

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities
AGENDA DATE: August 13, 2008
COUNCIL DISTRICT(S): 5
DEPARTMENT: Trinity River Corridor Project
Water Utilities
CMO: Jill A. Jordan, P.E., 670-5299
Ramon F. Miguez, P.E., 670-3308
MAPSCO: 57W 67A 67F

SUBJECT

Authorize (1) a contract for the construction and installation of a concrete trail, prefabricated pedestrian bridge and other miscellaneous items at the Joppa Preserve to the Dallas Eco Business Park Building for the Trinity River Corridor Project with C. Green Scaping, LP, lowest responsible bidder of seven, in the amount of \$1,646,129, and (2) execution of a license agreement with ONCOR to allow the trail to be built and maintained across the ONCOR right-of-way for the Trinity Trail Phase 1 – Not to exceed \$1,646,129 - Financing: 1998 Bond Funds (\$1,633,509) and Water Utilities Capital Construction Funds (\$12,620)

BACKGROUND

Development of the Trinity River Corridor has been identified as a top priority of the City of Dallas. One of the projects identified in the Trinity River Corridor Master Implementation Plan was the creation of a multipurpose trail system along the length of the entire Great Trinity Forest corridor. The purpose of this project is to improve public access to a part of the Great Trinity Forest for recreational uses such as walking, jogging and biking. The 1998 Bond Fund allocated funds for various types of trails to be constructed in the Great Trinity Forest.

This action will authorize the construction of the first phase of a multipurpose trail into the Great Trinity Forest. The improvements will consist of constructing and installing a concrete trail, prefabricated pedestrian bridge and other miscellaneous items at Joppa Preserve to the Dallas Eco Business Park Building.

Because the trail will be built along an Oncor Right of Way for approximately 1160 feet in length, this action will also authorize the execution of a licenses agreement with ONCOR to allow the trail to be built and maintained across their right of way.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	September 2008
Complete Construction	March 2009

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Briefed to the Trinity River Corridor Project Committee on February 26, 2008.

Briefed to the Park Board on March 6, 2008.

FISCAL INFORMATION

1998 Bond Funds - \$1,633,509.14

Water Utilities Capital Construction Funds - \$12,620

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Stark Built GP, LLC

Hispanic Female	1	Hispanic Male	8
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	2	White Male	9

BID INFORMATION

The following bids with quotes were received and opened on April 3, 2008:

*Denotes successful bidders(s)

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*C. Green Scaping, LP 8917 Hawk Avenue North Richland Hills, Texas 76180	\$1,646,129.14
Omega Contracting, Inc.	\$1,710,325.80
Rebcon, Inc.	\$1,904,940.54
Jeske Construction Co.	\$1,930,854.95
Texas Standard Construction LTD	\$1,999,066.70
P & E Construction Inc.	\$2,196,734.00
Encino Landscape	\$2,952,510.60

OWNER(S)

C. Green Scaping, LP

Cathleen Ruiz, President

Curtis J. Green, Vice President

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) a contract for the construction and installation of a concrete trail, prefabricated pedestrian bridge and other miscellaneous items at the Joppa Preserve to the Dallas Eco Business Park Building for the Trinity River Corridor Project with C. Green Scaping, LP, lowest responsible bidder of seven, in the amount of \$1,646,129, and (2) execution of a license agreement with ONCOR to allow the trail to be built and maintained across the ONCOR right-of-way for the Trinity Trail Phase 1 – Not to exceed \$1,646,129 - Financing: 1998 Bond Funds (\$1,633,509) and Water Utilities Capital Construction Funds (\$12,620)

C. Green Scaping, LP is a local, minority firm, has signed the "Good Faith Effort" 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	\$1,646,126.14	100.00%
Total non-local contracts	\$0.00	0.00%
	\$1,646,126.14	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
C. Green Scaping, LP	HFDB35541Y1108	\$1,646,126.14	100.00%
Total Minority - Local		\$1,646,126.14	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,646,126.14	100.00%	\$1,646,126.14	100.00%
Total	\$1,646,126.14	100.00%	\$1,646,126.14	100.00%

August 13, 2008

WHEREAS, it is deemed feasible, and ONCOR is willing, to enter into a license agreement with the City for use of the ONCOR right-of-way for the Trinity Trail Phase 1; and

WHEREAS, on May 10, 2006, Resolution No. 06-1365 authorized a professional service contract; and

WHEREAS, bids were received on April 3, 2008, for the construction and installation of a concrete trail, prefabricated pedestrian bridge and other miscellaneous items at Joppa Preserve to the Dallas Eco Business Park Building for the Trinity River Corridor Project, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
C. Green Scaping, LP	\$1,646,129.14
Omega Contracting, Inc.	\$1,710,325.80
Rebcon, Inc.	\$1,904,940.54
Jeske Construction Co.	\$1,930,854.95
Texas Standard Construction LTD	\$1,999,066.70
P & E Construction Inc.	\$2,196,734.00
Encino Landscape	\$2,952,510.60

Now, Therefore,

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

Section 1. That the execution of a license agreement with ONCOR be approved to allow the trail to be built in the ONCOR right-of-way for the Trinity Trail Phase I.

Section 2. That the City Manager be authorized to execute the license agreement with ONCOR, after approval as to form by the City Attorney's Office.

Section 3. That the City Manager be and is hereby authorized to execute a contract with C. Green Scaping, LP. for the construction and installation of a concrete trail, prefabricated bridge and other miscellaneous items at Joppa Preserve to the Dallas Eco Business Park Building for the Trinity River Corridor Project in an amount not to exceed \$1,646,129.14 this being the lowest responsive bid received as indicated by the tabulation of bids.

Section 4. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

August 13, 2008

Section 5. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Great Trinity Forest Park Fund
Fund 5P14, Dept. PBW, Unit. N966, Act. TRPP
Obj. 4510, Program #PB98N966, CT PBW98N966K2
Vendor #514347, in an amount not to exceed \$1,633,509.14

Water Utilities Capital Construction Fund
Fund 0102, Dept. DWU, Unit. CW42, Act. RELP
Obj. 3221, Program #708211X, CT PBW708211EN
Vendor #514347, in an amount not to exceed \$ 11,740.00

Water Utilities Capital Construction Fund
Fund 0103, Dept. DWU, Unit. CS42, Act. RELP
Obj. 3222, Program #708212X, CT PBW708212EN
Vendor #514347, in an amount not to exceed \$ 880.00

Total in an amount not to exceed \$1,646,129.14

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.

Distribution: Trinity River Corridor Project, Mary Ayala, City Hall, 6BS
Public Works and Transportation
Water Utilities, Esther Darden, 5AS
Water Utilities, Matthew Penk, SSWWTP
City Attorney
City Controller's Office, Sherrian Parham, City Hall, 4BN

KEY FOCUS AREA: A Cleaner, Healthier City Environment
AGENDA DATE: August 13, 2008
COUNCIL DISTRICT(S): 7
DEPARTMENT: Department of Development Services
Public Works & Transportation
CMO: A. C. Gonzalez, 671-8925
Ramon F. Miguez, P.E., 670-3308
MAPSCO: 56A

SUBJECT

Authorize payment for reestablishment expenses, not to exceed \$10,000, for Jeff Keysock, dba Key Warehousing, who was displaced from 1301 McDonald Street, Bay #3, as a direct result of real property acquisition to be used in conjunction with the Trinity River Corridor Project – Not to exceed \$10,000 – Financing: 1998 Bond Funds

BACKGROUND

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), provides moving expense payments for businesses displaced by the City of Dallas in conjunction with its real property acquisition activities. Jeff Keysock, dba Key Warehousing, was displaced from 1301 McDonald Street, Bay #3. The acquired property is to be used in conjunction with the Trinity River Corridor Project. On November 12, 2007, the City Council approved a \$28,560 moving expense payment for Key Warehousing by Resolution No. 07-3357 for actual reasonable moving and related expenses. The URA also allows payments for reestablishment expenses for small businesses, in an amount not to exceed \$10,000, for expenses incurred in reestablishing the small business at a replacement site. Key Warehousing has reestablished his business at a replacement site and is entitled to receive a \$10,000 reestablishment payment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 26, 2006, the City Council authorized the acquisition of real property for public use in conjunction with the Trinity River Corridor Project in Census Tract 40.00, by Resolution No. 06-1200.

On November 12, 2007, the City Council authorized a \$28,560 moving expense payment for Key Warehousing, by Resolution No. 07-3357.

FISCAL INFORMATION

\$10,000 – 1998 Bond Funds

MAP

Attached

August 13, 2008

WHEREAS, on November 12, 2007, by Resolution No. 07-3357, the City Council approved a \$28,560 moving expense payment for Jeff Keysock, dba Key Warehousing, who was displaced from 1301 McDonald Street, Bay #3, acquired in conjunction with the Trinity River Corridor Project; and

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and 49 C.F.R. 24.304 allow small businesses to receive a payment, in an amount not to exceed \$10,000, for expenses incurred in reestablishing his business at a replacement site; and

WHEREAS, Jeff Keysock, dba Key Warehousing is eligible to receive a \$10,000 payment for reestablishment expenses associated with reestablishing his business, and this amount was not part of the \$28,560 payment for moving expenses previously authorized on November 12, 2007, by Resolution No. 07-3357; and

WHEREAS, the City Council desires to authorize a \$10,000 payment to Jeff Keysock, dba Key Warehousing for reestablishment expenses incurred in reestablishing his business at a replacement site; and

Now Therefore,

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

Section 1. That Jeff Keysock, dba Key Warehousing is hereby authorized to receive a \$10,000 payment for reestablishment expenses, pursuant to the URA.

Section 2. That the City Controller is authorized to draw a warrant in favor of Key Warehousing in an amount not to exceed \$10,000.

This warrant is to be paid as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Act. Code</u>	<u>Prog. No</u>	<u>CT</u>	<u>Vendor No</u>	<u>Amount</u>
5P14	PBW	N965	4210	TRPP	PB98N965	PBW98N965I1	VC0000003951	\$10,000

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

Distribution:

- Development Services – Theresa O'Donnell
- City Attorney – Thomas P. Perkins
- Trinity River Corridor Project – Rebecca Dugger
- Trinity River Corridor Project – Paul M. Lehner
- Public Works and Transportation – Jean Mitchell, OCMC, Room 101

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 13, 2008
COUNCIL DISTRICT(S): 2
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 44M 45J

SUBJECT

Authorize Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. for the preparation of additional detailed engineering study related to traffic and streetscape improvements for Continental Avenue from East Levee Street to Houston Street - Not to exceed \$79,338, from \$143,344 to \$222,682 - Financing: 1998 Bond Funds (\$25,000) and 2006 Bond Funds (\$54,338)

BACKGROUND

The professional services contract with Hayden Consultants, Inc. was approved by Council on January 23, 2008, for conceptual planning, topographic survey and the design of street paving, storm drainage and wastewater improvements for Continental Avenue from Industrial Boulevard to IH 35.

This action will authorize Supplemental Agreement No. 1 for additional detailed engineering study related to traffic and pedestrian connectivity through Continental Avenue from East Levee Street to Houston Street, increasing the contract with Hayden Consultants, Inc. to \$79,337.38, from \$143,344.00 to \$222,681.38. The primary goal of the study is to investigate the existing and future projected traffic and pedestrian movements in and around Continental Avenue from Victory/West End to Trinity Park. The results of the study will include recommendations regarding intersection improvements, accommodation of pedestrian and bicycle traffic and streetscape enhancement.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	August 2008
Complete Design	October 2008
Begin Construction	March 2010
Complete Construction	April 2011

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on January 23, 2008, by Resolution No. 08-0324.

