as recorded in Volume 2, Page 330, M.R.D.C.T., being all of Lots 1 and 2, Block 5720, Dream Garage Addition, an addition to the City of Dallas, as recorded in County Clerk's Instrument Number 20070293948, O.P.R.D.C.T., being Lots 1-4, part of Lot 5, and Lot 12, Block E/5713, and Lot 1, Block D/5712, Maple Lawn Terrace, an addition to the City of Dallas, as recorded in Volume 3, Page 242, M.R.D.C.T., being Lot 1, Block C/5711, John Eagle Addition, an addition to the City of Dallas, as recorded in County Clerk's Instrument Number 20070232958, O.P.R.D.C.T., being Lots 1-3, Lot 6.1, Lot 6.2, and Lot 7.1, Block B/5710, and Lots 1-4, Lots 13-16, Block A/5709, Maple Lawn Terrace, an addition to the City of Dallas, as recorded in Volume 4, Page 1, M.R.D.C.T., being Lot 3, Block A/5708, Maple Inwood Phase One, an addition to the City of Dallas, as recorded in Volume 98204, Page 19, D.R.D.C.T., being Lot 1, part of Lot 2, Block D/2370, and Lot 17, 18, part of Lot 21, part of Lot 23, and Lot 24, Block D/2371, Maple Grove Acres, and addition to the City of Dallas, as recorded in Volume 3, Page 154, D.R.D.C.T., being part of Lot 31, and part of Lot 32, Block D/2371, Forest Park, an addition to the City of Dallas, as recorded in Volume 241, Page 41, M.R.D.C.T., being Lot 32A, Block D/2371, Forest Park Addition, an addition to the City of Dallas, as recorded in Volume 84018, Page 7, D.R.D.C.T., being Lot 32B, Block D/2371, Davenport Motors, an addition to the City of Dallas, as recorded County Clerk's Instrument Number 200503570386, O.P.R.D.C.T., being Lot 31A, Block D/2371, Forest Park Apartments, an addition to the City of Dallas, as recorded in Volume 2004028, Page 2756, D.R.D.C.T., together with all those certain tracts of land described to Ansonbrook, LLC by deeds recorded in County Clerk's Instrument Numbers 201300262538 and 201500011867, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), to Maple Empire, LLC by deeds recorded in County Clerk's Instrument Numbers 201600071629 and 201300086194, O.P.R.D.C.T., to Jorge Garcia by deed recorded in Volume 97036, Page 4361, D.R.D.C.T., to Dallas Power and Light by deed recorded in Volume 85080, Page 4483, D.R.D.C.T., to 6627 Maple Avenue, LLC by deed recorded in County Clerk's Instrument Number 201500207647, D.R.D.C.T., to BROWN REALTY by Warranty Deed recorded in Volume 85012, Page 4169, D.R.D.C.T., to DLFI 75235, LTD., by deed recorded in County Clerk's Instrument Number 201800288483, O.P.R.D.C.T., to Southwest Airlines by deeds recorded in County Clerk's Instrument Numbers 201500272695 and 201500278691, O.P.R.D.C.T., to Margaret T. Moore, Trustee of the Margaret T. Moore Revocable Living Trust by deed recorded in County Clerk's Instrument Number 201700298174, O.P.R.D.C.T., to Crockett Court Corporation by deed recorded in County Clerk's Instrument Number 201300067075, O.P.R.D.C.T., to SPC Mockingbird Depot LLC by deed recorded in County Clerk's Instrument Number 201300244020, O.P.R.D.C.T., to Rearden Investment Partners VI, Inc. by deed recorded in County Clerk's Instrument Number 201300244019, O.P.R.D.C.T., to Melnic LTD by deed recorded in County Clerk's Instrument Number 201300236774, O.P.R.D.C.T., to Hugo V. Valdez Revocable Living Trust by deed recorded in County Clerk's Instrument Number 201000237607, O.P.R.D.C.T., to Maplebird, LP by deeds recorded in County Clerk's Instrument Numbers 201500265913, 201500206965 and 201500206966, O.P.R.D.C.T., to Garza Ventures by deed recorded in Volume 91130, Page 2353, D.R.D.C.T., to Ray Hallford by deed recorded in Volume 2005161, Page 7182, D.R.D.C.T., to Dreki Capital, LLC, by deed recorded in County Clerk's Instrument Number 201900228744, O.P.R.D.C.T., to Autoscope Motorsports LTD by deed recorded in County Clerk's Instrument Number 201500154113, O.P.R.D.C.T., to the City of Dallas by deed recorded in Volume 3077, Page 510, D.R.D.C.T., to Adler

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MSD SURVEY

Between Inwood Road and Adeline Street
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Forest Park Road, and Harry Hines Boulevard

City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

Property Companies, LLP by deed recorded in County Clerk's Instrument Number 200600381347, O.P.R.D.C.T., to SLJ Company, LLC and Candace Rubin by deed recorded in County Clerk's Instrument Number 201500324424, O.P.R.D.C.T., to Kimsey Stutz, LLC by deed recorded in County Clerk's Instrument Number 201600175316, O.P.R.D.C.T., to Candace Rubin and 2033 EC, LTD by deed recorded in County Clerk's Instrument Number 201500158414, O.P.R.D.C.T., to 2033 EC, LTD., SLJ Company, G.P. by deed recorded in County Clerk's Instrument Number 2007008273, to Robert E. Bard by Warranty Deed with Vendor's Lien recorded in County Clerk's Instrument Number 201300356386, O.P.R.D.C.T., to Maple Walk, LP by deed recorded in County Clerk's Instrument Number 20160017927, O.P.R.D.C.T., to Maplewood Partners, LTD by deeds recorded in County Clerk's Instrument Numbers 201400299491 and 201400127539, O.P.R.D.C.T., to 2608 Inwood, LTD by deed recorded in County Clerk's Instrument Number 20080152449, O.P.R.D.C.T., to Leslie Vernon Stark, Trustee of the Ollie Vernon Stark and Helen Marie Stark Family Living Trust by Executor's Special Warranty Deed recorded in County Clerk's Instrument Number 201600300619, O.P.R.D.C.T., to Viceroy Post, LP by deed recorded in County Clerk's Instrument Number 201200131677, O.P.R.D.C.T., to Viceroy Inwood, LP by deed recorded in Volume 2005006, Page 13460, D.R.D.C.T., to Inwood Self Storage by deed recorded in Volume 98101, Page 5949, D.R.D.C.T., to Viceroy Davenport, LP by deed recorded in Volume 2005092, Page 10467, D.R.D.C.T., to Cooper Residential, LLC by deed recorded in County Clerk's Instrument Number 201700029132, O.P.R.D.C.T., to Kendrick Properties II, Limited by deed recorded in County Clerk's Instrument Number 201500141624, O.P.R.D.C.T., to Pleasant Run/Lancaster, LTD. by Special Warranty Deed recorded in County Clerk's Instrument Number 200600453218, O.P.R.D.C.T., to 7777 Hines Place, LLC by deed recorded in County Clerk's Instrument Number 201700059885, O.P.R.D.C.T., to RBH Anson, LLC by deed recorded in County Clerk's Instrument Number 201600147471, O.P.R.D.C.T., to RBH Hines, LLC by deed recorded in County Clerk's Instrument Number 201700024057, O.P.R.D.C.T., to HARRY EMPIRE, LTD. by deed recorded in County Clerk's Instrument Number 201100197435, O.P.R.D.C.T., to Denton-Hines Properties, Inc., Volume 88025, Page 1126, D.R.D.C.T., to Texas Utilities Electric Company (f.k.a. Dallas Power & Light Company), by deed recorded in Volume 84014, Page 1025, D.R.D.C.T., to Landlord, LLC by deed recorded in County Clerk's Instrument Number 20070162076, O.P.R.D.C.T., to Red Barn Holdings, LP by deeds recorded in County Clerk's Instrument Numbers 200900031701 and 201200180415, O.P.R.D.C.T., to Burnett Brothers Trust and Michael J. Burnett, Sr. by deed recorded in Volume 2001103, Page 4568, D.R.D.C.T., to Carder Chaney Properties, LLC by deed recorded in County Clerk's Instrument Number 201300087098, O.P.R.D.C.T., to 1850 Mockingbird, LLC by deed recorded in County Clerk's Instrument Number 200600232545, O.P.R.D.C.T., to 1840 Mockingbird Joint Venture by deed recorded in County Clerk's Instrument Number 201000014498, O.P.R.D.C.T., to GIC-1820, L.P. by deed recorded in County Clerk's Instrument Number 20080068144, O.P.R.D.C.T., to YEGO 6500 HH, by deed recorded in County Clerk's Instrument Number 201800256577, O.P.R.D.C.T., to Thomas W. Taylor by deed recorded in Volume 2005012, Page 7856, D.R.D.C.T., to Bright Sea Investments, LLC by Special Warranty Deed recorded in County Clerk's Instrument Number 201800086069, O.P.R.D.C.T., to Mockingbird FP, LP by deeds recorded in County Clerk's Instrument Numbers 2016000359546 and 2016000357400, O.P.R.D.C.T., to Harry Hines Venture II, LP by deeds recorded in County Clerk's Instrument Numbers 201500333189 and 201500191410, O.P.R.D.C.T., to Candace Rubin and 2033 EC, LTD by deeds recorded in County Clerk's Instrument Number 201400030996 and 201500139811, O.P.R.D.C.T., to Joanna H.

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MSD SURVEY

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Forest Park Road, and Harry Hines Boulevard

City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

Strattin and Maria C. Strattin by deeds recorded in Volume 2005141, Page 1653, and Volume 2005141, Page 1606, D.R.D.C.T., to Midbelt Properties, LP by deeds recorded in County Clerk's Instrument Numbers 201400006723, and 201000031440, O.P.R.D.C.T., to Homer F. Kissel and Julia A. Kissel by deed recorded in Volume 83124, Page 628, D.R.D.C.T., to KKS, INCORPORATED by Warranty Deed recorded in Volume 74024, Page 376, D.R.D.C.T., to SBLFT OF 2016, LTD by deed recorded in County Clerk's Instrument Number 201600323948, O.P.R.D.C.T., to 2033 EC, LTD, SLJ Company, G.P. by deed recorded in County Clerk's Instrument Number 20070008273, O.P.R.D.C.T., to Imprunetta LLC by deeds recorded in County Clerk's Instrument Numbers 201500214533, 201600196791, 201100332949, and 201100332950, O.P.R.D.C.T., to Lang 2115 Empire Central, LLC by deed recorded in County Clerk's Instrument Number 201100197143, O.P.R.D.C.T., to 1250 WDT, LTD by deed recorded in County Clerk's Instrument Number 200503566497, O.P.R.D.C.T., to BFH, LTD by Special Warranty Deeds recorded in Volume 97029, Page 3795, D.R.D.C.T., and in County Clerk's Instrument Numbers 20080022504, 20080003338, and 201000128560, O.P.R.D.C.T., to Girls Incorporated of Metropolitan Dallas, by deed recorded in Volume 95235, Page 530, D.R.D.C.T., O.P.R.D.C.T., to DERUTA LLC by deed recorded in County Clerk's Instrument Number 201600135836, O.P.R.D.C.T., to Marcos N. Suarez, by deed recorded in Volume 93190, Page 706, D.R.D.C.T., to Double E Properties, by deed recorded in Volume 86075, Page 2417, D.R.D.C.T., to Gay D. Ford, by deed recorded in Volume 91228, Page 5913, D.R.D.C.T., to Mockingbird FP, LP by deeds recorded in County Clerk's Instrument Numbers 201600359546, and 201600357400, O.P.R.D.C.T., to Harry Hines Venture, LP by deeds recorded in County Clerk's Instrument Numbers 201500333189, and 201500191410, O.P.R.D.C.T., Adeline Street, Brookhollow Road, Hines Place, Anson Road, Empire Central Drive, Lovedale Avenue, Shea Road, Hawes Avenue, Forest Park Road, Mockingbird Lane, Treadway Street, Plantation Drive, Hawes Street, Oakbrook Boulevard, Langston Court, Tex-Oak Street, Fielder Court, Mohawk Drive, Maple Avenue, Denton Drive, Manor Way, Owen Street, Bomar Avenue, Kimsey Drive, Stutz Avenue, Sadler Avenue, and Inwood Road, and being more particularly described as follows, less and except, SAVE AND EXCEPT TRACT ONE and SAVE AND EXCEPT TRACT TWO and SAVE AND EXCEPT TRACT THREE and SAVE AND EXCEPT TRACT FOUR and SAVE AND EXCEPT TRACT FIVE and SAVE AND EXCEPT TRACT SIX:

BEGINNING at a Rail Road spike found at the intersection of the northeast right-of-way line of Harry Hines Boulevard, (a variable with right-of-way), with the northwest right-of-way line of Empire Central Drive, (a variable with right-of-way), also being the South corner of a tract of land, described by deed to Manor Hospitality Corporation, recorded in Volume 97052, Page 1236, O.P.R.D.C.T. (North 6,987,525.40, East 2,473,843.13);

THENCE North 46 degrees 57 minutes 30 seconds East, departing the northeast right-of-way line of said Harry Hines Boulevard, and with said northwest right-of-way line of Empire Central, for a distance of 363.48 feet to a point for corner, being the south corner of a tract of land, described by deed to 2033 EC, Ltd., SLJ Company, GP as recorded in Instrument Number 201170008273, O.P.R.D.C.T., same being known as Lot "A", Block 2366, of said Clyde L. Gleaves Subdivision, also being the east corner of a tract of land described by deed to Robert C. Womack, trustee, recorded in Volume 2001056, Page 3087, D.R.D.C.T.;

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THENCE North 45 degrees 31 minutes 27 seconds West, departing said northwest right-of-way line, along the northeast line of said Robert C. Womack tract, for a distance of 243.31 feet to a point for corner, being the west corner of said Lot A;

THENCE North 45 degrees 10 minutes 48 seconds East, departing said northeast line, along the southeast line of a tract of land described to Diamante Homes, Inc. by deed recorded in Volume 2002186, Page 10313, D.R.D.C.T., for a distance of 134.70 feet to a point for corner, being the north corner of said Lot A, and the west corner of Lot D1, Block 2366, of said Stringfellow Subdivision;

THENCE South 45 degrees 34 minutes 46 seconds East, along the common line between said Lot A and said Lot D1, for a distance of 98.22 feet to a point for corner;

THENCE North 46 degrees 21 minutes 32 seconds East, continuing along said common line, for a distance of 4.00 feet to a point for corner;

THENCE South 45 degrees 34 minutes 46 seconds East, continuing along said common line, for a distance of 147.87 feet to a point for corner, lying in said northwest right-of-way line of Empire Central Drive;

THENCE North 46 degrees 21 minutes 32 seconds East, along said northwest right-of-way line, a distance of 78.26 feet to a point for corner, being the south corner of Lot 84C-2, of said Melvin L. Smith Subdivision, also being the east corner of Lot A of said Stringfellow Subdivision;

THENCE North 45 degrees 34 minutes 46 seconds West, departing said northwest right-of-way line, a distance of 247.78 feet to a point for corner, being the west corner of said Lot 84C-2, also lying in the southeast line of Lot 84C-3, and Lot 84C-4, Block 2366, of said Melvin L. Smith Subdivision, and the southeast line of Lot Y, and Lot Z, Block 2366, Fenton's Subdivision, an addition to the City of Dallas, as recorded in Volume 9, Page 423, M.R.D.C.T., and the southeast line of a tract of land described to America V. Flores and Jose C Flores as recorded in County Clerk's Instrument Number 201600105748, O.P.R.D.C.T., and the southeast line of a tract of land described to Rosa Flores as recorded in Volume 99143, Page 1709, D.R.D.C.T.;

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THENCE North 45 degrees 10 minutes 48 seconds East, along the northwest line of said Lot 84C-2 and Lot 84C-1, and said southeast line, for a distance of 329.33 feet to a point for corner, being the north corner of a tract of land described to Lang 2115 Empire Central, LLC, by deed recorded in Instrument Number 201100197143, O.P.R.D.C.T., and lying in the southwest line of a tract of land described to Luau Joint Venture, by deed recorded in Instrument Number 20070222801, O.P.R.D.C.T.

THENCE South 45 degrees 37 minutes 14 seconds East, along the common line between said Lang 2115 Empire Central tract and said Luau Joint Venture tract, for a distance of 250.71 feet to a point for corner, lying in the northwest right-of-way line of said Empire Central Drive, and being the south corner of said Luau Joint Venture tract;

THENCE North 45 degrees 25 minutes 08 seconds East, along said northwest right-of-way line and the southeast line of said Luau Joint Venture tract, for a distance of 125.00 feet to a metal fence post found for corner, being the south corner of a tract of land described to 1250 WDT, Ltd, by deed recorded in Instrument Number 200503566497, O.P.R.D.C.T.;

THENCE North 45 degrees 37 minutes 14 seconds West, departing said northwest right-of-way line, along the northeast line of said Luau Joint Venture tract and the southwest line of said 1250 WDT tract, for a distance of 360.31 feet to a point for corner, being the west corner of said 1250 WDT tract and the north corner of said Luau Joint Venture tract, and being on the southeast line of Lot 18, Block 2/2366, Mohawk Heights, an addition to the City of Dallas, as recorded in Volume 9, Page 61, M.R.D.C.T.;

THENCE North 44 degrees 22 minutes 45 seconds East, along the common northwest line of said 1250 WDT tract and the southeast line of said Mohawk Heights Addition, passing at a distance of 19.58 feet the southeast corner of said Lot 18, continuing in all, a total of distance 109.98 feet to a point for corner, being on the common northeast line of said 1250 WDT tract and the southwest line of a tract of land described to Iglesia De Cristo Empire Central, by deed recorded in County Clerk's Instrument Number 201200193970, O.P.R.D.C.T.;

THENCE South 45 degrees 37 minutes 14 seconds East, along said common line, for a distance of 362.30 feet to a point for corner, being on the northwest right-of-way line of said Empire Central Drive;

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City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 44 degrees 49 minutes 31 seconds East, along said northwest right-of-way line and the southeast line of said Iglesia De Cristo Empire Central tract, for a distance of 161.88 feet to a point for corner;

THENCE South 45 degrees 19 minutes 02 seconds East, departing said northwest right-of-way line, over and across said Empire Central Drive, passing at 50.00 feet a point on the southeast right-of-way line of said Empire Central Drive and being on the southwest line of Lot 3, Block A1/2367, G.H. Frost Subdivision, an addition to the City of Dallas as recorded in Volume 11, Page 95, M.R.D.C.T., and being on the common northeast line of a tract of land described to BFH, Ltd., by deed recorded in County Clerk's Instrument Number 201000128560, O.P.R.D.C.T., and continuing along said common line in all, a total distance of 200.01 feet to a point for corner, and being on the southeast line of Lot 3 and a common northwest line of Lot 1, Block D/2367 of Jackson Pottery Wholesale, an addition to the City of Dallas as recorded in County Clerk's Instrument Number 200900124249, O.P.R.D.C.T.,

THENCE North 44 degrees 49 minutes 58 seconds East, along said common line, for a distance of 100.00 feet to a point for corner, being the east corner of Lot 4, Block A1/2367;

THENCE North 45 degrees 19 minutes 13 seconds West, along the common northeast line of said Lot 4, and the southeast line of a tract of land described to BFH, Ltd. by deed recorded in County Clerk's Instrument Number 20080022504, O.P.R.D.C.T., for a distance of 145.02 feet to a point for corner in the southeast right-of-way line of said Empire Central Drive (a 55.00 foot wide right-of-way at this point) as dedicated by said Jackson Pottery Wholesale addition;

THENCE North 44 degrees 49 minutes 58 seconds East, along said southeast right-of-way line and the northwest line of said BFH, Ltd. tract for a distance of 253.02 feet to a point for corner;

THENCE North 45 degrees 37 minutes 14 seconds West, over and across said Empire Central Drive, at 55.00 feet passing a point lying on the northwest right-of-way line of said Empire Central Drive, said point also lying in the common northeast line of a tract of land described to Elise Glavin and Harry Glavin by deed recorded in County Clerk's Instrument Number 200600192323, O.P.R.D.C.T., and the southwest line of said Pleasant Run/Lancaster, Ltd. tract, and continuing along said common line in all, a total distance of 421.34 feet to a point for corner, being in the southeast line of said Mohawk Heights addition;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
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City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 44 degrees 22 minutes 45 seconds East, along said southeast line and the common northwest line of a tract of land described to Kendrick Properties II Limited, by deed recorded in County Clerk's Instrument Number 201500141624, O.P.R.D.C.T., passing at 251.00 feet the southwest right-of-way line of Mohawk Drive (a 50 foot wide right-of-way), and continuing over and across said Mohawk Drive in all, a total distance of 301.99 feet to a point for corner in the northeast right-of-way line of Mohawk Drive and the common southwest line of Block 16/2364, Lovedale Number 2, an addition to the City of Dallas as recorded in Volume 4, Page 296, M.R.D.C.T.;

THENCE South 45 degrees 37 minutes 14 seconds East, along said northeast right-of-way line and said common line for a distance of 119.64 feet to a point for corner;

THENCE South 43 degrees 56 minutes 06 seconds West, departing said common line, over and across said Mohawk Drive, passing at 50.00 feet the southwest right-of-way line of said Mohawk Drive, and continuing along the southeast line of said Kendrick Properties II Limited tract and the common northwest line of a tract of land described to Antonio Salas and Rosario R. Salas, by deed recorded in Volume 76179, Page 1244, D.R.D.C.T., continuing in all, a total distance of 202.00 feet to a point for corner;

THENCE South 45 degrees 37 minutes 14 seconds East, along a northeast line of said Pleasant Run/Lancaster, Ltd. tract and the common southwest line of Hollywood Subdivision, an addition to the City of Dallas as recorded in Volume 12, Page 445, M.R.D.C.T., for a distance of 245.88 feet to a point for corner lying in the northwest right-of-way line of said Empire Central Drive;

THENCE North 44 degrees 49 minutes 31 seconds East, along said northwest right-of-way line for a distance of 152.00 feet to a point for corner at the intersection of said northwest right-of-way line with the southwest right-of-way line of said Mohawk Drive;

THENCE North 45 degrees 37 minutes 14 seconds West, along said southwest right-of-way line, for a distance of 5.35 feet to a point for corner;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

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THENCE North 45 degrees 16 minutes 56 seconds East, departing said southwest right-of-way line, over and across said Mohawk Drive, passing at 50.00 feet the northeast right-of-way line of said Mohawk Drive, and continuing along the northwest right-of-way line of said Empire Central Drive and the southeast line of Block 12/2364, 14/2362, and 16/2359 in all, a total distance of 763.91 feet to a point for corner at the intersection of said northwest right-of-way line with the curving southwest right-of-way line of Maple Avenue (a 60 foot wide right-of-way), said point being at the beginning of a non-tangent circular curve to the right having a radius of 1939.88 feet and whose chord bears North 57 degrees 36 minutes 32 seconds West, and chord length of 15.20 feet to a point for corner;

THENCE Northwesterly, departing said northwest right-of-way line and along said southwest right-of-way line and with said curve through a central angle of 00 degrees 26 minutes 57 seconds, for an arc distance of 15.20 feet to a point for corner:

THENCE North 45 degrees 16 minutes 56 seconds East, non-tangent to the previous curve, departing said southwest right-of-way line over and across said Maple Avenue, passing at 61.55 feet a point at the intersection of the northwest right-of-way line of said Empire Central Drive with the curving northeast right-of-way line of said Maple Avenue, and continuing along said northwest right-of-way line and the southeast line of Block 12/2364, in all, a total distance of 82.60 feet to a point for corner;

THENCE South 45 degrees 17 minutes 52 seconds East, departing said northwest right-of-way line, over and across said Empire Central Drive, passing at 50.00 feet a point at the intersection of the southeast right-of-way line of Empire Central Drive with the northeast right-of-way line of Maple Avenue, and continuing along said northeast right-of-way line in all, a total distance of 199.54 feet to an angle point;

THENCE South 42 degrees 18 minutes 06 seconds East, continuing along said northeast right-of-way line, for a distance of 261.71 feet to a point for corner;

THENCE North 49 degrees 54 minutes 11 seconds East, departing said northeast right-of-way line and along the northwest line of a tract of land described to Jorge Garcia by deed recorded in Volume 97036, Page 4361, D.R.D.C.T., and the common southeast line of a tract of land described to Jones-Blair Paint Company, Inc. by deed recorded in Volume 5141, Page 125, M.R.D.C.T., for a distance of 423.54 feet to a point for corner;

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THENCE South 41 degrees 48 minutes 49 seconds East, continuing along said common line, for a distance of 50.00 feet to a point for corner in the southeast line of said Jorge Garcia tract, and the common northwest line of a tract of land described to the City of Dallas as recorded in Volume 69172, Page 1947, D.R.D.C.T.;

THENCE South 38 degrees 11 minutes 58 seconds West, along said common line for a distance of 198.90 feet to a point for corner;

THENCE South 28 degrees 04 minutes 01 second West, along said common line for a distance of 240.72 feet to a point for corner in the northeast right-of-way line of said Maple Avenue;

THENCE South 42 degrees 17 minutes 17 seconds East, along the northeast right-of-way line of said Maple Avenue, for a distance of 469.33 feet to a point for corner at the intersection of said northeast right-of-way line with the northwest right-of-way line of Hawes Avenue (a 50 foot wide right-of-way);

THENCE North 45 degrees 31 minutes 30 seconds East, departing said northeast right-of-way line and along the northwest right-of-way line of said Hawes Avenue, for a distance of 504.69 feet to a point for corner on the northeast line of a tract of land described to An Luxury Imports, Ltd. by deed recorded in County Clerk's Instrument Number 201700177397, and the common southwest line of a tract of land described to BROWN REALTY, by Warranty Deed recorded in Volume 85012, Page 4169, D.R.D.C.T.;

THENCE North 45 degrees 35 minutes 30 seconds West, departing said northwest right-of-way line and along said common line for a distance of 483.64 feet to a point for corner on the southeast line of the aforementioned City of Dallas tract;

THENCE North 17 degrees 19 minutes 26 seconds East, along a southeast line of said City of Dallas tract and the common northwest line of said Brown Realty tract, for a distance of 225.74 feet to a point for corner, said point being in the southwest line of a tract of land described as Tract 1 to DLFI 75235, LTD., by deed recorded in County Clerk's Instrument Number 201800288483, O.P.R.D.C.T.;

THENCE North 45 degrees 45 minutes 02 seconds West, along a common line of said City of Dallas tract and said DLFI 75235, LTD., Tract 1 for a distance of 9.63 feet to a point for corner;

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THENCE North 45 degrees 31 minutes 30 seconds East, continuing along said common line, for a distance of 350.00 feet to a point for corner, being the north corner of said DLFI 75235, LTD., Tract 1 and being on the common southwest line of a tract of land described to Dallas Area Rapid Transit (DART) by deed recorded in Volume 88083, Page 4905, D.R.D.C.T.;

THENCE South 45 degrees 45 minutes 02 seconds East, along said common line, for a distance of 600.00 feet to a point for corner, being the east corner of said DLFI 75235, LTD., Tract 1 and being on the northwest right-of-way line of said Hawes Avenue;

THENCE North 45 degrees 31 minutes 30 seconds East, along said northwest right-of-way line for a distance of 30.32 feet to a point for corner, being the north corner of the northeast terminus of said Hawes Avenue and on the common southwest line of a tract of land described to DART by deed recorded in County Clerk's Instrument Number 20080393554, O.P.R.D.C.T.;

THENCE South 45 degrees 20 minutes 33 seconds East, along said common line with DART and the northeast terminus of said Hawes Avenue, for a distance of 45.05 feet to a point for the east corner of said terminus;

THENCE South 45 degrees 19 minutes 11 seconds West, continuing along said common line with DART and along the southeast right-of-way line of said Hawes Avenue, for a distance of 17.60 feet to a point for the north corner of a tract of land described as Tract 2 to DLFI 75235, LTD., by deed recorded in County Clerk's Instrument Number 201800288483, O.P.R.D.C.T.;

THENCE South 43 degrees 22 minutes 01 second East, departing said southeast right-of-way line and along the southwest line of said DART tract and the common northeast line of said DLFI 75235, LTD., Tract 2, for a distance of 10.62 feet to a point for corner;

THENCE North 44 degrees 38 minutes 15 seconds East, continuing along said common line, for a distance of 9.39 feet to a point for corner;

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THENCE South 45 degrees 21 minutes 45 seconds East, continuing along said common line, for a distance of 231.19 feet to a point for corner, being the east corner of said DLFI 75235, LTD., Tract 2, and being on the common northwest line of a tract of land described to Crockett Court Corporation by deed recorded in County Clerk's Instrument Number 201300067075, O.P.R.D.C.T.;

THENCE North 45 degrees 32 minutes 53 seconds East, continuing along said southwest line of DART and the common line with said Crockett Court Corporation tract for a distance of 8.50 feet to a point for corner;

THENCE South 45 degrees 20 minutes 33 seconds East, continuing along the southwest line of said DART tract and the common northeast line of said Crockett Court Corporation tract passing at a distance of 307.12 feet a point at the intersection of said southwest line of DART with the north right-of-way line of Mockingbird Lane (a 100 foot wide right-of-way), and continuing over and across said Mockingbird Lane in all, for a total distance of 407.13 feet to a point for corner on the southeast right-of-way line of Mockingbird Lane, said point being the north corner of a tract of land described to DART by deed recorded in County Clerk's Instrument Number 20070446881, O.P.R.D.C.T.;

THENCE South 45 degrees 18 minutes 50 seconds West, along the southeast right-of-way line of said Mockingbird Lane and the common northwest line of said DART tract, for a distance of 48.38 feet to a point for corner, said point being in the southwest line of said DART tract and the common northeast line of a tract of land described to Hugo V. Valdes Revocable Living Trust, by deed recorded in County Clerk's Instrument Number 201000237607, O.P.R.D.C.T.;

THENCE South 45 degrees 22 minutes 03 seconds East, departing said southeast right-of-way line and along said common line for a distance of 127.45 feet to a point for corner, said point being on the northwest right-of-way line of Fielder Court (a 44 foot wide right-of-way) and the common southeast line of said DART tract;

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THENCE North 44 degrees 37 minutes 50 seconds East, along said northwest right-of-way line for a distance of 48.32 feet to a point for corner, said point being in the southwest line of a tract of land described to DART by deed recorded in Volume 90177, Page 4219, D.R.D.C.T., and the north corner of the terminus of said Fielder Court;

THENCE South 45 degrees 20 minutes 33 seconds East, along said terminus and passing at 44.00 feet the east corner of said terminus, same being the north corner of a tract of land described to the City of Dallas by deed recorded in County Clerk's Instrument Number 201200063267, O.P.R.D.C.T., and continuing along said southwest line of DART in all, a total distance of 307.92 feet to a point for corner;

THENCE North 43 degrees 59 minutes 07 seconds East, over and across said DART tract and said Denton Drive for a distance of 103.99 feet to a point for corner, said point being the south corner of a tract of land described to Randall L. and Diane S. Newbury by deed recorded in Volume 2001006, Page 2799, D.R.D.C.T., said point being in the northeast right-of-way line of said Denton Drive and the common southwest line of a tract of land described to Viceroy Delivery LP by deed recorded in Volume 98202, Page 5864, D.R.D.C.T.;

THENCE South 45 degrees 37 minutes 53 seconds East, along said northeast right-of-way line passing at a distance of 604.32 feet the intersection of said northeast right-of-way line with the northwest right-of-way line of Manor Way (a 50.00 foot wide right-of-way), continuing over and across said Manor Way, passing at 669.20 feet the intersection of said northeast right-of-way line with the southeast right-of-way of said Manor Way at the south end of a circular corner clip, continuing along said northeast right-of-way line in all, a total distance of 1,054.47 feet to a point for corner on the common southeast line of a tract of land described to Sewell Corporation by deed recorded in County Clerk's Instrument Number 20070389860, O.P.R.D.C.T., and being the west corner of a 2.00 foot right-of-way strip dedicated by the Dream Garage Addition, an addition to the City of Dallas, as recorded in County Clerk's Instrument Number 20070293948, O.P.R.D.C.T.;

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THENCE North 43 degrees 54 minutes 53 seconds East, continuing along said northeast right-of-way line passing at 2.00 feet the northeast right-of-way line of said Denton Drive and the west corner of Lot 1, of said Dream Garage Addition, same being on the northwest line of a tract of land described to Autoscope Motorsports Ltd, by deed recorded in County Clerk's Instrument Number 20070312233, O.P.R.D.C.T., departing said northeast right-of-way line and continuing along said common southeast line and along the northwest line of said addition, in all, a total distance of 532.98 feet to a point for corner, being the north corner of Lot 2 of said addition and being on the northeast line of a tract of land described to Dreki Capital, LLC, by deed recorded in County Clerk's Instrument Number 201900228744, O.P.R.D.C.T., and being on the common southwest line of a tract of land described to Dream Garage USA, LLC, by deed recorded in County Clerk's Instrument Number 20070305309, O.P.R.D.C.T.;

THENCE South 46 degrees 10 minutes 53 seconds East, along said common line for a distance of 243.36 feet to a point for the east corner of said Lot 2, and being on the southeast line of said Lot 2 and the common northwest line of a tract of land described to JB Williams Investments LLC, by deed recorded in County Clerk's Instrument Number 20080365612, O.P.R.D.C.T.;

THENCE South 43 degrees 55 minutes 04 seconds West, along said common line and passing at a distance of 532.06 feet a point for the south corner of said Lot 2, and continuing along said common line and the northeast right-of-way line of said Denton Drive, in all, a total distance of 535.31 feet to a point for corner and being on the curving northeast right-of-way line of said Denton Drive, and being the beginning of a non-tangent circular curve to the left having a radius of 3,905.82 feet and whose chord bears South 48 degrees 01 minute 30 seconds East, a chord length of 316.92 feet;

THENCE Southeasterly, along said northeast right-of-way line and with said curve through a central angle of 04 degrees 39 minutes 01 second, for an arc distance of 317.01 feet to a point for corner at the end of said curve;

THENCE South 50 degrees 16 minutes 53 seconds East, non-tangent to the previous curve, and continuing along said northeast right-of-way line, for a distance of 87.99 feet to a point for the south corner of said JB Williams Investments LLC tract, and on the common northwest line of a tract of land described to the City of Dallas by deed as recorded in Volume 3077, Page 510, D.R.D.C.T.;

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THENCE North 43 degrees 58 minutes 05 seconds East, departing said northeast right-of-way line and along the common northwest line of said City of Dallas tract and the southeast line of said JB Williams Investments LLC tract for a distance of 538.83 feet to a point for the east corner of said JB Williams Investments LLC tract;

THENCE North 46 degrees 10 minutes 53 seconds West, continuing along a common southwest line of said City of Dallas tract and a northeast line of said JB Williams Investments LLC tract, for a distance of 128.95 feet to a point for corner, and being the south corner of a tract of land described to Ben C William Bakery Inc. by deed recorded in Volume 82068, Page 3978, D.R.D.C.T.;

THENCE North 43 degrees 54 minutes 25 seconds East, along a northwest line of said City of Dallas tract, and the common southeast line of said Ben C William Bakery Inc. tract for a distance of 196.19 feet to a point for corner;

THENCE North 56 degrees 43 minutes 05 seconds East, continuing along a northwest line of said City of Dallas tract, and the common southeast line of said Ben C William Bakery Inc. tract, passing at a distance of 335.85 feet the southwest right-of-way line of Cedar Springs Road (a 60.00 foot wide right-of-way), and continuing over and across said Cedar Springs Road in all, a total distance of 397.39 feet to a point for corner on the northeast right-of-way line of said Cedar Springs Road, and being in the common southwest line of a tract of land described to BP Venture II Ltd et al, by deed recorded in Volume 96242, Page 4713, D.R.D.C.T.;

THENCE South 46 degrees 10 minutes 53 seconds East, along said northeast right-of-way line and said common line, for a distance of 73.40 feet to a point for the south corner of said BP Venture II Ltd tract and the west corner of Knights Branch Subdivision, Section One, an addition to the City of Dallas, as recorded in Volume 82174, Page 4837, D.R.D.C.T.;

THENCE North 43 degrees 49 minutes 15 seconds East, continuing along said northeast right-of-way line for a distance of 4.34 feet to a point for corner, and being the west corner of Lot 1, Block 1/4798 of said addition;

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THENCE South 46 degrees 10 minutes 53 seconds East, continuing along said northeast right-of-way line, passing the south corner of said Lot 1 at a distance of 183.70 feet, same being the west corner of Lot 2A, Block 1/4798, Knights Branch Subdivision, Section Two, Phase One, an addition to the City of Dallas, as recorded in Volume 86088, Page 6208, D.R.D.C.T., and continuing along said northeast right-of-way line for a distance of 417.32 feet to a point for corner, being the westerly south corner of said Lot 2A;

THENCE South 43 degrees 49 minutes 09 seconds West, departing said northeast right-of-way line, over and across said Cedar Springs Road, for a distance of 64.33 feet a point on the southwest right-of-way line of said Cedar Springs Road, and being on the northeast line of Lot 1, Block 4628, Thomas J. Rusk JR. High Addition, an addition to the City of Dallas as recorded in Volume 2005095, Page 161, D.R.D.C.T., and being on the common northeast line of a tract of land described to Dallas Independent School District by deed recorded in Volume 2773, Page 66, D.R.D.C.T.;

THENCE North 46 degrees 10 minutes 53 seconds West, along said common line for a distance of 3.19 feet to a point for corner, same being the north corner of said Lot 1, and being on a northwest line of said Lot 1, Block 4628 and a common southeast line of a tract of land described to the City of Dallas by deed recorded in Volume 3077, Page 510, D.R.D.C.T.;

THENCE South 44 degrees 53 minutes 07 seconds West, departing said southwest right-of-way line and along said common line, for a distance of 565.40 feet to a point for corner;

THENCE South 21 degrees 34 minutes 07 seconds West, continuing along said common line, for a distance of 488.78 feet to a point for corner on the northeast right-of-way line of said Denton Drive;

THENCE North 50 degrees 16 minutes 53 seconds West, departing said common line and along said northeast right-of-way line, for a distance of 13.81 feet to a point for corner at the intersection of said northeast right-of-way line with the northeasterly prolongation of the northern terminus of Brown Street as abandoned by County Commissioners Court as recorded in Volume 36, Page 19, D.R.D.C.T.;

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THENCE South 36 degrees 33 minutes 39 seconds West, departing said northeast right-of-way line over and across said Denton Drive and across a tract of land described to DART by deed recorded in Volume 2001127, Page 5590, D.R.D.C.T., and with said prolongation for a distance of 126.85 feet to a point for corner on southwest line of said DART tract and the common northeast line of Lot 19A, Block B/5710, Southwestern Gage and Sales 1st Addition, an addition to the City of Dallas as recorded in Volume 81186, Page 1009, D.R.D.C.T., and being at the east corner of said terminus;

