



CITY OF DALLAS

**BOARD OF ADJUSTMENT, PANEL A
TUESDAY, SEPTEMBER 22, 2020
AGENDA**

BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

**Neva Dean, Assistant Director
Jennifer Muñoz, Chief Planner/Board Administrator
Oscar Aguilera, Senior Planner
LaTonia Jackson, Board Secretary**

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the August 18, 2020 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA190-080(OA)	3720 Walnut Hill Ln. REQUEST: Application of Taylor Tompkins for a special exception to the sign regulations	1
BDA190-084(OA)	5535 W. Lovers Ln. REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the sign regulations	2

BDA190-087(OA) 3305 Dilido Rd. 3
REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the parking regulations

BDA190-088(OA) 3205 Dilido Rd. 4
REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the parking regulations

REGULAR CASES

None

HOLDOVER CASES

BDA190-044(OA) 5500 Greenville Ave 5
REQUEST: Application of Brian Baughman for a special exception to the sign regulations

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

FILE NUMBER: BDA190-080

BUILDING OFFICIAL'S REPORT: Application of Taylor Tompkins for a special exception to the sign regulation at 3720 Walnut Hill Lane. This property is more fully described as Block 12/6178, and is zoned a CR Community Retail District, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation

LOCATION: 3720 Walnut Hill Lane

APPLICANT: Taylor Tompkins

REQUEST: A request for a special exception to the sign regulations is made to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses (multi-tenant).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:

Section 51A-7.304(b)(3) states that the Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the sign regulations to allow a non-monument sign within 250 feet of private property in a non-business zoning district since the basis for this type of appeal is when, in the opinion of the board, the special exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail District)
North: CR (Community Retail District)
South: R-7.5(A) (Single Family Residential District)
East: R-7.5(A) & R-10(A) (Single Family Residential Districts)
West: R-7.5(A) (Single Family Residential District) & NO (A) (Neighborhood Office District)

Land Use:

The site is developed with retail uses. The areas to the north are developed with commercial uses; the areas to the south, and east are developed with single family uses; the areas to the west are developed with single family and office uses.

Zoning/BDA History:

There have not been any related board or zoning cases in the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The request focuses on placing and maintaining a non-monument sign within 250 feet from residential property on a site developed with retail uses. This property is a shopping mall that was impacted by the tornado last year. The sign that displayed many of the businesses located at this shopping mall was destroyed by the tornado late last year. Since the applicant is modifying his detached multi-tenant sign, the applicant loses any nonconforming rights and is required to comply with the current code

The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.

The applicant has submitted a site plan and sign elevation. The site plan notes that the signboard of the proposed sign would be oriented to face northeast and northwest. The sign is visible to the non-business zoning district immediately to the east of the subject site.

The subject sign is located approximately 230 feet from the nearest residential lot located east of the subject site. The applicant is placing a new multi-tenant sign on two 24-inch aluminum pole covers with 10 by 0.365-inch pipes in order to advertise the retail tenants at the shopping mall.

In October of 2004, the sign regulations were amended in ways that added the provision the applicant is seeking an exception from – non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park more than one acre.

The applicant submitted a site plan and elevation document stating, among other things, that the proposed two-tenant sign will be a 200-square-foot illuminated LED cabinet.

The applicant has the burden of proof in establishing the following:

- That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

If the board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan

- a site plan that notes that the signboard of the proposed replacement sign would be oriented to face northeast and northwest of the subject site.

Staff does not recommend imposing any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

TIMELINE:

July 23, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

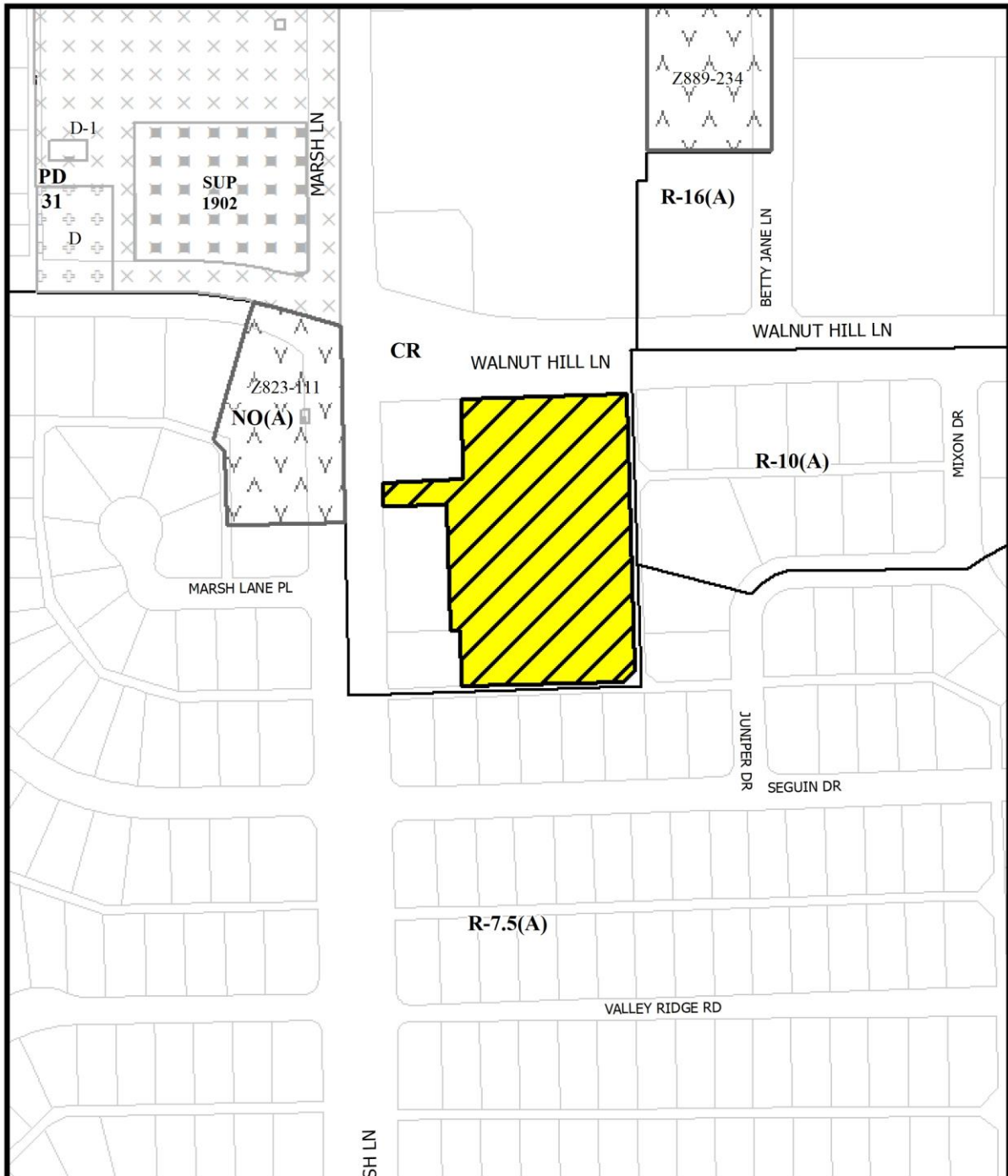
August 19, 2020: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.



1:2,400

ZONING MAP

Case no: BDA190-080

Date: 9/2/2020



1:2,400

AERIAL MAP

Case no: BDA190-080

Date: 9/2/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-080

Date: 6/24/2020 7-23-2020

Data Relative to Subject Property:

Location address: 3720 Walnut Hill Ln. Zoning District: CR

Lot No.: _____ Block No.: 12/6178 Acreage: 2.860 Census Tract: 94.01

Street Frontage (in Feet): 1) 40' 2) 255' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Zimmerman Enterprises, LLC

Applicant: Taylor Tompkins Telephone: 817-847-0571

Mailing Address: 2633 Blue Mound Rd. W. Haslet, TX Zip Code: 76052

E-mail Address: ttompkins@signrush.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of 35' over
all height ~~overall~~ multi tenant pylon sign.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

To allow a 35' over all height multi tenant pylon sign within the 250' distance of a non residential business district w private property.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

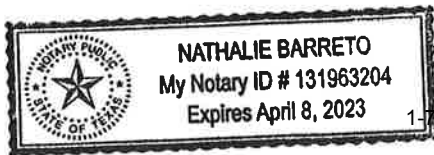
Before me the undersigned on this day personally appeared Taylor Tompkins
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 24th day of June 2020

(Rev. 08-01-11)



[Signature]
Notary Public in and for Dallas County, Texas



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-080

I, Michael Zimmermann, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3720 Walnut Hill Lane
(Address of property as stated on application)

Authorize: Taylor Tompkins / Willow Creek Signs Rep
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: To allow a 35' oak multi-tenant pylon sign that is only 20' within the 250' distance of a non residential business district or private property.

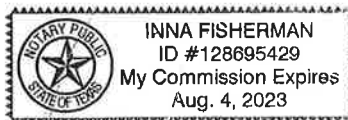
<u>Michael Zimmermann</u>	<u>[Signature]</u>	<u>6-18-20</u>
Print name of property owner/agent	Signature of property owner/agent	Date

Before me, the undersigned, on this day personally appeared _____

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

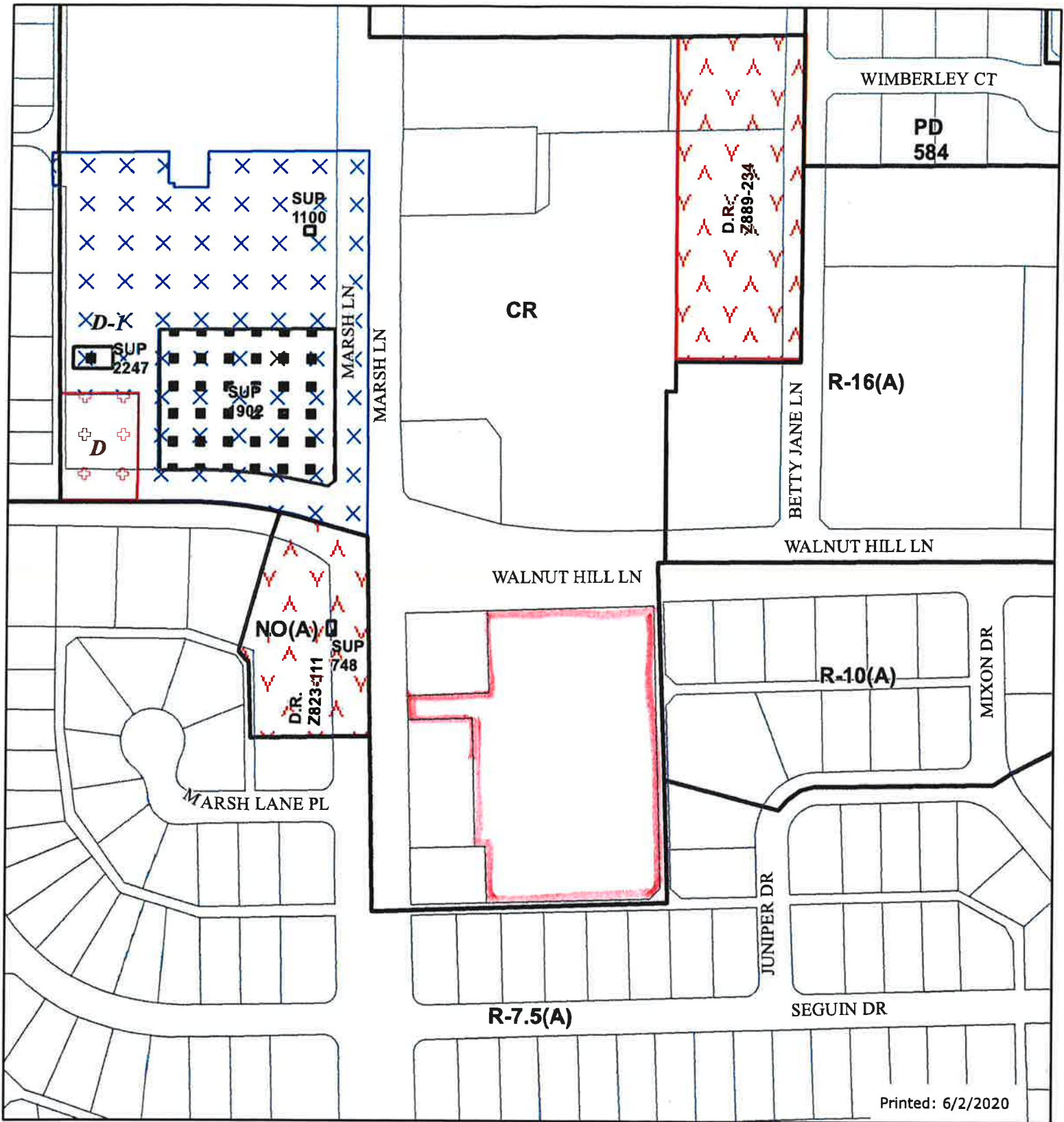
Subscribed and sworn to before me this 18 day of June, 2020

[Signature]
Notary Public for Dallas County, Texas



Commission expires on 8.04.2023





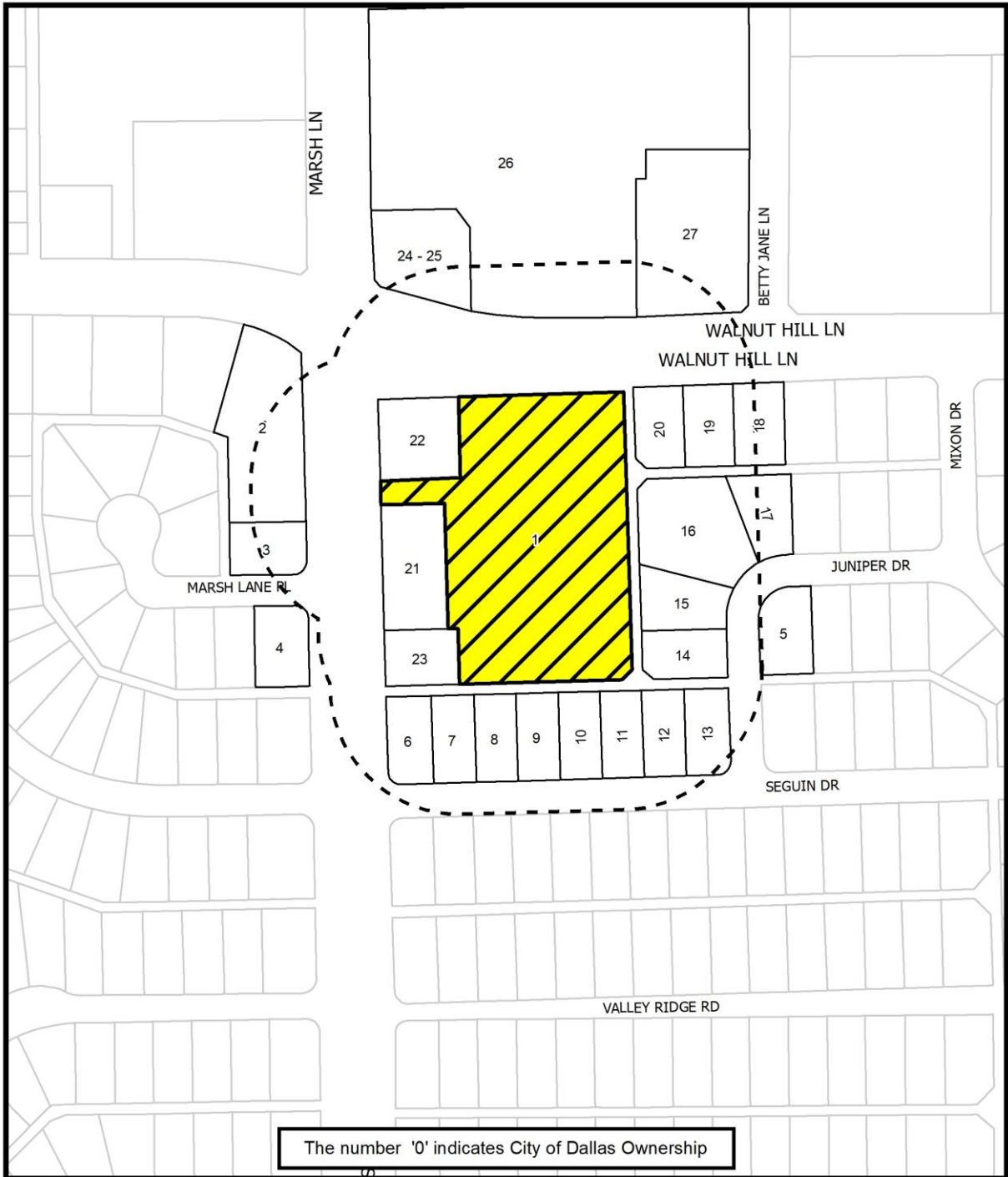
Printed: 6/2/2020

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 1-11 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)






 1:2,400

NOTIFICATION

200'	AREA OF NOTIFICATION
27	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-080**
 Date: **9/2/2020**

09/01/2020

Notification List of Property Owners

BDA190-080

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3720 WALNUT HILL LN	ZIMMERMANN ENTERPRISES LLC
2	9991 MARSH LN	BERMANI PROPERTIES LTD
3	9979 MARSH LN	PORRAS JOHN &
4	3632 MARSH LANE PL	BURT JOANN &
5	3750 JUNIPER DR	POWELL ALBERTA H
6	3705 SEGUIN DR	BEST CRAIG & FRANCES MELINDA
7	3709 SEGUIN DR	JAIMES FELIX & ISAURA
8	3715 SEGUIN DR	JAIMES FELIX
9	3719 SEGUIN DR	SUN JIE &
10	3725 SEGUIN DR	SIEMIET DAWN MARIE
11	3731 SEGUIN DR	DURAN PHILLIP
12	3737 SEGUIN DR	HUGGINS CAROLYN & JOHN ASHLEY
13	3741 SEGUIN DR	FRIEZE JACK W
14	3733 JUNIPER DR	EAB INVESTMENTS LLC
15	3737 JUNIPER DR	ANDERSON STEVEN &
16	3743 JUNIPER DR	MASTRANGELI MARK D
17	3747 JUNIPER DR	SCHIMMING VERNON &
18	3748 WALNUT HILL LN	RHEM BRITTNEY NOEL
19	3740 WALNUT HILL LN	BURGESS WESLEY W
20	3736 WALNUT HILL LN	BARRIOS RICHARDO J &
21	9976 MARSH LN	BERLIN RONALD P & GAIL M
22	9998 MARSH LN	ZRM LLC
23	9966 MARSH LN	PERFORMANCE RAL PROPERTIES LP
24	10002 MARSH LN	HOPKINS WALNUT HILL PLAZA LTD
25	10004 MARSH LN	CHEVRON USA INC
26	10020 MARSH LN	HOPKINS WALNUT HILL PLAZA LTD
27	3755 WALNUT HILL LN	IGLESIA CRISTIANA EMANUEL DIOS

FILE NUMBER: BDA190-084

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the sign regulations at 5535 W. Lovers Lane. This property is more fully described as Lot 4, Block1/5012, and is zoned a CR Community Retail District, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premise within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

LOCATION: 5535 W. Lovers Lane

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST: A request for a special exception to the sign regulations is made to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses (two prospective tenants).

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:

Section 51A-7.304(b)(3) states that the Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the sign regulations to allow a non-monument sign within 250 feet of private property in a non-business zoning district since the basis for this type of appeal is when, in the opinion of the board, the special exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community Retail District)
- North: R-7.5(A) (Single Family Residential District)
- South: CR (Community Retail District)
- East: CR (Community Retail District)
- West: CR (Community Retail District)

Land Use:

The site is being developed with retail uses. The areas to the north are developed with single family uses; the areas to the south, east and west are developed with retail uses.

Zoning/BDA History:

1. BDA190-063, Property located at 5535 W. Lovers Lane (subject property)

On June 23, 2020, the Board of Adjustment Panel A denied a request for a special exception to the sign regulations without prejudice.

The request was to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses (two prospective tenants).

2. BDA190-006, Property located at 5555 W. Lovers Lane (property located east of the subject site)

On January 21, 2020, the Board of Adjustment Panel A granted your request for a special exception to the sign regulations, subject to compliance with the submitted plan.

The request was to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses.

GENERAL FACTS/STAFF ANALYSIS:

The request focuses on placing and maintaining a non-monument sign within 250 feet from residential property on a site being developed with retail uses (two prospective tenants).

The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.

The applicant has submitted a site plan and sign elevation. The site plan notes that the signboard of the proposed sign would be oriented to face east and west. The sign is not visible to the non-business zoning district immediately north of the subject site. The site location was moved to the east side of the lot. Previously, the sign was proposed to be on the west side of the lot.