FISCAL INFORMATION

2006 Bond Funds - \$54,337.38
1998 Bond Funds - \$25,000.00

Design	\$ 143,344.00
Construction	
Paving & Drainage - (PBW)	\$1,396,348.25 (est.)
Water & Wastewater - (DWU)	\$ 35,860.00 (est.)
Supplemental Agreement No. 1 (this action)	<u>\$ 79,337.38</u>
Total Project Cost	\$1,654,889.63 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Hayden Consultants, Inc.

African-American Female	1	African-American Male	0
Hispanic Female	2	Hispanic Male	1
White Female	4	White Male	3
Other Female	1	Other Male	0

OWNER(S)

Hayden Consultants, Inc.

Rachel R. Hayden, P.E., President

MAP

Attached.

August 13, 2008

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for the engineering services for design of Continental Avenue from Industrial Boulevard to IH 35; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the engineering contract with Hayden Consultants, Inc. for the preparation of additional engineering study related to traffic and streetscape improvements for Continental Avenue from East Levee Street to Houston Street in the amount of \$79,337.38, increasing the contract from \$143,344.00 to \$222,681.38.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the engineering contract with Hayden Consultants, Inc. for the preparation of additional engineering study related to traffic and streetscape improvements for Continental Avenue from East Levee Street to Houston Street in the amount of \$79,337.38, increasing the contract from \$143,344.00 to \$222,681.38.

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

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

Street and Transportation Improvements Fund Fund 7T22, Dept. PBW, Unit U783, Act. THRF Obj. 4111, Program #PB06U783, CT PBW06U783D1-01 Vendor #352614, in an amount not to exceed	\$54,337.38
Trinity River Corridor Project Fund Fund 4P14, Dept. PBW, Unit N973, Act. TRPP Obj. 4111, Program #PB98N973, CT PBW06U783D1-02 Vendor #352614, in an amount not to exceed	<u>\$25,000.00</u>
Total in an amount not to exceed	\$79,337.38

August 13, 2008

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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
 Public Works and Transportation, Dell Cole, OCMC, Room 307
 Controller's Office, Sherrian Parham, 4BN
 Trinity River Corridor Project, Natalie Wilson, 6BS
 City Attorney

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. for the preparation of additional detailed engineering study related to traffic and streetscape improvements for Continental Avenue from East Levee Street to Houston Street - Not to exceed \$79,338, from \$143,344 to \$222,682 - Financing: 1998 Bond Funds (\$25,000) and 2006 Bond Funds (\$54,338)

Hayden Consultants, Inc. is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$79,337.38	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$79,337.38	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Hayden Consultants, Inc.	WFDB34395Y0708	\$15,260.00	19.23%
Total Minority - Local		\$15,260.00	19.23%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$24,000.00	10.78%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$15,260.00	19.23%	\$134,604.00	60.45%
Total	\$15,260.00	19.23%	\$158,604.00	71.22%

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 13, 2008
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 45 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the east corner of Hi Line Drive and Edison Street

Recommendation of Staff and CPC: Approval, subject to conditions

Z078-240(OTH)

FILE NUMBER: Z078-240 (OTH)

DATE FILED: May 28, 2008

LOCATION: On the east corner of Hi Line Drive and Edison Street

COUNCIL DISTRICT: 2

MAPSCO: 45-E

SIZE OF REQUEST: Approx. 1.522 acres

CENSUS TRACT: 100.00

OWNER: LUI2 Dallas Oak Lawn V LP

APPLICANT: P.M. Realty Group, LP

REPRESENTATIVE: Barry Knight and Tommy Mann of Winstead

REQUEST: An application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design Special Purpose District.

SUMMARY: The applicant is proposing to increase the permitted height and tower floor plate.

CPC ACTION: Approval subject to conditions.

STAFF RECOMMENDATION: Approval subject to staff's recommended conditions.

Z078-240

BACKGROUND INFORMATION:

- The property is presently zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.
- The property is developed with three one-story buildings which are presently vacant.
- The request site is surrounded by the Stemmons Freeway/Dallas North Tollway to the east, office/showroom/warehouse to the south, and west.

Zoning History: There have been one zoning cases and a Board of Adjustment case in the area:

1. Z067-196 On June 13, 2007, the City Council approved a Specific Use Permit for multiple family uses on property zoned and I-2 Industrial Subdistrict with Planned Development District No. 193, the Oak Lawn Special Purpose District, subject to a site plan and conditions on property generally bounded by Houston Street, Harry Hines Boulevard, Dallas North Tollway and the Katy Trail.
2. B067-088 The Board of Adjustment Panel C, at its public hearing held on Monday, June 11, 2007, granted an alternate landscape plan as a special exception to the landscape requirements, subject conditions on 3333 Harry Hines Blvd. on 3333 and 3350 Harry Hines Blvd.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Hi-Line Drive	Local	160 ft. ROW

Z078-240

Land Use:

	Zoning	Land Use
Site	PD No. 621 Subdistrict 1	Vacant buildings
Northeast	PD No. 193 (I-2)	Freeway
South	PD No. 621 Subdistrict 1	Vacant Building under renovation
West	PD No. 621 Subdistrict 1	Office/Showroom/Warehouse
Southeast	PD No. 621 Subdistrict 1	Office/Showroom/Warehouse

Comprehensive Plan:

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 1.1.1 Implement the Trinity River Corridor Plan

The proposed project supports the objectives of the Trinity River Corridor. The property is located in one of the major areas that the Trinity River Corridor Plan focuses to redevelop.

ENVIRONMENT ELEMENT

GOAL 6.3 Improve energy efficiency and air quality

Policy 6.3.1 Promote green building practices.

The applicant did not request any amendments to the conditions in the PD that request LEED buildings and provide density bonuses for LEED ratings. The LEED requirements encourage higher environmental performance in new construction. The requested amendments allow an additional 12 feet in height for those buildings designed and constructed to a standard that would qualify for a LEED Silver rating or higher.

Area Plans:

Trinity River Comprehensive Land Use Plan (March 9, 2005)

The plan outlines desired development patterns within the Corridor and identifies 23 land use opportunity areas. These opportunity areas were subject to more detailed evaluation and policy recommendations, and represent specific development opportunities within the Corridor. The Old Trinity Industrial land use opportunity area is indicated for mixed-use/adaptive reuse, with increased residential development along the levee.

Land Use Compatibility:

The applicant proposes a mixed use development. The property is presently developed with three vacant buildings. The surrounding properties are office/showroom warehouses, with the exception of the property to the southeast that under renovation. The proposed development is in compliance with the intent of The Trinity River Corridor Comprehensive Land Use Plan which recommends mixed use/adaptive reuse for a majority of the area with urban residential near the levee. The Planned Development District allows for transit-oriented, mixed use development with combinations of medium density residential, retail, and office uses.

The Design District as a whole has been undergoing redevelopment as the area transitions from a primarily industrial district to one that is more mixed use in nature, with a larger proportion of retail and residential uses. This type of adaptive reuse is supported by Trinity River Comprehensive Land Use Plan recommendations, and the redevelopment pattern beginning to emerge within the district reflects what was contemplated by the Trinity River Comprehensive Land Use Plan.

The proposed conditions to create a new subarea in PD No. 621 would be the same as those of Subdistrict 1A of the PD, but the height will be increased to 270 feet and the floor plate to 25,000 if certain conditions are met.

Development standards also include streetscape and architectural requirements. The applicant is not requesting changes in any other existing conditions of the PD, therefore, staff considers the request in compliance with existing PD and area plans.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested zoning change and determined the proposal will not have a significant impact on the street system.

Z078-240

Landscaping:

Landscaping of any new development will be in accordance with the general requirement of the Planned Development District No. 621.

CPC Recommendation:

The City Plan Commission recommended approval of the applicant's request. Staff's recommendation and applicant's request differ in that the applicant does not want to comply with the condition that requires that if more than one type of use is located on a building site, all uses on the building site must share parking. CPC approved this condition as requested by the applicant

Z078-240

CPC ACTION

July 10, 2008

Motion: It was moved to recommend **approval** of a new subdistrict, subject to staff's conditions with the applicant's parking conditions on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design Special Purpose District on the east corner of Hi Line Drive and Edison Street.

Maker: Lozano
Second: Weiss
Result: Carried: 12 to 0
For: 12- Gary, Davis, Rodgers, Lozano, Bagley, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 2 - Prothro, Strater
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 49
Replies: For: 3 Against: 2

Speakers: For: Barry Knight, 5400 Renaissance Tower, Dallas, TX, 75270
Against: None

Officers and Directors

PM Realty Group, L.P.

General Partner:

Provident Investor, GP, LLC

- Officers: William Roger Gregory and Rick V. Kirk *(sole, 77%)*

Limited Partners:

Rick V. Kirk, J. Ernest Johnson, and James C. Gunn

LUI2 Dallas Oak Lawn V LP

General Partner:

LUI2 Dallas Oak Lawn V GP, LLC

- Manager: Thomas G. Bacon *(sole, 77%)*

Limited Partner:

Thomas G. Bacon

PROPOSED CONDITIONS

PD 621.

Old Trinity and Design District Special Purpose District

SEC. 51P-621.101. LEGISLATIVE HISTORY.

PD 621 was established by Ordinance No. 25013, passed by the Dallas City Council on August 28, 2002.

SEC. 51P-621.102. PROPERTY LOCATION AND SIZE.

PD 621 is established on property generally bounded by Sylvan Avenue/Wycliff Avenue on the northwest, the meanders of the old channel of the Trinity River on the north, Interstate 35 on the east, Continental Avenue on the south, and the Trinity River Floodway on the west. The size of PD 621 is approximately 415.13 acres.

SEC. 51P-621.102.1. CREATION OF SUBDISTRICTS.

(a) Name. This special purpose district is to be known as the Old Trinity and Design District Special Purpose District.

(b) Creation of subdistricts.

(1) This special purpose district is divided into four three subdistricts. Exhibit 621A describes the boundaries of each subdistrict. The map labelled Exhibit 621B shows the boundaries of each subdistrict. In case of a conflict, the verbal description in Exhibit 621A controls over the map in Exhibit 621B.

(2) Subdistricts 1, 1A and 1BA are transit-oriented, mixed-use zoning district for the development of combinations of medium-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage. Subdistricts 1, 1A and 1BA retain the potential for limited industrial and warehouse uses.

(3) Subdistrict 2 is for MU-3 Mixed Use District uses, bus or rail transit vehicle maintenance or storage facility uses, and commercial bus station and terminal uses.

SEC. 51P-621.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. The following definitions apply to this special purpose district:

(1) ANTIQUE SHOP means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

Z078-240

(2) **ART GALLERY** means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3) **ART OR CRAFT PRODUCTION FACILITY** means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(4) **BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE FACILITY** means a facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles, including the following accessory uses: sleeping facilities for bus, rail or transit vehicle drivers, vehicle paint and body shop, vehicle washing, vehicle fueling facilities, sanitary hoppers, oil storage, package express services, bus charter sales, offices, training facilities, vehicle storage, vehicle sales, and communication antennas.

