

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JANUARY 16, 2013
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, November 14, 2012 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-001	5404 Park Lane REQUEST: Application of Robert Baldwin for special exceptions to the fence height regulations	1
BDA 123-005	7642 Lyndon B. Johnson Freeway REQUEST: Application of Bill Teel for a special exception to the sign regulations	2

HOLDOVER CASES

BDA 112-082	601 Hawkins Street REQUEST: Application of Jonathan Vinson of Jackson Walker for a variance to the off-street parking regulations	3
BDA 112-107	19353 Preston Road REQUEST: Application of David Tayyari for a special exception to the landscape regulations	4

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]

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel November 14, 2012 public hearing minutes.

FILE NUMBER: BDA 123-001

BUILDING OFFICIAL'S REPORT:

Application of Robert Baldwin for special exceptions to the fence height regulations at 5404 Park Lane. This property is more fully described as an approximately 5.75 acre parcel of land to be platted as Lot 1E, Block 6/5596 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence, which will require special exceptions of 4 feet.

LOCATION: 5404 Park Lane

APPLICANT: Robert Baldwin

REQUEST:

Special exceptions to the fence height regulations of 4' are requested in conjunction with constructing and maintaining an 8' high wrought iron fence and gate in the site's 40' front yard setbacks along Alva Court on the west and Holloway Road on the east on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the fence height regulations since the basis for this type of appeal is *when in the opinion of the board*, the special exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: R-1 (A) (Single family district 1 acre)
North: R-1 (A) (Single family district 1 acre)
South: R-1 (A) (Single family district 1 acre)
East: R-1 (A) (Single family district 1 acre)
West: R-1 (A) (Single family district 1 acre)

Land Use:

The subject site is developed with a single family home. The areas to the north, east, south, and west are developed with single family uses.

Zoning/BDA History:

1. BDA 990-364, 5404 Park Lane (the subject site)

On November 14, 2000, the Board of Adjustment Panel B granted requests for a special exception to the fence regulations of 7' 3" and a special exception to the single family dwelling unit regulations. The board imposed the following conditions: compliance with the submitted site plan and elevation is required; and the applicant must deed restrict the property to prohibit the additional dwelling unit on the site as rental accommodations.

The case report stated that the requests were made in conjunction with constructing and maintaining a fence consisting of an 11' 3" high wrought iron gate, a 9' 2" high fence and 10' 3" high brick columns within the 40' front yard setback along Park Lane, Holloway Road, and Alva Court; and to construct and maintain an additional dwelling unit to be used as guest quarters on the site. (The applicant has stated that the current application – BDA 123-001- does not amend any part of the fence height special exception granted by the board in 2000).
2. BDA 078-081, 5330 Park Lane (the lot immediately west of the subject site)

On June, 25, 2008, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 7' and imposed the submitted revised site plan/elevation document as a condition.

The case report stated that the request was made in conjunction with constructing and maintaining 3 arched open decorative iron gates (one gate at 8' in height along Alva Court that includes 7' high columns, and two gates at 10' in height along Park Lane) in the site's 40' front yard setbacks along Park Lane and Alva Court on a site being developed with a single family home.

3. BDA 056-003, 9423 Alva Court (two lots southwest of the subject site)

On October 18, 2005, the Board of Adjustment Panel A granted requests for a special exception to the fence height regulations of 3' and for special exceptions to the visual obstruction regulations. The Board imposed the following condition: Compliance with the submitted revised site plan and revised fence elevation is required.

The case report stated that the requests were made in conjunction with constructing and maintaining the following in the 40' Alva Court front yard setback: a 4' 8" high open metal fence (with an 18" brick base), 5' high brick columns, two 7' high arched entry gates with 6' high brick entry columns; and constructing and maintaining the fence and columns as described above in four, 20'-visibility triangles at the two drive approaches to the site on Alva Court.

4. BDA 967-297, 9434 Alva Court (the lot immediately south of the subject site)

On September 15, 1997, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 4' 6". The board imposed the following condition: compliance with the submitted site/landscape plan is required. The case report states that the request was made to construct an 8' high open steel fence with 8' 6" high stucco-finish columns and an 8' high open metal gate.

5. BDA 87-111, 9441 Hollow Way (the lot immediately south of the subject site)

On January 13, 1987, the Board of Adjustment granted a request for a special exception to the fence height regulations of 2' and imposed the following conditions: 1) On existing fence constructed of wrought iron, all gates should be located 20 feet back from property line; and 2) applicant meet gate setback requirement within 180 days. The minutes stated that "the fence is constructed of six foot brick columns with wrought iron in between and the fence is in scale with dwelling unit at the site."

6. BDA 989-221, 5518 Kemper Court (the lot southeast of the subject site) On May 18, 1999, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 5' 11" and imposed the following condition: Compliance with the submitted site/elevation/landscape plan is required which shows a 6' 4" fence, 8' 4" high columns, and 9' 11" high entry gates. The case report stated that the request was made in conjunction with constructing and maintaining a maximum 6' 4" high fence and columns, and 8' 4" high entry wing walls, and 9' 11" high open metal entry gates along Kemper Court.

Timeline:

- October 31, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 5, 2012: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."
- December 11, 2012: 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 December 19th deadline to submit additional evidence for staff to factor into their analysis; and the January 4th 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.
- December 21, 2012: The applicant submitted additional information to the Board Administrator (see Attachment A).
- December 21, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Board

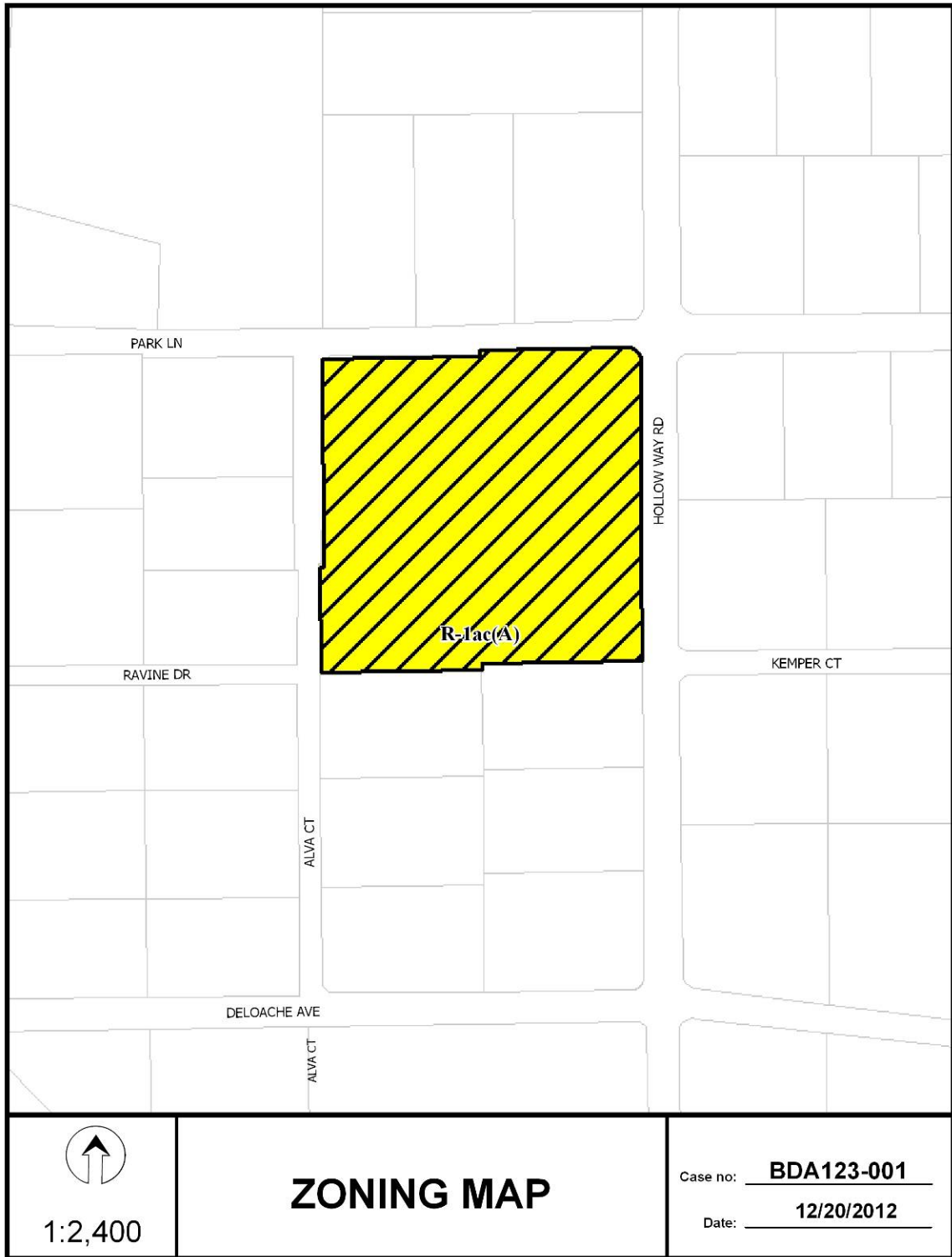
Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

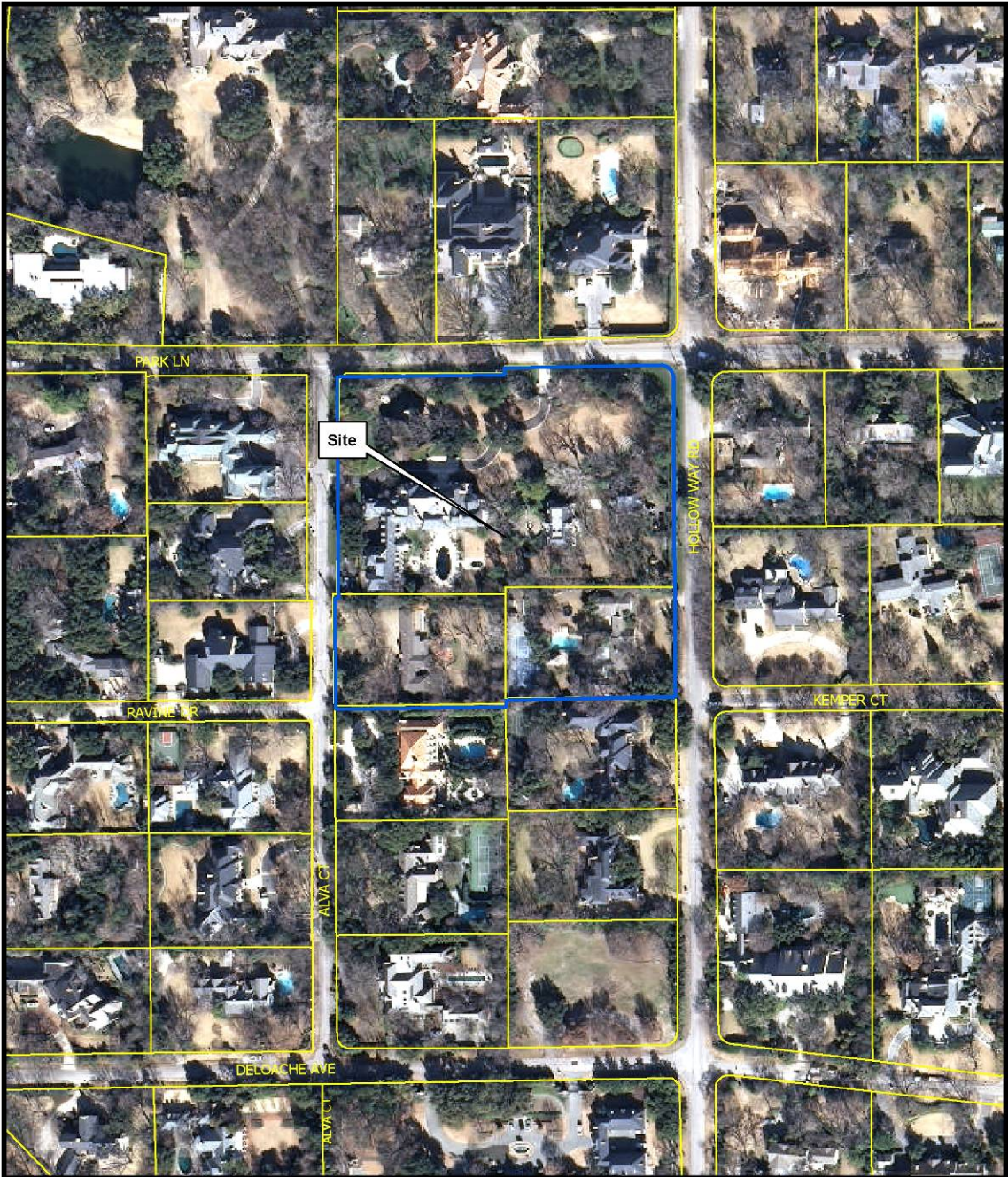
No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on constructing and maintaining an 8' high wrought iron fence and gate in the site's 40' front yard setbacks along Alva Court on the west and Holloway Road on the east on a site developed with a single family home.
- The proposals in this application are extensions of existing fences on a recently expanded subject site – fences over 4' in height that were granted exception by the Board of Adjustment in 2000 (BDA 990-364).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is bounded by Park Lane on the north, Holloway Road on the east, and Alva Court on the west. The site has three front yard setbacks along each street: Park Lane since it is the shortest of the three street frontages; and Holloway Road and Alva Court, which are longer street frontages that in most cases would be side yards but in this case front yards to maintain the continuity of the established setback of homes to the south of the site that front eastward onto Holloway Road and westward onto Alva Court.
- The applicant has submitted a revised scaled site plan/partial elevation (see Attachment A) that shows the proposal in the Alva Court and Holloway Road front yard setbacks reaching a maximum height of 8'.
- The following additional information was gleaned from the submitted revised site plan:
 - Approximately 135' in length parallel to Alva Court, approximately 10' from the front property line or approximately 15' from the pavement line;
 - Approximately 135' in length parallel to Holloway Road, approximately 10' from the front property line or approximately 20' from the pavement line.
- There are two single family homes that have direct frontage to the proposal along Alva Court neither with fences higher than 4' in their front yards.
- There is no single family home that has direct frontage to the proposal along Holloway Road since the homes to the east of the subject site front towards Kemper Court.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence higher than 4' high in a front yard setback *along Alva Court* – an approximately 8' high open wrought iron fence immediately south of the site that appears to be a result of an approved fence height special exception in 1997: BDA 967-297.

- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence higher than 4' high in a front yard setback *along Holloway Road* – an approximately 6' high open wrought iron fence immediately south of the site that appears to be a result of an approved fence height special exception in 1987: BDA 87-111. The Board Administrator noted another fence higher than 4' in height immediately east of the subject site but this fence appears to be in a side yard where fences can reach 9' in height by right.
- As of January 7, 2013, no letters have been submitted either in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the requested special exceptions to the fence height regulations of 4' (whereby a proposal that would reach a maximum 8' in height) will not adversely affect neighboring property.
- Granting these special exceptions to the fence height regulations of 4' with a condition imposed that the applicant complies with the submitted revised site plan/elevation document would assure that the proposals would be constructed and maintained in the locations and of the heights and materials as shown on this document.





1:2,400

AERIAL MAP

Case no: BDA123-001

Date: 12/20/2012

12-21-12

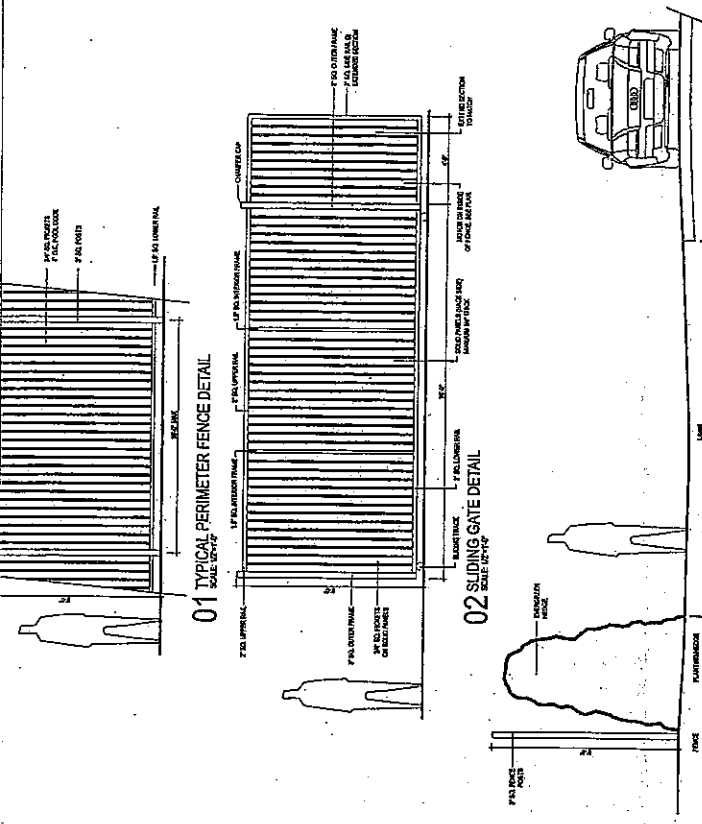
LEIDNER
ARCHITECTS
12000 WEST LOOP SOUTH
SUITE 1000
DALLAS, TEXAS 75241
TEL: 214-343-1111
WWW.LEIDNERARCHITECTS.COM

THIS PLAN IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF LEIDNER ARCHITECTS.

PEARLMAN RESIDENCE
5104 PARK LANE
DALLAS, TEXAS

SCALE: 1/8" = 1'-0"
DATE: 12/21/12
PROJECT: PEARLMAN RESIDENCE
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

SCALE: 1/8" = 1'-0"
DATE: 12/21/12
PROJECT: PEARLMAN RESIDENCE
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]



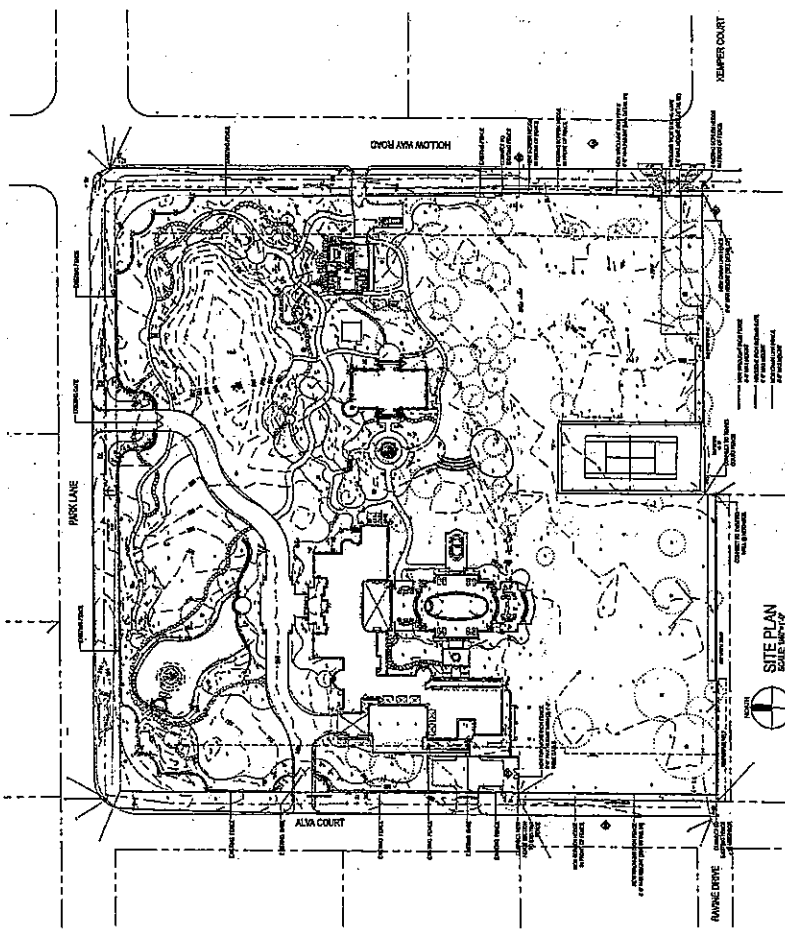
01 TYPICAL PERIMETER FENCE DETAIL
SCALE: 1/8" = 1'-0"

02 SLIDING GATE DETAIL
SCALE: 1/8" = 1'-0"

03 SECTION: FENCE W/ HEDGE ON STREET SIDE
SCALE: 1/8" = 1'-0"

04 NEW FENCEGATE @ WEST
SCALE: 1/8" = 1'-0"

07 CHAIN LINK FENCE ALONG SOUTH
SCALE: 1/8" = 1'-0"



SITE PLAN
SCALE: 1/8" = 1'-0"

05 NEW FENCE ALONG ALVIA COURT
SCALE: 1/8" = 1'-0"

06 NEW FENCEGATE ALONG HOLLOW WAY ROAD
SCALE: 1/8" = 1'-0"



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: 123-001

Date: 10-31-12

Data Relative to Subject Property:

Location address: 5404 Park Lane Zoning District: R-1ac(A)

Lot No.: 1E Block No.: 6/5596 Acreage: 5.75 ac. Census Tract: 206.00

Frontage (in Feet): 1) 497 ft 2) 490 4) 510 5) _____

NEZS

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Elaine Pearlman

Applicant: Robert Baldwin Telephone: 214.824.7949

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

Represented By: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street - Suite B Zip Code: 75226

Affirm that a request has been made for a Variance, or Special Exception X, of 4 feet over the allowed height, within the required front yard

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 applicant is seeking permission to continue their fence, which is taller than four feet, along Hollow Way and Alva Court to property that was recently platted into the main tract.

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: Robert Baldwin Applicant's name printed

[Signature] Applicant's signature

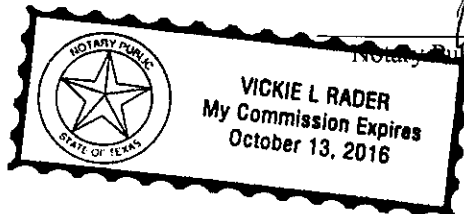
Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin 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.

[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me this 25th day of October, 2012

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



(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

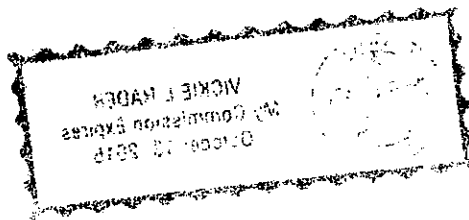
I hereby certify that ROBERT BALDWIN

did submit a request for a special exception to the fence height regulations
at 5404 Park Lane

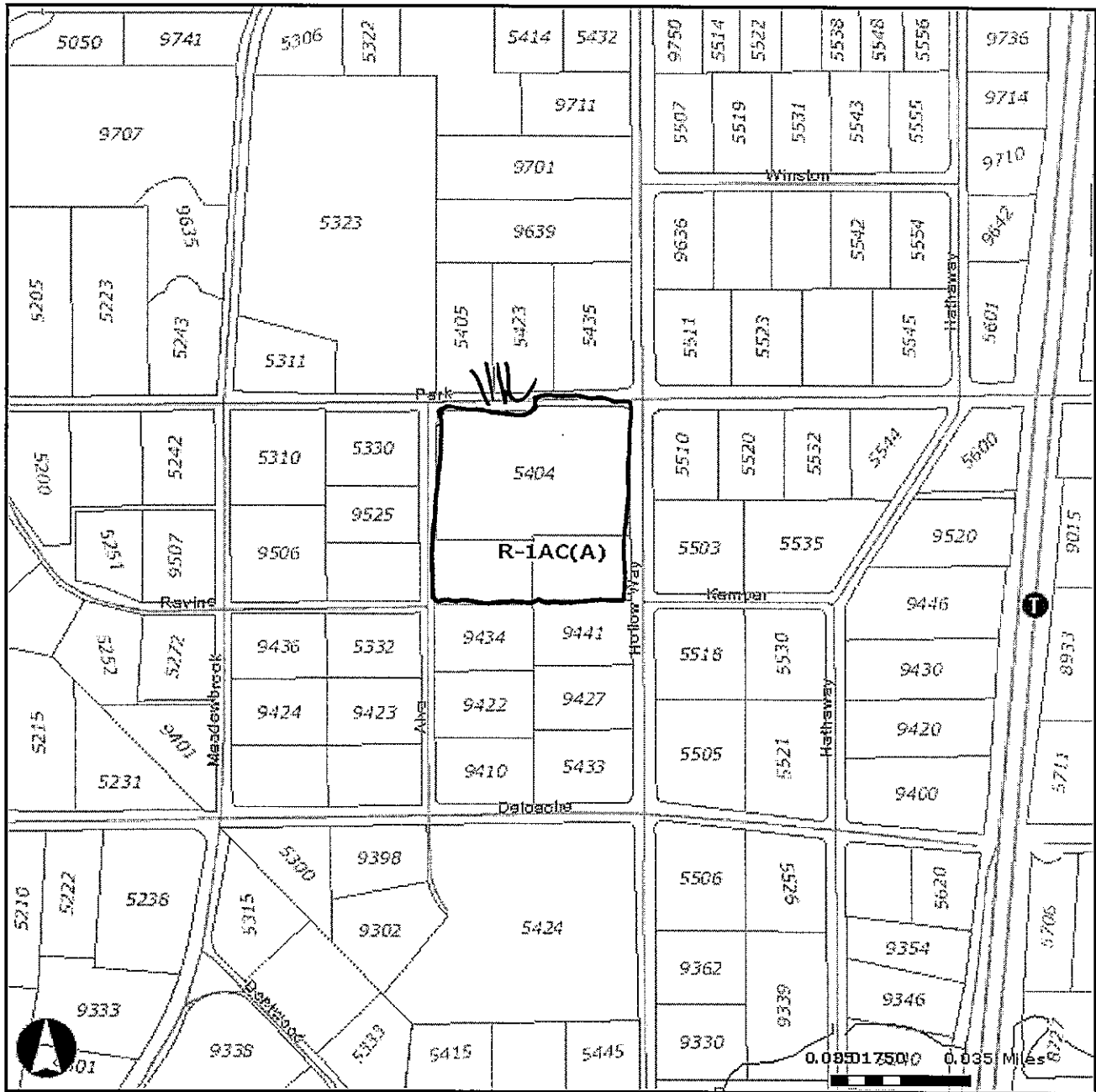
BDA123-001. Application of Robert Baldwin for a special exception to the fence height regulations at 5404 Park Lane. This property is more fully described as an approximately 5.75 acre parcel of land to be platted as Lot 1E, Block 6/5596 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



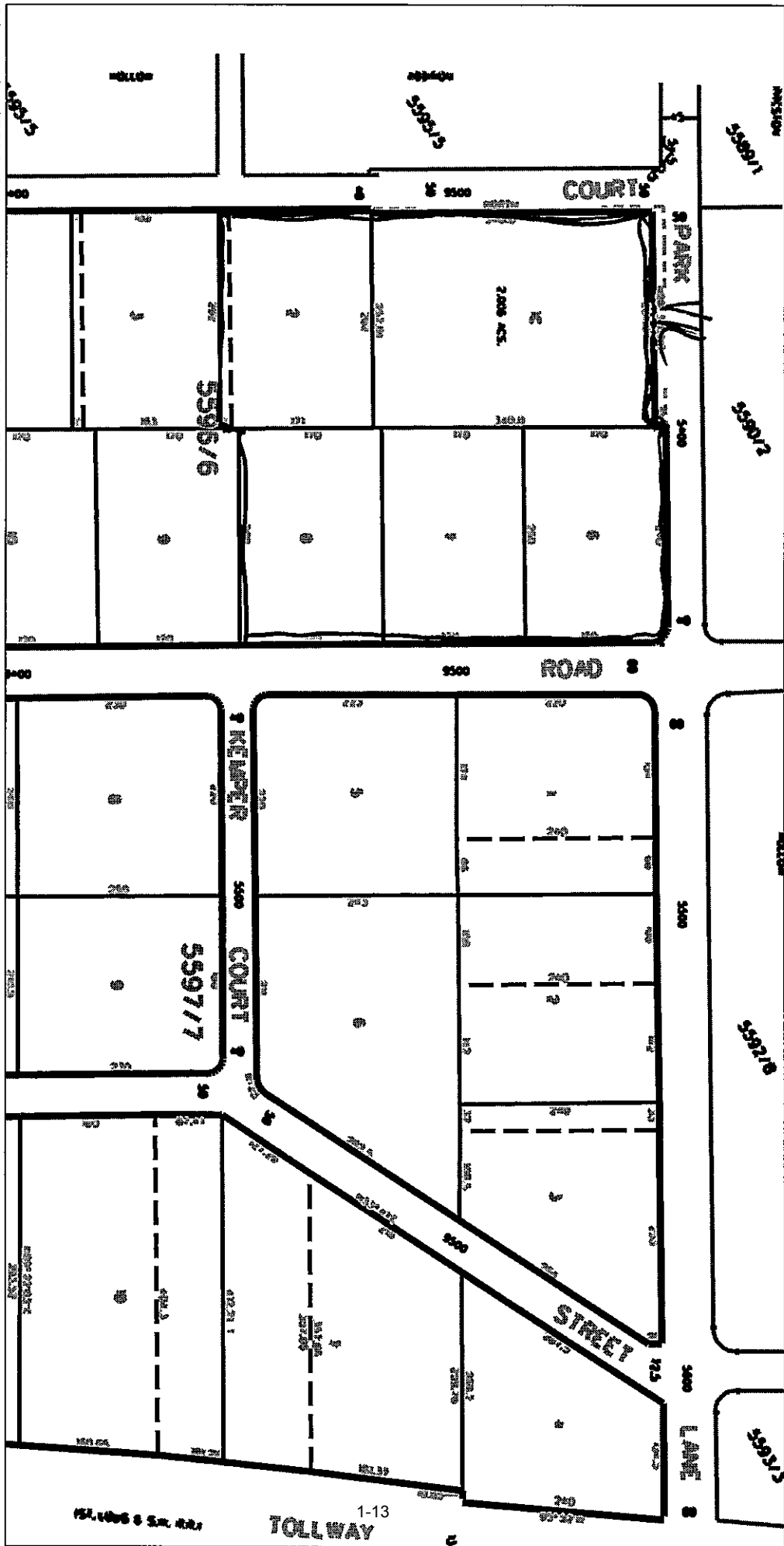
City of Dallas Zoning

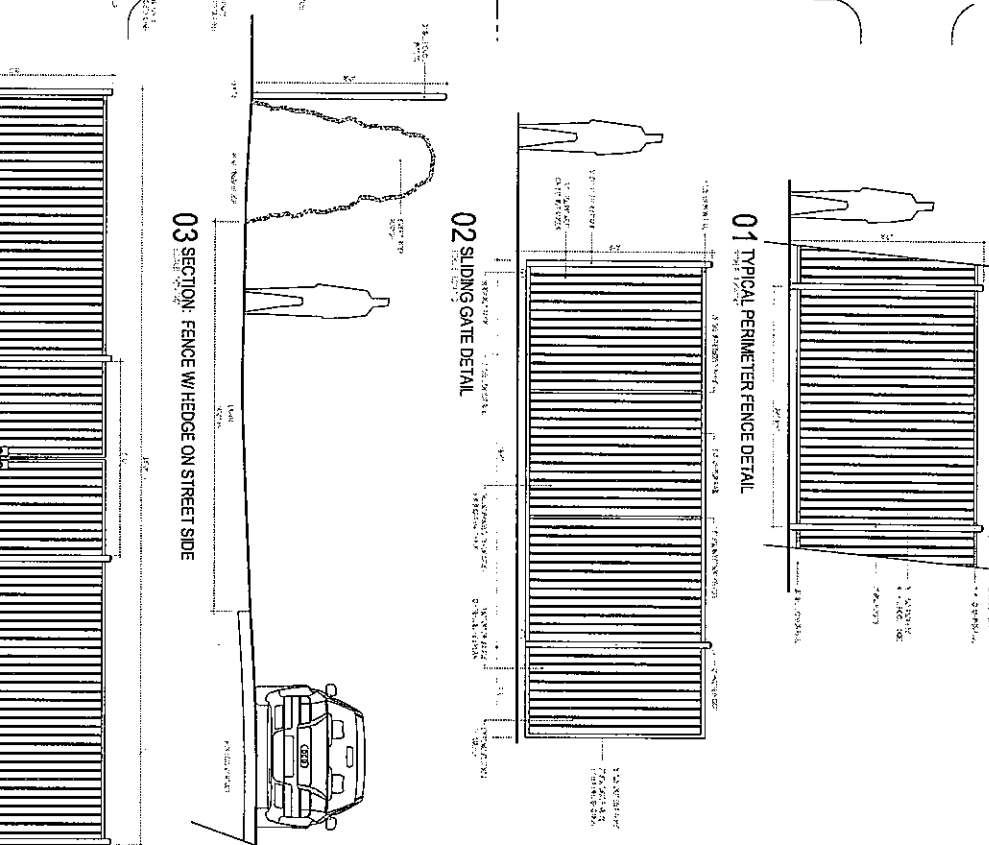
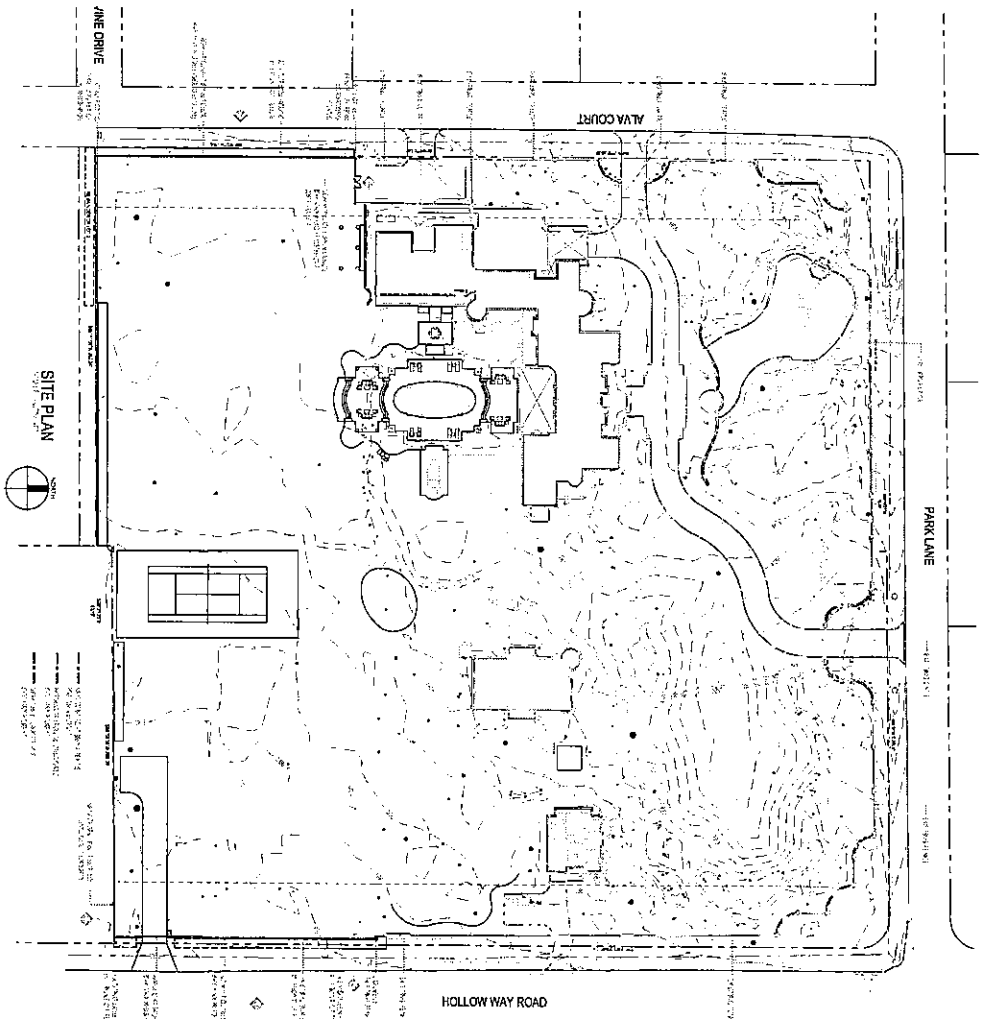


- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

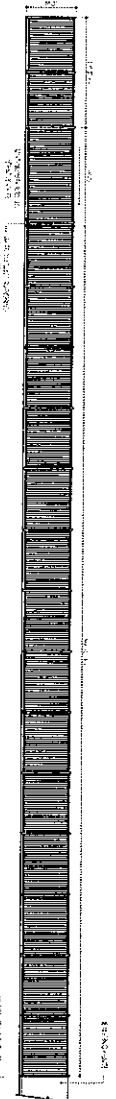
- Dry Overlay
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- Environmental Corridors

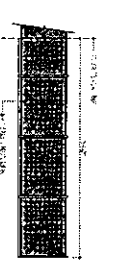




05 NEW FENCE ALONG ALVA COURT

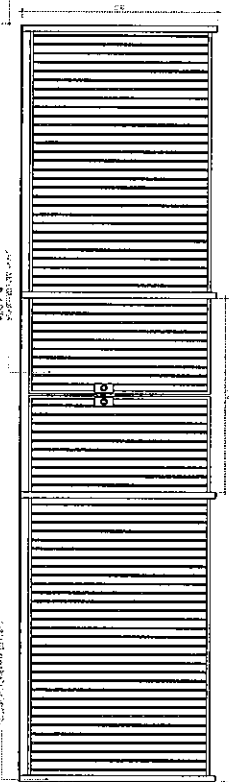


06 NEW FENCE GATE ALONG HOLLOW WAY ROAD



07 CHAIN LINK FENCE ALONG SOUTH

04 NEW FENCE GATE @ WEST



03 SECTION: FENCE W/ HEDGE ON STREET SIDE

02 SLIDING GATE DETAIL

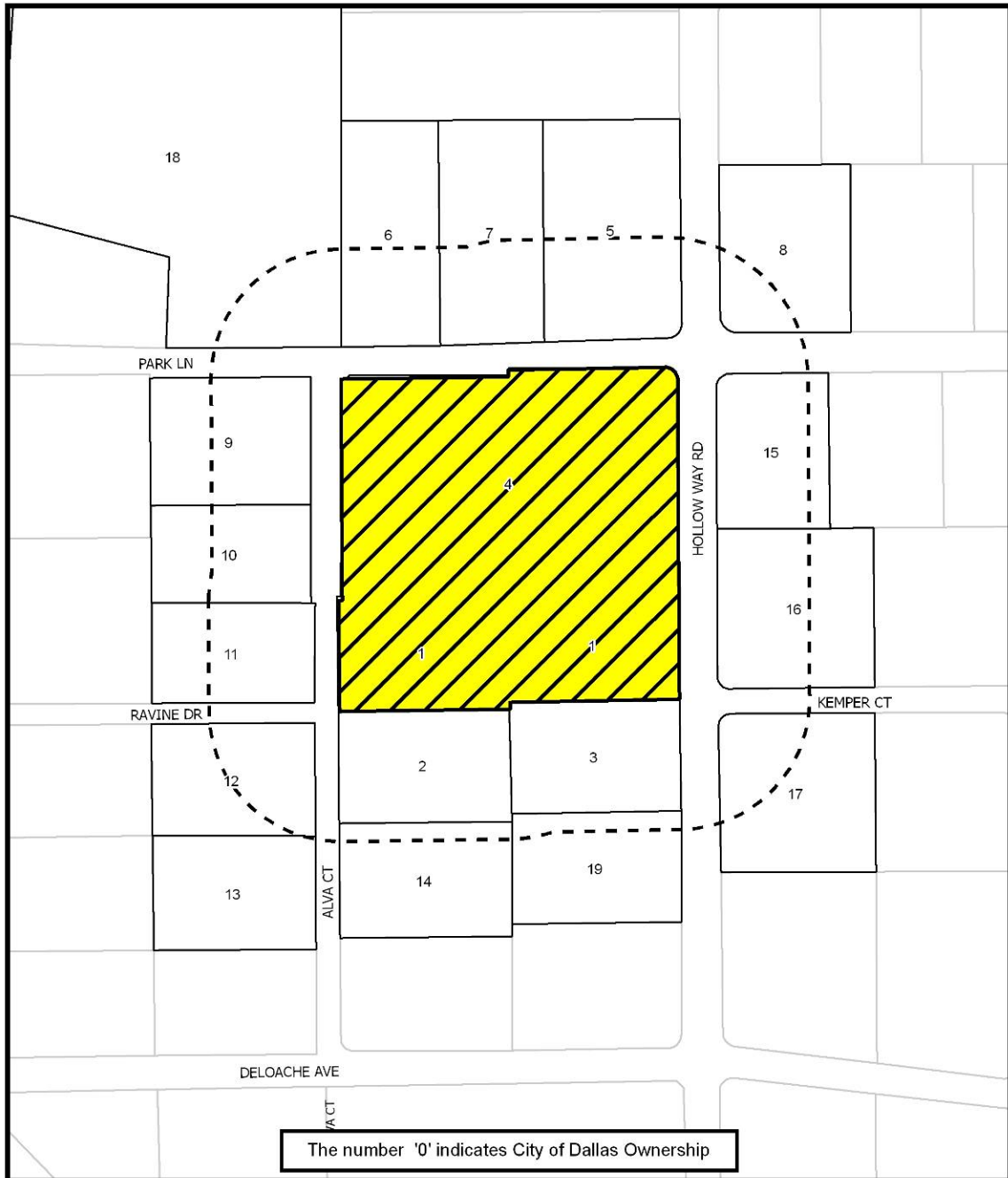
01 TYPICAL PERIMETER FENCE DETAIL

30 CHAIN LINK
PERIMETER
FENCE
VARIANCE

PEARLMAN RESIDENCE
5404 PARK LANE
DALLAS, TEXAS

PEARL
LAWYER

BDA 123-001



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">19</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	19	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-001</u> Date: <u>12/20/2012</u>
200'	AREA OF NOTIFICATION					
19	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-001

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5404 PARK LN	PEARLMAN ELAINE
2	5435 PARK LN	COLONNETTA JOSEPH V JR & KIMBERLY M COLO
3	5405 PARK LN	WOODWARD JOHN R TR & JACUELINE REV LIV T
4	5423 PARK LN	KORENVAES HARLAN B & AMY B
5	5511 PARK LN	SULENTIC ROBERT E & SULENTIC SUSAN L
6	5330 PARK LN	TAYLOR WALTER L
7	9525 ALVA CT	LEPPERT THOMAS C & LAURA A LEPPERT
8	9507 ALVA CT	HYDE PATRICIA SUITE 1018
9	5332 RAVINE DR	SAVOLDELLI PAUL TR & BETH TR
10	9510 ALVA CT	9511 HOLLOW WAY LP
11	9434 ALVA CT	PICKENS BOONE % BP CAPITAL
12	9441 HOLLOW WAY RD	KATZ WARREN J ETAL
13	5510 PARK LN	HINSHAW CHESTER J
14	5503 KEMPER CT	USSERY TERDEMA L II & DEBRA
15	5323 PARK LN	WARREN KELCY

FILE NUMBER: BDA 123-005

BUILDING OFFICIAL'S REPORT:

Application of Bill Teel for a special exception to the sign regulations at 7642 Lyndon B. Johnson Freeway. This property is more fully described as Lot 2, Block C/7729 and is zoned MU-3, which allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct and maintain an additional sign, which will require a special exception to the sign regulations.

LOCATION: 7642 Lyndon B. Johnson Freeway

APPLICANT: Bill Teel

REQUEST:

A special exception to the sign regulations is requested in conjunction with erecting and maintaining a detached "double-face pylon" sign along the site's street frontage on a site limited (given its 249') to one sign – a site currently with one detached sign (a billboard) along its street frontage. The subject site is developed with a hotel use (Marriott Residence Inn).

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

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

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff has concluded that the existing billboard on this site that is not affiliated with the business on the property creates inequity to the applicant. The one sign that is permitted on the subject site (the existing billboard) precludes the applicant/owner from having a detached premise sign identifying the business on the subject site – a type of sign typically found along the street frontages on other lots/other properties.

- Approval of this special exception would merely allow an additional sign on the property and not provide any other exception to the sign regulations pertaining to the additional sign's setback, height, or effective area.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	MU-3 (Mixed use)
<u>North:</u>	MU-1 (Mixed use)
<u>South:</u>	PD 615 (Planned Development)
<u>East:</u>	MU-3 (Mixed use)
<u>West:</u>	MU-3 (Mixed use)

Land Use:

The site is currently developed with a hotel use (Marriott Residence Inn). The area to the north is the LBJ Freeway; and the areas to the east, west, and south are developed with 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.

Timeline:

November 6, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 6, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 11, 2012: 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 December 19th deadline to submit additional evidence for staff to factor into their analysis; and the January 4th 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.

December 21, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

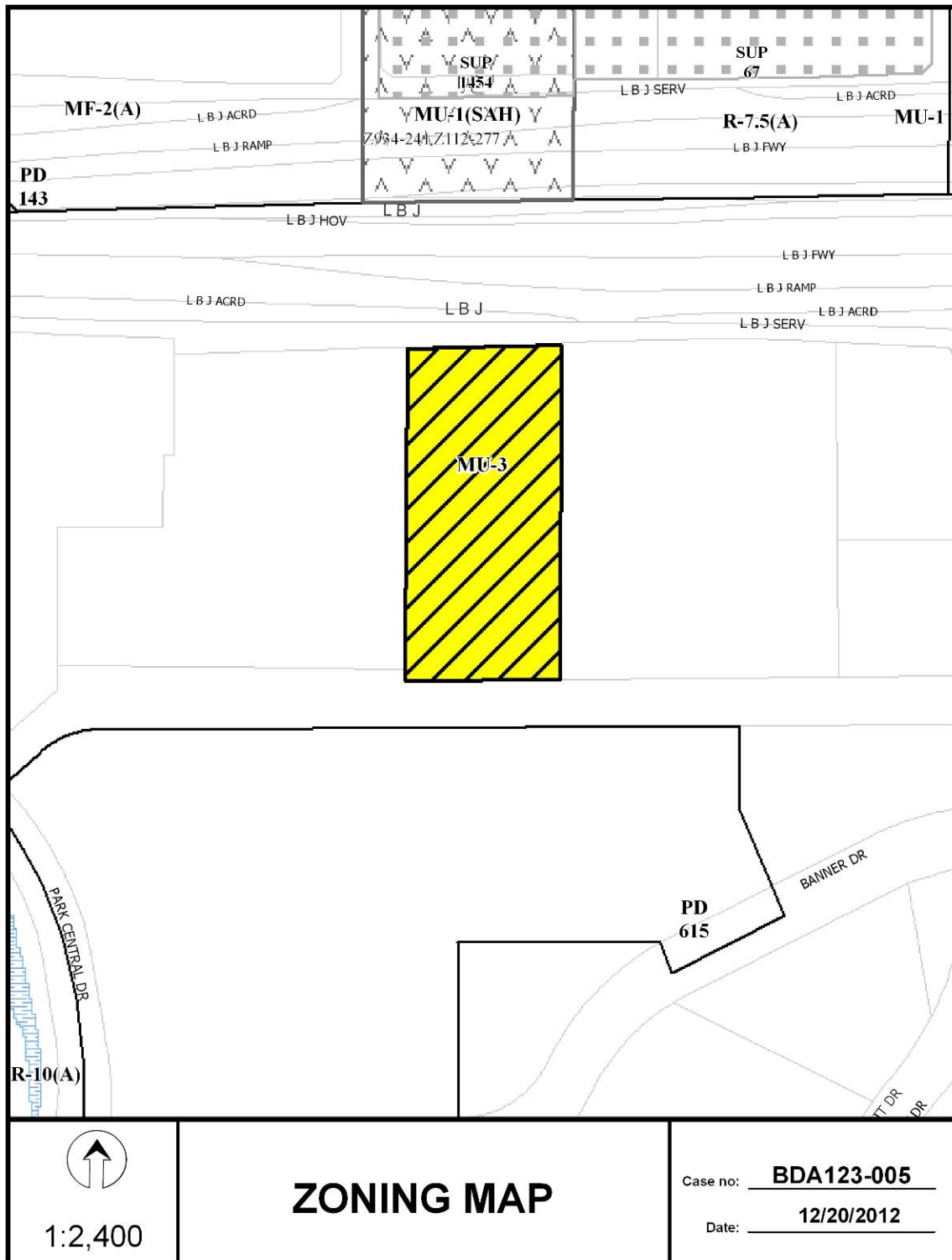
January 3, 2013: The applicant submitted additional information to the Board Administrator beyond what was submitted in the original application (see Attachment A).

GENERAL FACTS/STAFF ANALYSIS:

- The request focuses on erecting and maintaining an additional sign on the subject site, more specifically a detached “double-face pylon” sign to be located near the west side on the subject site’s LBJ Freeway service road frontage that would serve to identify the existing hotel (Marriott Residence Inn) on the subject site. The subject site is limited (given its 249’ of street frontage) to one sign - the site already has one detached sign (a billboard) located near its east side on the LBJ Freeway service road.
- The Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways, and that one expressway sign is allowed for every 450 feet of frontage or fraction thereof on an expressway. (The subject site’s frontage is an expressway).
- The applicant submitted a site plan indicating that the frontage of the site is 248.56 feet along with a “signage easement” on the east side of the site and a “new sign to be located with hatched area” on the west side of the site. A note on the submitted site plan denotes a 237’ distance from the existing billboard on the east to the new sign proposed location on the west.
- The applicant has also submitted a sign elevation denoting that the proposed sign at 20’ in height with a sign board that is 5’ 8” high and 9’ 0” wide. (The actual sign board is located atop a base that is approximately 14’ in height).
- The applicant states that the existing billboard on the site is on a sign easement which was in place prior to the lot being sold to the original developer of the hotel on the site; that the original developer and subsequent owners of the hotel could not obtain a permit for a freestanding sign solely because of the presence of the billboard; and that the owner of the hotel does not own the billboard or have any control of it whatsoever or receive any compensation from the billboard.
- The applicant has the burden of proof in establishing the following:
 - That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without

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

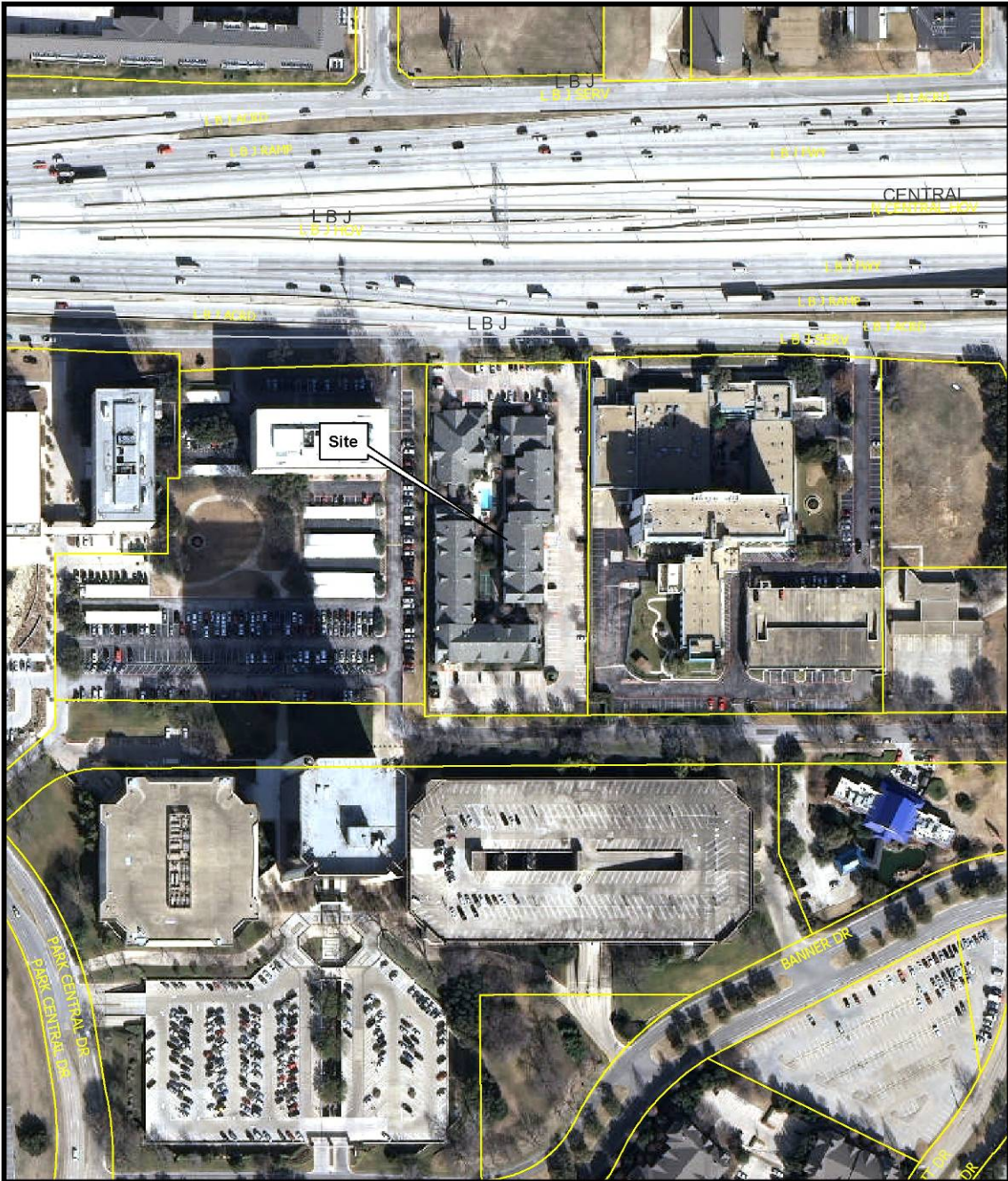
- If the Board were to approve the request for a special exception to the sign regulations, the Board may consider imposing a condition that the applicant complies with the submitted site plan and elevation.
- Granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code other than allowing an additional sign on the subject site.



1:2,400

ZONING MAP

Case no: **BDA123-005**
 Date: **12/20/2012**



1:2,400

AERIAL MAP

Case no: BDA123-005

Date: 12/14/2012

BDA123-005
Attach A
PSI**Long, Steve**

From: Bill Teel [BTeel@chandlersigns.com]
Sent: Thursday, January 03, 2013 2:32 PM
To: Long, Steve
Cc: Duerksen, Todd; Alves, Kleber; Sara Ralstin; Regina Cunningham
Subject: RE: BDA 123-005, Property at 7642 LBJ Freeway

Dear Mr. Long,

Listed below are some facts we deem pertinent to our hearing to request an additional freestanding sign. As you know, our hearing date has been set for January 16th at 1:00 pm.

*There is a billboard located in a sign easement on the east end of the front lot of the hotel.

*Both the easement and the billboard were in place prior to the lot being sold to the original developer of the hotel.

*Visibility of the hotel from the LBJ off ramp and the service road is, for all practical purposes, non-existent due to the contour of the roadway, the trees on the adjacent property, and the surrounding topography.

*The original developer and subsequent owners could not obtain a permit to erect a freestanding sign solely because of the presence of the billboard.

*The owner of the hotel does not own the billboard or have any control over it whatsoever. They receive no compensation from the sign.

*Typical rental fee for similar billboards runs around \$14,000 per month---\$7,000 per side.

*The hotel wishes to erect a small way-finding sign on the west end of property. The purpose of the sign will be to enable people to find the hotel, and for motorists to know where to turn into the property.

*There is somewhat of a traffic hazard at the off ramp and service road as people are preoccupied looking for the hotel, driving slowly and taking their eyes off the road.

*The difficulty in finding the hotel has resulted in over half a million dollars in cancellations. Even people that have been to the hotel before often have difficulty finding it.

*The sign being requested is well over 200 feet from the existing billboard and meets all other sign code requirements including max. height, max. size and minimum set back from the right-of-way.

Please let us know if you have any questions or if other information is required. Meanwhile, we'll be looking forward to our hearing on the 16th.

Thank you, Bill Teel

BDA 123-005
Attach A
P. 2

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, December 11, 2012 10:30 AM
To: Bill Teel
Cc: Duerksen, Todd
Subject: BDA 123-005, Property at 7642 LBJ Freeway

Dear Mr. Teel,

Here is information regarding your application to the board of adjustment referenced above some of which we discussed on the phone last week:

1. Your application materials - all of which will be emailed to you, city staff, and the board of adjustment members in a docket about a week ahead of your January 16th public hearing.
2. The standard as to how the board is able to grant a special exception to the sign regulations (51A-7.703(d)).
3. A document that provides deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Thanks,
Steve

PS: If there is anything you want to submit to the board on this application beyond what has been included in the attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address:

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-005

Data Relative to Subject Property:

Date: 11-19-12

Location address: 7642 LBJ Freeway Zoning District: MU3

Lot No.: 2 Block No.: C/7729 Acreage: 3.2 Census Tract: 132.00

Street Frontage (in Feet): 1) 246' 2) 249'8" 3) _____ 4) _____ 5) _____ NCAS

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): IA Orchard Hotels Limited Partnership

Applicant: Bill Teel Telephone: 972-898-7709
972-739-6516

Mailing Address: 3201 Manor Way Dallas, TX Zip Code: 75235

E-mail Address: bteel@chandlersigns.com

Represented by: Bill Teel Telephone: 972-898-7709

Mailing Address: 3201 Manor Way Dallas, TX Zip Code: 75235

E-mail Address: bteel@chandlersigns.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of Dallas Municipal Code Section 7.51A - 7.703 (d) 2

Allow one additional detached sign for a parcel with expressway frontage.

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

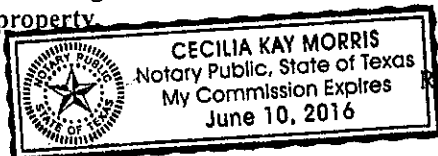
- To enable guests and other visitors to be able to find the hotels
- Granting this exception will reduce a traffic hazzard at the point where the LBJ off-ramp intersects the service road.

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 Bill Teel
(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: Bill Teel
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of November, 2012

Cecilia Kay Morris
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

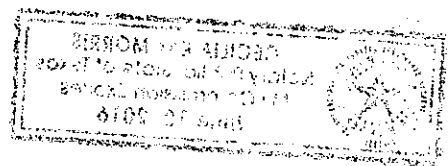
I hereby certify that Bill Teel

did submit a request for a special exception to the sign regulations
at 7642 Lyndon B. Johnson Frwy.

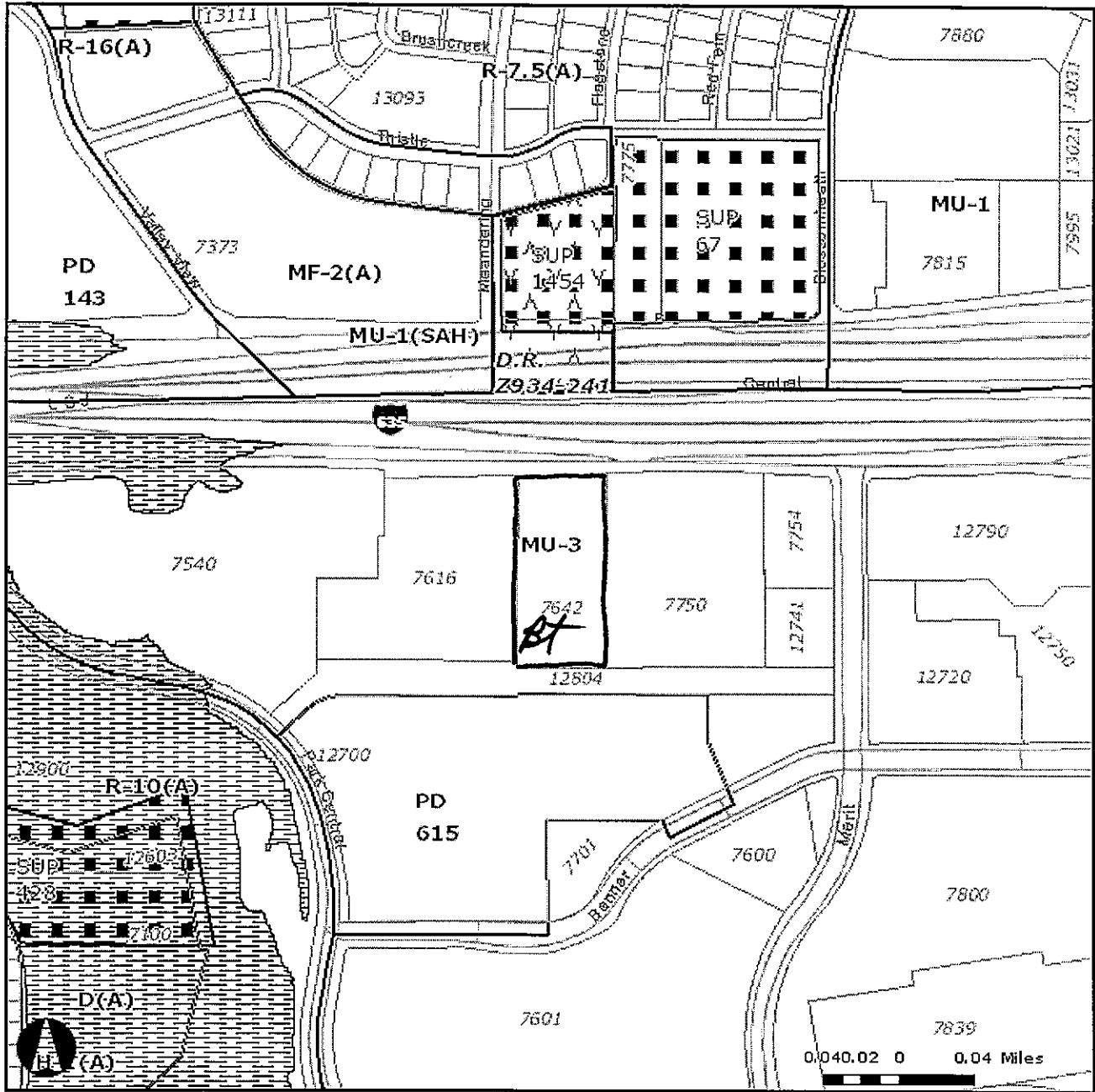
BDA123-005. Application of Bill Teel for a special exception to the sign regulations at 7642 Lyndon B. Johnson Frwy. This property is more fully described as Lot 2, Block C/7729 and is zoned MU-3, which allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct one additional detached premise sign on a nonresidential premise, which will require a special exception to the sign regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries

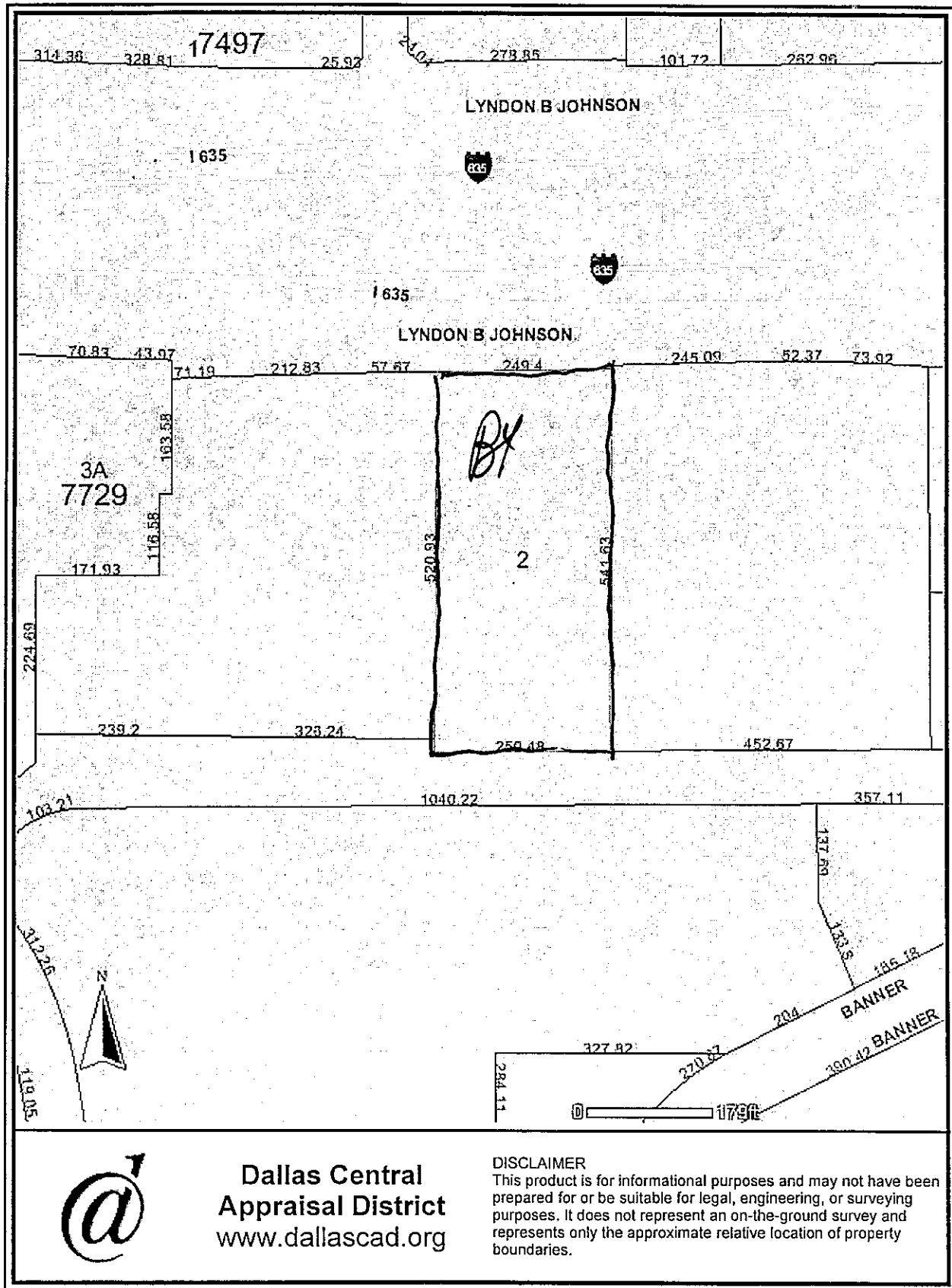
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Major Lakes
- Municipal Setting Designations

Historic Overlay

- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay
- CD Subdistricts
- PD Subdistricts

Floodplain

- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay**
- CP
- SP
- Environmental Corridors**
- Escarpment Overlay



Dallas Central
Appraisal District
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.

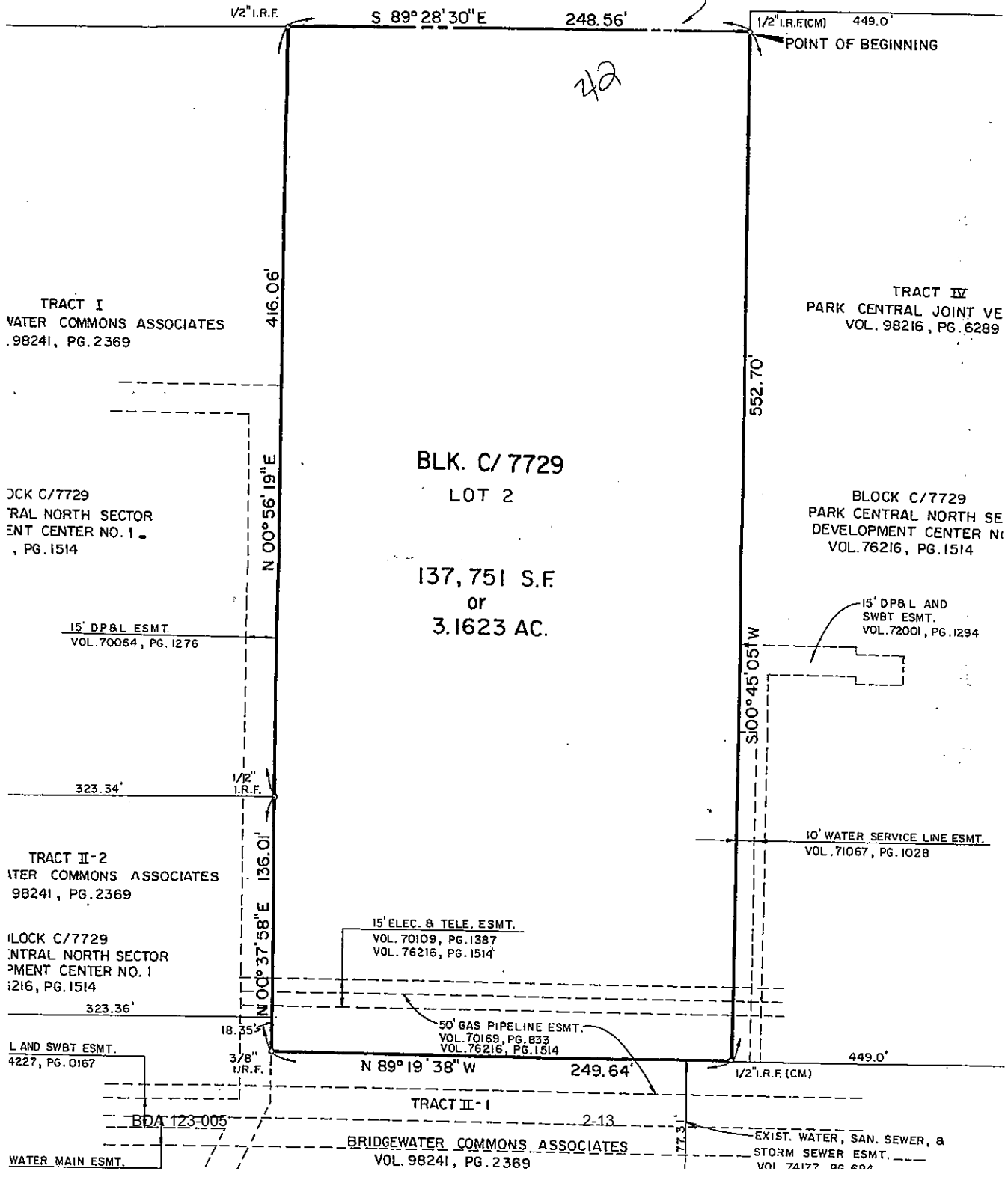
7600

NOTE: NO ACCESS TO SERVICE ROAD, WITHOUT TXDOT APPROVAL.

