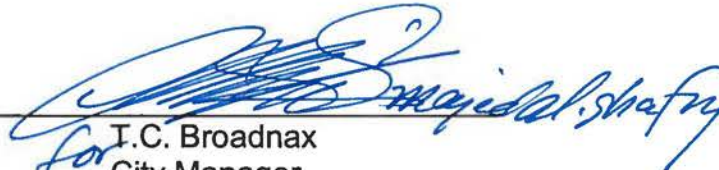


**JANUARY 24, 2018 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated January 24, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
for T.C. Broadnax  
City Manager

  
Date

  
Elizabeth Reich  
Chief Financial Officer

  
Date



RECEIVED

2018 JAN 12 PM 6:40

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

January 24, 2018

Date

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

## General Information

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

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

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

**The Council agenda is available in alternative formats upon request.**

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

## Rules of Courtesy

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

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

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

## Información General

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

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

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

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

## Reglas de Cortesía

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

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

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben 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 esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

## **Handgun Prohibition Notice for Meetings of Governmental Entities**

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

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

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

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



**AGENDA  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 24, 2018  
ORDER OF BUSINESS**

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

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

**OPEN MICROPHONE**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 35

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 36 - 38

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 39 - 62

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





**AGENDA**  
**CITY COUNCIL MEETING**  
**JANUARY 24, 2018**  
**CITY OF DALLAS**  
**1500 MARILLA STREET**  
**COUNCIL CHAMBERS, CITY HALL**  
**DALLAS, TEXAS 75201**  
**9:00 A.M.**

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the January 10, 2018 City Council Meeting

CONSENT AGENDA

**City Attorney's Office**

2. Authorize settlement of the lawsuit styled James Daniel Martin, II v. City of Dallas, Cause No. DC-17-01594 - Not to exceed \$37,000 - Financing: Current Funds
3. Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Offices of William W. Krueger, III, P.C., for additional legal services necessary in the lawsuit styled Mary Dawes, et al. v. The City of Dallas, et al., Civil Action No. 3:17-CV-01424-D - Not to exceed \$150,000, from \$50,000 to \$200,000 - Financing: Current Funds

CONSENT AGENDA (continued)

**Department of Public Works**

**LBJ Freeway/Skillman Street Interchange**

**\*Note:** Item Nos. 4, 5 and 6 must be considered collectively.

4. \* Authorize **(1)** a Project Specific Agreement with Dallas County for funding participation in the design and construction of the LBJ Freeway/Skillman Street Interchange Project; **(2)** receipt and deposit of funds from Dallas County in an amount not to exceed \$3,996,440 for Dallas County's share of local funding contributions for the project costs; and **(3)** an increase in appropriations in an amount not to exceed \$3,996,440 in the Capital Projects Reimbursement Fund - Not to exceed \$3,996,440 - Financing: Capital Projects Reimbursement Funds
5. \* Authorize an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) to transfer \$4,377,000 in local funding to the NCTCOG to establish a portion of the Metropolitan Planning Organization Revolver Fund in exchange for \$4,377,000 in state funds for the LBJ Freeway/Skillman Street Interchange Project - Not to exceed \$4,377,000 - Financing: Capital Projects Reimbursement Funds (\$3,996,440) and 2012 Bond Funds (\$380,560)
6. \* Authorize a Memorandum of Understanding with the North Central Texas Council of Governments, Texas Department of Transportation (TxDOT) and Dallas County that outlines expectations of each agency pertaining to the LBJ Freeway/Skillman Street Interchange Project that is being implemented as part of TxDOT's planned LBJ Freeway East Corridor Design-Build project - Financing: No cost consideration to the City
7. Authorize an increase to the twenty-four month construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting for sidewalk and barrier free ramp installation paving services for the sidewalk replacement and barrier free ramp program to extend the term of the contract for an additional twelve months from March 2018 to March 2019 - Not to exceed \$875,350, from \$3,501,400 to \$4,376,750 - Financing: General Obligation Commercial Paper Funds

**Department of Sustainable Development and Construction**

8. Authorize an amendment to an existing lease agreement with Dallas County Hospital District d/b/a Parkland Health & Hospital System to extend the lease agreement for an additional five-years for approximately 1,000 square feet of office space located at 5200 Harry Hines Boulevard to be used as Communication and Information Services Mobile Data Terminal for the period February 1, 2018 through January 31, 2023 - Not to exceed \$5,000 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

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

9. An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of approximately 314 square feet of aerial space to occupy, maintain and utilize one canopy without premise sign over a portion of 9th Street right-of-way near its intersection with Bishop Avenue - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee
10. An ordinance granting a revocable license to Dallas MTA, L.P. d/b/a Verizon Wireless, for the use of a total of approximately 10 square feet of aerial space to install, maintain and utilize two aerial signs over a portion of Commerce Street right-of-way located near its intersection with Ervay Street - Revenue: \$2,000 annually, plus the \$20 ordinance publication fee

**Department of Transportation**

11. Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments related to the transfer of ownership of Transportation Investments Generating Economic Recovery funded Modern Streetcar Project assets and streetcar project-related funds; **(2)** receipt and deposit of funds from SLF III - Canyon Developer Funds in the amount of \$3,000,000; **(3)** an increase in appropriations in the amount of \$1,114,809 from \$975,000 to \$2,089,809 in General Funds; and **(4)** payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System for Fiscal Year 2018 - Total not to exceed \$2,089,809 - Financing: General Funds (\$2,089,809)
12. Authorize **(1)** acceptance of a grant from the Texas Department of Transportation (TxDOT) (Grant No. CSJ 0918-47-972) for extending the Dallas Streetcar System to Bishop Arts District and to the Omni Hotel and Kay Bailey Hutchison Convention Center and to purchase streetcar vehicles in an amount not to exceed \$8,095,751; **(2)** establishment of appropriations in an amount not to exceed \$8,095,751 in the TIGER Modern Streetcar System Fund; **(3)** receipt and deposit of TxDOT grant funds in an amount not to exceed \$8,095,751 in the TIGER Modern Streetcar System Fund; and **(4)** execution of the Advance Funding Agreement with the Texas Department of Transportation - Not to exceed \$8,095,751 - Financing: Texas Department of Transportation Grant Funds
13. Authorize payment to the Texas Department of Transportation for the City's local match for construction of the Southern Gateway Public Green's infrastructure over Interstate Highway 35E - Not to exceed \$7,077,600 - Financing: General Obligation Commercial Paper Funds

CONSENT AGENDA (continued)**Library**

14. Authorize **(1)** acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-16-0044-16, CFDA No. 45.310) for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed \$51,035, for the period September 1, 2016 through August 31, 2017; **(2)** establishment of appropriations in an amount not to exceed \$51,035 in the Interlibrary Loan 16-17 Fund; **(3)** receipt and deposit of funds in an amount not to exceed \$51,035 in the Interlibrary Loan 16-17 Fund; and **(4)** execution of the grant agreement - Not to exceed \$51,035 - Financing: Texas State Library and Archives Commission Grant Funds

**Office of Budget**

15. An ordinance amending Ordinance No. 30651, previously approved on September 20, 2017 to appropriate monies for projects authorized by the 2017 General Obligation bond program totaling \$155,712,117 - Financing: 2017 Bond Funds

**Office of Procurement Services**

16. Authorize a service contract for cleaning, recoating, and repair services for two water tanks - Utility Service Co., Inc., lowest responsible bidder of six - Not to exceed \$511,800 - Financing: Water Utilities Currents Funds
17. Authorize a two-year service contract for the continued use of the existing software to facilitate the new hire and performance management process with SHI Government Solutions, Inc. through the Department of Information Resources - Not to exceed \$547,912 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
18. Authorize a three-year service contract for the repair of fire equipment and the purchase of associated tools and parts for the Fire-Rescue Department - Metro Fire Apparatus Specialists, Inc. in the amount of \$384,800 and Casco Industries, Inc. in the amount of \$89,500, lowest responsible bidders of two - Total not to exceed \$474,300 - Financing: General Funds (subject to annual appropriations)
19. Authorize a three-year service contract for mobile technology center managed services with GTS Technology Solutions, Inc. through the Department of Information Resources - Not to exceed \$1,944,000 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
20. Authorize a six-year service contract for upgrade, maintenance, and support of software to the Automated Fingerprint Identification System - NEC Corporation of America, sole source - Not to exceed \$649,789 - Financing: General Funds (subject to annual appropriations)
21. Authorize **(1)** the rejection of the only proposal received for operational management of the Southern Skates Roller Skating Rink Facility; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City

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

22. Authorize a five-year cooperative purchase agreement for the purchase, implementation, maintenance and support of a hosted electronic plan review system for Building Inspection provided by Avolve Software Corporation and sold through SHI Government Solutions, Inc. through the Texas Association of School Boards - Not to exceed \$2,245,136 - Financing: General Funds (subject to annual appropriations)
23. Authorize the purchase of two fiberglass chemical storage tanks for the Elm Fork Water Treatment Plant - Nautical Outfitters Corp. d/b/a Tank Depot, lowest responsible bidder of three - Not to exceed \$93,500 - Financing: Water Utilities Current Funds
24. Authorize a five-year subscription contract for the licensing, hosting, and technical support of a citywide enterprise asset management system with IBM Corporation through the Department of Information Resources, State of Texas Cooperative - Not to exceed \$6,736,567 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
25. Authorize a three-year master agreement for fire hydrant backflow preventers and parts - Ferguson Enterprises, Inc. in the amount of \$173,825, Fortiline, Inc. in the amount of \$45,063, and Core & Main, LP in the amount of \$3,000, lowest responsible bidders of seven - Total not to exceed \$221,888 - Financing: Water Utilities Current Funds
26. Authorize a three-year master agreement for aeration basin diffusers and parts for Water Utilities - Evoqua Water Technologies, LLC in the amount of \$1,065,000, Environmental Dynamics International, Inc. in the amount of \$504,400, Hartwell Environmental Corporation in the amount of \$240,800 and Simba Industries in the amount of \$112,650, lowest responsible bidders of four - Total not to exceed \$1,922,850 - Financing: Water Utilities Current Funds
27. Authorize a three-year master agreement for service center supplies, equipment, and tools - IEH Auto Parts LLC dba Auto Plus Auto Parts in the amount of \$2,010,098 and Midway Auto Supply Co. in the amount of \$451,885, lowest responsible bidders of three - Total not to exceed \$2,461,983 - Financing: Equipment Services Current Funds (\$1,408,773), General Funds (\$631,200), Water Utilities Current Funds (\$281,610), Stormwater Drainage Management Current Funds (\$91,000), and Convention and Event Services Current Funds (\$49,400)
28. Authorize a three-year master agreement for veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the Department of Dallas Animal Services - Bayer HealthCare, LLC in the amount of \$2,254,266 or \$2,092,817 (Tie Bid - Line 3), MWI Veterinary Supply Co dba MWI Animal Health in the amount of \$997,808 or \$836,360 (Tie Bid - Line 3), and Harris Pharmaceutical, Inc. in the amount of \$40,000, lowest responsible bidders of three - Total not to exceed \$3,130,626 - Financing: General Funds

CONSENT AGENDA (continued)**Park & Recreation Department**

29. Authorize a contract for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street - The Fain Group, Inc., best value proposer of three - Not to exceed \$14,776,735 - Financing: Elgin B. Robertson Land Sale Funds (\$4,161,735) and 2017 Bond Funds (\$10,615,000) (subject to appropriations)
30. Authorize a five-year management, maintenance and operating agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas to manage, maintain and operate the Cedar Ridge Preserve, providing accessibility to open space properties and trails located at 7171 Mountain Creek Parkway - Financing: No cost consideration to the City
31. Authorize Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc. for construction documents, bidding, and construction administration phases for the addition of a senior center, technology center and gymnasium to the Singing Hills Recreation Center replacement project located at 6805 Patrol Way - Not to exceed \$443,300, from \$881,487 to \$1,324,787 - Financing: 2017 Bond Funds (subject to appropriations)

**Water Utilities Department**

32. Authorize a construction contract for the installation of water and wastewater mains at 15 locations (list attached) - Muniz Construction, Inc., lowest responsible bidder of six - Not to exceed \$5,763,443 - Financing: Water Utilities Capital Improvement Funds
33. Authorize a construction contract for Peak Flow Basin No. 4 Expansion and Site Improvements at the Southside Wastewater Treatment Plant - Eagle Contracting Limited Partnership, lowest responsible bidder of six - Not to exceed \$14,399,000 - Financing: Water Utilities Capital Improvement Funds
34. Authorize a construction services contract for the installation of a 72-inch water transmission pipeline in Harry Hines Boulevard from Cullum Lane to Walnut Hill Lane - S.J. Louis Construction of Texas Ltd., lowest responsible bidder of five - Not to exceed \$18,885,731 - Financing: Water Utilities Capital Improvement Funds
35. Authorize a five-year contract with one five-year renewal option, with the United States of America acting through the U. S. Army Corps of Engineers to continue providing untreated water, from January 24, 2018 through January 23, 2023 - Estimated Annual Revenue: \$3,332

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

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

**Office of Economic Development**

37. Authorize **(1)** a resolution of support for 2400 Bryan Street, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of up to a 230-unit residential development located at 2400 Bryan Street; and **(2)** a line of credit for the proposed development in the amount of \$500 - Not to exceed \$500 - Financing: Public/Private Partnership Funds
38. Authorize **(1)** a resolution of support for CLO Mountain Housing, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of a 100-unit residential development located on the southwest corner of Camp Wisdom Road and Mountain Creek Parkway to be known as Cielo at Mountain Creek; and **(2)** a line of credit for the proposed development in the amount of \$500 - Not to exceed \$500 - Financing: Public/Private Partnership Funds

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

39. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Specific Use Permit No. 1718 for tower/antenna for cellular communication on property zoned a CR Community Retail District with a D Liquor Control Overlay and existing deed restrictions [Z801-138] on a portion, on the west line of Midway Road and the north line of West Northwest Highway  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/elevation plan and conditions  
Z167-234(WE)
40. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1548 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the west and north side of Forestgate Drive, north of Forest Lane  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, revised traffic management plan, and conditions  
Z167-259(WE)

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

41. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2105 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road  
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions  
Z167-371(SM)
42. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 119 for Multiple-Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Cedar Springs Road, between Lucas Drive and Hawthorne Avenue  
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions  
Z167-379(WE)
43. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR-D-1 Industrial Research District with a D-1 Liquor Control Overlay, on the northwest line of South Belt Line Road, southwest of Kleberg Road  
Recommendation of Staff and CPC: Approval with retention of the D-1 Liquor Control Overlay  
Z167-383(WE)
44. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of, and amendment to, Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service on property zoned Subdistrict B within Planned Development District No. 619 with Historic Overlay No. 87, on the north side of Main Street, east of North Field Street  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions  
Z167-398(JM)
45. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales, and service use on property zoned Subdistrict 1 within Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3, with a D-1 Liquor Control Overlay, on the southwest corner of the C.F. Hawn Service Road and Ellenwood Drive  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan, landscape plan and conditions  
Z167-399(JM)



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

46. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 44 for an electrical substation on property zoned an R-16(A) Single Family District, on the south line of Northaven Road, east of the Dallas North Tollway  
Recommendation of Staff and CPC: Approval, subject to a revised site plan and conditions  
Z167-401(WE)
47. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District, on the south corner of Ferguson Road and Drummond Drive  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Z167-403(WE)
48. A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IR Industrial Research District on the west line of Gretna Street, south of Lupo Drive  
Recommendation of Staff and CPC: Approval  
Z178-102(SM)
49. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the west line of Brundrette Street, south of Pollard Street  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z178-103(SM)
50. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District, on the northeast line of Ambassador Row and West Mockingbird Lane  
Recommendation of Staff and CPC: Approval  
Z178-106(PD)
51. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an auto service center on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z178-110(PD)

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

52. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subarea and amendments to the preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 on property at the southeast corner of Swiss Avenue and Parkmont Street with consideration given to and an ordinance granting a Specific Use Permit for an extended-hours historic house museum and meeting space use  
Recommendation of Staff: Approval of the creation of the new subarea, subject to a development plan and conditions, approval of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a two-year period, subject to a site plan and staff's recommended conditions; and approval of an amendment to the H/1 Historic Overlay, subject to preservation criteria  
Recommendation of CPC: Approval of the creation of the new subarea, subject to a development plan and conditions, approval of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a five-year period, subject to a site plan and conditions; and approval of an amendment to the H/1 Historic Overlay, subject to preservation criteria  
Z145-337(MD/RB)
53. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive  
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions  
Recommendation of CPC: Approval for a five-year period, subject to conditions  
Z167-284(PD)
54. A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 2104 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road  
Recommendation of Staff and CPC: Denial  
Z167-370(SM)

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

55. A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility on property zoned a CS Commercial Service District, on the east line of South Central Expressway, south of Youngblood Road  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval of an IM Industrial Manufacturing District; and approval of a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility for a five-year period, subject to a site plan and conditions  
Z167-376(WE)
56. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an R-10(A) Single Family District and NS(A) D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on a portion on the north corner of South Belt Line Road and Garden Grove Drive  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval of a CR Community Retail District with retention of the D-1 Liquor Control Overlay on a portion 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  
Z167-381(WE)
57. A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the south line of West Illinois Avenue, between Duncanville Road and Knoxville Street  
Recommendation of Staff: Approval  
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z167-391(PD)
58. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses and auto painting or body rebuilding shop (inside) use by right, and an accessory motor vehicle storage outside use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast corner of Maple Avenue and Vagas Street  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval, subject to a development/landscape plan and conditions  
Z167-400(JM)

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

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

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

Z145-301(WE)

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

60. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z167-359(WE)

Note: This item was considered by the City Council at a public hearing on December 13, 2017, and was deferred until January 24, 2018, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

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

THOROUGHFARE PLAN AMENDMENTS

**Department of Transportation**

61. A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of Canada Drive from **(1)** Westmoreland Road to Holystone Street from a standard four-lane divided (S-4-D) roadway within 80 feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on both sides of the roadway within 100 feet of right-of-way and 78-feet of pavement; and **(2)** Holystone Street to Hampton Road from a standard four-lane divided (S-4-D) roadway within 80-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on the north side of the roadway within 100-feet of right-of-way and 75-feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

**Office of Environmental Quality**

62. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Foundation Building Materials, LLC, located near the intersection of John Carpenter Freeway and Dividend Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Foundation Building Materials, 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

**Water and Wastewater Main Installations**  
Agenda Item No. 32

**District 1**

Mayrant Drive from Pratt Street to Llewellyn Avenue

**District 2**

Alley between Shorecrest Drive and Wylie Drive from Weiss Street to Reeves Street  
Dallas North Tollway from Lomo Alto Drive to Lemmon Avenue  
Maple Avenue from Bomar Avenue northwest  
Production Drive from Lucas Drive northwest

**District 5**

Bruton Road from Hillburn Drive to Prichard Lane

**District 6**

Bill Harrod Street from Nomas Street to Clymer Street  
Brundrette Street from Calypso Street to Canada Drive  
Chippewa Drive from Iroquois Drive to Ingersoll Street  
Wichita Street from Riverfront Boulevard to Slocum Street

**District 9**

Knob Oak Drive from State Highway 78 (Garland Road) northwest

**District 14**

Alley between Country Club Circle and Gaston Avenue from Gaston Avenue to Pearson Drive  
Alley between Cole Avenue and McKinney Avenue from Knox Street northeast  
Reiger Avenue from Glasgow Drive to Slaughter Avenue  
Slaughter Avenue from Reiger Avenue southeast

## **EXECUTIVE SESSION NOTICE**

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

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





**AGENDA DATE**

January 24, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the January 10, 2018 City Council Meeting
2			N/A	C	ATT, POL	\$37,000.00	NA	NA	Authorize settlement of the lawsuit styled James Daniel Martin, II v. City of Dallas, Cause No. DC-17-01594 - Not to exceed \$37,000 - Financing: Current Funds
3			N/A	C	ATT	\$150,000.00	NA	NA	Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Offices of William W. Krueger, III, P.C., for additional legal services necessary in the lawsuit styled Mary Dawes, et al. v. The City of Dallas, et al., Civil Action No. 3:17-CV-01424-D - Not to exceed \$150,000, from \$50,000 to \$200,000 - Financing: Current Funds
4			10	C	PBW	GT	NA	NA	LBJ Freeway/Skillman Street Interchange: Authorize: (1) a Project Specific Agreement with Dallas County for funding participation in the design and construction of the LBJ Freeway/Skillman Street Interchange Project; (2) receipt and deposit of funds from Dallas County in an amount not to exceed \$3,996,440 for Dallas County's share of local funding contributions for the project costs; and (3) an increase in appropriations in an amount not to exceed \$3,996,440 in the Capital Projects Reimbursement Fund - Not to exceed \$3,996,440 - Financing: Capital Projects Reimbursement Funds
5			10	C	PBW	\$4,377,000.00	NA	NA	LBJ Freeway/Skillman Street Interchange: Authorize: Authorize an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) to transfer \$4,377,000 in local funding to the NCTCOG to establish a portion of the Metropolitan Planning Organization Revolver Fund in exchange for \$4,377,000 in state funds for the LBJ Freeway/Skillman Street Interchange Project - Not to exceed \$4,377,000 - Financing: Capital Projects Reimbursement Funds (\$3,996,440) and 2012 Bond Funds (\$380,560)
6			10	C	PBW	NC		NA	LBJ Freeway/Skillman Street Interchange: Authorize: Authorize a Memorandum of Understanding with the North Central Texas Council of Governments, Texas Department of Transportation (TxDOT) and Dallas County that outlines expectations of each agency pertaining to the LBJ Freeway/Skillman Street Interchange Project that is being implemented as part of TxDOT's planned LBJ Freeway East Corridor Design-Build project - Financing: No cost consideration to the City
7			All	C	PBW	\$875,350.00	74.30%	100.00%	Authorize an increase to the twenty-four month construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting for sidewalk and barrier free ramp installation paving services for the sidewalk replacement and barrier free ramp program to extend the term of the contract for an additional twelve months from March 2018 to March 2019 - Not to exceed \$875,350, from \$3,501,400 to \$4,376,750 - Financing: General Obligation Commercial Paper Funds
8			2	C	DEV, CIS	\$5,000.00	NA	NA	Authorize an amendment to an existing lease agreement with Dallas County Hospital District d/b/a Parkland Health & Hospital System to extend the lease agreement for an additional five-years for approximately 1,000 square feet of office space located at 5200 Harry Hines Boulevard to be used as Communication and Information Services Mobile Data Terminal for the period February 1, 2018 through January 31, 2023 - Not to exceed \$5,000 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
9			1	C	DEV	REV \$100	NA	NA	An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of approximately 314 square feet of aerial space to occupy, maintain and utilize one canopy without premise sign over a portion of 9th Street right-of-way near its intersection with Bishop Avenue - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee
10			14	C	DEV	REV \$2,000	NA	NA	An ordinance granting a revocable license to Dallas MTA, L.P. d/b/a Verizon Wireless, for the use of a total of approximately 10 square feet of aerial space to install, maintain and utilize two aerial signs over a portion of Commerce Street right-of-way located near its intersection with Ervay Street - Revenue: \$2,000 annually, plus the \$20 ordinance publication fee
11			1, 2	C	TRN	\$2,089,809.00	NA	NA	Authorize (1) an Interlocal Agreement with the North Central Texas Council of Governments related to the transfer of ownership of Transportation Investments Generating Economic Recovery funded Modern Streetcar Project assets and streetcar project-related funds; (2) receipt and deposit of funds from SLF III - Canyon Developer Funds in the amount of \$3,000,000; (3) an increase in appropriations in the amount of \$1,114,809 from \$975,000 to \$2,089,809 in General Funds; and (4) payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System for Fiscal Year 2018 - Total not to exceed \$2,089,809 - Financing: General Funds (\$2,089,809)

**AGENDA DATE**      January 24, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
12			1, 2	C	TRN	GT	NA	NA	Authorize (1) acceptance of a grant from the Texas Department of Transportation (TxDOT) (Grant No. CSJ 0918-47-972) for extending the Dallas Streetcar System to Bishop Arts District and to the Omni Hotel and Kay Bailey Hutchison Convention Center and to purchase streetcar vehicles in an amount not to exceed \$8,095,751; (2) establishment of appropriations in an amount not to exceed \$8,095,751 in the TIGER Modern Streetcar System Fund; (3) receipt and deposit of TxDOT grant funds in an amount not to exceed \$8,095,751 in the TIGER Modern Streetcar System Fund; and (4) execution of the Advance Funding Agreement with the Texas Department of Transportation - Not to exceed \$8,095,751 - Financing: Texas Department of Transportation Grant Funds
13			1, 4	C	TRN	\$7,077,600	NA	NA	Authorize payment to the Texas Department of Transportation for the City's local match for construction of the Southern Gateway Public Green's infrastructure over Interstate Highway 35E - Not to exceed \$7,077,600 - Financing: General Obligation Commercial Paper Funds
14			All	C	LIB	GT	NA	NA	Authorize (1) acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-16-0044-16, CFDA No. 45.310) for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed \$51,035, for the period September 1, 2016 through August 31, 2017; (2) establishment of appropriations in an amount not to exceed \$51,035 in the Interlibrary Loan 16-17 Fund; (3) receipt and deposit of funds in an amount not to exceed \$51,035 in the Interlibrary Loan 16-17 Fund; and (4) execution of the grant agreement - Not to exceed \$51,035 - Financing: Texas State Library and Archives Commission Grant Funds
15			N/A	C	OFS	\$155,712,117.00	NA	NA	An ordinance amending Ordinance No. 30651, previously approved on September 20, 2017 to appropriate monies for projects authorized by the 2017 General Obligation bond program totaling \$155,712,117 - Financing: 2017 Bond Funds
16			3, Outside	C	PBD, WTR	\$511,800.00	0.00%	1.95%	Authorize a service contract for cleaning, recoating, and repair services for two water tanks - Utility Service Co., Inc., lowest responsible bidder of six - Not to exceed \$511,800 - Financing: Water Utilities Currents Funds
17			All	C	PBD, CVS, HRD, CIS	\$547,912.00	NA	NA	Authorize a two-year service contract for the continued use of the existing software to facilitate the new hire and performance management process with SHI Government Solutions, Inc. through the Department of Information Resources - Not to exceed \$547,912 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
18			All	C	PBD, FIR	\$474,300.00	18.87%	0.00%	Authorize a three-year service contract for the repair of fire equipment and the purchase of associated tools and parts for the Fire-Rescue Department - Metro Fire Apparatus Specialists, Inc. in the amount of \$384,800 and Casco Industries, Inc. in the amount of \$89,500, lowest responsible bidders of two - Total not to exceed \$474,300 - Financing: General Funds (subject to annual appropriations)
19			N/A	C	PBD, CIS	\$1,944,000.00	NA	NA	Authorize a three-year service contract for mobile technology center managed services with GTS Technology Solutions, Inc. through the Department of Information Resources - Not to exceed \$1,944,000 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)
20			All	C	PBD, CIS, POL	\$649,789.00	0.00%	0.00%	Authorize a six-year service contract for upgrade, maintenance, and support of software to the Automated Fingerprint Identification System - NEC Corporation of America, sole source - Not to exceed \$649,789 - Financing: General Funds (subject to annual appropriations)
21			4	C	PBD, PKR	NC	NA	NA	Authorize (1) the rejection of the only proposal received for operational management of the Southern Skates Roller Skating Rink Facility; and (2) the re-advertisement for a new solicitation - Financing: No cost consideration to the City
22			All	C	PBD, CIS, DEV	\$2,245,136.00	NA	NA	Authorize a five-year cooperative purchase agreement for the purchase, implementation, maintenance and support of a hosted electronic plan review system for Building Inspection provided by Avolve Software Corporation and sold through SHI Government Solutions, Inc. through the Texas Association of School Boards - Not to exceed \$2,245,136 - Financing: General Funds (subject to annual appropriations)
23			Outside	C	PBD, WTR	\$93,500.00	0.00%	0.00%	Authorize the purchase of two fiberglass chemical storage tanks for the Elm Fork Water Treatment Plant - Nautical Outfitters Corp. d/b/a Tank Depot, lowest responsible bidder of three - Not to exceed \$93,500 - Financing: Water Utilities Current Funds
24			All	C	PBD, CIS	\$6,736,566.24	NA	NA	Authorize a five-year subscription contract for the licensing, hosting, and technical support of a citywide enterprise asset management system with IBM Corporation through the Department of Information Resources, State of Texas Cooperative - Not to exceed \$6,736,567 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

**AGENDA DATE**      January 24, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
25			All	C	PBD, WTR	\$221,887.30	21.66%	0.00%	Authorize a three-year master agreement for fire hydrant backflow preventers and parts - Ferguson Enterprises, Inc. in the amount of \$173,825, Fortiline, Inc. in the amount of \$45,063, and Core & Main, LP in the amount of \$3,000, lowest responsible bidders of seven - Total not to exceed \$221,888 - Financing: Water Utilities Current Funds
26			All	C	PBD, WTR	\$1,922,849.50	87.47%	0.00%	Authorize a three-year master agreement for aeration basin diffusers and parts for Water Utilities - Evoqua Water Technologies, LLC in the amount of \$1,065,000, Environmental Dynamics International, Inc. in the amount of \$504,400, Hartwell Environmental Corporation in the amount of \$240,800 and Simba Industries in the amount of \$112,650, lowest responsible bidders of four - Total not to exceed \$1,922,850 - Financing: Water Utilities Current Funds
27			All	C	PBD, CES, TWM, WTR, EBS	\$2,461,983.00	18.35%	0.00%	Authorize a three-year master agreement for service center supplies, equipment, and tools - IEH Auto Parts LLC dba Auto Plus Auto Parts in the amount of \$2,010,098 and Midway Auto Supply Co. in the amount of \$451,885, lowest responsible bidders of three - Total not to exceed \$2,461,983 - Financing: Equipment Services Current Funds (\$1,408,773), General Funds (\$631,200), Water Utilities Current Funds (\$281,610), Stormwater Drainage Management Current Funds (\$91,000), and Convention and Event Services Current Funds (\$49,400)
28			All	C	PBD, DAS	\$3,130,625.08	0.00%	0.00%	Authorize a three-year master agreement for veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the Department of Dallas Animal Services - Bayer HealthCare, LLC in the amount of \$2,254,266 or \$2,092,817 (Tie Bid - Line 3), MWI Veterinary Supply Co dba MWI Animal Health in the amount of \$997,808 or \$836,360 (Tie Bid - Line 3), and Harris Pharmaceutical, Inc. in the amount of \$40,000, lowest responsible bidders of three - Total not to exceed \$3,130,626 - Financing: General Funds
29			1, 10, 14	C	PKR	\$14,776,735.00	29.26%	33.66%	Authorize a contract for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street - The Fain Group, Inc., best value proposer of three - Not to exceed \$14,776,735 - Financing: Elgin B. Robertson Land Sale Funds (\$4,161,735) and 2017 Bond Funds (\$10,615,000) (subject to appropriations)
30			3	C	PKR	NC	NA	NA	Authorize a five-year management, maintenance and operating agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas to manage, maintain and operate the Cedar Ridge Preserve, providing accessibility to open space properties and trails located at 7171 Mountain Creek Parkway - Financing: No cost consideration to the City
31			8	C	PKR	\$443,300.00	95.96%	28.78%	Authorize Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc. for construction documents, bidding, and construction administration phases for the addition of a senior center, technology center and gymnasium to the Singing Hills Recreation Center replacement project located at 6805 Patrol Way - Not to exceed \$443,300, from \$881,487 to \$1,324,787 - Financing: 2017 Bond Funds (subject to appropriations)
32			1, 2, 5, 6, 9, 14	C	WTR	\$5,763,443.00	92.73%	85.89%	Authorize a construction contract for the installation of water and wastewater mains at 15 locations - Muniz Construction, Inc., lowest responsible bidder of six - Not to exceed \$5,763,443 - Financing: Water Utilities Capital Improvement Funds
33			8	C	WTR	\$14,399,000.00	34.13%	28.76%	Authorize a construction contract for Peak Flow Basin No. 4 Expansion and Site Improvements at the Southside Wastewater Treatment Plant - Eagle Contracting Limited Partnership, lowest responsible bidder of six - Not to exceed \$14,399,000 - Financing: Water Utilities Capital Improvement Funds
34			6	C	WTR	\$18,885,730.20	4.15%	24.83%	Authorize a construction services contract for the installation of a 72-inch water transmission pipeline in Harry Hines Boulevard from Cullum Lane to Walnut Hill Lane - S.J. Louis Construction of Texas Ltd., lowest responsible bidder of five - Not to exceed \$18,885,731 - Financing: Water Utilities Capital Improvement Funds
35			Outside	C	WTR	REV \$3,331.83	NA	NA	Authorize a five-year contract with one five-year renewal option, with the United States of America acting through the U. S. Army Corps of Engineers to continue providing untreated water, from January 24, 2018 through January 23, 2023 - Estimated Annual Revenue: \$3,332
36			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

**AGENDA DATE**

January 24, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
37			14	I	ECO	\$500.00	NA	NA	Authorize (1) a resolution of support for 2400 Bryan Street, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of up to a 230-unit residential development located at 2400 Bryan Street; and (2) a line of credit for the proposed development in the amount of \$500 - Not to exceed \$500 - Financing: Public/Private Partnership Funds
38			3	I	ECO	\$500.00	NA	NA	Authorize (1) a resolution of support for CLO Mountain Housing, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of a 100-unit residential development located on the southwest corner of Camp Wisdom Road and Mountain Creek Parkway to be known as Cielo at Mountain Creek; and (2) a line of credit for the proposed development in the amount of \$500 - Not to exceed \$500 - Financing: Public/Private Partnership Funds
39			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Specific Use Permit No. 1718 for tower/antenna for cellular communication on property zoned a CR Community Retail District with a D Liquor Control Overlay and existing deed restrictions [Z801-138] on a portion, on the west line of Midway Road and the north line of West Northwest Highway
40			10	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1548 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the west and north side of Forestgate Drive, north of Forest Lane
41			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2105 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road
42			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 119 for Multiple-Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Cedar Springs Road, between Lucas Drive and Hawthorne Avenue
43			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR-D-1 Industrial Research District with a D-1 Liquor Control Overlay, on the northwest line of South Belt Line Road, southwest of Kleberg Road
44			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of, and amendment to, Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service on property zoned Subdistrict B within Planned Development District No. 619 with Historic Overlay No. 87, on the north side of Main Street, east of North Field Street
45			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales, and service use on property zoned Subdistrict 1 within Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3, with a D-1 Liquor Control Overlay, on the southwest corner of the C.F. Hawn Service Road and Ellenwood Drive
46			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 44 for an electrical substation on property zoned an R-16(A) Single Family District, on the south line of Northaven Road, east of the Dallas North Tollway
47			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District, on the south corner of Ferguson Road and Drummond Drive
48			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IR Industrial Research District on the west line of Gretna Street, south of Lupo Drive
49			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the west line of Brundrette Street, south of Pollard Street

**AGENDA DATE**      January 24, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
50			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District, on the northeast line of Ambassador Row and West Mockingbird Lane
51			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an auto service center on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street
52			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subarea and amendments to the preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 on property at the southeast corner of Swiss Avenue and Parkmont Street with consideration given to and an ordinance granting a Specific Use Permit for an extended-hours historic house museum and meeting space use
53			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive
54			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 2104 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road
55			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility on property zoned a CS Commercial Service District, on the east line of South Central Expressway, south of Youngblood Road
56			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an R-10(A) Single Family District and NS(A) D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on a portion on the north corner of South Belt Line Road and Garden Grove Drive
57			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the south line of West Illinois Avenue, between Duncanville Road and Knoxville Street
58			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses and auto painting or body rebuilding shop (inside) use by right, and an accessory motor vehicle storage outside use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast corner of Maple Avenue and Vagas Street
59			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and (1) an ordinance granting a Planned Development District for commercial, industrial and transportation uses; (2) an ordinance granting an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II]; (3) an ordinance granting a Specific Use Permit for two industrial (outside) not potentially incompatible uses for a concrete batching plant [Tract I and Tract III]; (4) an ordinance terminating Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant; and (5) a resolution terminating deed restrictions [Z078-204] on property zoned an IR-D Industrial Research District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS-D Commercial Service District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1602 for vehicle storage lot on a portion; and an IM-D Industrial Manufacturing District with a D Liquor Control Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on the northeast corner of State Highway 310 and Linfield Road

**AGENDA DATE**      January 24, 2018

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
60			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard
61			6	PH	TRN	NC	NA	NA	A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of Canada Drive from (1) Westmoreland Road to Holystone Street from a standard four-lane divided (S-4-D) roadway within 80 feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on both sides of the roadway within 100 feet of right-of-way and 78-feet of pavement; and (2) Holystone Street to Hampton Road from a standard four-lane divided (S-4-D) roadway within 80-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on the north side of the roadway within 100-feet of right-of-way and 75-feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City
62			6	PH	OEQ	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Foundation Building Materials, LLC, located near the intersection of John Carpenter Freeway and Dividend Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Foundation Building Materials, 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

**TOTAL      \$245,533,432.32**







**AGENDA ITEM # 2**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office  
Police Department

**CMO:** Larry Casto, 670-3491  
Jon Fortune, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize settlement of the lawsuit styled James Daniel Martin, II v. City of Dallas, Cause No. DC-17-01594 - Not to exceed \$37,000 - Financing: Current Funds

**BACKGROUND**

Plaintiff filed a lawsuit against the City of Dallas seeking compensation for bodily injuries and other damages sustained in an automobile collision on March 28, 2015, involving a Dallas Police Department vehicle. The City and James Daniel Martin, II have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Loncar & Associates.

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

City Council will be briefed by memorandum on January 19, 2018.

**FISCAL INFORMATION**

Funding for this item is budgeted in the current fiscal year

Current Funds - \$37,000

January 24, 2018

**WHEREAS,** a lawsuit styled James Daniel Martin, II v. City of Dallas, Cause No. DC-17-01594, was filed by the plaintiff, James Daniel Martin, II, seeking compensation from the City of Dallas for bodily injuries and other damages sustained in an automobile collision on March 28, 2015, involving a Dallas Police Department vehicle; and

**WHEREAS,** the plaintiff has agreed to a settlement of the case whereby the City will pay James Daniel Martin, II, Loncar & Associates, and all other persons having an interest in the settlement proceeds, the total amount of \$37,000; 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 James Daniel Martin, II v. City of Dallas, Cause No. DC-17-01594, in an amount not to exceed \$37,000 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay James Daniel Martin, II, Loncar & Associates, and all other persons having an interest in the settlement proceeds, the amount of \$37,000, from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

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

**AGENDA ITEM # 3**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office

**CMO:** Larry Casto, 670-1333

**MAPSCO:** N/A

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Offices of William W. Krueger, III, P.C., for additional legal services necessary in the lawsuit styled Mary Dawes, et al. v. The City of Dallas, et al., Civil Action No. 3:17-CV-01424-D - Not to exceed \$150,000, from \$50,000 to \$200,000 - Financing: Current Funds

**BACKGROUND**

Supplemental Agreement No. 1 will authorize the Law Offices of William W. Krueger, III, P.C., to continue providing legal services in connection with the representation of Dallas Police Officer Jason Kimpel in the lawsuit styled Mary Dawes, et al. v. The City of Dallas, et al., Civil Action No. 3:17-CV-01424-D.

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

City Council will be briefed in Executive Session on January 17, 2018.

**FISCAL INFORMATION**

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

Current Funds - \$150,000

January 24, 2018

**WHEREAS**, on July 7, 2017, Administrative Action No. 17-6314, authorized a professional services contract with the Law Offices of William W. Krueger, III, P.C., for legal services necessary in connection with the representation of Dallas Police Officer Jason Kimpel in the lawsuit styled Mary Dawes, et al. v. The City of Dallas, et al., Civil Action No. 3:17-CV-01424-D, in an amount not to exceed \$50,000; and

**WHEREAS**, the professional legal services of the Law Offices of William W. Krueger, III, P.C., continue to be necessary.

**Now, Therefore,**

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

**SECTION 1.** The City Manager is hereby authorized to sign Supplemental Agreement No. 1 to the professional services contract with the Law Offices of William W. Krueger, III, P.C., approved as to form by the City Attorney, for additional legal services necessary in the lawsuit styled Mary Dawes, et al. v. The City of Dallas, et al., Civil Action No. 3:17-CV-01424-D, in an amount not to exceed \$150,000, increasing the original contract amount from \$50,000 to \$200,000.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds, in periodic payments to the Law Offices of William W. Krueger, III, P.C., in an amount not to exceed \$150,000 from Fund 0192, Department ORM, Unit 3890, Object 3033, Contract No. ATT-2017-00002639, Vendor No. VC17318.

**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 ITEMS # 4,5,6**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

10

**DEPARTMENT:**

Department of Public Works

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

27 C D G

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**SUBJECT**

**LBJ Freeway/Skillman Street Interchange**

- \* Authorize **(1)** a Project Specific Agreement with Dallas County for funding participation in the design and construction of the LBJ Freeway/Skillman Street Interchange Project; **(2)** receipt and deposit of funds from Dallas County in an amount not to exceed \$3,996,440 for Dallas County's share of local funding contributions for the project costs; and **(3)** an increase in appropriations in an amount not to exceed \$3,996,440 in the Capital Projects Reimbursement Fund - Not to exceed \$3,996,440 - Financing: Capital Projects Reimbursement Funds
- \* Authorize an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) to transfer \$4,377,000 in local funding to the NCTCOG to establish a portion of the Metropolitan Planning Organization Revolver Fund in exchange for \$4,377,000 in state funds for the LBJ Freeway/Skillman Street Interchange Project - Not to exceed \$4,377,000 - Financing: Capital Projects Reimbursement Funds (\$3,996,440) and 2012 Bond Funds (\$380,560)
- \* Authorize a Memorandum of Understanding with the North Central Texas Council of Governments, Texas Department of Transportation (TxDOT) and Dallas County that outlines expectations of each agency pertaining to the LBJ Freeway/Skillman Street Interchange Project that is being implemented as part of TxDOT's planned LBJ Freeway East Corridor Design-Build project - Financing: No cost consideration to the City

## **BACKGROUND**

The Interstate Highway 635 at Skillman/Audelia Project, also known as LBJ Skillman Gateway Project and LBJ Freeway/Skillman Street Interchange Project is a partnership project between the City of Dallas, Dallas County, North Central Texas Council of Governments (NCTCOG) and Texas Department of Transportation (TxDOT) and is a key component of TxDOT's larger LBJ Freeway East Corridor Project. The interchange project includes the realignment and reconstruction of the Skillman Street bridge, the cross-street approaches, as well as the Skillman Street at Audelia Road/Whitehurst Drive and Skillman Street at Audelia Road/Adleta Court intersections. The project also includes pedestrian and bicycle facilities that will eventually connect to the City's existing trail network. This Council action will authorize a Project Specific Agreement with Dallas County and an Interlocal Agreement with NCTCOG needed to transfer required local funds for the project. This Council action will also authorize a four-party Memorandum of Understanding between the City of Dallas, Dallas County, TxDOT and NCTCOG that outlines expectations of each agency pertaining to the LBJ Freeway/Skillman Street Interchange Project that is being implemented as part of TxDOT's planned LBJ Freeway East Corridor Design-Build project.

TxDOT has long planned to improve LBJ Freeway from US Highway 75 to US Highway 80, and as such, obtained schematic approval in 2003. However, due to funding constraints, the implementation of the project has been on hold for over ten years. In order to expedite the LBJ Freeway at Skillman Street interchange improvements, the City administered and funded the design of the improvements so that the project could be implemented as a stand-alone Design-Bid-Build project should funding become available. The interchange improvements entail eliminating the originally proposed Skillman Street grade separated flyover and replacing with a wider at-grade bridge, as well as re-aligning Skillman Street to provide a more bicycle and pedestrian-friendly environment and to promote economic development.

The Metropolitan Planning Organization (MPO) Revolver Fund is a partnership program authorized by the Texas Transportation Commission (TTC) in 2015 with selected MPO's. The TTC subsequently set aside \$10 million in state funds for the purpose of replacing local funds in specific projects, thus permitting the local funds to be transferred to NCTCOG to establish the MPO Revolver Fund in the Dallas-Fort Worth region. The MPO Revolver Fund will be used by NCTCOG to cash flow expenses for MPO administered federal and state transportation programs while such expenses are pending reimbursement from the applicable funding agency.

In 2015, NCTCOG sought out the City's assistance and participation in the newly-created MPO Revolver Fund program, and in turn, NCTCOG agreed to facilitate/prioritize the allocation of funds for the right-of-way acquisition, utility relocation, and construction costs for the LBJ Freeway/Skillman Street Interchange Project, which the City has identified as a priority.

**BACKGROUND** (continued)

On December 10, 2015, the Regional Transportation Council (RTC) approved a funding strategy that included \$4,377,000 in combined Dallas County and City of Dallas local funds for the Interstate Highway 635 at Skillman/Audelia Project in exchange for \$4,377,000 in state funds to establish a portion of the MPO Revolver Fund. The RTC also agreed to allocate the remaining \$65 million in funds needed for the project. The Project Specific Agreement with Dallas County will authorize the receipt of Dallas County's share of local funding contributions to the project. The Interlocal Agreement with NCTCOG will authorize the transfer of \$4,377,000 (City - \$380,560.50; Dallas County - \$3,996,439.50) to NCTCOG for the MPO Revolver Fund.

The LBJ Freeway East Corridor Project was reactivated by TxDOT in 2015 and is now planned to be implemented as a Design-Build project that will also include the LBJ Freeway at Skillman Street interchange improvements. The City has coordinated with community stakeholders and agency partners throughout its design efforts, which to date have produced 95 percent plans. Now that the LBJ Freeway/Skillman Street Interchange improvements are proposed to be constructed in conjunction with the LBJ Freeway East Corridor Project, the 95 percent plans and associated engineering design documents prepared by the City have been transferred to TxDOT. It is imperative to ensure that the schedule, timeline, and key design components of the LBJ Freeway/Skillman Street Interchange Project are preserved as part of TxDOT's planned LBJ Freeway East Corridor Design-Build project, thus the need for a four-party Memorandum of Understanding between the City, County, TxDOT and NCTCOG that outlines the expectations of each agency.

The total local funding participation for the LBJ Freeway/Skillman Street Interchange Project is \$7,992,879.00, which is to be split 50/50 between Dallas County and the City. The City's share of local funding contribution, \$3,996,439.50, includes the \$3,615,879 previously spent on the schematic and design of the project. Local funding in the amount of \$4,377,000 will be replaced with funds from the MPO Revolver Fund and will be used for construction. The remaining \$65 million construction costs will be funded by State/Federal funds. As such, a total of approximately \$69.3 million is being allocated for the LBJ Freeway/Skillman Street Interchange Project that is included in TxDOT's LBJ Freeway East Corridor Project.

**ESTIMATED SCHEDULE OF PROJECT**

Began Schematic	July 2011
Began Environmental	July 2011
Completed Schematic	May 2014
Began Final Design	May 2014
Completed Environmental	June 2015
Completed Final Design (95% completion*)	November 2017
Begin LBJ East Corridor design-Build Project	Spring 2019
Complete LBJ East Corridor design-Build Project	Spring 2023

## **ESTIMATED SCHEDULE OF PROJECT** (continued)

\* LBJ Freeway/Skillman Street Interchange Project is now to be included in TxDOT's LBJ Freeway East Corridor Design-Build Project. The 95 percent plans were transferred to TxDOT.

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

On January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvement projects between the City of Dallas and Dallas County by Resolution No. 01-0104.

On April 13, 2011, City Council authorized a new ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927.

On June 22, 2011, City Council authorized a professional services contract with Bridgefarmer and Associates, Inc. for the preliminary engineering design of bridge, paving and drainage improvements for the LBJ Freeway at Skillman Street interchange planned improvements by Resolution No. 11-1695.

On June 26, 2013, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Bridgefarmer & Associates, Inc. for the final engineering design of bridge, paving and drainage improvements for the LBJ Freeway at Skillman Street interchange by Resolution No. 13-1147.

On October 9, 2017, the Mobility Solutions, Infrastructure, and Sustainability Committee was briefed by the North Central Council of Governments' Director of Transportation regarding the Texas Transportation Commission's initiative to fund several critically needed big projects in the metropolitan area of the state, including the LBJ Freeway East Corridor from US Highway 75 to IH 30.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

## **FISCAL INFORMATION**

Capital Projects Reimbursement Funds - \$3,996,439.50  
2012 Bond Funds - \$380,560.50



**FISCAL INFORMATION** (continued)

**Estimated Project Cost**

Schematic	\$ 323,127.00
Design	\$ 3,292,752.00
Construction (MPO Revolver*)	<u>\$ 4,377,000.00</u> (this action)
Total Project Cost funded by Local**	\$ 7,992,879.00
Construction (State/Federal)	\$65,000,000.00

**Funding Sources**

Dallas County's Share	\$ 3,996,439.50 (this action)
City's Share	<u>\$ 3,996,439.50</u>
Total Local Funding**	\$ 7,992,879.00

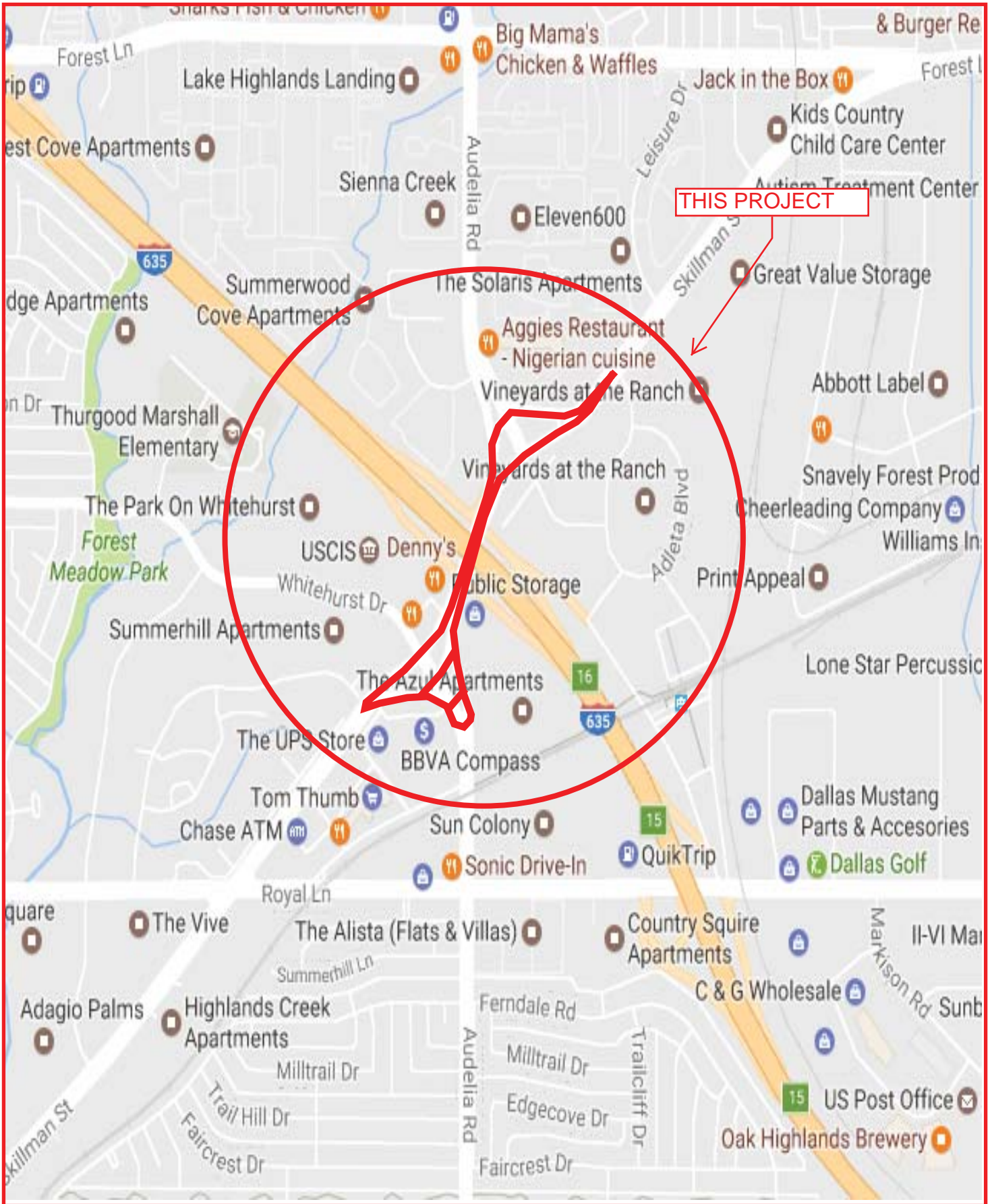
\*Local funds for partial construction costs, to be replaced with state funds per MPO Revolver of Understanding

\*\*These are the local funding contributions toward the total estimated project cost of \$69.3 million for the LBJ/Skillman Interchange improvements that are to be included in TxDOT's LBJ Freeway East Corridor Project.

**MAP**

Attached

# LBJ FREEWAY AT SKILLMAN STREET INTERCHANGE



MAPSCO 27C, D, G

January 24, 2018

**WHEREAS**, on January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvement projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

**WHEREAS**, the Master Agreement with Dallas County contained a ten-year expiration clause and expired on April 24, 2011; and

**WHEREAS**, on April 13, 2011, City Council authorized a new ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

**WHEREAS**, the City of Dallas and Dallas County desire to improve the Interstate Highway (IH) 635 at Skillman/Audelia Interchange; and

**WHEREAS**, the City is the lead agency for the IH 635 at Skillman/Audelia Project responsible for administering the design; and

**WHEREAS**, on June 22, 2011, City Council authorized a professional services contract with Bridgefarmer and Associates, Inc. for the preliminary engineering design of bridge, paving and drainage improvements for the LBJ Freeway at Skillman Street interchange planned improvements, in an amount not to exceed \$323,127.00, by Resolution No. 11-1695; and

**WHEREAS**, on June 26, 2013, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Bridgefarmer & Associates, Inc. for the final engineering design of bridge, paving and drainage improvements for the LBJ Freeway at Skillman Street Interchange, in an amount not to exceed \$3,256,804.00, increasing the contract amount from \$323,127.00 to \$3,579,931.00, by Resolution No. 13-1147; and

**WHEREAS**, on December 6, 2016, Administrative Action No. 16-7085 authorized Supplemental Agreement No. 2 to the professional services contract with Bridgefarmer & Associates, Inc. for additional conceptual aesthetic bridge lighting design for the LBJ Freeway at Skillman Street Interchange, in an amount not to exceed \$35,948.00, increasing the contract amount from \$3,579,931.00 to \$3,615,879.00; and

**WHEREAS**, it is now necessary to authorize the Project Specific Agreement with Dallas County for the funding participation in the design and construction of the LBJ Freeway/Skillman Interchange Project, and the receipt and deposit of funds from Dallas County in an amount not to exceed \$3,996,439.50 for Dallas County's share of the local funding contributions for the project costs.

**Now, Therefore,**

January 24, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign the Project Specific Agreement with Dallas County for the funding participation in the design and construction of the LBJ Freeway/Skillman Interchange Project, approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds from Dallas County, in an amount not to exceed \$3,996,439.50 in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit S402, Activity INGV, Revenue Code 6511.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit S402, Activity INGV, Object 4510, in an amount not to exceed \$3,996,439.50.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to return any unused funds and interest earned on the funds upon completion of this project to Dallas County in accordance with the provisions of the Project Specific Agreement.

**SECTION 5.** That this contract is designated as Contract No. PBW-2018-00004996.

**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.

January 24, 2018

**WHEREAS**, the Texas Transportation Commission authorized a partnership program with selected Metropolitan Planning Organization's (MPO) and set aside \$10 million in state funds for the purpose of replacing the local funds on specific projects thus permitting the local funds to be sent to the North Central Texas Council of Governments (NCTCOG) to establish the MPO Revolver Fund in the Dallas-Fort Worth region; and

**WHEREAS**, the MPO Revolver Fund will be used by NCTCOG to cash flow expenses for MPO-administered federal and state transportation programs while such expenses are pending reimbursement from the applicable funding agency; and

**WHEREAS**, the City of Dallas desires to assist NCTCOG in establishing the MPO Revolver Fund and has identified the Interstate Highway (IH) 635 at Skillman/Audelia Project, also known as LBJ Skillman Gateway Project and LBJ Freeway/Skillman Street Interchange Project suitable for the replacement of local funds with state funds; and

**WHEREAS**, the City of Dallas and NCTCOG have established a funding swap strategy for the IH 635 at Skillman/Audelia Project in order to implement a portion of the MPO Revolver Fund; and

**WHEREAS**, it is now necessary to authorize an Interlocal Agreement with NCTCOG to transfer \$4,377,000.00 in local funds to NCTCOG to establish a portion of the Metropolitan Planning Organization Revolver Fund in exchange for \$4,377,000.00 in State funds for the IH 635 at Skillman/Audelia Project, also known as the LBJ Freeway/Skillman Street Interchange Project.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign the Interlocal Agreement with the North Central Texas Council of Governments, approved as to form by the City Attorney, to establish the terms and conditions of needed funding transaction for the LBJ Freeway/Skillman Street Interchange Project, in order to establish the Metropolitan Planning Organization (MPO) Revolver Fund, in an amount not to exceed \$4,377,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,377,000.00 to NCTCOG in accordance with the terms and conditions of the agreement, as follows:

January 24, 2018

**SECTION 2.** (continued)

Capital Projects Reimbursement Fund Fund 0556, Department PBW, Unit S402 Activity INGV, Object 4510, Program PB12S402 Encumbrance/Contract No. PBW-2018-00004997 Vendor 066264	\$3,996,439.50
Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S402 Activity INGV, Object 4510, Program PB12S402, Encumbrance/Contract No. PBW-2018-00004997 Vendor 066264	<u>\$ 380,560.50</u>
Total amount not to exceed	\$4,377,000.00

**SECTION 3.** That the Chief Financial Officer is hereby authorized to deposit any unused Street and Transportation Improvements Fund advanced to NCTCOG pertaining to this project in Fund 3U22, Department PBW, Unit S402, Revenue Source 6511.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit any unused Capital Projects Reimbursement Fund advanced to NCTCOG pertaining to this project in Fund 0556, Department PBW, Unit S402, Object 4510, and refunded to Dallas County from Fund 0556, Department PBW, Unit S402, Revenue Source 6511.

**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.

January 24, 2018

**WHEREAS**, on October 9, 2017, the Mobility Solutions, Infrastructure, and Sustainable (MSIS) Committee was briefed by the North Central Council of Governments' Director of Transportation (NCTCOG) regarding the Texas Transportation Commission's initiative to fund several critically-needed large projects in the metropolitan area of the state, including the LBJ Freeway East Corridor from US Highway 75 to Interstate Highway 30; and

**WHEREAS**, the City has been administering and funding the design of the LBJ Freeway/Skillman Street Interchange improvements to expedite the reconstruction of the interchange as a stand-alone Design-Bid-Build project; and

**WHEREAS**, after years of delay, the LBJ Freeway/ Skillman Street Interchange Project, which was originally planned to be separated and expedited as a stand-alone project, is now proposed to be implemented as a part of Texas Department of Transportation's (TxDOT) LBJ Freeway East Corridor Design-Build Project; and

**WHEREAS**, it is imperative to ensure the schedule, timeline, and key design components of the LBJ Freeway/Skillman Street Interchange Project are preserved as part of TxDOT's LBJ Freeway East Corridor Design-Build Project; and

**WHEREAS**, it is now necessary to authorize a Memorandum of Understanding with the North Central Texas Council of Governments, Texas Department of Transportation, and Dallas County that outlines expectations of each agency pertaining to the LBJ Freeway/Skillman Street Interchange Project that is being implemented as part of TxDOT's planned LBJ Freeway East Corridor Design-Build Project.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a Memorandum of Understanding with the North Central Texas Council of Governments, Texas Department of Transportation, and Dallas County that outlines expectations of each agency pertaining to the LBJ Freeway/Skillman Street Interchange Project that is being implemented as part of TxDOT's planned LBJ Freeway East Corridor Project, approved as to form by the City Attorney.

**SECTION 2.** That this contract is designated as Contract No. PBW-2018-00004998.

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





**AGENDA ITEM # 7**

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Public Works

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** Various

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**SUBJECT**

Authorize an increase to the twenty-four month construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting for sidewalk and barrier free ramp installation paving services for the sidewalk replacement and barrier free ramp program to extend the term of the contract for an additional twelve months from March 2018 to March 2019 - Not to exceed \$875,350, from \$3,501,400 to \$4,376,750 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

On January 27, 2016, City Council authorized a twenty-four month sidewalk and barrier free ramp installation paving services contract for construction services by Resolution No. 16-0178.

This action will authorize an increase to extend the existing twenty-four month contract with Vescorp Construction, LLC dba Chavez Concrete Cutting for an additional twelve months to continue providing sidewalk and barrier free ramp installation paving services for the sidewalk replacement and barrier free ramp program. The extension is granted due to the contractor's outstanding performance and the agreement to continue using the original contract bid rates.

The change order will authorize additional time to continue the installation of barrier free ramps. Installation of barrier free ramps throughout the city is required in order to be in compliance with the Americans with Disabilities Act. This is a citizen-driven program based on demand. Work orders are created as citizens pay to get their sidewalk replaced.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction            March 2018  
Complete Construction        March 2019

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

On January 27, 2016, City Council authorized a twenty-four month sidewalk and barrier free ramp installation paving services contract for construction services by Resolution No. 16-0178.

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

2017 Bond Program (General Obligation Commercial Paper Funds) - \$875,350

Construction Contract	\$3,501,400
Change Order No. 1 (this action)	<u>\$ 875,350</u>
Total Project Cost	\$4,376,750

**M/WBE INFORMATION**

See attached.

**OWNER**

**Vescorp Construction, LLC dba Chavez Concrete Cutting**

Hugo Chavez, President

**MAP**

Attached

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize an increase to the twenty-four month construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting for sidewalk and barrier free ramp installation paving services for the sidewalk replacement and barrier free ramp program to extend the term of the contract for an additional twelve months from March 2018 to March 2019 - Not to exceed \$875,350, from \$3,501,400 to \$4,376,750 - Financing: General Obligation Commercial Paper Funds

Vescorp Construction, LLC dba Chavez Concrete Cutting is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$650,350.00	74.30%
Non-local contracts	\$225,000.00	25.70%
<b>TOTAL THIS ACTION</b>	<b>\$875,350.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Vescorp Construction	HMDB37282Y0518	\$650,350.00	100.00%
<b>Total Minority - Local</b>		<b>\$650,350.00</b>	<b>100.00%</b>

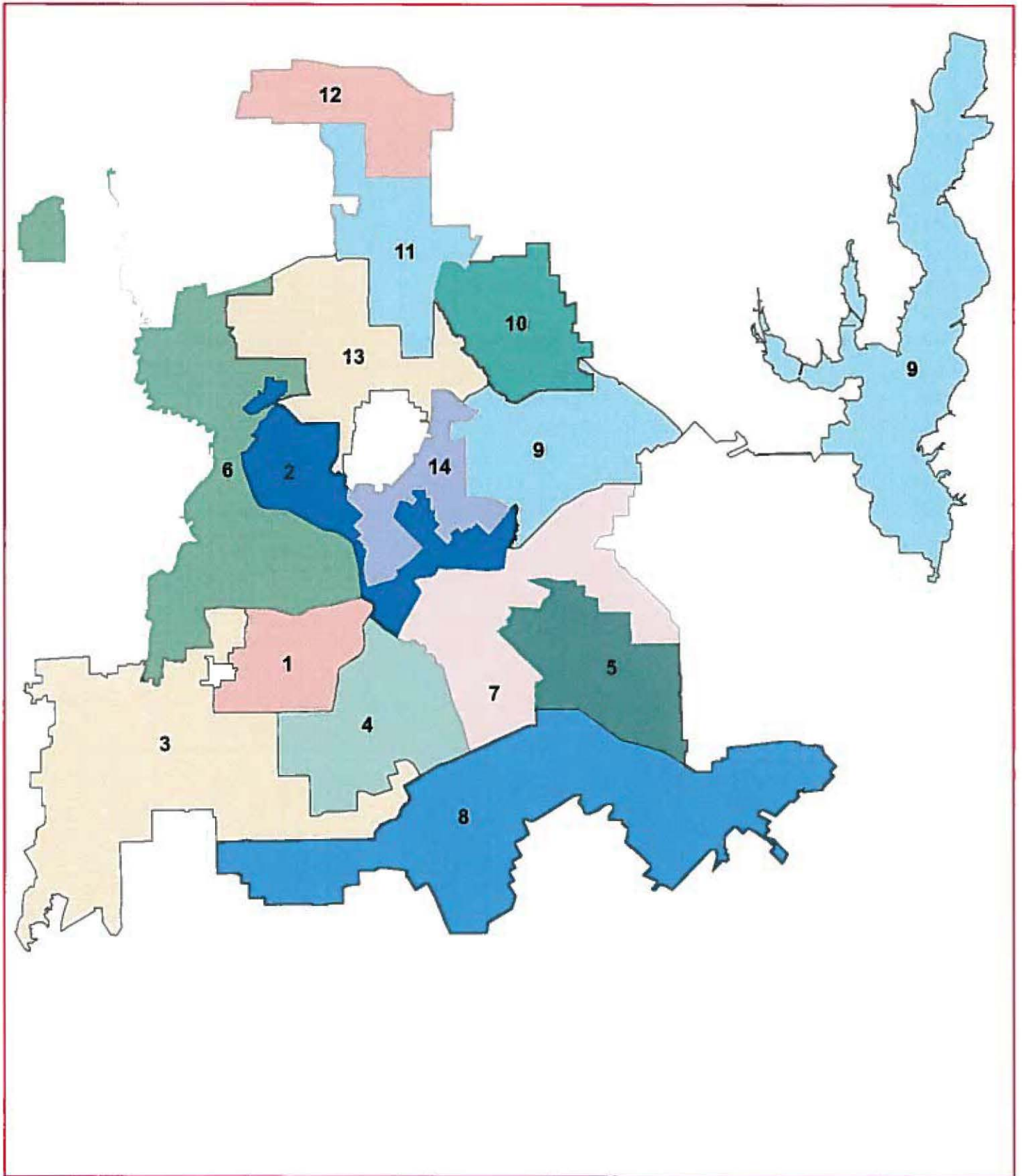
#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Estrada Concrete Ready Mix	HMMB68706N0619	\$225,000.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$225,000.00</b>	<b>100.00%</b>

### TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$875,350.00	100.00%	\$4,148,787.40	94.79%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$227,962.60	5.21%
<b>Total</b>	<b>\$875,350.00</b>	<b>100.00%</b>	<b>\$4,376,750.00</b>	<b>100.00%</b>

**PAVING SERVICES CONTRACT**  
**Infrastructure at Various Locations**



January 24, 2018

**WHEREAS**, on January 27, 2016, City Council authorized a twenty-four month sidewalk and barrier free ramp installation paving services contract for construction services, in an amount not to exceed \$3,501,400, by Resolution No. 16-0178; and

**WHEREAS**, it is now recommended to authorize Change Order No. 1 to extend the construction services contract an additional twelve months from the original twenty-four month contract with Vescorp Construction, LLC dba Chavez Concrete Cutting due to the contractor's outstanding performance and the agreement to continue using the original contract bid rates, in an amount not to exceed \$875,350 from \$3,501,400 to \$4,376,750.

**Now, Therefore,**

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

**SECTION 1.** That the additional twelve-month extension to the construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting (Change Order No.1) is authorized.

**SECTION 2.** That the increase in the construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting (Change Order No. 1) is authorized for the sidewalk and barrier free ramp installation paving services, in an amount not to exceed \$875,350, increasing the contract amount from \$3,501,400 to \$4,376,750.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$875,350 to Vescorp Construction, LLC dba Chavez Concrete Cutting from Master Agreement Service Contract No. MASCPBWD2016CR160178, Vendor VS89922.

**SECTION 4.** That this contract is designated as Contract No. PBW-2016-00000072.

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



**AGENDA ITEM # 8**

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction  
Department of Communication and Information Services

**CMO:** Majed Al-Ghafry, 670-3302  
Jody Puckett, 670-3390

**MAPSCO:** 34X

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**SUBJECT**

Authorize an amendment to an existing lease agreement with Dallas County Hospital District d/b/a Parkland Health & Hospital System to extend the lease agreement for an additional five-years for approximately 1,000 square feet of office space located at 5200 Harry Hines Boulevard to be used as Communication and Information Services Mobile Data Terminal for the period February 1, 2018 through January 31, 2023 – Not to exceed \$5,000 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

**BACKGROUND**

This item authorizes an amendment to an existing lease agreement with Dallas County Hospital District d/b/a Parkland Health & Hospital System to extend the lease agreement for an additional five-years for approximately 1,000 square feet of office space located at 5200 Harry Hines Boulevard. The five-year extension will provide for the continued use of Communication and Information Services Mobile Data Terminal.

The five-year extension will begin on February 1, 2018 through January 31, 2023.

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

Information about this item will be provided to the Mobility Solutions Infrastructure & Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

Communication and Information Services Current Funds (subject to annual appropriations) - \$5,000

**OWNER**

**Dallas County Hospital District d/b/a Parkland Health & Hospital System**

Fredrick P. Cerise, M.D., MPH, President

**MAP**

Attached







January 24, 2018

**WHEREAS**, the City of Dallas, a Texas municipal corporation (“City”), as tenant, and Dallas County Hospital District d/b/a Parkland Health and Hospital System, a political subdivision of the State of Texas (“Landlord”), as Landlord, executed a Lease Agreement dated July 17, 2017, whereby City leased approximately 1,000 square feet of office space on the 12<sup>th</sup> floor, having a street address of 5200 Harry Hines, City of Dallas, Dallas County, Texas (the “Lease”); and

**WHEREAS**, the Lease, as amended, expires by its own terms on January 31, 2018; and

**WHEREAS**, the parties desire to renew, extend, modify and/or amend the Lease to provide for an additional five-year term.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager, is hereby authorized to sign the First Amendment to the Lease Agreement between Dallas County Hospital District d/b/a Parkland Health and Hospital System, a political subdivision of the State of Texas, and the City of Dallas, approved as to form by the City Attorney.

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

- a. The term of the Lease is extended for an additional five (5) years, effective February 1, 2018 and ending January 31, 2023, provided however, that City and Landlord retain the right to terminate the Lease as provided elsewhere therein.
- b. Annual rental payments shall be as follows (subject to annual appropriations):

February 1, 2018 – January 31, 2023                      \$1,000.00 per year

- c. All other terms of the Lease hereby shall remain unchanged and in full force and effect.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to draw warrants payable to Dallas County Hospital District d/b/a Parkland Health and Hospital System, or its successors and assigns on the first day of each year in advance during the lease term beginning February 1, 2018 in the amount specified below:

February 1, 2018 – January 31, 2023                      \$1,000.00 per year  
(subject to annual appropriations)

January 24, 2018

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


February 1, 2018 - January 31, 2023: Fund 0197, Department DSV, Unit 1812, Object 3099, Encumbrance/Contract No. CX-DSV-2018-00004848, Commodity 97145, Vendor VC0000012333.

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

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

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

BY:

  
Assistant City Attorney

**AGENDA ITEM # 9**

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 54G

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**SUBJECT**

An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of approximately 314 square feet of aerial space to occupy, maintain and utilize one canopy without premise sign over a portion of 9th Street right-of-way near its intersection with Bishop Avenue – Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee

**BACKGROUND**

This item grants a private license to Bishop Arts Phase 1A LLC, for the use of approximately 314 square feet aerial space to occupy, maintain and utilize one canopy without premise sign over a portion of 9th Street right-of-way near its intersection with Bishop Avenue. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

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

Information about this matter will be provided to the Mobility Solutions Infrastructure & Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

Revenue - \$100 one-time fee, plus the \$20 ordinance publication fee

**OWNER**

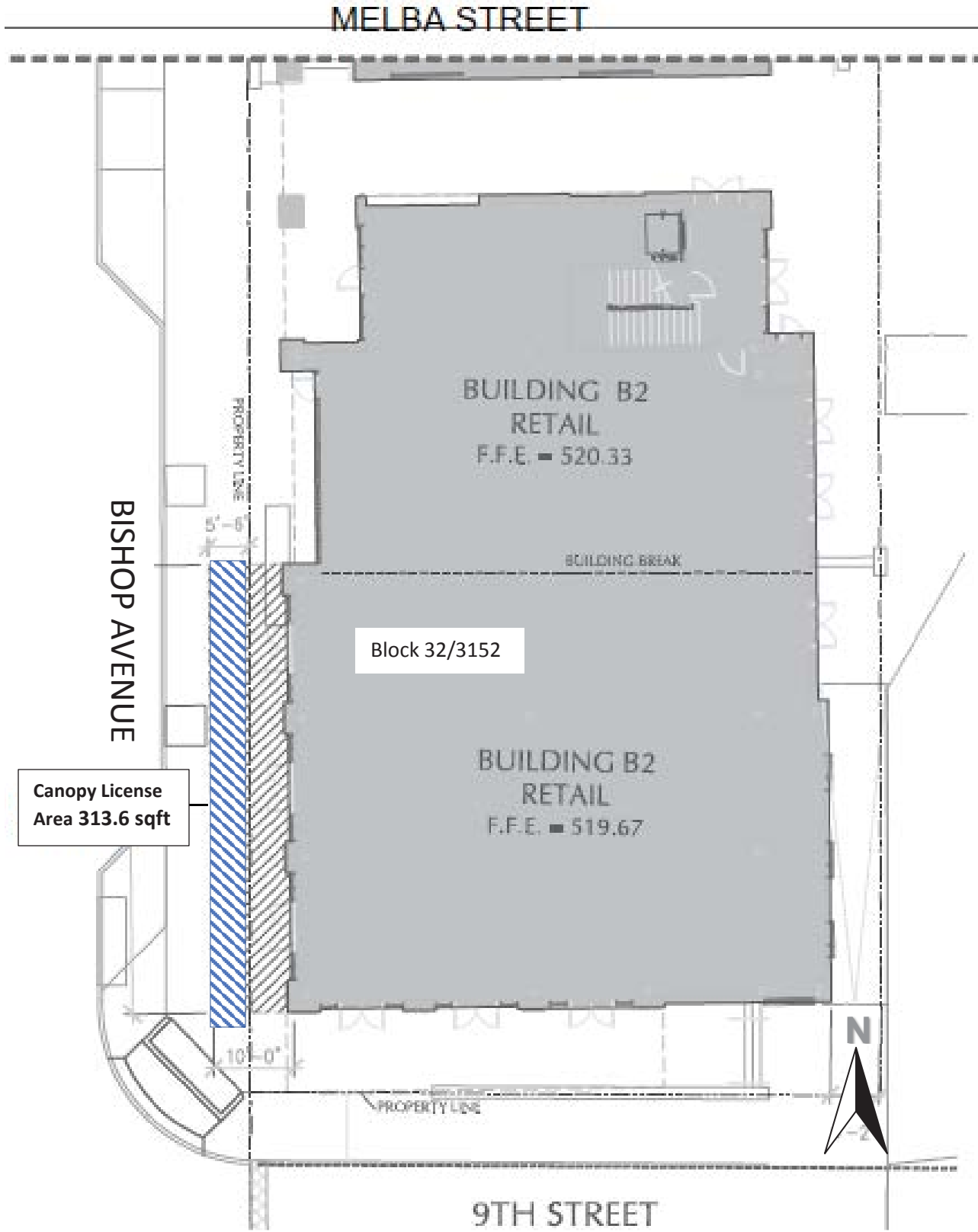
**Bishop Arts Phase 1A LLC**

Exxir LLC

Farrokh N. Nazerian, Managing Member

**MAP**

Attached



**LICENSE AREA**

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

An ordinance granting a private license to Bishop Arts Phase 1A LLC, to occupy, maintain and utilize a portion of Bishop Avenue public right-of-way located near the intersection of 9<sup>th</sup> Street adjacent to City Block 32/3152 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing a canopy without premise sign; providing for the terms and conditions of this license; providing for the one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**ooo0ooo**

**SECTION 1.** That a private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Bishop Arts Phase 1A LLC, a Texas limited liability company its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

**SECTION 2.** That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS**, for the license herein granted, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the license term, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE’s** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from



**SECTION 3.** (continued)

the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

**SECTION 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupy, maintain, and utilize a canopy without premise sign.

**SECTION 5.** That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

**SECTION 6.** That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 7.** That the license and the proposed use of the licensed area is subject to the following terms and conditions:

- (a) **GRANTEE** shall comply with the requirements of Planned Development District (PD) No. 830; and

**SECTION 7.** (continued)

- (b) **GRANTEE** must obtain a right-of-way permit from the Public Works Department in addition to any required building permit; and
- (c) **GRANTEE** must comply with the Americans with Disabilities Act and Texas Accessibility Standard Requirements.

**SECTION 8.** That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 9.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 10.** That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for

**SECTION 11.** (continued)

publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 12.** That this contract is designated as Contract No. DEV-2018-00004697.

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

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

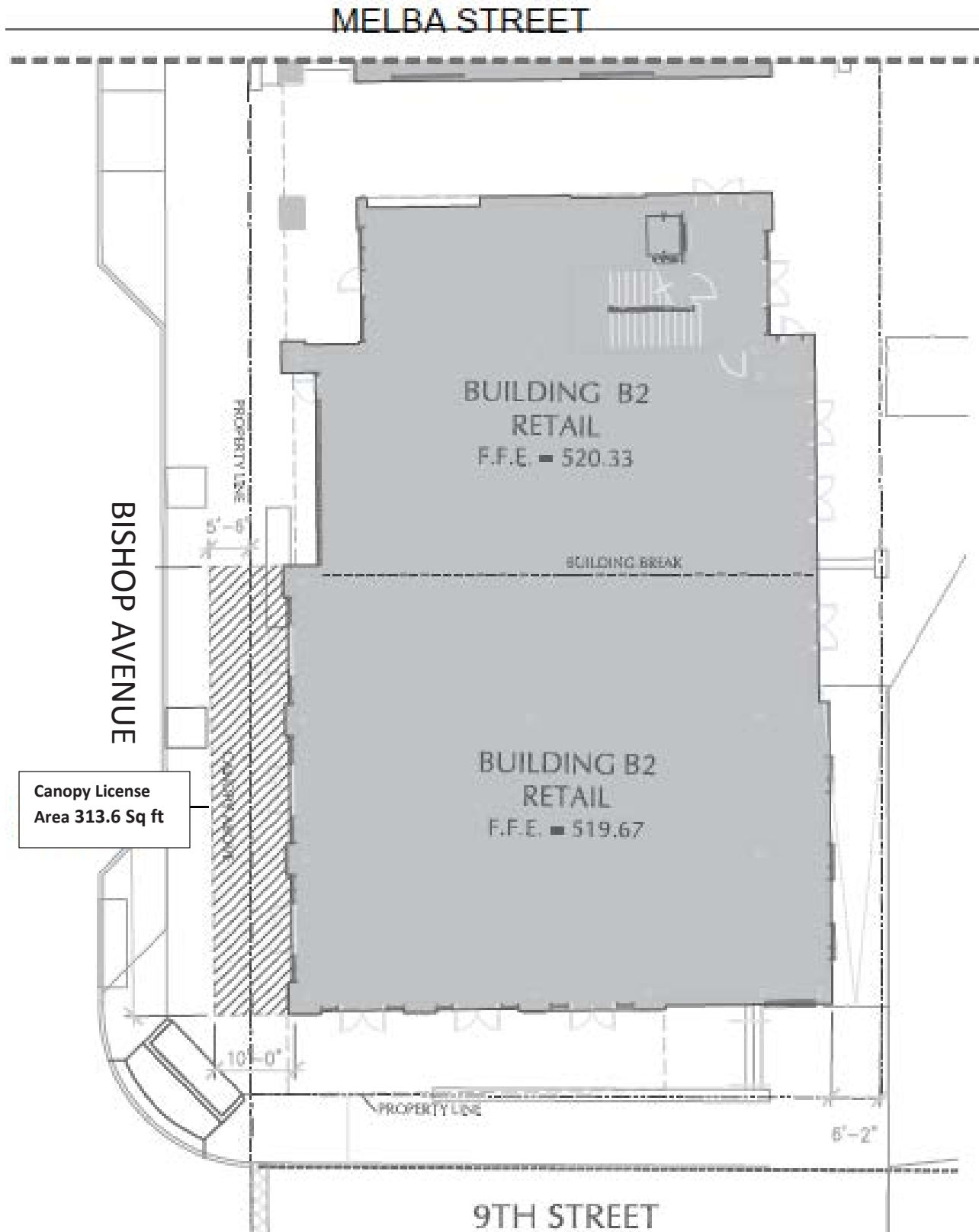
DAVID COSSUM, Director  
Department of Sustainable Development and  
Construction

BY:   
Assistant City Attorney

BY:   
Assistant Director

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

# EXHIBIT A



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h)** This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



**AGENDA ITEM # 10**

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45L

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**SUBJECT**

An ordinance granting a revocable license to Dallas MTA, L.P. d/b/a Verizon Wireless, for the use of a total of approximately 10 square feet of aerial space to install, maintain and utilize two aerial signs over a portion of Commerce Street right-of-way located near its intersection with Ervay Street - Revenue: \$2,000 annually, plus the \$20 ordinance publication fee

**BACKGROUND**

This item grants a revocable license to Dallas MTA, L.P. d/b/a Verizon Wireless, for the use of a total of approximately 10 square feet of aerial space to install, maintain and utilize two aerial signs over a portion of Commerce Street right-of-way located near its intersection with Ervay Street. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

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

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

Revenue - \$2,000 annually, plus the \$20 ordinance publication fee

**OWNER**

**Dallas MTA, L.P. d/b/a Verizon Wireless**

Verizon Wireless Texas, LLC, General Partner

John G. Stratton, President

**MAP**

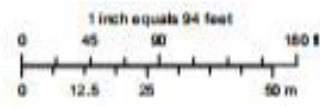
Attached



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



  
 Dallas Central Appraisal District  
 2949 N Stemmons Freeway  
 Dallas, TX 75247-6195  
 (214) 631-1342  
 www.dallascad.org



DCAD, NCTCOG, USGS, Esri, Inc


**LICENSE AREAS**



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

An ordinance granting a revocable license to Dallas MTA, L.P. d/b/a Verizon Wireless to install, maintain and utilize a portion of Commerce Street right-of-way located near the intersection of Commerce and Ervay Streets, adjacent to City Block 135/96 within the limits hereinafter more fully described, for the purpose of installing, maintaining and utilizing two aerial signs; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**ooo0ooo**

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

**SECTION 1.** That a revocable license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Dallas MTA, L.P. d/b/a Verizon Wireless, a Delaware limited partnership, its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as “licensed areas” which is attached hereto and made a part hereof.

**SECTION 2.** That this license is granted for a term of five (5) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas the sum of **TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00)** annually for the license herein granted, said sum to become due and payable on the 2<sup>nd</sup> day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of the Department of Sustainable Development may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the General Fund, Fund 0001, Department DEV,

**SECTION 3.** (continued)

Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

**SECTION 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: to install, maintain and utilize two aerial signs over a portion of Commerce Street right-of-way.

**SECTION 5.** That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

**SECTION 6.** That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed areas for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license, at will, by resolution passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 7.** That the license is subject to the following conditions, terms and reservations:

- (a) **GRANTEE** acknowledges that the City of Dallas' alignment of Streetcar Central Link has not been set and one of the proposed alignments is on Commerce Street.
- (b) **GRANTEE** shall obtain a right-of-way permit from Public Works Department in addition to any required Building Permits and assure Texas Department of Licensing and Regulation and American Disability Act (TDLR/ADA) requirements are met for all signage.

**SECTION 8.** That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 9.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 10.** That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 12 .** That this contract is designated as Contract No. DEV-2018-00005088.

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

APPROVED AS TO FORM:

LARRY E. CASTO  
City Attorney

BY



Assistant City Attorney

DAVID COSSUM  
Director of Department of Sustainable  
Development and Construction

BY



SOR Assistant Director

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



LICENSE AGREEMENT  
BEING PART OF COMMERCE STREET  
ADJACENT TO  
CITY OF DALLAS BLOCK 135/96  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

Description of a 10 square foot or 0.0002 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being a portion of Commerce Street (78.7 feet wide) (Volume 143, Page 403, Map Records, Dallas County, Texas); said 10 square foot tract also being adjacent to City of Dallas Block 135/96 of Smith, Murphy and Martin Addition, an addition to the City of Dallas, Texas recorded in Volume 143, Page 403, Map Records, Dallas County, Texas; said 10 square foot tract also being adjacent to that tract of land conveyed to FC Merc Complex, LP, by General Warranty Deed recorded in County Clerk's Instrument No. 200503552633, Official Public Records, Dallas County, Texas; said 10 square foot tract being more particularly described by metes and bounds as follows;

COMMENCING, at a PK nail found at the southwest corner of said City Block 135/96; said point also being at the intersection of the northeast right-of-way line of Ervay Street (50 feet wide) (Volume 143, Page 403, Map Records, Dallas County, Texas) and the northwest right-of-way line of said Commerce Street;

THENCE, North 76 degrees 00 minutes 00 seconds East, with said northwest right-of-way line, a distance of 1.87 feet to the POINT OF BEGINNING;

THENCE, North 76 degrees 00 minutes 00 seconds East, continuing, with said northwest right-of-way line, a distance of 22.92 feet to a point for corner, from which a "+" cut in concrete found bears North 76 degrees 00 minutes 00 seconds East, a distance of 275.21 feet;

THENCE, South 14 degrees 00 minutes 00 seconds East, leaving said northwest right-of-way line, a distance of 0.60 feet to a point for corner;

THENCE, South 76 degrees 00 minutes 00 seconds West, a distance of 12.50 feet to a point for corner;

THENCE, North 14 degrees 00 minutes 00 seconds West, a distance of 0.50 feet to a point for corner;

THENCE, South 76 degrees 00 minutes 00 seconds West, a distance of 9.82 feet to a point for corner;

THENCE, South 30 degrees 29 minutes 42 seconds West, a distance of 3.62 feet to a point for corner;

THENCE, North 59 degrees 30 minutes 18 seconds West, a distance of 0.50 feet to a point for corner;

THENCE, North 30 degrees 29 minutes 42 seconds East, a distance of 3.27 feet to the POINT OF BEGINNING;

CONTAINING, 10 square feet or 0.0002 acres of land, more or less.

Bearings are based upon the northwest right-of-way line of Commerce Street bearing North 76 degrees 00 minutes 00 seconds East, according to the plat of Smith, Murphy and Martin's Addition, recorded in Volume 143, Page 403, Deed Records Dallas County Texas.

(For SPRG use only)
Reviewed by: <u>G.S.</u>
Date: <u>12-11-17</u>
SPRG NO: 4341



**CITY BLOCK 135/96  
SMITH, MURPHY  
AND MARTIN ADDITION**  
V. 143, P. 403  
M.R.D.C.T.

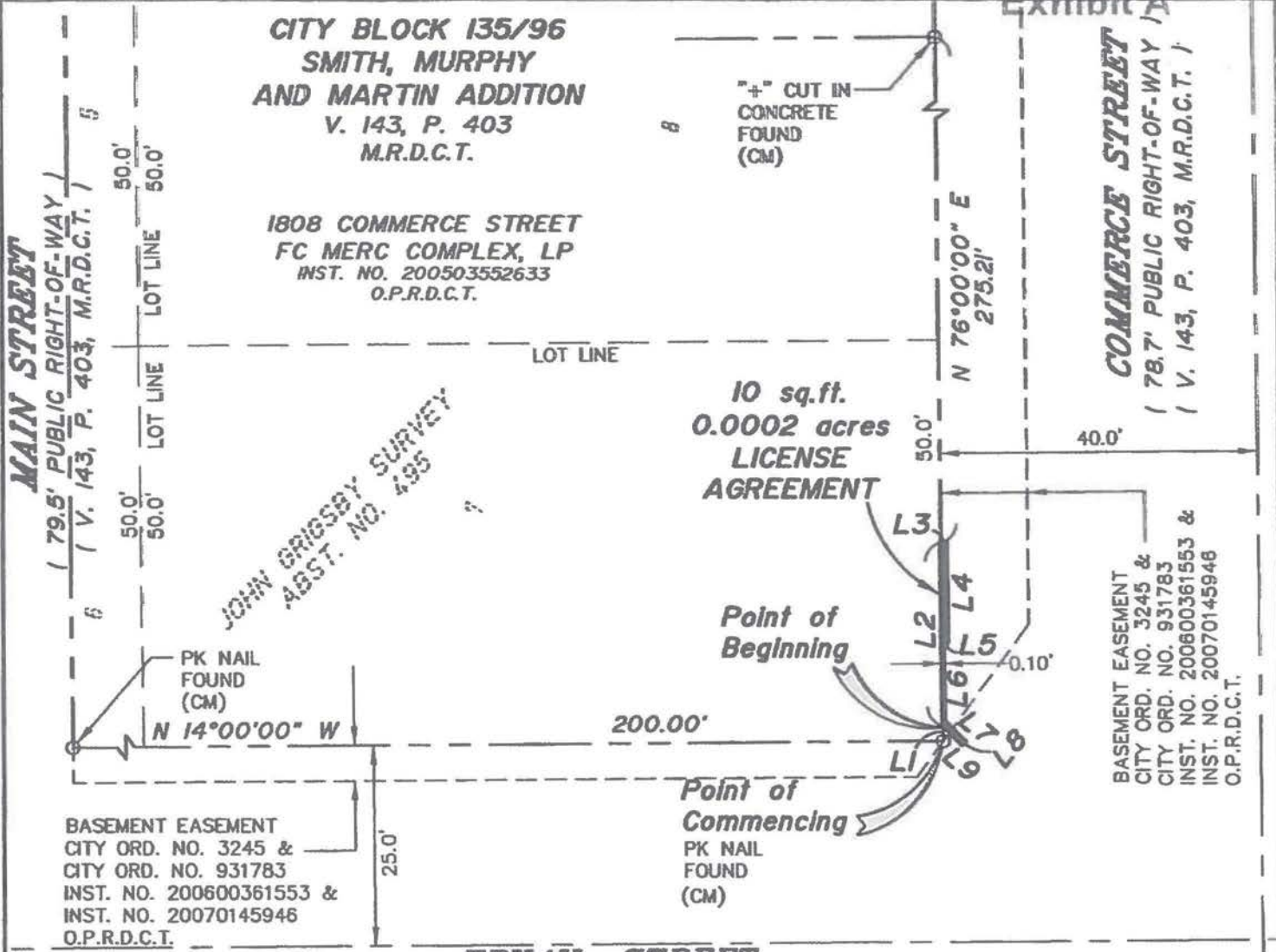
**1808 COMMERCE STREET  
FC MERC COMPLEX, LP**  
INST. NO. 200503552633  
O.P.R.D.C.T.

**JOHN GRIGSBY SURVEY**  
ABST. NO. 495

"+" CUT IN  
CONCRETE  
FOUND  
(CM)

**COMMERCE STREET**  
( 78.7' PUBLIC RIGHT-OF-WAY )  
( V. 143, P. 403, M.R.D.C.T. )

**BASEMENT EASEMENT**  
CITY ORD. NO. 3245 &  
CITY ORD. NO. 931783  
INST. NO. 200600361553 &  
INST. NO. 20070145948  
O.P.R.D.C.T.



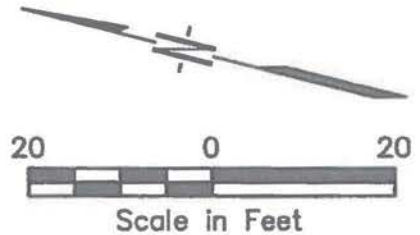
**ERVAY STREET**  
( 50' PUBLIC RIGHT-OF-WAY )  
( V. 143, P. 403, M.R.D.C.T. )

**LINE TABLE**

LINE	DISTANCE	BEARING
L1	1.87'	N 76°00'00" E
L2	22.92'	N 76°00'00" E
L3	0.60'	S 14°00'00" E
L4	12.50'	S 76°00'00" W
L5	0.50'	N 14°00'00" W
L6	9.82'	S 76°00'00" W
L7	3.62'	S 30°29'42" W
L8	0.50'	N 59°30'18" W
L9	3.27'	N 30°29'42" E

**LEGEND**

M.R.D.C.T.- Map Records, Dallas County, Texas  
O.P.R.D.C.T.- Official Public Records, Dallas County, Texas  
(CM)- Controlling Monument  
Inst. No.- Instrument Number  
V.- Volume  
P.- Page



Bearings are based upon the northwest right-of-way line of Commerce Street bearing N 76°00'00" E, according to the plat of Smith, Murphy and Martin's Addition, recorded in Volume 143, Page 403, D.R.D.C.T.

**LICENSE AGREEMENT**

BEING

**PART OF COMMERCE STREET  
ADJACENT TO**

**CITY OF DALLAS BLOCK 135/98  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**Gonzalez & Schneeberg**  
engineers • surveyors

2100 Lakeside Boulevard  
Suite 200, Richardson, Texas 75082  
(972) 518-8855 Fax:(972) 518-8901

DATE: DECEMBER, 2017 PROJ. NO.: 4465-17-09-01 DWG. NO.: 4465-verizon

(For SPRG use only)  
Reviewed by: Q.S.  
Date: 12-11-17  
SPRG NO: 4341



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

2

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

1, 2

**DEPARTMENT:**

Department of Transportation

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

44Z 45P S T W 54D

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**SUBJECT**

Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments related to the transfer of ownership of Transportation Investments Generating Economic Recovery funded Modern Streetcar Project assets and streetcar project-related funds; **(2)** receipt and deposit of funds from SLF III - Canyon Developer Funds in the amount of \$3,000,000; **(3)** an increase in appropriations in the amount of \$1,114,809 from \$975,000 to \$2,089,809 in General Funds; and **(4)** payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System for Fiscal Year 2018 - Total not to exceed \$2,089,809 - Financing: General Funds (\$2,089,809)

**BACKGROUND**

The City of Dallas maintains several Interlocal Agreements (ILAs) with the North Central Texas Council of Governments (NCTCOG), Federal Transit Administration (FTA), Texas Department of Transportation (TxDOT), and with Dallas Area Rapid Transit (DART) pertaining to the Dallas Streetcar System. These ILAs 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 behalf of the City.

On September 15, 2009, the City of Dallas and NCTCOG jointly applied for Transportation Investments Generating Economic Recovery (“TIGER”) grant funds to construct the first phase of the Dallas modern streetcar. This first phase has often been referred to as the “TIGER” phase or the “Starter” phase of the streetcar project. Subsequent phases have been referred to as “Extensions”.

## **BACKGROUND** (continued)

On December 27, 2010, the FTA awarded a TIGER grant to NCTCOG for construction of the first phase of the streetcar system. As grantee, NCTCOG also receives title to the assets acquired with the grant funds. These assets include the streetcar rail from Union Station to North Oak Cliff near Methodist Hospital, the streetcar power supply equipment, the first two streetcar vehicles, and other components of the streetcar system.

If approved, this action will authorize the City Manager to enter into an ILA with NCTCOG to transfer the project assets to the City. Entering into the ILA and transferring the assets is also consistent with the existing ILA between DART, NCTCOG, and the City dated May 26, 2011 and authorized by Resolution No. 11-1185 on April 27, 2011.

On June 22, 2011, City Council, acting on behalf of the Davis Garden TIF District, authorized a development agreement with SLF III – The Canyon TIF, LP (Developer) to fund \$3,000,000 towards the North Oak Cliff Streetcar System over a ten-year period by Resolution No. 11-1751. In the agreement, dated January 16, 2015, the Developer agreed to pay \$300,000 annually to NCTCOG for Streetcar support over a ten-year period. To date \$1,200,000 has been collected by NCTCOG. The next payment of \$300,000 is anticipated by September 2019.

This action will transfer to the City, the \$1,200,000 in developer funds already collected by NCTCOG, plus up to an additional \$1,800,000 in future developer funds as they are received.

On May 28, 2014, City Council authorized the City Manager to negotiate an ILA with DART for the operation and maintenance (O&M) of the Dallas Streetcar System (Union Station to Methodist Hospital) by Resolution No. 14-0831. This ILA, which was executed by the City Manager on September 19, 2014 and executed by DART on January 27, 2015, further defined roles and responsibilities for the ongoing O&M of the streetcar system.

On June 15, 2016, Resolution No. 16-0980 authorized an amendment to the ILA to also include the operation and maintenance of the extensions to the streetcar system. As expected, the City and DART continue to operate based on the terms outlined in this amended ILA.

DART has estimated the total streetcar O&M costs for FY 2017-18 to be \$2,089,809, of which \$579,809.00 was included in DART's budget. Due to the unanticipated receipt of developer funds, DART will defer these costs in the current Fiscal Year. The \$975,000 included in the City's annual budget for FY 2017-18 for Streetcar O&M will be reduced to \$889,000. The \$1,200,000 balance will be provided by the developer funds. In accordance with the O&M ILA with DART, DART covers the O&M costs and then invoices the City on a monthly basis.



## **BACKGROUND** (continued)

The FY 2017-18 needs for the Streetcar O&M are \$2,089,809. This need represents an increase of \$568,283 over last year's O&M budget of \$1,521,526. The increase is primarily due to extending the operating hours in the morning from 9:30 AM to Midnight to 5:30 AM to Midnight. Also the headways between streetcars was reduced from 30 minutes to 20 minutes.

This proposed action will also authorize the payment of funds to DART for O&M up to the allocated amounts of \$889,000 budgeted in the General Fund and \$1,200,000 in developer funds totaling \$1,875,000.

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

On May 26, 2011, NCTCOG, the City of Dallas, and DART entered into an ILA to establish each party's respective roles and responsibilities for the planning, construction, implementation, operation, and maintenance of the Project.

On May 28, 2014, City Council authorized an Interlocal Agreement with the Dallas Area Rapid Transit to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant-funded Dallas Streetcar Project (Union Station to North Oak Cliff) by Resolution No. 14-0831.

On June 15, 2016, City Council authorized an amendment to the ILA with DART to provide for the operation and maintenance costs for the southern and northern extensions of the Dallas Streetcar System (Union Station to North Oak Cliff) and two additional vehicles by Resolution No. 16-0980.

On June 15, 2016, City Council authorized payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System (Union Station to North Oak Cliff) for Fiscal Year 2016, by Resolution No. 16-0981.

On March 22, 2017, City Council authorized payment to Dallas Area Rapid Transit for the operation and maintenance of the Dallas Streetcar System (Union Station to North Oak Cliff) for Fiscal Year 2017, by Resolution No. 17-0489.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

General Funds - \$2,089,809

The combination of the City's revised budget of \$889,000, plus the one-time receipt of \$1,200,000 in developer funds for the streetcar will provide a total of \$2,089,809. Assuming a 3% escalation of O&M costs in future years, the O&M budget would develop as follows:

**FY 2017-18 Budget Need = \$2,089,809**

<u>Budget as of</u> <u>10/1/17</u>	<u>Proposed</u> <u>Amendment</u>	<u>Variance</u>	
\$ 975,000	\$ 889,809	\$ 85,191	General Fund*
\$ -	\$1,200,000	(\$1,200,000)	SLF III - Canyon Developer Funds* (of the \$1,200,000 One-Time amount)
<u>\$ 579,809</u>	<u>\$ -</u>	<u>\$ 579,809</u>	DART Contribution (deferred to future FY)**
\$1,554,809	\$2,089,809	(\$ 535,000)	Total

**FY 2018-19 Budget Need = \$2,152,503**

\$ 975,000	\$ 692,885	\$282,115	General Fund*
\$ -	\$ 300,000	(\$300,000)	SLF III - Canyon Developer Funds (Annual)*
\$ -	\$ 579,809	(\$579,809)	DART Contribution Surplus from FY 2017-18**
<u>\$ 579,809</u>	<u>\$ 579,809</u>	<u>\$ -</u>	DART Contribution **
\$1,554,809	\$2,152,503	(\$597,694)	Total

**FY 2019-20 Budget Need = \$2,217,078**

\$1,337,269	\$1,337,269	\$ -	General Fund*
\$ 300,000	\$ 300,000	\$ -	SLF III - Canyon Developer Funds (Annual)*
<u>\$ 579,809</u>	<u>\$ 579,809</u>	<u>\$ -</u>	DART Contribution**
\$2,217,078	\$2,217,078	\$ -	

\* City Contribution

\*\* DART Contribution

**FISCAL INFORMATION** (continued)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$1,880,828.00
2	<u>\$ 208,981.00</u>
Total	\$2,089,809.00

Future year funding of escalation of O&M will be considered during FY 2018-19 budget development.

**MAP**

Attached

# Dallas Modern Streetcar Extensions


Districts: 1, 2

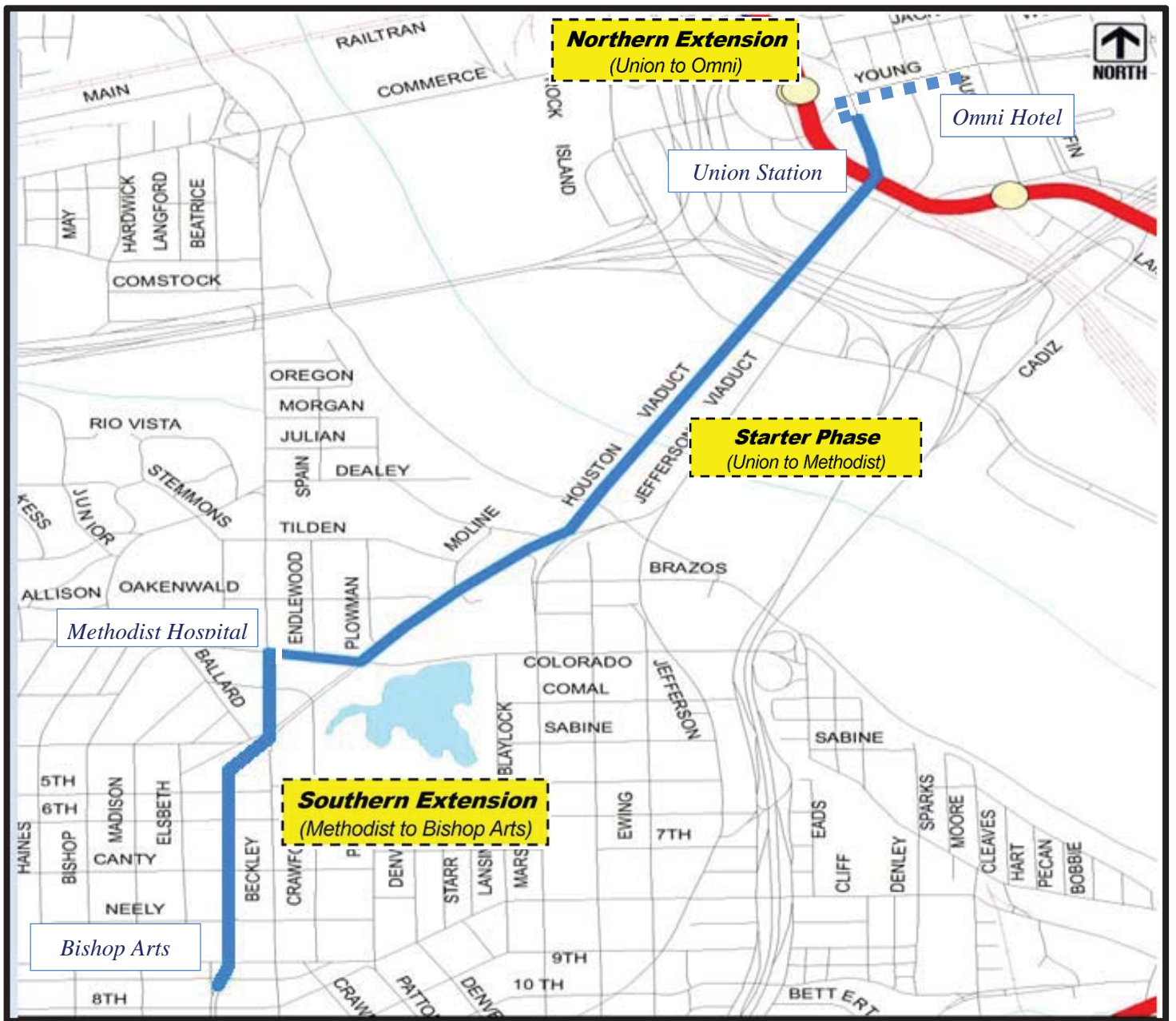
MAPSCO: 44Z, 45P, S, T, W, 54D



**LEGEND**

**STREETCAR ROUTE** = 

**DART TRAIN ROUTE** = 



January 24, 2018

**WHEREAS**, the City of Dallas, Dallas Area Rapid Transit (DART), North Central Texas Council of Governments (NCTCOG ) and Texas Department of Transportation (TxDOT) have entered into interlocal agreements (ILAs) related to the funding, construction, and operation of the Dallas Streetcar System; and

**WHEREAS**, on September 15, 2009, NCTCOG and the City of Dallas submitted, as joint applicants, a Transportation Infrastructure Generating Economic Recovery (TIGER) grant application to the United States Department of Transportation (USDOT) for the planning, construction, and implementation of the Dallas Streetcar Project (the Project) in the City; and

**WHEREAS**, on February 17, 2010, USDOT awarded \$23 million from the TIGER grant program for the Project; and

**WHEREAS**, on May 17, 2010, NCTCOG, as the Project sponsor entered into a Memorandum of Understanding (MOU) with USDOT, Federal Transit Administration (FTA) which established the statement of work, project budget, the project schedule, and the project finance plan; and

**WHEREAS**, on April 27, 2011, City Council authorized an ILA with NCTCOG and DART to detail agency roles and responsibilities related to the financial commitment for operation and maintenance of the TIGER Grant Streetcar Project, by Resolution No. 11-1185; and

**WHEREAS**, on August 29, 2012, the FTA provided written approval for the transfer of project assets to the City subject to the inclusion of a reversionary clause that ensures NCTCOG's ability to maintain satisfactory continuing control for the life of the project assets should the City fail in its obligations; and

**WHEREAS**, all project site work has been completed, the project vehicles are operational, and DART, NCTCOG, and the City of Dallas have fulfilled or are currently fulfilling their respective project roles and responsibilities; and

**WHEREAS**, on June 22, 2011, City Council, authorized a development agreement with SLF III - The Canyon TIF, L.P., "SLF" to dedicate future TIF revenues pursuant to the Davis Garden TIF District to extend and to support the North Oak Cliff Streetcar in the Davis Garden TIF District, in an amount not to exceed \$3,000,000.00; and

January 24, 2018

**WHEREAS**, on June 22, 2011, City Council issued a resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to reimburse the SLF III - The Canyon TIF, L.P., "SLF" a grant of up to \$3,000,000.00, pursuant to the Davis Garden TIF district Grant Program, for expenditures necessary or convenient to the implementation of the project plans for the Davis Garden TIF District to extend and to support the North Oak Cliff Streetcar in the Davis Garden TIF district; and

**WHEREAS**, to date, NCTCOG has received \$1,200,000.00 from the Developer and anticipates receiving an additional \$1,800,000.00 in funds from the Developer in the future.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign an Interlocal Agreement with NCTCOG to **(1)** transfer the TIGER Grant Streetcar Project assets and streetcar project-related funds to the City of Dallas **(2)** transfer to the City, funds collected from SLF III - The Canyon TIF, LP for the Dallas Streetcar, approved as to form by the City Attorney; and **(3)** make payments to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System for Fiscal Year 2018, not to exceed \$2,089,809.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit SLF III - The Canyon TIF, LP Funds, Fund 0001, Department BMS, Unit 1991 Activity INGV, Revenue Code 6512, in an amount not to exceed \$3,000,000.00 plus accrued interest.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$1,114,809 from \$975,000 to \$2,089,809 in General Fund, Fund 0001, Department BMS, Unit 1991, Object 3070.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

General Fund					
Fund 0001, Department BMS, Unit 1991, Activity OF01					
Object 3070, Program No. PBPRP629, Encumbrance					
MASC-PBW-2017-00003478					
Vendor 232802, in an amount not to exceed					\$2,089,809

**SECTION 5.** That the contract with NCTOG is designated as Contract No. TRN-2018-00004376.

January 24, 2018

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





**AGENDA ITEM # 12**

**STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

1, 2

**DEPARTMENT:**

Department of Transportation

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

44Z 45P S T W 54D

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**SUBJECT**

Authorize **(1)** acceptance of a grant from the Texas Department of Transportation (TxDOT) (Grant No. CSJ 0918-47-972) for extending the Dallas Streetcar System to Bishop Arts District and to the Omni Hotel and Kay Bailey Hutchison Convention Center and to purchase streetcar vehicles in an amount not to exceed \$8,095,751; **(2)** establishment of appropriations in an amount not to exceed \$8,095,751 in the TIGER Modern Streetcar System Fund; **(3)** receipt and deposit of TxDOT grant funds in an amount not to exceed \$8,095,751 in the TIGER Modern Streetcar System Fund; and **(4)** execution of the Advance Funding Agreement with the Texas Department of Transportation - Not to exceed \$8,095,751 - Financing: Texas Department of Transportation Grant Funds

**BACKGROUND**

The City maintains several Interlocal Agreements ILAs with the North Central Texas Council of Governments (NCTCOG), Federal Transit Administration (FTA), Texas Department of Transportation (TxDOT), and with Dallas Area Rapid Transit (DART) pertaining to the Dallas Streetcar System. These ILAs established the City of Dallas as the owner of the Dallas Streetcar and allowed for the City to rely on technical expertise from DART to operate and maintain the Dallas Streetcar on behalf of the City.

This proposed action seeks to authorize the City Manager to sign an Advance Funding Agreement with TxDOT to reallocate unused Regional Tollroad Revenue (RTR) funds from completed streetcar phases and apply them to the Streetcar Extensions.

## **BACKGROUND** (continued)

The Urban Circulator Project expanded the McKinney Avenue Trolley service to the Central Business District. Streetcar track and power supply were constructed on St. Paul Street from Ross Avenue to Federal Street. This project was also designed to accommodate the modern streetcar following a future connection to the Central Link. FTA "Urban Circulator" funds in the amount of \$4,900,000.00 and RTR funds in the amount of \$5,000,000.00 were allocated to this project. Of the RTR funds, approximately \$3,000,000.00 remain unused.

The Starter Phase of the Dallas Streetcar System was constructed to provide service from Union Station downtown to near the Methodist Hospital in North Oak Cliff. RTR funds, in the amount of \$15,800,000.00 were allocated to the Starter Phase. Of these RTR funds approximately \$5,100,000.00 remain unused.

The Streetcar Extension Projects extended the streetcar service south from the Methodist Hospital to the Bishop Arts District, and north from Union Station to the Omni Hotel, and provided two more streetcar vehicles. Texas Mobility Funds in the amount of \$30,872,531.00 were allocated for these projects. However, these funds are insufficient to complete the work.

NCTCOG has approved reallocating the unused RTR funds from the Urban Circulator and Starter Projects to the Streetcar Extension Projects. These funds will be sufficient to complete the streetcar extensions and to purchase two additional vehicles.

In order to receive these RTR funds, the City must enter into an Advanced Funding Agreement with TxDOT. This action, if approved, will authorize the City Manager to sign the agreement and receive the \$8,095,750.75 in unused RTR grant funds from completed streetcar phases and apply them to the streetcar extensions.

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

On September 15, 2009, NCTCOG and the City jointly submitted a Transportation Investments Generating Economic Recovery (TIGER) grant application to FTA for the planning, construction, and implementation of the Starter Phase of the Dallas Streetcar System.

On February 17, 2010, FTA awarded \$23 million from the TIGER grant program for the Starter Phase (Union Station to North Oak Cliff).

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

On August 4, 2010, the City Council authorized acceptance of a grant from NCTCOG, functioning as agent for the Texas Department of Transportation for the development of a modern streetcar system that will operate in and around the Central Business District; execute an ILA with NCTCOG and DART to detail project roles and responsibilities related to technical engineering, environmental analysis and public involvement of the TIGER Grant streetcar proposal; ILA with DART to outline project roles and responsibilities related to the development of the Streetcar System Plan and Financial Feasibility Analysis; an Interlocal Cooperation Agreement with DART to establish a cooperative purchasing program for goods and services by Resolution No. 10-1921.

On May 26, 2011, NCTCOG, the City, and DART entered into an ILA to establish each party's respective roles and responsibilities for the planning, construction, implementation, operation, and maintenance of the Project.

On April 11, 2012, City Council authorized an ILA with NCTCOG and DART to detail agency roles and responsibilities related to procurement and financial matters for implementation of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff) by Resolution No. 12-1041.

On June 27, 2012, City Council authorized the acceptance of an RTR grant from TxDOT functioning as agent for NCTCOG for the development of a modern streetcar loop extending from the McKinney Avenue Trolley terminus at St. Paul Street to the connection with the Olive Street extension by Resolution No. 12-1649.

On August 8, 2012, City Council authorized the acceptance of an RTR grant from NCTCOG for the development of a modern streetcar system that will operate from Union Station in the Central Business District into North Oak Cliff near Methodist Hospital by Resolution No. 12-1921.

On April 10, 2013, City Council authorized an ILA with DART related to procurement and financial matters for implementation of the Urban Circulator Streetcar by Resolution No. 13-0618.

On September 24, 2014, City Council authorized the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT, for the extension of the TIGER Modern Streetcar System which will operate in North Oak Cliff from Methodist Hospital to the Bishop Arts District; the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT, for the extension of the TIGER Modern Streetcar System which will operate in the Central Business District from Union Station to the Omni Hotel; and the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT for the purchase of streetcar vehicles to operate on the expanded modern streetcar system by Resolution No. 14-1645.

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

On September 24, 2014, City Council authorized an Interlocal Agreement with DART to outline project roles and responsibilities related to design and design support for the northern and southern extensions and the procurement of rail for the southern extension by Resolution No. 14-1646.

On April 8, 2015, City Council authorized an Interlocal Agreement with DART for construction services for extension of the Dallas Union Station to Oak Cliff Streetcar Project (Union Station to North Oak Cliff) by Resolution No. 15-0709.

On June 17, 2015, City Council authorized the disbursement of funds to DART for construction of extensions of the Dallas Streetcar Project, and for the purchase of two additional Streetcar vehicles to serve the expanded system by Resolution No. 15-1168.

On May 11, 2016, City Council authorized the disbursement of additional funds to DART for the construction of the Dallas Streetcar Extension Project by Resolution No. 16-0737.

On May 11, 2017, NCTCOG approved reallocating unused funds from the St. Paul Street (Urban Circulator) phase and from the Starter (TIGER) Phase to the Streetcar Extensions phase. These additional funds will be sufficient to complete the streetcar extensions and vehicle purchase.

Information on this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

Texas Department of Transportation Grant Funds - \$8,095,750.75

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$7,286,175.68
2	<u>\$ 809,575.07</u>
Total	\$8,095,750.75

**MAP**

Attached

# Dallas Modern Streetcar Extensions

Districts: 1, 2

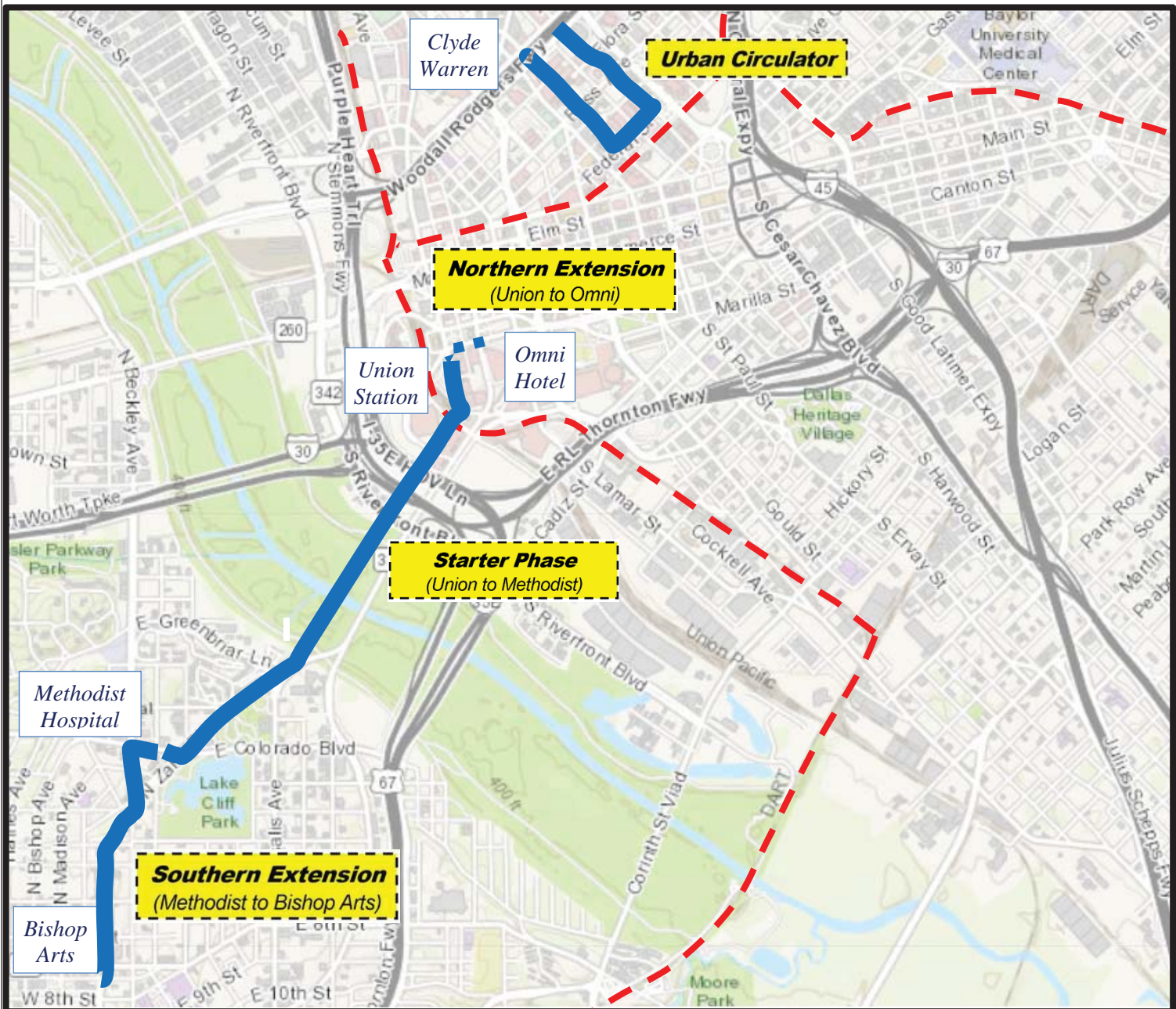
MAPSCO: 44Z, 45P, S, T, W, 54D



**LEGEND**

**STREETCAR ROUTE** =

**DART TRAIN ROUTE** =





January 24, 2018

**WHEREAS**, the City of Dallas recognizes the emerging evolution of transportation infrastructure in the city of Dallas and the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles and automobiles; and

**WHEREAS**, on June 8, 2005, City Council adopted the Comprehensive Transportation Plan for the Dallas Central Business District by Resolution No. 05-1759; and

**WHEREAS**, the principles of Complete Streets must be employed across the city and the development of a streetcar network for downtown and the surrounding communities is essential to establishing livable, sustainable communities; and

**WHEREAS**, the City of Dallas, Dallas Area Rapid Transit (DART), North Central Texas Council of Governments (NCTCOG) and Texas Department of Transportation (TxDOT) have entered into interlocal agreements (ILAs) related to the funding, construction, and operation of the Dallas Streetcar System; and

**WHEREAS**, on September 15, 2009, NCTCOG and the City of Dallas jointly submitted a Transportation Investments Generating Economic Recovery (TIGER) grant application to the Federal Transit Administration (FTA) for the planning, construction, and implementation of the Starter Phase of the Dallas Streetcar System; and

**WHEREAS**, on February 17, 2010, FTA awarded \$23 million from the TIGER Grant Program for the Starter Phase (Union Station to North Oak Cliff) of the Dallas Streetcar System; and

**WHEREAS**, on May 17, 2010, NCTCOG, as the project sponsor, entered into a Memorandum of Understanding (MOU) with USDOT, FTA, which established the statement of work, project budget, the project schedule, and the project finance plan; and

**WHEREAS**, on August 4, 2010, City Council authorized acceptance of a \$10,000,000.00 grant from NCTCOG, functioning as agent for TxDOT, for the development of a modern streetcar system that will operate in and around the Central Business District; Interlocal Agreement with the NCTCOG and DART to detail project roles and responsibilities related to technical engineering, environmental analysis and public involvement of the TIGER Grant streetcar proposal; into an Interlocal Agreement with DART in the amount of \$3,000,000.00 to outline project roles and responsibilities related to the development of the Streetcar System Plan and Financial Feasibility Analysis; and an Interlocal Cooperation Agreement with DART to establish a cooperative purchasing program for goods and services by Resolution No. 10-1921; and

January 24, 2018

**WHEREAS**, on April 27, 2011, City Council authorized an ILA with NCTCOG and DART to detail agency roles and responsibilities related to the financial commitment for operation and maintenance of the TIGER Grant streetcar project (Union Station to Methodist Hospital) by Resolution No. 11-1185; and

**WHEREAS**, on May 26, 2011, NCTCOG, the City, and DART entered into an ILA to establish each party's respective roles and responsibilities for the planning, construction, implementation, operation, and maintenance of the Project; and

**WHEREAS**, on April 11, 2012, City Council authorized an ILA with NCTCOG and DART to detail agency roles and responsibilities related to procurement and financial matters for implementation of the TIGER Grant funded Dallas Streetcar Project by Resolution No. 12-1041; and

**WHEREAS**, on June 27, 2012, City Council authorized the acceptance of a \$5,000,000.00 grant from the Texas Department of Transportation, functioning as agent for NCTCOG, for the development of a modern streetcar loop extending from the McKinney Avenue Trolley terminus at St. Paul Street to the connection with the Olive Street extension by Resolution No. 12-1649; and

**WHEREAS**, on August 8, 2012, City Council authorized the acceptance of funds in the amount of \$5,800,000.00 through a grant from NCTCOG for the development of a modern streetcar system that will operate from Union Station in the Central Business District into North Oak Cliff near Methodist Hospital by Resolution No. 12-1921; and

**WHEREAS**, on April 10, 2013, City Council authorized an ILA with DART related to procurement and financial matters for implementation of the Urban Circulator Streetcar Project by Resolution No. 13-0618; and

**WHEREAS**, on September 24, 2014, City Council authorized the acceptance of a \$15,000,000.00 grant from NCTCOG, functioning as agent for TxDOT for the extension of the TIGER Modern Streetcar System which will operate in North Oak Cliff from Methodist Hospital to the Bishop Arts District; the acceptance of a \$7,872,531.00 grant from NCTCOG, functioning as agent for the TxDOT for the extension of the TIGER Modern Streetcar System which will operate in the Central Business District from Union Station to the Omni Hotel; and the acceptance of an \$8,000,000.00 grant from NCTCOG, functioning as agent for TxDOT for the purchase of streetcar vehicles to operate on the expanded modern streetcar system by Resolution No. 14-1645; and

**WHEREAS**, on September 24, 2014, City Council authorized an Interlocal Agreement in the amount of \$3,400,000.00 with DART to outline project roles and responsibilities related to design and design support for the northern and southern extensions and the procurement of rail for the southern extension by Resolution No. 14-1646; and



January 24, 2018

**WHEREAS**, on April 8, 2015, City Council authorized an Interlocal Agreement with DART for construction services for extension of the Dallas Union Station to Oak Cliff Streetcar Project (Union Station to North Oak Cliff) by Resolution No. 15-0709; and

**WHEREAS**, on June 17, 2015, City Council authorized the disbursement of funds in an amount not to exceed \$27,472,531.00 to DART for construction of extensions of the Dallas Streetcar, and for the purchase of two additional Streetcar vehicles to serve the expanded system by Resolution No. 15-1168; and

**WHEREAS**, on May 11, 2016, City Council authorized a disbursement in an amount not to exceed \$1,200,000.00 to DART for the construction of the Dallas Streetcar Extension Project by Resolution No. 16-0737; and

**WHEREAS**, on May 11, 2017, NCTCOG approved reallocating up to \$8,240,000.00 in unused funds from the St. Paul Street (Urban Circulator) Phase and from the Starter (TIGER) Phase to the Streetcar Extensions Phase. These additional funds will be sufficient to complete the streetcar extensions and vehicle purchase.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept a grant from the Texas Department of Transportation (Grant No. CSJ 0918-47-972) for the purpose of extending the Dallas Streetcar System to Bishop Arts District and to the Omni Hotel and to purchase streetcar vehicles in an amount not to exceed \$8,095,750.75; and sign the Advance Funding Agreement with the Texas Department of Transportation, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$8,095,750.75 in the TIGER Modern Streetcar System Fund, Fund F437, Department TRN, Unit 3564, Object 4710.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit TxDOT grant funds in an amount not to exceed \$8,095,750.75 in the TIGER Modern Streetcar System Fund, Fund F437, Department TRN, Unit 3564, Revenue Code 6516.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$8,095,750.75 in accordance with the terms and conditions of the agreement from the TIGER Modern Streetcar System Fund, Fund F437, Department TRN, Unit 3564, Object 4710.

January 24, 2018

**SECTION 5.** That the City Manager is hereby authorized to reimburse to TxDOT any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**SECTION 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That this contract is designated as Contract No. TRN-2018-00004375.

**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 ITEM # 13**

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 1, 4

**DEPARTMENT:** Department of Transportation

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 55E

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**SUBJECT**

Authorize payment to the Texas Department of Transportation for the City's local match for construction of the Southern Gateway Public Green's infrastructure over Interstate Highway 35E - Not to exceed \$7,077,600 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

The Texas Department of transportation (TxDOT) is currently developing the Southern Gateway Project (SGP), a highway project intended to provide congestion relief, increase capacity, and improve mobility in southern Dallas. The SGP is a 10-mile roadway project that entails full reconstruction of Interstate Highway (IH) 35E from Colorado Boulevard to U.S. Highway 67 split, widening of the freeway from four to five general purpose lanes in each direction, and will include two reversible, non-tolled, managed express lanes. In addition, U.S. Highway 67 from IH 35E to IH 20, will be widened from two to three general-purpose lanes in each direction, include a reversible, non-tolled, managed express lane, and improve access to Southwest Center Mall.

During the planning for the SGP, local leaders and community stakeholders recognized the opportunity for TxDOT to include a deck plaza over IH 35E in the project as a local enhancement to reconnect Oak Cliff neighborhoods, provide a community gathering place and generate economic development. This local enhancement to the state facility is referred to as the Southern Gateway Public Green (SGPG).

The Regional Transportation Council (RTC) created a partnership with TxDOT and the Texas Transportation Commission (TTC) to implement congestion relief projects in the Dallas-Fort Worth area. As part of this effort, on March 10, 2016, the RTC approved \$656 million towards the construction of the SGP. The RTC also programmed up to \$40 million towards the SGPG project contingent on a 20 percent local match.

## **BACKGROUND** (continued)

On June 22, 2016, City Council authorized a resolution endorsing a preferred location for a deck in the SGP corridor; and a commitment to explore funding options for construction of a deck park by Resolution No. 16-1128.

On April 27, 2017, TxDOT conditionally awarded a design-build contract with Pegasus Link Constructors for the construction of both the SGP and the SGPG. In July 2017, TxDOT executed the final contract with the contractor and will begin construction in early 2018.

On May 22, 2017, the Transportation and Trinity River Project Committee (TTRPC) supported building a phased option of the project. This option allows the construction of all foundations required for the total project plus half the deck surface between Ewing Avenue to Lancaster Avenue. The cost of this option is \$35,388,000. The City's 20 percent local match is \$7,077,600. In addition, the TTRPC also supported using Transportation Development Credits (TDCs) for the local match as a placeholder until the bond funds were approved.

On June 8, 2017, the RTC approved the use of TDCs for the local match with the understanding that the City of Dallas will include funding for the local match in an upcoming bond program and/or seek other sources of funding to provide the local match.

On June 28, 2017, City Council authorized: a Local Project Advance Funding Agreement with the TxDOT for the design-build construction of the Southern Gateway Public Green deck structure for Phase 1 and foundations for both Phase 1 and Phase 2; an Operation and Maintenance Agreement with the TxDOT for the Southern Gateway Public Green; an Airspace Lease Agreement with TxDOT for the use of the surface area and airspace over the IH 35E corridor from Marsalis Avenue to Ewing Avenue for the Southern Gateway Public Green; and a Memorandum of Understanding with the RTC regarding the use of TDCs to cover the local match commitment for the Southern Gateway Public Green; by Resolution No. 17-1053.

On November 7, 2017, the citizens of Dallas approved the 2017 Bond package.

The TxDOT design-build contract is underway and with the passage of the 2017 Bond Program, it is now necessary to begin funding of the City's local match of \$7,077,600. As directed by the City Council, this match will be funded by the 2017 Bond Program. In addition, the City will be responsible for the tunnel and park maintenance at an approximate annual cost of \$3,000,000 once the project is complete.

This action will authorize payment to TxDOT for the City's share of the 20 percent local match in the amount of \$7,077,600.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	October 2017
Begin Construction	January 2018
Complete Construction	January 2022

**Note:** The design can, and continues to be modified during construction so there is no typical completion date for design.

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

On May 23, 2016, the Transportation and Trinity River Project Committee was briefed and supported the Marsalis Avenue to Ewing Avenue option for the Southern Gateway Public Green as the preferred location.

On June 22, 2016, City Council authorized a resolution endorsing a preferred location for a deck in the Southern Gateway Project Corridor; and a commitment to explore funding options for construction of a deck park by Resolution No. 16-1128.

On September 26, 2016, the Transportation and Trinity River Project Committee was briefed on the conceptual plan that would be provided to TxDOT for the Southern Gateway Public Green.

On January 18, 2017, City Council was briefed on the Southern Gateway Public Green Conceptual Plan tunnel requirements and funding commitment.

On May 22, 2017, the Transportation and Trinity River Committee was briefed on and supported construction of a reduced project: Phase 1 along with foundations for a future Phase 2 of the Southern Gateway Public Green. The Committee also supported using RTC's program for Transportation Development Credits to fulfill the City's 20 percent match requirement.

On June 28, 2017, City Council authorized a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) to establish responsibilities for the design-build of the Southern Gateway Public Green (SGPG) for the deck structure for Phase 1 and foundations for Phase 1 and Phase 2; an Operation and Maintenance Agreement with TxDOT for SGPG; an Airspace Lease Agreement with TxDOT for the use of the surface area and airspace over IH 35E corridor from Marsalis Avenue to Ewing Avenue for the SGPG; and a Memorandum of Understanding with the Regional Transportation Council regarding the use of Transportation Development Credits to cover the local match commitment for the SGPG by Resolution No.17-1053.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

2017 Bond Program (General Obligation Commercial Paper Funds) - \$7,077,600.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$3,538,800
4	<u>\$3,358,800</u>
Total	\$7,077,600

**MAP**

Attached







January 24, 2018

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

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

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

**WHEREAS**, the Regional Transportation Council (RTC) included the Southern Gateway Project in the region's Metropolitan Transportation Plan, called the Mobility 2040 Plan, and has consistently identified the Southern Gateway Project as the highest-priority project in the eastern side of the Dallas-Fort Worth region; and

**WHEREAS**, on March 10, 2016, the RTC approved a \$656 million package of state and regional funding to construct the Southern Gateway Project; and

**WHEREAS**, the Southern Gateway Project runs through and provides access to vital parts of the Southern Dallas community and offers an opportunity to include design elements that improve mobility and safety, enhance quality of life for the surrounding community, and encourages economic development; and

**WHEREAS**, the Southern Gateway Public Green has been identified in the CityMAP document as a transformational economic catalyst for Southern Dallas, and furthermore, identified the area between Ewing Avenue and Marsalis Avenue as the optimal location; and

**WHEREAS**, on June 22, 2016, City Council authorized a resolution endorsing a preferred location for a deck in the Southern Gateway Project Corridor and a commitment to explore funding options for construction of a deck park, by Resolution No. 16-1128; and

**WHEREAS**, TxDOT conditionally awarded the Southern Gateway Project to Pegasus Link Constructors on April 27, 2017; and

**WHEREAS**, on June 8, 2017, the RTC approved the use of Transportation Development Credits to cover the City's local match; and

January 24, 2018

**WHEREAS**, on June 28, 2017, City Council authorized a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) to establish responsibilities for the design-build of the Southern Gateway Public Green for the deck structure for Phase 1 and foundations for Phase 1 and Phase 2; an Operation and Maintenance Agreement with TxDOT for Southern Gateway Public Green; an Airspace Lease Agreement with TxDOT for the use of the surface area and airspace over Interstate Highway (IH) 35E corridor from Marsalis Avenue to Ewing Avenue for the Southern Gateway Public Green; and a Memorandum of Understanding with the Regional Transportation Council (RTC) regarding the use of Transportation Development Credits (TDCs) to cover the local match commitment for the Southern Gateway Public Green, by Resolution No. 17-1053; and

**WHEREAS**, it is now necessary to provide the City's funding commitment to the Texas Department of Transportation for the local match for the construction of the infrastructure of the Southern Gateway Public Green over IH 35E.

**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 disburse funds to the Texas Department of Transportation for the City's local match for construction of the Southern Gateway Public Green's infrastructure over IH 35E in accordance with the terms and conditions of the Local Project Advance Funding Agreement from:

2017 Bond Funds, Fund 1V00, Department TRN, Unit VB10,  
Activity CWPK, Object 4599, Program PK17VB10  
Encumbrance/Contract No. CX-TRN-2017-00002050  
Vendor No. 239588, in an amount not to exceed \$7,077,600.00

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

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Library

**CMO:** Joey Zapata, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-16-0044-16, CFDA No. 45.310) for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed \$51,035, for the period September 1, 2016 through August 31, 2017; **(2)** establishment of appropriations in an amount not to exceed \$51,035 in the Interlibrary Loan 16-17 Fund; **(3)** receipt and deposit of funds in an amount not to exceed \$51,035 in the Interlibrary Loan 16-17 Fund; and **(4)** execution of the grant agreement - Not to exceed \$51,035 - Financing: Texas State Library and Archives Commission Grant Funds

**BACKGROUND**

Interlibrary Loan (ILL) is a service that allows customers to request materials owned by another library system. Prior to August 31, 2012, when the Texas State Legislature eliminated funding for interlibrary loan services, the Dallas Public Library served as a TexNet Center and received funding for the interlibrary loan service. Since then, the Dallas Public Library has absorbed the cost and continued to provide the service.

The Texas State Library Commission is providing reimbursement payments to Texas public libraries who made interlibrary loan lends in State Fiscal Year 2017. The Dallas Public Library completed 8,520 lends using the Navigator ILL system in State Fiscal Year 2017, and will receive a total payment of \$51,034.80.

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

On January 28, 2015, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-13-0044-13, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2013 through August 31, 2014, by Resolution No. 15-0170.

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

On January 13, 2016, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-14-0044-14, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2014 through August 31, 2015, by Resolution No. 16-0080.

On January 25, 2017, City Council authorized the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-15-0044-15, CFDA No. 45.310) for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2015 through August 31, 2016, by Resolution No. 17-0193.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on January 22, 2018.

**FISCAL INFORMATION**

Texas State Library and Archives Commission Grant Funds - \$51,034.80

January 24, 2018

**WHEREAS**, the Dallas Public Library provides a Interlibrary Loan (ILL) service to its customers, allowing them to request materials owned by another library system; and

**WHEREAS**, the Dallas Public Library completed 8,520 lends using the Navigator ILL system in State Fiscal Year 2017; and

**WHEREAS**, the Texas State Library Commission is providing reimbursement payments to Texas public libraries who made interlibrary loan lends in State Fiscal Year 2017; and

**WHEREAS**, it is recommended that the City Manager be authorized to accept a grant from the Texas State Library and Archives Commission for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed \$51,034.80 for the period September 1, 2016 through August 31, 2017.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-16-0044-16, CFDA No. 45.310) for partial reimbursement of interlibrary loan service's direct costs in an amount not to exceed \$51,034.80 for the period September 1, 2016 through August 31, 2017; and sign the grant agreement, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$51,034.80 in the Interlibrary Loan 16-17 Fund, Fund F543, Department LIB, Unit 3566, various object codes, per the attached Schedule.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$51,034.80 in the Interlibrary Loan 16-17 Fund, Fund F543, Department LIB, Unit 3566, Revenue Code 6506.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$51,034.80 from the Interlibrary Loan 16-17 Fund, Fund F543, Department LIB, Unit 3566, various object codes, in accordance with the grant agreement and per the attached Schedule.

**SECTION 5.** That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

January 24, 2018

**SECTION 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That this contract is designated as Contract No. LIB-2018-00005072.

**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.

Schedule  
Interlibrary Loan 2017 Reimbursement  
Fund F543, Unit 3566

<b>Object Code</b>	<b>Description</b>	<b>Amount</b>
3090	City Forces	44,828.34
3099	Miscellaneous Special Services	6,206.46
	<b>Total</b>	<b>51,034.80</b>





**AGENDA ITEM # 15**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Budget

**CMO:** Elizabeth Reich, 670-7804

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Ordinance No. 30651, previously approved on September 20, 2017 to appropriate monies for projects authorized by the 2017 General Obligation bond program totaling \$155,712,117 - Financing: 2017 Bond Funds

**BACKGROUND**

On November 7, 2017, Dallas voters approved 10 bond propositions for public purposes totaling \$1,050,000,000. The propositions consist of individual projects to be funded and completed over a five-year period, beginning in FY 2017-18. The amount needed for each proposition in the first year is shown in the attached attachment.

Because the bond election was held after the FY 2017-18 operating and capital budgets were adopted in September 2017, the projects authorized by the 2017 bond program must now be added to the FY 2017-18 capital budget. Approval of the proposed budget amendment ordinance will fulfill this requirement and increase the FY 2017-18 capital budget from \$492,055,538 to \$647,767,655.

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

On September 20, 2017, City Council authorized final reading and adoption of the appropriation ordinance for the FY 2017-18 City of Dallas Operating, Capital, and Grant & Trust Budgets by Ordinance No. 30651.

On January 17, 2018, City Council will be briefed on the implementation details of the 2017 bond program.

**FISCAL INFORMATION**

2017 Bond Funds - \$155,712,117

### Attachment

<b>Proposition</b>	<b>Program</b>	<b>FY 2017-18 Amount</b>
A	Street and Transportation Improvements	\$49,539,869
B	Park and Recreation Facilities and Improvements	74,837,648
C	Fair Park Improvements	8,950,000
D	Flood Protection and Storm Drainage Improvements	3,379,200
E	Library	7,500,000
F	Cultural and Performing Arts Facilities and Improvements	2,760,000
G	Public Safety Facilities and Improvements	3,561,000
H	Repairs and Improvements to City Hall and to Various City Service and Administrative Facilities	2,684,400
I	Economic Development Program	2,000,000
J	Permanent, Supportive, and Transitional Housing Facilities for the Homeless	500,000
	<b>Total FY 2017-18</b>	<b>\$155,712,117</b>

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

An ordinance amending Ordinance No. 30651 (2017-2018 FY Operating and Capital Budgets' Appropriations Ordinance) to make certain adjustments to fund appropriations for fiscal year 2017-2018 for public improvements to be financed from obligations authorized by the 2017 bond election and other revenues of the city of Dallas, as needed, and to authorize the city manager to implement those adjustments; providing a saving clause; and providing an effective date.

WHEREAS, on September 20, 2017, the city council passed Ordinance No. 30651, which adopted the operating and capital budgets' appropriations ordinance for fiscal year 2017-18;

WHEREAS, the voters of the city of Dallas authorized the city to issue obligations during the 2017 bond election and that authorization has created a need to establish new capital funds; and

WHEREAS, the city council is authorized, in accordance with Chapter XI, Section 5, of the Dallas City Charter, to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, therefore,

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

SECTION 1. That Section 9 of Ordinance No. 30651 is amended by adding capital funds to fund appropriations for fiscal year 2017-18 to read as follows:

“SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2017-18 capital budget:

**CAPITAL FUNDS**

From the Acquisition of Land in the Cadillac Heights  
Area for Future Location of City Facilities Fund (4T11)

12,549,000

From the Aviation Capital Construction Fund (0131)	28,710,691
From the Capital Construction Fund (0671) for City and Cultural Facilities	6,000,000
From the City Center Tax Increment Financing District Fund (0035)	6,067,628
<u>From the City Hall, City Service and Maintenance Facilities Fund (1V60)</u>	<u>2,684,400</u>
From the Convention Center Capital Construction Fund (0082)	11,462,329
<u>From the Cultural Arts Facilities Fund (1V49)</u>	<u>2,760,000</u>
From the Cypress Waters Tax Increment Financing District Fund (0066)	1,409,340
From the Deep Ellum Tax Increment Financing District Fund (0056)	1,600,000
From the Downtown Connection Tax Increment Financing District Fund (0044)	12,106,751
<u>From the Economic Development Fund (1V52)</u>	<u>2,000,000</u>
<u>From the Fair Park Improvements Fund (1V02)</u>	<u>8,950,000</u>
From the Farmers Market Tax Increment Financing District Fund (0036)	2,000,000
<u>From the Flood Protection and Storm Drainage Facilities Fund (1V23)</u>	<u>3,379,200</u>
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	1,094,406
<u>From the Homeless Assistance Facilities Fund (1V43)</u>	<u>500,000</u>
<u>From the Library Facilities Fund (1V42)</u>	<u>7,500,000</u>
From the Maple/Mockingbird Tax Increment Financing District Fund (0064)	2,930,899

From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	1,010,023
<u>From the Park and Recreation Facilities Fund (1V00)</u>	<u>74,837,648</u>
From the Public/Private Partnership Fund (0352)	8,279,024
<u>From the Public Safety Facilities Fund (1V33)</u>	<u>3,561,000</u>
From the Resurfacing and Reconstruction Improvements Fund (0717)	4,100,000
From the Sports Arena Tax Increment Financing District (0038)	6,556,229
From the Transit Oriented Development Tax Increment Financing Fund (0062)	485,965
From the Storm Water Drainage Management Capital Construction Fund (0063)	8,272,053
From the Flood Protection and Storm Drainage Facilities Fund (2U23)	8,320,720
From the Street and Alley Improvement Fund (0715)	20,400,373
From the Street and Transportation Improvement Fund (4T22)	512,986
From the Street and Transportation Improvement Fund (4U22)	29,387,120
<u>From the Street and Transportation Improvement Fund (1V22)</u>	<u>49,539,869</u>
From the Vickery Meadow Tax Increment Financing District Fund (0048)	2,000,000
From the Wastewater Capital Construction Fund (0103)	15,145,000
From the Wastewater Capital Improvement Fund (2116)	94,500,000
From the Wastewater Capital Improvement Fund (3116)	34,000,000

From the Water and Wastewater Public Art Fund (0121)	71,250
From the Water Capital Construction Fund (0102)	35,958,750
From the Water Capital Improvement Fund (2115)	59,000,000
From the Water Capital Improvement Fund (3115)	48,125,000
From the 2018 Master Lease - Equipment Fund (ML18)	24,500,000
From the 2018 Master Lease – Sanitation Equipment Fund (MLS1)	5,500,000
<b>CAPITAL FUNDS TOTAL</b>	<b><u>\$647,767,655</u> [492,055,538]</b>

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2017-18 Debt Service Budget:

**DEBT SERVICE FUNDS**

From the General Obligation Debt Service Fund (0981)	267,322,998
<b>DEBT SERVICE FUNDS TOTAL</b>	<b>\$267,322,998</b>

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by the city council upon the recommendation of the city manager.”

