

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, FEBRUARY 17, 2015  
AGENDA

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BRIEFING	COUNCIL CHAMBERS, 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the January 20, 2015 Board of Adjustment Panel A Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 145-018</b>	3732 Frontier Lane <b>REQUEST:</b> Application of Kevin Ward for a variance to the front yard setback regulations	1
<b>BDA 145-024</b>	855 E. 8th Street <b>REQUEST:</b> - Application of Randal C. Shaffer, represented by Peter Kavanagh of Zone Systems, for a special exception to the off-street parking regulations	2
<b>BDA 145-025</b>	17950 Preston Road <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for a special exception to the sign regulations	3

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**REGULAR CASE**

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<b>BDA 145-022</b>	3133 E. Lemmon Avenue <b>REQUEST:</b> Application of Michael Doggett for a special exception to the landscape regulations	4
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## EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

**(Rev. 6-24-02)**

**FILE NUMBER:** BDA 145-018

**BUILDING OFFICIAL'S REPORT:** Application of Kevin Ward for a variance to the front yard setback regulations at 3732 Frontier Lane. This property is more fully described as Lot 3, Block 2/2984, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 3 foot front yard setback, which will require a 22 foot variance to the front yard setback regulations.

**LOCATION:** 3732 Frontier Lane

**APPLICANT:** Kevin Ward

**REQUEST:**

A request for a variance to the front yard setback regulations of 22' is made to construct and maintain an approximately 420 square foot swimming pool, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Williamson Road) on a site developed with a single family home. (No request has been made in this application to construct/maintain any structure in the site's Frontier Lane front yard setback).

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required

Rationale:

- The subject site is unique and different from most lots in the R-7.5(A) zoning district given its restrictive area due to its two front yard setbacks. The atypical two front yard setbacks on the subject site preclude the applicant from developing it in a manner commensurate with development on other similarly zoned properties that have one front yard setback. Documentation submitted by the applicant shows that the living area of the home on the site at approximately 2,850 square feet is near the approximately 2,950 square foot average of 18 other properties he identified zoned R-7.5(A).
- The Building Inspection Senior Plans Examiners/Development Code Specialist has stated that no variance would be needed to locate the swimming pool in its proposed location if the City deemed the east side/Williamson Road side of the site as it functions – as a rear yard setback as opposed to a front yard setback.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (Single family district 7,500 square feet)
- North: R-7.5(A) (Single family district 7,500 square feet)
- South: R-7.5(A) (Single family district 7,500 square feet)
- East: R-7.5(A) (Single family district 7,500 square feet)
- West: R-7.5(A) (Single family district 7,500 square feet)

**Land Use:**

The subject site is developed with a single family home. The area to the north is developed with a park (Lakewood Park), and the areas to the east, south, and west are developed with single family uses.

**Zoning/BDA History:**

There has 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:**

- This request focuses on constructing and maintaining an approximately 420 square foot swimming pool, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Williamson Road) on a site developed with a single family home (No request has been made in this application to construct/maintain any structure in the site's Frontier Lane front yard setback).
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The subject site is a lot that runs from one street to another (Williamson Road on the northeast to Frontier Lane on the southeast). Regardless of how the existing single-



family structure is oriented to “front” westward towards Frontier Lane, the site has front yard setbacks on both streets since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.

- The submitted site plan denotes that the proposed swimming pool is located as close as 3’ from the site’s Williamson Road front property line or 22’ into this 25’ front yard setback.
- According to observations taken from the site plan, about half of the proposed approximately 420 square foot swimming pool is to be located in the site’s Williamson Road 25’ front yard setback.
- According to DCAD records, the “main improvements” at 3732 Frontier Lane is a structure built in 1959 with 2,842 square feet of living/total area; and the “additional improvements” is a 624 square foot attached garage.
- The subject site is somewhat sloped, virtually rectangular in shape, and according to the application is 0.23 acres (or 10,000 square feet) in area. The site is zoned R-7.5(A) where lots typically are 7,500 square feet in area. The site has two 25’ front yard setbacks; most lots in this zoning district have one 25’ front yard setback.
- A 75’ width of developable space remains on this 125’ deep lot once a 25’ front yard setback is accounted for on Frontier Lane and Williamson Road. If the site were to only have one front yard setback, the site would have 95’ of developable space once a 25’ front yard and a 5’ rear yard setback were accounted for.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a swimming pool to be located 3’ from the site’s Williamson Road front property line (or 22’ into this 25’ front yard setback).
- Note that granting the applicant’s request for a variance to the front yard setback regulations will not provide any relief to any existing or proposed noncompliance on the site related to fence height, visual obstruction, or off-street parking regulations.

### **Timeline:**

December 18, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

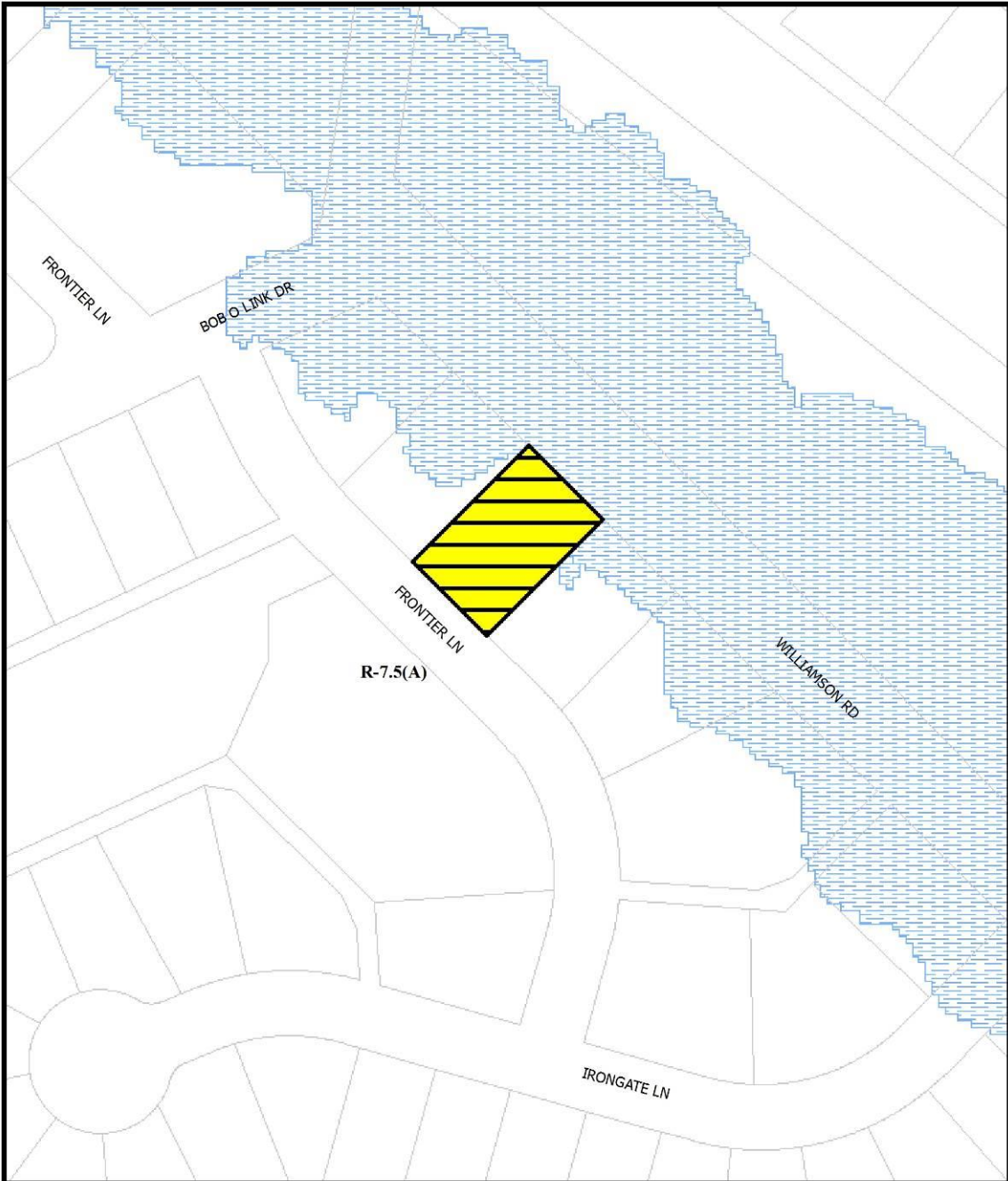
January 14, 2015: The Board Administrator contacted the applicant and emailed the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 6<sup>th</sup> 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.”

January 22, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



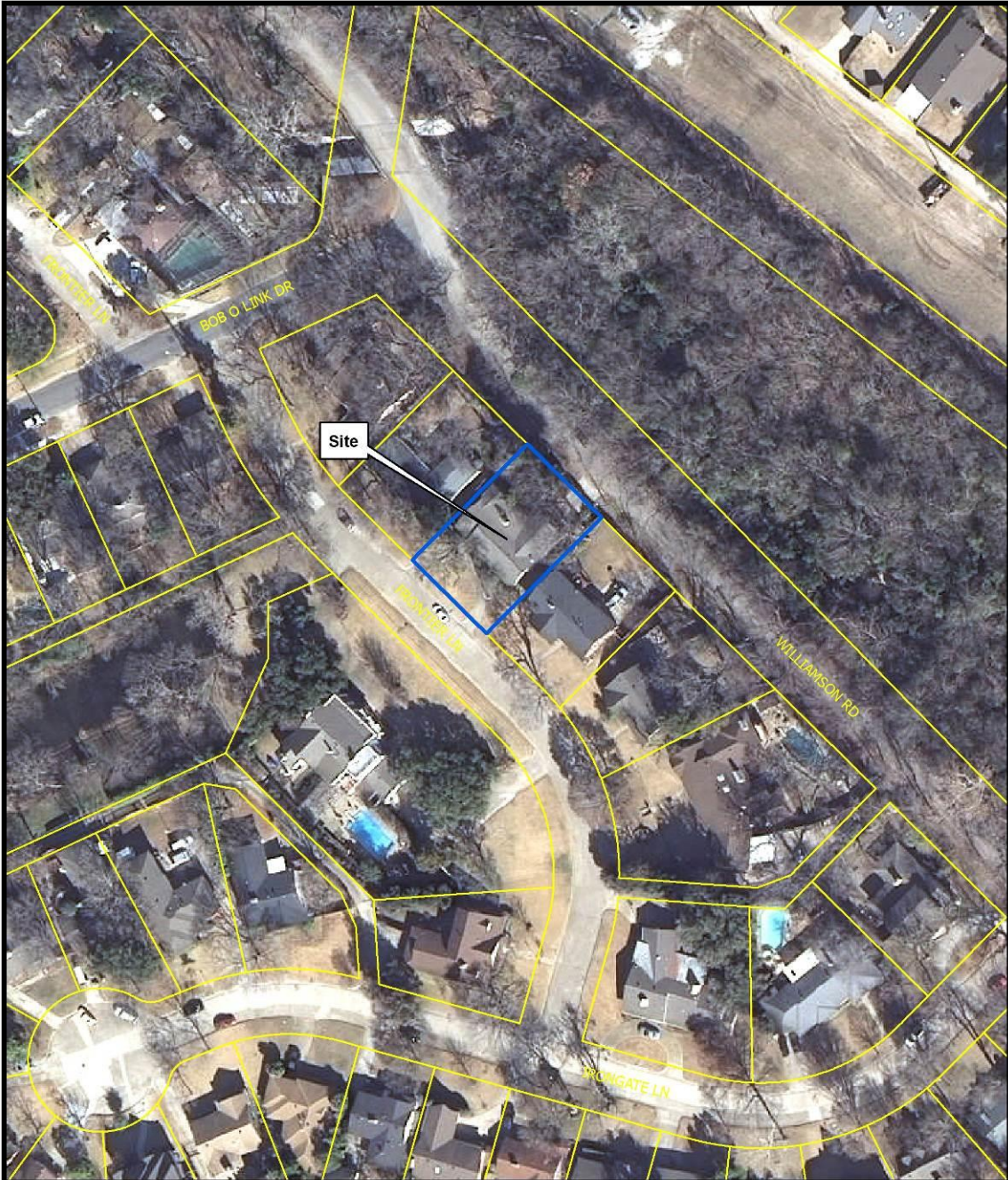
1:1,200

# ZONING MAP

Case no: BDA145-018

Date: 1/23/2015





1:1,200

# AERIAL MAP

Case no: BDA145-018

Date: 1/23/2015

BDA 145-018

Attach A

Pg 1

January 22, 2015

Kevin Ward  
3732 Frontier Lane  
Dallas, Tx 75214

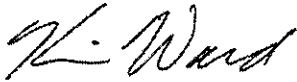
Steve Long  
Board of Adjustment Administrator  
City of Dallas Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Mr. Long,

I would like to provide some additional data concerning the variance for the front yard setback at 3732 Frontier Lane. Attached on page 2, I have listed 19 properties which are the closest in proximity to the subject property. Page 3 shows the location of these properties on a map. By averaging the square footage of each house, this shows that my house is below the square footage of comparable properties. This also shows that the house is not over-sized for a lot in this area zoned R-7.5a.

Please let me know if you need any other information or clarification to help expedite this process.

Regards,



Kevin Ward

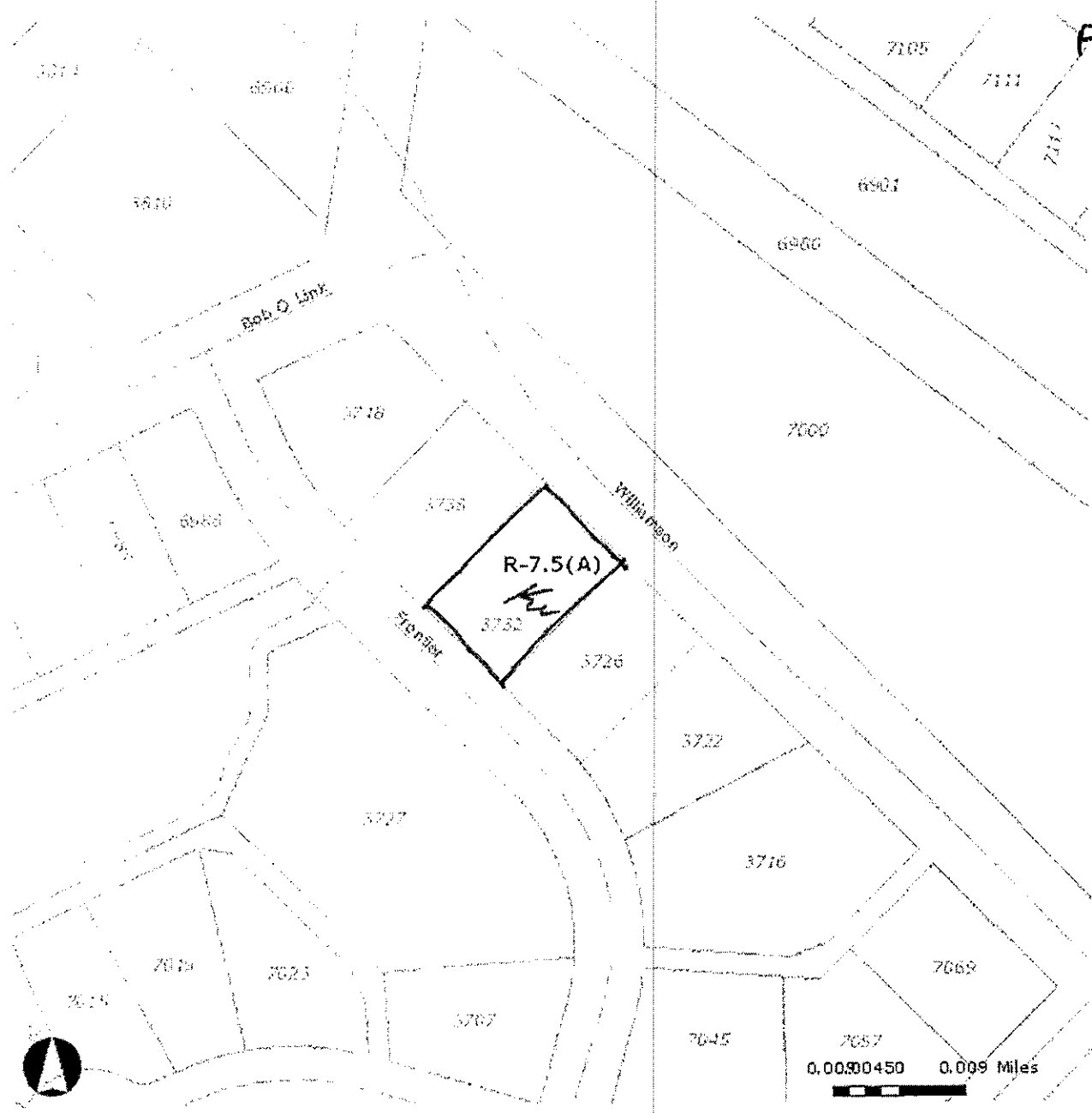
**Square Footage Comparison for 3732 Frontier Lane  
Zoning R-7.5(A)**

BDA 145-018

Attach A

pg 2

Address	Sq. Ft. Living Area		
3707 Frontier	2174		
3716 Frontier	4394		
3722 Frontier	2920		
3726 Frontier	3120		
3727 Frontier	4961		
3732 Frontier	2842	Subject Property	
3738 Frontier	2390		
3748 Frontier	2374		
3810 Frontier	7422		
3814 Frontier	2764		
7015 Irongate	2584		
7019 Irongate	2394		
7023 Irongate	1829		
7045 Irongate	3074		
7057 Irongate	3142		
7069 Irongate	2772		
6980 Bob o Link	2106		
6984 Bob o Link	1366		
6988 Bob o Link	1670		
Average	2963		







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-018

Data Relative to Subject Property:

Date: 12-18-14

Location address: 3732 FRONTIER LANE Zoning District: R-7.5(A)

Lot No.: 3 Block No.: 2/2984 Acreage: .23 Census Tract: 80.00

Street Frontage (in Feet): 1) 80 2) 80 3) 4) 5) SE 5B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kevin R. and Susan T. Ward

Applicant: KEVIN WARD Telephone: 214-534-6084

Mailing Address: 3732 FRONTIER LANE Zip Code: 75214

E-mail Address: KWARD1@SBCGLOBAL.NET

Represented by: N/A Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance ✓, or Special Exception, of 22' Variance for front yard setback to install pool;

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 variance is necessary to permit development in a restrictive area that cannot be developed commensurate with other parcels of land in area. The special exception is necessary to permit development in a restrictive area that cannot be developed commensurate with other parcels of land in the area.

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.