THENCE North 51 degrees 23 minutes 12 seconds West, continuing along said common line for a distance of 106.12 feet to point for corner, and being the east corner of Lot 1, Block C/5711, John Eagle Addition, an addition to the City of Dallas as recorded in County Clerk's Instrument Number 20070232958, O.P.R.D.C.T.;

THENCE South 36 degrees 11 minutes 06 seconds West, departing said common line and along the southeast line of said John Eagle Addition and the common northwest line of a tract of land described to Fairfield Sadler LLC, by deed recorded in County Clerk's Instrument Number 201500235146, O.P.R.D.C.T., for a distance of 87.18 feet to a point for corner;

THENCE South 46 degrees 18 minutes 43 seconds West, continuing along said common line for a distance of 174.04 feet to a point for corner;

THENCE South 46 degrees 10 minutes 08 seconds East, continuing along said common line for a distance of 136.05 feet to a point for corner, being on the common Block line of C/5711 and B/5710;

THENCE South 36 degrees 33 minutes 39 seconds West, along said common Block line for a distance of 352.38 feet to a point for corner;

THENCE North 46 degrees 08 minutes 10 seconds West, continuing along said common Block line for a distance of 49.58 feet to a point for corner;

THENCE South 36 degrees 29 minutes 34 seconds West, continuing along said common Block line for a distance of 50.42 feet to a point for corner;

THENCE South 46 degrees 08 minutes 10 seconds East, continuing along said common Block line for a distance of 49.48 feet to a point for corner;

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THENCE South 36 degrees 35 minutes 49 seconds West, continuing along said common Block line for a distance of 216.76 feet to a point for corner, being the west corner of a tract of land described to Nancy H. Feaster by deed recorded in Volume 2004138, Page 7469, D.R.D.C.T., and being on the common northeast line of a tract of land described to Maple Walk, LP by deed recorded in County Clerk's Instrument Number 201600017927, O.P.R.D.C.T.;

THENCE South 56 degrees 00 minutes 35 seconds East, departing said common Block line and along said common line for a distance of 179.10 feet to a point for corner;

THENCE North 44 degrees 00 minutes 45 seconds East, continuing along said common line for a distance of 38.76 feet to a point for corner, and being on the common southwest line of a tract of land described to Rudy Ced by deed recorded in Volume 2003047, Page 10189, O.P.R.D.C.T.;

THENCE South 40 degrees 40 minutes 28 seconds East, along said common line for a distance of 50.22 feet to a point for corner;

THENCE North 44 degrees 00 minutes 45 seconds East, continuing along said common line for a distance of 5.11 feet to a point for corner;

THENCE South 45 degrees 10 minutes 43 seconds East, continuing along said common line for a distance of 86.95 feet to a point for corner, being at the south corner of a tract of land described to Offinwood, LLC, by deed recorded in County Clerk's Instrument Number 20070397197, O.P.R.D.C.T.;

THENCE North 43 degrees 43 minutes 29 seconds East, along said common line for a distance of 147.01 feet to a point for corner, being on the southwest right-of-way line of Sadler Avenue (a 50.00 foot wide right-of-way) as shown by said Maple Lawn Terrace addition;

THENCE North 46 degrees 04 minutes 16 seconds West, departing said common line and along said southwest right-of-way line for a distance of 113.18 feet to a point for the beginning of a non-tangent circular curve to the right having a radius of 75.00 feet and whose chord bears North 01 degree 04 minutes 20 seconds West, for a chord length of 106.07 feet;

THENCE in a Northwesterly and Northeasterly direction, along said right-of-way line and with said curve through a central angle of 90 degrees 00 minutes 00 seconds for an arc distance of 117.81 feet to the end of said curve;

THENCE North 43 degrees 55 minutes 44 seconds East, non-tangent to the previous curve and along the northwest right-of-way line of Sadler Avenue for a distance of 175.00 feet to a point for corner, being the east corner of Lot 12 and the south corner of Lot 13 of said Maple Lawn Terrace addition;

THENCE South 46 degrees 04 minutes 16 seconds East, departing said northwest right-of-way line, over and across said Sadler Avenue, passing the southeast right-of-way line of Sadler Avenue at a distance of 50.00 feet, said point being on the southwest line of said Fairfield Sadler LLC, tract and the common northeast line of a tract of land described to Maplewood Partners, Ltd. by deeds recorded in County Clerk's Instrument Numbers 201400127539, 201400299491, and 201400127539, O.P.R.D.C.T., and

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9,190,279 square feet or 211.0 acres

continuing along said common line in all, a total distance of 350.00 feet to a point for corner, being on the northwest right-of-way line of said Inwood Road;

THENCE North 43 degrees 55 minutes 44 seconds East, departing said common line and along said right-of-way line for a distance of 1.51 feet to a point for corner;

THENCE South 46 degrees 09 minutes 12 seconds East, departing said right-of-way line, over and across said Inwood Road, passing at a distance of 80.33 feet the north corner of a tract of land described to 2608 Inwood, Ltd., by deed recorded in County Clerk's Instrument Number 20080152449, O.P.R.D.C.T., and continuing along an offset in the southeast right-of-way line of Inwood Road, passing at 10.00 feet a point on the southeast right-of-way line of Inwood Road, same point being on a common southwest line of a tract of land described to DART by deeds recorded in County Clerk's Instrument Numbers 20080332159, and 20060252124 O.P.R.D.C.T., and continuing along said common line in all, a total distance of 374.57 feet to a point for corner, and being the east corner of Lot 3, Block A/5708, of said Maple Inwood Phase One addition;

THENCE South 43 degrees 50 minutes 48 seconds West, along said common line for a distance of 200.00 feet to a point for corner, being the south corner of said Lot 3, and being on the common northeast line of Lot 1, Block A/5708, Autozone Inwood Addition, an addition to the City of Dallas as recorded in Volume 94037, Page 4495, D.R.D.C.T., said Lot 1 being described to Autozone, Inc. by deed recorded in Volume 93237, Page 1834, D.R.D.C.T.;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 46 degrees 09 minutes 07 seconds West, along said common line for a distance of 284.13 feet to a point for corner on the southeast right-of-way line of said Inwood Road;

THENCE South 43 degrees 48 minutes 48 seconds West, along said southeast right-of-way line and the northwest line of said Autozone, Inc. tract for a distance of 141.99 feet to a point for corner;

THENCE North 46 degrees 14 minutes 53 seconds West, along an offset in said southeast right-of-way line for a distance of 8.00 feet to a point for corner;

THENCE South 43 degrees 48 minutes 48 seconds West, continuing along said southeast right-of-way line for a distance of 91.40 feet to a point for corner;

THENCE South 46 degrees 14 minutes 53 seconds East, along an offset in said southeast right-of-way line for a distance of 8.00 feet to a point for corner, and being on the northwest line of Lot 2, Block A/5708, Racetrac Addition, an addition to the City of Dallas, as recorded in Volume 95210, Page 6006, D.R.D.C.T.;

THENCE South 43 degrees 48 minutes 48 seconds West, continuing along said southeast right-of-way line, passing at a distance of 219.87 feet the north end of a corner clip at the intersection of said southeast right-of-way line with the northeast right-of-way line of said Maple Avenue, and continuing along the southwesterly prolongation of said southeast right-of-way line, over and across Maple Avenue in all, a total distance of 302.35 feet to a point for corner, being at the intersection of said prolongation with the southwest right-of-way line of said Maple Avenue;

THENCE North 46 degrees 14 minutes 32 seconds West, departing said southeast right-of-way line, over and across said Inwood Road, passing at a distance of 90.63 feet the intersection of said southwest right-of-way line with the northwest right-of-way line of said Inwood Road, continuing along said southwest right-of-way line and the common northeast line of a tract of land described to Kano-Maile, Ltd., by deed recorded in Volume 95131, Page 1503, D.R.D.C.T. in all, a total distance of 583.63 feet to a point for corner, said point being on the southeast line of Lot 24, Block D/2371, of said Maple Grove Acres addition;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
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City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE South 43 degrees 43 minutes 48 seconds West, departing said southwest right-of-way line and along the common southeast line of a tract of land described to Leslie Vernon Stark, Trustee of the Ollie Vernon Stark and Helen Marie Stark Family Living Trust by deed recorded in County Clerk's Instrument Number 201600300619, O.P.R.D.C.T., for a distance of 170.04 feet to a point for corner, being the east corner of Lot 22A, Block D/2371, Haynes Investments Addition, an addition to the City of Dallas as recorded in Volume 86249, Page 5675, D.R.D.C.T., and being on the common northeast line of a tract of land described to Lisa A. Reed, by deed recorded in County Clerk's Instrument Number 201200059155, O.P.R.D.C.T.;

THENCE North 46 degrees 13 minutes 00 seconds West, along said common line for a distance of 271.74 feet to a point for the north corner of said Lot 22A, said point being on the southeast right-of-way line of Stutz Avenue (a 53.00 foot wide right-of-way at this point);

THENCE South 43 degrees 44 minutes 41 seconds West, along said southeast right-of-way line for a distance of 160.00 feet to a point for corner, and being on the southwest line of said Lisa A. Reed tract and the common northeast line of Lot 21, of said Maple Grove Acres addition;

THENCE South 46 degrees 13 minutes 00 seconds East, departing said southeast right-of-way line and along said common line for a distance of 271.77 feet to a point for corner, said point being on the northwest line of said Kano-Maile, Ltd. tract, and a common southeast line of a tract of land described to Viceroy Inwood, LP, by deed recorded in Volume 2005006, Page 13460, D.R.D.C.T.;

THENCE South 43 degrees 41 minutes 56 seconds West, along said common line for a distance of 14.96 feet to a point for corner, being on a northeast line of said Viceroy Inwood, LP. Tract and common southwest line of said Kano-Maile, Ltd. tract;

THENCE South 46 degrees 14 minutes 32 seconds East, along said common line, passing at a distance of 493.00 feet a point in the northwest right-of-way line of Inwood Road, and continuing along an offset in said northwest right-of-way line passing at a distance of 6.61 feet the east corner of Lot 32, Block D/2371, of said Forest Park addition, and departing said northwest right-of-way line, over and across said Inwood Road in all, a total distance of 584.61 feet to a point for corner on the southeast right-of-way line of Inwood Road, and on the common northwest line of a tract of land described to Dallas Independent School District by deed recorded in Volume 94137, Page 2503, D.R.D.C.T.;

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MSD SURVEY

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City of Dallas, Dallas County, Texas

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THENCE South 43 degrees 50 minutes 40 seconds West, along said common line for a distance of 325.71 feet to a point for corner, and being on the common northeast line of a tract of land described to Betty Sue Davis by deed recorded in Volume 96104, Page 2394, D.R.D.C.T.;

THENCE North 46 degrees 09 minutes 20 seconds West, along said common line and along an offset in said southeast right-of-way line for a distance of 15.00 feet to a point for corner;

THENCE South 43 degrees 50 minutes 40 seconds West, continuing along said southeast right-of-way line for a distance of 50.00 feet to a point for corner;

THENCE South 46 degrees 09 minutes 20 seconds East, along an offset in said southeast right-of-way line for a distance of 15.00 feet to a point for corner, and being on the common northwest line of a tract of land described to The Board of Regents of the University of Texas System by deed recorded in Volume 2004155, Page 601, D.R.D.C.T.;

THENCE South 43 degrees 50 minutes 40 seconds West, along said southeast right-of-way line and said common line for a distance of 282.04 feet to a point for corner;

THENCE North 46 degrees 09 minutes 40 seconds West, departing said southeast right-of-way line, over and across said Inwood Road, passing at 97.25 feet a point on the curving northwest right-of-way line of said Inwood Road, being the south corner of Lot 31A, Block D/2371, and being an east corner of Lot 13A, Block D/2371, of said Forest Park Apartments addition, same being on the southwest line of a tract of land described to Cooper Residential, LLC, by deed recorded in County Clerk's Instrument Number 201700029132 and the common northeast line of a tract of land described to Unified Housing of Inwood, LLC., by deed recorded in Volume 2003248, Page 50, D.R.D.C.T., and departing said northwest right-of-way line and along said common line in all, a total distance of 155.81 feet to a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF" (controlling monument) for corner;

THENCE North 04 degrees 14 minutes 24 seconds East, along said common line for a distance of 51.91 feet to a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF" (controlling monument) for corner;

THENCE North 43 degrees 50 minutes 20 seconds East, along said common line for a distance of 81.42 feet to a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF" (controlling monument) for corner;

THENCE North 46 degrees 09 minutes 40 seconds West, along said common line for a distance of 179.43 feet to a point for corner;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

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City of Dallas, Dallas County, Texas

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THENCE North 03 degrees 41 minutes 33 seconds East, along said common line for a distance of 132.11 feet to a point for corner, and being on the southwest line of a tract of land described to Inwood Self Storage by deed recorded in Volume 98101, Page 5949, D.R.D.C.T.;

THENCE North 46 degrees 17 minutes 50 seconds West, along said common line for a distance of 129.05 feet to a point for corner, said point being in the common southeast line of a tract of land described to Viceroy Post, LP., by deed recorded in County Clerk's Instrument Number 201200131677, O.P.R.D.C.T.;

THENCE South 43 degrees 21 minutes 57 seconds West, along said common line for a distance of 41.00 feet to a point for corner;

THENCE North 46 degrees 12 minutes 49 seconds West, along said common line, passing at a distance of 268.91 feet a 3-inch found aluminum disk stamped "RPLS 5230" (controlling monument) for the west corner of said Viceroy Post, LP., tract on the southeast right-of-way line of said Stutz Avenue, and continuing over and across Stutz Avenue in all, a total distance of 318.95 feet to a point for corner on the northwest right-of-way line of Stutz Avenue;

THENCE North 41 degrees 28 minutes 06 seconds East, along said northwest right-of-way line for a distance of 200.04 feet to a point for corner;

THENCE South 46 degrees 14 minutes 03 seconds East, departing said northwest right-of-way line, over and across Stutz Avenue, passing at a distance of 50.00 feet a point on the southeast right-of-way line of Stutz Avenue, and being on the common southwest line of a tract of land described to AZM Properties, LLC., by deed recorded in County Clerk's Instrument Number 201200061842, O.P.R.D.C.T., and departing said southeast right-of-way line and continuing along said common line in all, a total distance of 325.57 feet to a point for corner;

THENCE North 43 degrees 41 minutes 51 seconds East, along the southeast line of said AZM Properties LLC., tract and a common northwest line of said Viceroy Inwood LP, tract for a distance of 200.63 feet to a point for corner, being on the northeast line of Lot 20, Block D/2371, Forest Park Condominiums, an addition to the City of Dallas as recorded in County Clerk's Instrument Number 20080116050, O.P.R.D.C.T.;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

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MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 46 degrees 11 minutes 10 seconds West, along said common line, passing at 275.04 feet a 1-inch found iron pipe (controlling monument) on the southeast right-of-way line of Stutz Avenue, and continuing over and across Stutz Avenue in all, a total distance of 325.04 feet to a point for corner on the northwest right-of-way line of Stutz Avenue as recorded in County Clerk's Instrument Number 20080116050, O.P.R.D.C.T.;

THENCE North 43 degrees 43 minutes 48 seconds East, along said northwest right-of-way line for a distance of 266.85 feet to a point for corner, being on the southwest line of a tract of land described to Kimsey Stutz, LLC., by deed recorded in County Clerk's Instrument Number 201600175316, O.P.R.D.C.T.;

THENCE North 45 degrees 45 minutes 57 seconds West, departing said northwest right-of-way line and along said southwest line for a distance of 175.00 feet to a point for corner, and being in the common southeast line of a tract of land described to Southwestern GFPG, LLC., by deed recorded in County Clerk's Instrument Number 201400169251, O.P.R.D.C.T.;

THENCE North 43 degrees 43 minutes 48 seconds East, along said common line for a distance of 155.00 feet to a point for corner, said point being in the southwest right-of-way line of said Maple Avenue;

THENCE North 45 degrees 45 minutes 57 seconds West, along said southwest right-of-way line for a distance of 177.59 feet to a point for corner;

THENCE North 44 degrees 14 minutes 11 seconds East, departing said southwest right-of-way line, over and across Maple Avenue, passing at a distance of 60.00 feet a point on the northeast right-of-way line of Maple Avenue, and being in the common northwest line of a tract of land described to Kimsey Stutz, LLC., by deed recorded County Clerk's Instrument Number 201600175316, O.P.R.D.C.T., and continuing along said common line in all, a total distance of 287.11 feet to a point for corner;

THENCE South 46 degrees 05 minutes 25 seconds East, along a northeast line of said Kimsey Stutz, LLC., tract for a distance of 149.98 feet to a point for corner, said point being on the northwest right-of-way line of Kimsey Drive (a 50.00 foot wide right-of-way) as shown on Kimsey Place, an addition to the City of Dallas, as recorded in County Clerk's Instrument Number 201500077001, O.P.R.D.C.T., and amended as recorded in County Clerk's Instrument Number 201500301294, O.P.R.D.C.T.;

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MSD SURVEY

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THENCE North 44 degrees 14 minutes 11 seconds East, along said northwest right-of-way line, passing at a distance of 774.90 feet a 1-inch found iron pipe (controlling monument), for the south corner of a tract of land described to DART by deed recorded in Volume 2005028, Page 1510, D.R.D.C.T., and continuing along said southwest line and said northwest right-of-way line in all, a total distance of 835.01 feet to a point for corner, said point being the in the curving southwest line of DART as described by deed recorded in Volume 2001127, Page 5590, D.R.D.C.T., and being the beginning of a non-tangent circular curve to the right having a radius of 2,884.53 feet, and whose chord bears North 48 degrees 49 minutes 00 seconds West, a chord length of 261.14 feet;

THENCE in a Northwesterly direction, departing said northwest right-of-way line and with said curve through a central angle of 05 degrees 11 minutes 20 seconds, for an arc distance of 261.23 feet to a point for corner at the end of said curve;

THENCE North 45 degrees 39 minutes 44 seconds West, non-tangent to the previous curve and along said southwest line of DART for a distance of 204.07 feet to a point for corner, being the north corner of Lot 1, Block 5721, Architectural Carpentry Materials, an addition to the City of Dallas as recorded in Volume 81225, Page 2866, D.R.D.C.T., and being the east corner of the southeastern terminus of Owen Street (a 50.00 foot wide right-of-way);

THENCE South 45 degrees 07 minutes 08 seconds West, departing said southwest line of DART and along said terminus and the northwest line of a tract of land described to Ben Calvary by deed recorded in Volume 80133, Page 1131, D.R.D.C.T., for a distance of 86.38 feet to a PK nail found (controlling monument) for the south corner of said terminus, and being the beginning of a non-tangent circular curve to the right, having a radius of 50.00 feet and whose chord bears North 39 degrees 13 minutes 20 seconds West, a chord length of 76.79 feet, and being on the common northeast line of a tract of land described to 6115 Denton, LLC, by deed recorded in County Clerk's Instrument Number 201100339105, O.P.R.D.C.T.;

THENCE in a Northwesterly and Northeasterly direction, along said common line and the curving southwest right-of-way line of said Owen Street, and with said curve through a central angle of 100 degrees 20 minutes 05 seconds for an arc distance of 87.56 feet to a point at the end of said curve, and being the beginning of a non-tangent circular curve to the left having a radius of 50.00 feet and whose chord bears North 17 degrees 39 minutes 00 seconds West, a chord length of 47.86 feet;

THENCE in a Northeasterly and Northwesterly direction, continuing along said common line and the curving southwest right-of-way line of said Owen Street, and with said curve through a central angle of 57 degrees 11 minutes 17 seconds, for an arc distance of 49.91 feet to a point at the end of said curve;

THENCE North 45 degrees 18 minutes 41 seconds West, continuing along said right-of-way line for a distance of 165.61 feet to a point for corner, and being on the northwest line of Block 5721 and the southeast line of Lot 17, Block 1/2448, Maple View Addition, an addition to the City of Dallas as recorded in Volume 3, Page 311, M.R.D.C.T.;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

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City of Dallas, Dallas County, Texas
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THENCE North 44 degrees 04 minutes 29 seconds East, continuing along said right-of-way line for a distance of 3.48 feet to a point for corner, being the east corner of a tract of land described to Carolyn McClain by deed recorded in Volume 81082, Page 2727, D.R.D.C.T.;

THENCE North 45 degrees 37 minutes 53 seconds West, continuing along said right-of-way line for a distance of 122.98 feet to a point for corner at the intersection of said southwest right-of-way line with the southeast right-of-way line of Bomar Avenue (a 50.00 foot wide right-of-way);

THENCE South 44 degrees 04 minutes 29 seconds West, along said southeast right-of-way line of Bomar Avenue for a distance of 465.37 feet to a point for corner;

THENCE North 46 degrees 23 minutes 31 seconds West, departing said southeast right-of-way line, over and across Bomar Avenue, passing at 50.00 feet a point on the northwest right-of-way line of Bomar Avenue, said point being on the southwest line of a tract of land described in deed to Kilpatrick Equipment Co. recorded in Volume 68008, Page 910, D.R.D.C.T., and the northeast line of a tract of land described in deed to BARRY A. & TERRI J. MARTIN recorded in Instrument number 20070186640, O.P.R.D.C.T., and continuing along said common line for a total distance of 173.48 feet to a point for corner, and being on the northwest line of Block 2/2449 and the common southeast line of Block 1/2450, Second Installment of Maple View Addition, an addition to the City of Dallas as recorded in Volume 4, Page 81, M.R.D.C.T.;

THENCE North 44 degrees 04 minutes 29 seconds East, along said Block line, a distance of 59.99 feet a westerly corner of Lot 11A, Block 1/2449, Quigley Addition, an addition to the City of Dallas recorded in Volume 98024, Page 5, D.R.D.C.T.

THENCE South 46 degrees 25 minutes 31 seconds East, along the common line of said Kilpatrick Equipment Co. tract and said Lot 11A, a distance of 123.48 feet to the northwest right-of-way line of Bomar Avenue and the east corner of said Kilpatrick Equipment Co. tract;

THENCE North 44 degrees 04 minutes 29 seconds East, along the southeast line of said Lot 11A and said northwest right-of-way line, a distance of 179.95 feet, to the east corner of a tract of land described in deed to Habitats by B&D recorded in Volume 97163, Page 2150, D.R.D.C.T., same being the south corner of a tract of land described in deed to 6211 Owens LLC recorded in County Clerk's Instrument Number 201500143162, O.P.R.D.C.T.;

THENCE North 46 degrees 26 minutes 25 seconds West, departing said northwest right-of-way line and along the common line of said Habitats by B&D tract and said 6211 Owens LLC tract, a distance of 123.50 feet, to the southwest line of a tract of land described to Afghanipour Samad, by deed recorded in Volume 95003, Page 2153, D.R.D.C.T., same being on the northwest line of Block 2/2449 and the common southeast line of Block 1/2450, Second Installment of Maple View Addition, an addition to the City of Dallas as recorded in Volume 4, Page 81, M.R.D.C.T.;

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THENCE South 44 degrees 04 minutes 29 seconds West, along said Block line, passing at a distance of 6.50 feet the south corner of said Afghanipour Samad tract, same being the east corner of a tract of land described in deed to CZYEA Properties, LLC recorded in Instrument Number 201300225810, O.P.R.D.C.T., continuing along the common line of said Habitats by B&D tract and CZYEA Properties, LLC tract, passing at a distance of 53.49 feet, the west corner of said Habitats by B&D tract, same being an easterly corner of said Lot 11A, for a total distance of a distance of 66.00 feet, to the south corner of CZYEA Properties, LLC tract, same being the common line of said CZYEA Properties, LLC and said Lot 11A;

THENCE North 46 degrees 25 minutes 31 seconds West, departing said Block line and along said common line passing at 122.81 feet the southeast right-of-way line of Manor Way (a 50.00 foot wide right-of-way), and continuing over and across Manor Way in all, a total distance of 172.81 feet to a point for corner, and being on the northwest right-of-way line of Manor Way;

THENCE North 44 degrees 06 minutes 51 seconds East, along said northwest right-of-way line for a distance of 59.54 feet to a point for corner;

THENCE South 46 degrees 25 minutes 31 seconds East, departing said northwest right-of-way line over and across Manor Way, at 50.00 feet passing a point on the southeast right-of-way line of Manor Way, and being on the northeast line of said CZYEA Properties, LLC tract, and the common southwest line of said Afghanipour Samad tract, and continuing along said common line in all, a total distance of 172.64 feet to a point for corner, being in the southeast line of said Block 1/2450;

THENCE North 44 degrees 04 minutes 29 seconds East, along said Block line for a distance of 118.99 feet to a point for corner, and being on the northeast line of a tract of land described to 2710 Manor Way LLC, by deed recorded in County Clerk's Instrument Number 201300264056, O.P.R.D.C.T., and the southwest line of a tract of land described to Leonard Sloan & Associates, Inc., by deed recorded in Volume 96096, Page 877, D.R.D.C.T.;

THENCE North 46 degrees 25 minutes 31 seconds West, departing said Block line and along said common line, passing at 122.57 feet the southeast right-of-way line of Manor Way, continuing over and across Manor Way, passing at 50.00 feet a point on the northwest right-of-way line of Manor Way, said point being on the northeast line of a tract of land described to Robert L. Davis by deed recorded in Volume 81002, Page 65, D.R.D.C.T., and the common southwest line of a tract of land described to The Humane Society of Dallas County by deed recorded in County Clerk's Instrument Number 201300134527, O.P.R.D.C.T., and continuing along said common line in all, a total distance of 295.14 feet to a point for corner, and being on the northwest line of said Humane Society of Dallas County tract and the common southeast line of Lot 12-A, Block 2/2451, Manor Place, an addition to the City of Dallas as recorded in Volume 84219, Page 4607, D.R.D.C.T.;

THENCE North 44 degrees 08 minutes 55 seconds East, along said common line, passing at 119.34 feet the west corner of the northwest terminus of Owen Street, and continuing at 50.00 feet passing the north corner of said terminus, and continuing in all, a total distance of 209.33 feet to a point for corner on the northeast line of a tract of land described to DART by deed recorded in Volume 90177, Page 4219, D.R.D.C.T., same being the common southwest right-of-way line of said Denton Drive;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

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THENCE North 45 degrees 37 minutes 53 seconds West, along said common line for a distance of 491.40 feet to a point for corner, and being at the intersection of the northeast prolongation of the southeast line of Block 4723, R.G. & H.J Harris Subdivision No. 2, an addition to the City of Dallas as recorded in Volume 6, Page 299, M.R.D.C.T.;

THENCE South 44 degrees 32 minutes 11 seconds West, along said prolongation passing at 40.00 feet the east corner of the southeast terminus of Denton Drive (a 50.00 foot wide right-of-way), and continuing along said terminus in all, a total distance of 89.99 feet to a point for the south corner of said terminus;

THENCE North 45 degrees 37 minutes 53 seconds West, along the southwest right-of-way line of Denton Drive, passing at 76.49 feet a point at the intersection of said southwest right-of-way line with the southeast right-of-way line of Egan Avenue (a 50.00 foot wide right-of-way), and continuing over and across Egan Avenue, passing at 50.00 feet a point at the intersection of said southwest right-of-way line with the northwest right-of-way line of Egan Avenue, and continuing along said southwest right-of-way line in all, a total distance of 207.66 feet to a point for the west corner of the northwest terminus of said Denton Drive, and being in the northwest line of Block 4723 and the common southeast line of Block 4493;

THENCE South 43 degrees 53 minutes 03 seconds West, along said common line for a distance of 9.99 feet to a point for corner, and being on the northeast line of a tract of land described to Mockingbird 2720, LLC., by deed recorded in County Clerk's Instrument Number 201400205613, O.P.R.D.C.T., and being on the common southwest line of a tract of land described to the City of Dallas, by deed recorded in County Clerk's Instrument Number 201200063267, O.P.R.D.C.T.;

THENCE North 45 degrees 37 minutes 44 seconds West, departing said Block line and along said common line for a distance of 126.78 feet to a point for corner, and being on the southwest right-of-way line of said Fielder Court;

THENCE South 44 degrees 37 minutes 50 seconds West, along said southwest right-of-way line for a distance of 37.16 feet to a point for corner;

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MSD SURVEY

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THENCE North 45 degrees 22 minutes 03 seconds West, departing said southwest right-of-way line over and across Fielder Court, passing at 44.00 feet a point on the northwest right-of-way line of Fielder Court, same being on the northeast line of a tract of land described to Mockingbird 2720, LLC., by deed recorded in County Clerk's Instrument Number 201400205613, O.P.R.D.C.T., same being on the common southwest line of a tract of land described to Hugo V. Valdes Revocable Living Trust, by deed recorded in County Clerk's Instrument Number 201000237607, O.P.R.D.C.T., and continuing along said common line in all, a total distance of 172.05 feet to a point for corner, being on the southeast right-of-way line of said Mockingbird Lane;

THENCE South 45 degrees 18 minutes 50 seconds West, along said southeast right-of-way line for a distance of 100.00 feet to a point for corner, and being on the southwest line of a tract of land described to TA & A Inc., by deed recorded in County Clerk's Instrument Number 201500266035, O.P.R.D.C.T., and being on the common northeast line of a tract of land described to Maplebird, LP., by deed recorded in County Clerk's Instrument Number 201500265913, O.P.R.D.C.T.;

THENCE South 45 degrees 18 minutes 20 seconds East, departing said southeast right-of-way line and along said common line for a distance of 129.25 feet to a point for corner on the northwest right-of-way line of said Fielder Court;

THENCE North 44 degrees 37 minutes 50 seconds East, along said northwest right-of-way line for a distance of 24.27 feet to a point for corner;

THENCE South 45 degrees 47 minutes 06 seconds East, departing said northwest right-of-way line over and across Fielder Court, passing at 44.00 feet a point on the southeast right-of-way line of Fielder Court, and being on the northeast line of a tract of land described to Garza Ventures, by deed recorded in Volume 91130, Page 2353, D.R.D.C.T., and being on the common southwest line of a tract of land described to Angel Sergio Garza & Rosalinda Garza, by deed recorded in Volume 2000025, Page 2263, D.R.D.C.T., and continuing along said common line in all, a total distance of 171.83 feet to a point for corner, and being in the southeast line of Block 4493 and the northwest line of Block 4723;

THENCE South 43 degrees 48 minutes 12 seconds West, along said Block line for a distance of 300.96 feet to a point for corner, and being on the northeast line of a tract of land described to R. Jackson Keller Trust, by deed recorded in Volume 2005127, Page 7597, D.R.D.C.T., and being on the common southwest line of a tract of land described to Ray Hallford, by deed recorded in Volume 2005161, Page 7182, D.R.D.C.T.;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 45 degrees 22 minutes 03 seconds West, departing said Block line and along said common line for a distance of 132.17 feet to a point for corner, being in the southeast right-of-way line of said Fielder Court;

THENCE South 44 degrees 37 minutes 53 seconds West, along said southeast right-of-way line for a distance of 99.62 feet to a point for corner;

THENCE North 45 degrees 18 minutes 20 seconds West, departing said southeast right-of-way line over and across Fielder Court, passing at 44.00 feet a point on the northwest right-of-way line of Fielder Court, and being on the northeast line of a tract of land described to Trevino Properties, Ltd., by deed recorded in Volume 94225, Page 3005, D.R.D.C.T., and being on the common southwest line of a tract of land described to Ray Hallford, by deed recorded in Volume 2005161, Page 7182, D.R.D.C.T., and continuing along said common line in all, a total distance of 177.71 feet to a point for corner, said point being on the southeast right-of-way line of said Mockingbird Lane;

THENCE South 45 degrees 18 minutes 50 seconds West, along said southeast right-of-way line for a distance of 173.04 feet to a point for corner;

THENCE North 44 degrees 38 minutes 28 seconds West, departing said southeast right-of-way line over and across Mockingbird Lane, passing at 100.00 feet a point on the northwest right-of-way line of Mockingbird Lane, and being on the northeast line of a tract of land described to LG Maple Mockingbird, LLC, by deed recorded in County Clerk's Instrument Number 201600144479, O.P.R.D.C.T., and being on the common southwest line of a tract of land described to SPC Mockingbird Depot LLC, by deed recorded in County Clerk's Instrument Number 201300244020, O.P.R.D.C.T., and a tract of land described to Rearden Investment Partners VI, Inc., by deed recorded in County Clerk's Instrument Number 201300244019, O.P.R.D.C.T., and continuing along said common line in all, a total distance of 391.54 feet to a point for corner, said point being on the southeast line of a tract of land described to Southwest Airlines Co., by deed recorded in County Clerk's Instrument Number 201500272695, O.P.R.D.C.T.;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

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THENCE South 45 degrees 24 minutes 16 seconds West, along the southeast line of said Southwest Airlines Co. tract and the northwest line of said LG Maple Mockingbird, LLC tract, a distance of 182.03 feet to the north corner of Lot 2, Block 2570, Encino Commercial Addition, an addition to the City of Dallas, recorded in Volume 93157, Page 5375, D.R.D.C.T., and being on the northeast line of a tract of land described to Margaret T. Moore, Trustee of the Margaret T. Moore Revocable Trust by deed recorded in County Clerk's Instrument Number 201700298174, O.P.R.D.C.T.;

THENCE South 44 degrees 38 minutes 28 seconds East, along the common northeast line of said Lot 2 and said Moore Revocable Trust tract, and the southwest line of said LG Maple Mockingbird, LLC tract, passing at a distance of 291.69 feet the east corner of Lot 2 and the northwest right-of-way line of Mockingbird Lane, continuing over and across Mockingbird Lane in all, a total distance of 391.83 feet to a point for corner in the northwest line of a tract of land described to Melnic, Ltd., by deed recorded in County Clerk's Instrument Number 201300236774, O.P.R.D.C.T., said point being on the southeast right-of-way line of Mockingbird Lane;

THENCE North 45 degrees 18 minutes 50 seconds East, along the southeast right-of-way line of Mockingbird Lane and the said northwest line of said Melnic, Ltd. tract, a distance of 105.07 feet to a 1-inch found iron pipe (controlling monument) for corner, and being in the southwest line of a tract of land described to Trevino Properties, Ltd., by deed recorded in Volume 94230, Page 5365, D.R.D.C.T.;

THENCE South 45 degrees 18 minutes 20 seconds East, departing said southwest right-of-way line and along said common line, passing at 136.70 feet a point on the northwest right-of-way line of said Fielder Court, and continuing over and across Fielder Court in all, a total distance of 180.69 feet to a point for corner in the southeast right-of-way line of said Fielder Court;

THENCE South 44 degrees 37 minutes 50 seconds West, along said southeast right-of-way line, passing at 249.20 feet a point at the intersection of said southeast right-of-way line with the northeast right-of-way line of said Maple Avenue, continuing along the southwest prolongation of said southeast right-of-way line over and across said Maple Avenue in all, a total distance of 309.20 feet to a point for corner at the intersection of said prolongation with the southwest right-of-way line of said Maple Avenue;

THENCE North 46 degrees 20 minutes 39 seconds West, along said southwest right-of-way line for a distance of 189.14 feet a point for corner at the intersection of said southwest right-of-way line with the southeast right-of-way line of said Mockingbird Lane;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

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THENCE South 46 degrees 10 minutes 36 seconds West, along said southeast right-of-way line, for a distance of 15.99 feet to a point for corner;

THENCE North 43 degrees 49 minutes 24 seconds West, over and across said Mockingbird Lane, for a distance of 100.00 feet to a point for the south end of a right-of-way corner clip at the intersection of said southwest right-of-way line of Maple Avenue and the northwest right-of-way line of said Mockingbird Lane;

THENCE North 00 degrees 01 minutes 56 seconds West, along said right-of-way corner clip, for a distance of 20.76 feet to a point for corner at the north end of said right-of-way corner clip, lying in said southwest right-of-way line of Maple Avenue and being the southeast corner of West Love Addition, Phase 2, an addition to the City of Dallas as recorded in County Clerk's Instrument Number 201600349652, O.P.R.D.C.T.;

THENCE North 46 degrees 14 minutes 28 seconds West, along said southwest right-of-way line and the common northeast line of a tract of land described to Greenway-Mockingbird, LP., as recorded in County Clerk's Instrument Number 200600441187, O.P.R.D.C.T., and continuing along said common line, passing at 185.39 feet the northeast corner of Lot 3, Block E/2367 of said addition, and continuing along said southwest right-of-way line in all, a total distance of 211.70 feet to a point for corner on the northwest line of Common Area B of said addition, said point being on the common southeast line of a tract of land described to 6627 Maple Avenue, LLC., by deed as recorded in County Clerk's Instrument Number 201500207647, O.P.R.D.C.T.;

THENCE South 44 degrees 59 minutes 36 seconds West, departing said southwest right-of-way line and along said common line for a distance of 312.11 feet to a point for corner, and being the southerly east corner of Lot 5, Block E/2367, of said addition, same being on the southwest line of said 6627 Maple Avenue, LLC., tract, and the common northeast line of a tract of land described to Mockingbird Venture Partners, LLC., by deed recorded in County Clerk's Instrument Number 200900077070, O.P.R.D.C.T.;

THENCE North 45 degrees 00 minutes 24 seconds West, along said common line for a distance of 202.80 feet to a point for corner;

THENCE North 44 degrees 59 minutes 36 seconds East, continuing along said common line for a distance of 307.74 feet to a point for corner, being the northerly east corner of said Lot 5 and being on the southwest right-of-way line of said Maple Avenue;

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THENCE North 46 degrees 14 minutes 28 seconds West, along said southwest right-of-way line and the common northeast line of said Mockingbird Venture Partners, LLC., tract, passing at 120.57 feet the north corner of said Lot 5, and the southeast line of Common Area A by said addition, and continuing along said southwest right-of-way line in all, a total distance of 147.44 feet to a point for corner on the northwest line of Common Area A by said addition, and being on the common southeast line of a tract of land described to Dallas Power & Light Company (DP&L) by deed recorded in Volume 85080, Page 4483, D.R.D.C.T.;

THENCE South 45 degrees 12 minutes 11 seconds West, departing said southwest right-of-way line and along said common line for a distance of 305.02 feet to a point for the south corner of said DP&L tract, and being in the common northeast line of Common Area C by said addition;

THENCE North 42 degrees 17 minutes 20 seconds West, along said common line for a distance of 149.66 feet to a point for the west corner of said DP&L tract;

THENCE North 45 degrees 29 minutes 07 seconds East, continuing along said common line for a distance of 300.00 feet to a point for corner, being on the southwest right-of-way line of said Maple Avenue;

THENCE North 42 degrees 17 minutes 17 seconds West, along said southwest right-of-way line and continuing along said common line for a distance of 267.91 feet to a point for corner, being the east corner of Lot 1, Block C/2367, of said Perry Marker Addition;