SECTION 2. That the city manager is hereby authorized, upon written notice to the city controller, to transfer funds to make the adjustments to appropriations set forth in this ordinance.

SECTION 3. That it is the intent of the city council, by passage of this ordinance, to appropriate the funds for the city departments and activities. No office or position is created by the appropriation.

SECTION 4. That Ordinance No. 30651 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

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

Passed \_\_\_\_\_





**AGENDA ITEM # 16**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

3, Outside City Limits

**DEPARTMENT:**

Office of Procurement Services  
Water Utilities Department

**CMO:**

Elizabeth Reich, 670-7804  
Majed Al-Ghafry, 670-3302

**MAPSCO:**

52 K 2 T

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**SUBJECT**

Authorize a service contract for cleaning, recoating, and repair services for two water tanks - Utility Service Co., Inc., lowest responsible bidder of six - Not to exceed \$511,800 - Financing: Water Utilities Currents Funds

**BACKGROUND**

This service contract will provide cleaning, recoating and repair services for two water tanks. The standard life of the coating system for water tanks last between 15 to 20 years. Over time the protective coating deteriorates posing a safety risk for operation personnel and to the water quality. Services under this contract include cleaning, surface preparation, repainting and repairs of the interior and exterior walls, floors and ceilings of each tank. Products used in the maintenance process must meet National Sanitation Foundation Standards for drinking water. Each tank will be dewatered and out of service for approximately 60 calendar days during refurbishment. Customers will be serviced from other locations while the tanks are down. This service allows the City to maintain compliance with current federal, state, local, and Environmental Protection Agency regulations and requirements.

This service contract will provide refurbishment services for Elm Fork and Red Bird elevated water storage tanks. The Red Bird tank was built in 1964 and holds approximately 1 million gallons of water. The Elm Fork tank was constructed around 1992 and holds approximately 500,000 gallons of water.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 575 email bid notifications to vendors registered under respective commodities.

**BACKGROUND** (continued)

To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.37, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

Water Utilities Currents Funds - \$511,800

**M/WBE INFORMATION**

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

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BM1725. We opened them on October 27, 2017. We recommend the City Council award this service contract to the lowest responsive and responsible bidder by group.

**BID INFORMATION** (continued)

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Utility Service Co., Inc.	535 Courtney Hodges Blvd. Perry, GA 31069	Group 1 - \$200,800 Group 2 - \$311,000
D&M Tank, LLC	6901 Mansfield Cardinal Rd. Kennedale, TX 76060	Group 1 - \$208,050 Group 2 - \$326,500
CFG Industries, LLC	22535 Magnolia Hills Dr. Magnolia, TX 77354	Group 1 - \$237,500 Group 2 - \$556,000
N. G. Painting, LP	1225 Bandera Hwy. Suite A2 Kerrville, TX 78028	Group 1 - \$256,000 Group 2 - \$417,000
TMI Coatings, Inc.	3291 Terminal Dr. St. Paul, MN 55121	Group 1 - \$312,000 Group 2 - \$468,000
Blastco Texas	16201 Wood Dr. Channelview, TX 77530	Non-responsive**

\*\*Blastco Texas was deemed non-responsive due to not meeting specifications.

**OWNER**

**Utility Service Co., Inc.**

Dominique Demessence, Chief Executive Officer  
Jonathan Cato, Vice President of Business  
Shane Albritton, Secretary  
Fernando Almirall, Treasurer

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a service contract for cleaning, recoating, and repair services for two water tanks - Utility Service Co., Inc., lowest responsible bidder of six - Not to exceed \$511,800 - Financing: Water Utilities Currents Funds

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

**PROJECT CATEGORY:** Other Services

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$511,800.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$511,800.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ricochet Fuel	WFWB69066Y0219	\$10,000.00	1.95%
<b>Total Minority - Non-local</b>		<b>\$10,000.00</b>	<b>1.95%</b>

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$10,000.00	1.95%
<b>Total</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$10,000.00</b>	<b>1.95%</b>

January 24, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with Utility Service Co., Inc. (VS0000062935), approved as to form by the City Attorney, for cleaning, recoating, and repair services for two water tanks, in an amount not to exceed \$511,800. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Utility Service Co., Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Utility Service Co., Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$511,800 to Utility Service Co., Inc. from Service Contract No. DWU-2018-00004874.

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



**AGENDA ITEM # 17**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Civil Service  
Department of Human Resources  
Department of Communication and Information Services

**CMO:**

Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297  
Jody Puckett, 670-3390

**MAPSCO:**

N/A

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**SUBJECT**

Authorize a two-year service contract for the continued use of the existing software to facilitate the new hire and performance management process with SHI Government Solutions, Inc. through the Department of Information Resources - Not to exceed \$547,912 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

**BACKGROUND**

This service contract will allow for the continued use of the existing software to facilitate hiring and the performance management process, utilized by various City departments. This system automates the City's hiring process by allowing for approval routing, email notifications, qualification screening, and tracking progress throughout the entire on-boarding process. Benefits of the system include, but are not limited to:

- Accept and process job applications submitted online
- Manage position eligibility lists
- Schedule applicants for testing and provide management with test scores

Additionally, the system automates the performance management process by allowing managers to document, rate and report on employee work performance electronically.

## **BACKGROUND** (continued)

A contract for a new human capital management system is currently being negotiated and will be presented to City Council for approval in the near future. This new system will provide a consolidated platform for all human capital needs to also include the services listed above. Once the new human capital management system is in place and the above services are absorbed, the contract with SHI Government Solutions, Inc. will be terminated.

The Department of Information Resources 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.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendors meet this requirement.

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

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

## **FISCAL INFORMATION**

Communication and Information Services Current Funds - \$547,912 (subject to annual appropriations)

## **OWNER**

**SHI Government Solutions, Inc.**

Thai Lee, President  
Al Fitzgerald, Vice President



January 24, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with SHI Government Solutions, Inc. (502145) through the Department of Information Resources, approved as to form by the City Attorney, for the continued use of the existing software to facilitate the new hire and performance management process for a term of two years, in an amount not to exceed \$547,912. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SHI Government Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SHI Government Solutions, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$547,912 (subject to annual appropriations) to SHI Government Solutions, Inc. from Service Contract No. DSV-2017-00003103.

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



**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Fire-Rescue Department

**CMO:** Elizabeth Reich, 670-7804  
Jon Fortune, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year service contract for the repair of fire equipment and the purchase of associated tools and parts for the Fire-Rescue Department - Metro Fire Apparatus Specialists, Inc. in the amount of \$384,800 and Casco Industries, Inc. in the amount of \$89,500, lowest responsible bidders of two - Total not to exceed \$474,300 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

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

This service contract will provide for the repair of fire equipment and the purchase of associated tools and parts for approximately 150 emergency fire apparatus and includes:

- Axes
- Nozzles
- Piston valves
- Adapters
- Hoses
- Extinguishers

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,195 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

**BACKGROUND** (continued)

Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

On November 12, 2014, City Council authorized a three-year service contract for parts, repair and purchase of fire equipment tools for Fire-Rescue with Metro Fire Apparatus Specialists, Inc. and Casco Industries, Inc. by Resolution No. 14-1875.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on January 22, 2018.

**FISCAL INFORMATION**

General Funds- \$474,300 (subject to annual appropriations)

**M/WBE INFORMATION**

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

The awardees have fulfilled the good faith effort requirements set forth in the Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BR1713. We opened them on October 20, 2017. We recommend the City Council award this service contract to the lowest responsive and responsible bidder by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

**BID INFORMATION** (continued)

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Metro Fire Apparatus Specialists, Inc.	17350 SH 249 Suite 250 Houston, TX 77064	Multiple Groups
*Casco Industries, Inc.	1517 W. Carrier Pkwy. Suite 118 Grand Prairie, TX 75050	Multiple Groups

**OWNERS**

**Metro Fire Apparatus Specialists, Inc.**

Craig N. Russell, President

**Casco Industries, Inc.**

Doug Shaumburg, President  
Polly Ebarb, Vice President  
Coleman Brown, Secretary

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a three-year service contract for the repair of fire equipment and the purchase of associated tools and parts for the Fire-Rescue Department - Metro Fire Apparatus Specialists, Inc. in the amount of \$384,800 and Casco Industries, Inc. in the amount of \$89,500, lowest responsible bidders of two - Total not to exceed \$474,300 - Financing: General Funds (subject to annual appropriations)

Metro Fire Apparatus Specialists, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Casco Industries, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Other Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$89,500.00	18.87%
Total non-local contracts	\$384,800.00	81.13%
<b>TOTAL CONTRACT</b>	<b>\$474,300.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

None

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

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

January 24, 2018

**WHEREAS**, on November 12, 2014, City Council authorized a three-year service contract for parts, repair and purchase of fire equipment tools for Fire-Rescue with Metro Fire Apparatus Specialists, Inc. and Casco Industries, Inc. by Resolution No. 14-1875.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with Metro Fire Apparatus Specialists, Inc. (339015) in the amount of \$384,800 and Casco Industries, Inc. (082798) in the amount of \$89,500, approved as to form by the City Attorney, for the repairs of fire equipment and the purchase of associated tools and parts for the Fire-Rescue Department for a term of three years in a total amount not to exceed \$474,300. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Metro Fire Apparatus Specialists, Inc. and Casco Industries, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Metro Fire Apparatus Specialists, Inc. and Casco Industries, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$474,300 (subject to annual appropriations) to Metro Fire Apparatus Specialists, Inc. and Casco Industries, Inc. from Service Contract No. DFD-2018-00004851.

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





**AGENDA ITEM # 19**

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Procurement Services  
Department of Communication and Information Services

**CMO:** Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year service contract for mobile technology center managed services with GTS Technology Solutions, Inc. through the Department of Information Resources - Not to exceed \$1,944,000 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

**BACKGROUND**

This service contract provides for mobile technology center managed services. Under this contract the vendor will supply qualified technicians to install mobile radio and technology for the Dallas Police Department, Fire-Rescue Department, EMS vehicles along with all other non-emergency vehicles. These services will allow for an increase in the number of units serviced each year and minimize the downtime of vehicles. Also included is radio repair and support to the 911 telephone system infrastructure as well as other services required by the mobile technology center. The contract allows for two shifts of technicians and a supervisor on a continuous basis, seven days a week and allows the mobile technology center to operate 24 hours a day.

The mobile technology center handles approximately 12,000 service tickets and performs over 300 new equipment installations per year.

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

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

Communication and Information Services Current Funds - \$1,944,000 (subject to annual appropriations)

**OWNER**

**GTS Technology Solutions, Inc.**

Ryan Grant, President  
Scott Sizemore, Vice President

January 24, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with GTS Technology Solutions, Inc. (263234) through the Department of Information Resources, approved as to form by the City Attorney, for mobile technology center managed services for a term of three years, in an amount not to exceed \$1,944,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to GTS Technology Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by GTS Technology Solutions, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,944,000 (subject to annual appropriations) to GTS Technology Solutions, Inc. from Service Contract No. DSV-2018-00004793.

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



**AGENDA ITEM # 20**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Department of Communication and Information Services  
Police Department

**CMO:**

Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390  
Jon Fortune, 670-1204

**MAPSCO:**

N/A

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**SUBJECT**

Authorize a six-year service contract for upgrade, maintenance, and support of software to the Automated Fingerprint Identification System - NEC Corporation of America, sole source – Not to exceed \$649,789 – Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

This service contract will provide continued maintenance and support of the Automated Fingerprint Identification System (AFIS) utilized by the Dallas Police Department (DPD). Additionally, this contract will provide software and hardware to allow for a state mandated upgrade of the system.

AFIS is currently utilized by the Texas Department of Public Safety (TXDPS). The City's use of this system provides immediate access to a database of approximately six million fingerprint records. This database is the primary resource to which latent fingerprints are electronically compared.

DPD's AFIS Unit of the Crime Scene Response Section utilize the system for the identifications of suspects from crime scenes and provides critical information in criminal investigations and subsequent prosecutions.

TXDPS has mandated that all law enforcement agencies utilizing the AFIS system upgrade their software and workstation accessories by December 31, 2017 to maintain connectivity with TXDPS.

**BACKGROUND** (continued)

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

On August 8, 2012, City Council authorized Supplemental Agreement No. 1 to increase the service contract with NEC Solutions, Inc. for maintenance and support for the Automated Fingerprint Identification System and to extend the term five years by Resolution No. 12-1884.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on January 22, 2018.

**FISCAL INFORMATION**

General Funds - \$649,789 (subject to annual appropriations)

**M/WBE INFORMATION**

The Office of Procurement Services did not contact any M/WBE or other vendors for this item because the recommend awardee has the exclusive licensing rights and is the sole source provider.

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

<b><u>Bidder</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
NEC Corporation of America	3929 W. John Carpenter Fwy. Irving, TX 75063	\$649,789

**Note:** The Office of Procurement Services conducted a sole source review and found no exceptions.

**OWNER**

**NEC Corporation of America**

Shinsuke Takahashi, President  
Taichiro Hashizawa, Vice President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a six-year service contract for upgrade, maintenance, and support of software to the Automated Fingerprint Identification System - NEC Corporation of America, sole source – Not to exceed \$649,789 – Financing: General Funds (subject to annual appropriations)

NEC Corporation of America is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Other Services

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$649,789.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$649,789.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

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

January 24, 2018

**WHEREAS**, on August 8, 2012, City Council authorized Supplemental Agreement No. 1 to increase the service contract with NEC Solutions, Inc. for maintenance and support for the Automated Fingerprint Identification System and to extend the term five years by Resolution No. 12-1884; and

**WHEREAS**, on September 15, 2014, Administrative Action No. 14-6723 authorized Supplemental Agreement No. 2 to the service contract, with NEC Corporation of America to extend support for the Automated Fingerprint Identification System; and

**WHEREAS**, on August 10, 2017, Administrative Action No. 17-6431 authorized Supplemental Agreement No. 3 to the service contract, with NEC Corporation of America for hardware upgrade to the Automated Fingerprint Identification System workstations.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a new service contract or a supplemental agreement to the existing contract, whichever provides more favorable terms for the City, with NEC Corporation of America (VS0000081029), approved as to form by the City Attorney, for upgrade, maintenance, and support of software to the Automated Fingerprint Identification System for a term of six years, in an amount not to exceed \$649,789. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to NEC Corporation of America shall be based only on the amount of the services directed to be performed by the City and properly performed by NEC Corporation of America under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$649,789 (subject to annual appropriations) to NEC Corporation of America from Service Contract No. DSV-2017-00001886.

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



**AGENDA ITEM # 21**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Office of Procurement Services  
Park & Recreation Department

**CMO:** Elizabeth Reich, 670-7804  
Willis Winters, 670-4071

**MAPSCO:** 66 E

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**SUBJECT**

Authorize **(1)** the rejection of the only proposal received for operational management of the Southern Skates Roller Skating Rink Facility; and **(2)** the re-advertisement for a new solicitation - Financing: No cost consideration to the City

**BACKGROUND**

This action will authorize the rejection of the only proposal received for solicitation BKZ1708 for a five-year service contract, with one five-year renewal option, for operational management of the Southern Skates Roller Skating Rink Facility. The Park and Recreation Department will modify the specifications. The Office of Procurement Services further determined it would be more advantageous to the City to reject the proposal and re-advertise for a new solicitation.

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

Information about this item was provided to the Park Board via memorandum on December 19, 2017.

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

No cost consideration to the City.

January 24, 2018

**WHEREAS**, it has been determined that it is in the best interest of the City of Dallas to reject the only proposal that was received for operational management of the Southern Skates Roller Skating Rink Facility.

**Now, Therefore,**

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

**SECTION 1.** That the only proposal received for operational management of the Southern Skates Roller Skating Rink Facility is hereby rejected and authorization to advertise a new solicitation is granted.

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

**AGENDA ITEM # 22**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Department of Communication and Information Services  
Department of Sustainable Development and Construction

**CMO:** Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390  
Majed Al-Ghafry, 670-3302

**MAPSCO:** N/A

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**SUBJECT**

Authorize a five-year cooperative purchase agreement for the purchase, implementation, maintenance and support of a hosted electronic plan review system for Building Inspection provided by Avolve Software Corporation and sold through SHI Government Solutions, Inc. through the Texas Association of School Boards - Not to exceed \$2,245,136 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

This contract will provide for the purchase, implementation, maintenance and support of a hosted electronic plan review system. This web-based solution will provide a web portal to allow citizens to electronically submit building plans for review, apply, and pay fees for various building permits.

An automated system will add efficiency that will enable staff to receive building plans, conduct reviews, revise, track, inspect, and archive all documents electronically. The electronic plan review process will also provide additional efficiencies by enabling simultaneous review of specific plans by multiple trades, eliminating the current “one-at-a-time” review. Maintenance includes patches, updates, and technical support for five years.

## **BACKGROUND** (continued)

Building Inspection plan reviewers will be able to communicate with applicants through the new system's web portal with questions and clarifications that they need from the applicant. The electronic plan review system will also allow the applicants to resubmit the applications and receive status without going to the City's Building Inspection office and thus receive status through the citizen portal. Additionally, the system will eliminate the need for paper documents which will help the City to shift the resources used to accept, sort, and store documents to other areas in the need of attention.

The Texas Association of School Boards (BuyBoard) conforms to the requirements of Texas statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard receives bids from manufacturers and dealers throughout the United States.

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

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

## **FISCAL INFORMATION**

General Funds - \$2,245,136 (subject to annual appropriations)

## **OWNER**

**SHI Government Solutions, Inc.**

Thai Lee, President  
KoGuan Leo, Vice President

January 24, 2018

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

**SECTION 1.** The City Manager is hereby authorized to sign a cooperative purchase agreement provided by Avolve Software Corporation and sold through SHI Government Solutions, Inc. (502145) through the Texas Association of School Boards, approved as to form by the City Attorney, for the purchase, implementation, maintenance and support of a hosted electronic plan review system for a term of five years, in an amount not to exceed \$2,245,136. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SHI Government Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SHI Government Solutions, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,245,136 (subject to annual appropriations) to SHI Government Solutions, Inc. from Service Contract No. DSV-2018-00004689.

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance</u>	<u>Amount</u>
0150	DEV	3141	4735	DSV-2018-00004689	\$1,377,256
0150	DEV	3141	3110	DSV-2018-00004689	\$ 867,880

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



**AGENDA ITEM # 23**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Office of Procurement Services  
Water Utilities Department

**CMO:** Elizabeth Reich, 670-7804  
Majed Al-Ghafry, 670-3302

**MAPSCO:** 2T

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**SUBJECT**

Authorize the purchase of two fiberglass chemical storage tanks for the Elm Fork Water Treatment Plant – Nautical Outfitters Corp. d/b/a Tank Depot, lowest responsible bidder of three - Not to exceed \$93,500 - Financing: Water Utilities Current Funds

**BACKGROUND**

This purchase will provide two fiberglass chemical tanks for the Elm Fork Water Treatment Plant (EFWTP). Each tank is double walled and has the capacity to hold 12,000 gallons of phosphate which is used in the treatment of potable water. The current tanks are single walled and have reached their useful life. The EFWTP uses the phosphate to treat 330 million gallons of water daily.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 165 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups, to ensure maximum vendor outreach.

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

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

Water Utilities Current Funds - \$93,500

**M/WBE INFORMATION**

- 15 - Vendors contacted
- 15 - No response
- 0 - Response (Bid)
- 0 - Response (No Bid)
- 0 – Successful

The recommended awarded has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BM1727. We opened them on August 25, 2017. We recommend the City Council award this purchase to the lowest responsive and responsible bidder by in its entirety.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Nautical Outfitters Corp. d/b/a Tank Depot	1627 S. Dixie Hwy. Pompano Beach, FL 33060	Line 1: \$93,500
Plastic Watertanks.com, Inc.	361 Neptune Ave. West Babylon, NY 11704	Line 1: \$95,500
Climate Force, Inc.	6618 Club View Ct. Flowery Beach, GA 30542	Line 1: \$244,420

**OWNER**

**Nautical Outfitters Corp. d/b/a Tank Depot**

James Glen, President  
Bob Devire, Vice President  
Anthony Lamb, Secretary



## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize the purchase of two fiberglass chemical storage tanks for the Elm Fork Water Treatment Plant – Nautical Outfitters Corp. d/b/a Tank Depot, lowest responsible bidder of three - Not to exceed \$93,500 - Financing: Water Utilities Current Funds

Nautical Outfitters Corp. d/b/a Tank Depot is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Goods

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$93,500.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$93,500.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

None

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

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

January 24, 2018

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

**SECTION 1.** That the purchase of two fiberglass chemical tanks for the Elm Fork Water Treatment Plant is authorized with Nautical Outfitters Corp. d/b/a Tank Depot (VC18085), in an amount not to exceed \$93,500.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for two fiberglass chemical tanks for the Elm Fork Water Treatment Plant. If a formal contract is required for this purchase instead of a purchase order, the City Manager is hereby authorized to execute the contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds, in an amount not to exceed \$93,500, to Nautical Outfitters Corp. d/b/a Tank Depot from the following appropriations:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>Encumbrance/Contract No.</u>
0100	DWU	7240	4720	\$93,500	PO DWU-2018-00005125

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

**AGENDA ITEM # 24**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Department of Communication and Information Services

**CMO:**

Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390

**MAPSCO:**

N/A

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**SUBJECT**

Authorize a five-year subscription contract for the licensing, hosting, and technical support of a citywide enterprise asset management system with IBM Corporation through the Department of Information Resources, State of Texas Cooperative - Not to exceed \$6,736,567 - Financing: Communication and Information Services Current Funds (subject to annual appropriations)

**BACKGROUND**

This subscription contract will provide licensing, hosting and technical support of a citywide enterprise asset management system. This system will provide the City with an efficient and fully integrated platform to monitor the operational use and sustainment of all capital assets with effective conditions assessment processes. Examples of capital assets include City buildings, streets, pipelines, treatment plants, facilities, and their associated subcomponents.

The consolidation of data, information and reporting in the new system will allow the City to make better informed decisions on asset use, sustainment and replacement. This new system will fully integrate the following vital functions into one comprehensive system:

- The consolidation of all capital asset project management efforts including budgeting
- The consolidation of all work orders, scheduling, and capital asset maintenance efforts
- The consolidation of all capital asset sustainment inventory management processes
- The determination of capital asset needs prioritization and replacement decisions

## **BACKGROUND** (continued)

In 2016, components of this enterprise asset management system were successfully utilized in limited departmental environments. It has now been determined that an expansion of the system citywide is warranted to replace several outdated systems and integrate hundreds of isolated manual processes that have been utilized to manage citywide capital projects and assets.

The Department of Information Resources conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, the Department of Information Resources receives bids from manufacturers and dealers throughout the United States.

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

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

## **FISCAL INFORMATION**

Communication and Information Services Current Funds - \$6,736,566.24 (subject to annual appropriations)

## **OWNER**

### **IBM Corporation**

Virginia M. Rometty, President  
Christina M. Montgomery, Secretary

January 24, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a subscription contract with IBM Corporation (001003) through the Department of Information Resources, approved as to form by the City Attorney, for the licensing, hosting, and technical support of a citywide enterprise asset management system for a term of five years, in an amount not to exceed \$6,736,566.24. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to IBM Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by IBM Corporation under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$6,736,566.24 (subject to annual appropriations) to IBM Corporation from Service Contract No. DSV-2018-00004698.

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



**AGENDA ITEM # 25**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Water Utilities Department

**CMO:**

Elizabeth Reich, 670-7804  
Majed Al-Ghafry, 670-3302

**MAPSCO:**

N/A

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**SUBJECT**

Authorize a three-year master agreement for fire hydrant backflow preventers and parts – Ferguson Enterprises, Inc. in the amount of \$173,825, Fortiline, Inc. in the amount of \$45,063, and Core & Main, LP in the amount of \$3,000, lowest responsible bidders of seven - Total not to exceed \$221,888 - Financing: Water Utilities Current Funds

**BACKGROUND**

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

This master agreement will provide fire hydrant backflow preventers and parts for the Water Utilities Department. The backflow preventers restrict the reverse flow of non-potable water into the water supply through the fire hydrants. Backflow preventers provided under this contract will be used to replace old and worn out models and any preventers damaged beyond repair. This contract will also provide replacement parts for general maintenance of backflow preventers. The average life expectancy of the backflow preventer is approximately 3 years.

Additionally under a licensing/leasing program the City supplies backflow preventers to the commercial customer for construction projects, demolition, and special events. Currently the City manages approximately 800 accounts which require this equipment. A customer applies for a permit and is required to place a deposit for use of the backflow preventer. The customer is charged a monthly service fee for the use of the equipment.

**BACKGROUND** (continued)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 526 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

On August 27, 2014, City Council authorized a three-year master agreement for fire hydrant backflow preventers, parts and water security plugs for Water Utilities with Fortiline, Inc., McGard, LLC, American Backflow Products Company, and Test Gauge & Backflow Supply, Inc. by Resolution No. 14-1351.

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

Water Utilities Current Funds - \$221,887.30

**M/WBE INFORMATION**

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

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BM1724. We opened them on September 15, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.



**BID INFORMATION** (continued)

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Ferguson Enterprises, Inc.	7982 Highway 69 N Tyler, TX 75706	Multiple Lines
*Fortiline, Inc.	11200 Seagoville Rd. Balch Springs, TX 75180	Multiple Lines
*Core & Main, LP	4333 Irving Blvd. Dallas, TX 75247	Multiple Lines
Act Pipe & Supply, Inc.	1888 W. Northwest Hwy. Dallas TX 75220	Multiple Lines
Test Gauge & Backflow Supply, Inc.	3321 Garden Brook Dr. Farmers Branch, TX 75234	Multiple Lines
Best Plumbing Specialties, Inc.	3039 Vemtrie Ct. Myersville, MD 21773	Multiple Lines
Texas Irrigation Supply	16813 Joe Barbee Dr. Round Rock, TX 78664	Multiple Lines

**OWNERS**

**Ferguson Enterprises, Inc.**

Kevin Murphy, President  
Bill Thees Jr., President

**Fortiline, Inc.**

Frank Seymour, President  
Ben Cagle, Vice President  
Jason Painter, Secretary

**Core & Main, LP**

Steve LeClair, President  
Chuck Zappola, Vice President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a three-year master agreement for fire hydrant backflow preventers and parts – Ferguson Enterprises, Inc. in the amount of \$173,825, Fortiline, Inc. in the amount of \$45,063, and Core & Main, LP in the amount of \$3,000, lowest responsible bidders of seven - Total not to exceed \$221,888 - Financing: Water Utilities Current Funds

Ferguson Enterprises, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Fortiline, Inc. and Core & Main, LP are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.

**PROJECT CATEGORY:** Goods

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$48,062.50	21.66%
Total non-local contracts	\$173,824.80	78.34%
<b>TOTAL CONTRACT</b>	<b>\$221,887.30</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

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

January 24, 2018

**WHEREAS**, on August 27, 2014, City Council authorized a three-year master agreement for fire hydrant backflow preventers, parts and water security plugs for Water Utilities with Fortiline, Inc., McGard, LLC, American Backflow Products Company, and Test Gauge & Backflow Supply, Inc. by Resolution No. 14-1351.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with Ferguson Enterprises, Inc. (VS87161) in the amount of \$173,824.80, Fortiline, Inc. (VS0000073028) in the amount of \$45,062.50, and Core & Main, LP (VS0000038746) in the amount of \$3,000.00, approved as to form by the City Attorney, for the purchase of fire hydrant backflow preventers and parts for a term of three years in a total amount not to exceed \$221,887.30.

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

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$221,887.30 to Ferguson Enterprises, Inc., Fortiline, Inc., and Core & Main, LP from Master Agreement Contract No. DWU-2018-00005133.

**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.



**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Water Utilities Department

**CMO:** Elizabeth Reich, 670-7804  
Majed Al-Ghafry, 670-3302

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for aeration basin diffusers and parts for Water Utilities - Evoqua Water Technologies, LLC in the amount of \$1,065,000, Environmental Dynamics International, Inc. in the amount of \$504,400, Hartwell Environmental Corporation in the amount of \$240,800 and Simba Industries in the amount of \$112,650, lowest responsible bidders of four - Total not to exceed \$1,922,850 - Financing: Water Utilities Current Funds

**BACKGROUND**

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

This master agreement will enable Water Utilities (DWU) to purchase aeration basin diffusers and parts. Air diffusers are flexible membranes with small holes that allow air to be distributed in a controlled manner in order to maintain consistent oxygen levels throughout the basins. This air distribution is essential for the proper development of micro-organisms and the processing of sludge. Over time, the membranes wear out and begin to tear, at which time the diffusers are replaced. Materials provided by this agreement will allow for the replacement and maintenance of existing diffusers for activated sludge basins at the City’s wastewater treatment plants as needed. DWU currently has approximately 4,600 diffusers in service which aide in the average daily flow treatment of 150 million gallons of wastewater.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 257 email bid notifications to vendors registered under respective commodities.

**BACKGROUND** (continued)

To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

On January 28, 2015, City Council authorized a three-year master agreement for air diffusers and parts for sludge basins at wastewater treatment plants by Resolution No. 15-0159.

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

Water Utilities Current Funds - \$1,922,849.50

**M/WBE INFORMATION**

- 29 - Vendors contacted
- 28 - No response
  - 1 - Response (Bid)
  - 0 - Response (No Bid)
  - 1 - Successful

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BM1731. We opened them on September 29, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

**BID INFORMATION** (continued)

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Evoqua Water Technologies, LLC	2607 Grandview Blvd. Suite 130 Waukesha, WI 53188	Multiple Lines
*Environmental Dynamics International, Inc.	5601 Paris Rd. Columbia, MO 65202	Multiple Lines
*Hartwell Environmental Corporation	5211 West Arkansas Ln. Arlington, TX 76016	Multiple Lines
*Simba Industries	753 Port America Pl. Suite 210 Grapevine, TX 76051	Multiple Lines

**OWNERS**

**Evoqua Water Technologies, LLC**

Ron Keating, President  
Ben Stas, Vice President  
Vince Grieco, Secretary

**Environmental Dynamics International, Inc.**

Chuck Tharp, President  
Fred McCabe, Vice President  
Glen Wylie, Vice President  
Margaret Tharp, Secretary

**Hartwell Environmental Corporation**

Kent Guilbeau, President  
Robert J. Russell, Vice President  
Ron Culp, Secretary  
Andrew Spicher, Treasurer

**Simba Industries**

Vickie L. Kasten, President

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a three-year master agreement for aeration basin diffusers and parts for Water Utilities - Evoqua Water Technologies, LLC in the amount of \$1,065,000, Environmental Dynamics International, Inc. in the amount of \$504,400, Hartwell Environmental Corporation in the amount of \$240,800 and Simba Industries in the amount of \$112,650, lowest responsible bidders of four - Total not to exceed \$1,922,850 - Financing: Water Utilities Current Funds

Evoqua Water Technologies, LLC is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Environmental Dynamics International, Inc. and Hartwell Environmental Corporation are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce. Simba Industries is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Goods

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,682,049.50	87.48%
Total non-local contracts	\$240,800.00	12.52%
<b>TOTAL CONTRACT</b>	<b>\$1,922,849.50</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

None

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

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



January 24, 2018

**WHEREAS**, on January 28, 2015, City Council authorized a three-year master agreement for air diffusers and parts for sludge basins at wastewater treatment plants by Resolution No. 15-0159.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with Evoqua Water Technologies, LLC (VC15753) in the amount of \$1,065,000.00, Environmental Dynamics International, Inc. (500845) in the amount of \$504,400.00, Hartwell Environmental Corporation (359127) in the amount of \$240,800.00 and Simba Industries (519720) in the amount of \$112,649.50, approved as to form by the City Attorney, for the purchase of aeration basin diffusers and parts for Water Utilities for a term of three-years in a total amount not to exceed \$1,922,849.50.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for aeration basin diffusers and parts for Water Utilities. If a written contract is required or requested for any or all purchases of aeration basin diffusers and parts for Water Utilities under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,922,849.50 from Master Agreement No. DWU-2018-00005154.

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



**AGENDA ITEM # 27**

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Department of Convention and Event Services  
Department of Trinity Watershed Management  
Water Utilities Department  
Department of Equipment and Building Services  
Department of Street Services  
Fire-Rescue Department  
Park & Recreation Department  
Police Department

**CMO:** Elizabeth Reich, 670-7804  
Joey Zapata, 670-3009  
Jody Puckett, 670-3390  
Majed Al-Ghafry, 670-3302  
Jon Fortune, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for service center supplies, equipment, and tools - IEH Auto Parts LLC dba Auto Plus Auto Parts in the amount of \$2,010,098 and Midway Auto Supply Co. in the amount of \$451,885, lowest responsible bidders of three - Total not to exceed \$2,461,983 - Financing: Equipment Services Current Funds (\$1,408,773), General Funds (\$631,200), Water Utilities Current Funds (\$281,610), Stormwater Drainage Management Current Funds (\$91,000), and Convention and Event Services Current Funds (\$49,400)

**BACKGROUND**

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

This master agreement will be used citywide and provides for service center supplies, equipment, and tools. The service center supplies, equipment, and tools master agreement includes items such as lubricants, aerosols, and drive belts, as well as pneumatic, hand, and power tools, which will be used in over 15 facilities to repair and maintain a fleet of over 5,480 vehicles.

**BACKGROUND** (continued)

Service centers repair City equipment such as:

- Civilian service vehicles
- Police vehicles
- Fire vehicles
- Heavy equipment
- Lawn equipment

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 209 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

Equipment Services Current Funds – \$1,408,773  
General Funds – \$631,200  
Water Utilities Current Funds – \$281,610  
Stormwater Drainage Management Current Funds – \$91,000  
Convention and Event Services Current Funds – \$49,400

**M/WBE INFORMATION**

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

The awardees have fulfilled the good faith effort requirements set forth in the Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BR1716. We opened them on November 10, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*IEH Auto Parts LLC dba Auto Plus Auto Parts	901 N. Lenola Rd. Moorestown, NJ 08057	Multiple Lines
*Midway Auto Supply Co.	1101 S. Hampton Rd. Dallas, TX 75208	Multiple Lines
Installers Sales & Service	3030 Lincoln Ct. Garland, TX 75041	Multiple Lines

**OWNERS**

**IEH Auto Parts LLC dba Auto Plus Auto Parts**

Dan Ninivaggi, Chief Executive Officer

**Midway Auto Supply Co.**

Martin Levine, President  
Steve Levine, Vice President  
Herb Levine, Secretary  
Larry Levine, Treasurer

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a three-year master agreement for service center supplies, equipment, and tools - IEH Auto Parts LLC dba Auto Plus Auto Parts in the amount of \$2,010,098 and Midway Auto Supply Co. in the amount of \$451,885, lowest responsible bidders of three - Total not to exceed \$2,461,983 - Financing: Equipment Services Current Funds (\$1,408,773), General Funds (\$631,200), Water Utilities Current Funds (\$281,610), Stormwater Drainage Management Current Funds (\$91,000), and Convention and Event Services Current Funds (\$49,400)

Midway Auto Supply Co. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. IEH Auto Parts LLC dba Auto Plus Auto Parts is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Goods

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$451,885.00	18.35%
Total non-local contracts	\$2,010,098.00	81.65%
<b>TOTAL CONTRACT</b>	<b>\$2,461,983.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

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

January 24, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with IEH Auto Parts LLC dba Auto Plus Auto Parts (VS91623) in the amount of \$2,010,098 and Midway Auto Supply Co. (006372) in the amount of \$451,885, approved as to form by the City Attorney, for the purchase of service center supplies, equipment, and tools for a term of three years in a total amount not to exceed \$2,461,983.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for service center supplies, equipment, and tools. If a written contract is required or requested for any or all purchases of service center supplies, equipment, and tools under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,461,983 to IEH Auto Parts LLC dba Auto Plus Auto Parts and Midway Auto Supply Co. from Master Agreement Contract No. POM-2018-00005181.

**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.





**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Department of Dallas Animal Services

**CMO:** Elizabeth Reich, 670-7804  
Nadia Chandler Hardy, 670-1611

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the Department of Dallas Animal Services - Bayer HealthCare, LLC in the amount of \$2,254,266 or \$2,092,817 (Tie Bid – Line 3), MWI Veterinary Supply Co dba MWI Animal Health in the amount of \$997,808 or \$836,360 (Tie Bid – Line 3), and Harris Pharmaceutical, Inc. in the amount of \$40,000, lowest responsible bidders of three - Total not to exceed \$3,130,626 - Financing: General Funds

**BACKGROUND**

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

This master agreement will allow the Department of Dallas Animal Services (shelter) to purchase veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the care of the shelter animals. Medications to be purchased under this agreement range from vaccines to heartworm prevention drugs. These medications will be administered by the shelter’s in-house veterinarians.

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

**BACKGROUND** (continued)

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 432 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce and advocacy groups, to ensure maximum vendor outreach.

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

On October 23, 2013, City Council authorized a three-year master agreement for the purchase of veterinary drugs and supplies with Butler Schein Animal Health, Bayer Animal Health, and Neogen Corporation by Resolution No. 13-1819.

The Government Performance & Financial Management Committee will receive this item for consideration on January 16, 2018.

**FISCAL INFORMATION**

General Funds - \$3,130,625.08

**M/WBE INFORMATION**

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

The awardees have fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

**BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BV1706. We opened them on July 14, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by lines. Information related to this solicitation is available upon request.

**BID INFORMATION** (continued)

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Bayer HealthCare, LLC	12707 W. 63rd St. Shawnee, KS 66216	Multiple Lines
*MWI Veterinary Supply Co dba MWI Animal Health	3041 W. Pasadena Dr. Boise, ID 83705	Multiple Lines
*Harris Pharmaceutical, Inc.	9090 Park Royal Dr. Ft. Myers, FL 33909	Multiple Lines

**OWNERS**

**Bayer HealthCare, LLC**

Daniel Apel, President  
Raymond F. Kerins, Jr, Vice President  
Jessica Monachello, Secretary  
Tracy E. Spagnol, Treasurer

**MWI Veterinary Supply Co dba MWI Animal Health**

Mark Shaw, President  
John Ryan, Vice President

**Harris Pharmaceutical, Inc.**

Janice Harris, President  
Susan King, Vice President

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a three-year master agreement for veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the Department of Dallas Animal Services - Bayer HealthCare, LLC in the amount of \$2,254,266 or \$2,092,817 (Tie Bid – Line 3), MWI Veterinary Supply Co dba MWI Animal Health in the amount of \$997,808 or \$836,360 (Tie Bid – Line 3), and Harris Pharmaceutical, Inc. in the amount of \$40,000, lowest responsible bidders of three - Total not to exceed \$3,130,626 - Financing: General Funds

Bayer HealthCare, LLC, MWI Veterinary Supply Co dba MWI Animal Health, and Harris Pharmaceutical, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.

**PROJECT CATEGORY:** Goods

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$3,130,625.08	100.00%
<b>TOTAL CONTRACT</b>	<b>\$3,130,625.08</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

None

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

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

January 24, 2018

**WHEREAS**, on October 23, 2013, City Council authorized a three-year master agreement for the purchase of veterinary drugs and supplies with Butler Schein Animal Health, Bayer Animal Health, and Neogen Corporation, by Resolution No. 13-1819.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with Bayer HealthCare, LLC (358123) in the amount of \$2,254,265.75 or \$2,092,817.00 (Tie Bid – Line 3), MWI Veterinary Supply Co dba MWI Animal Health (VS0000035134) in the amount of \$997,808.00 or \$836,359.25 (Tie Bid – Line 3), and Harris Pharmaceutical, Inc. (VS94509) in the amount of \$40,000.08, approved as to form by the City Attorney, for the purchase of veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the Department of Dallas Animal Services for a term of three years in a total amount not to exceed \$3,130,625.08.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the Department of Dallas Animal Services. If a written contract is required or requested for any or all purchases of veterinary drugs and supplies consisting of medications, preventatives, vaccines, diagnostic tests, and supplies for the Department of Dallas Animal Services under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,130,625.08 to Bayer HealthCare, LLC, MWI Veterinary Supply Co dba MWI Animal Health, and Harris Pharmaceutical, Inc. from Master Agreement Contract No. POM-2018-00004878.

**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.



**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 1, 10, 14

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 27K 36Q, U 44Y 54B, C

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**SUBJECT**

Authorize a contract for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street - The Fain Group, Inc., best value proposer of three - Not to exceed \$14,776,735 – Financing: Elgin B. Robertson Land Sale Funds (\$4,161,735) and 2017 Bond Funds (\$10,615,000) (subject to appropriations)

**BACKGROUND**

On March 10, 2017, three proposals were received for Phase 1 Aquatic Facilities at Crawford Memorial Park, Fretz Park, Samuell Grand Park (Package 1); Kidd Springs Park, Lake Highlands North Park and Tietze Park (Package 2). The Fain Group, Inc. was selected as the best value proposer for both packages. Bid Package 1 in the amount of \$20,562,297 was awarded on June 28, 2017, by Resolution No. 17-1085. The Fain Group Inc.'s Best and Final Offer Price for Bid Package 2 is \$14,776,735.

This action will authorize a contract with The Fain Group, Inc., to implement Phase 1 Aquatic Facilities – Package 2 for three family aquatic centers at Kidd Springs Park, Lake Highlands North Park and Tietze Park.

This project requires full-year operating and maintenance funding in the amount of \$179,506 for Kidd Springs Park, \$179,506 for Lake Highlands North Park and \$126,769 for Tietze Park.

**BACKGROUND** (continued)

The scope of work at Kidd Springs and Lake Highlands North Community Family Aquatic Centers includes:

1. Children's Play Pool with multi-level play unit with sprays and slides and ground geyser sprays in zero beach entry.
2. Two single rider body flume slides with a single plunge pool.
3. Six lane lap pool with a one meter diving board.
4. Shade structures.
5. Bathhouse to include concessions, men and women locker rooms, a family rest room, office and lifeguard room.
6. Pool filtration equipment building.

The scope of work at Tietze Neighborhood Family Aquatic Center includes:

1. Children's Play Pool with multi-level play unit with sprays and slides and ground geyser sprays in zero beach entry.
2. One single rider body flume slide with a run-out.
3. Four lane lap pool.
4. Shade structures.
5. Bathhouse to include concessions, men and women locker rooms, a family rest room, office and lifeguard room.
6. Pool filtration equipment building.

Proposals based on Request For Competitive Sealed Proposal (RFCSP) are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each criterion.

The following is a list of the rating criteria and values for each criterion:

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Award	40%
2. Qualifications/Experience/References for Prime Firm	15%
3. Subcontractor Experience	10%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	10%
6. Schedule/Time of Completion	<u>10%</u>
	100%



## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	January 2016
Completed Design	December 2016
Begin Construction	April 2018 (Lake Highlands North Park)
Begin Construction	August 2018 (Kidd Springs and Tietze Parks)
Complete Construction	May 2019

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

On September 14, 2015, the Quality of Life and Environment Committee was briefed on the Aquatics Master Plan Update.

On October 7, 2015, City Council was briefed on the Aquatics Master Plan Update.

On October 8, 2015, the Park and Recreation Board authorized the Aquatics Master Plan Update.

On December 9, 2015, City Council authorized the professional services contract for Phase 1 Implementation.

On March 10, 2016, the Park and Recreation Board was briefed on the Aquatics Master Plan - Public Meeting Update.

On October 20, 2016, the Park and Recreation Board was briefed on the Aquatics Master Plan Phase 1 Implementation.

On November 2, 2016, City Council was briefed on the Aquatics Master Plan Phase 1 Implementation.

On December 1, 2016, the Park and Recreation Board authorized proceeding with advertisement for construction procurement.

On May 18, 2017, the Park and Recreation Board authorized a professional services contract for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park.

On June 21, 2017, City Council was briefed on the Aquatics Master Plan and Phase 1 Implementation.

On June 28, 2017, City Council authorized a contract with The Fain Group, Inc. for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park by Resolution No. 17-1085.

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

On December 7, 2017, the Park and Recreation Board authorized a contract with the Fain Group for construction of three family aquatic centers at Kidd Springs Park, Lake Highlands North Park and Tietze Park.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on January 22, 2018.

**FISCAL INFORMATION**

Elgin B. Robertson Land Sale Funds - \$4,161,735  
2017 Bond Funds - \$10,615,000 (subject to appropriations)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 5,984,296
10	\$ 5,256,666
14	<u>\$ 3,535,773</u>
Total	\$14,776,735

**M/WBE INFORMATION**

See attached.

**BID INFORMATION**

The following three proposals were received and opened on March 10, 2017.

\*Denotes successful bidder

<b><u>Proposers</u></b>	<b><u>Package 1** Total Bid</u></b>	<b><u>Package 2*** Total Bid</u></b>	<b><u>Scores</u></b>
*The Fain Group, Inc. 1616 N. Sylvania Avenue Fort Worth, Texas 76111	\$20,969,000	\$14,897,000	4,641.50
Ratliff Construction	\$20,897,465	\$15,185,535	4,205.00
Turner Construction	\$22,978,975	\$17,011,678	4,185.50

Notes: After value engineering, the best and final offer from The Fain Group, Inc. was for \$14,776,735 for Package 2.

\*\*Package 1: Crawford Park, Fretz Park and Samuell Grand Park

\*\*\*Package 2: Kidd Springs Park, Lake Highlands North Park and Tietze Park

**OWNER**

**The Fain Group, Inc.**

Larry Frazier, President

**MAPS**

Attached

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a contract for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street - The Fain Group, Inc., best value proposer of three - Not to exceed \$14,776,735 – Financing: Elgin B. Robertson Land Sale Funds (\$4,161,735) and 2017 Bond Funds (\$10,615,000) (subject to appropriations)

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

**PROJECT CATEGORY:** Construction

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$4,323,411.00	29.26%
Total non-local contracts	\$10,453,324.00	70.74%
<b>TOTAL CONTRACT</b>	<b>\$14,776,735.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

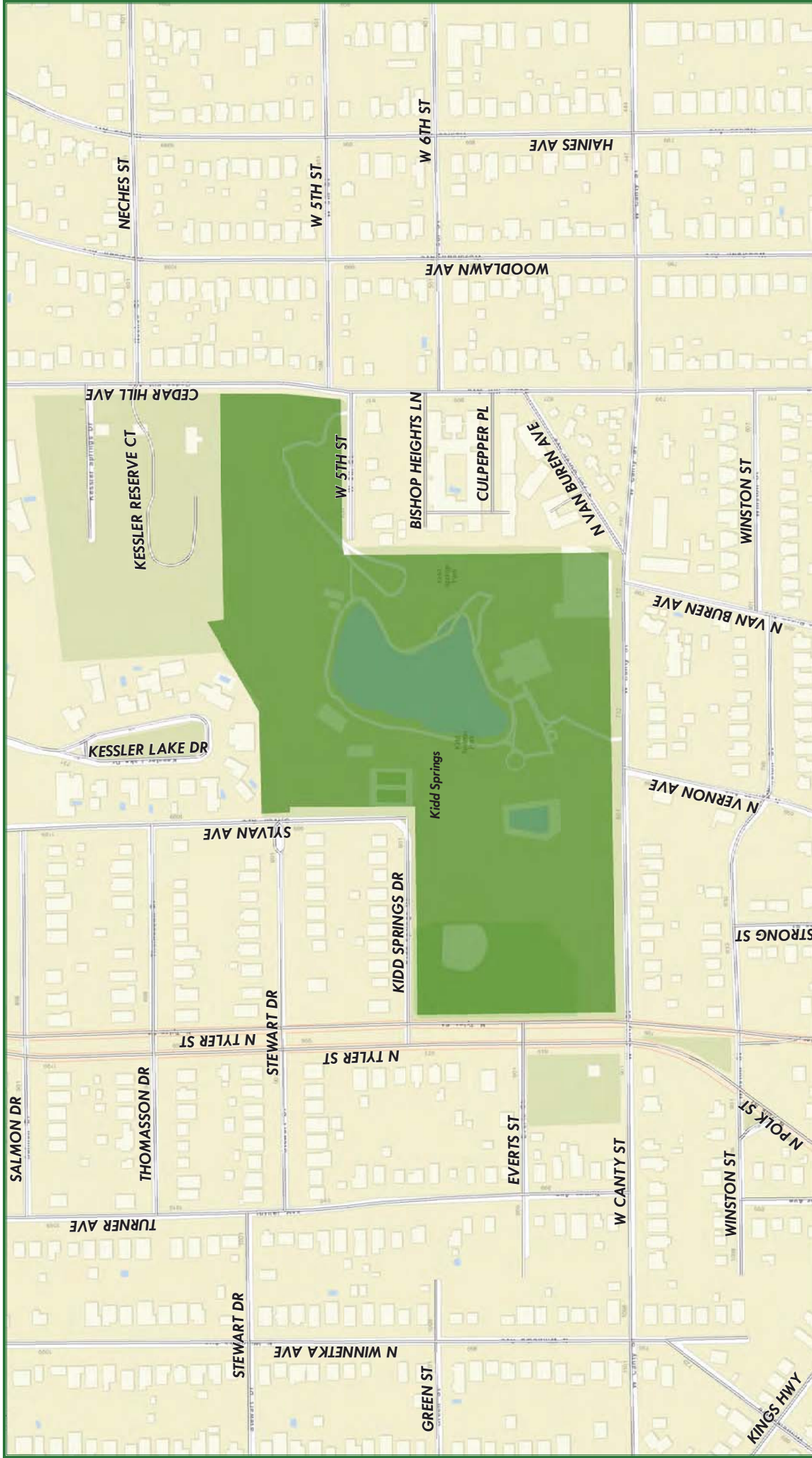
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Aquatics Resources	WFWB87703Y0618	\$4,232,211.00	97.89%
<b>Total Minority - Local</b>		<b>\$4,232,211.00</b>	<b>97.89%</b>

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
E. McDaniel Trucking	BMB76763Y1018	\$5,000.00	0.05%
CBS Mechanical	HMDFW24410218	\$586,470.00	5.61%
Alliance Glass	WFWB5579N0818	\$149,720.00	1.43%
<b>Total Minority - Non-local</b>		<b>\$741,190.00</b>	<b>7.09%</b>

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
African American	\$0.00	0.00%	\$5,000.00	0.03%
Hispanic American	\$0.00	0.00%	\$586,470.00	3.97%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$4,232,211.00	97.89%	\$4,381,931.00	29.65%
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Total	\$4,232,211.00	97.89%	\$4,973,401.00	33.66%



# Kidd Springs Park 807 West Canty Street



Mapscot  
44 Y  
54 B, C

CD  
1

January 24, 2018



Dallas Park & Recreation

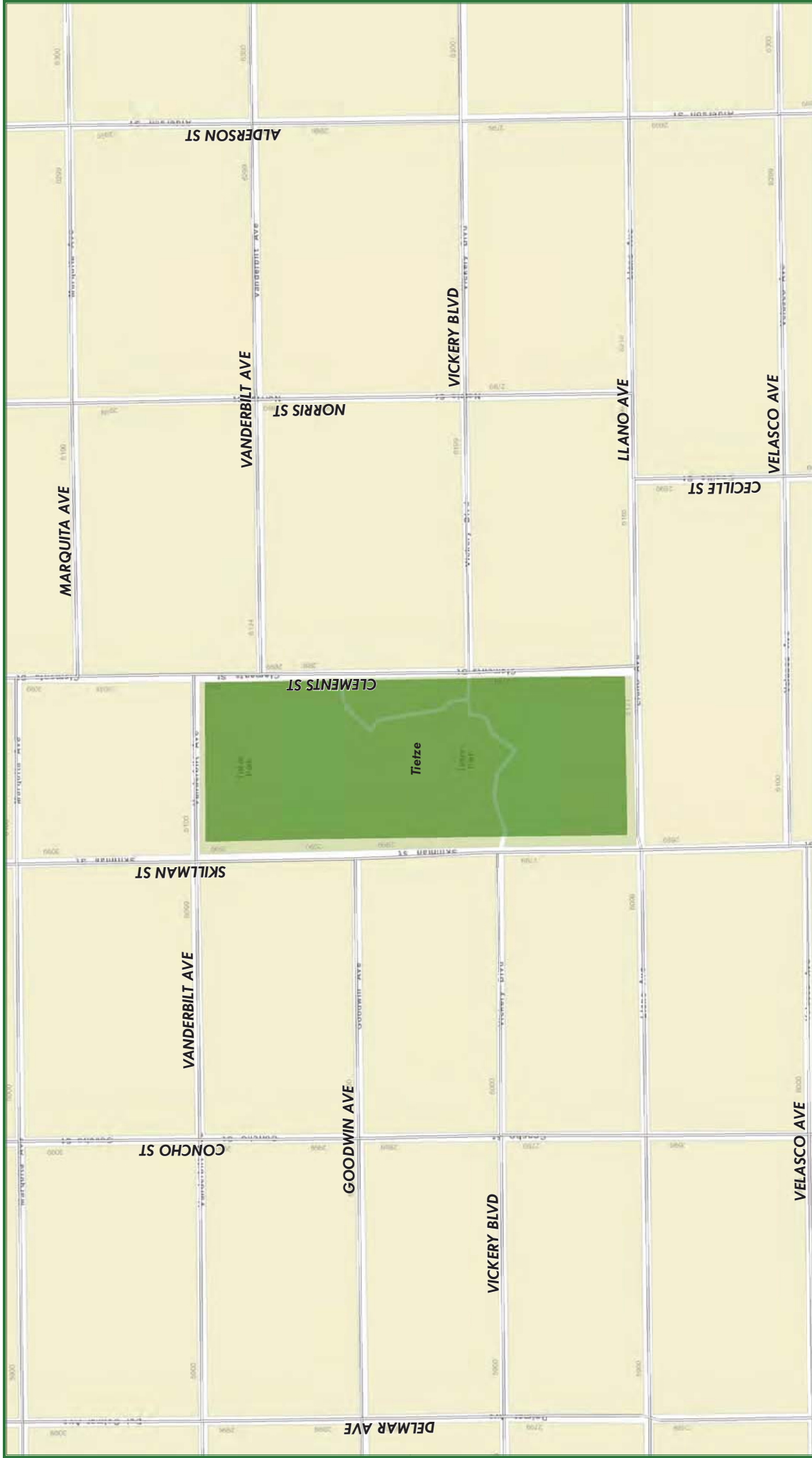


# Lake Highlands North Park

## 9344 Church Road

Mapsco  
27 K CD  
10

January 24, 2018



# Tietze Park 2700 Skillman Street



Mapsc  
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14

January 24, 2018



January 24, 2018

**WHEREAS**, on March 10, 2017, three proposals were received for Phase 1 Aquatic Facilities at Crawford Memorial Park, Fretz Park, Samuell Grand Park (Package 1), and Kidd Springs Park, Lake Highlands North Park and Tietze Park (Package 2). The scope of work at Kidd Springs and Lake Highlands North Community Family Aquatic Centers includes: Children’s Play Pool with multi-level play unit with sprays and slides and ground geyser sprays in zero beach entry; two single rider body flume slides with a single plunge pool; six lane lap pool with a one meter diving board; shade structures; bathhouse to include concessions, men and women locker rooms, a family rest room, office, lifeguard room and pool filtration equipment building; and the scope of work at Tietze Neighborhood Family Aquatic Center includes: Children’s Play Pool with multi-level play unit with sprays and slides and ground geyser sprays in zero beach entry; one single rider body flume slide with a run-out; four lane lap pool; shade structures; bathhouse to include concessions, men and women locker rooms, a family rest room, office, lifeguard room; and a pool filtration equipment building; and

**WHEREAS**, on June 28, 2017, City Council authorized a contract with The Fain Group, Inc., for construction of three regional family aquatic centers (Package 1) at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed \$20,562,297 (Crawford Park \$7,219,772, Fretz Park \$6,445,526, Samuell Grand Park \$6,896,999), by Resolution No. 17-1085; and

**WHEREAS**, it has been determined that acceptance of the best and final offer from The Fain Group, Inc., for construction of three family aquatics centers (Package 2) at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street, in an amount not to exceed \$14,776,735 is the best value for the City of Dallas.

<u>Proposers</u>	<u>Package 1 Total Bid</u>	<u>Package 2 Total Bid</u>	<u>Scores</u>
The Fain Group, Inc.	\$20,969,000	\$14,897,000	4,641.50
Ratliff Construction	\$20,897,465	\$15,185,535	4,205.00
Turner Construction	\$22,978,975	\$17,011,678	4,185.50

After value engineering, the best and final offer from The Fain Group, Inc. for Package 2 was \$14,776,735.

**Now, Therefore,**

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

January 24, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign a contract with The Fain Group, Inc. approved as to form by the City Attorney, for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street in an amount not to exceed \$14,776,735 (Kidd Springs Park \$5,984,296, Lake Highlands North Park \$5,256,666, Tietze Park \$3,535,773).

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a construction contract with The Fain Group, Inc., approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$14,776,735 to The Fain Group, Inc. in accordance with the terms and conditions of Contract No./Encumbrance CX-PKR-2018-00004777 as follows:

Kidd Springs Park

2017 Bond Funds

Fund 1V00, Department PKR, Unit VB01, Object 4599

Activity AQFC, Program PK17VB01

Commodity 91200, Vendor VS0000040276 \$4,298,800

Elgin B. Robertson Land Sale Fund

Fund 0467, Department PKR, Unit W109, Object 4599

Activity AQFC, Program PKP945.3

Commodity 91200, Vendor VS0000040276 \$1,685,496

Subtotal \$5,984,296

Lake Highlands North Park

2017 Bond Funds

Fund 1V00, Department PKR, Unit VB01, Object 4599

Activity AQFC, Program PK17VB01

Commodity 91200, Vendor VS0000040276 \$3,776,200

Elgin B. Robertson Land Sale Fund

Fund 0467, Department PKR, Unit W109, Object 4599

Activity AQFC, Program PKP945.4

Commodity 91200, Vendor VS0000040276 \$1,480,466

Subtotal \$5,256,666

January 24, 2018

**SECTION 3.** (continued)

Tietze Park

2017 Bond Funds

Fund 1V00, Department PKR, Unit VB01, Object 4599

Activity AQFC, Program PK17VB01

Commodity 91200, Vendor VS0000040276 \$2,540,000

Elgin B. Robertson Land Sale Fund

Fund 0467, Department PKR, Unit W109, Object 4599

Activity AQFC, Program PKP945.5

Commodity 91200, Vendor VS0000040276 \$995,773

Subtotal \$3,535,773

Total amount not to exceed \$14,776,735

**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.



**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** N/A

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**SUBJECT**

Authorize a five-year management, maintenance and operating agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas to manage, maintain and operate the Cedar Ridge Preserve, providing accessibility to open space properties and trails located at 7171 Mountain Creek Parkway - Financing: No cost consideration to the City

**BACKGROUND**

The City, through the Park and Recreation Department, maintains the Cedar Ridge Preserve which consists of approximately 633 acres in size and features approximately 9 miles of trails, native trees, grasses and wildflowers, butterfly gardens, picnic areas, birds, insects and reptiles southwest of the Dallas City Limits. Dallas County Audubon Society, Inc., a Texas nonprofit corporation organized to preserve scenic and ecological principles on native lands and grounds, and wishes to continue to manage the Cedar Ridge Preserve on behalf of the City of Dallas. The Cedar Ridge Preserve has partnered with the City since 2002 for the management, maintenance and operations of the premises. Dallas County Audubon Society, Inc. continues to provide educational opportunities at the Cedar Ridge Preserve working with the community and various volunteer groups, and walk and hike participants. In the past year, the Cedar Ridge Preserve has welcomed an estimated 350,000 visitors and hosted over 3,600 volunteer hours.

In addition to the obligations described, Dallas County Audubon Society, Inc. shall submit an annual Performance Plan for the premises which will identify performance indicators. The annual performance indicators to be included are: conduct a minimum of 1 educational opportunity per month, maintain 60 volunteer hours each month and clear out 4 acres of prairie per year.

**BACKGROUND** (continued)

Dallas County Audubon Society, Inc. desires to continue to work with the City to support the premises by managing and operating the Cedar Ridge Preserve.

Obligations of the City shall include the following:

1. The term of the contract is five years and allows the City to terminate for convenience.
2. Incorporate easement property granted by Oncor as part of the Cedar Ridge Preserve in accordance with the agreement.
3. Remain responsible for capital improvements or replacement of building systems or components.
4. Have right of entry to every part of the premises for general visitation or carrying out of the duties authorized.
5. Maintain the paved entrance road to the premises, defined as the roadway adjacent to Mountain Creek Parkway to the beginning of the main parking lot of the premises, excluding any and all unimproved parking areas along the paved entrance road.
6. Pay for all utilities related to the premises.

Obligations of Dallas County Audubon Society, Inc. shall include the following:

1. Be responsible for the general maintenance of the premises including plantings, mowing, trimming, litter pickup, weeding, plant replacement, and repair, as necessary.
2. Employ personnel necessary for the operation and maintenance of the premises.
3. Provide all materials, tools and equipment in performing the operation and maintenance of the premises.
4. Furnish reports and information to the City at prescribed intervals and as reasonably requested.
5. Be responsible for its volunteers, if any.
6. Comply with all applicable Park and Recreation Board policies, City ordinances, licenses, permits and authorizations for the maintenance and operation of the premises.
7. Be responsible for scheduling events on the premises, ensuring that all events it conducts are consistent with the use of the premises for park purposes.
8. Provide joint educational projects with Park in the Woods Recreation Center, with Oncor right-of-way access granted.

**BACKGROUND** (continued)

Obligations of Dallas County Audubon Society, Inc. (continued)

9. Retain all revenues generated from the operation of the premises.
10. Comply with all state and federal environmental laws applicable to the use and maintenance of the premises.
11. Obtain and maintain insurance as prescribed by the City's Office of Risk Management, naming the City, its officers, employees and elected representatives as additional insured parties.

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

On November 21, 2002, the Park and Recreation Board authorized a ten-year management agreement with Dallas County Audubon Society, Inc., dba Audubon Dallas.

On December 11, 2002, City Council authorized a ten-year management agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas by Resolution No. 02-3547.

On November 16, 2017, the Park and Recreation Board authorized a five-year operation and management agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on January 8, 2018.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on January 22, 2018.

**FISCAL INFORMATION**

No cost consideration to the City.

January 24, 2018

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, the City Charter requires that the City Council shall approve any contract which exceeds one year in duration; and

**WHEREAS**, the City of Dallas (City) is the owner of a tract of land known as the Cedar Ridge Preserve in extreme southwest Dallas, as depicted on Exhibit A; and

**WHEREAS**, the City has entered into an Open Space Use Agreement with the County of Dallas (the County) for a period of 99 years for certain tracts of real property located contiguous with, or in close proximity to, the Cedar Ridge Preserve, which are further described in Exhibit B of this Agreement (Open Space Properties); and

**WHEREAS**, the City seeks to preserve the Open Space Properties and the Cedar Ridge Preserve (collectively referred to as the Premises) in an undisturbed and undeveloped state on behalf of the County and for the benefit of the citizens of Dallas; and

**WHEREAS**, Dallas County Audubon Society, Inc. dba Audubon Dallas organized to preserve scenic and ecological values on native lands and grounds managed the Premises on behalf of the City in the past and now wish to enter into a new Agreement; and

**WHEREAS**, the City hereby authorizes Dallas County Audubon Society, Inc. dba Audubon Dallas to manage the Premises in accordance with this Agreement.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a five-year management, maintenance and operating agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas, approved as to form by the City Attorney, to manage, maintain and operate the Cedar Ridge Preserve located at 7171 Mountain Creek Parkway, providing accessibility to open space properties and trails.



January 24, 2018

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a five-year management, maintenance and operating agreement with Dallas County Audubon Society, Inc. dba Audubon Dallas, approved as to form by the City Attorney.

**SECTION 3.** That the duration of the agreement will be for a term of five years.

**SECTION 4.** That this contract is designated as Contract No. PKR-2018-00004879.

**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.



# EXHIBIT A

# EXHIBIT A

## MANAGEMENT AGREEMENT FOR ESCARPMENT PARK AND COUNTY OPEN SPACE PRESERVE IN DALLAS, TEXAS

### Legal Description of Escarpment Park

#### FIELD NOTES

Being a tract of land situated in the Phillip Kimmell Survey, Abstract No. 723, the John Scroggy Survey, Abstract No. 1375, and the George Wilson Survey, Abstract No. 1529, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the west line of County View Road, said point being the southeast corner of Lot 25 in Block E/4405 of The Woods No. 13A as recorded in Volume 79187, Page 1111 of the Map Records of Dallas County, Texas;

TRENCH in a southerly direction along said west line with a curve to the left, Chord Bearing S 01° 45' 56" E, said curve having a central angle of 19° 37' 49" and a radius of 508.60 feet, an arc distance of 173.35 feet;

TRENCH in a southerly direction continuing along said west line with a curve to the right, said curve having a central angle of 11° 44' 28" and a radius of 448.00 feet, an arc distance of 91.81 feet;

TRENCH S 00° 10' 00" W, continuing along said west line, 331.85 feet;

TRENCH N 89° 36' 17" W, 1172.90 feet;

TRENCH S 29° 21' 10" E, 509.74 feet;

TRENCH S 60° 53' 40" W, 2330.00 feet;

TRENCH N 04° 19' 23" W, 237.48 feet;

TRENCH N 27° 52' 01" W, 392.42 feet;

TRENCH S 49° 38' 47" W, 740.07 feet;

TRENCH N 27° 53' 47" W, 932.79 feet;

TRENCH S 74° 25' 19" W, 215.52 feet;

TRENCH S 00° 35' 11" W, 395.00 feet;

TRENCH S 43° 08' 58" W, 148.34 feet;

TRENCH N 89° 15' 12" W, 754.00 feet;

TRENCH S 32° 31' 48" W, 391.64 feet;

TRENCH N 53° 22' 50" W, 217.62 feet;

TRENCH N 75° 15' 09" W, 233.08 feet;

TRENCH N 48° 22' 46" W, 345.01 feet to a point in the east line of

P.M. Highway No. 1382;

TRENCH N 18° 46' 41" E along said east line, 55.95 feet;

TRENCH N 06° 44' 43" E continuing along said east line, 102.23 feet;

TRENCH N 19° 26' 31" E continuing along said east line, 1506.68 feet;

TRENCH N 18° 10' 07" E continuing along said east line, 324.84 feet;

TRENCH in a northeasterly direction continuing along said east line, Chord Bearing N 07° 12' 18" E, said curve having a central angle of 09° 34' 21" and a radius of 3994.72 feet, an arc distance of 667.42 feet;

TRENCH S 44° 03' 54" E, 173.94 feet;

TRENCH E 34° 28' 48" E, 625.48 feet;

TRENCH E 61° 30' 19" E, 184.71 feet;

TRENCH S 85° 57' 13" E, 525.02 feet;

TRENCH N-26° 33' 59" E, 216.91 feet;

TRENCH S 89° 24' 29" E, 285.00 feet;

TRENCH S 32° 14' 12" E, 368.92 feet;

TRENCH S 40° 07' 08" E, 282.64 feet;

TRENCH S 83° 27' 40" E, 241.30 feet;

TRENCH N 83° 09' 38" E, 695.84 feet;

TRENCH N 41° 13' 49" E, 438.40 feet;

TRENCH N 69° 50' 59" E, 434.48 feet;

TRENCH N 01° 17' 13" W, 219.83 feet;

TRENCH S 89° 48' 00" E, 515.23 feet;

TRENCH S 89° 31' 00" E, 496.91 feet;

TRENCH in a southerly direction with a curve to the left, Chord Bearing S 03° 42' 24" E, said curve having a central angle of 72° 15' 12" and a radius of 555.00 feet, an arc distance of 699.89 feet;

TRENCH S 39° 50' 00" E, 401.94 feet;

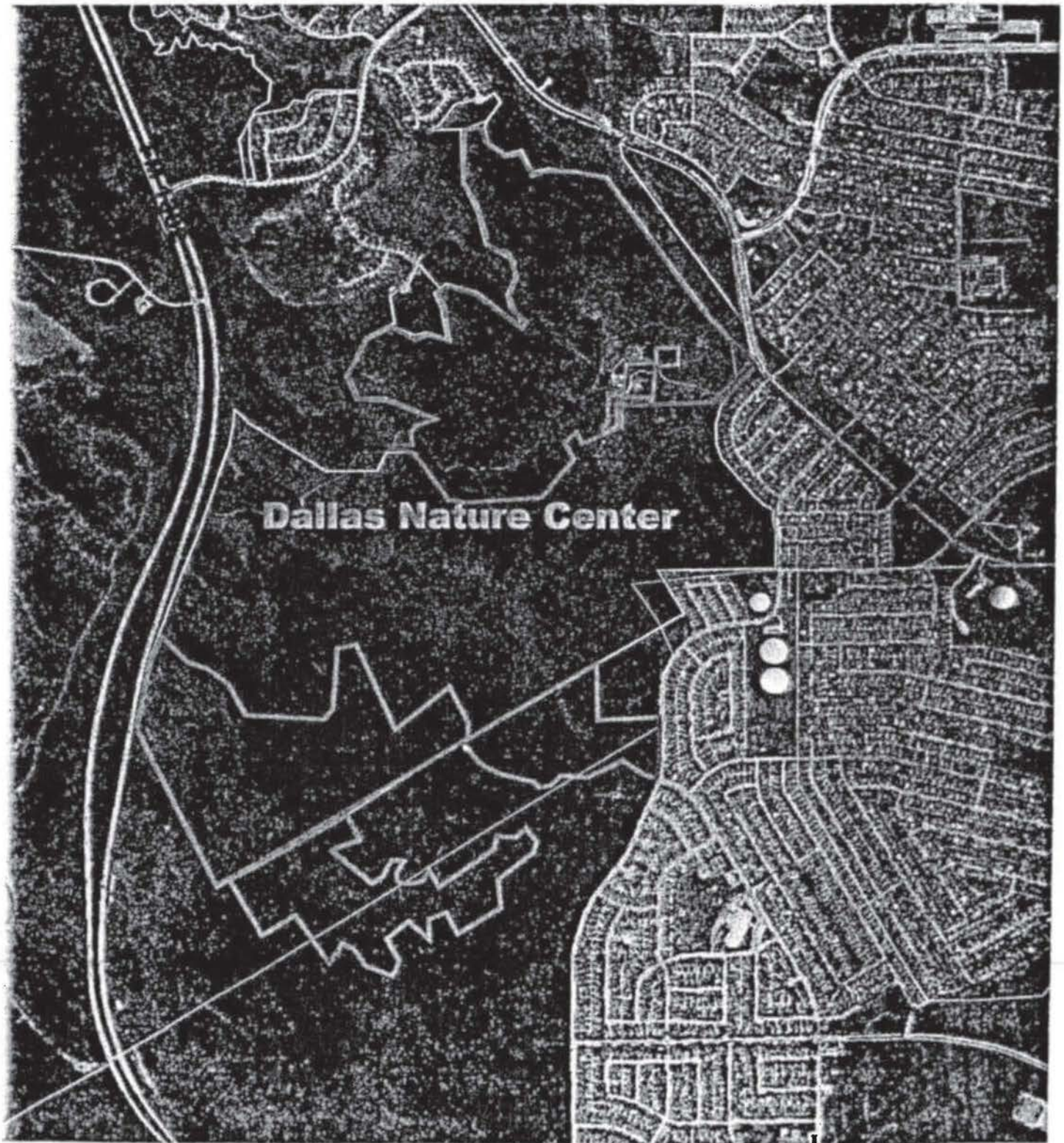
TRENCH in a southeasterly direction with a curve to the left, Chord Bearing S 53° 21' 39" E, said curve having a central angle of 27° 25' 19" and a radius of 503.60 feet, an arc distance of 176.10 feet to the place of beginning and containing 296.965

acres of land.

**Exhibit "B"**  
**Description of**  
**Escarpment Park**



- Dallas City Limits**
- Park Property**
- Dallas County**
- Greenhills Property (Acquired by Dallas County 11/2002)**



MANAGEMENT AGREEMENT FOR ESCARPMENT PARK  
AND COUNTY OPEN SPACE PRESERVE IN DALLAS, TEXAS

CITY OF DALLAS AND GREENHILLS FOUNDATION, INC.

Legal Description of Dallas County  
Open Space Properties

Tract 1

Being a .141.136 acre tract of land situated in the John Scroggy Survey, Abstract Number 1375, the George Wilson Survey, Abstract Number 1529 and the Phillip Kimmel Survey, Abstract Number 723, Dallas County, Texas and also being a portion of 'Tract 2' as described in deed dated February 2, 1984 from Mardev, N.V. Cinole, Inc. and Orwell, Inc. to Mountain Creek Joint Venture recorded in Volume 84048, Page 4143, Deed Records of Dallas County, Texas (DRDCT), and being more particularly described by metes and bounds as follows:

COMMENCING at a 1 inch iron pipe found in the east line of that certain tract of land conveyed to the United States of America as evidenced by deed recorded in Volume 78226, Page 3072, DRDCT, for the southwesterly corner of that certain 'Tract 4' as described in said deed to Mountain Creek Joint Venture and the northwesterly corner of High Pointe Subdivision, an addition to the City of Cedar Hill as evidenced by plat recorded in Volume 84128, Page 1250, DRDCT;

THENCE North 40°26'38" East a distance of 7435.11 feet to an axle rod found in the west line of the Dallas Power and Light Company right-of-way recorded in Volume 10, Page 2176, DRDCT, for the southeast corner of said Mountain Creek Joint Venture tract and the northeast corner of that certain tract conveyed to Dallas County, as evidenced by deed recorded in Volume 90111, Page 2644, DRDCT, same being the POINT OF BEGINNING;

THENCE along the common line between said Dallas County, tract and said Mountain Creek Joint Venture tract as follows:

South 76 degrees 30'39" West a distance of 1084.29 feet to a 1 inch iron rod found for corner;  
South 03 degrees 15'52" East a distance of 623.13 feet to a 5/8 inch iron rod found for corner;  
South 64 degrees 41'20" West a distance of 420.22 feet to a 5/8 inch iron rod found for corner;  
South 30 degrees 07'25" East a distance of 251.42 feet to a 5/8 inch iron rod found for the northeast corner of that certain tract of land conveyed to the City of Dallas as recorded in Volume 81107, Page 2495, DRDCT;

**EXHIBIT B**

THENCE along the common line between said City of Dallas tract and said Mountain Creek Joint Venture tract as follows: "

South 40 degrees 25'59" West a distance of 436.26 feet to a 5/8 inch iron rod found for corner;  
South 82 degrees 22'30" West a distance of 695.80 feet to a 5/8 inch iron rod found for corner;  
North 84 degrees 16'00" West a distance of 241.31 feet to a 5/8 inch iron rod found for corner;  
North 40 degrees 54'19" West a distance of 283.80 feet to a 5/8 inch iron rod found for corner;  
North 32 degrees 59'50" West a distance of 368.69 feet to a 3/4 inch iron pipe found for corner;

THENCE departing the common line between said City of Dallas tract and said Mountain Creek Joint Venture tract as follows:

South 89 degrees 55'09" West a distance of 234.91 feet to a 3/4 inch iron pipe found for corner;  
North 36 degrees 57'27" East a distance of 33.97 feet to a 3/4 inch iron pipe found for corner;  
South 80 degrees 56'41" East a distance of 158.29 feet to a 3/4 inch iron pipe found for corner;  
North 11 degrees 34'16" West a distance of 141.70 feet to a 3/4 inch iron pipe found for corner;  
North 24 degrees 54'31" East a distance of 103.88 feet to a 3/4 inch iron pipe found for corner;  
North 74 degrees 45'04" East a distance of 188.18 feet to a 3/4 inch iron pipe found for corner;  
North 69 degrees 38'26" East a distance of 486.07 feet to a 3/4 inch iron pipe found for corner;  
North 85 degrees 12'21" West a distance of 291.22 feet to a 3/4 inch iron rod found for corner;  
North 23 degrees 19'08" West a distance of 253.99 feet to a 3/4 inch iron rod found for corner;  
North 26 degrees 27'53" East a distance of 432.31 feet to a 3/4 inch iron pipe found for corner;  
North 62 degrees 22'22" East a distance of 246.96 feet to a 3/4 inch iron pipe found for corner;  
South 68 degrees 53'12" East a distance of 260.19 feet to a 3/4 inch iron pipe found for corner;  
North 79 degrees 25'03" East a distance of 138.02 feet to a 3/4 inch iron pipe found for corner;  
South 71 degrees 38'59" East a distance of 206.17 feet to a 3/4 inch iron pipe found for corner;  
North 10 degrees 51'51" West a distance of 317.77 feet to a 3/4 inch iron pipe found for corner;  
North 23 degrees 03'30" West a distance of 156.16 feet to a 3/4 inch iron pipe found for corner;  
North 52 degrees 13'00" East a distance of 129.34 feet to a 3/4 inch iron pipe found for corner;  
South 76 degrees 54'50" East a distance of 327.91 feet to a 3/4

**EXHIBIT B**

inch iron pipe found for corner;  
South 52 degrees 05'45" East a distance of 519.97 feet to a 3/4  
inch iron pipe found for corner;  
North 13 degrees 56'43" East a distance of 61.98 feet to a 3/4  
inch iron pipe found for corner;  
North 42 degrees 23'49" West a distance of 149.11 feet to a 3/4  
inch iron rod found for corner;  
North 17 degrees 15'04" West a distance of 136.06 feet to a 3/4  
inch iron pipe found for corner;  
North 25 degrees 50'45" East a distance of 183.17 feet to a 3/4  
inch iron pipe found for corner;  
North 00 degrees 05'59" West a distance of 164.96 feet to a 3/4  
inch iron pipe found for corner;  
North 61 degrees 14'49" West a distance of 315.00 feet to a 5/8  
inch iron rod found for corner;  
North 14 degrees 56'04" West a distance of 160.00 feet to a 3/8  
inch iron rod found for corner;  
North 28 degrees 43'46" West a distance of 296.10 feet to a 5/8  
inch iron rod found for corner;  
North 01 degrees 36'00" West a distance of 470.17 feet to a 5/8  
inch iron pipe found for corner;  
North 69 degrees 37'22" East a distance of 245.35 feet to a 1/2  
inch iron rod found for corner;  
South 14 degrees 44'14" East a distance of 150.05 feet to a 1/2  
inch iron rod found for corner;  
South 52 degrees 41'29" East a distance of 209.07 feet to a 1/2  
inch iron rod found for corner;  
North 75 degrees 41'50" East a distance of 164.20 feet to a 1/2  
inch iron rod found for corner;  
South 27 degrees 34'43" East a distance of 240.06 feet to a 1/2  
inch iron rod found for corner;  
North 76 degrees 45'26" East a distance of 153.94 feet to a 1/2  
inch iron rod found for corner;  
South 81 degrees 50'38" East a distance of 475.70 feet to a 5/8  
inch iron rod set for corner;

THENCE South 36 degrees 01'11" East 1902.34 feet along said  
westerly line of Dallas Power & Light Co. tract to the POINT OF  
BEGINNING;

CONTAINING within the metes recited 141.136 acres of land, more  
or less, and being all the property conveyed to the County of  
Dallas by deed recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_, DRDCT.

**EXHIBIT B**

Tract 2

BEING a 92.826 acre tract of land situated in the John Scroggy Survey, Abstract Number 1375 and the City of Dallas Block Number 8611, Dallas County, Texas and also being a portion of "Tract 4" as described in deed dated February 2, 1984 from Mardev, N.V. Cincle, Inc. and Orwell, Inc. to Mountain Creek Joint Venture recorded in Volume 84018, Page 4143, Deed Records of Dallas County, Texas (DRDCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch iron pipe found in the east line of that certain tract of land conveyed to the United States of America as evidenced by deed recorded in Volume 78226, Page 3072, DRDCT, for the southwesterly corner of the said Mountain Creek Joint venture "Tract 4" and the northwesterly corner of High Pointe Subdivision, an addition to the City of Cedar Hill as evidenced by plat recorded in Volume 84128, Page 1250, DRDCT;

THENCE North 29 degrees 41'19" West along the east line of said United States of America tract a distance of 1767.79 feet to a 1-1/4 inch iron pipe found in the east line of F.M. 1382 (a variable width right-of-way) for the most westerly corner of said Mountain Creek Joint Venture tract;

THENCE along the west line of the Mountain Creek Joint Venture tract and the east line of F.M. 1382 as follows:

North 09 degrees 01'30" East a distance of 284.88 feet to a highway monument found for corner;  
North 16 degrees 32'46" East a distance of 378.39 feet to a highway monument found for corner;  
North 27 degrees 06'01" East a distance of 140.87 feet to a highway monument found for corner;  
North 17 degrees 51'29" East a distance of 102.63 feet to a 1/2 inch iron rod found for the northwest corner of said Mountain Creek Joint Venture Tract and the southwest corner of that certain tract of land conveyed to the City of Dallas as evidenced by deed recorded in Volume 81107, Page 2495, DRDCT;

THENCE along the common line between said City of Dallas tract and said Mountain Creek Joint venture tract as follows:

South 48 degrees 25'14" East a distance of 363.68 feet to a 3/4 inch iron pipe found for corner;  
South 76 degrees 06'40" East a distance of 233.10 feet to a 3/4 inch iron pipe found for corner;  
South 54 degrees 14'42" East a distance of 217.57 feet to a 3/4 inch iron pipe found for corner;  
South 33 degrees 24'10" East a distance of 391.70 feet to a 3/4 inch iron pipe found for corner;

**EXHIBIT B**



North 89 degrees 52'34" East a distance of 753.99 feet to a 3/4  
inch iron pipe found for corner;  
South 42 degrees 16'37" East a distance of 149.39 feet to a 3/4  
inch iron pipe found for corner;  
North 00 degrees 17'14" West a distance of 595.10 feet to a 3/4  
inch iron pipe found for corner;  
North 73 degrees 32'24" East a distance of 215.53 feet to a 3/4  
inch iron pipe found for corner;  
South 28 degrees 46'53" East a distance of 972.82 feet to a 3/4  
inch iron pipe found for corner;  
North 48 degrees 46'03" East a distance of 740.14 feet to a 3/4  
inch iron pipe found for corner;  
South 28 degrees 44'28" East a distance of 392.41 feet to a 3/4  
inch iron pipe found for corner;  
South 05 degrees 11'21" East a distance of 237.58 feet to a 3/4  
inch iron pipe found in the north line of High Pointe Subdivision  
for the southeast corner of said Mountain Creek Joint Venture  
tract and the most southerly corner of said City of Dallas tract;

THENCE South 60 degrees 01'40" West a distance of 2951.10 feet to  
the POINT OF BEGINNING;

Containing within the metes recited 98.826 acres of land, more or  
less, and being all the property conveyed to the County of Dallas-  
by deed recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, DRDCT.

**EXHIBIT B**

Tract 1

Being a tract of land situated in the Phillip Kimmell Survey, Abstract No. 723, the George Wilson Survey, Abstract No. 1529, City of Dallas, Dallas County, Texas and being the same tract of land conveyed to Greenhills Foundation, Inc. recorded in Volume 82009, Page 2136, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2 inch iron rod set for the northwest corner of Lot 1, Block B/8650 of The Woods Thirteenth Section, an Addition to the City of Dallas, Dallas County, Texas as recorded in Volume 79187, Page 1112, Plat Records, Dallas County, Texas, and being on the south right-of-way line of Mountain Creek Parkway (formerly Florina-Danieldale Road 100' R.O.W.):

THENCE, along the westerly line of said Woods Thirteenth Section with 1/2 inch iron rods set as follows:

South 51 degrees 19 minutes 09 seconds West a distance of 92.87 feet; South 43 degrees 34 seconds (sic) 00 seconds West a distance of 291.84 feet to the beginning of a curve to the left having a central angle of 11 degrees 08 minutes 34 seconds and a radius of 555.00 feet; Along said curve to the left a distance of 107.94 feet to the most northerly northeast corner of a tract of land conveyed to the City of Dallas, recorded in Volume 81107, Page 2493, Deed Records, Dallas County, Texas;

THENCE, along the northerly line of said City of Dallas tract of land as follows:

North 89 degrees 33 minutes 00 seconds West a distance of 496.55 feet to a 3/4 inch sucker rod by a fence post for corner; North 89 degrees 48 minutes 00 seconds West a distance of 516.87 feet to a 1/2 inch iron rod set for corner; South 01 degrees 17 minutes 13 seconds East a distance of 219.09 feet to a 5/8 inch iron rod found for corner; and South 68 degrees 54 minutes 59 seconds West a distance of 435.00 feet to a 5/8 inch iron rod found for a southeasterly corner of a tract of land conveyed to Booth Creek Investments, Inc. recorded in Volume 82069, Page 0945, Deed Records, Dallas County, Texas;

THENCE, with the easterly line of said Booth Creek Investments tract as follows:

North 29 degrees 20 minutes 02 seconds West a distance of 251.53 feet to a 5/8 inch iron rod found for corner; North 65 degrees 33 minutes 44 seconds East a distance of 420.32 feet to a 5/8 inch iron rod found by a fence post for corner;

**EXHIBIT B**

North 02 degrees 27 minutes 13 seconds West a distance of 622.97 feet to a 5/8 inch iron rod found by fence post for corner; and North 77 degrees 20 minutes 00 seconds East, along the general direction of a fence line, a distance of 1,084.48 feet to a 3/4 inch sucker rod found for corner in the southerly right-of-way line (250' R.O.W.) of a Dallas Power and Light tract of land recorded in Volume 10 Page 2176, Deed records, Dallas County, Texas;

THENCE, continuing along said Dallas Power and Light right-of-way line, South 46 degrees 26 minutes 00 seconds East a distance of 441.01 to a 1/2 inch iron rod set for corner in the southerly right-of-way line of aforementioned Mountain Creek Parkway in a curve to the left having a central angle of 06 degrees 18 minutes 54 seconds and a radius of 1,050.00 feet;

THENCE, along said right-of-way line and curve to the left an arc distance of 115.73 feet to the POINT OF BEGINNING and containing 26.2913 acres or 1,145,247 square feet of land.

~~SAVING AND EXCEPTING~~ TRACT B ACQUIRED ON NOVEMBER 11, 2002.

INCLUDING

PROPERTY DESCRIPTION  
TRACT B

Being a tract of land situated in the Phillip Kimmell Survey, Abstract No. 723, City of Dallas, Dallas County, Texas and being a portion of that certain tract of land conveyed to Greenhills Foundation, Inc., recorded in Volume 82009, Page 2136; Deed Records, Dallas County, Texas, and being more particularly described as follows:

Commencing at a 5/8 inch iron rod found at a common corner of that certain tract of land conveyed to Booth Creek Investments, Inc., recorded in Volume 82069, Page 0945, Deed Records, Dallas County, Texas, and that certain tract of land conveyed to the City of Dallas, recorded in Volume 81107, Page 2493, Deed Records, Dallas County, Texas, and being the south corner of the George Wilson Survey, Abstract No. 1529, and being on the common line of the Phillip Kimmell Survey, Abstract No. 723 and the John Scroggy Survey, Abstract No. 1375:

Thence along the northerly line of the aforesaid City of Dallas tract, North 68 degrees 54 minutes 59 seconds East a distance of 247.85 feet; and departing said line, North 28 degrees 13 minutes 51 seconds West a distance of 20.30 feet to the POINT OF BEGINNING:

Thence with 1/2 inch iron rods set for corners as follows:

North 28 degrees 13 minutes 51 seconds West a distance of 70.15 feet:

**EXHIBIT B**

North 61 degrees 46 minutes 09 seconds East a distance of 83.84  
feet;  
North 02 degrees 27 minutes 13 seconds West a distance of 181.52  
feet;  
North 65 degrees 33 minutes 44 seconds East a distance of 10.78  
feet;  
North 02 degrees 27 minutes 13 seconds West a distance of 134.69  
feet;  
South 88 degrees 08 minutes 49 seconds East a distance of 151.93  
feet;  
North 08 degrees 20 minutes 22 seconds East a distance of 274.81  
feet;  
North 89 degrees 49 minutes 26 seconds East a distance of 299.71  
feet;  
North 00 degrees 10 minutes 34 seconds West a distance of 143.12  
feet;  
North 89 degrees 49 minutes 26 seconds East a distance of 260.89  
feet;  
South 00 degrees 10 minutes 34 seconds East a distance of 193.12  
feet;  
South 89 degrees 49 minutes 26 seconds East a distance of 260.89  
feet;  
South 00 degrees 10 minutes 34 seconds East a distance of 120.10  
feet;  
South 10 degrees 15 minutes 19 seconds West a distance of 193.82  
feet;  
North 89 degrees 48 minutes 00 seconds West a distance of 304.77  
feet;  
South 02 degrees 27 minutes 13 seconds East a distance of 42.31  
feet;  
South 87 degrees 32 minutes 47 seconds West a distance of 61.45  
feet;  
South 02 degrees 27 minutes 13 seconds East a distance of 210.63  
feet; and South 61 degrees 46 minutes 09 seconds West a distance  
of 157.84 feet to the POINT OF BEGINNING and containing 4.8583  
acres or 211,626 Square feet of land.

**EXHIBIT B**

Tract 4

Being a 30.010 acre tract of land situated in the William Clark Survey, A-233, Dallas County, Texas and being part of a called 181.700 acre tract as described in Volume 74054, Page 2288 of the Dallas County Deed Records and being more particularly described as follows:

COMMENCING AT A 1-3/4" iron pipe at the northeast corner of the William Clark Survey, A-233;

THENCE South 60 degrees 49' 22" West, 966.04 feet to the TRUE POINT OF BEGINNING;

THENCE South 02 degrees 50' 05" West, 562.59 feet to a 1/2 inch iron rod;

THENCE South 89 degrees 22' 47" East, 604.15 feet to a 1/2 inch iron rod;

THENCE South 01 degrees 53' 58" East, 281.06 feet to a 1/2 inch iron rod at the beginning of a curve to the left having a central angle of 20 degrees 34' 44", a radius of 924.91 feet, a tangent length of 167.91 feet, a chord bearing of South 08 degrees 23' 25" West and a chord distance of 330.42 feet;

THENCE along said curve to the left, 322.20 feet to a 1/2 inch iron rod;

THENCE North 76 degrees 44' 04" West, 95.01 feet to a 1/2 inch iron rod;

THENCE North 61 degrees 32' 09" West, 132.70 feet to a 1/2 inch iron rod;

THENCE North 50 degrees 25' 04" West, 142.73 feet to a 1/2 inch iron rod;

THENCE South 69 degrees 54' 16" West, 152.85 feet to a 1/2 inch iron rod;

THENCE Sout 64 degrees 00' 16" West, 143.37 feet to a 1/2 inch iron rod;

THENCE South 66 degrees 38' 31" West, 119.71 feet to a 1/2 inch iron rod;

THENCE North 87 degrees 02' 13" West, 117.82 feet to a 1/2 inch iron rod;

THENCE North 78 degrees 56' 32" West, 129.47 feet to a 1/2 inch

**EXHIBIT B**

iron rod;

THENCE South 49 degrees 08' 39" West, 142.12 feet to a 1/2 inch iron rod;

THENCE South 74 degrees 46' 42" West, 115.35 feet to a 1/2 inch iron rod;

THENCE North 48 degrees 53' 05" West, 93.24 feet to a 1/2 inch iron rod;

THENCE North 71 degrees 12' 47" West, 138.02 feet to a 1/2 inch iron rod;

THENCE North 79 degrees 16' 21" West, 189.57 feet to a 1/2 inch iron rod;

THENCE North 63 degrees 15' 40" West, 190.31 feet to a 1/2 inch iron rod;

THENCE North 45 degrees 29' 30" West, 188.68 feet to a 1/2 inch iron rod;

THENCE North 37 degrees 37' 03" West, 141.07 feet to a 1/2 inch iron rod;

THENCE North 60 degrees 49' 22" East, 1,609.65 feet to the POINT OF BEGINNING and containing 30.010 acres (1,307,254 square feet) of land, more or less.

**EXHIBIT B**

Tract 5

Being a 12.182 acre tract of land situated in the William Clark Survey, A-233, Dallas County, Texas and being part of a called 181,700 acre tract as described in Volume 74054, Page 2288 of the Dallas County Deed Records, and being more particularly described as follows:

BEGINNING at a 1-3/4" iron pipe at the northeast corner of William Clark Survey, A-233;

THENCE South 28 degrees 51' 28" East, 207.60 feet to a 1/2 inch rod at the beginning of a nontangent curve to the left having a central angle of 61 degrees 20' 53", a radius of 760.00 feet, a tangent length of 450.79 feet, a chord bearing of South 28 degrees 46' 29" West and a chord distance of 775.43;

THENCE along said nontangent curve to the left 813.75 feet to a 1/2 inch iron rod on the west right-of-way of Straus Road;

THENCE South 01' [sic] 53" [sic] 58" East, 178 feet along said west right-of-way line to a 1/2 inch iron rod;

THENCE North 89 degrees 22' 47" West, 604.15 feet to a 1/2 inch iron rod [sic];

THENCE North 02 degrees 50' 05" East, 562.59 feet to a 1/2 inch iron rod [sic];

THENCE North 50 degrees 49' 22" East, 966.04 feet to the POINT OF BEGINNING and containing 12.182 acres (530,631 square feet) of land, more or less save and except .950 acres (41,367 Square feet) located in the right of way of Straus Road.

**EXHIBIT B**





**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 65 U, V

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**SUBJECT**

Authorize Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc. for construction documents, bidding, and construction administration phases for the addition of a senior center, technology center and gymnasium to the Singing Hills Recreation Center replacement project located at 6805 Patrol Way - Not to exceed \$443,300, from \$881,487 to \$1,324,787 - Financing: 2017 Bond Funds (subject to appropriations)

**BACKGROUND**

On June 26, 2013, City Council authorized a professional services contract with Perkins+Will, Inc. for design services for the Singing Hills Recreation Center replacement at Crouch Road and Patrol Way by Resolution No. 13-1143.

On November 5, 2013, Administrative Action No. 13-1527 authorized Supplemental Agreement No. 1 to the professional services contract with Perkins+Will, Inc. for the addition of ABI as a sub-consultant to assist in public input meetings, including outreach, audience participation and reimbursable expenses at Singing Hills Recreation Center, in an amount not to exceed \$7,500, increasing the contract amount from \$579,48 to \$586,988.

On October 13, 2014, Administrative Action No. 14-1752 authorized Supplemental Agreement No. 2 to the professional services contract with Perkins+Will, Inc. for additional services to include: separating bid package, bid phase, reimbursable expenses and construction administration for the site package at Singing Hills Recreation Center, in an amount not to exceed \$24,390, increasing the contract amount from \$586,988 to \$611,378.

On March 3, 2015, Administrative Action No. 15-0242 authorized Supplemental Agreement No. 3 to the professional services contract with Perkins+Will, Inc. for archaeological permitting and survey at Singing Hills Recreation Center, in an amount not to exceed \$5,490, increasing the contract amount from \$611,378 to \$616,868.

## **BACKGROUND** (continued)

On April 8, 2015, City Council authorized, Supplemental Agreement No. 4 to the professional services contract with Perkins+Will, Inc. for the Singing Hills Recreation Center replacement located at Crouch Road and Patrol Way for construction administration phase services and coordination of the recreation center with the DART Camp Wisdom light rail station in an amount not to exceed \$168,368.20, increasing the contract from \$616,868.00 to \$785,236.20, by Resolution No. 15-0708.

On January 22, 2016, Administrative Action No. 16-0059, authorized Supplemental Agreement No. 5 to the professional services contract with Perkins+Will, Inc. for the additional services including additional community meeting, updated energy model, value engineering, security monitoring and additional reimbursable expense at Singing Hills Recreation Center, in an amount not to exceed \$33,250, increasing the contract amount from \$785,236.20 to \$818,486.20.

On July 18, 2016, Administrative Action No. 16-0907 authorized Supplemental Agreement No. 6 to the professional services contract with Perkins+Will, Inc. for revised LEED documentation, revision to the exterior rendering and additional reimbursable expenses at Singing Hills Recreation Center, in an amount not to exceed \$18,000, increasing the contract amount from \$818,486.20 to \$836,486.20.

On September 27, 2017, Administrative Action No. 17-1009 authorized Supplemental Agreement No. 7 to the professional services contract with Perkins+Will, Inc. for the study of adding a 3,500 square foot senior center and a renovation of approximately 1,500 square foot of space for a technology center at the Singing Hills Recreation Center, in an amount not to exceed \$45,000.00, increasing the contract amount from \$836,486.20 to \$881,486.20.

This action will approve Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc., in the amount of \$443,300 for construction documents, bidding, and construction administration phases for the addition of a senior center, technology center and gymnasium to the Singing Hills Recreation Center replacement project related to the 2017 Bond Program project scope. This supplemental agreement will include construction documents for additional components of the Singing Hills Recreation Center replacement project.

The scope of the original Singing Hills Recreation Center replacement project was reduced after the first proposals were received, because all proposals exceeded the available budget. The gymnasium was deleted from the original scope of work and has now been funded from the 2017 Bond Program. In addition to the gymnasium, the 2017 Bond Program will fund the addition of an approximately 5,000 square foot senior center and a 1,500 square foot technology center. Both will be physically attached to the existing building. The construction documents will include the repackaging of the original gymnasium drawings and inclusion of the senior and technology center additions.

**BACKGROUND** (continued)

Construction of the Phase 1 program space is currently underway and is due for completion at the end of January, 2018.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	January 2018
Complete Design	March 2018
Begin Construction	June 2018
Complete Construction	May 2019

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

On January 4, 2018, the Park and Recreation Board authorized Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc. for construction documents, bidding and construction administration phases for the addition of a senior center, technology center and gymnasium to the Singing Hills Recreation Center replacement project located at 6805 Patrol Way.

The Quality of Life, Arts and Culture Committee will be briefed by memorandum regarding this matter on January 22, 2018.

**FISCAL INFORMATION**

2017 Bond Funds - \$443,300 (subject to appropriations)

**M/WBE INFORMATION**

See attached.

**OWNERS**

**Perkins+Will, Inc.**

Phillip Callison, Principal

**MAP**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc. for construction documents, bidding, and construction administration phases for the addition of a senior center, technology center and gymnasium to the Singing Hills Recreation Center replacement project located at 6805 Patrol Way - Not to exceed \$443,300, from \$881,487 to \$1,324,787 - Financing: 2017 Bond Funds (subject to appropriations)

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

**PROJECT CATEGORY:** Professional Services

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$425,390.00	95.96%
Total non-local contracts	\$17,910.00	4.04%
<b>TOTAL CONTRACT</b>	<b>\$443,300.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

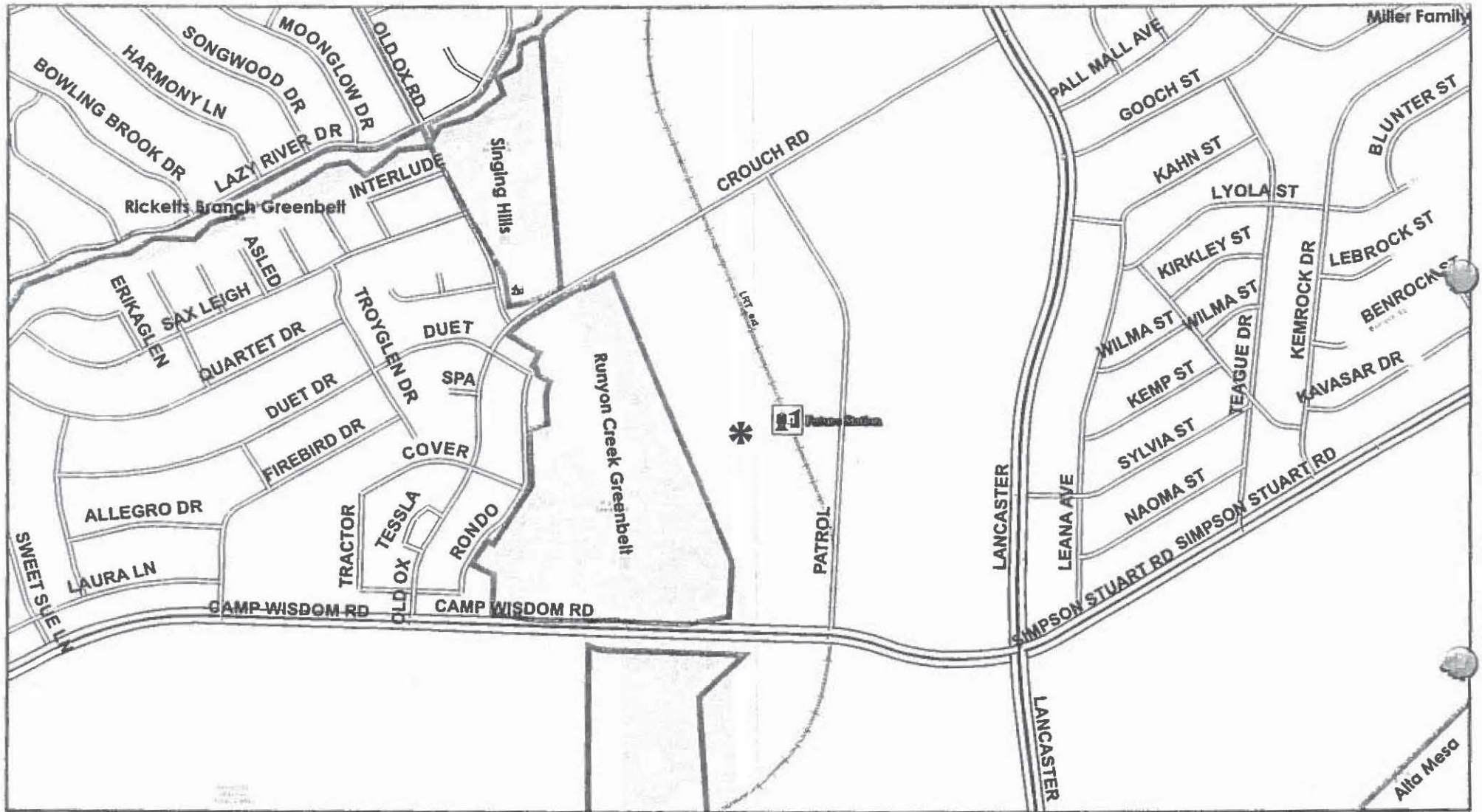
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Pacheco Koch	HMMB72402N0919	\$27,600.00	6.49%
Jaster Quintanilla	IMDB66332Y0818	\$42,000.00	9.87%
Basharkhah	WFWB42442N0719	\$58,000.00	13.63%
<b>Total Minority - Local</b>		<b>\$127,600.00</b>	<b>30.00%</b>

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$27,600.00	6.49%	\$27,600.00	6.23%
Asian American	\$42,000.00	9.87%	\$42,000.00	9.47%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$58,000.00	13.63%	\$58,000.00	13.08%
<b>Total</b>	<b>\$127,600.00</b>	<b>30.00%</b>	<b>\$127,600.00</b>	<b>28.78%</b>



### Singing Hills Recreation Center (Crouch Rd & Patrol Way)

Mapsco  
65 U V

District  
8

March 5, 2015

January 24, 2018

**WHEREAS**, on June 26, 2013, City Council authorized a professional services contract with Perkins+Will, Inc. for design services for the Singing Hills Recreation Center replacement at Crouch Road and Patrol Way in an amount not to exceed \$579,488, by Resolution No. 13-1143; and

**WHEREAS**, on November 5, 2013, Administrative Action No. 13-1527 authorized Supplemental Agreement No. 1 to the professional services contract with Perkins+Will, Inc. for the addition of ABI as a sub-consultant to assist in public input meetings, including outreach, audience participation and reimbursable expenses at Singing Hills Recreation Center, in an amount not to exceed \$7,500, increasing the contract amount from \$579,488 to \$586,988; and

**WHEREAS**, on October 13, 2014, Administrative Action No. 14-1752 authorized Supplemental Agreement No. 2 to the professional services contract with Perkins+Will, Inc. for additional services to include: separating bid package, attending pre-bid conference, responding to questions, preparing addendums and participating in bidder evaluations, reimbursable expenses and construction administration for the site package at Singing Hills Recreation Center, in an amount not to exceed \$24,390, increasing the contract amount from \$586,988 to \$611,378; and

**WHEREAS**, on March 3, 2015, Administrative Action No. 15-0242 authorized Supplemental Agreement No. 3 to the professional services contract with Perkins+Will, Inc. for archaeological permitting and survey at Singing Hills Recreation Center, in an amount not to exceed \$5,490, increasing the contract amount from \$611,378 to \$616,868; and

**WHEREAS**, on April 8, 2015, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Perkins+Will, Inc. for the Singing Hills Recreation Center replacement located at Crouch Road and Patrol Way for construction administration phase services and coordination of the recreation center with the DART Camp Wisdom light rail station in an amount not to exceed \$168,368.20, increasing the contract from \$616,868 to \$785,236.20, by Resolution No. 15-0708; and

**WHEREAS**, on January 22, 2016, Administrative Action No. 16-0059 authorized Supplemental Agreement No. 5 to the professional services contract with Perkins+Will, Inc. for the additional services including additional community meeting, updated energy model, value engineering, security monitoring and additional reimbursable expense at Singing Hills Recreation Center, in an amount not to exceed \$33,250, increasing the contract amount from \$785,236.20 to \$818,486.20; and

January 24, 2018

**WHEREAS**, on July 18, 2016, Administrative Action No. 16-0907 authorized Supplemental Agreement No. 6 to the professional services contract with Perkins+Will, Inc. for revised LEED documentation, revision to the exterior rendering and additional reimbursable expenses at Singing Hills Recreation Center, in an amount not to exceed \$18,000, increasing the contract amount from \$818,486.20 to \$836,486.20; and

**WHEREAS**, on September 27, 2017, Administrative Action No. 17-1009 authorized Supplemental Agreement No. 7 to the professional services contract with Perkins+Will, Inc. for the study of adding a 3,500 square foot senior center, a renovation of approximately 1,500 square foot of space for a technology center at the Singing Hills Recreation Center, in an amount not to exceed \$45,000, increasing the contract amount from \$836,486.20 to \$881,486.20.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc., approved as to form by the City Attorney, for construction documents, bidding, and construction administration phases for the addition of a senior center, technology center and gymnasium to the Singing Hills Recreation Center replacement project located at 6805 Patrol Way in an amount not to exceed \$443,300.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to sign Supplemental Agreement No. 8 to the professional services contract with Perkins+Will, Inc., approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$443,300, increasing the contract from \$881,486.20 to \$1,324,786.20, to Perkins+Will, Inc., from 2017 Bond Funds, Fund 1V00, Department PKR, Unit VB22, Object 4112, Activity MMCF, Program PK17VB22, CT-PKR13019391.1, Commodity 92500, Vendor 503372.

**SECTION 4.** That this contract is designated as Contract No. PKR-2016-00000022.

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





**AGENDA ITEM # 32**

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 1, 2, 5, 6, 9, 14

**DEPARTMENT:** Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** Various

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**SUBJECT**

Authorize a construction contract for the installation of water and wastewater mains at 15 locations (list attached) - Muniz Construction, Inc., lowest responsible bidder of six - Not to exceed \$5,763,443 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This action consists of the replacement and rehabilitation of approximately 19,994 feet of water and wastewater mains. This includes the installation of approximately 132 feet of 4-inch, 311 feet of 6-inch, 11,396 feet of 8-inch, 30 feet of 12-inch, and 70 feet of 16-inch water mains, and the installation of approximately 790 of feet 6-inch, 1,460 feet of 8-inch, 370 feet of 10-inch, 2,370 feet of 12-inch, 833 feet of 15-inch, 730 feet of 18-inch, 290 feet of 24-inch, 640 feet of 33-inch, and 572 feet of 54-inch wastewater mains.

The existing water and wastewater mains were built between 1926 and 1983. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

Muniz Construction, Inc. has had no completed contractual activities with the City of Dallas in the past three years.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	December 2013
Completed Design	August 2017
Begin Construction	March 2018
Complete Construction	March 2020

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

On September 11, 2013, City Council authorized a professional services contract with Huitt-Zollars, Inc. to provide engineering services for the replacement and rehabilitation of water mains and wastewater mains at 32 locations by Resolution No. 13-1582.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$5,763,443.00

Design	\$ 443,842.30
Construction (this action)	<u>\$5,763,443.00</u>

Total Project Cost	\$6,207,285.30
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<u>Council District</u>	<u>Amount</u>
1	\$ 406,464.00
2	\$1,422,027.00
5	\$1,422,409.00
6	\$1,550,717.00
9	\$ 579,911.00
14	<u>\$ 381,915.00</u>
Total	\$5,763,443.00

**M/WBE INFORMATION**

See attached.

**BID INFORMATION**

The following six bids with quotes were opened on October 27, 2017:

\*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*Muniz Construction, Inc. 1835 Garden Springs Drive Dallas, Texas 75253	\$5,763,443.00
RKM Utility Services, Inc.	\$6,446,420.00

**BID INFORMATION** (continued)

**Bidders**

**Bid Amount**

John Burns Construction Company of Texas, Inc.	\$6,790,420.00
Omega Contracting, Inc.	\$6,825,431.30
Camino Construction, L.P.	\$7,465,224.00
Ark Contracting Services, LLC	\$8,193,718.00

**OWNER**

**Muniz Construction, Inc.**

J. Ramon Muniz, President

**MAPS**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a construction contract for the installation of water and wastewater mains at 15 locations (list attached) - Muniz Construction, Inc., lowest responsible bidder of six - Not to exceed \$5,763,443 - Financing: Water Utilities Capital Improvement Funds

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

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$5,344,562.00	92.73%
Total non-local contracts	\$418,881.00	7.27%
<b>TOTAL CONTRACT</b>	<b>\$5,763,443.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

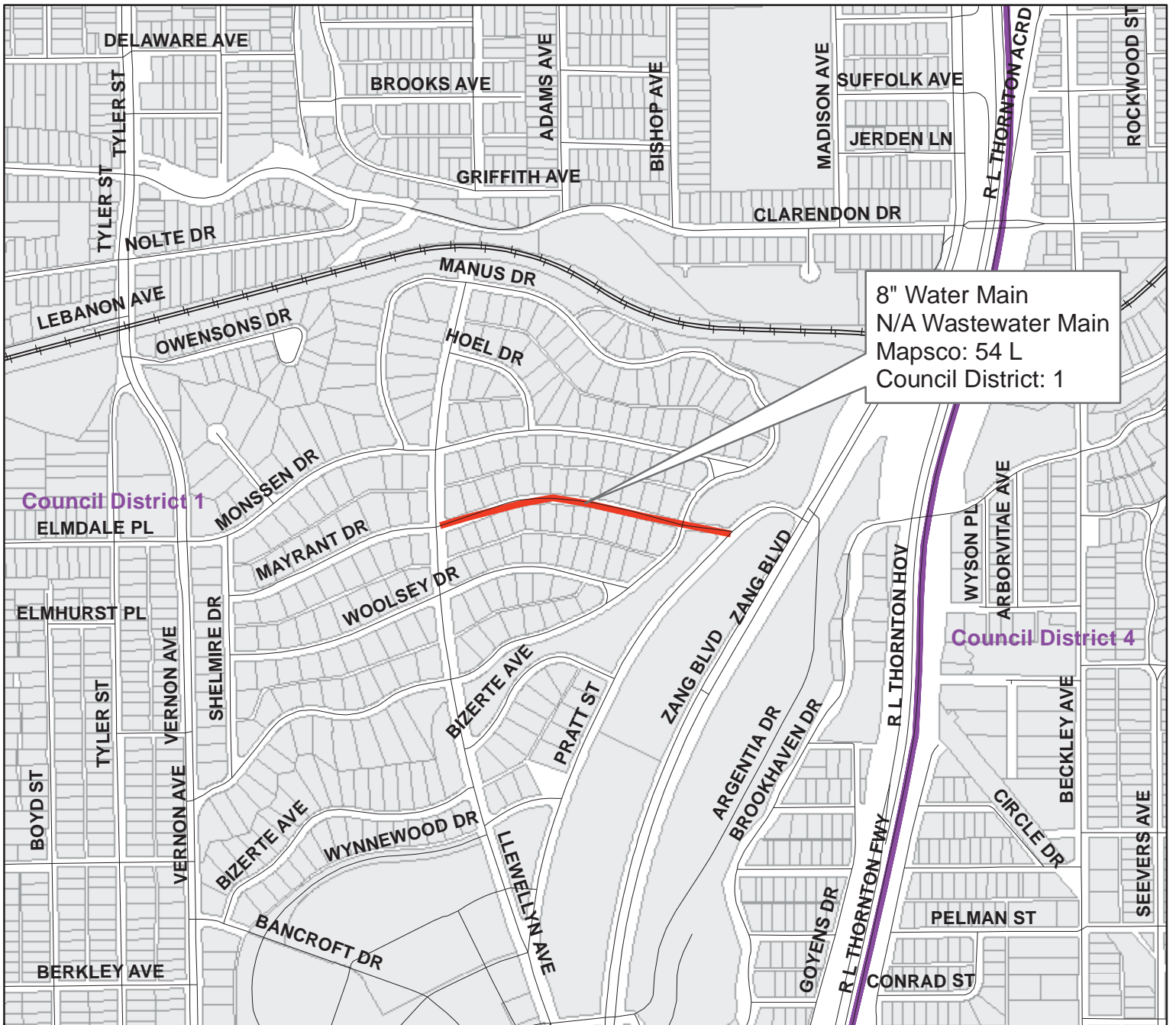
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Muniz Construction, Inc.	HMMB35997N0718	\$3,329,871.79	62.30%
MB Concrete Construction, Inc.	HMMB78289N0519	\$1,556,129.61	29.12%
Magnum Manhole and Underground Company, Inc.	WFDB90520Y1018	\$64,254.60	1.20%
<b>Total Minority - Local</b>		<b>\$4,950,256.00</b>	<b>92.62%</b>

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$4,886,001.40	91.42%	\$4,886,001.40	84.78%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$64,254.60	1.20%	\$64,254.60	1.11%
<b>Total</b>	<b>\$4,950,256.00</b>	<b>92.62%</b>	<b>\$4,950,256.00</b>	<b>85.89%</b>

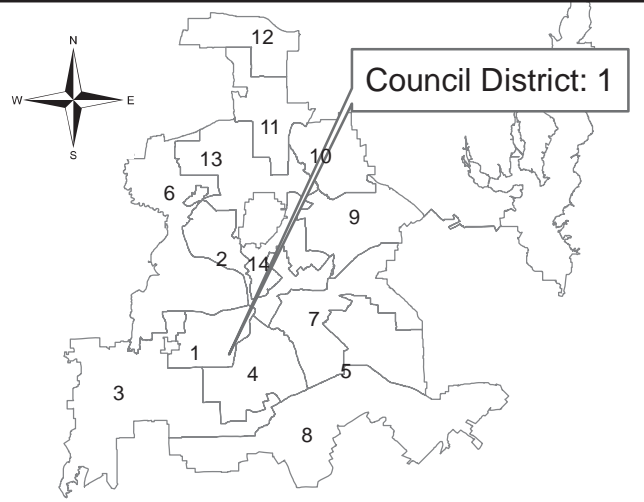


8" Water Main  
 N/A Wastewater Main  
 Mapsco: 54 L  
 Council District: 1

Council District 1  
 ELMDALE PL

Council District 4

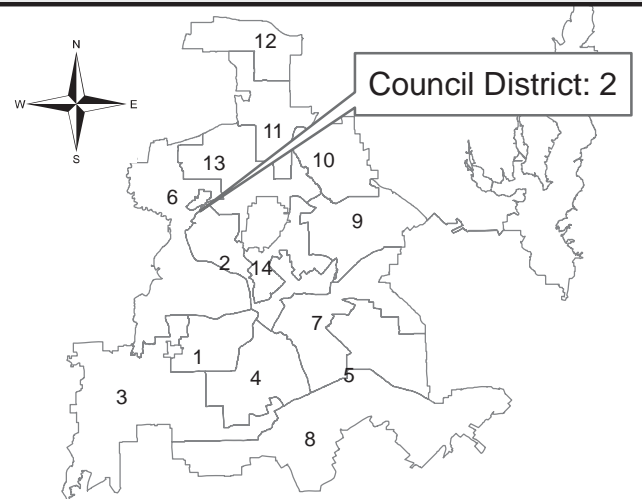
Mayrant Drive  
 from Pratt Street to Llewellyn Avenue



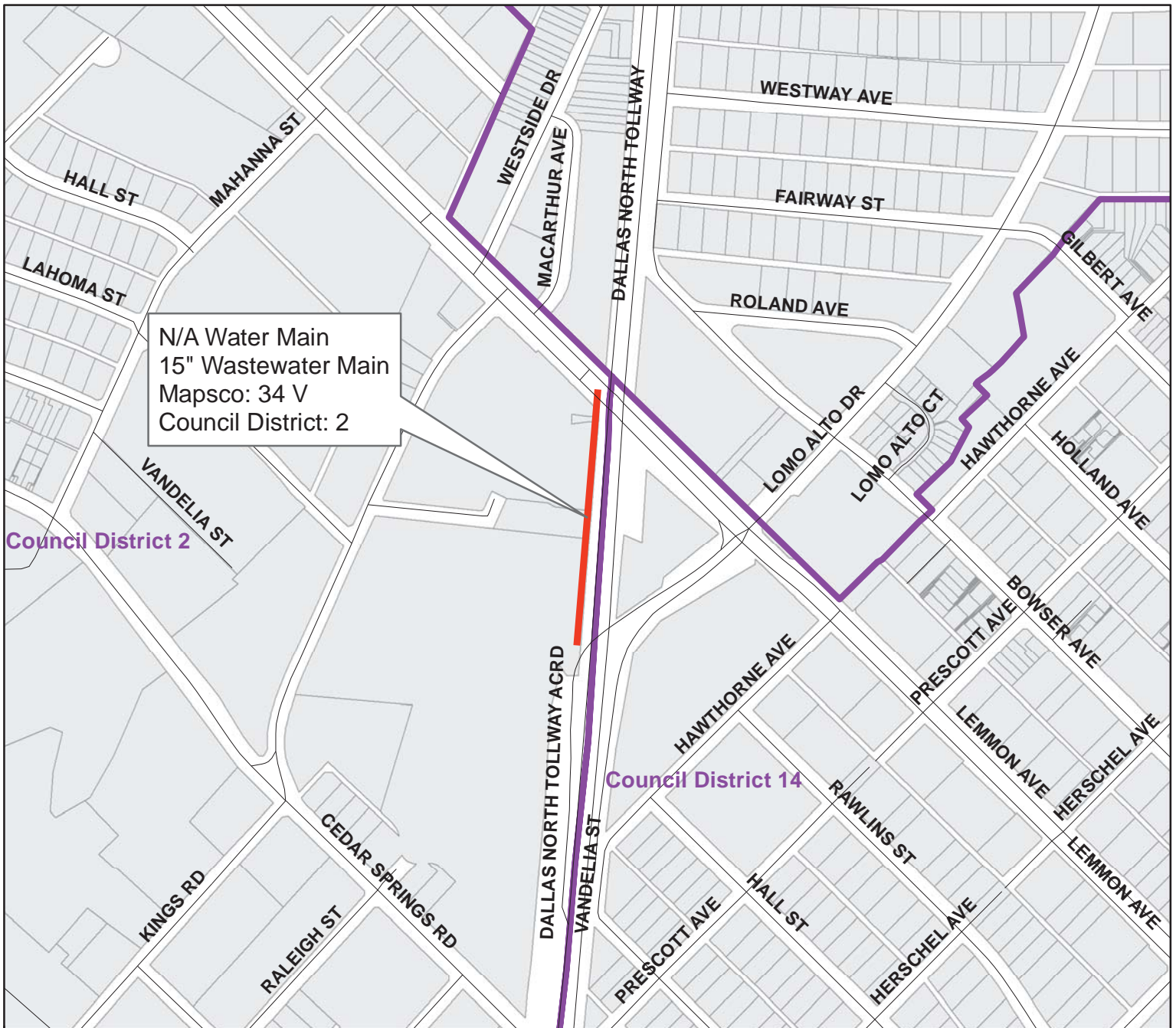
**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**



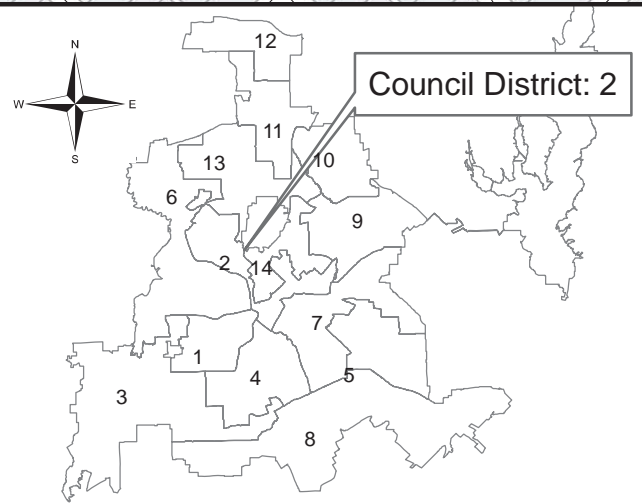
Alley between Shorecrest Drive and Wylie Drive  
 from Weiss Street to Reeves Street



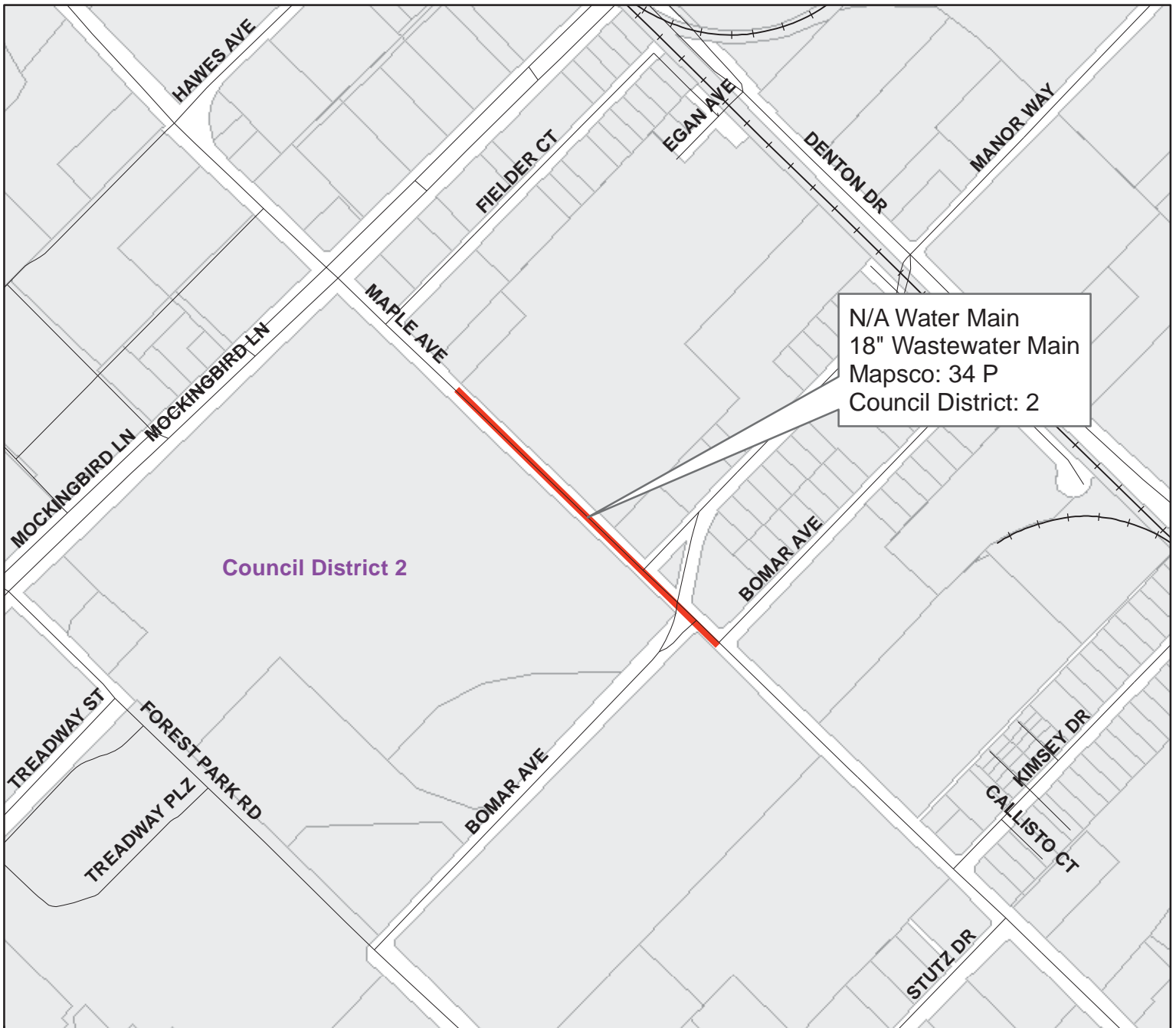
**Dallas Water Utilities  
 Contract No. 17-343/344  
 Water and Wastewater Main Installations  
 at 15 Locations**



Dallas North Tollway  
from Lomo Alto Drive to Lemmon Avenue



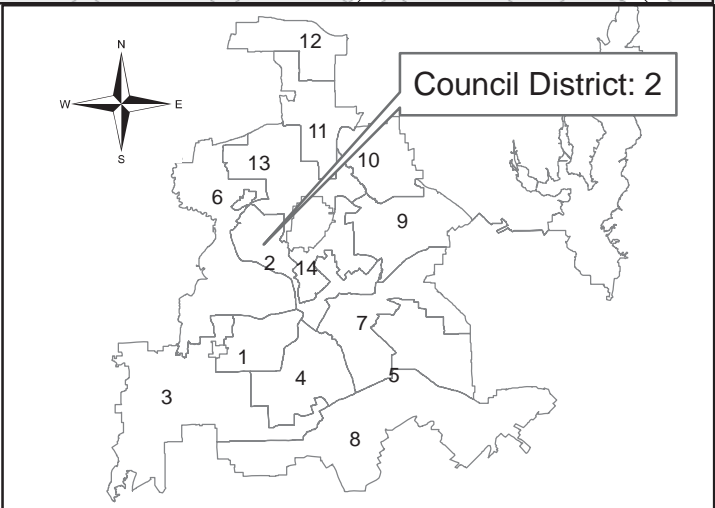
**Dallas Water Utilities  
Contract No. 17-343/344  
Water and Wastewater Main Installations  
at 15 Locations**



Council District 2

N/A Water Main  
 18" Wastewater Main  
 Mapsco: 34 P  
 Council District: 2

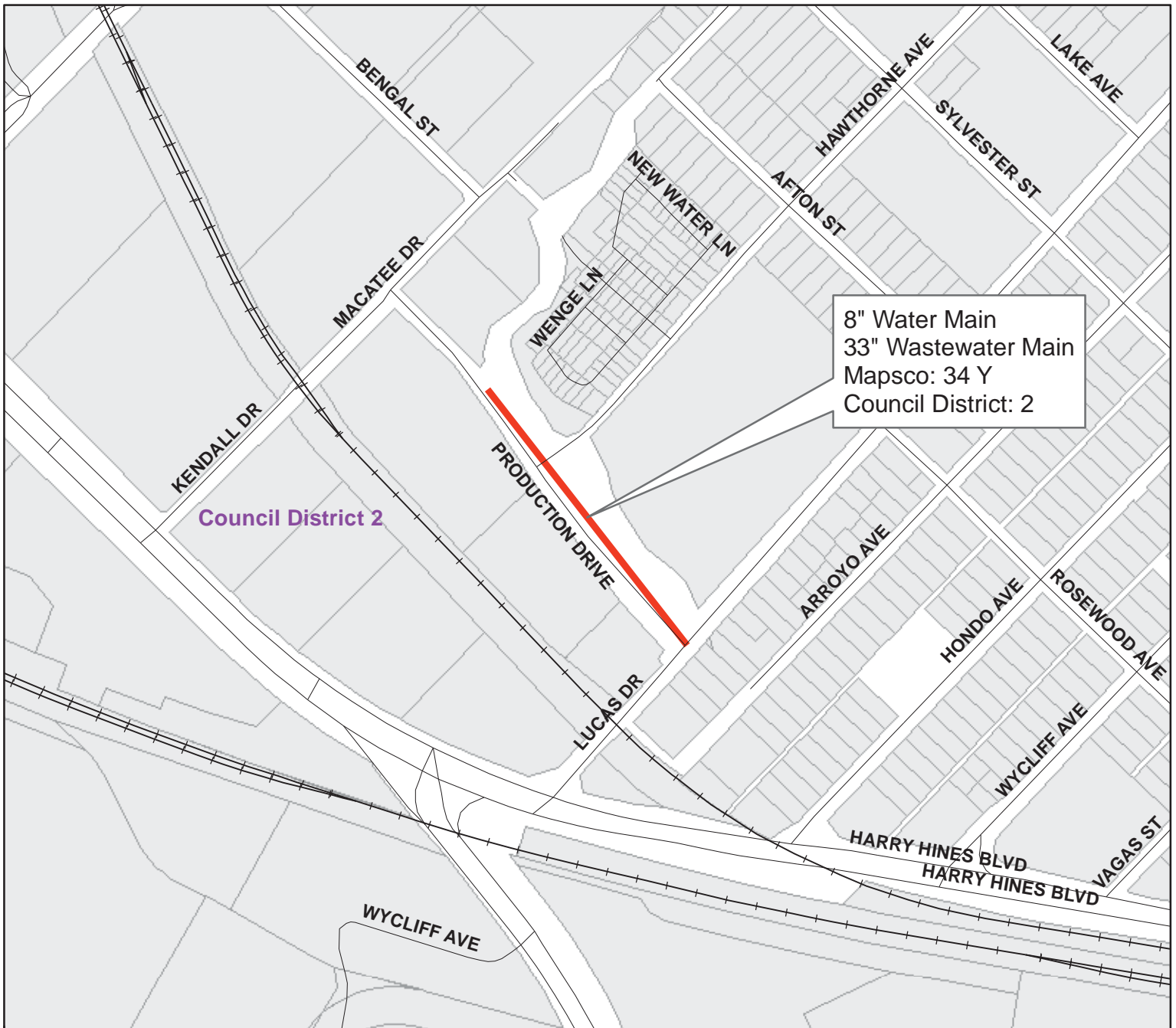
Maple Avenue  
 from Bomar Avenue northwest



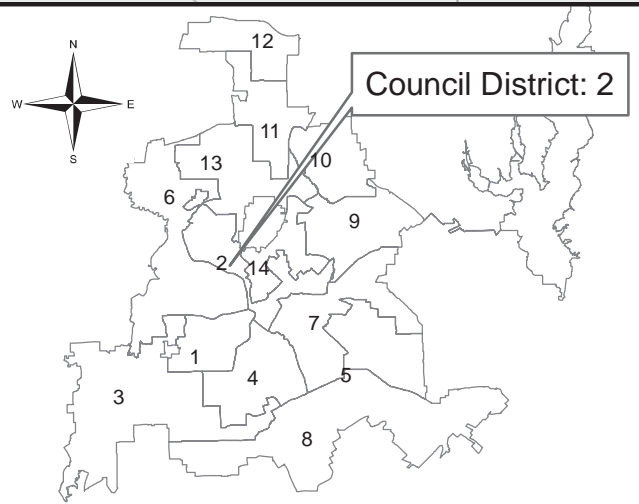
Council District: 2

**Dallas Water Utilities  
 Contract No. 17-343/344  
 Water and Wastewater Main Installations  
 at 15 Locations**

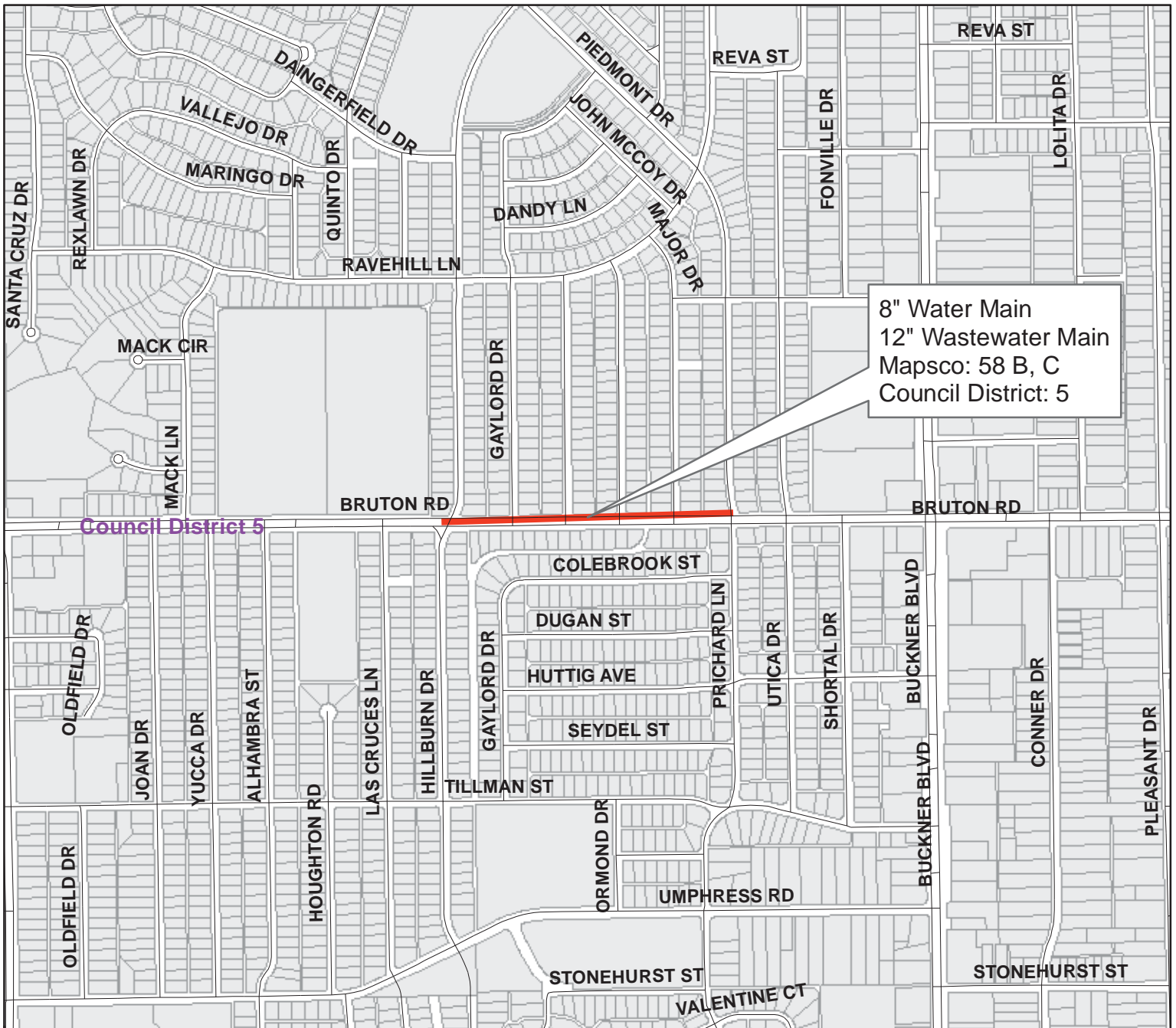




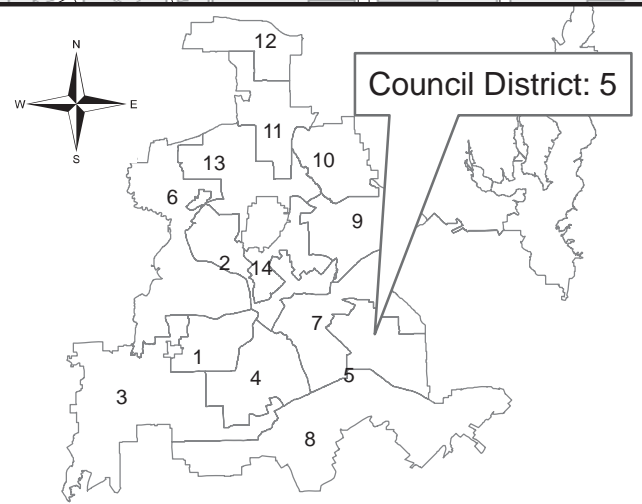
Production Drive  
from Lucas Drive northwest



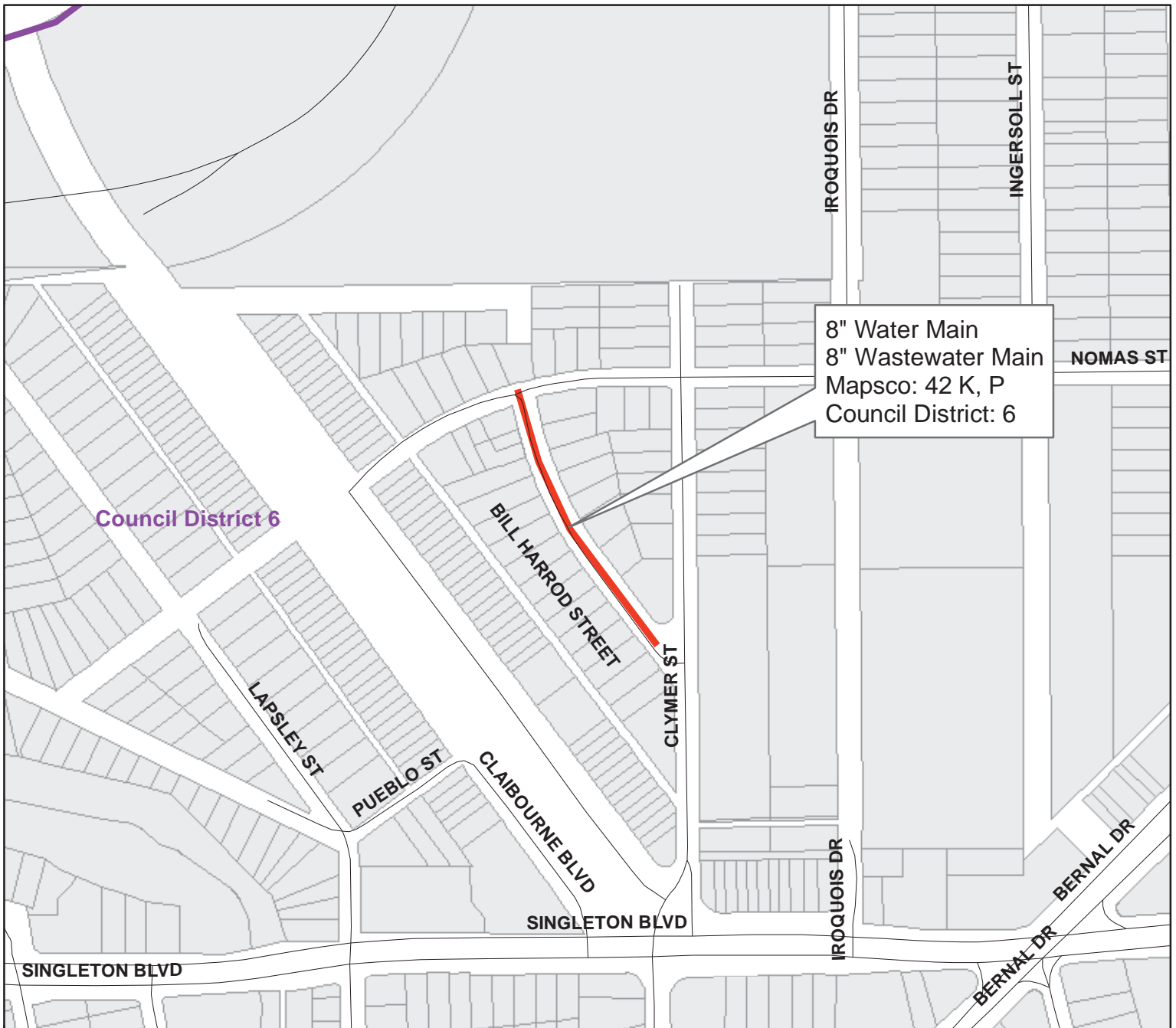
**Dallas Water Utilities  
Contract No. 17-343/344  
Water and Wastewater Main Installations  
at 15 Locations**



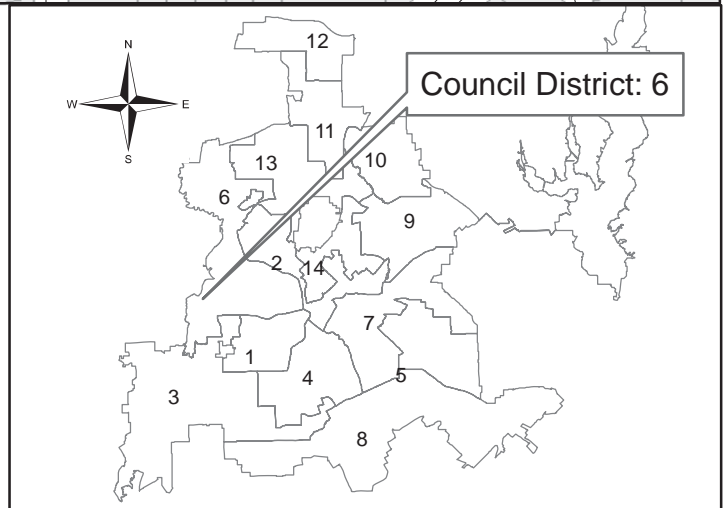
Bruton Road  
from Hillburn Drive to Prichard Lane



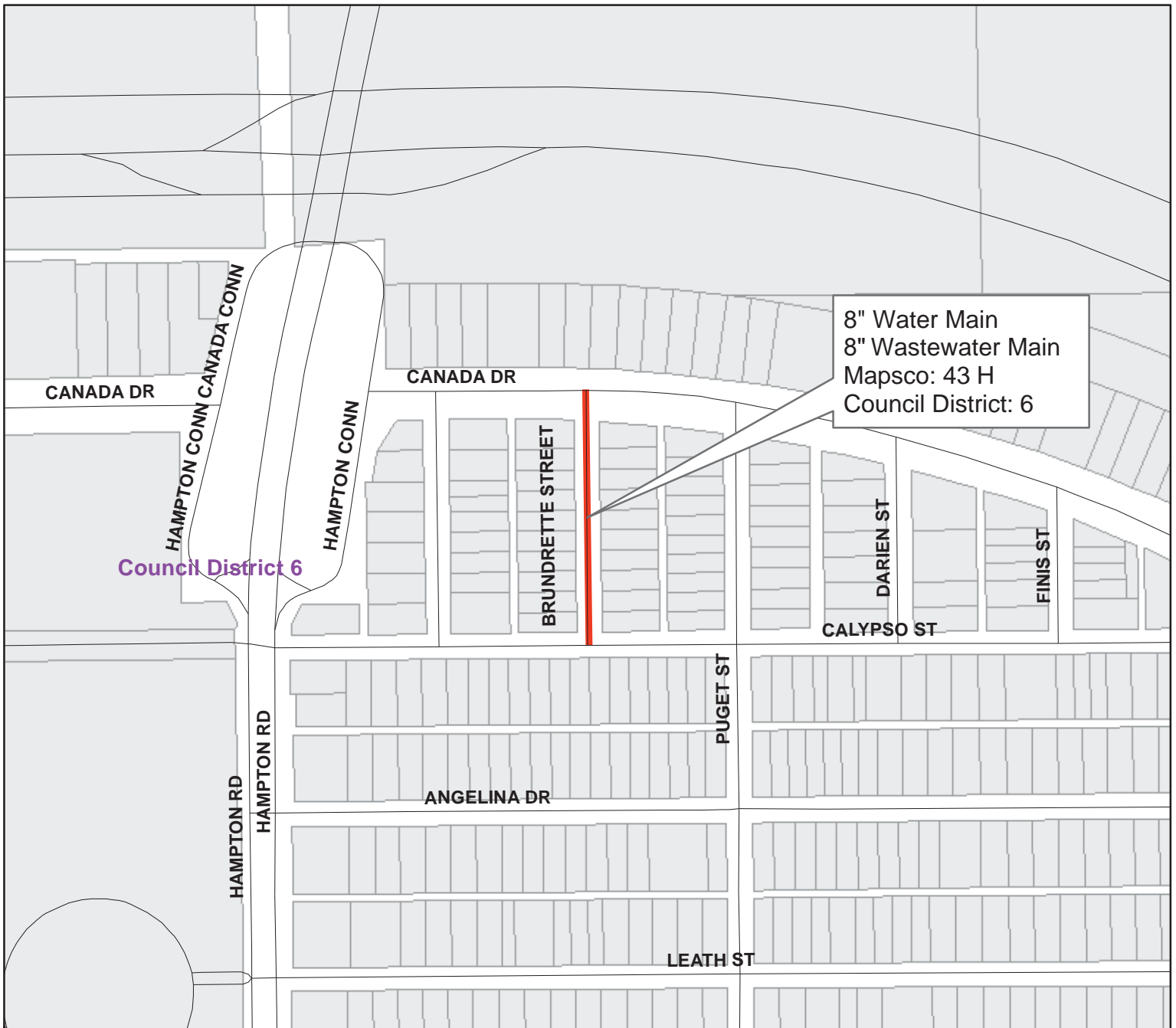
**Dallas Water Utilities  
Contract No. 17-343/344  
Water and Wastewater Main Installations  
at 15 Locations**



