

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, OCTOBER 21, 2014  
AGENDA

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BRIEFING	ROOM 6ES, DALLAS CITY HALL 1500 MARILLA STREET	11:30 A.M.
PUBLIC HEARING	ROOM 6ES, DALLAS CITY HALL 1500 MARILLA STREET	1:00 P.M.

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

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**MISCELLANEOUS ITEMS**

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Approval of the September 16, 2014 Board of Adjustment Panel A Public Hearing Minutes	M1
Consideration and approval of Panel A's 2015 Public Hearing Calendar	M2

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**UNCONTESTED CASES**

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<b>BDA 134-092</b>	4338 (AKA 4320) Congress Avenue <b>REQUEST:</b> Application of Laura Hoffman, Winstead, PC, for a special exception to the landscape regulations	1
<b>BDA 134-098</b>	2425 Cedar Springs Road <b>REQUEST:</b> Application of Christopher Gay for a special exception to the landscape regulations	2
<b>BDA 134-099</b>	3417 Gaston Avenue <b>REQUEST:</b> Application of Robert Reeves, Robert Reeves and Associates, for a special exception to the off-street parking regulations	3
<b>BDA 134-109</b>	4343 (AKA 4321) Congress Avenue <b>REQUEST:</b> Application of Laura Hoffman, Winstead, PC, for a special exception to the landscape regulations	4

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**REGULAR CASES**

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<b>BDA 134-082</b>	3506 Cedar Springs Road <b>REQUEST:</b> Application of Jerry Stark, represented by Audra Buckley, for variances to the front and side yard setback regulations, and special exceptions to the visual obstruction and landscape regulations	5
<b>BDA 134-096</b>	4801 (AKA 4811) Lemmon Avenue <b>REQUEST:</b> Application of Ed Simons, Masterplan, for a special exception to the landscape regulations	6

## 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)**

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel A September 16, 2014 public hearing minutes.

**MISCELLANEOUS ITEM NO. 2**

To approve the Board of Adjustment Panel A's 2015 public hearing calendar (see Attachment A).

**FILE NUMBER:** BDA 134-092

**BUILDING OFFICIAL'S REPORT:** Application of Laura Hoffman, Winstead, PC, for a special exception to the landscape regulations at 4338 (AKA 4320) Congress Avenue. This property is more fully described as Lot 16A, Block 7/1616, and is zoned PD193 (MF-2), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 4338 (AKA 4320) Congress Avenue

**APPLICANT:** Laura Hoffman, Winstead, PC

**REQUEST:**

A special exception to the landscape regulations is made to maintain a multifamily development (Aura Wycliff, Phase 2), and not fully provide required landscaping.

(Note that this application is adjacent to a property to the south across Congress Avenue where the same applicant seeks a similar landscape special exception from Board of Adjustment Panel A on October 21<sup>st</sup>: BDA 134-109).

**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 condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City of Dallas Chief Arborist supports the request because the applicant has demonstrated the features shown on the submitted landscape plan meet with the spirit and intent of PD 193 regulations. The applicant's request for leniency to locating 8 street trees in their required locations can be supported since the

applicant is avoiding aerial canopy conflicts between the larger canopy trees and nearby street trees along Congress Avenue.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 193 (MF-2) (Planned Development, Multifamily)  
North: PD 193 (MF-2) (Planned Development, Multifamily)  
South: PD 193 (PDS 80) (Planned Development, Planned Development)  
East: PD 193 (MF-2) (Planned Development, Multifamily)  
West: PD 193 (MF-2) (Planned Development, Multifamily)

**Land Use:**

The subject site is developed with a multifamily development. The areas to the north, south, east, and west appear to be developed mostly with residential uses.

**Zoning/BDA History:**

1. BDA 134-109, Property at 4343 Congress Avenue (the lot immediately south of subject site) On October 21, 2014, the Board of Adjustment Panel A will consider a request for a special exception to the landscape regulations requested in conjunction with maintaining a multifamily development on the site, and not fully providing required landscaping.

**GENERAL FACTS/ STAFF ANALYSIS:**

- This request focuses on maintaining a multifamily development, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the site does not conform to PD 193 landscape regulation standards related to street tree requirements.
- 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 states in a memo (see Attachment A) that the request in this case is triggered by new construction of multifamily development.
- The Chief Arborist notes that the sites is deficient in meeting the landscape requirements in that only 6 of 8 required trees are proposed to be planted in the locations that meet the ordinance provisions.

- The Chief Arborist states that the developer made an effort to retain three large trees in the front yard of the property during the project, and that in order to avoid aerial canopy conflicts between larger canopy trees and nearby street trees, the applicant is requesting to reduce the number of street trees in their required locations.
- The Chief Arborist states that all other landscape standards for PD 193 are being met.
- The Chief Arborist supports the request because the applicant has demonstrated that the proposed landscaping does not compromise the spirit and intent of the PD 193 regulations.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where a site plan has been submitted that is deficient in providing all required street trees in their required locations) 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 submitted landscape plan as a condition, the site would be granted exception from full compliance to the street tree requirements of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

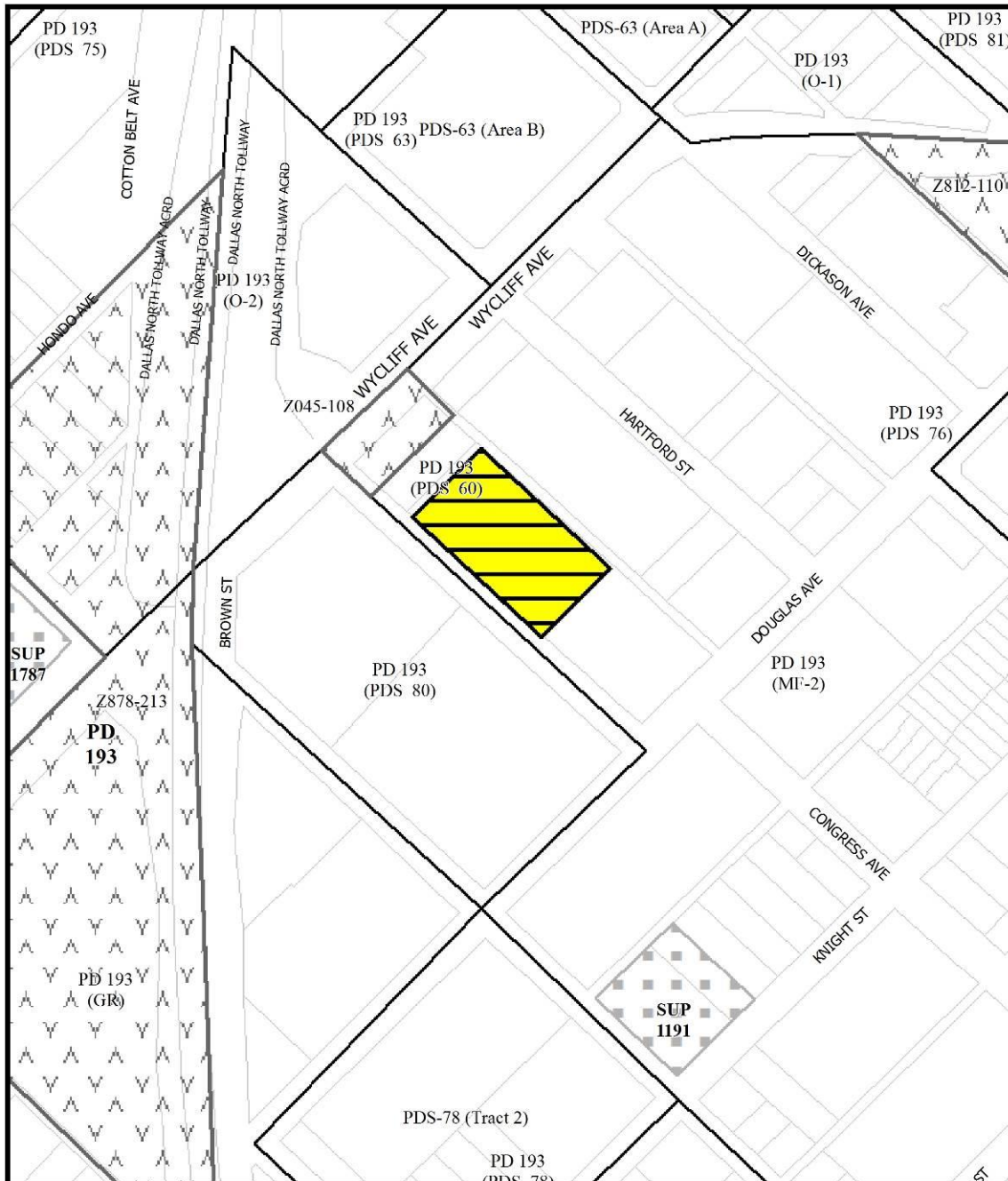
- July 24, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 9, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 10, 2014: 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 September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 10<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;
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence”.
- October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable



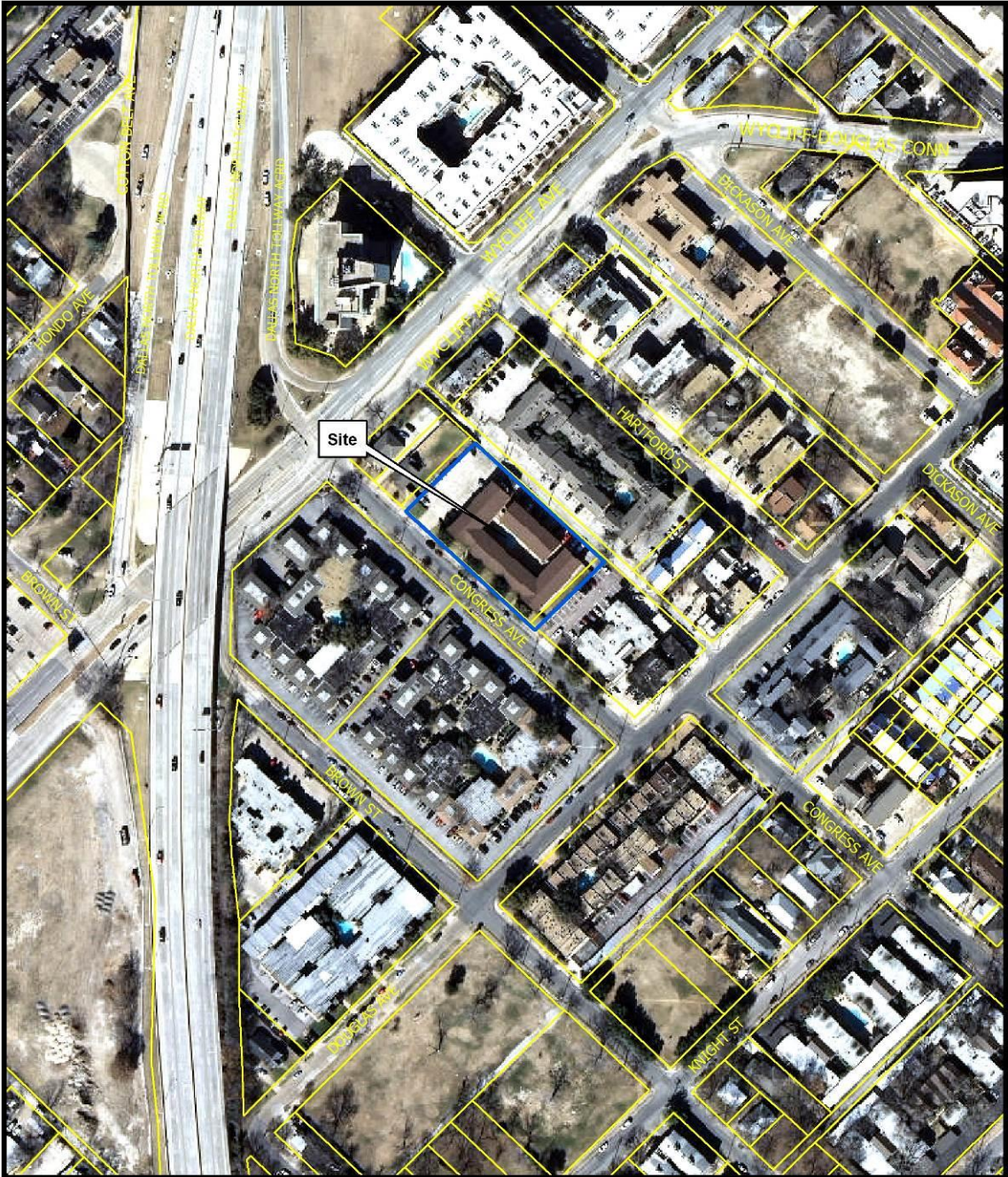
Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

October 9, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).



 1:2,400	<h1>ZONING MAP</h1>	Case no: <u>BDA134-092</u> Date: <u>9/23/2014</u>
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1:2,400

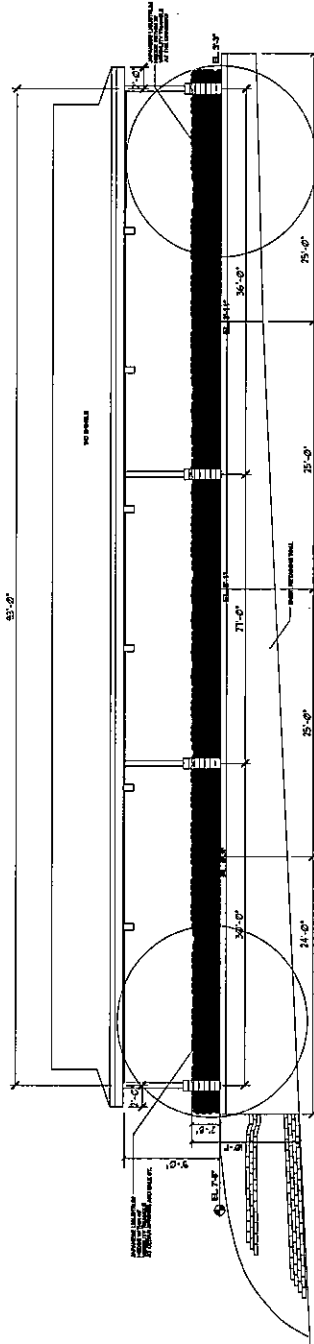
# AERIAL MAP

Case no: BDA134-092

Date: 9/23/2014

BDA134-092

Attach A



CARPORT FOR  
3506 CEDAR SPRINGS RD.

1 SOUTHEAST ELEVATION  
8/19/14

SEPTEMBER 24, 2014

# Memorandum



CITY OF DALLAS

DATE October 9, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 082 3506 Cedar Springs Road

The applicant is requesting a special exception to the landscape requirements of PD 193 (O-2).

### Trigger

The owner is applying to add to the nonpermeable coverage of the lot with the construction of a carport over a permeable parking surface.

### Deficiencies

The proposed landscape plan represents existing conditions. As demonstrated, the deficiencies include the following:

Sidewalks – 193.126(b)(4) – required to be 6' wide and between 5-12' from back of curb. Both sidewalks are non-compliant.

Trees – 193.126(b)(5) – one tree per 25' of frontage is required to be within the tree planting zone, between 2.5-5' from back of curb. If not able to obtain a parkway landscape permit, the owner must plant the trees in close proximity to the front lot line. There is insufficient space to plant trees along Cedar Springs Road in the parkway, but the site is highly restricted on the property by slope, retaining walls, and parking area at Cedar Springs Road and along Sales Street.

Off-street parking and screening – 193.126(b)(3) – all surface parking is to be screened from the street with screening at a minimum of 3.5' in height. Screening is not provided along the Cedar Springs parking lot frontage, and shrubs may not be fully to the required height specification (shown as 36") along Sale Street.

### Factors

Based on the analysis, the site appears to comply with all other requirements of PD 193 (O-2), including landscape site area and general planting requirements.

The site has been maintained for many years with mature post oak trees retained with careful landscape maintenance and site design. The parking surface has been kept as a permeable element that was important in the retention of the highly sensitive tree roots. The overall landscaping is in a well maintained condition, combining the younger plants with the very old canopy tree structures.

The retaining wall along Sale Street was approved and installed prior to the formation of the PD 193 ordinance. The sidewalk cannot be adjusted in this location. The existing slope also prohibits significant adjustments to the sidewalk and planting zones along Cedar Springs Road without adjusting for the slope and probable use of retaining walls.

In mitigating the lack of PD 193 regulation landscaping, and in meeting with the purpose of PD 193, the site contains an important structure to the community with significant towering landscape features that likely far precedes the age of the building. The site promotes landscape and street quality and appearance and enhances the beautification of the neighborhood.

- Recommendation

The chief arborist recommends approval of the special exception request because the applicant has demonstrated the existing landscaping does not compromise the spirit and intent of the PD 193 (O-2) regulations.

Philip Erwin, ISA certified arborist #TX-1284(A)  
Chief Arborist



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-092

Date: 7/24/14

Data Relative to Subject Property:

Location address: 4338 Congress Avenue Zoning District: PD 193 (MF-2)

Lot No.: 16 A Block No.: 7/1616 Acreage: +/- 0.92 Census Tract: 0005.00

Street Frontage (in Feet): 1) 268.32 2) 270' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): TRG Wycliff, L.P.

Applicant: Laura Hoffmann, Winstead PC Telephone: 214-745-5693

Mailing Address: 500 Winstead Building, 2728 N. Harwood Street Zip Code: 75201

E-mail Address: lhoffmann@winstead.com, tmann@winstead.com

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 X, of Section 51P-193.126(b)(5) for trees located outside of the tree planting zone, but in the side ~~and~~ yard front and as shown on the attached landscape plan.

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:

(1) strict compliance with the requirements of Section 51P-193.126(b)(5) would unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring property; and three (3) mature live oak trees (15, 18, and 22 inches in caliper) located between the building and the sidewalk along Congress Avenue would prevent new trees from growing in the locations required by PD 193.

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.

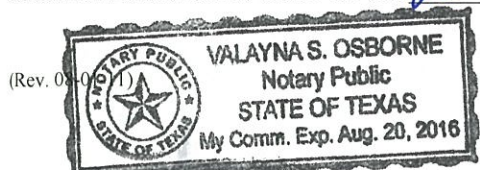
Affidavit

Before me the undersigned on this day personally appeared Laura Hoffmann (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: Laura Hoffmann (Affiant/Applicant's signature)

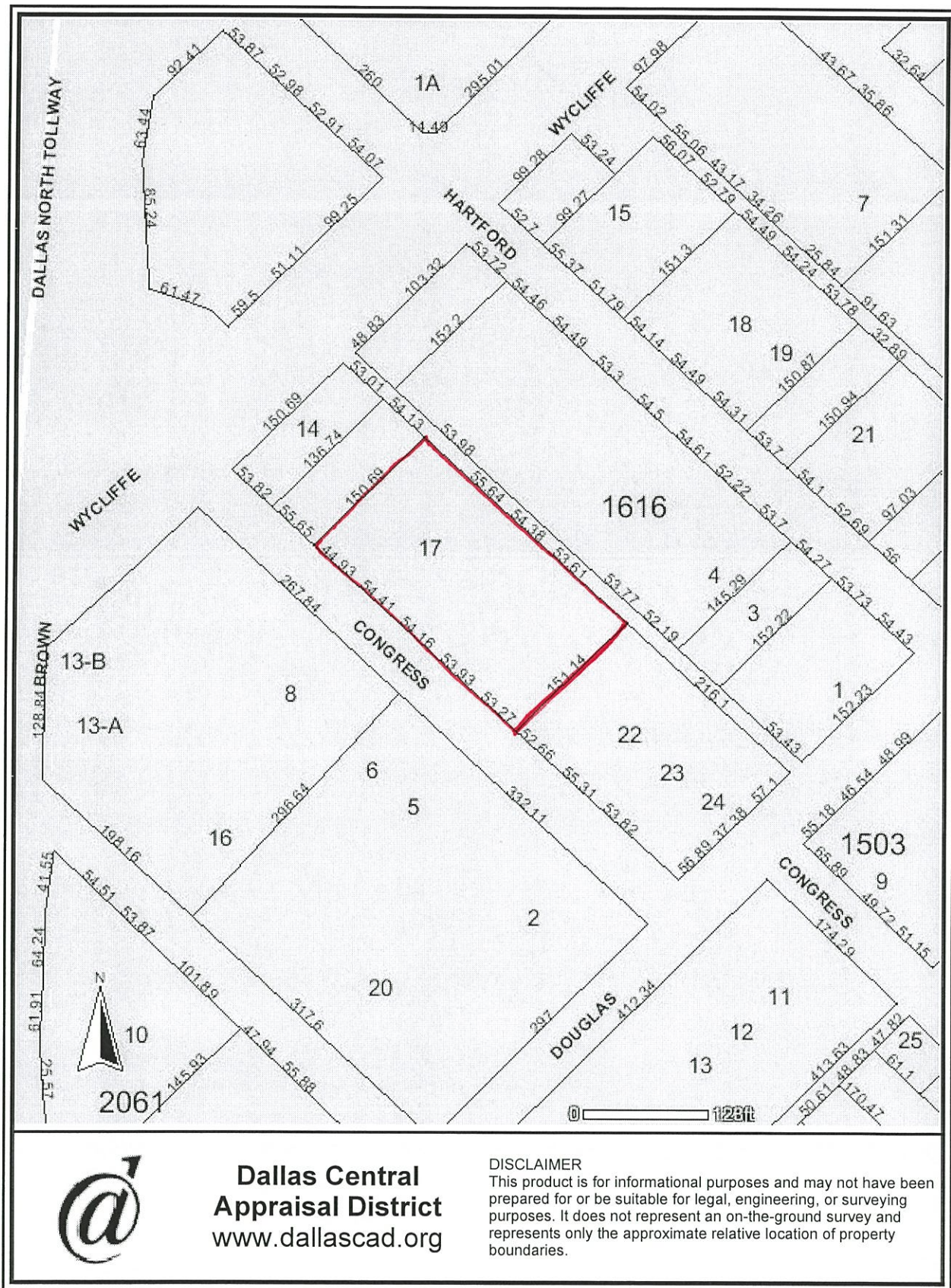
Subscribed and sworn to before me this 25 day of July, 2014

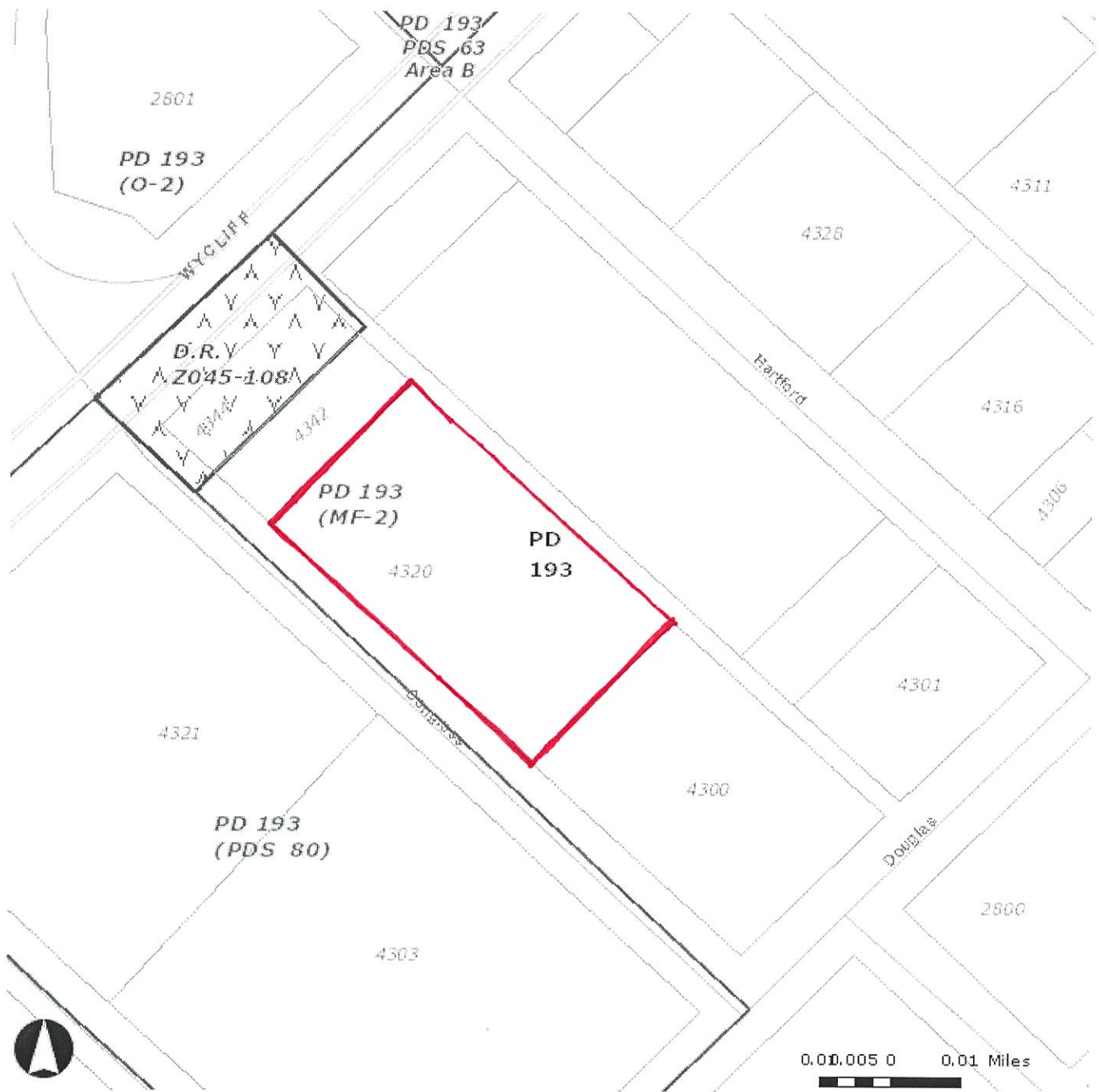


Valayna Osborne  
Notary Public in and for Dallas County, Texas









*2/11*

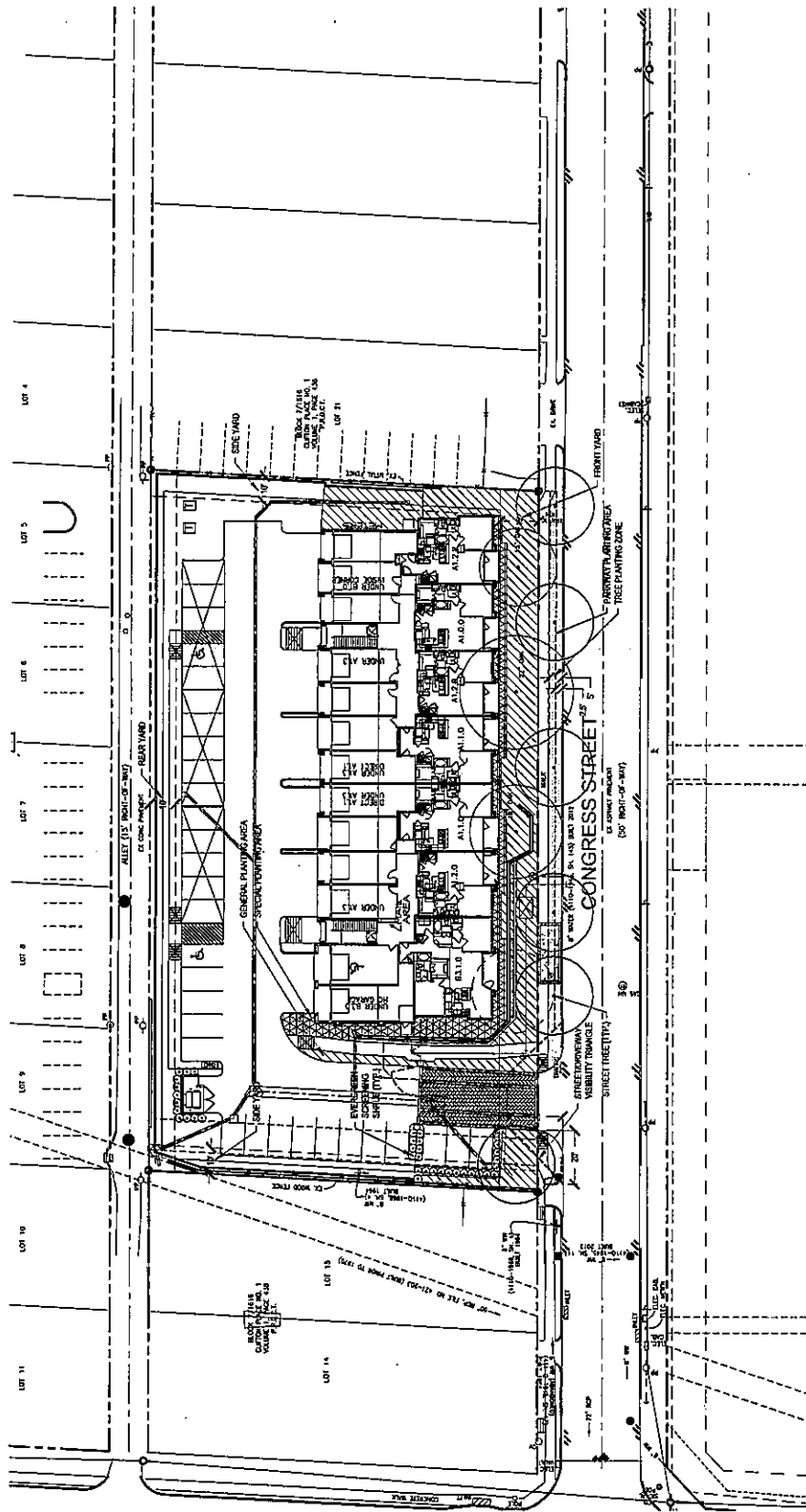


**TRINISIC WYCLIFF II**  
LANDSCAPE CITY SUBMITTAL PLAN  
DALLAS, TEXAS

OWNER:  
THE PARK BRICK CO.  
3000 W. BRICK RD.  
DALLAS, TEXAS  
75205

DATE:  
ISSUE FOR PERMIT  
10/24/13  
10/23/13  
7-29-14 - B.O.C.

SHEET TITLE:  
LANDSCAPE  
CITY SUBMITTAL  
SHEET NUMBER:  
P\_001



**GENERAL PLANTING AREA DESIGNATION**  
 TREES, SHRUBS, VINES, FLOWERS OR GROUNDCOVER, IF SOIL COVERED WITH REQUIREMENT OUTSIDE OF THE SPECIAL PLANTING AREA.

**SPECIAL PLANTING AREA DESIGNATION**  
 TREES, SHRUBS OR VINES (IN-SPACES AND GROUNDCOVER ARE NOT REQUIRED) (MINIMUM REQUIREMENT) 2" MINIMUM SOIL DEPTH REQUIREMENT.

**PARKWAY PLANTING AREA DESIGNATION**  
 TREES, VINE CRUISE, FLOWERS OR GROUNDCOVER, IF MINIMUM SOIL DEPTH REQUIREMENT.

COMMON NAME	BOTANICAL NAME	SIZE AND CONDITION
<b>STREET TREES</b>		
BALD CYPRESS	<i>Taxodium distichum</i>	3.5" caliper, 14' ht.
LACEBARK ELM	<i>Ulmus parvifolia</i>	3.5" caliper, 14' ht.
LIVE OAK	<i>Quercus virginiana</i>	3.5" caliper, 14' ht.
<b>EVERGREEN SCREENING SHRUBS</b>		
KNOCKOUT ROSE	<i>Rosa spp. "Rabrazz"</i>	5 gallon minimum
NELLIE R. STEVENS HOLLY	<i>Ilex cornuta "Nellie R. Stevens"</i>	5 gallon minimum

**LANDSCAPE CALCULATIONS**

**TREES**

STREET TREES (3.5" CALIPER MINIMUM, 14' HT. TREES)  
 TREE PLANTING ZONE:  
 TREES REQUIRED: LOT FOOTPRINT - 211 ÷ 8 TREES  
 TREES PROVIDED: 5 TREES

**MITIGATION TREES**

TOTAL CALIPER INCHES REQUIRED (1) 1" OAK REMOVED = 1" REQUIRED  
 5 TREES @ 1" CALIPER = 5" PROVIDED

**LANDSCAPE REQUIREMENTS**

**LANDSCAPE SITE AREA DESIGNATION**  
 REQUIRED: 20% OF LOT = 4,463.20% = 10,268 SF  
 PROVIDED: 10,268 SF

REQUIRED FRONT YARD (15' MIN) = 4,020 SF  
 REQUIRED LANDSCAPE SITE AREA IN FRONT YARD = 50% x 4,020 SF = 2,010 SF  
 PROVIDED: 2,010 SF

**GENERAL PLANTING AREA DESIGNATION**  
 REQUIRED: 50% OF LANDSCAPE SITE AREA = 4,020 x 50% = 2,010 SF  
 PROVIDED: 4,287 SF

REQUIRED FRONT YARD (15' MIN) = 4,020 SF  
 REQUIRED GENERAL PLANTING AREA IN FRONT YARD = 25% x 4,020 SF = 1,005 SF  
 PROVIDED: 1,017 SF

**SPECIAL PLANTING AREA DESIGNATION**  
 REQUIRED: 20% OF GENERAL PLANTING AREA = 4,020 x 20% = 804 SF  
 PROVIDED: 1,508 SF

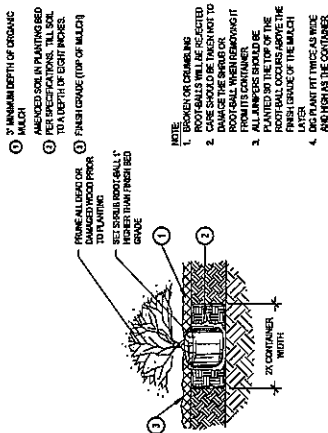
REQUIRED FRONT YARD (15' MIN) = 4,020 SF  
 REQUIRED SPECIAL PLANTING AREA IN FRONT YARD = 5% x 4,020 SF = 201 SF  
 PROVIDED: 110 SF

**PARKWAY PLANTING AREA DESIGNATION**  
 REQUIRED: 20% OF PARKWAY = 2,796.20% = 448 SF  
 PROVIDED: 1,528 SF

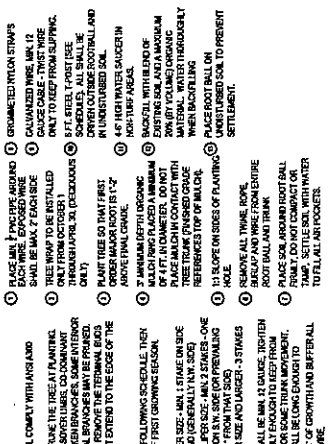
**SURFACE PARKING SCREENING**

ALL SURFACE PARKING MUST BE SCREENED FROM THE STREET AND RESIDENTIALLY ZONED PROPERTY, AND MUST BE TO A MINIMUM HEIGHT OF 15' ABOVE THE FINISH SURFACE.

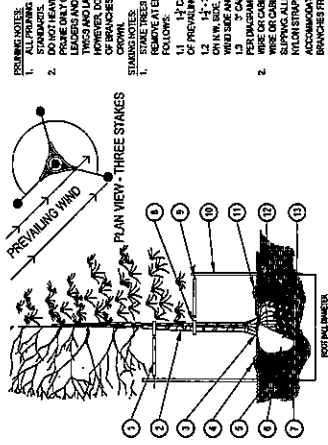
EVERGREEN SCREENING SHRUBS  
 PROVIDED: 25 SHRUBS



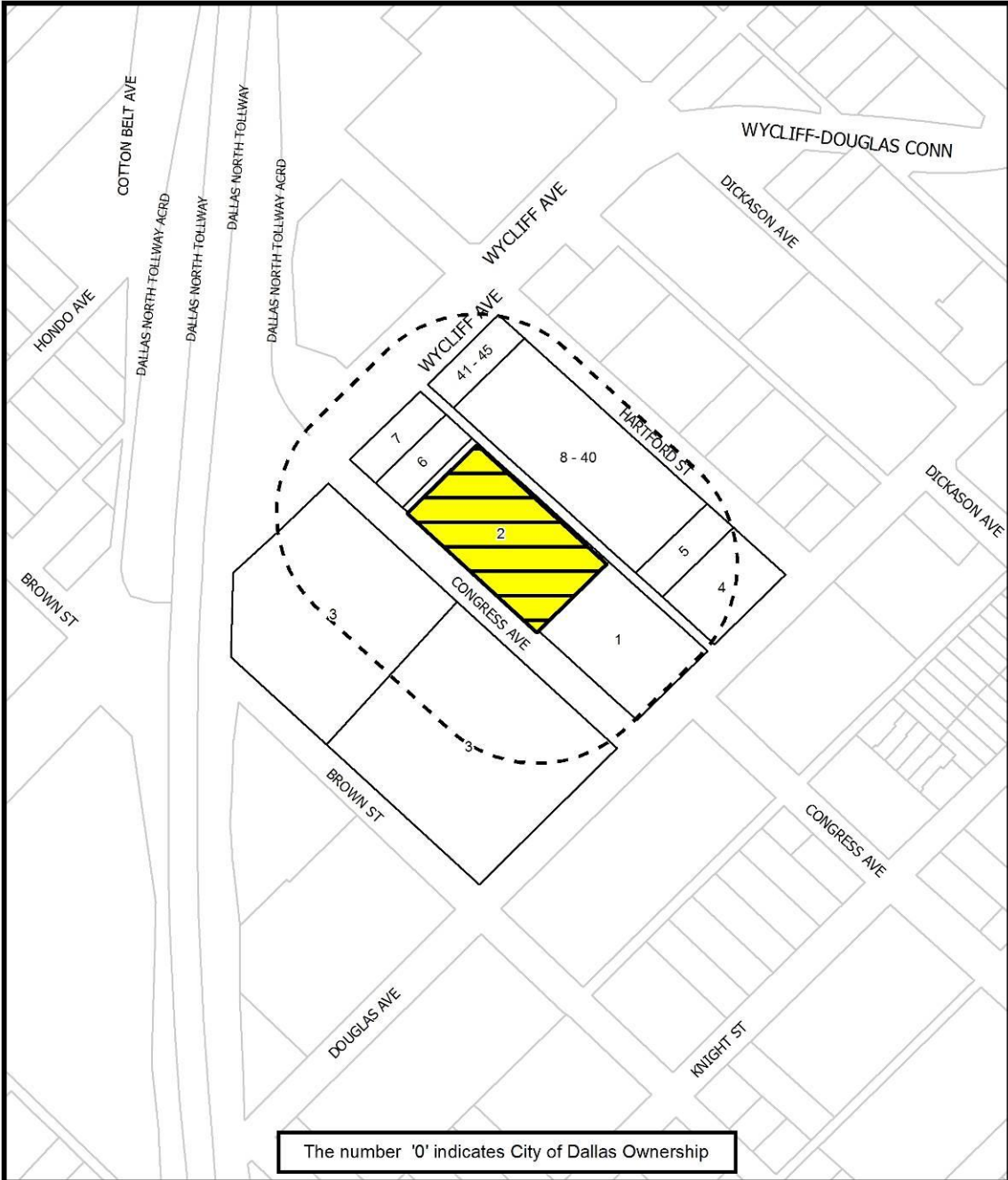
1 TREE PLANTING DETAIL  
 SCALE: 1/8" = 1'-0"



2 SHRUB PLANTING  
 SCALE: 1/8" = 1'-0"



3 PLAN VIEW - THREE STAGES  
 SCALE: 1/8" = 1'-0"



 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA134-092</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;">45</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>9/23/2014</b>

## *Notification List of Property Owners*

**BDA134-092**

### *45 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4300 CONGRESS AVE	CONGRESS AVE DOUGLAS AVE LLC
2	4338 CONGRESS AVE	TRG WYCLIFF LP
3	4343 CONGRESS AVE	TRG WYCLIFF LP
4	4301 HARTFORD ST	4400 HYER STREET LLC
5	4311 HARTFORD ST	4311 HARTFORD LLC
6	4342 CONGRESS AVE	NGUYEN TRUMAN & MAI TRAN
7	4344 CONGRESS AVE	214 WEST TWELFTH PARTNERS LLC
8	4317 HARTFORD ST	CAMERON LAURE M
9	4317 HARTFORD ST	MENENDEZ FERMIN P
10	4317 HARTFORD ST	AGUIRRE VICTOR
11	4317 HARTFORD ST	MCCLURE DONNIE W
12	4317 HARTFORD ST	SONS TRACY
13	4317 HARTFORD ST	MANNING JANE
14	4317 HARTFORD ST	BROWN EARL RICHARD
15	4317 HARTFORD ST	COMANS HENRY JR
16	4317 HARTFORD ST	HOPPER WILLIAM FARIS
17	4317 HARTFORD ST	SCHNIBBE GEORGE L JR
18	4317 HARTFORD ST	MEGA CHASE LP
19	4317 HARTFORD ST	COVELLI HELEN M &
20	4317 HARTFORD ST	BRANDT MARK ALAN
21	4317 HARTFORD ST	GODFREY HENRY T
22	4317 HARTFORD ST	NAGAICAV NIKOLAI
23	4317 HARTFORD ST	RLC HARTFORD PROPERTIES LLC
24	4317 HARTFORD ST	BOSE NANCY K
25	4317 HARTFORD ST	BURCK JAMES L & PATRICIA M FAMILY TRUST
26	4317 HARTFORD ST	MCHENRY WILLIAM JOHN TR

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4317 HARTFORD ST	HICKEY MARK E
28	4317 HARTFORD ST	ENGLISH WAYNE
29	4317 HARTFORD ST	BEUTHE ERIN
30	4317 HARTFORD ST	DUNCAN GARY &
31	4317 HARTFORD ST	MARTINEZ EDWARD G
32	4317 HARTFORD ST	MARTIN JACKIE LEE
33	4317 HARTFORD ST	LESZINSKI SLAWOMIR
34	4317 HARTFORD ST	SLY JAMES FRANK JR
35	4317 HARTFORD ST	NASH JANICE L
36	4317 HARTFORD ST	OAKLAWN GROUP LLC
37	4317 HARTFORD ST	ACKER MARY
38	4317 HARTFORD ST	ADAMS CHANDRA K
39	4317 HARTFORD ST	RICHARDS JAMES L
40	4317 HARTFORD ST	TURNER BRETT
41	2810 WYCLIFF AVE	HUTCHINGS BARRY B
42	2812 WYCLIFF AVE	LAW PAOLA WU
43	2814 WYCLIFF AVE	TROCARD LENNIE R
44	2816 WYCLIFF AVE	HART LAMONT
45	2818 WYCLIFF AVE	NARVARTE ANTONIO

**FILE NUMBER:** BDA 134-098

**BUILDING OFFICIAL'S REPORT:** Application of Christopher Gay for a special exception to the landscape regulations at 2425 Cedar Springs Road. This property is more fully described as Lots 10, 11, & 12, Block 5/944, and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 2425 Cedar Springs Road

**APPLICANT:** Christopher Gay

**REQUEST:**

A request for a special exception to the landscape regulations is made to maintain a recently added patio terrace structure on a site developed with an office use (MBD Capital), 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 condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request in that the submitted alternate landscape proposal does not compromise the spirit and intent of the PD 193 landscape requirements.
- In this case, the Chief Arborist notes how:
  1. the site complies with all PD 193 landscape requirements except for off-street parking screening;
  2. the site has undergone significant site renovation including a new decorative drive surface, an expanded sidewalk, and retention of existing canopy trees;



3. the site benefits from surrounding landscape improvements that help buffer its interaction with the public thoroughfare; and
4. the combined on-site landscaping and paving, off-site street improvements, and functioning hours of the office use on the site helps mitigate for headlights directed south and any negative impacts of the parking area.