THENCE South 38 degrees 54 minutes 30 seconds West, departing said southwest right-of-way line and along a common southeast line of certain tracts of land described to Maple Empire, LLC., by deeds recorded in County Clerk's Instrument Numbers 201300086194, and 201600071629, O.P.R.D.C.T., for a distance of 189.21 feet to a point for corner;

THENCE South 31 degrees 05 minutes 10 seconds East, continuing along said common line for a distance of 28.59 feet to a point for corner;

THENCE South 06 degrees 13 minutes 53 seconds West, continuing along said common line for a distance of 25.60 feet to a point for corner;

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THENCE South 45 degrees 16 minutes 45 seconds West, continuing along said common line for a distance of 262.04 feet to a point for the south corner of said Maple Empire, LLC., tract, and being on a common northeast line of said Mockingbird Venture Partners, LLC., tract;

THENCE North 44 degrees 38 minutes 48 seconds West, along said common line for a distance of 288.49 feet to a point for corner, and being on the common southeast line of a tract of land described to the City of Dallas by deed recorded in Volume 81201, Page 1192, D.R.D.C.T.;

THENCE South 43 degrees 37 minutes 19 seconds West, along said common line for a distance of 110.04 feet to a point for the south corner of said City of Dallas tract, and being on a common northeast line of said Mockingbird Venture Partners, LLC., tract;

THENCE North 44 degrees 50 minutes 33 seconds West, along said common line passing at 103.03 feet the east corner of the southeastern terminus of Mohawk Drive (a 50.00 foot wide right-of-way), and continuing along the southwest line of said City of Dallas tract and the northeast right-of-way line of Mohawk Drive in all, a total distance of 178.04 feet to a point for corner, being the west corner of Lot 4, Block A/2367, Hartsill Addition, an addition to the City of Dallas as recorded in Volume 10, Page 269, M.R.D.C.T.;

THENCE North 44 degrees 14 minutes 27 seconds East, departing said northeast right-of-way line and along the northwest line of said City of Dallas tract and the common southeast line of a tract of land described to Joseph W. Jacob, by deed recorded in Volume XX, Page YY, D.R.D.C.T., for a distance of 100.01 feet to a point for the east corner of Lot 3 of said addition;

THENCE North 44 degrees 50 minutes 33 seconds West, along the northeast line of Lot 3 and Lot 2 of said addition for a distance of 150.02 feet to a point for the north corner of said Lot 2, and being on the southeast line of a tract of land described to Maple Empire, LLC., by deed recorded in County Clerk's Instrument Number 201600071629, O.P.R.D.C.T., and the common northwest line of a tract of land described to Joseph J Wattacheril, by deed recorded in Volume XX, Page YY, D.R.D.C.T.;

THENCE South 44 degrees 14 minutes 27 seconds West, along said common line for a distance of 100.01 feet to a point for the west corner of said Lot 2, and being on the northeast right-of-way line of said Mohawk Drive and the common southwest line of said Maple Empire, LLC., tract;

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THENCE North 44 degrees 50 minutes 33 seconds West, along said northeast right-of-way line for a distance of 100.01 feet to a 1-inch found iron pipe (controlling monument) for the west corner of Lot 1 of said addition, said point being at the intersection of said northeast right-of-way line with the southeast right-of-way line of said Empire Central Drive;

THENCE South 44 degrees 14 minutes 27 seconds West, departing said northeast right-of-way line over and across said Mohawk Drive, passing at 50.00 feet a point on the southwest right-of-way line of Mohawk Drive, and continuing along said southeast right-of-way line of Empire Central Drive in all, a total distance of 327.33 feet to a point for corner, and being on a southwest line of said Mockingbird Venture Partners, LLC., tract and the common northeast line of a tract of land described to BFH, Ltd., by deeds recorded in County Clerk's Instrument Number 20080003338, O.P.R.D.C.T., and Volume 97029, Page 3795, D.R.D.C.T.;

THENCE South 45 degrees 27 minutes 20 seconds East, along an offset in said southeast right-of-way line passing at 8.52 feet a point on the southeast right-of-way line of Empire Central Drive, said point being the north corner of Lot 1, Block D/2367, Jackson Pottery Wholesale, an addition to the City of Dallas as recorded in County Clerk's Instrument Number 200900124249, O.P.R.D.C.T., and departing said southeast right-of-way line and continuing along said common line in all, a total distance of 393.24 feet to a point for the east corner of said Lot 1;

THENCE South 44 degrees 40 minutes 53 seconds West, along a southeast line of said BFH, Ltd. tract and the common northwest line of said Mockingbird Venture Partners, LLC., tract for a distance of 304.29 feet to a point for corner;

THENCE South 44 degrees 03 minutes 31 seconds West, continuing along a southeast line of said BFH, Ltd. tract and a common northwest line of said Mockingbird Venture Partners, LLC., tract passing at 403.01 feet the south corner of said Lot 1, Jackson Wholesale Pottery addition, and being a point on the northeast right-of-way line of Tex-Oak Street (a variable width right-of-way), and continuing along an offset in said right-of-way line in all, a total distance of 411.12 feet to a 1/2-inch found iron rod (controlling monument) with yellow cap stamped "PATE SURVEYORS" for corner on said northeast right-of-way line, and being on the common southwest line of said Mockingbird Venture Partners, LLC., tract;

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THENCE South 31 degrees 24 minutes 06 seconds East, along said common line and along said northeast right-of-way line for a distance of 102.71 feet to a point for corner;

THENCE South 38 degrees 08 minutes 05 seconds East, continuing along said common line and along said northeast right-of-way line for a distance of 54.77 feet to a point for corner;

THENCE North 46 degrees 57 minutes 11 seconds East, continuing along said common line and along an offset in said northeast right-of-way line for a distance of 12.23 feet to a point for corner;

THENCE South 37 degrees 37 minutes 55 seconds East, continuing along said common line for a distance of 53.43 feet to a point for corner, said point being at the intersection of said northeast right-of-way line with the northeast prolongation of the southeast right-of-way line of Langston Court (a 40.00 foot wide right-of-way) as shown on the plat of North Dallas Hills, an addition to the City of Dallas, as recorded in Volume 8, Page 417, M.R.D.C.T.;

THENCE South 50 degrees 37 minutes 58 seconds West, departing said northeast right-of-way line over and across Tex-Oak Street, passing at 51.56 feet a point on the southwest right-of-way line of Tex-Oak Street, and continuing along the southeast right-of-way line of Langston Court in all, a total distance of 159.84 feet to a point for corner;

THENCE North 38 degrees 17 minutes 31 seconds West, departing said southeast right-of-way line over and across Langston Court, passing at 40.00 feet a 3/8-inch found iron rod on the northwest right-of-way line of Langston Court and on the southwest line of a tract of land described to Gay D. Ford, by deed recorded in Volume 91228, Page 5913, D.R.D.C.T., and continuing along said southwest line in all, a total distance of 120.44 feet to a point for corner, and being in a southwest line of a tract of land described to Double E Properties, by deed recorded in Volume 86075, Page 2417, D.R.D.C.T.;

THENCE North 37 degrees 26 minutes 20 seconds West, along said southwest line for a distance of 63.00 feet to a point for corner;

THENCE North 82 degrees 12 minutes 49 seconds West, continuing along said southwest line for a distance of 34.60 feet to a point for corner and being the west reentrant corner of said Dallas North Hills addition;

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THENCE South 46 degrees 24 minutes 49 seconds West, along the northwest line of said addition and the southeast line of a tract of land described Robert E Bar, by deed recorded in Volume 93190, Page 706, D.R.D.C.T., for a distance of 128.20 feet to a point for corner and the north corner of Lot 15, Block B/5760, same being on the northeast line of a tract of land described to DERUTA LLC., by deed recorded in County Clerk's Instrument Number 201600135836, O.P.R.D.C.T.;

THENCE South 38 degrees 33 minutes 57 seconds East, along said northeast line same being the northeast line of Lot 15, Block B/5760, passing at 159.40 feet a point on the northwest right-of-way line of Langston Court, and continuing over and across Langston Court in all, a total distance of 199.34 feet to a point for corner on the southeast right-of-way line of Langston Court;

THENCE South 50 degrees 37 minutes 49 seconds West, along said southeast right-of-way line for a distance of 50.05 feet to a point for corner;

THENCE North 38 degrees 29 minutes 47 seconds West, departing said southeast right-of-way line over and across Langston Court for a distance of 40.07 feet to a point for the east corner of Lot 14, Block B/5760 on the northwest right-of-way line of Langston Court;

THENCE South 50 degrees 46 minutes 30 seconds West, along said northwest right-of-way line for a distance of 50.00 feet to the east corner of Lot 13, Block B/5760, and being on the northeast line of a tract of land described to DLF Hines LLC., by deed recorded in County Clerk's Instrument Number 201600175322, O.P.R.D.C.T.;

THENCE North 38 degrees 25 minutes 25 seconds West, departing said northwest right-of-way line and along said northeast line for a distance of 151.80 feet to a point for the north corner of Lot 13, Block B/5760, and being in the southeast line of a tract of land described to Girls Incorporated of Metropolitan Dallas by deed recorded in Volume 95235, Page 530, D.R.D.C.T.;

THENCE South 46 degrees 24 minutes 49 seconds West, along the northwest line of said North Dallas Hills addition and said southeast line for a distance of 168.00 feet to a point for corner, being on the northeast line of said DLF Hines LLC tract and the common southwest line of said Girls Incorporated of Metropolitan Dallas tract;

THENCE North 45 degrees 58 minutes 28 seconds West, along said common line for a distance of 177.12 feet to a point for corner, and being in the southeast line of a tract of land described to CIK LP., by deed recorded in County Clerk's Instrument Number 200600188682, O.P.R.D.C.T.;

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THENCE North 47 degrees 08 minutes 10 seconds East, along said southeast line for a distance of 22.94 feet to a point for the east corner of said CIK LP., tract and the westerly reentrant corner of said Girls Incorporated of Metropolitan Dallas tract;

THENCE North 45 degrees 57 minutes 33 seconds West, along the northeast line of said CIK LP., tract for a distance of 200.80 feet to a point for corner in the southeast right-of-way line of Empire Central Drive;

THENCE South 46 degrees 04 minutes 33 seconds West, along said southeast right-of-way line for a distance of 23.24 feet to a point for corner;

THENCE South 46 degrees 04 minutes 27 seconds East, along an offset in said southeast right-of-way line for a distance of 1.17 feet to a point for corner;

THENCE South 46 degrees 57 minutes 30 seconds West, along said southeast right-of-way line for a distance of 124.35 feet to a point for corner;

THENCE South 45 degrees 59 minutes 52 seconds East, along an offset in said southeast right-of-way line for a distance of 9.09 feet to a point for corner;

THENCE South 46 degrees 57 minutes 30 seconds West, along said southeast right-of-way line for a distance of 318.42 feet to a point for corner at the north end of a corner clip at the intersection of said southeast right-of-way line with the northeast right-of-way of Harry Hines Boulevard;

THENCE South 19 degrees 14 minutes 09 seconds West, along said corner clip for a distance of 30.28 feet to a point for corner, and being the west corner of Lot 2, Block C/5760, Willingham Addition, an addition to the City of Dallas as recorded in Volume 84016, Page 4142, M.R.D.C.T.;

THENCE South 47 degrees 55 minutes 34 seconds East, along the northeast right-of-way line of Harry Hines Boulevard for a distance of 1,009.88 feet to a point for corner at the intersection of said northeast right-of-way line with the northwest right-of-way line of Hawes Avenue (a 50.00 foot wide right-of-way);

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

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MSD SURVEY

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THENCE North 45 degrees 38 minutes 09 seconds East, departing said northeast right-of-way line and along said northwest right-of-way line, passing at 860.78 feet a point at the intersection of said northwest right-of-way line with the southwest right-of-way line of Tex-Oak Avenue, and continuing over and across Tex-Oak Avenue passing at 150.00 feet the northeast right-of-way line of Tex-Oak Avenue, and continuing along said northwest right-of-way line in all, a total distance of 1,384.06 feet to a point for corner at the intersection of said line with the northeast right-of-way line of Forest Park Road (a variable width right-of-way);

THENCE South 45 degrees 59 minutes 28 seconds East, along said northeast right-of-way line for a distance of 575.28 feet to a point for corner at the west end of a corner clip at the intersection of said northeast right-of-way line with the northwest right-of-way line of Mockingbird Lane, as shown by Swif-T Addition, an addition to the City of Dallas as recorded in Volume 85074, Page 4686, D.R.D.C.T.;

THENCE North 89 degrees 58 minutes 23 seconds East, along said corner clip for a distance of 14.47 feet to a point for corner;

THENCE North 46 degrees 10 minutes 36 seconds East, along said northwest right-of-way line for a distance of 155.66 feet to a point for corner;

THENCE South 46 degrees 05 minutes 49 seconds East, departing said northwest right-of-way line over and across said Mockingbird Lane, passing at 100.08 feet a point on the southeast right-of-way line of Mockingbird Lane, and continuing along the northeast line of a tract of land described to Bright Sea Investments, LLC., by Special Warranty Deed recorded in County Clerk's Instrument Number 201800086069, O.P.R.D.C.T., in all, a total distance of 430.51 feet to a point for corner, and being on the southeast line of a tract of land described to Thomas W. Taylor by deed recorded in Volume 2005012, Page 7856, D.R.D.C.T. ;

THENCE South 46 degrees 32 minutes 59 seconds West, along said southeast line passing at 153.40 feet a point on the northeast right-of-way line of Forest Park Road, and continuing along an offset in said northeast right-of-way line passing at 5.10 feet said northeast right-of-way line, and continuing over and across Forest Park Road in all, a total distance of 223.57 feet to a point for corner on the southwest right-of-way line of Forest Park Road;

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THENCE North 46 degrees 04 minutes 49 seconds West, along said southwest right-of-way line for a distance of 320.65 feet to a point for corner at the intersection of said southwest right-of-way line with the southeast right-of-way line of Mockingbird Lane;

THENCE South 44 degrees 09 minutes 40 seconds West, along said southeast right-of-way line for a distance of 678.02 feet to a point for corner, and being on the northeast line of a tract of land described to YEGO 6500 HH, by deed recorded in County Clerk's Instrument Number 201800256577, O.P.R.D.C.T.;

THENCE South 47 degrees 19 minutes 50 seconds East, departing said southeast right-of-way line and along the northeast line of said YEGO 6500 HH tract, passing at 365.95 feet a point on the northwest right-of-way line of Treadway Street (a 70.00 foot wide right-of-way), and continuing over and across Treadway Street in all, a total distance of 435.97 feet to a point for corner on the southeast right-of-way line of Treadway Street;

THENCE South 44 degrees 06 minutes 40 seconds West, along said southeast right-of-way line, passing at 631.86 feet a point on the northeast right-of-way line of Harry Hines Boulevard, continuing over and across Harry Hines Boulevard in all, a total distance of 821.83 feet to a point for corner on the southwest right-of-way line of Harry Hines Boulevard;

THENCE North 48 degrees 01 minutes 35 seconds West, along said southwest right-of-way line for a distance of 22.83 feet to a point for corner and the beginning of a non-tangent circular curve to the left having a radius of 15.05 feet and whose chord bears South 87 degrees 15 minutes 48 seconds West, a chord length of 21.25 feet;

THENCE in a Northwesterly and Southwesterly direction, departing said southwest right-of-way line and along said curve through a central angle of 89 degrees 49 minutes 03 seconds, for an arc distance of 23.59 feet to the end of said curve, and being on the southeast right-of-way line of Plantation Drive (a 60.00 foot wide right-of-way);

THENCE South 42 degrees 09 minutes 56 seconds West, along said southeast right-of-way line for a distance of 176.99 feet to a point for corner, said point being the beginning of a circular curve to the right have a radius of 220.61 feet and whose chord bears South 66 degrees 01 minute 30 seconds West, a chord length of 178.46 feet;

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THENCE in a Southwesterly direction, continuing along said southeast right-of-way line and with said curve through a central angle of 47 degrees 42 minutes 57 seconds, for an arc distance of 183.72 feet to a point at the end of said curve;

THENCE South 89 degrees 52 minutes 56 seconds West, continuing along the south right-of-way line of said Plantation Drive for a distance of 1,447.84 feet to a point for corner at the intersection of said south right-of-way line with the west right-of-way line of Hawes Street (a 56.00 foot wide right-of-way);

THENCE North 00 degrees 36 minutes 04 seconds West, departing said south right-of-way line over and across said Plantation Drive, passing at 60.00 feet a point on the north right-of-way line of Plantation Drive and continuing along said west right-of-way line, passing at 202.86 feet a point on the south right-of-way line of Mockingbird Lane, and continuing over and across Mockingbird Lane in all, a total distance of 375.73 feet to a point for corner on the north right-of-way line of Mockingbird Lane;

THENCE South 89 degrees 50 minutes 28 seconds East, along said north right-of-way line for a distance of 54.01 feet to a point for the beginning of a non-tangent circular curve to the left having a radius of 856.32 feet and whose chord bears North 87 degrees 14 minutes 20 seconds East, and a chord length of 87.19 feet;

THENCE in a Northeasterly direction, continuing along said north right-of-way line and along said curve through a central angle of 05 degrees 50 minutes 11 seconds, for an arc distance of 87.23 feet to the point of tangency;

THENCE North 84 degrees 19 minutes 14 seconds East, continuing along said north right-of-way line tangent to the previous curve, for a distance of 28.09 feet to a point for corner;

THENCE South 03 degrees 09 minutes 47 seconds East, along an offset in said north right-of-way line for a distance of 5.95 feet to a point for corner;

THENCE North 83 degrees 56 minutes 46 seconds East, continuing along said north right-of-way line for a distance of 7.77 feet to a point for the beginning of a non-tangent circular curve to the right having a radius of 2,333.33 feet and whose chord bears North 87 degrees 03 minutes 40 seconds East, a chord length of 253.62 feet;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE in an Easterly direction, continuing along said north right-of-way line and along said curve through a central angle of 06 degrees 13 minutes 51 seconds, for an arc distance of 253.75 feet to a point at the end of said curve;

THENCE North 89 degrees 46 minutes 56 seconds East, continuing along said north right-of-way line and non-tangent to the previous curve for a distance of 532.46 feet to a point for corner;

THENCE North 42 degrees 12 minutes 56 seconds East, departing said north right-of-way line and along the southwest right-of-way line of Harry Hines Boulevard for a distance of 119.07 feet to a point for corner;

THENCE North 08 degrees 10 minutes 01 second West, continuing along said southwest right-of-way line for a distance of 174.51 feet to a point for corner;

THENCE North 32 degrees 35 minutes 56 seconds East, continuing along said southwest right-of-way line for a distance of 172.36 feet to a point for corner;

THENCE North 42 degrees 40 minutes 12 seconds East, over and across said Harry Hines Boulevard for a distance of 192.18 feet to a point for corner on the northeast right-of-way line of Harry Hines Boulevard, and being on the southwest line of a tract of land described to Harry Hines Venture, LP., by deed recorded in County Clerk's Instrument Number 201500191409, O.P.R.D.C.T.;

THENCE South 47 degrees 19 minutes 50 seconds East, along said northeast right-of-way line and along said southwest line for a distance of 357.08 feet to a point for corner at the intersection of said northeast right-of-way line with the northwest right-of-way line of Mockingbird Lane;

THENCE North 42 degrees 00 minutes 25 seconds East, along said northwest right-of-way line and the southeast line of said Harry Hines Venture, LP., tract for a distance of 38.85 feet to a point for corner;

THENCE South 46 degrees 35 minutes 42 seconds East, along an offset in said northwest right-of-way line and said southeast line for a distance of 6.16 feet to a point for corner;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

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THENCE North 43 degrees 23 minutes 20 seconds East, continuing along said northwest right-of-way line and said southeast line for a distance of 99.71 feet to a point for corner;

THENCE North 53 degrees 29 minutes 48 seconds East, continuing along said northwest right-of-way line and said southeast line for a distance of 22.04 feet to a point for corner;

THENCE North 43 degrees 39 minutes 24 seconds East, continuing along said northwest right-of-way line for a distance of 685.24 feet to a point for corner, and being the east corner of Lot 3A, Block A/5758, Metropolitan-Mockingbird, an addition to the City of Dallas as recorded in Volume 99019, Page 17, D.R.D.C.T., and being on the northeast line of a tract of land described to Mesquite Creek Development, Inc., by deed recorded in Volume 2001083, Page 5061, D.R.D.C.T.;

THENCE North 46 degrees 43 minutes 27 seconds West, departing said northwest right-of-way line and along a northeast line of said Mesquite Creek Development, Inc., tract for a distance of 149.67 feet to a point for corner;

THENCE South 44 degrees 01 minute 47 seconds West, along a northwest line of said Mesquite Creek Development, Inc., tract for a distance of 150.00 feet to a point for corner;

THENCE North 46 degrees 21 minutes 33 seconds West, along a northeast line of said Mesquite Creek Development, Inc., tract for a distance of 106.15 feet to a point for corner;

THENCE South 43 degrees 10 minutes 49 seconds West, along a northwest line of said Mesquite Creek Development, Inc., tract for a distance of 310.71 feet to a point for corner, being on a northeast line of said tract of land described to Harry Hines Venture, LP.;

THENCE North 46 degrees 43 minutes 59 seconds West, along said northeast line for a distance of 161.89 feet to a point for corner, and being on a northwest line of said Harry Hines Venture, LP. tract;

THENCE South 45 degrees 38 minutes 09 seconds West, along said northwest line passing at 390.20 feet a 1/2-inch found iron rod with "HALFF" cap (controlling monument) on the northeast right-of-way line of Harry Hines Boulevard, continuing over and across Harry Hines Boulevard in all, a total distance of 581.81 feet to a point for corner on the southwest right-of-way line of Harry Hines Boulevard;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

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THENCE North 47 degrees 36 minutes 54 seconds West, along said southwest right-of-way line for a distance of 97.06 feet to a found aluminum disk (controlling monument) for corner, and being on the southeast line of Lot 4, Block A/6061 Vantex Addition No. 2, an addition to the City of Dallas as recorded in Volume 74219, Page 318, D.R.D.C.T.;

THENCE South 43 degrees 53 minutes 07 seconds West, departing said southwest right-of-way line and along the southeast line of said Lot 4, same being the southeast line of a tract of land described to Red Barn Holdings, LP., by deed recorded in County Clerk's Instrument Number 200900031701, O.P.R.D.C.T., for a distance of 200.22 feet to a point for corner;

THENCE North 47 degrees 42 minutes 00 seconds West, along the southwest line of said Lot 4 and said Red Barn Holdings, L.P., tract for a distance of 70.11 feet to a point for corner;

THENCE North 43 degrees 53 minutes 06 seconds East, along the northwest line of said Lot 4 and said Red Barn Holdings, L.P. tract for a distance of 200.32 feet to a found "X" cut (controlling monument) for corner and being in the southwest right-of-way line of said Harry Hines Boulevard;

THENCE North 47 degrees 36 minutes 59 seconds West, along said southwest right-of-way line for a distance of 1,045.72 feet to a point for corner, and being at the intersection of said southwest right-of-way line with the south right-of-way line of said Empire Central Drive as shown on AAA Cooper Transportation, an addition to the City of Dallas as recorded in Volume 94068, Page 7185, D.R.D.C.T.;

THENCE North 64 degrees 36 minutes 37 seconds West, departing said southwest right-of-way line and along said south right-of-way line for a distance of 121.74 feet to a point for corner, being the beginning of a non-tangent circular curve to the right, having a radius of 950.00 feet and whose chord bears North 84 degrees 19 minutes 55 seconds West, a chord length of 173.07 feet;

THENCE in a Westerly direction, along said south right-of-way line and along said curve through a central angle of 10 degrees 27 minutes 09 seconds, for an arc distance of 173.31 to a point at the end of said curve;

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THENCE North 79 degrees 06 minutes 21 seconds West, continuing along said south right-of-way line non-tangent to the previous curve, for a distance of 33.39 feet to a point for the beginning of a tangent circular curve to the left having a radius of 950.00 feet, and whose chord bears North 84 degrees 38 minutes 20 seconds West, a chord length of 183.19 feet;

THENCE in a Westerly direction, continuing along said south right-of-way line and along said curve through a central angle of 11 degrees 03 minutes 57 seconds, for an arc distance of 183.48 to a point at the end of said curve;

THENCE North 89 degrees 40 minutes 39 seconds West, continuing along said south right-of-way line for a distance of 299.70 feet to a point for the northwest corner of Lot 2A, Block A/6061, Aramark Addition, an addition to the City of Dallas as recorded in County Clerk's Instrument Number 200600026230, O.P.R.D.C.T.;

THENCE North 00 degrees 20 minutes 42 seconds West, along an offset in said south right-of-way line for a distance of 5.92 feet to a 5/8-inch found iron rod (controlling monument) for corner;

THENCE South 89 degrees 39 minutes 40 seconds West, continuing along said south right-of-way line for a distance of 263.92 feet to a point for the east end of a corner clip at the intersection of said south right-of-way line with the east right-of-way line of Oakbrook Boulevard (an 80.00 foot wide right-of-way) as shown on Mockingbird Business Park Addition, an addition to the City of Dallas as recorded in Volume 426, Page 1266, D.R.D.C.T.;

THENCE South 44 degrees 46 minutes 02 seconds West, departing said south right-of-way line and along said corner clip for a distance of 28.34 feet to a point for corner on the east right-of-way line of Oakbrook Boulevard at the south end of said corner clip;

THENCE South 00 degrees 07 minutes 38 seconds East, along said east right-of-way line for a distance of 120.93 feet to a 1/2-inch found iron rod (controlling monument) for corner, and being on the north line of a tract of land described to Landlord, LLC., by deed recorded in County Clerk's Instrument Number 20070162076, O.P.R.D.C.T.;

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THENCE North 89 degrees 52 minutes 24 seconds East, departing said east right-of-way line and along said north line for a distance of 284.43 feet to a point for corner;

THENCE South 00 degrees 20 minutes 45 seconds East, along the east line of said Landlord, LLC., tract for a distance of 138.49 feet to a point for corner;

THENCE South 89 degrees 52 minutes 24 seconds West, along the south line of said Landlord, LLC., tract, passing at 284.96 feet a point on the east right-of-way line of Oakbrook Boulevard, and continuing over and across Oakbrook Boulevard in all, a total distance of 364.96 feet to a point for corner on the west right-of-way line of Oakbrook Boulevard;

THENCE North 00 degrees 07 minutes 36 seconds West, along said south right-of-way line for a distance of 259.43 feet to a point for corner at the south end of corner clip;

THENCE North 45 degrees 13 minutes 56 seconds West, departing said west right-of-way and along said corner clip for a distance of 27.96 feet to a point for corner at the west end of said corner clip and on the south right-of-way line of said Empire Central Drive;

THENCE North 87 degrees 26 minutes 18 seconds West, along said south right-of-way line for a distance of 269.43 feet to a point for the beginning of a non-tangent circular curve to the right having a radius of 1,396.00 feet, and whose chord bears North 83 degrees 57 minutes 30 seconds West, and chord length of 155.76 feet;

THENCE in a Westerly direction, continuing along said south right-of-way line and along said curve through a central angle of 06 degrees 23 minutes 46 seconds, for an arc distance of 155.84 feet to the point of reverse curvature of a non-tangent circular curve to the left having a radius of 1,404.00 feet, and whose chord bears North 83 degrees 57 minutes 10 seconds West, and chord length of 156.45 feet;

THENCE in a Westerly direction, continuing along said south right-of-way line and along said curve through a central angle of 06 degrees 23 minutes 17 seconds, for an arc distance of 156.54 feet to the end of said curve;

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THENCE North 87 degrees 08 minutes 52 seconds West, continuing along said south right-of-way line non-tangent to the previous curve for a distance of 518.81 feet to a point for corner;

THENCE South 00 degrees 45 minutes 26 seconds East, departing said south right-of-way line, passing at 4.67 feet the southeast corner of a tract of land described to the City of Dallas as recorded in Volume 84025, Page 1647, D.R.D.C.T., and continuing along the east line of Empire Central Substation, an addition to the City of Dallas as recorded in Volume 83163, Page 1908, D.R.D.C.T. in all, a total distance of 284.01 feet to a point for corner;

THENCE South 89 degrees 25 minutes 09 seconds West, along the south line of a tract of land described to Texas Utilities Electric Company (f.k.a. Dallas Power & Light Company) for a distance of 99.87 feet to a point for corner;

THENCE North 00 degrees 41 minutes 53 seconds West, along the west line of said addition and said Texas Utilities Electric Company tract, passing at 284.19 feet the southwest corner of a tract of land described to the City of Dallas as recorded in Volume 84025, Page 1647, D.R.D.C.T., same being the northwest corner of said addition and said Texas Utilities Electric Company tract, and being on the south right-of-way line of said Empire Central Drive, continuing over and across Empire Central Drive in all, a total distance of 354.08 feet to a point for corner on the north right-of-way line of Empire Central Drive;

THENCE South 87 degrees 15 minutes 31 seconds East, along said north right-of-way line for a distance of 123.54 feet to a point for corner at the intersection of said north right-of-way line with the west right-of-way line of Brookhollow Road (a variable width right-of-way) as dedicated to the City of Dallas by plat recorded in Volume 99037, Page 5223, D.R.D.C.T.;

THENCE North 01 degree 20 minutes 37 seconds East, departing said north right-of-way line and along said west right-of-way line for a distance of 839.69 feet to a point for the beginning of a non-tangent circular curve to the left having a radius of 272.00 feet and whose chord bears North 02 degrees 38 minutes 40 seconds West, a chord length of 37.84 feet;

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THENCE in a Northerly direction, continuing along said west right-of-way line and along said curve through a central angle of 07 degrees 58 minutes 37 seconds for an arc distance of 37.87 feet to the end of said curve;

THENCE North 04 degrees 42 minutes 36 seconds West, continuing along said west right-of-way line for a distance of 225.33 feet to a point for corner, and being the southwest corner of Brookhollow Place, an addition to the City of Dallas, as recorded in Volume 2, Page 182, M.R.D.C.T.;

THENCE North 06 degrees 41 minutes 58 seconds West, continuing along said west right-of-way line for a distance of 665.08 feet to a point for corner;

THENCE North 83 degrees 33 minutes 16 seconds East, over and across said Brookhollow Road passing at 50.00 feet the east right-of-way line of Brookhollow Road, and a point on the north line of a tract of land described to Ansonbrook, LLC., by deed recorded in County Clerk's Instrument Number 201500011867, O.P.R.D.C.T., and continuing in all, a total distance of 227.00 feet to a point for corner in the east line of Block 6066, of said Brookhollow Place addition and the common west line of Block B/6064, Holloway Addition, an unrecorded addition;

THENCE North 06 degrees 23 minutes 06 seconds West, along said common line and the west line of a tract of land described to 7777 Hines Place LLC., by deed recorded in County Clerk's Instrument Number 201700059885, O.P.R.D.C.T., passing a 2-inch found iron pipe at the south corner of the west terminus of Adeline Street (a 50.00 foot wide right-of-way), continuing along said terminus in all, a total distance of 66.96 feet to a point for the north corner of said terminus and being on the north right-of-way line of Adeline Street;

THENCE North 88 degrees 28 minutes 56 seconds East, along said north right-of-way line, passing at 576.46 feet the west right-of-way line of Hines Place (a 100.00 foot wide right-of-way), continuing in all, a total distance of 676.51 feet to a point for corner on the east right-of-way line of Hines Place;

THENCE South 00 degrees 08 minutes 58 seconds West, along said east right-of-way line for a distance of 101.39 feet to a point for the beginning of a non-tangent circular curve to the left having a radius of 904.93 feet and whose chord bears South 24 degrees 04 minutes 10 seconds East, a chord length of 742.46 feet;

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THENCE in a Southerly and Southeasterly direction, continuing along said east and northeast right-of-way line and along said curve through a central angle of 48 degrees 26 minutes 20 seconds, for an arc distance of 765.04 feet to a point at the end of said curve, said point being at the west end of a corner clip at the intersection of said northeast right-of-way line with the northwest right of way line of Anson Road (a 50.00 foot wide right-of-way);

THENCE South 45 degrees 07 minutes 29 seconds East, non-tangent to the previous curve over and across Anson Road a distance of 64.97 feet to a point for corner on the southeast right-of-way line of Anson Road and the northwest line of a tract of land described to Sinelli Concepts International Inc., by deed recorded in County Clerk's Instrument Number 201600135337, O.P.R.D.C.T.;

THENCE South 44 degrees 52 minutes 31 seconds West, along said southeast right-of-way line for a distance of 21.46 feet to a 5/8-inch found iron rod (controlling monument) for corner at the north end of a corner clip;

THENCE South 01 degree 19 minutes 39 seconds East, departing said southeast right-of-way line and along said corner clip for a distance of 13.84 feet to a 5/8-inch found iron rod (controlling monument) for the south end of said corner clip, being on the northeast right-of-way line of Hines Place (a variable width right-of-way);

THENCE South 47 degrees 21 minutes 54 seconds East, along said northeast right-of-way line for a distance of 111.23 feet to a point for corner;

THENCE South 42 degrees 22 minutes 29 seconds West, departing said northeast right-of-way line, over and across Hines Place for a distance of 63.26 feet to a 1-inch found iron rod (controlling monument) for corner, being on the southwest right-of-way line of Hines Place and on the east line of a tract of land described to RBH Hines, LLC., by deed recorded in County Clerk's Instrument Number 201700024057, O.P.R.D.C.T.;

THENCE South 00 degrees 23 minutes 37 seconds West, departing said southwest right-of-way line and along said east line for a distance of 264.00 feet to a point for corner;

THENCE North 87 degrees 13 minutes 17 seconds West, along the south line of said RBH Hines, LLC., tract for a distance of 209.82 feet to a point for corner, being on the east line of a tract of land described to RBH Anson, LLC., by deed recorded in County Clerk's Instrument Number 201600147471, O.P.R.D.C.T.;

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THENCE South 00 degrees 44 minutes 54 seconds West, along said east line for a distance of 22.45 feet to a point for corner, and being on a north line of a tract of land described to Michael L. and Gretchen W. Raiff by deed recorded in County Clerk's Instrument Number 20070045604, O.P.R.D.C.T.;

THENCE South 88 degrees 40 minutes 47 seconds West, along said north line for a distance of 100.99 feet to a point for the northeast reentrant corner of said Michael L. and Gretchen W. Raiff tract;

THENCE North 01 degree 01 minute 52 seconds East, along the northerly east line of said Michael L. and Gretchen W. Raiff tract for a distance of 151.83 feet to a point for corner in the north line of a tract of land described to Parwelk Properties, LLC., by deed recorded in County Clerk's Instrument Number 201600087098, O.P.R.D.C.T.;

THENCE South 88 degrees 20 minutes 41 seconds West, along the north line of said Parwelk Properties, LLC., tract for a distance of 93.85 feet to a point for corner in the east right-of-way line of Parwelk Drive (a 20.00 foot wide right-of-way);

THENCE South 00 degrees 59 minutes 20 seconds West, along said east right-of-way line for a distance of 426.35 feet to a point for corner at the south terminus of Parwelk Drive;

THENCE South 88 degrees 50 minutes 49 seconds West, along said terminus, passing at 20.00 feet the west corner of said terminus, and along the north line of a tract of land described to J. Lee Vilbig and wife, E.A. Vilbig, by deed recorded in Volume 3620, Page 55, D.R.D.C.T., continuing in all, a total distance of 81.01 feet to a point for corner, and being on an east line of a tract of land described to Denton-Hines Properties, Inc., by deed recorded in Volume 88025, Page 1126, D.R.D.C.T.;

THENCE South 01 degree 13 minutes 20 seconds West, along said east line and the common west line of said Vilbig tract for a distance of 385.21 feet to a point for corner on the north right-of-way line of Empire Central Drive as described the City of Dallas by deed recorded in Volume 82198, Page 108, D.R.D.C.T., and being the beginning of a non-tangent curve to the left having a radius of 1,336.00 feet and whose chord bears South 84 degrees 52 minutes 00 seconds East, and chord length of 126.05 feet;

THENCE in an Easterly direction, along said north right-of-way line and along said curve through central angle of 05 degrees 24 minutes 28 seconds, for an arc distance of 126.10 feet to a point at the end of said curve;

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THENCE South 87 degrees 34 minutes 15 seconds East, continuing along said north right-of-way line non-tangent to the previous curve for a distance of 154.27 feet to a point for corner;

THENCE South 00 degrees 46 minutes 24 seconds West, along an offset in said north right-of-way line and along the west line of a tract of land described to 1835, LLC., by deed recorded in County Clerk's Instrument Number 201600257098, O.P.R.D.C.T., for a distance of 20.91 feet to a point for corner;

THENCE South 89 degrees 41 minutes 33 seconds East, along the north right-of-way line of Empire Central Drive for a distance of 207.83 feet to an angle point for corner;

THENCE North 89 degrees 35 minutes 54 seconds East, continuing along said north right-of-way line for a distance of 297.44 feet to a point for corner, and being on the east line of a tract of land described to Vibrio Properties I, LP., by deed recorded in County Clerk's Instrument Number 201300330304, O.P.R.D.C.T., and on the common west line of a tract of land described to HARRY EMPIRE, LTD., by deed recorded in County Clerk's Instrument Number 201100197435, O.P.R.D.C.T.;

THENCE North 01 degree 10 minutes 16 seconds West, departing said north right-of-way line and along said common line for a distance of 346.33 feet to a point for corner, and being on the south line of a tract of land described to William E, Pettigrew and Lee Earl Pettigrew by deed recorded in Volume 2003174, Page 5572, D.R.D.C.T.;

THENCE South 53 degrees 06 minutes 46 seconds East, along the south line of said Pettigrew tract for a distance of 84.84 feet to a point for corner;

THENCE North 06 degrees 09 minutes 25 seconds East, along the east line of said Pettigrew tract for a distance of 27.59 feet to a point for corner, being the south corner of a tract of land described to FGR, Ltd., by deed recorded in Volume 2000154, Page 1928, D.R.D.C.T.;

THENCE North 52 degrees 09 minutes 04 seconds East, along a north line of said HARRY EMPIRE, LTD. tract and the southeast line of said FGR, Ltd. tract for a distance of 254.56 feet to a point for corner on the southwest right-of-way line of said Hines Place;

THENCE North 47 degrees 34 seconds 16 seconds West, along said southwest right-of-way line for a distance of 320.08 feet to a point for corner;

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THENCE North 42 degrees 38 minutes 06 seconds East, over and across Hines Place, passing at 61.31 feet a point on the northeast right-of-way line of Hines Place and being on the southeast line of a tract of land described Andrews/Harry Hines Triangle, Ltd., by deed recorded in Volume 2003153, Page 11292, D.R.D.C.T., continuing along said southeast line and the northwest right-of-way corner clip at Harry Hines Boulevard in all, a total distance of 111.99 feet to a point for corner, and being on the west right-of-way line of said Harry Hines Boulevard, as shown on Hines Place Addition, an addition to the City of Dallas as recorded in Volume 85181, Page 6571, D.R.D.C.T.;

