

PD No. 15 Authorized Hearing FAQ

Q1. Does the Residential Proximity Slope (RPS) apply to properties within PD No. 15?

A. No. RPS does not currently apply to properties within PD No. 15. The base zoning for PD No. 15 is the MF-3 Multiple Family District which is under Chapter 51 (the previous Development Code) and does not include regulations for RPS (See the Q&A below for additional regulations which provide similar relief as RPS in Chapter 51A).

Q2. What is the height limit in PD No. 15?

A. The base zoning MF-3 allows for any legal height. However, since there is a development plan as part of the PD No. 15 ordinance, each tract is limited to the number of floors shown on the development plan. A zoning change is required to amend the height shown on the plan.

Note – Tract 2 does not show the number of floors on the development plan per the 2015 zoning determination letter which can be viewed at the following link:

https://dallascityhall.com/departments/sustainabledevelopment/planning/DCH%20Documents/authorized%20hearings/pdd15/CP_2015%20Letter%20of%20Determination_Ht%20Density.pdf

Q2A. How does the development plan govern the PD? (Updated 7/23/2018)

A. A development plan is approved within the development envelope established by the PD. Once approved, the plan determines what can be built within the development envelope specifically.

Section 51P-15.114 labeled “PLAN” of the PD No. 15 ordinance states “Development on the Property must comply with Exhibit 15A.” Exhibit 15A is the development plan for the PD No. 15 ordinance.

Q2B. What if there is a conflict or the language is not consistent between PD No. 15 and the MF-3 Multiple Family District? (Updated 7/23/2018)

A. If there is a conflict or the language is not consistent between PD No. 15 and the base zoning, the PD controls.

Q3. Are there tower spacing regulations in PD No. 15?

A. Tower spacing regulations are not specifically called out in Chapter 51. However, under Chapter 51, additional setbacks (up to 50 feet) are required for structures over 36 feet in height that are adjacent to or within residential zoning districts. These regulations provide similar principles as the tower spacing in Chapter 51A. Please reference Sections 51-4.401(a)(7), 51-4.401(b)(7), 51-4.402(b)(7), and 51-4.403(b)(3) for regulations:

http://www.dallascityattorney.com/51/articleIV_pdf/Division%2051-4.400.pdf

Q4. How long will the authorized hearing process take?

A. Approximately six months after the steering committee meetings begin. However, the timing can vary depending on the scope and complexity of the authorized hearing.

Q5. What are the next steps in the steering committee process?

A. Staff will facilitate meetings to discuss potential changes to the zoning regulations in PD No. 15. All steering committee meetings are open to the public for observation and public comments can be submitted to staff for additional consideration. Council Member Gates will appoint the steering committee. Staff will coordinate with the steering committee to select a preferred meeting date and time.

(Update 7/23/2018) The steering committee meeting schedule can be viewed at the following link:

https://dallascityhall.com/departments/sustainabledevelopment/planning/DCH%20Documents/authorized%20hearings/pdd15/PD15_SC_Meeting_Schedule.pdf

Q5A. Who appointed the steering committee? (Updated 7/23/2018)

A. Council Member Gates appointed the PD No. 15 authorized hearing steering committee. Steering committee member contact information can be found at the following link:

<https://dallascityhall.com/government/citycouncil/district13/DCH%20documents/PD15/PD15%20Steering%20Committee%20July.pdf>

Q5B. How was the steering committee selected? (Updated 8/6/2018)

A. Council Member Gates appointed the steering committee to be representative of the authorized hearing area. Her rationale for steering committee selection included the following:

PD No. 15 contains six multifamily properties as regulated on the PD No. 15 development plan. The two high rise properties represent roughly 50% of the land mass of PD No. 15 and the four low rise complexes represent the other 50% of the land mass within PD No. 15. Council Member Gates appointed two representatives from each high-rise property and one representative from each low-rise property to equal the representation of land mass within PD No. 15. Additionally, because property owners outside of the authorized hearing area will be sent notice of the authorized hearing, Council Member Gates included two representatives from the closest adjacent areas to PD No. 15 and one representative from the closest single-family neighborhood to PD No. 15. Lastly, Council Member Gates appointed one representative with ownership in multiple properties in and around PD No. 15 to complete a well-rounded group whose interest would be impacted by any zoning changes to PD No. 15.

