



DRAFT

HISTORIC DOWNTOWN MANSFIELD RESTAURANT RECRUITMENT PROGRAM

April 7, 2021 - Nicolette Allen

Program Overview

The Historic Downtown Mansfield Restaurant Recruitment Program is an incentive program designed to encourage recruitment or expansion of businesses within the program boundaries related to drinking and dining establishments. The program helps bridge the financial gap between the property owner and/or tenant and constructing quality permanent improvements to the site.

The program will be used strategically in key corridors in the Historic Downtown Mansfield area to implement recommendations and support the Downtown Development Strategies. Please note that this program is not an entitlement and not every application will be approved. The program is purposefully concentrating its resources in order to increase the impact of the city's commercial investment. The goal of the program is to encourage day and night-time visitors to the downtown area, promote the identity and further brand recognition of Historic Downtown Mansfield, and continue to preserve the aesthetic nature and historic fabric of the area.

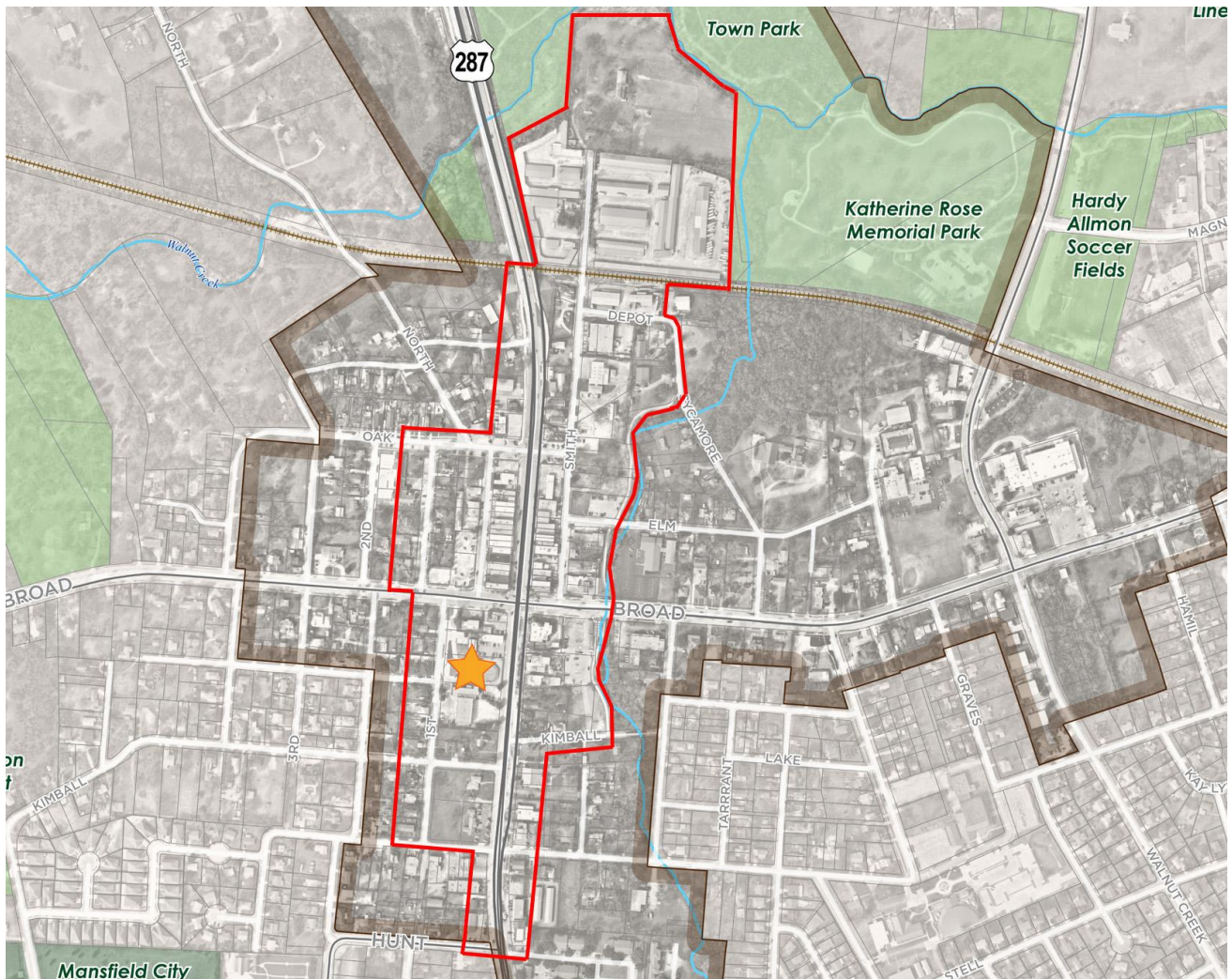
The program allows for staff to assemble an incentive package for recipients by utilizing one or all of the following tools: a reimbursement of development and other fees, a cash incentive based on capital investment, a sales tax rebate based on capital investment, and the reimbursement of eligible public infrastructure costs through 4A funds. All incentives in this program are based on performance, and payments or reimbursements will not be given until after the issuance of Certificate of Occupancy. The City of Mansfield administers and monitors this program, and applications are approved by the Mansfield City Council.