THENCE North 31 degrees 17 minutes 55 seconds West, along said west right-of-way line for a distance of 214.51 feet to a point for corner;

THENCE North 31 degrees 26 minutes 23 seconds West, continuing along said west right-of-way line for a distance of 86.00 feet to a point for corner;

THENCE North 43 degrees 36 minutes 57 seconds East, departing said west right-of-way line, over and across said Harry Hines Boulevard passing at 170.55 feet a point on the east right-of-way line of Harry Hines Boulevard and being on the northwest line of a tract of land described to Candace Rubin & 2033 EC, Ltd., by deed recorded in County Clerk's Instrument Number 201500139811, O.P.R.D.C.T., and continuing in all for a distance of 236.35 feet to a point for corner, and being the north corner of Lot 2 and the east corner of Lot 1, Block 5761;

THENCE South 47 degrees 28 minutes 03 seconds East, along the northeast line of said Candace Rubin & 2033 EC, Ltd., tract for a distance of 67.00 feet to a point for the east corner of said Lot 2;

THENCE South 43 degrees 36 minutes 57 seconds West, along the southeast line of said Candace Rubin & 2033 EC, Ltd., tract for a distance of 86.10 feet to a point for corner on the east right-of-way line of said Harry Hines Boulevard;

THENCE South 30 degrees 49 minutes 55 seconds East, along said east right-of-way line for a distance of 87.61 feet to a point for corner, and being on the northwest line of a tract of land described to Joanna H. Strattin and Maria C. Strattin by deeds recorded in Volume 2005141, Page 1653, and Volume 2005141, Page 1606, D.R.D.C.T.;

THENCE North 41 degrees 40 minutes 36 seconds East, departing said east right-of-way line and along the northwest line of said Strattin tract, for a distance of 260.45 feet to a point for corner;

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THENCE South 47 degrees 00 minutes 25 seconds East, along a northeast line of said Strattin tract for a distance of 149.57 feet to a point for corner;

THENCE South 44 degrees 19 minutes 29 seconds West, along a southeast line of said Strattin tract for a distance of 76.50 feet to a point for corner;

THENCE South 44 degrees 21 minutes 33 seconds East, along a southeast line of said Strattin tract for a distance of 7.50 feet to a point for corner;

THENCE South 44 degrees 19 minutes 29 seconds West, along a southeast line of said Strattin tract for a distance of 18.64 feet to a point for corner, being the north corner of Lovedale Property Addition, an addition to the City of Dallas as recorded in Volume 71245, Page 38, D.R.D.C.T.;

THENCE South 30 degrees 51 minutes 03 seconds East, along the northeast line of said addition, passing at 20.01 feet a point on the northeast line of a tract of land described to Midbelt Properties, LP., by deed recorded in County Clerks Instrument Number 201400006723, O.P.R.D.C.T., continuing along said northeast line passing at 171.96 feet a 1/2-inch found iron rod with cap stamped "DC&A" (controlling monument) on the northwest right-of-way line of Lovedale Avenue (a variable width right-of-way), and continuing over and across Lovedale Avenue in all, a total distance of 248.92 feet to a point for corner on the southeast right-of-way line of said Lovedale Avenue, as shown on Welch & Reynolds Addition, an addition to the City of Dallas as recorded in Volume 11, Page 191, M.R.D.C.T.;

THENCE South 44 degrees 07 minutes 29 second West, along the southeast right-of-way line of Lovedale Avenue, a distance of 5.00 feet to a point for corner at the intersection of said southeast right-of-way line of Lovedale Avenue and the northeast line of a 15-foot wide alley and the west corner of Lot 27, Block A/2366, Mohawk Heights Addition No. 2, an addition to the City of Dallas as recorded in Volume 9, Page 63, M.R.D.C.T.;

THENCE South 45 degrees 52 minutes 31 seconds East, departing said southeast right-of-way line of Lovedale Avenue and along the northeast line of said 15-foot wide alley and the southwest line of said Lot 27, a distance of 123.50 feet to the westernmost southwest corner of said Lot 27;

THENCE North 89 degrees 07 minutes 29 seconds East, continuing along the common line of said 15-foot wide alley and said Lot 27, a distance of 7.07 feet to a point for the easternmost southwest corner of said Lot 27;

THENCE North 44 degrees 07 minutes 29 seconds East, continuing along the common line of said 15-foot wide alley and said Lot 27, a distance of 51.47 feet to a point for corner;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE South 45 degrees 25 minutes 18 seconds East, departing said common line of the 15-foot wide alley and said Lot 27, passing at 189.50 feet the northwest right-of-way line of Shea Road (a variable width right-of-way) continuing over and across Shea Road in all, a total distance of 221.27 feet to a point for corner on the southeast right-of-way line of Shea Road;

THENCE South 44 degrees 22 minutes 25 seconds West, along said southeast right-of-way line for a distance of 74.82 feet to a point for corner;

THENCE South 45 degrees 37 minutes 35 seconds East, along an offset in said southeast right-of-way line for a distance of 7.00 feet to a point for corner;

THENCE South 44 degrees 46 minutes 42 seconds West, continuing along said southeast right-of-way line for a distance of 240.77 feet to a point for corner, being at the intersection of said southeast right-of-way line with the northeast right-of-way of said Harry Hines Boulevard;

THENCE South 45 degrees 37 minutes 35 seconds East, departing said southeast right-of-way line and along the northeast right-of-way of said Harry Hines Boulevard for a distance of 212.63 feet to a point for corner;

THENCE South 44 degrees 22 minutes 25 seconds West, along an offset in said northeast right-of-way line for a distance of 33.16 feet to a point for a corner;

THENCE South 45 degrees 02 minutes 28 seconds East, along said northeast right-of-way line for a distance of 256.19 feet to the POINT OF BEGINNING and CONTAINING an area of 10,107,976 square feet or 232.0 acres of land, SAVE AND EXCEPT the following six tracts of land:

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres

SAVE AND EXCEPT TRACT ONE:

BEING an 11.06 acre tract of land situated in the Eli Chandler Survey, Abstract Number 356 and the Miles Bennett Survey, Abstract Number 52, within the City of Dallas, Dallas County, Texas, being adjacent to Block A/6061, 6062, 6063, 5761, 2365, 2366, A/5760, and A/5758, Official City Block Numbers, being a portion of Harry Hines Boulevard, and being more particularly described as follows:

BEGINNING at a Rail Road spike found at the intersection of the northeast right-of-way line of Harry Hines Boulevard, (a variable width right-of-way), with the northwest right-of-way line of Empire Central Drive, (a variable width right-of-way), also being the south corner of a tract of land described by deed, to Manor Hospitality Corporation, as recorded in Volume 97052, Page 1236, D.R.D.C.T. (North 6,987,525.40, East 2,473,843.13);

THENCE South 39 degrees 12 minutes 03 seconds East, over and across Empire Central Drive, for a distance of 73.33 feet to a point for corner at the intersection of the southeast right-of-way line of said Empire Central Drive with said northeast right-of-way line of Harry Hines Boulevard, same being the west corner of Lot 2, Block C/5760, Willingham Addition, an addition to the City of Dallas, as recorded in Volume 84016, Page 4142, D.R.D.C.T.;

THENCE South 47 degrees 55 minutes 34 seconds East, along said northeast right-of-way line of Harry Hines Boulevard and said Lot 2, passing at a distance of 359.00 feet a point for corner, same being the south corner of said Lot 2 and the southerly west corner of a tract of land described in deed, to DLF Hines, LLC, as recorded in Instrument Number 201600175322, O.P.R.D.C.T., and continuing along said northeast right-of-way line of Harry Hines Boulevard and said DLF Hines, LLC tract, in all, a total distance of 1,009.88 feet to a point for corner at the intersection of said northeast right-of-way line with the northwest right-of-way line of Hawes Avenue (a 50 foot wide right-of-way);

THENCE South 46 degrees 21 minutes 55 seconds East, over and across said Hawes Avenue, for a distance of 50.03 feet to a point for corner at the intersection of the southeast right-of-way line of said Hawes Avenue with the northeast right-of-way line of said Harry Hines Boulevard, and being the west corner of a tract of land described in deed to Harry Hines Venture, LP, as recorded in Instrument Number 201500191410, O.P.R.D.C.T.;

THENCE South 47 degrees 19 minutes 50 seconds East, along said northeast right-of-way line of Harry Hines Boulevard and said Harry Hines Venture, LP tract, for a distance of 148.23 feet to a 1/2-inch iron rod found with "HALFF" cap at the south corner of said Harry Hines Venture, LP tract, same being the west corner of a tract of land described in deed to Harry Hines Venture, LP, as recorded in Instrument Number 201500191409, O.P.R.D.C.T.;

THENCE South 45 degrees 38 minutes 09 seconds West, departing said northeast right-of-way line of Harry Hines Boulevard, for a distance of 191.61 feet to a point for corner, lying in the southwest right-of-way line of said Harry Hines Boulevard and the northeast line of Lot 8, Block A/6061, Providence Mockingbird Addition, an addition to the City of Dallas, recorded in Instrument Number 200600038643, O.P.R.D.C.T.;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 47 degrees 36 minutes 54 seconds West, along the southwest right-of-way line of said Harry Hines Boulevard and along said Lot 8, for a distance of 97.06 feet to an aluminum disk found for corner, being the east corner of Lot 4, Block A/6061, Vantex Addition No. 2, an addition to the City of Dallas, as recorded in Volume 74219, Page 318, D.R.D.C.T., same being a north corner of said Lot 8;

THENCE North 47 degrees 37 minutes 06 seconds West, continuing the southwest right-of-way line of said Harry Hines Boulevard and along said Lot 4, for a distance of 70.11 feet to an "X" cut in concrete found for corner, being the north corner of said Lot 4 and an east corner of said Lot 8;

THENCE North 47 degrees 36 minutes 59 seconds West, continuing along the southwest right-of-way line of said Harry Hines Boulevard and the northeast line of Block A/6061 of said Providence Mockingbird Addition, and the Harry Hines SNF Addition, an addition to the City of Dallas, recorded in Instrument Number 200900163761, O.P.R.D.C.T., and the Vantex North Addition, an addition to the City of Dallas, recorded in Volume 2002014, Page 17, D.R.D.C.T., and the AAA Cooper Transportation, an addition to the City of Dallas, recorded in Volume 94068, Page 7185, D.R.D.C.T., for a distance of 1,045.72 feet to a point for corner, being the south corner of a right-of-way corner clip at the intersection of said southwest right-of-way line of Harry Hines Boulevard with the south right-of-way line of said Empire Central Drive;

THENCE North 41 degrees 31 minutes 21 seconds West, over and across said Empire Central Drive, for a distance of 240.20 feet to a point for corner at the intersection of said southwest right-of-way line of Harry Hines Boulevard with the north right-of-way line of said Empire Central Drive, same being the east corner of a tract of land described in deed to HARRY EMPIRE, LTD., as recorded in Instrument Number 201100197435, O.P.R.D.C.T., said point being the beginning of a non-tangent circular curve to the right having a radius of 2,925.00 feet and whose chord bears North 37 degrees 34 minutes 56 seconds West, and chord length of 510.82 feet;

THENCE Northwesterly, along said southwest right-of-way line and the northeast line of said Harry Empire, Ltd. tract and with said curve through a central angle of 10 degrees 01 minute 08 seconds, for an arc distance of 511.47 feet to a point for corner, being at the intersection of the southwest right-of-way line of said Harry Hines Boulevard with the south right-of-way line of Hines Place (a 100.00 foot wide right-of-way);

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 31 degrees 17 minutes 55 seconds West, passing at a distance of 398.35 feet the intersection of said southwest right-of-way line of Harry Hines Boulevard with the north right-of-way line of said Hines Place, same being the east corner of Lot 2, Block 6063, Hines Place Addition, an addition to the City of Dallas recorded in Volume 85181, Page 6571, D.R.D.C.T., and continuing along the southwest right-of-way line of said Harry Hines Boulevard and along said Lot 2, in all, a total distance of 612.95 feet to a point for corner, same being the east corner of a tract of land described in deed, to Mustafa Zaki Taksh, as recorded in Instrument Number 20080287068, O.P.R.D.C.T.;

THENCE North 31 degrees 26 minutes 23 seconds West, continuing along said southwest right-of-way line of said Harry Hines Boulevard and along said Mustafa Zaki Taksh tract, for a distance of 86.00 feet to a point for corner;

THENCE North 43 degrees 36 minutes 57 seconds East, over and across said Harry Hines Boulevard, for a distance of 170.55 feet to a point for corner, lying in the northeast right-of-way line of said Harry Hines Boulevard, same being the west corner of Lot 2, Block 5761, as described in deed, to Candace Rubin & 2033 EC, Ltd., as recorded in Instrument Number 201500139811, O.P.R.D.C.T.;

THENCE South 30 degrees 31 minutes 22 seconds East, along the northeast right-of-way line of said Harry Hines Boulevard and along said Lot 2, for a distance of 69.64 feet to a point for corner, being the south corner of said Lot 2 and the west corner of Lot 3, Block 5761 as described in deed to Saadat K. Raoufpour, as recorded in Instrument Number 201400030996, O.P.R.D.C.T.;

THENCE South 30 degrees 49 minutes 55 seconds East, continuing along the northeast right-of-way line of said Harry Hines Boulevard and along said Lot 3, for a distance of 87.61 feet to a point for corner, being the south corner of said Lot 3 and the west corner of a tract of land described in deed to Joanna H. Strattin and Maria C. Strattin recorded in Volume 2005141, Page 1653, D.R.D.C.T.;

THENCE South 30 degrees 49 minutes 39 seconds East, continuing along the northeast right-of-way line of said Harry Hines Boulevard and along said Strattin tract, passing at a distance of 150.00 feet an iron rod found for the south corner of a tract of land described in deed to Joanna H. Strattin and Maria C. Strattin recorded in Volume 2005141, Page 1606, D.R.D.C.T., and lying in the northwest right-of-way line of an alley (variable width), and continuing over and across said alley and along said northeast right-of-way line of Harry Hines Boulevard, passing at a distance of 20.79 feet to a point for the west corner of Lot 14, Block A/2365, Lovedale Property Addition, an addition to the City of Dallas recorded in Volume 71245, Page 38, D.R.D.C.T., and continuing along the northeast right-of-way line of said Harry Hines Boulevard and along Lot 14 and Lot 13 of said addition in all, a total distance of 342.75 feet to a point for corner, same being the south corner of Lot 13 of said Lovedale Property Addition, same being at the intersection of said northeast right-of-way line of Harry Hines Boulevard with the northwest right-of-way line of Lovedale Avenue (a variable width right-of-way);

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE South 30 degrees 27 minutes 35 seconds East, over and across said Lovedale Avenue, for a distance of 57.05 feet to a 1-inch iron pipe found for corner at the beginning of a non-tangent circular curve to the left having a radius of 2,783.00 feet and whose chord bears South 33 degrees 26 minutes 32 seconds East, and chord length of 323.32 feet, said point also being at the intersection of the northeast right-of-way line of said Harry Hines Boulevard and the southeast right-of-way line of said Lovedale Avenue;

THENCE Southeasterly, along the northeast right-of-way line of said Harry Hines Boulevard and along the southwest line of Block 2366 and Block B/2366, an addition to the City of Dallas recorded in Volume 15, Page 31, M.R.D.C.T., and with said curve through a central angle of 06 degrees 39 minutes 37 seconds, for an arc distance of 323.50 feet to a point for corner, said point being at the intersection of the northeast right-of-way line of said Harry Hines Boulevard and the northwest right-of-way line of Shea Road (a variable width right-of-way);

THENCE South 62 degrees 17 minutes 28 seconds East, over and across said Shea Road, for a distance of 39.57 feet to a point for corner, same being the west corner of a tract of land described in deed to Robert Cloud and Ruth Womack Trust, as recorded in Instrument Number 20080029276, O.P.R.D.C.T.;

THENCE South 45 degrees 37 minutes 35 seconds East, along said northeast right-of-way line of said Harry Hines Boulevard and along said Robert Cloud and Ruth Womack Trust tract, for a distance of 212.63 feet to a point for corner, same being the south corner of said tract, lying in the northwest line of said Manor Hospitality Corporation tract;

THENCE South 44 degrees 22 minutes 25 seconds West, continuing along an offset in the northeast right-of-way line of said Harry Hines Boulevard and along said Manor Hospitality Corporation tract, a distance of 33.16 feet to a 1/2-inch iron rod found at the west corner of said Manor Hospitality Corporation tract;

THENCE South 45 degrees 02 minutes 28 seconds East, continuing along the northeast right-of-way line of said Harry Hines Boulevard and along said Manor Hospitality Corporation tract, a distance of 256.19 feet to the POINT OF BEGINNING and CONTAINING an area of 481,641 square feet or 11.06 acres of land, more or less.

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres

SAVE AND EXCEPT TRACT TWO:

BEING a 3.934 acre tract of land situated in the Eli Chandler Survey, Abstract Number 356, the Hiram Bennett Survey, Abstract Number 83 and the Miles Bennett Survey, Abstract Number 52, within the City of Dallas, Dallas County, Texas, being adjacent to Block A/5758, Official City Block Numbers, being a portion of Harry Hines Boulevard (a variable width right-of-way), and being more particularly described as follows:

BEGINNING at the intersection of the southwest right-of-way line of said Harry Hines Boulevard with the northwest right-of-way line of Mockingbird Lane (a variable width right-of-way), also being the most easterly northeast corner of Lot 8, Block A/6061, Providence Mockingbird Addition, an addition to the City of Dallas, recorded in Instrument Number 200600038643, O.P.R.D.C.T., (North 6,987,426.77, East 2,475,039.77);

THENCE North 42 degrees 40 minutes 12 seconds East, departing said southwest right-of-way line, for a distance of 190.98 feet to a point for corner, lying in the northeast right-of-way line of said Harry Hines Boulevard, also lying on the southwest line a tract of land described by deed to Harry Hines Venture, LP as recorded in Instrument Number 201500191409, O.P.R.D.C.T.;

THENCE South 47 degrees 19 minutes 50 seconds East, along said northeast right-of-way line, passing at a distance of 357.08 feet the northwest right-of-way line of said Mockingbird Lane, same being the south corner of said Harry Hines Venture, LP tract, and continuing along said northeast right-of-way line, passing at a distance of 121.08 feet the southeast right-of-way line of said Mockingbird Lane, same being the west corner of Lot 5, Block A/5758, Forest Park Addition, an addition to the City of Dallas, recorded in Volume 241, Page 41, M.R.D.C.T., and continuing along said northeast right-of-way line, passing at a distance of 353.38 feet the northwest right-of-way line of Treadway Street (a variable width right-of-way) and continuing along said northeast right-of-way line, in all, a total distance of 901.57 feet to a point for corner, being the west corner of a tract of land described by deed, as Tract I to The Board Of Regents Of The University Of Texas System as recorded in Instrument Number 20080251751, O.P.R.D.C.T.;

THENCE South 44 degrees 06 minutes 40 seconds West, departing said northeast right-of-way line, for a distance of 189.98 feet to a point for corner, lying in the southwest right-of-way line of said Harry Hines Boulevard, also lying in the northeast line of a tract of land described by deed to The Board Of Regents Of The University Of Texas System for and on behalf of The University Of Texas Southwestern Medical Center At Dallas as recorded in Volume 96027, Page 4516, D.R.D.C.T.;

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas

9,190,279 square feet or 211.0 acres

THENCE North 48 degrees 01 minute 36 seconds West, along said southwest right-of-way line, for a distance of 22.83 feet to a point for corner, same being the east end of a radial corner clip at the intersection of said southwest right-of-way line with the southeasterly right-of-way line of Plantation Drive (a 60 foot wide right-of-way);

THENCE North 47 degrees 22 minutes 55 seconds West, continuing along said southwest right-of-way line of Harry Hines Boulevard, for a distance of 873.96 feet to the POINT OF BEGINNING and CONTAINING an area of 171,362 square feet or 3.934 acres of land, more or less.

SAVE AND EXCEPT TRACT THREE:

BEING a 2,820 square foot tract of land situated in the Miles Bennett Survey, Abstract Number 52, within the City of Dallas, Dallas County, Texas, being adjacent to Block 4723, Official City Block Numbers, and being part of a tract of land described, in deed, to Dallas Area Rapid Transit (D.A.R.T.), as recorded in Volume 90177, Page 4219, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a point for corner in the north line of said D.A.R.T. tract and the southwest right-of-way line of Denton Drive (a variable width right-of-way) (North 6,988,603.40, East 2,478,205.99);

THENCE South 44 degrees 32 minutes 11 seconds West, departing said southwest right-of-way line of Denton Drive, over and across said D.A.R.T. tract, for a distance of 39.99 feet to a point for corner, lying in the southwest line of said D.A.R.T. tract and the south right-of-way line of said Denton Drive;

THENCE North 45 degrees 38 minutes 07 seconds West, along the southwest line of said D.A.R.T. tract, over and across said Denton Drive, for a distance of 70.31 feet to a point for corner, lying in the north right-of-way line of said Denton Drive;

THENCE North 43 degrees 59 minutes 07 seconds East, along said north right-of-way line of Denton Drive, over and across said D.A.R.T. tract, for a distance of 40.00 feet to a point for corner, lying in the northeast line of said D.A.R.T. tract;

THENCE South 45 degrees 37 minutes 53 seconds East, along said northeast line of the D.A.R.T. tract, over and across said Denton Drive, for a distance of 70.69 feet to the POINT OF BEGINNING and CONTAINING an area of 2,820 square feet of 0.065 of an acre of land, more or less.

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres

SAVE AND EXCEPT TRACT FOUR:

BEING a 1.635 acre tract of land situated in the Miles Bennett Survey, Abstract Number 52, within the City of Dallas, Dallas County, Texas, being adjacent to Block 2/2451, Official City Block Numbers, and being part of a tract of land described, in deed, to Dallas Area Rapid Transit (D.A.R.T.), as recorded in Volume 90177, Page 4219, D.R.D.C.T., and being further described as follows:

BEGINNING at a point for corner in the southwest line of said D.A.R.T. tract, being the North terminus of Owens Street (a 50.00 foot wide right-of-way) and the East corner of Lot 12-A, Block 2/2451, Manor Place, an addition to the City of Dallas, Texas recorded in Volume 84219, Page 4607, D.R.D.C.T. (North 6,988,231.13, East 2,478,529.37);

THENCE North 44 degrees 09 minutes 02 seconds East, over and across said D.A.R.T. tract, for a distance of 39.99 feet to a point for corner, lying in the northeast line of said D.A.R.T. tract and the southwest right-of-way line of Denton Drive (a variable width right-of-way);

THENCE along the common line of said D.A.R.T. tract and said Denton Drive, the following courses and distances:

South 45 degrees 37 minutes 53 seconds East, for a distance of 735.39 feet to a point for corner;

South 48 degrees 01 minutes 29 seconds East, for a distance of 322.00 feet to a point for corner;

South 50 degrees 16 minutes 53 seconds East, for a distance of 702.86 feet to a point for corner;

South 36 degrees 33 minutes 39 seconds West, for a distance of 40.06 feet to a point for corner in said southwest line of the D.A.R.T. tract;

THENCE along the southwest line of said D.A.R.T. tract, the following courses and distances:

North 50 degrees 16 minutes 53 seconds West, for a distance of 382.62 feet to a point for corner;

North 50 degrees 16 minutes 53 seconds West, for a distance of 322.41 feet to a point at the beginning of a non-tangent curve to the right having a radius of 4009.83 feet, a chord that bears North 48 degrees 01 minutes 28 seconds West, a chord distance of 325.25 feet;

Northwesterly, with said curve, through a central angle of 04 degrees 38 minutes 56 seconds, for an arc distance of 325.34 feet to a point for corner;

North 45 degrees 37 minutes 53 seconds West, for a distance of 735.26 feet to the POINT OF BEGINNING and having an area of 71,211 square feet or 1.635 acres of land, more or less.

*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres

SAVE AND EXCEPT TRACT FIVE:

BEING a 3.517 acre tract of land situated in the Miles Bennett Survey, Abstract Number 52, within the City of Dallas, Dallas County, Texas, being within Block D/5712, Official City Block Numbers, and being all of Lot 2 and Lots 8-21, Maple Lawn Terrace, an addition to the City of Dallas, recorded in Volume 3, Page 242, M.R.D.C.T. and all of Lots 3A-6C and Common Area "A" of Kimsey Place No. 2, an addition to the City of Dallas, recorded in Instrument No. 201600201791, O.P.R.D.C.T and having an area of 153,189 square feet or 3.517 acres of land, more or less.

SAVE AND EXCEPT TRACT SIX:

BEING a 37,474 square foot tract of land situated in the Miles Bennett Survey, Abstract Number 52, within the City of Dallas, Dallas County, Texas, being within Block C/5711, Official City Block Numbers, and being all of a tract of land described, in deed, to Gas Pipe, Inc., as recorded in Volume 93180, Page 2947, D.R.D.C.T., and being further described as follows:

BEGINNING at a point for corner in the northeast right-of-way line of said Maple Avenue (a 60.00 foot wide right-of-way) at the west corner of said Gas Pipe, Inc. tract and the south corner of a tract of land described, in deed, to SLJ Company, LLC & Candace Rubin, as recorded in Instrument Number 201500324424, O.P.R.D.C.T. (North 6,986,397.29, East 2,478,909.34);

THENCE North 44 degrees 14 minutes 26 seconds East, passing at a distance of 49.37 feet the East corner of said SLJ Company, LLC & Candace Rubin tract, same being a west corner of Lot 1, Block C/5711, John Eagle Addition, an addition to the City of Dallas, recorded in Instrument Number 20070232958, O.P.R.D.C.T., continuing along the southwest line of said Lot 1, in all, for a total distance of 300.00 feet to a point for corner;

THENCE along said common line of the Gas Pipe, Inc. tract and said Lot 1, the following courses and distances:

South 46 degrees 05 minutes 10 seconds East, for a distance of 125.00 feet to a point for corner;

South 44 degrees 14 minutes 26 seconds West, for a distance of 299.60 feet to a point for corner, lying in said northeast right-of-way line of Maple Avenue, being the south corner of said Gas Pipe, Inc. tract and the most southerly west corner of said Lot 1;

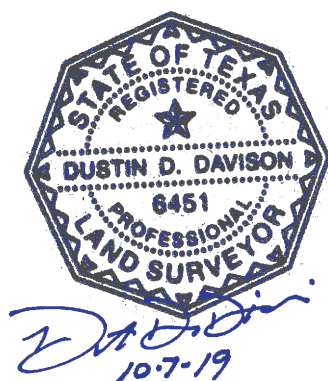
*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres

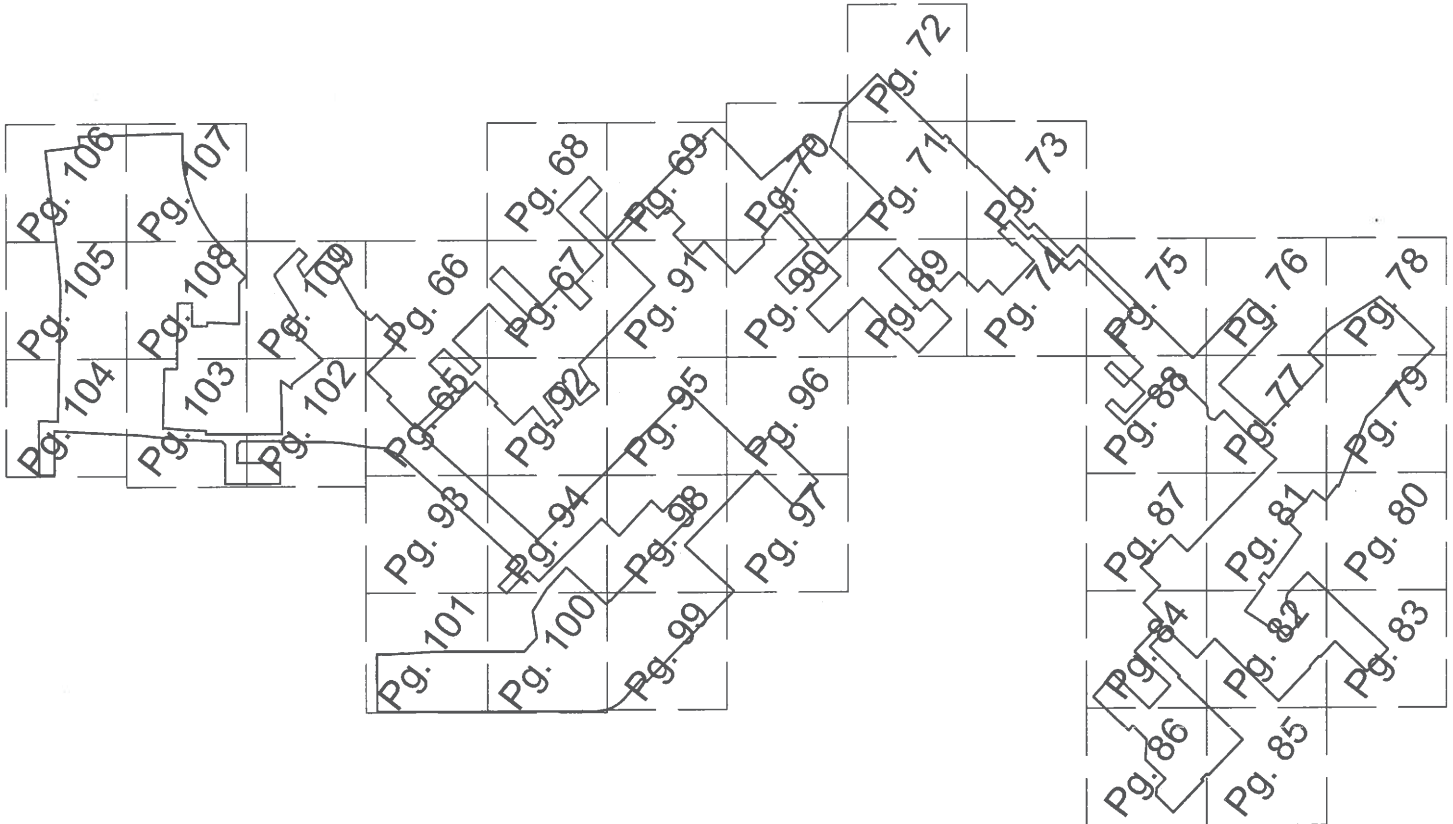
THENCE North 46 degrees 16 minutes 05 seconds West, along the common line of said Maple Avenue and said Gas Pipe, Inc. tract, for a distance of 125.00 feet to the POINT OF BEGINNING and having an area of 37,474 square feet or 0.860 of an acre of land, more or less.

BEING a total SAVE AND EXCEPT AREA of 917,697 square feet LEAVING A NET AREA of 9,190,279 square feet or 211.0 acres of land, more or less.



*Basis of bearing is Texas Coordinate System, North Central Zone 4202, NAD 1983 (2011 Epoch 2010).

MSD SURVEY
 Between Inwood Road and Adeline Street
 along Cedar Springs Road, Denton Drive, Maple Avenue,
 Forest Park Road, and Harry Hines Boulevard
 City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres



NOTES:

CM = controlling monument

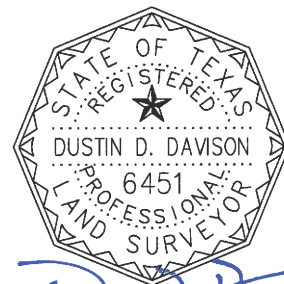
O.P.R.D.C.T. = Official Public Records of Dallas County, Texas

D.R.D.C.T. = Deed Records, Dallas County, Texas

M.R.D.C.T. = Map Records, Dallas County, Texas

Basis of bearing is Texas Coordinate System, North Central Zone
 4202, NAD 1983 (2011 Epoch 2010).

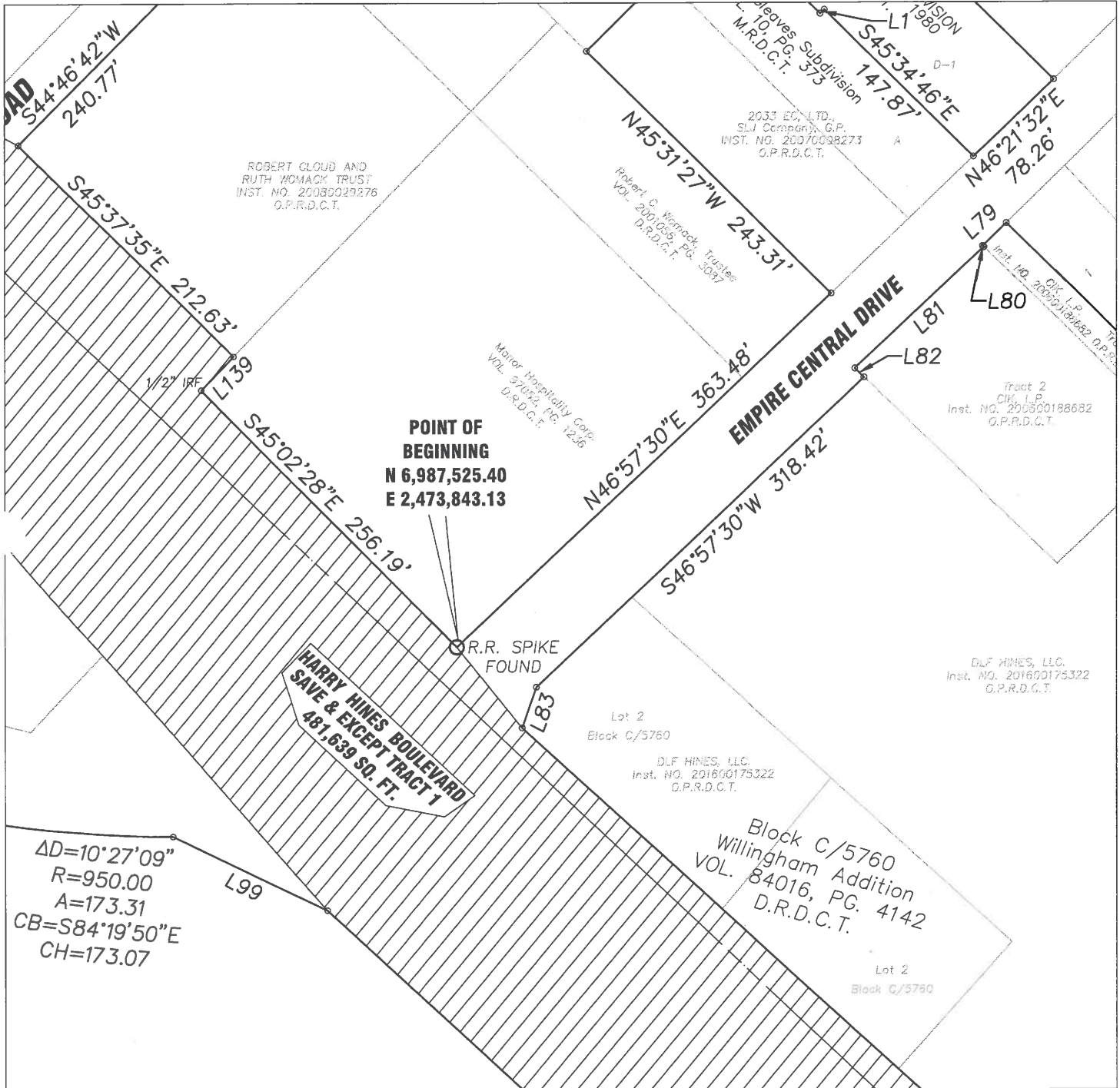
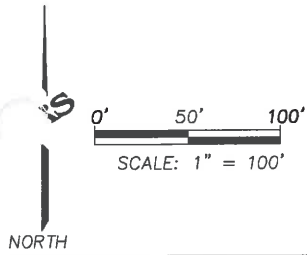
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 10-7-19

MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres



NOTES:

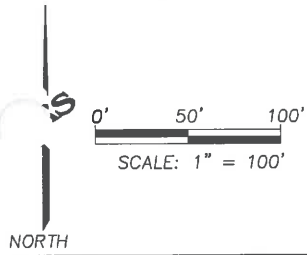
C.M. = controlling monument

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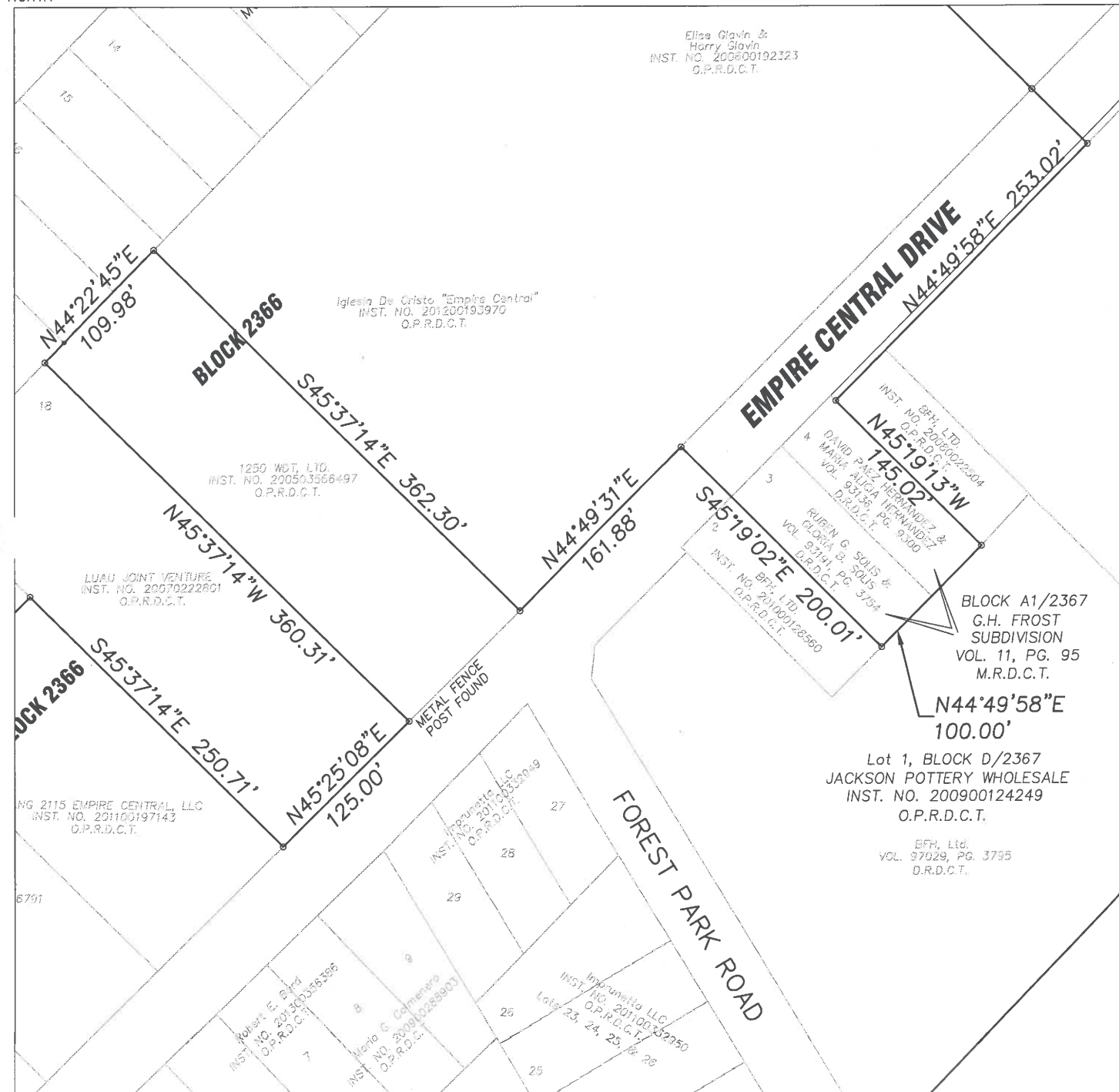
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City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres

NORTH



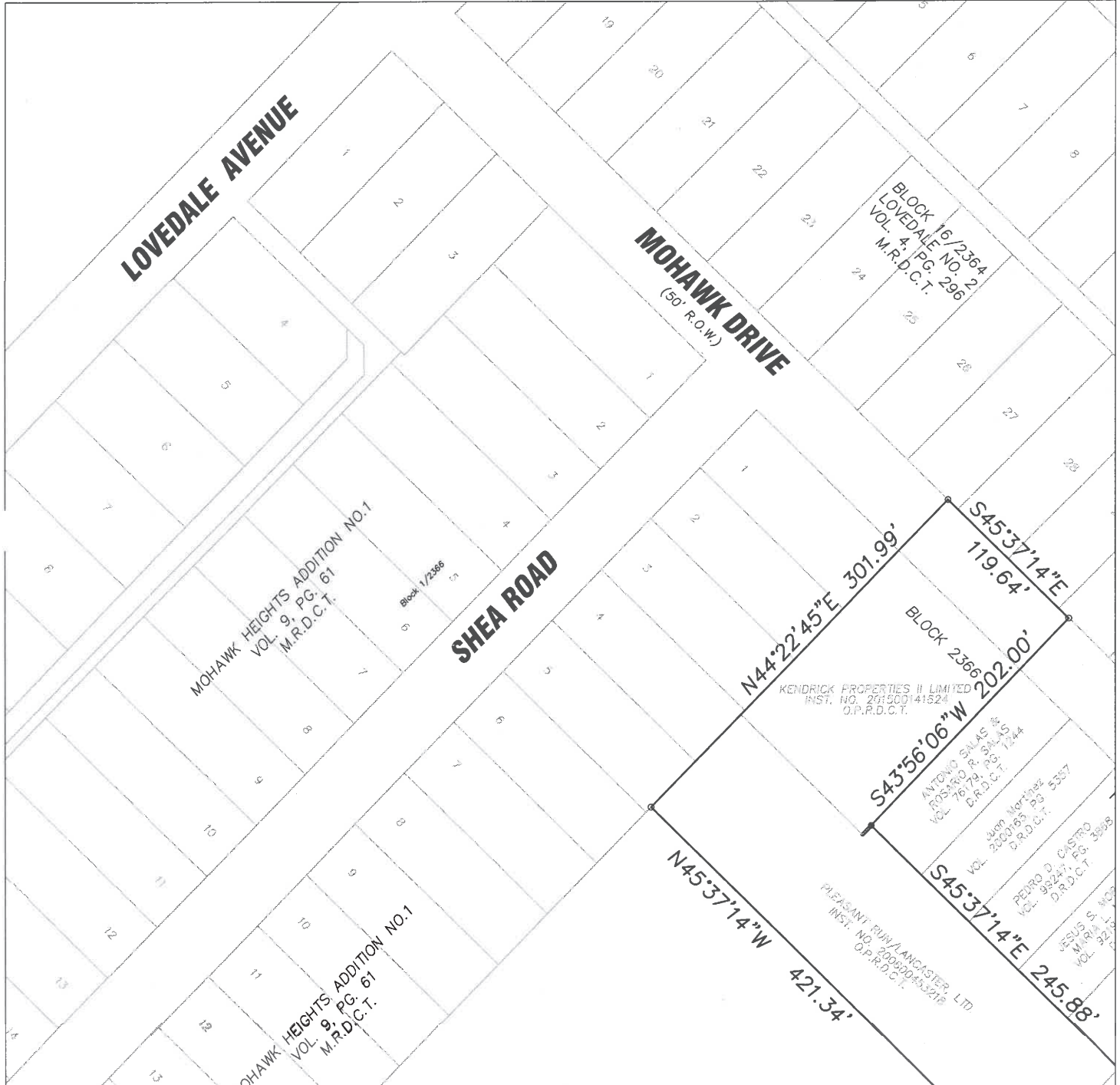
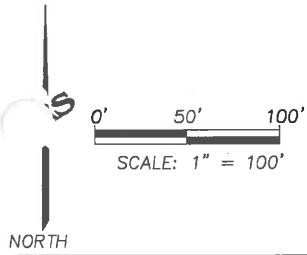
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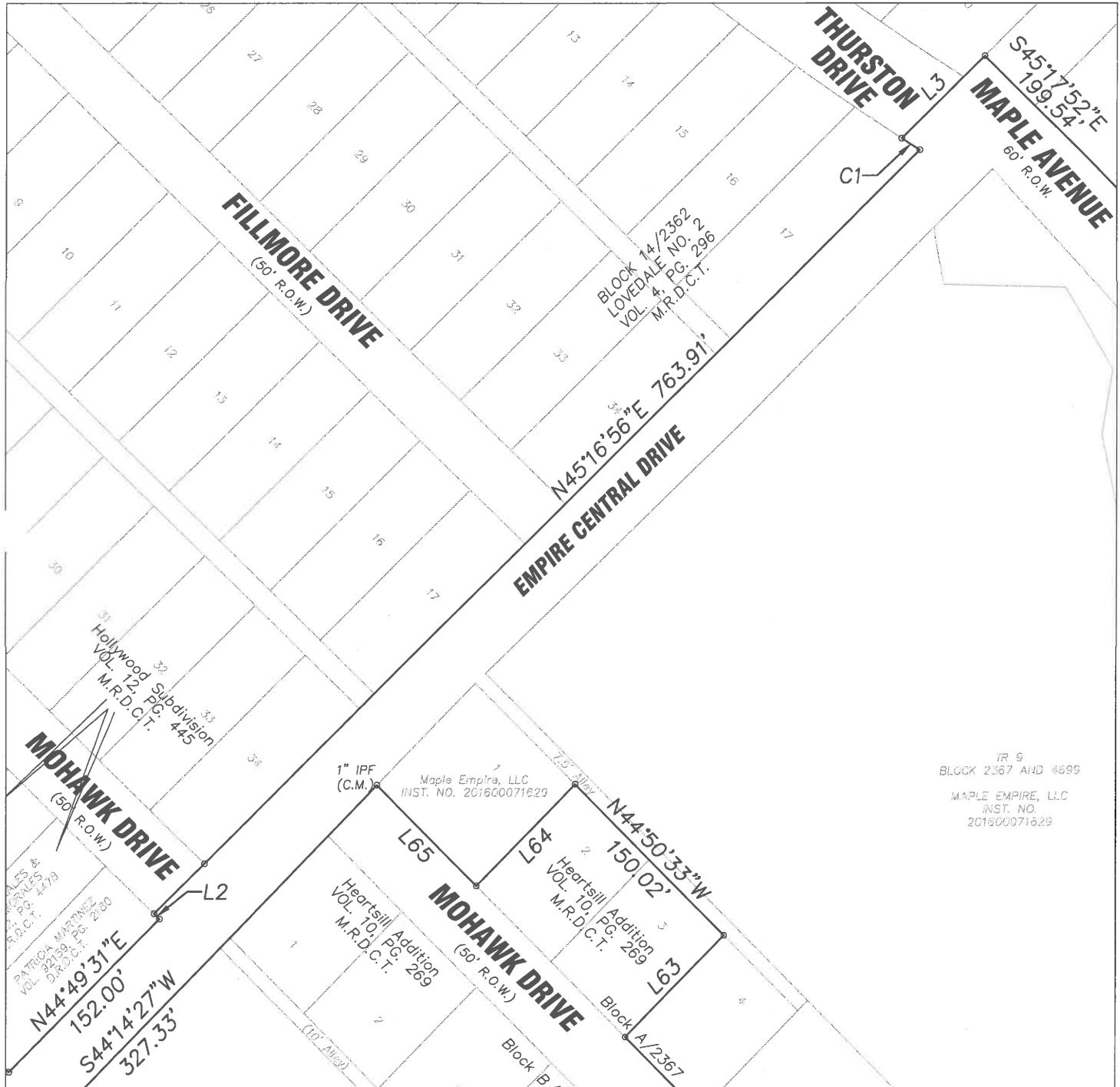
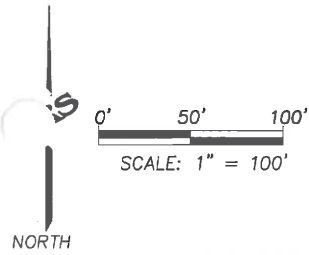
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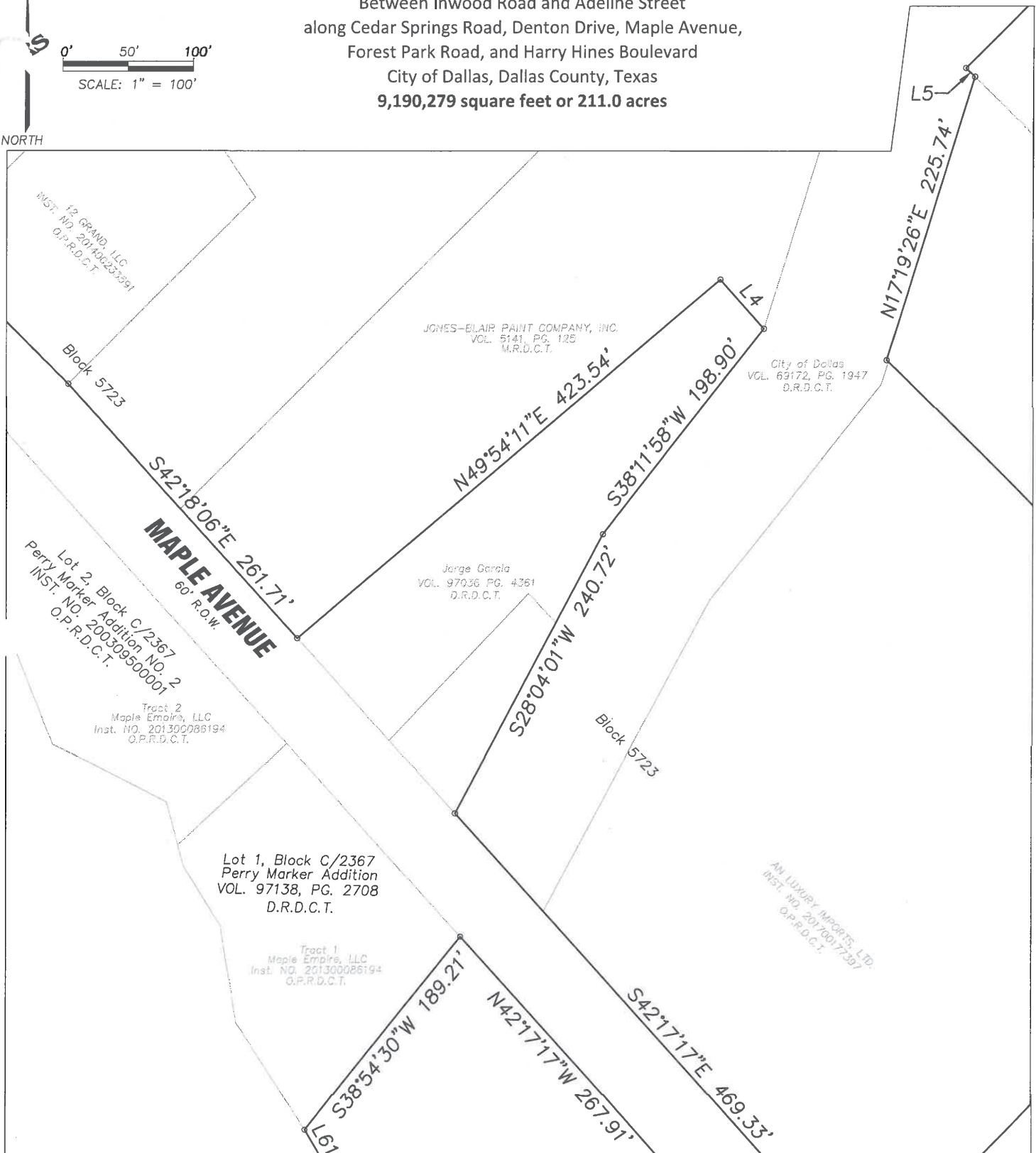
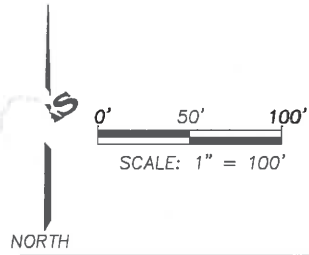
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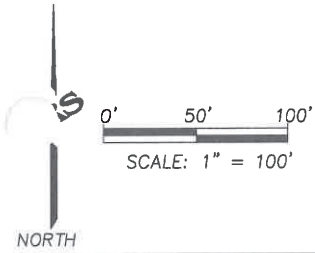
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City of Dallas, Dallas County, Texas
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Project No. 30217106
Pg. 71 of 112
October 7, 2019

MSD SURVEY

Between Inwood Road and Adeline Street
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City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres



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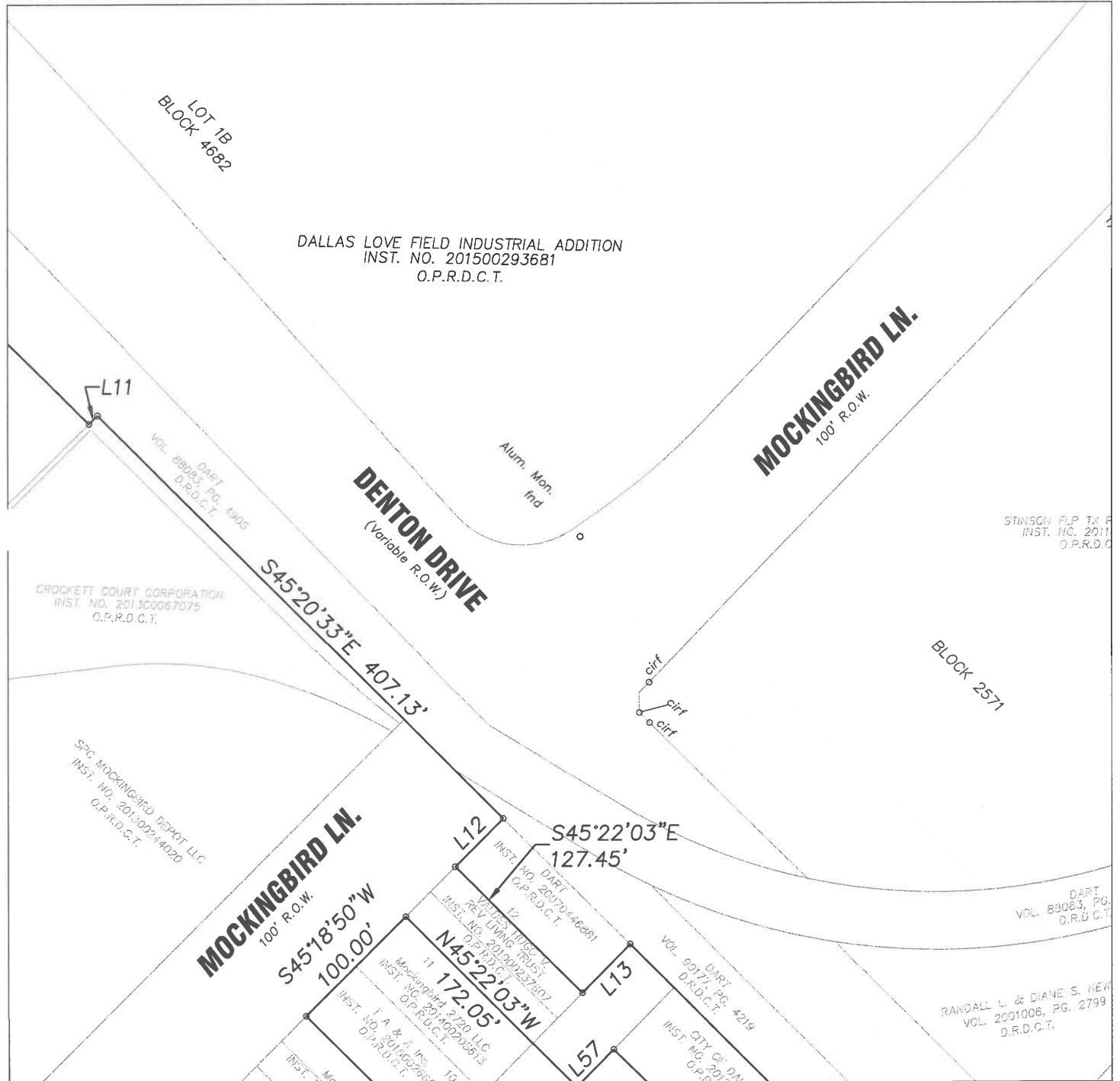
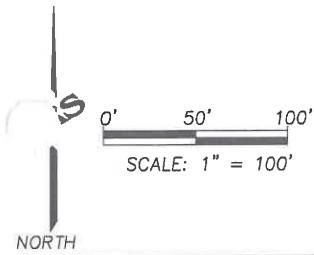
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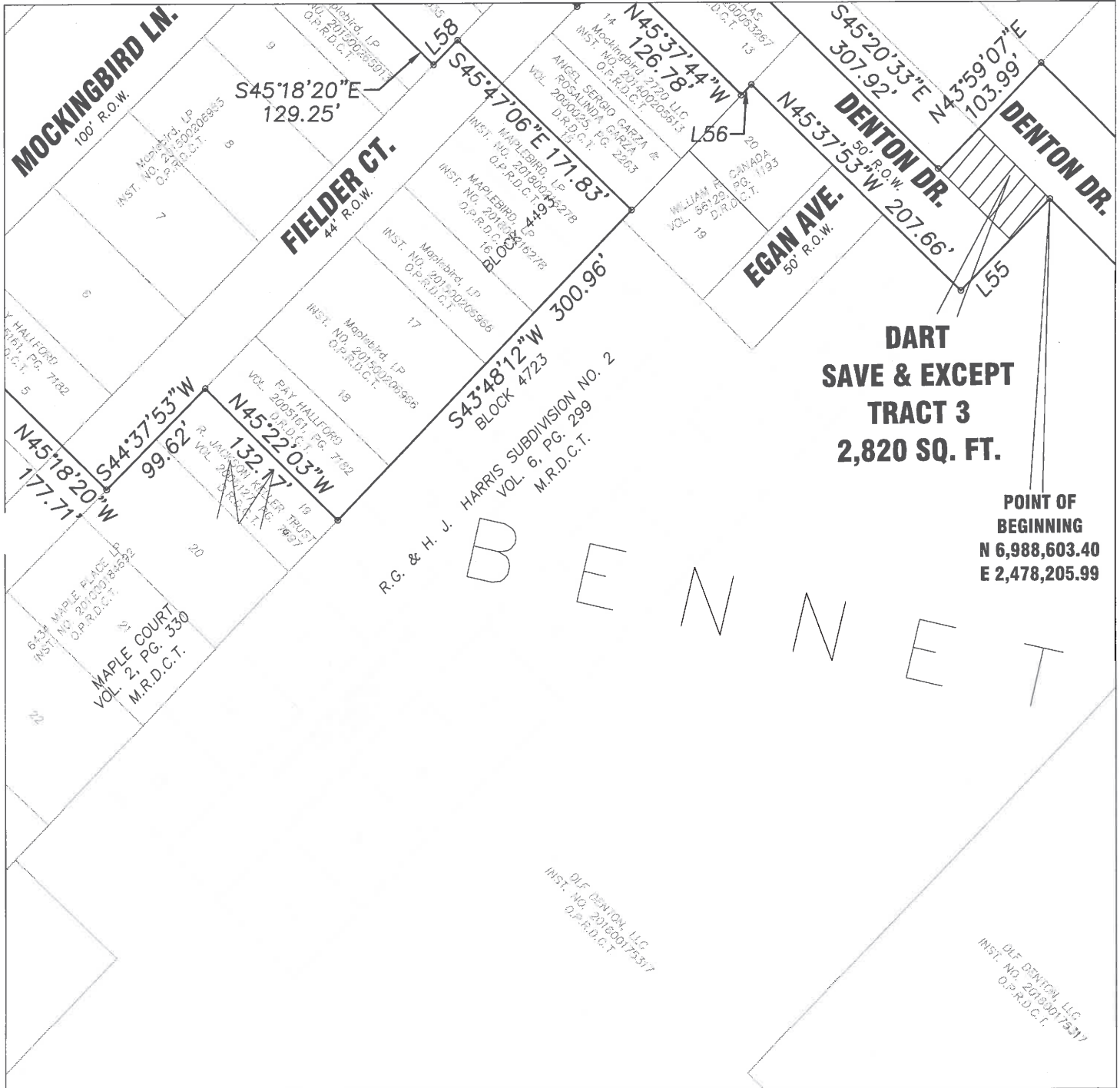
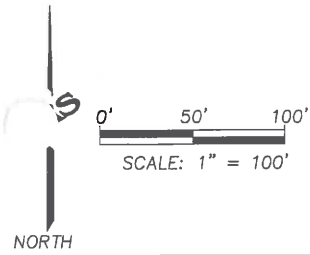
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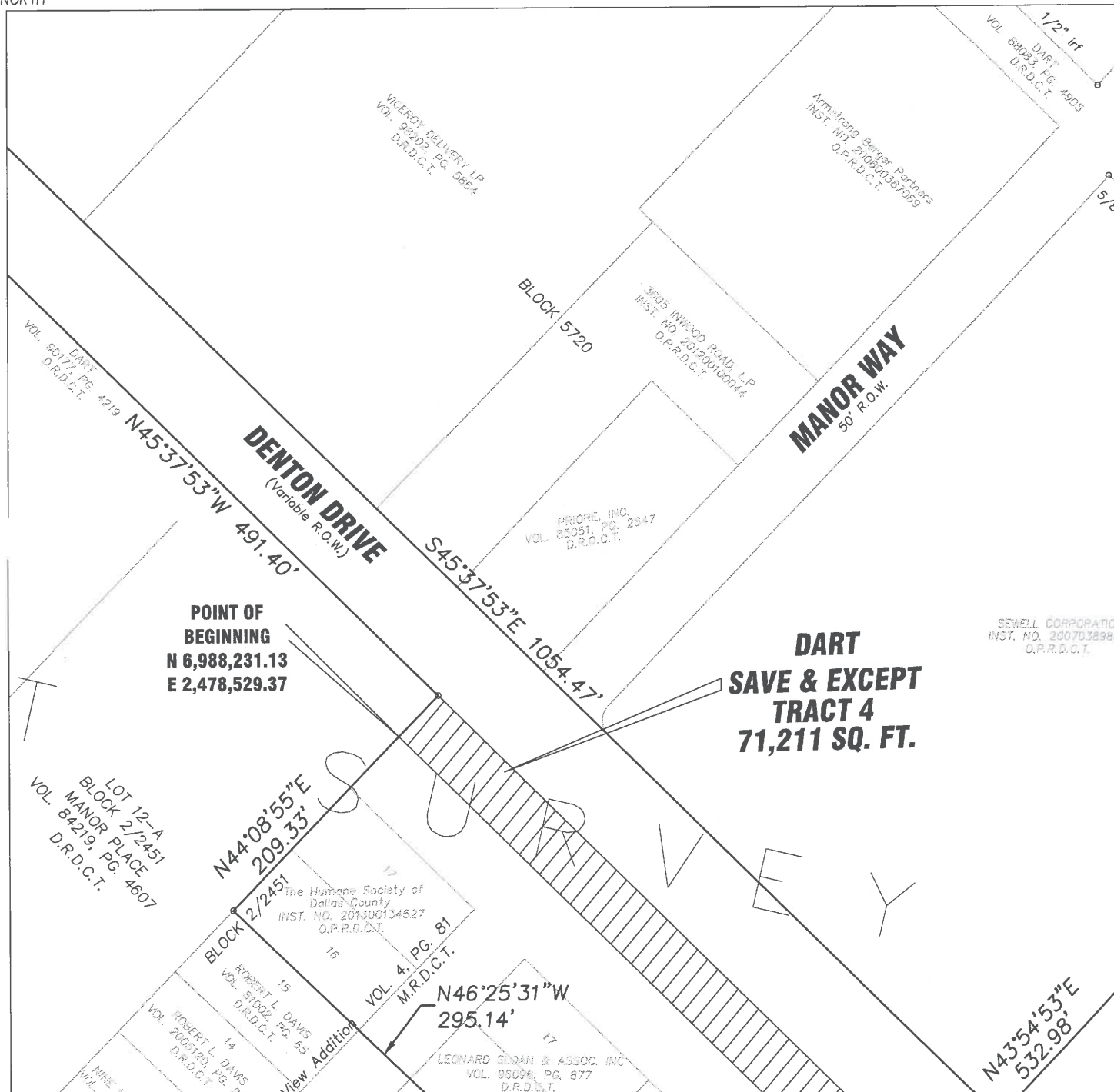
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City of Dallas, Dallas County, Texas
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NORTH

0' 50' 100'
SCALE: 1" = 100'



NOTES:

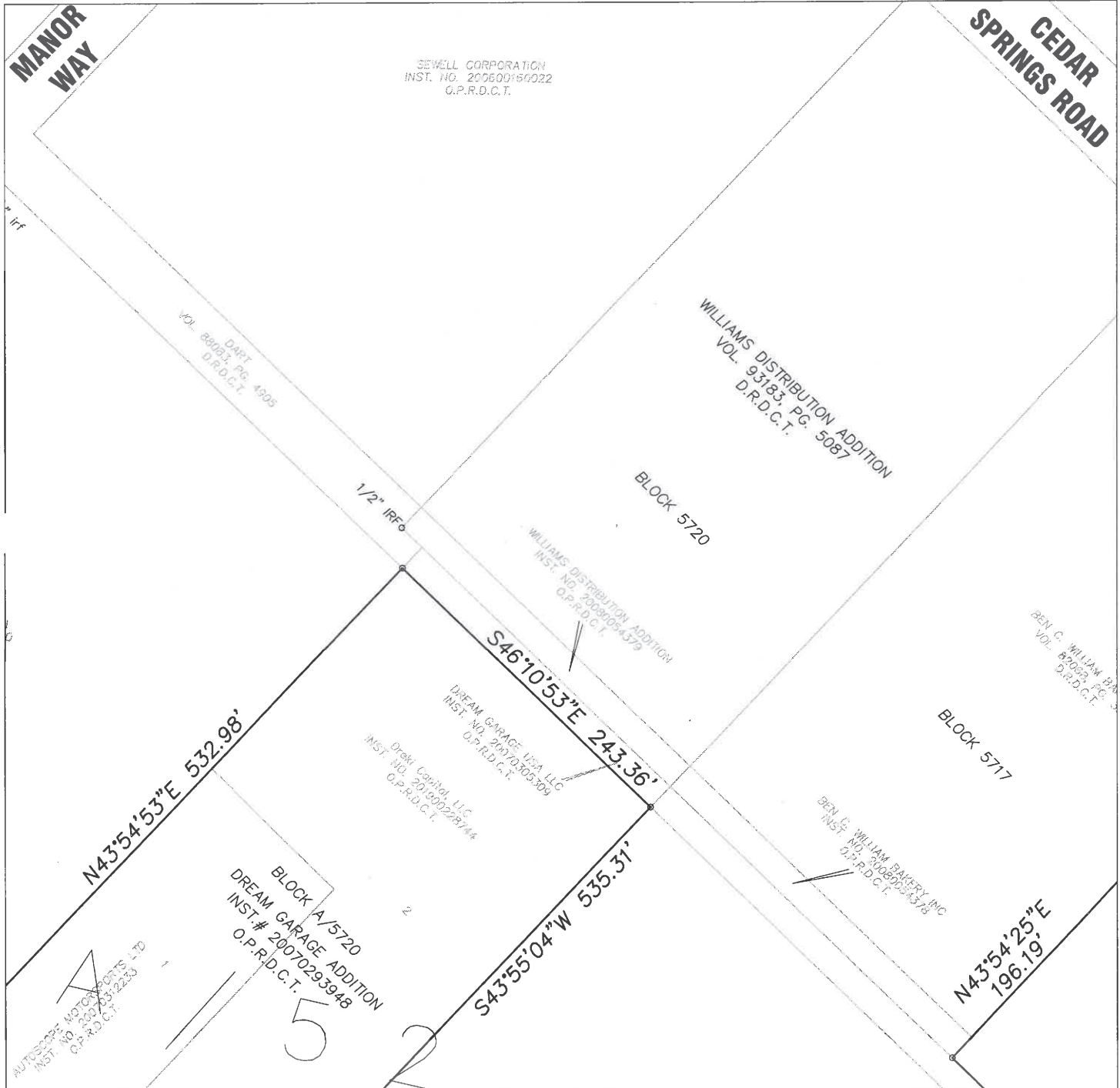
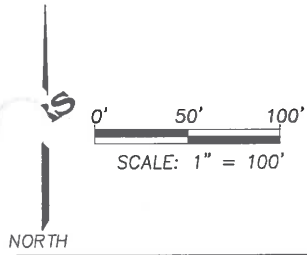
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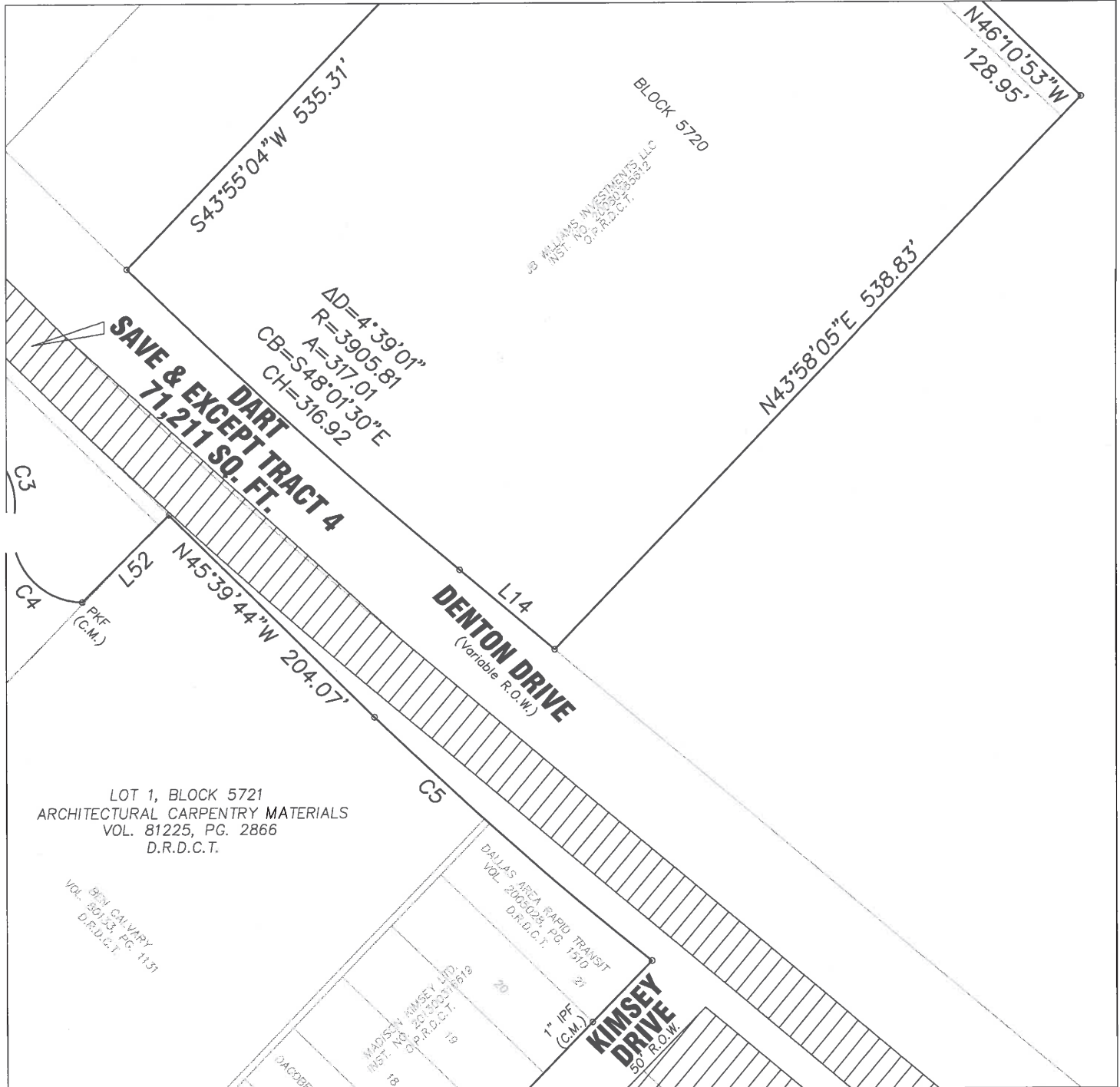
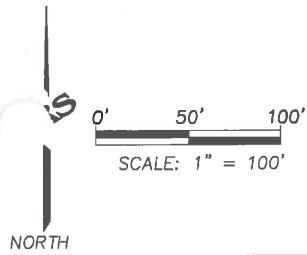
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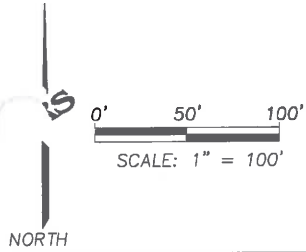
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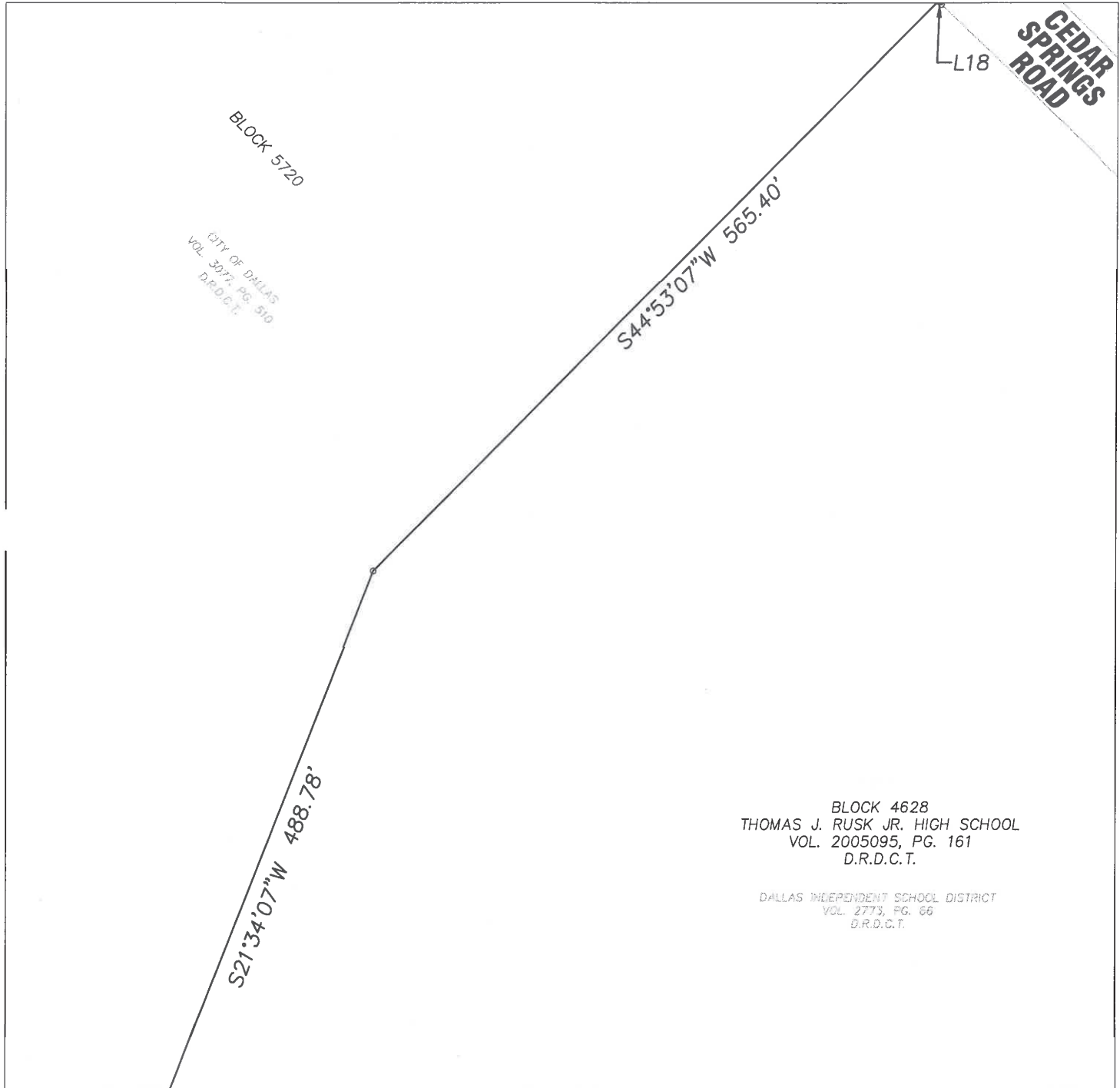
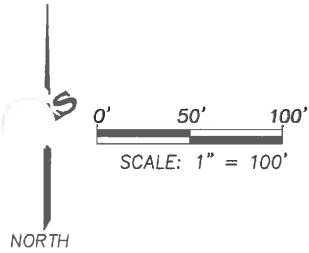
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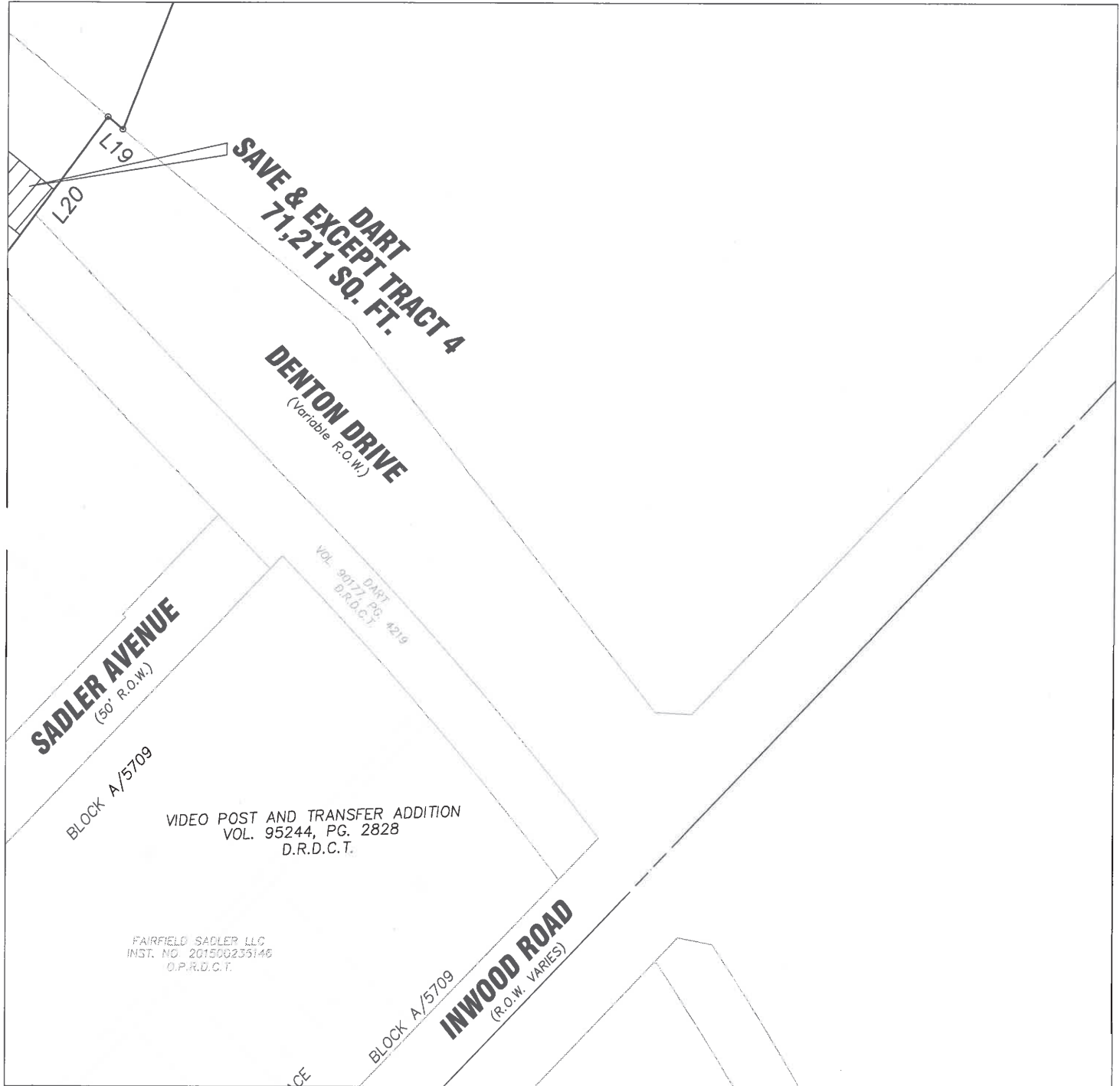
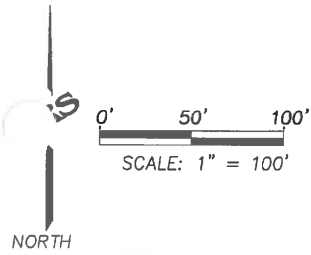
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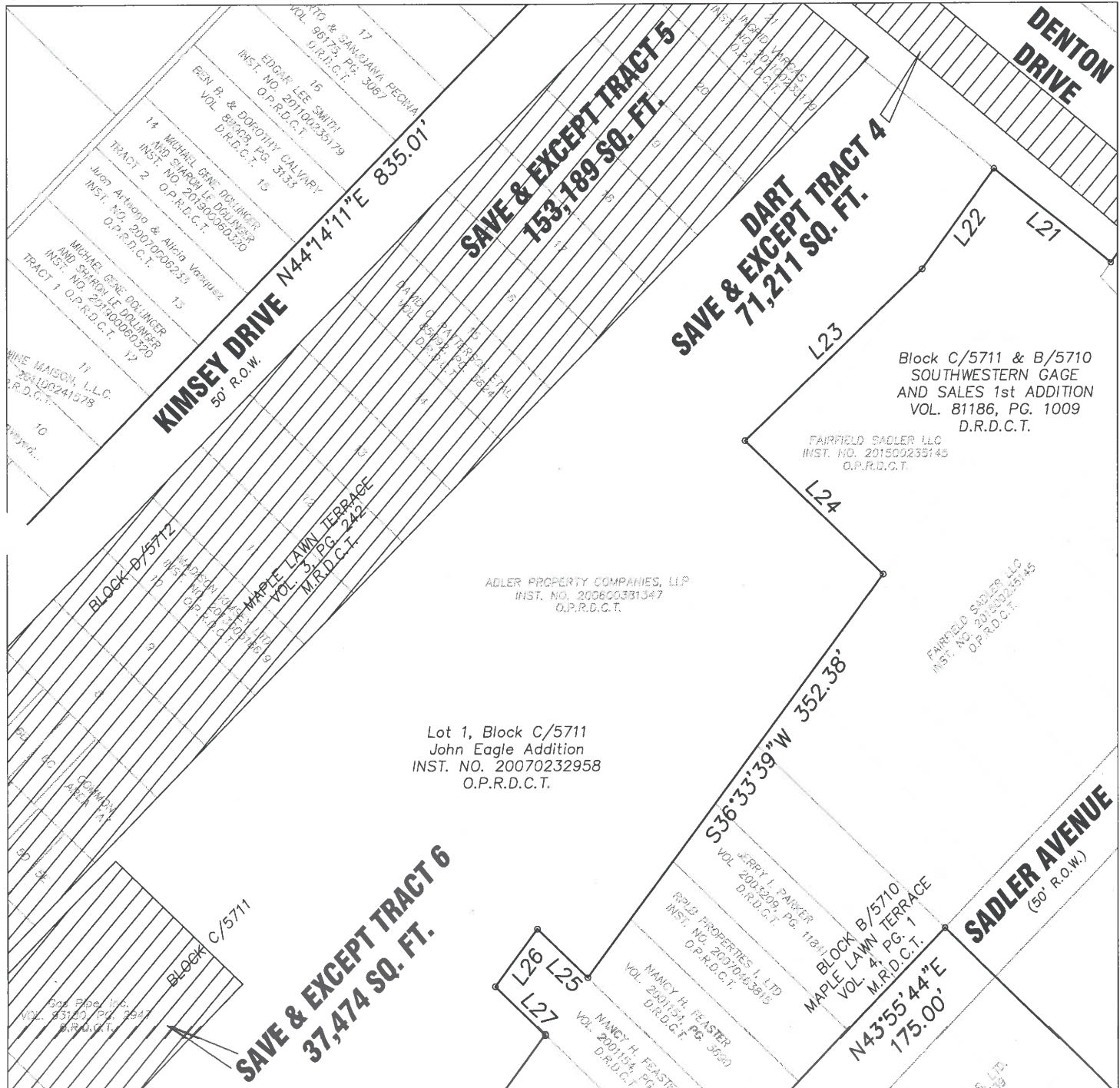
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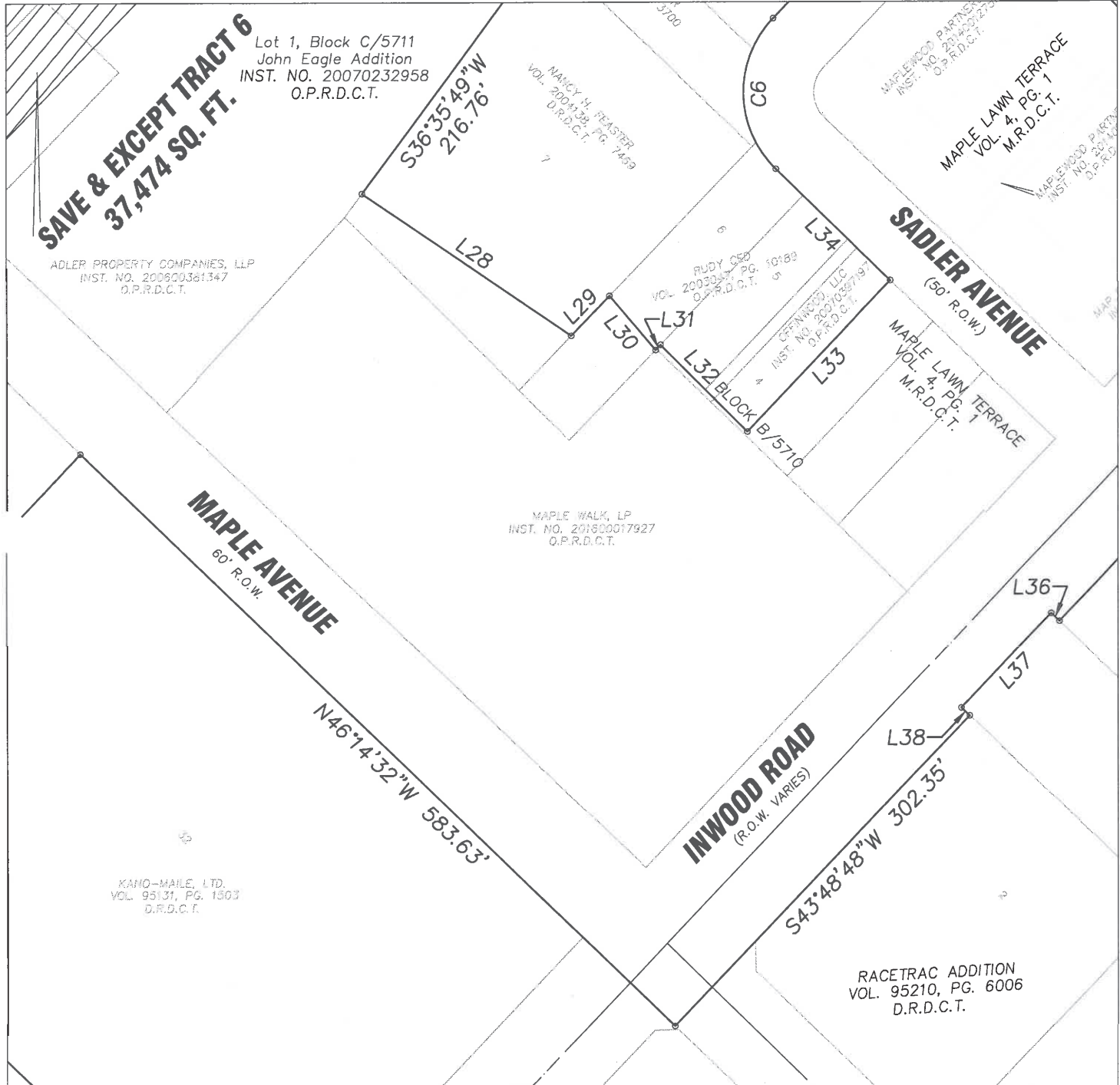
A north arrow pointing upwards, labeled "NORTH" at the bottom. To the right of the arrow is a graphic scale bar with markings for 0', 50', and 100'. Below the scale bar is the text "SCALE: 1" = 100'".