### **BACKGROUND INFORMATION:**

Site: PD 193 (GR) (Planned Development, General Retail)  
North: PD 193 (GR) (Planned Development, General Retail)  
South: PD 193 (LC) (Planned Development, Light Commercial)  
East: PD 193 (GR) (Planned Development, General Retail)  
West: PD 193 (GR) (Planned Development, General Retail)

### **Land Use:**

The subject site is developed with an office use (MBD Capital). The areas to the north, south, east, and west are developed with a mix of office and 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 recently added patio terrace structure on a site developed with an office use (MBD Capital), and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the site does not conform to PD 193 landscape regulation standards related to the screening of off-street parking for the site's Cedar Springs Road frontage.
- 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 request (see Attachment A). The memo states how this request is triggered by the increased impervious surface on the property with renovations.
- The Chief Arborists has stated that the site complies with all PD 193 (GR) requirements except for screening of off-street parking for the Cedar Springs Road frontage.

- The Chief Arborist’s memo lists the following factors for consideration:
  - The site has undergone significant site renovation including a new decorative drive surface, an expanded sidewalk, and retention of existing canopy trees.
  - The site benefits from surrounding landscape improvements that help buffer its interaction with the public thoroughfare. The combined on-site landscaping and paving, off-site street improvements, and functioning hours of the office use helps mitigate for headlights directed south and any negative impacts of the parking area. The metal fence and gate (not considered a part of landscaping) provides some level of visual reduction of the parking lot.
  - The site is restricted by size and shape but has been efficiently adapted for the use and related vehicular parking and maneuvering while provided the required landscape site area.
- The City of Dallas Chief Arborist recommends approval of this request because the proposed alternate landscape plan does not compromise the spirit and intent of the PD 193 landscape regulations.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the off-street parking screening requirement) 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 submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to off-street parking screening requirement of the Oak Lawn PD 193 landscape ordinance.
- Note that the applicant’s request for a special exception to the landscape regulations would not provide any relief to any existing or proposed item that is or is proposed to be located in any required visibility triangle.

**Timeline:**

July 22, 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.

September 9, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

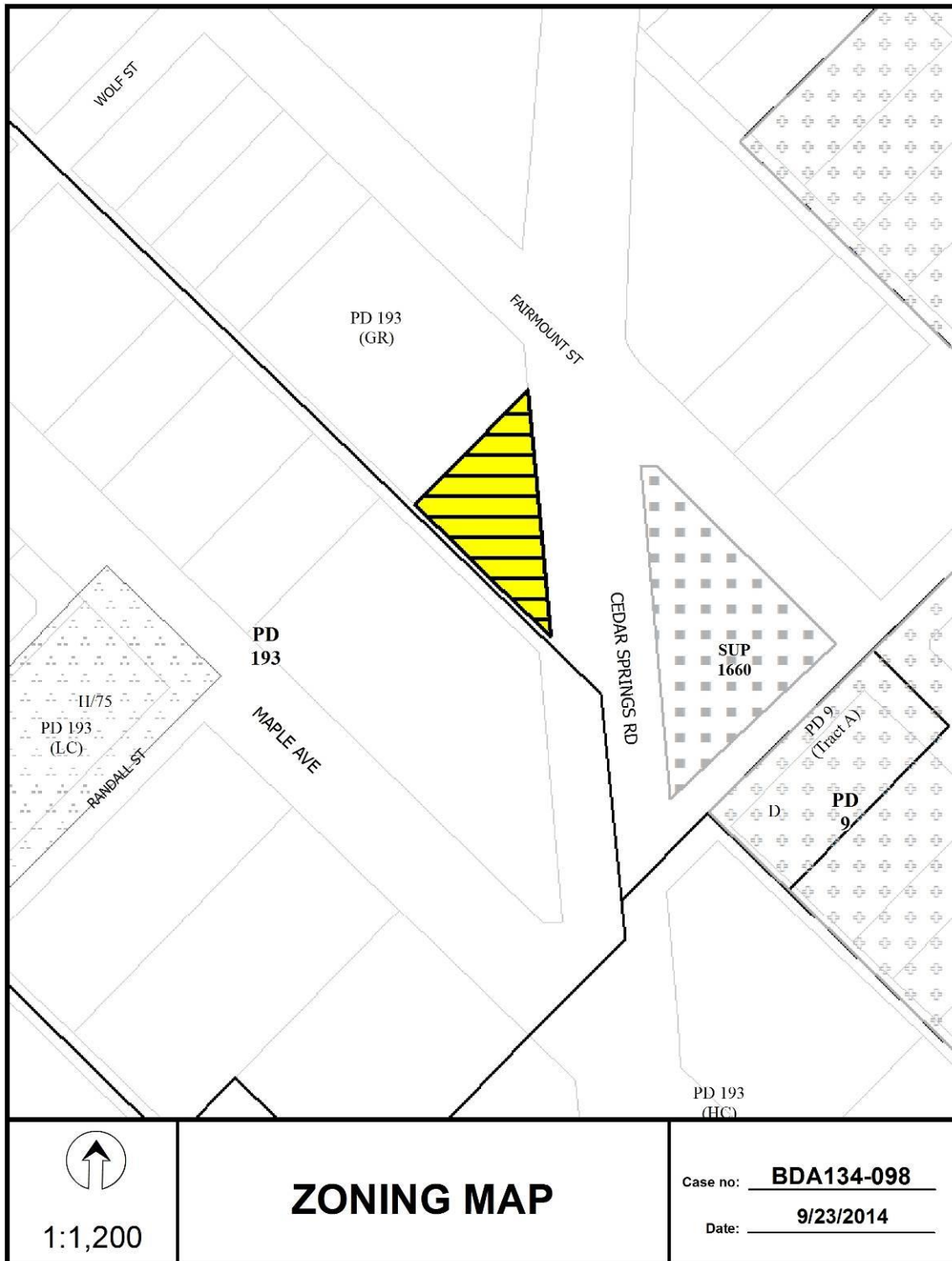
September 10, 2014: The Board Administrator emailed the applicant the following information:

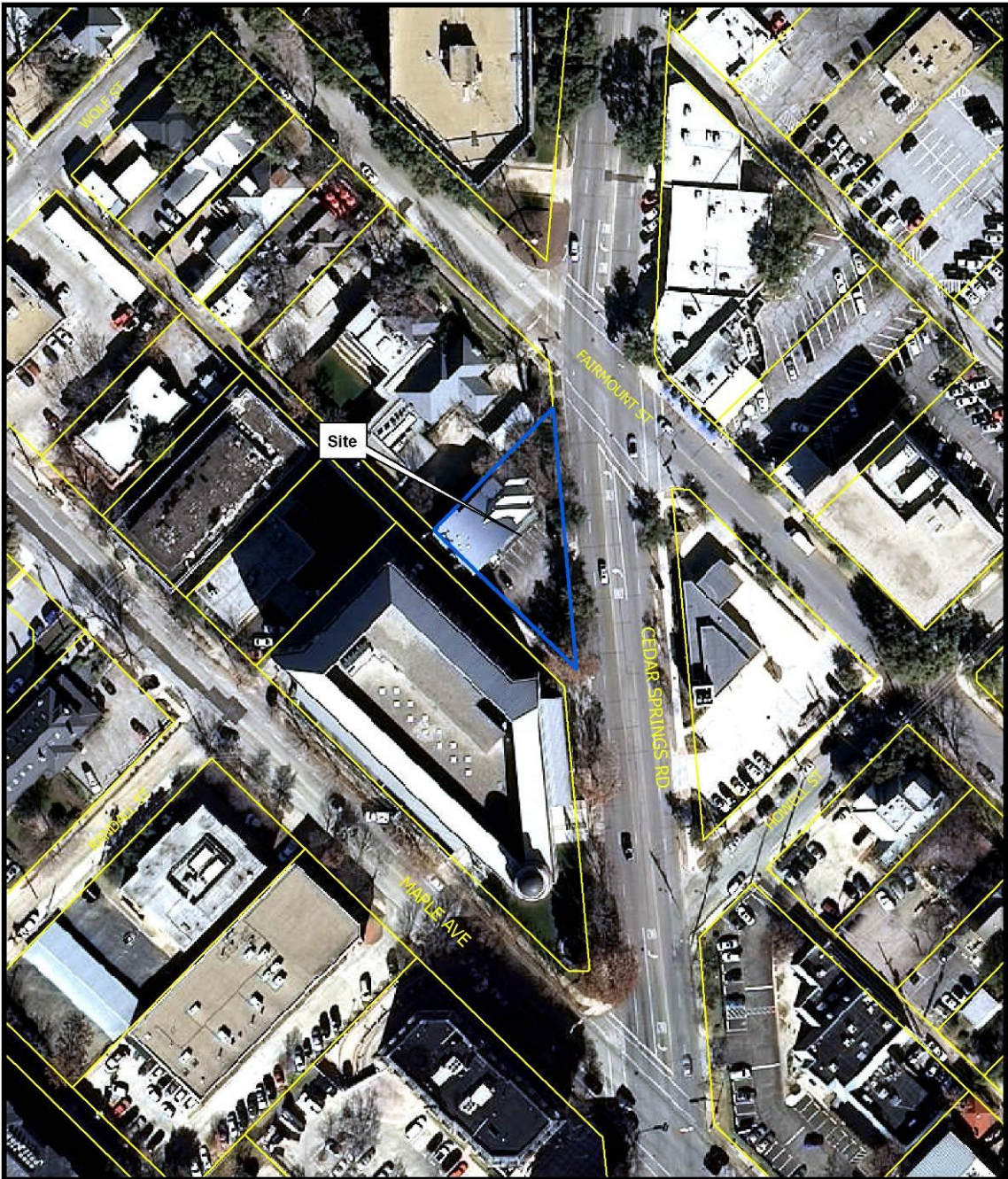
- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 10<sup>th</sup> deadline to submit additional evidence to be incorporated into 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.

October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

Staff discussed how certain items observed in the Board Administrator's photos of the subject site may be in noncompliance with visual obstruction regulations but that the applicant had not made any request for special exception to locate/maintain items in any visibility triangle. The Building Inspection Senior Plans Examiners/Development Code Specialist stated that he would contact the applicant and make him aware of this observation, and the fact that the applicant's request for a special exception to the landscape regulations would not provide any relief to any existing or proposed item that is or is proposed to be located in any required visibility triangle.

October 10, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).





1:1,200

# AERIAL MAP

Case no: BDA134-098

Date: 9/23/2014

# Memorandum



CITY OF DALLAS

DATE October 10, 2014

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 134 - 098

2425 Cedar Springs Road

The applicant is requesting a special exception to the landscape requirements of PD 193 (GR).

### Trigger

The owner has increased the impervious surface on the property with renovations.

### Deficiencies

The plan complies with all PD 193 (GR) requirements except for screening of off-street parking for the Cedar Springs Road frontage.

### Factors

The site has undergone significant site renovation including a new decorative drive surface, has expanded the sidewalk along the street frontage to the required six feet width from four feet, and has retained existing canopy trees for the tree requirement which also provide a buffering element for the property.

The site benefits from surrounding landscape improvements that help buffer its interaction with the public thoroughfare. The combined on-site landscaping and paving, off-site street improvements, and functioning hours of the office use, helps to mitigate for headlights directed south and any negative visual impacts of the parking area. The metal fence and gate, not considered a part of landscaping, provides some level of visual reduction of the parking lot.

The site is restricted by size and shape but has been efficiently adapted for the use, and the vehicular parking and maneuvering, while providing the required landscape site area.

### Recommendation

The chief arborist recommends approval of the special exception request because the proposed landscape plan does not compromise the spirit and intent of the PD 193 (GR) landscape regulations.

Philip Erwin, ISA certified arborist #TX-1284(A)  
Chief Arborist



A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-098

Date: 22 JULY 2014

Data Relative to Subject Property:

Location address: 2425 CEDAR SPRINGS RD 75201 Zoning District: PD-193 (GR)

Lot No.: 10-12 Block No.: 5/944 Acreage: 0.23 Census Tract: 18.00

Street Frontage (in Feet): 1) 201 2) 3) 4) 5) SW22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MDB CAPITAL GROUP, LLC.

Applicant: CHRISTOPHER GAY Telephone: 214 675 6495

Mailing Address: 2425 CEDAR SPRINGS RD. Zip Code: 75201

E-mail Address: CHRIS.GAY@MDB.COM

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance X, or Special Exception, of ALTERNATE LANDSCAPE PLAN, SPECIFIC TO PARKING SCREENING

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: SHAPE - PLEASE SEE ATTACHED DOCUMENT

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.

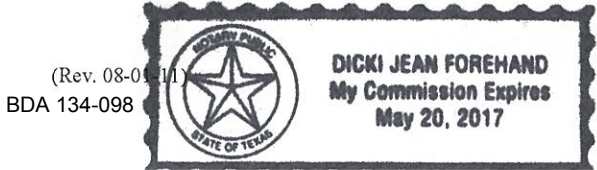
Affidavit

Before me the undersigned on this day personally appeared CHRISTOPHER GAY (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 22nd day of July, 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 Christopher Gay

did submit a request for a special exception to the landscaping regulations  
at 2425 Cedar Springs Road

BDA134-098. Application of Christopher Gay for a special exception to the landscaping regulations at 2425 Cedar Springs Road. This property is more fully described as Lots 10, 11, & 12, Block 5/944, and is zoned PD-193 (GR), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

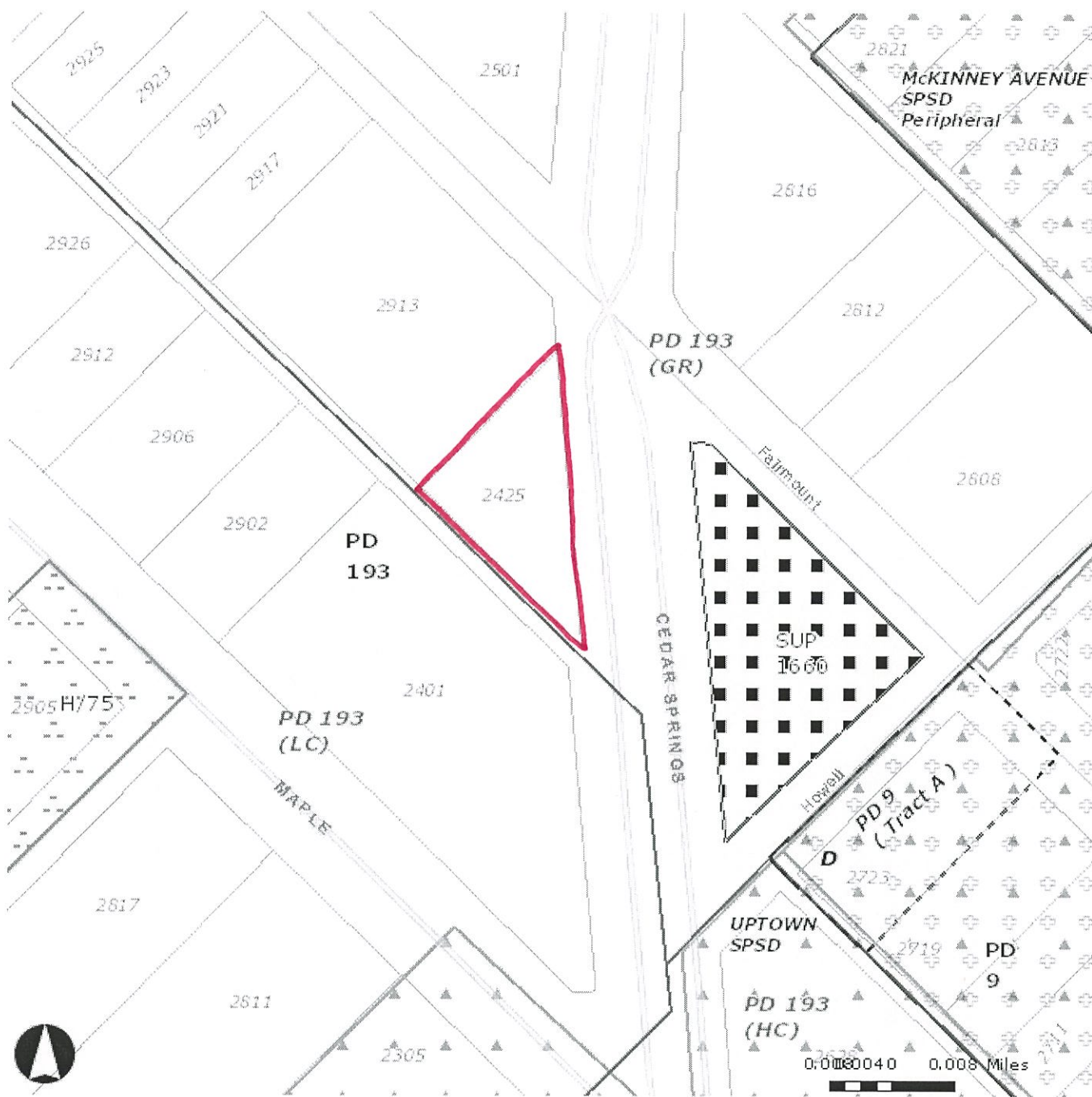
Sincerely,

  
Larry Holmes, Building Official





*CEB*



*ETG*



MICHAEL  
MALONE  
ARCHITECTS

2240 W. WILSON  
AVENUE, SUITE 100  
DALLAS, TEXAS 75201

2425 CEDAR SPRINGS  
DALLAS, TEXAS 75201

GENERAL NOTES



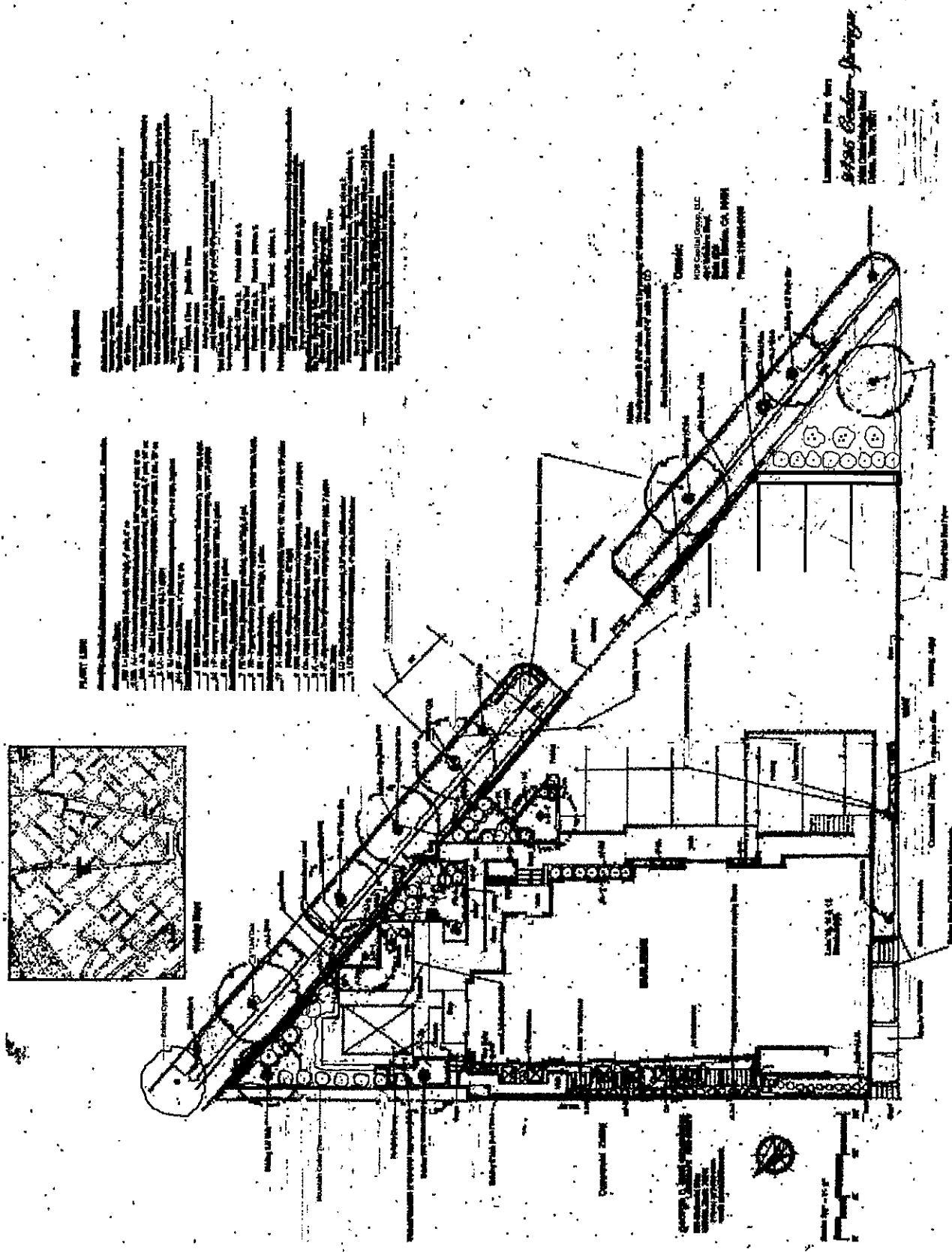
DATE	
BY	
CHECKED	
APPROVED	

As Built

LANDSCAPE  
PLAN

L-1.00

DATE: 07-23-2014



**PLANT LIST**

1. 12" - 18" PINEAPPLE GUAVA (LAWSONIA INONIA) - 10' x 10' PLANTING

2. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

3. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

4. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

5. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

6. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

7. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

8. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

9. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

10. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

11. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

12. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

13. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

14. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

15. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

16. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

17. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

18. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

19. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING

20. 12" - 18" BANGALAYA (ALBIZIA LEUCURIA) - 10' x 10' PLANTING



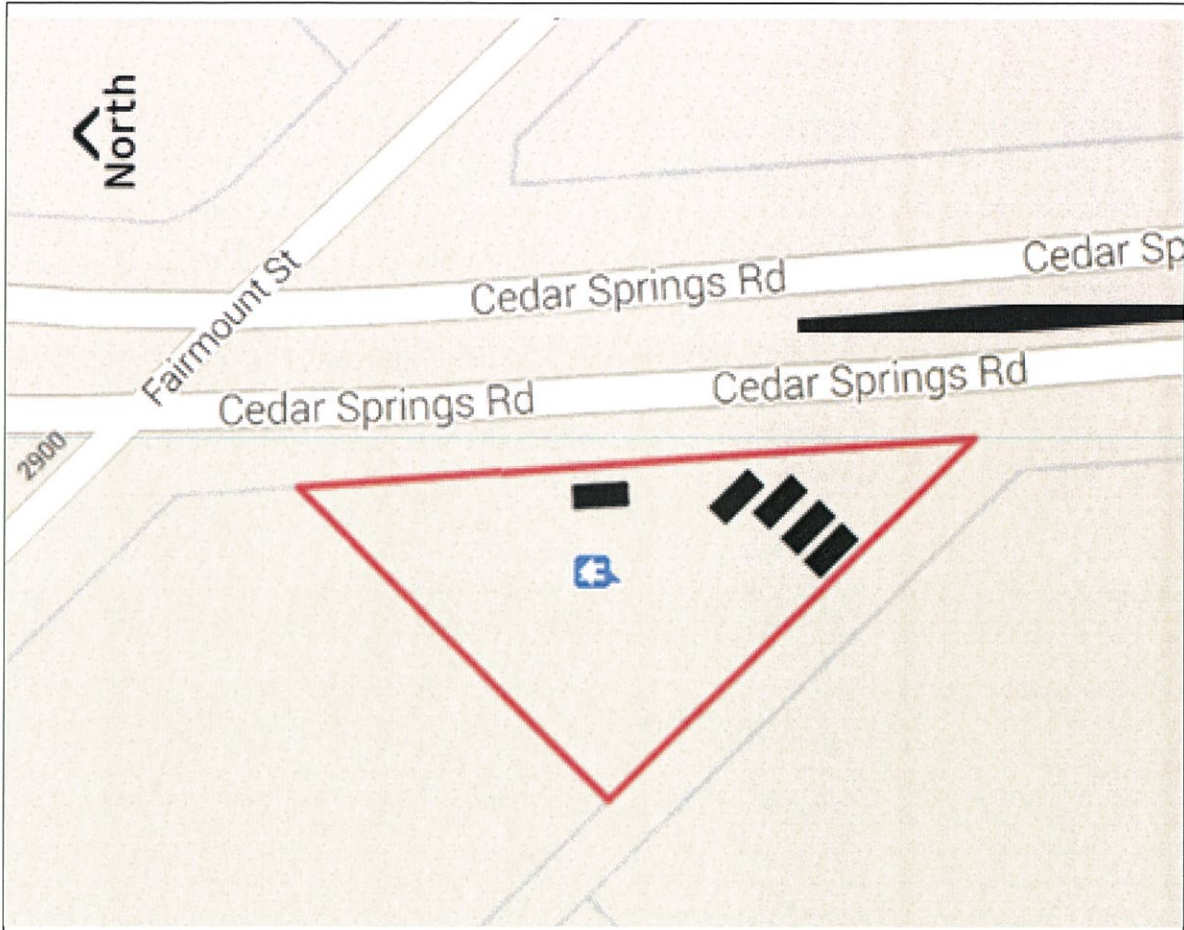
The hardship for this property is Shape. While Shape is the primary hardship, Size is a secondary constraint. The property is a small isosceles triangle. To meet the parking requirement, coupled with the widening of the sidewalks to 6 feet, we have insufficient room to plant shrubbery to meet the 42" parking screening requirement. We are requesting an Alternate Landscape Plan, specific to the 42" parking screening requirement.

5 parking spaces are affected by the 42" screening requirements: 4 face South-east across Cedar Springs Rd, and 1 faces North parallel to Cedar Springs Rd. The building itself screens all of the other parking spaces. Please reference **FIGURE A**, which illustrates the 5 affected parking spaces as well as the City median.

The Alternate Landscape Plan does not provide vegetative 42" screening for the affected parking along the fence line, running parallel to Cedar Springs Rd. Similarly, the shrubbery and multi-branch trees in front of the Southeast-facing parking is presently short of 42"; however, the City median provides effective screening and the current landscaped plants will mature and grow.

In construction, the parking area was expanded to provide the necessary parking spaces. Given the shape of the property, we believe this is the optimal use of the site to meet the code requirements for parking safely. The parking area now directly abuts the steel fence we inherited. The fence was permitted on Oct 16, 1997, by the city with permit 9708181115. Also in construction, beyond the fence line, the sidewalk was expanded from 4-feet wide to 6-feet wide, to comply with the building code (see **FIGURE B**). This widening of the sidewalk removed potential planting area in front of the fence. Consequent to the parking and sidewalk requirements, as governed by the property shape hardship, there is insufficient planting room for the bushes and shrubs commonly used for screening either in front of the fence, or behind the fence.

The intent of the 42" parking screening requirement is Safety. We believe this intent is met by existing structures and landscaping. First, our property is a commercial office, so nighttime parking lot traffic will be infrequent. Second, Dallas recently constructed a street median with a granite screen, on Cedar Springs Rd. This new median effectively screens the property's southeast-facing parking from opposing traffic, as illustrated in **FIGURE C** and **FIGURE D**. Third, the Mountain Cedar trees, shrubs, and multi-branch trees, at the North corner of the property screen the headlights of the property's sole north-facing parking space, parallel to Cedar Springs Rd.



**FIGURE A: Affected Parking and City Median**

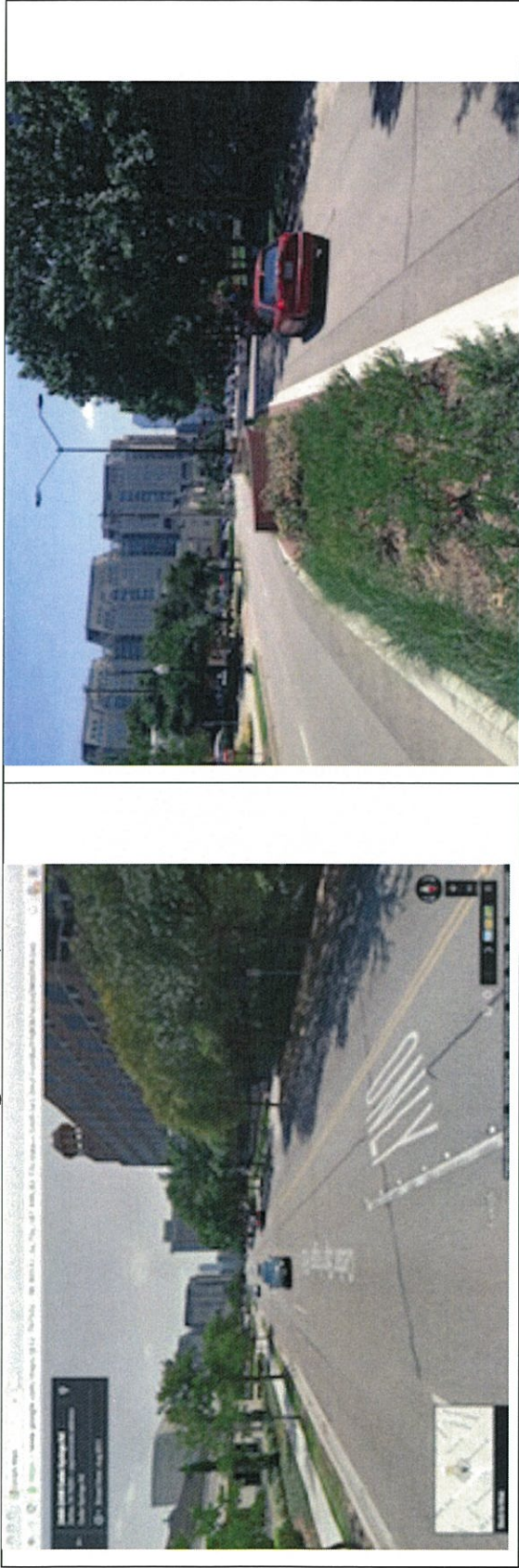
The 4 Southeast affected parking spots, 1 North-facing parking spot, and City Median are illustrated in black. The approximate property boundary is outlined in red.

**FIGURE B: Sidewalk comparison: 4-feet in Aug-2011 and 6-feet in Jul-2014**



[Continued on Next Page]

**FIGURE C: Median Screen Built, Aug-2011 and Jul-2014**



**FIGURE D: City median screens North-facing traffic, and Southeast-facing parked vehicles**



2425 Cedar Springs Road

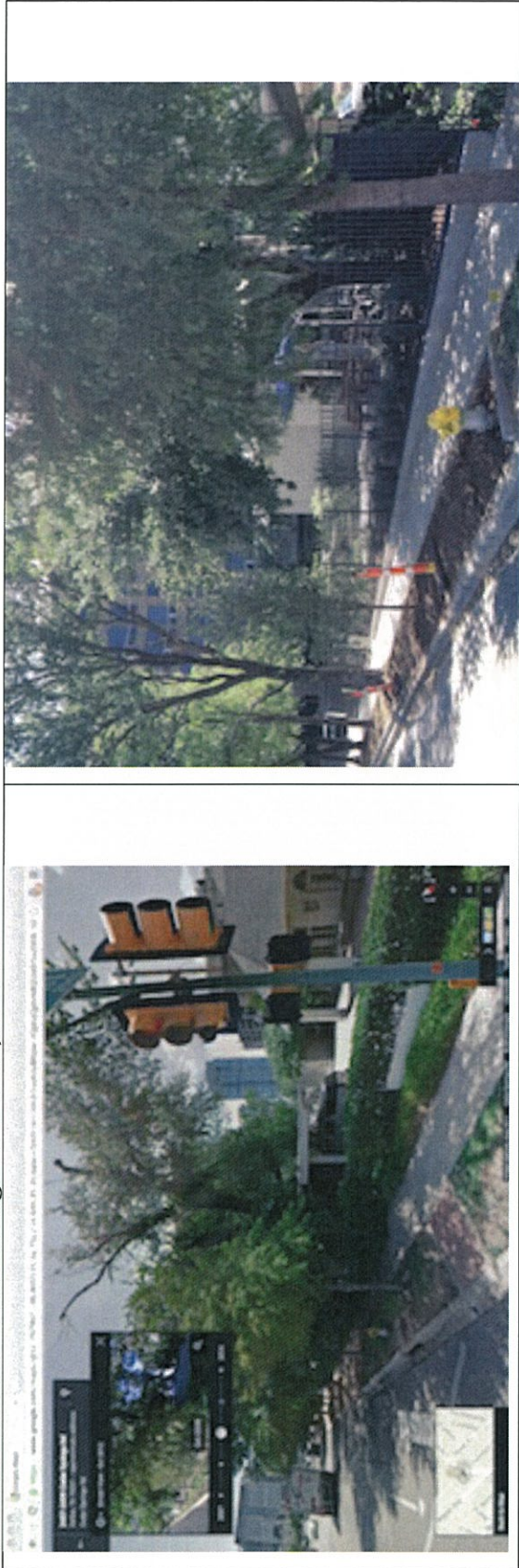
Page 4 of 7

We acquired a property that was overgrown and in need of substantial maintenance and capital investment. In the 2 years of construction, we have endeavored to create a property that is excellent and eye-catching (on the both the interior and exterior). We respectfully request that you consider our efforts to meet the spirit of the law, despite the unique hardships of the property's shape. Following below are additional before and after photographs of the relevant street-side landscaping, in **FIGURE E, FIGURE F, FIGURE G, and FIGURE H.**

**[Continued Next Page]**



**FIGURE E: North corner, Aug-2011 and Jul-2014**



**FIGURE F: Street side, Aug-2011 and Jul-2014**



**FIGURE G: Street side, Aug-2011 and Jul-2014**

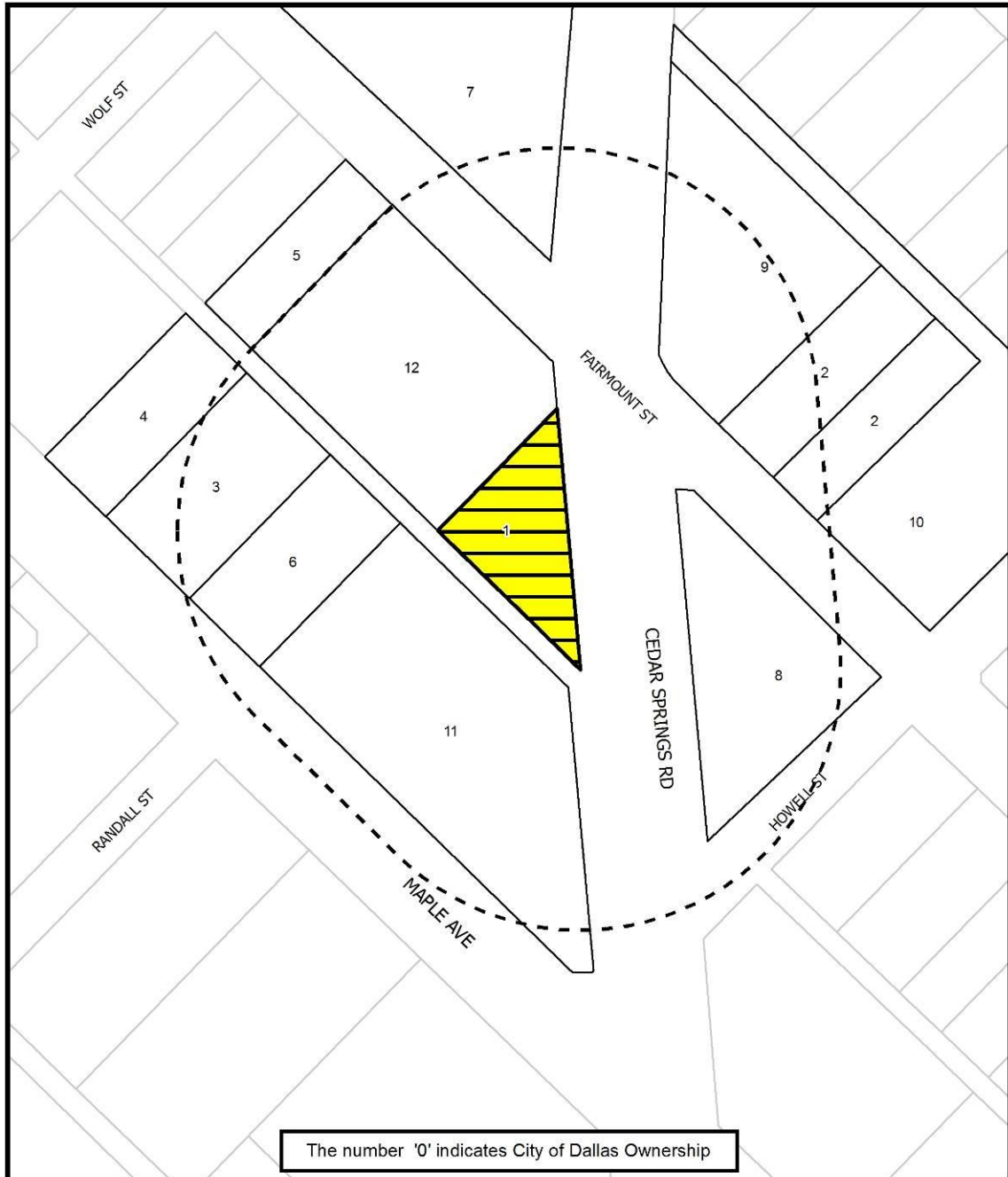


**FIGURE H: South corner, Aug-2011 and Jul-2014**



2425 Cedar Springs Road

Page 7 of 7



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA134-098</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;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>9/23/2014</b>

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

***BDA134-098***

### ***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2425 CEDAR SPRINGS RD	MDB CAPITAL GROUP LLC
2	2812 FAIRMOUNT ST	GREENWAY CEDAR SPRINGS LP
3	2906 MAPLE AVE	2906 MAPLE AVE LLC
4	2912 MAPLE AVE	2912 MAPLE LLC
5	2917 FAIRMOUNT ST	CALABAZA HOLDINGS LLC
6	2902 MAPLE AVE	2902 MAPLE LP
7	2501 CEDAR SPRINGS RD	GH CEDAR SPRINGS INC
8	2408 CEDAR SPRINGS RD	GREENWAY MAPLE LP
9	2816 FAIRMOUNT ST	GREENWAY CEDAR SPRINGS LP
10	2808 FAIRMOUNT ST	GREENWAY CEDAR SPRINGS LP
11	2401 CEDAR SPRINGS RD	GUIDESTONE FINANCIAL RES
12	2913 FAIRMOUNT ST	GUIDESTONE FINANCIAL RESOURCES OF THE SOUT

**FILE NUMBER:** BDA 134-099

**BUILDING OFFICIAL'S REPORT:** Application of Robert Reeves, Robert Reeves and Associates, for a special exception to the off-street parking regulations at 3417 Gaston Avenue. This property is more fully described as Lot 3A, Block 760, and is zoned PD-298 (Subarea 12 & 12A), which requires off-street parking to be provided. The applicant proposes to construct and maintain structures for hospital, medical clinic or ambulatory surgical center, hotel or motel, financial institution without drive-in window, general merchandise or food store 3500 square feet or less, and restaurant without drive-in or drive-through service uses, and provide 959 of the required 1,236 parking spaces, which will require a 277 space special exception to the off-street parking regulations

**LOCATION:** 3417 Gaston Avenue

**APPLICANT:** Robert Reeves, Robert Reeves and Associates

**REQUEST:**

A request for a special exception to the off-street parking regulations of 277 spaces is made to construct and/or maintain hospital, medical clinic or ambulatory surgical center, hotel or motel, financial institution without drive-in window, general merchandise or food store 3,500 square feet or less, and restaurant without drive-in or drive-through service uses on the site, and provide 959 (or 78 percent) of the 1,236 required off-street parking spaces. The site is currently developed with utility and medical clinic uses that are to be retained on the site, and that will continue to provide code-required off-street parking. The applicant seeks the parking reduction request to construct and maintain a 199,000 square foot medical office tower and a 120 room hotel with ground floor commercial uses.