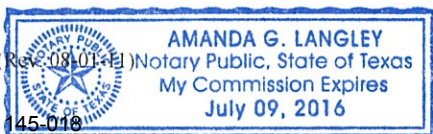
Affidavit

Before me the undersigned on this day personally appeared KEVIN WARD (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 18 day of December, 2014



[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

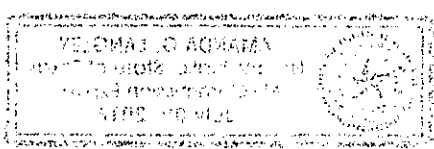
I hereby certify that KEVIN WARD

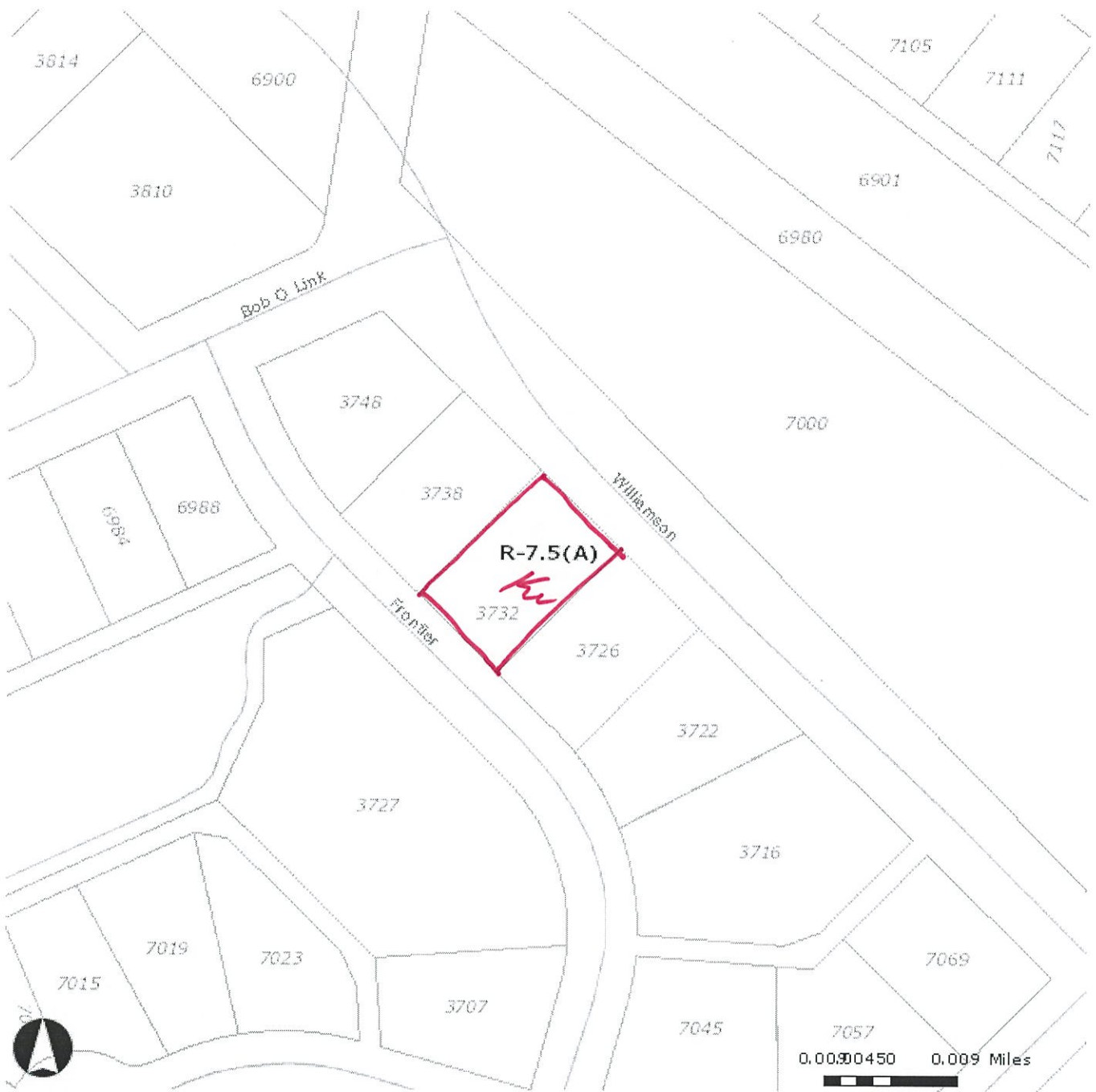
did submit a request for a variance to the front yard setback regulations  
at 3732 Frontier Lane

BDA145-018. Application of Kevin Ward for a variance to the front yard setback regulations at 3732 Frontier Lane. This property is more fully described as Lot 3, Block 2/2984, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 3 foot front yard setback, which will require a 22 foot variance to the front yard setback regulation.

Sincerely,

  
Larry Holmes, Building Official





CITY 12-21-54

2989

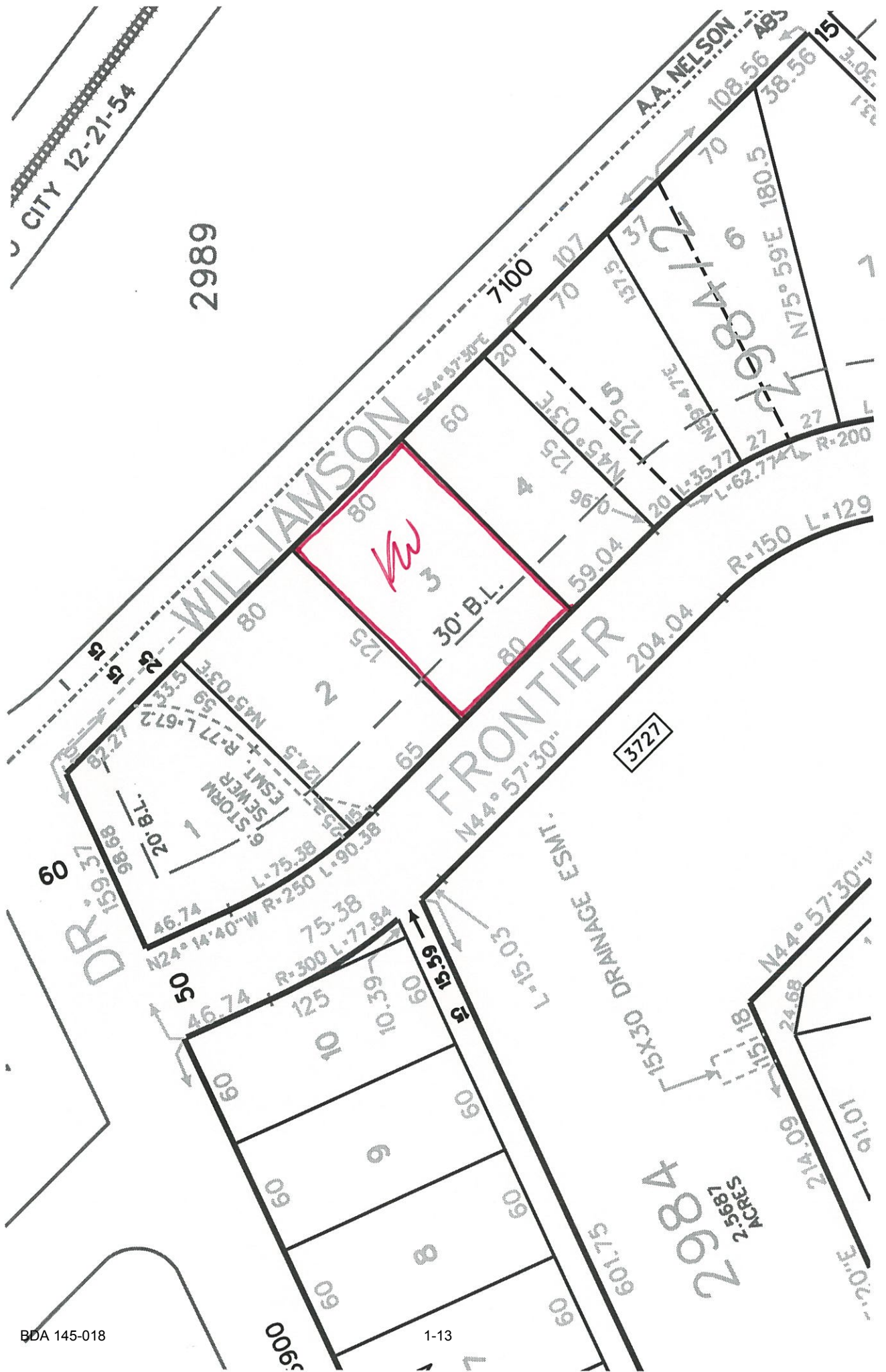
WILLIAMSON

FRONTIER

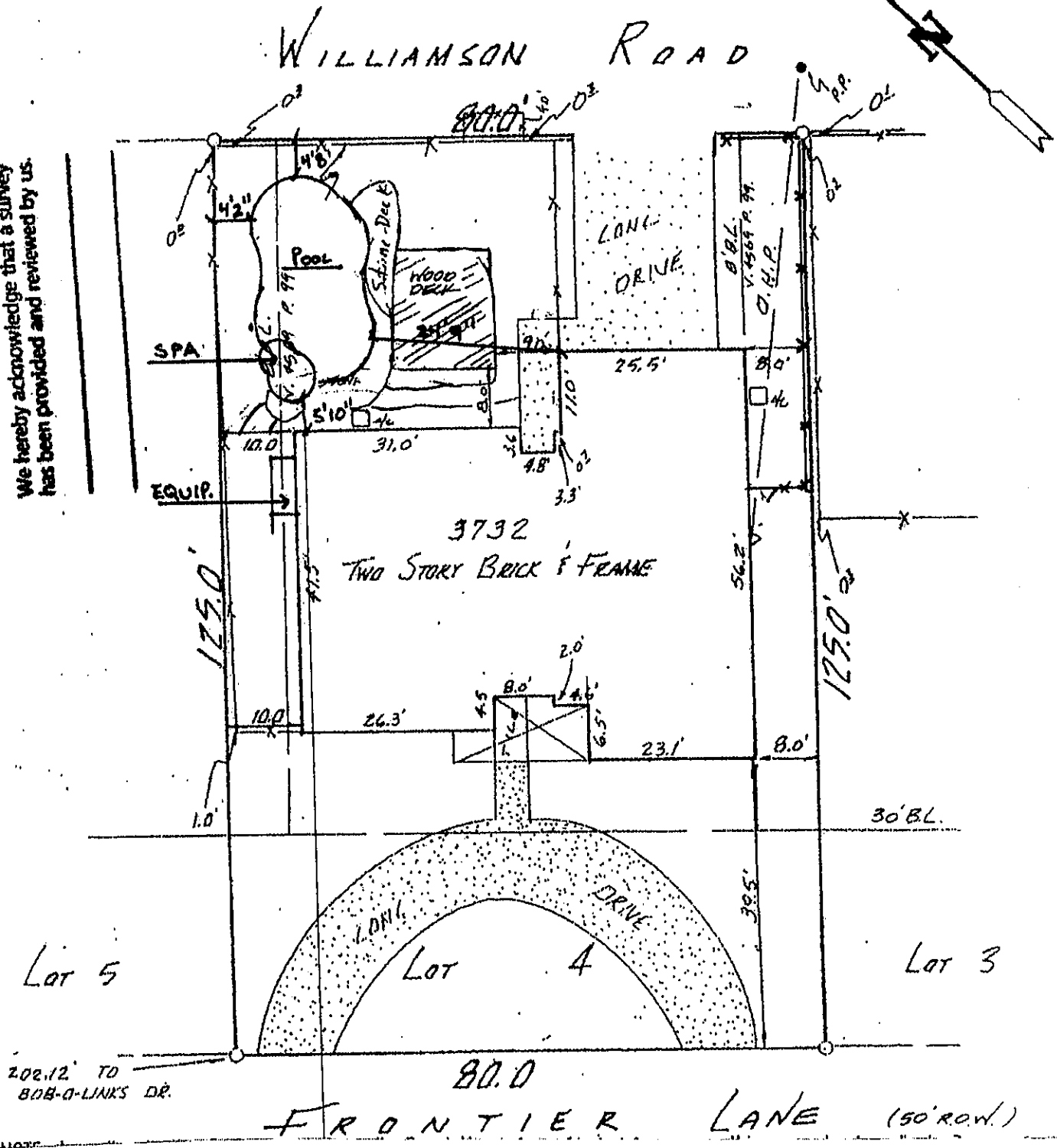
3727

2.5687 ACRES  
2984

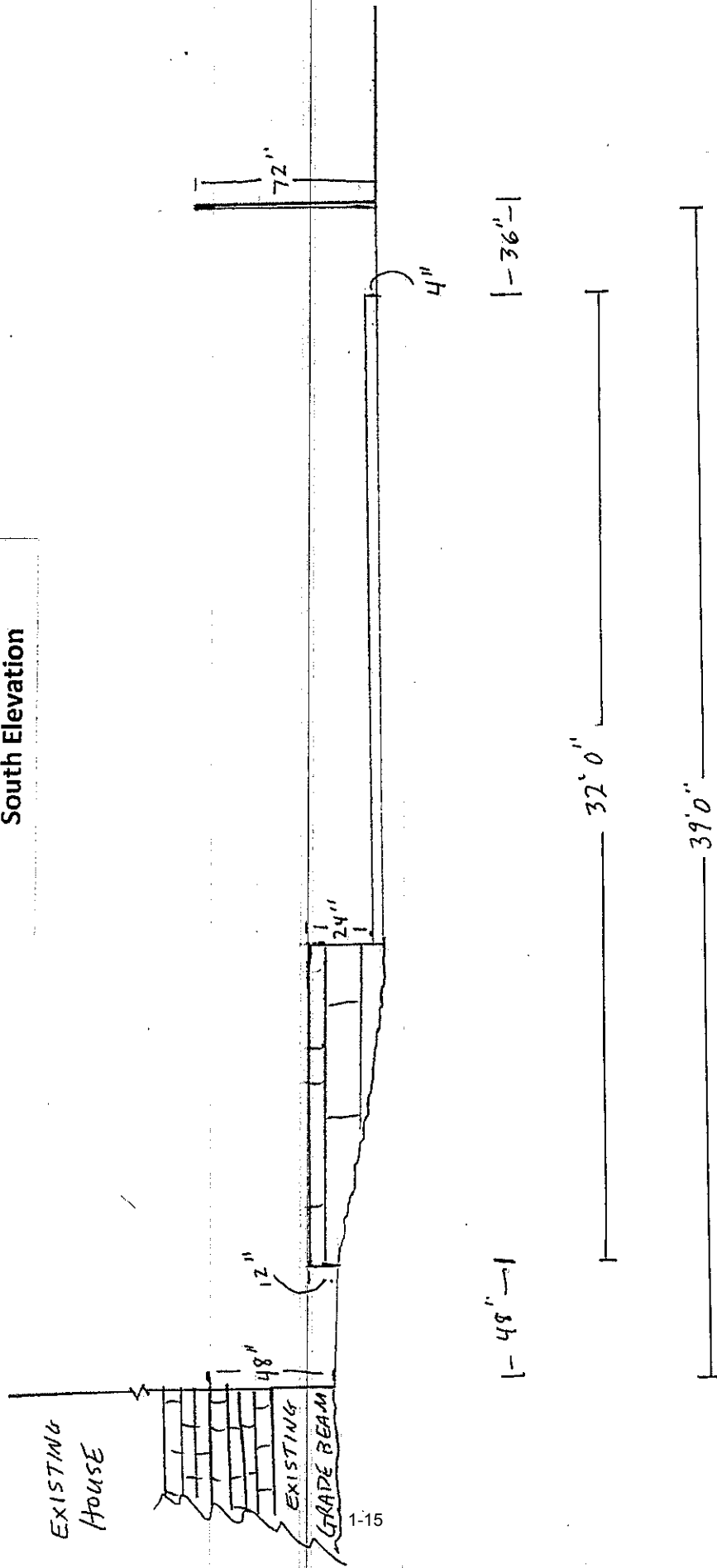
2984  
6  
12

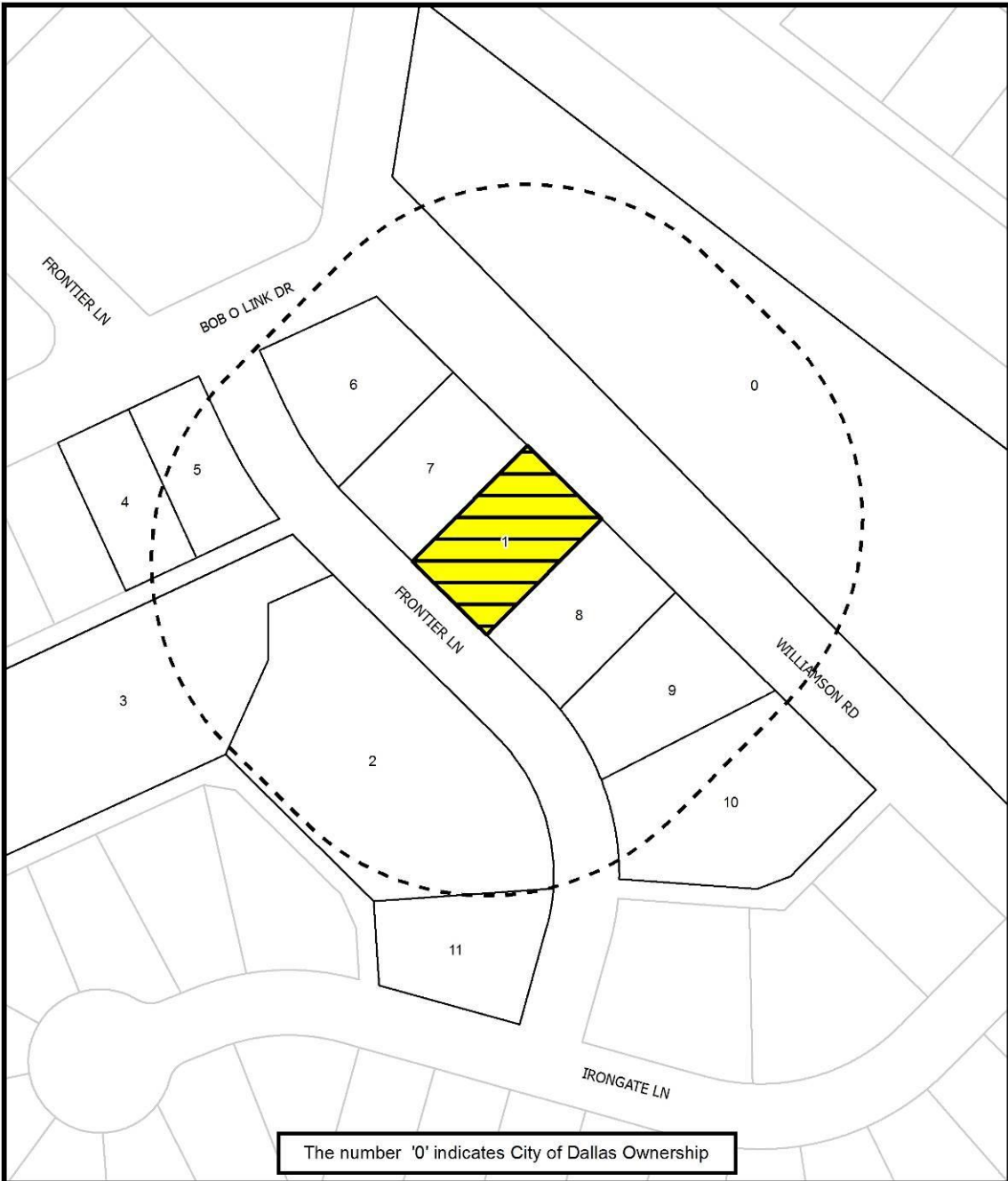


We hereby acknowledge that a survey has been provided and reviewed by us.