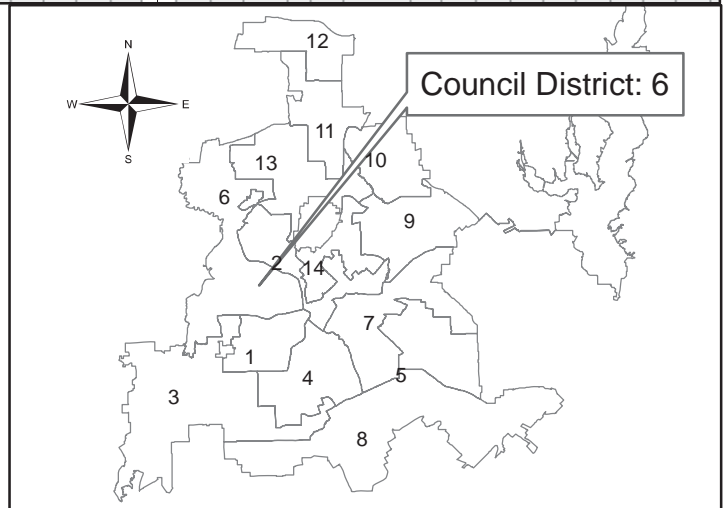
Bill Harrod Street  
 from Nomas Street to Clymer Street



**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**



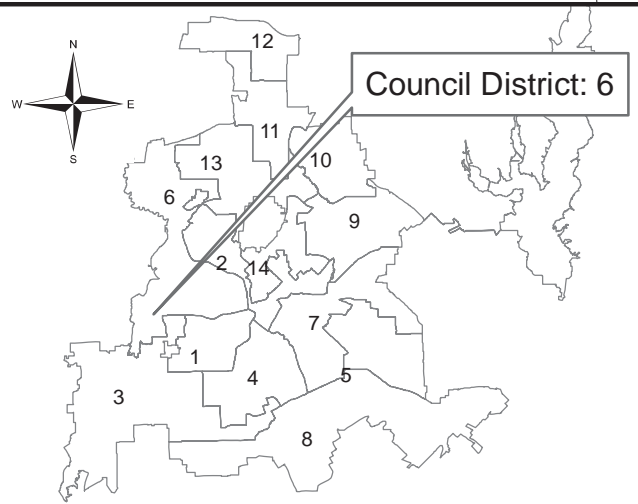
Brundrette Street  
 from Calypso Street to Canada Drive



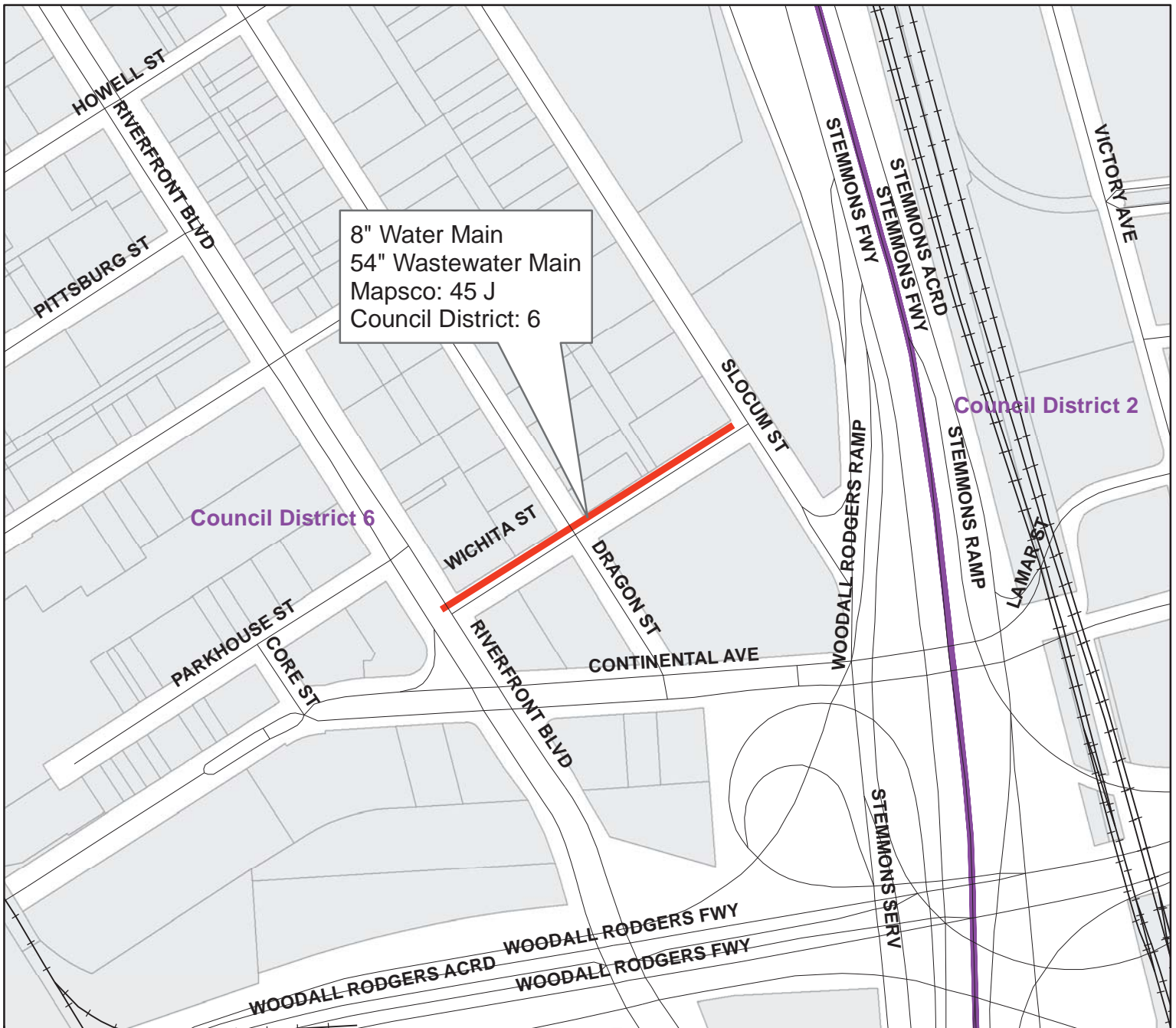
**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**



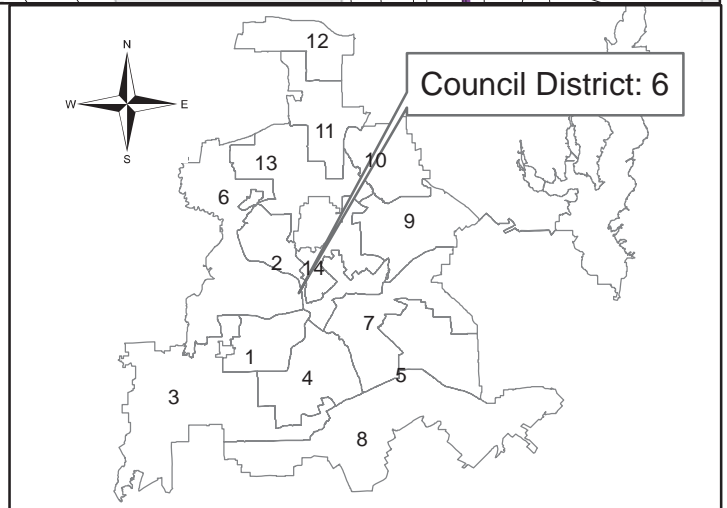
Chippewa Drive  
from Iroquois Drive to Ingersoll Street



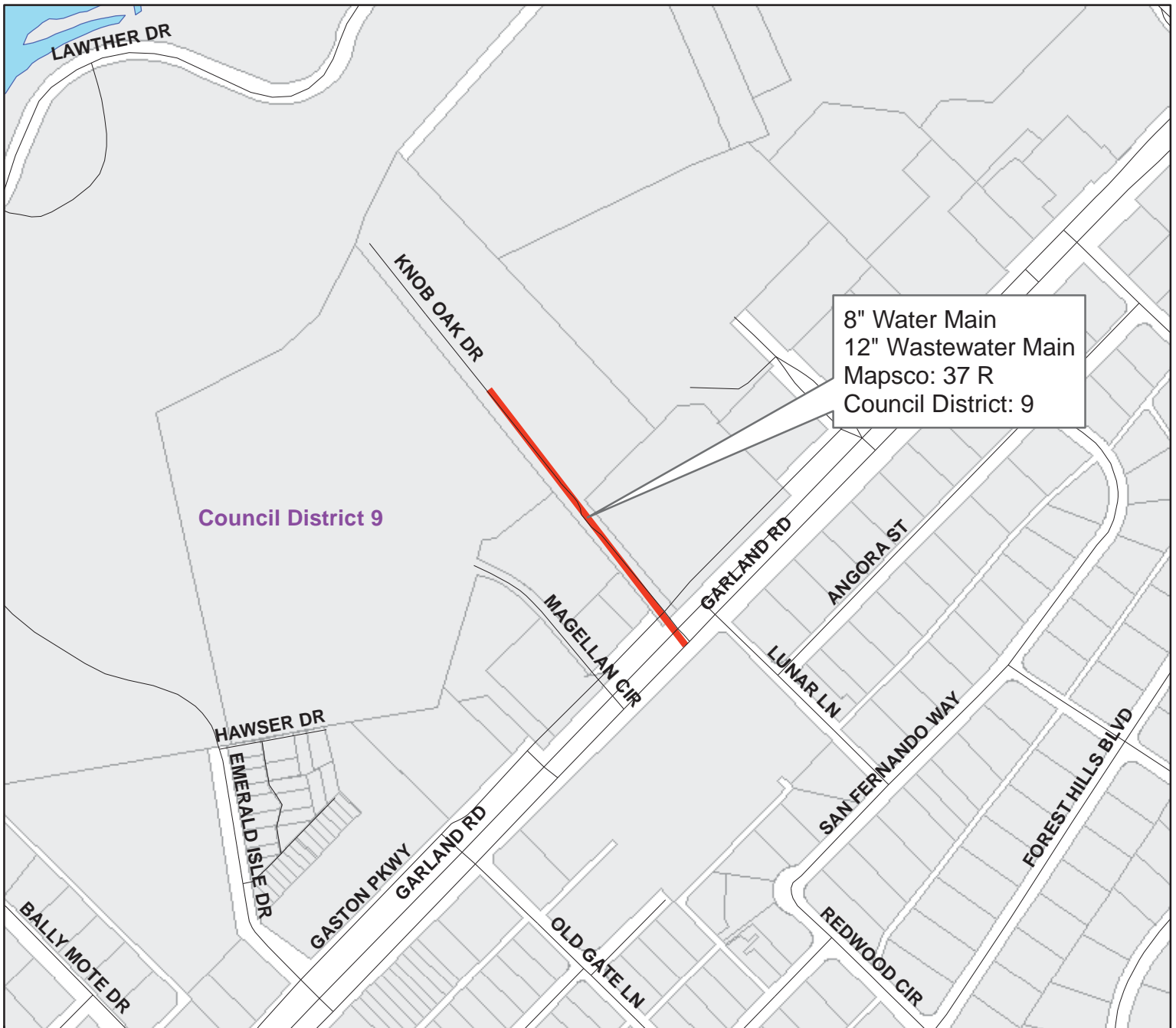
**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**



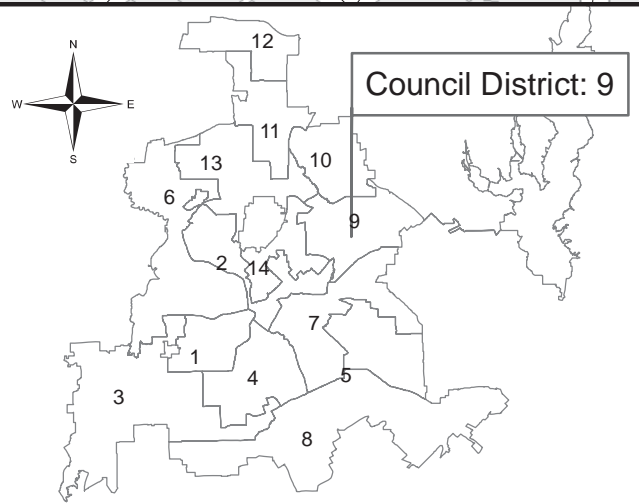
Wichita Street  
 from Riverfront Boulevard to Slocum Street



**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**



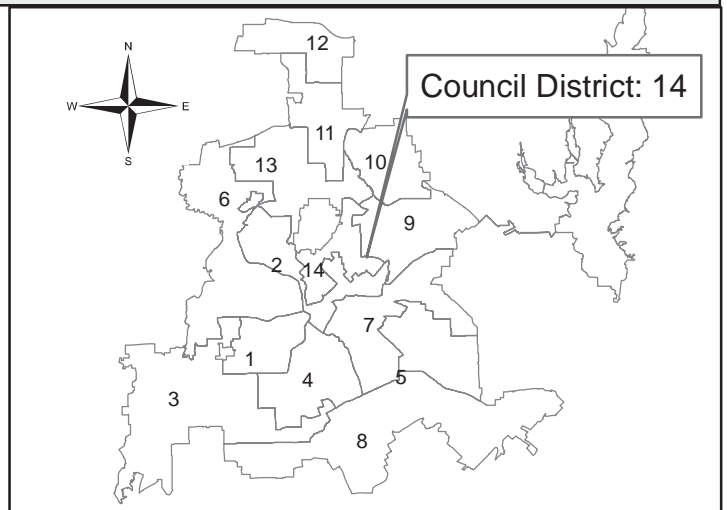
Knob Oak Drive  
 from State Highway 78 (Garland Road) northwest



**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**

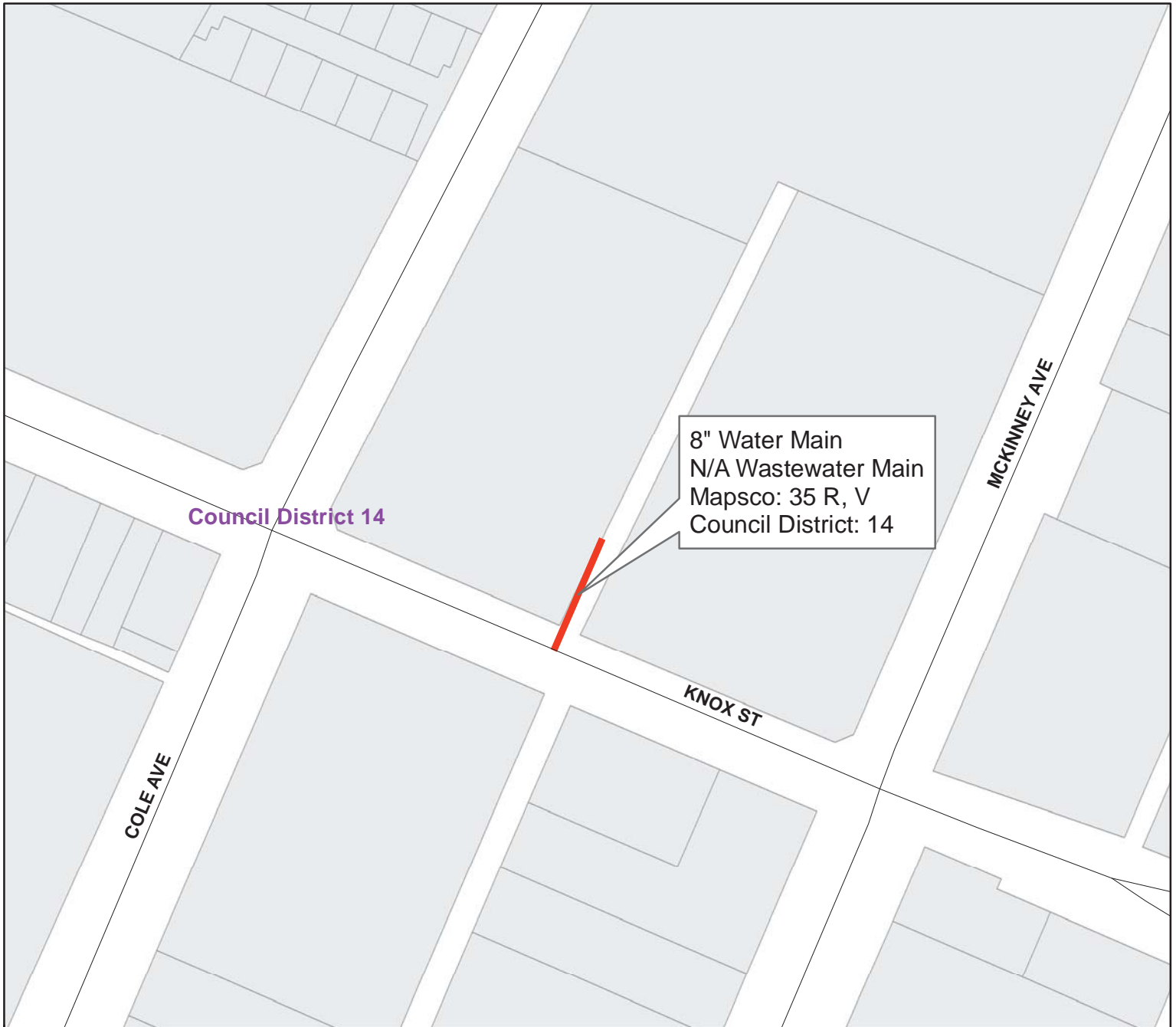


Alley between Country Club Circle and Gaston Avenue  
 from Gaston Avenue to Pearson Drive

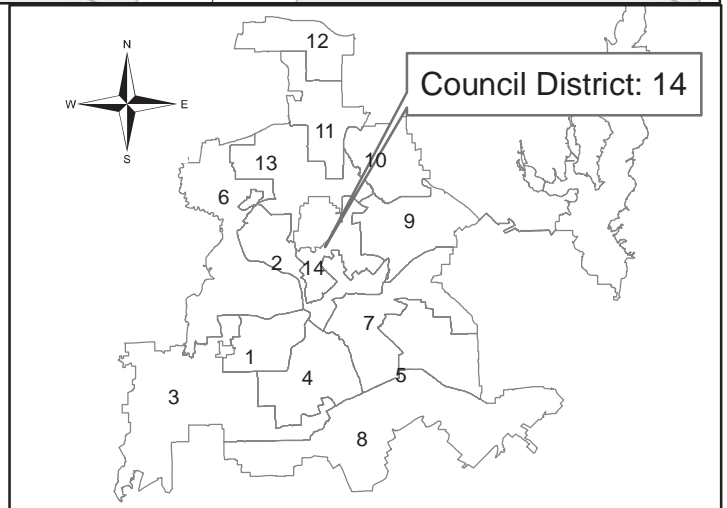


**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**

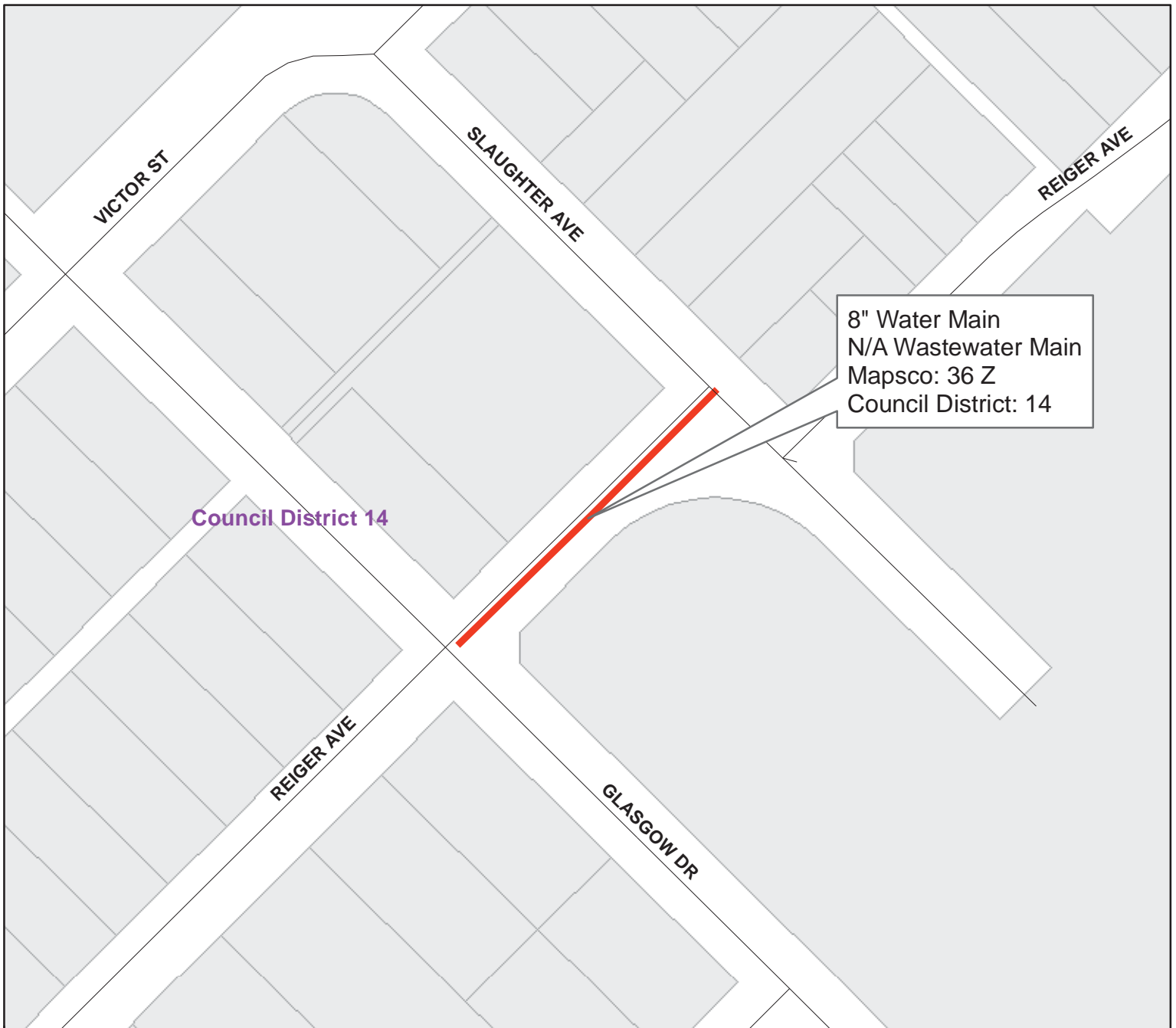




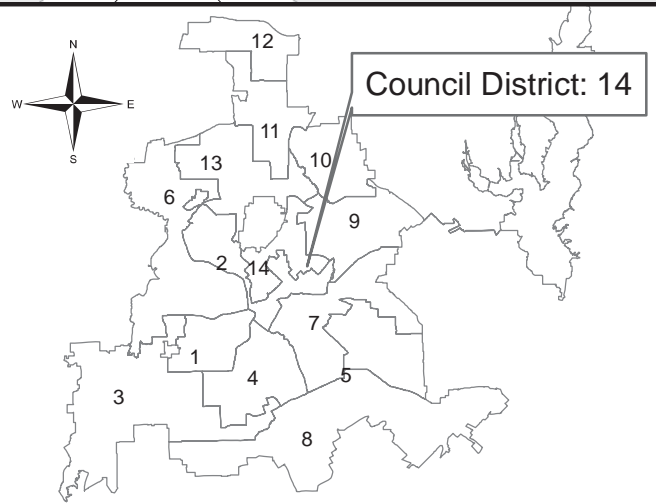
Alley between Cole Avenue and McKinney Avenue  
from Knox Street northeast



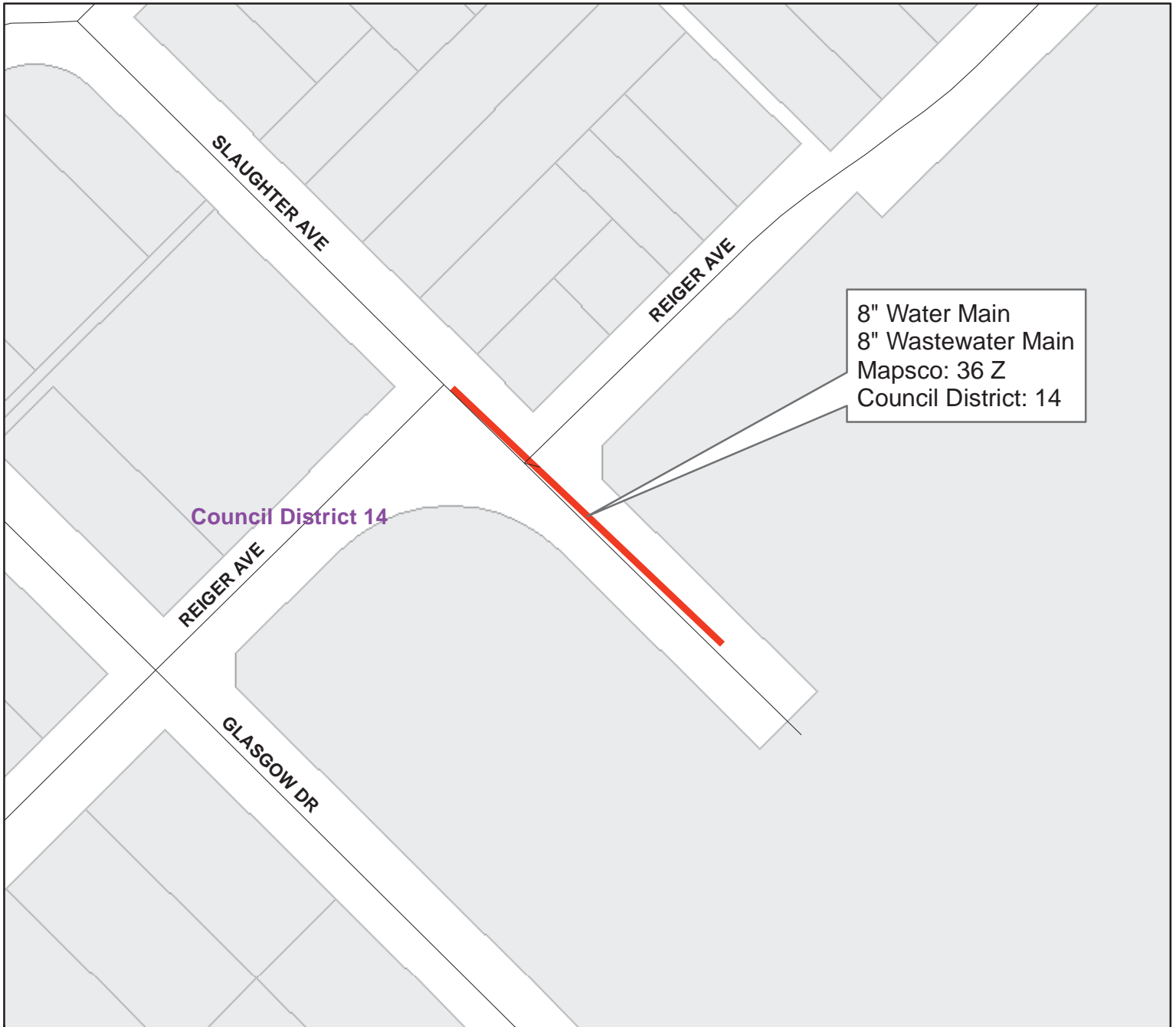
**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**



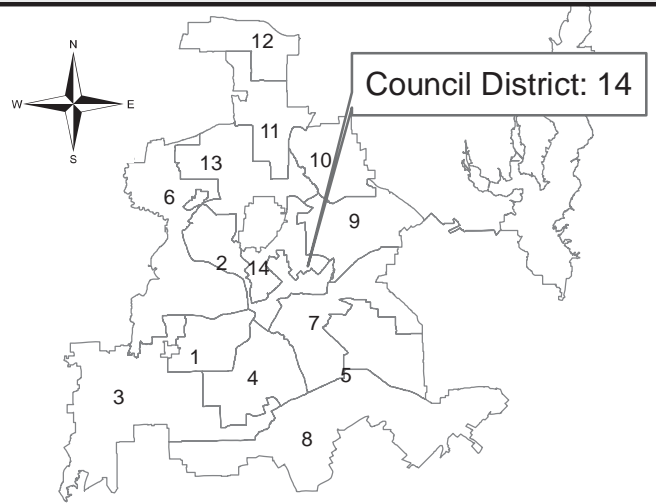
Reiger Avenue  
 from Glasgow Drive to Slaughter Avenue



**Dallas Water Utilities**  
**Contract No. 17-343/344**  
**Water and Wastewater Main Installations**  
**at 15 Locations**



Slaughter Avenue  
from Reiger Avenue southeast



**Dallas Water Utilities  
Contract No. 17-343/344  
Water and Wastewater Main Installations  
at 15 Locations**



January 24, 2018

**WHEREAS**, on October 27, 2017, six bids were received for the installation of water and wastewater mains at 15 locations, Contract No. 17-343/344, listed as follows:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
Muniz Construction, Inc.	\$5,763,443.00
RKM Utility Services, Inc.	\$6,446,420.00
John Burns Construction Company of Texas, Inc.	\$6,790,420.00
Omega Contracting, Inc.	\$6,825,431.30
Camino Construction, L.P.	\$7,465,224.00
Ark Contracting Services, LLC	\$8,193,718.00

**WHEREAS**, the bid submitted by Muniz Construction, Inc., 1835 Garden Springs Drive, Dallas, Texas 75253, in the amount of \$5,763,443.00, is the lowest and best of all bids received.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by Muniz Construction, Inc., in the amount of \$5,763,443.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 17-343/344, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a construction services contract with Muniz Construction, Inc., approved as to form by the City Attorney, for the installation of water and wastewater mains at 15 locations.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,763,443.00 to Muniz Construction, Inc. as follows:

<u>Contract No. 17-343</u>	
Water Capital Improvement Fund	
Fund 2115, Department DWU, Unit PW40	
Object 4550, Program 717343, Vendor VS0000016417	
Encumbrance/Contract No. CX-DWU-2018-00004767	\$2,584,846.00

<u>Contract No. 17-344</u>	
Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS40	
Object 4560, Program 717344, Vendor VS0000016417	
Encumbrance/Contract No. CX-DWU-2018-00004767	<u>\$3,178,597.00</u>

Total amount not to exceed	\$5,763,443.00
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January 24, 2018

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

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 79 C D

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**SUBJECT**

Authorize a construction contract for Peak Flow Basin No. 4 Expansion and Site Improvements at the Southside Wastewater Treatment Plant - Eagle Contracting Limited Partnership, lowest responsible bidder of six - Not to exceed \$14,399,000 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This action consists of the construction of additional peak flow storage capacity at the Southside Wastewater Treatment Plant, repair to existing concrete peak flow basins, and installation of a new 48-inch diversion pipeline.

The Southside Wastewater Treatment Plant currently has four peak flow basins that provide storage of raw wastewater entering the plant during high wet weather flows. The biological processes utilized to treat wastewater are sensitive to abrupt changes. As a result, the sudden and excessive flows that occur due to rain events can adversely impact the treatment process. Peak flow basins allow these high flows to be stored for brief periods and released at a steady rate to reduce the impact to the treatment process.

This project consists of the expansion of Peak Flow Basin No. 4, originally constructed in 2004, increasing the total peak flow storage at the Southside Wastewater Treatment Plant from 158 million gallons to 253 million gallons. These improvements will allow the plant to meet increasing wet weather storage requirements as detailed in the 2010 Wastewater Treatment Facilities Strategic Plan. This project also consists of concrete repairs to Basins 1, 2, and 3, which were constructed in 1987, to extend their service life. Also included is the construction of a new 48-inch diversion pipeline, which will increase operational and maintenance flexibility for peak flow operations at the plant.

**BACKGROUND** (continued)

The following chart illustrates Eagle Contracting Limited Partnership's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	1	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	April 2015
Completed Design	August 2017
Begin Construction	March 2018
Complete Construction	September 2019

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

On June 12, 2013, City Council authorized a professional services contract with HDR Engineering, Inc. to provide engineering services for the design of a new peak flow storage basin at the Southside Wastewater Treatment Plant by Resolution No. 13-0978.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$14,399,000

Design	\$ 1,446,313
Construction (this action)	<u>\$14,399,000</u>
Total Project Cost	\$15,845,313

**M/WBE INFORMATION**

See attached.



**BID INFORMATION**

The following six bids with quotes were opened on November 3, 2017:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*Eagle Contracting Limited Partnership 5700 Park Vista Circle Fort Worth, Texas 76244	\$14,399,000
Crescent Constructors, Inc.	\$14,877,000
Archer Western Construction, LLC	\$16,848,840
Reyes Group, Ltd.	\$17,171,392
Quest Civil Constructors, Inc.	\$17,572,572
Oscar Renda Contracting, Inc.	\$17,582,400

**OWNER**

**Eagle Contracting Limited Partnership**

Roy Ewen, President and Limited Partner  
Billy Haynes, Vice-President and Limited Partner

**MAP**

Attached

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a construction contract for Peak Flow Basin No. 4 Expansion and Site Improvements at the Southside Wastewater Treatment Plant - Eagle Contracting Limited Partnership, lowest responsible bidder of six - Not to exceed \$14,399,000 - Financing: Water Utilities Capital Improvement Funds

Eagle Contracting Limited Partnership is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$4,914,222.00	34.13%
Total non-local contracts	\$9,484,778.00	65.87%
<b>TOTAL CONTRACT</b>	<b>\$14,399,000.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Shankle Concrete & Construction Co.	BMDB81879Y0818	\$2,513,467.00	51.15%
Ram Tool & Supply Co., Inc.	WFWB10044N0518	\$886,856.00	18.05%
LKT & Associates, LLC	WFDB19699Y1118	\$609,000.00	12.39%
Mobile Enterprises, Inc.	WFDB83554N0918	\$123,015.00	2.50%
<b>Total Minority - Local</b>		<b>\$4,132,338.00</b>	<b>84.09%</b>

#### Non-Local Contractors / Sub-Contractors

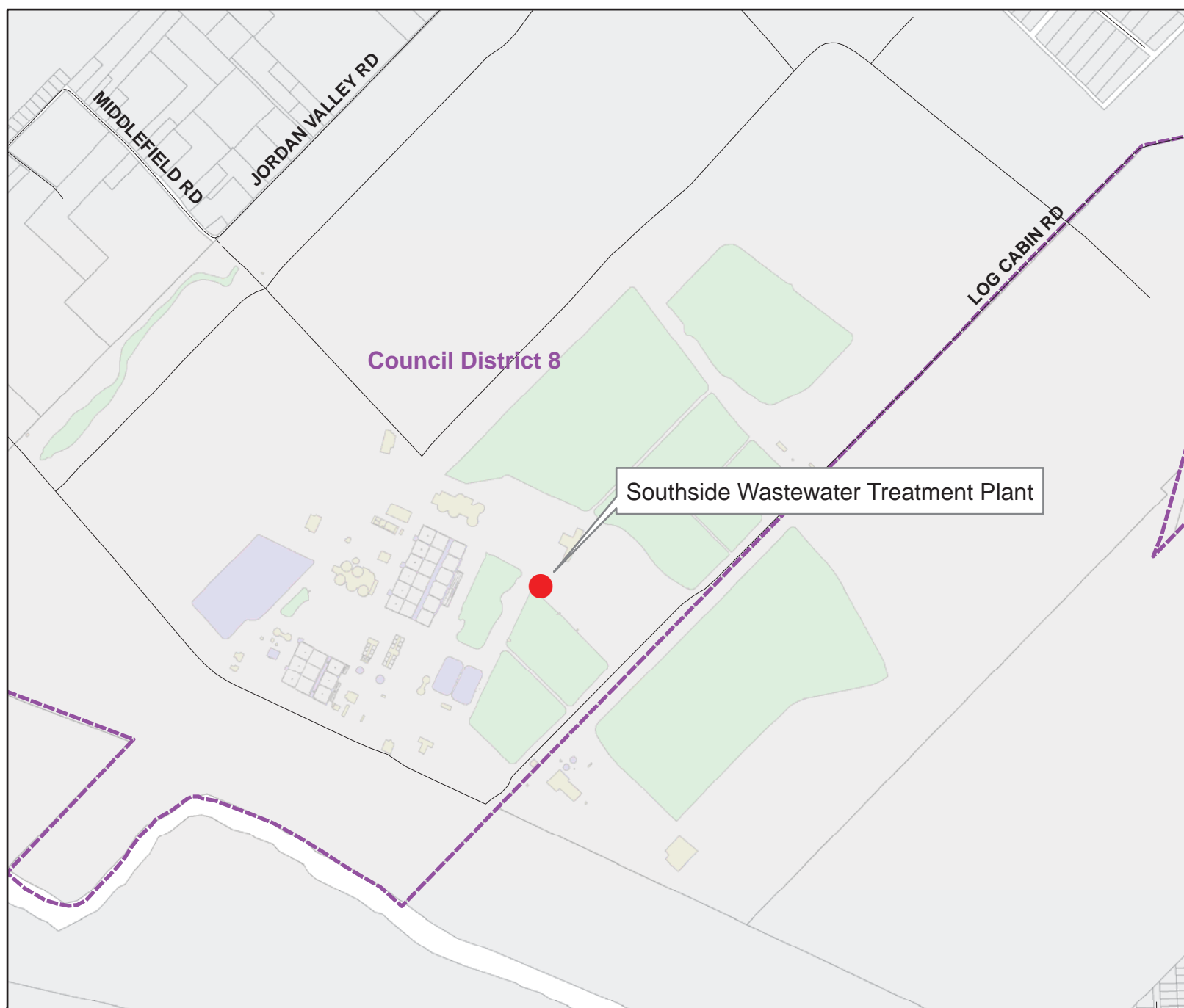
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Partnering for Success, Inc.	HFMB42467Y0618	\$8,345.00	0.09%
<b>Total Minority - Non-local</b>		<b>\$8,345.00</b>	<b>0.09%</b>

# BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

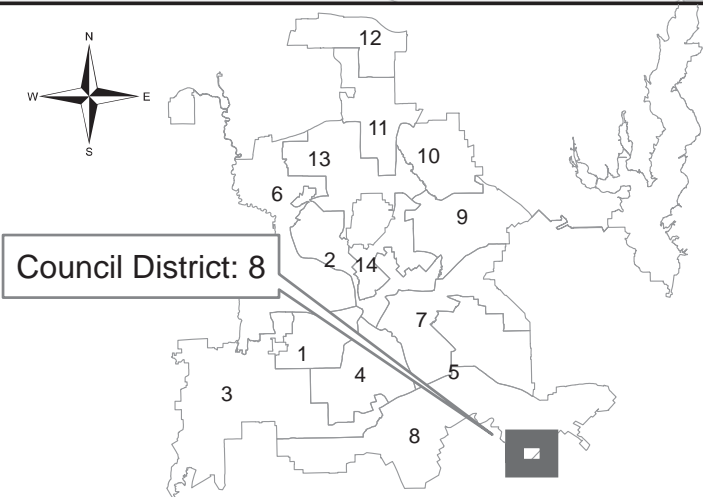
Page 2

## TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$2,513,467.00	51.15%	\$2,513,467.00	17.46%
Hispanic American	\$0.00	0.00%	\$8,345.00	0.06%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,618,871.00	32.94%	\$1,618,871.00	11.24%
Total	<u>\$4,132,338.00</u>	<u>84.09%</u>	<u>\$4,140,683.00</u>	<u>28.76%</u>



Mapsc0: 79 C D



**Dallas Water Utilities  
Contract No. 18-012  
Southside Wastewater Treatment Plant  
Peak Flow Basin No. 4 Expansion and Site Improvements**

January 24, 2018

**WHEREAS**, on November 3, 2017, the six bids listed below were received in response to Contract No. 18-012 for the construction of the Peak Flow Basin No. 4 Expansion and Site Improvements at the Southside Wastewater Treatment Plant, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Eagle Contracting Limited Partnership	\$14,399,000
Crescent Constructors, Inc.	\$14,877,000
Archer Western Construction, LLC	\$16,848,840
Reyes Group, Ltd.	\$17,171,392
Quest Civil Constructors, Inc.	\$17,572,572
Oscar Renda Contracting, Inc.	\$17,582,400

**WHEREAS**, the bid submitted by Eagle Contracting Limited Partnership, 5700 Park Vista Circle, Fort Worth, Texas 76244, in the amount of \$14,399,000, is the lowest and best of all bids received.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by Eagle Contracting Limited Partnership, in the amount of \$14,399,000, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-012, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a construction contract with Eagle Contracting Limited Partnership, approved as to form by the City Attorney, for the Peak Flow Basin No. 4 Expansion and Site Improvements at the Southside Wastewater Treatment Plant, in an amount not to exceed \$14,399,000.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$14,399,000 to Eagle Contracting Limited Partnership from Wastewater Capital Improvement Fund, Fund 2116, Department DWU, Unit PS31, Object 4330, Program 718012, Encumbrance/Contract No. CX-DWU-2018-00004650, Vendor 356959.

**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.



**STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

6

**DEPARTMENT:**

Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

23 N S T X 33 B

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**SUBJECT**

Authorize a construction services contract for the installation of a 72-inch water transmission pipeline in Harry Hines Boulevard from Cullum Lane to Walnut Hill Lane - S.J. Louis Construction of Texas Ltd., lowest responsible bidder of five - Not to exceed \$18,885,731 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This action consists of the installation of approximately 17,700 feet of water mains. This includes the installation of approximately 10,700 feet of 72-inch, 2,100 feet of 8-inch, and 4,900 feet of 12-inch water mains.

Dallas Water Utilities has plans to install a 72-inch water transmission pipeline between the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant. The 72-inch pipeline is required to increase system capacity, hydraulic flexibility, and meet system needs as recommended through master planning and long range supply planning efforts. Portions of the pipeline have been constructed and this project will install the southern connection from Cullum Lane to Walnut Hill Lane. A future construction project will install the last section, the northern connection from Farmers Branch to the Elm Fork Water Treatment Plant.

The existing water mains were built between 1974 and 1979. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed mains will improve the capacity of the water distribution system and reduce maintenance costs.

S.J. Louis Construction of Texas Ltd. has had no completed contractual activities with the City of Dallas in the past three years.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2013
Completed Design	August 2017
Begin Construction	March 2018
Complete Construction	September 2019

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

On September 11, 2013, City Council authorized a professional services contract with Black & Veatch Corporation to provide engineering services for the replacement and rehabilitation of water mains and wastewater mains at 13 locations by Resolution No. 13-1582.

On June 28, 2017, City Council authorized the City of Dallas to assume responsibility for operation and maintenance of State Highway Loop 354 (Harry Hines Boulevard) from Interstate Highway (IH) 35 East (35E) to Loop 12 in Dallas; a request to the Texas Department of Transportation to remove State Highway Loop 354 (Harry Hines Boulevard) from IH 35E to Loop 12 from the State Highway System to facilitate the construction of a 72-inch water transmission main in Harry Hines Boulevard from Walnut Hill Lane to just south of the Webb Chapel Extension; the transfer of funds from the City of Dallas, Water Utilities Capital Construction Fund to the City of Dallas, Mobility and Street Services - Resurfacing and Reconstruction Improvements Fund for future roadway maintenance in three annual installments; and the establishment of appropriations in the Resurfacing and Reconstruction Improvements Fund by Resolution No. 17-1056.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

## **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$18,885,730.20

Design	\$ 953,000.00
Construction (this action)	<u>\$18,885,730.20</u>
Total Project Cost	\$19,838,730.20

## **M/WBE INFORMATION**

See attached



**BID INFORMATION**

The following five bids with quotes were opened on October 13, 2017:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*S.J. Louis Construction of Texas Ltd. 520 South 6th Avenue Mansfield, Texas 76063	\$18,885,730.20
BAR Constructors, Inc.	\$24,151,675.00
Oscar Renda Contracting, Inc.	\$26,850,500.00
Texas Sterling Construction Co.	\$29,342,769.00
John Burns Construction Company of Texas, Inc.	\$34,104,770.00

**OWNER**

**S.J. Louis Construction of Texas Ltd.**

James L. Schueller, President and Chief Manager  
Les V. Whitman, Executive Vice President and General Manager

**MAP**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a construction services contract for the installation of a 72-inch water transmission pipeline in Harry Hines Boulevard from Cullum Lane to Walnut Hill Lane - S.J. Louis Construction of Texas Ltd., lowest responsible bidder of five - Not to exceed \$18,885,731 - Financing: Water Utilities Capital Improvement Funds

S.J. Louis Construction of Texas Ltd. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$784,000.00	4.15%
Total non-local contracts	\$18,101,730.20	95.85%
<b>TOTAL CONTRACT</b>	<b>\$18,885,730.20</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

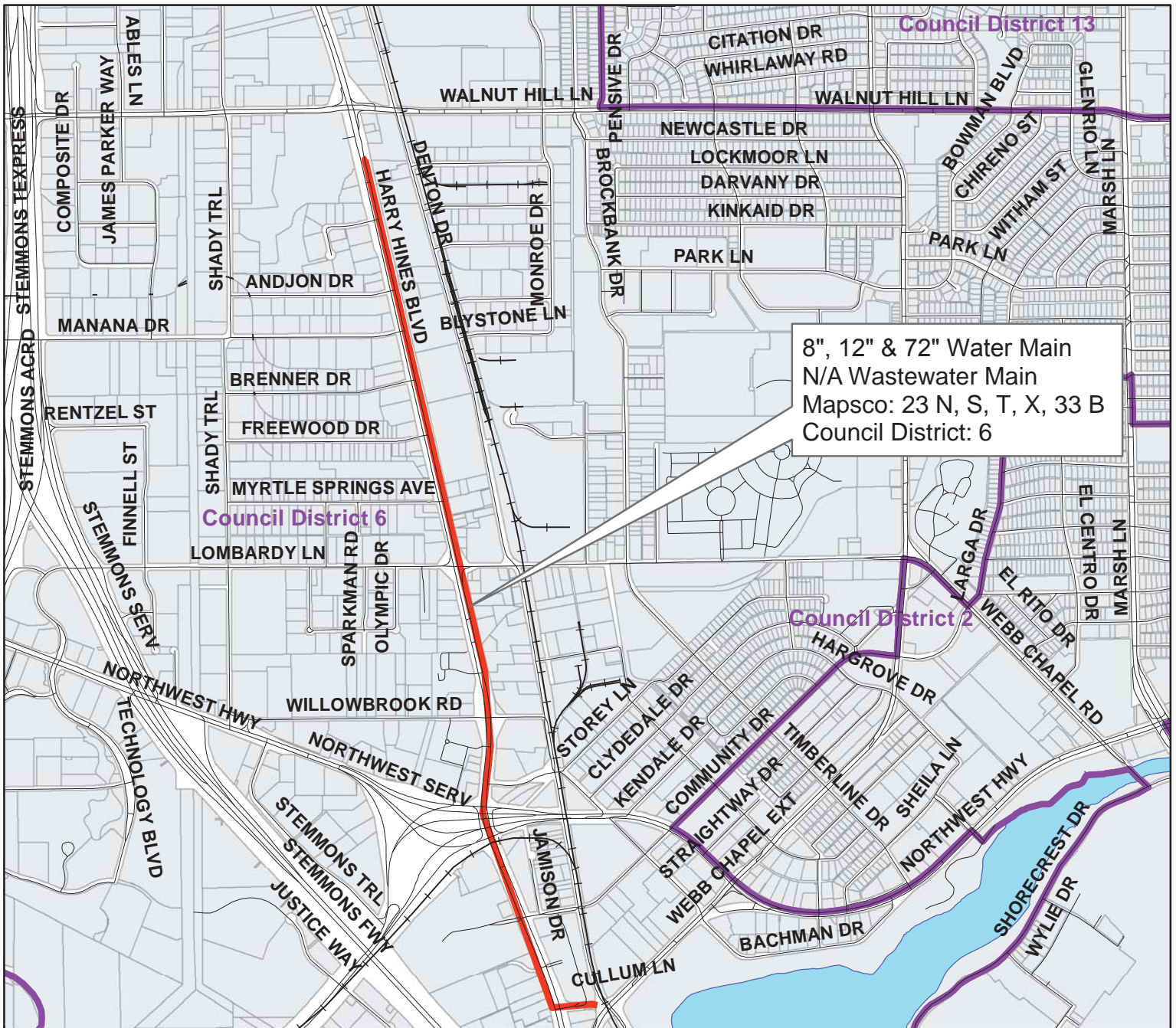
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
A.E.A. Transportation	HMDB22701Y1118	\$784,000.00	100.00%
<b>Total Minority - Local</b>		<b>\$784,000.00</b>	<b>100.00%</b>

#### **Non-Local Contractors / Sub-Contractors**

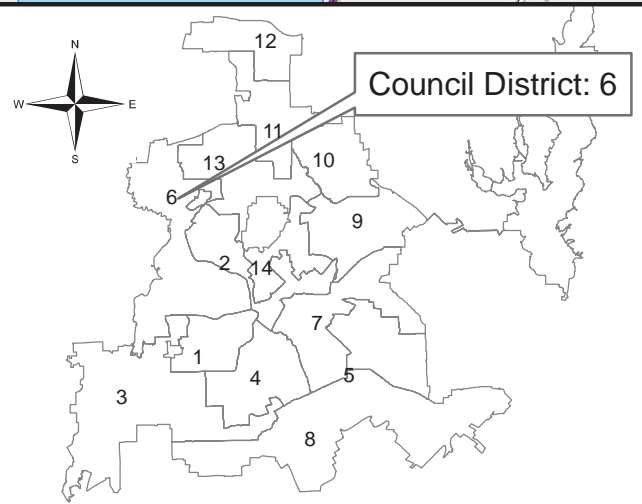
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
LKT Associates, LLC	WFDB19699Y1118	\$3,905,929.57	21.58%
<b>Total Minority - Non-local</b>		<b>\$3,905,929.57</b>	<b>21.58%</b>

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$784,000.00	100.00%	\$784,000.00	4.15%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$3,905,929.57	20.68%
<b>Total</b>	<b>\$784,000.00</b>	<b>100.00%</b>	<b>\$4,689,929.57</b>	<b>24.83%</b>



Harry Hines Boulevard  
 from south of Walnut Hill Lane to Cullum Lane



**Dallas Water Utilities**  
**Contract No. 18-005**  
**72-inch Elm Fork Water Transmission Pipeline Project**

January 24, 2018

**WHEREAS**, on October 13, 2017, the five bids listed below were received in response to Contract No. 18-005 for the installation of a 72-inch water transmission pipeline in Harry Hines Boulevard from Cullum Lane to Walnut Hill Lane, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
S.J. Louis Construction of Texas Ltd.	\$18,885,730.20
BAR Constructors, Inc.	\$24,151,675.00
Oscar Renda Contracting, Inc.	\$26,850,500.00
Texas Sterling Construction Co.	\$29,342,769.00
John Burns Construction Company of Texas, Inc.	\$34,104,770.00

**WHEREAS**, the bid submitted by S.J. Louis Construction of Texas Ltd., 520 South 6th Avenue, Mansfield, Texas 76063, in the amount of \$18,885,730.20, is the lowest and best of all bids received.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by S.J. Louis Construction of Texas Ltd., in the amount of \$18,885,730.20, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-005, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a construction services contract with S.J. Louis Construction of Texas Ltd., approved as to form by the City Attorney, for the installation of a 72-inch water transmission pipeline in Harry Hines Boulevard from Cullum Lane to Walnut Hill Lane, in an amount not to exceed \$18,885,730.20.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$18,885,730.20 to S.J. Louis Construction of Texas Ltd. from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Object 4550, Program 718005, Encumbrance/Contract No. CX-DWU-2018-00004920, Vendor VS0000078761.

**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.

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

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Water Utilities Department

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** Outside City Limits

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**SUBJECT**

Authorize a five-year contract with one five-year renewal option, with the United States of America acting through the U. S. Army Corps of Engineers to continue providing untreated water, from January 24, 2018 through January 23, 2023 - Estimated Annual Revenue: \$3,332

**BACKGROUND**

This item is for authorization to enter into a new untreated water purchase contract with the United States of America acting through the U. S. Army Corps of Engineers. The U. S. Army Corps of Engineers is currently purchasing untreated water from Dallas for use at its Lewisville Aquatic Ecosystem Research Facility (LAERF) under an existing untreated water purchase contract which expired on June 12, 2015.

LAERF is an experimental pond facility which supports studies and research related to the biology, ecology, and management of aquatic plants. As a part of the U. S. Army Corps of Engineers' research, water is diverted from Lewisville Lake to the Corps' 54 research ponds which are filled and drained independently for control of different hydrologic regimes. The U. S. Army Corps of Engineers' LAERF is located in Lewisville, Texas, immediately below the dam of Lewisville Lake, a U. S. Army Corps of Engineers water supply reservoir.

The U. S. Army Corps of Engineers desires to purchase a maximum of 4,887,765 gallons of untreated water annually for industrial purposes to compensate Dallas for evaporative losses due to the research ponds. The City of Dallas has water rights in Lewisville Lake for multiple purposes, including rights for industrial use.

## **BACKGROUND** (continued)

Untreated water provided to the U. S. Army Corps of Engineers by Dallas will be billed at Dallas' ordinance rate for regular untreated water service in accordance with Chapter 49. Estimated annual revenue to Dallas is \$3,331.83. The revenue estimate is based on Dallas' current untreated water rate of \$1.0225 per 1,000 gallons of untreated water used multiplied by the contracted annual average usage amount of 3,258,510 gallons. Based on the annual maximum usage amount of 4,887,765 gallons, annual revenues to Dallas could increase up to \$4,997.74. The sale of untreated water to the U.S. Army Corps of Engineers is subject to, and limited by, available system supply.

The City of Dallas currently contracts with the U. S. Army Corps of Engineers for water storage and operation and maintenance of Lewisville, Ray Roberts and Grapevine Lakes.

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

On June 13, 1990, City Council authorized Untreated Water Purchase Contract with the U. S. Army Corps of Engineers by Resolution No. 90-1946.

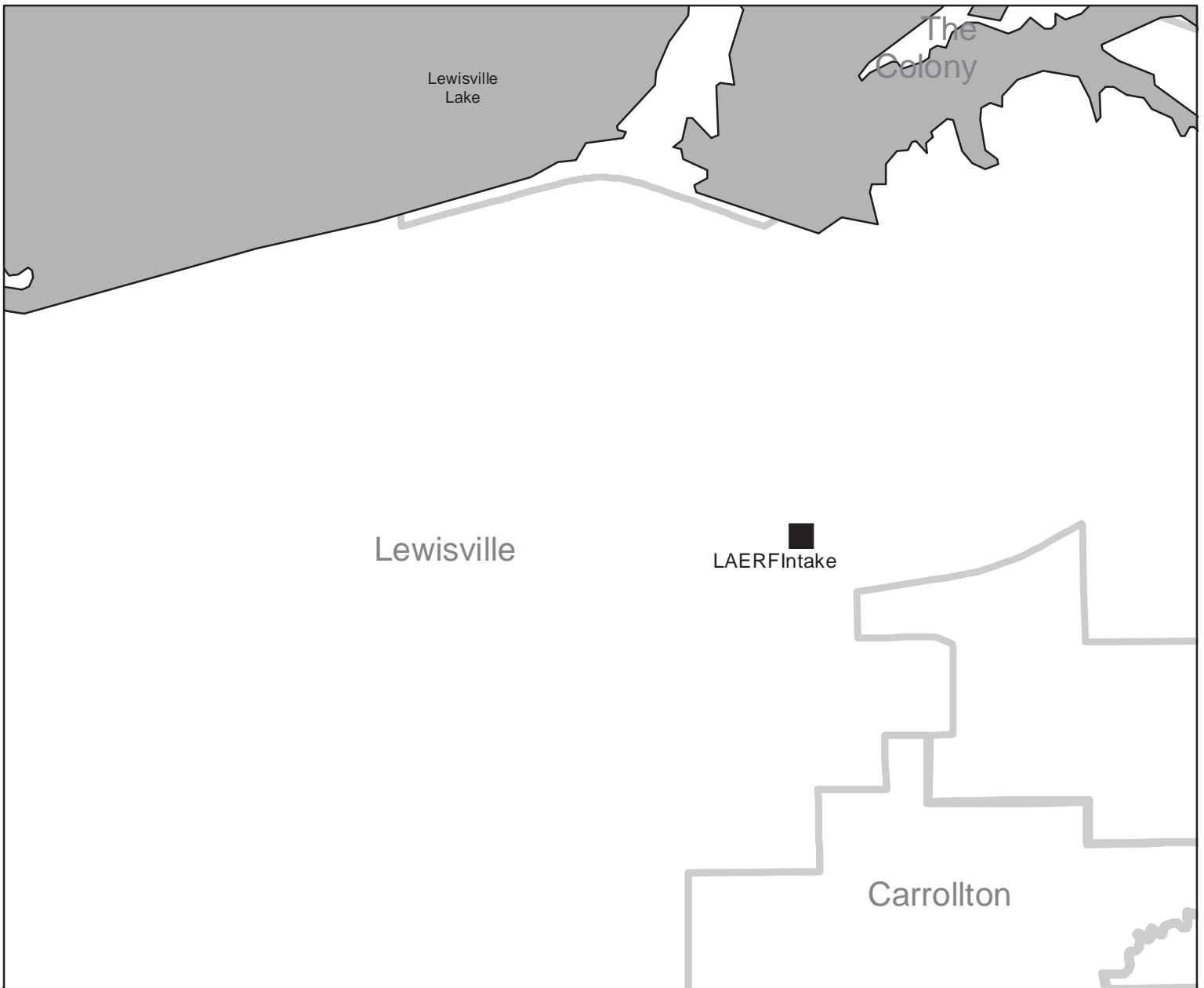
Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on January 22, 2018.

## **FISCAL INFORMATION**

Estimated Annual Revenue: \$3,331.83 (at current untreated water rate)

## **MAP**

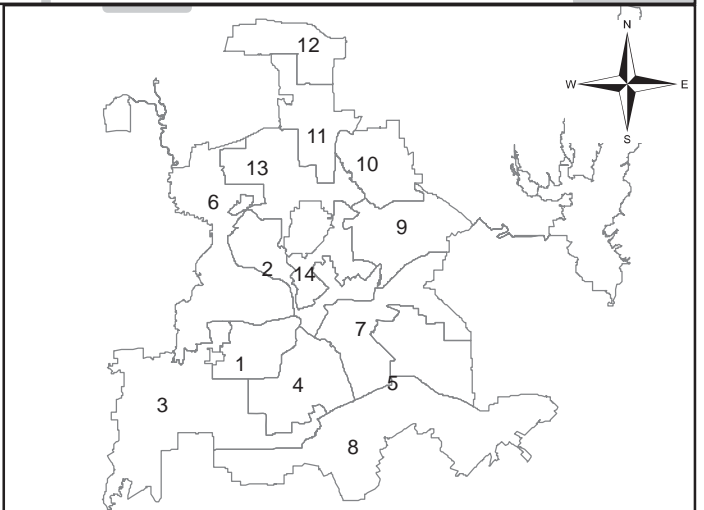
Attached



Location: Lewisville Aquatic Ecosystem Research Facility (LAERF), Lewisville

Council Districts: Outside City of Dallas

Department: DWU



**United States of America, acting through the U. S. Army Corps of Engineers,  
Untreated Water Purchase Contract**





January 24, 2018

**WHEREAS**, the United States of America, acting through the U. S. Army Corps of Engineers, currently purchases untreated water for industrial purposes from the City of Dallas, and Dallas currently sells untreated water to the U. S. Army Corps of Engineers as set forth under the terms, covenants, and conditions stated in an Untreated Water Contract between the City of Dallas and the U. S. Army Corps of Engineers dated June 13, 1990; and

**WHEREAS**, the City of Dallas owns water rights in Lewisville Lake including industrial water rights; and

**WHEREAS**, the U. S. Army Corps of Engineers requests to continue to purchase untreated water from the City of Dallas as compensation for evaporation losses from impoundments at a diversion point located at Lewisville Lake in Denton County, Texas; and

**WHEREAS**, the U. S. Army Corps of Engineers Untreated Water Contract with Dallas expired on June 12, 2015; and

**WHEREAS**, Dallas and the U. S. Army Corps of Engineers desire to enter into a new Untreated Water Contract; and

**WHEREAS**, the initial term of the new five-year Untreated Water Contract, which has one five-year renewal option, will be January 24, 2018 through January 23, 2023; and

**WHEREAS**, approval of the new contract would be in the best interest of the City of Dallas as well as the U. S. Army Corps of Engineers.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into an Untreated Water Contract with the United States of America, acting through the U. S. Army Corps of Engineers, to purchase untreated water from the City of Dallas for the initial term of January 24, 2018 through January 23, 2023, with one five-year renewal option, in the estimated annual revenue amount of \$3,331.83 after approval of the contract documents by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit all receipts for service from the U.S. Army Corps of Engineers to the Water Utilities Current Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 7847.

**SECTION 3.** That this contract is designated as Contract No. DWU-2018-00004847.

January 24, 2018

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

**DEPARTMENT:** City Secretary

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** N/A

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**SUBJECT**

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



**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Office of Economic Development

**CMO:** Raquel Favela, 671-5257

**MAPSCO:** 45 M

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**SUBJECT**

Authorize **(1)** a resolution of support for 2400 Bryan Street, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of up to a 230-unit residential development located at 2400 Bryan Street; and **(2)** a line of credit for the proposed development in the amount of \$500 - Not to exceed \$500 - Financing: Public/Private Partnership Funds

**BACKGROUND**

On December 14, 2016, City Council adopted Resolution No. 16-1989 which guides the development community to carefully select the sites for Housing Tax Credit (HTC) projects that desire City support:

- o Multi-family rental units seeking to be developed as new construction using housing tax credits shall not receive City support, including a resolution of “no objection” unless they are in census tracts meeting all of the criteria for “High Opportunity Areas”.
- o High Opportunity Areas are defined as:
  - Dallas census tracts with less than 20% poverty rate; and
  - in the attendance zone of an elementary school that has a state accountability rating of “Met Standard” from the Texas Education AgencyNote: The 2018 Qualified Allocation Plan issued by Texas Department of Housing and Community Affairs does not consider the school ratings.

**BACKGROUND** (continued)

- o Multi-family rental units seeking to be developed as a rehabilitation project using housing tax credits shall be considered city wide, subject to the City's obligations to affirmatively further fair housing and uphold the Fair Housing Act, and shall not receive City support, including a resolution of "no objection" without proposed increased capital improvements, investment, and maintenance.
- o Allow support of all HTC projects if located in census tracts covered by an approved and funded Concerted Revitalization Plan (CRP).

Note: All CRP's are expired and are under review through the Market Value Analysis and the development of a comprehensive housing policy due to be presented to City Council in March 2018.

- o Each project considered shall be evaluated by the Fair Housing and Human Rights Office to ensure the project affirmatively furthers fair housing and otherwise complies with the City's obligation under the Fair Housing Act.

In December 2017, RMGM Developers, LLC (RMGM) notified the City that it intends to develop a 14 to 15 story structure at 2400 Bryan Street with 5 floors of parking and 9 to 10 floors of residential units (Project). The Project will be developed and owned by a to-be formed partnership called 2400 Bryan Street, LP. RMGM or an affiliate of RMGM will control the general partner of the new entity. RMGM is owned by John H. (Jack) Matthews and D. Scott Galbraith.

The Project will have a total of up to 230 units, which will include 24 efficiency units, 130 one-bedroom units, 62 two-bedroom units, and 14 three-bedroom units. Approximately 120 of the 230 total units will be offered at market value rents. The remaining approximately 110 units will be reserved for low income households, of which 12 units will be reserved for households earning at or below 30% of area median family income, 46 units will be reserved for households earning at or below 50% of area median family income, and 52 units will be reserved for households earning at or below 60% of area median family income. The income-restricted units will be distributed throughout the unit types and throughout the Project.

The Project site is located in a High Opportunity Area, the Walker Targeted Area, as described under the Walker Consent Decree, and the Project will accept Walker Settlement Vouchers, a type of voucher administered by the Dallas Housing Authority. The project is located in Census tract 48113001701 which has a poverty rate of 5.9%. The project is served by Ben Miliam Elementary School which is rated "Met Standard".

## **BACKGROUND** (continued)

The Project is part of a multi-phased development that includes the Project, the recently opened Old Dallas High School redevelopment, and a future phase of commercial development. In addition to the approximately 230 residential units, the Project also includes approximately 400 parking garage spaces and 10,000 square feet of retail. The Project will break ground in early 2019 and will complete construction on or before August 31, 2021.

Because the City of Dallas has not been able to support Low Income Housing Tax Credit projects in the competitive 9% cycle in several years due to expired CRP's and no submittals in High Opportunity Areas, staff recommends assisting the project with a nominal \$500 line of credit through the Public/Private Partnership Fund for development costs which will allow them to score an additional point. Additional funding may be recommended for Council approval at a later time once staff completes financial underwriting for the Project.

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

Information about this item will be provided to the Economic Development and Housing Committee on January 16, 2018.

## **FISCAL INFORMATION**

Public/Private Partnership Funds - \$500

## **OWNER/DEVELOPER**

### **RMGM Developers, LLC**

Scott Galbraith, Member  
Jack Matthews, Member

January 24, 2018

**WHEREAS**, RMGM Developers, LLC, on behalf of a to-be formed entity called 2400 Bryan Street, LP, or an affiliate thereof (the “Applicant”) has proposed development of up to a 15-story structure at 2400 Bryan Street in the City of Dallas, Texas; and

**WHEREAS**, the proposed development will include 5 floors of parking and up to ten floors containing approximately 230 residential units, of which approximately 120 will be leased at market rates and of which approximately 110 will be reserved for low income households; and

**WHEREAS**, the Applicant has advised City that it intends to submit an application (TDHCA #18269) to the Texas Department of Housing and Community Affairs (TDHCA) for 2018 9% Housing Tax Credits for the proposed development at 2400 Bryan Street; and

**WHEREAS**, pursuant to §11.3(c) of the TDHCA 2018 Qualified Allocation Plan (“QAP”), an Application that proposes the New Construction of a Development that is located one linear mile or less from another Development that:

- (A) serves the same type of household as the proposed Development, regardless of whether the Development serves families, elderly individuals, or another type of household; and
- (B) has received an allocation of Housing Tax Credits or private activity bonds for any New Construction at any time during the three-year period preceding the date the Application Round begins; and
- (C) has not been withdrawn or terminated from the Housing Tax Credit Program; and
- (D) does not meet one of the other exceptions listed in §11.3(c)(2)(A) – (F).

Such Developments shall be considered ineligible, unless the Governing Body of the appropriate municipality or county where the Development is to be located has by vote specifically allowed the construction of a new Development located within one linear mile or less from a Development described as TDHCA #17413, Flora Lofts; 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.

**Now, Therefore,**

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



January 24, 2018

**SECTION 1.** That the City of Dallas, acting through its governing body, hereby confirms that it supports the proposed development to be located at 2400 Bryan Street, the project's application for 2018 9% Housing Tax Credits, and any allocation by the TDHCA of 2018 9% Housing Tax Credits for the proposed development.

**SECTION 2.** That this formal action has been taken to put on record the support expressed by the City of Dallas on January 24, 2018, and that for and on behalf of the governing body, the City Secretary, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

**SECTION 3.** That the City Manager or their designee, upon approval as to form by the City Attorney, is hereby authorized to execute a line of credit agreement in the amount of \$500 with 2400 Bryan Street, LP or its affiliate for the construction of the proposed development at 2400 Bryan Street. The agreement will have the following terms:

- a. 2400 Bryan Street, LP or its affiliate must be awarded 2018 9% Housing Tax Credits 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 4.** That as provided for in 10 TAC §11.3(d) it is hereby acknowledged that the proposed New Construction development is located one linear mile or less from a Development that serves the same type of household as the proposed Development and has received an allocation of Housing Tax Credits (or private activity bonds) for New Construction since January 5, 2015 and that the governing body of City of Dallas has by vote specifically allowed the construction of the development at 2400 Bryan Street and to authorize an allocation of Housing Tax Credits for the Development.

**SECTION 5.** That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Sustainable Development and Construction Department with regard to security related and other design standards.

**SECTION 6.** That the Chief Financial Officer is hereby authorized to encumber and disburse funds from Public/Private Partnership Funds in accordance with this resolution as follows:

Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2018-00005187, Vendor VC18122, in an amount not to exceed \$500.

January 24, 2018

**SECTION 7.** 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 an Unavailable Revenue Balance Sheet Account 0898 in fund 033F, in the amount of \$500.

**SECTION 8.** That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from 2400 Bryan Street, LP, in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 0847H, and debit Balance Sheet 0001 (Cash); as well as debit Unavailable Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet account 033F.

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

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Office of Economic Development

**CMO:** Raquel Favela, 670-3309

**MAPSCO:** 61A -Y Z

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**SUBJECT**

Authorize **(1)** a resolution of support for CLO Mountain Housing, LP, or its affiliate, related to its application for 9% Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for the new construction of a 100-unit residential development located on the southwest corner of Camp Wisdom Road and Mountain Creek Parkway to be known as Cielo at Mountain Creek; and **(2)** a line of credit for the proposed development in the amount of \$500 - Not to exceed \$500 - Financing: Public/Private Partnership Funds

**BACKGROUND**

On December 14, 2016, City Council adopted Resolution No. 16-1989 which guides the development community to carefully select the sites for Housing Tax Credit (HTC) projects that desire City support:

- o Multi-family rental units seeking to be developed as new construction using housing tax credits shall not receive City support, including a resolution of “no objection” unless they are in census tracts meeting all of the criteria for “High Opportunity Areas”.
- o High Opportunity Areas are defined as:
  - Dallas census tracts with less than 20% poverty rate; and
  - in the attendance zone of an elementary school that has a state accountability rating of “Met Standard” from the Texas Education Agency

Note: The 2018 Qualified Allocation Plan issued by Texas Department of Housing and Community Affairs does not consider the school ratings.

**BACKGROUND** (continued)

- o Multi-family rental units seeking to be developed as a rehabilitation project using housing tax credits shall be considered city wide, subject to the City's obligations to affirmatively further fair housing and uphold the Fair Housing Act, and shall not receive City support, including a resolution of "no objection" without proposed increased capital improvements, investment, and maintenance.
- o Allow support of all HTC projects if located in census tracts covered by an approved and funded Concerted Revitalization Plan (CRP).

Note: All CRP's are expired and are under review through the Market Value Analysis and the development of a comprehensive housing policy due to be presented to City Council in March 2018.

- o Each project considered shall be evaluated by the Fair Housing and Human Rights Office to ensure the project affirmatively furthers fair housing and otherwise complies with the City's obligation under the Fair Housing Act.

In January 2018, Casa Linda Development Corporation notified the City that it intends to develop a 100-unit multi-family development located on the southwest corner of Camp Wisdom Road and Mountain Creek Parkway to be known as Cielo at Mountain Creek (Project). The Project will be developed and owned by a to-be formed partnership called CLO Mountain Housing, LP. Highridge Costa Housing, LLC or a wholly owned subsidiary of Highridge Costa Housing, LLC will be the Managing General Partner and Casa Linda Development Corporation or a wholly owned subsidiary of Casa Linda Development Corporation will be the Administrative General Partner of the new entity. Highridge Costa Housing, LLC is owned by Certo Housing Partners, LLC (51%) and International Management and Development, Inc. (49%). Certo Housing Partners, LLC is 100% owned by Michael A. Costa and International Management and Development, Inc. is owned by Mohannad (Moe) Mohanna (50%) and Alison Mohanna (50%). Casa Linda Development Corporation is owned by Linda S. Brown (50%) and Sara Reidy (50%).

The Project will have a total of 100 units, which will include 70 one-bedroom units and 30 two-bedroom units. Ten of the units will be reserved for households earning at or below 30% of area median family income, 40 units will be reserved for households earning at or below 50% of area median family income, and 50 units will be reserved for households earning at or below 60% of area median family income.

This project is located in a High Opportunity Area in census tract 48113016510 which has a 9.1% poverty rate and is served by the Duncanville ISD in the attendance zone of the Hyman Elementary School and has a rating of "Met Standard." The development will meet or exceed the 2010 ADA standards and Texas Accessibility Standards.

**BACKGROUND** (continued)

Because the City of Dallas has not been able to support LIHTC projects in the competitive 9% cycle in several years due to expired CRP's and no submittals in High Opportunity Areas, staff recommends assisting the project with a nominal \$500 line of credit through the Public/Private Partnership Fund for development costs which will allow them to score an additional point.

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

Information about this item will be provided to the Economic Development and Housing Committee on January 16, 2018.

**FISCAL INFORMATION**

Public/Private Partnership Funds - \$500

**OWNERS**

Highridge Costa Housing, LLC  
Casa Linda Development Corporation

**CO- DEVELOPERS**

Highridge Costa Housing, LLC  
Casa Linda Development Corporation

January 24, 2018

**WHEREAS**, Highridge Costa Housing, LLC and Casa Linda Development Corporation, on behalf of a to-be formed entity called CLO Mountain Housing, LP, or an affiliate thereof (the “Applicant”) has proposed development of a 100-unit affordable housing development, Cielo at Mountain Creek on the southwest corner of Camp Wisdom Road and Mountain Creek Parkway in the City of Dallas, Texas; and

**WHEREAS**, the Project will have a total of 100 units, all of the units will be reserved for low income households, which will include 70 one-bedroom units and 30 two-bedroom units; ten of the units will be reserved for households earning at or below 30% of area median family income, 40 units will be reserved for households earning at or below 50% of area median family income, and 50 units will be reserved for households earning at or below 60% of area median family income; and

**WHEREAS**, the Applicant has advised the City that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2018 9% Housing Tax Credits for the proposed development; 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.

**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 on the southwest corner of Camp Wisdom Road and Mountain Creek Parkway in the City of Dallas, Texas, the project’s application for 2018 9% Housing Tax Credits, and any allocation by the TDHCA of 2018 9% Housing Tax Credits for the proposed development.

**SECTION 2.** That this formal action has been taken to put on record the support expressed by the City of Dallas on January 24, 2018, and that for and on behalf of the governing body, the City Secretary, or their designee, is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

**SECTION 3.** That the City Manager or their designee, upon approval as to form by the City Attorney, is hereby authorized to execute a line of credit agreement in the amount of \$500 with CLO Mountain Housing, LP or its affiliate for the construction of the proposed development. The agreement will have the following terms:

January 24, 2018

**SECTION 3.** (continued)

- a. CLO Mountain Housing, LP or its affiliate must be awarded 2018 9% Housing Tax Credits 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 4.** That as provided for in 10 TAC §11.3(d) it is hereby acknowledged that the proposed New Construction development will not be located one linear mile or less from a Development that serves the same type of household as the proposed Development and has received an allocation of Housing Tax Credits (or private activity bonds) for New Construction since 1/5/2015 and that the governing body of City of Dallas has by vote specifically allowed the construction of the development at Cielo at Mountain Creek and to authorize an allocation of Housing Tax Credits for the Development.

**SECTION 5.** That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Sustainable Development and Construction Department with regard to security related and other design standards.

**SECTION 6.** That the Chief Financial Officer is hereby authorized to encumber and disburse funds from Public/Private Partnership Funds in accordance with this resolution as follows:

Fund 0352, Department ECO, Unit P151, Object 3015, Activity PPPF, Encumbrance/Contract No. ECO-2018-00005204, Vendor VC18123, in an amount not to exceed \$500.

**SECTION 7.** 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 an Unavailable Revenue Balance Sheet Account 0898 in Fund 033F, in the amount of \$500.

**SECTION 8.** That the Chief Financial Officer is hereby authorized to receive, accept and deposit loan payments from CLO Mountain Housing, LP, in Public/Private Partnership Fund, Fund 0352, Department ECO, Principal Revenue Code 847G and Interest Revenue Code 0847H, and debit Balance Sheet 0001 (Cash); as well as debit Unavailable Revenue Balance Sheet Account 0898 and credit Receivable Balance Sheet Account 033F.

January 24, 2018

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



**AGENDA ITEM # 39**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 59 G

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Specific Use Permit No. 1718 for tower/antenna for cellular communication on property zoned a CR Community Retail District with a D Liquor Control Overlay and existing deed restrictions [Z801-138] on a portion, on the west line of Midway Road and the north line of West Northwest Highway  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/elevation plan and conditions  
Z167-234(WE)

**FILE NUMBER:** Z167-234(WE)                      **DATE FILED:** March 3, 2017

**LOCATION:** On the west line of Midway Road and the north line of West Northwest Highway

**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 59 G

**SIZE OF REQUEST:** Approx. 1.16 acres              **CENSUS TRACT:** 94.02

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**APPLICANT:** Danial Nutt [AT&T]

**OWNER:** Sandy Owens

**REPRESENTATIVE:** Jeremy Baldwin

**REQUEST:** An application for an amendment to, and an expansion of, Specific Use Permit No. 1718 for tower/antenna for cellular communication on property zoned a CR Community Retail District with a D Liquor Control Overlay and existing deed restrictions [Z801-138] on a portion.

**SUMMARY:** The purpose of this request is to relocate the existing auxiliary building housing electronic and communication equipment for the existing tower/antenna for cellular communication tower [AT&T]. The existing tower/antenna will remain at its present location.

**STAFF RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/elevation plan and conditions

**CPC RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/elevation plan and conditions

**BACKGROUND INFORMATION:**

- The applicant’s request for an amendment to, and an expansion of, Specific Use Permit No. 1718 will allow for the relocation of an existing auxiliary building housing electronic and communication equipment for the tower/antenna for cellular communication tower.
- The existing location and height of the cellular tower will not change. The maximum height of the existing cellular tower will not exceed 65 feet above grade. Even though the approved site plan shows a maximum height of 78 feet, the cellular tower was built a maximum height of 65 feet.
- The existing deed restrictions will remain on a portion of the site, and will continue to prohibit the following uses on that portion of the site: inside commercial amusement, including modeling studios; steam baths and massage parlors, bar, lounge or tavern; restaurant; barber and beauty shops; beverage store; second-hand store; pawn shop; Army/Navy stores, discount stores, government “surplus” stores, wholesale or factory outlets and any use that exhibits lewd or pornographic material. In addition, the restrictions prohibit all buildings to one story and a total structure height not to exceed 24 feet, which includes the roof, canopies, and attached signs.
- The request site is adjacent to single family dwellings to the north, and a one-story retail strip development to the west. Properties east of the site, across Midway Road, consist of various retail and personal service uses. South of the site is developed with a general merchandise or food store with a fueling station. Additional properties, south of the site, across West Northwest Highway is developed with a church use and an undeveloped tract of land.

**Zoning History:** There has not been any zoning changes request in the area for the past five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Proposed ROW</b>
Midway Road	Minor Arterial	100 ft.	100 ft.
West Northwest Highway	Principal Arterial	100 ft.	100 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR-D	Office, Cellular tower, Car wash
<b>North</b>	R-10(A)	Single Family
<b>South</b>	R-7.5(A), CR-D-1	Single Family, Church, General merchandise or food store with fueling station
<b>East</b>	PDD No. 70	Retail and personal service
<b>West</b>	PDD No. 851	Retail and personal service

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

There are no goals or policies supporting or opposing the request.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The request is developed with an office and car wash. The applicant’s request for an amendment to, and an expansion of, Specific Use Permit No. 1718 will allow for the relocation of an existing auxiliary building housing electronic and communication equipment for the tower/antenna for cellular communication tower. The existing 65-foot cellular tower will remain at its current location, which is located north of an existing general merchandise or food store with a fueling station. The applicant proposes to raze the existing office and car wash use to construct a CVS pharmacy on the site. As a result of the location of the CVS Pharmacy, the applicant needs to relocate the auxiliary building housing electronic and communication equipment.

A portion of the request site has existing deed restrictions, which will remain on the property. The deed restrictions prohibit the following uses: inside commercial amusement, including modeling studios; steam baths and massage parlors, bar, lounge or tavern; restaurant; barber and beauty shops; beverage store; second-hand store; pawn shop; Army/Navy stores, discount stores, government “surplus” stores, wholesale or factory outlets and any use that exhibits lewd or pornographic material. In addition, the restrictions prohibit all buildings to one story and a total structure height not to exceed 24-feet, which includes the roof, canopies, and attached signs.

The request site is adjacent to single family dwellings to the north, and a one-story retail strip development to the west. Properties east of the site, across Midway Road, consist

of various retail and personal service uses. South of the site is developed with a general merchandise or food store with a fueling station. Additional properties, south of the site, across West Northwest Highway is developed with a church use and an undeveloped tract of land.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant’s request is consistent with the intent of the Dallas Development Code which stipulates that a monopole cellular tower is exempt from residential proximity slope height restrictions if an SUP is required for the monopole cellular use and the impact of the tower height on an adjacent residential district is considered in the SUP process.

Although the subject site is adjacent to residential uses, the monopole tower will enhance the vital communication service throughout the area. The location of the existing monopole will not change. In September 2011, the City Council approve Specific Use Permit No. 1718 for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods. The amendment to, and expansion of, SUP No. 1718 will permit the relocation of the existing auxiliary building housing electronic and communication equipment for the tower/antenna for cellular communication tower.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Landscaping:** In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the

Z167-234(WE)

surrounding street system for the proposed development.

**Parking:** Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than 120 square feet. The auxiliary building is greater than 120 square feet, therefore one parking space is required for this use. The applicant is providing one space on site.

**CPC Action** (November 30, 2017)

**Motion I:** It was moved to recommend **approval** of an amendment to, and an expansion of, Specific Use Permit No. 1718 for tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan, elevation plan and conditions on property zoned a CR Community Retail District with a D Liquor Control Overlay and existing deed restrictions [Z801-138] on a portion, on the west line of Midway Road and the north line of West Northwest Highway.

Maker: Carpenter  
Second: Houston  
Result: Failed: 6 to 5

For: 6 - Rieves\*, Houston, Shidid, Carpenter,  
Lavallaissa, Tarpley

Against: 5 - West, Davis, Housewright, Schultz, Murphy

Absent: 1 - Mack

Vacancy: 0

Conflict: 3 - Jung, Peadon, Ridley

\*out of the room, shown voting in favor

**Note:** At the public hearing the Chair erroneously indicated Motion I had failed. However, Commissioner Rieves was out of the room and should have been shown in favor.

**Motion II:** It was moved to recommend **approval** of an amendment to, and an expansion of, Specific Use Permit No. 1718 for tower/antenna for cellular communication for a ten-year period, subject to a revised site plan, elevation plan and conditions on property zoned a CR Community Retail District with a D Liquor Control Overlay and existing deed restrictions [Z801-138] on a portion, on the west line of Midway Road and the north line of West Northwest Highway.

Maker: Schultz  
Second: Murphy  
Result: Carried: 11 to 0

For: 11 - West, Rieves\*, Houston, Davis, Shidid,  
Carpenter, Lavallaissa, Housewright, Schultz,  
Murphy, Tarpley

Z167-234(WE)

Against: 0  
Absent: 1 - Mack  
Vacancy: 0  
Conflict: 3 - Jung, Peadon, Ridley

\*out of the room, shown voting in favor

**Note: Motion II was null and void.**

**Notices:** Area: 300 Mailed: 15  
**Replies:** For: 1 Against: 0

**Speakers:** For: David Prejean, 5566 Waneta Dr., Dallas, TX, 75209  
Against: None



<p><b>LIST OF OFFICERS</b> <b>[AT&amp;T]</b></p>
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AT&T – Corporate Governance

Randall L. Stephenson – Chairman & Chief Executive Officer

Matthew K. Rose – Lead Director

Samuel A. Di Piazza, Jr. - Director

Richard W. Fisher - Director

Scott T. Ford - Director

Glenn H. Hutchins - Director

William E. Kennard - Director

Michael B. McCallister - Director

Beth E. Mooney - Director

Joyce M. Roche - Director

Cynthia B. Taylor - Director

Laura D'Andrea Tyson - Director

Geoffrey Y. Yang - Director

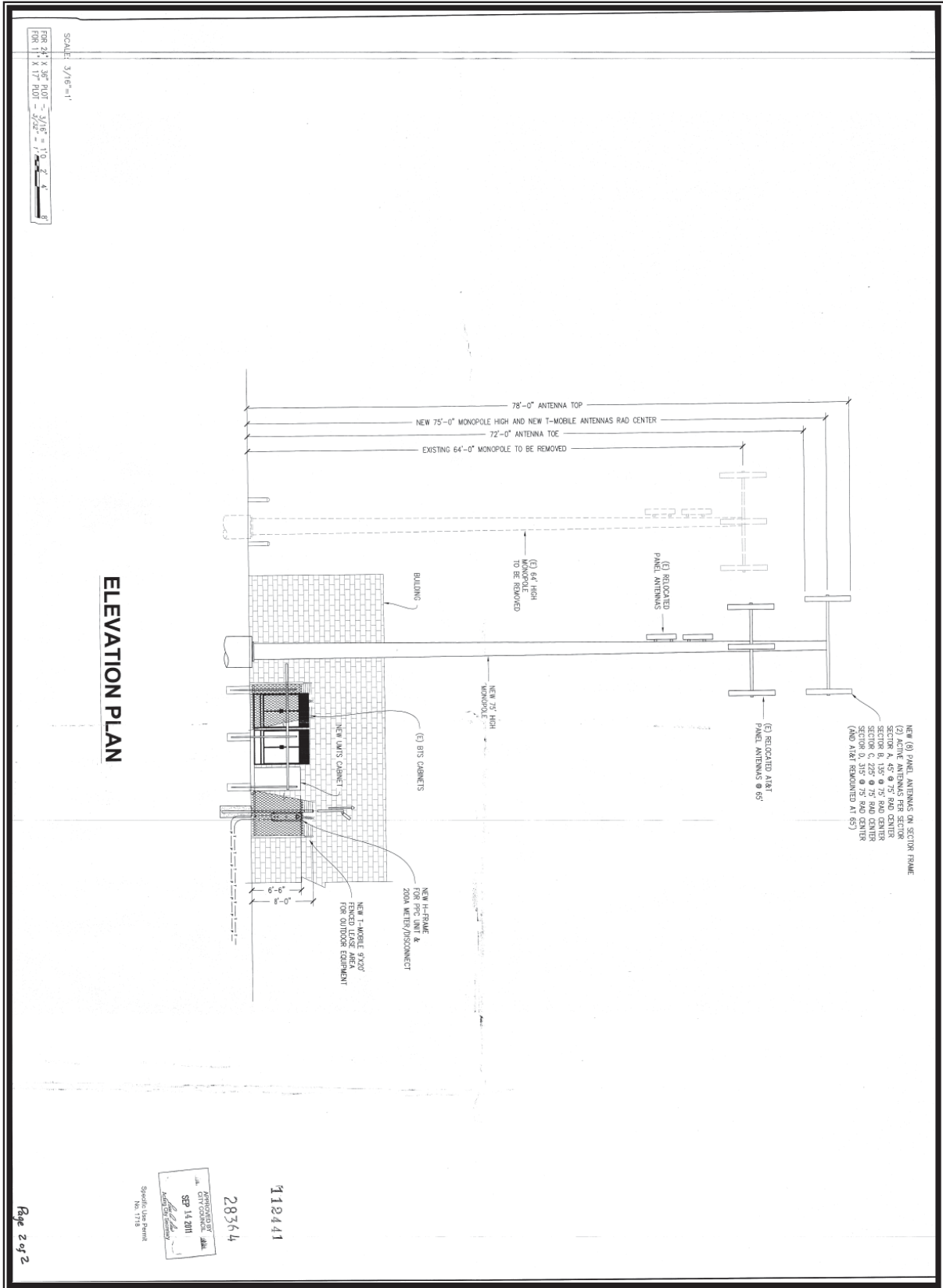
**CPC PROPOSED SUP CONDITIONS**

1. **USE:** The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site/elevation plan.
3. **TIME LIMIT:** This specific use permit expires on [~~September 14, 2021~~], (ten years from the passage of the ordinance), but is eligible for automatic renewal for additional 10-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. **HEIGHT:** The tower/antenna for cellular communication may not exceed [~~78~~] 65 feet in height.
5. **LIGHTING.** The tower/antenna for cellular communication may not be illuminated, as required by the Federal Aviation Administration.
6. **COMMUNICATION TOWER:** Any tower/antenna for cellular communication over 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communication carriers, and the tower/antenna for cellular communication must be made available to other carriers upon reasonable terms.
7. **SHARED USE WITH OTHER CARRIERS:** Any tower/antenna for cellular communication must be constructed to support the antenna arrays for at least two other wireless communications carriers, and the tower/antenna for cellular communication must be made available to other carriers upon reasonable terms.
8. **SIGNAGE:** No signs may be attached to the tower/antenna for cellular communication.
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.

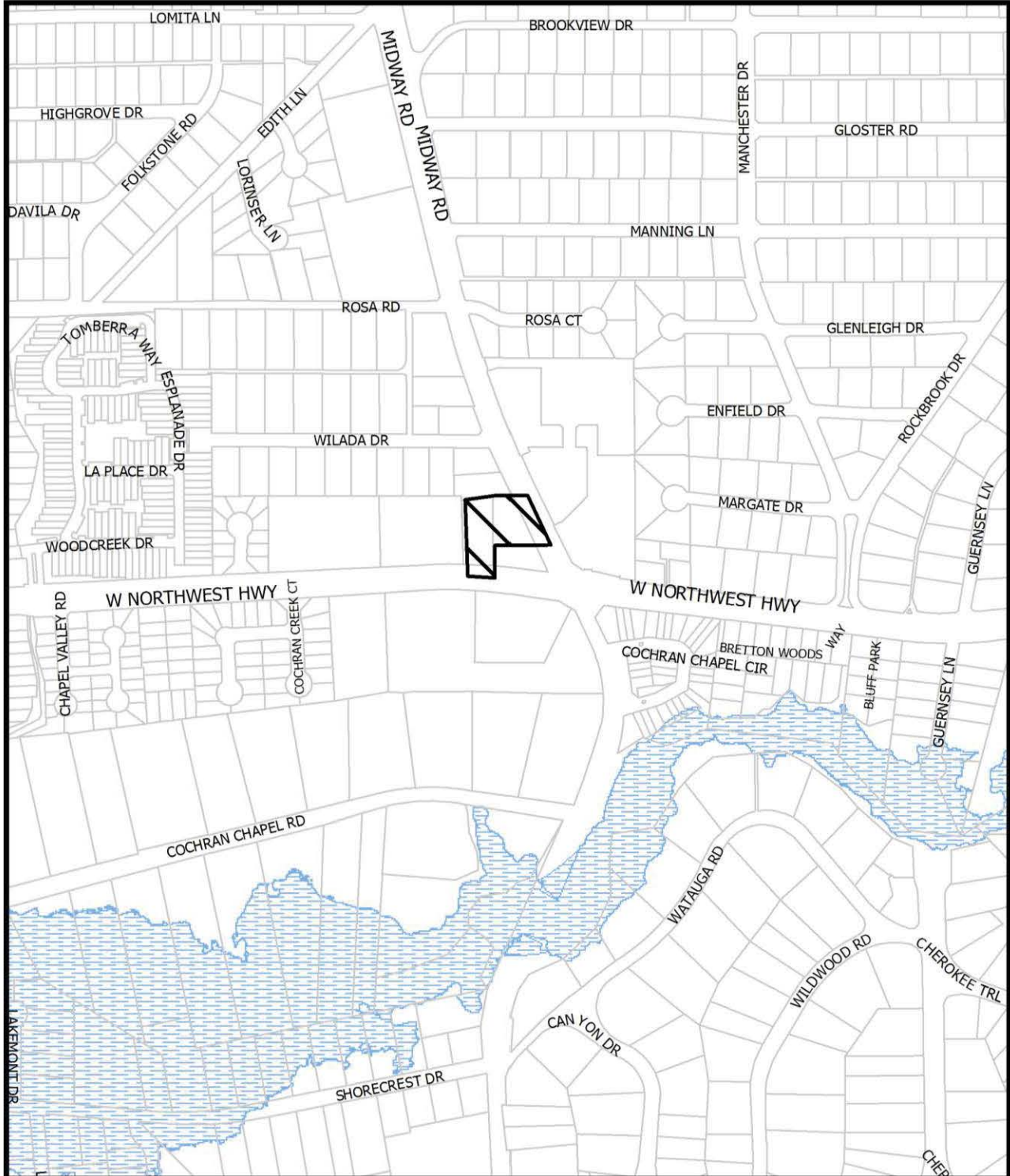





**EXISTING SITE PLAN**  
Page 2 of 2



Z167-234(WE)



 1:6,000	<h2>VICINITY MAP</h2>	Case no: <u>    <b>Z167-234</b>    </u> Date: <u>    <b>10/23/2017</b>    </u>
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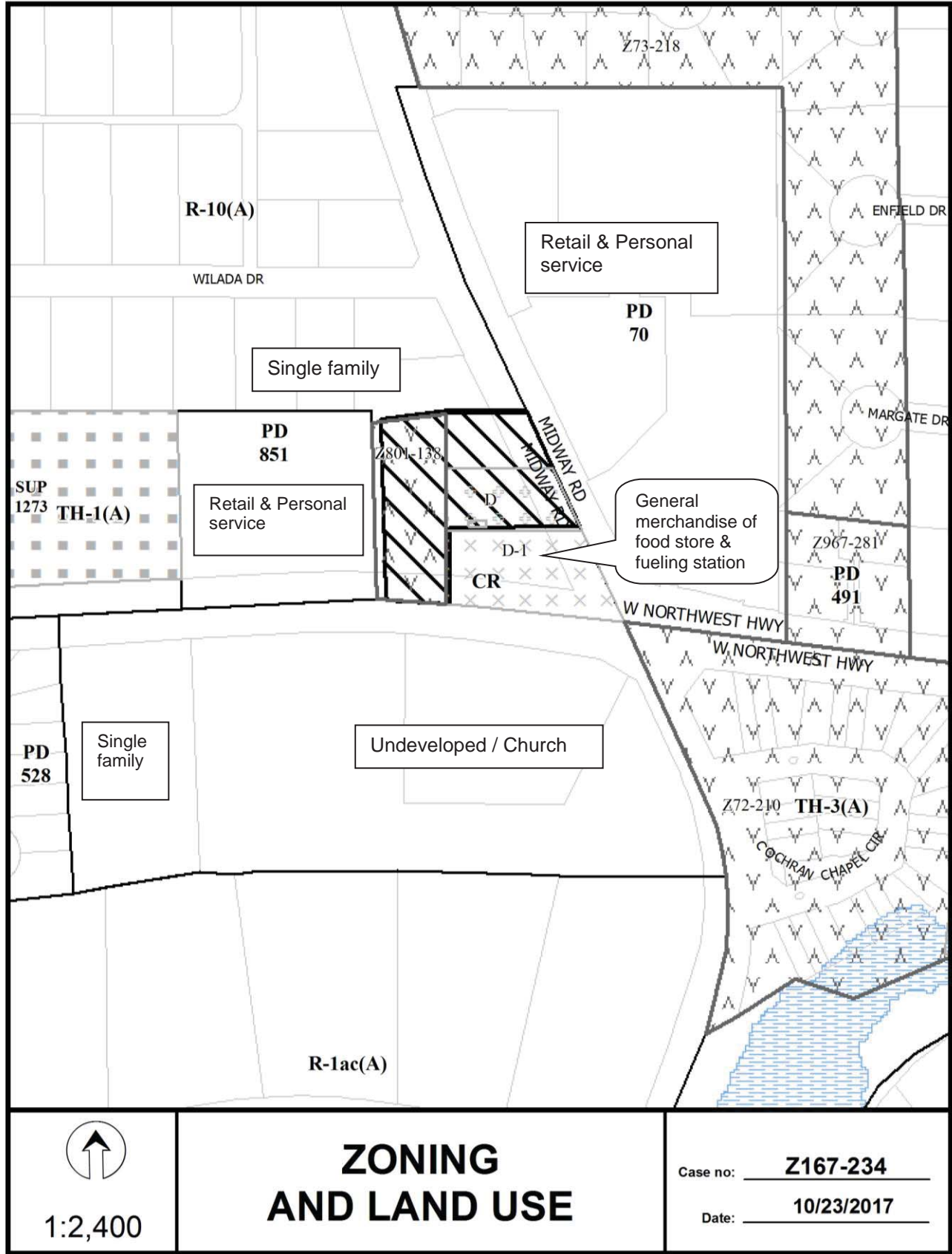


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# AERIAL MAP

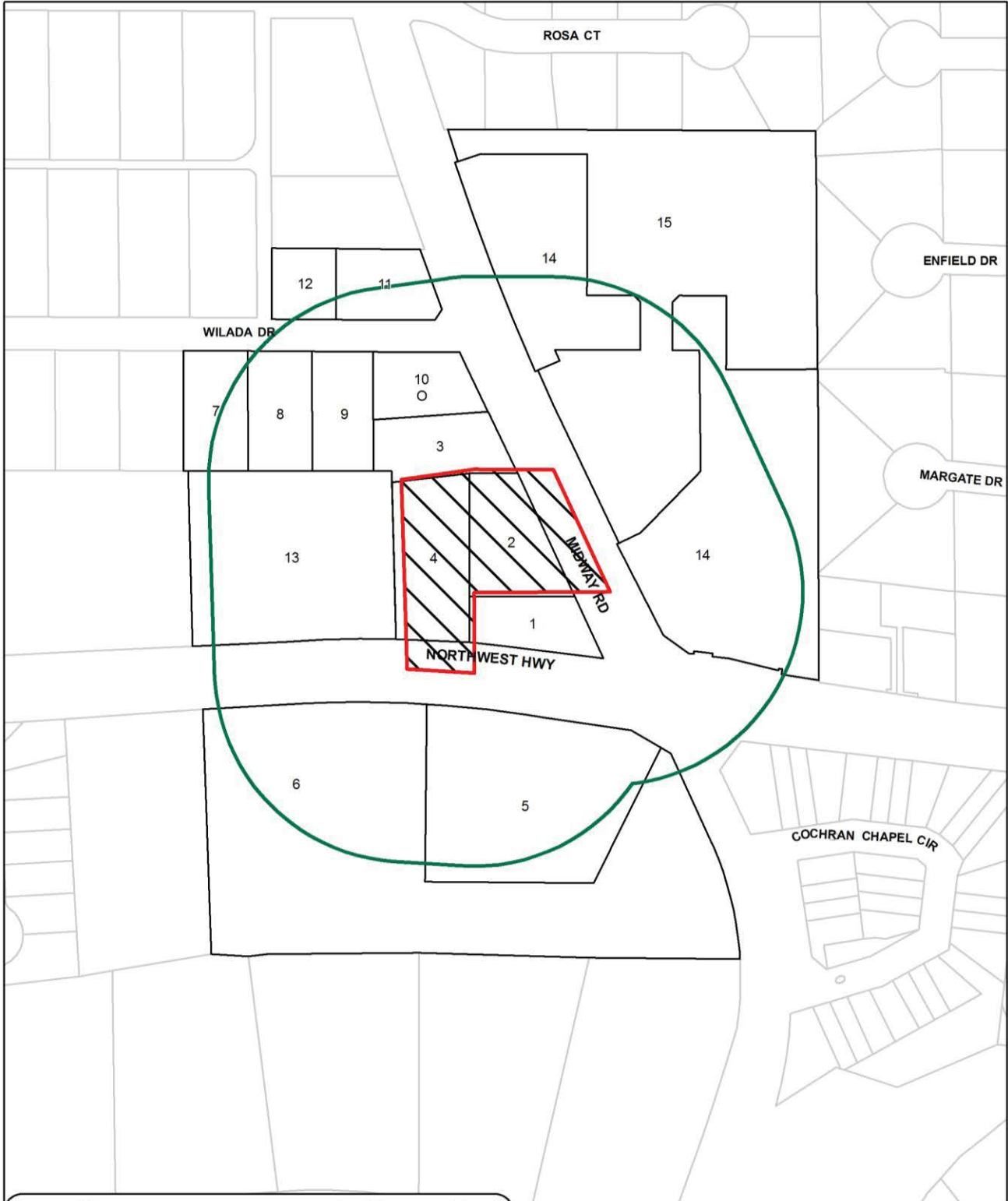
Case no: Z167-234

Date: 10/23/2017





**CPC RESPONSES**



<u>15</u>	Property Owners Notified (16 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-234**  
**CPC**



1:2,400

## **Notification List of Property**

**Z167-234**

**15 Property Owners Notified    1 Property Owners in Favor    0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	4275 W NORTHWEST HWY	AIRPORT FREEWAY FUEL CENTER LP
	2	9221 MIDWAY RD	CONSTANCE MIDWAY LTD
	3	9227 MIDWAY RD	MCGILL MANDY
	4	4255 W NORTHWEST HWY	CVS PHARMACY INC
	5	9101 MIDWAY RD	COCHRAN CHAPEL
	6	9027 MIDWAY RD	COCHRAN CHAPEL METHODIST
	7	4180 WILADA DR	KNIGHT ALLAN M
	8	4188 WILADA DR	MOORE NICKY N
	9	4194 WILADA DR	MORADI MASOUD &
O	10	9241 MIDWAY RD	ARNOLD H DAVID
	11	4193 WILADA DR	HARDAGE PATRICK C & KRISTIE N
	12	4187 WILADA DR	CRAVEN ROBERT P &
	13	4235 W NORTHWEST HWY	MIDWAY NORTHWEST HIGHWAY SHOPPING CENTER LLC
	14	4343 W NORTHWEST HWY	PRESTON HOLLOW INDIAN SCH
	15	4343 W NORTHWEST HWY	HEB GROCERY COMPANY LP

**AGENDA ITEM # 40**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 10

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 18 W

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1548 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the west and north side of Forestgate Drive, north of Forest Lane

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, revised traffic management plan, and conditions

Z167-259(WE)



**FILE NUMBER:** Z167-259(WE)

**DATE FILED:** March 29, 2017

**LOCATION:** West and north side of Forestgate Drive, north of Forest Lane

**COUNCIL DISTRICT:** 10

**MAPSCO:** 18 W

**SIZE OF REQUEST:** Approx. 5.58 acres

**CENSUS TRACT:** 190.19

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**APPLICANT/OWNER:** Harmony Public Schools

**REPRESENTATIVE:** Karl Crawley, Masterplan

**REQUEST:** An application for the renewal of Specific Use Permit No. 1548 for an open-enrollment charter school on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant is requesting to renew the existing SUP for an open-enrollment charter school [Harmony Science Academy]. The applicant missed the time period required to apply for automatic renewal.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, revised traffic management plan, and conditions.

**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, revised traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- The request site is currently developed with an open enrollment charter school and office showroom warehouse.
- SUP No. 1548 was established on May 12, 2004, for a maximum of 17 classrooms. On April 26, 2006, this SUP was approved to allow a maximum of 36 classrooms. In January 2007, an amendment to SUP No. 1548 was approved to increase the maximum number of classrooms to 40, increase the site area by an additional three acres, and include a gymnasium.
- In April 2012, the City Council approved an amendment to Specific Use Permit No. 1548 to increase the number of classrooms by seven, to a total of 47 classrooms.
- The applicant did not submit an application for renewal within the time period specified in the conditions and as a result had to submit an application for renewal of SUP No. 1548.
- The applicant's request for a renewal of Specific Use Permit No. 1548 will permit the continued operation of the charter school. A revised site plan has been submitted to reflect the existing playground area as well as a new orientation of the parking area in front of the high school, which is located north of the elementary/middle school. There are no other changes that are being considered for Specific Use Permit No. 1548, except for the reduction in the number of classrooms from 47 to 40, and time limit of the Specific Use Permit.
- The surrounding land uses consist of single family to the west, multifamily to the north, and office showroom warehouse uses to the east and south.

**Zoning History:** There has been one recent zoning change requested within the area within the past five years.

1. Z167-128 On February 22, 2017, the City Council approved Specific Use Permit No. 2230 for a utility or government installation other than listed to allow an elevated water storage tank use.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Forest Lane	Principle Arterial	107 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR with SU P No. 1548	Charter school
<b>North</b>	MF-2(A)	Multifamily
<b>South</b>	IR	Office showroom warehouse
<b>East</b>	IR	Office showroom warehouse
<b>West</b>	R-7.5(A)	Single family

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The requested zoning change is compatible with the intent of the Comprehensive Plan because it complies with the following goals and policies:

**Land Use Element**

**GOAL 1.1** Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

**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.

**Land Use Compatibility:**

Specific Use Permit No. 1548 is for an open enrollment charter school. The approximately 5.5-acre request site is zoned an IR Industrial Research District and is located within an office park. The renewal of SUP No. 1548 will allow for the continued operation of the existing charter school. There are no additional changes that are being considered for SUP No. 1548 except for a revised traffic management plan (TMP) and a revised site plan which depicts the existing playground area, as well as the orientation of the parking area in front of the high school, which is located north of the elementary/middle school.

The surrounding land uses are single family to the west, multifamily to the north, and office showroom warehouse uses to the east and south.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant has submitted a TMP report with this application which the Engineering Division has reviewed and supports.

**Parking/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 street system for the proposed development. The Traffic Management Plan has also been reviewed and is recommended for approval.

The Traffic Management Plan will incorporate two Exhibits: Exhibit -2 and Exhibit -3. Exhibit -2 depicts the circulation and length of queueing lanes for the elementary /middle school while Exhibit-3 depicts the circulation and length of queueing lanes for the high school.

**Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code, as amended. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.



**CPC Action** (November 16, 2017)

**Motion:** In considering an application for the renewal of Specific Use Permit No. 1548 for an open-enrollment charter school on property zoned an IR Industrial Research District on the west and north side of Forestgate Drive, north of Forest Lane, it was moved to **hold** this case under advisement until November 30, 2017.

Maker: Housewright  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Houston, Davis, Shidid\*, Carpenter,  
Mack, Lavallaissa, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Rieves  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 400 Mailed: 55  
**Replies:** For: 1 Against: 0

**Speakers:** None

**CPC Action** (November 30, 2017)

**Motion:** In considering an application for the renewal of Specific Use Permit No. 1548 for an open-enrollment charter school on property zoned an IR Industrial Research District on the west and north side of Forestgate Drive, north of Forest Lane, it was moved to **hold** this case under advisement until December 14, 2017.

Maker: Housewright  
Second: Rieves  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Carpenter,  
Lavallaissa, Jung, Housewright, Peadon, Murphy,  
Ridley, Tarpley

Z167-259(WE)

Against: 0  
Absent: 3 - Shidid, Mack, Schultz  
Vacancy: 0

**Notices:** Area: 400 Mailed: 55  
**Replies:** For: 3 Against: 0

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75201  
Carrie Redmond, 10325 Crestover Dr., Dallas, TX, 75229  
Steve Stoner, 7557 Rambler Rd., Dallas, TX, 75231  
Against: None

**CPC Action** (December 14, 2017)

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1548 for an open-enrollment charter school for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, revised traffic management plan, and revised conditions with a modification to reflect hours of operation from 7:00 a.m. to 5:00 p.m., on property zoned an IR Industrial Research District on the west and north side of Forestgate Drive, north of Forest Lane.

Maker: Housewright  
Second: Houston  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid, Carpenter,  
Mack, Lavallaissa, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 400 Mailed: 55  
**Replies:** For: 3 Against: 0

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75201  
Carrie Redmond, 10325 Crestover Dr., Dallas, TX, 75229  
For (Did not speak): Jessica Frame, 9834 Twin Creek Dr., Dallas, TX, 75228  
Against: None

**List of Partners/Principals/Officers**

**COSMOS FOUNDATION, INC.**

Board of Directors

Oner Ulvi Celpcikay  
Mustafa Ata Atik  
Cengizhan Keskin  
Bilal Akin  
Ellen A. MacDonald

Officers

Oner Ulvi Celpcikay, President  
Mustafa Ata Atik, Secretary  
Cengizhan Keskin, Treasurer  
Bilal Akin, Vice President  
Ellen A. MacDonald, Vice President  
Fatih Ay, Cluster Superintendent Dallas-Waco

### CPC PROPOSED 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.
3. TIME LIMIT: This specific use permit expires on (five years from the passage of this Ordinance) [~~April 10, 2017~~], 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 10<sup>th</sup> but before the 120<sup>th</sup> day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress and egress is permitted.
5. CLASSROOMS: The maximum number of classrooms is 4[7]0, limited to no more than 1[8]9 kindergarten and elementary classrooms, 1[5]1 junior high/middle school classrooms, and 1[4]0 high school classrooms.
6. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7[8]:00 a.m. and 5[4]:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 noon on Saturday.
7. STUDENT LOADING AND UNLOADING:
  - A. A designated area for student loading and unloading must be identified with pavement markings and signage in the location shown on the attached traffic management [site] plan.
  - B. School personnel must be provided at student loading and unloading areas, as shown on the attached traffic management plan, between the hours of 7:30 a.m. to 8:15 a.m., 2:50 p.m. to 3:15 p.m., and 3:45 p.m. to 4:00 p.m., Monday through Friday to facilitate traffic circulation and student loading and unloading.
  - C. Pavement markings showing the direction of traffic must be provided as shown on the attached traffic management [site] plan.
  - D. Student loading and unloading is prohibited on Forestgate Drive.

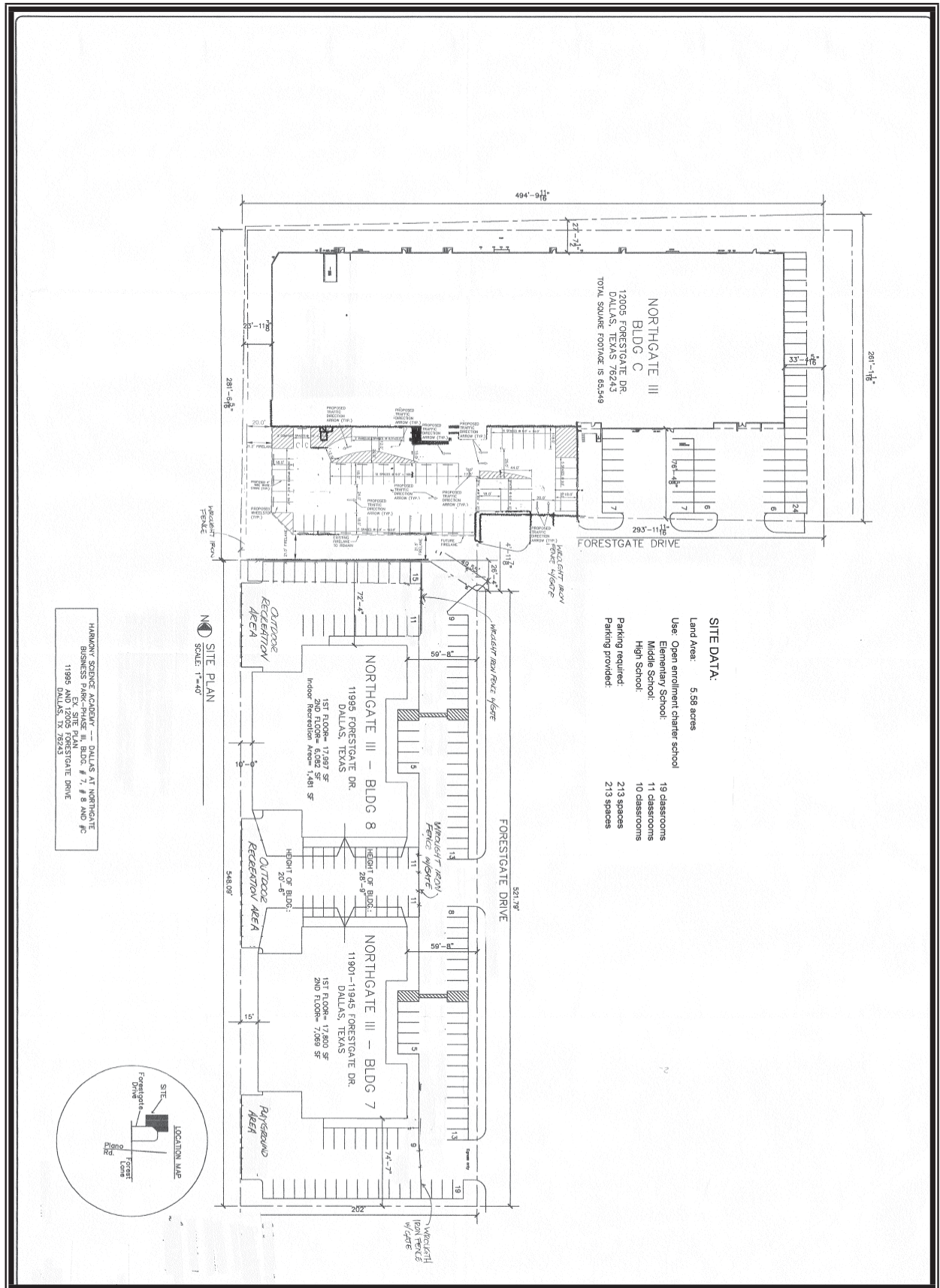
8. TRAFFIC MANAGEMENT PLAN:

- A. Prior to the issuance of a certificate of occupancy for Building C, the Property owner must comply with the provisions outlined in the attached traffic management plan.
- B. Thirty days prior to each new school year, the Property owner must provide the director of public works and transportation with an update to the traffic management plan. Any changes required by the director after review of the revised plan must be implemented within 15 days after the date of the director's request.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.”

PROPOSED SITE PLAN

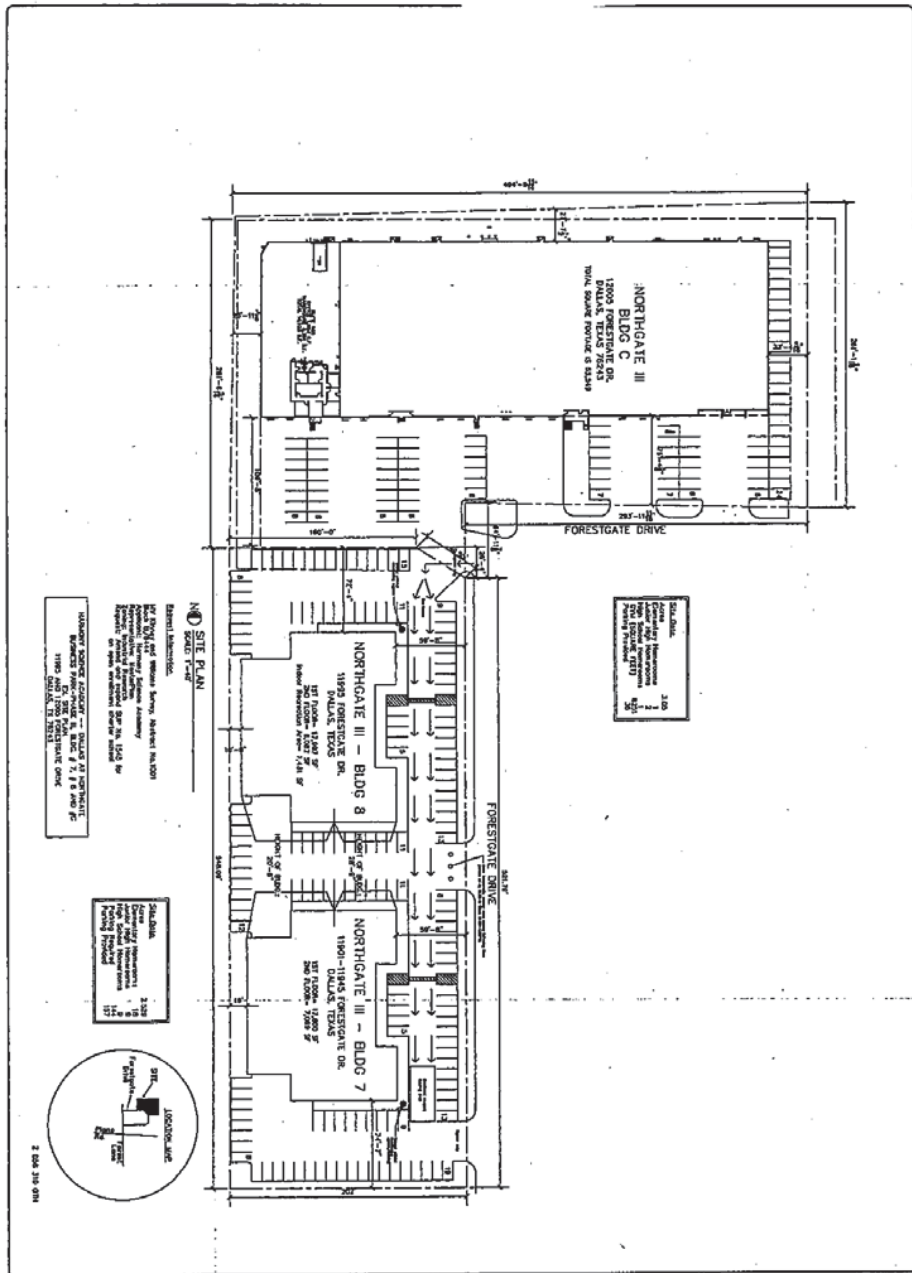


EXISTING SITE PLAN WITH CIRCULATION PLAN

Site Plan

070171

26541



Specific Use Permit No. 1548

Approved City Plan Commission November 2, 2006

December 4, 2017

PK# 3126-17.003

# TRAFFIC MANAGEMENT PLAN

Project:

**Harmony Science Academy**

*In Dallas, Texas*

Prepared for:

**City of Dallas**

On behalf of:

**Harmony Science Academy**



*Steve E. Stoner*

12/4/17

Prepared by:



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 235-3031 [www.pkce.com](http://www.pkce.com)  
TX. REG: ENGINEERING FIRM F-14439  
TX. REG. SURVEYING FIRM LS-10193805-00



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## INTRODUCTION

The services of **Pacheco Koch** (PK) were retained by on behalf of **Harmony Schools**, to prepare a Traffic Management Plan (TMP) for the Harmony Science Academy located at 11995 Forestgate Drive in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

Harmony Science Academy (the “School”) is seeking to renew its Specific Use Permit (SUP) from the City of Dallas (the “Approving Agency”). 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 City’s review 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.

### ***Project Description***

The site currently consists of a K-12 public charter school. The school consists of three, adjacent buildings—one each for the elementary, middle, and high schools. Access to the campus is via Forestgate Drive, a local street, which forms a loop that intersects with Forest Lane, a thoroughfare. In this section (between Plan Road and Skillman Street), Forest Lane is an eight-lane, median-divided cross-section. The intersections of Forest Lane and Forestgate Drive are STOP-controlled. Nearby traffic signals are located on Forest Lane at the intersections with Plano Road (east of Forestgate Drive) and Skillman Street (west of Forestgate Drive).

The campus is located within a business park and is surrounded by small offices and other businesses. Multifamily is located north of the site and single family is located west of the site. An existing site plan, prepared by Heights Venture Architects, is provided at the end of this report.

Current enrollment is summarized below in Table 1. The School is not seeking to increase enrollment through the pending SUP renewal.

*Table 1. Current Enrollment*

<b>LEVEL</b>	<b>STUDENTS ENROLLED</b>
Kindergarten	43
1st Grade	51
2nd Grade	68
3rd Grade	76
4th Grade	81
5th Grade	74
<i>Elementary School Subtotal</i>	<i>393</i>
6th Grade	138
7th Grade	136
8th Grade	135
<i>Middle School Subtotal</i>	<i>409</i>
9th Grade	125
10th Grade	116
11th Grade	101
12th Grade	83
<i>High School Subtotal</i>	<i>425</i>
<b>TOTAL</b>	<b>1,227</b>

Currently, each school start at 7:45 AM on school days. The Elementary School ends at 2:45 PM; the Middle and High Schools end at 3:25 PM.

### ***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:

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.

**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

**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.

Pacheco Koch was not involved with site selection, site design, or the current operations for this project. Pacheco Koch is not responsible for the *implementation* of the recommended TMP Strategies contained in this study.

## ***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 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 “*TMP Objectives*”). 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 exhibits. 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.

## **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 Harmony Science Academy to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.*

A graphical summary of existing conditions is depicted in **Exhibit 1**; graphical summaries of recommendations and proposed conditions are depicted in **Exhibits 2 and 3** for the Elementary, Middle, and High schools, respectively. All assumptions, calculations, and other quantitative data are provided in the **Appendix**.

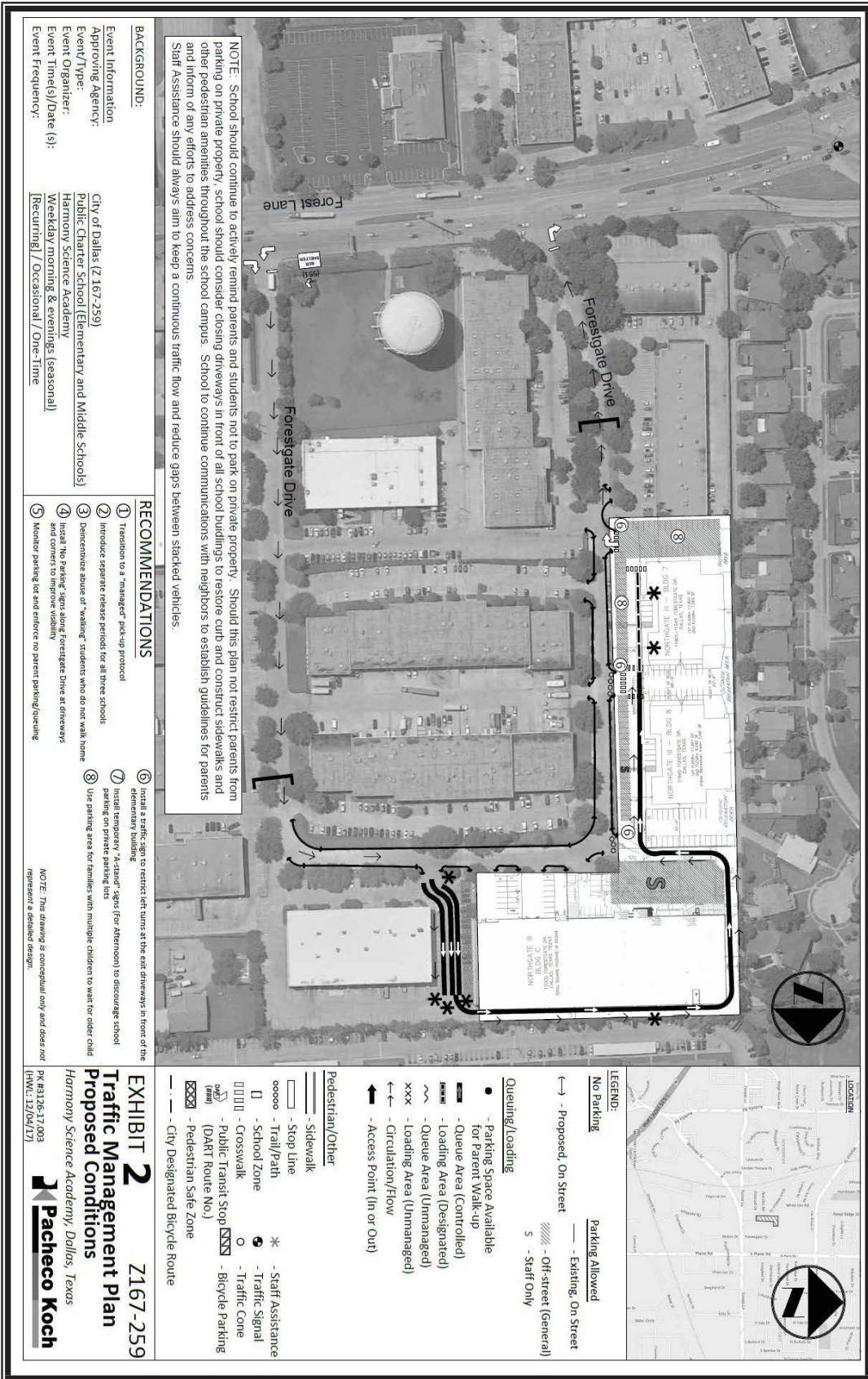
A summary of specific recommendations are provided below:

1. During the afternoon pick-up period, transition from an “unmanaged pickup protocol” to a “managed pick-up protocol” in which all parents must enter a controlled queue line and pick-up students at a designated loading area. See traffic control measures depicted in **Exhibits 2 and 3**.
2. Introduce a separate release (i.e., pick-up) time for all three schools: Elementary, Middle, and High schools. Release times should be separated by a minimum of 20 minutes with Elementary School release first and High School release last.
3. Disincentive abuse of “walking” students who do not walk home but are actually picked up by parents off school property. Recommended methods are:
  - a. Do not release “walkers” until the last release time,
  - b. Scrutinize eligibility of students to register as “walker” such as by limiting the privilege to students with proof of residence within one mile of campus.
4. Install [Caity forces] ‘No Parking’ signs along Forestgate Drive at driveways and corners to improve visibility.
5. Monitor parking lot and enforce no parent parking/queuing.
6. Install a traffic sign to restrict left turns at the exit driveways in front of the elementary building.
7. Install temporary “A-stand signs (For Afternoon) to discourage school parking on private parking lots.
8. School should allow families with multiple students in different school grades to temporarily park at a designated parking area. Parents should wait for their older students (middle and high school grades).

*END OF MEMO*

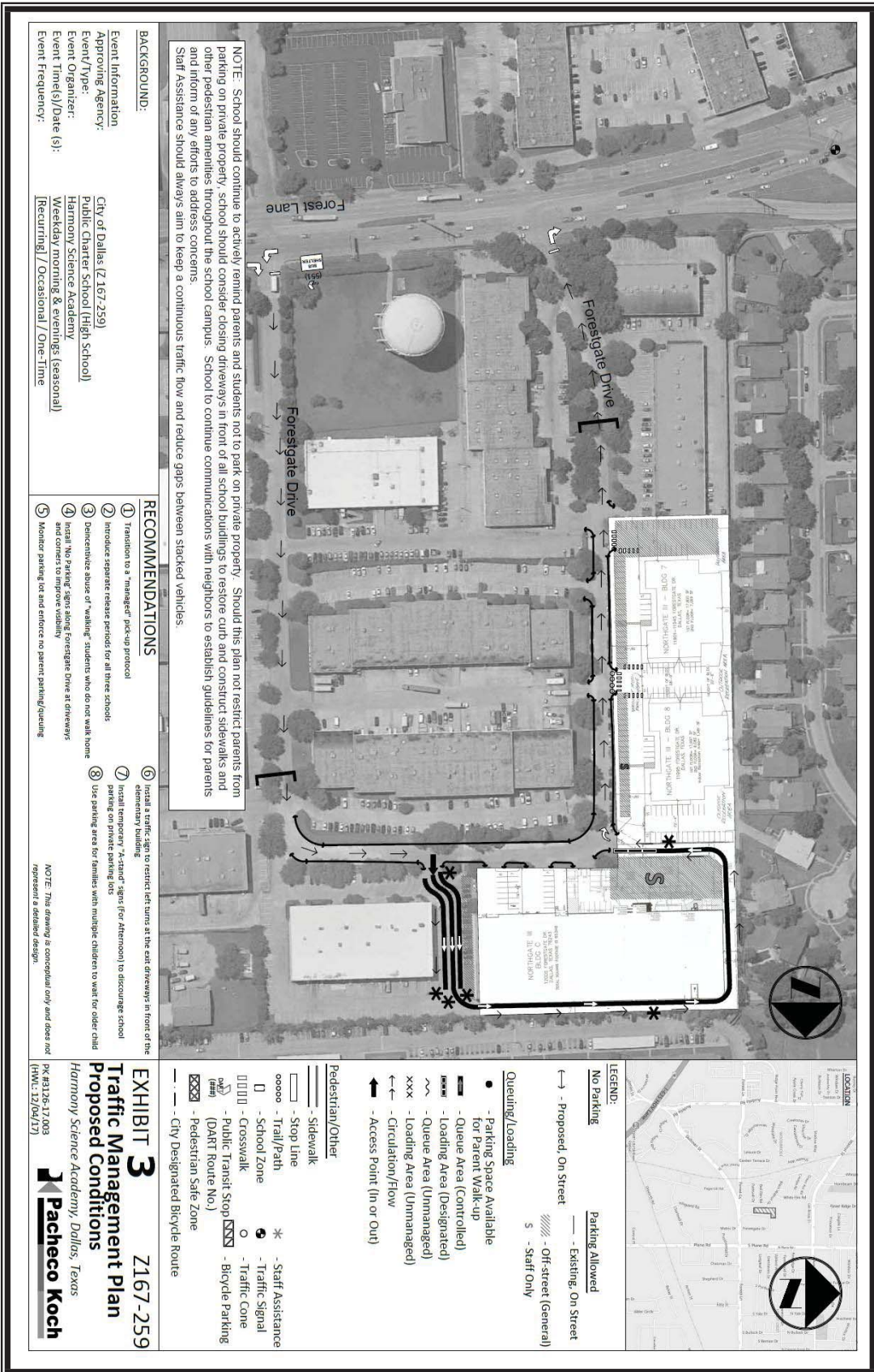
# PROPOSED TRAFFIC MANAGEMENT PLAN

## Elementary /Middle School





# PROPOSED TRAFFIC MANAGEMENT PLAN High School



**NOTE:** School should continue to actively remind parents and students not to park on private property. Should this plan not restrict parents from parking on private property, school should consider closing driveways in front of all school buildings to restore curb and construct sidewalks and other pedestrian amenities throughout the school campus. School to continue communications with neighbors to establish guidelines for parents and inform of any efforts to address concerns. Staff Assistance should always aim to keep a continuous traffic flow and reduce gaps between stacked vehicles.

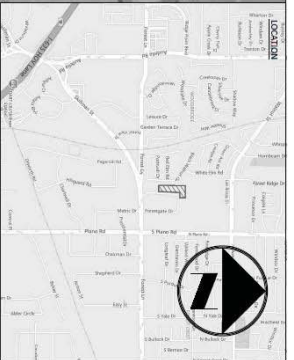
**BACKGROUND:**  
 Event Information: City of Dallas (Z 167-259)  
 Approving Agency: Public Charter School (High School)  
 Event/Type: Harmony Science Academy  
 Event Organizer: Weekday mornings & evenings (seasonal)  
 Event Time(s)/Date (s): Recurring / Occasional / One-Time  
 Event Frequency:

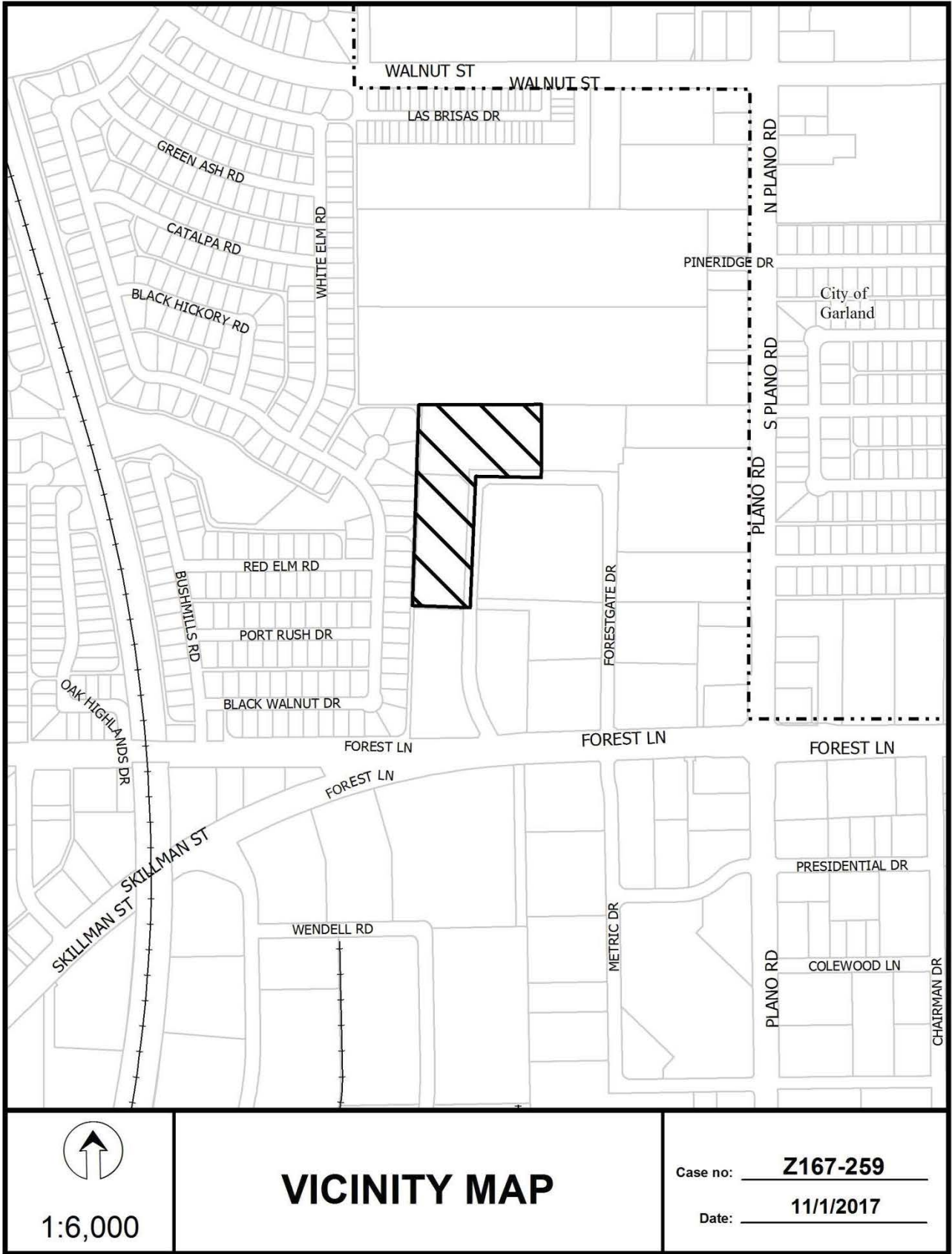
- RECOMMENDATIONS**
- 1 Transition to a "manager" pick-up protocol
  - 2 Introduce separate release periods for all three schools
  - 3 Decongest area of "waiting" students who do not walk home
  - 4 Install "No Parking" signs along Forestgate Drive at driveways and corners to improve visibility
  - 5 Monitor parking lot and enforce no parent parking/queuing
  - 6 Install a traffic sign to restrict left turns at the exit driveways in front of the parking lot
  - 7 Install temporary "Kiss-and-Ride" signs (for afternoon) to discourage school parking on private parking lots
  - 8 Use parking area for families with multiple children to wait for older child

*NOTE: This drawing is conceptual only and does not represent a detailed design.*

**EXHIBIT 3** Z167-259  
**Traffic Management Plan**  
**Proposed Conditions**  
 Harmony Science Academy, Dallas, Texas  
 PK-2135-171009  
 (HWL:1210417) **Pacheco Koch**

- LEGEND:**
- No Parking**
- - Proposed, On Street
  - - Existing, On Street
  - /// - Off-street (General)
  - S - Staff Only
- Queuing/Loading**
- - Parking Space Available for Parent Walk-up
  - - Queue Area (Controlled)
  - - Loading Area (Designated)
  - - Queue Area (Unmanaged)
  - xxx - Loading Area (Unmanaged)
  - ← - Circulation/Flow
  - ↑ - Access Point (In or Out)
- Pedestrian/Other**
- - Sidewalk
  - - Stop Line
  - o-o-o-o - Trail/Path
  - - School Zone
  - □ □ □ - Crosswalk
  - o (with DART) - Public Transit Stop (DART Route No.)
  - ⊗ - Pedestrian Safe Zone
  - - City Designated Bicycle Route
  - \* - Staff Assistance
  - - Traffic Signal
  - - Traffic Cone
  - ⊗ - Bicycle Parking





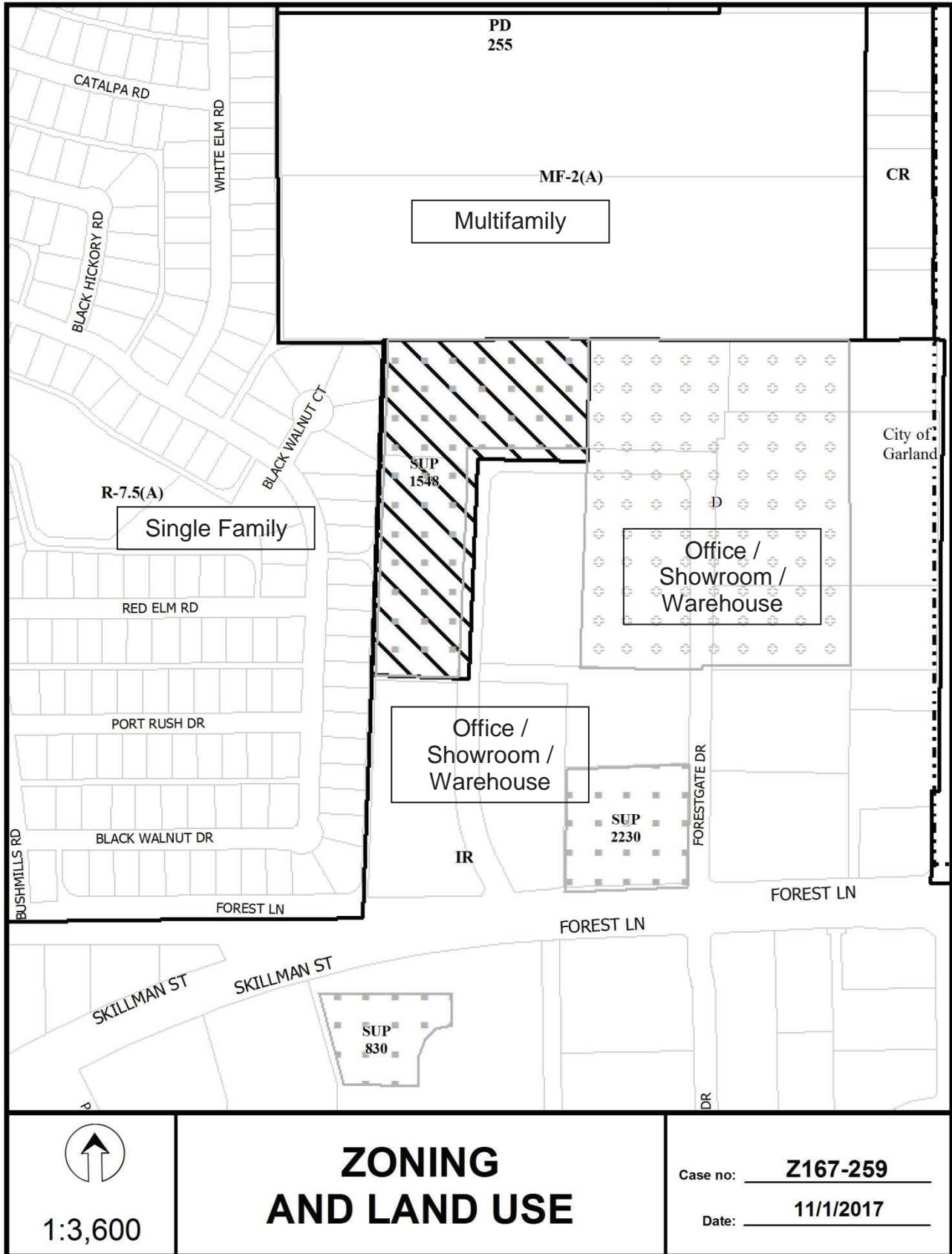


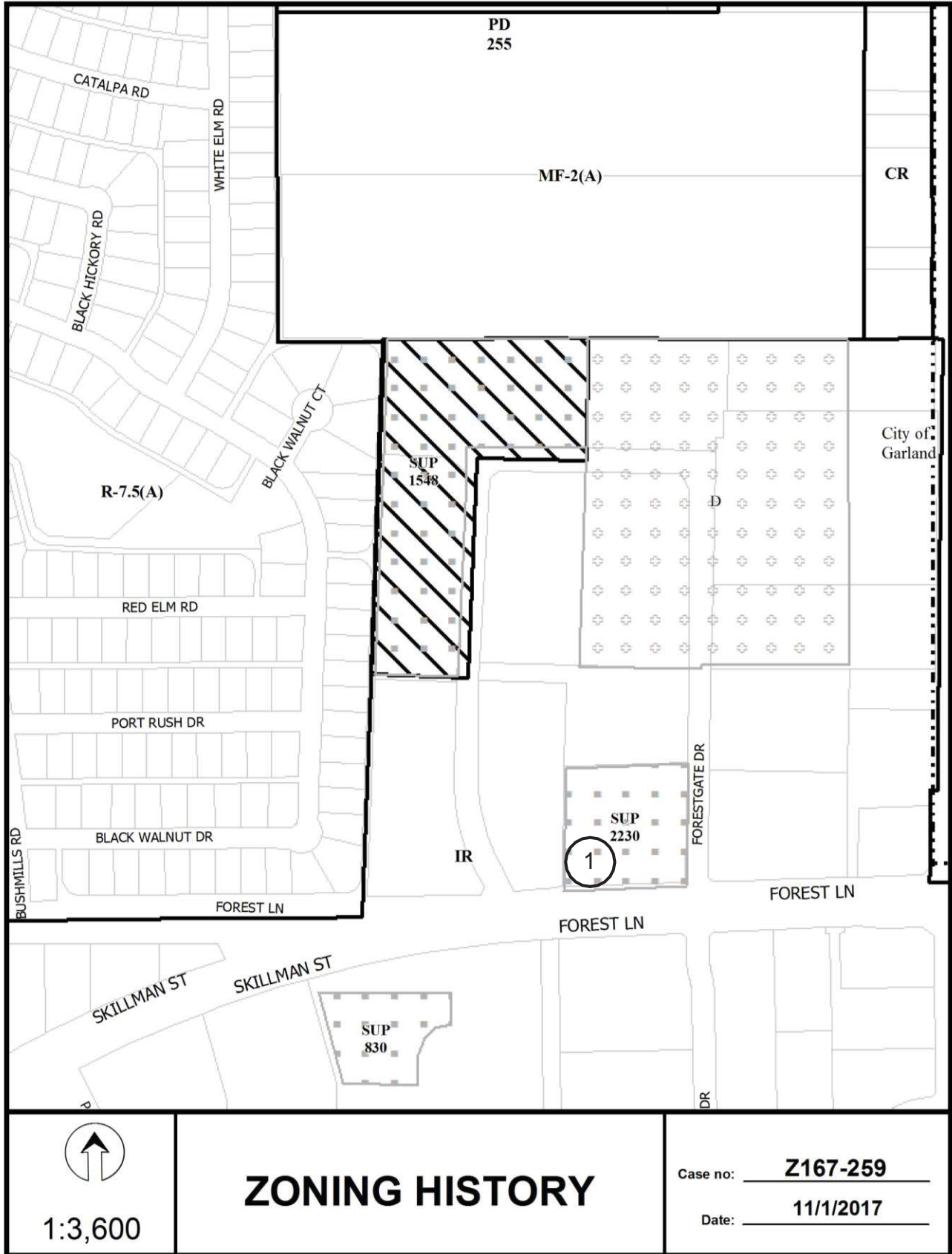
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# AERIAL MAP

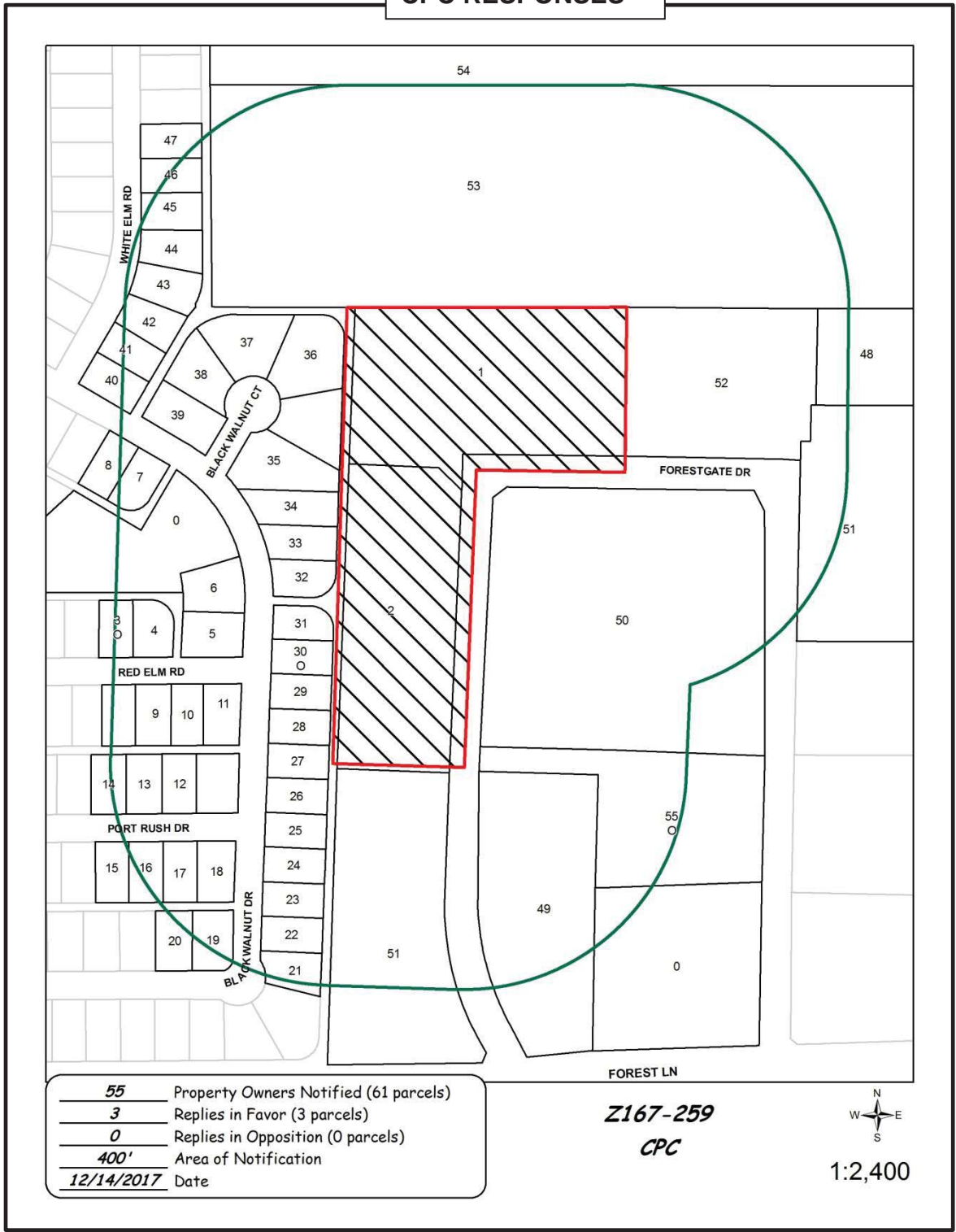
Case no:           Z167-259          

Date:           11/1/2017





**CPC RESPONSES**



<b>55</b>	Property Owners Notified (61 parcels)
<b>3</b>	Replies in Favor (3 parcels)
<b>0</b>	Replies in Opposition (0 parcels)
<b>400'</b>	Area of Notification
<b>12/14/2017</b>	Date

**Z167-259**  
**CPC**



1:2,400

12/13/2017

**Reply List of Property Owners****Z167-259***55 Property Owners Notified**3 Property Owners in Favor**0 Property Owners Opposed*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	12005 FORESTGATE DR	COSMOS FOUNDATION INC
	2	11945 FORESTGATE DR	COSMOS FOUNDATION INC
O	3	10335 RED ELM RD	DANH HANH
	4	10339 RED ELM RD	OWENS TERRY
	5	10501 BLACK WALNUT DR	HARDIN ELVERN &
	6	10505 BLACK WALNUT DR	BROSSETT DANIEL L &
	7	10547 BLACK WALNUT DR	NGUYEN NGA TUYET REVOCABLE LIVING TR
	8	10551 BLACK WALNUT DR	BAWIRAL &
	9	10338 RED ELM RD	NGUYEN NGHIEP ET AL LF ES
	10	10342 RED ELM RD	WADDLE NITA B
	11	10346 RED ELM RD	AVERETTE RANDOLPH A &
	12	10339 PORTRUSH DR	NGUYEN DUY & LINH
	13	10335 PORTRUSH DR	TEBEJE ASTER G
	14	10331 PORTRUSH DR	GARCIA MIGUEL HERRERA &
	15	10330 PORTRUSH DR	VASQUEZ NORA
	16	10334 PORTRUSH DR	NGUYEN KIM LAN
	17	10338 PORTRUSH DR	WAH EH
	18	10342 PORTRUSH DR	PALACIOS MARY ISABEL
	19	10339 BLACK WALNUT DR	COOPER BRENDA
	20	10335 BLACK WALNUT DR	TUANG KHUP LAN
	21	10402 BLACK WALNUT DR	CASADOS CESAR
	22	10406 BLACK WALNUT DR	POUNCIE ERICA N
	23	10410 BLACK WALNUT DR	VU TOMMY
	24	10414 BLACK WALNUT DR	GRANT REGINALD & LAPRENSA
	25	10418 BLACK WALNUT DR	HARRIS MARY K
	26	10422 BLACK WALNUT DR	LOVELL LEAH SUSAN

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	10426 BLACK WALNUT DR	CHUKWUMA PEACE
	28	10430 BLACK WALNUT DR	GOYAL ASHOK KUMAR &
	29	10434 BLACK WALNUT DR	TRAN BINH VAN &
O	30	10502 BLACK WALNUT DR	HANSON FAMILY PARTNERSHIP
	31	10506 BLACK WALNUT DR	BACA BENJAMIN S & MARIA M
	32	10510 BLACK WALNUT DR	GALLEGOS ISIDRO &
	33	10514 BLACK WALNUT DR	MOSELEY WILLIAM G & MYKA J
	34	10518 BLACK WALNUT DR	NGUYEN SAM D
	35	10522 BLACK WALNUT CT	NGUYEN KIM CHI
	36	10530 BLACK WALNUT CT	ORUPABO ADELAIDE
	37	10534 BLACK WALNUT CT	BALDERAS TRINIDAD &
	38	10538 BLACK WALNUT CT	CHAN KWONG POU & SIU YIN
	39	10542 BLACK WALNUT CT	MATHEW JAYA T
	40	10383 WHITE ELM RD	PRAXAYBANE LEXUS A
	41	10379 WHITE ELM RD	HAMMOND BERNESTEAN
	42	10375 WHITE ELM RD	PARK YONG D ESTATE OF
	43	10371 WHITE ELM RD	TEXAS LAND CAPITAL LP
	44	10367 WHITE ELM RD	SPECIALIZED SERVICES LLC
	45	10363 WHITE ELM RD	HOWARD DARRYL
	46	10359 WHITE ELM RD	SIMS ANTHONY L
	47	10355 WHITE ELM RD	PHAM MINH QUOC &
	48	12105 PLANO RD	SHARBER SCHOOLS INC
	49	10503 FOREST LN	DIRKIN PROPERTIES FIRST LP
	50	12002 FORESTGATE DR	PSFW PROPERTIES LLC
	51	11805 FORESTGATE DR	AVISTONE NORTHGATE III H LLC
	52	12061 FORESTGATE DR	WALTERSCHEID GILES W &
	53	12203 PLANO RD	FOREST GARDEN INVESTORS
	54	12303 PLANO RD	NORTHGATE VLLG ASSOC LLC
O	55	12215 FORESTGATE DR	HONG PROPERTIES LTD



**AGENDA ITEM # 41**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 23 W

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2105 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road  
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions  
Z167-371(SM)



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**FILE NUMBER:** Z167-371(SM)                      **DATE FILED:** August 8, 2017  
**LOCATION:** Southwest corner of Harry Hines Boulevard and Willowbrook Road  
**COUNCIL DISTRICT:** 6                              **MAPSCO:** 23 W  
**SIZE OF REQUEST:** Approx. 6.474 acres              **CENSUS TRACT:** 99.00

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**APPLICANT/OWNER:** Bhagat Holdings, Ltd.