What are we trying to accomplish?

- Encourage new drinking and dining establishments to locate their business downtown
- Encourage existing tenants to expand their businesses and add drinking and dining options to their current business plan
- Motivate property owners to recruit drinking and dining users through renovations and permanent improvements to their establishment making the property more suitable to drinking and dining uses
- Increase the total number of drinking and dining establishments in Historic Downtown Mansfield

Target Area

The boundaries of the program will be within the Downtown TIRZ district, focused on specific commercial corridors. The southern boundary of the program area is Hunt Street, and incorporates 1st Street as the western boundary, traveling north to include only the frontage of Main Street until the railroad tracks. On the east side of Main, the program boundaries include all of Smith Street. Going south, the pedestrian trail serves as the eastern boundary until Kimball Street. At Kimball, the frontage on Main Street is incorporated through Hunt. Exceptions may be considered for high-impact projects and strategic priorities.



What businesses are eligible?

In order to be considered potentially eligible for the Historic Downtown Mansfield Restaurant Recruitment Program, the proposed project must fall within the following categories of drinking and dining establishments:

- a) fine dining, b) casual, contemporary casual, or fast casual dining, c) family style, d) cafe or bistro, e) pub or brewpub or gastropub, f) diners, g) teppanyaki grill, h) bars, breweries, wineries, or distilleries, i) destination restaurant, or j) drinking and dining establishment with an interactive entertainment element.

Definitions for these establishments can be seen in appendix A. Funding decisions will ultimately be based on a variety of factors, including consistency with the Downtown Development Strategies, Comprehensive Plan, and Downtown Zoning Overlay. **Funding priority will be given to proposals that provide the greatest impact on program goals.**

The Historic Downtown Mansfield Restaurant Recruitment Program is designed to assist the following projects:

- Drinking & Dining establishments that include both indoor and outdoor seating if the property has ample space
- Projects that incorporate public art elements into the style, decor, and/or architecture and landscaping
- Concepts that have five (5) or fewer locations in Tarrant County, Johnson County, Dallas County, Collin County, Denton County, and Ellis County combined
- Applicants who do not have any negative reports from the County Health Department

The Historic Downtown Mansfield Restaurant Recruitment Program is not designed to assist the following projects:

- Projects which do not adhere to zoning code and building standards for the property, area, or overlay district
- Applicants that are not up-to-date on their tax payments at the time of the application and throughout the incentive period
- Applicants with outstanding work orders with the City's Development Division or Fire Department; a request to comply thereof will be addressed prior to incentive funding approval
- Applicants with any form of noncompliance or outstanding violations, which would disqualify the applicant
- Applicants that are not licensed to work and pull permits in the City of Mansfield

Franchise operations that do not qualify for the maximum county operating location requirements (as noted above) may be approved as a **Special Consideration Application**, and may have different incentive programs available to them. Special Consideration Applications will be awarded if a project is deemed critical to the City's vision, comprehensive plan, and/or Downtown Development Strategies - dependent on funding availability.

Who can apply?