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October 7, 2019

Between Inwood Road and Adeline Street
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City of Dallas, Dallas County, Texas
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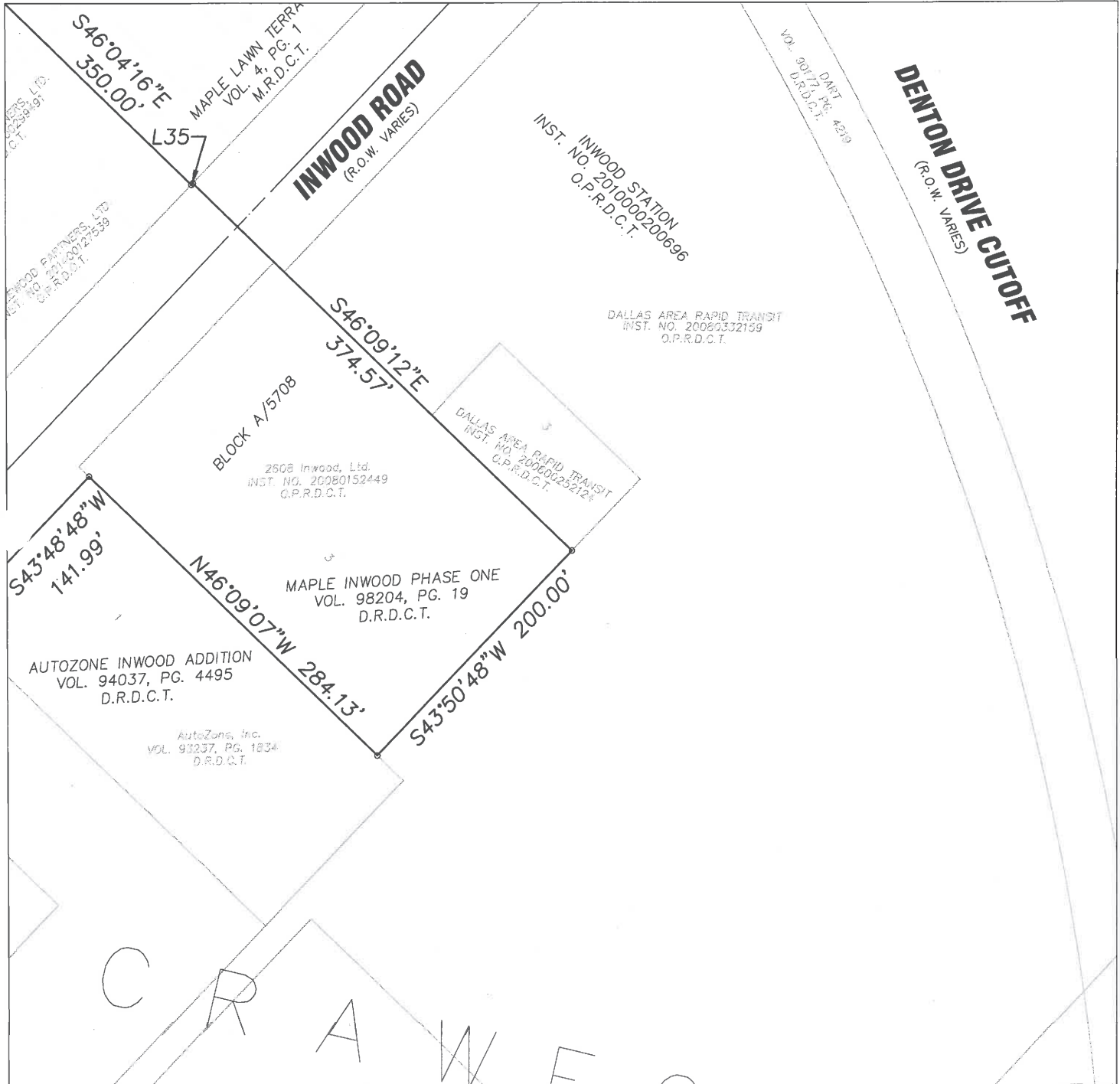
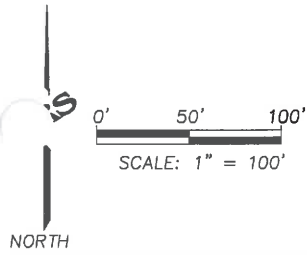
NORTH



Pg 82 of 112
October 7, 2019

MSD SURVEY

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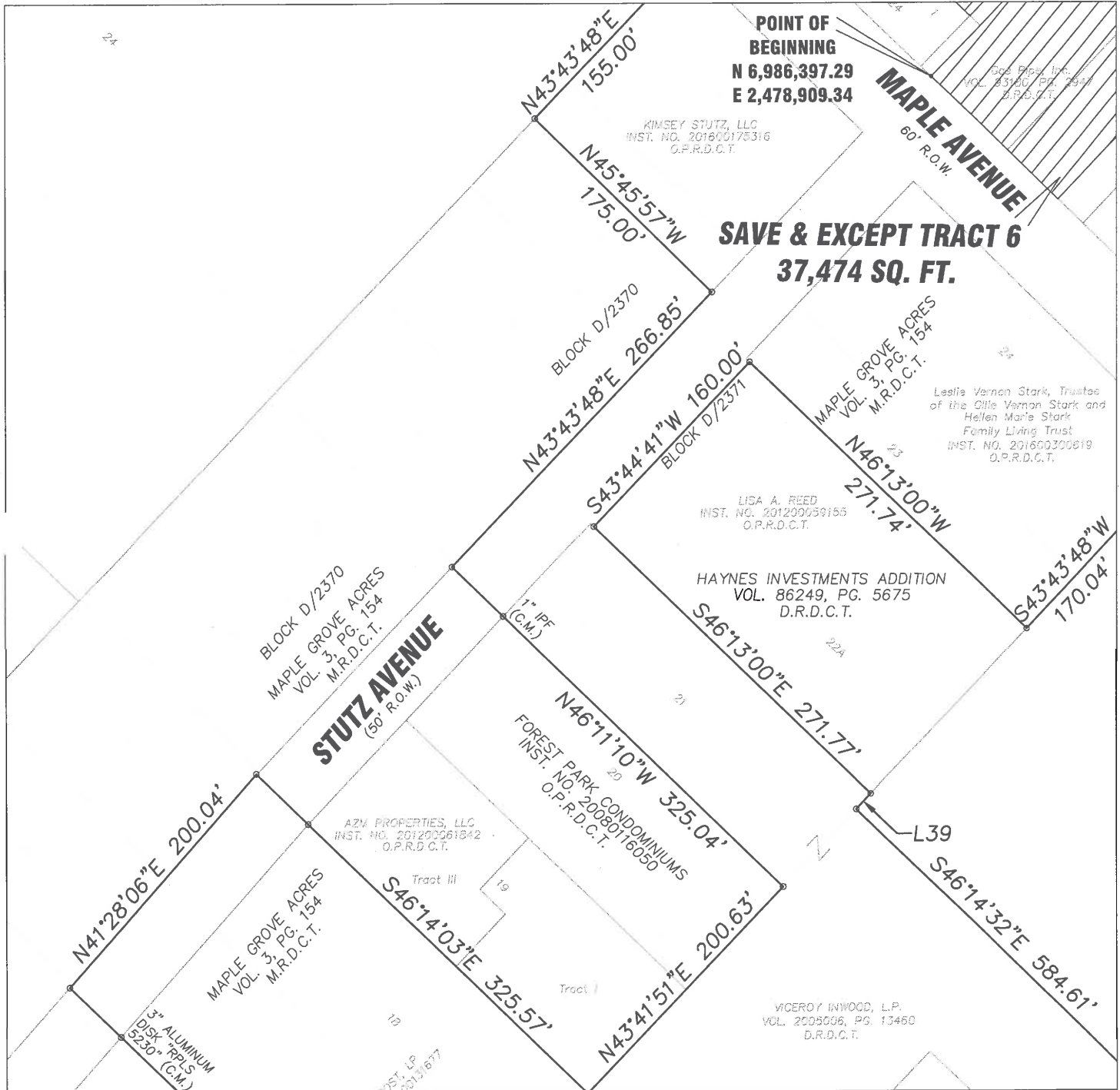
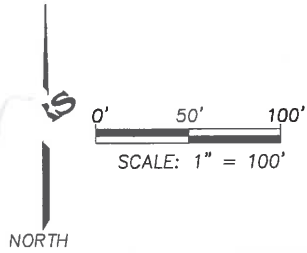
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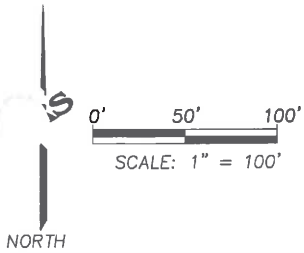
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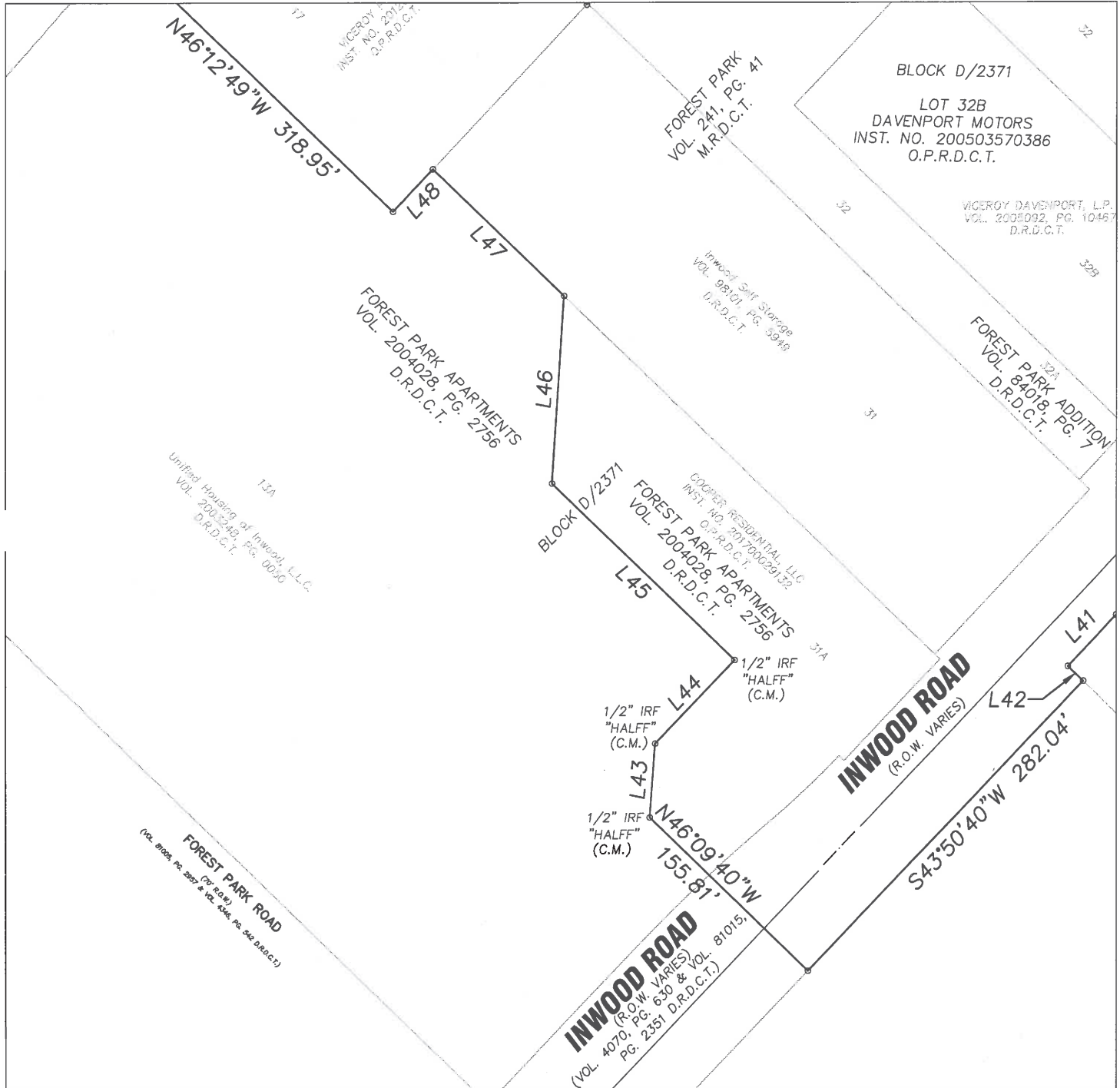
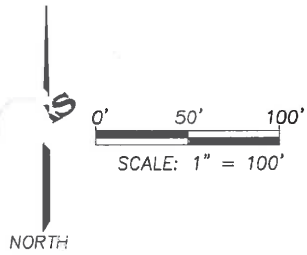
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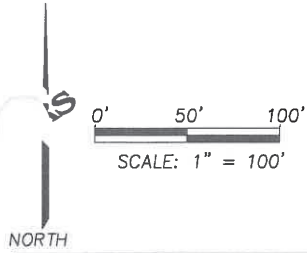
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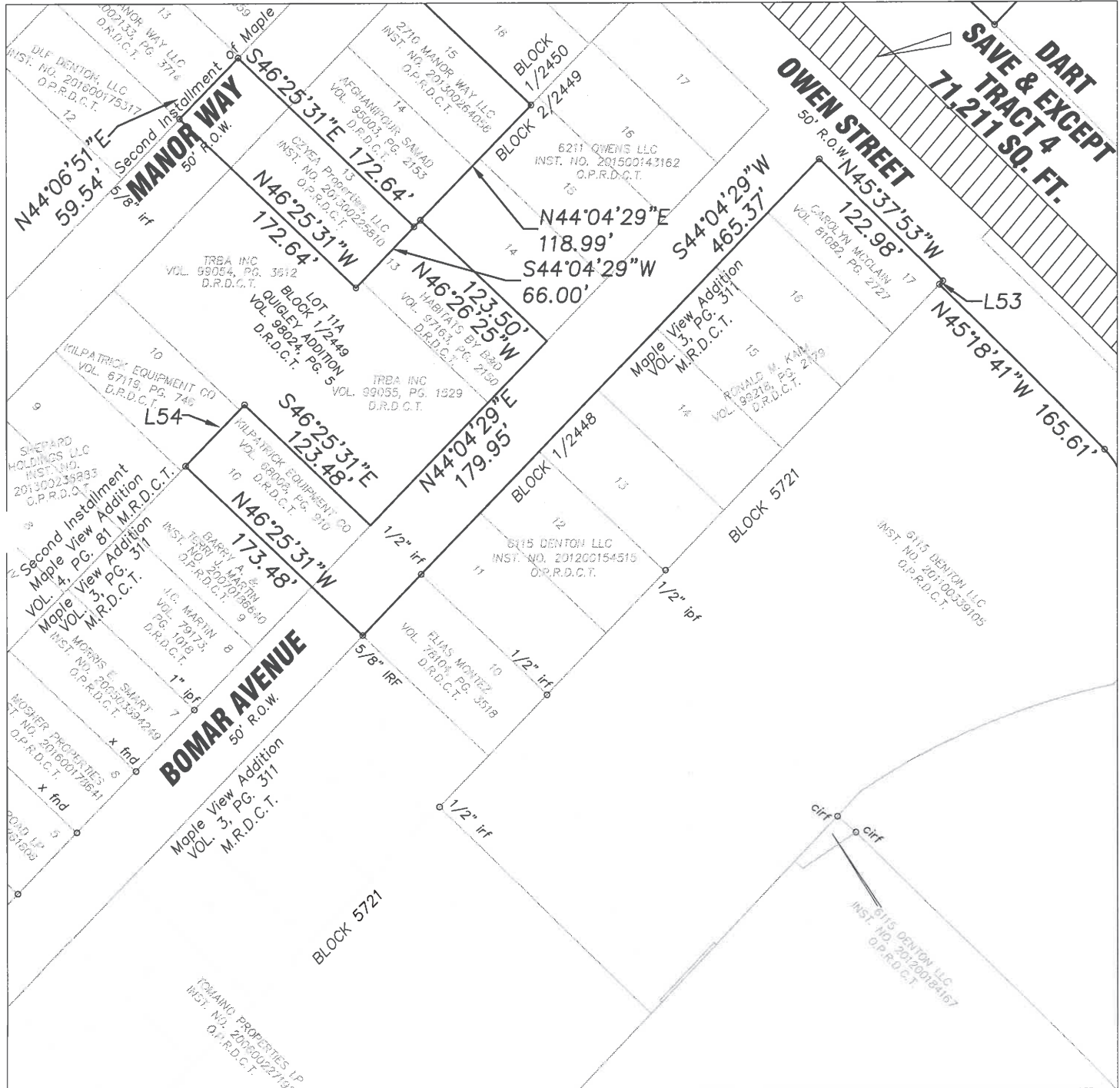
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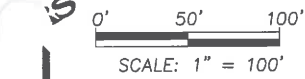
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NORTH



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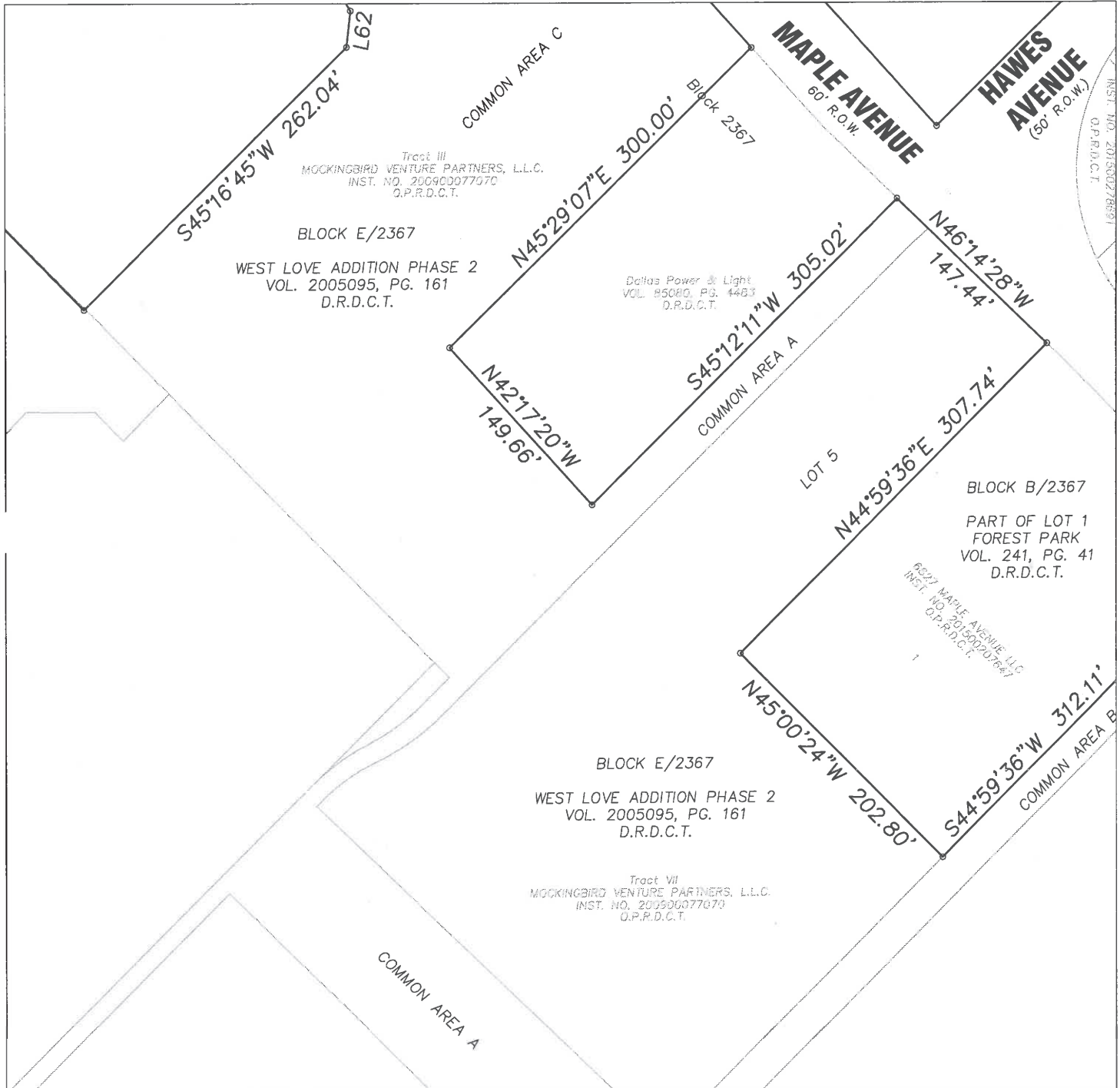
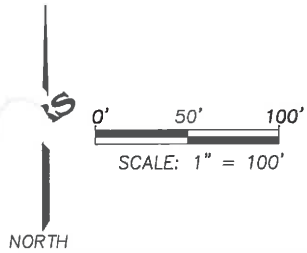
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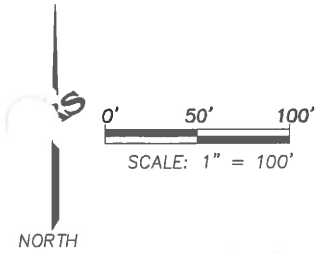
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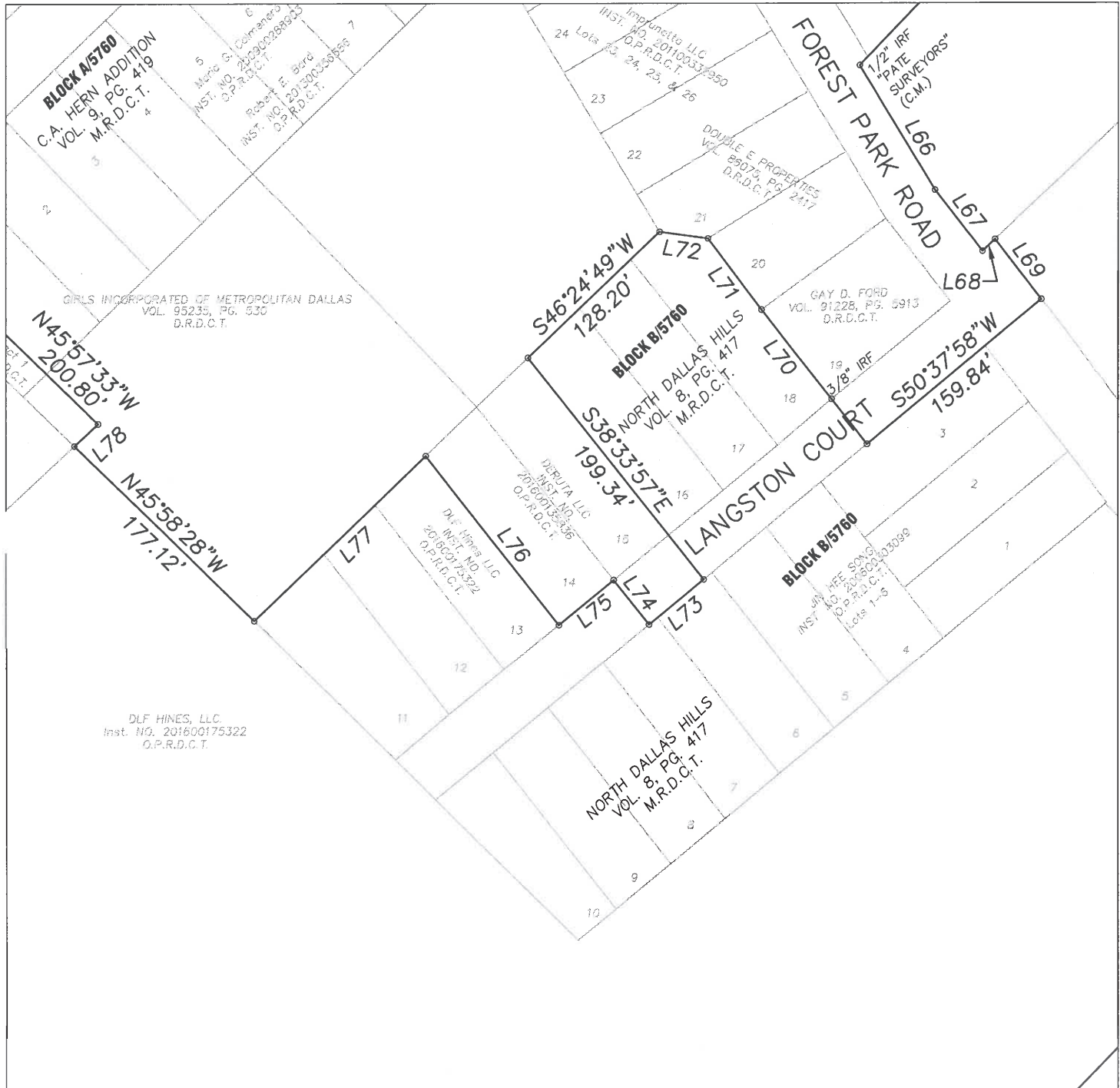
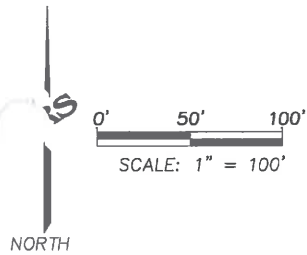
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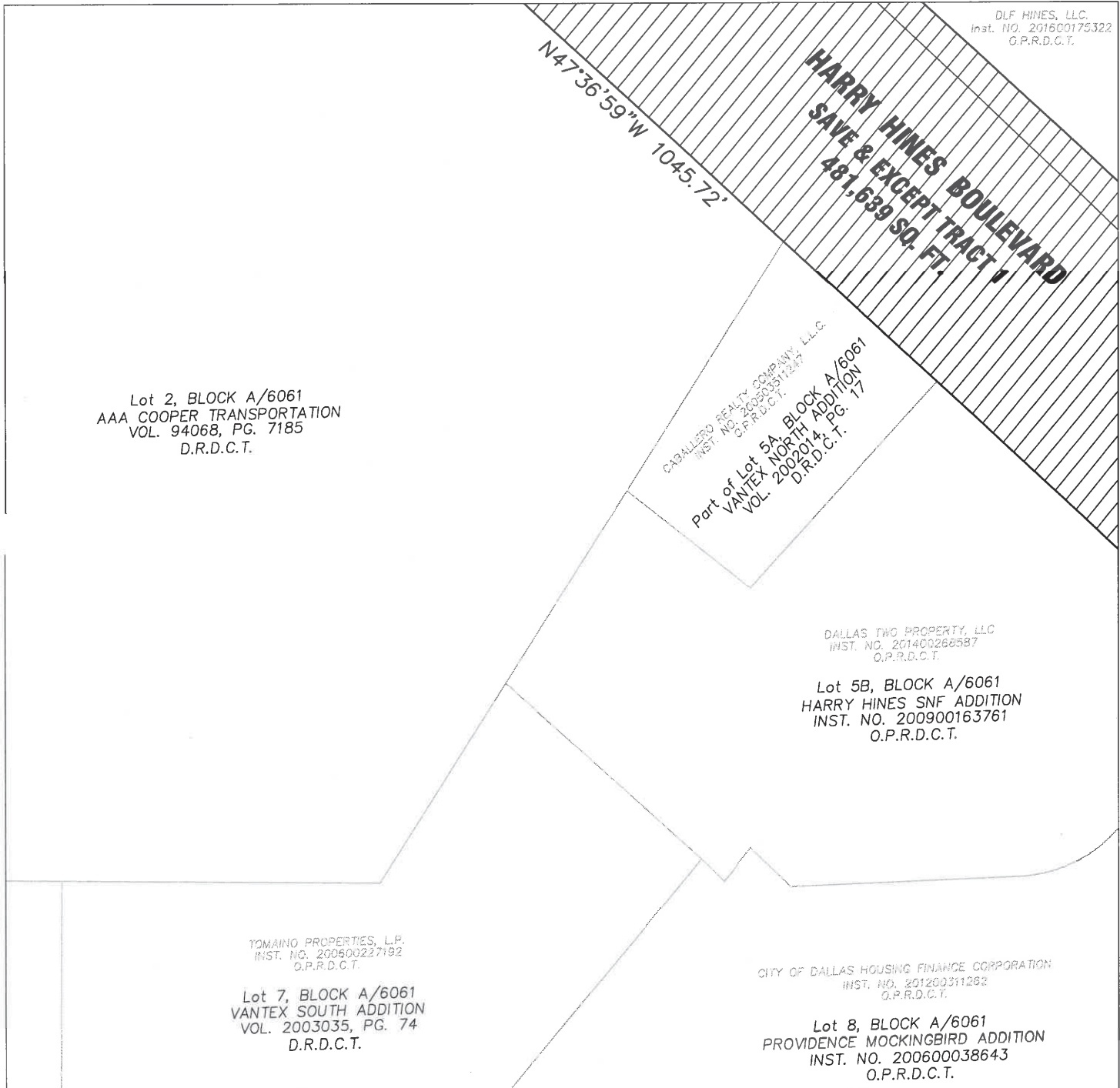