The subject sign is located approximately 200 feet from the nearest residential lot located north of the subject site. The applicant is placing a new two-tenant sign on a steel pipe (pole) in order to advertise these new retail tenants.

In October of 2004, the sign regulations were amended in ways that added the provision the applicant is seeking an exception from – non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park more than one acre.

The applicant submitted a revised site plan and elevation document stating, among other things, that the proposed two-tenant sign will be a 64-square-foot flag mount illuminated LED cabinet.

The applicant has the burden of proof in establishing the following:

- That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

If the board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan

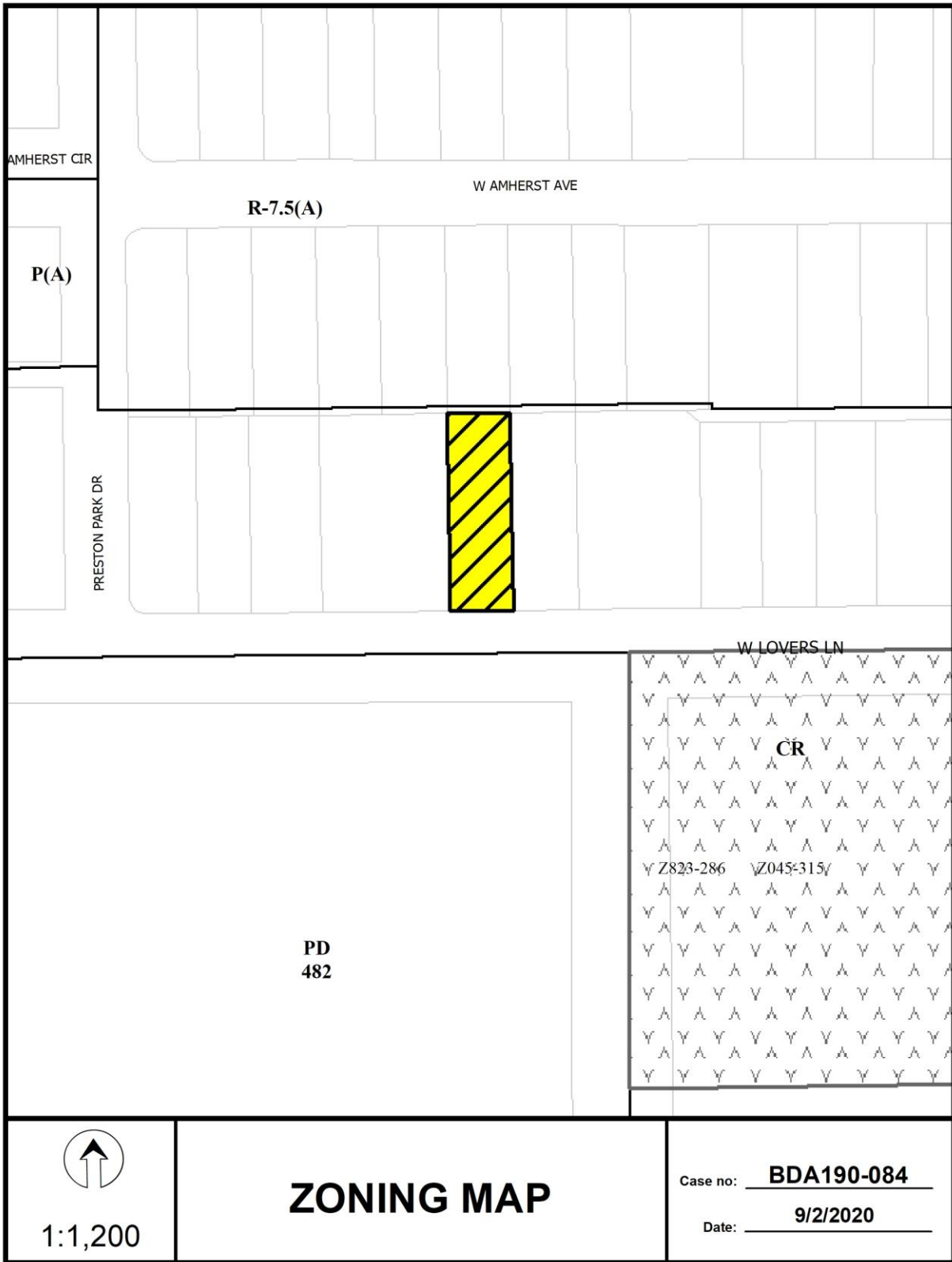
- a site plan that notes that the signboard of the proposed replacement sign would be oriented to face east and west, and not to the non-business zoning district immediately north of the subject site.

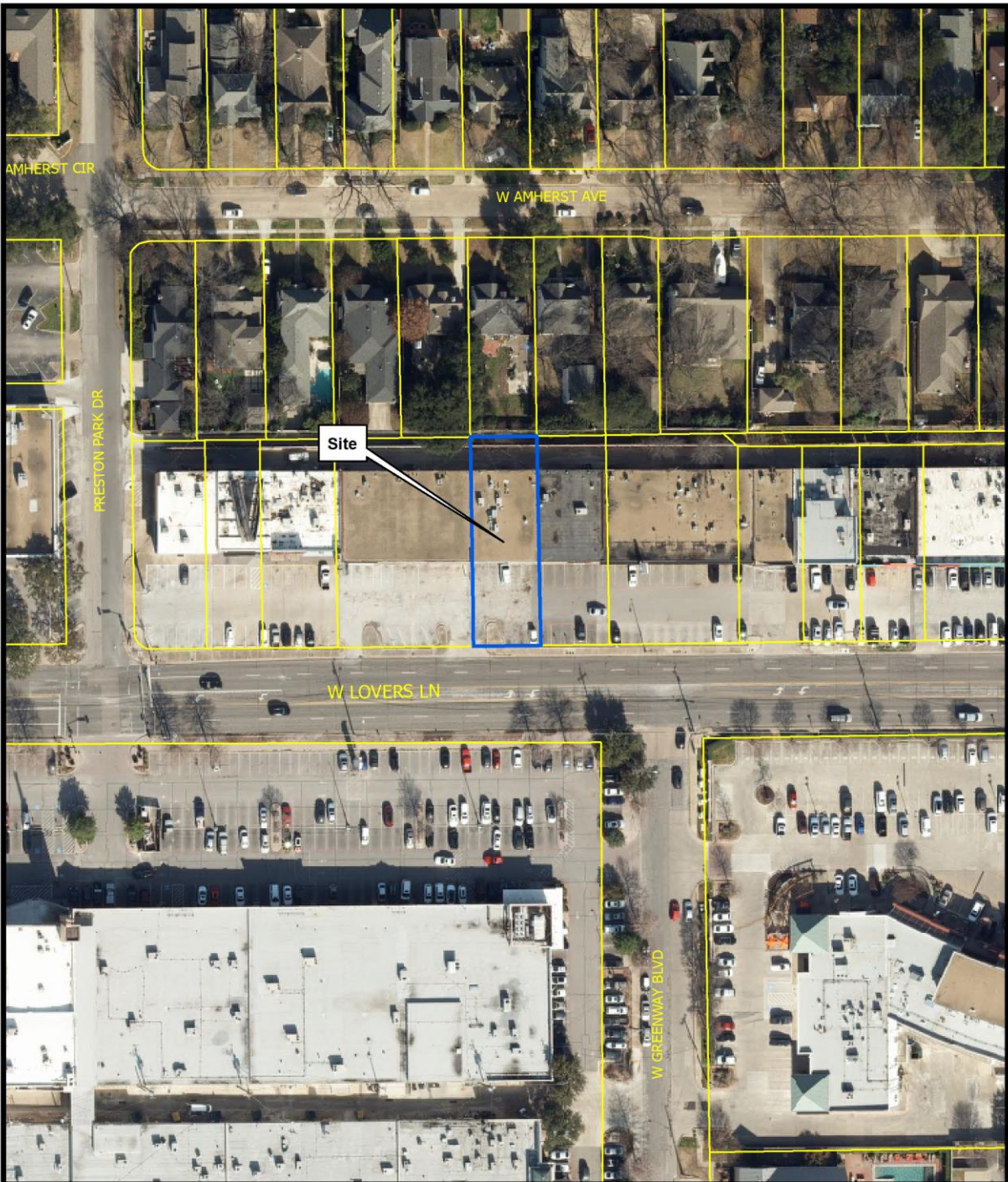
Staff does not recommend imposing any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

TIMELINE:

- July 28, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- August 19, 2020: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.





1:1,200

AERIAL MAP

Case no: BDA190-084

Date: 9/2/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-084

Date: 7-28-20

Data Relative to Subject Property:

Location address: 5535 W. Lovers Lane Zoning District: CR

Lot No.: 4 Block No.: 1/5012 Acreage: 0.18 acres Census Tract: 73.01

Street Frontage (in Feet): 1) 50 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Concord-Lovers Lane, LP

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of sign regulations to allow a pole sign on a property within 250 feet of a non-business sign district (51A-7.304(b)(3)).

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The proposed sign will not adversely affect neighboring property. The proposed sign will be located spaced apart from other existing pole signs within the retail shopping center.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

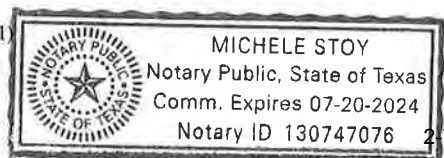
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 20 day of July, 2020

[Signature]
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a special exception to the sign regulations
at 5535 W Lovers Lane

BDA190-084. Application of BALDWIN ASSOCIATES for a special exception to the sign regulations at 5535 W LOVERS LN. This property is more fully described as Lot 4, Block 1/5012, and is zoned CR, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 190-084

I, Concord-Lovers Lane, LP, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5535 West Lovers Lane
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Allow for a pole sign within 250 feet of non-business sign district

Concord-Lovers Lane, LP
D. Carter Fournier, Jr
Print name of property owner or registered agent

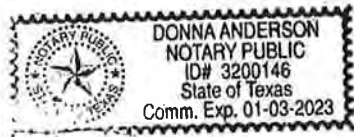
[Signature]
Signature of property owner or registered agent

Date July 20, 20

Before me, the undersigned, on this day personally appeared Carter Fournier

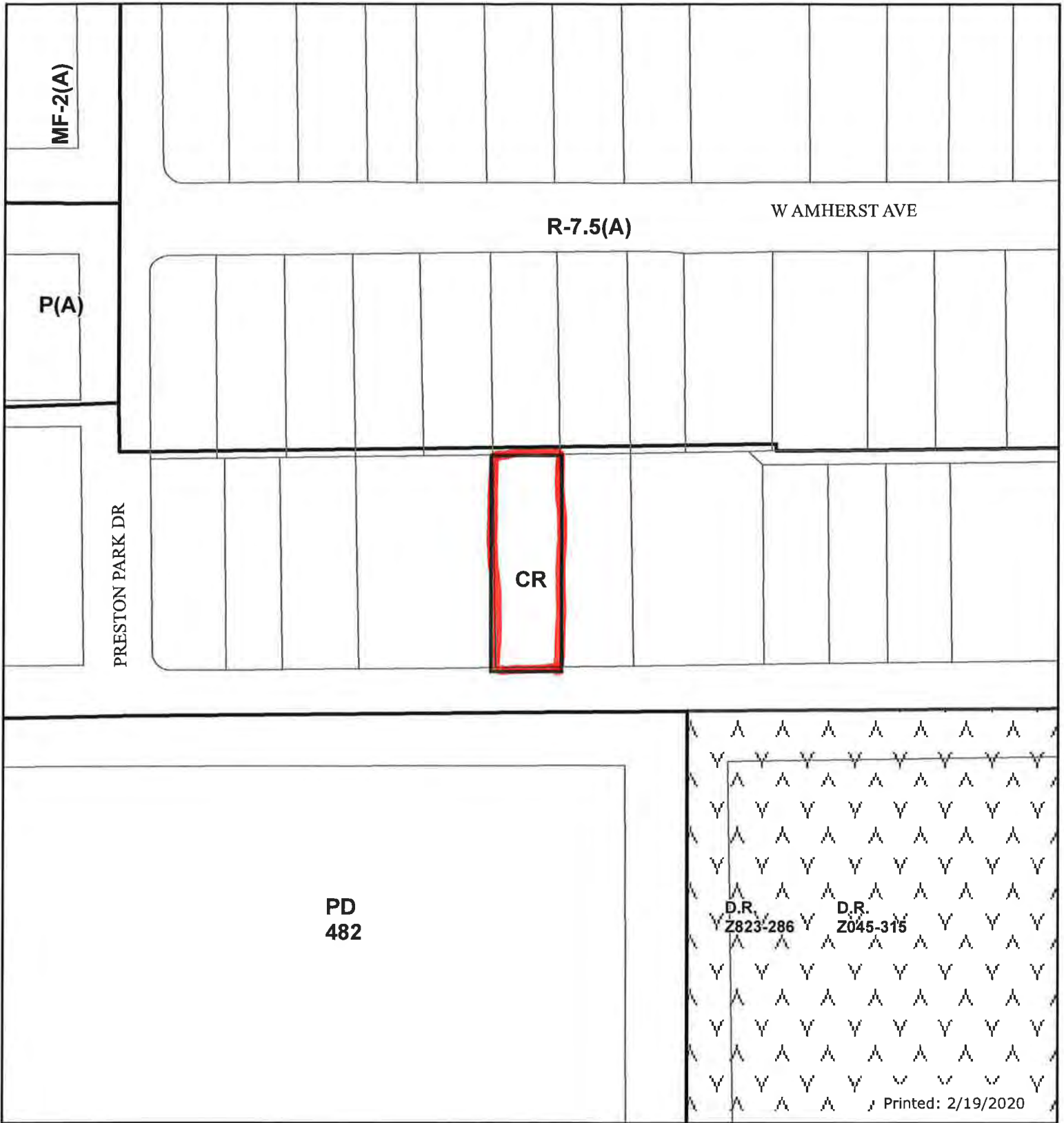
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 20 day of July, 2020



Donna Anderson
Notary Public for Dallas County, Texas

Commission expires on 1-3-2023



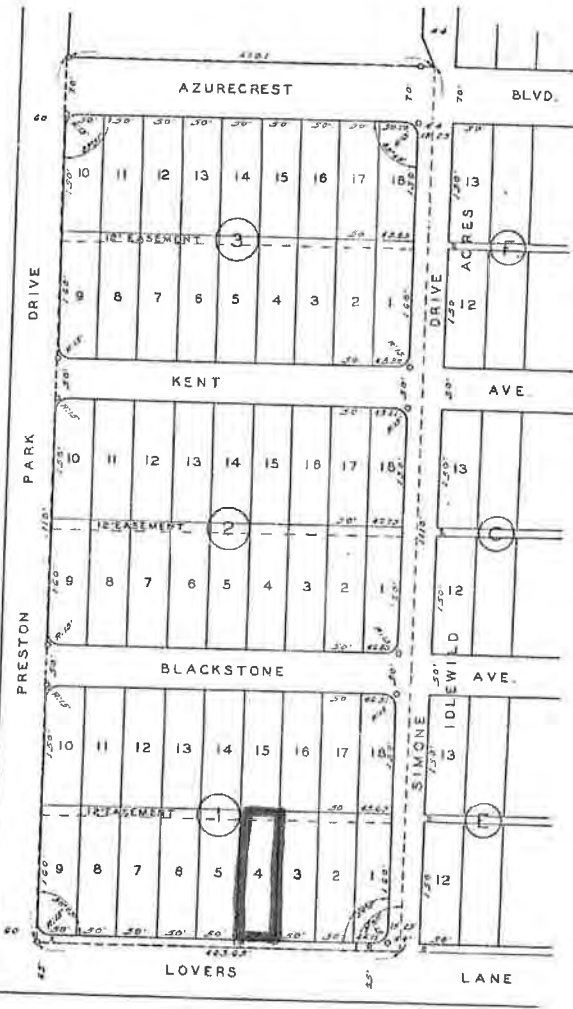
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | 2-10 |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



FILING PLAT
PRESTON PARK
 OUT OF A.J. MANNIN SUR.
 SIMONS - GRAHAM CORPORATION - OWNER
 KOCH & FOWLER ENGINEERS
 SCALE: 1"=100' FEB. 5, 1938



- 0-803 85 TO E. INWOOD ROAD



1938 -----Plat \$3.50
Feb. 1, 1938 \$3.00

SIMONS GRAHAM CORPORATION

TO.... Dedication

STATE OF TEXAS

PRESTON PARK ADDITION

COUNTY OF DALLAS

WHEREAS, the SIMONS-GRAHAM CORPORATION are the owners of a tract of land situated in the A. J. Mannin Survey, County of Dallas and more particularly described as follows:

BEGINNING at a point in the North line of LOVENS LANE 663.85 East of the East property line of INWOOD ROAD; said point being in the East line of a road 60 feet wide previously dedicated to the County;

THENCE in a North ealy direction 90 - 09 to the left from the North line of LOVENS LANE and along the East line of said 60 foot road a distance of 1110 feet to an iron pipe;

THENCE 90 - 09 to the right from the prolongation of the last described line a distance of 470.1 feet to a point in the West line of IDLEWILD ACRES Addition;

THENCE 90 - 11 to the right from the prolongation of the last described line and along the West line of IDLEWILD ACRES a distance of 1110 feet to the North line of LOVENS LANE;

THENCE 90 - 49 to the right from the prolongation of the last described line and along the North line of LOVENS LANE a distance of 463.85 feet TO THE POINT OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, we, SIMONS-GRAHAM CORPORATION do hereby adopt this plat designating the hereinabove described property as

PRESTON PARK ADDITION

to the city of Dallas, Texas, and, we do hereby dedicate to the PUBLIC USE FOREVER the streets and easements shown thereon.

WITNESS our hands at Dallas, Texas this the 5th day of Feb, 1938.

ATTEST: (J. S.)

SIMONS - GRAHAM CORPORATION.

E. ALLAN GRAHAM, Secretary.

A. P. SIMONS, President.

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared A. P. SIMONS, as President of Simons-Graham Corporation known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 5th day of Feb., 1938.

M. E. MOEHRTEN,

I. S.

Notary Public in and for Dallas County, Texas.

SURVEYOR'S CERTIFICATE.

KNOW ALL MEN BY THESE PRESENTS:

That we, KOCH AND FOWLER, do hereby certify that we prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under our personal supervision, in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Dallas, Texas.

KOCH AND FOWLER.
BY: J. D. Sandker,

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared J. D. SANDKER known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 5th day of Feb, 1938.

M. E. MOEHRTEN,

L. S.

Notary Public in and for Dallas County, Texas.

CERTIFICATE OF APPROVAL.

I, GEO. T. BURGESS, CHAIRMAN of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the attached plat was duly filed for approval with the City Plan Commission of the City of Dallas, on the 2nd day of February, A.D. 1938 and same was duly approved on the 3rd day of February A. D. 1938 by said Commission.

ATTEST: RUTH JORNING, Secretary.

GEO. T. BURGESS, Chairman.
CITY PLAN COMMISSION, Dallas, Texas.

FILED FOR APPROVAL this 2nd day of February 1938 at 9:30 o'clock A.M. CITY PLAN COMMISSION, Dallas, Texas. By: R. E. McVEY, City Plan Engineer.