**REPRESENTATIVE:** Tailim Song Law Firm

**REQUEST:** An application for the renewal of Specific Use Permit No. 2105 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District.

**SUMMARY:** The applicant requests the renewal of SUP No. 2105 to continue the operation of the existing bar [Radius Sports Bar & Grill].

**CPC RECOMMENDATION:** Approval for a two-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to conditions.

**BACKGROUND INFORMATION:**

- The site is developed with three structures constructed in 1984, according to Dallas Central Appraisal District Records, and the subject suite was previously occupied by various restaurants, according to permit records.
- On September 24, 2014, City Council approved SUP No. 2105 for a 4,087-square foot bar, lounge, or tavern use within the northernmost suite of the westernmost building on the site.
- Since the granting of SUP No. 2105, the suite has been occupied by three different bar, lounge, or tavern operators. The current occupant, One Radius, LLC [DBA Radius Sports Bar & Grill], obtained a Certificate of Occupancy on October 12, 2017.

**Zoning History:** There has been no recent zoning activity in the immediate area relevant to this request.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and has no objection to the request.

<u>Thoroughfare/Street</u>	<u>Designation</u>	<u>Thoroughfare Roadway Section</u>
Harry Hines Boulevard	Principal Arterial	Standard-8 lanes-Divided; 130' ROW
Willowbrook Road	Local	55' ROW

**STAFF ANALYSIS:**

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

The proposed zoning request meets the following goal and objective of the comprehensive plan.

**Economic Element**

Goal 2.1 Promote balanced growth

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

**Surrounding Land Uses:**

<b>Location</b>	<b>Zoning</b>	<b>Land Use</b>
Site	MU-3 with SUP Nos. 2104, 2105, 2106	Shopping center
North	IR and MU-3	Office/showroom/warehouse and retail store with gas
East	CS and IR	Drive through restaurants, retail with gas, and undeveloped
South	MU-3	Auto sales
West	CS	Warehouse

**Land Use Compatibility:**

The request site is developed with three one-story, masonry, and multi-tenant shopping center structures. The bar, lounge, or tavern use for the existing SUP is located in the northernmost suite of the westernmost building, which abuts a wooded drainage area.

Surrounding land uses of the shopping center consist of an office/showroom/warehouse use and gas station to the north; two drive-through restaurants are located adjacent to the shopping center to the east, undeveloped land and another gas station are located on the opposite side of Harry Hines Boulevard to the east; a third gas station and a nonconforming auto sales use is located to the south, and a warehouse is located opposite of a 75-foot wide drainage easement to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the continued operation of the use; however, because the following police reports are from when the use was vacant and because the applicant proposes to extend the hours of operation (which staff does not support), a term of two years is recommended which will allow for a re-evaluation of the new operator and the extended hours.

**Off-Street Parking:**

The parking analysis on the existing SUP site plan shows there is 4,087 square feet of a bar, lounge, or tavern use in the suite assigned to SUP No. 2105. One space per 100 square feet of floor area is required for a bar, lounge, or tavern use, which results in 41 spaces for the area authorized by SUP No. 2105.

According to the Certificates of Occupancy (COs) issued since 2006, the overall floor area of this suite is 4,000 square feet and the notes on the COs say that 40 spaces are required and provided within the overall shopping center.

**Police Reports:**

The following three lists (crime, arrests, and calls) were obtained by staff from the Dallas Police Department.

<b>Crime, Jan 1 2016 - Sep 20 2017</b>				
<b>Incident No.</b>	<b>Date</b>	<b>Time</b>	<b>UCR Offense</b>	<b>Address</b>
107940-2017	5/14/2017	2:00	Assault	2415 W Northwest Hwy
028641-2017	2/5/2017	22:00	Assault	2415 W Northwest Hwy
182305-2016	7/29/2016	21:00	Miscellaneous	2415 W Northwest Hwy
168769-2017	7/22/2017	22:30	Theft/Bmv	2415 W Northwest Hwy
162478-2017	7/15/2017	0:15	Other Thefts	2415 W Northwest Hwy
131767-2017	6/10/2017	23:30	Theft/Bmv	2415 W Northwest Hwy
071804-2017	3/31/2017	1:30	Uumv	2415 W Northwest Hwy
057429-2017	3/12/2017	1:45	Theft/Bmv	2415 W Northwest Hwy
041986-2017	2/22/2017	3:00	Burglary-Business	2415 W Northwest Hwy
035113-2017	2/13/2017	3:30	Robbery-Individual	2415 W Northwest Hwy
010555-2017	1/14/2017	2:30	Robbery-Individual	2415 W Northwest Hwy
282226-2016	11/26/2016	3:00	Robbery-Individual	2415 W Northwest Hwy
212139-2016	9/3/2016	1:30	Robbery-Individual	2415 W Northwest Hwy

<b>Arrests, Jan 1 2016 - Sep 20 2017</b>					
<b>Incident No.</b>	<b>Arrest No. ID</b>	<b>Date</b>	<b>Time</b>	<b>Charge Description</b>	<b>Address</b>
097258-2017	0017722-2017	5/1/2017	0:00	Evading Arrest Detention	2415 W Northwest Hwy
097258-2017	0017722-2017	5/1/2017	0:00	Unlawful Carrying Weapon	2415 W Northwest Hwy
097258-2017	0017722-2017	5/1/2017	0:00	Warrant Hold (Outside Agency)	2415 W Northwest Hwy

<b>Calls, Jan 1 2016 - Sep 20 2017</b>					
<b>Master Incident No.</b>	<b>Date</b>	<b>Time</b>	<b>Problem</b>	<b>Priority Description</b>	<b>Address</b>
17-1062829	6/4/2017	22:29	07 - Minor Accident	3 - General Service	2415 W Northwest Hwy
17-0617527	4/2/2017	2:48	6XEA - Disturbance Emerg Amb	1 - Emergency	2415 W Northwest Hwy
17-0606594	3/31/2017	17:27	09V - UUMV	4 - Non Critical	2415 W Northwest Hwy
17-0349803	2/22/2017	10:28	11B - Burg of Bus	3 - General Service	2415 W Northwest Hwy
17-1633434	8/27/2017	3:25	25 - Criminal Assault	2 - Urgent	2415 W Northwest Hwy

**Prior CPC Action – November 30, 2017:**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2105 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern for a two-year period, subject to staff’s recommended conditions with a modification to amend the hours of operation from 8:00 a.m. to 2:00 a.m. on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road.

Maker: Carpenter  
Second: West  
Result: Carried: 9 to 0

For: 9 - West, Rieves, Davis, Carpenter, Lavallaissa,  
Jung, Peadon, Murphy, Tarpley

Against: 0

Absent: 6 - Houston, Shidid, Mack, Housewright, Schultz,  
Ridley

Vacancy: 0

**Notices:** Area: 400 Mailed: 43

**Replies:** For: 0 Against: 0

**Speakers:** For: Shawan Bhagat, 652 Timber Crest Cr., Highland Village, TX, 75077  
Against: None

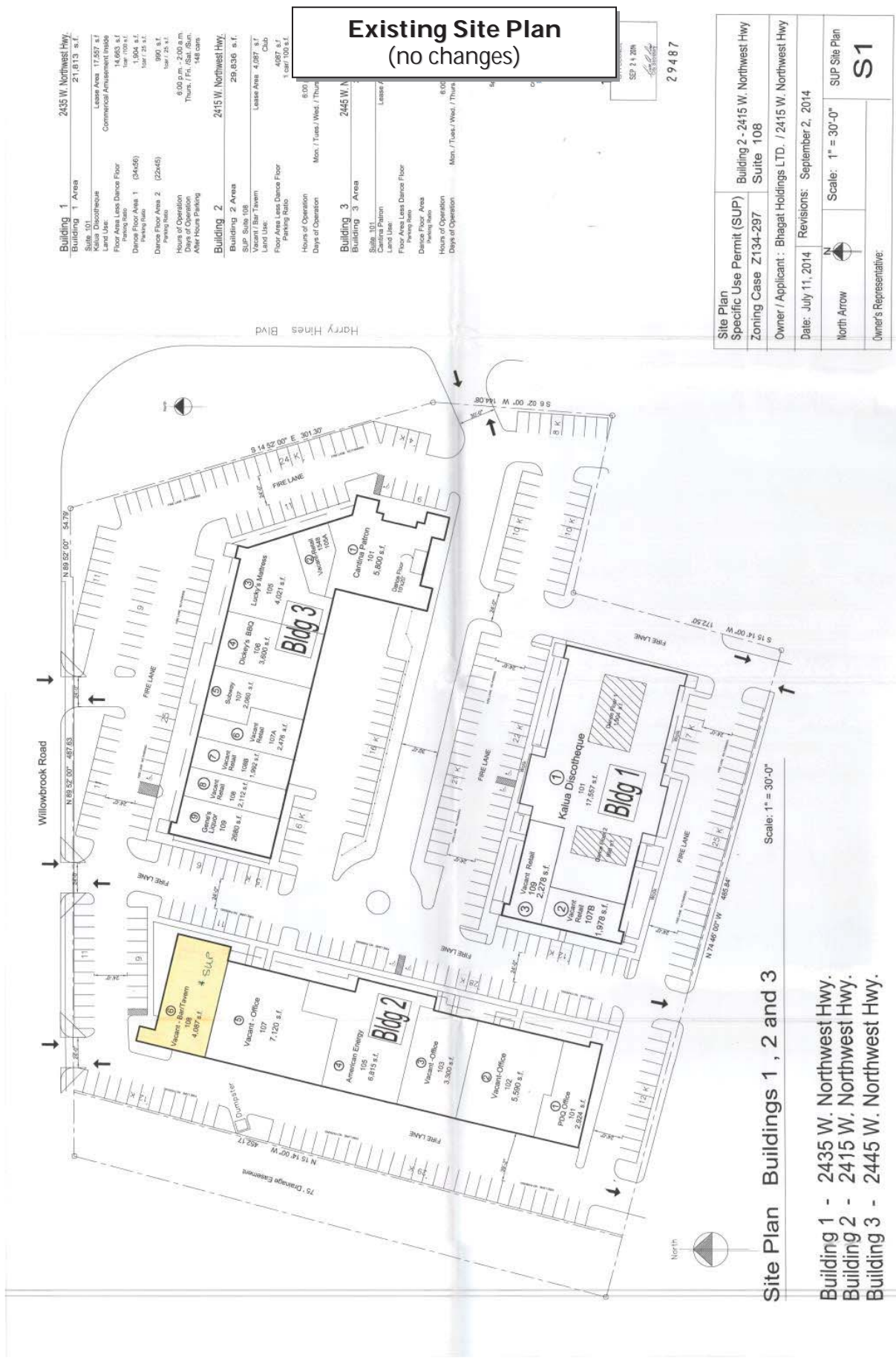


**Bhagat Holdings, LTD**  
**List of Officers/Partners/Principals**

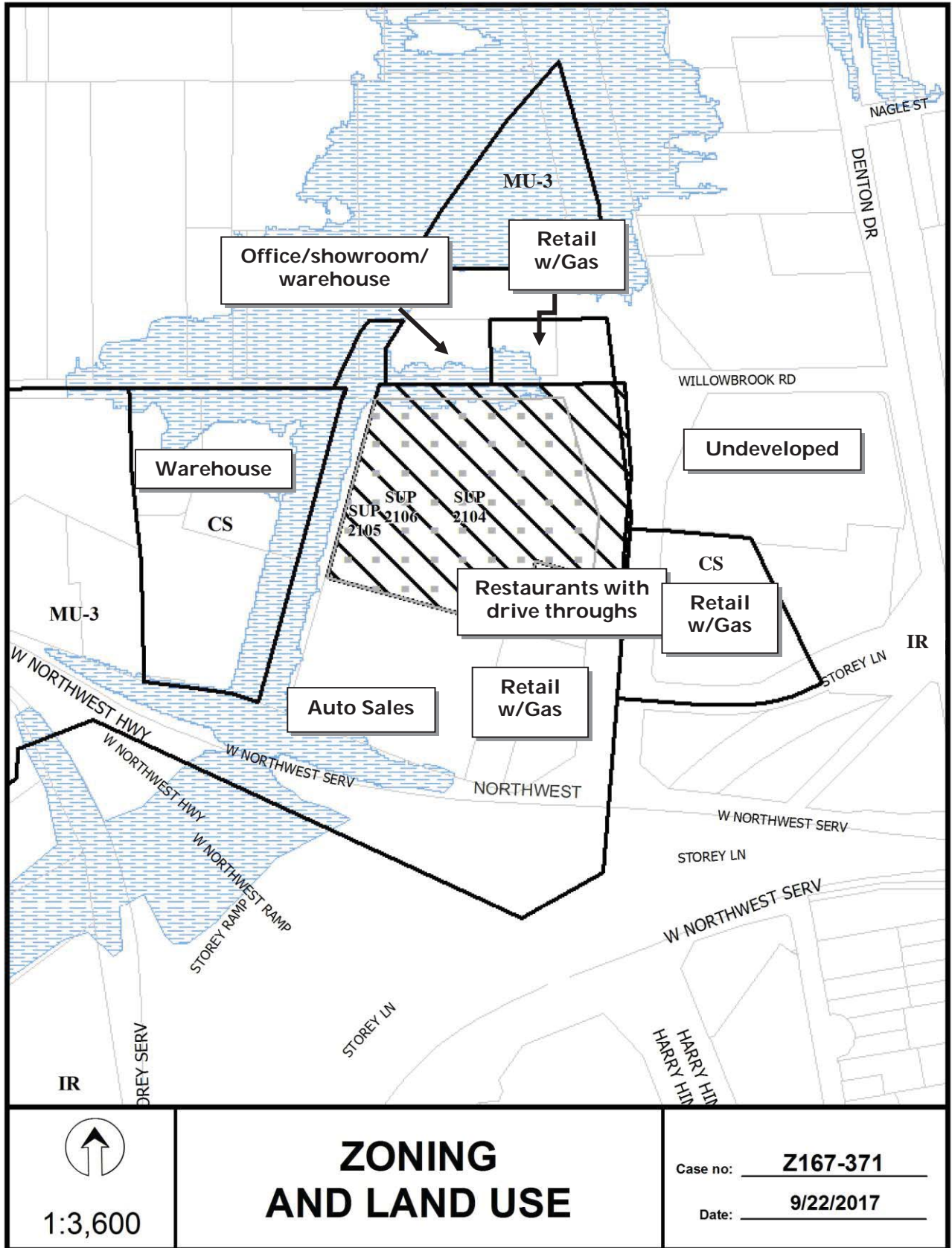
- 1) Shanali “Shawn” Bhagat, Officer
  - a. Bhagat Holdings, LTD  
2415 W. Northwest Highway, Suite 105  
Dallas, Texas 75220
- 2) Bhagat Legacy Trust 99%
- 3) Bhagat Asset Management 1%

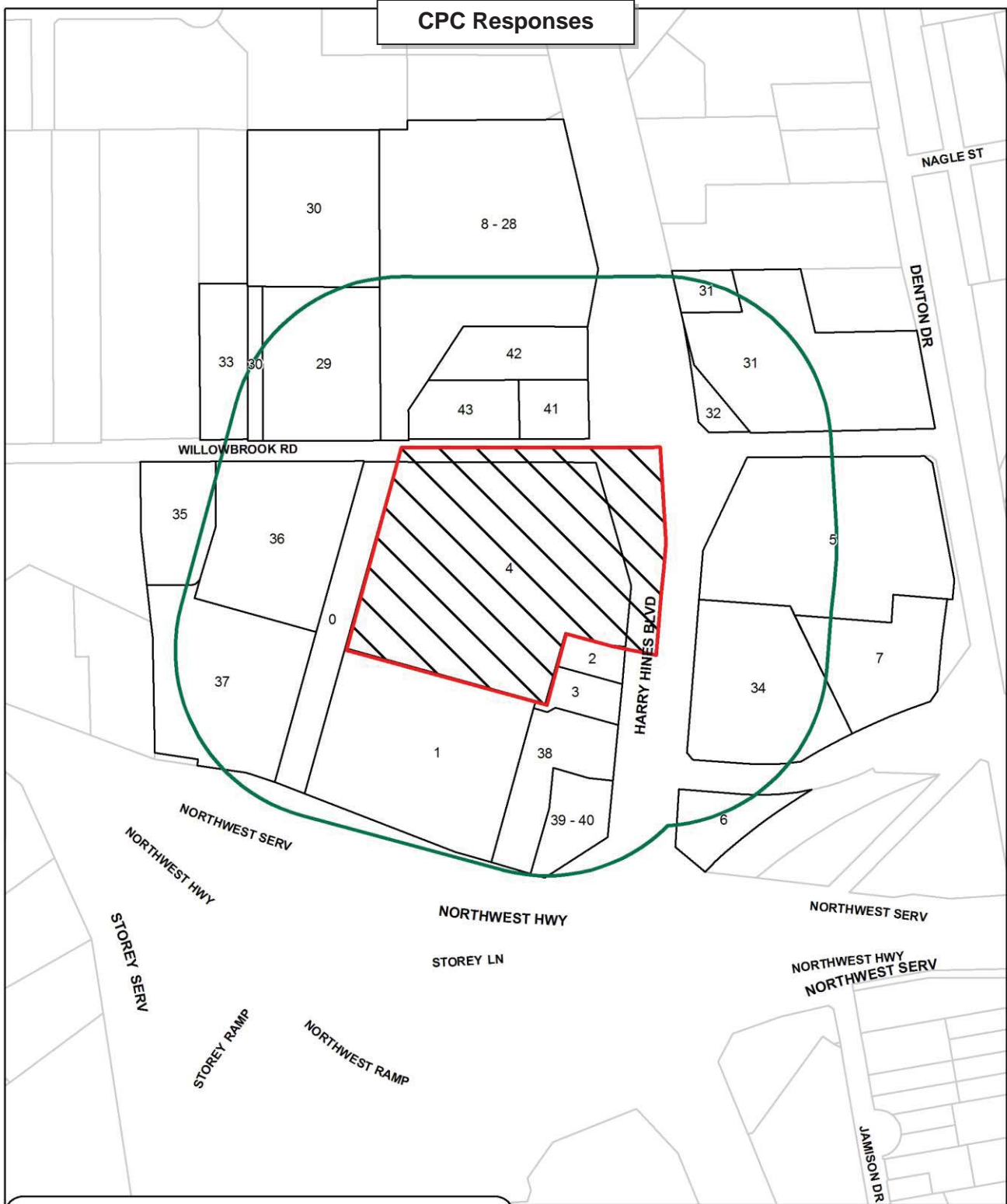
**CPC Recommended Amendments to SUP No. 2105**

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 two years [September 24, 2017].
4. FLOOR AREA: Maximum floor area for the alcoholic beverage establishment limited to a bar, lounge, or tavern is 4,087 square feet in Building 2 as shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern may only operate between 8:00 a.m. [6:00 p.m.] and 2:00 a.m. (the next day), Monday through Sunday.
6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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.









<u>43</u>	Property Owners Notified (25 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-370**  
**CPC**



1:3,600

11/29/2017

**Reply List of Property Owners****Z167-371****43 Property Owners Notified****0 Property Owners in Favor****0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	2425 W NORTHWEST HWY	NWH LAND LP
	2	10091 HARRY HINES BLVD	EPCM REALTY INC
	3	10065 HARRY HINES BLVD	EL TACASO INC
	4	2415 W NORTHWEST HWY	BHAGAT HOLDINGS LTD
	5	10120 HARRY HINES BLVD	TEXAS FOREST PROP INC
	6	10002 HARRY HINES BLVD	NORTH TEXAS STORES CORP
	7	2711 STOREY LN	2223 LOMBARDY WAREHOUSE LLC
	8	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
	9	10251 HARRY HINES BLVD	RIVERA BLANCA LEONARA
	10	10251 HARRY HINES BLVD	RIVERA BLANCA
	11	10251 HARRY HINES BLVD	RIVERA BLANCA
	12	10251 HARRY HINES BLVD	GONZALEZ JOSE ANTONIO & GENOVEVA
	13	10251 HARRY HINES BLVD	GONZALEZ JOSE
	14	10251 HARRY HINES BLVD	RAMIREZ GUSTAVO & HERLINDA
	15	10251 HARRY HINES BLVD	FLORENXIO ZUNIGA
	16	10251 HARRY HINES BLVD	EMANUEL MARTINEZ
	17	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
	18	10251 HARRY HINES BLVD	CARLOS GARCIA
	19	10251 HARRY HINES BLVD	LORENZO ANTONIO
	20	10251 HARRY HINES BLVD	LOPEZ JOSE
	21	10251 HARRY HINES BLVD	HERNANDEZ JOSE
	22	10251 HARRY HINES BLVD	PEREZ ELOY
	23	10251 HARRY HINES BLVD	CASTRO OSVALDO
	24	10251 HARRY HINES BLVD	BALDERAS TOBIAS
	25	10251 HARRY HINES BLVD	MENDEZ RAFIEL
	26	10251 HARRY HINES BLVD	GARCIA-GUZMAN JOSE ELIAS

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10251	HARRY HINES BLVD	RIVERA ISSAC
28	10251	HARRY HINES BLVD	CLEMENTINA ROJAS
29	2621	WILLOWBROOK RD	ALLMAN COMPANY DALLAS LLC
30	2617	WILLOWBROOK RD	HBSS REAL ESTATE LLC
31	10222	HARRY HINES BLVD	10220 HARRY HINES LLC
32	10220	HARRY HINES BLVD	10220 HARRY HINES LLC
33	2615	WILLOWBROOK RD	BARN CEMENT LLC
34	10110	HARRY HINES BLVD	SIKKA INVESTMENTS LLC
35	2616	WILLOWBROOK RD	MOUSSA GEORGE STANLEY TR
36	2626	WILLOWBROOK RD	WAREHOUSE DEVELOPMENT LTD
37	2401	W NORTHWEST HWY	WAREHOUSE DEVELOPMENT
38	10045	HARRY HINES BLVD	KELLER JACQUELYN
39	10025	HARRY HINES BLVD	HANDSOME FELLOW LC
40	10025	HARRY HINES BLVD	BENDA INVESTMENTS
41	2635	WILLOWBROOK RD	SOUTHLAND CORP
42	10217	HARRY HINES BLVD	PENA JOSE
43	2631	WILLOWBROOK RD	LOMBARDY LANE LTD



**AGENDA ITEM # 42**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 34 V

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 119 for Multiple-Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Cedar Springs Road, between Lucas Drive and Hawthorne Avenue

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

Z167-379(WE)



**FILE NUMBER:** Z167-379(WE)                      **DATE FILED:** August 18, 2017

**LOCATION:** Southwest line of Cedar Springs Road, between Lucas Drive and Hawthorne Avenue

**COUNCIL DISTRICT:** 2                                      **MAPSCO:** 34 V

**SIZE OF REQUEST:** Approx. 2.13 acres              **CENSUS TRACT:** 4.05

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**APPLICANT:** Urban Loft Partners, Inc.

**OWNER:** Circle Park Texas, LLC

**REPRESENTATIVE:** Karl Crawley, MASTERPLAN

**REQUEST:** An application for an amendment to Planned Development Subdistrict No. 119 for Multiple-Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The purpose of this request is threefold: 1) to create two separate tracts that will permit an existing multiple-family development to remain on one tract and to develop a residential development tract on the adjacent tract; 2) to modify the development standards as it relates to the lot size and structure height; and, 3) to modify the landscape requirements.

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

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

**BACKGROUND INFORMATION:**

- On October 10, 2015, the City Council approved Planned Development Subdistrict No. 119 for Multiple Family Subdistrict uses on property zoned a Multiple Family Subdistrict.
- Planned Development Subdistrict No. 119 was established to redevelop the property to accommodate a 188-unit multiple-family development. The applicant, at the time, requested several modifications to the MF-2 Multiple Family Subdistrict, which included the following; increase in structure height, increase in lot coverage, increase in density, allow certain encroachments into the front yard setbacks, and alternative landscape regulations.
- The property containing the existing multiple-family units was acquired by new ownership and is currently under renovation. The remaining property is currently under contract.
- The applicant proposes to create two tracts within PDS No. 119: one tract will remain developed with the existing multiple-family uses, and the second tract will be developed with a residential development tract. The amendment to PDS No. 119 conditions will reflect the removal of specific development standards and certain urban design requirements that related to the previously approved development.
- The applicant's current proposal is to raze an existing church and a single-family dwelling to construct a 26-unit residential development tract in an area that is designated on the conceptual plan as Tract 1. The existing multiple-family development will remain in Tract 2 and will be governed by the MF-2 Multiple Family Subdistrict regulations.
- Planned Development District No. 193 defines a residential development tract as a development of three or more individually platted lots in an MF-1, MF-2, or MF-3 subdistrict in which the dwelling units, whether attached or detached, are accessed from a shared driveway, and the dwelling units do not have any other dwelling units above or below them. Residential development tracts may be platted as shared access developments.
- The applicant is proposing several modifications to the residential development tract regulations as it relates to the front yard and average lot area.
- The surrounding land uses consist of residential uses of mixed densities, with a community service center (Dallas Housing Authority's Cedar Springs Multi-Purpose Center) located south of the site's Lucas Drive frontage. The depressed travel lanes of the Dallas North Tollway are visible eastward from the site. Multiple family uses exists on property to the east/southeast along the Lucas Drive frontage. Properties that are adjacent to the site on Hawthorne Avenue are developed with single family uses.

**Zoning History:** There have been four zoning changes requested in the area during the past five years.

1. Z112-266 On October 24, 2012, the City Council approved an amendment to Planned Development Subdistrict No. 91 for Multiple Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District.
2. Z123-178 On April 24, 2013, the City Council approved an amendment to and expansion of PDS No. 75, subject to a conceptual plan and conditions
3. Z123-326 On March 26, 2014, the City Council approved a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.
4. Z145-279 On October 28, 2015, the City Council approved a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District [request site].

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Proposed ROW</b>
Cedar Springs Road	Collector	60 ft.	60 ft.
Lucas Drive	Local	50 ft.	50 ft.
Hawthorne Avenue	Local	50 ft.	50 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDS No. 119	Multiple Family, Church, Single Family
<b>Northeast</b>	PDS No. 4	Multiple Family
<b>Southeast</b>	PDS No. 91	Multiple Family
<b>Northwest</b>	PDS No. 70	Multiple Family
<b>Southwest</b>	MF-2	Single Family

**COMPREHENSIVE PLAN:**

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

**LAND USE**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

Policy 1.3.1 Create housing opportunities throughout Dallas

**ECONOMIC**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

**URBAN DESIGN**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WORKABILITY**

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

**Area Plans:**

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

A portion of the site will be redeveloped with a residential development tract and will have access from Cedar Springs Road and Hawthorne Avenue. The portion of the property that is constructed with a multiple family development will remain and will be governed by the MF-2 regulations. With respect to compliance with the above referenced objectives, staff has worked with the applicant to ensure that the urban design criteria, where applicable, will remain on the proposed residential development tract. As provided herein, Objective Nos. 1 and 7 are provided for in the applicant's development vision to create walkability along Cedar Springs Road.

Combined with recommended plantings and an increased setback from the southwestern property line, Objective No. 4 is palatable.

Lastly, Objective Nos. 2, 3 and 5 are not applicable to this request because of the following: 1) retail and commercial uses are not a permitted use in an MF-2 Subdistrict; therefore, creating continuous street frontage activities within retail areas is not palatable; and 2) the proposed request for a residential development tract will contain single family units that do not require the off-street parking to be placed underground.

#### **STAFF ANALYSIS:**

**Land Use Compatibility:** The 2.13-acre site is developed with a multiple family development, a church, and a single-family dwelling. On October 28, 2015, the City Council approved Planned Development Subdistrict No. 119 for Multiple Family District uses. When PDS No. 119 was established, the intent was to raze the existing multiple family development, church, and single-family dwelling and redevelop the site with a 188-unit multiple family development, with a maximum structure height of 60 feet.

Planned Development District No. 193 defines a residential development tract as a development of three or more individually platted lots in an MF-1, MF-2, or MF-3 subdistrict in which the dwelling units, whether attached or detached, are accessed from a shared driveway, and the dwelling units do not have any other dwelling units above or below them. Residential development tracts may be platted as shared access developments.

The applicant's request for an amendment to Planned Development Subdistrict No. 119 will allow for the creation of two tracts: one tract will remain developed with the existing multiple-family uses, and the second tract will be developed with a 26-unit residential development tract. The amendment to PDS No. 119 conditions will reflect the removal of specific development standards and certain urban design requirements that would have governed the development of the previously proposed 188-unit multiple-family development.

The surrounding land uses consist of residential uses of mixed densities, with a community service center (Dallas Housing Authority's Cedar Springs Multi-Purpose Center) located south of the site's Lucas Drive frontage. The depressed travel lanes of the Dallas North Tollway are visible eastward from the site. Multiple family uses exist on property to the east/southeast along the Lucas Drive frontage. Properties that are adjacent to the site on Hawthorne Avenue are developed with single family uses.

The redevelopment of the site to incorporate a 26-unit residential development tract will integrate within the existing development fabric, with single family and multiple family uses. Due to the single family uses on Hawthorne Avenue, the applicant will limit the structure height of the residential development tract within 50 feet of the southwest property line to 36 feet, and allow projections not to exceed ten feet above the maximum structure height. These projections include elevator or stair penthouse, mechanical equipment room, skylights, clerestory, chimney and vent stacks, visual screens which surround roof mounted mechanical equipment, and parapet walls, limited to a height of four feet. In an MF-2 Subdistrict, projections can exceed up to 12 feet above the maximum structure height of 36 feet. In addition, the structure height of the remaining portion of the development will not exceed 50 feet. Projections are prohibited on any structures that exceed 36 feet in height. The maximum number of stories proposed for the residential development tract is four.

Lastly, the average lot area of the lots within a residential development tract must equal or exceed 1,900 square feet. However, the applicant is proposing to reduce the average lot area from 1,900 square feet to 1,500 square feet.



The chart below shows a comparison between development standards of the existing PDS No. 119 and the proposed Tracts.

	<b>PDS No. 119</b> (Multiple Family development)	<b>Tract I</b> (residential tracts)	<b>Tract II</b> (MF-2 Subdistrict)
<b>Yard, Lot &amp; Space Regulations</b>			
<b>Front Yard</b>	25 ft. Cedar Springs Road 15 ft. Hawthorne Ave. 15 ft. Lucas Drive	15 ft. on Hawthorne Ave. & Cedar Springs Road	15 ft. on Hawthorne Ave. & Lucas Drive
<b>Side Yard</b>	45 ft.	5 ft. between Tracts 1 & 2; 10 ft. otherwise	10 ft.
<b>Rear Yard</b>		15 ft. on Hawthorne Ave. & Cedar Springs Road	15 ft.
<b>Height</b>	60 ft.	50 ft.; 36 ft. within 50 ft. of southwest property line	36 ft.
<b>Stories</b>	Five	Four	Three
<b>Density</b>	188 units	26 units	MF-2 Density
<b>Lot coverage</b>	65 percent	60 percent	60 percent
<b>Sidewalks widths</b>	8 ft. Cedar Springs Road 6 ft. Hawthorne Ave. & Lucas Drive	6 ft. on Hawthorne Ave. & Cedar Springs Road	4 ft. on Lucas Drive and 6 ft. on Cedar Springs Road
<b>Parking Requirements</b>	Per Code	Per Code	Per Code

Staff supports the applicant’s request for an amendment to Planned Development Subdistrict No. 119, subject to a development plan and conditions.

**Parking:** The applicant will meet the off-street and guest parking regulations in accordance with Part I of PDD No. 193 for the specific off-street parking and loading requirements for each use.

**Landscaping:** Landscaping must be provided in accordance with Part 1 of PDD No. 193. Plant materials must be maintained in a healthy, growing condition.

**CPC Action** (November 16, 2017)

**Motion:** In considering an application for an amendment to Planned Development Subdistrict No. 119 for Multiple-Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Cedar Springs Road, between Lucas Drive and Hawthorne Avenue, it was moved to **hold** this case under advisement until November 30, 2017.

Maker: Ridley  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - West, Houston, Davis, Shidid, Carpenter,  
Mack, Lavallaissa, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Rieves  
Vacancy: 0

**Notices:** Area: 500 Mailed: 199  
**Replies:** For: 1 Against: 1

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC Action** (November 30, 2017)

***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: Rieves  
Second: Houston  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Carpenter,  
Lavallaissa, Jung, Housewright, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 3 - Shidid, Mack, Schultz  
Vacancy: 0

**Motion:** In considering an application for an amendment to Planned Development Subdistrict No. 119 for Multiple-Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Cedar Springs Road, between Lucas Drive and Hawthorne Avenue, it was moved to **hold** this case under advisement until December 14, 2017.

Maker: Rieves  
Second: Houston  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Carpenter,  
Lavallaissa, Jung, Housewright, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 3 - Shidid, Mack, Schultz  
Vacancy: 0

**Notices:** Area: 500 Mailed: 199  
**Replies:** For: 1 Against: 1

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

Z167-379(WE)

**CPC Action** (December 14, 2017)

**Z167-379(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of an amendment to Planned Development Subdistrict No. 119 for Multiple-Family Subdistrict uses, subject to a development plan and conditions within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Cedar Springs Road, between Lucas Drive and Hawthorne Avenue.

Maker: Rieves  
Second: Ridley  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 500 Mailed: 199  
**Replies:** For: 1 Against: 1

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

**LIST OF OFFICERS**

**OWNERSHIP**

**Tract 1**

Maker Bros., LLC, a Texas limited liability corporation

Justin C Bailey, Manager

Andrew Carnahan, Manager

**Tract 2**

Circle Park Texas, LLC, a Texas limited liability corporation

David Eitches, Managing Member

Jonathan Schoen, Managing Member

Mark Kahan, Managing Member

**Purchaser – Tract 1**

Urban Lofts Partners, Inc.

Larry S Davis, President

Sherry F Davis, VP/Treasurer

Joel Davis, VP

**CPC PROPOSED PDS  
CONDITIONS**

**SEC. S-119.101. LEGISLATIVE HISTORY.**

PD Subdistrict 119 was established by Ordinance No. 29916, passed by the Dallas City Council on October 28, 2015.

**SEC. S-119.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict 119 is established on property fronting on the southwest line of Cedar Springs Road between Hawthorne Avenue and Lucas Drive. The size of PD Subdistrict 119 is approximately 2.13 acres.

**SEC. S-119.103. 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. In this division: [

~~(1) STOOP means a small porch leading to the entrance of a residential structure.~~

(2)] SUBDISTRICT means a subdistrict of PD 193.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(c) This subdistrict is considered to be a residential zoning district.

**SEC. S-119.104. EXHIBITS.**

The following exhibit[s] ~~[are]~~ is incorporated into this division:

(1) Exhibit S-119A: ~~development~~ conceptual plan.

(2) Exhibit S-119B: ~~landscape~~ development plan -Tract I.

**SEC. 51P-.104.1. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the attached conceptual plan (Exhibit \_\_\_\_\_). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls.

**SEC. 51P-.105. DEVELOPMENT PLAN.**

(a) Tract 1: A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this subdistrict. [Development and use of the Property must comply with the development plan (Exhibit S-119A).] If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) Tract 2: For all uses, 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, development schedule, and landscape plan do not apply.

**SEC. S-119.106. MAIN USES PERMITTED.**

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.

**SEC. S-119.107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P193.108.

**SEC. S-119.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls)

(a) In general. Except as provided in this section, the yard, lot, and space regulations of the MF-2 Multiple-Family Subdistrict apply.

(b) Front yard.

(1) On Cedar Springs Road, minimum front yard is 25 feet.

(2) On Hawthorne Avenue and Lucas Drive, minimum front yard is 15 feet.

~~[(3) Except as provided in this paragraph, on Lucas Drive, minimum front yard is 15 feet. Minimum front yard for the northern 30 feet of the facade on Lucas Drive is 10 feet as shown on the development plan.]~~

~~[(4) The following may be located in the required front yard:]~~

~~[(A) on Cedar Springs Road and Hawthorne Drive, fences no more than four feet in height;]~~

~~[(B) on Lucas Drive, fences no more than six feet in height]~~

~~[(C) railings for stairs, stoops, and porches with a maximum height of 42 inches;]~~

~~[(D) patios and covered seating areas;]~~

~~[(E) balconies; and]~~

~~[(F) arbors.]~~

~~[(5) Any fence located in the required front yard must have at least 50 percent open surface.]~~

~~[(6) Any balcony in the required front yard must have a minimum clearance of eight feet above grade.]~~

(c) Side yard.

(1) Except as provided in this subsection, minimum side yard is 10 feet. Between Tracts 1 and 2, minimum side yard is five feet.

(2) The side yard setback for a residential development tract is zero for internal setbacks. The setback between residential development tracts is seven feet. [Minimum side yard for a multiple family structure is 45 feet.]

~~[(1) Except as provided in this subsection, minimum side yard is 25 feet.]~~

~~[(2) Minimum side yard for a multiple family structure is 45 feet.]~~

(c) Rear yard. Except as provided in this subsection, minimum rear yard is 10 feet. Between Tracts 1 and 2, minimum rear yard is five feet.

(e) Density.

(1) Tract 1: Maximum number of dwelling units is 26 [188].

(2) Tract 2. Must comply with MF-2 Subdistrict regulations



(f) Height.

(1) Tract 1

(a) Maximum structure height is 50 feet.

(b) For a residential development tract within 50 feet of the southwest property line, maximum structure height is 36 feet. The following structures may project up to 10 feet above the maximum structure height:

(i) elevator or stair penthouse.

(ii) mechanical equipment room.

(iii) skylights.

(iv) clerestory.

(v) chimney and vent stacks.

(vi) visual screens which surround roof mounted mechanical equipment

(vii) parapet walls, limited to a height of four feet.

~~[(1) Except as provided in this subsection, maximum height for occupied floor area is 60 feet.]~~

~~[(2) Maximum height for the pool and amenity deck, as measured to the finished floor, is 12 feet.~~

~~[(3) Any elevator penthouse, mechanical equipment, and a clerestory may project a maximum of 12 feet above maximum height.~~

~~[(4) A parapet wall constructed to a maximum height of four feet may project above maximum height.~~

(2) Tract 2. Maximum structure height is 36 feet

(g) Lot coverage. Maximum lot coverage is 60 ~~[65]~~ percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(h) Stories. ~~Maximum number of stories above grade is five.~~

(1) Tract 1, For a residential development tract, m[M]aximum number of stories above grade is four ~~[five].~~

(2) Tract 2, For multiple family uses, maximum number of stories above grade is three.

(i) Lot area. For single family uses within a residential development tract, no minimum lot area. Minimum average lot area of the lots within a residential development tract is 1,500 square feet.

**SEC. S-119.119. OFF-STREET PARKING AND LOADING**

~~[(a) Except as provided in this section, c]~~ Consult Part I of this article for the specific off-street parking and loading requirements for each use.

~~[(b) For an accessory community center (private), no off-street parking is required.]~~

**SEC. S-119.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-119.111. LANDSCAPING.**

(a) In general. Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this Article.

~~[(b) Multiple family. For a multiple-family use, landscaping must comply with the landscape plan (Exhibit S-119B).]~~

(b) Cedar Springs Road and Hawthorne Avenue: The tree planting zone is that area parallel to between two and one-half and twenty feet from the back of the projected street curb. ~~[Multiple family. For a multiple-family use, landscaping must comply with the landscape plan (Exhibit S-119B).]~~

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

**SEC. S-119.112. SIDEWALKS FOR TRACT 1 ~~[MULTIPLE-FAMILY USE.]~~**

(a) Cedar Springs Road. A minimum unobstructed width of six ~~[eight]~~ feet must be ~~[provided]~~ located within ten feet from the back of the curb.

(b) Hawthorne Avenue ~~[and Lucas Street].~~ A minimum unobstructed width of six feet must be ~~[provided]~~ located within ten feet from the back of the curb.

(c) Tree grates. Handicapped accessible tree grates are considered as part of the unobstructed sidewalk width.

(d) Ingress and egress. Where a driveway connects through a sidewalk to right-of-way, design and construction of the driveway must be level with any connecting sidewalk.

**SEC. S-119.113. SIGNS**

Signs must comply with the provisions for nonbusiness zoning districts in Article VII

**SEC. S-119.114. URBAN DESIGN REQUIREMENTS FOR TRACT 1  
~~[MULTIPLE-FAMILY USE]~~**

~~[(a) Cedar Springs Road entrance. A minimum of one visible and usable entrance is required on the Cedar Springs Road facade. The entrance must be clearly identified using an awning, paving treatments, a change in roofline, porticos, arcades, arches, integral planters, a stoop or front porch, color treatments, or similar means.]~~

~~[(b) Facade elements. To help break up long facades along Cedar Springs Road, [Lucas Drive, and Hawthorne Avenue] and make the structure appear as multiple structures, building facades along Cedar Springs Road must incorporate at least two [four]of the following elements [and facades along Lucas Drive and Hawthorne Avenue must incorporate at least three of the following elements]:~~

~~(1) A change in building material, color, and texture that effectively contrasts from the rest of the facade.~~

~~(2) Vertical articulation of the facade and roofline with strong forms to help break up the building mass.~~

~~(3) Accentuation of the building's base, middle, and top through combination of materials, detailing, and building articulation.~~

~~[(4) Stopped-back upper floors]~~

~~[(5) Deeply inset windows]~~

~~[(6) Inset or projecting volumes, awnings, or canopies.]~~

~~(b) Pedestrian amenities. In Tract 1 a minimum of two of the following pedestrian amenities are required along the Cedar Springs Road frontage: bench, trash receptacle, and/or bike rack.~~

~~[(c) Ground level residential entrances. A minimum of five multiple-family dwelling units must provide direct access from the sidewalk.~~

~~[(d) Fenestrations. Multiple-family fenestrations constructed on the southwestern facade must be designed to restrict the view from inside the structure onto adjacent properties utilizing translucent glazing or other similar materials.~~

~~[(e) Parking garage.~~

~~[(1) Except as provided in this subsection, all aboveground parking structures must comply with the structure facade standards for off-street parking structures in Section 51P-193.127(a).]~~

~~[(2) Parking structure facades must include at least one of the following: heavy gauge metal screen, pre-cast concrete panels, laminated glass, or photovoltaic panels.]~~

~~[(3) Aboveground parking structures must have a solid wall or panel on each level with a minimum height of 36 inches to block light spillage from headlights.]~~

~~[(f) Patios and balconies. Patios and balconies are prohibited on the southwestern facade above the second floor.]~~

~~[(g) Pedestrian amenities. A minimum of two each of the following pedestrian amenities are required along the Cedar Springs Road frontage: bench, trash receptacle, and bicycle rack.]~~

~~[(h) Pedestrian trail or walkway. A pedestrian trail or walkway is required to connect the building to the street at two locations on the Cedar Springs Road frontage. The purpose of the pedestrian trail or walkway is to provide pedestrian connectivity between the building and the street. These pedestrian trails or walkways may be constructed of permeable material, such as decomposed granite, and must have a minimum width of four feet.]~~

~~[(i) Screening. The pool and amenity deck must be screened from the southwest and southeast by evergreen shrubs in either a planter or individual containers which at the time of planting must be spaced so as to give a solid appearance with a minimum height of six feet and capable of growing to a minimum height of eight feet within two years.]~~

**SEC. S-119.115. ADDITIONAL PROVISIONS.**

~~(a) [Live or amplified outdoor music is prohibited.]~~

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

~~[(c)](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.

~~[(d)](c)~~ Except as provided in this division ~~[or shown on the development plan]~~, development and use of the Property must comply with Part I of this article.

**SEC. S-119.116. 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

Z167-379(WE)

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.





**PROPOSED DEVELOPMENT PLAN**



VICINITY MAP | NOT TO SCALE

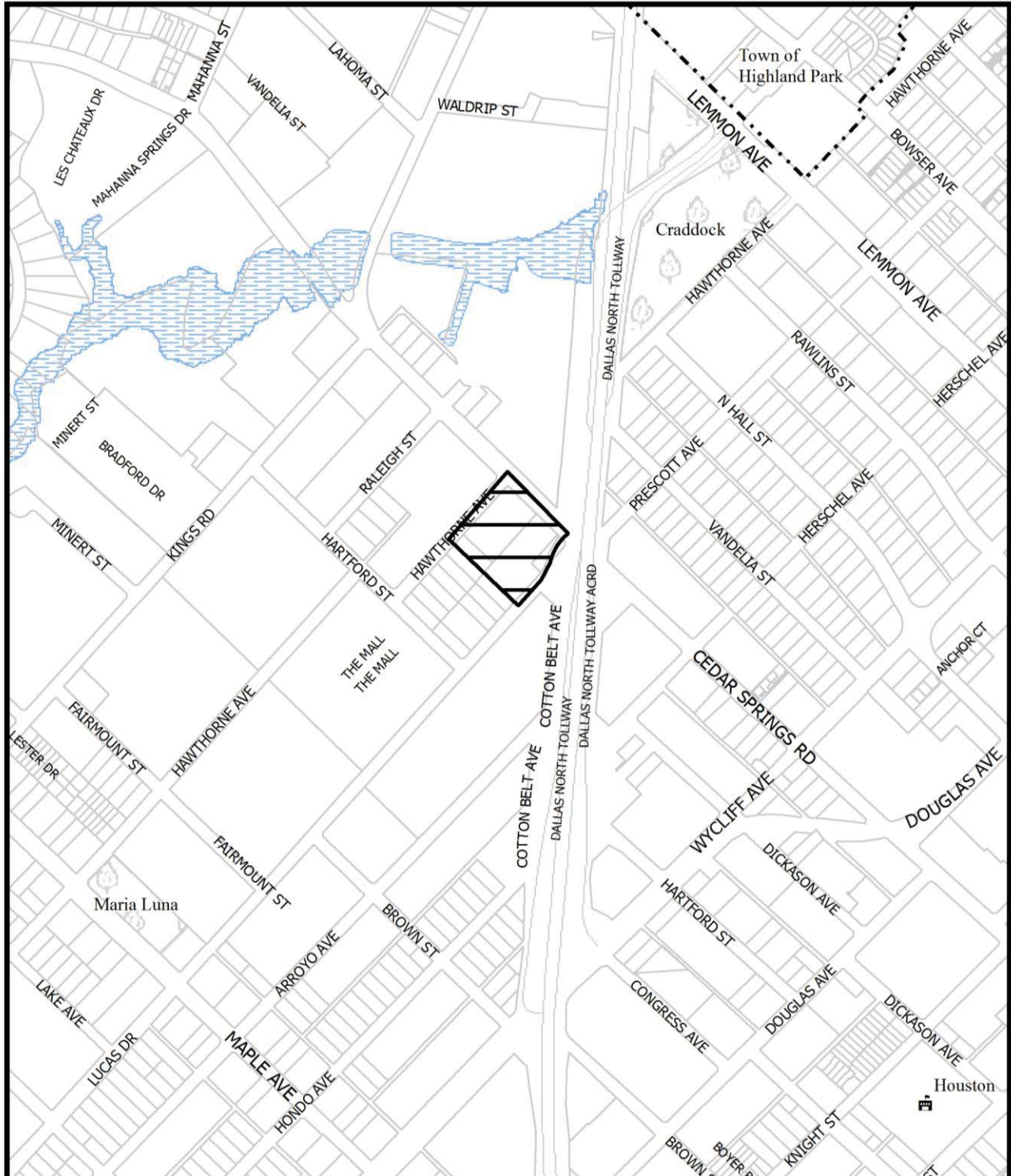
<p><b>4515 CEDAR SPRINGS ROAD, DALLAS, TX</b></p> <p><b>TRACT 1</b></p> <p>MAX. 26 UNITS                  HEIGHT REQUIREMENTS: PER PD COVERAGES                  LOT COVERAGE: 60% OVERALL                  SETBACKS: PER PD REQUIREMENTS</p> <p>SITE AREA ONE: 26,636 SF                  AVERAGE LOT SIZE 1903 SF</p> <p>SITE AREA TWO: 21,138 SF                  AVERAGE LOT SIZE 1762 SF</p>	<p>SITE AREA TOTAL: 1.097 ACRES</p> <p>AVERAGE LOT AREA PER UNIT FOR TOTAL SITE: 1897 SF</p> <p>LANDSCAPING:                  17 STREET TREES REQUIRED / PROVIDED                  12 SITE TREES REQUIRED / PROVIDED                  5 COMPENSATING SITE TREES PROVIDED                  2 COMPENSATING TREES PROVIDED</p> <p>PARKING: PER PD REQUIREMENTS                  2 SPACES ON SITE                  5 SPACES ON STREET</p>
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DEVELOPMENT PLAN

SCALE: 1" = 20'-0"



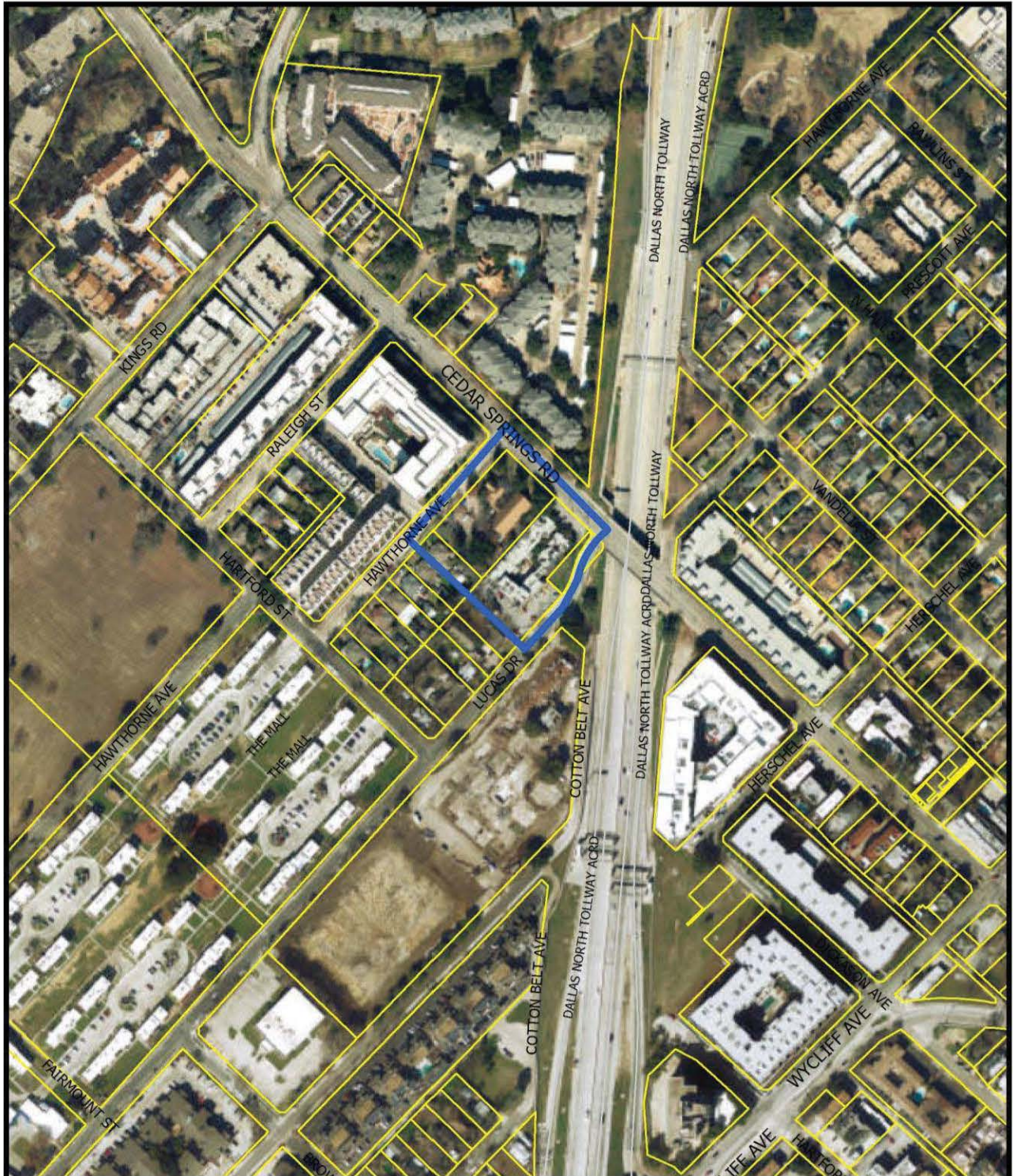


1:6,000

# VICINITY MAP

Case no: Z167-379

Date: 9/22/2017

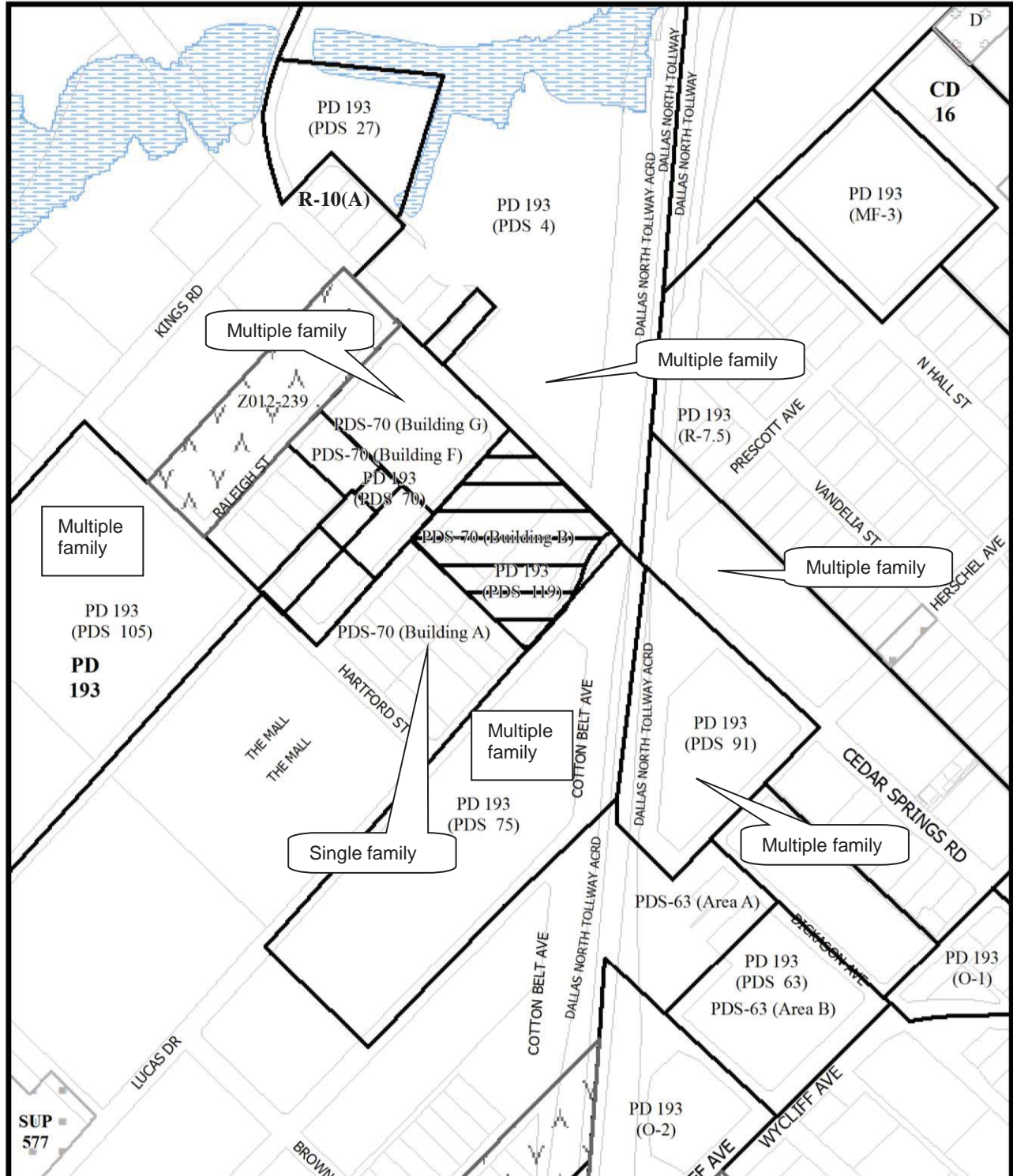


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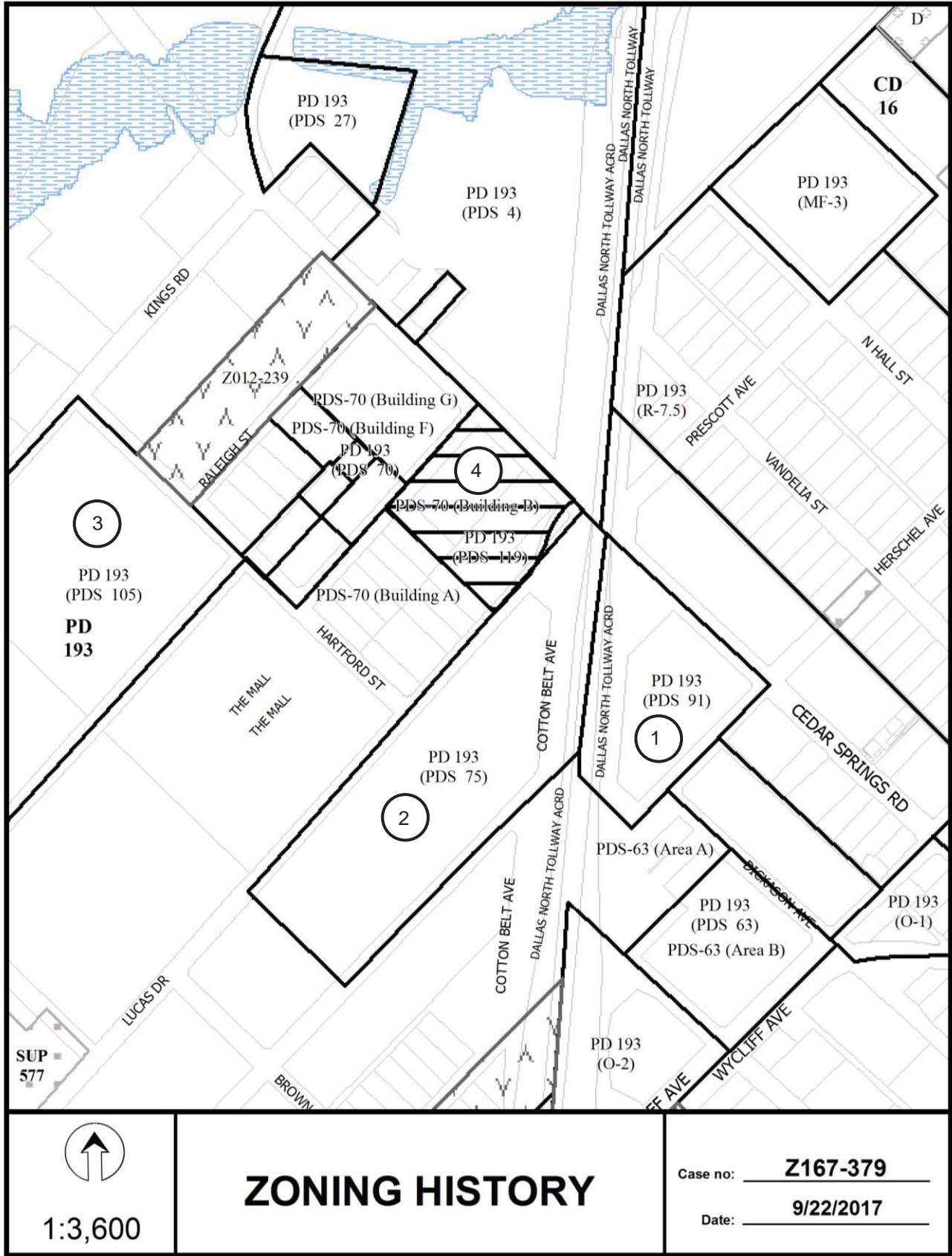
# AERIAL MAP

Case no: Z167-379

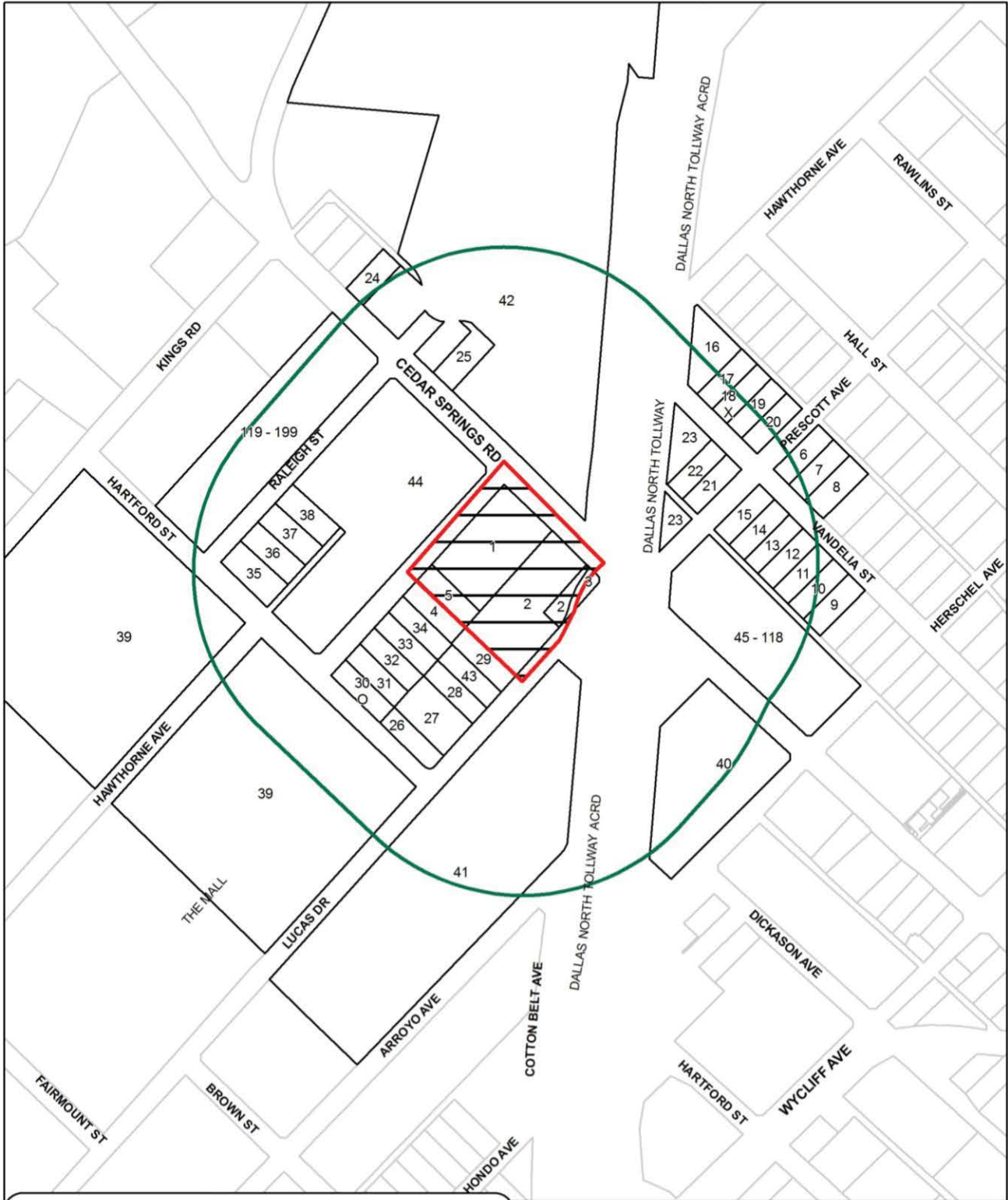
Date: 9/22/2017



 1:3,600	<h2 style="text-align: center;">ZONING AND LAND USE</h2>	Case no: <u>Z167-379</u> Date: <u>9/22/2017</u>
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**CPC RESPONSES**



<u>199</u>	Property Owners Notified (49 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>12/14/2017</u>	Date

**Z167-379**  
**CPC**



1:3,600

## ***Notification List of Property Owners***

### ***Z167-379***

***199 Property Owners Notified***

***1 Property Owners in Favor***

***1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	4515 CEDAR SPRINGS RD	MAKER CS LLC
	2	4505 CEDAR SPRINGS RD	CIRCLE PARK TEXAS LLC
	3	4503 CEDAR SPRINGS RD	TEXAS TURNPIKE AUTHORITY
	4	2920 HAWTHORNE AVE	LARA PEDRO
	5	3000 HAWTHORNE AVE	MAKER CS LLC
	6	4438 VANDELIA ST	OSTROM RYAN L
	7	4434 VANDELIA ST	JONES BRUCE L &
	8	4428 VANDELIA ST	DAILY LOUIS R
	9	4415 VANDELIA ST	W&W INTERNATIONAL
	10	4419 VANDELIA ST	STANG CHRISTOPHER
	11	4423 VANDELIA ST	WHITTEN ERIC
	12	4427 VANDELIA ST	SCHNEER KENNETH E &
	13	4431 VANDELIA ST	DIESEN DIANA
	14	4435 VANDELIA ST	CED CHARLES & BETTY
	15	4439 VANDELIA ST	CUSTER DANIEL J
	16	4518 VANDELIA ST	REYES RENE J &
	17	4512 VANDELIA ST	YOUNG JAMES
X	18	4508 VANDELIA ST	HARTLEY THOMAS G &
	19	4506 VANDELIA ST	BOONE OLIVIA E
	20	4502 VANDELIA ST	HERNANDEZ LUIS R
	21	4503 VANDELIA ST	NICHOLAS COREY EDWARD
	22	4507 VANDELIA ST	BRIDWELL THOMAS & MAUREEN
	23	4509 VANDELIA ST	TEXAS UTILITIES ELEC CO
	24	4610 CEDAR SPRINGS RD	FOONG CHAN C & YUNIE M
	25	4548 CEDAR SPRINGS RD	FOONG CHAN C & YUNIE MOON
	26	2903 LUCAS DR	SOOCKAR KARL D

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2909 LUCAS DR	KELCHER MANAGEMENT INC
	28	2915 LUCAS DR	RODNEY E JOHNSON PPTIES LLC
	29	2923 LUCAS DR	GREATER MOUNT ZION BAPTIST CHURCH
O	30	2900 HAWTHORNE AVE	MUMM CHARLES
	31	2906 HAWTHORNE AVE	MONZURES ERASMO &
	32	2908 HAWTHORNE AVE	GUEVARA ANTONIO &
	33	2912 HAWTHORNE AVE	ALEJANDRO JOSE ALFREDO
	34	2916 HAWTHORNE AVE	ALEJANDRO JOSE A & BLANCA
	35	2902 RALEIGH ST	PARKS CHARLES I JR
	36	2906 RALEIGH ST	SOMMER WADE EVEN
	37	2912 RALEIGH ST	SOMMER LANCE & MARCIA
	38	2916 RALEIGH ST	NORRIS JESSE E
	39	2820 KINGS RD	DALLAS HOUSING AUTHORITY
	40	3083 HERSCHEL AVE	CEDAR POINTE MULTIFAMILY LLC
	41	2924 LUCAS DR	TRG CEDAR SPRINGS LP
	42	4606 CEDAR SPRINGS RD	FAIRFIELD MADISON LLC
	43	2919 LUCAS DR	IRVIN ROSS GREGORY
	44	4533 CEDAR SPRINGS RD	CH REALTY VII MF DALLAS DYLAN LP
	45	4414 CEDAR SPRINGS RD	SAMUEL STEVEN D
	46	4414 CEDAR SPRINGS RD	HU JOSEPH
	47	4414 CEDAR SPRINGS RD	CHAU CATHERINE
	48	4414 CEDAR SPRINGS RD	PARKER ROBERT E &
	49	4414 CEDAR SPRINGS RD	MALINOSKI EDWARD ANTON
	50	4414 CEDAR SPRINGS RD	EMBABI SHERIF & AHMED
	51	4414 CEDAR SPRINGS RD	SCHIAVONE JILL M
	52	4414 CEDAR SPRINGS RD	THOMAS STEVEN C
	53	4414 CEDAR SPRINGS RD	WISNIEWSKI MICHELLE
	54	4414 CEDAR SPRINGS RD	GARCIA ARNALDO RIVERA
	55	4414 CEDAR SPRINGS RD	BORELLI MARCOS F & NANCY P DE HOYOS
	56	4414 CEDAR SPRINGS RD	ARAGON DANIA Z

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	57	4414 CEDAR SPRINGS RD	KASSAP ALEXANDER
	58	4414 CEDAR SPRINGS RD	PAI SAMIR A
	59	4414 CEDAR SPRINGS RD	BOLDING GARY
	60	4414 CEDAR SPRINGS RD	MARTINEZ JOSE
	61	4414 CEDAR SPRINGS RD	WENG TZUULIN JULIAN
	62	4414 CEDAR SPRINGS RD	CHEN TING YU
	63	4414 CEDAR SPRINGS RD	FREESE DOUGLAS W & KAREN H
	64	4414 CEDAR SPRINGS RD	PARK EDWARD
	65	4414 CEDAR SPRINGS RD	HSU TZU HAN D &
	66	4414 CEDAR SPRINGS RD	COSTELLO REVOCABLE TRUST
	67	4414 CEDAR SPRINGS RD	EAP SHEILA
	68	4414 CEDAR SPRINGS RD	TREINEN JAY
	69	4414 CEDAR SPRINGS RD	SRISOUPHAN DARAVANE
	70	4414 CEDAR SPRINGS RD	OLDENBURGH PATRICK L JR
	71	4414 CEDAR SPRINGS RD	JASSO KELLIE
	72	4414 CEDAR SPRINGS RD	GELFAND ANDREW & DONNA
	73	4414 CEDAR SPRINGS RD	NGOH SHAWN H
	74	4414 CEDAR SPRINGS RD	JOHNSON RENEE ANN
	75	4414 CEDAR SPRINGS RD	ZENG KEVIN
	76	4414 CEDAR SPRINGS RD	POTHEN PAUL NICHOLAS
	77	4414 CEDAR SPRINGS RD	ZAPATA CARLOS A
	78	4414 CEDAR SPRINGS RD	ELLIS KEVIN
	79	4414 CEDAR SPRINGS RD	MIHECOBY ALLEN F
	80	4414 CEDAR SPRINGS RD	BELLARY RAGHU NARAYANRAO & KUMUDINI G
	81	4414 CEDAR SPRINGS RD	RACER DENNIS
	82	4414 CEDAR SPRINGS RD	DOHERTY BRITTANY &
	83	4414 CEDAR SPRINGS RD	ROSSER L B
	84	4414 CEDAR SPRINGS RD	MUTREJA SWADESH & JAI G
	85	4414 CEDAR SPRINGS RD	SHARMA DARPAN &
	86	4414 CEDAR SPRINGS RD	FAROOQI MIDHAT S &
	87	4414 CEDAR SPRINGS RD	BAZEMORE GEORGE C III



12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	88	4414 CEDAR SPRINGS RD	DO THAO
	89	4414 CEDAR SPRINGS RD	APNAR JOHN
	90	4414 CEDAR SPRINGS RD	GONZALEZ-DICKSON FAMILY LP
	91	4414 CEDAR SPRINGS RD	HENDERSON JEFF
	92	4414 CEDAR SPRINGS RD	BURGOON LARRY REV TRUST
	93	4414 CEDAR SPRINGS RD	JOHNSON JILL
	94	4414 CEDAR SPRINGS RD	HARIRI WAHIB ADNAN
	95	4414 CEDAR SPRINGS RD	HOSIER MEGAN
	96	4414 CEDAR SPRINGS RD	REEVES JEFFREY S TRUST &
	97	4414 CEDAR SPRINGS RD	BATCHELOR EDWARD J &
	98	4414 CEDAR SPRINGS RD	DANVERS CHRISTOPHER
	99	4414 CEDAR SPRINGS RD	PAVLOCK GREGORY
	100	4414 CEDAR SPRINGS RD	MUSTAFA SARAH ZAHRA
	101	4414 CEDAR SPRINGS RD	ODUNSI ABAYOMI N
	102	4414 CEDAR SPRINGS RD	DAVIS ROBBIE
	103	4414 CEDAR SPRINGS RD	PATEL RISHI JAYENDRA
	104	4414 CEDAR SPRINGS RD	BOCSARDI MIHAELA C &
	105	4414 CEDAR SPRINGS RD	HOLLINGSWORTH HOLDINGS LLC
	106	4414 CEDAR SPRINGS RD	XALIKIAS NANCY ALEXIS
	107	4414 CEDAR SPRINGS RD	LEWIS SANDI R
	108	4414 CEDAR SPRINGS RD	PHAM LINH L
	109	4414 CEDAR SPRINGS RD	LENG CHIH CHUN
	110	4414 CEDAR SPRINGS RD	SANCHEZ MARIO H
	111	4414 CEDAR SPRINGS RD	GRIMES STEPHANIE R
	112	4414 CEDAR SPRINGS RD	FITZGERALD ROBERT BELL
	113	4414 CEDAR SPRINGS RD	4414 CEDAR SPRINGS RD 324
	114	4414 CEDAR SPRINGS RD	SAREMI YAVAR SHOKOUH
	115	4414 CEDAR SPRINGS RD	CHEN JIAQIANG
	116	4414 CEDAR SPRINGS RD	ZENG LINSI &
	117	4414 CEDAR SPRINGS RD	FRANCO LUIZ L GUIMARES &
	118	4414 CEDAR SPRINGS RD	AGUIRRE PATRICIA
	119	4605 CEDAR SPRINGS RD	GRANADO HERIBERTO &

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	4605 CEDAR SPRINGS RD	MAYES JUSTIN
	121	4605 CEDAR SPRINGS RD	ONEILLWARREN DEIDRE
	122	4605 CEDAR SPRINGS RD	LONG JAMES D
	123	4605 CEDAR SPRINGS RD	NOWAK KEITH
	124	4605 CEDAR SPRINGS RD	CRAWFORD STEVEN B
	125	4605 CEDAR SPRINGS RD	NGUYEN STEPHEN K
	126	4605 CEDAR SPRINGS RD	ORMBREK JACK
	127	4605 CEDAR SPRINGS RD	PERAZA ELIER
	128	4605 CEDAR SPRINGS RD	KRUEGER DALE J JR
	129	4605 CEDAR SPRINGS RD	TRAVIESO ANDRE G
	130	4605 CEDAR SPRINGS RD	PIPER JANAYE
	131	4605 CEDAR SPRINGS RD	HEUER DANIEL
	132	4605 CEDAR SPRINGS RD	BALACHANDRAN NAVEEN
	133	4605 CEDAR SPRINGS RD	POLE RAJEEV & PRITHVIRAJ
	134	4605 CEDAR SPRINGS RD	OAKLAWN PROPERTIES LLC
	135	4605 CEDAR SPRINGS RD	CROCKETT JASMINE F
	136	4605 CEDAR SPRINGS RD	BROWN TONY LEE JR
	137	4605 CEDAR SPRINGS RD	CRAVENS JOSHUA DAVID
	138	4605 CEDAR SPRINGS RD	ROUMIANTSEVA DARIA
	139	4605 CEDAR SPRINGS RD	HENSON CHRISTOPHER
	140	4605 CEDAR SPRINGS RD	BIERNIAK MAREK O & ANNA M
	141	4605 CEDAR SPRINGS RD	CLARE RHETT
	142	4605 CEDAR SPRINGS RD	TURNER CRAIG & LAUREN
	143	4605 CEDAR SPRINGS RD	HOLLAND JAMES HOWARD
	144	4605 CEDAR SPRINGS RD	FOUST ERNEST L
	145	4605 CEDAR SPRINGS RD	MCCARTHY EDMOND JR & MARY
	146	4605 CEDAR SPRINGS RD	GOMEZ RITA CERVANTES
	147	4605 CEDAR SPRINGS RD	SAMI ARJAMAND
	148	4605 CEDAR SPRINGS RD	MONTALVO HENRY S & CARY L
	149	4605 CEDAR SPRINGS RD	THOMAS TEENA
	150	4605 CEDAR SPRINGS RD	LYNN LAUREN A

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	4605 CEDAR SPRINGS RD	HUNG CHARING
	152	4605 CEDAR SPRINGS RD	BEARIST GROUP LLC
	153	4605 CEDAR SPRINGS RD	TANANA VADZIM
	154	4605 CEDAR SPRINGS RD	SAMENI FALLAH SAM
	155	4605 CEDAR SPRINGS RD	POLUNSKY LEE N
	156	4605 CEDAR SPRINGS RD	PARK YOUNG HWAN &
	157	4605 CEDAR SPRINGS RD	ARAUJO REUBEN
	158	4605 CEDAR SPRINGS RD	BAO PAUL XIAPEI &
	159	4605 CEDAR SPRINGS RD	ROLAND CAROLINE
	160	4605 CEDAR SPRINGS RD	BOWERS MATTHEW S
	161	4605 CEDAR SPRINGS RD	KAUL BUPESH & RITA
	162	4605 CEDAR SPRINGS RD	JACOBS DAVID A
	163	4605 CEDAR SPRINGS RD	NOTO ANGELA
	164	4605 CEDAR SPRINGS RD	ROUM KEVIN S
	165	4605 CEDAR SPRINGS RD	SKOFF LINDA
	166	4605 CEDAR SPRINGS RD	LY TU ANH &
	167	4605 CEDAR SPRINGS RD	SYED SANA SALMA
	168	4605 CEDAR SPRINGS RD	
	169	4605 CEDAR SPRINGS RD	JIAO RHODA
	170	4605 CEDAR SPRINGS RD	AMIN ABDUL HAFIZ
	171	4605 CEDAR SPRINGS RD	JOHNS JOEY
	172	4605 CEDAR SPRINGS RD	PAULUS MICHAEL
	173	4605 CEDAR SPRINGS RD	SEVART JOSEPH W
	174	4605 CEDAR SPRINGS RD	PANZA LUCY G & NICHOLAS P
	175	4605 CEDAR SPRINGS RD	THIBODEAU MARK
	176	4605 CEDAR SPRINGS RD	JONES JAMES A
	177	4605 CEDAR SPRINGS RD	FORRETTE PHILLIP H
	178	4605 CEDAR SPRINGS RD	FINCK MARK B
	179	4605 CEDAR SPRINGS RD	OBALK ANETA K
	180	4605 CEDAR SPRINGS RD	HAMEDANI BAHAR
	181	4605 CEDAR SPRINGS RD	BARNETT JESSICA E

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	4605 CEDAR SPRINGS RD	HU RANDOLF
	183	4605 CEDAR SPRINGS RD	LIN TONY &
	184	4605 CEDAR SPRINGS RD	DEGG REBECCA ANN
	185	4605 CEDAR SPRINGS RD	JOHN SANGITA ELIZABETH &
	186	4605 CEDAR SPRINGS RD	SKOFF DALE A
	187	4605 CEDAR SPRINGS RD	WANG YIFAN
	188	4605 CEDAR SPRINGS RD	VIDARTE ALIONA V
	189	4605 CEDAR SPRINGS RD	ZHANG YUE
	190	4605 CEDAR SPRINGS RD	PICKENS DOUGLAS R
	191	4605 CEDAR SPRINGS RD	LANGHAM STUART
	192	4605 CEDAR SPRINGS RD	YOUSUF SARA G
	193	4605 CEDAR SPRINGS RD	WASHBURN MATTHEW SAXTON
	194	4605 CEDAR SPRINGS RD	CARVALHO MARCO A
	195	4605 CEDAR SPRINGS RD	CHOI WON JOON
	196	4605 CEDAR SPRINGS RD	LIN CHENYING
	197	4605 CEDAR SPRINGS RD	LEVY ALISSA
	198	4605 CEDAR SPRINGS RD	MILLER IRYNA
	199	4605 CEDAR SPRINGS RD	BENNETT FAMILY LIVING TRUST THE

**AGENDA ITEM # 43**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 69A U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR-D-1 Industrial Research District with a D-1 Liquor Control Overlay, on the northwest line of South Belt Line Road, southwest of Kleberg Road

Recommendation of Staff and CPC: Approval with retention of the D-1 Liquor Control Overlay

Z167-383(WE)

**FILE NUMBER:** Z167-383(WE) **DATE FILED:** August 25, 2017

**LOCATION:** Northwest line of South Belt Line Road, southwest of Kleberg Road

**COUNCIL DISTRICT:** 8 **MAPSCO:** 69A U

**SIZE OF REQUEST:** Approx. 1.317 acres **CENSUS TRACT:** 171.02

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**APPLICANT** Vaquero Ventiures

**OWNER:** David and Cathy Shifts

**REPRESENTATIVE:** Doak Raulston

**REQUEST:** An application for a CS Commercial Service District on property zoned an IR-D-1 Industrial Research District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the development of a general merchandise of food store greater than 3,500 square feet.

**STAFF RECOMMENDATION:** Approval with retention of the D-1 Liquor Control Overlay

**CPC RECOMMENDATION:** Approval with retention of the D-1 Liquor Control Overlay

**BACKGROUND INFORMATION:**

- The request site is developed with a vehicle or engine repair or maintenance and a vacant single-family dwelling.
- The request site is contiguous to an industrial use and an electrical substation that is zoned for IR Industrial Research District uses. The property that is northeast of the request site is zoned for a CS Commercial Service District and is undeveloped. The property southeast of the request site, across South Belt Line Road is undeveloped and is zoned for R-10(A) Single Family District uses.
- The applicant’s request for a CS Commercial Service District will allow for development of a one-story, 9,100 square foot general merchandise or food store.
- The CS Commercial Service District, permits by right, a general merchandise or food store greater than 3,500 square feet. Any portion of the proposed development over 26 feet in height will have to comply with the residential proximity slope due to the residential adjacency across South Belt Line Road.

**Zoning History:** There has been one zoning change requested in the area in the past five years.

1. Z123-227 On Wednesday, June 26, 2013, the City Council approved the renewal of Specific Use Permit No. 1843 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Belt Line Road	Principal Arterial	100 ft.	100 ft.

**Land Use:**

	Zoning	Land Use
Site	IR-D-1	Auto Related use, Single Family
Northeast	CS-D-1	Undeveloped
Southeast	R-10(A)	Undeveloped
Northwest	IR-D-1	Electrical Substation
Southwest	IR-D-1	Industrial

**COMPREHENSIVE PLAN:**

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

**LAND USE**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The proposed use is part of the community's long-term use envisioned by the West Kleberg Community Plan.

**West Kleberg Community Plan (2007):**

The West Kleberg Community Plan identified a vision statement: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

The subject site is located within Sub-area 3, which is comprised of approximately 3,390 acres of which 42 percent was vacant or undeveloped, and 40 percent was comprised of public service (mainly the southside Wastewater Treatment Center) at publication in 2007.

The report reveals that "an overall analysis of the land use shows that businesses are generally located along the Hwy. 175-freeway corridor. The next concentration of small-scale uses is found at the intersection of South Belt Line Road and Seagoville Road. There is one grocery store to serve this community, with several smaller scale convenient stores scattered throughout the area. Other than that, groceries are purchased within a 5-mile radius in the cities of Balch Springs and Seagoville (e.g., Wal-Mart Super Centers, Minyards and Kroger). The majority of businesses operating in the area include: Auto Sales, Service and Display, Machinery, Heavy Equipment or Truck Sales and Service, and Auto Salvage and Reclamation".

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mix use project and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads; Highway 175, and



South Belt Line Road; and, Kleberg Road and South Belt Line Road. The subject site is within that buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the top 20 Community “Needs & Desires” as indicated below. In February 2007, the community conducted a Visioning Activity meeting to incorporate additional citizen input regarding the type of businesses the community envisions for the area.

The proposed use is considered in the vision for Sub-area 3.

**TABLE 12: VISIONING ACTIVITY – COMMUNITY “NEEDS & DESIRES”**

1. Bank	11. Ice Rink
2. Big Box (Lowe's and Sam's)	12. Mid-rise Mixed Use
3. Bookstore	13. Museum
4. Central Market	14. New Auto Dealership
5. Cinema	15. Office
6. Doctor Offices	16. Outlet and/or Mini-Malls
7. Drug Store	17. Research & Development Uses
8. Gas Station	18. Restaurants
9. Hospital	19. Small Shops
10. Hotel/Conference Center	20. Ice Cream Parlor (i.e., Braum's)

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
IR - existing Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
CS - proposed Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

**STAFF ANALYSIS:**

**Land Use Compatibility:** A portion of the 1.317-acre site is developed with an auto related use and a single-family use. The remaining portion of the property is undeveloped. The request site is adjacent to an electrical substation to the northeast and an industrial type use to the southwest. Northeast of the site is undeveloped. The property to the south, across South Belt Line Road, is undeveloped, and is zoned an R-10(A) Single Family District.

The applicant's request for a CS Commercial Service District will allow for development of a one-story, 9,100 square foot general merchandise or food store. Any development that exceeds 26 feet in height will have to comply with the residential proximity slope due to the residential adjacency across South Belt Line Road. The applicant's request for a general merchandise or food store complies with the type of uses the community envisioned in the area. The West Kleberg Community Plan, 2007, states that the community had a consensus to maintain the rural character in areas that remains predominately residential (low to moderate residential) with neighborhood serving retail and commercial uses along South Belt Line Road, Kleberg Road and Highway 175.

Staff recommendation is for approval of the applicant's request of a CS Commercial Service District. Based on several aerials maps, there improvements to the area are minimal. The proposed development of a general merchandise or food store is consistent with the vision of the West Kleberg Community Plan, 2007.

**Landscaping:** Landscaping must be provided in accordance with Article X, as amended. Plant materials must be maintained in a healthy, growing condition.

**Parking:** The parking requirement for a general merchandise or food store greater than 3,500 square feet is one space per 200 square feet of floor area. Based on the proposed 9,100 square feet of floor area, the number of spaces required is 46 spaces.

**CPC Action** (November 30, 2017)

**Motion:** It was moved to recommend **approval** of a CS Commercial Service District on property zoned an IR-D-1 Industrial Research District with a D-1 Liquor Control Overlay, on the northwest line of South Belt Line Road, southwest of Kleberg Road.

Maker: Lavallaissa  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Lavallaissa, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

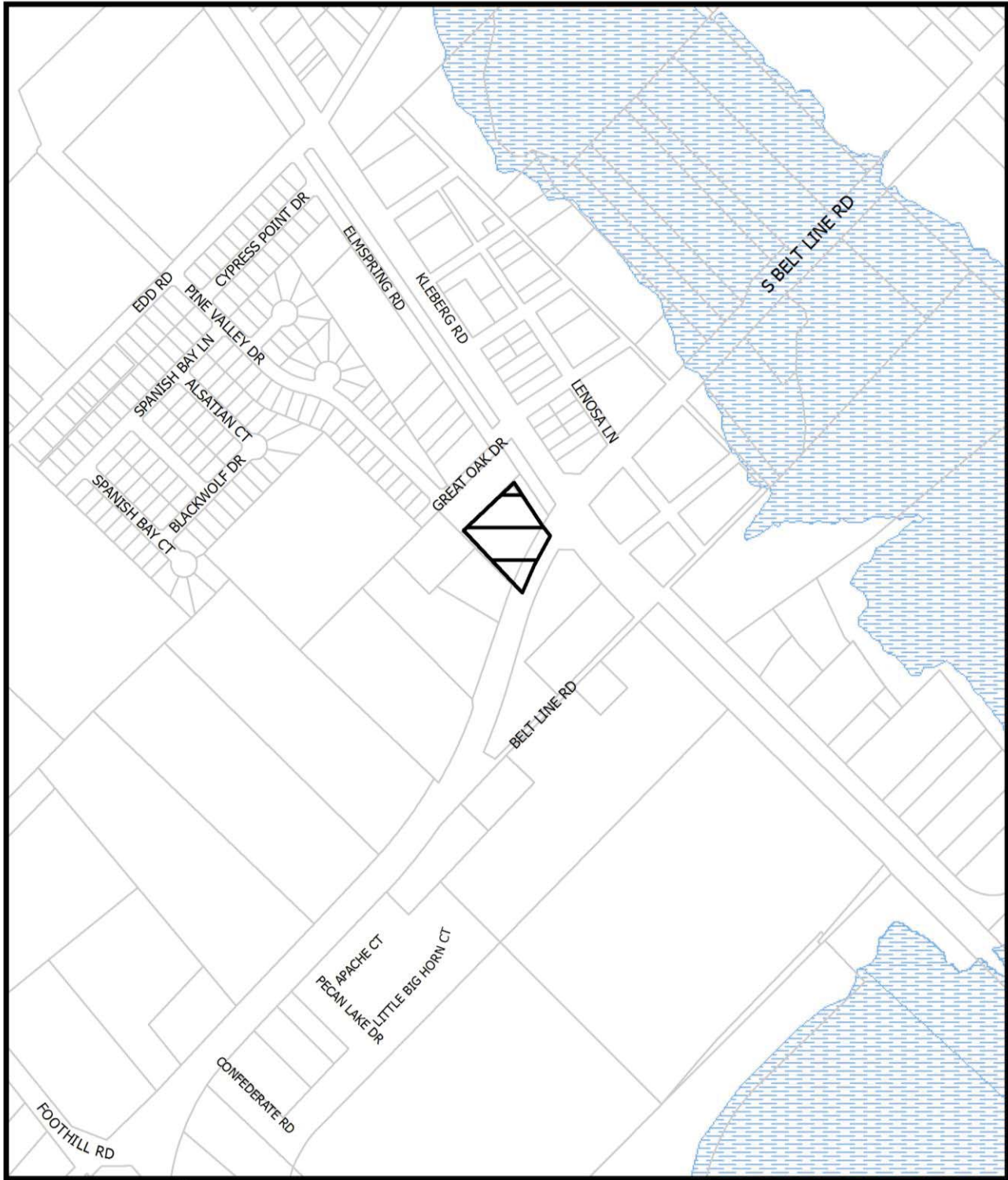
Against: 0  
Absent: 1 - Mack  
Vacancy: 0

**Notices:** Area: 300 Mailed: 15  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Doak Raulston, 2900 Wingate St., Fort Worth, TX, 76107  
Against: None

**LIST OF OFFICERS**  
Vaquero Ventures

- W.A Landreth Co-founder
- Brain C. Williams Co-founder
- Emily L. Crockett Chief Operating Officer & Senior Counsel

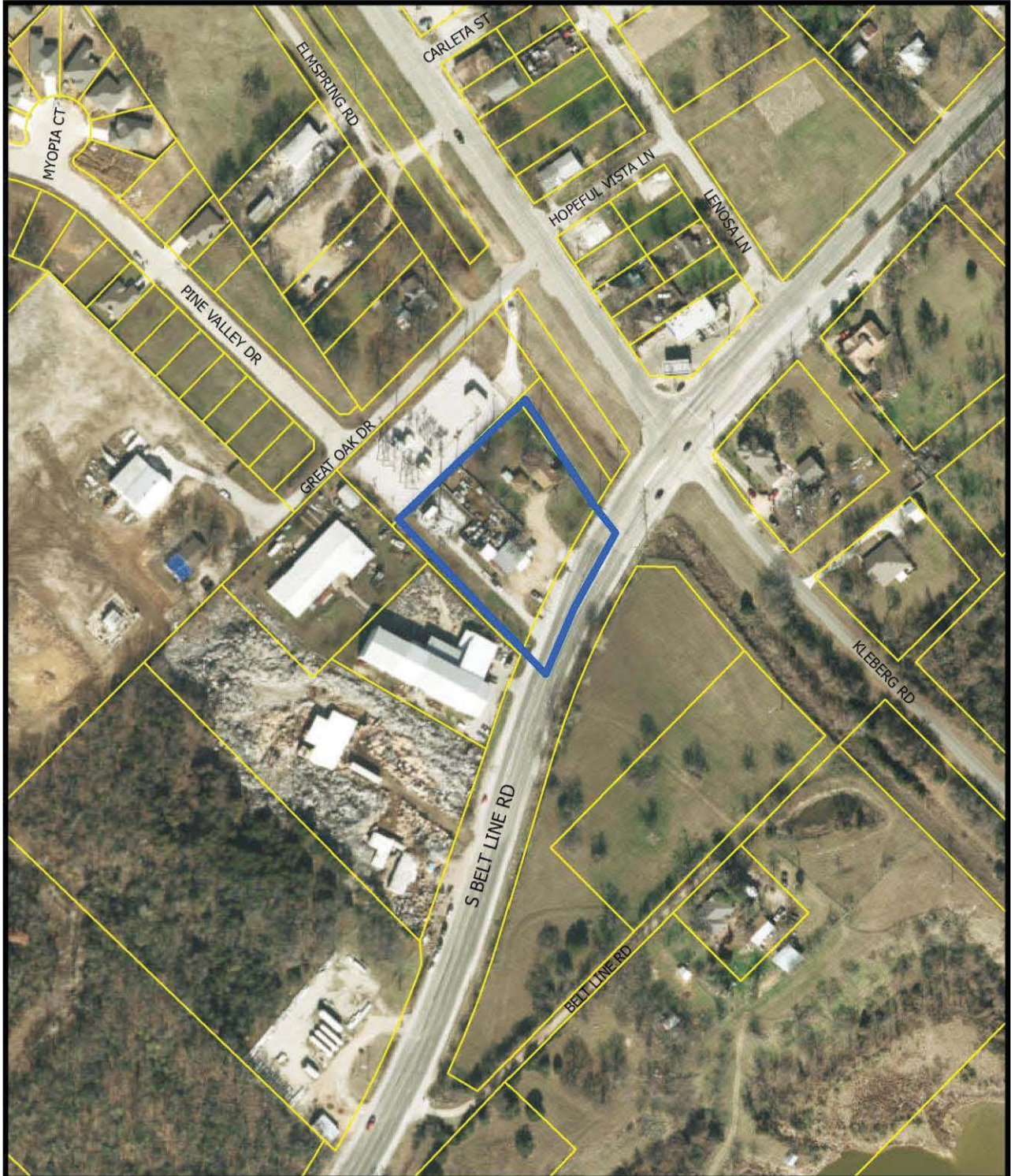


1:6,000

# VICINITY MAP

Case no:           Z167-383          

Date:           9/22/2017

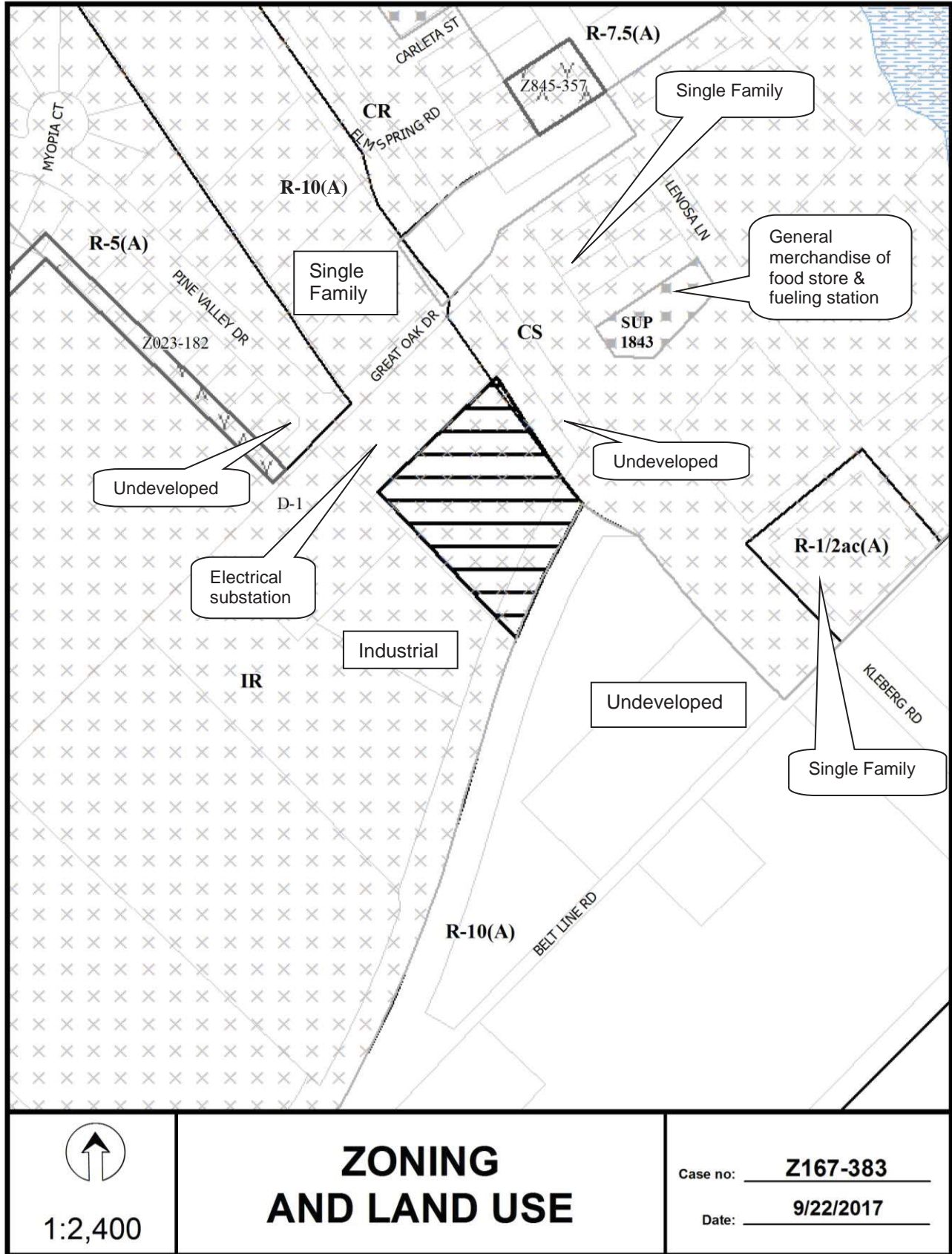


1:2,400

# AERIAL MAP

Case no:           Z167-383          

Date:           9/22/2017

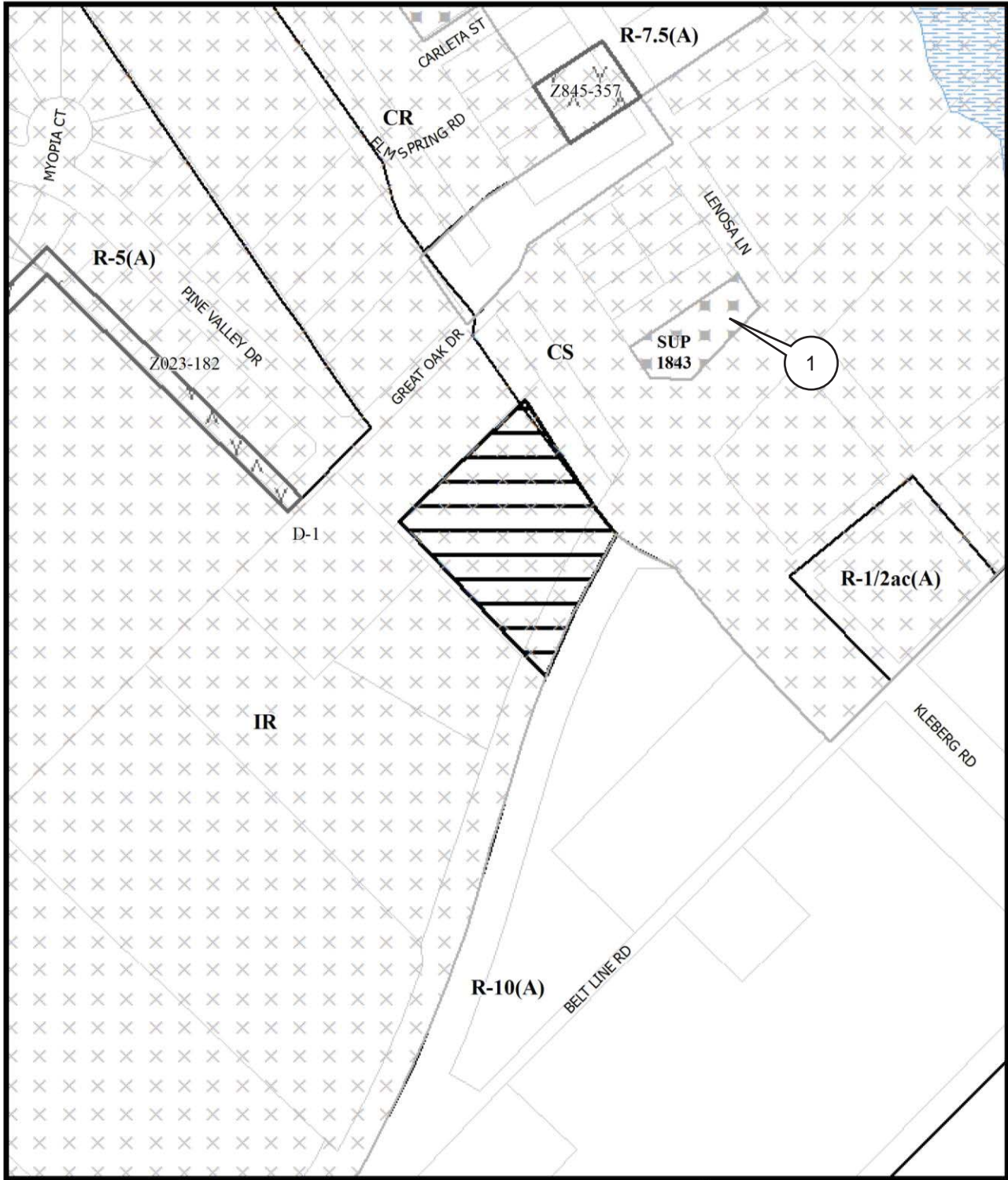


1:2,400

# ZONING AND LAND USE

Case no: Z167-383

Date: 9/22/2017



1:2,400

# ZONING HISTORY

Case no: Z167-383

Date: 9/22/2017



**CPC RESPONSES**



<u>15</u>	Property Owners Notified (25 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-383**  
**CPC**



1:2,400

## ***Notification List of Property Owners***

### ***Z167-383***

***15 Property Owners Notified      0 Property Owners in Favor      0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2511 S BELTLINE RD	STUTTS DAVID O & CATHY E
	2	2500 GREAT OAK DR	TEXAS UTILITIES ELEC CO
	3	2450 S BELTLINE RD	SALAZAR FRANCISCO & MIRIAM DELACRUZ
	4	13529 KLEBERG RD	BAHARIA MALIK A
	5	13523 KLEBERG RD	GEORGE BEN E
	6	13517 KLEBERG RD	HALL SALLY E L & THOMAS T
	7	13530 LENOSA LN	FOREMAN BOB
	8	13500 LENOSA LN	GALVAN MARTIN
	9	2619 S BELTLINE RD	J & R TRUCK & EQUIP SALES
	10	2531 S BELTLINE RD	COMPRESSORS UNLIMITED
	11	2501 GREAT OAK DR	BOREN B C
	12	2501 GREAT OAK DR	BOREN BILLY C
	13	2500 GREAT OAK DR	GEORGE BEN E TR
	14	2500 S BELTLINE RD	CHAMBLESS BENJAMIN P
	15	13325 PINE VALLEY DR	DALLAS AREA HABITAT FOR

**AGENDA ITEM # 44**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 45 P

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of, and amendment to, Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service on property zoned Subdistrict B within Planned Development District No. 619 with Historic Overlay No. 87, on the north side of Main Street, east of North Field Street  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions  
Z167-398(JM)



FILE NUMBER: Z167-398(JM)

DATE FILED: September 21, 2017

LOCATION: North side of Main Street, east of North Field Street

COUNCIL DISTRICT: 14

MAPSCO: 45 P

SIZE OF REQUEST: ±14,550 sq. ft.

CENSUS TRACT: 31.01

APPLICANT: William Katz

OWNER: Davis 1309 Main, LLC

REPRESENTATIVE: Nick Galen

**REQUEST:** An application for the renewal of, and amendment to, Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service on property zoned Subdistrict B within Planned Development District No. 619 with Historic Overlay No. 87.

**SUMMARY:** The applicant proposes to maintain the existing restaurant [Frankie's Sports Bar and Grill] located at the street level and to extend operating hours to begin at 10:00 a.m. instead of 11:00 a.m. A restaurant 2,000 square feet or more located below street level requires an SUP. On December 10, 2014, the City Council approved this Specific Use Permit for a three-year period.

**CPC RECOMMENDATION:** Approval for a three-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a three-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is an existing one-story restaurant without drive-in or drive-through service with 14,550 square feet of floor area.
- SUP No. 2127 was granted by City Council on December 10, 2013 and expires on December 10, 2017.
- The current request is to renew the SUP. There are no proposed changes to the existing site plan. The applicant has requested to change the opening time from 11:00 a.m. to 10:00 a.m.

**Zoning History:** There have been seven zoning change requests in the area within the last five years.

1. **Z167-130:** On June 28, 2017, the City Council approved Historic Overlay District No. 150 (One Main Place) on property zoned Planned Development District No. 619, an area bounded by Main Street, Griffin Street, Elm Street, and North Field Street with the exception of the northwest corner of North Field Street and Main Street.
2. **Z156-249:** On August 4, 2016, the City Plan Commission approved a request for a Specific Use Permit for installation of a non-premise district activity videoboard on property zoned Planned Development District No. 619 on the northwest corner of Main Street and North Field Streets. (No CC action found and no SUP issued)
3. **Z145-276:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619, located on the north side of Main Street and the east side of Four Way Place.
4. **Z145-277:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1788 an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, located on the northeast corner of Commerce Street and South Field Street.
5. **Z145-278:** On September 9, 2015, the City Council approved the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619, located on the south side of Elm Street and the east side of North Akard Street.
6. **Z134-322:** On September 9, 2015, the City Council approved an application for expansion and modifications to Historic Overlay 36, Adolphus Hotel on property zoned Planned Development District No. 619, located on the northwest corner of South Akard Street and Commerce Street.
7. **Z134-254:** On December 10, 2014, the City Council approved the renewal of Specific Use Permit No. 1887 for an alcoholic beverage establishment limited to

a bar, lounge or tavern and a commercial amusement (inside) limited to a Class A dance hall on property within Planned Development District No. 619, located on the south side of Main Street, east of South Field Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Main Street	Minor Arterial	80 feet	80 feet
North Field Street	Local	50 feet	50 feet

**Traffic:**

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

**Surrounding Land Uses:**

	Zoning	Land Use
<b>Site</b>	PDD No. 619; H/87	Residential, retail, and office
<b>North</b>	PDD No. 619	Restaurants, office, and retail
<b>East</b>	PDD No. 619; H/36 on a portion	Hotel, offices, and retail
<b>South</b>	PDD No. 619	Restaurant, retail, and parking garage
<b>West</b>	PDD No. 619; H/87	Residential, retail, and office

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within the City’s Downtown; a centrally located hub that provides high intensity concentrated regional job and commercial

activity supported by high density housing. A Downtown Building Block includes pedestrian-oriented and mixed-use development that offers multiple transportation options.

The request is consistent with the *forwardDallas! Vision* to promote a pedestrian-oriented mix of uses in the downtown area.

**Land Use Compatibility:**

The request site is surrounded by a mix of uses, which include retail, restaurant, parking garage and office uses. The existing establishment provides a service within the Central Business District and does not negatively impact the adjacent properties.

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.

**Parking:**

Planned Development District No. 619 requires off-street parking to be provided per the CA-1(A) Central Area District standards. For a new structure or an addition to an existing structure, one space is required for each 2,000 square feet of floor area. The proposed use is located within an existing structure; therefore, no parking is required.

**Police Records:**

Period of reporting is since the SUP was granted in December of 2013 to present.

Crime Parts 1 & 2, Jan 1 2017-Oct 23 2017 - 1309 Main St						
IncidentNum	ServYr	Date1	Time1	Address	UCR_Offense	ZipCode
197896-2017	2017	8/24/2017	5:30	1309 MAIN ST	BURGLARY-BUSINESS	75202
121425-2017	2017	5/29/2017	23:25	1309 MAIN ST	ASSAULT	75202
111709-2017	2017	5/18/2017	15:00	1309 MAIN ST	FRAUD	75202
074457-2017	2017	3/27/2017	17:00	1309 MAIN ST	OTHER THEFTS	75202
067274-2017	2017	3/26/2017	3:37	1309 MAIN ST	ASSAULT	75202
041298-2017	2017	2/19/2017	17:00	1309 MAIN ST	VANDALISM & CRIM MISCHIEF	75202
011145-2017	2017	1/14/2017	22:55	1309 MAIN ST	ASSAULT	75202



Crime Parts 1 & 2, Jan 1 2016-Dec 31 2016 - 1309 Main St						
IncidentNum	ServYr	Date1	Time1	Address	UCR_Offense	ZipCode
300161-2016	2016	12/17/2016	21:20	1309 MAIN ST	ASSAULT	75202
267711-2016	2016	11/7/2016	21:00	1309 MAIN ST	THEFT/BMV	75202
256686-2016	2016	10/25/2016	20:40	1309 MAIN ST	EVADING	75202
256686-2016	2016	10/25/2016	20:40	1309 MAIN ST	FRAUD	75202
251340-2016	2016	10/18/2016	23:00	1309 MAIN ST	THEFT/BMV	75202
225478-2016	2016	9/18/2016	21:37	1309 MAIN ST	ASSAULT	75202
222508-2016	2016	9/14/2016	21:45	1309 MAIN ST	THEFT/BMV	75202
183989-2016	2016	7/30/2016	10:00	1309 MAIN ST	UUMV	75202
164718-2016	2016	7/6/2016	20:00	1309 MAIN ST	CRIMINAL MISCHIEF/VANDALI	75202
161665-2016	2016	7/4/2016	1:00	1309 MAIN ST	ASSAULT	75202
153398-2016	2016	6/25/2016	0:10	1309 MAIN ST	VANDALISM & CRIM MISCHIEF	75202
142767-2016	2016	6/11/2016	19:00	1309 MAIN ST	THEFT/BMV	75202
116827-2016	2016	5/10/2016	17:05	1309 MAIN ST	UUMV	75202
042556-2016	2016	2/19/2016	18:00	1309 MAIN ST	CRIMINAL MISCHIEF/VANDALI	75202
020402-2016	2016	1/25/2016	18:00	1309 MAIN ST	THEFT/BMV	75202
016894-2016	2016	1/21/2016	21:47	1309 MAIN ST	ROBBERY-INDIVIDUAL	75202
016894-2016	2016	1/21/2016	21:47	1309 MAIN ST	ROBBERY-INDIVIDUAL	75202
022993-2016	2016	1/15/2016	10:00	1309 MAIN ST	BURGLARY-RESIDENCE	75202
007088-2016	2016	1/8/2016	17:40	1309 MAIN ST	UUMV	75202

Crime Parts 1 & 2, Jan 1 2015-Dec 31 2015 - 1309 Main St						
IncidentNum	ServYr	Date1	Time1	Address	UCR_Offense	ZipCode
299573-2015	2015	12/25/2015	9:30	1309 MAIN ST	THEFT/BMV	75202
283457-2015	2015	12/5/2015	16:30	1309 MAIN ST	UUMV	75202
269336-2015	2015	11/18/2015	22:00	1309 MAIN ST	UUMV	75202
249244-2015	2015	11/3/2015	16:30	1309 MAIN ST	UUMV	75202
257003-2015	2015	11/3/2015	19:35	1309 MAIN ST	OTHER THEFTS	75202
251966-2015	2015	10/28/2015	19:30	1309 MAIN ST	THEFT/BMV	75202
233917-2015	2015	10/6/2015	19:00	1309 MAIN ST	THEFT/BMV	75202
209160-2015	2015	9/7/2015	22:00	1309 MAIN ST	UUMV	75202
194935-2015	2015	8/15/2015	12:00	1309 MAIN ST	THEFT/BMV	75202
185799-2015	2015	8/10/2015	19:00	1309 MAIN ST	BURGLARY-RESIDENCE	75202
187729-2015	2015	8/9/2015	3:00	1309 MAIN ST	OTHER THEFTS	75202
184925-2015	2015	8/9/2015	22:00	1309 MAIN ST	THEFT/BMV	75202
170134-2015	2015	8/9/2015	13:00	1309 MAIN ST	UUMV	75202
185243-2015	2015	8/8/2015	19:30	1309 MAIN ST	UUMV	75202
158619-2015	2015	7/11/2015	2:30	1309 MAIN ST	ASSAULT	75202
169292-2015	2015	6/26/2015	19:00	1309 MAIN ST	THEFT/BMV	75202
143075-2015	2015	6/22/2015	23:00	1309 MAIN ST	VANDALISM & CRIM MISCHIEF	75202
141703-2015	2015	6/20/2015	22:00	1309 MAIN ST	THEFT/BMV	75202
140582-2015	2015	6/19/2015	7:30	1309 MAIN ST	THEFT/BMV	75202
115572-2015	2015	5/18/2015	17:30	1309 MAIN ST	THEFT/BMV	75202
109501-2015	2015	5/13/2015	21:00	1309 MAIN ST	THEFT/BMV	75202
106597-2015	2015	5/12/2015	0:00	1309 MAIN ST	THEFT/BMV	75202
092830-2015	2015	4/24/2015	12:00	1309 MAIN ST	DISORDERLY CONDUCT	75202
014058-2015	2015	1/18/2015	16:30	1309 MAIN ST	UUMV	75202

Crime Parts 1 & 2, Jan 1 2014-Dec 31 2014 - 1309 Main St						
IncidentNum	ServYr	Date1	Time1	Address	UCR_Offense	ZipCode
309351-2014	2014	12/30/2014	17:50	1309 MAIN ST	CRIMINAL TRESPASS	75202
295287-2014	2014	12/12/2014	12:30	1309 MAIN ST	CRIMINAL TRESPASS	75202
292826-2014	2014	12/8/2014	21:00	1309 MAIN ST	THEFT/BMV	75202
281947-2014	2014	11/25/2014	12:00	1309 MAIN ST	CRIMINAL TRESPASS	75202
268729-2014	2014	11/7/2014	21:00	1309 MAIN ST	THEFT/BMV	75202
268602-2014	2014	11/7/2014	20:00	1309 MAIN ST APT 1105	VANDALISM & CRIM MISCHIEF	75202
268506-2014	2014	11/7/2014	20:30	1309 MAIN ST	VANDALISM & CRIM MISCHIEF	75202
234562-2014	2014	9/27/2014	7:30	1309 MAIN ST	UUMV	75202
198442-2014	2014	8/18/2014	0:30	1309 MAIN ST	THEFT/BMV	75202
195042-2014	2014	8/13/2014	23:30	1309 MAIN ST APT 1710	THEFT/BMV	75202
176247-2014	2014	7/20/2014	17:30	1309 MAIN ST	THEFT/BMV	75202
176247-2014	2014	7/20/2014	17:30	1309 MAIN ST	THEFT/BMV	75202
157974-2014	2014	6/29/2014	8:30	1309 MAIN ST APT 1010	OTHER THEFTS	75202
143735-2014	2014	6/14/2014	17:15	1309 MAIN ST	VANDALISM & CRIM MISCHIEF	75202
134965-2014	2014	6/4/2014	0:15	1309 MAIN ST	VANDALISM & CRIM MISCHIEF	75202
20140131289	2014	5/31/2014	1:00	01309 MAIN ST	ASSAULT	75202
20140122442	2014	5/19/2014	17:00	01309 MAIN ST	THEFT/BMV	75202
20140115573	2014	5/10/2014	20:00	01309 MAIN ST	THEFT/BMV	75202
20140109078	2014	5/5/2014	17:30	01309 MAIN ST	THEFT/BMV	75202
20140101513	2014	4/28/2014	1:30	01309 MAIN ST	THEFT/BMV	75202
20140072990	2014	3/31/2014	12:00	01309 MAIN ST	FRAUD	75202
20140075601	2014	3/29/2014	20:30	01309 MAIN ST	THEFT/BMV	75202
20140062137	2014	3/15/2014	23:45	01309 MAIN ST	THEFT/BMV	75202
20140062438	2014	3/14/2014	16:00	01309 MAIN ST	VANDALISM & CRIMINAL MISCHIEF	75202
20140033488	2014	2/10/2014	3:30	01309 MAIN ST	THEFT/BMV	75202
20140001849	2014	1/2/2014	22:30	01309 MAIN ST	THEFT/BMV	75202

**December 2013****NO OFFENSE REPORTED**

List of Officers



**FRANKIE'S DOWNTOWN**

1303 Main Street, Dallas, TX 75202

18 SEP 2017

RE: List of Partners, Principals and Officers  
SUP Renewal

**Name**

**Position**

Frankie's Downtown

William Katz	Chairman of the Board
Johnnie C. Katz	CEO

Headington Companies (Landlord)

Tim Headington	Chairman and CEO
Michael Tregoning	President, Manager, Registered Agent
John Ambler	Senior Vice President, Legal
Kim Szarzynski	Vice President, Legal
Keith Bunch	Senior Vice President, Accounting & Tax, Treasurer
Julie Ciesielski	Secretary

**CPC Action  
November 30, 2017**

**Motion:** It was moved to recommend **approval** of the renewal and amendment of Specific Use Permit No. 2127 for a restaurant without drive-in or drive-through service for a three-year period, subject to a site plan and conditions on property zoned Subdistrict B within Planned Development District No. 619 with Historic Overlay No. 87, on the north side of Main Street, east of North Field Street.

Maker: Lavallaissa  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Lavallaissa, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Mack  
Vacancy: 0

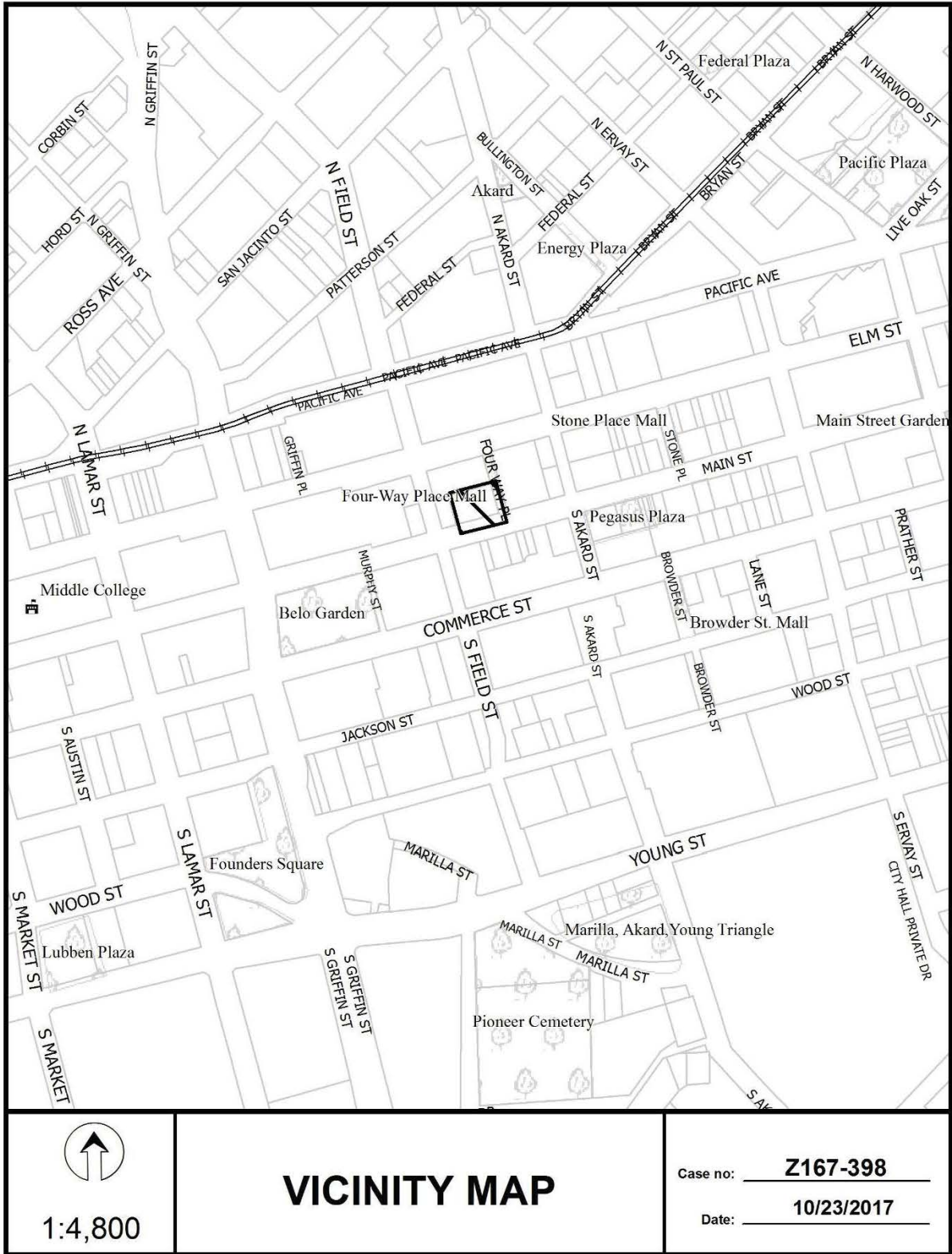
**Notices:** Area: 200 Mailed: 279  
**Replies:** For: 0 Against: 0

**Speakers:** None

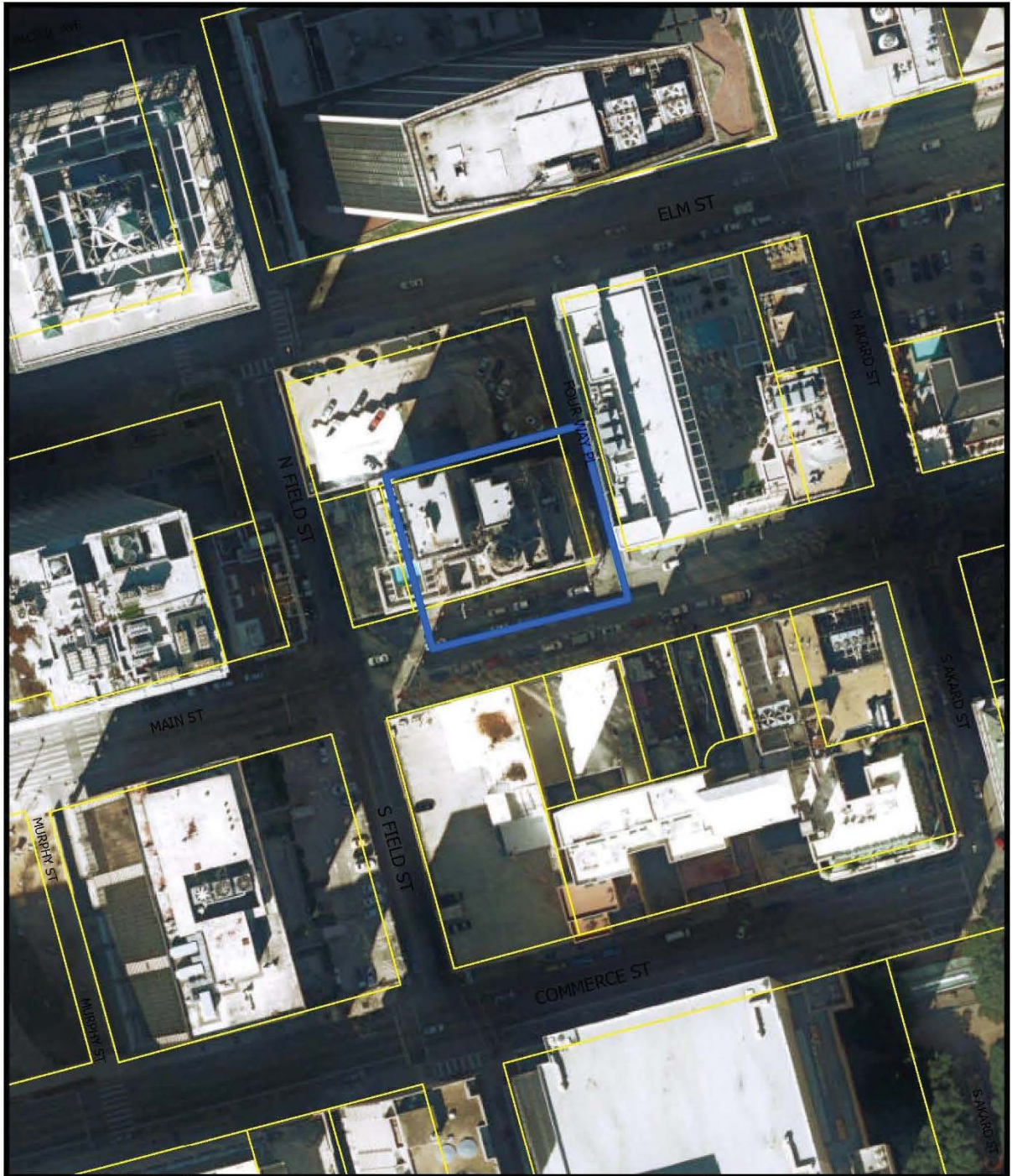
**AMENDING SUP CONDITIONS  
SUP NO. 2127**

1. USE: The only use authorized by this specific use permit is a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~December 10, 2017~~ three-years from the passage of this ordinance.
3. HOURS OF OPERATION: The restaurant without drive-in or drive-through service may only operate between ~~11:00 a.m.~~ 10:00 a.m. and 2:00 a.m. Monday through Sunday.
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.