(5) **CANOPY TREE** means a species of tree that normally bears crown foliage no lower than six feet above ground upon maturity.

(6) **DUMPSTER** means a movable container holding two cubic yards or more of garbage.

(7) **FACADE** means any separate face of a building that is visible from a street, alley, or railbed.

(8) **MAJOR MODIFICATION** means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in the floor area of an original building if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, and over 75 percent for residential projects.

(9) **MASSAGE ESTABLISHMENT** means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

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(10) **MEANDERS OF THE OLD TRINITY RIVER CHANNEL** means the old Trinity River channel within this special purpose district, as shown on the map labelled Exhibit 621C.

(11) **MIXED USE PROJECT** means a development, on a single building site, that contains more than one use.

(12) **NEW CONSTRUCTION** means construction of a main structure that is not an original building.

(13) **OPENING** means a door, window, passageway, or any other similar architectural feature through which light or solid objects may pass.

(14) **ORIGINAL BUILDING** means a structure existing on the date of the establishment of this special purpose district, but does not include a structure that has undergone a major modification.

(15) **OUTSIDE SEATING** means the area between an omitted wall line and the structural wall when the area is used solely for seating of patrons.

(16) **PIERCING SALON** means a facility in which body piercing is performed. **BODY PIERCING** means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(17) **RAILBEDS** means the areas shown on the map labelled Exhibit 621D.

(18) **TATTOO STUDIO** means an establishment in which tattooing is performed. **TATTOOING** means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(19) **WALKING DISTANCE** means the distance from the nearest point of a parking lot to the nearest public entrance of a main use, measured along the most convenient pedestrian walkway.

(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 special purpose district is considered to be a mixed use zoning district.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, "Limited Uses.")

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(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, "Site Plan Review." ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800, "Development Impact Review.")

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, "Site Plan Review," a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800, "Development Impact Review.").

SEC. 51P-621.104. CONCEPTUAL PLAN.

There is no conceptual plan for this special purpose district.

SEC. 51P-621.105. DEVELOPMENT PLAN.

(a) Except as otherwise provided in this article, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development of the railbeds as woonerf, as described in Exhibit 621F, is encouraged. The provisions of Exhibit 621F are not required.

SEC. 51P-621.106. MAIN USES PERMITTED.

(a) Subdistricts 1, 1A and 1BA.

Agricultural uses.

None permitted.

Commercial and business service uses.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Commercial cleaning or laundry plant. *[SUP]*
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. *[RAR]*
- Labor hall. *[SUP]*
- Machine or welding shop. *[RAR]*
- Medical or scientific laboratory.
- Technical school.

- Tool or equipment rental.

Industrial uses.

- Industrial (inside) for light manufacturing.
- Industrial (inside). [RAR]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Halfway house. [SUP]
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open-enrollment charter school. [SUP]
- Private school other than open-enrollment charter school. [SUP]
- Public school other than open-enrollment charter school. [SUP]

Lodging uses.

- Hotel or motel. [RAR]
- Lodging or boarding house. [SUP]

Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. [SUP, except with RAR only for lots adjacent to Oak Lawn Avenue, Market Center Boulevard, or Turtle Creek Boulevard.]
- Medical clinic or ambulatory surgical center.
- Office.

Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

Residential uses.

- College dormitory, fraternity, or sorority house. [SUP]
- Duplex.
- Group residential facility. [SUP required if the spacing component of Section 51A-4.209(3) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]
- Handicapped group dwelling unit [SUP required if the spacing component of Section 51A-4.209(3.1) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]
- Multifamily.
- Retirement housing. [SUP]
- Single family.

Retail and personal service uses.

- Alcoholic beverage establishments. [SUP. See Section 51A-4.210(b)(4).]
- Ambulance service. [RAR]
- Animal shelter or clinic without outside run. [RAR]
- Animal shelter or clinic with outside run. [SUP]
- Antique shop.
- Art gallery.
- Art or craft production facility. [Limited to 5,000 square feet or less of floor area.]
- Auto service center. [SUP]
- Billiard hall. [SUP]
- Bingo parlor. [SUP]
- Business school.
- Car wash. [SUP]
- Commercial amusement (inside). [See Section 51A-4.210(b)(7). Except as otherwise provided, permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District. Class E dance halls, as defined in Chapter 14 of the Dallas City Code, are not permitted. Billiard hall by SUP only. Bingo parlor by SUP only.]
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store.
- Massage establishment. [SUP]
- Mortuary, funeral home, or commercial wedding chapel.

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- Motor vehicle fueling station. [SUP]
- Nursery, garden shop, or plant sales.
- Outside sales. [SUP]
- Personal service uses.
- Piercing salon. [SUP]
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. [SUP]
- Swap or buy shop. [SUP]
- Taxidermist.
- Tattoo studio. [SUP]
- Temporary retail use.
- Theater. [Limited to 1,000 seats or fewer.]
- Truck stop. [SUP]
- Vehicle display, sales, and service. [SUP]

Transportation uses.

- Heliport. [SUP]
- Helistop. [SUP]
- Railroad passenger station. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center. [By SUP or city council resolution]

Utility and public service uses.

- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. [RAR]
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. [SUP]

Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Contractor's maintenance yard. [RAR]
- Mini-warehouse. [SUP, except with RAR only if all on-site circulation is internal to the structure.]
- Office showroom/warehouse.
- Recycling drop-off container. [SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]
- Trade center.
- Warehouse.

(b) Subdistrict 2.

(1) Except as otherwise provided in this subsection, the uses permitted in this subdistrict are the same as those uses permitted in the MU-3 Mixed Use District,

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subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this special purpose district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this special purpose district; etc.

(2) The following use is permitted in this subdistrict subject to residential adjacency review:

- Bus or rail transit vehicle maintenance or storage facility. *[RAR]*

(3) The following use is permitted in this subdistrict by specific use permit only:

- Commercial bus station and terminal. *[SUP]*

SEC. 51P-621.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, see Section 51A-4.217.

(b) The following accessory uses are not permitted in Subdistricts 1, 1A and 1BA:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communications tower.
- Day home.
- General waste incinerator.
- Private stable.

(c) Except as otherwise provided in this section, accessory uses in Subdistrict 2 must comply with the accessory use regulations applicable to the MU-3 Mixed Use District.

(d) The following accessory uses are permitted by SUP only:

- Accessory outside storage. *[SUP]*
- Pedestrian skybridges. *[SUP]*

SEC. 51P-621.108. CREATION OF A BUILDING SITE.

(a) The building official shall not issue a certificate of occupancy or a building permit until:

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(1) a building site has been established under Section 51A-4.601, "Creation of a Building Site"; or

(b) the yard, lot, and space requirements of a lot or parcel can be determined from property lines described in deed records.

SEC. 51P-621.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts 1, 1A and 1BA.

(1) Front yard. No minimum front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. No maximum density.

(4) Floor area.

(A) For Subdistrict 1A, maximum floor area ratio (FAR) is 4.0.

(B) For Subdistrict 1B, maximum floor area is 449,316 square feet.

(5) Height. Except as provided in this subsection, maximum height is:

(a) 150 feet for buildings having an FAR for residential uses of 0.5 or more; and

(b) 130 feet for all other buildings and structures.

(5.1) Height bonuses for Subdistrict 1, 1A and 1BA. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet:

(A) Tower size and orientation. Building height may be increased a maximum of 60 feet if (See Exhibit 621G for Subareas 1 and 1A, See Exhibit 621H for Subarea 1B):

(i) in Subdistrict 1A, the portion of the building above 75 feet in height has a floor plate of 12,500 square feet or less; in Subdistrict 1B, the portion of the building above 75 feet has a floor plate of 25,000 square feet or less; and

(ii) in subdistrict 1A the tower dimension perpendicular to the east Trinity River levee is at least three times longer than the tower dimension parallel to the east Trinity River levee (tower dimension is measured at the widest point of the building facade).

(iii) in Subdistrict 1B the tower must be oriented as indicated on Exhibit 721 H and the long dimension of the tower must be at least three times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(B) Street-level parking structure concealment. Building height may be increased a maximum of 36 feet if:

(1) the building has street-level office showroom/warehouse, office, restaurant, or residential uses that conceal 100 percent of the street-level parking structure facade; and

(2) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(C) LEED rating.

(i) Building height may be increased a maximum of 12 feet if the building is eligible for silver, gold, or platinum designation under the United States Green Building Leadership in Energy and Environmental Design (LEED) rating system.

(ii) Determination of eligibility.

(aa) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services.

(bb) Before the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(cc) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(dd) The checklist, certified development plans, and any supporting documents and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation.

(D) Pedestrian amenities. Building height may be increased a maximum of 12 feet if the building achieves 25 points under Paragraph 51P-621.113(c)(3).

(6) Building site coverage.

(A) Except as provided in this paragraph, maximum building site coverage is 100 percent.

(B) For Subdistricts 1A and 1BA, any portion of a building that is above 75 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621G).

(7) Building site size. No minimum building site size.

(8) Stories. No maximum number of stories.

(b) Subdistrict 2.

(1) Except for a bus or rail transit vehicle maintenance or storage facility, the yard, lot, and space regulations applicable to the MU-3 Mixed Use District, as amended, apply to this subdistrict.

(2) The following yard, lot, and space regulations apply to bus or rail transit vehicle maintenance or storage facility uses:

(A) Front yard. No minimum front yard.

(B) Side and rear yard. No minimum side or rear yard.

(C) Density. No maximum density.

(D) Floor area. Maximum floor area ratio (FAR) is 4.0.

(E) Height. Maximum structure height is 200 feet.

(F) Building site coverage. Maximum building site coverage is 100 percent.

(G) Building site size. No minimum building site size.

(H) Stories. No maximum number of stories.

SEC. 51P-621.110. OFF-STREET PARKING AND LOADING.

(b) General requirements applicable to all subdistricts.

(1) Except as otherwise provided in this section, off-street parking and loading must be provided in compliance with Division 51A-4.300, "Off-Street Parking and Loading Regulations." In the event of a conflict between this section and Division 51A-4.300, this section controls.

(2) If several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking

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spaces for one use may not be counted toward the off-street parking requirement of another use, except as otherwise provided in this section.

(3) If more than 10 off-street parking spaces are required, handicapped parking must be provided pursuant to Section 51A-4.305, "Handicapped Parking Regulations."

(b) Subdistricts 1, 1A and 1BA.

(1) Except for the uses listed below, consult the use regulations in Division 51A-4.200, "Use Regulations," for the specific off-street parking requirements for each use.

(A) Alcoholic beverage establishment. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the alcoholic beverage establishment. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(B) Antique shop. One space per 600 square feet of floor area.

(C) Art gallery. One space per 600 square feet of floor area.

(D) Art or craft production facility. One space per 1,000 square feet of floor

(E) Dance hall. One space per 25 square feet of floor area.

(F) Duplex.

(G) One space per dwelling unit with one or fewer bedrooms.

(H) Two spaces per dwelling unit with more than one bedroom.

(I) Furniture store. One space per 1,000 square feet of floor area.

(J) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area.

(K) General merchandise or food store greater than 3,500 square feet. One space per 275 square feet of floor area.

(L) Multifamily. One-and-one-half spaces per dwelling unit.

(M) Office. One space per 358 square feet of floor area.

(N) Office showroom/warehouse. One space per 1,100 square feet of floor area up to 20,000 square feet, and one space per 4,100 square feet of floor area over 20,000 square feet.