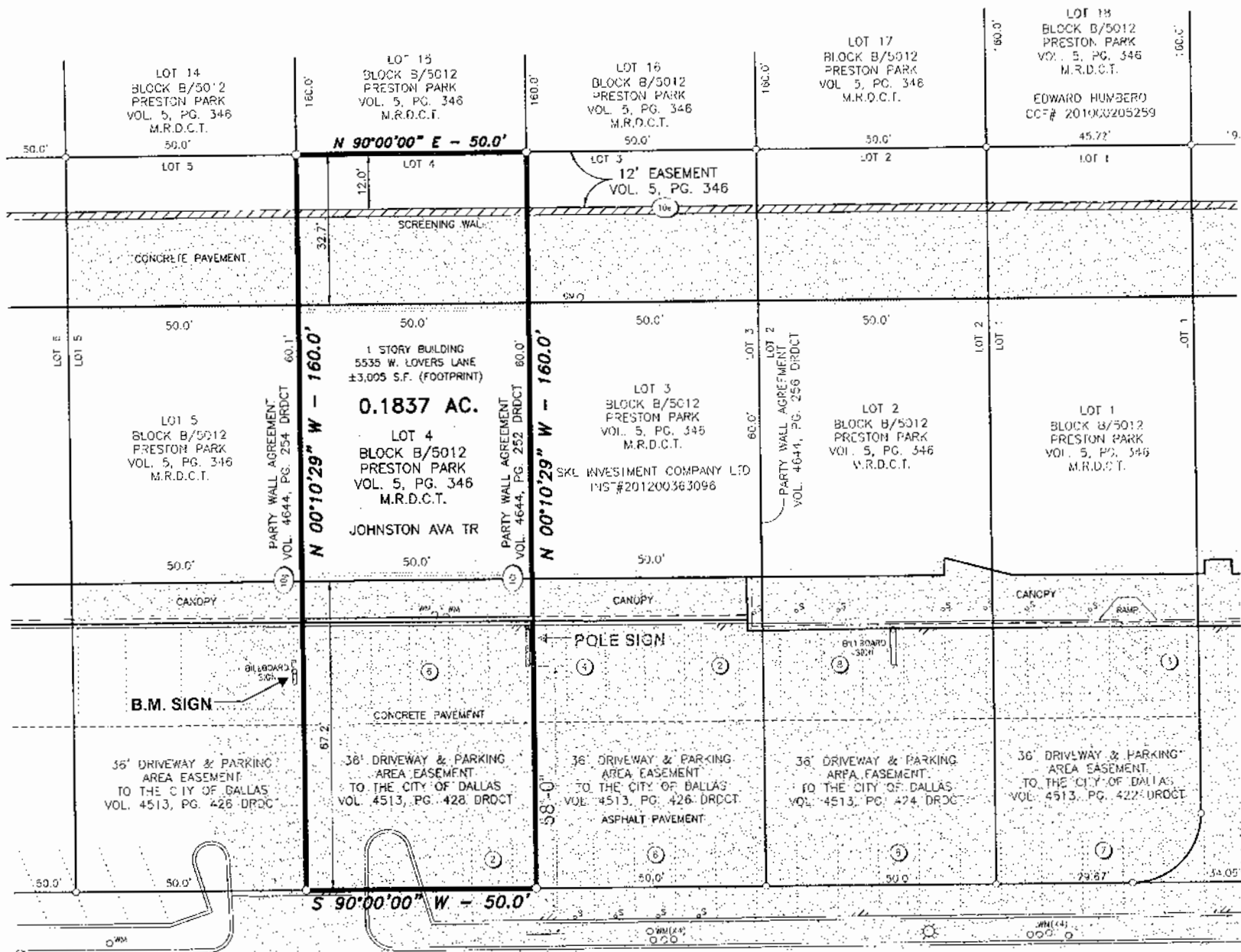
FILLED FOR RECORD FEBRUARY 5th, A.D. 1938 at 3:00 o'clock P.M. ED. H. STEGER, COUNTY CLERK,

BY: A. L. GIBBETT, DEPUTY,

RECORDED FEBRUARY 15th, A.D. 1938. ED. H. STEGER, COUNTY CLERK.

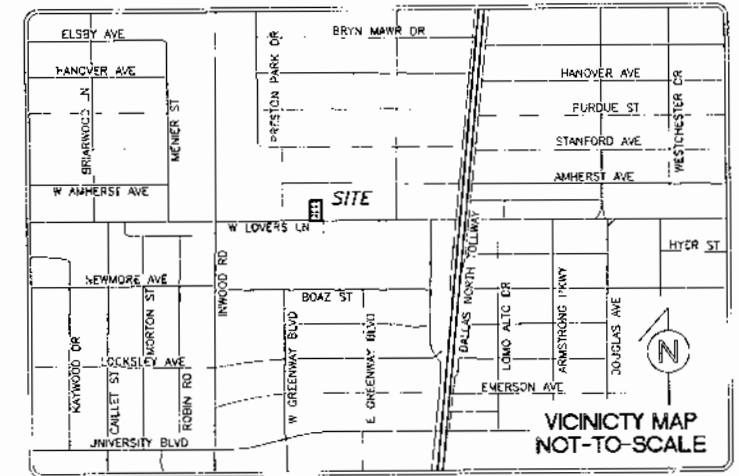
BY: Anne H. Whyte, Deputy.





WEST LOVERS LANE

GREENWAY BOULEVARD



LEGEND

- F.H. FIRE HYDRANT
- X*SET CHISELED "X" SET
- X*FND CHISELED "X" FOUND
- IRF IRON ROD FOUND (SIZE AS NOTED)
- IRS IRON ROD SET (SIZE AS NOTED)
- OP OVERHEAD UTILITY POLE W/ GUY
- SSWH SANITARY SEWER MANHOLE
- SMWH STORM SEWER MANHOLE
- WMH WATER MANHOLE
- CD SAN. SWR. CLEAN CUT
- GV GAS VALVE
- WV WATER VALVE
- WM WATER METER
- GM GAS METER
- EM ELECTRIC METER
- B BOLLARD
- SP SIGNAL POLE
- SB SIGNAL BOX
- SV SIGNAL VAULT
- EB ELECTRIC BOX
- EV ELECTRIC VALVE
- SS STREET SIGN
- CM CABLE MARKER
- CB CABLE BOX
- S SIGN
- CAS AUTO SPRINKLER
- TPAD TRANSFORMER PAD
- LIGHT POLE
- TITLE NO'L REFERENCE
- PARKING COUNT

ALTA/NSPS LAND TITLE SURVEY
5535 W. LOVERS LANE
LOT 4 - BLOCK B/5012
PRESTON PARK ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS



DATE: JANUARY 04, 2019
 5:14:50 PM
 12813 HIRSHY ROAD
 DALLAS, TEXAS 75248
 PHONE: 214-354-4072
 FAX: 214-354-4060

SCALE: 1/32" = 1'-0"

DATE	REVISIONS	NAME
2/14/20	REVISE POLE LOCATION & ADDED SITE PLAN	KD
4/7/20	REVISE RENDERING CLARITY CONCERNING POLE HEIGHT	KD
5/6/20	REVISE POLE HEIGHT TO 19FT - BOTTOM OF SIGN	KD
5/6/20	REVISE POLE HEIGHT TO 18FT 4IN - BOTTOM OF SIGN	KD
5/19/20	REVISE POLE TO SHOW FULL LENGTH	KD
7/01/20	REVISE POLE LOCATION TO RIGHT END OF SUITE	KD
7/07/20	REVISE POLE HEIGHT TO 19FT - BOTTOM OF SIGN	KD
7/15/20	PG 1 REVISE PEIR HOLE SIZE, PG 4 ADD ENGINEERING	KD

AUTHORIZATION	DATE
CLIENT	DATE
ACCOUNT EXECUTIVE	DATE
LANDLORD	DATE

This drawing is the exclusive property of Accent Graphics, Inc. and is the result of the original work of its employees. The plans are provided to your company for the sole purpose of considering the purchase of a sign manufactured by Accent Graphics, Inc. based on these plans OR the purchase of the plans and design concepts contained therein for manufacture elsewhere. Distribution or exhibition of the plans to anyone outside of your company or the use of the plans by others to manufacture or design a similar sign as displayed in the plans is expressly forbidden. In the event that such exhibition occurs, Accent Graphics will expect payment of a minimum \$2000 design fee in recompense for the time and effort entailed to produce the plans.

CLIENT CONCORD CAPITOL STORE # _____

INSTALLATION ADDRESS
5535 W. LOVERS LN. DALLAS, TX 75209

DESIGNER KD ACCOUNT EXECUTIVE J. MULDOON

DATE 1-23-2020 SHEET 3 OF 4 DESIGN # 20-125 REV-9

Gerber FILE = 1-2020-Jobs\X\X\X\Production\Jobs\X
 Corel FILE = 1-2020-Jobs\X\X\X\Drawings\20-

accent signs graphics

COMPLETE SIGN SERVICE & FABRICATION

523 E. ROCK ISLAND GRAND PRAIRIE, TX 75050 TOLL FREE (800) 810-3044 METRO (972) 399-0333 FAX (972) 986-4456

EMAIL j.muldoon@accentgraphicsinc.com WEBSITE www.accentgraphicsinc.com FAX (800) 810-3045

* MANUFACTURE & INSTALL QTY: (1) 12" DEEP
D/F FLAG MOUNTED ILLUMINATED POLE SIGN



STOREFRONT ELEVATION W/ D/F POLE SIGN

Scale: 1/8" = 1'-0"

EXISTING CONDITION



EXISTING CONDITION



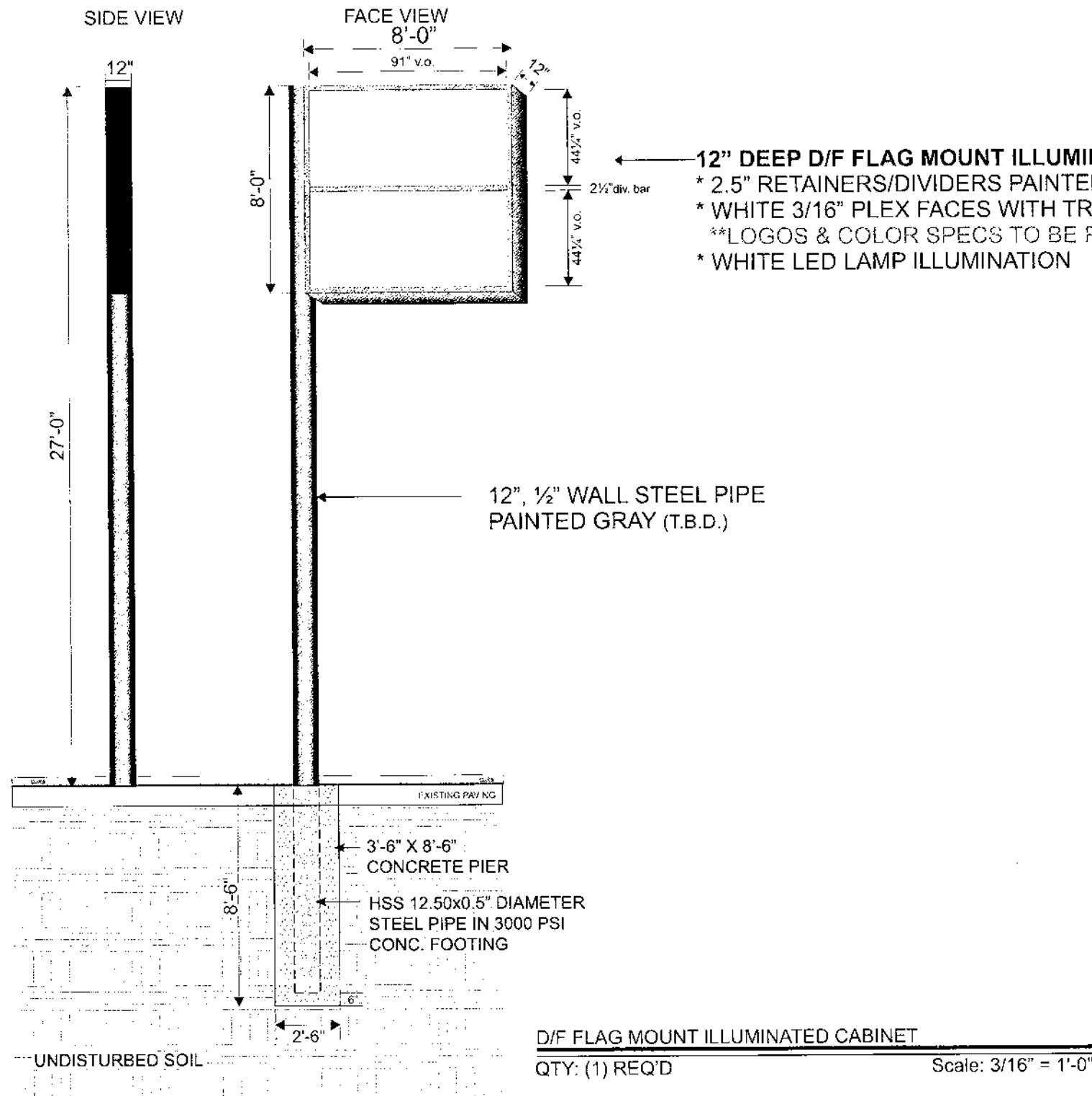
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LOCATION VIEWS



NTS



NTS

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INSTALLATION ADDRESS _____

5535 W. LOVERS LN. DALLAS, TX 75209

DESIGNER KD ACCOUNT EXECUTIVE J. MULDOON

DATE 1-23-2020 SHEET 1 OF 4 DESIGN # 20-125 REV-9

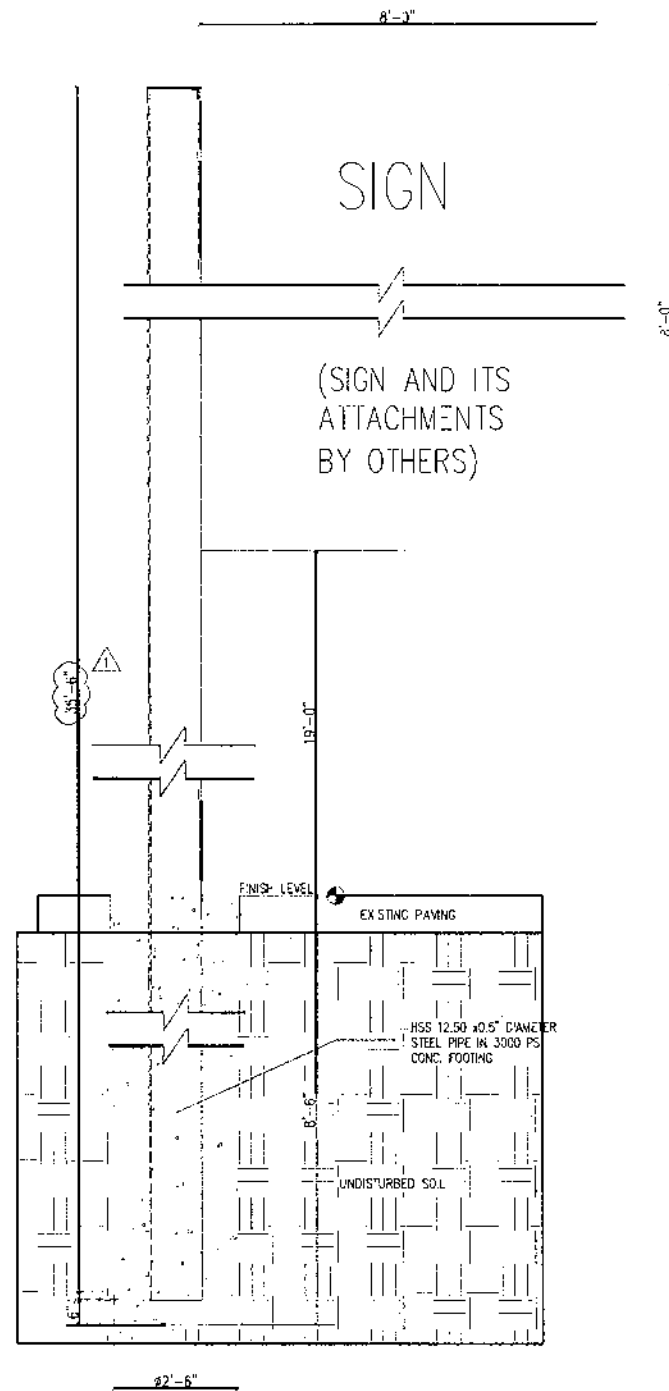
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1 SIGN FOOTING DETAIL
3/4" = 1'-0"

DESIGN POLE FOOTING (IBC 2015 1807.3.2.1)

$$d = \begin{cases} \frac{A}{2} \left[1 + \sqrt{1 + \frac{4.36h}{A}} \right] & \text{for nonconstrained} \\ \sqrt{\frac{4.25Ph}{bS_y}} & \text{for constrained} \end{cases} = 8.163 \text{ ft}$$

Where $P = V_{max} = 1.82$ kips
 $A = 2.34P / (b S_y) = 2.08$
 $h = M_{max} / V_{max} = 21.87$ ft

DESIGN

- A. INTERNATIONAL BUILDING CODE 2015
- B. WIND LOAD DESIGN CRITERIA:
 BASIC WIND SPEED, V_{3S} 115 MPH (3 SEC. GUST)
 WIND EXPOSURE CATEGORY C
 RISK CATEGORY II

STRUCTURAL STEEL

- A. ALL STRUCTURAL STEEL SHALL BE DESIGNED, FABRICATED AND ERECTED IN ACCORDANCE WITH THE LATEST SPECIFICATIONS OF THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION.
- B. STRUCTURAL STEEL SHALL CONFORM TO:
 HOLLOW STRUCTURAL SECTION - PIPE (HSS)..... ASTM A53, GRADE B
- C. FIELD CONNECTIONS MAY BE WELDED OR BOLTED AT THE CONTRACTOR'S OPTION UNLESS NOTED OTHERWISE. BOLTS SHALL CONFORM TO ASTM A325/F1852. ALL WELDING SHALL BE IN ACCORDANCE WITH AWS D1.1-77. WELDING ELECTRODES SHALL BE EXACT UNLESS OTHERWISE NOTED.
- D. ALL EXPOSED STRUCTURAL STEEL SHALL BE WATERED, WELDED WITH WATERPROOF CONNECTIONS AND GROUND SMOOTH. USE GALVANIZED METAL OR A THICK COAT OF RED OXIDE PRIMER AND A THICK COAT OF MATTHEWS INDUSTRIAL BLACK PAINT ON ALL EXPOSED SURFACES.

CONCRETE:

- A. CONCRETE WORK SHALL BE EXECUTED IN STRICT ACCORDANCE WITH THE LATEST AMERICAN CONCRETE INSTITUTE (ACI 318).
- B. CONCRETE SPECIFICATIONS SHALL BE AS FOLLOWS:

28 DAY STRENGTH	AGGREGATE	SLUMP
3,000 PSI	H.R.	3" - 5"

PORLAND CEMENT SHALL CONFORM TO ASTM C 150.
 AGGREGATE SHALL CONFORM TO ASTM C-33 (H.R.). ALL CONCRETE SHALL BE PROPORTIONED TO HAVE A MAXIMUM WATER/CEMENT RATIO 0.55.
- C. SEE ARCHITECTURAL AND MECHANICAL PLANS FOR VERIFICATION OF ALL DEPRESSIONS, OPENINGS, CAST-IN-PLACE ACCESSORIES, ETC.
- D. JOB SITE CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE FABRICATION OF MATERIALS.