**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 277 spaces shall automatically and immediately terminate if and when the mix of hospital, medical clinic or ambulatory surgical center, hotel or motel, financial institution without drive-in window, general merchandise or food store 3,500 square feet or less, and restaurant without drive-in or drive-through service uses that would normally need no more than 1,236 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 mix of hospital, medical clinic or ambulatory surgical center, hotel or motel, financial institution without drive-in window, general merchandise or food store 3,500 square feet or less, and restaurant without drive-in or drive-through service uses 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 a study which shows that the projected peak parking need for the main uses proposed to be added to the site will be at least 34 percent less than the number of spaces required by code. (The applicant’s parking reduction request is for a 22 percent reduction from what is required by code).

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 298 (Subarea 12A) (Planned Development)
- North: PD 298 (Subarea 12) (Planned Development)
- South: PD 749 and MU-3 (Planned Development and Mixed Use)
- East: PD 749 and MU-3 (Planned Development and Mixed Use)
- West: PD 298 (Subarea 12) (Planned Development)

**Land Use:**

The subject site is developed with utility and medical clinic uses that the applicant intends to retain on the site and that will continue to provide code-required off-street parking. Other land uses on the site include surface parking lots which the applicant intends to replace with the proposed uses and parking garages. The areas to the north, south, east, and west are developed with a mix of mostly medical and office uses and surface parking lots.

**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/or maintaining hospital, medical clinic or ambulatory surgical center, hotel or motel, financial institution without drive-in window, general merchandise or food store 3,500 square feet or less, and restaurant without drive-in or drive-through service uses on the site, and providing 959 (or 78 percent) of the 1,236 required off-street parking spaces.
- The site is currently developed with utility and medical clinic uses that are to be retained on the site, and that will continue to provide code-required off-street parking. The applicant seeks the parking reduction request to construct and maintain a 199,000 square foot medical office tower and a 120 room hotel with ground floor commercial uses.
- The Dallas Development Code requires the following off-street parking requirement:
  - Hospital use: 1 space for each patient bed.
  - Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area.
  - Financial institution without drive-in window use: 1 space per 333 square feet of floor area.
  - General merchandise or food store 3,500 square feet or less use: 1 space for 200 square feet of floor area.
  - Restaurant without drive-in service use: as a main use: 1 space per 100 square feet of floor area; as a limited or accessory use: 1 space per 200 square feet of floor area
- The applicant proposes to provide 959 (or 78 percent) of the required 1,236 off-street parking spaces in conjunction with the site being developed with and/or maintained with a combination of the uses mentioned above.
- The applicant has submitted a study which shows that the projected peak parking need for the main uses proposed to be added to the site will be at least 34 percent less than the number of spaces required by code. (The applicant's parking reduction request is for a 22 percent reduction from what is required by code).
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the applicant's request.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the hospital, medical clinic or ambulatory surgical center, hotel or motel, financial institution without drive-in window, general merchandise or food store 3,500 square feet or less, and restaurant without drive-in or drive-through service uses on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 277 spaces (or a 22 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 277 spaces shall automatically and immediately terminate if and when the hospital, medical clinic or ambulatory surgical center, hotel or motel, financial institution without drive-in window, general merchandise or food store 3,500 square feet or less, and restaurant without drive-in or drive-through service uses are



changed or discontinued, the applicant would be allowed to develop and maintain the site with these specific uses with the specified square footages, and provide 858 of the 1,144 code required off-street parking spaces.

**Timeline:**

July 26, 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.

September 9, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 10, 2014: The Board Administrator emailed the applicant the following information:

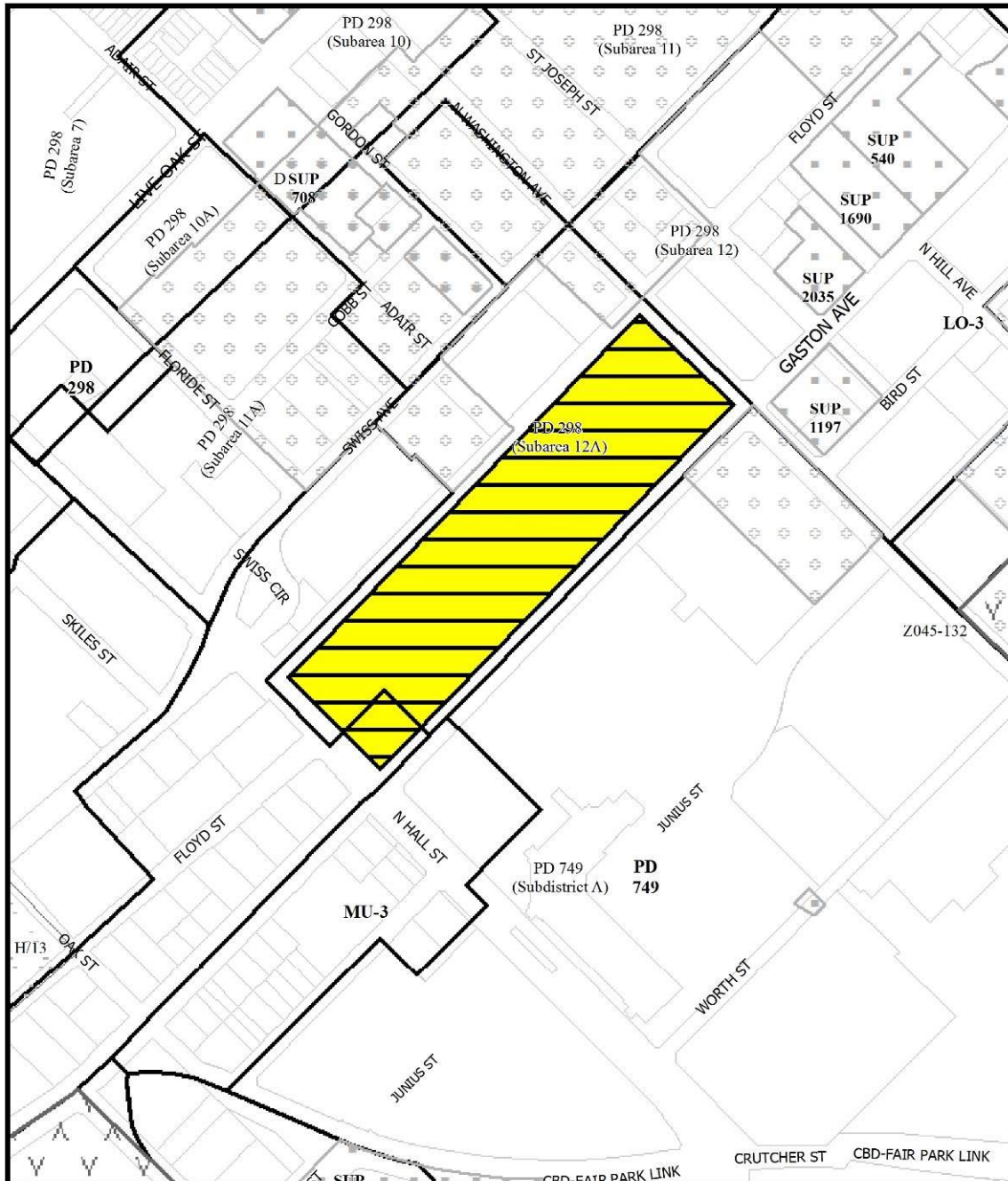
- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 10<sup>th</sup> deadline to submit additional evidence to be incorporated into 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.

October 3, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A and C).

October 3, 2014: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment B).

October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

October 9, 2014: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”

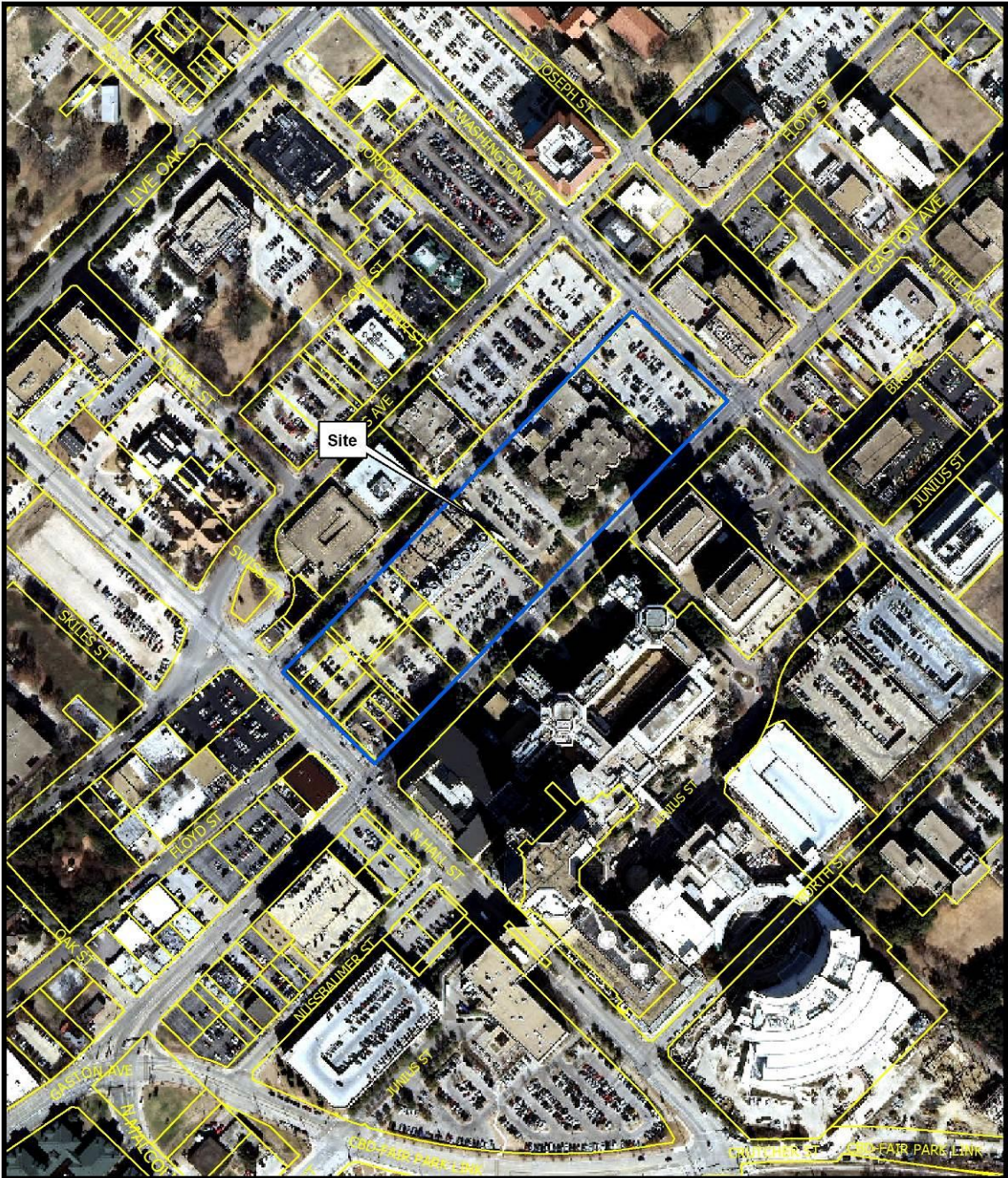


1:3,600

# ZONING MAP

Case no: **BDA134-099**

Date: **9/22/2014**



1:3,600

# AERIAL MAP

Case no: BDA134-099

Date: 9/22/2014

BDA 134-099

Attach A

PS 1

ROBERT REEVES  
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

October 3, 2014

Todd Duerksen, Senior Zoning Specialist  
Building Inspection Division  
Department of Sustainable Development and Construction  
320 E. Jefferson Blvd., Room 105  
Dallas, Texas 75203

RE: Revised Parking Special Exception, BDA 134-099  
Baylor University Medical Center

Dear Mr. Duerksen:

Attached is a revised Parking Demand Study for Case BDA 134-099. The differences between the revised study and the original study submitted with the application are as follows:

- 1) Based on your input, we have revised our Parking Demand Study to include the all uses located on Lot 3A, Block 760, which include an existing hospital use and new hotel, new medical clinic or ambulatory surgical center, new financial institution without drive-in window, new general merchandise or food store 3500 square feet or less, and new restaurant without drive-in or drive-through service use.
- 2) We have decided to delete our original request for a parking reduction for a new financial institution without drive-in window, general merchandise or food store 3500 square feet or less, and restaurant without drive-in or drive-through service use. Therefore, our parking reduction request is only for the new hotel and medical clinic or ambulatory surgical center uses as shown in Table 3 of the revised Parking Demand Study.

In summary, the parking requirement for existing and new uses on Lot 3A, Block 760 is 1,236 spaces. We will provide 959 spaces, which require a 277 space parking special exception, 22.4%.

Sincerely:



Robert Reeves

cc: Steve Long

BDA 134-099  
Attach A  
PS 2

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*PARKING ANALYSIS FOR*  
**GASTON MOB/HOTEL DEVELOPMENT**  
*DALLAS, TEXAS*

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Prepared for:  
**CBRE | Healthcare Services**  
2001 Bryan Street, Suite 700  
Dallas, Texas 75201

Prepared by:  
**DeShazo Group, Inc.**  
Texas Registered Engineering Firm F-3199  
400 South Houston Street, Suite 330  
Dallas, Texas 75202  
Phone 214/748-6740

*October 2, 2014*

 **DeShazo Group**  
*Traffic. Transportation Planning. Parking. Design.*  
[www.deshazogroup.com](http://www.deshazogroup.com)  
Project #12014.01



*Traffic. Transportation Planning. Parking. Design.*  
[www.deshazogroup.com](http://www.deshazogroup.com)

## Technical Memorandum

**To:** Charles Shelburne — CBRE|Healthcare Services  
**CC:** Robert Reeves — Robert Reeves & Associates, Inc.  
**From:** Steve E. Stoner, P.E., PTOE — DeShazo Group, Inc.  
**Date:** October 2, 2014  
**Re:** Parking Analysis for the Proposed Gaston MOB/Hotel Development  
*DeShazo Project Number 12014.01*

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### Introduction

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **CBRE|Healthcare Services** ("Owner") on behalf of the Owners and Developers of the proposed *Gaston MOB/Hotel Development*, a proposed 199,000-SF medical office tower with a 120-room hotel and ground-floor commercial uses located at the intersection of Washington Avenue and Worth Street in Dallas, Texas. The study site is located in the northern quadrant of the intersection of Gaston Avenue and Hall Street. The subject site is zoned Subdistricts 12 and 12-A of the Bryan Area Special Purpose District (PD 298).

DeShazo is an engineering consulting firm based in Dallas, Texas, providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and analysis.

### Purpose

Findings of this study are intended to provide the basis for a Parking Special Exception request to reduce the direct City of Dallas Code parking requirement. Based upon published parking demand information and professional judgment derived from past experience, the base code requirement is not considered to be representative of the parking needs for some uses of the proposed development. A reduction of the code requirement is proposed in order to yield a more reasonable and equitable parking supply for the site. The site is also highly accessible to multiple public transit options. This memorandum summarizes the existing code parking requirement and the projected parking demand based upon published national technical data and DeShazo's professional judgment in support of the request for a Parking Special Exception.

## Code Parking Requirement

The study site is currently zoned partially as Subdistrict 12 and partially as Subdistrict 12-A of the Bryan Place Special Purpose District (PD Number 298). As outlined in Section 51P-298.115, parking for these subdistricts are calculated by direct application of the rates provided in the Dallas Development Code §51A. (NOTE: Special reductions for large-scale mixed-use developments are available in Subdistrict 12-A; however, the proposed building program does not qualify for these reductions due to minimum floor area requirements.)

The respective parking code rates were applied to the proposed development plan; results are tabulated as follows.

**Table 1. City Code Parking Requirement Summary**

USE	CITY OF DALLAS DEVELOPMENT CODE	AMOUNT	PARKING CODE RATE (1 space per...)	REQUIRED PARKING
Medical Office	4.207 (4)(C)	171,008 SF + 21,887 SF 192,895 SF	200 SF	964.5
Hotel	4.205 (1)(C)	120 Rooms 5,000 SF meeting area	1 Room* 200 SF	120.0 25.0
Bank (w/o drive-in window)	4.207 (2)(C)	2,800 SF	333 SF	8.4
Retail	4.210 (13)(C)	1,800 SF	200 SF	9.0
Restaurant (w/o drive-in or drive-through service)	4.210 (24)(C)(i)	1,700 SF	100 SF	17.0
Hospital**	4.204 (14)(C)	92 beds	Patient bed	92.0
<b>TOTAL:</b>				<b>1,236 spaces</b>

\* One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500.

\*\* Existing use.

As shown in **Table 1** above, 1,236 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code §51A.

## Functional Parking Demand

Alternatively, in order to effectively project the parking demands for the proposed development, DeShazo consulted parking demand data published by the **Institute of Transportation Engineers (ITE)** in the *Parking Generation* manual, 4<sup>th</sup> Edition (2010). *ITE Parking Generation* is a compilation of actual parking generation data by land use as collected over several decades by credible sources across the country, and is a common reference manual for determining parking demand characteristics of various land uses. **Table 2** provides a summary of the projected parking demand for the main uses on site based upon ITE rates. Excerpts from the *ITE Parking Generation* manual are provided in the **Appendix**.

**Table 2. Projected Peak Parking Demand Based on ITE Parking Generation**

USE	AMOUNT	RATE	PROJECED PEAK DEMAND
(720) Medical-Dental Office	192,895 SF	3.40 * X - 13, Where X=1000 GSF	643
(310) Hotel	120 Rooms	1.10 * X - 59, Where X=Guest Rooms	73
<b>TOTAL:</b>			<b>716 spaces</b>

As shown in **Table 2** above, the projected peak parking demand for the main uses at the *Gaston MOB/Hotel Development*, based on ITE’s methodology, is 716 parking spaces – 34% lower than the corresponding code parking requirement for those uses (NOTE: this does not consider additional efficiencies resulting from time-of-day shared parking factors). This “overstatement” of the code criteria justifies a request for a reduction of the requirement.

### Public Transit Accessibility

The subject site is also highly accessible by public transportation. A DART bus stop for Route 019 is located immediate adjacent to the site on Gaston Avenue. The Green and Orange Lines of the DART Light Rail Transit, plus three additional bus routes (011, 060, and 076) are also located within a five-minute (1/4-mile) walk from the site.

In addition, Baylor provides a free shuttle service around the Baylor campus ([www.baylorbus.com](http://www.baylorbus.com)). The four-route system provides service between 5:30 AM-9:00 PM on weekdays. Two of the bus routes operate on the street adjacent to the subject site, and all routes are within a one-block or two-block walk of the site.

### Request

Based upon the supporting information presented in this report, it is estimated that the overall peak parking need for the medical office and hotel uses proposed at the *Gaston MOB/Hotel Development* will be at least 34% less than the number of spaces required under the default City Code calculations. Therefore, a Parking Special Exception for a reduction of 22.4% (277 spaces) for the site is being requested -- i.e., 25% reduction for the proposed medical office and hotel uses; no reduction for the remaining uses. **Table 3** summarizes the request by land use.



Table 3. Parking Special Exception Request Summary

USE	DEFAULT PARKING REQUIREMENT (from Table 1)	REQUESTED PARKING REQUIREMENT REDUCTION	
		Percentage	Number of Spaces
Medical Office	964.5	25%	-241
Hotel	120.0	25%	-30
	25.0	25%	-6
Bank (w/o drive-in window)	8.4	--	--
Retail	9.0	--	--
Restaurant (w/o drive-in or drive-through service)	17.0	--	--
Hospital	92.0	--	--
<b>TOTAL:</b>	<b>1,236 spaces</b>	<b>--</b>	<b>-277 spaces</b>

## Conclusion

This study summarizes the base code parking requirement and the projected peak parking demand for *Gaston MOB/Hotel Development*, a proposed mixed-use project located at the intersection of Washington Avenue and Worth Street in Dallas, Texas. Based upon application of the standard Code parking requirements from the Dallas Development Code Chapter §51A, 1,236 parking spaces would typically be required for the development.

However, based upon projected parking demand characteristics published by the ITE *Parking Generation* manual, 4<sup>th</sup> Edition (2010) and anecdotal experience, the proposed development is expected to generate a parking demand that is much less than the base code requirement. The site also has excellent access to various public transit services.

As a result of these circumstances, the Owner is requesting a Parking Special Exception of 277 parking spaces, or a 22.4% reduction from the original requirement for the site.

## Parking Special Exception Request

A Parking Special Exception is requested from the City of Dallas Board of Adjustments. Based upon the findings of this analysis, parking needs would easily be served by 961 spaces (i.e., the resulting net parking requirement for the property) will provide a surplus of parking spaces for the proposed uses in proposed *Gaston MOB/Hotel Development*. The reduction of

277 required spaces is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.2(a)(2):

(A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*

The parking reduction is fully a function of specific parking demand characteristics for the uses within the development being lower than the number of spaces required by base City code. This analysis does not rely upon remote or packed parking.

(B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*

The projected parking demand takes into consideration the needs of a fully operational medical office building. In determining an appropriate parking demand, DeShazo consulted parking demand data published on ITE's *Parking Generation* manual, 4<sup>th</sup> Edition (2010) as well as DeShazo's professional judgment and experience. The reduction is also partially based upon the prevalence of multipurpose trips within the BUMC campus.

(C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*

The subject site is part of the Bryan Area Special Purpose District (PD 298) and is adjacent to the Baylor University Medical Center Special Purpose District (PD 749). These PDs acknowledge the special parking needs of the Baylor Hospital campus; however, the applicable parking code requirements for this subject site are based upon the standard City Code ratios. No special zoning ordinance reductions are included in this request.

(D) *The current and probably future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides sufficient site access to the surrounding roadway network.

(E) *The availability of public transit and the likelihood of its use.*

The site is located immediately adjacent to an existing DART public stop for Bus Route No. 019 and is within walking distance (approximately 0.25 miles -- a five-minute walk or brief shuttle bus ride) of the DART Rail System's Green and Orange Lines (Baylor Station) and three additional bus lines (Routes No. 011, 060, and 076). In addition, Baylor provides a free, four-routes shuttle service around the campus -- all four routes are within a two-block walk of the site.

(F) *The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

Baylor provides multiple structured, public parking facilities throughout the campus that could mitigate the parking demand at the subject site. Each of the facilities regularly has available capacity. In addition public transit and the free Baylor shuttle service provide convenient access to these alternate parking locations. An ample supply of metered, on-street parking spaces exist for several blocks in all directions from the site.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the mixed use development during typical peak hours.

END OF MEMO

BDA134-099

Attach A  
Pg B

DeShazo Group, Inc.

July 18, 2014

# ***Appendix***

*Parking Analysis For  
Gaston MOB/Hotel Development  
Appendix*

## Land Use: 720 Medical-Dental Office Building

### Description

A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. Clinic (Land Use 630) is a related use.

### Database Description

The database consisted of a mix of urban and suburban sites. Parking demand rates at the suburban sites were similar to those at urban sites and, therefore, the data were combined and analyzed together.

- Average parking supply ratio: 4.0 spaces per 1,000 square feet (sq. ft.) gross floor area (GFA) (77 study sites).

The two study sites with weekend parking demand observations had Saturday peak demand rates 18 and 25 percent less than the weekday peak demand rates for the same study sites.

The following table presents the time-of-day distribution of parking demand, based on data from sites with at least five hours of continuous count data.

Based on Vehicles per 1,000 sq. ft. GFA	Weekday	
	Percent of Peak Period	Number of Data Points*
Hour Beginning		
12:00-4:00 a.m.	-	0
5:00 a.m.	-	0
6:00 a.m.	-	0
7:00 a.m.	18	2
8:00 a.m.	64	3
9:00 a.m.	85	17
10:00 a.m.	100	19
11:00 a.m.	100	19
12:00 p.m.	88	19
1:00 p.m.	81	19
2:00 p.m.	90	18
3:00 p.m.	93	18
4:00 p.m.	86	17
5:00 p.m.	52	11
6:00 p.m.	63	1
7:00 p.m.	-	0
8:00 p.m.	-	0
9:00 p.m.	-	0
10:00 p.m.	-	0
11:00 p.m.	-	0

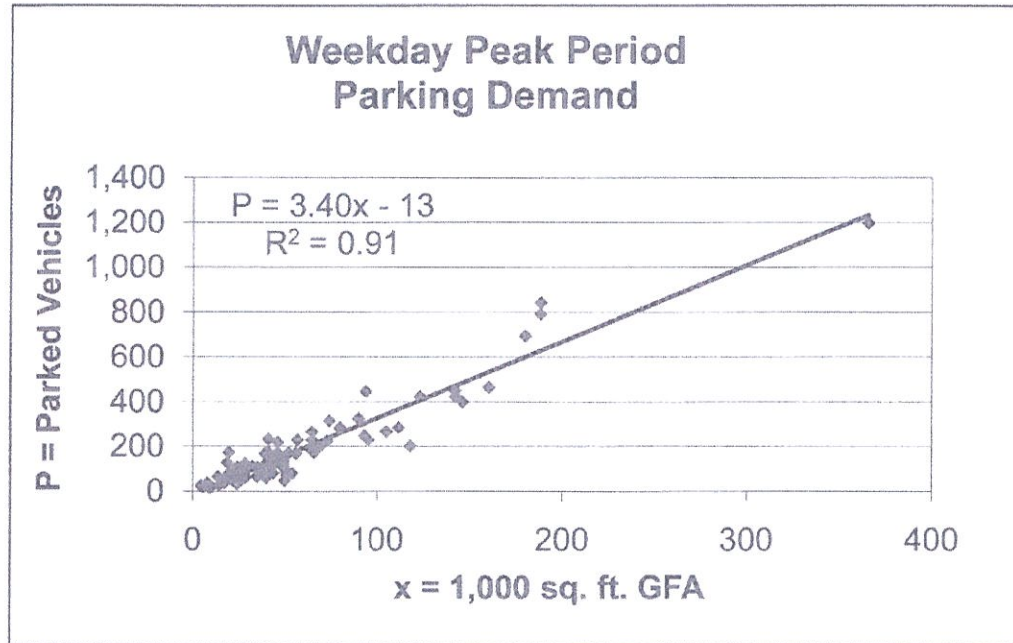
\* Subset of database

*Future studies should include data on the number of doctors working at a study site.*

## Land Use: 720 Medical-Dental Office Building

**Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA  
On a Weekday**

Statistic	Peak Period Demand
Peak Period	10:00 a.m.–12:00 p.m.; 2:00–3:00 p.m.
Number of Study Sites	86
Average Size of Study Sites	57,000 sq. ft. GFA
Average Peak Period Parking Demand	3.20 vehicles per 1,000 sq. ft. GFA
Standard Deviation	1.22
Coefficient of Variation	38%
95% Confidence Interval	2.94–3.46 vehicles per 1,000 sq. ft. GFA
Range	0.96–5.65 vehicles per 1,000 sq. ft. GFA
85th Percentile	4.27 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.68 vehicles per 1,000 sq. ft. GFA



◆ Actual Data Points

— Fitted Curve/Average Rate

## Land Use: 310 Hotel

BDA 034-099

Attach A

pg 11

### Description

Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants; cocktail lounges; meeting and banquet rooms or convention facilities; limited recreational facilities (pool, fitness room); and/or other retail and service shops. All suites hotel (Land Use 311), business hotel (Land Use 312), motel (Land Use 320) and resort hotel (Land Use 330) are related uses.

### Database Description

The database consisted of a mix of suburban and urban sites. Parking demand rates at the suburban sites differed from those at the urban sites and, therefore, the data were analyzed separately.

- Average parking supply ratio: 1.3 spaces per room for suburban sites (12 study sites) and 1.0 space per room for urban sites (two study sites).

Some of the submitted studies provided information on the size of the supporting facilities. For example, seven of the study sites reported the presence of convention facilities and two of these seven sites reported meeting or banquet rooms with capacities of 1,300 and 4,100 seats. As another example, five of the study sites reported the presence of a restaurant with an average capacity of 300 seats. However, none of the studies indicated the level of activity at these supporting facilities during observations (such as full, empty, partially active and number of people attending a meeting/banquet).

Weekday parking demand data were provided for five urban study sites. Transit services were available within three blocks of all the urban sites. The average size of the study sites was 458 rooms. The average peak period parking demand was 0.64 vehicles per occupied room. The weekday peak period occurred between 7:00 and 9:00 a.m., between 12:00 and 1:00 p.m. and between 8:00 and 9:00 p.m. Due to disjointed data sets with counts spread over several discontinuous time periods, a plot was not created for the parking demand of the urban study sites.

Saturday peak period parking demand for the urban sites was 0.90 vehicles per occupied room (two sites) and the Saturday peak period occurred between 8:00 and 9:00 p.m.

Although the weekend database was limited, it indicated that Saturday peak parking demand was higher than on weekdays for the suburban sites. Four suburban study sites provided both Saturday and weekday parking demand data; Saturday parking demand rates at these sites averaged 70 percent higher than the weekday rates. It should be noted that all four sites included significant supporting facilities (restaurants, lounges, meeting space), which may be more active on weekends. Two urban study sites provided both Saturday and weekday parking demand data; Saturday parking demand rates at these sites were not higher than the weekday rates. The Saturday parking demand rates averaged 8 percent lower than the weekday rates.

BDA 134-099  
 Attach A  
 Pg 12

## Land Use: 310 Hotel

The following table presents the time-of-day distributions of parking demand variation for suburban and urban sites.

<i>Based on Vehicles per 1,000 sq. ft. GFA</i>	<i>Weekday Suburban</i>		<i>Weekday Urban</i>	
	Percent of Peak Period	Number of Data Points*	Percent of Peak Period	Number of Data Points*
12:00-4:00 a.m.	—	0	—	0
5:00 a.m.	—	0	—	0
6:00 a.m.	100	4	79	1
7:00 a.m.	96	4	77	1
8:00 a.m.	90	4	100	1
9:00 a.m.	87	3	96	1
10:00 a.m.	82	3	55	1
11:00 a.m.	77	3	52	1
12:00 p.m.	77	4	60	1
1:00 p.m.	75	4	60	1
2:00 p.m.	73	4	55	1
3:00 p.m.	70	4	52	1
4:00 p.m.	71	4	53	1
5:00 p.m.	70	4	58	1
6:00 p.m.	74	4	62	1
7:00 p.m.	75	4	66	1
8:00 p.m.	79	4	68	1
9:00 p.m.	85	4	—	0
10:00 p.m.	87	4	—	0
11:00 p.m.	97	2	—	0

\* Subset of database

*Parking demand at a hotel may be related to the presence of supporting facilities such as convention facilities, restaurants, meeting/banquet space and retail facilities. Future data submissions should specify the presence of these amenities. Reporting the level of activity at the supporting facilities (such as full, empty, partially active, number of people attending a meeting/banquet) during observation may also be useful in further analysis of this land use.*

*For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately estimate parking generation characteristics for the site.*

### Additional Data

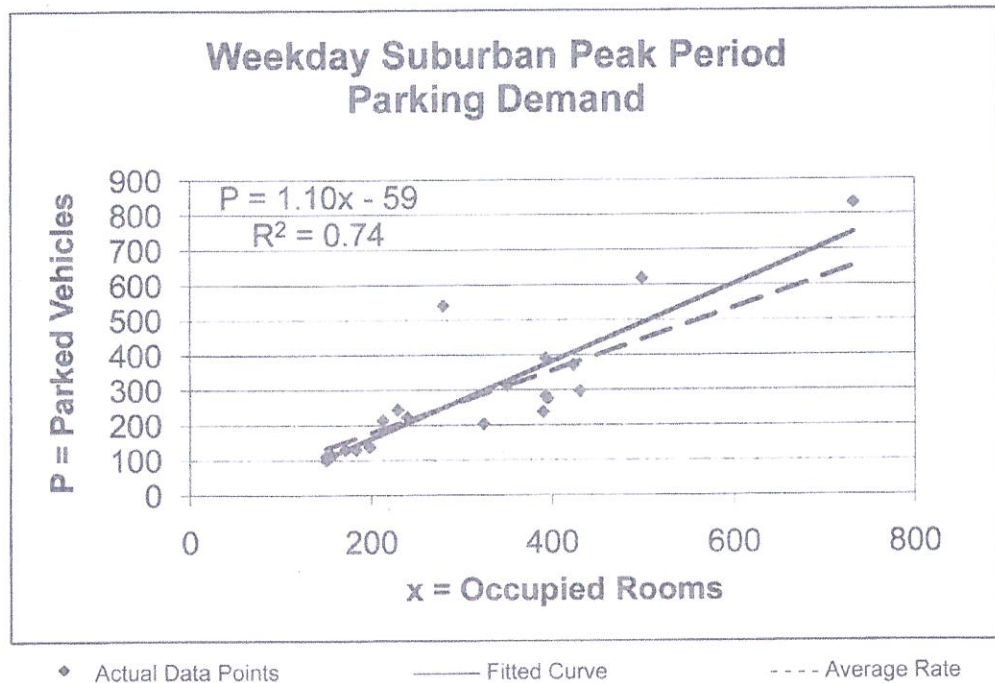
During the course of a year, most hotels maintain at least an overall average occupancy ratio of 60 to 70 percent. Peak (above 90 percent) occupancy is common but generally occurs for limited times throughout the year. Analysts are encouraged to consider the month and day activity/occupancy trend of hotels. Supplementary information on seasonal and daily variation in hotel room occupancy is presented below from Smith Travel Research for all hotels in North America. Its direct applicability to this land use code is limited because the occupancy data averages all regions and hotel types, including resort, business, convention and all suites hotels. More parking survey data are needed to better understand these peak and non-peak trends.

**Land Use: 310  
Hotel**

Attach A  
Pg 13

**Average Peak Period Parking Demand vs. Occupied Rooms  
On a: Weekday  
Location: Suburban**

Statistic	Peak Period Demand
Peak Period	12:00–1:00 p.m.; 7:00–10:00 p.m.; 11:00 p.m.–5:00 a.m.
Number of Study Sites	20
Average Size of Study Sites	315 occupied rooms
Average Peak Period Parking Demand	0.89 vehicles per occupied room
Standard Deviation	0.31
Coefficient of Variation	35%
95% Confidence Interval	0.75–1.02 vehicles per occupied room
Range	0.61–1.94 vehicles per occupied room
85th Percentile	1.08 vehicles per occupied room
33rd Percentile	0.72 vehicles per occupied room





BDA134-099  
Attach B

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 Reeves

did submit a request for a special exception to the parking regulations  
at 3417 Gaston Avenue

BDA134-099. Application of Robert Reeves for a special exception to the parking regulations at 3417 Gaston Avenue. This property is more fully described as Lot 3A, Block 760, and is zoned PD-298 (Subarea 12 & 12A), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a hospital use, medical clinic or ambulatory surgical center use, hotel or motel use, financial institution without drive-in window use, general merchandise or food store 3500 square feet or less use, and restaurant without drive-in or drive-through service use, and provide 959 of the required 1,236 parking spaces, which will require a 277 space special exception (22.4% reduction) to the parking regulation.

Sincerely,

  
Larry Holmes, Building Official

BDA 134-099  
Attach C



October 3, 2014

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

RE: BDA 134-099  
3417 Gaston, Baylor University Medical Center

Dear Mr. Long:

I want to emphasize a key point relating to Baylor's request for 277 parking space special exception. An approximate 1,200 parking space garage will be constructed on the north side of Gaston across from Truett Hospital. The proposed uses outlined in our board request for a medical office building, hotel, and limited retail require 1,144 spaces, however, the parking demand study for our proposed medical office building and hotel uses shows that only 716 parking spaces are needed during peak hours. Therefore, we are asking for a 277 (25%) parking space special exception.

As only 716 parking spaces are needed during peak hours, per the parking demand study, Baylor will commit to the Board of Adjustment that these 277 parking spaces will be available to the public.

Mr. Long, let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Huff".

Wes Huff, Vice President Real Estate  
Baylor University Medical Center



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-099

Data Relative to Subject Property:

Date: 7/26/14

Location address: 3417 Gaston Ave. Zoning District: PD No.298

Lot No.: 3A Block No.: 760 Acreage: 7.801 Census Tract: 22.00

Street Frontage (Feet): 1) Gaston 1,143.89' 2) Floyd 1,158.92' 3) N.Hall 293.82' 4) N.Washington 299.86'

To the Honorable Board of Adjustment:

SE 27

Owner of Property (per Warranty Deed): Baylor Health Care Systems

Applicant: Robert Reeves Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance, or Special Exception X, A request for a 286 parking space special exception which is 25% of the 1,144 required parking spaces for a mixed use development.

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

Based on applicant's Parking Demand Study, the parking peak demand for 192,895 sq. ft. for medical offices and a 120 room Hotel is 716 spaces. This is 34% lower than the code requirement of 1,144 parking spaces, (see attached letter and Parking Demand Study for further detail).

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.

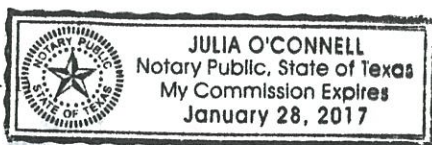
Affidavit

Before me the undersigned on this day personally appeared [Signature] (Affiant/Applicant's signature)

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 24 day of July, 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**

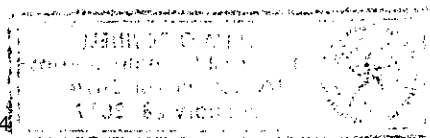
I hereby certify that Robert Reeves

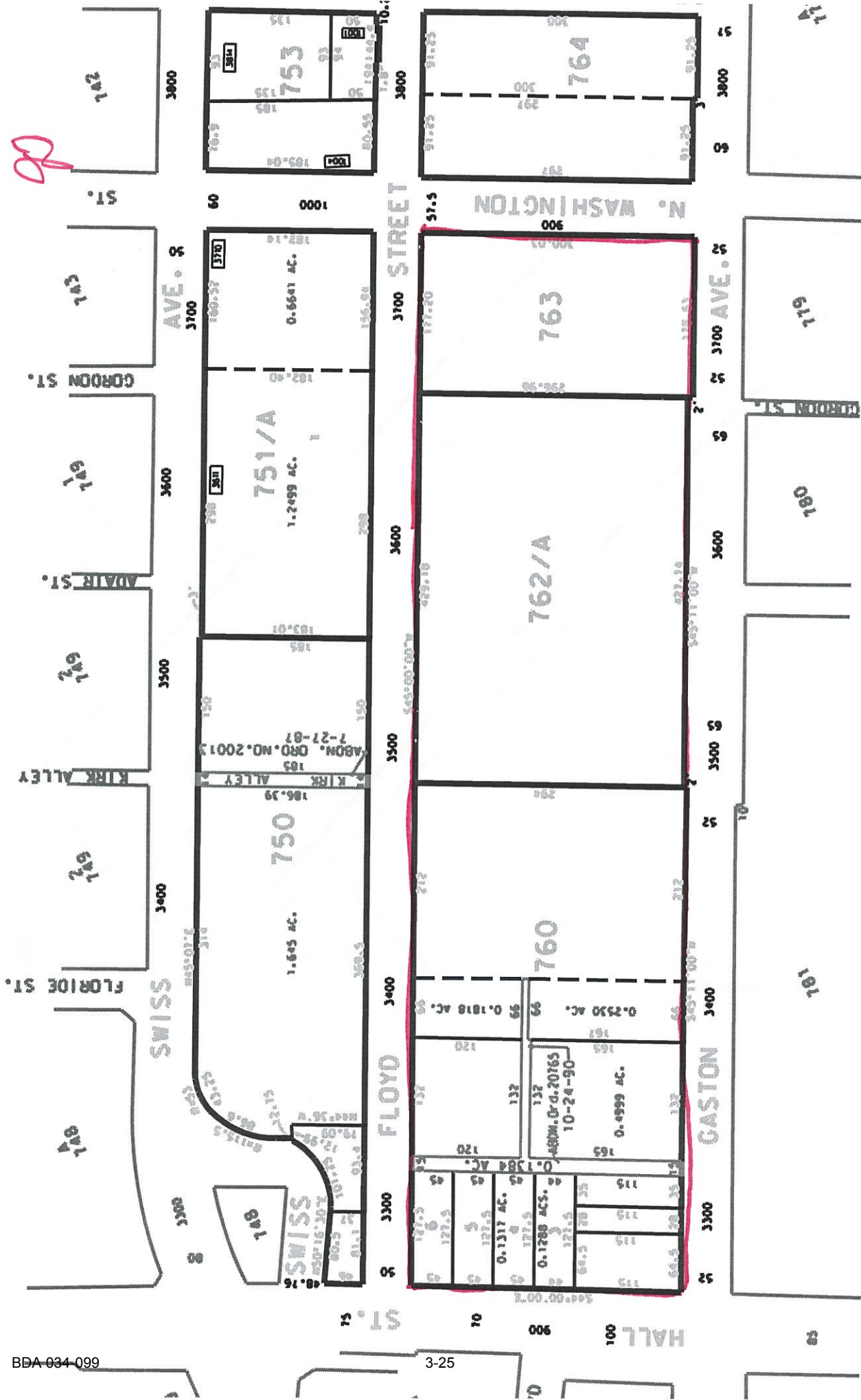
did submit a request for a special exception to the parking regulations  
at 3417 Gaston Avenue

BDA134-099. Application of Robert Reeves for a special exception to the parking regulations at 3417 Gaston Avenue. This property is more fully described as Lot 3A, Block 760, and is zoned PD-298 (Subarea 12A), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a medical clinic or ambulator surgical center use, hotel or motel use, financial institution without drive-in window use, general merchandise or food store 3500 square feet or less use, and restaraunt without drive-in or drive-through service use, and provide 858 of the required 1,144 parking space which will require a 286 space special exception (25% reduction) to the parking regulation

Sincerely,

  
Larry Holmes, Building Official





**ROBERT REEVES**  
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

8/11/14

Todd Duerksen, Senior Zoning Specialist  
Building Inspection Division  
Department of Sustainable Development and Construction  
320 E. Jefferson Blvd., Room 105  
Dallas, Texas 75203

RE: Parking Special Exception  
Baylor University Medical Center

Dear Mr. Duerksen:

On behalf of my client, Baylor University Medical Center, I am submitting a Board of Adjustment request for a parking special exception relating to specific uses on the Baylor campus.