3732 Frontier Lane  
Proposed Pool  
South Elevation





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA145-018</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>1/23/2015</b>	

# ***Notification List of Property Owners***

## ***BDA145-018***

### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3732 FRONTIER LN	WARD KEVIN R & SUSAN T
2	3727 FRONTIER LN	MILLER RUSSELL & JOY
3	3727 FRONTIER LN	A & A RESIDENTIAL DESIGNS LLC
4	6984 BOB O LINK DR	WILSON STEPHEN D
5	6988 BOB O LINK DR	LAIRD ANN L
6	3748 FRONTIER LN	CLEMENS ROBERT W
7	3738 FRONTIER LN	HILLEBRAND SHEILAH G
8	3726 FRONTIER LN	MURPHY WILLIAM E & BARBARA K
9	3722 FRONTIER LN	WATSON WAYNE J &
10	3716 FRONTIER LN	KOUDELKA KAMA B
11	3707 FRONTIER LN	HOLMES LILLY

**FILE NUMBER:** BDA 145-024

**BUILDING OFFICIAL'S REPORT:** Application of Randal C. Shaffer, represented by Peter Kavanagh of Zone Systems, for a special exception to the off-street parking regulations at 855 E. 8th Street. This property is more fully described as Lot 1A, Block 79/3060, and is zoned PD468 (Subdistrict B), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for a public or private school use and provide 90 of the required 108 parking spaces, which will require a 18 space special exception to the off-street parking regulations.

**LOCATION:** 855 E. 8th Street

**APPLICANT:** Randal C. Shaffer  
Represented by Peter Kavanagh of Zone Systems

**REQUEST:**

A request for a special exception to the off-street parking regulations of 18 spaces is made to complete and maintain a school use (Trinity Basin Preparatory School), and provide 90 (or 83 percent) of the 108 required off-street parking spaces.

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

- 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 18 spaces shall automatically and immediately terminate if and when the public or private school use that would normally need no more than 108 required parking spaces is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has indicated that he has no objections to the applicant's request.
- The applicant has substantiated how the parking demand generated by the public or private school 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 applicant has submitted information stating that the experience of the school which has two other campuses in the same general area of the city shows that no more than approximately 70 spaces would be needed for this particular use in this particular location.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD 468 (Subarea B) (Planned Development)  
North: PD 468 (Subareas B and C) (Planned Development)  
South: MU-1 (Mixed Use)  
East: RR (Regional Retail)  
West: PD 468 (Subarea C) (Planned Development)

### **Land Use:**

The subject site is being developed with school use (Trinity Basin Preparatory School). The areas to the north, south, east, and west are developed with a mix of commercial and multifamily residential uses.

### **Zoning/BDA History:**

There has 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:**

- This request focuses on completing and maintaining a public or private school use (Trinity Basin Preparatory School), and providing 90 (or 83 percent) of the 108 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement for public or private school use:
  - One and one-half spaces for each kindergarten/elementary school classroom;
  - Three and one-half spaces for each junior high/middle school classroom; and
  - Nine and one-half spaces for each senior high school classroom.
- The applicant has submitted a document stating that the school is built assuming to have 18 classrooms for 3<sup>rd</sup> - 5<sup>th</sup> grade and 18 classrooms for 6<sup>th</sup> - 8<sup>th</sup> grade which requires a total of 90 spaces required. But this proposal to the Board is made proposing the same total number of classrooms, 36, but with a different grade mix: 9 classrooms for 5<sup>th</sup> grade and 27 classrooms for 6<sup>th</sup> – 8<sup>th</sup> grade which would require a total of 108 parking spaces required.
- The applicant proposes to provide 90 (or 83 percent) of the required 108 off-street parking spaces in conjunction with completing and maintaining the public or private

school use on the site with 36 classrooms with a proposed mix of 5<sup>th</sup>, and 6<sup>th</sup> – 8<sup>th</sup> grade classrooms.

- The Sustainable Development Department Project Engineer has indicated that he has no objections to this request.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the proposed public or private school use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 18 spaces (or a 17 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 18 spaces shall automatically and immediately terminate if and when the public or private school use is changed or discontinued, the applicant would be allowed to lease and maintain the structure on the site with this specific use with the proposed mix of classrooms, and provide 90 of the 108 code required off-street parking spaces.

### **Timeline:**

December 19, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 14, 2015: The Board Administrator emailed the applicant’s representative the following information:

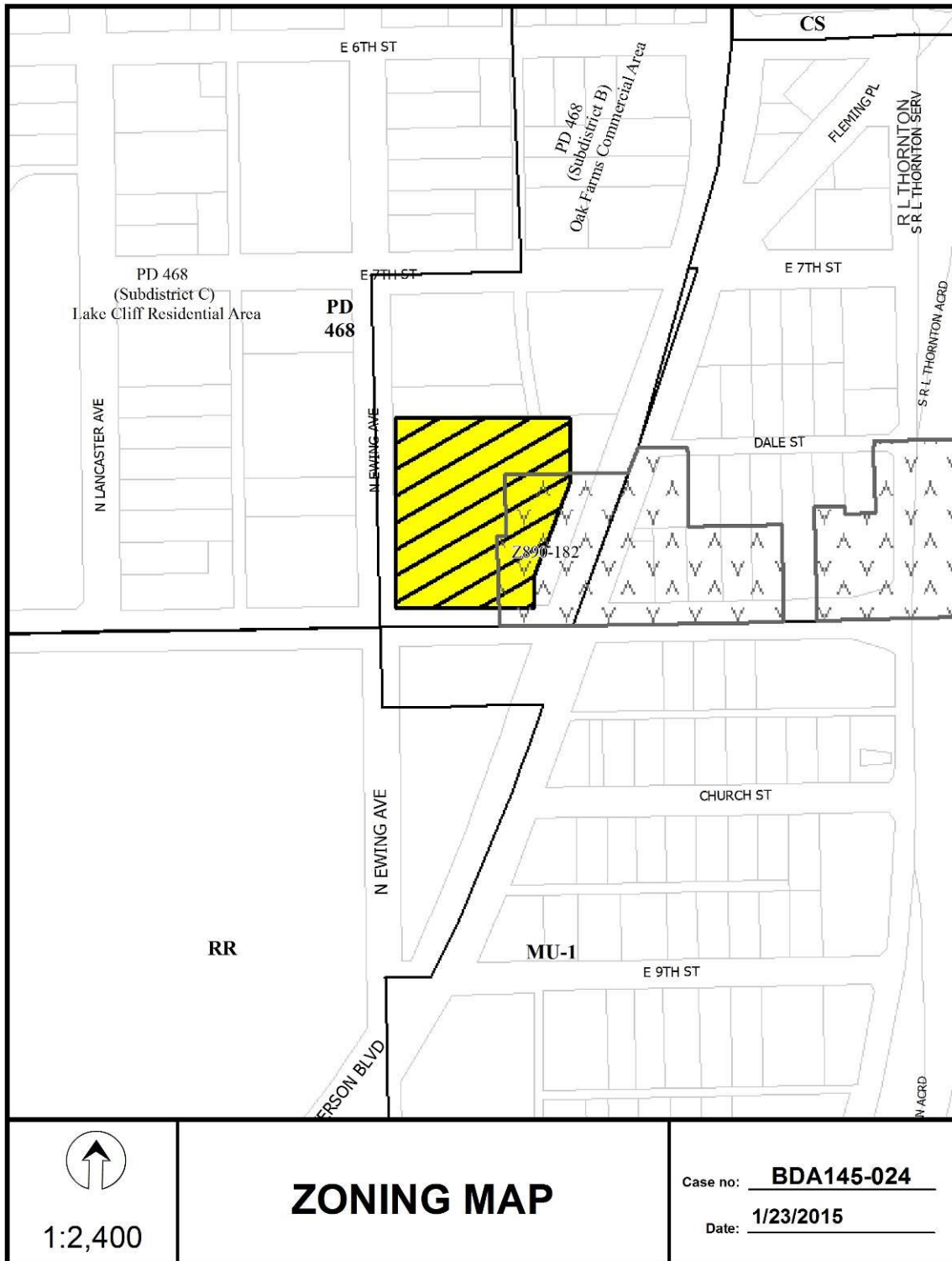
- an attachment that provided the public hearing date and panel that will consider the application; the January 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 6<sup>th</sup> deadline to submit additional evidence to be incorporated into 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.”

January 15, 2015: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and

Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

February 6, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."







1:2,400

# AERIAL MAP

Case no: BDA145-024

Date: 1/23/2015

ZONE SYSTEMS, INC.

---

January 15, 2015

Mr. Steve Long  
Board Administrator  
Board of Adjustment  
City of Dallas  
1500 Marilla  
Dallas, TX 75201

Re: Trinity Basin Preparatory  
BDA 145-024

The property at 855 East 8<sup>th</sup> Street is being developed as an open enrollment charter school by Trinity Basin Preparatory School. This school has two campuses in North Oak Cliff and its administrative offices are in Oak Cliff. The school began operations in 1999. The school now includes over 1,300 students. This new campus will provide the same first class educational opportunities to children of the area as the other two campuses. This new school will complement the other two campuses and will operate in conjunction with those two campuses.

The initial plan for the new school was to provide for grades 3 through 8. The school is under construction and has ninety (90) parking spaces that is the minimum required for the new school. The school administration now believes that the better organization for the school and the other two campuses would be to provide only grades five through eight at this campus. The younger children in Pre-K through fourth grade will be at the other two campuses and will come to this school for fifth through eighth grades.

Trinity Basin School has three campuses. The plan is for the lower grades to go to the other two schools and the older children in 5<sup>th</sup> through 8<sup>th</sup> grades to go to this school.

**PARKING.** The Dallas parking requirements for schools in Dallas are based on the grade level of classrooms. They are:

Pre-K – 5<sup>th</sup>: 1.5 parking spaces per classroom

6<sup>th</sup> – 8<sup>th</sup>: 3.5 parking spaces per classroom.

855 West 8<sup>th</sup> Street School will have 36 classrooms.

Parking at Trinity Basin is overwhelming staff parking. There is very little need for parking for visitors.

The new school is built assuming 18 classrooms for 3<sup>rd</sup> through 5<sup>th</sup> grades and 18 classrooms for 6<sup>th</sup> through 8<sup>th</sup> grades.

18 classrooms for 3-5<sup>th</sup> grade. (1.5×18 = 27)

18 classrooms for 6-8<sup>th</sup> grade. (3.5×18 = 63)

**TOTAL PARKING REQUIRED: 90**

We propose the same total number of classrooms with a different grade mix. We propose to have 9 classrooms of 5<sup>th</sup> grade and 27 classrooms of 6<sup>th</sup> through 8<sup>th</sup> grades.

9 classrooms for 5<sup>th</sup> grade. (1.5×9 = 13.5 parking spaces)  
 27 classrooms for 6<sup>th</sup>-8<sup>th</sup> grades. 3.5×27 = 94.5 parking spaces)  
**TOTAL PARKING REQUIRED: 108**

The new school is providing 90 parking spaces. This is the required parking for the school as the classrooms are now assigned. The school has 36 classrooms with grades 3 through 8.

The parking demand for the school with grades 3 through 8 is 70 spaces. This includes 71 teachers and professionals and visitors. The parking demand assuming grades 5 through 8 is 70. This includes 71 teachers and professionals and visitors.

The younger grades have extra ESL (English as a second language) teachers and extra teaching assistants.

The Trinity Basin campus at Tyler and 10<sup>th</sup> Street has 42 classrooms. There are 21 classrooms with children in grades 3 through 5. This portion of the school is operated by 42 professionals that include teachers, teachers' aides and other professionals including the principal and administrative staff. There are 21 classrooms with children in grades 6 through 8. This portion of the school is operated by 41 professionals. The school operates with 2.0 staff per classroom in the lower levels and 1.95 staff per classroom in the upper levels. A maximum of 22 children are in each classroom. The school is at capacity.

The total number of teachers and professionals employed at the Tyler campus is 83. The average number of parking spaces taken is 70. The difference is carpooling and use of public transportation by some teachers and staff.

The new school at 855 West 8<sup>th</sup> Street will have 36 classrooms. This is six less classrooms than are at the campus at Tenth Street and Tyler. The need for parking at the Tyler campus which has operated for approximately 4 years has been comfortably met with 90 spaces. The new school will have 6 fewer classrooms and all children will be 5<sup>th</sup> grade and above. The older children require less classroom aids. The parking demand is about the same for the school with 6 classrooms each of grades 3 through 8 as it would be for the school with 9 classrooms each of grades 5 through 8. The only difference is fewer classroom aides for the higher grades.

**GRAPHIC PRESENTATION WITH TABLES.**

City standards based on Sec. 51A-4.204(17) (C) Public or Private Schools Required Parking.

Dallas Zoning Ordinance		
K-5	1.5 spaces per classroom	
6 <sup>th</sup> through 8 <sup>th</sup>	3.5 spaces per classroom	



**Current Grade Levels proposed for school with required parking.**

Grade Level	Spaces/classroom	Classrooms	Spaces required
3 <sup>rd</sup> – 5 <sup>th</sup>	1.5	18	27
6 <sup>th</sup> – 8 <sup>th</sup>	3.5	18	63
<b>TOTAL</b>			<b>90</b>

**Proposed Grade Levels for school with required parking**

Grade Level	Spaces/classroom	Classrooms	Spaces required
5 <sup>th</sup>	1.5	9	13.5
6 <sup>th</sup> – 8 <sup>th</sup>	3.5	27	94.5
<b>TOTAL</b>			<b>108</b>

**Current Parking at campus at Tenth and Tyler in Dallas**

Grade Level		Classrooms	Spaces Required
3 <sup>rd</sup> – 5 <sup>th</sup>	1.5	21	31.5
6 <sup>th</sup> – 8 <sup>th</sup>	3.5	21	73.5
			<b>105</b>

**Staff at The New School will be the same per classroom as at the Tyler Campus.**

Tyler Campus	Staff per room	Rooms	Total Staff
Grades 3 - 5	2.0	21	42
Grades 6 - 8	1.95	21	41
Total Staff Tyler			<b>83</b>
<b>New School 8<sup>th</sup> Street</b>			
Grade 5	2.0	9	18
Grades 6 - 8	1.95	27	53
New School Staff			<b>71</b>

The current campus has 42 classrooms and 12 more staff persons than at the new school. Parking use is 70. The new school will have 85% of the staff of the current school on Tyler. Our conservative estimate of the same parking demand as at the Tyler campus will provide an average of 20 spaces on this property.

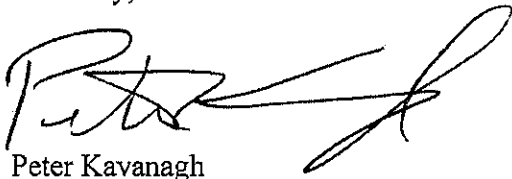
The school has operated a campus with 42 classrooms for four years. The lower grades require more professionals as teachers' aides. The 42 classroom school uses no more than 70 or so parking spaces.

This request is to provide for 36 classrooms with 90 parking spaces. The experience of the school in the same general area of Oak Cliff is that no more than about 70 are needed. This request for a special exception of 18 spaces is a 17% reduction of the required parking. This school operates comfortably using 70 spaces on a campus that has 42 classrooms. That is six more classrooms than is proposed at this site. This site will use approximately the same number of parking spaces, likely less, but will still be over parked by approximately twenty (20) spaces.

Thank you for your consideration.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Kavanagh', with a long, sweeping horizontal stroke extending to the right.

Peter Kavanagh



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-024

Data Relative to Subject Property:

Date: 12-19-14

Location address: 855 E. Eighth St. Zoning District: PD 468

Lot No.: 1A Block No.: 79/3060 Acreage: 2.17 Census Tract: 20.00

Street Frontage (in Feet): 1) 283 2) 338 3) 303 4)      5)      SW17

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Trinity Basin Preparatory Inc

Applicant: Randal C. Shaffer Telephone: 214-946-9100

Mailing Address: 400 S. Zang, Ste 700 Dallas TX Zip Code: 75208

E-mail Address: rshaffer@dallascharter.org

Represented by: Peter Kavanagh/Zone Systems Telephone: 214 941-4440

Mailing Address: 1620 Handley Dr. Suite A, Dallas Zip Code: 75208

E-mail Address: peterk@zonesystems.com

I affirm that an appeal has been made for a Variance     , or Special Exception , of 18 spaces from the 108 required for school use.

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 18 space reduction in parking will not create a traffic hazard or adversely affect the neighboring properties.

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.

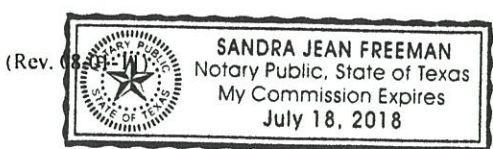
Affidavit

Before me the undersigned on this day personally appeared Randal C. Shaffer  
(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 18 day of December, 2014



Sandra Jean Freeman  
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

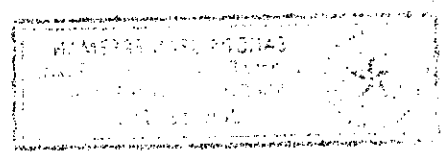
Building Official's Report

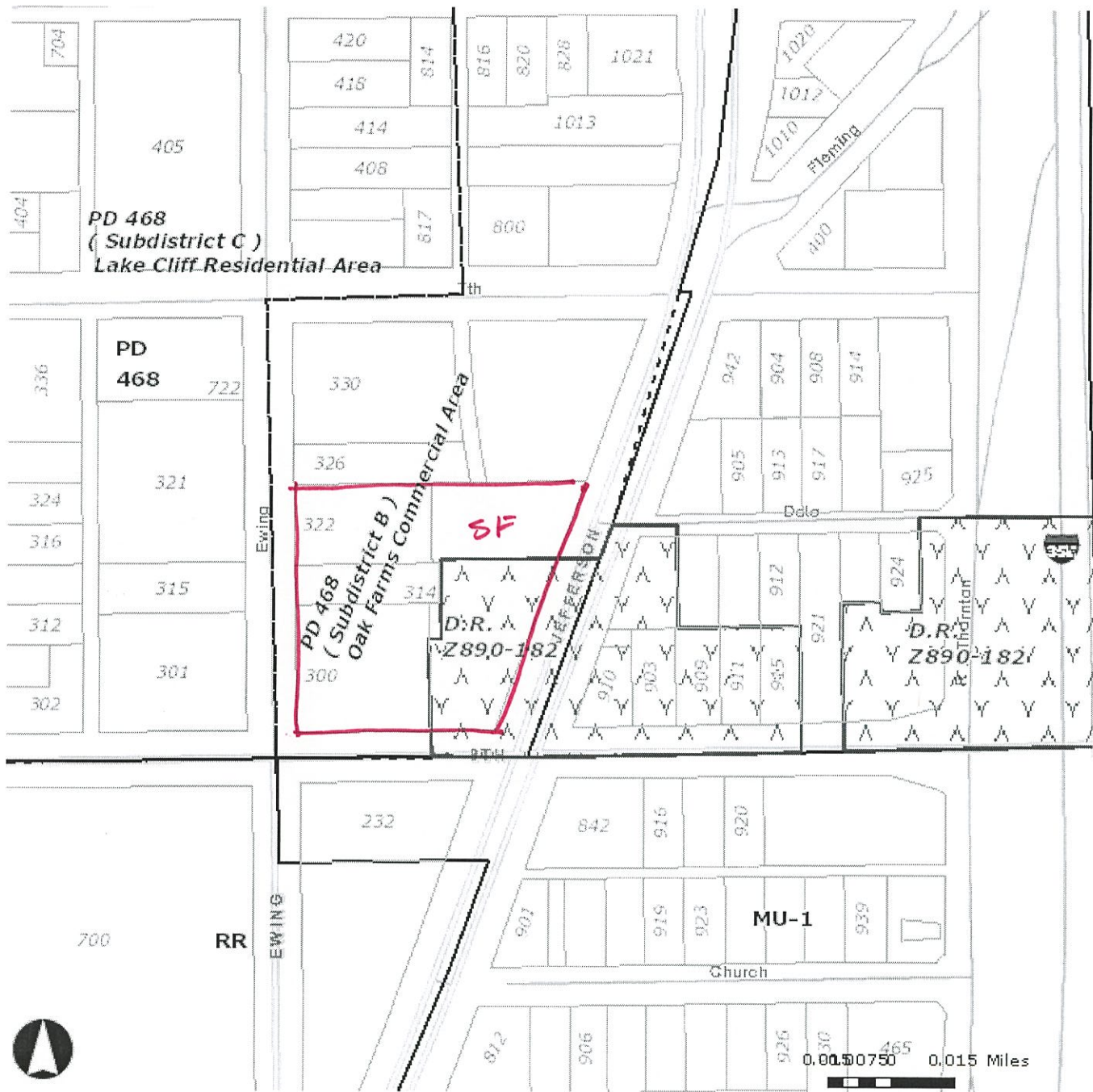
I hereby certify that Randal C. Shaffer  
represented by Peter Kavanagh  
did submit a request for a special exception to the parking regulations  
at 855 E. 8th Street

BDA145-024. Application of Randal C. Shaffer represented by Peter Kavanagh for a special exception to the parking regulations at 855 E. 8th Street. This property is more fully described as Lot 1A, Block 79/3060, and is zoned PD468 (Subdistrict B), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for public or private school use and provide 90 of the required 108 parking spaces, which will require a 18 space special exception (16.6% reduction) to the parking regulation.