HUDSON LOCKETT III, ARCHITECT
 6116 NORTH CENTRAL EXPRESSWAY SUITE 110
 DALLAS, TEXAS 75206-5101
 214-559-2095 hudson@hudsonlockett.com

PROPOSED RETAIL CENTER FACADE ALTERATION FOR:
LOVERS LANE CENTER
 5535 LOVERS LANE DALLAS, TEXAS



ISSUE DATES	STRUCTURAL ENGINEERING & DETAILING, LLC 1804 LAKESHORE CRT. IRVING, TEXAS
02/12/20 FOR PERMIT	
07/15/20 REVISION	

S-1

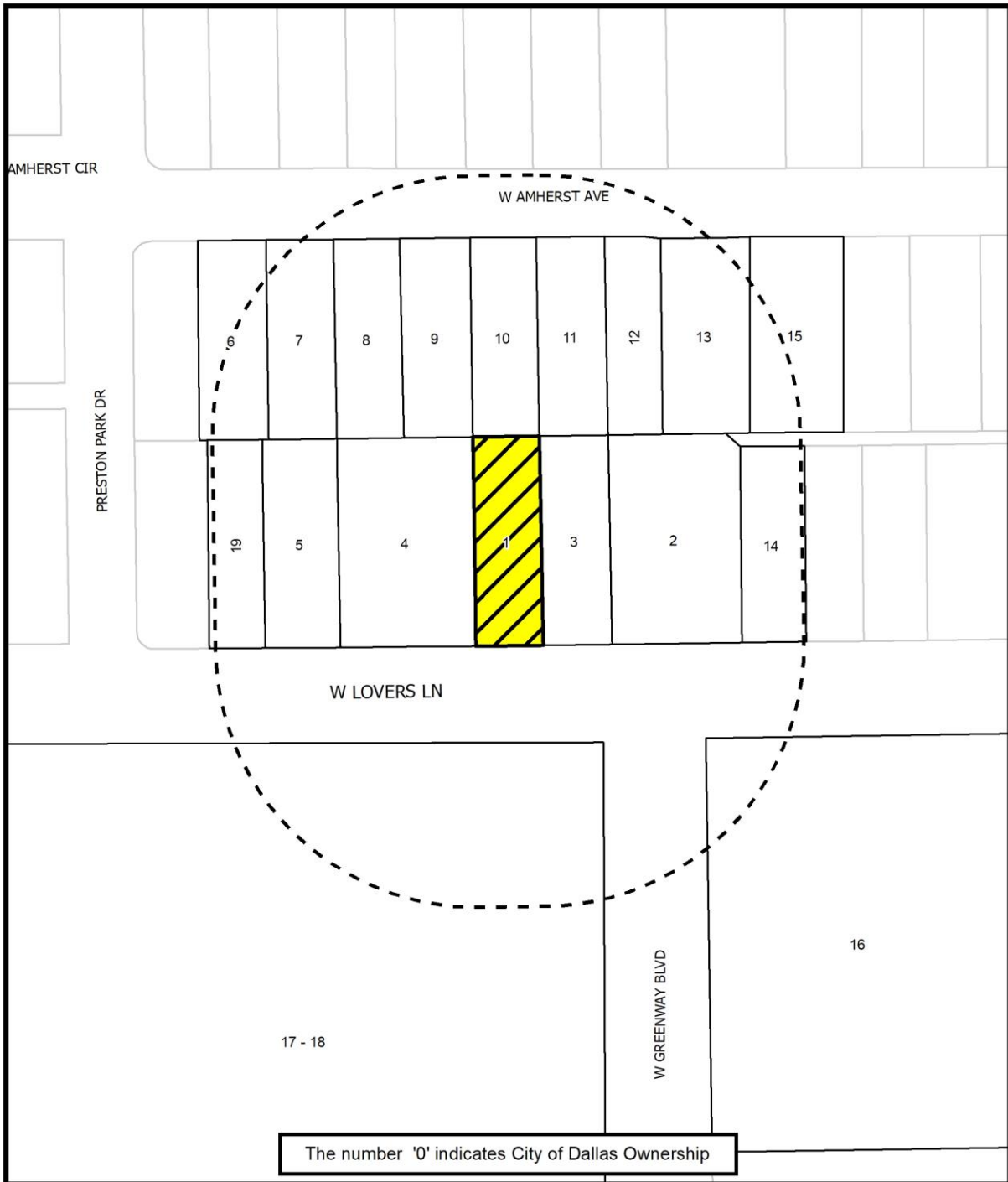
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5/6/20	REVISE POLE HEIGHT TO 19FT - BOTTOM OF SIGN	KD	ACCOUNT EXECUTIVE DATE
5/6/20	REVISE POLE HEIGHT TO 18FT 4IN - BOTTOM OF SIGN	KD	LANDLORD DATE
5/19/20	REVISE POLE TO SHOW FULL LENGTH	KD	ALL CHANGES MUST BE INITIALED BY CLIENT AND ACCOUNT EXECUTIVE ON FINAL APPROVED PRINT.
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5535 W. LOVERS LN. DALLAS, TX 75209
 DESIGNER KD ACCOUNT EXECUTIVE J. MULDOON
 DATE 1-23-2020 SHEET 4 OF 4 DESIGN # 20-125 REV-9
 Gerber FILE = 1-2020-Jobs\X\X\X\Production\Jobs\X
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1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

19

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-084**

Date: **9/2/2020**

09/02/2020

Notification List of Property Owners

BDA190-084

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5535 W LOVERS LN	JOHNSTON AVA TR
2	5555 W LOVERS LN	SHERRY LANE INV INC
3	5541 W LOVERS LN	SKL INVESTMENT COMPANY LTD
4	5525 W LOVERS LN	DORCO RLTY CO
5	5519 W LOVERS LN	JLE RICHARDSON HTS LTD
6	5506 W AMHERST AVE	ANDERSON JAMES CHRISTOPHER &
7	5510 W AMHERST AVE	TRAEGER JOHN W
8	5514 W AMHERST AVE	SHUFORD KATHI K & SCOTT H
9	5518 W AMHERST AVE	ALEXANDER RESIDENCE TRUST
10	5522 W AMHERST AVE	SCOGGINS JOHN &
11	5526 W AMHERST AVE	BOULAS H JAY
12	5530 W AMHERST AVE	CULBERTSON JUDY BROADFOOT
13	5534 W AMHERST AVE	ARRIETA EDWARD HUMBERTO
14	5567 W LOVERS LN	BOSWELL MARY U
15	5600 W AMHERST AVE	BUFKIN THOMAS D JR &
16	5600 W LOVERS LN	PAVILION ON LOVERS LN LP
17	5300 W LOVERS LN	L&B DEPP INWOOD VILLAGE
18	5458 W LOVERS LN	L&B DEPP INWOOD VILLAGE
19	5509 W LOVERS LN	5509 LOVERS LANE PROPERTIES LLC

FILE NUMBER: BDA190-087(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the parking regulations at 3305 Dilido Road. This property is more fully described as Lot 4, Block 7374, and is zoned an MU-1 Mixed Use District, which requires parking to be provided. The applicant proposes to maintain an existing nonresidential structure for a retirement housing use, and provide 100 of the required 131 parking spaces, which will require a 31 space special exception (24 percent reduction) to the parking regulation.

LOCATION: 3305 Dilido Road

APPLICANT: Baldwin Associates Represented by Rob Baldwin

REQUEST:

A request for a special exception to the off-street parking regulations of 31 spaces is made to maintain a retirement housing use and provide 100 of the 131 off-street parking spaces required by code.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements

under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or

- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 31 spaces shall automatically and immediately terminate if and when the retirement housing use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that the applicant meets the standards established by Section 51A-4.311.

BACKGROUND INFORMATION:

Zoning:

Site: MU-1 (Mixed Use District)
North: MU-1 (Mixed Use District) & CR (Community Retail District)
South: LO-1 (Limited Office District)
East: LI (Light Industrial District)
West: R-7.5(A)(Single Family District)

Land Use:

The subject site serves as a retirement house use and assisting living facility. The areas to the south, east, and north are developed with industrial and commercial uses; the area to the west is developed with single family uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the off-street parking regulations of 31 spaces focuses on constructing and maintaining a retirement housing use and providing 100 of the 131 off-street parking spaces required by code.

Chapter 51A-4.209 (5.2) retirement housing requires the following off-street parking requirement:

- (A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a “convalescent and nursing homes, hospice care, and related institutions” use, which is defined as a separate main use in Section 51A-4.204(8).
- (B) Districts permitted: By right in CH, multifamily, central area, and mixed-use districts. By SUP only in townhouse and urban corridor districts.
- (C) Required off-street parking: One space per dwelling unit or suite.

The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections.

The applicant has the burden of proof in establishing the following:

- The parking demand generated by the proposed hotel use does not warrant the number of off-street parking spaces required, and
- The special exception of 31 spaces (or a 24 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the board were to grant this request and impose the condition that the special exception of 31 spaces shall automatically and immediately terminate if and when the retirement housing use changes or discontinues, the applicant would be allowed to maintain the structures on the site with this specific use with the specified square footage, and provide 100 of the 131 code required off-street parking spaces.

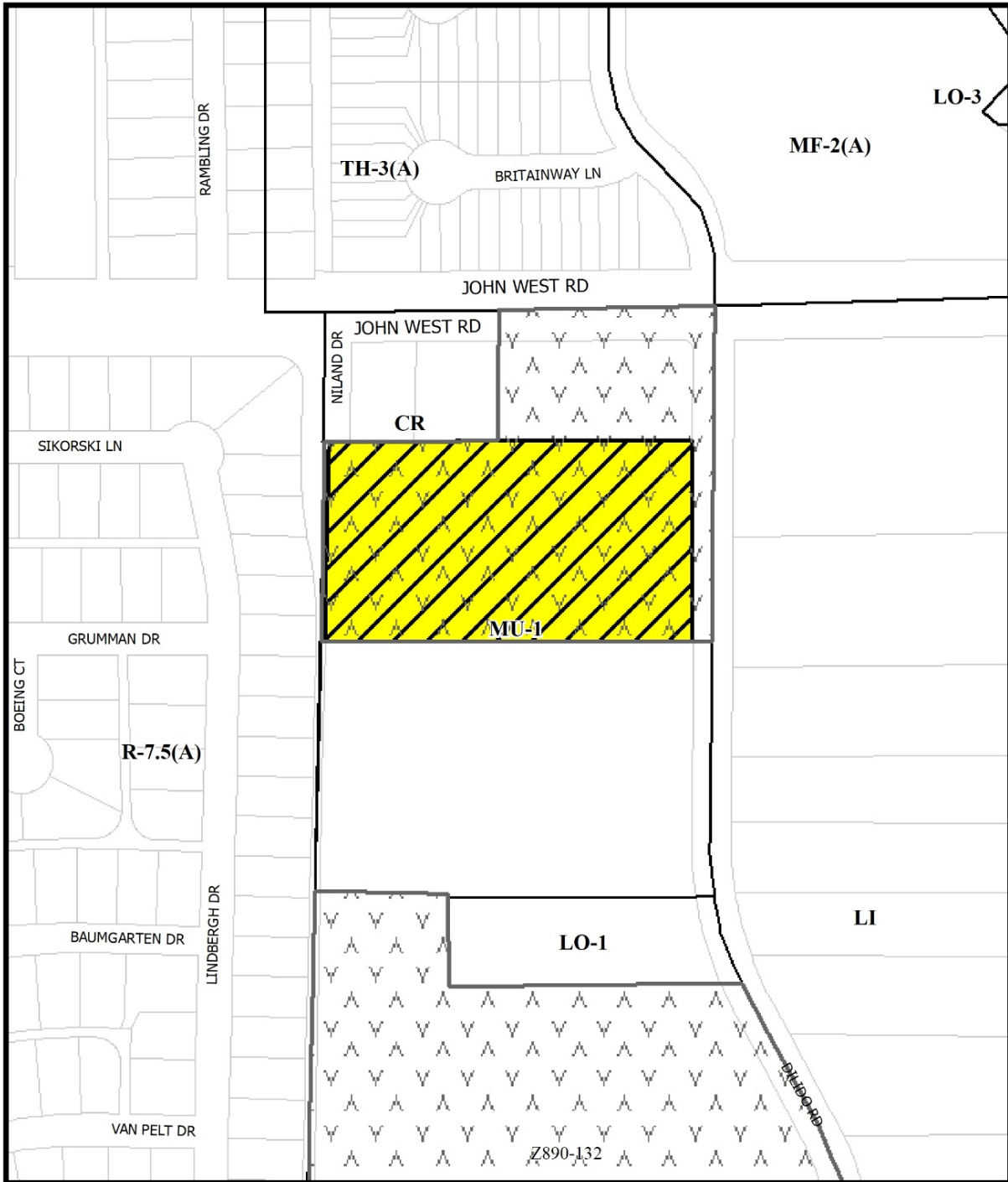
Timeline:

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- August 18, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel A.
- August 20, 2020: The Board Senior Planner emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
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September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

September 4, 2020: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “Recommends Approval”.



1:2,400

ZONING MAP

Case no: BDA190-087

Date: 9/2/2020



1:2,400

AERIAL MAP

Case no: BDA190-087

Date: 9/2/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-087

Data Relative to Subject Property:

Date: July 29, 2020

Location address: 3305 Dilido Rd Zoning District: MU 1

Lot No.: 4 Block No.: 7374 Acreage: 1.02 acres Census Tract: 122.11

Street Frontage (in Feet): 1) 319 ft 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): HILLVIEW HEALTH HOLDINGS LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of parking of 31 spaces (24%)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property was constructed as retirement housing in 1987 on Lot 4 and convalescent & nursing home in 1996 on Lot 5. The parking for Lot 5 is all provided on Lot 4. The use on Lot 5 was converted to retirement housing in 2016 but all of the permits were issued under Lot 4 only. The properties have been operating as 170 units of retirement housing since 2016 and operate sufficiently with providing 130 parking spaces. The property is on a DART bus route line and the facility also provides shuttle service for residents.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of August, 2020



[Signature] Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a special exception to the parking regulations
at 3305 Dilido Road

BDA190-087. Application of BALDWIN ASSOCIATES for a special exception to the parking regulations at 3305 DILIDO RD. This property is more fully described as Lot4, Block 7374, and is zoned MU-1, which requires parking to be provided. The applicant proposes to maintain an existing nonresidential structure for a retirement housing use, and provide 100 of the required 131 parking spaces, which will require a 31 space special exception (24% reduction) to the parking regulation.

Sincerely,


David Session, Building Official

August 10, 2020

Parking analysis and permit history summary for 3205 and 3305 Dilido Drive

Land use: Retirement Housing, total 170 units cumulative. Lot 4/3305 Dilido has 131 units and Lot 5/3205 Dilido has 39 units.

All of the parking for Lot 5 is located on Lot 4. Remote parking agreement provided when Lot 5 was developed in 1996.

Parking spaces provided: 130 per site plan

Parking required: 1 per unit, 170 required

Parking deficiency: 40 or 23.5%

Retirement housing parking requirement today: 1 per dwelling unit (*170 spaces required*)

Retirement housing parking requirement before 2012: 0.7 spaces per dwelling unit or suite plus 1:300 sf of floor area not in a dwelling unit or suite (*91 spaces for 130 units and 30 for other floor area (9,000 sf) or about 0.93 spaces per unit*)

Convalescent or nursing home parking requirement: 0.3 spaces per bed (*9 spaces required*)

The properties have been operating as a 170 unit retirement housing use since 2016.



AFFIDAVIT

Appeal number: BDA 190-087

I, HILLVIEW HEALTH HOLDINGS LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3205 & 3305 DILIDO DRIVE
(Address of property as stated on application)


Authorize: ROB BALDWIN, BALDWIN ASSOCIATES
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: PARKING

Hillview Health Holdings, LLC
Print name of property owner or registered agent


Signature of property owner or registered agent
David Sedgwick, as Vice President of Operations of
Hillview Health Holdings, LLC

Date July, 2020

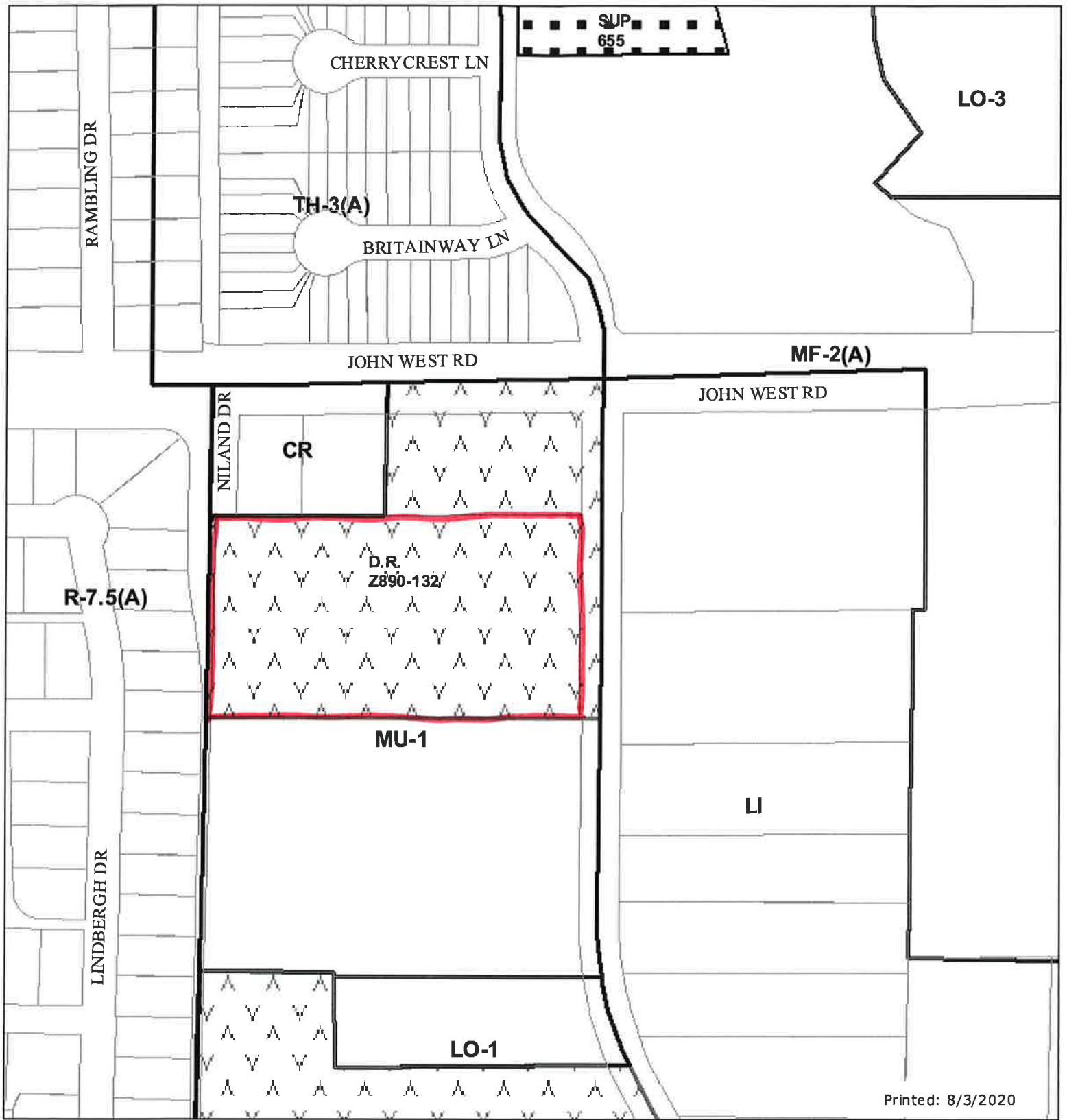
Before me, the undersigned, on this day personally appeared See attached

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public for Dallas County, Texas