Background:

Baylor intends to construct a 1,200 parking space garage, 192,896 square foot medical office building along with a 120-room hotel across Gaston Avenue from the main hospital entrance. Baylor anticipates that a 2,800 square foot bank, 1,800 square feet of retail, and 1,700 square feet of restaurant use w/o drive-in or drive-through windows will be developed on the ground level of the garage along Gaston Avenue. These new structures will be constructed on a new platted lot, which will include the current power plant and the Baylor Institute for Rehabilitation, see attached campus map and proposed plat. The existing power plant and the Baylor Institute for Rehabilitation uses are not part of this request and not included in the parking demand study.

Request:

This request is for a special exception for a 25% parking reduction, 286 parking spaces, for these proposed new uses.

Justification:

Based on the enclosed parking demand study, 1,144 parking spaces are required for all proposed uses. The medical office and hotel uses required 1,085 spaces in order to comply with code requirements. However, the peak parking demand for these two uses

at this location is 716 spaces, 34 % or 369 spaces less than required by code. Therefore, approving a 25% or 286-space reduction will leave 83 more spaces than needed for the medical office and hotel uses. This request for a parking reduction is easily justified.

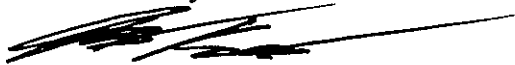
The pedestrian traffic is very prevalent throughout the Baylor campus. The site is highly accessible to public transportation. A DART bus stop for Route 019 is located immediately adjacent to the subject site on Gaston Avenue. There are three additional DART bus routes within a five-minute walk (1/4-mile) from the site. In addition, the Green and Orange Lines of the DART rail service support this site

Baylor also provides a free shuttle service throughout the campus. Two of the bus routes operate on the street adjacent to the subject site and all routes are within a one-block or two-block walk of the site.

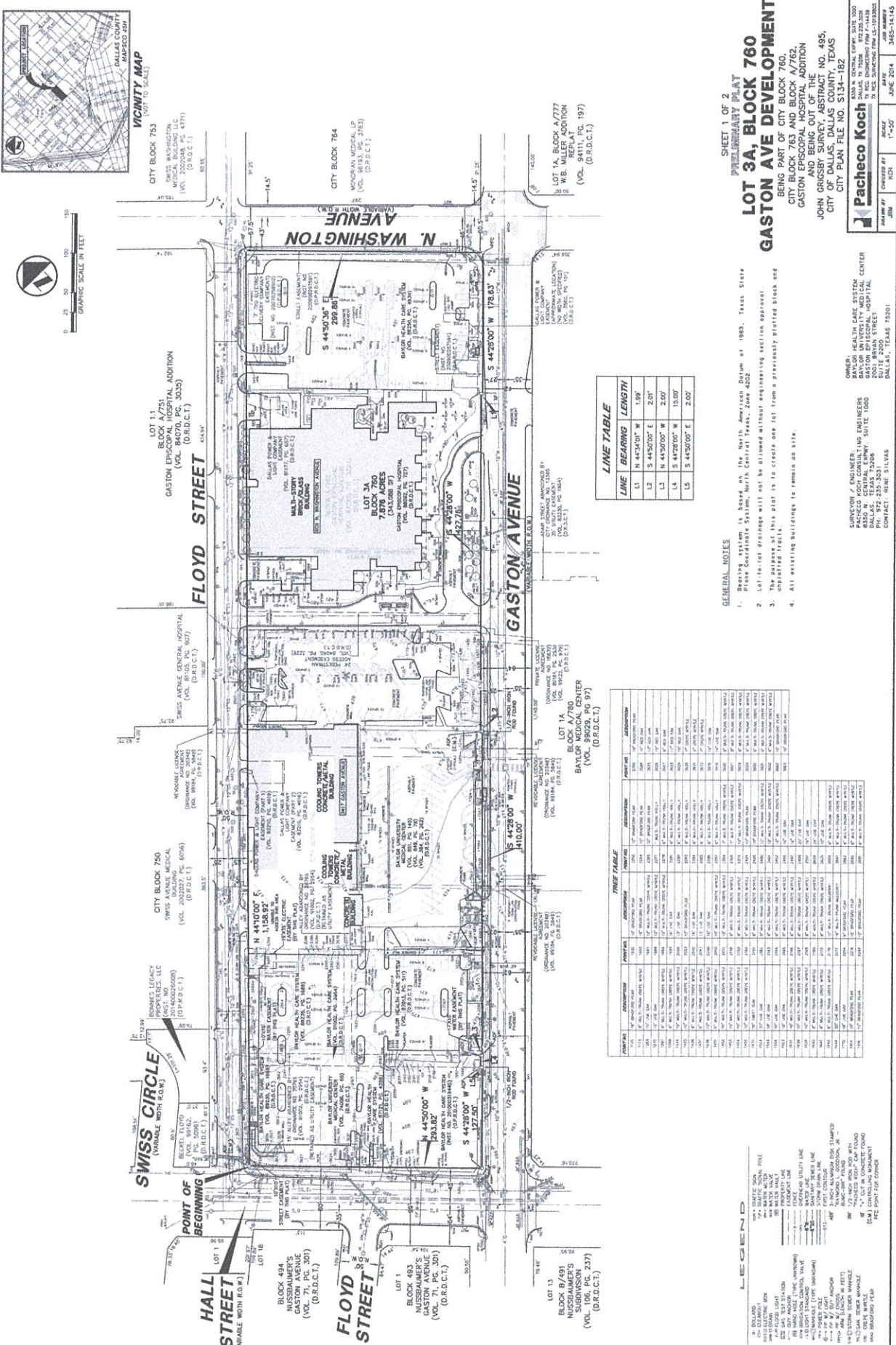
Conclusions:

Based upon the projected parking demand characteristics published by the ITE Parking Generation manual, 4<sup>th</sup> Edition (2010), the proposed development is expected to generate a parking demand that is much less than the base code requirement. We are requesting that the Board of Adjustment support this 25% parking special exception.

Sincerely:



Robert Reeves



**LINE TABLE**

LINE	BEARING	LENGTH
L1	N 43°00'00" W	1.00'
L2	S 44°50'00" E	2.00'
L3	N 44°50'00" W	2.00'
L4	S 44°50'00" E	15.00'
L5	S 44°50'00" E	2.00'

**GENERAL NOTES**

- Bearing system is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone, Zone 4022.
- Lot-to-lot drainage will not be allowed without engineering section approval.
- The purpose of this plat is to create one lot from a previously platted block and existing tracks.
- All existing buildings to remain as site.

**REVISIONS**

NO.	DESCRIPTION	DATE
1	AS SHOWN	06/17/09
2	...	...
3	...	...

**Legend**

- 1" = 20' (SCALE)
- ... (Symbol) ... (Description)
- ... (Symbol) ... (Description)
- ... (Symbol) ... (Description)
- ... (Symbol) ... (Description)
- ... (Symbol) ... (Description)

**PACKET LIST**

NO.	DESCRIPTION	DATE
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...

**PROFESSIONAL SEAL**

PACHECO KOCH INC. ENGINEERS ARCHITECTS PLANNERS  
 8008 N. CENTRAL EXPY. SUITE 1000  
 DALLAS, TEXAS 75246  
 TEL: 972-353-1100 FAX: 972-353-1105  
 WWW.PKINC.COM  
 STATE REG. NO. 1613570  
 P.E. RENE SILVAS  
 DATE: 06/17/09

**OWNER INFORMATION**

GASTON AVE. DEVELOPMENT  
 BEING PART OF CITY BLOCK 760,  
 CITY BLOCK 763 AND BLOCK A7762,  
 GASTON EPISCOPAL HOSPITAL ADDITION,  
 JOHN GROSSBY SURVEY, ABSTRACT NO. 495,  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS,  
 CITY PLAN FILE NO. S134-182

**Pacheco Koch**

8008 N. CENTRAL EXPY. SUITE 1000  
 DALLAS, TEXAS 75246  
 TEL: 972-353-1100 FAX: 972-353-1105  
 WWW.PKINC.COM

PROJECT LOCATION  
 DALLAS COUNTY  
 DALLAS, TEXAS

CITY BLOCK 753  
 SWISS AVENUE MEDICAL  
 MEDICAL BUILDING LLC  
 (VOL. 100, PG. 4971)  
 (O.R.D.C.T.)

CITY BLOCK 764  
 MOHRAN MEDICAL LP  
 (VOL. 108, PG. 3193)  
 (O.R.D.C.T.)

LOT 1A, BLOCK A777  
 W.B. MILLER ADDITION  
 REPLAT  
 (VOL. 9411, PG. 197)  
 (O.R.D.C.T.)

LOT 11,  
 BLOCK A7762  
 GASTON EPISCOPAL HOSPITAL ADDITION  
 (VOL. 84070, PG. 3035)  
 (O.R.D.C.T.)

CITY BLOCK 760  
 SWISS AVENUE MEDICAL  
 (VOL. 100, PG. 4996)  
 (O.R.D.C.T.)

CITY BLOCK 763  
 GASTON EPISCOPAL HOSPITAL ADDITION  
 (VOL. 100, PG. 4971)  
 (O.R.D.C.T.)

LOT 13  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 1  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 10,  
 BLOCK A7762  
 GASTON EPISCOPAL HOSPITAL ADDITION  
 (VOL. 84070, PG. 3035)  
 (O.R.D.C.T.)

LOT 1A,  
 BLOCK A777  
 W.B. MILLER ADDITION  
 REPLAT  
 (VOL. 9411, PG. 197)  
 (O.R.D.C.T.)

LOT 10,  
 BLOCK A7762  
 GASTON EPISCOPAL HOSPITAL ADDITION  
 (VOL. 84070, PG. 3035)  
 (O.R.D.C.T.)

LOT 11,  
 BLOCK A7762  
 GASTON EPISCOPAL HOSPITAL ADDITION  
 (VOL. 84070, PG. 3035)  
 (O.R.D.C.T.)

LOT 12,  
 BLOCK A7762  
 GASTON EPISCOPAL HOSPITAL ADDITION  
 (VOL. 84070, PG. 3035)  
 (O.R.D.C.T.)

LOT 13,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 14,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 15,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 16,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 17,  
 BLOCK B/491  
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 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 18,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 19,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

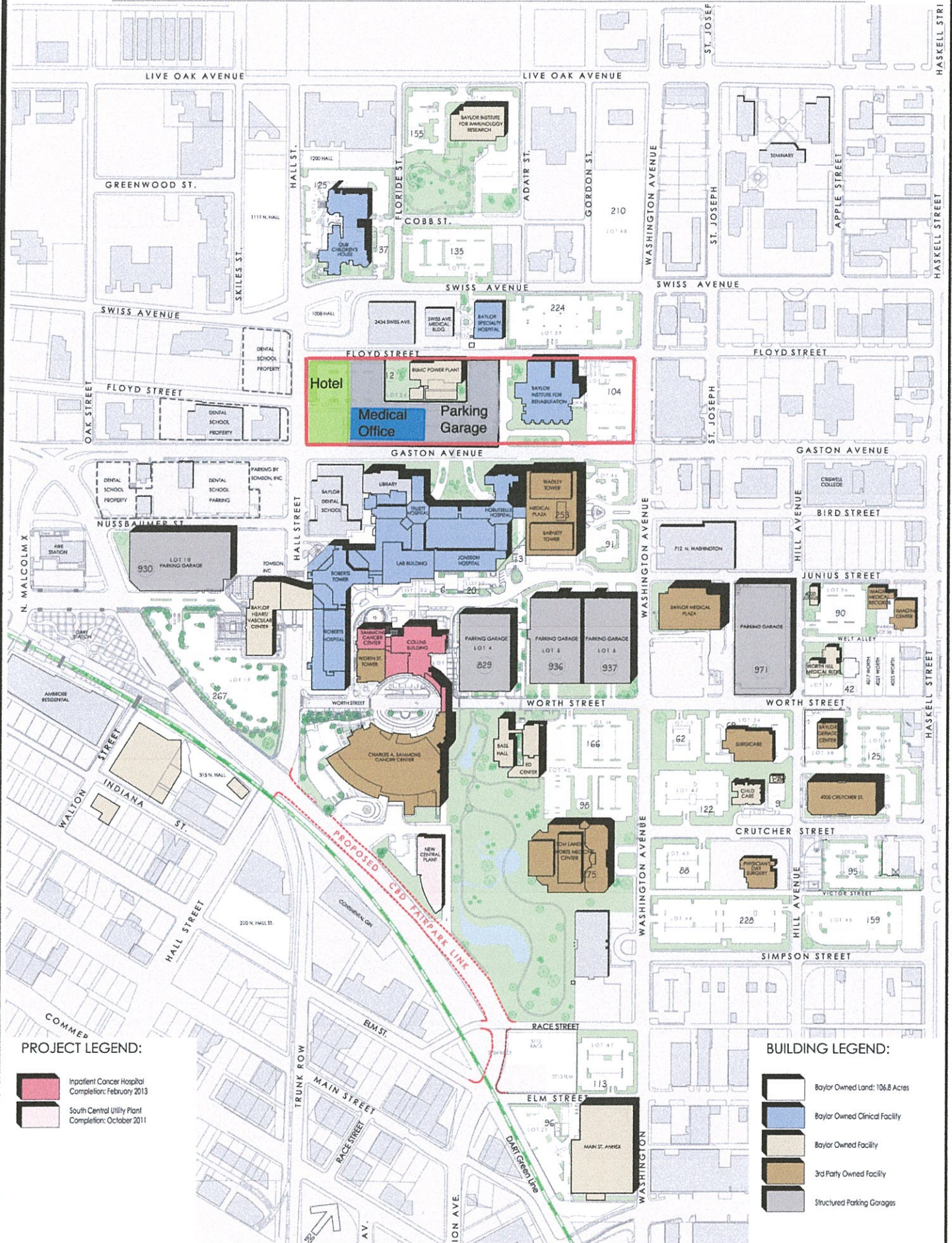
LOT 20,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)

LOT 21,  
 BLOCK B/491  
 NUSSBAUMER'S  
 (VOL. 71, PG. 301)  
 (O.R.D.C.T.)





# BAYLOR UNIVERSITY MEDICAL CENTER



**PROJECT LEGEND:**

- Inpatient Cancer Hospital  
Completion: February 2013
- South Central Utility Plant  
Completion: October 2011

**BUILDING LEGEND:**

- Baylor Owned Land: 106.8 Acres
- Baylor Owned Clinical Facility
- Baylor Owned Facility
- 3rd Party Owned Facility
- Structured Parking Garages

— Area of Request for Parking Special Exception  
 3-30  
**Master Campus Plan**

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*PARKING ANALYSIS FOR*  
**GASTON MOB/HOTEL DEVELOPMENT**  
*DALLAS, TEXAS*

---

Prepared for:  
**CBRE | Healthcare Services**  
2001 Bryan Street, Suite 700  
Dallas, Texas 75201

Prepared by:  
**DeShazo Group, Inc.**  
Texas Registered Engineering Firm F-3199  
400 South Houston Street, Suite 330  
Dallas, Texas 75202  
Phone 214/748-6740

*July 18, 2014*



*Traffic. Transportation Planning. Parking. Design.*

[www.deshazogroup.com](http://www.deshazogroup.com)

Project #12014.01

## Technical Memorandum

**To:** Charles Shelburne — CBRE|Healthcare Services  
**CC:** Robert Reeves — Robert Reeves & Associates, Inc.  
**From:** Steve E. Stoner, P.E., PTOE — DeShazo Group, Inc.  
**Date:** July 18, 2014  
**Re:** Parking Analysis for the Proposed Gaston MOB/Hotel Development  
*DeShazo Project Number 12014.01*

---

### Introduction

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **CBRE|Healthcare Services** (“Owner”) on behalf of the Owners and Developers of the proposed *Gaston MOB/Hotel Development*, a proposed 199,000-SF medical office tower with a 120-room hotel and ground-floor commercial uses located at the intersection of Washington Avenue and Worth Street in Dallas, Texas. The study site is located in the northern quadrant of the intersection of Gaston Avenue and Hall Street. The subject site is zoned Subdistricts 12 and 12-A of the Bryan Area Special Purpose District (PD 298).

DeShazo is an engineering consulting firm based in Dallas, Texas, providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and analysis.

### Purpose

Findings of this study are intended to provide the basis for a Parking Special Exception request to reduce the direct City of Dallas Code parking requirement. Based upon published parking demand information and professional judgment derived from past experience, the base code requirement is not considered to be representative of the parking needs of the proposed development. A reduction of the code requirement is proposed in order to yield a more reasonable and equitable parking supply for the site. The site is also highly accessible to multiple public transit options. This memorandum summarizes the existing code parking requirement and the projected parking demand based upon published national technical data and DeShazo’s professional judgment in support of the request for a Parking Special Exception.

## Code Parking Requirement

The study site is currently zoned partially as Subdistrict 12 and partially as Subdistrict 12-A of the Bryan Place Special Purpose District (PD Number 298). As outlined in Section 51P-298.115, parking for these subdistricts are calculated by direct application of the rates provided in the Dallas Development Code §51A. (NOTE: Special reductions for large-scale mixed-use developments are available in Subdistrict 12-A; however, the proposed building program does not qualify for these reductions due to minimum floor area requirements.)

The respective parking code rates were applied to the proposed development plan; results are tabulated as follows.

**Table 1. City Code Parking Requirement Summary**

USE	CITY OF DALLAS DEVELOPMENT CODE	AMOUNT	PARKING CODE RATE (1 space per...)	REQUIRED PARKING
Medical Office	4.207 (4)(C)	171,008 SF + 21,887 SF 192,895 SF	200 SF	964.5
Hotel	4.205 (1)(C)	120 Rooms 5,000 SF meeting area	1 Room* 200 SF	120.0 25.0
Bank (w/o drive-in window)	4.207 (2)(C)	2,800 SF	333 SF	8.4
Retail	4.210 (13)(C)	1,800 SF	200 SF	9.0
Restaurant (w/o drive-in or drive-through service)	4.210 (24)(C)(i)	1,700 SF	100 SF	17.0
<b>TOTAL:</b>				<b>1,144 spaces</b>

\* One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500.

As shown in **Table 1** above, 1,144 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code §51A.

## Functional Parking Demand

Alternatively, in order to effectively project the parking demands for the proposed development, DeShazo consulted parking demand data published by the **Institute of Transportation Engineers (ITE)** in the *Parking Generation* manual, 4<sup>th</sup> Edition (2010). *ITE Parking Generation* is a compilation of actual parking generation data by land use as collected over several decades by credible sources across the country, and is a common reference manual for determining parking demand characteristics of various land uses. **Table 2** provides a summary of the projected parking demand for the main uses on site based upon ITE rates. Excerpts from the *ITE Parking Generation* manual are provided in the **Appendix**.

**Table 2. Projected Peak Parking Demand Based on ITE Parking Generation**

USE	AMOUNT	RATE	PROJECED PEAK DEMAND
(720) Medical-Dental Office	192,895 SF	3.40 * X - 13, Where X=1000 GSF	643
(310) Hotel	120 Rooms	1.10 * X - 59, Where X=Guest Rooms	73
<b>TOTAL:</b>			<b>716 spaces</b>

As shown in **Table 2** above, the projected peak parking demand for the main uses at the *Gaston MOB/Hotel Development*, based on ITE’s methodology, is 716 parking spaces – 34% lower than the corresponding code parking requirement for those uses (NOTE: this does not consider additional efficiencies resulting from time-of-day shared parking factors). This “overstatement” of the code criteria justifies a request for a reduction of the requirement.

The remaining uses on site are ground floor service retail uses that will primarily thrive on the adjacency to the Baylor hospital campus. It is expected that a significant proportion of the patrons will be “foot-traffic” (i.e., walking trips) originating from the campus. Parking for those multipurpose trips would be accommodated elsewhere, where the primary trip purpose occurs. It is estimated that more than half of the patrons will not require on-site parking for the ground-floor uses.

### Public Transit Accessibility

The subject site is also highly accessible by public transportation. A DART bus stop for Route 019 is located immediate adjacent to the site on Gaston Avenue. The Green and Orange Lines of the DART Light Rail Transit, plus three additional bus routes (011, 060, and 076) are also located within a five-minute (1/4-mile) walk from the site.

In addition, Baylor provides a free shuttle service around the Baylor campus ([www.baylorbus.com](http://www.baylorbus.com)). The four-route system provides service between 5:30 AM-9:00 PM on weekdays. Two of the bus routes operate on the street adjacent to the subject site, and all routes are within a one-block or two-block walk of the site.

### Request

Based upon the supporting information presented in this report, it is estimated that the overall peak parking need for the proposed *Gaston MOB/Hotel Development* will be at least 34% less than the number of spaces required under the default City Code calculations. Therefore, a Parking Special Exception for the maximum, 25% (286 spaces), is being requested for the proposed development. **Table 3** summarizes the request by land use.

Table 3. Parking Special Exception Request Summary

USE	DEFAULT PARKING REQUIREMENT	REQUESTED PARKING REQUIREMENT REDUCTION	
		Percentage	Number of Spaces
Medical Office	964.5	25%	-241
Hotel	120.0	25%	-30
	25.0	25%	-6
Bank (w/o drive-in window)	8.4	25%	-2
Retail	9.0	25%	-2
Restaurant (w/o drive-in or drive-through service)	17.0	25%	-4
<b>TOTAL:</b>	<b>1,144 spaces</b>	<b>25%</b>	<b>-286 spaces</b>

## Conclusion

This study summarizes the base code parking requirement and the projected peak parking demand for *Gaston MOB/Hotel Development*, a proposed mixed-use project located at the intersection of Washington Avenue and Worth Street in Dallas, Texas. Based upon application of the standard Code parking requirements from the Dallas Development Code Chapter §51A, 1,144 parking spaces would typically be required for the development.

However, based upon projected parking demand characteristics published by the ITE *Parking Generation* manual, 4<sup>th</sup> Edition (2010) and anecdotal experience, the proposed development is expected to generate a parking demand that is much less than the base code requirement. The site also has excellent access to various public transit services.

As a result of these circumstances, the Owner is requesting a Parking Special Exception of 286 parking spaces, or a 25% reduction from the original requirement.

## Parking Special Exception Request

A Parking Special Exception is requested from the City of Dallas Board of Adjustments. Based upon the findings of this analysis, parking needs would easily be served by 858 spaces (i.e., 75% of the base requirement) will provide a surplus of parking spaces for the proposed uses in proposed *Gaston MOB/Hotel Development*. The reduction of 286 required spaces is warranted based upon the following considerations specified in the Dallas Development Code §51A-4.2(a)(2):

- (A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*  
The parking reduction is fully a function of specific parking demand characteristics for the uses within the development being lower than the number of spaces required by base City code. This analysis does not rely upon remote or packed parking.
- (B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*  
The projected parking demand takes into consideration the needs of a fully operational medical office building. In determining an appropriate parking demand, DeShazo consulted parking demand data published on ITE's *Parking Generation* manual, 4<sup>th</sup> Edition (2010) as well as DeShazo's professional judgment and experience. The reduction is also partially based upon the prevalence of multipurpose trips within the BUMC campus.
- (C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*  
The subject site is part of the Bryan Area Special Purpose District (PD 298) and is adjacent to the Baylor University Medical Center Special Purpose District (PD 749). These PDs acknowledge the special parking needs of the Baylor Hospital campus; however, the applicable parking code requirements for this subject site are based upon the standard City Code ratios. No special zoning ordinance reductions are included in this request.
- (D) *The current and probably future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*  
The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides sufficient site access to the surrounding roadway network.
- (E) *The availability of public transit and the likelihood of its use.*  
The site is located immediately adjacent to an existing DART public stop for Bus Route No. 019 and is within walking distance (approximately 0.25 miles – a five-minute walk or brief shuttle bus ride) of the DART Rail System's Green and Orange Lines (Baylor Station) and three additional bus lines (Routes No. 011, 060, and 076). In addition, Baylor provides a free, four-routes shuttle service around the campus – all four routes are within a two-block walk of the site.
- (F) *The feasibility of parking mitigation measures and the likelihood of their effectiveness.*  
Baylor provides multiple structured, public parking facilities throughout the campus that could mitigate the parking demand at the subject site. Each of the facilities regularly has available capacity. In addition public transit and the free Baylor shuttle service provide convenient access to these alternate parking locations. An ample supply of metered, on-street parking spaces exist for several blocks in all directions from the site.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the mixed use development during typical peak hours.

**END OF MEMO**



# ***Appendix***

# Land Use: 720 Medical-Dental Office Building

## Description

A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. Clinic (Land Use 630) is a related use.

## Database Description

The database consisted of a mix of urban and suburban sites. Parking demand rates at the suburban sites were similar to those at urban sites and, therefore, the data were combined and analyzed together.

- Average parking supply ratio: 4.0 spaces per 1,000 square feet (sq. ft.) gross floor area (GFA) (77 study sites).

The two study sites with weekend parking demand observations had Saturday peak demand rates 18 and 25 percent less than the weekday peak demand rates for the same study sites.

The following table presents the time-of-day distribution of parking demand, based on data from sites with at least five hours of continuous count data.

<i>Based on Vehicles per 1,000 sq. ft. GFA</i>	<i>Weekday</i>	
	<i>Percent of Peak Period</i>	<i>Number of Data Points*</i>
Hour Beginning		
12:00–4:00 a.m.	–	0
5:00 a.m.	–	0
6:00 a.m.	–	0
7:00 a.m.	18	2
8:00 a.m.	64	3
9:00 a.m.	85	17
10:00 a.m.	100	19
11:00 a.m.	100	19
12:00 p.m.	88	19
1:00 p.m.	81	19
2:00 p.m.	90	18
3:00 p.m.	93	18
4:00 p.m.	86	17
5:00 p.m.	52	11
6:00 p.m.	63	1
7:00 p.m.	–	0
8:00 p.m.	–	0
9:00 p.m.	–	0
10:00 p.m.	–	0
11:00 p.m.	–	0

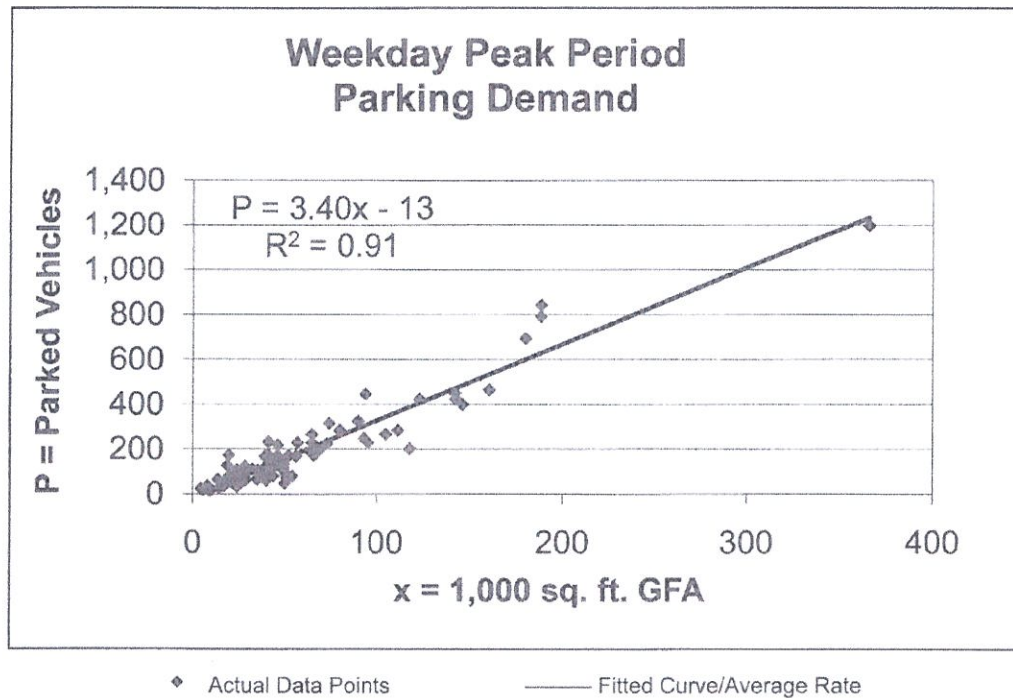
\* Subset of database

*Future studies should include data on the number of doctors working at a study site.*

## Land Use: 720 Medical-Dental Office Building

**Average Peak Period Parking Demand vs. 1,000 sq. ft. GFA  
On a: Weekday**

Statistic	Peak Period Demand
Peak Period	10:00 a.m.–12:00 p.m.; 2:00–3:00 p.m.
Number of Study Sites	86
Average Size of Study Sites	57,000 sq. ft. GFA
Average Peak Period Parking Demand	3.20 vehicles per 1,000 sq. ft. GFA
Standard Deviation	1.22
Coefficient of Variation	38%
95% Confidence Interval	2.94–3.46 vehicles per 1,000 sq. ft. GFA
Range	0.96–5.65 vehicles per 1,000 sq. ft. GFA
85th Percentile	4.27 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.68 vehicles per 1,000 sq. ft. GFA



# Land Use: 310 Hotel

## Description

Hotels are places of lodging that provide sleeping accommodations and supporting facilities such as restaurants; cocktail lounges; meeting and banquet rooms or convention facilities; limited recreational facilities (pool, fitness room); and/or other retail and service shops. All suites hotel (Land Use 311), business hotel (Land Use 312), motel (Land Use 320) and resort hotel (Land Use 330) are related uses.

## Database Description

The database consisted of a mix of suburban and urban sites. Parking demand rates at the suburban sites differed from those at the urban sites and, therefore, the data were analyzed separately.

- Average parking supply ratio: 1.3 spaces per room for suburban sites (12 study sites) and 1.0 space per room for urban sites (two study sites).

Some of the submitted studies provided information on the size of the supporting facilities. For example, seven of the study sites reported the presence of convention facilities and two of these seven sites reported meeting or banquet rooms with capacities of 1,300 and 4,100 seats. As another example, five of the study sites reported the presence of a restaurant with an average capacity of 300 seats. However, none of the studies indicated the level of activity at these supporting facilities during observations (such as full, empty, partially active and number of people attending a meeting/banquet).

Weekday parking demand data were provided for five urban study sites. Transit services were available within three blocks of all the urban sites. The average size of the study sites was 458 rooms. The average peak period parking demand was 0.64 vehicles per occupied room. The weekday peak period occurred between 7:00 and 9:00 a.m., between 12:00 and 1:00 p.m. and between 8:00 and 9:00 p.m. Due to disjointed data sets with counts spread over several discontinuous time periods, a plot was not created for the parking demand of the urban study sites.

Saturday peak period parking demand for the urban sites was 0.90 vehicles per occupied room (two sites) and the Saturday peak period occurred between 8:00 and 9:00 p.m.

Although the weekend database was limited, it indicated that Saturday peak parking demand was higher than on weekdays for the suburban sites. Four suburban study sites provided both Saturday and weekday parking demand data; Saturday parking demand rates at these sites averaged 70 percent higher than the weekday rates. It should be noted that all four sites included significant supporting facilities (restaurants, lounges, meeting space), which may be more active on weekends. Two urban study sites provided both Saturday and weekday parking demand data; Saturday parking demand rates at these sites were not higher than the weekday rates. The Saturday parking demand rates averaged 8 percent lower than the weekday rates.

## Land Use: 310 Hotel

The following table presents the time-of-day distributions of parking demand variation for suburban and urban sites.

<i>Based on Vehicles per 1,000 sq. ft. GFA</i>	<i>Weekday Suburban</i>		<i>Weekday Urban</i>	
	Percent of Peak Period	Number of Data Points*	Percent of Peak Period	Number of Data Points*
Hour Beginning				
12:00-4:00 a.m.	—	0	—	0
5:00 a.m.	—	0	—	0
6:00 a.m.	100	4	79	1
7:00 a.m.	96	4	77	1
8:00 a.m.	90	4	100	1
9:00 a.m.	87	3	96	1
10:00 a.m.	82	3	55	1
11:00 a.m.	77	3	52	1
12:00 p.m.	77	4	60	1
1:00 p.m.	75	4	60	1
2:00 p.m.	73	4	55	1
3:00 p.m.	70	4	52	1
4:00 p.m.	71	4	53	1
5:00 p.m.	70	4	58	1
6:00 p.m.	74	4	62	1
7:00 p.m.	75	4	66	1
8:00 p.m.	79	4	68	1
9:00 p.m.	85	4	—	0
10:00 p.m.	87	4	—	0
11:00 p.m.	97	2	—	0

\* Subset of database

*Parking demand at a hotel may be related to the presence of supporting facilities such as convention facilities, restaurants, meeting/banquet space and retail facilities. Future data submissions should specify the presence of these amenities. Reporting the level of activity at the supporting facilities (such as full, empty, partially active, number of people attending a meeting/banquet) during observation may also be useful in further analysis of this land use.*

*For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately estimate parking generation characteristics for the site.*

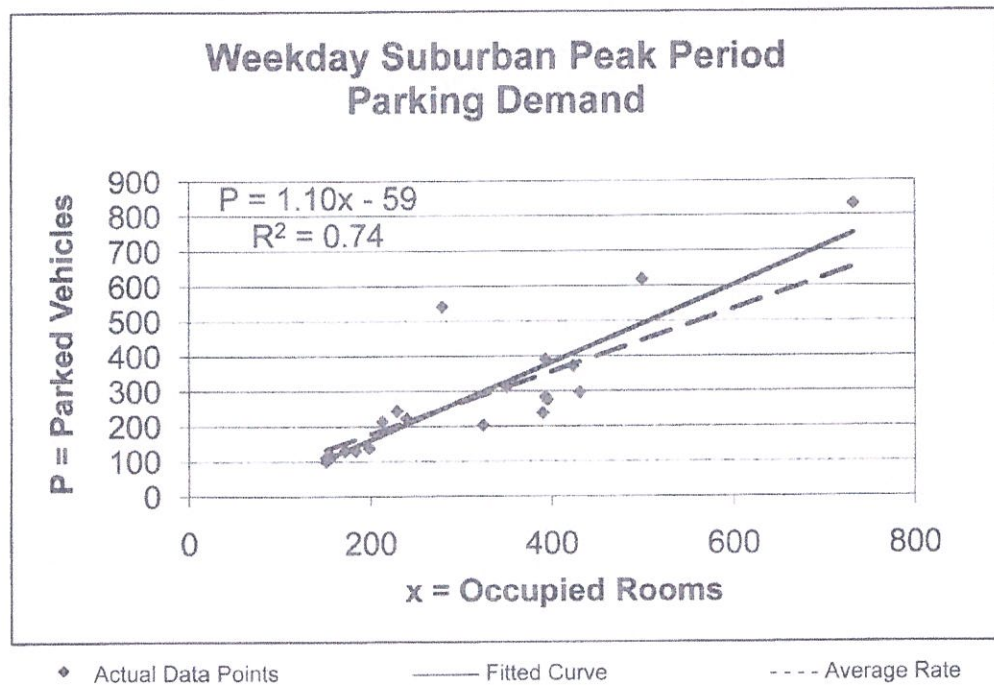
### Additional Data

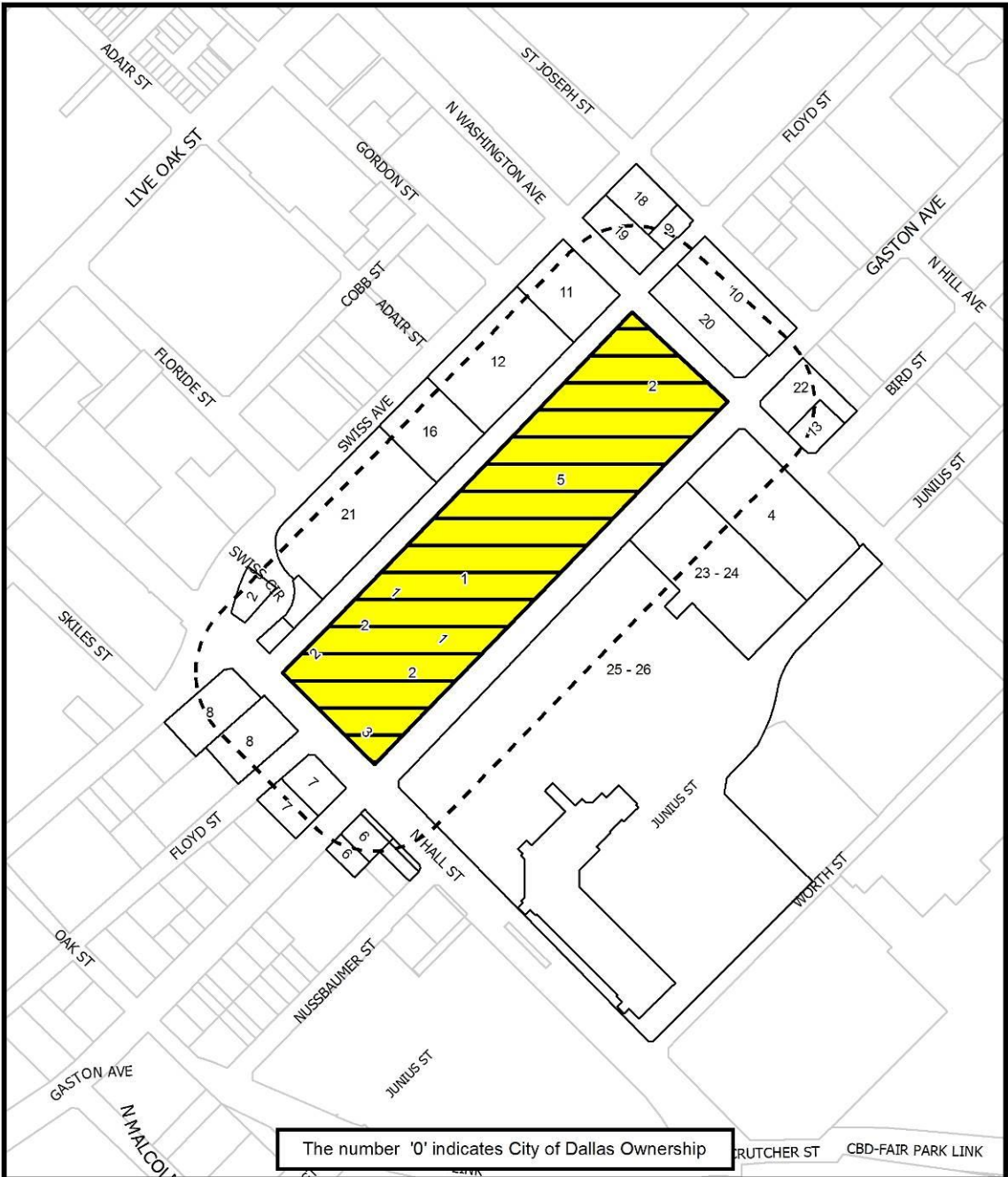
During the course of a year, most hotels maintain at least an overall average occupancy ratio of 60 to 70 percent. Peak (above 90 percent) occupancy is common but generally occurs for limited times throughout the year. Analysts are encouraged to consider the month and day activity/occupancy trend of hotels. Supplementary information on seasonal and daily variation in hotel room occupancy is presented below from Smith Travel Research for all hotels in North America. Its direct applicability to this land use code is limited because the occupancy data averages all regions and hotel types, including resort, business, convention and all suites hotels. More parking survey data are needed to better understand these peak and non-peak trends.