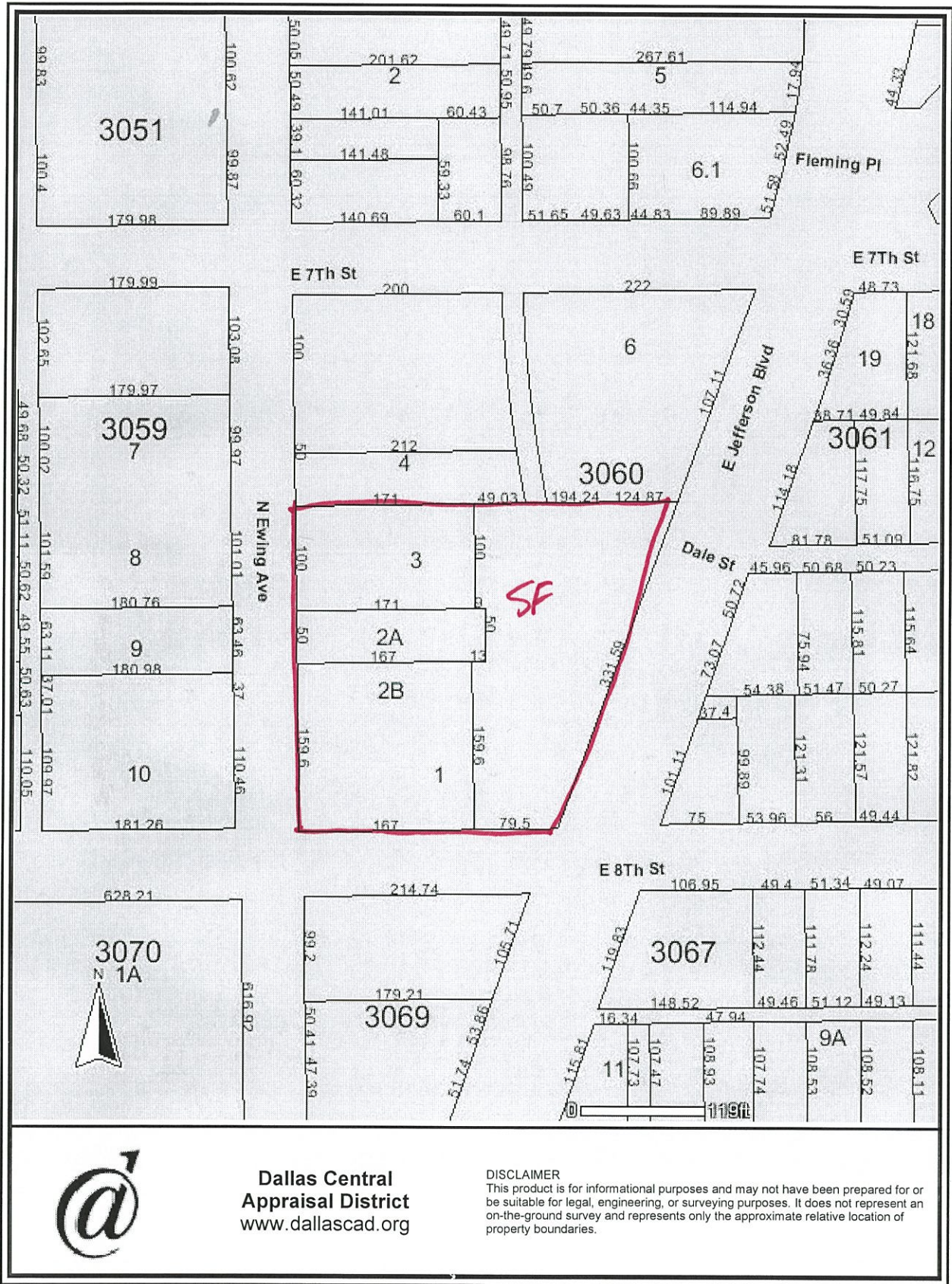
Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official









**Dallas Central Appraisal District**  
[www.dallascad.org](http://www.dallascad.org)

**DISCLAIMER**  
 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.







The number '0' indicates City of Dallas Ownership

 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA145-024</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">18</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>1/23/2015</b>	



## *Notification List of Property Owners*

### *BDA145-024*

#### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	301 EWING AVE	TRINITY BASIN PREPARATORY INC
2	315 EWING AVE	TRINITY BASIN PREPARATORY INC
3	919 JEFFERSON BLVD	TRINITY BASIN PREPARATORY INC
4	722 7TH ST	MARCER INVESTMENTS
5	321 EWING AVE	AYZ GROUP INC
6	326 EWING AVE	BANDA RAUL & EPIFANIA
7	330 EWING AVE	WOOD CORA ANN
8	910 JEFFERSON BLVD	MORRISON JAY II
9	904 DALE ST	MORRISON JAY R
10	842 JEFFERSON BLVD	MAGHAIDA BLANCA A &
11	901 CHURCH ST	VILLEGAS VENANCIO
12	232 EWING AVE	RIOS PROPERTIES LLC
13	700 EIGHTH ST	Dallas ISD
14	945 JEFFERSON BLVD	KARLEN AUTO COMP INC
15	910 JEFFERSON BLVD	MORRISON JAY II
16	910 JEFFERSON BLVD	MORRISON JAY II
17	932 JEFFERSON BLVD	MORRISON JAY R
18	819 JEFFERSON BLVD	RIOS PROPERTIES LLC

**FILE NUMBER:** BDA 145-025

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the sign regulations at 17950 Preston Road. This property is more fully described as Lot 1, Block J/8729, and is zoned CR, which limits the number of detached signs on a premises to one per street frontage other than expressways. The applicant proposes to construct and maintain one additional detached premise sign, which will require a special exception to the sign regulations.

**LOCATION:** 17950 Preston Road

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A special exception to the sign regulations is made to locate and maintain an additional detached premise sign along the site's approximately 575' long Preston Road street frontage on a site developed with office/retail uses. More specifically, the applicant proposes to relocate an existing non-permitted second sign on the site farther south along Preston Road.

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

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.

**STAFF RECOMMENDATION:**

Approval

Rationale:

- Staff has concluded that strict compliance with the requirement of the sign regulations in this case (one sign for the site's approximately 575 linear feet of frontage along Preston Road) will result in inequity to the applicant.
- The applicant's request for a total of two signs along Preston Road can be supported given that the subject site is developed with an office building and related ground level office and retails uses, and has almost 600 linear feet of frontage along Preston Road.

- Granting the applicant’s request for an additional sign would result in the subject site being allowed two signs along Preston Road where the area immediately west is afforded six individual signs on six individually plated lots.
- Approval of this special exception would merely allow an additional sign on the property’s approximately 575 linear feet of Preston Road street frontage, and not provide any other exception to the sign regulations pertaining to the additional sign’s setback, height, or effective area.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: CR (Community Retail)
- North: PD 425 (Planned Development)
- South: CR (Community Retail)
- East: MF-2(A) (Multifamily)
- West: CR (Community Retail)

**Land Use:**

The site is currently developed with office and retail uses. The area to the north, south, and west are developed with retail uses; and the area to the east is developed with multifamily uses.

**Zoning/BDA History:**

There has 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:**

- The request focuses on locating and maintaining an additional sign on the subject site’s approximately 575’ long Preston Road frontage, more specifically, according to the application, relocating an existing non-permitted detached sign and replacing it with an existing multi-tenant sign farther south along Preston Road.
- 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 is not an expressway).
- The applicant’s submitted revised site plan indicates the following notations regarding signs on the site’s Preston Road frontage:
  - “remove and discard existing single-use monument sign; replace with new single-use monument sign” on the north side of the site; and
  - “relocated existing multi-tenant monument sign” near the center of the site.
- The applicant’s has also submitted a sign elevation denoting a monument sign at 5’ in height and 11’ in length.

- 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 revised site plan and sign elevation.
- Granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code other than allowing an additional sign on the subject site.

**Timeline:**

November 25, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 14, 2015: The Board Administrator contacted the applicant and emailed the following information:

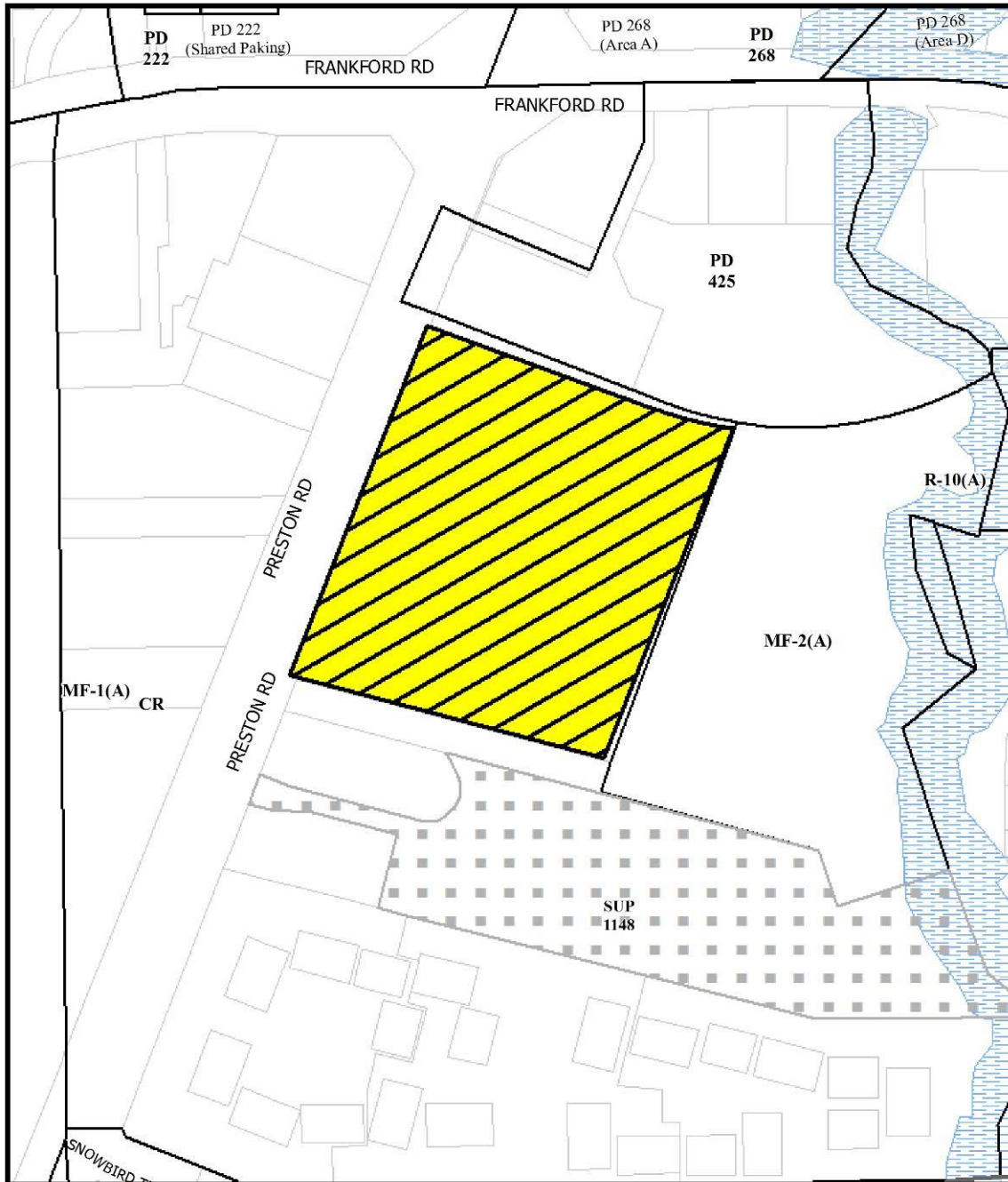
- an attachment that provided the public hearing date and panel that will consider the application; the January 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 6<sup>th</sup> deadline to submit additional evidence to be incorporated into 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.”

January 29 &

February 2, 2015: The applicant submitted additional information to the Board Administrator beyond what was submitted in the original application (see Attachments A and B).

February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



1:2,400

# ZONING MAP

Case no: BDA145-025  
 Date: 1/23/2015





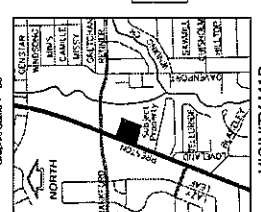
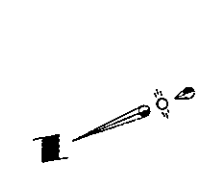
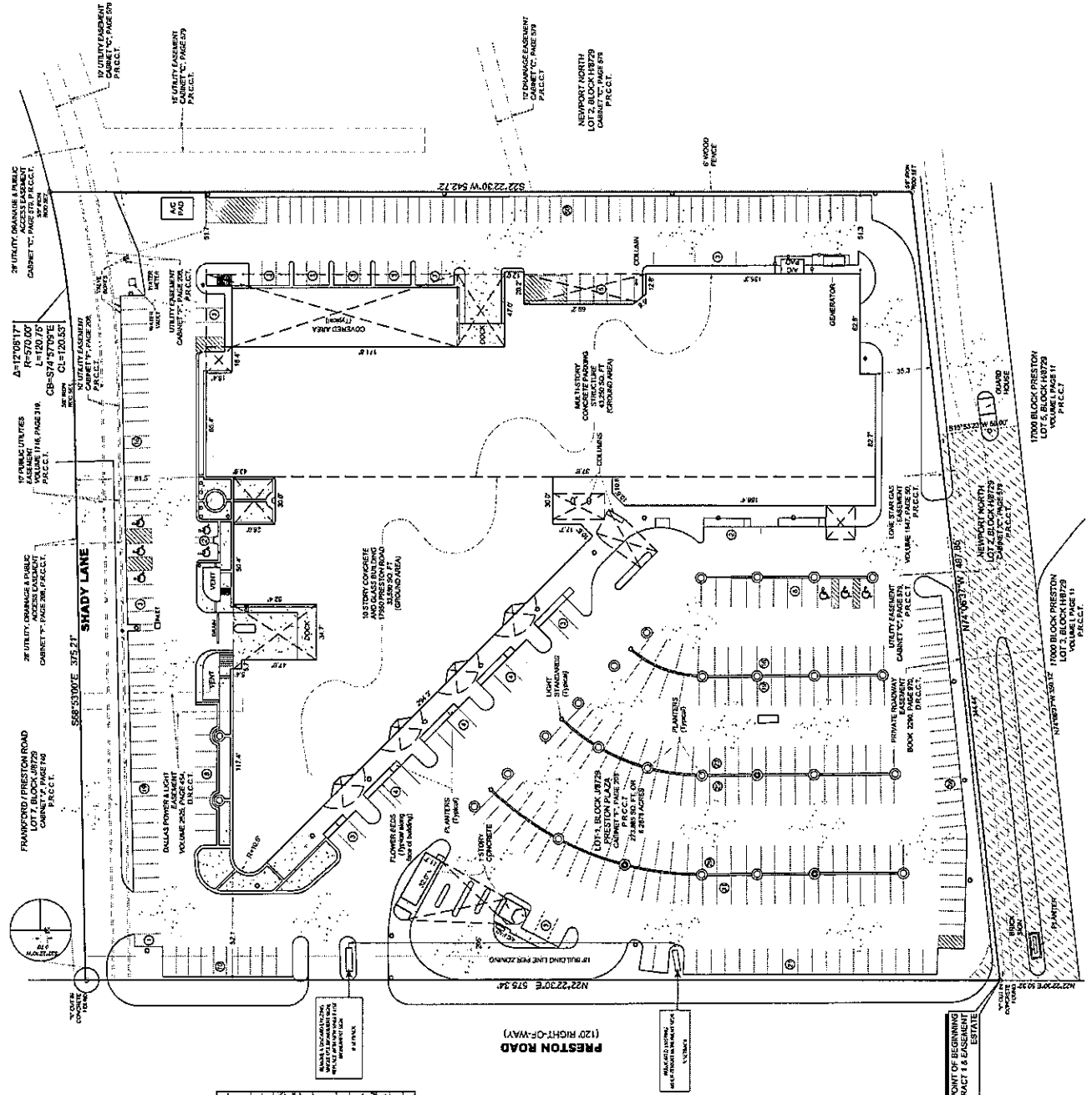
1:2,400

# AERIAL MAP

Case no: BDA145-025

Date: 1/23/2015

BDA145-025  
Attach A



February 2, 2015

Mr. Steve Long  
Board of Adjustment Administrator  
City of Dallas Department of Sustainable Development  
1500 Marilla Street  
Dallas, Texas 75201

Re: BDA145-025

Dear Steve,

As you are aware, we are working with the owners of the property known as 17950 Preston Road in their request to obtain permission for a second sign on this property. Although there is already a second sign on the property, and it was there when my client purchased the property last year, we are not sure how it came to be and we are seeking permission to move it farther south along Preston Road.