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(O) Personal service uses. One space per 275 square feet of floor area.

(P) Restaurant. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(Q) Single family.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(2) Parking reductions.

(A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:

(i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and

(ii) a minimum 12-foot-wide pedestrian and bicycle path is provided to link the building site with a DART light rail station.

(B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:

(i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A-4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, "Special Parking Regulations."

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.

(C) Remote parking for nonresidential uses.

(i) Required off-street parking for nonresidential uses may be remote parking.

(ii) Remote parking for nonresidential uses must be located within 1,000 feet of the use served by the remote parking. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking is provided. A license is required to authorize an extension of distance beyond 1,500 feet.

(iii) Remote parking lots must meet on-site parking landscape requirements.

(iv) Parking located in a railbed may be used as remote parking.

(D) Shared parking. If more than one type of use is located on a building site, all uses on the building site must share parking. Table 1 must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required under any of the five time-of-day columns. For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street

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parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

Table 1: Shared Parking Table

(For calculating the parking requirement for shared parking)

	%	%	%	%	%
<u>Use Category</u>	<u>Morning</u>	<u>Noon</u>	<u>Afternoon</u>	<u>Late Afternoon</u>	<u>Evening</u>
Residential	80	60	60	70	100
Office-related	100	80	100	85	35
Retail-related	60	75	70	65	70
Bar and Restaurant	20	100	30	30	100
Warehouse/Show room	100	75	100	65	35
All other	100	100	100	100	100

(5) Cash in lieu of required parking. A property owner may make a one-time cash payment to the Old Trinity and Design District Parking Fund in lieu of providing required parking for a use in an original building. The amount of the payment is calculated by using the following formula:

$$\text{National median cost per square foot} \times 350 \times \text{Dallas cost index} \times \text{Number of required spaces not provided} \times .75 = \text{Payment required}$$

where "national median cost per square foot" is the national median cost per square foot of a parking space in a parking garage. Both the "national median cost per square foot" and the "Dallas cost index" must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director. The department shall administer a city account to be known as the Old Trinity and Design District Parking Fund. Funds from the Old Trinity and Design District Parking Fund must be used only for the acquisition or construction of parking garages or other parking improvements within Subdistricts 1 and 1A. The payment into the Old Trinity and Design District Parking Fund is due at the time of application for a building permit.

(6) Fees for required parking. Fees may be charged for use of required parking.

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(c) Subdistrict 2. The off-street parking requirement for a bus or rail transit vehicle maintenance or storage facility is one space per 1,500 square feet of floor area. For all other uses, consult the use regulations contained in Division 51A-4.200, "Use Regulations," for the specific off-street parking/loading requirements for each use.

CPC Recommendation:

(d) Subdistrict 1B. Parking for residential uses may be gated or otherwise secured and is not subject to the shared parking requirements of section 110(4)(D) of this article.

Staff's Recommended Conditions:

~~(d) Subdistrict 1B. Parking for residential uses may be gated or otherwise secured and is not subject to the shared parking requirements of section 110(4)(D) of this article.~~

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SEC. 51P-621.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-621.112. LANDSCAPING.

(a) General requirements applicable to all subdistricts.

(1) Required tree species. All required trees must be from the following list of Texas native species:

<u>Scientific name</u>	<u>Common name</u>
Aesculus glaba v. arguta	Texas buckeye
Aesculus pavia	Red buckeye
Bumelia lanuginosa	Wooly-bucket bumelia
Carya illinoensis	Pecan
Carya texana	Black hickory
Cercis canadensis v. Canadensis	Eastern redbud
Diospyros virginiana	Common persimmon
Ilex decidua	Deciduous holly
Ilex vomitoria	Yaupon holly
Juglans nigra	Black walnut
Juniperus virginiana	Eastern red cedar
Morus rubra	Red mulberry
Myrica cerifera	Wax myrtle
Prunus mexicana	Mexican plum
Quercus macrocarpa	Bur oak
Quercus marilandica	Blackjack oak
Quercus shumardii	Shumard red oak
Quercus stellata	Post oak
Quercus virginiana	Live oak
Rhamnus caroliniana	Carolina buckthorn
Rhus copallina	Flameleaf sumac
Rhus virens	Evergreen sumac
Sapindus drummondii	Western soapberry
Sophora affinis	Eve's necklace
Taxodium distichum	Bald cypress
Ulmus americana	American elm
Ulmus crassifolia	Cedar elm
Viburnum rufidulum	Rusty blackhaw viburnum
Zanthoxylum clavaherculis	Hercules' club

(2) Prohibited trees.

(A) The following trees may not be planted within this special purpose district:

<u>Scientific name</u>	<u>Common name</u>
Populus deltoides	Cottonwood
Albizia julbrissen	Mimosa

(B) Bradford pears (*pyrus calleryana*) may be planted as site trees. Bradford pears may not be used as street trees, used as landscape buffer trees, or planted in the public right-of-way.

(3) Street trees.

(A) In Subdistricts 1 and 1A, one street tree must be provided per 25 feet of street frontage, with a minimum of one street tree per building site. In Subdistrict 2, one street tree must be provided per 50 feet of street frontage, with a minimum of one street tree per building site.

(B) Street trees must be located on the building site within 50 feet of the projected street curb, except that street trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met and a right-of-way landscape permit is obtained from the city. For purposes of this subparagraph, "projected street curb" means the future location of the street curb consistent with the City of Dallas Thoroughfare Plan as determined by the director of public works and transportation.

(C) Street trees must be provided for all new construction.

(4) Landscaping in the public right-of-way.

(A) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(B) Plants in the public right-of-way may not obstruct visibility or create a traffic hazard. See Section 51A-4.602(d), "Visual Obstruction Regulations."

(C) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the landscaping requirements of this special purpose district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period;

however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(D) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(E) Upon the installation of landscaping in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(F) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way.

(5) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that compliance is made impossible by Subsection (d), "Visual Obstruction Regulations," of Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(b) Subdistricts 1, 1A and 1BA.

(1) General requirement. Except as otherwise provided in this section, landscaping must be provided as required by Article X.

(2) Landscaping in railbeds.

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(A) Any landscaping planted in the area to the centerline of a railbed may be used to satisfy required landscaping for the adjacent property. Landscaping planted in a railbed may not be located in an access easement.

(B) The requirements of Section 51A-10.125(b)(5), "Parking Lot Trees," do not apply to parking located within a railbed.

(3) Parking lot buffer. A five-foot-wide landscaped strip must be located along any edge of a parking lot or parking structure that is visible at grade level from a street. A minimum three inch-caliper tree must be located every 15 feet, or fraction thereof, or clustered every 30 feet within the landscaped strip.

(4) Plant requirements. Plants used to satisfy the landscape requirements must comply with the following requirements:

(A) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(B) Solid sod or hydro-mulch grass may be used.

(C) Artificial plant materials may not be used.

(D) Any required landscaping that dies must be replaced.

(5) Landscape plan. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, or over 75 percent for residential projects. A landscape plan must earn at least 50 points (out of a total of 155 possible points.) The points awarded for providing these features are provided in parentheses. Existing landscaping qualifies for points.

(A) Lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 foot-candles in intensity over adjacent pedestrian areas.

(B) Landscaping on rooftops and facades. (Total possible points = 30) Ten points each are awarded for large planters, hanging planters, exterior embedded or extended planters, and vine supports on rooftops or along front facades up to a maximum of 30 points. Vines within ground-based planters must be able to extend above one-half the total height of the ground story of the main structure.

(C) Landscape buffer. (Total possible points = 25) The landscape buffer must be a minimum of 80 square feet. A mix of plant materials may be used.

(D) Tree canopy at the street frontage. (Total possible points = 20) Points may be obtained for planting canopy trees along the entire street frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a right-of-way landscape permit is obtained. Ten points are awarded

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for planting these trees at a density of one tree per 30 linear feet of street frontage and 20 points are awarded for planting these trees at a density of one tree per 15 linear feet of street frontage. Note: Power lines may affect the types of trees used.

(E) Seasonal color landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. The plants in the landscape area must be changed at least twice per year with the appropriate seasonal color plants. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(F) Native plant landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area containing native plants. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. Native plants listed in Exhibit 621E must be used.

(G) Creation of open space. (Total possible points = 20) Five points are awarded per 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this special purpose district. For purposes of this subparagraph, "open space" means a space containing no structures or pavement at or above grade, and containing only grass or other vegetation. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued.

(6) Open space fund. If a property owner in Subdistrict 1 cannot plant all of the required trees on the building site, the property owner shall comply with the following requirements for no more than 50 percent of the required trees:

(A) Make a payment into the Old Trinity and Design District Open Space Fund. The department shall administer a city account to be known as the Old Trinity and Design District Open Space Fund. Funds from the Old Trinity and Design District Open Space Fund must be used only for acquiring and maintaining property for parks and open-space within this special purpose district. The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a two-inch-caliper tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

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(B) Plant trees within:

(i) portals to the Trinity River (as identified in the Trinity River Corridor Comprehensive Land Use Plan) within this special purpose district,

(ii) along that portion of the Old Trinity Trail within this special purpose district, or

(iii) along the meanders of the Old Trinity River channel, as shown on Exhibit 621C.

(7) Parking/landscaping zone. Where there is at least a 70-foot space between buildings, a parking/landscaping zone meeting the following requirements is allowed in the space between the two buildings, but is not required. The composition of the parking/landscaping zone, moving from one building facade across to the other building facade, is as follows:

(A) First, a minimum six-foot-wide sidewalk parallel to the facade of the first building.

(B) Second, a parking area between six feet from the first building facade to 16 feet from the first building facade. This parking area must have angled head-in parking at an angle of 60 degrees to 90 degrees. A landscaped area containing one tree must be located between every fifth parking stall. Trees in the parking area must be spaced 46 to 50 feet on center, and must be 12 to 16 feet away from the first building facade. One parking stall may be omitted to allow for a loading dock to remain functional.

(C) Third, a minimum of 26 feet of right-of-way for the two-way traffic in the middle.

(D) Fourth, a matching parking area from between 16 feet from the second building facade to six feet from the second building facade.

(E) Fifth, a matching six-foot-wide sidewalk parallel to the facade of the second building.

(c) Subdistrict 2. Except as otherwise provided in this section, all properties in Subdistrict 2 must comply with Article X. (Ord. Nos. 25013; 25560; 26975)

SEC. 51P-621.113. ARCHITECTURAL DESIGN GUIDELINES.

(a) Purpose. The architectural design guidelines of this section are intended to preserve the historical, cultural, and architectural importance and significance of Subdistricts 1, 1A and 1BA. These architectural design guidelines are intended to encourage adaptive reuse of existing buildings; new contemporary and creative construction and major modifications that will enhance the architectural character of the district; and sustainable, green, energy efficient design and construction.

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(b) Facade requirements for new construction and major modifications in Subdistricts 1, 1A and 1BA.

1) Facades must be brick, concrete masonry, glass, hollow tile, stone, or other fireproof materials, except that wooden siding, wooden sheets, and metal may not be used on more than 50 percent of any facade.

2) Facades consisting of more than 80 percent glass, excluding glass block, are prohibited.

3) The maximum permitted reflectance of glass used as a facade material varies depending on where the glass is used. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used above the first two stories may not exceed 27 percent. Reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the glass will appear.