Commission expires on _____



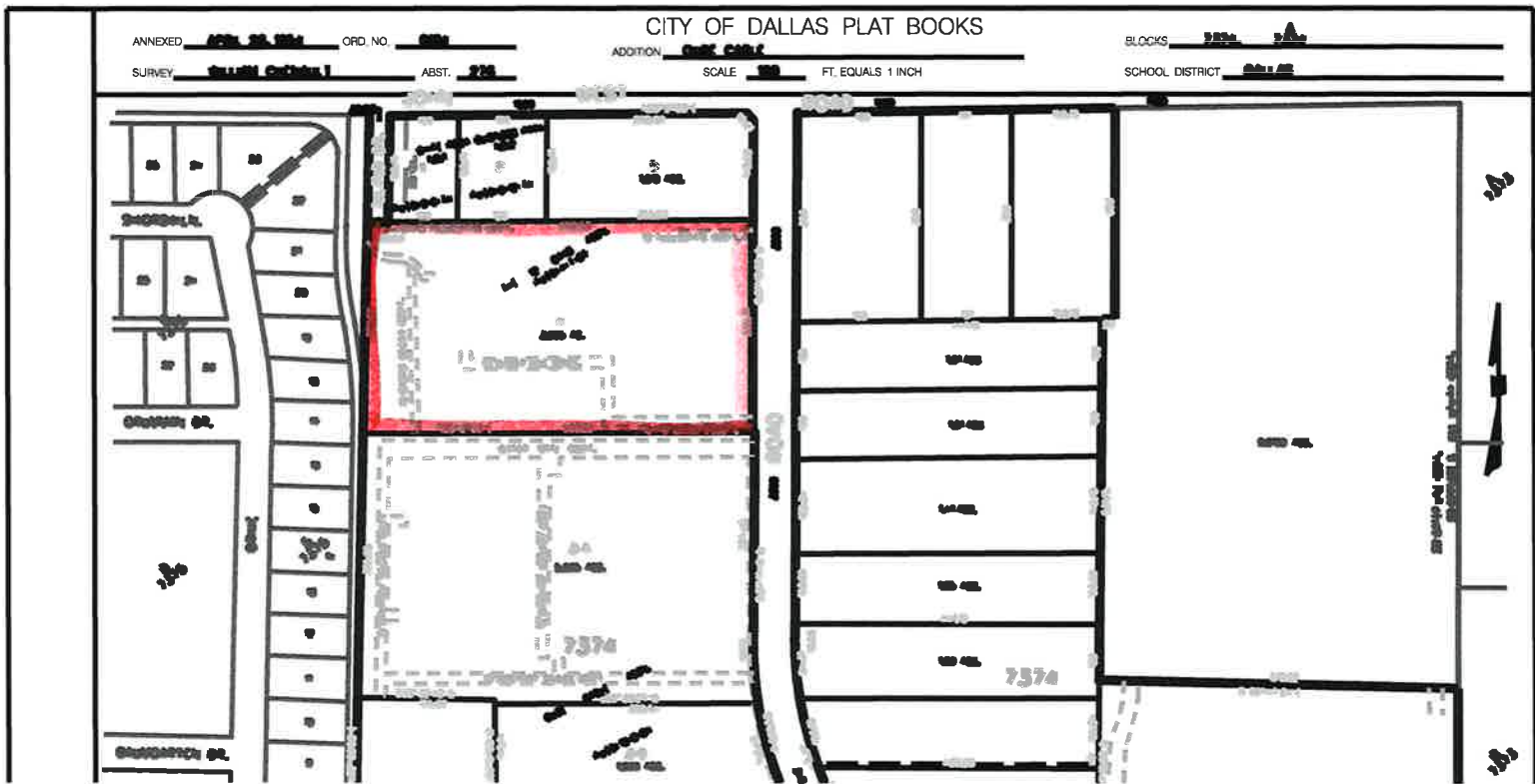
Printed: 8/3/2020

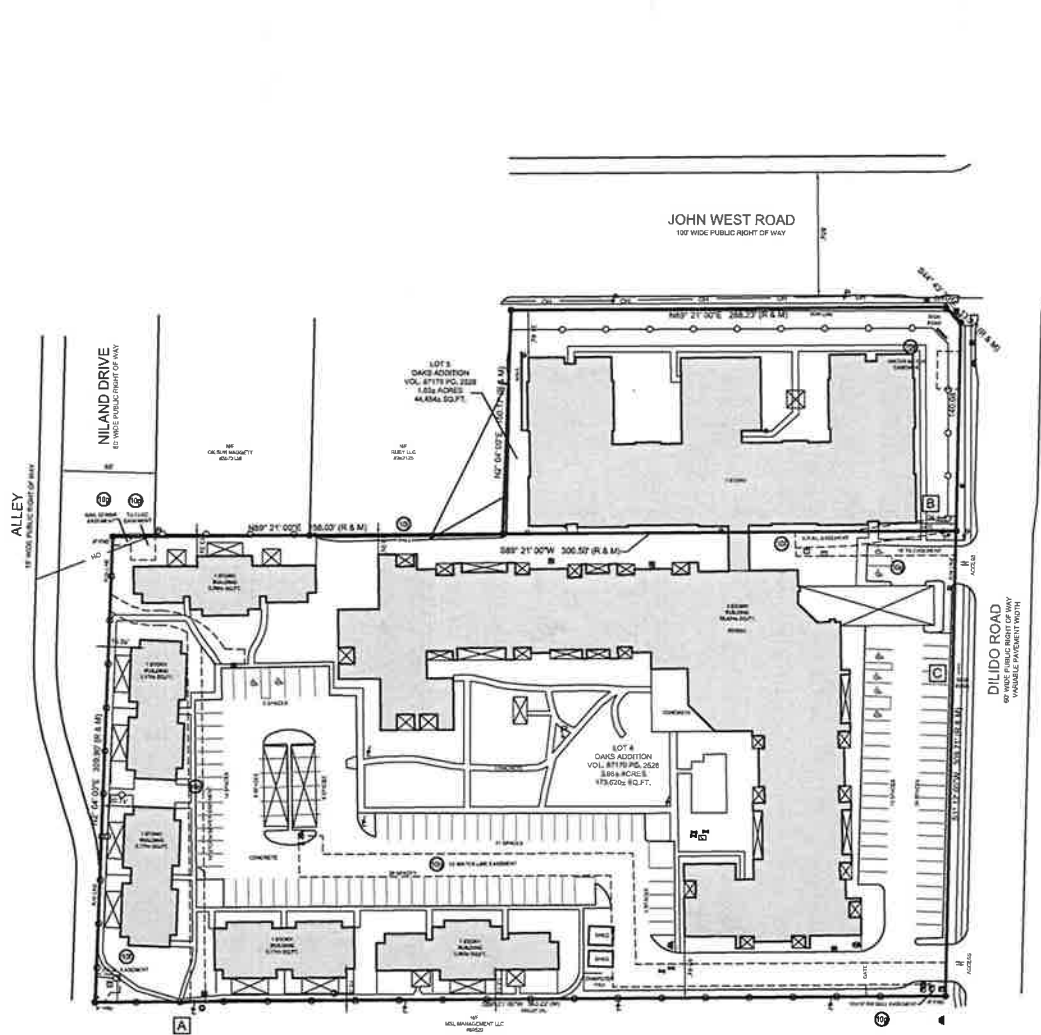
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
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| Parks | SUP | Historic Overlay | Shop Front Overlay 3-13 |
| | | Height Map Overlay | |

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LEGEND OF SYMBOLS & ABBREVIATIONS

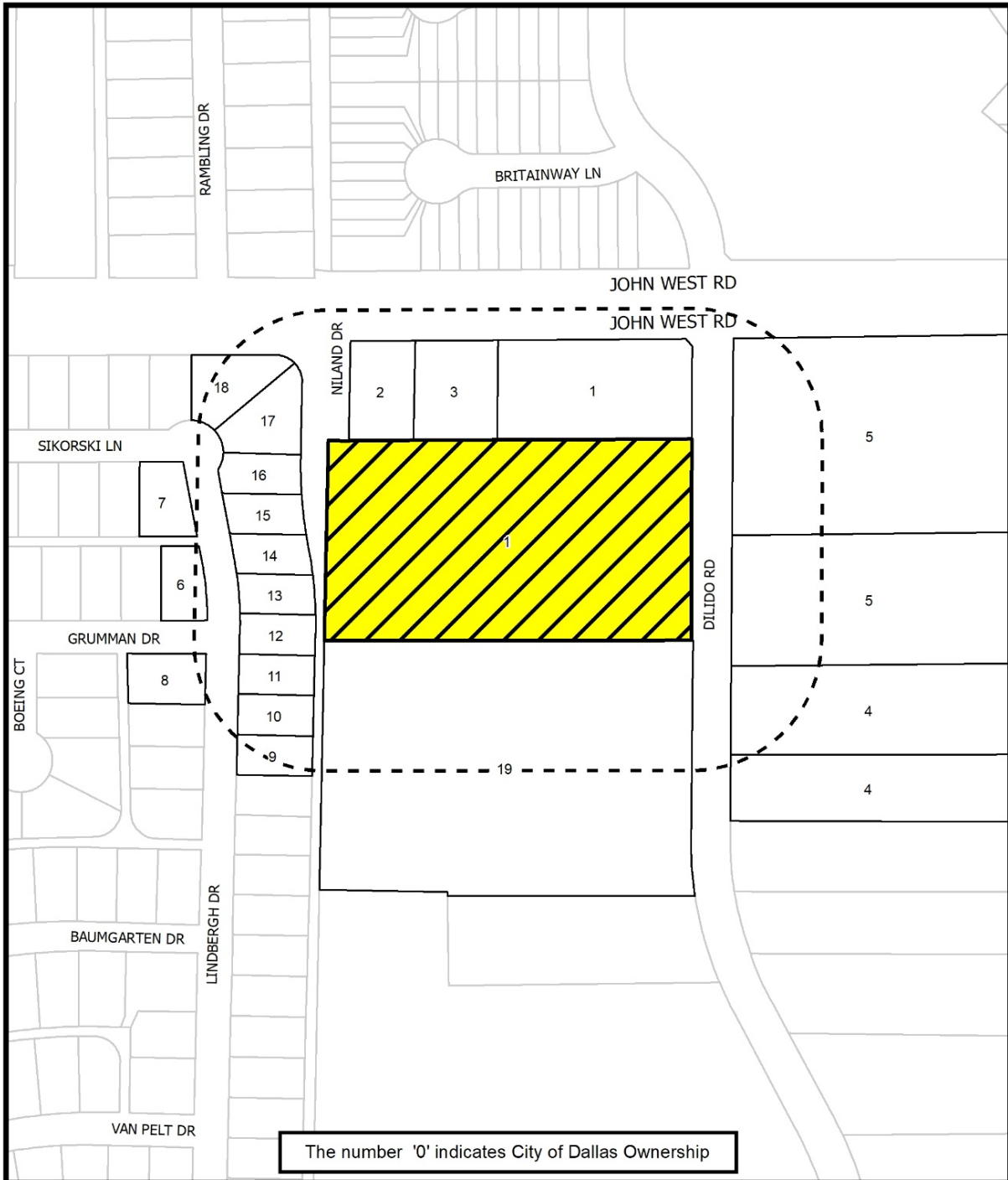
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|---|----------------------|-------------------------|
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| LIGHT POLE | SIGNAL LIGHT POLE | CLEAN OUT |
| GUY WIRE | SIGNAL LIGHT | GAS MANHOLE |
| ELECTRIC MANHOLE | VALVE | GAS VALVE |
| ELECTRIC METER | SIGN (AS NOTED) | GAS METER |
| ELECTRIC VAULT | TOWER | MANHOLE/ WELL ELEVATION |
| TRANSFORMER | MONITORING WELL | MITERED END SECTION |
| AIR CONDITIONER UNIT | FLAG POLE | BENCHMARK |
| TELEPHONE MANHOLE | WATER VALVE | RECORD |
| TELEPHONE PEDESTAL | FIRE HYDRANT | MEASURED |
| CABLE BOX | REVERSE FIRE HYDRANT | CALCULATED |
| STORM DRAIN MANHOLE | WATER MANHOLE | VOLUME |
| STORM DRAIN INLET | BACKFLOW PREVENTER | PAGE |
| STORM PIPE | WATER METER | OFFICIAL RECORD |
| GREASE TRAP | WELL HEAD | FLAT BOOK |
| AS REBAR WITH BC CAP SET UNLESS OTHERWISE NOTED | POINT OF ACCESS | CORRUGATED METAL PIPE |
-
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|------------------|-----------------------------|
| OVERHEAD WIRES | UNDERGROUND ELECTRICAL LINE |
| GAS LINE | WATER LINE |
| STORM DRAIN LINE | SEWER LINE |
| FENCE | OVERHANG/GANDY |




SHEET 3 OF 3

ALTA/NSPS LAND TITLE SURVEY
 PREPARED FOR
LAKELAND HILLS SENIOR
 DATE OF FIELD SURVEY: MAY 4, 2020
 NETWORK PROJECT NUMBER: 202001678-001 REV
1-(800)-SURVEYS (787-8397)
 TRANSACTION SERVICES
www.brockandsons.com mapstoboy@brockandsons.com www.NIV5.com

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-087**
 Date: **9/2/2020**

09/02/2020

Notification List of Property Owners

BDA190-087

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3305 DILIDO RD	HILLVIEW HEALTH HOLDINGS LLC
2	1516 JOHN WEST RD	OK SUN BAGGETT
3	1518 JOHN WEST RD	RUBY RS LLC
4	3320 DILIDO RD	MAYFLOWER HERITGE LLC
5	3300 DILIDO RD	GERBER PROPERTIES LTD
6	8621 GRUMMAN DR	CALLAHAN MATTHEW
7	8622 SIKORSKI LN	ROSA GUILLERMO & CHELSEY
8	2801 LINDBERGH DR	STONE JACOB & CHANTEL
9	2806 LINDBERGH DR	HOUGHTON RYAN SCOTT &
10	2804 LINDBERGH DR	MATTHEWS JOHN L &
11	2802 LINDBERGH DR	LOPEZ RAFAEL CRUZ & MARIA G
12	2712 LINDBERGH DR	NUNEZ RUDOLPHO
13	2710 LINDBERGH DR	MATHEW ALEX & SARAMMA REVOCABLE LIVING TRUST
14	2708 LINDBERGH DR	PEREZ MARIBEL
15	2706 LINDBERGH DR	SHAYMAN ANDREW
16	2704 LINDBERGH DR	ALAMO SANTOS & ALEJANDRA
17	2702 LINDBERGH DR	AGUILAR SALVADOR & PILAR
18	8625 SIKORSKI LN	MCKAY WILLIAM &
19	3309 DILIDO RD	MSL MANAGEMENT LLC

FILE NUMBER: BDA190-088(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the parking regulations at 3205 Dilido Rd. This property is more fully described as Lot 5, Block 7374, and is zoned an MU-1 Mixed Use District, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a retirement housing use, and provide 30 of the required 39 parking spaces, which will require a nine-space special exception (23 percent reduction) to the parking regulation.

LOCATION: 3205 Dilido Road

APPLICANT: Baldwin Associates Represented by Rob Baldwin

REQUEST:

A request for a special exception to the off-street parking regulations of 9 spaces is made to maintain a retirement housing use and provide 30 of the 39 off-street parking spaces required by code.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements

under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or

- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of nine spaces shall automatically and immediately terminate if and when the retirement housing use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that the applicant meets the standards established by Section 51A-4.311.

BACKGROUND INFORMATION:

Zoning:

Site: MU-1 (Mixed Use District)
North: TH-3(A) (Townhouse District)
South: LO-1 (Limited Office District)
East: LI (Light Industrial District)
West: CR (Community Retail District)

Land Use:

The subject site serves as the retirement house use and assisting living facility. The area to the south, east, and north are developed with industrial and commercial uses; the areas to the west are developed with single family residential.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the off-street parking regulations of nine spaces focuses on constructing and maintaining a retirement housing use and providing 30 of the 39 off-street parking spaces required by code.

Chapter 51A-4.209 (5.2) retirement housing requires the following off-street parking requirement:

- (A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a “convalescent and nursing homes, hospice care, and related institutions” use, which is defined as a separate main use in Section 51A-4.204(8).
- (B) Districts permitted: By right in CH, multifamily, central area, and mixed-use districts. By SUP only in a townhouse and urban corridor districts.
- (C) Required off-street parking: One space per dwelling unit or suite.

The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections”.

The applicant has the burden of proof in establishing the following:

- The parking demand generated by the proposed hotel use does not warrant the number of off-street parking spaces required, and
- The special exception of 31 spaces (or a 24 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the board were to grant this request and impose the condition that the special exception of nine spaces shall automatically and immediately terminate if and when the retirement housing use change or discontinue, the applicant would be allowed to maintain the structures on the site with these specific use with the specified square footage, and provide 30 of the 39 code required off-street parking spaces.

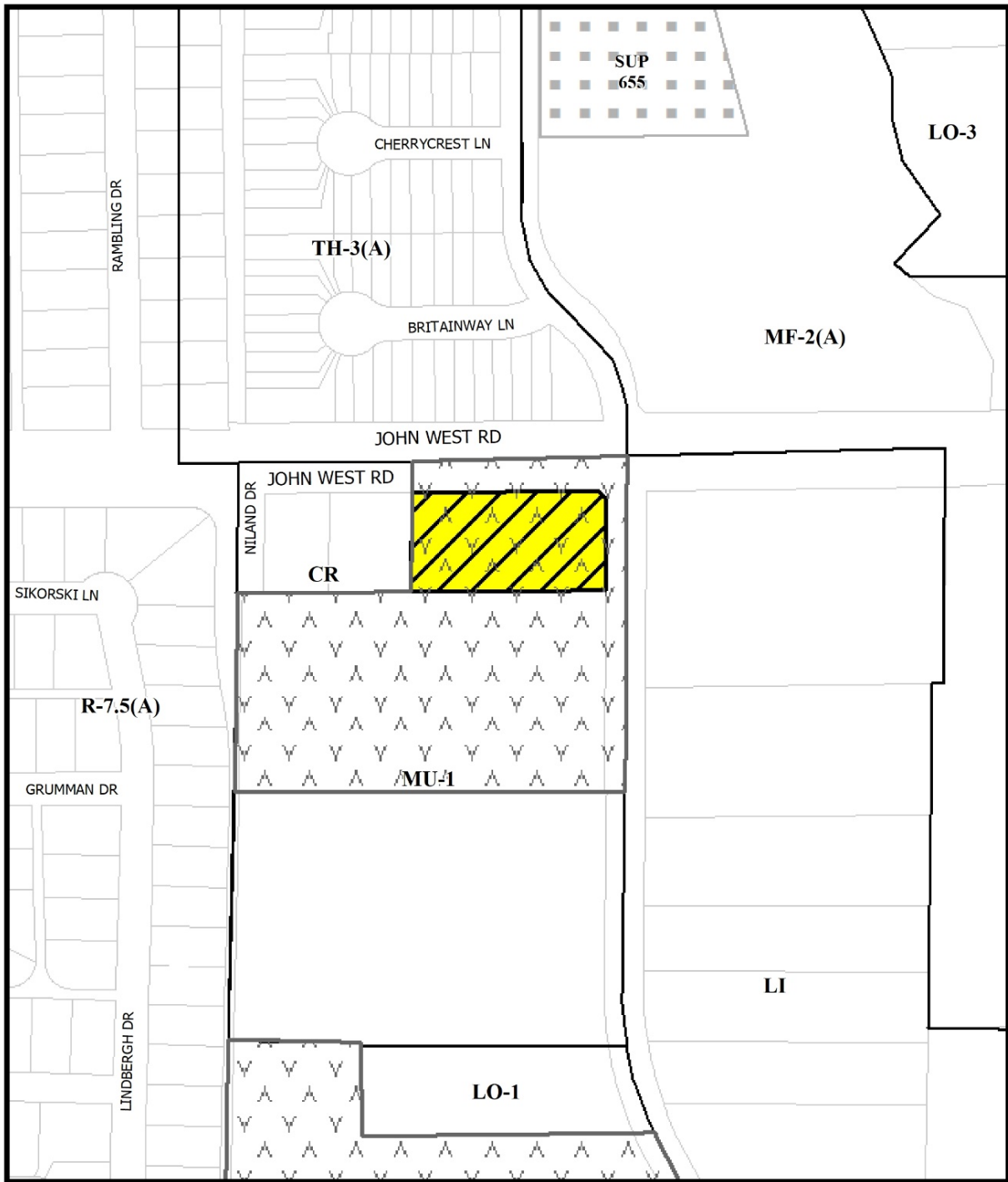
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September 4, 2020: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “Recommends Approval”.



1:2,400

ZONING MAP

Case no: BDA190-088
 Date: 9/2/2020



1:2,400

AERIAL MAP

Case no: BDA190-088

Date: 9/2/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-088

Data Relative to Subject Property:

Date: July 29, 2020

Location address: 3205 Dilido Rd Zoning District: MU 1

Lot No.: 5 Block No.: 7374 Acreage: 1.02 acres Census Tract: 122.11

Street Frontage (in Feet): 1) 459 ft 2) 140 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): HILLVIEW HEALTH HOLDINGS LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

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Affirm that an appeal has been made for a Variance __, or Special Exception X, of parking of 9 spaces (23%)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

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Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of August, 2020



[Signature] Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

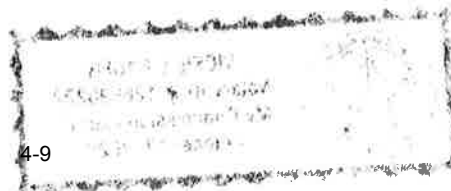
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Sincerely,

David Session
David Session, Building Official



August 10, 2020

Parking analysis and permit history summary for 3205 and 3305 Dilido Drive

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All of the parking for Lot 5 is located on Lot 4. Remote parking agreement provided when Lot 5 was developed in 1996.