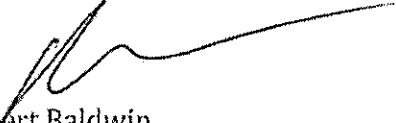
The property is currently improved with a 10-story office building and a structured parking garage. The ground floor of the office and parking garage has ground-level offices and retail and office uses. The office and retail area that is in front of the garage functions as a separate building and we are seeking permission to have a second sign to advertise the businesses in this portion of the property.

The site plan shows the proposed signs will both be monument signs. The proposed sign at the driveway will state the name of the development, Preston Plaza, as it does today. The multi-tenant sign will be relocated approximately 200 feet south of the driveway sign along the Preston Road frontage, which will benefit drivers traveling north-bound on Preston Road identify the property before the driveway. The two monument signs will still provide openness and visibility into the property.

The subject property has approximately 575 feet of frontage along Preston Road. If one studies a property map of the area, it becomes evident that most of the properties that front onto Preston Road have frontages of less than 100 feet. On the west side of Preston Road there are six (6) lots that are across from the subject property. Each of those lots is allowed a detached sign. We have approximately six times the street frontage as each of our neighbors across Preston Road, but we are only allowed one sign. Therefore, we believe that this request is reasonable and equitable.

We are requesting that the Board of Adjustment approved this request and tie the approval to the submitted site plan.

With kind regards,

A handwritten signature in black ink, appearing to read 'Robert Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-025

Data Relative to Subject Property:

Date: Nov. 25, 2014

Location address: 17950 Preston Rd Zoning District: CR

Lot No.: 1 Block No.: J/8729 Acreage: 6.29 acres Census Tract: 317.08

Street Frontage (in Feet): 1) 575 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) NE2R

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Caddo Preston Plaza 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 \_\_\_\_\_  
to allow for a second detached premise 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:  
Requesting a second detached premise sign in order to relocate an existing detached sign and to replace an existing multi-tenant sign.

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

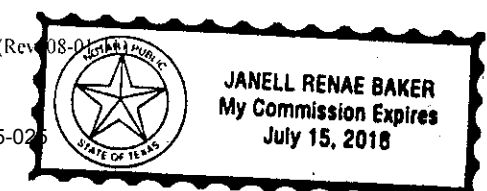
Before me the undersigned on this day personally appeared Rob Baldwin  
(Affiant/Applicant's name printed)

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: \_\_\_\_\_  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1 day of December, 2014

Janelle R. Baker  
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**

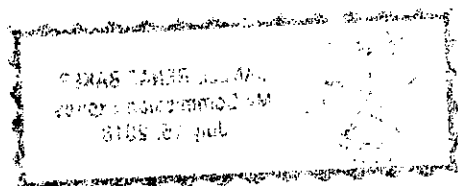
I hereby certify that Robert Baldwin

did submit a request for a special exception to the sign regulations  
at 17950 Preston Road

BDA145-025. Application of Robert Baldwin for a special exception to the sign regulation at 17950 Preston Road. This property is more fully described as Lot 1, Block J/8729, and is zoned CR, which limits the number of detached signs on a premises to one per street frontage other than expressways. The applicant proposes to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulation.

Sincerely,

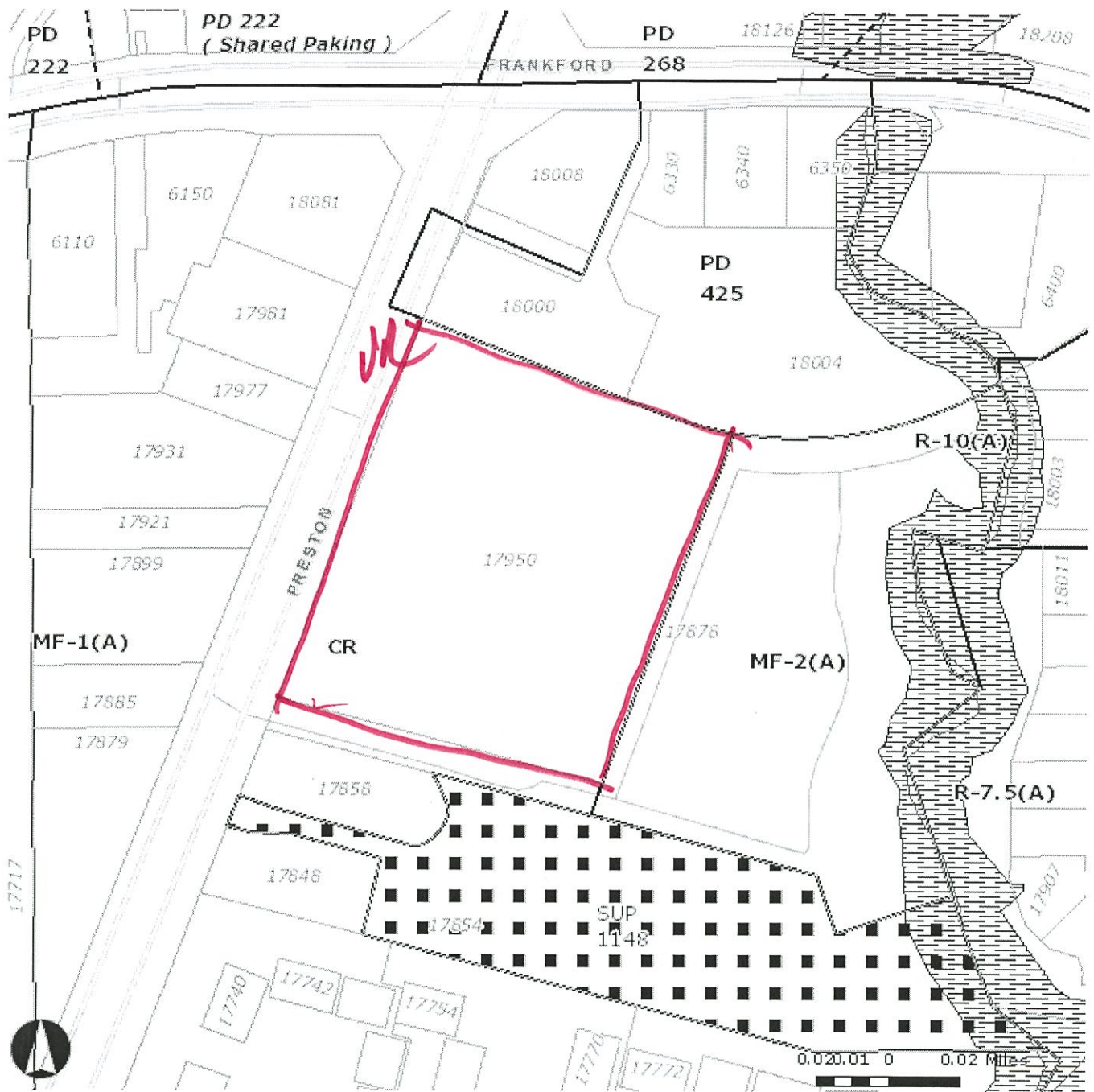
  
Larry Holmes, Building Official

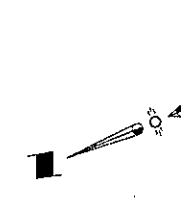
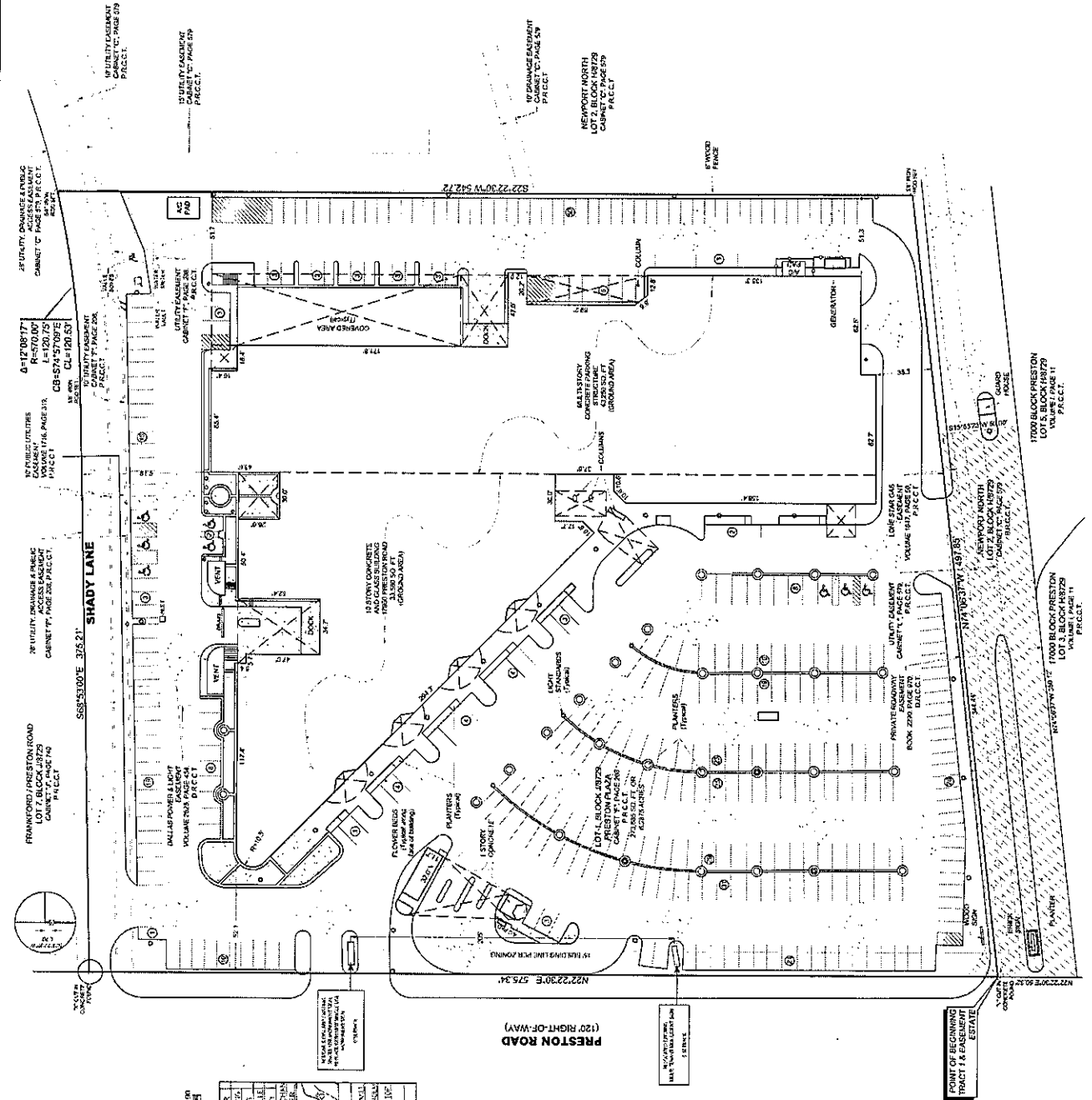


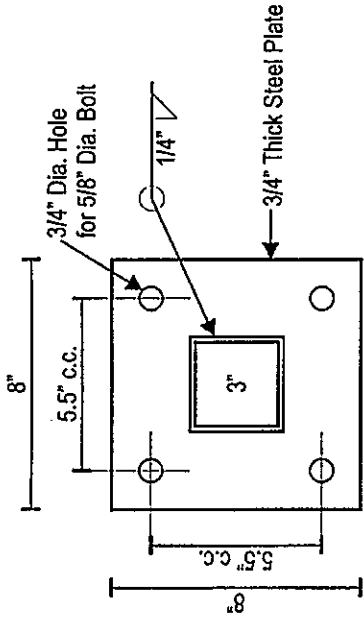


105-10-05 OLD PRESTON BLK. PARCELS 8729 J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ

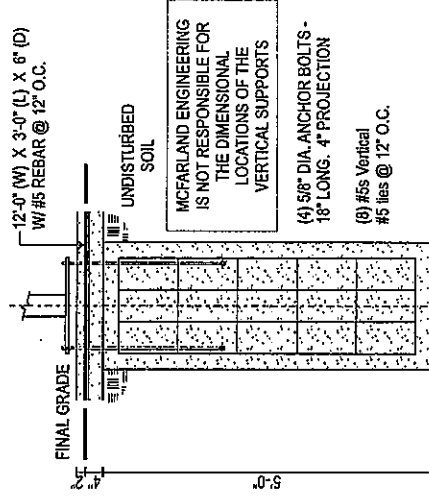






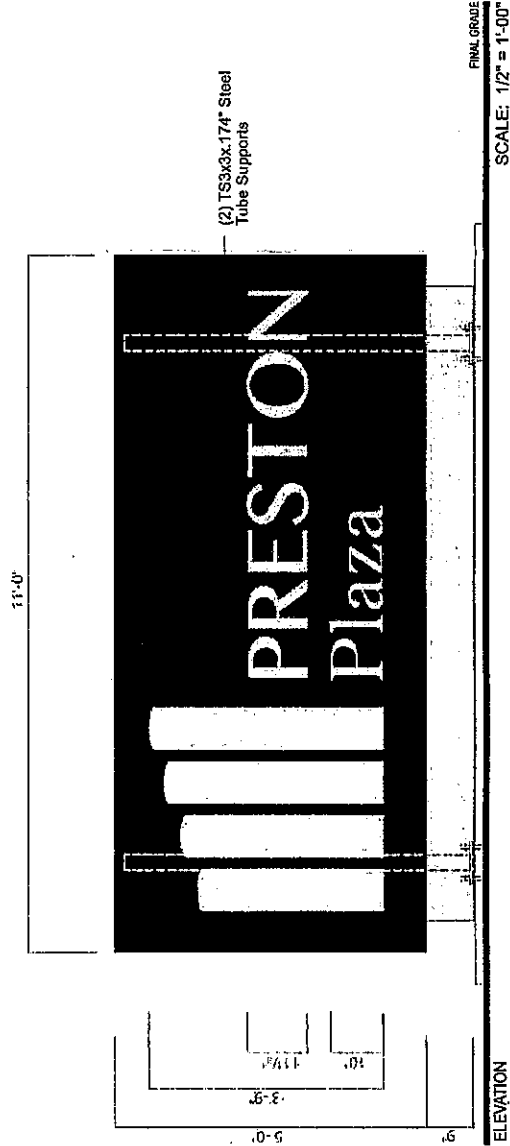


**PLATE DETAIL**  
 SCALE: 3" = 1'-00"  
 A307 Anchor Bolts  
 A36 Steel Plate



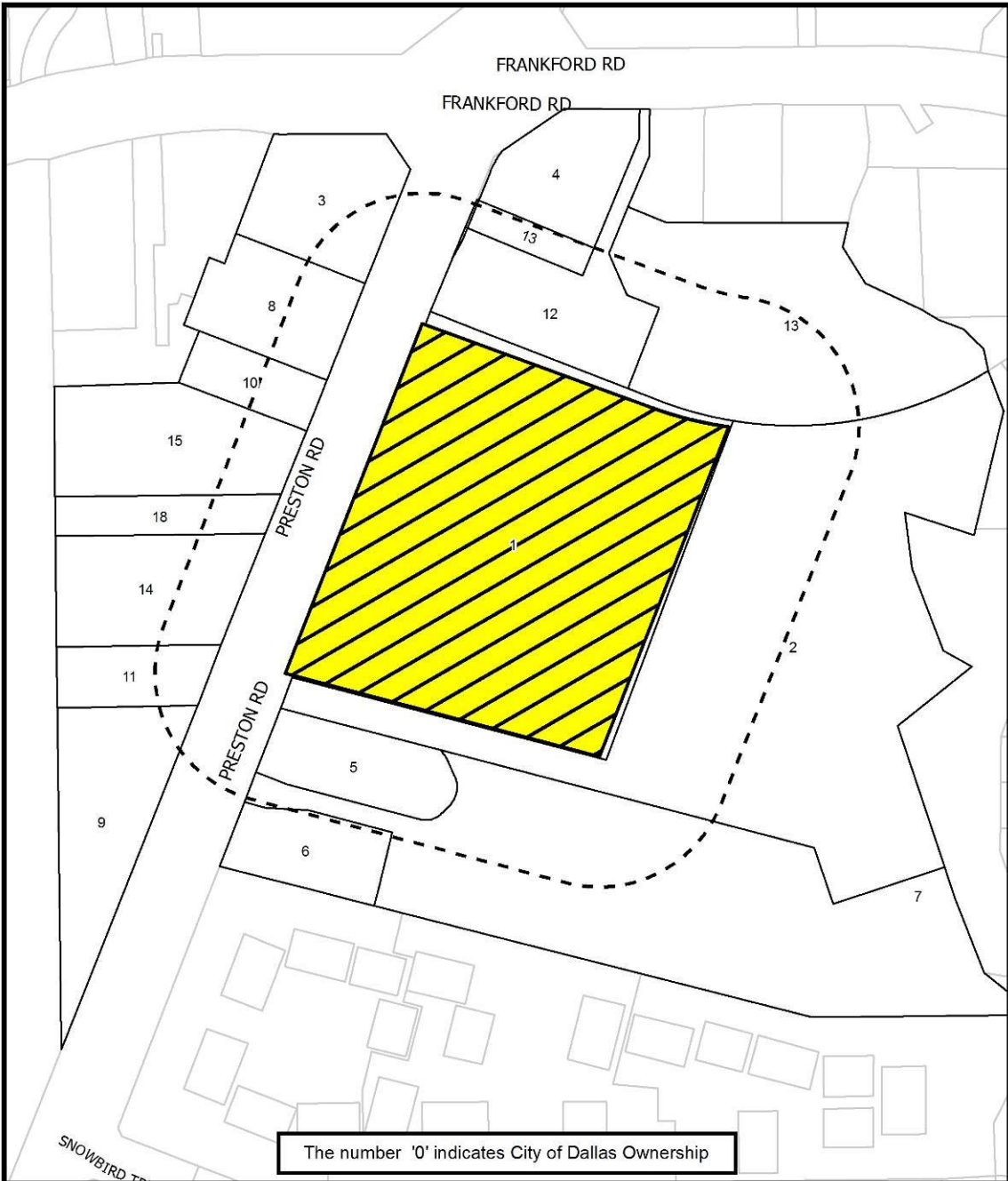
McFARLAND ENGINEERING IS NOT RESPONSIBLE FOR THE DIMENSIONAL LOCATIONS OF THE VERTICAL SUPPORTS

2500 PSI CONCRETE (MIN.)  
 TYPICAL OF TWO PIERS  
 SCALE: 1/2" = 1'-00"



ELEVATION





 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-025</u> Date: <u>1/23/2015</u>
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA145-025*

### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	17950 PRESTON	CADDO PRESTON PLAZA LLC
2	17878 PRESTON	WESTDALE POLO CLUB LTD
3	18081 PRESTON	18081 PRESTON LLC
4	18008 PRESTON	OOZI INVESTMENTS INC
5	17858 PRESTON	GVD COMMERCIAL PROPERTIES INC
6	17848 PRESTON	GOOD TAC REMAINDER IV LLC
7	17854 PRESTON	ESS PRISA II TX LP
8	17981 PRESTON	WENDY'S INTERNATIONAL INC
9	17879 PRESTON	RETAIL BUILDINGS INC
10	17977 PRESTON	DFI LLC
11	17885 PRESTON	J WILSON PROPERTIES LLC
12	18000 PRESTON	BEHNAM ORIENTAL RUG CORP
13	18004 PRESTON	SHURGARD TEXAS LP3
14	17899 PRESTON	SAAD BASEL
15	17931 PRESTON	ZINCO ENTERPRISES INC
16	STATE HWY 289 (PRESTON RD)	STATE OF TEXAS
17		STATE OF TEXAS
18	17921 PRESTON	ALLAHYARI MANSOUR



**FILE NUMBER:** BDA 145-022

**BUILDING OFFICIAL'S REPORT:** Application of Michael Doggett for a special exception to the landscape regulations at 3133 E. Lemmon Avenue. This property is more fully described as Lot 4A, Block 978, and is zoned PD193 (GR), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 3133 E. Lemmon Avenue

**APPLICANT:** Michael Doggett

**REQUEST:**

A request for a special exception to the landscape regulations is made to maintain a retail use/structure (CVS) on a site, and not fully provide required landscaping.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS  
IN OAK LAWN:**

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

**STAFF RECOMMENDATION:**

Approval, subject to the following conditions:

1. Compliance with the submitted revised alternate landscape plan is required.
2. All surface parking screening required by ordinance must be installed and maintained with the exemption of a maximum of three feet width opening between the screening shrubs for each required tree in the planting row; the screening plantings must be capable of obtaining a solid appearance within three years from the date of the favorable action of the Board.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request with the staff suggested conditions imposed because the proposal does not compromise the spirit and intent of the PD 193 landscape requirements.