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NORTH

0' 50' 100'
SCALE: 1" = 100'



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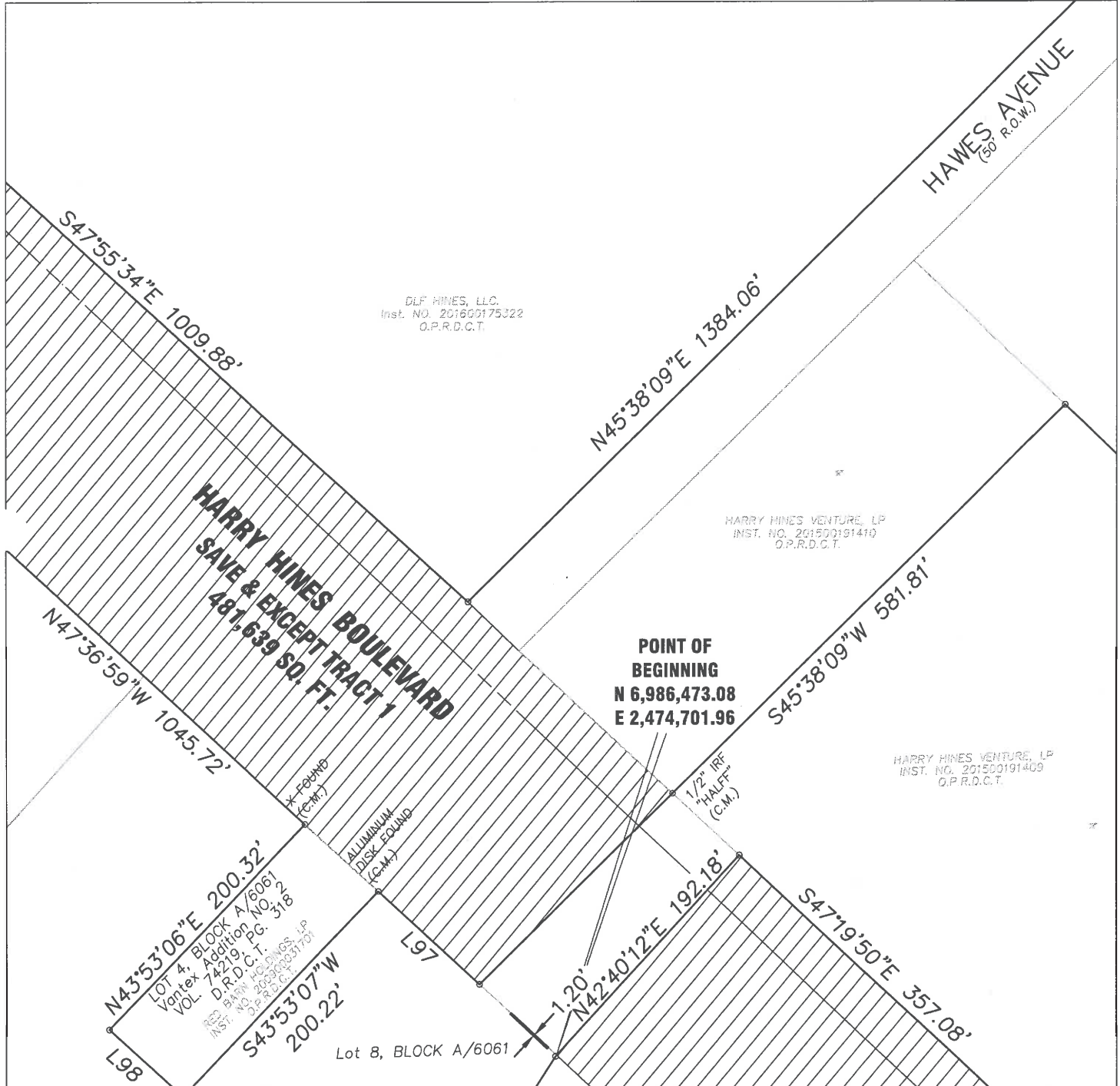
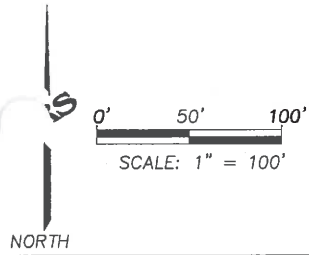
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MSD SURVEY

Between Inwood Road and Adeline Street
along Cedar Springs Road, Denton Drive, Maple Avenue,
Forest Park Road, and Harry Hines Boulevard
City of Dallas, Dallas County, Texas
9,190,279 square feet or 211.0 acres



NOTES:

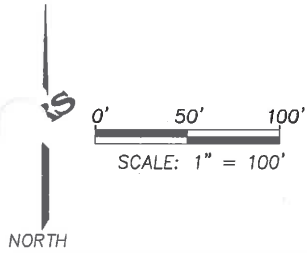
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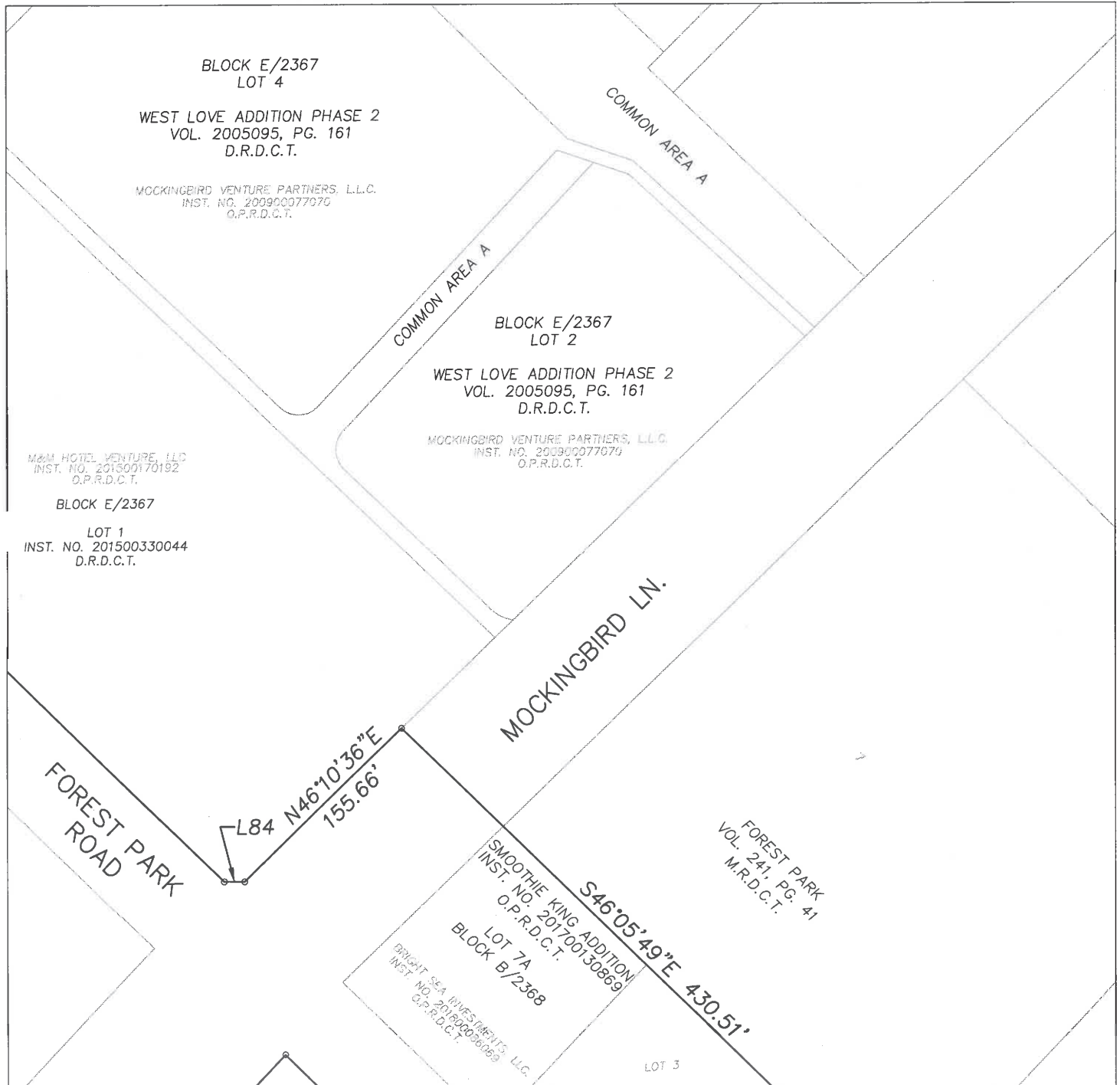
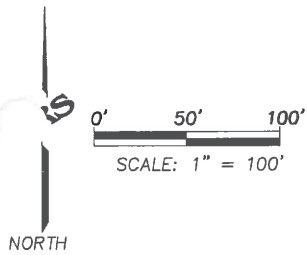
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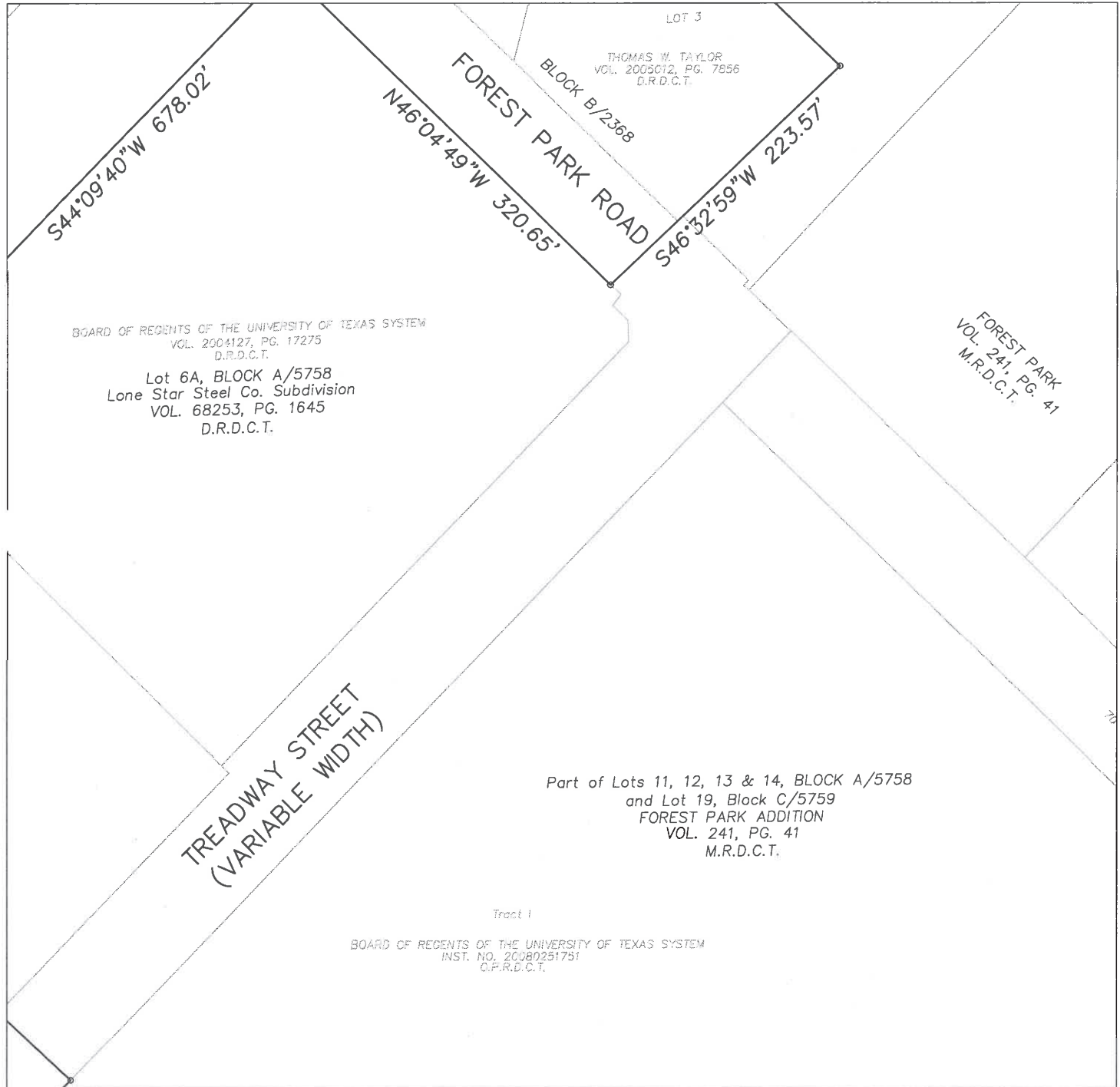
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0' 50' 100'
SCALE: 1" = 100'

NORTH



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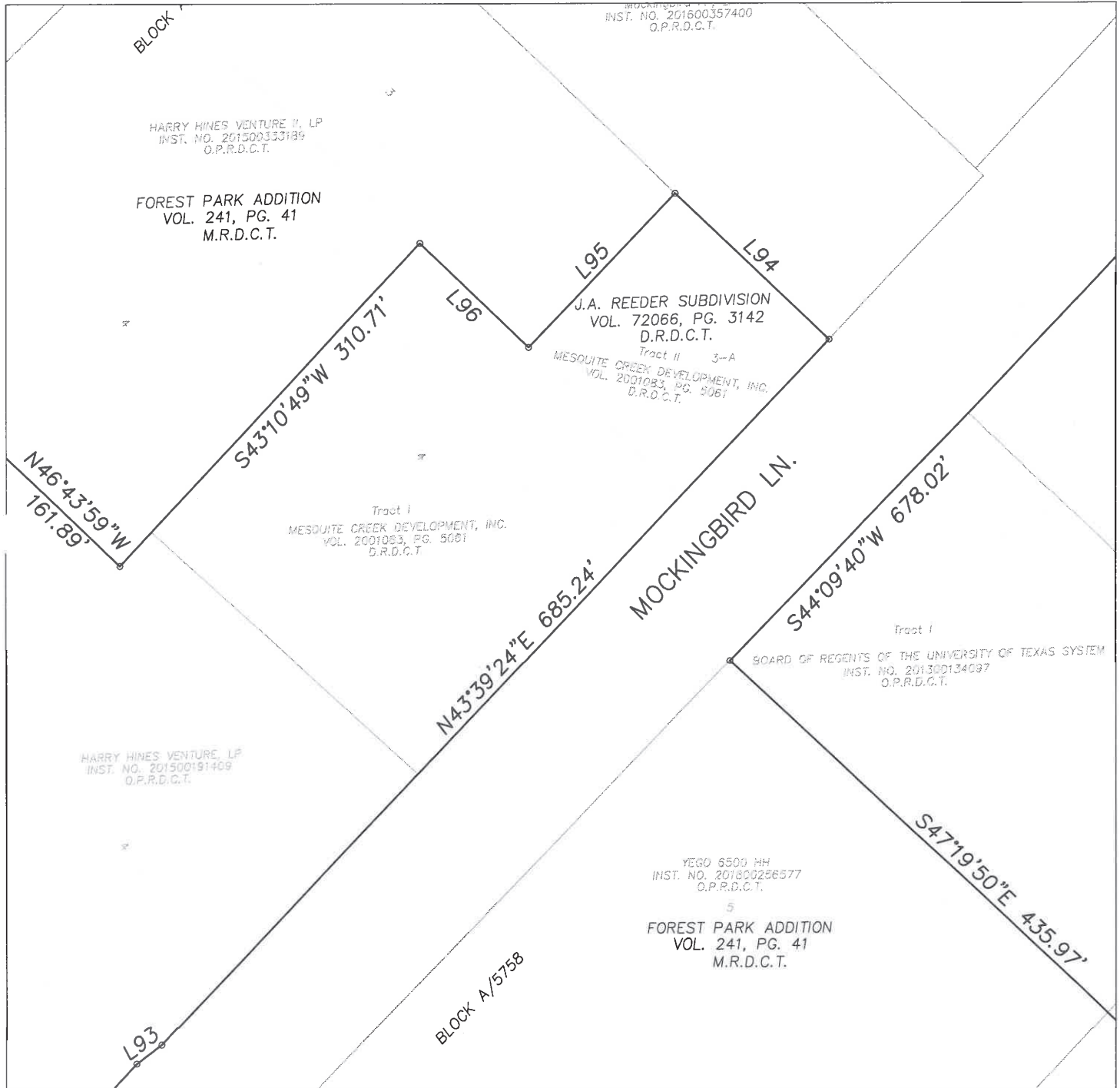
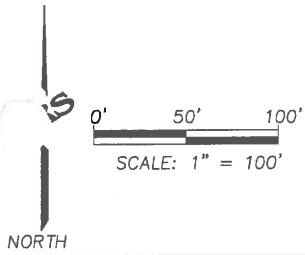
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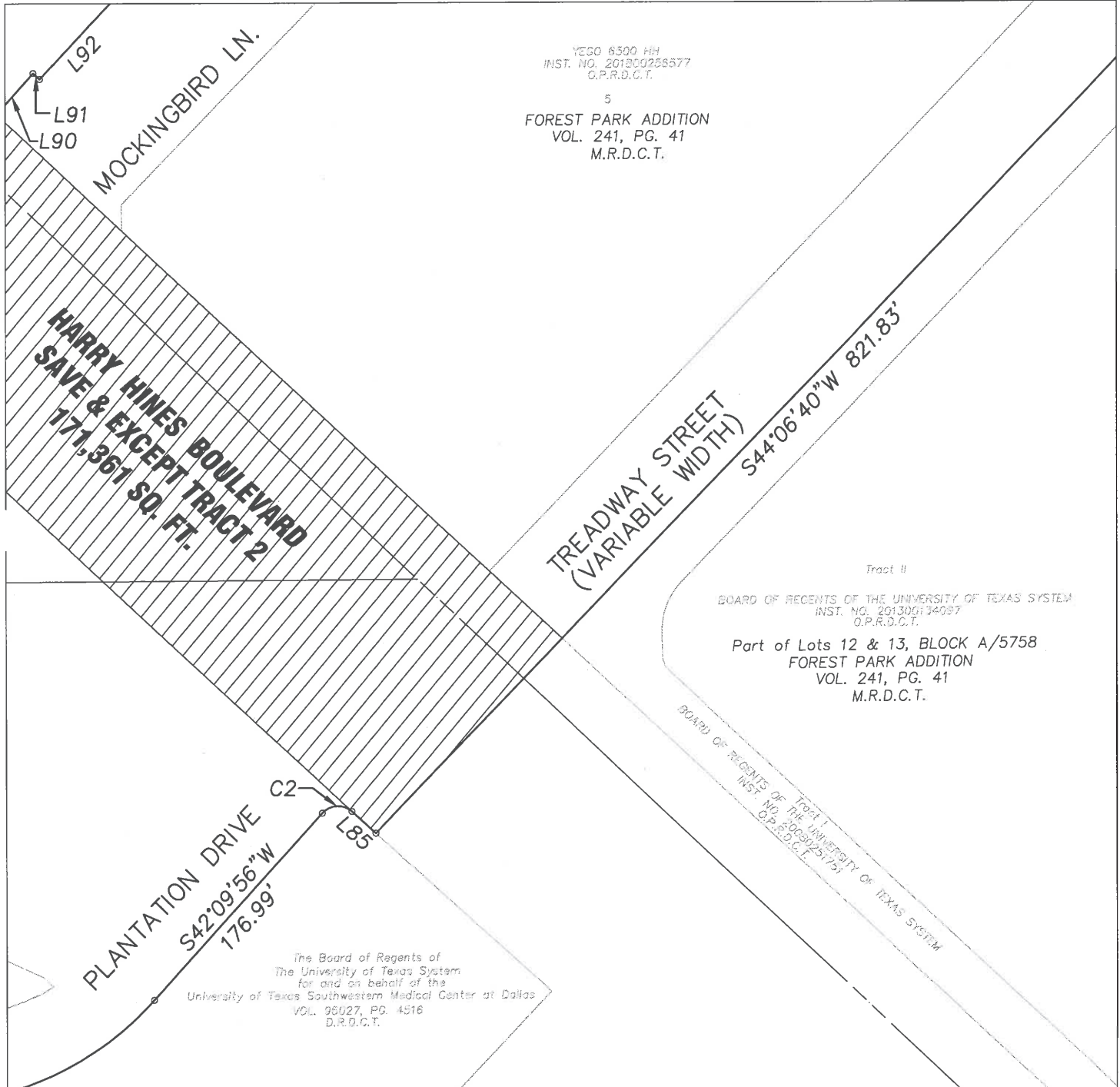
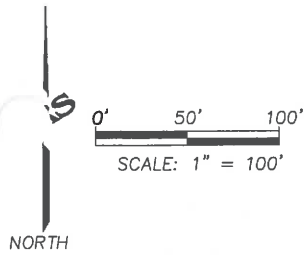
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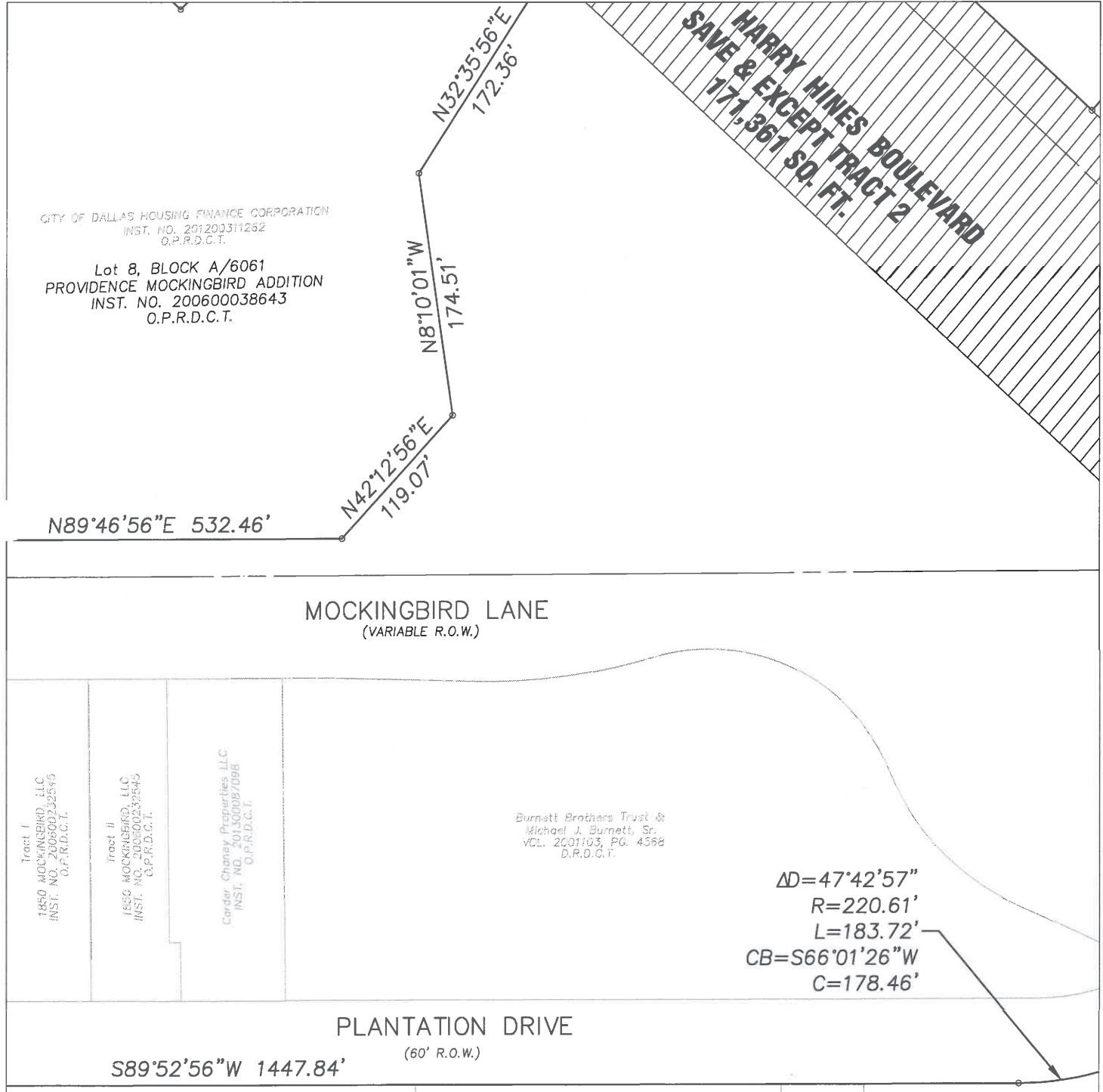
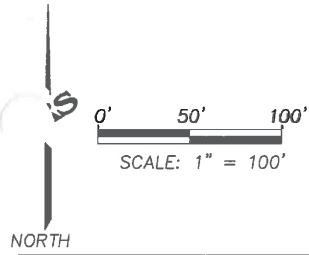
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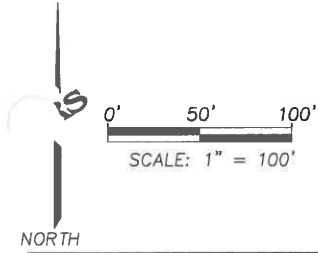
MSD LogOE0076 Virtuolotry, LLC - 6124 Denton Dr. Et al

Project No. 30217106

1000614121
October 7, 2019

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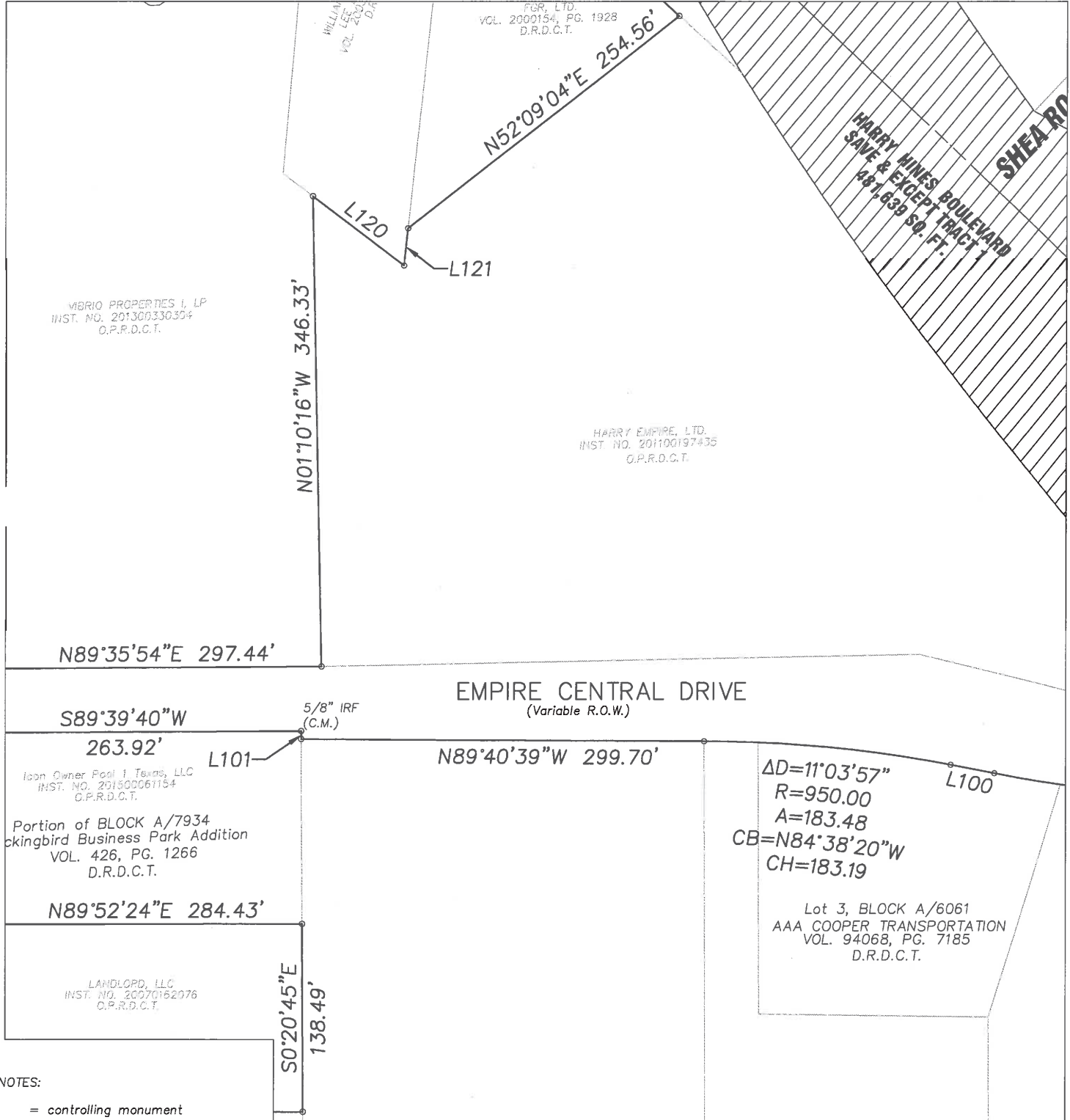
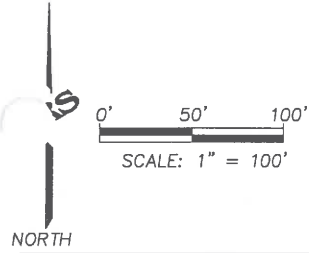
MSD LogOE0076 Virtuolotry, LLC - 6124 Denton Dr. Et al

Project No. 30217106

Page 1 of 1
October 7, 2019

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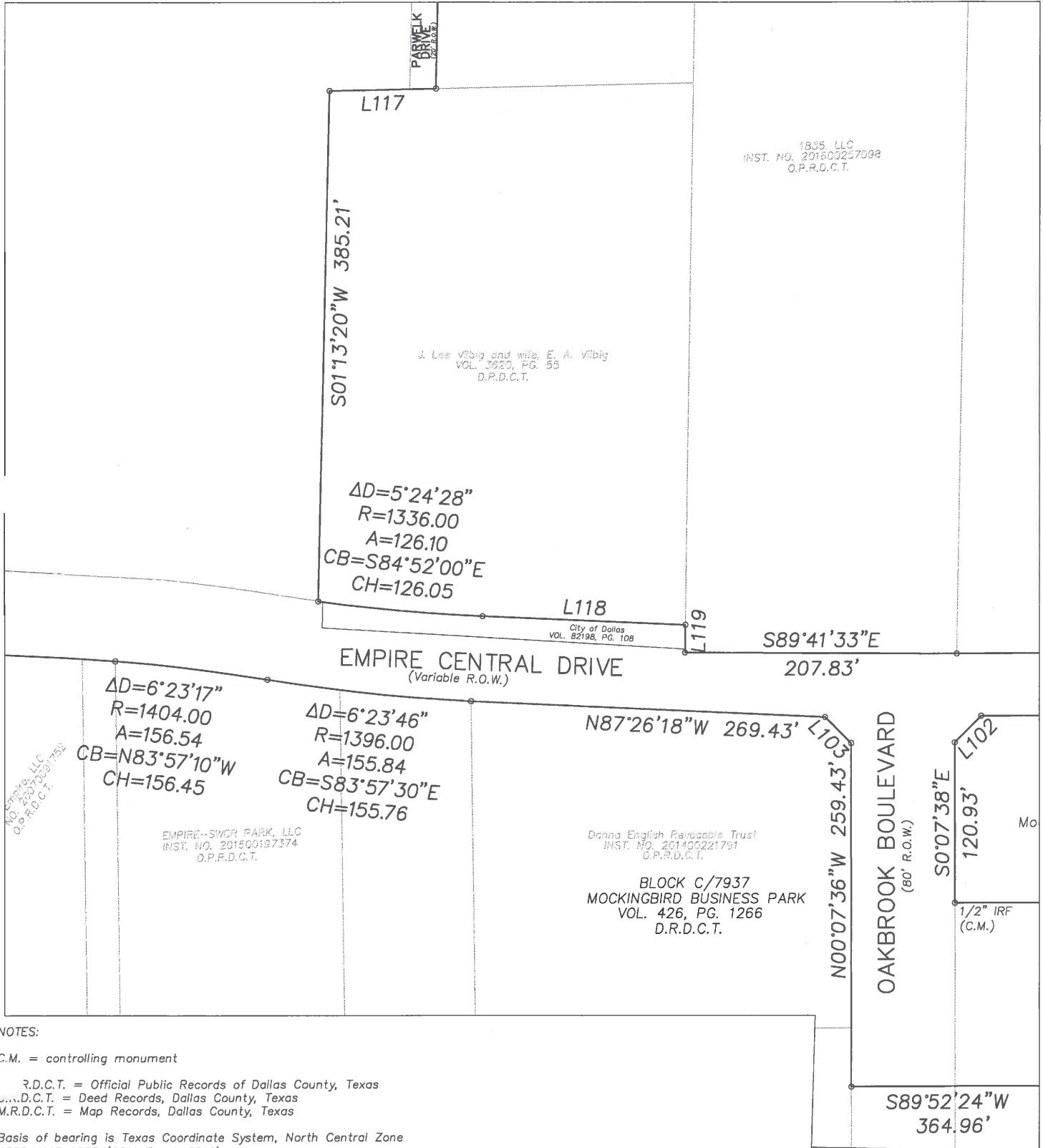
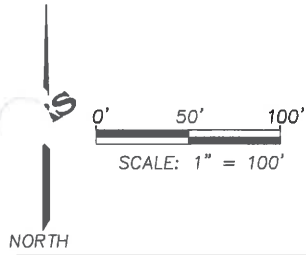
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October 7, 2019