The Historic Downtown Mansfield Restaurant Recruitment Program is available from October 1 - September 30 of the current fiscal year. The program is designed for recipients that will be issued a Certificate of Occupancy within the next twelve (12) months of approval. Applicants must apply for, and receive approval of, a program incentive prior to issuance of Certificate of Occupancy. Property owners who will operate or lease to an eligible drinking and dining establishment may apply for incentives.

Guidelines

The purpose of this program is to lower the economic barriers for drinking and dining establishments to create or re-locate a business that activates the Historic Downtown area. The following guidelines are required by the program in order to attract businesses the City feels matches the true intent of the program, and captures the heart and character of our Historic Downtown core.

Recipients of program incentives must agree to:

- Be members of the downtown association.
 - As a member of the downtown association, recipients are expected to maintain active engagement with City funded downtown activities and events. An example of this might be having themed menus or scheduling entertainment during downtown festivals. The recipient will coordinate with the Downtown Coordinator to determine the most appropriate involvement.
- Recipients must maintain minimum hours of operation that promote extended hours of opportunity for patrons to activate the location.
 - If open on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays must remain open until a minimum of 9pm. They must remain open, minimum, until 11pm on Fridays and Saturdays. It is mandatory that their establishment is open and operating on Fridays, Saturdays, and Sundays (excluding any federal holidays).
 - Recipients must decorate their exterior windows and/or storefront with appropriate holiday decor beginning on Small Business Saturday (Saturday following Thanksgiving) through New Year's Day.
- Recipients are required to sign-up for city/downtown communication tools such as the email newsletter or NotifyMe function in order to receive updates, urgent information, and other pertinent news.

What improvements can the incentive program pay for?

The program is a performance-based initiative that provides for reimbursements and cash incentives based upon capital investment. **Any combination of funding tools (excluding sales tax rebate) may be assembled for an incentive package up to, but not to exceed, thirty (30%) percent of capital investment.**

"Capital Investment" means the actual cost incurred related to the construction of the Facility, as the case may be, including the actual construction costs of all buildings, renovations, site preparation, structures, infrastructure, offsite improvements (if any), utilities, landscaping and onsite improvements, including labor and materials, engineering costs, surveying costs, fees of consultants, and permit and inspection fees. It does not include cost of land, insurance costs, legal fees and expenses, marketing costs or any interest paid to finance the cost of Capital Investment. Impact and Permit fees will be reimbursed upon the issuance of a Certificate of Occupancy.

"Certificate of Occupancy" means the document issued by the City certifying that the Facility is in compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupation. The cost of public infrastructure that is eligible for reimbursement from funds such as 4A funds may also be rebated. Additionally, a reimbursement on sales tax generated from the establishment will begin being reimbursed following the issuance of the Certificate of Occupancy.

Funding is received after a payment request has been made, which means a written request for payment of the incentive program. The written request must be accompanied by (i) proof of Certificate of Occupancy for the Facility, (ii) documentation of the expenditure of the Capital investment, in a manner and form acceptable to the City, and (iii) documentation of actual construction costs of the Improvements, in a

manner and form acceptable to the City. All work must be performed by a Texas licensed and insured contractor. The City reserves the right to observe and monitor the project prior to payment and/or make payment directly to a contractor. Building improvements must maintain the character of the downtown area; design drawings must be approved by City Staff prior to incentive approval. Tenants must have property owner's approval to implement the project, which can be provided for with an executed statement from the property owner. Incentive payments are paid on an annual basis for each year the establishment remains in operation.

Incentive Amount

Applicants must provide a detailed account of expenditures as well as a detailed estimate of all remaining project costs. Including ALL expenses will demonstrate the entire scope of the project so that it can be understood and an application determination can be made. Estimates on total capital investment will be required in order to accurately budget for program cash incentive expenditures, and projects are awarded based on funding availability.

The following formula is an example of combining all available tools to calculate the maximum incentive amount. This is for illustrative purposes only.

$$\frac{\text{Permit \& Impact Fees Rebate}}{\text{4A Eligible Project Cost Reimbursement}} + \frac{\text{Cash incentive}}{\text{Total (Not to exceed 30\% of Capital Investment)}} = \text{Total (Not to exceed 30\% of Capital Investment)}$$

$$\text{Total (Not to exceed 30\% of Capital Investment)} + \text{Annual Sales Tax Rebate} = \text{Grand Total}$$

The following table outlines the cash incentive payment schedule.