## **BACKGROUND INFORMATION:**

<u>Site:</u>	PD 193 (GR) (Planned Development, General Retail)
<u>North:</u>	PD 305 (Planned Development)
<u>South:</u>	PD 193 (LC) (Planned Development, Light Commercial)
<u>East:</u>	PD 372 (Planned Development)
<u>West:</u>	PD 193 (GR) (Planned Development, General Retail)

## **Land Use:**

The subject site is developed with a retail use/structure (CVS). The areas to the north, south, east, and west are developed with mostly retail uses.

## **Zoning/BDA History:**

There has 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:**

- This request focuses on maintaining a retail use/structure, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the applicant seeks relief from fully complying with the surface parking screening, sidewalk, and tree requirements of the PD 193 landscape regulations.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's revised request (see Attachment B). The memo states how this request is triggered by new construction.
- The Chief Arborist's memo identifies how the features shown on the applicant's revised landscape plan is deficient from surface parking screening (surface parking screening adjacent to Lemmon Avenue is interrupted by trees planted between shrubs), sidewalks (sidewalks along Lemmon Avenue are not 6' in width located between 5' – 12' from back of curb), and trees (none of the trees along Lemmon Avenue and McKinney Avenue are located within the tree planting zone).
- The Chief Arborist's memo lists a number of factors for consideration that pertain to surface parking screening, sidewalks, trees, and "additional information."

- The Chief Arborist recommends approval of the request because of his belief that the plan does not compromise the spirit and intent of the PD 193 landscape regulations. The arborist recommends that beyond the Board imposing the revised alternate landscape plan as a condition to the request, that they also impose the following: all surface parking screening required by ordinance must be installed and maintained with the exemption of a maximum of three feet width opening between the screening shrubs for each required tree in the planting row; the screening plantings must be capable of obtaining a solid appearance within three years.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where a revised alternate landscape plan has been submitted that is deficient in meeting the surface parking screening, sidewalk, and tree requirements of the PD 193 landscape regulations) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the staff suggested conditions, the site would be granted exception from full compliance to the surface parking screening, sidewalk, and tree requirements of the PD 193 landscape regulations of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

December 18, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

January 14, 2015: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 6<sup>th</sup> 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.”

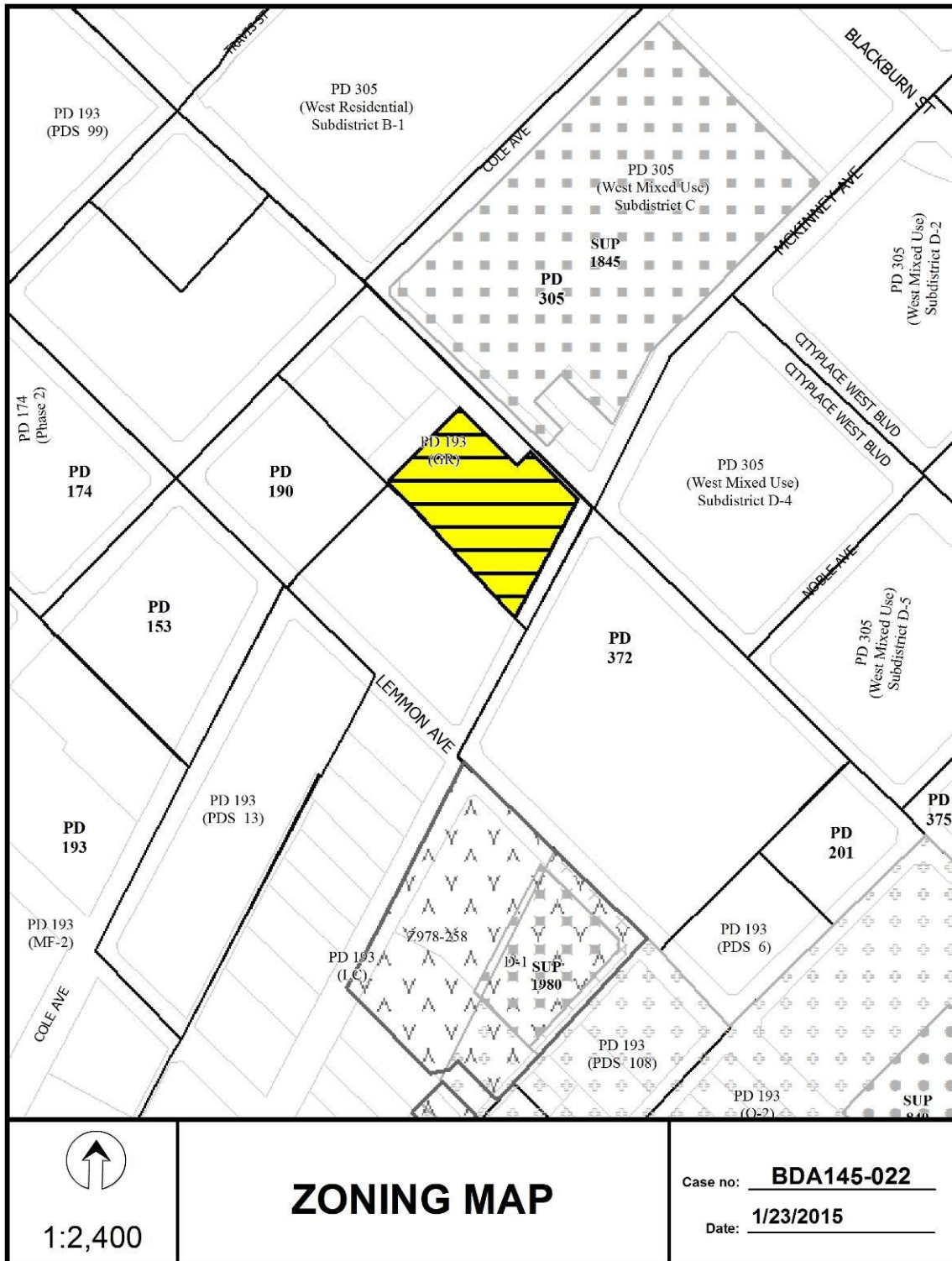
February 3, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for February public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable

Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

February 5, 2015: The applicant submitted additional information to the Board Administrator beyond what was submitted in the original application (see Attachment A).

February 6, 2015: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment B).



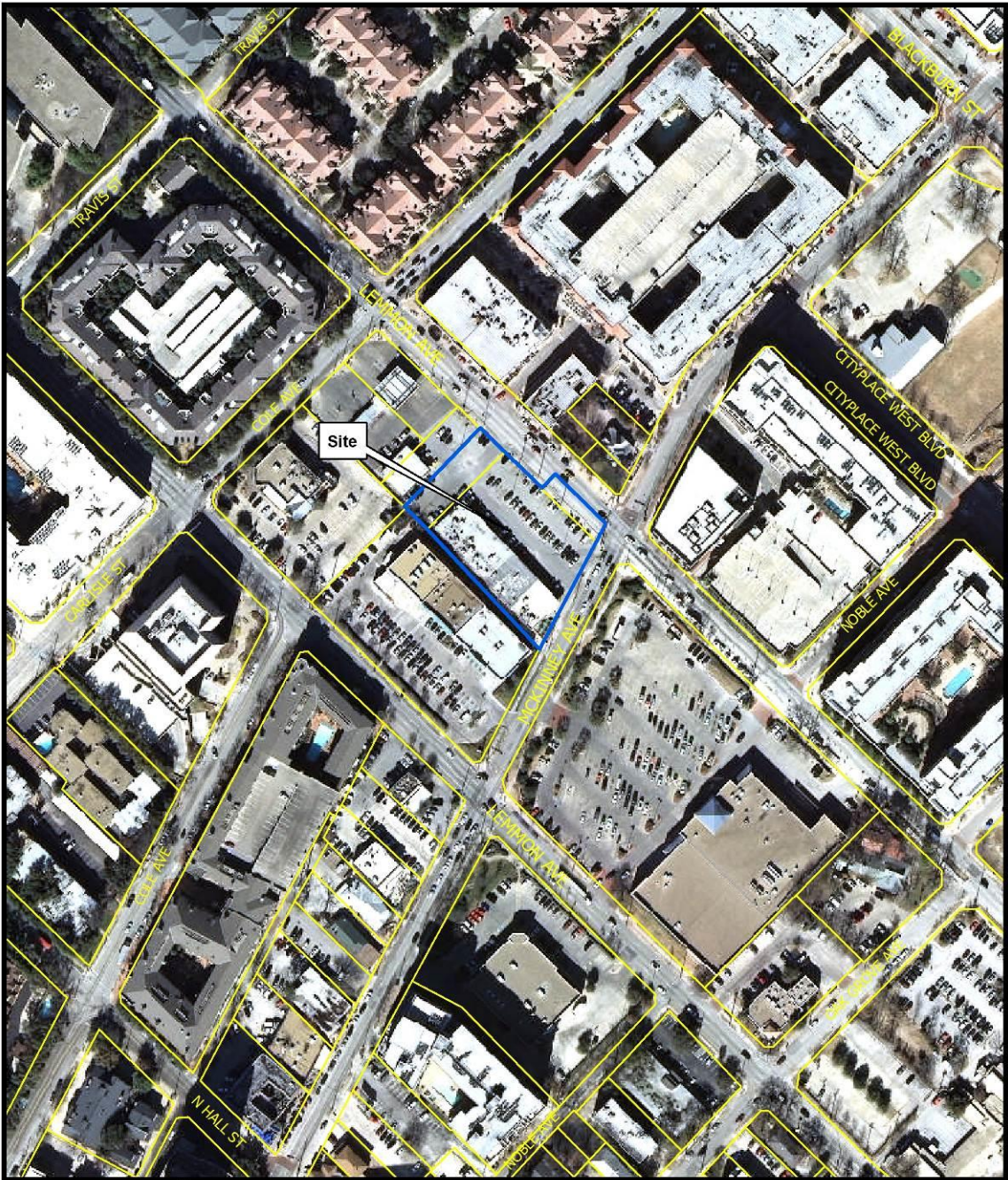
1:2,400

# ZONING MAP

Case no: **BDA145-022**

Date: **1/23/2015**





1:2,400

# AERIAL MAP

Case no: BDA145-022

Date: 1/23/2015



February 4, 2015

Steve Long, Board of Adjustment Administrator  
City of Dallas Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

RE: BDA 145-022  
3133 E. Lemmon Avenue

Mr. Long,

At your request, I am providing historical data as to why we are preparing this Special Exception request. As you know CVS Pharmacy has constructed its 13,000 SF retail store at the above referenced address. The building and site work was built in accordance with the City approved drawings. Below is a chronological list of events that occurred leading up to today.

01/15/13 – Winkelmann & Associates (WAI) had a pre-development meeting with the City of Dallas. After the meeting, I spoke with Clay Walker and David Rhoads in the City Arborist Department regarding the existing utilities and sidewalk along Lemmon Ave. I informed them at the meeting that there are several large underground duct banks of fiber optics, telephone, as well as an underground water line, and overhead power lines along the ROW of Lemmon Ave. Clay and David explained to me that PD-193 requires a 6' sidewalk located a minimum 5' from the back of the existing curb. However, the code also provides a provision that allows street trees and plantings to be located onsite within a certain distance from the curb if the 5' planting area is encumbered with underground utilities. We then discussed the area and WAI made the decision to design the area from back of curb to be an 11' wide sidewalk given the pedestrian nature of the area.

08/22/13 – WAI attended a Q-Team Express Plan Review meeting for the building permit submittal. Our site has limited depth from Lemmon Ave. to the opposite property line to allow for the required parking and adequate space for landscaping. However, our Landscape Plan which was stamped for approval at that meeting included a 3' wide space between the required sidewalk and the parking lot. Within that 3' area, headlight screening shrubs were planned along with street trees. These plans were stamped for approval at this meeting.

11/6/14 – We were made aware of an issue with the installation of the street trees within the 3' planting area provided since the root balls of the trees were 39". Our GC reached out to his city inspector (Fel Bolton) who approved cutting triangular shaped cuts into the sidewalk to allow the installation of the trees.

11/19/14 – We received email correspondence from Clay Walker regarding Landscape Inspection results. At that time, we were made aware that the trees planted in the place of required shrubs as shown on the approved landscape plan were not acceptable. The Landscape Department was not informed of the cuts into the sidewalk either. The arborist provided comments on shrub height installed as well as tree placement. These items were subsequently addressed and new shrubs not shown on the plan were added in front of the store along Lemmon. We were informed at this time that the City of Dallas approved our plans in error and should have addressed these issues during plan review. The Board of Adjustment was one of the avenues to proceed to allow the plans to be approved as presented.

After discussing these issues with Philip Erwin, Chief Arborist, CVS felt it was in their best interest to apply for a Special Exception to allow a deviation to the requirements of PD-193. These deviations include breaks in the row of shrubs to include required tree plantings and cuts into the required 6' wide sidewalk for the trees planted. It should be noted that since the sidewalk exceeds 6' wide in the area, the cuts for the trees do not critically alter the path of accessibility along the street.

We would respectfully request the Board to approve this Special Exception request which honors the approvals we were granted to allow construction. This approval would allow the hold on the Permanent Certificate of Occupancy to be released.

G:\701\76\ENGINEERING\Construction Plans\PDF\20150204 Lanscape Updates\ZBA Letter 02 04 05.docx



BDA 145-022

Attach A

pg 2

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Doggett', is written over a horizontal line.

Winkelmann & Associates, Inc.  
Michael Doggett, P.E., LEED Green Associate  
Vice President

CC: 70176  
Donn Fizer – ODI  
Joseph Mutter – CVS



**CVS pharmacy**  
 SOUTHERN 12900-RGHT  
 CHAMBER DRIVE-THRU  
 STORE NUMBER: 0330  
 501 LOMON AVE. EAST & HORNBY AVE  
 DALLAS, TEXAS  
 PROJECT TREE NEW  
 DEAL TRS FEE FOR SERVICE  
 CS PROJECT NUMBER: 72502

**CHL ENGINEER**  
**Winkelmann & Associates, Inc.**  
 10000 W. LBJ Fwy. Suite 1000  
 Dallas, TX 75243  
 TEL: (214) 343-3443  
 FAX: (214) 343-1551

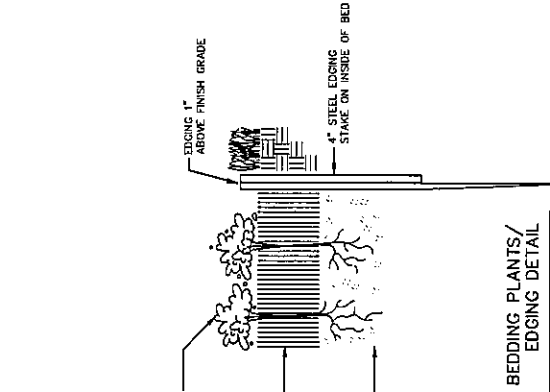
**CONSULTANT:**

**DEVELOPER:**  
 Orange Development Inc.  
 1200 Corporate Drive  
 BIRMINGHAM, AL 35242  
 TEL: (205) 948-3443  
 FAX: (205) 948-1551

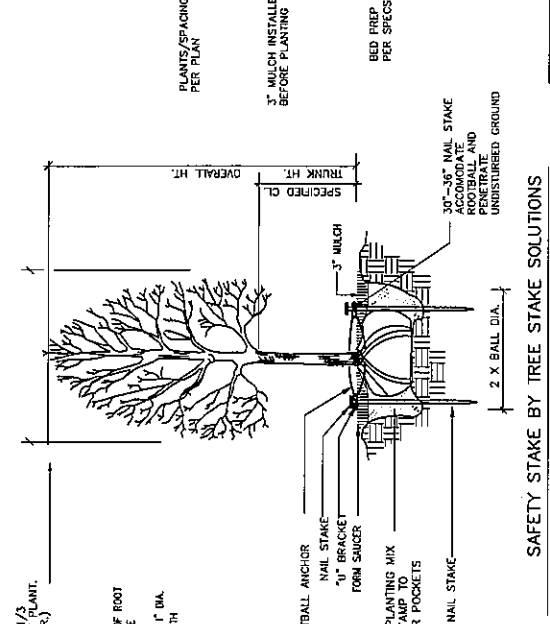
**SEAL:**

**REVISIONS:**  
 1) 10.04.13 ADDENDUM #1  
 2) 10.17.13 ADDENDUM #2  
 3) 11.07.13 CITY COMMENTS  
 4) 11.21.13 RELEASED FOR CONSTRUCTION  
 5) 5.26.14 S.E. ACCESS REGRADING

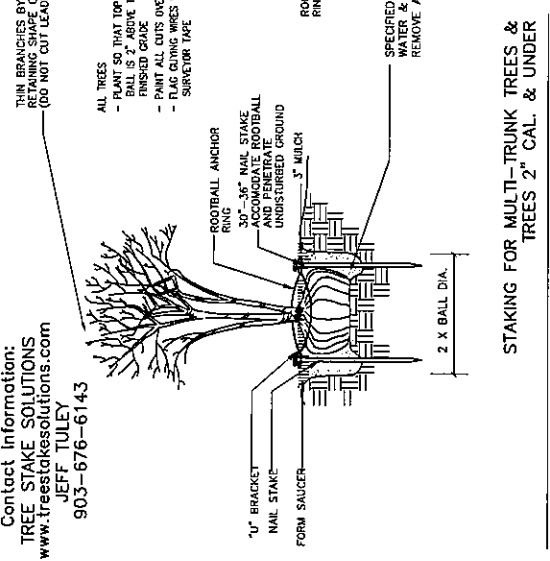
**FILE NAME:** 70176-10n.dwg  
**JOB NUMBER:** 70176.01(0)  
**DATE:** AUGUST 25, 2013  
**TITLE:** LANDSCAPE DETAILS  
**SHEET NUMBER:** L-2  
**COMMENTS:**



**BEDDING PLANTS/EDGING DETAIL**  
 SCALE: NOT TO SCALE



**SAFETY STAKE BY TREE STAKE SOLUTIONS**  
 SCALE: NOT TO SCALE



**STAKING FOR MULTI-TRUNK TREES & TREES 2" CAL. & UNDER**  
 SCALE: NOT TO SCALE

**PLANT LIST**

Symbol	Quantity	Code Name	Scientific Name	Common Name	Comments
⊗	9	Lahna	Lagerstrœmia indica 'Natchez'	Crape myrtle 'Natchez'	3 to 5 Cones, Full, Tree form
⊙	12	Hepa	Hesperaloe parviflora	Red yucca	36" O.C.
⊗	9	Muca	Muhlenbergia capillaris	Gulf muhly	36" O.C.
⊙	15	Sage	Salvia greggii	Autumn Sage	24" O.C.
⊗	14	Lijava	Ligustrum japonicum 'Veregenium'	Veregenet Privet	48" O.C.
⊙	13	line	Illex x 'Nelle R. Stevens'	Nelly R. Stevens holly	B & B, 14" Min Ht. Single straight trunk
⊗	7	Fpedrh	Fraxinus pennsylvanica Urbanite	'Urbanite' ash	B & B, 14" Min Ht. Single straight trunk
⊙	3	Quah	Quercus shumardii	Shumard oak	B & B, 14" Min Ht. Single straight trunk
⊗	4	Oxal	Quercus virginiana	Southern live oak	B & B, 14" Min Ht. Single straight trunk
⊙	4	Pich	Platycodon chinensis	Chinese platycodon	B & B, 14" Min Ht. Single straight trunk
⊗	4	Mypu	Myrica pusilla	Dwarf Wax Myrtle	36" O.C., 42" Min Ht.
⊙	476	Site	Slopa tenuissima	Medean feathergrass	18" O.C.
⊗	1150	Tros	Trichostema aridicum	Atlan peashine	12" O.C.
⊙	84	Linu	Liriodendron 'Big Blue'	'Big Blue' Fringe	12" O.C.
⊗		Cyds	Cyatodea distachya	Sold Bermuda sed	Sold/yard

**SHRUB PLANTING**

SCALE: NOT TO SCALE

PLANT MIX (USE 3 SIZES FOR DEPTH, WIDTH, ETC.)