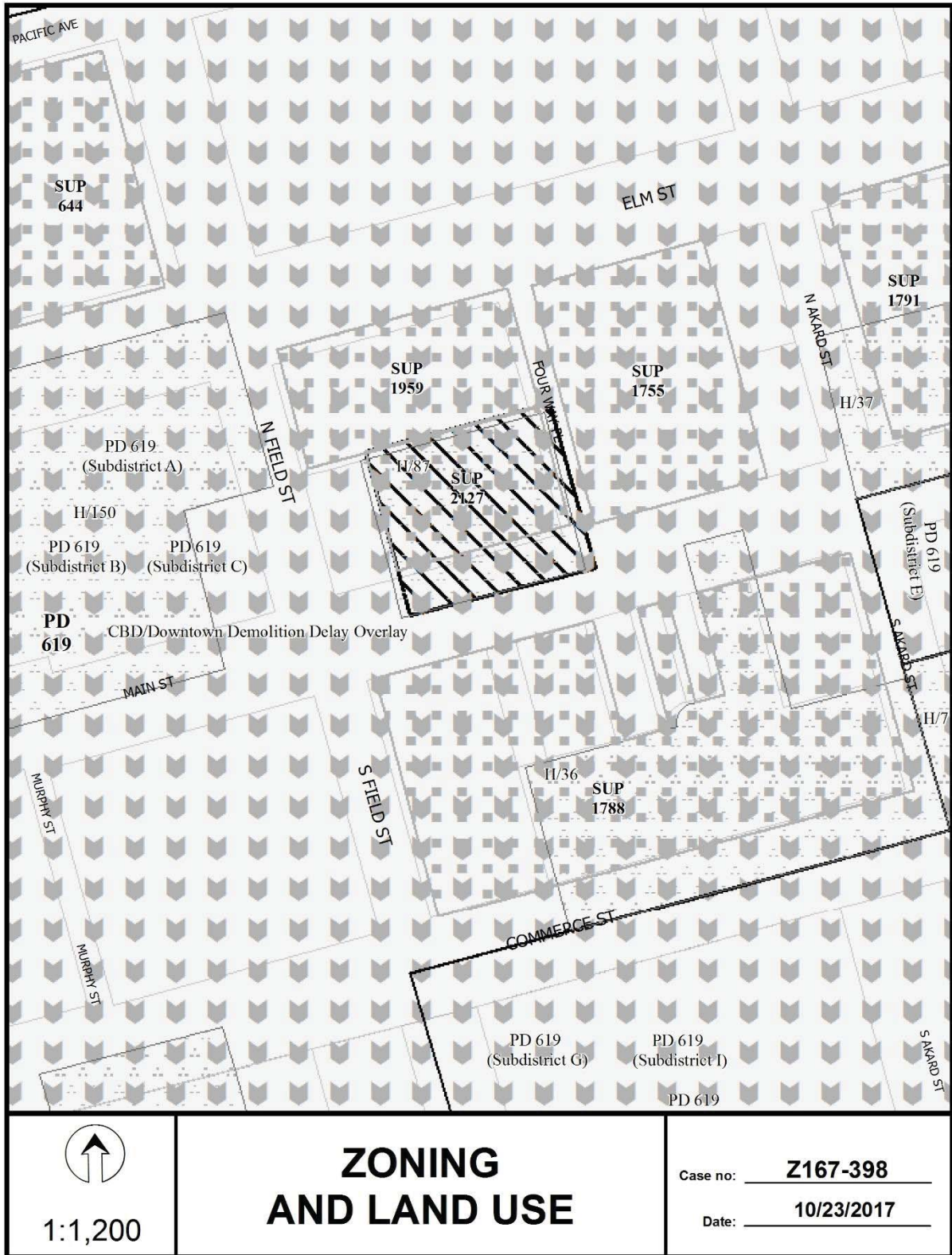


1:1,200

# AERIAL MAP

Case no:           Z167-398          

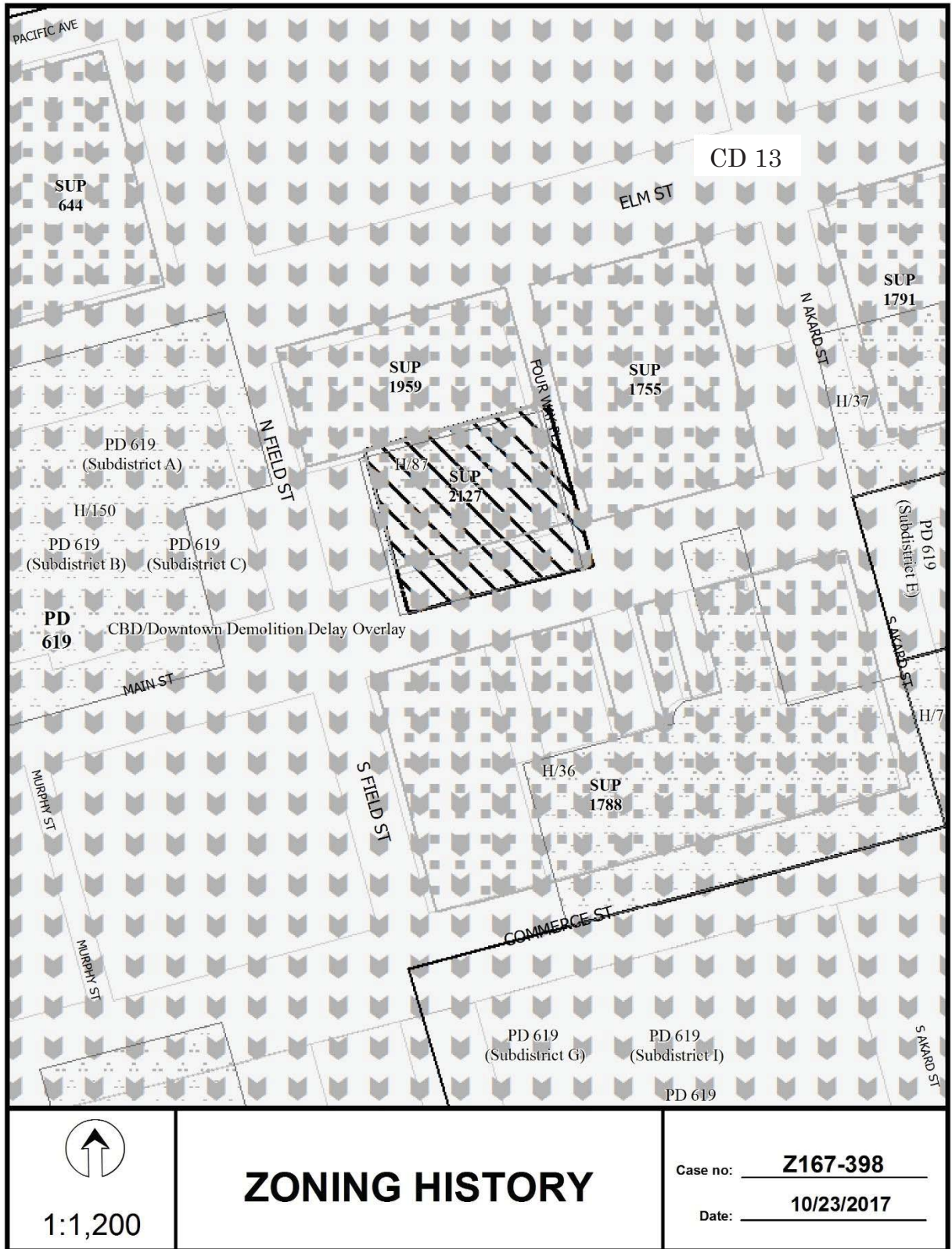
Date:           10/23/2017



1:1,200

# ZONING AND LAND USE

Case no: Z167-398  
Date: 10/23/2017





<u>279</u>	Property Owners Notified (18 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-398**  
**CPC**



1:1,200

Z167-398(JM)

11/29/2017

## ***Reply List of Property Owners***

***Z167-398***

***279 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1302 ELM ST	DAVIS 1309 MAIN LLC
	2	1401 ELM ST	DREVER 1401 ELM LLC
	3	1301 MAIN ST	NAYEB FAMILY LP
	4	1217 MAIN ST	HEADINGTON REALTY & CAPITAL LLC
	5	1400 MAIN ST	RBP ADOLPHUS LLC
	6	1404 MAIN ST	APAL CO LLC
	7	1412 MAIN ST	1412 MAIN STREET LLC
	8	1300 MAIN ST	RBP ADOLPHUS LLC
	9	1402 MAIN ST	APAL LLC
	10	1306 MAIN ST	RBP ADOLPHUS LLC
	11	1315 COMMERCE ST	RBP ADOLPHUS LLC
	12	1414 ELM ST	LICGF DALLAS LOFTS INC
	13	1407 MAIN ST	LICGF DALLAS LOFTS INC
	14	1407 MAIN ST	DRED PROPERTIES LTD
	15	1407 MAIN ST	DCAR PROPERTIES LTD
	16	1200 MAIN ST	TONOLI FRANK E &
	17	1200 MAIN ST	FISCHER JOSHUA A
	18	1200 MAIN ST	1621 ERVAY LTD
	19	1200 MAIN ST	BRANAMAN MICHAEL S &
	20	1200 MAIN ST	SMITH RANDOLPH
	21	1200 MAIN ST	DIXON GLORIA D
	22	1200 MAIN ST	ORTIZ GUILLERMINA
	23	1200 MAIN ST	FONTENOT TOMMY JAMES
	24	1200 MAIN ST	RAFF GEORGE JR
	25	1200 MAIN ST	SMITH DANIEL E & HERMA A
	26	1200 MAIN ST	BRANSTETTER ROBERT M & CAROL SHELTON

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1200 MAIN ST	FREEMAN SCOTT
	28	1200 MAIN ST	BOBBITT CHARLES MICHAEL
	29	1200 MAIN ST	JUAREZ GERARDO
	30	1200 MAIN ST	KIRKLAND MYRA EDITH &
	31	1200 MAIN ST	AMONGKOL JITTADA KITTY
	32	1200 MAIN ST	HART STANLEY L &
	33	1200 MAIN ST	SMITH SHERIA D
	34	1200 MAIN ST	CRIST EUGENE SCOTT
	35	1200 MAIN ST	TERESI MARK A & JEANNE N
	36	1200 MAIN ST	CWALINO PETER
	37	1200 MAIN ST	KISLING MISTY
	38	1200 MAIN ST	SANADI NISAR & THU NGUYET
	39	1200 MAIN ST	CARPENTER ROBIN N
	40	1200 MAIN ST	MASTAGLIO LINDA R
	41	1200 MAIN ST	LOPEZ DENNIS A
	42	1200 MAIN ST	CLARK TAMPA CATHERINE
	43	1200 MAIN ST	BAILEY PETER & MARY
	44	1200 MAIN ST	PERRI ANTHONY J &
	45	1200 MAIN ST	KANTELADZE ANNA &
	46	1200 MAIN ST	FAYE WILLIS DESIGNS INC
	47	1200 MAIN ST	BAGARIA SAPNA & SURESH
	48	1200 MAIN ST	PARKER MARK GRAHAM
	49	1200 MAIN ST	ABDULKHAALIQ ANWAAR
	50	1200 MAIN ST	ARAUJO JOSEPH
	51	1200 MAIN ST	CHATTERJEE ARUNABHA
	52	1200 MAIN ST	SALVANT WAYNE
	53	1200 MAIN ST	ELLER TOM J & ROBYN
	54	1200 MAIN ST	MASSEY LINDA
	55	1200 MAIN ST	DASH PRIYARANJAN &
	56	1200 MAIN ST	MUEHLENWEG ROBERT J &
	57	1200 MAIN ST	CUEVAS ISRAEL F

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1200 MAIN ST	EDWARDS JAMES & BARBARA
	59	1200 MAIN ST	NORRED J WESLEY III
	60	1200 MAIN ST	JIA YUEMENG
	61	1200 MAIN ST	BIERMAN SYDNEY GRACE
	62	1200 MAIN ST	KADAN PROPERTIES LP
	63	1200 MAIN ST	CAMPOS EDWARD
	64	1200 MAIN ST	ADAMS WILHELMINA J
	65	1200 MAIN ST	COMBS DAMETIA
	66	1200 MAIN ST	YAVANZA LLC
	67	1200 MAIN ST	ALCANTARA PEDRO
	68	1200 MAIN ST	HERICKS JAMES &
	69	1200 MAIN ST	BAKER WILLIAM H III
	70	1200 MAIN ST	SPRING TRUMAN E JR
	71	1200 MAIN ST	TITTLE CYNTHIA LARK
	72	1200 MAIN ST	DANIEC MONICA
	73	1200 MAIN ST	BLACK PAUL
	74	1200 MAIN ST	HAQUE NAZ &
	75	1200 MAIN ST	BRANCELA JOHN
	76	1200 MAIN ST	LINDSAY HAWNI E
	77	1200 MAIN ST	CHANEY GARY WAYNE 1992 FAMILY TRUST
	78	1200 MAIN ST	NGUYEN MICHAEL
	79	1200 MAIN ST	BENEVENTI MARK FRANCIS
	80	1200 MAIN ST	DU YALI
	81	1200 MAIN ST	PATOINE TERESA SUSAN
	82	1200 MAIN ST	SAIED ANNA M
	83	1200 MAIN ST	FAIRCHILD MELISSA
	84	1200 MAIN ST	CANON JOSEPH & ELIZABETH
	85	1200 MAIN ST	DEMPSEY MICHAEL THOMAS &
	86	1200 MAIN ST	HARRIS KENDRICK LASALLE
	87	1200 MAIN ST	CRIST EUGENE SCOTT
	88	1200 MAIN ST	PATEL JAYSHREE &

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	1200 MAIN ST	ALSUP LAUREN BRITTANY
	90	1200 MAIN ST	KAHANE DENNIS SPENCER
	91	1200 MAIN ST	PRIBADI LILIANA
	92	1200 MAIN ST	SALEEM ADEEL
	93	1200 MAIN ST	ANTAO RYAN TRISTEN
	94	1200 MAIN ST	MOBLEY HENRY B JR
	95	1200 MAIN ST	COWAN MICHAEL & MARTHA
	96	1200 MAIN ST	GHODSI YEGANEH &
	97	1200 MAIN ST	CLEERE LARRY J &
	98	1200 MAIN ST	IPPOLITO MARTA
	99	1200 MAIN ST	CIN ALBERTO DAL
	100	1200 MAIN ST	BROWN GLENN ALAN
	101	1200 MAIN ST	ROMERO GERALD & LOURDES
	102	1200 MAIN ST	BEANEY STEVEN LEE
	103	1200 MAIN ST	SCARBOROUGH DONALD D
	104	1200 MAIN ST	KEANE JUSTIN SCOTT &
	105	1200 MAIN ST	BROWN NOLLEY LEON CLEMON &
	106	1200 MAIN ST	LUMME DONALD GUY JR
	107	1200 MAIN ST	XIE JIMIN
	108	1200 MAIN ST	OROZCO CARLOS A
	109	1200 MAIN ST	BABAKHANIAN ROUBEN
	110	1200 MAIN ST	DOMINGUEZ JOSE R
	111	1200 MAIN ST	PURNELL KENNETH
	112	1200 MAIN ST	ROSALES JORGE
	113	1200 MAIN ST	MA MAU & JUYEI
	114	1200 MAIN ST	THOMAS BIJU
	115	1200 MAIN ST	COMPEAU BRYAN
	116	1200 MAIN ST	MADDERRA RHONDA & FARON
	117	1200 MAIN ST	HONRALES MARK &
	118	1200 MAIN ST	CRAIG TERRY E &
	119	1200 MAIN ST	BALUCH HOLDINGS LLC



11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	1200 MAIN ST	ADROVIC ARMIN
	121	1200 MAIN ST	ROMIG RANDALL
	122	1200 MAIN ST	BRAUM EARL E JR
	123	1200 MAIN ST	TAUSCH JOHANNES &
	124	1200 MAIN ST	MORAIS JUSTIN
	125	1200 MAIN ST	MATHEWS AMIT &
	126	1200 MAIN ST	MCCANS WILLIAM
	127	1200 MAIN ST	LOPEZ ADAN FRANCISCO
	128	1200 MAIN ST	JUDAH JOHN K
	129	1200 MAIN ST	HANNA IHAB
	130	1200 MAIN ST	MORENO KRISTINE M
	131	1200 MAIN ST	BAKER ARIANNE &
	132	1200 MAIN ST	MOORE ROBERT W
	133	1200 MAIN ST	SANTAMARIA ARTHUR &
	134	1200 MAIN ST	RAZA SYED S & NASREEN S
	135	1200 MAIN ST	BOSE RANAVIR & SARMILA
	136	1200 MAIN ST	FUNG DAVID KARL & KATHY LEE FUNG
	137	1200 MAIN ST	FLORES GEORGINA E
	138	1200 MAIN ST	LI LIETAO
	139	1200 MAIN ST	TINSLEY GARY A
	140	1200 MAIN ST	MICHULKA GEORGE &
	141	1200 MAIN ST	BYRUM TADD A &
	142	1200 MAIN ST	HUTCHINSON ANDREW F II
	143	1200 MAIN ST	KHEMANI PRAVIN
	144	1200 MAIN ST	SUTTONDEABREU ILA I
	145	1200 MAIN ST	BENTLEY BRIAN D
	146	1200 MAIN ST	CLARK CHRISTIAN
	147	1200 MAIN ST	DAIYA NAMRATA
	148	1200 MAIN ST	JACKSON JAN B & ROGER
	149	1200 MAIN ST	SALVANT WAYNE F &
	150	1200 MAIN ST	LIN HUANG SHENG

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	1200 MAIN ST	HILL SIMON &
	152	1200 MAIN ST	HIBSID 1 LLC
	153	1200 MAIN ST	QUARTOS VACA LLC
	154	1200 MAIN ST	KOKES KEVIN K
	155	1200 MAIN ST	HARRIS CARLOS
	156	1200 MAIN ST	JAIN NEHA
	157	1200 MAIN ST	CHAMBERLAIN BLAKE BARRETT
	158	1200 MAIN ST	KHAN MOIN
	159	1200 MAIN ST	KLAMM CYNTHIA B &
	160	1200 MAIN ST	L & M FAMILY TRUST THE
	161	1200 MAIN ST	JACKSON CAROL
	162	1200 MAIN ST	COWDEN PETER
	163	1200 MAIN ST	NARAN ASHOK
	164	1200 MAIN ST	LANCASTER PHILLIP & IRENE
	165	1200 MAIN ST	
	166	1200 MAIN ST	AN JOSHUA DON ALLEN
	167	1200 MAIN ST	POLANCO PAUL
	168	1200 MAIN ST	DAMANI ANIRUDH A
	169	1200 MAIN ST	DOCKTER BRYAN
	170	1200 MAIN ST	UNDERHILL JAMES S
	171	1200 MAIN ST	DEAR CORY & CLARK MEREDITH
	172	1200 MAIN ST	STRINGER CHRISTOPHER & KATIE
	173	1200 MAIN ST	STROTHMAN RHONDA K
	174	1200 MAIN ST	REMPHREY BRYAN S
	175	1200 MAIN ST	DYNKIN ANTHONY
	176	1200 MAIN ST	BROWNELL SUSAN K &
	177	1200 MAIN ST	LANCASTER PHILLIP GEOFFREY &
	178	1200 MAIN ST	HOLLANDER KEVIN J & BETH A
	179	1200 MAIN ST	AHUMADA MUCIO
	180	1200 MAIN ST	LESTER MARY C
	181	1200 MAIN ST	LIN MILO M &

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	1200 MAIN ST	GARNER SUSAN
	183	1200 MAIN ST	MOORE ROBERT W
	184	1200 MAIN ST	CHAFFIN LYNDAL A
	185	1200 MAIN ST	HUMES EDUARDO
	186	1200 MAIN ST	VIRANI ASIF
	187	1200 MAIN ST	DIXON ADAM
	188	1200 MAIN ST	XIE JIMIN & WEIYAN JEANNE LI
	189	1200 MAIN ST	JHAVERI SATYEN DHIREN
	190	1200 MAIN ST	ABDULWAHAB MANNIE
	191	1200 MAIN ST	GODOY DULCE MARIA RIVAS
	192	1200 MAIN ST	KOSTREVA JOSH A
	193	1200 MAIN ST	ZOLLER ROBERT W
	194	1200 MAIN ST	SARETSKY NEIL &
	195	1200 MAIN ST	KOERBER ELLEN &
	196	1200 MAIN ST	GREENSTREET TROY A
	197	1200 MAIN ST	RICHARDS GILL & ELIZABETH ANN
	198	1200 MAIN ST	NATHAL JULIO
	199	1200 MAIN ST	SINGERMAN ALEXANDER
	200	1200 MAIN ST	13TX PROPERTIES LLC
	201	1200 MAIN ST	POON PHILIP
	202	1200 MAIN ST	ROMERO ROBERT R &
	203	1200 MAIN ST	HAYES MONIQUE C
	204	1200 MAIN ST	RICHARDS GILL & ELIZABETH ANN
	205	1200 MAIN ST	HAGLER TRENT L
	206	1200 MAIN ST	REVELLE ANIEL W III & CAROL L
	207	1200 MAIN ST	OLTMAN GREGG
	208	1200 MAIN ST	MALHOTRA MANISH
	209	1200 MAIN ST	MEADOWS TAYLOR
	210	1200 MAIN ST	FICKEL MATTHEW & MARY BETH
	211	1200 MAIN ST	SHAFFNER GLORIA
	212	1200 MAIN ST	GOLNABI ROSITA NINA & NEIMA

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	1200 MAIN ST	CAMPBELL W DONALD &
	214	1200 MAIN ST	GASPER ADAM D
	215	1200 MAIN ST	MCCLAIN JONI L MD FAMILY TRUST
	216	1200 MAIN ST	REVIS MARK
	217	1200 MAIN ST	NAZARUK ALEKSANDER
	218	1200 MAIN ST	YING KEN W
	219	1200 MAIN ST	AMEHAYES AMDETSION
	220	1200 MAIN ST	THEIS LANGSTON & ELIZABETH SMITH
	221	1200 MAIN ST	KEANE JUSTIN
	222	1200 MAIN ST	BODLEY GABRIELLE
	223	1200 MAIN ST	MCBRIDE KAREN & GEORGE S
	224	1200 MAIN ST	WILSON GLEN TAYLOR &
	225	1200 MAIN ST	DURRA OMAR
	226	1200 MAIN ST	PHILLIPS DAVID G
	227	1200 MAIN ST	WARREN BLAKE T &
	228	1200 MAIN ST	MARKHOFF STEVEN
	229	1200 MAIN ST	GRANT JASON A & MARIA
	230	1200 MAIN ST	PIERCE KEVIN G
	231	1200 MAIN ST	CUNNINGHAM THOMAS G
	232	1200 MAIN ST	POWERS A MARKS
	233	1200 MAIN ST	WERLE LESLEY
	234	1200 MAIN ST	BERMAN DANIEL
	235	1200 MAIN ST	PERRI VINEYARDS & REAL ESTATE
	236	1200 MAIN ST	RANDOLPH HEATHER ELAINE &
	237	1200 MAIN ST	FISCHER TRISA
	238	1200 MAIN ST	INDIGO CAPITAL GROUP LLC
	239	1200 MAIN ST	KNIPE LUTHER DASSON III
	240	1200 MAIN ST	IPPOLITO ESTER
	241	1200 MAIN ST	PATKOVIC MARIJANA
	242	1200 MAIN ST	BASH DAMIEN
	243	1200 MAIN ST	BRODNER SAMUAL C & LEIGH A

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	1200 MAIN ST	FIELDS FOSTER LAND TRUST
	245	1200 MAIN ST	SHIPP RONALD B
	246	1200 MAIN ST	ALCANTARA PEDRO
	247	1200 MAIN ST	COX JOHN VERNON TR & GAY GAYLE TR
	248	1200 MAIN ST	COX JOHN VERNON TR &
	249	1200 MAIN ST	SMITH LAURA
	250	1200 MAIN ST	BALUCH AMIR &
	251	1200 MAIN ST	ONU ADISA M
	252	1200 MAIN ST	TANG YIHCHIH &
	253	1200 MAIN ST	MAYORGA LUIS A
	254	1200 MAIN ST	MUSABASIC MEMSUD
	255	1200 MAIN ST	GILMAN ALEX
	256	1200 MAIN ST	MOTGI GURUBASAPPA V & SHASHI R MOTGI
	257	1200 MAIN ST	SARDARABADI ABDOL M &
	258	1200 MAIN ST	WATTS FAMILY TRUST
	259	1200 MAIN ST	KORNEGAY FAMILY TRUST
	260	1200 MAIN ST	TRAMMELL DUANE &
	261	1200 MAIN ST	DUNCAN ROBERT J &
	262	1200 MAIN ST	JHAVERI SATYEN DHIREN
	263	1200 MAIN ST	WALSH WILLIAM ANTHONY
	264	1200 MAIN ST	REAGANS KIMBERLY
	265	1200 MAIN ST	KRISHNA SHAILENDRA &
	266	1200 MAIN ST	PONZIO JOHN &
	267	1200 MAIN ST	BARBADILLO OSCAR JR
	268	1200 MAIN ST	DAVIS WALKER L
	269	1200 MAIN ST	HERNDON CYNTHIA A
	270	1200 MAIN ST	PERRI VINEYARDS &
	271	1200 MAIN ST	GARCIA CASSANDRA
	272	1200 MAIN ST	BARBATO CRISTINA COSTA
	273	1200 MAIN ST	BOWLES NEAL A & CARLA D WATSON
	274	1200 MAIN ST	GALAL PHILLIPE & NIKI M STOLIS

Z167-398(JM)

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	275	1200 MAIN ST	WILKINSON EARL J
	276	1200 MAIN ST	CALDWELL ROGER W & KIMBERLY S
	277	1200 MAIN ST	BELGAUM LLC
	278	1201 MAIN ST	ONE MAIN PLACE HOTEL LLC
	279	1201 MAIN ST	ONE MAIN PLACE OFFICE LLC

**AGENDA ITEM # 45**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 65 H

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales, and service use on property zoned Subdistrict 1 within Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3, with a D-1 Liquor Control Overlay, on the southwest corner of the C.F. Hawn Service Road and Ellenwood Drive  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan, landscape plan and conditions  
Z167-399(JM)





FILE NUMBER: Z167-399(JM)

DATE FILED: September 22, 2017

LOCATION: Southwest corner of the C.F. Hawn Service Road and Ellenwood Drive

COUNCIL DISTRICT: 8

MAPSCO: 65 H

SIZE OF REQUEST: ±1.172 acres

CENSUS TRACT: 117.02

APPLICANT/OWNER: Luisa Jimenez % Gueros Auto Shop

**REQUEST:** An application for a Specific Use Permit for a vehicle display, sales, and service use on property zoned Subdistrict 1 within Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3, with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to develop the site with a vehicle display, sales, and service center.

**CPC RECOMMENDATION:** Approval for a three-year period, subject to a site plan, landscape plan and conditions.

**STAFF RECOMMENDATION:** Approval for a three-year period, subject to a site plan, landscape plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is largely undeveloped, with a single-family residence located on the southern portion. The applicant plans to convert the nearly 2,400 square-foot home into an office for operation of the proposed vehicle display, sales, and service use. Additionally, the applicant proposes to construct a new 2,100 square-foot metal building for operation of the business. The vehicle display area accounts for 1,296 square feet of outdoor area.
- PD No. 535, the C.F. Hawn Special Purpose District No. 3 was established in 1999 and contains approximately 132.98 acres. The request area occupies approximately 1.172 acres of land within PD No. 535.
- Subdistrict 1 is a Light Industrial Subdistrict in which a vehicle display, sales, and service use requires a Specific Use Permit. Surrounding land uses include: outside salvage and reclamation, auto wrecker, and vehicle display, sales, and service to the north; undeveloped land to the east; outside salvage and reclamation to the south; and, vehicle or engine maintenance or repair, inside industrial, and cell antennae/communications tower to the west.

**Zoning History:** There has been one zoning case in the area over the past five years.

1. **Z134-190:** On August 10, 2011, the City Council approved the renewal of SUP No. 1717 for a vehicle display, sales, and service use for a three-year period at the northwest corner of C.F. Hawn Service Road and Haymarket Road. This case was auto-renewed on October 5, 2017, for a new three-year period (Z167-298).

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
CF Hawn Service Road	Freeway	Variable	Variable
Ellenwood Drive	Local	60 feet	60 feet

**Traffic:**

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

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 535, Subdistrict 1 w/D-1 Overlay	Undeveloped & Residential
<b>North</b>	PD No. 535, Subdistrict 1 w/D-1 Overlay	Outside salvage & reclamation, auto wrecker, and vehicle display, sales, & service
<b>East</b>	PD No. 535, Subdistrict 1 w/D-1 Overlay	Undeveloped
<b>South</b>	CS Commercial Service	Outside salvage & reclamation
<b>West</b>	PD No. 535, Subdistrict 1 w/D-1 Overlay	Industrial inside, vehicle or engine repair or maintenance, and cellular antennae/ communications tower

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The Comprehensive Plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as being within a *Commercial Center or Corridor* Building Block. These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses thus creating jobs and providing services to adjacent residential communities. Landscaping and urban design will enhance the visitor’s experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. Public transit enhancements, as well as quality access and visibility, are important components of successful auto-oriented development.

The applicant’s request generally complies with the following goal and policy of the Comprehensive Plan.

**LAND USE**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The proposed vehicle display, sales, and service use is consistent with the characteristics of the building block. The business would provide new jobs and expand upon the existing land use pattern and industry located along C.F. Hawn Service Road.

**Land Use Compatibility:**

The request site is surrounded by outside salvage and reclamation, auto wrecker, and vehicle display, sales, and service to the north; undeveloped land to the east; outside salvage and reclamation to the south; and, vehicle or engine maintenance or repair, inside industrial, and cell antennae/communications tower to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The proposed establishment would provide a service that is related to the surrounding uses and does not negatively impact adjacent properties. The SUP process of

continuous review, up-keep, and public input would allow for the periodic review of the land use to ensure it continues to compliment the surrounding neighborhood over time.

**Parking:**

PD No. 535 refers to the Dallas Development Code for parking regulations. Pursuant to the Dallas Development Code, the off-street parking requirement for the vehicle sales, display, and service use is one space per 500 square feet of floor area, inclusive of the display area. Therefore, the ±4,494-square-foot buildings (combined for existing and proposed structure) and ±1,296-square feet of display area require space 12 spaces. As illustrated on the site plan, 12 spaces are provided.

**Landscaping:**

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended. A landscape plan has been submitted with this request and is conditioned by the SUP requirements. At the time of this report, the City Arborist was reviewing the proposed landscape plan. An update will be provided at the hearing.

**CPC Action  
November 30, 2017**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a vehicle display, sales, and service use for a three-year period, subject to a site plan, landscape plan and conditions (as briefed) on property zoned Subdistrict 1 within Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3, with a D-1 Liquor Control Overlay, on the southwest corner of the C.F. Hawn Service Road and Ellenwood Drive.

Maker: Lavallaissa  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Lavallaissa, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

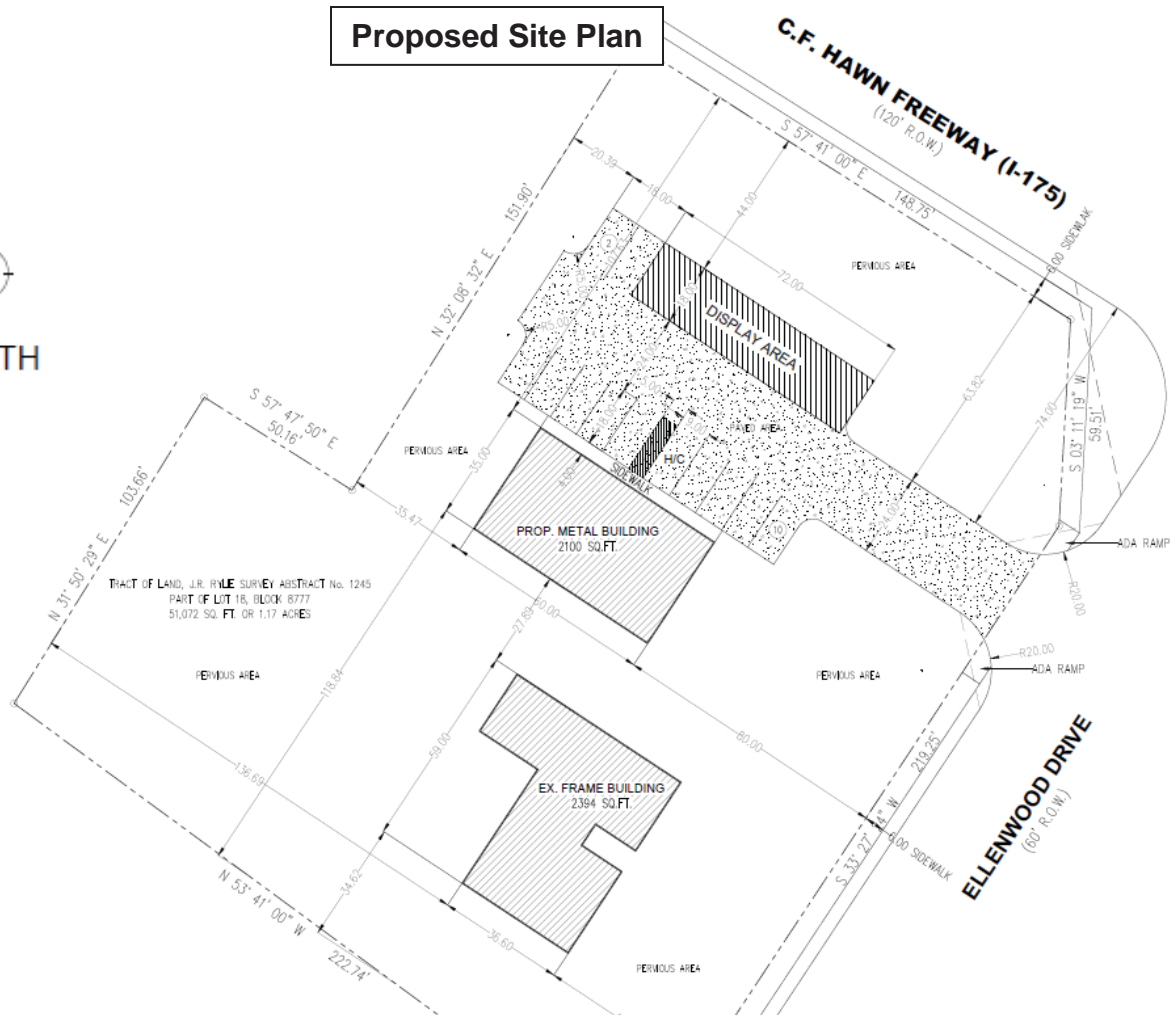
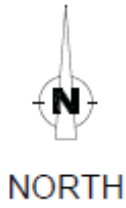
Against: 0  
Absent: 1 - Mack  
Vacancy: 0

**Notices:** Area: 300 Mailed: 14  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Salvador Jimenez, 1111 Ellenwood Dr., Dallas, TX, 75217  
Against: None

### **CPC Approved SUP Conditions**

1. USE: The only use authorized by this specific use permit is a vehicle display, sales, and service use.
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. HOURS OF OPERATION: The vehicle display, sales, and service use may only operate between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
5. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
6. OFF-STREET PARKING: Off-street parking must be provided in the locations shown on the attached site plan. Areas for parking, vehicle display, and maneuvering of vehicles must be paved with a nonpermeable surface.
7. SIGNS: Flags and pennants are 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.



**PARKING ANALYSIS:**

LAND USE: VEHICLE DISPLAY, SALES, AND SERVICE

PARKING REQUIRED:  $\frac{1}{500}$  SQ. FT. OF FLOOR & SITE AREA EXCLUSIVE OF PARKING AREA

TOTAL LAND AREA: 51,072 SQ. FT.

DISPLAY AREA: 1296 SQ. FT.

BUILDING AREA: 4,494 SQ. FT.

PARKING REQUIRED:  $1296 + 4494 = \frac{5790}{500} = 11.5$

PARKING PROVIDED: 12 SPACES

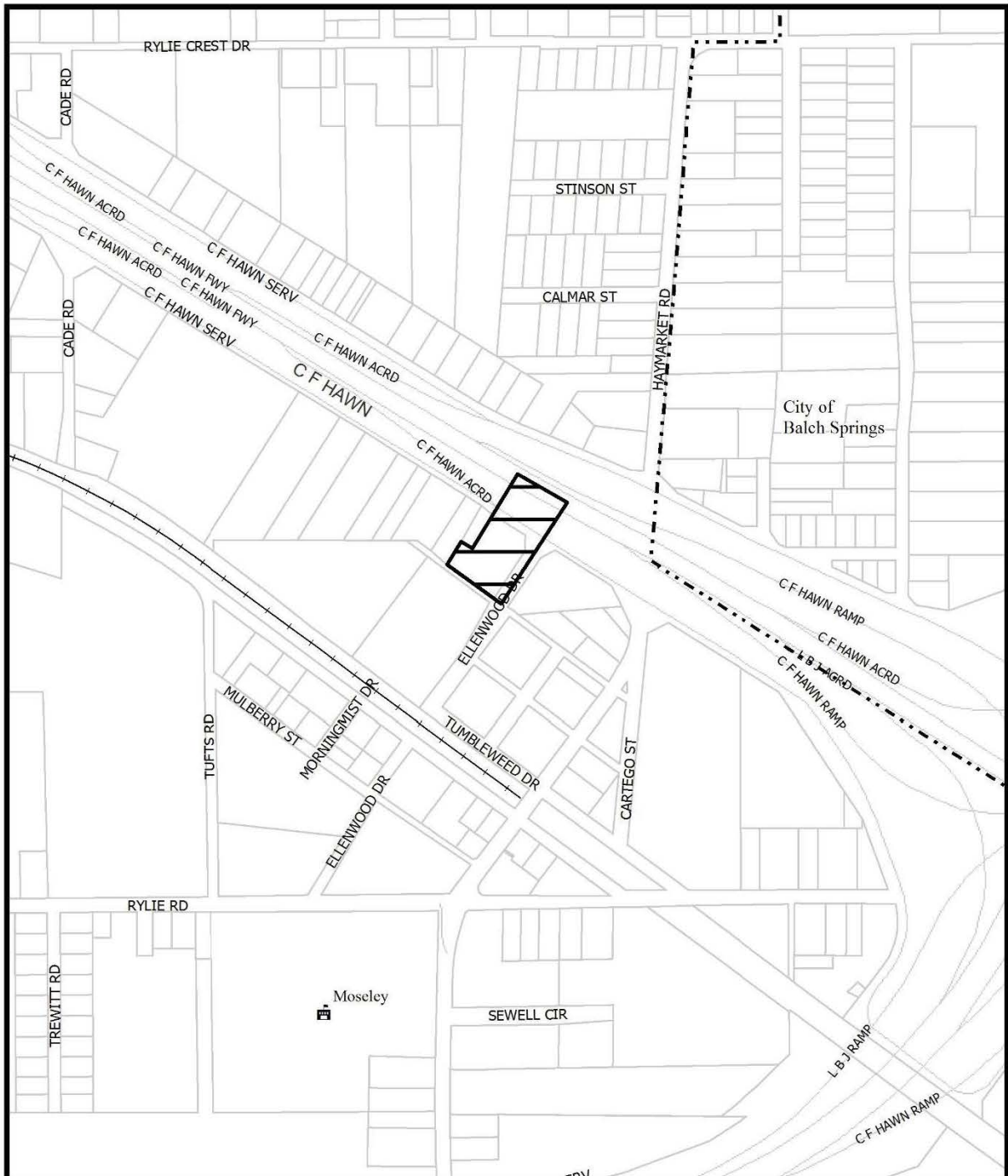
SEC. 51A 4.301.(A)(4) FOR PURPOSES OF DETERMINING OFF STREET PARKING, SITE AREA AS DEFINED IN SECTION 51A-2.102, DOES NOT INCLUDE THAT AREA OCCUPIED BY OFF STREET PARKING, LANDSCAPE AREAS, AND OPEN SPACE NOT USED FOR STORAGE OR SALES.

LOT COVERAGE: 8.79%

LANDSCAPE AS PER ARTICLE X OF DALLAS DEVELOPMENT CODE

ZONING: PD 535, SJB-DISTRICT I (LIGHT INDUSTRIAL)





1:6,000

# VICINITY MAP

Case no: Z167-399

Date: 11/1/2017

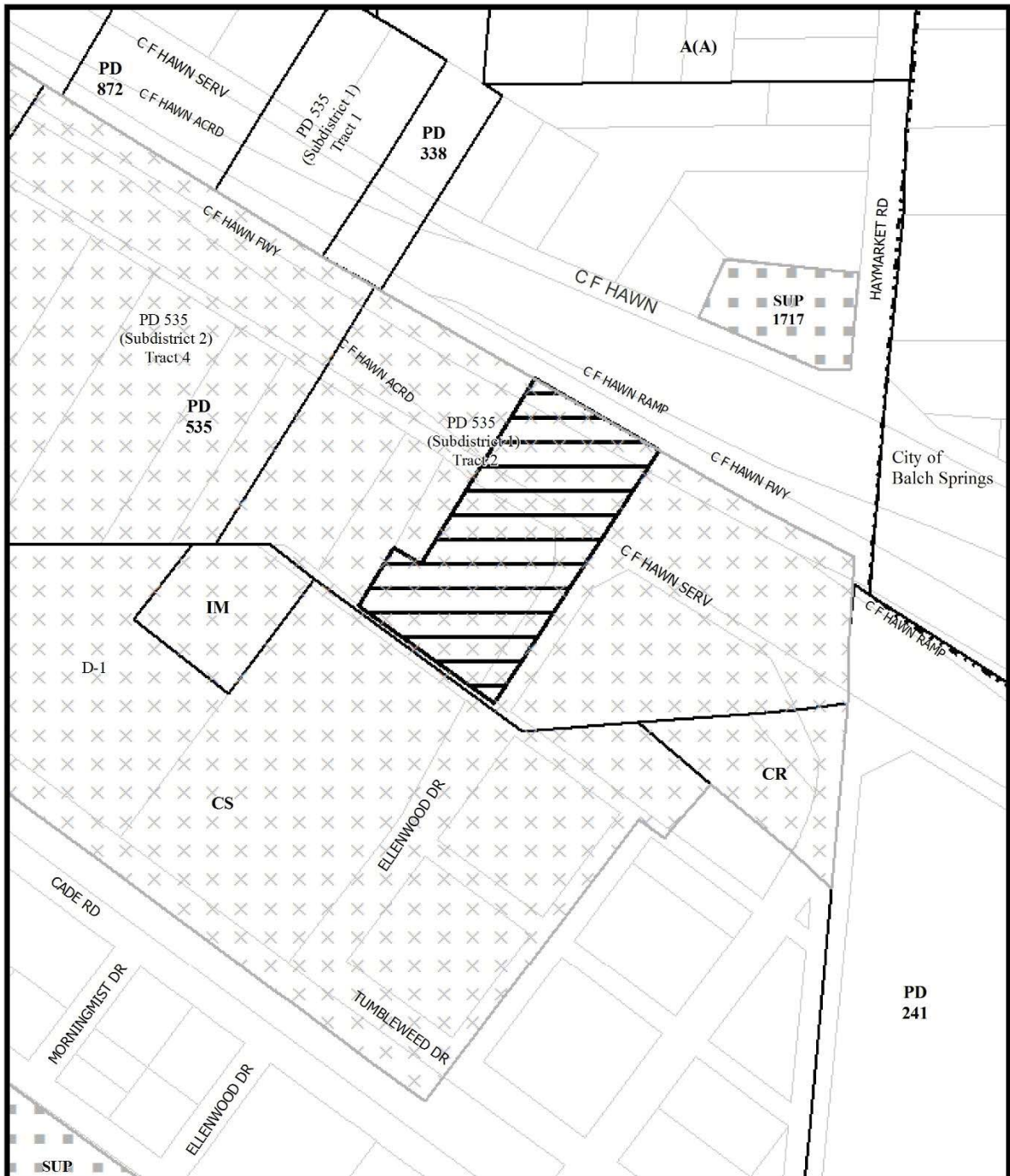


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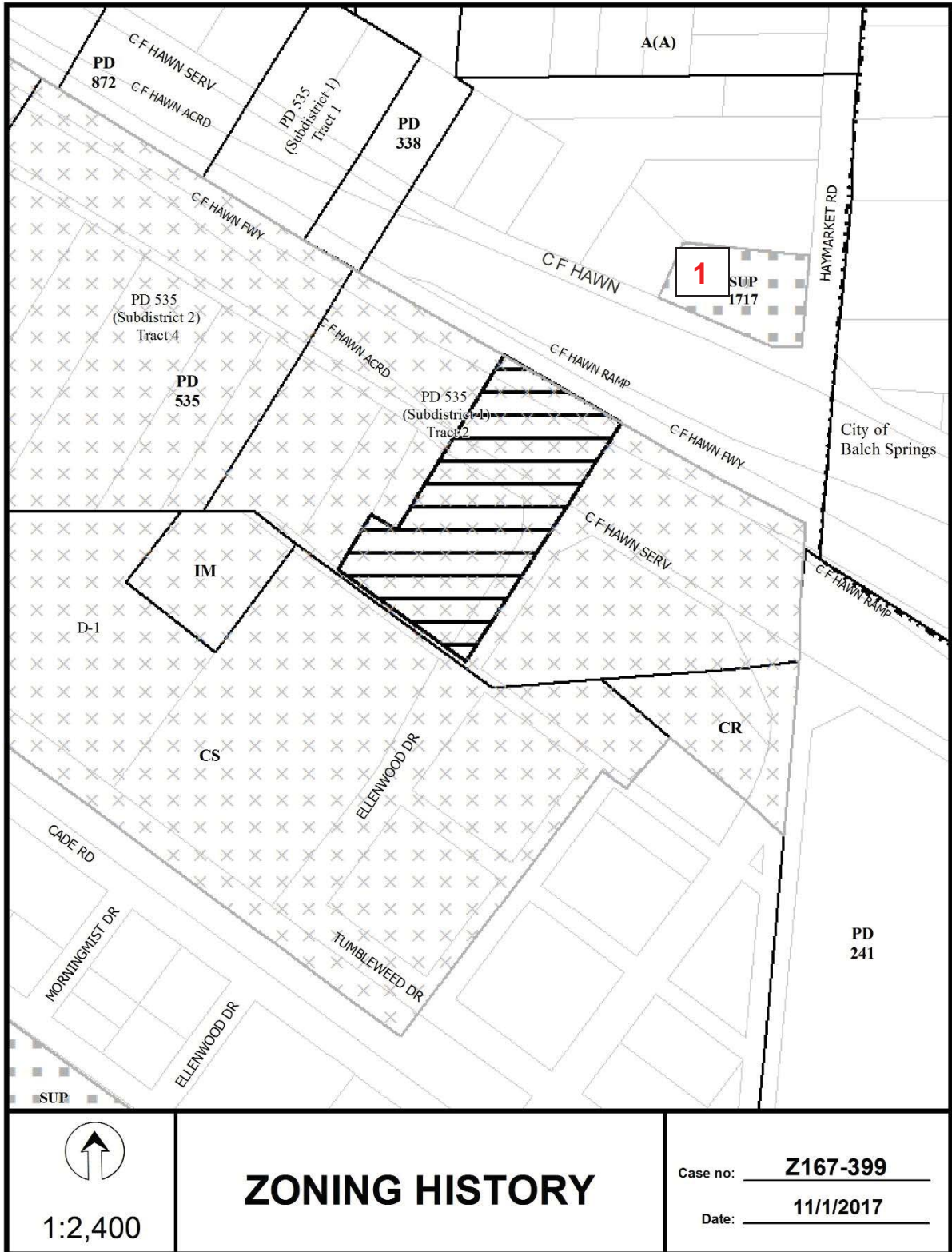
# AERIAL MAP

Case no: Z167-399

Date: 11/1/2017



 1:2,400	<h2>ZONING AND LAND USE</h2>	Case no: <u>Z167-399</u> Date: <u>11/1/2017</u>
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**CPC RESPONSES**



<u>14</u>	Property Owners Notified (18 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-399**  
**CPC**



1:2,400

11/29/2017

## ***Reply List of Property Owners***

***Z167-399***

***14 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1111 ELLENWOOD DR	GONZALEZ GILBERTO
	2	10900 C F HAWN FWY	GALEANO CARLOS
	3	1119 HAYMARKET RD	WEAVER FAMILY LIVING TRUST
	4	1115 HAYMARKET RD	GNR RESOURCES LLC
	5	10818 C F HAWN FWY	GROCO PAINT INC
	6	1115 ELLENWOOD DR	MM RYLIE HOLDINGS LLC
	7	10818 C F HAWN FWY	GROGAN GEORGE W
	8	10820 C F HAWN FWY	SPARKLE HOLDINGS INC
	9	10822 C F HAWN FWY	SAUCEDO JUAN A &
	10	10750 C F HAWN FWY	CEDANO ALBERTO M
	11	10829 C F HAWN FWY	SULE ETC LLC
	12	10821 C F HAWN FWY	EGBUNA JOHN
	13	10931 C F HAWN FWY	GODOY ANGEL M
	14	10831 C F HAWN FWY	BROWN FRANK

**AGENDA ITEM # 46**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 25 A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 44 for an electrical substation on property zoned an R-16(A) Single Family District, on the south line of Northaven Road, east of the Dallas North Tollway

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

Z167-401(WE)





**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JANUARY 24, 2018**  
**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z167-401(WE) **DATE FILED:** September 25, 2017  
**LOCATION:** South line of Northaven Road, east of the Dallas North Tollway  
**COUNCIL DISTRICT:** 13 **MAPSCO:** 25 A  
**SIZE OF REQUEST:** Approx. 4.364 acres **CENSUS TRACT:** 134

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**APPLICANT/OWNER:** Oncor Electric

**REPRESENTATIVE:** Karl Crawley, MASTERPLAN

**REQUEST:** An application for an amendment to Specific Use Permit No. 44 for an electrical substation on property zoned an R-16(A) Single Family District.

**SUMMARY:** The purpose of the request is to allow for improvements to the existing electrical substation equipment that is functionally obsolete and must be upgraded. The revised site plan will allow for approximately 15,000 square feet of replacement electrical equipment [Oncor] and the installation of a control building to house additional equipment.

**STAFF RECOMMENDATION:** Approval, subject to a revised site plan and conditions.

**CPC RECOMMENDATION:** Approval, subject to a revised site plan and conditions.

**BACKGROUND INFORMATION:**

- In October 1953, the City Council approved Specific Use Permit No. 44 for an electrical distribution substation. There are no records of the approved site plan.
- The request site is developed with an electrical substation. The maximum height of the utility poles will not exceed 95 feet in height.
- The applicant proposes to make improvements to the electrical substation equipment. The amended site plan will allow for approximately 15,000 square feet of replacement electrical equipment that has become obsolete. In addition, the applicant will construct a control building that will store the additional equipment.
- SUP No. 44 was approved under Chapter 51 development regulations where an electrical distribution substation is no longer an applicable use under Chapter 51A. The electrical distribution substation use will be changed to reflect Chapter 51A main use. The new use will be considered as a utility or governmental installation other than listed to be used as an electrical utility center and tower/antenna for cellular communications.
- The surrounding land uses consist of single family uses, and a private school, kindergarten and day nurse [SUP No. 405].

**Zoning History:** There has not been any zoning change requested in the area during the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Northaven Road	Local	50 ft.	50 ft.

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

**Land Use:**

	Zoning	Land Use
Site	R-16(A)	Electrical Substation
North	R-16(A)	Single Family
South	R-16(A)	Single Family
East	R-16(A)	Single Family
West	R-16(A), SUP No. 405	Private school, kindergarten and day nurse

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

## **LAND USE**

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

### **STAFF ANALYSIS:**

**Land Use Compatibility:** The 4.364-acre site is developed with an electrical substation. In October 1953, the City Council approved Specific Use Permit No. 44 for an electrical distribution substation for a permanent time period. The amendment to Specific Use Permit No. 44 will allow the applicant to upgrade the electrical equipment as well as construct a control building that will store the additional equipment. The perimeter of the request site will remain secured with a seven-foot fence. The upgrade to the electrical equipment, which is now obsolete, will allow the surrounding community to continue to receive the necessary services by the electrical company.

The surrounding land uses consist of single family uses, with a private school, kindergarten and day nursey [SUP No. 405], located to the west. The electrical substation has been at this location for over 60 years and will not deter nor detract from the surrounding area. The upgrade to the electrical substation will improve the services to the community. In addition, there are several utility poles that extend beyond the residential proximity slope. However, the Development Code states that, "structures for utility and public service uses and institutional uses may be erected to any height consistent with the Federal Aviation Administration air space limitations, residential proximity slope height restrictions and the building code. In addition, local utility transmission and distribution lines and supporting structures are exempt from the residential proximity slope height restrictions." Staff has no objections to the structure height of the utility poles.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all

applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
R-16(A) Single Family	35'	10'	1 Dwelling Unit/ 16,000 sq. ft.	30'	40%	RPS	Single family

**Landscaping:** Any landscaping of the property will not be triggered because the site is not increasing the impervious surface or floor area by 2,000 square feet of floor area.

**Parking:** The Dallas Development Code requires that the off-street parking for an electrical substation is two spaces.

**CPC Action** (December 14, 2017)

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 44 for an electrical substation, subject to a site plan and conditions on property zoned an R-16(A) Single Family District, on the south line of Northaven Road, east of the Dallas North Tollway.

Maker: Carpenter  
Second: Mack  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 400 Mailed: 51  
**Replies:** For: 4 Against: 1

**Speakers:** None

**LIST OF OFFICERS**

Oncor Electric Delivery

Board of Directors

Robert A Estrada

Rhys D. Evenden

Printice L. Gary

Kneeland Youngblood

Thomas M. Dunning

Thomas D. Ferguson

Richard D Wortham, III

Steven J Zucchet

William T Hill, Jr.

Timothy A Mack

Bob Shapard, CEO

Don Clevenger, SR. VP

Debbie Dennis, Sr. VP

Mark Carpenter, Sr. VP

David Davis, Sr. VP, CFO

Mike Guyton, Sr. VP

Jim Greer, Sr. VP, COO

Allen Nye, Sr. VP, General Counsel and Secretary

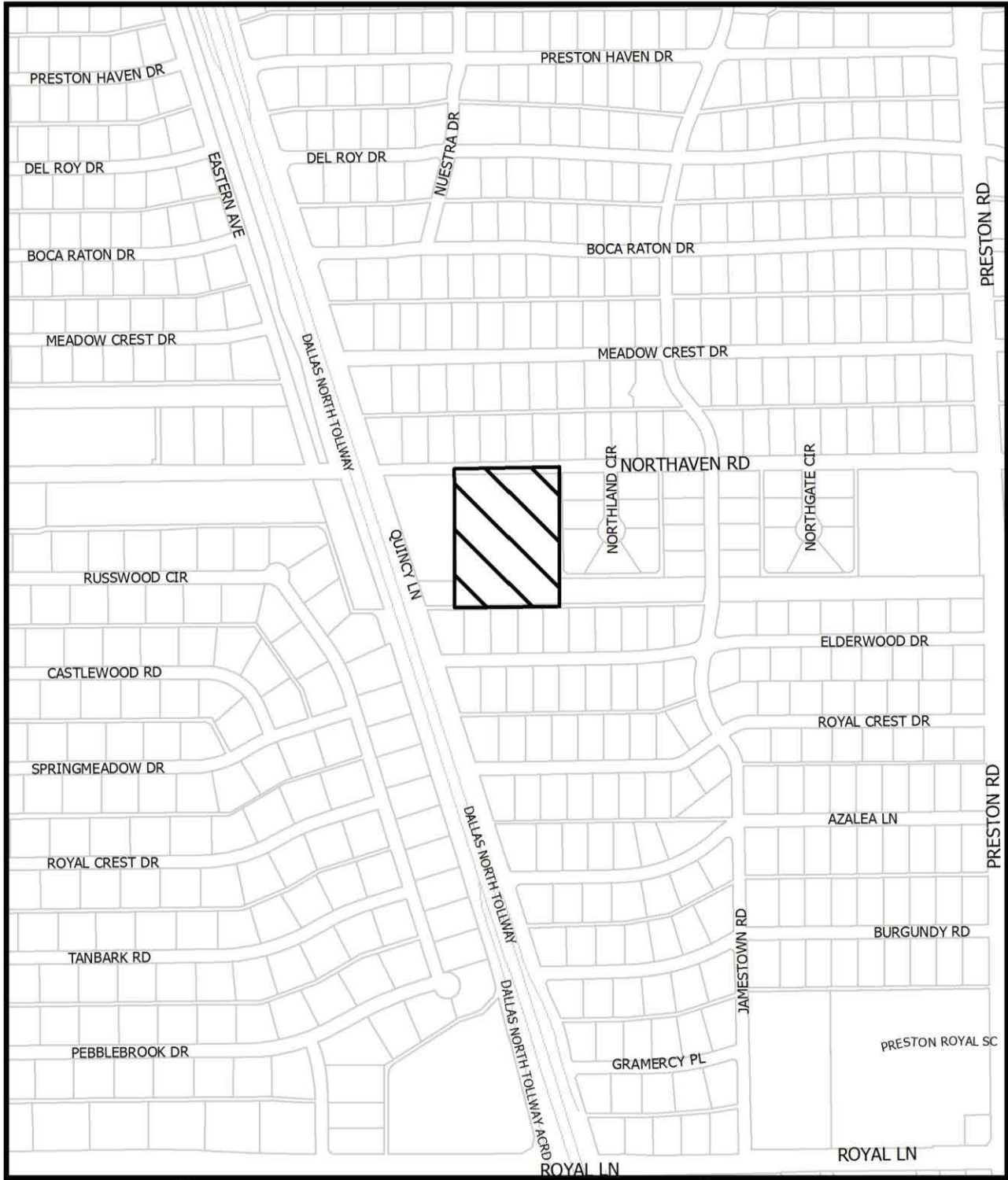
**CPC AMENDMENT TO SUP NO. 44**

1. USE: The only use authorized by this specific use permit an electrical substation.
  2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
  3. TIME LIMIT: This specific use permit has no expiration date.
  4. INGRESS AND EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
  5. SCREENING: A minimum seven-foot-high chain link fence must be provided around the perimeter of the Property.
  6. HEIGHT: Maximum structure height is 95 feet.
  7. 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.
- ~~[(1) That the development shall be generally in conformance with the site plan as approved by the City Plan Engineer.~~
- ~~(2) That all means of ingress and egress to the property shall be approved by the City Plan Engineer.~~
- ~~(3) That the entire development shall be adequately fenced and that the fence on the front portion of the tract shall not be closer than fifty feet (50') to Northaven Road.~~
- ~~(4) That the entire development shall be adequately landscaped as indicated on the approved site plan and all plant materials shall be maintained in a healthy growing condition at all times.]~~





Z167-401(WE)

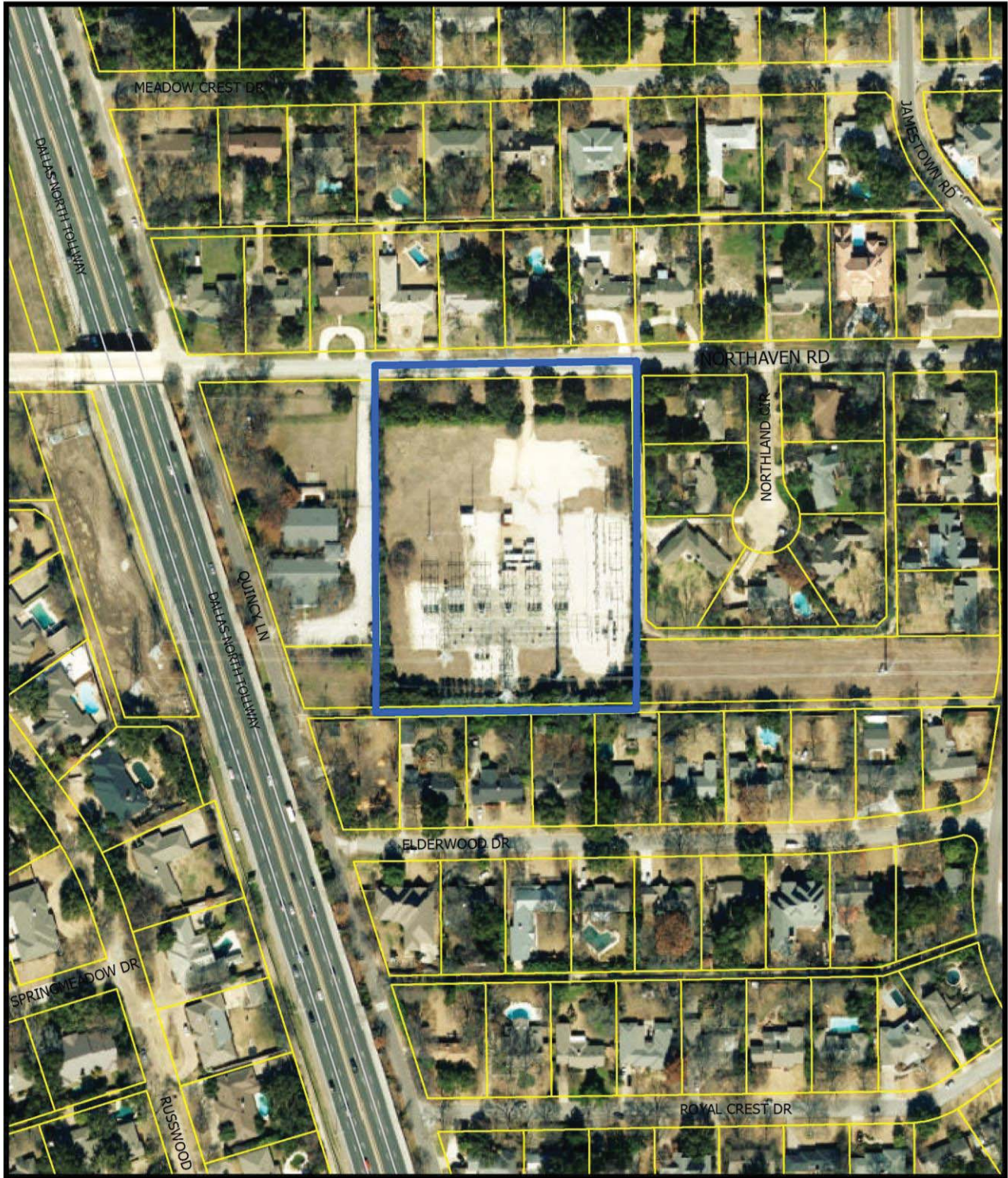


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### VICINITY MAP

Case no: Z167-401

Date: 10/24/2017

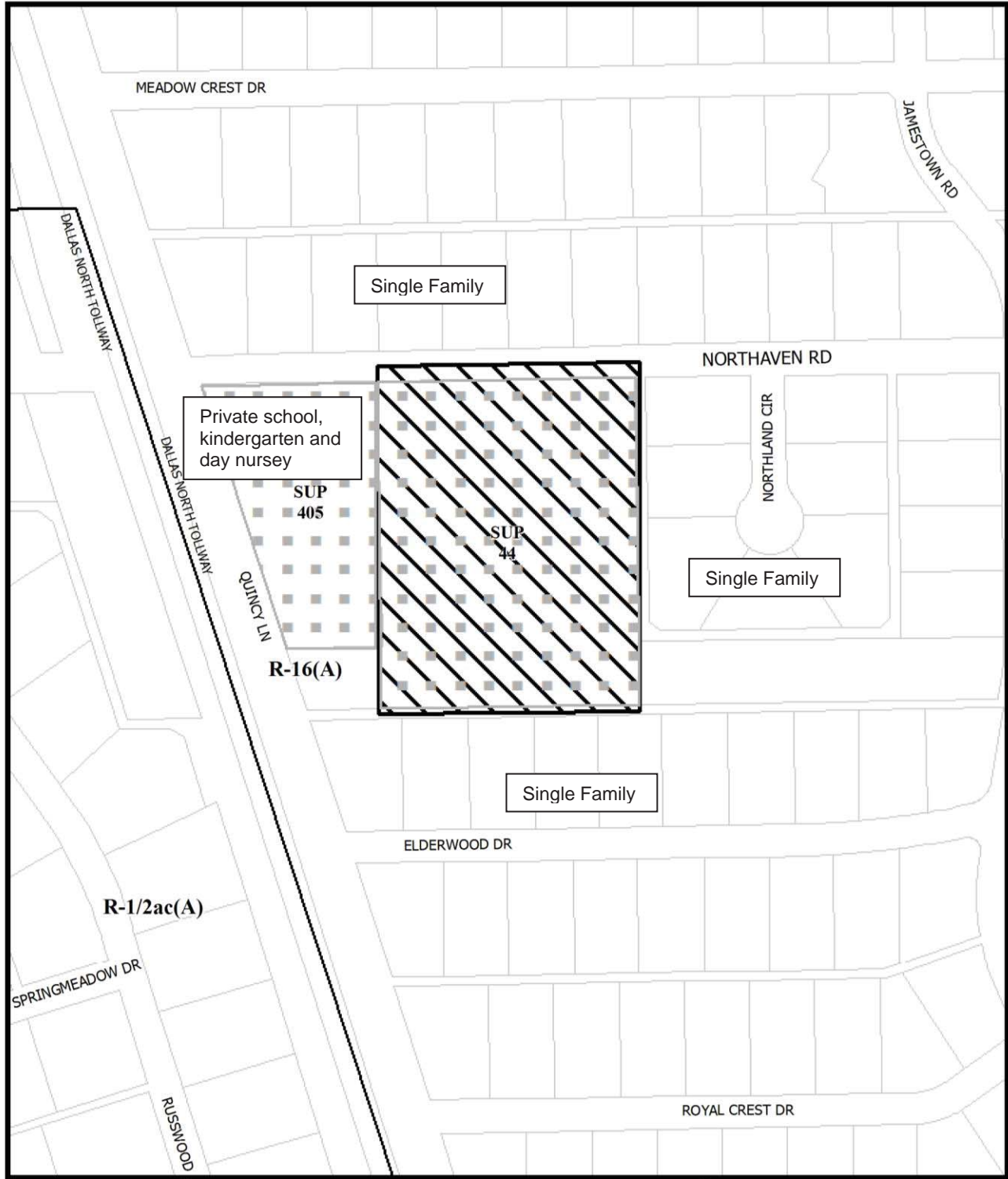


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# AERIAL MAP

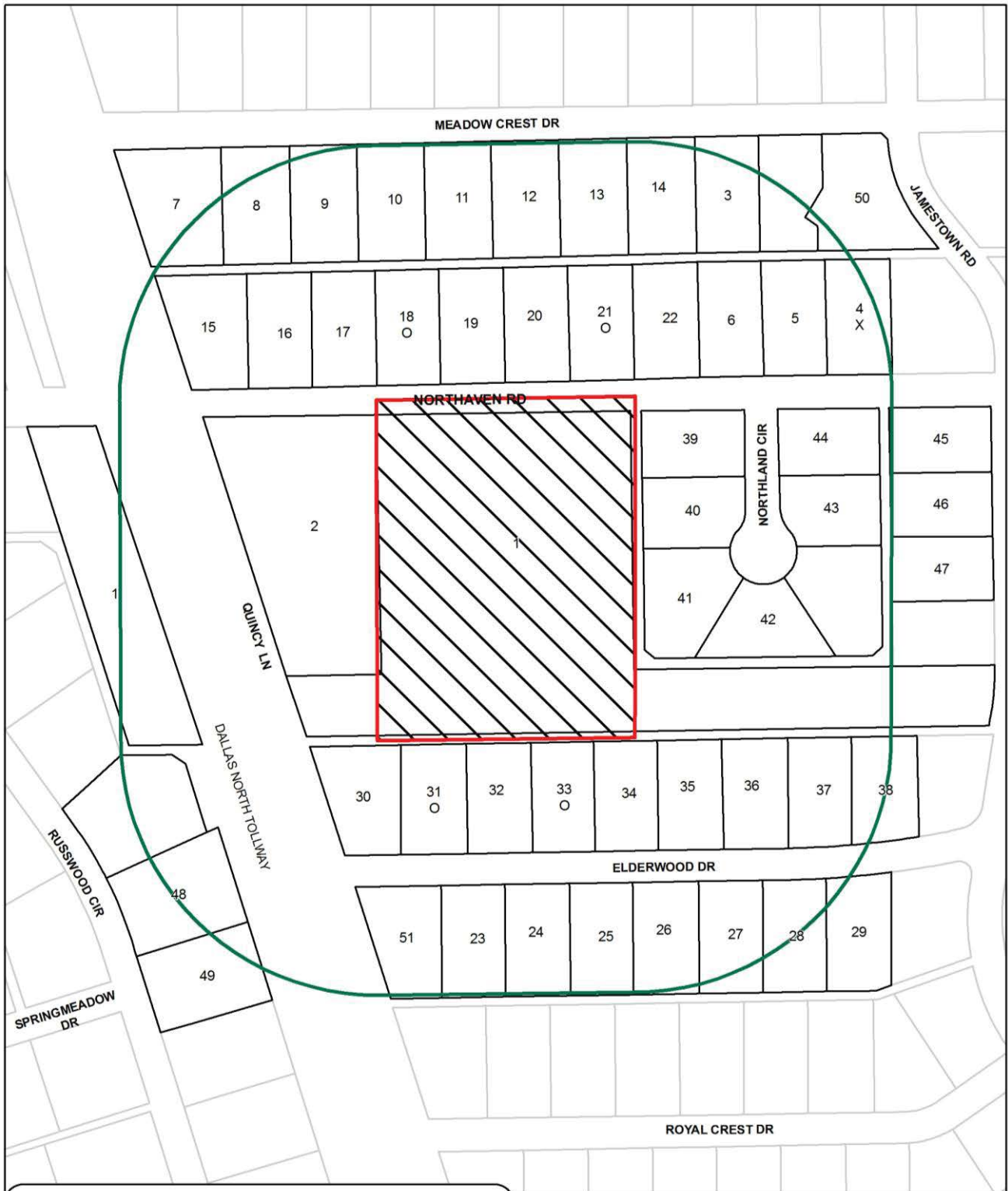
Case no:           Z167-401          

Date:           10/24/2017



 1:2,400	<h1>ZONING AND LAND USE</h1>	Case no: <u>    Z167-401    </u> Date: <u>    10/24/2017    </u>
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**CPC RESPONSES**



<b>51</b>	Property Owners Notified (55 parcels)
<b>4</b>	Replies in Favor (4 parcels)
<b>1</b>	Replies in Opposition (1 parcels)
<b>400'</b>	Area of Notification
<b>12/14/2017</b>	Date

**Z167-401**  
**CPC**



1:2,400

## ***Notification List of Property Owners***

***Z167-401***

***51 Property Owners Notified***

***4 Property Owners in Favor***

***1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	5700 NORTHAVEN RD	TEXAS UTILITIES ELEC CO
	2	5608 NORTHAVEN RD	JHDIII INVESTMENTS LLC
	3	5706 MEADOW CREST DR	GARON HERBERT JR
X	4	5821 NORTHAVEN RD	HO REGINA W
	5	5815 NORTHAVEN RD	WATROS DAVID C & ALISON M
	6	5807 NORTHAVEN RD	GLOBAL ASIAN INC LLC
	7	5614 MEADOW CREST DR	WORLEY DAVID ALLAN
	8	5622 MEADOW CREST DR	PARSONS HENRY DAVID
	9	5628 MEADOW CREST DR	CHENG SAMUEL &
	10	5636 MEADOW CREST DR	CRAIN JOHN H &
	11	5642 MEADOW CREST DR	WILENSKY RAYMOND D EST OF
	12	5650 MEADOW CREST DR	FELLER CANDACE C & MITCHELL J
	13	5656 MEADOW CREST DR	RUGGERI ANTHONY T & CAROL
	14	5664 MEADOW CREST DR	MEGREY JULIA JONELL
	15	5605 NORTHAVEN RD	WALKER MARTI LF EST
	16	5611 NORTHAVEN RD	MARSHALL NEIL & KYLA
	17	5619 NORTHAVEN RD	GUTIERREZ JAVIER G
O	18	5627 NORTHAVEN RD	LI HUIJEN
	19	5707 NORTHAVEN RD	SUMMERS GREGORY C & KELLY K
	20	5715 NORTHAVEN RD	LEVY JERRY ALAN
O	21	5723 NORTHAVEN RD	STEWART LAMONA JANE
	22	5731 NORTHAVEN RD	JACKSON KYLE & VERONICA
	23	5818 ELDERWOOD DR	KENT JAMES N
	24	5828 ELDERWOOD DR	BUSKUHL MARK H &
	25	5836 ELDERWOOD DR	BUTLER DENNIS C
	26	5844 ELDERWOOD DR	HIGGINS BART E

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5852 ELDERWOOD DR	CALLICUTT LINDA GRACE VINSON
	28	5860 ELDERWOOD DR	KRAMER JEFFRY & JAN
	29	5868 ELDERWOOD DR	MALOUF STEPHEN F
	30	5807 ELDERWOOD DR	DESKINS CASEY STEVEN
O	31	5815 ELDERWOOD DR	ANDERSON DANIEL B
	32	5823 ELDERWOOD DR	MATHIS MARY GOOLSBY
O	33	5831 ELDERWOOD DR	MOON LORENE REAVIS
	34	5839 ELDERWOOD DR	RAHIM AHMED & LAUREN
	35	5847 ELDERWOOD DR	JOHNSON SCOTT E &
	36	5855 ELDERWOOD DR	WILLIAMS BRADLEY KENT
	37	5863 ELDERWOOD DR	JONES BRIAN WALTER
	38	5871 ELDERWOOD DR	REED H WADE & MARILYN
	39	11223 NORTHLAND CIR	KRUMINS ARVIDS
	40	11215 NORTHLAND CIR	CANON PATRICK CHARLES ARTHUR &
	41	11205 NORTHLAND CIR	KEESY KRIS A
	42	11202 NORTHLAND CIR	RIZOS DAWN
	43	11216 NORTHLAND CIR	SMITH GARRY JOSEPH &
	44	11224 NORTHLAND CIR	BROWNIE BERT R EST OF
	45	11249 JAMESTOWN RD	WETZEL JOHN G &
	46	11241 JAMESTOWN RD	RICHARDSON KEVEN
	47	11233 JAMESTOWN RD	WISE KIM A
	48	11140 RUSSWOOD CIR	11140 RUSSWOOD LLC
	49	11130 RUSSWOOD CIR	RODRIGUES STEPHEN S
	50	5722 MEADOW CREST DR	FAULKNER ADRIENNE A
	51	5808 ELDERWOOD DR	CONSTANT MERIDITH C &

**AGENDA ITEM # 47**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 39 B

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District, on the south corner of Ferguson Road and Drummond Drive  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Z167-403(WE)





**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JANUARY 24, 2018**  
**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z167-403(WE) **DATE FILED:** September 28, 2017  
**LOCATION:** South corner of Ferguson Road and Drummond Drive  
**COUNCIL DISTRICT:** 9 **MAPSCO:** 39 B  
**SIZE OF REQUEST:** Approx. 3.4 acres **CENSUS TRACT:** 126.04

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**APPLICANT:** Mi Escuelita

**OWNER:** San Francisco de Asis Episcopal Church

**REPRESENTATIVE:** Robert Baldwin, Baldwin Associates, Inc.

**REQUEST:** An application for a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of the request is to allow for a child-care facility use [Mi Escuelita Preschool] to operate within an existing church facility. The applicant will provide care to children from two-and-a-half to five years of age, and will operate the child-care facility Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m.

**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.

**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.

**BACKGROUND INFORMATION:**

- The request site is developed with an existing church.
- The applicant proposes to use approximately four classrooms within the church to provide care to children from two and a half to five years of age. The applicant will operate the child-care facility between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday.
- The surrounding land uses consist of single family uses, a church, and, across Drummond Drive, an animal clinic without outside run [PDD No. 224].

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

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Ferguson Road	Principal Arterial	100 ft.	100 ft.
Drummond Drive	Local	50 ft.	50 ft.

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

**Land Use:**

	Zoning	Land Use
<b>Site</b>	R-7.5(A)	Church
<b>Northeast</b>	R-7.5(A), PDD No. 224	Single family, Animal clinic without outside run
<b>Southeast</b>	R-7.5(A)	Single family
<b>Northwest</b>	MF-1(A), NS(A), SUP No. 1304	Multifamily, Retail & personal service with motor vehicle fueling station
<b>West</b>	R-7.5(A)	Church

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

## LAND USE

### GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

## 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.

### STAFF ANALYSIS:

**Land Use Compatibility:** The 3.4-acre site is developed with a church and surrounded by single family uses. The applicant proposes to use 8,000 square feet of floor area within the existing church for a child-care facility. The applicant is proposing to operate the child-care facility between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. The request site has two driveway approaches, one on Ferguson Road and the other on Drummond Drive, to access the site. The existing playground equipment that is located within a secured area on the church's property, will be utilized by the attendees of the child-care facility.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed child-care facility may not deter nor attract from the character of the existing neighborhood. The child-care facility will use a portion of the church facility, and as a result of the location of the proposed use, can become another option for parents seeking child-care.

Staff is recommending approval of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods,

Z167-403(WE)

subject to a site plan and conditions.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. However, due to the site not increasing any impervious surface or floor area, landscaping the site is not required.

**Parking:** The Dallas Development Code requires that the off-street parking for a child-care facility may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area.

In addition, there is a provision in the Development Code under Special Parking that states “institutional and community service uses may share parking in residential districts on the same lot where both uses are located.” The applicant has submitted a parking analysis that demonstrates that the church and child-care facility have a sufficient amount of off-street parking to serve both uses.

Below is the parking analysis for the proposed use:

**Church:**

Total pew length: 10,392 inches  
10,392 ft./18 inches = 577 seats in the sanctuary  
577 seats/4 seats per parking space = 144 spaces required for the church

**Child-care facility:**

Total floor area: 8,000 square ft.  
8,000 sq. ft. /500 sq. ft. = 16 spaces

Total required off-street parking for both uses: 160 spaces

Total number of spaces provided: 196 spaces

**CPC Action** (November 30, 2017)

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District, on the south corner of Ferguson Road and Drummond Drive.

Maker: Lavallaissa  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Lavallaissa, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Mack  
Vacancy: 0

**Notices:** Area: 300 Mailed: 37  
**Replies:** For: 3 Against: 2

**Speakers:** None

**LIST OF OFFICERS**

Applicant

Mi Escuelita Preschool, Inc

Lisa Vines, Chair  
Ricardo Barrenechea, Vice-chair  
Aracely Rios, Treasurer  
Paul Musgrave, Secretary

Owner

Diocese of Dallas of the Protestant Episcopal Church:

Iglesia San Francisco De Asis

Father Aquilino Lara  
Deacon Juana Lara  
Decon Debra Vela  
Jose L. Baltazar, Senior Warden  
Wilfredo Ortiz, Junior Warden  
Jose Melendéz, Junior Warden  
Devon Jones, Treasurer  
Jorge Uriegas, Board Member  
Marco Arevalo, Board Member

**CPC PROPOSED SUP  
CONDITIONS**

1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. FLOOR AREA: The maximum floor area is 8,000 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The child-care facility may only operate between 7:00 a.m. and 7:00 p.m., Monday through Friday.
6. OFF-STREET PARKING: A minimum of 16 off-street parking spaces are required in the location shown on the attached site plan.
7. INGRESS AND EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is 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 regulation, and with all ordinances, rules, and regulations of the City of Dallas.

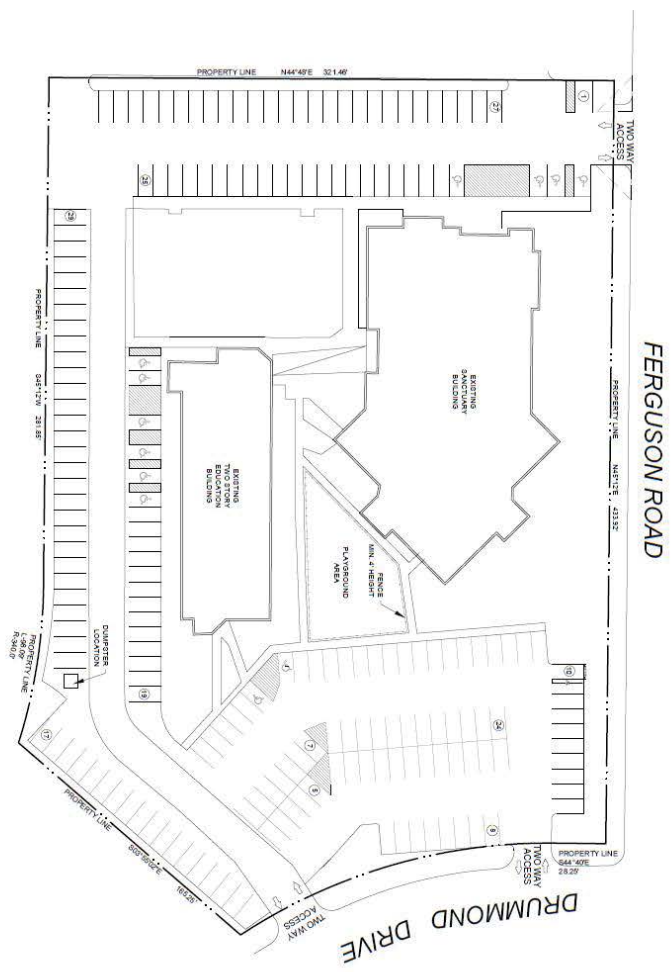
**PROPOSED SITE PLAN**



1

**SUP SITE PLAN**

SCALE: 1" = 30'-0"



VICINITY MAP  
NTS

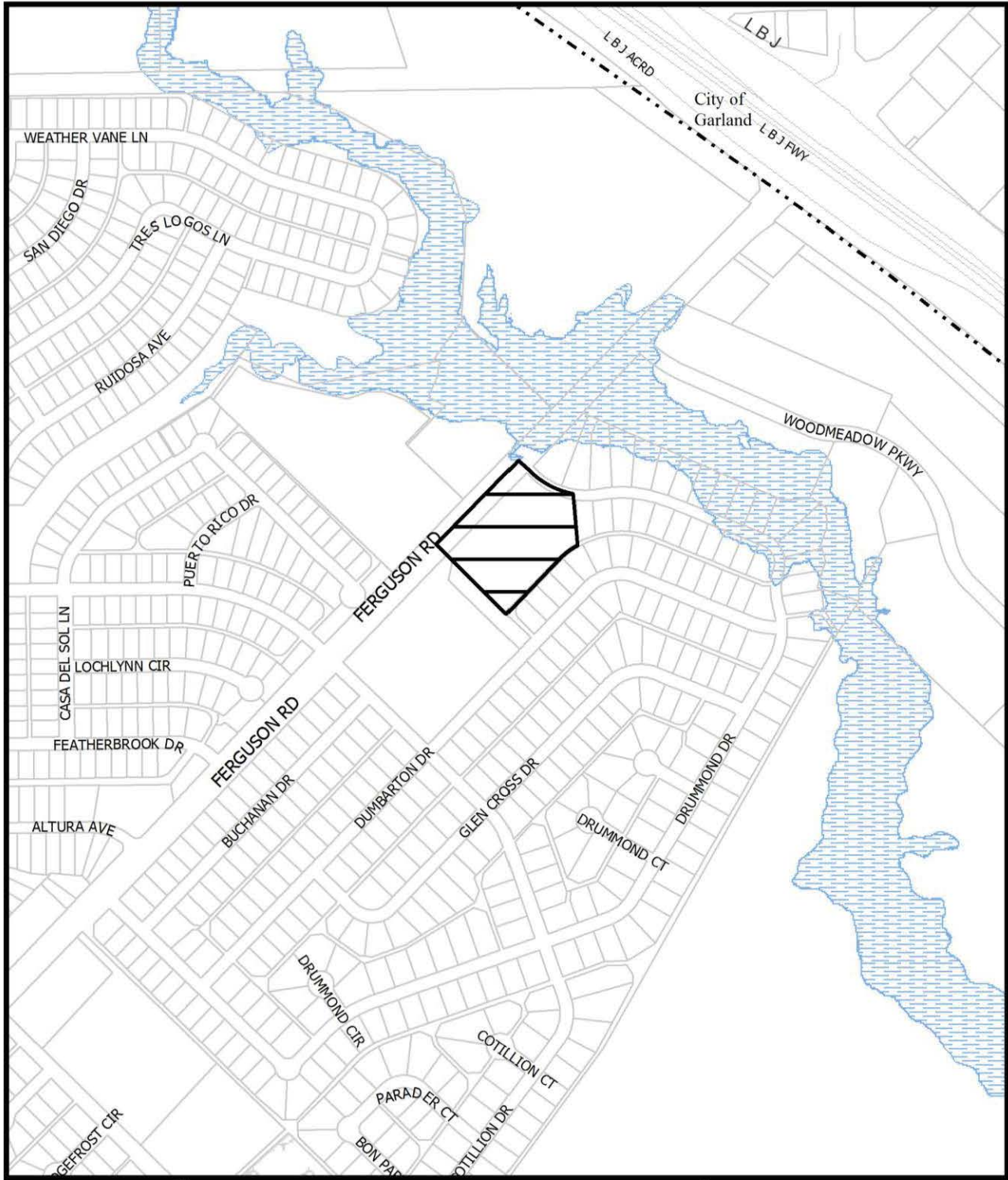
**SITE INFORMATION**

PROPERTY AREA: 3.231 ACRES

**SITE DATA TABLE**

SUP FOR CHILD CARE FACILITY			
11540 FERGUSON RD			
R-7.5(A) DISTRICT			
TOTAL SITE AREA	140,742 SF	3.21 AC	
LAND USE	CHURCH	CHILD CARE FACILITY	4 CLASSROOMS
FLOOR AREA FOR CHILD CARE (SF)	8,000		
PARKING			
CHURCH PARKING (PEW)	144	PROVIDED	
CHILD CARE PARKING (1:500)	16		196
HANDICAP PARKING	6		12





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# VICINITY MAP

Case no: Z167-403

Date: 10/24/2017

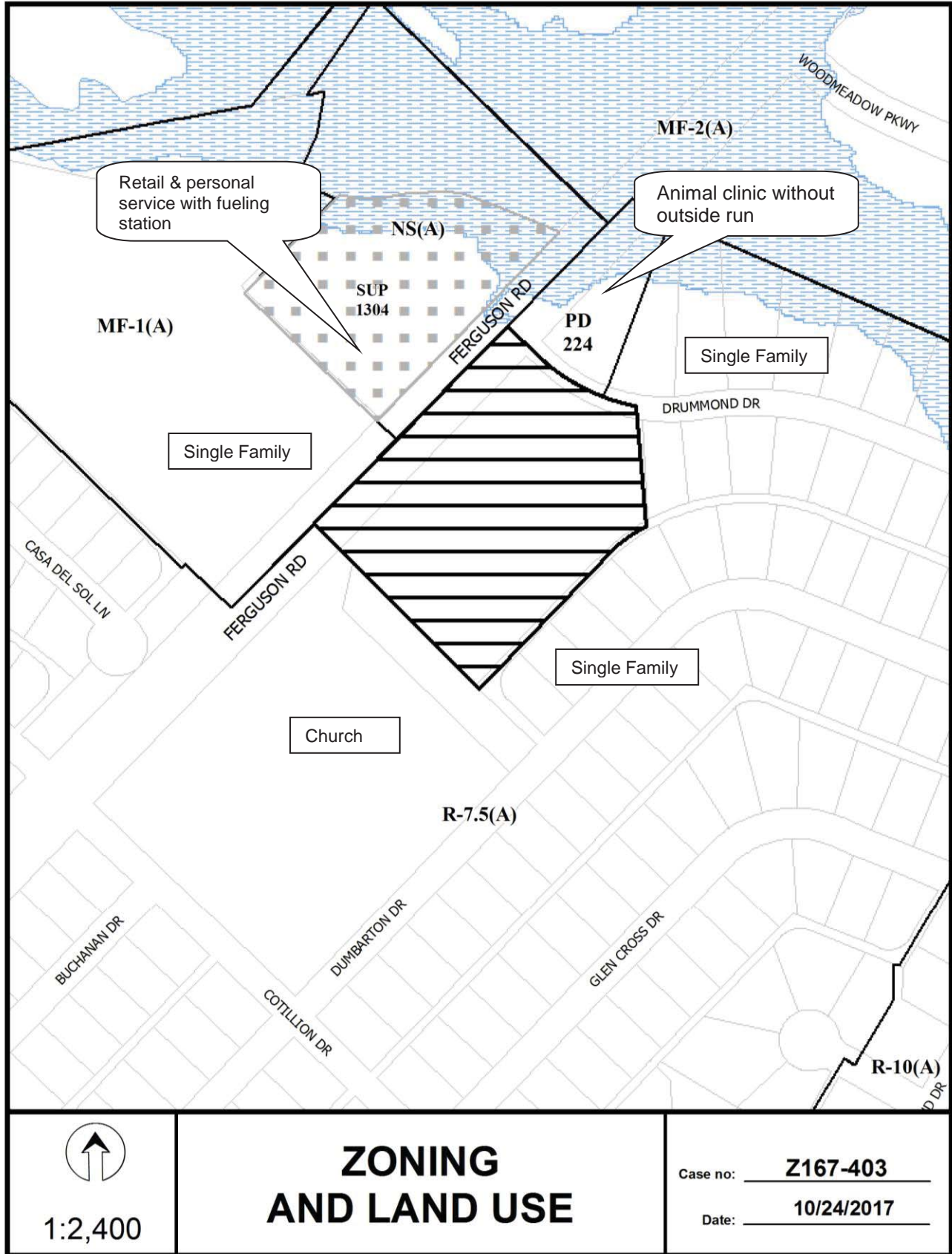


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# AERIAL MAP

Case no:           Z167-403          

Date:           10/24/2017



**CPC RESPONSES**



<u>37</u>	Property Owners Notified (39 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>300'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-403**  
**CPC**



1:2,400

## ***Notification List of Property Owners***

***Z167-403***

***37 Property Owners Notified***

***3 Property Owners in Favor***

***2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	11540	FERGUSON RD CORPORATION OF EPISCOPAL
	2	3847	CASA DEL SOL LN VALENCIA LUIS
	3	3851	CASA DEL SOL LN RAMIREZ MARCOS MENDOZA &
	4	3855	CASA DEL SOL LN CHAVEZ ISIDRO & IRENE
	5	11642	DRUMMOND DR VELEZ JOSE M
	6	11648	DRUMMOND DR JAMES LAURA G LIFE ESTATE
X	7	11654	DRUMMOND DR SPEARS RUTH
	8	11662	DRUMMOND DR DEALBA CLAUDIA
	9	11672	DRUMMOND DR CLINGMAN JAMES W
O	10	11550	FERGUSON RD MCKINNEY NELSON
	11	11430	DUMBARTON DR REASONS DUSTINA D
	12	11436	DUMBARTON DR RIVERA-DIAZ MOISES
	13	11448	DUMBARTON DR AUST LAURA D &
	14	11456	DUMBARTON DR TODD PHILIP A
	15	11462	DUMBARTON DR HANNA MARK
X	16	11468	DUMBARTON DR SALINAS ELIAS JR
	17	11474	DUMBARTON DR HOLT EVELYN
	18	11484	DUMBARTON DR VALENCIANA TANYA
	19	11510	DUMBARTON DR DAVIS MARK E &
	20	11459	DUMBARTON DR IDE DEBBIE
	21	11465	DUMBARTON DR RODRIGUEZ GILBERTO
	22	11471	DUMBARTON DR BAHENA CASTULO & SENORINA
	23	11477	DUMBARTON DR ESTRADA BERNARDINO
	24	11481	DUMBARTON DR TORRES NOEL &
	25	11485	DUMBARTON DR FISHER LINDA A & CHARLES
O	26	11503	DUMBARTON DR BROWN MARDITH LEA

Z167-403(WE)

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	11509 DUMBARTON DR	RAMOS GUSTAVO & SILVIA V RAMOS
	28	11515 DUMBARTON DR	MOULTON NANCY
	29	11641 DRUMMOND DR	BRITO ARSENIO &
	30	11647 DRUMMOND DR	KING LEON & REBECCA
O	31	11653 DRUMMOND DR	DALE JOHN P
	32	11661 DRUMMOND DR	MENDOZA JUAN &
	33	11669 DRUMMOND DR	WALLACE JORDAN &
	34	11511 FERGUSON RD	SHADOWBROOK REDEVELOPMENT LLC
	35	11611 FERGUSON RD	EXPONENTIAL PPTY GROUP V LLC
	36	11555 FERGUSON RD	UNITED BIG D INC
	37	11440 FERGUSON RD	RIDGE POINTE FELLOWSHIP

**AGENDA ITEM # 48**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 44 A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IR Industrial Research District on the west line of Gretna Street, south of Lupo Drive

Recommendation of Staff and CPC: Approval  
Z178-102(SM)

**FILE NUMBER:** Z178-102(SM)                      **DATE FILED:** October 5, 2017

**LOCATION:** West line of Gretna Street, south of Lupo Drive

**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 44 A

**SIZE OF REQUEST:** Approx. 0.27 acre              **CENSUS TRACT:** 100.00

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**OWNER/APPLICANT:** Justin McMillin

**REPRESENTATIVE:** Audra Buckley, Permitted Development

**REQUEST:** An application for an MU-2 Mixed Use District on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant requests to utilize the existing structure for three dwelling units.

**STAFF RECOMMENDATION:** Approval

**CPC RECOMMENDATION:** Approval



**BACKGROUND INFORMATION:**

- The area of request is developed with a 6,000 square-foot one-story structure that was constructed in 1965, according to Dallas Central Appraisal District records.
- The existing building has been split into three separate tenant spaces since December 2003, according to permit records.
- On July 11, 2017, the current property owner was issued a Certificate of Occupancy (CO) as an office/showroom/warehouse use for each of the three suites.

**Zoning History:** There has been one zoning change requested in the past five years.

1. **Z134-331:** On November 12, 2014, the City Council approved an MU-3 Mixed Use District on property zoned an IR Industrial Research District

**Thoroughfares/Streets:**

Thoroughfare/Street	Function	ROW
Gretna Street	Local	50 feet

**Traffic:**

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

**STAFF ANALYSIS:**

**AREA PLAN:**

The *Stemmons Corridor – Southwestern Medical District Area Plan* was adopted by City Council on June 23, 2010 and identifies the area of request within the Urban Mixed-Use Medium Development Block. Page 39 of the Vision and Policy Plan Component states the following:

This Development Block encourages a mix of office, retail, service and residential uses on the same block or within the same building. It also provides flexibility in the types of uses in the area while emphasizing a walkable character. Residential development in this development block will be in mid- to high-rise structures.

Detached single-family residential development is considered incompatible with this Development Block. Residents within the Urban Mixed-Use development blocks will have access to a large array of businesses all within easy walking distance if not within their own building.

**COMPREHENSIVE PLAN:**

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The request does not support or obstruct the Plan’s goals or policies.

**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**

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

**Surrounding Land Uses:**

<b>Location</b>	<b>Zoning</b>	<b>Land Use</b>
Site	IR	Vacant
North	IR	Office
East	IR	Office
South	IR	Open Storage
West	IR	Machine or Welding Shop and Warehouse

**Land Use Compatibility:**

The approximately 0.27-acre site contains a 6,000 square-foot, one-story vacant structure. Surrounding properties are commercial in nature and include offices to the north and east, an open storage lot to the south, and a machine or welding shop and warehouse to the west.

Staff supports the request of an MU-2 Mixed Use District because (1) the request is consistent with the Urban Mixed-Use Medium Development Block recommendations within the *Stemmons Corridor – Southwestern Medical District Area Plan*, (2) the MU-2 District is more comparable to the development standards of the IR District than the MU-1 or MU-3 District, and (3) single family uses are not allowed in the MU-2 District.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
IR Industrial Research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
MU-2 Mixed Use-2	15'	20' adjacent to residential OTHER: No Min.	1.6 FAR base 2.0 FAR maximum + bonus for residential	135' 10 stories 180' 14 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

**Landscaping:**

Landscaping, when triggered, will be in accordance with Article X, as amended.

**Prior CPC Action – December 14, 2017:**

**Motion:** It was moved to recommend **approval** of an MU-2 Mixed Use District on property zoned an IR Industrial Research District, on the west line of Gretna Street, south of Lupo Drive.

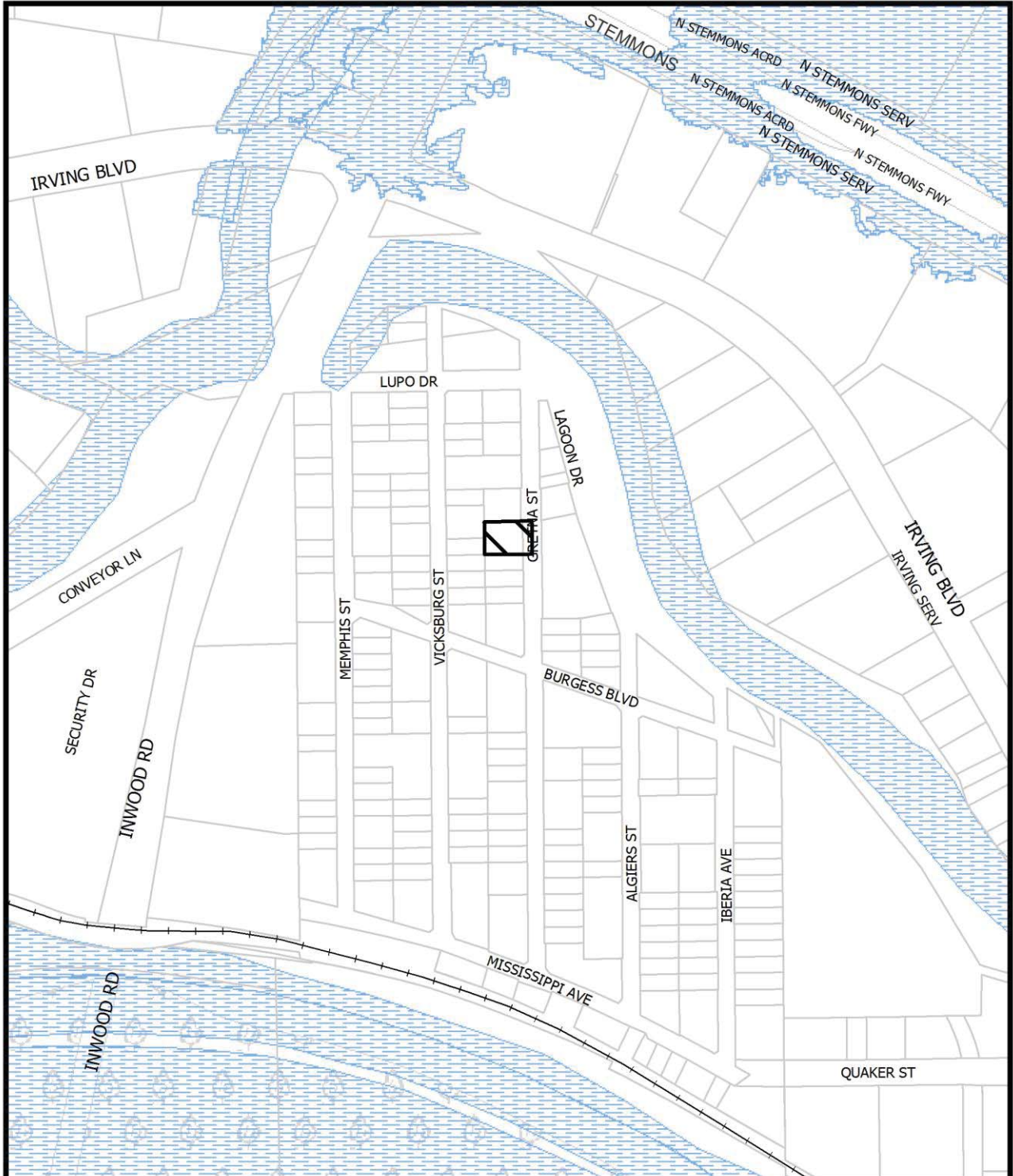
Maker: Carpenter  
Second: Mack  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 200 Mailed: 17  
**Replies:** For: 3 Against: 0

**Speakers:** None

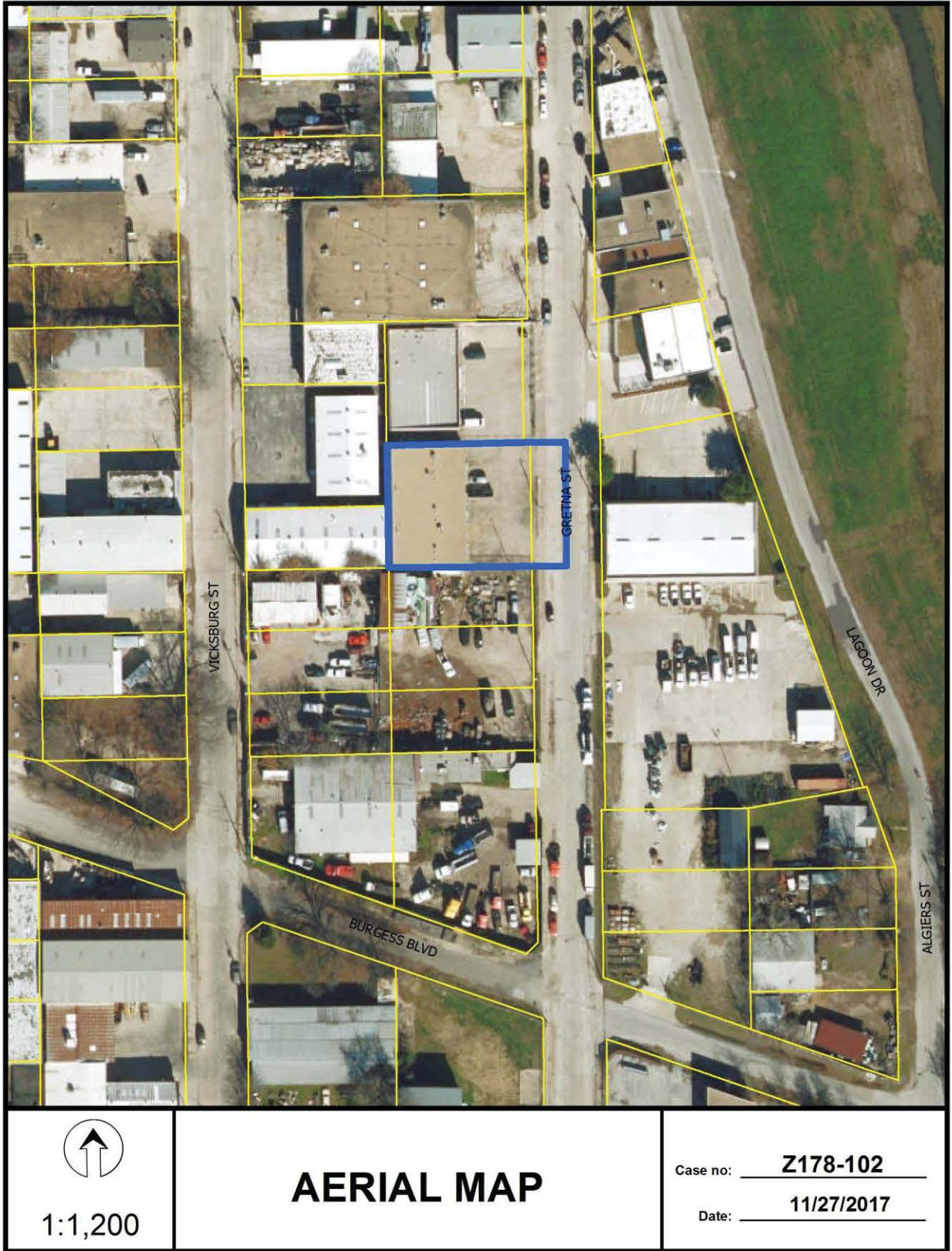


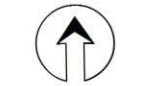
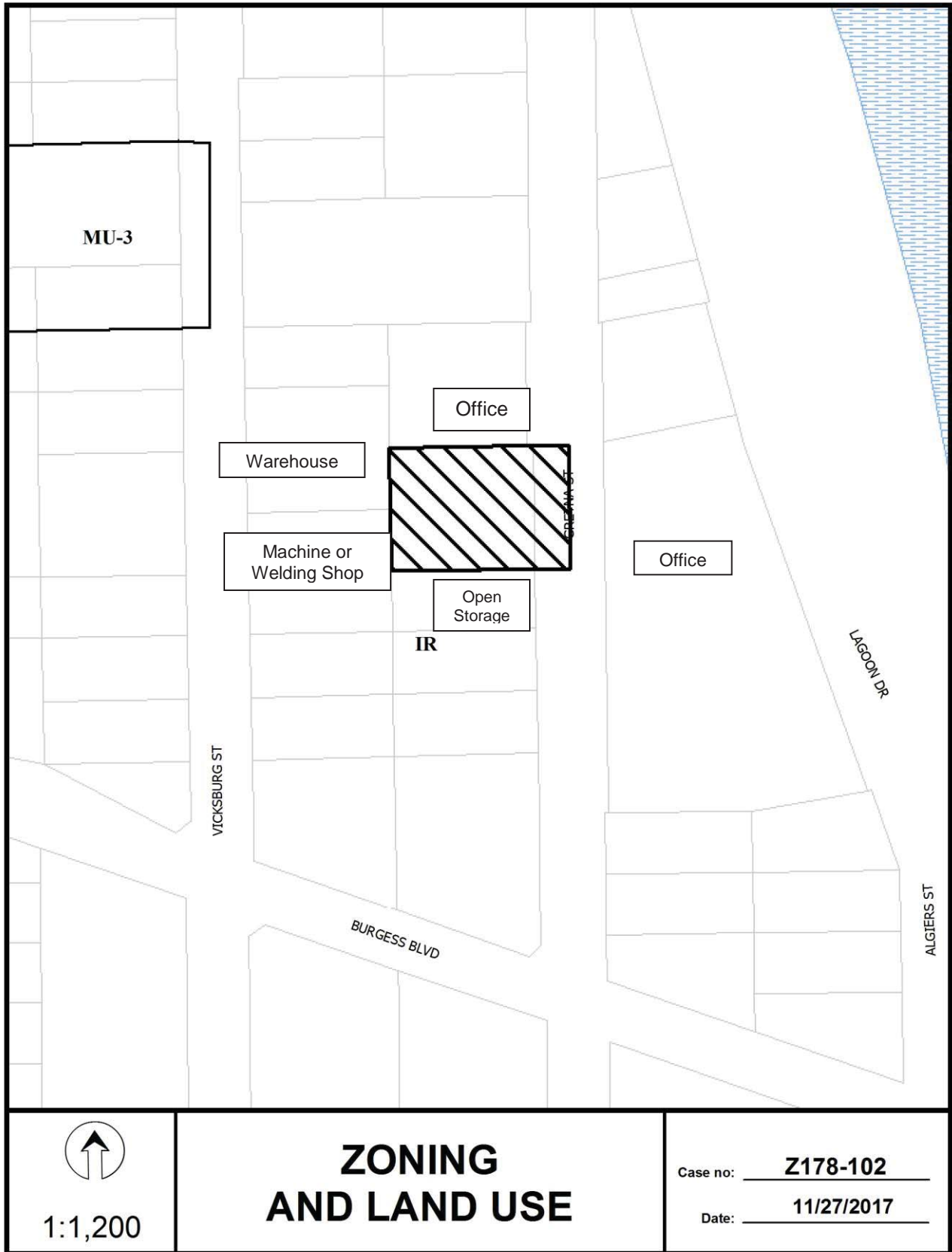
1:4,800

### VICINITY MAP

Case no:           Z178-102          

Date:           11/27/2017



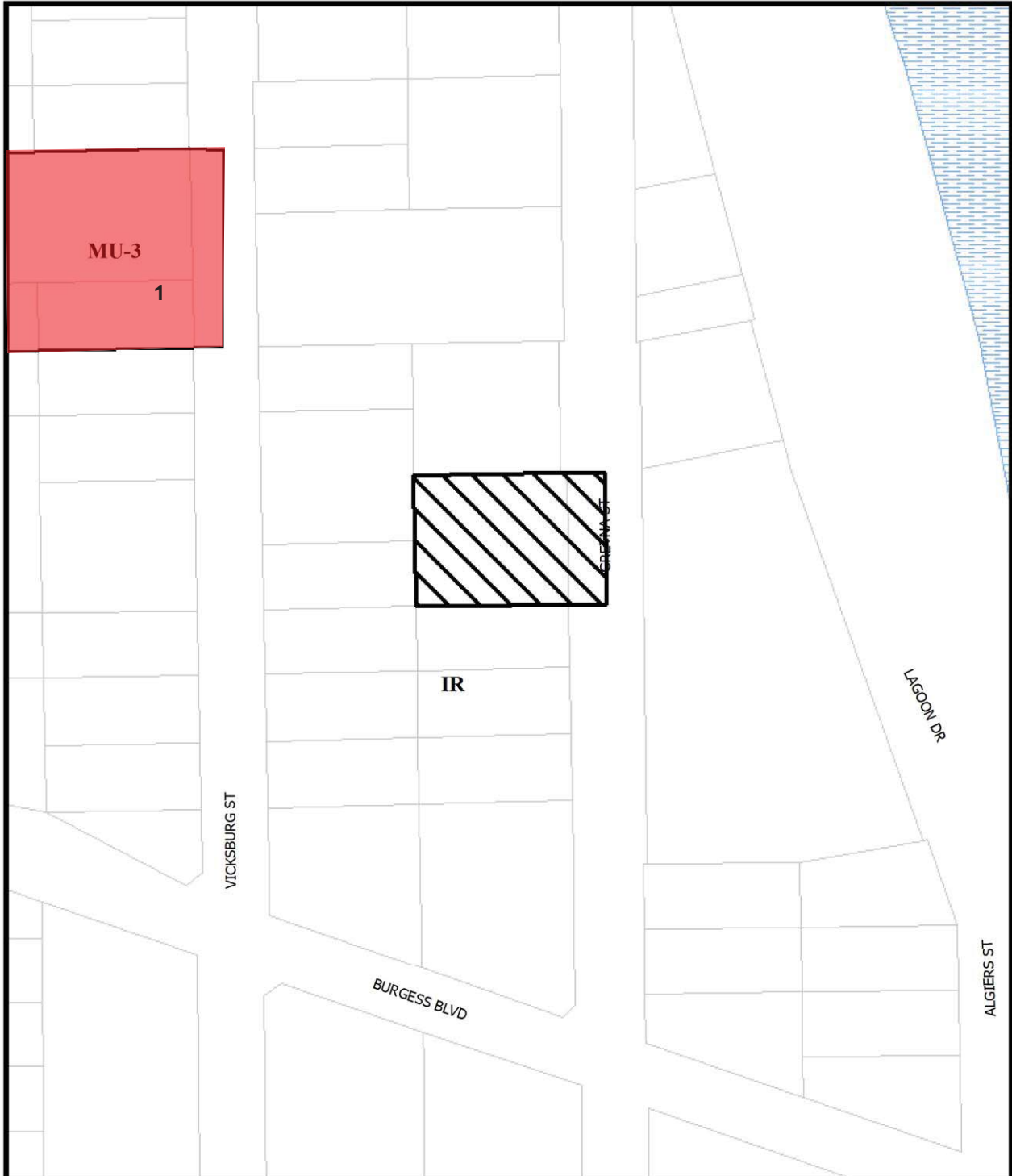


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# ZONING AND LAND USE

Case no: Z178-102

Date: 11/27/2017



1:1,200

# ZONING HISTORY

Case no: Z178-102

Date: 11/27/2017





12/13/2017

***Reply List of Property Owners******Z178-102******17 Property Owners Notified******3 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	4829 GRETNA ST	MCMILLIN JUSTIN
	2	4809 VICKSBURG ST	GRAF JOYCE ANN &
	3	4815 VICKSBURG ST	GRAF JOYCE ANN &
	4	4817 VICKSBURG ST	GRAF JOYCE & SULLIVAN ANN
	5	4819 VICKSBURG ST	MJRP CORPORATION INC
	6	4835 VICKSBURG ST	MJRP CORPORATION INC
	7	4839 VICKSBURG ST	VICKSBURG PARTNERSHIP LLC
	8	4802 VICKSBURG ST	DCSJ EDWARDS LLC
	9	4810 VICKSBURG ST	QUINN SCOTT
	10	4820 VICKSBURG ST	SOUTHERLAND GARY D
	11	4834 VICKSBURG ST	HORTON BRUCE RAGSDALE &
	12	4838 VICKSBURG ST	LERER STEPHEN A
O	13	1107 LAGOON DR	FASTLANE INVESTMENTS LLC
O	14	1109 LAGOON DR	WRIGHT GEORGE E
	15	4831 GRETNA ST	GRAHAM STEVE & CO LLC
	16	4820 GRETNA ST	MW CLINT PROPERTIES LLC
	17	1111 LAGOON DR	LAGOON VENTURE LLC

**AGENDA ITEM # 49**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 43 V

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the west line of Brundrette Street, south of Pollard Street

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z178-103(SM)



**FILE NUMBER:** Z178-103(SM)                      **DATE FILED:** October 5, 2017

**LOCATION:** West line of Brundrette Street, south of Pollard Street

**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 43 V

**SIZE OF REQUEST:** Approx. 7,210 sq. ft.              **CENSUS TRACT:** 43.00

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**OWNER/APPLICANT**

**& REPRESENTATIVE:** Kimberly Owens and Lilian Smith-Kirkley

**REQUEST:** An application for an MU-1 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant requests to construct a residence with an art production component. The deed restrictions are proposed to restrict single family uses to be in conjunction with a nonresidential main use.

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

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

**BACKGROUND INFORMATION:**

- The area of request is undeveloped and is under the same ownership as the adjacent property to the north.
- The property owners are a print maker and painter that currently operate an art production facility to the north. The owners request to develop the site with a live/work art production facility that would contain a single family unit on the second floor and an art production facility on the bottom floor in order to accommodate their growing art production business. The sale and display of the art that is produced on site will occur off-site in a gallery in the Design Studio.

**Zoning History:** There have been no zoning changes requested in the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Function	ROW
Brundrette Street	Local	50 feet

**Traffic:**

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

**STAFF ANALYSIS:**

**COMPREHENSIVE PLAN:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The request does not support or obstruct the Plan’s goals or policies.

**Economic Element**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

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

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**Land Use Compatibility:**

The approximately 7,210 square-foot lot is relatively flat and grassy. The property owners are a print maker and painter that currently operate an art production facility to the north with an industrial (inside) certificate of occupancy. The owners request to develop the site with a live/work art production facility that would contain a single family unit on the second floor and an art production facility on the bottom floor to accommodate their growing art production business. The sale and display of the art that is produced on site will occur off-site in a gallery in the Design Studio.

Surrounding land uses include an art production business, or *industrial (inside)* in Dallas Development Code terminology, to the north, undeveloped land to the east and south, and a multifamily development to the west. Additional industrial uses are located further north and the historic Specific Use Permit No. 98 for a quarry is located further south and southeast. Nonconforming single family uses are located further west and a church is located northwest of the site.

Staff supports the request of an MU-1 Mixed Use District because the applicant has offered deed restrictions to make the property more compatible with surrounding uses. The deed restrictions are proposed to restrict single family uses to be in conjunction with a nonresidential main use, as standalone single family uses are seen as incompatible with adjacent nonresidential properties.

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR	Undeveloped
<b>North</b>	IR	Art Production
<b>East</b>	IR	Undeveloped
<b>South</b>	IR	Undeveloped
<b>West</b>	IR	Multifamily

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
IR Industrial Research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
MU-1 Mixed Use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

**Landscaping:** Landscaping, when triggered, will be in accordance with Article X, as amended.

**Prior CPC Action – December 14, 2017:**

**Motion:** It was moved to recommend **approval** of an MU-1 Mixed Use District with deed restrictions volunteered by the applicant, subject to deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the west line of Brundrette Street, south of Pollard Street.

Maker: Carpenter  
Second: Mack  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 200 Mailed: 8  
**Replies:** For: 0 Against: 0

**Speakers:** For: None

FOR (Did not speak): Kimberly Owens, 2003 Brundrette St., Dallas, TX, 75208  
Lillian Smith-Kirkley, 2003 Brundrette St., Dallas, TX, 75208  
Sean Garman, 3615 Gillespie St., Dallas, TX, 75219

Against: None



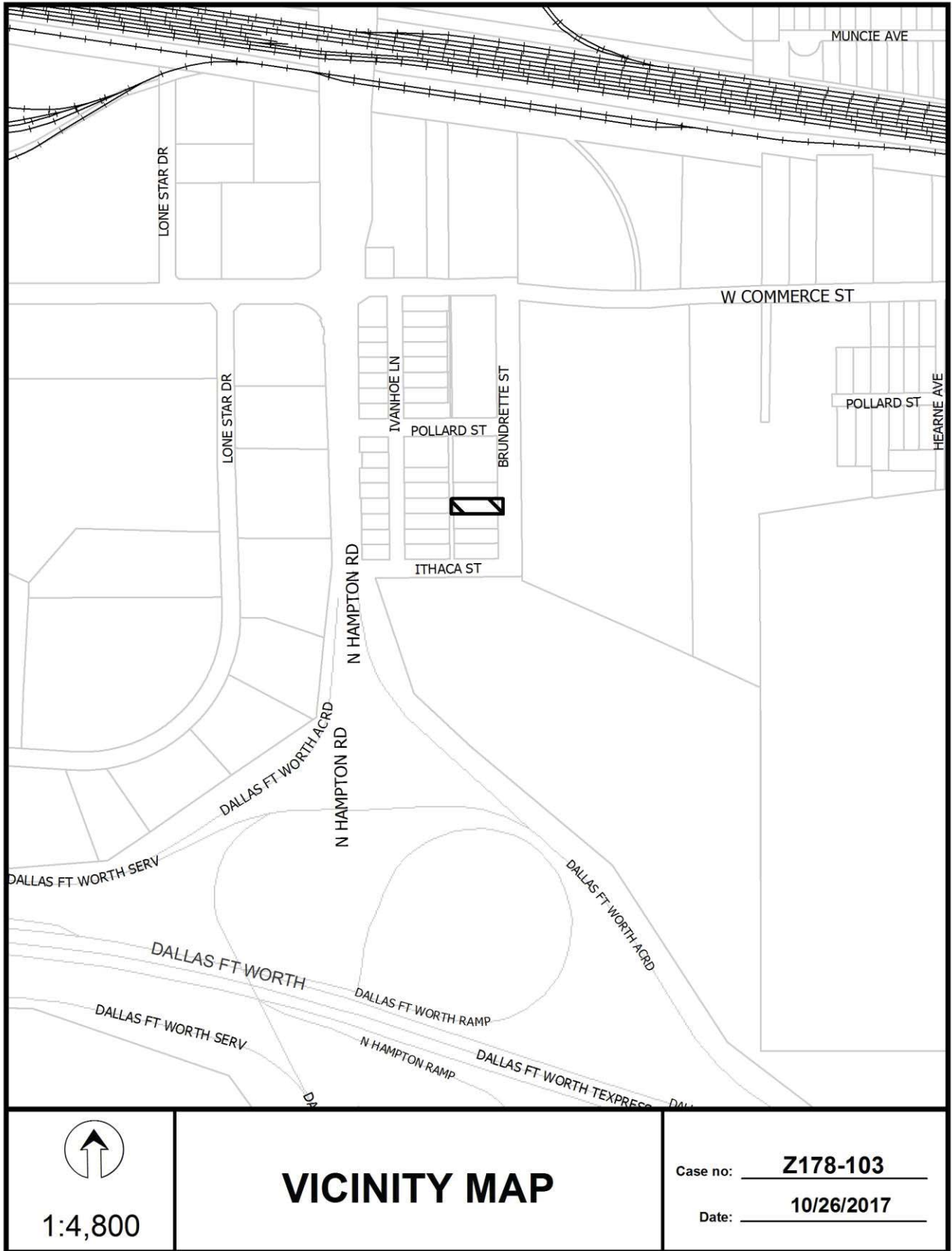
**Proposed Volunteered Deed Restrictions**

II.

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

Single family uses are only permitted as part of a live/work unit.

LIVE/WORK UNIT means an interior space that combines a residential main use with a nonresidential main use. A live/work unit is considered a nonresidential use.



1:4,800

# VICINITY MAP

Case no:           Z178-103          

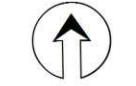
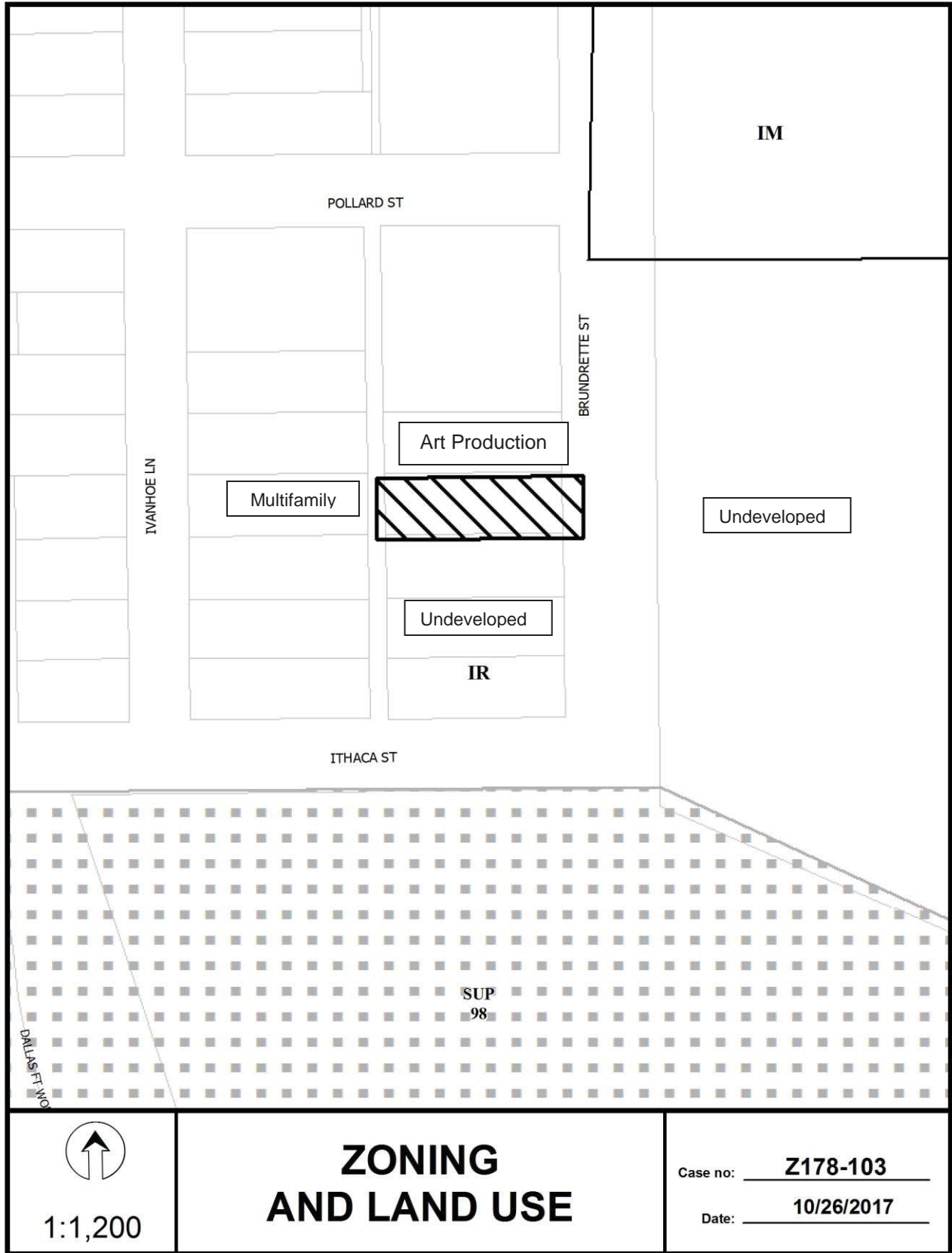
Date:           10/26/2017



  
1:1,200

# AERIAL MAP

Case no: Z178-103  
Date: 10/26/2017



1:1,200

# ZONING AND LAND USE

Case no: Z178-103

Date: 10/26/2017



<u>8</u>	Property Owners Notified (14 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/14/2017</u>	Date

**Z178-103**  
**CPC**



1:1,200

12/13/2017

***Reply List of Property Owners***

***Z178-103***

***8 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2003	BRUNDRETTE ST	SMITHKIRKLEY LILLIAN &
2	1911	BRUNDRETTE ST	DALLAS INDIAN REVIVAL CENTER
3	2015	BRUNDRETTE ST	NAVA ALFONSO &
4	1910	IVANHOE LN	DALLAS INDIAN REVIVAL CENTER
5	1912	IVANHOE LN	MARTINEZ JORGE
6	2006	IVANHOE LN	DALLAS INDIAN REVIVAL
7	2010	IVANHOE LN	DALLAS INDIAN REVIVAL CTR
8	2030	W COMMERCE ST	JORGENSEN EARLE M CO

**AGENDA ITEM # 50**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 33 T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District, on the northeast line of Ambassador Row and West Mockingbird Lane  
Recommendation of Staff and CPC: Approval  
Z178-106(PD)





**FILE NUMBER:** Z178-106(PD)                      **DATE FILED:** October 9, 2017  
**LOCATION:** Northeast line of Ambassador Row and West Mockingbird Lane  
**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 33 T  
**SIZE OF REQUEST:** ±1.79 acres                      **CENSUS TRACT:** 100.00

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**APPLICANT**                      Del Lago Ventures, Inc.  
**OWNER:**                                      Group 701, LLC  
**REPRESENTATIVE:**                      David Martin/Tommy Mann (Winstead PC)  
**REQUEST:**                                      An application for a CS Commercial Service District on property zoned an IR Industrial Research District.  
**SUMMARY:**                                      The purpose of this request is to allow for the development of a general merchandise or food store greater than 3,500 square feet with a motor vehicle fueling station. [RaceTrac]

**STAFF RECOMMENDATION:**    Approval

**CPC RECOMMENDATION:**       Approval

**BACKGROUND INFORMATION:**

- The request site is developed with a vacant vehicle display, sales, and service use.
- The property last obtained approval of a Certificate of Occupancy on November 12, 2010, under the business name, US Auto House.
- The proposed CS Commercial Service District will allow for the development of a one-story, 5,411-square foot general merchandise or food store [Racetrack] with fueling stations.
- The request site is contiguous to warehouse and office uses zoned for IR Industrial Research District uses.

**Zoning History:** There has been one zoning change requested in the area in the past five years.

1. Z145-102      On December 10, 2014, the City Council approved a request for a CS Commercial Service District and Specific Use Permit No. 2128 for an auto auction on property zoned an IR Industrial Research District located on the southwest line of John Carpenter Freeway Frontage Road.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Proposed ROW</b>
Ambassador Row	Community Collector	60 ft.
W. Mockingbird Lane	Principal Arterial	100 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.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR	Vacant Vehicle Display, Sales & Service
<b>Northeast</b>	IR	Restaurant, Pawn Shop
<b>Northwest</b>	IR	Machine Shop-Industrial (Inside)
<b>Southeast</b>	IR, SUP No. 58	Office
<b>Southwest</b>	IR	Office Showroom/Warehouse
<b>South</b>	IR	Vacant Structure

**COMPREHENSIVE PLAN:**

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

The proposed CS Commercial Service District is described as being for the development of commercial and business serving uses. This is inclusive of retail stores and facilities for the retail sale of motor vehicle fueling station as proposed by the applicant. The proposed zoning request meets the following goals and objectives of the comprehensive plan.

**LAND USE**

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

A business-friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace.

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The existing IR Industrial Research District is intended to provide for research and development, light industrial, office, and supporting commercial uses in an industrial research park setting. This district is not intended to be located in areas of low and medium density residential development. The proposed Commercial Service District is intended to provide for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is also not intended to be located in areas of low and medium density residential development.

The request site is approximately 1.7 acres in size and is currently developed with a two-story 18,714-square-foot vacant vehicle, display, sales and service use. The subject property has frontage on a community collector and is surrounded by retail and personal service uses to the northeast, wholesale distribution, and storage uses to the northwest, and office, office showroom/warehouse uses to the southeast and southwest.

The proposed general merchandise or food store greater than 3,500 square feet use is considered compatible with the adjacent uses and the surrounding area but is not permitted in the IR Industrial Research District. While this use is not permitted by the underlying IR District, it is permitted by right in a CS Commercial Service District. Staff

recommends approval based on the zoning change being consistent with the current land uses within the area.

**Development Standards:**

DISTRICT	Setbacks		FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing</b>							
IR Industrial Research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
<b>Proposed</b>							
CS Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

**Landscaping:**

Landscaping must be provided in accordance with Article X, as amended.

**Parking:**

The parking requirement for a general merchandise or food store 3,500 square feet or greater use is 1 space per 200 square feet of floor area for uses with less than 10,000 square feet of floor area, 1 required ADA accessible space for every 10 required parking spaces plus two off street parking spaces for the motor vehicle fueling station. Based on the proposed 5,411 square feet of the proposed construction, the number of spaces required is 27 spaces plus the 2 ADA space and 2 for the fueling station with a minimum total of 31 parking spaces required. The applicant is proposing 32 spaces.

**Prior CPC Action**

**December 14, 2017:**

**Motion:** It was moved to recommend **approval** of a CS Commercial Service District on property zoned an IR Industrial Research District, on the northwest corner of Ambassador Row and West Mockingbird Lane.

Maker: Carpenter  
Second: Mack  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 300 Mailed: 15  
**Replies:** For: 1 Against: 0

**Speakers:** None

**LIST OF OFFICERS**

**GROUP 701, LLC**

Mahmoud Shahsiah - Manager

**DEL LAGO VENTURES, INC.**

Carl Bolch, JR – Chief Executive Officer

Allsion Bolch Moran – President

Max Lenker – Chief Financial Officer

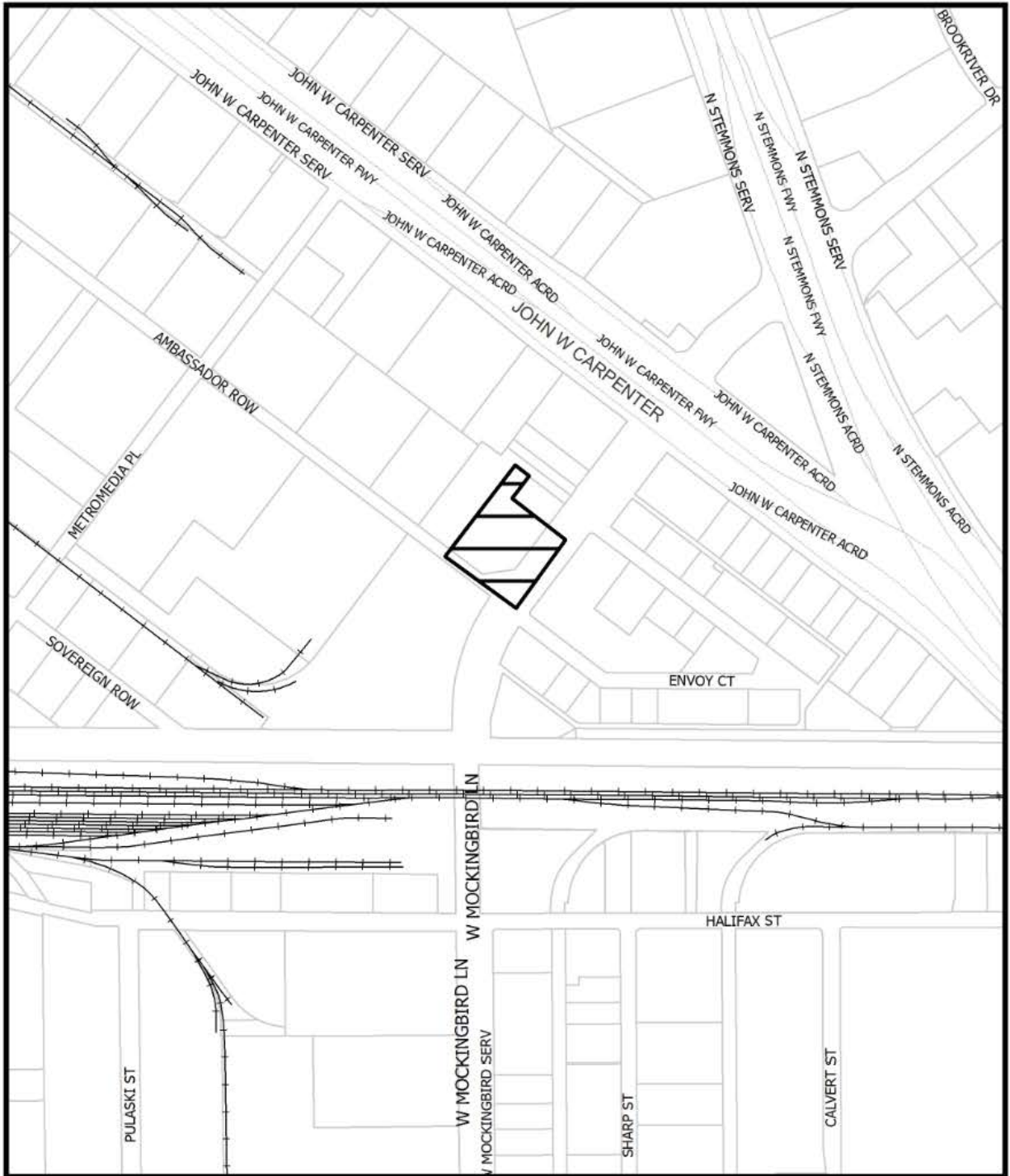
Robert J. Dumbacker – Chief Legal Officer

Susan Bass Bolch – Vice President

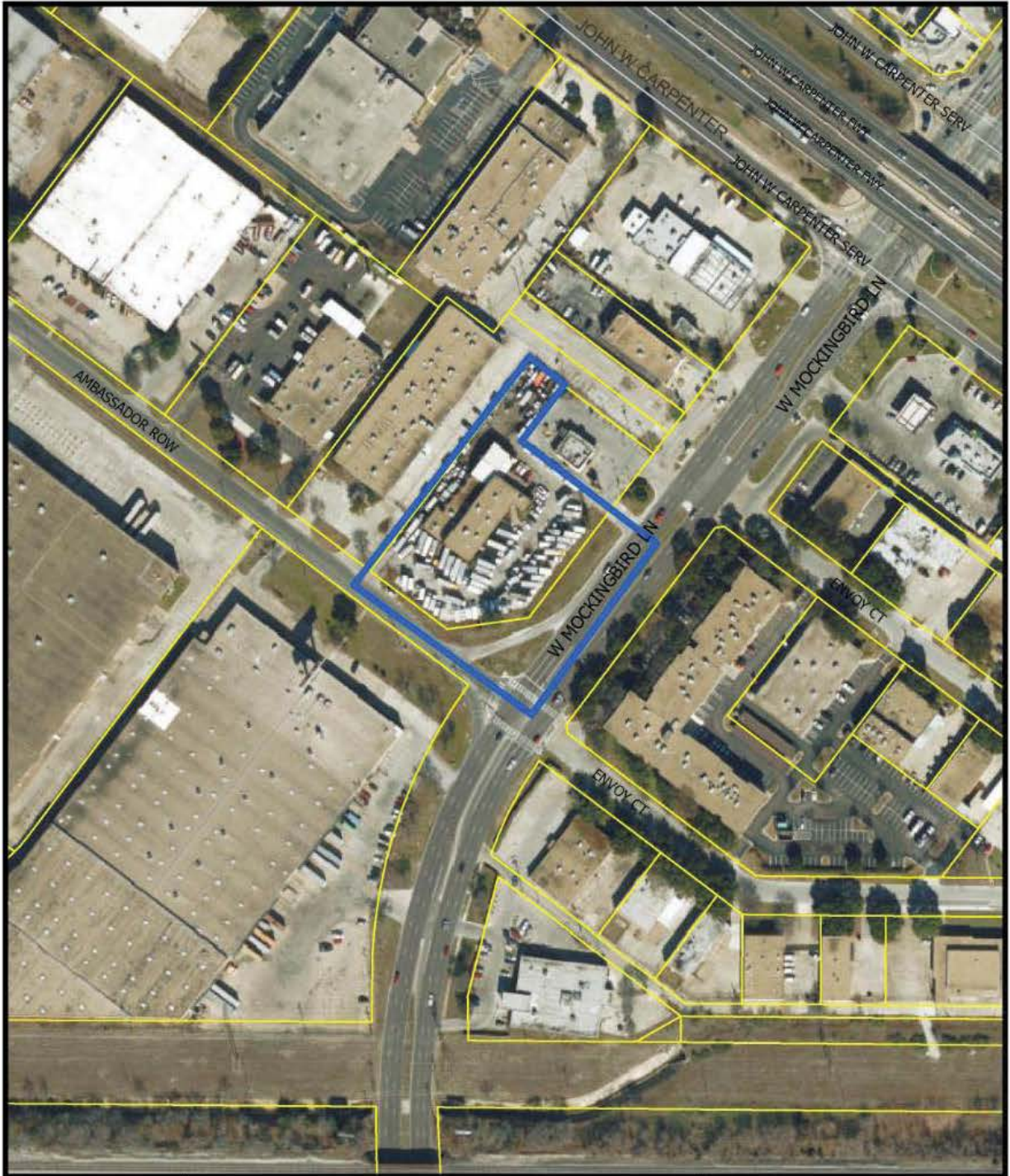
Natalie Bolch Morhous – Vice President

Melanie Bolch Isbill – Vice President

Jordan Bass Bolch – Vice President



 1:6,000	<h2>VICINITY MAP</h2>	Case no: <u>      Z178-106      </u> Date: <u>      10/24/2017      </u>
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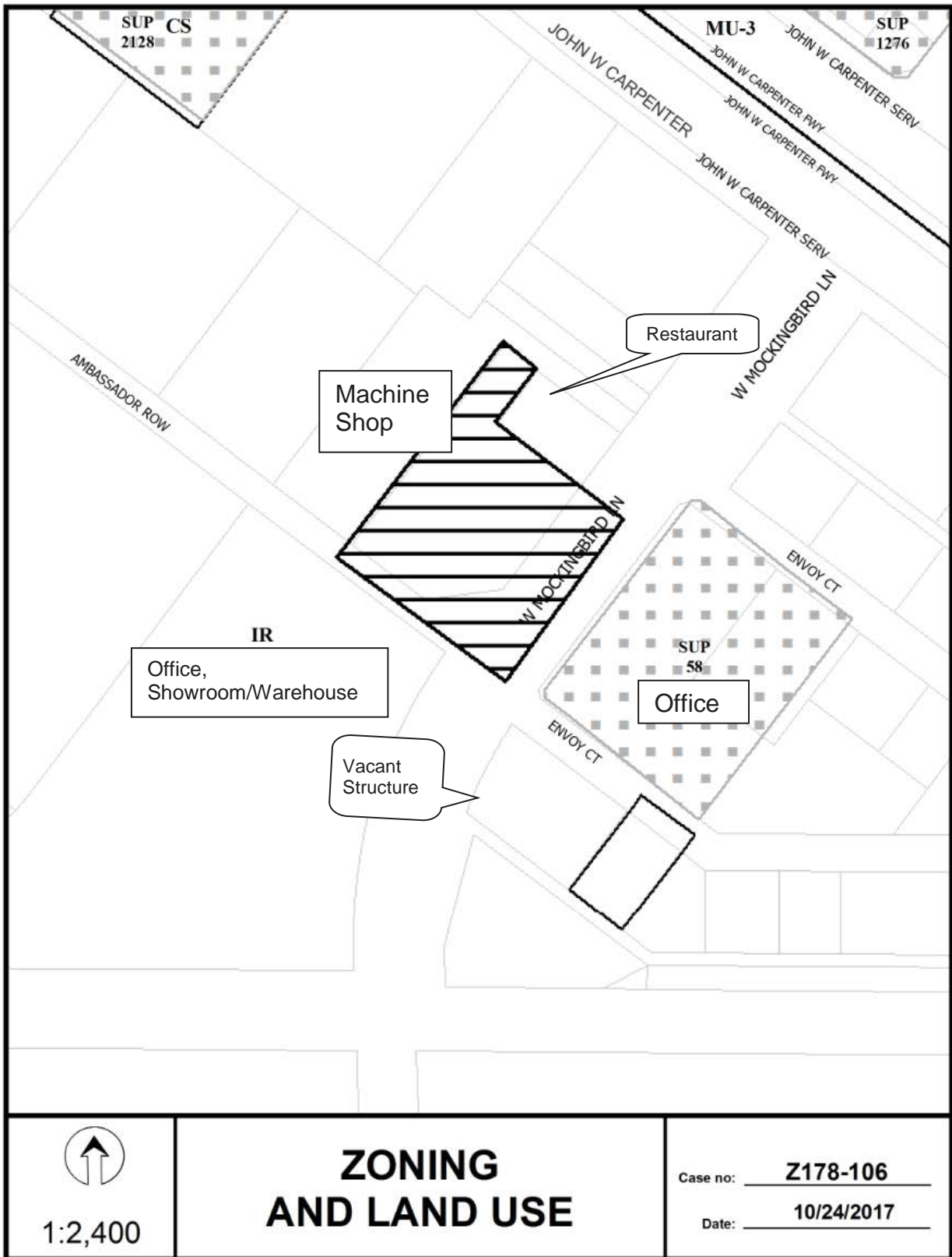
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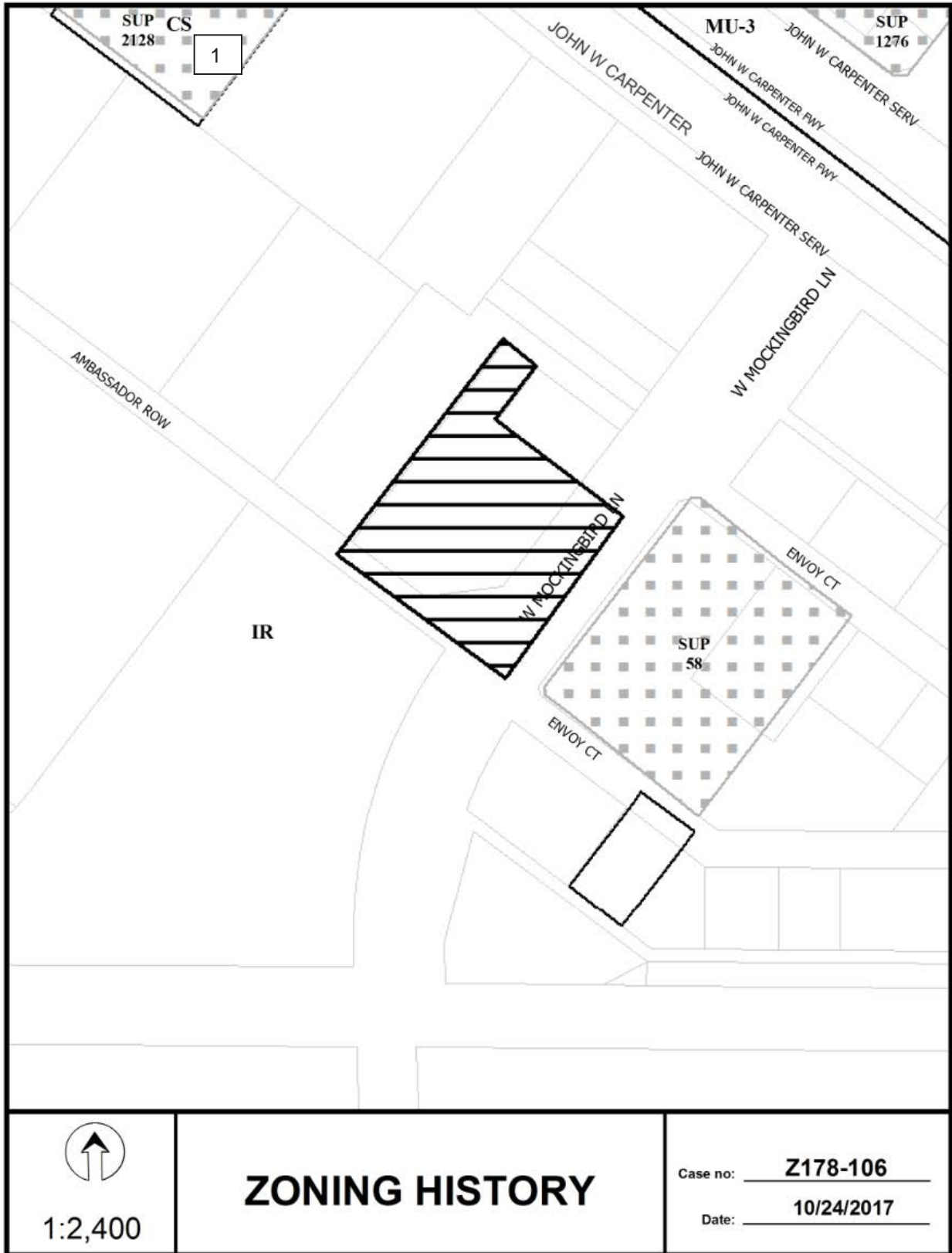
# AERIAL MAP

Case no: Z178-106

Date: 10/24/2017







1:2,400

# ZONING HISTORY

Case no: Z178-106  
Date: 10/24/2017

**CPC RESPONSES**



<u>15</u>	Property Owners Notified (17 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>12/14/2017</u>	Date

**Z178-106**  
**CPC**



1:2,400

12/13/2017

## ***Reply List of Property Owners***

### ***Z178-106***

***15 Property Owners Notified***

***1 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	7410 AMBASSADOR ROW	7410 AMBR LLC
	2	7300 AMBASSADOR ROW	GROUP 701 LLC
	3	1035 W MOCKINGBIRD LN	FRIS CHKN LLC % CAJUN OPERATING CO
	4	7108 ENVOY CT	S & P ASSETS LLC
	5	7275 ENVOY CT	SCHLEIN ROBERT P &
	6	950 W MOCKINGBIRD LN	GAYU INC
	7	910 W MOCKINGBIRD LN	GAYU INC
	8	7500 AMBASSADOR ROW	MICROPROPERTIES SIX LLC
	9	7301 AMBASSADOR ROW	GERSHMAN PROPERTIES LLC
	10	7611 JOHN W CARPENTER FWY	WEITZMAN HERBERT D TRUSTEE
	11	1055 W MOCKINGBIRD LN	CLOUD HOLDINGS LLC
	12	1055 W MOCKINGBIRD LN	FOSTER DAN & KIM B
	13	7303 JOHN W CARPENTER FWY	HEIDARI AL
	14	7601 AMBASSADOR ROW	FESI AMBASSADOR ROW LP
	15	1010 W MOCKINGBIRD LN	MILBAUER JOHN E TRUST THE

**AGENDA ITEM # 51**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 46 U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an auto service center on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z178-110(PD)



**FILE NUMBER:** Z178-110(PD)

**DATE FILED:** October 16, 2017

**LOCATION:** Northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street

**COUNCIL DISTRICT:** 7

**MAPSCO:** 46 U

**SIZE OF REQUEST:** ±9,115 sq. ft.

**CENSUS TRACT:** 27.02

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**REPRESENTATIVE:** Silvia A. Soto

**APPLICANT:** Martin's Mobile

**OWNER:** MMGCR Holdings LLC

**REQUEST:** An application for a Specific Use Permit for an auto service center use on property zoned NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

**SUMMARY:** The applicant proposes to operate an auto service center within an existing 1,050 square foot structure.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- On September 26, 2001, the City Council approved Planned Development District No. 595.
- The area of request is currently improved with a one story, 1,050-square-foot metal structure.

**Zoning History:** There have been two recent zoning requests in the area within the last five years.

1. Z145-119 On March 25, 2015, the City Council approved an application for a new tract within Planned Development District No. 730 on property zoned Subdistrict R-5(A) within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District and Planned Development District No. 730 located on the northwest line of Hooper Street, west of Bexar Street.
2. Z134-123 On May 14, 2014, the City Council approved an application for a Planned Development District for CS Commercial Service District uses on property zoned a CC Community Commercial Subdistrict, Tract 10 within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District located on the southeast corner of Robert B. Cullum Boulevard and Borich Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Proposed ROW
2 <sup>nd</sup> Avenue	Community Collector	60 ft.

**Traffic:**

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and has no objection to the proposed use.

**Land Use:**

	Zoning	Land Use
Site	PDD No. 595 (NC(E))	Vacant Structure
East	PDD No. 595 (NC(E))	Undeveloped
South	PDD No. 595 (CC)	Undeveloped
West	PDD No. 595 (NC(E))	Undeveloped
North	PDD No. 595 (R-5(A))	Undeveloped



**Comprehensive Plan:**

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

The applicant's request is consistent with the following goals and policies of the Comprehensive Plan. The request site is within a retail corridor that is located within the Southern Sector.

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.2 Focus on Southern Sector development opportunities.

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The site is currently developed with a 1,050-square-foot vacant one-story metal building, along the Second Avenue frontage. The applicant is planning to utilize the existing structure for an auto service center.

The property is immediately adjacent to vacant lots. The surrounding area is comprised of retail and personal service uses and commercial service uses along the Second Avenue corridor. Single family uses are located further north of the request site.

The surrounding uses are compatible with the proposed use on the subject property as similar uses are present within the area. The request site fronts along Second Avenue which is classified as a community collector. Second Avenue intersects at S. Fitzhugh Avenue, a minor arterial with 100 feet of R.O.W. divided by a median with 6-lanes and connects with Robert B. Cullum, a principal arterial with 107 feet of R.O.W., divided by 6-lanes and provides adequate service to the businesses along this section of the street. Staff recommends approval based on the zoning change being consistent with the current land use and future land use goals in Planned Development District No. 595.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
PDD No. 595	0' or 15'	15' adjacent to residential OTHER: No Min. or 5'	0.5 FAR	30' 2 stories	40%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Parking:**

The proposed auto service center use requires that two parking spaces be provided at a ratio of 1 space per 500 square feet of floor area. Additionally, PDD No. 595 requires that required off-street parking is prohibited within 30 feet of the public street curb. As required, the applicant is proposing three parking spaces to be located at the rear of the existing structure. No significant increase in the number of vehicles will be generated.

**Landscaping:**

Landscaping is required per Article X of the Dallas Development Code, as amended.

Z178-110(PD)

**Prior CPC Action**

**December 14, 2017:**

**Note: The Commission considered this item individually.**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an auto service center use for a two-year period, subject to a site plan and conditions on property zoned an NC(E) Neighborhood Commercial Enhanced Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northeast line of Second Avenue, between Metropolitan Avenue and Penelope Street.

Maker: Mack  
Second: Houston  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

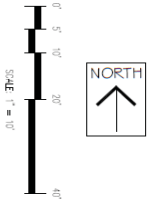
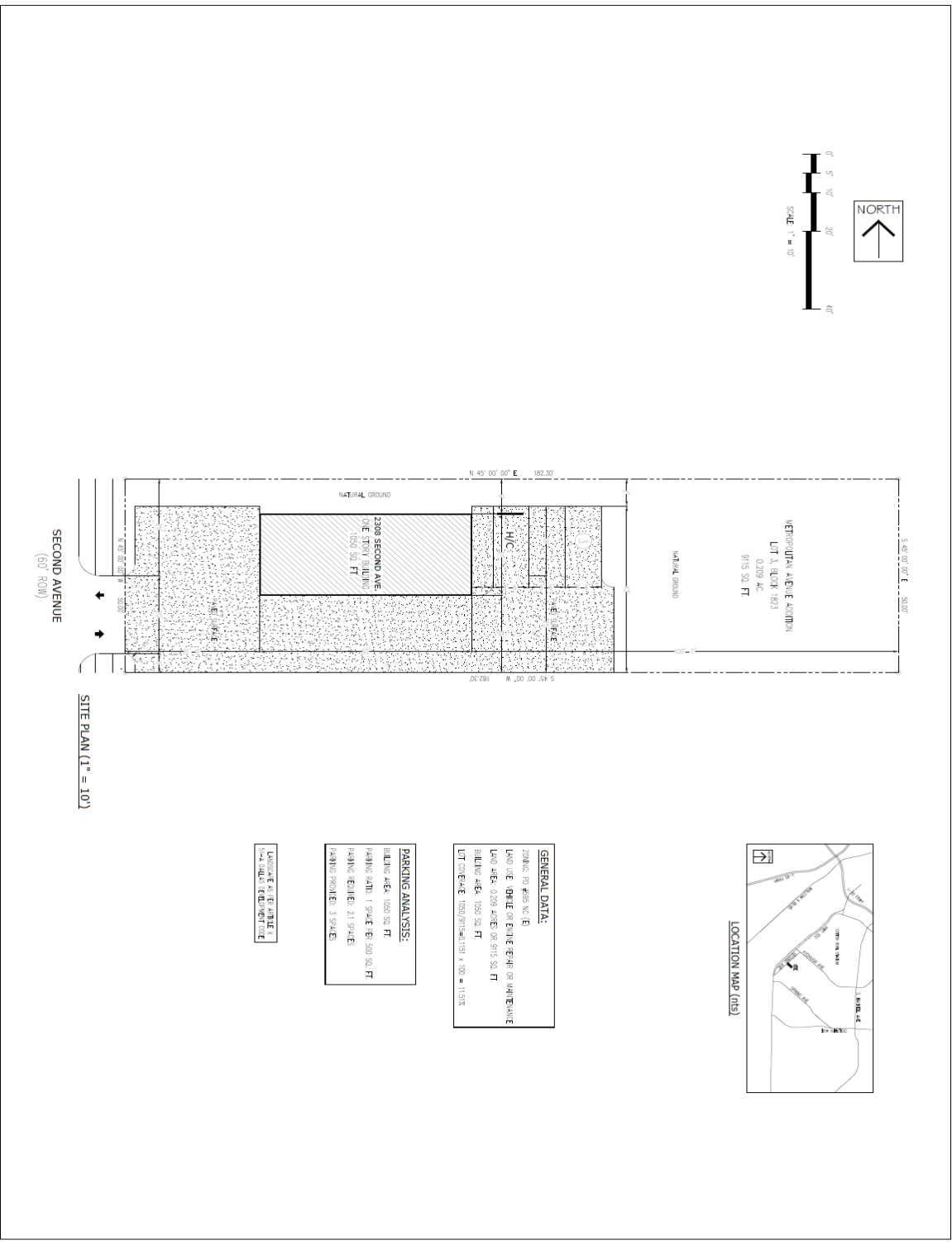
**Notices:** Area: 200 Mailed: 30  
**Replies:** For: 1 Against: 1

**Speakers:** None

**PROPOSED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is an auto service center.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_(two-year period from the passage of this ordinance.
4. LANDSCAPING:
  - A. Landscaping must be provided and maintained in accordance with Article X.
  - B. Plant material must be maintained in a healthy, growing condition.
5. FLOOR AREA: Maximum floor area is 1,050 square feet.
6. HOURS OF OPERATION: An auto service center may only operate between 8:00 a.m. and 6:00 p.m., Monday through Saturday.
7. SCREENING: Screening of off-street parking must be provided.
8. LIGHTING: Lighting must be directed away from any adjacent residential areas.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.