# Land Use: 310 Hotel

## Average Peak Period Parking Demand vs. Occupied Rooms On a: Weekday Location: Suburban

Statistic	Peak Period Demand
Peak Period	12:00–1:00 p.m.; 7:00–10:00 p.m.; 11:00 p.m.–5:00 a.m.
Number of Study Sites	20
Average Size of Study Sites	315 occupied rooms
Average Peak Period Parking Demand	0.89 vehicles per occupied room
Standard Deviation	0.31
Coefficient of Variation	35%
95% Confidence Interval	0.75–1.02 vehicles per occupied room
Range	0.61–1.94 vehicles per occupied room
85th Percentile	1.08 vehicles per occupied room
33rd Percentile	0.72 vehicles per occupied room





 1:3,600	<h2 style="margin: 0;">NOTIFICATION</h2>	Case no: <b>BDA134-099</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;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>9/22/2014</b>

## *Notification List of Property Owners*

**BDA134-099**

### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3417 GASTON AVE	BAYLOR UNIVERSITY MED CTR
2	1008 HALL ST	BAYLOR HEALTH CARE SYSTEM
3	3309 GASTON AVE	BAYLOR HEALTH CARE SYSTEM
4	3402 FLOYD ST	BAYLOR HEALTH CARE SYSTEM
5	909 WASHINGTON AVE	GASTON EPISCOPAL HOSPITAL
6	3214 GASTON AVE	JOBST MADELINE ET AL
7	3221 GASTON AVE	BOARD OF REGENTS THE
8	1001 HALL ST	CITY PARK A LOT LP
9	1001 ST JOSEPH ST	VARON HOLDING CO LLC
10	911 ST JOSEPH ST	DICKINSON PLACE
11	3710 SWISS AVE	GASTON EPISCOPAL HOSPITAL
12	3708 SWISS AVE	GASTON EPISCOPAL HOSP
13	3801 BIRD ST	MCDONALDS REAL ESTATE COMPANY
14	801 HALL ST	JOBST MADELINE ET AL
15	3300 SWISS CIR	BECKEL FLOYD
16	3504 SWISS AVE	BAYLOR INST OF REHAB
17	3302 SWISS CIR	BONNIES LEGACY PPTIES LLC
18	3814 SWISS AVE	VARON HOLDING CO LLC
19	1004 WASHINGTON AVE	SWISS WASHINGTON MEDICAL
20	3801 GASTON AVE	MONDRIAN MEDICAL LP
21	3434 SWISS AVE	SWISS AVE MEDICAL BLDG
22	3802 GASTON AVE	MCDONALDS REAL ESTATE COMPANY
23	3500 GASTON AVE	BAYLOR HEALTH CARE SYSTEM
24	3600 GASTON AVE	HRT PROPERTIES OF TX LTD
25	3535 WORTH ST	BAYLOR UNIVERSITY MED CTR
26	3535 WORTH ST	HRT PROPERTIES OF TX LTD



09/22/2014

***Label # Address***

***Owner***

**FILE NUMBER:** BDA 134-109

**BUILDING OFFICIAL'S REPORT:** Application of Laura Hoffman, Winstead, PC, for a special exception to the landscape regulations at 4343 (AKA 4321) Congress Avenue. This property is more fully described as Lot 1A, Block 6/1616, and is zoned PD193 (PDS 80), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 4343 (AKA 4321) Congress Avenue

**APPLICANT:** Laura Hoffman, Winstead, PC

**REQUEST:**

A special exception to the landscape regulations is made to maintain a multifamily development (Aura Wycliff, Phase 1), and not fully provide required landscaping.

(Note that this application is adjacent to a property to the north across Congress Avenue where the same applicant seeks a similar landscape special exception from Board of Adjustment Panel A on October 21<sup>st</sup>: BDA 134-092).

**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 condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City of Dallas Chief Arborist supports the request because the applicant has demonstrated the features shown on the submitted landscape plan do not compromise the spirit and intent of PD 193 regulations. In this case, the applicant has met all landscape standards required by ordinance with the exception of garage landscaping and screening requirements.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD 193 (PDS 80) (Planned Development, Planned Development)  
North: PD 193 (MF-2) (Planned Development, Multifamily)  
South: PD 193 (GR) (Planned Development, General Retail)  
East: PD 193 (MF-2) (Planned Development, Multifamily)  
West: PD 193 (MF-2) (Planned Development, Multifamily)

### **Land Use:**

The subject site is developed with a multifamily development. The areas to the north, south, east, and west appear to be developed mostly with residential uses.

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

1. BDA 134-092, Property at 4338 Congress Avenue (the lot immediately north of subject site) On October 21, 2014, the Board of Adjustment Panel A will consider a request for a special exception to the landscape regulations requested in conjunction with maintaining a multifamily development on the site, and not fully providing required landscaping.
2. M134-048, Property at 4343 Congress Avenue (the subject site) On October 23, 2014, the City Plan Commission will consider a request for an amendment to the development plan on this property zoned PD 193 (PDS 80).

## **GENERAL FACTS/ STAFF ANALYSIS:**

- This request focuses on maintaining a multifamily development, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the site does not conform to PD 193 landscape regulation standards related to garage landscaping and screening requirements.
- 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 states in a memo (see Attachment A) that the request in this case is triggered by new construction of multifamily development.

- The Chief Arborist notes that the site is deficient in meeting the landscape requirements in that the site does not provide the garage landscaping and screening provision stating that any aboveground parking structure must have a 10' landscaping buffer on any side facing a public street, residential district, residential subdistrict, or residential use, and must contain one tree for every 25 feet of frontage and evergreen shrubs planted three feet on center.
- The Chief Arborist states the following factors for consideration:
  - 1) For multifamily uses, development and use of the property must comply with a development plan. If there is conflict between the text of the ordinance and the development plan, the text of the ordinance controls. The ordinance requires compliance with PD 193 Part 1 landscape regulations which includes the garage landscaping and screening provisions. An amendment to the development plan did not adequately address this requirement in the site design.
  - 2) An off-street loading bay was created in the location that would otherwise be used for landscaping. A masonry wall was constructed to screen the off-street loading bay as is required by the same ordinance. A row of plants was placed along the foundation in a narrow bed along the garage structure.
  - 3) All other landscape standards are met on the site.
- The Chief Arborist supports the request because the applicant has demonstrated that the proposed landscaping does not compromise the spirit and intent of the PD 193 regulations.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where a site plan has been submitted that is deficient in meeting the garage landscaping and screening 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 submitted landscape plan as a condition, the site would be granted exception from full compliance to garage landscaping and screening requirements of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

September 3, 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.

September 11, 2014: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

September 11, 2014: The Board Administrator emailed the applicant the following information:

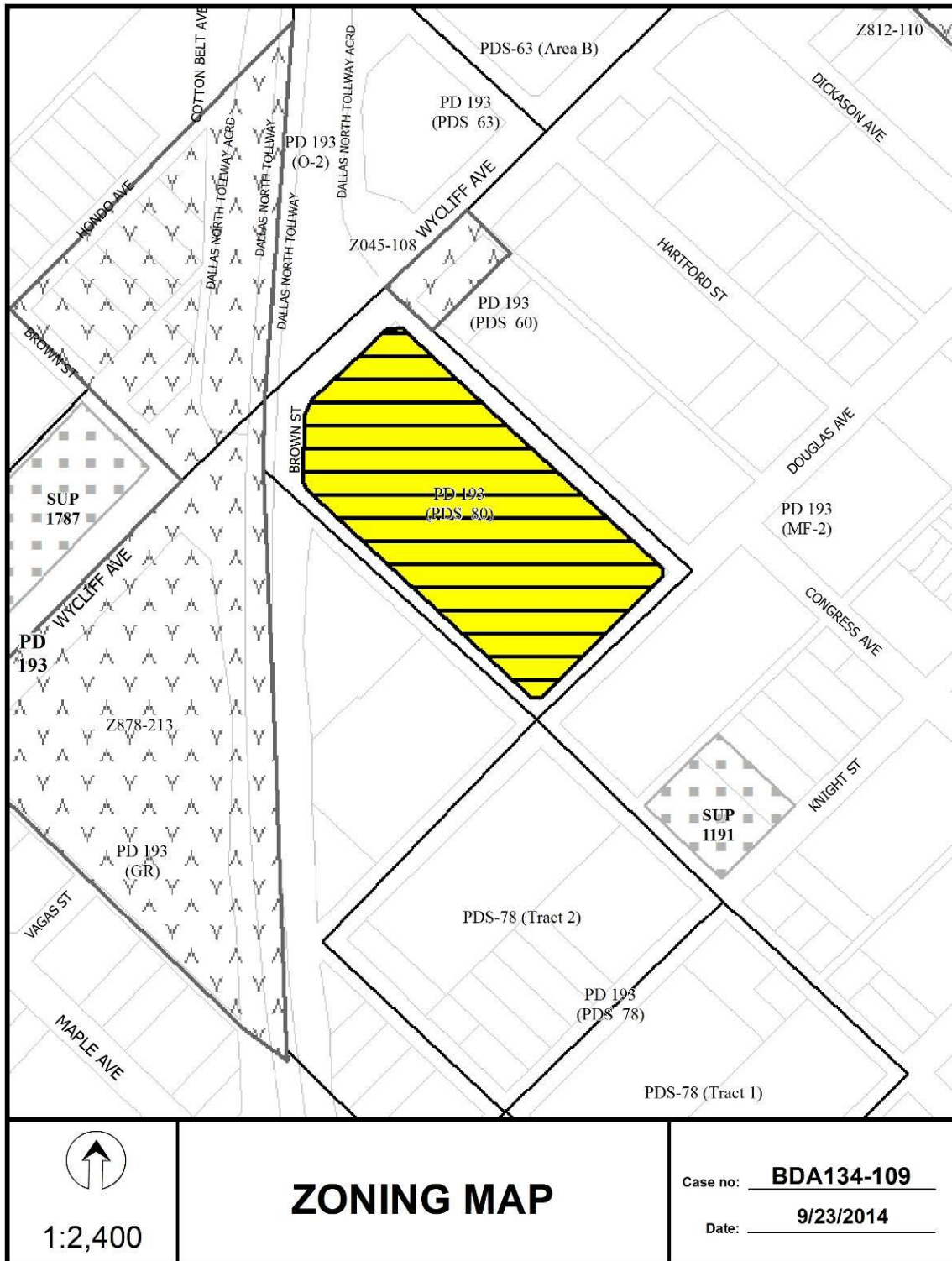
- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;

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

October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

October 9, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).



1:2,400

# ZONING MAP

Case no: **BDA134-109**

Date: **9/23/2014**



1:2,400

# AERIAL MAP

Case no: BDA134-109

Date: 9/23/2014

## Memorandum



CITY OF DALLAS

DATE October 9, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 109 4343 Congress Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (PDS 80). Specifically, the request is for exception to the requirements for garage landscaping and screening, as stated in 51P-193.126(b)(3)(D).

### Trigger

New construction of multifamily development.

### Deficiencies

The site is non-compliant with PD 193 requirements for garage landscaping and screening which states 'aboveground parking structures must have a 10-foot landscaping buffer on any side facing a public right-of-way, residential district, residential subdistrict, or residential use. The landscape buffer must contain one tree for every 25 feet of frontage and evergreen shrubs planted three feet on center.'

### Factors

For multi-family uses, development and use of the Property must comply with the development plan. If there is a conflict between the text of the ordinance and the development plan, the text of the ordinance controls. The ordinance requires compliance with PD 193 Part 1 landscape regulations which includes the garage landscaping and screening provisions. An amendment to the development plan did not adequately address this requirement in the site design.

An off-street loading bay was created in the location that would otherwise be used for the landscaping. A masonry wall was constructed to screen the off-street loading bay, as is required by the same ordinance (51P-193.126(b)(3)(C)). A row of plants was placed along the foundation in a narrow bed along the garage structure.

All other landscape standards for PD 193 are being met.

### Recommendation

The chief arborist recommends approval of the special exception request because the applicant has demonstrated the proposed landscaping does not compromise the spirit and intent of the PD 193 (PDS 80) regulations.

Philip Erwin, ISA certified arborist #TX-1284(A)  
Chief Arborist



A



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-109

Data Relative to Subject Property:

Date: 09/03/14

Location address: 4343 Congress Avenue Zoning District: PD 193 (PDS 80)

Lot No.: 1A Block No.: 6/1616 Acreage: +/- 4.0 Census Tract: 0005.00

Street Frontage (in Feet): 1) 515.76' 2) 128.84' 3) 170.15' 4) 599.95' 5) 297.00'

*SW22*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): TRG Wycliff, L.P.

Applicant: Laura Hoffmann, Winstead PC Telephone: 214-745-5693

Mailing Address: 500 Winstead Building, 2728 N. Harwood Street Zip Code: 75201

E-mail Address: lhoffmann@winstead.com, tmann@winstead.com

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 X, of Section 51P-193.126(b)(3)(D)'s requirement of a 10-foot garage landscaping buffer on the Brown Street frontage of the property as shown on the attached landscape plan.

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:  
(1) strict compliance with the requirements of Section 51P-193.126(b)(3)(D) would unreasonably burden the use of the property;  
(2) the special exception will not adversely affect neighboring property; (3) the screening wall serves the same purpose as a landscape buffer by providing an adequate buffer between the garage facade and the public right-of-way, which renders the landscape buffer unnecessary; and (4) the project is fully constructed in accordance with a CPC approved development plan and building permit drawings, both of which show a wall and loading spaces in the area where the buffer is being required.

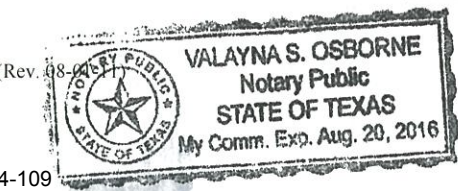
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Laura Hoffmann (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.

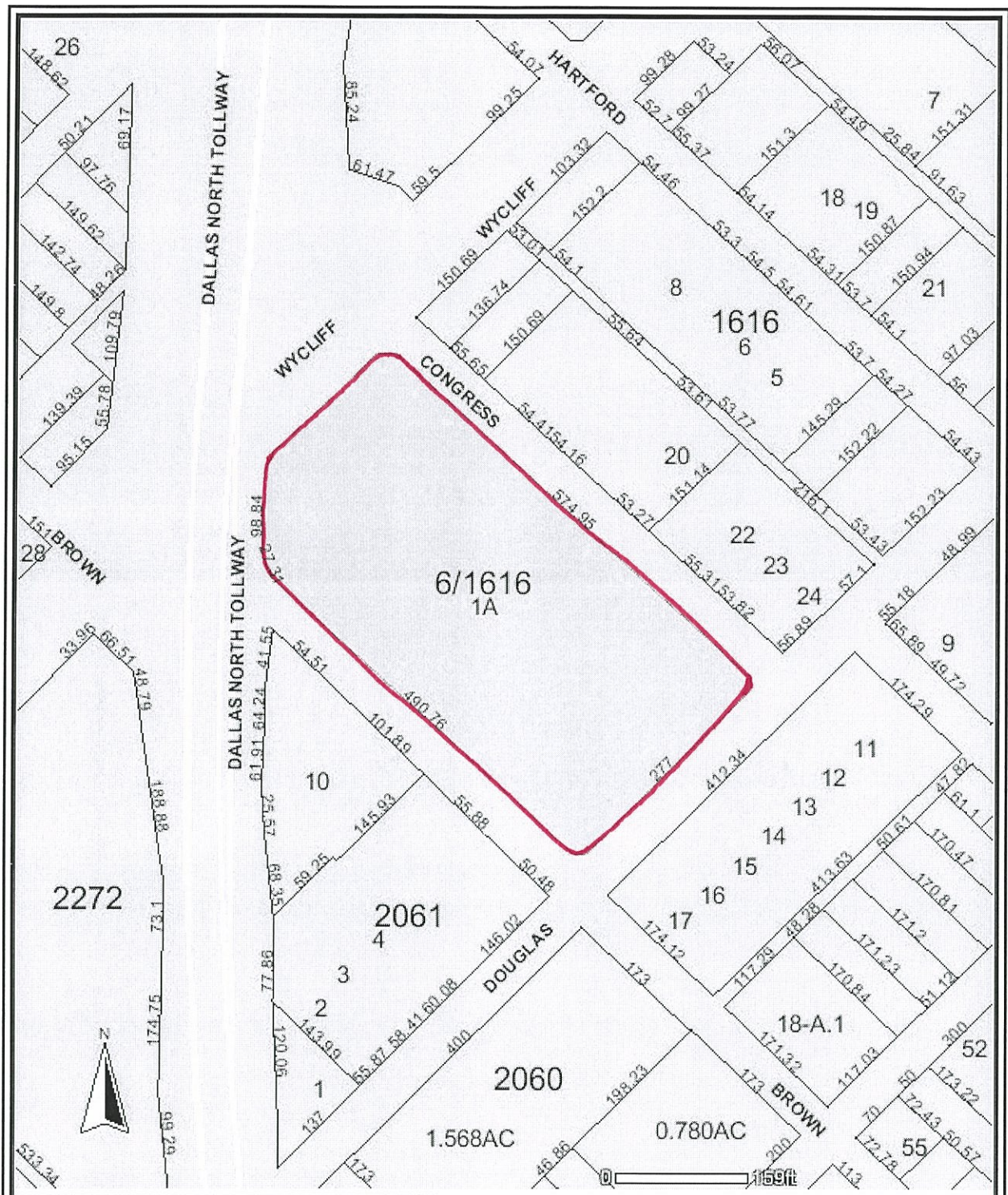
Respectfully submitted: Laura Hoffmann (Affiant/Applicant's signature)

Subscribed and sworn to before me this 8 day of September, 2014



Valayna Osborne  
Notary Public in and for Dallas County, Texas



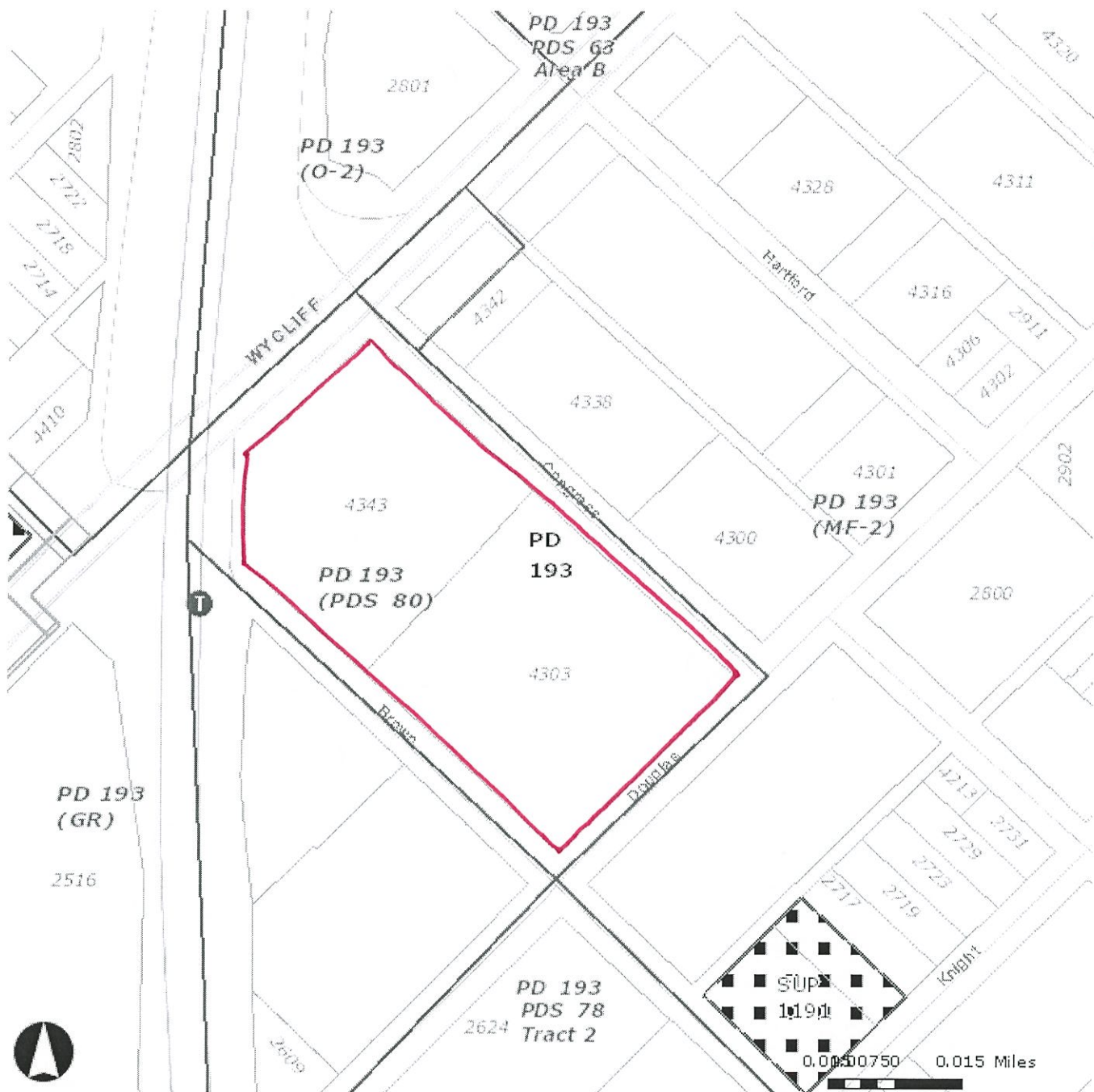


*JA*



**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.



*JH*

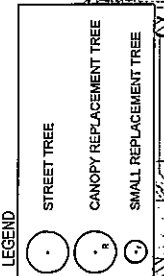
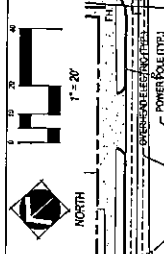
**NORMS DESIGN**  
 (a) Landscape Architecture  
 1000 E. Grand Central, Ste. 200  
 Dallas, TX 75202  
 P 214.261.2282  
 F 214.267.0979  
 www.norms-design.com

**TRINIS WYCLIFF APTS.**  
 LANDSCAPE CITY SUBMITTAL PLAN  
 DALLAS, TEXAS

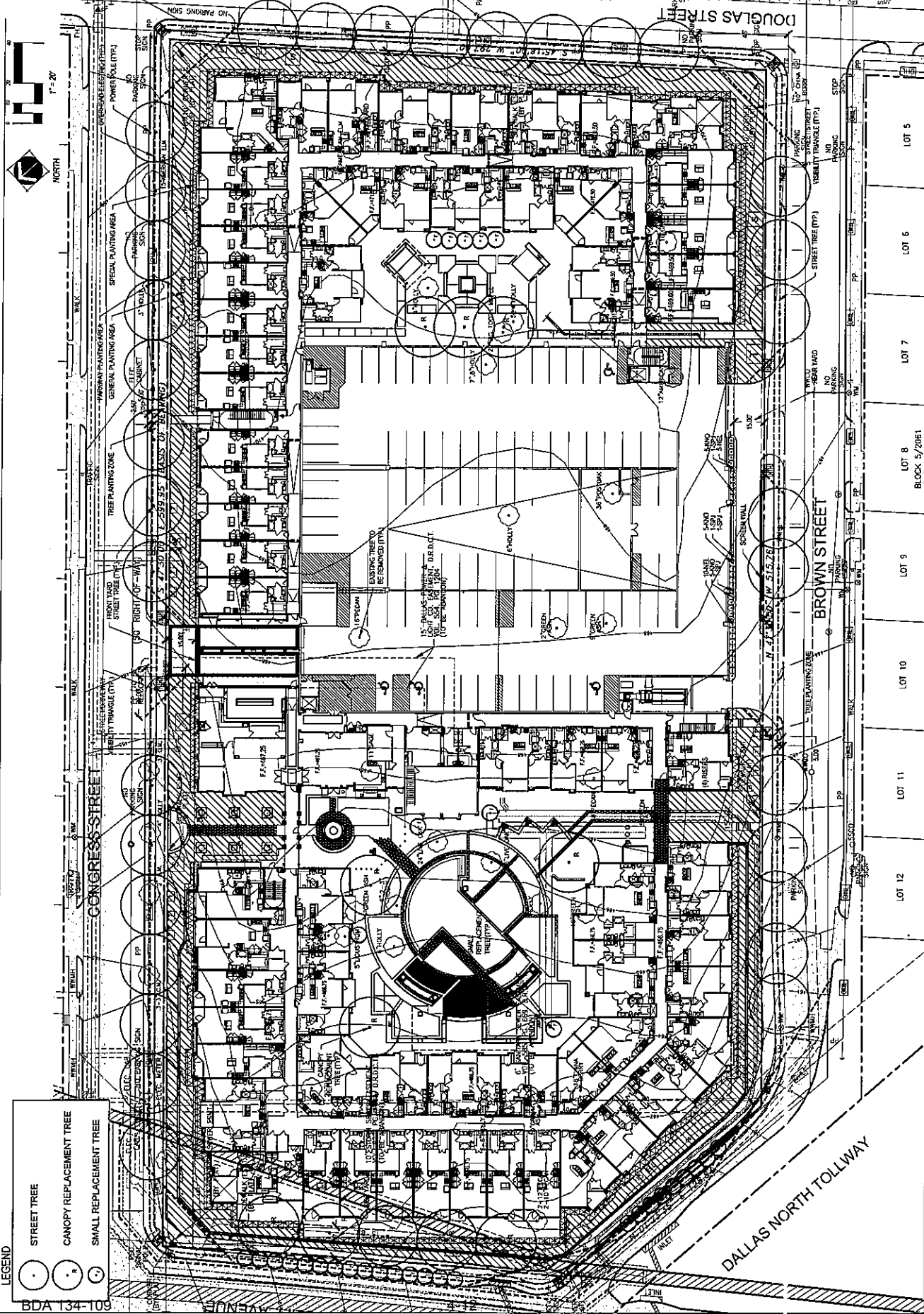
**OWNER:**  
 TRINIS WYCLIFF APTS. LP  
 2100 W. WOODLAWN  
 SUITE 200  
 DALLAS, TEXAS 75201

**DATE:**  
 11/15/2011  
 11/15/2011  
 11/15/2011  
 11/15/2011

**SHEET TITLE:**  
 LANDSCAPE  
 CITY SUBMITTAL  
 SHEET NUMBER:  
 L-1.00

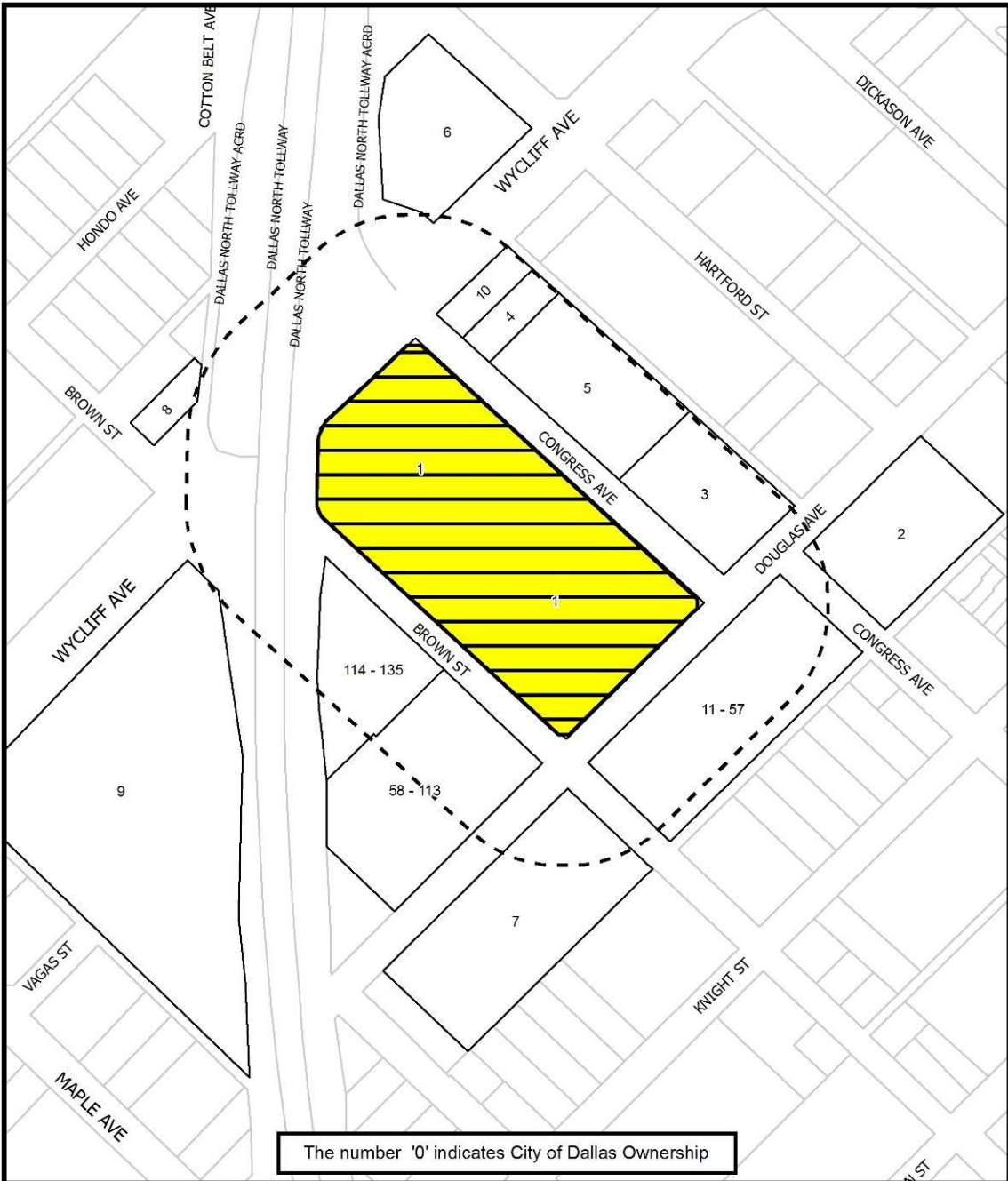


BDA 134-109



CHECKED BY  
 DRAWN BY





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>135</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>135</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA134-109</b></u> Date: <u><b>9/23/2014</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>135</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA134-109*

### *135 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4343 CONGRESS AVE	TRG WYCLIFF LP
2	2800 DOUGLAS AVE	SCHUMACHER STEPPING STONE
3	4300 CONGRESS AVE	CONGRESS AVE DOUGLAS AVE LLC
4	4342 CONGRESS AVE	NGUYEN TRUMAN & MAI TRAN
5	4338 CONGRESS AVE	TRG WYCLIFF LP
6	2801 WYCLIFF AVE	VILLA RESIDENTIAL CARE
7	2624 DOUGLAS AVE	AFA APARTMENTS LP
8	4410 BROWN ST	TEXAS TURNPIKE AUTH
9	2516 WYCLIFF AVE	TEXAS TURNPIKE AUTHORITY
10	4344 CONGRESS AVE	214 WEST TWELFTH PARTNERS LLC
11	2702 DOUGLAS AVE	ADAMS RICK &
12	2702 DOUGLAS AVE	BAGG DAVID
13	2710 DOUGLAS AVE	ANWEILER DAVID W
14	2710 DOUGLAS AVE	KAHN RICHARD
15	2702 DOUGLAS AVE	ARMSTRONG HENRIA D E M &
16	2702 DOUGLAS AVE	LEE SO JA
17	2702 DOUGLAS AVE	REEP GARY J
18	2710 DOUGLAS AVE	HODGES PHILIP
19	2702 DOUGLAS AVE	CHAUHAN VANDANA
20	2702 DOUGLAS AVE	ADAMS RICK
21	2702 DOUGLAS AVE	ABAY AZIEB
22	2710 DOUGLAS AVE	HODGES PHILIP
23	2710 DOUGLAS AVE	RODGERS RICHARD F
24	2710 DOUGLAS AVE	BORGERS FREDERICK & CHRISTINE C
25	2710 DOUGLAS AVE	DARBY JOHN P JR
26	2702 DOUGLAS AVE	MILLER ELIZABETH DIANE



<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2702 DOUGLAS AVE	FRUHWIRTH RICK E
28	2710 DOUGLAS AVE	SOLTANI OMID
29	2702 DOUGLAS AVE	SMITH PAUL &
30	2710 DOUGLAS AVE	KUERBITZ CHARLES RAY
31	2702 DOUGLAS AVE	DICKSON JAMES T
32	2710 DOUGLAS AVE	ARENDSE CHERIE MICHELLE &
33	2702 DOUGLAS AVE	SAMUKLA FRANK
34	2702 DOUGLAS AVE	CORSEY FLOYD
35	2702 DOUGLAS AVE	JEFFREY MARK A
36	2702 DOUGLAS AVE	PARK JAY H
37	2702 DOUGLAS AVE	COOK JIMMY DALE TESTAMENTARY TRUST
38	2702 DOUGLAS AVE	FAGAN JODIE K
39	2702 DOUGLAS AVE	WILLIAMS RAY E LIFE ESTATE
40	2702 DOUGLAS AVE	ANWEILER DAVID W
41	2702 DOUGLAS AVE	POLLARD MARSHALL C
42	2710 DOUGLAS AVE	MITCHELL CYNTHIA R &
43	2702 DOUGLAS AVE	BOOTH MARC H
44	2702 DOUGLAS AVE	NONESUCH PLACE CONDO ASSN
45	2710 DOUGLAS AVE	STEWART RANDY &
46	2702 DOUGLAS AVE	TALAKAUSKAS ANTHONY J
47	2710 DOUGLAS AVE	LE KHANH N
48	2702 DOUGLAS AVE	JOHNSON GARY L
49	2702 DOUGLAS AVE	RAINBOW ESTATE LLC
50	2702 DOUGLAS AVE	FAULCONER LORANE & LLOYD
51	2710 DOUGLAS AVE	KIRBY KEVIN S
52	2702 DOUGLAS AVE	CAMBIASSO GRISEL SOLANGE
53	2702 DOUGLAS AVE	WEDGE REV LIVING TRUST
54	2710 DOUGLAS AVE	BAKER MICHAEL J
55	2702 DOUGLAS AVE	YOUNG JENNIFER E
56	2710 DOUGLAS AVE	BARRON DAVID L
57	2702 DOUGLAS AVE	BANKS JOHN L JR & SUSAN

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	4323 BROWN ST	SHEPHERD JANET
59	2627 DOUGLAS AVE	HILL DANIEL
60	2627 DOUGLAS AVE	PEDRAZA JAVIER
61	2627 DOUGLAS AVE	LOPEZ STEVE
62	2627 DOUGLAS AVE	DOMINGUEZ JOSE JORGE &
63	2627 DOUGLAS AVE	ADAMS MELVIN C
64	2627 DOUGLAS AVE	TAYLOR KENT L
65	2627 DOUGLAS AVE	BUSHNELL R WAYNE
66	2627 DOUGLAS AVE	KERR LAURA ELIZABETH
67	2627 DOUGLAS AVE	AKBARI LEYLA
68	2627 DOUGLAS AVE	STONE GARY
69	2627 DOUGLAS AVE	COLEMAN RONALD M & JULIE
70	2627 DOUGLAS AVE	SHEPHERD MICHAEL L
71	2627 DOUGLAS AVE	CAKAJ ILIR
72	2627 DOUGLAS AVE	MATA JOSE M
73	2627 DOUGLAS AVE	LEGROS GAETAN LUC
74	2627 DOUGLAS AVE	PHILLIPS STEVEN &
75	2627 DOUGLAS AVE	CRUZ GUSTAVO
76	2627 DOUGLAS AVE	NGUYEN LE BA
77	2627 DOUGLAS AVE	WILLIAMS SANDIE
78	2627 DOUGLAS AVE	MCELROY HOWARD WYNNE
79	2627 DOUGLAS AVE	HENNIG GWEN
80	2627 DOUGLAS AVE	TODD ANTHONY &
81	2627 DOUGLAS AVE	BETANCOURT ADRIANA
82	2627 DOUGLAS AVE	HATHAWAY JOSEPH H III
83	2627 DOUGLAS AVE	TRAN LINDA VAN
84	2627 DOUGLAS AVE	ZHONG CHUN LI PENG
85	2627 DOUGLAS AVE	GUZMAN MARIO C
86	2627 DOUGLAS AVE	PETE LEO A
87	2627 DOUGLAS AVE	HESS CRAIG
88	2627 DOUGLAS AVE	COLEMAN RONALD M

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
89	2627 DOUGLAS AVE	TRAN LINDA V
90	2627 DOUGLAS AVE	CUNNINGHAM CRAIG
91	2627 DOUGLAS AVE	MCHUGH JOHN
92	2627 DOUGLAS AVE	DEJEAN GERALD G
93	2627 DOUGLAS AVE	HUTTON JERRY B JR
94	2627 DOUGLAS AVE	POTTS DIMITRI R
95	2627 DOUGLAS AVE	QUINTANILLA JOE
96	2627 DOUGLAS AVE	REY JUAN ALBERTO
97	2627 DOUGLAS AVE	RAY JUAN A
98	2627 DOUGLAS AVE	GANDY JASON
99	2627 DOUGLAS AVE	COLEMAN RONALD M &
100	2627 DOUGLAS AVE	RODRIGUEZ GRACIELA
101	2627 DOUGLAS AVE	SMITH RONALD W
102	2627 DOUGLAS AVE	GOLDBERG RUTH
103	2627 DOUGLAS AVE	ZUNIGA JUAN ANTONIO & MARIA
104	2627 DOUGLAS AVE	HERRERA JUAN LOPEZ &
105	2627 DOUGLAS AVE	REY JUAN ALBERTO
106	2627 DOUGLAS AVE	LACEY CATHRYN
107	2627 DOUGLAS AVE	GANDY JASON
108	2627 DOUGLAS AVE	CAKAJ ILIR
109	2627 DOUGLAS AVE	MCHUGH JOHN
110	2627 DOUGLAS AVE	PARRIS ABIGAIL
111	2627 DOUGLAS AVE	SEVILLA MANAGEMENT LLC
112	2627 DOUGLAS AVE	CASTELLANOS BRUNELLA N & CIRO
113	2627 DOUGLAS AVE	LOPEZ ZULEMA
114	4323 BROWN ST	HERNANDEZ DANIELLA N
115	4323 BROWN ST	TILLERY JAMES WAYNE
116	4323 BROWN ST	BROWNE JOSE A
117	4323 BROWN ST	PARRA BERTHA
118	4323 BROWN ST	SHEPHERD JANET
119	4323 BROWN ST	SHEPHERD MICHAEL L

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
120	4323 BROWN ST	AGUILAR ROXANA PALACIOS &
121	4323 BROWN ST	RAY JUAN ALBERTO
122	4323 BROWN ST	SIMMONS JAMES N JR
123	4323 BROWN ST	SOISSON CHRISTIAN
124	4323 BROWN ST	QUEZADA ARNOLDO & MARA BIATRIZ
125	4323 BROWN ST	SLAGLE JODY GLYN
126	4323 BROWN ST	SHEPHERD MICHAEL
127	4323 BROWN ST	STEPHAN JERALD M
128	4323 BROWN ST	CASTRO GEORGE L
129	4323 BROWN ST	CUMMINGS JOHN LYNN
130	4323 BROWN ST	MERCADO EDUARDO V
131	4323 BROWN ST	PARRA MARITHZA
132	4323 BROWN ST	CATHEY GARY A
133	4323 BROWN ST	SOTELO ALFREDO H &
134	4323 BROWN ST	FAUST DANNY K
135	4323 BROWN ST	MCWILLIAM CHARLES D

**FILE NUMBER:** BDA 134-082

**BUILDING OFFICIAL'S REPORT:** Application of Jerry Stark, represented by Audra Buckley, for variances to the front and side yard setback regulations, and special exceptions to the visual obstruction and landscape regulations at 3506 Cedar Springs Road. This property is more fully described as a 0.41 acre tract in Block 992, and is zoned PD193 (O-2), which requires a front yard setback of 20 feet, a side yard setback of 10 feet, a 45 foot visibility triangle at street intersections and a 20 foot visibility triangle at driveway approaches that intersect with a street, and mandatory landscaping. The applicant proposes to construct and maintain a structure and provide a 6 inch front yard setback, which will require a 19 foot 6 inch variance to the front yard setback regulations, a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations; to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations; and to provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 3506 Cedar Springs Road

**APPLICANT:** Jerry Stark  
Represented by Audra Buckley

**REQUESTS:**

The following appeals have been made to maintain a carport structure on a site developed with an office use/structure (Swift Property Company / The Shingle Style House), part of which is located in one of the site's two front yard setbacks (Sale Street), and in one of the site's two side yard setbacks, and to maintain certain items in the 45' visibility triangle at the intersection of Cedar Springs and Sale Street, and in the 20' visibility triangle at the drive approach into the site from Sale Street, and to not fully provide required landscaping triggered in conjunction with the recently added carport structure on the site:

1. a variance to the front yard setback regulations of 19' 6" is made to maintain an approximately 1,800 square foot carport structure located 6' from the front property line along Sale Street or 19' 6" into this required 20' front yard setback;
2. a variance to the side yard setback regulations of 10' is made to maintain an approximately 1,800 square foot carport structure located on the northeastern side property line or 10' into this required 10' side yard setback;
3. special exceptions to the visual obstruction regulations are made to maintain vertical supports of the carport structure and shrubs in the 45' visibility triangle at the intersection of Cedar Springs and Sale Street, and in the 20' visibility triangle at the driveway into the site from Sale Street; and
4. a special exception to the landscape regulations is made to maintain the recently constructed carport structure on the site, and not fully provide required landscaping.