(c) Design test requirements in Subdistricts 1, 1A and 1BA. New construction or a major modification must earn at least 50 points for properties with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 2.0 (out of 205 possible points). The total possible points in any category are provided in parentheses.

1) Maintenance of original facades. (Total possible points = 10) Ten points are awarded for the adaptive reuse of an original building if its original facade design elements are not altered.

2) Ground floor uses, building facades, and roofs. (Total possible points = 20) Points may be earned as follows:

(A) Retail and showroom uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail and personal service uses or office showroom/warehouse uses.

(B) Restaurant uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) includes restaurant uses.

(C) Facade treatments. Ten points are awarded if the building's front facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing, articulation of window openings, corner pilasters, rustication of the first floor, changes of color, or ornamental iron.

3) Pedestrian amenities. (Total possible points = 25) Five points each are awarded for benches, trash receptacles, awnings/canopies, bicycle parking racks, and pedestrian street lamps. These items should be creative and contemporary. Pedestrian amenities must be located within the curb-to-building area of the building site, but, if a hardship prohibits locating these in the curb-to-building area of the building

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site, the amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements and do not block free movement of pedestrians. Pedestrian amenities must be maintained and operated by the owner of the building site. If there is more than one owner, all owners are jointly responsible for maintenance. Such amenities include:

- (A) Benches or exterior seating areas (maximum of one every 50 feet).
- (B) Trash receptacles (maximum of five points).
- (C) Awnings/canopies along the front facade.
- (D) One five-bicycle stand per 100 feet of street frontage.
- (E) At least one pedestrian street lamp (freestanding or wall mounted) per 50 feet of street frontage.

4) Public art or water features. (Total possible points = 15) Fifteen points are awarded for public art or water features costing at least \$2,500, limited to one per building site. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times. Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art. For purposes of this paragraph, "water features" means: fountains, pools, mechanical water jets, or similar water devices.

5) Paving material. (Total possible points = 15) Five points are awarded per one-third increment of an outdoor private walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, "decorative pavement" means: colored concrete pavers; brick; stone; stamped, textured, or colored concrete; and exterior grade tile.

6) Pedestrian orientation of building facade. (Total possible points = 20) Twenty points are awarded if a minimum of 25 percent of the front facade has transparent display windows or windows affording views into retail, office, or lobby space. The transparency requirement applies to the first 16 feet of height of the facade.

7) Structured parking facilities. (Total possible points = 50) Fifty points are awarded for a structured parking facility if the design matches the facade of a new building or architecturally complements the facade of an original building.

8) Energy conservation. (Total possible points = 15) Ten points are awarded for using solar, geothermal, or other non-petroleum, non-coal energy sources. Five points are awarded for planting twice the number of canopy trees required by Section 51P-621.112, "Landscaping."

9) Permeable surface. (Total possible points = 15) Five points are awarded each third of an outdoor walkway or driveway with a permeable surface.

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10) LEED's credit. (Total possible points = 20) Twenty points are awarded for a project with a floor area ratio of more than 2.0 when the project complies with the following:

(A) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(B) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 project points).

(d) Approval by development plan. The city plan commission may approve new construction or a major modification that does not meet the requirements of Subsections (b) and (c) of this section if the development plan and elevations show that the new construction or major modification is consistent with the spirit and intent of this section.

(e) Fences and walls in Subdistricts 1, 1A and 1BA. Fences and walls longer than 200 feet adjacent to any public street must be designed to prevent visual monotony through use of offsets, changes of materials and textures, gates or openings, or landscaping.

SEC. 51P-621.114. SITE DESIGN REQUIREMENTS.

(a) Above-grade off-street parking. Parking is permitted on any level of a building.

(b) Median and curb cuts along Industrial Boulevard. Median and curb cuts to access railbeds for off-street parking from Industrial Boulevard, between Continental Avenue and Sylvan/Wycliff Avenue, must be approved by the director of public works and transportation. Traffic must be one-way from Industrial Boulevard westbound to Levee Street.

(c) Sidewalk standards for new construction.

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1) In general.

(A) Sidewalks complying with the standards of this subsection must be provided for all new construction.

(B) If a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access.

(C) Except as otherwise provided in this subsection, the requirements of Chapter 43, "Streets and Sidewalks," apply to all sidewalks.

2) Location.

(A) Sidewalks must be located along the entire length of the street frontage.

(B) On state highways, sidewalks must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(C) Sidewalks must be located between five feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between five feet and 12 feet from the back of the projected street curb. Sidewalks may be located farther from the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

3) Width.

(A) Sidewalk widths must match the width of existing sidewalks in front of adjacent properties at the point of convergence. Where there are different sidewalk widths on each side of the street frontage, the new sidewalk must taper or expand to meet the incongruous sidewalks.

(B) Sidewalks must have an unobstructed minimum width of four feet, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must have an unobstructed minimum width of six feet. For purposes of this provision, "unobstructed" means by structures or landscaping, excluding utility poles and service boxes.

(d) License to allow compliance with ADA requirements.

1) If there is no other way to install ramps required by the Americans with Disabilities Act or similar state laws other than to install the ramps in the public right-of-way, the city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the Americans with Disabilities Act or similar state laws. An owner or tenant is not required to pay an

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initial or annual fee for this license, although a fee may be charged for issuance of a building permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

2) Upon the installation of ramp in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

3) Each owner or tenant is responsible for maintaining any ramps in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain any ramps. The granting of a license for ramps under this subsection does not release the owner or tenant from liability for the installation or maintenance of ramps in the public right-of-way.

(e) Exemption for Subdistrict 2. The site design requirements of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2.

SEC. 51P-621.115. SCREENING REGULATIONS.

(a) Parking lot screening.

1) Except as otherwise provided in this section, Section 51A-4.301(f), "Screening Provisions for Off-Street Parking," applies to all parking lots and parking structures.

2) Fences may complement but not substitute for parking lot trees and shrubbery screening.

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3) The provision of screening for surface parking only applies to new construction. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or groundcover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height per three feet of width.

(B) A fence constructed of one or more of the following: brick, stone, concrete masonry, stucco, concrete, wood, or other durable material. Wrought iron fences are allowed.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(b) Screening of off-street loading spaces, dumpsters, and garbage storage areas.

1) Except as otherwise provided in this subsection, screening of off-street loading spaces, dumpsters, and garbage storage areas must be provided in compliance with Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

2) All off-street loading spaces, dumpsters, and garbage storage areas must be screened from all public streets adjacent to the building site. Screening is not required on sides that are not visible from a public street.

3) Screening of all off-street loading spaces, dumpsters, and garbage storage areas must be at least six feet in height.

4) Screening is not required in the railbeds.

(c) Outdoor storage areas. Except for vehicle display, sales, and service uses and nursery, garden shop, and plant sales uses, all outdoor storage areas for commercial and business services uses and industrial uses must be entirely screened by an eight-foot solid screening fence, vegetative materials, or other alternative deemed appropriate by the building official.

(d) Exemption for Subdistrict 2. The screening regulations of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2.

SEC. 51P-621.116. SIGNS.

(a) Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) In Subdistrict 2, detached premise signs existing on the date of establishment of this special purpose district may remain, provided the sign and sign supports are maintained in a state of good repair and neat appearance at all times. See Section 51A-7.210, "General Maintenance."

(c) Projecting attached premise signs for retail and personal service uses are allowed, provided they do not project more than five feet from the building facade and are between nine and 15 feet above the sidewalk. For purposes of this provision, a "projecting attached premise sign" means an attached premise sign projecting more than 12 inches from a building at an angle other than parallel to the facade.

SEC. 51P-621.117. ADDITIONAL PROVISIONS.

(a) The entire Property and any improvements in the public right-of-way must be properly maintained in a state of good repair and neat appearance. The city may remove any improvements in the public right-of-way that are not maintained in a state of good repair and neat appearance at the sole expense of the property owner, and may use any available legal remedy to recover the cost of removal from the property owner.

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

SEC. 51P-621.118. COMPLIANCE WITH CONDITIONS.

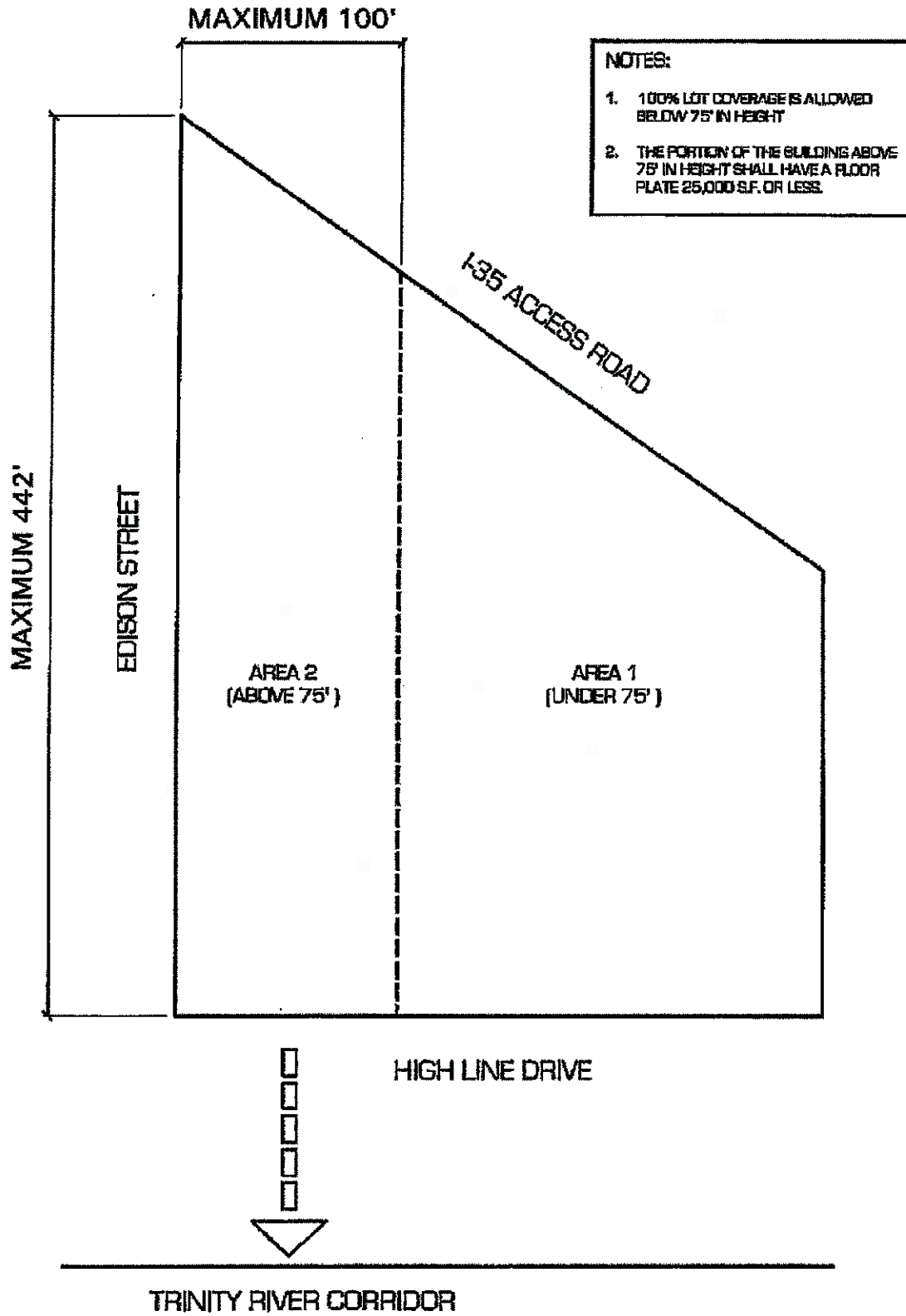
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