# CPC PROPOSED SITE PLAN

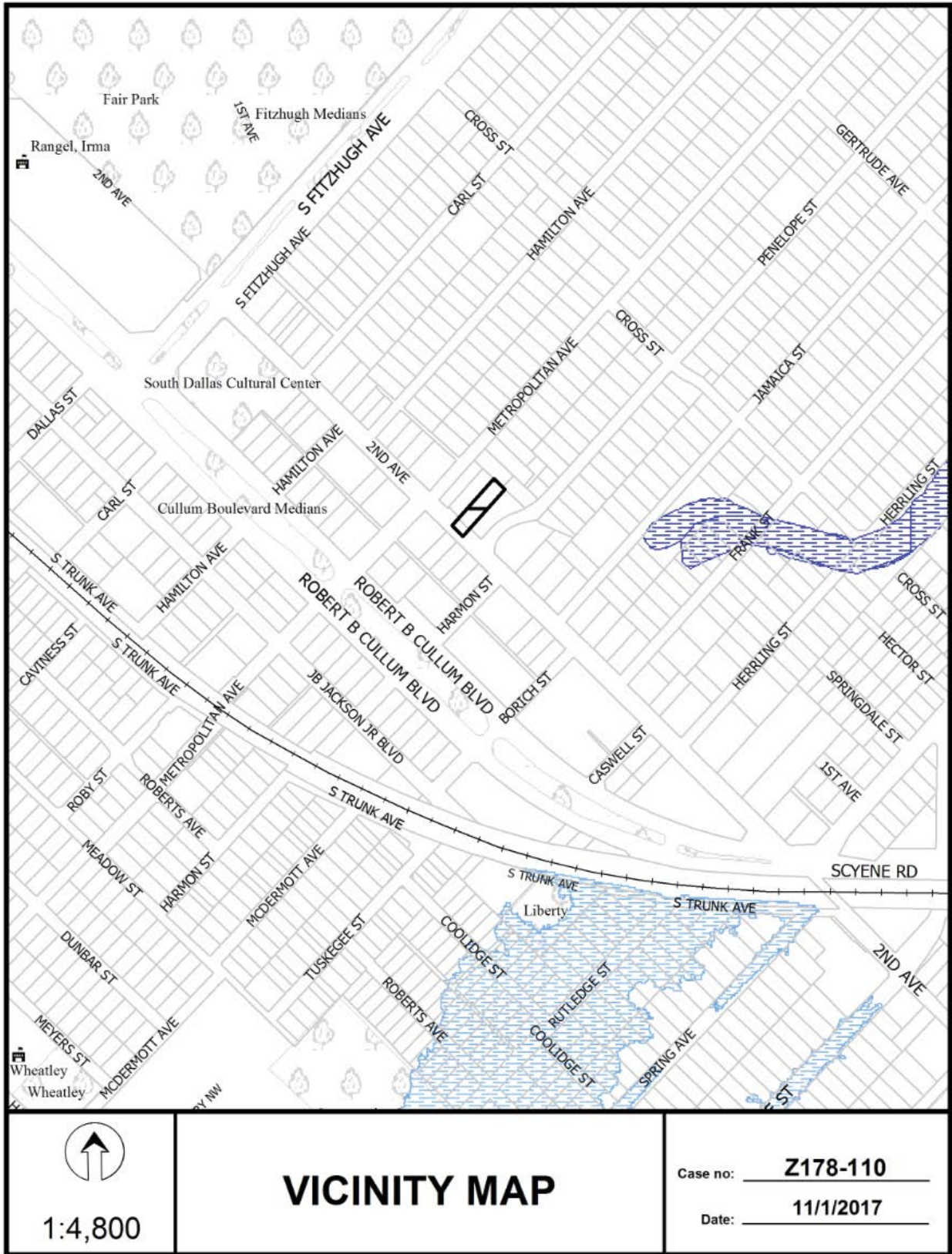


**GENERAL DATA:**  
 ZONING: PD #25, NC, E  
 LAND USE: #215 FOR ENGINE REPAIR OR MAINTENANCE  
 LOTS AREA: 0.209 ACRES OR 9115 SQ. FT.  
 BUILDING AREA: 1050 SQ. FT.  
 LOT COVERAGE: 1050/9115 = 11.5% \* 100 = 11.5%

**PARKING ANALYSIS:**  
 BUILDING AREA: 1050 SQ. FT.  
 PARKING SPACES: 1 SPACES @ 500 SQ. FT.  
 PARKING EQUIPED: 21 SPACES  
 PARKING PROVIDED: 1 SPACES

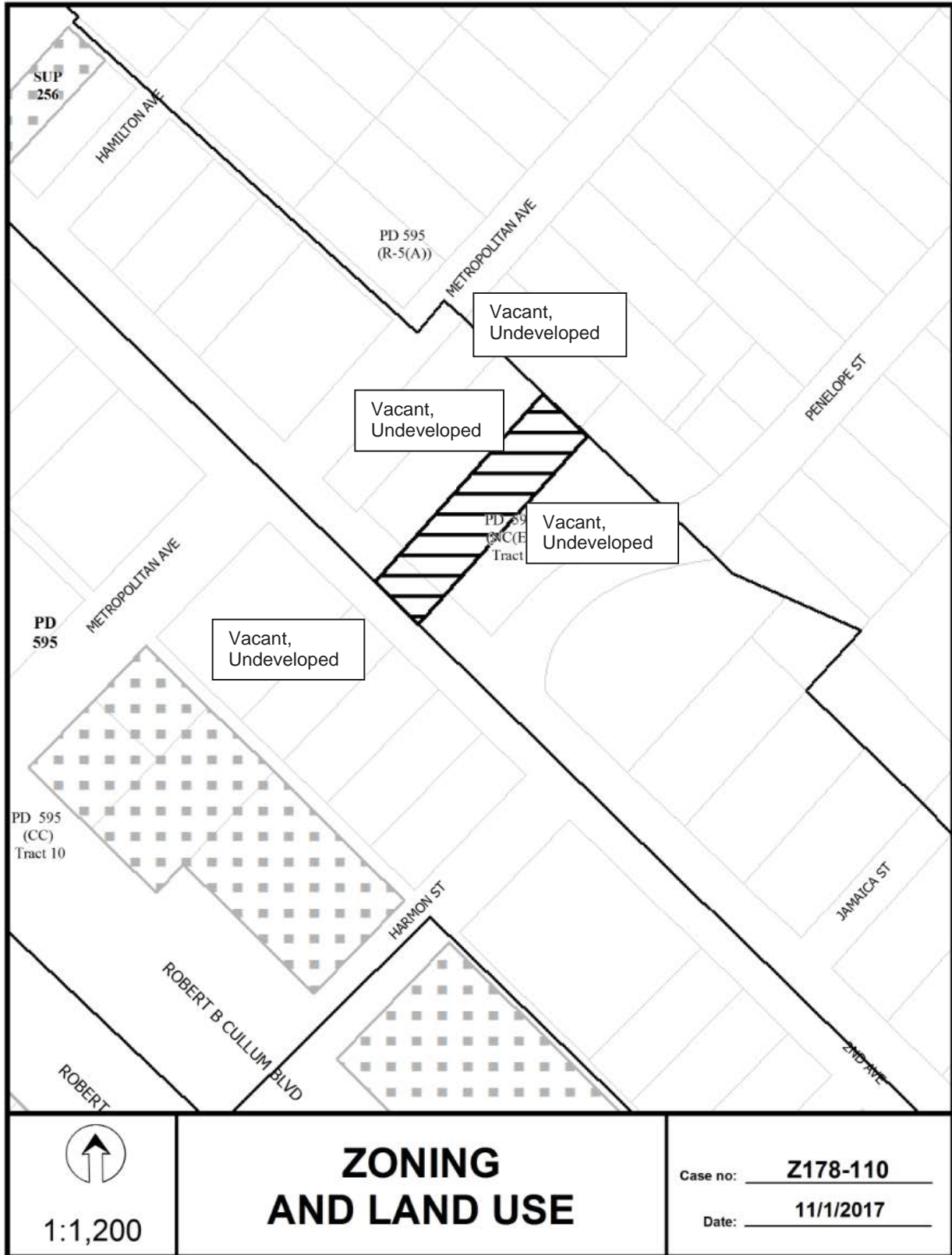
LANDSCAPE AND SITE PLAN TO BE SUBMITTED TO THE CITY ENGINEER

 8727 254-1346 10000 15th Street, NW Seattle, WA 98148	<b>MARTIN GALVAN</b>	<b>2308 SECOND AVENUE</b>	<b>SITE PLAN</b>	SCALE: 1" = 10' DATE: 05/05/2017 SHEET: S-1.0
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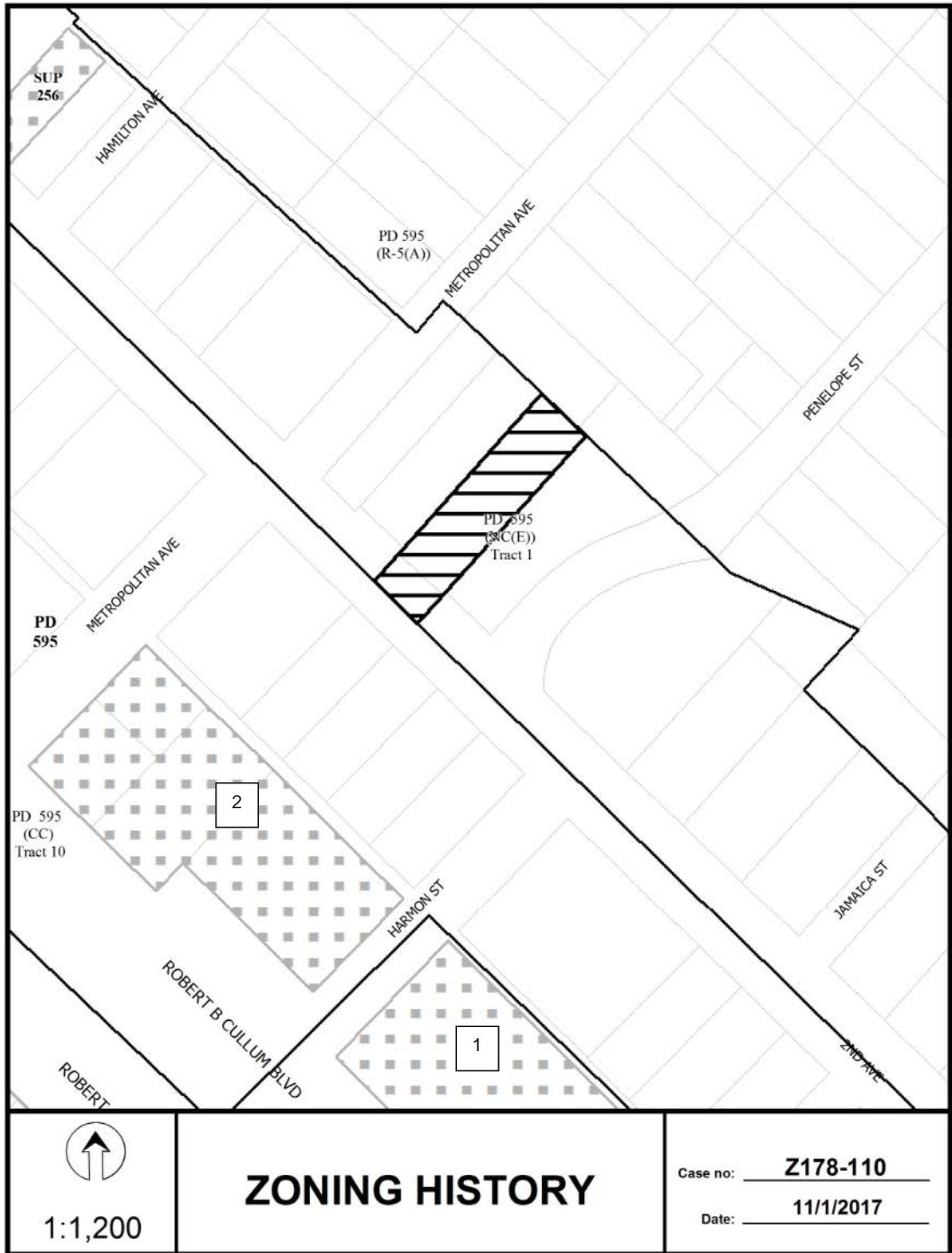




 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>    Z178-110    </u> Date: <u>    11/1/2017    </u>
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**CPC RESPONSES**



<u>30</u>	Property Owners Notified (33 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>12/14/2017</u>	Date

**Z178-110**  
**CPC**



1:1,200

12/13/2017

***Reply List of Property Owners******Z178-110******30 Property Owners Notified******1 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	2308 2ND AVE	MMGCR HOLDINGS LLC
	2	2223 2ND AVE	SMITH ELIZABETH R F
	3	2210 S 2ND AVE	WILLIAMS BYRON
	4	3521 METROPOLITAN AVE	HARRIS MAMIE ETAL
	5	3517 METROPOLITAN AVE	DALLAS NEIGHBORHOOD
	6	3515 METROPOLITAN AVE	WILLINGHAM RODNEY & RHONDA
	7	2305 S 2ND AVE	IGLEHART CLARENCE &
	8	2311 2ND AVE	WILONSKY HARRY
	9	2315 S 2ND AVE	STERN MARGARET EST OF
	10	2319 S 2ND AVE	DAVIS ROBERT R JR & DANN
	11	2323 2ND AVE	WOFFORD DONDI
	12	3410 METROPOLITAN AVE	IGLEHART CLARENCE &
	13	2204 ROBERT B CULLUM BLVD	TINSLEY TOBERT T EST
	14	2212 ROBERT B CULLUM BLVD	IGLESIA DEL MAESTRO
	15	2404 2ND AVE	MNR DFW HOLDINGS LLC
	16	2302 S 2ND AVE	LE LOC DUC &
	17	2304 2ND AVE	SCANTLEN SARAH EST
	18	2314 2ND AVE	WATTS LEO
	19	3514 METROPOLITAN AVE	DALLAS HOUSING ACQUISITION & DEV CORP
	20	3528 METROPOLITAN AVE	DAVIS CHORSIA M ANGTON
	21	3520 METROPOLITAN AVE	BOYD JUANITA JONES
	22	3524 METROPOLITAN AVE	DAVIS LARRY
	23	3526 METROPOLITAN AVE	UNKNOWN
	24	3533 PENELOPE ST	HARRIS GLADYS
X	25	3529 PENELOPE ST	STAFFORD DONALD A
	26	3525 PENELOPE ST	GRO PROPERTIES INC

Z178-110(PD)

12/13/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3521 PENELOPE ST	FLORES CARLOS
	28	3515 PENELOPE ST	EDWARDS MARTHA
	29	3516 PENELOPE ST	SANCHEZ ENRIQUE &
	30	3524 PENELOPE ST	CRAYTON HORACE L ESTATE OF

**AGENDA ITEM # 52**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 36 X

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subarea and amendments to the preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 on property at the southeast corner of Swiss Avenue and Parkmont Street with consideration given to and an ordinance granting a Specific Use Permit for an extended-hours historic house museum and meeting space use

Recommendation of Staff: Approval of the creation of the new subarea, subject to a development plan and conditions, approval of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a two-year period, subject to a site plan and staff's recommended conditions; and approval of an amendment to the H/1 Historic Overlay, subject to preservation criteria

Recommendation of CPC: Approval of the creation of the new subarea, subject to a development plan and conditions, approval of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a five-year period, subject to a site plan and conditions; and approval of an amendment to the H/1 Historic Overlay, subject to preservation criteria

Z145-337(MD/RB)

**FILE NUMBER:** Z145-337(MD/RB)

**DATE FILED:** August 25, 2015

**LOCATION:** Southeast corner of Swiss Avenue and Parkmont Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 36 X

**SIZE OF REQUEST:** Approx. 1.124 Acres

**CENSUS TRACT:** 14

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**APPLICANT/OWNER:** Dallas County Medical Society Alliance Foundation

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for the creation of a new subarea and amendments to the preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 with consideration given to a Specific Use Permit for an extended-hours historic house museum and meeting space use.

**SUMMARY:** The applicant proposes to create a new subarea to allow for a new use, historic house museum and meeting space, by right and establish regulations for the use. The proposed Specific Use Permit would be for the historic house museum and meeting space use to operate during hours past 5:00 p.m. (extended hours), subject to certain conditions. The applicant is also proposing to amend the preservation criteria for the structure (Aldredge House).

**STAFF RECOMMENDATION:** Approval of the creation of the new subarea, subject to a development plan and conditions, approval of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a two-year period, subject to a site plan and staff's recommended conditions; and approval of an amendment to the H/1 Historic Overlay, subject to preservation criteria.

**CPC RECOMMENDATION:** Approval of the creation of the new subarea, subject to a development plan and conditions, approval of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a five-year period, subject to a site plan and conditions; and approval of an amendment to the H/1 Historic Overlay, subject to preservation criteria.

**BACKGROUND:**

- The Aldredge House was constructed in 1917 for George W. Aldredge. The home was built by Hal Thompson in the French Renaissance motif. In 1974, the home was donated to the Women's Auxiliary to the Dallas County Medical Society.
- PD No. 63/Historic District No. 1 was created on September 10, 1973, by Ordinance No. 14247.
  - Only single-family and duplex dwellings were allowed with several exceptions.
  - The general exceptions included:
    - Library, Art Gallery, or Museum (public);
    - Lodge or fraternal organization;
    - Institution of religious, charitable, philanthropic, service or civic nature.
  - The three uses listed above were allowed on properties on which there was:
    - A structure with primary structural decay;
    - A structure irreparably damaged by fire or natural disaster;
    - A structure whose owner can show evidence of economic hardship, including the burden of preservation; or
    - No structure at the effective date of the ordinance.
  - Each block was allowed only one structure of the above uses.
  - The ordinance specifically called out the Aldredge House separately from the uses allowed above.
- Approval of the PD on September 10, 1973, made the use at 5500 Swiss Avenue a legal use for an institution of religious, charitable, philanthropic, service or civic nature.
- The Dallas Development Code in the 1970s defined an establishment for religious, charitable, or philanthropic nature as a facility sponsored or operated by an organization established for religious, or philanthropic purposes, including, but not limited to residences for the indigent or handicapped and training and educational facilities. Organizations with the same use designation (Institution of religious, charitable, philanthropic, service or civic nature) through a specific use permit include Junior League, War on Poverty, pre-school, Home for Girls and Aged and Child Care Center, and religious tapes recording and storing. The

SUP was only required in residential and office districts. Other organizations in commercial districts would have also been classified under this use.

- City records indicate that a certificate of occupancy number 8006167595 was issued on September 16, 1980, for a “(6994) Civic, social, and fraternal associations” (Medical Society Club) at 5500 Swiss Avenue to owner Dallas County Medical Society Auxiliary. The Dallas Development Code did not list a “civic, social, and fraternal associations” use.
- On February 3, 1982, PD No. 63/Historic District No. 1 was amended.
  - Limited uses to single-family residential uses.
  - Removed the language above regarding the “charitable and philanthropic designation for the Women’s Auxiliary to the Dallas County Medical Society, and this use is hereby approved.”
  - Added 1.5 Nonconforming Uses
    - “Nonconforming uses are permitted to remain in accordance with the Dallas Development Code. The following nonconforming uses are expressly recognized:
      - 5500 Swiss Avenue – Dallas County Medical Society Auxiliary Headquarters.
      - 6120 Swiss Avenue – United States Post Office.
- On January 23, 1985, PD No. 63/Historic District No. 1 was amended for a second time.
  - Language in the previous ordinance was removed and replaced with the following under Section 12. Use regulations for Area A.
    - (c) Except as otherwise provided below, uses are limited to single-family residential uses.
    - (d) The duplex use at 5600-02 Swiss Avenue is expressly recognized as a legal use unless and until the structure in which the use is located is destroyed, in which case the right to operate the duplex use terminates immediately.
    - (e) The medical society auxiliary social club use currently operated by the Dallas County Medical Society Auxiliary at 5500 Swiss Avenue is expressly recognized as a nonconforming use.
- An Institution of religious, charitable, philanthropic, service or civic nature use, by definition, allowed a broad category of uses within the category. The organizations receiving an SUP for this use are as varied as the possible interests. The properties receiving a CO for “civic, social, and fraternal associations” are equally varied.



- In determining what activities would be allowed under these two categories, staff would need to first look at the definition or the title of the use. Secondly, staff would look at other properties with the same use or CO to see what types of activities are typical. Activities that would be in the realm for a civic, social, and fraternal associations and an institution of religious, charitable, philanthropic, service or civic nature use would include, but are not limited to, meetings, gathering place for members, parties (including weddings), dinners, fundraising, training, and educational events.
- As a nonconforming use, the Aldredge House may continue to operate as a civic, social, and fraternal associations and an institution of religious, charitable, philanthropic, service or civic nature use until a compliance date is set by the Board of Adjustment for the termination of the use.
- In July 2015, an application for consideration of the termination of the nonconforming use was submitted to the Board of Adjustment (BDA145-099). On October 21, 2015, the Board denied without prejudice the request for expedited compliance of the nonconforming use because “based on the evidence and testimony presented at the public hearing, we find that continued operation of this nonconforming use will not have an adverse effect on nearby properties.” The Board action has been appealed to District Court. Currently, a hearing date has not been scheduled.
- Prior to the BDA public hearing, the applicant submitted the application for the amendment to the Planned Development District and Historic Overlay. The applicant subsequently amended their application to add a request for a Specific Use Permit for a use that was later defined as a Social Event use.
- On October 19, 2017, the City Plan Commission held this case under advisement. The District Commissioner met with the applicant and the opposition afterward. A new use definition was proposed.
- On November 9, 2017, the Commission held the case under advisement to allow staff to advertise for a Specific Use Permit for an extended hours historic house museum and meeting space use.
- The applicant is no longer requesting an SUP but would like the new use – historic house museum and meeting space – to be allowed by right in the new PD subarea.

<u>Thoroughfare/Street</u>	<u>Existing &amp; Proposed ROW</u>
Swiss Avenue	Local; 50' ROW
Parkmont Street	Local; 50' ROW

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment to PDD No. 63 and determined it will not impact the surrounding street system.

## **STAFF ANALYSIS**

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

## URBAN DESIGN ELEMENT

### GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

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

5.1.3.1 Encourage the use of historic and conservation districts to protect the character and scale of Dallas' older residential neighborhoods, retail centers and office buildings.

### Land Use Compatibility:

The property is developed with a two-story structure that was originally built as a single-family home. The property transitioned into a non-residential use in 1973, with the creation of Planned Development District No. 63 and Historic Overlay No. 1.

Surrounding land uses to the northeast, northwest, and southwest consist of low density residential uses, predominately single-family structures. To the southeast of the properties is multifamily fronting on Gaston Avenue. Savage Park is situated at the north corner of Swiss Avenue and Parkmont Street, across from the subject property.

The applicant's request is to create a new use to allow the property to become conforming again. The applicant originally requested an amendment to the PD and the Historic Overlay. After the application was submitted and before notices were mailed, the applicant amended the application to include an SUP for social events. After the initial CPC public hearing, the applicant requested to have the use allowed by right in the PD and not by SUP.

The first notice for CPC public hearing indicated that the request was for an amendment to the PD, an SUP for a Social Event use (which was a newly created use in the PD), and an amendment to the preservation criteria in Historic Overlay. After the first public hearing, a different use was proposed and the application needed to be re-noticed to accurately the revised request.

The applicant is requesting a new use – Historic House Museum and Meeting Space – allowed by right to operate between 8:00 a.m. and 10:00 p.m. The use is defined as a “facility that offers tours and hosts educational programs, fundraising activities, and official meetings of non-profit organizations. Except for use of the property for portrait photographs, an historic house and meeting space does not include commercial events or use of the Property for a fee.” Staff and CPC are recommending the hours of operation allowed by right be 9:00 a.m. to 5:00 p.m. and an SUP be required for the use to operate after 5:00 p.m.

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.

**Off-Street Parking:** PD No. 63 requires two off-street parking spaces for each single-family dwelling unit. The new subarea will carry forward this parking requirement as well as require a minimum of 56 off-street parking spaces for the requested use. This will include utilization of tandem parking, subject to a valet permit, as required by City regulations. The applicant provides for a parking lot on Gaston Avenue, approximately 450 feet to the southwest. The property provides for 36 spaces, but can provide for additional spaces when managed by a valet.

In the mid-1970s, the parking required for the establishment for religious, charitable or philanthropic nature use at this location was determined to be 55 spaces with 36 of the spaces located in a lot within 1,000 feet of the lot. Staff has continued with this number plus one since there are 56 spaces currently.

**Preservation Criteria:**

The Aldredge House was constructed in 1917 and is basically a central hall floor plan, two stories with a full attic and partial basement. A morning room, living room, central hall with a half bath, dining room, butler's pantry, kitchen (with a small porch) and breakfast room are downstairs. Four bedrooms, a sitting room, three bathrooms, dressing room and sleeping porch were upstairs. Later an art gallery and a garden room were added downstairs. The house is covered with hard finished tan Roman brick and a slate roof.

The additions to the preservation criteria for the Aldredge House include preservation of portions of the interior of the house. Section 51A-4.501(e)(3) states the interior of historic structures may be included in the preservation criteria "if the interior is customarily open and accessible to the public and the interior has extraordinary architecture...value." The Landmark Commission recommended preservation criteria for specific elements of the living room, the dining room, the entry hall, the two-story stair hall, and the green house due to their remaining mostly intact from the original construction.

Items such as wood trim and paneling, plaster walls and ceilings, fireplace mantle and hearth, and floors must be preserved. Maintenance of the items such as painting the same color would require review by the staff but alternations would require Landmark Commission approval.

There are currently two or three historic structures with interior protection in Dallas. The Lakewood Theater is the most recent case having protection for the lobby. The Hall of State at Fair Park also has preservation criteria for the portions of the interior.

Staff considered this additional requirement in evaluating the request. No other structure in the Swiss Avenue Historic District has the requirement to maintain the interior. Opening historic homes that are not used for residences is not uncommon for historic areas throughout the country. These structures can and do coexist in residential areas. The Historic House Museum and Meeting Space, as defined in the conditions, could provide an avenue to help preserve the valued interior and provide an opportunity for others to learn about the house and its ongoing preservation. The availability of the house to tours, educational programs, and meetings allows the Aldredge House to be an ambassador for historic preservation in Dallas.

**Dallas County Medical Society Alliance Foundation**

**Board of Directors**

**2016-17**

**Officers**

President	Barenda Hino
Treasurer	Sheri Miller
Treasurer-Elect	Mary Joy Hinton
Recording Secretary	Laura Noe
Corresponding Secretary	Sarah Hardin
Parliamentarian	Lori Routh
Historian	
1st VP -- Health Projects	Sandy DeBusk
2nd VP -- Philanthropy	
3rd VP -- Aldredge House	RuLan Hebeler
4th VP -- Edith Cavell	Cheri Whitten
4th VP Elect	Diane Moy

**City Plan Commission Action:**

October 19, 2017

**Motion:** In considering an application for the creation of a new subarea, a Specific Use Permit for a Social Event Use, and amendments to the preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 on the southeast corner of Swiss Avenue and Parkmont Street, it was moved to **hold** this case under advisement until November 9, 2017.

Maker: Ridley  
Second: Murphy  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Lavallaissa, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 500 Mailed: 91  
**Replies:** For: 9 Against: 32

**Speakers:** For: Rob Baldwin, 39045 Elm St., Dallas, TX, 75226  
Barenda Hino, 3306 Princeton Ave., Dallas, TX, 75205  
Joann Hampton, 5408 Swiss Ave., Dallas, TX, 75214  
David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204  
Larry Offutt, 6038 Bryan Parkway, Dallas, TX, 75206  
Donna Rogers, 5518 Swiss Ave., Dallas, TX, 75214  
For (Did not speak): Martha Heimberg, 1523 Abrams Rd., Dallas, TX, 75214  
Mark Aldredge, 5133 Greenbren Dr., Dallas, Tx, 75225  
Harryette Ehrhardt, 5731 Swiss Ave., Dallas, TX, 75214  
Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214  
Roger Lee Carroll, 6004 Bryan Parkway, Dallas, TX, 75206  
Laura Noe, 3948 Centenary Dr., Dallas, TX, 75225  
Against: Barbara McDaniel, 5439 Swiss Ave., Dallas, TX, 75214  
James Dunkerley, 5507 Bryan St., Dallas, TX, 75214  
David Dean, 5420 Swiss Ave., Dallas, TX, 75214  
Rhonda McCune, 5514 Swiss Ave., Dallas, TX, 75214  
Craig Scheef, 5916 Swiss Ave., Dallas, TX, 75214  
James Finley, 5421 Swiss Ave., Dallas, TX, 75214  
Jerry Baus, 5617 Swiss Ave., Dallas, TX, 75214  
Tonia Kuesel, 5215 Swiss Ave., Dallas, TX, 75214  
Bryan Wohlfeld, 4938 Swiss Ave., Dallas, TX, 75214

Arch McColl, 5405 Swiss Ave., Dallas, TX, 75214  
 Yvo Demsedt, 5316 Live Oak St., Dallas, TX, 75206  
 Against (Did not speak): Neil Burger, 5418 Bryan St., Dallas, TX, 75206  
 Stephen Ezell, 5744 Swiss Ave., Dallas, TX, 75214  
 Louise Finley, 5421 Swiss Ave., Dallas, TX, 75214  
 Christy Scheef, 5916 Swiss Ave., Dallas, TX, 75214  
 David Bayoud, 6807 Bryan Parkway, Dallas, TX, 75214  
 Paul Lockman, 4933 Swiss Ave., Dallas, TX, 75214  
 Ann Libert, 5316 Live Oak St., Dallas, TX, 75206  
 Floy Gaidarski, 8177 Midtown Blvd., Dallas, TX, 75231  
 Jean Dean, 5420 Swiss Ave., Dallas, TX, 75214

**City Plan Commission Action:**

November 9, 2017

**Motion:** In considering an application for the creation of a new subarea, a Specific Use Permit for a Social Event Use, and amendments to the preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 on the southeast corner of Swiss Avenue and Parkmont Street, it was moved to **hold** this case under advisement until November 30, 2017, and instruct staff to re-advertise and re-notice for a specific use permit for a house museum or meeting place; extended hours.

Maker: Ridley  
 Second: Murphy  
 Result: Carried: 14 to 0

For: 14 - Rieves, Houston, Davis, Shidid, Carpenter,  
 Mack, Lavallaissa, Jung, Housewright, Schultz,  
 Peadon, Murphy, Ridley, Tarpley

Against: 0  
 Absent: 0  
 Vacancy: 0  
 Abstained: 1 - West\*\*

\*\*abstained from voting, due to bus tour requirement

**Notices:** Area: 500 Mailed: 91  
**Replies:** For: 9 Against: 34

**Speakers:** For: Rob Baldwin, 39045 Elm St., Dallas, TX, 75226  
 Rulan Hebler, 3600 Lexington Ave., Dallas, TX, 75205  
 Joann Hampton, 5408 Swiss Ave., Dallas, TX, 75214  
 Larry Offutt, 6038 Bryan Parkway, Dallas, TX, 75206  
 Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214

Martha Heimberg, 1523 Abrams Rd., Dallas, TX, 75214  
Melanie Vanlandingham, 6311 Lakeshore Dr., Dallas, TX, 75214  
Evelyn Montgomery, 4602 Swiss Ave., Dallas, TX, 75214  
FOR (Did not speak): Janel Broussard, 6043 Bryan Parkway, Dallas, TX, 75206  
Mariana Greene, 6045 Bryan Parkway, Dallas, TX, 75206  
Thomas Hogua, 5924 Bryan Parkway, Dallas, TX, 75206  
Kathleen Ragsdale, 6033 Bryan Parkway, Dallas, TX, 75206  
Steve Putnam, 5430 Gaston Ave., Dallas, TX, 75214  
David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204  
Mary Hall, 6177 Llano Ave., Dallas, TX, 75214  
Laura Aldredge, 3133 Greenbrier Dr., Dallas, TX, 75225  
Robert Cox, 6119 Bryan Parkway, Dallas, TX, 75206  
Thom Aldredge, 10842 Ridge Springs Dr., Dallas, TX, 75218  
Katherine Seale, 5500 Chatham Hill Rd., Dallas, TX, 75220  
Mark Aldredge, 3133 Greenbrier Dr., Dallas, TX, 75225  
Christopher Aldredge, 9753 Edgepine Dr., Dallas, TX, 75238  
Jim Anderson, 4706 Swiss Ave., Dallas, TX, 75204  
Elizabeth Offutt, 6201 Bryan Pl., Dallas, TX, 75214  
Mari Smith, 10210 Killenny Pl., Dallas, TX, 75228  
Laura Noe, 3948 Centenary Dr., Dallas, TX, 75225  
Roger Lee Carroll, 6004 Bryan Parkway, Dallas, TX, 75206  
JoAnne McCullough, 3317 Princeton Ave., Dallas, TX, 75205  
Steve Clicque, 5703 Swiss Ave., Dallas, TX, 75214  
Daniel Endaly, 1922 Palace Dr., Grand Prairie, TX, 75050  
Barbara Williams, 3131 Maple Ave., Dallas, TX, 75201  
Diane Sherman, 107 N. Clinton Ave., Dallas, TX, 75208  
Against: Jean Dunkerley, 5507 Bryan St., Dallas, TX, 75214  
Rhonda McCune, 5514 Swiss Ave., Dallas, TX, 75214  
Ken Kuesel, 5215 Swiss Ave., Dallas, TX, 75214  
Risa Weinberger, 5501 Bryan St., Dallas, TX, 75206  
Stephanie Stanley, 5505 Gaston Ave., Dallas, TX, 75214  
Barbara McDaniel, 5439 Swiss Ave., Dallas, TX, 75214  
Brian Shultz, 5007 Swiss Ave., Dallas, TX, 75214  
David Dean, 5420 Swiss Ave., Dallas, TX, 75214  
Against (Did not speak): Martha Hulse, 5001 Swiss Ave., Dallas, TX, 75214  
Jenny Hulse, 5001 Swiss Ave., Dallas, TX, 75214  
Louise Finley, 5421 Swiss Ave., Dallas, TX, 75214  
Anne Nolan, 5527 Swiss Ave., Dallas, TX, 75214  
Paul Lockman, 4933 Swiss Ave., Dallas, TX, 75214  
Arch McColl, 5405 Swiss Ave., Dallas, TX, 75214  
Unknown: Becky Portera, 6626 Gaston Ave., Dallas, TX, 75214



**City Plan Commission Action:**

November 30, 2017

**Motion I:** It was moved to recommend **approval** for the creation of a new subarea, subject to a development plan and staff’s recommended conditions with the following modifications: 1) Under SEC. 51P-63.103. DEFINITIONS. (a)(15) to read as follows: “HISTORIC HOUSE MUSEUM AND MEETING SPACE means a facility that offers tours and hosts educational programs, fundraising activities, and official meetings of non-profit organizations. Except for the use of the Property for portrait photographs, an historic house museum and meeting space does not include commercial events or use of the Property for a fee”, 2) Under SEC. 51P-63.132. USE REGULATIONS FOR AREA G. (b)(1) to read as follows: “Historic house museum and meeting space is allowed to operate: (A) by right between 9:00 a.m. and 5:00 p.m., Monday through Sunday, and (B) by SUP only after 5:00 p.m. and 9:00 p.m., Monday through Sunday”, and **approval** of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a two-year period, subject to a site plan and staff’s recommended conditions with the following modification to Condition #4, to read as follows: “DAYS AND HOURS OF OPERATION An extended-hours historic house museum and meeting space use may only operate between 5:00 p.m. and 9:00 p.m., Monday through Sunday, a maximum total of 36 times per calendar year and a maximum total of three non-consecutive events per month”; and **approval** of an amendment to the H/1 Historic Overlay, subject to preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 on the southeast corner of Swiss Avenue and Parkmont Street.

Maker: Ridley  
Second: Housewright  
Result: Failed: 6 to 7

For: 6 - West, Carpenter, Lavallaissa, Housewright, Peadon, Ridley

Against: 7 - Rieves, Houston, Davis, Shidid, Jung, Murphy, Tarpley

Absent: 2 - Mack, Schultz

Vacancy: 0

**Motion II:** It was moved to recommend **approval** for the creation of a new subarea, subject to a development plan and staff’s recommended conditions with the following modifications: 1) Under SEC. 51P-63.103. DEFINITIONS. (a)(15) to read as follows: “HISTORIC HOUSE MUSEUM AND MEETING SPACE means a facility that offers tours and hosts educational programs, fundraising activities, and official meetings of non-profit organizations. Except for the use of the Property for portrait photographs, an historic house museum and meeting space does not include commercial events or use of the Property

for a fee”, 2) Under SEC. 51P-63.132. USE REGULATIONS FOR AREA G. (b)(1) to read as follows: “Historic house museum and meeting space is allowed to operate: (A) by right between 9:00 a.m. and 5:00 p.m., Monday through Sunday, and (B) by SUP only after 5:00 p.m. and 9:00 p.m., Monday through Sunday”, and **approval** of a Specific Use Permit for an extended-hours historic house museum and meeting space use for a five-year period, subject to a site plan and staff’s recommended conditions with the following modification to Condition #4, to read as follows: “DAYS AND HOURS OF OPERATION An extended-hours historic house museum and meeting space use may only operate between 5:00 p.m. and 9:00 p.m., Monday through Sunday, a maximum total of 36 times per calendar year and a maximum total of three non-consecutive events per month”; and **approval** of an amendment to the H/1 Historic Overlay, subject to preservation criteria within Area A in Planned Development District No. 63 with Historic Overlay No. 1 on the southeast corner of Swiss Avenue and Parkmont Street.

Maker: Ridley  
Second: Housewright  
Result: Carried: 8 to 5

For: 8 - West, Houston, Carpenter, Lavallaissa,  
Housewright, Peadon, Murphy, Ridley

Against: 5 - Rieves, Davis, Shidid, Jung, Tarpley  
Absent: 2 - Mack, Schultz  
Vacancy: 0

**Notices:** Area: 500 Mailed: 91  
**Replies:** For: 10 Against: 41

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Brenda Hino, 3306 Princeton Ave., Dallas, TX, 75205  
Joanna Hampton, 5408 Swiss Ave., Dallas, TX, 75214  
RuLan Hebler, 3600 Lexington Ave., Dallas, TX, 75205  
Marianne Howells, 6005 Swiss Ave., Dallas, TX, 75214  
Mark Aldredge, 3133 Greenbrier Dr., Dallas, TX, 75225  
Barbara Watkins, 5624 McShann Rd., Dallas, TX, 75230  
Katherine Seale, 5500 Chatham Hill Rd., Dallas, TX, 75220  
George Keaton, 5428 Oak Trail, Dallas, TX, 75232  
Harryette Ehhardt, 5731 Swiss Ave., Dallas, TX, 75214  
FOR (Did not speak): Laurie Aldredge, 3133 Greenbrier Dr., Dallas, TX, 75225  
Thom Aldredge, 10842 Ridge Springs Dr., Dallas, TX, 75218  
Christopher Aldredge, 9753 Edgepine Dr., Dallas, TX, 75238  
George Aldredge, 7128 Bennington Dr., Dallas, TX, 75214  
Larry Offutt, 6038 Bryan Parkway, Dallas, TX, 75206  
Elizabeth Offutt, 6201 Bryan Pl., Dallas, TX, 75214  
Phillip Hansen, 3813 Wentwood Dr., Dallas, TX, 75225

Wendy Hansen, 3813 Wentwood Dr., Dallas, TX, 75225  
Cynthia Hudgins, 2822 Cornerstone Pkwy., Dallas, TX, 75225  
W. Robert Hudgins, 2822 Cornerstone Pkwy., Dallas, TX, 75225  
Caroline Hansen, 11818 Inwood Rd., Dallas, TX, 75244.  
Sarah Jo Hardin, 3548 Rankin St., Dallas, TX, 75205  
Janel Broussard Wood, 6043 Bryan Parkway, Dallas, TX, 75206  
Valerie Kaiser, 6035 Br9yan Parkway, Dallas, TX, 75206  
Jordan Kaiser, 6035 Br9yan Parkway, Dallas, TX, 75206  
Adam Kaiser, 4800 Northway Dr., Dallas, TX, 75206  
Mari Smith, 10210 Killenny Pl., Dallas, TX, 75228  
Laura Noe, 3948 Centenary Dr., Dallas, TX, 75225  
Evelyn Montgomery, 4602 Swiss Ave., Dallas, TX, 75214  
Roger Lee Carroll, 6004 Bryan Parkway, Dallas, TX, 75206  
David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204  
Thomas Hogua, 5924 Bryan Parkway, Dallas, TX, 75206  
Martha Heimberg, 1523 Abrams Rd., Dallas, TX, 75214  
Melanie Vanlandingham, 6311 Lakeshore Dr., Dallas, TX, 75214  
Robert Cox, 6119 Bryan Parkway, Dallas, TX, 75206  
Daniel Endaly, 1922 Palace Dr., Grand Prairie, TX, 75050  
Becky Porter, 6626 Gaston Ave., Dallas, TX, 75214  
JoAnne McCullough, 3317 Princeton Ave., Dallas, TX, 75205  
Barbara Williams, 3131 Maple Ave., Dallas, TX, 75201  
Michelle Manners, 6214 Bryan Parkway, Dallas, TX, 75214  
Robert Thomas, 6048 Bryan Parkway, Dallas, TX, 75206  
Kenneth Stern, 6201 Bryan Parkway, Dallas, TX, 75214  
Linda Solomon, 6145 Bryan Parkway, Dallas, TX, 75206  
Debby Rodgers, 6312 Bryan Parkway, Dallas, TX, 75214  
Virginia Bonifields, 5714 Swiss Ave., Dallas, TX, 75214  
Clare Chaney, 5907 Swiss Ave., Dallas, TX, 75214  
Jody Bowers, 5112 Swiss Ave., Dallas, TX, 75214  
Elizabeth Mast, 5711 Swiss Ave., Dallas, TX, 75214  
Sheryl Miller, 3805 Cantera Ln., Richardson, TX, 75082  
Rene Schmidt, 715 Parkmont St., Dallas, TX, 75214  
Stephen Vesecky, 4696 S. Versailles Ave., Dallas, TX, 75209  
Caroline Reagor, 4625 Sugar Mill Rd., Dallas, TX, 75244  
Evelyn Hamilton, 4406 Gloster Rd., Dallas, TX, 75220  
Kathy Restrpo, 5024 Airline Rd., Dallas, TX, 75205  
DeEtte Peters, 3905 Centenary Ave., Dallas, TX, 75225  
Jane Viere, 3415 Cornell Ave., Dallas, TX, 75205  
Roena Tandy, 450 Allison Dr., Dallas, TX, 75208  
Jo North, 15250 Prestonwood Blvd., Dallas, TX, 75248  
Ellen Welch, 3661 Mockingbird Ln., Dallas, TX, 75205  
Christine Goff, 3933 Wentwood Dr., Dallas, TX, 75225  
Tara Carey Chittoor, 4526 Dorset Rd., Dallas, TX, 75229  
Pamela Ventouras, 5935 Goliad Ave., Dallas, TX, 75204  
Lori Routh, 2925 Daniel Ave., Dallas, TX, 75205  
Keith Routh, 2925 Daniel Ave., Dallas, TX, 75205  
Cheri Whitten, 2925 Daniel Ave., Dallas, TX, 75205

Mark Turner, 6139 La Vista Dr., Dallas, TX, 75214  
Anne Blomeyer, 3310 Fairmount St., Dallas, TX, 75201  
Wilson Fuqua, 3618 Fairmount St., Dallas, TX, 75219  
Gary Lawler, 5620 Live Oak St., Dallas, TX, 75206  
Elizabeth Gunby, 3209 Colgate Ave., Dallas, TX, 75225  
Ellen Stuart, 4201 Larchmont St., Dallas, TX, 75205  
Lindalyn Adams, 6171 Bandera Ave., Dallas, TX, 75225  
Lupe Smith, 3883 Turtle Creek Blvd., Dallas, TX, 75219  
Against: Jim Dunkerley, 5507 Bryan St., Dallas, TX, 75214  
Rhonda McCune, 5514 Swiss Ave., Dallas, TX, 75214  
Arch McColl, 5405 Swiss Ave., Dallas, TX, 75214  
David Dean, 5420 Swiss Ave., Dallas, TX, 75214  
Tonia Kuesel, 5215 Swiss Ave., Dallas, TX, 75214  
Against (Did not speak): Michael McCune, 5514 Swiss Ave., Dallas, TX, 75214  
Ken Kuesel, 5215 Swiss Ave., Dallas, TX, 75214  
Martha Hulse, 5001 Swiss Ave., Dallas, TX, 75214  
Jenny Hulse, 5001 Swiss Ave., Dallas, TX, 75214  
Barbara McDaniel, 5439 Swiss Ave., Dallas, TX, 75214  
Stephanie Stanley, 5505 Gaston Ave., Dallas, TX, 75214  
Risa Weinberger, 5501 Bryan St., Dallas, TX, 75206  
Louise Finley, 5421 Swiss Ave., Dallas, TX, 75214  
James Finley, 5421 Swiss Ave., Dallas, TX, 75214  
Paul Lockman, 4933 Swiss Ave., Dallas, TX, 75214  
Vanessa Hoffman, 6017 Swiss Ave., Dallas, TX, 75214  
Gary Hoffman, 6017 Swiss Ave., Dallas, TX, 75214  
Michelle Baus, 5617 Swiss Ave., Dallas, TX, 75214  
Jerry Baus, 5617 Swiss Ave., Dallas, TX, 75214  
Nancy Pinson, 5602 Swiss Ave., Dallas, TX, 75214  
David Pinson, 5602-5602 Swiss Ave., Dallas, TX, 75214  
Alexandria Watters, 5603 Swiss Ave., Dallas, TX, 75214  
Sandra Fite, 5611 Swiss Ave., Dallas, TX, 75214  
Colin Fite, 5611 Swiss Ave., Dallas, TX, 75214  
Vance Vannoy, 5602 ½ Swiss Ave., Dallas, TX, 75214  
Nancy Phillips, 5204 Live Oak St., Dallas, TX, 75206  
Stephen Putnam, 5430 Gaston Ave., Dallas, TX, 75214  
Edward Anderson, 4726 Victor St., Dallas, TX, 75246  
Sue Hilton, 6280 Prospect Ave., Dallas, TX, 75214

**Landmark Commission Action:**

October 5, 2015

5500 Swiss Avenue  
Swiss Avenue Historic District  
Mark Doty

An application for modifications to and creation of a new subdistrict within Historic Overlay 1, Swiss Avenue, on the northeast corner of Parkmont Street and Swiss Avenue.

Speakers: For: Robert Baldwin, Elizabeth Gunby, Virginia McAlester, Mark Aldredge, Larry Offett, Barend Hino, Lindalyn Adams, David Preziosi, Jim Anderson  
Against: Charles Hamilton, James Dunkerley, Stephanie Stanley

**Motion:**

Approval of an application for modifications to and creation of a new subdistrict within Historic Overlay 1, Swiss Avenue, on the northeast corner of Parkmont Street and Swiss Avenue, with modification of the stair hall as proposed.

Maker: Tapscott

Second: \*Birrerr

Results: 15/0

Ayes:	- 15	Amonett, *Birch, Birrer, Bowers, Flabiano, Gadberry, Greenberg, Johnson, Jordan, Parsons, *Sherman, Seale, Tapscott, Thomas-Drake, Williams
Against:	- 0	
Absent:	- 1	Maten
Vacancies:	- 1	12

**CPC RECOMMENDED CONDITIONS  
ARTICLE 63 and HISTORIC OVERLAY NO. 1.**

**PD 63.**

**SEC. 51P-63.101. LEGISLATIVE HISTORY.**

PD 63 was established by Ordinance No. 14247, passed by the Dallas City Council on September 10, 1973. Ordinance No. 14247 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 14247 was amended by Ordinance No. 15715, passed by the Dallas City Council on December 21, 1977, and Ordinance No. 15766, passed by the Dallas City Council on March 15, 1978. On February 3, 1982, the Dallas City Council passed Ordinance No. 17285, repealing Ordinance Nos. 14247, 15715, and 15766, and re-establishing PD 63. Ordinance No. 17285 was amended by Ordinance No. 18563, passed by the Dallas City Council on January 23, 1985. (Ord. Nos. 10962; 14247; 15715; 15766; 17285; 18563; 25423)

**SEC. 51P-63.102. PROPERTY LOCATION AND SIZE.**

PD 63 is established on property generally located southeast of Live Oak Street, south of La Vista Drive, northwest of the alley between Swiss Avenue and Gaston Avenue, and northeast of Fitzhugh Avenue. The size of PD 63 is approximately 116.88 acres.

**SEC. 51P-63.103. DEFINITIONS.**

(a) In this article:

- (1) ACCEPTABLE COLOR RANGE means the range of colors shown on Exhibit 63C.
- (2) APPLICANT means the property owner or his designee.
- (3) BLOCK means an area bounded by streets on all sides.
- (4) BLOCKFACE means all of the lots on one side of a block.
- (5) CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city to authorize certain acts to be performed in this district. (See the enforcement section of this article.)
- (6) COLUMN means the entire column including the base and capital, if any.

- (7) COMMISSION means the city plan and zoning commission.
- (8) COMMITTEE means the landmark committee created under Section 51-3.103.
- (9) CORNER LOT means a lot that has frontage on two different streets.
- (10) CORNER SIDE FACADE means a main building facade facing the side street.
- (11) CORNER SIDE YARD means a side yard that abuts a street.
- (12) DIRECTOR means the director of development services or his representative.
- (13) FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

(14) FRONT YARD means the portion of a lot that abuts a street and extends across the width of the lot between the street and a main building and lines parallel to and extending outward from the front facade of a main building. "Required" front yard means the portion of the front yard between the street and the setback line.

(15) HISTORIC HOUSE MUSEUM AND MEETING SPACE means a facility that offers tours and hosts educational programs, fundraising activities, and official meetings of non-profit organizations. Except for the use of the Property for portrait photographs, an historic house museum and meeting space does not include commercial events or renting the space for a fee.

(~~16~~45) LOT means a building site, as defined in the Dallas Development Code.

(~~17~~46) PARKWAY means the area between the paved portion of a street and a front lot line.

(~~18~~47) PLANTER BOX means a permanent container for plants that is non-movable.

(1948) PRESERVATION CRITERIA means the standards considered by the director, committee, and commission in determining whether a certificate of appropriateness should be granted or denied.

(~~20~~49) REAR YARD means:

(A) on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between a main building and lines parallel

to and extending outward from the rear facade of a main building and the rear lot line;  
and

(B) on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear corner of the corner side facade, and between the rear lot line and a main building and a line parallel to and extending outward from the interior side corner of the rear facade.

(~~2120~~) SCREENING means a structure or planting that provides a visual barrier.

(~~2224~~) SCREENING FACTOR means the degree to which a structure provides a visual barrier.

(~~2322~~) SIDE YARD means any portion of a lot not occupied by a main building that is not a front or rear yard. "Side yard" includes "corner side yard."

(~~2423~~) STORY means the portion of a building between any two successive floors, or between the top floor and the ceiling above it.

(~~2524~~) THIS DISTRICT means the Swiss Avenue Historic District.

(~~2625~~) TRIM COLOR means a paint color other than the dominant color. Wood colored translucent stain is not a trim color. Trim color does not include the color of screen and storm doors and windows, gutters, downspouts, porch floors, and ceilings.

(b) Except as otherwise provided in this section, the definitions contained in the Dallas Development Code, as amended, apply to this article.

#### **SEC. 51P-63.104. INTERPRETATIONS.**

(a) Unless otherwise stated, the 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.

#### **SEC. 51P-63.105. RECONCILIATION WITH ORDINANCE NO. 17285 AND THE DALLAS DEVELOPMENT CODE.**

The provisions of Ordinance No. 17285 and the Dallas Development Code, as amended, apply to the Swiss Avenue Historic District unless expressly modified or repealed by this article. In the event of a conflict, the provisions of this article control.



**SEC. 51P-63.106. NONCONFORMING USES AND STRUCTURES.**

(a) In general. Except as otherwise provided in this article, Section 51-4.704 relating to nonconforming uses and structures, applies to all uses and structures in this district.

(b) Nonconforming uses.

(1) Termination when building destroyed. Except as otherwise provided below, if a building in which a nonconforming use is located is destroyed, the right to operate the nonconforming use terminates immediately.

(2) Nonconforming servants' or caretakers' quarters. The right to operate a nonconforming servants' or caretakers' quarters use does not terminate when the structure in which the use is located is damaged or destroyed. A servants' or caretakers' quarters must be used by bona fide servants or caretakers and may not be rental accommodations.

(c) Rebuilding damaged or destroyed nonconforming buildings. If a nonconforming single-family main or accessory building is damaged or destroyed, it may be rebuilt at the same location without the approval of the board of adjustment.

**SEC. 51P-63.107. GRAPHICS.**

Graphics that illustrate the requirements of this article are labelled Exhibit 63B. In the event of a conflict, the text of this article controls over any graphic display in Exhibit 63B.

**SEC. 51P-63.108. ENFORCEMENT.**

(a) Certificate of appropriateness required. A person commits an offense if, without first obtaining a certificate of appropriateness from the city expressly authorizing the act, he:

(1) places or constructs a main or accessory building on property in this district;

(2) makes exterior alterations to a main or accessory building in this district; or

(3) places, constructs, installs, or maintains a structure or non-plant-material landscape item outside a building on property in this district.

(b) Vegetation restrictions. A person commits an offense if he places or maintains a plant in this district in violation of one of the following vegetation restrictions:

(1) A vegetable garden is prohibited in the front yard and may not be located in a side yard unless it is totally screened.

(2) Foundation plantings may not exceed two feet in height above the first story finish floor.

(3) Only grass, trees, ground cover, and flowers are permitted in the parkway. All trees in the parkway must be placed a uniform distance apart and be planted along a line parallel to the street. Flower beds may not comprise more than 50 percent of the parkway area.

(c) Compliance with use regulations and development standards required. A person commits an offense if he violates one of the use regulations or development standards in Sections 51P-63.114, 51P-63.115, 51P-63.117, 51P-63.118, 51P-63.120, 51P-63.121, 51P-63.123, 51P-63.124, 51P-63.126, 51P-63.127, 51P-63.129, and 51P-63.130 of this article.

(d) Defenses to prosecution.

(1) It is a defense to prosecution under Subsections (a)(2) and (a)(3) that the act was:

(A) the installation, maintenance, or replacement of:

and (i) outdoor lights that are 10 inches or less in diameter

(aa) located at ground level;

above its lowest branch; (bb) attached to a tree or shrub and located on or

(cc) located along eaves or soffits; or

(dd) located on an accessory building;

(ii) recreational equipment for children, such as a swingset, playhouse, or jungle gym, in a rear yard;

(iii) security or ornamental bars on the rear facade of a main building or on an accessory building;

(iv) a lawn sprinkler system; or

(v) an air conditioning unit in a side or rear yard; or

(B) performed in a rear yard, and the alteration, structure, or landscape item is six feet or less in height or totally screened;

(C) performed in a side yard, and the alteration, structure, or landscape item is six feet or less in height and totally screened by a fence or hedge that is at least six feet in height; or

(D) the installation or maintenance of a special purpose sign.

(2) It is an additional defense to prosecution under Subsection (a)(3) that the structure or landscape item was temporarily placed, constructed, or installed. For purposes of this subsection, an act is temporary in nature if it occurs no more than two time periods during the calendar year for a maximum of five days per time period.

(3) There is no defense to prosecution for a violation of Subsection (a)(1).

(e) Criminal responsibility. A person is criminally responsible for a violation if he:

(1) commits or assists in the commission of an act in violation; or

(2) owns part or all of the land or a structure on the land where a violation exists.

**SEC. 51P-63.109. PENALTY.**

(a) A person violating a provision of Ordinance No. 17285, as amended by Ordinance No. 18563, upon conviction, is punishable by a fine not to exceed \$1000. *[The provisions of Ordinance No. 17285, as amended by Ordinance No. 18563, are codified in this article.]*

(b) In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this article, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, or maintenance of a building, structure, or land in this district.

**SEC. 51P-63.110. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.**

(a) In general. The standard review procedure outlined in Section 51-4.501 applies to this district, except as expressly modified by this section.

(b) Review by the director.

(1) Director's determination of procedure. Upon receipt of an application for a certificate of appropriateness, the director shall characterize the proposed work as falling into one of the following three categories:

- (A) Routine maintenance or replacement.
- (B) Minor exterior alterations.
- (C) Work requiring review by the committee and commission.

The director shall review and grant or deny certificates of appropriateness for proposed work that is routine maintenance or replacement or a minor exterior alteration in accordance with the review standards provided in this section. If the proposed work requires review by the committee and commission, the director shall forward the application to the committee for review in accordance with the standard certificate of appropriateness review procedure outlined in Section 51-4.501. All decisions to be made by the director under this section must be made within 10 days of receipt of the application.

(2) Routine maintenance and replacement defined. Routine maintenance is the processes of cleaning (including water blasting and stripping), repainting an item the same color, and otherwise stabilizing deteriorated or damaged architectural features. Routine replacement occurs whenever a duplicate item is substituted for an item that is deteriorated or damaged. Repainting an item a different color is neither routine maintenance nor routine replacement.

(3) Minor exterior alteration defined. The following are minor exterior alterations for purpose of this article.

(A) The application, installation, maintenance, or replacement of:

(i) a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the corner side facade;

(ii) an awning located on an accessory building, or on the rear facade of a main building; and

(iii) a roof of the same or an original material that does not include a change in color;

(iv) a wood or chain link fence that is not painted or stained;

(v) gutters and downspouts of a color within the acceptable color range that matches or complements the dominant, trim, or roof color;

(vi) paint of a color within the acceptable color range;

- (vii) skylights and solar panels;
- (viii) storm windows and doors; or
- (ix) window and door screens.

(B) The restoration of original architectural elements that does not include the use of paint outside the acceptable color range.

(4) Review standards for routine maintenance and replacement. The director shall review all proposed work that falls into the categories of routine maintenance and routine replacement to determine whether or not the original item to be maintained or replaced was legally installed. Legal installation includes both work that was legally performed before September 10, 1973, the date this district was established, and work performed after that date by authority of a valid certificate of appropriateness. The director shall grant a certificate of appropriateness for the proposed maintenance or replacement of an original item that was legally installed. If the original item was not legally installed, the director shall not grant a certificate but instead shall treat the application as being for a certificate of appropriateness to authorize the installation of the original item.

(5) Review standards for minor exterior alterations. The director shall review all proposed work that falls into the category of minor exterior alterations to determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the director shall grant a certificate of appropriateness for the work. If the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the director shall deny the certificate.

(c) Appeals. A decision to grant a certificate of appropriateness may not be appealed. A decision to deny a certificate of appropriateness may be appealed only by the applicant. An appeal from a decision to deny a certificate is made by submitting a written request for appeal to the director within ten days of the decision.

(d) Review by the committee. The standards in Subsection (e) below should be used by the committee in making its recommendation to the commission.

(e) Review by the commission and city council.

(1) When reviewing an appeal from the director's decision to deny a certificate of appropriateness, the commission or city council shall first determine whether the proposed work is routine maintenance or replacement. If the proposed work is routine maintenance or replacement, the commission or council shall next determine whether or not the original item to be maintained or replaced was legally installed. If the original item was legally installed, the commission or council shall approve the routine maintenance or replacement. If the original item was not legally

installed or if the proposed work is not routine maintenance or replacement, the commission or council shall review the application using the standards provided in the following subsections.

(2) In reviewing an application, the commission or city council shall determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the commission or council shall grant the certificate.

(3) Except as otherwise provided in this section, if the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the commission or council shall deny the certificate.

(4) If the proposed work is not addressed by the preservation criteria and regulations contained in this article and all other applicable ordinances and the work will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of:

(A) a structure in this district;

(B) a blockface in this district; or

(C) this district as a whole; the commission or council shall grant the certificate.

(5) If the proposed work is the restoration of original architectural elements and will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of:

(A) a structure in this district;

(B) a blockface in this district; or

(C) this district as a whole; the commission or council shall grant the certificate. In determining whether the proposed work constitutes the restoration of original architectural elements, the commission or council shall consider all available materials, including but not limited to photographs and drawings showing the original appearance of the building and its surrounding property at the time of construction. (Ord. Nos. 18563; 25423)

**SEC. 51P-63.111. NOTICE REQUIREMENTS.**

The following notice requirements apply to this district:

(1) When required. The director shall give the notice required by this section only when a person applies for a certificate of appropriateness to construct a new main building, or to move a main building onto an existing lot.

(2) Content of notice. The notice required by this section must contain a description of the lot where a main building will be constructed or moved, and the date, time, and location of the committee meeting at which the application will be considered.

(3) Manner of notification. The notice required by this section is a written notice to be given not less than 21 days before the committee meeting at which the application will be considered. Notice is given by depositing the notice properly addressed and postage paid in the United States Mail to the property owners entitled to notice under Paragraph (4) of this subsection as evidenced by the last approved city tax roll.

(4) Who must be notified. The director shall notify the following persons in this district whenever notice is required by this section:

(A) The owners of all lots in the blockface of the area of request.

(B) The owners of all lots in the blockface across the street from the area of request.

(C) If the area of request is a corner lot, the owners of all other corner lots at the same intersection.

(D) The president of the Swiss Avenue Historic District Association at an address provided by the association.

**SEC. 51P-63.112. PROCEDURAL CHANGES WHEN NOTICE IS REQUIRED.**

The procedural time requirements in Section 51-4.501 applicable to the committee and the commission apply to this district except in those cases where notice is required under the previous section of this article. In such cases, the committee shall make its recommendation within 45 days of receipt of the application by the director. If final action has not been taken by the committee and the commission within 55 days of the director's receipt of the application:

(1) the director shall issue a certificate of appropriateness to the applicant for the proposed work; and

(2) if all requirements of the Dallas Development Code and the construction codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work.

**SEC. 51P-63.113. CREATION OF AREAS.**

This district is hereby divided into seven ~~six~~ separate areas, which shall be known as "Area A," "Area B," "Area C," "Area D," "Area E," ~~and "Area F,"~~ and Area "G."

Property descriptions of Areas A through F are attached to Ordinance No. 18563. A map showing the area boundaries is labelled Exhibit 63A.

(1) Uses that were illegal on February 3, 1982, are illegal uses under this article. Except as otherwise provided in this article, nonconforming uses are governed by Section 51-4.704.

(2) The number of dwelling units on a building site may not be increased. If the number of dwelling units in a building is reduced, or the building is replaced with another building containing a lesser number of dwelling units, the building site shall thereafter be limited to the lesser number of dwelling units.

(3) Except as otherwise provided below, uses are limited to single-family residential uses.

(4) The duplex use at 5600-02 Swiss Avenue is expressly recognized as a legal use unless and until the structure in which the use is located is destroyed, in which case the right to operate the duplex use terminates immediately.

~~(5) The medical society auxiliary social club use currently operated by the Dallas County Medical Society Auxiliary at 5500 Swiss Avenue is expressly recognized as a nonconforming use.~~

**SEC. 51P-63.115. DEVELOPMENT STANDARDS FOR AREA A**

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-10 Single-Family District apply to all property in Area A. In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for buildings and structures are:

- (1) 36 feet for a main building; and
- (2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

(1) Each lot must have a minimum area of 10,000 square feet and a minimum depth of 230 feet.

(2) Each lot must have a width no less than 90 percent of the average width of all lots in both the same and the opposite blockface.

(3) Lots platted on or before February 3, 1982, are legal building sites, even though they may not conform to the requirements of this section.



(d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 25 percent.

(e) Minimum front yard.

(1) All buildings and structures must have a minimum front yard setback of 65 feet.

(2) The main building on an interior lot must have a front yard setback that is:

(A) equal to that of the closest main building on either side of the lot in the same blockface; or

(B) between those of the closest main buildings on either side of the lot in the same blockface.

(3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for buildings and structures are:

(1) 60 feet for a main building if the lot is 230 feet or less in depth;

(2) 90 feet for a main building if the lot is over 230 but less than or equal to 250 feet in depth;

(3) 120 feet for a main building if the lot is over 250 feet in depth; and

(4) five feet for an accessory building or structure.

(g) Minimum side yards.

(1) All buildings and structures must have:

(A) on interior lots, a minimum side yard the greater of 10 feet or 80 percent of the average interior side yard in the blockface; and

(B) on corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

(2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Single-family and duplex uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit.

(i) Signs. Signs are governed by the provisions for non-business zoning districts in Article VII, "Sign Regulations," and all other applicable sign ordinances and laws.

(j) Story requirements. A main building must have at least two stories.

**SEC. 51P-63.116. PRESERVATION CRITERIA FOR AREA A.**

The following preservation criteria apply to all property in Area A

(1) Building placement, form, and treatment.

(A) Accessory buildings. Accessory buildings:

(i) are only permitted in the rear yard no closer than 15 feet to a main building; and

(ii) must be compatible with the scale, shape, roof form, materials, detailing, and color of a main building.

(B) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building.

(C) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.

(D) Awnings.

(i) Wood, metal, and plastic awnings are not permitted unless they:

(aa) are on an accessory building or the rear facade of a main building;

(bb) complement the color scheme of the building to which they are attached; and

(cc) are totally screened.

(ii) All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.

(E) Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

(F) Building widths. Minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.

(G) Chimneys. All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:

(i) constructed of brick, stucco, stone, or other materials that look typical of the style and period of a main building; and

(ii) of a style and proportion that is typical of the style and period of a main building.

(H) Color.

(i) Brick and stone surfaces. Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:

(aa) painting is the only method by which the brick or stone may be restored or preserved; or

(bb) the color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.

(ii) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

(iii) Dominant and trim colors. All structures must have a dominant color and no more than three trim colors. The colors of a structure must be complementary of each other and the overall character of this district.

(iv) Gutters and downspouts. Gutters and downspouts must be painted or colored to match or complement the color scheme of the structure to which they are attached.

(v) Roof colors. Roof colors must complement the style and overall color scheme of the structure.

(vi) Stain. The use and color of stain must be typical of the style and period of the building on which the stain is applied.

(I) Columns.

(i) Function. Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.

(ii) Materials. Columns must be constructed of brick, wood, cut stone, or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.

(iii) Style. Columns must be of a style typical of the style and period of a main building.

(iv) Width dimensions.

(aa) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.

(bb) The width of a two-story column shaft at its widest point must be at least one-tenth the height of the column.

(J) Facade materials.

(i) In general. The only permitted facade materials are brick, wood siding, stone, and stucco. All facade treatments and materials must be typical of the style and period of a main building.

(ii) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(iii) Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on columns and foundation skirts in a manner that is typical of the style and period of a main building.

(K) Front entrances and porches.

(i) Detailing. Railings, moldings, tilework, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.

(ii) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, or mesh screening.

(iii) Facade openings. Porches must not obscure or conceal any facade openings in a main building.

(iv) Floor coverings. Carpeting is not permitted as a porch floor or step covering.

(v) Location. An entrance treatment, including door transoms, sidelights, stained glass, trim, and hardware, must be retained in its original location.

(vi) Style. The main building must have a front porch or entry treatment with a shape, roof form, materials, and colors that are typical of the style and period of the building.

(L) Height to width ratio. The relationship between the height and width of the front facade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.

(M) Porte cocheres. Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates, or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.

(N) Roof forms.

(i) Eaves and soffits. The height of eaves and soffits on a main building must be within 10 percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.

(ii) Materials and colors. Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.

(iii) Overhang. The roof overhang on a building must be compatible with the style and scale of the building. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.

(iv) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.

(v) Skylights and solar panels. Skylights and solar panels are only permitted on:

(aa) the rear 50 percent of the roof of a main building on an interior lot;

(bb) the rear inside quadrant of the roof of a main building on a corner lot; and

(cc) the roof of an accessory building in the rear yard.

(vi) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of a main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.

(O) Stairs. Second and third story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side facade.

(P) Windows and doors.

(i) Front facade openings. The total number of window and door openings (combined) in the front facade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of a main building may not be increased.

(ii) Glass. Clear, decorative stained, and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted except in a bathroom window.

(iii) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows may be permitted if:

(aa) their frames are painted or colored to match or complement the color scheme of a main building;

(bb) they do not obscure significant features of the windows and doors they cover; and

(cc) the screen mesh is 18 by 16 gauge.

(iv) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.

(v) Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.

(vi) Style.

(aa) All windows and doors in the front facade of a main building must be proportionally balanced in a manner typical of the style and period of the building.

(bb) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.

(cc) All windows, doors, and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors, and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.

(dd) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(2) Landscaping.

(A) Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:

- (i) Above-ground meters.
- (ii) Berms.
- (iii) Pylons and similar structures.
- (iv) Rock or sculpture gardens.

(B) Fences.

(i) Definitions. The following definitions apply to terms used in these fence regulations:

(aa) FINISHED SIDE means the side of a fence that does not reveal the structural components.

(bb) STRUCTURAL COMPONENT means a post, column, or other vertical or horizontal member providing support and strength for a fence.

(ii) Form.

(aa) Fences must be constructed and maintained in a vertical position.

(bb) The top edge of a fence must be along a line that is either horizontal or parallel to grade. Except in the case of a picket, chain link, or wrought iron fence, the top edge of a fence must be flat.

(iii) Height. Maximum permitted height for a fence is nine feet.

(iv) Location.

(aa) Fences are not permitted in the front yard.

(bb) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(cc) A fence in the corner side yard must not be directly in front of the corner side facade, except that the commission may allow a fence that is directly in front of all or any portion of the rear 50 percent of the corner side facade if:

[1] more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

[2] the fence does not screen all or any portion of a significant architectural feature of a main building.

(dd) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

(ee) A fence must run either parallel or perpendicular to a building wall or lot line.

(ff) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.

(v) Materials. A fence must be constructed of one or more of the following materials: metal or plastic-coated chain link, wrought iron, wood, brick, or stucco. Exposed concrete blocks are not permitted.



(vi) Masonry fences.

(aa) The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.

(bb) All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(vii) Metal fences.

(aa) Wrought iron and metal fences must be compatible with the style and period of a main building.

(bb) If a wrought iron or metal fence is painted or colored, the color must be black, dark green, or dark brown and complement the color of a main building.

(viii) Wooden fences.

(aa) All wooden structural posts must be at least four inches in diameter (nominal size).

(bb) The side of a wooden fence facing a public street must be the finished side.

(cc) Wooden fences may be painted or stained a color that is complementary to a main building.

(C) Outdoor lighting. Outdoor light fixtures on the front facade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted.

(D) Pavement, filler, and edging materials. Pavement, filler, and edging materials, such as landscape timbers, gravel, and bark, used in landscape beds in the front and corner side yards must be reviewed by the commission as part of an overall landscape plan if the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.

(E) Planter boxes. Planter boxes must be:

(i) an integral part of and typical of the style and period of a main building;

- (ii) 18 inches or less in height;
- (iii) 36 inches or less in depth; and
- (iv) constructed of brick, stone, or smooth-finish concrete that matches or is compatible in texture, color, and style with a main building.

(F) Retaining walls. Retaining walls are not permitted in the front and side yards except to preserve a natural or existing slope or to make a slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco, or smooth-finish concrete that is compatible in texture, color, and style with a main building.

(G) Sidewalks, driveways, and curbing.

(i) Materials.

(aa) No exposed aggregate, asphaltic, or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway, or curbing material.

(bb) All public sidewalks and curbing must be constructed of brush finish concrete.

(cc) All private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, or slate. Gravel is allowed in the center strip of a ribbon driveway. Any material used in a sidewalk or driveway must be compatible in texture, color, and style with a main building.

(ii) Width, style, and spacing.

(aa) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to 20 feet at any point behind the front facade.

(bb) Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.

(cc) Circular driveways are not permitted in the front yard.

(dd) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot.

**SEC. 51P-63.117 through SEC. 51P-63.131**  
**Omitted for brevity**

**SEC. 51P-63.132. USE REGULATIONS FOR AREA G.**

(a) Purpose. The purpose of this subsection is to preserve the structure at 5500 Swiss Avenue (the “House”), its specific interior architectural features, and the grounds. The House, which is a Registered Texas Historic Landmark, is one of the most important residential landmarks in the City of Dallas due to its retention of its original floor plan and many original exterior and interior architectural elements. The general objectives of the conditions for Area G are to promote and protect the health, safety, welfare, and enjoyment of the public and to preserve and enhance the historical, architectural, and cultural significance of Swiss Avenue, one of the most intact historic residential streets in the United States.

(b) In general. The use regulations in this article applicable to Area A apply to all property in Area G except as expressly modified in this section.

- (1) Historic house museum and meeting space is allowed to operate:

Staff recommendation:

- |                    |   |
|--------------------|---|
| <u>Sunday, and</u> | (A) <u>by right between 9:00 a.m. and 5:00 p.m., Monday through</u> |
|                    | (B) <u>by SUP only after 5:00 p.m., Monday through Sunday.</u>      |

Applicant’s request:

- |                |  |
|----------------|--|
| <u>Sunday.</u> | (A) <u>by right between 8:00 a.m. and 10:00 p.m., Monday through</u> |
|----------------|--|

(C) Set up and tear down of equipment and associated functions must occur during the hours of operation.

(2) A caretaker’s quarters is a permitted accessory use only in conjunction with an historic house museum and meeting space.

**SEC. 51P-63.115. DEVELOPMENT STANDARDS FOR AREA G.**

(a) In general. The development standards in this article applicable to Area A apply to all property in Area G except as expressly modified in this section.

(b) Off-street parking requirements.

(1) Single-family. A minimum of two off-street parking spaces per dwelling unit is required. Required parking may not be located within the required front yard.

(2) Historic house museum and meeting space. A minimum of 56 parking off-street parking spaces are required.

(A) A minimum of 19 off-street parking spaces must be located within Area G.

(B) Maneuvering in the alley is allowed in order to access parking spaces.

(C) Four tandem spaces within Area G may only be used in conjunction with a valid valet permit.

(C) Remote parking is allowed within a walking distance no greater than 450 feet from the use.

(D) Remote parking may be based on a lease of the remote parking spaces only if the lease:

(i) is in writing;

(ii) contains legal descriptions of the properties affected;

(iii) specifies the special parking being provided and the hours of operation of any use involved;

(iv) is governed by the laws of the state of Texas;

(v) is signed by all owners of the properties affected;

(vi) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;

(vii) is for a minimum term of three years; and

(viii) provides both the owner of the lot occupied by the use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(c) Additional provisions for an historic house museum and meeting space.

(1) No tents or other temporary structures are allowed.

(2) No amplified music or live music is allowed outside.

(3) Weddings and wedding receptions are not permitted.

(4) Outdoor lighting is permitted in the locations shown on the site plan. No other outdoor lighting is permitted unless approved by a Certificate of Appropriateness. Temporary lighting is permitted but is limited to string lighting and portable light standards. Maximum height of string lighting is 10 feet, as measured to the highest point of string lighting. Maximum height of a light fixture for a portable light standard is eight feet, as measured to highest point of the light fixture.

**SEC. 51P-63.116. PRESERVATION CRITERIA FOR AREA G.**

(a) In general. The preservation criteria in this article applicable to Area A apply to all property in Area G except as expressly modified in this section.

(b) Area G Interior preservation.

(1) The following areas within the House are protected:

(A) Living room. Stained wood surfaces may not be painted. Painted surfaces may be re-painted the same color without review. If paint color is altered, the proposed color is subject to staff review. Stone fireplace and hearths must remain. Alterations to the finish of stained wood surfaces are subject to review. Protected features within the living room are:

(i) Decorative plaster ceiling.

(ii) Mahogany trim work at windows, doors and paneling.

(iii) Fireplace mantle and hearth.

(iv) 1.5-inch gauge quarter-sawn white oak flooring.

(B) Entry vestibule. Painted surfaces may be re-painted the same color without review. If paint color is altered, the proposed color is subject to staff review. Stone flooring must be maintained and preserved. Any alteration of stone work is subject to review by the commission. Protected features within the entry hall are:

(i) Dressed plaster walls.

(ii) Marble flooring.

(C) Foyer and Two-Story Stair hall. Stained wood surfaces may not be painted. Painted surfaces may be re-painted the same color without review. If paint color is altered, the proposed color is subject to staff review. Alterations to the finish of wood surfaces are subject to review. Deteriorated painted plaster inserts in paneling may be replaced only with like material and is subject to review by the commission. Protected features within the stair hall are:

- (i) Mahogany paneling with painted plaster inserts.
- (ii) Decorative metal handrails.
- (iii) 1.5-inch gauge quarter-sawn white oak flooring.

(D) Dining room. Stained wood surfaces may not be painted. Painted surfaces may be re-painted the same color without review. If paint color is altered, the proposed color is subject to staff review. Stone fireplace and hearth must be maintained and preserved. Alterations to the finish of wood surfaces are subject to review. Protected features within the dining room are:

- (i) Decorative plaster ceiling.
- (ii) Walnut trim work at windows, doors, and wainscot.
- (iii) Fireplace mantle and hearth.
- (iv) 1.5-inch gauge quarter-sawn white oak flooring.

(E) Greenhouse. The metal glazing system may be re-painted the same color without review. Glazing may be maintained without review. Glass may be replaced with new glass that matches the original glass without review. Protected features within the greenhouse are:

- (i) Glazing and metal glazing system.
- (ii) Tile flooring.

(2) Protected features of the protected interior areas may not be altered or removed without review by the commission, unless otherwise specified. All work must comply with the Secretary of Interior Standards for "Preservation" and the applicable "Preservation Briefs".

**SEC. 51P-63.13~~32~~. ADDITIONAL PROVISIONS [BUILDING OFFICIAL].**

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

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.  
~~[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 Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city.]~~

**SEC. 51P-63.13~~43~~<sup>43</sup>. COMPLIANCE WITH CONDITIONS ~~[STREETS AND PAVING]~~.**

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

**SEC. 51P-63.13~~54~~<sup>54</sup>. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a certificate of occupancy for a use in this PD until there has been full compliance with this article, as amended, and with the construction codes and all other applicable ordinances, rules, and regulations of the city.

**~~SEC. 51P-63.135. ZONING MAP.~~**

~~PD 63 is located on Zoning Map No. I-8.~~

**CPC RECOMMENDED  
SPECIFIC USE PERMIT CONDITIONS**

**CPC RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT**

1. **USE:** The only use authorized by this specific use permit is an extended-hours historic house museum and meeting space use.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

*CPC Recommendation:*

- |  |
|--|
| 3. <b>TIME LIMIT:</b> This specific use permit expires five years from passage of this ordinance (date). |
|--|

*Staff recommendation:*

- |   |
|---|
| 3. <b>TIME LIMIT:</b> This specific use permit expires two years from passage of this ordinance (date). |
|---|

*CPC Recommendation:*

- |  |
|--|
| 4. <b>DAYS AND HOURS OF OPERATION:</b> An extended-hours historic house museum and meeting space use may only operate between 5:00 p.m. and 9:00 p.m., Monday through Sunday, a maximum total of 36 times per calendar year and a maximum total of three non-consecutive events per month. |
|--|

*Staff recommendation:*

- |  |
|--|
| 4. <b>DAYS AND HOURS OF OPERATION:</b> An extended-hours historic house museum and meeting space use may only operate between 5:00 p.m. and 8:00 p.m., Monday through Sunday, a maximum total of 26 times per calendar year and a maximum total of three non-consecutive events per month. |
|--|

5. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
6. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



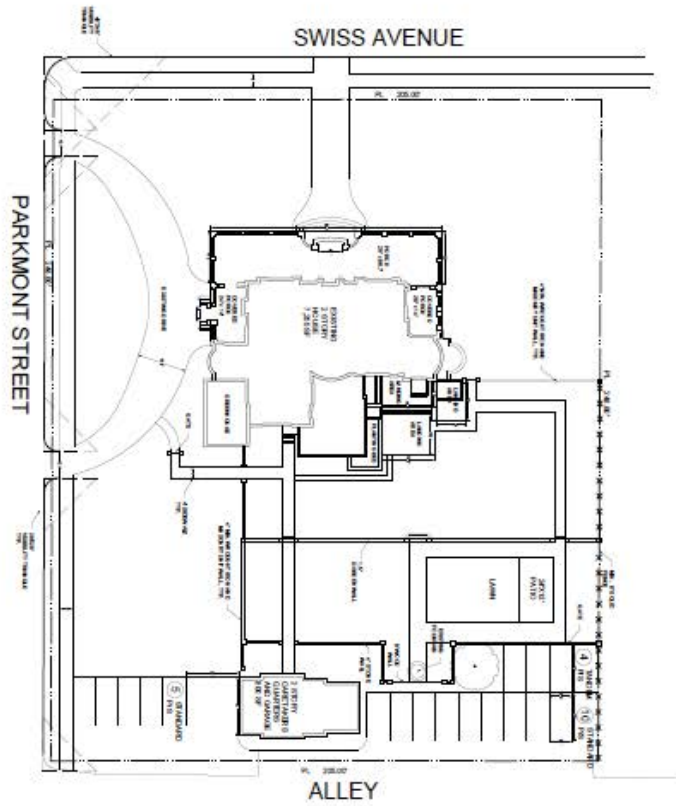
**Proposed Development/Site Plan**



1

**ALDREDGE HOUSE SUP SITE PLAN**

SCALE 1" = 20'-0"



VICINITY MAP

NTS

**SITE INFORMATION:**

USE: DALLAS COUNTY MEDICAL SOCIETY ALLIANCE FOUNDATION ESTABLISHMENT FOR RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE.

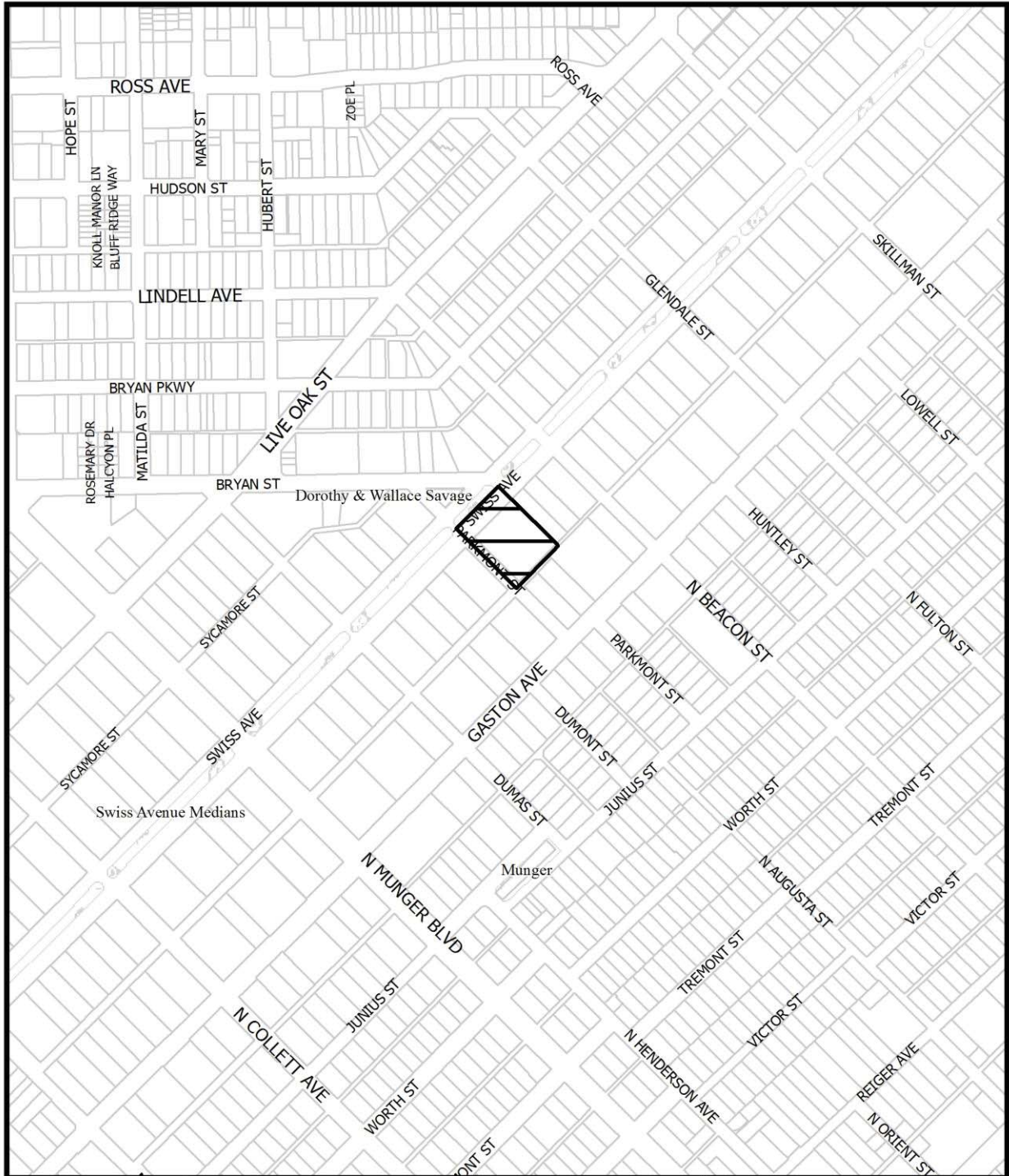
EXISTING HOUSE: 7,255 SF  
 EXISTING CARETAKER'S QUARTERS: 800 SF  
 STRUCTURE HEIGHT: 36' TO TOP OF ROOF; 38' TO TOP OF CHIMNEY  
 LOT COVERAGE: 14.32%


SETBACKS:  
 FRONT YARD: 65'  
 REAR YARD: 90'  
 ACCESSORY STRUCTURE: 5'  
 CORNER SIDE YARD: 15'

PARKING:  
 CARETAKER'S PARKING:  
 2 GARAGE P/S  
 ALDREDGE HOUSE PARKING:  
 ON-SITE PARKING:  
 15 STANDARD P/S  
 4 TANDEM P/S  
 OFF-SITE PARKING:  
 36 STANDARD P/S  
 LOCATED AT 5436 GASTON

TOTAL PARKING REQUIRED: 56  
 TOTAL PARKING PROVIDED: 57

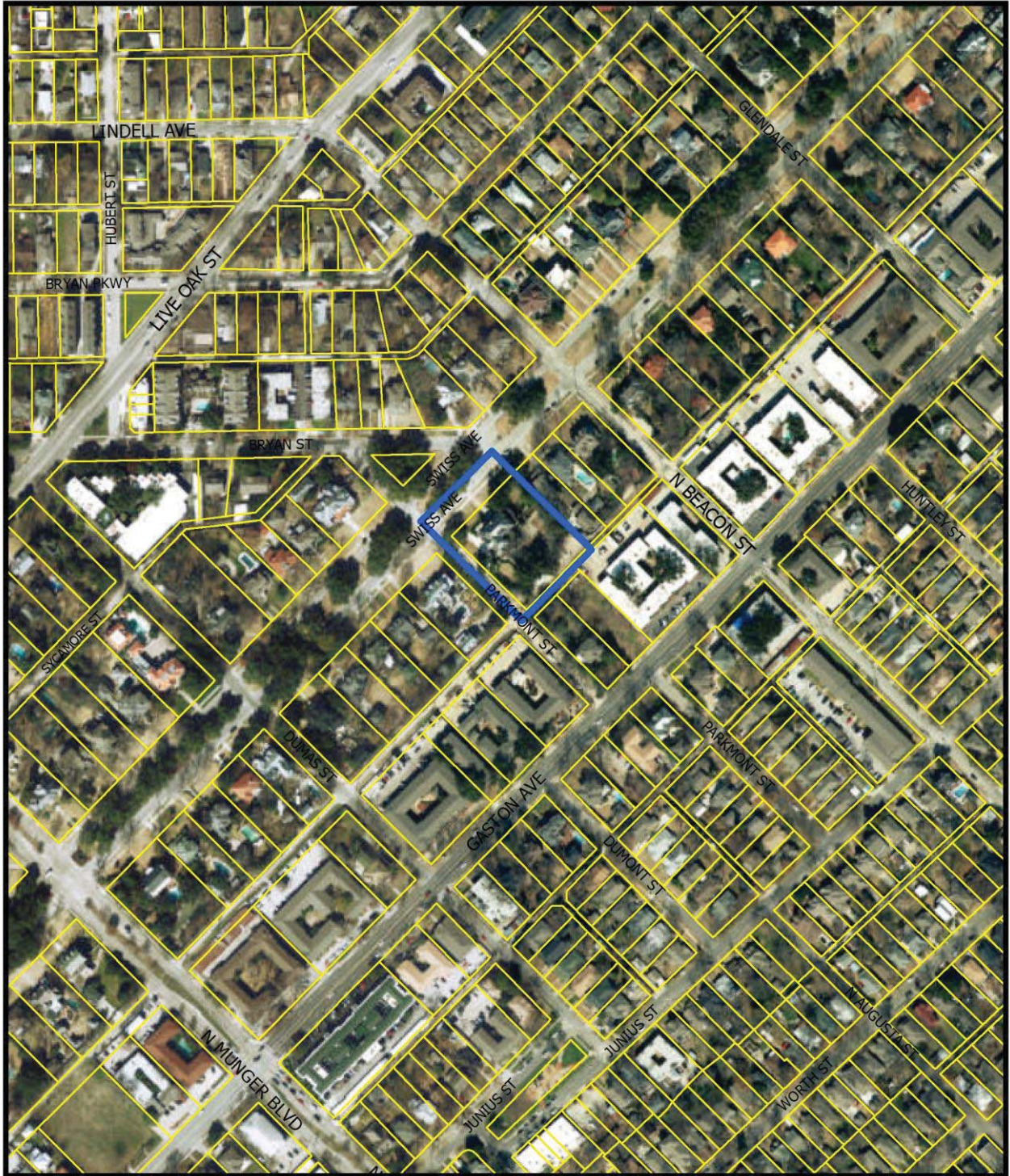
CASE NUMBER: Z145-377 (MD/RB)



  
1:6,000

# VICINITY MAP

Case no:     **Z145-337**      
Date:     **9/25/2017**

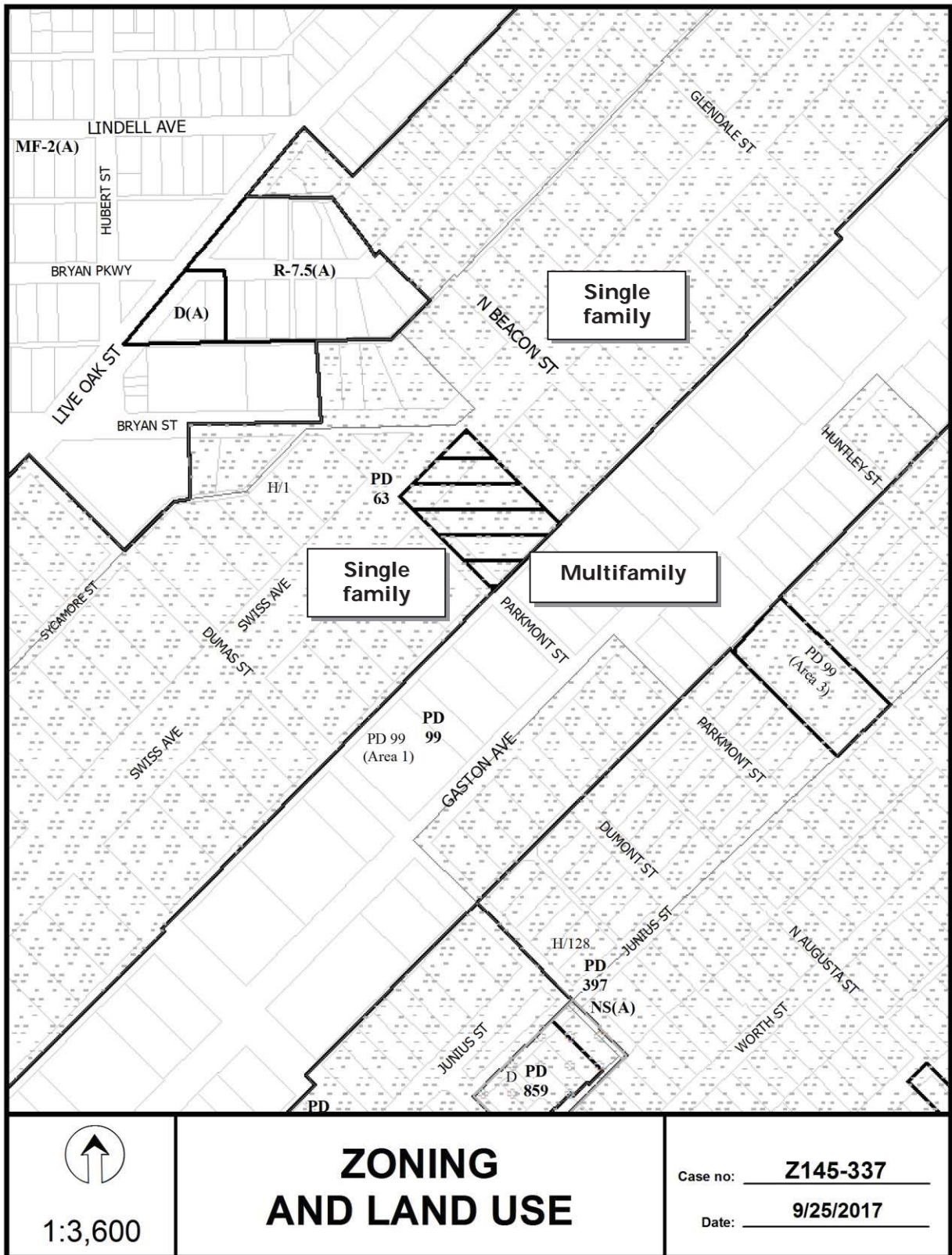


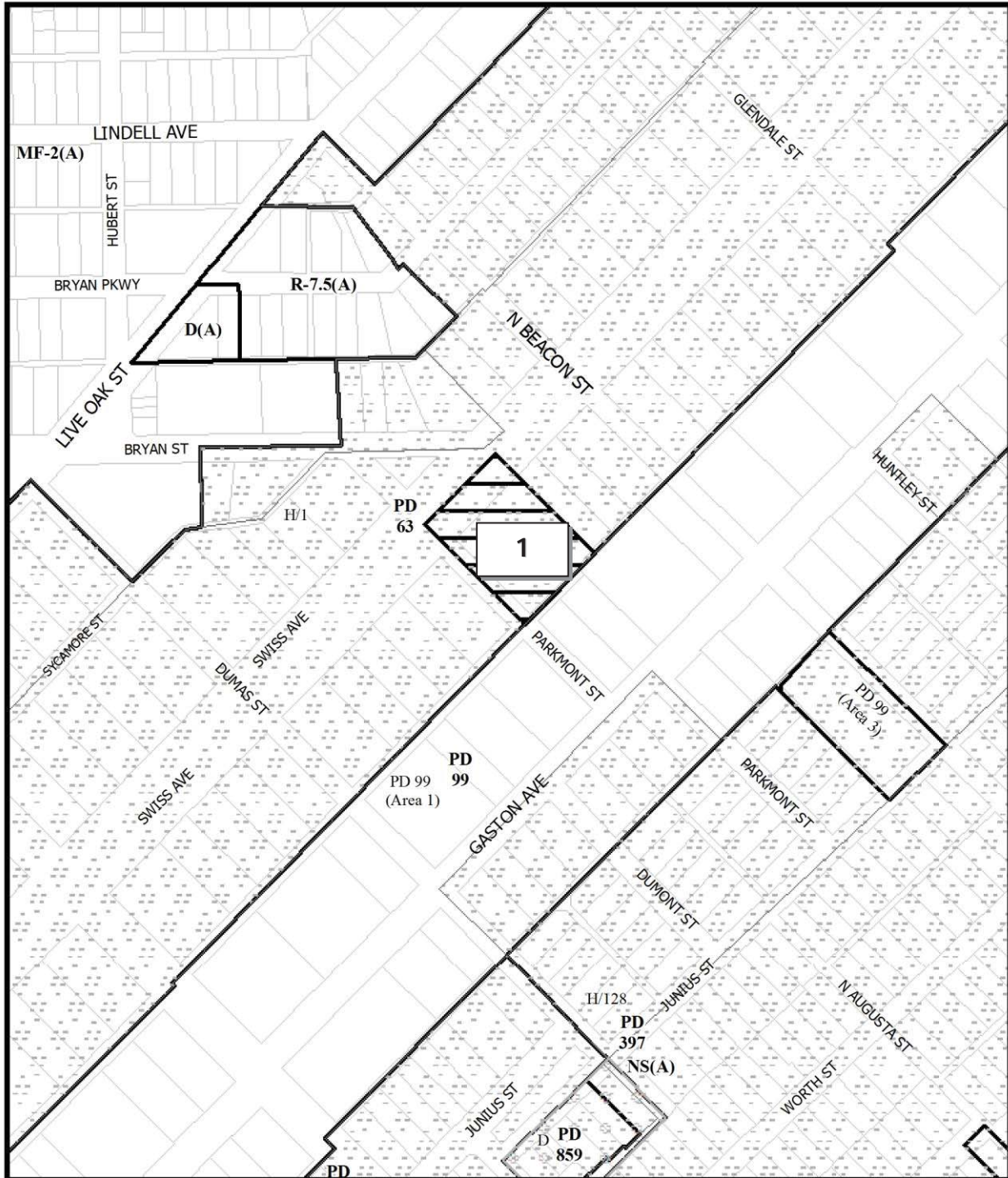
1:3,600

# AERIAL MAP

Case no: Z145-337

Date: 9/25/2017





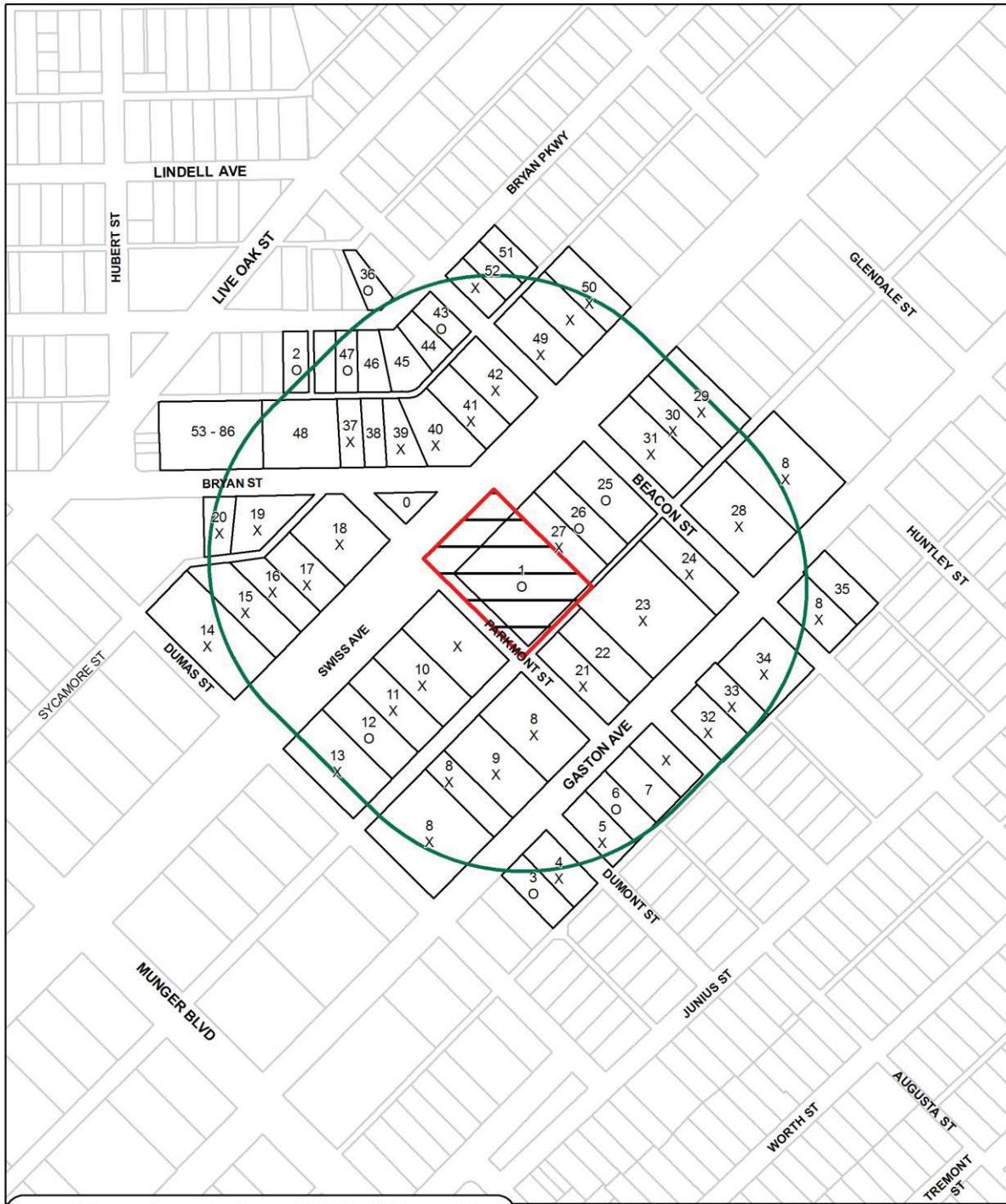
1:3,600

# ZONING HISTORY

Case no: Z145-337

Date: 9/25/2017

### CPC RESPONSES



<u>91</u>	Property Owners Notified (63 parcels)
<u>10</u>	Replies in Favor (10 parcels)
<u>41</u>	Replies in Opposition (40 parcels)
<u>500'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z145-337**  
**CPC**



1:3,600

11/30/2017

**Reply List of Property Owners****Z145-337****91 Property Owners Notified****10 Property Owners in Favor****41 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
O	1	5500 SWISS AVE	DALLAS CO MEDICAL SOC
O	2	5924 BRYAN PKWY	HOGUE THOMAS II
X	5	5430 GASTON AVE	PUTNAM STEPHEN K
O	6	5436 GASTON AVE	DLS CO MED SOC WOMENS AUX
	7	5444 GASTON AVE	GASTON COMMONS LLC
X	10	5416 SWISS AVE	ROSE ROBERT N JR
O	12	5408 SWISS AVE	HAMPTON JOHN G & JOANNA L
X	13	5400 SWISS AVE	POWER CRAIG P
X	16	5417 SWISS AVE	HURST JAMES & CAREY
X	17	5421 SWISS AVE	FINLEY JAMES NEAL & LOUISE MCCLINTOCK
X	19	5420 BRYAN ST	VAUGHAN ROBERT B
X	21	5505 GASTON AVE	STANLEY MABLE C
	22	5507 GASTON AVE	GATOR REO LLC
O	25	5520 SWISS AVE	MILLER JANICE SUE
O	26	5518 SWISS AVE	ROGERS ROBERT H & DONNA
X	27	5514 SWISS AVE	MCCUNE MICHAEL J &
X	30	5610 SWISS AVE	SCHUTZE ROBERT E
X	31	5602 SWISS AVE	PINSON DAVID & NANCY
	35	5606 GASTON AVE	JAMES MICHAEL R ETAL
O	36	5943 BRYAN PKWY	GREINER JUSTIN DAVID &
	38	5503 BRYAN ST	MOBLEY THERESA & ORAN
X	39	5507 BRYAN ST	DUNKERLEY JAMES F &
X	40	5521 SWISS AVE	HAMILTON CHRISTOPHER SCOTT & ANNE LANGDON
X	41	5527 SWISS AVE	NOLAN MICHAEL J & ANNE R
O	43	5948 BRYAN PKWY	SCHAUB ROBYN & ADAM C
	44	5944 BRYAN PKWY	MEYER MICHELLE &

11/30/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	45	5940 BRYAN PKWY	ALVES ANTONIO &
	46	5936 BRYAN PKWY	5936 BRYAN PKWY LLC
O	47	5930 BRYAN PKWY	MCCOLLUM ROBERT H
	48	5421 BRYAN ST	HETRICK DENNIS W &
	51	6008 BRYAN PKWY	SAWYER JOHN S IV
	52	6004 BRYAN PKWY	CARROLL ROGER LEE
	53	5407 BRYAN ST	MILLER SHERYL
	54	5407 BRYAN ST	ROWLAND CASSANDRA K &
	55	5407 BRYAN ST	YOUNGER SUZAN L
	56	5407 BRYAN ST	RICE SABRIYA
	57	5407 BRYAN ST	PATTERSON EARL T & BETTY J
	58	5407 BRYAN ST	SMID SUSAN M
	59	5407 BRYAN ST	MCMAHAN STEVEN ALLEN
	60	5407 BRYAN ST	LONG LAURA KAREN
	61	5407 BRYAN ST	HOCKENBERRY STEVEN S
	62	5407 BRYAN ST	HALL LAUREN ELIZABETH
	63	5407 BRYAN ST	BURDUROGLU ISMAIL
	64	5407 BRYAN ST	BATTIATO SHERLIE
	65	5407 BRYAN ST	DIETZEL ASHLEY E
	66	5407 BRYAN ST	SCHULTZ CHRISTOPHER &
	67	5407 BRYAN ST	WALLACE MARY E
	68	5407 BRYAN ST	MULCH BRITTANY MEGAN
	69	5407 BRYAN ST	PENNINGTON STEPHEN KEITH
	70	5407 BRYAN ST	ECHOLS WILLIAM
	71	5407 BRYAN ST	LE JENNIFER S
	72	5407 BRYAN ST	GOUGH DONNA L TRUST
	73	5407 BRYAN ST	HOOKER JACK HULEN
	74	5407 BRYAN ST	FERNANDES CYRIL J
	75	5407 BRYAN ST	STIEHL KRISTIN A
	76	5407 BRYAN ST	MINICK MATTHEW E
	77	5407 BRYAN ST	MARCAU DE GANDOLFO ANA MARIA



Z145-337(MD/RB)

11/30/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	78	5407 BRYAN ST	ZELENIAK ANN MARIE TRUST
	79	5407 BRYAN ST	BIERSCHENK STEPHEN W
	80	5407 BRYAN ST	FAVELA RICARDO
	81	5407 BRYAN ST	HANSEN CARLY M
	82	5407 BRYAN ST	BOVEE TRAVIS N
	83	5407 BRYAN ST	MORELLO GINA
	84	5407 BRYAN ST	BRAGAW RANDALL P & ROXANNE
	85	5407 BRYAN ST	NORDYKE SHEILA A
	86	5407 BRYAN ST	DEORE WENDY
	10000	5926 BRYAN PKWY	
O	A1	5416 GASTON AVE	OSGOOD JENNIFER
X	A2	5422 GASTON AVE	SIEGEL ROBYN S &
X	A3	5405 GASTON AVE	ROLLING CASH UPPER E LP
X	A4	5411 GASTON AVE	ROLLING CASH UPPER E LP
X	A5	5435 GASTON AVE	ROLLING CASH UPPER E LP
X	A6	5602 GASTON AVE	ROLLING CASH UPPER E LP
X	A7	5619 GASTON AVE	ROLLING CASH UPPER E LP
X	A8	5425 GASTON AVE	SC GASTON LLC
X	A9	5412 SWISS AVE	RAMIREZ RENE M
X	A10	5405 SWISS AVE	MCCOLL CASSANDRA A & ARCHIBALD C III
X	A11	5411 SWISS AVE	COSTELLO JAMES R &
X	A12	5439 SWISS AVE	MCDANIEL LLOYD H &
X	A13	5418 BRYAN ST	BURGER NEIL R
X	A14	5515 GASTON AVE	SC MARQUEE LLC
X	A15	907 N BEACON ST	JSH 907 BEACON LLC
X	A16	5601 GASTON AVE	POWER 5601 GASTON LLC
X	A17	5614 SWISS AVE	EARLY CHRISTIAN W
X	A18	5500 GASTON AVE	HISTORIC RESIDENCES OF EAST DALLAS LLC
X	A19	5516 GASTON AVE	BAILEY DAVID J & CYNTHIA J
X	A20	5520 GASTON AVE	ALTMAN SAM
X	A21	5520 GASTON AVE	ALTMAN SAM

Z145-337(MD/RB)

11/30/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	A22	5501 BRYAN ST	WEINBERGER RISA
X	A23	5533 SWISS AVE	MCCAVIT TODD A & LAURA W
X	A24	5603 SWISS AVE	WATTERS DANIEL & ALEXANDRIA M
X	A25	5617 SWISS AVE	BAUS JERRY E & MICHELLE A
X	A26	6000 BRYAN PKWY	
X	A27	5611 SWISS AVE	
X	A28	5420 SWISS AVE	
X	A29	5450 GASTON AVE	

**AGENDA ITEM # 53**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 48 U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: Approval for a five-year period, subject to conditions  
Z167-284(PD)

**FILE NUMBER:** Z167-284(PD)

**DATE FILED:** April 27, 2017

**LOCATION:** Northeast corner of South Buckner Boulevard and Norvell Drive

**COUNCIL DISTRICT:** 7

**MAPSCO:** 48 U

**SIZE OF REQUEST:** ±1.009 acre

**CENSUS TRACT:** 90.00

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**REPRESENTATIVE:** Misham Awadelkariem

**APPLICANT:** Autry's, Inc.

**OWNER:** Faten Daouk

**REQUEST:** An application for the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to continue the sale of beer and wine for off-premise consumption in conjunction with the existing general merchandise or food store.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

**CPC RECOMMENDATION:** Approval for a five-year period, subject to conditions.

**BACKGROUND INFORMATION:**

- On September 12, 2012, City Council approved Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less, for a five-year period.
- The ±1.009-acre request site is developed with a ±3,600-square foot building comprised of two suites. One suite is occupied with a ±2,557-square foot general merchandise or food store (convenience store); the other with a ±1,131-square foot hair salon.
- The applicant proposes to continue the sale of beer and wine for off-premise consumption in conjunction with the convenience store.
- The request site is surrounded by undeveloped land to the north; single family residential to the east; a convenience store to the south and a convalescent hospital/nursing home and undeveloped land to the west.

**Zoning History:** There have been two recent zoning change requests in proximity to the subject site within the last five years.

1. Z156-208 On January 11, 2017, the City Council approved Specific Use Permit No. 2208 for a commercial amusement (inside) limited to a dance hall use.
2. Z112-219 On August 22, 2012, the City Council approved Specific Use Permit No. 1986 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
S. Buckner Boulevard	Principal Arterial	100-ft.
Norvell Drive	Local	50-ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	PDD No. 366	Convenience store; hair salon
<b>North</b>	PDD No. 366	Undeveloped
<b>East</b>	R-7.5(A)	Single family
<b>South</b>	PDD No. 366	Convenience store
<b>West</b>	PDD No. 366; PDD No. 75	Convalescent hospital/nursing home

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The Comprehensive Plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Residential Neighborhood*. While single family dwellings are the dominant land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant's proposal is consistent with the following goals and policies of the Comprehensive Plan.

**LAND USE ELEMENT**

**Goal 1.1** Promote desired development

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

**URBAN DESIGN ELEMENT**

**GOAL 5.3** Establishing walk-to convenience

Policy 5.3.1: Encourage a balance of land uses within walking distance of each other.

**Land Use Compatibility:**

The ±1.009-acre request site is developed with a ±3,600-square foot building comprised of two suites. One suite is occupied with a ±2,557-square foot general merchandise or food store (convenience store); the other with a ±1,131-square foot hair salon.

The applicant proposes the continued sale of beer and wine for off-premise consumption in conjunction with the convenience store. Due to the existing zoning of a D-1 Liquor Control Overlay, the sale of alcoholic beverages on the property requires renewal of the Specific Use Permit.

The request site is surrounded by undeveloped land to the north; single family residential to the east; a convenience store to the south and a convalescent hospital/nursing home and undeveloped land to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request is consistent with the intent of the Dallas Development Code. Therefore, staff recommends approval of the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area, the requirement for personal services use is also one (1) space per 200 square feet of floor area.

Therefore, the existing  $\pm 2,557$ -square foot general merchandise or food store (convenience store) and  $\pm 1,131$ -square foot hair salon requires 18 spaces. The subject site is currently served by 18 parking spaces, as depicted on the site plan.

**Landscaping:**

Landscaping is provided in accordance with Planned Development District No. 366 regulations (§51P-366.110).



**Police Report:**

The Dallas Police Department's offense incident report for the period from April 2013 to present.

Master_Incident_Number	Response_Date	Response_Time	Problem	Address	ZipCode
17-1706496	9/7/2017	9:58	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-1647041	8/29/2017	10:13	40/01 - Other	3510 S Buckner Blvd	75227
17-1356845	7/16/2017	23:09	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-1199325	6/24/2017	18:26	40 - Other	3510 S Buckner Blvd	75227
17-1186880	6/22/2017	22:05	09V-01 UUMV Just Ocrd	3510 S Buckner Blvd	75227
17-1014847	5/29/2017	9:43	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-0553427	3/23/2017	21:34	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-0450337	3/8/2017	16:21	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
17-0437822	3/6/2017	21:02	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
16-1063775	6/1/2016	23:46	21B - Business Hold Up	3510 S Buckner Blvd	75227
16-0530977	3/20/2016	7:38	41/11B - Burg Busn in Progress	3510 S BUCKNER BLVD	75227
16-0082385	1/13/2016	20:05	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
16-0047080	1/8/2016	7:48	11B - Burg of Bus	3510 S Buckner Blvd	75227
15-2505155	12/15/2015	1:54	12B - Business Alarm	3510 S Buckner Blvd	75227
15-1699232	8/22/2015	6:01	12B - Business Alarm	3510 S Buckner Blvd	75227
15-0789615	4/26/2015	0:47	DASF-Dist Active Shooter Foot	3510 S Buckner Blvd	75227
15-0535239	3/22/2015	14:11	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
15-0474373	3/13/2015	21:39	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
15-0418904	3/5/2015	18:12	09/01 - Theft	3510 S Buckner Blvd	75227
14-2106789	10/27/2014	19:47	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
14-1410625	7/22/2014	0:05	31 - Criminal Mischief	3510 S BUCKNER BLVD	75227
14-1410575	7/21/2014	23:50	31/01 - Crim Mis/Prog/Non Felo	3510 S Buckner Blvd	75227
14-0813779	4/30/2014	19:42	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
14-0539927	3/22/2014	22:33	34 - Suicide	3510 S Buckner Blvd	75227
14-0530292	3/21/2014	16:59	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
14-0198767	1/31/2014	5:34	12B - Business Alarm	3510 S Buckner Blvd	75227
13-2173158	11/7/2013	3:01	12B - Business Alarm	3510 S Buckner Blvd	75227
13-2174083	11/7/2013	8:48	32 - Suspicious Person	3510 S Buckner Blvd	75227
13-2092597	10/25/2013	23:01	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
13-1832237	9/17/2013	13:17	40/01 - Other	3510 S Buckner Blvd	75227
13-1833406	9/17/2013	16:23	40/01 - Other	3510 S Buckner Blvd	75227
13-1617793	8/18/2013	11:14	7X - Major Accident	3510 S Buckner Blvd	75227
13-1230284	6/25/2013	18:36	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
13-0964931	5/21/2013	12:47	6X - Major Dist (Violence)	3510 S Buckner Blvd	75227
13-0810854	4/29/2013	21:23	40/01 - Other	3510 S Buckner Blvd	75227

**Prior CPC Action**

**December 14, 2017:**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1989 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period, subject to conditions on property zoned Subarea 6 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the northeast corner of South Buckner Boulevard and Norvell Drive.

Maker: Mack  
Second: Rieves  
Result: Carried: 15 to 0

For: 15 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 200 Mailed: 16  
**Replies:** For: 0 Against: 0

**Speakers:** For: Misham Awadelkariem, 2520 K Ave., Plano, TX, 75074  
Against: None

Z167-284(PD)

**Partners/Principals/Officers:**

**Owner: Duke & Sons, Inc.**

Imad Daouk, Sole Officer and Director

**Applicant: Autry's, Inc.**

Tigest Atnafe, President/Vice President and Director

Ahmed Omar, Director

**CPC Recommended Conditions**

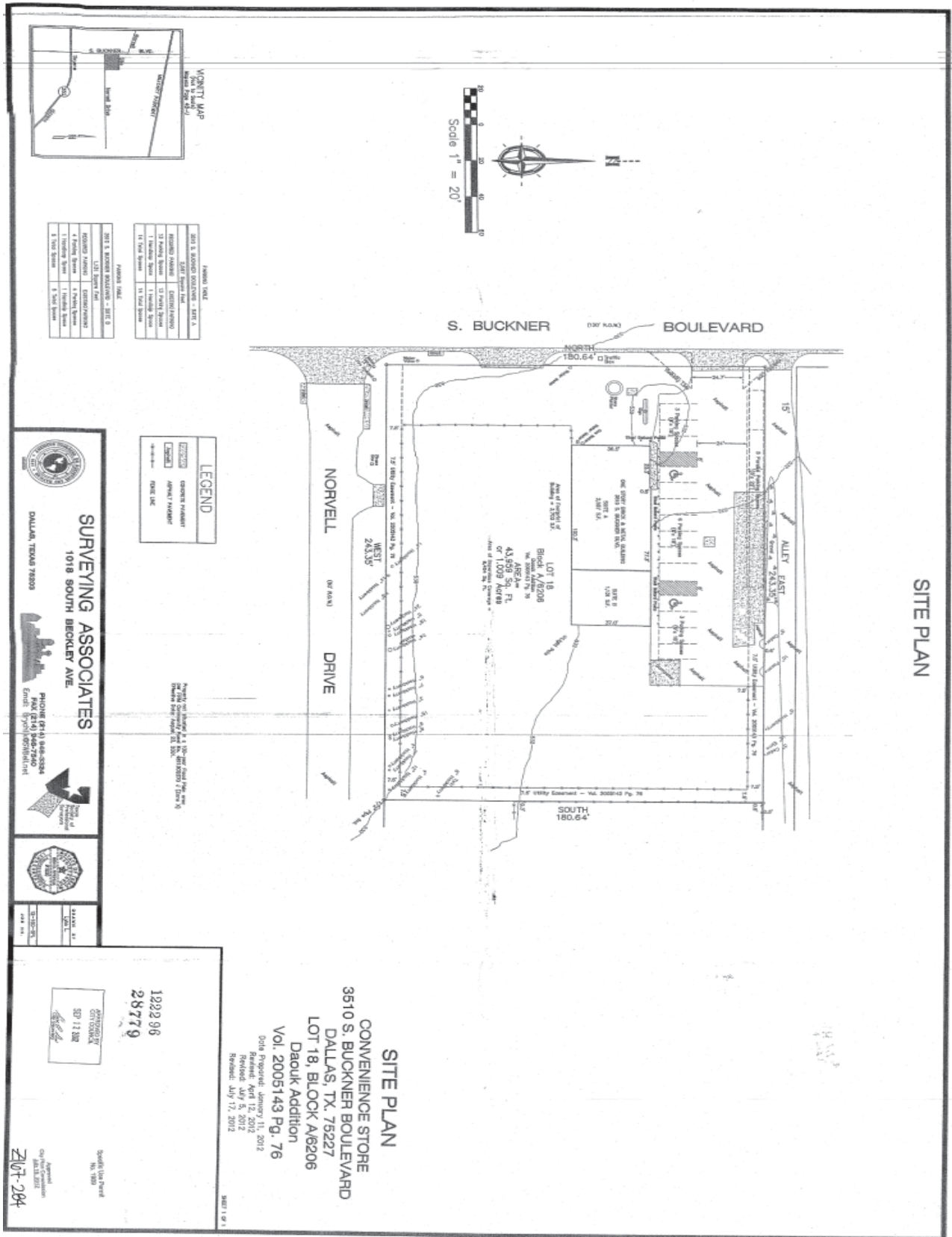
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. CPC Recommended  
TIME LIMIT: This specific use permit expires on \_\_\_\_\_ (five-year) period.

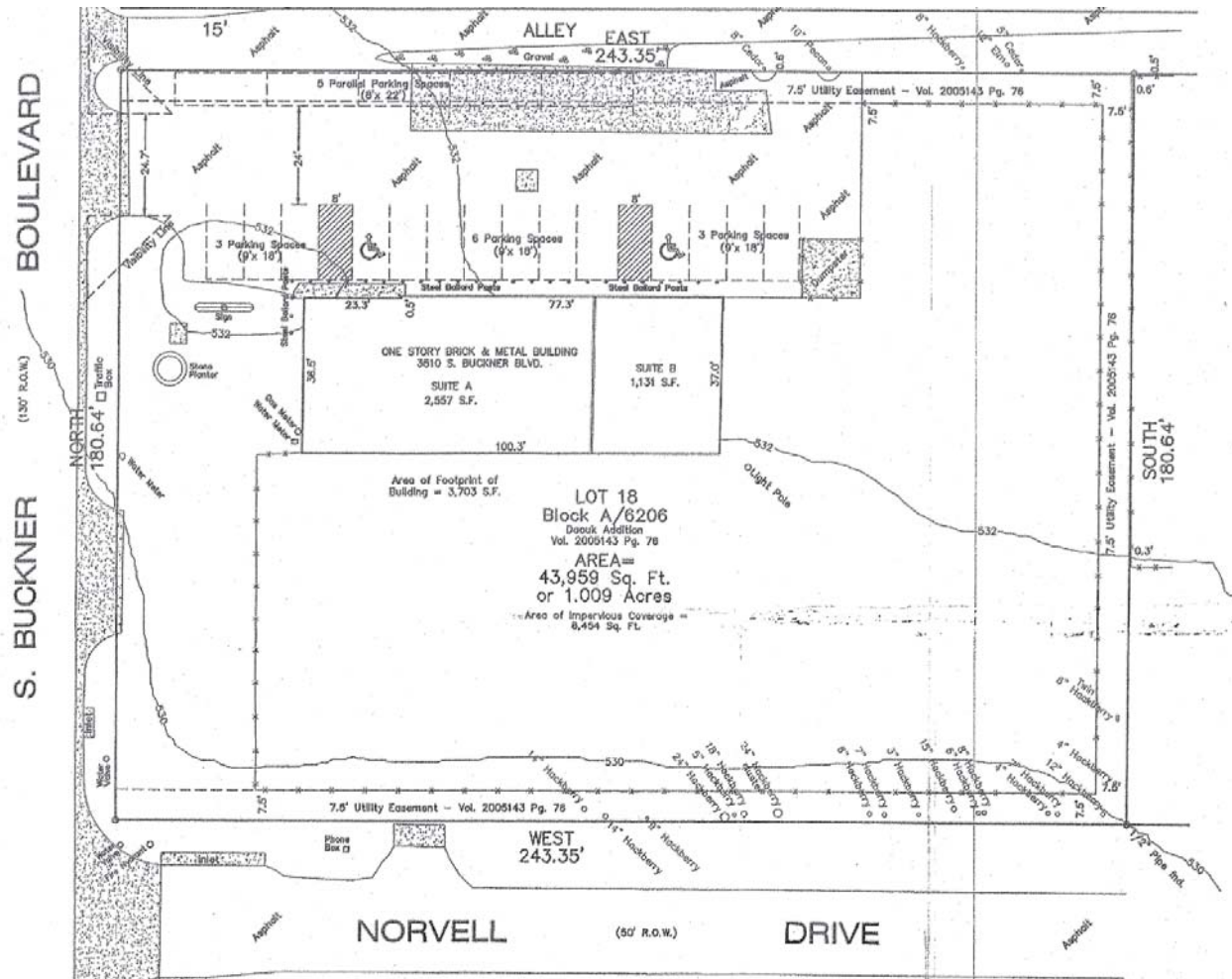
3. Staff Recommended:  
TIME LIMIT: This specific use permit expires on \_\_\_\_\_ (five-year) period but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

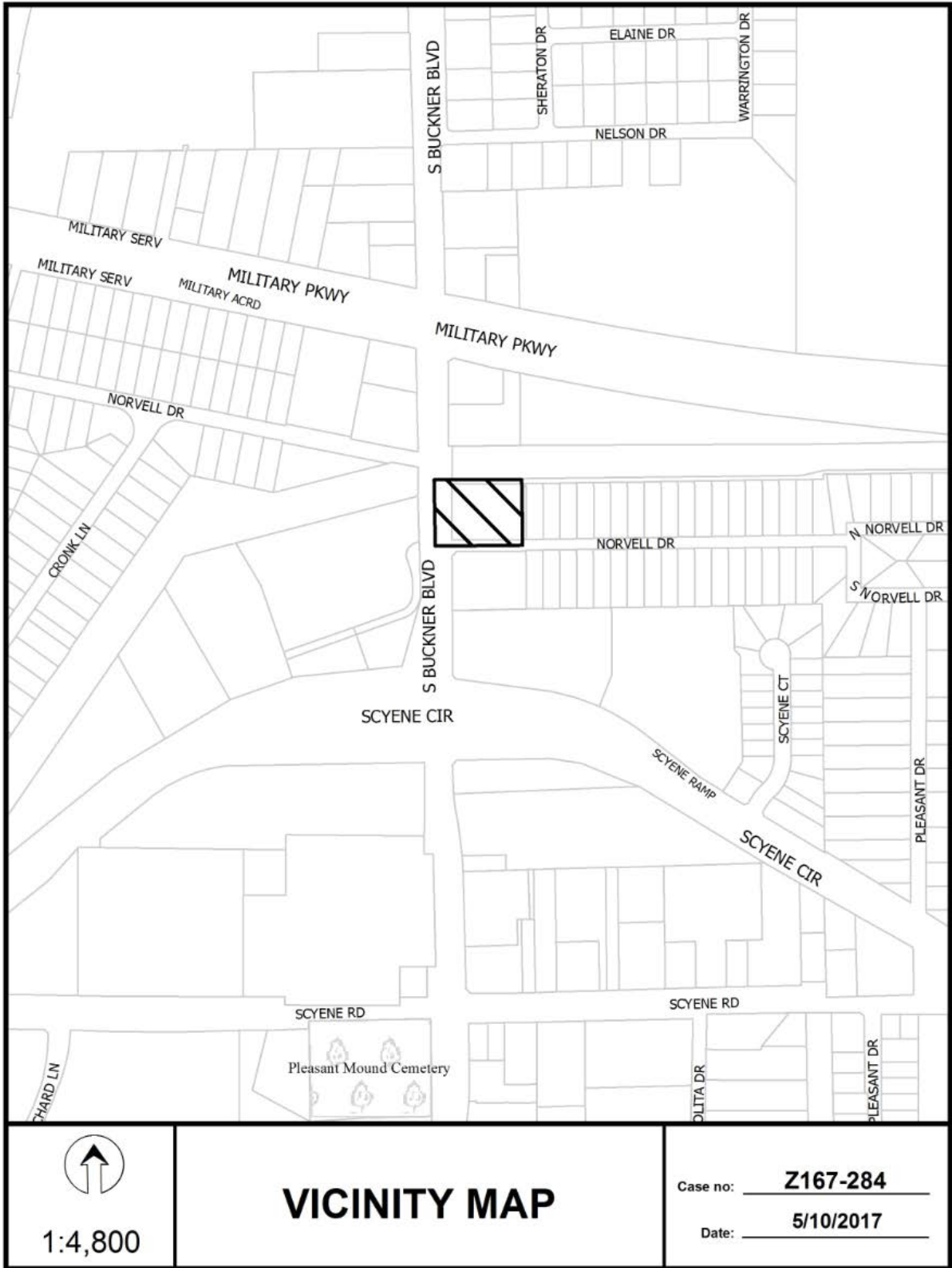
4. FLOOR AREA: Maximum floor area is 2,557-square feet.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Site Plan



Enlarged Site Plan



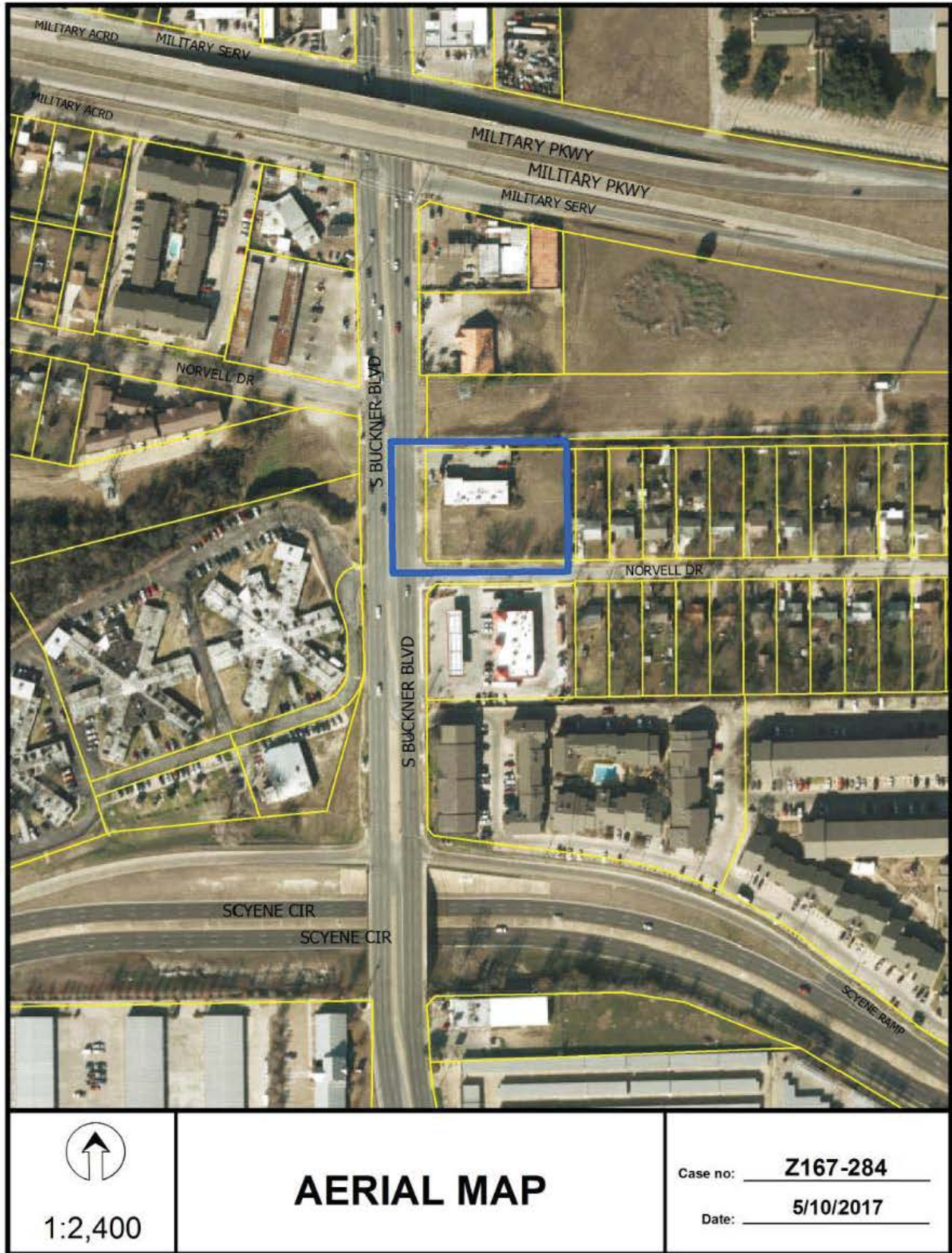


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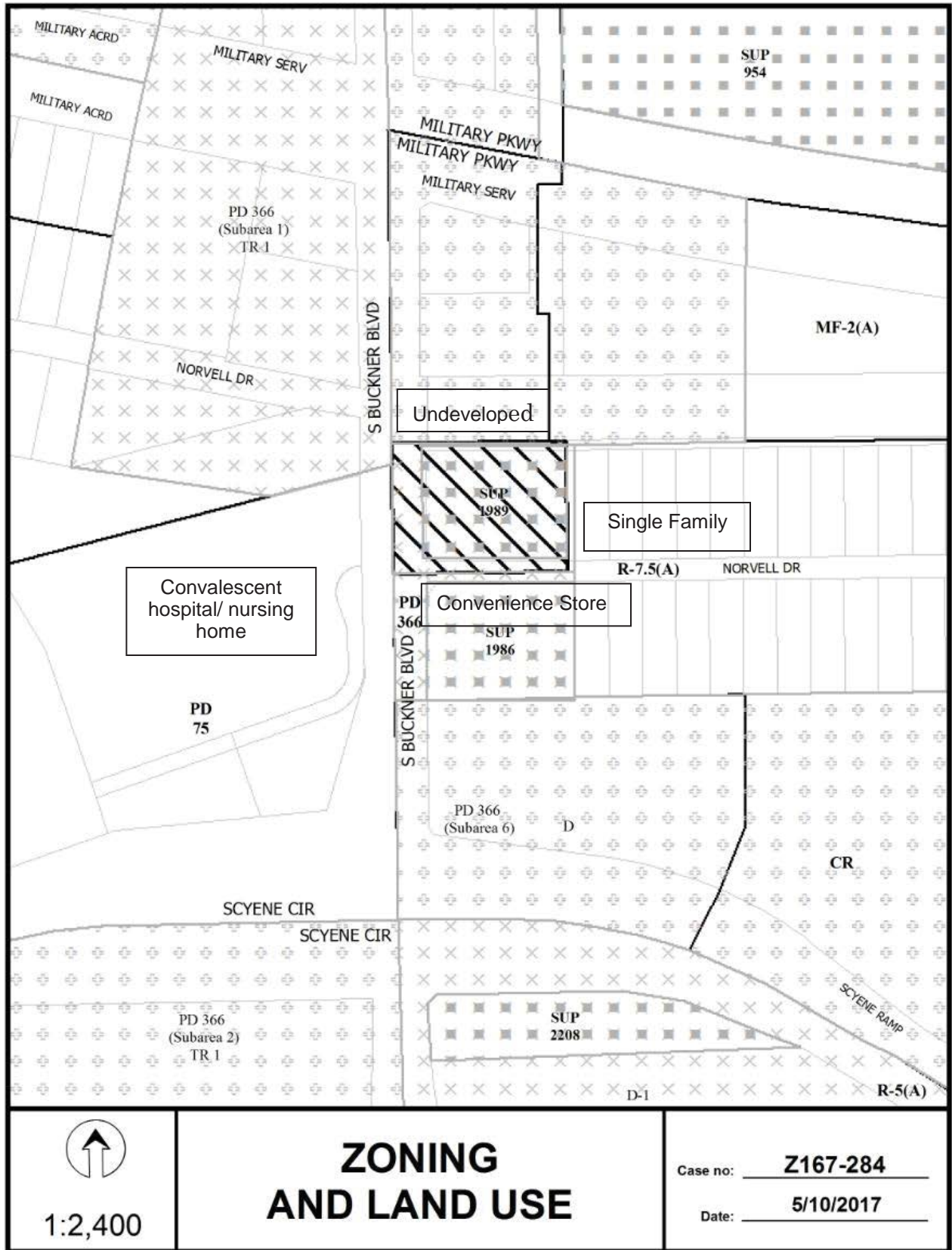
### VICINITY MAP

Case no:           Z167-284          

Date:           5/10/2017

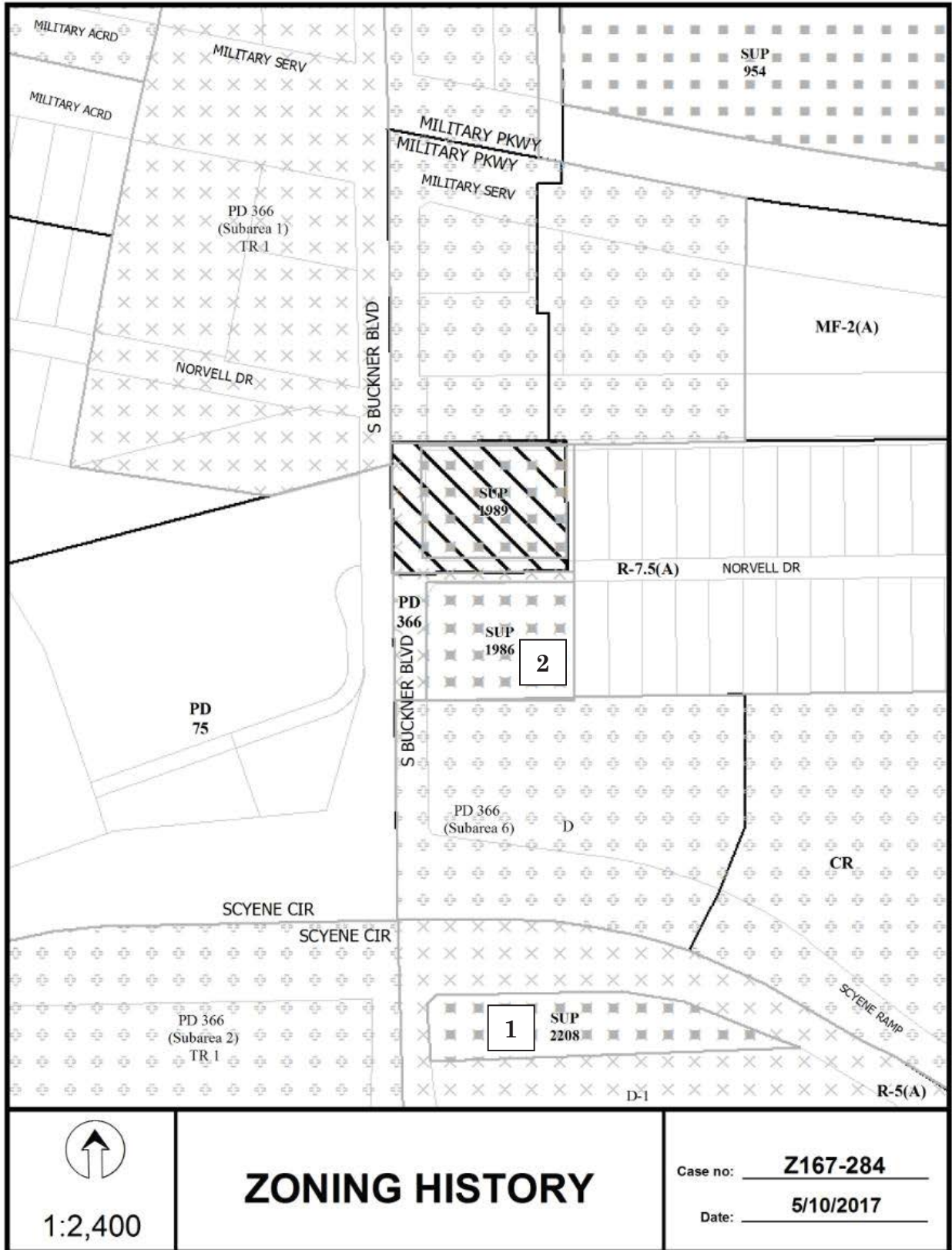




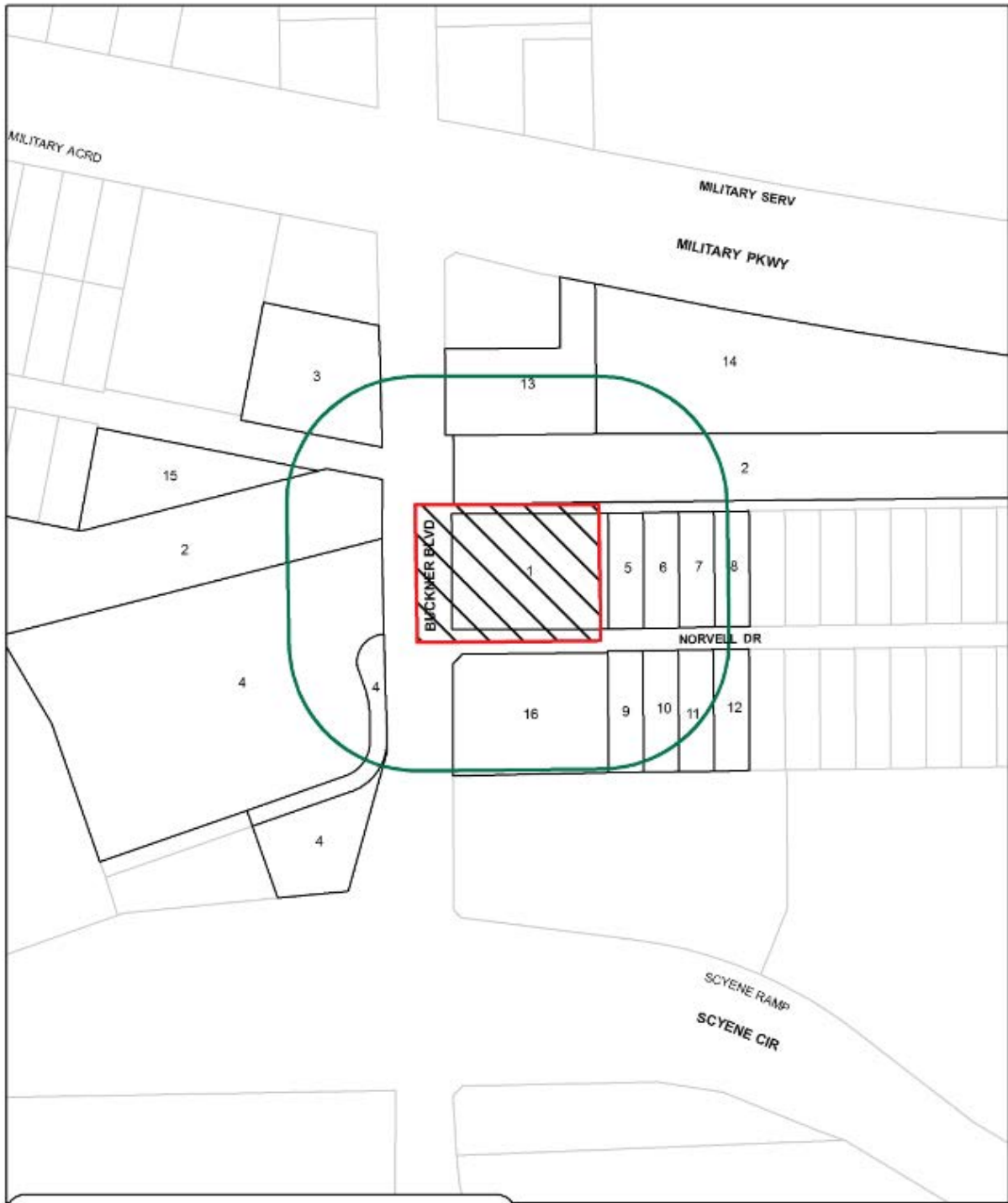


# ZONING AND LAND USE

Case no:           Z167-284            
Date:           5/10/2017



**CPC RESPONSES**



<u>16</u>	Property Owners Notified (19 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/14/2017</u>	Date

**Z167-284**  
**CPC**



1:2,400

Z167-284(PD)

12/13/2017

## *Reply List of Property Owners*

**Z167-284**

*16 Property Owners Notified*

*0 Property Owners in Favor*

*0 Property Owners Opposed*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3510 S BUCKNER BLVD	DUKE & SONS INC
	2	3701 S BUCKNER BLVD	TEXAS UTILITIES ELEC CO
	3	3625 S BUCKNER BLVD	MEZA JESUS
	4	7000 SCYENE CIR	BUCKNER SCYENE SNF LTD
	5	8123 NORVELL DR	OROZCO JOSE LUIS
	6	8127 NORVELL DR	HURTADO DOMINGO
	7	8131 NORVELL DR	BARRAZA ELIAS
	8	8137 NORVELL DR	HERNANDEZ AGUSTIN
	9	8122 NORVELL DR	SANCHEZ REBECA &
	10	8126 NORVELL DR	BANDA ANTONIO &
	11	8130 NORVELL DR	RODRIGUEZ GUILLERMO SOTO
	12	8136 NORVELL DR	CLEMENS SCOTT
	13	3608 S BUCKNER BLVD	4 CUSTOM WHEELS & TIRES INC
	14	3608 S BUCKNER BLVD	MARES NOEL
	15	8008 NORVELL DR	LINSK DALLAS HOLDINGS LLC
	16	3424 S BUCKNER BLVD	YARA GROUP LLC

**AGENDA ITEM # 54**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 23 W

**SUBJECT**

A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 2104 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road  
Recommendation of Staff and CPC: Denial  
Z167-370(SM)

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**FILE NUMBER:** Z167-370(SM)                      **DATE FILED:** August 8, 2017  
**LOCATION:** Southwest corner of Harry Hines Boulevard and Willowbrook Road  
**COUNCIL DISTRICT:** 6                              **MAPSCO:** 23 W  
**SIZE OF REQUEST:** Approx. 6.474 acres              **CENSUS TRACT:** 99.00

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**APPLICANT / OWNER:** Bhagat Holdings, Ltd.