**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.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**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 (front and side yard setback variances):**

Denial

Rationale:

- The applicant has not substantiated how the features of this somewhat sloped, virtually rectangular shaped, approximately 17,400 square foot site warrants variance to the front and side yard setback in order for it to be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (O-2) zoning classification.

- The physical features of the subject site have allowed it to be developed with an office use/structure with an area for surface parking that has been in compliance with setbacks for decades.

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following conditions:

1. Compliance with the submitted site plan and revised elevation is required.
2. No vegetation is permitted in 20’ visibility triangle at the driveway into the site from Sale Street.

Rationale:

- The applicant has substantiated how granting these requests to maintain vertical supports of the carport structure and shrubs in the 45’ visibility triangle at the intersection of Cedar Springs and Sale Street, and in the 20’ visibility triangle at the driveway into the site from Sale Street would not constitute a traffic hazard.
- The Sustainable Development and Construction Department Project Engineer supports the requests on the condition that vegetation is cleared at the 20’ visibility triangle at the driveway into the site from Sale Street.

**STAFF RECOMMENDATION (landscape special exception):**

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The applicant has substantiated how granting this request would not compromise the spirit and intent of the landscaping requirements of PD 193.
- The City of Dallas Chief Arborist supports the request because while the site is non-compliant to the PD 193 landscape requirements, it nonetheless promotes landscape and street quality, and enhances the beautification of the neighborhood.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 193 (O-2)/H-12 (Planned Development District, Office, Historic)
- North: PD 193 (O-2) (Planned Development District, Office)
- South: PD 193 (O-2) (Planned Development District, Office)
- East: PD 193 (O-2) (Planned Development District, Office)
- West: PD 193 (O-2) (Planned Development District, Office)

**Land Use:**

The subject site is developed with an office use/structure/City historic structure – The Shingle Style House. The areas to the north, south, east and west are developed with a mix of residential and office uses.

**Zoning/BDA History:**

1. BDA 80-141, Property at 3506 Cedar Springs Road (the subject site)

On March 11, 1980, the Board of Adjustment followed the staff recommendation and granted a request for a variance to the parking regulations, and imposed the following conditions: 1) granted 3 parking space variance; 2) granted 1 sub-standard parking space (#20); and 3) granted permission to use gravel for parking area for a period of one (1) year. After this one year period, the applicant or owner of property must construct the parking surface to standards as required by zoning ordinance. The minutes stated that the request was made to convert a single family dwelling into general office use.

2. BDA 978-226, Property at 3225 Turtle Creek Blvd. (the property southeast of the subject site)

On September 15, 1998, the Board of Adjustment Panel B followed the staff recommendation and granted a request for a special exception to the landscape regulations (subject to compliance with the submitted landscape plan) needed in conjunction with constructing and maintaining a 603-unit, multifamily high-rise structure.

3. BDA 001-290, Property at 3225 Turtle Creek Blvd. (the property southeast of the subject site)

On November 13, 2001, the Board of Adjustment Panel B followed the staff recommendation and denied a request for a special exception to the landscape regulations without prejudice needed in conjunction with maintaining a 603-unit, multifamily high-rise structure.

4. BDA 012-130, Property at 3225 Turtle Creek Blvd. (the property southeast of the subject site)

On November 13, 2001, the Board of Adjustment Panel B followed the staff recommendation and granted a request for a special exception to the landscape regulations in conjunction with maintaining a multifamily high-rise structure. The board imposed the submitted landscape plan as a condition to this request.



### **GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- This request focuses on maintaining a portion of a carport structure that is located in the one of the site's two 20' front yard setbacks (Sale Street).
- Structures other than for single family structures on lots zoned PD 193 (O-2) are required to provide a minimum front yard setback of 20'.
- A site plan has been submitted denoting that the carport structure is located 6" from the site's Sale Street front property line or 19' 6" into the 20' front yard setback.
- All of the approximately 1,800 square foot, 18' wide carport is located in the 20' Sale Street front yard setback.
- According to DCAD records, the "improvements" at 3506 Cedar Springs Road is a "converted residence" with 4,526 square feet in area built in 1905.
- The subject site is somewhat sloped, virtually rectangular in shape, and approximately 0.4 acres or 17,400 square feet in area. The site is zoned PD 193 (O-2).
- The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- 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 PD 193 (O-2) 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 PD 193 (O-2) 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 structure located 6" from the site's Sale Street front property line (or 19' 6" into this 20' front yard setback).

### **GENERAL FACTS/STAFF ANALYSIS (side yard variance):**

- This request focuses on maintaining on maintaining a portion of a carport structure in the one of the site's two 10' side yard setbacks on the northeastern side of the property.
- Structures other than single family structures on lots zoned PD 193 (O-2) are required to provide a minimum side yard setback of 10'.
- A site plan has been submitted denoting that the carport structure is located on the site's northeastern side property line or 10' into the 10' side yard setback.

- It appears from calculations made by the Board Administrator from the submitted site plan that approximately 360 square feet (or approximately 20 percent) of the approximately 1,800 square foot carport structure is located in the site's 10' northeastern side yard setback.
- According to DCAD records, the "improvements" at 3506 Cedar Springs Road is a "converted residence" with 4,526 square feet in area built in 1905.
- The subject site is somewhat sloped, virtually rectangular in shape, and approximately 0.4 acres or 17,400 square feet in area. The site is zoned PD 193 (O-2).
- The corner property with two street frontages has two front yard setbacks as any corner property with two street frontages would that is not zoned agricultural, single family, or duplex.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side 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 PD 193 (O-2) 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 PD 193 (O-2) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which is a structure located on the site's northeastern side property line (or 10' into this 10' side yard setback).

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):**

- These requests focus on maintaining vertical supports of the carport structure and shrubs in the 45' visibility triangle at the intersection of Cedar Springs and Sale Street and in the 20' visibility triangle at the driveway into the site from Sale Street.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- PD 193 defines "visibility triangle" as

1. where a street designated on the city's thoroughfare plan intersects another street, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;
  2. where two streets not designated on the city's thoroughfare plan intersect, the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection;
  3. where an alley or driveway intersects with a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and adjacent street curb line (or, if there are no street curbs, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.
- A site/landscape plan and a revised elevation has been submitted indicating vertical supports of the carport structures and 2' 8" high shrubs in the 45' visibility triangle at the intersection of Cedar Springs and Sale Street, and in the 20' visibility triangle at the driveway into the site from Sale Street.
  - The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the applicant's request for special exceptions to the visual obstruction regulations marked "Has no objections if certain conditions are met" commenting "visibility triangle at southeast corner must be cleared of any vegetation."
  - The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain vertical supports of the carport structure and shrubs in the 45' visibility triangle at the intersection of Cedar Springs and Sale Street, and in the 20' visibility triangle at the driveway into the site from Sale Street do not constitute a traffic hazard.
  - Granting these requests with a condition imposed that the applicant complies with the submitted site plan and revised elevation would limit the items located in 45' visibility triangle at the intersection of Cedar Springs and Sale Street, and in the 20' visibility triangle at the driveway into the site from Sale Street to that what is shown on these documents - vertical supports of the carport structure and shrubs.

**GENERAL FACTS/ STAFF ANALYSIS (landscape special exception):**

- This request focuses on maintaining the recently constructed carport structure on the site, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the site does not conform to PD 193 landscape regulation standards related to sidewalks, trees, and off-street parking and screening.
- 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 states in a memo (see Attachment B) that the request in this case is triggered by the owner applying to add to the nonpermeable coverage of the lot with the construction of a carport over a permeable parking surface.
- The Chief Arborist notes that the submitted landscape plan is deficient in the following ways:
  - 1) Sidewalks: Both sidewalks on the site are non-compliant with the ordinance requirement of a 6' width and a distance between 5' – 12' from back of curb.
  - 2) Trees: Trees on the site are non-compliant with the ordinance requirement that one tree per 25' of frontage in a location that is between 2.5' – 5' from back of curb. (The site is however highly restricted to meet the ordinance provisions given the existing slope, retaining walls, and parking areas).
  - 3) Off-street parking and screening: The site is non-compliant with the ordinance requirement that all surface parking is to be screened from the street with screening at a minimum of 3.5' in height along Cedar Springs Road, and partially noncompliant along Sale Street.
- The Chief Arborist listed several factors for consideration:
  1. The site appears to comply with all other requirements of PD 193 including landscape site area and general planting requirements.
  2. The site has been maintained for years with mature post oak trees retained with careful landscape maintenance and site design. The parking surface has been kept as a permeable element that was important in the retention of highly sensitive tree roots. The overall landscaping is in a well maintained condition that combines younger plants with very old canopy tree structures.
  3. The retaining wall along Sale Street was approved and installed prior to the formation of the PD 193 ordinance. The sidewalk cannot be adjusted in this location. The existing slope prohibits significant adjustments to the sidewalk and planting zones along Cedar Springs Road without adjusting from the slope and probable use of retaining walls.
  4. The site contains an important structure to the community with significant towering landscape features that likely far precedes the age of the building. The site promotes landscape and street quality and appearance and enhances the beautification of the neighborhood.
- The Chief Arborist supports the request because the applicant has demonstrated the existing landscaping does not compromise with the spirit and intent of PD 193 (O-2) regulations.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where a site plan has been submitted that is deficient in meeting the sidewalk, tree, and off-street parking and screening requirements) 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, the site would be granted exception from full compliance to sidewalk, tree, and off-street parking and screening requirements of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

June 16, 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.

September 9, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 10, 2014: 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 September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 10<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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 30, 2014: The applicant’s representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

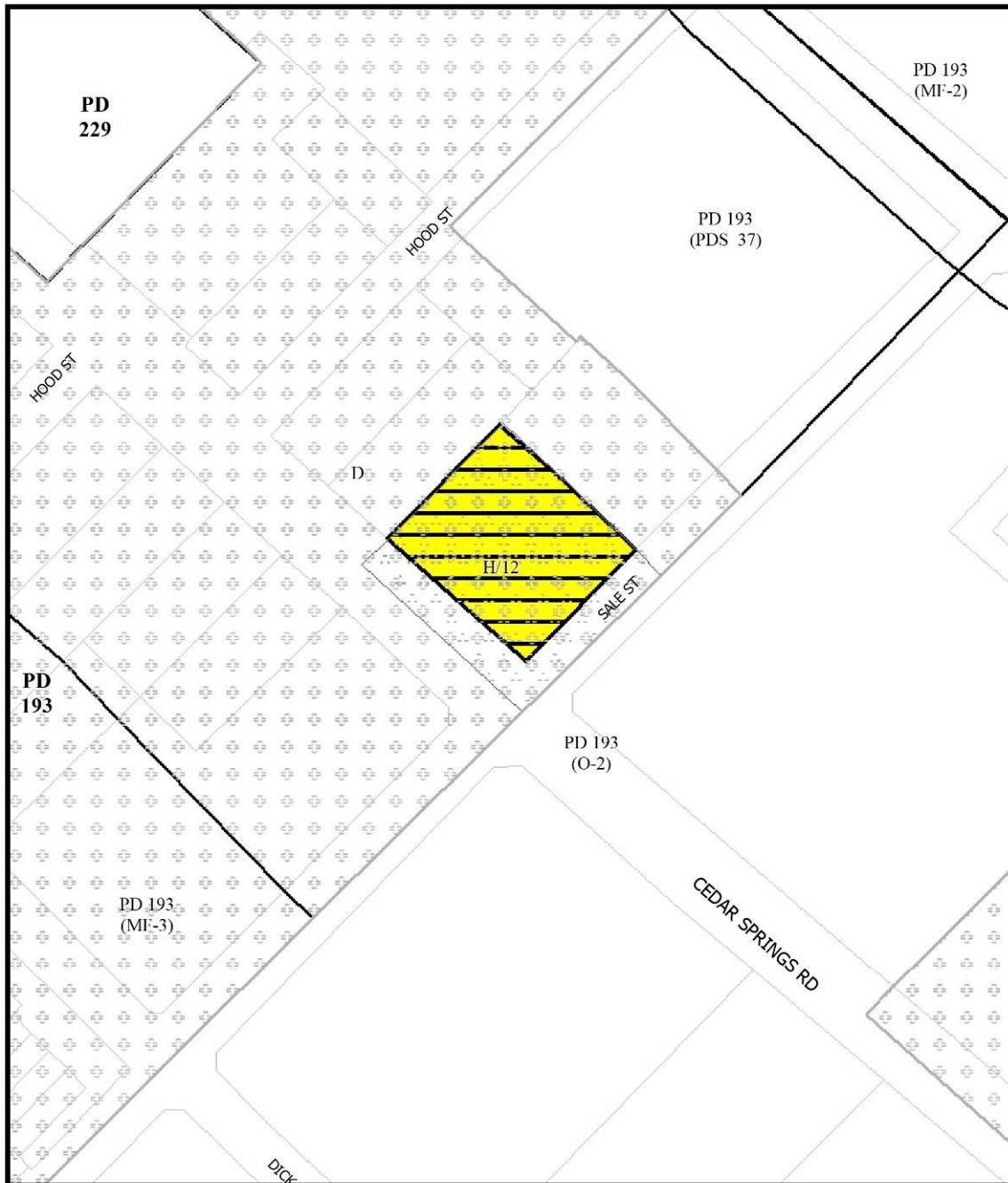
September 30, 2014: The Sustainable Development and Construction Historic Preservation Senior Planner emailed the Board Administrator the following comment: “The Shingle Style House- Applicant is in contact with Preservation Staff in regards to Landmark Commission process after BDA decision.”


October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

October 9, 2014: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet regarding the

visual obstruction special exception requests marked “Has no objections if certain conditions are met” commenting “visibility triangle at southeast corner must be cleared of any vegetation.”

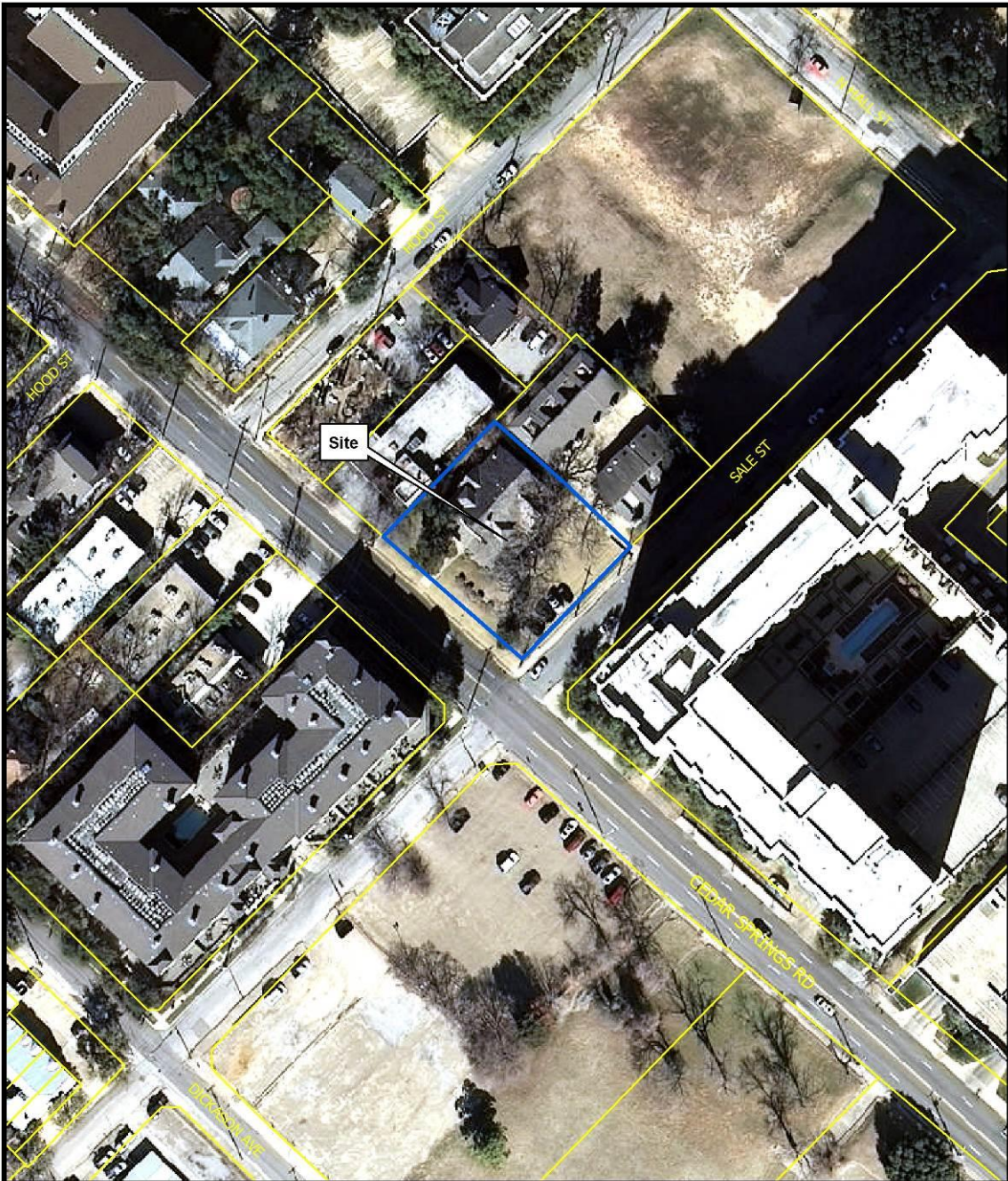
October 9, 2014: The City of Dallas Chief Arborist submitted a memo regarding the landscape special exception request (see Attachment B).



  
 1:1,200

# ZONING MAP

Case no: BDA134-082  
 Date: 8/20/2014



1:1,200

# AERIAL MAP

Case no: BDA134-082

Date: 8/20/2014





# Memorandum



CITY OF DALLAS

DATE October 9, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 082 3506 Cedar Springs Road

The applicant is requesting a special exception to the landscape requirements of PD 193 (O-2).

### Trigger

The owner is applying to add to the nonpermeable coverage of the lot with the construction of a carport over a permeable parking surface.

### Deficiencies

The proposed landscape plan represents existing conditions. As demonstrated, the deficiencies include the following:

Sidewalks – 193.126(b)(4) – required to be 6' wide and between 5-12' from back of curb. Both sidewalks are non-compliant.

Trees – 193.126(b)(5) – one tree per 25' of frontage is required to be within the tree planting zone, between 2.5-5' from back of curb. If not able to obtain a parkway landscape permit, the owner must plant the trees in close proximity to the front lot line. There is insufficient space to plant trees along Cedar Springs Road in the parkway, but the site is highly restricted on the property by slope, retaining walls, and parking area at Cedar Springs Road and along Sales Street.

Off-street parking and screening – 193.126(b)(3) – all surface parking is to be screened from the street with screening at a minimum of 3.5' in height. Screening is not provided along the Cedar Springs parking lot frontage, and shrubs may not be fully to the required height specification (shown as 36") along Sale Street.

### Factors

Based on the analysis, the site appears to comply with all other requirements of PD 193 (O-2), including landscape site area and general planting requirements.

The site has been maintained for many years with mature post oak trees retained with careful landscape maintenance and site design. The parking surface has been kept as a permeable element that was important in the retention of the highly sensitive tree roots. The overall landscaping is in a well maintained condition, combining the younger plants with the very old canopy tree structures.

The retaining wall along Sale Street was approved and installed prior to the formation of the PD 193 ordinance. The sidewalk cannot be adjusted in this location. The existing slope also prohibits significant adjustments to the sidewalk and planting zones along Cedar Springs Road without adjusting for the slope and probable use of retaining walls.

In mitigating the lack of PD 193 regulation landscaping, and in meeting with the purpose of PD 193, the site contains an important structure to the community with significant towering landscape features that likely far precedes the age of the building. The site promotes landscape and street quality and appearance and enhances the beautification of the neighborhood.

- Recommendation

The chief arborist recommends approval of the special exception request because the applicant has demonstrated the existing landscaping does not compromise the spirit and intent of the PD 193 (O-2) regulations.

Philip Erwin, ISA certified arborist #TX-1284(A)  
Chief Arborist



A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-082
Date: June 16, 2014

Data Relative to Subject Property:

Location address: 3506 Cedar Springs Road
Zoning District: (O-2) PD 193
Lot No.: N/A Block No.: 992 Acreage: 0.41 Census Tract: 6.05
Street Frontage (in Feet): 1) 145 2) 124 3) 4) 5) SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SPC Cedar Springs, LLC
Applicant: Jake Steiner Jerry Stark Telephone: 214-796-7096
Mailing Address: 4437 Emerson Avenue #5 Zip Code: 75205
E-mail Address: jake.steiner21@icloud.com
Represented by: Audra Buckley - Permitted Development Telephone: 214-686-3635
Mailing Address: 416 S Ervay Street Zip Code: 75201
E-mail Address: permitteddevelopment@tx.rr.com

Affirm that an appeal has been made for a Variance or Special Exception of visibility obstruction requirements. at street intersection and at drive approach. And a front yard setback of 19'6" and a side yard setback. Alternate landscape plan Special Exception

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:
Variances Requested due to site restriction - area and slope.
The applicant's wishes to maintain a carport cover currently located within the 45' and 20' visibility triangles. Applicant believes visibility triangles should not apply, due to the topography/elevation of the site, and the retaining wall that has been in place for decades. Retaining wall measures 3' 3" at the driveway and increases to a height of 7' 5".

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 JERRY D. STARK (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 19 day of June, 2014

(Rev. 08-01-11) 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

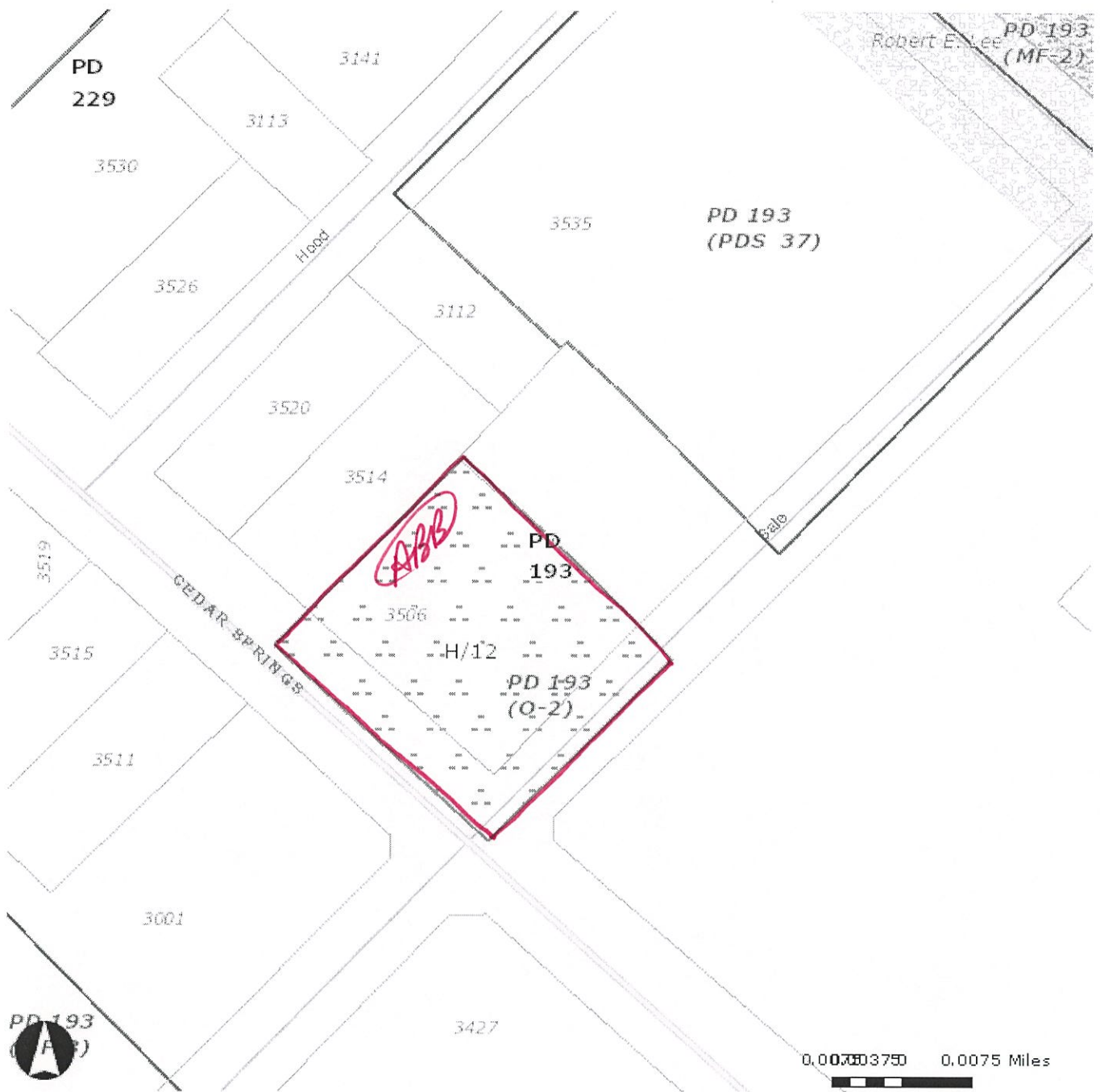
**Building Official's Report**

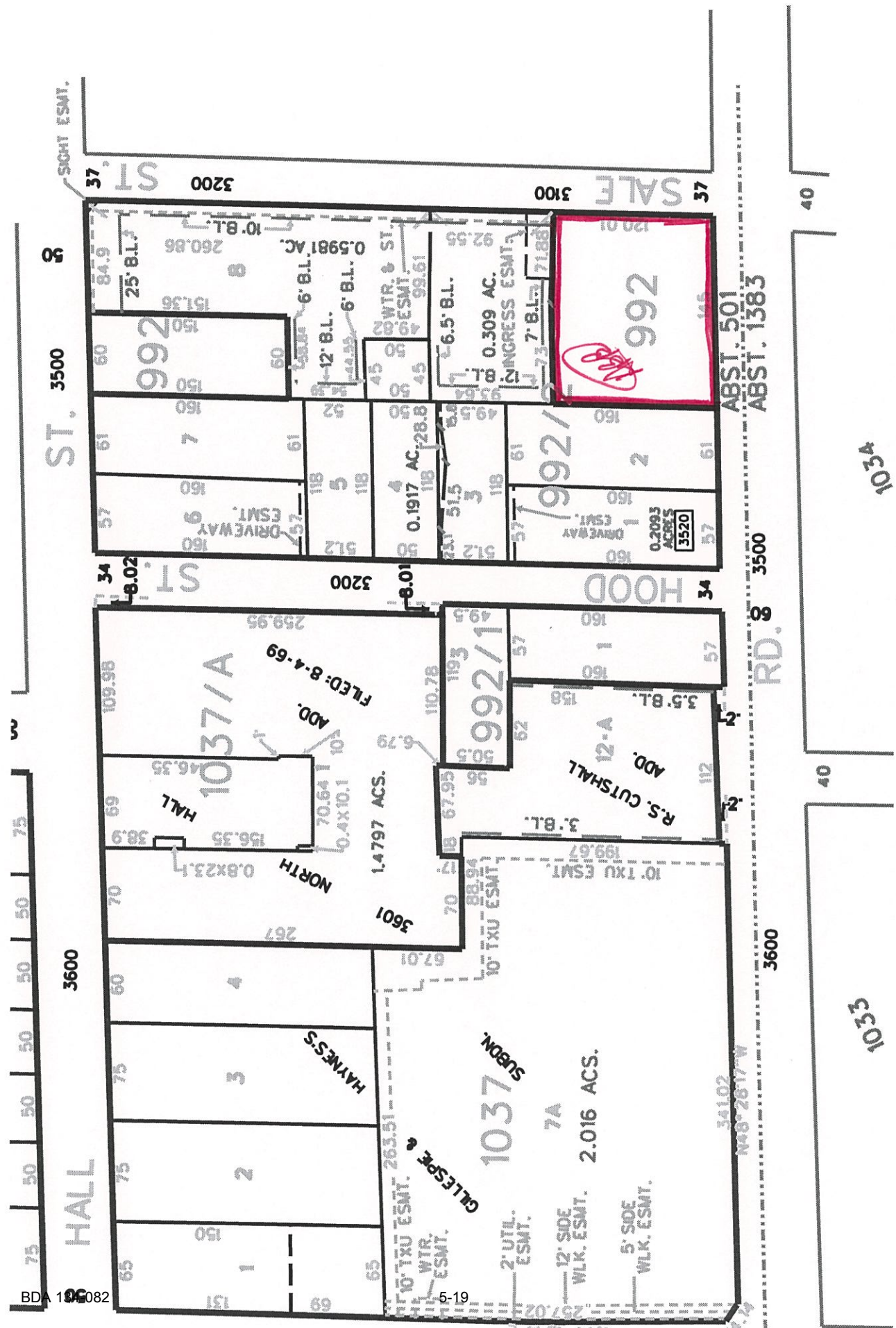
I hereby certify that Jerry Stark  
represented by Audra Buckley  
did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the landscaping regulations  
at 3506 Cedar Springs Road

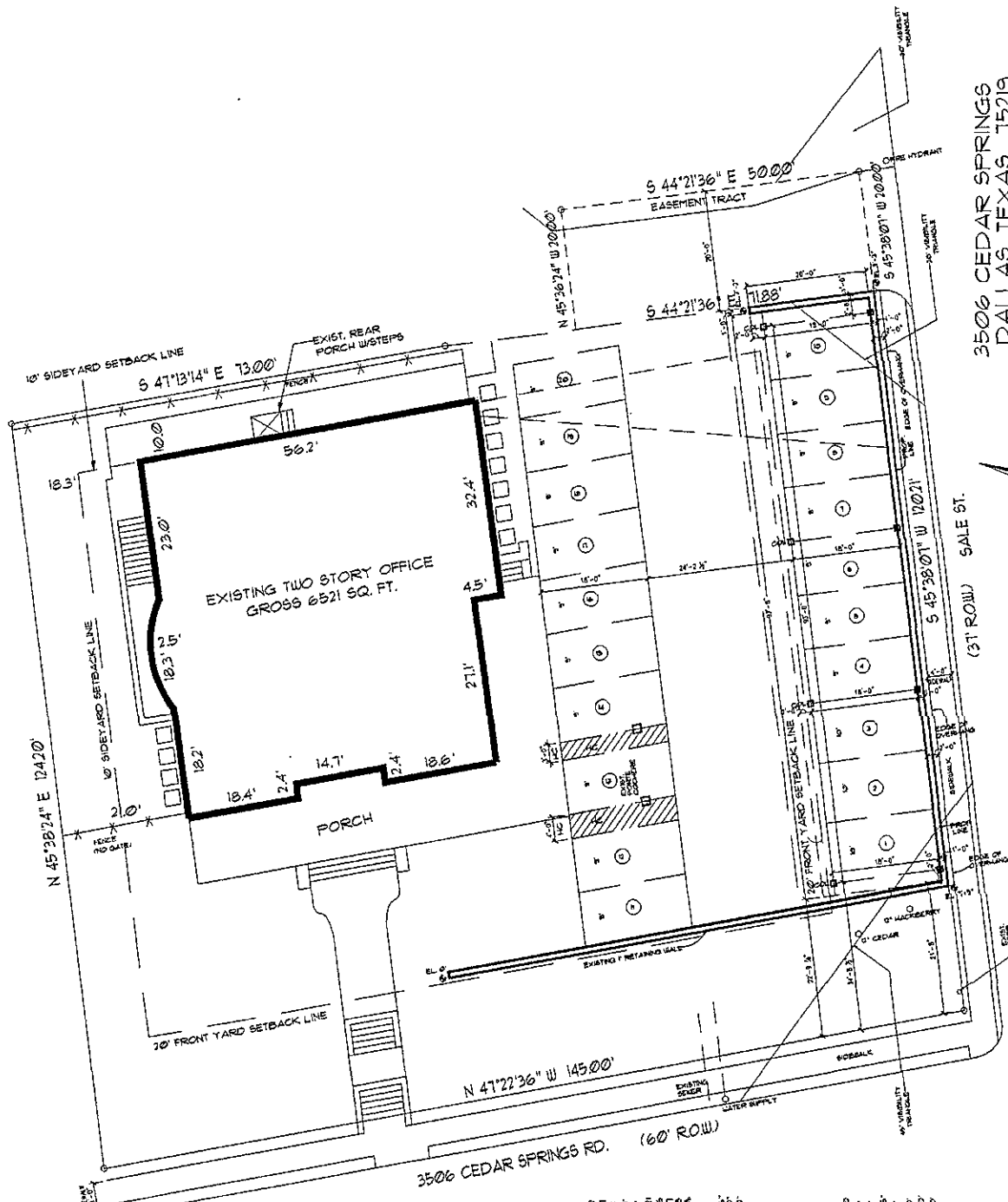
BDA134-082. Application of Jerry Stark represented by Audra Buckley for a variance to the front yard setback regulations, and a variance to the side yard setback regulations, and special exceptions to the visibility obstruction regulations, and a special exception to the landscaping regulations at 3506 Cedar Springs Road. This property is more fully described as a .41 acre tract in Block 992, and is zoned PD193 (O-2), which requires a front yard setback of 20 feet and requires a side yard setback of 10 feet and requires a 45 foot visibility triangle at street intersections and requires a 20 foot visibility triangle on both side of a driveway approach that intersects with a street, and requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide a foot 6 inch front yard setback, which will require a 19 foot 6 inch variance to the front yard setback regulation, and to provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulation, and to construct and maintain a nonresidential structure in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulations, and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

  
Larry Holmes, Building Official







3506 CEDAR SPRINGS  
DALLAS, TEXAS 75219

GRAPHIC SCALE 1/8" = 30'

JUNE 20, 2014

Site Information:  
 Base Zoning: PD 103-C-2  
 Lot Area: 11,871 Sq. Ft.  
 Approximate Year Built: 1904  
 Front Yard Setback: 20'  
 Side Yard Setback: 10'  
 Existing Office Floor Area: 6,501 Sq. Ft.  
 Existing Office Footprint: 6,526 Sq. Ft.  
 Porch and Porch Covered: 1,793 Sq. Ft.  
 Lot Coverage: 35%

Current Cover: Front Yard Setback - Sale Street: 18'-6"  
 Encroachment into side yard setback - East Side: 5'18"-2'49"  
 Height: 15'-0"

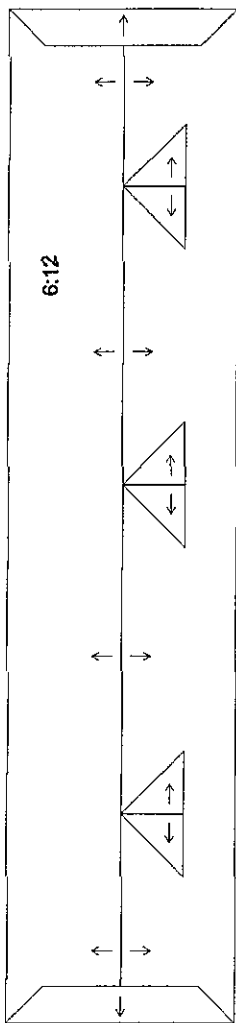
Notes/Remarks:  
 Date Approved: 11-Mar-80  
 Subdivision Plat No.: 294  
 Retaining Wall: 23' to 1'-6"  
 BDA Approval of Wall Location in Front Yard Setback - Cedar Springs Road.  
 Length - Side Street: 0'  
 Height: 0'  
 Depth (Miscellaneous): 20'  
 Encroachment into Front Yard Setback - Cedar Springs Road.  
 Encroachment into Front Yard Setback - Sale Street.  
 Encroachment into Side Yard Setback: 10'

Sideyard: 4'  
 Encroachment into Cedar Springs Road: 4'  
 Sideyard width along Sale Street: 4'

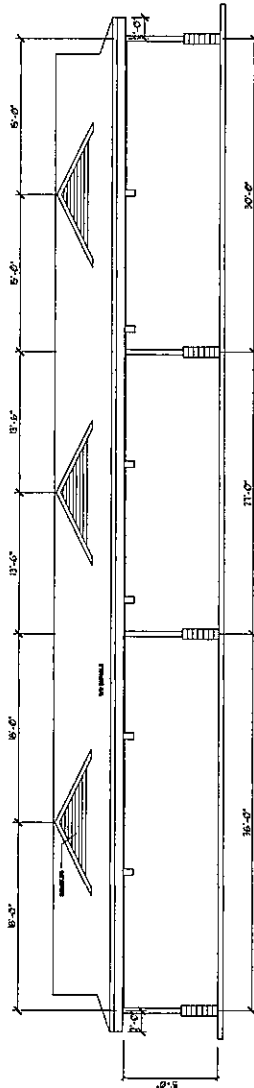
OT, Street, Parking: 20'  
 Required Parking based on BDA action March 11, 1980.  
 Permissible (Gravel) Surface Approved by BDA: 11-Mar-80



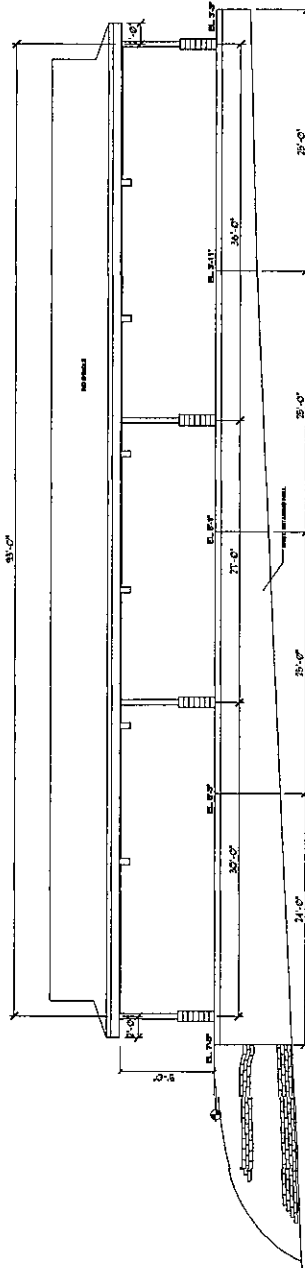




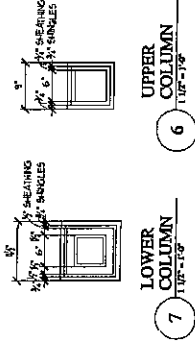
8 ROOF PLAN  
1/8" = 1'-0"



5 NORTHWEST ELEVATION  
1/8" = 1'-0"

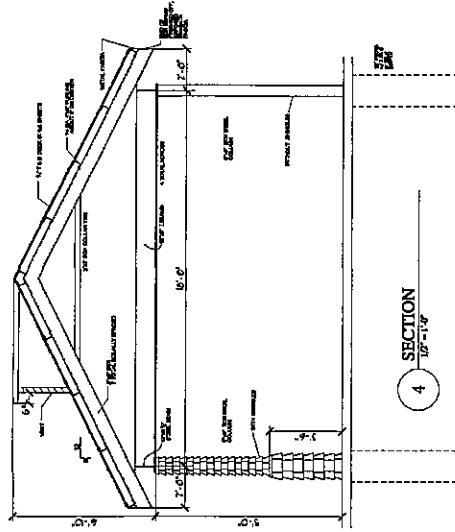


3 SOUTHEAST ELEVATION  
1/8" = 1'-0"

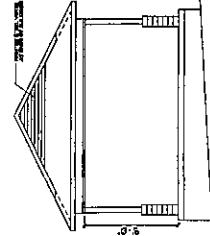


7

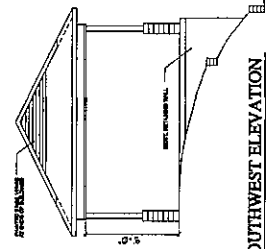
6



4



2 NORTHEAST ELEVATION  
1/8" = 1'-0"



1 SOUTHWEST ELEVATION  
1/8" = 1'-0"

CARPOR FOR  
3506 CEDAR SPRINGS RD.