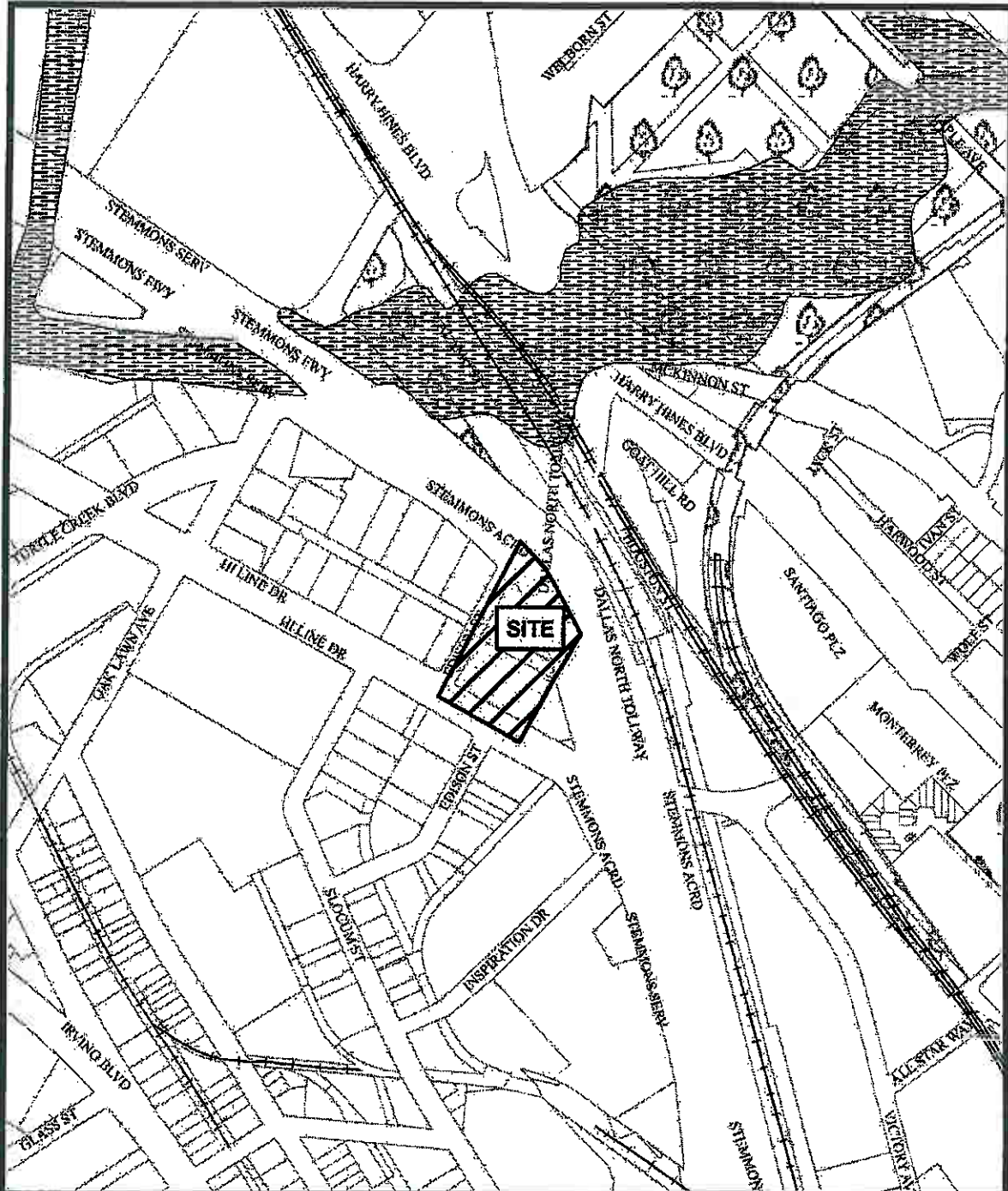
(b) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize the operation of a use in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances,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

SEC. 51P-621.119. ZONING MAP.

PD 621 is located on Zoning Map Nos. I-6, I-7, J-6, and J-7.

EXHIBIT H

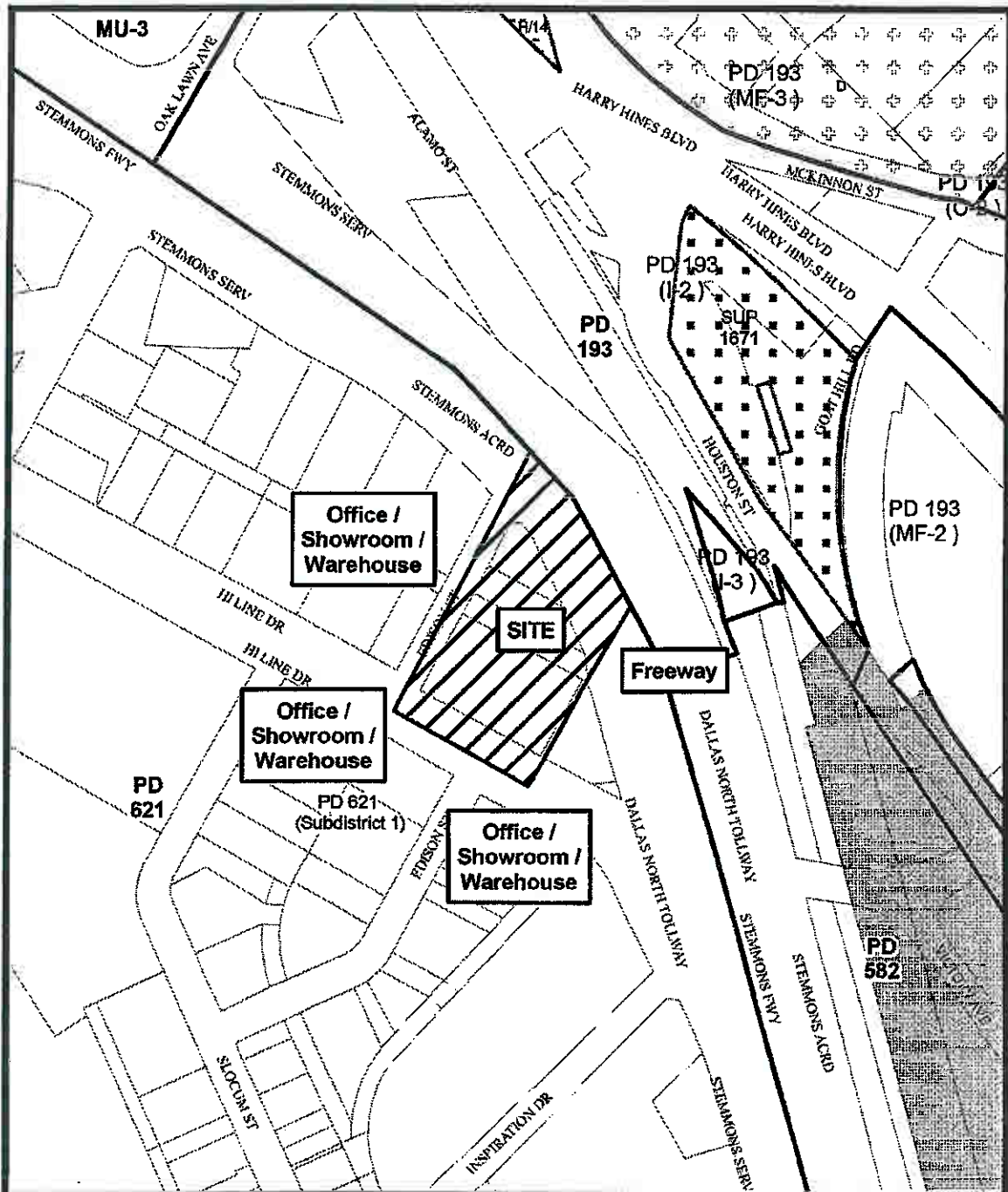




 1:6,000	<h2 style="text-align: center;">VICINITY MAP</h2>	Map no: <u> J-7 </u> Case no: <u> Z078-240 OTH </u>
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DATE: 06/23/2008

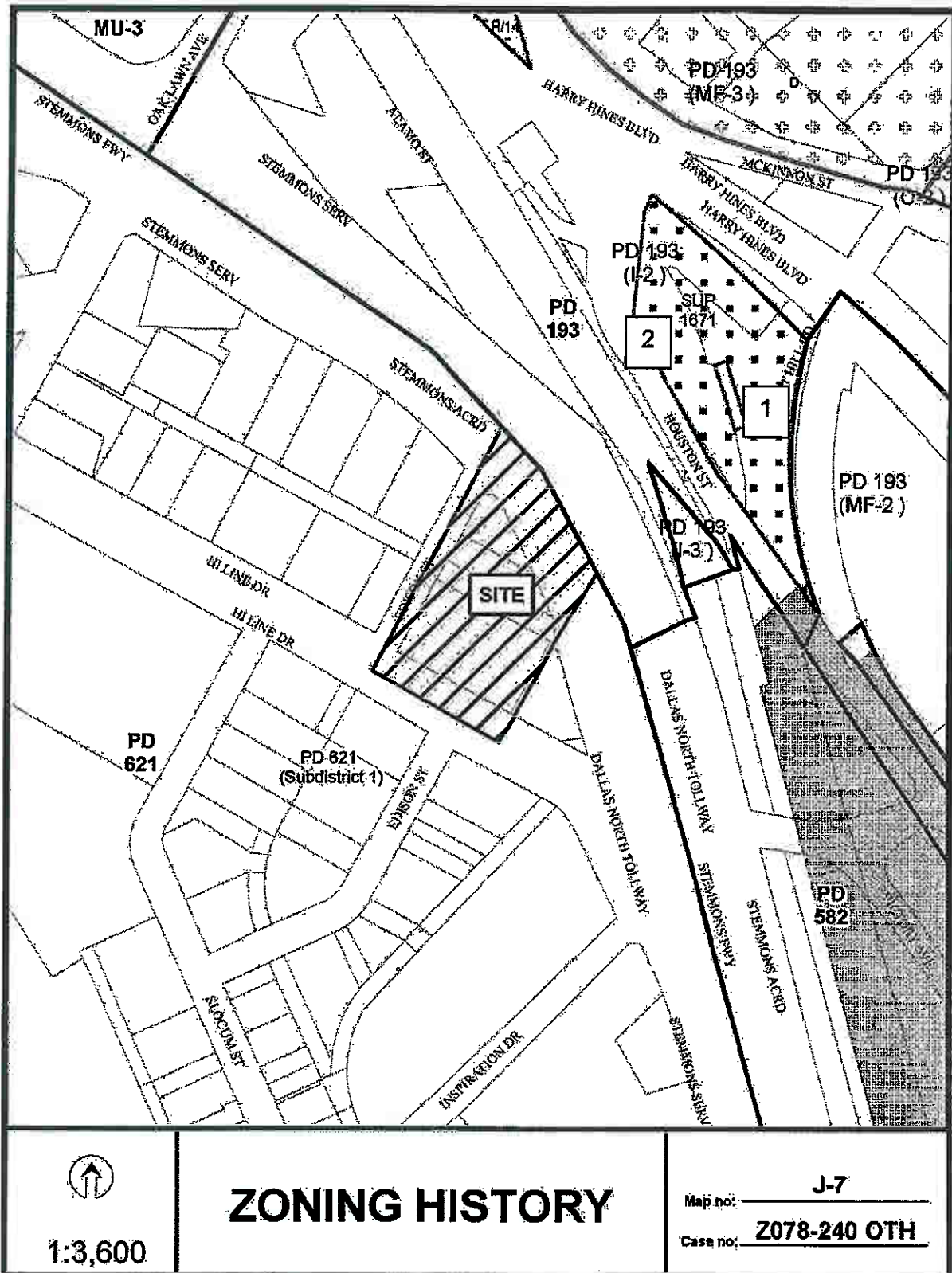
GIS TECHNICIAN: KRue



<p>↑</p> <p>1:3,600</p>	<p>ZONING AND LAND USE</p>	<p>Map no: <u>J-7</u></p> <p>Case no: <u>Z078-240 OTH</u></p>
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DATE: 06/23/2008