3:1 MAXIMUM SLOPE

CURB

6"-9"

**TYPICAL PARKING LOT ISLAND MOUNDING**



**DFL.com, LLC**  
 10000 W. LBJ Fwy. Suite 1000  
 Dallas, TX 75243  
 TEL: (214) 343-3443  
 FAX: (214) 343-1551

**NOTE: IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM TREE CALIPER MEASUREMENT HEIGHT ABOVE GRADE AS REQUIRED BY CITY.**

Contact Information:  
**TREE STAKE SOLUTIONS**  
 www.treestakesolutions.com  
 JEFF TULEY  
 903-676-6143



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-022

Date: 12/18/14

Data Relative to Subject Property:

Location address: 3133<sup>E</sup> LEMMON AVE. Zoning District: PD-193 (GR)

Lot No.: 4A Block No.: 978 Acreage: 1.092 ac Census Tract: 7.01

Street Frontage (in Feet): 1) 241' 2) 178' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RP TOWN & COUNTRY SC, L.P. + RP 10% SC PROPERTIES, L.P.

Applicant: MICHAEL DOGGETT c/o WINKELMANN & ASSOC. Telephone: 972 490 7090 x205

Mailing Address: 6750 HILLCREST PLAZA DR. #325, DALLAS 75230 Zip Code: 75230

E-mail Address: mdoggett@winkelmann.com

Represented by: SAME AS APPLICANT Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of THE LANDSCAPE REQUIREMENTS OF PD 193

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:

- UNDERGROUND UTILITY CONFLICTS RESULT IN INSUFFICIENT SPACE FOR TREE PLANTING ZONE
- SITE CONSTRAINTS LIMIT ROOM FOR SHRUBS & TREES
- SIDEWALK MODIFIED TO ACCOMMODATE LANDSCAPING

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 MICHAEL DOGGETT  
(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 18 day of December, 2014

Chris Fountain  
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**

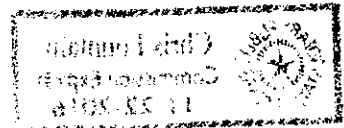
I hereby certify that MICHAEL DOGGETT

did submit a request for a special exception to the landscaping regulations  
at 3133 E. Lemmon Avenue

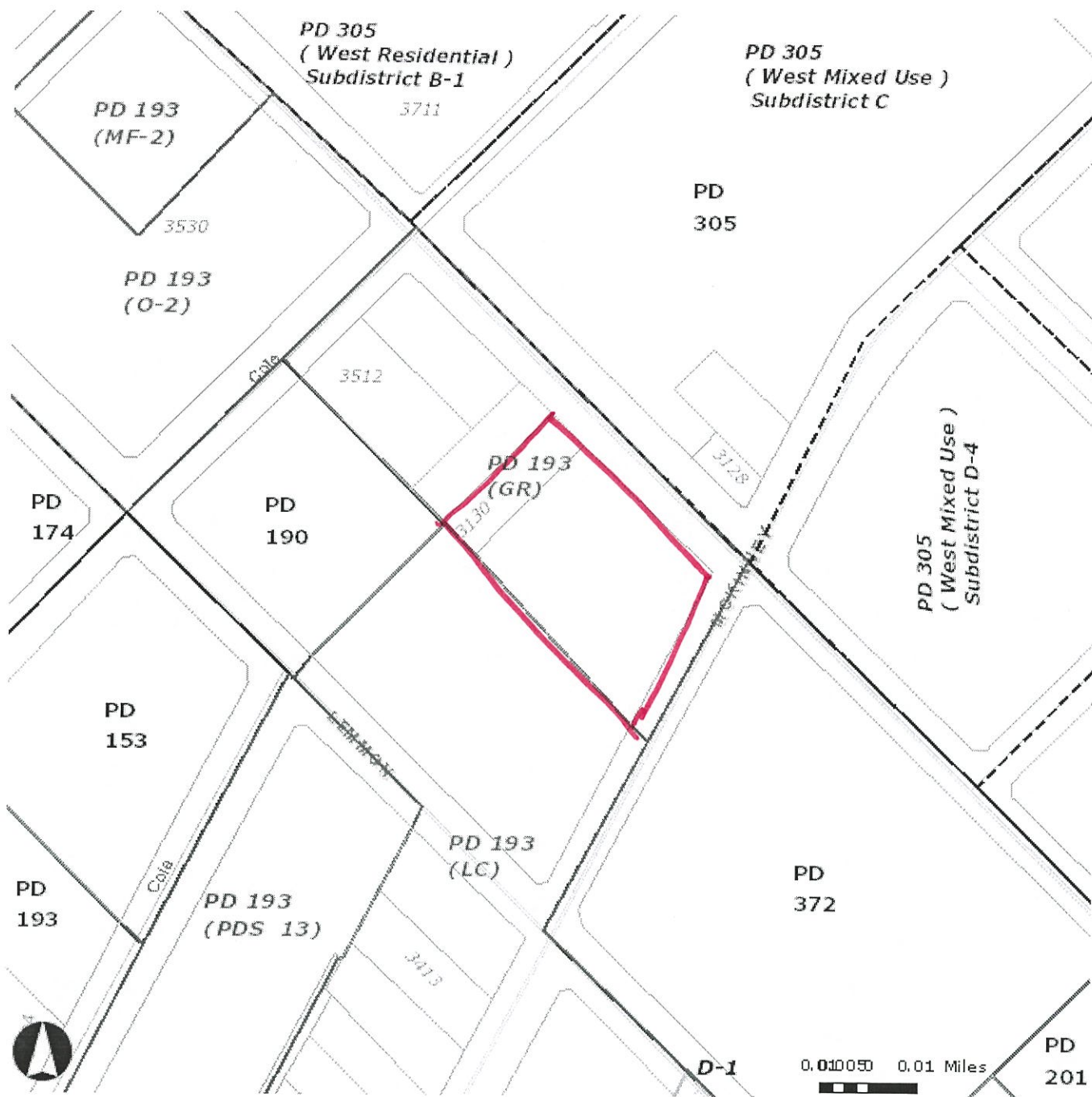
BDA145-022. Application of Michael Doggett for a special exception to the landscaping regulations at 3133 E. Lemmon Avenue. This property is more fully described as Lot 4A, Block 978, and is zoned PD193 (GR), which requires mandatory landscaping. The applica proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official





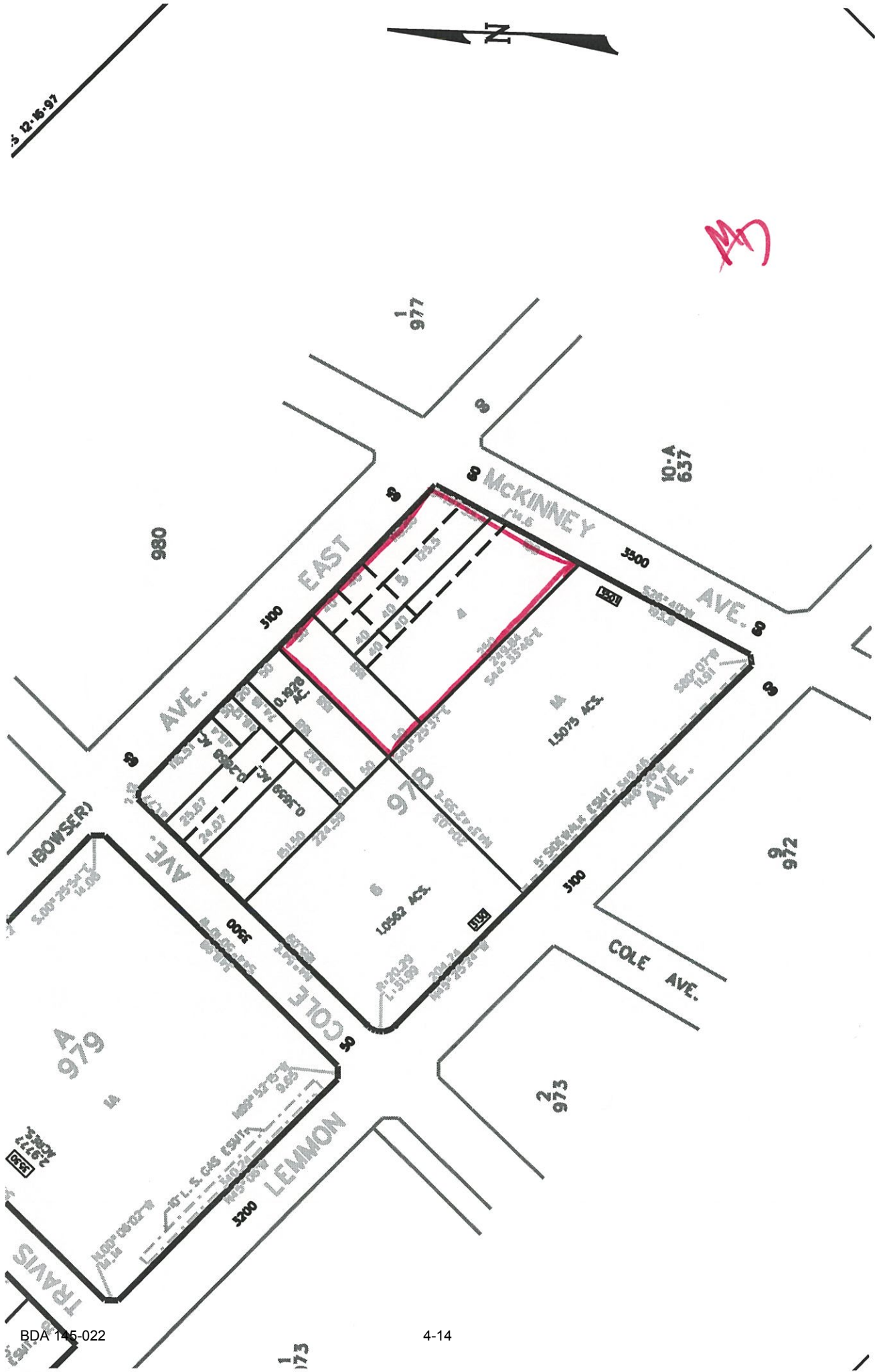


*Handwritten signature or initials in red ink.*

5 12-15-97



*MB*





**CVS pharmacy**  
 SOUTHERN 12800-FRUIT  
 CHAMFER DRIVE-THRU  
 STORE NUMBER: 10351  
 2512 LEMAY AVE. EAST & HUNTERY AVE  
 DALLAS, TEXAS  
 PROJECT TYPED NEW  
 DESIGNED FOR SERVICE  
 CS PROJECT NUMBER: 72502

**CIVIL ENGINEER**  
**Winkelmann & Associates, Inc.**  
 12002 W. NORTH AVENUE, SUITE 1100  
 DALLAS, TEXAS 75244  
 TEL: (214) 750-1234  
 FAX: (214) 750-1234

**CONSLTANT:**

**DEVELOPER:**  
 Orange Development, Inc.  
 1200 Corporate Drive  
 Suite C-50  
 Dallas, TX 75242  
 TEL: (214) 408-3443  
 FAX: (214) 408-1850

**SEAL:**

**REVISIONS:**  
 1) 10.04.13 ADDENDUM #1  
 2) 10.17.13 ADDENDUM #2  
 3) 11.07.13 CITY COMMENTS  
 4) 11.12.13 RELEASED FOR CONST.  
 5) 9.26.14 S.E. ACCESS REGRADING

**FILE NAME:** 70176-10n.dwg  
**JOB NUMBER:** 70176.01(10)  
**DATE:** AUGUST 26, 2013  
**TITLE:** LANDSCAPE PLAN

**SHEET NUMBER:** L-1

**COMMENTS:**

**TREE SURVEY**

DATE	BY	REASON	COMMENT

TREES ARE NO LONGER TREES ON THIS SITE

**TOTAL**

--	--	--	--	--

ALL TREES TO BE REMOVED  
 ALL TREES TO BE PRESERVED/PROTECTED  
 ALL TREES TO BE REMOVED BY CONTRACTOR

**LEGEND**  
 ○ CROWN TREE TO BE PRESERVED/PROTECTED  
 ○ CROWN TREE TO BE REMOVED BY POINT

CITY OF DALLAS LANDSCAPE REQUIREMENTS COMPLIANCE  
 (WHERE APPLICABLE)

REQUIREMENT	STATUS	COMMENTS
AT LEAST ONE (1) OF THE FOLLOWING SPECIES SHALL BE PLANTED	PROPOSED	
4-2433 SF X 108" - 4782 SF	PROPOSED	FRUIT
AT LEAST ONE (1) OF THE FOLLOWING SPECIES SHALL BE PLANTED	PROPOSED	
4-792 SF X 608" - 2,807 SF	PROPOSED	FRUIT
AT LEAST ONE (1) OF THE FOLLOWING SPECIES SHALL BE PLANTED	PROPOSED	
2,807 SF X 152" - 424 SF	PROPOSED	FRUIT
AT LEAST ONE (1) OF THE FOLLOWING SPECIES SHALL BE PLANTED	PROPOSED	
2,807 SF X 68" - 171 SF	PROPOSED	FRUIT
AT LEAST ONE (1) OF THE FOLLOWING SPECIES SHALL BE PLANTED	PROPOSED	
2,808 SF X 708" - 1,992 SF	PROPOSED	FRUIT
ONE LARGE TREE PROVIDED FOR 25 SF OF STREET FRONTAGE	PROPOSED	
281 SF X 728" - 11 TREES	PROPOSED	FRUIT
184 SF X 728" - 8 TREES	PROPOSED	FRUIT
NO UNDESIRABLE PLANTS ARE LOCATED MORE THAN 120 FT FROM LAINE CANOPY TREE.	PROPOSED	
10' PERMETER BUFFER ADJACENT TO RESIDENTIAL	PROPOSED	
SCREEN OF STREET LANDSCAPE ADJACENT TO RESIDENTIAL	PROPOSED	

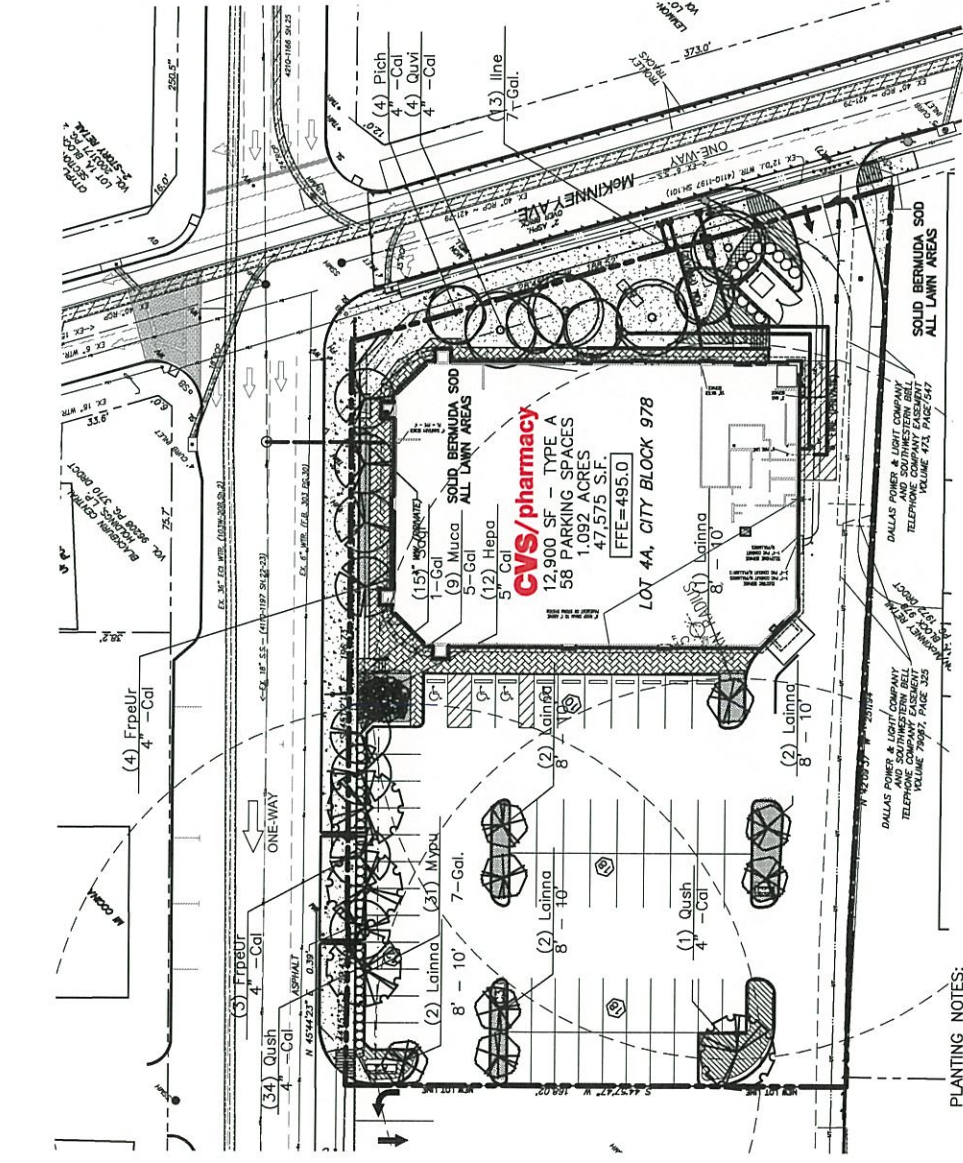
**NOTE:**  
 NO LANDSCAPE PLANTINGS WITHIN 18' OF PARKING LOT CURBS.