LYNDON B. JOHNSON FREEWAY/ I.H. 635

(VARIABLE WIDTH R.O.W.)

STATE OF TEXAS
VOL. 2001024, PG. 01666



TRACT I
WATER COMMONS ASSOCIATES
VOL. 98241, PG. 2369

TRACT IV
PARK CENTRAL JOINT VE
VOL. 98216, PG. 6289

BLOCK C/7729
CENTRAL NORTH SECTOR
DEVELOPMENT CENTER NO. 1
VOL. 76216, PG. 1514

BLOCK C/7729
PARK CENTRAL NORTH SE
DEVELOPMENT CENTER NO. 1
VOL. 76216, PG. 1514

BLK. C/7729
LOT 2

137,751 S.F.
or
3.1623 AC.

TRACT II-2
WATER COMMONS ASSOCIATES
VOL. 98241, PG. 2369

BLOCK C/7729
CENTRAL NORTH SECTOR
DEVELOPMENT CENTER NO. 1
VOL. 76216, PG. 1514

LAND SWBT ESMT.
VOL. 4227, PG. 0167

WATER MAIN ESMT.

15' ELEC. & TELE. ESMT.
VOL. 70109, PG. 1387
VOL. 76216, PG. 1514

50' GAS PIPELINE ESMT.
VOL. 70169, PG. 833
VOL. 76216, PG. 1514

15' DP&L AND
SWBT ESMT.
VOL. 72001, PG. 1294

10' WATER SERVICE LINE ESMT.
VOL. 71067, PG. 1028

TRACT II-1
BRIDGEWATER COMMONS ASSOCIATES
VOL. 98241, PG. 2369

EXIST. WATER, SAN. SEWER, &
STORM SEWER ESMT.
VOL. 74177, PG. 604



THOMAS WELCH & ASSOCIATES
ARCHITECTS • PLANNERS

2117 South Energy
E-MAIL: TWELCH@TWA.COM
214-421-7700 FAX (214) 421-7700



RESIDENTIAL PLANNING GROUP

RESIDENCE IN
DAYS CENTRAL
DAYS CENTRAL
DAYS CENTRAL
DAYS CENTRAL
DAYS CENTRAL
DAYS CENTRAL

DATE: 05/11/11
PROJECT NO.: 2011
SHEET NO.: 2011-001
SHEET TITLE: SITE PLAN

DATE: 05/11/11
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DATE: 05/11/11
PROJECT NO.: 2011
SHEET NO.: 2011-001
SHEET TITLE: SITE PLAN

PROJECT INFORMATION

- GENERAL NOTES**
1. USE GROUP
 2. TYPE OF CONSTRUCTION
 3. FINISHING
 4. NUMBER OF STORIES
 5. SPRAWLER SYSTEM
 6. ADAPTABLE ACCESSIBLE RAMP
- ADAPTABLE ACCESSIBLE RAMP**
- THE CITY OF DALLAS TELLS BUILDING CODES 109.106
- GENERAL CODES**
- GENERAL CODE CRITERIA
- ADAPTABLE ACCESSIBLE RAMP
- MIN. CLEARANCE
- MIN. WIDTH
- MIN. RAMP WIDTH
- MIN. RAMP SLOPE
- MIN. RAMP LENGTH
- MIN. RAMP WIDTH
- MIN. RAMP SLOPE
- MIN. RAMP LENGTH
- MIN. RAMP WIDTH
- MIN. RAMP SLOPE
- MIN. RAMP LENGTH

SITE INFORMATION

OCCUPANCY LOAD

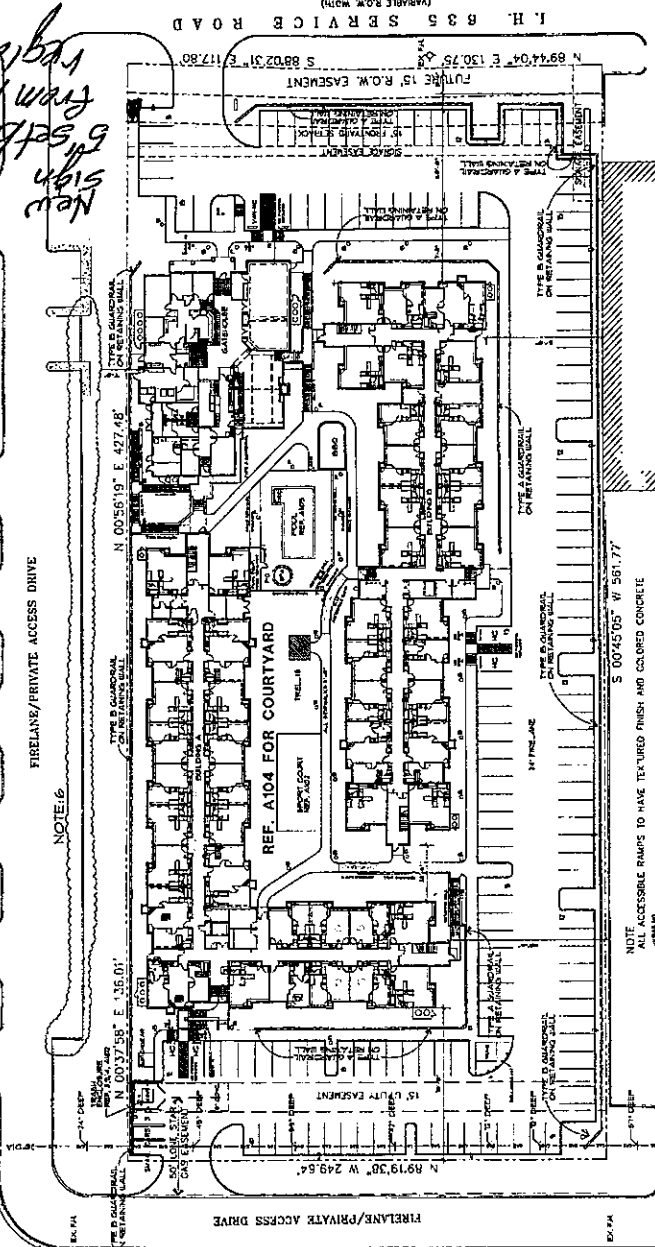
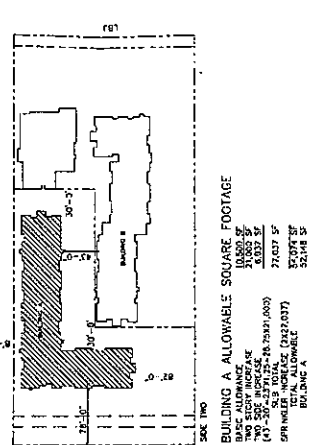
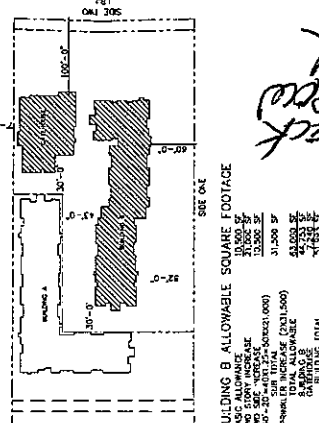
RESIDENCE IN
DAYS CENTRAL
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DAYS CENTRAL

FLOOR	AREA	LOAD	TOTAL
BASE	1,000 SF	150	150,000
FIRST FLOOR	10,000 SF	150	1,500,000
SECOND FLOOR	10,000 SF	150	1,500,000
THIRD FLOOR	10,000 SF	150	1,500,000
ROOF	10,000 SF	150	1,500,000
TOTAL	40,000 SF	150	6,000,000

TYPE	AREA	LOAD	TOTAL
RESIDENCE	100	150	15,000
DAYCARE	100	150	15,000
OFFICE	100	150	15,000
RETAIL	100	150	15,000
RESTAURANT	100	150	15,000
THEATER	100	150	15,000
WAREHOUSE	100	150	15,000
TOTAL	600	150	90,000

TYPE	AREA	LOAD	TOTAL
RESIDENCE	100	150	15,000
DAYCARE	100	150	15,000
OFFICE	100	150	15,000
RETAIL	100	150	15,000
RESTAURANT	100	150	15,000
THEATER	100	150	15,000
WAREHOUSE	100	150	15,000
TOTAL	600	150	90,000



GENERAL NOTES

1. ALL SETBACKS ARE 5'-0" MIN.
2. REFER TO CIVIL DRAWINGS FOR DIMENSIONAL CONTROL, SETBACKS, AND DRAINAGE PLANS.
3. REFER TO LANDSCAPE PLANS.
4. REFER TO A104 FOR COURTYARD LAYOUT.
5. NEW EXISTING PAVING AND CURBS.
6. NEW CURBS AND GUTTER AT ADJACENT PROPERTY.
7. GUARDRAIL REFER TO SPECIFICATIONS SECT. 05500
8. PROVIDE HANDRAIL ACCESSIBLE RAMP AND STAIRS REF 5 16/A102

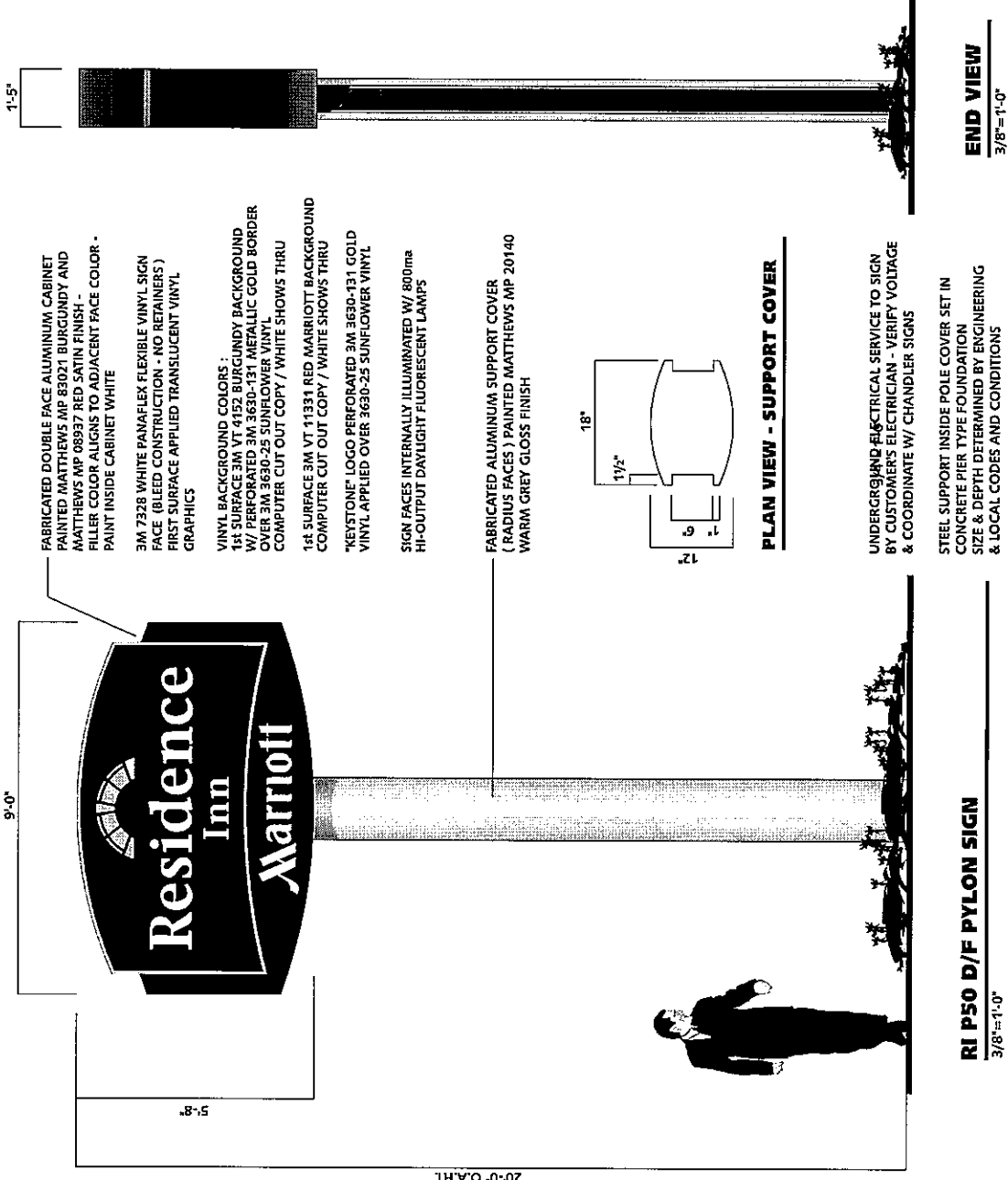


Design #	09-2842R2
Sheet	1 of 2
Client	
RESIDENCE INN	
ADDRESS	7642 LB FREETWAY DALLAS, TX
Account Rep.	BILL TEEL
Designer	JB
Date	11-25-09
Approval ID #	
Client	
Sales	
Estimating	
Art	
Engineering	
Layout	
Revision / Date	

RI-P50 D/F Pylon Sign
 R1P50R2LUL21 CHANGE TO
 Pylon Sign



www.chandler-signs.com
 3200 West Loop West, Suite 100, Dallas, TX 75240
 Phone: 972-416-1234
 Fax: 972-416-1234
 1325 Park Center Drive, Suite C
 Irving, TX 75038
 Phone: 972-251-7013
 Fax: 972-251-7013
 803 Bayview Avenue, Suite 100
 Irving, TX 75038
 Phone: 972-416-1234
 Fax: 972-416-1234
 1344 South Hill Street, Suite
 Irving, TX 75038
 Phone: 972-416-1234
 Fax: 972-416-1234
 803 Bayview Avenue, Suite 100
 Irving, TX 75038
 Phone: 972-251-7013
 Fax: 972-251-7013
 381455579 Fax 944434331



FABRICATED DOUBLE FACE ALUMINUM CABINET
 PAINTED MATTHEWS MP 8021 BURGUNDY AND
 MATTHEWS MP 08937 RED SATIN FINISH -
 FILLER COLOR ALIGNS TO ADJACENT FACE COLOR -
 PAINT INSIDE CABINET WHITE

3M 7328 WHITE PANAFLEX FLEXIBLE VINYL SIGN
 FACE (BLEED CONSTRUCTION - NO RETAINERS)
 FIRST SURFACE APPLIED TRANSLUCENT VINYL
 GRAPHICS

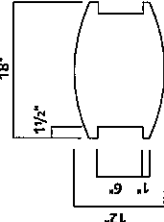
VINYL BACKGROUND COLORS:
 1 1/4 SURFACE 3M VT 4152 BURGUNDY BACKGROUND
 W/ PERFORATED 3M 3630-131 METALLIC GOLD BORDER
 OVER 3M 3630-25 SUNFLOWER VINYL
 COMPUTER CUT OUT COPY / WHITE SHOWS THRU

1 1/4 SURFACE 3M VT 11331 RED MARRIOTT BACKGROUND
 COMPUTER CUT OUT COPY / WHITE SHOWS THRU

"KEystone" LOGO PERFORATED 3M 3630-131 GOLD
 VINYL APPLIED OVER 3630-25 SUNFLOWER VINYL

SIGN FACES INTERNALLY ILLUMINATED W/ 800ma
 HI-OUTPUT DAYLIGHT FLUORESCENT LAMPS

FABRICATED ALUMINUM SUPPORT COVER
 (RADIUS FACES) PAINTED MATTHEWS MP 20140
 WARM GREY GLOSS FINISH



PLAN VIEW - SUPPORT COVER

UNDERGROUND ELECTRICAL SERVICE TO SIGN
 BY CUSTOMER'S ELECTRICIAN - VERIFY VOLTAGE
 & COORDINATE W/ CHANDLER SIGNS

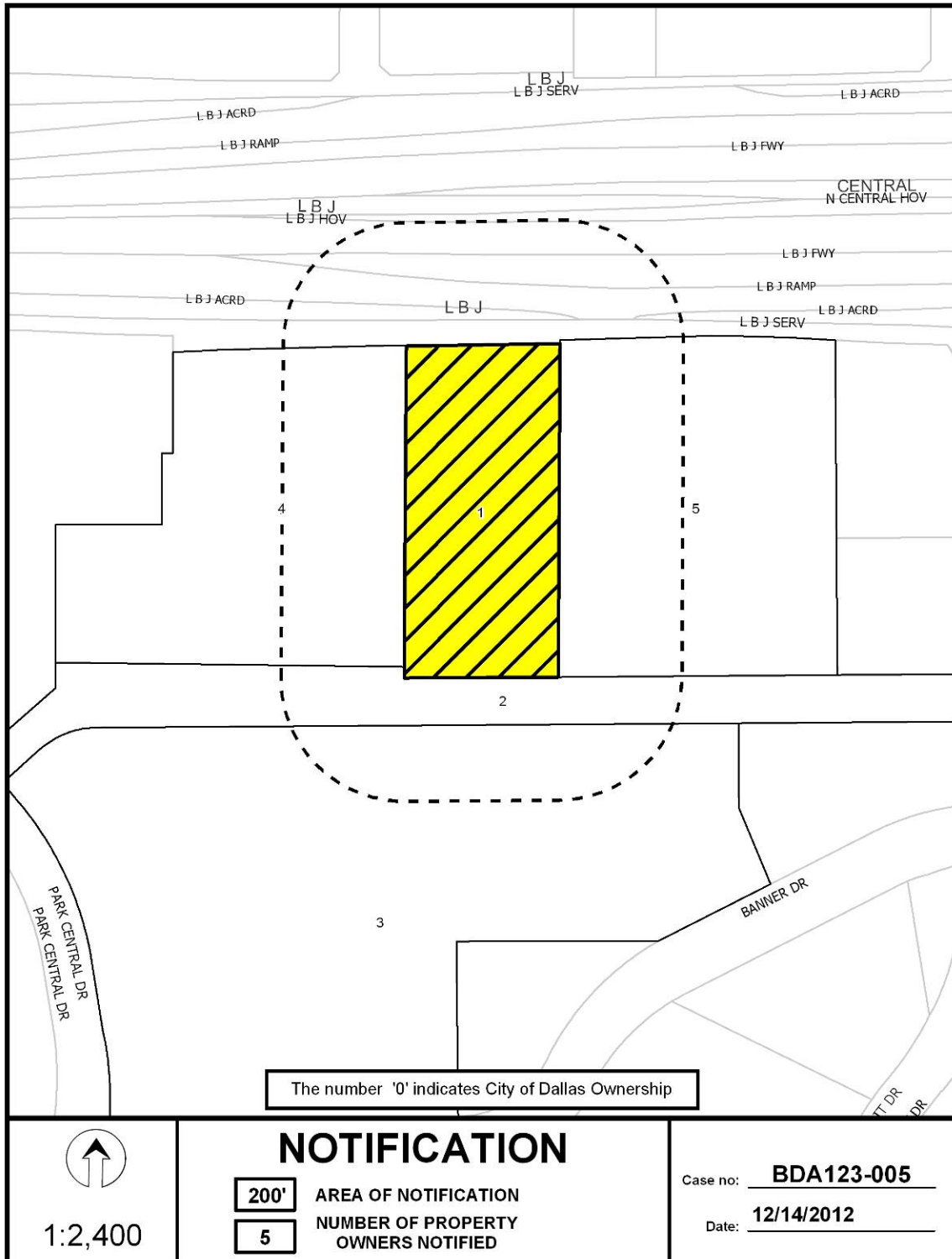
STEEL SUPPORT INSIDE POLE COVER SET IN
 CONCRETE PIER TYPE FOUNDATION
 SIZE & DEPTH DETERMINED BY ENGINEERING
 & LOCAL CODES AND CONDITIONS

RI P50 D/F PYLON SIGN

3/8"±=1'-0"

END VIEW

3/8"±=1'-0"



Notification List of Property Owners

BDA123-005

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7642 LBJ FWY	IA ORCHARD HOTELS DALLAS LTD PS
2	12804 PARK CENTRAL DR	HARTMAN INCOME REIT PROPERTY HOLDINGS LL
3	12700 PARK CENTRAL DR	MCKNIGHT DALLAS REAL EST SUITE 2500
4	7616 LBJ FWY	HARTMAN INCOME REIT PPTY HOLDINGS LLC ST
5	7750 LBJ FWY	PALACE AT PARK CENTRAL LLC

FILE NUMBER: BDA 112-082

BUILDING OFFICIAL'S REPORT:

Application of Jonathan Vinson of Jackson Walker for a variance to the off-street parking regulations at 601 Hawkins Street. This property is more fully described as a 0.394 acre parcel in City Block 317 and is zoned CA-2(A), which requires off-street parking. The applicant proposes to construct and maintain a structure for a mini-warehouse use and provide 6 of the required 28 parking spaces, which will require a variance of 22 spaces.

LOCATION: 601 Hawkins Street

APPLICANT: Jonathan Vinson of Jackson Walker

REQUEST:

A variance to the off-street parking regulations of 22 parking spaces (or a 79 percent reduction of the 28 off-street parking spaces that are required) is requested in conjunction with constructing and maintaining an approximately 61,000 square foot mini-warehouse use (Public Storage) on an undeveloped property. The applicant proposes to provide 6 (or 21 percent) of the required 28 off-street parking.

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, lot 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:

- (A) the variance is 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) the variance is 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) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how a literal enforcement of the code provisions would result in unnecessary hardship; how the variance is necessary to permit development of the subject site in that it is different from other parcels of land by its restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels with the same CA-2(A) zoning district; nor how the variance is not needed to relieve a self-created or personal hardship, nor for financial reasons only.
- Although the site is irregular in shape, the applicant has not substantiated how the requested variance to the off-street parking requirement is necessary to permit its development (even with its triangular shape) in a manner commensurate with the development upon other parcels of land with the same CA-2(A) zoning, or how with the physical features of the site preclude him from complying with off-street parking requirements for a mini-warehouse use with less square footage than what is proposed.
- In addition, the applicant has not substantiated how granting this variance to the number of required off-street parking spaces would not be contrary to the public interest. The Sustainable Development and Construction Department Engineering Division Assistant Director recommends denial of this request, commenting that the “multi-story structure without drive aisles for loading and unloading will need more than 6 parking spaces.”

BACKGROUND INFORMATION:

Zoning:

Site: CA -2(A) (Central Area)
North: CA -2(A) (Central Area)
South: CA -2(A) (Central Area)
East: CA -2(A) (Central Area)
West: CA -2(A) (Central Area)

Land Use:

The subject site is currently undeveloped. The areas to the north and west are freeways, the area to the east is developed with residential uses; and the area to the south is developed with mini-warehouse use.

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.

Timeline:

- June 27, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 17, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- July 17, 2012: 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 July 25th deadline to submit additional evidence for staff to factor into their analysis; and the August 3rd 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.
- July 19, 2012: The applicant submitted a revised site plan and the Building Inspection Senior Plans Examiner forwarded a revised Building Official's Report on this application (see Attachment A).
- July 28, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "The submitted parking study does not support 0 spaces. On-street parking will be contrary to the public interest in this area."
- July 31, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorneys to the Board.
- August 1, 2012: The applicant requested postponement of the application until Panel B's September hearing.
- August 24, 2012: The applicant requested postponement of the application until Panel B's October hearing.
- September 27, 2012: The applicant amended his application and submitted a revised site plan (see Attachment B). The applicant also submitted information

for staff review to be considered at the October 2nd staff review team meeting.

- October 2, 2012: 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 Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Senior Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.
- October 5, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Recommends that this be denied" commenting "Multi-story structure without drive aisles for loading and unloading will need more than 6 parking spaces."
- October 5, 2012: The applicant forwarded additional information beyond what was submitted with the original application, and at the October 2nd staff review team meeting (see Attachment C).
- October 17, 2012: The Board of Adjustment Panel B conducted a hearing on this application and moved to hold the matter under advisement until January 16, 2013.
- December 20, 2012: The applicant also submitted information for staff review to be considered at the December 21st staff review team meeting.
- December 21, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- January 4, 2013: The applicant forwarded additional information to be forwarded to the board beyond what was submitted with the original application, and beyond what was submitted at the October 17th hearing (see Attachment D).

GENERAL FACTS/ STAFF ANALYSIS:

- This request for a 22 space variance to the off-street parking regulations focuses on constructing and maintaining an approximately 61,000 square foot mini-warehouse

use (Public Storage) on an undeveloped property zoned CA-2(A). The applicant proposes to provide 6 (or 21 percent) of the required 28 off-street parking.

- Prior to September 25, 2012, the off-street parking regulations of the Dallas Development Code required the following off-street parking for a mini-warehouse use in zoning districts other than in CA-2(A): 1 space per 3,000 square feet of floor area.
- On September 25, 2012, the City Council amended the off-street parking for a mini-warehouse use to the following: Six spaces are required. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.
- Regardless of the recent off-street parking code amendments for mini-warehouse uses in most zoning districts, the off-street parking requirement in CA-2(A) zoning was not amended and remains the same for this site because it is zoned CA-2(A). The off-street parking requirements for this site are as follows: for all uses other except single family and duplex, off-street parking is only required for a new building or an addition to an existing building at a ratio of one parking space per each 2,000 square feet of floor area which exceeds 5,000 square feet. No off-street parking is required for a building with 5,000 square feet or less of floor area. The proposed 61,158 square foot mini-warehouse use is required to provide off-street parking for 56,158 square feet or 5,000 square feet less than the actual 61,158 square feet proposed on the site.
- Dallas Development Code Section 51A-4.311(a)(1) states that the Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces 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, the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets; and that 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 already existing nonconforming rights.
- Because the applicant is seeking a 79 percent reduction to the off-street parking requirement, the applicant may only apply for a *variance* and only the variance standard applies.
- The subject site is flat, triangular in shape, and according to the application, 0.3940 acres in area.
- DCAD records indicate “no improvements” for property at 601 Hawkins Street.
- The applicant has submitted additional documentation stating that the “request has not changed in any of its particulars since the October 17 Board hearing.”
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Recommends that this be denied” commenting “Multi-story structure without drive aisles for loading and unloading will need more than 6 parking spaces.”
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of 22 spaces 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 CA-2(A) zoning classification.
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CA-2(A) zoning classification.

BOARD OF ADJUSTMENT ACTION: OCTOBER 17, 2012

APPEARING IN FAVOR: Jonathan Vinson, 901 Main St., Dallas, TX
 Jim Fitzpatrick, 701 Western Ave, Glendale, CA

APPEARING IN OPPOSITION: Ryan Rothermel, 2502 Live Oak St., #238, Dallas, TX
 Jeffrey Langlitz, 2502 Live Oak St., #105, Dallas, TX
 Jessie States, 2502 Live Oak, # 204, Dallas, TX

MOTION: **Wilson**

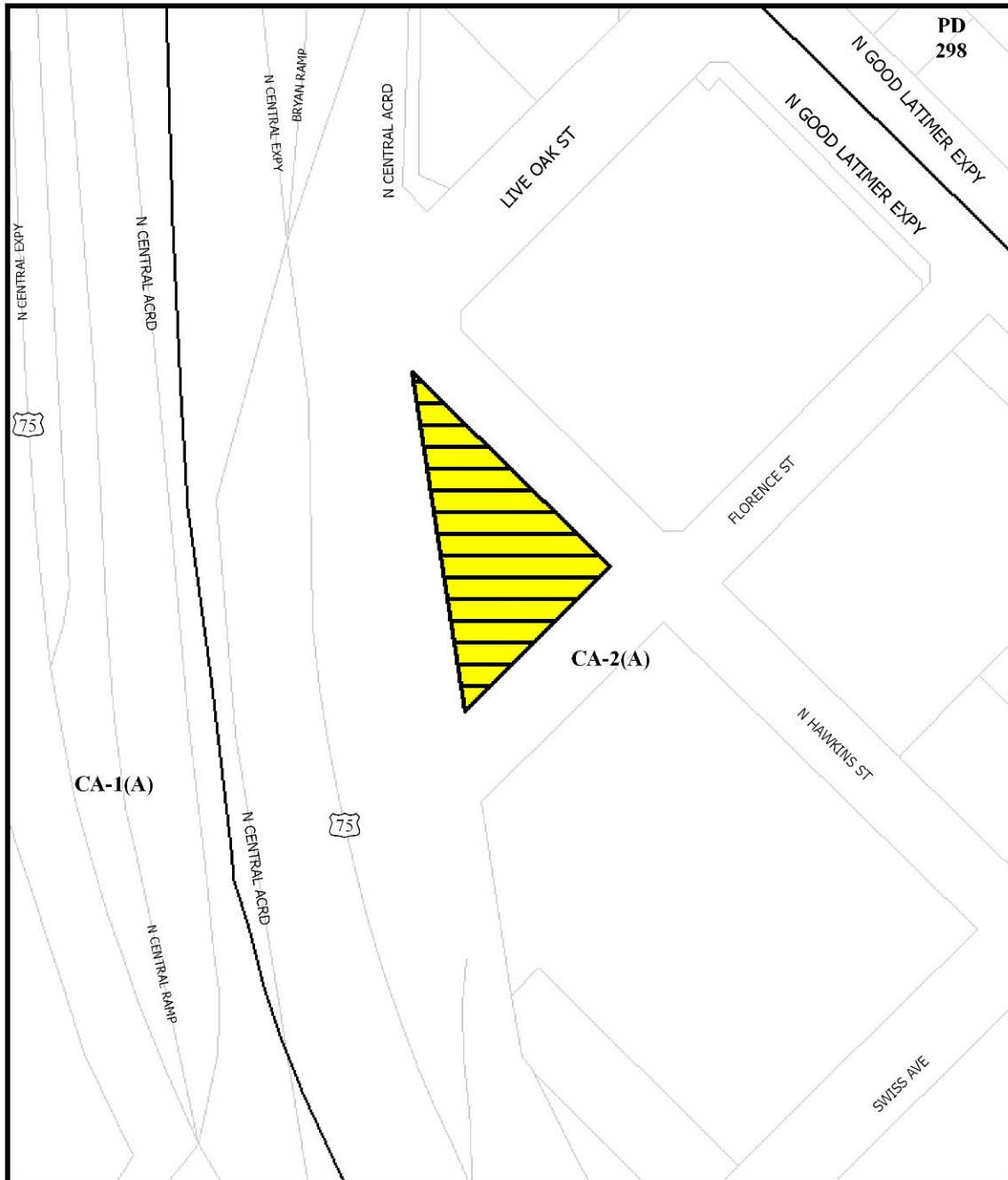
I move that the Board of Adjustment in Appeal No. **BDA 112-082**, hold this matter under advisement until **January 16, 2013**.