Q6. How can I voice my support or opposition for the proposed amendments?

A. Property owners within 200 feet from the area of request (PD No. 15) will receive notification of public hearing and a reply form in the mail to mark “support” or “oppose” in relation to the proposed re-zoning (See the Q&A below for the official reply form method for condominiums). Additionally, all citizens are welcome to attend the public hearing and speak in support or opposition of the proposed re-zoning and can send comments to staff for distribution to City Plan Commission.

Q7. How are reply forms for condominium individual owners tabulated?

A. Unless otherwise written into a condominium association’s by-laws, reply forms will be counted by the reply form from the governing body for a condominium association. The lot for the condominium complex will be shown as support or opposition per the governing body reply form.

Individual owners' reply forms will be provided to City Plan Commission but will not be shown on the map or list of respondents. Please reference Section 51A-4.701(g)(3)(C) for written protest procedures:

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$anc=JD_51A-4.701](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$anc=JD_51A-4.701)

Q7A. Do the written protest procedures as referenced in Q7 above apply to renters? (Updated 8/31/2018)

A. A reply form submitted by a renter within the area of request would not be counted in the official tally. Reply forms must be submitted by the property owner to be counted.

Q8. What is the percentage of replies needed to approve the amendments?

A. The amendments will be voted on by City Plan Commission and City Council. The reply forms are used to measure the support or opposition given by property owners for the proposed amendments. If ballots representing 20 percent or more of the land area within the area of request or within 200 feet from the area of request submit reply forms in opposition to the proposed amendments, a super majority or $\frac{3}{4}$ vote (12 affirmative votes) at City Council will be required to approve the amendments.

Q9. What happens if proposal is not approved?

A. The zoning will not change from what is currently existing.

Q10. Can a property owner submit an application for a zoning change while the authorized hearing process is in progress?

A. Yes, a property owner may submit an application for a zoning change at any time provided proper authorization is submitted.

Q11. What is proper authorization for a condominium complex?

A. The applicant must prove the authority to submit a zoning change application. It is presumed that 100% of the owners must give authorization. If the condominium by-laws specify a percentage less than 100%, verified letters of authorization and condominium association by-laws must be submitted with the application.

Q12. How will the Northwest Highway and Preston Road Area Plan affect these amendments?

A. Area 4 of the Northwest Highway and Preston Road Area Plan includes PD No. 15. The plan identifies issues, goals, and recommendations providing guidance for future land development for the Northwest Highway and Preston Road Area. Comprehensive Area Plans are adopted by City Council to establish land use and development policy in specific areas and are intended to guide future zoning and land development decisions.

Q12A. When did City Council approve the Northwest Highway and Preston Road Area Plan? (Updated 7/23/2018)

A. On January 25, 2017, City Council passed a resolution adopting the Northwest Highway and Preston Road Area Plan as a planning and implementation guide for future development in the

Northwest Highway and Preston Road community. The plan can be read in its entirety at the following link:

<https://dallascityhall.com/departments/pnv/Documents/NWHPreston%20Rd%20Area%20Plan.pdf>

Q12B. Where is the City Council approved version of the Northwest Highway and Preston Road Area Plan? (Updated 8/31/2018)

A. <http://citysecretary.dallascityhall.com/resolutions/2017/01-25-17/17-0243.pdf>

Q13. Where can interested parties view the ordinances and plans for PD No. 15? (Updated 7/23/2018)

A. The PD No. 15 file can be reviewed at the Current Planning office located at 1500 Marilla St. Room 5BN, Dallas, TX 75201. The codified version is available on the Dallas City Attorney's website at the following links:

PD No. 15 Ordinance: <http://www.dallascityattorney.com/51P/Article%2015.pdf>

PD No. 15 Exhibit A: <http://www.dallascityattorney.com/51P/Exhibits%202003/pd15/EX15a.pdf>

PD No. 15 Exhibit B: <http://www.dallascityattorney.com/51P/Exhibits%202003/pd15/EX15b.pdf>

Q14. Can the steering committee take into consideration financial viability of a development for the authorized hearing process? (Updated 7/23/2018)

A. The steering committee is tasked with formulating a zoning recommendation to CPC. Zoning and its regulations are used to determine appropriate land use, height, setbacks, lot size, density, etc. for an area and should be economically viable to ensure appropriate development occurs.

Q14A. Is there a baseline for what the City expects the economic limits are/will be on anything constructed? (Updated 7/23/2018)

A. No, the authorized hearing process is to determine appropriate zoning and development standards including but not limited to dimensional requirements, landscaping requirements, and use regulations.

Q15. What options are before the steering committee? (Updated 7/23/2018)

A. The steering committee is tasked with providing a zoning recommendation to the City Plan Commission. The steering committee can recommend specified amendments to the existing zoning or "no change" to the existing zoning. The steering committee recommendation is heard at the CPC public hearing for action. If the steering committee recommends "no change" to the existing zoning, the steering committee recommendation of "no change" still goes to CPC for action.

Q15A. What is the mandate and procedure of the steering committee? (Updated 7/23/2018)

A. Steering committee meetings will be held with staff to review the current zoning of the area, the intent or direction of possible changes, and to develop proposed zoning amendments.

Q15B. What are the limits on what the steering committee can recommend? (Updated 7/23/2018)

A. The authorized hearing process allows for any zoning related item to be recommended to City Plan Commission.

Q15C. What will be presented to the City Plan Commission and City Council? (Updated 8/31/2018)

A. The steering committee is tasked with formulating a zoning recommendation to the City Plan Commission. See Q15 for options for the steering committee recommendation. City Plan Commission will vote to approve, deny, or amend the recommendation of the steering committee. Staff may also make a recommendation to the City Plan Commission for consideration that is different from the steering committee recommendation. Recommendations from the steering committee, staff, and comments from the public will be considered by the City Plan Commission. The City Plan Commission recommendation will be heard at the City Council public hearing.

Q16. Where can I find information regarding other authorized hearing zoning cases? (Updated 7/23/2018)

A. Information regarding authorized hearings in progress or completed authorized hearings can be found at the following link:

<https://dallascityhall.com/departments/sustainabledevelopment/planning/Pages/Authorized-Hearings.aspx>

Q16A. Where can I find information on other zoning cases? (Updated 7/23/2018)

A. Information regarding zoning cases requested through the City of Dallas can be found at the following link: <https://developmentdata.dallascityhall.com/zoning/>

Q17. What is the disposition of rights to the additional 66 dwelling units? (Updated 7/23/2018) [Correction – 66 dwelling units changed from 60 dwelling units at last FAQ posting per 2017 Letter of Determination]

A. A property can request the additional 66 dwelling units through a zoning change which would be needed to be approved at City Plan Commission and City Council before a building permit for the additional 66 dwellings units would be issued. Please see the 2017 Letter of Determination for additional information at the following link:

https://dallascityhall.com/departments/sustainabledevelopment/planning/DCH%20Documents/authorized%20hearings/pdd15/CP_2017%20Letter%20of%20Determination_Max%20Density.pdf

Q17A. Why is a zoning change required to add the additional 66 dwelling units to one or more of the properties? (Updated 8/6/2018)

A. A zoning change is required to add additional dwelling units over the number of dwelling units shown on the development plan for each property. An increase in the number of dwelling units for a property would constitute a full zoning amendment.