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. SOG TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.

**PROVIDE:**  
 CONSTRUCTION UTILITIES ARE LOCATED IN THE DISTURBED AREAS. UTILITIES ARE TO BE MARKED AND DEPTH NOTED. LOCATE UTILITIES TO BE MARKED AND DEPTH NOTED. LOCATE UTILITIES TO BE MARKED AND DEPTH NOTED. LOCATE UTILITIES TO BE MARKED AND DEPTH NOTED.



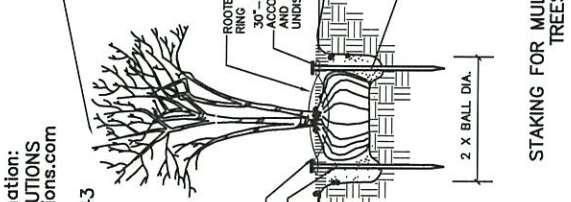
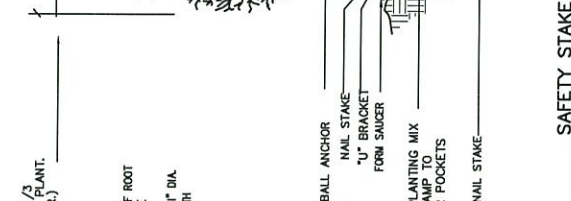
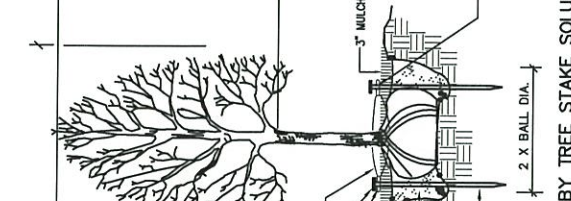
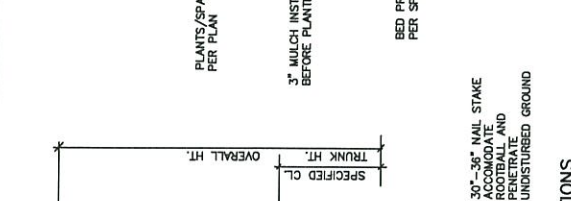
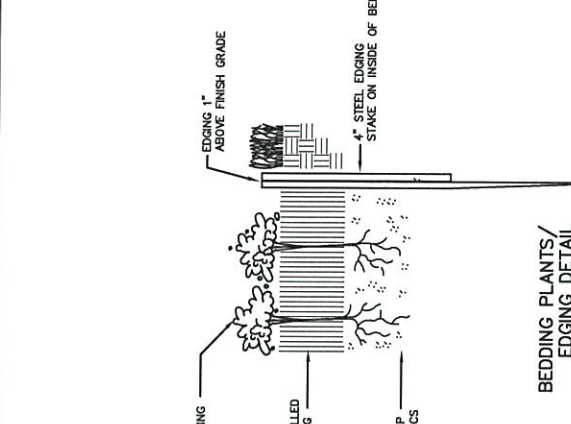
**DFL Group, LLC**  
 LANDSCAPE ARCHITECTURE  
 LICENSE NO. 74015  
 STATE OF TEXAS



REF SHEET L-2 FOR PLANT LEGEND

- PLANTING NOTES:**
- PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PLANTING, INCLUDING PLANT MATERIAL, PLANTING, AND MAINTENANCE.
  - ALL CONTAINER GROWN PLANTS TO HAVE FULL, WOODSOM ROOT SYSTEM, COMPLETELY ENCLOSING CONTAINER.
  - CONTRACTOR TO MAINTAIN AND FULLY BRANCHED, ALL TREES WITH SPREAD 2/3 OF HEIGHT.
  - CONTRACTOR TO MAINTAIN AND FULLY BRANCHED, ALL TREES WITH SPREAD 2/3 OF HEIGHT.
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  - CONTRACTOR TO MAINTAIN AND FULLY BRANCHED, ALL TREES WITH SPREAD 2/3 OF HEIGHT.
  - SEE EXISTING UTILITY TRAVEL WITH MAX AS OUTLINED IN SPECS. WHERE UTILITIES ARE LOCATED AT ALL ENTRANCES TO SITE.
  - CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELECOM, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR.
  - EXISTING TREES ARE TO BE MAINTAINED, UNLESS OTHERWISE SHOWN TO BE REMOVED OR DAMAGED.
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**PLANT LIST**

Symbol	Quantity	Code Name	Scientific Name	Common Name	Planting Size	Comments
⊗	9	Lahina	Lagerstroemia indica 'Natchez'	Crape myrtle 'Natchez'	8" - 10"	3 to 5 Canes, Full, Tree form
⊗	12	Hepa	Hesperaloe parviflora	Red yucca	5" Cal	36" O.C.
⊗	9	Muca	Muhlenbergia capillaris	Gulf muhly	5" Cal	36" O.C.
⊗	15	Sagr	Salvia greggii	Autumn Sage	1-Gal	24" O.C.
⊗	13	line	Ilex x 'Nelle R. Stevens'	Nelly R. Stevens holly	7-Gal	48" O.C.
⊗	8	Frpelr	Fraxinus pennsylvanica Urbanite	'Urbanite' ash	4" - Cal	B & B, 14' Min Ht, Single straight trunk
⊗	3	Qush	Quercus shumardii	Shumard oak	4" - Cal	B & B, 14' Min Ht, Single straight trunk
⊗	4	Qvvl	Quercus virginiana	Southern live oak	4" - Cal	B & B, 14' Min Ht, Single straight trunk
⊗	4	Pich	Pistacia chinensis	Chinese pistache	4" - Cal	B & B, 14' Min Ht, Single straight trunk
⊗	31	Mypu	Myrica pusilla	Dwarf Wax Myrtle	7-Gal	36" O.C., 42" Min Ht.
⊗	476	Site	Stipa tenuissima	Mexican feathergrass	1-Gal	18" O.C.
⊗	1150	Tras	Trachelospermum asiaticum	Ashon jasmine	4" Pot	12" O.C.
⊗	84	Limu	Liriodendron muscari 'Big Blue'	'Big Blue' liriod	4" Pot	12" O.C.
⊗		Oyda	Cynodon dactylon	Solid Bermuda seed	Seed	SolidSeed

**NOTE: IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM TREE CALIPER MEASUREMENT HEIGHT ABOVE GRADE AS REQUIRED BY CITY.**

**Contact Information:**  
**TREE STAKE SOLUTIONS**  
 www.treestakesolutions.com  
 JEFF TULEY  
 903-676-6143



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**CVS pharmacy**  
 SOUTHERN 12900-RIGHT  
 CHAMBER DRIVE-THRU  
 STORE NUMBER 10361  
 310 LEMON AVE. EAST & MARNEY AVE  
 DALLAS, TEXAS  
 PROJECT THIS NEW  
 BUILDING FEE FOR SERVICE  
 C9 PROJECT NUMBER 75202

**CML ENGINEER**  
**Winkelmann & Associates, Inc.**  
 11000 WEST LOOP SOUTH, SUITE 1000  
 HOUSTON, TEXAS 77042  
 TEL: (281) 416-1000  
 FAX: (281) 416-1001

**CONSULTANT:**

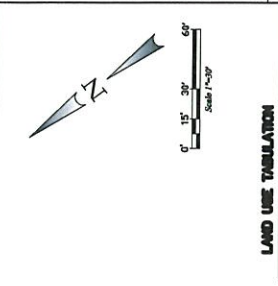
**DEVELOPER:**  
 Orange Development Inc.  
 200 Corporate Drive  
 BIRMINGHAM, AL 35242  
 TEL: (205) 448-3443  
 FAX: (205) 448-1800

**SEAL:**  


- REVISIONS:**
- 1) 10.04.13 ADDENDUM #1
  - 2) 10.17.13 ADDENDUM #2
  - 3) 11.07.13 CITY COMMENTS
  - 4) 11.22.13 RELEASED FOR CONST.
  - 5) 9.26.14 S.E. ACCESS REGRADING

FILE NAME: 70176-sit.dwg  
 JOB NUMBER: 70176.01(10)  
 DATE: AUGUST 26, 2013  
 TITLE: SITE PLAN

SHEET NUMBER: C-3  
 COMMENTS:  
 5123-199  
 3111-8550



**LAND USE TABULATION**

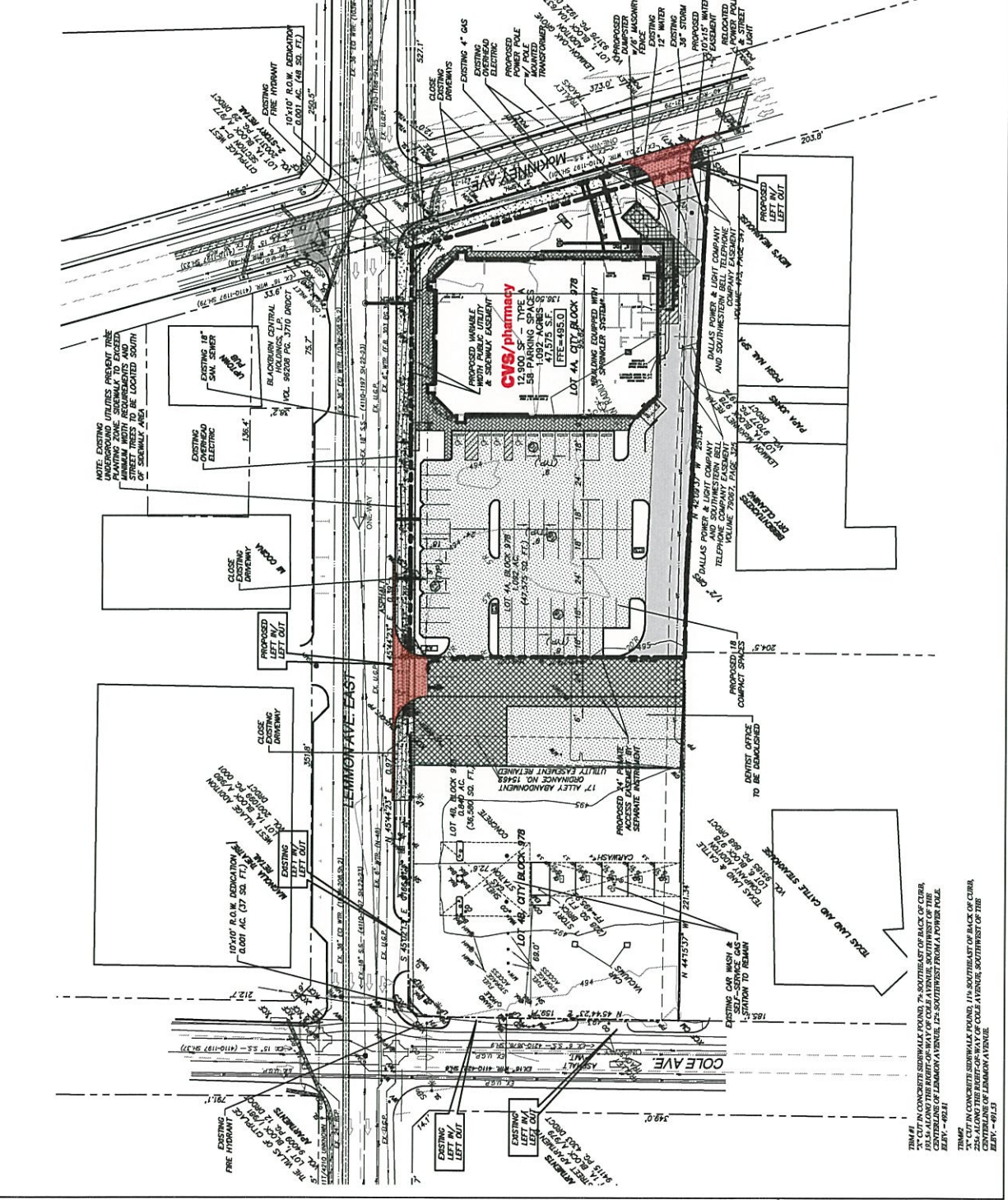
LOT	4A	4B
CURRENT ZONING	PD-102 (OR)	PD-103 (OR)
USE	PHARMACY	GAS STATION/ CAR WASH
AREA (AC)	1.092	0.840
BLDG AREA (SF)	47,575	36,580
BLDG HEIGHT	12,800	228
BLDG FOOTPRINT	28'	18'
COVERAGE	27.1%	0.6%
F.A.R.	0.271	0.006
PARK REQ. (1:225-1 for example)	56	0
PARK PROJ.	56	0
RES. PROJ.	3	0
BLDG TYPE	4	0
	V-B	EXISTING

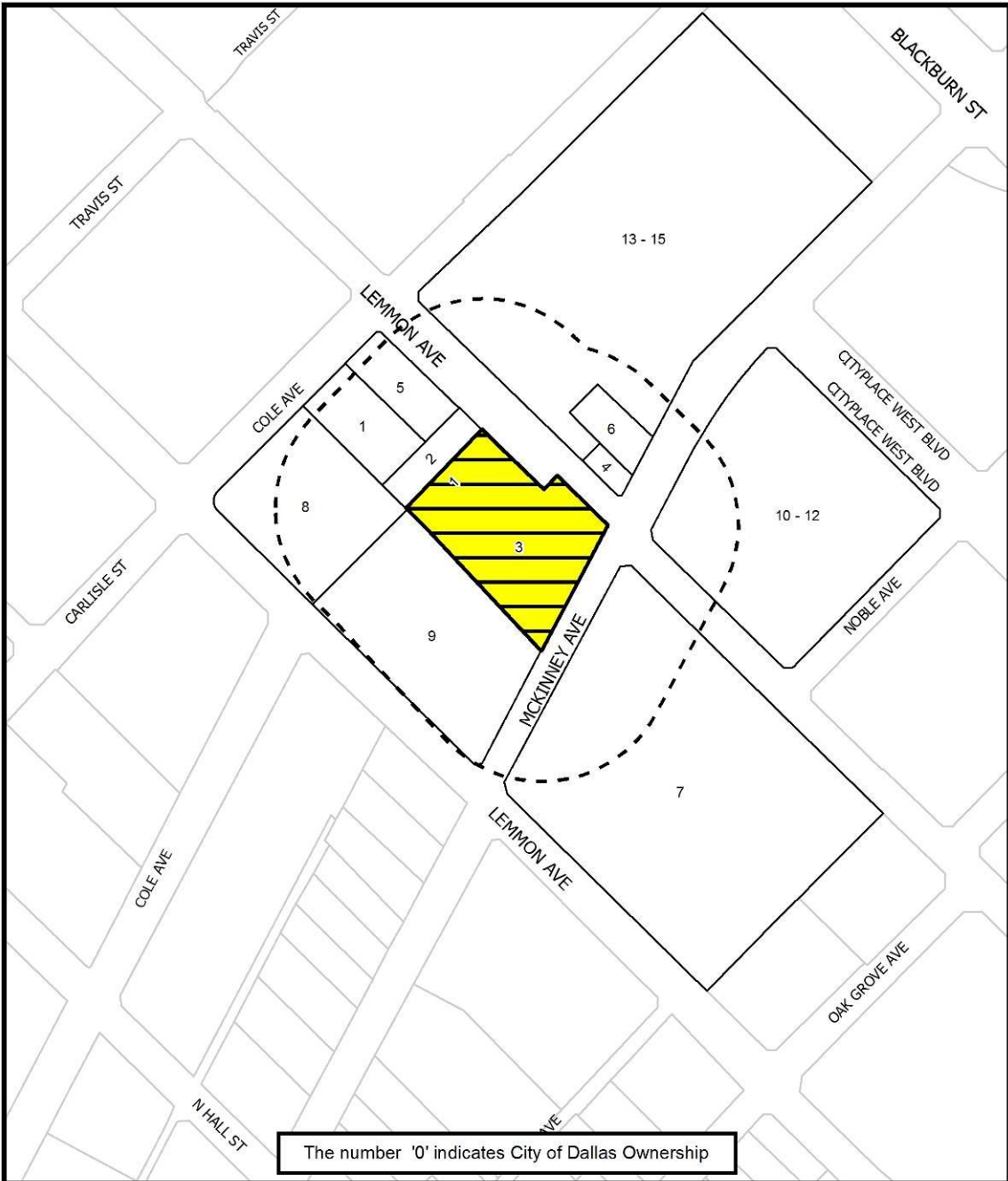
**LEGEND:**

- EXTRA HEAVY DUTY PAVEMENT SECTION
- HEAVY DUTY CONCRETE PAVEMENT SECTION
- LIGHT DUTY CONCRETE PAVEMENT SECTION
- CITY REQUIRED CONCRETE PAVEMENT SECTION
- 4"-3000 PH CONCRETE FOR CITY ENHANCED CONCRETE SIDEWALK PAVEMENT SECTION

**NOTES:**

- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE CITY OF DALLAS STDS. & SPECS.
- REFER TO CITY OF DALLAS FILE 2810-1 FOR STANDARD DETAILS FOR ALL WORK WITHIN RIGHT-OF-WAY.





The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>15</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>15</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA145-022</b></u> Date: <u><b>1/23/2015</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>15</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					



## ***Notification List of Property Owners***

### ***BDA145-022***

#### ***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3130 LEMMON AVE	RP TOWN & COUNTRY SC
2	3117 LEMMON AVE EAST AVE	RP TOWN & COUNTRY SC
3	3519 MCKINNEY AVE	RP TOWN & COUNTRY SC
4	3128 LEMMON AVE	BLACKBURN CTRL HLDG LP
5	3522 COLE AVE	RP TOWN & COUNTRY SC
6	3605 MCKINNEY AVE	MESSINA MARIO L
7	3524 MCKINNEY AVE	PAN COASTAL LIMITED PS
8	3130 LEMMON AVE	LEMMON & COLE PARTNERS LP
9	3501 MCKINNEY AVE	3501 MCKINNEY LTD
10	3636 MCKINNEY AVE	CIM/3636 MCKINNEY AVE LP
11	3600 MCKINNEY AVE	3600 MCKINNEY LTD PS
12	3636 MCKINNEY AVE	3600 MCKINNEY LTD PS
13	3699 MCKINNEY AVE	3700 COLE AVE LLC
14	3699 MCKINNEY AVE	SOUTH ALLEY LOFT LLC
15	3699 MCKINNEY AVE	MILLER ANGELA AMHADI