SECONDED: **Chernock**

AYES: 5– Reynolds, Chernock, Wilson, Leone, Gaspard

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)



PD
298

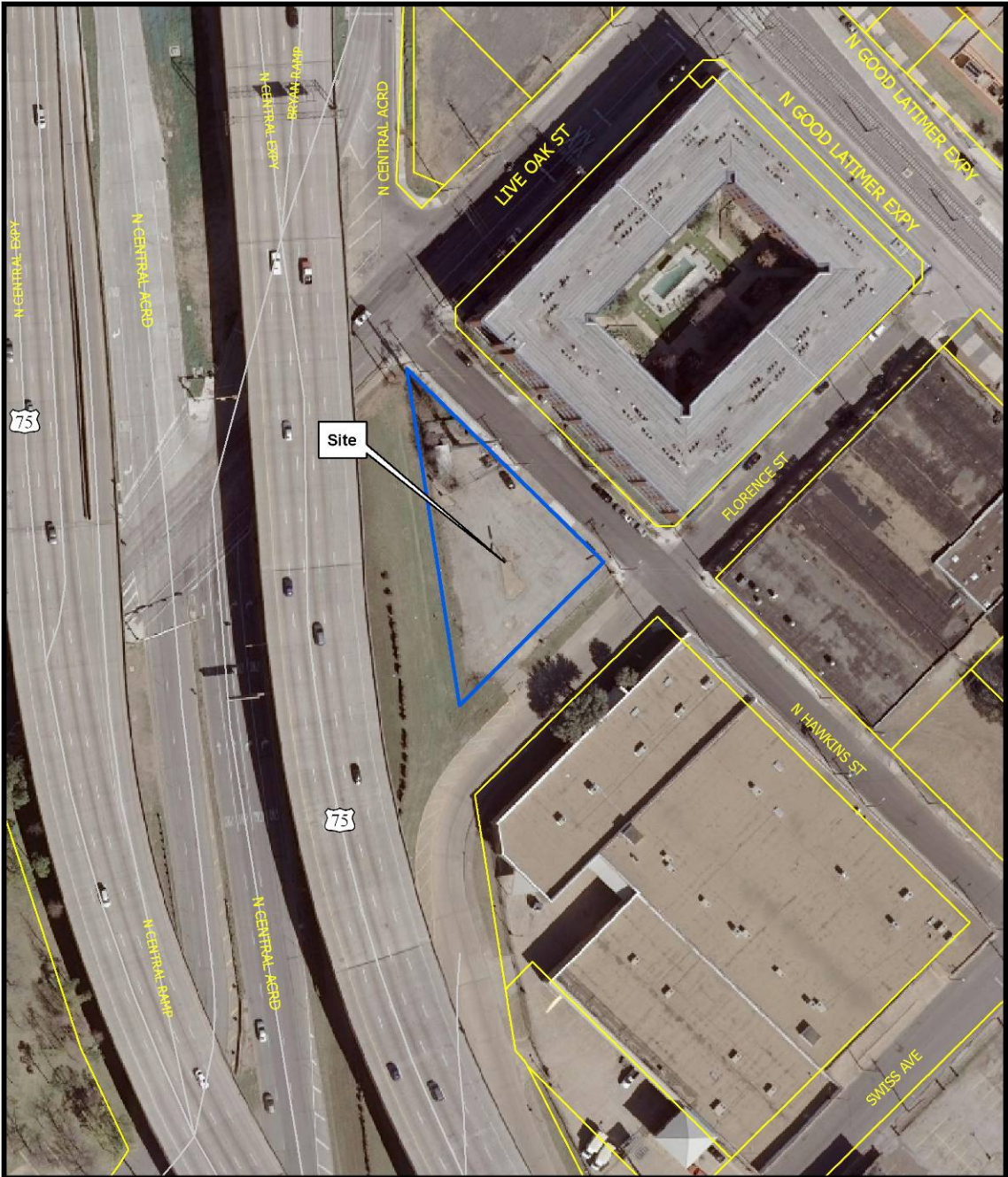


1:1,200

ZONING MAP

Case no: BDA112-082

Date: 7/26/2012



Site



1:1,200

AERIAL MAP

Case no: BDA112-082

Date: 7/26/2012

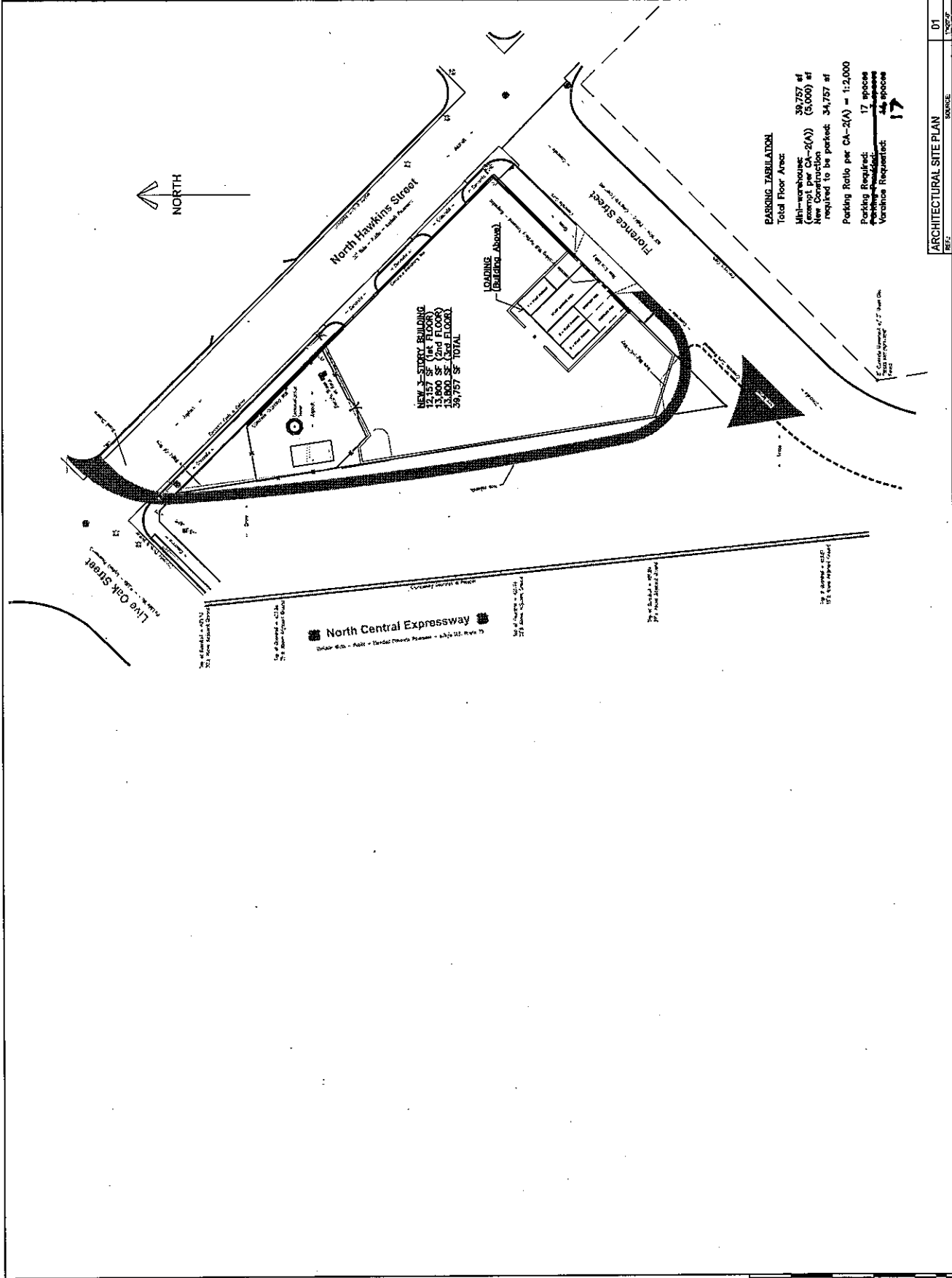
Ignarri Architects
 David N. Lummis, AIA
 801 Chapel Avenue East - Cherry Hill, New Jersey 08034
 974.427.9177

Public Storage
 701 Western Avenue
 Dallas, Texas 75201

NO.	DATE	REVISION

CONTRACTOR SHALL VERIFY ALL INFORMATION AND CONDITIONS SHOWN ON THIS PLAN ARE ACCURATE AND COMPLETE. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS SHOWN ON THIS PLAN ARE ACCURATE AND COMPLETE. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS SHOWN ON THIS PLAN ARE ACCURATE AND COMPLETE.

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7-19-12

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 Jonathan Vinson

did submit a request for a variance to the parking regulations
at 601 Hawkins Street

BDA112-082. Application of Jonathan Vinson for a variance to the parking regulations at 601 Hawkins Street. This property is more fully described as a .394 acre parcel in city block 317 and is zoned CA-2(A), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a mini-warehouse use and provide 0 of the required 17 parking spaces, which will require a 17 space variance to the parking regulation.

Sincerely,


Lloyd Denman, Building Official



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-082

Data Relative to Subject Property:

Date: 6-27-12

Location address: 601 Hawkins Street Zoning District: CA-2(A)

Lot No.: N/A Block No.: 317 Acreage: 0.3940 Census Tract: 0022.00

Street Frontage (in Feet): 1) 217.27 2) 157.99 3) 268.30 4) _____ 5) _____

To the Honorable Board of Adjustment :

SE 27

Owner of Property/or Principal: PS Texas Holdings, Ltd.

Applicant: Jackson Walker L.L.P./Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 901 Main Street, Suite 6000 Zip Code: 75202

Represented by: Jackson Walker L.L.P./Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 901 Main Street, Suite 6000 Zip Code: 75202

Affirm that a request has been made for a Variance , or Special Exception , of to the off-street parking regulations of Sec. 51A-4.124(b)(5) and Sec. 51A-4.301 of the Dallas Development Code, for a reduction from 17 spaces required, to 8 spaces provided (a reduction of 9 spaces), in the configuration shown on the Site Plan. *for a mini-warehouse use.*

*for 9/26/12
for 6/27/12
for*

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:

Granting of the requested variance will not be contrary to the public interest; and, owing to special conditions (including irregular shape, adjacency to elevated IH-45, and City of Dallas right-of-way acquisition), to be described further in supplementary materials to be provided to City Staff, literal enforcement of the referenced regulations would result in unnecessary hardship. The variance is necessary to permit development of this specific parcel of land in a manner commensurate with other parcels in CA-2(A) zoning, and is not to relieve a self-created or personal hardship, nor for financial reasons only.

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: Jackson Walker, L.L.P.
By: Jonathan G. Vinson
Applicant's name printed

Jonathan G. Vinson
Applicant's signature

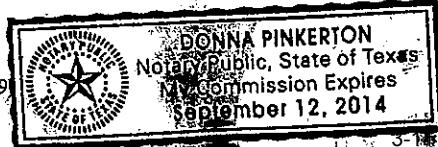
Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Jonathan G. Vinson
Affiant (Applicant's signature)

Subscribed and sworn to before me this 27th day of June, 2012

Donna Pinkerton
Notary Public in and for Dallas County, Texas



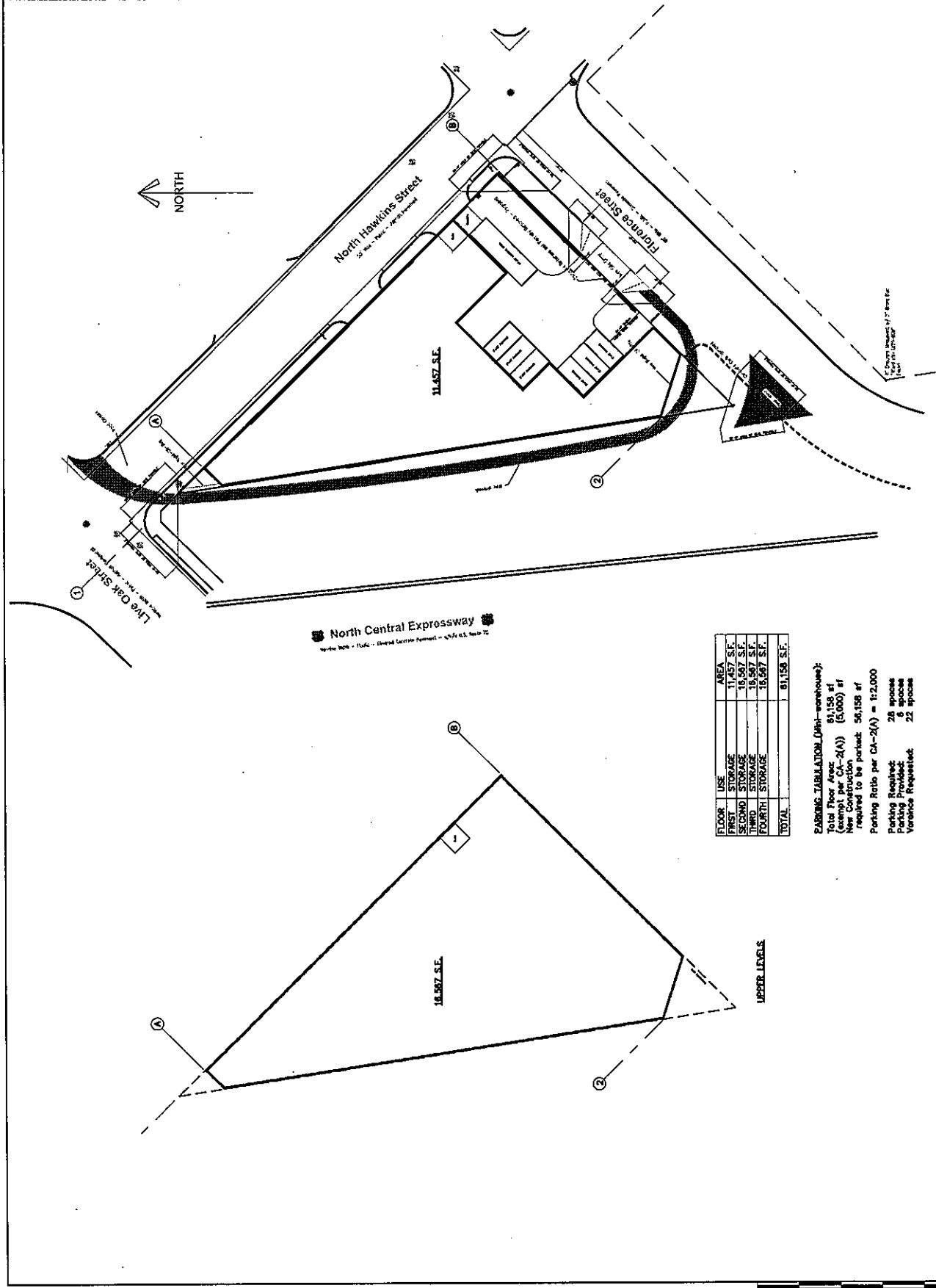
Ignarri Architects
 David N. Lummis AIA
 801 Commerce Street, Suite 1000
 Dallas, Texas 75202
 Phone: 214.742.1111
 Fax: 214.742.1112
 ignarri.com

Public Storage
 Public Storage
 701 Western Avenue
 Danville, CA 94501

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	08/15/12	DL
2	REVISED	08/15/12	DL
3	REVISED	08/15/12	DL
4	REVISED	08/15/12	DL
5	REVISED	08/15/12	DL
6	REVISED	08/15/12	DL
7	REVISED	08/15/12	DL
8	REVISED	08/15/12	DL
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15	REVISED	08/15/12	DL
16	REVISED	08/15/12	DL
17	REVISED	08/15/12	DL
18	REVISED	08/15/12	DL
19	REVISED	08/15/12	DL
20	REVISED	08/15/12	DL

NEW FACILITY FOR PUBLIC STORAGE
 2438 SWISS ROAD
 DALLAS, TEXAS

AS-1.216
 SITE PLAN



FLOOR	USE	AREA
FIRST	STORAGE	11,457 S.F.
SECOND	STORAGE	16,507 S.F.
THIRD	STORAGE	16,507 S.F.
FOURTH	STORAGE	16,507 S.F.
TOTAL		61,150 S.F.

PARKING TABULATION (parking garage):
 Total Floor Area: 61,150 sf
 (exempt per CA-2(A)) (5,000) sf
 New Construction required to be parked: 56,150 sf
 Parking Ratio per CA-2(A) = 1:2,000
 Parking Required: 28 spaces
 Parking Provided: 8 spaces
 Variance Requested: 22 spaces

ARCHITECTURAL SITE PLAN
 01
 12/27/12

9-27-12

Attach pg 3

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 Jonathan Vinson

did submit a request for a variance to the parking regulations at 601 Hawkins Street

BDA112-082. Application of Jonathan Vinson for a variance to the parking regulations at 601 Hawkins Street. This property is more fully described as a .394 acre parcel in city block 317 and is zoned CA-2(A), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a mini-warehouse use and provide 6 of the required 28 parking spaces, which will require a 22 space variance to the parking regulation.

Sincerely,

Lloyd Denman, Building Official



Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

October 5, 2012

Hon. Chair and Members, Panel B
Zoning Board of Adjustment
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, TX 75201

Re: BDA 112-082; 601 Hawkins Street

Dear Members of the Board of Adjustment:

I. Introduction. This is an Application for a variance to the parking regulations applicable to this site, to reduce the parking from 28 spaces required to 6 spaces provided, for a variance of 22 spaces (under the maximum development scenario depicted on the accompanying revised Site Plan, attached). I will discuss below the location, the ownership, and the prospective use of the site; the applicable parking regulations; the actual parking demand; and how this request meets the variance standards, including property characteristics and other factors.

II. Site Characteristics; Owner/Operator. This is a very unusual site in its configuration, being an exact right triangle located between Florence Street, Hawkins Street, and the elevated portion of North Central Expressway, just outside the Downtown freeway loop. The total area of the site is 0.3940 acres, so the site, besides being exactly triangular, is relatively small, probably largely due to a right-of-way acquisition decades ago for the construction of the freeway. I have attached a series of captioned aerial and site photos for your information.

The site is owned by PS Texas Holdings Limited, an entity of Public Storage, Inc., a nationwide provider of mini-warehouse facilities headquartered in California. Public Storage is a very experienced and very successful operator of mini-warehouses in many different locations and environments, and thus has an excellent idea of what actual parking demand is needed to serve their customers. Public Storage also owns and operates the facility on the south side of Florence Street, and now wishes to build on this vacant property to serve the growing needs of their customers who live in Downtown and nearby areas.

III. Applicable Parking Requirement.

A. The CA-2(A) Requirement is Excessive. One peculiarity of this site is that it is located in CA-2(A) zoning. What is significant about this for our purpose is that, while the regular Chapter 51A parking requirement for mini-warehouse is now, after approval of the September 26, 2012, Development Code amendments, a six space requirement, fixed CA-2(A) has its own parking regulations which apparently supersede the Chapter 51A parking regulations, as confirmed by Mr. Todd Duerksen of the Building Inspection staff.

8523612v.1 135104/00004

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

Hon. Chair and Members, Panel B
Zoning Board of Adjustment
City of Dallas
October 5, 2012
Page 2

In this instance, these regulations are more restrictive and actually penalize this use. That is, CA-2(A) provides that the first 5,000 square feet of new construction does not require off-street parking; however, after that 5,000 square feet threshold, one parking space must be provided for each additional 2,000 square feet of density, without regard to the use. It is apparent that this CA-2(A) parking standard was intended to encourage adaptive reuse and redevelopment in Downtown – but in this instance it actually *penalizes* this use, just because it happens to be in the CA-2 district.

Therefore, this proposed 61,158 square feet mini-warehouse, after subtracting the 5,000 square feet which are exempt under CA-2(A), must provide parking for the remaining 56,158 square feet at a ratio of 1:2,000, for a parking requirement of 28 spaces. This is vastly excessive for this use and location. We have worked hard on our site plan, and we now propose to provide six parking spaces on site, in addition to the 18 spaces already located on the Public Storage property just on the other side of Florence Street. The cell tower is proposed to be removed so the building can be “shifted” to accommodate this parking.

B. The Actual Parking Demand is Much Less. Actual demand for parking at mini-warehouse facilities has been studied extensively by Public Storage itself as well as others. We included with our original Application a parking study commissioned by Public Storage for its facilities in the Los Angeles area. This study concludes in Table 6, based on a study of five locations in dense urban areas of Southern California, that the actual parking demand per 1,000 square feet ranges from 0.13 spaces to 0.21 spaces

Since the last time we provided information to Staff, we have had a parking demand study done by Mr. Steve Stoner, P.E., of DeShazo Associates (*copy attached*). This study confirms an appropriate parking supply of nine spaces under the maximum development scenario, but bear in mind, also, that 18 spaces already exist directly across the street on the other Public Storage property, so we believe that the six spaces on-site will be sufficient, given the availability of the other 18 spaces, three times what the normal Code requirement now is for mini-warehouse.

C. Our Request is the Same as the New City of Dallas Standard. The City of Dallas approved at the September 26 Council meeting modifications to parking requirements for mini-warehouse and other uses, and changed the parking requirement for the mini-warehouse use from one space for each 3,000 square feet of floor area to a flat total of six spaces for *any* mini-warehouse (other than in CA zoning). We suggest that a more urban mini-warehouse location does not need even that many parking spaces, in particular with the other parking available across the street. While the CA-2(A) requirement would still control, this new standard of six spaces, the result of much study by the City Staff itself, undoubtedly much better reflects the actual parking demand.

IV. All of the Variance Standards Are Met. In addition, this request meets all of the elements of the variance standard. As regards property hardship, I have already mentioned the very odd shape of the property, that is, an exact right triangle. Beyond that, portions of the property are now subject to a City of Dallas right-of-way take, these also being indicated on the Survey, leaving a very oddly-shaped and much-diminished property upon which to build this project. The property is also immediately adjacent to the elevated portion of North Central Expressway at this location, which rises about around 30 feet above grade, the site has very confusing and difficult access.

These property hardship conditions clearly prevent development commensurate with other developments in the CA-2(A) classification. Because of the very poor access and visibility and the

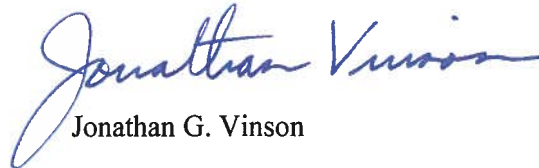
presence of the elevated freeway, in addition to the other characteristics, this lot is not at all suitable for any kind of retail, residential or office development, so the mini-warehouse use at this location, with its ability to serve the growing population Downtown and nearby, is the highest and best use for this property.

Therefore, this is also not contrary to the public interest. Please note that the Board of Directors of the Live Oak Lofts HOA, our neighbors across the street, have voted to take no position on this request (see attached e-mail). A number of emails were sent to the Staff early during the pendency of this request, before the current six spaces were proposed. Many of these emails expressed concern over parking issues in the area, but these appear largely to be attributable to the Lizard Lounge and other clubs – not to our current or future mini-warehouse facilities. This will be a well-designed facility and will be respectful of our neighbors.

The hardship is also not self-created or personal, nor is the variance requested for financial reasons only. The CA-2(A) parking requirement for this use is simply very excessive. Granting of this request will facilitate the development of the site with this low-intensity, low-traffic, quiet use, as an amenity to serve the growing Downtown population.

Thank you very much for your consideration of all of these factors. We look forward to appearing at your October 17th public hearing, where we will respectfully ask that you approve our parking variance request.

Very truly yours,



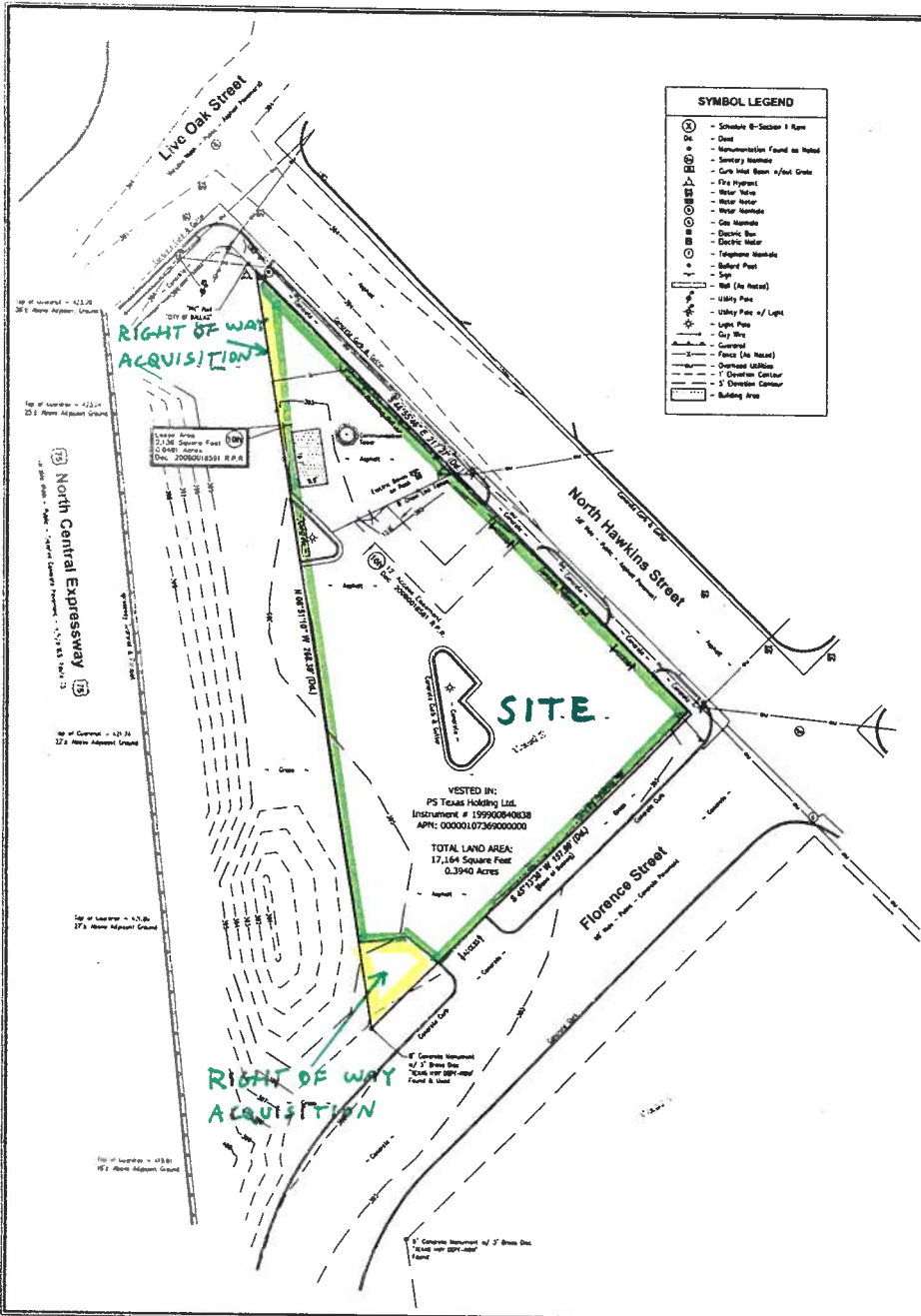
Jonathan G. Vinson

JGV/dv

cc: Jim Fitzpatrick
Frank Caccuro
Bob Ignarri
Ken Kauker
Steve Stoner
Bill Dahlstrom

List of Attachments

1. Survey (illustrates property hardship conditions).
2. Current proposed Site Plan.
3. Captioned aerial and site photographs (numbered 1 through 8 for reference).
4. DeShazo Group Parking Demand Analysis dated September 27, 2012.
5. Excerpts from Development Code amendments on parking requirements, passed at Council September 26, 2012.
6. Excerpt from CA-2(A) regulations on parking requirements (supercedes preceding item, per Building Inspection).
7. September 17 email from Board member of Live Oak Lofts HOA.



**FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO. NCS-537092-LA2 - SCHEDULE A.**

FACT 1:
None of the surface right or parcel underlying 2.28 acres shown on the John Grigg Survey, Instrument No. 485 of Dallas County, Texas and being a part of Block 238 out of Block 278 of the Block City of Dallas, Texas and being the same property described on Texas 1's Special Warranty Deed dated February 5, 1988 from Texas Consumer Finance Company to South Furniture Co., Inc. recorded in Volume 8827, Page 1977 of the Public Records of Dallas County, Texas and a 1988 deed recorded in Deed Book 2810, Page 208 of the Public Records of Dallas County, Texas and a 1988 deed recorded in Deed Book 2810, Page 208 of the Public Records of Dallas County, Texas and a deed recorded in Attorney General's Record Company to South Furniture Company, Inc. recorded in Volume 8824, Page 713 of the Public Records of Dallas County, Texas.

BEARING: as an "X" and found at the intersection of the Southeast line of Florence Street and the horizontal line of Florence Street located at the East corner of the above mentioned fact 1 at the East corner of the 2.28 acre being described.

MONUMENT: South 45 degrees 00 minutes 00 seconds East, 2856 feet bearing to the Northeast line of Florence Street, a distance of 29.28 feet to an "X" and found at the South corner of the 2.28 acre being described.

MONUMENT: North 28 degrees 20 minutes 40 seconds East, 400 feet East line of North Central Expressway, a distance of 19.08 feet East to an "X" and found at a corner of the 2.28 acre being described.

MONUMENT: North 40 degrees 10 minutes 00 seconds East, 400 feet East line of North Central Expressway, a distance of 1.00 foot to an "X" and found at a corner of the 2.28 acre being described.

MONUMENT: North 60 degrees 20 minutes 10 seconds East, 400 feet East line of North Central Expressway, a distance of 20.00 feet to an "X" and found at the intersection of the East line of North Central Expressway and the Southeast line of Florence Street for the East corner of the 2.28 acre being described.

MONUMENT: North 45 degrees 13 minutes 20 seconds East, 400 feet East line of North Central Expressway, a distance of 20.00 feet to an "X" and found at the intersection of the Southeast line of Florence Street and the Southeast line of North Central Expressway for the East corner of the 2.28 acre being described.

MONUMENT: South 45 degrees 13 minutes 20 seconds East, 400 feet East line of North Central Expressway, a distance of 20.00 feet to an "X" and found at the intersection of the Southeast line of Florence Street and the Southeast line of North Central Expressway for the East corner of the 2.28 acre being described.

FACT 2:
None of the surface right or parcel underlying 2.28 acres shown on the John Grigg Survey, Instrument No. 485 of Dallas County, Texas and being a part of Block 238 out of Block 278 of the Block City of Dallas, Texas and being the same property described on Texas 1's Special Warranty Deed dated February 5, 1988 from Texas Consumer Finance Company to South Furniture Co., Inc. recorded in Volume 8827, Page 1977 of the Public Records of Dallas County, Texas. The 2.28 acre is now partially described by notes and bearings.

BEARING: as an "X" and found at the intersection of the Southeast line of Florence Street and the horizontal line of Florence Street located at the East corner of the above mentioned fact 2 for the East corner of the 2.28 acre being described.

MONUMENT: South 45 degrees 13 minutes 20 seconds East with the horizontal line of Florence Street, a distance of 19.20 feet to a 2 inch brass bearing monument found at the South corner of the East 3.71 of the subdivision of the East line of North Central Expressway and the horizontal line of Florence Street for the South corner of the 2.28 acre.

MONUMENT: North 60 degrees 20 minutes 10 seconds East, 400 feet East line of North Central Expressway, a distance of 20.00 feet to a 2 inch brass bearing monument found at the Southeast line of Florence Street located at the North corner of the East 3.71 of the subdivision of the East line of North Central Expressway.

MONUMENT: South 45 degrees 13 minutes 20 seconds East, 400 feet East line of North Central Expressway, a distance of 20.00 feet to the PLACE OF BEGINNING, containing other notes and bearings 40.11 feet square lot of 2.28 acre.

Note: This Company is published from showing the area or quantity of the land described herein, the statement in this report is made on the basis of the information furnished to it and a representation that such area or quantity is correct, but a more exact information only for construction purposes and does not describe the 1/2 of Schedule B noted.

**FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO. NCS-537092-LA2 - SCHEDULE B, SECTION II.**

- The information contained in all of the documents creating or affecting the interests of the matters (the most recent in order of date) is correct and true.
- Unlimited or both of record in deed or highway showing subject property as set forth in instrument No. 1978/1984, recorded in Volume 8816, Page 1418, Real Property Records, Dallas County, Texas. DOES NOT AFFECT THE SUBJECT PROPERTY.
- Unlimited or both of record in deed or highway showing subject property as set forth in instrument No. 01/22/1984, recorded in Volume 8818, Page 2057, Real Property Records, Dallas County, Texas. DOES NOT AFFECT THE SUBJECT PROPERTY.
- Unlimited or both of record in deed or highway showing subject property as set forth in instrument No. 02/15/1985, recorded in Volume 8813, Page 128, Real Property Records, Dallas County, Texas. AFFECTS THE SUBJECT PROPERTY - CONTAINS NO FLOODABLE ITEMS.
- Consent granted by National Pacific Railroad Company to South Furniture Company, No. 8178/1986, recorded in Volume 8824, Page 713, Real Property Records, Dallas County, Texas. DOES NOT AFFECT THE SUBJECT PROPERTY.
- Unrecorded Grant Lease Agreement dated 07/24/2002, executed by and between Public Storage, Inc. as Lessor, and Heston of Texas, Inc. as Lessee, as indicated by assignment and assumption of Contract Lease, No. 12/23/2002, recorded in vol 2002080811, Real Property Records, Dallas County, Texas, and as indicated by Request for Release No. 08/29/2002, recorded in vol 2002080809, Real Property Records, Dallas County, Texas. AFFECTS THE SUBJECT PROPERTY - PLOTTED AND SHOWN HEREON.

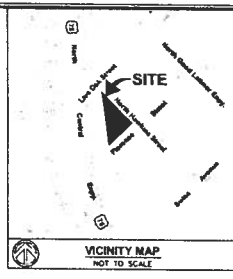
MISCELLANEOUS NOTES:

- There is direct access to the subject property via North Hawkins Street, a public right-of-way and Florence Street, a public right-of-way.
- The locations of all utility poles on the survey are from visible surface evidence only (land information provided by others).
- The plotted address on this is 2438 Swiss Avenue Dallas, Texas.
- All the lines of this survey are not as shown on the surface evidence of earth moving work, building construction or building additions unless noted herein.
- A side view of the survey shows no observable evidence of the subject property being used as a public utility, water, sewer or sanitary line.
- All the lines of this survey, there was no observable evidence of any recent changes in street right-of-way lines other than completed or proposed, and suitable from the recording jurisdiction.
- All the lines of this survey, there was no observable evidence of any recent street or sidewalk construction or repairs.
- The Property surveyed and shown herein is the same property described in Schedule A of First American Title Insurance Company Commitment No. NCS-537092-LA2 with an effective date of April 17, 2012.

BENCHMARKS:
1. GY-5E BENCHMARK: U.S. Standard DRLS 2 154, PD. CS238, Vertical Curve, First, Class, 8430 BE, GLEY= 4610"
2. 01-SIE BENCHMARK: Concrete Monument of 3" Brass Disc, Stamped, "2045 WY 021-400" Elev= 361.7' MVD BE located at the Southeast property corner of the subject parcel.

BASE OF BEARING:
The meridian for all bearings shown herein is the South property line of the subject parcel, assumed to bear S 43°12'30" E, and is used to derive angles only.

FLOOD ZONE:
By aerial map location and graphic plotting only, the subject property appears to be within a Zone 2 according to the Flood Insurance Rate Map for the County of Dallas, Community Panel No. 48130345A, (Effective Date August 13, 2009).