GIS TECHNICIAN: KRua



1:3,600

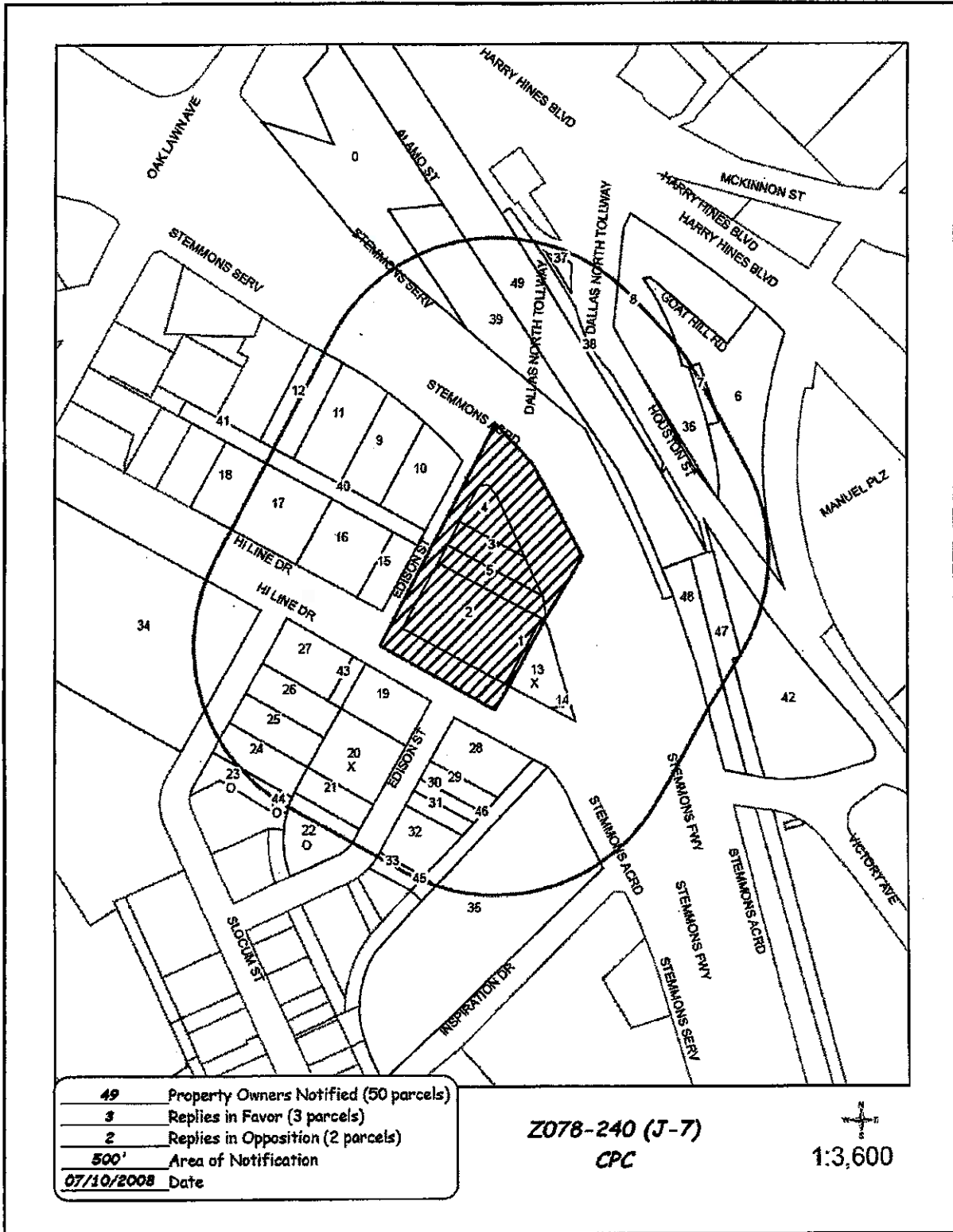
ZONING HISTORY

Map no: J-7
Case no: Z078-240 OTH

DATE: 06/23/2008

GIS TECHNICIAN: KRUE

CPC RESPONSES



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6/23/2008

Notification List of Property Owners

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49 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1350 HI LINE	CH DESIGN DISTRICT LP
2	1400 HI LINE	CH DESIGN DISTRICT LP
3	1626 EDISON	CH DESIGN DISTRICT LP
4	1525 STEMMONS	CH DESIGN DISTRICT LP
5	1600 EDISON	CH DESIGN DISTRICT LP
6	3305 HARRY HINES	DOR WELL ENTERPRISES LP
7	3303 HARRY HINES	PATRICK REALTY CORP
8	3333 HARRY HINES	DOR WELL ENTERPRISES LP
9	1615 STEMMONS	AMERICAN HEART ASSOC
10	1605 STEMMONS	CH DESIGN DISTRICT LP
11	1625 STEMMONS	1625 N STEMMONS LLC
12	1635 STEMMONS	CH DESIGN DISTRICT LP
13 X	1330 HI LINE	METCALFE SCOTT
14 X	1332 HI LINE	NEUHOFF TRACT JV
15	1500 HI LINE	MURPHY LUCY E TOLAND
16	1532 HI LINE	PFLASTER ANTIQUES LTD
17	1616 HI LINE	1616 HI LINE LP & ET AL
18	1626 HI LINE	CH DESIGN DISTRICT LP
19	1551 EDISON	INVESTMENT PROPERTIES INC
20	1539 EDISON	H & H INVESTMENT PPTIES
21	1531 EDISON	ORR JOHN H JR
22	1515 EDISON	CDG CO
23	1528 SLOCUM	MODARES MARK
24	1532 SLOCUM	LILLARD FRANK H &
25	1544 SLOCUM	JOHNS ROBERT VERN
26	1548 SLOCUM	BANK OF AMERICA &

Monday, June 23, 2008

<i>Label # Address</i>			<i>Owner</i>
27	1525	HI LINE	DESIGN DISTRICT LTD PS
28	1550	EDISON	UNITED LAND HOLDINGS LTD
29	1550	EDISON	UNITED LAND HOLDINGS LTD
30	1546	EDISON	GETZENDANER WM H JR
31	1544	EDISON	EDWARDS T M BO JR
32	1532	EDISON	ORR JOHN H JR
33	1526	EDISON	WINK INVESTMENTS LLC
34	1533	SLOCUM	DECORATIVE CNTR BLDG PS
35	1531	INSPIRATION	ANDERSON J C
36	99999	NO NAME	ANLAND NORTH COMM LP
37	1300	STEMMONS	ANLAND NORTH COMM LP
38	1300	STEMMONS	DALLAS AREA RAPID TRANSIT
39	1680	STEMMONS	MILLWEE STEPHEN MICHAEL
40	1532	HI LINE	PFLASTERS INC
41	1600	EDISON	CARSON MARY DIANE
42	1400	ALAMO	ANLAND 2A LP
43	1500	HI LINE	DESIGN DISTRICT LTD PS
④44	1525	EDISON	CDG CORP
45	1526	EDISON	WINK INVESTMENTS LLC
46	1401	HI LINE	ORR JOHN H JR
47	555	2ND	DART
48	1900	OAK LAWN	DALLAS & FT WORTH CITIES
49	1900	OAK LAWN	DALLAS & FT WORTH CITIES

Early Notification List

Al Romero
PO Box 870875
Mesquite, TX 75150

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227
ENZ078-240

Bill Dahlstrom
901 Main St., Ste 6000
Dallas, TX 75202

Bridge Ballowe c/o Nextel
1680 N. Prosper Dr.
Richardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Leanne Witek
16660 N Dallas Pkwy #1200
Dallas, TX 75248

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Pam Conley
901 N Madison Avenue
Dallas, TX 75208

Rob Baldwin
401 Exposition
Dallas, TX 75226

Robert P. Garza
412 E. Sixth St.
Dallas, TX 75203

Sheryl Jean, Newsroom-Business
508 Young St.
Dallas, TX 75265

Steve Craft
P O Box 542225
Dallas, TX 75354

Steve Kim
4318 Sexton Ln.
Dallas, TX 75229

Alpha Testing, Inc
Virginia Brown
2209 Wisconsin St, Ste 100
Dallas, TX 75229

Am. Metro/Study Corp
Marque Nelson
14881 Quorum Dr #400
Dallas, TX 75240

Arboriological Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Bluffview Homeowner
Pat White
4714 Wildwood
Dallas, TX 75209

Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

Dallas Planning Assoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

FW Dodge Reports
Donna McGuire
9155 Sterling Dr. Ste 160
Dallas, TX 75063

Z078-240

INCAP Fund
Lauren Odell
300 Crescent Court
Dallas, TX 75208

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Jackson Walker
Jonathan Vinson
901 Main St. #6000
Dallas, TX 75202

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Koons Real Estate Law
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204

Lake Highlands AIA
Terri Woods
1516 San Saba Dr.
Dallas, TX 75218

Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefied Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Alan Pierce
3912 Cedar Springs
Dallas, TX 75219
ENZ078-240

Allen W. Rubin
2714 Turtle Creek Circle
Dallas, TX 75219

Art Rogers
4523 Holland Ave
Dallas, TX 75219

Bryan K. Haywood
City Hall, Rm. 2CN
Dallas, TX 75201

Cullen Rogers
3030 McKinney Ave. #2001
Dallas, TX 75204

Jeannie Ball
3030 McKinney Ave. #906
Dallas, TX 75204

Jeri Arbuckle
4800 Victor St.
Dallas, TX 75246

Z078-240

Judith Hearst
2512 Thomas Ave
Dallas, TX 75201

Laura French
3856 W Beverly
Dallas, TX 75209

Leslie Brosi
3030 McKinney Ave. #205
Dallas, TX 75204

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

Pam Veshia
City Hall, Rm. 2CN
Dallas, TX 75201

Robert Dyer
1601 Elm St, Ste 3000
Dallas, TX 75201

Vicki Keene
738 Cedar Hill Dr
Dallas, TX 75208

1999 McKinney Ave HOA
Dick Brink
1999 McKinney Ave 1207
Dallas, TX 75201

Bryan Place NA
Sonali Patnaik
928 Pavillion St
Dallas, TX 75204

Caddo Street TH HOA
Julia Alderete
1429 Caddo St, Unit F
Dallas, TX 75204

Cedars NA
Eric Anderson
7329 Lakehurst Ave.
Dallas, TX 75230

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

Downtown Dallas
Jim Wood
1412 Main #2500
Dallas, TX 75202

Friends of the Katy Trail
Eric Van Steenburg
3523 McKinney Ave, PMB 441
Dallas, TX 75204