Capital Investment	Cash Incentive	Annual Payment	Total Annual Payments	Sales Tax Rebate # of Years
<\$1,000,000	20% of Total	1/5th of Cash Incentive	5	3
\$1,000,000	\$200,000	\$40,000	5	4
\$2,000,000	\$400,000	\$50,000	8	5
\$3,000,000	\$600,000	\$60,000	10	6
\$5,000,000+	\$1,000,000	\$100,000	10	7

* Annual payments are made each year after the issue of Certificate of Occupancy and proof of expenditure. If an establishment does not remain in operation they forfeit their right to any further reimbursement or annual payments at no penalty to the City.

How to Apply

Step 1: Submit Your Project Idea

Submit a letter or email to the Downtown Coordinator describing your interest in the Historic Downtown Mansfield Restaurant Recruitment Program. Please include the following information:

- a. Property address & Property owner's contact information
- b. Description of the project idea and what kind of improvements you want to make
- c. Let us know if you are already working with an architect or designer
- d. Include recent photograph(s) of the site or structure showing the interior and exterior of the space
- e. Copy of your business plan

Step 2: Prepare a Project Budget and Design Plans

If staff determines that your project is potentially eligible for the incentive program, the next step is for you to prepare an itemized budget and design plans that demonstrate the current and proposed work. Staff may request an opportunity to tour the site with the applicant in order to better understand the scope of needed improvements.

Step 3: Submit Program Application and Request Approval at a City Council Meeting

Once staff reviews and accepts the project scope of work and budget, you can submit a formal application. Your final application will be placed on the next City Council meeting agenda. Plan on attending the meeting when your project is on the agenda.

Step 4: Formalize Agreement

Following approval from the City Council, the applicant will sign a formally executed economic incentive agreement and all the terms, obligations, and conditions it implies.

After the project is finished and Certificate of Occupancy has been issued, reimbursements will be disbursed based on the payment schedule and dependent on receipt of documentation which satisfactorily meets the program requirements. The applicant is responsible for documenting all expenses and submitting their documentation in accordance with the program requirements.

All work must be consistent with the approved application and staff must approve any changes in work scope or materials in advance of that work being performed. The project must be completed within twelve (12) months of the date approved by the City Council. An extension may be granted of one (1) but no more than six (6) months upon approval by City Council. Please note that an approved Historic Downtown Mansfield Restaurant Recruitment Program Incentive may be canceled if your project does not meet these deadlines

READY TO APPLY OR HAVE QUESTIONS? CONTACT:

Nicolette Allen
Historic Downtown Mansfield Coordinator
historicdowntown@mansfieldtexas.gov
(817) 276-4264

Appendix A

Definitions of Drinking & Dining Venues

A business that prepares and serves food and drink to customers.

- Fine Dining (upscale meal experience often comprising of several courses)
- Casual Dining (low-key atmosphere with moderately-priced menu offerings)
- Contemporary Casual (modern and trendy eateries that offer a district brand; the food and restaurant relies heavily on visual appeal and may focus on concepts such as farm-to-table, locally sourced ingredients, and/or fusion cuisine)
- Fast Casual (quality food with counter service; a more casual dining establishment)
- Family Style (similar to casual dining serving large plates for feeding the table)
- Fast Food (offers price, convenience, and speed; delivered over-the-counter and often through a drive-through window)
- Food Truck, Cart, or Stand (normally specialize in a single type of food and serve a limited menu; seating may be sparse or non-existent)
- Cafe (characterized by outdoor seating, unhurried atmosphere, and typically offer coffee, tea, pastries, and small items)
- Bistro (moderately-priced menu serving hearty meals in a casual setting)
- Pub (bar-type atmosphere with expanded menus; offer full meals along with beer, liquor, and/or non-alcoholic beverages)
- Brewpub (similar to a pub and characterized by selling beer which was brewed on site)
- Gastropub (pub-like atmosphere but specializes in serving high-quality foods)
- Diners (characterized by a low-cost menu with items such as fried foods, burgers, and breakfast items)
- Teppanyaki Grill (specializing in Japanese cuisine and often accompanied by hibachi-style grill 'tricks' for patrons)
- Bars (limited/no menu with an emphasis on serving alcoholic and non-alcoholic beverages)
- Breweries, Wineries, and Distilleries (make their product on-site and often offer signature drinks and personalized service)
- Destination Restaurant (draws patrons from beyond its immediate area or community; example: The Magic Time Machine, Dallas, Texas)
- Interactive Entertainment (eating and drinking establishment focused on providing entertainment in the form of activity to the public; example: axe-throwing, arcade bars, competitive gaming)