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Real Support - Title Review

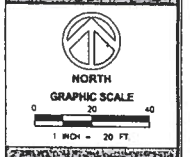
Corporate Headquarters
1742 Georgetown Road, Suite H
Hudson, OH 44236
Phone: 800-520-1010
Fax: 330-342-0834
www.millmansurveying.com

ALTA/ACSM LAND TITLE
SURVEY PREPARED FOR:

**PUBLIC
STORAGE**
701 Western Avenue
Glenade, California 91201

virtualsurveyor
for more information
visit: <http://vmsbo.com/25774106>

2493 Swiss Avenue
City of Dallas
County of Dallas
State of Texas



BDA 112-082
Attach C
Pg 5

NORTH
GRAPHIC SCALE
0 20 40
1 inch = 20 feet

Surveyor's Seal

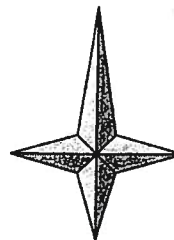
Sheet No. 1 of 1

MSI Project No. 25969
PM: MR Drafter: JFD

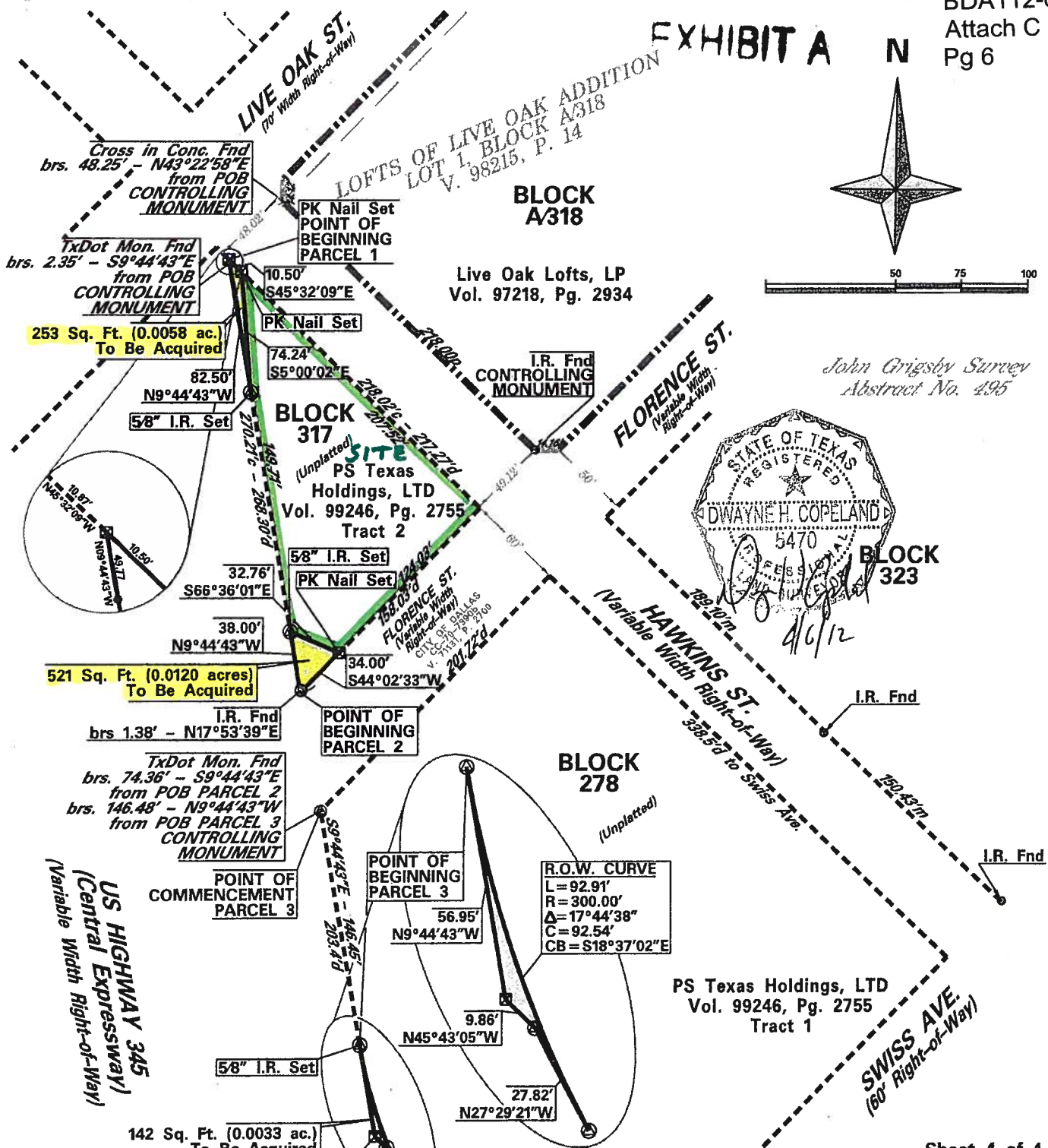
CERTIFICATION:
I, Public Storage, PS Texas Holding Ltd, and First American Title Insurance Company
This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2011 National Standard Survey Requirements for ALTA/ACSM Land Title Survey, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 5, 6(a), 7(a), 8, 9, 10(a), 11(a), 12, 13, 14, 17 and 18 of Table A thereof. This field work was completed on 4/2/2012.

By
Lionel Stoppel Band, RPLS
Texas Registered Professional Land Surveyor No. 5783
For use on behalf of Millman Surveying, Inc.
Professional Surveyor

EXHIBIT A **N**



*John Grigsby Survey
 Abstract No. 495*



- ☒ PK Nail wCOD Washer (Set)
- ⊙ 58" I.R. wCOD Cap (Set)
- To Be Acquired

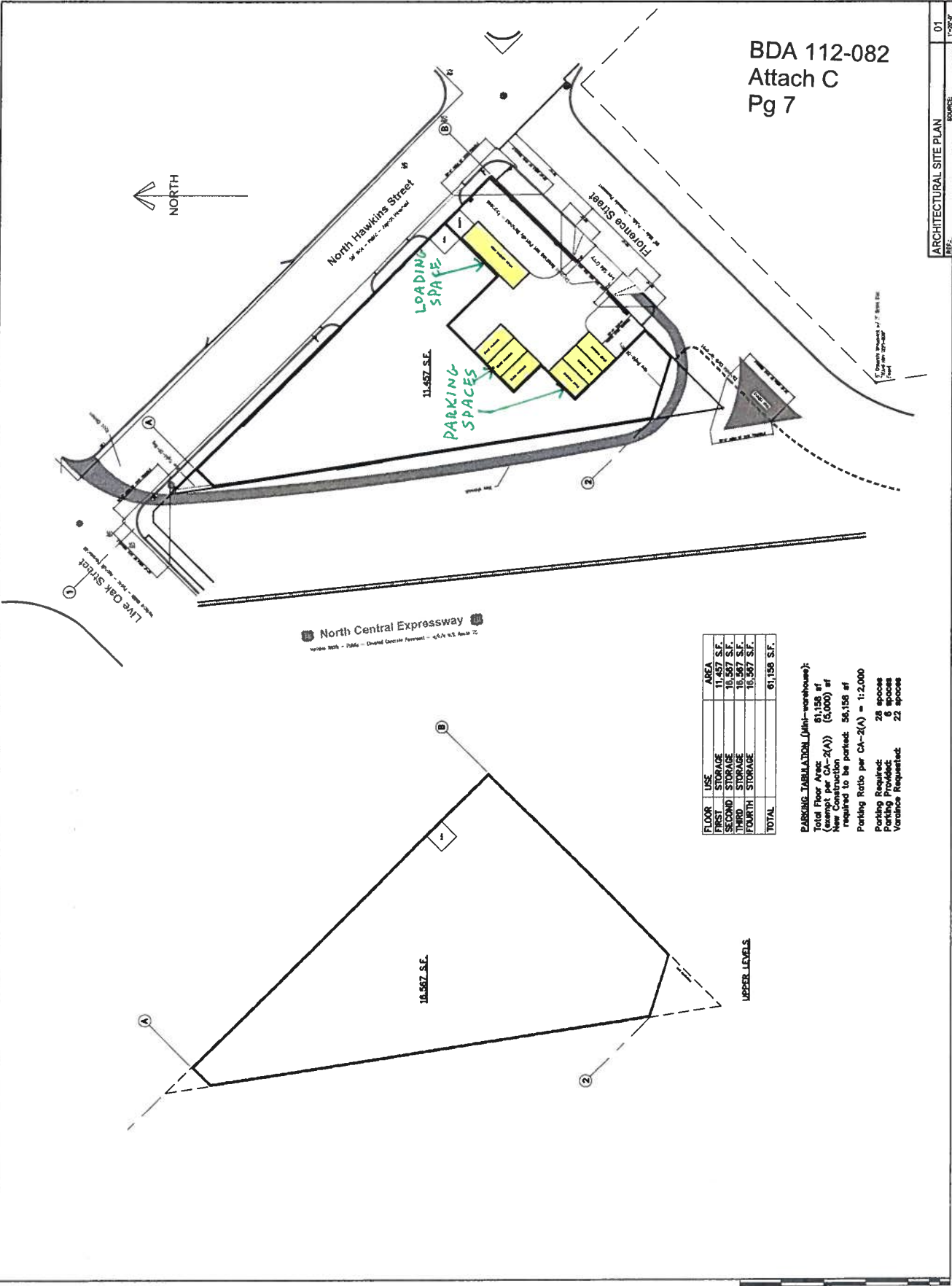
NOTE: Width of Hawkins St. as established by City of Dallas Survey shown on drawing #311-116.

BASIS OF BEARINGS: Bearing are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Sheet 4 of 4

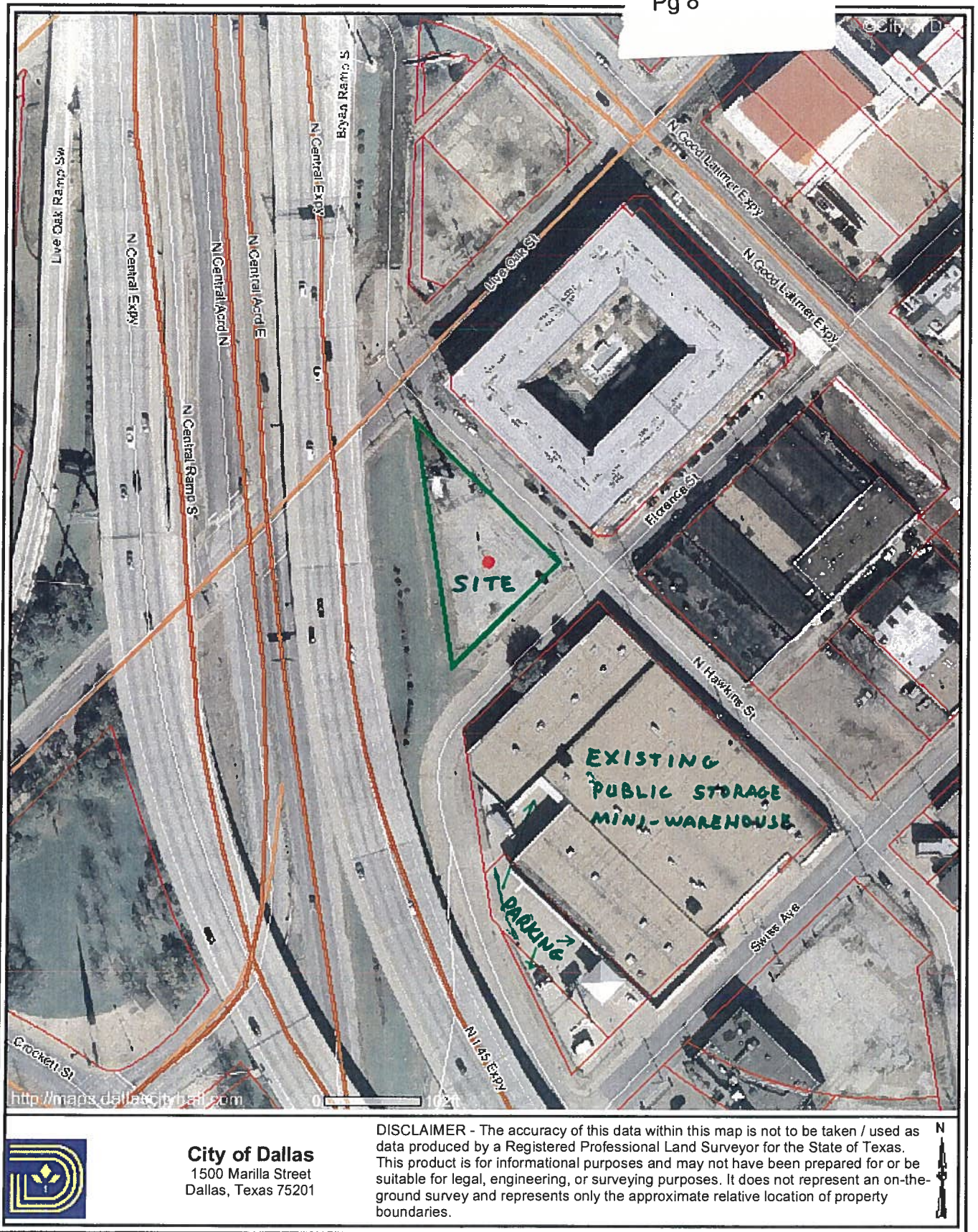
CENTRAL BOULEVARD			
Property Acquisition for Street Widening			
PS Texas Holdings, LTD.			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
D. Copeland	N:\ENGR\SURVEY\COPELAND\Pearl\PSTexasHoldings.dgn	As Noted	4/06/12
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
D. Copeland	D. Copeland	Block 278 & 317	311D-4103g

NO.	DATE	DESCRIPTION
1	08/12/12	CLIENT REVIEW
2	09/12/12	PERMISSION REVIEW
3	10/12/12	PERMISSION REVIEW
4	11/12/12	PERMISSION REVIEW
5	12/12/12	PERMISSION REVIEW
6	01/13/13	PERMISSION REVIEW
7	02/13/13	PERMISSION REVIEW
8	03/13/13	PERMISSION REVIEW
9	04/13/13	PERMISSION REVIEW
10	05/13/13	PERMISSION REVIEW
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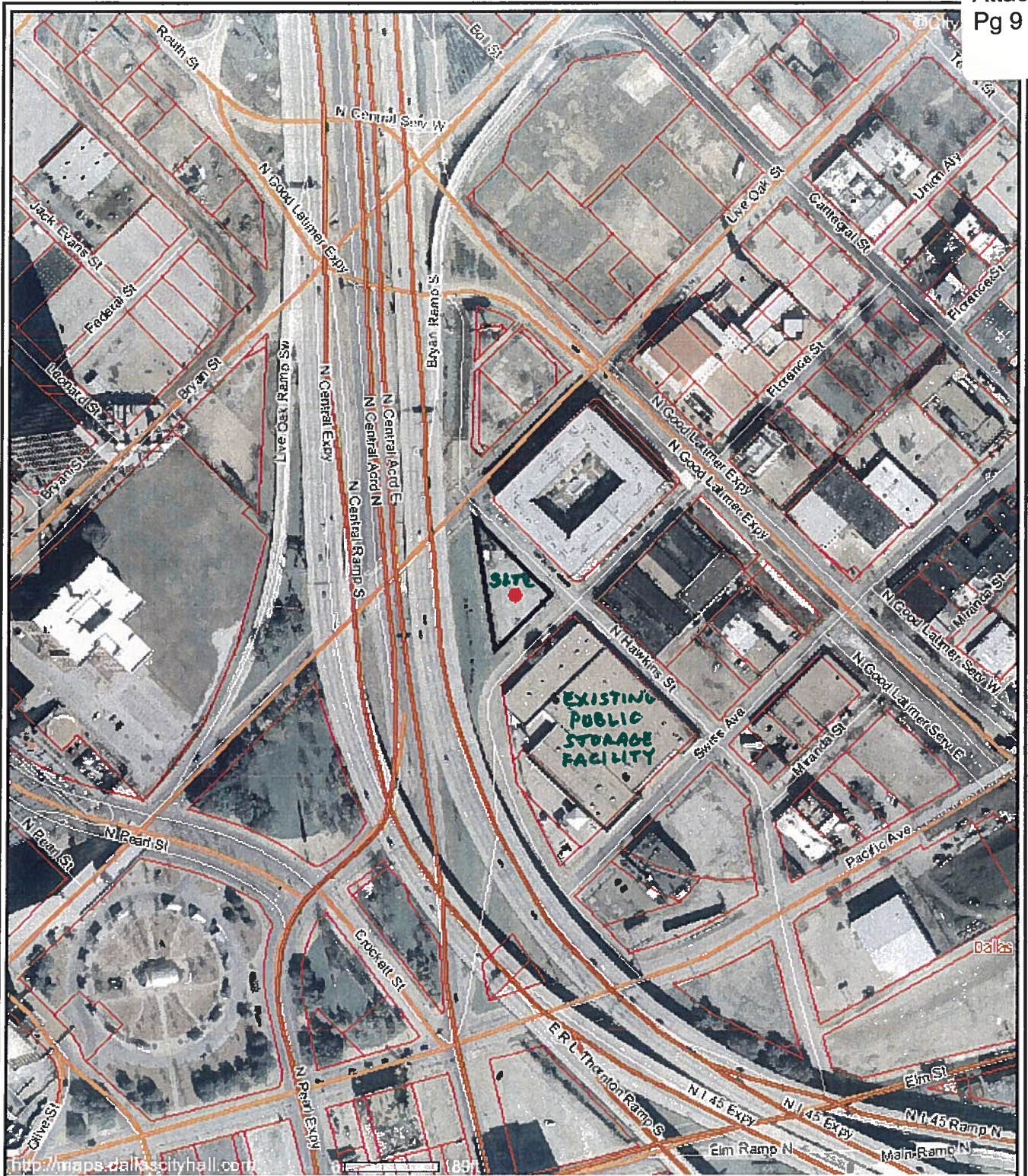


FLOOR	USE	AREA
FIRST	STORAGE	11,457 S.F.
SECOND	STORAGE	10,997 S.F.
THIRD	STORAGE	10,997 S.F.
FOURTH	STORAGE	10,997 S.F.
TOTAL		61,158 S.F.

PARKING TABULATION (Unit=warehouse):
 Total Floor Area: 61,158 sf
 (exempt per CA-2(A)) (5,000) sf
 New Construction
 required to be parked: 56,158 sf
 Parking Ratio per CA-2(A) = 1:2,000
 Parking Required: 28 spaces
 Parking Provided: 6 spaces
 Variance Requested: 22 spaces



1. Overhead aerial view of site.



<http://maps.dallascityhall.com>



City of Dallas
 1500 Marilla Street
 Dallas, Texas 75201

DISCLAIMER - The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



2. Overhead aerial view of vicinity.



To see all the details that are visible on the screen, use the "Print" link next to the map.

3. Oblique aerial view of site.

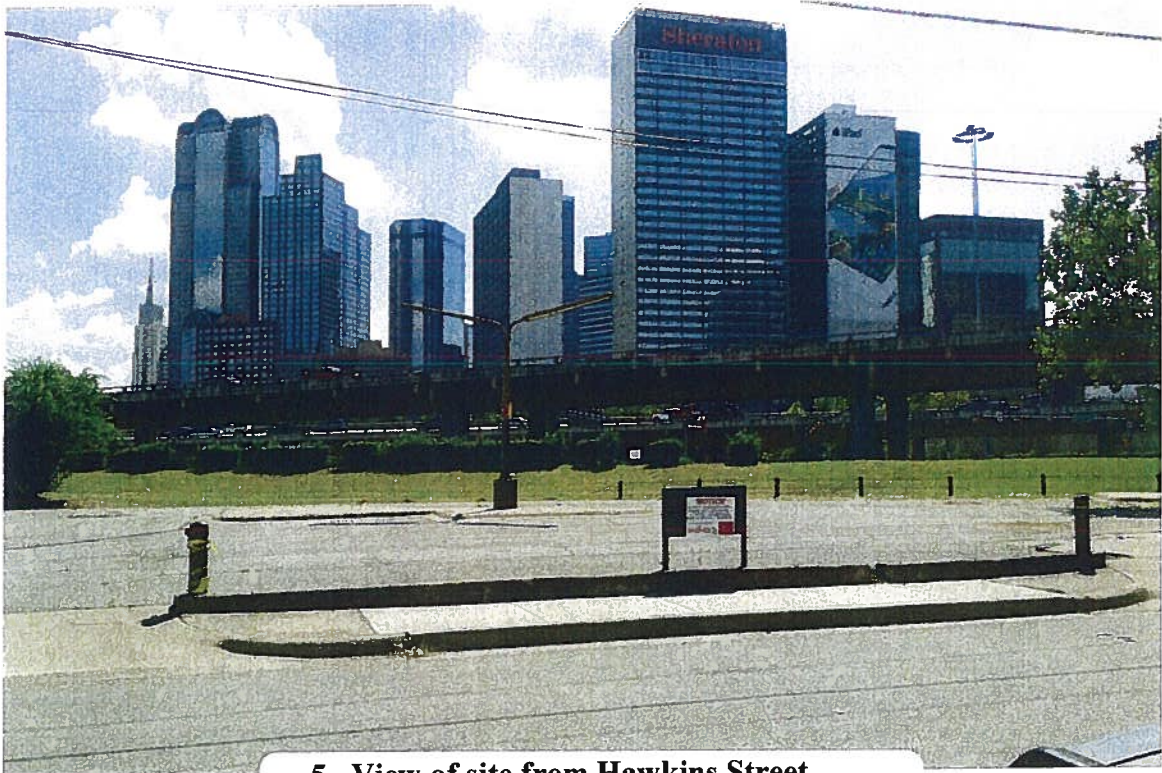




To see all the details that are visible on the screen, use the "Print" link next to the map.



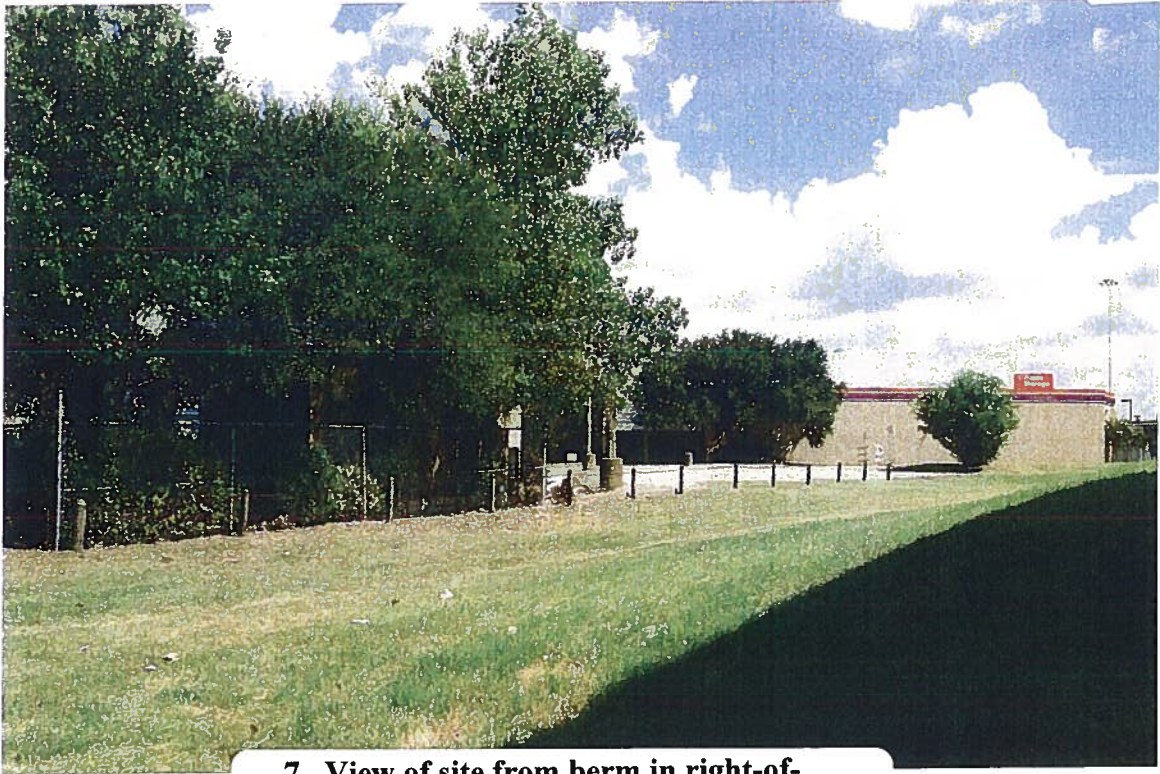
4. Oblique aerial view of vicinity.



5. View of site from Hawkins Street west towards elevated freeway and Downtown.



6. View of site from Florence Street.



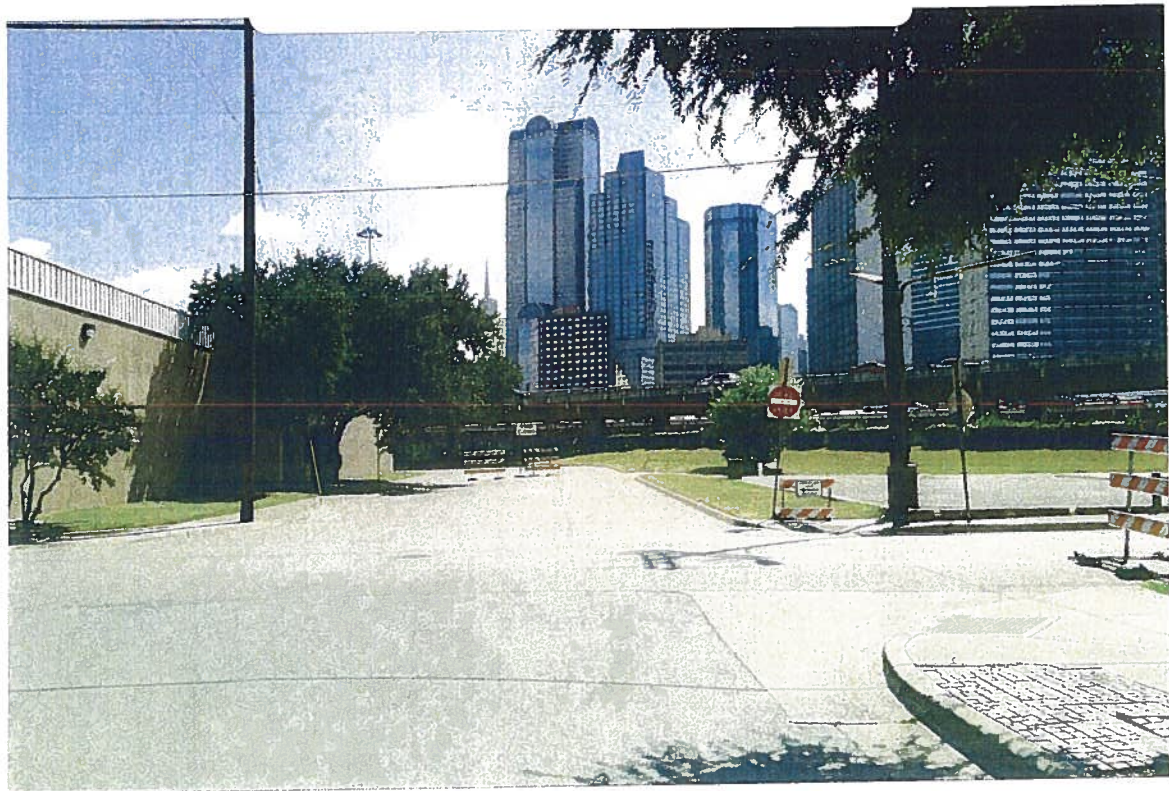
7. View of site from berm in right-of-way under freeway.



8. View south on Hawkins Street – site is on right (the dumpsters are not ours).



9. View east on Florence Street (site is on left-note width of street).



10. View west on Florence Street (site is on right-existing Public Storage facility on left).

**PARKING DEMAND ANALYSIS FOR
COMMERCIAL STORAGE FACILITY AT
601 N. HAWKINS STREET
DALLAS, TEXAS**

Prepared for:

Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202

Prepared by:

DeShazo Group, Inc.
Texas Registered Engineering Firm – 3199
400 South Houston Street
Suite 330 • Union Station
Dallas, Texas 75202
Phone (214) 748-6740

September 27, 2012





Traffic. Transportation Planning. Parking. Design.

400 S. Houston Street, Suite 330
Dallas, TX 75202
ph. 214.748.6740
deshazogroup.com

Technical Memorandum

To: *Mr. Jonathan G. Vinson* — Jackson Walker L.L.P.
From: *Steve E. Stoner, P.E., PTOE* — DeShazo Group, Inc.
Date: September 27, 2012
Re: **Parking Demand Analysis for Commercial Storage Facility at 601 Hawkins Street in Dallas, Texas**
DeShazo Project No. 12138

INTRODUCTION

The services of **DeShazo Group, Inc.** (DeShazo) were retained by **Jackson Walker L.L.P.** on behalf of the property owner to analyze the parking needs for a proposed commercial storage (mini-warehouse) facility located at 601 N. Hawkins Street in Dallas, Texas. The property is currently zoned as CA-2(A) (Central Area) and is subject to the ordinances published in Chapter 51A of the City of Dallas Development Code of Ordinances.

A request to the Board of Adjustment is being made for a variance to reduce the minimum parking requirement for the subject property. This memorandum is provided to summarize the projected parking demand characteristics for the proposed development. This study will be provided to City of Dallas staff for technical review and consideration.

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis.

PARKING REDUCTION REQUEST

The proposed project is being designed by Ignarri Lummins Architects. The site plan had not been finalized at the time of this study, but the gross floor area of the development is expected to be either 39,757 SF (referred to herein as "Scenario A") or 61,158 SF ("Scenario B"). A preliminary site plan is enclosed for reference. A summary of the base parking code calculation from Chapter 51A is summarized in **Table 1**.

*Parking Analysis for Commercial Storage Facility
601 N. Hawkins Street - Dallas, Texas
Page 1*

Table 1. Code Parking Reduction Calculation

Condition	Quantity	Ratio	Spaces Required
"Scenario A"	39,757 SF	1.0 spaces per 2,000 SF of floor area in excess of 5,000 SF	17
"Scenario B"	61,158 SF	[51A-4.124(b)(5)(B)]	28

NOTE: Use and code interpretations provided by Jackson Walker.

Based upon direct application of the default parking requirement ratios, the overall site would typically require 17 parking spaces for "Scenario A", or 28 parking spaces for "Scenario B".

PARKING DEMAND

The proposed commercial storage use is a very low-volume, low-occupancy land use that generates very little traffic or parking. According to the Institute of Transportation Engineers (ITE) *Parking Generation* manual (4th Edition), "mini-warehouse" use typically generates an average peak demand of 0.14 parked vehicles per 1,000 square feet of gross floor area (see excerpt provided in the Appendix).

For "Scenario A", based upon the proposed gross floor area of 39,757 square feet, the anticipated peak parking demand of six (6) vehicles is anticipated. For "Scenario B", based upon the proposed gross floor area of 39,757 square feet, the anticipated peak parking demand of nine (9) vehicles is anticipated.

Hence, the default code parking requirement for this use under either development scenario significantly exceeds the anticipated parking demand.

SUMMARY

The purpose of this study is to validate the proposed parking reduction for the proposed commercial storage facility at 601 N. Hawkins Street. Due to the extremely low traffic and parking demand generated by the use, the anticipated parking demand is expected to be significantly less than the code parking requirement.

Based upon parking demand information published by the Institute of Transportation Engineers, the projected parking demand for a building of 39,757 square feet at peak conditions is expected to be only six parked vehicles. Table 2 summarizes the specifics of the study.

Table 2. Parking Summary

CONDITION	PARKING	
	"Scenario A"	"Scenario B"
Existing Parking Requirement (Chapter 51A)	17 spaces	28 spaces
Projected Peak Parking Demand	6 spaces	9 spaces
Requested Parking Surplus	11 spaces	19 spaces

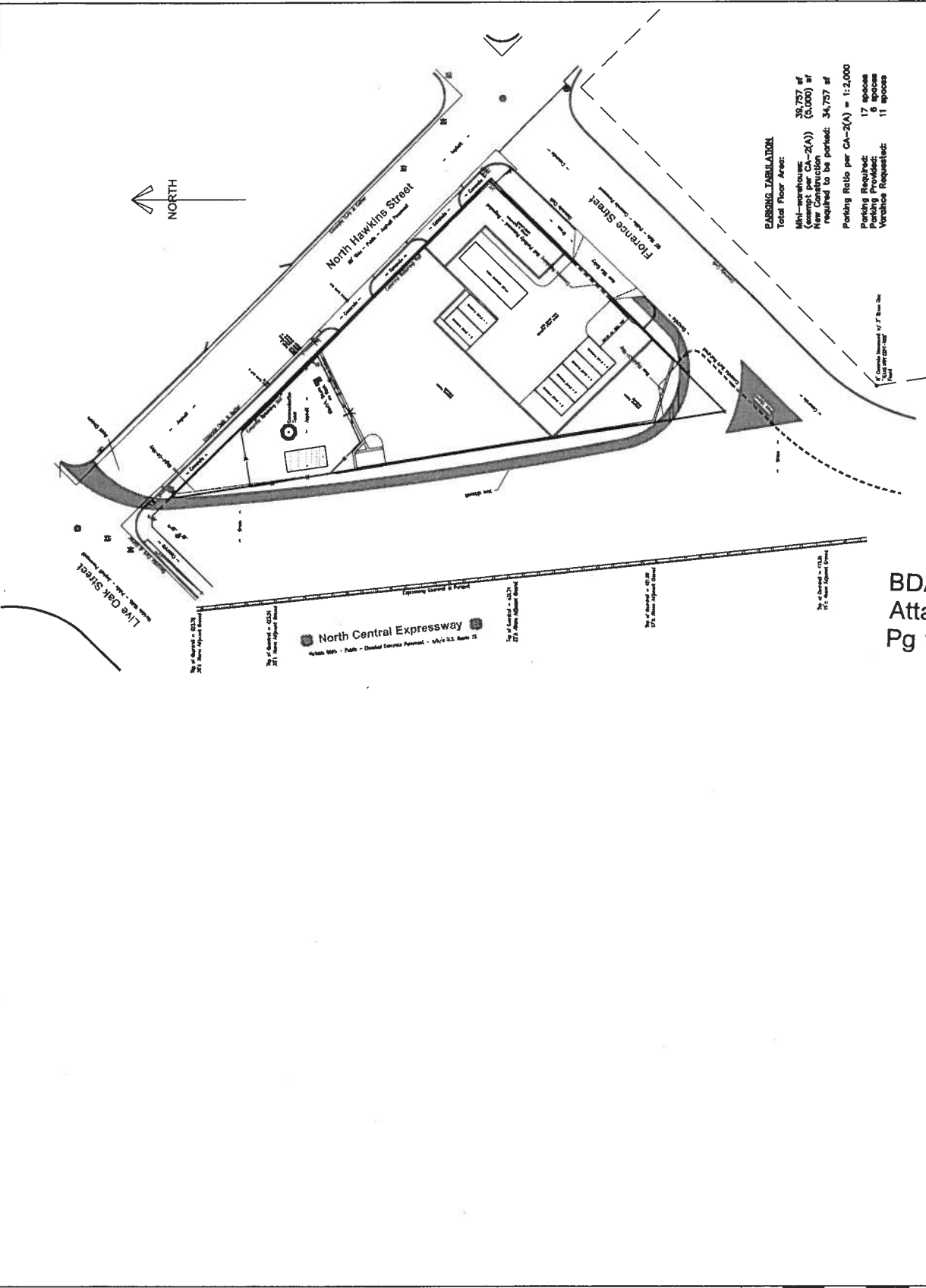
END OF MEMO

NEW FACILITY FOR
PUBLIC STORAGE
 2439 SWISS ROAD
 DALLAS, TEXAS

DATE	01/12/12
CLIENT	Public Storage
PROJECT NO.	2439SWISS
PROJECT NAME	NEW FACILITY FOR PUBLIC STORAGE
PROJECT ADDRESS	2439 SWISS ROAD, DALLAS, TX 75208
PROJECT TYPE	COMMERCIAL
PROJECT PHASE	ARCHITECTURAL SITE PLAN
PROJECT STATUS	PRELIMINARY
PROJECT DESCRIPTION	NEW FACILITY FOR PUBLIC STORAGE
PROJECT LOCATION	2439 SWISS ROAD, DALLAS, TX 75208
PROJECT CONTACT	Public Storage
PROJECT PHONE	214.756.1111
PROJECT FAX	214.756.1112
PROJECT WEBSITE	www.publicstorage.com
PROJECT EMAIL	publicstorage@publicstorage.com
PROJECT URL	www.publicstorage.com
PROJECT REFERENCE	
PROJECT NOTES	
PROJECT COMMENTS	
PROJECT REVISIONS	
PROJECT APPROVALS	
PROJECT SIGNATURE	
PROJECT DATE	

ARCHITECTURAL SITE PLAN
 01
 1/12/12

AS-1.212



ARCHITECTURAL SITE PLAN
 01
 1/12/12

BDA112-082
 Attach C
 Pg 18

Land Use: 151 Mini-Warehouse

Description

Mini-warehouses are buildings in which a number of storage units or vaults are rented for the storage of goods. They are typically referred to as "self-storage" facilities. Each unit is physically separated from other units, and access is usually provided through an overhead door or other common access point.