Q18. Can permeable paving be recommended by the steering committee? (Updated 7/23/2018)

A. Yes, this can be discussed at the steering committee meetings and recommended if desired.

Q19. Who can authorize a hearing? When and where was this advertised? (Updated 7/23/2018)

A. A City Plan Commissioner or a City Council member can authorize a hearing with the approval of the majority at CPC or CC. Authorized Hearing authorizations are noticed in the newspaper as required by Section 51A-4.701(a)(1). Please reference the following link for the applicable section in the Dallas Development Code:

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$anc=JD_51A-4.701](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$anc=JD_51A-4.701)

Q20. When was the PD 15 authorized hearing authorized? (Updated 7/23/2018)

A. The PD No. 15 Authorized Hearing was authorized on September 7, 2017. The City Plan Commission meeting minutes can be found at the following link:

https://dallascityhall.com/government/meetings/DCH%20Documents/plan-commission/9-7-2017_CPC_FINAL_MINUTES.pdf

Q21. Was there a notice of the community meeting? (Updated 7/23/2018)

A. Yes, the community meeting notice was sent to all property owners within the authorized hearing area boundaries. Please reference the following link for the community meeting notice:

https://dallascityhall.com/departments/sustainabledevelopment/planning/DCH%20Documents/authorized%20hearings/pdd15/Notice.PD%2015%20community%20mtg_4-26-2018.pdf

Q22. What is the difference between the MF zoning districts? Which one does PD 15 fall under? (Updated 7/23/2018)

A. MF-1, MF-2, MF-3 are different multifamily zoning districts with varying levels of building intensities. PD No. 15 refers to MF-3 from Chapter 51. Please reference the yard, lot, and space chart provided at Steering Committee Meeting #2 at the following link:

https://dallascityhall.com/departments/sustainabledevelopment/planning/DCH%20Documents/authorized%20hearings/pdd15/YardLotSpace_ComparisonChart.pdf

Q23. Who can provide input to City Plan Commission and City Council on a zoning case? (Updated 8/6/2018)

A. The public, including property owners, developers, and other interested parties may submit input to City Plan Commission and City Council for consideration on a zoning case. Input can be in the form of a letter, an email, a conversation, or testimony at a public hearing.

Q24. When is the City Plan Commission public hearing scheduled for the PD No. 15 authorized hearing? (Updated 8/6/2018)

A. At the conclusion of the steering committee meetings and the final community meeting, the PD No. 15 authorized hearing recommendations will be scheduled for City Plan Commission.

Q25. Where can I find more information about Article X The Landscape and Tree Conservation Regulations? (Updated 8/6/2018)

A. On June 27, 2018, the City Council approved the amendments to Article X The Landscape and Tree Conservation Regulations which can be viewed at the following link:

https://dallascityhall.com/departments/sustainabledevelopment/planning/Pages/Article_X.aspx

Q26. Where can I find more information about the 2017 Bond program? (Updated 8/6/2018)

A. For more information about the 2017 Bond program and related infrastructure projects, please see the following links:

- 2017 Dallas Bond Program: <https://dallascityhall.com/departments/public-works/dallasbondprogram/Pages/default.aspx>
- 2017 Capital Bond Program Projects – Interactive Map: <http://gis.dallascityhall.com/propositions/index.htm>
- Pavement Condition Viewer: <http://gis.dallascityhall.com/pmp/index.htm>
- City of Dallas Existing Projects Viewer: <http://gis.dallascityhall.com/bond/index.htm>
- City of Dallas Needs Inventory: <http://gis.dallascityhall.com/needs/index.htm>

Q27. What is the role of District 13 City Plan Commissioner Margot Murphy in the steering committee meetings? (Updated 8/31/2018)

A. District 13 City Plan Commissioner Margot Murphy is the planning commission representative for Council Member Gates. The planning commission representative is not part of the decision-making process for the steering committee but typically attends the steering committee meetings to observe discussion and participate in discussion as needed.

Q28. What are the deed restrictions that exist on any/all properties within PD No. 15? Will the results of this hearing process or CPC rulings have any effect on deed restrictions? (Updated 8/31/2018)

A. There are currently no public deed restrictions in effect within PD No. 15.