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Parking required: 1 per unit, 170 required

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CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-088

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(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3205 & 3305 DILIDO DRIVE
(Address of property as stated on application)

Authorize: ROB BALDWIN, BALDWIN ASSOCIATES
(Applicant's name as stated on application)

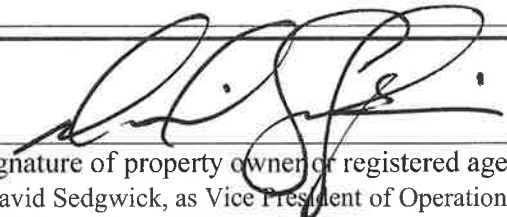
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- Special Exception (specify below)
- Other Appeal (specify below)

Specify: PARKING

Hillview Health Holdings, LLC
Print name of property owner or registered agent

Date July, 2020


Signature of property owner or registered agent
David Sedgwick, as Vice President of Operations of
Hillview Health Holdings, LLC

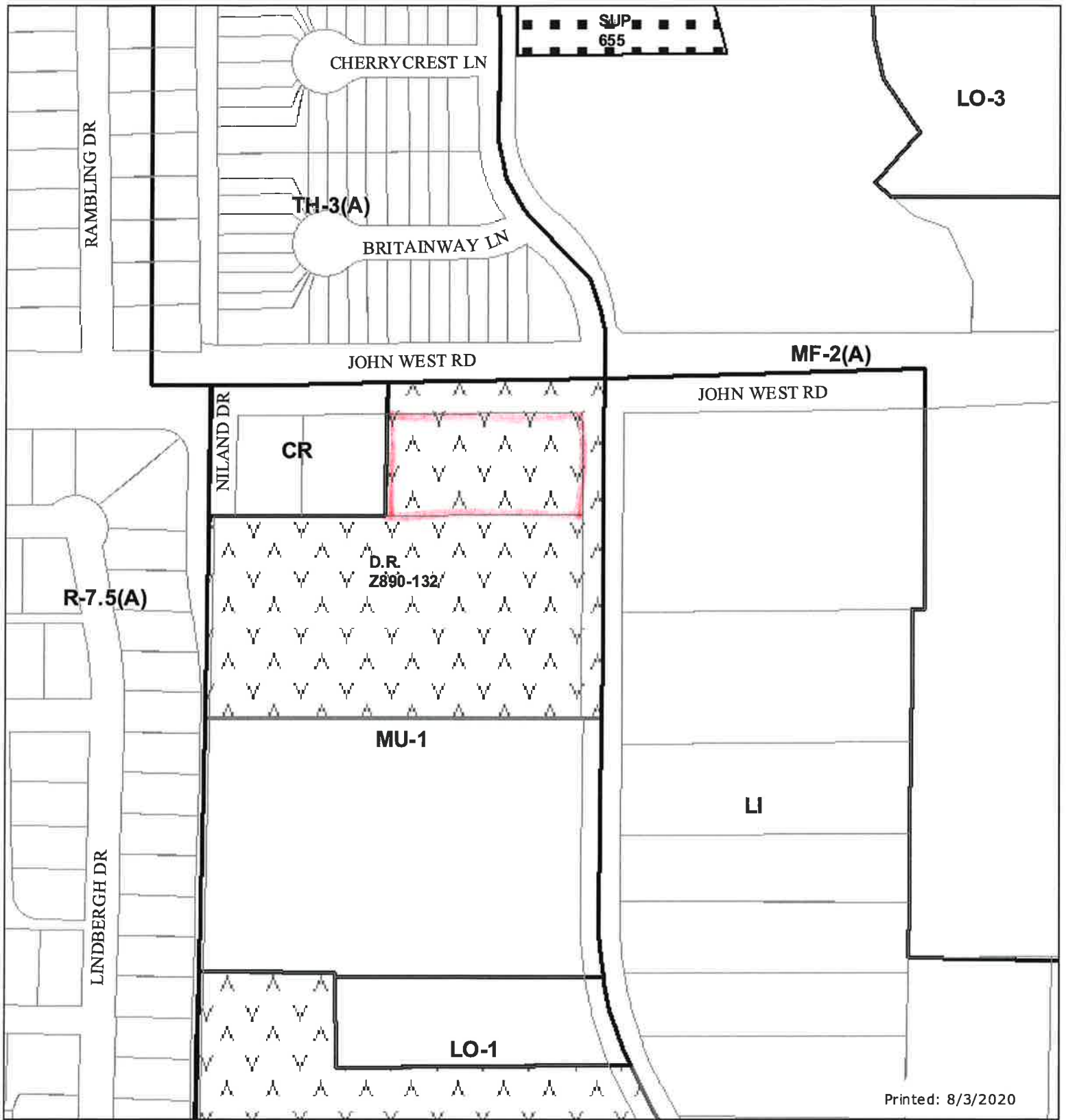
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Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public for Dallas County, Texas

Commission expires on _____



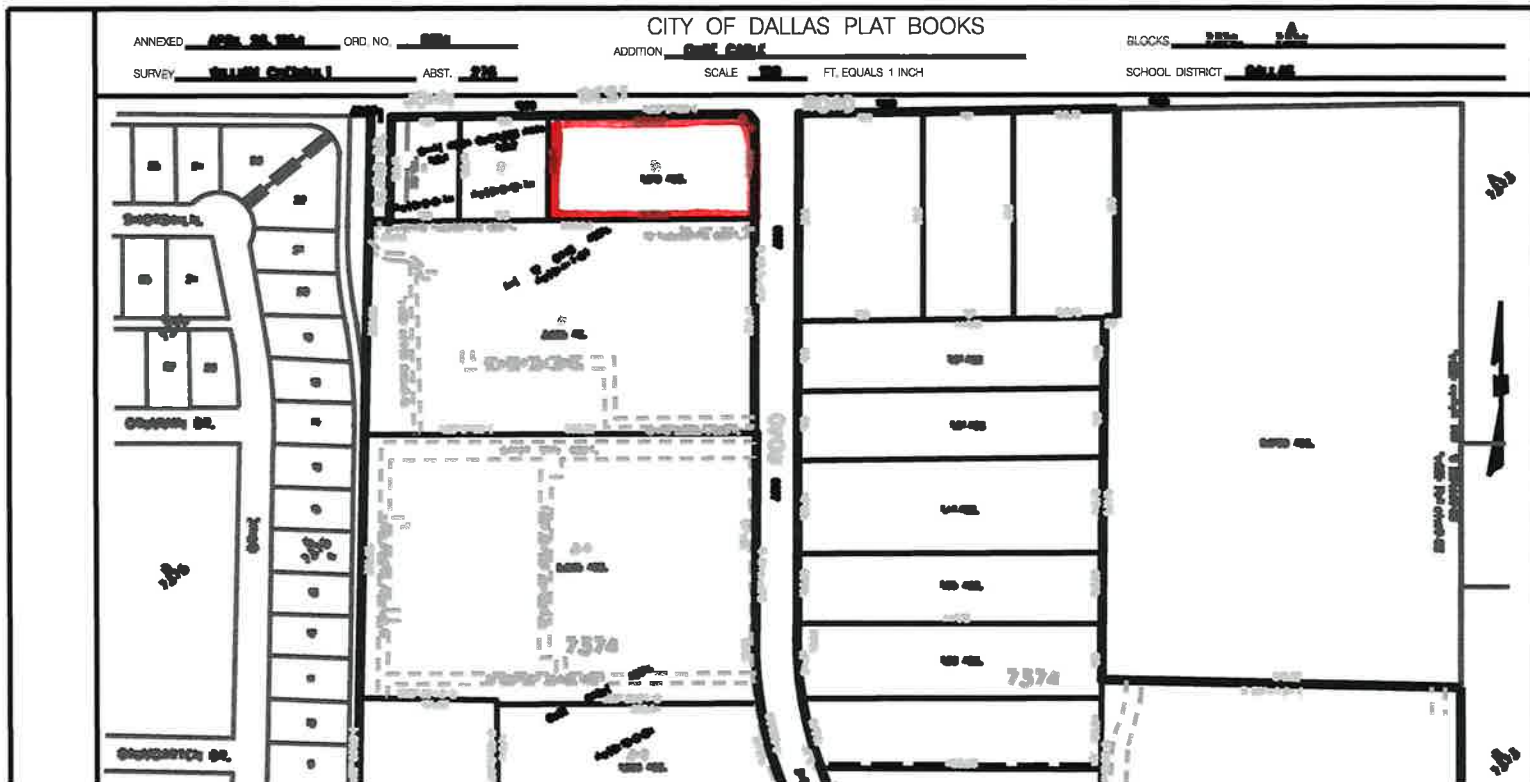
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Legend

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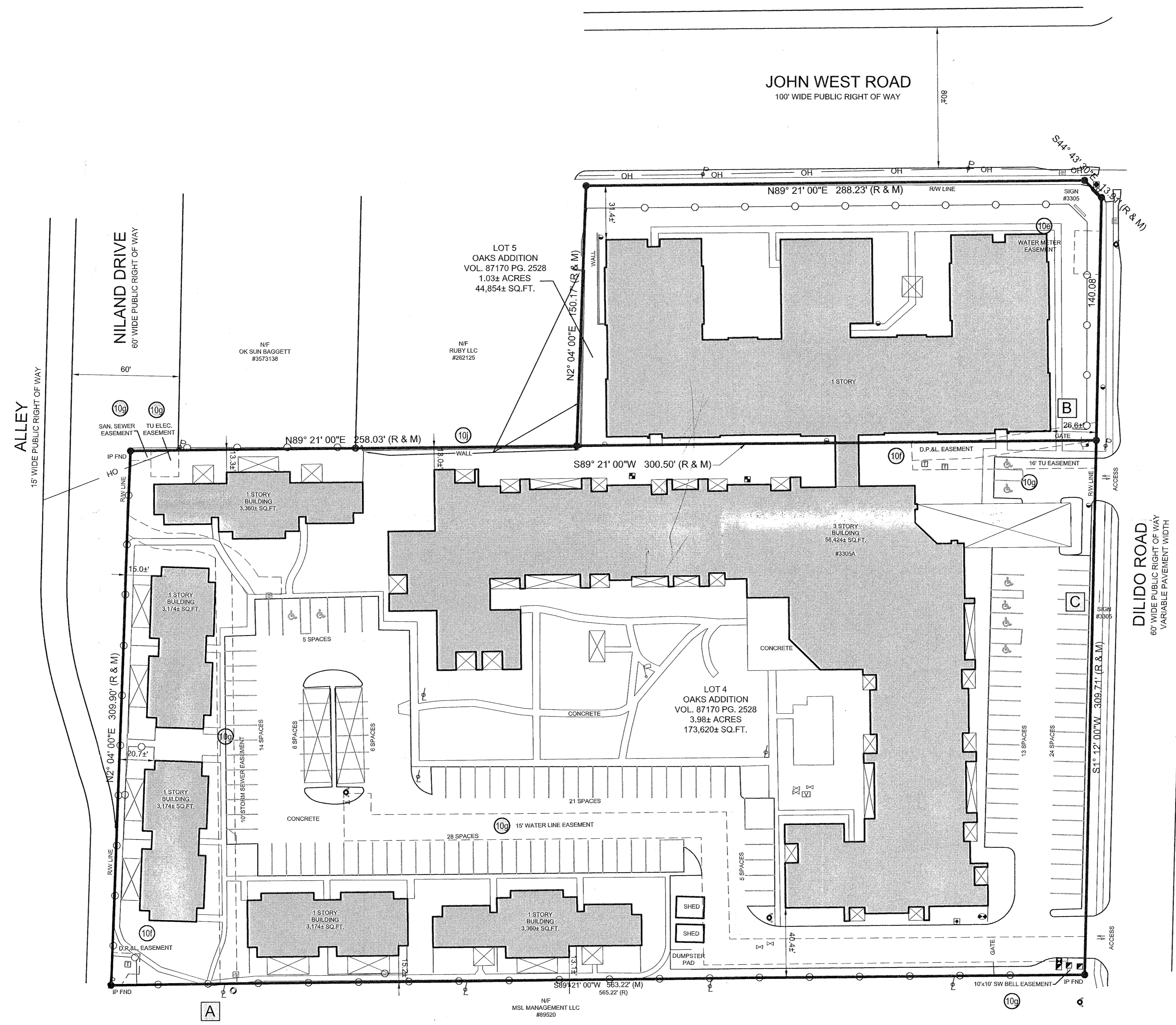
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LEGEND OF SYMBOLS & ABBREVIATIONS

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	LIGHT POLE		SIGNAL LIGHT POLE		CLEAN OUT
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	TELEPHONE MANHOLE		WATER VALVE		(R) RECORD
	TELEPHONE PEDESTAL		FIRE HYDRANT		(M) MEASURED
	CABLE BOX		SIAMESE FIRE HYDRANT		(C) CALCULATED
	STORM DRAIN MANHOLE		WATER MANHOLE		VOL VOLUME
	STORM DRAIN INLET		BACKFLOW PREVENTER		PG PAGE
	STORM PIPE		WATER METER		O.R. OFFICIAL RECORDS
	GREASE TRAP		WELL HEAD		P.B. PLAT BOOK
	#5 REBAR WITH B/C CAP SET UNLESS OTHERWISE NOTED		POINT OF ACCESS		CMP CORRUGATED METAL PIPE
	OH		OVERHEAD WIRES		
	E		UNDERGROUND ELECTRIC LINE		
	GAS		GAS LINE		
	W		WATER LINE		
	SD		STORM DRAIN LINE		
	S		SEWER LINE		
			FENCE		
			OVERHANG/CANOPY		

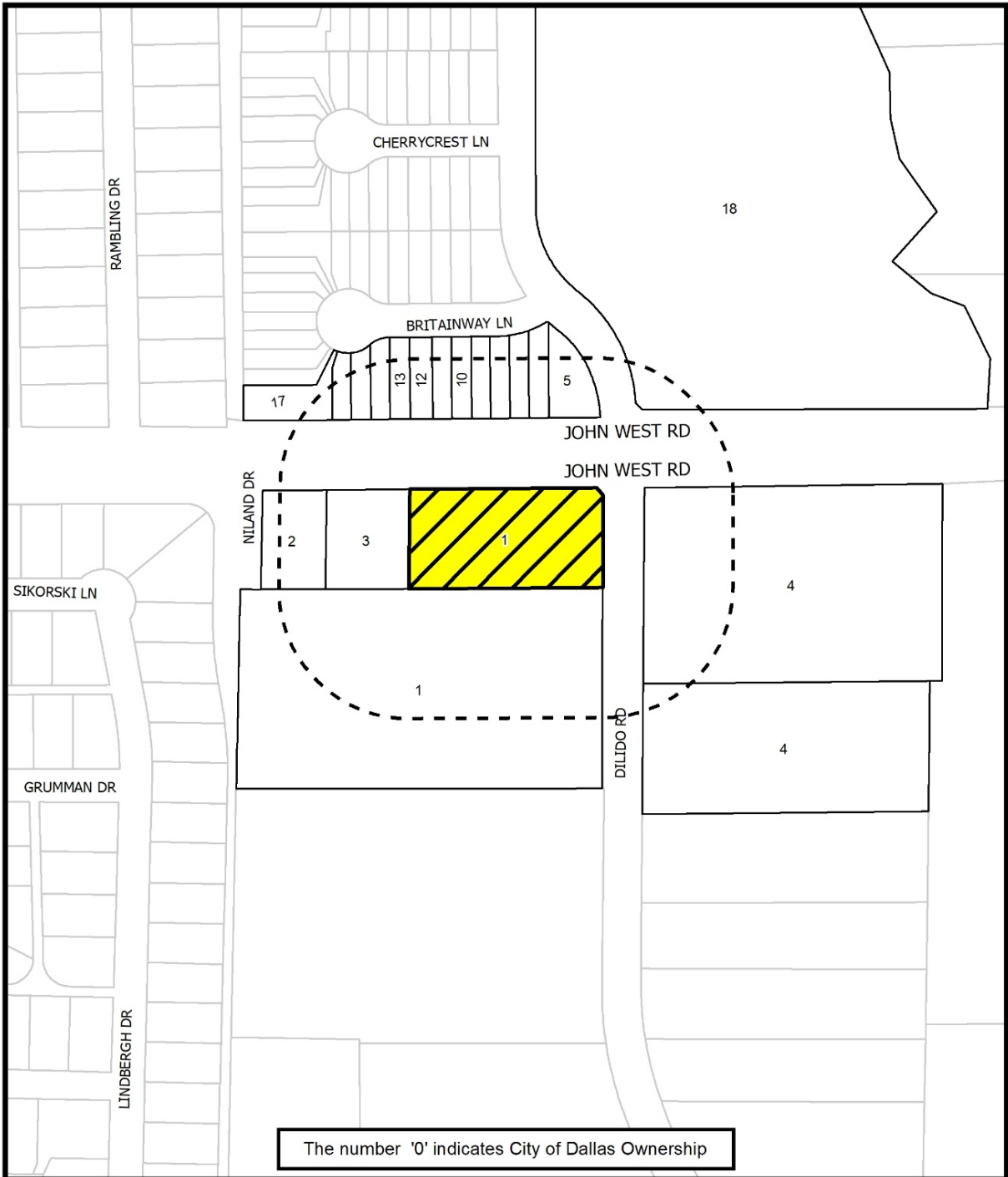



SCALE: 1" = 40'

SHEET 2 OF 2

ALTA/NSPS LAND TITLE SURVEY
 PREPARED FOR
LAKELAND HILLS SENIOR
 DATE OF FIELD SURVEY: MAY 4, 2020
 NETWORK PROJECT NUMBER: 202001678-001 RRF
1-(800)-SURVEYS (787-8397)
 TRANSACTION SERVICES
 www.bockandclark.com maywehelpyou@bocandclark.com www.NV5.com

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-088**
 Date: **9/2/2020**

09/02/2020

Notification List of Property Owners

BDA190-088

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3305 DILIDO RD	HILLVIEW HEALTH HOLDINGS LLC
2	1516 JOHN WEST RD	OK SUN BAGGETT
3	1518 JOHN WEST RD	RUBY RS LLC
4	3300 DILIDO RD	GERBER PROPERTIES LTD
5	1532 BRITAINWAY LN	GOREE MARVIN &
6	1530 BRITAINWAY LN	PITMAN SANDRA M HENDRIX
7	1528 BRITAINWAY LN	GARLAND MAIN STREET JV LLC
8	1526 BRITAINWAY LN	DAVIS DOUGLAS D
9	1524 BRITAINWAY LN	WRIGHT KATIE GLORIA
10	1522 BRITAINWAY LN	CROWDER WALTER JR & CHARLENE L
11	1520 BRITAINWAY LN	OPENDOOR PROPERTY J LLC
12	1518 BRITAINWAY LN	JOHNS DRAOUN L
13	1516 BRITAINWAY LN	DEWEESE JOE
14	1514 BRITAINWAY LN	GARZA STEPHEN L &
15	1512 BRITAINWAY LN	OPENDOOR PROPERTY N LLC
16	1510 BRITAINWAY LN	SALDANA ESTEBAN
17	1508 BRITAINWAY LN	CPAM LLC
18	1603 JOHN WEST RD	HIGHLAND BLUFFS LLC

FILE NUMBER: BDA190-044(OA)

BUILDING OFFICIAL'S REPORT: Application of Brian Baughman for a special exception to the sign regulations at 5500 Greenville Avenue. This property is more fully described as Block 1/5409 and is zoned an MU-3 Mixed Use District, which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage. The applicant proposes to construct and maintain one additional detached premises sign, on a nonresidential premises, which will require a special exception to the sign regulations.

LOCATION: 5500 Greenville Avenue

APPLICANT: Brian Baughman

REQUEST:

A request for a special exception to the sign regulations is made to remodel and maintain an existing additional detached premises sign on a site that is developed with a shopping mall.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d)(2) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premises in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

STAFF RECOMMENDATION (additional detached sign):

Approval

Rationale:

- Staff concluded that the applicant has substantiated that strict compliance with the requirement of the sign regulations will result in financial hardship and inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3 (Mixed Use District)

North: MU-3 (Mixed Use District)

East: PD No. 916 ((Planned Development District) & MU-3 (Mixed Use District)

South: PD No. 610 ((Planned Development District)

West: MU-3 (Mixed Use District)

Land Use:

The site is developed with a mix of retail and personal service uses. The area to the north, south, east and west are developed with mixed use and multifamily uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS (additional detached sign):

The property consists of over 15.79 acres of land developed as with a mix of retail and personal service uses. The request for a special exception to the sign regulations focuses on the remodeling and maintenance of an additional sign at the frontage along Greenville Avenue.

Section 51A-7.304(b) (4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways. The size of the property is not taken into account.

The submitted site plan indicates the location of two detached non-monument signs, (represented as “existing sign number one and number two”) on the site’s Greenville Avenue frontage, hence this request for a special exception to the sign regulations for an additional detached sign. A sign elevation denoting the second detached non-monument sign has been submitted.

The applicant submitted a document (see attachment A) that substantiates that strict compliance with the requirement of the sign regulations will result in financial hardship and inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

The applicant has the burden of proof in establishing the following:

- That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

If the board were to approve the request for a special exception to the sign regulations, the board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation.

Timeline:

February 7, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

March 23, 2020: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; April 28th deadline to submit additional evidence for staff to factor into their analysis; and the June 3th deadline to submit additional evidence for staff to factor into their analysis; and the June 12th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans

Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

No review comment sheets were submitted in conjunction with this application.

June 23, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application request until the next public hearing to be held on August 18, 2020 to give the applicant the opportunity to provide support for this request.

June 25, 2020: The Board Administrator wrote the applicant a letter of the board's action; the July 28 deadline to submit additional evidence for staff to factor into their analysis; and the August 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Mike Martin and Jason Pool Building Inspection.

August 18, 2020 The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application request until the next public hearing to be held on September 22, 2020 to give the applicant the opportunity to provide support for this request.

September 1, 2020: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the

September public hearing. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.