**REPRESENTATIVE:** Tailim Song Law Firm

**REQUEST:** An application for the renewal of Specific Use Permit No. 2104 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District.

**SUMMARY:** The applicant requests the renewal of SUP No. 2104 to continue the operation of the existing bar [Kalua Discotheque].

**STAFF RECOMMENDATION:** Denial

**CPC RECOMMENDATION:** Denial

**BACKGROUND INFORMATION:**

- The site is developed with three structures constructed in 1984, according to Dallas Central Appraisal District Records. The southernmost building was originally used for office and personal service tenants, according to permit records.
- On April 22, 2011, Certificate of Occupancy No. 1007151101 was issued to Saul Cordona [DBA Kalua Discotheque] for a 16,965-square-foot commercial amusement (inside) use with a dance hall. Notes on this certificate of occupancy also indicated a shared parking agreement with other uses on site.
- On September 24, 2014, City Council approved SUP No. 2104 for a 17,557-square foot bar, lounge, or tavern use within the southernmost structure on the site.
- On September 4, 2015, Certificate of Occupancy No. 1406131114 was issued to Kalua, LLC [DBA Kalua Discotheque] for a 16,965-square foot commercial amusement (inside) use with a dance hall.

**Zoning History:** There has been no recent zoning activity in the immediate area relevant to this request.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and has no objection to the request.

<b><u>Thoroughfare/Street</u></b>	<b><u>Designation</u></b>	<b><u>Thoroughfare Roadway Section</u></b>
Harry Hines Boulevard	Principal Arterial	Standard-8 lanes-Divided; 130' ROW
Willowbrook Road	Local	55' ROW

**Comprehensive Plan:**

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

The proposed zoning request meets the following goal and objective of the comprehensive plan.

**Economic Element**

Goal 2.1 Promote balanced growth

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

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

<b>Location</b>	<b>Zoning</b>	<b>Land Use</b>
Site	MU-3 with SUP Nos. 2104, 2105, 2106	Shopping center
North	IR and MU-3	Office/showroom/warehouse and retail store with gas
East	CS and IR	Drive through restaurants, retail with gas, and undeveloped
South	MU-3	Auto sales
West	CS	Warehouse

**Land Use Compatibility:**

The request site is developed with three one-story, masonry, multi-tenant shopping center structures. The bar, lounge, or tavern use for the existing SUP occupies the majority of southernmost building.

Surrounding land uses of the shopping center consist of an office/showroom/warehouse use and gas station to the north; two drive-through restaurants are located adjacent to the shopping center to the east, undeveloped land and another gas station are located on the opposite side of Harry Hines Boulevard to the east; a third gas station and a nonconforming auto sales use is located to the south, and a warehouse is located opposite of a 75-foot wide drainage easement to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the



public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff recommends denial of the continued operation of the use because the following police reports suggest that the land use does not meet the standards of approval for a specific use permit as it is seen to not complement or be incompatible with the surrounding uses and community facilities; does not contribute to, enhance, or promote the welfare of the area of request and adjacent properties; and is detrimental to the public health, safety, or general welfare.

**Off-Street Parking:**

The existing SUP site plan shows an overall 364 parking spaces in the shopping center. The parking analysis on the existing SUP site plan shows there are two dance floors (990 and 1904 square feet each) within an overall 17,557-square foot suite. Dance floors cannot be an accessory use and therefore are required to provide one space per 25 square feet of dance floor area which results in 116 spaces for the dance floors of this suite. The remainder of the overall suite, 14,663 square feet, is required to provide one space per 100 square feet of floor area for either a commercial amusement (inside) use that is not a dance floor or for a bar, lounge, or tavern use, which results in an additional 147 spaces for the area outside of the dance floors. These two requirements total 263 spaces for this suite within the shopping center.

According to the two previously issued Certificates of Occupancy (COs), the overall floor area of this suite was 16,965 square feet and the notes on the COs say that 259 spaces are required and provided. Comments on the 2010 interior remodel permit issued to convert the space from personal service and office uses to a dance hall note a shared parking agreement with other uses in the shopping center. However, the shared parking agreement was not located in the permit files at Building Inspection.

**Police Reports:** The following three lists (crime, arrests, and calls) were obtained by staff from the Dallas Police Department. An Excel spreadsheet can be viewed on the CPC page under the plans link.

Crime, Jan 1 2016 - Sep 20 2017				
Incident No.	Date	Time	UCR_Offense	Address
190963-2017	8/21/2017	1:00	Robbery-Individual	2435 W Northwest Hwy
184160-2017	8/13/2017	3:00	Assault	2435 W Northwest Serv N

<b>Crime, Jan 1 2016 - Sep 20 2017 (continued)</b>				
<b>Incident No.</b>	<b>Date</b>	<b>Time</b>	<b>Ucr_Offense</b>	<b>Address</b>
166983-2017	7/22/2017	21:00	Assault	2435 W Northwest Hwy
161387-2017	7/16/2017	3:55	Assault	2435 W Northwest Hwy
138507-2017	6/19/2017	2:30	Agg Assault - NFV	2435 W Northwest Hwy
100161-2017	5/5/2017	3:00	Assault	2435 W Northwest Serv N
085367-2017	4/17/2017	2:00	Agg Assault - NFV	2435 W Northwest Hwy
085290-2017	4/17/2017	0:05	Other Thefts	2435 W Northwest Hwy
084575-2017	4/15/2017	23:30	Assault	2435 W Northwest Hwy
079461-2017	4/10/2017	1:00	Agg Assault - NFV	2435 W Northwest Hwy
072999-2017	4/3/2017	2:30	Agg Assault - FV	2435 W Northwest Hwy
067437-2017	3/25/2017	22:00	UUMV	2435 W Northwest Hwy
039463-2017	2/19/2017	2:00	Agg Assault - NFV	2435 W Northwest Hwy
039463-2017	2/19/2017	2:00	Fail To ID	2435 W Northwest Hwy
039623-2017	2/19/2017	0:00	Assault	2435 W Northwest Hwy
306291-2016	12/24/2016	5:00	Robbery-Individual	2435 W Northwest Hwy
303084-2016	12/19/2016	2:00	Assault	2435 W Northwest Hwy
272341-2016	11/14/2016	0:10	Assault	2435 W Northwest Hwy
252218-2016	10/17/2016	10:00	UUMV	2435 W Northwest Hwy
248326-2016	10/16/2016	1:30	Agg Assault - NFV	2435 W Northwest Serv N
247572-2016	10/15/2016	1:35	Assault	2435 W Northwest Hwy
242511-2016	10/9/2016	0:00	Vandalism & Crim Mischief	2435 W Northwest Hwy
226173-2016	9/19/2016	3:00	Robbery-Individual	2435 W Northwest Serv N
223959-2016	9/16/2016	23:00	UUMV	2435 W Northwest Hwy
213778-2016	9/5/2016	3:40	Disorderly Conduct	2435 W Northwest Hwy
213778-2016	9/5/2016	3:40	Disorderly Conduct	2435 W Northwest Hwy
207751-2016	8/29/2016	3:00	Resist Arrest	2435 W Northwest Hwy
206977-2016	8/28/2016	0:00	Embezzlement	2435 W Northwest Hwy
184465-2016	7/29/2016	2:30	Assault	2435 W Northwest Hwy
154358-2016	6/26/2016	2:00	Assault	2435 W Northwest Hwy
154424-2016	6/26/2016	1:45	Agg Assault - NFV	2435 W Northwest Hwy
154424-2016	6/26/2016	1:45	Agg Assault - NFV	2435 W Northwest Hwy
128547-2016	5/29/2016	1:30	Assault	2435 W Northwest Hwy
072628-2016	3/27/2016	2:45	Criminal Trespass	2435 W Northwest Hwy
059700-2016	3/11/2016	23:00	UUMV	2435 W Northwest Hwy
035372-2016	2/13/2016	2:53	Vandalism & Crim Mischief	2435 W Northwest Hwy
011416-2016	1/15/2016	2:00	Assault	2435 W Northwest Hwy
001078-2016	1/2/2016	0:00	Other Thefts	2435 W Northwest Hwy
000226-2016	1/1/2016	0:00	Agg Assault - Nfv	2435 W Northwest Hwy

<b>Arrests, Jan 1 2016 - Sep 20 2017</b>						
<b>Incident No.</b>	<b>Arrest No. ID</b>	<b>Arrest No.</b>	<b>Date</b>	<b>Time</b>	<b>Charge Description</b>	<b>Address</b>
205475-2017	0036906-2017	17-036906	9/8/2017	0:40	Warrant-Dallas PD (ALIAS)	2435 W Northwest Hwy
195015-2017	0035096-2017	17-035096	8/26/2017	23:00	Public Intoxication	2435 W Northwest Serv N
195015-2017	0035101-2017	17-035101	8/26/2017	2:30	Public Intoxication	2435 W Northwest Serv N
195015-2017	0035103-2017	17-035103	8/26/2017	2:30	Public Intoxication	2435 W Northwest Serv N
184067-2017	0033198-2017	17-033198	8/13/2017	1:19	Public Intoxication	2435 W Northwest Serv N
172769-2017	0031241-2017	17-031241	7/30/2017	2:15	Public Intoxication	2435 W Northwest Serv N
161998-2017	0029356-2017	17-029356	7/17/2017	0:46	Public Intoxication	2435 W Northwest Hwy
161350-2017	0029248-2017	17-029248	7/16/2017	3:15	Warrant Hold (Outside Agency)	2435 W Northwest Serv N
161350-2017	0029248-2017	17-029248	7/16/2017	3:15	Warrant-Dallas PD (ALIAS)	2435 W Northwest Serv N
125687-2017	0022868-2017	17-022868	6/4/2017	0:40	Public Intoxication	2435 W Northwest Serv N
120525-2017	0021981-2017	17-021981	5/29/2017	2:50	Public Intoxication	2435 W Northwest Serv N
113040-2017	0020640-2017	17-020640	5/20/2017	2:46	Public Intoxication	2435 W Northwest Serv N
100949-2017	0018424-2017	17-018424	5/6/2017	0:10	Public Intoxication	2435 W Northwest Hwy
101029-2017	0018441-2017	17-018441	5/6/2017	0:10	Poss Cont Sub Pen Grp 1 <1g	2435 W Northwest Hwy
101029-2017	0018441-2017	17-018441	5/6/2017	0:10	Public Intoxication	2435 W Northwest Hwy
100166-2017	0018283-2017	17-018283	5/5/2017	3:15	Public Intoxication	2435 W Northwest Serv N
094334-2017	0017221-2017	17-017221	4/28/2017	2:30	Public Intoxication	2435 W Northwest Hwy
094334-2017	0017224-2017	17-017224	4/28/2017	2:30	Public Intoxication	2435 W Northwest Hwy
094334-2017	0017226-2017	17-017226	4/28/2017	2:30	Public Intoxication	2435 W Northwest Hwy
088758-2017	0016255-2017	17-016255	4/21/2017	2:50	Public Intoxication	2435 W Northwest Hwy
085377-2017	0015603-2017	17-015603	4/17/2017	2:20	Public Intoxication	2435 W Northwest Hwy

<b>Arrests, Jan 1 2016 - Sep 20 2017 (continued)</b>						
<b>Incident No.</b>	<b>Arrest No. ID</b>	<b>Arrest No.</b>	<b>Date</b>	<b>Time</b>	<b>Charge Description</b>	<b>Address</b>
085367-2017	0015602-2017	17-015602	4/17/2017	2:00	Assault (Agg) - Deadly Weapon	2435 W Northwest Serv N
084631-2017	0015467-2017	17-015467	4/16/2017	2:00	Public Intoxication	2435 W Northwest Serv N
084631-2017	0015469-2017	17-015469	4/16/2017	2:00	Public Intoxication	2435 W Northwest Serv N
084548-2017	0015452-2017	17-015452	4/16/2017	0:20	Public Intoxication	2435 W Northwest Hwy
084548-2017	0015455-2017	17-015455	4/16/2017	0:20	Public Intoxication	2435 W Northwest Hwy
079446-2017	0014436-2017	17-014436	4/10/2017	1:45	Warrant-Dallas PD (ALIAS)	2435 W Northwest Hwy
079461-2017	0014440-2017	17-014440	4/10/2017	1:30	Assault (Agg) - Serious Bodily Injury	2435 W Northwest Serv N
059791-2017	0010716-2017	17-010716	3/17/2017	2:20	Public Intoxication	2435 W Northwest Hwy
059791-2017	0010720-2017	17-010720	3/17/2017	2:20	Public Intoxication	2435 W Northwest Hwy
058278-2017	0010423-2017	17-010423	3/15/2017	2:35	Public Intoxication	2435 W Northwest Serv N
056027-2017	0010031-2017	17-010031	3/12/2017	3:35	Public Intoxication	2435 W Northwest Serv N
048961-2017	0008697-2017	17-008697	3/3/2017	1:54	Public Intoxication	2435 W Northwest Hwy
048961-2017	0008696-2017	17-008696	3/3/2017	1:49	Public Intoxication	2435 W Northwest Hwy
039463-2017	0006917-2017	17-006917	2/19/2017	2:00	Assault (Agg) - Deadly Weapon	2435 W Northwest Hwy
039463-2017	0006917-2017	17-006917	2/19/2017	2:00	Fail To ID - Intentionally Provides False Info	2435 W Northwest Hwy
037906-2017	0006586-2017	17-006586	2/17/2017	0:15	Public Intoxication	2435 W Northwest Hwy
033094-2017	0005684-2017	17-005684	2/11/2017	1:06	Public Intoxication	2435 W Northwest Serv N
022283-2017	0003733-2017	17-003733	1/29/2017	1:00	Public Intoxication	2435 W Northwest Serv N
288599-2016	0050900-2016	16-050900	12/4/2016	1:43	Public Intoxication	2435 W Northwest Serv N
288599-2016	0050899-2016	16-050899	12/4/2016	1:00	Public Intoxication	2435 W Northwest Serv N

<b>Arrests, Jan 1 2016 - Sep 20 2017 (continued)</b>						
<b>Incident No.</b>	<b>Arrest No. ID</b>	<b>Arrest No.</b>	<b>Date</b>	<b>Time</b>	<b>Charge Description</b>	<b>Address</b>
282717-2016	0050027-2016	16-050027	11/27/2016	1:30	Fail To ID - Intentionally Provides False Info	2435 W Northwest Serv N
282717-2016	0050027-2016	16-050027	11/27/2016	1:30	Interfere W/ Public Duties	2435 W Northwest Serv N
282717-2016	0050027-2016	16-050027	11/27/2016	1:30	Public Intoxication	2435 W Northwest Serv N
282717-2016	0050031-2016	16-050031	11/27/2016	1:30	Fail To ID - Intentionally Provides False Info	2435 W Northwest Serv N
282717-2016	0050031-2016	16-050031	11/27/2016	1:30	Interfere W/ Public Duties	2435 W Northwest Serv N
282717-2016	0050031-2016	16-050031	11/27/2016	1:30	Public Intoxication	2435 W Northwest Serv N
271620-2016	0048228-2016	16-048228	11/13/2016	1:15	Warrant Hold (Outside Agency)	2435 W Northwest Serv N
265881-2016	0047322-2016	16-047322	11/6/2016	1:15	Public Intoxication	2435 W Northwest Serv N
252738-2016	0045200-2016	16-045200	10/21/2016	3:28	Warrant-Dallas PD (Alias)	2435 W Northwest Serv N
252688-2016	0045183-2016	16-045183	10/21/2016	1:40	Public Intoxication	2435 W Northwest Hwy
242519-2016	0043522-2016	16-043522	10/9/2016	3:00	Public Intoxication	2435 W Northwest Serv N
242519-2016	0043523-2016	16-043523	10/9/2016	3:00	Public Intoxication	2435 W Northwest Serv N
230718-2016	0041881-2016	16-041881	9/25/2016	1:00	No Code	2435 W Northwest Hwy
229812-2016	0041297-2016	16-041297	9/24/2016	0:15	Public Intoxication	2435 W Northwest Serv N
225567-2016	0040576-2016	16-040576	9/19/2016	0:01	Public Intoxication	2435 W Northwest Hwy
223882-2016	0040302-2016	16-040302	9/17/2016	3:02	Public Intoxication	2435 W Northwest Hwy
223882-2016	0040299-2016	16-040299	9/17/2016	2:55	Public Intoxication	2435 W Northwest Hwy
223882-2016	0040297-2016	16-040297	9/17/2016	2:47	Public Intoxication	2435 W Northwest Hwy
223882-2016	0040287-2016	16-040287	9/17/2016	2:17	Public Intoxication	2435 W Northwest Hwy
217116-2016	0039110-2016	16-039110	9/9/2016	2:30	Public Intoxication	2435 W Northwest Hwy

<b>Arrests, Jan 1 2016 - Sep 20 2017 (Continued)</b>						
<b>Incident No.</b>	<b>Arrest No. ID</b>	<b>Arrest No.</b>	<b>Date</b>	<b>Time</b>	<b>Charge Description</b>	<b>Address</b>
213759-2016	0038485-2016	16-038485	9/5/2016	3:00	Public Intoxication	2435 W Northwest Hwy
207751-2016	0037453-2016	16-037453	8/29/2016	3:30	Resist Arrest Search Or Transport	2435 W Northwest Hwy
207666-2016	0037412-2016	16-037412	8/29/2016	1:00	Public Intoxication	2435 W Northwest Hwy
207666-2016	0037415-2016	16-037415	8/29/2016	1:00	Public Intoxication	2435 W Northwest Hwy
206966-2016	0037288-2016	16-037288	8/28/2016	2:50	Public Intoxication	2435 W Northwest Hwy
201109-2016	0036217-2016	16-036217	8/21/2016	3:00	Public Intoxication	2435 W Northwest Hwy
201109-2016	0036219-2016	16-036219	8/21/2016	3:00	Public Intoxication	2435 W Northwest Hwy
201109-2016	0036223-2016	16-036223	8/21/2016	3:00	Public Intoxication	2435 W Northwest Hwy
177470-2016	0032190-2016	16-032190	7/24/2016	1:00	Public Intoxication	2435 W Northwest Hwy
167182-2016	0030514-2016	16-030514	7/11/2016	2:10	Public Intoxication	2435 W Northwest Serv N
166535-2016	0030419-2016	16-030419	7/10/2016	12:30	Public Intoxication	2435 W Northwest Hwy
160846-2016	0029402-2016	16-029402	7/3/2016	2:57	Public Intoxication	2435 W Northwest Hwy
152521-2016	0027810-2016	16-027810	6/24/2016	1:45	Public Intoxication	2435 W Northwest Hwy
152516-2016	0027806-2016	16-027806	6/24/2016	1:31	Public Intoxication	2435 W Northwest Hwy
147949-2016	0027014-2016	16-027014	6/19/2016	1:40	APOWW (Social Services Referral)	2435 W Northwest Serv N
128550-2016	0023461-2016	16-023461	5/29/2016	1:30	Public Intoxication	2435 W Northwest Hwy
121045-2016	0022004-2016	16-022004	5/21/2016	1:30	Public Intoxication	2435 W Northwest Hwy
110132-2016	0019911-2016	16-019911	5/9/2016	2:27	Public Intoxication	2435 W Northwest Serv N
109329-2016	0019756-2016	16-019756	5/8/2016	2:29	Public Intoxication	2435 W Northwest Serv N
109329-2016	0019756-2016	16-019756	5/8/2016	2:29	Resist Arrest Search Or Transport	2435 W Northwest Serv N
103962-2016	0018757-2016	16-018757	5/2/2016	1:15	Public Intoxication	2435 W Northwest Hwy

<b>Arrests, Jan 1 2016 - Sep 20 2017 (Continued)</b>						
<b>Incident No.</b>	<b>Arrest No. ID</b>	<b>Arrest No.</b>	<b>Date</b>	<b>Time</b>	<b>Charge Description</b>	<b>Address</b>
078540-2016	0013967-2016	16-013967	4/3/2016	2:00	Public Intoxication	2435 W Northwest Hwy
072628-2016	0012871-2016	16-012871	3/27/2016	2:45	Public Intoxication	2435 W Northwest Hwy
066587-2016	0011796-2016	16-011796	3/20/2016	2:08	Warrant Hold (Outside Agency)	2435 W Northwest Hwy
061229-2016	0010839-2016	16-010839	3/14/2016	2:13	Public Intoxication	2435 W Northwest Serv N
060441-2016	0010733-2016	16-010733	3/13/2016	3:09	Public Intoxication	2435 W Northwest Hwy
042901-2016	0007570-2016	16-007570	2/22/2016	11:30	Warrant Hold (Outside Agency)	2435 W Northwest Hwy
036855-2016	0006427-2016	16-006427	2/15/2016	2:20	Public Intoxication	2435 W Northwest Serv N
031082-2016	0005335-2016	16-005335	2/8/2016	2:21	Public Intoxication	2435 W Northwest Hwy
031081-2016	0005332-2016	16-005332	2/8/2016	2:04	Public Intoxication	2435 W Northwest Hwy
030397-2016	0005214-2016	16-005214	2/7/2016	3:07	Warrant Hold (Outside Agency)	2435 W Northwest Hwy
028673-2016	0004876-2016	16-004876	2/5/2016	1:44	Public Intoxication	2435 W Northwest Hwy
028674-2016	0004879-2016	16-004879	2/5/2016	1:40	Public Intoxication	2435 W Northwest Hwy
024481-2016	0004070-2016	16-004070	1/31/2016	1:28	Public Intoxication	2435 W Northwest Hwy
024481-2016	0004070-2016	16-004070	1/31/2016	1:28	[Blank]	2435 W Northwest Hwy
024481-2016	0004069-2016	16-004069	1/31/2016	1:22	Public Intoxication	2435 W Northwest Hwy
024481-2016	0004069-2016	16-004069	1/31/2016	1:22	[Blank]	2435 W Northwest Hwy
017934-2016	0002939-2016	16-002939	1/23/2016	2:00	Warrant Hold (Outside Agency)	2435 W Northwest Hwy
007452-2016	0001228-2016	16-001228	1/10/2016	1:39	Public Intoxication	2435 W Northwest Hwy
006785-2016	0001133-2016	16-001133	1/9/2016	3:30	Public Intoxication	2435 W Northwest Hwy
006785-2016	0001133-2016	16-001133	1/9/2016	3:30	Resist Arrest Search Or Transport	2435 W Northwest Hwy
000984-2016	0000180-2016	16-000180	1/2/2016	1:30	Public Intoxication	2435 W Northwest Hwy

Calls, Jan 1 2016 - Sep 20 2017					
Master Incident No.	Date	Time	Problem	Priority	Address
17-1711988	9/8/2017	5:58	20R - Robbery (report)+1hr	4	2435 W Northwest Serv Wb
17-1626182	8/26/2017	2:56	30/01 - ODO w/Prisoner	2	2435 W Northwest Serv Wb
17-1619254	8/25/2017	3:06	07 - Minor Accident	3	2435 W Northwest Serv Wb
17-1619207	8/25/2017	2:49	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
17-1593183	8/21/2017	7:27	40/01 - Other	2	2435 W Northwest Serv Wb
17-1187959	6/23/2017	2:03	40/01 - Other	2	2435 W Northwest Serv Wb
17-1094909	6/9/2017	13:48	09V - UUMV	4	2435 W Northwest Serv Wb
17-1073814	6/6/2017	14:14	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
17-1057016	6/4/2017	0:44	30/01 - ODO w/Prisoner	2	2435 W Northwest Serv Wb
17-0951386	5/20/2017	3:20	07 - Minor Accident	3	2435 W Northwest Serv Wb
17-0928086	5/16/2017	23:05	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
17-0796944	4/28/2017	2:27	16 - Injured Person	3	2435 W Northwest Serv Wb
17-0722948	4/16/2017	23:57	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
17-0380798	2/27/2017	3:28	09V - UUMV	4	2435 W Northwest Serv Wb
17-0280652	2/12/2017	2:35	20 - Robbery	2	2435 W Northwest Serv Wb
17-0272383	2/11/2017	2:29	DAEV-Dist Armed Encounter Veh	1	2435 W Northwest Serv Wb
17-0271926	2/11/2017	0:45	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
17-0181235	1/28/2017	21:53	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
17-0146726	1/23/2017	16:47	32 - Suspicious Person	2	2435 W Northwest Serv Wb
17-0091895	1/15/2017	3:00	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-2537502	12/25/2016	9:50	20 - Robbery	2	2435 W Northwest Serv Wb
16-2528014	12/24/2016	3:01	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-2520951	12/23/2016	2:15	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-2445725	12/12/2016	0:08	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-2388332	12/3/2016	3:59	31 - Criminal Mischief	4	2435 W Northwest Serv Wb
16-2380558	12/2/2016	2:17	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-2259040	11/13/2016	3:41	07 - Minor Accident	3	2435 W Northwest Serv Wb
16-2258421	11/13/2016	1:10	7CE - City Equipment Accident	3	2435 W Northwest Serv Wb
16-2098599	10/21/2016	3:10	19 - Shooting	1	2435 W Northwest Serv Wb
16-2094456	10/20/2016	14:29	09V - UUMV	4	2435 W Northwest Hwy
16-2019923	10/10/2016	0:39	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-1999380	10/7/2016	3:44	20 - Robbery	2	2435 W Northwest Serv Wb
16-1964298	10/2/2016	5:59	40/01 - Other	2	2435 W Northwest Serv Wb
16-1875342	9/19/2016	16:26	20R - Robbery (report)+1hr	4	2435 W Northwest Serv Wb
16-1871302	9/19/2016	2:54	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-1769435	9/5/2016	2:30	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb

*Priority Description Key: 1 - Emergency 2 - Urgent 3 - General Service 4 - Non Critical*



Calls, Jan 1 2016 - Sep 20 2017 (continued)					
Master Incident No.	Date	Time	Problem	Priority	Address
16-1717996	8/29/2016	4:30	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-1717456	8/29/2016	0:57	30/01 - ODO w/Prisoner	2	2435 W Northwest Serv Wb
16-1717381	8/29/2016	0:34	6XA - Major Dist Ambulance	2	2435 W Northwest Serv Wb
16-1701144	8/26/2016	18:46	40 - Other	3	2435 W Northwest Serv Wb
16-1684002	8/24/2016	13:16	24 - Abandoned Property	4	2435 W Northwest Serv Wb
16-1667149	8/22/2016	0:07	40 - Other	3	2435 W Northwest Serv Wb
16-1667104	8/21/2016	23:57	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-1617802	8/15/2016	2:14	16A - Injured Person w/Amb	2	2435 W Northwest Serv Wb
16-1611687	8/14/2016	3:20	07 - Minor Accident	3	2435 W Northwest Serv Wb
16-1517237	8/1/2016	12:36	16 - Injured Person	3	2435 W Northwest Serv Wb
16-1407617	7/17/2016	2:33	07 - Minor Accident	3	2435 W Northwest Serv Wb
16-1352449	7/9/2016	2:18	41/20 - Robbery - In Progress	1	2435 W Northwest Serv Wb
16-1195795	6/19/2016	2:46	11V - Burg Motor Veh	3	2435 W Northwest Serv Wb
16-1142124	6/12/2016	1:51	6XA - Major Dist Ambulance	2	2435 W Northwest Serv Wb
16-0982158	5/22/2016	2:27	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-0973866	5/21/2016	1:06	40 - Other	3	2435 W Northwest Serv Wb
16-0965336	5/19/2016	23:23	38 - Meet Complainant	4	2435 W Northwest Serv Wb
16-0930968	5/15/2016	3:45	31 - Criminal Mischief	4	2435 W Northwest Serv Wb
16-0909390	5/12/2016	14:30	40/01 - Other	2	2435 W Northwest Serv Wb
16-0877554	5/8/2016	4:59	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-0676095	4/10/2016	2:17	7X - Major Accident	2	2435 W Northwest Serv Wb
16-0626746	4/3/2016	2:40	6X - Major Dist (Violence)	2	2435 W Northwest Serv Wb
16-0340030	2/21/2016	4:02	40 - Other	3	2435 W Northwest Serv Wb
16-0332275	2/20/2016	3:01	41/20 - Robbery - In Progress	1	2435 W Northwest Serv Wb
16-0295321	2/14/2016	21:38	09/01 - Theft	3	2435 W Northwest Serv Wb
16-0248610	2/8/2016	1:37	30/01 - ODO w/Prisoner	2	2435 W Northwest Hwy
16-0157205	1/25/2016	11:53	20R - Robbery (report)+1hr	4	2435 W Northwest Hwy
16-0053457	1/9/2016	3:26	30/01 - ODO w/Prisoner	2	2435 W Northwest Hwy

**Priority Description Key:** 1 - Emergency 2 - Urgent 3 - General Service 4 - Non Critical

**Prior CPC Action – November 30, 2017:**

**Motion:** It was moved to recommend **denial** of the renewal of Specific Use Permit No. 2104 for an alcoholic beverage establishment, limited to a bar, lounge, or tavern, on property zoned an MU-3 Mixed Use District, on the southwest corner of Harry Hines Boulevard and Willowbrook Road.

Maker: Carpenter  
Second: Rieves  
Result: Carried: 10 to 0

For: 10 - West, Rieves, Davis, Carpenter, Lavallaissa,  
Jung, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 5 - Houston, Shidid, Mack, Housewright, Schultz  
Vacancy: 0

**Notices:** Area: 400 Mailed: 43  
**Replies:** For: 0 Against: 0

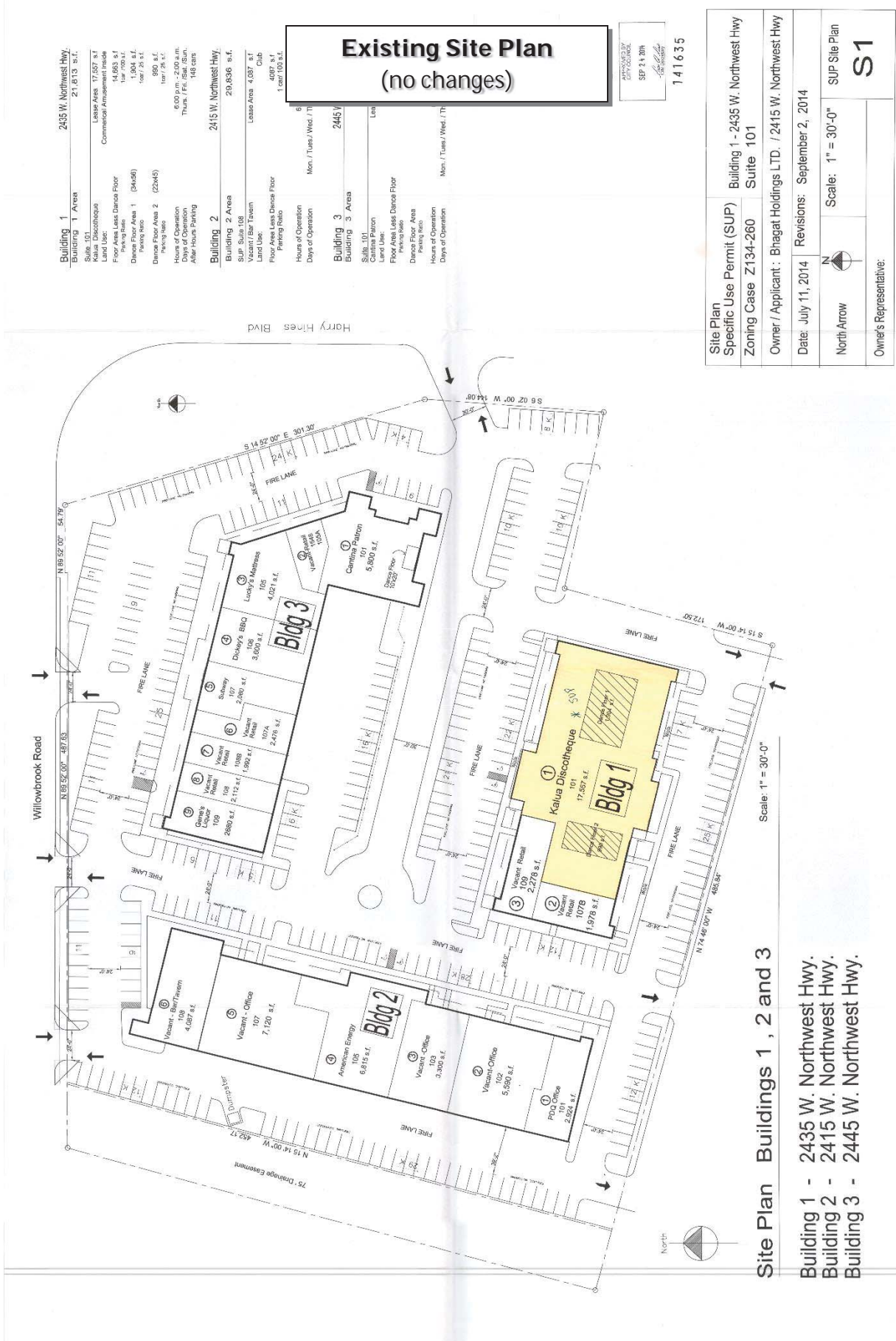
**Speakers:** For: Amy Hsu, 8111 LBJ Hwy., Dallas, TX, 75251  
Shawan Bhagat, 652 Timber Crest Cr., Highland Village, TX, 75077  
Victor Renteria, 239 Benwick Dr., Sunnyvale, TX, 75182  
Haben Tewelde, 8111 LBJ Hwy., Dallas, TX, 75251  
Laura Romo, 1202 Pioneer Dr., Dallas, TX, 75224  
Against: None

**Bhagat Holdings, LTD**  
**List of Officers/Partners/Principals**

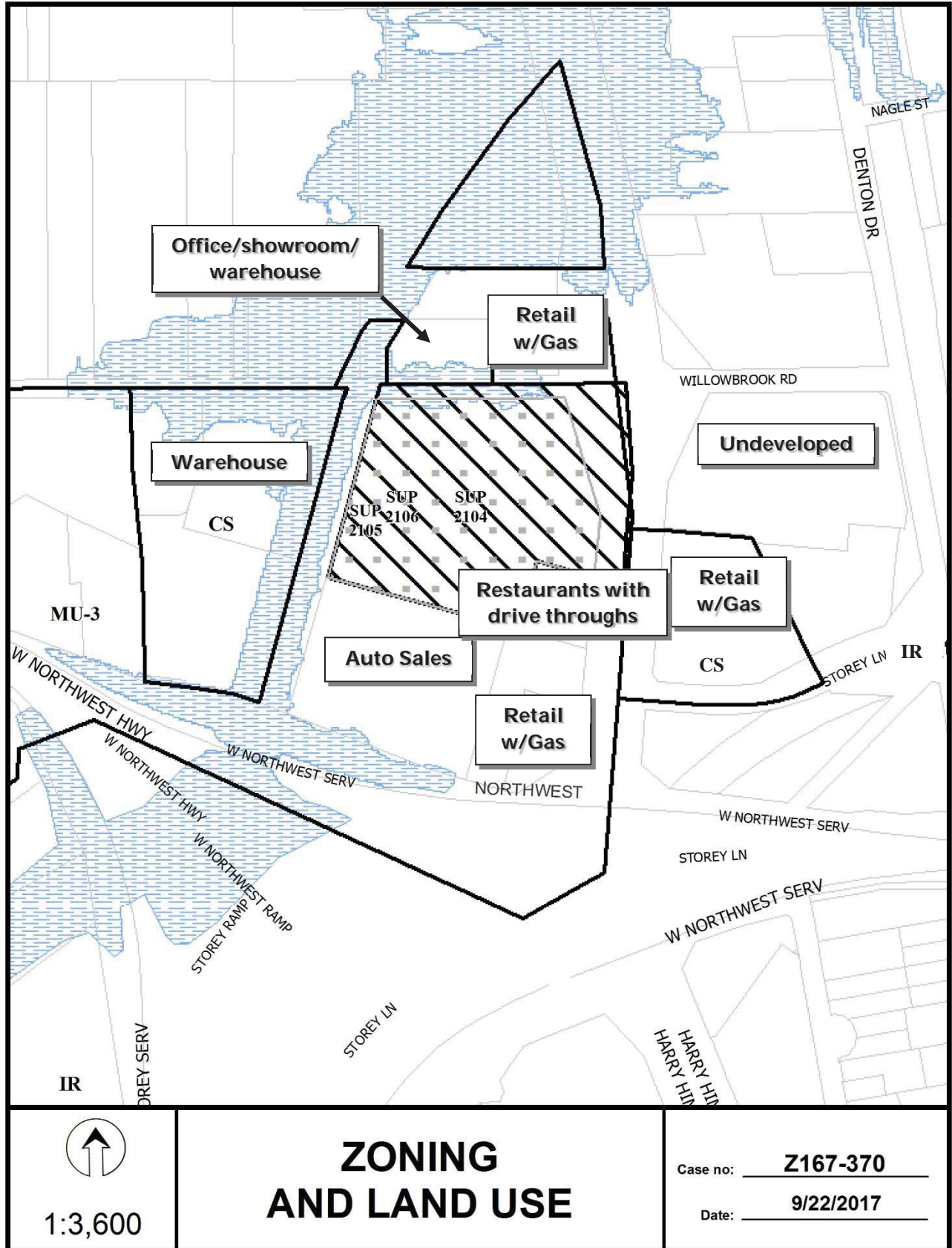
- 1) Shanali "Shawn" Bhagat, Officer
  - a. Bhagat Holdings, LTD  
2415 W. Northwest Highway, Suite 105  
Dallas, Texas 75220
- 2) Bhagat Legacy Trust 99%
- 3) Bhagat Asset Management 1%

**Applicant's Proposed Amendments to SUP No. 2104**

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 two years [September 24, 2017].
4. FLOOR AREA: Maximum floor area for the alcoholic beverage establishment limited to a bar, lounge, or tavern is 17,557 square feet in Building 1 as shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern may only operate between 6:00 p.m. and 2:00 a.m. (the next day), Thursday through Sunday.
6. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.







# ZONING AND LAND USE

Case no: Z167-370  
Date: 9/22/2017





11/29/2017

***Reply List of Property Owners******Z167-370******43 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2425	W NORTHWEST HWY	NWH LAND LP
2	10091	HARRY HINES BLVD	EPCM REALTY INC
3	10065	HARRY HINES BLVD	EL TACASO INC
4	2415	W NORTHWEST HWY	BHAGAT HOLDINGS LTD
5	10120	HARRY HINES BLVD	TEXAS FOREST PROP INC
6	10002	HARRY HINES BLVD	NORTH TEXAS STORES CORP
7	2711	STOREY LN	2223 LOMBARDY WAREHOUSE LLC
8	10251	HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
9	10251	HARRY HINES BLVD	RIVERA BLANCA LEONARA
10	10251	HARRY HINES BLVD	RIVERA BLANCA
11	10251	HARRY HINES BLVD	RIVERA BLANCA
12	10251	HARRY HINES BLVD	GONZALEZ JOSE ANTONIO & GENOVEVA
13	10251	HARRY HINES BLVD	GONZALEZ JOSE
14	10251	HARRY HINES BLVD	RAMIREZ GUSTAVO & HERLINDA
15	10251	HARRY HINES BLVD	FLORENXIO ZUNIGA
16	10251	HARRY HINES BLVD	EMANUEL MARTINEZ
17	10251	HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
18	10251	HARRY HINES BLVD	CARLOS GARCIA
19	10251	HARRY HINES BLVD	LORENZO ANTONIO
20	10251	HARRY HINES BLVD	LOPEZ JOSE
21	10251	HARRY HINES BLVD	HERNANDEZ JOSE
22	10251	HARRY HINES BLVD	PEREZ ELOY
23	10251	HARRY HINES BLVD	CASTRO OSVALDO
24	10251	HARRY HINES BLVD	BALDERAS TOBIAS
25	10251	HARRY HINES BLVD	MENDEZ RAFIEL
26	10251	HARRY HINES BLVD	GARCIA-GUZMAN JOSE ELIAS

Z167-370(SM)

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10251	HARRY HINES BLVD	RIVERA ISSAC
28	10251	HARRY HINES BLVD	CLEMENTINA ROJAS
29	2621	WILLOWBROOK RD	ALLMAN COMPANY DALLAS LLC
30	2617	WILLOWBROOK RD	HBSS REAL ESTATE LLC
31	10222	HARRY HINES BLVD	10220 HARRY HINES LLC
32	10220	HARRY HINES BLVD	10220 HARRY HINES LLC
33	2615	WILLOWBROOK RD	BARN CEMENT LLC
34	10110	HARRY HINES BLVD	SIKKA INVESTMENTS LLC
35	2616	WILLOWBROOK RD	MOUSSA GEORGE STANLEY TR
36	2626	WILLOWBROOK RD	WAREHOUSE DEVELOPMENT LTD
37	2401	W NORTHWEST HWY	WAREHOUSE DEVELOPMENT
38	10045	HARRY HINES BLVD	KELLER JACQUELYN
39	10025	HARRY HINES BLVD	HANDSOME FELLOW LC
40	10025	HARRY HINES BLVD	BENDA INVESTMENTS
41	2635	WILLOWBROOK RD	SOUTHLAND CORP
42	10217	HARRY HINES BLVD	PENA JOSE
43	2631	WILLOWBROOK RD	LOMBARDY LANE LTD

**AGENDA ITEM # 55**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 67 P

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility on property zoned a CS Commercial Service District, on the east line of South Central Expressway, south of Youngblood Road

Recommendation of Staff: Denial

Recommendation of CPC: Approval of an IM Industrial Manufacturing District; and approval of a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility for a five-year period, subject to a site plan and conditions

Z167-376(WE)

**FILE NUMBER:** Z167-376(WE)                      **DATE FILED:** August 15, 2017  
**LOCATION:** East line of South Central Expressway, south of Youngblood Road  
**COUNCIL DISTRICT:** 8                                      **MAPSCO:** 67 P  
**SIZE OF REQUEST:** Approx. 14.724 acres              **CENSUS TRACT:** 202.00

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**APPLICANT/OWNER:** Brown Family Lewisville Railroad Family First, LP

**REPRESENTATIVE:** Kirk Williams, Brad Williams - Winstead PC

**REQUEST:** An application for an IM Industrial Manufacturing District and a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility on property zoned a CS Commercial Service District.

**SUMMARY:** The purpose of this request is to make improvements to the site to allow for the operation of a concrete crushing facility [Big City Crushed Concrete].

**STAFF RECOMMENDATION:** **Denial**

**CPC RECOMMENDATION:** **Approval** of an IM Industrial Manufacturing District; and **approval** of a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility for a five-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- In September 2008, the City Council approved a CS Commercial Service District in lieu of an IM Industrial Manufacturing District and denied a Specific Use Permit for an outside salvage and reclamation use.
- A concrete crushing facility is considered a “potentially incompatible industrial use” and is permitted by a Specific Use Permit only, in an IM Industrial Manufacturing District.
- The Specific Use Permit will permit the applicant to operate a concrete crushing facility on site.
- There is a 100-foot floodplain that surrounds the Property. The applicant proposes to install the processing equipment, truck scale, and off-street parking, as well as the processed materials storage, and recyclable material storage area, outside the floodplain area.
- The request site is immediately adjacent to undeveloped tracts of land. A Union Pacific railroad line and the City of Dallas’ McCommas Bluff Landfill is located to the northeast and east of the site. Properties northwest of the site, across South Central Expressway, are developed with various types of auto related uses and outside salvage yard or reclamation uses.

**Zoning History:** There has not been any recent zoning change requested in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Central Expressway (U.S. 75)		Variable lane widths	Variable lane widths
Youngblood Road	Local Street	35 ft.	35 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	CS	Undeveloped
<b>Northwest</b>	AA	Auto related uses, Outside salvage yard or reclamation use
<b>Southeast</b>	IM	Undeveloped
<b>Northeast</b>	IM	City of Dallas’ McCommas Bluff Landfill
<b>Southwest</b>	A(A)	Undeveloped, Auto related use

**COMPREHENSIVE PLAN:**

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

**LAND USE**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.**

Policy 1.1.1 Implement the Trinity River Corridor Plan.

**Urban Design Element**

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.**

Policy 5.2.3 Ensure attractive gateways into the city.

**TRINITY RIVER CORRIDOR COMPREHENSIVE LAND USE PLAN**

The Trinity River Corridor Comprehensive Plan identifies the site as being in a Community Corridor and within the I-45 Gateway District Study area. The recommended land use for the corridor is Regional Employment. The Community Corridor module recommends a primary land use to be comprised of community serving retail and regional serving office. An optional land use includes industrial-distribution uses.

In addition, the stakeholders in the Gateway District Study area, which includes the Joppa residents, "supported planning and investment that would improve the quality of life for Joppa residents by better buffering between the neighborhood and its industrial neighbors. Even though Joppa is approximately 2 miles north of the request site, the residents were a part of the Study area and voiced their desires for the area. Furthermore, the study recommended eliminating junk yards in the district along transportation corridors for better land uses such as business parks.

The Plan also identifies protected areas for the Five Mile Creek, the Lemmon Hill and one tributary stream, which bisects the southern portion of the site. These protected areas may pose an impact from the potential runoff of the proposed use into Five Mile Creek.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 14.724-acre site is linear in shape and is undeveloped. The request site is adjacent to a Union Pacific railroad line and the City of Dallas' McCommas Bluff Landfill. Properties northwest of the site, across South Central Expressway, are developed with various types of auto related uses and outside salvage yard or reclamation uses. There are undeveloped tracts of land that are southeast of the request site. Properties that are southwest of the request site consist of auto related uses and undeveloped tracts of land.

The applicant's request for a Specific Use Permit for a concrete crushing facility is only permitted in an IM Industrial Manufacturing District. The proposed concrete crushing facility will have two large designated storage areas that will be used for processed materials and recyclable materials. The stockpile of these materials will be limited to a maximum height of 45 feet. The process equipment and various scales (track and scale house) are proposed to be located between the two designated storage areas. The only access onto the site is from one driveway approach form South Central Expressway.

Although the applicant is proposing to secure the property with a six-foot solid fence and maintain the vegetation along the frontage road, staff is concerned that the proposed 45-foot stockpiles of materials will be visible from South Central Expressway. In addition, the proposed use is not consistent with the future vision of the *forwardDallas! Plan* and *Trinity River Corridor Comprehensive Plan*.

The *Trinity River Corridor Comprehensive Plan* identifies the type of uses that are proposed in a Community Corridor Module. The primary land use categories are the core land uses that are the primary focus in the Corridor module. The secondary land uses support the primary land uses. The flexibility factors are the recommended land use percentages that provide a balance mix of primary and supporting uses.

Primary Land Use	%	Flexibility factor
Retail-Community	25%	+10%
Office Regional	25%	
<b>Secondary Land Use</b>		
Mixed Use A	20%	+ 5%
Residential-Multi-Family 3	20%	+ 5%
Entertainment	+ 5%	+ 5%
Civic	+ 5%	+ 5%
<b>Optional Land Uses</b>		
Park & Open Space		
Industrial-Distribution	5%	
Retail-Neighborhood	10%	

%

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.

**Landscaping:** Landscaping must be provided in accordance with Article X, as amended. Plant materials must be maintained in a healthy, growing condition.

**Parking:** The parking requirement for an industrial (outside) use is one space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area. The number of spaces required is five spaces which the applicant will provide, as depicted on the proposed site plan.



**CPC Action** (December 14, 2017)

**Motion:** It was moved to recommend **approval** of an IM Industrial Manufacturing District and **approval** of a Specific Use Permit for an industrial (outside) potentially incompatible use limited to a concrete crushing facility for a five-year period, subject to a site plan and conditions on property zoned a CS Commercial Service District, on the east line of South Central Expressway, south of Youngblood Road.

Maker: Lavallaisaa  
Second: Houston  
Result: Carried: 14 to 1

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung,  
Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 1 - Schultz  
Absent: 0  
Vacancy: 0

**Notices:** Area: 400 Mailed: 11  
**Replies:** For: 1 Against: 0

**Speakers:** For: Brad Williams, 2728 N. Harwood St., Dallas, TX, 75201  
Trey Brown, 6909 Joyce Way, Dallas, TX, 75225  
Against: None

**CPC PROPOSED SUP  
CONDITIONS**

1. USE: The only use authorized by this specific use permit is for an industrial (outside) potentially incompatible use limited to a concrete crushing facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

*CPC Recommendation*

3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_(five years from the passage of this ordinance).

Applicant's Proposal

3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_(twenty years from the passage of this ordinance), but is eligible for automatic renewal for additional twenty-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. GROUND AND DUST CONTROL All areas of the Property, inclusive of any stockpiles, must be sprinkled with water or chemicals as necessary to achieve maximum control of dust emission.
5. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. The drive approach to the Property must be constructed on concrete pavement. Internal parking and circulation drives may be constructed of either concrete or crushed rock.
6. STOCKPILE HEIGHT: The maximum stacking height for stockpiles, both raw material and finished product, shall be in accordance with applicable TCEQ regulations or 45 feet, whichever is less.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

Z167-376(WE)

8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

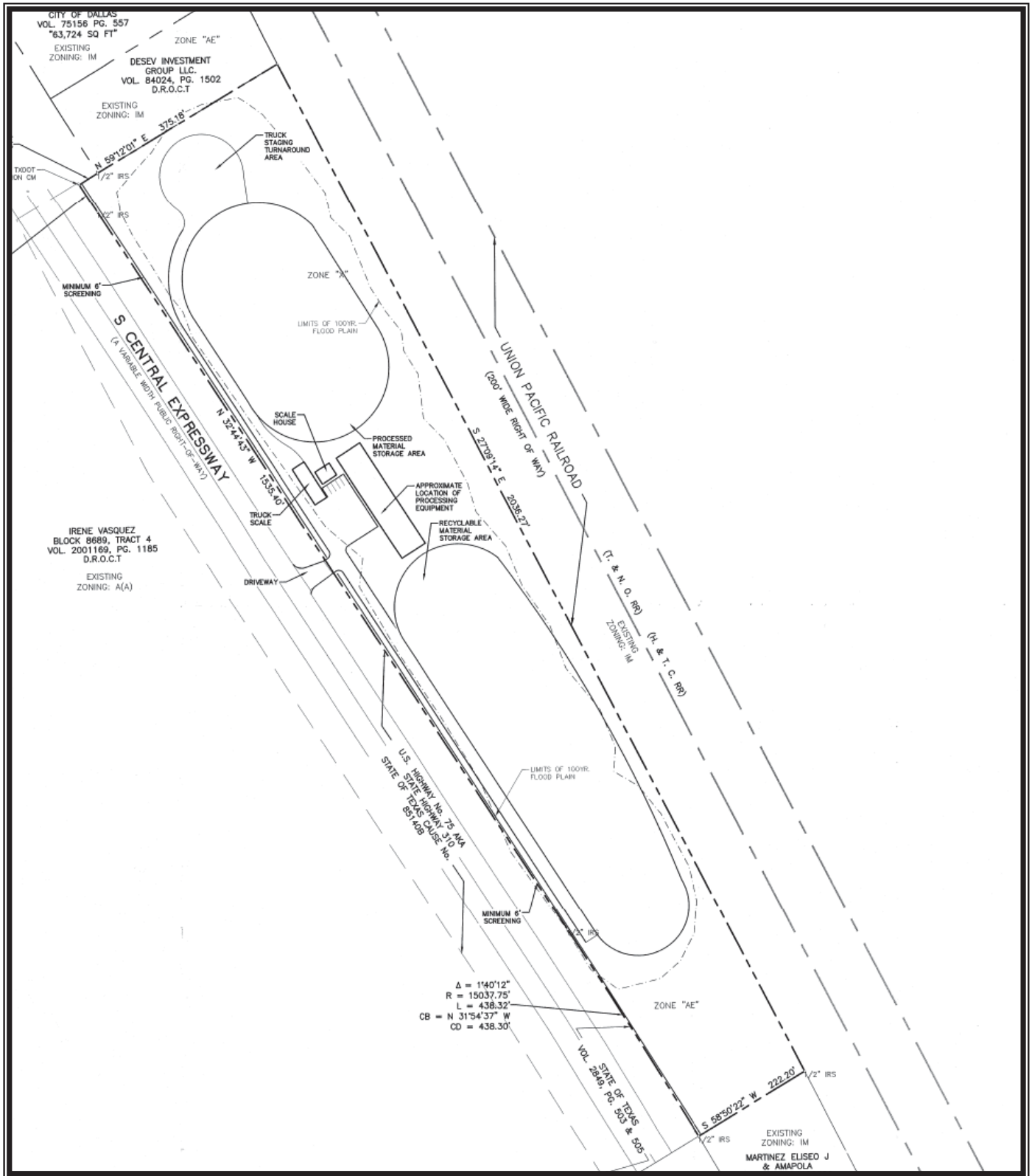
**LIST OF OFFICERS**

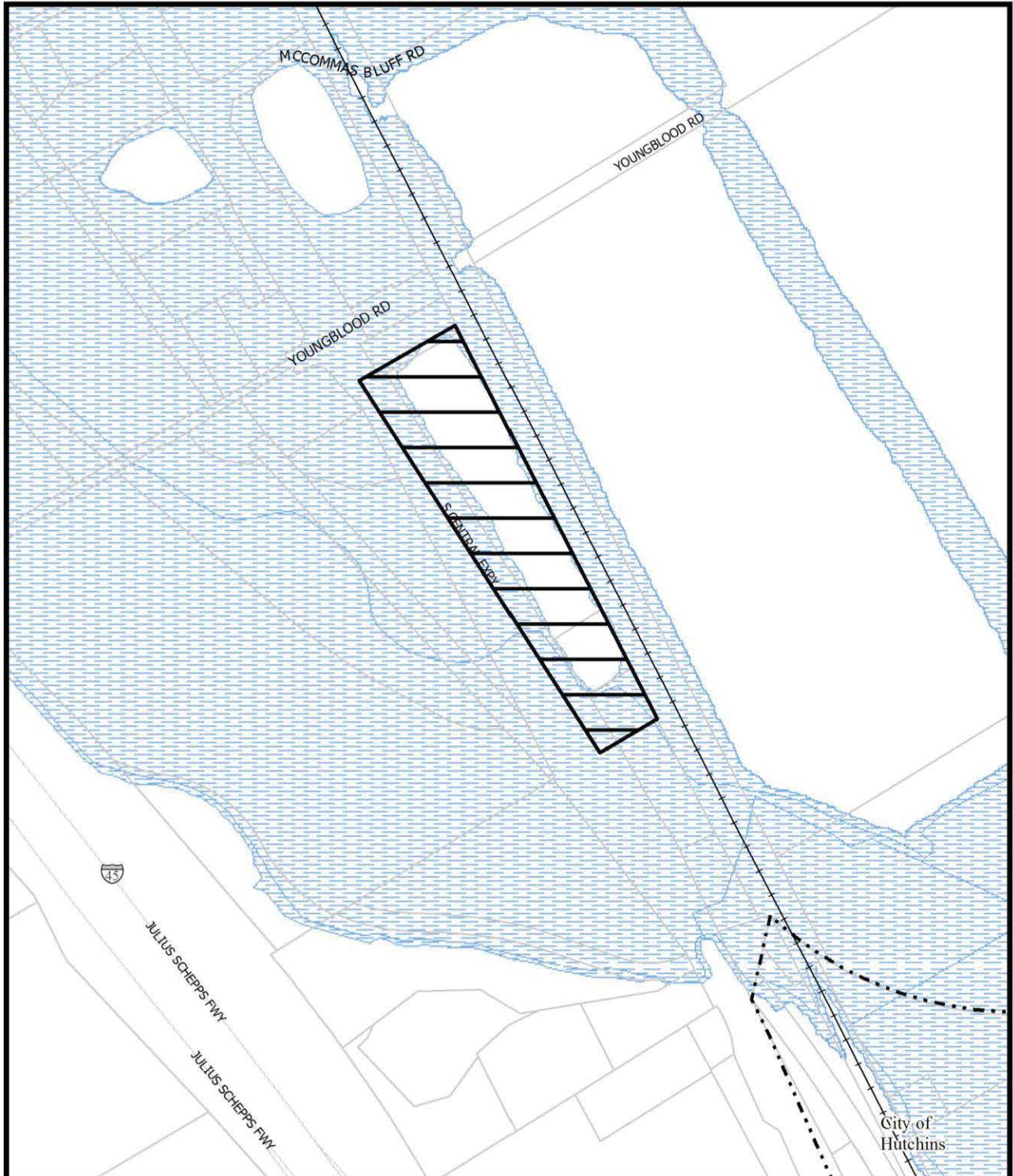
**General Partner: BLRR Management, LLC**

**Members:**

- Mason C. Brown
- Barbara L. Brown
- Michael A. Richard

**PROPOSED SITE PLAN**



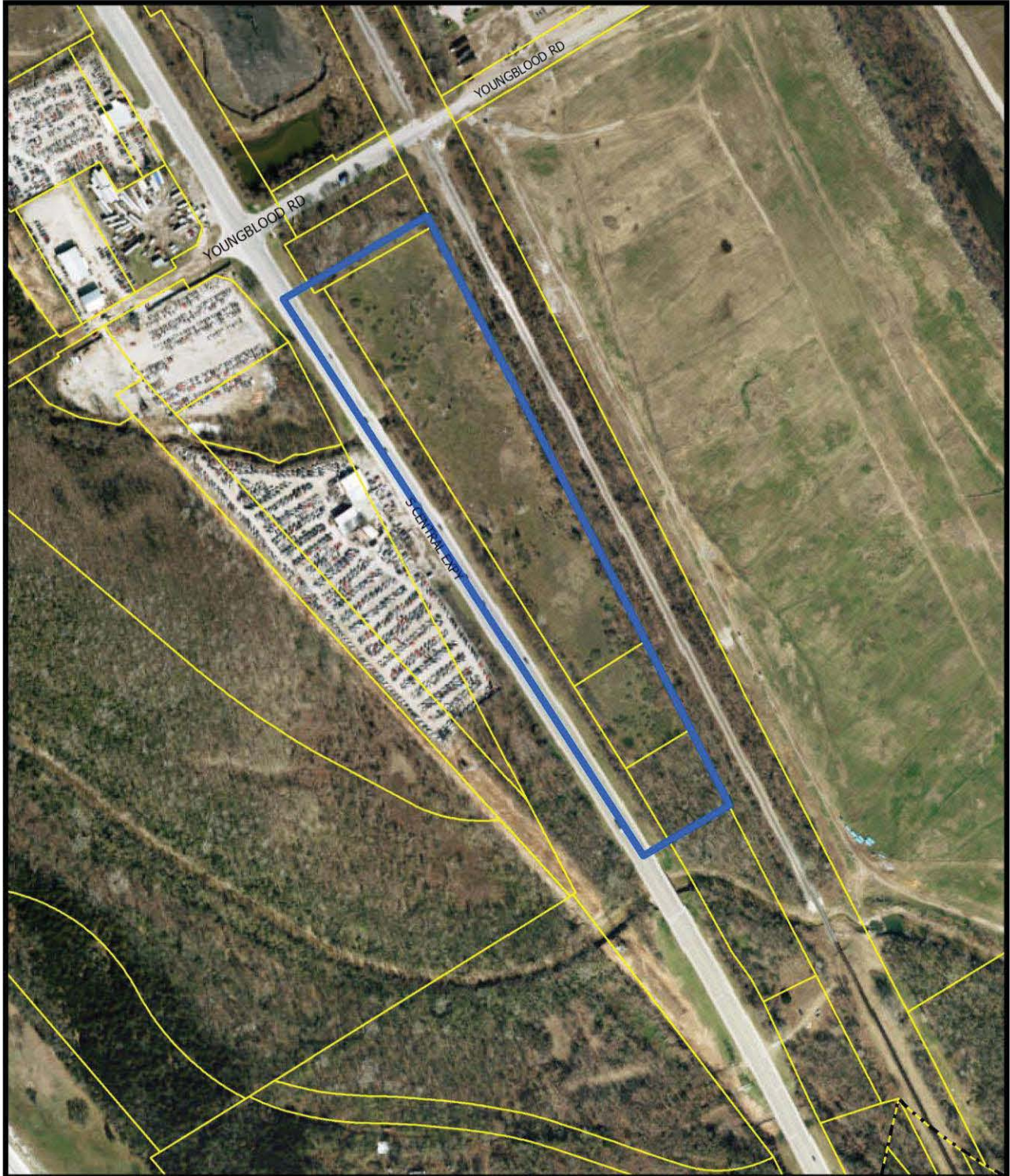


1:7,200

# VICINITY MAP

Case no:     **Z167-376**    

Date:     **10/24/2017**

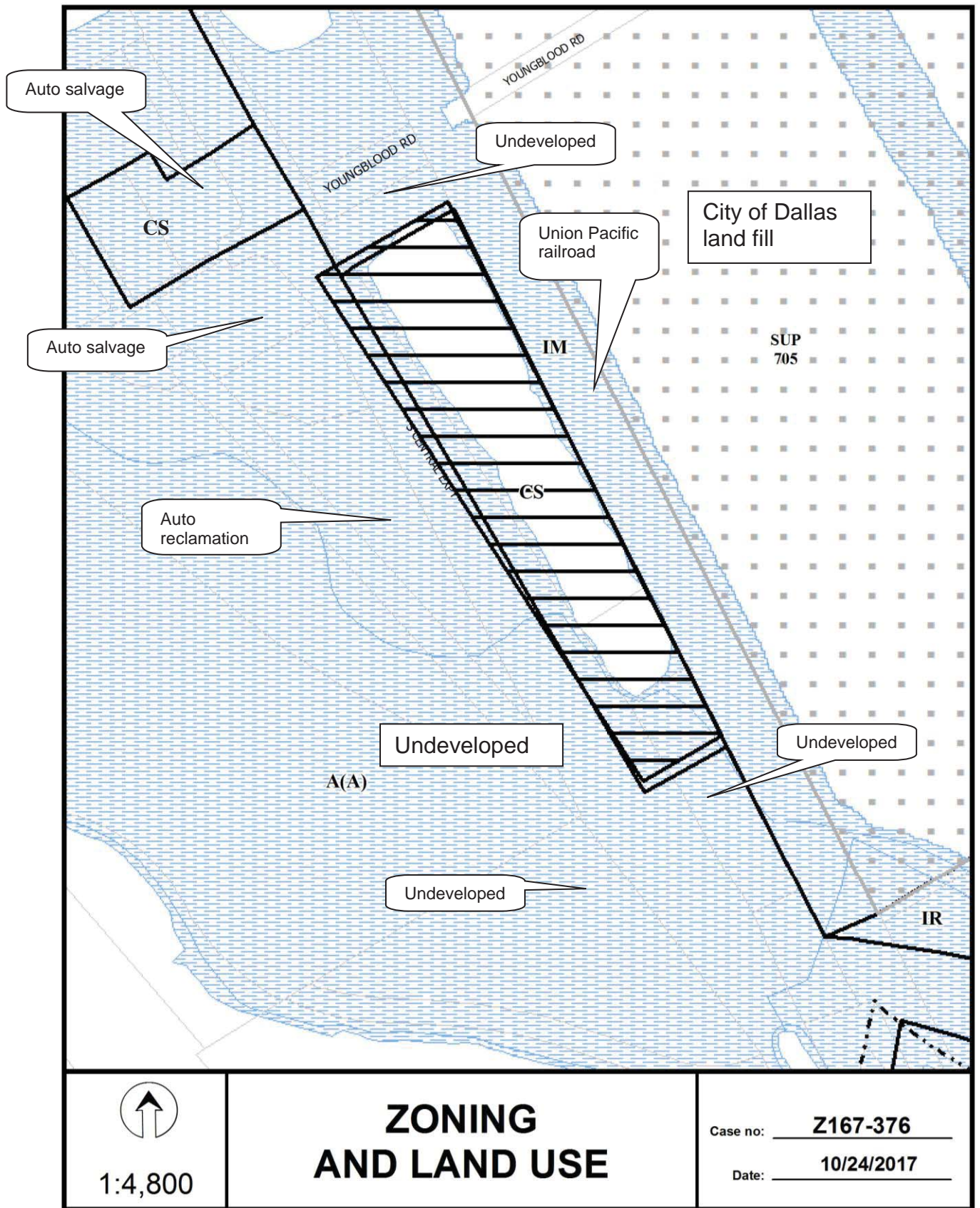


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# AERIAL MAP

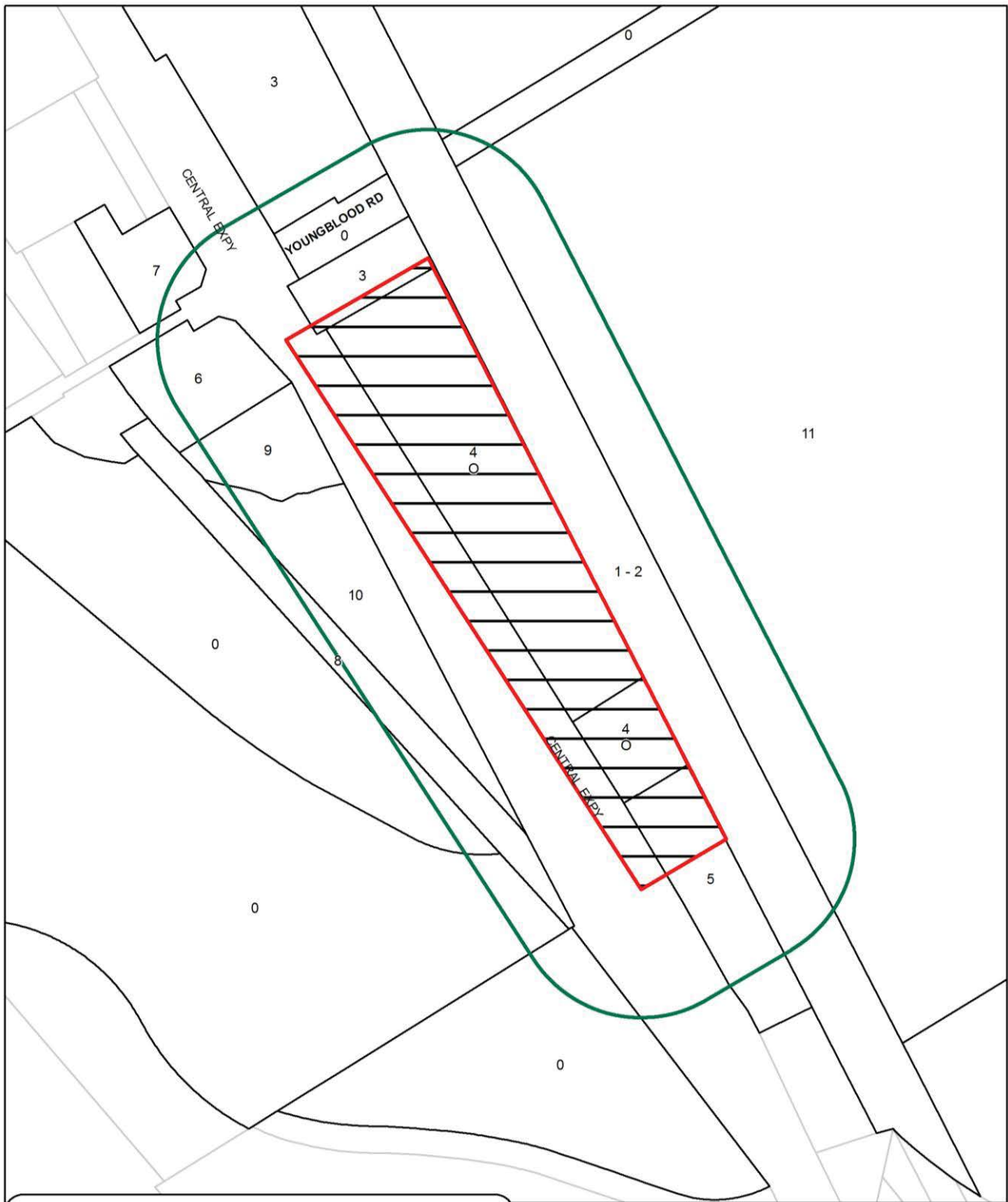
Case no: Z167-376

Date: 10/24/2017





**CPC RESPONSES**



<u>11</u>	Property Owners Notified (17 parcels)
<u>1</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>12/14/2017</u>	Date

**Z167-376**  
**CPC**



1:4,800

## ***Notification List of Property Owners***

### ***Z167-376***

***11 Property Owners Notified      1 Property Owners in Favor      0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	2	9999 NO NAME ST	UNION PACIFIC RR CO
	3	9500 S CENTRAL EXPY	DESEV INVESTMENT GROUP LLC
O	4	9800 S CENTRAL EXPY	BROWN FAMILY LEWISVILLE RR FAMILY 1ST LP
	5	10400 S CENTRAL EXPY	MARTINEZ ELISEO J & AMAPOLA
	6	9600 S CENTRAL EXPY	COMET AUTO SALVAGE INC
	7	5305 YOUNGBLOOD RD	NICKS BIG TRUCK SALES
	8	5200 YOUNGBLOOD RD	TEXAS UTILITIES ELEC CO
	9	9901 S CENTRAL EXPY	County of Dallas
	10	9915 S CENTRAL EXPY	VAZQUEZ IRENE
	11	5200 SIMPSON STUART RD	FCC S A

**AGENDA ITEM # 56**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 69A M; 70 J

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an R-10(A) Single Family District and NS(A) D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on a portion on the north corner of South Belt Line Road and Garden Grove Drive

Recommendation of Staff: Denial

Recommendation of CPC: Approval of a CR Community Retail District with retention of the D-1 Liquor Control Overlay on a portion 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

Z167-381(WE)

**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JANUARY 24, 2018**  
**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z167-381(WE) **DATE FILED:** August 24, 2017  
**LOCATION:** North corner of South Belt Line Road and Garden Grove Drive  
**COUNCIL DISTRICT:** 8 **MAPSCO:** 69A M; 70 J  
**SIZE OF REQUEST:** Approx. 3.184 acres **CENSUS TRACT:** 171.01

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**APPLICANT/OWNER:** Golden Star Holdings, LLC, /Aziz Jiwani, Manager

**REPRESENTATIVE:** Roger Albright

**REQUEST:** An application for a CR Community Retail District and a Specific Use Permit for a mini-warehouse use on property zoned an R-10(A) Single Family District and NS(A) D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on a portion.

**SUMMARY:** The purpose of this request is to allow for the construction of approximately 54,730 square feet of storage space consisting of five, one-story structures. The proposed mini-warehouse use will include a 1,000-square-foot accessory office for the caretaker quarters.

**STAFF RECOMMENDATION:** **Denial**

**CPC RECOMMENDATION:** **Approval** of a CR Community Retail District with retention of the D-1 Liquor Control Overlay on a portion 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 request site is undeveloped.
- The applicant's request for a CR Community Retail District and a Specific Use Permit will allow for development of a mini-warehouse use. The CR Community Retail District permits mini-warehouse uses by a Specific Use Permit.
- The request site is contiguous to undeveloped tracts of land that are zoned for R-10(A) Single Family District uses and NS(A) Neighborhood Service District uses. Properties located southwest of the site, across Garden Grove Drive are developed with single family uses and an undeveloped tract of land. In addition, there are several properties that are located southeast of the site, across South Belt Line Road, that are developed with single family uses and an undeveloped tract of land.

**Zoning History:** There has been one zoning change requested in the area within the past five years.

1. Z156-289 On February 22, 2017, the City Council approved a CR Community Retail District with volunteered deed restrictions and **denied** the request for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Belt Line Road	Principal Arterial	80 ft.	80 ft.
Garden Grove Drive	Local Street	60 ft.	60 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	R-10(A), NS(A)-D-1	Undeveloped
<b>Northeast</b>	R-10(A), D(A)	Single Family
<b>Southeast</b>	NS(A)-D-1, PDD No. 777 with D-1, SUP No. 1886	Undeveloped, General merchandise or food store
<b>Northwest</b>	R-10(A), R-7.5(A)	Single Family
<b>Southwest</b>	CR-D-1 with DR, PDD No. 777, SUP No. 1886	Undeveloped, General merchandise or food store

## **COMPREHENSIVE PLAN:**

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

## **LAND USE**

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

While the use could provide a service to neighborhood residents, it may not be a desirable long-term use envisioned by the West Kleberg Community Plan.

### **West Kleberg Community Plan (2007):**

The West Kleberg Community Plan identified a vision statement: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

The subject site is located within Sub-area 1, which is comprised of approximately 2,047 acres of which 46 percent was vacant or undeveloped, and 33 percent was comprised of Single Family (SF) uses at publication in 2007.

Commercial service and retail uses are dominant along Highway 175, with a concentration of these uses between Edd Road and South Belt Line Roads. The West Kleberg community desires to encourage economic development along its main corridors, namely Highway 175 and South Belt Line Road. A retail gap analysis completed with the plan identified that residents of this area were likely to spend in nearby Balch Springs or the city of Mesquite. Retail facilities are not sufficiently available. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections for these types of services needed within this sector of Dallas.

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mix use project and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads, Highway 175, and South Belt Line Road and Kleberg and South Belt Line Road. The subject site is within

that buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the top 20 Community “Needs & Desires” as indicated below.

The proposed use was not a consideration in the vision for Sub-area 1.

**TABLE 12: VISIONING ACTIVITY – COMMUNITY “NEEDS & DESIRES”**

1. Bank	11. Ice Rink
2. Big Box (Lowe’s and Sam’s)	12. Mid-rise Mixed Use
3. Bookstore	13. Museum
4. Central Market	14. New Auto Dealership
5. Cinema	15. Office
6. Doctor Offices	16. Outlet and/or Mini-Malls
7. Drug Store	17. Research & Development Uses
8. Gas Station	18. Restaurants
9. Hospital	19. Small Shops
10. Hotel/Conference Center	20. Ice Cream Parlor (i.e., Braum’s)

**STAFF ANALYSIS:**

**Land Use Compatibility:** The land uses adjacent to the request site are developed with single family uses. The request site has frontages on South Belt Line Road and Garden Grove Drive and the proposed mini-warehouse use will have access from Garden Grove Drive. The property south of the request site, across South Belt Line Road is developed with neighborhood retail development [PDD No. 777 with a SUP No. 1886].

The applicant’s request for a CR Community Retail District and a SUP will allow for the construction of approximately 54,730 square feet of storage space consisting of five, one-story structures. The proposed mini-warehouse use will include a 1,000-square-foot accessory office for the caretaker quarters. The proposed mini-warehouse use will have requirements for building materials to exclude materials that may not be consistent with the surrounding residential developments. A minimum of 80 percent brick concrete masonry unit split face, stone or cementitious fiberboard siding, excluding fenestration will be required. The maximum structure height is 29 feet. The applicant will comply with the development regulations in the CR District. In addition, the hours of operation proposed is from 6:00 a.m. to 9:00 p.m., Monday through Sunday

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.

Even though the proposed development could serve the community in the short term and the applicant has provided a large buffer area due to the residential adjacency, staff cannot support the request because of the community’s vision for the type of uses that are desired in the area. Also, staff is aware that there have not been any improvements to the site in over 10 years.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-10(A) - existing Single Family	30'	6'	1 Dwelling Unit/ 10,000 sq. ft.	30'	45%		Single family
NS(A) - existing Neighborhood service	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 2 stories	40%		Retail & personal service, office
CR - proposed Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. Due the residential adjacency to the north and west, the applicant is required to provide a minimum 10-foot landscape buffer strip along the entire perimeter of the site that is adjacent to the residential property. The applicant is providing at least a 27-foot buffer strip between the proposed mini-warehouse use and the single family uses. If the City Plan Commission recommends approval, the applicant will revise the site plan to reflect the requirements that are outlined in item #1 below.

The development code also requires the following plant materials in a landscape buffer strip:

(1) If a fence with a buffer strip is required along any part of the perimeter of a lot, the buffer strip must contain either one large canopy tree or two large non-canopy trees at a minimum average density of one large canopy tree or two large non-canopy trees for each 50 linear feet of the buffer strip, with new trees spaced no less than 25 feet apart.



(2) When a fence is not provided, the applicant will have to comply with the design standards and must contain one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:

- (i) One large canopy tree and one large non-canopy tree.
- (ii) One large canopy tree and three small trees.
- (iii) One large canopy tree and three large evergreen shrubs.
- (iv) One large canopy tree, two small trees, and one large evergreen shrub.
- (v) One large canopy tree, one small tree, and two large evergreen shrubs.
- (vi) Two large non-canopy trees.

**Parking:** The off-street parking requirement for a mini-warehouse use is a minimum of six spaces. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent. The applicant is providing seven off-street parking spaces.

**Prior CPC Action  
December 14, 2017**

**Motion:** It was moved to recommend **approval** of a CR Community Retail District with a D-1 Liquor Control Overlay on a portion 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 on property zoned an R-10(A) Single Family District and NS(A) D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on a portion on the north corner of South Belt Line Road and Garden Grove Drive.

Maker: Lavallaissa  
Second: Rieves  
Result: Carried: 11 to 0

For: 11 - West, Rieves, Davis, Carpenter, Lavallaissa,  
Jung, Housewright, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 4 - Houston, Shidid, Mack, Schultz  
Vacancy: 0

**Notices:** Area: 300 Mailed: 37  
**Replies:** For: 1 Against: 2

**Speakers:** For: Roger Albright, 3301 Elm St., Dallas, TX, 75226  
Against: None  
Against (Did not speak): Nellie Green, 1421 S. Beltline Rd., Dallas, TX, 75253

**CPC PROPOSED SUP CONDITIONS**

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.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (ten-year period from the passage of this ordinance), but is eligible for automatic renewal for additional ten-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. FLOOR AREA:
  - a. The maximum floor area is 54,730 square feet.
  - b. Maximum floor area for the accessory office is 1,000 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The mini-warehouse may only operate between 6:00 a.m. and 9:00 p.m., Monday through Sunday.
6. OUTSIDE STORAGE: Outside storage of vehicles, parking for vehicles for rent, boats, and /or equipment is prohibited.
7. HEIGHT: The use authorized by this specific use permit may not exceed 29 feet in height.
8. MATERIALS: The exterior facades must be a minimum 80 percent brick concrete masonry unit split face, stone or cementitious fiberboard siding, excluding fenestration.
9. FENCE: A minimum 6-foot wrought iron fence, is required in the location as shown on the landscape plan.

10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

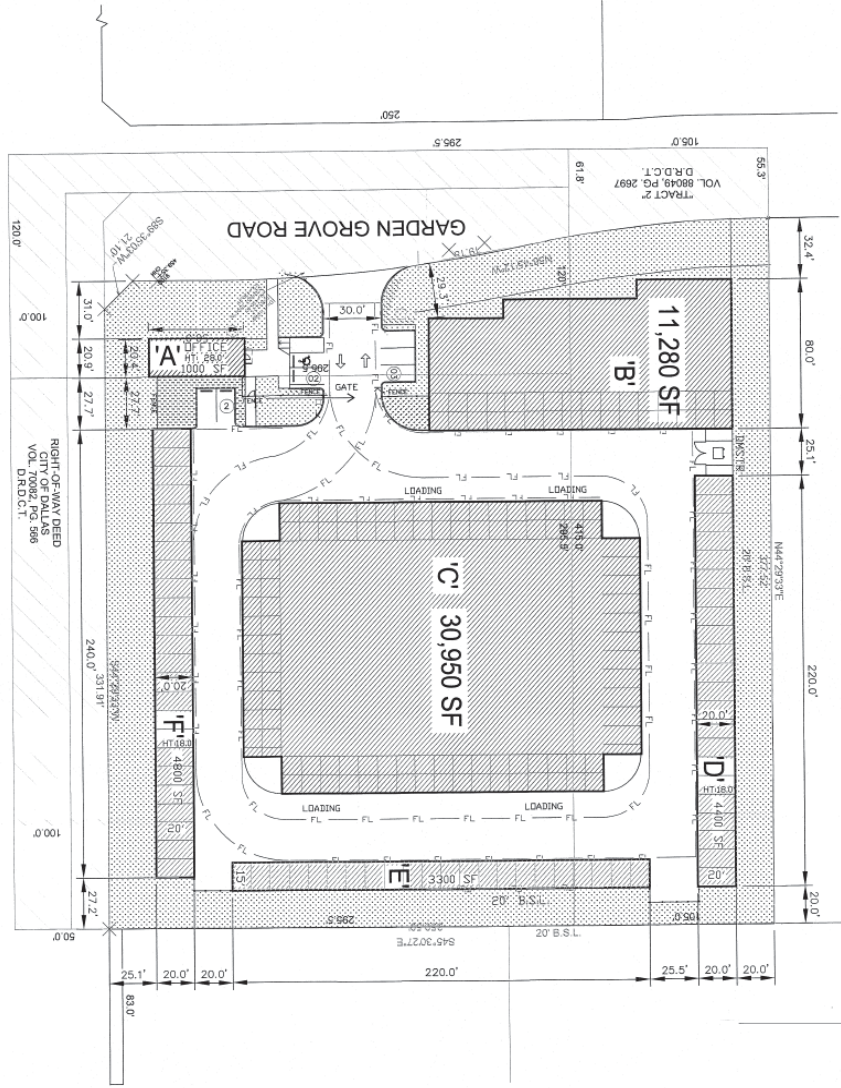
**PROPOSED SITE PLAN**

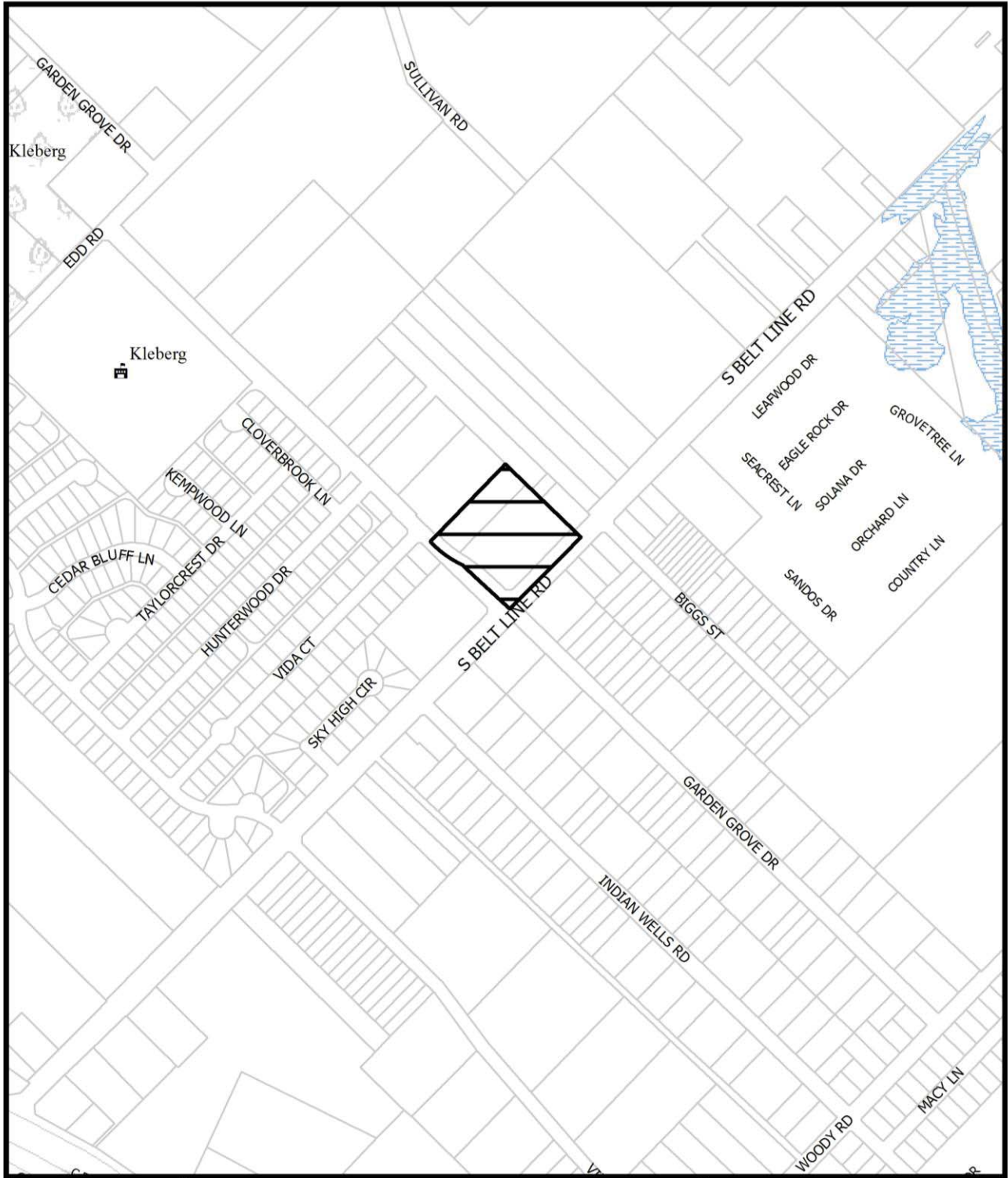
LOT	125,713 SF	100%
IMP COVER	91,592 SF	73%
PER CVR	34,121 SF	27%

**BUILDING AREA SUMMARY**

BLDG	AREA	MAXIMUM HEIGHT
'B'	11,280 SF	16.8'
'C'	30,950 SF	20.8'
'D'	4,400 SF	13.8'
'E'	3,300 SF	13.8'
'F'	4,800 SF	13.8'
STORAGE	54,730 SF	
OFFICE 'A'	1,000 SF	29'
TOTAL	55,730 SF	

**1 PRELIMINARY SITE PLAN**  
SCALE: 1" = 30'-0"





1:6,000

# VICINITY MAP

Case no:           Z167-381          

Date:           9/22/2017

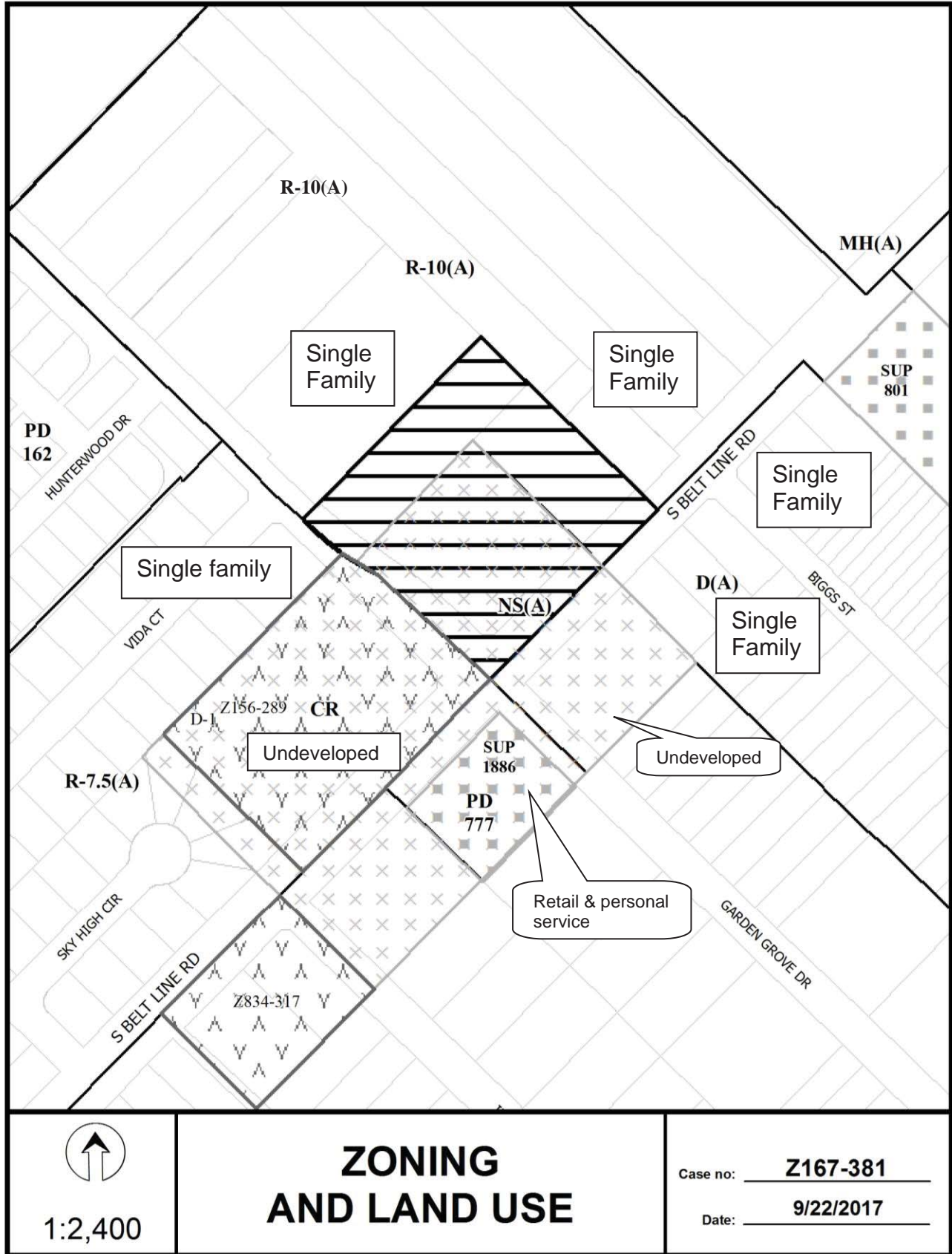


1:2,400

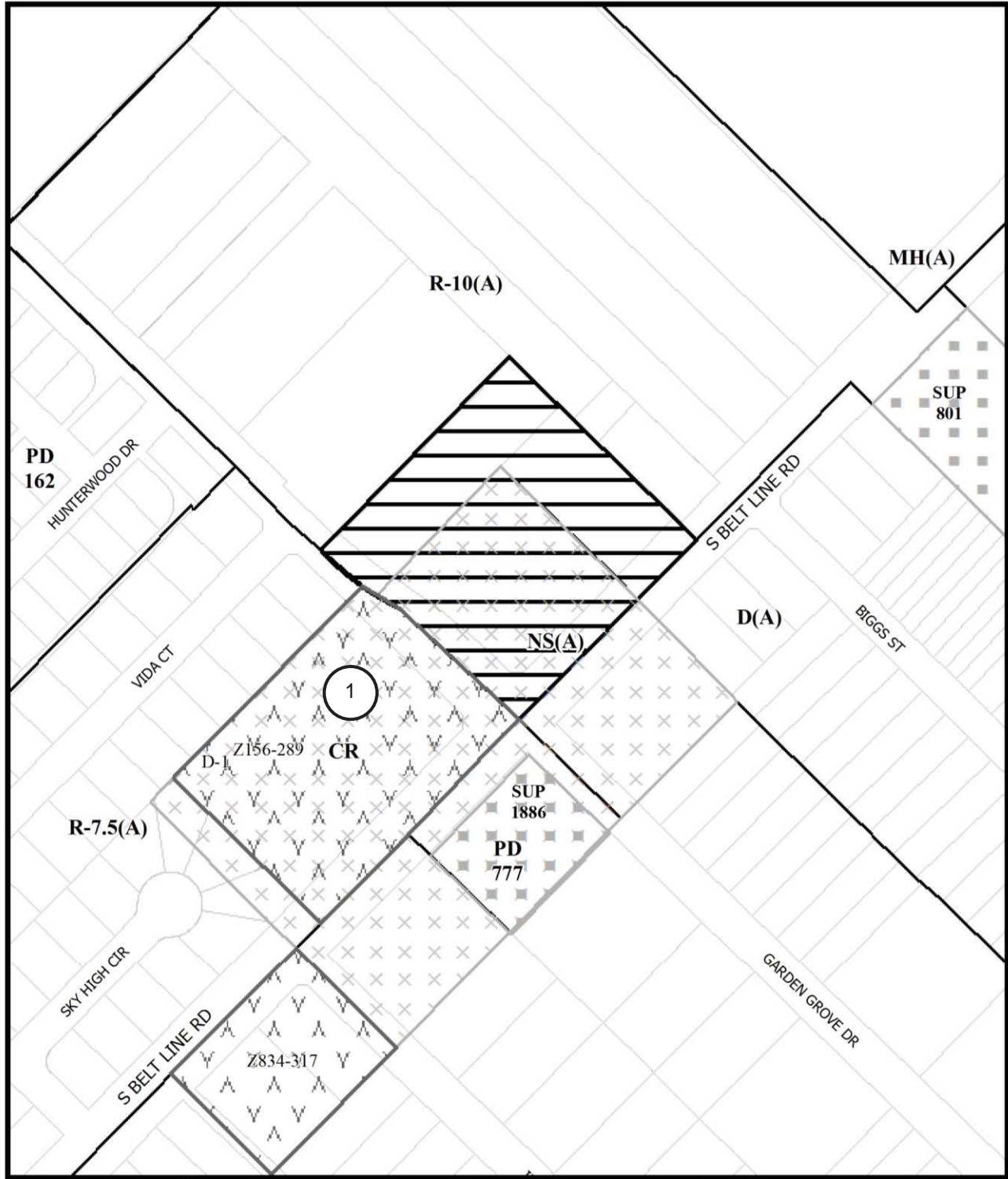
# AERIAL MAP

Case no: Z167-381

Date: 9/22/2017







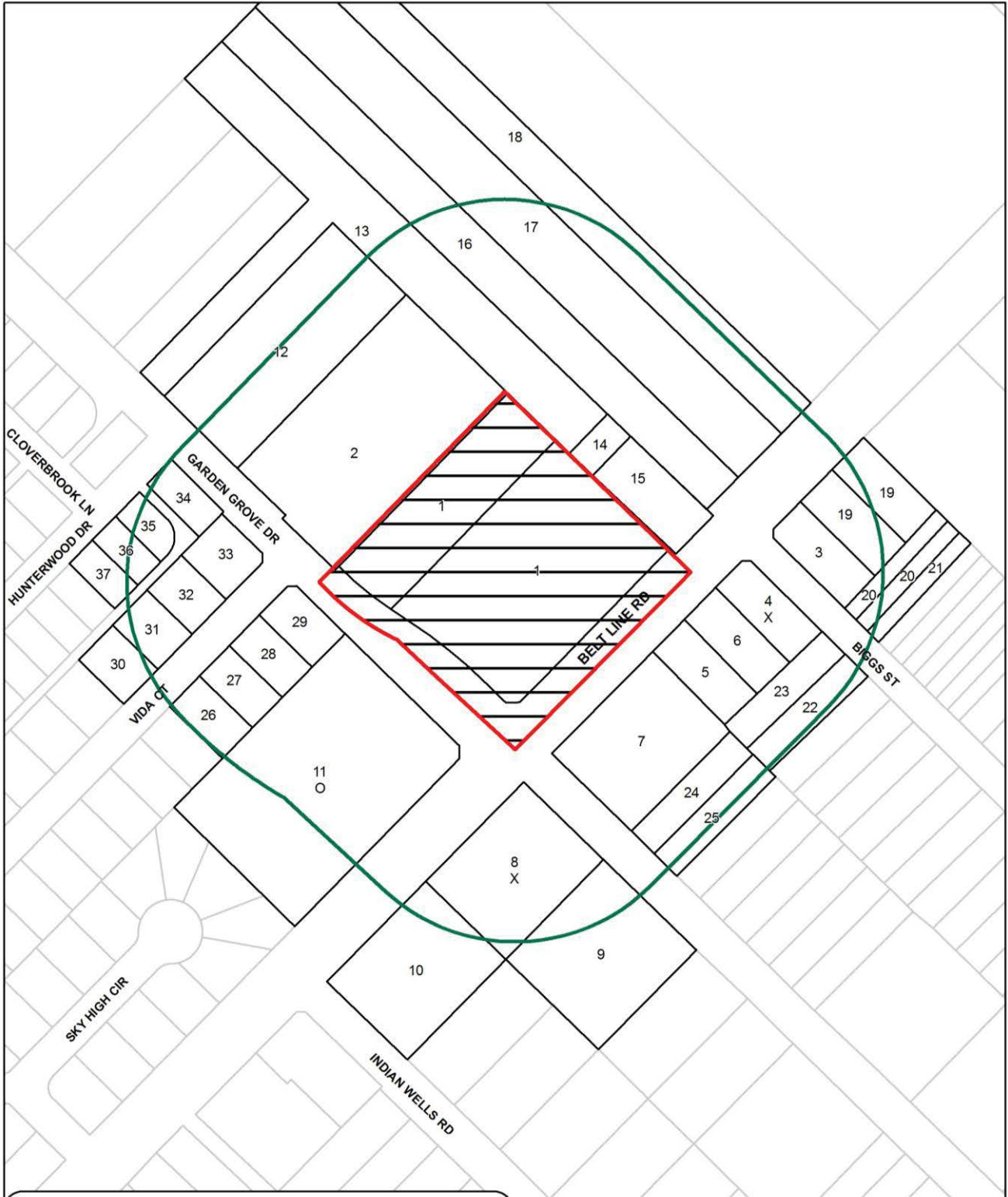
1:2,400

# ZONING HISTORY

Case no: Z167-381

Date: 9/22/2017

**CPC RESPONSES**



<u>37</u>	Property Owners Notified (40 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>300'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-381**  
**CPC**



1:2,400

## ***Notification List of Property Owners***

### ***Z167-381***

***37 Property Owners Notified      1 Property Owners in Favor      2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1429 S BELTLINE RD	DALLAS METRO HOLDINGS LLC
	2	13435 GARDEN GROVE DR	ORTIZ JOSE & BELEN
	3	1416 S BELTLINE RD	HINKLE DAKOTA KEITH &
X	4	1430 S BELTLINE RD	VOYLES E JANE
	5	1442 S BELTLINE RD	HUMPHRIES KENNETH
	6	1436 S BELTLINE RD	MCCOY LARRY D & LAURA M
	7	1448 S BELTLINE RD	MORALES ELSA
X	8	1512 BELT LINE RD	WALNUT HILLTOP CORP
	9	13624 GARDEN GROVE DR	LUNA RUBEN
	10	13601 INDIAN WELLS RD	CHAVEZ RAQUEL &
O	11	1500 S BELTLINE RD	1500 S BELTLINE LLC
	12	13405 GARDEN GROVE DR	AMADOR ADRIAN &
	13	13327 GARDEN GROVE DR	SOTO GUADALUPE
	14	1421 S BELTLINE RD	CLEPPER STEVEN & KATHY J
	15	1421 S BELTLINE RD	GREEN NELLIE
	16	1415 S BELTLINE RD	EASTER AVAN SR
	17	1407 S BELTLINE RD	EASTER AVAN SR
	18	1343 S BELTLINE RD	ONTIVEROS FRANCISCO J
	19	1408 BELTLINE RD	WHITE CLOUD REALTY SERVICES INC
	20	13615 BIGGS ST	TIONLOC ALEXANDER C
	21	13621 BIGGS ST	TIONLOC ANTHONY
	22	13618 BIGGS ST	LEMUS JUAN J & YANIRA C
	23	13612 BIGGS ST	VOYLES KENNETH
	24	13621 GARDEN GROVE DR	DELEON JOEL &
	25	13625 GARDEN GROVE DR	ROGERS KRYSTAL M &
	26	1512 VIDA CT	HUNTSBERRY JACQUELINE

Z167-381(WE)

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1508 VIDA CT	DIAZ LUIS C & NANCY
	28	1504 VIDA CT	GASPARMARTINEZ JHONATAN MISCHEL
	29	1500 VIDA CT	GUILLEN ISAIAS
	30	1519 VIDA CT	WAGGONER DON & ELVIA
	31	1515 VIDA CT	EUCEDA INVESTMENTS CORP
	32	1511 VIDA CT	KENTVILLE LLC
	33	1507 VIDA CT	KIRKS PROPERTY DEVELOPMENT LLC
	34	1504 HUNTERWOOD DR	GM CAPITAL LLC
	35	1508 HUNTERWOOD DR	WARD OPELENE
	36	1512 HUNTERWOOD DR	CHILDS BRIAN
	37	1516 HUNTERWOOD DR	NASCIMENTO JOAQUIM CARLOS

**AGENDA ITEM # 57**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 52 U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the south line of West Illinois Avenue, between Duncanville Road and Knoxville Street

Recommendation of Staff: Approval

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

Z167-391(PD)

**FILE NUMBER:** Z167-391(PD)

**DATE FILED:** September 11, 2017

**LOCATION:** South line of West Illinois Avenue, between Duncanville Road and Knoxville Street

**COUNCIL DISTRICT:** 3

**MAPSCO:** 52 U

**SIZE OF REQUEST:** ± 2.46 acres

**CENSUS TRACT:** 108.01

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**REPRESENTATIVE:** Elsie Thurman

**APPLICANT/OWNER:** CCA Investments Inc.

**REQUEST:** An application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District.

**SUMMARY:** The applicant proposes to develop the site with a multifamily residential community containing 137 dwelling units and typical accessory uses such as a leasing office, exercise room, swimming pool, and party room. The general zoning change will allow uses within the MF-2(A) Multifamily District.

**STAFF RECOMMENDATION:** Approval

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

**BACKGROUND INFORMATION:**

- The ±2.46-acre request site is currently undeveloped and is immediately adjacent to undeveloped MF-2(A) zoned property owned by the applicant to the east.
- The proposed MF-2(A) Multifamily District will allow the land use of multifamily by right. The current zoning of CR Community Retail does not allow the multifamily land use.
- The request will conform to all regulations within the MF-2(A) Multifamily District.
- The request site is surrounded by a college to the north, multifamily to the south, undeveloped land to the east, and medical office and undeveloped land to the west.
- On November 30, 2017, the City Plan Commission approved the request with deed restrictions volunteered by the applicant ensuring the installation of a 6 foot wide sidewalk along the south line of West Illinois Avenue, and landscape with a minimum width of 4 feet to screen the Property from West Illinois Avenue.

**Zoning History:** There have been no recent zoning cases in the area within the past five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
W. Illinois Avenue	Principal Arterial	100-ft.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed zoning change will not have a detrimental impact on the surrounding street system.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR	Undeveloped Land
<b>North</b>	R-7.5(A)	Mountain View College
<b>South</b>	MF-2(A)	Multifamily
<b>East</b>	MF-2(A)	Undeveloped Land
<b>West</b>	CR	Medical Office and Undeveloped Land

**Comprehensive Plan:**

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

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

**ECONOMIC ELEMENT**

**GOAL 2.1 Promote Balanced Growth**

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

**NEIGHBORHOOD PLUS**

One of the goals of *Neighborhood Plus* is to expand homeownership. This goal encourages a wider range of housing types to respond to emerging preferences, identifies incentives for infill development and home improvements in targeted neighborhoods, expands programs to reach a broader range of potential home buyers, and develops partnership to increase the pool of eligible loan applicants.



**GOAL 6 Enhance Rental Housing Options**

Policy 6.1 Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

Action 6.1.3 Strengthen regulatory standards and provide incentives for volume single family and multi-family developers to provide a range of housing unit sizes, and include family-friendly amenities such as play area or open/green space for active, healthy living.

Per the applicant, the request site would provide swimming pools as an amenity to their tenants. The site will have to comply with Article X landscaping regulations. One of the design standards of this particular policy with in Neighborhood Plus is pedestrian amenities that could be used in order to meet compliance with this zoning requirement.

**Land Use Compatibility:**

The applicant is proposing to construct a multifamily residential community containing 137 dwelling units and typical accessory uses such as a leasing office, pavilion, exercise room, party room and swimming pool, on the area of request. Since these accessory uses are incidental to a multifamily development they must be for the exclusive use of the residents of the community and their guests.

The ±2.46-acre request site is currently undeveloped and immediately adjacent to a 3.16-acre site currently zoned MF-2(A) and owned by the applicant. The request site is adjacent to a college to the north, multifamily to the south, undeveloped land to the east, and medical office and undeveloped land to the west. West Illinois Avenue is a principal arterial and borders the north side of the site. An MF-2(A) Multifamily District is consistent with the overall land use pattern of the area. There are adjacent parcels that are zoned MF-2(A) to support this general zoning change. The MF-2(A) Multifamily District supports the development of residential uses, institutional and community service uses, and recreation uses. This zoning district prohibits all commercial and office uses; and focuses on area regulations that are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage.

Staff’s recommendation is approval because the applicant’s request is consistent with the intent of the Dallas Development Code as the rezoning of this 2.46-acre tract will provide a stair step zoning pattern from low density residential development to medium density residential development and finally commercial, retail, and personal service development directly adjacent to the highway.

**Development Standards:**

District	Setbacks		Density	Residential	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR Community Retail	15	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & Personal Service, Office
MF-2(A) Multifamily	15'	10'/15' or 10' when building site backs up to non MF-2(A)	Based on unit size	36'	60%	Proximity Slope	Multifamily, Duplex, Single Family

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking must be provided in accordance with Division 51A-4.200. The Dallas Development Code requires off-street parking to be provided at one space per bedroom with a minimum of one space per dwelling unit plus 0.25 spaces per dwelling unit for guest parking.

**Landscaping:**

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Z167-391(PD)

**Prior CPC Action  
November 30, 2017:**

**Note: The Commission considered this item individually.**

**Motion:** It was moved to recommend **approval** of an MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the south line of West Illinois Avenue, between Duncanville Road and Knoxville Street.

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

For: 13 - West, Rieves\*, Houston, Shidid, Carpenter,  
Lavallaissa, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Mack  
Vacancy: 0  
Conflict: 1 - Davis

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 7  
**Replies:** For: 0 Against: 0

**Speakers:** For: Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
For (Did not speak): Emeka Akpunku, 1203 Tulip Ct., Cedar Hill, TX, 75104  
Against: None

Z167-391(PD)

**List of Partners/Principals/Officers**

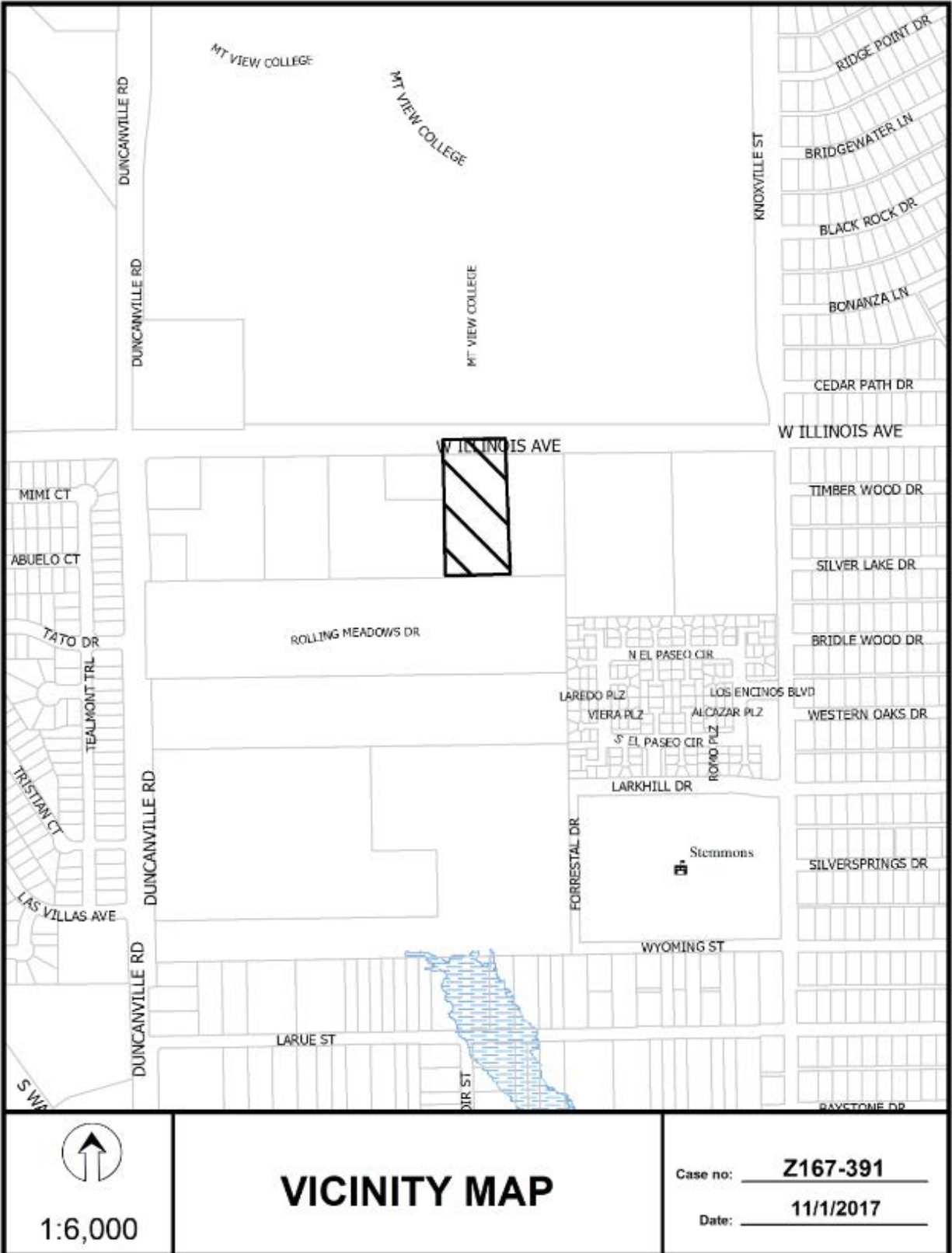
CCA Investments, Incorporated  
Emeka Akpunku

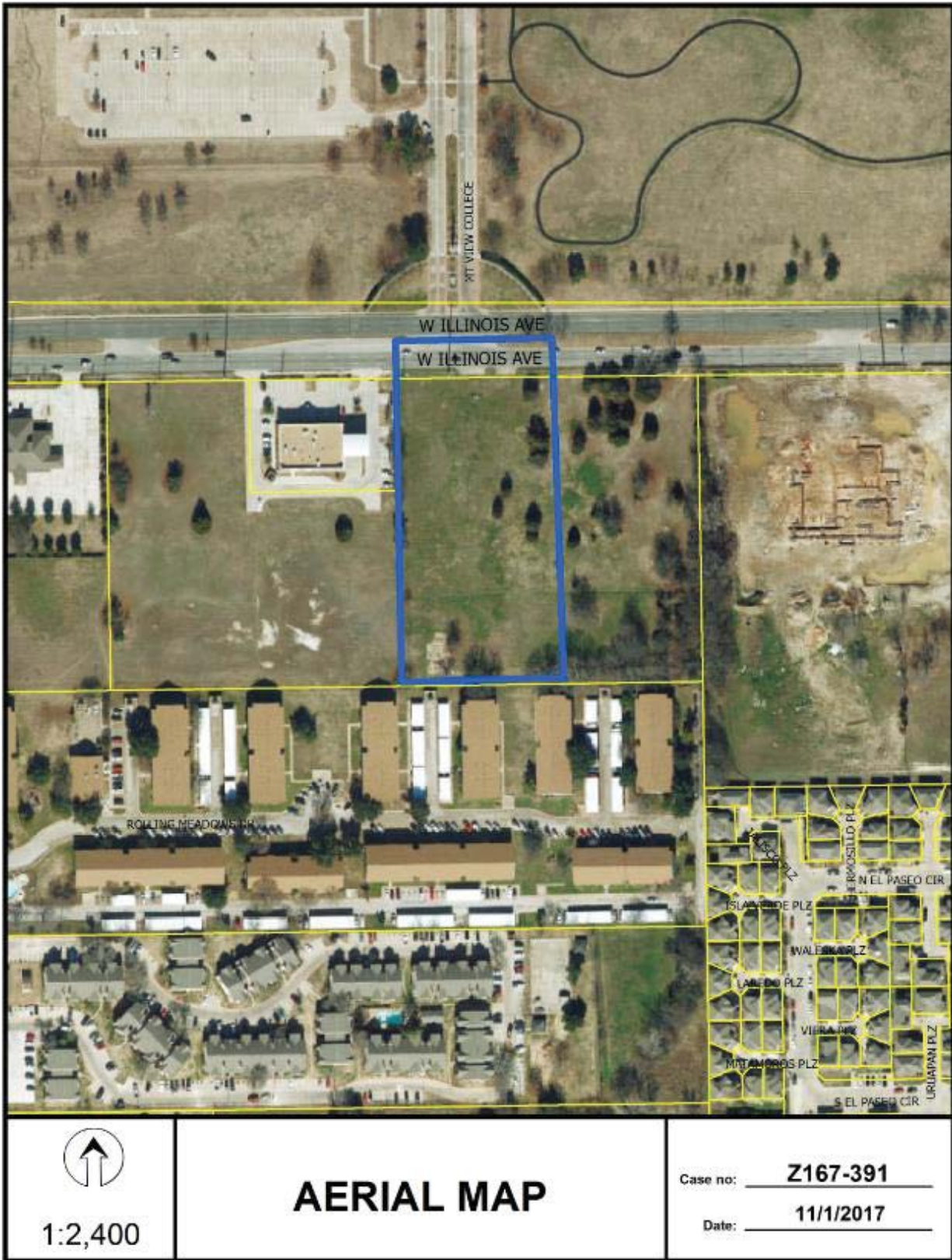
**Proposed Volunteered Deed Restrictions**

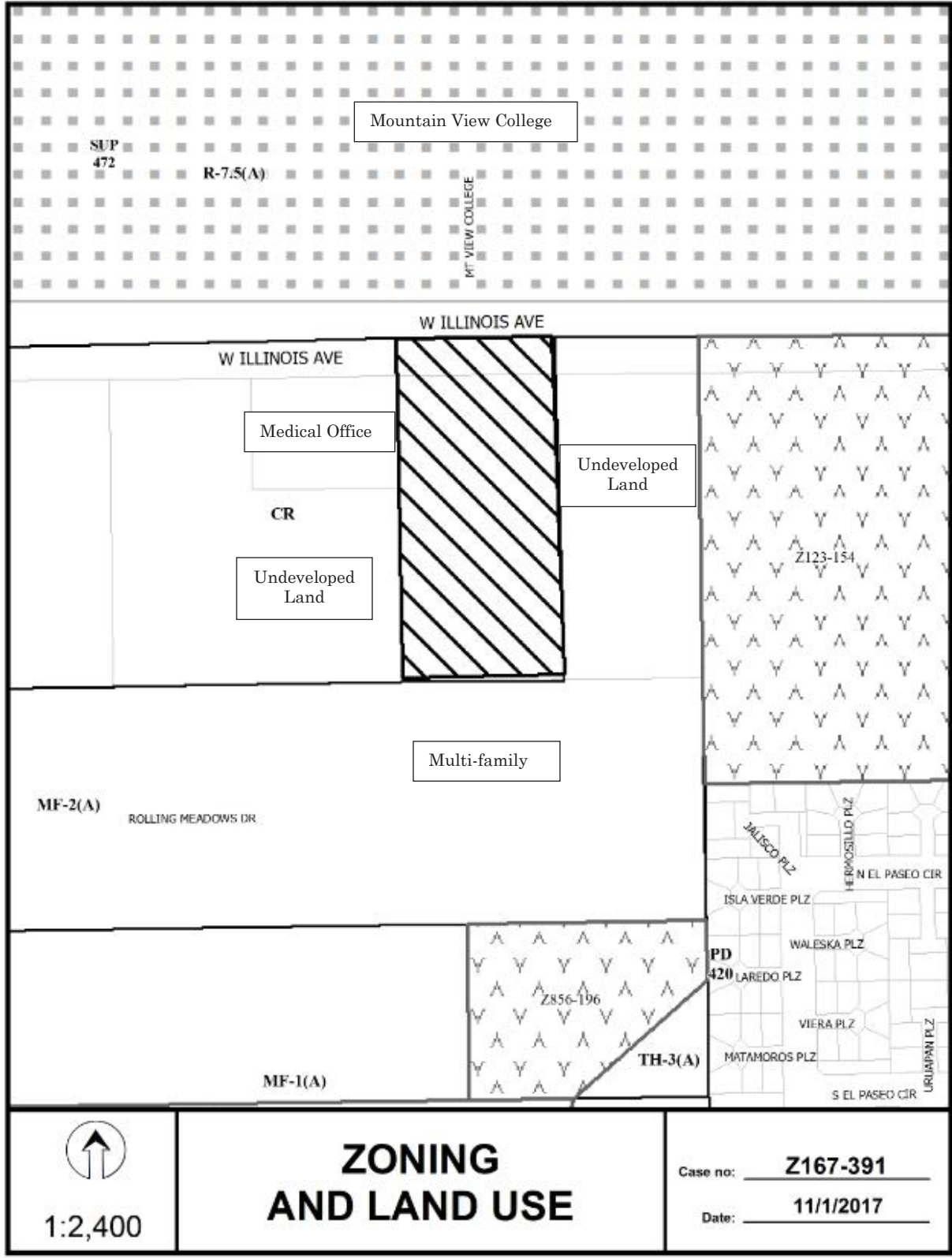
II.

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

- (1) A 6 foot wide sidewalk must be installed along the south line of West Illinois Avenue.
- (2) Landscape with a minimum width of 4 feet must be installed to screen the Property from West Illinois Avenue.

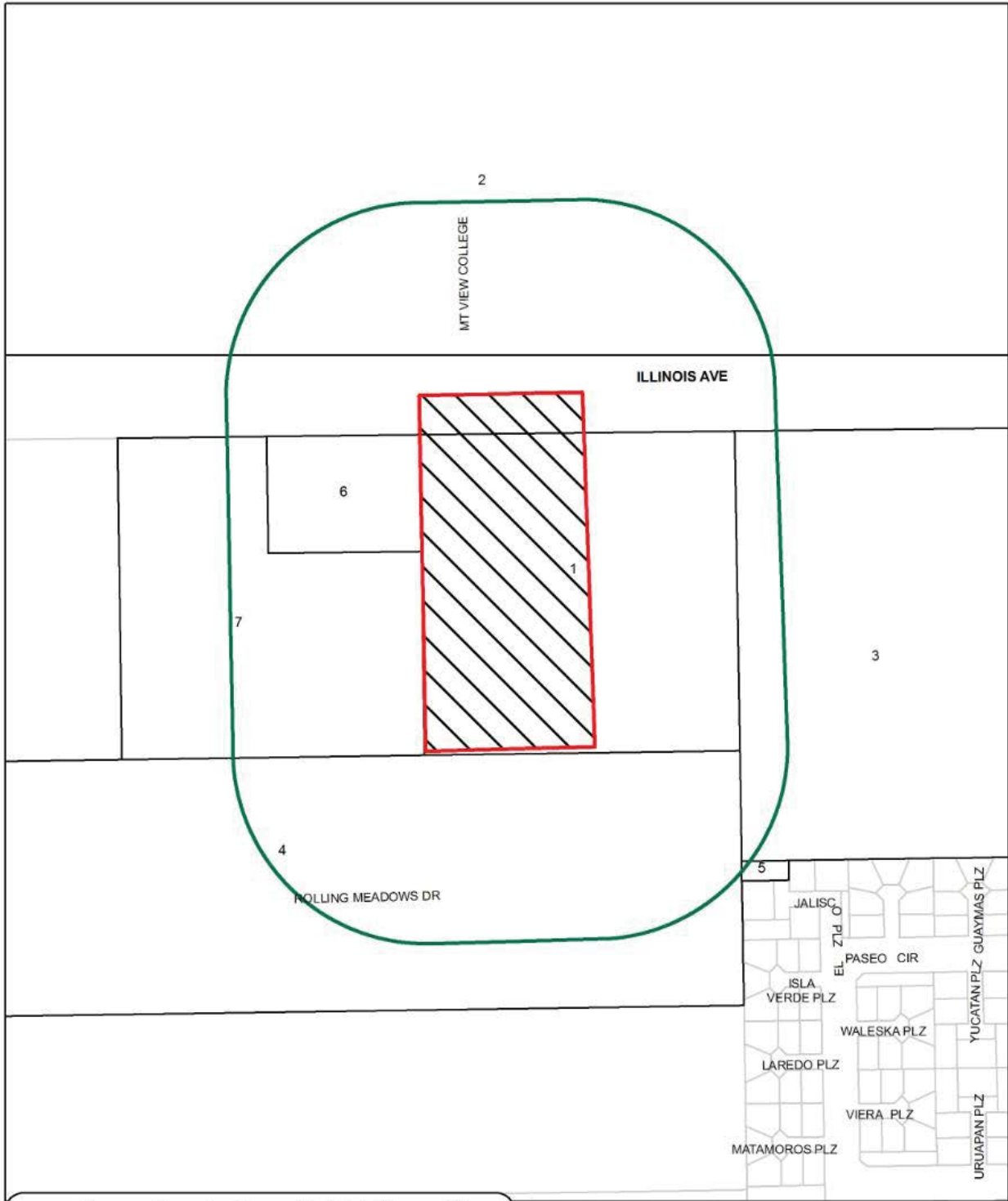








**CPC RESPONSES**



<u>7</u>	Property Owners Notified (7 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-391**  
**CPC**



1:2,400

Z167-391(PD)

11/29/2017

## ***Reply List of Property Owners***

***Z167-391***

***7 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	4800 W ILLINOIS AVE	CCA INVESTMENTS INC
	2	4849 W ILLINOIS AVE	DALLAS COUNTY COMMUNITY
	3	4732 W ILLINOIS AVE	LBU HOLDINGS INC
	4	2500 DUNCANVILLE RD	ROLLING MEADOWS INVESTORS LLC
	5	715 JALISCO PLAZA	CARREON EDGARDO JAVIER
	6	4810 W ILLINOIS AVE	INVESTMENT PROPERTY SOLUTIONS INC &
	7	4810 W ILLINOIS AVE	BNNC INC

**AGENDA ITEM # 58**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 34 Z

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses and auto painting or body rebuilding shop (inside) use by right, and an accessory motor vehicle storage outside use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast corner of Maple Avenue and Vagas Street

Recommendation of Staff: Denial

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

Z167-400(JM)

FILE NUMBER: Z167-400(JM)

DATE FILED: September 25, 2017

LOCATION: Northeast corner of Maple Avenue and Vagas Street

COUNCIL DISTRICT: 2

MAPSCO: 34 Z

SIZE OF REQUEST: ±0.532 acres

CENSUS TRACT: 4.05

OWNER: Johnny P. Harvey

APPLICANT/  
REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for a Planned Development Subdistrict for GR General Retail Subdistrict uses and auto painting or body rebuilding shop (inside) use by right, and an accessory motor vehicle storage outside use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of this request is to allow an auto painting or body rebuilding shop (inside) use by right. The use is not allowed in current zoning of GR Subdistrict. Harvey's Paint and Body shop has been in operation since the 1960s. The applicant would like to expand the nonconforming use into the neighboring suite. The current request is to rezone to achieve conformity for the use and site. Additionally, outdoor storage of vehicles under repair would be allowed, as depicted on the proposed development/landscape plan.

STAFF RECOMMENDATION: Denial

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

**BACKGROUND INFORMATION:**

- On February 8, 1985, Planned Development District No. 193, the Oak Lawn Special Purpose District, was approved by the City Council. The PD is comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the objectives outlined in the PD.
- The purpose of this request is to allow an existing auto painting or body rebuilding shop (inside) use by right. Harvey's Paint & Body shop has been in operation since the 1960s and obtained a CO for vehicle or engine repair or maintenance uses on June 23, 1992. The use was non-conforming (per POSSE) since it is not allowed in the GR Subdistrict, but existed before the PD was created and rezoned the property.
- According to DCAD records, the original structures include a 2,452 square-foot building erected in 1952, and a 5,858 square-foot building erected in 1958.
- The intent is to expand into an attached 3,224 square-foot neighboring suite erected in 1945, which requires the site to become conforming. The proposed development/landscape plan indicates the shop would now encompass 10,720 square feet with a total area of approximately 0.532 acres.
- The proposed PD subdistrict would allow the current uses under GR General Retail, as well as the auto painting or body rebuilding shop (inside) use by right, and outside accessory motor vehicle storage with additional provisions as depicted on the development/landscape plan.

**Zoning History:** There have been three zoning cases within the area of request in the last five years.

1. **Z156-164:** On August 10, 2016, the City Council approved an ordinance creating Planned Development Subdistrict No. 125 for MF-2 Multiple Family Subdistrict uses with office and retail uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area bounded by the Dallas North Tollway, Fairmount Street, and Knight Street.
2. **Z156-229:** On September 14, 2016, the City Council approved the expansion of Planned Development Subdistrict No. 78 for MF-2 Multiple-Family on property zoned an MF-2 Multiple Family District within Planned Development District No. 193 the Oak Lawn Special Purpose District, in an area generally bounded by Fairmount Street to the southwest, Throckmorton Street on the northwest side, Brown Street on the northeast side (on a portion) and Reagan Street on the southeast side.
3. **Z134-351:** On January 14, 2015, the City Council denied an application for a Planned Development Subdistrict MF-2 Multiple-family Subdistrict and mini-warehouse uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area bounded by the Dallas North Tollway, Fairmount Street, and Knight Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Maple Avenue	Community Collector	60 feet	60 feet
Vagas Street	Local	50 feet	50 feet

**Land Use:**

	Zoning	Land Use
<b>Site</b>	PD No. 193, GR	Auto Painting or Body Rebuilding Shop (Inside) & Retail
<b>Northwest</b>	PD No. 193, GR	Retail Food Store
<b>Northeast</b>	PD No. 193, GR	Retail, Auto Service Center, & Undeveloped
<b>Southeast</b>	PD No. 193, GR	Auto Service Center
<b>Southwest</b>	PD No. 193, GR	Restaurant & Pawn Shop

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

**Comprehensive Plan:**

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

The Plan identifies the site to be within a *Business Center or Corridor Building Block*. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide

visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

In general, the applicant's request is inconsistent with the following goal and policy of the Comprehensive Plan.

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Although the proposed development is compatible with surrounding uses with respect to scale and character, the proposed expansion of a use which became nonconforming with the adoption of the PD in 1985 is inconsistent with the objectives of the plan.

Additionally, Maple Avenue is the boundary line for the Stemmons Corridor-Southwestern Medical District Area Plan which identifies the area as a residential neighborhood. While the frontages that line Maple Avenue are commercial, directly behind them to the southwest are primarily single-family residential units. The same can be said of properties to the northeast of businesses traveling further southeast on Maple Avenue.

**Land Use Compatibility:**

Surrounding land uses include: retail food store to the northwest; retail, auto service center, and undeveloped to the northwest; auto service center to the southeast; and, a restaurant without drive-through and pawn shop to the southwest. The undeveloped tract to the northeast holds deed restrictions requiring affordable housing. Further southwest is a residential neighborhood.

A PD is similar to an area plan in how a vision is created with the development of the controlling document. This neighborhood offers a bevy of auto-related uses fronting on Maple Avenue. While an auto repair garage (inside) use could remain by right in the GR Subdistrict, the auto painting or body rebuilding shop (inside) use was excluded when the property was rezoned to PD 193.

An alternative could be to rezone to an existing district which allows the auto painting or body rebuilding shop (inside) use. This includes the Light Commercial, High

Commercial, central area, and industrial subdistricts. Although, staff may not support all uses allowed by rezoning to one of those districts. In example, rezoning to the LC Subdistrict would add 14 uses by right, three under specific conditions, and one by SUP with visual screening (open storage). About half of the new uses fall under the commercial uses category. Ultimately, staff cannot support the creation of a subdistrict to expand a nonconforming use.

Additionally, during a recent site visit, staff witnessed vehicles stored outside of the facility pending completion of work. Open storage is not allowed in the existing GR Subdistrict. Open storage with screening is allowed by right in central area and industrial subdistricts, and by SUP only in the LC subdistrict.

Staff offered to possibly support an LC Subdistrict with SUP for open storage with visual screening, but the applicant chose to pursue a PDS and to address the open storage by allowing outside accessory motor vehicle storage with additional provisions including:

- 1) The maximum number of vehicles that are allowed to be stored outside at any one time is six.
- 2) The vehicle storage area is limited to the area shown on the development/landscape plan.
- 3) A minimum 6-foot-tall solid screening fence is required to screen the vehicle storage area from public rights-of-way.

While the proposed provisions would help in the orderly use of the property, there would be no regulatory periodic review to protect neighbors from possible deterrence over time. Code enforcement would be the only option to pursue property maintenance. Staff cannot support the creation of a PDS to ultimately circumvent the SUP process of continuous review, up-keep, and public input.

If the current request for a PDS were approved, the request would be tied to a development/landscape plan and conditions. The development/landscape plan has been reviewed for compliance. The plan indicates the shop would now encompass 10,720 square feet with a total area of approximately 0.532 acres.

**Parking:**

Parking required by Sec. 51P 193.107(l)(9)(C) states that one parking space is required for each 500 square feet of floor area with a minimum of five required off-street parking spaces. In addition, a number of parking spaces equal to or greater than 20 percent of the standard off-street parking requirement for the use must be provided and designated as parking for employees of the use. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51P-193.116.

According to the development/landscape plan submitted, the site would have 10,720 square-feet of floor area requiring 21 parking spaces. A total of 28 parking spaces and two bicycle spaces are provided.



**Landscaping:**

With no increase to the existing building height, floor area ratio, or non-permeable coverage of the lot, the request will not trigger any additional landscaping, as required in Sec. 51P-193.126.; however, the applicant has proposed additional landscaping to improve the area. A development/landscape plan has been reviewed by the city arborist and was pending minor edits at the time of this report. Pending edits include making all text black and adding the species of trees.

**CPC Action  
November 30, 2017**

**Motion:** It was moved to recommend **approval** of a Planned Development Subdistrict for GR General Retail Subdistrict uses and auto painting or body rebuilding shop (inside) use by right, and an accessory motor vehicle storage outside use, subject to a development plan and conditions on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast corner of Maple Avenue and Vagas Street.

Maker: Rieves  
Second: Murphy  
Result: Carried: 9 to 0

For: 9 - West, Rieves, Davis, Carpenter, Lavallaissa,  
Jung, Peadon, Murphy, Tarpley

Against: 0

Absent: 6 - Houston, Shidid, Mack, Housewright, Schultz,  
Ridley

Vacancy: 0

**Notices:** Area: 500 Mailed: 133

**Replies:** For: 4 Against: 7

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202

For (Did not speak): John Harvey, 4300 Maple Ave., Dallas, TX, 75219

Against: None

CPC Approved PDS Conditions

**Division S-\_. PD Subdistrict \_.**

**SEC. S-\_\_\_\_. LEGISLATIVE HISTORY.**

PD Subdistrict \_\_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_. (Ord. \_\_\_\_\_)

**SEC. S-\_\_\_\_. PROPERTY LOCATION AND SIZE.**

PD \_\_\_ is established on property located northeast of Maple Avenue and northwest of Vagas Street. The size of PD \_ is approximately 0.532 acres. (Ord. \_\_\_\_\_)

**SEC. S- \_\_\_\_ . DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and in 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 1 of this article controls.

(b) In this division,

(1) OUTSIDE ACCESSORY MOTOR VEHICLE STORAGE means the outdoor placement of vehicles awaiting on-site repair or maintenance.

(2) SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.

(d) This district is considered to be a nonresidential zoning district.

**SEC S- \_\_\_\_ . EXHIBITS.**

The following exhibit is incorporated into this division:

Exhibit XA: development/landscape plan.

**SEC S- \_\_\_\_ . DEVELOPMENT LANDSCAPE PLAN.**

(a) Development and use of the Property must comply with the development/landscape plan (Exhibit A). If there is a conflict between the text of this division and the development/landscape plan, the text of this division controls.

**SEC S-\_\_\_\_. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the GR General Retail Subdistrict, subject to the same conditions applicable in the GR General Retail Subdistrict as set out in Part I of this article. For example, a use permitted in the GR General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR General Retail Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following use is permitted by right:

-- Auto painting or body rebuilding shop (inside).

**SEC S\_\_\_\_. ACCESSORY USES.**

(a) 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.

(b) Outside accessory motor vehicle storage is permitted only as accessory to an auto painting or body rebuilding shop (inside).

**SEC. S-\_\_\_\_. YARD, LOT AND SPACE PROVISIONS.**

(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 GR General Retail District Subdistrict apply.

**SEC. S- \_\_\_\_ . OFF-STREET PARKING AND LOADING.**

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

**SEC. S\_\_\_\_. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-\_\_\_\_. LANDSCAPING AND SCREENING.**

(a) Landscaping must be provided in accordance with the development/landscape plan.

(b) Landscaping must be maintained in a healthy, growing condition.

**SEC. S- \_\_\_\_ . SIGNS.**

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

**SEC. 51P- \_\_\_\_ . BUILDING FACADES.**

Building facades facing Maple Avenue and Vagas Street must be painted to visually tie all buildings as one cohesive facility.

**SEC. 51P- \_\_\_\_ . ADDITIONAL PROVISIONS.**

(a) In general.

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

(2) 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.

(3) Development and use of the Property must comply with Part I of this article.

(b) Outside accessory motor vehicle storage. is subject to the following conditions:

(1) The maximum number of vehicles that are allowed to be stored outside at any one time is six.

(2) The vehicle storage area is limited to the area shown on the development/landscape plan.

(3) A minimum 6-foot-tall solid screening fence is required to screen the vehicle storage area from public rights-of-way.

**SEC. 51P- \_\_\_\_ . COMPLIANCE WITH CONDITIONS.**

(a) All new 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.

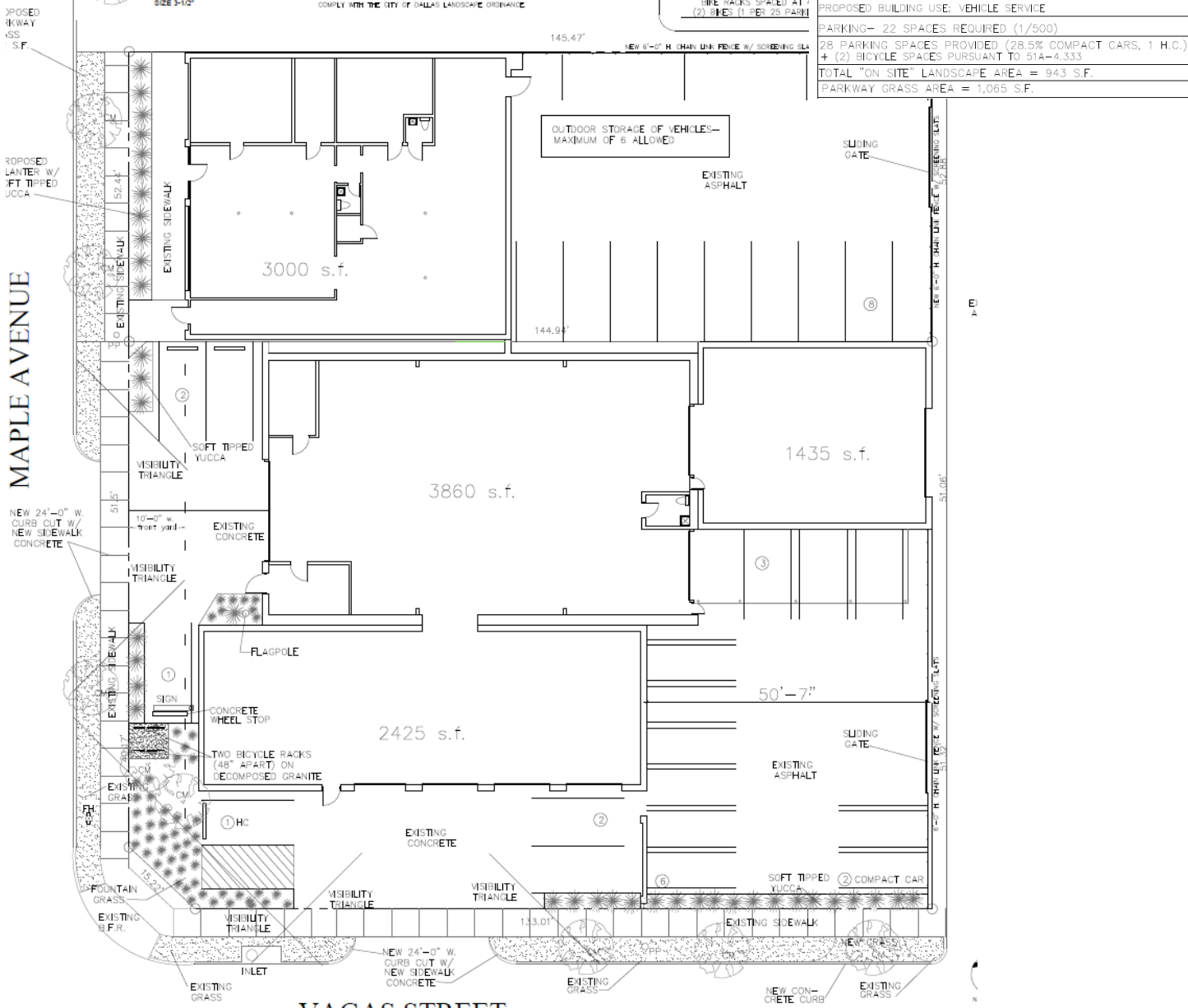
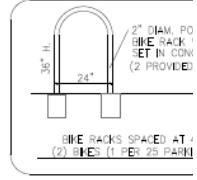
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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

Proposed Development/Landscape Plan

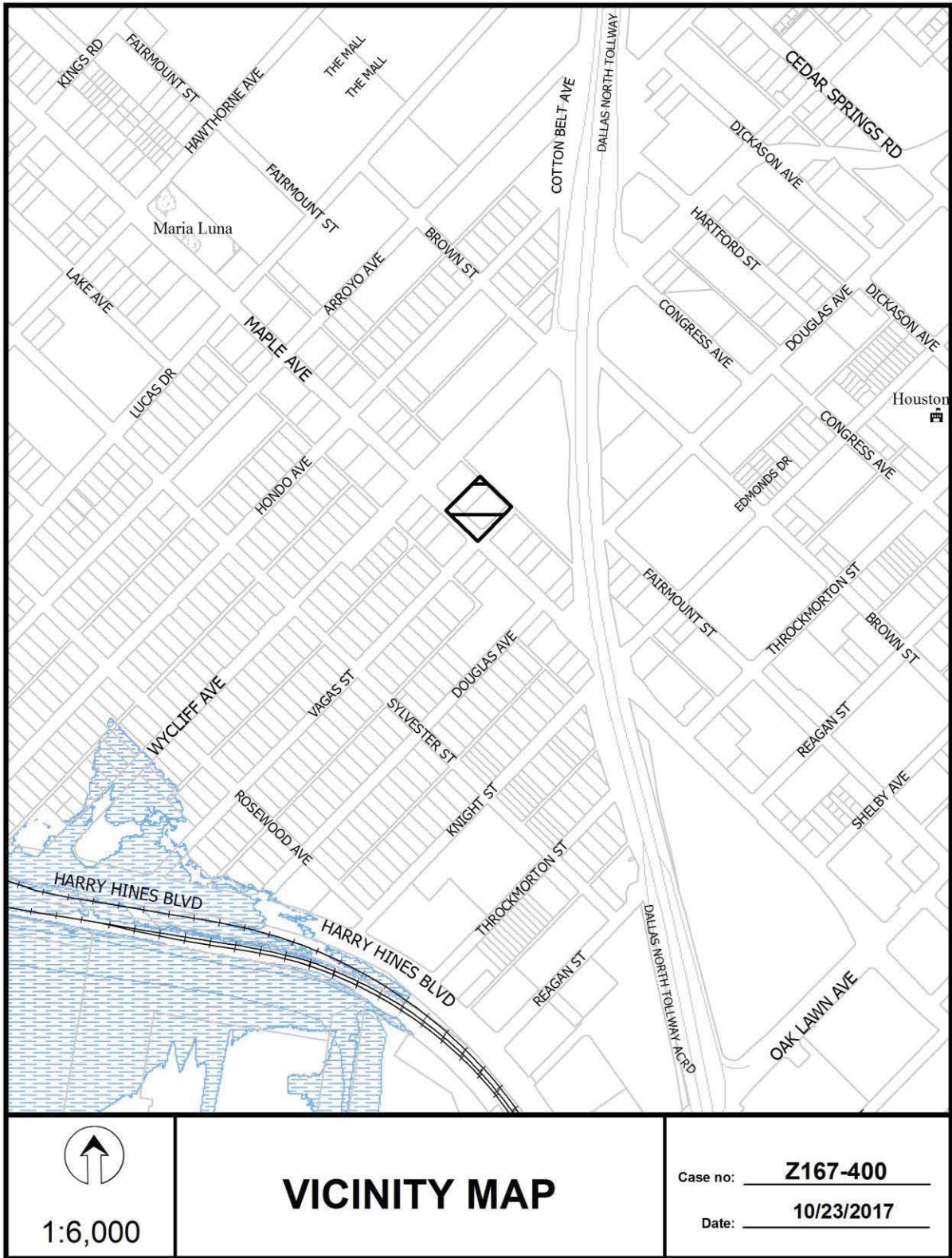
SITE DATA	
SCALE: 0' 15' 30' 45'	
DATE: 09/22/17 09:45:11 11/27/17	
DEVELOPMENT / LANDSCAPE SITE PLAN 4300-4310 MAPLE AVENUE, DALLAS TX.	
SITE ZONING - GR SUBDISTRICT	
SITE AREA = 22,410 S.F. (.514 ACRES)	
BUILDING AREA = 10,720 S.F.	
MAXIMUM LOT COVERAGE = 80%	
EXISTING LOT COVERAGE = 47.8%	
MAXIMUM HT. = 120 FEET	
EXISTING ONE STORY BUILDINGS, TALLEST = 21'-6" H.	
MAXIMUM FLOOR TO AREA RATIO = 2 : 1	
FRONT YARD SET BACK (MAPLE) = 10'-0"	
FRONT YARD SET BACK (VAGAS) = 10'-0"	
SIDE YARD SETBACK=0'-0"	
REAR YARD SETBACK = 0'-0"	
EXISTING BUILDING USE: VEHICLE SERVICE; PAWN SHOP	
PROPOSED BUILDING USE: VEHICLE SERVICE	
PARKING- 22 SPACES REQUIRED (1/500)	
28 PARKING SPACES PROVIDED (28.5% COMPACT CARS, 1 H.C.) + (2) BICYCLE SPACES PURSUANT TO 51A-4.333	
TOTAL "ON SITE" LANDSCAPE AREA = 943 S.F.	
PARKWAY GRASS AREA = 1,065 S.F.	