JUNE 17, 2014

## 3506 Cedar Springs Road

### History:

- According to historical documents, the main structure was built in 1904 and was a residential structure.
- There was (is) an existing retaining wall located along Sale Street, which ranges from a height of 3' 3" to 7' 5" and wraps the corner of the property on the east side. This portion was constructed prior to 1979 but no records have been found to establish the exact date of its erection.
- Building permits were applied for in 1979 to convert the structure into an office use. Property was zoned as O-1 at that time.
- Access to the non-residential structure was required. A 20' x 50' access easement was obtained and dedicated for that purpose via plat S789-248 approved 12/14/1979.
- March 11, 1980 – a variance was granted by the Board of Adjustment allowing a retaining wall within the front yard along Cedar Springs Road as long as the wall was to be no more than 20' from that property line. (Chapter 51 setback for O-1 at that time was 25') Gravel parking was also permitted in the same action in order to protect the mature trees located on the property and that condition still exists today.
- A certificate of occupancy was issued for the office use 7/23/1980 with the current parking lot configuration.
- Designated a historic resource 10/24/1980.

### Special Exception – 45' Visibility Triangle (Intersection of Cedar Springs Rd and Sale St.):

Items located within the visibility triangle to be considered consist of vertical supports of the carport structure and shrubs along Sale Street.

- An exception to the visibility obstruction is requested due to:
  - Existence of a 7' 5" vertical structure (retaining wall) already on the property line, located within the 45' visibility triangle at the hard corner.
  - No way to reconfigure the site due to topography/drainage issues.
  - Sale Street is a local street and not a major arterial.
  - No adverse impact as the street intersection has approximately 15' linear visibility that is unobstructed, due to gradual slope of the subject property.

### Special Exception – 20' Visibility Triangle (Intersection of Sale St. and Driveway):

Items located within the visibility triangle to be considered consist of vertical supports of the carport structure and shrubs along Sale Street.

- An exception to the visibility obstruction is requested due to:

- Existence of 3' 3" vertical structure (retaining wall) already located within the visibility triangle.
- Additional 4' sidewalk between the retaining wall and back of curb contains vision obstructing utility poles on either side of the driveway.
- No adverse impact is anticipated.

**Front yard setback – Sale Street:**

- Since this carport cover was constructed after 1985, setbacks found in PD 193, O-2 regulations apply to this structure.
- Despite having condos to the east and north and apartments to the south, all areas surrounding the subject site are zoned O-2. Further, the structure is less than 24' in height; therefore, given these two conditions, no additional setbacks are required.
- Front yard setback is 20' along Sale Street. The carport cover supports are located approximately 6' 6" from the back of curb. The 6' 6" is comprised of the following:
  - 4' Existing sidewalk (outside the property line)
  - 1' Existing retaining wall (on the property line) ranging from 3' 3" in height at the intersection of Sale Street and the driveway to 7' 5" towards the intersection of Sale Street and Cedar Springs Road.
  - 2' Roof overhang
- A 19' 6" front yard setback variance is requested due to:
  - Existence of a vertical structure (retaining wall) already on the property line, located within the front yard along Sale Street.
  - Lack of side yard available to construct the carport cover in its entirety.
  - No way to reconfigure the site due to topography/drainage issues – restrictive in slope and area.
  - The historic characteristics of the main structure - a carport cover cannot attach to that structure.
  - Mature trees on the site preserved - removal of those trees for the carport cover is not recommended.
  - Sale Street is a local street and not a major arterial.
  - No adverse impact on neighboring properties.

**Side yard setback:**

- Side yard setback is 10'. The focus of this part of the request is the side yard on the east side at the driveway.
- Carport cover supports are located 3' from the side property line. The cover has a 3' overhang to the side property line.
- A 10' side yard setback variance is requested due to:
  - Existence of vertical structures within the side yard: retaining wall and an existing back porch (part of the main structure).

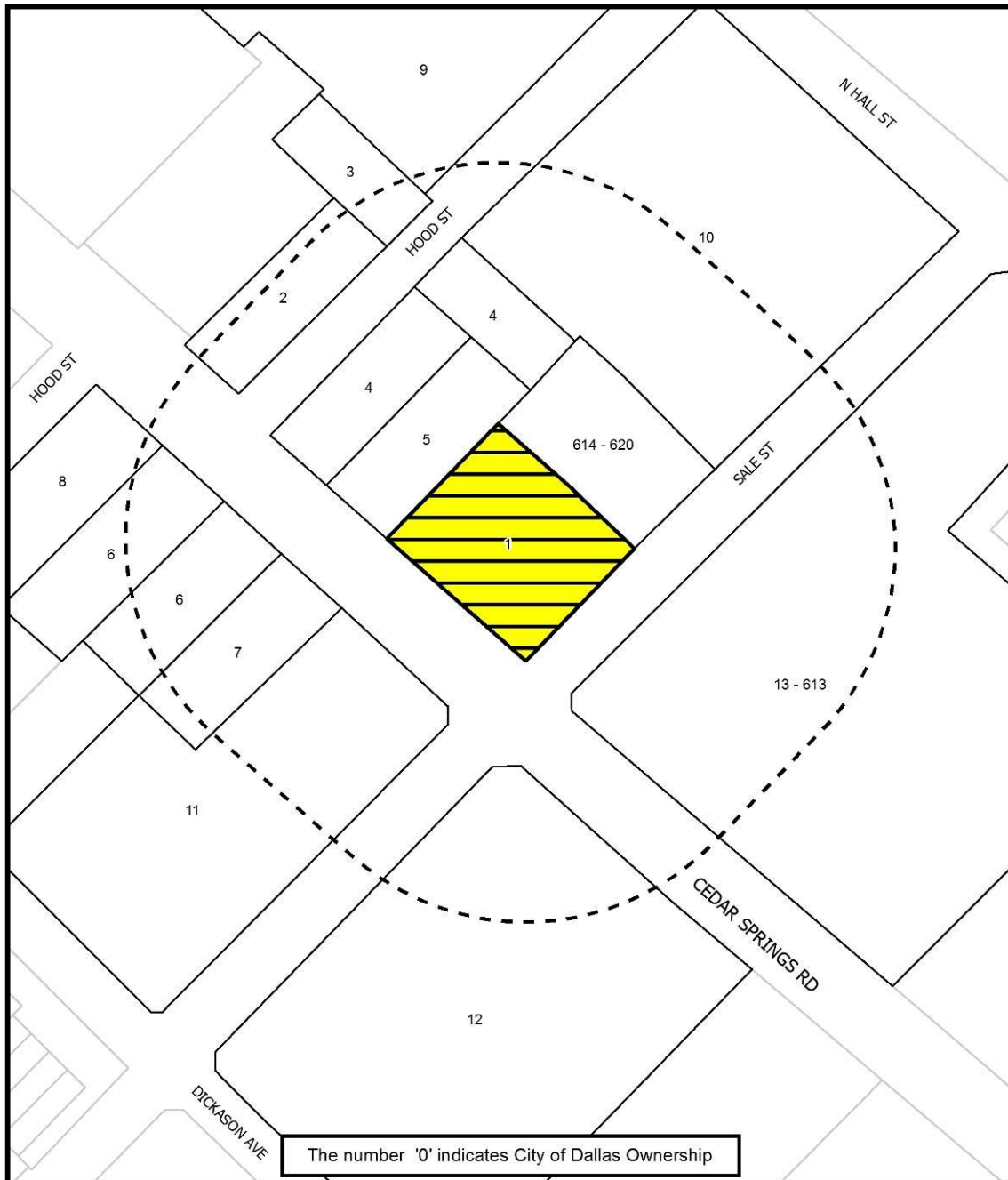
- Lack of sufficient side yard to incorporate the carport cover in its entirety – restrictive in area.
- There is a 20' wide access easement immediately adjacent to the side property line. Since the easement does provide another 20' controlled by the applicant as part of the property, no adverse impact on neighboring properties is anticipated.

**Landscape Special Exception:**

- An alternate landscape plan has been submitted for consideration due to the site's inability to meet the conditions of PD 193.
- Deficiencies pertain to the street trees along Sale and Cedar Springs and parking lot screening along Cedar Springs. Both of these conditions existed prior to the construction of the carport cover.
- No trees or other vegetation were removed to construct the carport cover.







 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA134-082</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;">620</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>8/20/2014</b>



# *Notification List of Property Owners*

**BDA134-082**

**620 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3506 CEDAR SPRINGS RD	SPC CEDAR SPRINGS LLC
2	3526 CEDAR SPRINGS RD	CUTSHALL RALPH TR & HANNAH TR
3	3113 HOOD ST	CUTSHALL HANNAH D TR & RALPH S TR
4	3520 CEDAR SPRINGS RD	DRAGON PARK LP
5	3514 CEDAR SPRINGS RD	CEDAR SPRINGS MGMT LTD
6	3515 CEDAR SPRINGS RD	WINHAVIR LP
7	3511 CEDAR SPRINGS RD	Z7 GROUP INC
8	3525 CEDAR SPRINGS RD	3525 EXECUTIVE SUITES LLC
9	3141 HOOD ST	W&K HOOD STREET PTNR LP
10	3535 HALL ST	3535 N HALL ST LLC
11	3001 SALE ST	CWS ROYALE FRANCISCAN LP
12	3427 CEDAR SPRINGS RD	CEDAR SPRINGS PT MFA LP
13	3225 TURTLE CREEK BLVD	SCOTT EDWARD MANAGEMENT TRUST THE
14	3225 TURTLE CREEK BLVD	PORTER HAZEL
15	3225 TURTLE CREEK BLVD	T F W MANAGEMENT INC
16	3225 TURTLE CREEK BLVD	COONER REBECCA
17	3225 TURTLE CREEK BLVD	COUCH ZACHARY
18	3225 TURTLE CREEK BLVD	DEUTSCHE BANK
19	3225 TURTLE CREEK BLVD	LOMBARDO PEDRO A
20	3225 TURTLE CREEK BLVD	JACOBOWSKI THOMAS J &
21	3225 TURTLE CREEK BLVD	MICHAEL RICKY
22	3225 TURTLE CREEK BLVD	BATLLE FRANCISCO J
23	3225 TURTLE CREEK BLVD	DELGADO GLORIA TATIS &
24	3225 TURTLE CREEK BLVD	GILBERT FRANCES M
25	3225 TURTLE CREEK BLVD	SINCLAIR MARGARET TRUSTEE
26	3225 TURTLE CREEK BLVD	HEARN JUSTIN

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3225 TURTLE CREEK BLVD	ROST DAVID B & JENNIFER L
28	3225 TURTLE CREEK BLVD	MATHEW NEIL G
29	3225 TURTLE CREEK BLVD	MEWHIRTER MATTHEW
30	3225 TURTLE CREEK BLVD	DRYER WILLIAM J ETAL
31	3225 TURTLE CREEK BLVD	NOVAKOWSKI JOY
32	3225 TURTLE CREEK BLVD	PATEL PARAG & ADITI
33	3225 TURTLE CREEK BLVD	KHONSARI AMIR EFTEKHARI
34	3225 TURTLE CREEK BLVD	GARCIA LEE
35	3225 TURTLE CREEK BLVD	LIESNER DARLENE
36	3225 TURTLE CREEK BLVD	BLAKESLEY DAVID WAYNE &
37	3225 TURTLE CREEK BLVD	FLORES RICARDO
38	3225 TURTLE CREEK BLVD	CALDWELL ROGER & KIMBERLY S
39	3225 TURTLE CREEK BLVD	NEMETH IRA
40	3225 TURTLE CREEK BLVD	SANTIAGO SAMUEL
41	3225 TURTLE CREEK BLVD	MCCANCE MELISSA
42	3225 TURTLE CREEK BLVD	CHIEN NANCY K
43	3225 TURTLE CREEK BLVD	DEAN MICHAEL R & KAREN D
44	3225 TURTLE CREEK BLVD	BRISCOE SHEILA A
45	3225 TURTLE CREEK BLVD	ADAMS ARMELIA A
46	3225 TURTLE CREEK BLVD	BLEU-LAINE GILLES-ARNAUD
47	3225 TURTLE CREEK BLVD	MCCALLISTER RONALD D &
48	3225 TURTLE CREEK BLVD	WALKER ARTHUR L &
49	3225 TURTLE CREEK BLVD	MORALES MICHAEL D
50	3225 TURTLE CREEK BLVD	MALLON SCOTT E
51	3225 TURTLE CREEK BLVD	STEFKA IRIS
52	3225 TURTLE CREEK BLVD	DREYER WILLIAM E &
53	3225 TURTLE CREEK BLVD	FETZER MARC
54	3225 TURTLE CREEK BLVD	KIM HORTON
55	3225 TURTLE CREEK BLVD	ORR DONNIE M & ALICE M
56	3225 TURTLE CREEK BLVD	NICHOLS MICHAELA A
57	3225 TURTLE CREEK BLVD	GROSHEK JESSICA L

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3225 TURTLE CREEK BLVD	OWSTON RICHARD G & DONNA K
59	3225 TURTLE CREEK BLVD	EASTERLING FRANKLIN
60	3225 TURTLE CREEK BLVD	MEZZOUR ANIS
61	3225 TURTLE CREEK BLVD	LONE STAR FAMILY TRUST
62	3225 TURTLE CREEK BLVD	LOGGINS BARRY SR & DIANE
63	3225 TURTLE CREEK BLVD	ANDERSON ALLAN L & KAY K
64	3225 TURTLE CREEK BLVD	BATES KAREN
65	3225 TURTLE CREEK BLVD	SPERBER LAURA
66	3225 TURTLE CREEK BLVD	CLAUS JAMES H
67	3225 TURTLE CREEK BLVD	YOPP TRISTAN
68	3225 TURTLE CREEK BLVD	SCHENCK ANDY W
69	3225 TURTLE CREEK BLVD	MERCADANTE PATRICK J &
70	3225 TURTLE CREEK BLVD	MEADOR GLENN JR & RACHEL Z
71	3225 TURTLE CREEK BLVD	CAMP TAMMY D &
72	3225 TURTLE CREEK BLVD	KURLAKOWSKY KRISTYN
73	3225 TURTLE CREEK BLVD	TRIMMER JENNIFER R
74	3225 TURTLE CREEK BLVD	BULL BRIAN W
75	3225 TURTLE CREEK BLVD	BIELAMOWICZ CORNELIUS &
76	3225 TURTLE CREEK BLVD	KAPUR ASHISH
77	3225 TURTLE CREEK BLVD	VELOZ GEORGE & ANGELINA
78	3225 TURTLE CREEK BLVD	LEIBASCHOFF GUSTAVO &
79	3225 TURTLE CREEK BLVD	LACARRA ANTONIO
80	3225 TURTLE CREEK BLVD	JAROSKI NATALIE &
81	3225 TURTLE CREEK BLVD	VICTEC INTERNATIONAL LLC
82	3225 TURTLE CREEK BLVD	DENTON IRA C &
83	3225 TURTLE CREEK BLVD	RIEGEL DARRELL
84	3225 TURTLE CREEK BLVD	SMITH KATHRYN G
85	3225 TURTLE CREEK BLVD	TURNER RICK
86	3225 TURTLE CREEK BLVD	ARISTY ARISMENDY NICOLAS
87	3225 TURTLE CREEK BLVD	GARAY ROGER &
88	3225 TURTLE CREEK BLVD	TORRES DENNIS M ET AL

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	3225 TURTLE CREEK BLVD	SINCLAIR MARGARET TRUSTEE
90	3225 TURTLE CREEK BLVD	YOUNG ALISHA Y
91	3225 TURTLE CREEK BLVD	STOMAN NICHOLAAS
92	3225 TURTLE CREEK BLVD	HAJJ WALID
93	3225 TURTLE CREEK BLVD	CHUNG PAUL
94	3225 TURTLE CREEK BLVD	HALI ASAF
95	3225 TURTLE CREEK BLVD	CROUCH J MITCHELL &
96	3225 TURTLE CREEK BLVD	CHIEN ALISON L &
97	3225 TURTLE CREEK BLVD	LOBRAICO JENNIFER A
98	3225 TURTLE CREEK BLVD	RODRIGUEZ JAVIER M
99	3225 TURTLE CREEK BLVD	TOLAND JANICE
100	3225 TURTLE CREEK BLVD	BEGUM ISHRAT JEHAN
101	3225 TURTLE CREEK BLVD	LEWIS LUCINDA J
102	3225 TURTLE CREEK BLVD	O TONY & YOUNG KYUNG SUH
103	3225 TURTLE CREEK BLVD	SOUZA NAOMI & JONATHAN
104	3225 TURTLE CREEK BLVD	MUNCIE DIANNA
105	3225 TURTLE CREEK BLVD	GWITE FLORENCE N
106	3225 TURTLE CREEK BLVD	CONRAD SARAH M &
107	3225 TURTLE CREEK BLVD	WRIGHT PAUL & ALISON
108	3225 TURTLE CREEK BLVD	ROLIM GEVERSON
109	3225 TURTLE CREEK BLVD	MCDERMOTT JOHN P
110	3225 TURTLE CREEK BLVD	LEAHY DEDIE
111	3225 TURTLE CREEK BLVD	BROOKS JOANNA
112	3225 TURTLE CREEK BLVD	WILEMON ALAYNE
113	3225 TURTLE CREEK BLVD	FINLEY STEPHEN M &
114	3225 TURTLE CREEK BLVD	WAN SZE KAR &
115	3225 TURTLE CREEK BLVD	DAVIS STEPHEN B
116	3225 TURTLE CREEK BLVD	FIGUEROA STEPHEN A &
117	3225 TURTLE CREEK BLVD	MCLEAN KATHLEEN
118	3225 TURTLE CREEK BLVD	DEAN ASAD
119	3225 TURTLE CREEK BLVD	SWEENEY CHARLES M & SHANNON H &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	3225 TURTLE CREEK BLVD	SEIDEL LAURIE
121	3225 TURTLE CREEK BLVD	ALEXANDER THOMAS H &
122	3225 TURTLE CREEK BLVD	MAGEE JAMES M
123	3225 TURTLE CREEK BLVD	HOPPER KELLY M
124	3225 TURTLE CREEK BLVD	WRIGHT CHERYL
125	3225 TURTLE CREEK BLVD	WOODS SCOTT ALLEN
126	3225 TURTLE CREEK BLVD	CORDERO LUIS
127	3225 TURTLE CREEK BLVD	LESSER AMICHAH ETAL &
128	3225 TURTLE CREEK BLVD	MEEKS JOSHUA A
129	3225 TURTLE CREEK BLVD	HAREN MARY A
130	3225 TURTLE CREEK BLVD	TURBEVILLE JUSTIN K
131	3225 TURTLE CREEK BLVD	GRANT SHANNON & DANIELLE
132	3225 TURTLE CREEK BLVD	LATHAM GRANVILLE
133	3225 TURTLE CREEK BLVD	POKORSKI CHARLES J &
134	3225 TURTLE CREEK BLVD	SHAIKH NAVEED &
135	3225 TURTLE CREEK BLVD	ORDONEZ MYRNA
136	3225 TURTLE CREEK BLVD	MAEDA SONIA A
137	3225 TURTLE CREEK BLVD	PASCUAL VIRGINIA &
138	3225 TURTLE CREEK BLVD	SUMMEROUR SHELLY
139	3225 TURTLE CREEK BLVD	ARREDONDO RODOLFO
140	3225 TURTLE CREEK BLVD	MEZA GEORGE
141	3225 TURTLE CREEK BLVD	ROPER RONDA K
142	3225 TURTLE CREEK BLVD	NIEDERMEYER ANDREA
143	3225 TURTLE CREEK BLVD	MAZING HOMES LLC
144	3225 TURTLE CREEK BLVD	WALKER ROSLYN A
145	3225 TURTLE CREEK BLVD	MELLGREN STACEY
146	3225 TURTLE CREEK BLVD	LEWIS MICHAEL RAY &
147	3225 TURTLE CREEK BLVD	KINZY H NORMAN & PAULINE
148	3225 TURTLE CREEK BLVD	YANUS MARGARET
149	3225 TURTLE CREEK BLVD	PATRICIA ELLEN LAU REV TR
150	3225 TURTLE CREEK BLVD	FIETSAM CHADLEY E

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	3225 TURTLE CREEK BLVD	REDDY JAYANTH V
152	3225 TURTLE CREEK BLVD	MORROW KATHLEEN
153	3225 TURTLE CREEK BLVD	CHOY DAVID & PATRICIA L
154	3225 TURTLE CREEK BLVD	RICO ANGEL
155	3225 TURTLE CREEK BLVD	ROSENBERG JONATHAN
156	3225 TURTLE CREEK BLVD	BERRYHILL REVOCABLE TRUST
157	3225 TURTLE CREEK BLVD	COOLEY SUSAN
158	3225 TURTLE CREEK BLVD	CHIAVIELLO ASHLEIGH B
159	3225 TURTLE CREEK BLVD	WALLACE LOUISE L
160	3225 TURTLE CREEK BLVD	KELLEY CLARENCE
161	3225 TURTLE CREEK BLVD	ROSENBERGER GLENN
162	3225 TURTLE CREEK BLVD	PATIL ABHITABH
163	3225 TURTLE CREEK BLVD	DONER BONNIE & ROBERT
164	3225 TURTLE CREEK BLVD	KARAMALLY ZAHOOR A
165	3225 TURTLE CREEK BLVD	BRASWELL HARVEY V & KAREN
166	3225 TURTLE CREEK BLVD	GRAVES HERBERT C IV
167	3225 TURTLE CREEK BLVD	SKY PROFESSIONAL INVESTMENTS INC
168	3225 TURTLE CREEK BLVD	KASHOID DENIS & LYNDISAY MURRAY
169	3225 TURTLE CREEK BLVD	FERNANDEZ ERNESTO M
170	3225 TURTLE CREEK BLVD	HALI ASAF
171	3225 TURTLE CREEK BLVD	MARTINEZ MATISSE M &
172	3225 TURTLE CREEK BLVD	HUKIC OMER & SONJA
173	3225 TURTLE CREEK BLVD	BEACH DENNIS E
174	3225 TURTLE CREEK BLVD	LUDER HOWARD L &
175	3225 TURTLE CREEK BLVD	RAMEZAN FRED TR
176	3225 TURTLE CREEK BLVD	DND TRUST
177	3225 TURTLE CREEK BLVD	NIEDERMEYER VALERY A
178	3225 TURTLE CREEK BLVD	FANNIE MAE
179	3225 TURTLE CREEK BLVD	TONELLI ROMINA M
180	3225 TURTLE CREEK BLVD	PANTELY CLORINDA & PAUL D
181	3225 TURTLE CREEK BLVD	SCOTT ROBERT R JR & SUSAN J

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	3225 TURTLE CREEK BLVD	TUDOR GREGORY D & DEBORAH R
183	3225 TURTLE CREEK BLVD	BALARSKY BRIAN A &
184	3225 TURTLE CREEK BLVD	LO HELEN
185	3225 TURTLE CREEK BLVD	SOLK ANGELA L
186	3225 TURTLE CREEK BLVD	TU PENG CHU BENJAMIN
187	3225 TURTLE CREEK BLVD	GIAMELLO ANTHONY M
188	3225 TURTLE CREEK BLVD	COOK BRAD M
189	3225 TURTLE CREEK BLVD	KERBY TROY W
190	3225 TURTLE CREEK BLVD	EGHDAMI AEMEH &
191	3225 TURTLE CREEK BLVD	DREW LORCAN EDWARD
192	3225 TURTLE CREEK BLVD	KAYYAL SIMON Y &
193	3225 TURTLE CREEK BLVD	DAVIS JERROD
194	3225 TURTLE CREEK BLVD	ABBOUD JOSEPH
195	3225 TURTLE CREEK BLVD	AYALA EVINES
196	3225 TURTLE CREEK BLVD	HARRIS CHERYL L
197	3225 TURTLE CREEK BLVD	WRIGHT LEMOINE
198	3225 TURTLE CREEK BLVD	KIRSTEN CORNELIA J & NICO
199	3225 TURTLE CREEK BLVD	MULKEY ERIC W
200	3225 TURTLE CREEK BLVD	KELLEY ANITA L
201	3225 TURTLE CREEK BLVD	ANSARI HAMID
202	3225 TURTLE CREEK BLVD	SACKETT KIMBERLY
203	3225 TURTLE CREEK BLVD	OWENS HAYWOOD
204	3225 TURTLE CREEK BLVD	HUYNH KEVIN
205	3225 TURTLE CREEK BLVD	MCKENNETT MICHELLE D
206	3225 TURTLE CREEK BLVD	MYUNG ROE & AHRIM
207	3225 TURTLE CREEK BLVD	GANESH CHAT P & LALITHA
208	3225 TURTLE CREEK BLVD	RODRIGUEZ RONALD L & LORI
209	3225 TURTLE CREEK BLVD	RADOMSKI LAUREN &
210	3225 TURTLE CREEK BLVD	MAYON MIKE
211	3225 TURTLE CREEK BLVD	FANNIE MAE
212	3225 TURTLE CREEK BLVD	GHODSI PARI M

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	3225 TURTLE CREEK BLVD	STAGGS WILLIAM F JR
214	3225 TURTLE CREEK BLVD	KENNEDY LESLIE A
215	3225 TURTLE CREEK BLVD	CORBIN FAMILY REVOCABLE TRUST
216	3225 TURTLE CREEK BLVD	SEAY MICHAEL
217	3225 TURTLE CREEK BLVD	CAMPBELL EDWARD J &
218	3225 TURTLE CREEK BLVD	MOGHADAM ALI
219	3225 TURTLE CREEK BLVD	SKY PROFESSIONAL IVNESTMENTS INC
220	3225 TURTLE CREEK BLVD	LE JOHNATHAN
221	3225 TURTLE CREEK BLVD	HALI ASAF
222	3225 TURTLE CREEK BLVD	HADAVAND REZA
223	3225 TURTLE CREEK BLVD	WRIGHT PAIGE H
224	3225 TURTLE CREEK BLVD	LEPP JANICE
225	3225 TURTLE CREEK BLVD	AVERY SARAH
226	3225 TURTLE CREEK BLVD	PELOSOF LORRAINE C
227	3225 TURTLE CREEK BLVD	CLINE FAMILY TRUST FBO WILLIAM
228	3225 TURTLE CREEK BLVD	JONES ALICIA LANE
229	3225 TURTLE CREEK BLVD	MAJUMDER ANANYA
230	3225 TURTLE CREEK BLVD	MILAM ADAM
231	3225 TURTLE CREEK BLVD	WOOLFORK TINA TR
232	3225 TURTLE CREEK BLVD	GERALD ROBERT E
233	3225 TURTLE CREEK BLVD	DOYLE TIMOTHY B &
234	3225 TURTLE CREEK BLVD	STEVENS TYLER C
235	3225 TURTLE CREEK BLVD	FEDERAL NATIONAL MORTGAGE ASSOCIATION
236	3225 TURTLE CREEK BLVD	LESNIEWSKI LORI A
237	3225 TURTLE CREEK BLVD	BARNEY FRED O JR &
238	3225 TURTLE CREEK BLVD	SANDS MICHAEL J
239	3225 TURTLE CREEK BLVD	WEST SARALEA
240	3225 TURTLE CREEK BLVD	CIOCH JOHN J
241	3225 TURTLE CREEK BLVD	HENNEBERG WILLIAM H III
242	3225 TURTLE CREEK BLVD	MCKAY LAURIE A
243	3225 TURTLE CREEK BLVD	WOOD ERIN M



<i>Label #</i>	<i>Address</i>	<i>Owner</i>
244	3225	TURTLE CREEK BLVD DONAHUE PATRICK K
245	3225	TURTLE CREEK BLVD HEIDE JACKIE
246	3225	TURTLE CREEK BLVD MURPHY GARY
247	3225	TURTLE CREEK BLVD MARASLIOGLU SAHIN & DIKRANUHI
248	3225	TURTLE CREEK BLVD STUENKEL ROBERT L
249	3225	TURTLE CREEK BLVD DIAZ CELINA M
250	3225	TURTLE CREEK BLVD KNOBBE BERNARD C
251	3225	TURTLE CREEK BLVD ENGLAND JULIE S & ROBERT W
252	3225	TURTLE CREEK BLVD GOLDMAN JEANIE
253	3225	TURTLE CREEK BLVD KRIDER SUE
254	3225	TURTLE CREEK BLVD KOVAL JOHN & LAURA
255	3225	TURTLE CREEK BLVD TAGGART KEVIN J & JULIE A
256	3225	TURTLE CREEK BLVD LEE VIVIAN S
257	3225	TURTLE CREEK BLVD DURKAN MARTIN
258	3225	TURTLE CREEK BLVD MACLEOD MARY A
259	3225	TURTLE CREEK BLVD GRESHAM RONALD DEAN
260	3225	TURTLE CREEK BLVD DUNCAN JOHN M & AMANDA M
261	3225	TURTLE CREEK BLVD MOSTAFAIE ALIREZA
262	3225	TURTLE CREEK BLVD KARLOCK KENDRA
263	3225	TURTLE CREEK BLVD WALLS DAVID & JANA
264	3225	TURTLE CREEK BLVD PAYNE JONATHAN M &
265	3225	TURTLE CREEK BLVD HOCHSCHULER JOSHUA H
266	3225	TURTLE CREEK BLVD LUCIO JESSE & ERICK L
267	3225	TURTLE CREEK BLVD KUSTOFF JULIE
268	3225	TURTLE CREEK BLVD GRIFFITH CARROLL &
269	3225	TURTLE CREEK BLVD FAIR ROGERS P JR
270	3225	TURTLE CREEK BLVD MAMLOUK RANIA
271	3225	TURTLE CREEK BLVD YOUNG MARK D
272	3225	TURTLE CREEK BLVD ALATTAR MONA LISA
273	3225	TURTLE CREEK BLVD LESLEY PEGGY
274	3225	TURTLE CREEK BLVD CHEEMA ROOHI

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275	3225 TURTLE CREEK BLVD	MADDUR SHANTA D
276	3225 TURTLE CREEK BLVD	BONA FABRIZO U & MELISSA
277	3225 TURTLE CREEK BLVD	KO JACKY M
278	3225 TURTLE CREEK BLVD	KLATT ERNEST M III
279	3225 TURTLE CREEK BLVD	MARTINEZ FRANCISCO JAVIER C
280	3225 TURTLE CREEK BLVD	AGAN ASHLEY D &
281	3225 TURTLE CREEK BLVD	SAUER GARY L & CLAUDIA M
282	3225 TURTLE CREEK BLVD	CASTOR LAWRENCE &
283	3225 TURTLE CREEK BLVD	SAGINAW MICHAEL
284	3225 TURTLE CREEK BLVD	BROWNFIELD GARY
285	3225 TURTLE CREEK BLVD	GUEMES FRANISCO JAVIER
286	3225 TURTLE CREEK BLVD	SHAFFER DIANA L
287	3225 TURTLE CREEK BLVD	NGUYEN LINH AI &
288	3225 TURTLE CREEK BLVD	CALDWELL DANIEL & ROBIN
289	3225 TURTLE CREEK BLVD	EDWARDS HAL
290	3225 TURTLE CREEK BLVD	EVANS BRIAN E
291	3225 TURTLE CREEK BLVD	GONZALES CYNTHIA
292	3225 TURTLE CREEK BLVD	RIGGAN NORVILLE
293	3225 TURTLE CREEK BLVD	REECE BOBBY N
294	3225 TURTLE CREEK BLVD	DELVECCHIO JOHN
295	3225 TURTLE CREEK BLVD	KIM EUNSUP
296	3225 TURTLE CREEK BLVD	COLOMBO DANIEL J
297	3225 TURTLE CREEK BLVD	MILLS ANDREW D & LEE A
298	3225 TURTLE CREEK BLVD	EDWARDS WILLIAM B & RHONDA M
299	3225 TURTLE CREEK BLVD	SPACKMAN PAMELA K
300	3225 TURTLE CREEK BLVD	AHEARN STEVEN P &
301	3225 TURTLE CREEK BLVD	HIRST NORMA & ENZIO
302	3225 TURTLE CREEK BLVD	RICHARDSCARTY CHERRI J
303	3225 TURTLE CREEK BLVD	
304	3225 TURTLE CREEK BLVD	BROWN LAURIE R
305	3225 TURTLE CREEK BLVD	EVSEEV EKATERINA V & PETER E

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306	3225	TURTLE CREEK BLVD ELMORE MERRY
307	3225	TURTLE CREEK BLVD CANTON MICHAEL
308	3225	TURTLE CREEK BLVD PRICE JORDAN S
309	3225	TURTLE CREEK BLVD SMITH MEREDITH C
310	3225	TURTLE CREEK BLVD NOREN ROBERT
311	3225	TURTLE CREEK BLVD JENKINS NATALIE L
312	3225	TURTLE CREEK BLVD SPERO KIMBERLY
313	3225	TURTLE CREEK BLVD KULKARNI MONA S
314	3225	TURTLE CREEK BLVD KRAMER HILLARY MORRISON
315	3225	TURTLE CREEK BLVD COOK MICHAEL
316	3225	TURTLE CREEK BLVD SUDDHIPRAKARN SUMITT &
317	3225	TURTLE CREEK BLVD DONOVAN GEORGE J III
318	3225	TURTLE CREEK BLVD STRACHAN PROPERTIES LLC
319	3225	TURTLE CREEK BLVD GORAL ALEXANDER
320	3225	TURTLE CREEK BLVD ALSTON WILLIAM W III
321	3225	TURTLE CREEK BLVD RUBLE EILEEN M
322	3225	TURTLE CREEK BLVD WILLIAMS CHARLES & CHERYL
323	3225	TURTLE CREEK BLVD WASHINGTON RODNEY
324	3225	TURTLE CREEK BLVD FARIAS JAMES E
325	3225	TURTLE CREEK BLVD COONS ROBERT A &
326	3225	TURTLE CREEK BLVD DUNHAM JAMIE K & WILLIAM
327	3225	TURTLE CREEK BLVD JAIN SHEENA K &
328	3225	TURTLE CREEK BLVD JONES ANN LUTZ
329	3225	TURTLE CREEK BLVD COMMUNICATIONS DISTRIBUTORS INC
330	3225	TURTLE CREEK BLVD COLOMBO PATRICK G &
331	3225	TURTLE CREEK BLVD LACARRA ANTONIO
332	3225	TURTLE CREEK BLVD FANG SUE
333	3225	TURTLE CREEK BLVD UBINAS CARLOS R
334	3225	TURTLE CREEK BLVD TONELLI ROMINA M &
335	3225	TURTLE CREEK BLVD FEIKEMA JOHN & DAWN
336	3225	TURTLE CREEK BLVD WALLACE WILLIAM H

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337	3225 TURTLE CREEK BLVD	LANTZ BRAD & LISA
338	3225 TURTLE CREEK BLVD	KERSEY ASHLEY
339	3225 TURTLE CREEK BLVD	DUFFY PAMELA C
340	3225 TURTLE CREEK BLVD	MESSENGER CLYDE
341	3225 TURTLE CREEK BLVD	VRLA KELLI
342	3225 TURTLE CREEK BLVD	ABRAHAM CHARLES T
343	3225 TURTLE CREEK BLVD	SIMS MARK A
344	3225 TURTLE CREEK BLVD	PINE TREE REAL E INV INC
345	3225 TURTLE CREEK BLVD	PANT GARVIT
346	3225 TURTLE CREEK BLVD	PENOT CHARLES R JR
347	3225 TURTLE CREEK BLVD	DREW RACHEL M & RICHARD WILLEMIN
348	3225 TURTLE CREEK BLVD	KORAB JEANETTE
349	3225 TURTLE CREEK BLVD	KORAB JEANETTE
350	3225 TURTLE CREEK BLVD	GERMANWALA SAMIR V &
351	3225 TURTLE CREEK BLVD	MANDEL GARY & MILA &
352	3225 TURTLE CREEK BLVD	BLAIR RACHEL A
353	3225 TURTLE CREEK BLVD	FRIEDMAN JACQUELINE
354	3225 TURTLE CREEK BLVD	SAYFIE JAN T
355	3225 TURTLE CREEK BLVD	THERIOT E ROBERT &
356	3225 TURTLE CREEK BLVD	RINCON ANDRES F
357	3225 TURTLE CREEK BLVD	MILLAR DARYL
358	3225 TURTLE CREEK BLVD	IRAHS LLC
359	3225 TURTLE CREEK BLVD	REZNIK YAIR
360	3225 TURTLE CREEK BLVD	TROMPLER CORY
361	3225 TURTLE CREEK BLVD	SHI BING
362	3225 TURTLE CREEK BLVD	CLELAND DONNA B
363	3225 TURTLE CREEK BLVD	RUSSELL THOMAS L JR &
364	3225 TURTLE CREEK BLVD	CORNELL DOUGLAS T &
365	3225 TURTLE CREEK BLVD	SMOLENSKY FERNANDO &
366	3225 TURTLE CREEK BLVD	SCOTT JUDITH L
367	3225 TURTLE CREEK BLVD	HEAD KEITH L &

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368	3225 TURTLE CREEK BLVD	BEISER STEVEN P
369	3225 TURTLE CREEK BLVD	REDDY JAYAPRAKASH N & JYOTHI J
370	3225 TURTLE CREEK BLVD	GLENDENNING BRITTANY NOELLE &
371	3225 TURTLE CREEK BLVD	DASH RANGADHAR
372	3225 TURTLE CREEK BLVD	QUINONES RAUL & MIGDALIA FERNANDEZ
373	3225 TURTLE CREEK BLVD	STEWART DOUGLAS N
374	3225 TURTLE CREEK BLVD	GREGORY J MINOR & EMILY
375	3225 TURTLE CREEK BLVD	MADNANI KUNAL M
376	3225 TURTLE CREEK BLVD	MOOSCHEKIAN TERRY TR &
377	3225 TURTLE CREEK BLVD	LITTWITZ DAVID & IRIS
378	3225 TURTLE CREEK BLVD	GIRALDO HERNAN F
379	3225 TURTLE CREEK BLVD	WALLS DAVID
380	3225 TURTLE CREEK BLVD	ONEIL MICHELLE M & JOHN
381	3225 TURTLE CREEK BLVD	GILBERT ANDREW T
382	3225 TURTLE CREEK BLVD	MARTINEZ MARCO A
383	3225 TURTLE CREEK BLVD	HARRIS J JOE & DIANA H
384	3225 TURTLE CREEK BLVD	WALKER DONALD E III
385	3225 TURTLE CREEK BLVD	PEYROVI LILLY
386	3225 TURTLE CREEK BLVD	LUFESA INV PPTIES LLC
387	3225 TURTLE CREEK BLVD	SAMEI ROZITA &
388	3225 TURTLE CREEK BLVD	HANNIFIN DANIELLE
389	3225 TURTLE CREEK BLVD	LYNCH SHANE A
390	3225 TURTLE CREEK BLVD	KHAVARI ROD B
391	3225 TURTLE CREEK BLVD	DAVID SIKORA FAMILY TRUST
392	3225 TURTLE CREEK BLVD	CORTEZ GLORIA J
393	3225 TURTLE CREEK BLVD	ORTIZ LUIS A
394	3225 TURTLE CREEK BLVD	RYER WADE T
395	3225 TURTLE CREEK BLVD	LIES JOHN J &
396	3225 TURTLE CREEK BLVD	MCDANIEL TAYLOR J
397	3225 TURTLE CREEK BLVD	ROCKSTROH HOLDINGS LLC
398	3225 TURTLE CREEK BLVD	TARTIBI MOHSEN & HANA

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399	3225 TURTLE CREEK BLVD	JHANGIANI NARAIN & LALITA
400	3225 TURTLE CREEK BLVD	ANDERSON CHERYL C
401	3225 TURTLE CREEK BLVD	GARZA DAVID SEPULVEDA
402	3225 TURTLE CREEK BLVD	AKIVA RONEN & MICHAEL B
403	3225 TURTLE CREEK BLVD	HARRELL ZELLA K
404	3225 TURTLE CREEK BLVD	SADA MATIAS D & ETAL
405	3225 TURTLE CREEK BLVD	JL PPTY INV LLC JL TURTLE CREEK SERIES
406	3225 TURTLE CREEK BLVD	PURDY BRIAN S & LESLIE H
407	3225 TURTLE CREEK BLVD	SINGH SUDARSHAN & HELENE
408	3225 TURTLE CREEK BLVD	DIDI LUNNA LLC
409	3225 TURTLE CREEK BLVD	KOWALSKI ELIZABETH
410	3225 TURTLE CREEK BLVD	WONG KRISTIN
411	3225 TURTLE CREEK BLVD	BEAN JASON
412	3225 TURTLE CREEK BLVD	NI HAO
413	3225 TURTLE CREEK BLVD	WALKOWIAK STEVEN & JAIME
414	3225 TURTLE CREEK BLVD	KEENAN MATTHEW JOHN
415	3225 TURTLE CREEK BLVD	RENAISSANCE ON TURTLE CREEK CONDO ASSN
416	3225 TURTLE CREEK BLVD	ODEH ASHLEY D
417	3225 TURTLE CREEK BLVD	HOPKINS TIMOTHY
418	3225 TURTLE CREEK BLVD	BECK ERIC &
419	3225 TURTLE CREEK BLVD	KARIMI MANDY
420	3225 TURTLE CREEK BLVD	JEFFERS CHRISTOPHER D
421	3225 TURTLE CREEK BLVD	ALFARO DENISSE
422	3225 TURTLE CREEK BLVD	ARCHER ELIZABETH
423	3225 TURTLE CREEK BLVD	SHAVER HERBERT E
424	3225 TURTLE CREEK BLVD	RACTLIFFE COURTNEY V &
425	3225 TURTLE CREEK BLVD	WYLL MICHAEL
426	3225 TURTLE CREEK BLVD	CHARAN RAM
427	3225 TURTLE CREEK BLVD	HALL KASEY N
428	3225 TURTLE CREEK BLVD	KING DANIEL
429	3225 TURTLE CREEK BLVD	RAZVI FATIMA

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430	3225 TURTLE CREEK BLVD	WARE JASMINE &
431	3225 TURTLE CREEK BLVD	HERBERT SCOTT
432	3225 TURTLE CREEK BLVD	WHITWORTH LINA & BRIAN
433	3225 TURTLE CREEK BLVD	AMADOR MARISOL
434	3225 TURTLE CREEK BLVD	CASTLES STEPHEN C
435	3225 TURTLE CREEK BLVD	THAN THAN INVESTMENTS LTD
436	3225 TURTLE CREEK BLVD	MCCRARY KRISTIE K
437	3225 TURTLE CREEK BLVD	KINZY HARRY N &
438	3225 TURTLE CREEK BLVD	SILES MELISA &
439	3225 TURTLE CREEK BLVD	KOBLER CHRISTOPHER
440	3225 TURTLE CREEK BLVD	MODY ALKA
441	3225 TURTLE CREEK BLVD	KESSLER TIMOTHY
442	3225 TURTLE CREEK BLVD	OTT JESSICA
443	3225 TURTLE CREEK BLVD	STAMP DUANE M & LINDA E
444	3225 TURTLE CREEK BLVD	KEARNS THOMAS V
445	3225 TURTLE CREEK BLVD	MACHON ED &
446	3225 TURTLE CREEK BLVD	MORGAN MARK G
447	3225 TURTLE CREEK BLVD	KUCERA DOUGLAS &
448	3225 TURTLE CREEK BLVD	MALLEMPATI SRINIVAS ET AL
449	3225 TURTLE CREEK BLVD	IVEY EDWARD J JR
450	3225 TURTLE CREEK BLVD	JONES TAMEKIA
451	3225 TURTLE CREEK BLVD	MCDANIEL LISA K
452	3225 TURTLE CREEK BLVD	MEFTAHI ALIA
453	3225 TURTLE CREEK BLVD	HONG TIFFANY & TED Y
454	3225 TURTLE CREEK BLVD	GAGNET UNKEFER CORRINE
455	3225 TURTLE CREEK BLVD	SHETGIRI RASHMI
456	3225 TURTLE CREEK BLVD	CANNATA JAMES
457	3225 TURTLE CREEK BLVD	AHMED MOHAMMED SAYEED & KHALIDA
458	3225 TURTLE CREEK BLVD	LIU YONGJUN & YI HONG WANG
459	3225 TURTLE CREEK BLVD	RAHIM AHMED
460	3225 TURTLE CREEK BLVD	STEINWAY HILARY P.