INCENTIVE PROGRAM APPLICATION

Date of Application	
Building/Property Address	
Applicant's Name	
Name of Business	
DBA (<i>Doing Business As</i>)	
Legal Entity (<i>Corporation, LLC, etc.</i>)	
Type of Business	
Business Owner(s) (<i>If multiple owners list in a separate attachment</i>)	Name Ownership (%)
Number of Employees	
Ownership Status	<input type="checkbox"/> I own the property <input type="checkbox"/> I am purchasing the property <input type="checkbox"/> I will lease the property <input type="checkbox"/> Other:
Property Owner (if not the applicant)	Name Phone Email Mailing Address
Have you received any economic incentive payments or rebates from the City of Mansfield or its entities in the past twenty-four (24) months?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide details (date, amount, project, etc.)

Size of space (sq. ft.)	
Describe the length and monthly rent of your proposed lease (if applicable)	If leasing, length of annual program payments may not extend the length of the lease. In the event of such circumstances, maximum funding incentive may be lowered to correlate.
Primary Project Contact	Name Phone Email Mailing Address
Architect or Designer	Name Phone Company
Project Description	<i>May attach additional sheet(s) if needed.</i>
Total Project Budget	<i>Please provide details of all spent and estimated costs for the project. Include ALL expenses so the entire scope of the project can be understood and a determination can be made. (Attach additional sheet.)</i> <i>It is not guaranteed that award funding/reimbursement will increase if final costs exceed initial estimates. Please estimate project costs carefully.</i>
Change in Business Ownership, Property Ownership, or Occupant	<i>The applicant acknowledges that any change in ownership of the business or property, or change in occupant/tenant of the space requires approval from the Mansfield City Council if annual incentive payments are to continue. The Mansfield City Council reserves the right to deny assignment to new users and terminate the incentive agreement, at no penalty or cost to the City of Mansfield, whether or not incentives and reimbursements have been paid in full at the time of denial.</i>
Legal Disclosure	<i>Disclose in writing whether any applicant, guarantor, or any other person involved with the project is currently engaged in any civil or criminal proceeding or ever filed for bankruptcy. Also, disclose whether any individual involved with the project has ever been charged or convicted of any felony or currently is under indictment.</i>

Applicant's Certification	<p>The application is made in order to induce the Historic Downtown Mansfield Restaurant Recruitment Program financial incentives to the applicant. The applicant hereby represents that all statements contained herein are true and correct. All information materially significant to the Mansfield City Council in its consideration of the application is included. The applicant acknowledges that it has reviewed the descriptions of the Historic Downtown Mansfield Restaurant Recruitment Program for which it is applying and agrees to comply with those policies. To the fullest extent of the law, the applicant shall indemnify and hold harmless the City of Mansfield from and against any and all liability, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions and cost of actions, including reasonable costs, fees and expenses of any kind arising or growing out or in any way connected with the performance of the improvement whether or not the incentive is granted or the project completed. Applicant acknowledges that filing an application does not guarantee funding, and that approval of incentive funds does not guarantee approval at required public hearing.</p>
Signature	
Date Signed	

Application Attachments

In addition to this completed and signed application, include the following attachments when you submit your incentive request:

- ☐ Photograph(s) showing the interior and exterior of the space
- ☐ Floor plan and architectural drawing(s) demonstrating the proposed project
- ☐ Itemized budget for proposed project
- ☐ Proposed lease agreement, if applicable
- ☐ Copy of your business plan
- ☐ Letter from the property owner providing approval for the proposed project
- ☐ Documentation identifying that any loans, mortgages, liens and/or taxes on the property are current and in good standing
- ☐ Any other information deemed necessary by City of Mansfield staff in order to fully understand the project