Friends of State-Thomas
Judy Hearst
2512 Thomas Ave
Dallas, TX 75201

Harwood International, Inc.
Julie Morris
2828 N Harwood, Suite 1600
Dallas, TX 75201

Harwood International, Inc.
Jerry Jackson
2828 N Harwood, Suite 1600
Dallas, TX 75201

Junius Heights HOA
Kara Kunkel
5527 Tremont Street
Dallas, TX 75214

La Tour HA
Hanne Klein
3030 McKinney Ave. #502
Dallas, TX 75204

La Tour HA
Marla McDonald
3030 McKinney Ave #1003
Dallas, TX 75204

Lower Greenville Assoc
Chuck Cole
5820 Penrose Ave
Dallas, TX 75206

Meadows Foundation, Inc.
Robert Weiss, V.P Admin.
3003 Swiss Ave.
Dallas, TX 75209

Nolan Management Co
Patrick Nolan
P O Box 720517
Dallas, TX 75372

Oak Lawn Committee
P O Box 190912
Dallas, TX 75219

OLPH Church
Fv.Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

Preston Hollow Asso
M Thomas Lardner
5811 Redwood Court
Dallas, TX 75209

Z078-240

Raleigns-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Trust For Public Land
Paul M. Lehner
1717 Main St. Ste 3060
Dallas, TX 75201

ENZ078-240

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: August 13, 2008
COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 6, 7, 8
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 33 34 35 36 37 38 42 43 44 45 46 47 48 49 51 52 53 54 55 56
57 58 59 61 62 63 64 65 66 67 68 69 70 71 73 74 75 76

SUBJECT

Authorize **(1)** a public hearing to be held October 8, 2008 to receive comments on the proposed City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan; and, **(2)** at the close of the public hearing, consideration of approval of the City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan – Financing: No cost consideration to the City

BACKGROUND

The governing body of the municipality that adopts an Urban Land Bank Demonstration Program must adopt a plan annually. The Plan must include a list of parcels of real property that may become eligible for sale to the land bank for affordable housing development on those parcels of real property, and the sources and amounts of funding anticipated being available from the municipality for development of affordable housing. A copy of the proposed FY 2008-09 Plan is attached as “Exhibit A” to the resolution.

Before adopting the FY 2008-09 Annual Plan, the City of Dallas must hold a public hearing on the proposed Plan. The City of Dallas will provide notice of the hearing to all City certified Community Housing Development Organizations (CHDO's) and to neighborhood associations identified by the City as serving the neighborhoods in which properties anticipated to be available for sale to the land bank are located. The City of Dallas will make copies of the proposed plan available to the taxing entities and to the public beginning August 8, 2008. There must be a sixty-day public comment period prior to City Council action on the plan per state statute. A briefing on the Urban Land Bank Demonstration Program will be presented to the appropriate Council Committee prior to the public hearing.

Approval of this agenda item will call a public hearing for October 8, 2008 to consider public comment on the proposed FY 2008-09 Urban Land Bank Demonstration Program Plan attached as “Exhibit A” to the resolution and authorizes consideration of the Plan following the hearing.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS COMMISSIONS)

On January 28, 2004, the City Council authorized the establishment of the DHADC as its land bank, authorized amendments to the Articles of Incorporation and By-Laws of the DHADC, and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458.

On May 26, 2004, the City Council authorized a contract with DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program previously approved by City Council on January 28, 2004 by Resolution No. 04-1726.

On October 13, 2004, the City Council approved the City of Dallas FY 2004-05 Urban Land Bank Demonstration Program Plan and authorized an amendment to the DHADC Contract to provide additional operating and acquisition funds for FY 2004-05 by Resolution No. 04-2930.

On August 24, 2005, the City Council approved the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan by Resolution No. 05-2501.

On January 11, 2006, the City Council authorized an amendment to the City of Dallas FY 2005-06 Urban Land Bank Demonstration Plan to increase the list of properties in the plan that may become eligible for sale to the Land Bank by Resolution No. 06-0162.

On October 11, 2006, the City Council approved the City of Dallas FY 2006-07 Urban Land Bank Demonstration Program Plan by Resolution No. 06-2785.

On December 13, 2006, the City Council authorized an amendment to the contract with DHADC to extend the term to September 30, 2007 and to allow the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007 by Resolution No. 06-3403.

On August 22, 2007, the City Council authorized an amendment to the contract with DHADC to extend the term to September 30, 2008 and to allow the City to refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008 by Resolution No. 07-2385.

On October 10, 2007, the City Council approved the City of Dallas FY 2007-08 Urban Land Bank Demonstration Program Plan by Resolution No. 07-2998.

FISCAL INFORMATION

No cost consideration to the City.

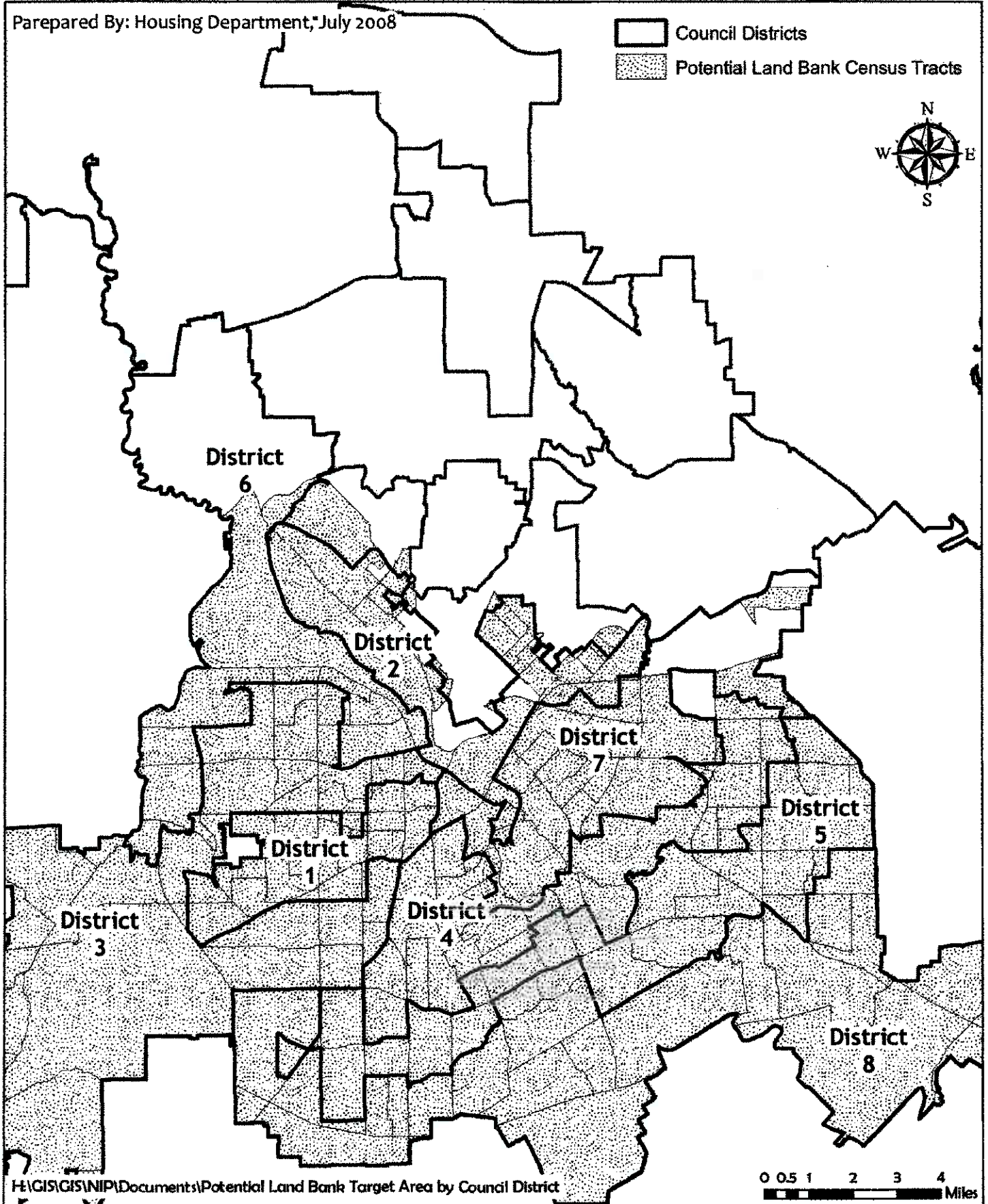
MAP(s)

Attached

Potential Land Bank Census Tracts 2008-2009

Prepared By: Housing Department, July 2008

-  Council Districts
-  Potential Land Bank Census Tracts



August 13, 2008

WHEREAS, on September 25, 2002, the City Council accepted the report of the Affordable Workforce Housing Task Force, including a recommendation to implement a land bank for affordable housing development by Resolution No. 02-2653; and

WHEREAS, on October 9, 2002, the City Council approved the legislative proposal including authorization of a land bank by Resolution No. 02-2974; and

WHEREAS, the State Legislature enacted and the Governor signed the Urban Land Bank Demonstration Program Act to enable the foreclosure of unproductive properties and sale to a land bank for the development of affordable housing; and

WHEREAS, on January 28, 2004, the City Council authorized the establishment of the DHADC as its land bank, authorized amendments to the Articles of Incorporation and By-Laws of the DHADC, and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458; and

WHEREAS, the City of Dallas desires to operate an Urban Land Bank Demonstration Program during the Fiscal Year 2008-09, beginning October 1, 2008; and

WHEREAS, State law requires that a public hearing be held and action taken to adopt the Urban Land Bank Demonstration Program Plan annually; and

WHEREAS, holding a public hearing on October 8, 2008 for public comment on the proposed FY 2008-09 Urban Land Bank Demonstration Program Plan attached as "Exhibit A" will satisfy requirements set forth in the Urban Land Bank Demonstration Program Act; **NOW THEREFORE**,

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

SECTION 1. That (1) a public hearing be held on October 8, 2008 before the Dallas City Council to receive comments from citizens on the proposed FY 2008-09 Urban Land Bank Demonstration Program Plan attached as "Exhibit A" and (2) at the close of the public hearing, consider approval of the FY 2008-09 Urban Land Bank Demonstration Program Plan.

August 13, 2008

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.

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financia



July 14, 2008

Nick Nicholas
Nicholas Co.
8150 N. Central Expressway, Ste. 835
Dallas, TX 75206

Re: Property Log No.: 33095; and
Property Log No.: 32895

Dear Mr. Nicholas:

Enclosed please find City of Dallas check number 383995 in the amount of Six Thousand Nine Hundred Dollars (\$6,900.00), as well as check number 384445 in the amount of Two Thousand Nine Hundred Dollars (\$2,900.00), which represents payment in full of your invoices for appraisal services in the above referenced files.

If you have any questions or need additional information, please contact me at 214.948.5389.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. D'Antonio".

Michael B. D'Antonio
Sr. Real Estate Specialist
City Of Dallas

Encls.