PLANT SCHEDULE

- PARKWAY TREES ONE-EVENSILE (approximate) UNDESTORY TREES DUE TO PROXIMITY TO POWER LINES MULTI-TIER = 14'-0" HT QUANTITY = 8 SIZE 3-12"
  - SITE TREES ONE-EVENSILE (approximate) UNDESTORY TREES DUE TO PROXIMITY TO POWER LINES MULTI-TIER = 14'-0" HT QUANTITY = 2 SIZE 3-12"
  - SOFT TIPPED YUCCA (green glossa) (5 GAL) MINIMUM HT = 3'-6"; 4'-0" O.C. MAX. QUANTITY = 38
  - FOUNTAIN GRASS (Perennium) (3 GAL) QUANTITY = 59
- AN IRRIGATION SYSTEM SHALL BE INSTALLED TO COMPLY WITH THE CITY OF DALLAS LANDSCAPE ORDINANCE



VAGAS STREET  
DEVELOPMENT / LANDSCAPE SITE PLAN - 4300-4310 MAPLE A





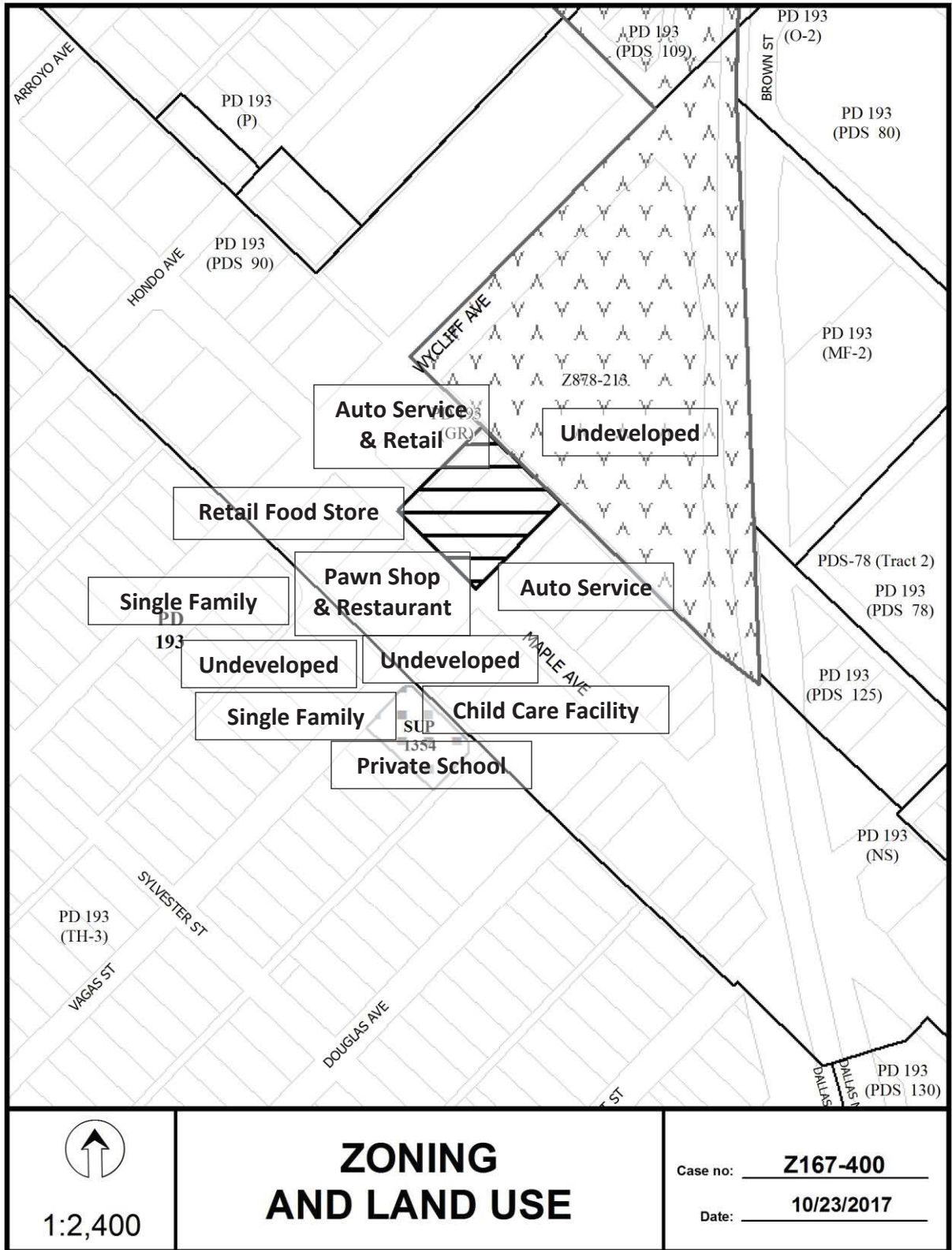
1:2,400

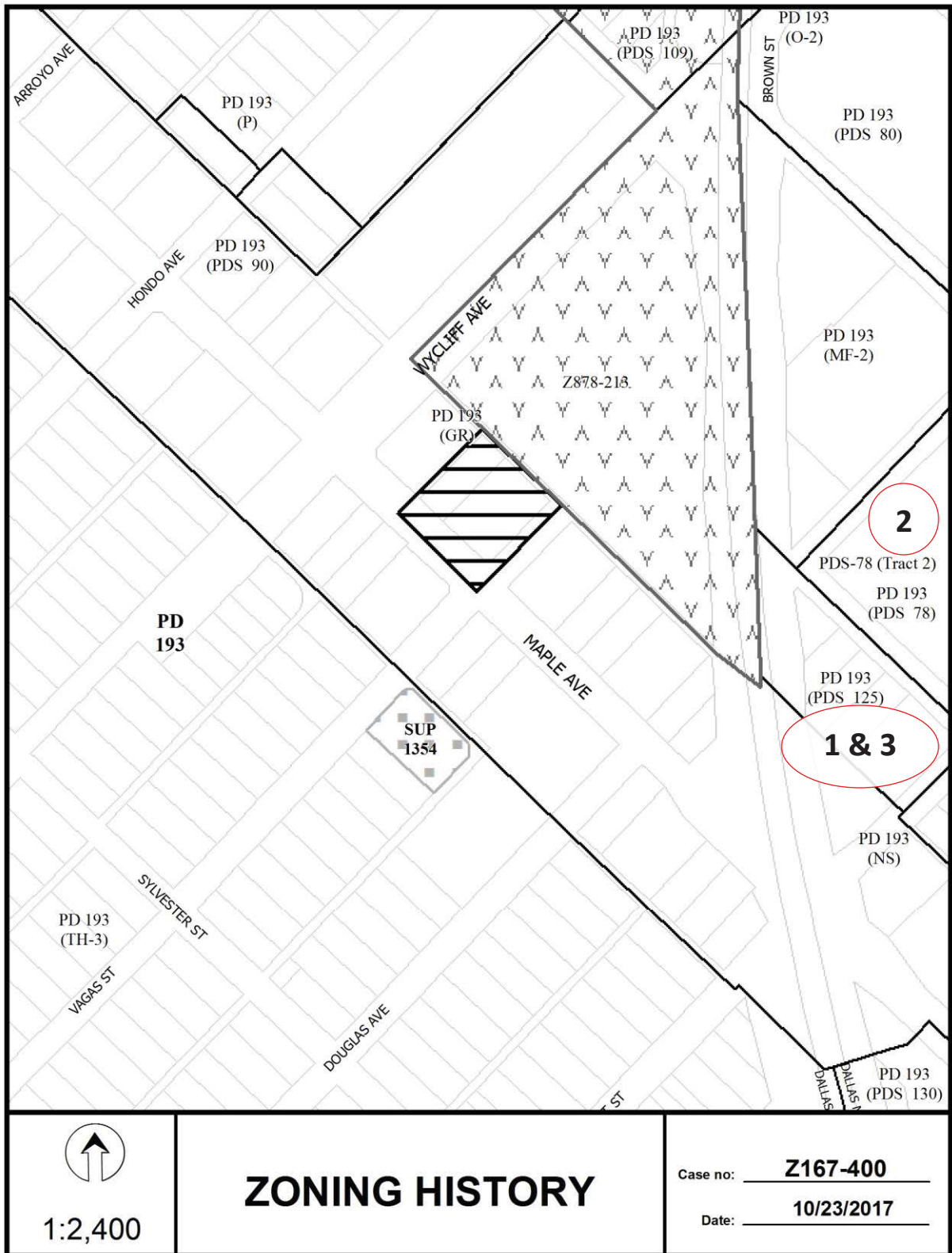
## AERIAL MAP

Case no:           Z167-400          

Date:           10/23/2017







**CPC RESPONSES**



<u>133</u>	Property Owners Notified (72 parcels)
<u>4</u>	Replies in Favor (5 parcels)
<u>7</u>	Replies in Opposition (7 parcels)
<u>500'</u>	Area of Notification
<u>11/30/2017</u>	Date

**Z167-400**  
**CPC**



1:2,400

11/29/2017

***Reply List of Property Owners******Z167-400******133 Property Owners Notified      4 Property Owners in Favor      7 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	4316 MAPLE AVE	MIA FINANCIAL CORPORATION
O	2	4310 MAPLE AVE	HARVEY JOHNNY P
	3	4223 FAIRMOUNT ST	FAIR KNIGHT PARTNERS LTD
	4	2609 DOUGLAS AVE	MCCLAIN CAROLYN
	5	2544 HONDO AVE	INKWELL GROUP LLC
	6	2516 HONDO AVE	MAPLE REAL ESTATE VENTURE
	7	4346 MAPLE AVE	RODRIGUEZ JESUS
	8	4338 MAPLE AVE	MAPLE REAL EST VENTURES
	9	4330 MAPLE AVE	MAPLE REAL EST VENTURES
	10	2525 WYCLIFF AVE	WYCLIFF TOLLWAY LTD
	12	4343 MAPLE AVE	MONTERREY ENTERPRISES INC
X	13	4333 MAPLE AVE	MAPLE HEIGHTS INVESTMENTS LLC
	14	2434 HONDO AVE	GONZALEZ AJILEO &
	15	2430 HONDO AVE	TERRONES ANTONIO
	16	2417 WYCLIFF AVE	WILCHES FRANCES D
	17	2423 WYCLIFF AVE	BRINGAS GABRIAL LEHI
	21	2516 WYCLIFF AVE	TEXAS TURNPIKE AUTHORITY
	22	4331 MAPLE AVE	CTO16 DALLAS LLC &
	23	4323 MAPLE AVE	CTO16 DALLAS LLC &
	24	4311 MAPLE AVE	CTO16 DALLAS LLC
	25	2418 WYCLIFF AVE	TRAN XUAN LAN T
	26	2414 WYCLIFF AVE	HERNANDEZ ESTHER H
	27	2415 VAGAS ST	DANG NGHIEP
	28	2419 VAGAS ST	MACIAS MARIA
	29	2421 VAGAS ST	SALAZAR HUMBERTO &
	30	2427 VAGAS ST	ALANIZ HERMILO G

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	31	2435 VAGAS ST	DTX RENTALS LP PS
	32	2439 VAGAS ST	BARRON CARMEN
	33	4244 MAPLE AVE	BELL WARREN H TRUSTEE
	34	4242 MAPLE AVE	ANDOR PROPERTIES LLC
	35	4226 MAPLE AVE	GRTP LTD
	36	4222 MAPLE AVE	PRESCOTT INTERESTS LTD
	37	4251 MAPLE AVE	JUREK PROPERTIES LTD
	38	4231 MAPLE AVE	EBENEZER IGLESIA
	39	2430 VAGAS ST	HERNANDEZ FRANCISCO &
	40	2426 VAGAS ST	GARCIA GONZALO & MARLENE
	41	2422 VAGAS ST	HERNANDEZ FRANCISCO &
	42	2418 VAGAS ST	TRAN LOI VAN
	43	2414 VAGAS ST	GELBAND SCOTT L
	44	2419 DOUGLAS AVE	PORRAS NOAH J JR
	45	2423 DOUGLAS AVE	MEDRANO PROPERTIES LTD
	46	4211 MAPLE AVE	DALLAS COMMUNITY CENTER
	47	2438 DOUGLAS AVE	MARTINEZ CONSEPCION &
	48	2432 DOUGLAS AVE	GARZA CHRISTOPHER
	49	2430 DOUGLAS AVE	MEDRANO PROPERTIES LTD
	50	4210 FAIRMOUNT ST	PURE FAIRMOUNT APTS LLC
	51	4305 MAPLE AVE	4305 MAPLE AVENUE LLC
O	52	2442 WYCLIFF AVE	VALVERDE AGUSTIN OSWALDO
O	53	2438 WYCLIFF AVE	PUENTE MARTHA PATRICIA
O	54	2434 WYCLIFF AVE	ROSASGOMEZ FAUSTINO
	55	2430 WYCLIFF AVE	HUYNH CHU VAN &
	56	2426 WYCLIFF AVE	HERNANDEZ JUAN EST OF &
	57	2422 WYCLIFF AVE	MONROY JOSE HECTOR &
	58	4234 MAPLE AVE	DAO SON & TRAM
	59	4323 BROWN ST	PFLANZER PARTNERS LTD
	60	2627 DOUGLAS AVE	HILL DANIEL
	61	2627 DOUGLAS AVE	PEDRAZA JAVIER

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
62	2627	DOUGLAS AVE	LOPEZ STEVE
63	2627	DOUGLAS AVE	DOMINGUEZ JOSE JORGE &
64	2627	DOUGLAS AVE	ADAMS MELVIN C
65	2627	DOUGLAS AVE	HWONG SHUPING
66	2627	DOUGLAS AVE	HINSON LISA ANNE &
67	2627	DOUGLAS AVE	AKBARI LEYLA
68	2627	DOUGLAS AVE	DYNASTY PROPERTY ID 2 LLC
69	2627	DOUGLAS AVE	COLEMAN RONALD M & JULIE
70	2627	DOUGLAS AVE	PFLANZER PARTNERS LTD
71	2627	DOUGLAS AVE	MATA JOSE M
72	2627	DOUGLAS AVE	FULLER LUC GAETAN
73	2627	DOUGLAS AVE	PHILLIPS STEVEN &
74	2627	DOUGLAS AVE	CRUZ GUSTAVO
75	2627	DOUGLAS AVE	NGUYEN LE BA
76	2627	DOUGLAS AVE	FINKENBINER JONATHAN & JULIE
77	2627	DOUGLAS AVE	MCELROY HOWARD WYNNE
78	2627	DOUGLAS AVE	HENNIG GWEN
79	2627	DOUGLAS AVE	TODD ANTHONY &
80	2627	DOUGLAS AVE	BETANCOURT ADRIANA
81	2627	DOUGLAS AVE	HAVARD DOUG
82	2627	DOUGLAS AVE	TRAN LINDA VAN
83	2627	DOUGLAS AVE	SUSANTIO RUDY &
84	2627	DOUGLAS AVE	GUZMAN MARIO C
85	2627	DOUGLAS AVE	DOMINGUEZ JOSE JORGE &
86	2627	DOUGLAS AVE	PETE LEO A
87	2627	DOUGLAS AVE	HESS CRAIG
88	2627	DOUGLAS AVE	COLEMAN RONALD M
89	2627	DOUGLAS AVE	TRAN LINDA V
90	2627	DOUGLAS AVE	CUNNINGHAM CRAIG
91	2627	DOUGLAS AVE	MCHUGH JOHN
92	2627	DOUGLAS AVE	DEJEAN GERALD G

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	93	2627 DOUGLAS AVE	HUTTON JERRY B JR
	94	2627 DOUGLAS AVE	LEUNG WAI KUEN &
	95	2627 DOUGLAS AVE	QUINTANILLA JOE
	96	2627 DOUGLAS AVE	REYARANDA LLC
	97	2627 DOUGLAS AVE	GANDY JASON
	98	2627 DOUGLAS AVE	COLEMAN RONALD M &
	99	2627 DOUGLAS AVE	RODRIGUEZ GRACIELA
	100	2627 DOUGLAS AVE	NOWAK KEITH
	101	2627 DOUGLAS AVE	GOLDBERG RUTH
	102	2627 DOUGLAS AVE	ZUNIGA JUAN ANTONIO & MARIA
	103	2627 DOUGLAS AVE	HERRERA JUAN LOPEZ &
	104	2627 DOUGLAS AVE	BANERJEE NARAYAN KRISHNA
	105	2627 DOUGLAS AVE	WILLIAMS SANDIE
	106	2627 DOUGLAS AVE	LACEY CATHRYN
	107	2627 DOUGLAS AVE	GANDY JASON
	108	2627 DOUGLAS AVE	MCHUGH JOHN
	109	2627 DOUGLAS AVE	PARRIS ABIGAIL
	110	2627 DOUGLAS AVE	SEVILLA MANAGEMENT LLC
	111	2627 DOUGLAS AVE	CASTELLANOS BRUNELLA N & CIRO
	112	2627 DOUGLAS AVE	LOPEZ ZULEMA
	113	4323 BROWN ST	HERNANDEZ DANIELLA N
	114	4323 BROWN ST	TILLERY JAMES WAYNE
	115	4323 BROWN ST	BROWNE JOSE A
	116	4323 BROWN ST	PARRA BERTHA
	117	4323 BROWN ST	PFLANZER PARTNERS LTD
	118	4323 BROWN ST	PFLANZER PARTNERS LTD
	119	4323 BROWN ST	AGUILAR ROXANA PALACIOS &
	120	4323 BROWN ST	REYARANDA LLC
	121	4323 BROWN ST	PRINCIPE SELENE A TRUST AGREEMENT
	122	4323 BROWN ST	SOISSON CHRISTIAN
	123	4323 BROWN ST	QUEZADA ARNOLDO & MARA BIATRIZ

Z167-400(JM)

11/29/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	124	4323 BROWN ST	SLAGLE JODY GLYN
	125	4323 BROWN ST	STEPHAN JERALD M
	126	4323 BROWN ST	CASTRO GEORGE L
	127	4323 BROWN ST	CUMMINGS JOHN LYNN
	128	4323 BROWN ST	MERCADO EDUARDO V
	129	4323 BROWN ST	PARRA MARITHZA
	130	4323 BROWN ST	CATHEY GARY A
	131	4323 BROWN ST	SOTELO ALFREDO H &
	132	4323 BROWN ST	FAUST DANNY K
	133	4323 BROWN ST	BUSTAMANTE CESAR MEDINA
X	A1	2439 WYCLIFF AVE	FORTNER NHU THI
X	A2	2435 WYCLIFF AVE	ERICSON LINDA
X	A3	2431 WYCLIFF AVE	ARROYO HONDO INVESTMENTS LLC
X	A4	4347 MAPLE AVE	MAPLE HEIGHTS INVESTMENTS LLC
X	A5	2427 WYCLIFF AVE	ARROYO HONDO INVESTMENTS LLC



**AGENDA ITEM # 59**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 56 Q; U; V

**SUBJECT**

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

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

Z145-301(WE)

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

**FILE NUMBER:** Z145-301(WE)                      **DATE FILED:** July 17, 2015  
**LOCATION:** State Highway 310 and Linfield Road, northeast corner  
**COUNCIL DISTRICT:** 7                                      **MAPSCO:** 56 Q; U; V  
**SIZE OF REQUEST:** Approx. 74.74 acres              **CENSUS TRACT:** 86.03

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**APPLICANT/OWNER:** St. Louis S. W. Railway Co. Union Pacific %Erik Omar

**REPRESENTATIVE:** Maxwell Fisher, MASTERPLAN

**REQUEST:** An application for (1) a Planned Development District for commercial, industrial and transportation uses; (2) an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II]; (3) a Specific Use Permit for two industrial (outside) not potentially incompatible uses for a concrete batching plant [Tract I and Tract III]; (4) the termination of Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant; and (5) the termination of deed restrictions [Z078-204] on property zoned an IR-D Industrial Research District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS-D Commercial Service District with a D Liquor Control Overlay on a portion and Specific Use Permit No. 1602 for vehicle storage lot on a portion; and an IM-D Industrial Manufacturing District with a D Liquor Control Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions.

**CPC RECOMMENDATION:**

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

- The purpose of the request is to allow for an asphalt batch plant to continue to operate on Tract I and allow for two additional concrete batch plants to operate on Tracts II and III within the subject site. The applicant is also requesting to terminate an SUP that allows for the operation of a batch plant on the northern portion of the site as well as deed restrictions that are on a portion of the site. The deed restrictions prohibit specific lodging and industrial uses on a portion of the property.
- The applicant's request for a Planned Development District for commercial, industrial and transportation uses will allow the site to be governed under cohesive development regulations. Currently, there are three zoning districts that are located throughout the site: CS Commercial Service District, IR Industrial Research District, and an IM Industrial Manufacturing District.
- The existing rail yard has served as a rail hub for Union Pacific Railroad since the turn of the 20<sup>th</sup> century. The site is currently being used to transport various types of materials to various destinations in the city. A large portion of the site is paved, but is undeveloped.
- On September 26, 2007, the City Council approved a Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant for a ten-year period.
- On June 25, 2008, the City Council approved a Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batch plant for a five year period and approved deed restrictions prohibiting specific lodging and industrial type uses on site.
- On June 26, 2013, the City Council approved an amendment to Specific Use Permit No. 1715 for a ten year period with eligibility for automatic renewals for additional ten year periods.
- On February 5, 2015, the City Plan approved a minor amendment to the site plan for the location of natural gas and vaporization tanks to facilitate the process for the batching plant operations.
- The applicant has proposed to operate three batching plants on site; two new concrete batching plants and one existing asphalt batching plant. These plants will be contiguous to one another and will be located adjacent to the western property line, near South Central Expressway. To differentiate between the various three SUPs, the batch plant conditions will be identified as Tracts. Tracts I and III are new concrete batch plants and Tract II is an existing asphalt plant. The eastern portion of the site is developed with a rail line that will transport the materials from the batch plant to various destinations.

**Zoning History:** There has been one zoning case in the area over the past five years.

1. Z123-184 On June 26, 2013, the City Council approved an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant for a ten-year period with eligibility for automatic renewals for additional ten-year periods. [Request site]

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
State Highway 301		Variable right-of-way widths	Variable right-of-way widths
Linfield Road	Principal Arterial	100 ft.	100 ft.

**Land Use Compatibility:**

	Zoning	Land Use
<b>Site</b>	IM-D, CS-D, IR-D SUP No. 1613, SUP No. 1715 with DR, SUP No. 1602,	Rail line, Asphalt batch plant
<b>North</b>	IR, CS	Auto related use, Great Trinity Forest
<b>South</b>	IR, IM	Industrial, bar
<b>East</b>	IR-D, IR	Rail Line, Flood Plain
<b>West</b>	CS	Auto related uses, hotel or motel, Commercial type uses

**STAFF ANALYSIS**

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

The request site is located within an area of the city that has been operating with industrial uses. A portion of the site has a rail line that transports and delivers various types of material to the City. The proposed concrete batching plants are a vital part of the industrial fabric that allows specific materials to be processed and transported to various locations throughout the City.

**LAND USE ELEMENT:**

**GOAL 1.2** Promote desired development.

**Policy 1.2.1** Use Vision Building Blocks as a general guide for desired development patterns

**Trinity River Corridor Comprehensive Land Use Plan.** In March 2005, the City Council approved the Trinity River Corridor Comprehensive land Use Plan. The site is located within a Residential Urban module, which limits uses to residential and compatible residential, office, and civic uses but references the flexibility factor for industrial-manufacturing uses are unlimited.

**Land Use Compatibility:** The request site is developed with an improved surface parking lot, an asphalt batching plant and a rail line that is being used to transport materials to and from the site. The applicant's request for a Planned Development District will permit the following: 1) consolidation of three zoning districts under one governing set of development standards and regulations, 2) terminate Specific Use Permit No. 1613 for a batching plant, 3) terminate existing deed restrictions that prohibited certain type of industrial and lodging uses, 4) permit two additional concrete batching plants and 5) extend time period for Specific Use Permit No. 1715. The three batch plants will be divided into three separate tracts with individual SUP conditions that will allow for each operation to function separately. The request site will have two concrete batch plants that will be operated by separate tenants and an asphalt batch plant that is currently operating on site.

The request site has been an industrial site for over 70 years with an active rail line to transport various types of materials throughout the City as well as various parts of the country. The proposed consolidation of the zoning districts will allow for certain main uses to be permitted on site as well as comply with cohesive set of development standards and regulations. The proposed PDD conditions will allow for certain main uses to be permitted on site. The uses will allow the applicant some flexibility to develop the site with uses that are compatible with the adjacent land uses. In addition, consolidating the zoning district into one set of regulations will make any future development comply with one set of regulations as oppose to developing a project that is govern by several zoning regulations. The applicant believes that the IM Industrial Manufacturing District will support their future needs as it relates to the yard, space and lot regulations.

Moreover, the applicant is proposing to terminate deed restrictions that are on an existing asphalt batching plant, which is located on the northern portion of the site. The deed restrictions prohibited the following uses: Extended stay hotel or motel, Hotel or motel, Industrial (inside) not potentially incompatible, Industrial (inside) potentially incompatible, Lodging or boarding house, Medical/infectious waste incinerator, Metal salvage facility, Mining, Municipal waste incinerator, Organic compost recycling facility,

Outside salvage or reclamation, and Pathological waste incinerator. The PDD conditions will prohibit a majority of the uses above except for the Industrial (inside) not potentially incompatible and Industrial (inside) potentially incompatible. The industrial (inside) type uses should not have any negative impact on the adjacent uses as a result of the materials and operations are conducted inside the facility.

In June 2013, the City Council approved an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant. The applicant is requesting the terminate Specific Use Permit No. 1613 for an asphalt batch plant because the plant is no longer in operation.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff’s recommendation of ten years periods with one additional ten year period will allow staff the opportunity to evaluate and monitor the various operations. The batch plants will be monitored by the City’s Environmental Air and Quality Control Department. The provisions in the SUP conditions will require ground and dust control measures.

The additional uses on site will support the operations of the UP Intermodal Terminal in Wilmer as well as provide a valuable service to the City of Dallas. The compatibility of land uses and the site’s adjacency to an existing rail line allows an opportunity for the applicant to use the existing infrastructure and resources to operate the proposed uses.

**Development Standards:**

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
<b>CS</b> Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office
<b>IR</b> Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
<b>IM</b> Industrial manufacturing	15' 0' on minor	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	110' 8 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
<b>Proposed PDD</b>	15' 0' on minor	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	110' 8 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

**Landscaping:** Landscaping must be provided as shown on the site plan / landscape plan.

Due to the proposed development and operation of the batch plants, Article X landscaping requirements will be triggered for the entire site. Since the entire site was developed prior to the adoption of Article X standards and is completely covered with impervious surface, the applicant is proposing to landscape the areas that are visible from the street to screen the batch plants. The chart below compares the differences between Article X requirements and the applicant’s proposed landscaping of the site.

Article X Standards	Applicants Proposal
<ul style="list-style-type: none"> <li>Typically, site trees are required at 1:4000 sf. of building site (74.74 acres = 814 trees)</li> </ul>	<ul style="list-style-type: none"> <li>Site trees not required</li> </ul>
<ul style="list-style-type: none"> <li>Typical is all required parking spaces within 120’ of a large canopy tree.</li> </ul>	<ul style="list-style-type: none"> <li>Parking lot trees not required</li> </ul>
<ul style="list-style-type: none"> <li>Typical street tree requirement is 1:50’ (1540/50 = 31 trees (within 30 feet of curb)</li> </ul>	<ul style="list-style-type: none"> <li>Street trees amended to Linfield Road requirement only at 1:40 feet. No street tree requirement for SH310.</li> </ul>
<ul style="list-style-type: none"> <li>Two design standards are typical</li> </ul>	<ul style="list-style-type: none"> <li>Design standards not required.</li> </ul>

The PDD conditions will amend Article X standards to reflect the following:

- Street trees (10.125) would be placed along Linfield Road at 1:40’.
- A minimum 30 deep landscape buffer is required along Linfield Road.
- A minimum of 5 large canopy trees are required within 120 feet from the SH310 curb line at the main entrance.

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

**Parking:** The Development Code requirement for off-street parking for an industrial (outside) use is one space per 600 square feet of floor area plus one space per 600 square feet of outside manufacturing area. The 1,900 square feet of office floor area that is associated with each concrete batch plant requires three off-street parking spaces. The applicant is providing three off-street parking spaces for the area identified as Tract I. As for the existing SUP No. 1715 and the area identified as Tract III, the applicant is providing more than three spaces. Staff will ask the applicant to revised the site plans to reflect the actual number of off-street parking spaces. The use does not involve outside manufacturing.



**Miscellaneous – PDD conditions:** The applicant is requesting a parking reduction for the Office showroom/warehouse use. The applicant is proposing one space per 333 square feet of office floor area, one space per 1,000 square feet of floor area for first 20,000 square feet of showroom/warehouse floor area, and one parking space for each 6,000 square feet of floor area in excess of 20,000 square feet of showroom/warehouse.

The Development Code requires one space per 333 square feet of office floor area, one space per 1,000 square feet of floor area for the showroom/warehouse. The applicant envisions that the request site could a use where the back office is computerized; thus, reducing the need for vehicular traffic and off-street parking.

**CPC Action** (December 15, 2016)

**Motion:** In considering an application for 1) a Planned Development District for commercial, industrial and transportation uses, 2) an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II], 3) a Specific Use Permit for two industrial (outside) potentially incompatible uses for concrete batching plants [Tract I and Tract III], 4) terminate Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant, and 5) terminate deed restrictions [Z078-204] on property zoned an IR Industrial Research District with a Dry Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS Commercial Service District with a Dry Overlay on a portion and Specific Use Permit No. 1602 on a portion; and an IM Industrial Manufacturing District with a Dry Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on a portion on the northeast corner of State Highway 310 and Linfield Road, it was moved to hold this case under advisement until January 19, 2017.

Maker: Houston  
Second: Davis  
Result: Carried: 12 to 0

For: 12 - Anglin, Houston, Davis, Shidid, Haney, Jung, Housewright\*, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 2 - Rieves, Anantasomboon  
Vacancy: 1 - District 7

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 64  
**Replies:** For: 3 Against: 1

**Speakers:** None

**CPC Action** (January 19, 2017)

**Motion:** In considering an application for 1) a Planned Development District for commercial, industrial and transportation uses, 2) an amendment to Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant [Tract II], 3) a Specific Use Permit for two industrial (outside) potentially incompatible uses for concrete

batching plants [Tract I and Tract III], 4) terminate Specific Use Permit No. 1613 for an industrial (outside) not potentially incompatible use for a concrete batch plant, and 5) terminate deed restrictions [Z078-204] on property zoned an IR Industrial Research District with a Dry Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS Commercial Service District with a Dry Overlay on a portion and Specific Use Permit No. 1602 on a portion; and an IM Industrial Manufacturing District with a Dry Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on a portion on the northeast corner of State Highway 310 and Linfield Road, it was moved to **hold** this case under advisement until February 16, 2017.

Maker: Mack  
Second: Houston  
Result: Carried: 15 to 0

For: 15 - Anglin\*, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 64  
**Replies:** For: 3 Against: 1

**Speakers:** None

**CPC Action** (February 16, 2017)

**Motion:** It was moved to recommend **approval** of a Planned Development District for commercial, industrial and transportation uses, subject to a conceptual plan and conditions, **approval** of an amendment to Specific Use Permit No. 1715 for an asphalt batch plant on Tract II for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site/landscape plan and conditions, **approval** of a Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract I for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions, **approval** of an Specific Use Permit for an industrial (outside) not potentially incompatible use for a concrete batch plant on Tract III for a ten-year period with eligibility for automatic renewal for one ten-year period, subject to a site/landscape plan and conditions, **approval** of the termination of Specific Use Permit No. 1613 and termination of deed restrictions on a portion; and **approval** of the termination of deed restrictions [Z078-204] on property zoned an IR Industrial Research District with a Dry Overlay on a portion and Specific Use Permit No. 1613 on a portion; a CS Commercial Service District with a Dry Overlay on a portion and Specific Use Permit No. 1602 on a portion; and an IM Industrial Manufacturing District with a Dry Overlay on a portion, Specific Use Permit No. 1715 on a portion and deed restrictions on a portion on the northeast corner of State Highway 310 and Linfield Road.

Maker: Mack  
Second: Anglin  
Result: Carried: 10 to 2

For: 10 - Anglin, Rieves, Houston, Shidid, Mack, Jung, Housewright, Peadon, Murphy, Ridley

Against: 2 - Davis, Haney  
Absent: 3 - Anantasomboon, Schultz, Tarpley  
Vacancy: 0

**Notices:** Area: 500 Mailed: 64  
**Replies:** For: 3 Against: 1

**Speakers:** For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202  
Against: None



<b>LIST OF OFFICERS</b> St. Louis S. W. Railway Co. Union Pacific
--

<b>UNION PACIFIC</b>	
<b>Directors</b>	<b>Officers</b>
<p><b>Andrew H. Card, Jr.</b>  <i>President</i>  <i>Franklin Pierce University</i>  <i>Higher Education</i></p> <p><b>Erroll B. Davis, Jr.</b>  <i>Former Chairman</i>  <i>President and CEO</i>  <i>Alliant Energy Corporation</i>  <i>Business</i></p> <p><b>David B. Dillon</b>  <i>Former Chairman</i>  <i>The Kroger Company</i>  <i>Business</i></p> <p><b>Lance M. Fritz</b>  <i>President and Chief Executive Officer</i>  <i>Union Pacific Corporation and</i>  <i>Union Pacific Railroad Company</i></p> <p><b>Judith Richards Hope</b>  <i>Emeritus Professor of Law and</i>  <i>Distinguished Visitor from Practice</i>  <i>Georgetown University Law Center</i>  <i>Law School</i></p> <p><b>John J. Koraleski</b>  <i>Chairman of the Board,</i>  <i>Union Pacific Corporation and</i>  <i>Union Pacific Railroad Company</i></p> <p><b>Charles C. Krulak</b>  <i>President</i>  <i>Birmingham-Southern College</i>  <i>Higher Education</i></p> <p><b>Michael R. McCarthy</b></p>	<p><b>John J. Koraleski</b>                      Chairman of the Board                      Union Pacific Corporation and                      Union Pacific Railroad Company</p> <p><b>Eric L. Butler</b>                      Executive Vice President                      Marketing &amp; Sales                      Union Pacific Railroad Company</p> <p><b>Diane K. Duren</b>                      Executive Vice President and                      Corporate Secretary                      Union Pacific Corporation</p> <p><b>Lance M. Fritz</b>                      President and Chief Executive Officer                      Union Pacific Corporation and                      Union Pacific Railroad Company</p> <p><b>Mary Sanders Jones</b>                      Vice President and Treasurer                      Union Pacific Corporation</p> <p><b>D. Lynn Kelley, PhD.</b>                      Vice President - Supply and                      Continuous Improvement                      Union Pacific Railroad Company</p> <p><b>Robert M. Knight, Jr.</b>                      Executive Vice President - Finance                      and Chief Financial Officer                      Union Pacific Corporation</p> <p><b>Joseph E O'Connor</b>                      Vice President - Labor Relations                      Union Pacific Railroad Company</p>

**LIST OF OFFICERS**  
St. Louis S. W. Railway Co. Union Pacific

<p><i>Chairman</i> <i>McCarthy Group, LLC</i> <i>Investment Management</i></p>	<p><b>Patrick J. O'Malley</b> Vice President - Taxes and General Tax Counsel Union Pacific Corporation</p>
<p><b>Michael W. McConnell</b> <i>General Partner</i> <i>Brown Brothers Harriman &amp; Company</i> <i>Banking</i></p>	<p><b>Michael A. Rock</b> Vice President - External Relations Union Pacific Corporation</p>
<p><b>Thomas F. McLarty III</b> <i>President</i> <i>McLarty Associates</i> <i>Strategic Advisory and Advocacy Services</i></p>	<p><b>Cameron A. Scott</b> Executive Vice President Operations Union Pacific Railroad Company</p>
<p><b>Steven R. Rogel</b> <i>Former Chairman</i> <i>Weyerhaeuser Company</i> <i>Integrated Forest Products Company</i></p>	<p><b>Gayla L. Thal</b> Senior Vice President - Law and General Counsel Union Pacific Corporation</p>
<p><b>Jose H. Villarreal</b> <i>Advisor</i> <i>Akin, Gump, Strauss, Hauer &amp; Feld, LLP</i> <i>Law Firm</i></p>	<p><b>Jeffrey P. Totusek</b> Vice President and Controller Union Pacific Corporation</p>
	<p><b>Lynden L. Tennison</b> Senior Vice President and Chief Information Officer Union Pacific Corporation</p>
	<p><b>Robert W. Turner</b> Senior Vice President - Corporate Relations Union Pacific Corporation</p>

**CPC PROPOSED PDD  
CONDITIONS**

**ARTICLE**

**PD**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P- \_\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_\_ is established on property east line of State Highway 301, north of Linfield Road. The size of PD \_\_\_\_\_ is approximately 74.74 acres.

**SEC. 51P- \_\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a non-residential zoning district.

**SEC. 51P-\_\_\_\_.104. CREATION OF TRACTS.**

This Planned Development District is divided into four tracts: Tract I, Tract II Tract III and Tract IV.

**SEC. 51P-\_\_\_\_.105. EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit \_\_\_\_A: conceptual plan.

**SEC. 51P-\_\_\_\_. 106. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_\_ A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.



**SEC. 51P- \_\_\_\_ .107. DEVELOPMENT PLAN NOT REQUIRED**

The provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans and development plans, do not apply to this district.

**SEC. 51P- \_\_\_\_ .108. MAIN USES PERMITTED.**

- a) Agricultural uses.
  - None permitted.
  
- b) Commercial and business service uses.
  - Building repair and maintenance shop.
  - Bus or rail transit vehicle maintenance or storage facility.
  - Custom woodworking, furniture construction, or repair.
  - Electronics service center.
  - Job or lithographic printing.
  - Machine or welding shop
  - Machinery, heavy equipment, or truck sales and services.
  - Technical school.
  - Tool or equipment rental.
  - Vehicle or engine repair or maintenance.
  
- c) Industrial uses.
  - Industrial (inside) potentially incompatible.
  - Industrial (outside) potentially incompatible. [SUP]
  - Industrial (inside) for light manufacturing.
  - Industrial (inside or outside) not potentially incompatible.
  - Temporary concrete or asphalt batching plant.  
[By special authorization of the building official.]
  
- d) Miscellaneous uses.
  - Attached non-premise sign [SUP]
  - Temporary construction or sales office.
  
- e) Office uses.
  - Office.
  
- f) Recreation uses.
  - None permitted.
  
- g) Residential uses.
  - None permitted
  
- h) Retail and personal service uses.
  - Auto service center.

- Commercial parking lot or garage.
- Liquefied natural gas fueling station.
- Truck stop
  
- i) Transportation uses.
  - Airport or landing field. [SUP]
  - Commercial bus station and terminal.
  - Railroad passenger station. [SUP]
  - Railroad yard, roundhouse, or shops.
  - Transit passenger shelter.
  - Transit passenger station or transfer center. [By SUP or city council resolution.]
  
- j) Utility and public service uses.
  - Electrical generating plant. [SUP]
  - Electrical substation.
  - Local utilities.
  - Police or fire station.
  - Radio, television, or microwave tower.
  - Tower/antenna for cellular communication.
  - Utility of government installation other than listed.
  
- k) Wholesale, distribution, and storage uses.
  - Auto auction.
  - Contractor's maintenance yard.
  - Freight terminal.
  - Mini-warehouse.
  - Office showroom/warehouse.
  - Outside storage [RAR]
  - Petroleum product storage and wholesale.
  - Recycling buy-back center.
  - Recycling collection center.
  - Recycling drop-off container.
  - Recycling drop-off for special occasion collection.
  - Sand, gravel, or earth sales and storage.
  - Trade center.
  - Vehicle storage lot.
  - Warehouse.

**SEC. 51P-\_\_\_\_.109.**

**ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

- (b) The following accessory uses are not permitted in this subdistrict:
- Accessory medical/infectious waste incinerator.
  - Accessory pathological waste incinerator.
  - General waste incinerator.
  - Pedestrian skybridges.

**SEC. 51P- \_\_\_\_\_.110. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict, between this section and Division 51A-4.400, this section controls.)

In general. Except as provided in this section, the yard, lot, and space regulations of the IM Industrial Manufacturing District apply.

**SEC. 51P- \_\_\_\_\_.111. OFF-STREET PARKING AND LOADING.**

Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(a) Office/showroom, warehouse: One space per 333 square feet of office floor area. One space per 1,000 square feet of floor area for first 20,000 square feet of showroom/warehouse floor area. One parking space for each 6,000 square feet of floor area in excess of 20,000 square feet of showroom/warehouse.

(b) Outside storage: One space per 10,000 square feet of site area designated as outside storage.

**SEC. 51P- \_\_\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.113. LANDSCAPING AND TREE PRESERVATION.**

Except as provided in this section, landscaping must be provided in accordance with Article X. In the event there is a conflict between this section and Article X, this section controls.

(a) Site trees are not required.

(b) A minimum 30' deep landscape buffer is required along Linfield Road and at the main entrance on S. Central Expressway as described on the conceptual plan.

(c) One street tree is required for each 40 lineal feet of the aforementioned landscape buffer along Linfield Road.

(d) A minimum of 5 large canopy trees are required within 120 feet of the S. Central Expressway (SH310) curb line at the main entrance.

(e) Parking lot trees are not required.

(f) Section 51A-10.126 Design Standards do not apply.

(g) Compliance with provision (d) of this section is not required until a building permit is issued to authorize construction of a habitable building with a minimum cumulative floor area of 5,000 square feet or greater.

**SEC. 51P- \_\_\_\_\_.114.                      SIGNS.**

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

**SEC. 51P- \_\_\_\_\_.115.                      ADDITIONAL PROVISIONS.**

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

(b) Screening of on-site outdoor activities or storage from public streets is not required.

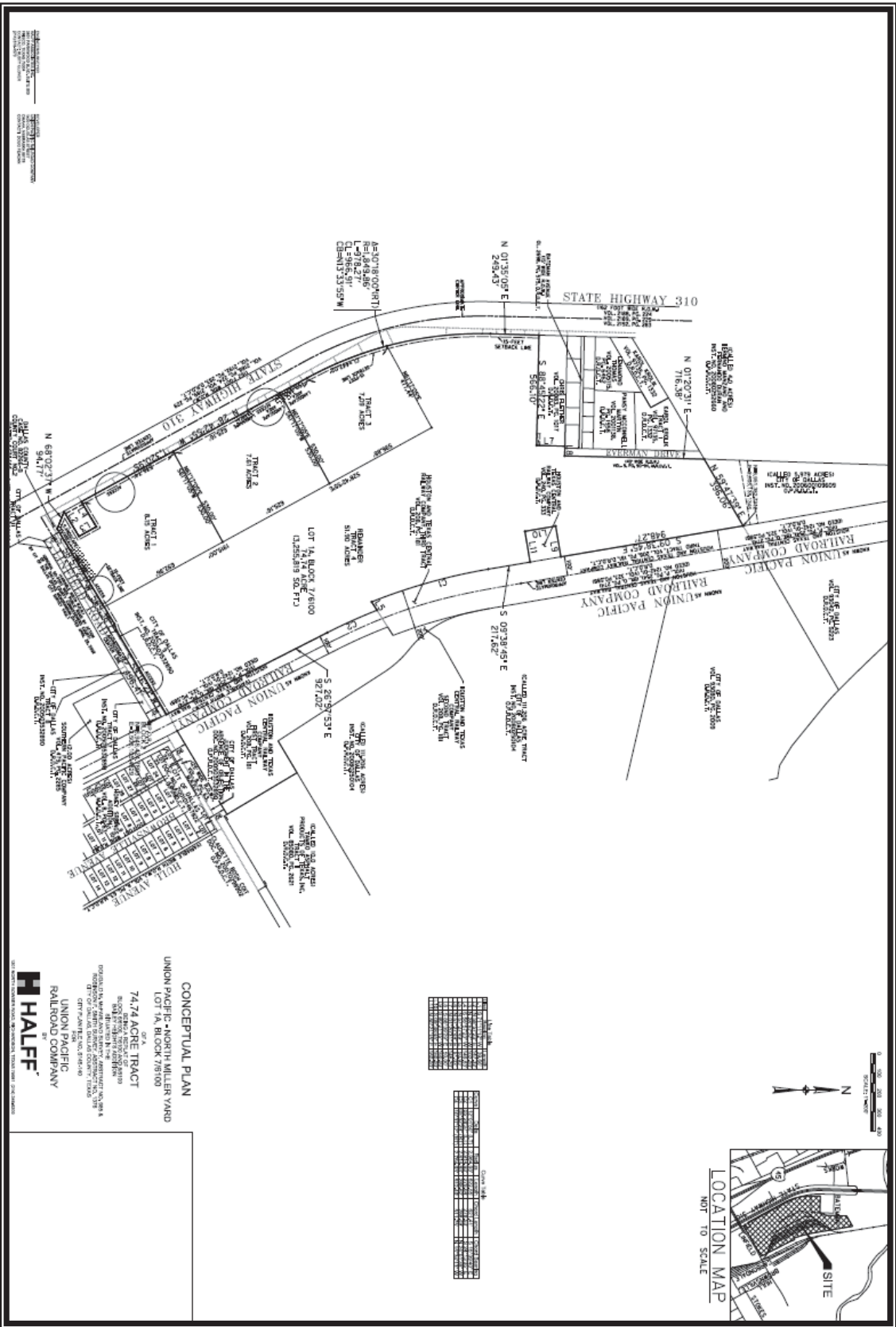
(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**SEC. 51P- \_\_\_\_\_.116.                      COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

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

**PROPOSED CONCEPTUAL PLAN**



**CPC PROPOSED SUP CONDITIONS**  
**Tract I**

1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use to be used as a concrete batching plant.
  
2. SITE PLAN: Use and development of the Property must comply with the attached site plan/landscape plan.
  
3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_(ten years from the passage of this ordinance), but is eligible for automatic renewal for one additional ten-year periods pursuant to Section 51A-4.219 of 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
  
4. DUST CONTROL:
  - A. The following conditions must be met on an ongoing basis:
    - i. Trucks must be loaded through a discharge equipped with a water ring that eliminates visible dust emissions.
    - ii. All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
    - iii. The area between the sand/aggregate stockpiles and conveyor charge hopper used for vehicle traffic must be paved, watered, and swept as necessary to achieve maximum control of dust emissions. Other areas used for vehicle traffic must be watered as necessary to eliminate visible dust emissions.
    - iv. During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.

- v. The cement storage silos and cement weigh hopper must be vented to a fabric filter to eliminate visible dust emissions.
  - vi. During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions.
  - vii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
  - viii. Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and/or vehicle traffic are minimized.
- B. A ground and dust control plan incorporating existing and proposed infrastructure required by Paragraph A must be documented in written form and delivered to the director of environmental and health services and the director of sustainable development and construction by \_\_\_\_ (60 days after passage of ordinance).
- 5. FLOOR AREA: The maximum floor area is 1,900 square feet in the location shown on the attached site plan and landscape plan.
  - 6. PARKING: A minimum of three off-street parking spaces must be provided in the location as shown on the attached site plan and landscape plan.
  - 7. OUTSIDE STORAGE: Materials stored outside must be located within bins that are screened on three sides by a 10 foot high solid screening wall. Maximum height of materials is 40 feet.
  - 8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
  - 9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.





**CPC AMENDMENT TO SUP No. 1715  
Tract II**

1. USE: The only use authorized by this specific use permit is an industrial (outside) potentially incompatible use for an asphalt batching plant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~June 26, 2023~~ (ten years from the passage of this ordinance), but is eligible for automatic renewal for one additional ten-year period pursuant to Section 51A-4.219 of 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.
5. GROUND AND DUST CONTROL:
  - A. The following conditions must be met on an ongoing basis:
    - i. All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
    - ii. During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.
    - iii. Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and vehicle traffic are minimized.

- iv. Emissions from the drum dryer must be vented to a fabric filter baghouse. The baghouse must be installed in accordance with the manufacturer's specifications and operated properly. No visible fugitive emissions may leave the site.
  - v. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
- C. A ground and dust control plan incorporating existing and proposed infrastructure, as required by conditions (i) through (iii) above, must be documented in written form and delivered to the Director of Environmental and Health Services and the Director of Sustainable Development and Construction by ~~[August 24, 2008]~~.
- 6. OUTSIDE STORAGE: Materials stored outside must be located in bins that are screened on three sides by 10-foot-high screening wall.
  - 7. PARKING: Parking must be located as shown on the attached site plan.
  - 8. PERMITS: A certificate of occupancy may not be issued until all required environmental permits are obtained from the Texas Commission on Environmental Quality, Federal Emergency Management Agency, and all other state, federal, or city agencies.
  - 9. SCREENING: A minimum eight-foot-high screening fence must be provided in the location shown on the attached site plan. The fence must either be solid or have screening elements, such as slats or mesh, to screen the interior of the Property.
  - 10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
  - 11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



**CPC PROPOSED SUP CONDITIONS**  
**Tract III**

1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use to be used as a concrete batching plant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan/landscape plan.
3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_(ten years from the passage of this ordinance), but is eligible for automatic renewal for one additional ten-year periods pursuant to Section 51A-4.219 of 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. DUST CONTROL:
  - A. The following conditions must be met on an ongoing basis:
    - i. Trucks must be loaded through a discharge equipped with a water ring that eliminates visible dust emissions.
    - ii. All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
    - iv. The area between the sand/aggregate stockpiles and conveyor charge hopper used for vehicle traffic must be paved, watered, and swept as necessary to achieve maximum control of dust emissions. Other areas used for vehicle traffic must be watered as necessary to eliminate visible dust emissions.

- iv. During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.
  - v. The cement storage silos and cement weigh hopper must be vented to a fabric filter to eliminate visible dust emissions.
  - vi. During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions.
  - vii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
  - viii. Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and/or vehicle traffic are minimized.
- D. A ground and dust control plan incorporating existing and proposed infrastructure required by Paragraph A must be documented in written form and delivered to the director of environmental and health services and the director of sustainable development and construction by \_\_\_\_\_(60 days after passage of ordinance).
- 5. FLOOR AREA: The maximum floor area is 1,900 square feet in the location shown on the attached site plan and landscape plan.
  - 6. PARKING: A minimum of two off-street parking spaces must be provided in the location as shown on the attached site plan and landscape plan.
  - 7. OUTSIDE STORAGE: Materials stored outside must be located within bins that are screened on three sides by a 10 foot high solid screening wall. Maximum height of materials is 40 feet.
  - 8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
  - 9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



**TERMINATE SUP No. 1613**

- ~~[1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use for a concrete batch plant.]~~
- ~~[2. SITE PLAN: Use and development of the Property must comply with the attached site plan.]~~
- ~~[3. TIME LIMIT: This specific use permit shall automatically terminate on June 14, 2016.]~~
- ~~[4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.]~~
- ~~[5. GROUND AND DUST CONTROL:]~~
  - ~~[A. The following conditions must be met on an ongoing basis:]~~
    - ~~[i. All on-site travelways and maneuvering lanes must be paved, watered, and swept as necessary to achieve maximum control of dust emissions.]~~
    - ~~[ii. During operations, all stockpiles must be sprayed with water as necessary to achieve maximum control of dust emissions.]~~
    - ~~[iii. All silos and weigh hoppers must be vented to a filter to eliminate visible dust emissions.]~~
    - ~~[iv. To avoid overloading, a mechanism must be installed on each silo to warn operators that the silo is full.]~~
    - ~~[v. Spillage of materials must be cleaned up and contained or dampened within 30 minutes of the spillage so that emissions from wind erosion and vehicle traffic are minimized.]~~
  - ~~[B. A ground and dust control plan incorporating existing and proposed infrastructure as required by conditions (i) through (v) above must be documented in written form and delivered to the director of environmental and health services and the director of development services within 60 days after the passage of this ordinance.]~~

- [6. ~~OUTSIDE MATERIALS STORAGE: Materials stored outside must be located in bins that are screened on three sides by solid walls a minimum of 10 feet in height.]~~
- [7. ~~PARKING: Parking must be located as shown on the attached site plan.]~~
- [8. ~~SCREENING: A minimum eight-foot-high solid fence must be provided in the location shown on the attached site plan.]~~
- [9. ~~MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.]~~
- [10. ~~GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.]~~





**TERMINATE DEED RESTRICTIONS**

THE STATE OF TEXAS)

) KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS )

I.

The undersigned, St. Louis S. W. Railway Co. – Union Pacific ("the Owner"), is the owner of the following described property ("the Property"), being a tract of land in the Douglas M. McFarland Survey, Abstract No. 986, City of Dallas, Dallas County, Texas, and the Robinson F. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being all of those tracts of land described in deeds to St. Louis Southwestern Railway Company of Texas (known as Union Pacific Railroad Company), as recorded in Volume 70229, Page 1658, Volume 68190, Page 1569, Volume 68225, Page 1766, Volume 68214, Page 1312, Document No. 200503630485, Volume 68225, Page 1744, Volume 68225, Page 1774, Volume 68225, Page 1764, Volume 68184, Page 1460, Volume 68225, Page 1776, Volume 68225, Page 1762, Volume 68225, Page 1856, Volume 68225, Page 1794, Volume 68225, Page 1792, Volume 68225, Page 1900, Volume 68184, Page 1464, Volume 68225, Page 1824, Volume 68225, Page 1798, Volume 68184, Page 1544, Volume 68202, Page 1752, Volume 68225, Page 1790, Volume 68225, Page 1788, Volume 68225, Page 1786, Volume 69017, Page 0253, Volume 68225, Page 1832, Volume 68225, Page 1758, Volume 68184, Page 1542, Volume 68225, Page 1784, Volume 70224, Page 1311, Volume 70224, Page 1309, Volume 70229, Page 1658, Volume 68225, Page 1782, City of Dallas Ordinance No. 26484, as recorded in Document No. 200600462770, and parts of those tracts of land described in City of Dallas Ordinance No. 12355, recorded in Volume 68229, Page 2035, and City of Dallas Ordinance No. 12409, recorded in Volume 69017, Page 253, and being all of the G.C. Newton Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 14, Page 443, A Re-Subdivision Of Part Of Lot 7, Block 8/6100 For H.F. & Lillie O. Cauble, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 14, Page 301, the Revision Of Lot 7-A, Block 816100, Bailey Heights Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 20, Page 469, the Subdivision of Part of Lot 10, Block 8/6100, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 39, Page 213, the Kosanke & Headrick Subdivision, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 33, Page 171, and parts of the Bailey Heights Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 5, Page 90, and the Subdivision Of Part Of Lot 12, Block 8, Bailey Heights Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 16, Page 383, all recorded in the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

Z145-301(WE)

BEGINNING at a point for corner on the easterly right-of-way line of State Highway No. 310 (also known as South Central Expressway, a 162 foot right-of-way), said corner being the northwest corner of Lot 3, Block 8-A/6100 of the Kosanke & Headrick Subdivision, and being that tract of land described in deed to said St. Louis Southwestern Railway Company of Texas, as recorded in Document Number 200503630485, D.R.D.C.T.;

THENCE North 28 degrees 42 minutes 55 seconds West, along the easterly right-of-way line of said State Highway No. 310, a distance of 66.00 feet to a point for corner;

THENCE North 61 degrees 17 minutes 05 seconds East, departing the easterly right-of-way line of said State Highway No. 310, over-and-across Block 8/6100 of said Bailey Heights Addition, a distance of 630.00 feet to a point for corner in the westerly line of the Everman Street Abandonment by City Ordinance No. 12409, as recorded in Volume 69017, Page 0253, D.R.D.C.T.;

THENCE South 28 degrees 42 minutes 55 seconds East, along the westerly line of said Everman Street Abandonment, and a prolongation of said abandonment, a distance of 313.50 feet to a point for corner;

THENCE South 28 degrees 33 minutes 10 seconds East, continuing along the westerly line of said Everman Street Abandonment, and a prolongation of said abandonment, a distance of 528.90 feet to a point for corner;

THENCE South 61 degrees 17 minutes 05 seconds West, departing the westerly line of said Everman Street Abandonment, and over and across said Block 8/6100, a distance of 628.50 feet to a point for corner on the easterly right-of-way line of said State Highway No. 310;

THENCE North 28 degrees 42 minutes 55 seconds West, along the easterly right-of-way line of said State Highway No. 310, a distance of 776.40 feet to the POINT OF BEGINNING AND CONTAINING 530,315 square feet, or 12.17 acres of land, more or less.

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated June 25, 2008, signed by Lawrence E Wzorek and recorded in Volume 20080221856 of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "A" and made a part of this instrument.

III.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

The following uses are prohibited:

- Extended stay hotel or motel.
- Hotel or motel.
- Industrial (inside) not potentially incompatible.
- Industrial (inside) potentially incompatible.
- Lodging or boarding house.
- Medical/infectious waste incinerator.
- Metal salvage facility.
- Mining.
- Municipal waste incinerator.
- Organic compost recycling facility.
- Outside salvage or reclamation.
- Pathological waste incinerator.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

The above termination was made following a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings was given as would have been required by law for a zoning change on the Property. The Owner must file this instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the termination becomes effective.

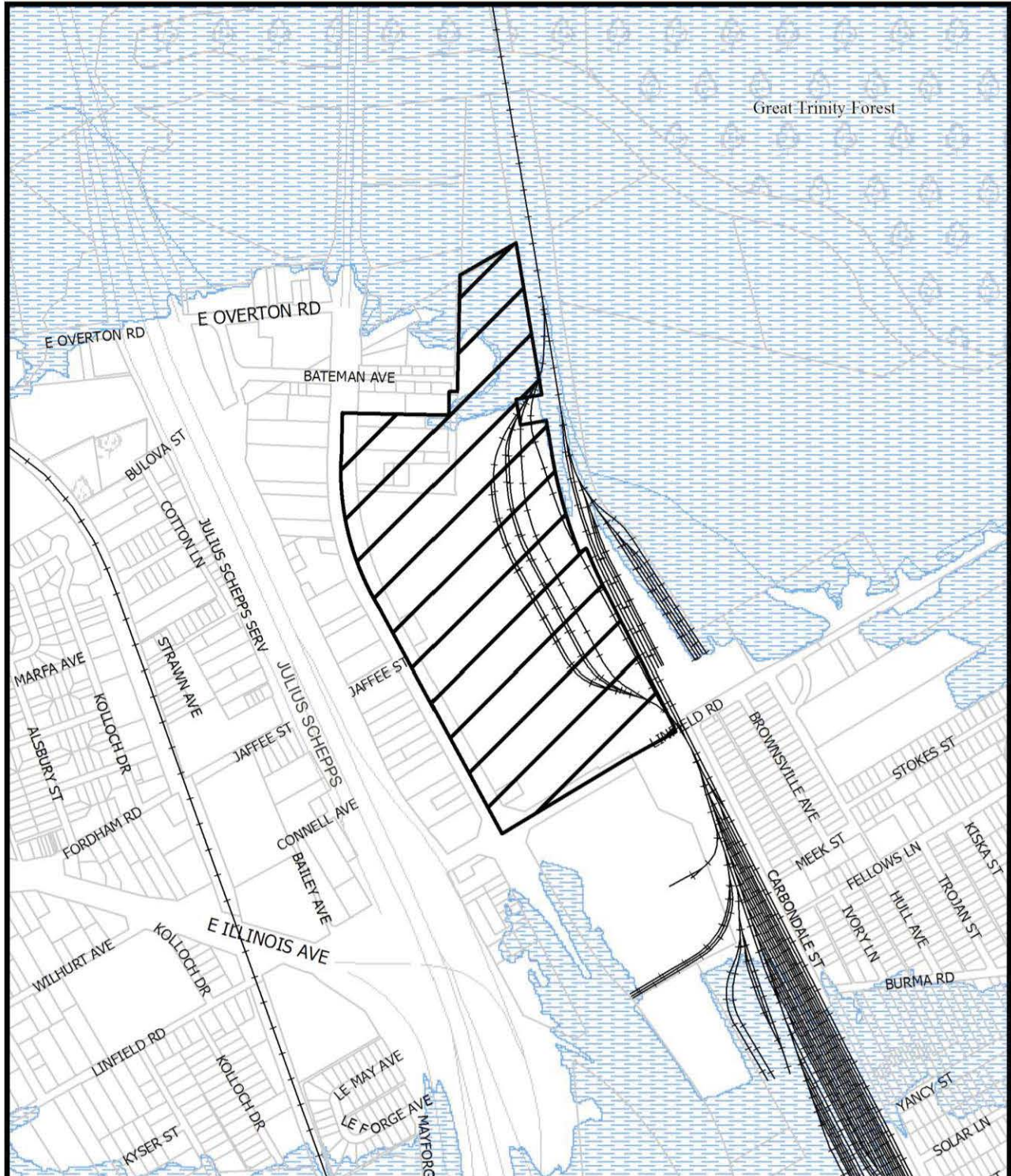
V.

The termination of these restrictions is not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with this termination.

VII.



1:9,600

# VICINITY MAP

Case no: Z145-301

Date: 9/23/2016

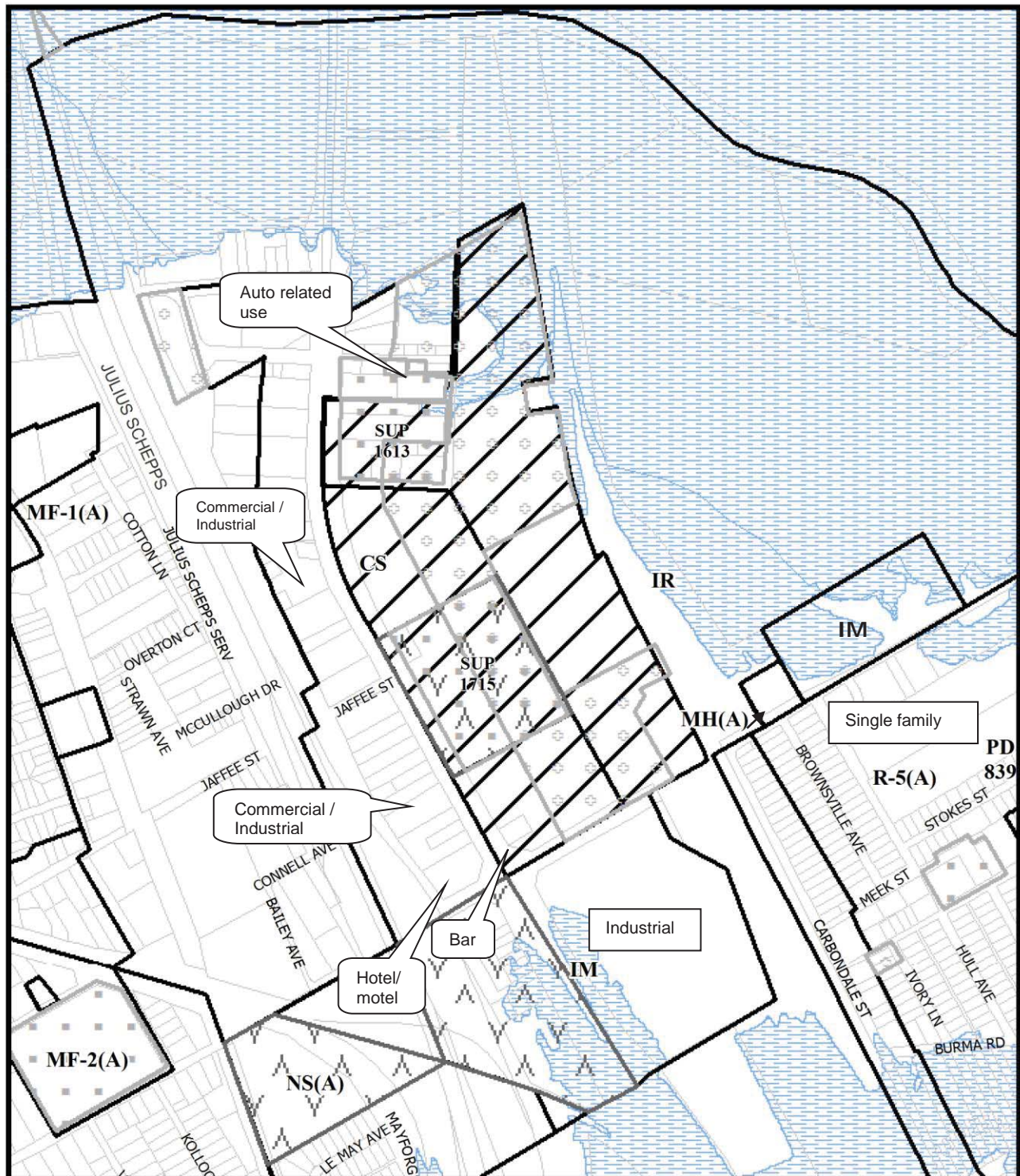


1:8,400

# AERIAL MAP

Case no: Z145-301

Date: 9/23/2016

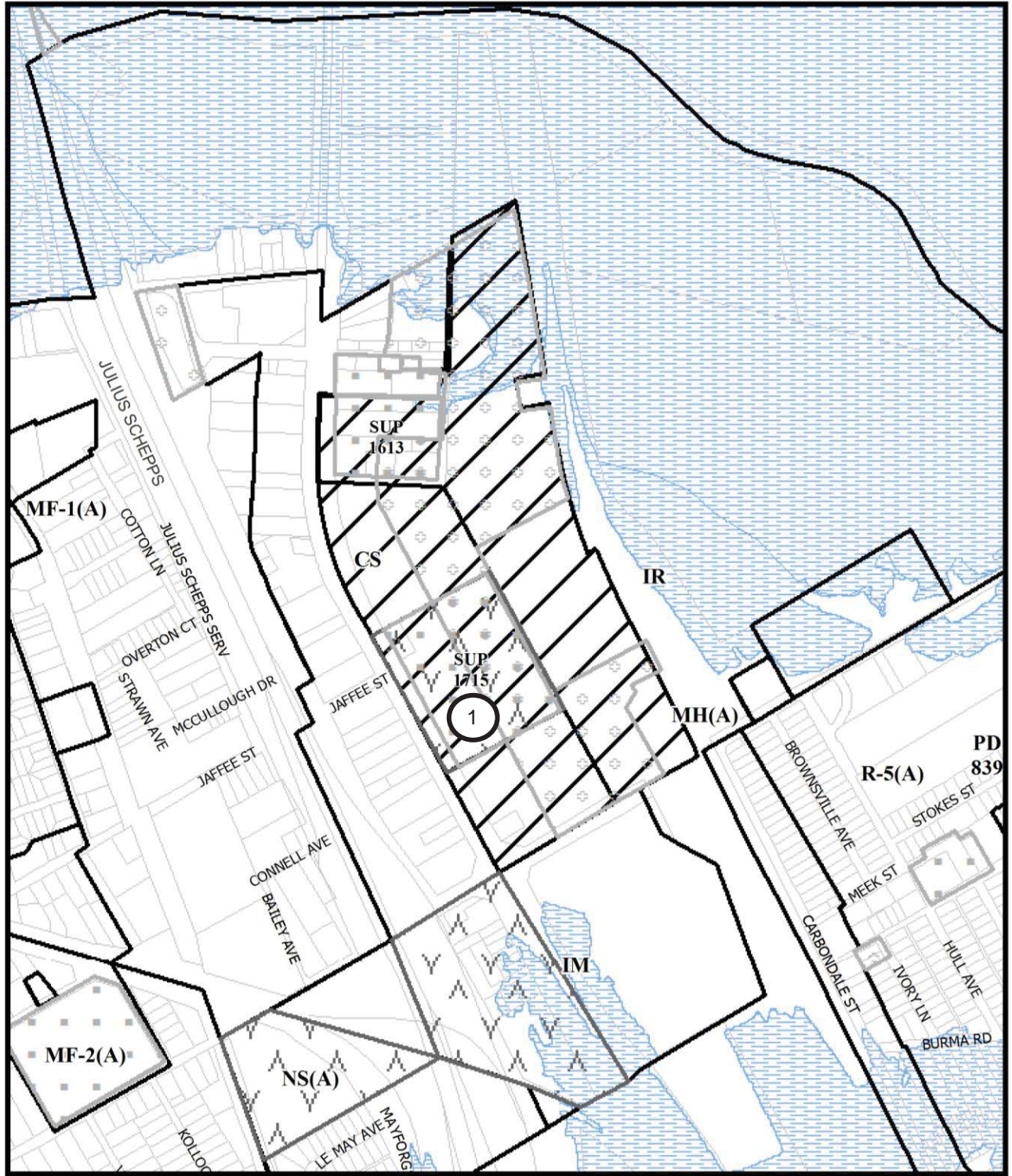


1:8,400

# ZONING AND LAND USE

Case no: Z145-301

Date: 9/28/2016



1:8,400

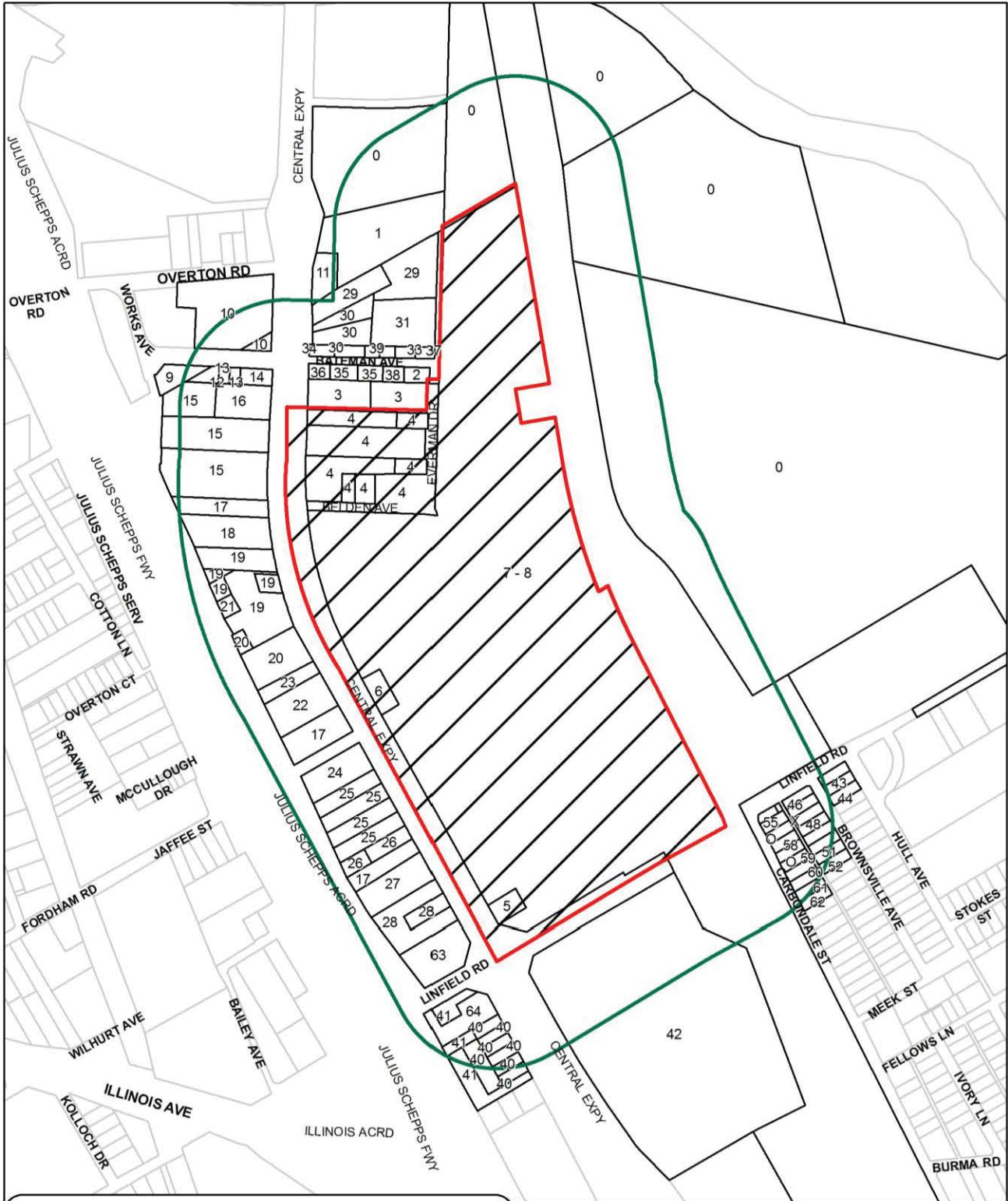
# ZONING HISTORY

Case no: Z145-301

Date: 9/28/2016



**CPC RESPONSES**



<u>64</u>	Property Owners Notified (106 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>2/16/2017</u>	Date

**Z145-301**  
**CPC**



1:7,200

Z145-301(WE)

01/18/2017

## *Notification List of Property Owners*

### *Z145-301*

*64 Property Owners Notified*

*3 Property Owners in Favor*

*1 Property Owners Opposed*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7000	S CENTRAL EXPY	CERDA EUGENIO MEDINA &
2	4330	BATEMAN AVE	S & C HOLDINGS LLC
3	7054	S CENTRAL EXPY	FLETCHER CHRIS
4	3719	EVERMAN DR	ST LOUIS S W RAILWAY CO
5	7630	S CENTRAL EXPY	HUGHES HENRY LANE
6	7410	S CENTRAL EXPY	UNION PACIFIC RAILROAD CO
7	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
8	9999	NO NAME ST	UNION PACIFIC RR CO
9	4210	BATEMAN AVE	JOINER JIM B
10	7015	S CENTRAL EXPY	BARAJAS NICK DBA
11	7020	S CENTRAL EXPY	PALACIOS ENRIQUE CALDERON
12	4238	BATEMAN AVE	JOINER FRANK
13	4242	BATEMAN AVE	BASKETT BETTY C LIVING TR
14	7051	S CENTRAL EXPY	CONWRIGHT ROBERT
15	7133	S CENTRAL EXPY	BRAR TRANSPORTATION INC
16	7055	S CENTRAL EXPY	PATEL HASMUKHLAL V
17	7203	S CENTRAL EXPY	BARAJAS NICK
18	7211	S CENTRAL EXPY	ORTIZ JOSE & ROSA E
19	7229	S CENTRAL EXPY	MARTINEZ FORTINO
20	3902	WORK AVE	MONK JAMES C & AMANDA E
21	7231	S CENTRAL EXPY	MARTINEZ FORTINO
22	7403	S CENTRAL EXPY	RICH INELL MARIE
23	7321	S CENTRAL EXPY	SANCHEZ NOEL RODRIGUEZ &
24	7501	S CENTRAL EXPY	MONTEMAYOR RUBEN GARCIA
25	7519	S CENTRAL EXPY	LOPEZ ABRAHAM
26	7537	S CENTRAL EXPY	BARAJAS NICOLAS

01/18/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	7601 S CENTRAL EXPY	HURTADO CARLOS & MARIA
	28	7623 S CENTRAL EXPY	PATIDAR PARIMAL C
	29	7022 S CENTRAL EXPY	KROLIK KAROL
	30	7034 S CENTRAL EXPY	LENAMOND THOMAS
	31	3627 EVERMAN DR	MARTYN PANSY MCCONNELL
	32	4331 BATEMAN AVE	PATTERSON DOROTHY L
	33	4337 BATEMAN AVE	HERNANDEZ HERMINIO
	34	7038 S CENTRAL EXPY	LENAMOND THOMAS D
	35	4314 BATEMAN AVE	FLETCHER CHRISTOPHER B
	36	7046 S CENTRAL EXPY	FLECTHER CHRISTOPHER B
	37	4343 BATEMAN AVE	SAMULKA W B & ANNIE B
	38	4332 BATEMAN AVE	HERNANDEZ GEORGE &
	39	4327 BATEMAN AVE	LENAMOND THOMAS
	40	7641 S CENTRAL EXPY	PATEL MAHESH K & JASU M
	41	4100 BASCOM LN	SHREE JALARAM REV TR THE
	42	7910 S CENTRAL EXPY	TAMKO ASPHALT PRODUCTS
	43	4542 LINFIELD RD	COIT CLAUDETTE BOSH
	44	7715 HULL AVE	WILMER HUTCHINS ISD ET AL
	45	7703 BROWNSVILLE AVE	JACKSON MICHAEL J & RONNIE L
X	46	7707 BROWNSVILLE AVE	JACKSON MICHAEL J
	47	7711 BROWNSVILLE AVE	BRANCH ANNIE M EST OF
	48	7715 BROWNSVILLE AVE	MOSS CLOIS
	49	7719 BROWNSVILLE AVE	CLINTON JULIA MAE EST OF
	50	7721 BROWNSVILLE AVE	DALLAS HOUSING ACQUISITION & DEV CORP
	51	7727 BROWNSVILLE AVE	LONG CURTIS JAMES
	52	7731 BROWNSVILLE AVE	MONTERO FLORIBERTO MOLINA
	53	7704 CARBONDALE ST	MCCLINTON JULIA MAE EST OF
	54	4518 LINFIELD RD	CLINTON JULIA MAE
O	55	7708 CARBONDALE ST	CHRISTOPHER LARRY WAYNE
	56	7712 CARBONDALE ST	RECA LIMITED PS
O	57	7716 CARBONDALE ST	MILLER CLEOPHUS JR &

Z145-301(WE)

01/18/2017

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	58	7720 CARBONDALE ST	MILLER CLEOPHUS JR &
	59	7724 CARBONDALE ST	HIGH SAM & BAILEY
	60	7732 CARBONDALE ST	DALLAS NEIGHBORHOOD
	61	7736 CARBONDALE ST	RHODES EZELL C
	62	7740 CARBONDALE ST	ALLAHHAM BASEL KHALED
	63	7635 S CENTRAL EXPY	SHREE JALARAM CORP
	64	4202 LINFIELD RD	JASUMAN ENTERPRISES INC

**AGENDA ITEM # 60**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 24, 2018  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 48 Q

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z167-359(WE)

Note: This item was considered by the City Council at a public hearing on December 13, 2017, and was deferred until January 24, 2018, with the public hearing open



**FILE NUMBER:** Z167-359(WE) **DATE FILED:** July 26, 2017  
**LOCATION:** Northeast corner of Forney Road and South Buckner Boulevard  
**COUNCIL DISTRICT:** 7 **MAPSCO:** 48 Q  
**SIZE OF REQUEST:** Approx. 0.564 acres **CENSUS TRACT:** 112.07

---

**APPLICANT / OWNER:** Buckner Food, Inc.

**REPRESENTATIVE:** Jon R. Featherston  
The Dimension Group

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store [7 Eleven, Inc.].

**CPC RECOMMENDATION:** Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The ±0.564-acre request site is developed with a 3,010-square-foot general merchandise or food store (convenience store) and vehicle fueling station (gas pumps).
- On December 11, 2013, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period on the request site.
- In April 2015, a letter was sent to the applicant advising them to submit an application to renew SUP No. 2054 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less. An application was not submitted and SUP No. 2054 expired on December 11, 2015.
- The proposed request is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- The adjacent land uses consist of a warehouse and church use to the north, warehouse uses to the east and an industrial (inside) use to the south. Properties west of the request site, across South Buckner Boulevard, are undeveloped.
- **Zoning History:** There has been one zoning change requested in the area in the past 5 years.

1. Z145-284 On November 10, 2015, the City Council approved a renewal of Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Forney Road	Collector	80 ft.	80 ft.
South Buckner Boulevard	Principal Arterial	100 ft.	100 ft.



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

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

**ECONOMIC ELEMENT**

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	LI-D-1	General merchandise or food store
<b>North</b>	LI-D-1	Warehouse, Church
<b>South</b>	LI-D-1	Industrial (Inside)
<b>East</b>	LI-D-1	Warehouse
<b>West</b>	LI-D-1	Undeveloped

**STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 0.564-acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station. The request for a Specific Use Permit will allow the applicant to sell alcohol for off-premise consumption in conjunction with the general merchandise.

The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.

The adjacent land uses consist of a warehouse and church use to the north, warehouse uses to the east and an industrial (inside) use to the south. Properties west of the request site, across South Buckner Boulevard, are undeveloped. The proposed request complies with the alcoholic distance requirement of 300 feet from a church, which is measured front door to front door along the right-of-way lines.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
LI Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less is at one space for each 200 square feet of floor area. Based on the 3,010 square feet of floor area, the development requires 17 spaces with 17 being provided per the attached site plan.

**Dallas Police Department:** Below is a police report indicating the offenses of the request site during the past three years. The site will be razed and a new structure will be built under new ownership.

Incident Num	Time 1	UCR_Offense	Address	Zip Code
261881-2014	10:05	OTHER THEFTS	4710 S BUCKNER BLVD	75227
216066-2015	18:00	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
204705-2015	23:00	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
187209-2015	2:18	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
110709-2015	23:57	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD	75227
153418-2015	0:30	ASSAULT	4710 S BUCKNER BLVD	75227
134224-2015	20:55	LIQUOR OFFENSE	4710 S BUCKNER BLVD	75227
110709-2015	23:57	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD	75227
110709-2015	23:57	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD	75227
047101-2017	16:50	ASSAULT	4710 S BUCKNER BLVD	75227
006007-2016	23:00	VANDALISM & CRIM MISCHIEF	4710 S BUCKNER BLVD	75227
169407-2017	1:30	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227
140112-2017	23:40	AGG ASSAULT - FV	4710 S BUCKNER BLVD	75227
021304-2017	20:07	AGG ASSAULT - NFV	4710 S BUCKNER BLVD	75227
243296-2016	3:16	BURGLARY-BUSINESS	4710 S BUCKNER BLVD	75227

**CPC Action** (October 5, 2017)

**Motion:** In considering an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the northeast corner of Forney Road and South Buckner Boulevard, it was moved to **hold** this case under advisement until October 19, 2017.

Maker: Mack  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Lavallaissa, Jung, Housewright,  
Schultz, Peadon, Murphy, Tarpley

Against: 0  
Absent: 1 - Ridley  
Vacancy: 0

**Notices:** Area: 200 Mailed: 7  
**Replies:** For: 1 Against: 1

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC Action** (October 19, 2017)

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the northeast corner of Forney Road and South Buckner Boulevard.

Maker: Mack  
Second: Jung  
Result: Carried: 15 to 0

For: 15 - West, Rieves\*, Houston, Davis, Shidid\*,  
Carpenter, Mack, Lavallaissa, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Z167-359(WE)

Against: 0  
Absent: 0  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 7  
**Replies:** For: 1 Against: 1

**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC PROPOSED SUP  
CONDITIONS**

1. **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

*CPC Recommendation*

3. **TIME LIMIT:** This specific use permit expires on\_\_\_\_\_, (three-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180<sup>th</sup> but before the 120<sup>th</sup> day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

*Staff's Recommendation*

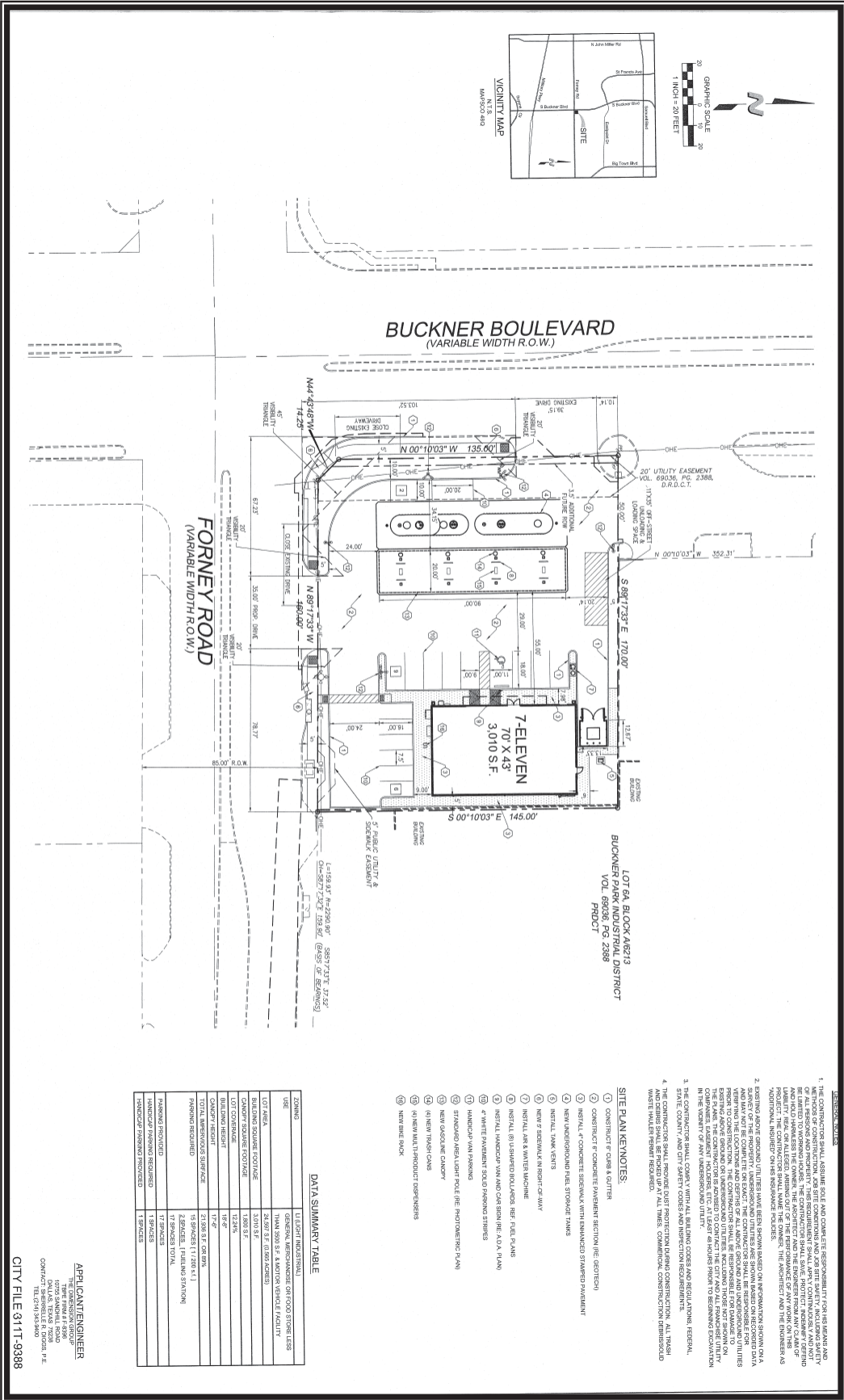
3. **TIME LIMIT:** This specific use permit expires on\_\_\_\_\_, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180<sup>th</sup> but before the 120<sup>th</sup> day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.

Z167-359(WE)

5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**PROPOSED SITE PLAN**



LOT 6A, BLOCK A6273  
BUCKNER PARK AND RURAL DISTRICT  
VOL. 68, PAGE 2388  
PROJECT

1. THE CONTRACTOR SHALL MAINTAIN THE SITE AND SHALL BE RESPONSIBLE FOR THE SAFETY AND PROTECTION OF ALL PERSONS AND PROPERTY. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND SHALL MAINTAIN THE SAFETY OF ALL PERSONS AND PROPERTY. THE CONTRACTOR SHALL MAINTAIN THE SAFETY OF ALL PERSONS AND PROPERTY. THE CONTRACTOR SHALL MAINTAIN THE SAFETY OF ALL PERSONS AND PROPERTY.
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**SITE PLAN KEYNOTES:**

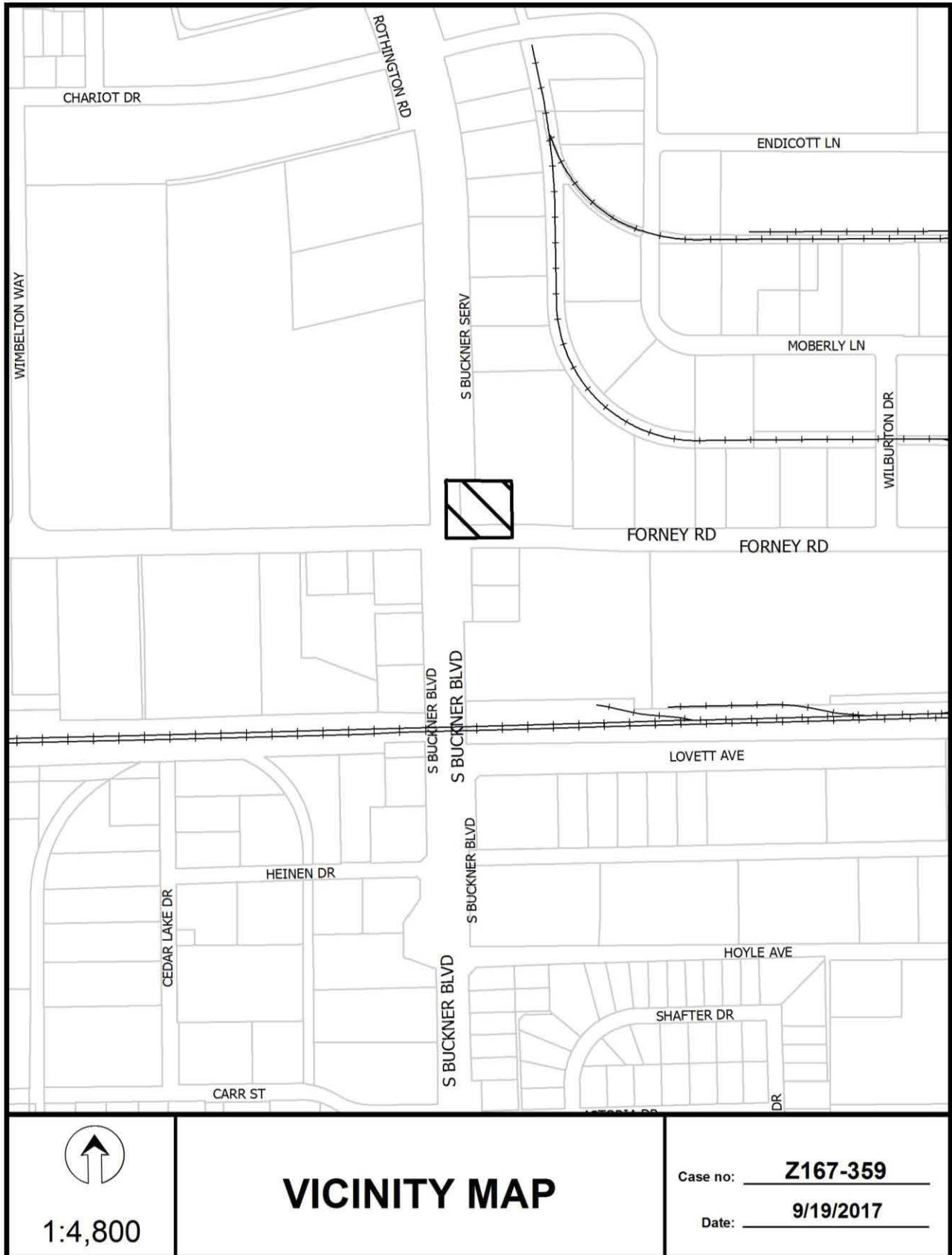
1. CONSTRUCT CURB & GUTTER
2. CONSTRUCT CONCRETE PAVEMENT SECTION (SEE SECTION)
3. INSTALL UTILITY EASEMENTS WITH FINISHED STRIPED PAVEMENT
4. NEW DIMENSIONED TIE, STRONG TIE
5. INSTALL TANK VENTS
6. NEW 2 SEWER MAIN (SEE DWG)
7. INSTALL AIR & WATER MACHINE
8. INSTALL 8" UNGRADED BOLANER REEF FUEL TANKS
9. INSTALL HANDICAP VAN AND CAR BORN (H.V.A. PLAN)
10. 4" WHITE PAVEMENT SOLID PAVING STRIPES
11. HANDICAP VAN PARKING
12. STRANDED ASBESTHOSITE FIBRE PHOTOGENIC PLAN
13. NEW SIGNALING CAMPS
14. NEW TANKS CANS
15. NEW MULTIPROTECT DISPENSERS
16. NEW BENCH ROCK

**DATA SUMMARY TABLE**

FORMING	USE	GENERAL MENSUREMENTS ON FOOD STORE LESS THAN 5000 S.F. & MOTOR VEHICLE FACILITY
LOT AREA		2,997 S.F. (0.069 ACRES)
BUILDING SQUARE FOOTAGE		3,010 S.F.
LOT COVERAGE		10.04%
BUILDING HEIGHT		17'-0"
CONCEPT HEIGHT		17'-0"
TOTAL UNIMPROVED SURFACE		27,000 S.F. (0.619 AC)
PARKING REQUIRED		2.8 BAY/LOT (1.1 BAY/AC)
PARKING PROVIDED		17 BAY/LOT (1.1 BAY/AC)
MANUFACTURING PROVIDED		1 BAY/LOT (0.023 AC)

APPLICANT/ENGINEER  
THE DESIGN GROUP  
10700 SANDHILL ROAD  
DUBLIN, CALIFORNIA 94568  
CONTRACT NUMBER: R-2005-116  
TELEPHONE: 925-850-4500  
CITY FILE 31117-9388

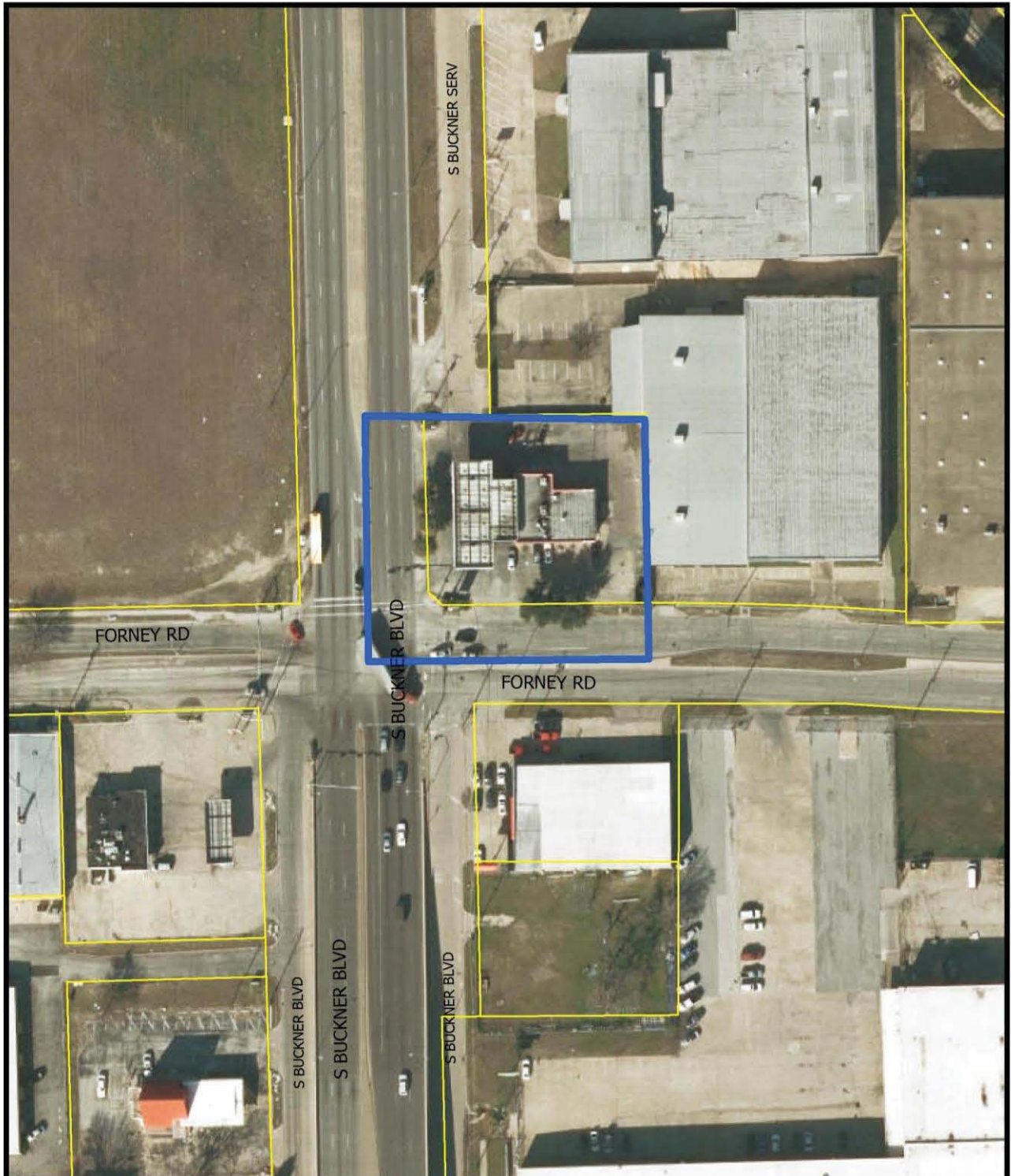




1:4,800

### VICINITY MAP

Case no: Z167-359  
Date: 9/19/2017

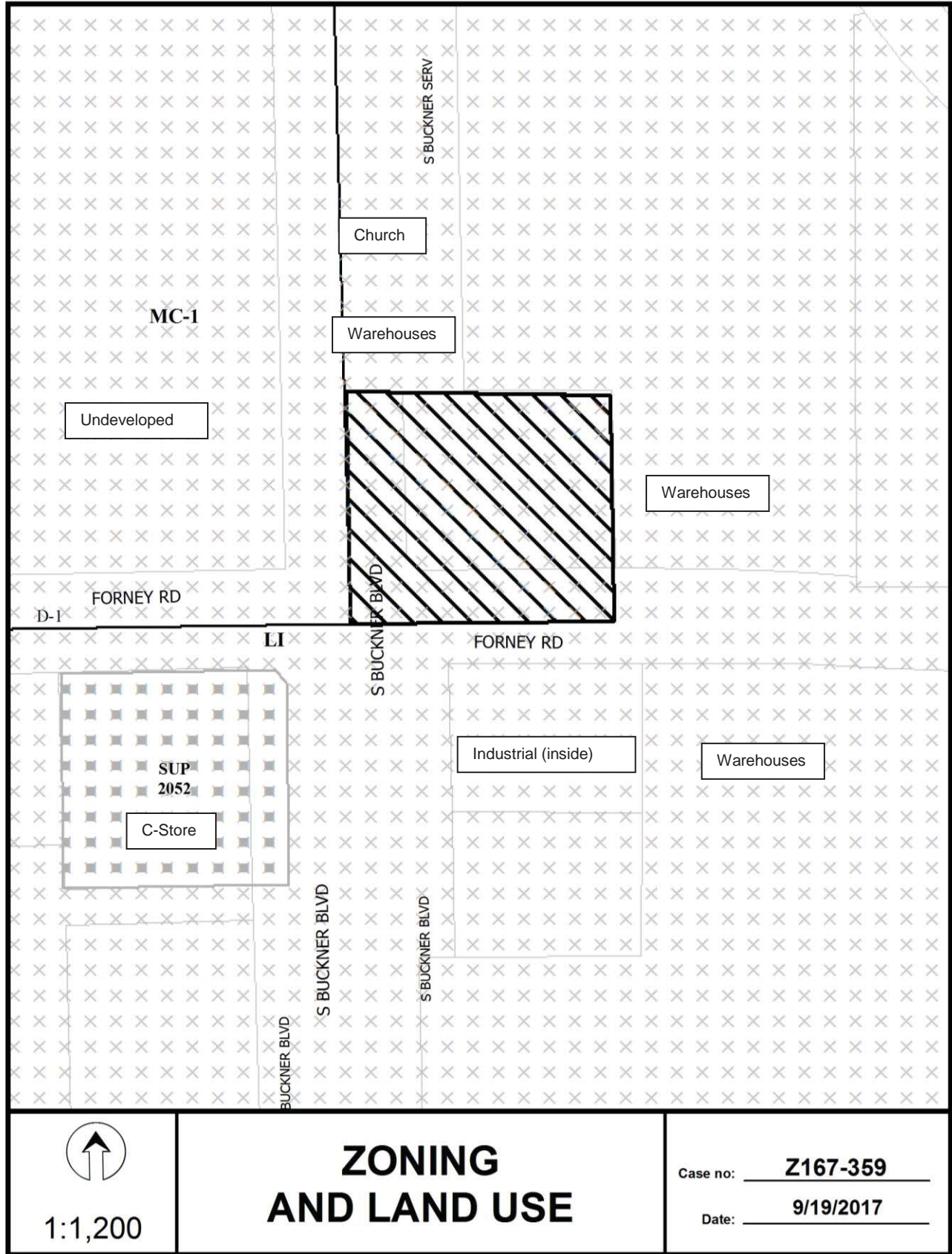


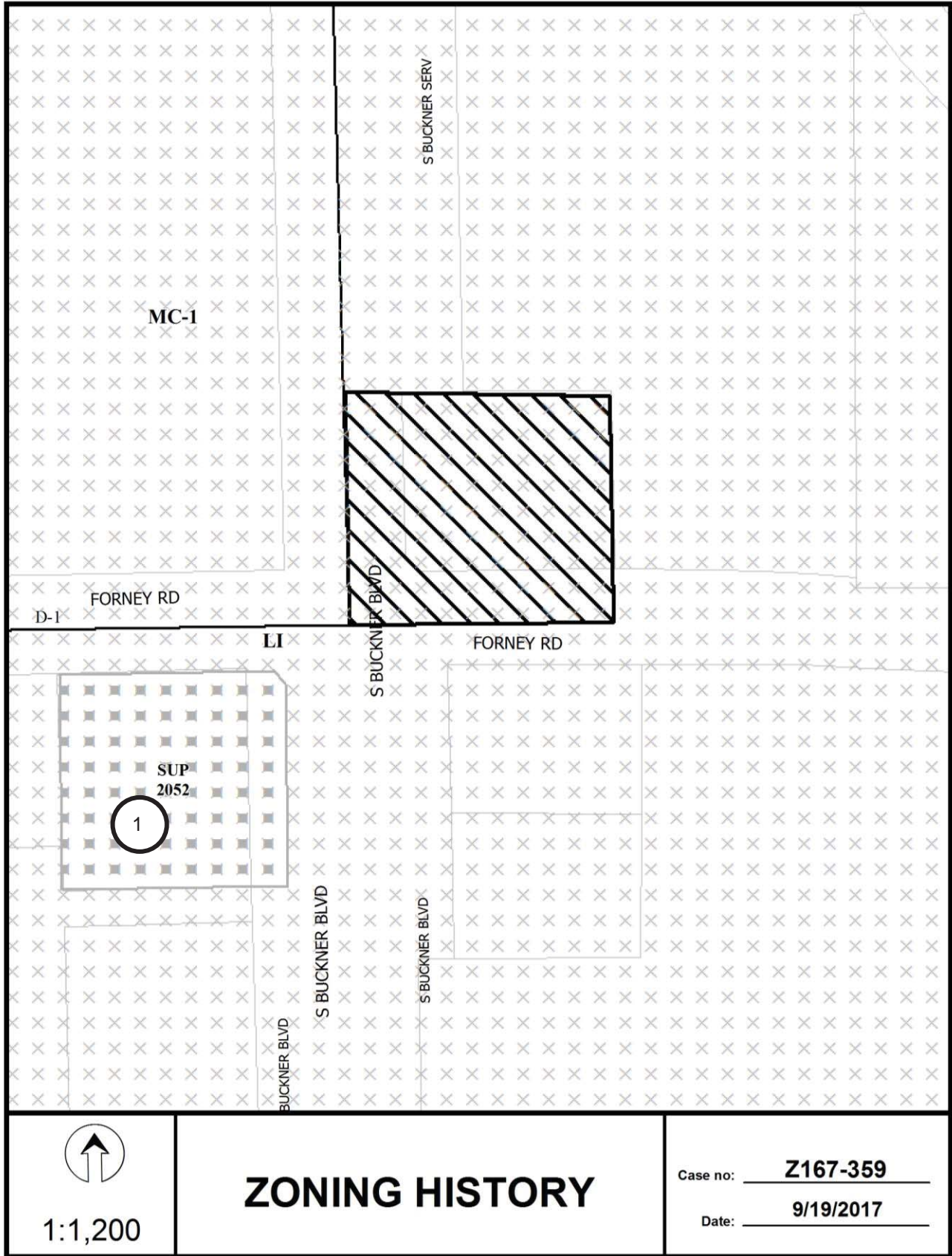
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# AERIAL MAP

Case no: Z167-359

Date: 9/19/2017





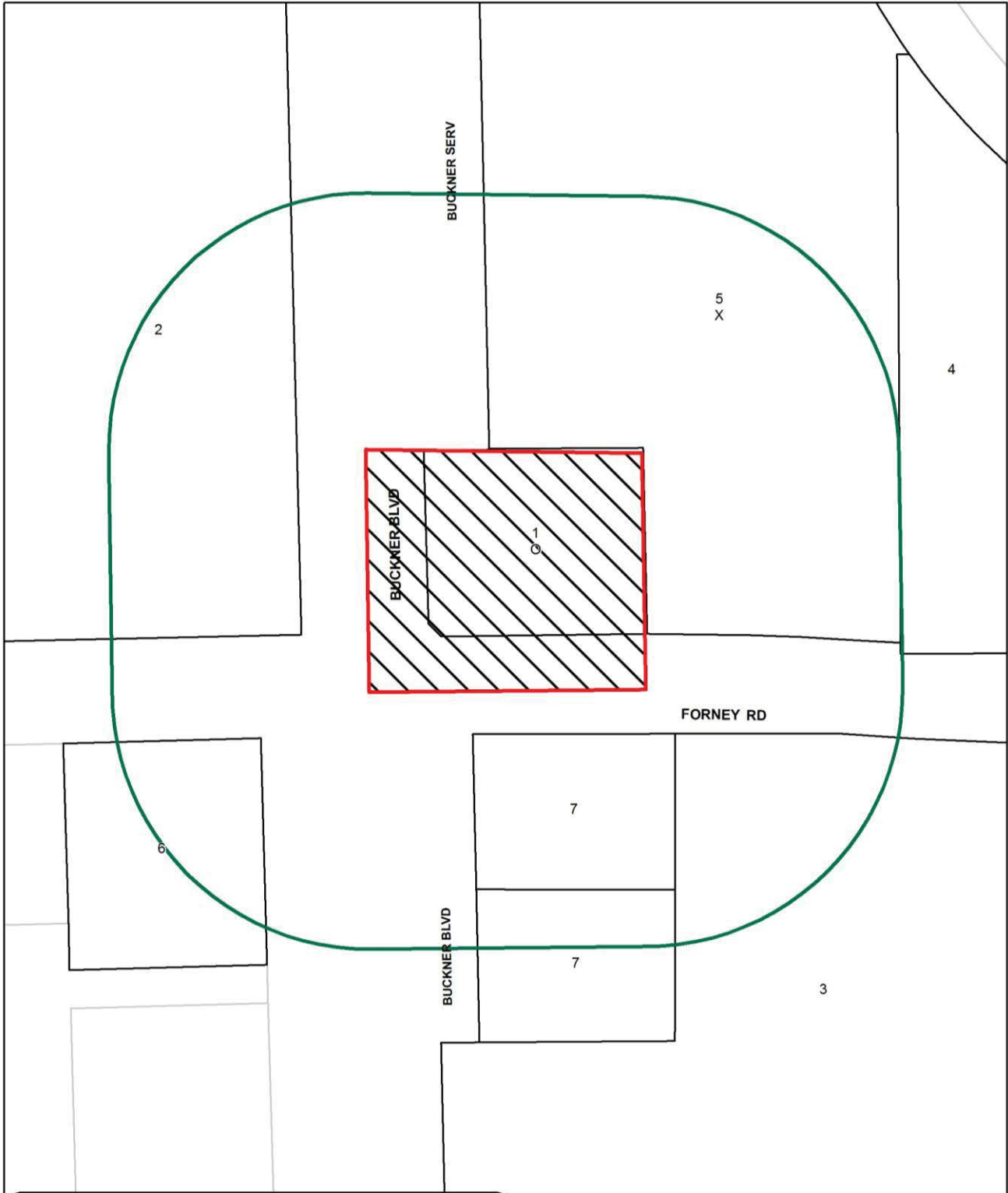
1:1,200

# ZONING HISTORY

Case no: Z167-359

Date: 9/19/2017

**CPC RESPONSES**



<u>7</u>	Property Owners Notified (8 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>10/19/2017</u>	Date

**Z167-359**  
**CPC**



1:1,200

## ***Notification List of Property Owners***

***Z167-359***

***7 Property Owners Notified      1 Property Owners in Favor      1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	4710 S BUCKNER BLVD	DEVIN BRICH GROUP DORP
	2	4700 S BUCKNER BLVD	NW REALTY INC
	3	4520 S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE
	4	8131 FORNEY RD	TAGGERT TEXAS LTD
X	5	4740 S BUCKNER RD	INTERNATIONAL BIBLE ASSOC
	6	4625 S BUCKNER BLVD	BUCKNER FOODS INC
	7	4612 S BUCKNER BLVD	RICHMOND P CURT

**STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

6

**DEPARTMENT:**

Department of Transportation

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

43F G H

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**SUBJECT**

A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of Canada Drive from **(1)** Westmoreland Road to Holystone Street from a standard four-lane divided (S-4-D) roadway within 80 feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on both sides of the roadway within 100 feet of right-of-way and 78-feet of pavement; and **(2)** Holystone Street to Hampton Road from a standard four-lane divided (S-4-D) roadway within 80-feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on the north side of the roadway within 100-feet of right-of-way and 75-feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

**BACKGROUND**

The Department of Transportation is requesting an amendment to Canada Drive to facilitate the design of a multimodal roadway project funded by capital funds. Staff has worked with the Department of Public Works and the Department of Planning and Urban Design to establish a street design that is consistent with the West Dallas Vision that was approved by City Council and the City Plan Commission in 2011 and meets the needs of adjacent schools. The design improves vehicular operations and incorporates amenities that accommodate pedestrians, cyclists, and public transit users.

The proposed design will add bicycle facilities and on-street parking. Currently, Canada Drive between Westmoreland Road and Holystone Street operates as a four-lane roadway with parking. This operation will be maintained and bicycle facilities will be added. Canada Drive between Holystone Street and Hampton Road operates as a two-lane roadway. This segment will be enhanced to a four-lane roadway with bicycle facilities and parking on the north side of the roadway.

## **BACKGROUND** (continued)

The proposed design will incorporate Complete Street elements such as Integrated Stormwater Management elements, lighting, trees, and sidewalks.

Staff recommends approval to the City of Dallas Thoroughfare Plan to change the dimensional classification of Canada Drive from Westmoreland Road to Holystone Street from a standard four-lane divided (S-4-D) roadway within 80 feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on both sides of the roadway within 100 feet of right-of-way and 78 feet of pavement; and Holystone Street to Hampton Road from a standard four-lane divided (S-4-D) roadway within 80 feet of right-of-way to a special four-lane divided (SPCL 4D) roadway with bicycle facilities and parking on the north side of the roadway within 100 feet of right-of-way and 75 feet of pavement.

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

On November 16, 2017, the City Plan Commission Thoroughfare Committee acted on this item and followed staff recommendation.

On December 14, 2017, the City Plan Commission acted on this item and followed staff recommendation.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on January 22, 2018.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **MAP**

Attached



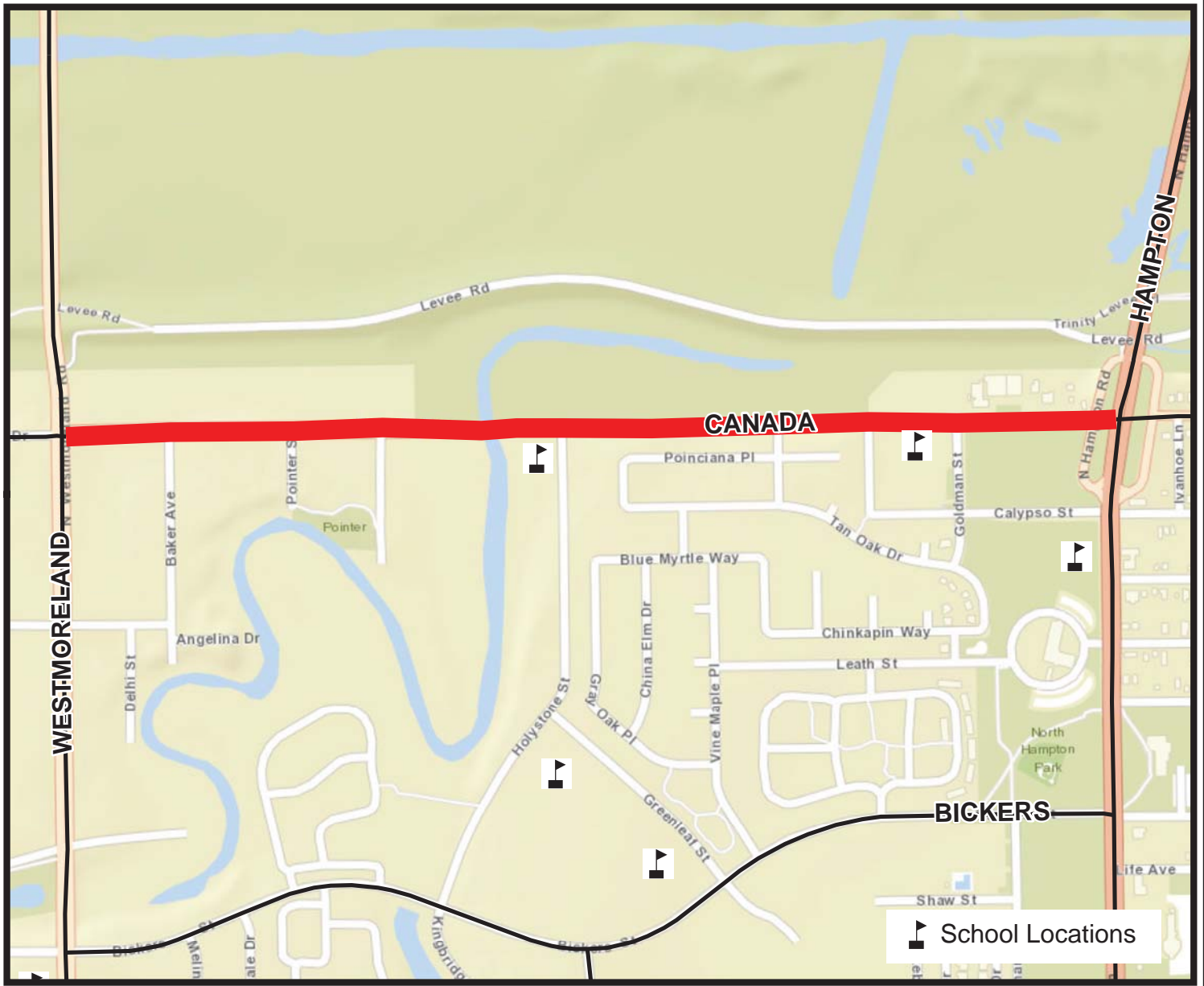
# Canada Drive

Westmoreland Road to Hampton Road

Council District: 6  
MAPSCO: 43F,G,H



Thoroughfare Plan Amendment Map





**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** January 24, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Office Of Environmental Quality

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 33 T

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**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Foundation Building Materials, LLC, located near the intersection of John Carpenter Freeway and Dividend Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Foundation Building Materials, 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 a perched shallow aquifer that is encountered at approximately 12 - 15 feet below ground surface (bgs) and extends to approximately 55 feet bgs at the top of the underlying Eagle Ford Group. The Eagle Ford Group is considered a regional aquitard that is composed primarily of shale, sandstone, and limestone and has an estimated thickness of approximately 200 to 300 feet in the area. The anticipated direction of groundwater flow beneath the designated property is to the south-southeast. A portion of this shallow groundwater has been affected by trichloroethene (TCE), arsenic, chromium, and lead at concentrations above groundwater ingestion standards. Potential onsite sources identified at the designated property include a former oil water separator, a former grit trap, three 10,000-gallon underground storage tanks (USTs) that have been out of use since 2005, and one former 500-gallon used oil UST that was removed from the ground in 1998. The anticipated source for arsenic, chromium, and lead is from naturally occurring metals in the suspended sediment in the groundwater sample collected from a temporary monitor well. The anticipated source for TCE is from offsite facilities to the northwest of the designated property where TCE has been identified.

**BACKGROUND** (continued)

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in January 2017 and is designated as VCP Facility ID No. 2860.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on January 16, 2018 to receive comments and concerns. Notices of the meeting were sent to 206 property owners within 2,500 feet of the property and 111 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of John Carpenter Freeway and Dividend Drive including 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 a MSD. Currently, the designated property is used for office space and warehouse storage by Foundation Building Materials, LLC. The anticipated future use of the designated property will remain commercial and light industrial.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNER**

**Foundation Building Materials, LLC**

FBM Intermediate Holdings LLC, Governing Person  
Ruben D. Mendoza, President

**MAP**

Attached



CITY OF DALLAS



**Municipal Setting Designation**  
 Designated Property Boundary Map  
 MSD Log OEQ0070  
 Applicant – Foundation Building Materials, LLC  
 8231 John Carpenter Freeway  
 Dallas, TX 75247



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

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 8231 John Carpenter Freeway 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 VCP No. 2860 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than January 24, 2020.

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 exceedence zone originating from sources on the designated property or migrating from the designated property no later than January 24, 2020. 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 exceedence 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:

LARRY E. CASTO, City Attorney

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

Passed \_\_\_\_\_

"Exhibit A"

MSD SURVEY

8231 JOHN W CARPENTER FREEWAY  
PART OF CITY BLOCK 44/7940, BROOK HOLLOW INDUSTRIAL DISTRICT, NUMBER FOUR  
JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845  
CITY OF DALLAS, DALLAS, COUNTY, TEXAS

PROPERTY DESCRIPTION

BEING a 2.821 acre (122,878 square foot) tract of land situated in the JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845 and being part of City Block No. 44/7940 of Brook Hollow Industrial District, Number Four, an addition to the City of Dallas according to the plat recorded in Volume 31, Page 113 Map Records, Dallas County, Texas and being all of that certain tract conveyed to FBM BAV LLC by deed recorded in Instrument No. 201600321149 Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap stamped "NW WARD" found for corner in the southwesterly line of JOHN W CARPENTER FREEWAY (a 303 foot public right-of-way), said rod being the east corner of said FBM BAV tract and the north corner of Lot 1, Block 44/7940 of Carpenter Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 88100, Page 2742 Plat Records, Dallas County, Texas, said rod also being North 51°51'00" West a distance of 430.00 feet from a 1/2 inch iron rod with yellow plastic cap stamped "SANDS" found for corner at the intersection of said southwesterly line of JOHN W CARPENTER FREEWAY and the northwesterly line of METROMEDIA PLACE (a 60 foot public right-of-way);

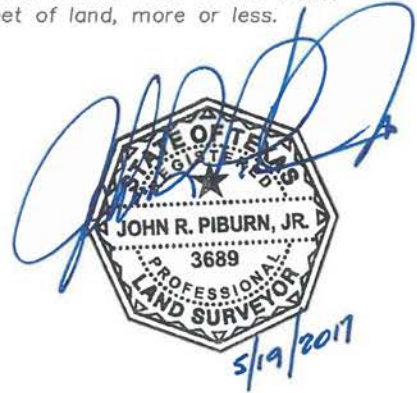
THENCE South 38°09'00" West, along the common line between said FBM BAV tract and said Lot 1 for a distance of 396.60 feet to a 1/2 inch iron rod with orange plastic cap stamped "P&C 100871" set for corner, said rod being the southernmost south corner of said FBM BAV tract;

THENCE North 69°53'03" West, continuing along said common line for a distance of 45.22 feet to a 1/2 inch iron rod with orange plastic cap stamped "P&C 100871" set for corner, said rod being in the northeasterly line of D.A.R.T. (a 40 foot right-of-way), said rod being the northernmost south corner of said FBM BAV tract;

THENCE North 51°51'00" West, along the common line between said FBM BAV tract and said northeasterly line of D.A.R.T. for a distance of 257.00 feet to a 1/2 inch iron rod with orange plastic cap stamped "P&C 100871" set for corner, said rod being the west corner of said FBM BAV tract;

THENCE North 38°09'00" East, departing said northeasterly line of D.A.R.T. for a distance of 410.60 feet to a 5/8 inch iron rod with yellow plastic cap stamped "NW WARD" found for corner in the aforementioned southwesterly line of JOHN W CARPENTER FREEWAY, said rod being the north corner of said FBM BAV tract;

THENCE South 51°51'00" East, along the common line between said southwesterly line of JOHN W CARPENTER FREEWAY and said FBM BAV tract for a distance of 300.00 feet to the POINT OF BEGINNING and containing 2.821 acres, or 122,878 square feet of land, more or less.



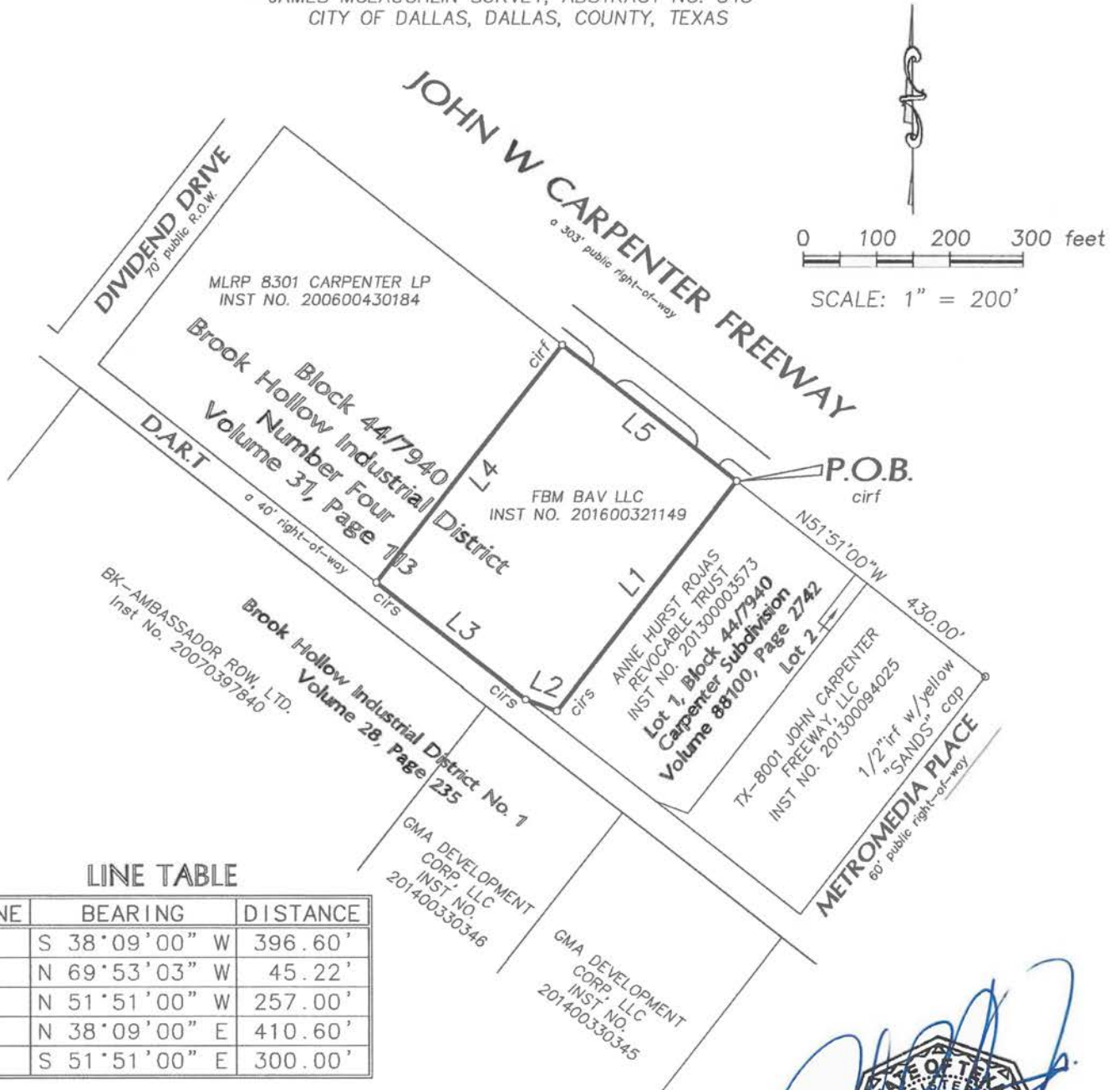
Basis of Bearings is the southwesterly line (South 51°51'00" East) of John W Carpenter Freeway, as shown on plat of Brook Hollow Industrial District, Number Four, an addition to the City of Dallas, Dallas County, Texas recorded in Volume 31, Page 113 M.R.D.C.T.

May 19, 2017  
Project No. 17031

Sheet 1 of 3

 801 East Campbell Road – Suite 575  
Richardson, Texas 75081  
Ph: 214.328.3500 Fax: 214.328.3512  
email@piburncarson.com

MSD SURVEY  
 8231 JOHN W CARPENTER FREEWAY  
 PART OF CITY BLOCK 44/7940, BROOK HOLLOW INDUSTRIAL DISTRICT, NUMBER FOUR  
 JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845  
 CITY OF DALLAS, DALLAS, COUNTY, TEXAS



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 38°09'00" W	396.60'
L2	N 69°53'03" W	45.22'
L3	N 51°51'00" W	257.00'
L4	N 38°09'00" E	410.60'
L5	S 51°51'00" E	300.00'

NOTES:

cirf = 5/8" iron rod with yellow plastic cap stamped "NW WARD" found for corner  
 cirs = 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner  
 irf = iron rod found for corner

Basis of Bearings is the southwesterly line (South 51°51'00" East) of John W Carpenter Freeway, as shown on plat of Brook Hollow Industrial District, Number Four, an addition to the City of Dallas, Dallas County, Texas recorded in Volume 31, Page 113 M.R.D.C.T.



May 19, 2017  
 Project No. 17031

Sheet 2 of 3



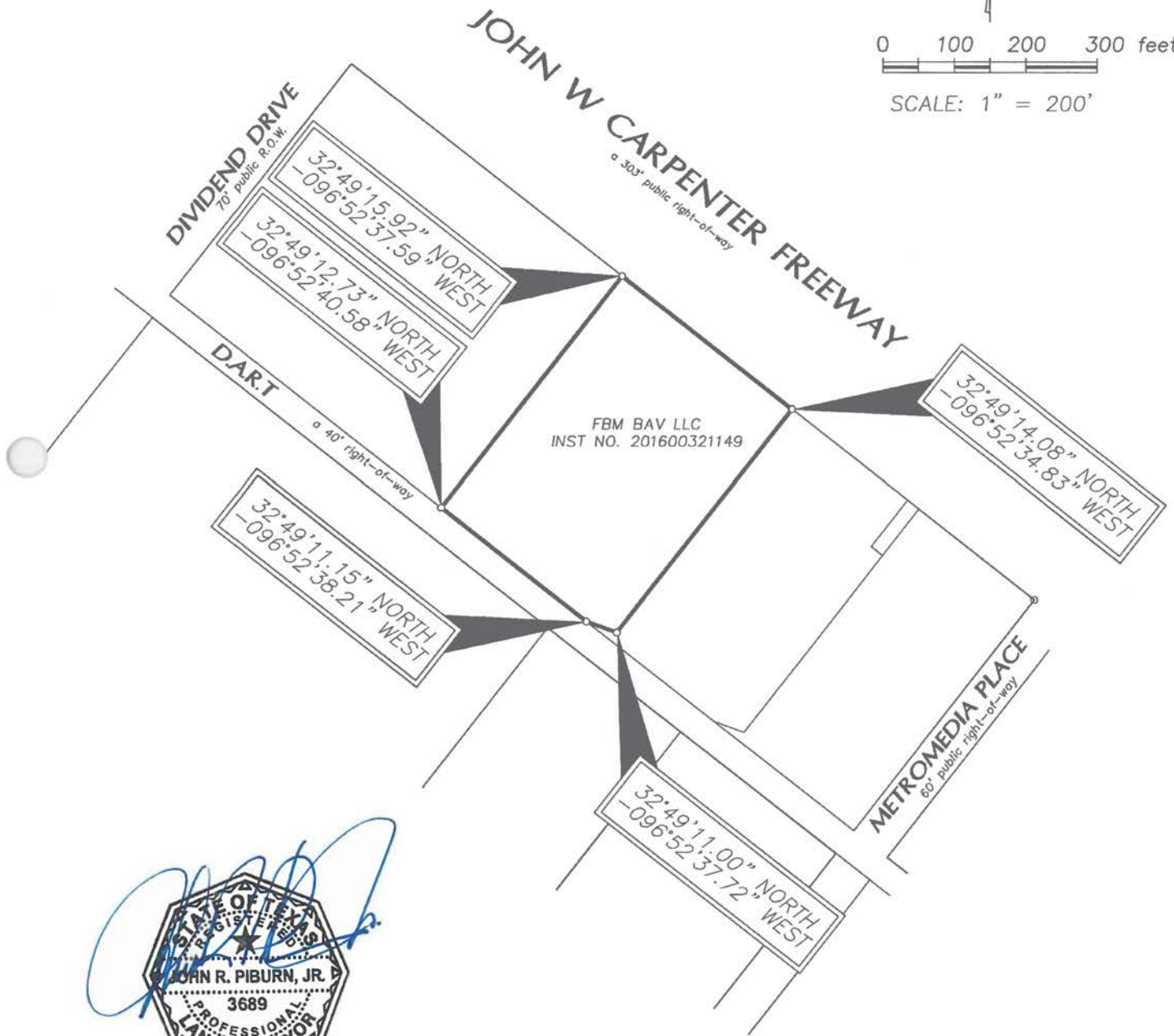
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MSD SURVEY  
 8231 JOHN W CARPENTER FREEWAY  
 PART OF CITY BLOCK 44/7940, BROOK HOLLOW INDUSTRIAL DISTRICT, NUMBER FOUR  
 JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845  
 CITY OF DALLAS, DALLAS, COUNTY, TEXAS



0 100 200 300 feet

SCALE: 1" = 200'



*[Signature]*  
 JOHN R. PIBURN, JR.  
 3689  
 PROFESSIONAL  
 LAND SURVEYOR  
 5/19/2017

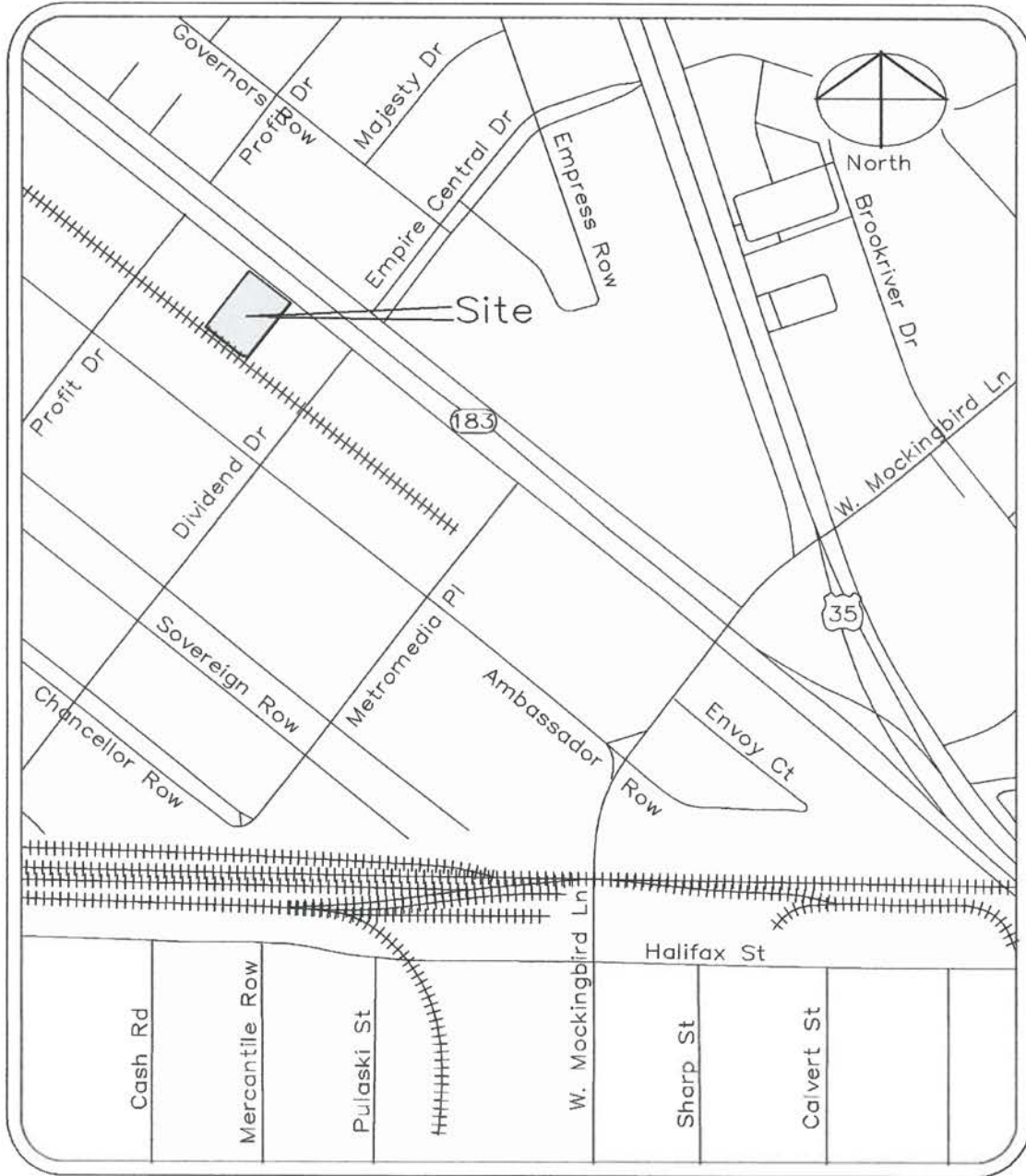
May 19, 2017  
 Project No. 17031

Sheet 3 of 3



801 East Campbell Road – Suite 575  
 Richardson, Texas 75081  
 Ph: 214.328.3500 Fax: 214.328.3512  
 email@piburncarson.com

MSD SURVEY  
 8231 JOHN W CARPENTER FREEWAY  
 PART OF CITY BLOCK 44/7940, BROOK HOLLOW INDUSTRIAL DISTRICT, NUMBER FOUR  
 JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845  
 CITY OF DALLAS, DALLAS, COUNTY, TEXAS



**VICINITY MAP**  
 NOT TO SCALE

May 19, 2017  
 Project No. 17031

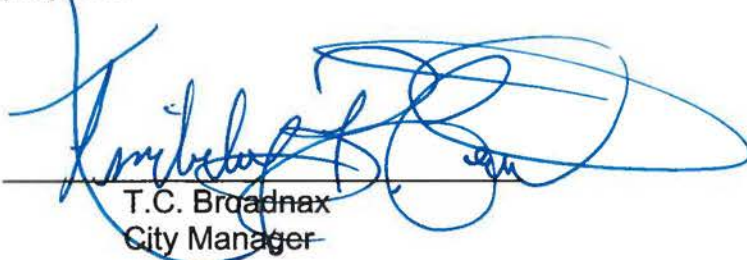


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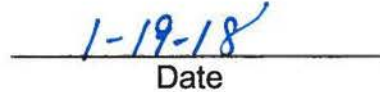
**JANUARY 24, 2018 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 24, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date





## **Handgun Prohibition Notice for Meetings of Governmental Entities**

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

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

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

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

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 24, 2018  
CITY OF DALLAS  
1500 MARILLA STREET  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A.M.**

**ADDITION:**

Closed Session

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

- Consideration of appointment to boards and commissions
  - Noel Aveton, Reinvestment Zone Seven Board (Sports Arena)



**REVISED AGENDA ITEM # 15**

**STRATEGIC PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

January 24, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

Office of Budget

**CMO:**

Elizabeth Reich, 670-7804

**MAPSCO:**

N/A

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**SUBJECT**

An ordinance amending Ordinance No. 30651, previously approved on September 20, 2017 to appropriate monies for projects authorized by the 2017 General Obligation bond program totaling \$155,712,117 - Financing: 2017 Bond Funds

**BACKGROUND**

On November 7, 2017, Dallas voters approved 10 bond propositions for public purposes totaling \$1,050,000,000. The propositions consist of individual projects to be funded and completed over a five-year period, beginning in FY 2017-18. The amount needed for each proposition in the first year is shown in the attached attachment.

Because the bond election was held after the FY 2017-18 operating and capital budgets were adopted in September 2017, the projects authorized by the 2017 bond program must now be added to the FY 2017-18 capital budget. Approval of the proposed budget amendment ordinance will fulfill this requirement and increase the FY 2017-18 capital budget from \$492,055,538 to \$647,767,655.

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

On September 20, 2017, City Council authorized final reading and adoption of the appropriation ordinance for the FY 2017-18 City of Dallas Operating, Capital, and Grant & Trust Budgets by Ordinance No. 30651.

On January 17, 2018, City Council will be briefed on the implementation details of the 2017 bond program.

**FISCAL INFORMATION**

2017 Bond Funds - \$155,712,117

**Attachment**

<b>Proposition</b>	<b>Program</b>	<b>FY 2017-18 Amount</b>
A	Street and Transportation Improvements	\$49,539,869
B	Park and Recreation Facilities and Improvements	74,837,648
C	Fair Park Improvements	8,950,000
D	Flood Protection and Storm Drainage Improvements	3,379,200
E	Library	7,500,000
F	Cultural and Performing Arts Facilities and Improvements	2,760,000
G	Public Safety Facilities and Improvements	3,561,000
H	Repairs and Improvements to City Hall and to Various City Service and Administrative Facilities	2,684,400
I	Economic Development Program	2,000,000
J	Permanent, Supportive, and Transitional Housing Facilities for the Homeless	500,000
	<b>Total FY 2017-18</b>	<b>\$155,712,117</b>



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

An ordinance amending Ordinance No. 30651 (2017-2018 FY Operating and Capital Budgets' Appropriations Ordinance) to make certain adjustments to fund appropriations for fiscal year 2017-2018 for public improvements to be financed from obligations authorized by the 2017 bond election and other revenues of the city of Dallas, as needed, and to authorize the city manager to implement those adjustments; providing a saving clause; and providing an effective date.

WHEREAS, on September 20, 2017, the city council passed Ordinance No. 30651, which adopted the operating and capital budgets' appropriations ordinance for fiscal year 2017-18;

WHEREAS, the voters of the city of Dallas authorized the city to issue obligations during the 2017 bond election and that authorization has created a need to establish new capital funds; and

WHEREAS, the city council is authorized, in accordance with Chapter XI, Section 5, of the Dallas City Charter, to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, therefore,

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

SECTION 1. That Section 9 of Ordinance No. 30651 is amended by adding capital funds to fund appropriations for fiscal year 2017-18 to read as follows:

“SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2017-18 capital budget:

## CAPITAL FUNDS

From the Acquisition of Land in the Cadillac Heights Area for Future Location of City Facilities Fund (4T11)	12,549,000
From the Aviation Capital Construction Fund (0131)	28,710,691
From the Capital Construction Fund (0671) for City and Cultural Facilities	6,000,000
From the City Center Tax Increment Financing District Fund (0035)	6,067,628
<u>From the City Hall, City Service and Maintenance Facilities Fund (1V60)</u>	<u>2,684,400</u>
From the Convention Center Capital Construction Fund (0082)	11,462,329
<u>From the Cultural Arts Facilities Fund (1V49)</u>	<u>2,760,000</u>
From the Cypress Waters Tax Increment Financing District Fund (0066)	1,409,340
From the Deep Ellum Tax Increment Financing District Fund (0056)	1,600,000
From the Downtown Connection Tax Increment Financing District Fund (0044)	12,106,751
<u>From the Economic Development Fund (1V52)</u>	<u>2,000,000</u>
<u>From the Fair Park Improvements Fund (1V02)</u>	<u>2,050,000</u>
From the Farmers Market Tax Increment Financing District Fund (0036)	2,000,000
<u>From the Flood Protection and Storm Drainage Facilities Fund (1V23)</u>	<u>5,289,600</u>
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	1,094,406
<u>From the Homeless Assistance Facilities Fund (1V43)</u>	<u>500,000</u>

<u>From the Library Facilities Fund (1V42)</u>	<u>7,500,000</u>
From the Maple/Mockingbird Tax Increment Financing District Fund (0064)	2,930,899
From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	1,010,023
<u>From the Park and Recreation Facilities Fund (1V00)</u>	<u>55,938,155</u>
From the Public/Private Partnership Fund (0352)	8,279,024
<u>From the Public Safety Facilities Fund (1V33)</u>	<u>3,641,000</u>
From the Resurfacing and Reconstruction Improvements Fund (0717)	4,100,000
From the Sports Arena Tax Increment Financing District (0038)	6,556,229
From the Transit Oriented Development Tax Increment Financing Fund (0062)	485,965
From the Storm Water Drainage Management Capital Construction Fund (0063)	8,272,053
From the Flood Protection and Storm Drainage Facilities Fund (2U23)	8,320,720
From the Street and Alley Improvement Fund (0715)	20,400,373
From the Street and Transportation Improvement Fund (4T22)	512,986
From the Street and Transportation Improvement Fund (4U22)	29,387,120
<u>From the Street and Transportation Improvement Fund (1V22)</u>	<u>73,348,962</u>
From the Vickery Meadow Tax Increment Financing District Fund (0048)	2,000,000
From the Wastewater Capital Construction Fund (0103)	15,145,000
From the Wastewater Capital Improvement	

Fund (2116)	94,500,000
From the Wastewater Capital Improvement Fund (3116)	34,000,000
From the Water and Wastewater Public Art Fund (0121)	71,250
From the Water Capital Construction Fund (0102)	35,958,750
From the Water Capital Improvement Fund (2115)	59,000,000
From the Water Capital Improvement Fund (3115)	48,125,000
From the 2018 Master Lease - Equipment Fund (ML18)	24,500,000
From the 2018 Master Lease – Sanitation Equipment Fund (MLS1)	5,500,000
<b>CAPITAL FUNDS TOTAL</b>	<b><u>\$647,767,655</u> [<del>492,055,538</del>]</b>

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2017-18 Debt Service Budget:

**DEBT SERVICE FUNDS**

From the General Obligation Debt Service Fund (0981)	267,322,998
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**DEBT SERVICE FUNDS TOTAL** **\$267,322,998**

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by the city council upon the recommendation of the city manager.”

SECTION 2. That the city manager is hereby authorized, upon written notice to the city controller, to transfer funds to make the adjustments to appropriations set forth in this ordinance.

SECTION 3. That it is the intent of the city council, by passage of this ordinance, to appropriate the funds for the city departments and activities. No office or position is created by the appropriation.

SECTION 4. That Ordinance No. 30651 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

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

Passed \_\_\_\_\_