Database Description

- Average parking supply ratio: 0.2 spaces per 1,000 square feet (sq. ft.) gross floor area (GFA) (two study sites).

The Saturday parking demand ratio for a site with 1,400 storage units was 0.77 vehicles per 100 storage units. Parking demand data at this site were collected for six consecutive hours between 1:00 and 7:00 p.m., and the peak period of demand occurred between 4:00 and 5:00 p.m.

The following table presents a time-of-day distribution of parking demand for three study sites.

<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.	31	3
8:00 a.m.	24	3
9:00 a.m.	59	3
10:00 a.m.	91	3
11:00 a.m.	100	3
12:00 p.m.	55	3
1:00 p.m.	45	3
2:00 p.m.	46	3
3:00 p.m.	40	2
4:00 p.m.	88	1
5:00 p.m.	27	1
6:00 p.m.	35	1
7:00 p.m.	27	1
8:00 p.m.	–	0
9:00 p.m.	–	0
10:00 p.m.	–	0
11:00 p.m.	–	0

* Subset of database

Study Sites/Years

Canada:

Burnaby, BC (1991); Coquitlam, BC (1991); Richmond, BC (1991)

United States:

Santa Barbara, CA (1998); Hadley, MA (2008)

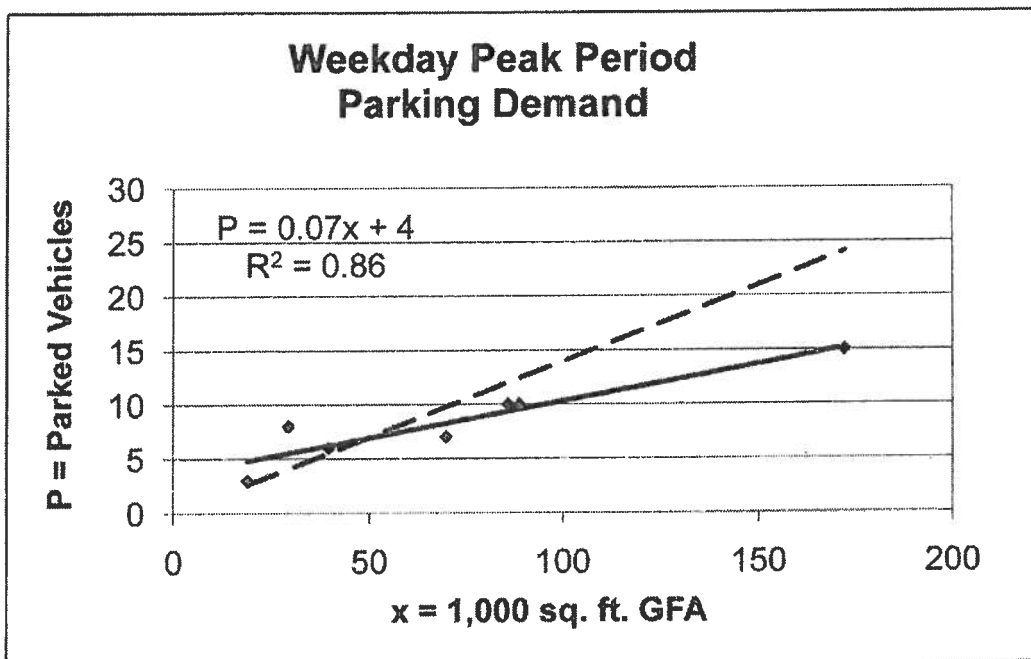
4th Edition Source Number

1115

Land Use: 151 Mini-Warehouse

**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.; 4:00–5:00 p.m.
Number of Study Sites	7
Average Size of Study Sites	72,000 sq. ft. GFA
Average Peak Period Parking Demand	0.14 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.06
Coefficient of Variation	44%
Range	0.09–0.27 vehicles per 1,000 sq. ft. GFA
85th Percentile	0.17 vehicles per 1,000 sq. ft. GFA
33rd Percentile	0.11 vehicles per 1,000 sq. ft. GFA

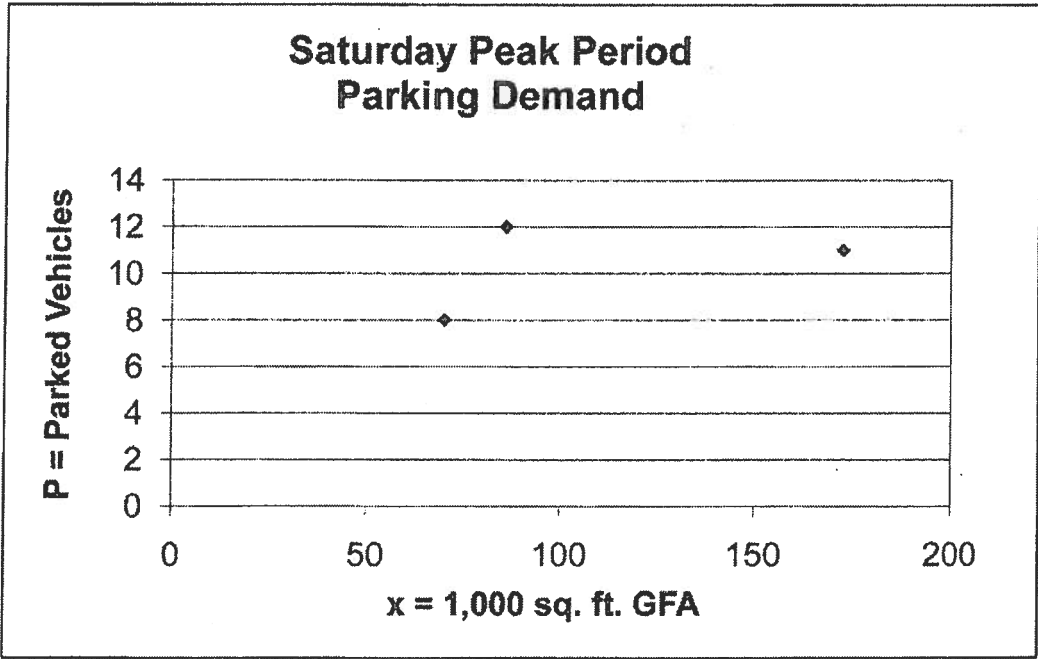


◆ Actual Data Points — Fitted Curve - - - Average Rate

Land Use: 151 Mini-Warehouse

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

Statistic	Peak Period Demand
Peak Period	9:00–10:00 a.m.
Number of Study Sites	3
Average Size of Study Sites	109,000 sq. ft. GFA
Average Peak Period Parking Demand	0.11 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.04
Coefficient of Variation	36%
Range	0.06–0.14 vehicles per 1,000 sq. ft. GFA
85th Percentile	0.13 vehicles per 1,000 sq. ft. GFA
33rd Percentile	0.10 vehicles per 1,000 sq. ft. GFA



◆ Actual Data Points

AGENDA ITEM # 69

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 26, 2012
COUNCIL DISTRICT(S): All
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: N/A

SUBJECT

Consideration of amendments to Chapter 51 and Chapter 51A, "Dallas Development Code, as amended," by amending off-street parking requirements for certain uses, amending parking special exception requirements, amending parking lot tree requirements, providing for administrative parking reductions, and allowing a taxidermist use in industrial districts and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval
DCA090-010

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, SEPTEMBER 26, 2012
ACM: Ryan S. Evans

FILE NUMBER: DCA 090-010 (DC)

DATE INITIATED: 06/17/2010

TOPIC: Parking Regulations

COUNCIL DISTRICT: All

CENSUS TRACT: All

PROPOSAL: Consideration of amendments to Chapter 51 and Chapter 51A, "Dallas Development Code, as amended," by amending off-street parking requirements for certain uses, amending parking special exception requirements, amending parking lot tree requirements, providing for administrative parking reductions, and allowing a taxidermist use in industrial districts.

SUMMARY: The primary purpose of this proposal is to amend the off-street parking requirements for certain uses to more accurately reflect the actual parking demand and allow for administrative exceptions (reductions) to-off street parking requirements in specific circumstances.

STAFF RECOMMENDATION: Approval.

CPC RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- This item was brought before the Zoning Ordinance Committee (ZOC) for discussion out of a concern that existing parking requirements for certain uses did not reflect actual parking demand for the uses and the parking needed for a particular use classification could vary dramatically between different businesses. An additional concern was that all parking should be subject to landscape regulations whether required parking or parking beyond that required by code.
- ZOC considered parking regulations between June 17, 2010 and November 3, 2011. Of the 26 land use classifications reviewed during that period, the committee recommended modifications to the minimum parking requirements of 17 uses.
- The committee solicited assistance and testimony from, engineers with traffic and parking expertise, representatives from the development industry, neighborhood representatives, city staff from Building Inspection and Zoning, and developer consultants.
- Several drafts of proposed ordinance language were prepared and considered by ZOC before the final draft was adopted at the November 3, 2011 meeting.
- The City Plan Commission was briefed on this item on December 15, 2011 and January 5, 2012. CPC recommended approval of the proposed amendments on January 19, 2012.
- The City Council Transportation and Environment Committee was briefed on the recommendations of the City Plan Commission on April 23, 2012, March 26, 2012 and August 28, 2012.
- A summary table is attached to this report detailing the proposed parking changes.

ANALYSIS:

The Zoning Ordinance Committee considered this item over the course of a year. During this time the committee conducted research, held public meetings, had consultations with parking and traffic engineers, and had discussions with the development industry and neighborhood representatives. Research included surveying other cities parking requirements and gathering information on best practices from organizations such as the Urban Land Institute (ULI), American Planning Association (APA), and Institute of Transportation Engineers (ITE). In addition local transportation engineers and consultants were contacted and provided input to the discussion. The primary objective of the committee was to ensure that current parking requirements adequately reflected actual demand for parking. Excessive parking requirements have detrimental environmental impacts including excessive storm water runoff and

DCA 090-010

contributing to urban heat island effects. Inadequate parking requirements can have negative impacts on surrounding neighborhoods and traffic flow. The final recommendations of the committee reflect a balance of all of these concerns. The committee made every effort to minimize unnecessary impervious coverage while ensuring that adequate parking was provided. Staff is fully supportive of the proposed amendments and has determined they are consistent with the objectives of *forwardDallas! Comprehensive Plan.*

CITY COUNCIL COMMITTEE

The City Council Transportation and Environment Committee was briefed on the recommendations of the City Plan Commission on April 23, 2012, March 26, 2012 and August 28, 2012. The Committee was supportive of the changes to the parking ratio requirements proposed by the City Plan Commission. The committee did have some concerns with the proposal on administrative exceptions to parking requirements. At the August 28, 2012 committee meeting, staff presented a revised set of options regarding administrative exceptions. The committee recommended that these options be forwarded to the Council for consideration. The revised options are included in the summary of the proposal.

DCA 090-010

CPC ACTION (January 19, 2012):

Motion: It was moved to recommend **approval** of amendments to Chapter 51 and Chapter 51A, "Dallas Development Code, as amended," by amending off-street parking requirements for certain uses, amending parking special exception requirements, amending parking lot tree requirements, providing for administrative parking reductions, and allowing a taxidermist use in industrial districts, with the following changes: 1) Revise (7) Mini-warehouse, (C) to read as follows: "(C) Require off-street parking: Six spaces are required. Spaces may not be used for outside storage, vehicle storage or parking for vehicles for rent. No handicapped parking is required." 2) Revise Section 51A-4.313, Administrative Parking Reductions to include the following: 1) Restaurant, bar, lounge and tavern used within 1200 feet of a platform of a rail transit station not be eligible for an administrative reduction, and 2) Uses within 1200 feet walking distance of an improved rail trolley platform qualify for a maximum administrative reduction of 5 percent.

Maker: Wolfish
Second: Bagley
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Abtahi, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish,
Schwartz, Alcantar

Against: 0
Absent: 1 - Peterson
Vacancy: 0

Speakers: For: Suzan Kedron, 901 Main St., Dallas, TX, 75202
Dallas Cothrum, 900 Jackson St., Dallas, TX, 75201
Against: None

SUMMARY OF PROPOSED ORDINANCE CHANGES

SEC	USE	CURRENT PARKING REQUIREMENT (IF CHANGED)	PROPOSED ADDITION/CHANGE
1 30	Multifamily	1 space per 500 square feet of dwelling unit floor area within the building site except in CA 1 and CA2, only one space per dwelling unit; only floor area within a dwelling unit is included in calculation; not less than 1 space nor more than 2.5 spaces are required for each dwelling unit in a MF structure 36 feet in height or less; not less than one space nor more than 2 spaces are required for each dwelling unit in a MF structure over 36 ft. in height	1 space per bedroom. An additional one-quarter space per unit must be provided for guest parking if the required parking is limited principally to residents
2 31	Retirement Housing	0.7 space per dwelling unit plus one space per 300 square feet of floor area not in a dwelling unit or suite	1 space per dwelling unit or suite
3 26	Child Care Facility	1 space for each 500 square feet of floor area	Added a provision providing that if an SUP is required for the use, the parking requirement may be established in the ordinance granting the SUP, otherwise 1 space for each 500 square feet of floor area
4 27	Church	1 space per 4 fixed seats or 1:28 square feet of sanctuary	Added a provision that for churches with less than 5,000 square feet of floor area located in a shopping center with greater than 20,000 square feet in floor area, one space per 333 square feet in floor area
5 29	Public or Private School	1 1/2 spaces for each kindergarten/elementary school classroom 3 1/2 spaces for each junior high/middle school classroom 9 1/2 spaces for each senior high school classroom	Added a provision providing that if an SUP is required for the use, the parking requirement may be established in the ordinance granting the SUP
6 32	Business School	1 space per 25 square feet of classroom	Added a provision clarifying that personal services accessory to such use must be parked to the appropriate parking requirement
7 23	Technical School	1 space per 25 square feet of classroom	Added a provision clarifying that personal services accessory to such use must be parked to the appropriate parking requirement

5

SEC	USE	CURRENT PARKING REQUIREMENT (IF CHANGED)	PROPOSED ADDITION/CHANGE
8 28	Library, Art Gallery, Museum	1 space per 500 square feet of floor area	Library: no change Art Gallery or Museum: 1 space per 600 square feet of floor area
9 33	Inside Commercial Amusement	1 space per 25 square feet of dance floor and 1 space per 100 square feet of floor area for the remainder of the use	Added a provision that no special exception may be granted for a dance hall
10 40	Taxidermist	1 space per 300 square feet of floor area	1 space per 600 square feet of floor area
11 35	Furniture Store	1 space per 500 square feet of floor area	1 space per 500 square feet of floor area open to the public. 1 space per 1000 square feet of floor area for storage and warehouse areas not open to the public
12 38	Home Improvement Center	1 space per 200 square feet of floor area	1 space per 275 square feet of retail floor area, plus 1 space per 1000 square feet of site area exclusive of parking area
13 34	Car Wash	None	Single Unit-type car washes: None Tunnel Type Car Washes: 3 spaces
14 43	Open Storage Outside Storage	1 space per 2000 square feet of site area	1 space per 5000 square feet of site area, up to a maximum of five spaces
15 25	Outside Salvage	Minimum of 5 spaces	Added a provision providing that if an SUP is required for the use, the parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of 5 spaces
16 41	Mini- Warehouse	1 space per 3000 square feet of floor area	6 spaces are required. Spaces may not be used for outside storage
17 42	Office/Show- room Warehouse	Office: 1 space per 333 square feet of floor area Showroom/Warehouse: 1 space per 1000 square feet of floor area	Office: No Change Showroom/Warehouse: 1 space per 1000 square feet of floor area for the first 20,000 square feet of floor area. 1 space per 4,000 square feet of floor area for any floor area in excess of 20,000 square feet

9

SEC	USE	CURRENT PARKING REQUIREMENT (IF CHANGED)	PROPOSED ADDITION/CHANGE
18 44	Accessory Community Center (Private)	1 space per 100 square feet of floor area	1 space per 100 square feet of floor area, but none if this use is accessory to a multifamily use and is used primarily by residents
19	LI District	N/A	Added Taxidermist to the list of permitted uses
20	IR District	N/A	Added Taxidermist to the list of permitted uses
21	IM District	N/A	Added Taxidermist to the list of permitted uses
22	Job or Lithographic Printing	1 space per 300 square feet of floor area	1 space per 600 square feet of floor area
24	Metal Salvage Facility	1 space per 500 square feet of floor area A minimum of 5 spaces	Added a provision that the parking requirement may be established in the ordinance granting the SUP, otherwise a minimum of 5 spaces is required. Deleted 1 space per 500 square feet requirement
36	General Merchandise or Food Store greater than 3,500 square feet	1 space per 200 square feet of floor area	1 space per 200 square feet of floor area for uses with less than 10,000 square feet of floor area. 1 space per 220 square feet of floor area for uses with a floor area of 10,000 square feet or greater, but less than 40,000 square feet. 1 space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet
37	General Merchandise or Food Store 100,000 square feet or more	1 space per 200 square feet of floor area	1 space per 300 square feet of floor area
39	Taxidermist	1 space per 300 square feet of floor area	Revised to permit this use by right in Commercial Service and industrial districts

7

SEC. 51A-4.124. CENTRAL AREA DISTRICTS.

(b) CA-2(A) district.

(5) Off-street parking and loading. In this district, for *all uses* except single family and duplex, off-street parking is *only required for a new building or an addition to an existing building at a ratio of one parking space for each 2,000 square feet of floor area which exceeds 5,000 square feet.* No off-street parking is required for a building with 5,000 square feet or less of floor area. *If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter.* Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

Vinson, Jonathan

From: Karl Ludwig <karl.metrostudio@gmail.com>
Sent: Monday, September 17, 2012 8:57 PM
To: Vinson, Jonathan
Subject: Re: storage facility

Jonathan,

The HOA board met tonight and decided to take no official stance on your client's building proposal. We will neither oppose nor endorse the plan. Considering the apparent lack of interest among the owners I suspect you will receive no objection whatsoever at the October 17th hearing.

Thanks for keeping me informed,
Karl Ludwig

On Aug 31, 2012, at 1:42 PM, Vinson, Jonathan wrote:

Good afternoon, Karl - I wanted to get back to you on the Public Storage parking variance case. We have asked the City Staff to not notice the case for September 19, but instead to notice it for the October 17 hearing date, so there will not be a hearing on this prior to that date. If you can let your other Board members know, and if there's any way to communicate that to all of the owners, I would appreciate it, it might save someone a trip to City Hall.

We are also continuing to work on a parking demand study, revised site plan to show additional spaces, and some other ideas, including the ones you suggested, to do a good quality and neighbor-friendly design.

When you talk to the other Board members, I want to offer again to meet with your Board, the other owners, and any or all of the neighbors who would like to hear from us, so we can update everyone on where we are and what we are doing. We would very much appreciate it if you could let us know what the best way to reach out to everyone would be. Thanks very much.

Jonathan G. Vinson
Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
Office: 214-953-5941
Cell: 214-770-4636
Fax: 214-661-6809
E-mail: jvinson@jw.com



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(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

January 4, 2013

Hon. Chair and Members
Zoning Board of Adjustment, Panel B
c/o Mr. Steve Long, Board Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 112-082; 601 Hawkins Street

Dear Members of Panel B:

As you know, this case is a request for a variance to the applicable off-street parking regulations under the CA-2(A) zoning district in the Dallas Development Code. This case was held over until the next Panel B meeting on January 16, 2013. Our request has not changed in any of its particulars since the October 17 Board hearing. We have continued to try to reach out to the neighbors, and we will update you on those efforts at the upcoming hearing.

I would like to refer you back to the packet of information dated October 5, 2012, a copy of which should be included with your case report, which explains and recaps our position on this matter, including our arguments for why the variance standards are met, all of which still apply and which we wish to reiterate. Included with that is a Parking Demand Analysis dated September 27, 2012, performed by the DeShazo Group, which specifies the appropriate actual parking demand for this development at six spaces under Development Scenario A or nine spaces under Development Scenario B.

As you will recall, because of the way the CA-2(A) zoning requirements are written, a total of 28 off-street parking spaces would be required for this proposed development. This calculation is explained further in the attached letter. It is quite clear to us that this a vastly excessive parking requirement for this use. Were it not for the circumstance that this site is located within CA-2(A) zoning, the Code requirement under the amendments recently approved by the City Council would only be for six off-street parking spaces.

Another way to look at this mathematically is that the applicable parking requirement for this site is 467 percent of what the requirement would be anywhere else in the City outside of CA zoning. This is a result which does not make any sense, is surely not what was intended for this use, and is obviously far in excess of what is needed by any reasonable standard.

January 4, 2013
Page 2

In addition, as explained in the letter, this request meets all the other variance standards, for example, the obviously odd shape of the lot (a triangle), and other factors as enumerated. I have included some updated photographs, which show the construction going on right now for the extension and realignment of Cesar Chavez Boulevard, which includes the right-of-way take and which will pass immediately adjacent to the site.

Also included is a news story and aerial photograph regarding the recent purchase of about six acres of land, just to the north across Live Oak Street, by Greystar Real Estate Partners, LLC, a nationwide developer of apartments. Six acres of urban multifamily development will add several hundred units to the immediate area. Aside from the fact that the new Public Storage facilities will serve the self-storage needs of these future neighbors, the reality is that more density and more traffic is coming to the area. Public Storage's proposed facility is just a very minor factor in these future development impacts.

To sum up, it is clear to us that all of the variance standards are met, and that the Code parking requirement, simply due to the CA-2(A) zoning, is far in excess of what is actually necessary or appropriate. We will therefore be respectfully asking for your approval of our request.

As always, we very much appreciate your time and consideration in reviewing our requests and considering our information. Thank you very much, and we will look forward to appearing before you at our hearing.

Very truly yours,


Jonathan G. Vinson

cc: Jim Fitzpatrick
Steve Stoner
Bill Dahlstrom

⑥ Sale of Dallas' City Lights project is OK'd by court order

By STEVE BROWN

Real Estate Editor

stevbrown@dallasnews.com

Published: 05 December 2012 02:49 PM

Sale of the stalled City Lights project just east of downtown Dallas is moving ahead.

One of the country's largest apartment developers has gotten the green light to buy the property along Live Oak Street thanks to a bankruptcy court order.

But there is still an opportunity for other purchasers to make a last-minute bid for the 6-acre development site.

South Carolina-based Greystar previously signed a contract to pay \$15 million for the vacant City Lights land.

The U.S. Northern District Bankruptcy Court has agreed to look at competing bids for 60 days. But the court also said "the debtor's determination that the contract constitutes the highest and best offer for the property is a valid and sound exercise."

Matt Malouf, the general partner of the real estate firms that control the City Lights property, said Wednesday that he expects the sale to take place sometime in February.

The landowners have been working since 2004 to develop the high-profile tract.

Earlier plans for the City Lights development included a combination of apartments, condominiums and commercial buildings.

If Greystar goes ahead with its purchase, most of the property is likely to be used for urban-style apartments.

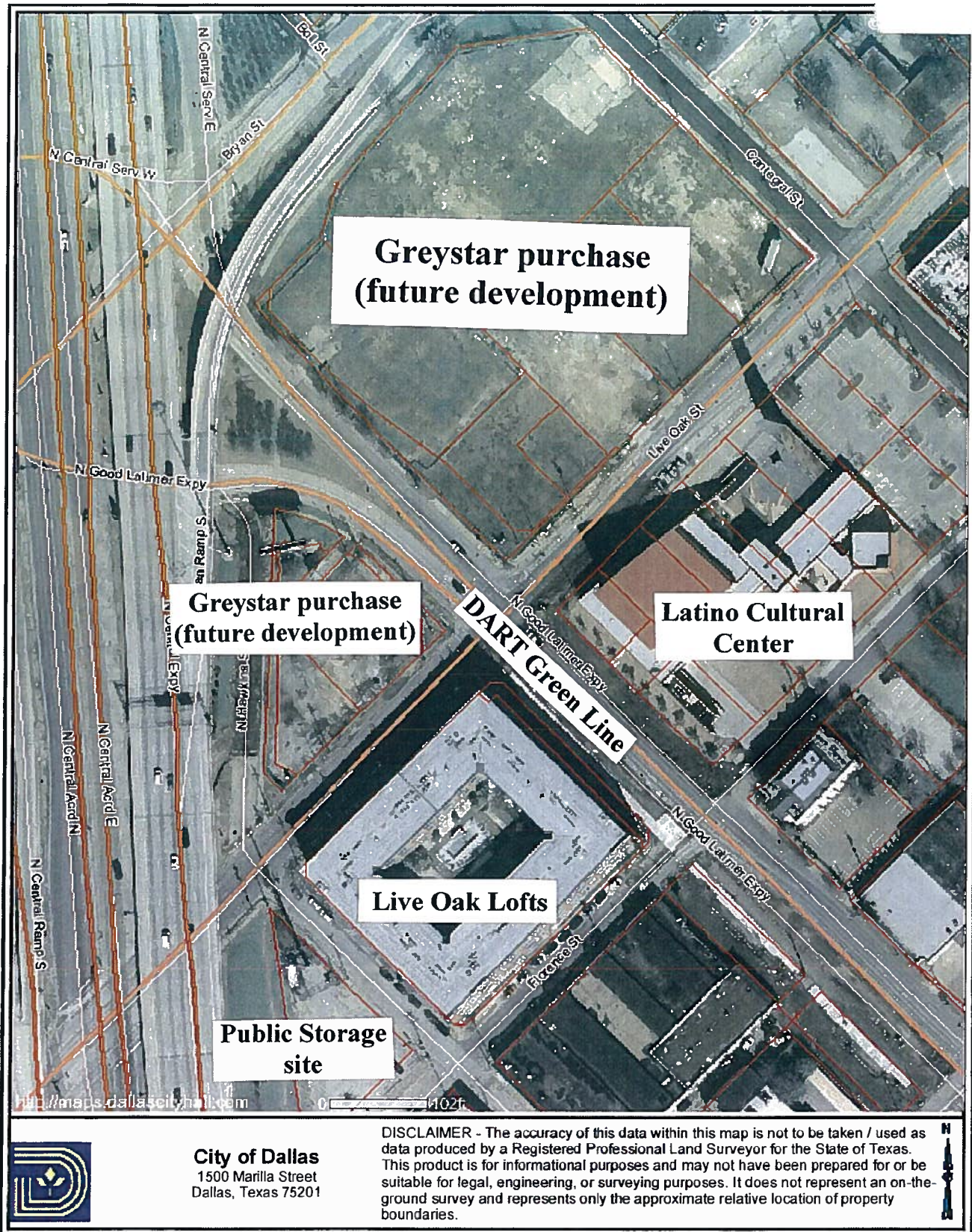
Greystar manages or owns more than 190,000 apartments in 20 U.S. markets. The company represents more than 50 apartment communities in the Dallas area.

Greystar representatives did not respond to a request for details.

Landowner Margaux City Lights Partners Ltd. put the Live Oak tract under Chapter 11 protection in September. The lead partners in the project said the bankruptcy filing was made to settle disputes between the investors in the property.

The City Lights land is just two blocks from a DART light-rail station and a block east of downtown Dallas.

The tract was previously occupied by a jumble of old commercial buildings, which have been demolished over the years.

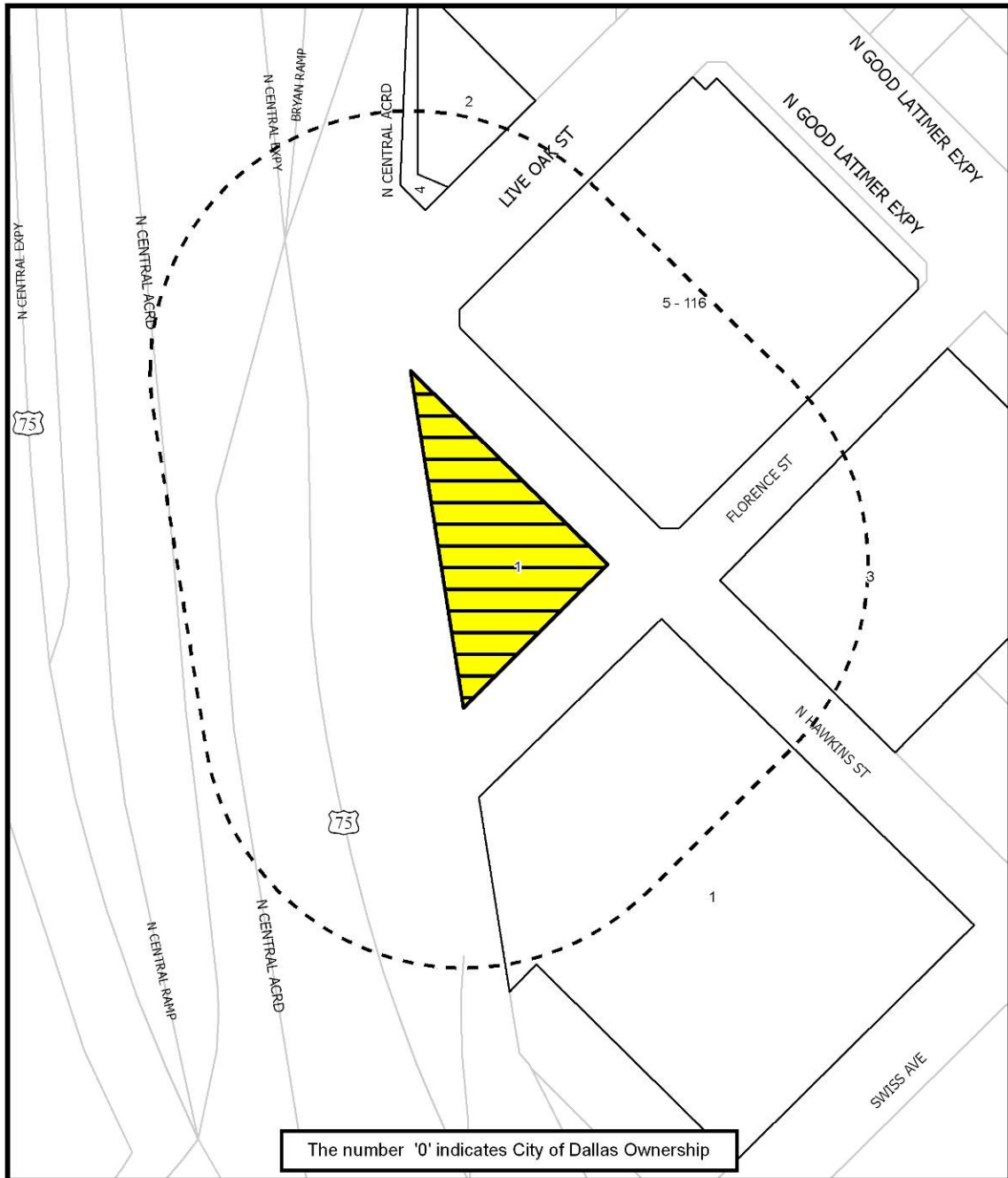




View of site from Hawkins and Florence (Florence closed for construction of Cesar Chavez Boulevard extension).



View north along new Cesar Chavez alignment (under construction); existing Public Storage facility on right, request site just beyond, then Live Oak Lofts in background.