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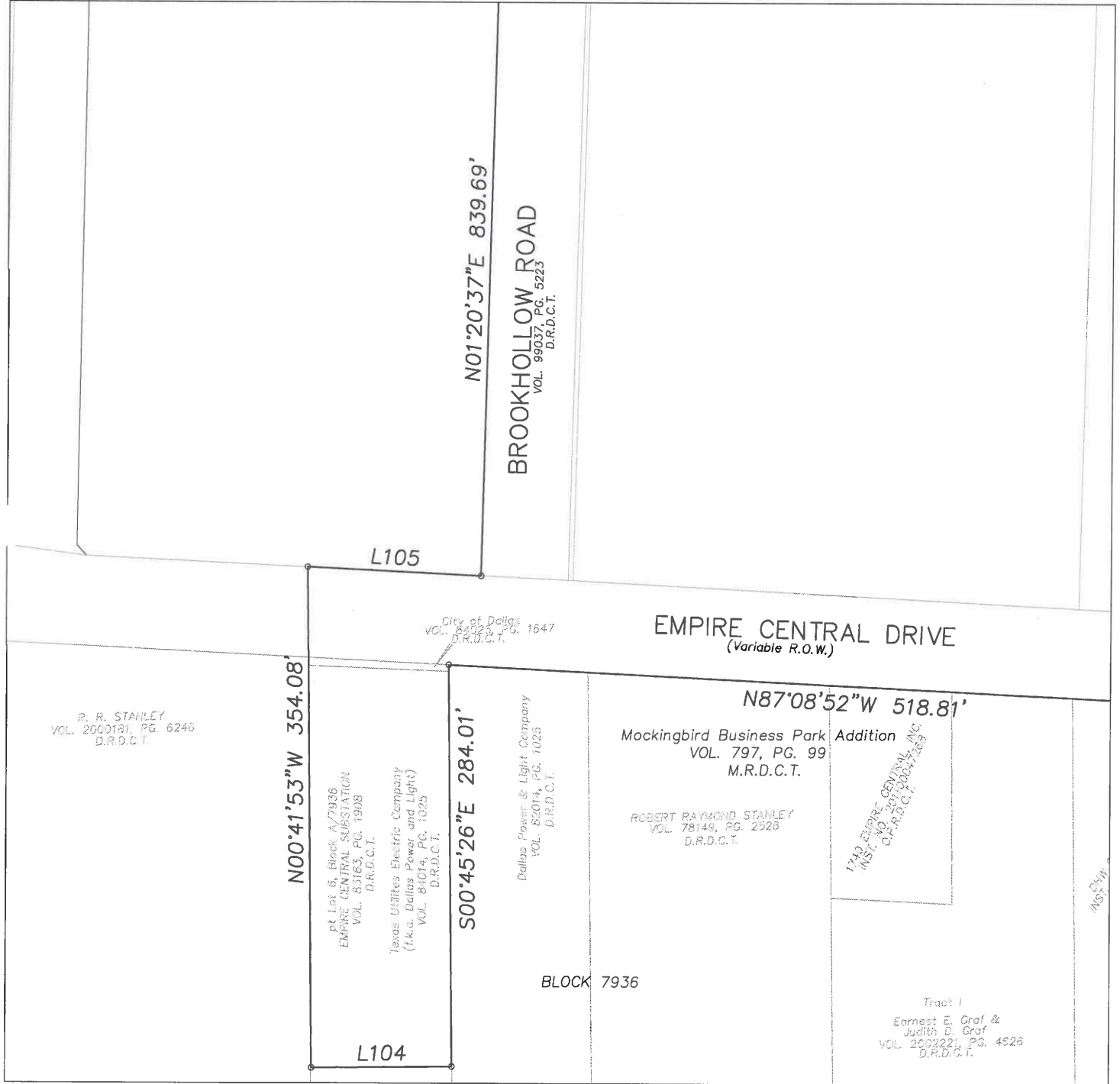
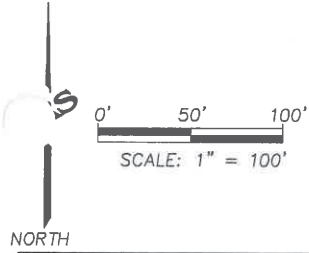
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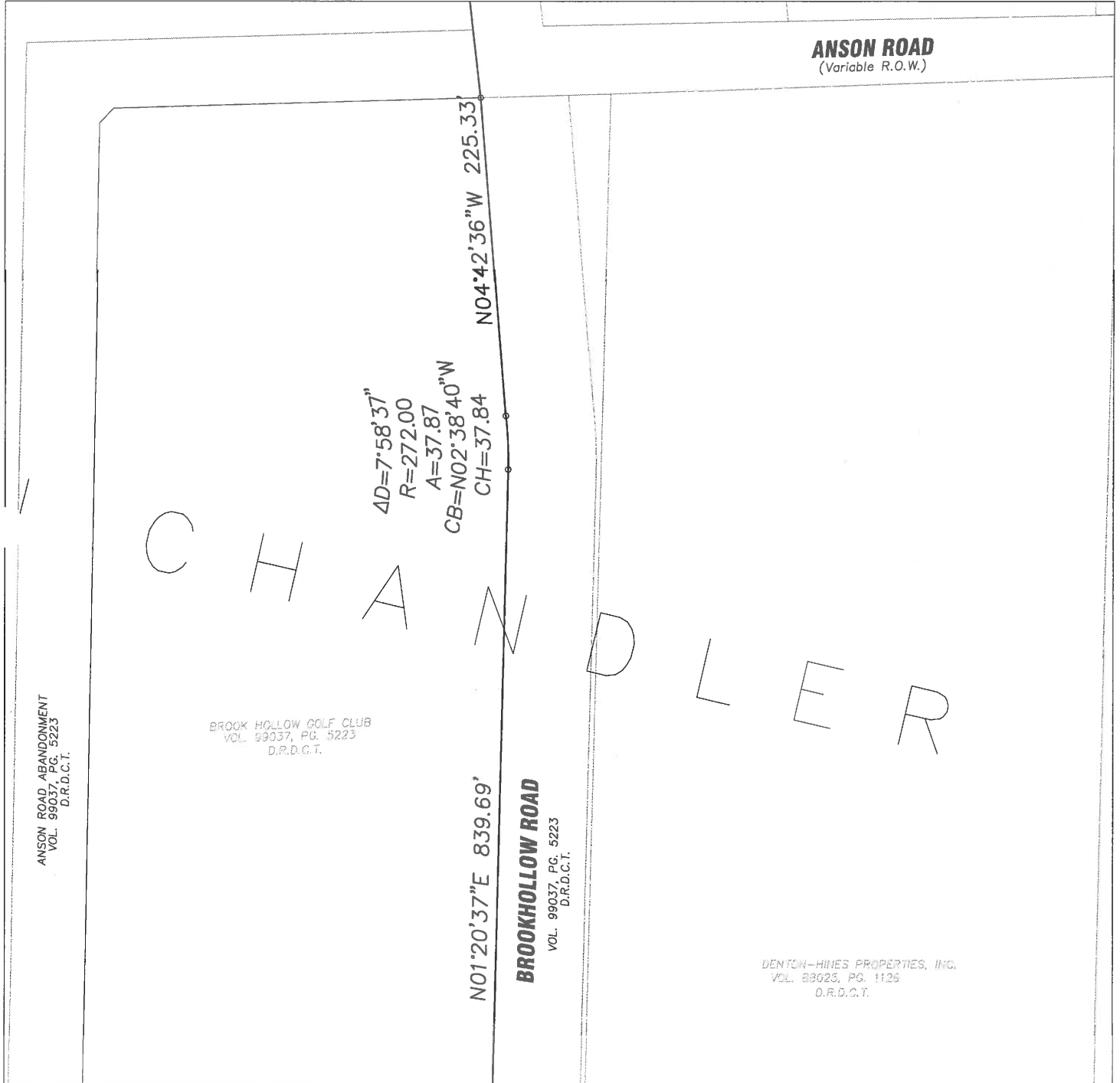
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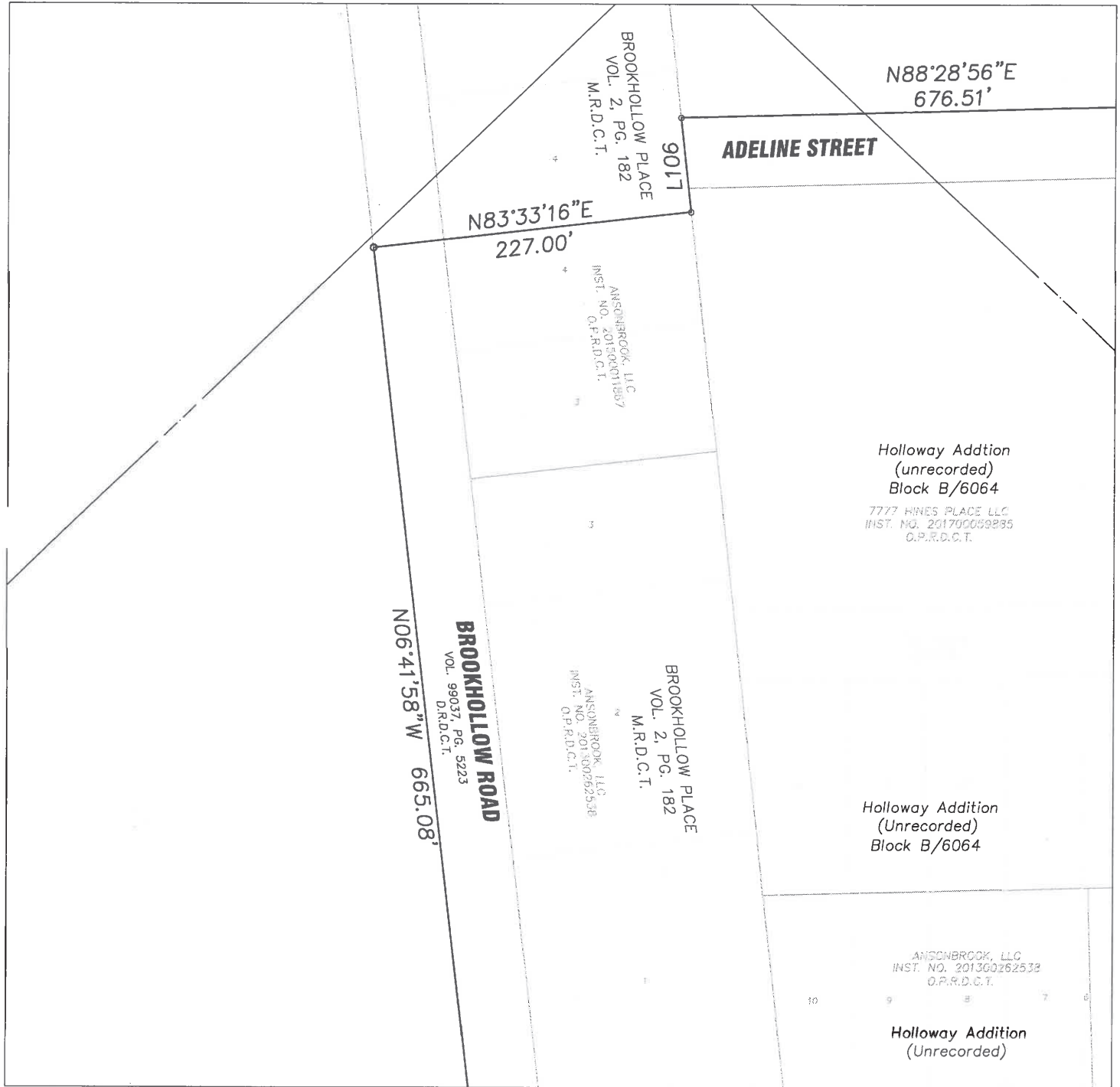
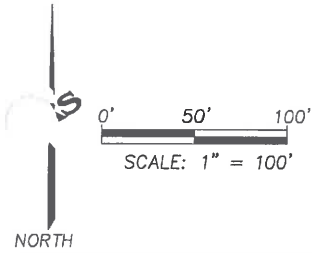
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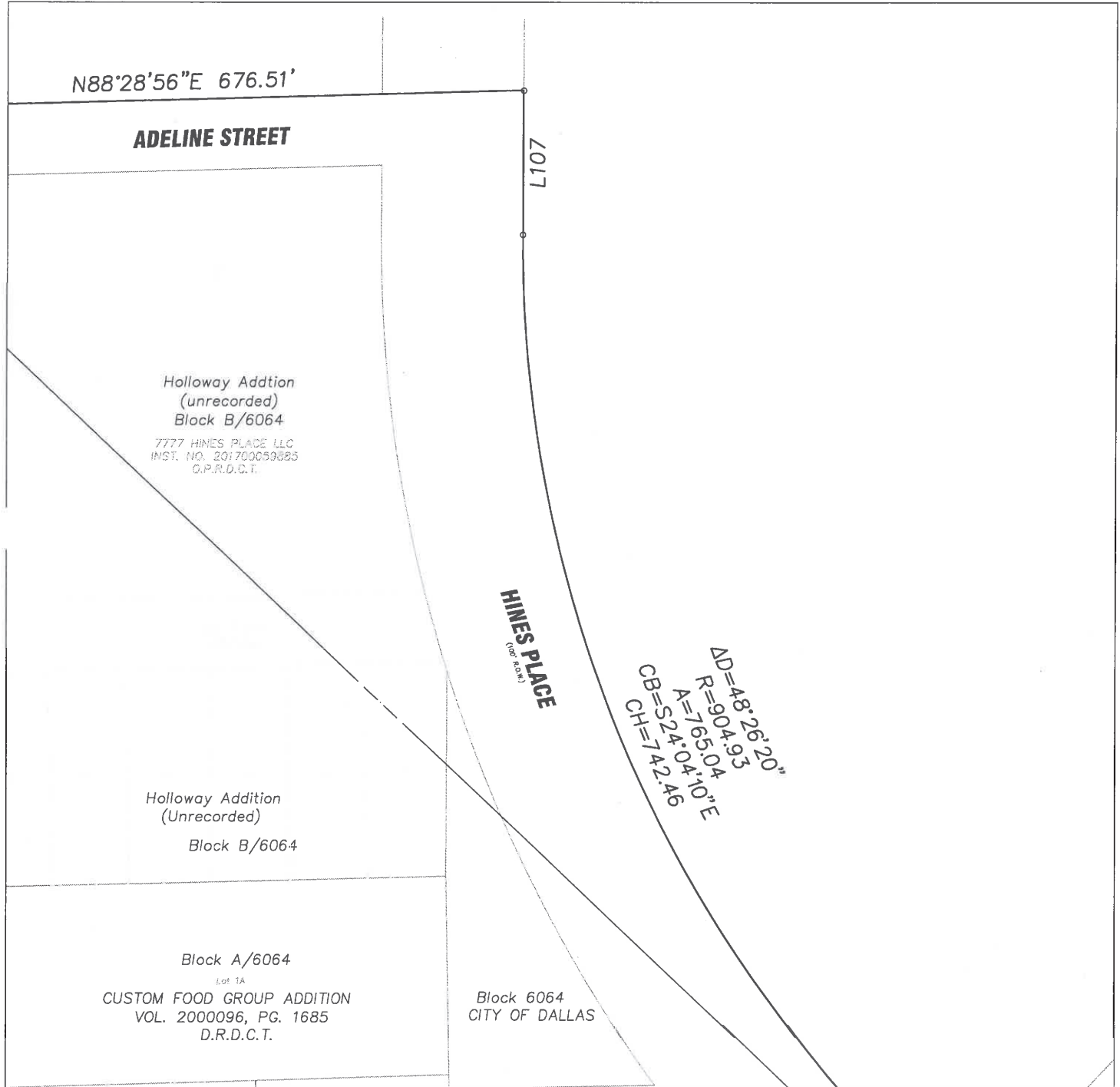
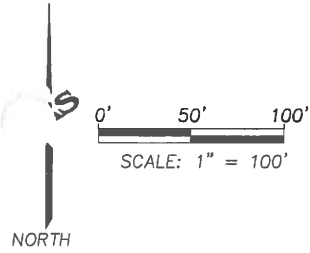
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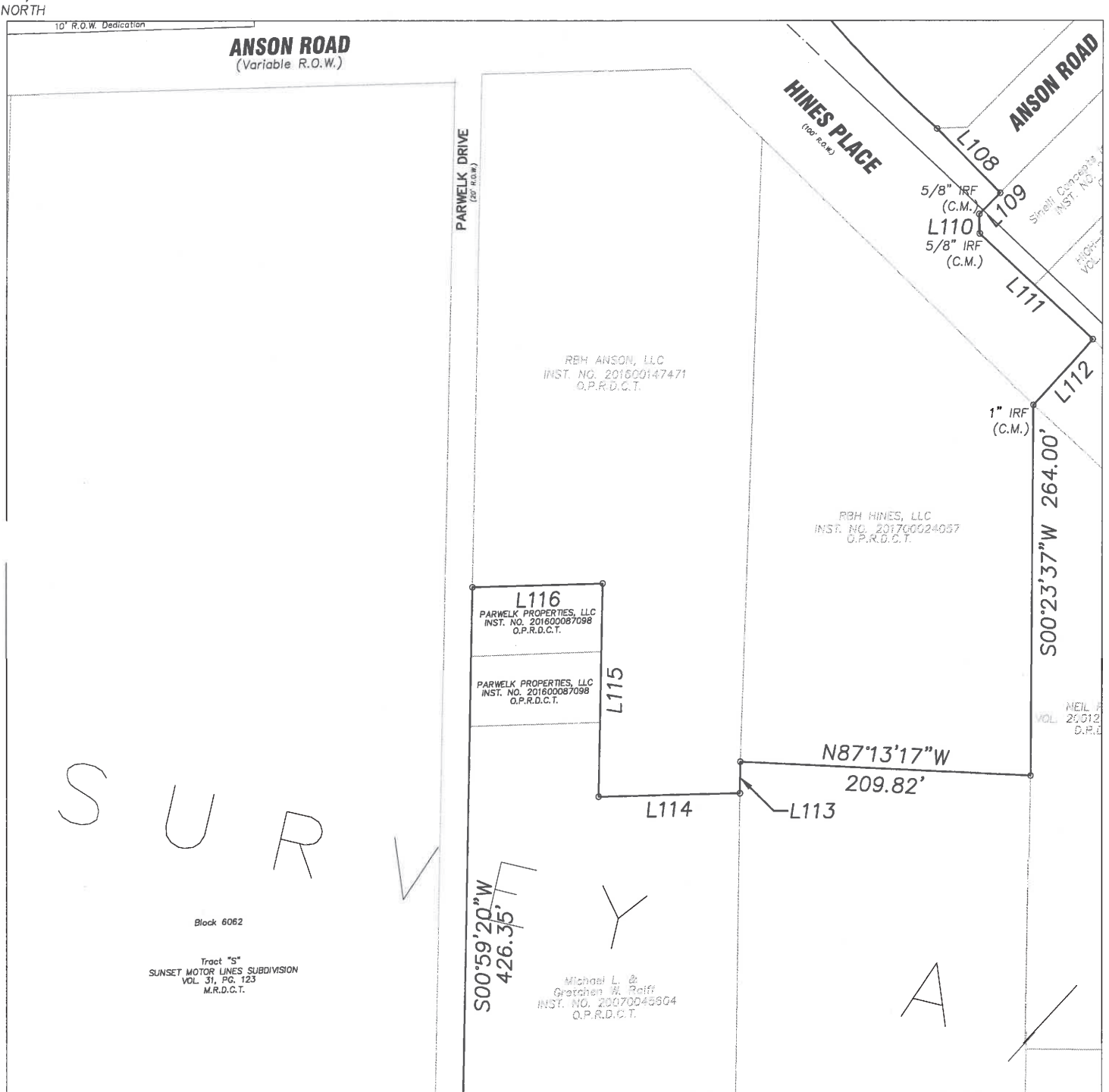
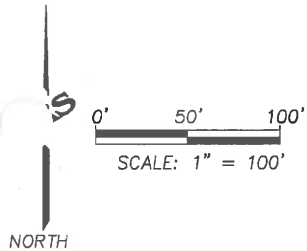
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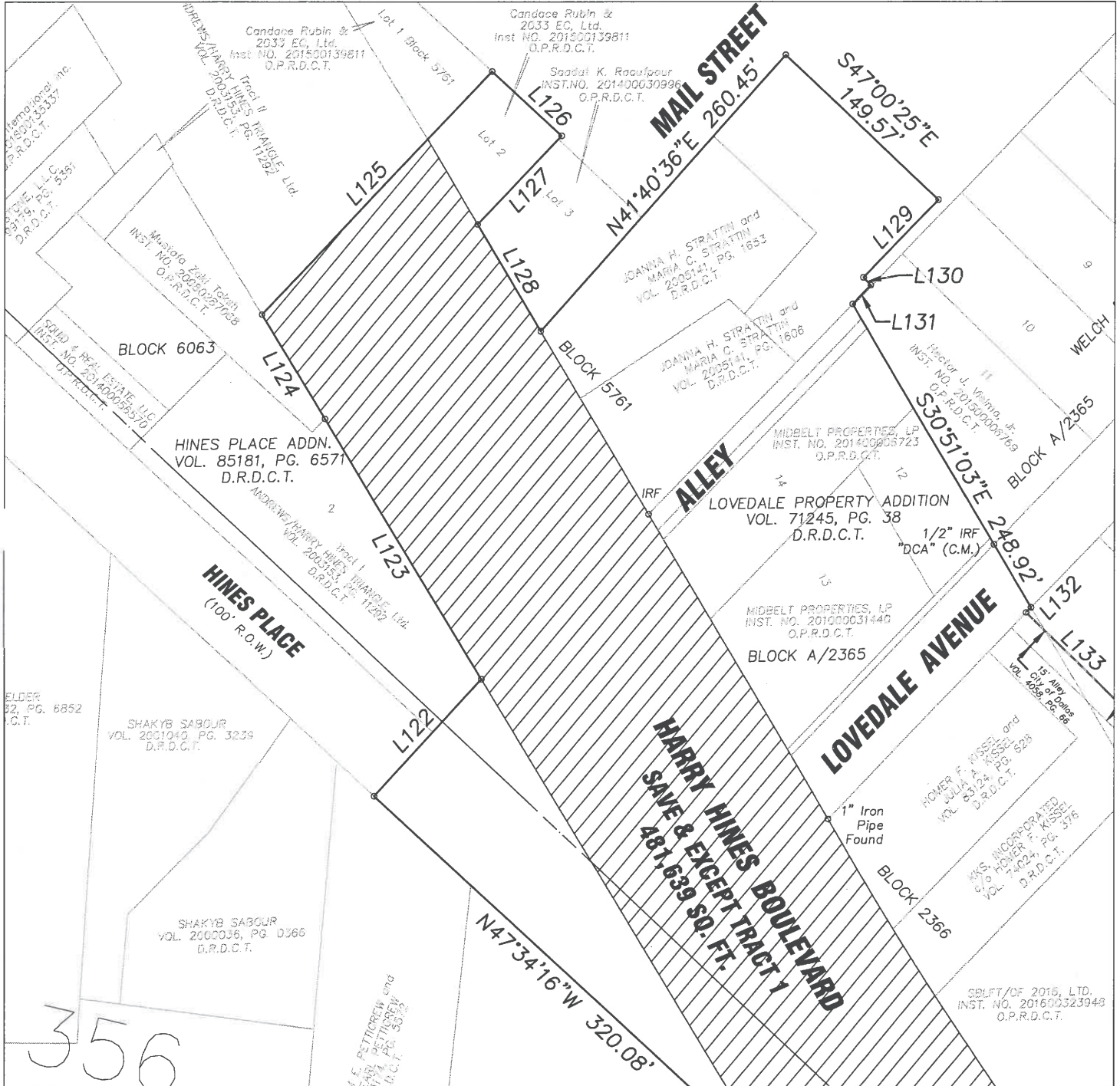
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N46°21'32"E	4.00'
L2	N45°37'14"W	5.35'
L3	N45°16'56"E	82.60'
L4	S41°48'49"E	50.00'
L5	N45°45'02"W	9.63'
L6	N45°31'30"E	30.32'
L7	S45°20'33"E	45.05'
L8	S45°19'11"W	17.60'
L9	S43°22'01"E	10.62'
L10	N44°38'15"E	9.39'
L11	N45°32'53"E	8.50'
L12	S45°18'50"W	48.38'
L13	N44°37'50"E	48.32'
L14	S50°16'53"E	87.99'
L15	S46°10'53"E	73.40'
L16	N43°49'15"E	4.34'
L17	S43°49'09"W	64.33'
L18	N46°10'53"W	3.19'
L19	N50°16'53"W	13.81'
L20	S36°33'39"W	126.85'
L21	N51°23'12"W	106.12'
L22	S36°11'06"W	87.18'
L23	S46°18'43"W	174.04'
L24	S46°10'08"E	136.05'
L25	N46°08'10"W	49.58'
L26	S36°29'34"W	50.42'
L27	S46°08'10"E	49.48'
L28	S56°00'35"E	179.10'
L29	N44°00'45"E	38.76'
L30	S40°40'28"E	50.22'
L31	N44°00'45"E	5.11'
L32	S45°10'43"E	86.95'
L33	N43°43'29"E	147.01'

LINE TABLE		
LINE	BEARING	DISTANCE
L34	N46°04'16"W	113.18'
L35	N43°55'44"E	1.51'
L36	N46°14'53"W	8.00'
L37	S43°48'48"W	91.40'
L38	S46°14'53"E	8.00'
L39	S43°41'56"W	14.96'
L40	N46°09'20"W	15.00'
L41	S43°50'40"W	50.00'
L42	S46°09'20"E	15.00'
L43	N04°14'24"E	51.91'
L44	N43°50'20"E	81.42'
L45	N46°09'40"W	179.43'
L46	N03°41'33"E	132.11'
L47	N46°17'50"W	129.05'
L48	S43°21'57"W	41.00'
L49	NOT USED	N/A
L50	NOT USED	N/A
L51	NOT USED	N/A
L52	S45°07'08"W	86.38'
L53	N44°04'29"E	3.48'
L54	N44°04'29"E	59.99'
L55	S44°32'11"W	89.99'
L56	S43°53'03"W	9.99'
L57	S44°37'50"W	37.16'
L58	N44°37'50"E	24.27'
L59	S46°10'36"W	15.99'
L60	N00°01'56"W	20.76'
L61	S31°05'10"E	28.59'
L62	S06°13'53"W	25.60'
L63	N44°14'27"E	100.01'
L64	S44°14'27"W	100.01'
L65	N44°50'33"W	100.01'
L66	S31°24'06"E	102.71'

LINE TABLE		
LINE	BEARING	DISTANCE
L67	S38°08'05"E	54.77'
L68	N46°57'11"E	12.23'
L69	S37°37'55"E	53.43'
L70	N38°17'31"W	120.44'
L71	N37°26'20"W	63.00'
L72	N82°12'49"W	34.60'
L73	S50°37'49"W	50.05'
L74	N38°29'47"W	40.07'
L75	S50°46'30"W	50.00'
L76	N38°25'25"W	151.80'
L77	S46°24'49"W	168.00'
L78	N47°08'10"E	22.94'
L79	S46°04'33"W	23.24'
L80	S46°04'27"E	1.17'
L81	S46°57'30"W	124.35'
L82	S45°59'52"E	9.09'
L83	S19°14'09"W	30.28'
L84	N89°58'23"E	14.47'
L85	N48°01'35"W	22.83'
L86	S89°50'28"E	54.01'
L87	N84°19'14"E	28.09'
L88	S03°09'47"E	5.95'
L89	N83°56'46"E	7.77'
L90	N42°00'25"E	38.85'
L91	S46°35'42"E	6.16'
L92	N43°23'20"E	99.71'
L93	N53°29'48"E	22.04'
L94	N46°43'27"W	149.67'
L95	S44°01'47"W	150.00'
L96	N46°21'33"W	106.15'
L97	N47°36'54"W	97.06'
L98	N47°42'00"W	70.11'
L99	N64°36'37"W	121.74'

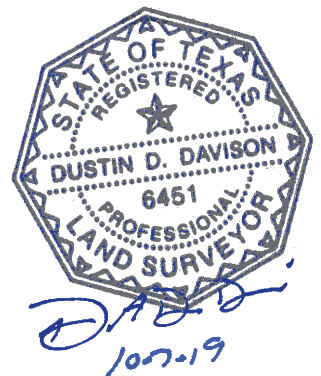
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LINE TABLE		
LINE	BEARING	DISTANCE
L100	N79°06'21"W	33.39'
L101	N00°20'42"W	5.92'
L102	S44°46'02"W	28.34'
L103	N45°13'56"W	27.96'
L104	S89°25'09"W	99.87'
L105	S87°15'31"E	123.54'
L106	N06°23'06"W	66.96'
L107	S00°08'58"W	101.39'
L108	S45°07'29"E	64.97'
L109	S44°52'31"W	21.46'
L110	S01°19'39"E	13.84'
L111	S47°21'54"E	111.23'
L112	S42°22'29"W	63.26'
L113	S00°44'54"W	22.45'
L114	S88°40'47"W	100.99'
L115	N01°01'52"E	151.83'
L116	S88°20'41"W	93.85'
L117	S88°50'49"W	81.01'
L118	S87°34'15"E	154.27'
L119	S00°46'24"W	20.91'

LINE TABLE		
LINE	BEARING	DISTANCE
L120	S53°06'46"E	84.84'
L121	N06°09'25"E	27.59'
L122	N42°38'06"E	111.99'
L123	N31°17'55"W	214.51'
L124	N31°26'23"W	86.00'
L125	N43°36'57"E	236.35'
L126	S47°28'03"E	67.00'
L127	S43°36'57"W	86.10'
L128	S30°49'55"E	87.61'
L129	S44°19'29"W	76.50'
L130	S44°21'33"E	7.50'
L131	S44°19'29"W	18.64'
L132	S44°07'29"W	5.00'
L133	S45°52'31"E	123.50'
L134	N89°07'29"E	7.07'
L135	N44°07'29"E	51.47'
L136	S45°25'18"E	221.27'
L137	S44°22'25"W	74.82'
L138	S45°37'35"E	7.00'

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	0°26'57"	1939.88'	15.20'	S57°36'32"E	15.20'
C2	89°49'03"	15.05'	23.59'	S87°15'48"W	21.25'
C3	57°11'17"	50.00'	49.91'	N17°38'57"W	47.86'
C4	100°20'05"	50.00'	87.56'	S39°13'21"E	76.79'
C5	5°11'20"	2884.53'	261.23'	S48°49'01"E	261.14'
C6	90°00'00"	75.00'	117.81'	S01°04'16"E	106.07'

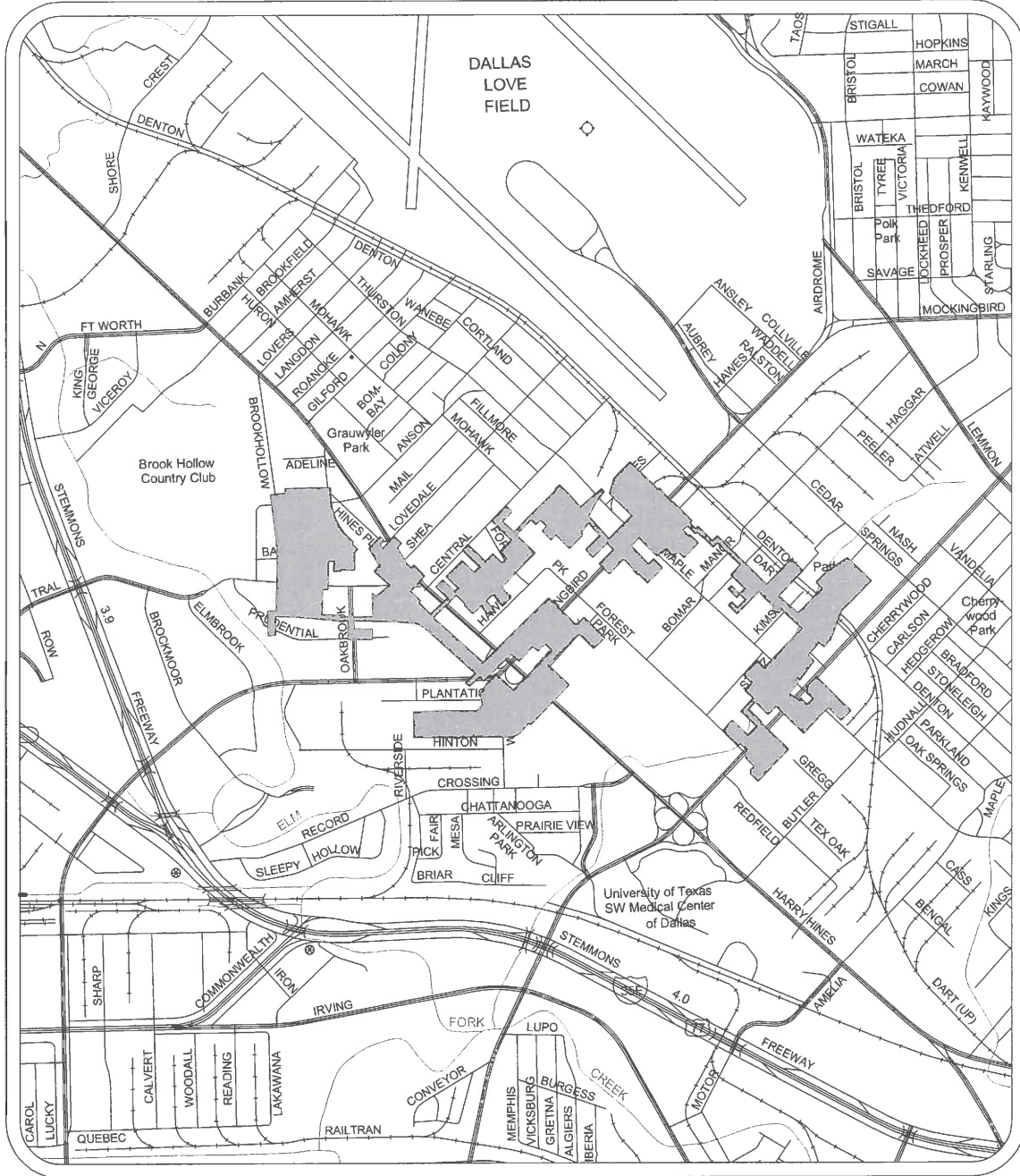




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VICINITY MAP

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Agenda Information Sheet

File #: 20-232
PH2.

Item #:

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: February 12, 2020

COUNCIL DISTRICT(S): 8

DEPARTMENT: Office of Economic Development

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application by Murdeaux Rehab Development, LP to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the Sphinx at Murdeaux Villas located at 125 South Murdeaux Lane; and, at the close of the public hearing adopt a Resolution of No Objection for Murdeaux Rehab Development, LP, or its affiliate, related to its application to TDHCA for the acquisition and rehabilitation of the Sphinx at Murdeaux Villas - Financing: No cost consideration to the City

BACKGROUND

Murdeaux Rehab Development, LP (Applicant) submitted a pre-application to the Texas Department of Housing and Community Affairs (TDHCA) for private activity bonds and intends to submit a full application for 2020 4% Non-Competitive Housing Tax Credits (HTC) (4% HTCs) for the acquisition and rehabilitation of the Sphinx at Murdeaux, an existing multifamily complex built in 2004 with 240 units located at 125 South Murdeaux Lane, Dallas, Texas 75217. The property is currently owned by Murdeaux Villas, LP, an affiliate of Sphinx Development Corporation (Sphinx). TDHCA requires 4% HTC applicants to provide a resolution from the governing body of the jurisdiction in which the proposed development will be sited. As part of these TDHCA requirements, the governing body must also conduct a public hearing for citizens to provide comment on the proposed development. Once a resolution is adopted and submitted to TDHCA, then it cannot be changed or withdrawn.

The Applicant, a to be formed Texas limited partnership, is proposing to acquire, rehab, renovate, and manage Sphinx at Murdeaux. Banyu Murdeaux, LLC, (Banyu) or its affiliate, will be the general partner. An amended and restated agreement of limited partnership will be executed to admit the tax credit equity investor as special limited partner or investor member once identified. Sphinx, or its affiliate, will serve as the developer of the project.

The proposed property manager is Sphinx Residential, LLC which is an integrated affiliate of Sphinx. Sphinx was founded in the 1980's and through its various affiliates has developed more than 1,500 units in the State of Texas. Sphinx has four divisions: development, management, construction, and international development.

Sphinx and its affiliates have extensive experience in affordable housing development and redevelopment.

The Applicant proposes to rehabilitate all 240 units. The 240 units are comprised of 128 2-bedroom, 64 3-bedroom, and 48 4-bedroom units. Interior renovations include replacing: existing appliances and fixtures with energy efficient products, kitchen cabinets, sinks and faucets; and in bathrooms vanities, tub venting and flooring; all windows and doors upgraded and replaced with energy efficient and storm rated models. New paint on all surfaces, interior and exterior. Add a new community room and pool with sufficient space for a community of its size.

Total development costs are anticipated to be approximately \$49,686,679.00 which includes the acquisition price for the apartment complex. The hard cost rehabilitation budget is anticipated to be \$20,385,571.00 which is \$84,940.00 per unit.

Proposed Financing Sources	Estimated Amount
Tax Exempt Bond	\$25,211,000.00
Housing Tax Credits Equity	\$15,900,600.00
Deferred Developer Fee	\$925,079.00
HUD PPC Loan	\$6,000,000.00
Construction Income	\$1,650,000.00
Total	\$49,686,679.00

Proposed Uses	Estimated Costs
Acquisition	\$17,000,000.00
Rehab. Construction Costs	\$20,385,571.00
Soft Costs & Financing Fees	\$7,743,944.00
Developer Fees	\$3,809,683.00
Reserves	\$747,481.00
Total	\$49,686,679.00

Currently, there is a Bond Land Use Restriction Agreement (LURA) and a Low Income Housing Tax Credit (LIHTC) LURA on the property. The LIHTC LURA contract requires units to be set aside for low income residents between 31%-50% Area Median Income (AMI). The LIHTC LURA will expire in November 2034.

The Dallas City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP), Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking HTC through TDHCA. On June 12, 2019, City Council authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking HTC through TDHCA by Resolution by No. 19-0884.

The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

For developments involving rehabilitation of existing housing, the proposed scope of work must be informed by a capital needs assessment (CNA), prepared by a qualified third-party professional that is independent from the development's architect or engineer, builder/general contractor, or other member of the development team. The City will review the CNA and conduct a site visit. The CNA must demonstrate to the City's satisfaction that the initial scope of work is sufficient to address all City code violations (whether formally cited or not). Further, the scope of work, combined with planned replacement reserve funding, must be determined sufficient to address all projected repairs or replacements of the following items through the entire term of the development's affordability period:

- All major systems including roof, foundation, electrical, heating, ventilation and air conditioning, and plumbing;
- Interior and exterior windows and doors;
- The interiors of all units including the kitchen and bathroom and all major appliances;
- The exterior of the development, including balconies, walkways, railings, and stairs;
- Communal facilities such as community rooms, fitness centers, business centers, etc.;
- Security features including gates and security cameras; and
- Accessibility.

To receive a staff recommendation for a resolution of no objection, the applicant must satisfy all threshold requirements, rehabilitation requirements, and affirmatively further fair housing. After review, Sphinx at Murdeaux has satisfied all application requirement and staff recommend a resolution of no objection. As demonstrated on the Market Value Analysis, Sphinx at Murdeaux, is located near the Pleasant Grove emerging market area which is one of the 15 Reinvestment Strategy Areas identified in the CHP and in a G market type surrounded by other G market types.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee was briefed regarding this matter on February 4, 2020.

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FISCAL INFORMATION

No cost consideration to the City.

February 12, 2020

WHEREAS, on May 9, 2018, City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, on November 28, 2018, City Council authorized amendments to the CHP by Resolution No. 18-1680; and

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP by Resolution No. 19-1864; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, Murdeaux Rehab Development, LP, (Applicant) has proposed the acquisition and rehabilitation of a 240-unit multifamily complex known as Sphinx at Murdeaux Villas located at 125 South Murdeaux Lane in the City of Dallas, Texas; and

WHEREAS, the Applicant proposes to rehabilitate all 240 units, including 128 2-bedroom, 64 3-bedroom, and 48 4-bedroom; and will include interior and exterior renovations including a new community room; and

WHEREAS, upon completion of the rehabilitation and renovations, the complex will be available to rent to low income households earning 60% or below of Area Median Income subject to any additional restrictions under the existing Bond Land Use Restriction Agreement and a Low Income HTC Land Use Restrictive Agreement; and

WHEREAS, pursuant to Section 11.9 of the Qualified Allocation Plan, the Uniform Multifamily Rules and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of No Objection to the Applicant for the 2020 4% Non-Competitive HTC application for the Sphinx at Murdeaux Villas located at 125 South Murdeaux Lane, Dallas, Texas 75217.

February 12, 2020

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it has no objection as to Applicant's application to TDHCA's 4% Non-Competitive HTC for the proposed acquisition and rehabilitation of the Sphinx at Murdeaux Villas located at 125 South Murdeaux Lane, Dallas, Texas 75217 for the acquisition and rehabilitation of a 240-unit multifamily complex and that this formal action has been taken to put on record the opinion expressed by the City of Dallas on February 12, 2020.

SECTION 2. That in accordance with the requirements of the Texas Government Code §2306.67071 and the Uniform Multifamily Rules §10.204(4), it is hereby found that:

- a. Notice has been provided to the Governing Body in accordance with Texas Government Code §2306.67071(a);
- b. The Governing Body has had sufficient opportunity to obtain a response from Applicant regarding any questions or concerns about the proposed acquisition and rehabilitation of the Sphinx at Murdeaux Villas;
- c. The Governing Body has held a hearing at which public comment may be made on the proposed acquisition and rehabilitation of the Sphinx at Murdeaux Villas in accordance with Texas Government Code §2306.67071(b); and
- d. After due consideration of the information provided by Applicant and after the public hearing on the proposed acquisition and rehabilitation of Sphinx at Murdeaux Villas, the City of Dallas, acting through its Governing Body, does not object to the application by Applicant to the TDHCA for 2020 4% Non-Competitive HTC for the purpose of the acquisition and rehabilitation of the Sphinx at Murdeaux Villas.

SECTION 3. That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager, are hereby authorized, empowered and directed to certify this resolution to the TDHCA.

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.