BOARD OF ADJUSTMENT ACTION: June 23, 2020

APPEARING IN FAVOR: Brian Baughman 125 Hillside Dr. Greenville, SC

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

I move that the Board of Adjustment in request No. BDA 190-044, **hold** this matter under advisement until **August 18, 2020.**

SECONDED: **Narey**

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Sahuc

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

BOARD OF ADJUSTMENT ACTION: August 18, 2020

APPEARING IN FAVOR: Brian Baughman 125 Hillside Dr. Greenville, SC

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

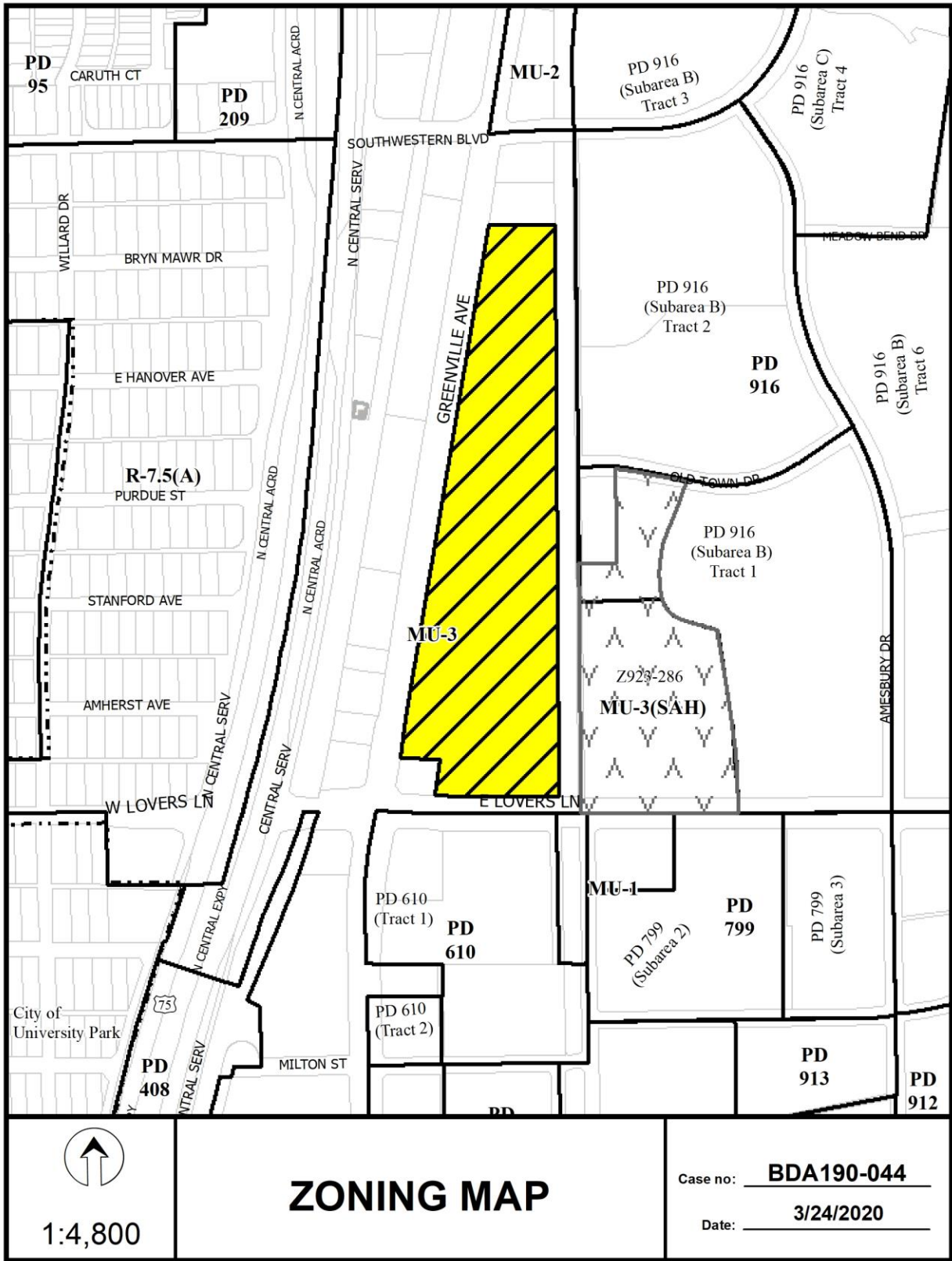
I move that the Board of Adjustment in request No. BDA 190-044, **hold** this matter under advisement until **September 22, 2020.**

SECONDED: **Halcomb**

AYES: 5 – Gambow, Adams, Lamb, Halcomb, Narey.

NAYS: 0

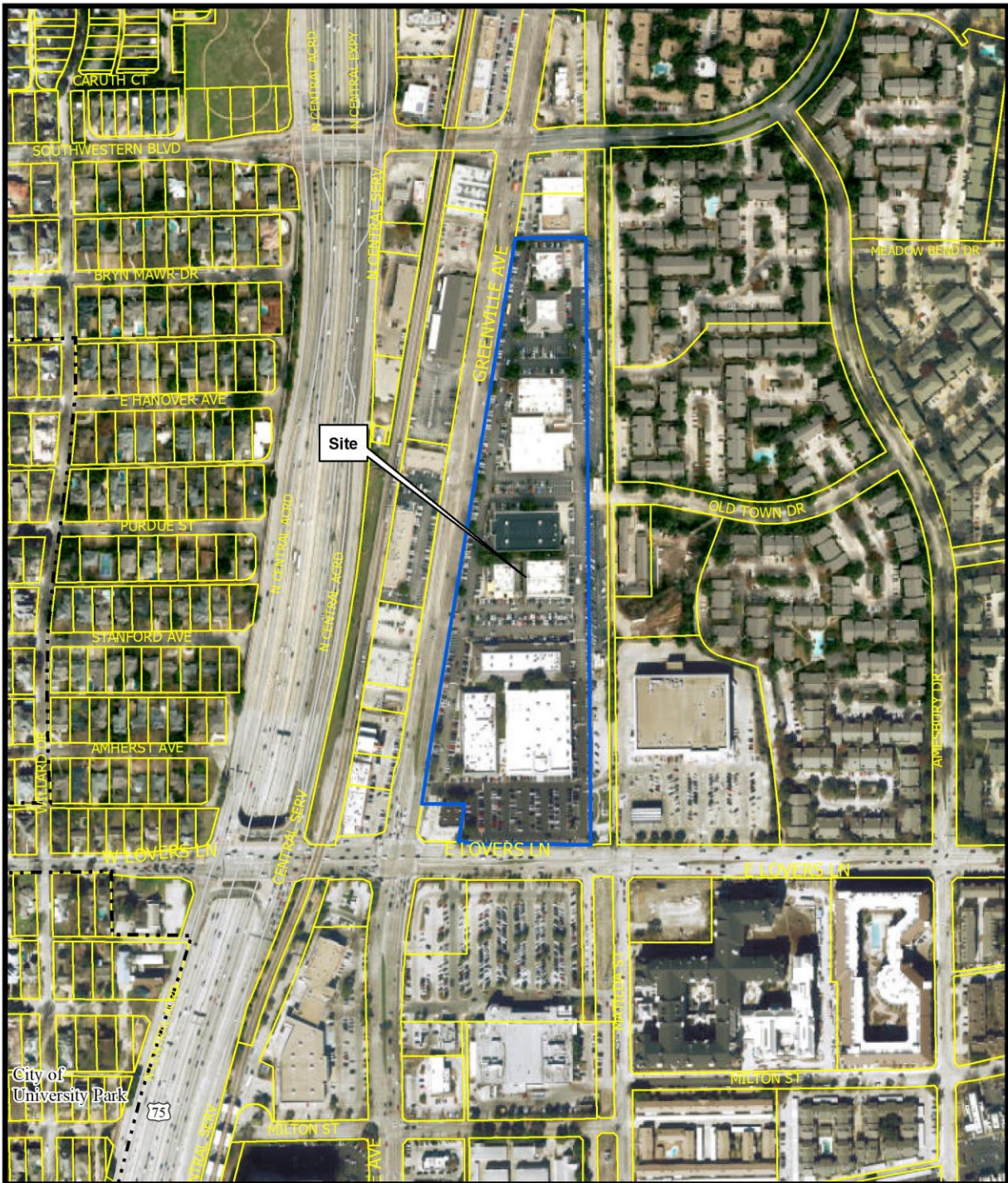
MOTION PASSED: 5 – 0 (unanimously)



ZONING MAP

Case no: BDA190-044
 Date: 3/24/2020

1:4,800



1:4,800

AERIAL MAP

Case no: **BDA190-044**

Date: **3/24/2020**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-044

Data Relative to Subject Property:

Date: 2-17-20

Location address: 5500 Greenville Ave Dallas TX 75206 Zoning District: MU-3

Lot No.: 1 Block No.: 1/5409 Acreage: 15.79 Census Tract: 79.09

Street Frontage (in Feet): 1) 1757 2) 407 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): OT Chatsworth Texas LLC / Misty Sample

Applicant: Brian Baughman Telephone: 864-420-1339

Mailing Address: 125 Hillside Drive Greenville, SC Zip Code: 29607

E-mail Address: brianbaughman@hiltondisplays.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of seeking allowance of the existing legal non-conforming premise sign #2 along the sites approximately 1757' along frontage on Greenville Ave on a site known as Old Town Shopping Center

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

See attached addendum for details

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Brian Baughman
(Affiant/Applicant's name printed)

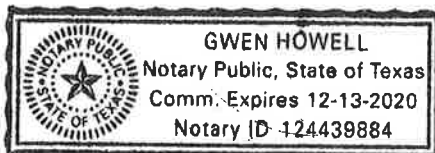
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Brian Baughman
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 6th day of February, 2020

Gwen Howell
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BRIAN BAUGHMAN

did submit a request for a special exception to the sign regulations
at 5500 Greenville Avenue

BDA190-044. Application of BRIAN BAUGHMAN for a special exception to the sign regulations at 5500 GREENVILLE AVE. This property is more fully described as Lot , Block1/5409, and is zoned MU-3, which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



LOCATION:

5500 Greenville Avenue Dallas, TX 75206

APPLICANT:

Doug Howell of Westwood Financial represented by Brian Baughman of Hilton Displays

REQUEST:

This request for a special exception to the sign regulation seeking allowance of the existing legal non-conforming premise sign, Sign #2, along the site's approximately 1,757' long Greenville Avenue street frontage, on a site that is currently a shopping center (Old Town at Dallas).

If the third sign is officially allowed, our intent is to subsequently upgrade the site signage for improved performance and aesthetics. The plan is for an internal LED retrofit of Sign #1 along Greenville Ave and Sign #3 along Lovers Lane, the ones that are currently allowed per Section 51A-7.03(b)(4), in addition to an upgrade of the sign under consideration by this appeal along Greenville Avenue.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding

benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3

Land Use:

The site is currently developed as a shopping center (Old Town at Dallas).

GENERAL FACTS:

- The request for a special exception to the sign regulations focuses on an LED retrofit of a legal non-conforming premise sign on the site's approximately 1,875' long Greenville Avenue street frontage, on a site developed with a shopping center (Old Town at Dallas).
- Section 51A-7.304(b)(4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. (The subject site's frontage along Greenville Avenue is not an expressway).
- The submitted site plan indicates the location of two signs on the site's Greenville Avenue street frontage and one sign on the E. Lovers Lane street frontage.
- One of the signs on the site's Greenville Avenue frontage is allowed by right, the other sign is grandfathered or nonconforming. There is 1,097' between the two signs on Greenville Avenue.

- The code states that the right to rebuild a nonconforming structure ceases if the structure is retrofitted by the intentional act of the owner or the owner's agent.
- The code states that a person may reface a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- We seek this request for a special exception since we plan to intentionally execute an LED retrofit of the nonconforming sign on the Greenville Avenue frontage of the subject site.

- We are making only one special exception request to the Board: an additional sign along the site's Greenville Avenue frontage. All other aspects of the sign regulations will be met on the site since no other request for special exception to the sign regulations has been made.
- We note that strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant and our lease holders without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-044

I, OT Chatsworth Texas LLC / Misty Sample, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5500 Greenville Ave Dallas TX 75206
(Address of property as stated on application)

Authorize: Brian Baughman
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: _____

Misty Sample Misty Sample 2/6/20
 Print name of property owner/agent Signature of property owner/agent Date

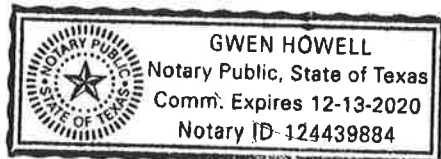
Before me, the undersigned, on this day personally appeared Misty Sample

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 6th day of February, 2020

Gwen Howell
Notary Public for Dallas County, Texas

Commission expires on 12-13-2020



FIRST AMERICAN TITLE INSURANCE COMPANY

When Recorded Return To:



201600245566

DEED 1/6

~~OT Chatsworth Texas LLC~~
5500 Greenville Ave. #602
Dallas, TX 75206

Return to: **NDL**
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, TX 75204

(Space Above For Recorder's Use Only)

SPECIAL WARRANTY DEED

STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

THAT, **WPF OPERATING LLC**, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto **OT CHATSWORTH TEXAS LLC**, a Delaware limited liability company ("Grantee"), successor by conversion to **OT CHATSWORTH TEXAS LP**, a Texas limited partnership, and successor by merger to **OT LAUREL TEXAS L.P.**, a Texas limited partnership and **OT 12900 VICTORY COMPANY LP**, a Texas limited partnership, all of its right, title and interest, believed to be an undivided fifty-two and thirty-three hundredths percent (52.33%) interest, in that certain real property located in the City of Dallas, Dallas County, Texas, being more particularly described on Exhibit "A" attached hereto and fully made a part hereof (the "Land"), together with all improvements located thereon (the "Improvements"), if any, and all rights and appurtenances thereto in anywise belonging to Grantor, but subject to all validly existing restrictions, covenants, conditions, rights-of-way, easements, ordinances, maintenance charges, mineral reservations, and royalty reservations of record, if any, affecting all or any part of the Property (collectively, the "Permitted Exceptions"). The Land and Improvements are referred to collectively herein as the "Property". It is the intent of this conveyance that subsequent to the recordation of this Special Warranty Deed, Grantee will own a one hundred percent (100%) undivided interest in and to the Property.

TO HAVE AND TO HOLD the above described Property, subject to the Permitted Exceptions, together with any and all the rights and appurtenances thereto in anywise belonging to Grantor, unto the said Grantee, its legal representatives, successors and assigns FOREVER.



and Grantor does hereby bind itself and its legal representatives, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, its successors, legal representatives and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

[Signature page follows.]



EXECUTED and EFFECTIVE as of the 1st day of September 2016.

WPF OPERATING LLC,
a Delaware limited liability company

By: Westwood Property Fund LLC,
a Delaware limited liability company
Its: Sole Member

By: 
Name: Randy Banchik
Title: Co-Chief Executive Officer



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On August 11, 2016, before me, Xiomara Elizabeth Aguilar, a Notary Public, personally appeared Randy Parshik, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

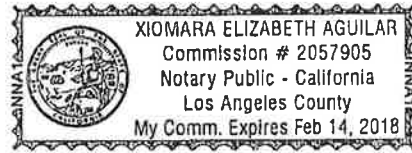


EXHIBIT "A"

Legal Description of the Land

TRACT 1: (Fee Simple)

Being a tract of land situated in the John C. Cook Survey, Abstract No. 259, and being a portion of Block 1/5409 of Old Town, an addition to the City of Dallas, according to the plat thereof recorded in Volume 69245, Page 2021, Map Records, Dallas County, Texas, and being a portion of that certain 3.522 acre tract of land conveyed to Lincoln Property Company XXVI, Ltd., by Warranty Deed as recorded in Volume 71173, Page 0034, Deed Records, Dallas County, Texas and further being a portion of that certain 12.706 acre tract of land conveyed to Lincoln Property Company XXVI, Ltd. by Warranty Deed as recorded in Volume 69230, Page 0174, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found for corner, situated in the easterly right-of-way line of Greenville Avenue (variable width R.O.W.), said "X" being South 10 degrees 10 minutes 50 seconds West, a distance of 250.08 feet from an iron rod, situated on the south right-of-way line of Southwestern Boulevard (90 foot R.O.W.);

THENCE South 89 degrees 48 minutes 40 seconds East, departing the easterly right-of-way line of said Greenville Avenue and along the south line of a tract of land conveyed to Caryl M. Bradford by Deed recorded in Volume 74242, Page 1944, Deed Records, Dallas County, Texas (D.R.D.C.T.), a distance of 216.22 feet to a 5/8 inch iron rod set for corner situated in the west line of a 60 foot wide Dallas Power & Light Company R.O.W.;

THENCE South 00 degrees 11 minutes 20 seconds West, along the west line of said Dallas Power & Light Company's R.O.W., a distance of 1860.27 feet to a 1/2 inch iron rod found for corner in the north right-of-way line of Lover's Lane (variable width R.O.W.);

THENCE North 89 degrees 07 minutes 40 seconds West, leaving the west line of said Dallas Power & Light Company's R.O.W. and along the north right-of-way line of said Lover's Lane, a distance of 348.24 feet to an iron rod found for corner;

THENCE North 78 degrees 58 minutes 12 seconds West, a distance of 32.48 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE North 88 degrees 25 minutes 07 seconds West, a distance of 26.77 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner in the southeast line of Lot 1, Block 1/5409, Old Town II Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 99240, Page 220 (D.R.D.C.T.);

THENCE North 10 degrees 10 minutes 50 seconds East, leaving the north right-of-way line of said Lover's Lane and along the easterly line of said Lot 1, Block 1/5409, Old Town II Addition tract, a distance of 118.86 feet to a P.K. nail found for corner, said P.K. nail being the northeast corner of said Lot 1, Block 1/5409, Old Town II Addition tract;

THENCE North 89 degrees 07 minutes 40 seconds West, leaving said easterly line and along the north line of said Lot 1, Block 1/5409, Old Town II Addition tract, a distance of 132.45 feet to a 5/8 inch steel rebar with yellow plastic cap stamped "BDD" set found for corner in the easterly right-of-way line of aforementioned Greenville Avenue;



THENCE North 10 degrees 11 minutes 07 seconds East, leaving the north line of said Lot 1, Block 1/5409, Old Town II Addition tract and along the aforementioned east line of Greenville Avenue, a distance of 70.76 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE North 08 degrees 37 minutes 31 seconds East, a distance of 88.57 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE North 10 degrees 10 minutes 50 seconds East, continuing along the easterly right-of-way line of said Greenville Avenue, a distance of 1597.65 feet to the POINT OF BEGINNING and containing 688,134, square feet or 15.7974 acres of land.

TRACT 2: (Fee Simple)

Being all of Lot 3, Block C/5410 of Old Town - East, an Addition to the City of Dallas, Texas, according to the Plat thereof recorded in Volume 95021, Page 3324, Map Records, Dallas County, Texas.

TRACT 3: (Fee Simple)

Being all of Lot 1, Block 1/5409 of Old Town II Addition, an Addition to the City of Dallas, Texas, according to the Plat thereof recorded in Volume 99240, Page 220, Map Records, Dallas County, Texas.

Save and Except that portion conveyed to the County of Dallas in Special Warranty Right of Way Deed dated 09/22/2005, filed 02/07/2006, recorded in cc# 200600044819, Real Property Records, Dallas County, Texas.

TRACT 4: (Non-Exclusive Easement)

Non-exclusive easement created in Park I Access Easement, filed 05/24/1983, recorded in Volume 83103, Page 1998, Deed Records, Dallas County, Texas.

TRACT 5: (Non-Exclusive Easement)

Non-exclusive easement created in Declaration of Access Easement, filed 09/06/2012, recorded under cc# 201200263957, Real Property Records, Dallas County, Texas.

TRACT 6: (Non-Exclusive Easement)

Non-exclusive easement created in Declaration of Easements, Covenants and Restrictions, filed 01/30/2014, recorded under cc# 201400022698, Real Property Records, Dallas County, Texas.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
09/07/2016 03:31:56 PM
\$46.00



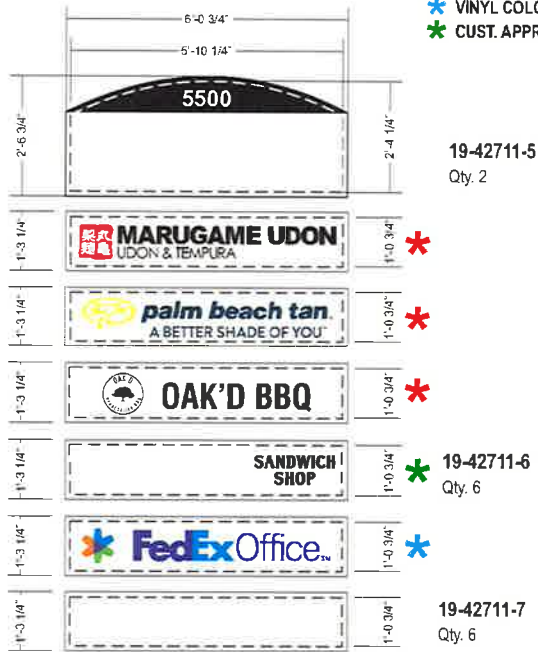
A handwritten signature in black ink, appearing to be "JFW".

201600245566



* SURVEY REQUIRED

- * VECTOR & VINYL COLORS REQ.
- * VINYL COLORS & CUST. APPROVAL REQ.
- * CUST. APPROVAL REQ.