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA112-082			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">116</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	116	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
116	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA112-082

116 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2439 SWISS AVE	PS TEXAS HOLDINGS LTD DEPT PT TX 25508
2	2505 LIVE OAK ST	MARGAUX CITY LIGHTS PTNRS STE 610
3	615 GOOD LATIMER EXPY	GOOD LATIMER LP
4	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
5	2502 LIVE OAK ST	WATKINS DAMON E
6	2502 LIVE OAK ST	SNYDER COREY
7	2502 LIVE OAK ST	RATLIFF RILI ANN
8	2502 LIVE OAK ST	REYES CARLOS
9	2502 LIVE OAK ST	LANGLITZ JEFFREY R & MARGARET L LANGLITZ
10	2502 LIVE OAK ST	MARSH TONY UNIT 106
11	2502 LIVE OAK ST	FISCHER CORIE
12	2502 LIVE OAK ST	WIMBERLEY TODD
13	2502 LIVE OAK ST	MCCOY TARA GOINS UNIT 109
14	2502 LIVE OAK ST	KARGER STEPHANIE & RENNELLS JEFF
15	2502 LIVE OAK ST	MASH LANA K & ANTHONY J ARAGONA
16	2502 LIVE OAK ST	CRAIG JAMES C
17	2502 LIVE OAK ST	MILLER TONI D UNIT 113
18	2502 LIVE OAK ST	HOLLOWAY GARY J
19	2502 LIVE OAK ST	HOULIHAN CHRIS & CHERISH UNIT 115
20	2502 LIVE OAK ST	MAGUIRE JOHN M
21	2502 LIVE OAK ST	BAUDOIN JOHN
22	2502 LIVE OAK ST	MILES LIVE OAK LLLP
23	2502 LIVE OAK ST	TERRELL PAUL A & NORMA L
24	2502 LIVE OAK ST	JIMENEZ OSCAR P
25	2502 LIVE OAK ST	VINSON DANA N
26	2502 LIVE OAK ST	BREITHAUPT CATHERINE H UNIT 122

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2502 LIVE OAK ST	LLOYD GEOFFREY D
28	2502 LIVE OAK ST	VITTETOE CHRIS
29	2502 LIVE OAK ST	MCCLELLEN ANDREW C
30	2502 LIVE OAK ST	LIVE OAK LOFTS CONDO ASSOC INC
31	2502 LIVE OAK ST	TALMAGE MARK E
32	2502 LIVE OAK ST	BREWINGTON MAXIE J JR
33	2502 LIVE OAK ST	HERSHEY BAIRD & HERSHEY SHARON K
34	2502 LIVE OAK ST	STONE KRIS
35	2502 LIVE OAK ST	MONTGOMERY CHRIS W
36	2502 LIVE OAK ST	WHITE SHAJUANDA MICHELLE
37	2502 LIVE OAK ST	ELLISON JASON S
38	2502 LIVE OAK ST	AVANT BENJAMIN O #134
39	2502 LIVE OAK ST	HERSHEY JOSHUA & JESSICA
40	2502 LIVE OAK ST	DHANE BEAU J & JOHN M DHANE
41	2502 LIVE OAK ST	FUENTES AIRALI
42	2502 LIVE OAK ST	ELSKAMP WILLIAM J JR UNIT 138
43	2502 LIVE OAK ST	EDWARDS RODERICK
44	2502 LIVE OAK ST	BAZAN JOHN
45	2502 LIVE OAK ST	STEWART INDIA I &
46	2502 LIVE OAK ST	STATES DANIEL R & JESSICA L
47	2502 LIVE OAK ST	SULLIVAN MARIN UNIT #205
48	2502 LIVE OAK ST	GRAY LUCILLE
49	2502 LIVE OAK ST	JOHNSON PRICE L
50	2502 LIVE OAK ST	SELLERS BOBBY D. SUITE 208
51	2502 LIVE OAK ST	ANDERHOLM JOHN SCOTT UNIT 209
52	2502 LIVE OAK ST	BALDWIN JUSTIN F
53	2502 LIVE OAK ST	SUMMERVILLE NICHOLAS A
54	2502 LIVE OAK ST	ULLRICH DONALD ALLEN & CONSTANCE JANE
55	2502 LIVE OAK ST	DEAN ALLISON M
56	2502 LIVE OAK ST	FURZE ALEXIS D UNIT 214
57	2502 LIVE OAK ST	CARLYLE DAN A UNIT 215

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2502 LIVE OAK ST	FORD ERIC
59	2502 LIVE OAK ST	ABINGTON CLAY
60	2502 LIVE OAK ST	WERTZ BRYAN
61	2502 LIVE OAK ST	JITAN SHERIF
62	2502 LIVE OAK ST	GUBBINS TERESA
63	2502 LIVE OAK ST	APPLE MICHAEL
64	2502 LIVE OAK ST	STAFFORD JAMES III
65	2502 LIVE OAK ST	PENTECOST VINCENT T UNIT 223
66	2502 LIVE OAK ST	CISNEROS JAMES
67	2502 LIVE OAK ST	DAVIS AARON E
68	2502 LIVE OAK ST	SOLL ADAM
69	2502 LIVE OAK ST	PICKETT JILL A & SOTO JORGE L
70	2502 LIVE OAK ST	WATKINS PHYLLIS R
71	2502 LIVE OAK ST	HUFF JACK H
72	2502 LIVE OAK ST	GLOVER KRISTI
73	2502 LIVE OAK ST	HSBC BANK USA
74	2502 LIVE OAK ST	BRAKENRIDGE SCOTT
75	2502 LIVE OAK ST	BENJAMIN HELEN
76	2502 LIVE OAK ST	HUSSEY SEAN M
77	2502 LIVE OAK ST	PONCE BARBARA YAZZEL
78	2502 LIVE OAK ST	ROTHERMEL RYAN R #238
79	2502 LIVE OAK ST	MARSHALL ASHLEY K
80	2502 LIVE OAK ST	VILLA STEVEN
81	2502 LIVE OAK ST	SIFRIT DANIEL W
82	2502 LIVE OAK ST	GRABEKLIS JAY
83	2502 LIVE OAK ST	PURGATORIO DANIEL D UNIT 7
84	2502 LIVE OAK ST	BALLARD SCOTT
85	2502 LIVE OAK ST	DAVIS VIRGINIA A & ARNOLD R DAVIS
86	2502 LIVE OAK ST	LACY JOHN A # 308
87	2502 LIVE OAK ST	MOURI VALLI
88	2502 LIVE OAK ST	MILLER VANESSA A

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2502 LIVE OAK ST	LANEHART WILL D
90	2502 LIVE OAK ST	BURCHEL JONATHAN # 312
91	2502 LIVE OAK ST	ROBERT JAMES E UNIT 313
92	2502 LIVE OAK ST	SULLIVAN MARK P UNIT 314
93	2502 LIVE OAK ST	YOST HARVEY D III
94	2502 LIVE OAK ST	CRUZ AARON
95	2502 LIVE OAK ST	BAILEY DIETRICH D UNIT 317
96	2502 LIVE OAK ST	LUSTIG LEE M
97	2502 LIVE OAK ST	SANDERS KAREN D
98	2502 LIVE OAK ST	HOLLEY JOE D
99	2502 LIVE OAK ST	SHIELDS WILLIAM OLIVER II
100	2502 LIVE OAK ST	CLEMENTS JOSEPH WRIGHT APT 525
101	2502 LIVE OAK ST	BOATNER JOHN S
102	2502 LIVE OAK ST	CROSSFIELD BRADLEY &
103	2502 LIVE OAK ST	LOUREIRO DONNA M & ROBERT A
104	2502 LIVE OAK ST	DEMOSS MICHAEL B UNIT 326
105	2502 LIVE OAK ST	BUFORD REALTY LLC
106	2502 LIVE OAK ST	LUDWIG KARL W
107	2502 LIVE OAK ST	BRUNKER DOUGLAS B
108	2502 LIVE OAK ST	HERBERT HOWARD & CONNIE
109	2502 LIVE OAK ST	BRANDL TOM L & KELLI J
110	2502 LIVE OAK ST	DAVIS PAUL E
111	2502 LIVE OAK ST	VEGA JAIME D UNIT 333
112	2502 LIVE OAK ST	WAGNER MARK A
113	2502 LIVE OAK ST	CRAWFORD CARLETON J
114	2502 LIVE OAK ST	FRANK STEVEN
115	2502 LIVE OAK ST	RAMOS JUN A UNIT 337
116	2502 LIVE OAK ST	APGAR JONATHAN M

FILE NUMBER: BDA 112-107

BUILDING OFFICIAL'S REPORT:

Application of David Tayyari for a special exception to the landscape regulations at 19353 Preston Road. This property is more fully described as Lot 3 in City Block 22/8736 and is zoned CS, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception.

LOCATION: 19353 Preston Road

APPLICANT: David Tayyari

REQUEST:

A special exception to the landscape regulations is requested in conjunction with maintaining a site developed with a "vehicle display, sales, and service" use (Silver Star Motor Cars), and not fully meeting the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

The board may grant a special exception to the landscape regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant has not substantiated how strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property.
- The City’s Chief Arborist recommends denial of the request, partly because , aside from the physical restrictions for planting large trees along the street frontages of the property, strict compliance with all other requirements of the landscape regulations of the Dallas Development Code will not unreasonably burden the use of the property.

BACKGROUND INFORMATION:

Zoning:

- Site: CS (deed restricted*) (Commercial Service)
- North: City of Plano
- South: PD 170 (Planned Development)
- East: CR & RR (deed restricted) (Community Retail and Regional Retail)
- West: CS (deed restricted) (Commercial Service)

* The deed restrictions on this property do not appear to be in conflict with what the applicant seeks in this application.

Land Use:

The site is currently developed with a “vehicle display, sales, and service” use (Silver Star Motor Cars). The area to the north is the President George Bush Turnpike and the City of Plano, the area to the east is developed with retail/commercial uses, the area to the south is developed with multifamily, and the area are undeveloped, the area to the south is developed as townhomes, and the area to the west is developed with hotel/motel use.

Zoning/BDA History:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. BDA 989-108, Property at 19383 Preston Road (two lots immediately west of the subject site) | <p>On October 20, 1998, the Board of Adjustment Panel B granted a request for a special exception to the landscape regulations and imposed the following condition: “that strict compliance with a revised landscape plan showing further landscaping enhancements and relocation of the fence on the southwestern corner reflect what is required by the deed restrictions on the property.” The case report that the request was made in</p> |
|--|--|

conjunction with constructing and maintaining a mini-warehouse on the site. (The case report also references the following: “On August 7, 1995, deed restrictions were submitted and recorded on the land including the site and the area immediately east of the site to Preston Road. The deed restrictions included a specific list of uses permitted on the property, and landscape provisions requiring certain features to be placed on the land upon development. The Board Administrator, the Chief Arborist, and the Board of Adjustment Review Team Development Code Specialist have reviewed these deed restrictions and have indicated that there would be no breach of these restrictions if this special exception was granted.”

Timeline:

September 19, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 10, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

October 10, 2012: 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 October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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 23, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

October 30, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the

Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

November 6, 2012: The City of Dallas Chief Arborist submitted a memo (with related plans) that provided his comments regarding the request (see Attachment B).

November 14, 2012: The Board of Adjustment Panel B conducted a hearing on this application where the applicant submitted a revised landscape plan (which merely substituted the notation of “unknown” on the originally submitted plan to “Bradford Pear tree,” and a copy of a 2002 Certificate of Occupancy for property located at 19353 Preston Road to the board at the public hearing (see Attachment C). The Board delayed action on this application until their next hearing scheduled for January 16, 2013.

November 16, 2012: The Board Administrator wrote the applicant a letter stating the following:

- that the board delayed action on this application until January 16, 2013; and
- that the deadline to submit any additional information for staff review purposes was December 26th, and the deadline to submit any additional information for the board’s docket was January 4th.

December 21, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for January public hearings. Review team members in attendance included: the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

January 7, 2013: As of January 7, 2013, the applicant had not submitted any additional documentation since the November 14th hearing.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a site developed with a “vehicle display, sales, and service” use (Silver Star Motor Cars), and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the site is deficient: 1) the perimeter landscape buffer strip and required plant group; 2)

street tree; 3) parking lot tree; and 4) two design standard requirements of the Landscape Regulations.

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo (with related plans) to the Board Administrator regarding the applicant's request (see Attachment B). The memo states how this request is triggered by new construction of a vehicle display, sales, and service use where three building permits issued in 2000 and 2004 have all expired, and where the new building permit was created on March 1, 2011 to finish work on all previous building permits. This permit with all site plan amendments has not been issued and is on hold pending a code compliant landscape plan approval for installation since December of 2011.
- The City of Dallas Chief Arborist stated in his November 6th memo that no landscape materials installed on the property have been inspected for approval. The initial landscape plans previously submitted by the owner, and approved for permit identified a minimum 10' landscape buffer along the south side of the property, and multiple trees species were identified on tables of the submitted plans. The proposed landscape plan does not identify species of trees but they are listed as "unknown." (Note that since the Chief Arborist's November 6th memo was written, the applicant submitted an amended plan at the November 14th hearing and identifying what had been labeled as "unknown" trees as "Bradford Pear trees.") Multiple paved slots are placed in the mandatory perimeter landscape buffer strip and cross onto the adjacent property. Vehicles are stored on these slots in the buffer where the lengths of these slots are not of sufficient length to prevent the vehicle from encroaching into the adjacent fire lane. The existing plant material in the buffer is not in compliance with Article X requirements for large trees.
- The City of Dallas Chief Arborist recommends denial of this request.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted revised landscape plan as a condition to the request, the site would be provided exception from full compliance with the perimeter landscape buffer strip and required plant group, street tree, parking lot tree, and design standard requirements of Article X: The Landscape Regulations.

BOARD OF ADJUSTMENT ACTION: NOVEMBER 14, 2012

APPEARING IN FAVOR: David Tayyari, 19353 Preston Rd., Dallas, TX
Ray Moghimi, 19353 Preston Rd., Dallas, TX

APPEARING IN OPPOSITION: Ann Murphy, 19126 Windmill, Dallas, TX

MOTION: **Wilson**

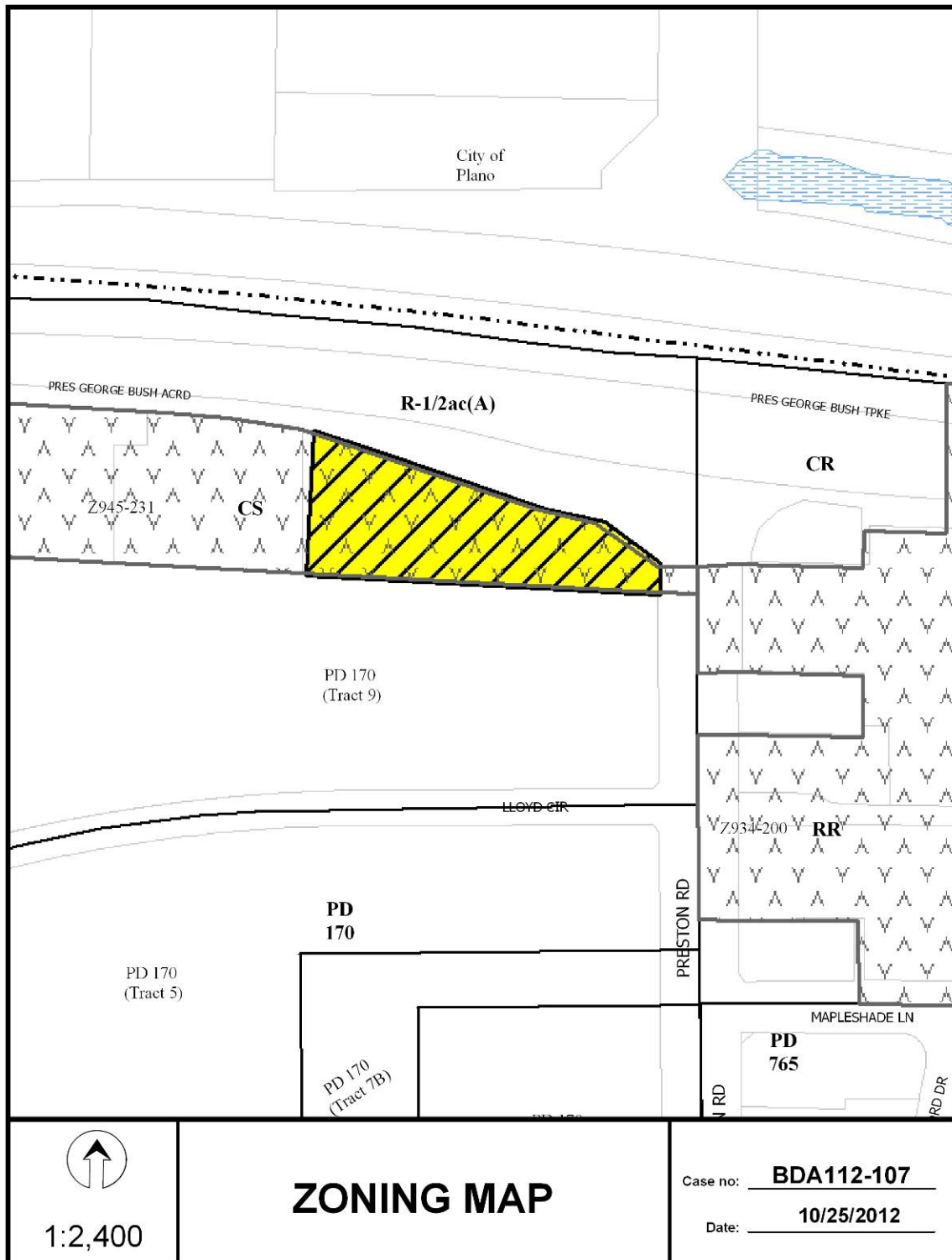
I move that the Board of Adjustment in Appeal No. **BDA 112-107**, on application of David Tayyari hold this matter under advisement until **January, 16, 2013**.

SECONDED: **Leone**

AYES: 5– Reynolds, Gillespie, Wilson, Leone, Gaspard

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)





1:2,400

AERIAL MAP

Case no: BDA112-107

Date: 10/25/2012

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No. 112 – 107: 19353 Preston Road (Dallas Khodrow, Inc.)

Addendum No. 1

The following addendum to be added to our appeal item No. 1 (Type of trees).

With reference to *Special Exception, Sec. 51A-10.110 (a)(1)*, I am bringing to your attention that originally this type of the tree (pear trees) were approved by the City of Dallas's Arborist prior to the construction of the site. I believe that the requirement of cutting down the trees and replacing with the required evergreen trees is an **unreasonable burden** that is being imposed on the ownership of the property. I appeal to the board for acceptance of the trees and provide adjustment on the relating requirements.

The following addendum to be added to our appeal item No. 2 (concrete pads within the buffer zone).

With reference to *Special Exception, Sec. 51A-10.110 (a)(1)*, I am bringing to your attention that the site was squeezed to the current size due to Highway 190 (George Bush Turnpike) reconstruction/widening project resulting the reduction in our auto sales area. We have added concrete pads to the landscape strip to the south side of our site within the landscape zone to recover some auto show area. **Strict compliance with the requirements will unreasonably burden the use of the property.**

Additionally, with reference to *Special Exception, Sec. 51A-10.110 (a)(2)*, the concrete pads in the landscaped buffer zone are hidden behind a six (6) foot screening fence; therefore, I firmly believe that the concrete pads **will not adversely affect the neighboring property**. We appeal to the board to allow the concrete pads in the landscaped area for the business's survival.

Sincerely,

David F. Tayyari 10/23/2012

David F. Tayyari, P.E.
Tayyari Consulting
1456 Apenzell Lane,
Lewisville, TX 75067
214-718-4582

Memorandum



CITY OF DALLAS

DATE November 6, 2012
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 112 - 107 19353 Preston Road

The applicant is requesting a special exception to the landscape requirements of Article X of the Dallas Development Code. Specifically, the exception is for the mandatory provisions of Section 51A-10.125(b)(1), (b)(4), (b)(5), (b)(7), and for the requirement of two design standards of Section 51A-10.126. The applicant proposes an alternate landscape plan.

Trigger

New construction of a commercial use for vehicle display, sales and service requires the installation of required landscaping per Article X.

- The initial building permit with an approved landscape plan was issued February 8, 2000. A final inspection was not requested. (Plan: January 2000)
- A second building permit for an addition was approved and issued with an amended landscape plan on September 11, 2000. A final inspection was not requested. (Plan: August 2000)
- A third building permit for an addition to the western portion of the property was issued with an amended landscape plan (western section only) on June 21, 2004. A final inspection was not requested. (Plan: 2004)
- All three permits were expired. A new building permit was created on March 1, 2011 to finish work on all previous building permits. The permit with all site plan amendments has not been issued, and is on hold pending a code compliant landscape plan approval for installation since December 8, 2011.

Deficiencies

The proposed plan is deficient 1) the perimeter landscape buffer strip and required plant groups, 2) street trees, 3) parking lot trees, and 4) two design standards. Designated 'small trees' (Bradford pear) are planted throughout the property, which is contrary to parking lot and street tree requirements of Section 51A-10.125(b).

Factors

The property is adjacent to PD 170 (Tract 9) with multifamily use along its southern boundary. Specifically, development regulations for Tract 9 of PD 170 are for 'Multiple-Family-1 District uses and standards.' A lot with residential adjacency is defined under Section 51A-10.101 as 'a building site containing a nonresidential use that is adjacent to or directly across a street 64 feet or less in width, or an alley, from private property in a agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district.'

No landscape materials installed on the property have been inspected for approval. The initial landscape plans previously submitted by the owner, and approved for permit, identified a minimum 10' landscape buffer along the south side of the property. Multiple tree species were identified on the tables of the submitted plans.

The proposed landscape plan does not identify species of trees, but they are listed as 'unknown.' Proposed additional trees are to be of similar type. Initial landscape plans identified approved trees as oak, sweetgum, and baldcypress.

Multiple paved slots are placed in the mandatory perimeter landscape buffer strip and cross onto the adjacent property. Vehicles are stored on these slots in the buffer. The slots are not of sufficient length on the property to prevent the vehicle from encroaching on the adjacent fire lane. The existing plant material in the buffer is not in compliance with Article X requirements for large trees.

Recommendation

I recommend denial of the alternate landscape plan as submitted by the applicant. Aside from the physical restrictions for planting large trees along the street frontages of the property, strict compliance with the requirements of Article X will not unreasonably burden the use of the property. The request exceeds the site's demonstrated suitability for a special exception for planting large trees within 30 feet of the curb of the street at a ratio of one per fifty linear feet of frontage.

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

BEFORE ANY WORK IS DONE FOR THIS PROJECT, THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF THE LANDSCAPE. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF THE LANDSCAPE. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF THE LANDSCAPE.

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ALL PLANTING MATERIALS SHALL BE SUPPLIED BY THE LANDSCAPE DESIGNER. ALL PLANTING MATERIALS SHALL BE SUPPLIED BY THE LANDSCAPE DESIGNER. ALL PLANTING MATERIALS SHALL BE SUPPLIED BY THE LANDSCAPE DESIGNER.

LANDSCAPE CALCULATIONS

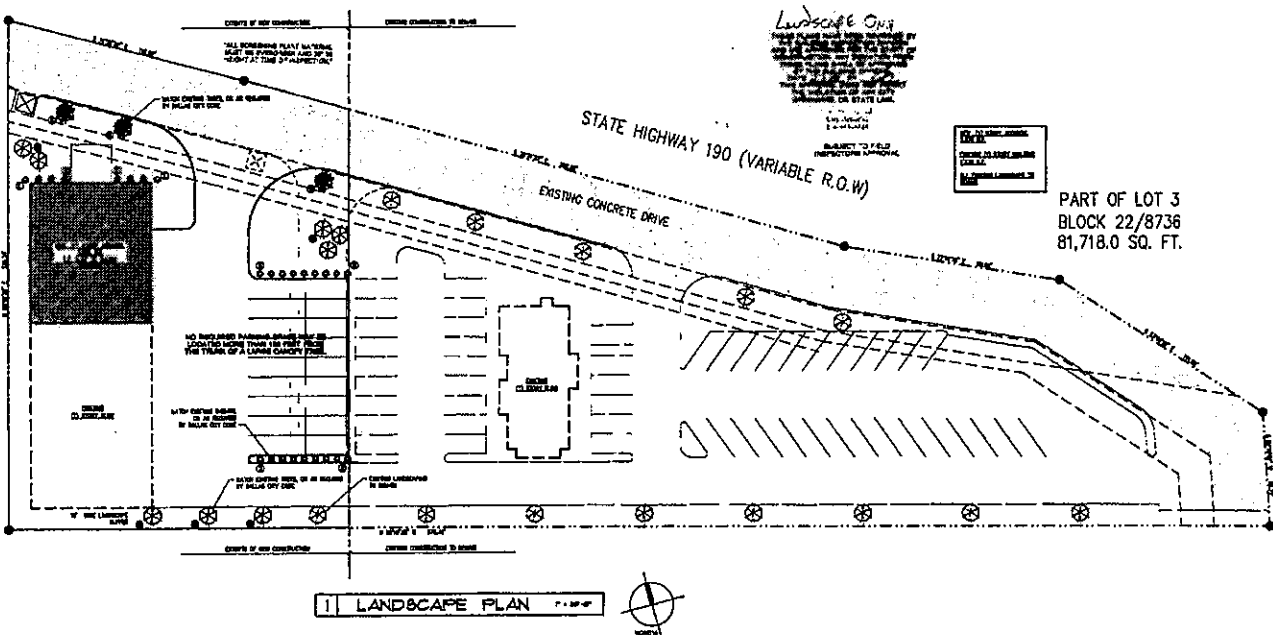
LANDSCAPE AREA: 81,718.0 SQ. FT.

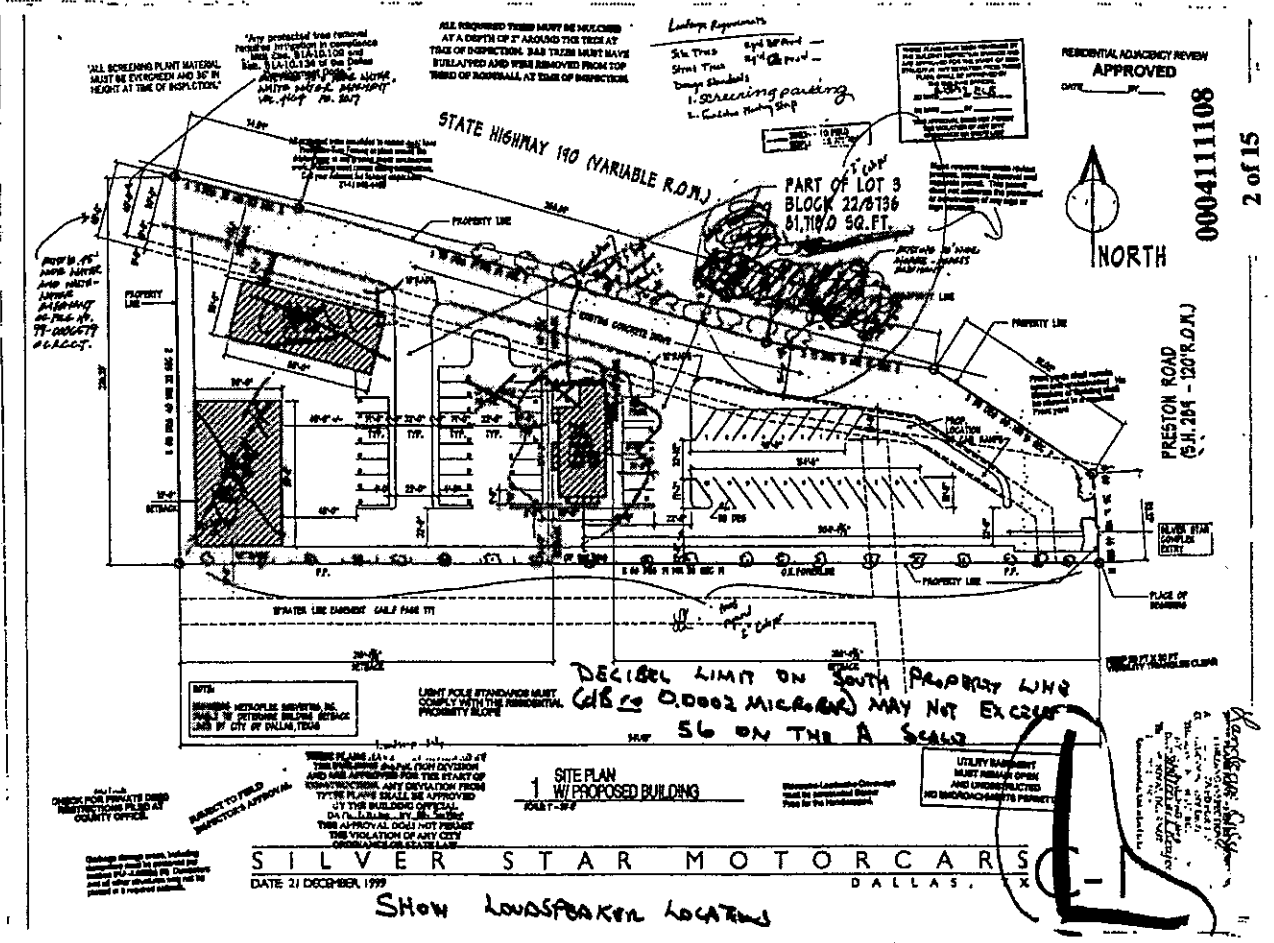
PLANTING SCHEDULE:

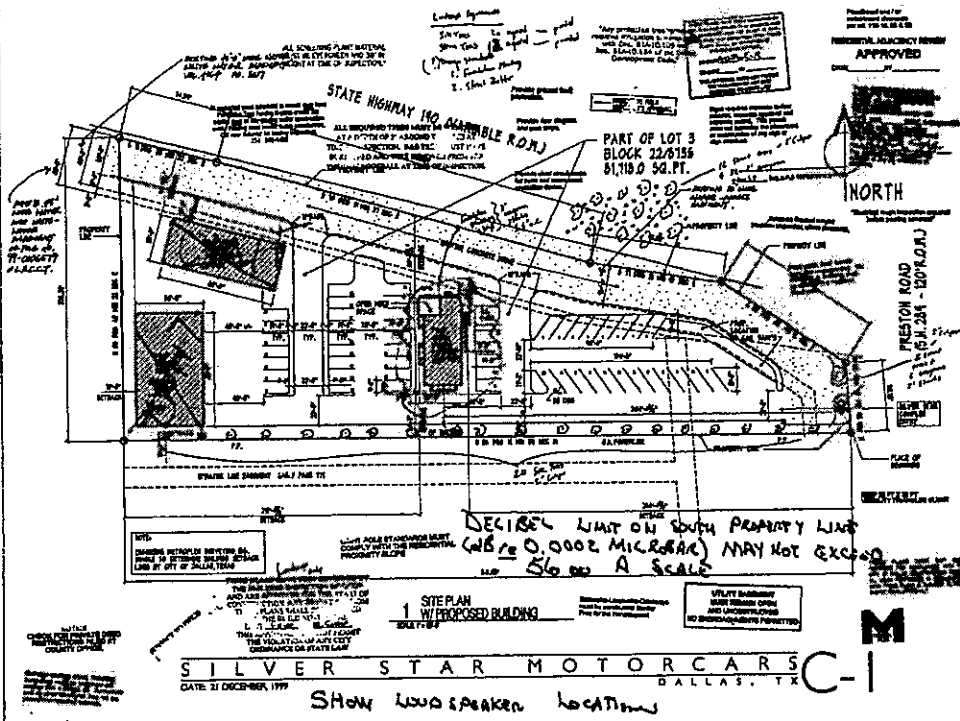
- 10' x 10' PLANTING: 100 PLANTS
- 15' x 15' PLANTING: 100 PLANTS
- 20' x 20' PLANTING: 100 PLANTS
- 25' x 25' PLANTING: 100 PLANTS
- 30' x 30' PLANTING: 100 PLANTS
- 35' x 35' PLANTING: 100 PLANTS
- 40' x 40' PLANTING: 100 PLANTS
- 45' x 45' PLANTING: 100 PLANTS
- 50' x 50' PLANTING: 100 PLANTS
- 55' x 55' PLANTING: 100 PLANTS
- 60' x 60' PLANTING: 100 PLANTS
- 65' x 65' PLANTING: 100 PLANTS
- 70' x 70' PLANTING: 100 PLANTS
- 75' x 75' PLANTING: 100 PLANTS
- 80' x 80' PLANTING: 100 PLANTS
- 85' x 85' PLANTING: 100 PLANTS
- 90' x 90' PLANTING: 100 PLANTS
- 95' x 95' PLANTING: 100 PLANTS
- 100' x 100' PLANTING: 100 PLANTS

LANDSCAPE NOTES

PLANT VARIETY	TYPE	PLANT VARIETY
1. PLANT VARIETY	A. TYPE	PLANT VARIETY
2. PLANT VARIETY	B. TYPE	PLANT VARIETY
3. PLANT VARIETY	C. TYPE	PLANT VARIETY
4. PLANT VARIETY	D. TYPE	PLANT VARIETY
5. PLANT VARIETY	E. TYPE	PLANT VARIETY
6. PLANT VARIETY	F. TYPE	PLANT VARIETY
7. PLANT VARIETY	G. TYPE	PLANT VARIETY
8. PLANT VARIETY	H. TYPE	PLANT VARIETY
9. PLANT VARIETY	I. TYPE	PLANT VARIETY
10. PLANT VARIETY	J. TYPE	PLANT VARIETY







BDA112-107 Attach. C
submitted by PSI
apparent at
the 11-14-12
hearing

CITY OF DALLAS

Building Inspection
320 E. Jefferson Blvd.
Dallas, Texas 75203

CERTIFICATE OF OCCUPANCY

CD Number: 0004111109 Date Issued: 04/24/2002
Use: VEHICLE DISPLAY, SALES AND SERVICE Expiration date:
Name: SILVER STAR MOTORS CD Fee: 175.00
IBA: SILVER STAR MOTORS Mapsco: 05 /C
Telephone: Fax:

Address:
19353 PRESTON RD A 75252

Lot: 3 Block: 8736 / Act Code: G Dwlg Units:
Work Use: Zoning: CS Own Code: A District: 02R
Pro Park: Lot Area: SUP: Stories: 1
Req Park: Bldg Area: PDD: 0000 Occ Code: S3
Sprinkler: NONE Type Const: V-N

This certificate shall be displayed
on the above premises at all times.