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461	3225 TURTLE CREEK BLVD	MOHAN ALOK
462	3225 TURTLE CREEK BLVD	MURRAY NATALIE TRUSTEE
463	3225 TURTLE CREEK BLVD	TEAGUE TRAVIS M
464	3225 TURTLE CREEK BLVD	NORDSTROM JASON R & LEIGH F
465	3225 TURTLE CREEK BLVD	ZABANEH SOPHIA
466	3225 TURTLE CREEK BLVD	FOGLER JASON C
467	3225 TURTLE CREEK BLVD	MANCHANDA KSHITIJ &
468	3225 TURTLE CREEK BLVD	RASTOGI ANJANA & RAGHAV
469	3225 TURTLE CREEK BLVD	CHADDERDON KRISTY
470	3225 TURTLE CREEK BLVD	MOMAYEZI FARRAH
471	3225 TURTLE CREEK BLVD	REITER STEPHANIE J
472	3225 TURTLE CREEK BLVD	LU YEHUI
473	3225 TURTLE CREEK BLVD	MOSES BERNARD S
474	3225 TURTLE CREEK BLVD	DEFURIA LINDA M
475	3225 TURTLE CREEK BLVD	NESBITT GILDA D
476	3225 TURTLE CREEK BLVD	DELAGARZA FRANK
477	3225 TURTLE CREEK BLVD	FLANNERY EARLINE
478	3225 TURTLE CREEK BLVD	YEH YICHUN
479	3225 TURTLE CREEK BLVD	KING IVORY L
480	3225 TURTLE CREEK BLVD	RUSSELL STEPHEN & MELANY
481	3225 TURTLE CREEK BLVD	MULLENS DAVID B JR & JUDITH L
482	3225 TURTLE CREEK BLVD	DERINGER MATTHEW ROBERT
483	3225 TURTLE CREEK BLVD	PATEL RAJESH
484	3225 TURTLE CREEK BLVD	LARSON MARK & FAYE LARSON
485	3225 TURTLE CREEK BLVD	CAMPBELL JIM L
486	3225 TURTLE CREEK BLVD	GAULDING JON C SR
487	3225 TURTLE CREEK BLVD	NIX H KEITH
488	3225 TURTLE CREEK BLVD	UNTERBERG MARK P &
489	3225 TURTLE CREEK BLVD	VANCE JEFFREY D
490	3225 TURTLE CREEK BLVD	BAKER PRESTON B & NANCY
491	3225 TURTLE CREEK BLVD	FEDERAL HOME LOAN MORTGAGE CORP



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492	3225	TURTLE CREEK BLVD SULLIVAN PATRICK
493	3225	TURTLE CREEK BLVD KRALIS LESLEY E
494	3225	TURTLE CREEK BLVD CRONK M ESTELLE
495	3225	TURTLE CREEK BLVD JANKIRAMAN PAVAN
496	3225	TURTLE CREEK BLVD KHAYAI HUSNI R
497	3225	TURTLE CREEK BLVD PALINGINIS STEPHAN
498	3225	TURTLE CREEK BLVD SPARKS TAMMY A & RAMON A
499	3225	TURTLE CREEK BLVD REDDY KEVIN P
500	3225	TURTLE CREEK BLVD COFFEY ELIZABETH M
501	3225	TURTLE CREEK BLVD KRAWIETZ PAUL
502	3225	TURTLE CREEK BLVD MORGAN CHRIS B
503	3225	TURTLE CREEK BLVD NAIR CKP & SYAMALA C
504	3225	TURTLE CREEK BLVD HIGHTOWER ELIZABETH K
505	3225	TURTLE CREEK BLVD SAKS KATHRINE TORY & PAMELA E
506	3225	TURTLE CREEK BLVD BINFORD OSWALD &
507	3225	TURTLE CREEK BLVD JOHNSON DOUGLAS P
508	3225	TURTLE CREEK BLVD KUMAR DEVINDER S &
509	3225	TURTLE CREEK BLVD SWOFFORD JOE B III &
510	3225	TURTLE CREEK BLVD STEPHENSON SARAH E
511	3225	TURTLE CREEK BLVD LACARRA ADRIANNA
512	3225	TURTLE CREEK BLVD PARNELL WENDY
513	3225	TURTLE CREEK BLVD MCRUIZ ROBIN MARCH
514	3225	TURTLE CREEK BLVD BLAIR DONALD &
515	3225	TURTLE CREEK BLVD STARR NIKKI
516	3225	TURTLE CREEK BLVD CIOLLI JOSEPH M
517	3225	TURTLE CREEK BLVD ZOLNOWSKI PETER J
518	3225	TURTLE CREEK BLVD EDWARDS MICHAEL A
519	3225	TURTLE CREEK BLVD SPENCER JOSHUA L
520	3225	TURTLE CREEK BLVD KOGAN ALLAN J
521	3225	TURTLE CREEK BLVD JONES JAMES ADRIAN &
522	3225	TURTLE CREEK BLVD LINDWALL DAVID

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523	3225 TURTLE CREEK BLVD	LIDJI LEON J & MYRIAM B
524	3225 TURTLE CREEK BLVD	ZAKHOUR BASSAM
525	3225 TURTLE CREEK BLVD	JONES JAMES ADRIAN &
526	3225 TURTLE CREEK BLVD	DAO VU A & KIM LANG
527	3225 TURTLE CREEK BLVD	PHAM MAI AN & BEN HY GIANG
528	3225 TURTLE CREEK BLVD	AA&A ACQUISITION LLC
529	3225 TURTLE CREEK BLVD	ALLEN DANDRIC E
530	3225 TURTLE CREEK BLVD	MILLER RICHARD & KATHRYN
531	3225 TURTLE CREEK BLVD	BRADBURY CHARLOTTE S &
532	3225 TURTLE CREEK BLVD	PARKS EVA NELL
533	3225 TURTLE CREEK BLVD	SANDERS DENE L
534	3225 TURTLE CREEK BLVD	BYRNES KENNETH C
535	3225 TURTLE CREEK BLVD	LE PHUONG T
536	3225 TURTLE CREEK BLVD	BALL LESLIE A &
537	3225 TURTLE CREEK BLVD	PAVIA FAMILY TRUST
538	3225 TURTLE CREEK BLVD	WHITE TODD S
539	3225 TURTLE CREEK BLVD	CONNELL JEFFREY D &
540	3225 TURTLE CREEK BLVD	MOORE TIMOTHY J & PAMELA M
541	3225 TURTLE CREEK BLVD	CALHOUN DIONNE
542	3225 TURTLE CREEK BLVD	NESSERROAD MARK
543	3225 TURTLE CREEK BLVD	SHATSKY STEVEN H
544	3225 TURTLE CREEK BLVD	DOROTHY LAY MGMT TRUST
545	3225 TURTLE CREEK BLVD	DUNCAN JOHN MICHAEL &
546	3225 TURTLE CREEK BLVD	WETTREICH DANNY
547	3225 TURTLE CREEK BLVD	ROSE BRYAN &
548	3225 TURTLE CREEK BLVD	MUSSULMAN DANIEL & NAILA
549	3225 TURTLE CREEK BLVD	WOLOWICZ LAWRENCE & CATHY
550	3225 TURTLE CREEK BLVD	BAEK STEVEN A
551	3225 TURTLE CREEK BLVD	ROZENZVIG YEHIEL
552	3225 TURTLE CREEK BLVD	PATEL DHARMESH
553	3225 TURTLE CREEK BLVD	FAULKNER DANYELLE J

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554	3225 TURTLE CREEK BLVD	TURNER NICHOLAS
555	3225 TURTLE CREEK BLVD	BEH HAN NAN &
556	3225 TURTLE CREEK BLVD	RUPE JAMES SR
557	3225 TURTLE CREEK BLVD	PHAM LAN D
558	3225 TURTLE CREEK BLVD	HICKMAN JAMES J
559	3225 TURTLE CREEK BLVD	WETTERSTRAND MAGNUS J
560	3225 TURTLE CREEK BLVD	LISULA SCOTT & BRIANNON
561	3225 TURTLE CREEK BLVD	GRACIA REBECA C
562	3225 TURTLE CREEK BLVD	DENIO MICHAEL E
563	3225 TURTLE CREEK BLVD	KAMPINE JOHN M &
564	3225 TURTLE CREEK BLVD	LEPP JANICE
565	3225 TURTLE CREEK BLVD	PITKOFSKY JAY
566	3225 TURTLE CREEK BLVD	STEETS KEVIN
567	3225 TURTLE CREEK BLVD	ARMAND AHMAD & MAHVASH
568	3225 TURTLE CREEK BLVD	WINSPEARE NEVE A
569	3225 TURTLE CREEK BLVD	BLAKE NINA CERVANTES
570	3225 TURTLE CREEK BLVD	WATTS JANET L
571	3225 TURTLE CREEK BLVD	RIZK AMINE
572	3225 TURTLE CREEK BLVD	DOYLE TIMOTHY B &
573	3225 TURTLE CREEK BLVD	SOJOURNER WILLIAM & JANA
574	3225 TURTLE CREEK BLVD	KHANBEIGI MANOOCH & ANNIE
575	3225 TURTLE CREEK BLVD	BLACKLEDGE LAWRENCE A
576	3225 TURTLE CREEK BLVD	LEE BILL G
577	3225 TURTLE CREEK BLVD	MARTINEZ FAUSTINA
578	3225 TURTLE CREEK BLVD	AKIN MARK & DEBI AKIN
579	3225 TURTLE CREEK BLVD	SEEBERGER JOAN P
580	3225 TURTLE CREEK BLVD	BELL THOMAS F
581	3225 TURTLE CREEK BLVD	MINTZ MARTIN L
582	3225 TURTLE CREEK BLVD	JONES HARRY A & SUSAN A
583	3225 TURTLE CREEK BLVD	DEBLANK ANNE B
584	3225 TURTLE CREEK BLVD	MARSH HOLLIS E &

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585	3225 TURTLE CREEK BLVD	SPIES RONALD & CHERI
586	3225 TURTLE CREEK BLVD	BLOOM ROBERT A
587	3225 TURTLE CREEK BLVD	KREIGHBAUM JOHN &
588	3225 TURTLE CREEK BLVD	MCREYNOLDS SHARON N
589	3225 TURTLE CREEK BLVD	MATHER MATTHEW J
590	3225 TURTLE CREEK BLVD	BINFORD OSWALD S &
591	3225 TURTLE CREEK BLVD	DUNDON KENNETH J
592	3225 TURTLE CREEK BLVD	PANCHASARP VANEE &
593	3225 TURTLE CREEK BLVD	STEIN GIFFORD P & SHARON
594	3225 TURTLE CREEK BLVD	KUBILIUN NISA
595	3225 TURTLE CREEK BLVD	HARDIN BRIAN
596	3225 TURTLE CREEK BLVD	TEEL PRESTON B
597	3225 TURTLE CREEK BLVD	BURGIO DONALD A
598	3225 TURTLE CREEK BLVD	DELBAGNO JOHN B TR &
599	3225 TURTLE CREEK BLVD	STOCKER JULIA
600	3225 TURTLE CREEK BLVD	BREGMAN ROBERT ALAN &
601	3225 TURTLE CREEK BLVD	NOT FOREVER LLC
602	3225 TURTLE CREEK BLVD	ROSENBERG CARLA
603	3225 TURTLE CREEK BLVD	BENAHARON SOL
604	3225 TURTLE CREEK BLVD	GAULDING JON C SR
605	3225 TURTLE CREEK BLVD	TX PREMIER REAL ESTATE GROUP LLC
606	3225 TURTLE CREEK BLVD	MAHER MATTHEW JAMES &
607	3225 TURTLE CREEK BLVD	DOYLE TIMOTHY BRIAN &
608	3225 TURTLE CREEK BLVD	GAULDING JON C SR
609	3225 TURTLE CREEK BLVD	JONES JAMES ADRIAN ET AL
610	3225 TURTLE CREEK BLVD	RENAISSANCE ON TURTLE CREEK
611	3225 TURTLE CREEK BLVD	TURTLE CREEK DEVELOPMENT
612	3225 TURTLE CREEK BLVD	THE RENAISSANCE ON TURTLE CREEK
613	3225 TURTLE CREEK BLVD	THE RENAISSANCE ON TURTLE CREEK
614	3111 SALE ST	ROMERO GUSTAVO
615	3111 SALE ST	PRICE JAMES &

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616	3111 SALE ST	PRICE JAMES E
617	3111 SALE ST	BOECK BLAIR ANN
618	3115 SALE ST	SALWEI ROBERT J
619	3115 SALE ST	DANIEL WILLIAM SAMUEL
620	3115 SALE ST	MILLER ERIC W &

**FILE NUMBER:** BDA 134-096

**BUILDING OFFICIAL'S REPORT:** Application of Ed Simons, Masterplan, for a special exception to the landscape regulations at 4801 (AKA 4811) Lemmon Avenue. This property is more fully described as Lot 1B, Block 2/2453, and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 4801 (AKA 4811) Lemmon Avenue

**APPLICANT:** Ed Simons, Masterplan

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain a car wash structure on a site developed with a vehicle display, sales, or service use (Acura of Dallas), 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:**

Denial

Rationale:

- The City of Dallas Chief Arborist recommends denial of this request because the submitted alternate landscape plan does compromise with the spirit and intent of PD 193 (LC) regulations, specifically as it relates to the lack of landscaping along Waldrup Street/the southern perimeter of the commercial property where current and future residences do and will exist on adjacent property.

## **BACKGROUND INFORMATION:**

<u>Site:</u>	PD 193 (LC) (Planned Development, Light Commercial)
<u>North:</u>	Town of Highland Park
<u>South:</u>	PD 193 (PDS 4) (Planned Development, Planned Development)
<u>East:</u>	PD 193 (MF-2) (Planned Development, Multifamily)
<u>West:</u>	PD 193 (LC) (Planned Development, Light Commercial)

## **Land Use:**

The subject site is developed with a vehicle display, sales, or service use (Acura of Dallas). The area to the north in the Town of Highland Park is developed with office use; the area to the east is the Dallas North Tollway; the area to the south is developed with multifamily use; and the area to the west is developed with commercial/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:**

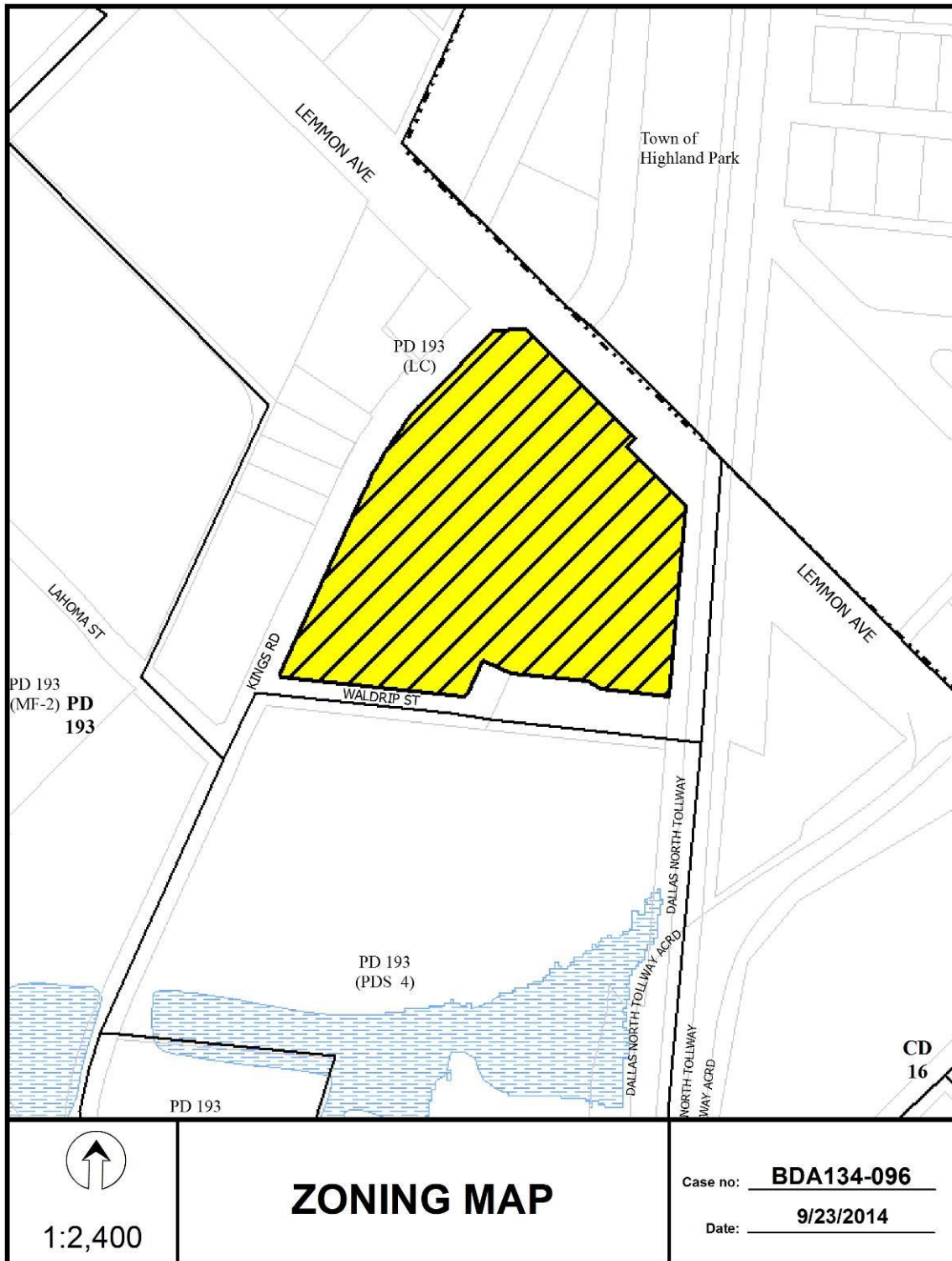
- This request focuses on constructing and maintaining a car wash structure on a site developed with a vehicle display, sales, or service use (Acura of Dallas) and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the site would not conform to PD 193 landscape regulation standards related to general maintenance and parkway landscape.
- 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 request (see Attachment A). The memo states how this request is triggered by a proposal to increase the floor area ration on the property with a car wash for the existing vehicle sales use.
- The Chief Arborist notes that the submitted landscape plan is deficient in the following ways:
  1. The site is not compliance with the general maintenance provisions where one tree remains on Waldrip Street in the parkway to the south of the lot from a row of trees that were identified during historical research of the property.

2. The property fronts the Dallas North Tollway which is considered street frontage. The parkway landscape requirements for trees and sidewalks apply to this frontage. Although planted trees and shrubs do exist along the tollway, a functional sidewalk is not applicable.
- The Chief Arborist listed several factors for consideration:
    1. The original vehicle sales facility was built in 1995 under the PD 193 zoning regulations. An original landscape plan cannot be located in order to determine an actual baseline on how many trees and other types of vegetation may be missing, why the trees on Lemmon Avenue are placed behind the sidewalk outside the standard tree planting zone, or why no sidewalk exists along Waldrup Street.
    2. Based on his investigation, a row of trees existed in the parkway along Waldrup Street for a distance between 125' – 150' of frontage for a period extending up to 2011. All but one of the trees were removed with no clear explanation for the purpose of removal but the condition of the one remaining tree and the timing between tree removals since 2011 suggests a decline of health, reduced maintenance, and poor soil conditions for the trees could be a partial cause.
    3. Under general maintenance provisions, all required landscaping must be maintained in a healthy, growing condition at all times. A required tree that dies after its original planting must be replaced by another living tree having a minimum trunk caliper of four inches measured at a point of 12 inches above the root ball. This rule shall apply for all trees on this property after the hearing.
  - While the Chief Arborist is supportive of approving the existing landscape conditions for most of the property, he recommends denial of the request because the plan does compromise with the spirit and intent of PD 193 (LC) regulations for the southern perimeter of the commercial property where current and future residences do and will exist on adjacent property.
  - The Chief Arborist states that zoning regulations must account for landscape conditions for an extended time period and since there is a residential subdistrict to the south, and it is known that a row of buffering trees existed in this location in recent years, he suggests a reasonable measure of maintained landscape restoration along Waldrup Street to help buffer the residences from the vehicle storage and broad paved surface on the subject site.
  - The applicant has the burden of proof in establishing the following:
    - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the general maintenance and parkway 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 submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to general maintenance and parkway landscape requirements of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**



- August 7, 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.
- September 9, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 10, 2014: 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 September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 10<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.
- October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.
- October 10, 2014: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).





1:2,400

# AERIAL MAP

Case no: BDA134-096

Date: 9/23/2014

## Memorandum



CITY OF DALLAS

DATE October 10, 2014  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 134 · 096 4801 Lemmon Avenue

The applicant is requesting a special exception to the landscape requirements of PD 193 (LC).

### Trigger

The owner is increasing the floor area ratio on the property with a car wash for the existing vehicle sales use.

### Deficiencies

The site does not fully conform to PD 193 Part 1 landscape regulations.

The site is not in compliance with the general maintenance provisions of 51P-193.126(b)(9)(A). One tree remains on Waldrip Street in the parkway to the south of the lot from a row of trees that were identified during historical research of the property.

The property fronts the Dallas North Tollway which is considered street frontage. The parkway landscape requirements for trees and sidewalks apply to this frontage. Although planted trees and shrubs do exist along the tollway, a functional sidewalk is not applicable.

### Factors

The original vehicle sales facility was built in 1995 under the PD 193 zoning regulations. I have not been able to locate the original landscape plan to determine an actual baseline of how many trees, and other types of vegetation, may be missing, or indicate why trees along Lemmon Avenue are placed behind the sidewalk outside of the standard tree planting zone, or suggest why no sidewalk exists along Waldrip Street.

Based on my investigation, for a period extending up to 2011, a row of trees existed in the parkway along Waldrip Street for a distance between 125-150 feet of frontage. Waldrip Street also fronts a multifamily development to the south. All but one of the trees were removed. There is no clear explanation for the purpose of the removal, but the condition of the remaining tree (which was located at the end of the row), and timing between tree removals since 2011, suggests a decline of health, reduced maintenance, and poor soil conditions for the trees could be partial causes.

Under general maintenance provisions, all required landscaping must be maintained in a healthy, growing condition at all times. A required tree that dies after its original planting must be replaced by another living tree having a minimum height of 14 feet and a minimum trunk caliper of four inches measured at a point 12 inches above the root ball. This rule shall apply for all trees on this property after the hearing.

### Recommendation

The chief arborist is supportive of approving the existing landscape conditions for all of the property except for the street frontage along Waldrip Street. The zoning regulations must account for landscape conditions for an extended time period. Since there is a residential subdistrict to the south, and it is known a row of buffering trees existed in this location in recent years, I suggest a reasonable measure of maintained landscape restoration should occur along Waldrip Street to help buffer the residences from the vehicle storage and broad, paved surface of the lot. Therefore, I recommend denial of the proposed alternate landscape plan because the plan does compromise the spirit and intent of PD 193 (LC) regulations for the southern perimeter of the commercial property, where current and future residences do, and will, exist on adjacent property.

Philip Erwin, ISA certified arborist #TX-1284(A)  
Chief Arborist



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-096

Data Relative to Subject Property:

Date: August 7, 2014

Location address: 4801 Lemmon Avenue Zoning District: PD 193(LC)

Lot No.: 1B Block No.: 2/2453 Acreage: 6.0146 Census Tract: 6.01

Street Frontage (in Feet): 1 486 2 413 3 270 4 \_\_\_\_\_ 5) \_\_\_\_\_ SW 22

To the Honorable Board of Adjustment:

Owner of Property/or Principal Clear Channel Outdoor and Forbes Todd Automotive LLC

Applicant: Ed Simons, Masterplan Telephone: 214-761-9197

Mailing Address 900 Jackson Street, Suite 640 Zip Code: 75202

Represented by: Same Telephone: \_\_\_\_\_

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

Affirm that a request has been made for a Variance , or Special Exception , of Alternate Landscape plan

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The request is for a small car wash structure that won't be visible from Lemmon. The existing landscaping is substantial. The Tollroad creates a front yard that would require parkway trees and a 6 foot wide sidewalk in the tollroad right-of-way.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Respectfully submitted: Ed Simons Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Ed Simons who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 7 day of AUGUST, 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

Vertical lines for notes or remarks.

Chairman

Building Official's Report

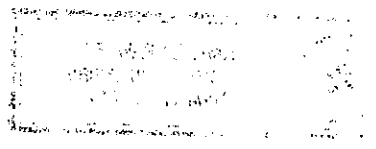
I hereby certify that Ed Simons

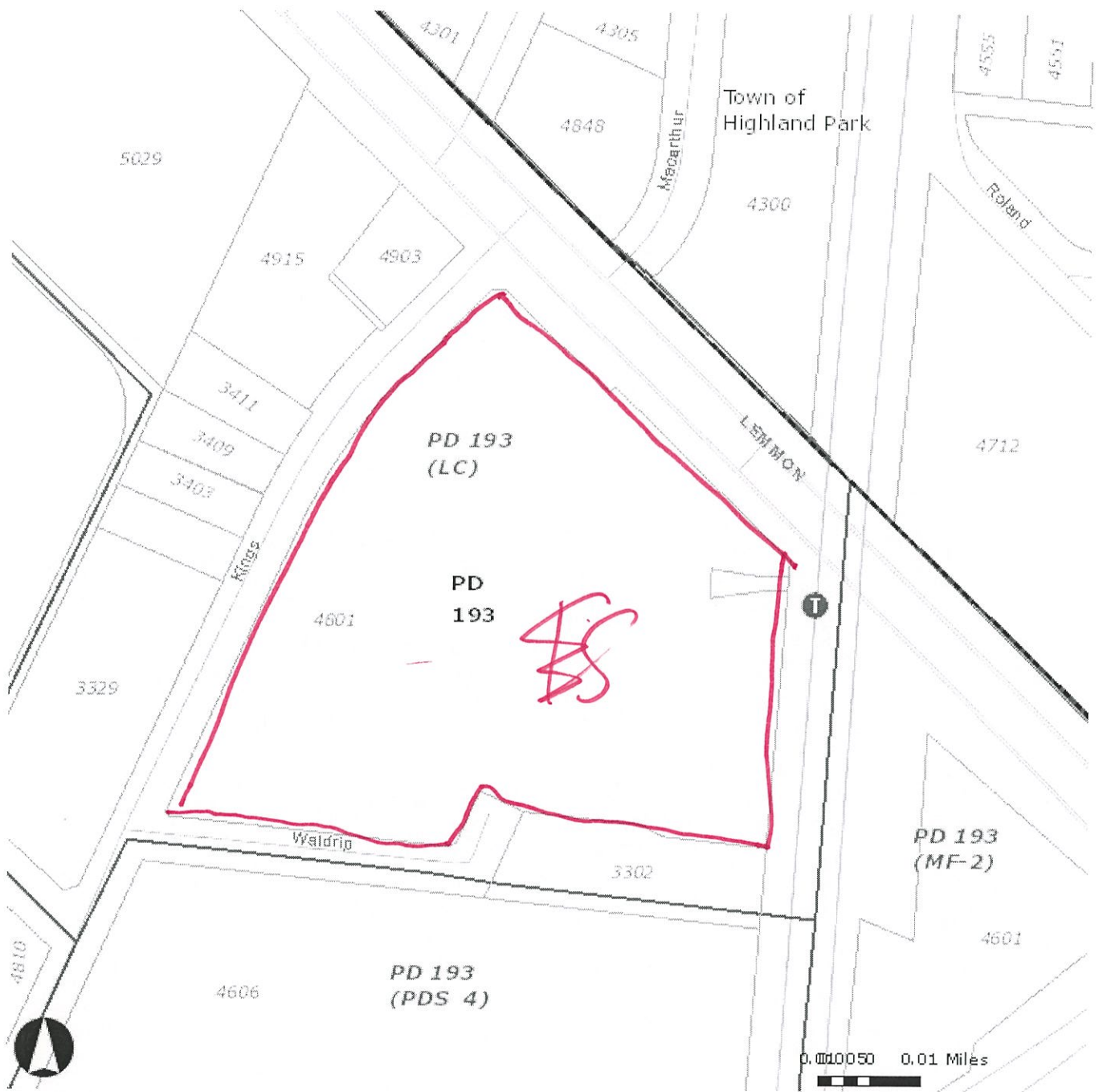
did submit a request for a special exception to the landscaping regulations  
at 4801 Lemmon Avenue

BDA134-096. Application of Ed Simons for a special exception to the landscaping regulations at 4811 Lemmon Avenue. This property is more fully described as Lot 2B, Block 2/2453, and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant 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

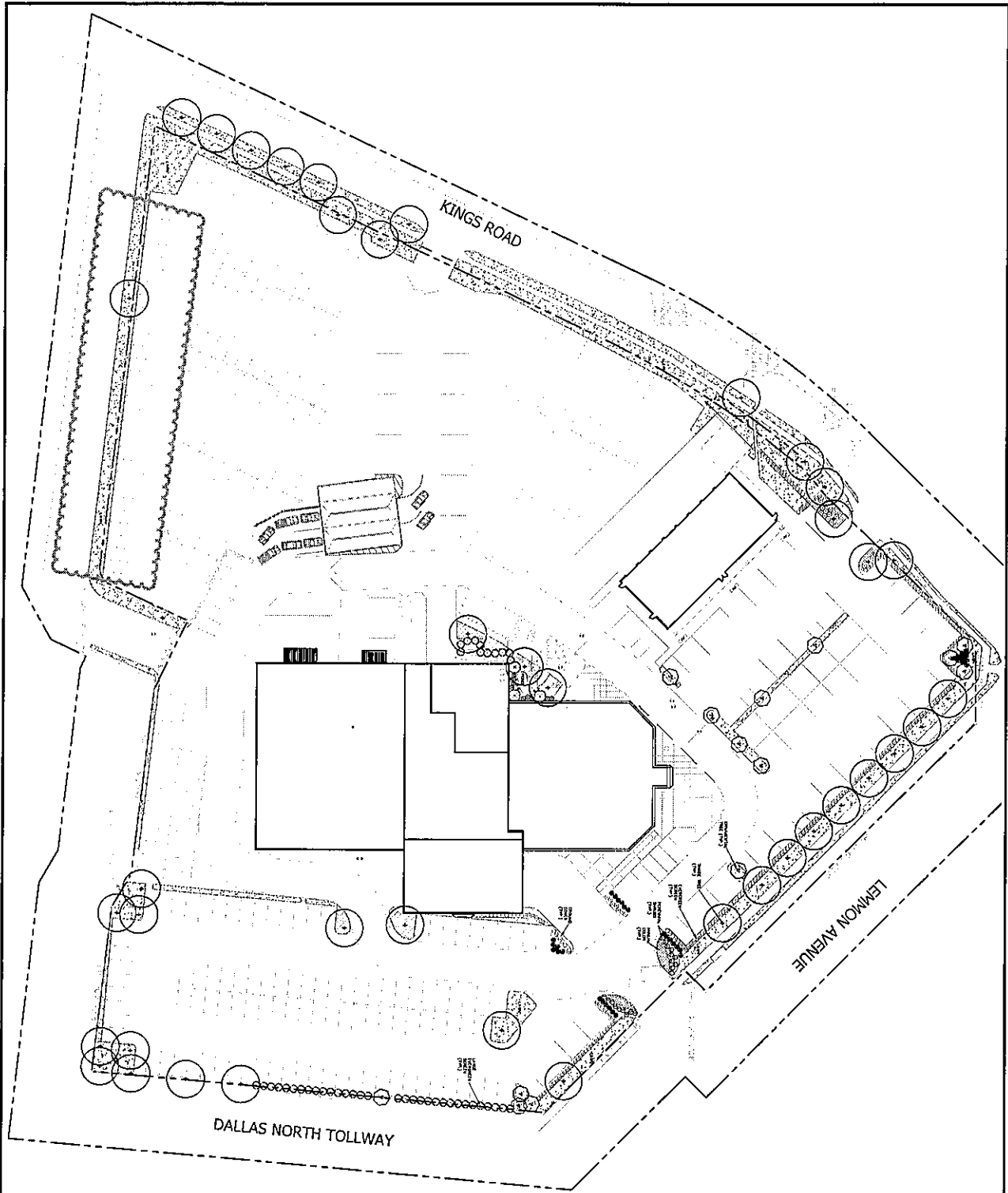




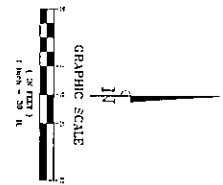


FACE BOOKS  
INCH





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**L-1-0**  
BDA 134-096

SHEET NO. 096

DATE: 02/21/2014

No.	Date	Revision Description

**GOODSON ACURA'S CAR WASH**

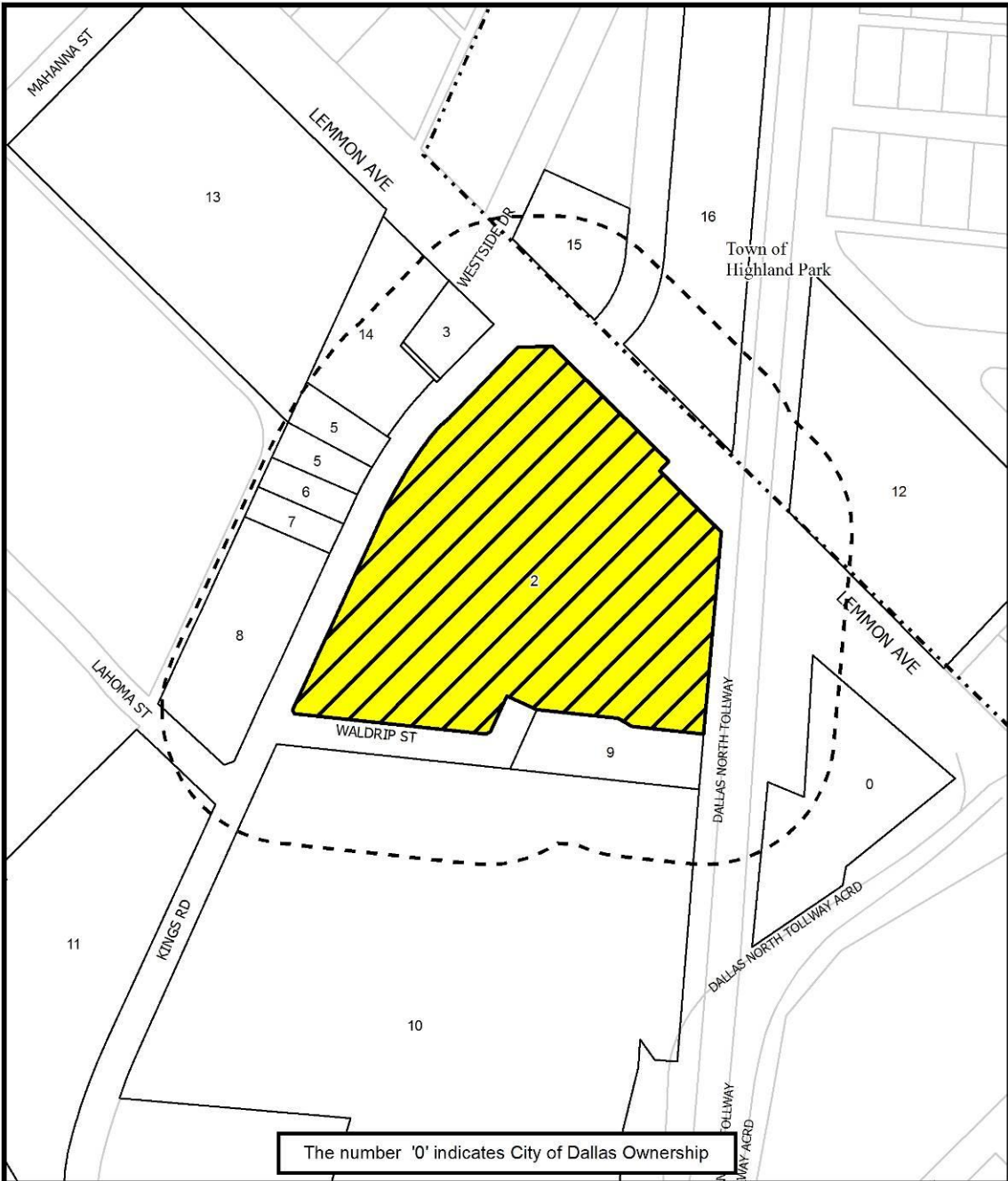
4801 LEMMON AVENUE  
CITY OF DALLAS, TEXAS

**LANDSCAPE PLAN**

PROJECT NO.: 060-14-10

**BANNISTER ENGINEERING**

1596 Country Club Drive | Highland, TX 75003 | 817.842.2094 | 817.842.2095 fax  
REGISTRATION # F-10590 (TEXAS)



 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>16</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>16</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA134-096</b> Date: <b>9/23/2014</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>16</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA134-096*

#### *16 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4801 LEMMON AVE	PC REAL ESTATE INVESTORS
2	4801 LEMMON AVE	FORBES TODD AUTOMOTIVE LLC
3	4903 LEMMON AVE	TOMAINO JOHN
4	3415 KINGS RD	TIVOLI REALTY INC
5	3411 KINGS RD	FORBES TODD AUTOMOTIVE II LLC
6	3403 KINGS RD	CABLE MARCUS ASSOC L P
7	3403 KINGS RD	CABLE MARCUS ASSOC L P
8	3329 KINGS RD	FORBES TODD AUTOMOTIVE
9	3302 RALEIGH ST	TEXAS UTILITIES ELEC CO
10	4606 CEDAR SPRINGS RD	FAIRFIELD MADISON LLC
11	4810 CEDAR SPRINGS RD	PARKENT USA INC
12	4712 LEMMON AVE	INTERCITY INVESTMENT PROP
13	5029 LEMMON AVE	5033 LEMMON LP
14	4915 LEMMON AVE	BRODERSEN ENTERPRISES INC
15	4848 LEMMON AVE	PRESCOTT INTERESTS 4848
16	4300 MACARTHUR AVE	4300 MACARTHUR PTNR LP