General Notes:
 - Paint entire structure duranodic bronze by installer, prior to adding the illuminated cabinets. The back of the header panels on the pylon should be painted bronze as well as the raceway on the back side so they visually 'go away'



Scale: 3/8" = 1'
 (11 X 17 Paper)

HILTON DISPLAYS

125 HILLSIDE DRIVE • GREENVILLE SC 29607
 P 803 353 9152 • F 864 242 2204
 www.hiltondisplays.com

QID 19-47211

JOB NAME

Westwood Financial

LOCATION

5500 Greenville Ave
 Dallas TX

CUSTOMER CONTACT

SALESMAN / PM

Lucas Chamberlayne

DESIGNER

Brian Sowder

DWG. DATE

9-9-19

REV. DATE / REVISION

9-27-19 BS / 10-4-19 BS
 10-11-19 BS / 10-14-19 BS
 10-28-19 BS / 11-20-19 BS
 2-3-20 BS

SCALE

FILE

2019/Westwood Financial/
 Dallas TX/19-47211/
 WWF Dallas TX 19-47211

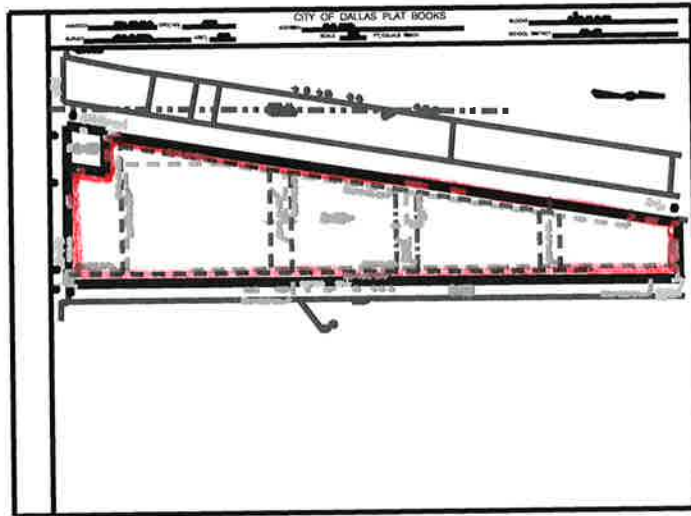
DESIGN SPECIFICATIONS ACCEPTED BY:

EST CLIENT

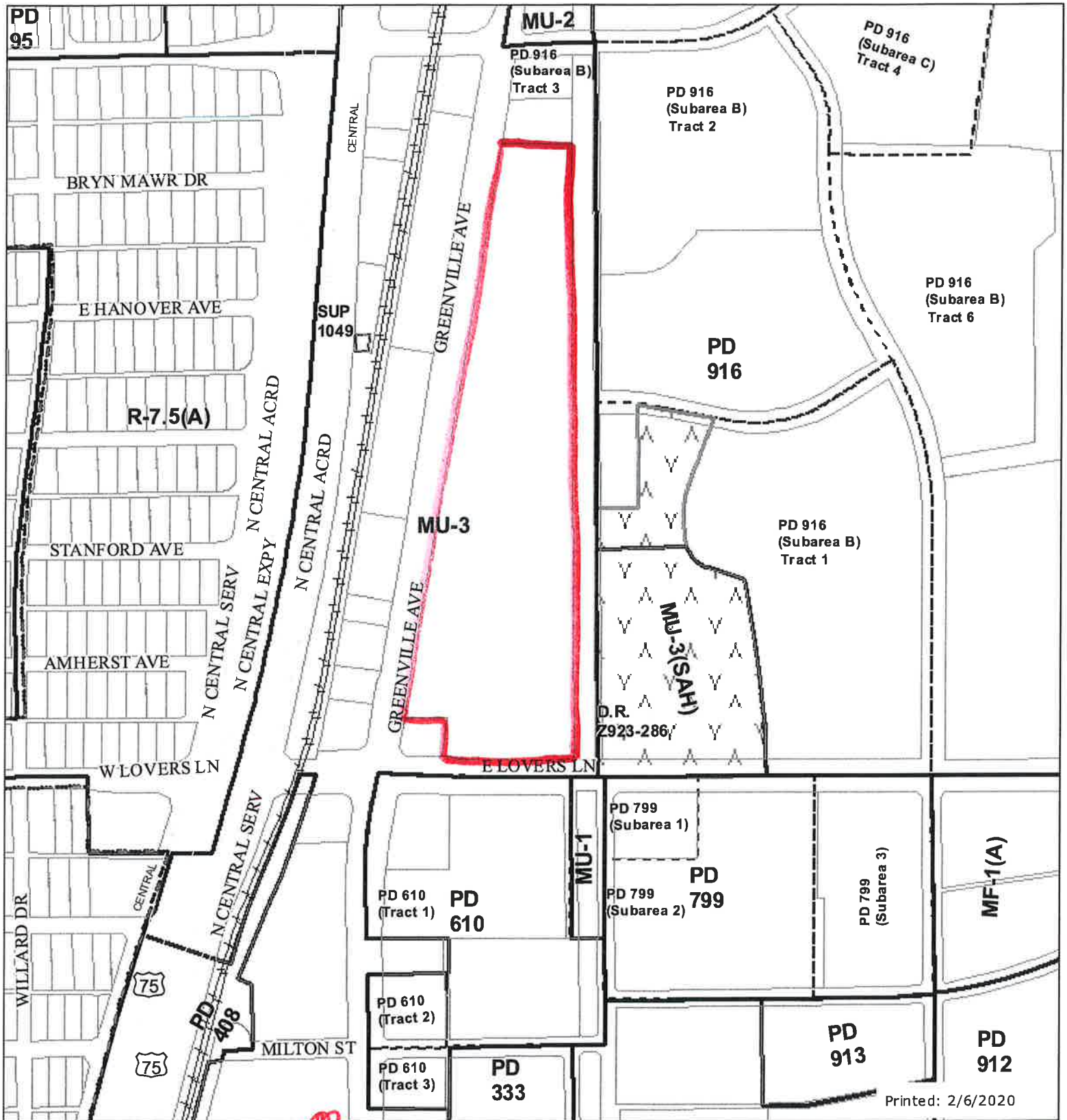
SLS PM: LANDLORD

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.





BB

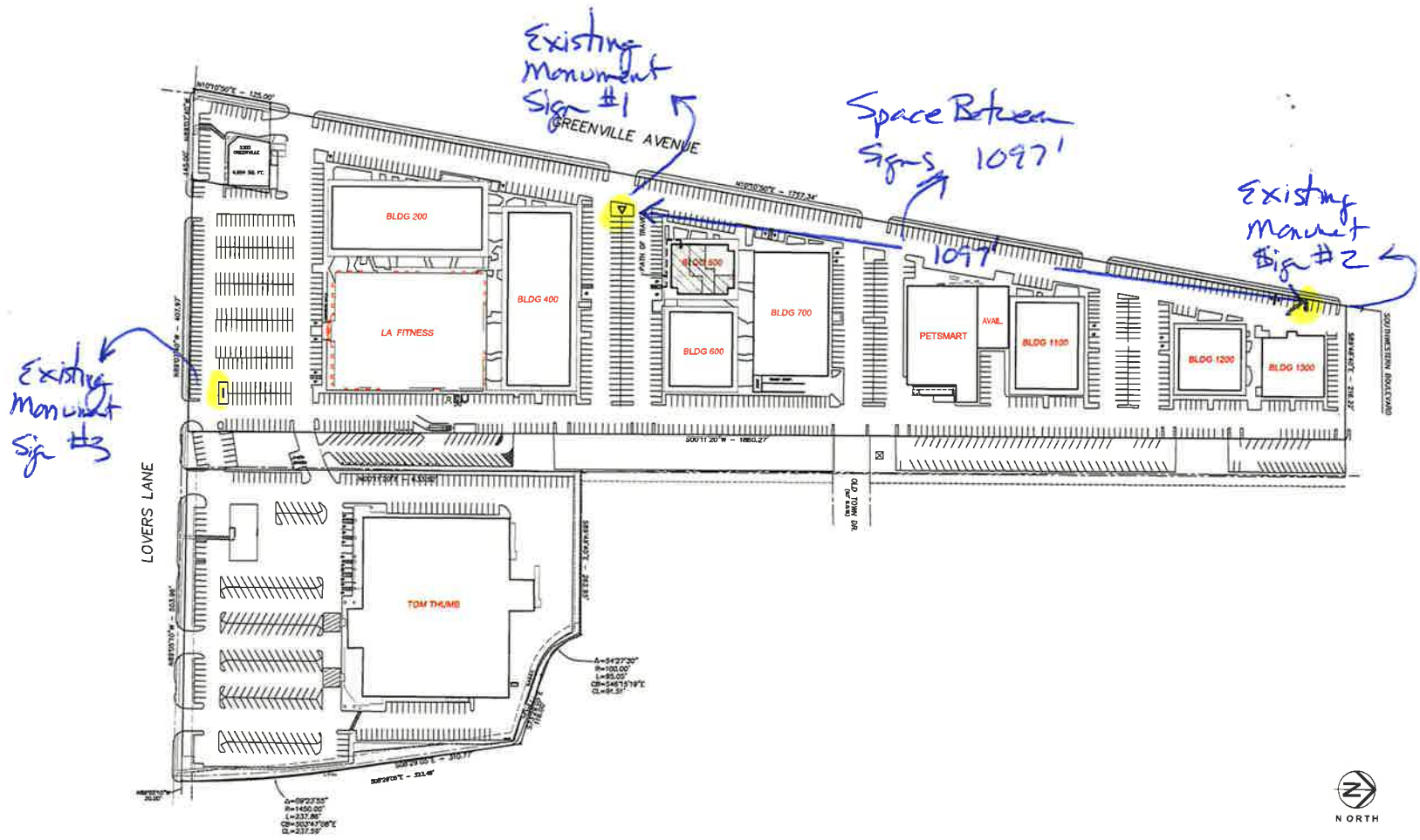


Legend

- City Limits
- School
- Floodplain
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSP Overlay
- Deed Restrictions
- SUP
- Dry Overlay
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Height Map Overlay
- CD Subdistricts
- PD Subdistricts
- PDS Subdistricts
- NSO Subdistricts
- NSO Overlay
- Escarpment Overlay
- Parking Management Overlay
- 5-22 Cont Overlay

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)





OVERALL SITE PLAN (FOR REFERENCE)



SCALE
1"=80'-0"



PROJECT:
OLD TOWN SHOPPING CENTER
SHELL TENANT IMPROVEMENTS
8500 GREENVILLE AVENUE, SUITE 505

TEXAS

DALLAS
WESTWOOD FINANCIAL
11440 BSA VICENTE BLVD.
LOS ANGELES, CA 90009

REVISION	DATE	BY

DESIGNED BY: []
PROJECT ARCHITECT: DAVID HIDALGO
DATE: 10/21/15
SCALE: AS SHOWN



- DESIGN DEVELOPMENT
- PRELIMINARY CONTRACT DOCUMENTS
- CITY SUBMITTAL 11.15.2016
- BID PACKAGE
- CONSTRUCTION BIDDING
- RECORD DRAWINGS

SHEET TITLE:

SITE PLAN

SHEET NO.:

SP-1

BDA 190-044

LOCATION:

5500 Greenville Avenue Dallas, TX 75206

APPLICANT:

Doug Howell of Westwood Financial represented by Brian Baughman of Hilton Displays

REQUEST:

This request for a special exception to the sign regulation seeking allowance of the existing legal non-conforming premise sign, Sign #2, along the site's approximately 1,757' long Greenville Avenue street frontage, on a site that is currently a shopping center (Old Town at Dallas) Simply put, we are not asking for a new sign, but rather, by granting the appeal the site would be brought into conformity to existing code.

Given the uncommon lot size and shape that is Old Town at Dallas Shopping Center, we currently have 3 signs to appropriately meet tenant needs for visibility. However, with the re-issuance of the revised sign code only two of the signs were allowed per section 51A-7.03(b)(4). The third sign remains grandfathered in by virtue of its existence at the time of the new regulations. The challenge, and purpose of this appeal, is to bring all three signs into conformity with code by seeking special exception and allowing the third sign.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate

conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3

Land Use:

The site is currently developed as a shopping center (Old Town at Dallas).

GENERAL FACTS:

- The request for a special exception to the sign regulations focuses on allowing the third sign along the site's approximately 1,875' of Greenville Avenue street frontage, on a site developed with a shopping center (Old Town at Dallas) and bringing all site signage into code conformity.
- Section 51A-7.304(b)(4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. (The subject site's frontage along Greenville Avenue is not an expressway).
- The submitted site plan indicates the location of two existing signs on the site's Greenville Avenue street frontage and one sign on the E. Lovers Lane street frontage.

- The applicant has stated that only one special exception request is made to the Board: the request for special exception formally allowing the existing second sign along the site's Greenville Avenue frontage.
- If granted and the existing second sign is brought into conformity (and thus removing the "non-conforming status" identification) All other aspects of the sign regulations will be met on the site since no other request for special exception to the sign regulations has been made. The applicant is not permitted to modify signage (other than face changes) to conform to current code unless the special request is granted.
- One of the signs on the site's Greenville Avenue frontage is allowed by right, the other sign (Sign #2 on the northern end of the property) is grandfathered or nonconforming,
- The code states that the right to rebuild a nonconforming structure ceases if the structure is retrofitted by the intentional act of the owner or the owner's agent.
- The code states that a person may reface a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- By virtue of having three signs on the property, all three become non-conforming, and therefore may not be altered in any way other than a face change of vinyl for new tenants.
- The applicant seeks this request for a special exception for sign #2 along the Greenville Avenue frontage on the northern end of the property. The applicant proactively desires to upgrade existing signs that are nearly 50 years old with new signs.

STANDARDS for Special Consideration Sec. 51A-7.703(d)(2)

Strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship,

vehicular and pedestrian safety concerns, and inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

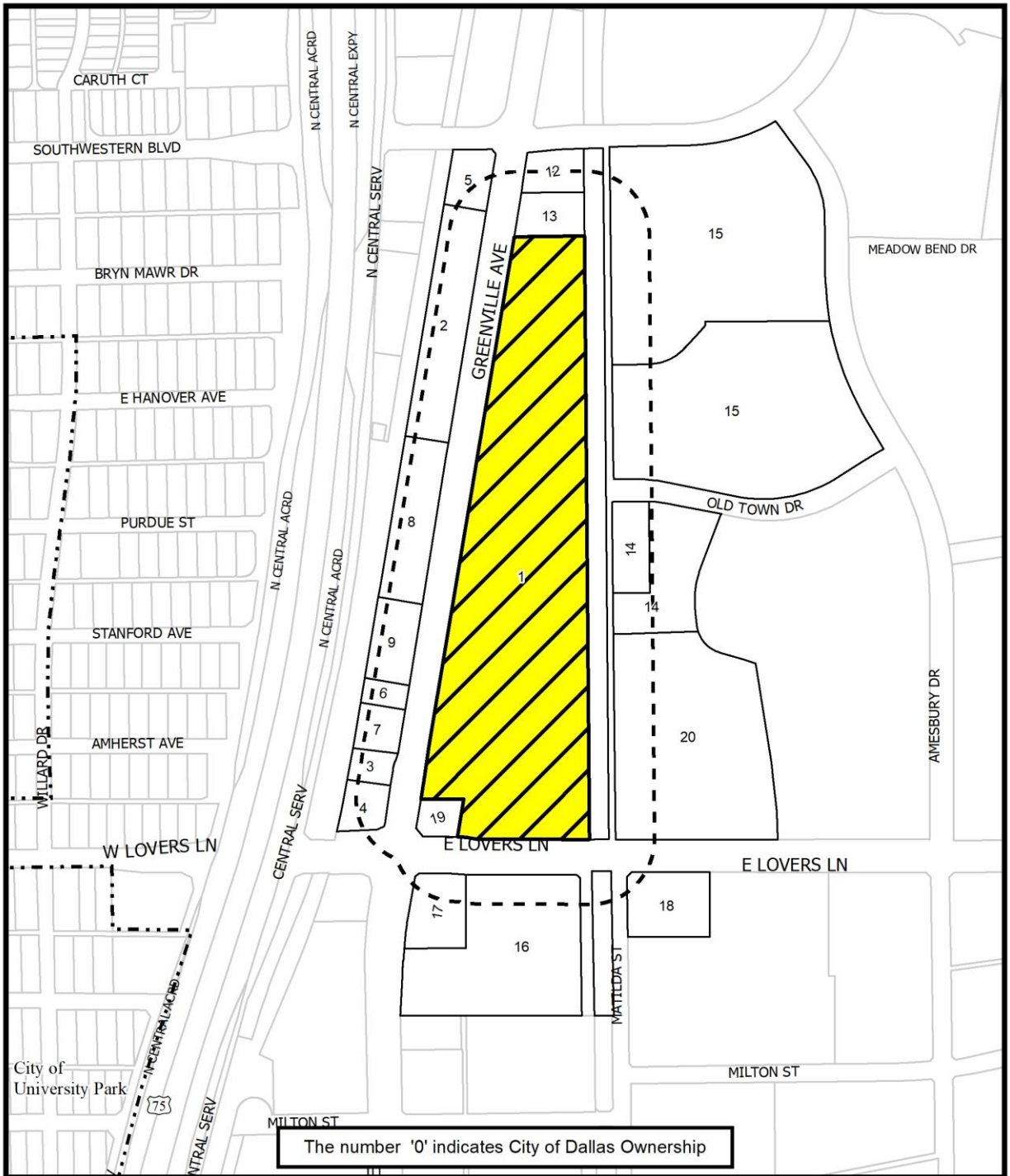
FINANCIAL HARDSHIP: We cite two academic studies from The University of San Diego and follow up study at the University of Cincinnati, both entitled “The Economic Value of On-Premise Signage.” Among the findings of the 36 page report, they indicate that signage has a measureable impact on weekly and annualized sales volume. Significant linkage between signage and sales transactions was demonstrated with two retail segments studied over 9 years with measurable data and statistically significant sampling. For example, where signage was added or positively modified, a 144 sq. ft. multi-tenant sign increased sales transactions by 15.6%. Conversely, removal of a multi-tenant sign adversely affected sales transactions by a decrease of 12.3%. During challenging economic times for retailers and restaurateurs, the city benefits from increased commerce and tax revenue when properly placed and illuminated signage communicates the presence of retailers and restaurateurs alike.

SAFETY: Due to the Old Town Shopping Center being so large (Over 1800’ of frontage) and having very heavy traffic along a heavily treed Greenville Avenue, the applicant needs to clearly identify the tenants at both ends of the property to help with the flow of traffic and quick identification of tenants. Roadside signage is integral to vehicular safety to keep driver’s eyes primarily on the road. Distracted Drivers (while in motion) trying to identify properties by their storefront signage creates safety concerns and diminishes pedestrian awareness. The distance between the two entrances is approximately 1100 feet, or nearly a ¼ mile. By formally allowing the additional sign at the north end of the

property the applicant will be able to more safely direct traffic to the correct entrance.

INEQUITY TO THE APPLICANT'S TENANTS

It is reasonable to assume that adequate and properly spaced signage be representative of the property in general. If the northern most sign along Greenville Avenue were not allowed, tenants would not be fairly represented without corresponding signage opportunities at the roadside indicating their presence. Given the age and weathering of the two larger signs, it has become necessary to remove and replace those nearly 50 year old units. If either is replaced, then the smaller sign #2 in consideration today would have to be removed—thus creating an inequity by virtue of distance to the nearest monument sign.



 1:4,800	<h1>NOTIFICATION</h1>	Case no: BDA190-044
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">20</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 3/24/2020

03/24/2020

Notification List of Property Owners

BDA190-044

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5500 GREENVILLE AVE	WPF OPERATING LLC
2	5757 GREENVILLE AVE	TEXAS CENTRAL CONTROL LLC
3	5315 GREENVILLE AVE	TODORA CAMPISI LLC
4	5315 GREENVILLE AVE	INWOOD CORP
5	5809 GREENVILLE AVE	CENTRAL CONTROL COMPANY
6	5409 GREENVILLE AVE	GREENVILLE AVE INVESTMENT
7	5323 GREENVILLE AVE	TODORA CAMPISI LLC
8	5601 GREENVILLE AVE	GREENS VILLE ACQUISITION
9	5417 GREENVILLE AVE	GREENVILLE AVE RETAIL LP
10	4500 GREENVILLE AVE	ONCOR ELECRCIC DELIVERY COMPANY
11	5700 E LOVERS LN	ONCOR ELECRCIC DELIVERY COMPANY
12	5858 GREENVILLE AVE	SOUTHWESTERN CORNER DEV
13	5800 GREENVILLE AVE	SOUTHWESTERN CORNER DEV
14	5904 OLD TOWN DR	PC VILLAGE APTS DALLAS LP
15	5657 AMESBURY DR	FM VILLAGE FIXED RATE LLC
16	5750 E LOVERS LN	LINCOLN LAG LTD
17	5200 GREENVILLE AVE	HEDRICK L W TRUST
18	5800 E LOVERS LN	LOVERS MEDICAL INVESTORS LP
19	5302 GREENVILLE AVE	OT CHATSWORTH TEXAS LLC
20	5809 E LOVERS LN	OT CHATSWORTH TEXAS LLC