SDA 112-107 Attachment C Pg 2
Submitted by applicant on the 11-14-2010

A&L ENGINEERING & CONSULTING INC.
1402 Blake Dr.
Richardson, TX 75081
ph: (972) 865-1350 fax: (972) 865-1354

Silver Star Motor Cars
19355 Preston Road,
Dallas, TX 75252

SHEET CONTENTS:
Proposed
Landscape Plan

DATE: 11-23-2010

101

ISSUE RECORD

LANDSCAPE SUMMARY TABLE

USE	ALLOWED/PROHIBITED	PROVIDED
ZONING (Part of Lot 3 Block 228736)	CS	
LOT AREA	N/A	33,206 sqft
BUILDING AREA TOTAL	N/A	9,790 sqft
LOT COVERAGE	80%	29.5 %
LANDSCAPE AREA	20 spaces	4,114 sqft
SITE TREES		33,206 sqft
1. LARGE TREE (4,000 sqft)	8 trees	8 trees
2. MEDIUM TREE (1,000 sqft)	2 trees	2 trees
3. SMALL TREE (500 sqft)	3 trees	3 trees
4. SHRUBS	2 groups	2 groups
5. PERENNIALS	2 groups	2 groups
6. ANNUALS	2 groups	2 groups
7. TREES GROUP 750 Unit		170 Unit
8. TREES GROUP 500 Unit		170 Unit
9. TREES GROUP 250 Unit		170 Unit
10. TREES GROUP 125 Unit		170 Unit

PLANTING LEGEND

SYMBOL	#	COMMON NAME	BOTANICAL NAME	COL.
(Symbol)	13	EXISTING TREES	VARIOUS	3"
(Symbol)	9	NEW TREES	MATCH EXISTING TREE SPECIES	3"
(Symbol)	2,479	COMMON	OVYADON DACTYON	10"
(Symbol)	94	R. BERMUDA GRASS		

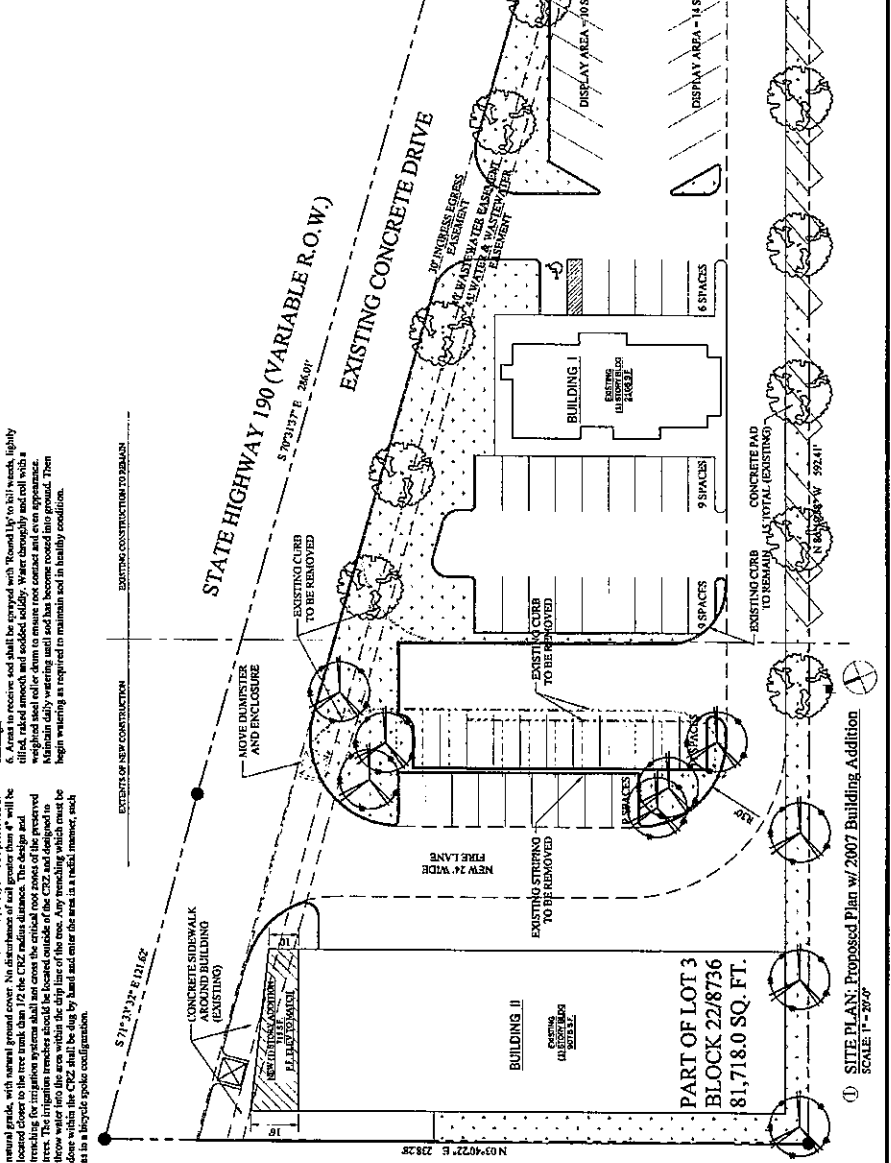
NOTES: Square coverage of grass applies to new sod only. Existing grass to remain.

BRADFORD PEAR TREE

- PLANTING:**
- All plants shall be sound, healthy and vigorous, well branched and densely foliated when in full leaf and have healthy, well developed root system and be free from insect infestation or disease.
 - The Owner's Representative may refuse acceptance of any plant materials that do not meet these standards.
 - The Owner's Representative shall approve location of all plant materials to be installed from the bottom of the root ball only.
 - Tree pits shall be dug 6" greater than root ball on all sides. All plants shall be placed in pits at level ground in nursery and to finished grade, then backfilled with topsoil. Compact a new watering ring of soil 6" in height at the edge of all tree root balls.
 - Mulch all plantings with a sharded cedar mulch a minimum of 4" in depth.
 - Plants shall be pruned only to remove dead wood and suckers.
- METAL BOUNDING:** All beds that turf shall be bounded with 10 gal per year painted metal edging complete with stakes. Edging shall be installed so that the top of edging is equal in height to the growing height of surrounding turf grass.
- GUARANTEE:** All trees, shrubs, and sod shall be guaranteed for a period of one year per loss of total size and quality, at no cost to the Property Owner.

- UTILITIES:** The landscape contractor is responsible for verifying that all quantities within located and flagged prior to commencement of any work. Protect underground utilities, adjacent property, adjacent surfacing, water meters, hydrants, light poles and other miscellaneous appurtenances.
- CLEAN UP:** Trash and debris shall be removed from the site daily in accordance with all laws.
- QUANTITIES:** The landscape contractor is responsible for verifying that all quantities of plants, turf, bed preparation, and related landscape materials are correct.
- BED PREPARATION:** Planting areas to receive seasonal color, groundcover, shrubs, and trees shall be prepared in accordance with the following specifications:
- Remove existing sod to a depth of 6" and allow for the incorporation of 4" of representative prior to submitting bid.
 - Spread Landscape's mix evenly.
 - Remove existing sod to a minimum of 16-18" in the area indicated on the package.
 - Re-tilt to a 6" depth minimum. Remove all rocks and debris from site. Do not re-tilt under any tree canopy. If the grade of beds may be slightly higher than the surrounding area, the contractor shall be responsible for the grade of all building structures. There shall be positive drainage away from all buildings.
 - Areas to receive sod shall be sprayed with "weed top" in full weeks, lightly watered, and sod installed. The contractor shall be responsible for the grade of all building structures. There shall be positive drainage away from all buildings. Maintain daily watering until sod has become rooted into ground. Then begin watering as required to maintain sod in healthy condition.

- LANDSCAPING GENERAL NOTES:**
- CERTIFICATION:** This plan meets or exceeds the requirements set forth in the Seeding & Landscape Standards for the City of Dallas, TX.
- VISIBILITY TRIANGLES:** Landscaping within the visibility triangles shall meet requirements as stated in chapter 9 of the City Code.
- HANDICAPPED ACCESS:** If any sidewalks are required they will be designed to provide handicap access at the drive approach.
- MAINTENANCE:** The Property Owner is responsible for regular watering, mowing, irrigation, pruning, and other maintenance of all planting. The required landscape must be maintained in a healthy growing condition at all times.
- TREE FLAGGING:** All trees to be preserved shall be flagged by the designer with brightly colored tape wrapped around the main trunk. (No significant trees on site).
- PROTECTIVE FENCING:** All preserved trees remaining on site shall have protective fencing installed. The contractor shall be responsible for the grade of all building structures. There shall be positive drainage away from all buildings.
- IRRIGATION:** All required landscape shall be irrigated by means of a permanently installed, automatic, underground irrigation system with 4 lines per 100 sq ft.
- CUT/FILL:** A minimum of 75% of the critical root zone (CRZ) shall be preserved in natural grade, with a maximum of 2" of fill or 2" of excavation. All trees greater than 4" will be preserved. The irrigation system shall be installed outside of the CRZ and designed to flow water into the area within the drip line of the tree. Any remodeling which must be done shall be done by the contractor. The contractor shall be responsible for the grade of all building structures. There shall be positive drainage away from all buildings.



① SITE PLAN: Proposed Plan w/ 2007 Building Addition
SCALE: 1" = 20'



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-107

Data Relative to Subject Property:

Date: 9/19/12

Location address: 19353 Preston Rd. Zoning District: CS

Lot No.: 3 Block No.: 22/8736 Acreage: 1.87 Census Tract: 0317.15

Street Frontage (in Feet): 1) 52.72' 2) _____ 3) _____ 4) _____ 5) _____ NE2R

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Khodron, Inc. / REZA MOGHIMI

Applicant: Reza Moghimi Telephone: (972) 931-8111

Mailing Address: 19353 Preston Rd. Zip Code: 75252

E-mail Address: ray@silverstarmotors.com

Represented by: David Tayyari (214-718-4582) Telephone: 972/931-8111

Mailing Address: 19353 Preston Rd, Dallas, TX Zip Code: 75252

E-mail Address: apftayyari@gmail.com

Affirm that an appeal has been made for a Variance, or Special Exception of type of trees, buffer zone, and street trees for an alternate 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- Typed trees (pear tree in lieu of canopy tree) which were planted in accordance with approved plans.
- 2- concrete pads were placed in buffer zone but additional landscape was augmented on adjacent property.
- 3- Street tree please see attachment Exhibit A.

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.

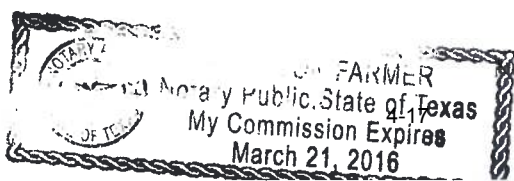
Affidavit

Before me the undersigned on this day personally appeared Reza Moghimi (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 29th day of September, 2012



[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

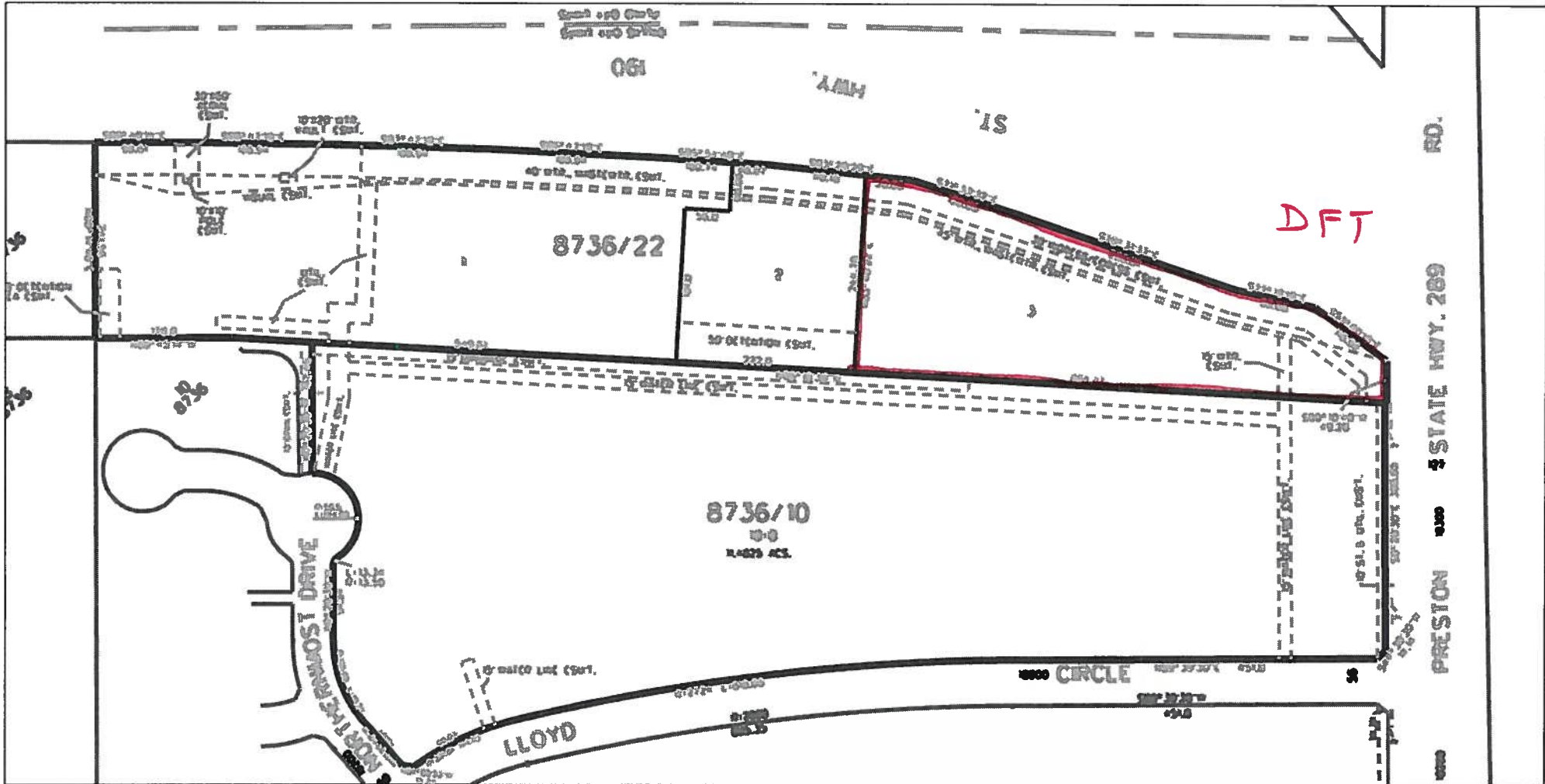
Building Official's Report

I hereby certify that Reza Moghimi
represented by David Tayyari
did submit a request for a special exception to the landscaping regulations
at 19353 Preston Road

BDA112-107. Application of Reza Moghimi represented by David Tayyari for a special exception to the landscaping regulations at 19353 Preston Road. This property is more fully described as lot 3 in city block 22/8736 and is zoned CS, 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.

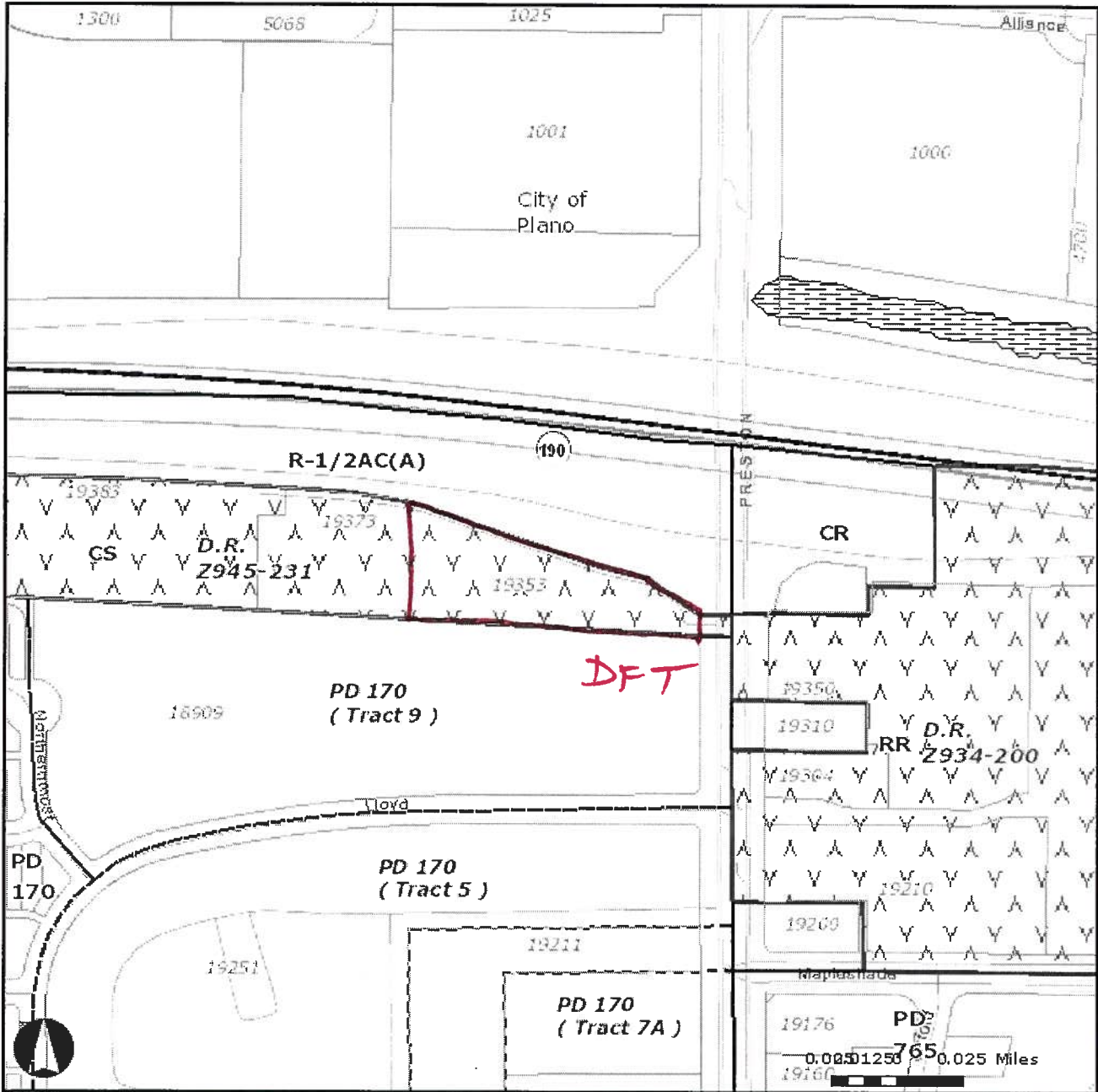
Sincerely,


Lloyd Denman, Building Official



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City of Dallas Zoning



City Boundaries

- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

LANDSCAPING GENERAL NOTES:

CERTIFICATION: This plan meets or exceeds the requirements set forth in the Screening & Landscape Standards for the City of Dallas, TX.

VISIBILITY TRIANGLES: Landscaping within the visibility triangles shall meet requirements as stated in chapter 9 of the City Code.

HANDICAPPED ACCESS: If any sidewalks are required they will be designed to provide handicap access at the drive approaches.

MAINTENANCE: The Property Owner is responsible for regular weeding, mowing, irrigation, pruning, and other maintenance of all plantings. The required landscape must be maintained in a healthy growing condition at all times.

TREE FLAGGING: All trees to be preserved shall be flagged by the developer with brightly colored tape wrapped around the main trunk. (No significant trees on site).

PROTECTIVE FENCING: All preserved trees remaining on site shall have protective fencing located approximately at the trees drip line. The fencing may be brightly colored vinyl construction fencing or similar fencing with a four foot (4') minimum height.

IRRIGATION: All required landscaping shall be irrigated by means of a permanently installed, automatic, underground irrigation system with a freeze guard set at 38° F.

CUT/FILL: A minimum of 75% of the critical root zones (CRZ) shall be preserved at natural grade, with natural ground cover. No disturbance of soil greater than 4" will be located closer to the tree trunk than 1/2 the CRZ radius distance. The design and trenching for irrigation systems shall not cross the critical root zones of the preserved trees. The irrigation trenches should be located outside of the CRZ and designed to throw water into the area within the drip line of the tree. Any trenching which must be done within the CRZ shall be dug by hand and enter the area in a radial manner, such as in a bicycle spoke configuration.

UTILITIES: The landscape and irrigation contractor shall have all underground utilities located and flagged prior to commencement of any work. Protect underground utilities, adjacent property, adjacent surfacing, water meters, hydrants, light poles and other miscellaneous appearances.

CLEAN UP: Trash and debris shall be removed from the site daily in accordance with all laws.

QUANTITIES: The landscape contractor is responsible for verifying that all quantities of plants, turf, bed preparation, and related landscape materials are correct.

BED PREPARATION: Planting areas to receive seasonal color, groundcover, shrubs, or ornamental trees shall be prepared as follows:

1. Remove existing soil as necessary to allow for the incorporation of 4" of Landscaper's Mix (Submit proposed brand of mix for approval by Owner's representative prior to submitting bid).
2. Spread Landscaper's Mix evenly.
3. Apply a balanced fertilizer having an analysis of 16-16-16 at the rate indicated on the package.
4. Roto-till to a 6" depth minimum. Remove all rocks and debris from site. Do not roto-till under any tree canopy.
5. Rake beds smoothly and evenly. Finished grade of beds may be slightly higher than surrounding turf grade but at least 3" below the finished grade of all building structures. There shall be positive drainage away from all buildings.
6. Areas to receive sod shall be sprayed with Round Up to kill weeds, lightly filled, raked smooth and sanded solidly. Water thoroughly and roll with a weighted steel roller drum to ensure root contact and even appearance. Maintain daily watering until sod has become rooted into ground. Then begin watering as required to maintain sod in healthy condition.

PLANTING:

1. All plants shall be sound, healthy and vigorous, well branched and densely foliated when in leaf and have healthy, well developed root systems and be free from disease, insects and defects.
2. The Owner's Representative may refuse acceptance of any plant material that do not meet these standards.
3. The Owner's Representative, prior to installation, shall approve location of all plant material.
4. Plants shall be handled from the bottom of the root ball only.
5. Tree pits shall be dug 6" greater than root ball on all sides. All plants shall be placed in pits at level grown in nursery and to finished grade, then backfilled with bed preparation mixture of 1/2 native soil and 1/2 Landscaper's Mix, tamping in 6" lifts. Construct a tree watering ring of soil 6" in height at the edge of all tree root balls to facilitate watering.
6. Mulch all plantings with a shredded cedar mulch a minimum of 4" in depth.
7. Plants shall be pruned only to remove deadwood and suckers.

METAL EDGING: All beds that abut turf shall be bordered with 10 gauge green painted steel edging complete with stakes. Edging shall be installed so that the top of edging is equal in height to the mowing height of surrounding turf grass.

GUARANTEE: All trees, shrubs, and sod shall be guaranteed for a period of one year from the date of final acceptance. All plant material shall be promptly replaced, once per loss, of equal size and quality, at no cost to the Property Owner.

LANDSCAPE SUMMARY TABLE

ZONING (PART OF LOT 3, BLOCK 22/8736)	ALLOW/READ	PROVIDED
USE	CS	Auto Sales/Rep
LOT AREA	-----	33,206 sqft
BUILDING AREA TOTAL	N/A	9,390 sqft
LOT COVERAGE	80%	29.5%
PARKING TOTAL	20 spaces	20 spaces
LANDSCAPE AREA	7	4,714 sqft
SITE TREES	-----	33,206 sqft
1 LARGE TREE / 4,000 sqft	8 trees	8 trees
ADJ. TO CONCRETE DRIVE	-----	176 linft
1 LARGE TREE / 50 linft	3 trees	1 trees
REAR BUFFER	-----	170 linft
1 TREE GROUP / 50 linft	3 groups	3 groups

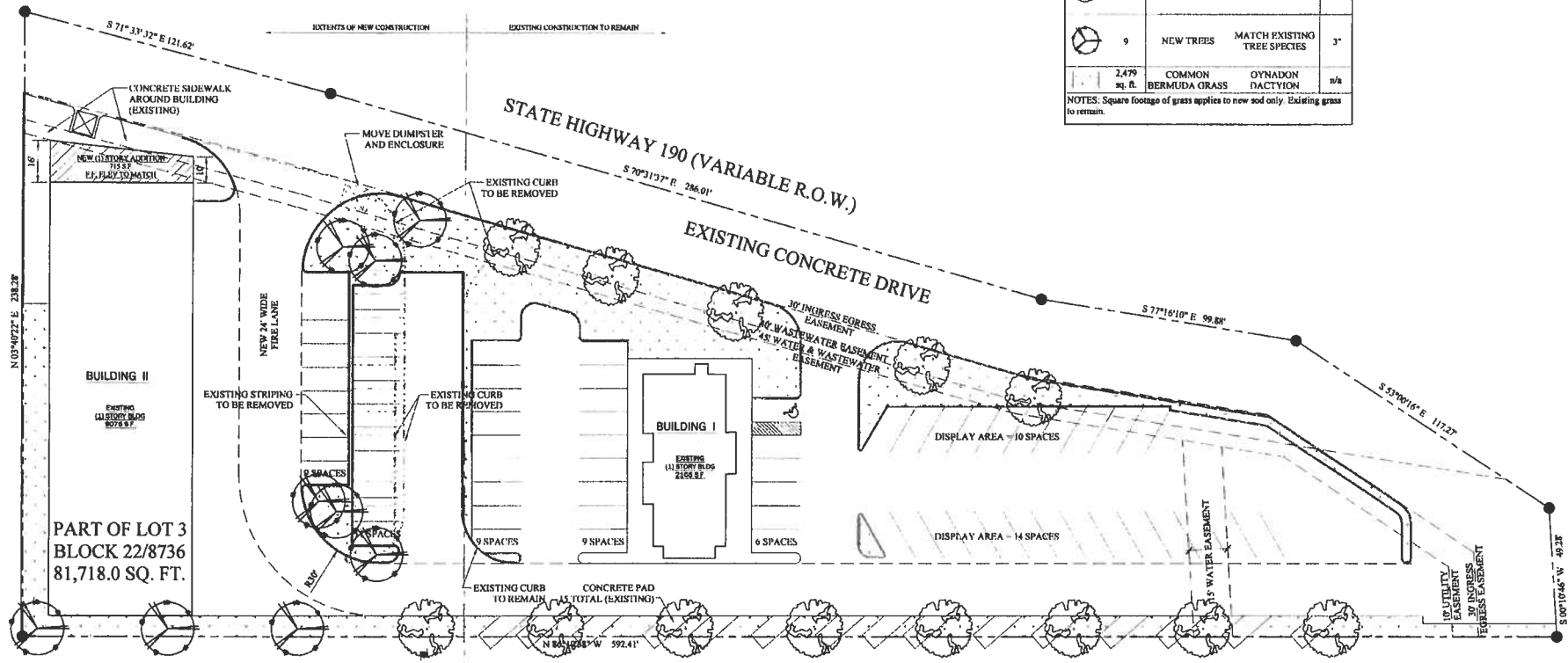
NOTES: This Landscape Summary Table is for the extents of new construction only, per the approved 2004 Landscape Plan.

Handicap parking is provided in accordance w/ ADA standards. Irrigation to be connected to existing irrigation line.

PLANTING LEGEND

SYMBOL	#	COMMON NAME	BOTANICAL NAME	CAL.
	13	EXISTING TREES	UNKNOWN	3"
	9	NEW TREES	MATCH EXISTING TREE SPECIES	3"
	2,479 sq. ft.	COMMON BERMUDA GRASS	OYNADON DACTYLON	n/a

NOTES: Square footage of grass applies to new sod only. Existing grass to remain.



1 SITE PLAN: Proposed Plan w/ 2007 Building Addition
SCALE: 1" = 20'-0"

DATE	ISSUE RECORD	REVISIONS	COMMENTS

A&I ENGINEERING & CONSULTING INC.
1402 Blake Dr.
Richardson, TX 75081
ph: (972) 865-1350 fax: (972) 865-1354



Silver Star Motor Cars
19353 Preston Road,
Dallas, TX 75252

SHEET CONTENTS:
Proposed Landscape Plan
DATE: 11-23-2010

Exhibit A

REQUESTED EXCEPTIONS

Followings are the items for which we request compliance exceptions

- 1- Buffer zone trees – existing trees at the perimeter of the site are not of the required “large canopy tree” type
- 2- Buffer zone landscape – concrete pads exist within the grassed buffer zone
- 3- Street trees – currently there are no street trees along the frontage of the property



Prepared:

For: **Silver Star Motorcars**



By: **Tayyari Consulting**



Submitted: September 24, 2012

1- Buffer zone trees – existing trees at the perimeter of the site are not of the required “large canopy tree” type

In the year 2001, when Silver Star Motorcars’ site was constructed, my landscape architect, plan-in-hand, conversed with the City of Dallas Arborists and came to an understanding that it would be acceptable to plant 21 trees as shown on the construction plans. The plans showed/proposed planting pear trees – they were stamped by the City staff for construction. The pear trees were purchased and planted per the approved plans.

The planted pear trees have matured over the past Eleven years. These trees may be not quite the type that is specified in the ordinance but now they have matured. It would be a pity to cut them down and discard them. Please see pictures 1-A, and 1-B which show the current condition of the trees.

I am certain the board of adjustment appreciates the fact that this problem was not due to a cost cutting effort or any self interest. Based on this fact, I appeal for the board members’ understanding of the chain of events which was beyond my control and granting of an exception on this item.



1-A



1-B

2. Buffer zone landscape – Concrete pads placed within the grassed buffer zone.

The buffer zone is tucked behind a six-foot high wood fence and cannot be seen from the adjacent apartment complex. The buffer landscape is kept in a well manicured condition and it is not objectionable to anyone even though there are new cars parked on it and used for showing merchandize. However, to keep a worthwhile business running, we need to use this area as an extension of our car lot because the land area has been squeezed due to creation of George Bush Turnpike corridor. Also it should be noted that the buffer zone is wider than that approved on the plans. The adjacent property ownership has allowed us to have a wider buffer margin extended onto their property to make up for the concrete pads. See attached plans noting the buffer zone extends south beyond the property line.

Since the area is kept in a showcase fashion, beautiful and clean, also it cannot be viewed from anywhere else but from within the business site, I am requesting an exception on this item allowing us to continue the use of the concrete pads within the buffer zone. Please refer to pictures 2-A and 2-B which show the buffer zone with concrete pads with parked cars.





2-B

3. Street trees – currently there are no street trees along the frontage of the property

There are two issues with planting street trees as follows.

- i. There are overhead electric lines as well as utility easements crossing the property frontage. Planting large trees directly under such utility lines would be unsafe and, definitely, objectionable to the related utility companies.
- ii. Frontage width of the property is less than 53 feet with a 30-foot driveway across it. There is not sufficient space at this location to plant a large street tree.

Based on these reasons, we request an exception to this requirement. Please refer to pictures 3-A and 3-B for a view of the property frontage.







CITY OF DALLAS

AFFIDAVIT

Appeal # BDA 112-107

I, Reza Moghimi, Owner of the subject property

at (address): 19353 Preston Rd. Dallas, TX 75252

Authorize (Applicant's name) David Tayyari

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

Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

Exception on requirements for ; large canopy trees (type), concrete pads in buffer zone, and street trees.

Reza Moghimi
Print name of property owner

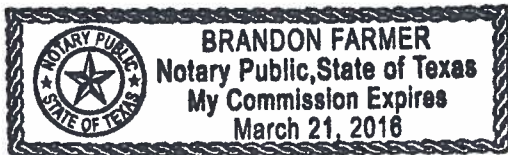
X [Signature]
Signature of property owner

9/19/12
Date

Before me the undersigned on the day of personally appeared Reza Moghimi

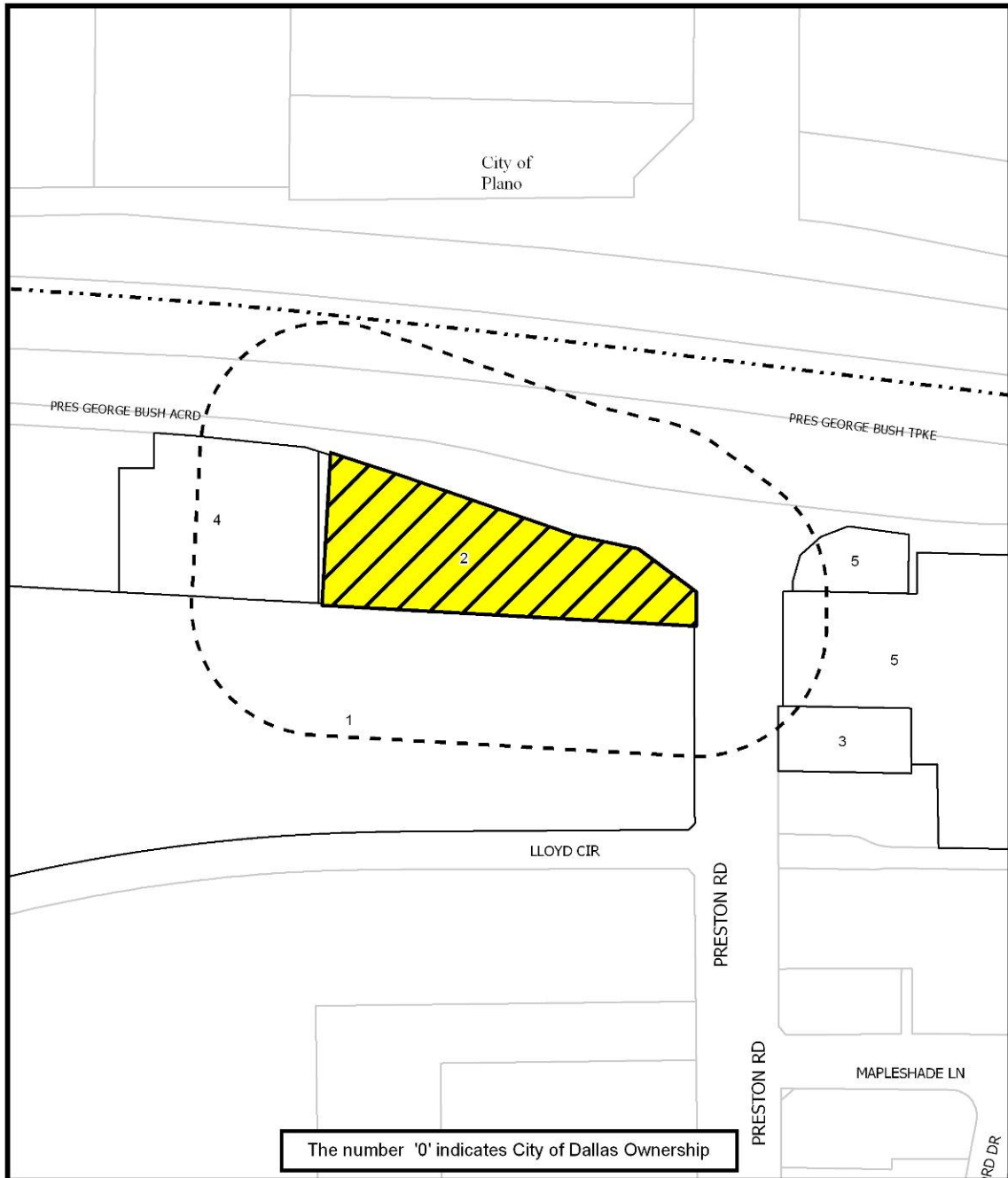
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 19th day of September, 2012



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 3-21-2016



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">5</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	5	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA112-107 Date: 10/25/2012
200'	AREA OF NOTIFICATION					
5	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA112-107

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	18909 LLOYD	TEXAS SFI PPARTNERSHIP 48 LTD
2	19353 PRESTON RD	DALLAS KHODROW INC
3	19310 PRESTON	CARRIAGE CEMETERY SERVICES INC
4	19373 PRESTON	N & F INVESTMENTS INC
5	19350 PRESTON	IRONWOOD PARTNERS LTD